

# State Brand Board

## Minutes of Meeting

October 28, 2008

The Brand Board met on October 28, 2008 at the State Brand Board office in Pierre, SD. Chairman Kimball called the meeting to order at 11:00 a.m. Members present were Mark Kimball, Bart Blum, Tom Conger, and Curt Mortenson. Others present were Harold Deering, Larry Stearns, Shorty Zilverberg, Wray Shouldis, Harry Martinez, Jim Murphy and Karen Webber, Dale and Ruth Paulson.

Blum moved the agenda be adopted. Conger seconded the motion which carried.

Mortenson moved to approve the September 17, 2008 meeting minutes. Conger seconded the motion and it carried. Mortenson moved to approve the September 26, 2008 conference call meeting minutes. Conger seconded the motion and it carried.

Director's Report: Stearns reported that in September 2008, there were 63 applications, 18 new brands, 30 transfers and 8 books sold. In October to date, there have been 65 new applications, 25 new brands, 18 transfers and 4 brand books sold. He also reported that the Tri-State Livestock News will publish the Missing /Stolen Report monthly. The 5-State Brand Conference will be held in Custer November 5-6. The First Western Bank brand inspection fund checking account in Rapid City has been closed and the funds deposited back into the Livestock Ownership and Theft Prevention Fund. The Chief Brand Inspector and Investigators have been visiting livestock markets in the last few weeks. These visits will continue as the fall continues. The GOAC Meeting went well with covered topics including the feasibility study and several of the proposed legislative changes.

Investigator's Report: Zilverberg reported that in September 2008, there were 9 total cases reported. Of these, 1 was a stolen case, 5 were missing cases, 1 violation case, and 2 complaint/info cases. Six cases are still active. Nine head of livestock were reported stolen and 140 head reported missing. Of the 140, 100 are sheep. Three cases were reported by brand inspectors, four by victims and two by other agencies. An arrest was made south of Pukwana on a possession of stolen property. Six stolen bulls were recovered. Zilverberg said that the current reward offered by the Brand Board for information leading to the arrest and conviction in a stolen property is \$1,000. The Stockgrowers had a reward offered of \$5,000. He asked if the Board should increase their reward currently set by statute.

Mortenson asked for the Chief Investigator's opinion of the usefulness of the trips to the livestock markets. Zilverberg reported that the visits were well received at the markets. Mortenson urged the investigators and Chief Inspector continue the visits as this helps open lines of communication between the public, inspectors and investigators. Martinez added that time is limited to be able to do these visits, but are very beneficial to be able to meet inspectors and that this makes the investigators more approachable. Conger commented that the producers need to perceive positive changes in the program.

Brand Inspection Report: Shouldis reported that there were 118,232 head inspected in September 2008. Of these, 89,982 were market inspections, 27,927 local inspections, 323 were inspections at locker plants. There were 1,513 holds. This compares to 72,004 head in 2007. The three month total for inspections is 218,575 head compared with 159,559 the previous year and 228,378 in 2006. A discussion of the current sales and conditions followed.

Brand Inspection Fund: A report of the fund was provided to the Board by the Director. In the future, the director will try to send this report to the board prior to the meeting.

Brand Inspection Program: We are continuing to add inspectors weekly. Kimball asked where we are in the fall run. Shouldis said that he estimated that we are 1/3 to 1/2 way through the run. Kimball asked if

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there were any reports of problems or good reports. The director said that there are a number of younger inspectors starting to work, for example, at the Platte and Winner barns. The suggestion was made to develop written policies for the inspectors to follow for different situations that arise. Martinez suggested that procedures be developed for inspectors to understand how to handle violation situations that may arise.

Open Comment: Jim Murphy suggested that good inspectors may not be called sometimes because they are good inspectors. He also asked, concerning the reward, if the cattle must have a recorded brand. The response was that yes it had to be a recorded brand. Murphy also said that the Stockgrowers paid the reward if the victim was a member. Conger suggested a letter be written to the Tri-State Livestock News thanking them for running the Missing/Stolen Report in their paper.

The meeting was recessed at 11:50 for lunch.

The meeting reconvened at 1:00 pm.

The hearing for hold #85 was held. The motion was made by Mortenson and seconded by Blum to escheat \$57.46 to the Livestock Ownership and Theft Prevention Fund. The motion carried.

The hearing for hold #75 was held. The motion was made by Conger and seconded by Blum to escheat \$60.50 to the Livestock Ownership and Theft Prevention Fund. The motion carried.

The hearing for hold #284 was held. The motion was made Mortenson and seconded by Conger to escheat \$300.00 to the Livestock Ownership and Theft Prevention Fund. The motion carried.

Paulson Cancelled Brand Hearing: The hearing to resolve a conflict on re-registration of his cancelled brand was requested by Dale Paulson. Conger asked for clarification of the statutes concerning conflicts. Stearns reported on the owners of the conflicting brands. A discussion was held on interpretation of the statutes and who would be at risk by approving the brand. Mr. Paulson stated that he would take the risk of where his cattle with his brand have their brand altered to look like the conflicting brand. He also said that he moved in 1995 to Wessington and failed to update his address and renew his brand in 2000. Blum moved that the brand be granted to Mr. Paulson. The motion died for lack of second. Mortenson moved to postpone/table the decision until the next meeting following further investigation by the director. The motion was seconded by Blum. Conger reminded the Board that in an earlier meeting a request to deny a brand was overruled. The same statute applied to that situation also. Voting was: Blum, aye; Mortenson, aye; Conger, aye; Kimball, aye.

Stearns told the Board that for the renewal process in 2009/2010 that many addresses have been updated to 911 numbers and may require updating of the addresses prior to sending out renewal notices.

Legislative Issues: The following proposals were discussed.

Shippers permit: Conger suggested that the purpose of the proposal should be to establish an inspection point where livestock could come to be inspected before transporting to a further point. This would provide a better facility to inspect cattle at an in-state open market. The shipper's agreement would allow the producer to legally transport the animals to an open market to have them inspected. Mortenson said that this arrangement would probably be used more for a stock trailer load of animals than a semi trailer load.

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Out of state brands: Conger suggested that a new form would be needed. A permit could be issued by brand inspectors on behalf of the board.

Voluntary horse inspection: Mortenson said that the voluntary horse inspection and inspection surcharge will be the most difficult to pass. He hopes that the board receives input on these. Horse inspection and horse slaughter was discussed further.

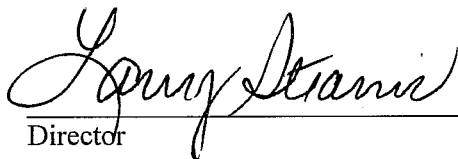
Conger moved the meeting go into executive session to discuss personnel and legal issues. Blum seconded the motion which carried. The meeting went into executive session at 2:20 pm.

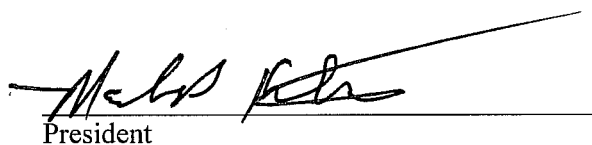
Conger moved the meeting come out of executive session at 4:45. Mortenson seconded the motion which carried.

Conger moved that the meeting adjourn. Mortenson seconded the motion that carried. The meeting was adjourned at 4:50 pm.

Respectfully submitted,

Larry Stearns

  
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Director

  
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President

These minutes were filed for the record on 12-2-08.