

# The 2024 Empire Breeders Classic

## For New York Nominated Foals of 2021 3-Year-Old Pacers & Trotters with a Filly Division for Each

### Sponsored By:

The Agriculture & New York State Horse Breeding Development Fund, NY Stallion Owners, Tioga Downs & Vernon Downs, et al.

### Fees Collected By:

Tioga Downs

### For:

New York Nominated Pacers & Trotters, Foals of 2021 whose New York nominated Stallion has paid into this race.

### To Be Raced As:

A Stake for New York Nominated Three-Year-Old pacers & trotters with a filly division for each.

### Estimated Purse:

Colt & Filly Pace \$250,000E / Colt & Filly Trot \$225,000 with ten percent of the final amount used for Consolations if needed

### To Be Raced At:

Tioga Downs and/or Vernon Downs.

### Cancellation:

The Sponsors reserve the right to cancel any or all races if it becomes impractical or undesirable in the opinion of The Sponsors to conduct said races and the right to change the date and/or the location of the race(s). If an event is not raced, The Sponsors responsibility and liability shall be limited to refunding, without interest, all payments collected toward these events. These monies will be pro-rated among those owners of horses eligible at the time of cancellation.

### Added Money:

These funds, barring any unforeseen circumstances which may preclude this, in addition to all fees paid in by nominating horse-men shall constitute the purses for this event.

The Agriculture & New York State

Horse Breeding Development Fund..... \$200,000 estimated

NY Stallion Owners ..... \$100,000 estimated

Tioga Downs & Vernon Downs (each)..... \$100,000

### Stallion Nomination:

Stallion owners may nominate their eligible stallions for the 2024 event by making a payment equal to the amount of one service fee for the nominated stallion in the year in which those three-year-olds eligible to the 2024 event were bred with the minimum payment being \$1,000. Those stallions breeding fewer than twenty mares in the 2020 season may make their nominated progeny eligible to this event with a payment of \$1,000. Stallion payments are due by March 15, 2022 and payable to Tioga Downs.

### Eligibility:

These events require nominees to have been sired by a stallion standing in the state of New York and registered with The Agriculture & NYS Horse Breeding Development Fund or its agent for the 2020 breeding season when the nominee was bred. The stallion must also have been nominated to the 2024 Empire Breeders Classic events. All nominees must have been nominated as a yearling to the New York State Sire Stakes program or made the supplemental payment to those races as called for in their conditions.

(a) If a New York eligible stallion that bred fewer than 20 mares in 2020 fails to pay into this event, the owner of that NY eligible stallion's progeny may pay an "in lieu of stallion" fee of \$1,000 to make a single two-year-old horse eligible for the 2024 race. Further eligibility requires completion of

the regular sustaining payment schedule for three-year-olds as listed below.

(b) If a New York eligible stallion that bred fewer than 20 mares in 2020 fails to pay into this event, the owner of that NY eligible stallion's progeny may pay a supplemental fee of \$6,000 to make a single three-year-old horse eligible for the 2024 race.

### Payments (U.S. Funds only):

Two-Year-Old Nominating Payment:

March 15..... \$350

OR

Two-Year-Old "In Lieu Of" Fee:

March 15..... \$1,000

Three-Year-Old Sustaining Payment:

March 15..... \$1,000

OR

Three-Year-Old Supplemental Fee:

March 15..... \$6,000

Declaration Fee..... \$2,500

### Declaration:

All declarations for these events will close at the time and date designated on the condition sheet. The declaration fee shall be due at the time of declaration and payable before the horse starts. Declaration fees should be made payable to the host track. No refunds for scratched horses. At the time of declaration, horses declared to race in these events must have a satisfactory charted line that meets the current host track time standards within 45 days of the date of entry. Horses are automatically entered for the finals and all horses qualified for the eliminations shall remain qualified for the finals.

### Notice:

Failure to make any payment required by the conditions constitutes an automatic withdrawal from the event. This event is not a New York Sire Stakes event and finishers will not be awarded points. All stallion and two-year-old nomination payments collected will be retained by Tioga Downs.

### Racing Conditions:

All events will be one heat at one mile. Should ten (10) or fewer horses declare to start, there will be no elimination races and all declared will race in the final. If more than ten (10) declare to start, the host track may adopt any of the methods of dividing the race then current in the rules and regulations. If elimination races are necessary, the number of horses in finals for these events shall be limited to the number of positions on the starting gate at the host track and they will be held approximately one week prior to each of the finals. Any ties so far as continuing from an elimination race to a final shall be decided by a blind draw. Should any horse(s) eligible for the final should choose not to race, additional horse(s) from the elimination races will be selected from those properly declared by taking the horse(s) placing highest in the order of finish in the elimination races to complete the field for the final. The next two properly declared horses placing highest in the order of finish in the elimination races shall be listed as also eligible for the finals and may draw in before scratch time. Elimination winners draw for Posts 1-6 for the Final in an order determined by lot. The consolation races shall be comprised of the horses with the highest placing in the eliminations that do not make the final and are declared for the consolation. Horses qualifying for the final may not race in the consolation.

## Money Division:

One percent of the purse for the Final will be awarded to each horse finishing sixth through last in the Final. The balance of the Final purse shall be distributed 50% - 25% - 12% - 8% - 5%. The Administrator will deduct 1% of the total of nomination and sustaining payments to cover the cost of administration, trophies and trophy coolers for this (these) events.

## Standards for Participation:

The Racetrack refers to both Tioga & Vernon Downs.

**A. Owner/Trainer Ineligibility:** Any owner(s) or trainer(s) whose conduct falls within the conditions forth set below shall be ineligible to participate in any of the races or events owned, sponsored, conducted, or serviced by The Racetrack:

- (1) Any owner(s) or trainer(s) who has been convicted, arrested, indicted or is the subject of a publicly disclosed government criminal information, the subject of an investigation by a government regulatory agency or is the subject of any internal investigation conducted by The Racetrack ("proceedings"), which proceeding(s) finds, determines, suspects, investigates, involves or charges such owner(s) or trainer(s) with administering, purchasing, selling, encouraging the sale of, manufacturing, distributing or using prohibited drugs or prohibited performance enhancing substances, and/or;
- (2) Any owner or trainer who has been or is the subject of a proceeding, which proceeding(s) finds, determines, suspects, investigates, involves, or charges such owner(s) or trainer(s) with the illegal or unethical treatment of animals.

**B. Horse Ineligibility:** Any horse owned or trained by person(s) or entity that is deemed to be ineligible under section A above, shall likewise be deemed ineligible to participate in any events or races owned, sponsored, conducted, or serviced by The Racetrack.

**C. Stakes Payments & Forfeiture:** Stakes payments, whether initial or sustaining, made for the participation of horse(s) deemed ineligible under the above, shall be void and forfeited by the participant at the sole discretion of The Racetrack, with no liability or obligation to The Racetrack, and without any assurance by The Racetrack that a refund or reimbursement of such payment(s) will be made by The Racetrack despite such stakes payments having been previously made for and to the stake/event in question.

**D. Ineligibility Period/ Transfer of Ownership:** The ineligibility of an owner(s), trainer(s) or horse(s) Section A or B above shall commence upon a conviction, arrest, indictment, criminal information, government regulatory investigation and/or internal investigation and continue, in the discretion of The Racetrack: (1) until such time as The Racetrack is satisfied that the owner(s) or trainer (s) who is the subject of a proceeding(s) as described above, has been determined to have not engaged in such conduct as would render the owner(s) or trainer(s) ineligible under Section A or B; or (2) when there has been accomplished and perfected, supported by appropriate and confirming verifiable documentation, the transfer of ownership of the horse and/or the change of owner(s) or trainer(s) from an owner(s) and/or trainer(s) deemed to have been ineligible under Section A or B above, to a bona fide separate and unrelated licensed eligible owner(s) or trainer(s).

**E. Opportunity to Provide Relevant Information:** The Racetrack will afford an owner(s) and/or trainer(s) the opportunity to present personally and on a timely basis to the management of The Racetrack, any information, documentation, evidence, or argument to counter, disprove, or contradict any finding or other information which forms the basis for any conviction, indictment, arrest, criminal information, governmental regu-

latory investigation or internal investigation upon which The Racetrack relies for determining any owner(s), trainer(s) and/or horse(s) to be ineligible to participate in an race or event sponsored or conducted by The Racetrack. In such case, and without any commitment to do so, The Racetrack may in its sole discretion reconsider its determination on the ineligibility of any owner(s), trainer(s) or horse(s) to participate in any race or event sponsored or conducted by The Racetrack.

## Rules:

A minimum of seven (7) separate interests may be required in any event or the event may be cancelled. All starters are subject to the detention policy of The Racetrack. These races are subject to the Stallion Restriction Condition (SRC) see website for details. Any horse nominated to any Tioga or Vernon Downs stakes/event must be in the care of an approved trainer by May 15. In addition, any owner who participates in a Tioga or Vernon Downs Stake or Early Closing event (with added money greater than \$25,000) with a trainer who has an outstanding Class 1, Class 2 or TC02 positive test having occurred on or after January 1, 2019 and under appeal in any jurisdiction will be declared ineligible to participate in any Tioga or Vernon Downs Stake or Early Closing event for 12 months following the conviction if such trainer is subsequently found guilty relating to the Class 1, Class 2 or TC02 positive test. Nominator also agrees that any horse paid into any Tioga or Vernon Downs stake/event may be required to be stabled for up to 14 days at an approved facility within a 150 mile radius of Tioga or Vernon Downs or an approved facility in a state that agrees to cooperate in an out of competition testing protocol by the date set by Tioga or Vernon Downs for that stake/event for the purpose of out of competition testing.

## Disputes:

All owners, trainers and drivers of horses nominated to this event must be accepted to participate at the Host Track or the nomination/entry may be denied without refund of previous payments. Any change of trainers made fewer than 30 days or within four starts of the date of this race will be reviewed by the sponsor and if not accepted, may result in refusal of entry. Sponsors reserve the right to amend conditions as deemed necessary without liability. A nomination to these events is an agreement to the above terms and conditions.

## Check Conversion Notification:

When you provide a check as payment, you authorize us either to use the information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.

For inquiries, please call our customer service phone number: 607-699-3900.

Visit [www.electronicpayments.org](http://www.electronicpayments.org) for general information about check conversion.

## Make Checks Payable (in U.S. Funds) To and Send To:

Tioga Downs  
Race Office  
2384 West River Rd.  
Nichols, NY 13812  
Phone: 607-699-7688  
Website: [www.tiogadowns.com](http://www.tiogadowns.com)