

TITLE 325. OKLAHOMA HORSE RACING COMMISSION

CHAPTER 70. OBJECTIONS AND PROTESTS; HEARING AND APPEALS

325:70-1-14. Testimony and Evidence at Hearing

- (a) Every person called to a hearing before the Stewards concerning an alleged rule violation shall be allowed to present testimony, produce witnesses, cross-examine witnesses, and present documentary evidence in accordance with the ~~rules of privilege recognized by law~~ applicable provisions of the Administrative Procedures Act. [3A:204 and 3A:204.3].
- (b) Each witness at a disciplinary hearing conducted by the Stewards must be sworn by the presiding steward.
- (c) The Stewards shall allow a full presentation of evidence and are not bound by the technical rules of evidence. However, the Stewards may disallow evidence that is irrelevant or unduly repetitive of other evidence. The Stewards shall have the authority to determine, in their sole discretion, the weight and credibility of any evidence and/or testimony. The Stewards may admit hearsay evidence if the Stewards determine the evidence is of a type that is commonly relied on by reasonably prudent people. The rules of privilege recognized by Oklahoma law apply in hearings before the Stewards.

325:70-1-18. Vote on Stewards' Decision

A majority vote shall decide any question to which the authority of the Stewards extends. If a vote is not unanimous, the dissenting Steward ~~may~~shall provide a written record to the Commission of the reasons for such dissent within Seventy-Two (72) hours of the vote. [3A:204]

325:70-1-19. Rulings/Orders by the Stewards

Any ruling or Order issued by the Stewards shall specify the full name of the licensee or person subject to the ruling or Order; most recent address on file with the Commission; date of birth; statement of the offense charged including any rule number; date of ruling; fine and/or suspension imposed or other action taken; changes in the order of finish and purse distribution in a race, when appropriate; and any other information deemed necessary by the Stewards or the Commission. Any member of a Board of Stewards may, after consultation with and by mutual agreement of the other Stewards, issue an Order or notice signed by one Steward on behalf of the Board of Stewards. ~~Subsequently, an Order containing all three Stewards' signatures shall be made part of the official record.~~ [3A:204 and 3A:204.3]

325:70-1-25. Appointment of Hearing Examiners

When directed by the Commission, any qualified person(s) may ~~sit~~ serve as a hearing examiner(s) for ~~the taking of evidence in~~ any matter pending before the Commission. A matter before the hearing examiner shall be governed by the Act, the Rules, and the Administrative Procedures Act. ~~Any such~~ The hearing examiner shall draft for report to the Commission a proposed final order that shall include findings of fact and conclusions of law, and the Commission shall determine the matter as if such evidence had been presented to the full Commission. Any proposed final order may be adopted, rejected, or remanded to the hearing officer with instructions. If rejected, the Commission may adopt an order that in their sole discretion is the appropriate ruling based on the evidence properly presented before the hearing

examiner. An order adopted by the Commission shall be considered a final agency order.