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Commission details mistreatment incidents at Nitro track

by Billy Wolfe
Daily Mail staff

The state Racing Commission has released details of animal mistreatment at the Mardi Gras Racetrack in Nitro that occurred earlier this year.

Since January, judges at Mardi Gras Racetrack (formerly called Tri-State Racetrack and Gaming Center) have terminated state-issued licenses for two workers who abused greyhounds in their care.

One of those workers was a repeat offender.

James Edgar Childress, 40, a kennel helper with Xtreme Kennels, was disciplined by judges in May 2009 for hitting a dog.

Judges suspended Childress' license for a week and ordered him to undergo anger management training, with the provision that his license would be terminated if he committed further violations.

Childress, who could not be located for comment, found himself in front of judges again in April for abusing a greyhound. His license was terminated for the most recent offense.

Judges Matthew Barnes, Elijah Williams and Barbara Rumbaugh relied on the written testimony of three witnesses to make their ruling.

The three witnesses apparently also worked at the track.

According to testimony, Childress was walking a dog when it slipped out of its collar and ran. The dog ran over to a group of other employees, who held on to the dog so that Childress could put the collar back on.

Childress then approached the other workers and grabbed the dog by the neck and ear and threw it in a truck, witnesses said.

"As Laura was holding the dog for (Childress) so he could put its collar back on, he grabbed the dog by the neck and twisted its skin and pulled up, lifting its front feet off the ground," witness Keith Balcom wrote. "You could tell the dog was in pain all the way back to the truck."

Another witness, Laura Byrnes, said the dog was "screaming uncontrollably as (Childress) threw her in the truck."

Kayla Bennett, another witness in the case, said she was "concerned" by Childress' behavior. According to her testimony, Childress grabbed the dog by the ear and pulled it to the truck while it "yelped loudly."

The ruling terminating Childress' license states that his behavior "placed the greyhound at risk," and is "detrimental to the best interest of greyhound racing."

Details of the Childress case, including written witness testimony, were made available to the Daily Mail Thursday.

The release of the documents came on the heels of a strongly worded letter to the racing commission from a national anti-greyhound racing group.

GREY 2K USA, a Massachusetts-based nonprofit that is working to phase out greyhound racing nationwide, learned of the ruling against Childress just recently, Executive Director Carey Theil said.

The organization filed a records request on Oct. 1 under the state's open records statute.

The written request asked for "any documents, photographs, corresponding exhibits and other information related to greyhound disciplinary rulings and investigations."

But all the group got in response was a copy of the official ruling against Childress. No other documents were provided.

Theil responded with a letter outlining his concerns.

The letter, dated Oct. 19, called the racing commission's response to the records request "troubling."

"Let me emphasize that we are very concerned about the commission's failure to disclose public documents pursuant to the West Virginia Freedom of Information Act," Theil wrote in the letter. "As you know, compliance is mandatory.

"It creates the impression that the commission is intentionally trying to prevent the public from having access to information regarding greyhound racing."

Theil also contacted the Daily Mail with his concerns. The newspaper then made a verbal request to Assistant Attorney General Anthony Eates, who serves as the legal counsel for the racing commission.

Initially, the Daily Mail also received only copies of the two rulings against Childress. Upon further requests and a telephone interview with Eates, the written witness testimonies also were made available.

Eates said the three-member panel of judges typically conducts very short hearings. The judges are not required to record those hearings, he said.

Once a worker's license is revoked, the worker has 20 days to appeal the judges' decision to the racing commissioners.

"The only way this gentleman can get his occupational permit back is to petition the racing commission itself to reinstate his permit," Eates said. "And he hasn't done that."

Eates said it was an honest mistake that the records were not given to the group upon the first request. He said the witness testimonies would be forwarded to the group today.

He said the commission does not wish to hide any disciplinary actions. In fact, he said he is proud the commission punished an act of animal cruelty. He said he wants the public to know about it.

But Theil pointed out that GREY 2K has filed standard records requests with the commission on a monthly basis for the past two years. Although the rulings against Childress both occurred during that period, Theil said he only recently learned about the case.

Eates said the group has not been filing records requests with the commission in Charleston, but rather with the Wheeling Island Racetrack and Gaming Center.

Eates said he contacted Frank Bellotte, presiding judge at the Wheeling track, who told him that he has been responding to the monthly records requests from the group. Eates said the records request regarding Childress is the only one from GREY 2K he has handled personally.

"I am not personally aware of any monthly FOIA requests that they (GREY 2K) have sent," Eates said. "I haven't seen them.

"That leads me to believe that they are sending them to the wrong person," he added.

Theil also provided copies of documents received in connection with the monthly records requests. All of the documents he provided came from the Wheeling track.

Judges at Wheeling Island Racetrack have not disciplined any workers for animal abuse in the past year, Eates said.

In January, Mardi Gras judges also terminated the license of Zachary Searls, who worked as a "lead-out" at the track.

Searls was "suspended indefinitely" for the "mistreatment of greyhounds," according to the ruling.

The Daily Mail obtained the ruling against Searls Thursday. No further details regarding Searls' case have been made available yet.

When reached for comment Thursday, Theil said he also was unaware of the ruling against Searls.

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