



## **AUSTRALIAN SHEPHERD CLUB OF AMERICA, INC.®**

PO Box 3790  
Bryan, TX 77805-3790  
[www.asca.org](http://www.asca.org)

(979) 778-1082  
FAX (979) 778-1898  
asca@tca.net

### Secretary's Report

August 1-31, 2000

This report details the day to day activities of the ASCA Board of Directors and includes issues before the ASCA Board and communications done by mail, fax, email and/or phone

93:19 BOARD POLICIES--Conflict of Interest policy

Motion by Warren, second by Trumbull-Clark

I move to add the following Conflict of Interest Policy to the ASCA Policy Book.

### CONFLICT OF INTEREST POLICY

Employees and board members have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This statement is directed to all board members, officers, volunteers and employees who can influence the actions of ASCA. This policy establishes only the framework within which ASCA wishes its business to operate. The purpose of these guidelines is to provide general direction so board members, volunteers and employees can seek further clarification of issues related to the subject of acceptable standards of operation.

The board, officers, volunteers and employees have the responsibility of administering the affairs of ASCA honestly, prudently and exercising their best care, skill and judgment for the sole benefit of ASCA. Those persons shall exercise the utmost good faith in all transactions involved in their duties and they shall not use their positions(s) with ASCA or knowledge gained for their or others personal benefit. The interests of the organization must have the first priority in all decisions and actions.

An actual or potential conflict of interest occurs when a board member, volunteer or employee is in a position to influence a decision that may result in a personal gain for the employee, board member, officer, relatives or competing or affinity organizations as a result of ASCA's business dealings.

No "presumption of guilt" is created by the mere existence of a relationship with an outside organization. However, if a Board member, volunteer or employee has a relationship with an outside organization or club and has any influence on transactions involving purchases, contracts, leases or decision making this must be disclosed so safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee, board member, volunteer or relative has a significant relationship with another organization that either does business with ASCA or is a competitor of ASCA but also when an employee, board member or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transactions of business dealings involving ASCA.

ASCA trade secrets, including, but not limited to, materials, products, designs, plans, ideas, and data are the property of ASCA and should never be given to an outside organization or individual except through normal channels and with appropriate authorization.

Conflicts of interest may arise in the relations of directors, officers, volunteers and employees with any of the following third parties:

1. Persons and firms supplying goods and services to ASCA.
2. Persons and firms from whom ASCA leases property and equipment.

3. Persons and firms from whom ASCA is dealing or planning to deal with.
4. Competing or affinity organizations.
5. Donors and others supporting ASCA.
6. Agencies, organizations and associations which affect the operations of ASCA.
7. Family members, friends and other employees.
8. Holding office, serving on the board, participating in management or being otherwise employed (or formally employed) in any third party dealing with ASCA.

The areas of conflicting interest listed are not exhaustive. Conceivably, conflicts might arise in other areas or through other relations. It is assumed that board members, volunteers and employees will recognize such areas and relations by analogy and immediately disclose any conflicts. In such circumstances an employee or volunteer must, and board members should, remove themselves from the discussion and approval of the transactions.

Any improper transfer of materials or disclosure of information, constitutes unacceptable conduct. An employee or volunteer who participates in such a practice shall be subject to disciplinary action, up to and including dismissal.

Comment: Directors, volunteers and employees must avoid conflicts of interest while representing, working for or making decisions for ASCA. In order to do this a policy is needed to make clear what a conflict of interest is, and what board members, volunteers and employees should do to avoid acting inappropriately in a conflict of interest situation.

This policy will replace policy #26 which states "Anytime sensitive material comes before the ASCA Board, regarding a member of the Boards' immediate household, that Board Member will be omitted from all discussion, written or oral." According to our attorney "It's a matter of whether it is appropriate from an ethical standpoint, but the BOD does not have the power to eliminate a board member from voting from a legal standpoint." If we should decide to eliminate board members from voting on specific issues then the by-laws must be changed first.

Voting:

Approve: Berryessa, Gray, Rossy, Toft, Trumbull-Clark, Warren

Disapprove: Martin, Tubbs

Non-voting: Hawley

Motion is approved

#### 93:19 BOARD POLICIES--Jacket/merchandise policy

Motion by Toft, second by Warren

I move to accept the following Board policy:

Upon taking office each new Director will receive, at ASCA's expense, a personalized jacket or briefcase containing the ASCA logo and the Director's name. Source and type of jacket or briefcase to be determined by the current Board. Any choices as to color, style, etc. may be made by the Director for whom the jacket or briefcase is being purchased.

Cost of jacket or briefcase will not exceed \$100. The ASCA Board will be responsible for appointing someone to handle ordering.

Directors will not receive discounts on any ASCA merchandise.

Comments: Purchase of jacket or briefcase for new Directors has been traditional with past Boards but should be put into writing for future Boards. For the time being, a specific policy denying special discounts for Directors on other ASCA merchandise is necessary to affirm that a prior "tradition" is being changed.

Voting:

Approve: Berryessa, Martin, Rossy, Toft, Trumbull-Clark, Tubbs, Warren

Abstain: Gray

Non-voting: Hawley

Motion is approved

#### 93:19 BOARD POLICIES--Jrs.

Motion by Berryessa, second by Warren

I move that the following policy replace policy number 102:

## ASCA Junior Program Awards:

US Savings Bonds Series I will be issued for Junior Merit award winners starting for the 1999-2000 Junior year in the following amounts:

\$75 for the High Score Winners (8 plus any ties)  
\$25 for the Over-All High Score Winners (4 plus any ties)  
\$75 for All-Around Junior

The ASCA Office Manager will make the arrangements to have the bonds sent to the respective juniors.

The ASCA Office Manager will also arrange for certificates to be sent to Juniors who have achieved one or more of the following: Highest pointed Junior in each age division in each region, High Score winners, Over-All High Score winners, Degrees of Excellence, 500 Club, Titles earned on dogs. These Juniors will also be recognized in an issue of the Times that will feature a photo of the Junior with or without their dog. The Aussie Times editor will advise the ASCA office of the deadlines for receipt of the photo for inclusion in the Times, so that this information can be included with the certificates.

500 Club members will receive an ASCA Jacket with their name embroidered on it. The Junior Liaison will make arrangements to have the jackets delivered.

The ASCA All-Around Junior will also receive airfare or mileage, whichever is less expensive, to the National that immediately follows completion of the Junior year. The Junior will be responsible for airfare for any dogs brought, lodging and meals.

The Junior Liaison should also communicate with the ASCA office in making sure the awards and certificates are done.

Comment: Having all the Junior awards in one policy should help ensure that the awards are delivered in a timely manner.

Voting:

Approve: Unanimous

Motion is approved

## 93:19 BOARD POLICIES--Voting

Motion by Trumbull-Clark, second by Toft

I move to delete ASCA Board Policies #: 33, 35, 41, 52, 54, 55, 64, 112 and amend ASCA Board Policy #51 to read:

### PROCEDURES FOR MOTIONS/VOTING

1. Face to face Board meetings and telephone conference call Board meetings shall be conducted in accordance with Roberts Rules of Order Newly revised. E-mail business will be conducted in accordance with the following.
2. All motions must be sent to the Executive Secretary for distribution to the Board of Directors by e-mail or fax.
3. A motion will not be sent to the Executive Secretary without a second.
4. Explanation of the motion or author's comments may be in a "Comments" portion which shall be included immediately after the main motion. Any motion's comments will be included in the Secretary's Report for the benefit of the membership.
5. Motions affecting the ASCA Business Office, Aussie Times editor, ASCA Executive Secretary, any Program Committee and/or the ASCA Webmaster will be sent to the affected office/committee or individual prior to the start of the Board comment period. The office, committee or individual will have three (3) business days to forward comment(s) to the Executive Secretary for inclusion with the main motion when distributed to the Board.
6. The Executive Secretary will forward all motions which are ready for Board comment to the Board and the ASCA Webmaster (except for those dealing with confidentiality) by the following business day. The Webmaster shall post the motions as soon as possible to the website.

7. There will be a five (5) day "Comment Period" for each motion (unless it is an Emergency Motion). The Executive Secretary will indicate the date on which the Comment Period ends when sending the original motion.
8. Directors are encouraged to comment early during the Comment Period so there will be ample time for response from the author or committee (if the motion is committee generated).
9. Amendments or withdrawal of motions must be made prior to the call for votes.
10. The next business day following the end of the Comment Period, the Executive Secretary will issue a call for votes. The "Voting Period" will be three (3) days for each motion (unless it is an Emergency Motion). The Executive Secretary will indicate the vote deadline date. Votes received after midnight on the deadline date will not be counted. Votes received with contingencies or conditions will not be counted. Votes may be registered via e-mail, fax or phone. Phone votes must be confirmed in writing to the Executive Secretary.
11. If a Director chooses to write a "Letter of Dissent" it must be included with their vote and titled "Letter of Dissent". All Letters of Dissent will be included in the Secretary's Report.
12. The Executive Secretary will tally all votes received by the deadline date and notify the Board of Directors and the ASCA Webmaster of the voting results the following business day. Directors vote will not be disclosed prior to voting deadline by the ASCA Executive Secretary. The Webmaster shall post the voting results of motions previously posted to the Website on ASCA's Website as soon as possible.
13. Saturdays, Sundays and U.S. National holidays shall not be included in the five day Comment Periods, the three day Voting Periods (unless it is an Emergency Motion) or the reporting of vote results.

Comments: We have numerous policies dealing with procedures for handling motions, comment periods and voting scattered through our policy book. The relevant parts of the above named policies that are to be deleted are included in the proposed motion. By combining several policies into one should make the whole process less confusing. The major change made in this proposal is that the three day voting period shall not include weekends or holidays as has been previously required.

Voting:

Approve: Rossy, Toft, Trumbull-Clark

Disapprove: Gray, Martin, Warren

Non-voting: Berryessa, Hawley, Tubbs

Motion is defeated

00:09 BREED STANDARD ANNOTATIONS--National Specialty Pre-Shows

Motion by Warren, second by Gray

I move to accept the following recommendation from the Conformation Committee:

**NATIONAL SPECIALTY PRE-SHOWS RESTRICTED TO SPECIALTY STATUS:**

Add to Show Rules as follows:

**CHAPTER 5 SPECIALTY SHOW**

**Section 5.1**

c. All Shows held in association with the National Specialty shall be conducted as Specialty shows and all Specialty rules shall apply.

Comments: Sheila Hall made a motion and Gemi Brickson seconds it: Due to the sheer number of entries and their association with our Nationals, it has been recommended that all ASCA National Pre-shows be hosted as Specialties in order to facilitate organization on the day of the event and prevent backlogs at the entry tables and delays in hosting of the Pre Show events. Recommended Effective Date: January 2001

FOR: Sheree Sanchez, Gemi Brickson, Liz Gibson, Lydine Denzine, Denise Creelman, Sheila Hall, Kim Cochran

AGAINST: Wendy Finsterwalkd, Shelly Hollen, Mary Hellmeister, Beth Ellen Roop, Teena Meadors

Board voting:

Approve: Rossy

Disapprove: Berryessa, Gray, Martin, Toft, Trumbull-Clark, Tubbs, Warren

Non-voting: Hawley

Motion is defeated

#### 00:09 BREED STANDARD ANNOTATIONS--NonRegular Class Status

Motion by Warren, second by Gray

I move to accept the following recommendation from the Conformation Committee:

#### NON REGULAR CLASS STATUS IN REGARDS TO BEST OF BREED (VETERANS)

Add the following statement to the ASCA Show Rules and Regulations, effective immediately:

"Chapter 4, Section 4:13 (new bullet) g: Non-regular class winners shall not become eligible to move on to any regular conformation class by virtue of their non-regular class award."

Effective Immediately.

Comment: This is to clarify ASCA's position regarding eligibility for the National's Best of Breed class.

FOR: Wendy Finsterwald, Shelly Hollen, Gemi Brickson, Mary Hellmeister, Lydine Denzine, Denise Creelman, Sheila Hall, Beth Ellen Roop, Teena Meadors

AGAINST: Sheree Sanchez, Liz Gibson

ABSTAIN: Kim Cochran

Board voting:

Approve: Unanimous

Motion is approved

#### 97:14 DNA & GENETICS COMMITTEE--Corrective Measures Rule

Motion by Gray, second by Warren

I move to approve the following from the DNA Committee:

#### ASCA DNA Corrective Measures Rule

This rule shall become effective July 1,2001 and placed in the Registry Rules.

Part 1: Voluntary DNA Corrective Measures:

(Discovery of incorrectly registered genetic relationships through voluntary initiation of investigative procedures)

Background: Historically, the Australian Shepherd Club of America, Inc. (ASCA), has determined implementing fines and/or other punitive damages for parental discrepancies discovered through the voluntary DNA process would not be in the best interest of the Club or its members. The ASCA Board of Directors has consistently utilized a non-punitive policy in each case of voluntary DNA testing prior to the below-referenced formal written rule. At this time the ASCA Board of Directors believes it to be in the best interest of the Club and its members that a written rule reflecting this non-punitive policy be drafted and implemented. This would, in effect, formalize into rule, a policy that clearly states no fines or penalties will be levied upon members which voluntarily and cooperatively assist ASCA in its pursuit of the true genetic relationships of dogs presumed to be Australian Shepherds when such relationships are investigated through the ASCA DNA Parentage Verification Program.

Rule: ASCA will not impose fines, and/or other punitive damages (which may include loss of club membership status or standing) for parental discrepancies discovered through the voluntary DNA process. 1,2

Part II: Involuntary DNA Corrective Measures:

(Discovery of incorrectly registered genetic relationships through involuntary investigative procedures.)

Background: In order to prevent purposeful concealment, fraudulent presentation of fact, misrepresentation, or misconduct of any type relating to the actual and true relationships of dogs recorded within the official Registry of the Australian Shepherd Club of America, Inc. (ASCA), and to maintain the integrity of the Registry now and in the future, ASCA

believes a rule which promotes voluntary DNA testing and honest reporting of genetic relationships and which dissuades secrecy, incompetent management and fraudulent behavior, is in the best interest of ASCA, its members, its registry and the Australian Shepherd breed.

Rule: For any DNA investigation procedure initiated by any means other than ASCA's Voluntary DNA Program the following will apply: Should it be determined as a result of an involuntary DNA investigative procedure, that dog(s) have been incorrectly registered within the official ASCA Registry, the following criteria and associated actions will apply to the individual(s) responsible for the registry error: 3

1) If as a result of one or more cumulative investigation processes, a single litter has been determined to have been registered incorrectly by a Breeder of Record, Stud Owner and/or other responsible individual within a 5 year period, the following shall apply:

A) The Breeder of Record, Stud Owner, and/or other responsible individual will be required to DNA Profile all current breeding stock (including progeny produced from breedings between dogs owned by themselves or resulting from breeding between their dogs and dogs owned by others) which are owned, co-owned, leased, or in any other way in the legal custody of said person and/or associated in any other way with breeding of such dogs. Profiling of dogs must be performed within 6 months of custodial care and/or production of stock, whether custodial care and/or production of progeny resulted from purchase or other means of custody, control or other means of influence, including but not limited to collaboration, collusion, coercion, conspiracy, verbal agreement, and intent to falsify or defraud.

B) All costs incurred by any party to discover the correct relationships or such dog(s) will be paid for by the individual(s) responsible for such errors as determined through the investigative process. Failure to cover such costs will result in immediate revocation of all ASCA privileges until and unless such obligations are met.

2) If, as a result of one or more cumulative investigative processes, two litters have been determined to have been registered incorrectly by a Breeder of Record, Stud Owner and/or other responsible individual within a 5 year period, the following shall apply:

A) The responsible individual(s) will be required to DNA Profile all current AND future breeding stock for a period of 5 years (including progeny produced from breedings between dogs owned by themselves or resulting from breeding between their dogs and dogs owned by others) which are owned, co-owned, leased, or in any other way in the legal custody of said person and/or associated in any other way with breeding of such dogs. Profiling of dogs must be performed within 6 months of custodial care and/or production of stock whether custodial care and/or production of progeny resulted from purchase or other means of custody, control or other means of influence, including but not limited to collaboration, collusion, coercion, conspiracy, verbal agreement, and intent to falsify or defraud.

B) The individual(s) responsible for such registration errors will be Subject to a \$250 fine and 3 months suspension from all ASCA privileges.

C) All costs incurred by any party to discover the correct relationships of such dog(s) will be paid for by the individual(s) responsible for such errors as determined through the investigative process. Failure to cover such costs will result in immediate revocation of all ASCA privileges until and unless such obligations are met.

3) If as a result of one or more cumulative investigation processes, three or more litters have been determined to have been registered incorrectly by a Breeder of Record, Stud Owner, and/or other responsible individual within a 5 year period, the following shall apply:

A) The responsible individual(s) will be required to DNA Profile all current AND future breeding stock for a period of 10 years (including progeny produced from breedings between dogs owned by themselves or resulting from breeding between their dogs and dogs owned by others) which are owned, co-owned, leased, or in any other way in the legal custody of said person and/or associated in any other way with breeding of such dogs. Profiling of dogs must be performed within 6 months of custodial care and/or production of stock, whether custodial care and/or production of progeny resulted from purchase or other means of custody, control or other means of influence, including but not limited to collaboration, collusion, coercion, conspiracy, verbal agreement, and intent to falsify or defraud.

B) The individual(s) responsible for such registration errors will be Subject to a \$500 fine and 6 months suspension from all ASCA privileges.

C) All costs incurred by any party to discover the correct Relationships of such dog(s) will be paid for by the individual(s)

responsible for such errors as determined through the investigative process. Failure to cover such costs will result in immediate revocation of all ASCA privileges until and unless such obligations are met.

Definitions:

Voluntary: "Voluntary" DNA testing refers to any DNA testing which is initiated by the Owner or Owners of the dog.

Involuntary: "Involuntary" refers to any DNA investigative procedure which is initiated by any party (ASCA Inc., or any ASCA Club member or non-member in good standing with ASCA) for the purpose of determining the actual and true relationships of dogs owned by a party other than those initiating the complaint, and whose dogs are recorded within the official ASCA registry.

Notes:

1) This rule does not in any way prevent the ASCA Board of Directors from taking action which will result in improving the breeding practices and/or registry requirements of certain parties so long as these actions assist in maintaining the confidence that ASCA and its Club members have in the integrity of the breed registry. Furthermore, this rule does not prevent the ASCA Board of Directors or other governing or supporting ASCA bodies from drafting and/or implementing subsequent policies or rules governing DNA testing should such amendments be in the best interest of the Club and its members.

2) In cases where multiple-sired litters are believed to have occurred, Part 1: Voluntary DNA Corrective Measures will apply if the Breeder of Record and/or stud owner corrects the registration papers by voluntarily DNA testing sire/dam and all progeny prior to the one year anniversary of the litter, AND prior to successful production of offspring of any progeny.

3) Breeders of Record and/or Stud Owners who are informed of an error in registration may choose not to pursue identification of the correct parentage, however the following actions will result from this decision:

- a) Pedigrees of those dogs involved will be placed on permanent not-for-breeding status.
- b) No other litters which were whelped, or sired by dogs owned, co-owned or otherwise in the legal custody of said breeder/stud owner will be registered by ASCA until and unless satisfactory attempts have been made to comply with the ASCA DNA Resolution Rule.
- c) Refusal will result in a fine of \$1,000 and indefinite suspension from all ASCA privileges, such suspension not to be revoked until and unless satisfactory attempts have been made by the individual(s) suspended to comply with the ASCA DNA Resolution Rule.

7/11/00 Motion by CA Sharp, second by George Johnson

Voting deadline: 8/1/00

Votes:

In Favor: Chris, Laura, Susan, George, Pete, CA, Kris, Joan, Kim

Opposed: Peter, Ann

Non-voting: Sally

Board voting:

Approve: Gray, Martin, Rossy, Toft, Trumbull-Clark, Tubbs, Warren

Disapprove: Berryessa

Non-voting: Hawley

Motion is approved

96:17 JR. SHOWMANSHIP--Reserve Jr.

Motin by Berryessa, second by Warren

I move that we make the following corrections to the ASCA Junior Handling Rules:

Delete the second sentence of the second paragraph under Best Junior Handler, Reserve Junior Handler and High Scoring Junior Award, page 2-3 that reads: "From the remainders, the handling judge shall decide which of the first place winners shall receive Reserve Best Junior Handler."

Move the first sentence of the fifth paragraph under Points page 2, which reads: "After the Best Junior Handling prize has been awarded, the handler placing second to the winning handler shall compete with the other eligible handlers for Reserve Junior Handler" to follow the remaining sentence in paragraph 2 under Best Junior Handler, Reserve Junior Handler and High Scoring Junior Award, page 2-3. The 2nd paragraph will then read: "The handling judge shall decide which of the first place winners shall receive Best Junior Handler. After the Best Junior Handling prize has been awarded, the handler placing second to the winning handler shall compete with the other eligible handlers for Reserve Junior Handler."

Comment: The ASCA BOD approved the motion that allowed the Junior that placed second to the Best Junior Handler to come back into the ring to compete for Reserve Junior Handler. Somehow, it was placed in the wrong area and the rule it was to replace did not get deleted. Judges were being told in the rules in one place that only first place winners were eligible to compete for Reserve Junior Handler and in the other place they were told the Junior placing second to the Best Junior Handler could also compete for Reserve Junior Handler.

Voting:

Approve: Berryessa, Gray, Martin, Rossy, Toft, Trumbull-Clark, Tubbs, Warren

Non-voting: Hawley

Motion is approved

98:15 OBEDIENCE COMMITTEE--Judge's Test

Motion by Trumbull-Clark, second by Toft

I move to accept the Obedience Committee's following recommendation:

The Obedience Committee makes a motion to put the obedience judges' test into effect as of January 1, 2001, and to allow judges 60 days to take the test, with the postmark indicating compliance.

Motion by Link, second by White, Approved unanimously

Comments: The Business Office staff requested that the tests go out to judges in January, as that is a slower time of year for them. The Staff also requested a "closing date" for the tests to be returned.

Voting:

Approve: Unanimous

Motion is approved

APPROVED: Rick Hardin as ASCA Stockdog Judge  
Canby Scott as ASCA Stockdog Judge  
Marie Murphy as ASCA Stockdog Judge  
ASCA Obedience Judges Test  
Blue Ridge ASC Bylaws Changes  
Health Insurance coverage for Business Office employees

## BUSINESS OFFICE REPORT

REGISTRY		MEMBERSHIP		SHOW/STOCK	
Ind	572	New-Single	58	Sanc. Rec'd	28
NFB	55	New-Dual	8	Sanc. Proc'd	25
Litter	309	New-Foreign	1	Sanc. Pend	4
Trans	87	New-Canadian	2	Results Rec'd	30

Lease	13	Renew-Single	282	Results Proc'd	34
LEP	11	Renew-Dual	57	Results Pend	3
Dups	21	Renew-Foreign	4	S & T Sub.	16
Hardship	15	Renew-Canadian	8	Certificates	774
Pedigree	61	Jr Times	5		
New Ken	5	Aff. Rnw	0		
Rnw Ken	25				

Judge Apps	0
Email	1334
DNA Kits	31
DNA Tests	39

SHOWS HELD

Conf/Obed shows	41
Stock	13
Ranch	3
Agility	8
Tracking	0

Kris Toft, Secretary