

**CASE 6-08 – JB VERMEULEN VS MESDAMES MJ LOUW AND SE VAN NIEKERK – HEARING
21.2.2009**

MISS SE VAN NIEKERK:

The above defendant was found guilty in terms of Rule 2.1 of Schedule 1 of the KUSA Constitution, in that she knowingly and wilfully exhibited a bitch that was registered jointly in her name, known as 'Sylon Pebbles of Raminartus Registration No: 017793, in the 2008 SALKA Junior Dog of the Year Competition, with the full knowledge that such dog had not qualified for the competition and that there was an administrative mistake made during the entry process which she failed to point out to the Show organisers and that by doing so intentionally and improperly precluded another dog that had qualified for the competition from competing at the event. Such conduct is considered not only to be improper and discreditable but also to be prejudicial to the interests of canine affairs and to persons concerned or connected therewith.

PENALTY: The DSC imposed the following penalty on the defendant:

Rule 8.2 and 8.3 of Schedule 1: Suspension of the defendant from taking part in or having any connection with or attending any Show, Obedience Classes, Working Trials or Field Trials or any other event whatsoever held under a Kennel Union of Southern Africa (KUSA) licence and from acting as an Officer of any KUSA affiliated Club and disqualification from exhibition or competition of all dogs owned by her or registered or recorded in her name, by her jointly with another person/s or in the name of a nominee, for a period of two years (twenty four calendar months) with effect from 1.3.2009.

In accordance with the provisions of Rule 8.9 of Schedule 1, the DSC deemed it fit to and decided to suspend the second year of suspension, being from 1.3.2010 to 28.2.2011, for a period of two years on condition that the defendant does not contravene any of the provisions as provided for in Rule 2 of Schedule 1 or any other provision in the KUSA Constitution, Rules and Regulations that would form the basis for a valid complaint in terms thereof.

NOTE:

1. The initial twelve months of the above penalty will take effect from 1.3.2009 and remain in full effect until 28.2.2010.
2. In the event of a valid and regular notice to lodge an appeal being received by the Secretary of KUSA in terms of Rule 12.1 of Schedule 1, and in the event of an unsuccessful appeal, the penalty shall only become effective after such date that the appeal has been heard.

MRS M J LOUW

Due to the fact that it was not proven at all that the above defendant was party to any of the facts that gave rise to this complaint, other than being a co-owner of the bitch (Dog) in question, that she was not involved in the matter and is therefore found not guilty.

APPEAL BY MISS SE VAN NIEIERK

The Appeals Committee met on 8.5.2009 and upheld the finding and penalty of the DSC without any variation except that the effective date will remain at 1.3.2009.

In considering its decision the Appeals Committee noted that the Defendant's action was, by her own admission, intentional, and noted that no remorse has been shown.