

ARE WE WINNING THE WAR?

By Jim Hughes

I presume that most of you are reading and enjoying the fictitious novel that **The Kennel Spotlight** is running in serialized form over the past five issues. *'Winning the War'*, by Adrienne Wilder-Loggins is a story about how the Humane Society and the local law enforcement agencies joined forces to steal the dogs from a legitimate dog breeding business. Unfortunately, this fictitious story is becoming a reality in Hurley, South Dakota.

Dan Christensen, a 55 year old dog breeder from Hurley, has had 172 dogs taken from his property against his wishes. Dan thinks this act is outright thievery while 'Second Chance Rescue Center' feels that the act was within state guidelines to protect the dogs from animal abuse. This case has gone to court to decide the outcome of the controversy. The dogs were removed to the Turner County fairgrounds to be housed in a large storage building because Second Chance had no facility large enough to handle 172 dogs. However, that building was already spoken for as a storage building for recreational vehicles from the South Dakota winter weather.

Questions start to form as this case plays out. Who is protecting these dogs from animal abuse at the hands of Rosey Quinn, enforcement officer of Second Chance Rescue? These dogs were kept in this storage shed instead of the kennels they were used to. Why would that be preferable to leaving them right where they were at and offering supervised care from Second Chance? South Dakota winters can be very harsh. Second Chance then had to move 77 dogs into the Sioux Empire Fairgrounds in Sioux Falls. The rest of the dogs are in foster home care with no government supervision. Is this better care than they got from Dan Christensen?

Is Dan Christensen one of us? Yes, No, Maybe so? Dan raises dogs, so *yes*, he is one of us. He raises hunting dogs, not pets, so *No*, he is not one of us, according to the strict definition placed on "one of us" by certain members of the dog world, but he raises live animals, so *Maybe* he is as much, "one of us" as the beef, pork, chicken, rabbit, catfish or any other live animal producer. BUT, Dan Christensen is different; he is a fighter. He says, "Hell No, they just ain't going to get away with this". And he is lucky; he is lucky enough to have found a lawyer who says, "Hell No, I ain't going to allow them to get away with this".

Attorney Brian Radke has asked the court to order the return of the dogs. These dogs have a value of over \$200,000 dollars not to mention the puppies that are being born everyday and the females that are being forced to miss breeding cycles. Christensen and Radke are very concerned about the health of their dogs as reports come in that some of the dogs in foster care were exposed and are succumbing to Parvo virus, contracted after they left the Christensen care. Mr. Christensen suffers from a heart condition and was found lying in his driveway after the raid on his kennel. He has said that this raid has been very hard for his family to accept. It has hurt his standing in the community and his ability to provide the necessary items for a decent standard of living due to the sudden halt to his income.

Attorney Radke has also brought into play the legality of the involvement of The Humane Society of the United States. He alleges that the H\$U\$ had no legal right to even be in South Dakota with their four 'so called veterinarians' **with no South Dakota license** to examine these dogs. Mr. Christensen's own veterinarian never got a chance to inspect the dogs before they were taken. Later, she was granted 10 minutes to inspect 172 dogs. Attorney Radke also states that the Humane Society of the United States has no authority in South Dakota and its veterinarian is not licensed in South Dakota, so its members broke the law by trespassing onto the Christensen property. Judge Tim Bjorkman was replaced at the request of Attorney Radke.

"These people took our livelihood. This is a family run business. This action has devastated my family. They took my grandchildren's pets, my daughter's house dog and our source of income. These dogs are hybrid hunting dogs, bred to hunt. We do bird hunts here and you certainly are not going to abuse your dogs and expect them to perform for you". Mr. Christensen said that he feels helpless to fight this giant organization.

Judge Tami Bern has ruled favorably to Attorney Radke's request to return 100 puppies born after the raid and that are old enough to wean. Mr. Christensen contends that Second Chance can not care for his dogs properly as they have no housing for them. They are kept in small pens inside the building with no sunlight or fresh air. Consequently, some of the dogs have come down with Parvo. He wants his dogs returned where he can give them the care he is trained and qualified to do.

Turner County States Attorney Tiffani Landeen-Hoeke has requested that Second Chance be given oversight authority to check on the care that Mr. Christensen provides. She says he is too poor to buy the puppy feed needed to provide for the pups and that he is physically unable to care for them. The request was denied! She then asked that \$10,000 dollars be provided to care for the dogs that Second Chance has in their possession as this action has taken a toll on the treasury of Second Chance. Judge Bern also denied this request as she noted that only three puppies are still at the shelter, the rest having been fostered out. She then requested Fraud charges be added to Mr. Christensen as he represented the dogs that were sold to be AKC registerable, but AKC has temporarily cancelled his privileges pending the outcome of this case. This request was also denied.

States Attorney Landeen-Hoeke has now requested that a deputy be appointed to inspect the Christensen property to see if it has been improved enough to receive the 100 puppies that will be returned, but taking into consideration the time involved, from September 2009 until January, 2010 and all the exposure to Parvo and other disease that they have been exposed to, Attorney Radke has told the court that he does not think that they will take the dogs back. A foster family has stated that several dogs are dying of Parvo. Radke has even filed a motion asking Turner County to cease and desist from using Second Chance Rescue as an animal control agency because more than 30 dogs have contracted Parvo and several other dogs have died from serious injuries. Landeen-Hoeke has disputed those claims in court.

Second Chance Rescue Center Executive Director Rosie Quinn took the stand for four hours in a three day hearing to throw out evidence. She admitted that The Humane Society of the United States was sitting at the Turner County Fairgrounds ready to take the Christensen dogs even before she had a warrant for the raid. She and States Attorney Tiffani Landeen-Hoeke had to ask a judge 3 times before the warrant was granted. That finally happened after Quinn told the judge about dilapidated kennels full of feces and filthy water she saw at the property in April, 2009. She was on the property with the Dept. of Revenue to serve a warrant for no sales tax license. She had no warrant to inspect his property at that time. She said her concern prompted her to return in July, again without a search warrant and what she saw prompted her to instigate the raid.

When Quinn was questioned on the stand, she said she has not been sworn in by a judge as an animal control officer since 2005. In 2006, new rules went into effect requiring animal control officers be sworn in by a judge.

RESULTS;

In February, 2010 Judge Tami Bern has ruled two searches of Dan Christensen's property should never have been done and that former Second Chance executive director Rosie Quinn purposely misled the court in order to conduct a raid on Christensen's dog breeding operation back in September. Christensen has always maintained Second Chance Rescue Center and The Humane Society of the United States took his dogs without cause.

According to court papers obtained by KELOLAND News, Judge Tami Bern ruled that Quinn intentionally misled the court by withholding information from an August 27 inspection that showed the dogs appeared okay. The judge stated that Quinn testified that she was specifically directed not to discuss that information to the court in order to obtain a search warrant for the Christensen property. Christensen hopes that he will soon get his dogs back.

“Our biggest concern, naturally, is the welfare of the dogs and to try to find out where they are. We don’t have any idea where any of them are” Christensen said. He calls this a major victory, but thinks the damage may already be done.

The Kennel Spotlight is very appreciative to Don Jorgensen and Ben Dunsmoor of KELOLAND NEWS as much of the information was gleaned from their reporting on this case.