

Here are the minutes of the Charlottesville meeting held on 11/14/04.

This was the third of the “November round” meetings, and this was another good meeting.

Our intention is to summarize the conclusions from the November meetings and to, as indicated by the will of Virginia Voters for Animal Welfare, suggest language for any legislation which VVAW will submit to the General Assembly in January, 2005.

In addition, we will continue to reach out to each constituency involved in Virginia’s animal welfare, meeting with each group, and urging their support of the efforts of VVAW.

The schedule for the week of 11/15/04 includes meetings with staffers to Governor Warner, Marge McClung who heads the Virginia breeders organization, and with doctors Butts and Cardin and other staff members of the Office of the State Veterinarian.

Lillian Clancy and Don Marro

A meeting regarding of the Virginia Voters for Animal Welfare focused on pet overpopulation started at 11:00 am at the Hampton Inn in Charlottesville on Sunday, 11/14/04.

Attendees:

Larry Bisgaier/Charlottesville-Albemarle SPCA
Lillian Clancy
Larry Crickenberger/Albemarle County ACO
Ginny DeForge/independent
Mary Ellen Drayer/Voices for Animals
Dawn Gibson/All Things Pawssible
Paul Gregory, MD/Fluvanna SPCA
Phil Heggie/independent
Sean Julian/All Things Pawssible
Robert Kimball
Cynthia Mantalos/Paws to Adopt
Shirley Mantalos/paws to Adopt
Donald Marro
Margaret Marsh/independent
Mollie McCurdy/independent
Jackie Meyers, PhD/Caring for Creatures
Renee O’Leary/Louisa County Humane Society
Karen Quillen/All Things Pawssible
Karin Straley/Animal Connections
Sharon Tate/Albemarle County ACO

unable to attend:

All who committed to coming came – and more! Thanks!

Introductions

Attendees introduced themselves and spoke briefly of the group with which they are affiliated or otherwise described their reasons for attending.

Agenda

1. The meeting started with Lillian Clancy listing the top three priorities of VVAW: s/n, elimination of gas chambers, and support/upgrade of the animal control function. However, regardless of programs, nothing will change unless program ideas are funded.

FUNDING

2. Don Marro discussed the \$32 million per year currently spent on animal control activities in Virginia, the money coming from Virginia's general fund. With insufficient funds now, and with a climate opposed to increased taxes, there will continue to be insufficient money for animal welfare. The goal is to make the function self-sustaining.

Among ideas to fund programs was one offered by Dr. Stephen Escobar who heads the Virginia Veterinary Medical Association. He suggested that a tax on pet food could be considered in much the way taxes are levied on cattle food for their industry needs. Don remarked that the pet food tax would need to be substantial to replace current funding and the additional funding desired for such things as s/n, rabies shots, and animal control upgrading.

An alternate option had been suggested in the form of taxing veterinary services.

Don said again that the current environment is not tax-favorable.

The third option suggested was changing the cap on dog licenses from the current \$10 ceiling to a ceiling of \$35. A new cap could allow raising sufficient money, could result in a higher level of compliance in purchasing dog licenses, and those who could not afford licenses could be given them at a reduced cost or free. Continuing, Don said not only is revenue sought, but a secondary goal is getting a count on the number of dogs in the state, everything currently being an estimate. In addition, with licensing, the location of dogs would be known. Should compliance not follow in the second year, a penalty for not having a license could be enforced as the location/owner of the dog would be known. He calculates that with a 70% compliance rate of licenses purchased at \$35 each, all present and proposed (free of low cost s/n, expanding animal control, etc.) programs would be funded with about \$10 million remaining.

3. Renee O'Leary commented that this is a social issue and believes jurisdictions could find funds to do s/n, her goal being free s/n nationwide. Her initial reaction would not be to support any tax on vet bills, saying that some owners currently opt for euthanizing their dog rather than incurring a sizeable vet bill.
4. Don Marro said a model of being self-sustaining is needed, much the same as used for hunters and fishermen, with ability to enforce, collect, and general availability of licenses.

5. Renee O’Leary said she doesn’t know how to get a dog license.

Don Marro commented that there is no reason licenses can’t be sold widely.

Mollie McCurdy recalls that Fairfax, at least during the 1980s, sent out license renewal reminders along with tax forms, telling how to get the new license.

Don said even treating this as a social issue could at the same time allow a license fee increase. He cautioned that the state will not mandate the license price for jurisdictions but set a cap. He also noted that current funds from dog licenses MAY be earmarked for animal issues, but there is no SHALL be used language in the existing code.

6. Jackie Meyers said it sounded very expensive and would penalize those with more than one dog.

Don said it needn’t; the second dog would be licensed for \$2, for instance. He suggested that when all jurisdictions participated in free or low cost s/n and expanded ACO support, there might also be some transfer of proceeds to poorer areas of the state.

7. Don Marro then discussed a change to the General District Court docket to make license infractions similar to traffic court infractions.

8. Renee O’Leary wondered if asking for donations for licenses would help raise money, as people may not like to identify themselves as poor.

9. Phil Heggie wondered how aggressive counties are in seeing dogs are licensed.

10. Sharon Tate, an ACO, said if a dog is found with no license, the owner has a period of time in which to get that license; if the owner fails to comply within a certain time, then they are given a citation. It typically involves only a single appearance in court.

She continued that if the owner gets the license, the case is dismissed. The judge issues a letter with a \$10 penalty and charges \$49 for court costs. She added that these numbers do not offset the original cost, and says that their area has one of the lowest fines around.

11. Phil Heggie wondered if someone has 15 beagles, who licenses them.

12. Sharon Tate said they do not have enough help in animal control. When Don Marro asked if they – the ACOs - were deputies, she indicated they are not. The animal control officers report to the police department and that department has 30 deputies and 100 police officers.

In response to Phil Heggie’s question about the 15 beagles, she said that hunters often have kennel licenses

13. Larry Crickenberger mentioned a compliance form they use successfully. He added that checking for dog licenses in the local parks has been a successful program.
14. Sharon Tate said that animal control officers frequently sell dog licenses at rabies clinics.
15. Paul Gregory asked if cat licenses would be part of the program.

Don Marro said it would be local option.

Lillian Clancy said it might be difficult to ask for cats to be licensed if cats are not protected by state law in the same way as are dogs.

16. Robert Kimball said he believes that if one has a dog, one should pay for a license, and, when required, use a sliding scale to determine cost of the license.
17. Phil Heggie said if there is no threat, there is no fear, and there is no license.

Don Marro agreed, saying that if there is no enforcement, there is no incentive, and if there is no money for enforcement, there is no enforcement. What is required is a stream of income. He wondered if something like a “motor-voter” program could be considered.

18. Don Marro indicated that there were 1 or 2 potential patrons for the legislation which would seek to raise the cap on licensing. One potential sponsor, an anti-tax Republican, characterized this as a way to place the cost on the user.

Don suggested it was time for those in attendance to go to their delegate or senator and start talking about ways to get this passed.

RELEASING AGENCY

19. Don Marro talked about s/n being required of dogs and cats which are adopted from shelters, pounds, and rescues. However, statistics show that only 18% of dogs come from these sources, and so many dogs enter the system capable of reproducing. A change in the definition of releasing agency would bring pet shops and casual, for-profit backyard breeders (BYB) in, with s/n required of those animals as well.
20. Paul Gregory wondered if BYB would be easy to identify.

Don Marro mentioned the sign on route 29 on the way to the meeting, offering “AKC” dogs, the ad written on a piece of weathered plywood placed next to the road.

21. Larry Bisgaier feels licenses should be required in order to breed, and the AKC should be self-policing.

Don Marro agreed, saying that responsible breeders oppose BYB and see them as the equivalent of counterfeiters.

Don mentioned that there will be a meeting the week of 11/14 with Marge McClung who heads the breeder organization in Virginia, to discuss this issue.

Don added that the definition of the BYB, the casual, for-profit breeder, needs to be carefully crafted, and needs to be bullet proof.

22. Phil Heggie agrees with licensing, feeling that no one should be able to breed without a business license.

Don came back to the definition again, saying that parsing the difference between responsible breeders who are breed fanciers or hobby breeders and BYB is difficult.

Phil said that it is the selling that creates the issue.

Don would prefer to defer to responsible breeders to work on this problem, to get that group to be more restrictive. Offering to help, Phil was told that the issue will be deferred until the meeting with Marge McClung.

23. Cynthia Mantalos asked about pet shops and the early s/n issue, saying that early s/n requires special training and is weight-governed, usually requiring the animal to be 10 weeks old.

Karin Straley agreed, saying that most animals can be s/n at 10 weeks.

Lillian Clancy said that exemptions may need to be included if age becomes an issue.

24. Sharon Tate asked who would enforce prohibition on BYB.

Don Marro said it would fall to animal control, and that is why funding is so critical.

Don continued by discussing the analysis of 2 Sunday issues of the Washington Post, looking at classified ads for dogs for sale. While the goal would be to have all those who advertise be licensed, that goal is not currently on the agenda, but the state of Virginia is loosing a great deal in business license fees and uncollected taxes on these sales.

25. That releasing agencies, rather than new owners, would be responsible for providing s/n prior to release as a second change, was discussed.

Larry Bisgaier said there are so many animals at his shelter and space equals life. With many adoptions taking place on Saturday and Sunday, and with no availability of doing

s/n on those animals for several days after the animal has been adopted, a dog leaving for a new home may remain at the shelter an additional 5 days waiting for surgery. He added, in some cases when a good, reliable new owner asks, a newly adopted dog/cat is

released over the weekend and returned for surgery. He added that there are more surgeries required than vets available to do them, even when surgery is out-sourced to the local veterinary community. Having two full time vets on staff would help greatly.

26. Don asked Larry if he, or others in the room had contact with any officers of the VVMA. If not, Don will draft an outline of the problem articulated by Larry Bisgaier and present it to Dr. Escobar for his suggestions as head of the state organization for veterinarians.
27. Phil Heggie said that an option appears to be that a puppy is adopted with an appointment made at the time of adoption for a visit to the vet, and if that appointment is not kept, there is an opportunity to fine the new owner.

Larry Bisgaier says that is what they do, to some extent, but said the \$150 fine is rarely collected. It is more likely that the animal is relinquished than the fine paid.

Don Marro said there is a procedure in General District Court where filing fees are \$18 and service fees are \$12 to have the Court enforce liquidated damages provisions. Someone at the shelter could be trained to do this. One does not need to be a lawyer to do this, and Don offered to help if there was interest. This would allow for the penalties to be collected by judgment.

Don noted that if someone doesn't comply and gets sued to final judgment, the illustration will increase compliance. Papers would run such stories.

GAS CHAMBERS

28. Don Marro hopes this is an issue which can be resolved by local jurisdictions or by working with the State Vet.
29. Paul Gregory says he understands that gas chambers are cheaper to use than is I/V euthanasia, but he has no real data.
30. Don Marro says the liability issues for employees in dealing with improperly functioning gas chambers makes gas chambers potentially far more costly to a jurisdiction.
31. Dawn Gibson says gas is preferred as it is a one-person operation, that this became the incentive along with the reluctance to train people in I/V euthanasia, and she said that even when used properly, gas is not humane.

Mollie McCurdy agreed, saying that the seals on gas chambers never seem to work, and that it is not humane. She added that Tennessee has outlawed gas because of a human death.

32. Don indicated his willingness to contribute a total of \$25,000 to help defray the costs of transition from gas to I/V for all the Virginia jurisdictions now using gas.
33. When asked if gas was an acceptable death for wildlife, it was suggested that information be gotten from the Wildlife Center in Waynesboro.

MANDATORY MICRO-CHIPPING

34. Mollie McCurdy says that chips are not always checked.
35. Considering other identification options than chips, Renee O’Leary told of tattoos that were awful, both in what was tattooed, and how it was done.
36. Don Marro indicated the idea for chipping is to be able to return the dog, but also to demonstrate that the dog cannot be treated as disposable.
37. Cynthia Mantalos spoke of having dog/cat chipping information at the vet.

Don Marro discussed the problems:

- competing systems
- therefore need multiple scanners
- registration often not done

38. Larry Bisgaier said that half the chips found in animals at their shelter do not help finding the owner, many of them being from as far away as California and Arkansas.
39. Paul Gregory wondered if there isn’t a universal scanner. Both Paul and Larry Bisgaier said their scanners were donated.
40. Renee O’Leary and Mollie McCurdy spoke of tattoos using social security numbers, but there is no database for tattoos, nor an easily accessible database for social security numbers.
41. Lillian Clancy asked Larry Bisgaier if their shelter would release a dog with both a license and a currently registered chip, and how much extra work that would entail.

Don Marro said registration should be possible to do on line via the internet.

42. Margaret Marsh said that if a dog is chipped and the owner knows that, it might cause the owner to be more responsible with the animal.

43. Paul Greg spoke of taking dogs and shooting them as a way to avoid responsibility.

MISCELLANEOUS

44. Larry Crickenberger said an owner can legally shoot his own dog, as the dog is personal property. He has found it effective to say to the owner “I prefer that you don’t shoot the dog” and tries to get the owner to release the dog, feeling that even if the dog is ultimately euthanized at the shelter, it is likely a better death than a bullet.

Don asked if this was possible, that wouldn’t the shooter need to be certified.

Larry Crickenberger said that if shooting as part of one’s job, then need to be certified. If it is the owner shooting, it is all right, and viewed as the same thing as killing one’s live-stock.

45. Larry Bisgaier said that the hands of Sharon Tate and Larry Crickenberger are tied in cases like chained dogs.

Sharon Tate described existing law, but for a conviction, the case needs to be extreme.

Larry Crickenberger says that cruelty also depends on one’s point of reference.

46. Karin Straley said that laws re cruelty and neglect may not be specific enough.

Mollie McCurdy says that in addition to stipulating the minimum chain length, the dog house must provide enough space for the dog to stand up and turn around.

47. Sharon Tate indicated that VACA is trying to get some change in this area.

She continued that the vicious dog law is such a change they seek.

Currently if a judge declares a dog “dangerous”, there is no requirement for euthanasia, no requirement to s/n, and as a result, puppies of such dogs frequently command even higher prices because of this when sold via BYB.

48. Don Marro asked Sharon Tate and Larry Crickenberger if they were treated legally in the event of assault. They indicated they were “an ordinary Joe”, not part of law enforcement.

49. Paul Gregory says dogs are vicious, dangerous, or “no problem”. In Fluvanna, if a dog is vicious, it is euthanized. If dangerous, the dog must be muzzled when out, but he added that the law has no teeth in it, and there is no inspection follow up to see if there is compliance buy the owner

50. Sharon Tate says their Commonwealth Attorney provides some documentation for the owner of such dogs.

Paul Gregory said that an ACO in his county, Fluvanna, was told by the office of the State Vet, that if the ACO inspects for compliance, that ACO puts himself/herself at risk and assumes potential liability in such a case. Gregory does not agree with this, and Sharon Tate agreed with Gregory.

51. Renee O’Leary wanted to close by asking for a review of the issues.

Robert Kimball said the issues must include were all the things discussed, that there must be a raising of awareness of all these issues, that people are asleep, that people do not want to hear and do not listen as it is too painful to contemplate.

Sharon Tate said that animal cruelty case have lessened, but judges are becoming gun shy given the Class V felony, so may not be willing to go to bat on behalf of the animals.

Sharon feels that s/n is the most important issue, and an owner who s/n is, almost by definition, more responsible. She gave an example of their willingness to help people unable to get s/n done, either because of cost, or because of the age or the owner.

52. Robert Kimball asked about any humane education in Virginia.

Don Marro said that education is needed. Don, Robert Kimball, Sharon Tate, and Larry Bisgaier all said they would help work on this issue.

Don said he is working with a Senator to get humane education made part of the curriculum.

52. Margaret Marsh spoke about cruelty issues, wanting to see what was being done in other states, but recognizing it would not be an issue tackled this year.

53. Mollie McCurdy said that Louisville has a law prohibiting chaining of dogs.

54. Lillian Clancy mentioned her dream of having a statewide task force initiated by the governor to deal with animal issues.

55. The humane investigator program was discussed.

Sharon Tate suggested that officers of VACA be asked why it was phased out.

Don Marro said he would ask Mark Kumpf about the program.

56. Don Marro encouraged all to meet with their delegate of senator, to get their local shelter's Board to endorse the initiatives, and to do the same with local boards of supervisors.
57. Don Marro mentioned his pending trip to Kentucky to visit with Dr. Michael McDonald regarding lowered cost-high volume s/n at a profit, and asked Paul Gregory if he would be willing to accompany him on that trip.
58. Paul Gregory wondered if VVAW should at this point hang back from speaking directly with members of the General Assembly. Don suggested that conversations should start immediately, and he will work with any to meet the legislator or provide the talking points which could guide such conversations.

Don also indicated his preference for reaching out to all with the VVAW program to find common ground and present consensus legislation.
59. Cynthia Mantalos discussed the possibility of having Nathan Winograd, a proponent of no kill sheltering, present to local rescue groups.

Costs and concepts were discussed briefly and thereafter it was suggested that this be discussed after the meeting.

The meeting was adjourned at 1 pm.