



Animal Advocate Inc.

September 14, 2009

Members of the Honolulu City Council
530 South King Street, Room 202, Honolulu Hale
Honolulu, Hawaii 96813

Dear City Councilmembers:

**SUBJECT: Actions of a City and County of Honolulu Contractor
Hawaiian Humane Society
Request for Investigation -- Federal Lawsuit Filed**

On September 11, 2009, attorneys for Mr. Norman Pang of Animal Haven, located in Waianae, Oahu, Hawaii, filed a federal lawsuit in the United States District Court against Pamela Burns, President and CEO of the Hawaiian Humane Society (HHS) in her individual capacity, Keoni Vaughn, Manager of Field Services at the HHS in his individual capacity, and Rigo Niera, Director of Animal Protection of the HHS in his individual capacity, as well as several persons from the Humane Society of the United States (HSUS), and others. [Note: We have attached a link to the federal lawsuit, so that you may read it in its entirety.]

The purpose of our letter is two-fold. First, to express our outrage at the horrendous behavior of the HHS as described in the lawsuit. Essentially, the lawsuit states that the HHS worked surreptitiously to obtain “evidence,” using employees of the HSUS as their agents, because the HHS itself (which has enforcement authority under the City and County contract) had no probable cause to enter Mr. Pang’s property, and thus could not obtain a search warrant. This action on the part of the HHS, as described in the federal lawsuit, was a denial of Mr. Pang’s rights afforded to all U.S. citizens under the Constitution of the United States. In fact, the lawsuit states specifically that Mr. Pang’s rights were violated by the HHS under the First, Fourth, Fifth, and Fourteenth Amendments to the United States Constitution. The other purpose of our letter is to ask that the City Council initiate an investigation into the matter, and decline prosecution of Mr. Norman Pang.

Moreover, the lawsuit asserts that the HHS then used the “evidence,” i.e., video and photos taken by the HSUS (which were obtained illegally) during the relocation of the animals at Animal Haven to a new shelter in Kapolei, to defame Mr. Pang, calling him a “murderer” and an “animal abuser” on the HHS’ website. The HHS is the recipient of the Animal Control Contract for the City and County of Honolulu; therefore, this is a very serious situation, with the lawsuit stating that Mr. Pang was publicly defamed, and his constitutional rights were violated.

The federal lawsuit presents us with the following:

1. Plaintiff Norman Pang is the widower of Bonnie Pang, who for 17 years operated Animal Haven, a no-kill shelter and hospice in Waianae, Oahu. Bonnie passed away in her sleep on July 13, 2009.
2. Animal Haven, Inc. is a Hawaii non-profit 501(c)(3) organization which provided a hospice and sanctuary for all types of animals, where they would be safe and would not be euthanized.
3. Because Bonnie Pang was committed to the no-kill philosophy of animal care, which is directly opposed to the HHS' practice of euthanizing abandoned animals, the HHS falsely accused her of neglect and abuse in 1995. However, she was exonerated by a jury and on her case.
4. Norman and Bonnie Pang openly expressed their opposition to the HHS' practice of killing animals, rather than making the animals available for adoption.
5. Residents of the Waianae Coast who favor Animal Haven's no-kill philosophy depended on Bonnie to take in sick and/or abandoned animals. Many of the animals she took in were already malnourished, ill, diseased, crippled, and/or terminally ill when Bonnie accepted them at Animal Haven.
6. Bonnie had told husband Norman that if anything ever happened to her, she did not want any of the animals turned over to the HHS, due to their established practice of euthanizing animals under its care; she knew that, in another case, the HHS had killed all 400 animals.
7. After Bonnie's untimely death, Mr. Pang immediately sought help in finding a new home for the animals, and had an offer from the Oahu Society for Prevention of Cruelty to Animals (OSPICA), who in turn requested the assistance of a national organization, the Humane Society of the United States (HSUS).
8. On July 17, 2009, personnel from the HSUS, acting under the color of law, went onto Mr. Pang's property and told Mr. Pang that they were "satisfied there was no basis for any criminal complaint." However, the HSUS subsequently met with the Defendants from the HHS, as well as an officer from the Honolulu Police Department (HPD).
9. On July 19, 2009, the day the animals were transferred from Animal Haven to the new shelter, the HSUS once again stated that there was no basis for a criminal complaint. However, HSUS personnel appeared with video equipment and displayed law enforcement badges, conducting themselves in a manner suggesting they had police authority.
10. The HSUS had already assumed responsibility for the animals and kennels, yet they took photos and video of the dirty condition of the kennels 4 days after they took control. (Mr. Pang had signed a release.) Because the HSUS did not care for the animals in

the kennels for 4 days prior to the videotaping, the HSUS was assured of video footage and photos showing apparent neglect -- when it was they who were neglecting the animals.

11. The HSUS deceived Mr. Pang by telling him they were only making a training video. However, the real purpose of the video was to create a carefully edited portrayal of animal neglect/abuse for use as evidence in charging Mr. Pang. The HHS had already met surreptitiously with representatives from the HHS, HPD, and Dr. Rebecca Rhoades from the Kauai Humane Society, to conspire with HHS to achieve its goal of entering Mr. Pang's property to fabricate evidence of animal abuse.

12. The HHS has admitted that no person had provided any information to HHS that would have provided probable cause for issuance of a search warrant. Despite this, the HHS conspired with the HSUS to enter Mr. Pang's property, for the primary purpose of building a case against Mr. Pang.

13. Despite Mr. Pang's prudent and timely efforts to find shelter for the animals, immediately after the relocation of the animals the HHS posted statements on their website alleging that Mr. Pang was getting away with the "murder" of animals and also an allegation that Mr. Pang had destroyed evidence; the HSUS also stated on their website that they had provided photos, video, and statements as evidence to the prosecutor to be used against Mr. Pang.

14. The defamatory actions, and the actions of impersonating a law enforcement officer on the part of the Defendants, constitutes a tort under the laws of the State of Hawaii.

The lawsuit states, "Acting under the color of law, Defendants worked a denial of Mr. Pang's rights, privileges, and/or immunities secured by the United States Constitution, by Federal law, and the Hawaii State Constitution and laws. To wit; Defendants willfully and maliciously retaliated against him because he sued the HHS and the City and County of Honolulu for malicious prosecution and by conspiring for the purpose of impeding and hindering the due course of justice, with intent to deny Mr. Pang equal protection of laws and to silence the exercise of his free expression." Moreover, "As a result of the retaliation by the Defendants because of Pang's exercise of his First Amendment right to petition, Pang has been deprived of his right to equal protection of the laws, and the due process of law, in violation of the Fifth and Fourteenth Amendments of the Constitution of the United States and 42 U.S.C. S1983."

In addition to the horrendous behavior of the HHS as outlined in the lawsuit, there are other aspects to this case and we would like to bring these to your attention as well. For example, the Pangs for many years cared for sick, diseased, and dying animals, the animals no one wanted. They provided food, water, medicine, and veterinary care to the animals, and the Pangs did not have a \$2 million City contract awarded to them like the HHS has, to help with the expenses. The money came out of their own pockets. Likewise, the OSPCA, which helped in the relocation of the animals and has been diligently carrying on the process of finding permanent adoptive homes for the animals, receives no funding from the City. We are aware that on September 2, 2009, the Council Budget Committee heard Bill 40 (2009), "Public Spay and Neuter Fees for Dogs and Cats," which would increase the fees charged for spay/neuter

services “to closer reflect the cost of providing the services.” We believe the City Council should know that there are many citizens spending considerable amounts of their own money to have animals spayed/neutered, and yet these people receive no funding assistance from the City.

It appears to us that people who try to help animals, but who do not subscribe to the euthanization policy and practice of the HHS, encounter problems, harassment, and worse. Please note that we provided (hand-delivered) each Councilmember with a “cc” of our August 23, 2009 letter to the Director of the City Department of Customer Services (DCS), asking that they initiate an investigation of another recent action on the part of the HHS, i.e., denying the use of its facilities for spay/neuter to Ms. Jennifer Kishimori, a founding member of the OSPCA. It is our understanding that Ms. Kishimori believes this action on the part of Pamela Burns of the HHS may be retribution for the assistance she provided to Mr. Pang in transferring the animals from his property to the OSPCA’s facility in Kapolei. Remember, Mr. Pang chose OSPCA to help him, not the HHS, because the OSPCA does not euthanize healthy animals like the HHS routinely does. However, the bottom line is that Ms. Kishimori is a taxpaying citizen, and the HHS is funded by taxpayer money. This denial of the use of its facilities to a taxpaying citizen, who is providing a valuable service to the citizens of Oahu, is unacceptable. Further, we believe it may also constitute a violation of their City contract.

Of course, the most important factor by far is the denial of Mr. Pang’s Constitutional by the HHS, and the HHS’ public defamation of his character, on their website and elsewhere. Obviously, if judgment is awarded in favor of Mr. Pang, the taxpayers of the City and County of Honolulu are potentially out millions of dollars, due to the actions of the City’s designated Animal Control Contractor, the Hawaiian Humane Society.

We are aware that, for many years, people have reported that the HHS has ignored their complaints; and, others state that they live in fear of retribution by Pamela Burns and the HHS. If the allegations in the federal lawsuit are sustained, that means no one can trust the HHS. We believe it may be time for a change in leadership at the HHS. We believe that the HHS leadership may have become a liability to the City and the taxpayers who support their operation.

Therefore, Animal Advocate Inc. hereby makes a formal request to the City Council to decline prosecution of Mr. Pang, and, to immediately take steps to investigate the actions of the HHS and the allegations made by Mr. Pang in his federal lawsuit.

We believe that no citizen should be treated the way Mr. Pang has been treated, as presented in the lawsuit. It is simply unacceptable behavior on the part of anyone, let alone a City contractor.

Therefore, we ask that the City Council take action immediately. We also ask that you keep us apprised of your progress during the investigation. Please respond to us at the address provided below.

Sincerely,
Pamela Davis
President, Animal Advocate Inc.