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8 **IN THE SUPERIOR COURT OF ARIZONA**
9 **IN AND FOR THE COUNTY OF MARICOPA**

10 **PHILLIP B.,**
11 *Appellant*

Case No. _____

12 vs.

13 **GREGORY MCKAY;**
14 **ARIZONA DEPARTMENT OF**
15 **CHILD SAFETY,**
16 *Appellees*

17 **NOTICE OF APPEAL FOR**
18 **JUDICIAL REVIEW OF**
19 **ADMINISTRATIVE DECISION**

20 Pursuant to A.R.S. § 12-904, Phillip B. appeals from the final administrative decision
21 in *In the Matter of Phillip B.*, issued by Gregory McKay, Director of Arizona Department of
22 Child Safety (DCS), on July 28, 2019, in Cause No. 19C-1028237-DCS.

23 Pursuant to JRAD Rule 4, Appellant includes the following items in this Notice of
24 Appeal:

- 25 1. The caption of the case and the administrative agency case number are:

In the Matter of Phillip B.

Cause No. 19C-1028237-DCS.

- 1 2. The party or parties filing the appeal are as follows: Phillip B.
- 2 3. The final administrative decision from which Appellant takes an appeal is *In*
- 3 *the Matter of Phillip B.*, Cause No. 19C-1028237-DCS, which was issued on July 28, 2019.
- 4 4. The findings and decision or part of the findings and decision sought to be
- 5 reviewed are contained in the Decision and Order issued by Director McKay on July 28,
- 6 2019, and the Decision issued by Administrative Law Judge Velva Moses-Thompson, Office
- 7 of Administrative Hearings, on July 1, 2019.
- 8 5. The issues presented for review are as follows:
- 9 (a) Whether A.R.S. §§ 8-804, 8-811, Ariz. Admin. Code §§ R21-1-501(13),
- 10 R21-1-501(17), which authorize reports and entry of findings of abuse
- 11 or neglect on the Arizona Central Registry based on “probable cause”
- 12 are unconstitutional, facially or as applied to Phillip B., under the state
- 13 and federal constitutions.
- 14 (b) Whether A.R.S. §§ 41-1092.08(B), 41-1092.08(F), are unconstitutional,
- 15 facially or as applied to Phillip B., under the state and federal
- 16 constitutions.
- 17 (c) Whether the administrative process that occurred in this case is
- 18 unconstitutional under the state and federal constitutions, violates the
- 19 Uniform Administrative Hearings law (A.R.S. §§ 41-1092–1092.12),
- 20 and/or the Adjudicative Proceedings law (A.R.S. §§ 41-1061–1067).
- 21 (d) Whether the agency action is contrary to law, is not supported by
- 22 substantial evidence, is arbitrary and capricious or is an abuse of
- 23 discretion under A.R.S. § 12-910(E).
- 24 6. Appellant requests a trial de novo, and a trial by jury.
- 25 7. Appellant requests a stay of the final administrative decision pending the final
- 26 disposition of the appeal, pursuant to A.R.S. § 12-911.

1 8. Appellant requests an award of attorneys' fees and costs incurred pursuant to
2 A.R.S. §§ 41-1001.01, 12-348, and the private attorney general doctrine.

3 Dated this 30th day of August 2019.

4 For Phillip B., *Appellant*

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