

INVESTIGATION REPORT

DATE: November 29, 2023

TO: Board of Directors
Humane Society of Southern Arizona

RE: Investigation into Small Animals Transfer from San Diego Humane Society to Humane Society of Southern Arizona

I. SUMMMARY

Scope

This investigation was commissioned as an internal workplace investigation into the Humane Society of Southern Arizona’s (HSSA) decision to accept a request from the San Diego Humane Society (SDHS) in July 2023 to help with their need to adopt out a large amount of its small animal population. The scope of this investigation was also focused on determining the timeline and sources of relevant decisions, and to find the details of HSSA’s staff knowledge and actions related to it. This was completed through internal staff interviews and accepting requests for interviews from concerned community persons outside of the organization. The internal focus included leadership and internal structure, the decisions and actions leading up to the small animals transfer from SDHS to HSSA to Colten Jones, and the environment and organizational culture that fostered what became a controversial decision.

The investigation charge was to follow the facts to where they led the investigator and, hopefully, to a determination on the fate of the small animals. It is important to note the differences between an employer-driven, internal investigation and other types of

investigations such as criminal investigations conducted by members of law enforcement and those conducted by licensed, private investigators. Criminal investigations involve trained and certified members of law enforcement and follow all the laws and codes that govern them to determine the presence or absence of criminality in an event or allegation. Private investigators are persons licensed by the State of Arizona and must meet many qualifications before being granted a license, under Arizona Revised Statutes §32-2422. The kinds of investigations conducted by private investigators tend to be surveillance, background checks, social media investigations, infidelity investigations, child custody, divorce investigations, and investigations related to court cases. Many private investigators are retired, former members of law enforcement. Employer-driven investigations are set by organizational policy and procedure and are related to the employer/employee relationship. Because of this relationship, the employer can compel truthful cooperation as a term and condition of employment. An employer has no ability to compel any member of the public to participate or be truthful in an investigation governed by the employer.

This report is a summary of the information learned by this investigator. The investigator is available to the Board should it have any questions.

Investigator Qualifications

This investigator has over 20 years of experience in the application of employment law in the workplace, including lawful and defensible internal investigations. This work has been performed both within organizations as an employee, and later as an independent contractor. This investigator maintains her knowledge throughout the year, every year, through continuing legal education in employment law and workplace investigations.

This investigator, at all times, has had full independence on who to speak to, who to follow up with, and the ultimate contents of this report.

II. TIMELINE OF EVENTS AND RELEVANCE EXPLAINED

The timeline of events that led to this investigation is as follows:

- On or about July 10, 2023, Jessica Des Lauriers (COO SDHS) reached out to Christian Gonzalez (CPO HSSA) in an email to request help with placing the large number of small animals in the care of SDHS. The email is an introduction, as Des Lauriers and Gonzalez do not appear to have known each other prior to this interaction or request. Gonzalez responded timely, and proceeded to ask about what kind of small animals were involved, and how many. Gonzalez wrote he would “See if rescue groups here have space as well.” The numbers SDHS provided included 86 rats, 87 rabbits and 215 guinea pigs.
- On or about July 12, 2023, in the same thread, Gonzalez responded and wrote, “Waiting to hear back from Rescue by morning. Questions are going to be obviously transportation over to Arizona. And also, if numbers are still the same numbers. So, everybody has habitats ready.”
 - Gonzalez's change from "rescues" on July 10, 2023, to "rescue" on July 12, 2023, and other information reviewed by this investigator, supports there was no indication of a clear communication to SDHS regarding the use of only one rescue for this transfer.
- On or about July 26, 2023, Dr. Gary Weitzman (President & CEO SDHS) emailed Steve Farley (CEO HSSA) thanking him for taking the small animals. Dr. Weitzman said, when this investigator interviewed him on November 9, 2023, that he had a

follow-up phone call with Farley about that email, and Farley indicated he did not know what Dr. Weitzman was talking about. Dr. Weitzman described Farley's lack of knowledge as something Farley "laughed off."

- Farley knew of the transfer at least by July 26, 2023, and had sufficient information by that date to understand the importance and magnitude of the transfer, which should have triggered his attention, curiosity, and stewardship as CEO.
- On or about August 4, 2023, screenshots of text messages between Gonzalez and Des Lauriers show confirmation of the kind of truck being used for the transport.
 - Only Des Lauriers and Gonzalez were privy to the details of the logistics for the first leg of the animal transfer from San Diego to Tucson.
- On or about August 6, 2023, final confirmation messages were exchanged between Gonzalez and Des Lauriers prior to the transport scheduled for the next day. This included discussion of the cage and habitat needs, and Gonzalez mentioning they would be getting back to Tucson "pretty late."
 - Des Lauriers reasonably should have known the transport to the "rescue" was taking place in one day, with no intake happening at HSSA. To avoid ambiguity, at this time SDHS still reasonably believed the small animals would go to various groups for adoption.
- On or about August 7, 2023, 3:46 p.m., SDHS checked in to affirm their pending arrival. Later that day, 6:43 p.m., Gonzalez confirmed to SDHS that all three vans were loaded for second leg of transport. The transfer process closed at 9 p.m. per the text from Gonzalez to Des Lauriers that they were unloading the small animals.

- The transfer was completed in one day, as communicated earlier.
- On or about August 22, 2023, texts were exchanged between Gonzalez and Des Lauriers to set up discussion about transparency and marketing between HSSA and SDHS.
 - SDHS was aware HSSA planned no announcement or marketing, and questions began to arise regarding the “rescue” selected by HSSA.
- On or about August 28, 2023, Gonzalez and Des Lauriers exchanged texts, discussing transparency and not releasing the name of the rescue. The request for release of the name was eventually granted by Farley, and Gonzalez provided Trevor Jones as the individual and Chiricahua Livestock and Animal Rescue as the entity.
 - The introduction of Trevor Jones and the Chiricahua Livestock and Animal Rescue entity at this point reasonably should have triggered Farley to conduct a due diligence search on its existence and related previous adoption records. That did not happen. There is no such entity that can be confirmed using the internet and other searches.
- On or about August 31, 2023, Farley advised the Chair and Vice-Chair of HSSA’s Board of the small animal transfer. Farley indicated to the Board that the large number of small animals were transferred to a rescue, that the animals were being adopted out, and that there was nothing for HSSA to worry about other than dealing with grumblings on social media.
- On September 1 & 2, HSSA picked up 62 remaining animals from Apache Junction and processes their intake into the HSSA system

- The HSSA Board, having become concerned given communications sent to it by employees and members of the public, as well as having been provided information regarding concerns internal to HSSA, directed the commencement of an investigation into the small animal transfer and related issues during its September 26, 2023, meeting. This investigator was retained immediately thereafter.
- On or about September 29, 2023, a member of the media contacted Gonzalez regarding the involvement of Colten Jones, an individual associated with the Fertile Turtle, a reptile farm based in Maricopa County. Shortly thereafter, Gonzalez and Farley contacted HSSA's Board Chair to advise him of this communication. This was the first time the Board learned of Colten Jones, despite requests for all information relating to the transfer.
 - Gonzalez knew of Colten Jones' involvement at all times relevant to the transfer of animals to the Jones family. Farley claims he did not know of Colten Jones' involvement until this date. Information regarding Colten Jones, however, was available in HSSA's adoption database, as he was a person who previously interacted with HSSA. Farley likely would have learned of Colten's involvement had he conducted the appropriate due diligence.
- The Board Chair conducted a Google search, learned of the Fertile Turtle and Colten Jones' association with it and became alarmed.
- On September 29, 2023, the HSSA Board held an emergency meeting at which it obtained information from Gonzalez and Farley. The Board suspended them at this meeting following discussions and deliberation. Gonzalez on this date offered to resign

- On or about October 3, 2023, an internal email from a staff person to the Board provided the details of discrepancies in the numbers of animals transferred. This staff member had seen and heard the numbers being reported to the public and was concerned about their accuracy. Per this staff person, the issues with accurate numbers started with the count provided by San Diego, where the SDHS paperwork said 313 but it was actually 314 because a pet was skipped in the count. Then the number was checked against the “unchecked pets” and that changed the total to 378. This staff person noted they received the paperwork on August 8, 2023, and was asked to hold off on entering the numbers because the numbers were not “right.” This person indicated, per Gonzalez, the Jones family counted 378 pets. This same person was directed by Farley to change the number to 318, which corresponded to the documents reviewed by the employee.
 - The most reliable number of small animals transferred is the one provided by SDHS. The Colten Jones numbers have no verification, and therefore no weight.
- On October 4, 2023, the Board received a preliminary, interim report from this investigator. The Board accepted Gonzalez’s resignation and terminated Farley’s employment.

The timeline of events from San Diego Humane Society’s team is provided in APPENDIX A.

III. INVESTIGATION PROCESS

Intake interviews, documents collection and assessment, and follow-up interviews required over 63 hours of dedicated time prior to the compilation of this report. Interviews were conducted on Zoom, in person, over the phone, by email, and via text messaging. As of the date of this report, new information remains welcome.

Persons participating in the investigation interviews were informed on the nature of determining credibility in an investigation, as trained by the EEOC in their Region IX Employment Update in 2018. The following elements are those recommended by them when determining credibility of an individual and credibility of statements, and what I use for investigations:

- Plausibility – of both the story and the allegations
- Source of the information – anecdotes, documents, etc.
- Memory and Detail – witness statements
- Corroborating and Conflicting Testimony and Evidence
- Demeanor – Of both parties and witnesses
- Omissions from Statements
- Prior Incidents of Similar Behavior
- Motive to Falsify

Witnesses Interviewed, Listed in Order

1. Steve Farley, former CEO, HSSA
2. Christian Gonzalez, former CPO, HSSA
3. Colten Jones
4. Employee A, Manager Level
5. Employee B, Medical Team
6. Employee C, Manager Level
7. Volunteer/Former Staff
8. Employee D, Adoptions Team
9. Community Member A

10. Employee E, Manager Level
11. Community Member B, plus a Community Friend
12. Employee F, Medical Team
13. Employee G, Staff
14. Employee H, Staff
15. San Diego Administration Team, including Michael Lowry, Jen Grantham, Brian Dougherty, and Jessica Des Lauriers
16. Dr. Gary Weitzman, CEO, San Diego Humane Society
17. Employee I, Staff

NOTE: Names of employees and witnesses were intentionally omitted to protect their privacy and security.

Many of the witnesses were interviewed more than once when information provided by others invited additional conversation and questions. Some witnesses reached out to have additional conversation or to add new information to the investigation. Emails from community members received in the investigator@hssaz.org inbox were responded to but none of those generated an interview. Most interviews lasted longer than one hour, and each person interviewed was invited to reach out if they had anything more to add, or if they discovered something they wanted to share as part of this investigation. All but two witnesses provided emails and other documents to support their statements made in the interviews. Some of the content provided direct evidence to support their statements, and some content provided indirect support for their statements.

IV. BACKGROUND AND HISTORY OF HSSA

The Humane Society of Southern Arizona (HSSA) was founded in 1944 by a group of concerned and compassionate animal lovers, and led by president, Mrs. Guerin Wilson. Today it is a non-profit organization with roughly 130 employees and hundreds of volunteers, serving Southern Arizona. HSSA is not a government entity and does not receive public funding.

HSSA's structure includes a Board of Directors whose role is governance, with a strong CEO who is their sole direct-report employee. The strong CEO model in non-profit organizations means the CEO is responsible for all operations and reports and communicates on operations directly to the Board on a regular and ongoing basis. All employees within the organization are the CEO's responsibility, including all actions and decisions made by them. The Board is responsible for how it manages its direct-report employee, including inquiry into any information provided by the CEO, and providing assignments to the CEO. The Board provides the CEO with regular feedback, performance evaluation, performance goals, and determines what work merits bonuses or other recognition. Both the CEO and the Board have a duty to serve the mission, from their respective roles.

V. HSSA LEADERSHIP AND ENVIRONMENT

After completing the intake portion of this investigation, the importance of the context and environment where this situation developed emerged as a powerful element contributing to the decisions and outcomes of this case. During the relevant timeline, Farley was the HSSA Chief Executive Officer (CEO); Christian Gonzalez was the Chief Programs Officer (CPO). Gonzalez had worked at HSSA for over 20 years, while Farley was leading the organization just over three years before his termination.

Interviews and emails support the staff and community members were concerned about leadership under Farley. There was less offered that was neutral or positive, with most witnesses describing communication, decision making, and transparency as the most troubling parts of their time working under or with Farley. Some examples witnesses provided include:

- Allowing the desires of donors offering large contributions to override medical decisions made by qualified staff
- Engaging in community discussions and making promises in advance of consulting with relevant staff professionals; and disregarding staff concerns and recommendations once staff became aware of the promise or project. Attempts to advise on the feasibility or lack thereof for the given promise or project were ignored.
- Low or no communication with leadership team or staff on operations matters going to the Board, leaving staff to find out about their own organization from post-Board meeting outcomes or on social media
- No perceivable transparency around a strategy for the organization, only a perception of “empire building” and moves too fast for meaningful planning or consulting with staff
- Decisions made around clinical and medical practices in locations that were not compliant with appropriate standards and licenses
- Farley creating projects and initiating them, empowering staff to implement them, all done outside of necessary veterinary purview

While the majority of staff witnesses expressed anxiety about Farley’s leadership and honesty, some witnesses were neutral, believing Farley was trying to work to benefit the organization and citing positives such as the development of the new thrift store location and marketing. Some Board members noted the important work Farley was engaged in around lobbying for critical animal welfare regulations in Arizona. Many staff also volunteered that Gonzalez and other leaders had become used to responding to surprise assignments from a “Farley promise,” or outcome from a Board meeting, and Gonzalez was noted for “working fast” to address whatever was presented.

Many staff volunteered they were worried about their jobs because Farley and Gonzalez communicated to staff that the Board was interested in bringing up HSSA's intake and adoption numbers, or else "The Board was ready to clean house." Upon inquiry to the Board Chair on this point by this investigator, this was described as "not true."

The Board Chair clarified this matter, sharing the Board had observed and received commentary regarding the high number of empty kennels and inquired why this was so. The Board asked Farley to obtain information on adoptions and how to increase them and inform them as to what would be a reasonable increase based on that information.

This apparently did not occur. Staff feedback to this investigator supports they were not asked by Farley what number or percentage of increase in intake/adoptions was feasible (it is possible Gonzalez and Farley discussed this between themselves), and that they were told by both Farley and Gonzalez that if adoption numbers did not go up, the Board was ready to start terminating employees. The Board Chair made clear this was never the case.

The directive to increase intake/adoption numbers was a metric for use as a job performance measure and improvement which could qualify Farley for a bonus. The Board was interested in how HSSA could increase numbers, not setting an arbitrary number by which it would determine whether staff members would remain employed.

This is an important point. The Board expected to be informed and did not indicate staff cuts would be required as response to their query about increasing adoption numbers. This indicates Farley did not carry through on the request and did not carry the message faithfully to the staff, but rather created an environment where staff were in fear of their jobs.

VII. INTERVIEWS WITH KEY PERSONS

Christian Gonzalez

Gonzalez was interviewed over Zoom and by phone, and communicated via text multiple times. Gonzalez appears to be the only person involved in the decision to send the San Diego small animals to the Jones family.

Gonzalez was cooperative each time we spoke or exchanged text messages. He reported he received contact from the San Diego Humane Society in early July when the San Diego COO reached out to him to explore the transfer. The timeline provided by the San Diego team corroborates this (refer to the timeline in APPENDIX A).

He described his decision to say "yes" to Des Lauriers' request as one based on his assumption that this transfer was or would be something Farley wanted, based on Farley's relationship with Dr. Weitzman, SDHS's CEO. He acted on this assumption and began the work to set up the transfer, failing to actively pushback on the request even though he described wanting to go through with it at the time.

Gonzalez reported he shared the information about the transfer with Farley on or about July 12, 2023. Gonzalez noted he was "cooling off" on the idea, when, he believes, Dr. Weitzman called Farley to look into the idea on July 14, or 15. Gonzalez recalls Farley coming into his office sometime around July 25, 2023, and talking about the call he had with Dr. Weitzman. He said this is roughly when Farley walked into Gonzalez's office to ask about the status of the transfer discussions, noting the relationship between SDHS and HSSA is "great," that it would be great to help them out, and to "figure out a way." Gonzalez confirmed Farley was not involved in the logistics but did recall Farley was aware of the transfer before the call

from Dr. Weitzman. The latest possible date Farley knew of the transfer was the date of Dr. Weitzman's email to Farley, July 26, 2023.

Emails from internal HSSA accounts that were shared with this investigator support this timeline. A timeline attached to this report in APPENDIX A also supports this timeline.

In his multiple interviews and texts, Gonzalez admits to moving too fast to resolve problems or tasks, and that he should have pushed back harder on the initial request to facilitate the transfer of the small animals. He states multiple times that everyone knew HSSA could not house all the small animals and finding rescues was going to be difficult.

This investigator found no definitive decision point emerged to explain why Gonzalez chose to connect with the Jones family, or Colten Jones specifically for this transfer. The explanations Gonzalez did provide centered on the Jones' prior history with HSSA, adopting reptiles, birds and small animals, and knowledge about the family as a rural, connected, large family unit.

Using the measures of veracity provided above, this investigator found Gonzalez's testimony to be believable to a great extent. The exception to this was his indirect response to this investigator's question asking why Colten Jones was chosen to receive the animals. Gonzalez responded with a referral to the Jones brothers' 10-year history with HSSA, adopting exotic pets such as tortoises, turtles, birds, and rabbits. There was nothing in his testimony, and nothing in any other witness testimony, that supported Gonzalez would engage in any activity where animals would be harmed or money exchanged, or for personal gain. When asked if he would be willing to share personal records to support the absence of financial gain, he indicated he would cooperate with such a request.

Steve Farley

Farley was interviewed over the phone, and he provided emails and text messages he had access to and accumulated via email and co-located in a One Drive file on the HSSA system. In his interview, he stated he did not know about the July 25, 2023, discussion about the transfer. He explained that SDHS reached out to Gonzalez on or about July 10, 2023, and that Gonzalez did not inform him of this communication. He said he later gave Gonzalez a directive to keep him informed of all animal transfers. This later request was around Labor Day (September 4), according to his recollection.

Farley also described an undated call with Trevor Jones in his interview, saying Jones called once on the landline to express his anger about the attacks coming over social media. Farley said Jones expressed fear for himself and for his family. This was the only contact with any member of the Jones family he described.

He next provided he knew about the transfer when he was thanked by Dr. Weitzman. He said this was in an August 25, 2023, email from Dr. Weitzman. He made clear Gonzalez had all the information about the transfer.

During his interview, he also said he knew nothing about reptiles or that the animals would be used as feed until September 29, 2023, and claims he asked Gonzalez early on if there was anything about snakes being involved, or if the rescuer raised snakes. He also reported Gonzalez told him he thought Farley and the SDHS CEO were good friends, and after the transport took place, Farley alleges Gonzalez said, "I only did this because I thought you guys were good friends." Farley admitted this is when he should have asked more questions but he was more focused on the work he was involved in with Cochise County shelter development, and the resignation of the HSSA Development Director. He noted he recognized it was a

failure on his part. Farley did not recall encouraging Gonzalez to perform the transfer. He noted he could see how his recent talk of intake numbers going down in general, and he could see how Gonzalez took it seriously and may have gone out to “Get them from anywhere.” He noted Gonzalez acts quickly once he knows something needs to get done or is related to performance goals.

He stated he could not overstate how much he depended on Gonzalez, saying “I know it is not my expertise.” He also stated Gonzalez did not come forward to think this through with him. He said he completely trusted Gonzalez. He explained his role was the bigger vision and he depended on people to do their jobs, “The way I operate as a manager and a person is larger vision. That is where I have my vision and focus. I may not be looking behind me to see what has been done.”

Farley's testimony presented as truthful, generally, but lacking in detail that would be reasonable to expect from a CEO. His testimony presented a reactionary approach to leadership and an unexpected absence of active curiosity and stewardship for such a landmark level animal transfer between agencies.

Colten Jones

After this investigator left phone messages at the number provided for Colten Jones, he responded via text. He indicated text messages were his preferred communication method and he would not be easy to contact using phone calls.

In the text messages from Colten to this investigator, sent on September 30, 2023, he states he was not given any directions or conditions from anyone for receiving the small animals and finding them a home, just that they needed to be cared for. He stated earlier in that same text thread that he did not freeze or sell any of the animals that he took in. He stated

in a text from the day before, “I’m an animal lover and they were all placed in loving homes but we are private people who don’t want to be bothered (Sept. 29, 2023). On September 30, 2023, he sent a text saying, “Just because I’m a lover of all animals, not just the furry ones doesn’t mean they were fed to snakes as many have accused me of.”

Colten further asserted in his text messages the animals had a rough time on the day of transfer. He texted, “Also, I would like to make mention that the animals when I receive them were very stressed and some of those should not have been sent as they had tumors and were matted when I received them. This wasn’t from the humane society of Arizona. This was from where they were before that. The people want to be held accountable. They should look at the people that were sent them as they cannot prove that they were in the best of health to be sent. They don’t have any of it documented or if they did why did they send them? Those are just death sentences when you add on stress for the animals must (*sic*) those animals had health checks within a week of being sent? I would question they were not healthy from the beginning.”

He followed up with two text messages on November 8, 2023, assuring this investigator he did not freeze, sell, or profit from any of the animals transferred to his custody. In light of the information learned at the time of this report’s composition, this is an open question that is still being actively pursued by multiple other investigators working on behalf of others.

Colten’s communications were taken at face value and deemed minimally reliable but with no direct evidence to contradict his statements, they stood as they were within the larger context of the circumstances and facts, including his professional occupation as a person who sells feeder animals to snakes. Upon the discovery by KVOA reporter Chorus Nylander of the text message allegedly from Jones the day after the transfer, where he seeks assistance with

"freezing off" rabbits and guinea pigs in preparation for a show, Colten's text messages no longer had any value as truthful statements. Until evidence supports otherwise, his text messages are not believable, nor are his claims that the small animals were adopted out.

VI. FINANCIAL GAINS CONCERNS

No evidence was provided or testimony given to this investigator supports that any money or benefit accrued to anyone from HSSA who was involved in the animals transferred to Colten. Outside of this investigation, Chorus Nylander obtained a text message from Colten to an undisclosed person, where Jones asked about help freezing some guinea pigs and rabbits. This text is alleged to have been sent to this undisclosed person the day after the small animals transfer. The content of that text message supports the belief that Colten was prepared to freeze and use the small animals for sale as feeders at an upcoming reptile show. Given this, it is possible that Colten profited from the small animal transfer. Further investigation or discovery in litigation is necessary to determine whether Colten realized any profit.

XI. CONCERNS AROUND DATA

This investigation did not support there was any staff interest in making data entries purposely to distort the numbers or hide the truth related to the number of animals transferred or returned. There is some support that the former CEO was interested in counting the transferred animals as intake animals. While several individuals expressed concern about the accuracy of the numbers being reported from the database, a few were concerned that changes were made to obfuscate the truth about what happened to the small animals. This

concern that the staff was intentionally changing data to manipulate the records was not substantiated.

The current database used is very old and not built with security that is normally found in an organizational database that is filled with proprietary information. A new system is in the process of being implemented. At the time of the investigation, the HSSA database was an older, customized, Microsoft Access database that had been specifically constructed internally and has been in place for many years. This system is very porous and many people throughout the organization can access it, make changes to it, and the system does not track changes made. This fact supports relying on documents and regular forms over data coming out of the system.

As an example, Gonzalez told of having changes made to the database where staff had entered his name for a pet adoption, because staff went to him to find adopters for unusual or specially requested pets, such as birds, or fancy dogs like bulldogs or “Frenchies.” He provided an example where his name was attached to the adoption of some tortoises and he said he never has adopted a tortoise. He also admitted to asking a staff member to make some corrections to it, and he did ask for the modifications to Colten Jones’ entries to try to protect their request for privacy, in case there was a lawsuit, or people were leaking information from inside of the organization, which has been occurring in connection with the small animal issues.

There is no definitive consistency to any of the reported number of animals transported from San Diego to Tucson, and then to Colten. HSSA undertook no effort to count in detail the number of small animals received from SDHS. There is slightly more firmness around the

number of animals returned to HSSA from Colten, though there is some data migration that moves that number around as well.

According to one staff member, the number of animals that were reported on the paperwork from SDHS (313) was noted as wrong by another HSSA staff member. The number the HSSA staff member found was off by 10 more guinea pigs, and the following week the number rose to 378 animals, per Gonzalez, as ostensibly told by Colten Jones. Staff made entries accordingly, and when directed by Farley to change the number back to match the SDHS paperwork, the staff complied.

Staff involved with the data entries reported Farley directed Gonzalez to make database entries for the transferred animals, assigning control intake numbers. Staff found that to be "weird," but one staff member reported being unsurprised—indicating Farley wanted entries made to "pad our numbers" by counting the animals as if they performed intake when they had not. Many staff reported Farley was a "numbers guy" and that they did not always trust the information or the directions they were given. They did describe doing their best to be accurate in their work, while also being subject to their supervisors' directions.

Until the new system is up, the current database is in a constant state of change that is untraceable as to when the changes were made or who made them except as it shows on a given day. Determining any dates of anything other than what the current data shows is not possible within the current system.

VII. COLTEN AND TREVOR JONES HISTORY WITH HSSA

Transfer records provided by HSSA staff show Trevor and Colten Jones have adopted animals from HSSA since 2010.

- Colten Jones, Male Bird, Parrot, (Tiki) June 5, 2023
- Colten Jones, Male Bird, Conure, (Swimmer) June 5, 2023
- Colten Jones, Male Bird, Cockatiel, (Bandito) June 5, 2023
- Colten Jones, Female Bird, (Lumen) Pigeon X, March 3, 2023
- Trevor Jones, Female Reptile, Tortoise, April 6, 2023
- Trevor Jones, Female Reptile, Tortoise, (Melon) April 6, 2023
- Colten Jones, Female Rabbit, (Coco) September 22, 2021
- Colten Jones, Female Rabbit, (Willow) September 22, 2021
- Colten Jones, Male Rabbit, (Morty) September 22, 2021
- Colten Jones, Male Rabbit, (Steve) September 22, 2021
- Colten Jones, Female Rabbit, (Blueberry) September 22, 2021
- Colten Jones, Female Rabbit, (Daffodil) September 22, 2021
- Colten Jones, Female Rabbit, (Opal) September 22, 2021
- Colten Jones, Male Fowl, Duck, (Duckless) September 22, 2021
- Trevor Jones, Female Reptile, Tortoise, (Qween) November 16, 2018
- Trevor Jones, Female Reptile, Tortoise, (Cannoli) September 9, 2018
- Colten Jones, Female Reptile, Turtle, (Rosie) April 24, 2010
- Colten Jones, Female Reptile, Turtle, (Bella) April 24, 2010

(Physical Files, Humane Society of Southern Arizona, Provided by Staff to Investigator)

Files for these animals were provided for this investigator's review, including the owner surrender documents. The distinction with the animals in this section is that they were adopted from HSSA (with records and adoption agreements), and does not address the August transfer of small animals into Colten's care. The animals returned to HSSA by Colten were taken in using regular HSSA documentation for owner surrender.

VIII. CONDITION OF ANIMALS ON DAY OF ARRIVAL

All HSSA staff who participated in the transfer told a very similar story about what the conditions in the transport van were, though they were interviewed separately and at different times. The HSSA staff involved in the second leg of the transfer described the condition of the transfer van when it arrived from San Diego, and their concern about the welfare of the animals after a long drive on an extremely hot day. They said the situation and the temperature that day caused them to make the transfer from the SDHS van into the HSSA vehicle as quickly as possible. They did take time to gather the loose papers that flew out of the cargo space when they opened the door, stating they were flying all over the parking lot. They chose the HSSA bus to transfer the animals because it had three air conditioners and would allow the animals to be spread out and not stacked floor to ceiling. This vehicle experienced mechanical issues and the HSSA team had to segue to the other vans available, including one staged for an event that required them to empty it out. The three HSSA staff who participated in this leg of the transfer said none of the animals seemed to be in distress but they were worried about the heat and the long time the animals had been in transport.

XIV. CONDITION OF ANIMALS ON DAY OF RETURN

Two of the three HSSA staff who facilitated the transfer to Colten were dispatched to pick up the animals that remained in Colten's possession on September 1st and 2nd. Gonzalez mentioned he wanted to shield staff from any anger that the Jones family may be feeling, as by this time Colten had expressed hard feelings. The staff member who assisted mentioned he was sad to take the animals back because they seemed well cared for, and the woman who was bringing the animals out to them seemed sad about their departure. This employee noted the woman made comments about which animal liked which blankets, or certain toys. He saw the animals had toys and peppers. He noted the animals were all in small animal carriers, similar to how they arrived from SDHS. Over 60 animals were returned to HSSA.

The animals returned included rabbits, guinea pigs, hamsters, and mice. The majority of the staff interviewed agree that the animals that were returned to HSSA that day from Colten's custody were in good-to-normal condition typical of owner surrender animals.

- While it is not clear if hamsters and mice were included in the original transfer, based on SDHS information available to this investigator, mice and hamsters clearly were returned to HSSA.

These animals returned were observed by staff as they were loaded into the conference room. Staff recall 7 mice, 7 hamsters, 4 rabbits, and 44 guinea pigs. Sixty animals were reported returned in one trip, and a special trip was made for 2 animals that were considered special medical cases. The medical staff who performed all the medical care when the animals were returned said they asked if any of the animals required immediate medical attention that night, and the staff handling the small animals told them the animals appeared well, comfortable, and had no urgent medical needs. Almost all the carriers had hay, plenty of water,

and a bell pepper. Their condition was noted by three staff that were present when the animals arrived at HSSA as having reasonable conditions such as small wounds that could have been from guinea pig fights. The guinea pigs each had bell peppers for nourishment, and notes about the animals regarding their traits and preferences. Examples from the notes included where a certain animal likes to be scratched, which one liked blankets, which do not like being picked up. The staff also mentioned the animals had toys in their carriers, appropriate chew enrichment for the guinea pigs, mice had a wheel and a “hidey-hole,” and the hamsters had some places to hide and little wood chew toys. They characterized it as first-hand observations of good, appropriate care, and certainly more than they expected. They found it believable the animals were treated like pets.

One staff member indicated a community member who was helping out was wrong in her belief the animals had severe upper respiratory infections. There were no severe cases of upper respiratory infections, nor severe hair loss just hair colic spots on the longer-haired guinea pigs. Bedding was either shredded newspaper or actual bedding material, with hay in front for eating and for hiding. While commenting the conditions the small animals arrived in was not optimal, this staff member made clear it was sufficient for their safety for the transfer, as well as short-term care. This staff person, who had specific small animal expertise from prior jobs with other animal welfare agencies, found their condition met shelter standards and exceeded ASV guidelines. This staff person also noted being a 501(c)(3) is not a required standard for the care of an animal, so release of animals to individuals and groups is not inappropriate. For reference, this staff person noted the post-return adoptions completed.

Other staff also found their condition met shelter standards and exceeded ASV guidelines.

Many staff noted it took 4 hours to clean all the cages, and some found it very strange the guinea pigs had entire peppers when they only needed a piece at a time. Many noted HSSA is a safe place for small animals of this type, but not an optimal place for them particularly in such large numbers. All agreed no animal was unsafe and there were no serious health conditions found in the animals that arrived on that Sunday. They noted it was impossible to perfectly keep up with the cleaning demands for so many animals and staff had to stay late.

As reported, the animals were brought to HSSA and placed in the conference room for triage and care. They also consistently reported the large number of animals needing constant, detailed care was extremely taxing and required multiple staff to do rounds of care, multiple times per day. Each who reported on this made clear it was not an optimal situation for the animals. None reported any animal was neglected or did not get the care needed while at HSSA. Indeed, despite the difficulties, HSSA employees worked hard to do everything they could to care for the animals, and no one expressed significant concern for their safety and well-being while in HSSA's care.

The returned animals were treated as intake animals and all regular documentation and assessment of their condition took place. There are multiple numbers cited by multiple witnesses as to how many animals were returned, including a comment from the staff member who participated in the transfer from Colten to HSSA that many animals were doubled-up in their small carriers.

This investigator spoke with both HSSA staff and persons involved in private animal rescues. It became clear that agencies like HSSA must meet national standards and guidelines, while private rescues can establish their own standards that far exceed agencies'

requirements, and can create their own additional standards and requirements for optimal practices over sufficient practices.

XV. CONCLUSIONS

The small animal transfer was organized solely by Gonzalez in response to the request from SDHS. Farley was both distant from and late to the decisions made in the process, as a matter of his regular choice and preferred practice as a “hands off” CEO. The facts support Farley’s claimed leadership style and his absence from the specific series of events that led Gonzalez to manage the transfer, as a matter of goodwill between the two shelter entities. Farley’s claim of being a “hands off” CEO, however, does not absolve him of his management and oversight responsibilities relating to HSSA’s operations in general, and with respect to the small animal transfer. As CEO, Farley could have and should have been more engaged in his oversight of Gonzalez and this transfer, which was the largest in HSSA’s history. The facts support that Farley was negligent in his duties and oversight, and he acknowledged this to some extent.

At the beginning of this investigation, there was no definitive evidence the animals were taken in by the Joneses to become feeder animals. This changed when the recently received information provided by Chorus Nylander’s investigative report created a presumption this may have occurred. At present, the most reasonable and likely conclusion is that least some of the animals became food and were not treated as pets.

Fundamentally, Gonzalez performed his role in an admittedly hasty manner and without appropriate and necessary due diligence. This is supported by the details that were later found to be problematic, including the fact that Colten was not associated with a 501(c)(3) rescue, as Gonzalez had assumed, and Colten’s history as a reptile farmer and food vendor, which

Gonzalez could have and should have known. Ultimately, Gonzalez's own lack of due diligence led him to offer his resignation. Even without intention to place the animals in an unsafe situation, the absence of baseline due diligence is egregious, even in a context where responding too quickly had become normal or necessary given the expectations of him.

Even though Gonzalez used the singular "rescue" when communicating with SDHS in certain circumstances, this is not enough considering all the circumstances to have reasonably put SDHS on notice prior to the transfer that all the small animals were going to one rescue. It appears that after SDHS initially heard from HSSA that it would work to place the small animals with rescues, the involvement of more than one rescue group became an SDHS assumption.

Enough witnesses, including persons trained in both animal welfare and small animal medicine, found evidence the small animals returned from Colten to HSSA showed signs of reasonable care, and that they were treated as pets not food. While this belief was reasonable at the time, it is no longer reasonable in light of the information obtained by Nylander.

There is insufficient evidence to support a definitive conclusion regarding the balance of the small animals – those that were transferred to Colten but did not return to HSSA. The text message allegedly sent from Jones to another person in the reptile community regarding freezing guinea pigs and rabbits substantially reduces the weight of his protestations as he expressed them in his text messages included in this investigation. His denials do not hold up in the face of the presumptions created by the text message. Additionally, the absence of any reliable evidence the missing animals were adopted, including documents or emails or texts that show transfer from Colten to other persons or schools or organizations, does not lend any credibility to Colten's statements in his text messages. Given all the information presently

available to this investigator, it appears the animals not returned to HSSA were, sadly, likely used as feed, and not adopted out as pets as HSSA had intended.

XVI. RECOMMENDATIONS

1. Update and Improve HSSA Policies and Practice: Comprehensive review and redrafting of policy around animal transfer to qualified rescues, including defining minimum acceptable standards for qualification as a rescue; data collection; prohibition on sharing outside of the organization; communication channels; and decision-making checks and balances.
2. Set New Standard for Comprehensive Staff Literacy: All staff training on appropriate shelter practices and standards to create baseline understanding of shelter practices as supported by national standards and licensing requirements to foster literacy and reinforce culture and practice.
3. Improve Control Over Data: Address database security, even in the new system that is in the process of implementation, and retrain all staff on their obligations as staff members to keep internal information confidential, keep accurate information in the database, and to follow all HSSA policies for accessing confidential and proprietary information.
4. Informed Recruitment for Next CEO: Board consideration of staff requests to be included in the recruitment process for both the new CEO and the new Programs Director, from the beginning, and to require prior animal shelter experience as a minimum qualification. An optimal choice would be one member of the medical staff and one member of the shelter staff from both intake and adoptions.

5. Change HSSA Policy for Staff Concerns Reporting: Redraft HSSA employee policy manual to include an allowance and protection for staff to go directly to the Board when concerns arise related to the CEO or the welfare of the organization.
6. Improve Board Literacy: Board training on HSSA updated/improved policies around intake, adoptions, transfers and partner organizations, for their own literacy and for informed performance management of the CEO.
7. Improve Board Oversight: Board development of a template for the CEO report to the Board during each Board meeting, where minimum standards for information and update are established and practiced on a regular and ongoing basis.

APPENDIX A FOLLOWS THIS PAGE

APPENDIX A

Timeline of Correspondence / Telephone Contact San Diego Humane Society

Monday, July 10, 8:27 p.m.

- SDHS initial outreach to HSSAZ.
- SDHS has over 400 small pets in care: ask whether HSSAZ are seeing a large uptick in small pets.
- SDHS request opportunity to transfer small pets to HSSAZ.

Monday, July 10, 8:31 p.m.

- HSSAZ request clarification on what SDHS means by “small pets”.

Monday, July 10, 8:36 p.m.

- SDHS confirmation small pets are rats, rabbits and guinea pigs.

Monday, July 10, 8:43 p.m.

- HSSAZ requests number breakdown of small pets and that they will see if they can take any and connect with rescue groups in Arizona to see if they have space as well.

Monday, July 10, 8:51 p.m.

- SDHS provides breakdown of small pets:
 - Rats – 86, rabbits – 87, guinea pigs – 215

Wednesday, July 12, 8:29 p.m.

- HSSAZ confirms they are waiting to hear back related to the number of animals and expect to by morning.
- HSSAZ mentions questions regarding transportation to Arizona, if the number of small pets is the same so everybody has habitats ready.

Wednesday, July 12, 8:57 p.m.

- SDHS confirms they will coordinate transport.
- SDHS requests information on how many and which species can be accommodated for the transfer.

Thursday, July 13, 2:36 p.m.

- HSSAZ requests confirmation that the rabbits have been spayed/neutered.
- HSSAZ asks whether the transporting cages the animals would be coming in can remain with them.

Thursday, July 13, 3:58 p.m.

- SDHS confirms rabbits will be altered and vaccinated, they will be transported in carriers and SDHS can leave them but would like to bring some back if possible.

Thursday, July 13, 4:13 p.m.

- HSSAZ requests information on how many rabbits SDHS would want to transfer to HSSAZ without it being all of them.
- HSSAZ also request confirmation on it being possible to transport that number of rabbits.

Thursday, July 13, 4:16 p.m.

- SDHS confirm they can transfer 58 altered rabbits and request HSSAZ confirm how many they feel comfortable taking.

Thursday, July 13, 5:30 p.m.

- HSSAZ ask SDHS if they can take one dog from them in return – a black and white Pitbull who has been up for adoption since February.

Tuesday, July 18, 2:40 p.m.

- HSSAZ sends bio of Bulma, the Pitbull they are hoping to exchange for the small pets.

Tuesday, July 18, 5:03 p.m.

- SDHS requests information on Bulma, including medical records, behavior notes, return notes in order to ensure Bulma meets SDHS' adoption criteria.
- SDHS confirms if they can't accommodate Bulma, they can explore taking a different dog if needed.

Wednesday, July 19, 2:44 p.m.

- HSSAZ send behavior, medical and return notes to SDHS regarding Bulma.

Thursday, July 20, 12:55 p.m.

- SDHS unable to open PDF file containing behavior notes (entitled "new beginning") – requests to be resent.
- SDHS requests choosing a date for the following week for the transport.

Thursday, July 20, 4:20 p.m.

- HSSAZ will work internally to choose a date that works for the transport.
- HSSAZ ask if SDHS can take Bulma and how SDHS will be travelling.

Thursday, July 20, 4:22 p.m.

- SDHS reiterates not being able to open the behavior notes ("new beginning" file), requests they be resent as SDHS will need to review these before committing to taking Bulma.
- SDHS confirms they will be transferring the pets in one van.

Thursday, July 20, 4:32 p.m. through 4:33 p.m.

- Back and forth between SDHS and HSSAZ regarding behavior notes format for resending.

Friday, July 21, 1:19 p.m.

- SDHS provides potential transport dates of the following Wednesday (July 26) or Thursday (July 27).
- SDHS shares updated breakdown of small pets in care:
- Guinea pigs – 225, rabbits – 91 (70 spayed/neutered), rats – 69
- SDHS again requests Bulma's behavior notes from HSSAZ in a different format than PDF

Friday, July 21, 3:20 p.m.

- HSSAZ resends Bulma's behavior notes

Friday, July 21, 3:24 p.m.

- SDHS confirms receipts of behavior notes and they have been passed along for internal review.
- SDHS requests confirmation on how many small pets to transfer to HSSAZ to begin working on arrangements and timing of travel.

Friday, July 21, 3:26 p.m.

- HSSAZ confirm they would like to take all the small pets and will confirm with SDHS by Monday (July 24).

Friday, July 21, 3:45 p.m.

- SDHS request a time to meet with HSSAZ on Monday (July 24) to work out logistics.

Thursday, July 27, 10:29 a.m.

- HSSAZ requests moving meeting scheduled for tomorrow (Friday, July 28) as they are still working on logistics and will have them set by EOD.

Thursday, July 27, 10:29 a.m.

- SDHS confirms rescheduling.

Friday, July 28, 1:08 p.m.

- SDHS request to move scheduled start time of virtual meeting.

Friday, July 28, 1:09 p.m.

- HSSAZ confirmation to shuffle meeting.

Wednesday, August 2, 1:47 p.m.

- SDHS request confirmation from HSSAZ that they would be willing to take guinea pigs that have recently given birth in their care – SDHS DVMs have confirmed they can be transported.
- SDHS request name and email address of HSSAZ PR person.

Wednesday, August 2, 1:55 p.m.

- HSSAZ confirm they are checking to see if the volume of guinea pigs can be accommodated.
- HSSAZ share PR name and email address.

Wednesday, August 2, 2:53 p.m.

- Email introduction connecting SDHS/HSSAZ public relations staff members.
- Noted that HSSAZ would not be promoting the transfer in their community.

Wednesday, August 2, 3:58 p.m.

- SDHS follow up outreach to HSSAZ – request to inform SDHS when the pets safely arrive.
- Acknowledged HSSAZ will not have media at their end.
- Requested more details about the dog, Bulma, being transferred to SDHS in exchange.

Friday, August 4, 3:54 p.m.

- HSSAZ confirmed SDHS has been sent photos and records on Bulma previously, and shared birthday video of Bulma.

Friday, August 4, 4:05 p.m.

- SDHS thanked for video and for support with small pets.

Monday, August 7 –

- Small pets are transported safely to the Humane Society of Southern Arizona. All pets arrive safely and in good condition and are transferred into the care of HSSA staff led by Christian Gonzalez their Chief Program Officer.

Telephone Communication Timeline, Per San Diego Team

July 24

- Call with Jessica Des Lauriers, Amanda Kowalski and Christian Gonzalez
 - The purpose of the call was to discuss the logistics of the transport of animals.

July 28

Call with Jessica Des Lauriers, Amanda Kolawski, Christian Gonzalez and Michelle Kleckner

- The purpose of this call was to discuss the logistics of the transport of animals.

August 28

- Call with Steve Farley, Gary Weitzman, Jessica Des Lauriers and Jennifer Grantham
 - Call was to discuss various social media activity around the transport of animals. Steve shared his communications strategy around the calls for additional information and suggested that we both ignore the social media calls for transparency. SDHS was asking for HSSA to post on their social media channels about the transport to demonstrate that the transfer of animals took place.

- Also, on this call Steve Farley said he did not know the name of the rescue group that the animals were transported to and advised that we call Christian to ask him.

August 28

- Call with Jessica Des Lauriers and Christian Gonzalez
 - Jessica called Christian to inquire about the name of the rescue group. Christian provided Jessica with the name of Trevor Jones and the name of a rescue group Chiricahua Livestock & Animal Rescue. (Subsequent attempts to find this rescue group were unsuccessful.)

September 5

- Call with Gary Weitzman, Jessica Des Lauriers, Brian Daugherty and Steve Farley
 - Call was to discuss the lack of transparency around the disposition of the animals. Concerns were raised with Steve by SDHS and he stated that all the animals were in good homes and that he would work with the rescue to see if they would provide information that would be more definitive. He assured SDHS that they could provide such information and that he would continue to work to gather it. He noted they were still requesting anonymity and that they were scared for their safety based on threats they had seen online. SDHS noted that the story being told by HSSA lacked credibility and given that, it was imperative to provide information to demonstrate the safe outcome of the animals. Steve was dismissive of these concerns.

August 31

- Call with Jessica Des Lauriers, Jennifer Grantham and Christian Gonzalez
 - Call was to discuss the ongoing challenges of the transport and to gain additional information about the status of the animals.

Various Calls After September 1

- Various calls from Gary Weitzman to Steve Farley to press for transparency around the placement of the animals. Steve consistently said that he would work with the rescue to provide this information but never followed through on that commitment.