


**BEFORE THE PENNSYLVANIA
STATE HORSE RACING COMMISSION**

IN RE: :
ADMINISTRATIVE HEARING BOND :
(Temporary Regulation) : **Administrative Docket 2018-2**
:

ORDER

AND NOW, this 27th day of February, 2018, in accordance with its general jurisdiction to regulate all pari-mutuel horse racing activities and pursuant to its authority set forth in §9311(h) of the Racing Act (3 Pa. C. S. §9311(h)) (relating to the adoption of temporary regulations), the Commission hereby adopts the following temporary regulation requiring the submission of suitable bond of the amount of \$750 in conjunction with a written request for an administrative hearing as set forth more fully in the attached Annex A. This Order adopting the temporary regulation shall be published in the *Pennsylvania Bulletin* and shall be posted on the Commission's website. This temporary regulation shall become effective on May, 1 2018.

**BY THE PENNSYLVANIA
STATE HORSE RACING COMMISSION:**



Russell C. Redding, Chairman

**PENNSYLVANIA DEPARTMENT OF AGRICULTURE
STATE HORSE RACING COMMISSION**

**PART VIII
Administrative Hearing Bond**

Section 1. General Purpose.

The Commission finds that many appellants file appeals simply to delay the imposition of the ultimate penalty and, in many instances, withdraw their respective appeals at the very last minute or fail to appear at a duly scheduled hearing after the Commission has undertaken expenses associated with scheduling and conducting the hearing. The posting of an appeal bond is designed to ensure that appellants engage in a thoughtful and accurate assessment of the underlying merits of their matter prior to requesting an administrative hearing before the Commission.

Section 2. Appeal Bond.

(a). In addition to all other requirements to timely and properly appeal decisions, determinations and rulings by the Judges/Stewards, Bureau Directors, or Commission staff, all appellants must submit an appeal bond in the amount of \$750, in the form of a check or money order, along with their written request for a hearing and/or stay.

(b). No appeal or request for a hearing shall be considered without the submission of the applicable appeal bond.

(c). No cash may be used as the appeal bond.

Section 3. Forfeiture of bond.

The Bureau Director or Commission may withhold the appeal bond, either in whole or in part, if:

1. The original request for an appeal is deemed to be without any factual or legal foundation upon which to grant a proper hearing;
2. Appellant fails (without sufficient justification) to appear at the duly scheduled hearing, notwithstanding receipt of proper notice of the hearing;
3. Appellant withdraws the appeal three (3) days prior to the scheduled hearing date; or
4. The Commission expressly makes a finding and determination in its written adjudication that the underlying appeal was frivolous or without foundation.

(This provision supersedes and clarifies §183.400 of the Commission's regulations at 58 Pa. Code §183.400).