

Senior Conformation Judges Association, Inc.

Wallace H. Pedé *Chief Executive Officer* 7200 Tanager St., Springfield, VA 22150 (703) 451-5656 Fax (703) 451-5979

DATE: TUESDAY, MAY 18th, 2010

**TO: AN OPEN LETTER TO ALL AKC DELEGATES, DOG SHOW JUDGES,
EXHIBITORS AND ALL OTHERS THAT CARE ABOUT THE RIGHTS
OF THOSE WITHIN THE DOG SHOW WORLD**

FROM: THE SENIOR CONFORMATION JUDGES ASSOCIATION (SCJA)

It has been said, “If you don’t understand what the Senior Conformation Judges Association (SCJA) has to say, it’s because you don’t speak English.”

Before we even get started on this current unbelievable action by the AKC, we thought you’d like to read the opening paragraph of the Senior Conformation Judges Association letter written twenty-two years ago on another horrendous policy the AKC came up with which adversely affected our judges (nowhere near the magnitude of this issue) – we could actually start our official May 2010 letter to AKC objecting to this present horrendous policy on annual judges fees without changing a word of our August 1988 letter except for the subject, name and date:

Excerpt from SCJA letter dated August 25, 1988 written to AKC Chairman of the Board Louis Auslander,

“Dear Lou:

We were flabbergasted to learn of Terry Stacy’s letter of July 14, 1988 announcing the implementation of “Hands On Testing”. We were never advised as an organization; rather, we learned of it as a result of individual letters sent to all judges. Conversely, our organization was advised both verbally and in writing that the AKC was conducting this test and upon its completion, a meeting would be called of the Senior Conformation Judges Association, the Dog Judges Association of America, and Dr. Bud McGivern’s Delegates Advisory Committee for the purpose of and I quote from the letter, “to evaluate and provide input for the next steps in this program.”

(Incidentally, the program was cancelled.)

Now to the subject at hand, and even so we are going back five years to show how the SCJA prevented the AKC Judges Department’s recommendation for an annual judges licensing fee from ever being implemented. At the time, we attempted to get all three national judges groups to present a united front; but we were not successful in this endeavor, so we carried on on our own. I’m assuming the other two judges groups made their case against the annual judges fee in writing? At previous meetings with the AKC Board, the AKC Board had agreed to coordinate with the judges

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groups on any significant actions affecting the judges! Perhaps the AKC Judges Department thinks this doesn't affect our judges and consequently didn't have to coordinate with the national judges groups. ☺ YOU CAN BET THEY NEVER COORDINATED THIS ONE WITH US. We intend to dig deep into this one. It is nothing short of unconscionable - and how about the positively unbelievable fact that the judges on the AKC Board by this action are exempt from these horrendous fees!

What they're doing to the judges most certainly affects every show-giving club and is much the same as AKC Board's questionable (according to their own constitution and rules) actions concerning withholding a recording fee for every dog entered at a dog show or the illegal edict that AKC judges could not judge for another registry. What they are doing is 100% out of order since the Delegates have never approved this action. It wouldn't be the first time the AKC Board was made to retreat because they were not only wrong but either unlawful or not in accordance with their own constitution and bylaws. Rest assured, the Senior Conformation Judges Association will stay on top of this, and keep you informed.

We have enclosed the strong and effective stand the SCJA took in July 2005 to prevent the AKC Judges Department attempt to establish an annual license fee for judges. Three letters are attached on this subject – first, SCJA to AKC President July 15th, 2005; second, AKC President Sprung reply to SCJA CEO July 19th, 2005; and third, SCJA definitive and on point reply to AKC President Sprung September 6th, 2005. END OF PROPOSED ANNUAL FEE FOR JUDGES – BUT HERE WE GO AGAIN! I hope everyone is ready for an important battle.

Other interesting documents will be available on our website. We think it would be beneficial for this crusade for our judges if both the Dog Judges Association of America (DJAA) and the American Dog Show Judges (ADSJ) would make public, at this time, the efforts they took in July 2005 to object to the AKC's proposal for an annual judges fee back then. (At least at that time, the three judges groups were asked for input.) By publishing once again the strong opposition of all three national judges groups to stop AKC's first attempt to license judges annually in 2005 will bring to the forefront the very questionable proposals of the AKC Judges Department (obviously never approved by the AKC Board in 2005). In fairness, we must add the fact that there are a few present AKC Board members that were not aware of the history concerning the objections made back by the SCJA in 2005. The SCJA CEO will personally attempt to brief each AKC Board member that was not aware of the proposal and objections back in 2005.

At joint meetings of the three national judges groups with the entire AKC Board and President, it was agreed that the national judges groups would be coordinated with on any matter affecting our judges. Incidentally, it was the Senior Conformation Judges Association that insisted years ago that at the joint meetings with the entire AKC Board and President at least two members from each national group be present (some key AKC staff were in the room but not at the table). This can all be substantiated in writing. The SCJA recommended, and at the time all judges groups agreed, that it was important that the three national judges groups be at the same meetings so each one could hear what the other groups were saying; also, so the AKC Judges office couldn't be dealing differently with the different national judges groups. VP for Judges Operations was opposed to this idea, and history has proven he selects the individuals he meets with. Two of the most productive meetings

ever held with the AKC were those attended jointly by the three national judges groups and the entire AKC Board of Directors and President. Let's face it, folks, the staff at AKC Judges Department come up with recommendations, but they must be approved by the AKC President and Board and in some cases, the Delegate Body as provided for in AKC's *Charter, Constitution and Bylaws*.

The arrogance of the AKC Board is evident in their passing this horrendous financial burden on our judges without coordination with the national judges groups as promised to the SCJA and the other two national judges groups. Perhaps the AKC Board and/or President were told it was coordinated with all the national judges groups???

THIS HAS HAPPENED BEFORE, i.e. AKC President Dennis Sprung's report at the March 13th, 2007 AKC Delegates Meeting and we quote, "Darrell Hayes and his staff met with the three national judges organizations to discuss opportunities for judges education." For the record, Darrell Hayes and his staff (at the time his assistant was Peter Gaeta) never held a meeting to discuss judges education with the SCJA as he reported to AKC President Sprung. And the even more negative fact is that the AKC President was informed by the SCJA CEO that Darrell Hayes and his staff never had a meeting with the SCJA to discuss judges education as he reported to the AKC President and the AKC President in turn reporting to the Delegates. The SCJA, being diplomatic, informed the AKC President he apparently misunderstood or had been misinformed by the VP for Judging Operations, and he was specifically requested to correct his report to the Delegates. The report was never corrected; rather, the AKC President had AKC Executive Secretary inform the SCJA CEO that Dennis spoke to Darrell and Darrell informed him that he had spoken with the SCJA CEO on different occasions. This in his mind constituted a meeting. The AKC President apparently agreed.

We bring this up to give everyone some idea of what the judges are up against in this present battle.

We have enclosed a personal note to the SCJA CEO by AKC Chairman, Ron Menaker (at the time an AKC Board member). Ron's personal handwritten words speak for themselves indicating the SCJA should have input on a subject which affects all judges. We wonder what happened to the request for input on this major issue affecting our judges, i.e. an annual judges fee???. **We insist that Ron and the AKC Board REVOKE this latest edict by the AKC Board until such time as it may be properly coordinated with the three national judges groups and all other concerned parties.** If this annual fee stands, the AKC Board will now be licensing judges and with it come all the rights and ramifications. The SCJA intends to fight the good battle for all our judges. Rest assured, the SCJA, in accordance with its bylaws and purpose, intends to represent all our judges.

We intend to bring in the policies and laws of the Internal Revenue Service affecting independent contractors, the AKC had best learn the difference between an independent contractor and an employee as outlined clearly by the Internal Revenue Service. We were surprised to discover how few of our judges realize that the SCJA invoked the federal antitrust laws to have the AKC back off of their illegal edict that AKC judges could not judge for any other registry. All AKC judges who presently judge for the UKC, ARBA and other registries would not be judging these shows today if the Senior Conformation Judges Association had not taken the assertive action they did. We plan to take full advantage of the provisions afforded our judges by the United States Constitution and the

laws of the land, both federal and state, and yes, AKC's own *Charter, Constitution and Bylaws* and AKC's *Rules*. In the process we hope to awaken the sleeping giants, the AKC Delegates, a few of whom we have heard from. If those heard from are any indication, I'd say the Delegates are wide awake and ready and will not be placated by the excusal from this latest licensing fee. Since apparently the AKC Judges Department does not believe in coordinating with all the national judges groups, it has been suggested that we explore the forming of a labor union! It will have to be along the lines of the National Football League and professional baseball unions since they, like dog show judges, are independent contractors. There is a big difference between a union of employees and a union for independent contractors. We know the difference, and we suggest the AKC take a look at it too.

One closing thought. Remember, Chapter 7 of AKC's *Rules* is the authority as to who can judge for the American Kennel Club, and also Article XIX of AKC's *Charter, Constitution and Bylaws* indicate the Delegates have the sole power to change the rules. We will keep everyone posted of what is going on.

Enclosures: 1997-12-4 Menaker Note to SCJA Affirming Input
2005-7-15 SCJA Ltr. To AKC Pres. & Board on Proposed Annual Judges Fee
2005-7-19 AKC Pres. Ltr. To SCJA in Response to SCJA Ltr. Dated 7-15-2005
2005-9-6 SCJA Lt. to AKC Pres. In Response to AKC Pres. 7-19-2005 Ltr.

FACSIMILE TRANSMISSION

You are receiving a facsimile transmission from R.H. Menaker
FAX NUMBER: (201) 445-5541

DATE: 12-4-97 PAGES TO FOLLOW: 1

TO: WALLY PEDE

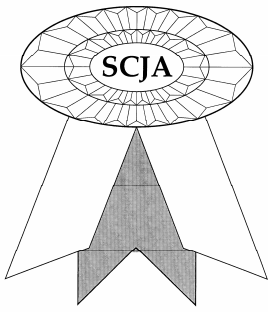
DEAR WALLY -

FOR THE RECORD, I AGREE WITH
YOUR REQUEST FOR INPUT. CARMEN
AND I MADE THE MOTION AND IT
WAS PASSED AT THE LAST BOARD MEETING.
SEE COPY OF BD MINUTES, PAGE 9.
YOU ARE VERY CORRECT ON THIS SUBJECT.

THANKS

RON MENAKER

Rishy
after
our ltr
to make
you rec
copy



Senior Conformation Judges Association, Inc.

Wallace H. Pedé *Chief Executive Officer* 7200 Tanager St., Springfield, VA 22150 (703) 451-5656 Fax (703) 451-5979

July 15th, 2005

Mr. Dennis Sprung, President
All AKC Board Members
The American Kennel Club
260 Madison Ave. 4th Floor
New York, NY 10016

Subject: AKC Staff Proposal Regarding Annual Judges Fee AKC Letter Dated July 1st, 2005

Dear Dennis and All AKC Board members:

Reference AKC letter dated July 1st, 2005 from the Director of Judging Operations in which she asks for the Senior Conformation Judges Association's comments on AKC's proposal to the AKC Board for the imposition of an annual judges fee. Our intention is not to circumvent the Director of Judging Operations, but in view of the nature of our response, it is obviously a matter for the AKC President and Board. We will, of course, send a copy of this to Darrell Hayes, Assistant VP Dog Show Judges. No doubt the short suspense date was placed on the Judges Department by AKC officers or Board. The AKC letter was faxed to us after business hours on Friday, July 1st, 2005. It imposed a suspense date of "on or before July 15, 2005". With the long July 4th weekend, this in effect gave us 10 days to formulate a meaningful and responsible input to this very important subject which affects some 3,000 or more judges.

Before expressing our views, we would like to quote and adopt AKC Board member Carmen Battaglia's recent comments concerning his disagreeing with the majority of the AKC Board members on the "PAWS" issue. Carmen's comments are indeed well elucidated and most appropriate. We quote, "Let me begin by saying that when people in a family disagree, we don't divorce. We continue to support each other even though we differ on strategy. The right to dissent should not be confused with disloyalty." (end quote)

Along this same thinking, Carmen, and our now AKC President, Dennis Sprung, at a meeting some years ago, made the comments that we should "treat our judges as employees" with Dennis going one step further by saying we should treat them as "family". With these thoughts in mind, we would like to express our views on AKC's proposal to initiate an annual fee for judges even though we have no idea of details of the proposal.

On one very important aspect of this is that the letter is completely silent as to whether or not this proposed annual judges fee replaces the \$25.00 per breed applied for fee imposed on judges or if it is in addition to the fee. It also lacks any details concerning any proposal.

The SCJA first brought this subject up in our letter of March 1st, 2002 to AKC's President and the AKC Board of Directors. Here we are more than three years later, and AKC would like an answer in 10 days. In view of the holiday and judging assignment, we have not been able to contact all of our Board members to say nothing of our membership.

I have contacted Gerry Penta, ADSJ President, and he informs me that he will be requesting clarification as to what exactly AKC's proposal is. I also contacted Jeffrey Pepper, DJAA President, who was receiving input at the time of my call.

First, we will again make the point that the AKC is an IRS approved not-for-profit organization, and for the past 125 years has not charged a judge's fee and accepted administering the judges as part of their primary mission for existence. **The Senior Conformation Judges Association is strongly opposed to any annual judges fee (read licensing fee).**

Prior to approving an annual licensing fee for AKC judges, we would ask the AKC officers and Board members to consider the following:

1. Consider the administrative cost of this additional judges fee. Does it apply equally to all judges? The judges with one breed having one or two assignments per year, do they pay the same as our Group and all-breed judges judging twenty to fifty shows per year? We would hope not! Consider the administrative burden of keeping track of the ever-changing Groups and/or breeds individuals are approved for.
2. AKC Delegates cannot charge judging fee - do they pay the licensing fee? We would hope not! There would be an additional administrative burden of keeping track of the Delegates that happen to be judges.
3. The man hours that would be expended to keep track of the judges that have or have not paid their fee. When a judge does not, is he forbidden to judge? Does the AKC notify all the local clubs that have contracts with the delinquent judge?
4. Think carefully about the fact the AKC has, throughout its history, taken the strong stand time and again that they do not **license** judges. You would have a difficult time maintaining this position with a newly imposed annual fee for judges. We have driver's license, pilot's license, lawyer's license, a fishing license and many others, and now we would have a judge's license.
5. The AKC Board should be aware of the very recent Supreme Court decision concerning the limitations placed on the sovereign states concerning interstate commerce. No need to go into the details. Your attorney should be aware of it. Some people believe the AKC is presently involved in interstate commerce. The licensing of the judges would be added evidence of this fact that the AKC does business in all 50 states and should be registered as a foreign corporation in all 50 states. We realize you have been fortunate enough to escape this requirement. So you want to be careful not to add the straw that broke the camel's back.
6. Worth contemplating – how many non-government enterprises can impose fines and take away a person's livelihood without going to court? Certainly not General Motors and the likes. Only the major sports organizations and they have been granted a special exception to the laws of the land by the United States Congress. On the other hand, AKC's right to impose fines, conduct searches and take away a person's livelihood has been granted by the State of New York, not the United States Congress. Even the State of New York has imposed a caveat when granting the AKC this authority by compelling the AKC to abide by all the statutes of the State of New York and any amendments thereto. AKC, through the years, has gotten away with all sorts of questionable decisions including the one that the First Amendment to the United States Constitution did not

apply to dog show judges. (Some present AKC Board members should be well aware of the details.) On the other hand, some individuals question incidents that have occurred that allowed them to believe AKC's published guidelines for dog show judges applied to all judges except certain individuals. We believe the rubber band has been stretched to the maximum and is close to breaking. We wonder if the AKC Board has any idea of the number of disgruntled individuals within our sport.

We have checked with a few lawyers and granted there is room for disagreement, but they believe, and a good many of us agree, if you license judges, you make all of them professionals which entitles them, just like doctors and lawyers, to solicit assignments. There are those that believe they have this right at the present time and the licensing would be the proverbial nail in the coffin.

A huge part of the cost of maintaining AKC judges is due to the ever-changing bureaucratic and inefficient judges approval process. We are told you spend over a million dollars to weed out less than 3% of the judges applying for approval. Let's face it. The approval process needs to be streamlined and simplified. This, itself, would be 10 times more effective at increasing net income compared to the income received from a judges fee and without the further burden of administering the fee.

The SCJA, through the years, has made suggestions to improve the efficiency, including a 20+ page study concerning the judges approval process forwarded many years ago with input from the major players within the sport. Hundreds of hours went into its preparation, and no official reply was received, let alone acknowledging receipt of it.

Our position is clear. The Senior Conformation Judges Association recommends no change in the long-standing AKC policy that no licensing fee be imposed on judges.

Dennis, may we hear from you as to whether or not more time and discussion can be had between the judges groups, the AKC staff and Board to further study the ramifications involved concerning this subject? Perhaps a joint meeting of AKC senior staff, AKC Chairman of the Board and President with representation from each of the three judges groups could be set up. We certainly can't speak for the other two judges groups. We can't imagine them not agreeing to such a meeting; however, if not, **the SCJA is.**

This letter will be faxed to AKC Secretary, Jim Crowley, with a request to see that it is distributed to the AKC Board.

Sincerely,

Wallace H. Pedé
Chief Executive Officer

WHP/kms

cc: AKC Asst. VP Dog Show Judges



AMERICAN
KENNEL CLUB™

Dennis B. Sprung
President and
Chief Executive Officer

July 19, 2005

Lt. Col. Wallace H. Pedé
Chief Executive Officer
Senior Conformation Judges Association, Inc.
7200 Tanager Street
Springfield, VA 22150

Dear Wally:

I am writing in response to your letter of July 15, 2005 which I have forwarded to the appropriate party, Mary Ann Alston, since the Dog Show Judges Department is handling this matter and will be bringing it forward to the Board. Nevertheless, I do want to clear up one misunderstanding on your part. This is not a licensing fee. There has not been any thought or discussion of a licensing fee. The concept is an annual fee for judges based upon the numerous services and benefits provided.

I am sure Mr. Hayes' department will be in contact with you if they desire any additional information.

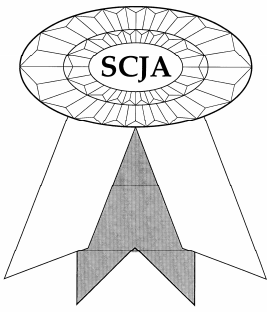
Sincerely,



Dennis B. Sprung

DBS/md

cc: M. Alston
D. Hayes



Senior Conformation Judges Association, Inc.

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September 6th, 2005

Mr. Dennis Sprung, President
The American Kennel Club
260 Madison Ave. 4th Floor
New York, NY 10016

Subject: AKC President Sprung's Reply of July 19th, 2005 to SCJA Letter Dated July 15th, 2005 on
AKC Staff Proposal Regarding Annual Judges Fee

Dear Dennis:

Thank you for your prompt reply to our letter of July 15th, 2005. In our twenty-two years of existence, we have never had one of our letters written to the AKC President answered the day it was received. We do appreciate it. However, the two points you made in your letter need clarifying. They are the two points you attempted to clarify for me.

First, you advise us that your were forwarding our letter "to the appropriate party, Mary Ann Alston, since the Dog Show Judges Department is handling this matter and will be bringing it forward to the Board." Dennis, we received the letter from Mary Ann Alston, Director-Judging Operations (assistant to the Assistant VP Dog Show Judges) but our letter to you and the AKC Board said quite clearly, "Our intention is not to circumvent the Director of Judging Operations, but in view of the nature of our response, it is obviously a matter for the AKC President and Board." And indeed it is!

In the SCJA's twenty-two years of interfacing with the AKC and personally corresponding with eight or more AKC Presidents, there was little doubt in our minds that a suspense placed on the AKC Judges Department by the AKC President or the AKC Board could not be extended by an individual three echelons removed from you as President. Our next to last paragraph said quite clearly, "Dennis, may we hear from you as to whether or not more time and discussion can be had between the judges groups, the AKC staff and Board to further study the ramifications involved concerning this subject?" **You did not answer that specific request!** Are we to assume that you and the AKC Board want the short suspense date to hold? If this is the case, we obviously have no choice except to accept that you and the Board do not wish to discuss this proposed action affecting every one of our approximately 3000 judges and that you find it appropriate to ask us to comment on the proposal, the details of which we have not seen.

On the second point you make, Dennis, and I quote, "This is not a licensing fee. There has not been any thought or discussion of a licensing fee. The concept is an annual fee for judges based upon the numerous services and benefits provided." (end quote) Take a good look at our point when we said, "Think carefully about the fact the AKC has, throughout its history, taken the strong stand time and again that they do not **license** judges. You would have a difficult time maintaining this position with a newly imposed annual fee for judges. We have driver's license, pilot's license, lawyer's license, a fishing license and many others, and now we would have a judge's license." (end quote from our July 15th, 2005 letter)

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I thought we were clear when we stressed the AKC has, during our twenty-two years and long before, stressed for legal and other reasons that the AKC does not license judges and has consistently, on many occasions, argued that they do not. The above quoted paragraph in our letter just tells the Board (not the Director of Judging Operations) to be sure this wouldn't be another point in favor of those that say the AKC does license judges. I must say one of the SCJA's Board members did suggest we alter the original language of the above quoted paragraph. So perhaps it is wise to insert it here. In our July 15th, 2005 letter, we should have used the original language,

“ If it walks like a duck, if it quacks like a duck and if it looks like a duck, **IT'S A DUCK!**” Perhaps our original language would have made it more clear. Calling it a fee “based upon the numerous services and benefits provided” to the judges does not in our mind add enough camouflage to hide “**THE DUCK**”. Now, I trust you realize that the SCJA is not asleep on post; the SCJA realized all along that the AKC has never and continues to take the position that the AKC does not license judges. By imposing this so-called fee, we believe it would make it a great deal more difficult for the AKC to continue to maintain their long-held often questioned position that the AKC does not license judges.

One last comment concerning the letter from Mary Ann Alston. When I called Mary Ann, I reached her replacement, Pete Gaeta. I read Pete our letter and explained why our letter was directed to you and the AKC Board. I then called Darrell Hayes personally to extend him the same courtesy of advising him as to why the letter was sent to you and the Board. Again, Dennis, thanks for your prompt reply; however, we did think your response needed clarification less the fancy be left with the impression that the SCJA has been in the dark the past twenty-two years and did not realize the AKC has steadfastly held the position that they do not license judges. We just want the AKC Board to realize with this annual fee a good many of us believe it will be difficult, if not impossible, to maintain this position.

Sincerely,

Wallace H. Pedé
Chief Executive Officer

WHP/kms