

The Latest Wrinkle



April 2015

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Legislation continued from March

US Postal Service: U.S. Postal Service worker Jose Yanes was walking his daily mail route in Rockville, Md., in March when he was attacked by a dog. Yanes had only his mailbag to defend himself, and the dog took chunks out of his left thigh with multiple bites. The dog was a standard poodle.

“Any breed can bite. Our beloved, trusted family pets can bite,” U.S. Postal Service’s Manager of Safety Linda DeCarlo said at a press conference to promote dog safety. Nationwide, 5,581 postal service employees were attacked in 2013. The U.S. Postal Service has spoken out against breed-specific legislation. USPS tips for dog owners: (1) secure dogs in another room, (2) don’t have a child accept the mail, as dogs often see the interaction between the child and the postal carrier as a threat, and (3) if a mail carrier feels threatened, USPS will suspend delivery to your house until the dog is restrained, and you may impact delivery to the rest of your neighborhood if your dog is running free.

Yanes, 38, was out of work for five days, continues physical therapy and has a shortened mail route due to his injuries. The poodle was euthanized. Yanes knew the dog was dangerous, but he had never seen it out of the house before. “I told the owners to be careful – the dog was very aggressive,” Yanes said. “Every day for six months, the dog would snarl at me and destroy parcels from the mail slot.”

Postal workers aren’t the only ones at risk of dog attacks. Dog bite claims accounted for one-third of all homeowners’ liability insurance claims last year, according to State Farm. State Farm Senior Vice President Tim McFadden said there is no correlation between breed and bite, based on the insurance company’s statistics. Dogs bite 4.5 million people each year, according to the Centers for Disease Control and Prevention. Half are children.

Dr. Ilana Reisner, of Reisner Veterinary Behavior and Consulting Services, in Media, PA, said pit bulls and huskies aren’t the only dogs that attack. She has sought medical attention for bites by toy breeds. “The bias we have toward certain breeds can lead to risks. We tend to have a lax attitude with family pets, but behavior problems are universal in dogs,” she said. “Aggression cannot be cured, but it can be controlled and minimized.”

Salina, Kansas: Jo Ann Morgan, a single working mother in Salina, Kansas, got in trouble with the city after her two dogs got escaped the yard and were picked up by animal control. Officials claimed the two dogs fell under the breed ban that Salina maintains. Morgan stated that she sees “pit bulls” everyday in the community and had been unaware of the ban. She obtained her first dog, Celeste, without knowing there was a ban. Her veterinarian advised her of the ban. The second dog, Maicee, came Morgan because of the ban. The dog was owned by a boyfriend and girlfriend who had domestic issues. At one point the girlfriend had threatened to call animal control on the dog for being a banned type as revenge. The dog was taken in by Morgan, in what was supposed to be a temporary situation.

The dogs escaped the yard when the gate to their yard was left open after a trash pick up. The open gate was not noticed until the next morning, when the dogs were let out as the family got ready for their day. A few minutes after they got out, on the morning of October 23rd, Morgan discovered the yard was empty and immediately began looking for the dogs. They were picked up by animal control in a nearby parking lot. It was later discovered, on a lost pets page for the community, that someone had spotted the dogs and was urging people to pick them up before animal control got them.

After finding them in the shelter, Morgan was told the dogs could not be released because they were banned and she would be charged. Morgan also told that if she signed over the rights to Celeste and Maicee to the shelter, the prosecutor would drop the charges for harboring dangerous dogs. Salina law declares “pit bulls” dangerous by appearance only, so any person caught with a banned type is charged with harboring a dangerous dog. Celeste and Maicee had not harmed anyone. Morgan asked if the dogs would be killed if signed over, and was told that was the case. She refused to sign over the dogs and was given a summons for the possession of two dangerous dogs.

Celeste and Maicee are being held as evidence and there are multiple criminal charges against Morgan. Though Morgan is seeking legal representation, it is an expensive proposition for a case of this nature.

Salina has a bad track record with their handling of these sorts of cases. Few, if any, confiscated dogs make it out of the shelter alive. In 2010, Lucey was taken as a banned dog and released after a DNA test showed she was a pure through and through “mixed breed.” Officials came back to the family, saying that DNA tests are not reliable after the vet responsible for breed identification, Dr. Atherton, got a DNA test on his own dog and didn’t like the results. (Note: Dr. Atherton is considered to be notorious for bad identification practices, and has, in at least one case, identified a pure breed dog (not a banned breed) as banned because of the dog’s teeth structure.)

Morgan would love to get Celeste and Maicee back home but the odds of that are extremely slim. The best hope right now is for the dogs to be placed in rescue. When asked about it, Morgan was told that they do not release “pit bulls” to residents of other towns because of the “legal liability” of doing so.

Legislation article continued

The council is not open to discussing the issue. Morgan attended a meeting and was told she would need to make a formal paper petition of registered voters and file specific forms in order for the council to consider the issue. Fundraising efforts were being held to cover legal fees that must be raised in order for there to be any chance of Celeste and Maicee getting out of the shelter alive.

State of Utah: A new Utah law prevents cities and towns from banning specific dog breeds, a move animal welfare advocates say ends one form of legal discrimination. State Rep. Brian King, a Salt Lake City Democrat who authored the law, said 10 Utah cities had bans against owning dogs such as pit bulls, a breed perceived to be more aggressive. The new law, which took effect Jan. 1, nullifies those laws and prevents new ones from being adopted.

At one time, German Shepherds were thought of as attack dogs, but King said that reputation has faded, and now, pit bulls face a similar stigma. Officials hope the new law will shift debate to owners and the way they raise their animals. "If you treat an animal or you teach them to be aggressive because you want to breed a junk-yard dog, that's not right," King said. "You're doing the dog a disservice, and you're doing your neighbors a big disservice."

State of Mississippi: On January 19, 2014, lawmakers introduced a first-of-its-kind bill that would, in part, have allowed police officers, without a warrant, to enter any home where under the belief that a pit bull or other "dangerous dog" might be present. In addition to onerous requirements as to owning such dogs, under that bill police could kill the animals if two of the following three factors apply:

The dogs are "not under proper restraint when on the premises of its owner."

They aren't wearing vaccination tags on their necks.

They are still running around after "attempts to peacefully capture the dog have been made and proven unsuccessful."

The measure, also known as the Mississippi Regulation of Dangerous Dogs Act, was meant to "create civil and criminal penalties for failing to keep dangerous dogs securely confined and under restraint, and for failing to meet certain requirements designed to protect the public." Section 2 of the bill provided that "dangerous dog" means:

Any pit bull dog in a class of dogs that specifically includes the breeds of American pit bull terrier, American Staffordshire terrier, Staffordshire bull terrier, American bulldog, and any other pure bred or mixed that is a combination of these breeds."

(Emphasis added.) The "any other pure bred or mixed breed dog that is a combination of these dog breeds" language is particularly problematic. It means that if a dog was 1 percent pit bull, it could fall under the definition as written, according to Fred Kray, a lawyer who hosts a weekly podcast on pit bulls and the law. "There is no government rational basis for banning a dog that is 99 percent Lab and 1 percent pit bull. There is no scientific or any evidence whatsoever genetically or behaviorally, that such a dog would be a danger to the public safety."

There was apparently no thought as to how these dogs would be identified how people might contest identification, or any understanding for the monumental financial strain that would put on both the state and dogs owners. If the bill were to become law, Mississippi would be alone in having this kind of state-wide discriminatory legislation specifically calling out pit bulls. The impact on local communities, animal shelters, and law enforcement would have been disastrous. The American Society for the Prevention of Cruelty to Animals stated, "Dogs permitted by their owners to run loose, and dogs who attack people or other animals, pose a serious problem to public safety. But breed-specific dangerous dog laws are ineffective, inhumane and costly."

The bill raised a slew of concerns, especially the issue of warrantless searches and seizures. Fortunately, on January 21, it was announced that the bill would not be brought forward to be heard. As of February 3rd, the bill will have passed its deadline for the committee to act and will be officially dead.

Roeland Park, Kansas: Roeland Park, Kansas has recently ended a month's long debate on its "pit bull" ban by voting to repeal the ordinance. The discussion was a long one, with many months of debate. The law, which was enacted in the late 80's, had not been changed since its initial enactment.

Roeland Park joins a long list of Kansas cities that have repealed old and outdated breed discriminatory laws. This list includes Bonner Springs, Garden City, Spring Hill and Fairway, all of which repealed their ordinances in 2014.

The council meeting was heavily attended, with those for repeal vastly outnumbering those for keeping the old law in place. Only one speaker was opposed to the repeal. As a compromise, people are still restricted from owning more than one dog identified as a pit bull. This limitation was included as an amendment and will be in effect until January 2018.

Legislation article continued

North Pole: A little girl with autism, while visiting The Shops in Mission Viejo, CA in December, was turned away by Santa because of her service dog. The girl, who has sensory issues such as feeling overwhelmed by lights and sounds, waited in line with her service dog, a pit bull named "Pup-cake." When they arrived at the front of the line, Santa was apparently afraid of her service dog and turned the pair away. After the girl's family offered to take Pup-cake out of the building, Santa still refused to see the girl, according to the news release.

The family contacted the management of the Shops at Mission Viejo to ascertain their staff was informed of the American Disabilities Act. Meanwhile, the girl and Pup-cake gained attention on social media with people using #savePupcakesChristmas for messages of support. Santa and his elf were later fired and, presumably, sent back to the North Pole for further ADA training.

Overall, Twelve states now have laws prohibiting municipalities from passing breed-specific laws: Colorado, Florida, Illinois, Maine, Minnesota, New Jersey, New York, Oklahoma, Pennsylvania, Texas, Virginia, Utah, and Massachusetts.

Sources upon request.)



Show Results & Upcoming Shows

Show Results

April 11, 2015

Ephrata-Moses Lake Kennel Club (Moses Lake, WA)

Judge: Mr. G. Timothy Doxtater

Best of Breed/Winners Dog

ARES BIGGS BLUE JASPER

Owner: Carey Cady, Tamara Cady

April 12, 2015

Ephrata-Moses Lake Kennel Club (Moses Lake, WA)

Judge: Mr. Mel Saranchuk

Best of Breed/Winners Dog

ARES BIGGS BLUE JASPER

Owner: Carey Cady, Tamara Cady

April 25, 2015

Walla Walla Kennel Club

Judge: Mrs. Lawrence (Janet) Sinclair

Best of Breed

CH SURESHOT DIGGIN' IT DOWN BY THE RIVER

Owner: Kerri Ekard & Jessica Back

Best of Opposite Sex, Winners Bitch, Best Bred By Exhibitor/G2

DIGGIN'S WHEN I LOOK AT YOU

Owner: Kerri Ekard & Kyle Hennefer

Best of Winners, Winners Dog

ARES SIZE DOESN'T MATTER

Owner: Andrew & Alexis Smith, C. Uasike & N. Short

April 26, 2015

Walla Walla Kennel Club

Judge: Mr. Robert J. Shreve

Best of Breed

CH SURESHOT DIGGIN' IT DOWN BY THE RIVER

Owner: Kerri Ekard & Jessica Back

Best of Opposite Sex, Best of Winners, Winners Bitch

DIGGIN'S WHEN I LOOK AT YOU

Owner: Kerri Ekard & Kyle Hennefer

Winners Dog

ARES SIZE DOESN'T MATTER

Owner: Andrew & Alexis Smith, C. Uasike & N. Short

Reserve Winners Dog

FONT A NOSE'S JUST WHERE THE WINDE TAKES HER

Owner: Katherine Andrew, Brenda & Joel Fontanos

Upcoming Shows

May 2-3, 2015

Olympia Dog Fanciers Association (Elma, WA)

Judge: Mrs. Gloria Geringer

Judge: Dr. Alvin W. Krause

May 16-17, 2015

Mt. Baker Kennel Club (Lynden, WA)

Judge: Mrs. Judith V. Daniels

Judge: Mr. Johnny R. Shoemaker

May 30-31, 2015

Yakima Valley Kennel Club (Yakima, WA)

Judge: Mr. Walter Pinkser

Judge: Mr. Andrew (Gene) Mills

June 6, 2015

Puyallup Valley Dog Fanciers (Puyallup, WA)

Judge: Ms. Helene Nietsch

June 7, 2015

Tacoma Kennel Club (Puyallup, WA)

Judge: Mr. Ralph (Sonny) Ambrosio

June 27-28, 2015

Bell Vernon Kennel Association (Mt. Vernon, WA)

Judge: Mrs. Janet Leslie Buchanan

Judge: Dr. Robert D. Smith

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