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| File No: 237363-1 | | | |
| Registry: Vancouver | | | |
| In the Provincial Court of British Columbia | | | |
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| REGINA  v.  DESMOND HAGUE | | | |
| REASONS FOR SENTENCE  OF  THE HONOURABLE JUDGE HOWARD  COPY | | | |
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| Crown Counsel: | | J. Cryder | |
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| Defence Counsel: | | L. Doust, Q.C. | |
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| Place of Hearing: | | Vancouver, B.C. | |
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| Date of Judgment: | | April 15, 2015 | |

1. THE COURT: Mr. Hague has pled guilty to Count 1 on Information 237363-1. This is an offence of causing an animal, to wit, a dog, to be in distress while being the person responsible for that animal. This is an offence contrary to s. 9.1(2) the *Prevention of Cruelty to Animals Act*. The offence date was July 27th, 2014. The offence occurred in an elevator at the Hotel Georgia in Downtown Vancouver, B.C.
2. The accused has acknowledged that he was the person responsible for the dog in question, a five-month-old puppy. He had been asked take care of that dog by its owner. He was taking it out for a walk. He also acknowledged that, as result of his actions, he did cause that puppy to be in distress.
3. The Crown position on sentence is a $5,000 fine which is permissible under s. 24.1 of the Act in question. The Crown is asking, also, for an order prohibiting Mr. Hague from owning or having custody or control of an animal for a period of three years. The defence is in agreement with this proposal.
4. The facts of the offence are admitted. They are as follows. The incident at issue occurred on July 26th, 2014, while was Mr. Hague was taking care of a friend's dog at the private residences at the Hotel Georgia in Downtown Vancouver where he was visiting. At the request of the dog's owner, Mr. Hague took the dog outside for a walk so it could relieve itself. Mr. Hague had earlier consumed some alcoholic beverages. Mr. Hague walked the dog from the private residences at the Hotel Georgia to the grounds of the Vancouver Art Gallery.
5. The dog was not properly leashed trained. During the walk, it abruptly bolted and pulled very hard on its leash. The force of the dog pulling on the leash was sufficient to cause injury to Mr. Hague's right hand which upset Mr. Hague. Attached to the admissions is appendix A, a photo of the injury caused to Mr. Hague's hand. The photo was taken that night. The injury indeed shows significant bruising or redness consistent with or having the appearance of strap marks.
6. At the time of the incident, Mr. Hague was taking various prescription medications including medication to reduce stress and anxiety. The combination of this medication and the alcohol he consumed that night may have adversely affected his judgment. In addition, he was in the throes of dealing with a personal problem involving a very close family member which may also have influenced his judgment.
7. When Mr. Hague attempted to walk the dog back to the hotel, the dog locked its paws and refused to walk back with him. This caused Mr. Hague to become frustrated and required him to carry the dog in his arms for a period of time in order to return to the hotel.
8. Upon entering the elevator upon his return to the hotel, Mr. Hague kicked the dog five times. At no point did Mr. Hague kick the dog on the head or in a manner that caused any injury, although it is conceded that it caused the dog distress.
9. The dog was wearing a full body harness. This type of harness has a different design than the conventional neck or choke collar. Mr. Hague did pull the dog up using this leash causing it to be lifted off its front paws. This type of harness or the type of harness that the dog was in was capable of supporting the full body weight of the dog without causing any choking effect, injury, or distress to the dog by virtue of this particular action.
10. The owner of the dog has accepted Mr. Hague's apology and they remain friends.
11. After the incident, the dog was examined by Dr. Cynthia Chow, a veterinarian at the Capitol Hill Animal Hospital. In her report dated August 21st, 2014, Dr. Chow noted that after an extensive physical examination, she could not detect any external signs of previous trauma. Dr. Chow noted that the dog appeared to be "young, healthy, and very energetic." A copy of Dr. Chow's report is also attached to the admissions that have been filed as Exhibit 1 in this proceeding.
12. In addition, shortly after the incident, in August the accused made a public apology via a letter that was published in the *Vancouver Sun* on August 25th, 2014. The content of that apology is as follows:

I take full responsibility for my actions. This incident is completely and utterly out of character and I am ashamed and deeply embarrassed. Under the circumstances of the evening in question, a minor frustration with a friend's pet caused me to lose control of my emotional response. Unfortunately, I acted inappropriately, and I am deeply sorry for that and am very grateful that no harm was caused to the animal.

I have reached out to the SPCA and have personally apologized to the dog's owner. At this time, I would like to extend my apology to my family, company and clients, as I understand that this has also reflected negatively on them.

1. To summarize, then, Mr. Hague accepts full responsibility for his conduct. He has done so since the very beginning. His letter of apology and his guilty plea reflect his approach to the situation which is to acknowledge his wrong-doing without reservation.
2. I turn now to the personal circumstances of Mr. Hague. He is 47 years old. He holds joint British and American citizenship. He has no prior convictions either criminal or regulatory.
3. Prior to his involvement in this event, he had built up a very successful career in the global retail food industry. Between 2000 and 2014, in particular, he was president and CEO of Centerplate, a business which under his supervision and management managed to grow into being America's largest hospitality business, now having some 45,000 employees operating in some 350 locations. The company operates sport convention centres and entertainment venues in some 40 states as well as in Canada and in Europe.
4. While he was building this business, he was also an operating partner in a private equity company and sat on the board of directors of two other enterprises.
5. In addition to his success in the business world, Mr. Hague has devoted significant time and resources towards a wide variety of charitable causes raising over, in the last decade, perhaps something in excess of $100 million for such charities.
6. I have before me some 17 letters of reference from a variety of business associates, persons involved in the charities, and also a number of current vice presidents and managers of Centerplate.
7. These letters all attest very powerfully to Mr. Hague's good character, his business acumen, and his obvious commitment to the communities in which his companies operate.
8. I am just going to read a couple of selections from these letters. The letter from Marc Spencer, CEO of Juma, writes as follows:

Juma is a national nonprofit that ensures youth from low-income backgrounds complete higher education. We provide employment in our ballpark social enterprises, financial capability, and educational supportive services to thousands of youth annually.  
  
The success of Juma's 14 ballpark social enterprises rely on partners like Centerplate to commit to supporting our social and financial mandates equally. Before Des' tenure at Centerplate we struggled to get this level of commitment and were not able to scale our model. In my very first meeting with Des, he not only expressed enthusiasm for our mission but committed to helping us scale and achieve greater impact. Des actually challenged us to do more and to do more quicker. Due to his personal commitment we now have projects running in San Francisco, San Diego, New Orleans, and Seattle and are looking to expand further. Juma awarded Des and Centerplate an award in 2013 for Outstanding Champion for Social Enterprise.

1. I have a letter from Tony Spadaccini of the Stamford Youth Foundation. Again, this is another hundred-percent volunteer non-profit youth organization that is self-funded through registration fees and donations. In the letter, Mr. Spadaccini indicates:

Our program helps 2nd through 8th grade children in two very important ways. First, our coaches teach the players and cheerleaders the proper method of playing football and cheering in a safe manner. Secondly, the coaches mentor their players in good citizenship, sportsmanship and teamwork and we are seeing huge positive impacts in these children's lives.  
  
Des Hague has been and continues to be a very generous dedicated supporter to Stamford Youth Foundation. Over the past four years more than 100 Stamford children have benefitted from his generosity and without his personal financial support and volunteer assistance our foundation would have been unable to scholarship players.

1. I have a letter from Carol Wallace, president and CEO of the San Diego Convention Center Corporation (she is talking, I think, about the City of San Diego) wherein she states:

Centerplate has also donated incalculable amounts of food products to our community homeless shelters and in November of this year, they will co-host our 25th Anniversary Luncheon which will benefit homelessness outreach programs in our area.

1. Although these letters refer frequently to Centerplate, it is clear from reading further into the letters that they attribute Centerplate's philanthropic endeavours and heavy involvement in the communities to the leadership of Mr. Hague.
2. A letter from Mark Furst, President and CEO of the United Way of Central Maryland, and I quote:

As CEO of Centerplate, Mr. Hague immediately demonstrated the company's commitment to Baltimore by offering to host the inaugural benefit event to support The Journey Home - Mayor Stephanie Rowlings-Blake's plan to end homelessness in the City. For an organization and CEO whose operations span many major markets, we are extremely fortunate that this support did not just happen in 2011, but was sustained in each of the succeeding years. In fact, *An Evening of Unexpected Delights* [that is the name of the program] has become one of the premier events in Baltimore netting more than $1.5 million dollars for the initiative, including significant annual contributions from Centerplate as presenting sponsor. The event has also served to increase public awareness about the scope of homelessness and the plight of individuals and families caught in its grasp.  
  
Mr. Hague led by personal example, donating very generously to The Journey Home. Over the years, he has donated more than $50,000 of his own funds to support the cause.

1. I am going to refer to one more letter, because it refers to some very interesting programs that are worth mentioning. This letter is written by Laurence Rua of Centerplate. He is a regional vice president of Centerplate and he has set out a whole host of community programs, volunteer programs and charities that, with the assistance of Mr. Hague, Centerplate, has been involved in. For example:

For instance, in 2011, Des provided necessary funding for Denver's Mayor Michael Hancock's "Denver Seeds Initiative," a program to support small businesses, create jobs and shift food production away from large out-of-state industrial operations towards local growers. As a part of that initiative, Centerplate lobbied for and obtained 5000 sq. ft. of growing space to create The Blue Bear Farm, an urban garden in the heart of Denver, which provides over 2000 lbs of fruits, vegetables and herbs annually for use at the Colorado Convention Center and local food banks.

1. There is another program that was approved by Mr. Hague, on behalf of Centerplate:

Later that same year, Des approved a monetary commitment to Food for Thought, a Denver-based nonprofit organization committed to serving Title One schools in Denver by providing students (aged 3 to 12) with PowerSacks full of nutritional food - enough to feed a family of four over the weekend - every Friday during the school year. At present, over 900 impoverished students are receiving PowerSacks.

1. There is more to be found in these letters, but I think I am going to stop there. It certainly demonstrates a fairly firm and long-term commitment to giving back to the community by Mr. Hague and the company of which he was the CEO. It is very clear to me from reading these letters written by people who know this gentleman very well that Mr. Hague's conduct on July 26th, 2014, was completely out of character.
2. The momentary lapse in judgment on the part of Mr. Hague has actually caused him enormous collateral consequences. The video that captured the incident in the elevator was put onto the Internet and "went viral", so to speak. It was viewed not just around North America, but around the world. That resulted, obviously, in a great deal of public shaming for Mr. Hague.
3. In addition, the video obviously caused his company and those companies of which he was a director to be very concerned about the backlash. Mr. Hague was forced to resign as president and CEO of Centerplate and he has given up his directorships for the other enterprises that he was involved in. His annual compensation package from his business enterprises was, prior to his resignation, enormous. That compensation is no longer available to him and it may be quite some time before he manages to re-build his life.
4. At the moment, Mr. Hague remains unemployed. He has joined the board of directors at Stamford Youth Foundation. This is an unpaid position. However, it does allow him to work for that organization and dedicate his time and resources to the at-risk youth that they are seeking to help.
5. After reviewing the circumstances of this offence, which in terms of "gravity" sit at the very low end of the spectrum, the circumstances of the offender before me, Mr. Hague, together with the collateral consequences that he has suffered as a result of his actions, I am satisfied that the penalty proposed by the Crown is an appropriate and just sanction in this case.
6. I will impose a fine in the amount of $5,000. That fine is to be paid within seven days.
7. In addition, pursuant to s. 24(3), I am prohibiting Mr. Hague from owning or having custody or control of an animal for a period of three years.

[REASONS FOR SENTENCE CONCLUDED]