

TITLE 325. OKLAHOMA HORSE RACING COMMISSION

CHAPTER 70 – OBJECTIONS AND PROTESTS; HEARINGS AND APPEALS

325:70-1-23. Appeal from decision of the Stewards

(a) The Commission shall review hearings of any case referred to the Commission by the Stewards or appealed to the Commission from the decisions of the Stewards except as otherwise provided in this Chapter. Upon every appealable decision of the Stewards, the person subject to the decision or order shall be made aware of his/her right to an appeal before the Commission and the necessary procedures thereof. Appeals shall be made no later than 5:00 p.m. on the third calendar day, excluding intermediate Saturdays and Sundays and legal holidays as defined by the Oklahoma Statutes or any other day when the Commission office does not remain open for public business until 5:00 p.m. from the date the applicant or the applicant's attorney of record is notified of the rendering of the decision of the Stewards, excluding the date the decision was rendered, unless the Commission for good cause extends the time for filing not to exceed thirty (30) days from ~~said~~ the rendering date, and shall be filed with the Office of the Commission as specified in 325:1-1-14. Notification may be made by delivery of the decision or order in person, by email, or regular mail to an address listed on the applicant's most recent license application, to the applicant's attorney of record in person, by email, or regular mail to an address listed on the attorney's Entry of Appearance, or by other means if requested in writing or on the record by the applicant or the applicant's attorney of record. When the applicant is notified by mail of the Stewards' decision, three (3) days shall be added to the time within which the application for temporary stay order ~~must~~ shall be filed. Action on ~~such a~~ the hearing request ~~must~~ shall commence by the Commission within thirty (30) days of the filing of the appeal. An appeal shall not affect a decision of the Stewards until the appeal has been sustained or dismissed or a stay order issued.

(b) After the date for an appeal hearing has been set, a party to the hearing may request a hearing continuance if ~~such~~ the request is received in writing by the Commission no later than three (3) days prior to the scheduled date of hearing and as otherwise specified in 325:1-1-14. The request for continuance may be granted or denied by the Executive Director after his/her consultation with three (3) Commissioners; however, ~~such a~~ a continuance shall only be considered by the Commission upon a showing of serious circumstances; which in the opinion of the Commission would justify the granting of a continuance.

(c) The form in Appendix A of this Chapter shall be used when filing an appeal petition with the Commission. The petition ~~should~~ shall be typed or printed on 8-1/2" x 11" paper with the original and three (3) copies being filed.