

GREY2K USA WORLDWIDE



To: Tony Glover, Director
Florida Department of Business and Professional Regulation
Division of Pari-Mutuel Wagering

From: Christine A. Dorchak, Esq.
President, GREY2K USA

Re: Support Amendments to Rule 61D-2.023: Animal Welfare

Date: February 1, 2017

Thank you for holding a workshop regarding the draft rule to implement the public reporting of greyhound injuries. We are in support of the draft rule language and believe you have both general and specific authority to implement injury reporting at this time. Additionally, injury reporting is a standard in the dog racing business, and there is great precedent and an important benefit for such records to enter the public domain.

General Authority

As we have previously testified, the Division has always had clear authority to proceed with reasonable rules to protect greyhounds under Chapter 550. Specially, **chapter 550.2415 states that the Division must adopt rules to ensure that racing animals be treated humanely, both on and off the racetracks, throughout the lives of the animals. Therefore, maintaining records as to their injuries, and particularly the veterinary care they receive immediately after injury, falls squarely within your authorized purview.**

Similarly, it was within the authority of the Division to create rules requiring the reporting of greyhound deaths. It is **chapter 550.0251(11) that instructs the Division to supervise and regulate the welfare of racing animals; it was based on this specific statute that Rule 61D-2.023(3)(k) [the 18-hour death reporting rule] was adopted in 2013.**

Injury reporting naturally develops from these rules, and the recent budget proviso specifically requires that an injury rule be adopted.

Specific Authority

In their 2016 General Appropriations Act, state lawmakers sitting in Tallahassee specifically instructed the Division to adopt rules for the reporting of greyhound injuries.ⁱ This is an instruction that must be followed. Under *Chiles v. Children A, B, C, D, E, & F* of 1991, and as a matter of separation of powers, an agency lacks discretion to ignore statute and may not set aside the terms of the state budget.ⁱⁱ Drawing from *Florida House of Representatives v. Martinez*, the court clarified that, “[T]he power to reduce appropriations, like any other lawmaking, is a legislative function.”ⁱⁱⁱ Simply put, the Division cannot choose which legislative directives to follow and which to ignore.

Finally, it is worth noting that this is **not new public policy**, but rather a step in support of the transparency and strong open records laws that Florida is known for. **A greyhound should not have to die in order for his injury documentation to be disclosed to the public.**

Precedent

It is important to note that there is clear precedent for this rule. **The majority of racing states now make injury records available to the public.** Yet while the tracks of Arkansas, Iowa, Texas and West Virginia report to the public on greyhound injury and care, Florida's twelve dog tracks operate with no such oversight. Injuries suffered by greyhounds, and the way in which injuries may impact the outcome of races, are generally "off the record" here.

It is also important to emphasize that injury records are already kept by licensees internally. Therefore, public disclosure will represent **no additional burden for kennel operators or dog owners**, and present only a *de minimus* cost to the Division in making such records available. In fact, the same system that has been created to maintain death reports, may be employed.

Finally, we have found that when other states have embraced injury reporting, there is a measurable uptick in greyhound adoption, something we all can support. In Massachusetts, the number of ex-racers destroyed declined by 43% in the first year of injury reporting. Similar results were found in New Hampshire. In Florida, this rule could not be more important. The number of dogs racing at the states twelve dog tracks has been estimated at 8,000, so **even a small statistical increase in the adoption rate would save hundreds and hundreds of lives.**

ⁱ Available at <https://www.flsenate.gov/Session/Bill/2016/5001/BillText/er/PDF> (last viewed February 1, 2016).

ⁱⁱ 589 So. 2d 260, 264-65 (Fla.1991) (the court quotes from John Locke regarding the importance of maintaining separation of powers)

ⁱⁱⁱ *Id.* at 265; 555 So. 2d 839, 845 (Fla.1990)

GREYHOUND TRACK INJURY REPORT

TRACK Naples Postmyer DATE 12-12-16 MAT (EVEN) SCH H

DOG Flying Ambrose

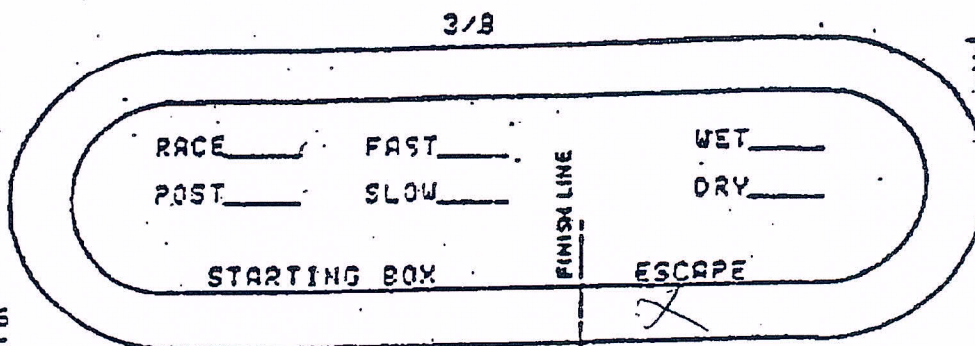
KENNEL FAIR ET

SEX M (F) BIRTHDATE 11-02-13 WEIGHT 62

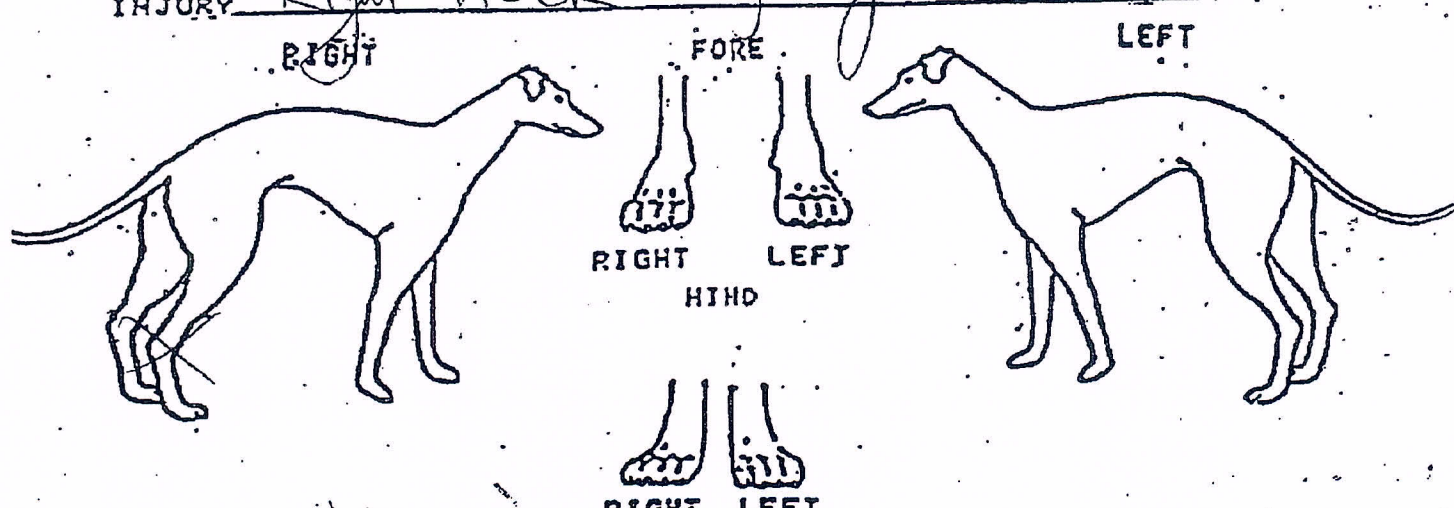
GRADE OF RACE A (B) C D E H S SCH

NUMBER OF RACES THIS DATE SCH MAT EVEN 2

RACE = 2
NUMBER = 7



INJURY Right Hock Injury -



Hakin Hakin

VETERINARIAN

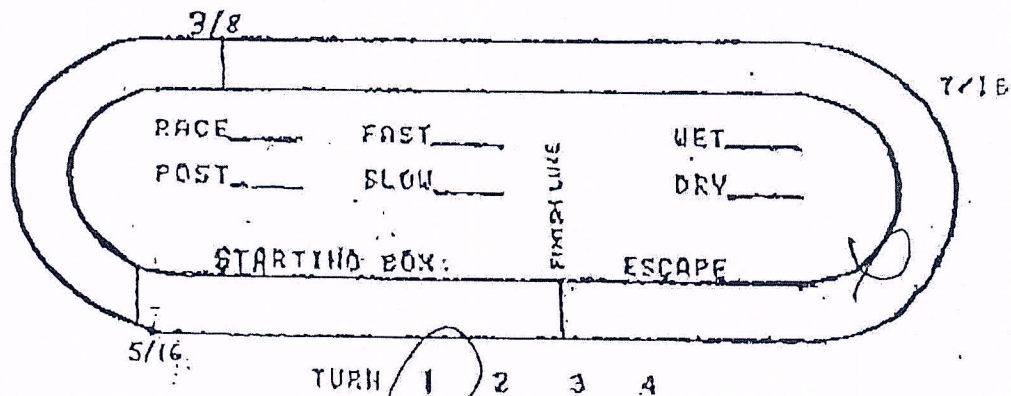
Put on splint & bandaged

Ketofen 70mg SP - (100mg/ml)
Keep in lower edge and keep on pain meds
as needed for inflammation

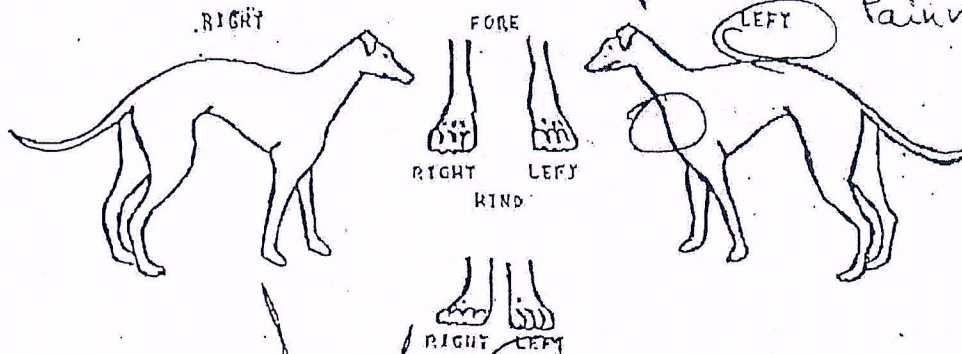
EXHIBIT # 10
PAGE # 2

EXH. #5

Greyhound Track Injury Report

Track HOLLYWOOD Date 8/17/06Greyhound Mystic Mat (Nite) SchKennel OnlineSex (M) F Birthdate 10-26-04 WeightGrade of Race A (B) C D E M S SCHRace Number 13

Lure stopped
 INJURY Left Shoulder pain - resolved overnight
 Pains meds



PAGE 16

Veterinarian Jah Evans

GREYHOUND TRACK INJURY REPORT

DATE 11/19/06 MAT 13 EVEN

4-1
6
 Yellow

JAWA SPOCK

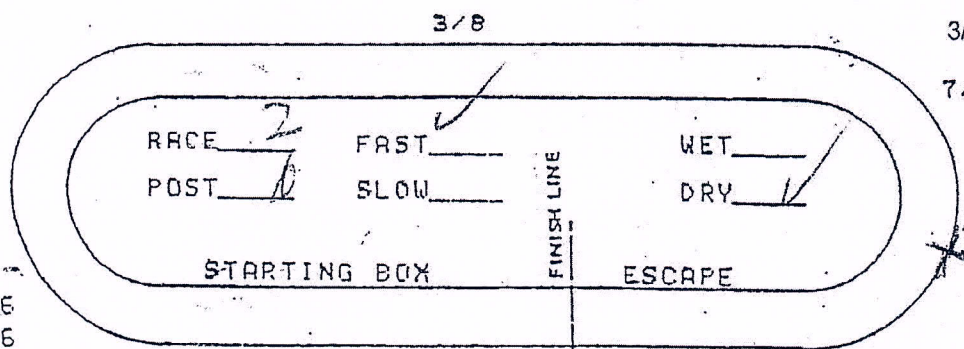
Fawn, M, May 26, 2006, Jawa Leonas Best-Jawa Miss Take

11/14E8	PB 545	F	30.15	72	1	2	2	2	21	30.23	1.40	C	Threat Dspt-Trib-Md
11/10A8	PB 545	F	29.94	71½	6	2	2	2	22½	30.11	7.00	C	Solid Contender, Ins
11/06A2	PB 545	F	30.30	72	8	5	2	2	2nd	30.32	6.00	C	Almost Up, Ins
11/01E3	PB 545	F	30.33	72½	2	1	2	11	1nk	30.33	1.30	D	Just Held On, Ins
10/28A13	PB 545	F	30.59	72	8	5	8	7	813½	31.54	2.50	C	Coll Break, Bmpd 1st
10/24E2	PB 545	F	30.72	72	2	1	2	4	54	31.00	3.00	C	Pinched Far Turn Ins

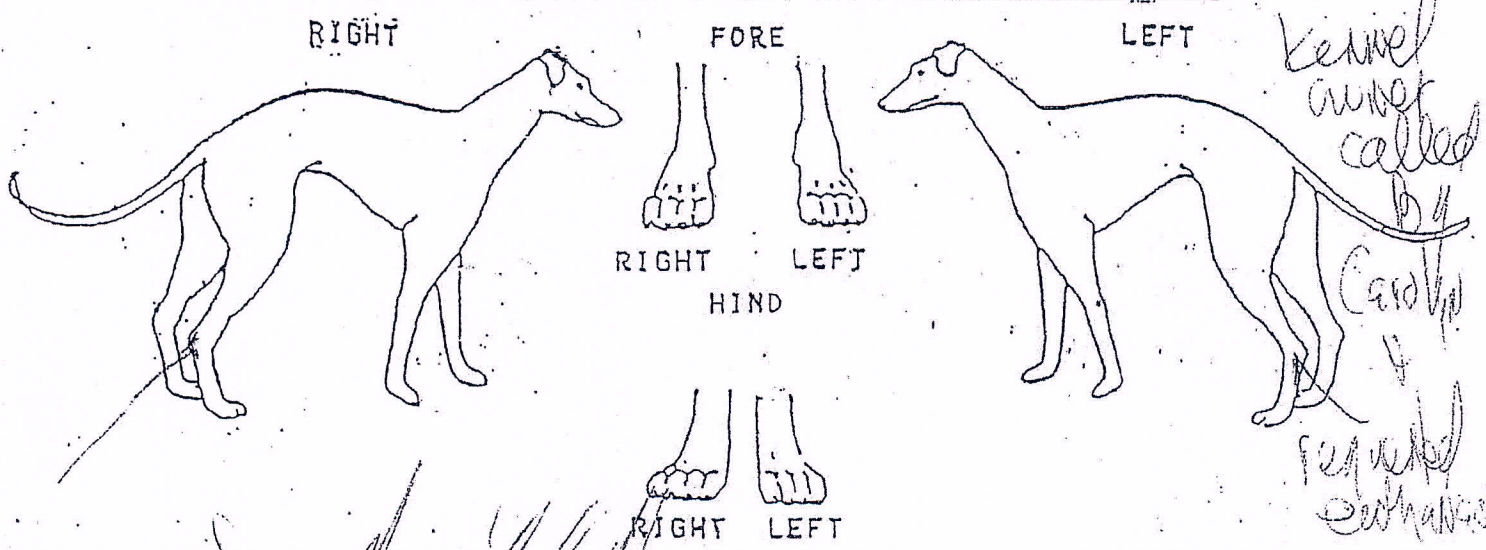
Kennel: William T. Davidson [6]
 Owner: J. Sutton Or W. Schram
 Trainer: Juan Suarez
 RjsCabrillo, OakHarbor, PtCGrrd 8
 AtscocitGrdy, YhMm, TbsBlzngly 8
 PatCGilberta, KenBSlow, TfnSmmy 8
 OnThAList, AtscocitT, KbsSwfth 8
 SpringwtrBn, DoctorDgt, HtFtBrn 8
 StrzRnng, GtsSnTnMn, IllDrnktht 8

GRADE OF RACE A B C D J M S SCH

NUMBER OF RACES THIS DATE SCH 11 MAT 13 EVEN



INJURY RIGHT & LEFT PEAR HOCK FRACTURES



Kennel owner called by Carol & requested exchange

[Signature]

VETERINARIAN

EXHIBIT # 6
 PAGE # 7

GREYHOUND TRACK INJURY REPORT
TRACK Flagler Greyhound Track DATE 7/10/12 MAT 12 EVEN 3
DOG KIOWA TSK ISIAH
KENNEL Anthony Coello
SEX (M) F BIRTHDATE 5/20/08 WEIGHT 67
GRADE OF RACE A B (C) D E H S SCH
NUMBER OF RACES THIS DATE SCH 1 MAT 12 EVEN 3

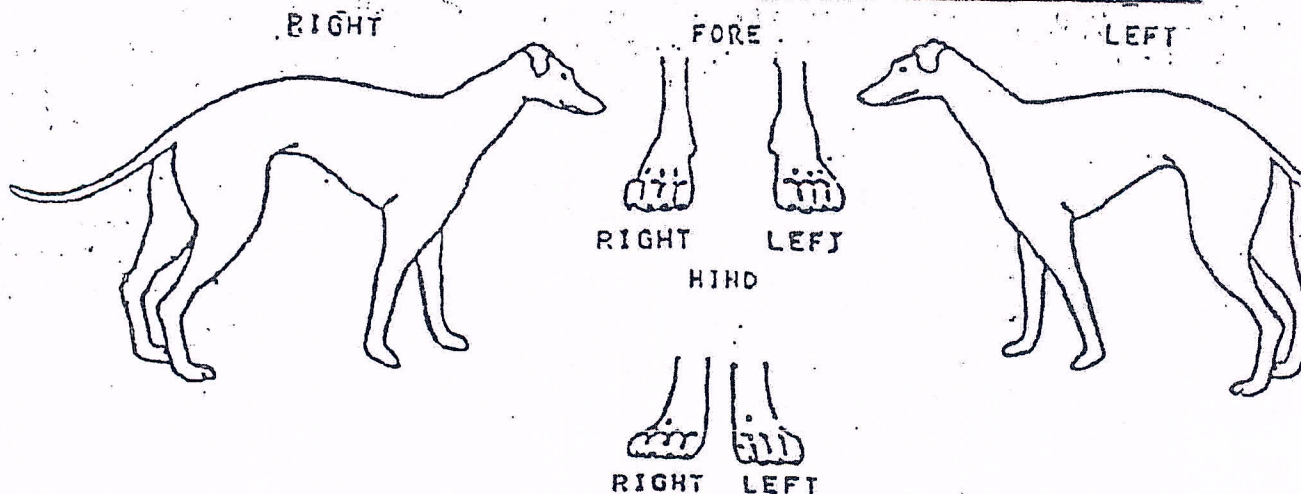
3/9

5/16
9/16

3/16
7/16

RACE 7 FAST WET ✓
POST 1 SLOW DRY
STARTING BOX FINISH LINE ESCAPE
TURN 1 2 3 4

INJURY Heat Stroke and die



Carlos R Pereira D.V.M. VETERINARIAN
Complete the race then water hose was
applied taken to the truck and suffered
a heart attack

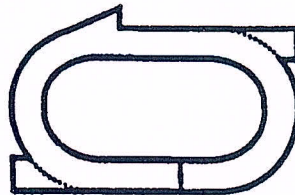
EXHIBIT # 3
PAGE # 1



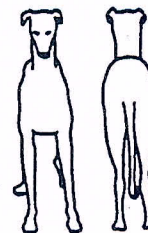
GREYHOUND INJURY REPORT

Track: A-T
 Date: 19 Jan 07 Race: 8 Post Position: 1 Distance: 550 Grade: D
Talsta 558 1325
 (Name of Greyhound) (Right Tattoo) (Left Tattoo)
 Color: White Weight: 66 Sex: M Time of Injury: 2:45
Beach
 Track Condition: wet Temperature: 35 Weather: overcast
 Owner: W H O'Donnell
 Trainer: Bill Malboeuf
 Kennel Operator: Name North Shore
 Business Address: RT
 Telephone # (508) 824-4071

Indicate the location on track where injury occurred:

after race

Indicate the location on greyhound where injury occurred:



Specific type of injury: heart arrhythmia
 Cause of injury (if known): cardiac arrest
 Treatment: 1/2 cc Doxapram
unable to resuscitate
 Estimated recovery time: _____
 Comments: _____

Track Veterinarian: [Signature]
 (Signature)

Witness for MSRC: [Signature] Alexander Lipton
 (Signature)



New Hampshire Pari-Mutuel Commission Greyhound Injury Report

Track: **SEABROOK** Greyhound Park Date of Form: **APR 22 2006**

Greyhound's Registered Name: **NO NGA PAPER "AMBER"**

Tattoo Right: **84A** Left: **28546** Color: **RED** Sex: **F** Weight: **60^{lb}**

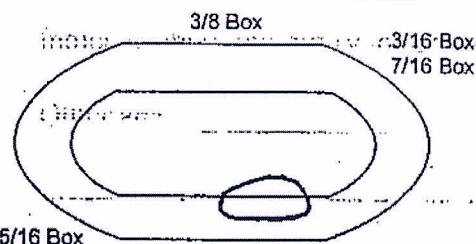
Owner: **W. JACRETT, P.O. Box 985, Sorrento, FL 32776-0985**
Name Business Address Phone

Trainer: **SHARON McCREARY** Rt. 107 Seabrook NH 03874 N/A
Name Business Address Phone

Kennel Operator: **ADIOS KNL #7** Rt 107 Seabrook NH 03874 N/A
Name Business Address Phone

Indicate where the injury took place on the track or;

Other area: _____

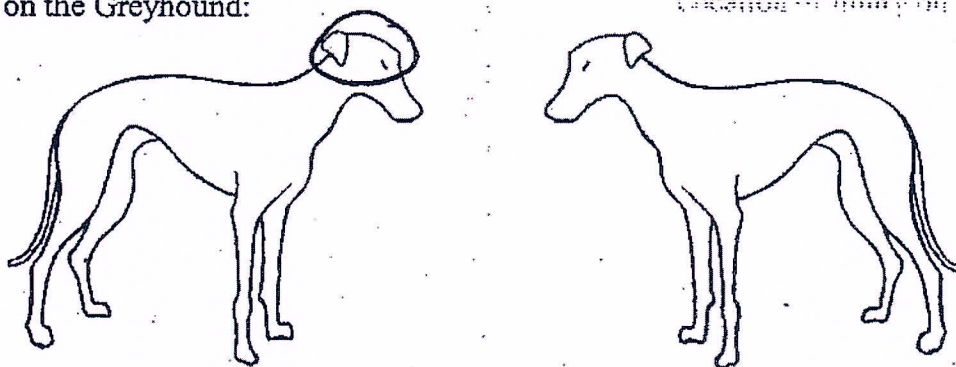


If the injury occurred while the greyhound was racing: **UNOFFICIAL SCHOOLING**

Track where injury occurred: **SEABROOK** Date: **APR 21 2006** ☒ Mat ☐ Eve

Distance: **550 YDS** Grade: _____ Race: _____ Post Position: _____

Location of Injury on the Greyhound:



Specific type of Injury: **FX. SKULL - MASSIVE BRAIN DAMAGE**

Cause of Injury: **RAN INTO THE RAIL - BEFORE RACE ENDED**

Estimated recovery time: **DECEASED**

"I declare that, to the best of my knowledge and belief, the information provided on this form is true, correct and complete and acknowledge that knowingly making of a false statement on this form is punishable by law, including by the imposition of those penalties set forth at RSA 284:14-d, II"

Track Veterinarian: **Alan C. Zezula** **APR 22 2006**
Name (printed) Signature Date Signed

Witness representing NHPMC: **Jeffrey Seale** **APR 22 2006**
Signature Date Signed