

GREYHOUND NETWORK NEWS

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Dog Protection Initiative Qualifies for South Tucson Ballot on November 4, 2008

Tucson, Arizona: Tucson Dog Protection, a grass roots animal welfare group formed earlier this year, has gathered enough signatures to place the Tucson Dog Protection Act on the November 4, 2008 South Tucson ballot. The act would apply to all dogs in the one-square-mile city, including approximately 500 greyhounds kenneled at Tucson Greyhound Park (TGP). The act contains three provisions: (1) prohibits feeding dogs raw meat from diseased, dying or disabled animals or animals that are dead on arrival at slaughterhouses, commonly referred to as 4-D meat; (2) prohibits the use of anabolic steroids to enhance performance or prevent females from going into heat; and (3) requires that dogs cannot be confined to cages of a specified size for more than 18 hours a day. If approved by voters, the measure would amend the existing animal cruelty chapter in the South Tucson City Code.

"I think these are pretty modest steps,"

said campaign chairwoman Susan Via, a retired Assistant United States Attorney who helped write the initiative. "It would affect all dogs in South Tucson, but, of course, there are many dogs held at the track," she said. Via said she is not aligned with any anti-racing groups and simply wants to improve the dogs' living conditions. "If this would pass, the track would have to make . . . major modifications in the way they house dogs."

The *Arizona Daily Star* published commentaries submitted by Janet Forrer, DVM, campaign treasurer for the initiative, and Paul Pullen, one of two track veterinarians employed by TGP. Forrer wrote: "Track officials have not disputed that the dogs in south Tucson are routinely fed raw meat from diseased, dying, disabled or dead animals, that the dogs spend 22 to 23 hours a day caged in windowless rooms, and that the females are given male sex hormones. If anyone else fed their dogs such food, crated

them more than 18 hours a day, and injected them with dangerous drugs, people would call that animal abuse. Sadly, that is exactly what life is like for the 540 greyhounds at Tucson Greyhound Park."

Pullen wrote, "This initiative is not really about animal welfare at all; it's about deliberately regulating a local business out of existence because a handful of people oppose it. It isn't greyhounds these people are protecting; it's their own misguided political agenda."

Track's Response

Tom Taylor, the track's CEO, called the initiative "an attack" on the track and a "horrible idea," but added, "It won't affect us at all. We will just do what we need to do." Taylor said the dogs are already let out four times a day for 15 minutes to a half-hour. "It'll be too harmful to the dogs to follow these measures," he said. "The kennel operators are going to find this so frustrating for the dogs, the dogs they love, they'll just stop doing this business," Taylor said. Kennel owners said the measure would increase their feeding costs and may force some of them out of business. "It'll triple our costs on the meat," said kennel owner Paul Custead. Taylor said a loss of kennels could force the track out of business. The cost of 4-D meat is less than 50 cents a pound.

Because of the small purses TGP offers to kennel operators, the track is widely regarded as an "end-of-the-line" track where greyhounds finish their racing careers. Two years ago, more than 170 greyhounds disappeared after they were supposed to have been taken to adoption groups by a hauler hired by TGP. An investigation by the Arizona Department of Racing concluded the dogs are presumed dead.

[Editor's Note: For information about the initiative, including the individuals, groups and veterinarians who have endorsed the measure, or to contribute to the campaign, go to tucsondogprotection.com.] Sources: *Arizona Daily Star*: Josh Brodesky; *Tucson Weekly*: Tim Vanderpool, Jim Nintzel; *Tucson Citizen*: Ryn Gargulinski; *Los Angeles Times*; CBS Tucson affiliate KOLD TV-13

Track Drops Lawsuits against Greyhound Welfare Advocates

Tucson, Arizona: Earlier this year, Tucson Greyhound Park (TGP) filed a defamation lawsuit against Karyn Zoldan, author of the website endtucsongreyhoundracing.com and several other defendants, who were erroneously named as authors of the website. The suit sought the immediate removal of seven statements from the website through a restraining order and an injunction. The court refused to issue either the restraining order (January 18) or the injunction (April 30).

Terrance Mead, a Phoenix attorney, filed a motion to dismiss the case against his client, Susan Netboy and the Greyhound Protection League (GPL), on the grounds that TGP had failed to present evidence that GPL had authored the website and that the GPL petition on Zoldan's website was protected under the First Amendment. Hours before the May 16 court hearing on the motion, counsel for TGP offered to drop the suit against GPL. The offer was accepted and became final the same day.

Zoldan, on the advice of her attorney,

Chris Wencker, made a minor change to one statement posted on the website. Wencker, in a June 25 interview with the *Arizona Daily Star*, characterized the lawsuit as frivolous, designed to chill free speech and stop criticism of the track. Both Wencker and Mead made multiple requests for discovery documents, including the electronic database required by the state racing department in order to monitor and trace TGP greyhounds no longer able to race. TGP never produced the documents.

TGP offered to dismiss the case against Zoldan in early July for \$50,000 in damages, later reducing the offer to \$15,000. Zoldan did not accept either offer and asked Wencker to obtain a court order compelling TGP to produce the discovery documents. Shortly thereafter, TGP offered to drop the case against Zoldan with no damages. The offer was accepted and is currently being processed. GPL and Zoldan are evaluating whether to pursue claims against TGP for filing the lawsuit.

Source: *Arizona Daily Star*: Josh Brodesky

STATE-BY-STATE NEWS UPDATE: February 1 through July 31, 2008

ALABAMA

Birmingham: Gamblers at the Birmingham Race Course wagered just over \$16 million on live greyhound races in 2007, a decline of 87 percent since the track opened in 1993, according to data from the Birmingham Racing Commission. Total wagering at the track, including betting on simulcast horse and dog racing, has fallen by nearly 50 percent over the same 14-year period. Attendance has fallen more than 67 percent from more than 1 million to just over 350,000.

"Greyhound racing is experiencing a decline everywhere," said Steve Barham, a former horse and dog track executive who is currently the associate coordinator of the Racetrack Industry Program at the University of Arizona in Tucson. Barham said the long, steady decline in the popularity of live greyhound racing began in 1989 with the introduction of simulcast wagering and the widespread introduction of Internet-based wagering.

Source: *The Birmingham News*: Stan Diel

ARIZONA

Phoenix: Mayor Phil Gordon proposed allowing slot machines at Sky Harbor International Airport as a way to boost revenue for the city. On July 23, four days after his plan was made public, Gordon said he would abandon the idea after the state's Native American tribes expressed strong opposition. "Our partners have expressed significant concerns," Gordon said, likening the installation of slot machines to "opening up a Pandora's box."

Indian gaming in Arizona is governed by a 25-year compact approved by voters in 2002. If Gordon's plan had gone forward, it could have voided the compact. A second ballot measure in 2002 to allow slot machines at the dog and horse tracks was overwhelmingly defeated.

Source: *The Arizona Republic*: Casey Newton

Tucson: Robert Smith, a pari-mutuel clerk at Tucson Greyhound Park (TGP), was arrested on February 19 by the Pima County Sheriff's Office and was subsequently indicted on suspicion of animal cruelty and involvement in a pit bull dogfighting operation. Five others also were arrested in raids conducted throughout Pima County.

The TGP Board of Stewards held a hearing for Smith on March 27. Smith was suspended for 60 days and referred to the

director of the racing department for further action. A director's hearing was held in Phoenix on June 12. Smith was granted a continuance at his attorney's request.

Sources: KOLD-TV 13; TGP Stewards Ruling

COLORADO

Colorado Springs: Post Time Greyhound Park has been put up for sale. Cushman & Wakefield Commercial Real Estate has listed the 17-acre racetrack, which is zoned for full industrial use. The track opened in 1948 as Rocky Mountain Greyhound Park.

Source: *Colorado Springs Business Journal*: Rob Larimer

Loveland: The Cloverleaf Kennel Club was auctioned off piece by piece on April 5. More than 100 people bid on nearly 1,000 items, including tractors, furniture, restaurant equipment, memorabilia and even the sand on the track. "Anything that can be picked up, moved or taken apart is being sold," said Becky Johnson of Rocky Mountain Estate Brokers.

Live racing at the 53-year-old track ended in May 2006. The track remained open for simulcasting, but abruptly closed its doors in December 2007. Cloverleaf was the only privately owned dog track in Colorado.

Sources: *The (Greeley) Tribune*: Christopher Ortiz; *The Reporter-Herald*: Sarah Bultema

FLORIDA

Daytona Beach: The Daytona Beach Kennel Club, which was rebuilt and relocated two miles south of its original site adjacent to the Daytona International Speedway, held its official grand opening June 2. The date marks the 60th anniversary of the opening of the original track, which is owned by Buffalo, New York-based Delaware North Companies Gaming & Entertainment. "Our other track was 60 years old," said general manager Daniel Francati. "It was time to move on."

The new \$30 million facility, a 53,000-square-foot, low-slung building with a 500-seat poker room, was built by International Speedway Corp. (ISC) as part of a land swap with Delaware North that gave the ISC possession of the old kennel club on May 23. The speedway will use some of the club's land for parking.

Mayor Glenn S. Ritchey said he welcomes the relocation, but said the city has not endorsed the kennel club's long-range

plan to add video slot machines to its new complex. "We haven't been broached on the issue, and it would be up to the City Commission and a vote of the people before we could support it," Ritchey said.

Source: *Daytona Beach News-Journal*: Thomas S. Brown

Tallahassee: A nearly forgotten lawsuit that challenges a 2004 statewide vote giving Broward and Miami-Dade counties the right to open slot machine casinos with local approval has resurfaced in a Tallahassee court. Filed by a coalition of gambling foes, the suit accuses pro-slots forces of filing a petition with fraudulent signatures to get the issue on the 2004 ballot. After months of appeals, the 1st District Court of Appeal on May 7 sent the case back to the trial court. Circuit Judge William L. Gary has been assigned to the case. No trial date has been set.

While the lawsuit has been pending, dog and horse tracks in those counties have invested hundreds of millions of dollars to build casinos and install thousands of slot machines at six gambling venues, including the Mardi Gras dog track in Broward and the Flagler dog track in Miami-Dade. If the pro-slots faction loses, it could mean that all the slots venues would have to shut down.

Source: *Miami Herald*: Amy Driscoll

KANSAS

Kansas City: James Gartland, the former general manager of The Woodlands dual dog and horse track, will not spend time in jail or pay any fine for his role in allegedly placing unlawful bets at the track in 2005. Gartland had asked a regular patron to place wagers equaling \$300 to \$400 to help cover shortfalls in a tri-superfecta wagering pool. "I'm glad this is all over," Gartland said February 27 following a sentencing hearing before Wyandotte County District Court Judge Mike Grosko.

The attorney general's office had asked Grosko to impose "shock time" behind bars for Gartland. Instead, the judge sentenced Gartland to six months of unsupervised probation. "It is clear that Mr. Gartland's actions, while ill-advised, were not motivated by any personal gain, nor did he defraud track patrons or affect the outcome of any races," the judge said in rebuffing the state's request.

Source: *The Kansas City Star*: Rick Alm

MASSACHUSETTS

Waltham: Watertown resident Kevin Schneider is expected to go on trial August 21 in Waltham District Court for allegedly starving and later abandoning his two adopted greyhounds, Sari and Talca. Schneider is charged with two counts of felony animal cruelty. According to reports, Schneider pushed Talca from a sports utility vehicle in Connecticut and left Sari under a bush near a Rhode Island hospital. Both dogs were emaciated, each weighing approximately 30 pounds. Talca recovered and has been adopted; Sari died of severe malnourishment two days after she was found.

Schneider was arrested by the Watertown police on November 17, 2007, but the case has dragged through the court system since his arrest. Connecticut and Rhode Island police have filed charges against him for the incidences that allegedly occurred in those states. [Updates on the case can be found on the website of Greyhound Friends, greyhound.org. For the complete story, see *GNN* Fall 2007/Winter 2008, which can be downloaded from greyhoundnetworknews.org. — *Ed.*]

Source: *The Daily News Tribune*; *Jillian Fennemore*

RHODE ISLAND

Lincoln: BLB Investors, LLC, the consortium that owns the Twin River racino (dog racing and video slots), is courting bankruptcy after missing two loan payments to its lenders. The missed payments prompted Standard & Poors to drastically downgrade the track's corporate bond rating. In addition, Dimeo Construction Co., which completed the massive renovation of the facility, has placed a \$6 million lien on the property for the unpaid \$5.6 million balance on the \$171 million construction job.

Patty Boyle, a spokeswoman for BLB, said the company reached a forbearance agreement with its chief lender, Merrill Lynch Capital Corporation. Extended several times, the agreement forestalled legal action to collect on the \$577 million in outstanding loans. "The deadline on the forbearance agreement is August 29," Doyle said.

BLB met privately with the governor's staff and top lawmakers in June, offering the state a one-time payment of \$560 million in return for cutting the state's share of revenues from the track's video slot machines from 61 percent to 25 percent. Jeff Neal, Gov. Donald Carcieri's spokesman, said, "The state has not made in any way any proposal

Florida Supreme Court Overturns Seminole Gaming Compact

Tallahassee: The Florida Supreme Court ruled July 3 that Gov. Charlie Crist exceeded his authority when he signed a gaming compact with the Seminole Tribe of Florida that allowed the tribe the exclusive right to offer house-banked card games (baccarat and blackjack) at its Hard Rock Casinos in addition to Class III slot machines. The banked card games are illegal elsewhere in the state. The ruling came weeks after the Seminoles began offering the games at their three casinos in Broward County.

The ruling came in response to a lawsuit filed in November 2007 by the state House of Representatives five days after Crist signed the 25-year compact. The court said Crist could not allow the tribe to conduct types of gambling that were illegal in the rest of the state. Although slot machines have been approved by voters in Miami-Dade and Broward Counties, state law prohibits other types of gambling like blackjack and baccarat. At stake is potentially billions of dollars in state revenue Florida stood to earn from tribal gaming.

On July 17, Crist and the Seminole Tribe asked the high court for a re-hearing on its

July 3 ruling. Filing of the separate motions should enable the Seminoles to keep the two table games at least until September. In response to the filing, Sen. Steve Geller, a long-time supporter of the dog racing industry, said, "They're asking for a rehearing for one reason — stalling purposes."

But the Seminole's attorney, Barry Richard, said the tribe doesn't need to stall. The tribe can operate blackjack, baccarat and slots indefinitely because the compact was approved by the only entity with authority over them: the U.S. Department of the Interior. "The tribe legally can continue to run the games until the National Indian Gaming Commission tells them they have to stop," Richard said.

Crist was under a federal order issued by the interior department to negotiate in good faith with the tribe when he signed the compact. Had he not done so, the department would have approved the compact, but the state would not have received any share of the tribe's gaming revenues.

Sources: *Miami Herald*: Mary Ellen Klas; *The Tampa Tribune*: Jerome R. Stockfisch; *South Florida Sun-Sentinel*: Jon Burstein *The New York Times*: Christine Jordan Sexton

that would change the current arrangement." If state officials don't agree, Doyle said alternatives could range from restructuring the debt to bankruptcy.

[BLB bought the track in 2005 from British-based Wembley in a forced sale that included Wembley's Colorado properties, including a horse track in Aurora and three dog tracks in Pueblo, Colorado Springs, and Commerce City. See back cover for related Colorado news. — *Ed.*]

Sources: *The Providence Journal*: Katherine Gregg, Paul Grimaldi; *Providence Business News*: William Hamilton

WISCONSIN

Kenosha: Seventy-six greyhounds broke their legs in 2007 while racing at Dairyland Greyhound Park, an 18.7 percent increase over the year before, according to records kept by the Wisconsin Division of Gaming made public by the *Milwaukee Journal Sentinel* January 25. A total of 462 injuries were reported at the track last year, an overall 19 percent increase.

State racing officials said a number of factors contributed to the injury rate, including the condition of the track and the weather. Dan Subach, the division's chief

steward, said weather plays a role in the injury rate. "The dogs are subjected to rain, wind, snow, sleet and very dry conditions."

Jennifer Barker, a state veterinarian on site at Dairyland who treats most of the injured dogs, cited the condition of the track's surface as the primary cause for the increased injury rate. Barker said her veterinary peers around the country did not have a set policy on how often a track needs to be resurfaced, but said a rule of thumb is every three to five years. The track has not been resurfaced since at least 1995, according to Bill Apgar, Dairyland's general manager

Dairyland is the last surviving dog track of the five built in 1990. According to an audit of the tracks finances released April 8, Dairyland lost \$2.82 million in 2007, \$2.84 million in 2006 and \$2.41 million in 2005.

The owners of the track have been waiting for years for federal approval for a proposed \$808 million casino-convention center project that would be built on the grounds of the racetrack, in partnership with the Menominee and Mohegan Tribes. Under an agreement with the city, greyhound racing would continue.

Sources: *Milwaukee Journal Sentinel*: Don Walker; *Associated Press*

State of the Industry

The closure of Colorado's Mile High track and the impending closure of The Woodlands track in Kansas City, Kansas, bring the total number of closed greyhound tracks to 36. More than 700 greyhounds were kennelled at Mile High; 900 are kennelled at The Woodlands.

Mile High and The Woodlands were the last operating tracks in Colorado and Kansas, which brings the number of states conducting greyhound racing to 11. It also appears likely that the ballot initiative to ban dog racing in Massachusetts will succeed, which will close two more tracks, adding another state to the list.

While this is good news for those who are opposed to dog racing because of its inherent cruelty, please keep in mind that track closures place hundreds of greyhounds at extreme risk. Whether you live in a racing or non-racing state, please support greyhound adoption groups in your region of the country.

For the love of greyhounds,
Joan Eiding, Editor & Publisher

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Letters to the Editor

Please accept this donation in memory of Rita Bernier, who passed away in late 2007. This woman almost single handedly worked tirelessly on a two year campaign in 1997 that culminated in the signing of Assembly Bill 538 for the state of Nevada to outlaw dog racing in that state. I had the privilege of helping Rita in that effort.

Rita will be sorely missed in the animal world. She was a great advocate against cruelty to all animals. This woman never had a greyhound as a companion, but that didn't stop her in the fight for justice for this regal dog.

*Janice Ziola,
Greyhound Rescue & Adoption
Nevada*

Keep up your good work. There is progress, and a lot of it is due to your dedication to getting out the information about the dog racing industry.

Eleanor Jones, Alabama

Please accept the enclosed donation for all the courageous work you do on behalf of greyhounds all across this country. Hopefully, greyhound racing, and the senseless slaughter and abuse of these beautiful creatures will come to a screeching halt!

Charles Doody, Massachusetts

Please accept the enclosed donation in memory of Brendan, who is gone 10 months from our lives. We will never forget him, as we have not forgotten Zoe. We lost both of them to osteosarcoma. God bless all our wonderful greys.

Jean Pencak, New Jersey

Enclosed please find a donation in memory of my recently departed, beloved greyhound "the devil" Mason, who was 15 years old. Though Mason was not a racing greyhound, he was taken in by, and adopted through, a rescue group. He lived with and loved ex-racers. I imagine this donation to your worthy and much-needed advocacy group would please him greatly.

Jivleen Sandhu, Virginia

Enclosed is a donation in memory of Baby Moon (Moonie), City Slicker (Slick), Raymond O'Neill and Walter Swain. They are forever in our hearts and memories.

John and Nancy Miller, Missouri

Please accept this donation for your publication. Thank you for your hard work for greyhounds.

Janice Steel, Washington

Keep up the good work that you do and please do not send an acknowledgement!

Jacqueline Nielsen, Kentucky

Enclosed is a donation with thanks for all you do.

Beverly Loddosol, California

Thank you for providing people with a window into the manipulative wrangling and wrongdoing of the dog racing industry. Equally, I express my appreciation to you for relaying word of the wonderful efforts of caring people who work to erase the yokes of bondage from the greyhounds who are enslaved by the people who hold the psychotic belief that dog racing is entertaining.

Steven Baer, Massachusetts

Late Breaking News

Revere, Massachusetts: *The Boston Globe* reported July 31 that Revere city officials have begun foreclosure proceedings on Wonderland Greyhound Park for failure to pay \$789,000 in taxes over the last two years. According to George Anzuoni, Revere's director of finance, Wonderland owners have been late or delinquent on taxes in two other instances. Mayor Thomas Ambrosino was contacted the same day by the track's lawyer, James J. Cipoletta, asking for a meeting with the city's tax attorney to negotiate a payment plan. Until both sides agree to a plan, the city will continue its foreclosure proceedings on the track as well as its assessment of fees and interest on the back taxes. The city's License Commission also will move forward with a request from Ambrosino to hold a revocation hearing on the track's liquor, restaurant and parking licenses unless an agreement is reached.

Source: *The Boston Globe*: Kathleen Conti

Legislative Briefs

ARIZONA: Senate Bill 1479, which would have reduced the number of live racing days at Tucson Greyhound Park (TGP) and allow the track to offer year-round simulcasting, was unanimously defeated 7-0 in the Commerce and Economic Development Committee February 27. Current racing statutes require TGP to conduct nine races four days a week for 50 weeks a year. The key provisions of the bill would have reduced live racing to 125 days and removed restrictions on dark day (no live racing) simulcasting.

The Animal Defense League of Arizona (ADLA) and *Greyhound Network News* joined forces to oppose SB 1479. ADLA's action alert generated more than 50 calls to Senate committee members urging them to vote against the measure. If it had passed, the seasonal turnover would have placed 300 to 400 greyhounds at extreme risk every year.

FLORIDA: The Florida Legislature ended its annual two-month session on May 2 without passing two bills that would have benefited the pari-mutuel industry. Senate Bill 970 would have reduced the state tax rate from 50 percent to 35 percent on Class III Las Vegas-style machines at greyhound and horse tracks and jai alai frontons in Broward and Miami-Dade counties. Senate Bill 1380 also would have allowed 18 pari-mutuel facilities in all other counties to install Class II video lottery terminals.

A third measure, Senate Bill 590, a humane treatment bill for racing animals that was proposed by the Division of Pari-Mutuel Wagering, would have toughened regulation of Florida's greyhound tracks and increased the division's authority. The state's dog racing rules do not allow regulators to conduct unannounced inspections of greyhound kennels.

The bill was sponsored by Sen. Dennis Jones, R-Seminole, District 13. SB 590 passed the Senate May 17 and was referred to the House April 23; no action was taken.

Sources: Blood-Horse Magazine Online; *Miami Herald*: Amy Driscoll.

KANSAS: House Bill 2853, a proposal to allow a second vote in Sedgwick County on whether to allow slot machines at Wichita Greyhound Park, was introduced in mid-February by Rep. Tom Sawyer. A similar measure was defeated in August 2007, which led to the closing of the track in October. HB 2853 would put the issue back on the ballot either by a resolution of the Sedgwick County Com-

(continued on page 7)

Massachusetts Racing Ban Initiative Overcomes Challenges

Boston: George Carney, owner of Raynham/Taunton Greyhound Park, filed a lawsuit in mid-March challenging the constitutionality of the Greyhound Protection Act, a third attempt to ban dog racing through the initiative process. Carney contends the ballot is restricted to questions that affect the entire state, but the ban measure only applies to two localities, his track in Raynham and the Wonderland track in Revere.

The Committee to Protect Dogs, a coalition of several local and national animal welfare organizations, including the Humane Society of the United States, the Massachusetts Society for the Prevention of Cruelty to Animals, and Grey2K USA, sponsored the ballot initiative. Volunteers for the committee collected more than 100,000 signatures, which were turned into the Secretary of State's Office November 20, 2007.

The Legislature had until the first Wednesday in May to make the proposal law, thereby eliminating the need for the ballot initiative. On May 6, supporters of the initiative were dealt a setback after the Legislature's Joint Committee on Consumer Protection and Professional Licensure voted 9 to 1 to attach an "ought not to pass" recommendation to the initiative petition.

Kansas Supreme Court Upholds Expanded Lottery Act

Topeka: On June 27, the Kansas Supreme Court upheld the constitutionality of the 2007 Kansas Expanded Lottery Act (Senate Bill 66), which authorized four state-owned and managed hotel and casino complexes in four regions of the state. At issue was whether the proposed casinos adhered to a constitutional requirement that gambling enterprises be owned and operated by the state. Developers will own the buildings, land, and slot machines and provide day-to-day-management. In its unanimous decision, the court said "ownership and operation are "flexible concepts."

Justice Eric Rosen wrote for the court that "the payment of gaming revenues directly to the state, the ownership by the state of software licenses, the central monitoring of electronic games, and the authority to enter into management contracts and to supervise the managers" constitute substantial indication of ownership by the state.

The state constitution originally banned all lotteries, but Kansas voters approved an amendment in 1986 to permit pari-

The dog protection committee, which had to collect an additional 11,099 signatures by June 16 to place the measure on the ballot, turned in 45,000 signatures the day before the deadline. The number of signatures collected was more than four times the amount needed to qualify for the ballot. If passed by the electorate in November, the initiative would phase out commercial greyhound racing by 2010.

Opening arguments in Carney's lawsuits were heard May 7 by the Supreme Judicial Court (SJC). Lee Kozol, Carney's attorney, argued that the referendum was unfit for the ballot because it singled out the Raynham and Wonderland tracks.

Coakley argued that the ballot proposal does not have to be uniform throughout the state as long as it has "some application" statewide. Peter Sacks, an assistant attorney general, said the question affects not just those who go to the tracks, but also those who oppose dog racing on moral grounds.

Update: On July 15, the SJC unanimously rejected Carney's lawsuit, clearing the way to place the measure on the ballot.

Sources: *The Boston Globe*: Christine Legere, Christopher Baxter, Martin Finucane; *The Enterprise*: Alice C. Elwell; *Patriot Ledger*: Gary Higgins; *Boston Now*: James Zipadelli; *The Raynham Call*: Susan P. Weinstein

mutuel wagering at horse and dog tracks and to authorize a "state-owned and operated lottery." That phrase became the pivotal point of the court's ruling.

The issue was brought to the Kansas Supreme Court by the attorney general's office at the request of Gov. Kathleen Sebelius to clear up any ambiguities in the law. Sebelius said the ruling will help communities seeking gambling developments and provide a measure of relief to the state budget.

When the first Kansas casinos begin opening by 2010, they will be the first publicly owned Las Vegas-style gambling resorts in the nation. State lawmakers estimate Kansas will eventually collect \$200 million a year in casino tax revenues.

The law also allows slot machines at The Woodlands dog and horse track in Kansas City. The Wichita and Camptown tracks are both closed. [See page 7 for related news about The Woodlands. — *Ed.*]

Sources: *Kansas City Star*: Rick Alm, David Klepper; *Wichita Business Journal*: Chris Moon

ENGLAND

Essex: The Royal Veterinary College (RVC), Britain's most prestigious veterinary research college, has a financial agreement with the Greyhound Clinic in Essex to supply the RVC with greyhound organs. An undercover reporter posing as a greyhound owner discovered the secret trade in body parts after he contacted the clinic to put down two greyhounds. The staff at the clinic agreed to euthanize the dogs for £30 each even though they were told the dogs had nothing wrong with them. The reporter paid the clinic £60 in advance to have the fictitious dogs put down the following day.

The RVC, which requires that the dogs must be healthy before being euthanized, admitted that it had a number of similar agreements with other clinics to provide specimens. The grim practice was made public by *The Sunday Times* on March 2.

Alistair McLean, chief executive of the National Greyhound Racing Club, the industry's governing body, said he was "flabbergasted" by the trade in body parts. "This is completely and utterly unacceptable," he said. A spokesperson for the Royal SPCA said, "We are shocked by this evidence which appears to show an opening for greyhounds to be systematically destroyed for profit." Source: *The Sunday Times*: Daniel Foggo

London: On May 18, the owners of the historic Walthamstow Greyhound Stadium in East London announced it would close in August, ending 75 years of operation. Walthamstow is considered to be one of the sports' leading venues, but a downturn in profits forced the owners to accept an offer from a residential developer. The stadium will stage its final meeting in mid-August before the property is handed over to its new owners on or about September 1.

Charles Chandler, whose family has owned the racetrack since it opened in 1933, cited declining attendance and an increase in general costs for the reason behind the decision to close and accept the developer's offer. However, in the wake of the announcement, fears were raised about the welfare of stadium's racing dogs. Within a week, greyhound owners and stadium management met with the British Greyhound Racing Board (BGRB) to discuss the welfare of the 500 greyhounds currently racing at Walthamstow. BGRB welfare officer Peter Laurie said

Trainer Found Guilty in Death of Greyhound Go Bronco

Sydney, Australia: Terry Darragh, 37, a greyhound trainer who left greyhound Go Bronco in his vehicle in extreme heat without water for up to 14 hours, pleaded guilty July 16 to charges of animal cruelty and filing a false report to the police. Magistrate Ross Clugston of Balmain Local Court sentenced Darragh to five months' of periodic detention, ordered him to perform 150 hours of community service and pay a \$1,000 fine.

Benjamin Goh, Darragh's solicitor, told the court his client had raised the dog from a pup and was devastated by his death. "He's clearly guilt ridden, remorseful and saddened," Goh said, before filing an immediate appeal against the severity of the sentence. The events surrounding Go Bronco's death are also the subject of an investigation by stewards at Wentworth Park.

On Saturday night, January 12, Darragh collided with a bus on Glebe Point Road after leaving the Wentworth Park dog track following Bronco's last race. According to police reports, Darragh ditched his station wagon, and then fled, leaving Bronco in his cage without food or water in the locked vehicle. He reported the vehicle stolen the next day. A passerby noticed the distressed dog late Sunday morning and called police, who freed the dog and tried to cool him down to lower his temperature. Bronco was taken to the Annandale Animal Hospital, but with a temperature of 43 degrees Celsius (109.4 Fahrenheit) the prognosis was poor. Bronco died of multiple organ failure in the early morning hours of Wednesday, January 16. Sources: *The Sydney Morning Herald*: Paul Bibby; *The Daily Telegraph*: Kim Arlington, Gemma Jones; *Herald Sun*: Amy Coopes; *Brisbane Times*: Australian Associated Press

the board "will work closely with Walthamstow to ensure that whatever resources are needed will be made available to safeguard the welfare of all greyhounds connected with the stadium."

Greyhound activists were jubilant. "We are absolutely delighted to hear the news," said Tony Peters, co-coordinator of Greyhound Action, a greyhound welfare group with numerous chapters throughout Europe. Peters said no Walthamstow-based greyhounds should suffer as a result of the closure. "The Chandler family should finance the upkeep of the dogs for the rest of their lives," Peters said.

Sources: *The Independent*: Jerome Taylor; BBC News; *Setanta Sports*: Michelle Fortune; *East London Guardian*; *The London Daily News*: Sarah Cosgrove, Daniel Binns

Peterborough: A 51-year-old woman and her 20-year-old daughter pleaded guilty in Peterborough Magistrates Court on April 28 to causing unnecessary suffering to three greyhounds and failing to meet the welfare needs of another four greyhounds. Both women, who work in the racing industry, were ordered to pay £250 in court costs and were also banned from keeping greyhounds for ten years.

A tip led RSPCA inspectors to the women's property in September 2007, where they found three emaciated greyhounds with infected sores and four under-

weight, flea-infested greyhounds living in filthy conditions with no food or water available. A veterinarian estimated that two of the dogs had been made to suffer unnecessarily for at least two months.

Source: K9 Dog Magazine

Late Breaking

County Donegal, Ireland: The badly mutilated bodies of two 3-year-old racing greyhounds were recovered July 30 from a tributary of the river Foyle near St. Johnston. The male dog's ears had been cut off; part of a rope was found around the neck of the female dog, indicating a weight had been attached before she was dropped into the river. The head of the female had been almost entirely eaten by rats.

The bodies were spotted floating on Wednesday, July 30 by a local farmer. Animal welfare workers were stunned by the extent of cruelty behind the deaths. Irish SPCA Inspector Kevin McGinley, who removed the dogs' bodies from the river, said it was impossible to tell whether the dogs were dead or alive when they were thrown into the river. "It is mind-blowing that such wanton cruelty exists," McGinley said. "This is as bad as it gets."

Source: *The Irish Times*: Paddy Clancy

Legislative Briefs

(continued from page 5)

mission or through a citizens' initiative. HB 2853 died in committee when the 2008 legislative session ended in late May.

Source: *The Wichita Eagle*: Dion Lefler

MASSACHUSETTS: The House overwhelmingly rejected Gov. Deval Patrick's proposal for three resort casinos on March 20 by a vote of 106 to 46. House Speaker Salvatore DiMasi spearheaded the opposition to the bill, arguing that the social costs of gaming outweighed the benefit of potential tax revenues. The state has a projected 2009 budget shortfall estimated at \$1.3 billion.

Legislation introduced by State Rep. David L. Flynn, D-Bridgewater, which would have allowed each of the state's dog and horse tracks to install 2,000 slot machines, died in late June. The measure was caught in a procedural dispute between the House and Senate over which committee should consider it. Flynn, whose district includes the Raynham-Taunton track, said he is going to refile the bill for the 2009-10 session.

Undaunted by the defeat of his slot machine legislation, Flynn told the *Boston Herald* July 10 that he is drafting a proposal to allow the state's two greyhound tracks to stay in business even if a referendum passes in November ending live greyhound racing. Under the proposal, the two tracks would become giant simulcasting centers, allowing gamblers to wager on horse and dog races from around the country.

"This is step number one to keeping them alive," Flynn said, adding, "The dog tracks can't exist without almost complete simulcasting because people bet more on horses," Flynn said. While both Wonderland and Raynham-Taunton currently offer some level of simulcasting, the two tracks are restricted when it comes to broadcasting thoroughbred races. Under Flynn's proposal, both tracks would be allowed to offer unrestricted horse and dog simulcasting.

Update: Flynn's proposal to give the state's two dog tracks unlimited and lucrative simulcasting rights was defeated on the last day of the 2008 legislative session. Instead, the Legislature voted to extend the current law that allows them only part-time rights to air and take bets. If the racing ban passes, the racing commission would have to amend its requirements to hold 100 days of live racing a year in order to simulcast.

Sources *The Boston Globe*: Matt Viser; *Boston Herald*: Scott Van Voorhis

Camptown Owner Halts Renovation after Negotiations Fail

Frontenac, Kansas: Phil Ruffin, Sr., owner of Camptown Greyhound Park, abruptly ended contract negotiations with the Kansas Lottery Commission to reopen Camptown Greyhound Park as a racino with 600 slot machines. Commission spokeswoman Sally Lunsford said Ruffin left the bargaining table on May 2. At issue is the tax structure of Senate Bill 66, the Kansas Expanded Lottery Act, which was approved by the legislature in 2007. The act authorized four state-owned, privately operated casinos and also authorized 600 to 800 slot machines at the greyhound tracks in Kansas City and Frontenac. Ruffin's Wichita track closed in October 2007.

The tax rate for the racetracks is 60 percent of the gross slot machine revenues, which includes the state's 40 percent tax; 14 percent for richer horse and dog racing purses; 3 percent for local host city taxes; 2 percent for a state fund to aid problem gamblers, and 1 percent for a state horse fair benefit fund.

Ruffin said the 60 percent tax bite on racetrack slot machines did not leave enough cash flow to turn a fair profit. The state's tax on the four proposed state-owned casinos is 22 percent. Local taxes and other add-ons bring the total to just 27 percent, less than half of the racetrack's rate.

"The numbers weren't going to work for us," Ruffin said in a May 5 interview with *The Kansas City Star* explaining his decision to walk away from the negotiations. Ruffin said the final straw was the state's requirement that he pay the entire \$12 million in estimated costs to purchase, install and operate the track's proposed 600 slot machines. "Making me pay for the slots just put us over the edge," he said.

Ruffin said there were two other issues factoring into the decision not to reopen the track, including the Quapaw tribal casino on the Kansas border 35 miles south of Camptown, and the planned Penn National Gaming casino in the southeastern corner of the state. On July 5, the Quapaw Tribe of Oklahoma opened its \$300 million Downstream Casino Resort in Oklahoma on the Kansas state line. The opening day festivities drew 35,000 people. An adjacent 222-room hotel and is set to open in November.

Penn National Gaming is the lone applicant for a state casino license in Cherokee County, due south of Camptown. Penn National is also bidding for a casino license in Sumner County, south of Wichita.

Unless the state can find a way to reallocate slot revenues, Ruffin said he'll likely write off the estimated \$10 million he has spent on the \$30 million renovation of the Camptown track, closed since 2000. Ruffin said he might revisit the tax structure in the 2009 legislative session, but Rep. Julie Menghini, D-Pittsburg, said amending the legislation is unlikely.

Casino Proposals Advance

In late May, the Kansas Lottery Commission endorsed 11 casino proposals, which were forwarded to the Kansas Lottery Gaming Facility Review Board, an independent seven-member agency. The board will decide who receives contracts to manage four state-owned casinos.

One developer will be approved in each of the four designated gaming zones—Southeast (Cherokee County), South Central (Sumner County), Southwest (Ford County) and Northeast (Wyandotte County). The review board is scheduled to make its final decisions for the Southeast zone on September 5 and on September 26 for the Southwest, South Central and Northeast zones.

Woodlands Announces Closure

Kansas Racing, LLC, which operates the Woodlands dual dog and horse track in Kansas City, announced July 22 that it would close the track in August, after it failed to reach a deal with the Kansas Lottery for slot machines. The track had been negotiating for 800 slot machines, but told the director of the Kansas Lottery they didn't see a way to make the deal work under current law. Howard Grace, the company's president, said they are still hopeful the track will reopen at some point in the future. The track is scheduled to close August 24.

Woodlands general manager Jayme LaRocca said there are 900 greyhounds kennelled at the track. LaRocca said some of the dogs would be transferred to other tracks, some would be returned to their owners and others would be adopted out. Greyhound adoption groups across the country, however, are now on high alert. Marilyn Varnberg, Greyhound Adoptions of Florida, said the Woodlands closure will have "a domino effect that can possibly touch every adoption group in this country."

Sources: *The Kansas City Star*: Rick Alm, Lisa Gutierrez; *The Wichita Eagle*; *The (Pittsburg) Morning Sun*: Matthew Clark; *The Joplin Globe*: Roger McKinney; *The Topeka Capital-Journal*: Tim Carpenter; *The Kansas City Kansan*

Mile High Greyhound Park Ends Live Racing; Hundreds of Greyhounds Displaced

Commerce City, Colorado: Mile High Greyhound Park, the state's last operating greyhound track, ended live racing on June 28, canceling the five-day per week racing season that had been scheduled to end in September. The decision to shut down was announced June 12 after negotiations between track management and members of the Colorado Greyhound Kennel Association (CGKA) failed to reach an agreement to extend the racing season through the summer.

Mile High is owned by BLB Investors, a Connecticut-based consortium that acquired Rhode Island's Lincoln Park and three Colorado greyhound tracks in Pueblo, Colorado Springs and Commerce City in 2005 from England-based Wembley PLC.

Eric Morgan, who represents the greyhound association, said BLB has shown little enthusiasm for keeping racing alive beyond 2008. "Clearly BLB has no intention of engaging in any serious or good-faith negotiations to save live racing," Morgan wrote in a June 5 letter to the Colorado Racing Division. "We're just exercising our privilege as a licensee to run these dates eight months out

of the year," said Bruce Fraser, executive vice president of BLB Investors. "That's what's most cost effective for us."

Bruce Seymore, Mile High's director of racing operations, said the track lost \$700,000 in 2007, in part because of the \$25,000 to \$40,000 monthly expense to heat the race-track during the winter months. "That's pretty much it in a nutshell," he said. Seymore said racing is set to resume in April 2009, but CGKA vice president Gary Bryan said he is skeptical about whether kennel owners will return next year. "I would say there is a lot of friction between the kennel owners and this company," he said.

Greyhounds at Risk

There were 13 kennels operating at Mile High, housing approximately 700 greyhounds. Seymore said the track would work with kennel owners and adoption groups to find homes for approximately 150 greyhounds. Mile High is limited to housing the greyhounds for 45 days from the date of closure, which places enormous pressure on adoption groups. Rori Mattson, vice

president of Colorado Greyhound Adoption (CGA), said, "I think the bottom line is that only the strongest racers in Colorado will continue racing in other states," Mattson said. "All the rest will need to find new homes," she said.

Mattson expects some kennels to shut down, increasing the number of displaced dogs. "In any case, the time line is short and there are a lot of dogs." CGA is the largest of five adoption groups in the Denver area. The five groups are coordinating their efforts to evaluate the dogs and find foster and permanent homes for them. The group needs to raise funds to spay, neuter and provide dental care for all the dogs before they are placed in permanent homes.

[BLB is currently embroiled in a financial crisis that is threatening its operation in Rhode Island. The outcome will likely determine the fate of racing in Colorado. See Rhode Island on page 3 for details. — **Ed**]
Sources: *Rocky Mountain News*: Aaron J. Lopez; *The Denver Post*: Andy Vuong, Steve Graff; *The Daily Sentinel*: Cassie Hewlings; NBC Denver affiliate TV 9 News: Kyle Clark; *The (Boulder) Daily Camera*: Miranda Grubbs

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INSIDE

South Tucson Dog Protection Initiative Headed for Ballot	1
Tucson Track Drops Lawsuits Against Welfare Advocates	1
State-by-State News Updates	2-3
Florida Supreme Court Over-Turns Seminole Compact	3
Letters to the Editor	4
Late Breaking News	4
Legislative Briefs	5
Massachusetts Racing Ban Approved for Ballot	5
Kansas Supreme Court Upholds Expanded Lottery Act	5
International News Update	6
Camptown Owner Halts Renovation Project	7