

DELIVERY OR SERVICE

6(7) A statement of appeal shall be delivered to the office of the Commission or sent to the office of the Commission by registered mail, or delivered to any Commission Steward or the Authorized Person.

STAY PENDING APPEAL HEARING

6(8) The appellant may, after filing the statement of appeal and depositing the requisite sum therewith, apply in writing to the Commission to have the decision stayed until the hearing of the appeal; and

- a) the Chair, or such other person as the Chair may designate, may, in his sole discretion, stay the **decision, ruling or suspension** with or without conditions, until a date certain, or from time to time, or until an appeal can be heard, or may refuse the stay with or without written reasons.
- b) once a hearing has begun, the Commission has sole discretion as to whether or not a stay of **decision, ruling or suspension** which is in effect should continue in effect or be dissolved.
- c) there is no presumption arising from the granting or refusal of a stay of the decision or ruling.

HEARING DATE AND SERVICE OF NOTICE OF HEARING

6(9) Upon the filing of a statement of appeal with the requisite deposit, the Chair shall:

- a) fix a time and place for a hearing of the appeal;
- b) give 5 days notice of the hearing to the appellant and any other party affected by the appeal. Such notice shall be in writing and shall set out the time and place of the hearing and the issues to be dealt with at the hearing; and may be served in person or by registered mail, postage prepaid, addressed to the person being served at the address for service indicated in the statement of appeal in the case of the appellant, and at the address on the licence of any other affected party.

RIGHT TO HEAR AND PARTICIPATE

6(10) The appellant and any other person or persons affected by an appeal shall have the right:

- a) to request that the Commission issue a subpoena to a witness;

- c) attend race meets licensed by the Commission;
- d) make such reports to the Commission as he may see fit;
- e) supervise, in the performance of their duties, all Commission and Association officials and employees;
- f) attend meetings of the Commission or appeals to the Commission, as required;
- g) act as advisor for the Commission, when so required, in any investigation it may hold; set licence and permit fees, effective unless and until varied by the Commission;
- h) perform such other duties and offices as the Commission or Chair may from time to time assign.

PERSON TO BE APPOINTED

- 7(2) The Commission may designate any person employed by, appointed by, or appointed to the Commission as an Authorized Person.

Stewards

TERM OF APPOINTMENT

- 8(1) The Stewards shall assume their powers and duties at one minute after midnight three days before the start of each meet and such powers and duties shall continue until one minute after midnight three days before the start of the next meet or until they resign, are terminated or are replaced.

EMERGENCY APPOINTMENT

- 8(2) In the event of the absence of a Steward from his duty, the Commission or the remaining Stewards **may** appoint a fully qualified person to act as a substitute Steward for such a period as may be necessary.

QUORUM

- 8(3) All questions to be decided by the Stewards shall be determined by a majority vote, **provided that in the event that there are only 2 stewards adjudicating a matter whether in the Stewards stand or otherwise the Presiding, or if not present, the senior steward will cast the deciding vote if required. A ruling may be signed by the Authorized Person or any one or**

provided it has been removed from the Stewards' list prior to entry.

DELEGATION AND SUPERCEDING OF ASSOCIATION OFFICIALS

- 8(10) a) In all matters pertaining to racing, the orders of the Stewards shall supersede the orders of the officers, directors and officials of the Association.
- b) The Stewards may delegate and assign race related duties to Association officials as they deem necessary or advisable.

NO PENALTY WITHOUT HEARING

- 8(11) Before imposing a penalty on any person for a violation of these Rules, the Stewards shall give that person a Notice of Violation which may be delivered verbally or in writing. **Except that by directive the MHRC may designate an offence as administrative – not judicial - in which case no notice is required and the Stewards may, in their sole discretion, without notice, impose a penalty, by way of a fine. The Stewards will notify the offender of the imposition of such fine by issuing a ticket setting out the amount of the fine and the reason for it. The offender shall have the right to appeal the finding, not the penalty (unless fine exceeds \$200.00) to the MHRC Executive Director by filing a Notice of Appeal within 48 hours of receipt or posting of said ticket. No deposit shall be required for such appeal. The Executive Director will hold an appeal hearing with the same procedures as an MHRC appeal hearing. The decision of the Executive Director is final and there shall be no further right of appeal.**

WRITTEN NOTICE OF VIOLATION

- 8(12) A written Notice of Violation shall be in the form prescribed by the Commission from time to time, and shall set out:
- a) the name, licence number and occupation of the person;
- b) the number(s) of the section(s) or sub-section(s) of the rule(s) or regulation (s) which the person is accused of violating;
- c) a brief description in lay language of the alleged violation;
- d) the date and place of the alleged violation;
- e) the time, date and place at which the Stewards will conduct a hearing into the alleged violation.