

NEWS RELEASE

Arizona Supreme Court
Administrative Office of the Courts



Contact: Alberto Rodriguez
Phone: 602-452-3656
Email: arodriguez@courts.az.gov

May 14, 2026

Supreme Court Clarifies Standard for Judicial Review of Agency Action

PHOENIX – The Arizona Supreme Court has explained how courts review administrative agency actions after the Arizona Legislature’s 2021 amendments to A.R.S. § 12-910(F)—the law concerning judicial review of agency actions.

This case arose from a nearly 25-year dispute between Ronald Simms (“Ron”), the Arizona Racing Commission (“Commission”), and Jeremy Simms and TP Racing L.L.P. (collectively “TP Racing”) over a horse-racing license at a Phoenix racetrack. Ron applied for a horse-racing license, which the Commission ultimately denied. He appealed to the superior court, which affirmed the Commission’s decision and then appealed to the court of appeals, which reversed the superior court’s ruling against him. After the court of appeals ruled in Ron’s favor, TP Racing and the Commission appealed to the Arizona Supreme Court.

The Arizona Supreme Court vacated the court of appeals’ opinion and addressed three issues to settle confusion about how courts review agency actions following the 2021 amendments to § 12-910(F). First, the Court held that the 2021 amendments to the law did not eliminate substantial-evidence review, the standard courts apply when reviewing agency actions. The Court explained that the law still requires courts reviewing agency action to uphold the action if it is “supported by substantial evidence.”

Second, the Court clarified that the substantial-evidence inquiry is a two-step process involving (1) what facts the superior court adopts, and (2) whether those facts provide substantial evidence for the agency’s action. The Court explained that the 2021 amendments to the law eliminated court deference to an agency’s factual findings in a regulated party proceeding like the horse-racing licensing process in this case. Instead, the superior court now must independently determine all questions of law and fact, and then, using those facts, determine whether the agency’s action is supported by substantial evidence.

Last, the Court held that appellate courts cannot independently re-determine a superior court’s factual findings because only trial courts conduct factfinding. The court reasoned that, because the law addresses only the superior court’s role in judicial review of an agency action, it does not change ordinary appellate review standards, which prohibit appellate courts from finding facts on appeal.

Vice Chief Justice John R. Lopez IV, writing for a unanimous court, reversed the court of appeals’ ruling in Ron’s favor and vacated the court of appeals’ opinion, reversed the superior court’s ruling against Ron, and remanded the case to the superior court for further proceedings consistent with the opinion.

The Court’s decision provides guidance on the standard of judicial review courts must apply when reviewing administrative agency decisions in cases involving regulated parties under A.R.S. § 12-910(F), as amended in 2021.

###

This summary is intended solely to notify the public about an Arizona Supreme Court Opinion. It is not to be considered an official commentary by the Court or any member of the Court, nor may it be cited as legal authority for any reason or purpose. The full Opinion is available [here](#) for those seeking details about the Court’s reasoning.

To learn more about Arizona’s judicial branch, visit azcourts.gov. Follow @AZCourts on Instagram and YouTube and @ArizonaSupremeCourt on Facebook.