

# ARCADIA NEWS

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Arcadia resident Sophie Boukatch spent part of her summer swimming with sharks! Read all about her shark conservation efforts on page 40.

## PAGE 14

Arcadia school principals share their excitement and expectations for the new school year.

## PAGE 26

Our annual call for summer vacation photos yielded an impressive variety of worldwide snapshots.

## PAGE 62

Friday nights mean Arcadia High School football games. Meet this year's senior players.



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## Anti-puppy mill law upheld

By Jonathan T. Hasebe

On July 27, U.S. District Court Judge David G. Campbell upheld a Phoenix ordinance passed in December 2013 prohibiting the sale of dogs or cats, except for those obtained from an animal shelter, humane society or nonprofit animal rescue organization.

The plaintiff in the case, Puppies 'N Love, was believed to be the only store in Phoenix affected by this ordinance. It challenged the law on the grounds that it should be struck down for dormant commerce clause grounds, that it violated the U.S. and Arizona constitutions, and that the city of Phoenix was preempted from passing the ordinance by Arizona law.

While Judge Campbell rejected each of these claims, he did acknowledge that Puppies 'N Love appeared to "be an exemplary pet store" that "work[ed] hard to ensure that its puppies [were] raised in a humane and caring environment" and the Phoenix ordinance was a constitutional one.

While it is clear that puppy mills should be the target of strict regulations to ensure the welfare of animals bred for sale, many critics argue that the ordinance fails in these efforts. Mike Bober, executive vice president of the Pet Industry Joint Advisory Council, wrote that "Rather than improving breeding conditions and decreasing shelter overpopulation, the burden of this ordinance will fall hard on a responsible pet store and the reputable breeders who raise their puppies." He adds that "the overarching question remains: Is singling out and banning an exemplary local business smart public policy or the best way



### LEGAL EASE

to achieve the goal we all share? The facts say no."

In a press release following the decision by Frank and Vicki Mineos, owners of Puppies 'N Love, the Mineos stated that the ordinance was a misguided effort to eliminate puppy mills. They also stated that the focus of these laws should be on the breeders rather than stores like theirs that ensures its breeders are licensed and regulated.

Special attention was given to this district

**“While it is clear that puppy mills should be the target of strict regulations to ensure the welfare of animals bred for sale, many critics argue that the ordinance fails in these efforts.”**

court case as both the Humane Society of the United States and many pet industry organizations contributed legal funds to support it. Additionally, many similar anti-puppy mill laws are now being passed throughout the United States, causing legal analysts to question what precedent might be set by Judge Campbell's decision.

For now, the Mineos have until August 24 to decide whether to appeal the decision. Until then, Puppies 'N Love at Paradise Valley Mall remains open. Currently, Tempe and Tucson are both considering passing similar ordinances which may affect pet stores in those municipalities.

— Jonathan Hasebe is an associate at Gallagher & Kennedy. He practices in the areas of both general commercial litigation and transactional law. For more information about Mr. Hasebe, please visit gknet.com.

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