

# ASA Rules & Bylaws

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# American Salers Association Rules (Adopted October 2007)

## **RULE I**

### **Salers Registry**

#### **A. GENERAL**

The Association shall maintain a complete set of records, which shall be placed into a permanent file and properly indexed. This file shall be known as "Salers Registry". This Registry shall contain the following information of all animals accepted for entry in the Registry.

1. Copies of Applications for Registration.
2. Copies of Certificates of Registration:
  - a. Animal Identification Number
  - b. Date of Birth
  - c. Sire and Dam
  - d. Breeder
  - e. Owner
  - f. Previous Owner
  - g. Tattoo
  - h. Percentage Salers
3. All subsequent Transfers of Ownership of registered animals.
4. Copies of reports of parentage verifications when required.

## **RULE II**

### **Standards For Registration**

#### **A. AVAILABILITY OF REGISTRATION**

Registration shall be available to all bulls having not less than **12.5%** Salers blood, and to all females having not less than **12.5%** Salers blood, provided the sire or dam are appropriately registered in the ASA Registry.

#### **B. REGISTRY CLASSIFICATIONS**

1. **Fullblood Salers:** Animals registered in the French Salers Herdbook and animals whose sire and dam are registered as 100% Fullblood Salers and progeny of registered 100% Fullblood Salers parents are classified as Fullblood animals.
2. **Purebred Salers:** Progeny of registered Salers sires and dams with a minimum percentage of Salers blood of at least 93.75%, with the exception of females born on or before January 1, 1985 which are accepted into the Purebred Registry with a minimum of 87.5% Salers blood. When a male or female which is at least 93.75% Salers blood enters the "Purebred" Registry, it will be considered 100% Salers when calculating the percentage of its offspring, except when bred to a Fullblood, and their offspring will be considered Purebred. No animal may enter the Purebred Registry until it has an individual sire and designated amount of Salers blood. Purebred animals cannot be upgraded to the "Fullblood" status.
3. **Percentage Salers:** Progeny of registered Salers sires, or registered Salers dams, except for the first cross when the sire or dam does not have to be registered are Percentage Salers. The percentage of the Salers blood is the "average" of the percentages of Salers blood of the sire and dam as recorded on the ASA Registration Certificate. To

enter the "Percentage" registry, females must have at least **12.5%** Salers blood, and males at least **12.5%** Salers blood. Multiple sired animals, resulting from registered multiple sire groups, may enter the "Percentage" Registry if they have the designated amount of Salers blood, but they may not be registered above 75% Salers.

4. **Optimizer:** Females and males having at least **12.5%** but less than 75% Salers blood. The non-Salers portion of the pedigree must be registered in the respective breed association, with the exception of animals entered into the registry system prior to December 30, 1998, which are grandfathered in. Registered Optimizers must have birth weights and weaning weights. (See Table of Eligibility I)

### **C. FOREIGN REGISTRY**

1. The breeder in the country of origin shall apply to his Association for transfer to the Association of the importing country. The Association of the country of origin shall supply to the Association of importing country:

a. At least three generation pedigree for such animal. This requirement shall be applicable to all International Salers Federation members, except France, which shall supply a two-generation pedigree after January 1, 1992 and a three-generation pedigree after January 1, 1993.

b. DNA-typing of the imported animal, any A.I. sire, and the sire and dam of embryos. Such information will go to the Association of the importing country, which will issue a registration certificate of the importing country to the breeder member.

2. Registration of animals located in the United States which are owned by parties located outside the United States, or of animals which are located outside the United States owned by U.S. residents or by non-U.S. residents, are subject to the following: **ASA Rules & Bylaws 6**

a. Animals, which are otherwise eligible for registration in the Association, are eligible for registration regardless of the location of such animals.

b. All of the owners of such animals must be members of the Association; but U.S. residency or citizenship is not required.

3. French Fullblood animals born on or after January 1, 1991 must be parentage verified in order to be issued an American Salers Association Artificial Insemination or Embryo Transplant Permit.

4. Animals located in foreign countries and owned by ASA members are subject to the same rules for registration, A.I. and E.T. Permit as govern animals located in the United States.

5. Agreements and procedures between the American Salers Association and the Salers Association of Canada supersede the foregoing requirements.

6. If any such animals are pregnant when transferred, service information must be supplied by the Association in which the service sire is recorded or registered in order for such animal's progeny to be eligible for registration.

### **D. OWNERSHIP OF DAM**

Except with respect to a commercial female, a dam must be recorded or registered in the ASA Herdbook in the name of the owner of the calf at the time of birth. The persons registering embryo transplant calves need not own the dam, as long as the appropriate forms are obtained and signed by the breeder. In the case of natural mating, at the time of service, the sire must be registered in the name of the owner certifying service.

### **E. MULTIPLE SIRE**

The use of two or more registered Salers bulls in the same pasture with a group of cows is permitted under the following conditions:

1. The group of sires must be registered as a "Multiple Sire Group" and all possible sires must be stated on the Application for Registration of this sire group before any progeny can be registered.
2. The offspring of a "Multiple Sire Group" will be eligible for registration at the average percentage of Salers blood as shown on the Certificate of Registration of the dam and the Certificate of Registration of the lowest percentage Salers blood bull in the sire group.
3. Multiple Sire Groups may not be used in artificial insemination.
4. Multiple sires can be used on commercial cows or percentage Salers dams, and the offspring is eligible to be registered at **12.5%** to 75% for females and males.
5. No animal may enter the "Fullblood" or "Purebred" Registry unless it has an individual sire and designated percentage of Salers blood.
6. A multiple sired animal may not be registered above 75% Salers blood on the Registration Certificate.
7. Multiple sire groups used on or after September 1, 1989, must be Fullblood or Purebred registered Salers sires that are 1/2 brothers or greater.

## **F. REGULATIONS RELATING TO REGISTRY OF CALVES CONCEIVED A.I.**

### **General Rules:**

1. All bulls for which application for an A.I. Permit is made must be parentage verified to both sire and dam, provided both are registered in the ASA Registry, by a method approved by the ASA Board of Directors as a requirement for issuing an A.I. Permit, and the report of such verification must be on file with the ASA Registry Office. No Applications for A.I. Permits will be approved unless the bull is parentage verified to his sire and dam. No A.I. progeny of a bull is eligible for registration until an A.I. Permit has been issued on the sire.
2. **DNA Testing:** After September 30, 1995, all applicants for A.I. permits will be required to have on file in the ASA office results of the DNA screening test for beta-mannosidosis. If the animal can be shown to be a non-carrier by means of the pedigree, for example, both parents or all grandparents have been tested, individual screening results are not required. Results of the beta-mannosidosis screening test will be made available to the animal's owner immediately, and to all others requesting it via a listing of all testing results 30 days after notification of the test results have been sent to the animal's owner. Educational materials about the disease, testing procedures, heritability and options for management accompanies all test reports and other testing materials.
3. The ASA recognizes that when ownership of a bull is transferred, title to all unissued A.I. Certificates is transferred to the new owner(s). Fullblood and Purebred calves conceived A.I. after ownership transfer is not eligible for recording by previous owner(s) unless Certificates are submitted. ASA Rules & Bylaws 7
4. A.I. Certificates are required only on Fullblood and Purebred calves when the dam was not in the same recorded ownership as the sire at the time of service.
5. As used in these Rules, the term "parentage verified" means the conclusion by a person considered expert and approved by the Board of Directors that an animal qualifies as the offspring of a stated mating, such opinion being based on the results of testing by a method approved by the Board of Directors.

### **A.I. Certificates:**

1. A.I. Certificates may be obtained from the Association by the owner or co-owner of record of the sire at a fee established by the Board of Directors. Certificates issued for individual bulls are not redeemable.
  2. To register an A.I. produced Fullblood or Purebred calf by a sire not owned by the breeder, an A.I. Certificate or an A.I. Certificate number must accompany the Application for Registration. This Certificate should be furnished to the Breeder by the owner of the service sire who can obtain these Certificates from the ASA Registry Office after the bull has an A.I. Permit issued.
- A.I. Certificates for non-owner registration of calves will not be issued if a sire with an A.I. Permit is determined to be a confirmed carrier of a genetic abnormality.

### **Deceased Bulls:**

1. There is no limit on a bull's use through A.I. after death.
2. Ownership of semen inventory from deceased bulls may be transferred in part or whole.

### **G. PARTIAL OWNERSHIP AND LEASES**

1. The ownership of an animal may be divided into no more than four (4) interest shares. All ownership interests shall be issued a certificate; however, only one original certificate will be issued and additional owners will be issued a copy thereof. The regular registration fee shall be paid for such animal. Each change of ownership, adding or deleting an owner, will require the transfer fee for each new certificate or copy issued.
2. The signatures of all owners of record are required to transfer any interest in a multi-owned animal.
3. All leases of breeding interests shall be filed with the Association, showing starting and expiration dates of lease.

### **H. REGISTRY OF EMBRYO TRANSPLANT CALVES**

Animals produced by the transfer of embryos or fertilized ova from one cow to another will be eligible for registration, provided the details of the transplant are certified to the Registrar by the breeder and collected under the following conditions:

1. **Donor Dam Permit:** No application for Donor Dam Permits will be approved unless the cow is typed by a method approved by the ASA Board of Directors and those reports must be on file with the ASA Registry Office.
2. **DNA Testing:** After September 30, 1995, all applicants for donor dam permits will be required to have on file in the ASA office results of the DNA screening test for beta-mannosidosis. If the animal can be shown to be a non-carrier by means of the pedigree, for example, both parents or all grandparents have been tested, individual screening results are not required. Results of the beta-mannosidosis screening test will be made available to the animal's owner immediately, and to all others requesting it via a listing of all test results 30 days after notification of the test results have been sent to the animal's owner. All test reports and other testing material is accompanied by education materials about the disease, testing procedures, heritability and options for management.
3. **Embryo Transplant Report:** Each time fertilized eggs are drawn from the permitted Donor Dam, a report must be filed with the ASA Registry Office before the calves can be registered. This report requires a listing of the recipient dams. Recipient, or host cows, must be identified by tattoo or permanent I.D. If breeding is by natural service, a

parentage verification report must be filed for the sire of service. The use of more than one service sire in embryo transfer is not permitted.

**4. Transplant Embryo Certificate:** Upon receipt of the EMB-102A Report on non-owned females, the ASA Registry Office will then issue a “Transplanted Embryo Certificate” (Form EMB-103A) for each host or recipient cow that is confirmed as safely carrying the transplanted embryo. This Certificate will remain with the host cow with the record of ownership recorded on the back. The “Transplanted Embryo Certificate” should be used as the Registration Application for the resulting calf. An appropriate fee will be charged for each Certificate. This fee will be refunded upon receipt of EMB-103A by ASA should the pregnancy not produce a calf.

**5. Registration:** The Form EMB-103A along with any necessary non-owned sire A.I. Certificates are ASA Rules & Bylaws 8 required to register the resultant calf if the registering member does not own the donor female. A report verifying parentage is required for registration of E.T. calves born prior to January 1, 1988.

### **I. GENERAL REGISTRATION**

Applications for Registration must be typed or printed on official “Application for Registration” Forms available from the Association. The following information must be given:

**1. Tattoo Identification:** All registered animals must carry a tattoo in one or both ears. That tattoo must consist of the owner’s herd letters, an individual animal identification (I.D.) number, and the appropriate year letter. A maximum of eight (8) digits may be used, and no two animals may carry the same tattoo within the same herd.

**2. Herd Identification:** Herd letters are assigned to each member when application for membership is submitted and to non-members when they first register Salers with ASA. Herd letters must be a minimum of two (2), and not more than four (4) alphabetical letters. No two members may have or use the same herd letters except junior members in the same family as a dues paid member.

a. When registering a calf born to its natural mother, the Herd Letters of the owner of the dam at the time of birth must be used, and that individual must register the calf before it can be transferred.

b. An embryo transfer calf must be tattooed with, and registered with the Herd Letters of the owner of the calf at the time of registration.

c. Under no circumstances shall any person attempt to register a calf bearing Herd Letters that have not been approved and assigned by the Registry Office, or Herd Letters of another member or breeder.

**3. Individual Identifying Number:** This number shall be such that no two animals may carry the same tattoo, (herd letters, I.D. Numbers, and year letter). A maximum of eight (8) digits may be used in the total tattoo.

**4. Year Letter:** Part of the required Salers Tattoo must be a Year Letter. Usually it is the last digit in the tattoo. The letters I, O, Q, and V are not used.

### **J. DECEASED REGISTERED ANIMAL**

Disposal information on all deceased registered animals, whether sold for slaughter or otherwise, should be submitted to the Registry Office.

### **K. BREEDER’S RECORDS**

It shall be the duty of each person registering cattle in the Salers Registry to accurately keep a complete and consecutive record on all service-age females in the herd that are



registered or eligible for registry. This record shall include the name and registration number of the animal, date of service or insemination, name and registration number of sire used (natural or artificial), calving date, and identification of offspring.

The Executive Vice President may at any time, investigate or cause to be investigated, examined, identified, or parentage verified, any animal or herd of Salers cattle, and may examine the breeding and herd records maintained for the purpose of investigating any matter in which the Association is interested.

#### **L. CORRECTION OF CERTIFICATES**

When new Certificates are received from the Registry Office, they should be checked immediately to determine if they are correct. If a correction is necessary, the certificate should be returned immediately to the Association Registry Office for correction. If the error was caused by the Registry Office, the correction will be made at no charge. Any writing on the Certificate not done by the Registry Office will invalidate the Certificate and necessitate the issuance of a duplicate at a cost to the holder of the regular fee.

In such cases where animals originally registered as horned are found to be polled or scurred, or where animals originally registered as scurred are found to be polled, no corrections shall be made on the registration certificate without written documentation from the original breeder/owner.

No alterations of any kind should be made on the Certificate, except in the Association Registry Office.

#### **M. DUPLICATE CERTIFICATES**

A duplicate Certificate for Registration may be obtained by submitting an affidavit from the owner that such Certificate has been lost or destroyed and that, if and when such papers are found, they will become the property of the ASA and be immediately returned to the Registry Office.

#### **N. NAME CHANGE**

A registered Salers animal may be renamed under the following procedure:

1. The owner(s) must make a written application to change the animal's name.
2. The original Registration Certificate on the animal must be submitted for reissue at a fee as set by the Board of Directors.
3. If the individual animal whose name is being changed has registered progeny, the original Registration Certificate on all progeny must be returned for reissue at a fee per Certificate, as set by the Board. It is the breeder's responsibility to get all Registration Certificates returned.
4. The animal's name may not be changed in any way without written permission from the person originally registering the animal with the ASA.
5. Animals originally registered in the Salers Association of Canada (SAC) may not be renamed without written permission from SAC, or renaming the individual through SAC first.

#### **O. PARENTAGE VERIFICATION**

1. When parentage of any Salers animal is questioned by the ASA, parentage verification of such animal, and of any other animals deemed necessary for the purpose, will be conducted by the Association at its expense. In all other instances, the person requesting the parentage verification will pay any related fees. Processing and analysis shall be by laboratories approved by the Association.

2. The Association at its expense may conduct a random parentage verification program. Owners of animals selected for verification shall permit and cooperate in such testing of animals in their possession or under their control. Refusal by such person to permit and cooperate with parentage verification under this program may result in cancellation of Registration Certificates and the imposition of other penalties provided by the Bylaws and these Rules.

**P. REGISTERED POLLED OR SCURRED FULLBLOODS AND PUREBREDS**

When applying for registration of any Fullblood or Purebred animal with the polled or scurred condition from the mating of a horned sire or dam, the following conditions must be met:

1. The animal shall be inspected by a party mutually agreed upon by the breeder/owner and the ASA.
2. At time of inspection, the animal shall have a sample taken by a licensed veterinarian and the samples shall be processed at a laboratory approved by the ASA Board of Directors to verify parentage.
3. If parentage verification or the physical inspection fails to prove that the subject animal is more likely than not polled or scurred, and that the animal is more likely than not the progeny of the stated mating, appropriate steps will be taken to rectify the pedigree or change the delineation relative to the Polled or Scurred condition on the Registration Certificate.

**Q. RULE OF REPOSE ON PEDIGREE DISPUTES**

1. Unless the pedigree of an animal registered with this Association is challenged before a date which is four years after the date of registration of such animal upon the records of the Association, the pedigree of such animal, as shown on the records of this Association on the fourth anniversary of such animal's registration shall be conclusively presumed to be accurate and no challenge or change thereto may be thereafter brought or made.
2. As used herein, "challenge" shall mean:
  - a. This Association has requested that such animal or an ancestor of such animal be the subject of a parentage verification process;
  - b. A written challenge to such pedigree has been made by a person entitled to make such challenge and the same has been received by the Association.
3. If a pedigree change is made more than one year prior to the fourth anniversary of such animal's registration, such time period shall not be extended. If a change in the pedigree of such animal is made after the fourth anniversary of such animal's registration as a result of a challenge made prior to such anniversary, then the period for challenge shall be extended one year after the date of such change. If a pedigree change is made less than one year prior to such anniversary, then the period for challenge shall be extended to a date, which is one year after the date of such change.
4. Notwithstanding anything to the contrary, the pedigree of any animal registered with this Association may be challenged prior to October 1, 1995.

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### **RULE III**

#### **Whole Herd Registry**

Under the WHR Program, members will pay a single annual assessment on each female of “assessment age”. Cattle born after January 1, 2003 will be subject to the new assessment and Whole Herd Registry regulations.

- A. Assessment age is defined as females at least 20 months of age on the date of inventory, January 1.
- B. Payment of the annual assessment makes that animal “active” for the calendar year of inventory and entitles the breeder to: 1) register one calf born to each active female during the calendar year, and 2) transfer that calf once.
- C. Only calves whose dams are actively enrolled (assessment paid) for the calendar year in which the calf is born or embryos collected, are eligible for registration.
- D. Females that are less than 20 months of age on January 1 but calve that calendar year will be assessed for the full year with submission of the calf information.
- E. If a cow on inventory is inactivated, a reactivation fee, as set by the Board of Directors, will be required to reinstate the cow. Only one reinstatement will be allowed per cow during her lifetime.
- F. Transfer of cattle born previous to January 1, 2003, or those born after January 1, 2003 whom have already been transferred once, will be charged the appropriate transfer fee as set by the ASA Board of Directors.
- G. On jointly owned or leased cows, the assessment would go to the contemporary group where the cow raises the calf, and in the event of one owner not fulfilling that, the co-owner or lessor would have the obligation of paying that fee but the data would still be used for the group where the calf was raised.
- H. The annual assessment must be paid on each twin, triplet, etc beyond the first calf unless: 1) the calves are raised by their natural dam or 2) the assessment has been paid on the foster dam(s).
- I. The annual assessment must be paid on each ET calf unless the recipient dam is “active” (current year assessment already paid), in which case no additional assessment is due.
- J. Enrollment and Payment Herd inventory as of January 1 will be mailed to members. Corrected inventory must be returned to the National Office by March 31. Fifty percent of the assessment is due with the inventory March 31. The second assessment of fifty percent will be mailed out August 1 and due back to the National Office by September 30.
- K. Whole Herd Registry Reporting Fees
  - 1. Registration and transfers:
    - a. Registration: No cost for registration of one calf born to each enrolled female.
    - b. Transfers: No cost for transfer of one calf born to each enrolled female.
    - c. The annual assessment must be paid on each twin, triplet, etc beyond the first calf unless: 1) the calves are raised by their natural dam or 2) the assessment has been paid on the foster dam(s).
    - d. The annual assessment must be paid on each ET calf unless the recipient dam is “active” (current year assessment already paid), in which case no additional assessment is due.
  - L. Implementation

1. Calves born on or after January 1, 2003 will be subject to the Whole Herd Registry system fee structure.
2. Calves born in 2002 or earlier will be subject to the registration and transfer fee structure in effect on December 31, 2002.

#### **RULE IV**

##### Transfer of Animals

#### **A. APPLICATION FOR TRANSFER**

1. Applications for Transfer shall be signed and dated by the seller and promptly submitted to the Registry Office for processing. Every application for the transfer of an animal shall constitute a representation by the transferor that the animal is as represented and that all matters stated in the application are true.
2. When an animal is transferred it is the responsibility of the seller(s) to confirm that the tattoo identification is in accordance with the regulations, and to provide the Certificate of Registration showing the purchaser's ownership. Refusal to do so on any pretext whatsoever shall be grounds for expulsion from the Association, if a member. If not a member, further privileges of the Association shall be refused.
3. The application must give the printed name and address of the new owner, and the date of sale. ASA Rules & Bylaws 11
4. When a registered or recorded female is sold for use in a commercial herd and not represented as registered, the transfer shall not be recorded in the records of the Association. A notation in ink shall be placed on the face of the Certificate stating that the animal was sold for use in a commercial herd, and the date. The Certificate shall be forwarded to the American Salers Association Registry Office.

#### **B. APPLICATION FOR TRANSFER OF A REGISTERED FEMALE**

The application must include whether the animal is bred or open. If bred, the application must contain the service dates, ASA Registration number of the sire, the date of any pasture exposure, and signature of the sire owner if natural service. All bred females which will produce a Fullblood or a Purebred offspring shall be sold with the non-owner A.I. Certificate, if applicable. Such certificate shall be furnished by the seller.

#### **C. APPLICATION FOR TRANSFER OF A REGISTERED FEMALE WITH CALF AT SIDE**

The breeding date of the cow must be completed as set forth in these rules.

#### **D. CHANGE OF OWNERSHIP**

Every change of ownership of a registered animal must be entered as a transfer with the Registry Office of the American Salers Association.

#### **E. DUTIES OF OWNER UPON TRANSFER**

1. Upon a change of ownership of an animal registered with the Association the owner(s) thereof shall, within sixty (60) days after such a change in ownership, if transfer of such animal is an element of the transaction, file with the Association a completed, dated and properly executed Application for Transfer for such animal, return to the Association the Certificate of Registration for such animal and pay the applicable fees.

If such actions are not so taken, then such owners and any other persons responsible therefore shall be subject to appropriate penalties imposed by the Association and such animal may be transferred pursuant to instruction of the new owner.

2. Upon a change of ownership of an animal eligible for registration with the Association prior to its registration and if registration and transfer of such animal are elements of the transaction, the owner(s) shall, within sixty (60) after such change ownership:

a. File with the Association a completed, dated and properly executed Application for Registration of such animal and pay the applicable registration fee, and

b. File with the Association a completed, dated and properly executed Application for Transfer of such animal to the new owner and pay the applicable transfer fee.

If such actions are not so taken, then such owner(s) and any other persons responsible therefore shall be subject to appropriate penalties imposed by the Association and such animal may be registered pursuant to instructions of the new owner.

#### **F. TRANSFER AS A RESULT OF LEGAL OWNERSHIP CHANGE**

Whenever legal title to a registered animal passes to another by reason of death of the recorded owner, by reason of foreclosure of a lien, by any order of decree of court, or otherwise by operation of the law, the Association may transfer the registration of such animal to the new owner upon receipt of the following:

1. Order of a Court of competent jurisdiction or other satisfactory proof of authority for the transfer.

2. Payment of the transfer fee and any reasonable costs and expenses of investigation.

3. Satisfaction of such other requirements as may be defined by the Association.

#### **G. TRANSFER OF ANIMALS CONSIGNED TO PUBLIC SALE**

Sale managers or their representatives may fill in buyers' names on applications for transfer of animals consigned to public sales; and, if authorized by the consignor, sign such application in his stead. Such applications must indicate the name of the sale manager or agent representing the consignor and be signed by him. Applications executed under this rule are subject to Rule VI.

#### **RULE V**

##### **Fees**

The Association operates on a cash basis. Registration fees are based on the date of the postmark, indicating the date mailed by the applicant. If the correct fee does not accompany the Application, the Application will be held without processing in the ASA Registry Office until payment is received in full. ASA Rules & Bylaws 12

#### **A. GENERAL**

1. Annual Dues for voting and registration rights become due and payable October 1 of each year, with notices sent to the membership yearly.

2. Junior members must be 21 years of age or younger as of October 1. A fee shall be charged to convert Junior membership to Regular membership.

3. Membership, registration, and transfer fees are set by the Board of Directors and may be changed without prior notice.

4. Non-member fees are double member fees. (See "Breeders Self Billing Worksheet" for Current Fee Structure)

#### **B. DELINQUENCY**

No person or entity who is or which is indebted in an amount of twenty-five dollars (\$25.00) or more for a period of ninety days or longer to the Association or to the Salers Belles or to the American Salers Juniors Association, or to any organization which promotes Salers cattle from which the Association derives income, shall be entitled to any service or benefit of the Association, or to participate in any program or activity of

the Association. Any money, service or benefit otherwise due from the Association to such person or entity shall be withheld until such indebtedness is discharged.

#### **RULE VI**

##### **Erroneous Entry**

Should any animal be admitted to entry or transfer through misrepresentation, fraud or mistake, upon discovery thereof, and after a hearing, the Association shall declare the entry or transfer void, together with any entries that have been made for descendants of such animal. When an animal has been determined to have been entered or transferred through misrepresentation or fraud, the Association may refuse to record any subsequent entry or transfer dependent upon the signature of any person committing such fraud or misrepresentation. Suspected errors in parentage may be resolved by such means of parentage verification as are approved by the Board of Directors and such errors in any certificates relating to such animal shall be corrected by the breeder, or by the Association upon confirmation of such error, whether the same occurs through fraud, misrepresentation, or mistake.

The Association assumes no responsibility, financial or otherwise, for any loss or damage that may be sustained by any individual, partnership, firm or corporation by reason of the suspension, cancellation, or correction of any registration, transfer of other documents, or by reason of the rejection of any application for membership in the American Salers Association.

#### **RULE VII**

##### **Genetic Abnormalities**

##### **A. DUTIES OF MEMBERS**

Every member of the Association shall immediately report to the Executive Vice President of the Association, by the most expedient means, each occurrence of an abnormality in an animal registered with or otherwise eligible for registry with the Association, and shall thereafter cooperate in every reasonable way with the Association, its authorized agents and consultants, in the investigation of any such abnormality. Cooperation includes, but is not limited to, the taking of blood and tissue samples, the arrangement for availability and transportation of the affected animal for examination and sampling, the full and prompt disclosure of all information in any way relating to the affected animal in the form requested by the Association and arranging for the availability of any other animals in such member's control for examination.

##### **B. GENERAL PROCEDURES**

1. Upon receipt of any report of an abnormality occurring in a Salers animal, the Executive Vice President of the Association shall, based upon all facts known to he/she, determine whether such report is more likely than not to be a valid report of an abnormality stated to be of concern in Salers cattle by the Board of Directors of the Association.
2. If the Executive Vice President determines that the report is invalid or that the report is not likely to concern an abnormality stated to be of concern in Salers cattle by the Board of Directors of the Association, then he/she need take no action with respect to such report; but he/she shall keep such report on file, cross-referenced by sire of the reported affected animal, by breeder of the reported affected animal and by nature of the reported abnormality, and he/she shall report to the Board of Directors of the Association, not less frequently than annually, a summary of cases in which he/she has determined to take no

action. However, nothing herein shall prevent the Executive Vice President of the Association from investigating or acting upon any report of abnormality received.

3. If the Executive Vice President determines to investigate a report of an abnormality, he/she shall, when practical, take the following actions: **ASA Rules & Bylaws 13**

a. Notify the reported owner and breeder of the affected animal, in writing, sent certified mail, return receipt requested, to the address of the owner and breeder as shown on the records of the Association or, if no such address is shown, to any other address known to the Executive Vice President, of the receipt of such report, the nature of the reported abnormality, the identification of the affected animal, the intention of the Executive Vice President to investigate such report, the duties of the owner and breeder as members of the Association to cooperate with such investigation, requests for information, samples or other cooperation by the owner and breeder, and any further information or cooperation the Executive Vice President determines is appropriate in the circumstances.

b. Cause a sample of the blood or tissues of the affected animal and any other animals the Executive Vice President determines are necessary for the purpose to be collected and forwarded to a laboratory chosen by the Association to verify the parentage of the affected animal.

c. Determine, under the circumstances, what other physical, parole or documentary evidence is necessary to complete the investigation and cause such evidence to be collected and forwarded to the appropriate person for analysis.

d. Obtain from the laboratory or laboratories selected by the Association and charged with such determination a written report of its investigation, including the opinion of a qualified person associated with such laboratory as to the parentage of the affected animal, the existence of an abnormality and the probability that such abnormality is of genetic origin.

e. If, in the opinion of a qualified person associated with the laboratory selected by the Association and charged with the determination, the affected animal, more likely than not, is of known parentage; more likely than not, is affected with an abnormality; and the abnormality, more likely than not, is of genetic origin, the Executive Vice President shall notify the owner and breeder of the affected animal and the owner and breeder of the reported parents of the affected animal of the determination and of any action proposed to be taken by the Association with respect to such animal and of the opportunity for hearing.

### **C. DEFINITIONS AND PRESUMPTIONS**

In hearings conducted before the Hearings Committee and in arbitration concerning genetic abnormalities and in any other actions under this rule, the following definitions and presumptions shall apply:

1. **Confirmed Carrier.** An animal is a confirmed carrier of a genetic abnormality when it is more likely than not that such animal is of known parentage, is more likely than not affected with an abnormality, that such abnormality is more likely than not of genetic origin and that such animal is more likely than not capable of transmission of the genes for such abnormality to such animal's progeny. An animal is presumed to be a confirmed carrier of an genetic abnormality when the laboratory selected by the Association and charged with such determination opines in writing that an animal is more likely than not of known parentage, is more likely than not affected with an abnormality and that such abnormality is more likely than not to be of genetic origin and that such animal is more

likely than not capable of transmission of the genes for such abnormality to such animal's progeny.

2. **Known Parentage.** An animal is of known parentage when it is more likely than not that such animal is the product of the mating of a specified sire and specified dam. An animal is presumed to be of known parentage when the laboratory selected by the Association and charged with such determination opines in writing that the reported sire and dam of an animal qualify as the parents of such animal, and the breeder of such animal affirms that following a review of breeding records, he believes the sire and dam of such animal are as set forth in his affidavit.

3. **Abnormality.** An abnormality is a non-typical, deleterious physical attribute, trait or condition of an animal determined by resolution of the Board of Directors of the Association or provisionally found by the Executive Vice President of the Association to be of concern in Salers cattle. An attribute, trait or condition is presumed to be an abnormality when the laboratory selected by the Association and charged with the determination opines in writing that an attribute, trait, or condition found in an animal, more likely than not, is a non-typical, deleterious physical attribute, trait or condition which is or should be of concern in Salers cattle.

4. **Genetic Origin.** Genetic origin is the method of transference from generation to generation of an attribute, trait or condition in an animal through the genes of the parents. An attribute, trait or condition is presumed to be of genetic origin when the laboratory selected by the Association and charged with the determination opines in writing that such attribute, trait or condition is, more likely than not, transmitted from generation to generation through the genes of the parents.

5. **Genetic Abnormality.** A genetic abnormality is an abnormality of genetic origin.

ASA Rules & Bylaws 14

#### **D. CATEGORIES OF GENETIC ABNORMALITIES**

##### **1. Class I**

A Class I Genetic Abnormality is one which, in the judgement of the Board of Directors, unless eradicated by all available means, will cause immediate danger to the physical or economic survival of Salers cattle in the United States.

##### **2. Class II**

A Class II Genetic Abnormality is one, which, in the judgement of the Board of Directors, unless eradicated by strong means, will ultimately pose a danger to the physical or economic survival of Salers cattle in the United States.

##### **3. Class III**

A Class III Genetic Abnormality is one which, in the judgement of the Board of Directors, unless controlled by breeders of Salers cattle using all information available to the Association, will do great harm to the desirability of Salers cattle.

##### **4. Class IV**

A Class IV Genetic Abnormality is one, which, in the judgement of the Board of Directors, unless the Association provides information and education to breeders of Salers cattle for their control thereof, may have a substantial negative influence on the desirability of Salers cattle.

##### **5. Class V**

A Class V Genetic Abnormality is one which, in the judgement of the Board of Directors, is of minor consequence to the desirability of Salers cattle, but one over which the



Association should maintain vigilance and make information available to those requesting the same.

#### **E. GUIDELINES FOR ACTION**

1. **Class I:** Where there is a final determination that an animal is a confirmed carrier of a Class I genetic abnormality, the Association, through its Executive Vice President, shall:

- a. If such animal be registered with the Association, expunge such animal from the registry of the Association.
- b. If progeny of such animal be registered with the Association, expunge the progeny of such animal from the registry of the Association.
- c. Publish in the official publication of the Association the identity of such animal, the genetic abnormality of which such animal is a confirmed carrier, the known parentage of such animal and the fact that such animal, if registered with the Association, has been expunged.
- d. Revoke any A.I. or Donor Dam permits issued for such animal.
- e. If application for registry of such animal or its progeny with the Association is made, refuse to register such animal or its progeny with the Association.
- f. Provide to any interested person requesting it, the rulings or findings of the Hearings Committee, arbitrator or Board of Directors, or evidence or information upon which such rulings or findings are based.

2. **Class II:** Where there is a final determination that an animal is a confirmed carrier of a Class II genetic abnormality, the Association, through its Executive Vice President, shall:

- a. Publish in the official publication of the Association the identity of such animal, the genetic abnormality of which such animal is a confirmed carrier, and the known parentage of such animal.
- b. Revoke any AI or Donor Dam permits issued for such animal.
- c. Note the determination upon the registration certificate of such animal and upon the registration certificate of any animal in which such animal appears.
- d. Provide to any interested person requesting it, the rulings of the Hearings Committee or Board of Directors, or evidence or information upon which such rulings are based.

3. **Class III:** Where there is a final determination that an animal is a confirmed carrier of a Class III genetic abnormality, the Association, through its Executive Vice President, shall:

- a. Publish in the official publication of the Association the identity of such animal, the genetic abnormality of which such animal is a confirmed carrier, the known parentage of such animal, the name and address of the owner of such animal, the name and address of the breeder of such animal, the name and address of the owner of each parent of such animal.
- b. Note the determination upon the registration certificate of such animal and upon the registration certificate of any animal in which such animal appears. ☐
- c. Provide to any interested person requesting it, the rulings of the Hearings Committee or Board of Directors, or evidence or information upon which such ASA Rules & Bylaws 15 rulings are based.

4. **Class IV:** Where there is a determination that an animal is a confirmed carrier of a Class IV genetic abnormality, the Association, through its Executive Vice President shall:

- a. Make affirmative efforts to gather information concerning the abnormality and its control.

- b. Maintain a list of all animals reported by the laboratories approved by the Association to conduct such tests as confirmed carriers and confirmed non-carriers of the abnormality.
  - c. Disseminate to its members appropriate information concerning the abnormality and its control.
  - d. Divulge to persons requesting it, the Associations list of confirmed carriers and confirmed non-carriers of the abnormality.
5. **Class V:** Where there is a determination that an animal is a confirmed carrier of a Class V genetic abnormality, the Association through its Executive Vice President shall:
- a. Accumulate such information as shall come to it concerning the abnormality and its control.
  - b. Maintain a list of all animals reported by the laboratories approved by the Association to conduct such tests as confirmed carriers and confirmed non-carriers of the abnormality.
  - c. Divulge to persons requesting it such information as the Association has concerning the abnormality and its control, and the Association's list of confirmed carrier and confirmed non-carriers of the abnormality.
6. Where a genetic abnormality has not been previously classified by the Board of Directors and the Executive Vice President of the Association has made a provisional classification of such genetic abnormality, the Executive Vice President based upon such information as he/she considers relevant shall propose such action as he considers appropriate under the circumstances; provided that if the provisional classification is Class I, Class II, Class III, Class IV or Class V, such proposed action shall be as set forth for the appropriate classification.

## **RULE VIII**

### Hearings And Appeals

#### **A. NOTICE OF PROPOSED ACTION AND OPPORTUNITY FOR HEARING**

1. **Notice of Proposed Action.** Prior to the taking of any action under any Rule of the Association or the taking of any other action which is applicable to less than all of the general members of the Association, the Association, through its Executive Vice President shall notify the persons or entities specified as being entitled to such notice in the Rule pursuant to which such action is proposed or such persons or entities as are required by due process of law to receive such notice, of the action proposed, and of such persons' or entities' opportunity for hearing. Notices of Proposed Action and Opportunity for Hearing shall set forth the proposed actions to be taken and the facts alleged which give rise to the proposed action, and shall refer to the opportunity for hearing as set forth in these Rules. Nothing in the Rule or elsewhere shall be construed to require that such notice be given to the owners of progeny or siblings, full or part, or any animal or to the purchasers of semen or embryos of any animal which is the subject of any proposed action.
2. **Mailing.** Such Notice of Proposed Action and Opportunity for Hearing shall be sent by Certified Mail, Return Receipt Requested, to the last known addresses of such persons as they appear on the records of the Association or, if no address is shown on the records of the Association, to any other address known to the Executive Vice President.
3. **Proposed Action.** The action proposed in the Notice of Proposed Action and Opportunity for Hearing shall be in accordance with guidelines established by the Board

of Directors of the Association or, if no such guidelines have been established such proposed action shall be as determined by the Executive Vice President, subject to modification by the Hearings Committee or the Board of Directors.

**4. Response to Notice.**

a. If, within fifteen (15) days after mailing of the Notice of Proposed Action and Opportunity for Hearing, the Association has not received written demand for hearing from the person to whom such Notice was directed, the Executive Vice President shall cause the action proposed in such Notice to be taken and such action shall be in all respects a final determination as to the facts alleged in the Notice of Proposed Action.

b. If, within fifteen (15) days after the mailing ASA Rules & Bylaws 16 of the Notice of Proposed Action and Opportunity for Hearing, the Association has received written demand for hearing from a person to whom such Notice was directed, together with the prescribed cash deposit for costs, the Executive Vice President shall refer the matter to the Hearings Committee.

**B. HEARINGS**

1. **Establishment.** There is hereby established a committee of three persons, which shall be called the Hearings Committee, all of whose members shall be appointed by the President and confirmed by a majority vote of the Board of Directors. A member may be removed by a majority vote of the Board of Directors.

2. **Purpose.** It shall be the purpose of the Hearings Committee to hear such matters as are referred to it by the Executive Vice President.

3. **Term of Members.** Initially, one member of the Hearings Committee shall be appointed to a three-year term; one member shall be appointed for a two-year term; and one member shall be appointed to a one-year term. Each year, the President, with the confirmation of the Board of Directors, shall appoint for a three-year term, a member of the Hearings Committee to fill the vacancy created by the expiration of the term of a member. The President shall also, without the necessity of confirmation of the Board of Directors, appoint a replacement member of the Hearings Committee to fill any vacancy created by the removal, death, incapacity or resignation of a member; provided that such appointment shall be effective only until the next regular meeting of the Board of Directors, at which time an appointment shall be made by the President, with the confirmation of the Board of Directors, of a member to serve the unexpired term of the removal, deceased, incapacitated or resigned member. The President shall also appoint, without necessity of confirmation by the Board of Directors, a temporary member of the Hearings Committee to serve in the case of a conflict of interest or temporary inability to serve on the part of any permanent member of the Committee. The most senior member of the Hearings Committee, in length of service thereon, shall serve as Chairman of the Committee, except as to the first and second Committees, who's Chairman shall be appointed by the President.

**4. Conduct of Hearings.**

**a. Time of Hearings.** Hearings of matters referred to the Hearings Committee shall occur at such times and places as the Chairman of the Hearings Committee shall determine; provided that, except for the inability of a member to attend, all such hearings shall begin not more than thirty (30) days after the matter to be heard is referred to the Committee.

**b. Quorum.** A quorum of the Hearings Committee for conduct of a valid hearing shall be all members of the Committee.

**c. Rules of Conduct.** The Hearings Committee shall establish rules for regulation of its functions and rules of conduct for hearings, which shall be outlined to participants before commencement of any hearing; but formal rules of procedure and evidence need not be adopted or observed.

**d. Burden and Standard of Proof.** In all hearings before the Hearings Committee, the party demanding such hearing shall have the burden of proving his case by a preponderance of the evidence. The Committee shall judge the credibility of all witnesses and exhibits.

**e. Parties.** The Association, through its Executive Vice President, and those persons and entities entitled to receive Notice of Proposed Action and Opportunity for Hearings, shall be designated as parties in the hearing.

**f. Definitions.** In hearings conducted before the Hearings Committee, where words appear which have been defined by the Board of Directors of the Association, the Hearings Committee shall apply to such words the definitions given them by the Board of Directors. In all other cases, words shall be given their usual and common sense meanings.

**g. Rulings.** The rulings of the Hearings Committee shall be made upon the majority vote of the members of the Committee. A member of the majority shall, if the rulings be made while the hearing is in session, state the rulings of the Committee and a brief summary of the basis for such rulings. If the rulings of the Committee be made after the adjournment of the hearing, a member of the majority shall make a written report of the rulings of the Committee and a brief summary of the basis for such rulings to all parties and to the Executive Vice President of the Association within fifteen (15) days after adjournment. Mailing of such report shall be made by certified mail, return receipt requested, to the addresses of the parties as shown on the records of the Hearings Committee.

**h. Counsel.** Any party is entitled to be represented by counsel in matters coming before the Hearings Committee. ASA Rules & Bylaws 17

#### **5. Action of Hearings Committee.**

a. If the Hearings Committee concludes that the Association should take no action, the Executive Vice President shall cause the file of the matter to be retained, but shall take no further action. The cash deposit for costs shall be returned to the party posting the same.

b. If the Hearings Committee concludes that the action proposed in the Notice of Proposed Action, as modified by the Hearings Committee, should be taken, the Executive Vice President shall cause such action to be taken as soon as practical unless, within five (5) days after the letter of announcement of, or mailing by Certified Mail of the rulings of the Hearings Committee, the Executive Vice President receives written demand from any party appearing before the Hearings Committee for arbitration, accompanied by the prescribed cash deposit for costs. Unless a timely and proper demand for arbitration is made, the rulings of the Hearings Committee shall be in all respects a final determination as to the facts alleged in the Notice of Proposed Action.

### **C. ARBITRATION**

**1. Right to Arbitration.** Any party aggrieved by a ruling of the Hearings Committee shall be entitled to have the issues determined by arbitration pursuant to the Commercial Arbitration Rules of the American Arbitration Association and rules adopted by the Board; provided that demand for such arbitration is made and received by the Executive Vice President of the Association within five days after the later of the adjournment of

the Hearings Committee hearing on the subject or the mailing of the written report of the rulings of the Hearing Committee to the party demanding arbitration. If timely and proper demand for arbitration is received by the Executive Vice President, the Executive Vice President shall take appropriate action to cause the issues to be submitted to arbitration.

**2. Allegations Not Proved.** If the arbitrator finds that the allegations contained in the Notice of Proposed Action to have not been proved by a preponderance of the evidence, the Executive Vice President shall cause the file of the matter to be retained, but shall take no further action. The cash deposit for costs shall be returned to the party posting the same.

**3. Allegations Proved.** If the arbitrator finds that the allegations contained in the Notice of Proposed Action have been proved by a preponderance of the evidence, such finding shall be in all respects a final determination as to the facts alleged in the Notice of Proposed Action. The Executive Vice President, as soon as practical, shall effect such action as is directed by the Board of Directors.

**4. Rulings of Arbitrator.** As soon as practical after a hearing, the arbitrator shall make written findings of fact, which shall be binding upon the parties and the Board of Directors, if there is any evidence in the record to support such findings, and recommendations for action, which shall be forwarded to the Executive Vice President of the Association. Notwithstanding anything to the contrary contained herein, in the case of genetic abnormalities, if the arbitrator finds that an animal is a confirmed carrier of a Class I, Class II or Class III genetic abnormality, he shall make no recommendations for action and the Executive Vice President shall immediately effect such action as is prescribed for the classification.

#### **D. HEARINGS BEFORE THE BOARD OF DIRECTORS**

**1. Hearings Before the Board of Directors.** Recommendations for action of an arbitrator to the Board of Directors of the Association shall be acted upon in accordance with the following procedures:

**a. Time of Hearings.** Action upon recommendations of an arbitrator shall be taken by the Board of Directors at its first meeting following the receipt of the recommendations from such arbitrator.

**b. Quorum.** A valid hearing may be held before a majority of the members constituting the Board of Directors of the Association.

**c. Rules of Conduct.** The President shall establish rules of conduct for hearings, which shall be outlined to participants before commencement of any hearing; but formal rules of procedure and evidence need not be adopted or observed. No evidentiary hearing shall occur and issues shall be limited to those affecting the decision of the Board of Directors to accept, modify or reject the recommendations for action made by the arbitrator.

**d. Parties.** Parties to such hearings before the Board of Directors shall be those persons and entities in the hearing before the Hearings Committee.

**e. Rulings.** The rulings of the Board of Directors shall be made upon the majority vote of the members of the Board of Directors conducting such hearing. A member of the majority shall, if the rulings be made while the hearing is in session, state the rulings of the Board of Directors and a brief summary of the basis for such rulings. If the rulings of the Board of Directors be made after the adjournment of the hearing, a member of the majority shall make a written report of the rulings of ASA Rules & Bylaws 18

the Board of Directors and a brief summary of the basis for such rulings to all parties and to the Executive Vice President of the Association within fifteen (15) days after adjournment. Mailing of such report shall be made by certified mail, return receipt requested, to the addresses of the parties as shown on the records of the Board of Directors.

**f. Counsel.** Any party is entitled to be represented by counsel in matters coming before the Board of Directors.

## **RULE IX**

### Unethical Practices

#### **A. UNETHICAL PRACTICES**

The Board of Directors has determined that the following practices are unethical:

1. The neglect or refusal of any member to perform any duty made applicable to such member by the Articles of Incorporation of the Association, its Bylaws or these Rules.
2. The representation by or on behalf of a member of any Salers animal as being of any age, descent, or other material attribute known by such member to be untrue.
3. The representation by or on behalf of a member of any Salers animal as being polled, when such animal is in fact horned or scurred; or the representation by or on behalf of a member of any Salers animal as scurred when in fact such animal is horned.
4. The sale by or on behalf of a member of any Salers animal, semen from any Salers bull, embryos produced by any Salers animal, or breeding interests in any Salers animal which is a confirmed carrier of any genetic abnormality, as defined by the Rules of the Association, unless, prior to such sale, the prospective purchaser is informed of such confirmation.
5. The neglect or refusal of an owner of a Salers animal who is a member to promptly and properly transfer a Salers animal to the purchaser of such animal, when such transfer was an element of the sale.

#### **6. Unethical Show Ring Practices.**

To maintain a high degree of confidence in its livestock shows, the American Salers Association reserves the right to disqualify any animals which have been fitted in an unethical manner. Unethical fitting shall include any injection of gas, solid or liquid under the skin to alter the normal conformation. It shall include also any cutting or tearing of the hide or underneath the hide or removal of tissue in an attempt to alter the shape or the animal. It shall also include attempts to disrupt or change normal dental development as well as dying or coloring of the individual animals, which alters their natural coloration; also artificial tail heads or polls. Any attempts to change the degree to firmness of any animals shall also be considered unethical. Artificial means of filling cattle internally is prohibited.

#### **B. PENALTIES FOR VIOLATION**

1. Any member demonstrated by a preponderance of the evidence to have engaged in any practice proscribed by Section A. of this Rule shall be subject to such penalties as are determined by the Board of Directors.
2. No member shall be penalized under this Section unless such member is first given Notice of Proposed Action and Opportunity for Hearing, pursuant to Rule VII.
3. Any person, firm or organization, not a member, who shall be shown by a preponderance of the evidence to have engaged in any practice proscribed by Section A.

□

of this rule, may, after receipt of Notice of Proposed Action and an Opportunity for Hearing, be denied membership in the Association. ASA Rules & Bylaws 19

**TABLE OF ELIGIBILITY**

**% SALERS % SALERS% SALERS OFFSPRING  
SIRE or DAM X DAM or SIRE = FEMALES MALES**

Fullblood X Fullblood = Fullblood Fullblood

Fullblood X 93.75% PB = Purebred Purebred

Fullblood X 87.5% = Purebred Purebred

Fullblood X 75% = 87.5% 87.5%

Fullblood X 50% = 75% 75%

Fullblood X 0% = 50% 50%

Purebred X Fullblood = Purebred Purebred

Purebred X 93.75% PB = Purebred Purebred

Purebred X 87.5% = Purebred Purebred

Purebred X 75% = 87.5% 87.5%

Purebred X 50% = 75% 75%

Purebred X 0% = 50% 50%

87.5% X Fullblood = Purebred Purebred

87.5% X 93.75% PB = Purebred Purebred

87.5% X 87.5% = 87.5% 87.5%

87.5% X 75% = 81% 81%

87.5% X 50% = 68.5% 68.5%

87.5% X 0% = 43.75% 43.75%

75% X Fullblood = 87.5% 87.5%

75% X 93.75% PB = 87.5% 87.5%

75% X 87.5% = 81% 81%

75% X 75% = 75% 75%

75% X 50% = 62.5% 62.5%

75% X 0% = 37.5% 37.5%

50% X 50% = 50% 50%

50% X 0% = 25% 25%

25% X 0% = 12.5% 12.5%

**MINIMUM PERCENTAGE SALERS**

**CONVERSION TABLE BLOOD FOR REGISTRATION**

Fraction Percentage Male Female

3/8 37.50% Fullblood = FB 100% 100%

7/16 43.75% Purebred = PB 93.75% 93.75%

1/2 50% Percentage 75% 50%

3/4 75% Optimizer 12.5% 12.5%

7/8 87.50% Not Registered = N/R <12.5% <12.5%

15/16 93.75%

The Registration Certificates.

Fullblood animals are considered 100% when calculating the average percentage of Salers blood in their offspring.

One hundred percent (100%) will be used for the percentage of Salers blood in the 93.75% Purebred bulls and 93.75% Purebred females when figuring the percentage of Salers blood in their offspring (their offspring will never be considered Fullblood Salers).ASA Rules & Bylaws 20

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**ARTICLE I  
PRINCIPAL OFFICE**

The principal business office of the American Salers Association shall be 19590 East Mainstreet, Number 202, Parker, Colorado 80138, or such other place or places as the Board of Directors may determine.

**ARTICLE II  
PURPOSES**

The purposes of the American Salers Association are as set forth in the Articles of Incorporation thereof and include the development, registration and promotion of the Salers breed of cattle in the United States. Performance recordation is an integral part of registration and, therefore, closely tied to development of the Salers breed.

The Salers breed is defined as those cattle developed for centuries in Central France, with the Salers Herd Book established in 1906.

**ARTICLE III  
MEMBERSHIP**

**Section 1. Qualification.** Any reputable breeder or owner of Salers or Salers-influenced cattle may become a member of this Association upon application for membership and payment of such dues as are established by the Board of Directors. A corporation or a partnership or firm composed of two or more members may become a member of this Association with all the rights and privileges, and subject to all the duties and obligations of individual members. The Association may decline to accept a membership if the name thereof is similar to the name of any membership already of record.

**Section 2. Withdrawal.** A member of the Association in good standing may withdraw from membership by giving the Association notice in writing or by requesting that the membership be removed from the list of members, and upon receipt of any such notice or request, the membership shall terminate; provided, however, that after charges has been

preferred against a member, the right of such member to withdraw from membership shall be suspended until the conclusion of all proceedings in connection with such charges, unless the Board of Directors otherwise directs.

**Section 3. Transfers of Memberships and Membership Name Changes.** A membership may be transferred or the name of a membership may be changed only as provided by rules adopted by the Board of Directors.

**Section 4. Herd Letters.** Every membership in the Association shall have assigned to it discrete herd identification letters, which shall be assigned pursuant to rules adopted by the Board of Directors.

**Section 5. Annual Meeting.** The annual meeting of the membership of the Association shall be held at such place and at such time as is determined by the Board of Directors, provided that no more than 15 months shall elapse between any two successive annual meetings. The Executive Vice President shall cause written notice of the time and place of each annual meeting of the membership to be given to each member of record of the Association at the time of the giving of such notice, at least 60 days prior to time of such meeting. Those members present at an annual meeting shall constitute a quorum for the transaction of any business.

#### **ARTICLE IV BOARD OF DIRECTORS**

**Section 1. Qualification.** Any individual who is a member of the Association or who is a partner or shareholder of an organization which is a member of the Association, is eligible to be a director of the Association.

**Section 2. Number and Term of Office.** The board of directors shall consist of twelve members. One director shall be elected from each of the nine geographical regions shown on Exhibit A, and three directors shall be elected at-large. Three regional directors and one at-large director shall be elected each year for three-year terms.

**Section 3. Election.** Each year, each regular member of the corporation shall be entitled to vote for the election of one regional director and one at-large director. Elections shall be conducted by mail prior to each annual meeting of members in accordance with Election Rules adopted by the board of directors in accordance with these Bylaws. The election Rules shall provide for the following:

a. **Nomination procedures.** The nomination procedures shall allow any member to nominate himself/herself to be nominated by any other member, provided that the nominee signs a statement indicating a willingness to serve if elected. The statement also shall specify whether the nominee is a candidate for a regional election or an at-large election. Nominees for the election of a regional director shall reside or operate primarily in that region.

b. **Balloting.** The balloting procedures shall specify the form of ballots and shall provide for all ballots to be returned to an independent Inspector of Elections for tabulation prior to the annual membership meeting. The names of all eligible candidates who have submitted statements indicating a willingness to serve shall appear on the ballot form. The ballot form also shall provide for write-in candidates. The Inspector shall ensure that ballots for regional candidates are cast only by members located in the corresponding regions, and that each member is allowed to cast only one ballot.

c. **Certification of results.** At or before the annual meeting, the Inspector of Elections shall publish and certify the results of the election. The candidate receiving the highest

number of votes in a regional election shall be declared elected, and the candidate receiving the highest number of votes in the at-large election shall be declared elected.

**Section 4. Powers.** The Board of Directors shall supervise, control and direct the property, business, affairs and activities of the Association; shall determine the Association policies within the limits of the law of Minnesota, of the Association's Articles of Incorporation and these Bylaws; shall set the dues and fees of the Association; shall actively pursue its corporate powers and purposes, and shall have absolute discretion in the disbursement of its funds; provided, however, that the Board of Directors shall not authorize the Association to conduct any activity not permitted to be transacted by a nonprofit corporation under the laws of the State of Minnesota or under Section 501, et seq. of the Internal Revenue Code, and all income and property shall be applied exclusively to the nonprofit purposes of the Association, and no part thereof shall inure to the benefit of any private member or individual. The Board of Directors may adopt such rules for the control and conduct of the property, business, affairs and activities of the Association as it shall deem advisable including, but not limited to, rules relating to entries and transfers of cattle, payment of fees, offenses and penalties, dispute resolution, genetic abnormalities and unethical practices. It shall, at its annual meeting, elect the officers of the Association, appoint the Executive Vice President of the Association, and shall fix the compensation to be paid to officers of the Association. Through the Executive Vice President of the Association, the Board of Directors shall present to each annual meeting of the membership a detailed operating report and balance sheet of the Association, and shall cause a summary of the operating report and balance sheet to be mailed to any member requesting the same.

**Section 5. Vacancies.** Vacancies in the Board of Directors resulting from the death, resignation, removal, incapacity, or disqualification of any member thereof shall be filled by the remaining directors, and the person chosen to fill such vacancy shall serve the remainder of the unexpired term of his predecessor and until a successor is elected and qualified.

**Section 6. Removal.** Any director may be removed from office for cause by the affirmative vote of the three-fourths of all the other duly qualified acting directors at any meeting of the Board of Directors called for the purpose; provided that a copy of the notice of such meeting is sent at least ten days in advance of such meeting by Certified Mail, addressed to each director, including the director whose removal is to be considered. The Board of Directors shall not consider a motion for removal of a director unless the basis for such motion shall be in writing and signed by the person or persons proposing such removal and filed with the Association at least 20 days prior to the date of the meeting at which such removal is to be considered. The director to be removed shall have the right to confront the person proposing his removal and shall be given the opportunity to show cause why he should not be removed; but the remaining members of the Board of Directors shall determine the existence of cause for removal and only they shall be entitled to vote on the issue. Upon removal of a director, the office shall be declared vacant and such vacancy shall be filled in a manner described for other vacancies, except that the removed director shall not be eligible for appointment to fill such vacancy.

Any director who is absent from two consecutive meetings of the Board of Directors shall be subject to removal from the Board at the third meeting, and the issue of his removal

shall appear on the agenda for discussion and vote without written notice to such director or otherwise.

**Section 7. Resignation.** Any director of the Association may resign at any time by giving written notice to the President of the Association. Should the president resign, he shall give the required notice to any vice president of the Association. Such resignation shall take effect upon the receipt of such notice, or at any later time specified in the notice. The acceptance of such resignation shall not be necessary to make it effective.

**Section 8. Compensation.** No director shall receive compensation for any services rendered to the Association in his capacity as a director. However, directors may be reimbursed for their actual expenses incurred in the performance of their duties and provided further that directors who are also officers of the Association may be compensated for services rendered in their capacities as officers.

**Section 9. Meetings of the Board of Directors.**

a. Regular meetings of the Board of Directors may be held at such times and at such places as the Board of Directors may determine. Special meetings of the Board of Directors may be held at such times and places as a majority of the Board of Directors or the President may determine.

The annual meeting of the Board of Directors shall be held immediately following adjournment of the annual meeting of the membership.

b. Written notice of each regular and special meeting of the Board of Directors shall be mailed or faxed or ASA Rules & Bylaws 24 emailed, to each director at least ten days in advance of such meetings. Notices of such meetings shall state the time, place and purpose thereof.

c. All directors present and voting at any meeting of the Board of Directors shall be deemed to have waived any objections as to the time, place or conduct of such meeting, and to the sufficiency of the notice thereof, unless notice of the specific objection shall have been given to the Board of Directors in writing before such director participates in any business or vote at such meeting. The directors may waive in writing the necessity of notice of any meeting.

**Section 10. Quorum and Manner of Acting.** One-third of the directors elected or appointed to office at the time of any meeting of the Board of Directors shall constitute a quorum for the transaction of business at such meeting, and the acts of a majority of the directors present at any such meeting at which a quorum is present shall be the acts of the Board of Directors. In the absence of a quorum, a majority of those directors present may adjourn the meeting from time to time until a quorum is had. The directors present at a duly called or convened meeting at which a quorum is present may continue to transact business until adjournment, notwithstanding the withdrawal of sufficient directors to leave less than a quorum. Notice of any adjourned meeting need not be given. Any action, which might be taken at a meeting of the Board of Directors, may be taken without a meeting if the actions taken be committed to writing and signed by all directors.

**Section 11. Executive Committee.** At each annual meeting of the Board of Directors, the Board of Directors shall elect from among their number two members, who, together with the President, shall constitute the Executive Committee of the Board of Directors. During such times as the Board of Directors is not in session, the Executive Committee shall possess and exercise all of the powers of the Board of Directors, except with respect to the removal of directors. Within five days after each meeting of the Executive

Committee, the President shall mail, fax or email, to each member of the Board of Directors full and accurate minutes of such meeting, and any action of the Executive Committee shall be subject to modification or rescission by the full Board at its next meeting; provided, however, that no rights of third parties shall be affected by such modification or rescission. The President shall fill vacancies in the Executive Committee until the next meeting of the Board of Directors. At the next meeting of the Board of Directors following the occurrence of such vacancy, the board shall elect one of its members to fill the vacancy and to serve until the next annual meeting of the Board of Directors. All members of the Executive Committee must be present at meetings of that committee to constitute a quorum. The Executive Committee may act by unanimous written resolution of its members without a meeting. Meetings of the Executive Committee shall be called by the President upon at least two days' written notice by mail or fax or email, to each member, which notice shall state the time and place of such meeting. The notice need not state the purpose of the meeting, and any business permitted under these Bylaws may be transacted at such meeting.

## **ARTICLE V COMMITTEES**

The Association shall have such temporary and standing committees as may be established by the President with the approval of the Board of Directors, which shall confer thereon such authority and responsibility, as the Board deems appropriate. The number and structure of such committees shall be determined by the President with the approval of the Board.

## **ARTICLE VI OFFICERS**

**Section 1. General.** Officers of the Association shall be elected and appointed by the Board of Directors in accordance with this Article.

**Section 2. Elected Officers.** The elected officers of the Association shall be elected by the Board of Directors from among their number and shall include a president, one or more vice presidents, a secretary, a treasurer, and such assistant or additional officers as the Board of Directors may determine. All such officers of the Association shall be elected by the Board of Directors at the annual meeting thereof and all such terms shall expire at the next annual meeting of the Board of Directors.

**a. President.** The president shall be the chief executive officer of the Association and shall carry out the policies adopted by the Board of Directors. He shall preside at all meetings of the Board of Directors and at the annual meeting of the membership of the Association. He shall, with the approval of the Board of Directors and after consultation with the chair of each committee, appoint members of all committees of the Association. He shall execute documents and contracts in the name of the Association when so authorized by the Board of Directors. The retiring president, if his term as an elected director of the Association has expired, shall be designed an ex officio member of the Board of Directors and of the Executive Committee, without voting power and his attendance at any meeting shall not be considered in determining the presence of a quorum.

**b. Vice President.** The Vice President shall perform ASA Rules & Bylaws 25

the duties of the president in the event of the president's absence or inability to perform.

**c. Secretary.** The Secretary shall see that full, true and correct minutes of all minutes of the Board of Directors and the membership are kept, shall attest the execution of documents by the Association and shall perform such other duties as may be assigned to him by the Board of Directors.

**d. Treasurer.** The Treasurer shall see that full and accurate accounts of all financial transactions of the Association are kept, and shall perform such other duties as may be assigned to him by the Board of Directors.

**Section 3. Appointed Officers.** The appointed officers of the Association shall be appointed by the Board of Directors and shall include an Executive Vice President and such assistant or additional officers as the Board of Directors may determine.

**a. Executive Vice President.** The Executive Vice President shall be the chief administrative officer of the Association and shall conduct its day to day business affairs under the general direction of the Board of Directors; shall administer the Salers Registry in accordance with rules adopted by the Board of Directors. He shall cause all monies belonging to the Association to be deposited in financial institutions approved by the Board of Directors, and shall disburse said monies for Association purposes by checks signed by himself or such other person as the Board of Directors may direct. He shall cause monthly financial statements to be prepared and shall transmit copies of the same to the Board of Directors. He shall give notice of all meetings of the membership and of the Board of Directors. He shall hire, discharge, designate titles for, and fix the duties and compensation of employees of the Association. He shall perform such other duties as may be assigned to him by the Board of Directors. The compensation of the Executive Vice President shall be fixed annually by the Board of Directors.

**b. Other Appointed Officers.** The Board of Directors may appoint such other officers of the Association as it sees fit and shall fix the duties, term of office, compensation and other terms of employment for such officers.

**Section 4. Delegation of Authority.** The Board of Directors may delegate the functions, duties, powers and responsibilities of any officer to any other officer or to any other agent or employee of the Association or other responsible person; provided that, in the event of such delegation, the officer from whom such responsibility has been transferred shall thereafter be relieved of all responsibility for the proper performance of such function or duty and for the proper exercise of such power or responsibility.

**Section 5. Removal.** Any officer elected or appointed by the Board of Directors of this Association may be discharged by the affirmative vote of the majority of the entire Board of Directors with or without cause at any time; but such discharge shall be without prejudice to any contractual rights of such officer.

**Section 6. Vacancies.** Vacancies occasioned by the death, resignation, incapacity or removal of officers of the Association, whether elected or appointed, shall be filled by a majority vote at the next meeting of the Board of Directors called for the purpose and the person chosen to fill such vacancy shall serve until the next annual election of officers or until his successor is elected and qualified.

**ARTICLE VII  
FISCAL YEAR**

The fiscal year of the Association shall begin on October 1 of each year and shall end on September 30 of the following year. An audit of the Association's books and records may be ordered by the Board of Directors or by a majority vote of the membership at an annual meeting.

**ARTICLE VIII  
CUSTODIANS AND DEPOSITORIES**

**Section 1. Custodian of Securities.** The Board of Directors may from time to time approve one or more financial institutions authorized to conduct business in the state of its operations to act for a reasonable compensation as custodian of all securities owned by the Association, and to exercise, in respect thereof, such powers as may be conferred by resolution of the Board of Directors. The Board of Directors may remove such custodian at any time.

**Section 2. Depositories and Checks.** The monies of the Association shall be deposited in such manner as the Board of Directors shall direct in such financial institutions as the Board of Directors may designate, and shall be withdrawn by checks signed in the manner provided by these Bylaws or by resolution of the Board of Directors.

**Section 3. Bond.** Any director, officer or employee of the Association having dominion over the money or securities of the Association shall be bonded at the expense of the Association in such amounts as are determined by the Board of Directors.

**ARTICLE IX  
SEAL**

The Board of Directors shall approve a seal for the Association, which shall be in the form of a circle and which shall bear the words "AMERICAN SALERS ASSOCIATION, Corporate Seal, Minnesota."

**ARTICLE X  
RULES OF ORDER**

The rules contained in the current edition of ROBERTS RULES OF ORDER NEWLY REVISED shall govern the Association where they are applicable and where they are not inconsistent with these Bylaws and Special Rules of Order of the Association.

**ARTICLE XI  
AMENDMENTS**

These Bylaws may be amended by the members of the Association at an annual meeting of the Association by a two-thirds vote, provided that notice of the amendment has been given at the previous annual meeting or in the call.

These Bylaws also may be amended by the Board of Directors of the Association by a two-thirds vote.

**ARTICLE XII  
CERTAIN PRIVILEGES AND RESPONSIBILITIES  
OF MEMBERS AND NON-MEMBERS**

It shall be the duty of each member of the Association to furnish to the Board of Directors and to the Executive Vice President, any and all information in the possession of such member, and to do any reasonable act requested by the Association to cooperate

with and to assist the Board with any inquiry it may make concerning Association business.

Members of the Association agree to be bound by all of the provisions of the Articles of Incorporation, Bylaws and Rules of the Association, as amended from time to time, and by all decisions and actions of the Board of Directors, and the same shall be deemed a contract between the Association and such member and any of its partners, shareholders and directors. Non-members of the Association who file registration applications and other documents with the Association, or who utilize the services of the Association do thereby agree to be bound by and subject to all of the provisions of the Articles of Incorporation, Bylaws and Rules of the Association, as amended from time to time, and by all decisions and actions of the Board of Directors, to the same extent as members of the Association are bound by the same.

Any person, by availing himself of the services of the Association, shall be conclusively deemed to have agreed, if unsuccessful in any attempt to overturn decisions or actions of the Association or to challenge the authority therefore, to reimburse the Association in full for its reasonable attorney's fees, court costs, and other expenses incurred by the Association in the matter. In addition, every such person shall be conclusively deemed to have agreed that any suit brought against or in any way involving the Association, its Board of Directors, Executive Committee, Officers, Committee Members, Employees, Agents, Contractors or Volunteers shall be brought only in the United States District Court for the District of Colorado or in the District Court for the City and County of Denver, State of Colorado, and that no such suit shall be brought in any other forum.

### **ARTICLE XIII**

#### **NON-LIABILITY OF ASSOCIATION**

The Association, its Board of Directors, Executive Committee, Officers, Committee Members, Employees, Agents, Contractors and Volunteers, shall be entitled to rely on information submitted by members with regard to all Association activities and services, including the registration of animals, transfer of registration, and in all other matters related to the Association activities and services and all such information shall be deemed a representation that such information is, to the provider's best knowledge and belief, true, accurate and complete. Neither the Association, nor its Board of Directors, Executive Committee, Officers, Committee Members, Employees, Agents, Contractors or Volunteers shall be liable to any person in damages or otherwise for the consequence of any act or omission connected with the performance of their duties to or for the Association, including, but not limited to, the issuance of any certificate of registration, refusal to issue or to transfer any certificate of registration, the cancellation of any certificate of registration, the refusal to approve any application for membership in the Association, any disciplinary proceedings brought against or penalties imposed upon any member or other person or for any other activity engaged in by or on behalf of the Association. ASA Rules & Bylaws 27

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