

## MITTELWEST 2012 NASS KENNEL GROUP

To the GSDCA-WDA & GSDCA Board of Directors and Interested Parties:

We--Tessa and Julie Martinez, Cindy Petersen and Gayle Kirkwood--write to call your attention to the facts, issues and choices made by President Yee that resulted in the GSDCA-WDA banning Mittelwest from presenting a Kennel Group at the recent 2012 North American Sieger Show. As a direct result of President Yee's actions, a spontaneous and widespread protest arose from the crowd. The scene was unprecedented in the American German Shepherd Dog history and deeply disturbing.

### INTRODUCTION

**"Mittelwest"** is an AKC registered kennel name with two owners: Tessa Martinez and Julie Martinez.

**Tessa Martinez** has been a GSDCA-WDA member in good standing for more than a decade. She is 16 years old. She grew up in the GSDCA-WDA's Junior Handler program and the Club has taken great pride in watching her skills mature over the years.

**Julie Martinez** has been a WDA member in good standing since the early 1990's. She was subject to a disciplinary proceeding in 2009, for which Mr. Yee was centrally involved. She has subsequently fulfilled all criteria to resolve that dispute and was returned to GSDCA-WDA member in good standing status in 2011. Like many, many GSDCA-WDA family members, she elected to forego renewing her GSDCA-WDA membership in 2012 in order to maximize her ability to participate in all American SV related events and to avoid the penalties inherent in the USCA Johannes Amendment.

**Cindy Petersen** served as the WDA Vice-President and President from 2008-2012. She and Ms. Kirkwood served on the committee to edit the GSDCA-WDA Breed Show Rules & Regulations that were approved by the Board in July 2010. At the request of Tessa Martinez, Ms. Petersen was present at a private meeting called by President Yee on Thursday, October 18, 2012 at the NASS host hotel to discuss the Mittelwest Kennel Group presentation. Ms. Petersen was also present in the center of the Kennel Group ring where the discussion continued on Sunday afternoon.

**Gayle Kirkwood** served as the GSDCA-WDA Secretary from 2010-2011. She was the main author and editor of the current GSDCA-WDA Breed Show Rules and Regulations.

### BREED SHOW RULES & REGULATIONS - GENERAL

The 2010 Breed Show Rules *ad hoc* committee was tasked with updating the rules to reflect changing realities of the time, along with re-organizing the existing text, simplifying language, and generally making the rules clearer and more user-friendly.

The clear and over-arching intent of both the Committee and the Board, at that time, was to make the GSDCA-WDA a welcoming and inclusive organization, standing in stark contrast to the exclusionary USCA Johannes Amendment policy. Toward that end, paragraph 10 of "Entry Requirements" states:

"GSDCA-WDA membership is not required for participation in Club or Regional Breed Shows. At the North American Sieger Show, either the owner or the co-owner of the dog must be a GSDCA-WDA member in good standing."

***We submit that this clause both acknowledges the reality of multiple ownership, embodies the underlying WDA philosophy of inclusion, and sets the precedent that only one of the owners must be a WDA member to participate in NASS.***

The Board approved further inclusionary language before NASS 2011 to allow non-members to participate in NASS with an increased entry fee, author unknown.

"GSDCA-WDA reserves the right to make exceptions to the rule and allow non-members to enter with an amended entry fee."

**VERY IMPORTANT #1:** This amendment places no restrictions on which classes and/or groups (i.e., Progeny or Kennel groups) that non-members are allowed to enter, in return for their increased entry fee.

***We submit that the non-member NASS participation amendment permits non-members to participate in Kennel and Progeny Groups, as well as regular classes.***

## **KENNEL GROUP RULES**

The Kennel Group rules state, in full:

"Each Kennel Group must consist of five (5) dogs with the same kennel name. Dogs must come from at least two different mothers and two different fathers. Dogs entered in the kennel group must also be entered and shown in a regular class. Kennel Groups are judged on (a) the quality of individual dogs, (b) the overall uniformity of the group, and (c) the highest degree of difficulty (for example, the highest degree of difficulty would be the presentation of five dogs from five different mothers and five different fathers).

**The Kennel owner must be a member in good standing of the GSDCA-WDA."**

The last sentence does not address the possibility/reality of a registered kennel name owned by more than one person. In hindsight, the assumption of single kennel ownership is false and should be amended, not interpreted.

***We submit that any interpretation of this sentence must be consistent with the intent of the Board at the time of approval and with the precedent set in the Entry Requirements clause. In other words, to foster a climate of inclusion in the Club, one of the Kennel Owners must be a GSDCA-WDA member in good standing, with no exclusionary penalty if additional owners are non-members.***

**VERY IMPORTANT #2:** The Kennel Group rules do not require the Kennel Owner to also be the AKC Breeder of Record for each dog presented in a Kennel Group. Why? The AKC Breeder system differs greatly from the SV system. Multiple breeders are normal in the AKC system, which is based on bitch ownership and has nothing to do with a kennel name. The AKC also allows new owners to change the name of the dog, including the kennel name, at their whim. The SV system, on the other hand, permanently links the Kennel Name with a single Breeder of Record and has nothing to do with bitch ownership. The GSDCA-WDA Kennel Group rules were drafted to model the SV Kennel Group rules and do not address the AKC breeder of record issue. The current GSDCA-WDA American Bred policy suffers from a similar problem.

**MITTELWEST NASS ENTRIES:**

Mittelwest entered 38 dogs in the regular classes at NASS 2012 as well Progeny Groups and a Kennel Group. Mittelwest dogs accounted for almost 13% of all NASS entries, with fees totaling \$2,655.

The Kennel Group entry application was sent to the WDA office and forwarded by Ms. Joy Schultz to Ms. Munsinger on August 30, 2012. Repeated email correspondence with Ms. Munsinger between August 30 and October 15, 2012 assured that all Mittelwest paperwork and payments were in order and approved by the NASS Secretary/Chair, Ms. Munsinger. On October 15, 2012, Ms. Julie Martinez received an incomprehensible e-mail about the Kennel Group from Ms. Munsinger (who copied both President Yee and Ms. Joy Schultz). Both Ms. Julie Martinez and Mr. Grant Smith wrote immediately to Ms. Munsinger asking for clarification. An email from Ms. Munsinger on October 16 states, "Please remember to have a chat with Dan when you see him at NASS. ... Good luck with the kennel group."

**THURSDAY, OCTOBER 18, 2012:**

During NASS check-in, Mr. Yee asked Tessa and Julie Martinez to meet in a private hotel room. Present were Mr. Yee, Ms. Munsinger, Tessa Martinez and Julie Martinez. When Mr. Yee began to explain his interpretation of the Kennel Group rules, Tessa texted Ms. Petersen to come to the meeting as her advocate.

In Ms. Petersen's presence, Mr. Yee stated that the WDA's attorney had advised him to interpret the NASS Kennel Group Rules to mean that all kennel owners must be WDA members in good standing. Mr. Yee further stated that he, himself, made the decision to deny the Mittelwest Kennel Group. Ms. Petersen told Mr. Yee that he could not make that decision on his own. Only the WDA Board of Directors could make that decision. Mr. Yee quickly replied that he sent this issue to the WDA Executive Committee. Mr. Yee then announced that, in this situation, he was going to make an exception and allow Tessa Martinez to present the Mittelwest Kennel Group. But the Mittelwest Kennel Group could consist only of dogs for which Tessa Martinez was the recorded AKC Breeder. (Please see **VERY IMPORTANT #2** above.) Both Ms. Julie Martinez and Ms. Petersen told Mr. Yee that this requirement would leave out all the dogs from the working classes, thus automatically precluding fair competition. Mr. Yee declared the meeting adjourned and left the room.

With Ms. Petersen, Ms. Tessa and Julie Martinez present, Ms. Munsinger stated that the problem started when she received correspondence regarding the Mittelwest Kennel Group. When pressed by Ms. Petersen, Ms. Munsinger identified Ms. Joy Schultz as the source of the complaint. Ms. Munsinger then voluntarily stated that the WDA Executive Committee had never voted on an interpretation of the Kennel Group rules, or the nature of any special exception to the rules. Ms. Munsinger stated that she stood by her decision, as NASS secretary, to accept the Kennel Group entry. Ms. Munsinger affirmed that she had researched AKC Kennel Ownership records and knew that Tessa was a Kennel Owner. Ms. Munsinger further counseled that Mittelwest should go about the show as usual and should plan to go ahead and present the Kennel Group on Sunday.

***We request that the Board provide us with a copy of the WDA attorney's formal opinion on this matter.***

***We submit that:***

- As a Registered Parliamentarian, Mr. Yee knows that the President does not have the power to:***
  - 1. make unilateral interpretations of Club rules or policies.***
  - 2. grant unilateral exceptions to Club rules or policies.***
  - 3. make unilateral amendments to club rules or policies.***
  - 4. that offenses of these natures are reportable to the National Association of Parliamentarians for possible disciplinary action.***
- As a Registered Parliamentarian, lawyer and judge, Mr. Yee also knows that fair and reasonable notice is required in matters of this kind.***

***We request that the Board investigate the conflicting statements of Mr. Yee and Ms. Munsinger regarding any Executive Committee decision in this matter.***

***We remind the Board that Executive Committee actions are not binding unless they are ratified by the entire Board.***

***We remind the Board that, in June 2007, Mr. Yee's law firm represented sixteen members and two member clubs in a formal complaint against then President Ken Downing. Specifications 1 and 2 of this complaint allege Presidential abuse of power for unilateral actions without Executive Committee action. Specification 4 of this complaint alleges "preventing meaningful discussion among Directors." Mr. Yee was successful in removing Ken Downing from office.***

***We quote here portions of Mr. Yee's summary argument in that complaint:***

***"Ken Downing is the President of the WDA. Whether the WDA likes it or not, his morals and his character reflect upon the WDA and its board members. If the President is honest, then the membership and the board members will be***

***perceived as honest people. If the President is a liar and a cheat, then the membership and the board will be perceived as the same. After all, many believe that “birds of a feather flock together”.***

***Ken Downing is out of control. He believes that he has sole control over the WDA business. He lies about Executive Committee business. ... He purposefully slants the facts presented to the Board against WDA members...***

***Ken Downing abuses his position by restricting meaningful discussion on issues so that he can reverse important Board decisions. ...***

***The Board cannot continue to close its eyes to the mishandling of this organization under the leadership of Ken Downing. If Ken Downing’s disregard for rules, procedures, honesty and moral character continues without interference from the Board, the Board will be perceived as sharing Ken Downing’s corrupt values and ethics. The German Shepherd Dog will be the ultimate loser because the WDA will lose its credibility with breeders worldwide for being a fair and objective organization for maintaining the breed standard.”***

***We submit that, were the names changed, Mr. Yee’s words capture what many perceive as the current WDA reality.***

#### **SUNDAY, OCTOBER 21, 2012:**

Mittelwest dogs competed in all Saturday and Sunday regular classes, as well as Progeny groups, without incident of any kind--and considerable success, including the event’s crowning glory, **Rocco v. Mittelwest, VA-1/Sieger**. During this period, no communication with President Yee occurred.

The announcement was made to assemble the Kennel Groups in the ring. Team Mittelwest assembled to the front left side of the ring tent. Team Wilhendorf was on the right front side. The Wilhendorf group had their dogs but were not in formation. Bystanders report that Mr. Henkel appeared agitated and eventually went into the tent. Mr. Henkel was overheard asking Ms. Munsinger where Mr. Yee was. She replied that she did not know. Mr. Henkel spied Mr. Yee in the female ring and left the Kennel Group ring to speak to Mr. Yee. When Mr. Yee entered the Kennel Group ring, he went immediately to Ms. Julie Martinez and explained his interpretation of the Kennel Group rules. Both Julie and Tessa Martinez rejected his interpretation. Mr. Yee then asked which dogs were entered by number. Dr. Barry assisted in looking up the catalog numbers and dog information. Mr. Yee said that the entries must show Tessa Martinez as the AKC Breeder. Mittelwest argued that the Kennel Group rules do not say anything about who is the registered AKC Breeder for each dog. (Please see **VERY IMPORTANT #2** again.) Mr. Yee then challenged Mittelwest about kennel ownership, stating that the kennel owners must be a GSDCA-WDA member in good standing. Mittelwest countered that Tessa Martinez was a legal owner of Mittelwest and was, in fact, a long time GSDCA-WDA member in good standing. Ms. Petersen entered the ring at this

point. She calmed the situation and offered Mr. Yee two options that might allow the show to continue and the Kennel Groups to be presented: 1. Allow Ms. Tessa Martinez to present her Kennel Group, and work out the legal issues next week; 2. Allow Ms. Tessa Martinez to present her Kennel Group, and then just give the trophy to Mr. Henkel. Mr. Yee rejected both options and announced over the microphone that the Mittelwest Kennel Group was disqualified.

The crowd erupted spontaneously and overwhelmingly with "Boos" followed by chants of "Resign, resign!" The Mittelwest Kennel Group walked once around the ring and exited. The crowd applauded them enthusiastically. Most of the crowd turned and left the area. The Wilhendorf and Oher Tannen kennel groups were never formally presented or critiqued.

***We submit that Mr. Henkel's actions give the impression of prior knowledge that Mittelwest would not be allowed to present their Kennel Group, and that he, above all, stood to gain by their disqualification.***

***We believe that Mr. Henkel and Mr. Yee conspired to prevent the presentation of the Mittelwest Kennel Group.***

***We submit that the crowd immediately and overwhelmingly understood the unfair and discriminatory intent behind Mr. Yee's disqualification of the Mittelwest Kennel Group.***

***We remind the Board that non-profit organizations may not discriminate against their members. As Mr. Yee noted in his complaint against Ken Downing, "...to discriminate against club members. This abuse not only violates the Bylaws, it clearly jeopardizes the WDA's exempt status with the Federal and State governments."***

***We request that the Board take immediate steps to investigate these issues.***

***We request receipt of a full report within 10 days, so that we may evaluate our options to ensure that these abuses will never happen again.***

Respectfully,

*Tessa Martinez*

*Julie Martinez*

*Cindy Petersen*

*Gayle Kirkwood*