

Judge: Dogs must go back to breeder or be auctioned

By Pat Moore, Palm Beach Post Staff Writer
Saturday, September 15, 2001

STUART -- Treasure Coast families must return more than 100 purebred dogs seized a year ago from a beleaguered Palm City dog breeder or put them up for public auction, a judge ruled Friday.

"I'm so happy I can hardly contain myself. I'm finally going to get my babies back," Barbara Alesi boasted after learning she can reclaim as many as 76 of the Lhasa Apsos and Shih Tzus authorities seized from her ranch on Gator Trail in August 2000 and a rental home in Golden Gate two months later.

But foster families that have cared for the dogs since then are defiant and outraged at the thought of losing the dogs they now consider their pets.

"We won't give the dogs back. We'll do whatever we have to do," said Sue Ellen Warden, one of the foster parents, after hearing the ruling. "We've all practiced which way we want to be handcuffed -- in front or in back -- when we go to jail. It's just too late to give them back."

Attorneys for Martin County, the sheriff's office and the Humane Society of the Treasure Coast filed a notice late Friday appealing the ruling issued earlier in the day by Indian River County Judge Joe Wild. The dogs will remain with the foster families until the appeal is resolved.

"We are heartbroken with (the judge's) decision," said humane society President Mary Cowan. "Before we rescued them, all of those dogs lived lives of inconceivable misery and filth."

During a two-day hearing last month, veterinarians testified the dogs were kept in filthy, cramped conditions at the Alesi ranch, where small dog pens were stacked on top of each other, with droppings falling from the top pens onto the dogs below.

They described dogs with matted hair, inches thick with crusted waste; foot problems from walking on wire mesh floors; and eye and dental problems from a lack of grooming.

But Alesi, who since the seizure has built state-of-the-art kennels at her ranch, said she wants seven champion dogs and about 28 others with champion bloodlines returned.

"One of those dogs is worth \$25,000," she said of a male Lhasa Apso named Alesi Sanlo Thunderbird.

She said she will sell some of the other dogs to foster parents for anywhere from \$300 to \$1,000 each, depending on the dog's bloodline. Each dog has a microchip

imbedded in the back of its neck that can be read by a scanner to identify the animal.

"I will be willing to sell some if the parents want to get hold of (her attorney) Lance Richard and make an offer," she said. "If I can get along with the (foster parents), maybe there's a chance they can keep some of them if I can keep the breeding rights."

Wild ruled that Alesi and her husband, Walter, may own no more than 103 dogs at any time. They have 27 Yorkshire terriers at their home that were not seized.

The judge gave the Alesis seven days to deposit \$200 into a court registry for each dog they want returned and he ordered the public sale of the dogs they do not want.

"I would like to avoid a public sale on the courthouse steps," Barbara Alesi said, adding the \$200-per-dog deposit would pose "no problem."

The deposit will serve as a down payment toward any money a judge could award the county in the future for costs of treating and caring for the dogs since the seizures, according to the court order.

Richard, the Alesis' attorney, said he tried to settle the case months ago when he suggested foster parents keep all but 10 of the dogs. But negotiations ended when the county's attorneys demanded Alesi pay \$500,000.

"We worked very hard to reach a reasonable settlement, but they took a real extremist angle and refused to bend," Richard said. "This ruling sends a very strong message that you can't take somebody's property and give it to somebody else for nothing if they are worth value."

Alesi said she will gladly comply with the judge's order to hire adequate staff, permit veterinarians to inspect the dogs on a monthly basis and submit to random inspections by sheriff's deputies for the next five years.

Wild ruled the county agencies originally were justified in seizing the animals from the Alesis' property, but he found the couple "presently fit and able" to care for dogs.

"The Alesis cannot seriously deny that there were too many dogs to properly groom and that the housing of the dogs needed improvement," the judge wrote.

He noted that county officials left 15 dogs in the Alesis' care on the day of the seizures. "Not only did Martin County believe that the Alesis were fit to own some dogs at the time of the seizure, the Alesis have taken steps since the seizure date to better care for the dogs they wish to own," Wild wrote.

The judge criticized attorneys on both sides for allowing the case to languish in the courts, saying the delay "worked to the benefit of the Alesis in their argument they were fit and able to care for dogs."

Senior County Attorney David Acton said the Alesis' lawyers initially requested the delay in getting the case to court. After the county requested a hearing, the first date available in the court's schedule was three months later.

He said the appeal to a three-judge circuit panel will be based on arguments that Wild's ruling was inconsistent with evidence and testimony of county officials who witnessed more than 2 1/2 years of neglect at the Alesis' ranch before the seizures.

Joanne Bury, a foster parent of one dog who regularly visits more than a dozen dogs and their foster families, said she would rather buy her dog from Alesi than give it back.

"I've talked with several parents about the ruling and there wasn't one parent that wasn't hysterical," she said.

Alesi said she feels bad for the foster parents, but added:

"I felt really bad when they took my dogs. It was like somebody came in and took my babies. It will be a great reunion."

pat_moore@pbpost.com