MEMORANDUM

LOUISVILLE METRO POLICE DEPARTMENT

GREG FISCHER
MAYOR

STEVE CONRAD
CHIEF OF POLICE

TO: Mayor Greg Fischer

FROM: Chief Steve Conrad

DATE: February 5, 2015

RE: PIU Investigation Case #14-072
Louisville Metro Animal Services (LMAS)

In response to your directive given on August 20, 2014, I instructed the LMPD Public Integrity Unit to initiate an investigation into the events surrounding the treatment and death of a pit bull named Sadie. This investigation was both thorough and complete. During the course of this investigation, investigators could find no evidence to support the allegations that members of LMAS intentionally or wantonly caused injury to the dog. Additionally, Mr. Ingram Quick, Director of Internal Audit, conducted an independent review of the internal documents maintained by LMAS and found no criminal activity regarding the funds collected on behalf of the dog.

The findings of the PIU investigation were presented and reviewed by attorneys from the Office of the Commonwealth Attorney and the Jefferson County Attorney's Office. Both agreed that no criminal charges should be file. Based on these recommendations, the above mentioned case has been closed. For your review, copies of the letter of recommendation from Commonwealth Attorney Thomas Wine and the email from Assistant Jefferson County Attorney Susan Ely have been attached.

CC: Ellen Hesen, Chief of Staff

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January 27, 2015

Lt. Kevin DeSpain
Sgt. Chad Kessinger
LMPD, Public Integrity Unit
810 Barret Avenue
Louisville, KY 40204

EMAIL: Kevin.despain@louisvilleky.gov

RE: PIU Investigation Case #14-072,
Louisville Metro Animal Services (LMAS)

Dear Lt. DeSpain and Sgt. Kessinger,

Thank you for meeting with Assistant Commonwealth's Attorney Alex Gaddis and me on November 14, 2014. At your request, I have reviewed the extensive and detailed investigation into the circumstances surrounding the death of Sadie, a pit bull.

I reviewed interviews of numerous individuals, various emails, the Standard Operating Procedure Manual for Louisville Metro Animal Services (LMAS), veterinarian records from three (3) different offices, and a report by the Louisville Metro Office of Internal Audit. Several possible charges under KRS.514.070 (Theft by Failure to Make Required Disposition of Property), KRS 514.040 (Theft by Deception), KRS 525.130 (Cruelty to Animals in the Second Degree), KRS 525.135 (Torture of Dog or Cat), Louisville Metro Ordinances § 91.090 (Provision of Necessities), § 91.094 (Cruelty; Exhibition Fighting Prohibited) and KRS 61.102 ("Whistle Blower" statute) were considered.

After considering all the facts, applicable caselaw, statutes, and ordinances, for the reasons set-out below, this matter will not be presented to the Jefferson County Grand Jury for further investigation or indictment. Further, while only KRS 525.135(3), 514.040 and 514.070 allows for a potential felony prosecution, we also believe no

person should be subject to prosecution for misdemeanor offenses under any of these ordinances or statutes.

Investigation Background

On August 7, 2014, an anonymous caller filed a complaint with the Ethics and Compliance Employee Hotline about the treatment of Sadie. The caller reported information of mistreatment of Sadie, and misconduct by LMAS employees Margaret Brosko and Donald Robinson, had been received from a third party. The caller further advised this same information had been released to a local newspaper on July 22, 2014.

On or about August 19, 2014, Metro Council President Jim King established an *ad hoc* committee, co-chaired by Councilman Kelly Downard and Councilwoman Cindi Fowler. The committee charged with investigating the circumstances surrounding Sadie's death began meeting on August 27, 2014.

On August 20, 2014, Louisville Metro Mayor Greg Fischer asked the LMPD's Public Integrity Unit (PIU) to review this matter. Sergeants Chad Kessinger, Marcus Laytham Andy McClinton, and Lt. Kevin DeSpain interviewed various members of LMAS, as well as Metro Chief Sadiqa Reynolds, Dr. Patricia Kennedy Arrington, and Karen Dickson. Attempts to speak with Heather Adkins and Kim Ward, former employees of LMAS and Dr. Stephanie Pollet, a Bullitt County veterinarian were unsuccessful as all refused to be interviewed.

Factual Background

On or about February 3, 2013, Sadie, a pit bull, was impounded at Metro Animal Services, 3705 Manslick Road. She was transported to Jefferson Animal Hospital, 4504 Outer Loop for examination. Dr. Sarah Cheever noted lameness in the right foreleg, dropped carriage of the leg at the shoulder, and an old fracture. However, there were no indications of pain noted. Dr. Cheever advised amputation was possible. The final diagnosis was Brachial Plexus Avulsion (BPA) (nonfunctioning nerves). Dr. Arrington advised, although BPA is non-life-threatening, an animal may begin chewing the limb because there is no feeling. (Arrington interview, page 6).

Sadie was released to her owner on February 14, 2013. The owner was cited for failure to properly care for Sadie. The case was subsequently dismissed in March 2013, when the owner failed to appear, and LMAS did not pursue further action.

In July 2013, Sadie was returned to the shelter. An exam on August 29, 2013, revealed severe atrophy to the muscles in the right foreleg and an open sore. By September 6, 2013, Sadie had developed kennel cough for which she was treated by Dr. Congleton. Tabitha Gray, the veterinarian services supervisor at LMAS on Manslick,

advised all medical treatments for animals cared by LMAS are to be entered in the Chameleon system. However, she conceded, due to understaffing problems, some entries may have been omitted, especially when there were no problems. (Gray interview, page 11). Gray also advised that to avoid euthanizing a dog, it would need to be placed in a foster home. She stated no dog in pain is sent to a foster home. (Gray interview, page 8). While Sadie was given antibiotics, she was not treated for pain. (Gray interview, page 9). When an animal is placed in foster care, the day-to-day care is the responsibility of the "foster". (Gray interview, page 13; LMAS Foster Manual[1]).

On September 3, 2013, Sadie's owner relinquished all rights to Sadie.

Subsequently, Ms. Adkins applied to be a foster care provider for Sadie. In a September 15, 2013 email to Kim Ward, the foster coordinator, Ms. Adkins advised she had taken Sadie home the previous week.[2] Ms. Adkins offered to take Sadie to her own vet. She also asked about raising money for a potential amputation. Finally, she asked about a rescue for Sadie, acknowledging it might need to "go through Amanda (Crook)." Pursuant to protocol and the foster care manual, Ward advised Sadie would need to be taken to LMAS first, that rescues needed to go through Amanda Crook, and any fundraising needed to be approved by Margaret Brosko or Donald Robinson. Ward advised Ms. Adkins not to take Sadie to her personal vet, rather to take her to the Manslick Road facility. Ms. Adkins acknowledged receipt of the email.

In a September 29, 2013 email, Ward advised it might be possible for previously donated money, ear-marked for the care of a pit bull, to be used for Sadie's care.[3] She also believed publicizing the treatment of Sadie could be a good public relations move.

On October 14, 2013, Ward asked Ms. Adkins for videos or photos of Sadie, ostensibly for publicity. Ward also emailed Brosko and Alisa Oerther, LMAS Community Engagement Supervisor, suggesting Ms. Adkins be considered "Foster of the Month" in the next LMAS publication.

On November 5, 2013, Ms. Adkins sent an email to Oerther seeking information about the status of Sadie's surgery. Ms. Adkins explained Sadie was self-mutilating. Oerther responded that the necessary surgical tools had been received and attempts

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[1] "It will be the responsibility of the foster parent to transport the animal to the shelter or to Animal House for vaccinations and routine medical care."... "If your foster animal needs to be seen by a veterinarian, please call ahead and discuss the situation with vet tech staff."

[2] Although no emails or records of when Ms. Adkins took possession of Sadie were provided to PIU, the Mayor's office's account of events indicate Ms. Adkins took control of Sadie on September 9, 2013. (See Appendix 15 of the Metro Council Ad Hoc Committee Report.

[3] Donation records showed a contribution from Karla Haus in the amount of $250 on October 31, 2013, designated "assisting pits". However, the donor's check was dated August 30, 2013.

were being made to schedule a time with the veterinarian. In her interview with PIU, Oerther explained Ms. Adkins, as an employee, had access to Animal Services or Animal House Adoption Center, both at LMAS, as well as veterinarian services at Jefferson Animal Hospital, all of which is also explained in the Foster Care Manual given to each "foster". (Oerther interview, page 6-7).

On November 13, 2013, Ms. Adkins emailed to Brosko and Gray contact information for her personal vet, Dr. Stephanie Pollet who was willing to perform the leg amputation for $575. Brosko acknowledged receipt of the email. Records from East Bullitt Animal Clinic, where Dr. Pollet worked, show a visit and examination of Sadie on October 30, 2014. Doctor prescribed antibiotics, an Elizabethan collar, and bandaged Sadie's leg.[4] No further visits were recorded until February 21, 2014, which will be discussed below.

Although Ms. Adkins was in constant contact with various members of LMAS, and even though she was an employee of LMAS, there are no records she took Sadie to Animal Services or Animal House (at LMAS), or Jefferson Animal Hospital. Brosko made a home visit to see Ms. Adkins on October 18, 2013.[5] (See October 19, 2013 email from Ms. Adkins to Ward). From the records and emails presented, there is no evidence a home visit was made prior to the decision to allow Ms. Adkins to foster parent Sadie.

On November 16, 2013, Ms. Adkins sent an email to Brosko and Gray advising Sadie was chewing her paw. Between December 14, 2013 and December 15, 2013, Ward and Ms. Adkins exchanged emails discussing several issues including treatment for Sadie. Ward describes the situation as "an issue of neglect on our part." Ms. Adkins responds she has emailed Brosko twice about Sadie chewing her paw.[6] Although she emailed Brosko on December 17, 2013, Ward does not mention her concerns about Sadie's health condition. Ward's December 14, 2013 email, suggest the delay is due to a lack of equipment, which is contrary to the earlier email from Oerther to Ms. Adkins.

On December 17, 2013, Brosko emails Ms. Adkins to advise Dr. Mika had not returned calls about the amputation. She further advises that donation money is immediately processed and they would need to wait for another donation for (Sadie's) surgery. Brosko advised "I can also ask our SPOT[7] board for help." Ms. Adkins responded a short time later, asking for permission to raise money for Dr. Pollet to perform the surgery. There was no mention of the self-mutilation. From the tenor of

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[4] Although Dr. Pollet provided the office records, she declined to be interviewed until given permission by her supervisor and the veterinarian board, Dr. Pollet never called PIU back.

[5] LMAS standard operating procedure #AC-004.11 requires advance approval by the Director before an employee can provide foster care. Additionally, written progress reports are to be maintained.

[6] Copies of these referenced emails, if they exist, were not provided to the undersigned.

[7] SPOT – Stop Pet Overpopulation Today is a fundraising agency independent of LMAS.

Brosko's email, it would appear there had been a previous discussion, email, or other contact between the two. In her interview with PIU, Brosko confirms she and Ms. Adkins had a discussion about finances and Sadie's health condition. (Brosko interview, page 8).

Although she discussed seeking a donation from the SPOT board, Brosko told PIU there was no such request, nor did the SPOT board approach her. (Brosko interview, page 9). A review of the minutes of the SPOT board meetings did not reveal any such request being made or donation being authorized.

On December 20, 2013, Brosko sent an email to Ms. Adkins asking that she call on her cell phone. Ms. Adkins emailed back the next day advising she would call. Ms. Adkins noted on this email exchange, which she provided to Karen Dickson that Brosko gave her permission during the phone conversation to raise money for Sadie's surgery and to allow Dr. Pollet to perform the surgery. In her interview with PIU, Brosko gives conflicting responses about raising funds for Sadie's surgery. Initially, she described the effort as a joint fundraiser between Ms. Adkins and LMAS. (Brosko interview, page 6). However, the effort would not be publicized as LMAS doesn't raise money for an individual animal.

Ward emailed Brosko and Oerther on December 29, 2013, asking when Sadie's surgery would be performed and relayed information from Ms. Adkins, that Sadie was constantly self-mutilating.

On February 21, 2014, Sadie was seen by Dr. Pollet. The only notation on the medical records was "Brief Office Visit. Bandage application." There was no indication of an emergency situation.

On February 27, 2014, Sadie was returned to Dr. Pollet. Ms. Adkins then contacted the Arrow Fund, a dog rescue operation. Rebecca Eaves, Director of the Arrow Fund, acknowledged received a call late one evening from an individual, later identified as Ms. Adkins. The Arrow Fund is a non-profit, founded to provide medical treatment to animals who have been victims of extreme torture, abuse, or neglect. (Eaves interview, page 6).

Once Eaves learned it was a LMAS animal, she contacted Amanda Crook Baldwin of LMAS. Baldwin agreed to turn over care and custody of Sadie to the Arrow Fund for treatment. The next day, Sadie was taken to the BluePearl Hospital. The diagnosis included megaesophagus (the esophagus fails to contract properly), and aspiration pneumonia. Sadie had also ingested the bandages on her leg, causing a blockage.

Within twelve (12) hours of her arrival at the BluePearl Hospital, a decision was made to euthanize Sadie as amputation was no longer an option due to her

compromised physical condition. Dr. Courtney Smock of the BluePearl Hospital noted the Arrow Fund elected to euthanize Sadie and have her cremated by Donald Robinson.

On March 10, 2014, Ms. Adkins was reprimanded for failing to contact LMAS prior to her call to Eaves of the Arrow Fund. Robinson was the acting Director for LMAS. Amanda Wolfe, LMAS Animal Care Coordinator, confirmed Ms. Adkins didn't follow protocol (Wolfe, Interview, page 3). Subsequently, Ms. Adkins resigned on May 10, 2014.

Members of LMAS opined that Ms. Adkins decided not to return Sadie to LMAS or treatment for fear Sadie would be euthanized. (Robinson interview, page 5, and 22, Wolfe interview, page 8).

Some funds for treating Sadie were collected by placing a jar at the Animal House, said funds were not specifically for Sadie, rather any animal in need. (Robinson interview page 7). A donation from Animal House in the amount of $200 was donated for Sadie's care February 22, 2014).[8] At least three (3) individuals donated funds designated for Sadie [$50 – February 25, 2014; $10 – February 22, 2014; and $1 (from Ms. Adkins – October 7, 2013).]. Ingram Quick of the Metro Office of Internal Audit conducted a review of the internal documents maintained by LMAS.[9] He found no evidence of funds collected for Sadie being used for any other animal.[10] However, he did find significant non-compliance issues regarding the LMAS donation policy, finding that LMAS did a poor job documenting donations and disbursements. The responsibility for overseeing compliance with policies rested on Donald Robinson. Those failures included tracking donations in terms of the amount, donor's name and intent, and final disposition. Donations collected for Sadie's surgery were distributed to the SPOT fund. However, representatives of SPOT were not made aware of the donations. Two (2) donations, totaling $60 were refunded to the donors on September 5, 2014. It does not appear Ms. Adkins received a $1 refund, nor could the $200 to the change jar be returned. In her open letter, Ms. Adkins claims that she "personally received or cashed at least three (3) payments on behalf of Sadie." Those included the above mentioned check from Ann Hunter ($50), and Judy Sampson ($10). Both were recorded in the donation records maintained by LMAS. However, there is no record of the donation from Christine Posey, a Face Book friend. Ms. Adkins does not state how much money Ms. Posey donated. She also states there were definitely other donations.[11]

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[8] Although the receipt shows $200 from Animal House for Sadie's surgery, the animal information was for Hershey Kiss, a kitten. Sadie's ID# was A485350 and the kitten's ID# was A518606.

[9] On October 2, 2014, Quick made several recommendations to Mayria Porter, Director of the Office of Internal Audit. A copy of Quick's report was forwarded to LMAS and the Metro Council Ad Hoc Committee.

[10] This would appear to be inconsistent with the documentation received from the Metro Council Ad Hoc Committee (see footnote 8).

[11] A review of the donations shows no donation by Christine Posey, nor any other donation noted as "for Sadie's surgeries" except the four (4) previously described. Additionally, except for the $1 donation, no substantial

Ms. Adkins received three (3) reprimands during her tenure with LMAS. Two (2) involved mishandling money that preceded the death of Sadie (July 16, 2013, and January 1, 2014). Both appear to be of little consequence and were resolved with counseling. The third reprimand occurred on March 10, 2014, and addressed her direct contact with Arrow Fund, a rescue agency. Ms. Adkins was given a written reprimand for failing to advise the LMAS management team of Sadie's "needs relating to emergency care..." (Emphasis added).[12]

Ms. Adkins resigned on or about May 10, 2014. Her Personnel Action Form included a notation "Do Not Rehire".

Legal Analysis

The elements for a felony prosecution under either Theft by Failure to Make Required Disposition of Property (KRS 514.070)[13] or Theft by Deception (KRS 514.040)[14] include a loss of more than $500 and an intent to permanently deprive the victim. There is no evidence that the money collected for Sadie's surgery ever exceeded $300.[15] The initial $250 was donated for the care of a pit bull and was donated prior to Sadie being accepted in the Foster Care Program.

To prove even a misdemeanor, violation of KRS 514.070, (Theft by Failure to Make Required Disposition of Property) it must be shown the actor dealt with the property as his own. Again, even if as originally asserted that someone in LMAS were

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donations were made by Ms. Adkins.

[12] LMAS Standard Operating Procedure #AC-004.11 details the process for rescue medical expenses: "In the event a rescue group wishes to adopt an animal requiring medical care too extensive and involved to be treated by MAS, a rescue group may offer to pay for medical services for that animal. This particular type of situation is more complicated than a routine adoption and therefore must be discussed with the Director or designee in advance of approval..."

[13] (1) A person is guilty of theft by failure to make required disposition of property received when: (a) He obtains property upon agreement or subject to a known legal obligation to make specified payment or other disposition whether from such property or its proceeds or from his own property to be reserved in equivalent amount; and (b) He intentionally deals with the property as his own and fails to make the required payment or disposition.

[14] (1) A person is guilty of theft by deception when the person obtains property or services of another by deception with intent to deprive the person thereof. A person deceives when the person intentionally: (a) Creates or reinforces a false impression, including false impressions as to law, value, intention, or other state of mind; (b) Prevents another from acquiring information which would affect judgment of a transaction; (c) Fails to correct a false impression which the deceiver previously created or reinforced or which the deceiver knows to be influencing another to whom the person stands in a fiduciary or confidential relationship; (d) Fails to disclose a known lien, adverse claim, or other legal impediment to the enjoyment of property which the person transfers or encumbers in consideration for the property obtained, whether the impediment is or is not valid or is or is not a matter of official record; or (e) Issues or passes a check or similar sight order for the payment of money, knowing that it will not be honored by the drawee.

[15] There is no evidence of a third donation from Christine Posey referenced in Ms. Adkins' letter, so no value can be assigned.

using Sadie as a public relations ploy, the monies collected went into the SPOT fund, to be used for other animals under the control of LMAS.

To prove a misdemeanor violation of KRS 514.040, (Theft by Deception), the actor must deprive the victim of property. "Deprive" is defined as:

> (a) To withhold property of another permanently or for so extended a period as to appropriate a major portion of its economic value or with intent to restore only upon payment of reward or other compensation (Emphasis added); or
>
> (b) To dispose of the property so as to make it unlikely that the owner will recover it.

The two (2) donations of $50 and $10 were made a few days before Sadie died and were refunded seven (7) months later. Thus, it is unlikely the Commonwealth could prove fraudulent behavior by any party.

To prove any violation of KRS 525.130, (Cruelty to Animals in the Second Degree)[16], it is necessary to show the actor engaged in either intentional or wanton conduct.[17] While there are clearly issues of failing to follow the policies set-out for foster care givers, the lack of attention and supervision, even of negligence, does not rise to the level of intentionally causing the death of Sadie or consciously disregarding a substantial and unjustifiable risk that Sadie's condition suggested she was either in pain or immediate risk of death. As noted above, Brachial Plexus Avulsion is a non-life threatening condition. Emails from Ms. Adkins to Ward described Sadie's condition, but further advised she was under Dr. Pollet's care and that amputation could wait until funds were raised. Regrettably, Sadie chewed off and swallowed her bandages causing an obstruction which was an acute condition. Ms. Adkins acted promptly, and even

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[16] (1) A person is guilty of cruelty to animals in the second degree when except as authorized by law he intentionally or wantonly: (a) Subjects any animal to or causes cruel or injurious mistreatment through abandonment, participates other than as provided in KRS 525.125 in causing it to fight for pleasure or profit (including, but not limited to being a spectator or vendor at an event where a four (4) legged animal is caused to fight for pleasure or profit), mutilation, beating, torturing any animal other than a dog or cat, tormenting, failing to provide adequate food, drink, space, or health care, or by any other means;(b) Subjects any animal in his custody to cruel neglect; or (c) Kills any animal other than a domestic animal killed by poisoning. This paragraph shall not apply to intentional poisoning of a dog or cat. Intentional poisoning of a dog or cat shall constitute a violation of this section.

[17] KRS 501.020 Definition of mental states: (1) "Intentionally" -- A person acts intentionally with respect to a result or to conduct described by a statute defining an offense when his conscious objective is to cause that result or to engage in that conduct. (3) "Wantonly" -- A person acts wantonly with respect to a result or to a circumstance described by a statute defining an offense when he is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. A person who creates such a risk but is unaware thereof solely by reason of voluntary intoxication also acts wantonly with respect thereto.

though LMAS protocol was not strictly followed, Ms. Baldwin acted promptly to ensure the Arrow Fund could provide care for Sadie.

Because I do not believe the Commonwealth could demonstrate intentional or wanton conduct on the part of any actor associated with the case of Sadie, it is not necessary to analyze the other elements under KRS 525.130.

KRS 525.135 (Torture of a Dog or Cat)[18] defines "torture" as "the intentional infliction of or subjection to extreme physical pain or injury, motivated by an intent to increase or prolong the pain of the animal." Again, while it has been asserted members of LMAS were negligent in their supervision of employees or failed to respond to concerns about Sadie's condition, there is insufficient evidence that any actor intended to increase or prolong the pain, if any, suffered by Sadie.[19]

There are two (2) Louisville Metro Ordinances which were reviewed. Violations of § 91.090 (Provision of Necessities), or § 91.094 (Cruelty), if proven, are both misdemeanors[20] and not subject to prosecution by the Office of the Commonwealth's Attorney.

Finally, the Kentucky Whistle Blower statute (KRS 61.102) was considered. The penalty for violating KRS 61.102 is a misdemeanor (KRS 61.990(3)), and thus not a standalone crime that would be presented to the Grand Jury. Additionally, Ms. Adkins actions, for which she was disciplined, did not fit within the statutory scheme of KRS 61.102. Sadie's condition was well known to Ms. Adkins immediate supervisors,

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[18] (1) As used in this section, unless the context otherwise requires, "torture" means the intentional infliction of or subjection to extreme physical pain or injury, motivated by an intent to increase or prolong the pain of the animal. (2) A person is guilty of torture of a dog or cat when he or she without legal justification intentionally tortures a domestic dog or cat. (3) Torture of a dog or cat is a Class A misdemeanor for the first offense and a Class D felony for each subsequent offense if the dog or cat suffers physical injury as a result of the torture, and a Class D felony if the dog or cat suffers serious physical injury or death as a result of the torture.

[19] There are only a handful of cases interpreting the elements of KRS 525.135. The one case which deals with intention, infliction or subjection to extreme physical pain or injury is *Staley v. Com.*, 2013WL2359648 (Ky. 2013). In *Staley*, Baxter the dog was choked and possibly skinned alive as the offender was looking for a microchip. While such extreme conduct is not necessary, to substantiate a prosecution, it does demonstrate the difference between intentional and negligent conduct.

[20] § 91.999 Penalty (A) *Criminal penalty* (1) Any person violating any of the following provisions: §§ 91.007, 91.072, 91.090 through 91.095, 91.097 through 91.099, 91.150 or 91.152, or committing a second or subsequent violation of any other provision of this chapter shall be deemed guilty of a Class A misdemeanor and shall be punished by a fine not to exceed $500 or be imprisoned for a period not to exceed 12 months in jail, or both so fined and imprisoned. Each day a violation continues shall constitute a separate offense.

including Ward and Brosko, as well as others in LMAS including, Gray, Oerther. Her report to Arrow Fund, a private agency, does not meet the statutory definition of an appropriate body of authority. Finally, the alleged negligence of the LMAS management in securing funding for Sadie's surgery is not contemplated by the statute as to actions which may be reported.[21]

Conclusion

As set-out in the LMAS policies and the Foster Manual, the day to day care of a fostered animal is the responsibility of the foster caregiver. But for Ms. Adkins good intentions, Sadie would have been euthanized shortly after her owner abandoned her, as LMAS does not have sufficient resources to provide extraordinary care, such as amputations. LMAS relies on general voluntary donations from the public and volunteered veterinarian services to provide for extraordinary care.

Ms. Adkins accepted responsibility for the care of Sadie. She offered to voluntarily raise money for a surgery to be performed by Dr. Pollet at a reduced cost. Emails and other communications with LMAS management created the expectation that money would be raised through more traditional channels. Reports from Ms. Adkins, substantiated by the medical history of Dr. Pollet's office, showed Sadie was stable and that the self-mutilation could be controlled. Unfortunately, Ms. Adkins was fearful of bringing Sadie to any LMAS facility, believing she would be euthanized.

When Sadie's condition became acute, Ms. Adkins contacted the Arrow Fund, a private agency, endowed to care for animals in need of immediate care. LMAS immediately turned over the care and ownership for Sadie to the Arrow Fund so appropriate care could be provided. Unfortunately, Sadie's physical condition was compromised by pneumonia and a more acute condition, bowel blockage caused by swallowing her bandages.

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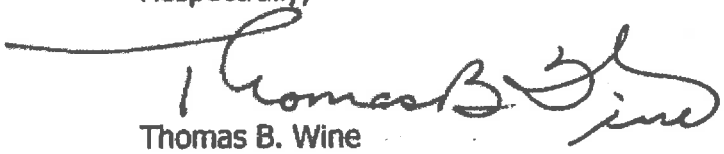
[21] KRS 61.102(1) No employer shall subject to reprisal, or directly or indirectly use, or threaten to use, any official authority or influence, in any manner whatsoever, which tends to discourage, restrain, depress, dissuade, deter, prevent, interfere with, coerce, or discriminate against any employee who in good faith reports, discloses, divulges, or otherwise brings to the attention of the Kentucky Legislative Ethics Commission, the Attorney General, the Auditor of Public Accounts, the Executive Branch Ethics Commission, the General Assembly of the Commonwealth of Kentucky or any of its members or employees, the Legislative Research Commission or any of its committees, members or employees, the judiciary or any member or employee of the judiciary, any law enforcement agency or its employees, or any other appropriate body or authority, any facts or information relative to an actual or suspected violation of any law, statute, executive order, administrative regulation, mandate, rule, or ordinance of the United States, the Commonwealth of Kentucky, or any of its political subdivisions, or any facts or information relative to actual or suspected mismanagement, waste, fraud, abuse of authority, or a substantial and specific danger to public health or safety. No employer shall require any employee to give notice prior to making such a report, disclosure, or divulgence.

Sadie was euthanized a short time after she was examined at the BluePearl Hospital.

It is puzzling that Ms. Adkins and Ms. Ward had refused to be interviewed by the Public Integrity Unit (PIU). However, from the evidence available through their emails, other interviews, and exhibits in the file, their roles have been documented. Their absence does not prevent me from concluding there is insufficient evidence to present to a Grand Jury that any member of the LMAS management was involved in any criminal activity. All monies that were collected for Sadie's surgery were refunded to the donors who could be identified. There is no evidence to support any allegation that members of the LMAS management intentionally or wantonly caused any injury to Sadie.

Respectfully,



Thomas B. Wine
Commonwealth's Attorney

Felty, Todd

From: Ely, Susan <Susan.Ely@louisvilleky.gov>
Sent: Thursday, January 08, 2015 1:39 PM
Subject: PIU 14-072

Sergeant Kessinger,

After a thorough review of the documents, statements, policies, and records you provided as a result of the above investigation, the Jefferson County Attorney's Office recommends that no criminal charges be filed.

Sincerely,

Susan Ely
Director of Criminal Prosecution

Office of
Mike O'Connell
Jefferson County Attorney