

## CFA and the Protest Procedure

The Cat Fanciers' Association is a registry of cats, both pedigreed and non-pedigreed, with actively participating exhibitors, breeders, and owners around the world. In addition to our registration services, CFA strives to promote the health and welfare of all cats, fosters goodwill between breeders and owners, and supports a thriving camaraderie among cat fanciers worldwide.

It's only human nature that, occasionally, a dispute will develop among participants, who will turn to CFA in an attempt to resolve their issues. Complaints received may be referred to the CFA Ombudsman who can assist in mediation and possible resolution. For other cases, CFA has developed a protest procedure, described below, through which complaints are received, evaluated through written submissions of the parties, and recommendations sent to the CFA Board of Directors for a final determination.

### IS A PROTEST NECESSARY?

While CFA attempts to foster sound breeding practices through education and research, our jurisdiction is limited to the practices one must follow to ensure proper identification of cats registered with CFA. Registration, in itself, does not guarantee the quality, or health, of a cat. CFA is, however, always concerned about the sale of a sick cat or a cat with health issues. However, we cannot substitute for a court of law.

**Contractual issues:** Protests regarding contractual issues will not be considered. The Protest Committee does not attempt to evaluate, resolve, or offer comments about situations which involve personal or contractual disputes which may include, but are not limited, to:

- a. dissatisfaction that may arise from a variety of reasons, including quality of the cat is not what was expected
- b. reimbursements
- c. replacement of a cat
- d. failure to deliver a cat/kitten
- e. failure to pay money or refund a deposit
- f. delivery of the wrong cat/kitten
- g. failure to deliver papers or records
- h. complaints concerning the quality or health of a cat or kitten delivered

Every contract (including the sale or exchange of a cat) is governed by the law of the state or country having "subject matter jurisdiction". There are currently 22 U.S. states with some kind of "Pet Lemon Law" or Pet Warranty legislation that overrides general contract principals. The local courts know the contract laws for their state/country and they, rather than CFA, would be the ones to enforce them.

### WHAT ARE ALTERNATIVES TO CONSIDER FIRST?

**Contact an Attorney:** CFA is just a registry of cats and does not license or endorse anyone engaged in the commerce of selling pedigreed cats and, therefore, has no control over the business practices of those involved in such transactions. We suggest you seek legal advice if this is an area of concern to you or seek possible solution through small claims court. The local courts know the contract laws for their state/country and they, rather than

CFA, would be the ones to enforce them. Since important legal rights may be lost by delay we recommend that you retain an attorney as soon as possible.

**CFA Ombudsman:** CFA has an Ombudsman who handles problems that don't fit into the system. The Ombudsman investigates complaints and tries to mediate settlements between aggrieved parties or between a party and CFA. The Ombudsman is only there to open lines of communication and suggest alternatives. They cannot impose solutions but can facilitate discussion or mediate a settlement. You may contact the CFA Ombudsman via email to [ombudsman@cfa.org](mailto:ombudsman@cfa.org)

**Animal Welfare:** If the Ombudsman is unable to help you resolve the matter there is another possible option, depending upon the issues involved. The CFA Animal Welfare Committee keeps track of unresolved complaints against breeders. If the other party has a history of problems, it may be investigated. You may contact the Animal Welfare Committee via email to [animalwelfare@cfa.org](mailto:animalwelfare@cfa.org) for sick cat issues.

**Other Agencies:** Other agencies which you may want to contact, if applicable, are your local/county Department of Consumer Affairs, the Better Business Bureau, and the Board of Health or the local organization which is empowered to do inspections of premises. Should a local agency deem the situation to be an animal welfare/cruelty case, we ask that you advise us through submission of a copy of the actual report that charges the individual or a newspaper clipping (via email to [protests@cfa.org](mailto:protests@cfa.org)).

### **HOW TO FILE A PROTEST:**

There is no fee to file a protest. CFA's procedure to consider a protest regarding a violation of CFA Show Rules or CFA Bylaws by a breeder using CFA's registration services requires that the person who is directly involved complete, sign, and submit the CFA Protest Form (available online as a fillable form at <https://cfa.org/wp-content/uploads/2019/08/protest-form.pdf>). Submissions, including the completed and signed protest form and all supporting evidence must be in a single, PDF file emailed to [protests@cfa.org](mailto:protests@cfa.org).

### **Instructions for completion of the Protest Form:**

- ✓ **PART I** - The name, accurate current mailing address, and email contact of the party you are citing in the complaint must be included.
- ✓ **PART II** – The Show Rule, Judging Program rule, or Article of Bylaws allegedly violated must be included.
- ✓ **PART III** – If your protest includes violation of a Show Rule, the referenced show information must be included, if applicable.
- ✓ **PART IV** – Forgeries include a forged or altered document, such as a litter registration, individual registration, health certificate, etc. If signature forgery is alleged, attach at least five true copies of the signature of the person whose signature you allege was forged. Canceled checks or other valid documents from the same period as the alleged forgery are preferred. Generally, exemplars made for the protest alone carry less weight.
- ✓ **PART V** – This section must include a brief summary of the allegations in your protest, and facts that support the protest. **“See attached” is not acceptable for this area.** You must briefly summarize your protest in Part V or your submission will be returned to you for correct completion.

### **Additionally, please note:**

- If the initial protest is returned to the Complainant for any reason prior to processing, the filing date then becomes the date it is successfully resubmitted.
- A written explanation of the facts and evidence provided must be included. Photos, screenshots, etc can be included as evidence, but they are supplemental to the written explanation. Protests that contain only photos, screenshots, videos, etc. as facts and evidence will be returned for addition of a written narrative.
- It is always helpful if the most important points are first or otherwise emphasized.
- Because matters will now be resolved only by the written submissions of the parties, it is important that both the protest, the responses, and any rebuttals be complete. It will be the responsibility of the parties to attach any CFA records necessary to support a claim, including registration documents. Witness statements must be in writing and included in the submissions/filings.

- Links to online material (video, website, etc.) should not be included in a complaint or response. Please download the material and include it in an email with your submission. If the file is exceptionally large, TransferBigFiles.com works well as a file transfer option. The docket number must be included on any file transfers.
- It is advised that all parties be as thorough as necessary, but please try to include only those matters necessary to understand the case. Name-calling is strongly discouraged. Long, rambling, disjointed recitations, with no relationship to the matters alleged, can be confusing and take away from the impact of the evidence.

Please don't assume the reader knows everything about the dispute that you do. You must explain how your evidence relates to the charges raised in Part II.

## THE PROTEST PROCESS:

### Our terms:

Complainant = the party filing the protest

Respondent = the party against whom the protest is filed

Docket Number = the numerical filename assigned by CFA to the protest package; to be referenced on all related correspondence.

### The process steps:

1. **Filing:** The process begins by filing the official protest form (along with all evidence, witness statements, and supporting documentation) in a single PDF document emailed to [protests@cfa.org](mailto:protests@cfa.org). After a review to ensure that the protest form is complete, the matter is assigned a docket number, e.g. 23-001-0101.
2. **Distribution:** A letter, along with a copy of the protest and all supporting documents, is sent to the Respondent, who will have 21 days to submit a written response to Central Office (28 days if Respondent is outside of the USA or Canada).
3. **Response:** While a response from the Respondent is optional, it is valuable to the process that a response is received from the Respondent. If no response is received from the Respondent within the allotted time frame, a recommendation may be made simply on the basis of the strength of the supporting information supplied by the Complainant.
4. **Rebuttal:** Any response from the Respondent is sent to the Complainant who, in turn, has 14 days to rebut in writing to Central Office any "new" issues raised in the response (21 days is allowed if the Complainant is outside of the USA or Canada).
5. **Additional time:** Either side may petition the Protest Committee for more time, or permission to submit additional evidence.
6. **Protest Committee Review:** After the submission of the complete case (original protest, response, and rebuttal), the Protest Committee will meet to determine if probable cause exists for conviction and prepare a report for the CFA Board of Directors (all recommendations prepared for the CFA Board are confidential).
7. **Finding of Not Guilty/No Probable Cause:** The Protest Committee report will be presented at the next scheduled CFA Board of Directors meeting. If the CFA Board makes a finding of not guilty/no probable cause, the case is marked closed and the Respondent and Complainant will receive notification within one or two business days after the Board meeting.
8. **Finding of Guilty:** The Protest Committee report will be presented at the next scheduled CFA Board of Directors meeting. If the recommendation is to find a party guilty, the report would also recommend a sentence under the CFA Board guidelines. The CFA Board will make its own tentative ruling based on the Protest Committee report and the written submissions of the parties. After the tentative Board decision, the Complainant and Respondent are notified in writing of both the decision and the proposed sentence. The Respondent is notified of their right to Appeal.
9. **Appeal:** Complainants cannot appeal. The Respondent, however, has the opportunity to appeal a Guilty ruling. They will have 30 days to submit an appeal request for a full hearing with oral testimony and must pay a \$250.00 "Appeal Fee" within that time frame. The appeal fee may be paid online at <https://catalog.cfa.org/credit-card.shtml> (include the Docket Number in the "Payment For" field, or by check to CFA Central Office).
10. **No Appeal:** If an appeal hearing request is not made within 30 days of the tentative decision notification, or if the appeal fee is not received within that time, the tentative Board decision becomes final.

11. **Appeal Procedure:** If an appeal is requested within the designated time frame, the Protest Committee transfers the case to the CFA attorney who handles it from that point on.
- a. CFA legal counsel will advise the Respondent of the scheduled hearing date. The Respondent may elect whether the hearing will be closed or open to the public. This hearing would be scheduled to take place at the next CFA Board meeting, held either via Zoom or in-person.
  - b. The Respondent is invited to participate in the hearing, and/or be represented by legal counsel. Alternatively, or additionally, if the Respondent wishes, they may make further written submissions.
  - c. At the hearing, the CFA Board will hear and consider any live testimony and/or additional evidence, along with the complete protest file.
  - d. The CFA attorney will advise the Respondent of any deadlines for submission of evidence or arrangements to appear.
  - e. At the conclusion of the hearing, the Board will go into Executive (closed) session to make a final determination in the matter.
  - f. Following the board meeting, CFA's attorney would advise the Respondent of the Board's action.

#### **REQUESTS FOR COMPLAINT INFORMATION:**

CFA does not dispense information regarding if a complaint has been received against an individual, the number of complaints received, or the content of a complaint. Protest information that is for public review is printed in the meeting minutes of the CFA Board of Directors which may be found online at <http://www.cfa.org/AboutCFA/MeetingMinutes.aspx>. Final actions on disciplinary results of protests are listed in the minutes. Only matters for which there has been a finding of guilty are available to the public.

#### **DISCIPLINARY/SUSPENSION LIST:**

For persons still under suspension or other punishment from the result of a protest, the Disciplinary/Suspension list may be found at <http://www.cfa.org/Portals/o/documents/org/disciplinary-suspensions.pdf>.

This list reflects Show Rule/Bylaw Violations or cases of Animal Welfare/Cruelty that have been brought to the Board and in which the Board suspended and/or fined the party (type of violation is not printed). The list does not reflect complaints regarding, for example, the sale of a sick cat, or a breeder that does not provide the promised paperwork, etc. Once a person completes their sentence and any applicable fines are paid, their name is removed from this list but remains in the minutes of the board meeting at which they were sentenced.

#### **WHAT SUSPENSION MEANS:**

**Suspension of ALL CFA SERVICES** means that the Respondent will be prohibited from participating in any CFA activity including, but not limited to:

- i. Utilizing CFA's registry services
- ii. Acting in any capacity at a show
- iii. Entering cats owned by the Respondent, agenting cats, or having cats owned by the Respondent agented at a CFA show
- iv. Presenting cats in a show ring
- v. Participating in a clerking school
- vi. Participating in a Breed Council
- vii. Acting as a delegate at an Annual Meeting

Respondent will be permitted to purchase the *CFA Yearbook*, *Cat Talk* and other CFA publications. However, Respondent will not be permitted to advertise in any CFA publication or show catalog. Respondent may remain a member of a member club. Respondent may also attend Respondent's Region's annual banquet and award ceremony provided that Respondent does not officiate or make any presentation at the banquet or award ceremony.