

# EXTRACT FROM SCJA NEWSLETTER

## JUDGES APPROVAL PROCESS

Prior to the last AKC Board elections, we had two AKC Board members promise to inform us officially just how the AKC has gotten around the two ARTICLES of AKC Bylaws that we said they were violating. One of the Board members certainly kept their promise, and we will enclose AKC's official reply on this subject in this newsletter. More importantly, we want you to read in detail SCJA's official comments concerning each point covered in AKC's reply. Read the AKC's info copy to AKC Board members which is their official reply to the SCJA. They are both included in this newsletter. We have included SCJA's email requesting action to the AKC board member.

We have received a large increase in the number of complaints from our judges concerning the judging approval process. Apparently some of AKC Board members are listening to our complaints. "Staff was directed to take a survey to evaluate the judging approval process and to report the results back to the Board." **Most of you should recall the SCJA took strong exception to the Smith Report before it was finally adopted.** Let's at least thank the AKC Board that they realize how bad it is and are asking once again for suggestions. At this stage, the SCJA has not heard officially with a request from the AKC Judges Department. We're not waiting for one – we have made detailed suggestions to the AKC through the years that would adequately solve the problem including a major study conducted involving suggestions from over 15 highly regarded individuals and some organizations including dog publications.

Do you agree with us that AKC's official response in no way covers their authority for the AKC Board to approve or change any rules governing dog shows and this authority is solely that of the Delegates?

It is important that we hear from each of you so that we can let the AKC know that a large percentage of our members agree that their actions are illegal. We have in the past, and we may once again, go out to the entire fancy with the same question. For those of you unaware of SCJA's positions in the past, we have been successful in resolving our complaints against the AKC Board's action by going to the U.S. Government (Federal Trade Commission) on AKC's attempt to limit who an AKC judge could judge for. We also were successful in utilizing IRS policies and regulations on limiting SCJA's Help the Permit Judge Program (previous restrictions against what the AKC called soliciting). Although SCJA's positions were covered in correspondence and newsletters through the years, we intend to post them under a historical section on our website [www.scja.org](http://www.scja.org).

We believe our suggestions made through the years on judging approval are as germane today as they ever were. They include positive suggestions as well as the use of inexperienced individuals to evaluate judges (still going on). They will be hearing from us, rest assured. We thank the AKC Board for agreeing with our suggestion (perhaps others) that the provisions of the Smith Report needed a further look.

**PLEASE TAKE THE TIME TO LET US KNOW OF YOUR REAL CONCERNS SO THAT WE CAN DEVOTE OUR EFFORTS FOR WHAT THE MAJORITY OF OUR MEMBERS FEEL NEED ATTENTION.**

**Our members should feel free to call or write to us on any set of circumstances they feel needs addressing.**

SCJA Request To An AKC Board Member To Explain Why The AKC Board Is Not Complying With Their Own Bylaws.

From: Wallace H. Pede [scja@cox.net]  
Sent: Tuesday, March 06, 2012 3:37PM  
To: AKC Board Member \_\_\_\_\_  
Subject: AKC's Charter and Bylaws

AKC Board Member \_\_\_\_\_,

Per our conversation of about 2 minutes ago, I requested and you agreed to ask the proper authority at the AKC, be it your legal counsel, outside attorney or whoever advises the AKC Board of Directors, on this particular issue. ARTICLE IX of AKC's Charter and Bylaws states and I quote,

"ARTICLE IX: BOARD OF DIRECTORS      GENERAL POWERS

The Board of Directors shall have the general management of the business and affairs of the Club and generally perform all duties appertaining to the office of director provided, however, that all the powers conferred by this Article of the Bylaws shall be exercised subject to all other provisions of these Bylaws and to the statutes of the State of New York and all amendments thereof and additions thereto." (underlining added)

And ARTICLE XIX is entitled "RULES" (and I want to stress that the title of ARTICLE XIX "RULES" is not a rule, it is a bylaw), and I quote,

"ARTICLE XIX: RULES\_

The Delegates to the AKC shall have sole power to make the rules governing dog shows and field trials and the clubs or associations formed to conduct them." (underlining added)

What we agreed on, AKC Board member \_\_\_\_\_, was that you were going to ask the authority what allows the AKC Board of Directors to make a rule affecting a dog show or any club or association "formed to conduct them." We just want the authority the AKC is using to change the fact the Delegates have the sole power to make a rule affecting dog shows or the clubs. In our opinion, and our legal opinion, there is nothing, positively nothing, that can usurp the authority of the provisions of AKC's Charter and Bylaws- no policy, no regulation, no nothing. But if your authority at AKC believes that is so, you promise to tell me what it is.

The answer you get might be Section 12 of ARTICLE X of AKC's Charter and Bylaws immediately following ARTICLE IX which appears to be in conflict; however, it says it has the power to issue regulations and if you read ARTICLE X which Section 12 is part of, ARTICLE X starts out, and I quote, "Without detracting from any general powers of the Board of Directors but by way of explanation it shall be understood that..." the ARTICLE then proceeds to list no fewer than 16 sections of explaining and understanding the Board's specific powers. But remember, it indicates that it in no way detracts but rather it just explains. And you might ask where the authority for regulations or the book of regulations happens to be.

Wally

P.S. I do agree with you, AKC Board member \_\_\_\_\_, there are many other major problems for you as an AKC board member to deal with.

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## OFFICIAL EMAIL TO THE SCJA FROM AKC      MARCH 20, 2012

(Names have been removed and replaced with a blank line.) This obviously is the letter received in its original form and should be read for continuity. There is another copy of this letter which comments on different aspects of this letter. It should be read as well for SCJA's exception to the points made by the AKC.

Dear Wally,

This is a follow-up to your attached communication of March 6, 2012 regarding the authority of the AKC Board, which was referred to me by AKC Board member \_\_\_\_\_.

I do agree that the Rules Applying to Dog Shows may only be amended by a vote of the Delegates, i.e., no regular text in the rules may be changed, added to or deleted from without such a vote. It is, however, difficult to have a theoretical discussion on rules, regulations, policies, and interpretations without reference to a specific rule.

We do disagree on what powers have been conferred on the Board. There are numerous references in the Bylaws to specific powers granted to the Board, as you point out, without detracting at all from the general powers conferred on them. They include, but are not limited to: the final and decisive authority to interpret the rules, the power to approve or disapprove all event applications, the power to approve or to remove approval from judges, superintendents and handlers, and the power to issue such regulations as it may deem necessary for the governing of purebred dog events.

The Rules Applying to Dog Shows makes references to a club applying for an event, to an individual applying to be a superintendent, to an individual applying to become a judge, to a club submitted a judges' panel for approval, etc. In the case of judges, there are even references to conditions that would make one occupationally ineligible to even apply. However, there is no indication, and it would be irrational to try to do so, that every application submitted by someone who is occupationally eligible must be approved. There is also no provision in the Bylaws or the rules prohibiting the Board from establishing and publishing criteria, which would be the basis for obtaining its approval as required in the Bylaws. The authority to develop the necessary procedures to handle the processing of these applications, thus enabling the Board to approve or not approve, is also inherent in this power. The Board of the AKC has been fulfilling its responsibility to exercise the powers granted to it under the Bylaws as the Bylaws and rules have evolved over the past 128 years, and will continue to do so.

I have forwarded a copy of your email and this reply to the AKC Board.

Best regards,

AKC Official \_\_\_\_\_

**THE SAME AKC REPLY TO SCJA'S OFFICIAL REQUEST OF AN AKC BOARD MEMBER TO CLARIFY WHAT AKC IS USING AS AUTHORITY FOR VIOLATION OF THEIR OWN BYLAWS. (Reply is no reflection on the author. They had an almost impossible job to come up with an acceptable reply.)**

If you are interested in knowing what is going on about the judging approval process, it is important you take the 10 minutes to first read SCJA's request to the AKC Board member and AKC's official reply to the SCJA, then you must read how the SCJA points out how unresponsive, inappropriate and non-authoritative the reply is. The enclosed AKC official reply is as it was received. Read the letter. Then I'm going to take the letter apart point by point and show you how questionable it is.

Following is the AKC reply broken down in segments with SCJA's response for each point.

March 20, 2012

(AKC) "Dear Wally,

This is a follow-up to your attached communication of March 6, 2012 regarding the authority of the AKC Board, which was referred to me by AKC Board member \_\_\_\_\_"

***SCJA COMMENT: THE SCJA DID NOT QUESTION ANY AUTHORITY OF THE AKC BOARD. WE POINTED OUT THE SOLE AUTHORITY OF THE DELEGATES.***

(AKC) I do agree that the Rules Applying to Dog Shows may only be amended by a vote of the Delegates, i.e., no regular text in the rules may be changed, added to or deleted from without such a vote. It is, however, difficult to have a theoretical discussion on rules, regulations, policies, and interpretations without reference to a specific rule."

***SCJA COMMENT: WE'RE NOT TALKING ABOUT A RULE. WE'RE TALKING ABOUT A BYLAW. BIG DIFFERENCE. IT IS THE BYLAWS THAT GRANT THE SOLE POWER TO CHANGE THE RULES TO THE DELEGATES. IT'S NOT A RULE.***

(AKC) "We do disagree on what powers have been conferred on the Board. There are numerous references in the Bylaws to specific powers granted to the Board"

***SCJA COMMENT: HERE AGAIN, OUR LETTER DID NOT TALK ABOUT SPECIFIC POWERS GRANTED TO THE BOARD - - IT TALKED ABOUT THE SOLE POWER GRANTED TO THE DELEGATES.***

(AKC) “as you point out, without detracting at all from the general powers conferred on them. They include, but are not limited to: the final and decisive authority to interpret the rules “

**SCJA COMMENT: OUR LETTER DID NOT QUESTION THE INTERPRETATION OF RULES - OUR LETTER QUESTIONED THE INTERPRETATION OF THE BYLAWS WHICH RESTS WITH THE NEW YORK STATE ATTORNEY GENERAL (OVERSEER OF NOT-FOR-PROFIT CORPORATIONS IN NY) OR THE FEDERAL GOVERNMENT. WE MAINTAIN THEY ARE NOT COMPLYING WITH THEIR OWN BYLAWS. THAT IS A DECISION REQUIRED BY A HIGHER AUTHORITY, I.E. NEW YORK STATE ATTORNEY GENERAL OR THE FEDERAL GOVERNMENT. HARD TO BELIEVE THAT THEY TALK ABOUT INTERPRETING RULES. THE SCJA TALKS ABOUT THE SOLE AUTHORITY WITHIN THE BYLAWS. SEE THE DIRECT PERSONAL CONTACT BETWEEN THE SCJA CEO AND THE NEW YORK DEPARTMENT OF STATE.**

(AKC) “the power to approve or disapprove all event applications, the power to approve or to remove approval from judges, superintendents and handlers, and the power to issue such regulations as it may deem necessary for the governing of purebred dog events.”

**SCJA COMMENT: ARTICLE XIX OF AKC’S BYLAWS GIVES THE SOLE POWER TO THE DELEGATES TO MAKE RULES GOVERNING DOG SHOWS AND FIELD TRIALS AND THE CLUBS OR ASSOCIATIONS FORMED TO CONDUCT THEM – NOT THE AKC BOARD OF DIRECTORS. EVERYTHING MENTIONED IN THE ABOVE SENTENCE IS PART OF DOG SHOWS AND/OR THE CLUBS FORMED TO CONDUCT THEM.**

(AKC) “The Rules Applying to Dog Shows makes references to a club applying for an event, to an individual applying to be a superintendent, to an individual applying to become a judge, to a club submitted a judges’ panel for approval, etc. In the case of judges, there are even references to conditions that would make one occupationally ineligible to even apply. However, there is no indication, and it would be irrational to try to do so, that every application submitted by someone who is occupationally eligible must be approved. There is also no provision in the Bylaws or the rules prohibiting the Board from establishing and publishing criteria, which would be the basis for obtaining its approval as required in the Bylaws.”

**SCJA COMMENT: “THE NO PROVISION” IS POSITIVELY, ABSOLUTELY AND UNEQUIVOCAL WRONG - ARTICLE XIX OF THE BYLAWS GIVES THE “SOLE” POWER TO THE DELEGATES TO DO JUST THAT – MAKE THE RULES GOVERNING DOGS SHOWS AND FIELD TRIALS AND THE CLUBS OR ASSOCIATIONS FORMED TO CONDUCT THEM.**

(AKC) “The authority to develop the necessary procedures to handle the processing of these applications, thus enabling the Board to approve or not approve, is also inherent in this power.”

**SCJA COMMENT: AGAIN, THE AKC BOARD DOES NOT HAVE THIS INHERENT POWER – THE “SOLE” POWER IS VESTED IN THE DELEGATES TO MAKE ANY RULE AFFECTING THE GOVERNING OF DOG SHOWS AND FIELD TRIALS AND THE CLUBS OR ASSOCIATIONS FORMED TO CONDUCT THEM.**

(AKC) “The Board of the AKC has been fulfilling its responsibility to exercise the powers granted to it under the Bylaws as the Bylaws and rules have evolved over the past 128 years and will continue to do so.”

**SCJA COMMENT: FINALLY A POINT WE CAN AGREE WITH – THE AKC BOARD HAS CONTINUED TO DISREGARD THE DELEGATES “SOLE” POWER EVEN THOUGH IT’S BEEN BROUGHT TO THEIR ATTENTION ON NUMEROUS OCCASIONS. THE DELEGATES, UP UNTIL NOW, HAVE NOT EXERCISED OR INVOKED THE “SOLE” POWER GRANTED TO THEM IN AKC’S BYLAWS. THIS IS WHAT BILL KENDRICK FIRST BROUGHT UP WHEN HE USED THE PHRASE “THE AKC DELEGATES ARE THE SLEEPING GIANTS” AND HAVE NOT EXERCISED THEIR POWER. ANOTHER OLD TIMER, GEORGE SANGSTER (OF THE FAMOUS SANGSTER BROTHERS) WROTE A SCATHING ARTICLE WHICH WAS ORIGINALLY PUBLISHED IN KENNEL REVIEW AND REPUBLISHED SOME YEARS AFTER IT WAS WRITTEN. IT COVERED, AMONG OTHER THINGS, THE DISREGARD OF THE “SOLE” POWER OF THE DELEGATES BY THE AKC BOARD. THE SCJA AGREES WITH PREVIOUS GENERAL POSITIONS TAKEN BY A FEW OTHERS IN THE PAST; HOWEVER, THE SCJA POSITION IS CRYSTAL CLEAR AS OUTLINED IN THIS RESPONSE.**

(AKC) “I have forwarded a copy of your email and this reply to the AKC Board.

Best regards,

AKC Official \_\_\_\_\_

SCJA COMMENT SEPTEMBER 2012

Is there is any chance we can find a couple of Delegates to exercise real leadership and take a stand - - i.e. first to take a leadership position among the Delegates themselves to affect change or round up a few Delegates - - and if unable to, to go alone as the SCJA Board did on other matters and bring in the federal government, the IRS or the New York State Attorney General? The AKC will not be hurt in any manner - - they will just be told they must comply with the laws of the land. This is how the SCJA, in engaging the federal government, i.e. the Federal Trade Commission, had the AKC Board’s policy - that no judge could judge for any other organization – rescinded. We took similar action by engaging Internal Revenue Service policies involving that the judges were independent contractors.

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STATE OF NEW YORK  
DEPARTMENT OF STATE

ALEXANDER F. TREADWELL  
SECRETARY OF STATE

KENNETH J. RINGLER, JR.  
FIRST DEPUTY  
SECRETARY OF STATE

March 13, 1997

Dear Colonel:

Attached is the information that you requested. I hope this may be helpful to you.

Ken Ringler, Jr.

DEPARTMENT OF STATE  
182 WASHINGTON AVENUE  
ALBANY, NY 12231-0001

RECYCLED PAPER

NOTE: THE SCJA DOES BUSINESS DIRECT – NO MIDDLEMAN TO OBSCURE THE DETAILS.