



Animal Advocate Inc.

August 23, 2009

Ms. Gail Haraguchi, Director
Department of Customer Services
City and County of Honolulu
530 South King Street, #302-A
Honolulu, Hawaii 96813-3019

Dear Director Haraguchi:

SUBJECT: Complaint and Request for Investigation
Hawaiian Humane Society
City Contract No. CT-CSD-0800592

Please accept this letter as our formal complaint and request for investigation regarding the activities of the Hawaiian Humane Society as the City and County of Honolulu's animal control contractor.

Animal Advocate Inc. has learned that Ms. Jennifer Kishimori of the Oahu SPCA (and Cat Friends), has lost her right to use the Hawaiian Humane Society's ("HHS") facilities/services, because she has been deemed "adversarial" by Pamela Burns of the HHS. We have learned that Ms. Kishimori recently attempted to have an animal neutered at the HHS, but was informed that she has been banned because she exercised her right to consult her attorney in regard to a recent rescue of about 400 animals in Waianae by her organization. This type of arbitrary and vindictive behavior, and the denial of the use of a public facility and service by the City's designated contractor, is simply wrong. We believe it may also be illegal.

We believe that every citizen should have the right to utilize the HHS facilities and services, such as spaying and neutering. Thus, we ask that you initiate an investigation immediately. We would like to know if, by denying access to their services and facilities, the HHS is in breach of its contract No. CT-CSD-0800592. If it is found to be in breach of the contract, what is the penalty? Who enforces the penalty? If you do not believe they have violated the terms of their City contract, then we would appreciate your explanation of why it is not a violation.

We have learned that Ms. Kishimori was asked by property owner Norman Pang to take the shelter animals who had been cared for by his wife, Bonnie, prior to her recent death. Ms. Kishimori agreed, and saved hundreds of pet animals. As Norman Pang stated just this morning,

he knew that if he had called the HHS, most (if not all) of the approximately 400 animals would have been euthanized.

We have learned that the vindictive behavior of the HHS and Ms. Burns in denying Ms. Kishimori the use of the HHS facilities and services stems from the HHS contacting Ms. Kishimori regarding her role in the rescue of the 400 animals, and that HHS was conducting a criminal investigation. In response, Ms. Kishimori asked Ms. Burns to contact her legal representative, i.e., her attorney. The HHS, as the agent of the City and County of Honolulu under the contract, does not have the right to compel people to speak with them without counsel, should they desire to have counsel with them. The fact is that Ms. Kishimori did not refuse to speak with Ms. Burns; rather, she simply asked her to contact her legal representative.

We believe when a citizen exercises their right to due process and avoiding self-incrimination, when a criminal investigation is being conducted, that request should be honored. We believe that this behavior on the part of Ms. Burns and the HHS is not only unethical, we believe it is immoral, and unconstitutional.

Ms. Burns' retaliation against Ms. Kishimori is to deny her the use of the HHS for spaying and neutering. We note that, although she does not receive money from a City contract like the HHS does, Ms. Kishimori spays and neuters hundreds of animals each year, providing a needed public service.

You may be interested to know that, on August 7, 2009, the Office of Information Practices (OIP) ruled on our appeal of the denial of our request for records by the HHS. The OIP states that the HHS is an "agency" subject to the UIPA "for the activities within the scope of its agreement with the City, and its enforcement of State and county laws enacted for the health, safety and welfare of the public." The HHS substitutes for the City in enforcement of animal cruelty laws. On August 12, 2009, we wrote to Ms. Burns and enclosed a copy of the OIP ruling, and reminded her that the HHS has been ordered by the OIP to turn over the requested documents, which are public record. However, to date, the HHS has not responded to our letter, and is not in compliance with the OIP ruling. Therefore, in addition to the investigation regarding denial of its services to Ms. Kishimori, we also ask that you instruct the HHS, the City's Animal Control Contractor, to comply with the OIP ruling and turn over the documents to Animal Advocate Inc. immediately.

Please inform us of the outcome of your investigations. You may respond to us at the address listed below.

Sincerely,
Pamela Davis
President, Animal Advocate Inc.
cc: Honolulu City Council Members
Pamela Burns, Hawaiian Humane Society