

Northern New Jersey Great Dane Club

MARCH 2011

2008-2011

What To Do When Animal Control Comes Knocking

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**Next Meeting
March 16, 2011**

WHAT TO DO WHEN ANIMAL CONTROL COMES KNOCKING by George J. Eigenhauser Jr.

(Mr. Eigenhauser is an attorney at law licensed in the State of California since 1979 and practices in the areas of civil litigation and estate planning)
ANTI-DOG ENFORCEMENT - What Every Dog Owner Needs to Know
Dog owners and ethical breeders are increasingly being targeted. Disgruntled neighbors may retaliate against dog owners and may other reasons drive complaints, and anti-dog enforcement action, which many times may be conducted illegally. The following text outlines

methods of inquiry and enforcement which may be used by local officials in attempts to enforce ordinances in your community and suggested techniques of response. These techniques are entirely legal and based upon the rights of citizens as stated by the U.S. Constitution. No breeder or rescuer wants to have Animal Control come knocking on the door...but if they do, it will help if you know what your options are. Remember, Animal Control is law enforcement. They are bound by the same Constitution as any other government agency. To protect yourself, you need to know your rights. These vary slightly one jurisdiction to another, but some general principles apply. One rule applies everywhere: never physically resist an officer.

When Animal Control is At Your Door:

1. Do not let them in, no matter how much they ask. Animal Control generally cannot enter your home without a warrant, or your permission. While regular police can enter in emergency situations when human life is at risk (i.e. they hear gunshots and a scream inside), there are few, if any, situations in which Animal Control can enter your home without a warrant. Simply tell them they may not come in.

(continued on page 3)

NORTHERN NEW JERSEY GREAT DANE CLUB

Will be participating in

RIDGEWOOD VETERINARY HOSPITAL FOURTH ANNUAL PET ADOPTION DAY

on

SUNDAY, SEPTEMBER 25th, 2011

At the RIDGEWOOD VETERINARY HOSPITAL
320 East Ridgewood Avenue
Ridgewood, New Jersey 07450
At 9:00 a.m.

If you are interested in assisting, to help educate the public about Great Danes and allow them to meet them in person, here is your opportunity. **Mid Atlantic Great Dane Rescue League** will be participating as well. Please come join us and lend a hand even if it's for a short period of time!

For any questions, please contact Jeffrey Ball at (201) 689-1323 or by emailing him at Jeffbetsyball@yahoo.com

NNJGDC NEWSLETTER

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NNJGDC OFFICERS & Board of Directors

President	2011
Jeffrey David Ball	Ken Bocian
Vice President	Rose Ann Tucker
Bill Diesing	2012
Treasurer	David Litke
Diane Bocian	Donna Stuermer
Recording Secretary	2013
Jean Snyder	Gay Ann Wayne
Corresponding Secretary	Diane Husar
Mary Fran Cini	

2. If you let them in, anything they find in "plain sight" can be used against you. In some circumstances Animal Control officers, unable to find a legitimate reason to make an arrest, have reported building or zoning violations. This may include caging you attached to a wall without a building permit, that extra outlet in the puppy room, having more pets than allowed by zoning, even extension cords in violation of fire codes! No matter how clean your kennel, if they want to find a violation, they will.

3. Do not talk to them from an open doorway. Step outside and close (and lock if possible) the door behind you. This is necessary because:

A) Anything they see through the open door is "plain sight" and may be the basis for an arrest, or probable cause for a search warrant.

B) If they make an arrest or even feel threatened they are usually permitted to search for weapons in your immediate area. Do you keep a baseball bat inside the door for your protection? Even if you don't, once they step inside to look, they are in your home and may continue to search.

C) It is hard not to be intimidated by someone in authority. Some animal control is even done by local police, who carry guns. It is easy for them to get "in your face", causing you to back up into the home. Once you go in, it will be interpreted as an invitation to follow.

4. If they claim to have a warrant, demand to see it. In general, a search warrant must be signed by a judge. A warrant to search your home for dogs does not include an inventory of your jewelry box. A warrant to search your kennel in the garage or in the barn does not include a search of your home.

5. In some locations dog owners may have obtained special "breeder or rescue permits" that stipulate that Animal Control has your permission to enter at any time. If you have signed such a permit they still cannot enter against your wishes, since you can revoke the permission at any time. However, if you refuse permission it may allow them to cancel your permit, so you have to weigh the consequences.

6. Warning - anyone in lawful possession of the premises may be able to give permission for a search. Make sure your roommate, babysitter, dog-sitter, housekeeper and other know that they should not let animal control into your home or on your property (i.e. backyard, garage, etc.).

How to Handle Questions:

1. Don't answer any questions beyond identifying yourself for the officer. Anything you say to the officer in your defense cannot be used in court (hearsay). Anything you say that is harmful to you will be used in court (confessions are not considered hearsay). You cannot win, except by remaining silent.

2. Be polite but firm. Do not argue, bad-mouth, curse, threaten or try to intimidate the officer.

3. Do not lie to an officer, ever. However, it is NOT a lie to exercise your right to remain silent.

4. Keep your hands in plain sight. People have been shot by police when common objects, such as a wallet, were mistaken for a gun.
5. Do not touch the officer in any way. Do not physically resist an officer, no matter how unlawful his or her actions.
6. Don't try to tell your side of the story, it cannot help.
7. Do not threaten the officer that you plan to file a complaint for their actions.
8. If the questioning persists, demand to speak to a lawyer first. Repeat as necessary.

Gathering the Facts:

1. Get the name and badge number of each officer involved. If he/she does not volunteer this information, ask.
2. Ask the name of the agency they represent. Different agencies have different enforcement responsibilities.
3. Ask why they are there. Request the factual basis of the complaint and the identity of the complainant.
4. If they have other people with them (Humane Society, press, etc.) get the names and organizations for all present.
5. Note the names (and addresses) of any witnesses to the encounter.
6. If you are physically injured by an officer, you should take photographs of the injuries immediately, but do not forego proper medical treatment first.
7. Write down all of the information, as well as the date and time of the incident immediately, while details are fresh in your mind.
8. If your rights are violated, file a complaint with the appropriate body.

If You Are Arrested:

1. Remain silent. Answer no questions until you have consulted with a lawyer.
2. Don't "explain" anything. You will have time for explanations after you have talked to a lawyer.
3. Within a reasonable time they must allow you to make a phone call to get a lawyer or arrange bail. They are not allowed to listen to your phone call to your attorney, but they may "monitor" the rooms for "your protection". Do not say anything you do not want them to overhear; save that until after you are out on bail.

Telephone Inquiries or Threats:
You may receive telephone inquiries concerning the number of dogs you own and whether any dogs or puppies are for sale. Other questions may also be asked. Your response should be to inquire "Are you interested in a puppy?". If the answer is "yes", ask that person for his/her name, address and phone number. Suggest that you or a responsible breeder will contact that person at a more convenient time for you.

If the answer is friendly and genuinely inquisitive, invite the person to look at your puppies.

If the question asked is "What is the price of each puppy?", simply say that puppies of this type are being sold for between "X" and "Y" dollars. Never say

that you are selling them.

If the question asked is "Are these your puppies?", you should ask, "Why do you want to know?".

If your conversation indicates that the person is representing the county clerk's office or allegedly representing an official body, ask the caller for:

- Full name, title and phone number
- Agency's full name and full address
- Their supervisor's full name and phone number
- Nature of the inquiry (what it is about)
- Why the inquiry is being made
- How your name and phone number were obtained
- Ask that all future questions from that agency be submitted in writing

Preventative Measures:

1. Always keep your kennel clean and take good care of your animals.
2. Consider a P.O. Box or other address for business cards and advertisements. Keep descriptions of your location general (i.e. Southern California, rather than the name of the city where you live). The internet can provide anonymity for initial contacts. You can even buy a "remote prefix" to get a number from a nearby community forwarded to your phone or to a voice mail. Avoid local newspaper classifieds, they are often monitored.
3. Screen any potential puppy buyers carefully. Always be alert that they may be Animal Control or even Animal Rights working under cover.
4. Don't allow strangers into your home until you have screened them.
5. Be fair and honest in all of your dealings, and be on good terms with your neighbors. Most animal control contacts are complaint-driven. Some complaints may arise as harassment by people with unrelated grievances against you. It may be a disgruntled dog buyer or a cranky neighbor who doesn't like you parking in front of his house.
6. Anything about you that can be observed in "plain sight" from the street or sidewalk can become probably cause for a warrant. Even areas on your property open to visitors can be dangerous. Be aware of which areas of your home are visible from the outside and plan accordingly.
7. If you are confronted by Animal Control and turn them away, assume they will be back. Use the time available to make sure everything is clean and presentable. If you are over the limit on the number of pets, find friends who can provide temporary shelter for your dogs.

Whatever you do, stay calm and keep your wits about you.

Just say "no", no matter what threats or promises of leniency they make.

When in doubt, say nothing and speak to a lawyer afterwards.

Permission to reprint and cross post is granted.

From ADOA Newsletter June 2008

**Northern New Jersey Great Dane Club
Minutes from the February 16, 2011
Membership Meeting**
Merchants House
4 Little Falls Road
Fairfield, New Jersey

The meeting was called to order at 7:40pm by President Jeffrey Ball.

Members in attendance (14): Jeffrey Ball, Bill Diesing, Ken Bocian, Diane Bocian, Cathy Dlugosz, Rose Ann Tucker, Margo Scudillo, Gay Ann Wayne, Mary Fran Cini, Jeff Scudillo, Kira Wright, Jennifer Ball, John Ball, and Jean Snyder.

Guests in attendance (1): Debbie Ziptko.

I. Minutes - Jean moved to accept the Minutes from the previous meeting. The motion was seconded by Cathy and unanimously passed.

II. Corresponding Secretary - Mary Fran had nothing to report.

III. Recording Secretary - Jean had nothing to report.

IV. Treasurer - Diane B. reported a balance of \$1743.24. She will look into filing the Club's taxes online.

V. Committee Reports:

Membership - It was noted that Christine Kohrs paid her dues and Mickey Rufino submitted his membership application as did Debbie Ziptko. AKC Judge Ron Pock and his son Michael approached Jeff and expressed an interest in joining our Club.

Sunshine - Jean informed the members of M.J.'s recent accident. Diane B. moved that the Club send him an Edible Arrangement not to exceed \$50.00. The motion was seconded by Jeff S. and passed.

Pet Therapy - Jeff requested that the Pet Therapy Team of Donna and Kira ask members for pictures of their therapy dogs at work to be posted on the website. The pictures should include the Dog's name, the owner, the handler and the name of the organization that awarded the dog its therapy certificate.

NORTHERN NEW JERSEY GREAT DANE CLUB

Rescue - Cathy reported that the Super Pet Expo the weekend of February 13th was very successful and that membership in MAGDRL is available to all interested parties. She also noted that MAGDRL will be at the Rockland County KC Shows on February 25th, 26th and 27th.

Health and Welfare - Bill reported that Dr. P. of AERA is out of the country right now. Jeff suggested that the NNJGDC might want to follow in the paw steps of the Golden Retriever Club and host a Super Health Clinic which would run a series of tests. Bill will contact Dr. P. as soon he is available.

Match Show - Jean proposed that the NNJGDC hold its first AKC Sanctioned Match on either June 4th or June 12th. The June 4th date would be in conjunction with the Ramapo KC and the June 12th date would be solo for the Club. The pros and cons of both dates were discussed. Jeff S. and Mary Fran will check into possible show sites for the June 12th date and then a decision will be made.

Fund Raiser - Cathy reported that the Club has already received \$15.26 from iGive.com. Members are encouraged to register at this site for the benefit of the Club.

VI. Unfinished Business:

Jeff reported that Dale Tarbox of the GDCA is in receipt of the Club's application which should be published in the GDCA March Newsletter. The Club should be approved within the next 4-6 months.

Jeff distributed a draft of the Membership Welcome Brochure for input by the members. If possible, suggestions and changes should be given to Bill prior to the Rockland County Shows on February 25th, 26th and 27th.

Rose Ann moved that the Club participate in the Ridgewood Pet Adoption Day in September. Gay seconded the motion and it was unanimously passed.

Jeff noted that the AKC will be putting together a "Meet the Breeds" in NYC. He asked that we send a letter to the President of the GDCA, David Miller, requesting their space at this event so that Danes will be represented.

VII. New Business:

Bill reported that \$734.00 worth of raffle tickets were sold. The drawing was held and the winners were:

\$200.00 - Christina Porporino
\$100.00 - Jeff & Margo Scudillo
\$50.00 - Charlie Marcantonio

Jeff and Margo donated \$50.00 of their winnings back to the Club.

Kira suggested that we hold an Easter Bunny photo shoot or have a Picnic as a fundraiser. No one volunteered to be the Easter Bunny so Jeff thought that we should consider therapy testing and some other avenues.

Cathy suggested that more information be dispensed to the membership regarding Match Shows for those who are unfamiliar with this event. Jeff will try to get brochures from the AKC and Jean will present an overview at the next meeting.

There being no further business, Margo moved to adjourn. The motion was seconded by Mary Fran and the meeting was adjourned at 8:55pm.

Respectfully submitted,
Jean Snyder
Recording Secretary

A PET'S TEN COMMANDMENTS:

1. My life is likely to last 10-15 years. Any separation from you is likely to be painful.
2. Give me time to understand what you want of me.
3. Place your trust in me. It is crucial for my well-being.
4. Don't be angry with me for long and don't lock me up as punishment. You have your work, your friends, your entertainment, but I have only you.
5. Talk to me. Even if I don't understand your words, I do understand your voice when speaking to me.
6. Be aware that however you treat me, I will never forget it.
7. Before you hit me, before you strike me, remember that I could hurt you, and yet, I choose not to bite you.
8. Before you scold me for being lazy or uncooperative, ask yourself if something might be bothering me. Perhaps I'm not getting the right food, I have been in the sun too long, or my heart might be getting old or weak.
9. Please take care of me when I grow old. You too, will grow old.
10. On the ultimate difficult journey, go with me please. Never say you can't bear to watch. Don't make me face this alone. Everything is easier for me if you are there, because I love you so.

~
Take a moment today to thank GOD for your pets. Enjoy and take good care of them. Life would be a much duller, less joyful experience without God's critters.

~Now please pass this on to other pet owners. We do not have to wait for Heaven, to be surrounded by hope, love, and joyfulness. It is here on earth and has four legs!

NORTHERN NEW JERSEY GREAT DANE CLUB

Northern New Jersey Great Dane Club
Membership Application

NAME: _____ TELEPHONE:(home) _____

(work) _____

ADDRESS: _____ (cell) _____

(fax) _____

CITY, STATE, ZIP: _____ E-MAIL _____

Are you a member of the Great Dane Club of America? Yes No
Are you 18 years of age or older? Yes No

List other All-Breed or Specialty Clubs to which you now belong or have belonged and offices held (if any): _____

If elected to Membership, are you be willing to serve on a Committee(s): Yes No

Committee(s) interested in working on: (please check ANY of interest)

- | | | | |
|--|--|--|--|
| <input type="checkbox"/> Advertising/Catalog | <input type="checkbox"/> Dinner Arrangements | <input type="checkbox"/> Membership | <input type="checkbox"/> Publicity |
| <input type="checkbox"/> Audio/Photography | <input type="checkbox"/> Obedience Classes | <input type="checkbox"/> Roster | <input type="checkbox"/> The Newsletter |
| <input type="checkbox"/> Awards | <input type="checkbox"/> Historian | <input type="checkbox"/> Pet Therapy/Health | <input type="checkbox"/> Show Handling Classes |
| <input type="checkbox"/> Breed Trophies | <input type="checkbox"/> Match Show | <input type="checkbox"/> Point Show | <input type="checkbox"/> Special Events |
| <input type="checkbox"/> Budget / Audit | <input type="checkbox"/> Material/Property | <input type="checkbox"/> Programs | <input type="checkbox"/> Sunshine |
| <input type="checkbox"/> Community Service | <input type="checkbox"/> Meeting Hospitality | <input checked="" type="checkbox"/> Public Education | <input type="checkbox"/> Web Site |
| <input type="checkbox"/> Phone Tree | <input type="checkbox"/> Librarian | | |

If elected to Membership, I hereby agree to abide by the Constitution and By-Laws of the Great Dane Club of Northern New Jersey and the Rules and Regulations of the Great Dane Club of America and American Kennel Club.

Signature of Applicant

Annual Dues, check application box	ONE time Application Fee:	\$10.00	<input type="checkbox"/>
	Individual Membership	\$25.00	<input type="checkbox"/>
	Two Members of Immediate Family	\$40.00	<input type="checkbox"/>
	Junior Membership	\$10.00	<input type="checkbox"/>

Note: 1) Application fee must be included with membership application and is not refundable.
2) Annual Dues should not be paid until membership is accepted.

Sponsorship		
Name of Sponsor	Signature of Sponsor	Length of time known

There must be two sponsors from different families for each applicant.
Letters of Recommendation from each Sponsor must accompany this application.
Please forward completed application along with application fee to:

FOR CLUB USE ONLY

Received by Membership Chairperson _____

Read at meeting _____

Voted on: _____

Notice to membership
Accept Decline

DATES TO REMEMBER

Membership meeting

March 16, 2011

7:30 p.m.

Merchant House Tavern
4 Little Falls Road
Fairfield, New Jersey

We look forward to seeing you at the meeting!

NNJGDE
11 Pershing Avenue
Ridgewood, NJ 07450

FIRST CLASS MAIL