

# ARIZONA DEPARTMENT OF RACING

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## TUCSON GREYHOUND PARK INCIDENT REVIEW BY THE DIRECTOR ARIZONA DEPARTMENT OF RACING

### Background

On August 31, 2007, David Blair, a greyhound owner/trainer, was summarily suspended by the Tucson Greyhound Park Board of Stewards for “creating a disturbance, being intoxicated, and interfering with a racing operation at Tucson Greyhound Park.” After a hearing September 4, 2007, the Stewards suspended him for fourteen days, fined him five hundred dollars (\$500), and referred the matter to the Director for further review.

The auxiliary issue that emerged was the medical attention provided a greyhound that was euthanized by the track veterinarian in conjunction with this incident. The Department received several letters, e-mails, and telephone calls from individuals who expressed a concern for the euthanized greyhound. Because of the interest in the incident, the Director reviewed the facts of the situation so a report could properly and completely be provided to the Racing Commission and to prepare a response to all of the individuals who have commented to the Racing Department about the matter. This review is not an investigation of the situation, because there was no evidence of statutory or administrative code violations, malfeasance, or procedural or professional misconduct. It is a review of the facts, and they are presented to the Commission for information purposes only.

For the purpose of this review, the Director has reviewed reports submitted by Eddie Rosano, Chief Tucson Greyhound Park Steward; Andrew J. Carlton, Chief Greyhound Veterinarian; Betty Menke, Track Veterinarian; Tom Taylor, General Manager of Tucson Greyhound Park; and Mitchell Beatty, Chief of Security at Tucson Greyhound Park. In addition, the Director has heard testimony under oath from several of these individuals, including the respondent, David Blair, listened to the taped record of the Tucson Greyhound Park Stewards hearing, and read all the correspondence from greyhound adoption organizations and individuals interested in the welfare of greyhounds received by the Department on this matter.

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### **The Incident**

On the evening of August 31, 2007 at approximately 9:45 p.m., following the running of the sixth race at Tucson Greyhound Park, the number five canine, "Pa's Mismakamess" was presented for Track Veterinarian Dr. Betty Menke to examine following an injury sustained during the running of the race. Dr. Menke's preliminary examination determined a fracture at the right hock. Dr. Carlton concurred with Dr. Menke that the crepitus was consistent with a tarsal fracture.

As the examination was occurring, greyhound owner/trainer David Blair arrived and started interfering in the examination of the canine. Blair showed signs of inebriation. Dr. Menke, Dr. Carlton, Track Security and Track Management tried to reason with Blair, who obstructed treatment of the dog for at least 30 minutes.

The dog owner's representative, Kevin Mathieu, was contacted and informed about the situation and the treatment options. He expressed concern regarding the greyhound's suffering and directed humane euthanization as quickly as possible.

When Blair was told the dog would have to be put down, he began yelling and cursing and became aggressive, and caused Track Management to summon South Tucson Police, who subsequently escorted Blair from the property. When Blair left, Dr. Menke performed humane euthanization.

### **Tucson Greyhound Park Security Report**

In a Security Incident Report dated August 31, 2007, at 7:45 p.m., Mitchell Beatty, Chief of Security, stated he was requested by the Stewards to check on Blair. Mr. Beatty asked Blair not to go to the main building that evening but to stay in the paddock area. The report states that Blair agreed.

A second Security Incident Report by Mr. Beatty on that date (no time noted) describes the situation in the ginny pit in which Blair interacted with the veterinarians by saying that no one was going to put the dog "down" and that he would take the dog to his ranch. A reference is made that Blair offered to buy the dog for \$200 from the owner.

### **Tucson Greyhound Park Board of Stewards Report**

When the Board of Stewards conducted its September 4, 2007 hearing, the Chief Steward noted the following:

Ladies and Gentlemen,

I want to reiterate that the sole purpose of this hearing is for this Board of Stewards to make a determination on whether or not Mr. Blair was intoxicated, caused a disturbance and interfered with a racing operation.

I also need for everyone to understand this is a public hearing not an open forum. Stewards are only going to hear testimony that is pertinent to the purpose of this hearing and all character witnesses Mr. Blair requests be heard.

This was a proper statement to be made by the Chief Steward so proceedings could be conducted in an appropriate manner. The scope of that hearing was limited to the actions taken by the licensee and not other actions previously or subsequently taken by Department officials, permittee employees, or other licensees.

The record includes a memorandum from Eddie Rosano, Tucson Greyhound Park Chief Steward that was prepared after the Board of Stewards hearing and ruling. It was prepared to respond to several questions that had been raised about the incident: the involvement of all licensees, actions taken by officials and staff, the role and responsibility of the permittee; enforcement action taken by the South Tucson Police Department, and other information related to this case.

Mr. Rosano provided further details, explaining that the incident originated when another licensee verbally filed a complaint with the Board of Stewards regarding Blair's intoxicated state. The permittee's Chief of Security noted the Respondent's conduct, had a conversation with the Chief Steward and was instructed to talk to Blair so the Stewards could determine what course of action to take. After the 6<sup>th</sup> race, Blair was observed by the Stewards walking in "an uncoordinated gait," and in conversation with the Chief of Security.

According to the Stewards' report, "Mr. Blair entered the paddock after the running of the 6<sup>th</sup> race and his actions while in the paddock delayed the injured animal from receiving any veterinary care or euthanization as requested by the injured greyhound's trainer . . ." The Stewards noted that Blair was allowed to enter the paddock by Alex Lowe, a permittee security guard.

While the animal was under the care of the veterinarians, Eric Nolan, who was present in the paddock and coolout for the Patricia Mathieu Kennel, legal owner of the greyhound, contacted the Kennel's trainer Kevin Mathieu, by telephone, to inform him of the veterinarians' diagnosis and the animal's condition. Mr. Mathieu instructed Mr. Nolan to request humane euthanization.

The Stewards' report further states that Mr. Tom Taylor, Tucson Greyhound Park's General Manager, was present in the paddock to check the status of the injured greyhound, and observed Blair and his actions. Mr. Taylor called 911 to have Blair removed from the premises. Mr. Taylor contacted Kevin Mathieu, at the request of Chief Greyhound Steward Eddie Rosano, to see if the owner of the injured greyhound would be willing to release the greyhound to Blair. Mr. Taylor informed Mr. Mathieu that Mr. Blair wanted to buy the dog. Mr. Mathieu offered to sell the dog and told Mr. Taylor to set the price, which he did, at \$200. Further records show that Mr. Blair refused to pay that amount.

Subsequently, South Tucson Police Officers escorted Blair out of the paddock area and out to the permittee parking lot.

In testimony before the Director, Mr. Rosano reiterated the description of events and actions contained in his report noted above. He stated for the record the filing of the complaint prior to the 4<sup>th</sup> race and his observation that the Respondent was inebriated.

### **Tom Taylor, Tucson Greyhound Park General Manager Report**

In a statement submitted by Tom Taylor, Tucson Greyhound Park General Manager, to Eddie Rosano, Chief Steward, dated August 31, 2007, the following information was provided:

“David Blair came into the paddock and the ginny pen and started telling everyone to fix this dog. I could see that Mr. Blair was very drunk. I asked him if it was his dog and he told me no. When he was told the dog would have to be put down he started yelling and cursing that no one was going to put this dog down and that it was going home with him. The trainer and I tried to get Dave to leave and he refused and said that no one was big enough to throw him out.”

Mr. Taylor’s written statement reveals he contacted 911, and South Tucson Police arrived at the scene and removed Blair from the premises. There is further reference to Blair’s offer to buy the dog in lieu of the owner’s decision to euthanize the animal. According to Mr. Taylor, Blair continued with expletives and threats until the police removed him from the permittee property.

The record indicates a subsequent statement by Tucson Greyhound Park submitted by Tom Taylor, General Manager, on September 4, 2007. The statement discusses the track policies and procedures regarding veterinarian responsibilities in these matters. The statement also confirms the animal’s injuries, the veterinarians’ conclusions regarding proper medical response, communications with the animal’s owner, and the owner’s decision to euthanize the animal. It is again noted in this statement Blair’s reaction to the situation and his condition.

“Blair, who apparently had been drinking, still refused to accept that euthanization was necessary. His behavior became aggressive and threatening, leading track officials to call local police.”

### **Tucson Greyhound Park Veterinarians’ Report**

The reports provided by Dr. Andrew Carlton, Chief Greyhound Veterinarian, and Dr. Betty Menke, Track Veterinarian, provide insight into the several issues that have emerged from this incident, including actions by Blair, permittee officials, Department staff, and other licensees. In addition, both veterinarians have provided written accounts and testimony regarding the medical care and attention provided the injured greyhound.

According to Dr. Andrew Carlton, “Pa’s Mismakamess” was presented for Dr. Menke to examine following an injury during the running of the 6<sup>th</sup> race. Dr. Menke determined that the animal had a fracture to the right hock. Dr. Menke explained the options to Eric Nolan - either surgical correction or humane euthanization. When Kevin Mathieu conveyed the decision to euthanize and Dr. Menke went into the office for the solution and a consent form, Blair arrived in the holding area with a muzzle and stood in front of the greyhound preventing access to the dog.

According to the record, Blair “arrived and started interfering in the examination of the canine.” He was “showing signs of extensive inebriation with slurred speech and dis-coordinate movements.” Dr. Carlton’s report details belligerent and threatening statements made by Blair. Efforts to reason with Blair by Dr. Carlton, Dr. Menke, track security and track management were not successful. Consequently, Blair “interfered with Dr. Menke’s handling of the case for over 30 minutes.”

During this time, Dr. Carlton was able to determine that there was crepitus (grinding of the bone) in the right hock joint. Dr. Carlton informed Blair that he wanted to give the animal some medication to relieve the pain, and Blair continued his belligerency and prevention of care to the animal. The South Tucson Police subsequently arrived and escorted Blair out of the paddock area. The animal was then humanely euthanized by Dr. Menke.

In testimony before the Director, Dr. Carlton reiterated the chronology of events, actions, and conversations contained in his report noted above. When the greyhound was brought in for examination, Dr. Carlton, Mr. Taylor, and Mr. Rosano entered the ginny pit while he and Dr. Menke were attempting to determine the extent of the injury to the animal and decide options.

According to Dr. Carlton, the veterinarians were prevented from caring for the animal, were not able to conduct a full examination, and “could not even look at the dog because of David Blair.” Dr. Carlton tried to get Blair to leave the area but was not able to do so. Dr. Carlton observed Blair “was in an inebriated state.”

In discussing the dog’s condition, Dr. Carlton knew there was a fracture and saw the extent of the fracture was “significant.” Dr. Carlton stated that it was not essential to perform a radiograph on the injury that evening to determine the condition of the bone. Based on his observation and professional experience, Dr. Carlton was confident of his diagnosis “with a high degree of certainty.”

In further discussions regarding standard procedures for this type of injury, Dr. Carlton testified a radiograph could be performed in order to determine the exact type and extent of the fracture if an owner selected a surgical option. Although not all fractures of this nature require euthanasia, an animal could survive this type of injury. An owner’s decision is usually based upon the severity of the injury, the extent of pain experienced by the animal, the cost for surgery, and level of medical attention required following the surgery, which could be very high.

Dr. Carlton provided an important perspective about the incident in response to a question about the outcome if Blair’s actions had been different that evening. He testified that humane euthanasia would have still been performed based on the circumstances but it would have been performed much quicker. The delay “prolonged the animal’s pain and discomfort for thirty minutes.”

During the hearing, Dr. Carlton was asked to discuss hock injuries to provide insight into the prescribed course of treatment for this type of injury. He noted for the record a total of 95 hock fractures occurred at Tucson Greyhound Park during the past three years. Forty of these dogs, who had injuries similar to “Pa’s Mismakamess” were humanely euthanized at the request of the owner or the owner’s representative. Dr. Carlton stated that all of these injuries could have been treated, undergone surgery, and received subsequent medical attention, but the euthanization decision is based on the “willingness and capacity of the individual to treat.”

Dr. Carlton also noted that 333 total injuries occurred during this three-year period at Tucson Greyhound Park. Fifty, or 15% of the animals, were euthanized.

The permittee veterinarian, Dr. Betty Menke, confirmed the condition and care provided the injured greyhound as well as Blair's interference with the following statement in the record:

"A greyhound, owned by, and trained by Patricia Mathieu was injured during her race. Examination revealed crepitus in the area of the right hock. The evidence indicated a fracture and the owner's rep requested euthanasia be performed immediately.

David Blair entered the area before the request could be honored and objected to this being done. His interference delayed the administration of aid for about a half hour. Once he left, I euthanized the dog immediately."

She stated "He appeared inebriated, his gait unsteady, speech slurred, appeared to be drunk." She also testified Blair was "standing in the area where I would be to work on the dog."

To the condition of the dog, Dr. Menke testified she "can't say suffering increased; still would have had pain." If Blair had not interfered, she stated she would have euthanized sooner.

In testimony before the Director, Dr. Menke reiterated the description of events, actions, and conversations in her report noted above.

### **Greyhound Owner/Representative Report**

In a written statement dated September 1, 2007, Kevin Mathieu, the trainer of the greyhound and representative of the owner, stated "I ordered my coolout to instruct the greyhound be humanely euthanized by the vet." When informed of Blair's actions by the cool out, Mr. Mathieu "restated my orders to have the greyhound euthanized A.S.A.P."

The owner's representative, licensed trainer Kevin Mathieu, stated in his September 1, 2007 letter that he received a call from Tom Taylor, Tucson Greyhound Park General Manager, indicating that Blair wanted to buy the dog. Mr. Mathieu said "Okay" but the purchase was never consummated, and the Respondent was escorted off the premises.

### **Mitigating Issues**

For the purpose of this review, the Director has received several letters, e-mails and telephone calls from individuals and greyhound adoption organizations who have expressed concern for the euthanized greyhound as well as Blair's character and have urged consideration of their comments and opinions in the determination of this case. The Director was presented with the choice to accept for consideration and discussion these comments to serve as mitigating factors in his deliberations or to discount them because the correspondents, in all cases, were not present at the incident, did not have first-hand knowledge of the circumstances related to the incident, and, except for one letter, do not have professional medical experience or education. The Director has concluded, however, that these correspondents, although limited in their direct knowledge of the incident and medical expertise, may provide a perspective on Blair that should be considered for mitigation purposes.

For this reason, the Director requested that all correspondence received be made part of this case file and be reviewed and considered prior to a final determination on Blair. It should be noted that a letter from the Department to all of the correspondents stated "The Department has requested that your comments be included in the case file for consideration during the hearing." These documents were, in fact, considered for the Director's ruling of November 21, 2007.

The following comments are representative of those submitted on behalf of Mr. Blair's character:

- ". . . I know David and his commitment to the welfare of the dogs. He has a long history of caring not only for his own dogs, but also for dogs belonging to other people who were unable or unwilling to take responsibility for the welfare of the dogs themselves. I could write a very long catalog of the things David has done to make a difference for surplus, old and injured greyhounds all of which he has done at his own expense and without the need for public recognition or acknowledgment."
- ". . . David has always had the greyhounds best interest at heart when dealing with the dogs."
- "We at Tanque Verde Pet Hospital have known David Blair for many years and consider him to be a caring and compassionate Greyhound Kennel owner. He frequently consults us concerning health or injury issues with his dogs."
- "Our experiences with David are extremely positive. He truly cares for the dogs and goes out of his way to ensure the dogs are taken care of and in the best hands and receive the best care. David is a pleasure to deal with and we never hesitate to take dogs that have been David's care."
- "I have personally known David for more than 10 years, and during this time his efforts have been tireless on behalf of greyhounds injured while racing. . . . Every dog is special to David."
- "David True Blair is a person of integrity, commitment, compassion, and balance. A 32 year history in greyhound racing, a good policy for retiring dogs, and a healthy kennel reputation attest to his integrity."
- ". . . he has continued to do whatever it takes to help us find homes for retired racing greyhounds. He has been honest and direct about every single racing greyhound concerning their physical condition and the details of their personality which has been a significant benefit to our ability to find great homes and increase the numbers placed. . . . We are indebted to David Blair's time, commitment, dedication, integrity, honesty, and good-heartedness, with specific regard to the adoption process, and assisting us on every level to help find as many homes as possible for retired racing greyhounds. He is undoubtedly the finest example of the type of kennel owner the racing industry should praise, acknowledge and embrace, as well as encourage others to follow his practices."

- “In the greyhound rescue world David Blair is known as “one of the good guys” for his concern for dogs and his humane treatment of them. He would not stand by and let a dog be hurt or suffer. He does go the extra mile to insure each dog has the best chance of being adopted after racing.”

Consequently, the Director did take note of these comments in regard to Mr. Blair’s actions the evening of the incident.

### **The David Blair Ruling**

The Blair case came forward to the Director by referral from the Tucson Greyhound Park Board of Stewards, who fined the Respondent \$500 and suspended his licenses for fourteen days for creating a disturbance, being intoxicated, and interfering with a racing operation. The sole purpose of these hearings and the subsequent rulings, however, was to make a determination on whether or not the Respondent was intoxicated, caused a disturbance and interfered with a racing operation.

The issue before the Director related exclusively to the Respondent's conduct. Documents and testimony by Mitchell Beatty, Chief of Security at Tucson Greyhound Park, Dr. Andrew Carlton, Chief Greyhound Veterinarian, Tom Taylor, General Manager of Tucson Greyhound Park, Eddie Rosano, Chief Steward, and Dr. Betty Menke, Track Veterinarian are all noted in their respective sections of this review.

Based upon the documents in the record and the testimony before both the Board of Stewards and the Director, the Director concluded that the Respondent was intoxicated, created a disturbance, and interfered with a racing operation. Information provided by Department staff, track officials, and track management corroborated his conduct and his actions.

It was noted in the Director's ruling that the Department will not tolerate licensees who disturb the operation of a race track or interfering with officials and Department staff who are performing their duties. Disruptive and disrespectful behavior is absolutely unacceptable to the Department by those who are licensed to do business in the racing industry.

Blair provided a written statement for the Board of Stewards hearing dated September 3, 2007, a letter to the Director dated September 6, 2007, and testified at both the Board of Stewards hearing and the Director's hearing. His statements emphasize his love of dogs. He works closely with adoption organizations to find good homes for retired greyhounds. He expressed his desire to have saved the greyhound the night of this incident and take the animal home to his kennel. He commented on the medical condition of the animal, his experience with these types of injuries, and his respect for the veterinarians and what they have to do. He discussed his interpretation of the incident that transpired that evening.

Blair has a commendable record within the greyhound racing industry. He has no adverse rulings involving his conduct or his care for animals. This was also taken into consideration in the determination of this case. Witnesses did, however, acknowledge prior occasions in which the Respondent was inebriated at the track.

Throughout Blair's testimony, the Director noted a sincere voice for the lives of animals. To his credit, his September 6, 2007 letter to the Director is an expression of apology to the Department, Tucson Greyhound Park, and his fellow kennel owners. He accepted full responsibility for his actions, committed to alcohol rehabilitation, and promised to conduct himself in a proper manner in the future. The Director was impressed with the sincerity of the Respondent and his words of remorsefulness.

Based upon the findings of fact and conclusions of law, the Director determined that the Stewards' ruling was an appropriate sanction in this case. Blair was required to continue attending an alcohol rehabilitation program and present evidence of successful completion of that program within ninety days of the order, sign an A.D.O.R. drug/alcohol agreement within ten days of the date of the order and be subject to periodic alcohol testing at the discretion of the Stewards, complete a drug/alcohol test with negative results within five days of the date of the order, and refrain from consuming alcohol while on the permittee property and shall not have consumed alcohol prior to entering the permittee property. Although advised that he may file a motion for review or rehearing within thirty days of the decision, Blair did not do so.

### **Adoption Organizations' Report**

One issue for review that was mentioned by some correspondents was the role of the adoption organizations the night of the incident. According to Mary S. Freeman, President of Arizona Greyhound Rescue, "During the course of events, Mr. Blair had contact with our kennel coordinator who was in route to take the dog into our care, when Tom Taylor told him it wasn't necessary." Also, according to Katy Johnson, In-Bound Dogs Coordinator for Greyhound Adoption Center,

"In reference to the night of August 31, 2007, . . . I asked David to let me speak to someone in the room and he indicated they would not speak to me. I am assuming these were the individuals making the decisions about the dog. Two messages were recorded on my voice mail by David asking for help for the dog. These messages included in the background, ongoing conversations in the room, and I could hear the conversations going on when I was speaking directly to David."

In an e-mail dated September 10, 2007 from Barbara Gadola, Arizona Greyhound Rescue Kennel Director/Volunteer, to Susan Netboy, President, Greyhound Protection League, the following information was provided:

“On Friday evening, 8/31 at 9:50 PM, I received a call from David Blair. David sounded very upset and indicated that they were going to kill a dog and he was trying to stop them, but needed me to come and get the dog. I told him I would come to the track and pick up the dog. At 10:00 as my husband and I were enroute to the track, I realized that we would not be allowed access to an area where they would be keeping an injured dog. I called Tom Taylor on his mobile at that point, not knowing where he might be, but hoping I could explain the situation and ask for his help to get us into the area where we could get the dog. When I called Tom and told him that David Blair had just called and we were on our way to help, he told me that he was standing right next to David, that David was drunk, the dog didn't belong to him and that the dog's owner wanted it euthanized. I asked Tom if there was anything we could do to help, he said “no,” the dog was going to be put down.”

Blair also noted in a written statement submitted to the Department that he contacted Barb Gadola, from Arizona Greyhound Rescue during the incident. He stated the following:

“I called Barb Gadola from Arizona Greyhound Rescue, thinking if they wouldn't give the dog to me, maybe they'd give it to her. She and her husband immediately agreed to come down. I called Kathy Johnson of The Greyhound Adoption Center. She was willing to jump in the car and drive all the way from San Diego. The forces were aligned; and I figured all I had to do was buy Missmakeamess a little time until the cavalry arrived.”

Based upon the above statements, there were some conversations between Blair and representatives of an adoption agency at some point in time the evening of the incident. The statements indicate that individuals may have been enroute to the track. Unfortunately, the disruption caused and turmoil created by Blair clouded the events as they were quickly occurring. The focus of the individuals involved was the veterinarians' immediate concern for the animal's pain and discomfort, removal of Blair from the veterinarian work area and the permittee grounds, and the assumption of responsibility for the animal's status by the rightful owner. With attention diverted, the record does not show that anyone took responsibility for confirming or communicating the rescue effort in a manner that may have been favorably received under different circumstances.

There are some correspondents who discussed their experience with this type of injury, their willingness to have offered medical care for the dog, and their understanding of what transpired that evening. These statements are not doubted. They are accepted in the good faith in which they were provided. However, it is noted that these statements were provided in retrospect without the benefit of the veterinarians' first-hand diagnosis, personal observations, and direct involvement regarding the dog's situation and the ultimate decision regarding the humane euthanasia.

### **Kevin Mathieu Report**

Concerns have been raised by correspondents regarding the record, status and character of Kevin D. Mathieu, the representative of the owner of the greyhound. Some of the concerns have been to his record both in the industry and in Arizona. The record does show that Mr. Mathieu was initially denied a license by the Tucson Greyhound Park Board of Stewards. On appeal to the Director, Mathieu was granted a license with several conditions, including review of prior criminal history, continuing professional medical assistance, drug and alcohol prohibitions, and the identification of an on-site mentor. The Director stated:

" . . . based upon Mr. Mathieu's sincere testimony and initiatives to redirect his life in a positive way, the Director was willing to provide Mr. Mathieu one last chance. It was emphasized that there will be no other opportunities given to Mr. Mathieu, and incidents similar to those of his past will not be tolerated."

Subsequent to the granting of the license, Mathieu's license was summarily suspended for being ineligible for licensure by having a rescinded license pending a hearing in another jurisdiction and for stating under oath that he was in good standing in all other jurisdictions.

The record showed that Mathieu failed to disclose prior criminal history on his license application. The criminal history incident was an arrest two weeks prior to making the license application for a violation of a protective order and harassment. This information was not available for the first Director's hearing.

Based on the findings of fact and conclusions of law, it was ordered that Mathieu's license be revoked effective December 21, 2007, and that Mr. Mathieu be banned for life from obtaining a license or participating in pari-mutuel racing activities in Arizona.

Although some of the correspondents may have personal opinions about Mathieu, he was a licensed trainer and representative of the greyhound's owner at the time of the incident. His participation in the communications regarding the decision to euthanize the greyhound, therefore, was proper. His undisclosed prior criminal history and the subsequent Department actions against his license did not affect his authority to request the veterinarians to perform a humane euthanization.

### **Conclusions**

Several issues have been raised about the actions taken by all of the individuals involved in this incident. Based upon the documents in the record, testimony before both the Board of Stewards and the Director, and mitigating factors, the Director has reached the following conclusions:

1. Blair was intoxicated, created a disturbance, and interfered with a racing operation. Information provided by Department staff, track officials, and track management corroborated his conduct and his communications.
2. The veterinarians conducted themselves in an admirable manner despite the disruption caused by the Respondent. Their primary objective was the care and attention provided the greyhound under difficult circumstances and they did so with compassion and professionalism.

3. Within the greyhound racing industry, humane euthanasia is a typical and acceptable response to hock fractures based entirely on the owner's willingness and ability to secure immediate medical attention, arrange surgery, and commitment to subsequent medical monitoring.
4. Humane euthanasia was an appropriate medical option in this case. Separate from the owner's decision, the veterinarians noted the animal's pain and suffering could not be relieved without extreme surgical care and/or significant financial cost to the responsible party. As a comparison, these types of difficult and emotional decisions are made daily by individuals with pets who seek the professional judgment of licensed veterinarians.
5. The humane euthanasia was properly administered by a professional, licensed veterinarian.
6. The decision to obtain surgical correction to the injury, administer humane euthanasia, or perform any other medical options for the care of the greyhound was exclusively that of the owner or the owner's representative. No other licensees or officials could have unilaterally made this decision based upon the legal ownership of the dog and the facts of the case.
7. The demand by Blair not to euthanize the greyhound could not be considered or honored by the veterinarians unless there was evidence of misconduct, malfeasance, or misrepresentation on the part of the rightful owner or within the circumstances of the incident itself. No such evidence was presented in this review.
8. There is no evidence that an offer and acceptance had properly, completely, or legally occurred between the greyhound owner's representative and Blair. Because of the disruptive circumstances, a sale was not consummated.

### **Actions for the Future**

As with any incident of this nature, the Department, the permittee and the industry can learn from the situation and introduce measures that are responsive to the issues raised. I have concluded that the following areas may be strengthened for the future to either avoid or guard against the possibility of a similar situation.

1. The permittee should reinforce the policy for monitoring, controlling, and removing licensees who may be inebriated or cause disruption to racing activities.
2. The permittee should maintain the secure area for the medical care of all animals by the veterinarians. The area should be restricted to the animal's trainer, the veterinarians and permittee officials.
3. The greyhound adoption industry should establish a formal relationship with the permittee regarding the acceptance of responsibility for injured animals, including communications, medical care, transportation, and future adoption of the animal.

### **Director's Discussion**

This review has considered statutory and Arizona Administrative Code provisions that may relate to the incident. There is no concrete evidence, however, that statutes were violated by Department of Racing employees or permittee employees. All actions relating to the rights of the animal owner, the medical care and attention provided the animal, and the humane euthanasia were consistent with established laws, procedures, and practices.

There may be conjecture that individuals should have and could have acted differently, or that the outcome should have or could have been different, but this is provided in hindsight because the death of the animal is so repugnant to those who express a strong voice for the lives of greyhounds. The animal's death does not automatically mean that laws and rules were broken. It does, however, send the message that stronger controls and procedures should exist in the future so a similar incident does not occur. The evidence does show that the Department and Permittee employees acted with good intentions to conduct themselves in a professional manner, despite the disruption and turmoil occurring around them.

If circumstances were different, if Blair was not intoxicated and disruptive, if the veterinarians were not obstructed and delayed in providing medical attention, if a proper and legal offer and acceptance had occurred for the sale of the dog, if an adoption organization was present to formally commit to the adoption of the dog, if someone or an organization had been present to assume the cost and responsibility for medical care, and if financial resources were readily available for medical care, the outcome may have been different. But, none of these "ifs" occurred in this matter.

In retrospect, several individuals have commented that they would have taken action to save the animal, and that is admirable to hear. The Director acknowledges these comments and believes they were submitted with good intentions and kind hearts. They feel the pain when a greyhound dies, as they are truly deserving of our care for their health, of our respect for their athleticism, and of our love for their sweet dispositions. To lose one under any circumstance is sad and unfortunate.

The Director has raised the question on other occasions, and again here, whether the death of the greyhound automatically requires the imposition of a sanction or whether mitigating factors be considered, notwithstanding the death of the animal. There are those who would say that the death of an animal mandates sanctions, reprisals and charges, which is the "eye for an eye" philosophy. There are others, however, who would say that we do not live and work in a perfect world and sometimes, sadly, unfortunate incidents occur despite the best of intentions. Neither position can or should be absolutely applicable to the circumstances of this case. It is a situation which requires judgment tempered with compassion.