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October 30, 2007

Bradley J. Jensen  
Sheltertrak

Cypress, CA 90630

**Re: Inland Valley Humane Society & SPCA  
Sheltertrak  
Our File No.: 930-5000**

Dear Mr. Jensen:

I am an attorney licensed in California and represent the Inland Valley Humane Society & SPCA ("IVHS"). My practice includes the performance of legal work for IVHS and several other large animal shelters and SPCAs in California. Consequently, I have a working knowledge of all California statutes that govern animal control and the operation of animal shelters including all provisions of the Hayden Bill. My professional affiliations include memberships in the American Bar Association, Animal Law Committee, Dangerous Dog Subcommittee, the American Veterinary Medical Legal Association ("AVMLA") and the Association for Veterinary Practice Managers and Consultants ("AVPMCA"). I speak frequently at animal related seminars and on subjects related to animal shelters and animal control. I have spoken at meetings held by the California Veterinary Medical Association ("CVMA"), the AVMLA and the AVPMCA. Next spring I will be speaking for the fifth year in a row at the Animal Care Conference, a collaborative meeting arranged by the CVMA, State Humane Association of California and the California Animal Control Directors Association ("CACDA"). I have been a guest lecturer at the Western University School of Veterinary Medicine and Pepperdine School of Law. In addition to my legal work with clients, I consult frequently with CVMA, the California Veterinary Medical Board and the Schools of Veterinary Medicine at UC Davis and Western University.

I am writing in response to your October 21, 2007 letter to Bill Harford the Executive Director of the Inland Valley Humane Society & SPCA ("IVHS"). In that letter, you requested Annual Rabies Activity Reports submitted to the California Department of Health Services for the years 2002, 2003 and 2006. I have recommended that IVHS not comply with your request for several reasons.

First, regarding your request for information under the California Public Records Act, IVHS has a valid reason for refusing the information you requested. IVHS is not a local agency as defined in Government Code section 6252 because it is not a, "county; city; city and county;

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school district; municipal corporation . . ." IVHS is also not a, "legislative body of a local agency pursuant to subdivisions (c) and (d) of section 54952." IVHS is a private, non-profit corporation. Its Board of Directors is not assigned by any government agency. Consequently, because IVHS is not a local agency, it is not subject to the California Public Records Act.

Second, IVHS will not provide the above mentioned records as a "matter of public interest." The reasons supporting this decision are numerous. First and foremost, after reviewing the information posted on your website, Sheltertrak.com, it is clear that you have at best engaged in creative accounting and at worst deliberately skewed the numbers in order to slander IVHS. It is also clear that you have no concept of how IVHS functions as compared to the other agencies listed on the website. IVHS is a private non-profit humane society who contracts with nine cities to perform state mandated animal control functions. Four of those cities are located in San Bernardino County and five in Los Angeles County. Your "statistics" on Sheltertrak.com are apparently based solely on the Annual Report of Local Rabies Activity reports for San Bernardino County for 2004 and 2005. This report does not have the data from the five cities served by IVHS in Los Angeles County. Therefore, your "statistics" are invalid and do not present a picture of all animals taken in by IVHS. You have compared apples to oranges and in the absence of any attempt to accurately compare the data in a scientific manner, the conclusions drawn are simply incorrect.

Second, IVHS tracks adopted animals by the service city where the adoptive owner *resides*, not where the animal was impounded. Consequently, an animal impounded in Ontario (San Bernardino County) that is adopted to a family residing in Pomona (Los Angeles County) will be reflected in the Los Angeles data, not the San Bernardino data. Because you only have the San Bernardino numbers, you do not have data from adoptions into Los Angeles County. Additionally, animals adopted out to residents of cities which are not service cities **do not appear in the IVHS data**. In summary, the number you are using in the bar chart for adoptions simply does not reflect the total number of animals from cities in San Bernardino County that were adopted out by IVHS. Nor does it reflect the number of animals adopted out to homes in Los Angeles, Riverside, Imperial, San Diego, Orange or any other county in California. Because the numbers in your bar chart simply do not reflect the total number of animals adopted out by IVHS, any attempt by Sheltertrak.com to post this data without extensive explanation is irresponsible and possibly actionable as slander.

Third, in addition to the above, the IVHS data used in the bar chart that purports to compare the various agencies is simply incorrect. Consequently, the statement made that, "For example, less than 40% of all the cat and dog outcomes at Merced County Shelter resulted in euthanasia while over 80% were euthanized at the Inland Valley Humane Society" is patently incorrect. If you examine the data carefully without any attempt at creative accounting or comparing apples to oranges, it is clear that in 2005, IVHS took in 10,896 cats and dogs (not the 7000 stated on your website). Of those, 641 were reclaimed by their owners and 6062 were euthanized. This results in far less than the "over 80%" euthanized as stated on your website. In

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addition to providing false information regarding the percent of animals euthanized, you have made no effort whatsoever to provide data stating the reasons for euthanasia. Many dogs and cats are euthanized because their medical conditions or temperament make them unsuitable for adoption. Euthanasia for medical and temperament reasons was specifically provided for in the Hayden Bill and I know of no one in this industry who supports adoption of sick or vicious animals. Sheltertrak.com's emphasis on the percent of dogs and cats euthanized without consideration of the reasons for euthanasia is irresponsible and inflammatory.

Finally, IVHS is very concerned that you have posted data received from Nancy Ruddock that was procured under false pretenses. Ms. Ruddock came to our facility posing as a perspective donor. When she asked for the data, she did not inform us that she intended to forward it to you for posting on Sheltertrak.com. If she had, we would not have provided the data because of the difficulty of comparing it to data from other agencies as discussed above.

For the reasons stated above, IVHS is unwilling to voluntarily provide statistics for posting on your website. In addition to the fact that the statistics on your website are misleading, IVHS is also concerned about the purpose of the website. It appears that Sheltertrak.com has no purpose other than to inflame readers regarding the number of animals who are euthanized. The website offers no suggestions for how to decrease euthanasia. There has apparently been no effort to use the website as a vehicle to educate the public regarding adoption of animals from shelters. There is nothing in the website regarding the importance of spaying and neutering animals to reduce pet overpopulation. What exactly is the purpose of "tracking the progress of animal shelters"? Is the goal to decrease the number of animals who are euthanized? Is the goal to increase the number of animals who are adopted? If so, why not include educational materials regarding how the public can help these processes?

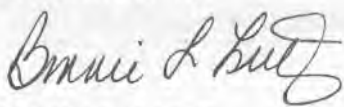
Rather than attempting to slander IVHS, Sheltertrak.com could provide a valuable service by informing the public of the quality and quantity of the services provided by IVHS. Unlike many other humane societies, SPCAs and non-profit adoption groups, IVHS performs all state mandated animal control and sheltering services as well as the enforcement of city ordinances. IVHS' duties include, but are not limited to, rabies control, enforcement of all laws regarding the prevention of cruelty to animals, control of vicious animals, licensing and zoning ordinances, impounding stray animals and taking in owner relinquished animals. In addition to the responsibility to enforce laws and ordinances regarding dogs and cats, IVHS also has the responsibility of enforcing laws regarding chickens, cows, horses and other animals. During the recent fires, IVHS participated in animal evacuations. Since shortly after the passage of the Hayden Bill, IVHS has operated a full service veterinary hospital with two full time California licensed veterinarians, four full time California Registered Veterinary Technicians and a full time animal behaviorist. In summary, IVHS is a state of the art, fully compliant, fully functional animal shelter and Sheltertrak.com's attempt to portray it otherwise is slanderous.

If you would like to discuss any of these issues further, please do not hesitate to contact me at any time. I would be happy to discuss suggestions for how Sheltertrak.com could be used

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to provide public education on adoption and spay/neuter programs and to assist in decreasing the pet overpopulation problem in California.

Very truly yours,

KLINEDINST PC  
  
BONNIE L. LUTZ

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