**The Hearing Process for Appeals**

You may request a hearing if:

* you receive a letter of denial of your application from the [Investigations and Enforcement Bureau (“IEB”)](https://massgaming.com/the-commission/inside-mgc/investigations-and-enforcement-bureau/) with notification of your right to a hearing.
* you would like to appeal a judge’s ruling with the [Division of Racing](https://massgaming.com/the-commission/inside-mgc/division-of-racing/).

Download and fill out the website’s “Request a Hearing” form found on the [Hearings and Appeals](https://massgaming.com/regulations/hearings/) page of the Commission’s website, and follow the instructions. You may hire an attorney to represent you, or you may choose to represent yourself.

What Happens Next:

* **Telephone Status Conference**: Within ten days of receiving your request, the clerk of the Commission will notify you via email of a scheduled Telephone Status Conference call. You or your attorney (should you retain one) will need to call the number provided to you by the clerk at the scheduled date and time. The other participants on the call will be the hearing officer, the IEB or Racing Division’s attorney, and the clerk. The purpose of this call is to set a date and time for your hearing and establish additional dates necessary for filing materials before the hearing.

During the Telephone Status Conference call:

* The hearing officer will ask if you would like to proceed with your hearing under [Formal or Informal Rules](https://www.mass.gov/files/documents/2017/09/14/801cmr1.pdf) of Practice and Procedure. You will have the option to discuss the difference between formal and informal rules with the hearing officer at this time.
* **Briefs:** The hearing officer will ask if you would like to file a brief. If you choose to file a brief, the clerk will set a due date. A brief is a party's written argument filed with the clerk, for review by the hearing officer. The brief should present your case as to why you believe your penalty is incorrect and should contain a conclusion stating the precise relief you seek. Briefs cannot be longer than 15 double-spaced pages without special permission by the hearing officer. The IEB or Racing Division’s attorney may then file a reply brief that responds to your arguments.
* **Witness List and Exhibits**: The clerk will establish due dates for the filing of witness lists and exhibits by both parties. A witness list is a document that you produce, listing the name(s) of anyone who will appear at the hearing to testify on your behalf. An exhibit is a document or other tangible thing that parties will produce as evidence for the hearing officer’s inspection. Exhibits are subject to objection by the other party at the hearing.

**All filings and any communications to the clerk must copy all other parties.**

Once the parties file all materials with the clerk, the clerk will email a PDF of the document packet to the parties and hearing officer for use at the hearing, approximately a week before the hearing date. Please familiarize yourself with the entire packet, print it and bring it with you.

At the Hearing:

* Be on time, be prepared, and be courteous and respectful.
* Dress professionally.
* Speak clearly.
* Never interrupt the hearing officer while he is speaking.
* Always answer the hearing officer clearly and concisely.
* Let the IEB or Racing Division’s attorney speak – you will get your turn.
* **Witnesses**: You may bring witnesses with you to testify on your behalf in response to questions you ask them. They will then be obligated to answer questions under cross-examination by the IEB or Racing Division’s attorney. Similarly, the IEB or Racing Division will question its witnesses and you may cross-examine those witnesses if you wish. Cross-examination questions are limited to the same topic areas that the witness previously testified about. Cross-examination should not be used to grandstand or argue with the witness. You should be courteous and respectful.

Decision:

After the hearing officer concludes the hearing, he will then issue his written decision. The hearing officer usually issues decisions within 30 days of the hearing. The clerk will email the decision to you and the IEB or Racing Division’s attorney.

For further resources governing the hearing process, please review [205 CMR 101.02](https://www.mass.gov/files/documents/2018/07/16/205cmr101.pdf), [M.G.L. c. 30A](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIII/Chapter30A) sections 10 and 11, and [801 CMR 1.02](https://www.mass.gov/files/documents/2017/09/14/801cmr1.pdf), as indicated at the bottom of your Request for a Hearing form.