

State Brand Board

Minutes of the Meeting

September 15, 2010

The South Dakota State Brand Board met on September 15, 2010 at the State Brand Board office in Pierre, SD. Chairman Mark Kimball called the meeting to order at 10:30 a.m. Members present were Wanda Blair, Bart Blum and Curt Mortenson. Others present were Harold Deering, Larry Stearns, Wray Shouldis, Shorty Zilverberg, Shad Stromer, Karen Webber-Boyer, Jim Murphy, and Joe Falkenburg.

Stearns asked to add an agenda item on a part-time position to the agenda. Blair moved that the agenda be adopted as amended. Blum seconded the motion which passed.

Blair moved and Mortenson seconded the motion to approve the minutes for the July 28, 2010 meeting. Motion carried.

Director's Report: Stearns reported that in July, 2010, there were 54 applications, 15 new brands, 35 transfers, 37 re-recorded brands and 3 brand book sold. For August, 2010 there were 59 applications, 29 new brands, 36 transfers, 43 re-recorded brands and 1 brand book sold. He reported that the office is caught up on brand application following brand renewals.

Included in the meeting packet were:

1. The July 2010 and August 2010 reports of cash balances, revenues and expenses, for the Brand Board.
2. Director's Report
3. Investigator's Report
4. Brand Inspection Report

The director reported that we have scanned nearly 115,000 tallies in the office. We have scanned all livestock market tallies from 2005 through fall 2009 and are now working on those in 2010. The 2010 Brand Book will be delivered to the office on Friday, September 17, and will be distributed the following week pending a proof read. The online brand book is now up and running. A news release was sent out September 10. The 5-State Brand Conference will be held in Billings on October 12 – 13.

Investigators Report: Zilverberg reported that in July, 2010, there were 7 total cases reported. Of these, there were no stolen cases, 2 missing cases, 1 stray case, 1 violation case, and 3 complaint/info cases. Three cases are still active. No livestock were reported stolen, 5 head missing with 21 strays. One missing case and 2 complaint cases remain open. Two cases were reported by office personnel, one was reported by brand inspectors, none by witnesses, four by victims, and none by other agencies. He reported that there were 22 missing or stolen livestock recovered. For August, 2010, there were seven total cases reported. Of these, there were no stolen cases, one missing case, no stray cases, one violation cases, and five complaint/info cases. Five cases are still active, one missing and four complaint cases. No livestock were reported stolen, 1 head was reported missing with no stray cases. Two cases were reported by office personnel, none were reported by brand inspectors, one by a witness, two by victims, and two by other agencies. He reported that there was one head still missing.

Zilverberg also reported that Scott Lawson, rural Platte, has been sentenced 60 days in jail for parole violation. Jacob Otte, Oelrichs, was sentenced on 2 counts of theft and sentenced to 3-5 years for livestock theft in Nebraska. Blair and Mortenson asked if the open cases and missing and stolen livestock are carried forward and if they could be tracked and progress reported.

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Chief Brand Inspector's Report: Shouldis reported that for June 2010, we had 43,011 head inspected at livestock markets; 318 in locker plants; 16,591 head inspected locally for a total of 59,910 head and 5,008 head held for proof of ownership. For August, 2010, 25,218 head were inspected at livestock markets, 392 head at locker plants and 18,021 head inspected locally for a total of 43,631 head. There were 850 holds. The livestock market inspection and locker plant inspection numbers are now reported in the month following inspection when the money comes into the office.

Mortenson asked why there were more holds this year than last. Shouldis said he attributed the larger number to the large numbers of trader cattle going to market this year. Blum asked why there are an increased number of local inspections. Shouldis responded that there are more head selling in video auction and in the country and also retaining ownership.

In July 2010, there were two holds received in the brand office; 3 head for \$966.47. Eight head of stray livestock were returned to owners by brand inspection in July 2010 consisting of 5 cows, 4 calves, 1 heifer, and 2 bulls. For August, 2010, three holds were turned into the office for \$4,928.40. For August 2010, 22 head of strays were returned through brand inspection, 12 steers, 4 cows, 4 heifers, 2 calves. In July, 3 holds on three head were paid out for \$1,640.56 and in August, two holds on seven head were paid for \$4,928.40.

Financial Report: Stearns presented the financial report for July 2010 and August 2010. Blair asked if the inspection fee will have to be raised this year. Stearns said that he didn't think there would have to be an increase. Mortenson added that the markets are good, that would help to keep the inspection numbers up for the next year.

Legislative Proposals: Stearns presented the suggested legislative changes, provided by Deering, that would enable the Board to charge a permit fee if the order buyer and transportation rules were adopted. The shipper's agreement to allow livestock to be transported to an in-state open market for a local inspection was also discussed. The Board directed Stearns to get these proposals out to the livestock groups and LMA for their responses, concerns, etc., before the next meeting.

Open Comment: Murphy congratulated the Board for getting the brand book online. He also asked for some clarification on the re-record fee on cancelled brands.

Part-time Position: Stearns asked that he be allowed to advertise a part-time position to continue scanning documents and assist other office personnel where needed. This is currently a temporary position. Blair moved and Mortenson seconded the motion to allow this. The motion passed. Mortenson asked if the office can collect east river market paperwork. This will be explored.

The meeting recessed for lunch and resumes at 1:05 p.m.

Joe Falkenburg Brand Request: Falkenburg addressed the Board laying the location of his ranch in Nebraska and South Dakota. He has the Nebraska brand ~~DE~~ on the left hip and would like the same brand in South Dakota so he could brand his calves in SD. The conflicting brands were presented. Action was tabled until the next meeting.

Hold Hearing #BB057: Hold is being settled upon receipt of hearing information.

Hold Hearing #BB047: Hold has been cleared.

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Hold Hearing #BB038: Following the explanation of the hold, action was deferred until next meeting to explore new information.

Mortenson moved and Blum seconded the motion which passed to move into executive session at 1:30 p.m. pursuant to SDCL 1-25-2 (1) & (3) personnel issues and consulting with legal counsel. The meeting moved out of executive session at 3:30 p.m. Blair moved and Blum seconded the motion that the meeting adjourns. The motion passed and the meeting adjourned at 3:30 p.m.

Respectfully submitted,

Larry Stearns



Director



President

These minutes were filed for the record on 11-22-2010.