

\$2 million bail set in puppy mill case

‘This guy is something. I was pretty shocked when I heard some of these stories.’

By Jack Fischer
Mercury News Staff Writer

A San Jose dog breeder was charged today with 11 counts of grand theft for allegedly selling dozens of sick and dying puppies, often with fraudulent pedigree papers, and cheating buyers of tens of thousands of dollars.

Santa Clara County officials hope to extradite the breeder, Ken Hershey, from Winter Park, Fla., where investigators say he fled

and opened a pet store, apparently after he learned of the investigation into his practices in San Jose.

Hershey's bail has been set at an unusually high \$2 million bail, in part because he has fled to avoid prosecution in the past, according to an affidavit submitted to the court by Santa Clara Valley Humane Society Investigator Mike Frazer.

Hershey, 39, who has served time in state

prison for conspiracy to commit arson and animal cruelty, also allegedly once attempted to arrange the contract killing of a Nevada County Humane Society officer who helped prosecute him in 1981 on animal cruelty charges, the affidavit states.

"This guy is something," said Assistant District Attorney Steve Gibbons, who is prosecuting the case.

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ing the breeder. "I was pretty shocked when I heard some of these stories."

Hershey is also charged with one count of felony vandalism, a misdemeanor count of cruelty to animals and one count of petty theft. In addition, the district attorney's office has charged one of Hershey's local associates, Christopher Scott Walker, with three counts of grand theft and two counts of petty theft for his alleged role in the dog sales.

The Santa Clara Valley Humane Society launched its investigation of Hershey after receiving many complaints from pet fanciers who bought animals from Hershey that later got sick and sometimes died. Neighbors of Hershey's Camden Avenue home complained that he kept dogs, often matted with their own excrement and otherwise unkempt, in small animal travel boxes, often two or more to a box.

Based on his investigation, Frazer said that Hershey sold sick animals or ones with false American Kennel Club registration papers, or both, to at least 100 puppy buyers. Hershey, who was taken into custody briefly earlier this year for a motor vehicle violation, told Frazer he had sold about 300 puppies from February 1988 to March 1989.

But conditions at Hershey's operation may have been even worse, and the number of sales far greater, than Frazer's investigation initially revealed.

Two men who lived with Hershey in the Camden Avenue home for three months last fall, Hank Myers and Mark Pearson, paint a picture of stomach-turning neglect and abuse that included Hershey hurling puppies at the floor to quiet them, sometimes killing them in the process.

"He'd throw them like a baseball," Myers said. "We watched dogs die, and he was putting them in garbage

bags and taking them out to the curb. . . . Something needs to be done."

The two men also said Hershey kept puppies and adult dogs, sometimes as many as five animals to a single cage, in two rooms of the house and in the garage, where they were kept stacked up and in total darkness.

"I never saw so many animals in one place in all my life," said Myers. "And the smell — it would make you throw up. . . . I've never smelled an outhouse that smelled as bad as this."

Both roommates also said that Hershey's own admission of selling 300 animals in a year is probably low. They said that he boasted to them of sometimes selling as many as 100 animals a month and that he sold at least 80 during the time they were there.

In addition to breeding his own dogs and buying others from so-called puppy mills in the Midwest, Hershey would scan the classified ads for free dogs, then resell the animals, the roommates said.

Hershey's dealings with animals dates back to at least 1981, when he was prosecuted for animal cruelty and conspiracy to commit arson while operating a kennel in Marysville in Nevada County.

Nevada County Humane Society officer Mary Visacia, who worked on that case, told Frazer that Arizona law enforcement officials contacted her soon after Hershey was convicted. Hershey had jumped bail and fled to Arizona, where he unwittingly solicited an undercover Arizona police officer to kill Visacia, she said. The FBI recaptured Hershey before he offered the "hit man" money, so no charges were filed, Frazer said in his affidavit.

Mercury News Staff Writer Pamela Kramer contributed to this report.