Greyhound Racing in West Virginia
September 2013
# TABLE OF CONTENTS

## REPORT

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTRODUCTION AND METHODOLOGY</td>
<td>p. 1</td>
</tr>
<tr>
<td>EXECUTIVE SUMMARY</td>
<td>p. 2</td>
</tr>
<tr>
<td>SECTION 1: Historical Overview</td>
<td>p. 3</td>
</tr>
<tr>
<td>SECTION 2: Greyhounds Endure Lives of Confinement</td>
<td>p. 4</td>
</tr>
<tr>
<td>SECTION 3: Greyhounds Suffer Serious Injuries</td>
<td>p. 6</td>
</tr>
<tr>
<td>SECTION 4: Greyhound Racing is a Dying Industry</td>
<td>p. 9</td>
</tr>
<tr>
<td>SECTION 5: Other Issues</td>
<td>p. 12</td>
</tr>
</tbody>
</table>

## APPENDICES

<table>
<thead>
<tr>
<th>Appendix</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPENDIX A: Sample Greyhound Injury Report</td>
<td>p. 16</td>
</tr>
<tr>
<td>APPENDIX B: Additional Photographs from a West Virginia Greyhound Kennel</td>
<td>p. 21</td>
</tr>
<tr>
<td>APPENDIX C: Additional Photographs from a West Virginia Greyhound Breeding Farm</td>
<td>p. 23</td>
</tr>
<tr>
<td>APPENDIX D: Relevant News Reports</td>
<td>p. 25</td>
</tr>
</tbody>
</table>
This report on greyhound racing in West Virginia offers a comprehensive look at dog racing in the Mountaineer State, and is the first document of its kind. It includes information on both humane and economic issues. The report is based on information that is specific to the state and recent, with all data from 2008 to present. Hundreds of sources were examined for this report, including mainstream news articles and state records.

It is our hope that this report will provide lawmakers, opinion leaders, and the general public with new information on commercial greyhound racing in West Virginia.

We would like to thank the American Society for the Prevention of Cruelty to Animals for providing the funding to make this report possible.
Greyhounds endure lives of confinement

- Thousands of greyhounds endure lives of confinement at West Virginia racetracks
- State regulations require just a minimum cage size of 44 inches deep, 32 inches wide, and 34 inches high
- Large greyhounds cannot stand fully erect in these cages
- The state has no rules governing the number of daily turn-outs at dog track kennels

Greyhounds suffer serious injuries

- Between January 2008 and June 2013, 4,796 greyhound injuries were reported at West Virginia racetracks
- More than 1,400, or 30%, of the injuries were career ending
- A total of 289 greyhound injuries resulted in death or euthanasia
- The most commonly reported injury was a broken leg
- Other reported injuries include lacerations, other broken bones and sprains

Greyhound racing is a dying industry

- Between 2008 and 2012 the total amount gambled on live greyhound racing in West Virginia declined by 37%
- West Virginia dog track executives and industry figures have publicly acknowledged that greyhound racing is dying
- Wheeling Island has tried to reduce the number of live races it is forced to conduct
- Greyhound racing is heavily subsidized with millions of dollars that could instead be used for state programs

Other Issues

- Numerous cases of greyhound abuse and neglect have been documented in West Virginia
- Since 2008, the West Virginia Racing Commission has issued at least 499 disciplinary rulings against greyhound licensees
- Documented violations include greyhound drug positives, human drug positives, and altercations between licensees
- Greyhounds in West Virginia are fed meat from diseased animals to reduce costs

EXECUTIVE SUMMARY

Greyhound Racing in West Virginia
Pari-mutuel wagering on horse racing was legalized in West Virginia in 1933, and two years later the West Virginia Racing Commission was established to regulate and license pari-mutuel facilities.¹ In 1975 Governor Arch A. Moore Jr. signed a bill into law legalizing dog racing in the state.²

There are currently two operational greyhound tracks in West Virginia: Wheeling Island Hotel-Casino-Racetrack in Wheeling and Mardi Gras Casino & Resort in Cross Lanes. After being rebuilt in 1976 following a fire, horse track Wheeling Downs re-opened as a greyhound racing track.³ The facility was purchased by its current owners, Delaware North, in 1998 and later changed its name to Wheeling Island.⁴ Mardi Gras, originally named Tri-State, opened in 1985 and was bought by its current owners, Hartman & Tyner, five years later.⁵

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⁴ Ibid.
⁵ George Hohmann, Tri-State to become mardi gras gaming, Charleston Daily Mail, February 26, 2008.
Thousands of greyhounds endure lives of confinement at West Virginia dog tracks. In February 2013 Wheeling Island’s General Manager told a reporter there were 817 greyhounds at the track’s kennels. Furthermore, a spokesman for the West Virginia Kennel Owners Association stated that there were an additional 300 to 400 dogs on the grounds not on the “active” racing list.

The exact number of greyhounds housed at the Mardi Gras kennel compound is unknown. However, there are currently 18 kennels at the track and each kennel is required to maintain a list of at least 35 active greyhounds. Therefore, a minimum of 630 greyhounds is housed at the Mardi Gras Kennels at any given time.

Greyhounds are kept in warehouse-style kennels in rows of stacked cages. Shredded paper or carpet remnants are commonly used as bedding. This system of confined housing is used because commercial greyhound racetracks require such a large number of dogs in order to operate.

6 Zack Harold, Debate over number of races at Wheeling casino continues, Charleston Daily Mail, February 13, 2013.
7 Ibid.
Greyhounds are confined perpetually in their cages with two exceptions:

1. A few times per month, greyhounds are removed from their cages and taken to the racetrack to compete, where they are similarly confined before racing.

2. A few times per day, greyhounds are “turned out” in a large group and allowed to relieve themselves.

There are no state regulations governing the duration or frequency of “turn-out” times.

Large greyhounds cannot stand fully erect in their cages

West Virginia Racing Commission regulations require just a minimum cage size of 44 inches by 32 inches by 34 inches. According to the American Greyhound Council, most greyhounds stand between 23 inches and 30 inches tall at the shoulder, and weigh between 50 and 85 pounds. Large greyhounds cannot stand fully erect in the cages used at West Virginia dog tracks.
Greyhounds Suffer Serious Injuries

Between January 2008 and June 2013, 4,796 greyhound injuries were reported at West Virginia dog tracks. A total of 2,912 of these injuries occurred at Mardi Gras and the remaining 1,884 were reported at Wheeling Island.

This analysis does not include eight months of injury data. For these missing months, the Racing Commission either stated they no longer possessed the documents or GREY2K USA had not received them as of publication. The specific months not included from Mardi Gras are March 2008, November 2009, and March 2010. The months not included from Wheeling Island are March 2009, April 2009, September 2009, October 2009, and June 2013. Additionally, the January 2009 injury report from Wheeling was incomplete.

The most commonly reported injury was a broken leg

The most commonly reported injury was a broken leg. Specifically, 1,135 or 24% of all reported injuries involved fractured legs. Other reported injuries included lacerations, sprains, strains and broken backs.

The types of injuries at both Wheeling Island and Mardi Gras combined are shown below.

Injuries by type at West Virginia greyhound tracks, January 2008-June 2013

12 Wheeling Island Racetrack Veterinary Reports; Veterinary emergencies, scratches, and racers inactivated due to track injuries at Mardi Gras Casino & Resort, 2008-2013; analysis by GREY2K USA.

13 The injury categories at the two tracks vary slightly based on the reporting method of each track. For example, the records for Wheeling used the category “muscle injury” while Mardi Gras specified muscle “tears” or “soreness.” Therefore, the injury types could not be combined into overall, uniform categories.
Miscellaneous injuries included contusions, neuropathies, pinched backs and other injuries that did not fit into existing categories.\(^{14}\)

**More than 1,400 greyhounds suffered career ending injuries**

A total of 1,442 greyhounds suffered a “Catastrophic Musculo-Skeletal/Career Ending" injury (CMI/CE), which equals 30% of all injuries.\(^{15}\)

During the same period, there were a total of 1,883 cases in which greyhounds were seen by a state veterinarian for emergency situations at the two West Virginia greyhound racetracks, 645 at Mardi Gras and 1,238 at Wheeling Island. Additionally, greyhounds were prohibited from racing 5,065 times for various reasons including “vomiting,” “diarrhea,” infections and dogs being “lame.”

**Injury reports tell the story of greyhounds who suffered and died at West Virginia dog tracks**

There were 289 greyhounds that either died or were euthanized at Mardi Gras and Wheeling between January 2008 and June 2013.

- On March 29, 2013 a one-year-old black male greyhound named **WW’s Laos** was euthanized after breaking his leg during a race at Wheeling Island.\(^{16}\)

- On March 21, 2013 a two-year-old white and black female greyhound named **SE’s Angel Fire** was euthanized after breaking her back during a race at Mardi Gras.\(^{17}\)

- On December 15, 2012 a two-year-old red male greyhound named **JG Latigo** was euthanized after breaking his spine during a race at Mardi Gras.\(^{18}\)

- On May 11, 2012 a three-year-old black male greyhound named **WW’s Purple** was euthanized after he tore a muscle in his shoulder during a race at Mardi Gras.\(^{19}\)

- On July 8, 2011 a three-year-old black male greyhound named **Oshkosh Iowa** was euthanized after breaking four bones in his left back foot during a race at Mardi Gras.\(^{20}\)

\(^{14}\) Two injuries from the Wheeling January 2009 veterinary report could not be categorized due to incomplete data and therefore were counted as miscellaneous injuries.

\(^{15}\) Prior to 2013 Mardi Gras did not count injuries that led to euthanasia as “career ending.” In order to maintain consistency with the Wheeling records, injuries that led to euthanasia at Mardi Gras from 2008-2012 were included in the “Catastrophic Musculo-Skeletal/Career Ending” category.


\(^{17}\) Dog Information Page for SE’s Angel Fire, online at http://greyhound-data.com/d?i=1811824 (last visited July 15, 2013); Veterinary emergencies, scratches, and racers inactivated due to track injuries at Mardi Gras Casino & Resort, March 2013.


\(^{19}\) Dog Information Page for WW’s Purple, online at http://greyhound-data.com/d?i=1634896 (last visited July 15, 2013); Veterinary emergencies, scratches, and racers inactivated due to track injuries at Mardi Gras Casino & Resort, May 2012.

Greyhounds Suffer Serious Injuries

• On June 24, 2011 a one-year-old black female greyhound named JA’s Angry Sky was euthanized after breaking two different leg bones during a race at Mardi Gras.\(^{21}\)

• On January 28, 2011 a two-year-old red fawn male greyhound named CTW Dust Devil went into cardiac arrest and died after a race at Wheeling Island.\(^{22}\)

• On June 2, 2010 a two-year-old white and brindle female greyhound named KCK Day Tripper was euthanized after suffering a head injury during a race at Wheeling Island.\(^{23}\)

• On June 17, 2009 a three-year-old white and black male greyhound named Magic Montana was euthanized after breaking his leg at Mardi Gras.\(^{24}\)

• On August 25, 2008 a two-year-old fawn male greyhound named Rooftop Rocko was euthanized after breaking his leg during a race at Wheeling Island.\(^{25}\)

\(^{21}\) Dog Information Page for JA’s Angry Sky, online at http://greyhound-data.com/d?i=1765172 (last visited July 15, 2012); Veterinary emergencies, scratches, and racers inactivated due to track injuries at Mardi Gras Casino & Resort, June 2011.
\(^{22}\) Dog Information Page for CTW Dust Devil, online at http://greyhound-data.com/d?i=1617607 (last visited July 15, 2013); Wheeling Island Racetrack Veterinary Report, January 2011.
Between 2008 and 2012, the total amount gambled on live racing at the two West Virginia dog tracks declined by 37%. Betting declined by 20% at Mardi Gras and by 41% at Wheeling Island. This decline in handle has occurred despite the fact that the number of live race meetings increased by 8% during the same time period. 

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**Amount gambled on live greyhound racing in West Virginia, 2008-2012**

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**Amount gambled on live greyhound racing by track, 2008-2012**

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27 Ibid.

28 Ibid.
The West Virginia Racing Commission does not include attendance figures in its annual reports. However, in 2013 the Charleston Gazette reported that “these days at Mardi Gras, a good crowd for greyhound racing is about 100.” In comparison, in 1986 the annual attendance at Mardi Gras was 686,574.

The industry has acknowledged that greyhound racing is dying

West Virginia dog track executives have publicly acknowledged that greyhound racing is a dying industry. In February 2013 Michael Maestle, President of Operations at Wheeling Island, stated that greyhound racing is facing competition from other, more lucrative forms of gambling:

“Racing was very popular many years ago, but with the extra casinos and lotteries and different forms of entertainment that have come on line, racing has year over year become a declining business for us... currently about 10 percent of our business is on the racing side and 90 percent on the casino end of the business.”

Track executives have also expressed interest in reducing the number of greyhound races that they are required to hold. West Virginia Racing Association President John Cavacini told reporters during the 2013 legislative session that the “track people know best as to how many races there ought to be on a particular day, not the people who are racing their dogs to make a living and earning money off it.” In fact, Wheeling Island made a request in December 2012 to the Racing Commission to reduce the number of races it held, with the track’s general manager at the time saying that it needed a reduction in races to “remain solvent.” Although the Commission initially approved this request, it later reversed its decision.

Greyhound racing in West Virginia is heavily subsidized

Every year, millions of dollars in subsidies are used to prop up the deteriorating West Virginia greyhound racing industry. These subsidy dollars are derived from a portion of the video machine and table gaming revenue at the state’s racetracks. In 2012 a total of $20 million was paid out in purse funds, which were awarded to the owners of winning greyhounds. Many of these subsidy dollars go to out-of-state greyhound breeders. According to former Wheeling Island General Manager Jim Simms, 77% of the money that Wheeling Island paid out in 2012 went to licensees in other states.

Greyhound breeding in the state is also subsidized

In addition to purse monies, the industry is subsidized through the Greyhound Breeding Development Fund. Since 2008, breeders of West Virginia-bred greyhounds have received $41,601,800.90 through...
According to the President of the West Virginia Greyhound Owners and Breeders Association, close to 1,000 greyhounds are whelped in West Virginia annually. Photographic evidence by racing greyhound owner Ray Wong documents the living conditions of at least some greyhounds bred in West Virginia. These dogs are tattooed at a young age and are raised in outdoor pens.

Community leaders oppose greyhound racing industry subsidies

For years leading newspapers in the state have editorialized against greyhound racing subsidies. These editorials have consistently pointed out that instead of propping up the dog racing industry, these funds could be used for other state and community programs.

In a 2013 editorial on the subject, the Wheeling News-Register also expressed its support for decoupling. Current law requires West Virginia dog tracks to hold live greyhound races in order to offer other, more lucrative, forms of wagering. Decoupling would remove this live racing mandate from law.

37 West Virginia Racing Commission, Response to Public Information Request #20130710, August 5, 2013.
38 Sam Burdette, as cited in Phil Kabler, Funding allotment for greyhound training tracks questioned, The Charleston Gazette, September 28, 2009.
40 The Intelligencer, End subsidies for dog racing, February 23, 2013.
Two licensees were disciplined after an injured greyhound was denied veterinary care

On March 7, 2013 Racing Commission Veterinarian Dr. Lori Bohenko and Wheeling Island Director of Racing Jane Horvath inspected the Cardinal Kennel after receiving an anonymous tip about an injured greyhound that had not received veterinary treatment. They found the greyhound, named **Kiowa Dutch Girl**, had an “obvious injury to her right hind leg. She was non-weight bearing on the leg which was severely swollen from her foot up to her stifle.”41 The greyhound had been injured on March 4, and the only medication she had received was aspirin.42

When he was interviewed, assistant trainer James Grace stated that he decided not to bring the dog to the vet because he thought she would be euthanized.43 He also said that Dutch Girl had not been given the stronger pain reliever Rimadyl because it was too expensive.44

Dr. Bohenko instructed kennel owner Robert Mackey to have Kiowa Dutch Girl transported to a vet that day for treatment. However, Mackey failed to comply with this directive and the greyhound was not brought to the vet until May 8th. When the dog was finally treated, x-rays revealed that Kiowa Dutch Girl’s leg was broken in three places.45

In addition to the injured greyhound, an initial inspection of the Cardinal Kennel also revealed poor kennel conditions. Horvath noted the following upon entering the kennel:

“I began choking so badly that even my eyes were watering. When I composed myself, I realized that it was a strong odor of urine that affected me. The odor was overpowering. **The kennel appeared very dirty as well ... most of the muzzles were in great disrepair-holes in the end, held together with duct tape.**”46

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41 Dr. Lori L. Bohenko, West Virginia Racing Commission Veterinarian, Record of Incident, March 7, 2013.
42 Ibid.
43 Dr. Lori L. Bohenko, West Virginia Racing Commission Veterinarian, Record of Incident, March 8, 2013.
44 Ibid.
45 Ibid.
46 West Virginia Racing Commission, Statement from Jane Horvath, March 27, 2013.
As a result of this case, James Grace’s license was revoked and Cardinal Kennel trainer James Bloom was suspended for six months. Despite failing to follow Dr. Bohenko’s directive, no disciplinary action has been taken against Robert Mackey as of publication of this report. The state Racing Commission also voted to refer the cases to the Ohio County Prosecuting Attorney for prosecution under the state anti-cruelty law.

**An assistant trainer was caught on tape hitting greyhounds**

On April 28, 2013 assistant trainer Christopher Bever was caught on surveillance video hitting two greyhounds. While waiting to weigh in several dogs, Bever started jerking the dogs’ leashes and struck one dog on the side and another in the head. Witnesses noted that one of the dogs “cowered in pain” and “was so scared that it was lying on the ground.” Bever was confronted by State Presiding Judge Ralph Brehm about his behavior and initiated a verbal confrontation. Bever had to be escorted off the property by security and his license was subsequently revoked.

This was not the first instance of Bever displaying aggressive behavior. In January 2012 he was fined $150 and suspended for two weeks after swearing at and pushing a fellow licensee. A track patron witnessed the altercation.

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47 West Virginia Racing Commission, Wheeling Island Racetrack Ruling #8, April 10, 2013; West Virginia Racing Commission, Wheeling Island Racetrack Ruling #9, April 10, 2013.
52 West Virginia Racing Commission, Memorandum from Dr. Lori L. Bohenko, State Veterinarian, January 8, 2012.
A kennel helper was disciplined multiple times for abusing greyhounds

In April 2010 a kennel helper named James Childress had his license indefinitely suspended for mistreating a greyhound at the Mardi Gras track. Childress was walking a greyhound when the dog got loose and was subsequently caught by other track workers. According to witnesses, Childress “grabbed the dog by the neck and twisted its skin and pulled it up lifting its front feet off the ground.”53 He then threw the dog into the back of a truck as the dog “screamed uncontrollable [sic].”54

This was not the first time Childress was found guilty of abusing a greyhound in his care. In May 2009, Childress was disciplined by the Board of Judges for hitting a greyhound in the neck during schooling. He was suspended for one week, placed on probation and ordered to complete an anger management course.55

A lead-out was cited for greyhound abuse

A lead-out at the Mardi Gras track was suspended indefinitely in January 2010 for using excessive force when loading greyhounds into the starting boxes at the beginning of races. Multiple complaints were made that Zachary Seals would “violently swing” and push the dogs into the boxes. One witness stated that “the head of dog is just about always rammed into side of box not even close to maken it in the hole. Note there are bolt heads and uneven pieces where dog head is hitting, not just a blow to head could be cut pretty good with that kind of impact [sic].” Another complainant noted that Searls “acts like it’s a joke.”56

Additional cruelty and neglect cases have occurred at West Virginia dog tracks

• An assistant trainer at Wheeling had his license suspended and was fined $150 for “manhandling” and slapping a greyhound in December 2012.57

• In 2012 a kennel helper at Wheeling failed to show up for two shifts at the Williamson Kennel, resulting in the neglect of multiple dogs.58 His license was revoked.59

• In less than one month in 2009, a greyhound trainer brought five different greyhounds to race at Wheeling with “numerous” fleas.60 He was fined a total of $400.61

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54 Ibid.
55 West Virginia Racing Commission, Tri-State Judge’s Order #09, May 9, 2009. This incident occurred just three weeks after Childress was supposedly suspended for six months for verbally assaulting a track patron, see Tri-State Judges Order #06, April 17, 2009.
59 Ibid.
60 West Virginia Racing Commission, Wheeling Island Racetrack Ruling #70, September 28, 2009; West Virginia Racing Commission, Wheeling Island Racetrack Ruling #77, October 7, 2009; West Virginia Racing Commission, Wheeling Island Racetrack Ruling #78, October 7, 2009.
61 Ibid.
State records document hundreds of violations of the West Virginia Rules of Greyhound Racing

Between January 2008 and June 2013, GREY2K USA received 499 disciplinary rulings from the West Virginia Racing Commission. These state records show forty cases where racing greyhounds tested positive for prohibited substances, including carprofen, dimethylsulfone and methocarbamol. Other violations include licensees found under the influence of drugs and alcohol while on the job, verbal altercations on track grounds, and the presence of greyhounds with expired vaccinations in the kennel compound.

Greyhounds at West Virginia tracks are fed 4-D meat as a way to reduce cost

Greyhounds at West Virginia dog tracks are fed 4-D meat, which comes from dying, diseased, disabled and dead livestock. The United States Department of Agriculture requires that charcoal be added to this meat to discourage human use, and deems it unfit for human consumption. According to the U.S. Food and Drug Administration, raw 4-D meat “may present a potential health hazard to the animals that consume it and to the people who handle it.” The industry handbook Care of the Racing and Retired Greyhound indicates that 4-D meat is used at commercial dog tracks because “it is the most economically feasible for the Greyhound industry at this time.”

64 West Virginia Racing Commission, Mardi Gras Racetrack Judge’s Ruling #53, December 1, 2012.
To: West Virginia Racing Commission

From: Dr. Mark D. Webster, State Veterinarian

Re: Veterinary Emergencies, Scratches and Inactivated Racers due to Track Injuries at Mardi Gras Casino & Resort during March 2013.

Date: April 11, 2013

SUMMARY

Over the 31 official racing performances in March 2013, a total of 38 track injuries (35 performance/3 schooling) were recorded at Mardi Gras Casino & Resort for an average of 1.23 greyhounds injured per session or 7.1 track injuries per 100 races (38 injuries/536 races). Of these injuries, 30 were race-related, 3 were inconclusive, 2 were track-related, 2 were post-race related, and 1 was pre-race related.

Eleven greyhounds experienced fractures which were categorized as follows: tarsus (hock) — 4, metacarpal/metatarsal (quarterbone) — 4, digit (toe) — 2, and thoracic-lumbar spine (back) — 1. Seven dogs sprained an ankle during a race. Seven greyhounds incurred a puncture wound or a laceration while running on the track. Six racers strained or tore a muscle. Five greyhounds injured either a ligament or a tendon. One dog dislocated a toe, and one dog injured a hip. Four injuries were career ending. One dog was euthanized by the State Veterinarian.

During March, there were 10 dogs seen for emergency situations; the number of emergencies is 11.5% lower than 2013’s monthly average of 11.3. Of the 13 veterinary scratches: 10 were due to lameness or injury, and 3 were due to sickness. The number of scratches is 13.3% lower than 2013’s monthly average of 15.

March’s track injuries per session of 1.23 is 12.8% lower than 2013’s monthly average of 1.41, and is 10.9% lower than February 2013’s track injuries per session of 1.38. March’s fractures per session of 0.35 is 5.4% lower than 2013’s monthly average of 0.37, and is 29.6% higher than the previous month’s fractures per session of 0.27.

In March, there was a total of 3.17 inches of precipitation; the amount of precipitation normally expected is 3.91 inches. February 2013’s total amount of precipitation was 1.82 inches. In March, there was 2.5 inches of snowfall; the normal amount of snowfall expected in the month of March is 5.8 inches. The previous month’s snowfall was 6.5 inches. March’s mean temperature was 39.7 F; the normal March mean is 45.8 F. February 2013’s mean temperature was 35.9 F.
# APPENDIX A

## Sample Greyhound Injury Report

### EMERGENCY INJURY REPORT

<table>
<thead>
<tr>
<th>Date</th>
<th>Dog's Name</th>
<th>Kennel</th>
<th>Reason</th>
<th>Trk Rel</th>
<th>Comments</th>
<th>Race</th>
</tr>
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<tbody>
<tr>
<td>3/3</td>
<td>Vogo Crash</td>
<td>Traditional</td>
<td>Laceration 5th digit RR</td>
<td>RR</td>
<td>splinted</td>
<td>13-3 e</td>
</tr>
<tr>
<td>3/6</td>
<td>JA's Rain Maker</td>
<td>Abrahamson</td>
<td>Laceration L lateral ankle</td>
<td>RR</td>
<td>bandaged</td>
<td>7-4 e</td>
</tr>
<tr>
<td>3/8</td>
<td>MRK River Cry</td>
<td>Traditional</td>
<td>Fractured quarterbone LF</td>
<td>RR</td>
<td></td>
<td>8-2 e</td>
</tr>
<tr>
<td>3/9</td>
<td>Magic Earnhardt</td>
<td>Haber</td>
<td>Dislocated 5th digit RF</td>
<td>RR</td>
<td>reduced</td>
<td>10-4 e</td>
</tr>
<tr>
<td>3/9</td>
<td>CET Red Rob</td>
<td>Tomblin</td>
<td>Fractured 4th digit LF P1</td>
<td>RR</td>
<td>bandaged</td>
<td>14-7 e</td>
</tr>
<tr>
<td>3/18</td>
<td>Texas Token</td>
<td>Tri-Point</td>
<td>Laceration ventral RR foot</td>
<td>TR</td>
<td>bandaged</td>
<td>14-5 e</td>
</tr>
<tr>
<td>3/21</td>
<td>SE's Angel Fire</td>
<td>McMillion</td>
<td>Fractured T-L spine</td>
<td>RR</td>
<td>euth-MG</td>
<td>12-6 e</td>
</tr>
<tr>
<td>3/23</td>
<td>JG Deliverance</td>
<td>Blue &amp; Gold</td>
<td>Fractured right hock</td>
<td>RR</td>
<td>CE</td>
<td>10-7 e</td>
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<tr>
<td>3/29</td>
<td>Jet Black Girl</td>
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<td>Fractured quarterbones RR</td>
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<tr>
<td>3/30</td>
<td>Julia</td>
<td>Tomblin</td>
<td>Fractured right hock</td>
<td>RR</td>
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<td>10-8 e</td>
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## APPENDIX A

### Sample Greyhound Injury Report

<table>
<thead>
<tr>
<th>Date</th>
<th>Dog's Name</th>
<th>Kennel</th>
<th>Reason</th>
<th>Comments</th>
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<tr>
<td>3/5e</td>
<td>Sean Maybizeal</td>
<td>Semper Fi</td>
<td>Tail laceration</td>
<td>Ki</td>
<td>NULL</td>
</tr>
<tr>
<td>3/9e</td>
<td>CET Wilma</td>
<td>Tomblin</td>
<td>Laceration L forefoot</td>
<td>RR</td>
<td>6-3 3/20</td>
</tr>
<tr>
<td>3/10</td>
<td>Jamm Jodi</td>
<td>Haber</td>
<td>Vomiting</td>
<td>KS</td>
<td>NULL</td>
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<tr>
<td>3/11</td>
<td>SE's Fire Queen</td>
<td>Tri-Point</td>
<td>Strained muscle right groin</td>
<td>Ki</td>
<td>NULL</td>
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<tr>
<td>3/16e</td>
<td>Rico's Dooney</td>
<td>Williamson</td>
<td>Sore neck</td>
<td>RR</td>
<td>5-1 3/11e</td>
</tr>
<tr>
<td>3/23m</td>
<td>Perfect Paco</td>
<td>Semper Fi</td>
<td>Strained muscle left rear</td>
<td>Ki</td>
<td>NULL</td>
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<tr>
<td>3/24</td>
<td>Fast Fresh Girl</td>
<td>Olympic</td>
<td>Fractured 4th digit RR</td>
<td>Ki</td>
<td>amputated</td>
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<tr>
<td>3/28</td>
<td>Rico's Foxwood</td>
<td>Williamson</td>
<td>Bruised medial right rear</td>
<td>Ki</td>
<td>NULL</td>
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# APPENDIX A

## Sample Greyhound Injury Report

<table>
<thead>
<tr>
<th>Date</th>
<th>Dog's Name</th>
<th>Kennel</th>
<th>Reason</th>
<th>Trk Rel</th>
<th>Comments</th>
<th>Race</th>
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<td>Flat Out Jojo</td>
<td>Abrahamson</td>
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<td>RR</td>
<td></td>
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<tr>
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<td>Cavender</td>
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<td>RR</td>
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<td>Flying Zoohorn</td>
<td>Valor</td>
<td>Strained muscle L shoulder</td>
<td>RR</td>
<td></td>
<td>4-8 3/4a</td>
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<tr>
<td>3/7</td>
<td>UMR Jaguar</td>
<td>Haber</td>
<td>Strained muscle L shoulder</td>
<td>RR</td>
<td></td>
<td>2-4 3/7e</td>
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<tr>
<td>3/7</td>
<td>RLM's Woodbridge</td>
<td>Double G</td>
<td>Sprained left ankle</td>
<td>RR</td>
<td></td>
<td>3-6 3/7e</td>
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<tr>
<td>3/7</td>
<td>Rocken Raider</td>
<td>Raines</td>
<td>Torn muscle right rear</td>
<td>RR</td>
<td>CE</td>
<td>5-7 3/7e</td>
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<tr>
<td>3/7</td>
<td>Dynamite Decker</td>
<td>Haber</td>
<td>Sprained right hock</td>
<td>RR</td>
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<tr>
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<td>Xtreme/CRK</td>
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<td>Tombin</td>
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<tr>
<td>3/11</td>
<td>Coach Quincy</td>
<td>Double G</td>
<td>Strained ligs. 5th digit RF</td>
<td>incon</td>
<td></td>
<td>7-7 3/11e</td>
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<tr>
<td>3/13</td>
<td>Milton Matthews</td>
<td>Haber</td>
<td>Spike left rear foot</td>
<td>RR</td>
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<tr>
<td>3/13</td>
<td>Iriska Bolt</td>
<td>Maupin</td>
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<td>incon</td>
<td></td>
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<tr>
<td>3/18</td>
<td>Oshkosh Damzel</td>
<td>DKC</td>
<td>Split web RF</td>
<td>RR</td>
<td></td>
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<tr>
<td>3/21</td>
<td>Bahama Sun</td>
<td>Semper Fi</td>
<td>Fractured quarterbrow LF</td>
<td>RR</td>
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<tr>
<td>3/21</td>
<td>Amy Rose</td>
<td>Steubenville</td>
<td>Sore left hip</td>
<td>RR</td>
<td></td>
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<td>3/23</td>
<td>Bigtime Ruby</td>
<td>Olympic</td>
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<td>3/30</td>
<td>Coach Nanna</td>
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<td></td>
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<td>Flying Molinari</td>
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<tr>
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<td>Rico's Cecil</td>
<td>Williamson</td>
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<td>incon</td>
<td></td>
<td>10-6 3/30m</td>
</tr>
<tr>
<td>3/30</td>
<td>Sue This</td>
<td>Williamson</td>
<td>Strained muscle R groin</td>
<td>RR</td>
<td></td>
<td>3-2 3/30e</td>
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Greyhound Racing in West Virginia
### APPENDIX A
Sample Greyhound Injury Report

#### OFFICIAL SCHOOLING INJURY REPORT

<table>
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<tr>
<th>Date</th>
<th>Dog's Name</th>
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<th>Reason</th>
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<th>Race</th>
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<tr>
<td>3/11</td>
<td>DKC Grandpoopah</td>
<td>DKC</td>
<td>Sprained right ankle</td>
<td>RR</td>
<td></td>
<td>10-1 s</td>
</tr>
<tr>
<td>3/14</td>
<td>Rico's Mojito</td>
<td>Williamson</td>
<td>Sprained right ankle</td>
<td>RR</td>
<td></td>
<td>4-7 s</td>
</tr>
<tr>
<td>3/14</td>
<td>Jace</td>
<td>Maupin</td>
<td>Fractured right hock</td>
<td>TR</td>
<td>CE</td>
<td>5-5 s</td>
</tr>
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</table>

#### INJURIES OCCURRING IMMEDIATELY PRE-RACE OR POST-RACE

<table>
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<tr>
<th>Date</th>
<th>Dog's Name</th>
<th>Kennel</th>
<th>Reason</th>
<th>Trk Rel</th>
<th>Comments</th>
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<tbody>
<tr>
<td>3/17</td>
<td>Jazz Man</td>
<td>Raines</td>
<td>Fractured quarterbone LR</td>
<td>post</td>
<td></td>
<td>6-7 e</td>
</tr>
<tr>
<td>3/24</td>
<td>East Chase</td>
<td>Xtreme/CRK</td>
<td>Torn ligs. 5th digit LF</td>
<td>post</td>
<td></td>
<td>8-8 e</td>
</tr>
<tr>
<td>3/25</td>
<td>RS's Bad Girl</td>
<td>Steubenville</td>
<td>Sprained left ankle</td>
<td>pre</td>
<td></td>
<td>4-6 e</td>
</tr>
</tbody>
</table>
APPENDIX B  Additional Photographs from a West Virginia Greyhound Kennel


APPENDIX C  Additional Photographs from a West Virginia Greyhound Breeding Farm

A greyhound with her puppies at a Triadelphia greyhound breeding farm. Photograph by Erin Davis, 2011.

A greyhound giving birth at a Triadelphia greyhound breeding farm. Photograph by Ray Wong, 2011.
A greyhound giving birth at a Triadelphia greyhound breeding farm. Photograph by Ray Wong, 2011.

A greyhound puppy is tattooed at a Triadelphia greyhound breeding farm. Photograph by Ray Wong, 2011.
July 23, 2013

Racing commission addresses $900,000 deficit

by Dave Boucher
Daily Mail Capitol Reporter

CHARLESTON, W.Va. - The state Racing Commission has a $900,000 deficit heading into the 2014 fiscal year.

Commissioners briefly discussed the matter at a Tuesday meeting.

"There is a deficit, and the commissioners, they're working right now on a couple different plans over the next few years to address that," Executive Secretary Jon Amores said after the meeting.

The commission is in charge of overseeing the horse and greyhound racing industries in West Virginia. Its administrative budget is $2.5 million to $3 million, but it's in charge of several other accounts as well, Amores said.

He didn't know exactly where those accounts put the commission's total budget, but he said administrative costs are the majority.

"Internal agency cost issues" are the main reason for the deficit, Amores said. There isn't one particular area to blame.

"If there was one thing that was clearly standing out, then we would address it," Amores said.

Simulcast wagering revenue is down 5 percent from where it stood at this point last year, Amores said. Revenue in June went down 26 percent compared to May; Amores said that was usual because there are more races in May than June.

The commission is working on conducting a "top to bottom review of the agency" to find a way to trim its administrative costs, he said.

Streamlining accounts could help, but he said the funding issue will be a priority for the commission during the 2014 legislative session.

Contact writer Dave Boucher at 304-348-4843 or david.boucher@daily-mail.com. Follow him at www.twitter.com/Dave_Boucher1.
June 13, 2013

Oversight of dog racing should be transparent

The Daily Mail's Dave Boucher reported June 5 that the state racing commission refused to provide details about three men disciplined for abuse or neglect of racing greyhounds.

In response, Executive Director Carey Thiel of the greyhound protection group GREY2K USA wrote that West Virginia's policy makes it an outlier among states that permit greyhound racing.

In Florida, the state with the most greyhound tracks, state reports of cruelty to the dogs result in full investigative reports that are available to the public.

In Texas, Iowa, Arizona and Arkansas, judges' rulings - issued at tracks - "include a narrative section with a detailed explanation of the incident."

Jon Amores, executive director of the West Virginia Racing Commission, initially declined to give details of the incidents that resulted in three people either losing their trainer's licenses or in suspensions.

Amores further said that judges panels at tracks aren't allowed to speak about such cases, and that the state does not retain supportive documents like witness statements.

To the commission's credit, it has since provided the material Boucher requested under the state's Freedom of Information Act. That's the right thing to do, and it should continue.

Thiel said GREY2K has sought and received 619 board of judges' rulings from West Virginia tracks since 2007. More than 98 percent contained few or no details about the incidents that led to the rulings.

As Thiel pointed out, failure to document the disposition of neglect or cruelty cases could hamper attempts at prosecution under the state's anti-cruelty law. It also prevents regulators in other states from getting information about people who seek greyhound trainer's licenses.

That shouldn't be.

The West Virginia Racing Commission should be a leader, not a reluctant follower, in oversight of how greyhounds are treated. If that takes legislative or policy changes, let's make it snappy.
June 7, 2013
Carey Theil: Why no details on greyhound abuse?

When it comes to cases of greyhound neglect, the West Virginia Racing Commission has fallen far behind the pack.

Unlike other dog track regulators, the commission is refusing to fully document incidents of cruelty and abuse when they occur.

This wrongheaded policy makes West Virginia an outlier among dog-racing states, and could hamper criminal investigations of animal cruelty.

At commercial racetracks across the country, disciplinary issues are often addressed first by a board of judges, a panel comprised of state and racetrack employees.

This board conducts an initial investigation into allegations of misconduct and, if necessary, issues a ruling that is then forwarded to the State Racing Commission for further action.

In West Virginia, the board of judges apparently has the final word on greyhound neglect cases.

In a recent interview with the Daily Mail, commission executive director Jon Amores declined to provide details about three cases in which individuals were suspended or lost their licenses due to greyhound neglect or abuse.

Amores went on to say that judges are not allowed to speak about these cases, and supporting documents like witness statements are not retained by the state.

This failure to document greyhound neglect is not a new phenomenon to us.

As a non-profit greyhound protection organization, we have been submitting public information requests to the Commission for years.

Since 2007, we have received 619 greyhound board of judges rulings from the West Virginia Racing Commission, and of these, 98.2 percent contained little to no detail about the incident in question.

This lack of regulatory oversight is significant for several reasons.

First, it could hamper attempts by law enforcement agencies to follow up on commission rulings and prosecute individuals under the state’s anti-cruelty law.

Further, it gives the industry itself, through the National Greyhound Association, little information on which to make an informed decision about the membership status of individuals who commit cruel acts in West Virginia.

Finally, it ties the hands of regulators in other states, who could otherwise use data from these neglect cases to decide whether to issue licenses to prospective greyhound trainers.

This policy also makes West Virginia an outlier when it comes to dog-racing states.
In Florida, state reports of greyhound cruelty take the form of full investigative reports, the model for addressing greyhound neglect.

In Texas, Iowa, Arizona and Arkansas, judges' rulings include a narrative section with a detailed explanation of the incident.

When appropriate, supportive documents accompany the case file.

Only Alabama provides as little information as West Virginia.

Alabama has the least effective dog racing regulatory structure in the country, and is hardly an example to follow.

Amores defended the commission's policy of not fully documenting greyhound neglect by claiming it somehow speeds up the ruling process.

That is refuted, however, by the fact that the regulatory agency with the largest number of dog tracks, Florida, is also the jurisdiction that is most meticulous in documenting this problem.

Of course, hiding the facts about cases of greyhound neglect does serve a more nefarious purpose.

Whether the commission intends to or not, through this policy it is putting the interests of the private dog racing industry ahead of the public interest.

The agency is effectively playing hide and seek with this information, and sweeping data on greyhound abuse under the rug.

The commission should acknowledge that it is wrong about this policy, and begin fully reporting all cases of greyhound neglect and cruelty.

Theil is executive director of GREY2K USA, which favors stronger greyhound protection laws and an end to dog racing. For more information, go to www.GREY2KUSA.org.
CHARLESTON, W.Va. -- Three men associated with greyhound racing in West Virginia were recently reprimanded for neglecting or abusing dogs.

The board of judges at the Wheeling Island racetrack punished all three in separate hearings during April and May, according to the West Virginia Racing Commission and information provided by Grey2KUSA, a nonprofit organization that is pushing for dog racing to be outlawed nationwide.

The three men are James Bloom, James Grace and Christopher Bever. Grace and Bever lost their operating permits, while Bloom's permit was suspended for six months, according to the rulings.

The rulings state Bloom, Grace and Bever abused, neglected or generally mistreated dogs but provide no further details about the actual transgressions. The racing commission provided the rulings on Bloom and Grace in response to a Freedom of Information Act request made by the Daily Mail.

The commission provided no details about the actual incidents that led to the punishment, and provided information on Bever for a different ruling than requested by the Daily Mail. Officials eventually provided the correct information about Bever, which was initially supplied by Grey2K.

Ralph Brehm, presiding judge at the board of judges in Wheeling, said he was not allowed to talk about the cases.

Jon Amores, Racing Commission executive director, said he didn't have further details about the circumstances that led to the punishments and judges aren't supposed to talk about the rulings.

There could have been witnesses to the incidents, or the judge could have viewed violations, Amores said. The commission typically doesn't keep any paper record of those witness statements at this level of the reprimanding process, he said.

There might be paperwork if someone appealed a ruling. Amores said the process is informal, and less documentation helps speed up the rulings. Other state agencies use similar timesaving measures, he said.

The rulings and punishments themselves are enough information in case anyone found guilty of an infraction tries to reapply for a permit, Amores said.

"That's why we keep them. Over time, the details of any particular infraction may be lost or misinterpreted, but the ruling is written. It's saved; it's clear as a bell," Amores said.

"The punishment is stated, it's unequivocal. That's the record that we keep . . . that you can't
explain away."

The board made separate decisions April 8 concerning Bloom and Grace. It found both deprived injured greyhounds of necessary care and neglected the daily care of a kennel. On May 3 the board made its decision to revoke Bever's permit.

Bloom's suspension took affect April 10. He will have to take the trainers exam again if he wants to go back to work, according to the report.

As of 2012 Grace and Bloom worked for Cardinal Kennel, according to the website for the National Greyhound Association. Cardinal Kennel has locations in Beech Bottom and Pennsylvania, according to the Secretary of State's website

Several telephone numbers listed for Cardinal Kennel and its owners were disconnected.

Bever was accused of abusing the greyhounds in his care, according to the report from Grey2KUSA. Bever did not appear at his hearing, so the permit was revoked, the report states.

The Facebook page for a Christopher Michael Bever shows pictures of three greyhounds. Bever also posted a link May 17 to a Pittsburgh-based media report about greyhound abuse at Wheeling Island.

"They (sic) a tightening the noose more and more on greyhound racing in Wheeling and across the country," Bever posted.

Carey Theil, Grey2K executive director, said it's important the public be kept informed of how the dogs are being treated.

"The public has a right to know about how greyhounds live at commercial racetracks. There is a direct relationship between transparency in the dog racing industry and greyhound welfare," Theil said.

The West Virginia Racing Commission must license anyone interested in participating in greyhound racing in West Virginia.

When infractions occur, the board of judges typically suggests a suspension or a fine and then sends it along to the commission, he said.

"The Racing Commission should be applauded for taking action against these individuals. At the same time, it is troubling that at least three people have been recently sanctioned for greyhound abuse and cruelty," Theil said.

Attempts to contact Grace, Bloom and Bever were unsuccessful.

May 2, 2013

Why should W.Va. subsidize animal races?

READERS are well aware of how West Virginia came to be East Las Vegas. The state’s two horse tracks and its two dog tracks were in dire straits 20 years ago.

The state allowed the four racetracks to add slot machines with the caveat that some of the money be used to subsidize the racing industry.

But after 20 years, these subsidies total $92 million a year. Over a decade, that’s a great deal of money that does not go to schools, roads and other services of the state.

The Wheeling Intelligencer recently broke down that $92 million for its readers: $9 million to horse breeders, $56.9 million for purses for horse racing, $6 million for dog breeders and $20 million for purses for dog racing.

The $6 million given to dog breeders goes only to breeders in West Virginia, but the horse money has no such restriction and much of the $9 million given to horse breeders goes out of state.

So not only are West Virginians subsidizing this industry, much of the money is going to people who live in another state.

The Intelligencer, whose circulation area includes two of the state’s four racetracks, called in an editorial for an end to these subsidies. The newspaper pointed to the horse-racing subsidies that go out of state.

"That is not how state residents were led to believe the system would work," the newspaper said. "We were told the West Virginia horse and dog racing industries would be helped - not that dozens of breeders from throughout the nation would benefit."

But the argument for reconsidering the distribution of casino cash goes beyond subsidizing breeders who live out of state.

"The money - all $92 million of it, not just the cash going out of state - ought to be sent to local and state governments, which can put it to good use," the Wheeling newspaper said.

That certainly is food for thought. So is the idea of allowing the casinos to drop racing and concentrate on their main attractions: slot machines and casino games.

The gambling industry has changed over 20 years. The Legislature should allow the casinos to adapt to those changes.

Lawmakers should consider ending the subsidies and directing the money to community needs.
W.Va. Taxpayers Subsidizing Out-of-State Horse Breeding

April 25, 2012

The image is a page from a document discussing Greyhound Racing in West Virginia. The text on the page begins with the headline "W.Va. Taxpayers Subsidizing Out-of-State Horse Breeding" and continues with a discussion on the topic.

The page contains a logo for "The Intallagrant - Wheeling News Register."
APPENDIX D

Relevant News Reports

Greyhound Racing in West Virginia
APPENDIX D

Relevant News Reports
End Subsidies For Dog Racing

February 23, 2013

By the West Virginia Racing Commission

The West Virginia Racing Commission has voted to phase out state subsidies for greyhound racing in the state. This move was made in response to growing concerns about animal welfare and the financial viability of racing tracks.

The commission's decision is part of a broader effort to modernize the state's regulatory framework for pari-mutuel wagering. The move to end subsidies is expected to reduce the financial burden on the state and allow the racing industry to compete more effectively in the marketplace.

Greyhound Racing in West Virginia is a contentious issue, with opponents arguing that the practice is inhumane and that the subsidies are a waste of taxpayer dollars. Proponents, on the other hand, point to the economic benefits of the industry, including job creation and revenue for local communities.

The decision to end subsidies is likely to have significant implications for the greyhound racing industry in West Virginia. It is expected to lead to the closure of existing tracks and the retirement of racing dogs.

The commission hopes that the end of subsidies will help to modernize the industry and make it more sustainable. It is expected that the decision will be met with mixed reactions from stakeholders, and that it will be closely monitored to ensure that it leads to positive outcomes for the industry and the state as a whole.
May 9, 2012

Group says greyhound injuries down

Official at anti-racing nonprofit notes number hurt at Mardi Gras is unchanged

by Ry Rivard
Daily Mail Capitol Reporter

Greyhound dogs racing on West Virginia tracks suffered hundreds of injuries last year, though the number of injuries is on the decline, according to an anti-greyhound racing group.

Grey2K USA, a Massachusetts-based nonprofit dedicated to outlawing greyhound racing nationwide, studied state records to find 855 injuries to greyhounds occurred at the state's two tracks in 2011.

Of these, 520 injuries occurred at Mardi Gras Casino & Resort in Nitro and 335 at Wheeling Island Hotel-Casino-Racetrack, according to the analysis. Of those, 40 greyhounds died or were euthanized and nearly 230 suffered injuries that ended their use in racing, according to Grey2K.

By comparison, in 2010, there were 935 injuries: 520 at Mardi Gras and 415 at Wheeling.

State Director of Racing Jon Amores attributed the decline at Wheeling to a new track surface there.

While the number of injuries was lower at Wheeling, the number of fatalities there was higher. At Mardi Gras, 15 greyhounds died or were euthanized in 2011. At Wheeling, there were 25 such fatalities.

Grey2K Executive Director Carey Theil called the overall decline at Wheeling "good news" but noted the number at Mardi Gras was unchanged.

"Nonetheless, when you have hundreds of dogs suffering broken legs, it's further evidence of problems in the industry and - to us - that greyhound racing is cruel and inhumane and should be allowed to end," Theil said.

A photo from a race provided by the group shows a dog named Iruska IC Beauty suffering a spinal injury. The group also points to veterinarian reports that talk about dogs being killed after they suffered leg injuries.

Racing injuries have drawn attention lately. The New York Times has been publishing a series about injuries to horses.

Then there are questions about how states, like West Virginia, subsidize racing.

Gambling money, mostly from slot machines, props up dog and horse racing, which likely would wither without subsidies. Some question whether the state could better spend elsewhere the millions spent on racing. State law requires four of the state's five casinos to operate in conjunction with racetracks.
Earlier this year, the chairman of the state Republican Party stepped into a political minefield when he announced a push for a recall election that could have forced Mardi Gras to remove table games. That move could have caused the casino to close.

Gov. Earl Ray Tomblin has been attacked by his political foes because members of his family who operate greyhound kennels have received state-directed money for racing. The distribution of money is proscribed by the state, but the family has received money based only on how well their dogs perform.

There are also questions about industry practices aside from day-to-day injuries to the animals while they race.

A California man was sentenced to six months in prison last week for threatening to release tapes last fall that he said would have injured Tomblin's reputation.

The man, Harry Marshall Rae, used to be a prominent figure in the greyhound racing industry and has now turned against it. He contends there are inhumane mass killings of greyhounds and believes dogs are being trained to chase live rabbits, a forbidden practice dog breeders claim is no longer used.

The tracks, as well as racing director Amores, don't agree with Theil's calls to end racing.

"We know that this, like a lot of other similar activities, people ascribe a moral component to it - whether it be greyhound racing or gambling or anything that goes on at Mardi Gras - and we're unsurprised that they take that position and we disagree and we know that there are a lot of patrons that enjoy it and for those that don't, certainly no one is forcing them to participate," Amores said.

Dan Adkins, CEO of the company that owns Mardi Gras, said Grey2K has a "great way of sensationalism" and that the Nitro track was doing "pretty damn good" when it came to dog injuries.

He said the majority of injuries aren't serious or career ending.

"It's a sport, these are athletes, athletes get injured, but it's not all career ending," Adkins said.

An analysis by his company found that dogs started 43,253 races in 2011. By Adkins' measure, dogs get injured only 1.2 percent of the time they race.

Adkins said that's the best way to measure the injury rate.

Theil dismissed that measurement, noting that injury figures show fewer than 12,000 dogs were registered to race nationwide.

"It's like an NFL team having a rash of injuries and someone saying the odds of a player getting injured on any given play are remote," Theil said. "Well, that's true - but it misses the point."

He said if a dog is injured in its 50th race, "it's not much consolation to the dog that it wasn't hurt the first 49 times."

Wheeling Island's owner, Delaware North Companies, said it would not respond to Grey2K's report because of the group's "lack of objectivity, accuracy and credibility."

"Wheeling Island Hotel-Casino-Racetrack has a long-standing reputation as a top-quality racing operation, and we take every step possible to provide a safe racing venue, including rebuilding and resurfacing the track in 2010," the company said in a statement.

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Limit Aid to Racing Industry

June 18, 2011

APPENDIX D
Relevant News Reports

The Intelligence
Wheeling News Register

Greyhound Racing in West Virginia

38
APPENDIX D

Relevant News Reports

Greyhound Racing in West Virginia
February 22, 2011
Injuries at dog track a worry
by Billy Wolfe
Daily Mail staff

Officials with animal welfare organizations said they are deeply concerned about the number of injuries over the past six years at Mardi Gras racetrack.

More than 3,200 injuries were reported at the Nitro track from the beginning of 2005 to the end of 2010, an average of about 1.4 injuries per day, records filed with the West Virginia Racing Commission show.

At least 152 dogs suffered injuries that were so severe they had to be euthanized. At least seven died as a result of illnesses contracted in the kennels.

"In terms of the raw number of injuries, this is the largest we have seen for a single track by far," said Carey Theil, executive director of Grey2K USA, a Massachusetts-based nonprofit working to outlaw greyhound racing.

Ann Church, a greyhound racing specialist with the ASPCA, called the numbers "appalling." The ASPCA also opposes the dog racing industry as a whole.

"When I first heard the numbers, I assumed they were for both tracks in the state, not just the one," she said.

But injuries have dropped over the past two years. And officials at the track claim that the average number of injuries per racing start is well within the national average, a claim that could not immediately be verified.

For example, there were 25 deaths in 2010, compared to 43,440 total racing starts. That means that deaths resulted in only 0.0006 percent of total racing starts last year.

"If you compared these numbers to the NFL or even horse racing, this would be a very low percentage," said Dan Adkins, who serves as the president of Hartman Tyner, the company that owns the track.

He has said repeatedly that the health and safety of the dogs at Mardi Gras is his No. 1 concern.

But Theil is unimpressed by the comparison of injuries to the total number of racing starts. Only about 2,000 dogs race at the track each year, but they race over and over again.

Theil said that kind of number crunching is intended to make the number of injuries seem less severe.

" Injury" can mean anything from a broken leg to a broken nail. But about 750 of the injuries reflected in the records were broken bones.

More than 300 of the injuries were listed as "career-ending," meaning that the injured dog was never able to race again.
But Theil emphasized the issue is not just about numbers.

He said it is about individual dogs whose lives were cut short because of an industry based on gambling and entertainment.

"Each one of them had a name," he said.


Freda Design was put down on Halloween 2010 after she was bumped by another dog and suffered a broken leg during a race.

Another dog, a 1-year-old black greyhound named Elmer Comer died after he finished a race on April 14, 2010 and then suffered a "cardiovascular event."

On Jan. 4, 2008, a 1-year-old brindle named Moving Marla was euthanized after she fell during a race and was then run over by other dogs, breaking her legs in several places.

These instances are among dozens that Grey2K compiled in a list and sent to the Daily Mail.

Grey2K also used the data it received and cross-referenced the information with video replays on the track's website to create a short montage of some of the injuries.

To view the group's video, click here http://www.youtube.com/watch?v=GsDOFMW05Nw/. Some readers might be disturbed by the footage.

The numbers could be higher than what is reflected in the records. To date, there is no exact record of the number of injuries at the track for the past six years.

More than 13 months' worth of data is missing from the state's records. Racing Commission officials simply said they do not have those records on file and do not know where they are.

The Daily Mail also attempted to interview Dr. Mark D. Webster, the state-appointed veterinarian at the track. Webster's records are the ones referenced in this story.

Webster agreed only to answer questions in writing. In his response, he said that he did not know which records were not given to Grey2K and that the Racing Commission did not consult him on the records request.

Webster could not say if he believed the number of injuries at Mardi Gras was higher or lower than at other tracks. He said he has not seen data for other tracks.

But Theil said data from the missing months is referenced in some of the other documents that Grey2K received. Based on those references, he believes the state records are accurate or at least close to the total number.

"All we can do, in my view, is look at the data and try to make sense of it, and at the end of the day, arrive at what the state says," Theil said. "This is a regulatory agency that is charged with overseeing this industry."

Some discrepancies also exist between Adkins' personal records and those provided by the state.

For example, state records show there were 25 deaths in 2009, while Adkins' figures show there were 30.
December 3, 2010

Injuries remain high at racetrack

by Billy Wolfe
Daily Mail staff

WHEELING, W.Va.--Greyhound injuries at Wheeling Island Hotel-Casino-Racetrack remained high in October, despite a large-scale construction project aimed at improving safety for the dogs.

In fact, records filed with the West Virginia Racing Commission show injuries actually increased in the weeks immediately following the track renovations.

In August, track officials announced they were shutting down to complete a $400,000 track overhaul that would make the track safer for the dogs, which they referred to as "star athletes."

Records at the time showed that the average number of injuries jumped from 19 per month in 2009 to more than 27 per month during the first seven months of this year.

Jim Simms, president and general manager, told the Associated Press in August that the increase in injuries was an "alarm bell."

"It was approaching double the normal level," he said at the time.

The track reopened Sept. 20 after crews had finished their work.

From Sept. 18 through the end of October, there were 41 reported injuries, according to the records.

At least 22 of those injuries involved broken legs, the records show. Four dogs had injuries so severe that they had to be euthanized.

Sixteen injuries occurred in the last two weeks of September. The other 25 occurred in October.

One dog was put down in September. The other three were euthanized in October.

Repeated phone calls to Simms' office were not returned. Phone calls to the track's manager of gaming operations and marketing director also were not returned.

Lori Bohenko is the state veterinarian at the Wheeling track. She said the uptick in injuries in October and late September was expected, but that the figures for November show promise that injuries are now on the decline.

Bohenko, who has extensive experience treating both greyhounds and racing horses, said the dogs faced a "period of adaptation," after the new track was installed.

"We initially had a spike in injuries," she said.

She compared the situation to human athletes who sometimes struggle with a change from
natural grass fields to artificial turf.

And she said that some of the injuries recorded in late September and October might have been the result of cumulative injuries the dogs accrued from months of running on the low-grade track.

"It happens with horses and it happens with dogs," she said.

Bohenko has not yet finished her analysis of the November figures, meaning that they have yet to be filed with the Racing Commission. But she is encouraged by what she has reviewed so far.

Prior to the upgrades, Bohenko said Wheeling's greyhounds were experiencing an injury rate of 1.99 per 100 races. Her preliminary analysis of the November figures shows that injuries have fallen to 1.88 per 100 races.

The track runs at least 134 races per week, each with eight dogs, according to past reports.

But a national group working to outlaw greyhound racing believes the figures show that catastrophic injuries simply are inherent to the industry.

"Track owners have tried to reassure the public by suggesting that this problem has gone away," said Carey Theil, executive director of Grey2K USA. "That clearly is not the case."

He said that most greyhound tracks do not invest the time and money in making track improvements. Therefore, there is much debate about what specific kinds of changes actually help dogs and which ones make the situation worse.

Theil said he was glad to see the track invested so much money in the safety of its dogs. But he said the industry itself is the root of the problem.

"Injuries are a part of the dog racing industry and it's certainly a good thing that the track was resurfaced," he said. "But dogs are still dying.

"As long as we have dogs racing so that gamblers can gamble on them, there are going to be serious injuries," he said.

The track was built in 1976. Prior to the overhaul, the track was last refurbished in the 1980s, according to AP.

Contact writer Billy Wolfe at billy.wolfe@daily mail.com or 304-348-4843.
APPENDIX D

Relevant News Reports

October 22, 2010

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 provison 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 GREY2K 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.
Reconsider Racing Dog, Horse Funds

August 10, 2006
By the author

West Virginians are quick to react to the state’s racing and gambling operations, very well known. But the state’s first race track housed a group of racing greyhounds, a group that was once highly profitable. Horse racing is also a big deal in West Virginia.

As a county and a state, racing dog and horse tracks have generated a significant amount of cash and economic benefits. But the track was closed down, and the revenue it brought in was lost.

Now, the state is considering a new track in Wheeling, which would cost $22.2 million. The state would need to come up with the funding, and it would need to be found.

The state has been considering the funding since 2004, and it has been a challenge to find the money. The state has looked at several options, and it has come up with a plan.

The state has considered using funds from the state’s general fund, but that would require a significant amount of money. The state has also considered using funds from the state’s racetrack savings account, but that would also require money.

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The American Society for the Prevention of Cruelty to Animals (ASPCA) was the first humane organization established in North America and is, today, one of the largest in the world. The organization was founded by Henry Bergh in 1866 on the belief that animals are entitled to kind and respectful treatment at the hands of humans, and must be protected under the law. Headquartered in New York City, the ASPCA maintains a strong local presence, and with community outreach and animal health services programs that extend its anti-cruelty mission across the country, it is recognized as a national animal welfare organization. The ASPCA is a privately funded 501(c)(3) not-for-profit corporation and proud to boast more than 1 million supporters across the country.
GREY2K USA is a national, non-profit greyhound protection organization. We are a network of humane-minded citizens who work to pass stronger greyhound protection laws and phase out dog racing. We also offer adoption referral information to help the thousands of greyhounds still racing.

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