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July 5, 1951
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Mr. C. Thad Mullen
Secretary, Arizona Racing
Commission
707½ W. Thomas Road
Phoenix, Arizona

M. R.

Dear Sir:

We have your letter of June 7 in which you request an opinion of this office as to whether or not the Racing Commission may reopen a case on motion for rehearing where final action had been taken and official rulings issued concerning a drug administration.

The Supreme Court of Arizona has many times stated that "inferior tribunals acting judicially cannot grant a rehearing and their jurisdiction terminates with their decision".

Hunt v. Shilling, 27 Ariz. 235, 232 Pac. 554

Johnson v. Betts, 21 Ariz. 365, 188 Pac. 271

Peters v. Berryman, 30 Ariz. 120, 245 Pac. 282

The Arizona Racing Commission, in holding its hearing on the drug administering case, was acting in a judicial capacity in that it was inquiring into and making a determination of facts, and issuing official rulings as a result of that determination. While the court has recognized that there may be some exceptions to the general rule which is quoted above, it is not likely that this action by the Commission would fall into any of the exceptions. We think that clearly the Commission was acting judicially in the matter which you have in mind, and that under the statutes applicable there is no provision for a rehearing.

M. R.

Mr. C. Thad Mullen
Secretary, Arizona Racing
Commission

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We are therefore of the opinion that the Commission has no jurisdiction to reopen a case on drug administering after the Commission has taken final action and has issued its official rulings.

Very truly yours,

Mr. C. Thad Mullen
Secretary, Arizona Racing
Commission
Phoenix, Arizona

FRED O. WILSON
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CCS:mw