

Diane Funk  
Proponent Testimony 147

May 30, 2017

On or about July 29, 2013 I arrived back to my home in Lodi, Ohio. I have sole title to this home and have lived here 42 years.

Due to personal family problems, I was in court early that morning to get documentation to legally remove someone from my home.

As I arrived back to my home following the court situation, a neighbor came to me and advised that a large white van had been in my driveway while I was gone, and had been seen carrying a very large crate that was then placed into a van and driven off. It is now known, that the van was operated and owned by the Medina SPCA, and the person that removed my twelve year old black lab was Mary Jo Johnson, who at that time, was a Humane Officer employed by the Medina SPCA.

I eventually discovered that an "anonymous" person had called in about my companion animal being abused and neglected. Townsend, so named by my children, had a known non-cancerous fatty hip tumor. He was at the time under vet care and continued his life under the "quality of life" standards. His demise was to be determined by my vet, myself and most likely, my three sons would need to be the ones that made a final determination of when he had no fair and reasonable quality of life. It would have then been, my adult sons. who would have been with their dog, my dog, our family pet, to make the decision to end his life and been with him when it happened at the animal hospital.

My dog was removed from my home, without my consent or knowledge, and taken to the SPCA in Medina and killed. I was notified after it all happened. My vet was notified and equally as horrified at what had transpired. I believe Mary Jo Johnson killed my dog, and then he was disposed of in a common burn pile. I was unable to get a final true conclusion as to what happened to my dog. I requested the information from Brandon Wheeler, an attorney for the Medina SPCA.

The person that occupied my home, and caused me to be displaced from my home during the eviction process, made this call, and was permitted to sign a "SURRENDER OF ANIMAL OWNERSHIP TO MCSPCA, as sign as an AUTHORIZED AGENT. This is part of the form titled "Non-Prosecution Agreement. Townsend was purchased from the animal shelter at approximately six weeks old. His license, tags, vet records, etc. were in my name only.

My dog was killed by the SPCA the same day he was "stolen" from my home.

On or about September 2013, approximately seven (7) weeks after he was removed from my home (and his home) Mary Jo Johnson arrived back at my home. An unexpected visit.

She carried with her an “NPA”, Non-prosecution agreement. I had no knowledge of what this document was, prior to her handing it to me.

I was shocked and not totally comprehending what I was reading. (See attachment)

It outlined that if I agreed and abide by the content of the NPA, according to Mary Jo Johnson, I would not be prosecuted for animal abuse and neglect. If I failed to sign the document and agree to make “payments” in lieu of prosecution, the following would happen.

1. I would be charged with animal neglect and animal abuse/cruelty.
2. I would have a criminal record.
3. I would have my name placed in the paper as an animal abuser
4. I could no longer own any animals
5. I would be ordered to pay fines
6. I would likely be forced to hire and compensate an attorney to defend myself.
7. I would be considered a first time “offender” and do community service.

As my sons had already spent considerable time to locate another lab with similar markings, she altered the NPA to have one dog with these conditions.

1. She would alert the dog warden to pay special attention to licensing.
2. She or any member of the SPCA, would be permitted to make unscheduled visits to my home to “check” on my animal.
3. I must neuter the dog.
4. I must permit her or anyone at the SPCA full access to my vet records
5. I must permit her full access to my home, which I did on the day she brought the NPA, which included access to my bedrooms.
6. I must make timely payments to her, via personal pick up at my home

If I did not comply with the above, she would withdraw the NPA and charge me.

I had several telephone conversations with Jeff Holland, who authored the Non-prosecution agreement and mentored Mary Jo Johnson in using them.

I begged him to not prosecute me (for?) and he told me I should “thank them for killing my dog”.

Due to personal traumas in my life previous to this one, I had neighbors come over when the money pick up was scheduled. It was a “payment plan”. I was not always home, and at time did not answer the door when I knew Mary Jo Johnson was her for pick up of payments in lieu of prosecution.

I became so overwhelmed with this invasion of my privacy, that I contacted the Police Chief and was advised that the Medina SPCA had no legal right to enter onto my property. The Police Chief then called Mary Jo Johnson and advised that if she entered onto my property again, she would then be subject to trespassing and arrest.

This finally stopped the harassment and intimidation, and after further complaints to the Sheriff, Commissioners, Judge and more, the visits to my home ceased, as did the taping of documents to my doors and windows indicating I was "behind on payments". Additionally, there were phone calls (in the evening, after routine business hours) advising I need to be home to make a payment.

Attempts to collect payments were also made in severe winter weather and during blizzard conditions.

Above is a somewhat condensed version of my experience with an NPA.

In addition to the trauma inflicted upon the victims by the ones that attempt to enforce the NPA, I think equal attention should be given to the following:

Speaking for myself, but being fully aware that most of the people I know that have had similar or even more tragic experiences with this attempt to offer and enforce an NPA, there has to be some attention given to the aftermath.

Yes, our animals are gone, for numerous reasons. We can never get them back, especially the ones that were killed. One or fifty (50) it does not matter. Mostly women had primary care and ownership. Older women. Perhaps mostly woman with previous traumas in their lives. I know personally, the six (6) women I have come to know as a result of this situation, are grief stricken, have heightened anxiety and panic, feel invaded in their own homes, many have lost their pensions and life savings attempting to fight. Sleepless nights, suicidal thoughts, clinical depression. As a survivor myself, the PTSD I had previously is now more extreme.