

**AKC Delegates
Herding, Earthdog, and Lure Coursing Committee**

**COMMITTEE RECOMMENDATION REGARDING THE PROPOSED JUDGES' CONFLICT OF INTEREST
POLICY**

Unless carefully tailored, the proposed judges conflict of interest policy has the potential to severely damage the AKC programs of herding, earthdog and lure coursing. It potentially forces our best, brightest judges, local club officers and board members to choose between the AKC and stronger, and long established predecessor organizations. The AKC exclusionary policy may be seen as adversarial. It could exacerbate long standing historical frictions that are just now beginning to heal, and foster "retaliation exclusion" by other organizations that could debilitate our performance programs. Finally, the benefits to the AKC performance events are insignificant in the areas of herding, earthdog and lure coursing when compared to the risks.

The discussion below represents our assessment of the policy and an "organization by organization" assessment and recommendation. As indicated in the cover letter, the following is a "second choice" position of the committee. The first choice being a complete exemption for our sports as was done for the agility performance event.

Proposed Judges' Conflict of Interest Policy

"No AKC judge may have a significant interest in a dog registry or **dog event giving organization** deemed by the AKC Board to be in competition with the American Kennel Club. Significant interest would include, but not be limited to ownership, employment by, a **directorship in, and holding office in.** (bold added for emphasis)

Any AKC-approved judge, who shall judge a purebred dog event in the U.S. **not in accordance with the rules of AKC**, which apply to such purebred dog events without the express permission of the AKC, may be disciplined even to the extent of having his or her AKC judging approval revoked..."

Exceptions are made for breeds that are not AKC registerable, where AKC has no comparable event in place, where the AKC has a competing event in place but where the judge has officiated at the event under the aegis of the other organization before the AKC program was initiated, where the type of event is not perceived as being contrary to the best interest of AKC and the sport, and where the event is a breed or type of breed specific activity.

"Events held by the following organizations have been held to meet the above criteria, and AKC-approved judges may continue to judge them:

- American Sighthound Field Association Coursing Events [ASFA]
- American Working Terrier Association Earthdog Events [AWTA]
- American Herding Breed Association Events (Herding Events) [AHBA]
- North American Hunting Retriever Association (NAHRA)
- North American Versatility Dog Association Pointing Breed Hunting Tests
- American Field Pointing Breed Field Trials
- United Kennel Club Coonhound Events
- Professional Kennel Club Coonhound Events
- Any of the various organizations sponsoring Agility Trials"

Although exceptions are made and AKC licensed judges may judge events sanctioned by an exempt organization, the actual clubs conducting the events are not exempt under the rules. As written, AKC judge fanciers who happen to sit on local boards or who are officers of non AKC clubs would be precluded from judging AKC events under the “directorship in, and holding office in” significant-interest prohibition.

Dually licensed judges, in many instances, are the real experts in our activities. From this committee’s perspective, it is imperative that volunteer officers and directors of clubs holding events sanctioned by the above exempt sanctioning organizations be permitted to judge AKC events without penalty of AKC license revocation.

A change in the language of the policy to read: “Events held by the following organizations have been held to meet the above criteria, and AKC-approved judges may continue to judge them, to retain an office in them, may continue to sit as a board member in them, and may continue to judge events under the rules of the named organizations.” (suggested change underlined)

Impact on AKC Earthdog Performance Events

AKC’s Earthdog Program

The AKC currently has about 79 event giving clubs including 10 parent clubs. Of the 79, 51 AKC clubs held the 138 events conducted under AKC rules in 2005. This is an alarmingly small number of clubs with a very small pool of persons knowledgeable in staging earth dog events.

The judges roster lists 350 AKC approved Earthdog judges.

The proposed policy exempts the AWTA as a competing organization.

Potentially Conflicting Program

American Working Terrier Association [AWTA]

The organization, founded in 1971, is non profit, and has as its objectives the promotion of conformation and character traits which will enhance performance as working and/or hunting terriers and Dachshunds. The AKC program is modeled largely after the The AWTA program and AKC grandfathered the AWTA judges and many clubs into the AKC program.

The American Working Terrier Association has been and continues to hold events which could be seen as competing with AKC events.

Individuals Impacted

- AWTA judges will be precluded from serving as officers or directors in their own clubs if they wish to judge AKC events.
- AKC judges will be precluded from serving as officers or directors of AWTA or any AWTA event-giving clubs. .

Many of the “older” AKC Earthdog judges entered the sport at AWTA den trials prior to the AKC program, greatly benefiting the AKC. Overlapping judging licenses are common, as is overlapping management. Seven of the 10 AWTA officers and trustees are currently judging both AWTA and AKC events; 2 AWTA officer/trustee judges in addition to AKC earthdog events also judge AKC conformation events.

It is unknown how many other judges serve as officers/directors of AKC event giving clubs but some of the most experienced AKC earthdog judges and fanciers likely descend from the AWTA. These dually licensed judges are precluded from serving as officers or directors of AWTA event giving clubs under the “significant interest” preclusion.

Should a portion of those affected decide to remain with AWTA as either officers, directors, or judges and give up their AKC license, the AKC would be deprived of experienced stewardship.

Recommendation Regarding AWTA

The American Working Terrier Association is an exempted competing organization. The Committee agrees that the exception is appropriate and in the best interests of the sport and the AKC earthdog program. The policy should be extended to those “sponsoring organizations” through inclusion of the clarifying language suggested above.

United Kennel Club [UKC]

The United Kennel Club currently maintains that it offers an Earthwork program. This program supposedly is geared towards working terriers in the field with live quarry and not “den trials” such as exist in the AKC Earthdog program or the AWTA den trials.

Individual’s Impacted

The program is apparently dormant. The UKC currently lists fifteen judges. One is deceased. Of the remaining 14, only 6 are US residents and 4 are also in the AKC judges’ database, 3 as Earthdog judges and 1 as an AKC conformation judge.

Recommendation Regarding UKC

The Committee believes that the AKC judges’ conflict policy precluding the AKC judges from judging UKC events will have little detrimental effect on the overall AKC program.

Primary research provided by Maria Sacco, Delegate Parson Russell Terrier Association of America

Impact on AKC Lure Coursing Performance Events

AKC’s Lure Coursing Program

AKC originally “grandfathered” into the AKC program American Sighthound Field Association clubs. AKC currently lists 124 clubs as event giving clubs. Seventy two AKC clubs (over half of the AKC clubs) are also ASFA member clubs and many of the AKC clubs that do not have dual memberships have ASFA connected individuals in key administrative/operation positions. AKC affiliated clubs held 134 trials in 2005. (Trials do not include AKC tests. A test is an event whereby the dog is required only to finish the course and there is no competition with other dogs.) Total entries in AKC trials were 6226 in 2005.

AKC also originally “grandfathered” into the program ASFA judges and lists 241 judges on its judges list. The AKC does not remove judges due to inactivity. Although 123 AKC judges (51%) also judge ASFA trials, this percentage represents nearly all the active lure coursing judges because of the “active judge ASFA requirement”. (see below).

Potentially Conflicting Program

American Sighthound Field Association

The American Sighthound Field Association was formed in 1971. The AKC program was modeled largely on the ASFA template. Like AKC, ASFA is a non profit “club of clubs.” It has as its objective, the development of the natural beauty, grace, speed and coursing skill of the Sighthound. ASFA maintains rules, procedures, and records for lure field trials.

ASFA has 118 member clubs including parent clubs such as: Afghan Hound Club of America, American Whippet Club, Basenji Club of America, Borzoi Club of America, Ibizan Hound Club of the U.S, Irish Wolfhound Club of America, Italian Greyhound Club of America, Pharaoh Hound Club of America, Rhodesian Ridgeback Club of the U.S, Saluki Club of America, and Scottish Deerhound Club of America. ASFA could be seen as competing with the AKC coursing program.

ASFA member clubs held 311 trial events in 2005 and the events attracted 14,638 dogs, more than double the AKC entries for trials. These events included ASFA events at almost all the AKC sighthound breeds national specialties. It also held the “International Invitational” a pre-qualified, invitation only event that is considered by many fanciers as the premier event in the sport.

ASFA has a judging requirement to remain an active judge. A judge must judge at least once during a 12 month period to remain active; an inactive judge for 2 years must reapply and loses all previous status. Currently, 152 judges are on the active list and 123 (81%) also judge AKC events.

Individuals Impacted

- ASFA judges will be precluded from serving as officers or directors in their own clubs if they wish to judge AKC events.
- AKC judges will be precluded from serving as officers or directors of ASFA or any ASFA event giving clubs.

An additional negative consequence is that ASFA could require its judges to sign a similar “conflict of interest” pledge; an eventuality that could cost the AKC activity a potentially worrisome exodus of both its event giving clubs and its licensed judges.

Recommendations Regarding ASFA

The American Field Sighthound Association is an exempted competing organization. The Committee agrees that the exception is appropriate. The policy should be extended to those “sponsoring organizations” through inclusion of the clarifying language suggested earlier.

Primary research provided by Carol Fisher, Valley Forge Kennel Club
Impact on AKC Herding Performance Events

Introduction

Herding is unique among the AKC sports. Trials range from informal trials (see Oregon Sheep Dog Society trial, the society was founded in 1938 to exchange training ideas for dogs used in ranching in Oregon) to the National Finals. (citation) Judges may be sanctioned or not; clubs may be sanctioned or not, the best seem to be long time trainers born with the sheep.

Note by Don to Committee: In trying to determine a recommendation, I'm impressed by the “old west” feel of this sport. It appears that participants need livestock and lots of it – sheep, ducks, cows, and possibly other animals --and they need fields. The training requirements to keep dogs in condition and competitive are time

consuming and unsuited to a large portion of urban AKC dog fanciers. Old “stockmen” with generations of experience handed down are revered among their peers, are rare and are not usually in the AKC programs.

Here, clearly the AKC is not a strong player. The judging expertise isn’t easily identifiable as to licensing by sanctioning bodies; and the participants don’t seem to care what events they participate in as long as they can work this sport.

After almost twenty hours of research, the question I keep coming back to is “what are the benefits of restricting who can judge that outweigh the potential loss of expertise and prestige.

My bottom line is that it is not in the best interest of the AKC activity to push the buttons of exclusion. To do so would be tantamount to a high school regulation excluding an NBA player because he wasn’t good enough. That would be silly. I’m landing on the position of “let ‘em all in.”

Clearly there are some real experts out there... some great dog men and women. This sport, because of its nature and natural restrictions, deserves to get the freedom to let the activity grow under the AKC umbrella.

AKC Program

The American Kennel Club's Herding Test and Trial Regulations is a fledging enterprise in the herding environment. It became effective in 1989. In 2005 (17 years after inception), 93 clubs, including 17 parent clubs, held herding tests and/or herding trials. Although the herding program has seen growth since its inception, it is very small compared to the more established programs. Even so, each year new AKC clubs have formed and been approved to host herding events and annually, the number of dogs participating in herding events has risen.

The AKC judges roster lists 175 herding judges, far fewer than the other performance activities. It has been estimated by Gerard Baudet, a committee member who has attended judges seminars, that if duplicates, retired, resigned, lapsed and people listed who do not intend to apply to judge are excluded, the herding performance activity has fewer than 100 judges, and he estimates that as few as fifty judge the AKC venues on a consistent basis.

Potentially Competing Programs

American Herding Breeds Association [AHBA]

The American Herding Breed Association was founded in 1986. It welcomes into its program many more breeds than does the AKC program. The AKC program was modeled largely after the AHBA program; AKC licensed their judges and adopted many of their procedures. Also several AKC clubs conduct AHBA events.

The American Herding Breeds Association lists approximately 152 licensed judges. Many of their judges are dually licensed and also judge AKC events and it is likely that many more serve as officers, directors, or program officials of AKC event giving clubs.

The AHBA herding program may be seen as a competing program with that of the AKC.

Individuals Impacted

- American Herding Breeds Association judges will be precluded from serving as officers or directors in their own clubs if they wish to judge AKC events.
- AKC judges will be precluded from serving as officers or directors of AHBA or any AHBA event-giving clubs.

Recommendation Concerning AHBA

The American Herding Breeds Association is an exempted competing organization. The Committee agrees that the exception is appropriate and in the best interests of the sport and the AKC herding program. The policy should be extended to those “sponsoring organizations” through inclusion of the clarifying language suggested earlier..

United States Border Collie Handlers Association [USBCHA]

The United States Border Collie Handlers Association is the most significant sanctioning body for herding trials. It conducts sheep and cattedog trials throughout the United States and Canada. It was founded in 1979 and has grown into an organization of more than 500 members. Members may qualify at sanctioned Open trials during the year for eligibility to compete in the USBCHA National Finals to determine the champion Open dog and handler for that year. According to the USBCHA website:

“The Sport of Sheepdog Trialing has been a highly competitive activity in the United Kingdom for over 100 years. British farmers and shepherds have long been keen to pit their best dogs against each other to select the finest breeding stock in order to preserve and cultivate the unsurpassed working ability of the Border Collie. The Sport has carved a HUGE niche in the United States as ranchers have learned the true value of a good dog in helping to manage their livestock. Over the past twenty years, sheepdog trialing has mushroomed in North America. On any given weekend there are sheepdog trials being held all across the continent with trialers and spectators driving hundreds of miles to participate or watch.”

The USBCHA also conducts the National Sheepdog Finals. Every year the United States Border Collie Handlers Association and The American Border Collie Association sponsor the National Sheepdog Finals. This trial showcases the top 150 dogs in North America who compete for the title of National Sheepdog Champion. Each dog has to qualify for the right to compete in this Championship Trial. The handlers and their dogs work hard all year long, training and traveling hundreds of miles to numerous trials, hopefully gaining enough points to qualify their dog to compete in the National Finals. Each dog will arrive in Klamath Falls, OR as a champion from other turf across the United States and Canada; once in Klamath Falls, all will face their toughest challenge yet.

(from website for the National Sheepdog Finals, a USBCHA/ABCA event)

Individuals Impacted

The United States Border Collie Handlers Association does not license judges nor does it sanction clubs. all organizations that chose to hold events under USBCHA rules. There would be no conflict of interest. AKC judges, particularly the judges with high standing among their peers, may be asked to judge a USBCHA event and that could be seen as a conflict of interest not permitted unless USBCHA was an exempt organization.

Recommendation Concerning the United States Border Collie Handlers Association

The committee recommends adding the USBCHA to the list of exempt organizations for reasons stated above. Additionally, this organization is the predominant trial holding entity for Border Collies. It is not in the best interest of the AKC herding program to require AKC judges to face dismissal for judging an event held under the rules of the USBCHA.

American Border Collie Association [ABCA]

Formed in 1982, American Border Collie Association is a Border Collie registry. It indicates that it has over 9000 members and claims to have registered its 100,000th Border Collie in 1997. Persons are required to obtain membership in order to register a Border Collie. The organization indicate that it

exists to register, maintain and verify the pedigrees of Border Collies, to promote and foster in North America the breeding, training and distribution of reliable working Border Collies, and to promote stockdog trials and exhibitions.

The American Border Collie Association does not license judges, nor does it recognize any registry that promotes conformation showing of Border Collies. Consequently, registration with the AKC, UKC, the Kennel Club (UK), Federation Cynologique Internationale [FCI], Australian or New Zealand Kennel Clubs, or any such body will not be accepted as a basis for registration with the ABCA. Its website indicates that it will “deregister” any dog or bitch should it become a conformation champion.

Individuals Impacted

The American Border Collie Association conducts trial, to the extent that it has trials, under USBCHA rules. It neither licenses judges nor sanctions herding events. Therefore, there is no conflict with AKC events and no need for an exemption.

Australian Shepherd Club of America [ASCA]

The Australian Shepherd Club of America was established in 1957 and claims to be the largest single breed dog registry in North America. The organization is non-profit, is governed by volunteer aussie fanciers elected by the membership, and it maintains a professional office staff in Bryan, Texas. ASCA indicates that it has 208 affiliate clubs “throughout the US, Canada, and Europe. ASCA provides a stud book for Australian Shepherds and holds sanctioned conformation shows, obedience trials, agility trials, and herding trials in the US and elsewhere. Its National Specialty is a week-long event and it attracts large entries in all activities. Therefore, the ASCA represents a potential conflict with the AKC both as a registry and as an event giving organization.

Individuals Impacted

ASCA does not license judges. AKC judges are affected because they will be prohibited from judging prestigious (in the Aussie herding world) ASCA judging events or from serving as officers or directors on ASCA event giving clubs.

The divisions between the AKC and the Australian Shepherd Club of America are well known and much publicized. The ASCA opposed AKC recognition and actively seeks to discourage Australian Shepherd fanciers from registering their dogs with the AKC.

A number of Aussie fanciers have sought dual registrations on their dogs in order to participate in events of both organizations. This has greatly benefited the AKC program because ASCA members are significant participants in AKC herding events for Australian Shepherds. At present, ASCA permits dual registered dogs in its registry. Should ASCA adopt the policy of the American Border Collie Association, the AKC Aussie fancy could be seriously impacted by the requirement to chose between the registries. The committee feels that circumstance could deal a serious blow to the working Aussie within the AKC.

Recommendation Concerning the Australian Shepherd Club of America

The Australian Shepherd Club of America should be exempted from the judges conflict policy. An exemption is appropriate and in the best interests of the herding sport and the AKC herding program. The policy should be extended to those “affiliate organizations” through inclusion of the clarifying language suggested earlier.

Primary research provided by Gerard Baudet, Rhode Island Kennel Club

Summary and Conclusion

Unless carefully tailored, the judges conflict policy has the potential to deal severe damage to fledging AKC performance programs by:

- forcing the best and brightest judges to choose between AKC and older, more engrained institutions.
- forcing our most experienced workers and educators out of our clubs and back to their original organizations.
- depriving AKC clubs of experienced predecessor participants who have lent their talents to our clubs in areas of expertise that are vital to our continued development.
- depriving our AKC clubs of the farmers, ranchers, stock owners, and facilities that enable us to stage our trials.
- causing retaliation from larger more entrenched earth dog, lure coursing and herding groups.
- reopening deep divisions between the “working side” and the “AKC side” of the Australian Shepherd and Border Collie breeds.

The Committee urges exemption of all three performance venues from the policy. Absent that, our recommendation is as follows:

- Amend the exclusionary language to read: “Events held by the following organizations have been held to meet the above criteria, and AKC approved judges may continue to judge them, to retain an office in them, may continue to sit as a volunteer board member in them, and may continue to judge events under the rules of the named exempt organizations.
- Add the United States Border Collie Handlers Association to the list of organizations held to meet the qualifications for exemption of the conflict of interest policy.
- Add the Australian Shepherd Club of American to the list of organizations held to meet the qualification for exemption of the conflict of interest policy.

Thank you for the opportunity to submit our recommendations. We will be pleased to elaborate or answer questions that may arise.

Very Truly Yours,

Don Adams,
Chair
Delegates Advisory Committee of Herding, Earthdog and Lure Coursing

Cc: James Crowley
Bill Speck