

Charge

Charges were filed by Mark Scarberry (Scarberry) and Michael Diehl (Diehl) alleging that Christopher Lucas (Lucas) engaged in Unsportsmanlike Conduct that is prejudicial and detrimental to the interests of United Schutzhund Clubs of America (herein USCA) . Specifically, Scarberry and Diehl allege that Lucas engaged in Unsportsmanlike Conduct by:

1. Using an e-collar at the 2015 Working Dog Championship in the staging area, after the trial had begun, in contravention of USCA's rules regarding the use of e-collars at USCA-sanctioned events.
2. Falsely and recklessly accusing the Mid-East Regional Secretary, Regional Director and Regional Training Director of cheating by manipulating the catalogue order and drawfixing, inter alia.
3. Attempting to bully USCA by asserting his will and threatening to file a lawsuit unless the organization adopted his agenda.
4. Attempting to pursue an apparently frivolous lawsuit, instead of following USCA's organizational guidelines regarding membership complaints.
5. Falsely and recklessly stating publicly on Facebook, inter alia, that helper selection for the 2015 Mid-East Regional Championship did not comply with the Mid-East Region's established rules for the selection of helpers at the Regional Championship.
6. Falsely and recklessly accusing the Mid-East Regional Director of nepotism in selecting his son, Dominic Scarberry, as a helper in the Regional Championship and falsely and recklessly stating that Scarberry was not qualified to select helpers in the 2015 Regional Championship.

The Charging Parties submitted copies of voluminous pages of discussions on Facebook, witness statements, and computer records in support of their charges. Lucas did not respond.¹

¹ Due to a clerical error, Lucas was actually afforded two thirty-day periods to respond to the BOI charges. Rather than providing a response to the charges to the Board of Inquiry, Lucas filed a second lawsuit against USCA, based upon the BOI charges.

The BOI considered the evidence presented, including computer records, emails from Lucas, Facebook posts by Lucas and others, witness statements, and witness interviews by the BOI. Inasmuch as Lucas failed and refused to respond to the charges, the facts are largely undisputed.

Conclusion

Based upon the evidence, a majority of the members of the Board of Inquiry found that Lucas's opinions regarding nepotism and his opinion regarding Scarberry's qualifications to select helpers do not constitute Unsportsmanlike Conduct.

1. The Board of Inquiry unanimously determined that Lucas violated USCA's rule regarding ecollars at sanctioned events. At the 2015 Working Dog Championship, Lucas was observed with his dog in the staging area some 45-60 minutes prior to the time one would expect a competitor to be in the staging area. Lucas had an e-collar on his dog at this time. Lucas was informed that he was in violation of USC's rules regarding the use of e-collars during USCA sanctioned events. Lucas responded in an apparently rude manner, but did remove the e-collar.

A majority of the BOI members felt that this act was a separate and distinct incident, and not part of a course of conduct. The members reviewed prior charges regarding violations of the e-collar rule. In those instances, the conduct resulted in only censure. The last such charge occurred about nine years ago. In the interim, European countries and parts of Canada have banned the use of e-collars: the FCI has also viewed e-collars negatively. While an argument could be made that the e-collar violation is now viewed as a more serious offense than previously, the BOI has conformed to the established precedent.

2. With respect to the allegation that the helper selection was not consistent with the MER rules, the evidence makes it clear that the selection precisely followed the MER rules. The Regional Training Director, Diehl, recused himself from helper selection, because he was entered in the Regional Championship. A Teaching Helper, John Bochanek, as prescribed in the MER rules, participated in helper selection in Diehl's place. Consequently, the BOI unanimously determined that Lucas's allegations were false.

3. Similarly, the BOI found that Lucas's allegations regarding manipulation of the catalogue order and draw fixing arising from the catalogue order were false and wholly unsubstantiated. In fact, the computer records and emails provided reflect that the catalogue order of competitors was based upon the order of receipt of the entries.

4. Finally, the BOI considered Lucas's open, repeated and public threats to sue USCA, and cause the organization to incur "tens, if not hundreds of thousands of dollars," defending against his lawsuit, in order to force the organization and its 5,000 plus members to accede to his demands, including "negotiating" with Lucas regarding changes in the Trial Rules.

With the exception of the lawsuit threat, any of the allegations, viewed alone, *arguably* would not constitute Unsportsmanlike Conduct. However, the BOI determined that the allegations arising from a single event, i.e., the Mid-East Regional Championship, reflect a course of conduct that constitutes Unsportsmanlike Conduct, and conduct that is prejudicial and detrimental to the interests of USCA. In this matter, the aggregate allegations must also be viewed in the context of the more serious threat by Lucas, as well.

Conclusion and Determination

The BOI unanimously determined that Lucas's threat of a lawsuit in order to force USCA to accede to Lucas's demands, with the intent that the organization is required to spend thousands of dollars to defend in a court proceeding, is in and of itself Unsportsmanlike Conduct. As the suit was filed and USCA has had to appropriate \$50,000 to be applied to legal expenses is clearly and irrefutably prejudicial and detrimental to the interests of USCA. This suit does not involve a violation of a member's rights or person. It is simply about one member's demands to have his way.

No organization can sustain or tolerate attempts to bully and browbeat it (to put it charitably) by any member(s) in order to get their way. This is particularly so when a member refuses to avail him/herself of the organization's procedures and methods for members to address issues and concerns, and instead immediately uses the threat of a lawsuit as a bludgeon to have things his or her way. That the threat, including the organization's need to actually appropriate tens of thousands of dollars for legal fees, has come to fruition makes the conduct all the more damaging to the organization. To repeat, NO organization can sustain or tolerate such conduct and remain viable. There can hardly be any conduct more prejudicial or detrimental to USCA than Lucas's conduct.

Recommendation

1. The Board of Inquiry recommends that Lucas be censured for violating the USCA rule regarding the use of e-collars at USCA-sanctioned events, consistent with previous violations of the rule.
2. Based upon Lucas's actions, including threats to sue in order to force USCA to accede to his demands, as well as the other aggregate allegations to which the Board of Inquiry has determined to have merit, the Board of Inquiry unanimously recommends that Christopher Lucas be expelled from membership in USCA.

Alternatively, the Board of Inquiry recommends that Christopher Lucas be suspended for no less than ten (10) years. Any membership in USCA after the suspension expires shall be conditioned upon:

1. A public apology by Lucas and
2. Lucas's agreement not to hold or seek any office in USCA for a period of five (5) years after the end of the suspension.

The Board of Inquiry further recommends that the USCA file a formal complaint with the Pennsylvania Bar Association, and any other bar associations of which Lucas is a member, regarding his actions in threatening, and ultimately filing, lawsuit(s) in order to force the organization to accede to his demands.

Respectfully submitted,

Nia Cottrell
Chair USCA Board of Inquiry