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Racing commission considers animal cruelty policy

by Dave Boucher
Daily Mail Capitol Reporter

CHARLESTON, W.Va. - For the first time, the state Racing Commission is considering adopting an animal cruelty policy.

It's an attempt for the agency -- which oversees horse and greyhound racing in the state -- to clarify the authority it already has to punish racing permit holders if there is proven abuse, said commission Executive Secretary Jon Amores.

"This policy kind of clarifies how important and just how committed we are as a commission to addressing cruelty," Amores said Tuesday during a commission meeting.

The three-paragraph policy outlines what disciplinary action state code allows the commission to take. The commission will investigate all reported acts of animal cruelty, mistreatment, neglect, abandonment or abuse, the policy states.

It can pursue administrative punishments up to and including fines and revoking a racing permit. The commission will also consult with a state veterinarian to see if the alleged abuse or neglect is a crime.

Although they initially planned to approve the policy, commissioners eventually decided to post the policy for public comment. Amores said the policy should be on the commission website today.

The commission's authority to dole out punishment recently came to the forefront when it revoked two permits and suspended another for three men involved with racing at Wheeling Island Racetrack.

Commissioners declined to refer the three men -- James Grace, James Bloom and Christopher Bever -- to the Ohio County prosecutor. They agreed they needed more information.

"We need to be more thorough before we make decisions," Commission Chairman Jack Rossi said during the meeting. "I think we need to defer this issue to get further information.

A board of judges ruled Bloom and Grace didn't provide care to an injured greyhound at the kennel. The dog, Kiowa Dutch Girl, appeared to have a broken hind leg but was not given proper medical attention or pain medication, according to a report filed by commission veterinarian Lori Bohenko.

During Tuesday's meeting, Amores said there was "quite a bit" of evidence concerning the case involving Grace and Bloom. The commission has photographs of the injured dogs, sworn statements from Grace, Bloom and others, and several reports from Bohenko.

The Daily Mail obtained information about the case in June after filing a Freedom of Information Act request.

In the report, Bloom says Grace told him to let the dog heal on its own. The leg "looked broken, she was wobbly, she'd try (to stand) but she couldn't," Bloom said in the report. Grace also said he knew the leg could have been broken but said he'd seen dogs' legs heal without going to a vet.

In a different report, Bohenko also says kennel operator Bob Mackey violated rules. Grace and Bloom had been told to take the dog to the vet immediately. Grace said he spoke with Mackey the day of Bohenko's visit.

The veterinarian, who confirmed the dog's leg was broken in three places, also confirmed speaking with Mackey the day before the dog was brought to the clinic.

"Since Mr. Mackey had been informed by State Presiding Judge to transport 'Kiowa Dutch Girl' to a veterinary hospital immediately .<!p>.<!p>. he is in violation of West Virginia Rules of Greyhound Racing as outlined below," Bohenko wrote.

Grace lost his permit, and Bloom's was suspended for six months. Neither person appealed the judge's decision.

Bever also lost his permit. Judges determined he hit and jerked dogs and then made inappropriate comments to a racetrack official. It was the latest in a string of events that could have led judges to believe he was "disruptive or perhaps unstable," Amores said.

Amores talked briefly about the case during Tuesday's meeting, but there was no discussion of the actual report. Grace and Sam Burdette, president of the West Virginia Greyhound Owners and Breeders Association, spoke during this portion of the meeting.

Grace denied any neglect or abuse but said he "just kind of made a mistake."

Burdette said he had concerns with referring any case to the prosecuting attorney before the commission holds a hearing. He didn't think people accused of neglect or wrongdoing necessarily understood that administrative punishment does not rule out criminal punishment.

Rossi, who did not lead the meeting because he participated over the phone, supported the motion. Commissioner Gregory McDermott led the proceedings and therefore could not second the motion. The lone remaining commissioner, Bill Phillips, didn't second the motion.

Christine Dorchak, president of anti-greyhound racing group GREY2KUSA, spoke to the commission next.

She did not speak during the discussion about Grace, Bloom and Bever because she didn't think it was allowed. When she tried to talk about it during her slated spot on the agenda, McDermott told her the commission had already made a decision and would not reconsider.

Dorchak was also told not to discuss allegations of wrongdoing against Mackey; McDermott said it was because Mackey wasn't present.

Shortly thereafter, Phillips asked for a briefing paper on the situation because he didn't know enough about the case. Rossi and McDermott agreed.

After the meeting, McDermott said the commission always receives reports about cases of this nature. He pointed out the commission requested more information and pledged to consider it again.

"I would say that even though we are an administrative agency, any time we believe criminal conduct has occurred, we would be within our purview to refer that conduct to the attention

of a prosecuting attorney -- and animal cruelty is obviously something we feel very strongly about," McDermott said.

Dorchak said she was thankful commissioners discussed the case but was disappointed they didn't recommend prosecution.

"This is an important step in the right direction for the commission, and we do applaud the commission for working its way toward better protecting greyhounds at West Virginia racetracks," she said.

Phillips pointed out anyone can tell a prosecutor if he or she thinks there is a case of animal cruelty. Dorchak argued the commission is considered an expert in the field, so the state could give more weight to its recommendations.

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