

DIRECTOR'S HEARINGS
FREQUENTLY ASKED QUESTIONS

1. How does a matter get placed on the agenda to be heard by the Director?

Within 3 days of a ruling by the Board of Stewards, any person aggrieved by a ruling may appeal that ruling to the Director. The appeal must be in writing, contain the grounds for appeal, and be signed by the individual making the appeal or that person's attorney, and be accompanied by \$200 for an Appearance Bond. If you fail to appear for the hearing the Appearance Bond will be forfeited.

Pursuant to Arizona Administrative Code R19-2-106(B)(1), all applicants and licensees are obligated to know and follow the provisions of the rules governing racing in the state of Arizona. The Stewards regulate the conduct of persons attending or participating in racing meetings pursuant to Arizona Administrative Code R19-2-121(E)(3)(d). The Stewards may fine and/or suspend a licensee, and/or refer the matter to the Director for further action after a hearing, pursuant to the limits of Arizona Administrative Code R19-2-121(E)(3)(f). Matters that are referred to the Director are automatically set for hearing. The Department is authorized to revoke or suspend the license of a person based upon any of the grounds the Department could refuse a license pursuant to A.R.S. § 5-108. In accordance with Arizona Administrative Code R19-2-101(D), the Director may sustain, reverse, or modify any penalty or decision imposed by the Stewards.

Hearings are conducted in accordance with the provisions of the Arizona Administrative Procedures Act A.R.S. § 41-1061 and the Arizona Administrative Code R19-2-123. The statute and rule can be viewed on the Department's web site at www.azracing.gov or at your local library.

2. Where and when will the hearing be held?

Director's Hearings are generally held at least once a month, and at other times as scheduling may be necessary. The hearings are conducted in the office of the Arizona Department of Racing, 1110 West Washington, Suite 260, Phoenix, Arizona, 85007. The hearings begin promptly at 9:30 a.m. Individuals with matters on the hearing agenda will receive notice by certified mail 30 days prior to the hearing date.

3. What if I need a delay?

If you have a good reason for delay, you may request that a hearing be rescheduled. As soon as you are aware of the need for a delay, please contact the Department of Racing. Please put your request in writing, provide a telephone number where you can be reached, and send it to the Department of Racing. You will be contacted and an alternative hearing date may be arranged. The rescheduling is not automatic. The Director will consider the request depending on the circumstances of the case.

4. Do I need an attorney?

You are not required to be represented by an attorney, however, you may retain one if you desire.

5. Can I present evidence and witnesses?

You may submit any pertinent documentation as evidence and you will be afforded the opportunity to present your own witnesses and cross-examine any witnesses presented by the State.

6. What if I can't appear in person?

You are required to appear in person. However, you, or any witness you may need, may request to appear by telephone. Please make this request at least 10 days prior to the hearing date so the request can be considered and, if necessary, arrangements can be made.

7. When can I expect a decision?

The Director will provide a written decision within 30 days of the date of the hearing. The decision will be sent to you by certified mail.