

No. 31642 - *Maupin v. Sidiropolis*

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**RORY L. PERRY II, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA**

McGraw, Justice, dissenting:

As the majority points out correctly in the third paragraph of its discussion: “The West Virginia Greyhound Breeding Development Fund was established to promote the ownership and breeding of racing greyhounds by West Virginia residents in West Virginia.” By allowing an out-of-state owner to benefit from the fund, the majority decision is at odds with this avowed purpose. The Legislature intended to encourage greyhound breeding and its associated economic activity to take place in West Virginia. The regulation restricts the benefits of the fund to “bona fide resident[s] of West Virginia.” W. Va. C.S.R. § 178-2-51.3 (2000). It does not go on to add “or any out of state greyhound breeder with really clever lawyers.”

It is my hope that the 2004 amendments to W. Va. Code § 19-23-10(d) mentioned by the majority will foreclose any such chicanery in the future. Otherwise, West Virginians will be deprived of the opportunities intended by the Legislature when it created the fund. Therefore, I must respectfully dissent.