

Lax regulations allow dog track violators to delay punishment for years

By Mary Ellen Klas
Herald/Times Tallahassee Bureau



EMILY HARRIS / FOR THE MIAMI HERALD

FILE--Greyhounds race at the Flagler Dog Track in this March 20, 2008, file photo.

When Saul Mays applied for a license to own and train greyhounds in 2002, his rap sheet signaled he was not a model citizen.

Convicted of kidnapping his estranged wife at gunpoint in 1988, after taking her into the woods and sexually assaulting her, he had served three years in prison. The staff at the Florida Division of Pari-mutuel Wagering recommended Mays application to race dogs be denied, but Mays appealed and was granted a license.

A year later in 2003, investigators found evidence that Mays' dogs were being abused at the Jefferson County Kennel Club. He was

investigated at his Monticello kennel then, again in 2005 and 2010, when inspectors found seven "very thin" dogs and others covered with tick bites. In each case, state regulators concluded there was not enough evidence of abuse and no action was taken.

Mays got his first reprimand in 2012, only after the Washington County Kennel Club in Ebro reported that greyhounds Mays put up for adoption were "covered in ticks" and the dogs "all appeared to be in poor overall shape."

But the 2012 penalty didn't come from the state. It came from the National Greyhound Association, which represents owners and trainers. The organization banned Mays for life from "any further involvement with NGA-registered greyhounds." Florida regulators fined Mays \$300 and let him keep his license.

Florida's law gives the Division of Pari-mutuel Wagering the power to revoke or suspend a license of an dog or horse trainer or owner if he has been convicted of a felony or is found abusing animals. But, based on dozens of cases reviewed by the Miami Herald and Tampa Bay Times, the implementation of the rules are lax, and the penalties are often weak.

In the last year, state regulators have granted 80 occupational licenses to owners and trainers who have been convicted of a host of crimes — from cocaine, heroin and amphetamine possession to assault and battery — and denied 115 requests from people with felony convictions.

Florida law bans anyone convicted of a felony from working in a card room or a casino but allows them to be licensed to race horses and dogs, as long as they receive a waiver.

In many other cases — in which state investigators found dogs exposed to cocaine, lacked vaccinations or showed signs of abuse — Florida regulators often took years to impose a penalty, records show. By contrast, regulators in other states, including Texas, Arizona and Arkansas, told the Herald/Times they typically close their cases within a month.

Florida regulators say they are following the law but that delays are necessary to provide due process to the accused.

Tajiana Ancora-Brown, spokeswoman for the Division of Pari-Mutuel Wagering said the agency has reduced its pending case load by 30 percent in the last year after reorganizing its legal office and hiring an additional lawyer.

But horse and dog trainers in Florida also operate in other states where they must follow laws that impose swifter punishment.

In Texas, for example, which has three dog tracks and four horse tracks, when someone is accused of endangering the safety of race animals, the license is temporarily suspended and a hearing is held within three days. “The process is usually resolved within a couple of weeks,” said Robert Elrod, spokesman for the Texas Racing Commission.

In Arizona, when a dog or horse tests positive for drugs, or an operator is accused of animal abuse, the owner is given a 24-hour notice, a hearing is held and the outcome is decided within days, said Greg Stokes, spokesman for the Arizona Racing Commission, which regulates one dog track and three horse tracks.

“We can suspend a license within 30 days,” he said. “We do it very quickly because we aren’t going to let the dogs suffer if there’s abuse involved.”

And in Arkansas, license suspensions and revocations are handled usually within a week, said Byron Freeland, attorney for the Arkansas Racing Commission, which regulates one dog track and one horse track.

“We work with all kinds of regulatory agencies across the country and the standard in every other jurisdiction is when someone neglects dogs, they are immediately suspended or have their licenses revoked within a month or two,” said Carey Thiel, executive director of [GREY2K USA](#), a Massachusetts-based greyhound protection organization that monitors animal treatment in Florida. “There’s literally no other state we work with where you see a delay like this.”

All of this criticism comes at a time when Florida’s greyhound racing industry is under duress as the popularity of the sport has plummeted. There are just 21 dog tracks left in the United States, including 13 in Florida. Many track owners want to end live racing while continuing their lucrative card rooms and slot machines. But dog owners, trainers and track employees have pushed back and efforts to revise the pari-mutuel laws die every legislative session.

Meanwhile, the list of animal abusers in Florida continues to grow. It includes Miami Beach dog trainer Jose Lopez, who lost his license in Arizona in 2008 after being convicted of running a drug and prostitution ring. Lopez was fired in 2011 from the Florida Kennel Compound in Miami, which houses dogs for both Flagler and Mardi Gras race tracks, after

neglecting nearly 50 greyhounds by failing to vaccinate them as required by law.

It took the state three years to file charges, during which time Lopez continued to race dogs at the Sarasota Kennel Club. Finally, in July of this year, state regulators repealed Lopez's license, saying he had lied to them about having been convicted of unemployment compensation fraud in Florida in 1994 and about his 2008 conviction in Arizona.

Another trainer, Jennifer Forsyth, was convicted of animal cruelty in Pennsylvania in 2012 after state officials raided her kennel and found sick and starving animals on the property. Forsyth then moved to Florida, where she held a license to race dogs. It took nearly two years before state regulators figured out that state law prohibited her from operating here. They pulled her license this year.

Even when trainers and owners have multiple violations, state regulators give them a pass when their license is renewed. For example, in the last decade Robert Dawson, a trainer responsible for more than 100 dogs at the Palm Beach Kennel Club, has been cited by state regulators 14 times for violating rules, more than half of which for drugging dogs. He has been fined eight times and still holds a license.

State regulators arrested Osman Martinez's for injuring a dog at Palm Beach Kennel Club in April 2009. Martinez agreed to a plea bargain in August of that year but he didn't surrender his license. Three years later, the state fined Martinez \$50 for drugging a dog and only then was he forced to surrender his license.

Lance LaFreniere, who races dogs at the Daytona Beach Kennel Club, was fined by the state 18 times before his license was suspended this year, for 45 days, after his dogs tested positive for the opiate oxymorphone, an illegal substance two years ago. State testing labs reported the violation in April 2012 but it took state regulators until February 2014 to issue a complaint, allowing LaFreniere to race dogs unchallenged all the while.

"All of these infractions took place over a more than 15 year period," said Ancora-Brown, the agency spokeswoman. "The last infraction occurred in 2012 of which we have taken action on."

Vincent Vigliotti, convicted in New York City in 1998 of "attempted enterprise corruption" for running a "criminal cartel" involving "the Genovese and Gambino organized crime families." In 2002, Florida issued him a license to train and own race horses in Palm Beach County and he's held the license since.

And then there's Ursula O'Donnell, implicated in the 2003 case in which Robert Rhodes was charged with taking money to transport hundreds of racing dogs to Alabama, where he shot them and disposed of them. Rhodes testified under oath that O'Donnell paid him to dispose of her dogs but he died before the trial, and charges were dropped.

Florida regulators, however, said they could not suspend O'Donnell's license absent a conviction.

In other states, however, regulators have the ability to refuse a license based on a provision called "the best interest of racing." National experts have warned that Florida's laws are weak in comparison.

Michael Diamond, of Spectrum Gaming Group, was hired by the Florida Legislature last year

to review the state's gambling industry and its regulatory structure. He told a House committee that Florida's regulation is "inadequate" because of the structure of state laws and the reluctance of the Division of Parimutuel Wagering to enforce laws.

The agency too often "makes no effort to independently verify the information" it receives from the industry, he said. "You come away with the feeling that the division isn't doing all that it can to enforce your statutes and your regulations."

For example, Diamond noted how the Sarasota Kennel Club was allowed to open its season last fall housing dogs in wooden crates, despite a law that bans the use of wooden crates.

"In all our years of covering regulatory agencies, I can't quite fathom a regulatory agency allowing this to occur – allowing a track to open despite the violations," Diamond said.

But if the lax oversight by the governor's agency was news to legislators, it didn't seem to matter. Despite the critique, neither Gov. Rick Scott, Department of Business and Professional Regulation Secretary Ken Lawson, nor the Legislature, ordered up any changes to the agency.

Jack Cory, a lobbyist for the Florida chapter of the National Greyhound Association, which represents breeders and trainers, agrees there are shortfalls in regulation because the division, by design, errs on the side of protecting pari-mutuel owners, he said.

"I've asked them to write a rule regulating the track surface, to protect the dogs from injury. They say they don't have the statutory authority but then they never ask for the authority," he said.

"I believe in due process for anybody who is charged with anything," he said. "But, if you have multiple charges and multiple convictions, there ought to be a decision made to protect the health of the animals and to protect the integrity of the sport."