

July 23, 2026

In accordance with Chapter 11, Regulatory Policy and Procedures Manual the following reason for decision is being posted.

Brad Smith and Helen Chang vs. Leslie Marshall

Discipline Committee Reason for Decision

- **Rule 8.2.2**

(1) Did Ms. Marshall breach Rule 8.2.2 by failing to record in her judge's book, before Ms. Chang left the ring, that Ms. Chang's dog had been excused or disqualified?

- The evidence presented satisfactorily confirms, on a balance of probabilities, that Ms. Marshall recorded the disqualification of Ms. Chang's dog in her judge's book. There is no requirement in Rule 8.2.20 that the disqualification be recorded in the judge's book before the handler leaves the ring. This ground of complaint is therefore dismissed.

(2) Did Ms. Marshall breach Rule 8.2.2 by failing to inform Ms. Chang, before Ms. Chang left the ring, that Ms. Chang's dog was excused or disqualified?

- Ms. Chang and Ms. Marshall presented differing versions of what was said during their brief interaction between the time Ms. Chang lost control of her dog and when Ms. Marshall directed her to leave the ring. We do not accept the assertion that Ms. Marshall failed to inform Ms. Chang of the reason she was being directed to leave the ring. In any event, in these circumstances, we do not accept that any reasonable person would not have known why they were being directed to leave the ring. We accept that Ms. Chang may not have understood at that moment that the dog had been disqualified, but any confusion on her part could have been immediately addressed if she had returned to the ring after she secured the dog. We do not accept the assertion that Ms. Marshall's conduct breached Rule 8.2.2 or that Ms. Marshall's conduct ought to attract a disciplinary consequence in these circumstances. This ground of complaint is therefore dismissed.

- **Rule 8.2.3**

(3) Did Ms. Marshall breach Rule 8.2.3 by disqualifying or excusing Ms. Chang's dog when it had not menaced, threatened or attempted to bite?

- As explained above, a CKC judge has the authority to disqualify a dog that "menaces, threatens or attempts to bite". The assessment of what constitutes menacing, threatening, or attempting to bite is the function and within the discretion of the individual judging the event based on their own observations. The decision of the judge is final in this regard and not subject to review in the context of a discipline proceeding. We do not have the authority to, nor would we be prepared to, substitute our own assessment and/or judgment for that of the person assigned to judge an event. This ground of complaint is therefore dismissed.

- **Rule 8.2.4**

(4) Did Ms. Marshall breach Rule 8.2.4 by disqualifying or permanently disqualifying Ms. Chang's dog when it had not bitten a judge, another person or a dog in the ring?

- Rule 8.2.4 applies in circumstances where a dog actually bites the judge, another person, or any dog in the ring. There is no suggestion that this occurred. This rule has no applicability in the present circumstances. This ground of complaint is therefore dismissed.

- **Rule 8.7.2**

(5) Did Ms. Marshall breach Rule 8.7.2 by failing to complete her judging book at the end of each class so that the yellow copy could be posted in a prominent place within the precincts of the trial?

- Based on the evidence presented, we do not accept the assertion that Ms. Marshall failed to complete her judge's book. We find on a balance of probabilities that the yellow copy of the judge's book would have been available for inspection, as required by Rule 8.7.2, had Ms. Chang had sought to do so. This ground of complaint is therefore dismissed.

- **Rule 8.10.1**

(6) Did Ms. Marshall breach Rule 8.10.1 by failing to provide Ms. Chang with a meaningfully marked individual scoresheet?

- As noted above, Ms. Chang acknowledges that she left the event venue within 15 minutes of being asked to exit the ring. She did not return to the ring after securing the dog to collect her scoresheet or otherwise. In our view, it is not incumbent on the judge in these circumstances to seek out the handler to provide them with their scoresheet. We are satisfied that the scoresheet was available at the judge's table but was not collected by Ms. Chang. This ground of complaint is therefore dismissed.

- **Rule 8.11.2**

(7) Did Ms. Marshall breach Rule 8.11.2 by failing to inform Ms. Chang, before she left the ring, whether her dog had qualified in the individual exercises?

- We find that Rule 8.11.2 has no application in circumstances where a dog has been excused from the ring.
- This ground of complaint is therefore dismissed.

- **Rule 8.13.2**

(8) Did Ms. Marshall breach Rule 8.13.2 by failing to exercise her discretion to excuse Ms. Chang's dog for uncontrolled behaviour and severely penalizing the dog by points from the dog's total score?

- As noted above, the discretionary decisions of a judge when evaluating the merits, performance and/or placement of a dog, including to the decision to disqualify a dog, at an event are final. The Discipline Committee should not substitute our own assessment and/or judgment for that of the person tasked with judging the event. This ground of complaint is therefore dismissed.

- **Rules 8.2.3 and 8.2.4**

(9) Did Ms. Marshall wrongfully conclude that Ms. Chang's dog should be disqualified contrary to the criteria set forth in Rules 8.2.3 and 8.2.4?

- Again, the discretionary decisions of a judge when evaluating the merits, performance and/or placement of a dog, including to the decision to disqualify a dog, at an event are final and not subject to appeal or review by way of the discipline process or otherwise. The Discipline Committee has no authority to substitute our own assessment and/or judgment for that of the person tasked with judging the event. This ground of complaint is therefore dismissed.

- **Rule 3.7.1**

(10) Did Ms. Marshall fail to conduct herself in a manner that was fair and non-prejudicial to the sport contrary to Rule 3.7.1?

- We are not of the view that Ms. Marshall conducted herself in a manner which was unfair or prejudicial to the sport in these circumstances. She was the individual responsible for judging the event and acted within her authority and discretion in that role. This ground of complaint is therefore dismissed.

In summary and for the reasons explained above, the Discipline Committee was not satisfied on a balance of probabilities that Ms. Marshall engaged in any misconduct which ought to attract any form of disciplinary sanction. The complaint filed by Brad Smith and Helen Chang was therefore dismissed in its entirety.

Appeal Committee Reason for Decision

A. The Discipline Committee erred in its findings

- This ground of Appeal is premised on the assertion that the procedure to be followed in disqualifying a dog in the obedience ring is governed by Rule 14.1.2 of the *Confirmation Rules* as opposed to Rule 8.2.2 of the *Obedience Rules*.
 - The choice of which rule set applies is important as, when a judge disqualifies a dog, Rule 14.1.2 of the *Confirmation Rules* requires that:
 - the reason for the disqualification must be recorded in the judge's book,
 - the judge must also fill out the appropriate form, and
 - the owner or handler of the dog must be advised of the reason for the disqualification and must be provided with the yellow copy of the form before leaving the ring.
 - whereas Rule 8.2.2 of the *Obedience Rules* requires only that:
 - the disqualification and the reason must be recorded in the judge's book, and
 - the owner or handler of the dog must be advised of the reason before he leaves the ring.
 - In determining which of those Rules applies, one must look to Rule 1.2.3 of the *Obedience Rules*. It provides that:

When an obedience and/or a rally obedience trial is held in conjunction with a conformation Show, the Conformation Show Rules & Regulations, where applicable, shall govern the conduct of these trials and shall apply to all dogs and persons participating in them, except as these rules and regulations may otherwise provide.

- The Cal K9 Trial was not "held in conjunction with a conformation show", it was a stand-alone trial. Accordingly, the Conformation Rules, and, in particular, Rule 14.1.2, did not apply. The Discipline Committee was correct in its determination that Rule 8.2.2 of the Obedience Rules governed the disqualification procedure.

B. New Evidence

The Appellants' request to allow the introduction of new evidence was dealt earlier in this Decision (see paras. 19-21). In advancing this ground of appeal the Appellants argue that the surveillance video footage of the incident that was admitted as evidence at the Discipline Committee hearing was incomplete and should not have been admitted. **As the Discipline Committee placed no weight on the surveillance video footage, this ground of appeal is without merit.**

C. The Penalty imposed by the Discipline Committee is inappropriate

The "penalty" to which the Appellants refer was the disqualification imposed by the Respondent and not the Discipline Committee. In advancing this ground of appeal the Appellants are attempting to challenge and overturn the Respondent's decision to disqualify Joules, arguing that:

There is no rationale for the disqualification, which is the most severe penalty, given that there was no bite and that this was the "first" offence for [Joules] who has competed for many years in a variety of dog sports that required her to be in close proximity and confined spaces with other dogs ...

and that, rather than disqualifying Joules, the Respondent should have excused her.

As noted in our Initial Comments, the Discipline Committee did not have the authority to "reconsider" or overturn the Respondent's decision. Accordingly, this ground of Appeal must fail.

D. Lack of procedural fairness/bias

The Appellants arguments can be broken into two parts:

- *the Discipline Committee placed more weight on the [Respondent's] witnesses over the evidence of the Appellants' witness, and*
- *[the Respondent] impacted procedural fairness by sharing my complaint with others in the hopes of rallying support and not adhering to the confidentiality of the complaint process. She fettered the impartiality of her witnesses resulting in apparent collusion.*

The evidence that is referred to consists of the written statement of Ms. Chang that was attached to the sworn Complaint and the affidavit of Terry Olsen sworn July 1, 2025, on behalf of the Appellants and the written statement of the Respondent, an Internal Club Incident Report (Cal K9) and written statements of 10 witnesses on behalf of the Respondent (collectively the "written evidence").

(a) Weight given the evidence

Prior to the hearing the members of the Discipline Committee had the opportunity to review the written evidence and, at the Discipline Committee hearing, heard the *viva voce* evidence of Ms. Chang and Terry Olsen on behalf of the Appellants and the Respondent, Eva O'Keefe, Gwen Haynes, Marnie Harrison and M.J. Cloutier on behalf of the Respondent. The evidence that was presented differed on several issues. For the purpose of our decision, we do not feel it necessary to identify the differences. Suffice it to say, following the hearing the Appeal Committee considered and weighed that evidence before making their findings and reaching their decision.

It is trite law that the assessment of and the weight to be given evidence is within the discretion of the trier of fact, in this case the Discipline Committee and that, absent any palpable and overriding error on the part their deference is owed to their assessment of the evidence. The fact that some of the evidence presented on the Appellant's behalf was in the form of sworn affidavits does not

automatically increase the weight to be attached to that evidence. It is simply one factor that the Discipline Committee could take into account in determining the weight to be attached to it.

As noted earlier, the onus of establishing such an error lies with the Appellants. In the Appeal Committee's view that onus has not been met and this ground of appeal must therefore fail.

(b) Sharing the complaint

The thrust of this argument is that by “sharing” the Appellants’ complaint with some of the people who provided witness statements in support of the Respondent, the integrity of their evidence was somehow compromised. With respect, this goes to the weight given to that evidence and not procedural fairness. Procedural fairness focuses on the fairness of the process used to make a decision rather than the outcome itself.

As noted above, in assessing the evidence and reaching its decision the Discipline Committee considered not only the written statements of all of the witnesses but also the oral evidence of a number of them. Weighing that evidence and making the findings that it did falls to the Discipline Committee. While an appellate tribunal might not agree with the weight placed on certain of the evidence, correctness is not the standard of review to be applied. **It is not the role of an appellate tribunal to get into a re-weighing exercise and we will not do so. This ground of appeal must therefore fail.**