

LAS CRUCES SUN-NEWS

Humane society files lawsuit against shelter
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LAS CRUCES - Seventy-two animals classified as lost, missing or stolen from the Las Cruces-Doña Ana County animal shelter last year are the basis of a lawsuit filed this week against the facility.

More specifically, the suit - filed by the nonprofit Humane Society of Southern New Mexico, which often has been at odds with the shelter - alleges that the facility didn't sufficiently supply records about the missing animals after being formally asked in April.

The shelter's executive director, Beth Vesco-Mock, said the facility hasn't done anything wrong.

The humane society's president, Frank Bryce, requested the documents about the missing animals on April 25, according to the complaint. On May 10, Vesco-Mock responded to the request, but "failed to provide the records requested, and, instead, provided a summary she had created in response to the request," the complaint stated.

Bryce followed up with a second written request three days later, which resulted in a June 10 appointment at City Hall for Humane Society members to review the papers, according to the lawsuit. But the documents also didn't comply, the group contended, and contained "codes" that the shelter representative wasn't obligated to explain. A similar situation took place in late June, according to the complaint.

Bryce, in an interview, cited statistics from the past three years at the shelter, saying the number of missing and lost animals has grown from 11 to 72. The reason for their disappearance needs to be studied in order to fix the problem, he said, but that can't be done without more-detailed documentation about the circumstances.

HSSNM wants to review the full, actual case file for each of the pets to get information such as the breed, species, whether they went missing from foster homes and whether police were notified, Bryce said.

"We want to know exactly what was happening with these 72 animals in 2010," he said. "I honestly feel the HSSNM has gone the extra step to try to accommodate them with providing us the information, and they have not done it."

Asked about the lawsuit, Vesco-Mock said she's not qualified to respond to it because she's not an attorney. Though she declined to comment in-depth, she said she's "confident nothing inappropriate was done."

Some shelter officials, including Vesco-Mock, were formally served papers Thursday during what had been scheduled as a regular shelter board meeting, but didn't happen because a quorum of officials didn't attend.

Veryl Yarnes, a member of an unrelated pet nonprofit, the Doña Ana County Humane Society, said she hadn't heard about the lawsuit and couldn't comment about the specifics.

Yarnes said, however, she believes the shelter is "doing as good of job as they can" with a set of bad circumstances, which include a large pet overpopulation problem and a relative lack of interest from the Doña Ana County public in adopting animals.

"The animal shelter is doing the very best that they can with a bad situation, and I don't think HSSNM really helps out their cause a lot," she said. "Dr. Beth is doing the best she can with the animals she has to deal with."

Continued Yarnes: "I think (shelter staff) really try hard for these animals and not euthanize them down until the very last, last-ditch effort."

Las Cruces attorney Anna Juarez, who's representing HSSNM, noted there's also a concern about the rabies vaccination status of any animals that have gone missing from the shelter's care. She said the lawsuit wasn't filed out of animosity, but rather is just the next step to seek compliance with the state inspection of public records act.

"We've invoked the courts powers; now the court has jurisdiction," she said. "Definitely Dr. Beth Vesco-Mock and the board of the Animal Services Center of the Mesilla Valley know we mean business and we really want those records and we're not just going to go away quietly."

In the case of one dog's file Juarez did look at during one of the records inspection appointments, a dog was reported as having parvo in one notation and having gone missing in the next.

"But what happened in between?" she said. "We don't understand this reluctance to let public records be seen by the public. If someone is, say, stealing the purebred animals - and I'm not saying Beth Vesco-Mock is part of it - it needs to be taken seriously."

Juarez said HSSNM also is seeking to recover its court filing fees and document service costs, a little less than \$500.

Bill Hart, who runs Southern New Mexico Basset Hound/Beagle Rescue, said he also had not heard about the lawsuit and so could not discuss it. Regardless of which side is right or wrong, he said, "it's a shame that it's come to this, because the only thing that suffers is the animals."

"Time to do this (lawsuit), from either side, takes away from time to do things for the animals," he said. "It's time spent that you can never get back."

The case has been assigned to 3rd Judicial District Court Judge Jim Martin.

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