Protecting the Rights of Service Animals

The Consequences to Using Fake Service Animals, and Possible Solutions to Preventing Further Abuse of Disability Laws

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Summary
People without disabilities are bringing their pets with them by taking advantage of the Americans with Disabilities Act law allowing people with service animals to enter businesses where pets are not allowed almost unchallenged, causing problems for people with legitimate service dogs, mainly with being denied access to public places. Dog owners buy fake service dog vests and I.D.s to pass their untrained, pet dogs off as service dogs. Dogs who should not be out in public (poor behavior, aggressive) are being passed off as service dogs and creating added discrimination for people with real service dogs. In order to help prevent this problem from spreading, along with revising ADA laws, we propose that the government set up a service dog registration and qualification program which would allow trained service dogs to be issued a government recognized ID which can be presented to a business owner who doubts that the dog is a service animal.

Video Link: http://youtu.be/XqqBRzIjJJEg

Service Dogs in Stores
Have you ever walked into a store and seen someone walking with a dog? Many people have come in contact with a service dog in one way or another in their life. Most people see the great service these animals do, and respect their ability to come through public places generally unnoticed. Other people however envy this fact and feel that it would only be fair if they could do the same. They have gone as far as finding sneaky and false ways to get their pets into stores for no reason other than to just be able to take their pets with them wherever they go. This may not seem like a big deal to many, but to those who truly understand the importance of these highly trained service animals, it can be a huge problem.

What is a Service Dog
A service dog is a type of assistance dog specifically trained to help and perform tasks for people who have disabilities. These animals are raised and trained to perform a specific task for a person who would otherwise be unable to perform by themselves. For example, through Rutgers University we have a program called “The RU Seeing Eye Puppy Raising Club.” This club’s mission is to raise puppies and prepare them to become guide dogs by teaching them basic obedience and exposing them to everyday situations they would encounter with their blind handler. After we have completed our training with them, they are sent to Morristown where The Seeing Eye has instructors that teach the dogs how to guide a blind person in harness. These dogs
begin training at the age of 7 weeks old and by the time they are almost two they are responsible and equipped enough to be in charge of a human life. Since these dogs are very specially trained and are a vital tool for the blind person to get through life as smoothly as possible, they are given the ability to enter establishments such as stores, restaurants, and other places of business where normal companion animals are not permitted.

There are many different kinds of service animals. The U.S. Department of Justice defines a service animal as a dog that is specifically trained to do work or perform a task(s) to directly aid an individual with a physical, sensory, psychiatric, intellectual, or mental disability. Seeing Eye dogs are just one of the many service animals who are given permission to go into these establishments. Some other service animals who are also trained for extended periods of time are animal such as medical alert dogs like diabetes, seizure dogs, or psychiatric alert dogs. These dogs are granted access to public places because they are there for the safety of their human handler. They will alert their person when they may be in medical danger. The underlying idea around all these animals is that these animals are extensively trained to help the quality of life of a human.

Abuse of the System

Since all of these animals go through extensive training, they are granted legal access rights to places of business. The Americans with Disabilities Act set up laws that allow service dogs and their handlers access into most public spaces, even those that normally do not allow pets, allowing disabled handlers to live as normal a life as possible. Other parts of the ADA states that, to maintain the privacy of handlers and to prevent discrimination against the disabled, business owners are not allowed to ask questions about the person’s disability, or ask for identification or proof of training for the dog. This was initially put into place to help the handler and service dog team, however, people who are not disabled are using it as a loophole to bring their house pets with them wherever they wish.

Though this may not seem to be such a big problem, it actually creates a serious issue for service dog handlers. Many people don’t understand that when they bring their untrained pets into stores for their own luxury they are creating issues for actual disabled people with service dogs. For example, many stores are starting to harass disabled handlers and deny their service animals access because they have experienced an unruly fake service dog in the past.

Solutions

In order to help prevent this problem from spreading, we propose that the government set up a service dog qualification and registration program, which would allow trained service dogs to be issued a government recognized ID, obtained in very much the same way as a driver’s license. The ID can be presented to any business that might question the dog’s status as a service animal. Applicant dogs would have to meet specific behavior and training standards set by the government and pass a test in order to be issued an ID. This is to help ensure that only properly trained and socialized dogs are becoming service dogs and being granted access rights, and excluding aggressive or poorly trained dogs. We firmly believe that such a government run program would help to ensure that non-disabled people cannot claim that their personal pet is a service dog to gain access to businesses or other areas where pets are normally not allowed,
potentially placing those around them at risk. In addition to an ID system, I also feel that the
Americans with Disabilities Act should be revised, in order to reflect this new program by
allowing business owners to be able to ask for evidence of training, such as the ID card, to prove
that an animal is, in fact, a service animal. We feel that by doing so, it would greatly reduce the
hassle disabled people traveling with service dogs will face, since they no longer need to
continuously persuade ill-informed business owners about the legitimacy of their dog; they can
just be asked for the dog’s government issued ID.

Because any dog, regardless of size or breed, can qualify as a service dog, many people
have not only taken advantage of the loophole to take their animals into public places by
claiming it is a service animal, but some people have began to gain money off the idea as well.
Any internet search of “service dog equipment” will generate multiple pages of websites and
companies with an option to buy different service animal apparel like vests and harnesses. Any
person, with or without a certified animal can gain access to this kind of merchandise. There are
also multiple pages you can search to make a service animal identification card. Again, without
any verification of an animal's training or ability, for the right price you can place their face on a
card and call them a service dog.

Changes to the Law

In the past there has been others who share our passion for wanting to stop fake service
animals. Not only business owners who are fed up with dealing with untrained and unqualified
animals, but handlers of actual service dogs, and the people who put in the hard work and
dedication in training these service animals. Since many people are not willing to go through the
time and effort of changing the ADA, people have tried to stop this by doing thing such as
petitions that stop the sale of fake service dog appeal and identification cards. This approach,
although set up with good intentions, is not really making much of an impact on its own.

One thing that has to be looked at is the ADA. Though this has been put into place so that
it can benefit the disabled, it is being wrongfully used. The section that has to be looked at is
Section 36.104 Title 3 Section F.
(f) Inquiries. A public entity shall not ask about the nature or extent of a person's disability,
but may make two inquiries to determine whether an animal qualifies as a service animal. A
public entity may ask if the animal is required because of a disability and what work or task
the animal has been trained to perform. A public entity shall not require documentation, such
as proof that the animal has been certified, trained, or licensed as a service animal. Generally,
a public entity may not make these inquiries about a service animal when it is readily apparent
that an animal is trained to do work or perform tasks for an individual with a disability (e.g.,
the dog is observed guiding an individual who is blind or has low vision, pulling a person's
wheelchair, or providing assistance with stability or balance to an individual with an
observable mobility disability).

The problem with this part of the law is that nondisabled people are taking advantage
of “A public entity shall not require documentation, such as proof that the animal has been
certified, trained, or licensed as a service animal.” and bringing their pet dogs into places
where animals are not permitted and falsely claiming them to be service dogs. We want to
change the law so that handlers can be asked to show the dog’s government issued ID card. In
doing so we will not be delving into the person’s privacy but we will be able to weed out fake service dogs who will not have the proper licensing.

**Our Proposed Program**

To have this be a considerable idea there has to be an identification card made for these service animals. One way that this can be done is through a company that will take over the verification and creation of these identification cards. In doing so they can eventually shut down fake apparel and identification card sites and create a universal card for every service animal. There has to be a business plan, proper verification guidelines, a demo card, and an official seal or watermark that can be used by this company to make sure that it is a real service animal card and not a fake card. After all this is created there has to be a community outreach that will work to promote the idea of the company in the hopes that laws can be changed to start said program.

Our proposition is to create a business whose sole purpose is to create and properly distribute of these ID cards. The IDs will be put into place to identify a specific dog and its ability to serve as a service animal without asking for the extent of the handler’s disability or having to ask for a demonstration of the dog’s training. This has already shown the ability to be successful because it is currently used partly for service dogs in training. For example when puppy raisers visit stores with their dogs in training, they are required to have their dog’s IDs. As puppy raisers for The Seeing Eye, we are required to ask permission to go into a store to expose our puppies. Since our puppies are not yet covered under the ADA the store is allowed to ask for our verification and deny us access.

Fixing the law and creating these identification cards has the potential to bring many positive outcomes. It will help reduce the hassle businesses give to disabled people and their service dogs because they do not have to constantly question if this is an actual service dog or not. Being able to give a quick check of a verification card at the door of any business will reduce problems and let disabled people go about their business without having to answer multiple questions or argue with management. This system will also reduce fake service dogs. It will help prevent people from bringing their untrained house pets into businesses. This will in turn help keep service animals, their handlers, and the public safer by keeping unsocialized dogs out of “no pets” public spaces.

With every great idea comes roadblocks and challenges. Until we can get it runned by the government, it will have to be privately run. It is important that these IDs be distributed by the government because we don’t want a single company to have a monopoly on the distribution of the cards. Because “service dog” is a legal definition, the qualification of service dogs should be, and needs to be, regulated by the government and not a private entity. Also, a private company can run the program however they like and charge whatever price the wish in order to qualify a dog. If we were

**Our Business Plan**

i. **Executive Summary**
- **The Mission Statement:** To create a company that will design and property distribute a national service animal identification card for all qualified service animals and their handlers so that they can be properly identified and not hassled when trying to visit an establishment.

- **Company Information:** The name of the business will be Service Animal Identification Center. It’s current owners/creators are Makenzie Bordenabe and Megan Termyna. Our roles in this organization is to create the business lay out and create the foundation of our program. After we get clearance to start our program we have the responsibility of hiring people who are equally passionate about this subject who will work to help us create a successful business. We currently only have two people, ourselves as employees but we hope to be able to eventually reach out as stated before and gather up a bigger employment staff.

- **Growth Highlights:** The company is currently trying to be established, so the growth of this company is currently working on the business plan and creating an ID card and training qualification program.

- **Your Product/Service:** This company will be creating and distributing identification cards to qualified service animals and their handlers. This will be done like the DMV. The handler will present documentation to the company to verify their need for the service animal and verification of the service animal’s ability through a behavioral and performance test. If the team passes all the necessary criteria, the company will then issue them a card.

- **Financial Information:** This company will currently be looking for investors and grants to fund it until it can eventually be turned into a governmentally funded and run program.

- **Summarize Future Plans:** To take over the ability of making service animal identification cards. In doing so, stopping those who are making unofficial and fake identification cards and vests, and to get this company to a point where it can be run by the government.

**ii. Company Description**

-to create a qualification test and distribute an ID card that can be used for all service animals as a validation of training, that can be used as proof of the animal’s status as a service animal, while still protecting the privacy of the disabled person by not revealing details about their disability.

**iii. Market Analysis**

- **Industry Description and Outlook:** This industry would start very small, but would hopefully grow. It will start as a New Jersey section and then begin to be adopted by multiple states until it is on the national level as a governmental program.

- **Information about your target market:** Our market is mainly made specifically for disabled members of the public with service animals.

- **Distinguishing Characteristics:** We will need to show proof of the school and/or training of their service animal. Either a certificate of training or a letter from the school in which there dogs were trained. If the service animal was handler-trained, or trained by someone who is not part of
an official school, then the service animal is subject to a test through our company to show their ability to perform the necessary service for their handler.

- **Size of the primary target market:** About 20% of the U.S. population has some type of disability, which is the population who would be covered by this program. When it comes to market growth, there is not any predictable projection of what the growth would be in the future. The only thing that would determine future growth would be the popularity of service animals among the disabled, and how much they can benefit a person.

- **How much market share can you gain:** Again, the market outlook would be small. But most of this program is not looking to make a profit. We are not looking for a positive gross outcome but more the ability to lessen the incidents in which disabled handlers are hassled with service animal access, and decrease incidents of non-disabled people bringing their personal pets into businesses.

- **Competitive analysis:** Our competition would be the different places that are making service animal packs and other equipment without screening those who are buying their products. We will hopefully, at some point, have enough money or manpower/governmental back up to stop and shut down companies who make fake service dog apparel and identification cards. We will also hopefully be able to take over these companies and business ideas and become the sole makers of service animal identification cards.

**iv. Organization and management**

When it comes organization and management, our company would be evenly owned by both Megan and I. We do not currently have a management profile because this would be the first business we would ever try to run/manage.

**v. Service or Product Line**

- **A Description of Your Product/Service:** The benefits of our product and service will be to stop the use of fake service animals and make it easier for real service animal and their handlers to gain access to public places without being hassled.

- **Details About Your Product Life Cycle:** We are currently in a prototype phase. We are gathering information and setting up credentials to support the production of this company. We are currently hindered by the law set forth by the ADA and any actions we take would be considered illegal. Until we can get the clearance from higher authority to either create a pilot program through New Jersey we have to just gather as much supporting information as possible so we can spread our idea and educate the public on our matter at hand.

**Intellectual Property:** Our existing materials that need to be copyrighted are our ID prototypes and our Service logo/seal. We have the Service Animal Identification card. It will be titled (ex. Service Dog) and will have the state in which the animal performs (Ex New Jersey). The card will then have the animals vital information such as , name, Date of Birth, Breed, and Owner/Handlers name. There will also be an Issued and Expired date. On the back there will be a section from the ADA which states the ability of the service animals. The card will have a seal
on it. This seal will also be copyrighted. It will be the law balancing scale with a service dog in front of it encased in a circle. This will also be hopefully be able to be turned into an inscription that can only be used for our specific card. All cards and seals are show below:

**Research and Development:** The current research being used is trying to find all the service schools that would benefit from this card. There is also research into the legal/law aspects of this program so that we can move forward in trying to revise the law.

**vii. Funding Request**
If money is not readily available, our company could be run on a volunteer/personal donation basis until we could get money to back up our business place. From there we could start to ask for grants from the state or foundation, in the hopes that they could back up our idea and give us some start up capital. The future goals or dream funding of this business/project would eventually have this governmentally funded.

**Our Current Progress:**

When it comes to the process of our project, it is a work in progress that has to be specifically tailed to since it has to do with a government issue. Since there is a law at this point that is standing in our way, we can not really take any action until we are given the green light by either a revised ADA or our New Jersey government officials to start a pilot program in New Jersey. Once we can get the manpower to do so we will start to get in contact with more government officials to get the law revised or at least reviewed. Unfortunately, until we can do that we will have to be at a standstill because creating and dispensing our cards at this moment would be futile without government support.

While in the search for support we thought it would be a great idea to start sending letters to the New Jersey Senators to see if we can get some governmental powers behind us. If we have people in high places who can back up our idea we could eventually get funding from the government to start such a program. The funding will help us pay for different aspects of our company such as the making of the IDs and paying the proper official people who would have to verify each service dog’s training individually.

We have created a business logo and drafted a prototype of our service animal ID. Though they are not currently in use, having it at hand to use to explain our idea would be a great tool. Having everything done and ready will be a smooth transition when we are actually able to set our program into action. We are currently looking into the legal aspect of getting our company name and logo/seal properly copyrighted so that we have full ownership of these images and name.

Since we currently do not have a facility to hold training evaluations, we will be running our organization through a website, which is also being created. The website will be laid out so that it explains our mission and what we plan to accomplish with our program. It will also have glimpses of what our company will actually do and how we plan to make this a successful business/company. This too will all have to be run though a copyright and properly legalized.

We will soon also have to reach out to other students or citizens who are just as passionate about this idea to help us start up our company and have the manpower to do so. We are currently only two people who support the idea so we will have to start bringing in others who are also dedicated to our cause who would like to spend their time trying to help us create this company.

We will also bring together a group of people who will be able to create a campaign or community outreach program so that we can educate the public of our matter. In doing this we can at least for the time being educate the people in the importance of a service dog and why we
believe these animals should be the only animals in public stores, etc. So currently a community outreach team can be created and a program that pertains to teach people on the importance of service dogs, why we shouldn’t support fake service animal apparel, and how our companies idea would change the ADA for the better. This can all be currently seen in our project video and our website.

Community Service Project:

When it comes to our community service idea as stated above we would like to educate the public about service animals and their importance. In doing so we can spread the awareness of service dogs and the struggles they face now that nondisabled people are trying to take advantage of a law set forth to greet disabled people and their service animals equally. Our plan of action is to make a educational website that explains service animals and their struggle and it will also have our business plan and how we need more people to advocate for these animals and push forward to try and revise the law and start our pilot program. On our website we will have our documented paper of our idea and our educational video that explains our mission and project. We will also hopefully be able to recruit enough manpower to possible start up a mini “campaign” where we can set up possible flyers and seminars that will show people the importance of these animals and why fake service websites and acts must stop.

Letters to the Editors:

Dear Senator Menendez,

I raise and train service dogs for a guide dog school in my area. I through my work, I have had a greater understanding of the importance these dogs are to their disabled handlers and how necessary they are to allow their handlers to lead as normal a life as possible. However recently, the issue of nondisabled people passing their untrained pet dogs off as service dogs in order to gain special privileges and take their pet dog with them everywhere. This irresponsible behavior not only interferes with disabled handlers’ access rights when business owners deny their service dogs entry after a fake service dog causes problems in their business, but can also potentially put the team in danger when aggressive or poorly trained pet dogs are passed off as service dogs and come in contact with a real service dog and their handler. Such encounters can permanently end a dog’s career as a service animal and greatly inhibit the handler’s ability to work and lead a normal life.

In order to help prevent this problem from spreading, I propose that the government set up a service dog registration program which would allow trained service dogs to be issued a government recognized ID, obtained very much like a driver’s license. The ID can be presented to any business that might question the dog’s status as a service animal. Applicant dogs would have to meet specific behavior and training standards set by the government and pass a test in order to be issued an ID. This is to ensure that only properly trained and socialized dogs are becoming service dogs and being granted access rights. I firmly believe that such a government run program would help to ensure that non-disabled people cannot claim that their personal pet is a service dog to gain access to businesses or other areas where pets are normally not allowed, potentially placing those around them at risk. In addition to an ID system, I also feel that the Americans with Disabilities Act should be revised, in order to allow business owners to be able
to ask for evidence of training, such as an ID card, that an animal is in fact a service animal and not just someone’s pet. I feel that by doing so, it would greatly reduce the hassle disabled people traveling with service dogs will face since they no longer need to continuously persuade ill-informed business owners about the legitimacy of their dog; they can just be asked for the dog’s ID.

Thank you for your time in dealing with this matter and I hope you will consider putting such a program in place here in New Jersey.

Sincerely,

Megan Termyna

Dear Senator Menendez:

My name is Makenzie Bordenabe and I am currently a student at Rutgers University. During my time at Rutgers I have been able to be part of The Rutgers University Seeing Eye Puppy Raising Club. This club is a student-run organization that raises puppies for The Seeing Eye, Inc., a nonprofit organization dedicated to giving blind individuals independence and dignity through the use of guide dogs. While being part of this club I have had the ability to understand the importance of this wonderful service dogs and things such as our graduates ability to go anywhere they want thanks to the ADA. I also unfortunately have also learned that people take advantage of the ADA to take their regular untrained pets into stores.

I am concerned that people are taking advantage of this law. They have the ability to do this because the law states that anyone who states they have a “working dog” does not have to show any certification. This was put in place to help the disabled person but nondisabled people are taking advantage of this ability and right. This concerns me because real service dogs and their handlers are suffering for it. People who actually depend on these working dogs to lead as normal of a lifestyle as possible are being hassled and denied access into business because business owners are frustrated with those who bring unruly, aggressive fake service animals into their stores. Also if at any point an actual service dog and a fake service dog cross paths it can result in an attack on the actual service dog, resulting in their dismissal as a service dog. Costing emotional and physical damage to the service dog and their handler. It would also cost many people money, time, and the ability to continue on with their normal lives.

To protect our real working dogs and their handlers I purpose we creating a government official ID card, much like a drivers license and revise the ADA law. The ID can be used for any business that feels the need to question the service dog without delving into the disable person’s privacy and still validating the service dog’s abilities to correctly perform. The next step would be to revise the law. In doing so it will allow the business owner to ask the correct questions without violating the ADA privacy rule. Simply asking for this ID will validate the service dog without any hassle, the handler can continue on normally and those who feel the need to make
fake service animals will be properly denied and keep the real service dog and handler safe from untrained and possibly aggressive fake service dogs.

Thank you for your time and consideration and I hope you consider pushing to start this program in New Jersey to help those who would love to see a change and give back the privilege and hassle free life to these service animals and their handlers.

Sincerely,

Makenzie Bordenabe

References


APPENDIX

THE LAW

The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities, and transportation. It also mandates the establishment of TDD/telephone relay services. The current text of the ADA includes changes made by the ADA Amendments Act of 2008 (P.L. 110-325), which became effective on January 1, 2009. The ADA was originally enacted in public law format and later rearranged and published in the United States Code.

“Service Animal” Section 36.104 of the 1991 title III regulation defines a service animal as any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. Generally, a public accommodation shall modify policies, practices, or procedures to permit the use of a service animal by an individual with a disability. A public accommodation is not required to supervise or care for a service animal.