

9-7-97 SPECIAL MEETING OF THE PWDCA, INC.

A special meeting of the PWDCA, INC. was called to order by President Cheryl Smith at 9:07 p.m., EST, on Sunday, September 7, 1997.

Present: Cheryl Smith, Christi Overton, Robin Zaremba, David Haddock, Jody VanLoan, Janis Watts, John Karlsson, and Deb Zorn. Absent: Ginny Brown.

Listeners: Jane Harding, Mary-Kay Schroeder, and Carol Mattingley.

The purpose of the meeting was to discuss the allegations presented to the Board by the Water Trial Committee regarding Deborah Lee Miller-Riley's interpretation of the Apprentice title level swim exercise rules, her judging of and awarding titles to dogs at the Apprentice title level, and her failure to accept the Committee's clarifications of the Water Trial Manual rules pertaining to the Apprentice swim exercise rules (i.e., the Committee was unanimous that the exercise should be judged that the dog must swim with its handler for a minimum of two minutes to pass the exercise, while Deborah interprets the Manual's wording to state that the dog must swim to the 60-foot marker with its handler within two minutes).

Janis asked Mary-Kay Schroeder, Water Committee Chair, if Deborah Lee Miller-Riley had been informed by the Committee that the exercise was to be interpreted as a two minute swim duration, and Mary-Kay said that she had, personally, informed her of that fact, but that Deborah had stated to her that unless a directive came from the Board that she must judge the exercise that way, then she would continue to judge the exercise using her own interpretation of the exercise.

Jody took the floor first and stated that the Board's decision at this meeting pertains to procedure and would set precedence for other boards in the years to come. Jody felt that determining which is more important, the Manual wording versus the Judge's Score Sheet's wording, was where the big difference lay. Judge's Score Sheets are not approved by the Board and are not included with the Manual. (They are provided to the judges by the Committee.) Jody stated that the wording of the Manual states that a dog must complete the exercise using two minutes maximum, while the Score Sheets state that the dog must swim for a minimum of two minutes.

Jody pointed out several conflicts in the Water Trial Manual pertaining to several different exercises (e.g., boarding the boat). Jody felt that by the Committee asking the Board to interpret the Manual, the Board would then be setting rules, and it is her opinion that the Board should not be setting the rules in this regard.

Mary-Kay addressed the meeting drawing attention to the wording in the exercise, "over time and distance." She also informed the Board that all other [17] water trial judges judge the exercise requiring the dogs to swim a minimum of two minutes, and that Deborah is the only judge awarding Apprentice titles to dogs who do not swim for two minutes. Thus, the Committee feels that, when Deborah judges, she is awarding water titles to dogs who have not met the criteria for the award as those who passed under any of the other water trial judges.

Mary-Kay also informed the Board that the Judge's Score Sheets are provided by the Committee to judges, and thereon the task clearly states "Must swim together for 2 minutes minimum." Deborah has never approached the Committee stating that the Score Sheets were in error and that when the Committee recently issued some clarifications to the Manual, the time issue was never addressed by Deborah in her correspondence to the Committee regarding the clarifications. Mary-Kay informed the Board that it was not until she received the Score Sheets from the August trial that Deborah judged was she aware that Deborah was judging the exercise differently from the other 17 judges, and that Deborah had awarded five AWD titles to dogs who did not swim for two minutes. Mary-Kay stated that the Committee, however, would not retract the titles from the dogs that were awarded an AWD even though they did not swim for two minutes, but since Deborah is scheduled to judge another trial in September, the Committee did not want any more AWD titles awarded to dogs who did not do the mandatory two minute swim as all other judges require.

Janis quoted, from page 12 of the Manual, the exercise's wording, "Should the dog decide to return to land before the time is up, the handler may not swim in pursuit of the dog to maintain close proximity." Janis said that this clearly indicates that before the time is up [2 minutes], the dog should not be on the land.

Jody felt that the time element is subservient to the title of the exercise, and that she interprets that sentence to mean that if the dog returns to land before it reaches the 60' marker within two minutes, then it would fail.

Mary-Kay pointed out that it states in the exercise that "Dog and handler must remain swimming for the duration of the exercise," which, again, is a clear indication that the dog must swim for at least two minutes.

David asked where in the Manual it stated that an Official Judge's Score sheet must be used, and why there are no Score Sheets in the Manual. Also, he brought up how could Score Sheets override the Manual since the Manual was voted upon and passed by the membership.

Jane Harding stated that judge Judy Adler judges the exercise in the same

fashion as Deborah, and that it was because of Judy's interpretation of the exercise and judging that the Nutmeg club and Deborah reviewed the Manual and interpreted the exercise to be judged in that fashion. Mary-Kay informed the Board that she had telephoned Judy Adler during the week, and that Judy was adamant that she had never judged the exercise and passed a dog who hadn't swam for a minimum of two minutes.

David asked where in the Manual does it clearly state that the dog must swim for two minutes minimum to pass the exercise, in such concise language. Janis said that since the exercise says "The time of the exercise is two minutes," and further states that the "Dog and handler must remaining swimming for the duration of the exercise," why is that not clear? Janis pointed out that the word "maximum" is not included in the exercise, although Jody referenced under the Time section of the Manual that there is a language conflict there. Robin pointed out that the sentence under Purpose, "To demonstrate the dog's swimming and endurance ability and ability to move in a controlled manner over time and distance," is also indicative that the exercise is a "timed" and "endurance" exercise.

Cheryl asked why if the Junior certificate level swim only required the dog to swim to the 60' marker, then why would the Apprentice title have the same exercise? Mary-Kay stated that each water title level had more advanced exercises than its preceding level and, thus, it was another indication that the Apprentice level required two minutes swimming, while the Junior level had two minutes to complete their exercise (swimming to the 60' marker and returning to shore). David said that the Manual wording for the swim exercise is unclear and that no one could read it and clearly state that Deborah had misinterpreted the exercise based on any wording within the Manual. Mary-Kay stated that as judges have judged trials throughout the year(s), and as judges encountered "gray" areas, the judges came to the Committee for clarification of the Manual, and that is one of the reasons that the Committee is there for. However, in this case, one judge who judges and passes dogs on an exercise differently than the balance of the 17 other judges refuses to accept the Committee's clarification on the issue.

Christi feels that while the wording in the Manual could be interpreted either to have two minutes to complete the exercise or to swim for a minimum of two minutes, she also found merit in the fact that the other 17 of 18 water trial judges judge the exercise requiring dogs to swim a minimum of two minutes. Christi suggested a compromise that dogs who swim to the 60' marker pass, but that they are asked to continue swimming for a total of two minutes; however, if a dog returned to shore after it reached the 60' marker, it would not fail the exercise.

John felt that Deborah was correct in her interpretation of the Manual because the Manual is not clearly worded and needs correction.

Deb asked why the two Committee members who attended the water trial where Deborah passed dogs who swam for under two minutes didn't address the issue with Deborah at that time. Mary-Kay informed the Board that the two Committee members did question Deborah about it, but that Deborah stated that that was not how she interpreted the rules. Jody asked why no formal protest was filed at the trial by either of the Committee members. Mary-Kay stated that the two Committee members came to the Committee with the issue rather than filing a formal protest at the trial.

Janis left the meeting at this point, but stated before leaving that it was her feeling that all judges should be judging the exercise consistently and that the dogs should be swimming for at least two minutes before they are awarded an AWD title (providing they pass all the other exercises), and that it is her opinion that the wording within the Manual indicates that the dogs must swim for two minutes to pass the exercise.

Jody stated that she favored Christi's compromise, but that the two minutes should begin at the beginning of the exercise and not after the dog has reached the 60' marker. However, Mary-Kay stated that the Manual states that judges are not allowed to make changes to exercises. Jody said that how a judge interprets the Manual differs from varying an exercise. David said that to have a variation, one must have a standard, and that the Manual is unclear so Deborah is not varying from the exercise and that there is no clear wording and that the Committee should be spending its energy rewriting and clearing up the Manual rather than ostracizing a judge because they interpret the rules differently than the other judges as well as the Committee, and that the Committee is doing Deborah an injustice. Mary-Kay said that in March 1997, Deborah wrote on the internet an explanation of why there is a two minute swim requirement, so Deborah clearly understands that the exercise should be a two minute swim. David said that Deborah could write whatever she desires on the internet, but that doesn't change the fact that the Manual's language is unclear and open to interpretation.

Robin stated that she felt that when she read the words "demonstrate the dog's swimming ability ... over time and distance to be 2 minutes" and "if the dog returns to land before the time is up ...," she doesn't have any problem in interpreting that the dog should be swimming for two minutes in order to pass the exercise. David said if the Board can't decide that the language in the Manual requires a two minute swim, and if a judge interprets what she reads that a dog doesn't need to swim for two minutes, how can the Board support the Committee's request for action against a judge whom the Committee feels has a blatant disregard for the rules? Robin asked why would Deborah accept a letter from the Board requiring her to judge the exercise for two minutes, but not a letter from the Committee. Jody said that the Deborah wants the Board to make the rule. Mary-Kay said that the Committee

has concerns from owners whose dogs received an AWD title when their dogs did not swim for two minutes, and that [some of] the owners are concerned that they've been awarded a title knowing they did not complete the same exercises as those dogs awarded titles under all the other 17 water trial judges, and that the exercise should be judged consistently. (Mary-Kay informed the owners that their titles would not be removed.)

David said that he reads the Committee's letter to the Board regarding this exercise issue more to read that it wants to suspend Deborah from judging, not to fix the judging interpretation for the exercise.

A poll was taken of the Board about how they feel the issue should be handled. John stated that the Manual should be corrected for the 1998 water trial season and thereafter, and that Deborah should judge according to her interpretation of the current rules until the Manual is corrected; Robin stated that any dog that earns a title should be judged in the same manner by any judge and that she hates to see dogs who swim for a mere 28 seconds being awarded the same title as those who swim for 2 minutes, and that it should be a two minute swim since 17 judges as well as 7 committee members unanimously agree that the exercise is a two minute swim, and that the Board should take the steps necessary to clarify the exercise at this meeting since 24 people agree that the Manual indicates the exercise to be a two minute swim versus one judge who interprets the Manual differently from the others; Deb said that at all trials she's attended, it was required that dogs swim for a minimum of two minutes, and a clarification letter should go to all the water trial judges stating that it should be a two minute swim, and she felt that from Deborah's correspondence that she'd be willing to judge it as a two minute swim if the Board would so direct her; David said that judges should judge trials as they interpret the Manual and that the Manual should be rewritten for clarification; Christi felt that her compromise (listed above in these Minutes) should be implemented because the Manual is unclear, but if that is not acceptable, then Deborah should not be forced into judging the exercise as a two minute swim until the Manual is clarified, but that she [Christi] fears that the balance of the 1997 water trials are going to be open for protest by anyone whose dog doesn't swim for two minutes by allowing it to be judged in different ways; Jody feels the rule is unclear and the interpretation should be left to the judge, and if anyone who is going to compete doesn't like the judge's instructions for an exercise at a trial, then they can indicate that they are going to protest how the judge plans to judge the exercise. (Janis' opinion that the exercise is a two minute swim is stated above and was given by her prior to her leaving the meeting.)

After the above discussion and poll, David made a motion that the Board take no action in advising Deborah Lee Miller-Riley to judge the Apprentice swim exercise differently than she interprets the exercise based on the rules in

the Water Trial Manual, and that the Water Trial Committee is encouraged to take steps to rectify the wording within the Manual so that the Manual has clear, concise language. The motion was seconded by John Karlsson. In favor of the motion: David Haddock, John Karlsson, Christi Overton, Jody VanLoan, and Deb Zorn. Opposed: Robin Zaremba, for the reasons listed above during the polling of the Board. (Janis Watts was absent from the vote because of having to leave the meeting prematurely.) Cheryl asked that Mary-Kay take the interpretation matter back to the Committee and have the Committee begin work to have the Manual rewritten and better worded for the 1998 water season and thereafter.

There being no further action to come before the meeting, upon a motion made by David Haddock and seconded by John Karlsson, the meeting was adjourned at 10:26 p.m., EST.

Respectfully submitted,

Date: September 17, 1997

Robin Zaremba, Recording Secretary

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