

Form #3

SECRETARY OF STATE
STATE OF WEST VIRGINIA

Authorized Signature

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: July 30, 2010

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.)
West Virginia Racing Commission
106 Dee Drive, Suite 2
Charleston, West Virginia 25311
(304) 558-2150

LEGISLATIVE RULE TITLE: Greyhound Racing, 178 CSR 2

1. Authorizing statute(s) citation West Virginia Code § 19-23-6(3)

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
The proposed rule was filed for public comment on June 29, 2010

b. What other notice, including advertising, did you give of the hearing?
N/A

c. Date of Public Hearing(s) *or* Public Comment Period ended:
The comment period ended at 5:00 p.m. on July 29, 2010

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached X No comments received

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

N/A

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all written correspondence regarding this rule: (Please type)

Jay Bowling, Exec. Secretary
W. Va. Racing Commission
106 Dee Drive, Suite 2
Charleston, WV 25311
(304) 558-2150/558-6319 fax
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- g. **IF DIFFERENT FROM ITEM 'f',** please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing or comment period:

N/A

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N/A

d. Attach findings and determinations and reasons:

Attached N/A

SUMMARY OF PROPOSED LEGISLATIVE RULE

178 CSR 2 Greyhound Racing

This proposed Legislative Rule substantially amends the rules governing greyhound racing in the State of West Virginia, and therefore, proposes to repeal and replace the current rule. The current rule is outdated, poorly organized and includes both contradicting and redundant provisions.

To develop the proposed rule, the Racing Commission appointed a committee made up of the following individuals: Anthony D. Eates II, Assistant Attorney General (Chair); Frank Bellotte, State Presiding Judge at Wheeling Island Racetrack; Barbara Rumbaugh, State Presiding Judge at Tri-State Racetrack; Jane Horvath, Director of Racing at Wheeling Island; Mike Staats, Director of Mutuels at Tri-State; Sam Burdette, President, W. Va. Greyhound Breeders' Association; and Roger White, greyhound kennel owner. The proposed rule is the culmination of seven months of committee meetings and discussions and represents the Committee's vision of what is in the best interest of greyhound racing industry.

Some of the more substantial revisions are as follows:

1. The proposed rule adopts the organizational structure of the Racing Commissioners' International Model Rules.
2. §4.1. The rule mandates that the Commission employ a Security Officer at each licensed racetrack.
3. Part 3. With a few limited exceptions, the rule adopts the RCI Model Rules governing Racing Officials - who they are and what they are required to do. With regard to the Judges, the new rule mandates that all three judges be employees of the Commission. Currently, only one Judge is employed by the Commission, and the tracks employ the other two.
4. §52.1. The new rule requires that greyhound health certificates be dated within fifteen (15) days prior the greyhound's arrival at the association. This represents an extension of five days as the current rule requires the certificate be dated within 10 days of arrival.
5. Part 9. The new rule includes detailed hearing procedures.
6. Part 10. The new rule revises the requirements for training tracks funded according to West Virginia Code § 19-23-10(d).
7. §57.5.a. This rule governs the amount of time which a greyhound pup must remain in WV after birth to be eligible for the West Virginia Greyhound Breeding Development Fund. The proposed rule filed for public comment on June 29, 2010 included a domicile requirement of 6 months. However, the agency approved rule filed today proposes a greyhound domicile requirement of 12 months.

STATEMENT OF CIRCUMSTANCES REQUIRING PROPOSED RULE

178 CSR 2 Greyhound Racing

This proposed Legislative Rule substantially amends the rules governing greyhound racing in the State of West Virginia, and therefore, proposes to repeal and replace the current rule. The current rule is outdated, poorly organized and includes both contradicting and redundant provisions. The

The constituents in the greyhound racing industry supported the Racing Commission's decision to improve the rules of greyhound racing by organizing and modernizing the rules. To develop the proposed rule, the Racing Commission appointed a committee made up of the following individuals: Anthony D. Eates II, Assistant Attorney General (Chair); Frank Bellotte, State Presiding Judge at Wheeling Island Racetrack; Barbara Rumbaugh, State Presiding Judge at Tri-State Racetrack; Jane Horvath, Director of Racing at Wheeling Island; Mike Staats, Director of Mutuels at Tri-State; Sam Burdette, President, W. Va. Greyhound Breeders' Association; and Roger White, greyhound kennel owner. The proposed rule is the culmination of seven months of committee meetings and discussions and represents the Committee's vision of what is in the best interest of greyhound racing industry.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Greyhound Racing, 178 CSR 2

Type of Rule: ☒ Legislative ☐ Interpretive ☐ Procedural

Agency: West Virginia Racing Commission

Address: 106 Dee Drive, Suite 2
Charleston, WV 25311

Phone Number: 304-558-2150 Email: racing@wvnet.edu

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

This proposed rule will cause the addition of six (6) positions to the Commission's payroll: Four (4) Judges and two (2) Security Officers.

This proposed rule also includes an increase in the annual occupational permit fees.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	480,600.00		480,600.00
Personal Services	270,000.00		270,000.00
Current Expenses	121,500.00		121,500.00
Repairs & Alterations			
Assets			
Other	89,100.00		89,100.00
2. Estimated Total Revenues	113,030.00		113,030.00

Rule Title: Greyhound Racing, 178 SCR 2

Rule Title:

Greyhound Racing, 178 CSR 2

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

Under this proposed rule, the Racing Commission will need to hire 4 Judges and 2 Security Officers. The estimated fiscal impact including salaries, benefits and operating expenses for the additional 6 employees is \$480,600.00. The Racing Commission has funds available in the Administrative and Promotion Fund for the West Virginia Greyhound Breeding Development Fund for Fiscal Years 2011 and 2012 to incur the cost of the additional employees. Beyond Fiscal Year 2012, the Racing Commission will need additional administrative funds made available to comply with the rule.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

As noted in the Fiscal Note Summary, this proposed rule creates an additional six (6) positions to the Commission's payroll, but also includes an increase to the annual occupational permit fee. Currently, however, the Racing Commission is required to deposit all fees and fines into a "relief fund" which is devoted to "hospitalization, medical care, and funeral expenses" incurred by permit holders who suffer injury or death while engaging in their occupation. W. Va. Code § 19-23-14. Any balance in this relief fund in excess of five-thousand dollars (\$5,000.00) is mandated to be deposited into the general revenue fund of this state. Id. However, it is crucial to note that the Commission can only make payment from this relief fund in the rare situation where there is no insurance policy covering the injury or death. Id.

Therefore, the Racing Commission is not currently able to utilize the revenue generated by its own permit fees. In order to do so, which will become necessary to assist in funding the additional positions created by this rule, the Commission plans to seek an amendment to West Virginia Code § 19-23-14. Allowing the Racing Commission to keep the fees imposed at the Greyhound tracks would increase revenue by \$113,030.

Date:

June 7, 2010

Signature of Agency Head or Authorized Representative

Joe E. Smith

2010 JUL 30 AM 11:46

**TITLE 178
LEGISLATIVE RULE
RACING COMMISSION**

**SERIES 2
GREYHOUND RACING**

SECRETARY OF STATE
STATE OF WEST VIRGINIA

§ 178-2-1. General.

1.1. Scope. -- This rule regulates the conduct of greyhound racing in this state whether live or by simulcast, the conducting of pari-mutuel wagering at greyhound race tracks, and the breeding of greyhounds for racing.

1.2. Authority. -- W. Va. Code §§ 19-23-2(a), 19-23-3(17), 19-23-6, 19-23-8, 19-23-10, 19-23-13 and 19-23-15.

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Repeal of Former Rule. -- This rule repeals and replaces W. Va. 178CSR2, Racing Commission, Greyhound Racing, filed May 20, 2009 and effective July 1, 2009.

PART 1. DEFINITIONS

§ 178-2-2. Definitions.

As used in this rule and unless the context clearly requires a different meaning, the following terms have the meaning ascribed in this section.

2.1. "Added Money" means a sum by which the established purse is increased.

2.2. "Age" means the age of a greyhound beginning on the day it was whelped.

2.3. "Appeal" means a request for the Racing Commission or its designee to consider and review any decisions or rulings of the judges of a meeting.

2.4. "Applicant" means any racing association making application for a license, or any person making application for an occupational permit.

2.5. "Association" or "racing association" means any individual, partnership, firm, association, corporation or other entity or organization of whatever character or description licensed by the Racing Commission to conduct a meeting where greyhound racing and pari-mutuel wagering are permitted for a purse involving pari-mutuel wagering.

2.6. "Association grounds" means all real property utilized by the association in the conduct of its race meeting, including the race course, grandstand, concession stands, offices, kennel compound, pari-mutuel areas, parking lots, and any other areas under the jurisdiction of the Racing Commission.

2.7. "Authorized agent" means a person appointed by another person to act as his or her representative in a notarized document signed by the owner and filed with the Racing Commission.

2.8. "Bertillon" means a card listing identifying features of a greyhound.

2.9. "Betting interest" means one or more greyhounds in a race involving pari-mutuel

wagering, which is identified by a single program number for wagering purposes.

2.10. "Blanket" means the covering on which a greyhound's starting box post position number is displayed.

2.11. "Bolt" refers to a greyhound departing from the race course during the running of a race.

2.12. "Bookmaking" means a form of gambling that is not authorized by law in which chances are sold to individuals who may win a part or all of the pool depending on the outcome of the event for which the pool is made.

2.13. "Breakage" or "Legitimate breakage" means the remainder after deducting the payout from the net pool.

2.14. "Breeder" of a greyhound means the registered owner or registered lessee of the greyhound's dam at the time of breeding.

2.15. "Chairman" means the chairman of the West Virginia Racing Commission, or his or her designee

2.16. "Commission" means the West Virginia Racing Commission.

2.17. "Complaint" means a written allegation of a violation of these rules.

2.18. "Course" means the track over which greyhounds race.

2.19. "Day" means a calendar day.

2.19.a. "Dark day" means a day during a racing meeting in which no live racing occurs at the association.

2.19.b. "Race day" means a day during a race meeting in which pari-mutuel wagering is conducted on live racing occurring at the association.

2.19.c. "Simulcast race day" means a day during a race meeting in which pari-mutuel wagering is conducted on races being conducted at a location other than the racetrack where the wager is placed.

2.20. "Dead heat" means the finish of a race in which the muzzles and/or nose of two (2) or more greyhounds reach the finish line at the same time.

2.21. "De novo" means a new hearing or a hearing for the second time conducted in the same or a similar manner in which the matter was originally heard and with a review of the previous hearing.

2.22. "Double entry" means an entry of two (2) or more greyhounds in the same race from the same kennel that are separate wagering interests.

2.23. "Draw" means the process of selecting greyhounds and assigning post or starting box positions, and the process of selecting dogs in a manner to ensure compliance with the conditions of the rules of racing.

2.24. "Ejection" means the physical removal of a person at a licensed racetrack from the premises under the jurisdiction of the Racing Commission.

2.25. "Entry" means a greyhound eligible for and entered in a race.

2.26. "Equipment" means as applied to a greyhound muzzle, number blankets, and all other paraphernalia, which might be used on or attached to a greyhound when racing.

2.27. "Established weight" means the racing weight established by the trainer as the greyhound's best racing weight.

2.28. "Executive Secretary" means the racing secretary of the Racing Commission.

2.29. "False start" means any race, which fails to start as, stipulated by the rules.

2.30. "Finish" means the order of finish in which the greyhounds complete the race.

2.31. "Forfeit" means money due but withheld because of an error, fault, and neglect of duty, breach of a contract or a penalty.

2.32. "Fund" means the West Virginia greyhound breeding development fund established under the provisions of W. Va. Code §19-23-10.

2.33. "Handle" means the total amount of all pari-mutuel wagering sales less refunds and cancellations.

2.34. "Judge" means the person or persons designated to represent the Racing Commission whose duty it is to supervise any greyhound race meeting according to these rules.

2.35. "Juvenile" means a greyhound fifteen (15) months of age through twenty-four (24) months of age.

2.36. "Kennel compound" means the facilities on association grounds providing for the housing of the racing kennels.

2.37. "Kennel helper" means a person employed by a kennel owner to assist in the conditioning of greyhounds for racing.

2.38. "Kennel owner" means a person or persons who are contracted by the association to supply greyhounds for racing.

2.39. "Lead-Out" means the attendant that handles or cares for the greyhounds in the paddock and while they are en route to the starting box.

2.40. "Lessee" means a person who holds a registered lease certificate for the racing of a greyhound in his or her name.

2.41. "Lease agreement" means an Association of Racing Commissioners International and/or National Greyhound Association Uniform Greyhound Lease or other written document stating the names of the lessee, lessor, and the terms and purpose of the lease.

2.42. "License" means an authorization by the Racing Commission to an association to conduct dog racing with pari-mutuel wagering at a specified location.

2.43. "Licensee" means any racing association holding a license required by West Virginia Code §19-23-1 et seq. and this rule.

2.44. "Live racing" means greyhound racing occurring on the grounds of a racing association holding a license required by West Virginia Code §19-23-1 et seq. and this rule.

2.45. "Lock out kennel" is the secure and restricted facility within the paddock used to temporarily house entered greyhounds prior to their participation in the current performance.

2.46. "Lure" means a mechanical apparatus consisting of the following component parts: A stationary rail installed around the track, a motorized mechanism which travels on the rail, a pole which is attached to the mechanism and extends out over the race course and the object which is attached to the pole.

2.47. "Maiden" means a greyhound, which has never, in any jurisdiction, won an

official race and which is less than twenty-four (24) months of age. Conditions referring to a maiden means maidens at the time of starting. A maiden who has been disqualified after finishing first is to be considered a maiden.

2.48. "Matinee" means a performance or schedule of races conducted upon a race course in daylight hours.

2.49. "Meet" means the specified periods and dates within a race meeting, during which an association is authorized by the Racing Commission to conduct racing and/or pari-mutuel wagering.

2.50. "Meeting" means the total specified periods and dates each year during which an association is authorized by the Racing Commission to conduct racing and/or pari-mutuel wagering.

2.51. "Month" means a calendar month.

2.52. "Night performance" means a performance or schedule of races conducted upon a race course during night hours.

2.53. "Nomination" means the initial naming of a greyhound for entry in a stake race.

2.54. "No race" means a race canceled or voided for any reason by the judges.

2.55. "Official order of finish" means the order of finish of the greyhounds in a contest as declared by the judges.

2.56. "Official race" means a race in the presence of duly appointed racing officials, for which purse monies are paid involving pari-mutuel wagering.

2.57. "Official time" means the elapsed time from the moment the starting box opens and

ending when the first greyhound crosses the finish line.

2.58. "Official schooling races" means trial races that are supervised by the judges which are conducted for qualification purposes. Pari-mutuel wagering is prohibited on these races.

2.59. "Owner" means the person in whose name the greyhound is registered with the National Greyhound Association determined at the time of breeding, whelping, and racing at a meeting in accordance with this rule. An owner may be a sole owner, part owner, or lessee. A beneficial interest in a greyhound, such as an interest in just the winnings of the greyhound does not constitute part ownership of that greyhound.

2.60. "Paddock" means an area that is restricted to the Racing Commission, association and restricted employees. The paddock area includes the lock-out kennel, reviewing stand and offices.

2.61. "Pari-mutuel" means a mutuel or collective pool that can be divided among those who have contributed their wagers to one central agency. The odds of these wagers are to be reckoned in accordance with the collective amounts wagered upon each greyhound running in a greyhound race relative to the amount wagered on each greyhound in each pool with the total to be apportioned among the first three contestants on the basis of the number of wagers.

2.62. "Pari-mutuel clerk" means any employee of a licensed racing association, who is responsible for the collection of wagers, the distribution of moneys for winning pari-mutuel tickets, verification of the validity of pari-mutuel ticket and accounting for pari-mutuel funds.

2.63. "Patron" means a member of the public present on the grounds of a pari-mutuel

association during a meeting for the purpose of wagering or to observe racing.

2.64. "Performance" means an approved number of races run consecutively as one program.

2.65. "Permit" is the written authorization issued by the Racing Commission to a person allowing occupational participation with dog racing for a purse involving pari-mutuel wagering at a licensee's dog racetrack.

2.66. "Permit holder" means any person holding a permit required by the Racing Commission.

2.67. "Person" means any individual, partnership, firm, association, corporation, or other entity or organization of whatever character or description.

2.68. "Pool" means a combination of interests in a joint wagering enterprise or a stake in the enterprise.

2.69. "Position" means the position at the starting box assigned to a greyhound for the start of the race.

2.70. "Post time" means the time set for the arrival at the starting box for the greyhounds in a race. This information shall be shown at a reasonable time prior to the race on a clock device provided specifically for this purpose, and shall be prominently displayed and clearly readable from the grandstand.

2.71. "Preponderance of evidence" means evidence which is of a greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.

2.72. "Program" means the published listing of all races and greyhounds for a specific performance.

2.73. "Purse" means the total cash amount for which a race is contested.

2.74. "Purse race" means a race for money or other prizes to which the owners of the greyhounds engaged do not contribute.

2.75. "Race" means a contest for purse, stakes, or entry fees on any race course and while in the presence of duly appointed racing officials.

2.76. "Racetrack" means the entire area or grounds owned by the licensee.

2.77. "Racing association" means any individual, partnership, firm, association, corporation, or other entity or organization of whatever character or description licensed in accordance with W. Va. Code §19-23-1 et seq. to hold a greyhound race meeting.

2.78. "Random testing" means a strategy for testing for alcohol or controlled substances not based on a reasonable belief that an individual has drugs and/or alcohol in his or her system that assures that all affected individuals have an equal probability of being selected for testing.

2.79. "Reasonable cause/reasonable suspicion testing" means a strategy for testing for alcohol or controlled substances based on an official's having good reason to believe that an occupational license permit license holder has alcohol or controlled substance in his or her system.

2.80. "Recognized meeting" means:

2.80.a. A meeting held under license of the Racing Commission;

2.80.b. A meeting held in this or any other country under the sanction of a Commission or authority whose jurisdiction over racing is recognized by the Racing Commission and which recognizes, accepts, and gives effect to sentences imposed by the Racing Commission upon those guilty of improper practices.

2.81. "Registered Greyhound Owner" means an owner of a greyhound that is registered with the National Greyhound Association.

2.82. "Restricted area" means an area of association's grounds that is designated by the Racing Commission to which access is limited to certain persons only. Restricted areas may include, but are not necessarily limited to, the kennel compound, the paddock, the mutuel department, etc.

2.83. "Result" means that part of the official order of finish used to determine the pari-mutuel payout of pools to patrons for each individual contest.

2.84. "Ruled-off" means the act of disallowing a person to enter or remain upon the premises of any or all licensed racetracks and/or simulcast facilities.

2.85. "Rules" means the rules of the Racing Commission and any amendments or additions.

2.86. "Scratch" means the act of removing an entered greyhound from a race after the selection for the post positions in a race has been completed.

2.87. "Secretary" means the Secretary of the West Virginia Department of Revenue, or his or her designee.

2.88. "Simulcast" means the transmission and/or reception for pari-mutuel wagering

purposes of greyhound racing conducted at a licensed racetrack other than where the pari-mutuel wager is placed.

2.89. "Stakes race" means a race publicly declared open to all complying with its conditions to be fulfilled wholly or in part subsequent to its closing and involved which may required a fee to be paid for each greyhound.

2.90. A "Starter" means a greyhound is a starter for a race when the doors of the starting box open.

2.91. "Tote" or "tote board" means the totalizator system used for recording, calculating and disseminating information about pari-mutuel ticket sales, wagers, odds and payoff prices to patrons at a licensed racetrack.

2.92. "Touting" means soliciting or providing unauthorized wagering tips on animals for a profit in races under the jurisdiction of the Racing Commission. Touting is not authorized or permitted with the exception that this will not apply to authorized tip sheets specified in the rule.

2.93. "Trainer" means a person employed by an owner to condition or prepares greyhounds for racing.

2.94. "Weighing in" means the weight of the greyhound taken at first weighing in as provided for in this rule.

2.95. "Weighing out" means the weight of the greyhound prior to post time or time of the race in which it is entered.

2.96. "Weight loser" means a greyhound recognized by the officials known to be a consistent weight loser while in the lockout kennel.

2.97. "Whelped" means the time of a greyhound's birth.

2.98. "Withdrawal" means the act of withdrawing an entered greyhound from a race before the time for the posting of starting box positions for the race in which the greyhound is entered.

2.99. "Year" means a calendar year.

PART 2. GENERAL AUTHORITY OF THE RACING COMMISSION

§ 178-2-3. General Authority.

3.1. The West Virginia Racing Commission shall regulate each greyhound race meeting in the State of West Virginia and the conduct of all persons who participate in each greyhound race meeting.

3.2. This rule and any amendments apply to all individuals, firms, associations, partnerships, or corporations holding, conducting, participating in or observing a meeting.

3.3. Pursuant to the authority granted in West Virginia Code § 19-23-1 et seq., the Commission may delegate to its executive secretary, the judges or its representatives all powers and duties necessary to fully implement and enforce these rules.

3.4. The laws of the State of West Virginia and this rule supersede the conditions of a race or the regulations of a racing association.

3.5. The jurisdiction of the Racing Commission over matters related to subjects covered by this rule is continuous throughout the year.

§178-2-4. Racing Commission Personnel.

The following provisions apply to the employment of certain personnel by the Racing Commission to assist it, the judges, the Racing Commission Veterinarian and other Racing Commission employees and representatives in fulfilling their regulatory duties and obligations:

4.1. Security Officer. The Racing Commission shall employ a security officer at each licensed racetrack. The security officer's duties shall include:

4.1.a. Working with and/or at the direction of the judges and/or the Racing Commission Veterinarian(s) and/or the Racing Commission to investigate and inquire into any alleged violations of this rule or the laws of this state governing racing;

4.1.b. Working with and/or at the direction of the judges and/or the Racing Commission to review and evaluate applications for occupational permits or licenses, and any information submitted or gathered in connection with such applications;

4.1.c. Determining, or assisting the Racing Commission and/or the judges in determining, that all persons participating in racing that are required to hold an occupational permit have such a permit;

4.1.d. Inspecting the association's restricted areas, including, but not limited to, the kennel compound, test area, the wagering area, the paddock, to determine if proper security measures are in effect, to ensure that the integrity of these areas are preserved and protected, and to ensure that all personnel having access to the restricted areas hold occupational permits or other proper credentials;

4.1.e. Working with and assisting all Racing Commission employees and representatives in the performance of their duties to ensure the enforcement of this rule and the laws of this state governing racing, and to ensure that the integrity of racing is preserved and protected; and

4.1.f. Any other duties that may be assigned by the Racing Commission.

4.2. Investigator(s). In addition to the Security Officer, the Racing Commission may employ one (1) or more persons as investigators at each licensed racetrack. The duties and responsibilities of the investigator(s) shall be fixed by the Racing Commission, but may include working in connection with the Racing Commission security officer in the performance of his or her duties.

4.3. License Clerks. The Racing Commission shall employ an adequate number of persons as license clerks at each licensed racetrack. The license clerks' duties shall include:

4.3.a. Distributing applications for occupational permits;

4.3.b. Assisting in the review of applications for occupational permits;

4.3.c. Maintaining records and data on each individual who applies for and/or is issued an occupational permit;

4.3.d. Collecting fees and fines imposed by the judges and/or the Racing Commission and reporting to the Racing Commission the amount of such fines and fees collected;

4.3.e. Depositing fines and fees collected in accordance with Racing Commission policy and procedure;

4.3.f. Assisting the judges in the performance of their duties and responsibilities; and

4.3.g. Any other duties that may be assigned by the Racing Commission.

4.4. Director of Audits and Auditors of Pari-Mutuel Wagering. The Racing Commission shall employ a director of audits in accordance with West Virginia Code § 19-23-5(b) and a minimum of one (1) auditor of pari-mutuel wagering to be stationed at each licensed racetrack. The director of audits and the auditors of pari-mutuel wagering shall be certified public accountants or experienced accountants. The duties and responsibilities of the director of audits and the auditors of pari-mutuel wagering shall be fixed by the Racing Commission. The following provisions apply to the director of audits and the auditors of pari-mutuel wagering:

4.4.a. The director of audits and the auditors of pari-mutuel wagering shall have free access to the space or enclosure where the pari-mutuel system of wagering is conducted or calculated at any greyhound race meeting for the purpose of ascertaining whether or not the licensee is deducting and retaining only a pari-mutuel commission as provided in the West Virginia Code, and is otherwise complying with the other provisions of the West Virginia Code relating to the pari-mutuel system.

4.4.b. The director of audits and the auditors of pari-mutuel wagering shall have full and free access to all records and papers maintained or generated pertaining to the pari-mutuel system of wagering at licensed racetracks and shall make a written report to the Racing Commission as to whether or not the licensee has deducted and retained any pari-mutuel commission in excess of that permitted under the West Virginia Code or has otherwise failed to

comply with the provisions of those sections of the Code pertaining to the pari-mutuel system.

4.4.c. Copies of all pari-mutuel work sheets are to be turned over by the association to the auditor of pari-mutuel wagering immediately after each race.

4.4.d. At the end of each race day, the association shall produce a consolidated report showing detailed figures of the pari-mutuel handle, pari-mutuel commission and breakage to the auditor of pari-mutuel wagering. The association shall also provide the auditor of pari-mutuel wagering a report of pari-mutuel tickets paid at the end of each race day.

4.4.e. At the end of each race day, every signed complaint made by any patron, with reference to transactions with the association's pari-mutuel clerks, shall be reported by the association on printed complaint forms and furnished to the auditor of pari-mutuel wagering.

4.4.f. A totalisator report shall be maintained by the association that reflects all errors, commonly called shorts or overs, made by the association's pari-mutuel clerks. The report shall detail the name of the clerk, his or her working place, and the amount involved. At the end of each meet, this report shall be provided to the auditor of pari-mutuel wagering.

4.4.g. In accordance with West Virginia Code § 19-23-13, all moneys held by any licensee for the payment of outstanding and unredeemed pari-mutuel tickets, if not claimed within ninety (90) days after the close of the greyhound race meeting in connection with which the tickets were issued, shall be turned over by the licensee to the director of audits within fifteen (15) days after the expiration of the ninety (90) day period. The licensee shall give any information requested by the Racing Commission and/or the

director of audits concerning outstanding and unredeemed tickets including, but not limited to:

4.4.g.1. the "outs" ledger enumerating all outstanding pari-mutuel tickets at the end of the ninety (90) day period;

4.4.g.2. a statement accompanying the "outs" ledger setting forth the dollar amount of the redeemed tickets in the ninety (90) day period;

4.4.g.3. a statement accompanying the "outs" ledger setting forth the quantity and amount of each denomination redeemed during the ninety (90) day period; and

4.4.g.4. a statement verifying that the redeemed amount was subtracted from the "outs" balance which existed at the close of the meeting with the remaining balance to be included in the remittance of the association in settlement of the "outs" account for the meeting.

4.4.h. The association shall provide a work area for the exclusive use of the auditor of pari-mutuel wagering that is subject to the approval of the Racing Commission. This work area shall:

4.4.h.1. be located within or adjacent to the totalisator room with desk and chair facilities;

4.4.h.2. permit direct view or view by closed circuit television of the totalisator facilities within the totalisator room, such as control desk consoles, inside totalisator board or closed circuit television monitors of the outside totalisator board whichever is used, and printers;

4.4.h.3. include space for locking file cabinets within the work area or other

proper storage facilities to be supplied by the association;

4.4.h.4. include an audio listening device for the public address system being used by the association so that announcements made on the address system can be heard intelligibly in the work area; and

4.4.h.5. include power outlets to operate electronic equipment.

4.4.i. Purging of pari-mutuel tickets shall be done in the presence of the auditor of pari-mutuel wagering, a totalisator representative, and an association representative and may only be done after the association provides two (2) weeks' prior notice to the director of audits.

§ 178-2-5. Power Of Entry.

5.1. Members of the Racing Commission, the judges, and the Racing Commission's designated employees and representatives have the right of full and complete entry to any and all parts of the grounds of a racing association licensed to conduct greyhound racing.

5.2. Members of the Racing Commission, the judges, and the Racing Commission's designated employees and representatives may permit and direct any individual to enter in or upon the kennels, rooms, trailers, vehicles or any other places within the grounds of a racing association licensed to conduct greyhound racing.

§ 178-2-6. Ejection/Exclusion.

6.1. Any person ejected by the judges or the association from the grounds of an association shall be denied admission to the grounds until permission for his or her reentry has been obtained from the association and the Racing Commission. However, all occupational permit holders who are

ejected have the right of appeal to the Racing Commission.

6.2. The judges or the association have the power to suspend or exclude from the stands and grounds persons acting improperly or whose behavior is otherwise objectionable. The judges shall enforce the suspension or exclusion.

PART 3. GREYHOUND RACING **OFFICIALS**

§ 178-2-7. General Provisions.

7.1. Officials of a race meeting, unless otherwise approved by the Racing Commission, are as follows: Director of Racing, Judges, Racing Secretary, Lure Operator, Chart Writer, Clerk of Scales, Paddock Judge, Patrol Judge, Starter, Racing Commission Veterinarian, Kennel Master and any other person designated by the Commission.

7.2. No racing official may serve in a dual capacity unless otherwise authorized by the Racing Commission. In the event of an emergency which prevents the association from obtaining Commission approval for an official to serve in a dual capacity, the association may seek approval from the judges so that racing may continue. The judges' shall promptly forward the matter to the Commission for approval.

7.3. Should a vacancy occur among the racing officials other than the judges or Racing Commission Veterinarian, the association's director of racing shall immediately fill the vacancy. The appointment shall be effective only for the day unless the association fails to fill the vacancy on the following day and has notified the judges of its action less than one hour before post time of the first race of the day. Such appointment shall be reported promptly by the judges to the Commission.

7.4. All racing official appointments, including temporary appointments provided for subsections 7.2 and 7.3, are subject to the approval of the Racing Commission.

7.5. The Racing Commission shall not approve an individual to serve as a racing official unless the individual possesses the following:

7.5.a. Good character and reputation;

7.5.b. Experience in greyhound racing is preferred, but not required;

7.5.c. Familiarity with the duties of the position and with the Commission's rules of racing;

7.5.d. Mental and physical ability to perform the duties of the position; and

7.5.e. Is in good standing and not under suspension or ineligible for a permit in any racing jurisdiction.

7.6. Unless written approval is obtained from the Racing Commission, no person shall be approved as a racing official who is an officer of the association, or who has any financial interest in the association, or who has any financial interest in greyhounds running at the association.

7.7. No racing official may directly or indirectly wager money or any other thing of value on the result of any greyhound race taking place in any jurisdiction. In addition, no racing official may wager money or any other thing of value on the result of a race of any type in any jurisdiction while the official is on the grounds of the association to which he/she is assigned.

7.8. No racing official may consume intoxicating liquor or any controlled substance, or be under the influence of alcohol or any controlled substance, while on duty.

7.9. Racing officials or their assistants shall report all violations of this rule to the judges.

§ 178-2-8. Director of Racing.

8.1. Subject to the authority of the judges set forth in these rules, the director of racing shall have full supervision over kennel owners, greyhound owners, trainers, kennel helpers, lead-outs and all association officials.

8.2. The director of racing shall ascertain that all persons under his/her supervision are properly trained in the discharge of their duties.

§ 178-2-9. Judges.

9.1. There shall be three (3) judges for each race meeting, all three (3) of which shall be employees of the Racing Commission. The Commission shall select one of the judges to serve as Presiding Judge.

9.2. In the event a judge is temporarily incapacitated or for some sufficient reason cannot serve as judge, the Racing Commission shall appoint a temporary replacement until the absent judge is able to return to duty and promptly advise the association of such temporary appointment. If, without advance notice to the Commission and the association, one or more judges fail to report for duty, the association shall name qualified persons to serve as a temporary replacement judge(s) for no longer than the day and immediately make a full written report of the absence and the names of the temporary replacement(s) to the Commission. If necessary, the Commission shall appoint a temporary replacement until the absent judge is able to return to duty.

9.3. In matters pertaining to racing, the orders of the judges supercede the order of the officers of the association.

9.4. The judges shall interpret the rules and decide all questions not specifically covered by the rules.

9.5. Should any incident occur which may not be covered by the rules of racing, it shall be determined by the judges in conformity with justice and in the best interest of racing.

9.6. All decisions and/or rulings within the judges' authority shall be determined by a majority of the judges, and in accordance with these rules, may be subject to the review of the Commission.

9.7. The judges shall have general supervision over all occupational permit holders, other racing officials and greyhounds on association grounds.

9.8. Every person participating in and every patron of a licensed race meeting shall abide by the laws and this rule and accept the judges' decisions on any and all questions, subject to the right of appeal to the Racing Commission.

9.9. The judges shall have authority over and free access to all places in use for the purpose of racing.

9.10. All entries and withdrawals are under the supervision of the judges who may refuse the entries of any person or the transfer of any entries for violation of the rules or statutes.

9.11. The judges shall have the authority to resolve all conflicts involving entries and racing.

9.12. Persons entering greyhounds to run at licensed association tracks in this jurisdiction agree in so doing to accept the decision of the judges on any questions relating to a race or racing.

9.13. The judges shall have the authority to sanction any person for violation of the rules or statutes, including but not limited to, suspension or revocation of an occupational permit and/or fine. No racing official other than the judges are authorized to impose disciplinary action on a permit holder.

9.14. The judges may eject or cause to have ejected any person who is currently under suspension or exclusion in any other jurisdiction.

9.15. The judges may order a physical examination by the Racing Commission Veterinarian of any greyhound entered for a race or which has run in a race.

9.16. The judges shall take appropriate action on alleged rule/statute violations with or without complaint thereof.

9.17. The judges shall record all objections and complaints, which allege a violation of these rules.

9.18. All complaints must be in writing and signed by the complainant, and shall be filed with the judges. If the complaint involves the judges, it shall be filed directly with the Commission or Commission designee.

9.19. The judges shall investigate or cause to have investigated promptly all objections and/or complaints made to them and make prompt report of their investigation findings and decision and/or recommendation to the Commission.

9.20. The judges shall order the exclusion of persons ruled off from areas under their jurisdiction. They may exclude any person found guilty of any prohibited acts by greyhound racing authorities of any other jurisdictions, or by the judges of any recognized meeting. The names of all persons ordered excluded shall be promptly reported to the Commission.

9.21. At least one judge shall be present on association grounds for the weigh-in process for each performance.

9.22. The judge present at weigh-in may scratch a greyhound, and in addition, at the discretion of the judges, the kennel owner and/or trainer may be fined or suspended if:

9.22.a. The greyhound is in violation of the rules applicable to greyhound weight or weighing;

9.22.b. The greyhound is not present at the weigh-in room promptly at the appointed time; or

9.22.c. The greyhound is in violation of any rule of racing.

9.23. The Presiding Judge shall signal to close the pari-mutuel ticket issuing machines when the lure is called into motion by the Racing Commission judge.

9.24. The judges shall determine the official order of finish of the race.

9.25. The judges shall consider only the relative position of the respective muzzles of the greyhounds in determining the places of the greyhounds at the finish of the race. In the event a greyhound loses its muzzle or finishes with a hanging muzzle, the judges shall consider only the relative position of the nose of said greyhound and the muzzles of the other greyhounds in the race.

9.26. The judges shall promptly display the numbers of the first three or four greyhounds in each race in order of their finish if there is no disagreement among the judges.

9.27. Nothing in these rules shall prevent the judges from correcting an error before the

display of the sign "Official" or from recalling the sign "Official" displayed through error.

9.28. The photo and video equipment shall be used as needed by the judges. However, if there is a malfunction of this equipment, the decision of the judges shall prevail.

9.29. Any greyhound may be placed on the schooling list by the judges at any time for cause.

9.30. The judges shall make periodic report in writing to the Commission of all infractions of these rules and of all rulings upon matters coming before the judges during the race meeting.

9.31. The judges may disqualify any greyhound that has been the subject of corrupt practices for no longer period than the duration of the meeting and the judges shall report the circumstances to the Racing Commission for any action it determines proper.

9.32. The judges may cancel or postpone any race that is abandoned in whole or in part.

9.33. After conferring with the association and Racing Commission Veterinarian, the judges may cancel any races determined in the interest of the safety of the public or the greyhounds.

§ 178-2-10. Racing Secretary.

10.1. The racing secretary shall keep a complete record of all races, receive all stakes, entrance money, arrears and fines, and deposit them with the person(s) responsible for such accounts.

10.2. The association's racing secretary is responsible for the accuracy of the program.

10.3. In consultation with the Racing Commission license clerk, the racing secretary shall verify that kennel operators, authorized agents, greyhound owners and trainers possess current occupational licenses for their respective positions. He/she shall also examine licenses, pertinent papers and documents dealing with trainers, kennel operators, appointment of authorized agents and any adoption of assumed names in order to satisfy him/herself as to their validity in conformance with these rules.

10.4. All lease agreements for greyhounds which are entered for schooling or racing on the association's grounds shall be filed with the racing secretary.

10.5. The racing secretary shall receive all entries, nominations, withdrawals and scratches.

10.6. The racing secretary may program up to five (5) T races per week. Any additional T races shall have the approval of the Racing Commission.

10.7. The racing secretary may call on any person in whose name a greyhound is entered to produce proof that the greyhound entered is not the property, either wholly or in part, of any person who is disqualified; or to produce proof of the extent of his/her interest in the greyhound; and in default of such proof being given to their satisfaction, shall immediately report the matter to the judges.

10.8. The racing secretary shall determine the grade and distance for each race.

10.9. The racing secretary shall assign the proper grade to each greyhound under the provisions of the approved grading system.

10.10. Upon completion of each day's draw, the racing secretary shall compile and post

in a conspicuous place a list of overnight entries, post positions and any left-over list.

§ 178-2-11. Lure Operator.

11.1. The lure operator shall:

11.1.a. Operate the lure in a smooth, uniform and consistent manner. This process involves adjustments in speed to maintain a safe distance ahead of the runners while allowing the greyhounds constant visual contact.

11.1.b. Direct complete attention to the operation of the mechanical lure during each race. Each association shall provide the lure operator with a room as free as possible from any disturbance that may distract the lure operator during the conduct of duties.

11.1.c. Run the lure as consistently as possible at all times in conjunction with the guidelines set forth by the judges. A lure operator shall be held accountable by the judges for all aspects of the mechanism's operation. The lure operator must immediately report to the judges any circumstance or obstruction that may prevent the running of a consistent lure.

11.1.d. Run the mechanical lure completely around the racing strip at least twice prior to the first post time to determine that the lure is in perfect working condition.

11.1.e. Be at the controls when the greyhounds are placed in the starting box.

11.2. To ensure safety, the lure operator must be provided with a device that enables direct communication capabilities with personnel assigned to the racetrack area. The lure operator must have direct access to a power-shut-off that eliminates electrical supply to the system. The system should only be turned on by the lure operator at the time the lure is to be started for a

race or test operation and immediately shut down upon its arrival in the escape area.

11.3. The location on the course and the prevailing weather conditions shall be taken into consideration by the lure operator when calculating the appropriate distance of the lure from the lead greyhound.

§ 178-2-12. Chart Writer.

12.1. The chart writer shall compile the information necessary for the official program.

§ 178-2-13. Clerk of Scales.

13.1. The clerk of scales shall:

13.1.a. Weigh greyhounds in and out on a scale sealed by a duly authorized sealer of weights and measures and shall exhibit the accurate weight of each greyhound. The established racing weight, weigh-in and weigh-out weight shall be promptly posted to inform the public;

13.1.b. Record any overweight or variation from the weight appearing on the weight sheet as soon as the weights are exhibited;

13.1.c. Ensure that all greyhounds are weighed in and out in a uniform manner;

13.1.d. Promptly report infraction of the rules as to weight or weighing to the judges;

13.1.e. Report to the judges all late scratches and weights in a place conspicuous to the wagering public;

13.1.f. Keep a list of all greyhounds known as "weight losers" and shall notify the presiding judge as to the weight loss before each race; and

13.1.g. Perform periodic tests to check the accuracy of the official scale or other approved weighing device.

13.2. All greyhounds shall be weighed in and out wearing their muzzles, collars and lead straps.

§ 178-2-14. Paddock Judge.

14.1. The paddock judge shall review a Bertillon card for each greyhound entered for schooling or for a purse race. No greyhound shall be permitted to start in a schooling or purse race that has not been fully identified and checked against the Bertillon card system of identification maintained by each association.

14.2. The paddock judge shall fully identify and check each entered greyhound against the Bertillon card prior to schooling and purse races. The paddock judge shall report any greyhound which does not conform to the Bertillon card identification to the judges.

14.3. The paddock judge shall supervise the kennel master in the performance of his/her duties

14.4. Prior to the weigh-in the paddock judge shall ensure the identification tag is attached to each greyhound's collar indicating the number of the race in which the greyhound is entered and its post position. This tag shall not be removed until the greyhound has been weighed out and blanketed.

14.5. The paddock judge shall ensure that anyone presenting a greyhound for the weigh-in has in his/her possession a valid permit issued to him/her by the Commission.

14.6. The paddock judge shall ensure the lock-out kennels are cleaned, disinfected, sanitized and in good repair prior to each performance.

14.7. Only the paddock judge, the kennel master, other racing officials, persons approved by the Commission or designated representatives of the Commission shall be allowed in or near the lock-out kennels after the greyhounds are placed therein. No person shall enter the lockout kennel unless accompanied by one other person who is authorized by these rules to enter the lock-out kennel, unless permitted otherwise by the judges.

14.8. The paddock judge shall ensure that each greyhound is properly fitted with an approved muzzle and blanket prior to its leaving for the starting box.

14.9. The paddock judge shall supervise all personnel in the paddock and be primarily responsible for the training and conduct of lead-outs.

§ 178-2-15. Patrol Judge.

15.1. The patrol judge must be fully trained in the duties and procedures of the position.

15.2. The patrol judge shall:

15.2.a. Supervise the lead-outs from paddock to post;

15.2.b. Inspect the muzzles and blankets of the greyhounds after they have left the paddock either in view of the judges' stand or the starter; and

15.2.c. Assist the starter in his/her duties upon the arrival of the lead-outs and greyhounds at the starting box.

15.3. At the start of a race, the patrol judge shall rapidly pass in front of the entire starting box to ascertain that no greyhound remains in its hole. Should a greyhound fail to break, the patrol judge shall remove the greyhound

from the starting box and promptly secure it behind the starting box until the race is complete.

§ 178-2-16. Starter.

16.1. The starter shall give such orders and take all such measures, in conjunction with the Rules of Greyhound Racing, as are necessary to ensure a fair start.

16.2. The starter shall report any causes of delay that occur to the judges.

16.3. The starter will be responsible for maintaining the starting box and the starting area during the racing performance. Included in these duties will be meticulous inspection of each starting position and the operative function of all starting box components, and should also ensure a smooth breaking path on the racing surface from the box to the main track.

16.4. The starter will direct an efficient and expedient loading of the greyhounds for a race. The starter, assistant starter and or patrol judge will be responsible for actually loading the greyhounds into the starting box.

§ 178-2-17. Racing Commission Veterinarian.

17.1. The Racing Commission shall employ a veterinarian licensed by the West Virginia Board of Veterinary Medicine who shall be known as the Racing Commission Veterinarian. The Racing Commission Veterinarian may not during the term of his or her employment treat or prescribe medication for any greyhound on the grounds or registered to race at any association for compensation or otherwise unless an emergency arises. In case of an emergency necessitating treatment, the veterinarian shall make a full and complete report to the judges.

17.2. If, after inspecting a greyhound, the Racing Commission Veterinarian finds that the

greyhound is not in condition to race, he or she shall immediately notify the judges, who shall order the greyhound scratched out of the race. The greyhound automatically goes on the veterinarian's list for at least 10 calendar days, which is to be maintained by the Racing Commission Veterinarian. Thereafter the greyhound may not enter until the veterinarian notifies the judges that the greyhound is again able to compete.

17.3. The Racing Commission Veterinarian is authorized to examine any greyhound on the grounds of the association. No owner or trainer may object to the examination.

17.4. The Racing Commission Veterinarian shall approve all personnel utilized in the test area and is responsible to the Racing Commission for the proper operation of the test area and the taking of specimens as directed by him or her.

§ 178-2-18. Kennel Master.

18.1. Under the supervision of the paddock judge, the kennel master shall unlock the kennels immediately before weigh-in time to assure that the kennels are in perfect condition and that nothing has been placed in any of the kennels for the greyhounds' consumption. He or she shall assure that the kennels are sprayed, disinfected and kept in proper sanitary conditions. He or she or his or her assistant shall receive the greyhounds from the trainer, one at a time, and determine that each greyhound is placed in its crate. The kennel master shall remain on guard from that time until the greyhounds are removed for the last race.

18.2. The kennel master shall ensure that no unauthorized persons are admitted into the lock-out kennels.

§ 178-2-19. Lead-Outs.

19.1. Lead-outs shall not be considered racing officials for purposes of these rules. However, lead-outs shall be properly trained by the association in the scope and proper performance of their duties before working official races.

19.2. The greyhounds shall be led from the paddock to the starting box by one lead-out per greyhound during official schooling races and official purse races, unless otherwise approved by the judges.

19.3. A licensed lead-out shall lead the greyhounds from the paddock to the starting box. Owners, trainers or attendants shall not be allowed to lead their own greyhounds.

19.4. Lead-outs shall be assigned to post position by the paddock judge before each race and a record thereof shall be maintained.

19.5. The lead-out will adhere to the starting box loading procedure and swiftly proceed to occupy the post assigned to him/her during the running of the race.

19.6. Lead-outs are prohibited from holding any conversation with the public or with one another, either in the paddock, en route to the starting post or while returning to the paddock. In addition, lead-outs are prohibited from communicating by or using electronic devices, such as a cell phone, while performing their duties.

19.7. Lead-outs shall be attired in clean uniforms, present a neat appearance and conduct themselves in an orderly manner.

19.8. Lead-outs are prohibited from smoking, drinking beverages, other than water, or

eating unless on duly authorized breaks and in a designated area.

19.9. No lead-out shall be permitted to have any interest in the greyhounds racing for the association.

19.10. Lead-outs are prohibited from wagering on the result of any greyhound racing at the association where they assigned.

19.11. Lead-outs shall immediately report any infirmities or physical problems they observe in greyhounds under their care to the nearest racing official for communication to the Racing Commission Veterinarian.

19.12. Lead-outs shall not remove racing blankets until the greyhounds are accepted by licensed kennel representatives at the conclusion of the race.

19.13. Lead-outs shall exercise proper handling and treatment of the greyhounds while in their possession.

19.14. Lead-outs shall at all times conduct themselves in an orderly and professional manner.

§ 178-2-20. Any Other Person Designated by the Commission.

20.1. The Racing Commission may approve additional racing official positions as needed. Persons appointed under this subsection must comply with the eligibility requirements outlined in these rules.

PART 4. DUTIES AND REQUIREMENTS OF GREYHOUND ASSOCIATION

§ 178-2-21. License Required.

21.1. Any individual, partnership, firm, association, corporation or other entity or organization of whatever character or description wishing to obtain a license to conduct a race meeting with pari-mutuel wagering during any calendar year shall file a license application with the Racing Commission on forms prescribed by the Racing Commission.

21.2. Such application shall disclose, but not be limited to, the following:

21.2.a. If the applicant is an individual, the full name and address of the applicant;

21.2.b. If the applicant is a partnership, firm or association, the full name and address of the each partner or member thereof and the name of the partnership, firm or association and its address;

21.2.c. If the applicant is a corporation, its name, the state of its incorporation, its address, the full name and address of each officer and director thereof, and if a foreign corporation, whether it is qualified to do business in the state of West Virginia;

21.2.d. The dates such applicant intends to hold or conduct each race meeting during the calendar year;

21.2.e. The location of the racetrack, place or enclosure where such applicant proposes to hold or conduct such race meeting;

21.2.f. Whether the applicant, any partner, member, officer or director has previously applied for a license under West

Virginia Code §§ 19-23-1 *et seq.* or for a similar license in this or any other state, and if so, whether such license was issued or refused, and, if issued, whether it was ever suspended or revoked;

21.2.g. If the applicant is an individual, his or her fingerprints; if the applicant is a partnership, firm or association, the fingerprints of each partner or each member; if the applicant is a corporation, the fingerprints of each officer and director. Such fingerprints shall be provided for examination by the West Virginia State Police Criminal Investigation Bureau and the Federal Bureau of Investigation and shall be accompanied by a signed authorization for the release of information by those agencies;

21.2.h. Such other information as the Racing Commission may in its discretion reasonably require, including, but not limited to, satisfactory evidence that the applicant has the ability to pay all taxes due the state, purses, salaries of racing officials and other expenses incident to the greyhound race meeting for which a license is sought. If satisfactory evidence of ability to pay such expenses and fees cannot be furnished by the applicant, the Racing Commission may require a bond or other adequate security before the license is issued; and

21.2.i. A signed, notarized verification that the information contained on the application is true and accurate. Such verification shall be signed by the individual seeking the license; or, by a partner or member if the applicant is a partnership, firm or association; or, by an officer or director if the applicant is a corporation.

21.3. Licenses are neither transferrable nor assignable. The sale of the assets of an association requires the buyer to apply for a racing license from the Racing Commission.

§ 178-2-22. Auditing, Accounting and Reporting Requirements.

22.1. Each licensee shall file audited financial statements on or before the thirtieth (30th) day of April of each year, unless otherwise authorized by the Racing Commission, covering all income and disbursements relating directly and indirectly to greyhound racing activities in the state, including, but not limited to, the following: concessions, programs, parking, pari-mutuel wagering, and breakage. The financial statements shall be prepared in accordance with generally accepted accounting principles and shall be accompanied by the report of an independent certified public accountant. The financial statements shall be prepared in accordance with generally accepted accounting principles and shall be accompanied by the report of an independent certified public accountant. If the association is a corporation, it shall provide the Racing Commission with a copy of its annual audited, consolidated financial statements contained in the corporation's annual report to its shareholders and, if applicable, as submitted to the United States Securities and Exchange Commission.

22.2. All associations granted a license from the Racing Commission shall annually submit the names of the officers and a complete list of administrative personnel, showing addresses, duties and compensations. At least two (2) weeks after the start of each meet, the association shall submit a complete list of all other employees. With the exception of lead-outs, an association shall notify the Commission of any change in racing official personnel within ten (10) days of the change.

22.3 The president or general manager of the association shall annually provide a list of all stockholders to the Racing Commission.

22.4 Thirty (30) days prior to conducting a meet, each association shall submit to the Racing

Commission the conditions for all races it proposes to hold, together with the stake, purse or reward, all of which are subject to the approval of the Racing Commission. All proposed purses are exclusive of any entrance or starting fees that may be charged.

§ 178-2-23. Other Requirements.

23.1. Each association shall maintain adequate liability insurance for the association grounds and all racing officials employed by the association. Upon request, each association shall provide proof of insurance to the Commission.

23.2. No racing association may employ, in any capacity, an individual less than sixteen (16) years of age.

23.3. Each association shall observe and enforce the rules of racing and orders of the Racing Commission.

§ 178-2-24. Wagering.

24.1. No racing association shall permit wagering to be made on the grounds of the association on any race run outside of the grounds, except as provided by W. Va. Code §19-23-12c. No foreign book or gambling device of any kind is permitted on the grounds, nor shall the association provide or permit to be provided any conveniences or facilities for the use of bookmakers, betting commissioners, their agents or their employees, except as provided by the W. Va. Code §19-23-6. No facilities shall be provided or permitted for the handling of "Come-Back" money at the track. The maintenance of credit accounts or the granting or extension of credit by the association in any form including markers, the payment of commissions in any form, the providing of telephone or other communication services and any other form of aid to bookmakers, betting commissioners, their agents or their employees are prohibited. This

subsection does not prohibit wire service privileges or any other form of communication service privileges to legitimate and approved news outlets, which do not service bookmakers, betting commissioners or their agents or their employees. The Racing Commission shall give approval on other forms of communication service before the beginning of the race meeting for which the license is granted.

24.2. No racing association shall permit the making of handbooks on its grounds.

24.3. No minor shall be sold a pari-mutuel ticket nor be permitted to cash a pari-mutuel ticket at any licensed racetrack.

24.4. No association employee who is employed in any function related to racing may directly or indirectly wager money or anything of value on the results of a live race occurring on the grounds of an association licensed by the Commission.

§ 178-2-25. Facilities and Equipment.

25.1. Officials' Facilities.

25.1.a. The association shall maintain a stand for judges in a position commanding an uninterrupted view of the entire racing course. and is subject to approval of the Racing Commission.

25.1.b. Each association shall designate an office and suitable parking spaces for the exclusive use of the Racing Commission and all of its representatives. The association shall offer sufficient office space for private consultation, with office equipment, be equipped with a telephone it must also have sufficient space for the secure locked storage for Racing Commission records and supplies, with the key being available only to the Racing Commission or its representatives. The association shall also

provide sufficient office space for the Racing Commission license clerk, auditors and Security Officer as requested by the Racing Commission.

25.2. Kennel Compound.

25.2.a. Each racing association shall provide facilities within the association grounds for a minimum of twenty (20) kennels. Each kennel shall consist of not less than fifty (50) crates. Each contracted kennel shall maintain an active list of not less than thirty-five (35) greyhounds. If a kennel's active list drops below the required number thirty-five (35), the Racing Commission shall direct the kennel to increase its active list to thirty-five (35) as soon as practicable.

25.2.b. Each crate shall be no smaller than the following dimensions: Length: forty-four (44) inches; Width: thirty-two (32) inches; Height: thirty-four (34) inches.

25.3. Audio and Video Equipment.

25.3.a. The association shall provide an approved telephone or intercommunication system to maintain contact between the judges and other designated stations.

25.3.b. The association shall install an automatic film timing device, approved by the Racing Commission, upon which the time of each race is recorded. This time is the official time for the race. In the event of a mechanical failure, the judge shall use a stop watch for the official time. When the stop watch is used as the official time of the race, its use shall be announced to the public.

25.3.c. The association shall install and use an approved type "Film Patrol" with not less than one (1) camera operating from a position designated by the Racing Commission.

25.3.d. The association shall furnish and maintain at its track, at all times during the period of racing, the necessary camera and equipment to produce motion pictures or video tape of each race from start to finish. The Racing Commission shall approve all cameras and camera equipment.

25.3.e. The association shall install a proper camera to record each race to serve as an aid to the judges. The Racing Commission shall approve the type of camera and the operator.

25.3.f. The association shall maintain on file for the duration of the meeting and one (1) month thereafter, all media of each race for reference or reproduction upon request of the Racing Commission.

25.3.g. The association shall prohibit the removal of race video or photo finish pictures from the association grounds unless approved by the judges.

25.4. Race Course.

25.4.a. The National Greyhound Association racetrack standards shall serve as the guide for race course design. The association shall provide an approved race course, subject to periodic inspections by the Commission or its representatives.

25.4.b. The race course shall:

25.4.b.1. Be constructed and elevated in a manner that is safe for greyhounds;

25.4.b.2. Have a surface including the cushion subsurface and base that is constructed of materials and to a depth that adequately provides for the safety of the greyhound; and

25.4.b.3. Have a drainage system.

25.5. Lure.

25.5.a. The association shall provide and maintain, in good working order, the lure to be used on the race course.

25.6. Official Scale.

25.6.a. The association shall provide and maintain, in good working order, an official scale or weighing device. The association shall require periodic certification of the accuracy of the scale or weighing device.

25.7. Starting Boxes.

25.7.a. Each racing association shall provide and maintain two (2) starting boxes on every race day of its meeting and on every day during the racing meeting on which it permits the schooling of greyhounds on its racing course. An additional reserve unit of starting boxes shall be provided and maintained on every race day.

25.8. Lighting.

25.8.a. The association shall provide and maintain, in good working order, lighting for the race course, patron facilities and kennel compound, which is adequate to ensure the safety and security of the patrons, permit holders and greyhounds and to ensure the proper operation of videotape and photofinish equipment.

25.8.b. The association shall provide auxiliary lighting for patron facilities and the kennel compound to serve in an emergency.

25.9. Test Area.

25.9.a. The association shall set aside an enclosed area for the purpose of

collecting specimens for any tests required by the Racing Commission. The test area shall be operated under the supervision of the Racing Commission Veterinarian. The Racing Commission shall approve all aspects of the test area, including its location, arrangement, furnishings and facilities with refrigeration and hot and cold running water.

25.10. Modifications.

25.10.a. Any association contemplating a change of any kind pertaining to the race course or the erection of new buildings, stands or other structures, on the grounds of the association which are to be used as a part of the facilities for conducting a race meeting, shall notify the Racing Commission in writing before any changes are made. All modifications must be in compliance with this rule.

§ 178-2-26. Operations.

26.1. Security.

26.1.a. Each association shall maintain and furnish police or security guard service as may be needed or requested by the Racing Commission. The police or security shall be fully empowered to enforce law and order and cooperate in the enforcement of this rule.

26.1.b. Each racing association shall restrict all unauthorized persons from entering restricted areas in the interest of public safety.

26.1.c. Each racing association shall monitor its grounds at all times in a manner to restrict the admission of persons in and around the kennels to only those occupational permit holders who require access to the kennels.

26.1.d. It is the responsibility of the racing association to assure that all individuals

under the age of eighteen (18) years are properly supervised by an adult when admitted to the association grounds. In addition, no individual under the age of eighteen (18) years may be admitted in a restricted area without the written permission of the judges.

26.1.e. No photographer, other than the official photographer holding an occupational permit, is permitted on the racetrack, unless special permission is granted by the judges or the Racing Commission, and then only for those pictures that are specifically requested and in places as are indicated by the judges or the Racing Commission.

26.1.f. Upon request by the judges or the Commission, the racing association shall provide the judges with any incident reports, arrest information or other security related information, with the names and addresses of individuals alleged to have violated the law and any witnesses.

26.1.g. The association's security staff shall cooperate with and provide assistance to the Racing Commission Security Officer and/or Investigator in the performance of their duties.

26.1.h. The association and all officials and employees thereof shall give every possible assistance to any state or federal government agency which may be investigating or prosecuting any person that they may suspect of being guilty of possessing any drug, narcotic, stimulant, depressant, local anesthetic, any electrical, mechanical or other device which, in the opinion of the judges, violates any provision of these rules.

26.2. Visitor's Pass.

26.2.a. The association may issue a visitor's pass to a person to enter restricted areas in accordance with these rules. Association

security personnel shall maintain a log showing the date and time of issuance, the name of the visitor, pass number and the name and permit number of the permit holder requesting the pass. The visitor shall display the pass at all times while in the restricted area. However, only the judges may grant a visitor access to the kennel compound.

26.3. Fire Protection.

26.3.a. The association shall develop and implement a program for fire prevention on association grounds and instruct employees of the procedures for fire prevention. The association shall post an evacuation plan conspicuously throughout the association grounds.

26.4. Parasite and Rodent Control.

26.4.a. The association shall ensure effective insect, parasite and rodent control in all areas of the association grounds at all times during a race meeting.

26.5. Performances.

26.5.a. The minimum number of races per performance at all racetracks under supervision of the Racing Commission is ten (10), the maximum number of races per performance is twenty (20) unless otherwise authorized by the Racing Commission.

26.5.b. The association shall submit the post time for the first race at each meeting to the Racing Commission for its approval. And each race thereafter shall be run at intervals to be approved in advance by the Racing Commission. In the case of an emergency requiring adjustment to post times, the judges shall have the final decision after consultation with the association.

26.5.c. Each association shall maintain a sufficient number of lead-outs for each performance. In the event that the association experiences a shortage of lead-outs, it shall promptly appoint substitute lead-outs who shall be able to meet the requirements of this rule.

§ 178-2-27. Conflicts of Interest.

27.1. No person who is the holder of a racing license, a director, officer, or any employee of a corporation, association, trust or partnership having or holding a license or who has a financial interest in the corporation, association, trust, partnership, or other business entity shall race or permit, or cause to be raced, any greyhound in which he or she has an interest, direct or indirect, at any meeting where racing is conducted under the license.

§ 178-2-28. Kennel Contracts.

28.1. There shall be a kennel contract between the kennel and the association.

28.2. All ownership interests of the kennel must be disclosed in the kennel contract.

28.3. Any termination of the kennel contract by either party must be in writing and duly served on the other party, with a copy of said termination notice delivered to the Commission.

28.4. The association shall present all kennel contracts to the Racing Commission for approval. The Commission shall consider whether such contract complies with this rule and the provisions of any other applicable law.

§ 178-2-29. Program.

29.1. The association shall prepare and print an official program for each racing performance. The program must contain the order

of the races, the distance of each race and the track record for each distance.

29.2. The greyhounds' names shall appear in the order of their post positions. The post positions shall be designated by numbers placed at the left and in line with the names of the greyhounds.

29.3. The program shall contain: name; color; sex; date of whelping; breeding; established racing weight; number of starts in official races and number of times finishing first, second or third; name of owner and/or lessee; name of trainer; distance of race; track record; and other information.

29.4. The program must list at least the three most recent past performances for each greyhound scheduled to run. An exception would involve a greyhound participating in its first official start where at least two official schooling lines must be displayed.

29.5. All past performance lines shall be in sequential order with the last performance appearing on the top line.

29.6. If the name of a greyhound is changed, the new name and the former name shall be published in the program until after the greyhound has started six times subsequent to the name change.

§178-2-30. Greyhound Adoption Program.

30.1. The association shall provide a program to receive and maintain greyhounds for adoption.

30.2. All facilities used to maintain greyhounds are subject to inspection and approval by the Commission and shall be maintained in a manner to promote the health, safety and welfare of the greyhounds.

30.3. The association shall provide a plan which ensures sufficient personnel, training and funding to operate and maintain an adoption program consistent with the directions and orders of the Commission.

30.4. Crates housing the greyhounds available for adoption shall meet the same specifications as those used for housing greyhounds in the racing kennels.

30.5. Only one greyhound shall be housed per crate at any time.

30.6. A feeding program for all greyhounds in the adoption center shall be established and maintained by the association subject to the review and approval of the Racing Commission Veterinarian. Fresh water shall be available for the greyhounds in the adoption center at all times unless otherwise directed by a veterinarian.

30.7. Greyhounds placed in the adoption program are not to be utilized in any manner that is detrimental to the well being of the greyhounds.

30.8. The association shall ensure the following veterinarian services have been provided to each greyhound which is in the adoption program:

30.8.a. Fecal examination;

30.8.b. Heartworm test;

30.8.c. Vaccination series including DHLPP and rabies; and

30.8.d. Surgical sterilization.

PART 5. DUTIES AND REQUIREMENTS OF OCCUPATIONAL PERMIT HOLDERS

§178-2-31. General Provisions.

31.1. Any person who is involved in or employed by those involved in racing or operating a licensed association or those operating concessions for or under authority from any association, shall have a valid occupational permit issued by the Racing Commission, unless he or she is otherwise specifically exempted by the Commission.

31.2. All applicants for an occupational permit, or renewal thereof, shall file an application with the Racing Commission License Clerk. The application shall be submitted to the judges who may issue the occupational permit, hold the application for further investigation, or refer it to the Racing Commission for final action. All judges shall review and sign all occupational permit applications.

31.3. All applicants for an occupational permit and all applicants seeking renewal thereof may be required to furnish their respective fingerprints for examination by the West Virginia Criminal Investigation Division and the Federal Bureau of Investigation. All applicants shall furnish fingerprints and a signed authorization for the release of information by the Criminal Investigation Division and Federal Bureau of Investigation.

31.4. The association shall provide equipment for fingerprinting and photographing all occupational permit holders and shall provide the equipment necessary to include the picture of the permit holder on the permit.

31.5. All applicants for an occupational permit or renewal thereof shall pay the prescribed fee for the specific permit requested. The fees for occupational permits effective for calendar year

2012 and thereafter are listed in Table 31.5 included in this rule.

31.6. Any person who is suspended or revoked, or whose permit has been denied by any racing board or commission in another jurisdiction shall apply to and be reinstated by the board or commission of that jurisdiction in which the original ruling was made before being eligible to hold an occupational permit by the Racing Commission.

31.7. All occupational permit holders shall visibly display identification while in restricted areas. In addition, all permit holders shall have their occupational permit on their person at all times while on association grounds. Permit holders shall be held responsible for the safekeeping of his or her permit. No occupational permit is transferable and no duplicate cards shall be issued except upon payment of a fee of five dollars (\$5.00).

31.8. The judges or the Racing Commission may deny or refuse to renew an occupational permit if the applicant does not meet the requirements set forth in this rule for the permit sought, or for any reason that would constitute grounds for discipline under these rules, or if a conflict of interest exists or could exist by the issuance or renewal of the permit. In addition, the Racing Commission may designate categories of permit applications that require a determination of issuance or denial by the Commission and not the judges. The Racing Commission may require, however, that the judges provide a recommendation as to the issuance or denial of any such permit application.

31.9. When the judges or the Racing Commission deny an application for an occupational permit, they shall set forth the reasons for the denial in an Order or Ruling to the applicant and shall further report the matter to the

Association of Racing Commissioners International.

31.10. The judges may allow any applicant for an occupational permit permission to pursue his or her vocation pending action on the application by issuance of a conditional permit.

31.11. Every occupational permit is valid for one (1) year and expires on December 31 of each year.

31.12. The responsibility for obtaining an occupational permit for an employee rests with the employer. Any permit holder who employs an individual must report that employment to the judges and immediately obtain an occupational permit for the employee.

31.13. No individual under the age of sixteen (16) years shall be granted an occupational permit.

31.14. The judges or the Racing Commission may impose any condition on the issuance or renewal of an occupational permit that they consider necessary to protect the best interest of racing.

31.15. All permit holders shall abide by the laws of the State of West Virginia and these rules and accept the decision of the judges on all questions, subject to the right of appeal to the Racing Commission.

§ 178-2-32. Workers' Compensation.

32.1. All occupational permit holders who are employers shall carry workers' compensation insurance covering their employees, unless exempted by state law. Occupational permit holders shall produce proof of coverage or, if applicable, a letter of exemption from the West Virginia Insurance Commissioner, upon the request of the association or the judges.

§ 178-2-33. Consent to Search.

33.1. Members of the Racing Commission, the judges, Racing Commission Veterinarian and Racing Commission Security Officer have the right to inspect and search any person on association grounds who has been granted an occupational permit by the Racing Commission, as well as any kennels, rooms, trailers, vehicles or other places or things within the association grounds and to seize any illegal substances or items discovered in such a search. By accepting an occupational permit, all permit holders are deemed to consent to the search and seizure as provided for by this section.

§ 178-2-34. Permit Holders.

34.1. Kennel Owner.

34.1.a. A kennel owner who desires to race under a kennel name must apply for and obtain an occupational permit from the Racing Commission under the kennel name.

34.1.b. A trainer, who holds an occupational permit as a kennel owner or part owner, may use a kennel name as kennel owner or part owner. However, no trainer may be an occupational permit holder as trainer other than in his or her legal name.

34.1.c. In applying to race under a kennel name, the applicant shall disclose the identity or identities of all persons who have an ownership interest in the kennel.

34.1.d. If a partnership or other entities are involved in or have an interest in a kennel, each of the partners shall hold an occupational permit as kennel owner and each shall comply with the rules governing partnerships set forth herein.

34.1.e. Any changes in the parties involved in or having an interest in a kennel shall be reported immediately to the Racing Commission for approval.

34.1.f. A kennel owner holding an occupational permit cannot have an ownership interest in more than one kennel at the same time at the same association.

34.1.g. Any kennel owner desiring to change the kennel name must notify the Racing Commission and the association. The kennel owner must register the new name with the Racing Commission license clerk and pay the prescribed fee.

34.1.h. No kennel owner may register a kennel name that is already registered by any other kennel owner at the same association.

34.1.i. A kennel name shall be plainly distinguishable from that of another duly registered kennel name.

34.2. Greyhound Owner.

34.2.a. A greyhound owner's occupational permit is required of any person who is designated as an owner or lessee on the greyhound's National Greyhound Association registration papers, and of every person who has a right to receive any share of a purse won by a greyhound in this jurisdiction except kennel operators and their employees who are licensed in this jurisdiction.

34.2.b. The spouse of an owner does not need to be licensed unless the spouse's name appears on the greyhound's National Greyhound Association registration papers.

34.2.c. If a person is suspended or ejected from the association grounds, every greyhound wholly or partly owned by such person

may also be suspended or ejected for the duration of such suspension or ejection. Any entry received from any person, or of any greyhound that stands suspended or expelled shall be void unless otherwise approved by the Commission.

34.3. Trainer.

34.3.a. Each trainer shall obtain an occupational permit from the Racing Commission, listing all the names of owners or part owners on the application for the occupational permit of all greyhounds trained by him or her.

34.3.b. All individuals applying for an occupational permit as a trainer shall pass an examination approved by the Racing Commission. Provided, any individual holding an occupational permit as a trainer as of the effective date of this rule shall be exempt from the examination requirement.

34.3.c. There shall be only one individual serving as trainer for any kennel at any given time.

34.3.d. The trainer is the absolute insurer of and is responsible for the condition of the greyhound entered in a race, regardless of the acts of third parties.

34.3.e. All trainers shall file with the Racing Commission and the association a roster displaying the name of the trainer, assistant trainers, authorized agent and other employees. If any kennel owner changes trainer, he or she shall notify the Racing Commission immediately and require the new trainer or any new employee to register in at the Racing Commission office at the association where the kennel is racing.

34.3.f. The trainer is required to be present at the weigh-in of his or her greyhound scheduled to participate in a race.

34.3.g. In the event that a trainer is to be absent at the time of weigh-in for one of his or her greyhounds scheduled to participate in a race, the trainer is required to notify the Racing Commission Veterinarian and the judges prior to the weigh-in of the name of the permit holder who is assuming responsibility for the trainer's greyhound. This notification must be in writing and identify the length of time that the trainer is scheduled to be absent.

34.3.h. A trainer shall have his or her greyhound in the paddock at the time appointed.

34.3.i. Each trainer shall register all the greyhounds in his or her charge giving the name, age, sex, breeding, and ownership of each greyhound with the association's racing secretary. The trainer shall not have any unregistered greyhound kenneled on the grounds of the association.

34.3.j. Each trainer shall register with the Racing Commission license clerk and the racing association security department every person he or she employs and every person affiliated with the operation of the kennel who requires access to the kennel compound. The trainer is responsible for the proper permitting of these individuals and shall not harbor, engage or have in his or her charge any person or persons not holding an occupational permit.

34.3.k. No trainer shall have in his or her charge or under his or her supervision any greyhound owned, in whole or in part, by a disqualified person.

34.3.l. No trainer shall move or permit to be moved any greyhound or greyhounds in his or her care from the grounds of an association without permission from the association's racing secretary and the judges.

34.3.m. Each trainer shall report to the association's racing secretary any greyhound under his or her care that is ineligible to be drawn into a race. The racing secretary shall immediately notify the judges. The reported greyhounds are not eligible to enter or to start until approved by the Racing Commission Veterinarian and schooled to the satisfaction of the judges.

34.4. Assistant Trainer.

34.4.a. The assistant trainer is responsible for assisting the trainer in the conditioning of greyhounds for racing.

34.4.b. All individuals applying for an occupational permit as an assistant trainer shall pass an examination approved by the Racing Commission for trainers. Provided, any individual holding an occupational permit as an assistant trainer as of the effective date of this rule shall be exempt from the examination requirement.

34.4.c. The assistant trainer must be qualified to execute the duties of trainer in the trainer's absence. While executing the duties of trainer, the assistant trainer shall comply with the duties of the trainer as set forth in these rules.

34.5. Partnership.

34.5.a. Each and every partner, including husband and wife, must obtain an occupational permit as an owner in order for the partnership to operate at any licensed association. All partnerships shall complete all partnership forms as required by the Racing Commission or the association.

34.5.b. Partnership forms shall, at a minimum, set forth the following:

34.5.b.1. The name and address of each and every person having an interest in the greyhound or greyhounds involved;

34.5.b.2. The relative proportions of the interests;

34.5.b.3. To whom the winnings are payable;

34.5.b.4. In whose name the greyhound or greyhounds shall run;

34.5.b.5. With whom the power of entry and withdrawal rests; and

34.5.b.6. The terms of any contingency, lease or any other arrangement.

34.5.c. All partnership forms shall be signed by all parties or by their authorized agent.

34.5.d. To be effective, any changes to the partnership must be signed by all partners and reported in writing to the Racing Commission license clerk.

34.5.e. All partners are jointly and severally liable for all stakes, forfeits, and other obligations.

34.6. Authorized Agent.

34.6.a. Each authorized agent shall file a power of attorney, or other proper written instrument, with the Racing Commission that clearly sets forth the powers delegated to the agent.

34.6.b. Any changes in authorized agency relationship shall be in writing and filed with the Racing Commission license clerk.

34.6.c. The authorized agent's occupational permit expires December 31 of each year, unless the agent's appointment is sooner.

revoked by the agent's principle or by the Racing Commission.

34.6.d. The revocation of the authorized agency relationship shall be in writing, sworn to before a notary public, and filed with the Racing Commission.

34.7. Substance Abuse and Testing.

34.7.a. No occupational permit holder shall appear on the grounds of the association under the influence of alcohol or controlled substance.

34.7.b. Acting with reasonable cause, the judges or designated Racing Commission representative may direct any occupational permit holder to submit to appropriate testing, to which the permit holder is required to submit. If the results of such testing demonstrate that the permit holder is under the influence of alcohol or shows the presence of any controlled substance, the judges shall direct that the permit holder be relieved of his or duties for the day.

34.7.c. A sufficient sample should be collected to insure a quantity necessary for a split sample whenever possible.

34.7.d. Any permit holder who refuses to provide the samples required under this section as directed is in violation of this rule and is subject to discipline by the judges or the Racing Commission.

34.7.e. All testing shall be at the expense of the association.

34.7.f. For a first violation of this section, the permit holder shall not participate in racing until the permit holder has been professionally evaluated and evidences a negative test result. If, after professional evaluation, the

permit holder's condition proves non-addictive and not detrimental to the best interest of racing and evidences a negative test result, the permit holder may resume participation in racing, provided the permit holder agrees to further random testing at the discretion of the judges or designated Racing Commission representative.

34.7.f.1. If the professional evaluation after the first violation demonstrates to the judges that the occupational permit holder's condition is in fact addictive or detrimental to the best interest of racing, the permit holder shall be suspended and not be allowed to participate in racing until such time as he or she can produce a negative test result and show documented proof that he or she has successfully completed a certified alcohol or drug rehabilitation program approved by the judges or the Racing Commission. In addition, the permit holder shall agree to further random testing at the discretion of the judges or Racing Commission representative.

34.7.g. For all subsequent violations of this section, the permit holder shall be suspended until such time as the permit holder completes a certified alcohol or drug rehabilitation program approved by the judges or the Racing Commission. The permit holder may apply for reinstatement of his or her permit upon completion of program.

PART 6. PROHIBITED CONDUCT

§ 178-2-35. General Provisions.

The Commission or the judges may deny or refuse to renew an occupational permit, or may suspend or revoke a permit, impose a fine, exclude from association grounds, and/or order other disciplinary measures against any person engaging in conduct which violates the provisions of this rule. The Commission may also deny or refuse to

renew an association license, or suspend, revoke or otherwise impose discipline on a licensed association for violation of these rules.

§ 178-2-36. Prohibited Conduct.

The following conduct is grounds for discipline by the judges or the Commission:

36.1. Disturbing the peace, in any manner, at any time, on the grounds of the association;

36.2. The use of profane, indecent or vulgar language to any racing official;

36.3. Refusal to obey an order of a racing official or security personnel of the Commission or the association;

36.4. Submission or knowingly allowing the submission to the Racing Commission, Racing Commission Security Officer/Investigator, judges, racing secretary or the National Greyhound Association any report or document which contains false or misleading information;

36.5. Altering any identification mark on a greyhound;

36.6. Making false or misleading statements to the Commission, its representatives or the judges in the course of an investigation;

36.7. Employing, in any capacity, an individual less than sixteen (16) years of age;

36.8. Harboring on the grounds of an association, engaging, or retaining in his or her employ, any person not holding an occupational permit;

36.9. Appearing on the grounds of the association under the influence of alcohol or drugs.

36.10. The use of any animal or fowl in the training or racing of greyhounds, which are being trained for pari-mutuel racing. Any greyhound that has been trained utilizing an animal or fowl shall be forever banned from participating in pari-mutuel racing.

36.11. Engaging in any dishonest or corrupt practice, fraudulent act, or other conduct detrimental to racing, including but not limited to bookmaking, touting or selling or purchasing mutuel tickets other than through mutuel machines.

36.12. Accepting or offering to accept on his or her own behalf or on behalf of another any gift or gratuity with intent to bribe.

36.13. Willfully entering, or causing to be entered or started in any race, a greyhound that he or she knows or believes to be disqualified.

36.14. Offering or receiving any amount of money or other consideration for the withdrawing of an entry out of any race.

36.15. Subjecting or allowing any animal under his or her control, custody or supervision to any form of cruelty, mistreatment, neglect, abuse, abandon or deprivation of necessary care or sustenance, shelter or veterinary care.

36.16. The use or possession on the grounds of any electrical or mechanical device or other expedient designed or intended to increase or decrease the speed of a greyhound.

36.17. Tampering, attempting to tamper, or aiding and abetting the tampering with any greyhound in such a way as to affect its speed in a race.

36.18. Engaging in any act which creates an unfair advantage in a race, any act which would

tend to mislead the betting public, or any act detrimental to the best interest of racing.

36.19. Engaging in any act, or possessing any substance or drug, that is intended to interfere with any specimen testing procedure.

36.20. Making a handbook or foreign book on the grounds of an association.

36.21. Soliciting for or wagering with a handbook or a foreign book on the grounds of an association. A resale of any pari-mutuel ticket from an individual to another is prohibited.

36.22. Except for a veterinarian licensed in the State of West Virginia or except when specifically authorized by the Racing Commission Veterinarian or judges, possession of any illegal drugs, stimulants, hypodermic needle, syringe or injectable of any kind on the association grounds.

36.23. Obtaining food, feed, shelter, drugs, transportation, services for greyhounds, veterinary services or supplies for oneself or others, regardless of whether the other holds an occupational permit, and failing to pay for such services or supplies. This conduct may result in disciplinary action only if there has been a court judgment issued as to the amount of debt. Neither the association nor the Racing Commission are obligated to collect any debt.

36.24. Conviction of a crime in any jurisdiction. In considering the conviction, the judges or the Commission shall examine: (1) the nexus, or relationship, between the crime committed and the qualifications, functions or duties necessary to engage in the racing industry; (2) the nature and seriousness of the conduct; (3) the individual's conduct since the events leading to the conviction; (4) the individual's age and maturity at the time of the offense; (5) the amount of time that has elapsed since the conviction; (6) whether the conviction represented an isolated

event; and (7) whether the individual demonstrates any consciousness of the wrongfulness of his conduct, i.e., remorse.

36.25. Any misrepresentation in connection with racing, breeding or otherwise;

36.26. Allowing another to use one's occupational permit or badge for the purpose of transferring any of the benefits pertaining to the occupational permit card or badge.

36.27. Violation of the rules of racing in any other jurisdiction.

36.28. Violation of any judges' ruling or Racing Commission Order.

36.29. Engaging in other conduct which violates any provision of these rules.

PART 7. GREYHOUND RULES OF THE RACE

§ 178-2-37. Registration.

37.1. The National Greyhound Association of Abilene, Kansas is recognized as the official breeding registry of all greyhounds.

37.2. Any person wishing to enter a greyhound for racing or schooling at any association shall have it tattooed and registered in the National Greyhound Association, including the last six (6) performance lines, if applicable. The racing history of the greyhound shall be made available to the association's racing secretary.

37.3. All certificates of registration shall be available at all times for inspection by the judges.

37.4. All transfers of any title, leasehold, or other interest in a greyhound that is schooled, entered or racing at any association under the jurisdiction of the Racing Commission shall be registered and recorded with the National Greyhound Association.

§ 178-2-38. Schooling

38.1. Greyhounds shall be properly schooled in the presence of the judges, and shall, in the opinion of the judges, be sufficiently experienced before they can be entered or started.

38.2. All schooling races shall be at a distance not less than the distance nearest to 5/16 mile in use at the association.

38.3. Each official schooling race shall consist of at least six (6) greyhounds. However, if this requirement is not feasible, less than six (6) may be schooled with the permission of the judges.

38.4. Hand schooling shall not be considered official schooling.

38.5. Any greyhound that has not been entered for a period of six (6) racing days and/or has not raced for a period of ten (10) racing days or more, shall be schooled at least once at its racing weight before being eligible for entry.

38.6. All greyhounds in official schooling races shall be raced at their established racing weight and started from the starting box wearing their blankets.

38.7. The judges shall order any greyhound on the schooling list to be officially and satisfactorily schooled before entering a race.

38.8. Each association shall provide a photo-finish camera approved by the Racing

Commission to be in operation at all official schooling races.

§ 178-2-39. Grading.

39.1. There shall be six (6) grades for experienced greyhounds. When designating the grades of races, the Grades AA, A, B, C, D, and M will be used. Grade AA is the highest classification, but this grade shall not be in effect unless twenty (20) or more greyhounds are on the premises and capable of being entered in this grade. Grade D is the lowest classification, and grade M refers to maiden classification, which indicates greyhounds that have not won an official race or that have not reached the age of twenty-four (24) months.

39.2. The winner of any graded race shall advance one (1) grade until reaching Grade AA: Provided, however, that any greyhound which wins in a maiden classification has the option of racing in a grade C or grade D event.

39.3. In Grades AA, A, B, any greyhound which fails to finish third or better in three (3) consecutive events shall be dropped one (1) grade. In these grades, any greyhound that fails to finish better than one third position in any four (4) consecutive starts shall also be lowered one (1) grade. In grade C, events any greyhound that fails to finish fourth or better in any four (4) consecutive starts shall be lowered one (1) grade. In grade D events any greyhound that fails to finish fourth or better in any four (4) consecutive starts is ineligible to race for the remainder of the current race meeting.

39.4. T races designate mixed grade races and shall consist of greyhounds within two consecutive grades and shall be at a distance of 3/8 or longer. The greyhound's regular grade shall follow the designation T in the program.

39.5. S (stake races) may be of a mixed grade and may be scheduled by the racing association with the approval of the Racing Commission. The greyhound's regular grade shall follow the designation S in the program.

39.6. Stakes Q shall indicate qualifying races and the regular grade of the greyhound shall also be listed.

§ 178-2-40. Entries.

40.1. For all races, the association's racing secretary is responsible for and authorized to receive entries and withdrawals.

40.2. Every entry in a race shall be in writing and in the name of the greyhound owner, lessee or his or her kennel name. Entries received by facsimile are acceptable. However, no entries will be accepted over the telephone.

40.3. The complete name of every person having an ownership in a greyhound or accepting the payout percentage shall be registered with the association's racing secretary before the draw. Every change in ownership or interest thereafter made during that meeting shall be promptly delivered to the Racing Commission license clerk by the racing secretary of the association where the greyhound is racing.

40.4. If it is determined that any greyhound that has run in a race should have been disqualified from running in that race, then its winnings in that race shall be forfeited and the purse redistributed by the judges. The redistribution shall in no way affect the pari-mutuel pay off for the race.

40.5. The racing secretary of the judges may call on any person in whose name a greyhound is entered to produce proof that the greyhound entered is not owned, either wholly or in part, by any person who is disqualified. If the

person fails to produce this proof, the judges may remove the greyhound from the race.

40.6. No greyhound shall be permitted to start that has not been fully identified.

40.7. Any person who fraudulently attempts to establish himself or herself as the owner of a greyhound shall be held responsible as the owner.

40.8. Disqualified greyhounds are not permitted to be entered or started in any race. If the association receives an entry from any person for a greyhound that is disqualified, the entry is void and the entrance fee, if any, shall be refunded.

40.9. No greyhound shall be permitted to enter or to start in any race when owned, in whole or in part, or when under the control of a disqualified person.

40.10. If a greyhound is sold to a disqualified person, the greyhound's racing engagements are void as of the date of sale.

40.11. No greyhound shall be permitted to enter or start a race unless conditioned by a licensed trainer.

40.12. No entry shall be accepted from a spouse while the other spouse is disqualified.

40.13. No greyhound on the schooling list or the veterinarian's list shall be permitted to enter or to start a race.

40.14. No greyhound under the age of fifteen (15) months shall run in any official race other than races conditioned for greyhounds of the same age.

40.15. In purse races, there shall be at least six (6) greyhounds of completely different

ownership. No kennel shall have more than two (2) greyhounds in any race except in stakes races and feature races.

40.15.a. Double entries are not allowed until all single interests are used and standard rules of the draw observed.

40.15.b. Double entries shall be uncoupled for wagering purposes.

40.15.c. There shall be no more than two (2) double kennel entries in any race except stakes races and feature races.

40.15.d. Upper grade distance races (AA and A) shall consist of no more than two (2) owners who have a double entry.

40.16. Once closed, all entries shall be compiled without delay and conspicuously displayed by the association's racing secretary.

40.17. Once closed, only the association's racing secretary may make corrections to any entry.

40.18. All entries are free unless otherwise stipulated in the race conditions. If the conditions require an entrance fee, the fee shall accompany the entry.

40.19. Entries for stake races, the conditions of which have previously been published, shall close at the time advertised in the publication. No entry shall be received after that time, except when races fail to fill, then the judges may grant additional time.

40.20. When the association designates a specific time for the closing of nominations/entries for a stakes race, no entries may be accepted after such time. When the association does not designate a specific time for the closing of nominations/entries for a stakes race, then the

nomination/entry must be received no later than 5 p.m. on the day of closing.

40.21. An entry in a stake race is a nomination, which cannot be withdrawn unless the Racing Commission veterinarian approves the withdrawal.

40.22. A greyhound shall not become a starter for a stake race unless there has been paid any stake or entrance fee due in respect to that race.

40.23. Unless otherwise required by this rule, entrance fees are not refundable.

40.24. A person making a wrong entry or nomination is liable for the stake and forfeits under the nomination.

40.25. When a race is not held, for any cause, all stakes or entrance money paid shall be refunded.

§ 178-2-41. Withdrawals and Scratches.

41.1. The withdrawal of a greyhound from of an engagement is irrevocable.

41.2. Withdrawals from stakes races shall be made in the same manner as making an entry. The association's racing secretary shall record the day and hour of receipt of the withdrawal and take appropriate action to make the withdrawal known to the public.

41.3. Withdrawals from purse races shall be made by the trainer to the association's racing secretary or his or her assistant at any time before the post positions are assigned.

41.4. To scratch a greyhound entered in a race, sufficient cause shall be given to satisfy the judges.

41.5. Any scratch that is the result of a violation of this rule is grounds for the judges to impose disciplinary action against the offending permit holder(s).

41.6. Notwithstanding the provision of any other rule, the judges may cancel the race if three (3) or more greyhounds are withdrawn or scratched in any one race.

§ 178-2-42. Post Positions.

42.1. The association's racing secretary shall assign the post position of greyhounds by method of random selection, supervised by one or more judges, at a time and place properly posted in the paddock, at least one (1) day prior to the running of the races. Any owner, trainer or authorized agent may be present if they desire.

§ 178-2-43. Weights and Weighing

43.1. All greyhounds shall be weighed not less than one (1) hour before the time of the first race of the day.

43.2. Before a greyhound is allowed to school or race at any association, the trainer shall establish its racing weight with the paddock judge.

43.3. At weighing-in time, if there is a variation of more than one and one-half (1 1/2) pounds either way from its established weight, the judges shall order the greyhound scratched.

43.4. At weighing-out time, if a greyhound loses weight in excess of one and one-half (1 1/2) pounds from its weigh-in weight while in the lock-out kennels, the judges shall order the greyhound scratched. However, upon a certificate from the veterinarians that this loss of weight while in the lock-out kennels does not impair the racing condition of the greyhound, the judges may allow the greyhound to race.

43.5. At weighing-in time if there is more than a two (2) pound variation between a greyhound's weight in the present race and its weight at weighing-in time of its last race, the judges shall order that greyhound scratched.

43.6. The weight requirements provided in this section shall be printed in the daily program.

43.7. Immediately after being weighed in, the greyhounds shall be placed in a lock-out kennels under the supervision of the paddock judge. No owner or other person with the exception of the paddock judge, veterinarian, kennel master, scales clerk, lead-out, judges or Racing Commission's representatives, shall be allowed in or near the lock-out kennels.

43.8. The established racing weight may be changed from time to time on written request of the owner or trainer. The change must be made four (4) calendar days before the greyhound is allowed to race at the new weight.

43.9. A greyhound having an established weight change of more than one (1) pound may be required to be schooled at least once, at the discretion of the judges, at the new established weight before it is eligible for starting.

43.10. Greyhounds that have not raced or schooled officially for a period of three (3) weeks shall be allowed to establish a new racing weight.

43.11. The judges may order a greyhound to be weighed at any period from the time the greyhound is entered in a race until post time.

§ 178-2-44. Running of the Race.

44.1. The greyhounds shall be started from a starting box, which has been approved by the Racing Commission. There shall be no start

until and no recall after, the doors of the starting box have opened.

44.2. The time of the race shall begin from the opening of the doors of the starting box.

44.3. If a greyhound bolts the course of its own volition, runs in the opposite direction, or does not run the entire prescribed distance of the race, the greyhound forfeits all rights in the race and no matter where the greyhound finished, the judges shall declare the finish of the race the same as if the greyhound were not a contender. However, for the purpose of the rule, the greyhound shall be considered a "starter".

44.4. If a greyhound bolts the course of its own volition or runs in the opposite direction during the running of the race, and the greyhound, in the opinion of the judges, interferes with any other greyhound in the race, the judges shall declare a "No Race" and all moneys wagered shall be refunded, except when, in the opinion of the judges, the interference clearly did not affect the outcome of the race.

44.5. If it appears that a greyhound may interfere with the running of the race because of its failure to leave the box, any person under the supervision of the judges stationed around the race course may remove the greyhound from the race course. However, for the purpose of the rule, the greyhound shall be considered a "starter".

44.6. All greyhounds shall wear the regulation association muzzle and blanket when racing. Blinker muzzles may not be used.

44.7. Muzzles and blankets shall be carefully examined in the paddock by the paddock judge before the greyhounds leave the post, and again before the judges at the judges' stand or before the starter at the starting box by the patrol judge.

44.8. All greyhounds shall be exhibited in the show paddock before post time of the race in which they are entered.

44.9. After the greyhounds leave the paddock on their way to the starting box and, until the judges direct the gates to be reopened, all persons except the racing officials and necessary attendants shall be excluded from the race course.

44.10. No race shall be called official unless the lure is in advance of the greyhound at all times during the race. If, at any time during the race, any greyhound catches or passes the lure, the judges shall declare it "No Race" and all moneys shall be refunded.

44.11. If at any time during the race there is a malfunction of the lure, which at the discretion of the judges creates unfairness to any greyhound, the judges may declare a "No Race" and all moneys shall be refunded.

44.12. If less than four (4) greyhounds finish the race, the judges shall declare a "No Race" and all moneys shall be refunded.

§ 178-2-45. Dead Heats.

45.1. When greyhounds run a dead heat for first place, all moneys and prizes to which the greyhounds would have been entitled shall be divided equally between them. This applies regardless of the number of greyhounds running a dead heat. Each greyhound shall be determined a winner.

45.2. When greyhounds run a dead heat for second place, they shall divide the second and third moneys.

45.3. When greyhounds run a dead heat for third place, they shall divide the third and fourth moneys.

45.4. If the dividing owners cannot agree as to which of them is to receive some other prize which cannot be divided, the recipient of the prize shall be determined by lot in the presence of one (1) or more of the judges.

§ 178-2-46 Objections.

46.1. All objections must be made to the judges in writing, dated and signed by the permit holder making the objection. The objection must clearly state the grounds for the objection.

46.2. Permission of the judges is necessary before an objection can be withdrawn.

46.3. Objections shall be filed with the judges within forty-eight (48) hours from the conclusion of the race which is the subject of the objection, unless waived by the judges. If not otherwise prohibited by these rules, the judges' decision resulting from an objection may be appealed to the Commission.

46.4. Objections pertaining to a greyhound engaged in a race may be made by the kennel operator or trainer of some other greyhound engaged in the same race.

46.5. Objections to any decision of the clerk of scales shall be made before the greyhounds leave the paddock for the start of the race.

46.6. Unless the judges declare otherwise, the filing of an objection shall not cause the prize or purse to be held until the objection is ruled upon. If an objection is declared valid, the judges shall determine the new order of finish and the redistribution of all purse monies, if not already distributed. If already distributed, the judges shall take necessary action to enforce their decision on the objection. The judges' decision shall not affect the pari-mutuel payout.

46.7. Objections that the judges determine to be frivolous, without foundation, or made in bad faith may be cause for discipline.

§ 178-2-47. Purses.

47.1. Unless the Commission approves otherwise, purses shall be paid directly to the owner of a greyhound or, if the greyhound is leased, the purse shall be paid according to the written lease agreement on file with the association.

47.2. The holder of a claim whether it is a mortgage, a bill of sale, or lien of any kind against a greyhound shall file a notarized copy with the association's racing secretary prior to the time the greyhound starts. The holder of a claim who fails to file the claim shall forfeit his or her rights in the winnings of the greyhound previous to the time his or her claim is properly filed.

**PART 8. GREYHOUND WELFARE,
HEALTH AND MEDICATION**

§ 178-2-48. Female Greyhound Considerations.

48.1. Bitches coming in season during the racing meeting shall not be accepted for entry within thirty (30) days from the date of coming in season. Before being accepted for entry, these bitches shall be examined by the veterinarian and schooled to the satisfaction of the judges.

48.2. Bitches in milk are not eligible to school or to race.

48.3. Owners and trainers shall report bitches in season to the judges and the Racing Commission Veterinarian.

§ 178-2-49. General Care of Greyhounds.

49.1. Any veterinarian practicing veterinary medicine on a racetrack shall use "one-time disposable type needles" and shall keep them in his or her possession until disposed of by him or her away from the association grounds.

49.2. Any illness or unusual symptoms of illness shown by a greyhound shall be immediately reported by the trainer or attending veterinarian to the judges and Racing Commission Veterinarian.

49.3. When directed by the Racing Commission Veterinarian, every greyhound owner, kennel owner, trainer or authorized agent shall immediately submit any greyhound on association grounds, of which he or she is the owner, lessor, trainer or authorized agent, to any veterinary surgeon for any examination or tests the Racing Commission Veterinarian considers advisable. In addition, the judges may notify the National Greyhound Association of any evidence that a greyhound has been mistreated or neglected, whether or not such mistreatment or neglect occurred on association grounds.

§ 178-2-50. Medications and Drugs.

50.1. No greyhound participating in a race shall have been given or administered any internal or external substance, narcotic, stimulant, local anesthetic or drug which is foreign to the natural greyhound. Innocuous compounds, such as flea/tick products are permitted under this rule and must be reported to Racing Commission Veterinarian prior to weigh-in and approved by the judges.

50.2. The trainer is the absolute insurer of and is responsible for the condition of the greyhound entered in a race, regardless of the acts of third parties. However, the owner of the greyhound, the foreman in charge of the

greyhound, the attendant and any other person shown to have had the care, or attendance, of the greyhound may also be found in violation of this rule by the judges.

50.3. Any moneys and/or prizes won by a greyhound found to have been administered a substance in violation of this section shall be forfeited and redistributed.

50.4. An investigation by the Racing Commission or the association into an alleged violation of this section may result in the judges suspending all greyhounds racing out of the investigated kennel pending the conclusion of the investigation.

50.5. Any portion of the purse, if not already paid, which is to be redistributed in accordance with the provisions of this section, shall be held until the redistribution is approved by the judges. This subsection applies only to the amount payable to the owner or owners of the disqualified greyhound and shall not prevent payment due to other greyhounds in the race pending approval of the judges.

50.6. Urine, blood and other specimens shall be taken and tested from the greyhounds as the judges or the Racing Commission Veterinarian may designate. The Racing Commission Veterinarian or other persons designated by him/her shall collect the specimens. Testing is conducted under the supervision of the Racing Commission.

50.7. Samples collected may be frozen. All samples shall be submitted to a laboratory approved by the Racing Commission, to be known as official laboratory. The racing association shall pay all laboratory expenses for sample analysis.

50.8. The official laboratory selected by the Racing Commission shall be accredited by the Association of Official Racing Chemists. The

official laboratory shall make all reports directly to the Racing Commission Veterinarian.

50.9. Each specimen shall be marked and bear any information that may be essential to its proper analysis. The identity of the greyhound from which the specimen was taken or the identity of its owner, trainer or kennel shall not be revealed to the official laboratory or its staff. The container of each specimen shall be sealed as soon as the specimen is placed in it.

50.10. No action shall be taken by the judges on the report of the official laboratory unless and until the substance or drug has been properly identified as well as the greyhound from which the specimen was taken nor until such time as an official report signed by the chemist has been received by the judges.

50.11. The winner and any other greyhounds that the judges may designate shall be taken immediately after the race to the testing area for the taking of specimens of body fluids and eliminations as directed by the Racing Commission Veterinarian.

50.12. The Judges or Racing Commission Veterinarian may also require the taking of specimens from any greyhound kenneled at an association during a race meeting.

50.13. The owner, trainer or authorized representative shall witness the taking of any specimen from his/her greyhound and sign the sample tag on such specimen. If, for any reason, the trainer is not or cannot be present at the time of collection the specimen from his/her greyhound, the person actually in custody of the greyhound is deemed authorized to witness the taking and sealing of the specimen and has the trainer's authority to sign as witness to this action. Provided, the Racing Commission Veterinarian is authorized to take any specimen from the greyhound while in the lock-out kennel without

the presence or witness of the owner, trainer or authorized representative.

50.14. No owner, trainer or authorized representative may willfully fail to witness the taking of a specimen, or impede, prevent or otherwise interfere with the taking of any specimen, or refuse to sign the specimen tag to the taking of a specimen. Such conduct shall be reported to the judges, who may subject the person or persons guilty of the interference to immediate suspension from the meeting. However, any owner, trainer, or authorized representative may sign, under protest, the specimen tag as long as the reason for the protest is stated in writing and given to the Racing Commission Veterinarian.

50.15. The Racing Commission Veterinarian, the judges or authorized representatives of the Racing Commission may confiscate any substances or other items suspected of containing improper substances which could affect the racing condition of a greyhound in a race, which may be found in the kennels or elsewhere on the racetracks or in the possession of such tracks or any person connected with racing. These substances or items shall be delivered to the official laboratory for analysis under the same conditions as are prescribed for analysis of saliva and urine. Once returned from the official laboratory, the Racing Commission may, if necessary, maintain custody of the confiscated medicine or items.

§ 178-2-51. Euthanasia.

51.1. In the event that it becomes necessary for a permit holder to have a greyhound euthanized, the euthanasia may only be done by licensed veterinarian.

51.2. All greyhound euthanasias and deaths must be reported to the Racing Commission Veterinarian.

51.3. The Racing Commission Veterinarian is authorized, but not required, to conduct a post-mortem examination on a greyhound to determine injury or sickness which resulted in the euthanasia or death if a greyhound suffers a breakdown on the track or the dies while kenneled on association grounds.

§ 178-2-52. Transportation of Greyhounds.

52.1. Any greyhound entering a West Virginia Greyhound track shall be accompanied by a State Department of Agriculture or Federal issue Certificate of Veterinary Inspection (health certificate) dated within fifteen (15) days prior to the greyhound's arrival and signed by an accredited veterinarian. Current documentation of vaccination status shall be included on the Certificate of Veterinary Inspection or on a separate Vaccination Certificate that has been issued by an accredited veterinarian. All vaccinations shall be administered by a licensed veterinarian within the previous 12 months and shall include: Rabies (indicate type, manufacturer and serial number), Distemper, Hepatitis, Leptospira, Adenovirus, Parvovirus, Parainfluenza (DA2HLPP), Bordatella, and Canine Influenza Virus. Annual vaccination boosters are required while the greyhound is housed in the track kennel compound.

52.2. All current vaccination records shall be kept attached to the greyhound registration papers which are on file with the racing secretary.

PART 9. DUE PROCESS AND HEARINGS

§ 178-2-53. Proceedings by the Judges.

53.1. **Rights of Permit Holder** A permit holder who is the subject of a disciplinary hearing conducted by the judges is entitled to:

53.1.a. Proper notice of all charges;

53.1.b. Confront the evidence presented;

53.1.c. The right to counsel at the permit holder's expense;

53.1.d. The right to examine all evidence presented against him/her;

53.1.e. The right to present a defense;

53.1.f. The right to call witnesses;

53.1.g. The right to cross-examine witnesses; and,

53.1.h. The right to waive any of the above rights.

53.2. Complaints.

53.2.a. On their own motion or on receipt of a written complaint regarding the actions of a permit holder, the judges shall conduct an investigation and, if warranted, a disciplinary hearing regarding the permit holder's actions.

53.3. Summary Suspension.

53.3.a. If the judges determine that a permit holder's actions constitute an immediate danger to the public health, safety or welfare, the judges may summarily suspend a permit pending a hearing.

53.3.b. A permit holder whose permit has been summarily suspended is entitled to a hearing on the summary suspension not later than ten (10) days after the permit was summarily

suspended. The permit holder may waive his/her right to a hearing on the summary suspension within the ten (10) day limit.

53.3.c. The judges shall conduct a hearing on the summary suspension in the same manner as other disciplinary hearings. At a hearing on the summary suspension, the sole issue is whether the permit holder's permit should remain suspended pending a final disciplinary hearing and a ruling on the merits of the alleged misconduct.

53.3.d. A disciplinary hearing on the merits of the alleged misconduct giving rise to a summary suspension shall be conducted in accordance with this rule.

53.4. Notice.

53.4.a. Except as provided by this rule regarding summary suspensions, and except in cases involving a disqualification during the running of a race, the judges shall provide written notice at least three (3) days before the hearing to the permit holder, who is the subject of the disciplinary hearing. A permit holder may waive his/her right to such notice by executing a written waiver.

53.4.b. Notice given under this section shall include:

53.4.b.1. A statement of the time, place and nature of the hearing;

53.4.b.2. A statement of the legal authority and jurisdiction under which the hearing is to be held;

53.4.b.3. A reference to the particular sections of the statutes or rules involved;

53.4.b.5. A short, plain description of the alleged conduct that has given rise to the disciplinary hearing; and,

53.4.b.6. A statement summarizing the rights of the permit holder as outlined in section 53.1 of this rule.

53.4.c. If possible, the judges or their designee shall hand deliver the written notice of disciplinary hearing to the permit holder who is the subject of the hearing. If hand delivery is not possible, the judges shall mail the notice to the permit holder's last known address, as found in the Racing Commission's permit files, by certified mail, return receipt requested. If the disciplinary hearing involves an alleged medication violation that could result in the disqualification of a greyhound, the judges shall provide notice of the hearing to the owner, kennel owner or trainer of the greyhound in the manner provided in this subsection.

53.4.d. Nonappearance of a summoned permit holder after adequate notice shall be deemed as an admission of the charges set forth in the notice of hearing and a waiver of the right to a hearing before the judges.

53.5. Continuances.

53.5.a. Upon receipt of a notice, a permit holder may request a continuance of the hearing.

53.5.b. The judges may grant a continuance of any hearing for good cause shown.

53.5.c. The judges may at any time order a continuance on their own motion.

53.6. Evidence.

53.6.a. All hearings shall be conducted by no less than a majority of the judges.

53.6.b. Each witness at a disciplinary hearing conducted by the judges shall be sworn by the judges.

53.6.c. The judges shall allow a full presentation of evidence and are not bound by the technical rules of evidence. However, the judges may disallow evidence that is irrelevant or unduly repetitive of other evidence. The judges shall have the authority to determine, in their sole discretion, the weight and credibility of any evidence and/or testimony. The judges may admit hearsay evidence if the judges determine the evidence is of a type that is commonly relied on by reasonably prudent people. The rules of privilege recognized by West Virginia law apply in hearings before the judges.

53.6.d. The burden of proof is on the judges to show, by a preponderance of the evidence, that the permit holder has violated or is responsible for a violation of a statute or a Racing Commission rule.

53.6.e. Except for hearings involving disqualifications during the running of a race, all hearings shall be recorded. A copy of the recording or a transcript of the recording shall be provided to the permit holder or any interested person upon request. The cost of providing a copy of the recording or a transcript of the recording may be assessed against the requesting party in the discretion of the judges.

53.7. Representation.

53.7.a. A permit holder who is the subject of a disciplinary hearing before the judges may represent himself or herself; may be represented by a lay representative of any racing trade organization to which he or she is a member; or, may be represented by legal counsel licensed to practice law in the State of West Virginia. Attorneys who are not licensed to practice law in the State of West Virginia must comply with Rule

8.0, Admission Pro Hac Vice, of the West Virginia Rules for Admission to the Practice of Law, before representing any permit holder in disciplinary matters pending before the judges. Representation of a permit holder includes any communication with the judges on behalf of the permit holder; the filing or making of motions or any other written or oral requests on behalf of a permit holder; and, appearing before the judges on behalf of a permit holder.

53.8. Rulings.

53.8.a. The issues at a disciplinary hearing shall be decided by a majority vote of the judges. If the vote is not unanimous, the dissenting judge shall include with the record of the hearing a written statement of the reason(s) for the dissent.

53.8.b. A ruling by the judges must be on a form prescribed by the Racing Commission and shall include:

53.8.b.1. The full name, date of birth, last record address, permit type and permit number of the person who is the subject of the hearing;

53.8.b.2. A statement of the charges against the permit holder, including a reference to the specific section of the statutes or rules that the permit holder is found to have violated;

53.8.b.3. The date of the hearing and the date the ruling was issued;

53.8.b.4. The penalty imposed;

53.8.b.5. Any changes in the order of finish or purse distribution;

53.8.b.6. Information on the permit holder's right to appeal the ruling to the Racing Commission; and,

53.8.b.7. Other information required by the Racing Commission.

53.8.c. A ruling shall be signed by all three judges. However, in the event that the ruling is not unanimous, the ruling shall be signed by a majority of the judges with the dissenting steward noting the reasons for his/her dissent.

53.8.d. If possible, the judges or their designee shall hand deliver a copy of the ruling to the permit holder who is the subject of the ruling. If hand delivery is not possible, the judges shall mail the ruling to the permit holder's last known address, as found in the Racing Commission's permit files, by certified mail, return receipt requested. A copy of the ruling shall be submitted to the NAPRA or RCI Ruling Database, and if the ruling includes the disqualification of a greyhound, the judges shall provide a copy of the ruling to the owner of the greyhound.

53.8.e. All fines imposed by the judges shall be paid to the Racing Commission within seven (7) calendar days after the ruling is issued, unless otherwise ordered by the judges.

53.9. Effect of Rulings.

53.9.a. Rulings against a permit holder apply to another person if continued participation in an activity by the other person would circumvent the intent of the ruling by permitting the person to serve, in essence, as a substitute for the ineligible permit holder.

53.9.b. The transfer of a greyhound to avoid application of a Racing Commission rule or ruling by the judges is prohibited.

53.10. Appeals.

53.10.a. A permit holder aggrieved by a ruling of the judges may appeal to the Commission except as provided in subsection 53.10.g. of this subsection. A person who fails to file an appeal by the deadline and in the form required by this section waives the right to appeal.

53.10.b. An appeal under this section must be filed with the Commission's racing secretary at the Racing Commission's principal office not later than twenty (20) days after the judges ruling is received by the permit holder.

53.10.c. An appeal shall be in writing on a form prescribed by the Racing Commission. The appeal shall include:

53.10.c.1. The name, address, telephone number and signature of the person making the appeal;

53.10.c.2. A statement of the basis of the appeal; and,

53.10.c.3. A sworn, notarized statement that the appealing party has a good faith belief that the appeal is meritorious and is not taken merely to delay the penalty imposed the judges.

53.10.d. A permit holder who appeals shall pay security for costs in the amount of one-hundred dollars (\$100.00). This security fee shall be paid to the Racing Commission at the same time the appeal is filed. In the event that the Racing Commission determines that the fee is insufficient to cover the anticipated costs of holding the appeal hearing, the appealing permit holder may be required to pay an additional security for costs as specified by the Racing Commission. Such additional security fees shall

be deposited with the Racing Commission within ten (10) days after notification. If the permit holder substantially prevails in an appeal hearing before the Racing Commission, the Commission may order a refund of all or part of any security fee paid by the permit holder. If a permit holder does not substantially prevail in an appeal hearing before the Racing Commission, the Commission may assess the costs of the appeal hearing incurred in excess of the security fee.

53.10.e. On notification by the Racing Commission that an appeal has been filed, the judges shall forward to the Commission the record of the judges' proceeding on which the appeal is based.

53.10.f. If a person against whom a fine has been assessed files an appeal of the ruling that assesses the fine, the person shall pay the fine in accordance with these rules, unless the ruling is stayed in accordance with this rule. If the fine is paid before disposition of the appeal and the appeal is resolved in favor of the permit holder, the Commission shall refund the amount of the fine.

53.10.g. A decision by the judges regarding a disqualification during the running of the race is final and may not be appealed to the Racing Commission. However, any permit holder fined or suspended as a result of circumstances giving rise to a disqualification is entitled to appeal a ruling on the suspension or fine only. The Racing Commission's decision on such an appeal shall not affect the disqualification.

53.11. Stays.

53.11.a. A person who has been disciplined by a ruling of the judges may apply for a stay to the Racing Commission or to the member of the Commission designated to rule upon stay requests.

53.11.b. An application for a stay must be filed with the Commission's racing secretary at the Racing Commission's principal office not later than the deadline for filing an appeal.

53.11.c. An application for a stay must be in writing on a form prescribed by the Racing Commission and shall include:

53.11.c.1. The name, address, telephone number and signature of the person requesting the stay;

53.11.c.2. A statement of the justification for the stay; and,

53.11.c.3. A sworn, notarized statement that party requesting the stay has a good faith belief that the stay request is meritorious and is not taken merely to delay the penalty imposed the judges.

53.11.d. The Racing Commission or the member of the Commission designated to rule upon stay requests may grant a stay for cause. Rulings on stay requests shall be issued in writing to the person requesting the stay. The Racing Commission or the member of the Commission designated to rule upon stay requests may rescind a stay granted under this section for reasonable cause.

53.11.e. The fact that a stay is granted is not a presumption that the ruling issued by the judges is invalid.

§ 178-2-54. Proceedings by the Commission.

54.1. Rights of Permit Holder, Licensee or Other Person.

54.1.a. A permit holder who is the subject of a disciplinary hearing who has filed an appeal to the Racing Commission from a

judges' ruling; or a licensee who is the subject of a disciplinary hearing before the Racing Commission; or, any other person under the jurisdiction of the Racing Commission who seeks relief from the Racing Commission, is entitled to:

54.1.a.1. Proper notice of all charges;

54.1.a.2. Confront the evidence presented;

54.1.a.3. The right to counsel at the permit holder's expense;

54.1.a.4. The right to examine all evidence presented against him/her;

54.1.a.5. The right to present a defense;

54.1.a.6. The right to call witnesses;

54.1.a.7. The right to cross-examine witnesses; and,

54.1.a.8. The right to waive any of the above rights.

54.2. Notice.

54.2.a. Upon receipt of a written appeal by a permit holder, the Racing Commission shall set a time and place for the appeal hearing not less than ten (10) nor more than thirty (30) days after receipt of the appeal. The permit holder may waive his/her right to a hearing within the above-referenced time frame by executing a written waiver. The Commission may grant an extension of the above-referenced time frame for hearing for good cause shown.

54.2.b. In any disciplinary matter instituted by the Racing Commission against a

licensee, the Racing Commission shall provide no less than (10) days notice of the hearing.

54.2.c. The Racing Commission shall serve a notice of hearing by certified mail, return receipt requested, to the person's last known address, as found in the Commission's permit or licensing files, or by personal service.

54.2.d. A notice of hearing shall include:

54.2.d.1. Statement of time, place and nature of the hearing;

54.2.d.2. Statement of the legal authority and jurisdiction under which the hearing is to be held;

54.2.d.3. Reference to the particular sections of the statutes and rules involved;

54.2.d.5. Short, plain statement of the matters asserted; and,

54.2.d.6. Any other statement required by law.

54.2.e. A party to the proceeding may move to postpone the hearing. The motion must be in writing; must set forth the specific grounds on which it is sought; and, must be filed with the Racing Commission before the date set for the hearing. If the Racing Commission or a hearing examiner appointed by the Racing Commission grants the motion for postponement, the Commission shall cause new notice to be issued.

54.2.f. After a hearing has begun, the Racing Commission or a hearing examiner appointed by the Racing Commission may grant a continuance on oral or written motion, without issuing new notice, by announcing the date, time

and place for reconvening the hearing before recessing the hearing.

54.2.g. If a party to a proceeding before the Racing Commission fails to appear after adequate notice, the Commission may deem the charges set forth in the notice of hearing as admitted by the non-appearing party and may dismiss the proceedings before the Commission.

54.3. Subpoenas, Subpoenas Duces Tecum and Oaths or Affirmations.

54.3.a. Any member of the Racing Commission or a hearing examiner appointed by the Racing Commission may issue subpoenas to compel the testimony of witnesses and subpoenas duces tecum to compel the production of documents, books, records, papers and other items.

54.3.b. Any party requesting the issuance of subpoenas or subpoenas duces tecum shall be responsible for proper service and payment of fees for the attendance and travel of witnesses in accordance with the requirements of West Virginia Code § 29A-5-1(b).

54.3.c. Any member of the Racing Commission or a hearing examiner appointed by the Racing Commission may administer oaths or affirmations to witnesses appearing before the Racing Commission.

54.4. Reporters and Transcripts.

54.4.a. The Racing Commission shall engage a court reporter to make a record of the hearing. The Commission may allocate the costs of the reporter and any transcript produced among the parties.

54.4.b. If a person requests a transcript of the record, the Racing Commission

may assess the costs of preparing the transcript to the person.

54.5. Nature of Hearings.

54.5.a. A hearing on an appeal by a permit holder from a decision of the judges shall be de novo. The Racing Commission shall have the burden of proving by a preponderance of the evidence that the permit holder has violated or is responsible for a violation of a statute or a Commission rule.

54.5.b. The Racing Commission may reject, affirm, or modify any penalty or disciplinary action imposed by the judges.

54.5.c. In any hearing on a disciplinary matter instituted by the Racing Commission against a licensee, the Commission shall have the burden of proving by a preponderance of the evidence that the licensee has violated or is responsible for a violation of a statute or a Commission rule.

54.5.d. All hearings before the Racing Commission are open to the public. However, witnesses may be excluded or sequestered.

54.6. Conducting of Hearings.

54.6.a. A quorum of the Racing Commission and/or a hearing examiner appointed by the Racing Commission who is licensed to practice law in the State of West Virginia shall conduct and preside over Commission hearings.

54.6.b. The Racing Commission or its appointed hearing examiner may:

54.6.b.1. Issue subpoenas and subpoenas duces tecum;

oaths or affirmations;

54.6.b.2. Administer

evidence;

54.6.b.3. Receive

admissibility of evidence;

54.6.b.4. Rule on the

witnesses;

54.6.b.5. Examine

times within which a party may present evidence and within which a witness may testify;

54.6.b.6. Set reasonable

oral argument;

54.6.b.7. Permit and limit

findings of fact and conclusions of law;

54.6.b.8. Issue orders and

arguments to be filed by the parties;

54.6.b.9. Require written

any and all judicially cognizable facts;

54.6.b.10. Take notice of

course of the hearing; and,

54.6.b.11. Regulate the

duties necessary to a fair and proper hearing.

54.6.b.12. Perform other

54.7. Evidence.

54.7.a. All testimony of witnesses before the Racing Commission must be given under oath or affirmation. The Racing Commission or its appointed hearing examiner may limit the number of witnesses and may exclude all irrelevant, immaterial or unduly repetitious evidence.

54.7.b. The Racing Commission and/or its appointed hearing examiner shall allow a full presentation of evidence and are not bound by the technical rules of evidence. The Racing Commission and/or its appointed hearing examiner shall have the authority to determine, in their sole discretion, the weight and credibility of any evidence and/or testimony. The Racing Commission and/or its appointed hearing examiner may admit hearsay evidence if it is determined that the evidence is of a type that is commonly relied on by reasonably prudent people. The rules of privilege recognized by West Virginia law apply in hearings before the Racing Commission.

54.8. Representation.

54.8.a. A person who is the subject of a hearing before the Racing Commission may represent himself or herself or may be represented by legal counsel licensed to practice law in the State of West Virginia. Attorneys who are not licensed to practice law in the State of West Virginia must comply with Rule 8.0, Admission Pro Hac Vice, of the West Virginia Rules for Admission to the Practice of Law, before representing any party involved in a matter before the Racing Commission. Representation of a party includes any communication with the Racing Commission or its agents on behalf of the permit holder, the filing or making of motions or any other written or oral requests on behalf of a party, and, appearing before the Racing Commission or its appointed hearing examiner on behalf of a party.

54.9. Decisions.

54.9.a. If a hearing is conducted by a hearing examiner appointed by the Racing Commission, he/she shall issue a written recommended decision containing proposed findings of fact and conclusions of law to the Commission. The hearing examiner shall mail a

copy of his recommended decision to all parties to the proceeding.

54.9.b. Upon receipt of a recommended decision from an appointed hearing examiner, the Commission shall consider the recommendation in a meeting noticed in accordance with the West Virginia Open Governmental Proceedings Act, West Virginia Code §§ 6-9A-1 *et seq.* The Commission may:

54.9.b.1. Adopt or modify the recommended decision, in whole or in part;

54.9.b.2. Decline to adopt the recommended decision, in whole or in part;

54.9.b.3. Remand the proceeding for further examination by the hearing examiner; or,

54.9.b.4. Direct the hearing examiner to give further consideration to the proceeding with or without reopening the hearing.

54.9.c. If the Racing Commission modifies or declines to adopt a recommended decision of an appointed hearing examiner, either in whole or in part, it shall issue a reasoned, articulate explanation and a recitation of the underlying evidence or other matters upon which it bases its decision.

54.9.d. If a hearing is conducted by a quorum of the Racing Commission it shall issue a written decision containing proposed findings of fact and conclusions of law.

54.10. Orders.

54.10.a. The Racing Commission shall issue a final order in all matters heard before

it. The Commission's order shall be in writing and shall be signed by the Chairman.

54.10.b. The Racing Commission shall serve a copy of a final order upon all parties to the proceeding by certified mail, return receipt requested, or by personal service.

54.10.c. A final order of the Racing Commission takes effect on the date the order is entered, unless otherwise stated in the order.

54.10.d. The Racing Commission shall submit copies of all final orders to the NAPRA or RCI Ruling Database.

§ 178-2-55. Rulings In Other Jurisdictions.

55.1. Reciprocity.

55.1.a. The Racing Commission and the judges shall honor rulings, decisions and final orders from other racing jurisdictions regarding permit or license suspensions, revocations, and eligibility.

55.2. Appeals of Reciprocal Rulings.

55.2.a. Persons subject to rulings, decisions and final orders in other racing jurisdictions shall have the right to request a hearing before the Racing Commission to show cause why such ruling should not be enforced in West Virginia.

55.2.b. Any request for such hearing must clearly set forth in writing the reasons for the appeal.

**PART 10. GREYHOUND TRAINING
TRACKS**

§ 178-2-56. Greyhound Training Track Requirements.

56.1. Any training track funded pursuant to West Virginia Code §19-23-10(d) must be approved by the Commission in accordance with these rules.

56.2. The state may own, operate and/or lease any training track funded pursuant to West Virginia Code §19-23-10(d). The state may contract operations to a private entity. Any lease or contract for services shall meet the requirements of West Virginia Code § 5A-3-1 *et seq.* and the purchasing requirements of the Department of Administration.

56.3. The track compound shall have the following:

56.3.a. A minimum area of ten acres for development of the initial facility and an additional ten acres available for future expansion;

56.3.b. An approved sewage disposal system;

56.3.c. Adequate ingress and egress for safety and accessibility; and

56.3.d. Adequate parking.

56.4. The track shall be at least 1,320 feet in circumference or 1/4 mile in length.

56.5. The track shall have an approved racing surface, rails, lure, timing equipment, starting box and perimeter fencing.

**PART 11. WEST VIRGINIA GREYHOUND
BREEDING DEVELOPMENT FUND**

178-2-57. West Virginia Greyhound Breeding Development Fund.

57.1. The Racing Commission shall serve as the official registering agency and process all affidavits, breeding, whelping and individual registrations to maintain the West Virginia Bred Greyhound Registry and the West Virginia Whelped Registry.

57.2. To be eligible to receive purse money in a stake race where the purse is funded in whole or in part with money from the West Virginia Greyhound Breeding Development Fund as well as or for purse supplements and awards that are funded in whole or in part from the West Virginia Greyhound Breeding Development Fund, all registered owners of the greyhound shall be a bona fide resident of West Virginia as required by West Virginia Code § 19-23-10(d).

57.3. An owner of a greyhound claiming to be a bona fide resident of this State must satisfy all of the following requirements:

57.3.a. The owner of a registered greyhound may not claim residency in any other State, the District of Columbia, a territory or possession of the United States, a foreign country, or any other place outside this State.

57.3.b. When the owners of a registered greyhound are husband and wife, each must be a bona fide resident of this State.

57.3.c. When the owner of a registered greyhound is a corporation, the corporation must have its commercial domicile in this State and each owner of an equity interest in the corporation must be a bona fide resident of this State. As used in the preceding sentence, "corporation" includes any corporation,

association, syndicated, publicly traded partnership or other group treated as a corporation for federal income tax purposes.

57.3.d. When the owner of a registered greyhound is a partnership, limited liability company or any other entity treated as a partnership for federal income tax purposes, the entity must have its commercial domicile in this State and each partner, member or other person owning an equity interest in the partnership, limited liability company or other entity treated as a partnership for federal income tax purposes must be a bona fide resident of this State.

57.3.e. When the owner of a registered greyhound is a trust, the trust must be a resident trust, the administrator of the trust, by whatever name called, as well as all of the beneficiaries of the trust must be bona fide residents of this State.

57.4. Proof of bona fide residency.

The owner of a registered greyhound must prove bona fide residency by providing the Commission with true copies of the following documents:

57.4.a. A true copy of the personal income tax return of the owner filed with the West Virginia Tax Commissioner for the most recently completed tax year and for each of the three tax years prior to the most recently completed tax year: Provided, That once true copies of the owner's West Virginia personal income tax returns have been filed with the Racing Commission for the four most recent completed consecutive tax years, only a true copy of the owner's personal income tax return for the most recently completed tax year needs to be filed with the Racing Commission each year thereafter.

Example. The owner first files the papers required by this paragraph on May

1, 2006. The filing will include true copies of personal income tax returns filed with the West Virginia Tax Commissioner for calendar years 2002 through 2005. In May of 2007, the same owner again files with the Racing Commission. That filing will include a true copy of the personal income tax return filed with the West Virginia Tax Commissioner for calendar year 2006. The May 2007 filing will not include copies of the returns filed for calendar years 2003 through 2005 because the Racing Commission already has copies of those returns.

57.4.b. A true copy of the property tax payment receipt issued by the county sheriff showing payment of real or personal property taxes on property located in West Virginia during the most recent property tax year (calendar year) for which tax tickets have been issued by the county sheriff and true copies of receipts showing payment of property taxes on property in this State for each of the three property tax years (calendar years) prior to the most recent property tax year for which property tax tickets have been issued: Provided, That once true copies of property tax receipts showing the owner paid property taxes on property located in this State have been filed with the Racing Commission showing payment of property taxes for four consecutive property tax years, only a true copy of the owner receipt showing payment of property taxes for the most recent property tax year for which property tax tickets have been issued by the county sheriff needs to be filed with the Racing Commission each year thereafter.

57.4.c. If the filing with the Racing Commission occurs after first half property taxes are paid but before second half property taxes are due and the owner did not prepay second half property taxes, the owner only has proof of payment of first half property taxes to file showing payment of property taxes for the most current property tax year for which tax tickets have been issued. Proof of payment of second half property

taxes will be filed the next time the owner is required to show proof of residency.

Example. The property tax year is the calendar year. Tax tickets for calendar year 2005 are issued by the county sheriff in July of 2005. The amount of taxes due are payable in two installments. Half is due September 1, 2005 and half is due March 1, 2006. The papers required by this paragraph are filed with the Racing Commission on May 1, 2006. That filing should include property tax receipts showing that the owner paid West Virginia property taxes levied for tax year (calendar year) 2005 and for tax years 2004, 2003 and 2002. For each year the owner must provide a true copy of receipts showing full payment of taxes levied for the tax year. If the owner pays property taxes for the full year in a single payment each year, the owner will file true copies of four receipts showing full payment of property taxes for the years 2001 through 2005. If the owner pays property taxes in two installments each year, the owner will remit true copies of eight property tax receipts for these years. In May of 2007, the same owner again files with the Racing Commission. That filing will include either a true copy of one receipt showing full payment of property taxes levied for property tax year 2006 or true copies of receipts showing payment of first half and second half taxes for the 2006 property tax year. The May 2007 filing will not include copies of property tax receipts showing payment of property taxes levied for calendar years 2003 through 2005 because the Racing Commission already has copies of those returns.

57.4.d. In the event that an owner is unable, because of his or her age, to produce the required tax returns required by these rules, the owner may petition the Racing Commission to prove his or her bona fide residency through other means as determined by the Racing Commission on a case by case basis.

57.4.e. If the owners of a registered greyhound are husband and wife, each must be a bona fide resident of this State for the period required by W. Va. Code §19-23-10. Failure of either one to so qualify results in both the husband and the wife being ineligible to receive any purse in a stakes race funded in whole or in part from the West Virginia Greyhound Breeding Development Fund or any purse supplement or award that is funded from that Fund.

57.4.f. If the owner of a registered greyhound is a corporation or other organization treated as a corporation for federal income tax purposes, or is a partnership, limited liability company or other organization treated as a partnership for federal income tax purposes, all owners of an equity interest in the corporation, or other organization treated as a corporation for federal income tax purposes, or in the partnership, limited liability company or other organization treated as a partnership for federal income tax purposes, must be a bona fide resident of this State for the period required by W. Va. Code §19-23-10. Failure of any equity owner to qualify as a bona fide resident of this State results in the corporation, partnership, limited liability company or other organization treated as a corporation or partnership for federal income tax purpose being ineligible to receive any purse in a stakes race funded in whole or in part from the West Virginia Greyhound Breeding Development Fund or to receive any purse supplement or award that is funded from the West Virginia Greyhound Breeding Development Fund.

57.4.g. If the owner of a registered greyhound is a trust, the trust must be a resident trust and its administrator(s) and all of the trusts beneficiaries must be bona fide residents of this State for the period required by W. Va. Code §19-23-10. Failure of the administrator(s) of the trust, by whatever name called, or failure of any beneficiary of the trust to qualify as a bona fide

resident of this State for the period required by W. Va. Code §19-23-10 results in the trust and its beneficiaries being ineligible to receive any purse in a stakes race funded in whole or in part from the West Virginia Greyhound Breeding Development Fund or to receive any purse supplement or award that is funded in whole or in part from the West Virginia Greyhound Breeding Development Fund.

57.4.h. If the owner of a registered greyhound is a nonresident trust, the trust is ineligible to receive any purse in a stakes race funded in whole or in part from the West Virginia Greyhound Breeding Development Fund or to receive any purse supplement or award that is funded from the West Virginia Greyhound Breeding Development Fund.

57.5. Eligibility of greyhound.

57.5.a. In order to participate in the West Virginia Greyhound Breeding Development Fund, the greyhound must be from a litter that was whelped in the State of West Virginia and remained domiciled in West Virginia at least until the puppies were twelve (12) months of age.

57.6. Affidavits required.

57.6.a. All registered owners of a greyhound, including any person who owns an interest in the registered greyhound, who enter a greyhound in either a stakes race in this State where the purse is funded in whole or in part by the West Virginia Greyhound Breeding Development Fund or a race for a purse or award that is funded in whole or in part by the West Virginia Greyhound Breeding and Development Fund shall file the appropriate affidavit (see Forms 57.6 (1) and (2) at the end of this rule) with the Racing Commission. This affidavit shall:

57.6.a.1. Affirm that the person making the affidavit is a registered owner of the greyhound or greyhounds listed in the affidavit;

57.6.a.2. Affirm that the person making the affidavit in the case of a registered owner who is a association, corporation, partnership, limited liability company, limited partnership, syndicate or other group or combination acting as a unit, or a trust is duly authorized to make the affidavit stating the relationship between the maker and the registered owner, e.g., president of the corporation, managing partner, managing member of limited liability company, etc.

57.6.a.3. Affirm that the registered owner of the greyhound is and has continuously been a bona fide resident of this State for the period required by W. Va. Code §19-23-10;

57.6.a.4. Affirm that any person who owns an interest in the registered greyhound is and has been a bona fide resident of this State for the period required by W. Va. Code §19-23-10;

57.6.a.5. Affirm that the resident owner of the greyhound is not currently and has not been a resident of any other State or other jurisdiction located outside this State during the period required by W. Va. Code §19-23-10;

57.6.a.6. Affirm that the owner or lessee of the dam at the time of breeding met all of the requirements of this rule;

57.6.a.7. Affirm that the greyhound was whelped in West Virginia and that the greyhound was not removed from West Virginia at any time prior to the completion of twelve (12) consecutive months of being

domiciled in West Virginia starting from the date of whelping.

57.6.a.8. Affirm that the owner or lessee further understands that if any West Virginia bred greyhound is removed from West Virginia prior to twelve (12) months of age, it is the owner's or lessee's responsibility to notify the Racing Commission within ten (10) days of the greyhound's removal and that any West Virginia bred greyhound that is removed to a location outside of West Virginia prior to the completion of twelve (12) consecutive months in West Virginia starting from the date of whelping shall be disqualified by the Racing Commission from participation in the West Virginia Greyhound Breeding Development Fund;

57.6.a.9. Affirm that the address of the individual making the affidavit, as stated in the affidavit, is the physical location of the primary residence of the individual making the affidavit;

57.6.a.10. When the registered owner of the greyhound is not an individual, affirm that the address of the registered owner stated in the affidavit is the physical location of the commercial domicile of the registered owner of the greyhound;

57.6.a.11. When the registered owner of a greyhound is not an individual, affirm that to the personal knowledge of the maker of the affidavit, the registered owner of the greyhound and each person who has an equity interest in the registered owner of a greyhound is a bona fide resident of this State for the period specified in W. Va. Code §19-23-10; and

57.6.a.12. Waive the confidentiality rule in W. Va. Code §11-10-5d for the limited purpose of authorizing the Tax Commissioner to verify, upon written request of

the Racing Commission or its designated employee, to the Racing Commission or its designated employee, whether or not resident personal income tax returns were filed with the Tax Commissioner by the maker(s) of the affidavit, for the years required by W. Va. Code §19-23-10.

57.6.b. An affidavit attesting that all requirements imposed by W. Va. Code §19-23-10 and this rule have been met shall be on file at the Racing Commission's office prior to the first day of the month in which the qualified West Virginia bred greyhound runs in a race to qualify for any purse or purse supplement or award funded from the West Virginia Greyhound Breeding Development Fund during the calendar year in which the affidavit is filed with the Racing Commission. The registered owner of a West Virginia bred and whelped greyhound, and each person who owns an equity interest in the registered owner, shall make and file this affidavit annually with the West Virginia Racing Commission, as required by this subsection. A new affidavit shall be made and filed with the Racing Commission during the calendar year, whenever there is a material change in the information provided in or with last affidavit filed with the Racing Commission, within five days after the occurrence of the material change but before the next race in this State in which the greyhound is a contestant. If a material change occurs during the 48 hour period immediately preceding the start of a stakes race, or other race, for a purse or award funded in whole or in part by the West Virginia Greyhound Breeding Development Fund in which the greyhound is a contestant, written notice of the material change shall be hand delivered to the chief judge of the race prior to the start of that race. This notice is in addition to and not in lieu of the requirement to file a new affidavit with the Racing Commission.

Table 31.5. Occupational Permit Fees

Kennel Name - \$40.00
 Corporation - \$40.00
 Vendor - \$40.00
 Kennel Owner/Trainer - \$60.00
 Kennel Owner - \$30.00
 Greyhound Owner - \$30.00
 Trainer - \$30.00
 Assistant Trainer - \$30.00
 Veterinarian Assistant - \$20.00
 Mutuel Employee - \$20.00
 Photographers, Totalizator, Film Patrol - \$20.00

Officials

Director of Racing - \$30.00

Racing Secretary - \$30.00

Assistant Racing Secretary - \$20.00

Paddock Judge - \$30.00

Patrol Judge - \$20.00

Starter - \$20.00

Clerk of Scales - \$20.00

Chart Writer - \$20.00

Lead-Out - \$20.00

Lure Operator - \$20.00

Kennel Helper - \$20.00

Kennel Master - \$20.00

All other occupational permits not specified - \$20.00

FORM 57.6(1)
AFFIDAVIT OF OWNER WHEN OWNER IS AN INDIVIDUAL

AFFIDAVIT

TO THE WEST VIRGINIA RACING COMMISSION

I _____, hereby swear that:

1. That I am the registered owner of the greyhounds listed hereon;

[Or That I am the authorized representative of the partnership, limited liability company, corporation, trust, or any other group or combination acting as a unit, that is the registered owner of the greyhounds listed hereon;]

2. The address of my primary residence is: [list below];

3. That the greyhound(s) listed above were whelped in West Virginia and that the greyhound was not removed from West Virginia to a location outside of West Virginia at any time prior to completion of twelve (12) consecutive months of being domiciled in West Virginia from the date of whelping;

4. That no individual or other person who has an ownership interest in a greyhound listed hereon is a resident of any place located outside the State of West Virginia;

5. That each of the greyhounds listed hereon was whelped in West Virginia and was domiciled in West Virginia for at least twelve (12) consecutive months immediately following their whelping;

6. That each of the greyhounds listed hereon meet all other applicable criteria as established by the West Virginia Racing Commission to qualify and be recognized as "West Virginia Whelped;"

7. That I am a *bona fide* resident of the State of West Virginia as that term is used in W. Va. Code §19-23-10;

8. That I have at all times during this calendar and during each of the preceding four calendar years been a *bona fide* resident of the State of West Virginia;

9. That I have not at any time claimed to be a resident of any other state during this calendar year and during the preceding four calendar years;

10. That I have owned property located in West Virginia during each of the four calendar years preceding the making of this affidavit and that I have paid property taxes due on that property for the current property tax year and for the preceding four calendar years;

11. That I have filed West Virginia resident personal income tax returns for the four most recent calendar years; and

12. That I hereby waive confidentiality under W. Va. Code §11-10-5d, for the sole and limited purpose of authorize the State Tax Commissioner to, upon written inquiry of the West Virginia Racing Commission, verify whether or not I did file resident personal income tax return, as above stated.

(Your signature must have notaries' stamp and date)

SIGNED: _____
Owner of greyhound(s)

Sworn before me this _____ day of _____, 19__.

Notary Public

FORM 57.6(2)
AFFIDAVIT WHEN REGISTERED OWNER IS NOT AN INDIVIDUAL

AFFIDAVIT

TO THE WEST VIRGINIA RACING COMMISSION

I _____, hereby swear that:

1. That I am the authorized representative of the partnership, limited liability company, corporation, trust, or any other group or combination acting as a unit, that is the registered owner of the greyhounds listed hereon;]

2. The address of the commercial domicile is: [list below];

3. That the greyhound(s) listed above were whelped in West Virginia and that the greyhound was not removed from West Virginia to a location outside of West Virginia at any time prior to completion of twelve (12) consecutive months of being domiciled in West Virginia from the date of whelping;

4. That no individual or other person who has an ownership interest in a greyhound listed hereon is a resident of any place located outside the State of West Virginia;

5. That each of the greyhounds listed hereon was whelped in West Virginia and was domiciled in West Virginia for at least twelve (12) consecutive months immediately following their whelping;

6. That each of the greyhounds listed hereon meet all other applicable criteria as established by the West Virginia Racing Commission to qualify and be recognized as "West Virginia Whelped;"

7. That I am a *bona fide* resident of the State of West Virginia as that term is used in W. Va. Code §19-23-10;

8. That I have at all times during this calendar and during each of the preceding four calendar years been a *bona fide* resident of the State of West Virginia;

9. That I have not at any time claimed to be a resident of any other state during this calendar year and during the preceding four calendar years;

10. That I have owned property located in West Virginia during each of the four calendar years preceding the making of this affidavit and that I have paid property taxes due on that property for the current property tax year and for the preceding four calendar years;

11. That I have filed West Virginia resident personal income tax returns for the four most recent calendar years;

178CSR2

12. That I hereby waive confidentiality under W. Va. Code §11-10-5d, for the sole and limited purpose of authorize the State Tax Commissioner to, upon written inquiry of the West Virginia Racing Commission, verify whether or not I did file resident personal income tax return, as above stated;

(Your signature must have notaries' stamp and date)

SIGNED: _____
Owner of greyhound(s)

Sworn before me this _____ day of _____, 19__.

Notary Public

MEMORANDUM

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: WEST VIRGINIA RACING COMMISSION

DATE: JULY 30, 2010

RE: *Proposed Greyhound Racing Rule, 178 C.S.R. 2*
Public Comments, Responses & Changes to the Proposed Rule

The following memorandum lists the public comments received on the proposed legislative rule, Greyhound Racing, 178 C.S.R. 2, and offers a response to each comment. This memo also notes the change(s) between the proposed rule filed for public comment on June 29, 2010 and the agency-approved rule filed today. The comments are addressed in the order received.

(1) **Danny Williams, comment dated March 12, 2010 and submitted by Sam Burdette July 5, 2010.** **Response:** The proposed rule filed for public comment on June 29, 2010 returned the greyhound domicile requirement back to 6 months after birth to be eligible for the Greyhound Breeding Development Fund. The rule currently in effect requires that greyhound pups remain in West Virginia for 12 months. The rule for a number of years required pups be domiciled here for 6 months, until it was changed to 12 months around 2006. The Commission received comments supportive of both the 6-month and 12-month requirements. In the agency-approved rule filed today, the Commission proposes a rule which maintains the current requirement that greyhounds be domiciled in West Virginia for a period of 12 months after birth to be eligible for the Greyhound Breeding Development Fund.

(2) **Robert Bowen, dated July 5, 2010.** **Response:** Please see the response to Danny Williams' comment, set forth above.

(3) **Sharon Myland, not dated, received by the Racing Commission July 12, 2010 .** **Response:** Regarding the 6-month greyhound pup domicile requirement, please see the response to Danny Williams' comment, set forth above. Regarding her support for the 15-day rule for health certificates, the Racing Commission believes an extension from the current 10-day rule was warranted and proposes such an extension in the proposed rule and the agency-approved rule.

(4) **Sam Burdette, dated July 7, 2010.** Mr. Burdette is the current President of the West Virginia Greyhound Breeders' Association and served as one of the committee members appointed by the Commission to develop the revised rule. He favors the rule as it was filed on June 29, 2010 and favors the 6-month greyhound domicile requirement for eligibility in the Greyhound Breeding Development Fund. **Response:** Please see response to Danny Williams' comment, set forth above.

- (5) **Harvey O. Maupin, Jr., dated July 5, 2010.** Response: Please see response to Danny Williams' comment, set forth above.
- (6) **Loretta Maupin, dated July 7, 2010.** Response: Please see response to Danny Williams' comment, set forth above.
- (7) **Susan C. Partain, dated July 7, 2010**Response: Please see response to Danny Williams' comment, set forth above.
- (8) **Gerald A. Comer, dated July 13, 2010.** Response : Please see response to Danny Williams' comment, set forth above.
- (9) **Janice and Neil Abrahamson, dated July 12, 2010.** Response: Please see responses to Danny Williams' and Gerald Comer's comments, set forth above.
- (10) **Barbara Thomas, not dated, but received by the Commission July 15, 2010.** Response: Please see response to Danny Williams' comment, set forth above.
- (11) **Michael J. Fynmore, dated July 19, 2010.** Response: Please see response to Danny Williams' comment, set forth above.
- (12) **Richard Pierce, undated, received by the Commission July 20, 2010.** Response: Please see response to Danny Williams' comment, set forth above.
- (13) **Gary Keaton, dated July 3, 2010.** Response: Please see response to Danny Williams' comment, set forth above.
- (14) **Jason Crimmel, dated July 19, 2010.** Response: Please see response to Danny Williams' comment, set forth above.
- (15) **Amanda Richmond, dated July 9, 2010.** Response: Please see response to Danny Williams' and Sharon Myland's comments, set forth above.
- (16) **Jack Stourchick, dated June 13, 2010, but recieved by the Commission July 16, 2010.** Response: Please see response to Danny Williams' comment, set forth above.
- (17) **Judy Burdette, dated July 22, 2010.** Response: Please see response to Danny Williams' comment, set forth above.
- (18) **Rod Monroe, undated, received by the Commission July 23, 2010.** Response: Please see response to Danny Williams' comment, set forth above.
- (19) **Kelly Jo Salem, undated, received by the Commission July 23, 2010.** Response: Please see response to Danny Williams' comment, set forth above.

- (20) **Brandon Grizzd, undated, received by the Commission July 23, 2010** Response: Please see response to Danny Williams' comment, set forth above.
- (21) **Richard Taylor, dated July 15, 2010.** Response: Please see response to Danny Williams' comment, set forth above.
- (22) **James Beavers, undated, received by the Commission July 23, 2010.** Response: Please see response to Danny Williams' comment, set forth above.
- (23) **Richard Long, undated, received by the Commission July 23, 2010.** Response: Please see response to Danny Williams' comment, set forth above.
- (24) **Jason Cottrill, undated, received by the Commission July 23, 2010.** Response: Please see response to Danny Williams' comment, set forth above.
- (25) **Patrick Bever, dated July 15, 2010.** Response: Please see response to Danny Williams' comment, set forth above.
- (26) **Kimberly Bordas, dated July 12, 2010.** Response: Please see response to Danny Williams' comment, set forth above.
- (27) **Tom Salem, dated July 12, 2010.** Response: Please see response to Danny Williams' comment, set forth above.
- (28) **Roger Salem, undated, received by the Commission July 23, 2010.** Response: Please see response to Danny Williams' comment, set forth above.
- (29) **Louise Strong, dated July 10, 2010.** Response: Please see response to Danny Williams' comment, set forth above.
- (30) **Delmos L. Monroe, dated July 14, 2010.** Response: Please see response to Danny Williams' comment, set forth above.
- (31) **Jeff T. Postlewait, undated, received by the Commission July 23, 2010.** Response: Please see response to Danny Williams' comment, set forth above.
- (32) **Randall Lee Crabtree, undated, received by the Commission July 23, 2010.** Response: Please see response to Danny Williams' comment, set forth above.
- (33) **Tim Hopkins, dated July 8, 2010.** Response: Please see response to Danny Williams' comment, set forth above.
- (34) **Erin Davis, dated July 20, 2010.** Response: Please see response to Danny Williams' comment, set forth above.

(35) **Joe R. Davis, dated July 20, 2010.** **Response:** Please see response to Danny Williams' comment, set forth above.

(36) **Patrice Banker, dated July 15, 2010.** **Response:** Please see response to Danny Williams' comment, set forth above.

(37) **Roger White, dated July 22, 2010.** Mr. White is a kennel owner and served on the Commission's appointed committee that developed the proposed rule. **Response:** With respect to adding a definition of "Equity," the Commission believes adding the definition is unnecessary because the Commission has deleted the word "equity" from § 57.6.a.4.

With respect to modifying the definition of "Owner" as set forth in § 2.59, the Commission believes the modification is unnecessary.

With respect to correcting the wording of § 57.6.a.4. by deleting the words "registered owner," the Commission agrees and has made the change. The inclusion of these words was a typographical error.

With respect to changing the wording of § 57.6.a.6., the Commission believes the change to be unnecessary.

With respect to the 6 versus 12 month greyhound domicile requirement set forth in §§ 57.5.a, 57.6.a.7 and 57.6.a.8. of the proposed rule, please see response to Danny Williams' comment, set forth above.

(38) **Allan McNeel, undated, received by the Commission July 28, 2010.** **Response:** Please see response to Danny Williams' comment, set forth above.

(39) **Joseph Douglas, undated, received by the Commission July 28, 2010.** **Response:** Please see response to Danny Williams' comment, set forth above.

(40) **Troy Hendricks, undated, received by the Commission, July 28, 2010.** **Response:** Please see response to Danny Williams' comment, set forth above.

(41) **Terry Sayre and David Sweeney, dated July 28, 2010.** **Response:** Please see response to Danny Williams' comment, set forth above.

(42) **Dean Miner, dated July 28, 2010.** **Response:** Please see response to Danny Williams' comment, set forth above.

(43) **Marena Riggan, dated July 29, 2010.** **Response:** Please see response to Danny Williams' comment, set forth above.

Public Comments

Sam Burdette
422 Little Sandy Rd.
Elkview, WV 25071

July 5, 2010

West Virginia Racing Commission
106 Dee Drive
Charleston, WV 25311

RE: Requested Submittal of Danny Williams
As Public Comment To WV Revised Greyhound Rules of Racing

Dear Sirs:

Danny Williams, who use to own a kennel booking at Tri-State years ago, wrote to me in March 2010 regarding the effort to revise the greyhound rules of racing. He ask me to submit his letter as a public comment in response to the recent filing of said revised rules. Attached please find his letter with envelope.

Thank you,


Sam Burdette

WVRC 07 JUL '10 4:11 PM

March 12, 2010

Dear Sirs,

I am writing this letter regarding your upcoming look at the rule stating West Virginia bred greyhounds must remain in state until one year old. I am the fourth generation of my family in the greyhound industry and I raced the first four years at Tri-State Greyhound Park when it opened. I would like to share my experience on the subject with you.

I feel that it is very important not to keep greyhound puppies in the state because they need 300 to 400 foot runs to learn their future racing skills. At three months old they start learning balance and coordination while their bodies are still growing. Being able to stretch out and run for a great distance helps accomplish this. Due to West Virginia's mountains, hills and severe winter weather this process is not possible.

I trained West Virginia bred puppies on my farm in Texas. It took almost four months to get those dogs in shape enough to begin training. That cost the dog owner a lot of money, especially if they have a large litter in training.

If you compare breeding, West Virginia greyhounds are breed every bit as well as other greyhounds in other states. They do not fare as well in other state stake races and regular races due to the conditions they have to endure early in their lives. I understand you want to keep your state breed dogs racing in state, but that goal is not accomplished because they can't compete there. The purses are much smaller in other states where they can compete, so how does this make sense? Racing greyhounds raised and trained in states other than West Virginia have a distinct advantage because The land is flat.

Please review the records of West Virginia greyhounds racing in other states and you will see a definite pattern of not being able to compete very well. If you reconsider your rule on length of time greyhounds have to remain in state before training you will see a much more competitive West Virginia breed greyhound.

Sincerely,

Danny Williams

WVRC 07 JUL 20 0911:48

July 5, 2010

West Virginia Racing Commission:

I just want to say that I like the reworked greyhound racing rules.
I think the greyhound pups should not be made to stay in West Virginia for more than 6 months.
I don't like keeping them here for 12 months.


Robert Bowen
948 Kelly Hill
Clendenin, WV 25045

WVRC 12 JUL 10 PM 12:45

To The W V Racing Commission:

I volunteered at a Small Grayhound farm.
While there I noticed the Small farm could only
have one to two litters of pups a year. So,
they could not compete with the larger farms.
So, therefore, I approve of the revised Grayhound
rules, especially the 15 day health certificate
requirement and the 6 months rule for
WV Grayhounds.

Thank you
A concerned grayhound lover
Sharon Myland

REC-12 JUL 10 5:12:53

7/7/10

WV Racing Commission
106 Dec Drive
Charleston, WV 25311

RE: Public Comment
Revised Greyhound Rules of Racing

WRC 09 JUL 10 PM 4:57

Dear Sirs:

Count me as in favor of the revised greyhound
rules as filed with the WV Secretary of State's office.
I am in favor of the 6 month domicile rule.

Yours,

Sam R. Brubaker
422 Little Sandy Rd.
Elkview, WV 25071
304-610-0135

W.VA. RACING COMMISSION
106 DEE DRIVE
CHARLESTON, W.VA. 25311

JULY 5, 2010

DEAR COMMISSIONERS,

I AM RESPONDING TO A PENDING RULES CHANGE TO THE CURRENT GREYHOUND RACING RULES. I UNDERSTAND THAT A THIRTY DAY PUBLIC COMMENT PERIOD IS NOW AVAILABLE AND THUS THE REASON FOR MY LETTER.

FIRST, I WOULD LIKE TO THANK ALL RULE-REVIEWING COMMITTEE MEMBERS FOR ALL THEIR TIME AND HARD WORK PUT INTO THE RULES CHANGES.

ONE CHANGE TO THE RULES IS CHANGING THE RAISING OF W.VA. BRED PUPS IN THE STATE FROM TWELVE MONTHS BACK TO THE OLD RULE OF SIX MONTHS. THIS RULE CHANGED A FEW YEARS BACK AND IT EFFECTED ME SEVERLY. I LOST ABOUT 40% OF MY PRODUCTION OVER THE NEXT TWO YEARS. FORTUNATELY, I WAS ABLE TO PURCHASE LAND NEXT TO MY CURRENT FARM AND EXPAND. AND MY PRODUCTION IS BACK UP. SO IN WRITING THIS RESPONSE ON THE NEW RULE CHANGE DOES NOT BENEFIT MYSELF IN ANYWAY. I AM RESPONDING TO THIS CHANGE BECAUSE OF WHAT I BELIEVE IS RIGHT.

THE OLD RULE WAS IMPLIMENTED FROM THE BEGINNING OF THE W.VA. BREEDERS' DEVELOPMENT FUND. INDIVIDUALS SET UP THEIR FARMS AND BUSINESS ACCORDING TO THE RULE AND THERE SEEMED TO BE NO PROBLEMS FOR OVER A DECADE. THE RULE GOT CHANGED DUE TO ONE INDIVIDUAL. THE RACING COMMISSION DID NOT DO THIS CHANGE. NOR DID THE WVGoba. IN FACT, MOST WVGoba MEMBERS WERE OUTRAGED WITH THE CHANGE. AT THE VERY LEAST, EVERY INDIVIDUAL THAT WAS PARTICIPATING IN THE FUND AT THE TIME OF THE CHANGE, SHOULD HAVE BEEN GRANDFATHER CLAUSED IN THE LAW.

WHEN THIS RULE CHANGED A FEW YEARS BACK, THERE WERE OTHER RULES THAT GOT CHANGED. ONE WAS THE RESIDENCE REQUIREMENT. THE OLD RULE WAS TWO YEARS, BUT WAS CHANGED TO FOUR YEARS. IT IS MY UNDERSTANDING THAT THE W.VA. BREEDERS' DEVELOPMENT FUND WAS CREATED TO ENCOURAGE THE GROWTH OF THE INDUSTRY, THUS BRINGING NEW BUSINESS TO W.VA., EMPLOYING MORE W.VA. CITIZENS, PUTTING MORE MONEY THROUGH COMMUNITIES AND MORE TAXES FOR THE STATE OF W.VA. THESE RULES THAT GOT CHANGED, DID NOT HELP THE STATE OF W.VA. NOR THE GREYHOUND INDUSTRY.

A LOT OF GREYHOUND BREEDERS CAN NOT ACCOMIDATE THE RULE OF TWELVE MONTHS FOR THE PUPS BECAUSE OF MANY REASONS AND AFTER HAVING THE RULE AT SIX MONTHS FOR SO LONG, THEY SHOULD NOT HAVE TO. THE FARMERS THAT WANT THE RULE AT TWELVE MONTHS, NO ONE IS TELLING THEM THAT THEY HAVE TO SEND THEIR PUPS OUT AT SIX MONTHS. I HAVE HEARD A COUPLE OF FARMERS SAY THEY THINK EVERYONE SHOULD HAVE TO DO WHAT THEY DID IN BUILDING A DOG FARM AND PUTTING A LOT OF MONEY INTO IT. I SAY TO THESE FARMERS THAT THIS IS NOT GROWING THE INDUSTRY. JUST BECAUSE A FARMER PUT MONEY INTO A LARGE DOG FARM DOES NOT MEAN EVERYONE SHOULD HAVE TO DO THAT.

WVRC 05 JUL 14 2:10 PM 5:00 PM

IT IS CLEAR TO ME, WHEN THIS INDIVIDUAL CHANGED THESE RULES, HE HAD ONLY ONE GOAL IN MIND AND THAT WAS TO ELIMINATE SOME OF THE CURRENT COMPETITION AND RESTRICTING OTHERS FROM MOVING TO OUR STATE. AND THE WHOLE TIME THIS INDIVIDUAL HIDES BEHIND SERMONS PREACHED TO EVERYONE ABOUT KEEPING MONEY IN W.VA. I ASK YOU COMMISSIONERS, IS THE BREEDERS' DEVELOPMENT FUND DOING WHAT LEGISLATION INTENDED?

IN CLOSING, I WOULD LIKE TO THANK THE COMMISSION FOR HEARING THE PUBLIC'S COMMENTS AND GIVING US A CHANCE TO SPEAK OUT. I HOPE THAT YOU AGREE THAT CHANGING THE REQUIREMENT FROM TWELVE MONTHS TO SIX MONTHS IS GOOD FOR THE STATE AND OUR GREAT INDUSTRY THAT I LOVE.

AGAIN, THANK YOU AND IF YOU HAVE ANY QUESTION, PLEASE DO NOT HESITATE TO CONTACT ME ANYTIME, 304-586-4085

SINCERELY,



HARVEY O. MAUPIN, JR.

WEST VIRGINIA RACING COMMISSION
106 DEE DRIVE
CHARLESTON, W.VA. 25311

JULY 7, 2010

DEAR COMMISSIONERS,

I AM WRITING IN RESPONSE TO A THIRTY DAY PUBLIC COMMENT PERIOD ON THE
GREYHOUND RULE REVISIONS.

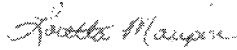
THE CHANGE I AM INTERESTED IN, IS THE CHANGING OF RAISING GREYHOUNDS IN
THE STATE OF W.VA. I AM IN FAVOR OF THE TWELVE MONTH RULE, BEING REVERSED
BACK TO SIX MONTHS AS IT WAS IN THE BEGINNING.

IF THE RULE GOES BACK TO SIX MONTHS, I WILL PROBABLY RAISE MY GREYHOUNDS
HERE ANYWHERE FROM NINE TO TWELVE MONTHS.

SOME BREEDERS ARE NOT ABLE TO DO THIS. I WILL BE HELPING OTHER GREYHOUND
BREEDERS BY ASKING THAT THE RULE BE PUT BACK TO SIX MONTHS.

THANK YOU FOR YOUR TIME IN THIS MATTER.

SINCERELY,



LORETTA MAUPIN

WVRC 09JUL10 PM 5:04

07/07/2010

To the West Virginia Racing Commission
in regard to the revised greyhound
rules of racing:

I approve of the revised greyhound
racing rules as filed

Juan C. Portari
426 Main St.
Pan. W 25601

WRC 09JUL'10 PM 5:07

TO: WEST VIRGINIA RACING COMMISSION

SUBJECT: OPPOSE THE SIX MONTH RULE

IN MY OPPINION I DON'T THINK IT'S FAIR TO CHANGE THE RULE BACK FOR THE NEW DOG OWNERS. THE PREVIOUS OWNERS INVESTED ALOT OF TIME AND MONEY INTO UPGRADING THIER FARM. TO KEEP THE 12 MONTH RULE WOULD ALSO BENEFIT THE STATE OF WEST VIRGINIA TO KEEP THE REVENUE IN THE STATE.

ALSO I WOULD LIKE TO ADDRESS GETTING THE TRAINING TRACKS UP AND RUNNING. IT WOULD HELP DOG OWNERS KEEP THE DOGS ON THEIR FARM FOR THE 12 MONTH PERIOD. IT WOULD BENEFIT THE DOG OWNERS, THE DOGS, THE RACING INDUSTRY AND THE STATE OF WEST VIRGINIA.

THANK YOU,

GERALD A. COMER



JULY 13, 2010

GERALD A. COMER
BOX 450-9
BROWNS CREEK ROAD
ST. ALBANS, WEST VA.
15277

WRC 15 JUL 10 PM 12:15

WVRC 15 JUL 10 PM 12:16

JUL 12, 2016

TO: WEST VIRGINIA RACING COMMISSION
106 D DRIVE
CHARLESTON, WV 25311

RE: KEEPING WV GREYHOUNDS IN WV FOR 12 MONTHS

SEVERAL YEARS AGO THE GOVERNOR AND THE LEGISLATURE PASSED LEGISLATION REQUIRING GREYHOUNDS TO STAY IN WEST VIRGINIA UNTIL THEY WERE 12 MONTHS OLD TO QUALIFY FOR WV BREEDERS SUPPLEMENTARY PURSES. THIS WAS BASED ON WANTING TO KEEP WV BREEDING PURSE MONEY IN WEST VIRGINIA AND CREATING JOBS IN WEST VIRGINIA AND HELPING THE ECONOMY IN WEST VIRGINIA BY FARMS BUYING PRODUCTS AND SERVICES IN WV. THIS WAS AN GOOD FOR WV AND STILL IS. WE SPENT \$150,000 EXPANDING OUR FARM FACILITIES TO HANDLE THE DOGS FOR 12 MONTHS. WE HIRED WV PEOPLE TO BUILD RUNS + BUILDINGS, PURCHASED PENCIL FROM WV COMPANY AS WELL AS ALL MATERIALS. WHEN WE WERE OPERATIONAL WE HIRED 6 PEOPLE. WE PAY TAXES ON FACILITY IN WV. OUR PAYROLL IS ABOUT \$200,000/YEAR. WE PURCHASES, MOST MEAT, PAPER, MEDICINE, VITAMINS, VETERINARY SERVICES AND OTHER ITEMS TOTALING ABOUT \$150,000/YR IN WEST VIRGINIA. IF THE LAW WAS CHANGED BACK TO 6 MONTHS REQUIRED STAY, ALL THIS WOULD BE WASTED AND REDUCED WHICH WAS NOT THE INTENTION OF THE LAW AND WOULD NOT

BE FAIR TO US AND ALL OTHERS WHO
SPENT A LOT OF MONEY AND EFFORT TO
OPERATE UNDER THE PRESENT LAW. THANK YOU
FOR YOUR UNDERSTANDING ON THIS MATTER.

SINCERELY,

Janice C. Abrahamson
JANICE C. ABRAHAMSON

Neil A. Abrahamson
NEIL A. ABRAHAMSON

P.S.

ANY QUESTIONS FEEL FREE TO CALL US AT

PHONE 304-242-8491

FAX 304-242-8493

MAIL 16 GLESSNER PLACE

WHEELING, WV 26003

Racing Commission

Dear Sirs My husband William L. Thomas and I were involved in raising Greyhounds from 1988 to 2006. As we got older it became more difficult to raise these dogs because of their activity. If we could send these dogs out at 6 months to nine months I would still be raising greyhounds.

My husband passed away a year ago in March and I am 74 and just unable to take of the great dogs. Please consider this 6-9 month change. Another problem is that these dogs are sent to the farm at 1 year old, they do not ~~start~~ start training for 3 months, that makes these dogs 14 mo. By the time they are trained it takes 6-8 mo. That makes these dogs 20-22 months. They have to break their maiden by 24 months. We lose alot of our dogs by then. Please consider this change.

Sincerely yours

Barbara Thomas

REC-15 JUN 10 PM 215

Michael J. Fynmore
Fynmore Kennels
520 Mustang Lane
Triadelphia, WV 26059
304-547-1444

WVRC 19 JUL 10 PM 1:44

July 19, 2010

West Virginia Racing Commission
106 Dee Drive Suite 2
Charleston, WV 25311

RE: Comments to proposed revision of Greyhound racing rules

Dear Sirs,

I strongly support the six month domicile rule for WV greyhounds. My property boundaries do not allow for proper development of greyhounds past this age. The twelve month rule has been detrimental to my business and has led to the gradual layoff of most of my employees.

Please feel free to contact me with any questions.

Sincerely,



Michael J. Fynmore

West Virginia Racing Commission;

I support the 6 mo. dormile rule for
W.V. Greyhounds.

Even tho I have made arrangements to
keep my pups in W.V. for 12 mo.
I never did think the original 6 mo. rule
should have been changed in the first
place. This only eliminates so many small
breeders from partaking in this program.
In my opinion this is the reason it was
changed in the first place.

Sincerely,

Richard L. Price

Gary Keaton
P.O. Box 1492
Clendenin, WV 25045

July 3, 2010

To West Virginia Racing Commission:

I am in favor of the revised greyhound racing rules as filed at the West Virginia Secretary of State..
I am in favor keeping the dogs in West Virginia for 6 months.

Yours,


Gary Keaton

RECEIVED
WVRC 21 JUL 10 11:23AM



TRI-STATE CASINO & RESORT

Mardi Gras Style!

July 19, 2010

West Virginia Racing Commission
106 Dee Drive Suite 2
Charleston, WV 25311

Dear Chairman, Commissioners, and Greyhound Rules Committee:

I would like to express both my approval and gratitude for the proposed rule changes created by the Greyhound Rules Committee. I believe that the changes made along with the structure and organization of the document itself will be advantageous to all those involved with Greyhound Racing in the State.

Thank you to all of those responsible for their time and effort on this project.

Sincerely,

Jason Crummett

Racing Secretary
Tri-State Casino & Resort

WVRC 21 JUL 10 PM 1:27

P.O. Box 7118 • Cross Lanes, West Virginia • 25356 • (304) 776-1000 • Fax: (304) 776-1239

I support the revised greyhound rules
regarding the 15 day health certificate
requirement and the 6 month rule
for LU greyhounds.

Amanda Richmond
7/9/10

MURC 16 JUL '10 PM 4:08

6/13/10

TO WVA RACING COMMISSION

This letter is in response to rumors I have been hearing about changing the requirements for Greyhounds to stay in WVA from 1yr back to six months.

I am totally against changing it back and have told Sam Burdette this in several questionnaires mailed to me.

When the law was changed from 6 months to 1yr.

We were forced to expand our farm & facilities extensively.

This cost us thousands of dollars. We also hired 2 new people.

We purchase all our food in WVA. It should be a great

boost to local economy. We have on average 150 dogs at our

farm at all times. I cannot see how going back to six months

could help us. The state would lose money by dogs being shipped to OK - KS - FL - etc.

Thank You
Jack Sturchick
Jack Sturchick
546 Windy Hill Rd
Kaneva Hts WVA
26075

Phone Cell 304-281-0720

Home 304-394-5572

WRC 16 JUL 10 PM 3:30

July 23, 2010

WV Racing Commission
106 Dee Drive
Charleston, WV 25311

REC'D JUL 22 10 02:28

I am writing to support the six month rule change. This rule had been in effect since the inception of Greyhound Racing. It worked for everyone for over twenty years. Everyone made money.

Then GREED set in.

People who had been in the business since it began were now being FORCED to keep their dogs here for one year. Some of these people were in their sixties, seventies and eighties. At this stage in their lives why would you want to enlarge your farms? Why would I want my competition to raise my dogs?

This 12 month rule put some very good people out of business.

If people want to keep their dogs here that is great but don't force the small breeder to suffer.

Thank you.


Judy Bardette

TO: West Virginia Racing Commission

WRC 23 JUL '10 PM 12:31

I Rod Monroe believe the 12-month
role is vital for development. I've explained
my position to Mr. McDermott by telephone.
It seems those in favor for 6-months
don't want to invest much.

I myself started from square-one
investing into my business. I bought
property and developed it. I invested in
Buildings, water lines, Drainage, Fencing, Tractors,
utility vehicle and many more necessities.
It's my understanding of how the
program is supposed to work.

With others, investing and growing
larger farms & employing workers.
I know the program is working.

Any Questions or
if I can be of any
assistance please call!
304-336-7069 - Home
304-281-6120 - Cell

Rod Monroe

To: West Virginia Racing Commission

I am in support of continuing the twelve month rule of keeping quarters in West Virginia. If they are able to send them out of state after 6 months, jobs will be lost and unemployment will go up. The true WV breeders that invested time and money into their farms are providing jobs and money for West Virginia.

Sincerely,

Kelly A. Solon

REC'D JUL 23 2010 2:32 PM

If this new rule is put into place that the greyhounds will only stay for six months, then I will lose my job on the greyhound farm. So I write this letter hoping that the rule will stay the 12 months.

MURC 23JUL'10 PM 12:32

Thanks

Brandon Grizzel
Brandon Grizzel

7-15-10

If this new rule is put into place that the greyhounds will only stay for six months, then I will lose my job on the greyhound farm. So I write this letter hoping that the rule will stay the 12 months.

WVRC 23JUL '10 PM 2:32

Thanks

Richard Taylor



7-15-10

To WV Racing Commision

MURK 23 JUL '10 PM 2:32

I James Beavers, employee for Monroe Racing Inc., am against the six month rule for the greyhounds. I feel no need for change and I have been an employee here for over two years. We have ran a successful business raising our greyhounds to twelve months. This change will decrease my wages and possibly cause unemployment. I hope that you can take my concerns into consideration.

Thank You
James Beavers

West Virginia Racing Commission

I Richard Lang employed By Monroe
Racing. I Believe in the 12 month rule, as
a full time employee that if changed back
to six months I could not only face cutback
in works hrs. but possibly unemployment.

Thank you
Richard Lang

WVRC 23 JUL 10 12:02 PM

West Virginia Racing Commission

I Jason Cottrill a full time employee
for Monroe Racing Inc. Is in favor of
the 12 month Rule. The 6 month rule
would cause cut back in hours and possible
unemployment. I see no need for the change

Yours Truly
Jason Cottrill

P.S. Why take money out of State

WVRC 23JUL '10 PM 12:32

MURC 23 JUL '10 PM 12:02

This letter is in regard to the rule that would change a WV bred greyhound from staying from 12 months to 6 months. I really don't think that this rule would be fair to myself or others. It is unfair to have forced us to raise greyhounds here for 12 months for so many years and then let others jump right in and do it for six. People that have raised dogs here for 12 months have made sacrifices do allow the dogs to grow up to a year old. They have had to make bigger runs and large investments on the farm to accommodate the greyhounds to a year old. Also the whole purpose of the 12 month rule was to make jobs, buy supplies, and pay taxes in the state of WV. If this rule is changed I guarantee that I would no longer be able to employee the 2 guys I have now, because all the money would be going to Kansas, to a board farm there. The reason for that is that at 6 months people with the smaller farms would be sending the dogs out at that time and would have a head start in the training process of the greyhounds. So I would be forced to send mine out sooner to stay in competition. Bottom line is, that it should stay a year and nobody should be able to get a free pass at 6 months. The jobs and monies generated from raising greyhounds in WV should stay in WV.



7-15-10

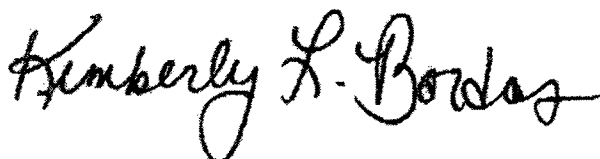
July 12, 2010

West Virginia Racing Commission
106 Dee Drive
Charleston, West Virginia 25311

This letter is in regards to the recent discussion involving the transition of the time limit change for West Virginia Bred Greyhounds. Being a member of the WVGQBA and the NGA, as well as working in the greyhound industry, I feel the proposal for the time change is unfair. Many breeders have invested money and time in making their farms suitable to accommodate greyhounds for a full year. The new six month proposal will encourage unknowledgeable and inexperienced people to breed greyhounds. This could possibly lead to overpopulation, inhumane conditions and a decline in the quality of West Virginia Racing Greyhounds.

MURC 23 JUL 10 PM 12:33

Sincerely,



Kimberly Lynn Bordas

07/12/10**WV Racing Commission,**

**We want to keep the 12 month rule in
Effect. Why change it back to six months
When it was just put in 3 years ago. The
Only reason they want to change it back
to six months is because they don't
Want to invest any money into a farm.
What about the people that invested two
Or three hundred thousand into there farms.
They want to send there pups out to
Oklahoma and Kansas at six months
Also they don't want to employ any people .
Lets keep the 12 month rule in to effect and
We can employ people to work in the state
Of West Virginia and not send our money to
Another state. That is what the rule was
supposed to do. Thank you**

Tom Salem

MARC 23 JUL '10 PM 12:33

To West Virginia Racing Commission.

MRC 23 JUL 10 PM 12:33

I am writing concerning the twelve month rule of keeping WVR Greyhounds in west Virginia for the twelve months. My Brother and I have just invested in a farm and the money we invested I figure we are putting it in our state also. alot of people have done the same thing I am sure this helps our state were six months would hurt our state and the people that invested in it.

Thank you

Roger Salen

Dear Sirs,

7.10.10

MURC 23JUL 10 PM12:33

My name is Louise Strong
I have been a W.V. breeder for
9 years. I am in favor of keeping
the 12 month rule on W.V.
bred greyhounds.

I am already having a
problem placing my greyhounds
in W.V. kennels. If we change
the rule to 6 months, or 9
months, I will have to send
my greyhounds out of state,
which will eventually put
me out of business.

Thank You,
Louise Strong

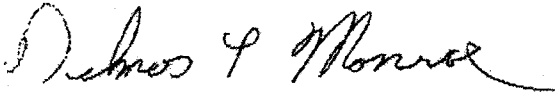
WVRC 23 JUL '10 PM 2:33

To: Greyhound Racing Commission
From: Delmos Monroe
Date: July 14, 2010

I am writing to request that you keep the year rule. I am opposed to changing from one year to 6 months rule because dog owners have invested a lot of time and money to raise dogs for 12 months. It would not be fair to go back to six months. There would be to many West Virginia dogs to place in Kennels. This would also reduce point value significantly, and cause a domino effect in farm and employment reduction.

Sincerely,

Delmos L. Monroe



West Virginia Racing Commission

I Jeff Postlewait a part-time employee
for Monroe Racing Inc. Is in favor of
the 12 month Rule. I know a cut
back will cost me my job.

Jeff T. Postlewait

Jeff T. Postlewait

WRC 23 JUL 10 PM 12:33

To West Virginia Racing Commission

I AM in favor of Raising GreyHounds in West Virginia for 12 months. Invested A lot of time and money into my farm. Its not fair to Change it Back After I invested over \$100,000 Dollars into my Bussiness. Going Back to Six months will Others to raise GreyHounds with out investing Back into the State of West Virginia. Raising GreyHounds in West Virginia 12 months Creates more revenue for West Virginia than 6 months will

RANDALL Lee Crabtree
Randall L Crabtree

WVRC 23 JUL 2010 PM 12:33

7/8/10

We Support having our greyhounds here in WV
for 6 — Months. If Any Owner Chooses to pull
their greyhound after six months they should be allowed
to. The owners of the WV Greyhounds should have a
right to have their Greyhounds remain or to relocate
to other facilities after that time period which would
be a incentive to WV Greyhounds to do more breeding.

We do NOT Support the 12-month rule.

We also believe the rules should be set at 6 months.
If any Greyhound owner chooses to remove their greyhound after
12 months that should be there option.

Thank you

Jim Hopkins

MARC 23 JUL 10 PM 12:25

7/20/10

I think the rule to keep WV greyhounds
in WV one year should stand as is.

I support the revised rule of a 15
day health cert.

Thank you,

Chris Danner

Opda Racing LLC

WRC 23 JUL 10 PM 2:22

7-20-10

The 1 year rule for w^{whelped} greyhounds
should stay as is.

MURC 23JUL '10 PM 12:22

I approve of 15 day health Certificates.

Thank you,


JOE R. DAVIS
Jeds Racing, LLC

VALLEY CASH FEED
1511 MAIN AVENUE
NITRO, WV 25143
(304) 727-1721, FAX (304) 727-1721

MURC 26 JUL 10 09 1306

To: West Virginia Racing Commission
106 Dee Drive
Charleston, West Virginia 25311

From: Patrice Banker
1511 Main Avenue
Nitro, West Virginia 25143

Date: July 15, 2010

Subject: PROPOSED RULE CHANGE

Dear Sir and Members:

It has come to my attention that a rule change regarding greyhounds is being considered. I am writing this letter to express my concern regarding this proposed change. This change would require West Virginia whelped greyhounds to remain domiciled in the state for six (6) months from date of whelping as opposed to the current twelve (12) month rule.

The intent of West Virginia Greyhound Breeder Program is to generate new business opportunities for residents of West Virginia and to expand the existing business thereby generating much needed additional tax revenue.

In the early nineties the West Virginia whelped greyhound were required to be domiciled within the state for six (6) months from date of whelping. The monies that were paid from the West Virginia Greyhound Breeder Development Funds at that time was approximately \$350,000. In the year 2000 the disbursement was 2 million and fifty- nine thousand. In the year

2006 when the rule change was affected from 6 months to 12 months , the disbursement was 6 million three hundred thousand dollars .

Also in 2006 the West Virginia Racing Commission alone with the Legislators agreed to the rule change requiring West Virginia whelped greyhounds to be domiciled in this state for twelve (12) months from date of whelping . This rule became effective January 1, 2007. In this year when the West Virginia breeders farms were expanded to facilitate the greyhounds for this twelve 12 month period , I was able to expand my business to keep up with the supply and demand .

As a result of this 2006 rule change , we have increased our sales of products relating to greyhounds industry and have made vast capital improvements and investments in our business . We have expanded our warehouse to better facilitate the increased demands and have constructed a new large freezer to meet the increased demand for meat products for farm use. Also we have purchased additional vehicles for delivery service to the farms located in the following counties ; Logan , Wyoming , Putnam , Kanawha , Mason and many other locations throughout West Virginia . We have also increased our employment .

By changing this rule back to six (6) month domicile requirement would adversely affect our business and the tax revenue stream .

I am hereby respectfully requesting that you consider opposing any change to this rule .

Sincerely,



Patrice Banker

President / Owner Valley Cash Feed

Blue & Gold Kennel Inc.
683 Bethel Road
Buffalo, West Virginia 25033
Bus. 304-937-4117 Fax. 304-937-2148

To: West Virginia Racing Commission
106 Dee Drive
Charleston, West Virginia 25311
Date: July 22, 2010

From: Roger D. White
683 Bethel Road
Buffalo, West Virginia 25033

Subject: Greyhound Rules Of Racing

I am asking for the following changes to be made to the proposed Greyhound Rules Of Racing.

1. 178-2-2. Definitions.

Add : 2.27 " Equity " means an ownership or financial interest in the greyhound .

Reason: Reference is made in 57.6.a.4. of the rules .

Change: 2.59 From : "Owner " means a person in whose name the
greyhound is registered with the National Greyhound Association
at the time of breeding , whelping and racing at a meeting in
accordance with this rule . An owner may be a sole owner , part
owner or lessee . A beneficial interest in a greyhound , such as an
interest in just the winnings of the greyhound does not constitute
Part ownership of that greyhound .

To; "Owner" Means a person in whose name the greyhound is registered
with the National Greyhound Association at the time of breeding ,
whelping and racing at a meeting in accordance with this rule .

Reason : This requires all persons listed as owners in an and/or situation to be
bona fide residents of this state .

Change: 57.6.a.4. From : Affirm that any person who owns an equity interest in the registered owner of the greyhound is and has been a bona fide resident of this State for the period required by W.Va. Code 19-23-10 :

To : Affirm that any person who owns an equity interest in the registered greyhound is and has been a bona fide resident Of this state for a period required by W.Va. Code 19-23-10:

Reason : Wrong wording . (registered owner) .

Change: 57.6.a.6. From : Affirm that the owner or lessee of the dam at the time of breeding met all of the requirements of this rule and W.Va. Code 19-23-10;

To : Affirm that the owner or lessee of the dam at the time of breeding meet all the requirements of this rule and W.Va. Code 19-23-10 :

Reason: Referred to in the Code .

Change: 57.5. Eligibility of Greyhounds

Change: 57.5.a., 57.6.a.7. and 57.6.a.8.. Change six (6) consecutive months to twelve (12) consecutive months.

Reason: See attachments.

Change: Form 57.6 (1) Affidavit of owner when owners is an individual 3., 5., Change six (6) consecutive months to twelve (12) consecutive months.

Reason: See attachments.

Change: Form 57.6 (2) Affidavit when registered owner is not an individual 3., 5., Change six (6) consecutive months to twelve (12) consecutive months.

Reason: See attachments.

Sincerely


Roger D. White
President Blue & Gold Kennel, Inc.

Blue & Gold Kennel, Inc.
683 Bethel Road
Buffalo, West Virginia 25033
304-937-4117 304-937-2148 Fax

To: West Virginia Racing Commission
106 Dee Drive
Charleston, West Virginia 25311

Date: July 22, 2010

From: Roger D. White
683 Bethel Road
Buffalo, West Virginia 25033

Subject: Proposed Greyhound Rules of Racing Change

Dear Sirs:

Please consider this letter my attempt to explain the adverse impact the subject change would have on the importance and viability of the greyhound breeders program for the state of West Virginia and its residents participating in this program.

As you know the intent of the breeders program was to set aside monies for an incentive to allow bona fide residents of this state to become involved and benefit from the business of breeding, training, boarding and racing West Virginia whelped greyhounds. As a result, West Virginia residents have become increasingly involved in the greyhound industry and have made significant investments. This program has allowed broad participation and expansion, providing as intended; an increase in tax revenue for the state.

The following is an illustration of those industries that have benefitted from the Breeders Program: Food Venders, Farm Suppliers, Veterinarians, Transporters of Greyhounds, Equipment Suppliers. Not withstanding of course is the resulting employment opportunities.

The West Virginia Breeder Development Fund began in the early nineties. During this initial period the breeders earned about \$300,000. The greyhounds at the time were required to be domiciled in the state for six months from date of whelping. In 2007 the rule change to require greyhounds to be domiciled in the state for a period of twelve months from the date of whelping and during this year the West Virginia Breeders earned in excess of six million dollars.

In March of 2006 SB 357 passed and became law effective at passage however in the law it allowed the West Virginia Breeders an additional time to prepare and expand their farms to

facilitate greyhounds for twelve months from date of whelping , The effective date was January 1, 2007 .

Since greyhounds are not exposed to training tracks until they are thirteen months of age (due in fact because their bones have not matured and training can result in serious injuries through their race career) , starting early training is not only unwise , but dangerous . Beyond that fact , a twelve month period provides great incentive and profit for West Virginia Breeders to invest in farms and expand their business .

Other facts and circumstances that beg your consideration and attention are as follows:

- * West Virginia law requires a West Virginia whelped greyhound to race in this state in order to be eligible to receive WVGBDF's .
- * West Virginia rule does not allow a greyhound to race on a West Virginia track until it is fifteen (15) months of age. Most greyhounds are about eighteen (18) months of age before they start racing .
- * West Virginia Breeders whelp about eleven (11) hundred pups annually.

If the rule is changed and the pups are permitted to be domiciled for only six (6) months instead of the current rule of twelve (12) months , the following adversities would likely occur :

- * Out of state farms would benefit from our breeders program as a result of our West Virginia whelped pups being boarded and trained in that state .
- * The vendors in other states would benefit from our breeders program a result .
- * Employment opportunities in our state would diminish .
- * Additional tax revenue will be lost .
- * The opportunity for fraud and mistreatment of the greyhounds would occur .

Example:

- * An out of state kennel owner in West Virginia who wishes to participate in the West Virginia Breeder Program would hire a bona fide employee in his kennel to whelp and raise West Virginia whelped greyhounds . The owner of the kennel would furnish the Dam the breeding and pay expenses for six (6) months to domicile the pups in this state . The employee would in turn register the pups in his or her name and forward the winnings to the owner of the kennel .
- * An in state kennel owner could go into business with an out of state farmer and the out of state farmer would furnish the kennel owner with the following . Greyhounds to run in the kennel , Dams to breed , Sires to breed with and free boarding and training for a percentage of the earnings of the greyhounds .

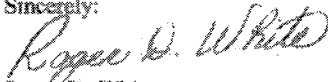
In both of these examples the West Virginia Breeder that does not own a Kennel would not have any place to run his or her pups because the kennel owner will fill all vacancies in his or her own kennel thereby eliminating all other breeders including the small breeder .

I kindly ask for your consideration of the forgoing and thank you for your service .

Please know that I am eager to make myself available further information or if necessary to discuss this matter in public or private forum.

Please see the inclosed attachments concerning SB 357 Passed March 2006 in effect from passage .

Sincerely:


Roger D. White
President Blue & Gold Kennel , Inc.
West Virginia Breeder

ENROLLED
COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 357

(Senators Minard, Fanning, Prezioso, Unger, Boley and Minear, *original sponsors*)

[Passed March 11, 2006; in effect from passage.]

AN ACT to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as amended; all relating generally to the promulgation of administrative rules by the Department of Revenue and the procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Insurance Commissioner to promulgate a legislative rule relating to unfair trade practices; authorizing the Insurance Commissioner to promulgate a legislative rule relating to licensing and conduct of individual insurance producers, agencies and solicitors; authorizing the Insurance Commissioner to promulgate a legislative rule relating to the West Virginia Essential Property Insurance Association; authorizing the Insurance Commissioner to promulgate a legislative rule relating to Medicare supplement insurance; authorizing the Insurance Commissioner to promulgate a legislative rule relating to nonrenewal of property insurance policies; authorizing the Insurance Commissioner to promulgate a legislative rule relating to private passenger automobile and property insurance - biannual rate filing requirements; authorizing the Insurance Commissioner to promulgate a legislative rule relating to replacement of life insurance policies and annuity contracts; authorizing the Racing Commission to promulgate legislative rule relating to greyhound racing; authorizing the Tax Commissioner to promulgate a legislative rule relating to business registration certificate - suspension for failure to pay personal property taxes; and authorizing the Tax Commissioner to promulgate a legislative rule relating to valuation of active and reserve coal for ad valorem property tax purposes.

Be it enacted by the Legislature of West Virginia:

That article 7, chapter 64 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 7. AUTHORIZATION FOR DEPARTMENT OF TAX AND REVENUE TO PROMULGATE LEGISLATIVE RULES.

§64-7-1. Insurance Commissioner.

(a) The legislative rule filed in the State Register on the twenty-ninth day of July, two thousand five, authorized under the authority of section ten, article two, chapter thirty-three of this code and section four-a, article eleven of said chapter, modified by the Insurance Commissioner to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the twentieth day of January, two thousand six, relating to the Insurance Commissioner (unfair trade practices, 114 CSR 14), is authorized, with the following amendment:

On page two, subsection 2.3., by striking out the words "for which premiums were paid by the claimant or on the claimant's behalf";

On page two, subsection 2.8., by striking out the words "for which premiums were not paid by the claimant or on the his or her behalf";

On page two, subsection 2.9., before the word "compensation", by inserting the word "the";

On page three, subsection 4.4., by striking out the words "in the policy or set" and, after the words "statute or", by inserting the word "legislative";

On page five, subsection 6.1, by adding the following sentence: This section is not intended to conflict with the statutory requirements of the Medical Professional Liability Act, W. Va. Code §§55-7B-1 to 11, as the same relate to the assertion and investigation of medical professional liability claims;

On page five, subsection 6.3, after the word "limits" by inserting the words "and, with respect to medical professional liability claims, subject to applicable statutory requirements set forth in the Medical Professional Liability Act, W. Va. Code §§55- 7B-1 to 11,";

On page five, subdivision 6.4.b., after the word "whether", by striking out the words "or not";

On page eight, by striking out subsection 6.17. in its entirety and by renumbering the subsequent subsection;

On page eight, after subsection 6.18., by adding a new subsection, designated subsection 6.18, to read as follows:

6.18. Motor vehicle repair shops. -- An insurer may furnish to the claimant the names of one or more conveniently located motor vehicle repair shops that will perform the repairs; however no insurer may require the claimant to use a particular repair shop or location to obtain the repairs.;

And,

On page eleven, subdivision 7.3., by striking out the words "of the insurer's choice" and inserting in lieu thereof the words "recommended by the insurer".

(b) The legislative rule filed in the State Register on the twenty-ninth day of July, two thousand five, authorized under the authority of section ten, article two, chapter thirty-three of this code, modified by the Insurance Commissioner to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the twentieth day of January, two thousand six, relating to the Insurance Commissioner (licensing and conduct of individual insurance producers, agencies and solicitors, 114 CSR 2), is authorized.

(c) The legislative rule filed in the State Register on the twenty-ninth day of July, two thousand five, authorized under the authority of section ten, article two, chapter thirty-three of

this code and section three, article twenty-a of said chapter, relating to the Insurance Commissioner (West Virginia Essential Property Insurance Association, 114 CSR 21), is authorized.

(d) The legislative rule filed in the State Register on the twenty-ninth day of July, two thousand five, authorized under the authority of section ten, article two, chapter thirty-three of this code, section three-d, article sixteen of said chapter and section five-b, article twenty-eight of said chapter, relating to the Insurance Commissioner (Medicare supplement insurance, 114 CSR 24), is authorized.

(e) The legislative rule filed in the State Register on the twenty-ninth day of July, two thousand five, authorized under the authority of section ten, article two, chapter thirty-three of this code and section four-a, article seventeen-a of said chapter, relating to the Insurance Commissioner (nonrenewal of property insurance policies, 114 CSR 74), is authorized.

(f) The legislative rule filed in the State Register on the twenty-ninth day of July, two thousand five, authorized under the authority of section four-a, article twenty, chapter thirty-three of this code, relating to the Insurance Commissioner (private passenger automobile and property insurance - biannual rate filing requirements, 114 CSR 75), is authorized.

(g) The legislative rule filed in the State Register on the twenty-ninth day of July, two thousand five, authorized under the authority of section five-a, article eleven, chapter thirty-three of this code, modified by the Insurance Commissioner to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the twentieth day of January, two thousand six, relating to the Insurance Commissioner (replacement of life insurance policies and annuity contracts, 114 CSR 8), is authorized.

§64-7-2. Racing Commission.

The legislative rule filed in the State Register on the twenty-ninth day of July, two thousand five, authorized under the authority of section six, article twenty-three, chapter nineteen of this code, modified by the Racing Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the eighteenth day of January, two thousand six, relating to the Racing Commission (greyhound racing, 178 CSR 2), is authorized, with the following amendment:

On page forty-two, subsection 51.6., by striking out the words "were six (6) months of age. Provided, that effective January 1, 2007, in order to participate in the West Virginia Greyhound Breeding Development Fund, a greyhound born on or after that date must be from a litter that was whelped in the State of West Virginia and remained domiciled in West Virginia at least until the puppies";

On page forty-three, subdivision 51.7.7., by striking out the words "six consecutive months of occupancy in West Virginia starting from the date of whelping. Provided that effective January 1, 2007, with regard to a greyhound born on or after that date, affirm that the greyhound was whelped in West Virginia and that the greyhound was not removed from West Virginia to a place outside West Virginia at any time prior to the completion of";

On page forty-three, subsection 51.7.8., by striking out the words "six (6) months of age, it is the owner's or the lessee's responsibility to notify the Racing Commission within ten (10) days of removal and that any West Virginia bred greyhound that is removed to a location outside of West Virginia prior to the completion of six consecutive months of occupancy in West Virginia starting from the date of whelping shall be disqualified by the Racing Commission from participation in the West Virginia Greyhound Breeding Development Fund. Provided that effective January 1, 2007, with regard to a greyhound born on or after that date, affirm that the owner or lessee further understands that if any West Virginia bred greyhound is removed from West Virginia prior to";

On page forty-four, subdivision 51.7.11., after the words "State for", by striking out the word "at";

On page forty-eight, table 51.4., paragraph 4, by striking out the word "Virginia" and inserting in lieu thereof the word "Virginia";

On page forty-eight, table 51.4., paragraph 5, by striking out the words "both bred and";
On page forty-eight, table 51.4., paragraph 5, by striking out the words "six (6)" and
inserting in lieu thereof the words "twelve (12)";

On page forty-nine, table 51.5., paragraph 5, by striking out the words "both bred and";
And,

On page forty-nine, table 51.5., paragraph 5, by striking out the words "six (6)" and
inserting in lieu thereof the words "twelve (12)".

§64-7-3. Tax Commissioner.

(a) The legislative rule filed in the State Register on the twenty-ninth day of July, two thousand five, authorized under the authority of section five, article twelve, chapter eleven of this code, modified by the Tax Commissioner to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the twentieth day of December, two thousand five, relating to the Tax Commissioner (business registration certificate - suspension for failure to pay personal property taxes, 110 CSR 12D), is authorized.

(b) The legislative rule filed in the State Register on the twenty-ninth day of July, two thousand five, authorized under the authority of section eleven of the code, relating to this code, relating to the Tax Commissioner (valuation of active and reserve coal property for ad valorem property tax purposes, 110 CSR 11), is authorized, with the following amendment:

On page seventeen, subparagraph 4.2.3.16., by striking out the words "that is above local drainage".

The Cross Lanes Veterinary Hospital, PLLC

524 Old Goff Mountain Road
Cross Lanes, WV 25313
(304) 776-4501

DELANE ARMENTROUT, D.V.M.
ALLAN MCNEEL, D.V.M.
JULIE STAROCHER, D.V.M.

ALLISON DASCOLI, D.V.M.
STACEY LEADMON, D.V.M.
KIM SMITH, D.V.M.
JAMIE TOTTEN, D.V.M.

Dear Commissioners',

I am a veterinarian at Cross Lanes Veterinary Hospital that has seen many injuries in the racing greyhound. These injuries are usually on the track. I do not see many training related injuries as there are no training facilities nearby.

This letter is in reference to the proposed allowance that racing greyhounds be allowed to begin training at 6 months of age. As I understand, this would allow out-of-state training to begin at this age.

My first reaction to this is that injuries in the dog would increase. I have tried to document this and have been unable to conclusively do so. My thoughts were that the immature age of these dogs would allow more injuries.

As you well know the racing greyhound is an amazing athlete. To obtain the best performance a combination of genetic selection, training, and nutrition have to be managed. Low impact training should begin at a young age and gradually increased until full speed training as an adult at 10-14 months of age.

The issue at stake here is where that would best occur. In talking with greyhound breeders it is obvious that the smaller breeders do not have the facilities to train these dogs and would like to send them out sooner. The larger facilities have already invested in the needed requirements for the young dog and have no benefit to send them earlier. Another variable is the out-of-state facilities ability to develop these dogs into the best athlete while minimizing injuries.

While there may be no clear best option I believe we should err on the side of caution and maintain these dogs locally until 10-12 months of age.

Also of interest, considering the amount of taxpayer supported incentives the greyhound breeder receives, it seems against the purpose of those programs to send that money elsewhere.

Respectively submitted,



Allan D McNeel DVM

WVRC 28 JUL 10 PM 12:32

TO THE RACING COMMISSION:

This letter is written with the intent that you will consider rescinding the ruling that all West Virginia bred Greyhounds must remain in the state for one (1) year.

As a kennel owner in West Virginia for 10 years, a West Virginia Breeder for 8 years culminating 30 years total in the Greyhound Racing Industry consisting of racing, breeding and raising greyhounds, I have been very successful. Each stake race I have been able to enter competitive West Virginia bred greyhounds, and that was true until the ruling changed requiring us to keep the West Virginia bred Greyhounds for 1 year before we could send them out at six month's old for further training. To be competitive with the out of state kennels, we must use their facilities which we cannot duplicate. Greyhounds from out of state kennels are raised on deep sand whereas we have mud or grass. Other states have coursing fields - all sand so injuries are very minimal. Almost all of the out of state kennels have training tracks near their farms which eliminates traveling time.

These out of state farms have been finishing dogs for fifty plus years. We have been learning by trial and error which means we will never catch up to be competitive with the powerhouse kennels

Wheeling Downs is the toughest track in the country. The best kennels from Iowa, Florida, Kansas, Texas and Arkansas are competing here at Wheeling Downs with greyhounds who have been trained from 6 months and up whereas our greyhounds do not get this opportunity until they are 12 months of age. By the time we are able to send our greyhounds out to begin training, they are faced with more skilled, aggressive competitive greyhounds.

At the present time in Wheeling almost all of the purse money is going to kennels who are from out of state. If you will peruse a racing book, you will find only 4 or 5 West Virginia bred dogs in every program. These are mostly my greyhounds. Tri State (comprised mostly of local kennels) on the other hand, has West Virginia bred greyhounds in almost every race. NOW, if you want the revenue resulting from racing greyhounds to stay in our GREAT STATE OF WEST VIRGINIA, PLEASE SWITCH BACK TO THE 6 MONTH PROGRAM so that we can start to ship our Greyhounds out for training at 6 months of age.

The following information was taken from the Wheeling Island Racing Program — checkout the Wheeling Kennel Standings:

Kennel Standing	Kennel	State
#1	Charter	Florida
#2	Ward	Kansas
#3	Berland	Kansas
#4	Steubenville	Florida
#5	C & C	Texas
#6	Raines	West Virginia (has no WV bred in Wheeling)
#7	Strong	Kansas
#8	Abrahamson	Florida
#9	Henry	Arkansas
#10	Gable	Texas
#11	Plumcreek	Iowa
#12	Douglas	West Virginia

Respectfully submitted

Joseph A. Douglas

Dianna C. Douglas

Thor Hendrick
P.O. Box 703
Danville, W Va
25053

WRC 28 JUL '10 PM 3:11
To WVA
Racing Comm.

I Thor Hendrick support
changing the 12 month rule
to 6 months

Thor Hendrick

July 28, 2010

West Virginia Racing Commission

106 Dee Drive, Suite 2

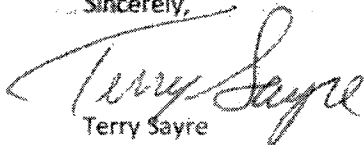
Charleston, West Virginia 25311

WVRC 29 JUL '10 AM 9:29

Dear Sirs:

In regards to the matter scheduled to come before the board at their next hearing on July 30, 2010 concerning the issue of keeping West Virginia Bred Greyhounds domiciled in the State of West Virginia for a definite period of time. Our company Mountaineer Racing Kennel LLC supports the current 12 month regulation. The twelve month time period is better for the West Virginia economy for many reasons; several West Virginia breeders have already expended thousands of dollars upgrading their facilities to house greyhounds for 12 months, by having the greyhounds domiciled here for 12 months thousands of dollars are spent locally on food and veterinarian treatment for the greyhounds, and finally the 12 month time period also helps prevent out of state interests from partnering with local residents to create greyhound puppy mills here in West Virginia. Thank you for the opportunity to comment on this issue.

Sincerely,


Terry Sayre

Mountaineer Racing Kennel


David Sweeney

July 28, 2010

West Virginia Racing Commission
106 Dee drive suite 2
Charleston, WV
25311

Dear Commissioners:

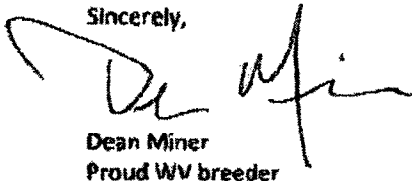
It has come to my attention that there is a movement to return the raising of WV bred greyhounds back to the 6 month requirement from the present 12 month requirement. As one of the top breeders in the State the previous 6 or 7 years, I'd like to go on the record as being, vehemently opposed to this change.

The requirements were changed back in 2006 and at that time we, as breeders, had to increase the size of our operations or help subsidize the West Virginians that we do business with, to increase their farms to accommodate this change. To "flip flop" this policy would be unfair to those breeders that expended the extra expense to produce quality WV bred greyhounds.

Switching policy back to a 6 month domiciling of greyhounds would invite tremendous abuses by out of State breeders, working with in State breeders that are willing to bend or circumvent the rules or at least the spirit of the rules. I feel the Commission's efforts should be focused on curbing those abuses which I know are still occurring to this day. In addition to "policing" the abuses, ways must be developed to create more of an opportunity for WV breeders to race their greyhounds in State, thereby keeping more of the regular racing purses in the hands of West Virginians instead of watching money, that is desperately needed by us to operate our businesses and see not only ourselves, but also our State prosper, heading to out of State breeders that reinvest nothing or next to nothing in West Virginia.

Please enter this into the record or read at Friday's Commission meeting.

Sincerely,



Dean Miner
Proud WV breeder

July 29, 2010

Commissioner Jack Rossi

Commissioner Joe Smith

Commissioner R. Greg Mc Dermott

Executive Secretary Jay Bowling

Thank you for allowing us to comment on the proposed rule change from 12 months to 6 months of continuous domicile in West Virginia for Greyhound puppies.

A few years ago, 3 changes were made:

West Virginia bred Greyhounds were required to stay in West Virginia for one year instead of 6 months;

In order to qualify to participate in the West Virginia Greyhound Breeding and Development Fund a West Virginian must live in our state 4 years, instead of 2 years.

Concurrently, purses paid from the Fund dropped from 75% to 60%.

Claims were made that more business and more money would stay in West Virginia as a result of these changes. The fact was that some breeders, unable to build expanded facilities, were forced out of the program. Some potential participants were discouraged from joining the program because of the long wait.

Now there are some individuals who are against changing the rules to allow the program to be more inclusive.

What is their reasoning? These 3 reasons have been told to me.

Expanding accessibility to the program will decrease the amount of purse money available in the Fund,

Those of us who spent money to expand our facilities deserve to be compensated; in other words, those who have the ability expand their farms should be paid more than those who can't.

One individual has stated his desire to "break the breeders".

Let's make participation in the West Virginia Greyhound Owners and Breeders fund possible all breeders. Let's have the rules developed by the Committee approved.

Sincerely,

Marena Riggin