

Chuck Drago, Interim Secretary

Charlie Crist, Governor

**OFFICE OF INVESTIGATIONS**

**INVESTIGATIVE REPORT**

Office: PMW	Region: Central	Date of Complaint: 11/24/08	Case Number: 2008063896
Respondent:  <b>DERRALL HILLIARD</b> 5147 Chakanotosa Circle Orlando, Florida 32818		Complainant:  <b>STATE OF FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION DIVISION OF PARI-MUTUEL WAGERING</b>	
License # and Type: <b>8042191 1021</b>		Profession: Lure Operator	Report Date: 12/02/08
Period of Investigation: <b>11/19/08 through 12/02/08</b>		Type of Report: <b>Final</b> <span style="float: right;">2</span>	
Alleged Violation:  F.S. 550. 251 (11): The Division shall supervise and regulate the welfare of racing animals at pari-mutuel facilities.			
Synopsis:  11/17/08: During the running of the 12 <sup>th</sup> matinee race at Sanford-Orlando Kennel Club, "BIRTHDAY TOY", a racing greyhound owned by Norman L. Rader ( <b>EX 1</b> ), raced from Scott Bennett Kennel ( <b>EX 2</b> ), and trained by Chris Hatanaka ( <b>EX 3</b> ), was bumped by another dog in front of the lure operator's window.  "BIRTHDAY TOY" fell onto the "live rail" and was electrocuted. The lure operator continued the lure around the track to the final turn before he apparently noticed the downed dog. He slowed the lure and sped it up again briefly when the dogs caught up to it. The lure then coasted in neutral until it struck the animal. The contest was declared a "No Race" and the last two races of the program were cancelled.			
Related Case:			
Investigator / Date Stephen E. Toner <i>[Signature]</i> 12/02/08		Investigator Supervisor / Date James R. Dickson <i>[Signature]</i> 12/4/08	
Chief of Investigations / Date <i>[Signature]</i>		December 19, 2008	

## CONTINUATION

11/19/08: Chief Inspector Joe Boissonneault provided a copy of the 12<sup>th</sup> Matinee Race Program Page (EX 4) as well as a VCR copy of the fatal race (EX 5). The video does not show the entire race. When "BIRTHDAY TOY" fell between the rails the cameraman shifted the scene to the infield to protect the spectators from viewing the accident.

**HILLIARD (EX 6)** stated that he has been working as the Lure Operator since February 2008. He claimed that he was trained how to run the lure during races but was never trained on what to do in emergencies. Prior to being the Lure Operator **HILLIARD** worked as the Starter. He has been employed by S.O.K.C. since July 2007 and has never had employment in the racing industry prior to then.

**HILLIARD** described the race as follows: The lure passed the trip switch and the boxes opened. It appeared to be a normal race. As the dogs passed his location a dog bumped into the "4 dog" ("BIRTHDAY TOY") knocking him between the fence bars and onto the "live rail". He was concentrating on the lure speed and the dog pack as it rounded the first turn. He said that he has to have tunnel vision and can't be distracted or the dogs may catch the lure and be injured or if it gets too far from them they might lose interest and quit the race (less likely). He claimed to be unaware that a dog landed on the "live rail" and was being electrocuted.

**HILLIARD** stated that he heard the people below shouting and screaming for him to turn the lure off and as the dogs approached the far turn he looked down and saw dog #4 on the rail. He said that he yelled down to the Leadouts to stay away from him. He heard the crowd below and the employees in the next rooms yelling at him to cut off the power. As the dogs rounded the turn for the home stretch he cut the power and dog #6 ("C T ROADRUNNER") caught the lure with six dogs right on him. **HILLIARD** sped up the lure and quickly turned it off so that the dogs would not catch it at full speed causing more injuries. The heavy lure coasted into the dog. He finished by saying that he was confused by everyone shouting orders at him. He realized that nothing could be done for the electrocuted dog so his primary interest was in safeguarding the others from serious collision injuries when they caught the lure. No other dogs were injured as a result of this accident.

Racing Secretary Tom Bowersox (**EX 7**) was acting as Presiding Judge during this performance due to the regular Judge's absence. He stated that he saw "BIRTHDAY TOY" go down and hit the electrified rail. He did not see if the dog was bumped or fell on his own. Customers and Leadouts started shouting at the lure operator to stop the lure, but it continued on in racing mode. The Chart Writer and Associate Judge as well as Bowersox shouted at the Lure Operator to shut the lure off but their shouts went unheeded. The rooms between the Lure Operator, Chart Writer and Judges Room had plastic partitions at chest level between them; they have since been removed.

Mr. Bowersox continued that the lure was rounding the final turn when the Lure Operator finally took action and cut back on the electricity. When the "6 dog" caught the lure **HILLIARD** gave it a boost and then cut off power. The heavy lure motor struck the electrocuted dog. The last two races were cancelled. Mr. Bowersox stated that **HILLIARD** was a good employee who panicked under the pressure of the emergency. He did state, however, that his training was limited to running the lure during races and none was devoted to handling various unexpected situations.

CONTINUATION

He finished by stating that **HILLIARD** has now been instructed that if this should happen again he is to immediately shut off power; if other dogs are injured when they catch the lure that will be dealt with then.

Status: Closed.