

Subject: DAR&E Response to DPCA Complaint Submitted by Alla K. McGeary, John Getter, Wanda L. Minnick and Shirley A. Gladhill

Date: April 1, 2007

Prepared by: DAR&E Board of Directors (Kathleen Banks (DAR&E Director,) Athy Conigliaro (DAR&E President,) Lisa Hester (DAR&E Vice President,) Shannon Grace (DAR&E Director,) Donna Piwetz (DAR&E Director,) Linda Smith (DAR&E Director,) and Colleen Ryan-Messing (DAR&E Treasurer))

Reviewed by: Kristen Milardo-Barrett (DAR&E Legal Counsel) and DAR&E Board of Directors

Submitted to: Doberman Pinscher Club of America Rescue Committee (DPCARC)

Introduction to and Format of this Response: The DAR&E Board of Directors and DAR&E Legal Counsel have reviewed the DPCA Charge Sheet and the related emails and files on the evidentiary CD. In this document, we have provided an Introduction from our perspective, which differs slightly from that of the complainant. We have then responded to each of the charges in the context of the DAR&E bylaws, the binding legal signed contracts defining the relationships between parties and the formal operating procedures document of the organization. For each charge, the DAR&E board has attempted to interpret the verbiage contained in the charge sheet to a succinct charge statement and we have presented our responses directly after each charge.

The section following the last charge response addresses several inaccurate statements that were made by the complainants in the Overview section of the Charge Sheet.

The last section contains a summary and conclusions from the DAR&E Board's perspective.

The package that DAR&E has "fedex'ed" to Ed Downing, DPCA Rescue Committee Legal Counsel, also contains a hard-copy response to the DPCA charges against DAR&E from Dr. Kim Danoff. Since Alla McGeary, John Getter, Wanda Minnick and Shirley Gladhill have expressed repeatedly that Dr. Danoff's home and care are substandard, DAR&E felt that it was appropriate to make this information available directly to Dr. Danoff so that she would have the opportunity to directly confront her accusers' allegations and responses. The accusations made by McGeary et al are very serious, especially in light of Dr. Danoff's chosen profession and the Rescue Committee is encouraged to read through Dr. Danoff's responses to the charges as we believe her perspectives are quite relevant.

Introduction:

In April, 2006, DAR&E received a call from the Maryland SPCA regarding a 7 month old female Doberman with a severely deformed leg and foot. The pup, named Stella, had already been returned to the shelter several times as a result of failed adoptions. Stella

had numerous behavioral issues in addition to the physical deformity. The shelter was at a loss as to what to do and was considering amputation of the limb. Colleen Taylor, a DAR&E board member, contacted Dr. Kim Danoff and asked her to help us. Dr. Danoff drove from northern Virginia on April 20, 2006, to meet the dog, evaluate her situation and bring her home to foster her until we could plan a course for her.

Dr. Danoff began to express early on that she was interested in adopting Stella and communicated this to Ms. Taylor. Throughout, Dr. Danoff was dealing with severe behavioral problems from Stella and asked for help and assistance from the two DAR&E volunteers who were also clients of her, Ms. Taylor and Ms. Carol Hilliard.

Dr. Danoff also retained the services of Ms. Veronica Sanchez (a Certified Animal Behavior Consultant through the International Association of Animal Behavior Consultants and a professional dog trainer) and Ms. Laura Sharkey (Certified Pet Dog Trainer and Owner/Training Director of WOOFs! Dog Training Center.)

Both Ms. Sharkey and Ms. Sanchez have included their assessments of Stella, Kim and the training that both worked on under their tutelage. Scanned copies of reports from both Ms. Sharkey and Ms. Sanchez are included in this packet and may be found in the folder entitled Behaviorists Reports and Recommendations. While Dr. Danoff received some support from Ms. Taylor and Ms. Hilliard, it is clear that Dr. Danoff needed professional help with Stella and sought and received that help. Dr. Danoff paid for the professional assistance entirely on her own.

Dr. Danoff admits that Stella's weight was "up and down" throughout her stay. Anyone who has owned a young, active Doberman Pinscher should be able to identify with this. At no time was Stella's weight a life-threatening concern to Dr. Danoff nor to any of the DAR&E volunteers who saw Stella. Ms. Taylor, the board member who vouched for and met with Dr. Danoff and Stella frequently, did not raise this as a consideration to the board.

Colleen saw Stella the week that the dog was removed and stated that she had little to no muscle mass left.

Toward the latter part of the summer, Ms. Taylor began to state that she did not think that Dr. Danoff really wanted to adopt Stella and that we might want to conduct a home visit to be certain that Dr. Danoff really wanted the dog. A home visit was conducted by Ms. Barbara Johnson. The home visit was extremely ambivalent but the board generally agreed that if Dr. Danoff didn't wish to adopt Stella it would be best to move her to another foster home, evaluate her for placement and go from there. In late January, 2007, Ms. Linda Smith, DAR&E Board Director, removed Stella from Dr. Danoff's clinic, advising Dr. Danoff that DAR&E was going to evaluate the dog.

Within days of the removal of Stella, Dr. Danoff sent the DAR&E board inquiries as to when she could expect the evaluation to be completed so she could have her dog back and finalize the adoption. While this was somewhat of a surprise to the board members, we agreed to evaluate her request for adoption.

The majority of the board was not aware that Dr. Danoff in fact wanted to adopt Stella.

Most communications with Dr. Danoff had been routed through former DAR&E board member, Colleen Taylor, who resigned from DAR&E in November, 2006. During the 10 months of fostering, Dr Danoff's communications were mainly with Ms. Taylor and expressed difficulties with Stella's behavior & training.

It is not uncommon for our fosters to vent behavior and other such frustrations especially in the case where they are discussing with another foster or DAR&E volunteer , and the DAR&E Board agrees that in this situation we could have provided better support to Dr. Danoff as a DAR&E foster. In any case, the communication channel was disrupted with Ms. Taylor's departure, which may in part have contributed to the communications breakdowns that ultimately occurred between the Board and Dr. Danoff.

The board evaluated the large packet submitted by Dr. Danoff, the home visit report form as well as all the archived DAR&E board messages relating to Stella from the spring, summer, fall and winter of the preceding year. We spoke at length with Ms. Sanchez, the behaviorist/trainer, about Stella's behavioral issues.

We reviewed Ms. Alla McGeary's evaluations. At the end of the review/evaluation period, the board conducted a poll and voted to allow Dr. Danoff to adopt Stella. A request was made to Ms. McGeary to arrange for transport of Stella with Donna Piwetz, a DAR&E board director, on February 7, 2007. Although Ms. McGeary initially agreed to meet with Ms. Piwetz, on February 9, 2007, Ms. McGeary announced that upon "advisement from her lawyer" that she would not return Stella to DAR&E. DAR&E attempted to contact and work with Ms. McGeary for over a month to attempt to settle this situation. However, Ms McGeary ignored all attempts at communications, instead responding to DAR&E through outrageously inaccurate letters from Mr. D. Jay Hyman, These criminal charges are pending and the arraignment is slated to occur on Monday, April 16, 2007. DAR&E finds it very unfortunate that circumstances have come to this. However, at the end of the day, DAR&E has a responsibility to the dogs that we retrieve from animal shelters and it is our responsibility to bring Stella back to DAR&E.

Charge #1: Paragraph 4 of the DPCA Rescue Code of Ethics states "To house Rescue Dobermans in safe, humane, sanitary conditions, which meet or exceed all minimum standards as defined by local health, animal control and sanitation authorities, and to provide Rescue Dobermans with appropriate food, clean water, and shelter. I will pay attention to and care for the emotional needs of the Dobermans I receive into my Rescue Program. I will provide a secure, stable environment for the dogs and will interact one-on-one with them as much as possible in order to properly assess their temperament and special needs for placement."

Ms. McGeary et al charge that DAR&E placed Stella in a substandard home, where she was not trained, underfed and improperly confined in Dr. Kim Danoff's office.

DAR&E Board Response to Charge #1:

Dr. Kim Danoff is a well respected orthopedic veterinarian who agreed to help DAR&E by fostering a young dog with serious issues.

After a month of attempting to reason with Ms. McGeary, the DAR&E president, vice president and a director traveled to Winchester, Virginia, and filed charges against Alla McGeary for property theft. As Stella's adoption fee is \$250, this was considered a felony theft and was filed as such.

By the time DAR&E took her in, she'd been returned to the shelter at least once because she was not manageable.

Dr. Danoff was indeed frustrated with the behavioral challenges and as mentioned earlier had hired, at her own expense, both a behaviorist and a trainer to evaluate and assist in helping her with correcting the issues (please refer to the folder entitled Behaviorists Reports and Recommendations to review written reports and training plans from these trainers.) This is much more than the average rescue foster home provides. Through the months, Dr Danoff had made improvements in Stella's behavior, but it does take time to undo the months of early learning that Stella had prior to DAR&E & Dr Danoff's care.

Stella's Weight and Condition: The DAR&E board investigated the circumstances around Stella's weight and physical condition and concluded that the comments in the complaint are quite exaggerated. Stella was underweight but not emaciated nor did the Board member, Ms. Linda Smith, who picked her up or Ms. McGeary consider her in need of immediate veterinary care for her condition as she was not taken to the vet and no notification of a health threatened condition was relayed to the board. In fact, please refer to Ms. McGeary's email to the DAR&E list (Message #42800) dated January 29, 2007:

<<Stella has arrived to serve her term at Alla's Boot Camp for Wayward Dobes. Stella is the pup with the deformed front foot. Seems the little Dober-brat has some bad habits that need work. Nothing serious just pain in the (*^&I* things like house breaking and manners.

She has been here only since early afternoon on Friday but so far she has been a little angel in the potty department. Haven't even had to use the small crate as she has appropriated Sasha's x-pen and soft bed to sleep on and only uses her crate to eat her meals. She even goes into his x-pen to chew in peace and uses it to hide her treats from Kira (NO, it does not work).

Like Sasha when he first came, she needs manners. She loves to play and would do it non-stop if not made to take time outs at which time she crashes and is out like a light.

She is very sweet, very loving, very pretty and full of energy that needs an outlet. She LOVES to play with other dogs.

Thought all of you would like to know about one of the foster dogs that is on SND and follow her progress.

Alla

Dober-brats Kira and Sasha

Foster Stella

Dober-angels Carmen, Jesse and Colby>>>

At no time upon her receipt of Stella did Ms. McGeary request or suggest a need for veterinary attention for Stella, So as far as the DAR&E board can determine, Ms. McGeary did not take Stella for veterinarian attention upon receiving the dog in her care during the first two weeks of Stella's stay with Ms. McGeary. In fact, Ms McGeary did not take Stella to a veterinarian until Monday, February 12, the first business day after she announced that she would not return Stella to DAR&E. Please see the report from Dr. Peter Schmitt of Linden Heights Animal Hospital (a scanned copy of his report is included in this packet, file name: February 12 Vet Visit Dr Schmitt). In this report, Dr. Schmitt notes that Stella weighed 62 pounds, was in good flesh, and remarked upon the quality of her coat. While Ms. McGeary may want us to believe that Stella was near death upon her receipt of Stella, even a miracle worker would be hard pressed to bring a dog to good flesh and excellent coat condition in two weeks. The DAR&E board finds the timing of the visit questionable and absolutely rejects Ms. McGeary's assessment that Stella was in need of immediate medical attention on January 29, 2007. If this was so, why did Ms. McGeary wait until AFTER she had proclaimed her need to keep Stella for Stella's safety?

The alleged photographs of Stella provided to the board for review were also questionable in the Board's opinion. In both "before" photographs, the dog's head and face are not shown and in neither photograph can we see the deformed leg. Additionally, the position and lighting is suspect and seemed to be "staged" to highlight this dog's ribs. All "after" photographs show the dog's deformed leg and are clearly Stella. However, the board did feel, based on all eyewitness accounts and Dr. Danoff's own stated concerns that Stella was indeed thin and seemed to have issues with keeping weight on.

However, since most of us have experienced this phenomenon with a young Doberman at some time or the other, the Board absolutely did not consider Stella's weight issues to be indicative of cruel or inhumane care on the part of Dr. Danoff. Rather, the Board considered this was a case where Dr. Danoff needed additional guidance, guidance she had requested from Ms. Taylor and Ms. Hilliard but had not received.

The Board reviewed with Dr Danoff the current feeding practices and food content for both Stella and Charles, Dr. Danoff's other dog. Dr. Danoff had been feeding Stella a varied, high protein diet similar to the diet her Lab, Charles, was eating.

After discussion, the Board recommended and Dr. Danoff agreed that a more consistent and denser diet containing more fat would be best for Stella given her higher energy levels and need for more calories. After approval of adoption, Dr. Danoff made an appointment with a nutritionist for Stella to obtain additional guidance on how best to put weight on Stella but was unable to keep that appointment because the dog was not returned to her care.

In conclusion regarding the issue of Stella's weight, Dr. Danoff made no attempt to hide the weight challenges she was having with Stella. In fact, it was the subject of several conversations with DAR&E volunteers Ms. Taylor and Ms. Hilliard.

Dr. Danoff is by trade an orthopedic veterinarian and is not well versed in the dietary needs of active young Dobs and ultimately accepted the recommendations of the DAR&E board and planned to buttress those recommendations with insights from a professional canine nutritionist. These are not the actions of a person neglecting or not caring for a dog – in fact, it's the exact opposite. This is a person who owns a dog with challenges and is working hard to meet and overcome those challenges.

Stella's Daily Life with Dr. Danoff: The complainants have condemned the fact that Dr. Danoff took Stella to her clinic on a daily basis as a "bad thing." The DAR&E board does not agree with this assessment. Two additional DAR&E volunteers (Athy Conigliaro and Sue Harris) have visited the facility on two separate occasions since this complaint and have found the office setting to be quiet, a home-like setting with numerous tranquil rooms that are conducive to therapy and massage, all being a part of Dr. Danoff's practice. Stella was not locked in an exam room, rather she stayed on a bed in Dr. Danoff's office, with Dr. Danoff's other dog, Charles. Ms. Terri LeBel, Dr. Danoff's vet assistant, pet sitter and friend, has included a letter that contests comments made by the complainants regarding the day to day care of Stella in the office (please see this memo in the hard copy packet from Dr. Danoff.)

Ms. LeBel's eye-witness accounts directly contest comments made in the complaint and directly challenges the claims regarding Stella's weight and appearance. In fact, Ms. LeBel believes that the home visit report is "negative and inaccurate" with regards to Stella's behavior and condition. It is the Board's opinion that Ms. LeBel's comments carry far more weight than those of the four complainants who have never met Dr. Danoff nor have they observed her work environment or home.

Crating: The Board was aware that Stella was crated during her early months with Dr. Danoff; this was never a red flag issue for the board as many dog owners, DAR&E volunteers, and our adopter's crate their dogs while at work because the safety of their dog is of primary concern. This is of significant concern in cases when a new dog comes into the home and behavior traits are still being assessed. Therefore, the board does not consider this to be a cruel punishment; rather this is an indication of responsible pet ownership.

Leash chewing and mouthing: Many puppies and young dogs exhibit these unwanted behaviors and as seen in the behaviorist and trainer reports, Dr. Danoff and Stella were doing what any other pet and owner should do when faced with bad behavior and other such habits: work to train them out. While some Doberman owners may have perfect dogs with no bad habits, it is not reasonable to deny a foster parent's request to adopt a rescue dog because that dog was not perfect in its behavior when they received it or if they were not 100% successful in fully resolving the behaviors before adopting. Have it in Danoff's own words that Stella went through 20 plus leashes. She was left unsupervised.

It should be noted that both Ms. Sanchez and Mr. Sharkey, the behaviorist and trainers hired by Dr. Danoff, cite significant improvements in Stella's behavior.

Ms. McGeary herself notes that Stella is housebroken, a huge improvement in behavior brought about entirely by Dr. Danoff's diligence!

In summary regarding Charge #1, the DAR&E board considers this charge to be completely without validity. Dr. Danoff provided Stella with shelter, food, water, and emotional and behavioral training. Even more, Dr. Danoff provided Stella with a loving home and a rich social life.

Please review the enclosed family photo album included in this response (contained in folder named Dr. Kim Danoff's Photos and Personal References.) Here is a dog that went to wine festivals, on camping trips, on canoeing adventures, all the time properly outfitted for safety and comfort. Dr. Danoff treated Stella as a member of her family, taking her to work with her, on errands, on family vacations and day trips. To the DAR&E board, this is not a neglected or mistreated animal.

Charge #2: Paragraph 5 of the DPCA Rescue Code of Ethics states "To provide necessary veterinary care and appropriate routine veterinarian care for Rescue Dobermans including, as appropriate, regular inoculations, heart worm testing, administration of heart worm preventative, treatment for intestinal parasites, and emergency care. To the best of my abilities and resources, I will provide appropriate medical care and training towards the goal of putting each dog in the best possible condition for a permanent adoption.

Ms. McGeary et al charge that DAR&E allowed Stella to be put at risk due to unauthorized surgery and that DAR&E did not ensure that Stella received appropriate care regarding her leg brace, her nutrition or her behavioral needs.

DAR&E Board Response to Charge #2:

The complainants take issue with exploratory surgery that Dr. Danoff's veterinarian performed when it was feared that Stella had ingested parts of a tennis ball. The DAR&E Board reviewed the facts and the circumstances surrounding this surgery and concluded that Dr. Danoff did precisely what she should have done under the circumstances. All this is in accordance with paragraph 5 of the DRCOA rather than in dereliction of that same clause.

Dr. Tibor Lazar of the Veterinary Surgical Center examined Stella on May 17, 2006. She had been vomiting and it was suspected that she'd swallowed parts of or an entire tennis ball. The DAR&E Board finds it somewhat disconcerting that the four individuals on this complaint would so readily advise any foster parent to ignore the advice of a surgical veterinarian when it comes to a possible obstruction can quickly results in intestinal perforation and death. How many Doberman owners can directly relate to this unhappy circumstance and not appreciate why Dr. Danoff would choose to be safe rather than sorry. Dr. Lazar has kindly provided a written assessment of the situation and the vet records from the event.

The DAR&E Board finds it somewhat disconcerting that the four individuals on this complaint would so readily advise any foster parent to ignore the advice of a surgical veterinarian when it comes to a possible obstruction. Other DAR&E foster parents have been in this same situation. Most recently DAR&E Foster Parent Brandee Pang Surgery saved Chance's life. Had Brandee followed the complainants' advice and ignored the emergency vet's recommendations, Chance would most likely be dead. The complainants' position on this issue is absolutely unacceptable and in our opinion is in flagrant disregard of the DPCARC's Code of Ethics. Emergency care should ALWAYS be provided promptly – even to rescue dogs.

This situation regarding the need to conduct exploratory surgery on Stella has been grossly misrepresented by Ms. McGeary in the charge statements. In regards to the "unauthorized" surgery, Dr. Danoff did consult with another veterinarian, x-rays were taken, and this veterinarian recommended exploratory surgery. A scanned copy of this veterinarian's assessment has been included in this packet (file name: Veterinary Surgical Center Letter and Bill) of this document. Acting on a suspected injury to a dog, a foster took the dog for veterinary care as would any foster would do. DAR&E fosters use their best judgment in emergency situations, and in most cases, attempt to contact a board member or the Foster Home Coordinator for prior approval. This is not the first, nor will it be the last, emergency situation where a foster has made a decision to treat the dog immediately. And it was not the first foster (or adoptive owner for that matter) situation where a dog was taken for surgery due to swallowing a foreign object. Although in retrospect it turned out to be unnecessary when the surgeon did not find an obstruction, the board did not see this as a failure on the part of the foster, nor on the part of the attending veterinary surgeon.

Care for Stella's Deformed Leg and Paw: Dr. Danoff was originally introduced to DAR&E by Colleen Taylor because Dr. Danoff is a well-regarded orthopedic veterinarian specialist and had previously assisted DAR&E consulting on a puppy with a deformed leg. Dr. Danoff recommended that Stella's deformed foot not be amputated but rather she be fitted with an appropriate brace, just as Dr. Danoff had done with Charles, her own Labrador with a same foot deformity. The DAR&E board members agreed. In the past, the DAR&E board has attempted to save a dog's leg whenever possible. Although tripods can and do live long, healthy lives, it is always preferable to keep the leg with proper therapy and treatment. It took some months for the process of getting fitted for the brace to be completed, so this was NOT 10 months, as asserted, of therapy as Dr Danoff did not have the brace for 10 months. According to Dr. Danoff, she attempted to use the brace and provide therapy for Stella, but, this particular type of brace was not working well for Stella as she was not putting weight on the foot.

During the adoption evaluation process, the subject of the brace was discussed and Dr Danoff informed the board that Stella was not accepting the brace, and that a different style of brace might be more amenable to Stella and that Dr. Danoff would schedule a fitting for a new brace at her own expense once the adoption was finalized. She had the same problem with the same type of brace with her dog Charles who has the same type of leg deformity. Charles has since been refitted with a different model of brace, which he is currently using. Stella was also to have had a similar fitting and new brace; however, that has not occurred as Stella has not been returned to DAR&E and Dr. Danoff. At this time, DAR&E will not be able to return the original brace for a partial refund as too much time has elapsed between purchase and attempt to return. However, Derrick Campana, the certified orthotist that built the original brace, is well acquainted with Dr. Danoff as they often work together on orthopedic solutions for animals in need and has offered to try to make some design adjustments to the original brace in hope of making it more acceptable to Stella.

In the emails contained in the charge packet, Ms. Colleen Taylor speculates that Stella most likely chewed the brace and that this is why Dr. Danoff was not using it. This is untrue. Please refer to the photograph of the brace, in good condition, in our response packet.

Home Visit Report Form and Adoption Contract: The concerns expressed about the foster arrangements by volunteers were all addressing Stella's behavior, which Dr Danoff was working on and had showed progress. No concerns regarding her weight were brought to light until the November home visit. Unfortunately, the DAR&E board member who was Dr Danoff's main point of contact had resigned during this timeframe. There was a lag of time through the holidays before the details of taking Stella for evaluation were worked out. Please note that the home visit comments state that the dog was underweight and not emaciated, nor at any health risk. Nowhere in the home visit report does Ms. Barbara Johnson, the home visitor, refer to Dr. Danoff's home as "substandard." When reviewing the home visit report form, key phrases that influenced some board members were:

“All of her other animals look to be in perfect health, all are happy and love her (Stella included). Stella seems to be having many issues in this environment...or is it just Stella being Stella (can other fosters clarify)?”

“This is bizarre to me in that all her other pets seem normal, well adjusted, good health--- while Stella looks too thin, is wild, and has behavioral/social skills problems.”

The DAR&E board was well aware of Stella’s difficult background and knew the dog’s history. Based on Ms. Johnson’s comments, the board felt that the issues noted were Stella-based rather than Dr. Danoff-based.

Ms. Johnson made the following recommendation regarding adoption:

“Approval should be contingent upon demonstrated weight gain, establishment of a regular and sufficient exercise routine, and some form of training for Kim to teach her how to resolve some of Stella’s social issues (biting/mouthing; housebreaking).”

To address the issues, the board crafted an addendum to the adoption contract (the Adoption Contract Addendum is contained in this packet, file name: Stella Addendum to the Adoption Contract) to ensure that these concerns would be adequately addressed by Dr. Danoff in conjunction with DAR&E post-adoption counseling and support – the same services that are provided to any DAR&E adopter. Many of the complainants’ comments seem to hold Dr Danoff to some higher standard than our typical adopter or foster possibly because she’s an orthopedic veterinarian, but the DAR&E board attempts to treat all fosters and adopters in the same manner.

In summary regarding Charge #2, the DAR&E board considers to the charge to be completely without validity. Dr. Danoff in conjunction with DAR&E did indeed provide appropriate emergency veterinarian services to Stella. Stella is a dog with many issues and Dr. Danoff was very open to accepting guidance and assistance to work through these issues, as was evidenced by her willingness to sign the adoption contract addendum and to take the step of working with a nutritionist to develop a diet upon which Stella could thrive.

Charge #3: Paragraph 9 of the DPCA Rescue Code of Ethics states: “To thoroughly evaluate potential adopters utilizing a combination of written applications, home visits, checking vet references, telephone interviews, face-to-face interviews, and personal reference checks, as appropriate, with the goal of placing all Rescue Dobermans in homes that are appropriate to the Doberman breed and specifically appropriate to each individual Rescue Doberman's needs.”

Ms. McGeary at al charge that DAR&E failed in its responsibility to thoroughly evaluate and in fact purposefully refused to thoroughly evaluate Dr. Kim Danoff’s suitability to adopt Stella.

DAR&E Board Response to Charge #3:

Stella had been removed for evaluation, and the facts presented, including the home visit report, showed that Stella needed to gain some weight and needed some obedience training (which is a normal requirement for all adopters). It should be noted that there is no “right of refusal” for foster parents’ in DAR&E’s bylaws or operating guidelines. While foster parents are entitled to choose the best home for their foster dog out of approved applicants, in this situation, the board was considering the request of the primary foster parent to adopt Stella. Additionally, no foster parent or volunteer has the right to override a board decision and in fact, Ms. McGeary is in direct violation of #15 of the Foster Home Agreement which she signed. Ms. McGeary was given temporary custody of Stella for purposes of an evaluation and it is the board’s expectation that Ms. McGeary will return the dog when requested to do so. Failure to return Stella to DAR&E resulted in Ms. McGeary’s termination as a DAR&E volunteer and her prosecution on criminal charges of felony theft.

The DAR&E board is aware that some volunteers did not agree with our decision. No decision has the approval of all 100 volunteers. However, the concerns expressed by volunteers were not dismissed by anyone. The decision to end the discussion on the DAR&E business list was made by the DAR&E seven member Board and NOT by Ms Conigliaro on her own, as this document seems to repeatedly charge. Some volunteers, including Ms McGeary, were providing only partial information on their email posts, which generated some emotional discussions and some inflammatory posts.

To ensure the facts were provided, the board provided the volunteers the opportunity to provide questions and the board provided answers to every single question posed. The volunteer’s concerns were not dismissed, but heated, non-productive discussions, including personal attacks, on a topic where not all of the facts were available was not conducive to good order.

Additionally, no volunteers were “summarily dismissed.” In all cases, a board member makes a motion to terminate a volunteer’s membership; this motion is seconded, and voted upon. The board motion must contain the reason, including citation of the Code of Ethics clause or other strong documentation, for the volunteer’s membership termination. As stated earlier, the entire seven person DAR&E board votes upon and makes these decisions. In summary with regards to Charge #3, the DAR&E board considers this charge to be without validity. While the DAR&E board believes that proper procedure should have been followed early on in that a home visit should have been conducted in April 2006 rather than relying on the word of a DAR&E volunteer, albeit a board member. However, a home visit was ultimately conducted, several visits to Dr. Danoff’s office were conducted and proper procedure was ultimately followed with regards to the adoption process itself.

Response to Charge Sheet Overview Comments:

Several statements in the Overview section of the complainant's charge sheet are erroneous and must be corrected. While Dr. Danoff may have complained about Stella's behavior, it must be understood that Stella was a huge challenge when she initially was fostered by Dr. Danoff.

Dr. Danoff invested a great deal of time and effort into training Stella. It is not appropriate to remove Stella from Dr. Danoff's home based on Dr. Danoff's initial frustration with Stella, especially considering that Dr. Danoff believed that she was venting to fellow colleagues and people she could trust. It is quite evident now that this was not the case, as Dr. Danoff's fairly normal and expected responses to bad-dog behaviors are being used against her in such a heinous fashion.

As stated above, Ms. McGeary possesses no "right of refusal" when DAR&E property is concerned. Ms. McGeary signed a legally binding contract and has sworn to surrender custody of DAR&E foster dogs when asked to do by the board. She has been asked repeatedly and has refused to cooperate. DAR&E does not take the stealing of DAR&E dogs lightly and we will vigorously pursue any and all legal options available to us. Letters received by Ms. McGeary were not threatening at all but were statements of consequences that would result if Ms. McGeary did not return Stella to DAR&E.

Regarding the new DAR&E Code of Ethics, which has been distributed and signed by approximately 90 DAR&E volunteers, it must be noted that Ms. Conigliaro did not "re-write" the COE as purported by the complainants. The text added to the COE was provided by Kristen Milardo-Barrett, DAR&E's legal counsel, and it is based upon similar text found in a family law online discussion list used here in Maryland. The DAR&E yahoogroup list is not a chat list; it is a communications vehicle intended to facilitate the operations of the business of DAR&E. It is not a forum for disgruntled volunteers to air their grievances to the detriment of the organization as a whole. It is not a forum for any volunteer to air obscene, inflammatory, derogatory or defamatory materials. The new phrase included in the COE specifically prohibits the posting of such materials. If a volunteer has information that they think the board should consider and that information may be considered defamatory, that volunteer must email the seven members of the board privately and not use the DAR&E list to communicate such sensitive material. This allows the board to review the information and take action if necessary. Since it is the board members who stand to suffer if litigation should result from any public posting, it is reasonable that the board members have the responsibility of determining if dissemination of the information is appropriate or if it should remain private.

Summary:

The DAR&E board appreciates this opportunity to respond to these baseless charges. The business of rescue is not “black and white” and judgment decisions are made day in and day out. The DAR&E board recognizes that for every decision made, some members will be happy and others will not. However, dissatisfaction with a board decision does not give any volunteer the right to take matters into their own hands as Ms. McGeary has done.

As a general response all of these charges, the DAR&E board must clarify that Athy Conigliaro makes no decisions for DAR&E independently. All decisions are made via a formal yahoo groups poll or through email. Decisions are approved when a majority vote (at least 4 board members) approve. This is in accordance with DAR&E bylaws and procedures. McGeary et al’s statements that Ms. Conigliaro has made any decision with regard to Stella and her placement without the required vote, approval and endorsement of the DAR&E board are patently false and completely without merit.

Ms. McGeary’s many allegations against Dr. Danoff, a well respected and nationally known licensed veterinarian, are baseless and troubling to say the least. Please review the photos of Dr. Danoff’s home, of Stella’s life with Dr. Danoff, and the many letters of recommendation. It is evident to the DAR&E board that this situation has been used and capitalized by individuals wishing to promote their personal agendas and their personal vendettas. If Ms. McGeary had cooperated with the board, DAR&E would know exactly where Stella is. Stella would have had her nutritionist examinations, she would have started basic obedience in addition to her ongoing special training sessions and she would have been fitted and possibly even using her new brace by this time. Instead, no one has any idea where Stella is, what kind of home she is in, if they are capable of addressing her health needs, nothing – per Ms. McGeary’s own attorney written communications to DAR&E, she has somehow lost track of Stella, that she no longer has possession of Stella and has no idea where Stella is today.

While the reason is unknown, it has become abundantly clear to the DAR&E board during the past two months that the four complainants have a personal issue with Ms. Conigliaro. While personality conflicts are inevitable, as a board, we find it abhorrent that Mr. Getter so openly confesses and encourages that the Doberman Pinscher Club of America destroy a fine rescue organization in order to have his personal vendetta satisfied so that the current president is unseated. The following email from Mr. Getter speaks volumes:

Date: Thu, 29 Mar 2007 15:27:00 -0700
From: "John Getter" <getjohn2@cox.net>
Subject: RE: [Cyberdobes] Subsidy Stuff
To: "'a discussion list for the Doberman Pinscher Fancy.'" <cyberdobes@listserve.com>
Message-ID:
<!~!UENERkVCMDkAAQACAAAAAAAAAAAAAAAAABgAAAAAAAAA1QIYBqJbUEyhkD2q4xyjYsKAAAQAAAARDwX1JmUdEqo2gengqOBWQEAAAAA@cox.net>

Content-Type: text/plain; charset="us-ascii"

Bruce said:

With no subsidy money, DARE would have to raise more funds and probably change the way they operate to some degree. That could mean they would let more dogs go in order to hold down their boarding expense, I don't know. It's not like the rescues spend their funds on pizza and beer.

Response:

To be clear here, one of the concerns that should be considered is that DAR&E is currently spending large amounts of money not on dogs, but on lawyers. What are they buying? Verbiage to silence volunteers, documents to control the actions of volunteers and the criminal prosecution of a woman pressed to rescue a dog from actions ordered by Athy Conigliaro on behalf of DAR&E. In other words, it is not about the dogs or their care.

If a decision was made to withdraw DAR&E's subsidies it would increase the pressure on the good volunteers not yet run out of the group to make changes. It would enhance efforts to demand accountability from Athy and the current BOD. Most important, it would make it crystal clear that credible, dedicated and focused experts in the field (that would be YOU) reject Athy and her leadership. To do otherwise would be nothing short of shameful and would not help the dogs.

Thanks for your continuing interest.

Cheers

Jg>>

It is clear that to Mr. Getter, the most important issue is not the DOGS. Rather, it is to put financial pressure on a 501c3 rescue organization in order to reject one individual who operates as a single voter on a board of seven.

DAR&E has always operated and continues to operate according to its bylaws and formal operating guidelines. We rely on the contributions of donors, subsidies from the DPCA and Special Needs Dobermans to allow us to fulfill our missions. Funds are necessary to pay for legal activities, just as they are with any other organization. And while no one wants to spend money for lawyers, if it is necessary to protect your rights and your property, it must be done.

Again we thank you for your attention to this matter and we hope to soon be able to focus all of our energies on savings dogs.