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**Public Hearing on  
Chapter WGC 1-24 and Game 3 Revisions  
Greyhound Racing & Pari-Mutuel Wagering  
August 12, 2003**

SAUNDERS: My name is Mark Saunders and I'm the Deputy Legal Counsel for the Department of Administration to which the Division of Gaming is attached. With me are Dan Subach and Chris Patton from the Division of Gaming. This is a relatively informal proceeding especially with so few people here. But I do have a statement that I have to read into the record and it basically explains what we've done in regard to the rule promulgation and what we're going to do today and some other information. And actually, this is probably going to take longer than the whole hearing but I have to read it into the record. Is this—

PATTON: It's fine.

SAUNDERS: The Department of Administration has set at this time and place a public hearing pursuant to sections 16.004(1), 16.358(2) and 227.11(2)(a), of the Wisconsin Statutes to consider amending rules relating to greyhound racing and pari-mutuel wagering. As I said before, my name is Mark Saunders, I'm Deputy Legal Counsel for the Department of Administration. Dan Subach, Chief Steward for the Division of Gaming and Chris Patton, Gaming Specialist with the Division are also here. These two are the specialists, by the way, if you have any questions regarding these rules, they can answer those or try to answer those and I'll probably be calling on these two with some of the specifics. In the August 1, 2003 issue of the Wisconsin Administrative Register, notice was given that a public hearing would be held on the rulemaking order

proposed by the Department. Copies of the proposed rule and public hearing notice have been provided to all interested parties. Public hearing notices were provided to all Division of Gaming occupational licensees. In addition, copies of the hearing notice were hand-delivered to the press boxes located in room 235 SW in the State Capitol Building on August 7, 2003. The purpose of today's hearing is to give all interested persons or their representatives an opportunity to present facts, views or arguments regarding the proposed rule. In addition to today's testimony, the Department will accept written comments or questions received by the Department by August 19, 2003. Please direct any written comments to Christopher Patton, Department of Administration, Division of Gaming, P.O. Box 8979, Madison, Wisconsin 53708-8979. And if you need that address after this, we'll give it to you again. The statutes require that all persons present at this hearing have an opportunity to present their arguments and comments to the agency officer responsible for promulgating these rules. The Secretary of the Department of Administration, Marc Marotta, has final responsibility for promulgation of these rules. The Secretary has determined that argument should be made to him in writing rather than by oral argument, so consequently, there will be a transcript of this hearing developed and along with your written comments, it will be presented to the Secretary prior to the final promulgation as required by section 227.18(3) of the Wisconsin Statutes. The Department proposes to modify its rules to ensure that it exercises its regulatory oversight functions in an effective and efficient manner. The proposed modifications reflect contemporary, regulatory and industry standards. The amendments afford greater flexibility to Wisconsin race tracks and licensees while preserving and strengthening key regulatory safeguards

that protect the health, welfare and safety of greyhounds, the public and the integrity of pari-mutuel wagering and greyhound racing.

The proposed rules were developed with initial input from racetrack operators, licensees and the public. Two initial informal comment periods occurred between April 25 to May 30, 2003 and June 8 to June 30, 2003. In addition, public informational meetings were held in the cities of Delavan and Kenosha, Wisconsin on June 9, 2003. The proposed rules were submitted to the Wisconsin Legislative Council Clearinghouse on July 11, 2003 for their review, analysis and recommendations. The Legislative Council issued its report on the proposed rules on August 7, 2003. And the Department will be amending the rules to address those comments suggested by the Legislative Council.

Okay, what I'm going to do is go through these appearance slips and people that signified that they wished to testify, I'll call them up and they can make their comments and, I guess, initially we'll restrict it to five minutes or maybe longer since there are not too many people that wish to testify. I've got three of these appearance slips that don't have anything checked off, so I wasn't sure whether or not you may have wanted to testify but you didn't mark it so I'm just going ask if David Jansa, did you want to say anything? (no audible reply).

Okay, then I'll mark you down. Rebecca Dowty. No, okay. And Robert Golden? No, okay. So we only have two people, so far, that want to speak. I guess you have plenty of time. And by the way, if you want to speak after the other speakers, if you change your mind, just let us know. So, Mr. Jansa, I guess we'll ask you first, why don't you come on up to the podium. And if you have

any written comments, if you want to share those with us or send us a copy, we'd appreciate that as well. Okay. So go ahead Mr. Jansa.

JANSA: In section 28, for the maidens and performance lines, we believe that should be a decrease from 3 maiden schooling lines to 2 lines. Two schooling lines for maidens is pretty much the normal standard.

SAUNDERS: Okay, you say it's normal in the industry nationwide?

JANSA: Yes.

SAUNDERS: And that was section 28?

JANSA: Section 28.

SAUNDERS: Okay. All right.

JANSA: Also, section 32, I believe it states that maidens shall be graded at the last day of the month they turn 24 months. We believe it should be at the conclusion of the last performance so that the next—not the 31<sup>st</sup> of the month but the first of the month of the next month in which the greyhound races.

SAUNDERS: --following month after the conclusion of—

JANSA: Yes.

SAUNDERS: Okay. And any reason you want to give for that?

JANSA: Well, they're still 24 months at that last day and then the next month, they'll be two days plus, so that would be (inaudible). And then section 49, the last sentence mandates the greyhound must lose weight on a minimum of three separate occasions. We believe the three occasions depending on what race they're in and such, making it a little easier to--

SAUNDERS: Do you have a suggestion?

JANSA: Well it says three occasions, right now, and we're saying three consecutive occasions.

SAUNDERS: Okay. Anything else?

JANSA: That would be it.

SAUNDERS: Okay. Well, thanks for those comments and we'll take them under advisement. Thanks a lot. The next, and only other speaker we've got so far is Greg Cline. And you're from United Tote Co. The floor is yours.

CLINE: Thanks for letting me speak with you. I'm general counsel for United Tote. I'm also head of the compliance area. Vic Harrison was going to be here and so he sends his apologies that he can't be here. There's another matter

he's taken so I'm here instead. But just a few matters really. One major item, really, the other matters are pretty minor. But I'll take them sequentially.

Section 69. This is the part that was added, "and no less than 3 wagering interests are included in the wager." We have two concerns there. The first is a \$1 box with 2 horses. We understand that Geneva Lakes has it in this form.

Obviously, a—of \$1—the box, the way I believe. And the second point is more of a technology thing. My understanding is from our technical people that we cannot limit or prohibit based on the—the way the criteria is set up, there's no way we can prohibit that. If someone had like a two-runner wager. But right now, we have nothing in our system--. That's really two common problems with Section 69.

SAUNDERS: Okay.

SUBACH: Can you repeat your second comment. I apologize, I was—

CLINE: I'm sorry?

SUBACH: Can you repeat your second comment that was related to that.

CLINE: Yes, the technical point?

SAUNDERS: Yes.

CLINE: My understanding, and don't ask me to get into, that's why I went to law school rather than becoming an engineer or software guy, my understanding is that the system, as the way it is configured now at Geneva Lakes, there's no way we can prohibit that if someone wants to come in with a 2 horse wager, there's no way we can block that out of our system and say kick it out.

SUBACH: There's no limitation on the minimum. If boxing is open for a pool, it's open for a pool, it's not limited by the number?

CLINE: Correct.

SUBACH: And even though you're taking them sequentially, is that your major issue?

CLINE: No, my major is, if you want, we can address that one first.

SUBACH: No, that's okay, just point out which one you see as major.

CLINE: Okay. A minor one is 80 (f) which is the Pick (N) with a major pool, minor pool, major carryover and jackpot carryover. We just have, our technical people just had a general question whether that was an ITST-compliant. We were uncertain of that. I just wanted to bring that to your attention. That would be (f), with major pool, minor pool, major carryover, jackpot carryover.

SUBACH: And if it not ITST-compliant, would your company suggest that it be held locally only and not be subject to other ---

CLINE: Correct, it would cause conflict problems and a lot of heartache for those technical people I mentioned if it's not ITST-compliant.

SAUNDERS: Okay.

CLINE: Let's go to the major issue and that deals with 87, section 87, which the way I read it is a shifting of the responsibility for plant physical security from the track operator to the tote operator. And we strongly object to that for several reasons. Primarily, is that it is the track's facility, the actual track's, they own the space, property, the back room and secondly, and equally as important, in our contract that is specifically provided for by the track itself. Contractually, and that's true in over 100 contracts that I've done for United Tote. The racetrack uniformly is responsible, contractually, legally for that security system. I think it better lies there. I mean it's their facility and it's their people, that's been my experience that tracks have their own security personnel and we don't. Our people are just there to provide tote services. We obviously have a concern for this and we train our employees but we feel the ultimate responsibility lies with the racetrack on physical plant security as opposed to code security or computer security which certainly is our responsibility.

SAUNDERS: Okay, it's just the physical security that you're talking about?



CLINE: Right. And then, just a couple of other, two other very, very minor. These issues, really, are just typos and may have already been corrected.

SAUNDERS: Actually, that's possible.

CLINE: In section 115 and in section 148, employee has been misspelled, but there's no objection otherwise.

SAUNDERS: Was that employee with one "e" by any chance?

CLINE: Correct.

PATTON: That may have already been corrected.

SUBACH: The State of Wisconsin always spells employee with one "e" by statute, Mark?

SAUNDERS: By statute. They repealed that eventually because the idea was they would save keystrokes, I think, years ago. But that's been repealed and so I think we would have caught that. But thanks.

CLINE: Sure. That's all I found.

SAUNDERS: Okay, well thank you Mr. Cline. Thank you.

CLINE: Thanks gentlemen.

SAUNDERS: That's all we have registered for speaking at this point. I see a gentleman in the back that just came in, in the green shirt. Sir, did you want to appear to testify?

(inaudible)

SAUNDERS: Okay, well at this point, that's it for speakers.

MOHR: May I?

SAUNDERS: Yes, you may. Can you just fill out a slip later. Oh, I'm sorry. Okay, well come on up and speak your mind.

PATTON: But if you also do want to speak—

SAUNDERS: You bet.

PATTON: We'll mark you down.

MOHR: --in section 29—clarifying about the affidavit in terms of the lease agreement. Do you want the lease and an affidavit attesting to the lease?

SUBACH: Chris, do you want to speak?

PATTON: Sure, sure. The thought behind that modification to the rule was based on the fact that a lot of kennels operate on, really, a verbal lease agreement between the kennel and the greyhound owner and so the thought was that instead of forcing people to sign a lease agreement and really executing a paper document on behalf of both lessee and lessor, that really what we want is we want just a testament to what the lease agreement, whether it be verbal or written, is.

MOHR: (inaudible)--affidavit and is the affidavit notarized?

PATTON: The affidavit, as the form is being developed, is notarized. The affidavit that we're developing would be similar to a standardized lease that's in existence in many other racing jurisdictions.

MOHR: The affidavit is the lease?

PATTON: It's essentially, right—

SAUNDERS: I think the intent, my understanding, is the intent was either or. We just wanted something in writing and if there was a verbal lease, then if—

PATTON: Right.

SUBACH: We are not going to require the lease—

PATTON: Correct.

SUBACH: We are only going to require the other one.

MOHR: (inaudible)

SUBACH: Right. We're not going to deal with the lease at all anymore. In working, you know, what we saw historically, is that most leases, and we've looked at 10 or 15 leases, or we have at least 10 leases on file of different ways that what leases look like from different tracks and everything. And I would say that every one of them requires the lessor and lessee to sign. I don't know what your—on multiple occasions, and it was told to us, whether it be the trainer or the greyhound owner, that the person on the other side, the greyhound owner, had given the trainer or the kennel owner the right to sign their name. And, you know, from a legal standpoint, one of the things we discussed, there are some legal ramifications to one person signing another person's name without, you know, a legal piece of paper saying that they can do that and everything like that. So we had a document in front of us that we knew may not be binding because of a person signing it. So what we wanted to do is go to the person who is working at a Wisconsin racetrack, whether it be the trainer or the kennel owner and just get them to tell us the part of the lease and sign off and say this is what the lease is about.

MOHR: (inaudible)

SUBACH: Right, we don't care if they—whatever they sign with the kennel owner, I mean the greyhound owner, we don't care. That's up to the civil courts, we don't care about that. We just want to know for our files, for our purposes, what the lease is about and we don't want to be a party to somebody signing somebody's else's name and us knowingly knowing that they're doing it. We didn't want that. So we only want one person to sign the piece of paper and the person at the racetrack would be the easiest and we will try to provide notary services to make it as easy as possible on those people to accommodate them.

MOHR: Those people that will be notarizing—trainers and kennel owners, so why (inaudible)--why would those documents have to be notarized?

SAUNDERS: Well, as an affidavit, you want, you would be attesting to the fact that that person who is allegedly signing is the person that signed. So, it's a legal form that's required in an affidavit. It's basically swearing an oath, is what you do when you sign an affidavit—I mean it's not, I don't think that's generally isn't a burden especially if you have notaries at the track. It's really a—

MOHR: (inaudible)

SUBACH: The paper, we would hope, would take on multiple greyhounds at one time. To try and accommodate—

MOHR: (inaudible)

PATTON: Right.

SAUNDERS: And we haven't developed the form yet either—

PATTON: Yes, I mean it's in draft.

MOHR: The other comment I have is in section 46. There is a typo.

SAUNDERS: Good point. That might have been caught by the Leg. Council.

MOHR: Also, when does the weight change become effective?

PATTON: The intent was that the weight change would become effective once you entered into your rosnet system, into your tracking system, so obviously if they change the weight at the scale when the dog's been across the scale, it's not going to be in the program, it's not going to be effective until after the change we made in the system. But the intent is that there would not be an arbitrary amount of time that would have to occur as sort of a waiting period between the time that the slip is turned in and signed off on from the time that the weight change actually becomes effective.

MOHR: What about dogs already drawn and scheduled to run. Would the weight change take place after the program was already printed?

PATTON: I guess, what would you recommend?

MOHR: I am asking what you intend? It does not really matter to me. We just need to know when it becomes effective.

PATTON: So you would have no problem if it was effective at the point in time in which the, I guess, we have to work on the effectiveness of it, but you'd have no problem if it was effective essentially at the time that the change is made in—

MOHR: (inaudible)

SUBACH: On certain things like this to where there's policy involved or there's, I don't want to say interpretation, but we would put down also and we're currently working with our field staff to determine, you know, how this would be put into place to accommodate the kennels and that we would come out and let you know this is how it's going to be. Chris, is it safe to say for the people here that there would then be a period after that the--steward would be removed and we'd probably go to a period there, is that what—

PATTON: Right.

SUBACH: --our original intent was?

PATTON: Correct.

SUBACH: So that's how it would end then. The steward, the strike---stewards would be removed and we would put a period at the end of stewards. That was just an oversight on our part.

MOHR: Thank you.

SAUNDERS: Thank you. Mr. Lazaris?

LAZARIS: The first thing I wanted to talk about was about the lease agreement also. But a little bit different area I'm going in. When you have a lease agreement between the kennel owner and the owner of the greyhound, that every greyhound in Wisconsin has to have some sort of an agreement or lease to be able to run, my question is right now, is if the owner had 3 or 4 or 5 greyhounds in their kennel or even 1, and he decides, well, I just want to pull the dog and run it at a different track. That agreement between the kennel owner and the owner of the greyhound that, I think, that that should be something that should stay just where it is, between the kennel and the owner. It seems to me in the past that the racetrack and the State gets involved in situations like this and I want to know where do we really stand on this right now as far as are there any rules on the books that say if the owner would like



to take his greyhound out of Wisconsin and to a different state, that he's able to do that?

SUBACH: This is why we're doing a one-way lease. We want to know how you, as a kennel owner or the trainer, reports the lease to us. We are not, if there's a problem between the kennel owner and the greyhound owner regarding the lease, in the past, we have tried to go out of our way to not get involved, because if it's a legal dispute, there is a proper forum for legal disputes related to contractual issues and the Division of Gaming is not the party to, you know, settle that dispute. So we're going to do our best, especially in the future if we haven't in the past, which we've tried to, is stay out of that dispute. That dispute is between the kennel owner and the greyhound owner over the lease and, you know, could be a legal dispute or whatever, and we're not going—we're trying to stay out of that.

LAZARIS: The problem I see right now is that usually if you sign a lease agreement with the owner of the greyhound, that usually it's where somebody else, a different person might step in and buy that greyhound and say, hey, I'm a different owner, I do not have to honor that lease agreement. But actually, when you look at that lease agreement, we're not talking, that lease agreement is on the greyhound, I don't care if it changes four or five different ownerships, the agreement is on that greyhound. If he signs a lease, the owner, that that greyhound is going to run in that kennel for one year or for the lifetime of that greyhound, whether it changes ownership or not, that is the agreement that's on the dog, not on the owner.

SUBACH: I would say that part of the rule is not a part of this rulemaking process. So it's probably not the forum for us to discuss that. Mark Saunders is our attorney also back at the Division of Gaming in Madison. If you would like to contact me or I will tell you that I will discuss this matter with him. I can discuss it with him and get back to you on that subject specifically. And that's contractual law on whether or not the ownership—once the ownership of the dog changes, does that null and void the lease, the original lease? It's like as if an apartment was sold, does it null and void the lease?

SAUNDERS: It would depend on the wording of the lease as well. Again, as Dan was saying, we're not a party to that and we do not directly regulate it but we can certainly discuss it with you. But that would be between the lessor and the lessee and the actual terms.

SUBACH: But because it's not a part of the rules in front of us, it's not appropriate for us to discuss it at this forum. We can discuss it off the record?

SAUNDERS: I would agree with Dan.

LAZARIS: Thanks.

SAUNDERS: Okay, is there anybody else who would like to speak on anything or have any questions at this point? If not, I don't see anybody else coming. If not, I guess that will wrap it up. Again, written comments are accepted through

August 19<sup>th</sup>, so if anything else comes up in your mind, please submit them in writing. The address, does anybody need that address? I can give it to you again, may be a little bit more slowly?

SUBACH: P.O. Box 8979. The Wisconsin Division of Gaming, Attention Chris Patton, P-A-T-T-O-N, P. O. Box 8979, Madison, Wisconsin 53708. Is that okay Chris?

SAUNDERS: And with that, this hearing is over. Thank you.

(break)

SAUNDERS: For the record, the meeting started at 1:05 p.m. We waited five minutes to see if any more parties would show and we concluded at 1:34 p.m. (end of tape).



# DAIRYLAND GREYHOUND PARK

William O. Apgar, Jr.  
Vice President-Operations/General Manager

August 17, 2003

Mr. Chris Patton  
Wisconsin Division of Gaming  
P.O. Box 8979  
Madison, Wisconsin 53708-8979

Dear Mr. Patton,

As per our discussion, please find enclosed my input to the proposed rule amendments of Chapter WGC 1-24 and Game 3 of the Wisconsin Administrative Code, relating to greyhound racing and pari-mutuel wagering. My recommended wording changes are underlined.

WGC 4.04 Daily race programs. Page 36 (2) Daily Race (g)

The association is responsible shall make a good faith effort to ensure the accuracy of all information contained in the daily race program, and shall be responsible to correct any errors contained therein immediately.

Section 10 WGC 4.06 (3) Page 37

Furthermore, the association shall ensure that all association personnel are trained to turn all power switches to the off position when persons are working within 30 inches of the lure rail.

Section 15 WGC 4.10 Page 39

The association may be responsible for all reasonable costs incurred....

Section 156. WGC 23.02 WISCONSIN OWNED PROGRAM (2) Page 89

Each association shall make a good faith effort to ensure that at least 2 kennels, whether sole proprietorships...etc.... are wholly owned by Wisconsin residents. Wisconsin residents applying for kennel bookings must be properly qualified in the raising, racing and training of greyhounds in order to be considered for a kennel booking at a Wisconsin racetrack.

Should you have any questions concerning this matter, please let me know.

Sincerely,

William O. Apgar, Jr.  
General Manager/V.P. Operations

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DIVISION OF GAMING  
03 AUG 19 AM 11:05



# DAIRYLAND GREYHOUND PARK

## FAX COVER SHEET

**TO:** Chris Patton

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**FROM:** Bill App

**DATE:** 8/22/03

**Total Number Of Pages Including Cover Page:** 2

**COMMENTS:** FYI - please share with Don Supach

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**Sent By:** \_\_\_\_\_

**ANY PROBLEMS: 262-657-8200 Ext:** \_\_\_\_\_

5522 104<sup>th</sup> Avenue Kenosha, WI 53144 Fax: 262-657-8231

Section 10 WGC 4.06 (3) Page 37

Furthermore, the association shall ensure that appropriate employees are properly educated regarding rail/lure safety. Additionally, each employee that receives training in rail/lure safety shall sign a document stating that they have received training by the association and that part of that education and training includes turning all power switches to the off position when persons are working within 30 inches of the lure rail.

TO: DAN SUBACH  
CHRIS PATTON  
DIVISION OF GAMING

8/19/03

FROM: CYNDI NAPOLITAN-FARRELOTH  
Red Wings Kennel

I WOULD LIKE TO ADDRESS THE VACCINATION REQUIREMENT  
I'D LIKE TO SEE A 7 DAY GRACE PERIOD FOR  
EXPIRED VACCINATIONS. THERE ARE THREE MAIN REASONS  
FOR THIS:

- 1) GNOBHDUNDS DRAW IN EVERY 3 DAYS AND WE CANNOT  
'SHOOT' THEM WITHIN A 48 HOUR WINDOW OF  
RACING.
- 2) THE VET ONLY COMES IN ONCE A WEEK AND RIGHT  
NOW IT'S BEEN PRETTY SPORADIC DUE TO FAMILY  
ILLNESS.
- 3) A VACCINATION DOES NOT EXPIRE ON THE EXACT  
DATE ONE YEAR LATER (DISTEMPER) OR 3 YEARS LATER  
(RABIES)

\* Suggestion - if this CANNOT BE DONE, CAN'T WE  
get the State Vet to vaccinate? WE WILL  
gladly reimburse the State.

Cyndi Napolitan-Farrel  
1 71 71 1 511 21 711



Wisconsin State Senator

**Ron Brown**

*District 31*

TO: Members of the Senate Committee on Homeland Security, Veterans and Military Affairs and Government Reform

FROM: Sen. Ron Brown, Chair

DATE: September 4, 2003

RE: Referral of Clearinghouse Rule 03-070

The following clearinghouse rule has been submitted by the Department of Administration and referred to the Senate Committee on Homeland Security, Veterans and Military Affairs and Government Reform:

- **Clearinghouse Rule 03-070**, relating to greyhound racing and pari-mutuel wagering.

An electronic copy of this rule is available in Folio. If you have questions about the rule or wish to request a hearing, please contact Melissa Gilbert in my office at 266-8546. The committee's 30-day review period for this rule expires on Friday, **October 3**.

Thank you for your attention to this matter.



# Greyhound Protection League

P.O. 669 Penn Valley, CA 95946

888.842.4404

September 10, 2003

The Honorable Ron Brown  
Room 104 South  
State Capitol  
P.O. Box 7882  
Madison, WI 53707-7882

VIA FAX

Dear Senator Brown:

The Greyhound Protection League has reviewed the proposed 2003 changes to the rules and regulation governing greyhound racing in the State of Wisconsin. We have concluded that the proposed changes fail to address a number of issues that are critical to the welfare of Wisconsin's racing greyhounds. These concerns are enumerated below. Additionally, we have grave concerns about the Division of Gaming's stated intention to promote the business of greyhound racing in the state. As a government agency the Division is charged with regulation and enforcement. Taking on the role of the public relations for a private business is a clear conflict of interests that undermines the Division's authority and casts doubt on the integrity of the Gaming Division. We are alarmed by the omission of any enforcement protocol in the proposed changes. This oversight essentially renders the entire document meaningless. Lastly, the preponderance of rule changes disregard greyhound welfare issues in favor of pandering to the demands of kennel personnel and dog owners who would prefer not to be regulated at all.

We urge you to consider the following points before ratifying the proposed changes to the rules and regulations:

1. **SALE/DONATION OF GREYHOUNDS TO RESEARCH:** The current language offers state sanction to greyhound owners who choose to the dispose of Wisconsin racing greyhounds into research facilities and blood donor programs. Given the enormity of the recent scandal created by the Division's lax oversight and the opportunities afforded to an unscrupulous, state licensed kennel operator; one would think that Wisconsin would want to close all the loopholes that could result in another national scandal. Not to speak of the fact that the state has an ethical and moral obligation to animals that service the state's gambling interests - even after they are no longer a valuable commodity. We strongly urge the state to use its legislative and regulatory authority to prohibit this inhumane use of Wisconsin racing greyhounds.
2. **GREYHOUND ADOPTION:** The code changes are completely devoid of any interest in increasing or supporting the adoption of retired racing

greyhounds. This glaring omission gives credence to the suspicion that the state really doesn't care what happens to its greyhounds when they are no longer of use. The majority of retired racers in Wisconsin are shipped out of state - "back to the farm" - where they are not used for breeding, but are killed. Their last chance at life is the intervention of an adoption program.

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3. A SERIOUS LOOPHOLE related to points one and two has been created by proposing a rule, which allows track personnel, and others to remove a greyhound from track property if the dog resides in the track adoption kennel or is being removed for veterinarian care. Our concerns are two fold. First, the purported purpose of the current adoption protocol was designed to prevent a repeat of the Shonka tragedy. Without appropriate requirements for removal of dogs from the adoption kennel, the risk of the dogs being transferred to an unscrupulous party or entity may be realized once again. Secondly, track personnel use outside veterinary services for euthanasia of unprofitable dogs. The current language encourages this practice.
4. PRIVATE BREEDING AND TRAINING FACILITIES: There are no proposed regulations that would expand the scope of the Division's enforcement powers to private property. Currently, their powers are limited to track property. Unfortunately, greyhound welfare violations and inhumane disposal most often occur on private breeding and training farms. Expanding the scope of the Division's powers to conduct unannounced inspections, and to enforce greyhound welfare and other animal welfare regulations, would provide crucial protection for greyhounds within the State of Wisconsin.
5. VETERINARY INSPECTION OF DOGS PRIOR TO RACE: The opportunity to strengthen current regulations with regard to illegal or dangerous performance-enhancing drugs or other illegal activity has actually been weakened. The on-site veterinarian no longer is required to physically inspect every greyhound prior to each race, and instead leaves it to his/her discretion. Direct physical examinations can identify illness and subtle injuries, and the examination is useful in detecting the use of illicit substances that can alter race performance. Furthermore, there are no requirements for random and regular drug testing of greyhounds and track personnel. Illicit drug use has been a persistent problem at Wisconsin tracks.
6. POST-MORTEM REVIEW: Necropsies are no longer required after euthanasia, and instead, is left to the discretion of the on-site veterinarian. While on the onset one may assume the euthanasia resulted from a race-

related injury, there may have been underlying and contributing factors, such as a pre-existing, untreated injury or the administering of a performance enhancing substance. The weakening of this rule provides a serious loophole that reduces the potential for the track veterinarian to identify such offenses.

7. **DANGERS OF MECHANICAL LURE:** There are no proposed regulations that would address the serious risk to greyhounds when the mechanical lure is in operation. Specifically, there are no emergency procedures that are required to immediately stop the lure and retract the arm when a dog has been knocked into the lure mechanism. The hazards of the lures (fatalities) have been documented and even recognized by racing greyhound owners. In most cases, the lure is not stopped when a greyhound is caught in the mechanism by decision of track management or the authority granted the lure operator in an effort to finish the race. In many cases, the extendable arm or motor has struck the greyhound, resulting in serious injury or death.

- 3 -

8. **INJURY RATES:** No regulations have been proposed to address the unacceptable injury rates at Wisconsin tracks. The protocol should include the level of veterinarian care the dog receives, the timeframe in which the dog should receive emergency care, and the preventive measures that should be taken to reduce the frequency and severity of injuries. Current regulations limit veterinarian care to triage, and does not provide for appropriate care for serious injuries. It should be noted that non-profit, independent adoption groups incur the heavy cost for treating dogs injured at both tracks, and often the costs become substantial because the dogs received inadequate emergency care while in the possession of track personnel, kennel owners or trainers.
9. **INTEGRITY OF RACING:** Lead-out personnel are now permitted to wager on greyhounds along with other track personnel, with the only stipulation being that they not bet against dog in their care. This poses a significant risk to the welfare of racing greyhounds. The fact that this is permitted entirely jeopardizes the integrity of racing and the welfare of the dogs.
10. **TRANSPORTATION OF GREYHOUNDS:** There are no acceptable regulations for controlling greyhound transport. The proposed rules are limited to the kenneling of the dogs during transport. The well-documented perils of dog hauling include failure to provide adequate climate control inside the transport cages (both heat and cold), and failure to provide non-combustible bedding and other materials. In addition, the regulations are lacking division inspection requirements to ensure compliance.

11. **INCLEMENT WEATHER CONDITIONS:** Track officials are given the authority to determine whether to hold races during inclement weather conditions. Considering the financial loss that would be incurred in making such a decision, we feel that track officials will attempt to hold races in spite of inclement weather conditions. Indeed, we could find no cancellations of races during a random check of race results for races held during the coldest and warmest months of 2003. We feel that the Division should very clearly define within their regulations the weather conditions by which the greyhounds are permitted to race, and that this definition should be formulated with the sole input of independent and unbiased veterinarian experts.
12. **SCHOOLING RACES:** There are no requirements for physical inspection of the track immediately prior to each schooling race. In addition, there appears to be no requirement for the presence of a veterinarian during schooling races. Finally, there is no clear definition of "inclement weather conditions" by which the track officials should abide by when determining whether schooling races should proceed. Serious greyhound injuries often occur during schooling races and this is an area that needs utmost attention.
13. **KENNEL BUILDING SAFETY:** Kennel standards do not include the need for hard-wired smoke detection with 24-hour remote alarm notification. This is a critical oversight.

- 4 -

14. **ETHANASIA:** There appear to be no requirements outlining the method in which a greyhound will be humanely euthanized in the State of Wisconsin. In addition, there appears to be no requirement making humane euthanasia the only manner in which a greyhound will be destroyed. Requirements should include the medication to be utilized; who is authorized to administer it and how it is to be administered. Such regulation would restrict any unauthorized individual from inhumanely destroying a greyhound.

On one final note, we were disheartened and stunned to find that euthanasia records were no longer available for public review. The change was made without any public comment on the issue and we urge the Legislature to overrule this decision. The stated reason given by the Division was to provide

"confidentiality" to the greyhound owners. We would submit that greyhounds race for the State of Wisconsin; as such, their disposal is a genuine matter for public review.

We look forward hearing from you about these concerns and will be available to assist in any manner possible.

Sincerely,

Greyhound Protection League

Representatives

Lenka Perron,

586.773.7991

Susan Netboy

888.842.4404

cc: Office of the Governor  
Honorable Alan Lasee  
Honorable John Gard

**Gilbert, Melissa**

---

**From:** Lenka\_Perron@ffic.com  
**Sent:** Tuesday, September 30, 2003 12:37 PM  
**To:** Melissa.Gilbert@legis.state.wi.us  
**Subject:** Greyhound Regulations

Missie,

I wanted to inform you that we are going to forward our revised letter to the gaming commission and ask that they reference any existing or proposed regulation that would address each individual concern.

If possible, I would like to share with you the results of this conversation/correspondence in the event that we determine that regulations are indeed lacking.

Thank you Missie.

Lenka Perron

\*\*\*\*\*

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\*\*\*\*\*

**Gilbert, Melissa**

---

**From:** Lenka\_Perron@ffic.com  
**Sent:** Tuesday, September 30, 2003 12:06 PM  
**To:** Melissa.Gilbert@legis.state.wi.us  
**Subject:** Revised Concerns



Gaming Regs.doc

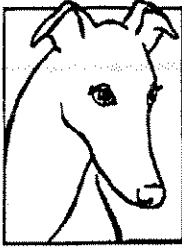
Missie, we would appreciate having the division provide the specific and existing regulations by which our concerns would be addressed. There may be a small handful of examples where we may have "missed" existing wording, but I am fairly confident that there is NO specific rule by which our concerns would be addressed. I feel that perhaps a phone call with you and/or other parts to clarify our position may be of value. We have 20 years of experience in reviewing and proposing gaming regs, so I'm not entirely confident that this misunderstanding is on our part.

Thank you in advance for addressing our concerns. Our revised letter below will do a much better job of describing what is lacking, verses the draft copy I sent to you in error.

Sincerely,  
Lenka Perron  
Greyhound Protection League

(See attached file: Gaming Regs.doc)

\*\*\*\*\*  
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*Organizational Listing is for  
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# GREY2K USA

Via Facsimile -- 608-270-2564

September 22, 2003

Christopher Patton  
Gaming Program Specialist  
Department of Administration -- Division of Gaming  
P.O. Box 8979  
Madison, WI 53708

RE: Proposed Rule Revisions: Greyhound Racing

Dear Mr. Patton,

I am writing with respect to proposed rule revisions to the Wisconsin General Code and to Game 3 of the Wisconsin Administrative Code. First of all, I would like to compliment the Department of Administration for several proposals in particular, which are found in Sections 10, 12, 98, 116, 131, 144 and 145. As you know, these mandate for higher standards and require twenty-four security at racing kennels, heated racing services and starting boxes, warrantless access by the Division of Racing to kennel facilities and records, a prohibition on live lure training, mandatory post-mortems, annual vaccinations, and clean kennel floors and bedding for racing dogs. These improvements clearly demonstrate a great concern for the welfare of greyhound dogs.

At this time, I would like to submit a proposed amendment to Section 145, amending WGC 15.06. Please consider adding an affirmative statement regarding the use of greyhounds in scientific research. To wit:

**Scientific research.** (1) No licensee, except the greyhound's owner, may directly or indirectly transport or arrange transportation of greyhounds that have raced in the state of Wisconsin to a facility licensed by the United States Department of Agriculture for the purpose of the greyhound participating in animal research or blood donation.

*This rule should not be interpreted as an endorsement of the use of racing greyhounds in laboratory procedures. The Division of Gaming recommends adoption as the preferred means for the disposal of ex-racing greyhounds.*

## Protecting Greyhounds Nationwide

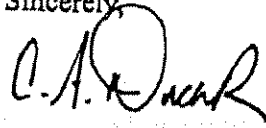
P.O. Box 442117  
Somerville, MA 02144  
866-2GREY2K • 617-666-3568 (fax)  
www.grey2kusa.org  
info@grey2kusa.org



I understand that the Division of Gaming may or may not have the absolute legal power to prohibit the transfer of greyhounds for medical experimentation. Nonetheless, a recommendation for adoption would not only protect greyhounds but also promote the integrity of the industry itself.

Thank you for speaking with me today and thank you for your attention to my concerns. Please feel free to contact me with any questions you may have.

Sincerely,



Christine A. Dorchak

## Gilbert, Melissa

---

**From:** Gilbert, Melissa  
**Sent:** Friday, September 26, 2003 2:29 PM  
**To:** Subach, Dan  
**Subject:** FW: Greyhound Welfare Regulations



wisconsin gaming  
complaint.doc...

Hi Dan,

We received the attached correspondence from the Greyhound Protection League. I'm not sure how accurate these allegations are. Would you or someone else in your office take a look and provide feedback on the cited concerns?

Thanks again for you help!

Missy

Office of Sen. Ron Brown

-----Original Message-----

**From:** Lenka\_Perron@ffic.com [mailto:Lenka\_Perron@ffic.com]  
**Sent:** Monday, September 15, 2003 9:10 AM  
**To:** melissa.gilbert@legis.state.wi.us  
**Subject:** Greyhound Welfare Regulations

Melissa,

Thank you in advance for taking the time to review our concerns. We have been one of the only advocacy organizations involved with detailed investigations into greyhound welfare country-wide, so our concerns come from a very good knowledge of the exposures which exist to racing greyhounds. We are more than happy to explain any of our concerns, and background information with regard to the need for stronger greyhound welfare regulations, to you and Senator Brown.

Sincerely,

Lenka Perron

(See attached file: wisconsin gaming complaint.doc)

# Greyhound Protection League

P.O. 669 Penn Valley, CA 95946  
888.842.4404

September 10, 2003

The Honorable Ron Brown  
Room 104 South  
State Capitol  
P.O. Box 7882  
Madison 53707-7882

Dear Mr. Brown:

The Greyhound Protection League has recently reviewed the 2003 proposed rule changes for the Wisconsin Gaming Division. These rules serve to regulate the two remaining dog tracks in Wisconsin.

We have serious concerns about what appear to be loopholes with regard to the welfare of racing greyhounds, as well as the Division missing an opportunity to address and regulate serious exposures that have a direct impact on the safety of racing greyhounds.

The Greyhound Protection League is concerned for the safety of racing greyhounds based on the following interpretation of the rule changes:

1. The opportunity to strengthen current regulations with regard to illegal or dangerous performance-enhancing drugs or other illegal activity has actually been weakened. The on-site veterinarian no longer is required to physically inspect every greyhound prior to each race, and instead leaves it to his/her discretion. Direct physical examinations can potentially identify any subtle or masked injury or other performance-enhancing mechanism that may be present and would affect the dogs racing performance.

Furthermore, there are no requirements for random and regular drug testing of greyhounds and track personnel. Such testing requirements exist in other racing states, and as a result, there continues to be a number of positive findings by which violations have been committed.

2. Necropsies are no longer required for each euthanasia, and instead is left to the discretion of the on-site veterinarian. While on the onset one may assume the euthanasia resulted from a race-related injury, there may have been underlying and contributing factors, such as a pre-existing, untreated injury or the administering of a performance enhancing substance. The weakening of this rule provides a serious loophole that reduces the potential for the track veterinarian to identify such offenses.
3. A serious loophole has been created by proposing a rule, which allows track personnel, and others to remove a greyhound from track property if the dog

resides in the track adoption kennel or is being removed for veterinarian care. Our concerns are two fold. First, the purported purpose of the Wisconsin greyhound adoption program was to prevent a repeat of the Shonka tragedy. Without appropriate requirements for the removal of dogs from track adoption kennels, the risk of the dogs being transferred to an unscrupulous party or entity may be realized once again. It also results in a removal of controls that would ensure that the dogs were being given to a Wisconsin-approved greyhound adoption organization.

Secondly, it is practice for dog men (i.e., trainers, owners, etc) to seek veterinary care outside the facility to euthanize a dog that has been deemed no longer "fit to race". This very clearly can and will result in an undercounting of track deaths, which we already feel is not accurate.

4. There are no regulations that require owners of greyhounds that are deemed no longer "fit to race" based on performance history, injury, etc., to enter the dogs into the Wisconsin adoption program. We feel the division lost a critical opportunity to address the issue of greyhound disposal through regulation. Currently, many greyhounds transported over state lines for disposal. Many times this is achieved by sending greyhounds "back to the farm". Regulations could, at a minimum, decrease the number of greyhounds destroyed after their racing careers have ended.
5. There are no proposed regulations that would expand the scope of the division's enforcement powers to private property. Currently, the scope of their powers are limited to track property. Unfortunately, greyhound welfare violations most often occur on private breeding and training farms in Wisconsin. Expanding the scope of the division's powers to conduct unannounced inspections, and to enforce greyhound welfare and other animal welfare regulations, would provide critical protection for the dogs.
6. The proposed wording of regulations regarding the sale or disposal of greyhounds to medical research facilities clearly results in the State-sanctioned approval of the sale of Wisconsin racing greyhounds into medical research. The State does have the authority to prevent any greyhounds from being sent or sold to medical research, and regulations should exist to prevent such practices.
7. There are no proposed regulations that would address the serious exposure that exists to the greyhounds when the mechanical lure is in operation. Specifically, there are no emergency procedures that are required to immediately stop the lure and retract the arm when a dog has been knocked into the lure mechanism. The hazards of the lures (fatalities) have been documented and even recognized by racing greyhound owners. In most cases, the lure is not stopped when a greyhound is caught in the mechanism by decision of track management or the authority granted the lure operator in an effort to finish the race. In many cases, the extendable arm or motor has struck the greyhound, resulting in serious injury or death.
8. No regulations have been proposed to address injury rates at the tracks. The protocol should include the level of veterinarian care the dog receives, the time-frame in which the dog should receive emergency care, and the preventive

measures which should be taken to reduce the frequency and severity of injuries. Current regulations limit veterinarian care to triage, and does not provide for appropriate care for serious injuries. It should be noted that non-profit, independent adoption groups incur the heavy cost for treating dogs injured at both tracks, and often the costs become substantial because the dogs received inadequate emergency care while in the possession of track personnel, kennel owners or trainers.

9. Lead-out personnel are now permitted to wager on greyhounds along with other track personnel, with the only stipulation being that they not bet against their dog. This poses a significant risk to the welfare of racing greyhounds. The lead-out personnel have direct contact with the dogs immediately prior to a race, and as such, can what is referred to in dog man terms as "juice or stiff" the dogs. The fact that this will now be permitted is incomprehensible to us and entirely jeopardizes the integrity of racing.
10. There are virtually no regulations for controlling greyhound transport. The proposed rules are limited to the kenneling of the dogs during transport. The well-documented perils of dog hauling include failure to provide adequate climate control inside the transport cages (both heat and cold), and failure to provide non-combustible bedding and other materials. In addition, the regulations are lacking division inspection requirements to ensure compliance.
11. There are two proposed regulations designed to encourage breeders to race their dogs in Wisconsin. We feel that as a state regulatory body, the Racing Division should not be involved with any activity that would directly, or indirectly, promote greyhound racing. The Division is charged with regulating the racing industry, not being the promotional arm of private businesses. We feel this presents a clear conflict of interest.
12. Track officials are given the authority to determine whether to hold races during inclement weather conditions. Considering the financial loss that would be incurred in making such a decision, we feel that track officials will attempt to hold races in spite of inclement weather conditions. Indeed, we could find no cancellations of races during a random check of race results for races held during the coldest and warmest months of 2003. We feel that the Division should very clearly define within their regulations the weather conditions by which the greyhounds are permitted to race, and that this definition should be formulated with the sole input of independent and unbiased veterinarian experts.
13. There are no requirements for physical inspection of the track immediately prior to each schooling race. In addition, there appears to be no requirement for the presence of a veterinarian during schooling races. Finally, there is no clear definition of "inclement weather conditions" by which the track officials should abide by when determining whether schooling races should proceed. Serious greyhound injuries often occur during schooling races and this is an area that needs utmost attention.
14. Kennel standards do not include the need for hard-wired smoke detection with 24-hour remote alarm notification. This is a critical oversight.

15. There appear to be no requirements outlining the method in which a greyhound will be humanely euthanized in the State of Wisconsin. In addition, there appears to be no requirement making humane euthanasia is the only manner in which a greyhound will be destroyed. Requirements should include the medication to be utilized, who is authorized to administer it and how it is to be administered. Such regulation would restrict any unauthorized individual from inhumanely destroying a greyhound.
16. There is a requirement allowing track officials to assign veterinarian responsibilities to an individual of choice, regardless of experience, in cases where the veterinarian is off-site. There needs to be a requirement that no schooling or official race shall be held unless there is a trained veterinarian official on site.

To summarize our last concern, we feel that the regulations are lacking inspection and other measures necessary to enforce these regulations.

On one final note, we were disheartened and stunned to find that euthanasia records were no longer available for public record. We urge the division to change their policy on this. The change was made with without any public comment on the issue. The stated reason given by the division was to provide "confidentiality" to the greyhound owners. However, greyhound euthanasia rates, which could include the reason for euthanasia (i.e., broken leg) can be provided without compromising confidentiality. These figures are critical for organizations that monitor the welfare of racing greyhounds and are relevant to the integrity of racing issues.

We look forward to any consideration that can be given to our concern. We also are available to assist you any manner possible.

Sincerely,

Lenka Perron  
Greyhound Protection League Representative  
(586) 773-7991

cc: Office of the Governor  
Honorable Alan Lasee  
Honorable John Gard

**Gilbert, Melissa**

---

**From:** Lenka\_Perron@ffic.com  
**Sent:** Thursday, October 02, 2003 10:52 AM  
**To:** Melissa.Gilbert@legis.state.wi.us  
**Subject:** RE: Greyhound Regulations

Missie, unfortunately (or fortunately) only two of our concerns are covered through regs...the random drug testing of dogs and the humane euthanasia requirements.

I have a question as I want to thoroughly understand this process and hopefully come out with some resolution that will really benefit the welfare of greyhounds.

This leaves 11 concerns still on the table.

1. Would we be better off, for any number of reasons, narrowing our concerns down to perhaps the top 5 based on importance from our perspective? Or in otherwords, is coming forward with so many concerns seen as a negative?
2. Should we submit suggestive regulatory wording that we feel would adequately address our concerns?

Thank you Missie for your patience in this matter.

Lenka

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## Gilbert, Melissa

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**From:** Patton, Christopher  
**Sent:** Friday, October 03, 2003 12:12 PM  
**To:** Gilbert, Melissa  
**Subject:** Update Rules - Racing

Attached is the updated rules document which reflects the grammar, punctuation and clarity changes we discussed this morning. I also briefed our administrator on the clarity issue to address the concerns expressed regarding exempting removals for veterinary care from prior approval. He is supportive of the change as I envisioned he would be. I also mentioned that you were still waiting to hear from leg. council regarding the scientific research rule. He said that if you here anything differently from leg. council, please let us know as we may be able to work out something to clarify that language to address what you hear. Thanks for meeting this morning.



proposedorder.raci  
ng.senateinc...

**Christopher Patton**  
**Wisconsin Division of Gaming**  
**PO Box 8979**  
**Madison, WI 53708-8979**  
**(608) 270-2555**  
**(608) 270-2564 (f)**



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## **New rules on racing dogs offered**

10:17 PM 9/07/03

Tom Sheehan State government reporter

Only owners could ship racing greyhounds from a Wisconsin racetrack for use in medical experiments if rule changes recommended by the state Division of Gaming take effect.

The proposal is just one of more than 150 changes proposed in what would mark the first overhaul of Wisconsin's greyhound racing rules since 1996, said Chris Patton, a racing specialist with the division.

The changes, now being reviewed by the Legislature, would update regulations, add safeguards and close some loopholes in the rules, Patton said. Wisconsin once had five greyhound racetracks but now has just two - Geneva Lakes Greyhound Track in Delavan and Dairyland Greyhound Park in Kenosha.

The rules control just about every aspect of greyhound racing, from security to bookkeeping, to the amounts and types of bets allowed. About 25 of the rule changes directly affect animal welfare or the administration of drugs to greyhounds. Kennels at the two tracks held 1,680 greyhounds as of Friday, said Dan Subach, chief steward for the Gaming Division.

Some animal welfare advocates say rule changes don't go far enough to protect animals from injury and mistreatment. In some cases, the rules may even create loopholes, said Susan Netboy, president of the greyhound protection league in Penn Valley, Calif.

Greyhound owners should be banned from transporting or selling greyhounds for medical research, Netboy said.

"I would say the state of Wisconsin has the authority to disallow it altogether because the dogs are racing in the state," Netboy said.

The proposed rule on transporting greyhounds was largely prompted by the case of a former kennel operator at the now-defunct St. Croix Meadows Greyhound Racing Park in Hudson, Patton said.

Daniel Shonka, Cedar Rapids, Iowa, was convicted in St. Croix County Circuit Court on Feb. 6, 2003, of theft, after reaching a plea bargain with the state Attorney General's office. Shonka allegedly sold as many as 935 dogs for between \$300 and \$400 each to Guidant Corp., a Minnesota cardiac research lab from 1996 to 2000.

Shonka had a USDA license to sell animals to research facilities, but prosecutors said owners thought their animals were racing for his kennel

or being put up for adoption.

The proposed rule change stops short of blocking dog owners from selling their animals for medical experiments because animals are considered private property, Patton said.

Another rule change would require that post-mortem exams on greyhounds be performed at a state animal health lab, the UW-Madison School of Veterinary Medicine or by another entity approved by a state veterinarian. Currently, the exams are performed by "veterinarians who have a financial relationships with kennel operators," a Gaming Division summary of the rules states.

About a dozen greyhounds are put to death each year because of injuries at Wisconsin greyhound racetracks, Patton said. The rule change would remove even the appearance of any conflict of interest, Patton said.

Netboy said that change may appear more restrictive but actually would remove a requirement under current rules that post-mortem exams be performed for each greyhound death at a racetrack. A post-mortem is the only good way to determine if a greyhound may have been given performance-enhancing or other drugs, Netboy said.

Post-mortem exams would be done at the discretion of a state veterinarian under the proposed rules, and that's how it's done in practice now, Patton said. Under current rules, severely injured greyhounds must immediately be taken to a state veterinarian, who may euthanize them, Patton said. Under those circumstances, the state veterinarian clearly knows the cause of death without an exam, Patton said.

Netboy said the rule changes largely ignore greyhound injuries, which have been a problem, particularly at Dairyland, she said. From 2001 to 2002, injuries reported at Dairyland increased 30 percent - from 318 to 412, state records show. Injuries have tapered off during 2003, Patton said, but Netboy said the state missed an opportunity to mandate corrective action.

The number of injuries at Dairyland is remarkably low, given the number of greyhounds and races, said Bill Apgar, general manager and vice president of operations at Dairyland.

"We run a safe racetrack and do everything we can for the health of the greyhounds," Apgar said.

Each year, Dairyland hosts about 370 events, each of which features between 15 and 20 races, Apgar said.

Apgar said he supports the rule changes, which went through a thorough review and hearing process, he said. Without objection from the Legislature, the rules could take effect in 2004, Patton said.