

**ABGA Conference Call
February 6, 2018**

The meeting was called to order by President, Deric Wetherell at 7:03 pm CST on February 6, 2018.

Roll call was taken with 13 directors, the immediate past president, and 2 staff present.

Present:

Region 1 Kimberly Liefer

Region 2 Scott Pruett

Region 3 Clark Huinker

Region 5 Kenny Elwood

Region 7 Dawn Steward

Region 8 Robert Washington

Region 9 Deric Wetherell

Region 10 Josh Stephans

Region 12 Kim Morgan

Region 13 Kathy Daves-Carr

Region 14 Denise Crabtree

Region 15 Susan Burner

Region 16 Sara Davis

Immediate Past President Cindy Westfall

Staff: Mary Ellen Villarreal, Lary Duncan

Absent: Region 4 Jeremy Church, Region 6 Paul Grafe, Region 11 Jesse Cornelius

1. Minutes: Minutes from the January 9, 2018 conference call were approved via email on January 15, 2018.

2. Committee Updates:

Bylaws:

Susan Burner gave an update on the JABGA age change. The committee recommends developing a survey to the membership before proceeding.

Susan Burner moved to accept the committee recommendation of the changes in the Rule 900 and Rule 901 with the additional changes as discussed. Clark Huinker seconded. Voice vote. Motion passed. ** See attachment.

National Show: Cindy Westfall updated the board. Show rules and schedule are approved. Changes were made to the presentation of table snacks. Possibly have a big screen for the banquet to show a slide show of the history and the regional highlights. There will be a VIP reception for those that are sponsors of the Regional shows. Anyone else may purchase a ticket to attend.

Jesse Kimmel is a Show Superintendent to be utilized as a support for all of the JABGA contests and shows. He will then continue as a Show Superintendent for the remainder of the week.

3. Shows:

JABGA Regional Shows:

Cindy Westfall provided updates

Judges are in place for all 5 regional shows: Area 1 - Morgan Hallock, Jeremy Church;
Area 2 - Jordan Fledderjohann, Josh Stephans; Area 3 - Josh Taylor, Terry Taylor;
Area 4 - Larry Epting, Sammy Lerena; Area 5 – Glen Martin, Rusty Lee.

Sponsors are starting to forward money to the office. Donations of specific prizes are starting to come in. Several big prizes have been donated.

Wether/Commercial Nationals Judge:

Robert Washington moved to approve Chad Coburn as the judge for the wether and commercial shows. Clark Huinker seconded. Voice vote. Motion passed.

4. Lifetime Membership: Sara Davis shared a member email about establishing a lifetime membership. Discussion was held on pros and cons.
5. Susan Burner brought up the possibility of automatic renewal for dues. This will be looked into further with website developers. Lary Duncan will report back on this.
6. Sara Davis brought an inquiry from the same member email about the possibility of offering continuing education credits for goats to veterinarians. It was noted there are restrictions on what can be used and who offers them.
7. JABGA Ennoblement Update:

Lary Duncan updated the group. The office is in test mode for this.

Susan Burner moved to make the JABGA Ennoblement points program effective January 1, 2018. Kimberly Liefer seconded. Voice vote. Motion passed.

8. Robert Washington moved to adjourn the meeting. Josh Stephans seconded. Voice vote. Motion passed.

Meeting adjourned at 8:14 pm.

Respectfully submitted,

Susan Burner
Secretary

Recommended changes for Rule 900 and 901 from Bylaws Committee 1/24/18

Rule 900: Disciplinary Procedures:

- A. Definitions.
- i. "ABGA Rules" means Rules and Regulations and Code of Ethics established from time to time by the ABGA Board of Directors for members pursuant to Section 3.15 of the Bylaws. The term "ABGA Rules" also includes all rules, regulations and policies adopted by the Board regarding any ABGA services, if any, which are provided to participating non-members from time to time.
 - ii. "ABGA services" means services which ABGA provides such as the recording of documents in connection with the mission of maintaining the pedigrees and bloodlines of the Boer goat. This term also includes any and all related programs and services the ABGA may provide from time to time.
 - iii. "Bylaws" means the Bylaws of the American Boer Goat Association, as such may be amended from time to time.
 - iv. "Cruel or Inhumane treatment" means and includes, but is not limited to, one or more of the following:
 - a. Using inhumane techniques, equipment or methods in the raising, training or exhibiting of goats; or
 - b. Using any surgical procedure or injection of any foreign substance or drug which could affect the goat's performance or alter its natural conformation or appearance unless such procedures, foreign substance or drugs are used for the sole purpose of protecting the health of the goat.
 - c. The standard by which conduct or treatment will be measured to determine if it rises to the level of misconduct is that which a reasonable person, informed and experienced in generally accepted Boer goat raising and exhibition procedures would determine to be cruel, abusive and inhumane.
 - v. "Holder" means a person who holds a Certificate of Registration issued by ABGA.
 - vi. "Members" means those persons whose membership is in good standing and includes Regular, Junior and Affiliate Members.
 - vii. "Membership in good standing" means a person whose membership has not been suspended or terminated under Articles 2.1 or 2.8 of the Bylaws or this Rule 900. Membership in the ABGA is a privilege, not a right, application for which shall be made by procedures prescribed by ABGA. Membership or application therefore, may be suspended, terminated, or rejected by the Board under: (i) section 2.1 of the Bylaws; (ii) section 2.8 of the Bylaws; or (iii) for cause detrimental to the interest of ABGA, its programs, policies, objectives and harmonious relationship of its members. Suspension or termination proceedings "for cause" shall be conducted under this Rule 900. The effect of suspension or termination may be a denial of the privileges of membership in ABGA.
 - viii. "Misconduct" means and includes, but is not limited to, one or more of the following acts by a member or non-member: (i) making any misrepresentation or perpetrating a fraud under any rule, requirement or regulation of the ABGA, including the breeding, showing, registration, purchase or sale of Boer goats or with respect to the submission of data or other information to ABGA or any programs which may be developed from time to time; (ii) violating any rules of the ABGA as such rules are adopted and amended from time to time; (iii) violating any Bylaws of the ABGA as such Bylaws are adopted from time to time. Specifically, but without limiting the foregoing, no person shall:
 - a. represent any goat owned or managed by him to ABGA registered unless the same is registered in the official herd book of ABGA;
 - b. furnish false information to ABGA;
 - c. issue, sell, exchange, give away or receive, or offer a false or fraudulent certificate, representing the same to be a genuine official certificate issued by ABGA;
 - d. represent as a registered American Boer Goat any goat other than the goat for which said certificate was issued;
 - e. conspire, cooperate or contribute with another person or persons to violate ABGA rules;
 - f. refuse to assist ABGA, its officers, committees or agents in locating, identifying and inspecting, securing DNA samples as might be required, or to answer promptly and

- truthfully any inquiry concerning a goat or an ancestor thereof that has been registered with ABGA, or for which application to register has been made
- g. refuse to assist ABGA, its officers, committees or agents, or to promptly and truthfully give information, in form requested, concerning any ABGA matter;
 - h. bribe, or attempt to bribe, an ABGA representative, ABGA-approved judge or any other official of an ABGA-approved event;
 - i. engage in any form of cruel or inhumane treatment of goats;
 - j. with respect to exhibitor conduct, fail to treat judges and show officials with courtesy and respect;
 - k. direct any abusive, threatening or obscene conduct toward judges, show officials, ABGA staff members or other exhibitors.
- ix. "Non-members" means persons who are either participating non-members or non-participating, non-members.
 - x. "Non-participating, non-members" means persons who are not members of the ABGA and have no privilege whatsoever to access ABGA services.
 - xi. "Participating non-members" means persons who are not members of the ABGA, but who are, from time to time, granted the privilege of limited participation in ABGA, such as the filing of registration applications or other documents with ABGA or participating in ABGA related activities. The term "participating non-members" may include (i) a "holder;" (ii) a person whose membership is not in good standing; or (iii) a person who has been suspended or terminated, but only to the extent that the person is allowed to access the services of ABGA. The term "participating non-member" does not include any person who has, for whatever reason, no privilege to access the services of ABGA or participate in ABGA related activities. Participating non-members, who access ABGA services, by such access and in regard to such transactions, do thereby agree to be bound by all Bylaws, rules and regulations of the ABGA.
 - xii. "Person" means an individual or entity.
- B. Complaint Procedure:
- i. A member may make a complaint regarding any member, or judge, alleging that such member or judge has engaged in misconduct under the procedures set out in this rule.
 - ii. **The Executive Committee may file a complaint if it deems it necessary in the best interest of the association, and is exempt from any filing fee.**
 - iii. **If the complaint alleges misconduct in reference to items h,i,j or k as listed in 900.A.viii, the complaint must be filed within 90 days of the alleged misconduct.**
 - iv. The Complainant shall submit his or her complaint in writing, to the Executive Director or the CEO of the ABGA through the ABGA office along with a non-refundable filing fee, the amount of which shall be determined from time to time by the Board of Directors. The Board may in its discretion refund all or part of any filing fee after completion of the complaint process when deemed appropriate under the circumstances.
 - v. No complaint will be considered by the Executive Committee which does not set forth in writing a plain statement of facts on which the allegation of Misconduct is based. This complaint procedure is not applicable to complaints made against ABGA employees or members of ABGA in their official capacity as board members, as contrasted with their individual capacities. Complaints against employee or board members in their official capacities may only be made directly to the Board of Directors and shall be received and considered strictly at the discretion of the Board of Directors.
 - vi. Upon receiving a complaint under this Rule, the Executive Director or CEO shall refer the complaint to the Executive Committee within 5 working days. Upon reviewing the complaint, the Executive Committee shall determine if the complaint alleges misconduct or a violation of any rules or regulations of the ABGA and if a response shall be required of the member(s) who are the subject of the complaint. In determining whether a response is necessary the Executive Committee may consider:
 - a. Whether the factual allegations made in the complaint, would constitute misconduct or a violation of any of the rules of the ABGA.
 - b. Whether the complainant has filed previous complaints against other members and the outcome of those complaints.

- c. Whether the complainant or respondent has been previously disciplined by the Executive Committee or the ABGA Board of Directors.
 - d. Any other factors the Executive Committee deems relevant as to whether a response to the complaint is required.
- vii. If upon reviewing the complaint the Executive Committee determines that it alleges conduct that is reasonably likely to cause immediate and irreparable harm to the ABGA or any of its members the committee will freeze the account and suspend the membership privileges of the respondent pending the outcome of the complaint, or take other action as may be necessary to prevent the irreparable harm from occurring.
- viii. If the Executive Committee determines that the complaint does not allege misconduct or a violation of any of the rules of the ABGA, the Executive Committee shall notify the ABGA Board of its findings and recommendation for dismissal within 7 working days of that determination, and upon a vote by the majority of the Board present the complaint will be dismissed and the complainant will be notified in writing of the finding of the Board. The Board shall also notify the complainant as to whether the complaint may be amended to be sufficient and is eligible to be reconsidered. Otherwise, all dismissals are final.
- ix. If the Executive Committee determines that that the complaint does allege misconduct or a violation of any of the rules of the ABGA, the Executive Committee will, within seven working days of the determination:
- a. provide the ABGA Board of Directors with a copy of the complaint;
 - b. provide the respondent with a copy of the complaint with written notice advising respondent they have 14 calendar days to respond to the complaint in writing. The notice shall contain the date and time when the written response must be received. The complaint and written notice shall be sent to the respondent's last known address as contained in the ABGA data base via regular mail and by a nationally recognized courier service specifying overnight delivery ensuring delivery no less than fourteen (14) calendar days prior to the response deadline. Service of the complaint and written notice as set forth above shall be deemed to have been timely and effectively given.
- x. If the Respondent fails to submit a written response by the deadline, the Board shall proceed to consider the complaint within three business days after expiration of the response deadline.
- xi. Upon receipt of respondent's written response and upon review of the complaint and the response, the Board shall determine the outcome of the complaint by a simple majority vote of the Board members present at the meeting where the complaint is considered. The Board may also review official documents or business records in the possession of the ABGA if deemed necessary. The ABGA Board may take any of the following actions:
- a. Sustain the complaint;
 - b. Dismiss the complaint;
 - c. Suspend consideration of the complaint to request additional information
- xii. No formal hearing shall be required. The Board may, at its discretion, hold a live, telephonic or electronic hearing if deemed necessary. Complaints should ordinarily be decided solely on the basis of the written record. However, the Board may choose to hold a hearing on the complaint, upon a 2/3 vote of the Board. The hearing may be held at any regular or specially scheduled meeting of the ABGA Board of Directors.
- xiii. If the Board sustains the complaint it may impose one or more of the following:
- a. A private oral or written reprimand
 - b. A public written reprimand
 - c. A fine of up to \$10,000.00
 - d. The freezing of all ABGA Accounts and member services
 - e. Suspension of membership
 - f. Expulsion from membership
 - g. Require DNA testing of any animals owned or registered to the respondent
 - h. Post said disciplinary actions on the ABGA website for a period of 12 months after all fines are paid or a period of 12 months (when no fines are levied)
 - i. Publish disciplinary action in The Boer Goat Magazine and show packets until all fines are paid, for the term of the discipline, or a period of 12 months (when no fines are levied), whichever is greater
 - j. Any other disciplinary action approved by the Board of Directors.

- C. Immunity
 - i.* All Executive Committee and Board members and employees or agents of the ABGA shall be immune from any individual civil liability whatsoever, including, but not limited to, negligence, libel, slander, invasion of privacy, defamation or product disparagement, for participating in the review, consideration and decision of any complaint filed under this rule.
- D. Finality of Decision
 - i.* The decision of the Board of Directors shall be final.
 - ii.* In the event any judicial action is brought against the ABGA or any of its Board Members, officials, employees or agents in connection with any proceedings under this Rule 900, such proceedings may only be brought in a federal or state court located in Tom Green County, Texas. If a judicial action is brought against ABGA in connection with any proceedings under this Rule and the decision of the ABGA is upheld, the petitioner shall reimburse the ABGA for its reasonable attorney's fees, court costs and other expenses incurred in defense of the lawsuit.
- E. No Duty
 - i.* Nothing in this Rule shall impose any duty or obligation on the ABGA to either initially investigate or continue to investigate any complaint or to enforce any purported contract or agreement between the parties to any transactions. In the event any court action is threatened or commenced, which relates, mentions or pertains, in any manner, to a complaint, ABGA, in its sole discretion, may either temporarily or permanently terminate its investigation or dismiss any pending complaint.

Rule 901: Judge Disciplinary Procedures:

- A. Definitions
 - i.* "Inspector" means an individual that is recognized as an approved visual inspector for ABGA.
 - ii.* "Judge" means an individual that has passed the ABGA Judge's Certification Program and is recognized as a judge on the ABGA's list of approved judges.
 - iii.* "Misconduct by a Judge" means the failure of a Judge to follow the Judge's Code of Conduct.
 - iv.* "Judge's Code of Conduct" means:
 - a. The goal of the Judge's Code of Conduct is to insure that each judge strives to provide a fair, unbiased, objective inspection of each animal as it is presented for his/her evaluation and, in so doing, provides for a positive experience for all individuals involved including exhibitors, spectators, and show personnel.
 - b. As a representative of the American Boer Goat Association, an ABGA Judge, through his or her appearance, evaluations, and presentations, is to conduct him or herself in a professional manner with show officials, exhibitors, and spectators at all times.
 - c. A judge is at all times to evaluate Boer goats in accordance with the ABGA Sanctioned Show Rules and the ABGA Boer Goat Breed Standards, disregarding any personal preferences. Animals should be evaluated according to the degree with which they meet the desired traits outlined within the ABGA Breed Standards.
 - d. A judge will check all animals retained in the show ring from which the final selections will be made for any disqualification.
 - e. Judges are required to set their final placement line in numerical order prior to giving reasons so that exhibitors and spectators may clearly see and understand the placements.
 - f. A judge shall be responsible for ensuring that the tattoos are read on the winner of each class as well as any goats in that class other than the winner that, by virtue of class size, are eligible for points under ABGA rules before those animals leave the ring.
 - g. No judge shall judge an animal:
 - i.* that is owned partially or entirely by that judge; or
 - ii.* that is owned partially or entirely by any member of that judge's immediate family, including children, grandchildren, parents, grandparents, siblings, spouse or in-laws..
 - h. A judge shall be courteous at all times and kind, when called for, in his/her evaluations,

refraining from negative comments that would unnecessarily embarrass any exhibitor. All necessary criticism of the animal to be evaluated shall be constructive in nature and should serve an educational purpose for the exhibitor of the animal, other exhibitors, and spectators.

- i. A judge shall refrain from visiting the pen area or more than normal exchange of pleasantries with exhibitors where possible prior to and during the judging of a show.

B. Complaint Procedure:

- i.* The Executive Committee may file a complaint if it deems it necessary in the best interest of the association, and is exempt from any filing fee.
- ii.* The complaint must be filed within 90 days of the alleged misconduct.

C. The following Rule 900 – Sections A-E will apply to Rule 901 where appropriate:

- i.* Definition
- ii.* Complaint Procedure
- iii.* Immunity
- iv.* Finality of Decision
- v.* No Duty