

**STATE OF ARIZONA
DEPARTMENT OF GAMING
RACING DIVISION**

In the Matter of)

EUGENE LEO BURNS,)
License No. 15430)

Appellant.)

Case No. 18A-006-DOR

NOTICE OF APPEAL HEARING

DIRECTED TO:

Eugene Leo Burns
26838 N. 33rd Ave.
Phoenix, AZ 85083

YOU ARE HEREBY NOTIFIED that, pursuant to Arizona Administrative Code (“A.A.C.”) R19-2-123(A)(4), the Director of the Division of Racing (“Director”) has decided that a hearing is appropriate in this matter. The Director will conduct a hearing at 10:00 a.m., Tuesday, June 19, 2018. The hearing will take place in the conference room of the Arizona Department of Gaming located at 1110 W. Washington Street, Suite 450, Phoenix, Arizona. The purpose of the hearing is to address your April 22, 2018 appeal of the Turf Paradise Board of Stewards’ Ruling No. 17-18TP090.

You may appear with or without the assistance of an attorney on the date and at the time and place specified in this Notice of Hearing. You may present testimony and argument in support of your appeal with respect to the allegations continued in the Turf Board of Stewards Ruling 17-18TP090 dated April 22, 2018.

Pursuant to their authority under Arizona Administrative Code (“A.A.C.”) R19-2-121, the Stewards suspended Appellant’s license for fifteen (15) calendar days, beginning April 23, 2018 and continuing through and including May 7, 2018. Additionally, the Stewards disqualified and declared Appellant’s horse “VERMILLION SKY’S” unplaced and redistributed the purse for the confirmed presence of the Class III foreign substance THEOPHYLLINE. The requested split sample from Texas A & M Veterinary Medical Diagnostic Laboratory, dated March 29, 2018 confirmed the positive findings from Industrial Laboratories’ February 15, 2018 report of the Class III foreign substance THEOPHYLLINE.

1 The substance was found in samples taken from “VERMILLIOIN SKY’S”, a horse Appellant
2 owned and/or trained, following the first race on February 6, 2018 at Turf Paradise Race
3 Course in which the horse raced and won.

4 The conduct described above may constitute violations of A.R.S. § 5-108.05 (allowing
5 the Division of Racing to discipline you, including possible suspension, revocation, civil
6 penalties, and other actions, for violations of its statutes and rules) as it relates to the following
7 Rules:

8 (1) **R19-2-102(19) and (39)** (defining “foreign substance” and “official laboratory”);

9 (2) **R19-2-106(C)** (creating the presumption that a licensee knows the law governing
10 racing in Arizona);

11 (3) **R19-2-111 (A), (B), and (C)** (requiring a trainer to know and follow the law
12 regarding racing; comply with all decisions of the stewards; and be responsible for the
13 condition of horses within his care)

14 (4) **R19-2-112(12)** (prohibiting conduct that is prohibited by the Department or
15 detrimental to the best interests of horse racing.”); and

16 (5) **R19-2-120(C), (D), and (O)** (setting forth classification and penalties; relating to
17 presumptions related to medications and medications without threshold requirements; trainer
18 responsibility with regard to medications, drugs or foreign substances);

19 (6) **R19-2-121(E)** (relating to the powers and duties of stewards).

20 **YOU ARE FURTHER NOTIFIED** that if you fail to appear, the Director may
21 proceed and determine the matter in your absence.

22 Pursuant to A.R.S. § 41-1092.06(A), you have the right to request that the Arizona
23 Department of Gaming, Division of Racing conduct an informal settlement conference to be
24 held within fifteen (15) days from the date you file your request. At any such informal
25 settlement conference, written or oral statements created by you solely for the purposes of
26 settlement are inadmissible in any subsequent administrative hearing. Should you elect to have
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1 an informal settlement conference, you thereby waive your right to object to the Department's
2 settlement representative's participation in any subsequent administrative hearing.

3 In accordance with Title II of the Americans with Disabilities Act (ADA), the
4 Department does not discriminate on the basis of disability in admission to and participation in
5 hearings. Should you, or anyone you call as a witness need special accommodations, please
6 contact Cassie Goodwin at (602) 255-3876 at least five (5) business days before the hearing.

7 DATED this 24th day of April, 2018

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9
10 RUDY CASILLAS
DIRECTOR RACING DIVISION

11 A copy of the foregoing Order served by EMAIL or FIRST Class Mail this 24th day of April,
12 2018 upon:

13 Eugene Leo Burns
EUGENELBURNS@GMAIL.COM
14 (Trainer of VERMILLION SKY'S)

15 Kevin S. Eikleberry
5416 E. Seven Palms Dr
16 Cave Creek, AZ 85331
(Trainer of BONITA BOSS)

17 Juan Pablo Silva-Pantoja
PO Box 43256
18 San Ysidro, CA 92143
(Trainer of RESPECT THE SHOT)

19 Molly Jean Pearson-Anderson
20 MPEARSON17@COX.NET
(Trainer of NEHEMIAH)

21 Shawn Herschel Davis
22 RODEOCHAMP@MINDSPRING.COM
(Trainer of AUSSIE YOU LATER)

23 Ariel Marie Gordon
24 ARIELGORDON505@GMAIL.COM
25 (Trainer of SUSPICIOUS LOOK)

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1 A copy HAND-DELIVERED to:

2 Deanie Reh
3 Assistant Attorney General
4 15 S .15th Avenue
5 Phoenix, AZ 85007

6 Turf Paradise Board of Stewards

7 By  _____

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