

**OPINION OF DPCA RESCUE COMMITTEE
RE COMPLAINT AGAINST DOBERMAN ASSISTANCE,
RESCUE AND EDUCATION (“DAR&E”)
DATED MARCH 19, 2007**

The Doberman Pinscher Club of American Rescue Committee (“DPCARC”) received a complaint regarding DAR&E on March 19, 2007 from Alla K. McGeary, John Getter, Wanda L. Minnic, and Shirley A. Gladhill, hereinafter cited as “Complainants”. The complaint was put in the form of a Charge Sheet, verified by Complainants and then forwarded to DAR&E with exhibits on a CD Rom. (Ex 1) DAR&E provided a detailed response in a timely fashion (Ex 2) and now the DPCARC will render its opinion and recommendation to the DPCA Board of Directors for its consideration.

OVERVIEW

The charges arise out of the adoption and treatment of a 6 month old Dobe named Stella who was born with a deformed foot. At the request of DAR&E Stella was pulled from the shelter and seen by Dr. Kim Danoff for consultation regarding the deformed leg and foot. In April 2006 Dr. Danoff began to foster Stella in her home. She later indicated a desire to adopt Stella.

Dr. Danoff has a large animal family, including 5 indoor cats, 1 Labrador with a foot deformity, 4 parrots, one large iguana, and several snakes in a Plexiglas enclosure. She lives in a town home with 3 floors. Dr. Danoff experienced many troubles with Stella’s behavior and weight. She complained to DAR&E personnel that Stella urinated and defecated in the home without reason, and was too energetic in the home. As late as December 14, 2006 Dr. Danoff was still making complaints about Stella not being reliably housetrained. (Danoff to Hilliard 12-14-06) (Ex. 3)

There were numerous discussions about the problems that Dr. Danoff was having and certain volunteers attempted to provide advice to Dr. Danoff. The DAR&E Board decided twice (July and November) to remove Stella from Dr. Danoff’s care.

A December, 2006 home visit to Dr. Danoff’s home was termed “ambivalent” by DAR&E. However the home visit evaluator, Barbara Johnson, was certain when she noted that: 1) Stella appeared too thin for a puppy her age and Dr. Danoff admitted that she was being fed only 2 12 oz cans of food a day; 2) Stella was very energetic and had loss of muscle, giving the appearance that she did not get enough exercise; and 3) Stella continued to urinate in the house despite being taken out on a regular basis. (See Home Visit, Ex. 4) Ms Johnson made the following observations:

- She would not leave her pets with Dr. Danoff
- She would not adopt to Dr. Danoff;
- Problems with Dr. Danoff in that she did not appear to have the time to dedicate to the special needs of Stella which resulted in her long standing problems with obedience, urination, and weight loss.

Ms. Johnson's conclusion that she doubted anyone else would adopt Stella, led to the recommendation that Dr. Danoff be allowed to adopt only if she accepted certain conditions aimed at addressing Stella's shortcomings. This appeared to be a "conditional" adoption. However, at the time that the DAR&E Board considered the adoption to Dr. Danoff there was another alternative available to the Board to allow adoption by another foster home, Alla McGeary. The Board voted to allow the adoption to Dr. Danoff and ordered Ms McGeary to deliver Stella to DAR&E for transport to Dr. Danoff. Ms McGeary has refused and criminal proceedings were begun at the request of DAR&E for the return of Stella.

THE CHARGES

CHARGE NO 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.

DAR&E was fully aware of the problems Dr. Danoff experienced with Stella. There was much discussion over the foster period with Dr. Danoff about Stella's weight loss and thin appearance. The feedback and the pictures of Stella document her weight loss while in the care of Dr. Danoff. Further, as of the home visit in December 2006 the evaluator noted:

Stella appears to be quite thin (maybe 8-13 lbs underweight) to the point where her ribs do show, hips are not at all rounded (more square and angular), and sternum is prominent when she lies down. While she is not 'starving', she looks more like the pictures of when a Dobie comes IN TO DARE care, not one who is in foster care for months.

Dr. Danoff explained that she fed Stella 2 12oz cans of wet food over the course of the day with no dry food. Photographs provided reflect a thin bony appearance at the time Stella was moved from Dr. Danoff. DAR&E and Dr. Danoff seemed to acknowledge the need for increased nutrition by accepting the need to increase weight as a condition for adoption.

DAR&E maintains that "Dr. Danoff is an orthopedic veterinarian and is not well versed in the dietary needs" However, the Committee believes that all vets should be qualified to understand proper nutritional needs for dogs and the Committee further noted that Dr. Danoff's own website states that she provides "nutritional therapy." Her web site goes on to address in detail the "Weight Management Programs" offered by Dr. Danoff. (www.vetrehab.org)

DAR&E does provide a letter from Dr. Peter Schmitt who examined Stella about 2 weeks after she left Dr. Danoff who noted that her "body weight was normal for her stature". In the

Committee's opinion that time period was sufficient time to see an increase in weight with improved feeding habits offered by Ms McGeary.

The volunteers received several complaints from Dr. Danoff indicating that she was very frustrated over her failure to prevent unruly behavior and urination in the home and office. (Danoff to Hillard 7-2007 (sic really 2006) (Ex. 5), Danoff to Hillard 12-14-2006. (Ex. 3) As of the home visit in December 2006 Dr. Danoff was still reporting behavior problems with excessive jumping, mouthing, difficulty getting her into the car and urinating in the home. (Ex. 4) Dr. Danoff reports that these behaviors had essentially been resolved by the time Stella was removed from her home in January 2007. (Danoff to DARE 1-31-07) (Ex. 6)

A Rescue Group utilizes home visits to determine if a certain home is a good fit for the individual dog. It is not meant to be a condemnation of the home when it is not a good fit for a certain dog. Dr. Danoff had almost 9 months to work on the behavioral issues. Although she did consult trainers, the behaviors did not get resolved by the time of home visit. Otherwise they would not have been listed by the evaluator. The evaluator informed the Board that this home was not a good fit for Stella, in no uncertain terms. The only factor in leaving Stella with Dr. Danoff was the concern that Stella had no alternative. However, there was another home available to Stella, but the Board chose to ignore that fact in placing Stella.

DAR&E should not have accepted the explanations of the potential adopter over the findings of its own evaluator and the input from its own volunteers. One could conclude that Dr. Danoff simply did not have the experience or the time to dedicate to the special needs of training Stella. Other DAR&E members who took Stella into their homes did not report the same bad behaviors on the same scale as reported by Dr. Danoff. . (Hilliard to DARE 2.7.07 Summary) (Ex. 7) It may have been that these members had more experience in handling and training but they also may have had more time to focus on Stella. Dr. Danoff is a successful and busy veterinarian who also has a large animal family to care for. Stella's special needs may have been too much to expect such a busy person to reasonably accept. DAR&E certainly should have ordered another home visit if it felt that the December home visit did not correctly represent the environment in which Stella was living. It should not have simply rejected the findings by choosing between the evidence submitted by the adopter and its own home survey.

DAR&E's evidence of training help obtained by Dr. Danoff reflects last visits in August 2006, (Woofs) and September 2006 (Cooperative Paws Training). If there had been consistent training time spent following those recommendations then the behavior problems that were noted in the home visit in December 2006 would not have existed. Instead it was the same problems that had caused Dr. Danoff to "vent" to DAR&E volunteers.

Considering the negative input from DAR&E volunteers, and the negative home visit, the Committee agrees that DAR&E failed to pay attention to the emotional needs of and provide a stable environment for Stella by placing her in an environment which it knew or should have known was incompatible with Stella's best interests. This Charge is proven.

CHARGE NO 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.

The issue of Stella not getting the proper nutrition is discussed under Charge # 1 above.

It is also uncontested that during the period that that Stella was under the care of Dr. Danoff she did not receive treatment for the deformed foot. While there are various reasons offered for the lack of use of the brace, there is no evidence that the major issue of the deformed foot was adequately addressed by Dr. Danoff although the issue of the deformed foot was the only reason that Dr. Danoff was recommended as the initial foster home.

There has been much discussion regarding the exploratory surgery conducted as a result of a suspected blockage caused by a lost tennis ball that was eventually found. The surgeon relied upon both the history provided by Dr. Danoff and his clinical findings to justify the need for the exploratory surgery. The Committee cannot say that the surgeon’s decision was incorrect based on the information provided to him. But neither can the Committee conclude that the surgery was correct since the surgeon did not provide an explanation of the “clinical signs” that were personally observed. Dr. Danoff did rush Stella to obtain medical care for her on a timely basis. However, Dr. Danoff should have consulted DAR&E at the very earliest opportunity once she arrived at the Surgical Center to obtain permission for such drastic medical care on one of DAR&E’s dogs. No explanation is provided for making no attempt at communication by Dr. Danoff, who was acting as the foster at the time. Although the full records of Veterinary Surgical Center have not been provided, there certainly was time while the x-rays were being taken and interpreted to call a DAR&E representative. DAR&E should have fully investigated the circumstances of this event to determine if it would have given different direction for the care of one of its rescues. Although the foster in this case was a veterinarian, there was no excuse for DAR&E not insisting that it be involved in decision making regarding such a serious procedure as exploratory surgery. Perhaps DAR&E’s investigation would have provided additional information on the suitability of this home for Stella. Based on the information provided, the Committee cannot determine that the surgery was inappropriate. However, it was inappropriate that no attempts were made to contact DAR&E during this episode to get input. If time allowed, it was DAR&E’s decision to make, and not the foster.

It is clear that Stella did not get appropriate training aimed at putting her in the best condition for adoption. As discussed in Charge No 1, the status of Stella’s training after 8 months with Dr. Danoff was that her behavior was still unruly and she still was very unreliable on housetraining. These behaviors had been noted by DAR&E and conceded by Dr. Danoff. Although trainers were consulted, the evidence shows that the last sessions occurred in September 2006. Since the same observations were made in the December home visit it is only reasonable to conclude that sufficient time had not been spent working on those issues to achieve improvement.

Dr. Danoff writes that “excessive jumping and body slamming of humans and dogs”, “mouthiness” and dislike of going in the car had resolved. Dr. Danoff reported that Stella was 90% housetrained. (January 30, 2007 memo to DAR&E) (Ex. 6) However, the home evaluator noted in December 2006:

But big issues- jumping on people (including me) very roughly, mouthing/biting hands, possible separation anxiety (Stella was very agitated when Kim put her in the car but did not immediately get in with her), soiling her bedding nightly and any room she is in for short lengths of time have not been resolved.

It is the committee’s opinion that DAR&E did not provide appropriate training “to the best of its abilities and resources” with the goal of putting Stella in the best possible condition for a permanent adoption. The foster home in Dr. Danoff did not give Stella the training she needed to be a good adoptee. Other volunteers had much more success in much shorter times than Dr. Danoff. DAR&E was aware that Stella was not receiving the necessary training and took no steps to assure appropriate training of one of its dogs was done. It was always the responsibility of the rescue group, and not the foster home, to provide for the dog’s needs. The rescue group may rely on the foster home to help it comply with the DPCARCOE but the rescue group is continuously responsible for following the DRCOE. If one of its fosters is not living up to those requirements then the rescue group must act in the best interest of the rescued dog. Here, DAR&E knew that Stella was not receiving necessary training but decided to return Stella to the foster that had shown no ability to successfully train her. This charge is supported by the evidence.

CHARGE NO 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.”

Stella had special needs which included a diet that would allow weight gain, sufficient and consistent training, exercise and care for her foot deformity. After 8 months with Dr. Danoff Stella still was obviously underweight. After 8 months with Dr. Danoff Stella was still having major behavior problems that were obvious to the home evaluator. After 8 months Dr. Danoff reported that Stella was still having major problems with urinating in the home and office. After 8 months there had been no significant progress made in using the brace to aid her deformed foot. The Home Visit evaluator noted that Dr. Danoff seemed rushed and unprepared for the visit as she had not reviewed materials necessary in the adoption process before the visit. Dr. Danoff has a large animal family for which she is responsible along with a busy career. It should have been obvious to DAR&E that Stella’s considerable needs were not being provided for in Dr. Danoff’s home. It was unreasonable to believe Dr. Danoff would be able to make much improvement in the future where she made very little improvement in 8 months of trying. Other DAR&E volunteers noted drastically different and favorable experiences with Stella when she was removed from Dr. Danoff’s environment. (Ex. 7) Therefore DAR&E’s decision to allow Dr.

Danoff to adopt Stella violated the DPCARCOE because it ignored the clear findings of the home visit and other input from volunteers, while allowing adoption of Stella to a home that had shown that it was inappropriate to the needs of that individual Doberman.

There was another option available to DAR&E for Stella's adoption other than return of Stella to Dr. Danoff, but DAR&E ignored that option. The only reason the home evaluator even considered allowing Stella to return to Dr. Danoff was because she saw no real alternative. But DAR&E had an alternative in allowing adoption by Alla McGeary. That would have been consistent with the home visit findings, rejecting the home being evaluated and allowing another adopter which is "specifically appropriate to ...the individual Rescue Doberman's needs." The record did not contain any attempt to evaluate Ms McGeary's home for its suitability or to thoroughly investigate other potentially negative information. However, it was inconsistent with DAR&E's home visit findings to ignore a viable option to provide a home suitable to Stella's needs in favor of placing her into a home that was unsuitable for her needs. One of the important tools noted in the DPCARCOE is the home visit. There was no additional evidence before the DAR&E Board that contradicted the finding of the home visit other than the claims of Dr. Danoff in her January 30, 2007. (Ex. 6) DAR&E should have been skeptical of those statements that the behaviors that had existed for 8 months before the home visit, and observed at the home visit, had been "resolved" in the short time since the home visit This charge is proven.

CONCLUSION

The committee finds that Charges 1, 2 and 3 are supported by the evidence after considering all of the information provided by the complainants and the rescue. Decisions made by rescue groups must be based solely on the best interest of the dog. A home that appears to be loving is not always suitable for the needs of the individual dog. Stella needed a home that had sufficient time and experience to dedicate to her special needs and ordinary needs of training and nourishment. DAR&E was aware that those needs were not being fulfilled during the period that she was with Dr. Danoff and it was not in the best interest of Stella to make that home her permanent home.

The DAR&E Board is responsible for the welfare of all Dobermans in DAR&E's care. The Rescue Committee concludes that the DAR&E Board did not act in a responsible manner regarding Stella. The DAR&E Board did not take appropriate action to promote and protect the welfare of Stella.

Furthermore, it is clear from the response submitted by DAR&E that they do not recognize the violations/problems and therefore the Committee is left with no expectation the problems will be corrected or that future Dobermans in DAR&E's care would be treated any differently than Stella was.

It is the recommendation of the DPCA Rescue Committee that DAR&E be removed from the rescues listed in DPCA publications, web sites and other activities it sponsors and be ineligible for subsidy support for a period of 2 years at which time it will be eligible to apply for reinstatement of privileges of DPCA sponsorship. This 2 year term will run retroactively from the date of the complaint, March 25, 2007 to March 24, 2009.

Marcia Cowen

Marcia Cowen, Chairperson Rescue

4/19/07

Date