

TITLE 325. OKLAHOMA HORSE RACING COMMISSION

CHAPTER 70. OBJECTIONS AND PROTESTS; HEARINGS AND APPEALS

325:70-1-13.1. Entry of appearance of attorney, withdrawal of counsel, address of record, change of address

(a) In any proceeding before the Commission or the Board of Stewards, any attorney appearing for a party shall file with the Stewards Clerk an entry of appearance no later than the first filing of any pleading or other paper in the case by that counsel or the first appearance before the Executive Director or Board of Stewards. In the event a party adds or substitutes counsel, new counsel shall immediately file an entry of appearance. The entry of appearance shall include the name and signature of counsel, mailing address, telephone number, email address, fax number, Bar Association number, and name of the law firm. Copies shall be served on all other parties of record.

(b) A motion to withdraw may be filed at any time. All motions to withdraw shall be accompanied by a proposed order. No counsel may withdraw from a pending case without leave of the Executive Director or Board of Stewards. The counsel filing the motion to withdraw shall serve a copy of the motion on the client and all attorneys of record. All motions shall be signed by the party on whose behalf counsel has previously appeared or contain a certificate that:

- (1) the client has knowledge of counsels' intent to withdraw, or
- (2) counsel has made a good faith effort to notify the client and the client cannot be located.

Where there is no successor counsel the withdrawing attorney must clearly state in the body of the order the name and current address of the party. If no entry of appearance is filed within thirty (30) days from the date of the order permitting withdrawal, then the unrepresented party is deemed to be pro se. In all cases, counsel seeking to withdraw shall advise the Executive Director or Board of Stewards if the case is currently set for hearing.

(c) The address of record for any attorney or party appearing in a case pending the Commission or the Board of Stewards shall be the latest address provided to the Stewards Clerk in the entry of appearance, License Application or change of address. The attorney or unrepresented party must, in all cases pending before the Commission or the Board of Stewards, file with the Stewards Clerk and serve upon all counsel and unrepresented parties a notice of a change of address. The attorney or unrepresented party has the duty of maintaining a current address with the Commission and Board of Stewards. Service of notice to the last known address of record of counsel or an unrepresented party, shall be considered valid service for all purposes.

(d) All attorneys and unrepresented parties shall give immediate notice to the Commission and Board of Stewards of a change of address by filing notice with the Stewards Clerk. The notice of change of address shall contain the same information required by the entry of appearance. The notice of change of address shall be served on all parties, and a copy provided to the Board of Stewards if the case is before the Board. If an attorney or unrepresented party files an entry of appearance, the Commission will assume the correctness of the last address of record, until a notice of change of address is received. Attorneys of record who change firms shall notify the Executive Director and the Board of Stewards of the status of the representation of their clients, and shall immediately withdraw, when appropriate.

(e) A party may terminate their relationship with attorney of record without regard to the attorney withdrawing from the case. Upon termination of the relationship, the party and must shall notify the Executive Director or Board of Stewards in writing of such change the termination and effective date.

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 notice to the licensee 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 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 shall be filed. Action on the hearing request 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 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, 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 shall be typed or printed on 8-1/2" x 11" paper with the original and three (3) copies being filed.