

Testimony
Oregon SB 610A

Waya R. Hail
505 NE 71st St
Unit O
Newport, OR

541-315-0029

May 13th 2013
waya@pacifier.com

Ladies and Gentlemen of this honorable body,

Greetings,

I strongly oppose the deletion of penalties for fraud, misrepresentation/impersonation of pet as service dog, as provided in SB610A as it has been changed from the original SB610 which I and others strongly supported. I also have concerns over the use of terms, dog vs animal. DOJ is clear.

I do, however, strongly support Senator Kruse, giving my trust to his judgment and leadership.

I am President of the Oregon Columbia Regional Group, Blinded Veterans Association and National Service Officer for BVA.

I am 100% disabled blinded veteran. I was born and raised in Oregon.

I served in the United States Marine Corps in Viet-Nam, wounded, and received the Purple Heart among other things.

I served as a Police Officer in Oregon, twice wounded, until service connected disability overwhelmed me making me legally disabled not medical disabled.

I served nearly 40 as volunteer with the Boy Scouts of America.

I am the only core trained, blind volunteer wildlife interpreter, for Oregon State Parks.

I spent several years avoiding being identified as blind or in any way disabled, to be disabled was not cool, and to use a cane or guide dog was to tell the world that I was defective.

Today it seems to be fashionable to be disabled, and have a service animal as a fashion statement; some figure out how to collect the dole and get a handicap

parking placard; life is good, until the law catches up with them for all the fraud they are committing. Well, unless they are living in Oregon.

Eventually I had to train at Blind Rehab, and among other things, learned to use the White Cane. Later, in an effort to improve my independence, I went to school and was trained with a pre-trained guide dog.

The purpose of the guide dog, as it is with any legitimate task trained service dog, which has been trained for a legally disabled person, is to expand and provide access to public places. We should not have to expect to be confronted by pets in public places. Pets have no public access rights, only certified trained service dogs in control of a trained handler have public access rights.

I spent years sitting in the car, while my wife shopped, paid bills, visited points of interest, and yes, a lot of takeout food. Deciding that this was no longer fair to my wife, friends and family, I choose to obtain the assistance of a guide dog. At this time, it was not cool or legal to pretend to be disabled just to take your untrained, unleashed, uncontrolled, disease ridden, dangerous pet into public places, claiming the pet to be a service animal/dog.,

I started to enjoy life as an independent blind man, no longer holding back family and friends.

Then all of a sudden, people started claiming all sorts of pets to be service animals; all of them present a hazard and direct danger to any legitimate service dog and the general public. This is why the U.S. Department of Justice had to change the legal definition of Service Dog under ADA, keeping in mind that ADA is for humans not dogs/animals and ADA only covers Persons who disabilities severe enough as not to be treatable by medication and or therapy alone. DOJ is very clear: Emotional support, therapy, companion, comfort or a pet by any other name, ARE NOT SERVICE ANIMALS.... And the U.S. Government signed public Law 112-154 (Obama 2012) which allows only ADI (Assistance Dogs International) accredited trained service dogs on government property, including Veterans Administration. The Dogs for Vets program had a lot of unattended consequences. Dog fights, Dog bites and handler misconduct took its toll. Concern; DOJ states, therapy dogs are not protected.

I know we have a large therapy dog (lobby) presence in Oregon; I believe that their purpose may be misunderstood by some. Nothing wrong with extending protection while they are engaged in actual work, but many of the therapy dog owners would love to gain service dog status, that would be very wrong. Question? With this legislation, how many new therapy dogs will magically appear. A lot.....

Pets are allowed in a housing unit covered by the Fair Housing Act and Domestic, U.S. Air carriers Act; this is the only place a Doctor's note may apply, not good anywhere else.....

Some doctors are, without a doubt, overprescribing pets as a needed emotional support animal (good for housing and domestic air travel only, however abused by pet owners, believing they then have the right to take pet anywhere as a service animal). If the pet was a drug, many of these doctors would have had their license to practice suspended. Creating a real strain on housing in Oregon.

Under DOJ/ADA 3/2011, all animals, farm animals, primate, fowl, reptiles etc are excluded as service animals, only domestic dogs with a minor (experimental) exception of miniature horses, which was originated by the Amish community, as they do not believe in mechanical power, no hove-a-rounds. So your reference to animal is very concerning. Do not get confused with Fair Housing and U.S. Air Carriers Acts, with those two entities, animal is just that, not just dogs, but those animals are not allowed anywhere else, only home and air travel.

And unless there has been a recent change of heart, the U.S. Supreme Court ruled in 1993 (not sure of date) that illnesses and injuries treatable by medication and or therapy, are not covered by ADA, except for employment issues. Example, diabetes, depression, broken bones, etc....not covered. Diabetes with blindness, depression with neurological damage, and amputation would be covered.

Many States and jurisdictions have had to scramble to right their laws so that the frauds would stop interfering with the civil rights afforded only to the legitimate disabled. Self identity as disabled is a major problem. Result of HEPA laws. People claim to be disabled without challenge to get jobs, benefits and special treatment afforded only to the disabled. The real disabled are then displaced even more, here comes the back of the bus!!!

I stand with our Blinded Veterans Association national office in their testimony before congress in December, objecting to the erroneous support being afforded to veterans and so called service dogs. Waste of money and distracting to the real issues of real disabled.

I had to early retire my guide dog, due to three attacks and several acts of aggression, all by emotional support or pets by other names. Most occurred in VA Hospital. This where I receive my medical assistance, I have no choice, I do have choice in where else I travel.

I have a new guide dog; however, I no longer take him into public places in Oregon, as we may be attacked by someone and their non-service animal pet. I am back to where I was before getting a guide dog in the first place, except for when I travel outside of my home of Oregon; and then I can go wherever I want, because my rights have been protected. I hope that SB610A makes a difference in Oregon.

Let me share some recent shameful events, that occurred right here in Oregon over past few months; you will not find police reports on these events, because no law was broken, because they occurred in Oregon.

- 1) Sept. 2012, Veterans guide dog attacked by emotional support dog at Portland VA. No help afforded.
- 2) November 2012, a veteran (believed to be Oregon National Guard) attempted to solicit the help from Mrs. Fahy at Portland VAMC to help him gain status of service dog for his large, intact, male dog he obtained in New York (sounds like dogs for vets) Intact male dogs cannot be service dogs. Request denied.
- 3) December 2012, Roseburg VA, a veteran, upon entering the VA, unleashed his emotional support dog, that dog then attacked a blind female veteran and her guide dog, a common occurrence at Rosenberg. Event witnessed and reported by Patient advocate. Lady vet has never been seen again, admin did nothing...
- 4) March 2013, I was staying overnight in motel in Salem, waiting to testify before judiciary on original SB610, In the pet friendly motel, a large dog tried to attack me, the manager blamed me, because I was using my white cane which must have scared the emotional support/companion dog,...really, only in Oregon....

- 5) March 2013, Oregon Veteran attending Blind rehab in Tacoma with his legitimate guide dog, was attacked numerous times by another vet who travel with a pit bull, claiming to be a emotional support animal.
- 6) April 2013, a veteran, believed to be Oregon National Guard, presented himself and his new guide dog, complete with guide dog harness, he had obtained back east, for registering as his guide dog with the VA; Veteran was denied 1) he was not blind, had no record or history that would suggest he could use a service dog let alone a guide dog, fully employed, drivers license; FRAUD, a lot of fraud attempts these days.
- 7) April 2013, dogs running wild in Newport Wal-Mart, my wife was jumped on, clerks were cleaning up dog crap in the aisles and pets riding in food portion of shopping cart, all violations of Oregon food health safety laws....

I could go on and on.....

The point is, we, the legitimate disabled who use real trained service dogs, are being not pushed to the back of the bus, but rather jammed to the back.

Point of Disagreement 610 vs. 610A

Original SB610 had a penalty, Class C misd and A misd for impersonating their pet as a service dg. Class C for claiming pet is a service dog to obtain goods and or services afforded only to legitimate service dog and handler, class A for persons who purchased and place on any pet, identification, vests leaches, collars etc that proclaim the pet to be a service dog in order to obtain goods and services afforded only to the legitimately disable and their service dog.

Why is it legal to commit theft from an Inn Keeper who has to charge extra to clean up after pets but not service dogs and thus also causing a pet to be wrongfully lodged in a non-pet room. Only In OREGON.....

Why is it legal for the same person with same pet falsely claim themselves to be disabled and their pet to be service dog to gain access where food for human consumption is stored and or prepared. Only In OREGON.....

All law enforcement has to do is, adopt the ADI standard, just like the Federal Government did. ADI (Assistance Dogs International) does many things that helps clarify what is and what isn't. Example:

- 1) ADI accredited service dog training facilities are required to verify the disability of the service dog applicant. Info is kept on record..
- 2) ADI has minimal training requirements of handler and dog in order to be placed as a team in the public.
- 3) ADI requires all accredited training facilities to issue a laminated I.D. card to the handler upon graduation; the card must contain training info and contact info for the school plus a photo of both the dog and handler in same photo. Not digitized.....

Today, for the most part, law enforcement response to a disabled person with a real service dog is "call animal control", yeh, right!

The State could also require, in lieu of the ADI card, a copy of certified training record for them and the dog in question. This one of 2-3 choices in many states.

At present, persons caught talking on a cell phone while driving, are required to go to traffic school on first offence, why can't people who commit fraud with their pet do the same, education is great for everyone.

In Oregon, frauds go online and obtain fake I.D. cards and other forms that appear legal and which in reality are more fraud. Example, people pay \$50-80.00 for service dog registration...There is no such thing as service dog registration, but the Oregon public does not know that. The same vendor will also sell white pvc plastic ID cards with digitized photo of both fake service dog and fake disabled person.

I will give two examples that I have direct knowledge of:

- 1) Man charged with maintaining a vicious dog and ordered to muzzle his dog when off home premises and never take the dog into public places. The man went online, purchased a fake service dog I.D. card and vest, to this day this guy masquerades his vicious dog as a service dog, wherever he and dogs goes. He loves Wal-Mart, what a country!.
- 2) Veteran in Roseburg, and his dog cited 4 times for vicious and dangerous, ordered not to have in public, the veteran went online, obtained fake service dog I.D. and vest, goes wherever he and dog wants, plus the man loves to get little children to play with his dog, not his children, but other people's children, get it. He knows what I will give him if I catch him, but Oregon law protects him, go figure.

It would seem, Supporters of SB610A subscribe to the notion that penalties can always be added, if the new definition does not curtail the fraud.

And if Oregon is confused, just think, how much money a criminal enterprise can rake in, selling so called service animals to unsuspecting senior citizens and others.....and get away with it, oops, that's right, already happening \$2000-5000 a pop.....would be illegal if misrepresentation/impersonation were illegal!!!

I hope, you are right, and at the very least victims will be minimized by your work.

A recent National survey published on the TV stations, showed Oregon as the number one least desirable State to retire in, some of the reasons given by the surveyors: High Taxes, High Crime and Lack of Leadership.

In Oregon more crime travels down our Hi-Ways in a Subaru than a Harley..

In closing, please believe me, when I say, I respect this body of government and what it is supposed to stand for, as a native Oregonian, my expectation are high.

Finally, we will do some soul searching, wait and see, hoping that 610A works, while considering preparations to sell our Oregon home; why pay \$3000 plus a year in taxes supporting a system that does not afford me and my family equal protection.

Thank you for taking the time to hear me, I hope that something positive can happen, my apologies if I offended anyone, my passion is in support of those whose voice do not get heard, it seems that, only those who want to make, what they think we have, should be theirs, without paying the price, are the ones who get heard.

I would once again like to provide my favorite quote from the Federal Court, which says it all; ***"These laws are not for the non disabled and their pets, nor are they for the disabled and their pets, but for the disabled and their legitimate service animals."***

Thank you

Wayne R. Hail