

CHAPTER 32

SIRE STAKES PROGRAM

Authority

N.J.S.A. 5:5-91 et seq.

Source and Effective Date

R.2008 d.73, effective February 27, 2008.
See: 39 N.J.R. 4359(a), 40 N.J.R. 1825(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1.c(2), Chapter 32, Sire Stakes Program, expires on August 26, 2015. See: 47 N.J.R. 1280(a).

Chapter Historical Note

Chapter 32, Sire Stakes Program, was adopted as R.1973 d.154, effective June 11, 1973. See: 5 N.J.R. 134(a), 5 N.J.R. 214(b).

Subchapter 2, New Jersey Sire Stakes Conditions, was adopted as R.1983 d.84, effective March 21, 1983. See: 15 N.J.R. 69(a), 15 N.J.R. 439(a).

Subchapter 2, New Jersey Sire Stakes Conditions, was amended by R.1984 d.161, effective May 7, 1984. See: 16 N.J.R. 297(a), 16 N.J.R. 1069(a); R.1985 d.108, effective March 4, 1985. See: 17 N.J.R. 3(a), 17 N.J.R. 573(b); R.1985 d.135, effective March 18, 1985. See: 17 N.J.R. 3(a), 17 N.J.R. 686(a); and R.1985 d.521, effective October 21, 1985. See: 17 N.J.R. 1956(a), 17 N.J.R. 2535(a).

Subchapter 3, Appeals, was adopted as R.1986 d.18, effective February 3, 1986. See: 17 N.J.R. 2320(a), 18 N.J.R. 266(a). Subchapter 2 was recodified by R.1986 d.84, effective April 7, 1986. See: 18 N.J.R. 236(a), 18 N.J.R. 635(a).

Chapter 32, Sire Stakes Program, was repealed and a new Chapter 32, Sire Stakes Program, was adopted as R.1987 d.236, effective June 1, 1987. See: 19 N.J.R. 480(a), 19 N.J.R. 924(a).

Pursuant to Executive Order No. 66(1978), Chapter 32, Sire Stakes Program, was readopted as R.1992 d.239, effective May 13, 1992. See: 24 N.J.R. 1142(a), 24 N.J.R. 2241(a). Pursuant to Executive Order No. 66(1978), Chapter 32, Sire Stakes Program, expired on May 13, 1997.

Chapter 32, Sire Stakes Program, was adopted as R.1997 d.329, effective August 4, 1997. See: 29 N.J.R. 1435(a), 29 N.J.R. 3449(a).

Chapter 32, Sire Stakes Program, was readopted as R.2002 d.326, effective September 12, 2002. See: 34 N.J.R. 1765(a), 34 N.J.R. 3497(a).

Administrative change: Pursuant to Reorganization Plan No. 003-2002, the Division of Markets was renamed Division of Marketing and Development, effective February 27, 2003. See: 35 N.J.R. 3(a), 35 N.J.R. 1539(b).

Chapter 32, Sire Stakes Program, was readopted as R.2008 d.73, effective February 27, 2008. See: Source and Effective Date. See, also, section annotations.

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 32, Sire Stakes Program, was scheduled to expire on February 27, 2015. See: 43 N.J.R. 1203(a).

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SUBCHAPTER 1. SIRE STAKES PROGRAM

2:32-1.1 General provisions

The Sire Stakes Program hereby adopts and incorporates by reference, as amended and supplemented the 2007 United States Trotting Association's Racing Guide for Stakes and Futurities as amended and supplemented. Copies of the most current regulations may be procured online at <http://www.ustrotting.com/pdf/USTARuleBook06.pdf> and are available for inspection by contacting the Division of Marketing and Development, New Jersey Department of Agriculture, Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey.

Amended by R.2008 d.73, effective April 7, 2008.
See: 39 N.J.R. 4359(a), 40 N.J.R. 1825(a).

Rewrote the section.

SUBCHAPTER 2. NEW JERSEY SIRE STAKES CONDITIONS

2:32-2.1 Adoption of by-laws

(a) The by-laws of the New Jersey Sire Stakes Board are hereby adopted as follows:

1. There is hereby established in the State of New Jersey a Sire Stakes Program for Standardbred horses, bred in the State of New Jersey and to be the product of a registered New Jersey stallion, registered with the Standardbred Breeders and Owners Association of New Jersey as such and listed in their registry books.

2. Those horses eligible to race under the Sire Stakes Program shall be any foal of any registered New Jersey stallion standing at a New Jersey breeding farm and either owned by a resident of the State of New Jersey or leased by a resident thereof for a period of not less than 10 years to stand the full season on a New Jersey breeding farm. A copy of any such lease shall be filed with the Standardbred Breeders and Owners Association of New Jersey and the New Jersey Sire Stakes.

3. The Sire Stakes Program shall be administered by a Board of Trustees consisting of five members, four appointed by the Governor, two of whom shall be members of the Standardbred Breeders and Owners Association of New Jersey, two representatives of racing interests generally, and the Secretary of Agriculture ex-officio. Of the members first appointed, the term of office of one appointee from the Breeders and Owners Association shall be for two years, and the other appointed member of such association shall be for a term of one year; the term of office for one appointee representing racing interests generally shall be for two years, and the other appointee representing racing interests generally shall be for a term of one year. Thereafter, appointments shall be for terms of two years.

4. No member of the Board of Trustees shall be compensated for his services; however, reasonable travel and other expenses incurred in connection with duties as members of the Board may be reimbursed.

5. The Board of Trustees is authorized to do all that is necessary for the proper administration of the Sire Stakes Program and shall prepare, issue, and promulgate rules providing for:

- i. Classes and divisions of races, eligibility of horses and owners therefor, and prizes and awards to be awarded;
- ii. Nominating, sustaining, and entry fees for horses and races;
- iii. Such temporary programs including eligibility of horses, breeding, and other matters as may be necessary

to make the Sire Stakes Program operable as soon as possible;

iv. Registration and certification of New Jersey stallions, mares bred to such stallions, and foals produced thereby; and

v. Such other matters as the Board determines to be necessary and appropriate for the proper administration and implementation of the Sire Stakes Program.

6. The funds for the Sire Stakes Program pursuant to N.J.S.A. 5:5-91 and the nominating, sustaining, and entry fees provided for herein, shall be administered by the New Jersey Department of Agriculture by deposit in a trust account entitled Sire Stakes Fund.

7. All disbursements from the Sire Stakes fund for the payment of purses and awards, cost of administration, reimbursement of expenses of members of the Board of Trustees, and any other appropriate expenses, shall be made by the Secretary of Agriculture or his designee.

8. A report shall be prepared and filed annually by the Secretary with the Racing Commission setting forth an itemization of all deposits to and expenditures from the Sire Stakes fund.

9. Sire Stakes Races shall be run only at licensed harness tracks in the State of New Jersey. The races, purses and awards awarded therefor shall be pursuant to the rules of the Board of Trustees hereunder and the New Jersey Racing Commission.

10. The five-member Board of Trustees shall elect a chairman and a vice-chairman at the meeting in January of each year.

11. The secretary of the Sire Stakes Board of Trustees need not be a member of the Board and shall be appointed each year by the New Jersey Secretary of Agriculture.

12. The Sire Stakes Board of Trustees shall meet bi-monthly during the year. The date, time, and place will be selected by the chairman, and the secretary shall notify all Board members by letter 10 days prior to each meeting.

13. In order for the Board of Trustees to conduct any official business at special monthly meetings, a quorum must be present. A quorum is defined as consisting of at least three of the five members.

14. The chairman is authorized to call special meetings when necessary by instructing the secretary to give each member 10 days' notice in writing.

15. The Board of Trustees by-laws can be amended by a four-out-of-five vote of the membership of the Board of Trustees.

Amended by R.1988 d.189, effective May 2, 1988.
See: 20 N.J.R. 323(a), 20 N.J.R. 975(a).

Deleted the "United States Trotting Association" and "Racing Commission" and added "Sire Stakes".

Amended by R.1994 d.271, effective June 6, 1994.

See: 26 N.J.R. 1181(a), 26 N.J.R. 2256(a).

Amended by R.1997 d.329, effective August 4, 1997.

See: 29 N.J.R. 1435(a), 29 N.J.R. 3449(a).

In (a)10, changed month of meeting to July from June.

Amended by R.2000 d.161, effective April 17, 2000.

See: 32 N.J.R. 179(a), 32 N.J.R. 1418(a).

In (a)10, substituted a reference to January for a reference to July.

2:32-2.2 Qualifying standards

(a) In order to be eligible for nomination to the New Jersey Sire Stakes Program, a foal must be the product of the mating of a Standardbred mare with a resident New Jersey Sire Stakes stallion meeting the requirements of N.J.A.C. 2:32-2.3 and 2.4.

1. A foal which meets the criteria of (a) above, and which is the result of a breeding which occurred after January 1, 2002, either on a farm in New Jersey, or as a result of the intra-or inter-state transportation of the fresh semen of a qualifying stallion, may be eligible for nomination to the Sire Stakes Program.

2. A foal which meets the criteria of (a) above, and which is the result of a breeding which occurred before January 1, 2002, may be eligible for nomination to the New Jersey Sire Stakes Program only if the breeding occurred on a farm in New Jersey.

(b) A foal conceived by semen, which has been frozen, or by embryo transplant, shall not be eligible for nomination to the New Jersey Sire Stakes Program. Provided, however, a foal that meets the criteria of (a) above, and which is the result of a breeding which occurs after January 1, 2006, through embryo/ovum transplant, shall be eligible to the New Jersey Sire Stakes, if the following conditions have been met:

1. Prior to the embryo/ovum transplant approval for the embryo/ovum transplant has been received from the Registrar of the United States Trotting Association;

2. Only a donor mare's first born embryo/ovum transplant foal each year will be eligible for registration;

3. The donor mare is at least two years of age or older at the time of the embryo/ovum transplant; and

4. All other registration requirements are met as set forth under Rule 26 of the United States Trotting Association's Rules and Regulations. The United States Trotting Association's Rules and Regulations are available at <http://www.ustrotting.com/pdf/USTARuleBook06.pdf> or by contacting the Program at the Division of Marketing and Development, New Jersey Department of Agriculture, Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey.

Amended by R.1989 d.95, effective February 21, 1989.

See: 20 N.J.R. 2952(a), 21 N.J.R. 443(a).

Added text to (b) "or by embryo transplant".

Amended by R.1997 d.329, effective August 4, 1997.

See: 29 N.J.R. 1435(a), 29 N.J.R. 3449(a).

In (a), substituted "be bred on a farm in New Jersey" for "be shipped to the farm on which the stallion stands when impregnated"; and in (b), substituted "transported outside the State of New Jersey" for "desiccated, transported off the premises where it is produced, or not implanted on the same day it is collected".

Amended by R.1998 d.179, effective April 6, 1998.

See: 30 N.J.R. 3(a), 30 N.J.R. 1283(a).

Added (c).

Amended by R.2003 d.337, effective August 18, 2003.

See: 34 N.J.R. 3450(a), 35 N.J.R. 3856(a).

Rewrote the section.

Amended by R.2008 d.73, effective April 7, 2008.

See: 39 N.J.R. 4359(a), 40 N.J.R. 1825(a).

In the introductory paragraph of (b), inserted a comma following "semen" and "frozen", inserted the last sentence; and added (b)1 through (b)4.

2:32-2.3 Requirements for Sire Stakes stallions

(a) A Sire Stakes stallion shall be a registered Standardbred stallion standing on a farm in New Jersey for breeding purposes in accordance with N.J.A.C. 2:32-2.4, and shall be owned by a resident of the State of New Jersey or leased by a resident of the State of New Jersey for a period of at least 10 years.

(b) A stallion must be registered with the Standardbred Breeders and Owners Association of New Jersey (SBOA-NJ) as a Sire Stakes stallion in order for his foals to be eligible to be nominated to the New Jersey Sire Stakes Program. Each Sire Stakes stallion shall be registered annually for a registration period beginning January 1 and ending December 31, which shall be referred to hereinafter as the "breeding season." In order for foals that are a result of the interstate shipment of fresh semen of a Sire Stakes stallion to be eligible for nomination to the Sire Stakes Program, the stallion of said foal must have been registered with the SBOA-NJ for participation in the interstate program.

(c) A dual hemisphere stallion is a stallion which stands in New Jersey from February through July and in the Southern Hemisphere from July through February. The foals of a dual hemisphere stallion will be eligible for nomination to the Sire Stakes Program only if that stallion is registered with the SBOA-NJ both as a Sire Stakes stallion and as a dual hemisphere stallion.

(d) Completed stallion registration application must be received by the SBOA-NJ at: SBOA-NJ, 64 Business Route 33, Manalapan, NJ 07726, not later than December 1 of the year prior to that in which the stallion is to stand. In addition, a Certificate of Good Health, completed by a licensed New Jersey veterinarian who examined the stallion between January 1 and January 21 of the current breeding season, shall be submitted to the SBOA-NJ, along with a copy of the EIA-AGID test chart, by February 15 of the breeding season. A Certificate of Good Health shall be submitted for each dual hemisphere stallion on or before March 15 of the current breeding season by a licensed New Jersey veterinarian who examined the stallion prior to its first breeding of the season, and not later than March 1 of the year the stallion is registered and standing.

(e) Provided that they meet all other eligibility requirements set forth in these rules, the foals of stallions registered in accordance with N.J.A.C. 2:32-2.3 shall be eligible to be nominated to the following:

1. Charles I. Smith Trotting Classic (Open and Filly Division);
2. Harold R. Dancer Memorial Trot (foals of participating stallions only) (Open and Filly Division);
3. Lou Babic Two-Year Old Pace (Open and Filly Division);
4. Miss New Jersey Pacing Classic;
5. New Jersey Sired Races;
6. New Jersey Futurity;
7. New Jersey Pacing Classic;
8. New Jersey Sire Stakes;
9. New Jersey Yearling Show; and
10. New Jersey Sired Overnight Events.

Amended by R.1988 d.189, effective May 2, 1988.

See: 20 N.J.R. 323(a), 20 N.J.R. 975(a).

Deleted old (c) and substituted new.

Amended by R.1989 d.95, effective February 21, 1989.

See: 20 N.J.R. 2952(a), 21 N.J.R. 443(a).

Added "Open and Filly Division" and "Fair and Pari-Mutuel"; deleted (g)11.

Amended by R.1991 d.241, effective May 6, 1991.

See: 23 N.J.R. 252(a), 23 N.J.R. 1408(b).

Corrected address and title of organization issuing Certificate of Good Health.

Amended by R.1992 d.239, effective June 15, 1992.

See: 24 N.J.R. 1142(a), 24 N.J.R. 2241(a).

Revised text.

Amended by R.1997 d.329, effective August 4, 1997.

See: 29 N.J.R. 1435(a), 29 N.J.R. 3449(a).

In (c), (d)2, and (f), inserted provisions relating to dual hemisphere stallions; and in (f), amended internal cite.

Amended by R.2001 d.137, effective May 7, 2001.

See: 33 N.J.R. 390(a), 33 N.J.R. 1369(a).

In (g), deleted 6 and 9 and recodified former 7 and 8 as new 6 and 7 and former 10 and 11 as new 9 and 10.

Repeal and New Rule, R.2003 d.337, effective August 18, 2003.

See: 34 N.J.R. 3450(a), 35 N.J.R. 3856(a).

Section was "Registration of stallions".

Amended by R.2005 d.290, effective September 6, 2005.

See: 36 N.J.R. 5026(a), 37 N.J.R. 3284(b).

In (d), substituted "64 Business Route 33, Manalapan, NJ 07726" for "Box 839, Freehold, NJ 07728".

2:32-2.4 Stallion standing full season

(a) In order to establish and maintain the eligibility of his foals for the Sire Stakes Program, a stallion must be present on the farm in New Jersey on which he is registered to stand by January 1 for the year for which he is registered as a Sire Stakes stallion and shall stand on that farm for breeding purposes for the full breeding season. A Sire Stakes stallion which is registered as a dual hemisphere stallion must be present on the farm on which he is registered to stand by February 15 of the year of registration, and shall stand on that

farm for breeding purposes for the remainder of the breeding season, except that the Sire Stakes Board of Trustees may grant permission allowing a dual hemisphere stallion to leave the farm after July 15 of the breeding season in order to return to the southern hemisphere.

1. No Sire Stakes stallion shall be moved before the end of the breeding season from the farm on which he is registered to stand without the prior permission (excluding medical emergency) of the Sire Stakes Board of Trustees.

(b) A stallion shall not race during a breeding season for which he is registered as a Sire Stakes stallion, except in accordance with special permission granted by the New Jersey Sire Stakes Board of Trustees. The Sire Stakes Board of Trustees may grant permission to compete in any stakes or invitational events only to a first year Sire Stakes stallion whose participation the Board of Trustees determines to be important to the betterment of the Sire Stakes Program. The granting of special permission to race pursuant to this section shall not relieve any stallion from the requirements of (a) or (b) above, except that any stallion granted such special permission shall not be required to be on the farm on which he is registered to stand until March 1 of the breeding season.

(c) If a registered Sire Stakes stallion races or is moved during a breeding season without having obtained the prior permission of the Sire Stakes Board of Trustees, the foals of that stallion which were bred during that breeding season shall not be eligible for the Sire Stakes Program.

Amended by R.1993 d.70, effective February 1, 1993.

See: 24 N.J.R. 3981(b), 25 N.J.R. 463(a).

Revised text.

Amended by R.1997 d.329, effective August 4, 1997.

See: 29 N.J.R. 1435(a), 29 N.J.R. 3449(a).

Inserted provision relating to dual hemisphere stallions, inserted exception referenced to N.J.A.C. 2:32-2.3(f), and deleted provision relating to reregistration of stallions moved outside of the state.

Repeal and New Rule, R.2003 d.337, effective August 18, 2003.

See: 34 N.J.R. 3450(a), 35 N.J.R. 3856(a).

Section was "Stallion standing full season".

2:32-2.5 List of mares bred

The stallion owner must supply the New Jersey Standard-bred Breeders and Owners Association, the New Jersey Sire Stakes, and the United States Trotting Association a list of mares bred, on a form prescribed by the Sire Stakes Board of Trustees, identifying each mare that has been bred to said stallion including those mares that were bred via transported semen. This list is to be supplied on a weekly basis during the breeding season. A final list of mares bred is to be supplied by not later than September 15 of the breeding season and shall contain all breeding activity of said stallion for the entire breeding season, including those mares that were bred via transported semen.

Amended by R.1988 d.189, effective May 2, 1988.

See: 20 N.J.R. 323(a), 20 N.J.R. 975(a).

Changed section heading from "Certificate of mating".

Amended by R.1997 d.329, effective August 4, 1997.

See: 29 N.J.R. 1435(a), 29 N.J.R. 3449(a).

Added last sentence.
Amended by R.2003 d.337, effective August 18, 2003.
See: 34 N.J.R. 3450(a), 35 N.J.R. 3856(a).
Rewrote the section.

2:32-2.6 Fund policy

(a) After consideration of the Green Acres Division portion of the Sire Stakes purse money and special event money is made, the Pari-mutuel Division of the Sire Stakes purse money will be allocated as determined by the Board of Trustees.

(b) All Sire Stakes purse moneys, excluding fees, are to be divided as closely as possible to 40 percent to trotters and 60 percent to pacers. Beginning with foals nominated in 2006 and later, however, purses shall be divided as nearly as possible according to the proportion of all nominations received for a specific gait, either trotting or pacing, to the total number of yearling nominations received in a given year.

(c) Advertised purse moneys for all New Jersey Sire Stakes, including contributions to special event races, are predicated upon the Pari-mutuel handle of New Jersey harness tracks and therefore are subject to change without notice. Starting fees may also be adjusted, but will never be more than originally advertised for the current season.

(d) All horsemen's fees are to follow a horse by sex and gait and the fees are to remain in the respective pools.

Amended by R.2001 d.137, effective May 7, 2001.
See: 33 N.J.R. 390(a), 33 N.J.R. 1369(a).

In (a), substituted "Green Acres" for "Fair".
Amended by R.2008 d.73, effective April 7, 2008.
See: 39 N.J.R. 4359(a), 40 N.J.R. 1825(a).

In (b) and (c), inserted the last sentence.

2:32-2.7 Transfer of race

(a) If for any reason it becomes impractical or undesirable, in the opinion of the New Jersey Sire Stakes Board of Trustees, to hold the race(s) at the advertised track, the New Jersey Sire Stakes Board, while making every effort to adhere as closely as possible to the advertised location, fees, date, and purse, reserves the right to change any of the foregoing or to cancel the event.

(b) It shall not be the responsibility of the New Jersey Sire Stakes Board of Trustees to individually inform Sire Stakes nominators, agents, or trainers of any of the changes mentioned in (a) above.

(c) The Board shall advertise or publicize changes in racing interest trade magazines such as the various Standardbred related magazines and/or newsletters, and

suggests all program participants communicate with the New Jersey Sire Stakes offices.

Amended by R.1994 d.271, effective June 6, 1994.
See: 26 N.J.R. 1181(a), 26 N.J.R. 2256(a).
Amended by R.2001 d.137, effective May 7, 2001.
See: 33 N.J.R. 390(a), 33 N.J.R. 1369(a).
Deleted (d).

2:32-2.8 (Reserved)

Repealed by R.1988 d.189, effective May 2, 1988.
See: 20 N.J.R. 323(a), 20 N.J.R. 975(a).
Section was "Number of Sire Stakes races".

2:32-2.9 Yearling nominations

(a) All yearlings to be nominated to the Sire Stakes Program must be registered with the United States Trotting Association or any Standardbred Registry recognized by the United States Trotting Association and must hold a certificate of registration dated on or before the time of nomination.

1. Nominations of yearlings to the Pari-Mutuel and Green Acres Division shall be received along with the nomination fee payment, by this office of the New Jersey Sire Stakes, not later than May 15 of each yearling year or, if May 15 falls on a Saturday, Sunday or a holiday, on the next business day following that date. Nominations received after the closing date will not be accepted.

2. The yearling nomination fee for the foals of mares resident or bred while in the State of New Jersey shall be \$50.00 provided that a copy of the United States Trotting Association certificate of registration or a certificate of registration from a Standardbred Registry body recognized by the United States Trotting Association accompanies the yearling nomination form. An additional \$25.00 processing fee shall be due if the copy of the United States Trotting Association certificate of registration or a certificate of registration from a Standardbred Registry body recognized by a United States Trotting Association is not submitted. The nomination fee for those yearlings otherwise meeting all Sire Stakes eligibility requirements of these rules, but which were foaled as a result of the interstate transportation of the fresh semen of a registered New Jersey stallion, shall be \$250.00 if accompanied by a certificate of registration or a copy of a certificate of registration from the United States Trotting Association or from a Standardbred Registry Body recognized by the United States Trotting Association. An additional \$25.00 processing fee shall be due if said certificate of registration is not submitted. Payment of the nomination fee covers nomination to both the Green Acres and Pari-Mutuel divisions. Thereafter, each division will have separate sustaining payments. Nomination payments are to be made to the New Jersey Sire Stakes, PO Box 34400, Newark, NJ 07189-4400.

3. The yearling nomination payment form will also provide for nomination to the Lou Babic Pace upon

payment of an additional fee of \$25.00 for colts and \$15.00 for fillies, which is also due by May 15.

4. Supplemental nominations may be made to the New Jersey Sire Stakes commencing with foals of 1991. Parties delinquent in paying the May 15 yearling nomination fee date are given until September 15 of the yearling year to fulfill the aforementioned conditions of nomination and pay the nomination fee along with an additional late fee of \$250.00. For nominations received after September 15 but before February 15 of the two-year-old year, the cost will be \$550.00 in addition to the original nomination fee. An additional \$500.00 is required to supplement the Lou Babic Open Pace or \$400.00 for the Lou Babic Filly division by February 15 of the two-year-old year.

Amended by R.1992 d.239, effective June 15, 1992.
See: 24 N.J.R. 1142(a), 24 N.J.R. 2241(a).

Revised section.

Amended by R.1994 d.271, effective June 6, 1994.
See: 26 N.J.R. 1181(a), 26 N.J.R. 2256(a).
Amended by R.2001 d.137, effective May 7, 2001.
See: 33 N.J.R. 390(a), 33 N.J.R. 1369(a).

In (a), rewrote the introductory paragraph, 1 and 2.
Amended by R.2003 d.337, effective August 18, 2003.
See: 34 N.J.R. 3450(a), 35 N.J.R. 3856(a).

Rewrote the section.

Amended by R.2005 d.290, effective September 6, 2005.
See: 36 N.J.R. 5026(a), 37 N.J.R. 3284(b).

In (a), fees increased from "\$40.00" to "\$50.00", "\$10.00" to "\$25.00", and "\$200.00" to "\$250.00" in 2; fees increased from "\$500.00" to "\$550.00", "\$400.00" to "\$500.00", and "\$300.00" to "\$400.00" in 4.

2:32-2.10 Sustaining fees

The sustaining fee schedule will be as follows:

PARI-MUTUEL DIVISION

Age	First Sustaining Fee	Second Sustaining Fee
2	\$350.00 (Feb. 15)	\$550.00 (Apr. 15)
3	\$400.00 (Feb. 15)	\$650.00 (Apr. 15)

GREEN ACRES DIVISION

Age	First Sustaining Fee	Second Sustaining Fee
2	\$100.00 (Feb. 15)	\$150.00 (Apr. 15)
3	\$100.00 (Feb. 15)	\$150.00 (Apr. 15)

LOU BABIC MEMORIAL PACE

Age	Sustaining Fee
2YO Open	\$700.00 (Mar. 15)
2YO Filly	\$400.00 (Mar. 15)

Amended by R.1988 d.189, effective May 2, 1988.
See: 20 N.J.R. 323(a), 20 N.J.R. 975(a).

Changed from 1987 to 1988.

Amended by R.1989 d.95, effective February 21, 1989.
See: 20 N.J.R. 2952(a), 21 N.J.R. 443(a).

Deleted Age 4.

Amended by R.1992 d.239, effective June 15, 1992.
See: 24 N.J.R. 1142(a), 24 N.J.R. 2241(a).

Revised "Fair Division"; added "Lou Babic Memorial Pace".

Amended by R.2001 d.137 effective May 7, 2001.
See: 33 N.J.R. 390(a), 33 N.J.R. 1369(a).

Substituted "Green Acres" for "Fair".

Amended by R.2005 d.290, effective September 6, 2005.
See: 36 N.J.R. 5026(a), 37 N.J.R. 3284(b).

"Pari-Mutuel Division" fees increased from "\$300.00" to "\$350.00", "\$350.00" to "\$400.00", "\$500.00" to "\$550.00", and "\$600.00" to "\$650.00"; "Lou Babic Memorial Pace" fees increased from "\$600.00" to "\$700.00" and "\$300.00" to "\$400.00".

2:32-2.11 Payment dates

(a) In the Pari-mutuel Division, the first sustaining payment on a two- or three-year-old must be made on or before February 15 of a year and the second sustaining payment on a two- or three-year-old must be made on or before April 15 of a year in order to remain eligible in that year.

(b) In the Green Acres Division, the first sustaining payment on a two- or three-year-old must be made on or before February 15 of a year and the second sustaining payment on a two- or three-year-old must be made on or before April 15 of a year in order to remain eligible in that year. In the event that the 15th day of the aforementioned months falls on a Saturday, Sunday, or holiday, the payment must be postmarked on or before the next business day following the 15th of that month.

Amended by R.1989 d.95, effective February 21, 1989.

See: 20 N.J.R. 2952(a), 21 N.J.R. 443(a).

Deleted four-year-old.

Amended by R.1991 d.241, effective May 6, 1991.

See: 23 N.J.R. 252(a), 23 N.J.R. 1408(a).

Editorial change only.

Amended by R.2001 d.137, effective May 7, 2001.

See: 33 N.J.R. 390(a), 33 N.J.R. 1369(a).

In (b), substituted "Green Acres" for "Fair".

2:32-2.12 Eligibility

(a) In order for Sire Stakes eligible two-year-old horses to remain eligible as three-year-olds, their owners must have made the yearling nomination and the first two-year-old sustaining payment. This condition applies to both the Green Acres and Pari-mutuel Divisions.

(b) A two-year-old's owner who makes the nomination payment but fails to make the first sustaining payment in either the Green Acres or Pari-mutuel Program may regain his or her horse's eligibility for its three-year-old season by payment of a penalty of \$1,000 plus the amount of the first sustaining payment within 30 days of the original due date of the payment. The horse will not be eligible to compete as a two-year-old in the program to which the payment was missed but will be able to compete as a three-year-old provided those payments are made in a timely fashion.

Amended by R.1988 d.189, effective May 2, 1988.

See: 20 N.J.R. 323(a), 20 N.J.R. 975(a).

Added (b).

Amended by R.2001 d.137, effective May 7, 2001.

See: 32 N.J.R. 390(a), 33 N.J.R. 1369(a).

In (a), deleted second sentence and substituted "Green Acres" for "Fair" throughout section.

2:32-2.13 Dishonored checks

An individual whose check for a sustaining payment, nominating payment, or starting fee is dishonored by the bank

will be turned over to the New Jersey Racing Commission for appropriate action and the horse or horses will be immediately declared ineligible for all future Sire Stakes events until the check is made good. A \$50.00 administrative fee must be paid for each dishonored check. After an individual has issued more than one dishonored check, all future payments must be made by certified check or money order.

Amended by R.1988 d.189, effective May 2, 1988.

See: 20 N.J.R. 323(a), 20 N.J.R. 975(a).

Revised administrative fee from \$25.00 to \$50.00.

Amended by R.1989 d.95, effective February 21, 1989.

See: 20 N.J.R. 2952(a), 21 N.J.R. 443(a).

Added text "After an individual ...".

2:32-2.14 No cash or partial payments

The New Jersey Sire Stakes Program will accept no cash payment on nominating and sustaining payments. All fees must be paid in good United States funds. No post-dated checks or partial payments on a nominating, sustaining, or entry fee will be accepted on individual horses.

Amended by R.1988 d.189, effective May 2, 1988.

See: 20 N.J.R. 323(a), 20 N.J.R. 975(a).

Substituted "must" for "will".

2:32-2.15 Refunds

All requests for refunds on sustaining or nominating payments must be made by letter to the Board Secretary postmarked on or before the 15th of the month in which the payment is due. In the event that the 15th falls on a Saturday, Sunday, or holiday, the due date will be the next business day following the 15th.

2:32-2.16 Time of declaration

Starters declare in at the same time as in practice for overnight events at the raceway where Sire Stakes Races will be contested. Under no circumstances shall late entries be accepted.

Amended by R.2001 d.137, effective May 7, 2001.

See: 33 N.J.R. 390(a), 33 N.J.R. 1369(a).

Substituted "Under no circumstances shall late entries be accepted." for "Entries for the New Jersey Sire Stakes Fair Program will close at 9:00 A.M., three days prior to the race, with Sundays excepted."

2:32-2.17 (Reserved)

Repealed by R.2001 d.137, effective May 7, 2001.

See: 33 N.J.R. 390(a), 33 N.J.R. 1369(a).

Section was "Entry blanks".

2:32-2.18 Name change notification

Owners, trainers, drivers, or their agents, or Stake Services, shall notify the New Jersey Sire Stakes Program of a name or gait change of a horse by the time of declaration to a race, or the entry may not be accepted for that race. No sustaining payments shall be accepted on any unnamed horse.

Amended by R.2001 d.137, effective May 7, 2001.

See: 33 N.J.R. 390(a), 33 N.J.R. 1369(a).

Added "No sustaining payments shall be accepted on any unnamed horse".

2:32-2.19 Entry fee deadlines

(a) All Sire Stakes Race entry fees must be paid at the time of the race or the horse may not be allowed to start.

(b) All New Jersey Sire Stakes horses entered and drawn to post positions are required to pay entry fees at the track. This entry fee is required even though a horse is scratched.

(c) The entry fee must be paid or the horse will not be permitted to race in any Sire Stakes event until the fee is paid and collected.

(d) The entry fee will not be refunded unless the horse dies between the time of declaration and the start of the race.

(e) When an owner has outstanding debts owed to the New Jersey Sire Stakes, every horse owned in whole or part by that owner shall be subject to be declared ineligible by the Board of Trustees or its representative to be entered or to start in any New Jersey Sire Stakes Race until such time that debt is collected.

Amended by R.1988 d.189, effective May 2, 1988.

See: 20 N.J.R. 323(a), 20 N.J.R. 975(a).

Deleted text "to start" in (d).

Amended by R.1992 d.239, effective June 15, 1992.

See: 24 N.J.R. 1142(b), 24 N.J.R. 2241(a).

Revised (b)-(d).

Amended by R.2001 d.137, effective May 7, 2001.

See: 33 N.J.R. 390(a), 33 N.J.R. 1369(a).

In (a), substituted "may" for "will".

2:32-2.20 Entry fees

(a) Entry fees will be added to the basic purse in Green Acres and Pari-mutuel series races. Entry fees will be:

Pari-mutuel Division	Green Acres Division
2 year olds...\$500.00	2 year olds...\$200.00
3 year olds...\$600.00	3 year olds...\$200.00

(b) Entry fees for Pari-mutuel Finals will be \$1,500 at The Meadowlands and \$1,000 at Freehold Raceway.

(c) Entry fees for all Green Acres finals will be \$500.00.

Amended by R.1989 d.95, effective February 21, 1989.

See: 20 N.J.R. 2952(a), 21 N.J.R. 443(a).

Deleted four year olds.

Amended by R.1992 d.239, effective June 15, 1992.

See: 24 N.J.R. 1142(b), 24 N.J.R. 2241(a).

Revised section.

Amended by R.2001 d.137, effective May 7, 2001.

See: 33 N.J.R. 390(a), 33 N.J.R. 1369(a).

Rewrote section.

Amended by R.2002 d.326, effective October 7, 2002.

See: 34 N.J.R. 1765(a), 34 N.J.R. 3497(a).

In (b), substituted "Raceway" for "and Garden State".

Amended by R.2005 d.290, effective September 6, 2005.

See: 36 N.J.R. 5026(a), 37 N.J.R. 3284(b).

In (b), "Pari-mutuel Finals" fees decreased from "\$2,500" to "\$1,500", "The Meadowlands" fees decreased from "\$1,500" to "\$1,000".

Amended by R.2008 d.73, effective April 7, 2008.

See: 39 N.J.R. 4359(a), 40 N.J.R. 1825(a).

In the "Green Acres Division" column in the table in (a), substituted "\$200.00" for "\$300.00" twice.

2:32-2.21 Purse distribution

(a) The purse will be distributed as follows:

1. 50-25-12-8-5if 5 starters or more
2. 50-25-15-10..... if only 4 starters
3. 60-30-10..... if only 3 starters
4. 65-35 if only 2 starters
5. 100..... in case of walk over

2:32-2.22 Qualifying standards

All starters in the New Jersey Sire Stakes Pari-mutuel Division and the New Jersey Sire Stakes Green Acres Division must meet all track qualifying standards at the track where the race is being contested and be eligible at time of entry.

Amended by R.1988 d.189, effective May 2, 1988.

See: 20 N.J.R. 323(a), 20 N.J.R. 975(a).

Qualifying times changed for two year old trot; year changed to '88 and (b)2 added.

Amended by R.1989 d.95, effective February 21, 1989.

See: 20 N.J.R. 2952(a), 21 N.J.R. 443(a).

Substantially amended.

Amended by R.1990 d.203, effective April 2, 1990.

See: 22 N.J.R. 3(a), 22 N.J.R. 1116(c).

One second decrease in qualifying times in two-year-old trot category.

Amended by R.1991 d.241, effective May 6, 1991.

See: 23 N.J.R. 252(a), 23 N.J.R. 1408(a).

Requirements added for horses making a break in a qualifying race.

Amended by R.1995 d.276, effective June 5, 1995.

See: 27 N.J.R. 969(a), 27 N.J.R. 2179(a).

One second decrease in qualifying times for three-year-olds on all three track configurations.

Amended by R.1998 d.178, effective April 6, 1998.

See: 29 N.J.R. 5126(a), 30 N.J.R. 1283(b).

In (a), deleted a former second sentence in 2, added a second sentence in 3, and deleted former 4; and in (b), rewrote the table.

Amended by R.2001 d.137, effective May 7, 2001.

See: 33 N.J.R. 390(a), 33 N.J.R. 1369(a).

Substantially rewrote section.

2:32-2.23 Splitting races

Each race is to be a one mile dash. If it becomes necessary to split an event, the Board reserves the right to adopt one of the methods of division racing then current, including elimination dashes.

2:32-2.24 Number of starters

In all Pari-mutuel and Fair Sire Stakes races, the number of starters permitted in the first tier shall be at the discretion of the judges. No more than two trailers will be permitted in the second tier. However, no trailers shall be permitted in the races designated as finals.

2:32-2.25 (Reserved)

Amended by R.1988 d.189, effective May 2, 1988.

See: 20 N.J.R. 323(a), 20 N.J.R. 975(a).

Added (b).

Repealed by R.2001 d.137, effective May 7, 2001.

See: 33 N.J.R. 390(a), 33 N.J.R. 1369(a).

Section was "Eligibility papers".

2:32-2.26 Splitting and carrying over divisions

In the event a Sire Stakes event is split into divisions, the Sire Stakes event shall be divided and each division shall race for an equal share of the total purse. All Sire Stakes events shall be advertised, "added, divided." In the event that a Pari-mutuel event splits into more than three divisions, one or more of the divisions in excess of three may be carried over to the following racing day.

2:32-2.27 Final races

(a) There will be a two-and three-year old "final" race in each Pari-mutuel Division at the Pari-mutuel raceways as scheduled by the New Jersey Sire Stakes Board of Trustees. There will be a Green Acres "Final" race in each Division for two-and three-year-olds. Consolation races may be scheduled at the option of the tracks and shall be conducted under track rules. Horses eligible to race in the final events must race in the finals and not in the consolation events.

(b) Each Pari-mutuel Final will have a \$1,500 entry fee at The Meadowlands and a \$1,000 entry fee at Freehold Raceway and is open to the highest New Jersey Sire Stakes point winners at The Meadowlands or Freehold Raceway that are declared in and can be drawn to a post position in the first tier. Trailers are not permitted to start in any New Jersey Sire Stakes Finals. Each Green Acres Final shall have a \$500.00 entry fee and is open to the highest New Jersey Sire Stakes Green Acres point earners that are declared in and can be drawn to post in the first tier.

(c) All horses competing in both the Pari-mutuel and Green Acres Finals at all tracks will be determined on a point basis. The point value will be awarded as follows:

1. 50 points for winning a heat;
2. 25 points for placing second in a heat;
3. 12 points for placing third in a heat;
4. Eight points for placing fourth in a heat;
5. Five points for placing fifth in a heat;
6. Four points for placing sixth in a heat;
7. Three points for placing seventh in a heat;
8. Two points for placing eighth in a heat; and
9. One point for placing ninth, 10th, 11th or 12th in a heat.

(d) In the event of less than five starters, the points will be awarded in the same fashion as the purse breakdown with less than five starters as in N.J.A.C. 2:32-2.21.

(e) In the event of a dead heat for any position in a New Jersey Sire Stakes race, the points shall be split evenly between the horses involved as is currently done with the purse money.

(f) In the event of a tie in point standings for Final events, money won in Sire Stakes races in which points were accumulated shall be used to break the tie.

(g) In the event of a tie for the last spot in the top 10 or top eight money winners for a Final event, the last spot in the Final will be drawn by lot from among the horses tied in both points and money winnings in the Sire Stakes and having the highest point totals and not already included in the Final.

(h) Judges' "official order of finish" will be used in determining eligibility to Finals exclusive of all appeals yet to be decided at the time of closing of the entry box for Finals.

(i) Total points accumulated towards Final Race eligibility in the Pari-mutuel Division shall include only Pari-mutuel Division points. Only Green Acres Division race points count toward the Green Acres Final eligibility.

Amended by R.1988 d.189, effective May 2, 1988.

See: 20 N.J.R. 323(a), 20 N.J.R. 975(a).

Added text in (a) "Consolation races in ...".

Amended by R.1989 d.95, effective February 21, 1989.

See: 20 N.J.R. 2952(a), 21 N.J.R. 443(a).

Added text to (a) and (d); recodified section 2.28 to (j) of this section.

Amended by R.1991 d.241, effective May 6, 1991.

See: 23 N.J.R. 252(a), 23 N.J.R. 1408(a).

Eliminated the minimum \$10,000.00 purse for fair final races.

Amended by R.1992 d.239, effective June 15, 1992.

See: 24 N.J.R. 1142(b), 24 N.J.R. 2241(a).

Revised (b).

Amended by R.1994 d.271, effective June 6, 1994.

See: 26 N.J.R. 1181(a), 26 N.J.R. 2256(a).

Amended by R.1998 d.178, effective April 6, 1998.

See: 29 N.J.R. 5126(a), 30 N.J.R. 1283(b).

In (c), added 6 through 9; and in (d), deleted a former second sentence.

Amended by R.2001 d.137, effective May 7, 2001.

See: 33 N.J.R. 390(a), 33 N.J.R. 1369(a).

In (a), deleted "in the Pari-mutuel program" in the third sentence; re-wrote (b); deleted (i); recodified (j) as (i); and substituted "Green Acres" for "Fair" throughout.

Amended by R.2002 d.326, effective October 7, 2002.

See: 34 N.J.R. 1765(a), 34 N.J.R. 3497(a).

In (b), deleted references to Garden State throughout and inserted "Raceway" following "Freehold" throughout; in (e), substituted "the horses involved as is" for "the two horses as is" and substituted "purse money" for "moneys".

Amended by R.2005 d.290, effective September 6, 2005.

See: 36 N.J.R. 5026(a), 37 N.J.R. 3284(b).

In (b), "Pari-mutuel Final" fees decreased from "\$2,500" to "\$1,500", "The Meadowlands" fees decreased from "\$1,500" to "\$1,000".

2:32-2.28 Separate Green Acres Division

New Jersey Sire Stakes Green Acres Division's separate payment schedule is set forth in N.J.A.C. 2:32-2.10 and 2.20. Horses starting in a New Jersey Sire Stakes Pari-mutuel event

cannot race in a New Jersey Sire Stakes Green Acres event within seven days of that New Jersey Sire Stakes Pari-mutuel event. Horses starting in a New Jersey Sire Stakes Green Acres event cannot race in a New Jersey Sire Stakes Pari-mutuel event within seven days of that New Jersey Sire Stakes Green Acres event except after the New Jersey Sire Stakes Green Acres Finals have been completed. At tracks where both New Jersey Sire Stakes Pari-mutuel and Green Acres divisions are contested, horses starting in a specific numbered leg of a Pari-mutuel division cannot race in the same numbered leg of the Green Acres division. Horses starting in a specific numbered leg of a Green Acres division cannot race in the same numbered leg of the Pari-mutuel division. In the event that one division has more legs than another division, competing in the last leg or final of a division shall disqualify the horse from competing in the corresponding leg and all subsequent legs and final of the other division.

Amended by R.1989 d.95, effective February 21, 1989.

See: 20 N.J.R. 2952(a), 21 N.J.R. 443(a).

This section was recodified from 2.31. The original 2.28 was "Point standings" and was recodified to 2.27(j).

Amended by R.1998 d.179, effective April 6, 1998.

See: 30 N.J.R. 3(a), 30 N.J.R. 1283(a).

Added a second sentence.

Amended by R.1999 d.184, effective June 7, 1999.

See: 31 N.J.R. 707(a), 31 N.J.R. 1477(b).

Inserted references to New Jersey Sire Stakes events throughout, and added an exception at the end.

Amended by R.2001 d.137, effective May 7, 2001.

See: 33 N.J.R. 390(a), 33 N.J.R. 1369(a).

Substituted "Green Acres" for "Fair" throughout section.

Amended by R.2008 d.73, effective April 7, 2008.

See: 39 N.J.R. 4359(a), 40 N.J.R. 1825(a).

Rewrote the section.

2:32-2.29 (Reserved)

Amended by R.1989 d.95, effective February 21, 1989.

See: 20 N.J.R. 2952(a), 21 N.J.R. 443(a).

This section was recodified from 2.32. The original section was "Four-year-old split" and was repealed.

Repealed by R.2001 d.137, effective May 7, 2001.

See: 33 N.J.R. 390(a), 33 N.J.R. 1369(a).

Section was "Supervising Race Secretary".

2:32-2.30 Broadcasting revenues

(a) In the event the Sire Stakes Board receives revenues derived from the broadcast of Sire Stakes events, any incremental revenues derived from these broadcasts shall be exclusively used by the New Jersey Sire Stakes Program to supplement the purse of Sire Stakes races.

(b) The nominator and/or owner of horses racing in Sire Stakes events expressly and irrevocably assigns to the New Jersey Sire Stakes the ownership rights of any broadcast revenues derived therefrom.

Amended by R.1989 d.95, effective February 21, 1989.

See: 20 N.J.R. 2952(a), 21 N.J.R. 443(a).

This section was recodified from 2.34. The original section was "Four-year-old division".

SUBCHAPTER 3. APPEALS

2:32-3.1 Appeal from decision of Supervising Race Secretary

When any decision is made by any person representing the Board of Trustees pursuant to the law of New Jersey or rules of the Board of Trustees, said decision may be appealed to the Board of Trustees and a hearing requested.

2:32-3.2 Right of appeal

(a) Any person aggrieved by any action or inaction by the Board of Trustees, or its representatives, may request an informal meeting with the Board to settle any dispute, or seek clarification of the Board's rules. The Board shall respond, in writing, to any such request stating the reasons for its determination.

(b) If any dispute is required by law or regulation to be handled formally, or if a party is dissatisfied with an informal determination, or if the Board determines the matter contested, the matter shall be treated in accordance with the Administrative Procedures Act (N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq.), and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1 et seq.

2:32-3.3 Nature of proceedings

All hearings before the Board of Trustees will be de novo proceedings and shall be accompanied by notice and an opportunity to be heard.

2:32-3.4 Appeal procedure

In the event that an appeal is taken to the Board of Trustees, said appeal and one copy must be filed, in writing, at the office of the Board of Trustees within 20 days of the date of the receipt of the decision by the person representing the Board of Trustees.

2:32-3.5 Hearing; costs

The applicant shall be responsible for any costs incurred in connection with any hearing held pursuant to the right of appeal contained in this subchapter and the laws of the State of New Jersey.

2:32-3.6 Acting on appeals

The Board of Trustees shall act on all appeals in accordance with the laws of the State of New Jersey and the rules and regulations promulgated by the Board of Trustees.

Amended by R.2002 d.326, effective October 7, 2002.

See: 34 N.J.R. 1765(a), 34 N.J.R. 3497(a).

Inserted "and regulations" following "the rules".