

Dog tracks may face tougher scrutiny

By Amy Driscoll

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On his first visit to the greyhound kennel, the investigator reported an "outrageous stench" of urine so strong it sent a track judge reeling from the building. A second inspection, about two weeks later, found no improvement in the "noxious" stink.

The filth, ticks and odor at the Orlando-area kennel amounted to animal abuse, state investigator Stephen Toner concluded. He told a kennel worker he would take "serious action" if the place wasn't cleaned up.

But he was bluffing.

'Hopefully, the reputation of other states' laws will make her believe that we can actually do something,' Toner wrote in his July report for the Division of Parimutuel Wagering in Tallahassee. ``Because we have no rules or statutes covering this kind of animal treatment, there is no violation and we must rely on track personnel to make it right.'

A proposed law before the Legislature would toughen regulation of Florida's 16 dog tracks -- nearly one-half of the nation's 39 tracks -- including one each in Broward and Miami-Dade counties. The industry has had problems from dog-doping with cocaine to force them to run faster to the 2002 discovery that a former Pensacola racetrack worker had

been paid \$10 apiece to shoot up to 3,000 aging greyhounds on his Alabama farm.

But the state's dog-racing rules don't give regulators a basic investigative tool: the ability to conduct unannounced inspections of all kennel areas where tracks keep greyhounds.

Currently, investigators must ask for permission before inspecting track kennels, both on the track property and off, where hundreds of racing greyhounds may be housed. And if they find something wrong, the state sometimes must wait for action by local prosecutors before it can revoke or suspend licenses or impose fines.

Regulators have proposed a law that would give them new power to enforce "humane treatment" of racing animals. State regulators would be able to write new rules so investigators could go into track-owned kennel areas to examine dog medicines and food and to check on the welfare of animals. It would also allow the state to take administrative action against animal abusers instead of waiting months or years for a criminal prosecution.

Regulators say such access is key to keeping the industry clean.

"We've not been able to go after a lot of people under the existing statute," said Dave Roberts, head of the Division of Parimutuel Wagering, which regulates dog tracks, horse tracks, jai-alai frontons, slot machines and card rooms. "This would strengthen our ability to care for the animals," he said. "The good people don't want the bad guys to ruin the sport."

The initiative, pushed by Roberts' agency, which is part of the Department of Business and Professional Regulation, comes at a crucial time for the greyhound industry in Florida. With business dwindling all over the country, the Florida track owners have been lobbying hard for laws that would allow them to install bingo-style slot machines at tracks -- also called video lottery terminals -- and to open off-track betting parlors that would include cards and simulcasting.

Miami-Dade and Broward tracks are the only ones in the state that currently have the slots option. Broward's Mardi Gras dog track opened its slot-machine casino more than a year ago, while Miami-Dade's Flagler track is planning to build one.

But other tracks across the state, like the Palm Beach Kennel Club in West Palm Beach, are resting their hopes of expansion on slots. Several slots bills are up for consideration this session.

State regulators hope that despite the push for more gambling, the Legislature won't forget the need for stricter controls on existing gambling establishments. The bill that includes the humane-treatment provision was sponsored by Sen. Dennis Jones, a Republican from

Seminole and head of the Senate's Regulated Industries Committee.

NEED AUTHORITY

"The department needs this authority. They need the ability to come in, unannounced, and inspect," Jones said. "I think it's good for animal lovers and for people who have racing animals."

The proposed legislation was fueled in part by remarks that frustrated investigators sprinkled through their reports, lamenting "no legal action taken" because there are no rules or statutes that apply.

"My investigators are mostly ex-law enforcement and they take pride in their jobs. . . . If they know something is going on that shouldn't be, they want to do something about it," Roberts said.

Most kennels are clean operations where dogs are treated with care, said Steven Kogan, a retired New York police officer who is chief of investigations for the Division of Parimutuels.

Isadore Havenick, a vice president of Miami-Dade's Flagler Dog Track, said new regulations would pose no difficulties at his family's track. "We do everything we're supposed to do, and we'll continue to do that."

But when there is a suspected problem, state investigators often have to rely more on persuasion and persistence than on statutes.

"We just want them to do what they're supposed to do. That's the approach we take, trying to get them to comply," Kogan said. "Most of the investigators

have animals of their own. They do it with a lot of heart."

Investigations cover a wide array of issues: from fleas and ticks to illegal drugging, lack of sufficient water, overcrowding and suspicious deaths.

At the Hialeah kennel shared by Miami-Dade's Flagler track and Broward's Mardi Gras track, recent records show that investigators have looked into one flea complaint and the deaths of two dogs from heat exhaustion after a kennel worker couldn't catch them on the exercise track. Investigators determined the deaths were accidental.

Two other investigations -- for a flea and tick infestation and the deaths of four dogs during a fight -- are pending.

The department does go after offenders. State investigators helped build the case against Robert Rhodes, the Pensacola dog track security guard who admitted to transporting up to 3,000 greyhounds to his Alabama farm where he shot them to death. Investigators believed the dogs came from tracks across Florida. Rhodes was charged with animal cruelty but died two months before his trial.

LICENSE REVOKED

In November, the state revoked the license of trainer Nelson Ulrich and fined him \$11,000 after three dog urine tests turned up positive for a cocaine derivative at the Daytona Beach Kennel Club. Three other dogs in his care were found dead by investigators when they visited him to suspend his license for the drug positives. That case is still under investigation by local law enforcement.

Other states give their gaming departments great latitude to monitor the activities of tracks and dogs. In Arizona, where there are two operational tracks, the kennels are available for inspection any time, according to Arizona Department of Racing Director Geoffrey E. Gonsher.

He has the power to fine the kennel owners or trainers, suspend their licenses and conduct random drug tests of dogs or trainers, Gonsher said. He can also impose fines of up to \$5,000 per violation.

"Our laws have gotten tougher over the last five years," he said. "It's about maintaining the safety and integrity of the sport."