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Texas Longhorn Breeders Association of America  
Board Meeting  
January 12, 2008 - 9:16 a.m.  
Radisson Fort Worth North  
Fort Worth, Texas

1 DR. MOELLER: Can I get everybody's  
2 attention, please? We're running just a little late.

3 As we proceed this morning, first of all  
4 we're running a little late. I apologize for that.  
5 We're not used to this kind of a procedure and we're  
6 stumbling and bumbling a little bit about how we want  
7 to proceed.

8 As we go through this morning, as the board  
9 members, as you speak, we have a mobile microphone.  
10 Please ask for it. Do not talk unless you are speaking  
11 in that because everybody needs to hear, and sometimes  
12 somebody on this side can't even hear on that side and  
13 certainly, as a courtesy to our audience, they should  
14 be able to hear what we are saying.

15 And if anybody, including the audience,  
16 cannot hear what we are saying, want us to repeat  
17 something, please get my attention and we will stop and  
18 do that.

19 This is a board meeting. We are going to  
20 do it in that format and I will apologize one more time  
21 and only one more time that we do not have a set  
22 agenda. I do not have a piece of paper in front of me  
23 that says this is how you do this and how you conduct  
24 this meeting. I don't have a clue, so some of this is  
25 going to develop as it develops. So, with that being

1 said, Mr. Simmons, our secretary, would you please take  
2 roll?

3 MR. SIMMONS: Kaso Kety.

4 MR. KETY: Here.

5 MR. SIMMONS: Deb Lesyk.

6 MS. LESYK: Here.

7 MR. SIMMONS: Scott Simmons. Here.

8 Maurice Ladnier.

9 MR. LADNIER: Here.

10 MR. SIMMONS: Gene Juranka.

11 MR. JURANKA: Here.

12 MR. SIMMONS: Lana Hightower.

13 MS. HIGHTOWER: Here.

14 MR. SIMMONS: Zech Dameron.

15 DR. DAMERON: Here.

16 MR. SIMMONS: Donnie Taylor.

17 MR. TAYLOR: Here.

18 MR. SIMMONS: Stacey Taylor.

19 MS. TAYLOR: Here.

20 MR. SIMMONS: Robert Richey.

21 MR. RICHEY: Here.

22 MR. SIMMONS: Charlie Buenger.

23 MR. BUENGER: Here.

24 MR. SIMMONS: J.T. Wehring.

25 MR. WEHRING: Here.

1 MR. SIMMONS: Steven Zunker.  
2 MR. ZUNKER: Here.  
3 MR. SIMMONS: Bob Kropp.  
4 DR. KROPP: Here.  
5 MR. SIMMONS: Fritz Moeller.  
6 DR. MOELLER: Here.  
7 MR. SIMMONS: Bob Larson.  
8 MR. LARSON: Here.  
9 MR. SIMMONS: Fraser West.  
10 COL. WEST: Here.  
11 MR. SIMMONS: Doc Hyder.  
12 MR. HYDER: Here.  
13 MR. SIMMONS: Carl Brantley.  
14 MR. BRANTLEY: Here.  
15 MR. SIMMONS: Steve Quarry.  
16 MR. QUARY: Here.  
17 MR. SIMMONS: Jim Johnson.  
18 MR. JOHNSON: Here.  
19 MR. SIMMONS: Michael Sitzman.  
20 MR. SITZMAN: Here.  
21 MR. SIMMONS: Rodney Lind.  
22 MR. WRIGHT: He's not here.  
23 DR. MOELLER: We are here today because of  
24 a request for expulsion of two of our members, Mr. Don  
25 King and Ms. Suzanne Spindor. If somebody would hand

1 me, do we have the bylaws somewhere? I would like to  
2 initiate our meeting today by reading you the rules and  
3 regs that come out of our bylaws. All right. I've got  
4 one in I my briefcase. Hang on.

5 DR. KROPP: Scott's got one.

6 MR. ZUNKER: Page 12.

7 DR. MOELLER: Article 6 in our bylaws  
8 states:

9  
10 (Reading) If any member of  
11 this association shall be accused of any  
12 misrepresentation, deception or fraud in  
13 relation to the registry of animals in  
14 the herd registry or of any infraction of  
15 charter, constitution or bylaws of the  
16 association, or any act or conduct which  
17 may endanger the good order, welfare or  
18 credit of the association, the board of  
19 directors shall require that the charge  
20 or charges be reduced to a written  
21 affidavit form. If this is done, the  
22 board shall cause the accused member to  
23 be given written notice of such charges  
24 with a copy of them and shall fix a time  
25 and a place reasonable and convenient to  
the accused member at which the charges  
are to be heard by a quorum of the board,  
giving them at least 30 days notice  
thereof. At such hearing, accuser may  
present evidence supporting his  
accusation and the accused member shall  
have the right to dispute such evidence,  
to cross examine any witness presented,  
and to produce evidence in refutation of  
the charges, which shall be subject to  
cross examination by the accuser. This  
procedure shall be informal, and common  
laws of evidence need not be observed.

So this isn't a court of law. I'm not a

1 judge and we are not attorneys here.

2

3 (Reading) However, there  
4 shall be received as evidence only such  
5 matters as ordinarily prudent business  
6 people are willing to rely on in the  
7 conduct of their affairs. Witnesses  
8 shall testify under oath or affirmation,  
9 and all statements made at the hearing  
10 shall be privileged.

11 By joining the association,  
12 each member agrees that all witnesses and  
13 participants in such a hearing shall be  
14 immune from any civil action whatever in  
15 the nature of liable, slander, invasion  
16 of privacy, defamation or product  
17 disparagement or statements made in the  
18 course of preparation for or at the  
19 hearing.

20

21 We are not attorneys but an attorney wrote  
22 this.

23

24 (Reading) The proceeding  
25 shall be recorded and the record of them  
shall be preserved in the files of the  
association.

1 If in the opinion of the  
2 majority of the board conducting the  
3 hearing the charges shall be established  
4 by a preponderance of the evidence  
5 presented at the hearing, the accused  
6 member shall be expelled or suspended for  
7 such a period of time as specified by the  
8 board.

9

10 Those board members that have your official  
11 handbook in front of you, the very last paragraph will  
12 probably become pretty important to us. That's the  
13 last paragraph of Article 6.

14

1                   Now, with that said, the -- we did receive  
2 in affidavit form as stated in the bylaws a request for  
3 expulsion by one of our members, Mr. Joel Lemley, and  
4 that document should be in front of every one of you  
5 board members. And I believe I am going to turn this  
6 over to Mr. Buenger right now and I believe he  
7 submitted that copy to the court reporter.

8                   Mr. Lemley, would you step forward if you  
9 don't mind, please? You did in fact submit that  
10 affidavit to this board?

11                   MR. LEMLEY: Yes, I did.

12                   DR. MOELLER: And you still wish for us to  
13 proceed with the expulsion --

14                   MR. LEMLEY: Yes, I do.

15                   DR. MOELLER: -- hearings?

16                   MR. LEMLEY: Yes, sir.

17                   DR. MOELLER: Thank you very much. Joel,  
18 I'm sorry. Could you step forward again? I am going to turn  
19 the microphone over to our board member Mr. Charlie  
20 Buenger who has a little more experience in these  
21 matters.

22                   MR. BUENGER: For the record, Joe, you  
23 recognize we've got a court reporter taking all this  
24 down?

25                   MR. LEMLEY: Yes.

1 MR. BUENGER: You are Joel Lemley?

2 MR. LEMLEY: Correct.

3 MR. BUENGER: You're the affiant in the  
4 affidavit of expulsion that was filed?

5 MR. LEMLEY: That's correct.

6 MR. BUENGER: During the time frame the  
7 facts that are referenced in your affidavit took place,  
8 were you the chairman of the board of the Texas  
9 Longhorn Breeders Association of America?

10 MR. LEMLEY: Yes, I was.

11 MR. BUENGER: So you were intimately  
12 familiar with the items listed in your affidavit?

13 MR. LEMLEY: Intimately.

14 MR. BUENGER: And are those facts stated in  
15 your affidavit all true and correct?

16 MR. LEMLEY: Yes.

17 MR. BUENGER: Each and every item you have  
18 listed in here, if you were to sit here and testify  
19 today and go over those items, your testimony would be  
20 the same as it is in this affidavit?

21 MR. LEMLEY: That's correct.

22 MR. BUENGER: Thank you.

23 At this time, Mr. Chairman, I would  
24 introduce as Exhibit 1 the letter of transmittal and  
25 Joel Lemley's Affidavit of Expulsion, I would introduce

1 that into evidence.

2 Okay, Joel, also let me show you what has  
3 been marked as Exhibit 2. It is a letter dated July  
4 11, 2007, directed to Richard Wiseman and it is signed  
5 by William Brown, CPA. Are you familiar with it?

6 MR. LEMLEY: I am.

7 MR. BUENGER: Is this in fact a report from  
8 the forensic auditor that deals with the alleged  
9 embezzlement by Don King and Suzanne Spindor?

10 MR. LEMLEY: That's correct.

11 MR. BUENGER: And does it in fact state  
12 that monies were misappropriated by them?

13 MR. LEMLEY: That's correct.

14 MR. BUENGER: I would offer Exhibit 2.

15 And lastly, are you familiar with the work  
16 papers of Mr. Brown marked as Exhibit 3?

17 MR. LEMLEY: Yes, I am.

18 MR. BUENGER: In your capacity as chairman  
19 at that time, were you able to look that all of these  
20 exhibits and determine that there was misappropriation  
21 of funds?

22 MR. LEMLEY: That's correct.

23 MR. BUENGER: And does this Exhibit also  
24 reflect that?

25 MR. LEMLEY: That's correct.

1 MR. BUENGER: I would offer Exhibit 3.  
2 That's all I have.

3 DR. MOELLER: All right, so Joel, you've  
4 done everything that is appropriate in the bylaws and  
5 therefore we do have purpose here today. The -- each  
6 board member should have in front of them a letter from  
7 us to the accused two individuals notifying them of  
8 such action, and I will read it. It's fairly short.  
9 It is dated December the 10th.

10 (Reading) During the recent  
11 Texas Longhorn Breeders Association of  
12 America Board of Directors meeting held  
13 on November the 8th, 2007, an affidavit  
14 for expulsion on behalf of Don L. King  
15 and Suzanne Spindor was presented for  
16 consideration. The board of directors  
17 voted by majority in favor of the  
18 affidavit of expulsion and hereby gives  
19 you - I will read the one sent to Don -  
20 Don L. King official notice in compliance  
21 with the TLBAA official handbook of the  
22 date the quorum will convene the to hear  
23 evidence from both the accuser and the  
24 accused. The hearing - in bold type -  
25 will be held on January 12th - there is a  
typo here, it says 2007, that should say  
2008 - and will begin at 9:00 a.m. at the  
Radisson Hotel North in the Spring Palace  
Room. Enclosed, you will find a complete  
copy of the charges made against you.  
Sincerely, Scott Simmons, Secretary,  
TLBAA Board of Directors.

23 And the exact same letter was sent to  
24 Suzanne Spindor, same date, same time.

25 In front of you all, if you will look, we

1 did get a response. This is going to be kind of boring  
2 but let me -- I think we need to read it for the  
3 purpose of the audience. They don't have a copy.

4 We did get a response from Don King on  
5 January the 4th, 2008. The letter from Don King is  
6 dated January 4th, 2008. This is a letter in response  
7 that was sent to him from the board over the signature  
8 of our secretary.

9  
10 (Reading) Dear Mr. Simmons:  
11 Article 6 of the corporation bylaws of  
12 the Texas Longhorn Breeders Association  
13 of America, pursuant to expulsion,  
14 requires that the board of directors fix  
15 a time and place reasonable and  
16 convenient to the accused member at which  
17 the charges are to be heard by the quorum  
18 of the board, giving him at least 30 days  
19 notice thereof.

20 I did not receive the notice  
21 of the January 12th hearing until  
22 December the 15th. Not only is this  
23 contrary to the bylaws that 30 days  
24 notice be given, it is not convenient as  
25 my schedule dictates that I will be  
unavailable for attendance on the date  
designated. Additionally, I am  
soliciting clarification of the notice of  
expulsion which states that Don L. King  
alone is charged. I have three TLBAA  
memberships, a lifetime under Don and  
Kathy King, an active membership for Don  
L. King, and an outrider membership for  
Don L. King. How will the lifetime  
membership be affected which is in the  
name of both Don and Kathy King?

Furthermore, in an effort to  
produce evidence in refutation of the  
charges, I respectfully request access to.

Records held in the TLBAA  
office relevant to the charges described

1 in the notice of expulsion signed by Joel  
2 Lemley as affiant.

3 Finally, as to the matter of  
4 rescheduling the expulsion hearing, in  
5 the future, communication with all of the  
6 concerned parties prior to establishment  
7 of a hearing date seems only prudent. If  
8 a weekday date is sought, my schedule  
9 allows for an Oklahoma City, Oklahoma  
10 site, and Fort Worth, Texas would be  
11 suitable for most weekends.

12 I look forward to your timely  
13 response and savor the opportunity to  
14 expose these egregious accusations to the  
15 scrutiny of the whole truth. It appears  
16 that some wanted to run with the hare and  
17 then hunt with the hounds.

18

19 I have no idea what that means.

20 "Respectfully submitted, Don L. King."

21 Okay. In addition to that, we received a  
22 letter in response to the one that went out over  
23 Scott's signature, we -- that was from Don L. himself.  
24 We received a response from Suzanne's attorney. It's  
25 also fairly brief so I will read it.

26

27 (Reading) Dear Mr. Lemley and  
28 Mr. Simmons: My client, Suzanne Spindor,  
29 has delivered to me the notice of  
30 expulsion which was recently mailed to  
31 her. This notice is signed by Mr. Lemley  
32 as the applicant for the requested  
33 action. Article 6 of the corporation  
34 bylaws of the association is cited in  
35 both the notice and the affidavit of  
36 expulsion. That article requires that  
37 the board of directors fix a time and  
38 place reasonable and convenient to the

39

1 accused member at which the charges are  
2 to be heard by a quorum of the board,  
3 giving him at least 30 days notice  
4 thereof. Respectfully, the date selected  
5 by the association for the hearing,  
6 January 12th, is neither reasonable nor  
7 convenient. First of all, the official  
8 notice of the hearing as set out in the  
9 letter of December 10th, 2007, cites a  
10 date almost one year ago.

11 That was our typo.

12 Secondly, even if we concede  
13 that the 2007 date was in error,  
14 nevertheless Ms. Spindor did not receive  
15 the notice of hearing until December 15th  
16 - same date supposedly Don received his -  
17 which is less than 30 days from the  
18 proposed hearing. This of course is  
19 contrary to the requirement of the bylaws  
20 that 30-day notice of the hearing be  
21 given.

22 Finally, and more importantly,  
23 the bylaws require that the time and  
24 place of the hearing be both reasonable  
25 and convenient to the accused member. On  
January 12th, 2008 - today - Ms. Spindor  
will be engaged in the performance of her  
duties of employment at the National  
Western Stock Show in Denver. This trip  
has been planned literally for months and  
she obtained tickets to fly to Denver  
long before she received the notice of  
the hearing. She is scheduled to depart  
for Denver on January 9, 2008, and will  
not return until January 16, 2008.  
Therefore, respectfully, I request that  
the hearing on the matter of her  
expulsion from the organization be  
rescheduled to a later date which is both  
reasonable and convenient for her.  
Additionally, I want to emphasize the  
importance of Ms. Spindor having the  
opportunity to present evidence on her  
behalf. The charges as set for in the  
affidavit sworn to by Mr. Lemley are full  
of inaccuracies and frankly for the most  
part are downright false. Indeed,

1           because these charges have been stated in  
2           writing and sworn to as being accurate,  
3           they may well be defamatory. Should  
4           Ms. Spindor not be provided with the  
5           opportunity to refute these specious  
6           allegations contained in this document,  
7           you may be assured there will be  
8           additional legal consequences.

9                           There's the inevitable threat.

10                           I look forward to your prompt  
11                           response to this letter. Sincerely,  
12                           Stephen C. Maxwell.

13                           So those are the responses that we got. As  
14           I see it, perhaps the next step should establish the  
15           fact that we are in fact compliant in spite of what  
16           they say. And at that point -- at this point, I'd like  
17           to turn the microphone again over to Mr. Buenger our  
18           board member so we could utilize some of his expertise  
19           and we are going to address the issue of when the  
20           notice was sent and when we anticipate that notice was  
21           received.

22                           Mr. Buenger.

23                           MR. BUENGER: Okay, Brenda. Are you  
24           familiar with the notice letter sent to Don King and  
25           Suzanne Spindor?

                          MS. CANTRELL: Yes.

                          MR. BUENGER: Did you in fact handle the  
                          transmission of that letter?

                          MS. CANTRELL: Yes.

1 MR. BUENGER: Did you mail the letter  
2 timely under the bylaws?

3 MS. CANTRELL: Yes.

4 MR. BUENGER: Was there a typographical  
5 error in the letter?

6 MS. CANTRELL: Yes.

7 MR. BUENGER: What was it?

8 MS. CANTRELL: Instead of "January the  
9 12th, 2008," it was "January 12th, 2007."

10 MR. BUENGER: What was the date of the  
11 letter itself?

12 MS. CANTRELL: December 10th, 2007.

13 MR. BUENGER: All right. So it was quite  
14 obvious on the face of the letter that it was a  
15 typographical error?

16 MS. CANTRELL: Yes. The year.

17 MR. BUENGER: The year, correct?

18 MS. CANTRELL: Yes.

19 MR. BUENGER: Did Don King and Suzanne  
20 Spindor receive the letters more than 30 days prior to  
21 this hearing?

22 MS. CANTRELL: Yes.

23 MR. BUENGER: How do you know that?

24 MS. CANTRELL: The post office told me.

25 MR. BUENGER: That's all.

1 DR. MOELLER: Thank you. So we, for the  
2 purpose of the court reporter and our information,  
3 ladies and gentlemen, you have the evidence that we  
4 have. You have the evidence that we have that the main  
5 allegation that they did not receive notice in a timely  
6 fashion was in fact received in a timely fashion. I  
7 believe there is another document that needs to be  
8 entered into evidence at this time so I will turn it  
9 back over to Mr. Buenger.

10 MR. BUENGER: I have marked as Exhibit 4 a  
11 letter of transmittal. It is a letter from Richard  
12 Wiseman to Dr. Fritz Moeller. It sets forth the  
13 judgment from the arbitrator and attached as an exhibit  
14 is the final award of the arbitrator and I would  
15 introduce that Exhibit 4.

16 DR. MOELLER: The purpose of the  
17 introduction of this, again, is further evidence that  
18 there is some fraud and some mis-activity by our two  
19 people that we are trying to expel.

20 So at this point, gentlemen, we would  
21 entertain questions if you have any. As I see it, we  
22 have - and I am open for suggestions - but I see that  
23 we have maybe three choices. Number one, we can  
24 proceed with expulsion at this time. We will take them  
25 each individually. We can decide that perhaps they

1 have suffered sufficiently and decide that we are not  
2 going to proceed with any expulsion matters. And maybe  
3 a third choice might be that in fact we would acquiesce  
4 to the fact of insufficient notice or maybe for, as a  
5 favor to them, we re-set a hearing so that they could  
6 be here. That might be a third choice. And there  
7 might be a fourth and fifth choice. But I would defer  
8 to members of the board. But with those three choices  
9 on board and for the purpose of eliciting comment and  
10 conversation, I don't want to put anybody on the spot  
11 but -- and if you don't care to speak, that's fine.  
12 I'd like to start over here on the left with Mr. Quarry,  
13 if he would have anything to say regarding these  
14 proceedings?

15 MR. QUARY: I wasn't aware of the confusion  
16 with this right here. I thought we were a little more  
17 prepared without some questionable things here and  
18 since we have members on this board that's a lot more  
19 familiar with the legal aspects of this, I think I  
20 would decline right now to make statements until after  
21 I've heard from some other members on exactly what our  
22 legal ramifications might be of proceeding with this  
23 cloud on it, of whether they actually received  
24 everything that we feel like we have sent to them at  
25 this time. So I will pass the microphone on.

1 MR. ZUNKER: Good morning. Stephen Zunker,  
2 Region 12.

3 I am going to start out by asking a few  
4 questions and the statement was made that the post  
5 office told us that delivery was done in a timely  
6 fashion. Do we have written proof or an affidavit or  
7 something from the post office other than a verbal that  
8 it was delivered?

9 DR. MOELLER: No, sir.

10 MR. ZUNKER: Looking at the responses from  
11 Don King and Suzanne Spindor, Mr. King addresses what  
12 will happen to his lifetime membership -- hang on. Let  
13 me find that because I had a question. Let's see.

14 DR. MOELLER: Take your time.

15 MR. ZUNKER: "What will happen to the  
16 lifetime membership under Don and Kathy King?"

17 My understanding is that a lifetime  
18 membership only includes one name so there should not  
19 be Don and Kathy King listed as a lifetime membership.  
20 Am I correct? I was told that a lifetime had to be one  
21 or the other.

22 DR. MOELLER: I'm not prepared to answer  
23 that question, but I think you're correct.

24 MR. ZUNKER: So that would be an inaccuracy  
25 on him. Therefore it would not be listed as his wife.

1 He also states that he has a membership just under his  
2 name and then an outrider membership. When I have  
3 looked through the membership directory, I see  
4 partnerships that include his name and I would like to  
5 know what happens to those partnerships because my  
6 understanding is that if you are a member and your  
7 partner is a member and you do a partnership, you pay  
8 only \$20 once in a lifetime and as long as both of you  
9 are members in good standing, the partnership stands.  
10 Once he would -- if he were to be expelled, what would  
11 happen to the partnerships? I think that's something  
12 that needs to be addressed. And at the present time I  
13 think that's the only questions that I have.

14 MR. BUENGER: What you are asking about is  
15 the effect of the expulsion on a partnership. It's  
16 really -- it's really not germane to the issue before  
17 you today. The issue today is do you expel the member,  
18 not what's the consequences of it. But in answer to  
19 your question, once expelled, it will terminate all  
20 relationships whether it's a partnership or otherwise.

21 MR. ZUNKER: Thank you. My question to  
22 that would be is there going to have to be a procedure  
23 on the partnerships or is that going to be  
24 automatically included in this hearing if he were to be  
25 expelled?

1                   MR. BUENGER: That would be automatically  
2 included.

3                   MR. ZUNKER: Thank you.

4                   MS. LESYK: Deb Lesyk, Region 1. My  
5 concern as well is with not having written confirmation  
6 from the post office. We are all aware of how Mr. King  
7 and Suzanne work. We know that they will weave any  
8 little hole into any situation they possibly can. So  
9 we need to make sure that we have - maybe a cliché -  
10 all our ducks in a row because they will find the  
11 holes. So without that confirmation from the post  
12 office, we're hurting ourselves. And then again, I  
13 echo what Steve said, we've been talking about the  
14 memberships and the implication for partnerships and  
15 the lifetime membership as well so that he does not  
16 have any other option on or any other avenues to  
17 register cattle.

18                   MR. RICHEY: Robert Richey, Region 9.

19                   MR. BUENGER: Robert, before you say that,  
20 let me answer that.

21                   If expelled, it wouldn't matter,  
22 partnerships or otherwise, anything that he is  
23 connected with would be terminated. He would not have  
24 the right to any membership privileges at all  
25 regardless of the entity, regardless of the name.

1 MS. LESYK: That helps, but I am still hung  
2 up on the post office without the confirmation.

3 DR. MOELLER: I called Mr. Wiseman, Richard  
4 Wiseman, the attorney we have used during the  
5 arbitration hearing to ask him that question  
6 specifically. It was his opinion that the testimony of  
7 Ms. Cantrell plus the fact that we had an additional  
8 witness that that was all done in a timely fashion when  
9 it was taken to the post office and the conversation we  
10 had with the post office was sufficient evidence of  
11 notification mailing on time. That was Mr. Wiseman's  
12 opinion.

13 Go ahead, Robert.

14 MR. RICHEY: Robert Richey, Region 9. My  
15 question is to the Article 6, the part of the sentence  
16 that says "shall fix a time and place reasonable and  
17 convenient to the accused member," and it seems on the  
18 face of it that the two responses that today is not  
19 reasonable and convenient and I would -- I have a  
20 question as to, you know, if we could proceed under  
21 these circumstances or are we sort of having our way  
22 without them having any chance to respond?

23 DR. MOELLER: Carl?

24 MR. BRANTLEY: Carl Brantley, Region 4.  
25 You spoke on this briefly just a second ago. My

1 question is what does counsel who represents TLBAA,  
2 what is and what are their opinion or opinions on  
3 providing adequate time for them to respond in lieu of  
4 what Mr. Richey just said.

5 DR. MOELLER: And Mr. Wiseman isn't here  
6 and I don't have anything in writing, so you'll have to  
7 trust my conversation with him. And my conversation  
8 with him was yesterday or Wednesday, I believe. I  
9 don't believe. It was Wednesday. And I'll repeat. He  
10 felt that that was sufficient evidence that it was sent  
11 in a timely fashion. He said it would be better if we  
12 had a paper trail, hard evidence, he said but in his  
13 opinion he felt that that was sufficient.

14 MR. BRANTLEY: Everybody in this room  
15 understands what has happened. But under the law of  
16 Texas, which I do not reside in this state, and being  
17 that Mr. Buenger is an attorney in this state, but I --  
18 Charlie, do you represent the TLBAA in this matter?  
19 Okay. We've waited this long to do this. 30 days more  
20 is not going to kill us. I understand that we might  
21 have to all reconvene for a quorum on this but to  
22 prevent any further litigious action by King and  
23 Spindor, we might need to have our ducks in a better  
24 row. That's my opinion and strictly my opinion.

25 DR. MOELLER: Okay. Well taken. Lana?

1 MS. HIGHTOWER: Lana Hightower. The  
2 questions that I was going to bring up have already  
3 pretty much been brought up and discussed. The only  
4 other one that I might point out is the lifetime  
5 membership because the lifetime memberships are  
6 restricted to individuals. So would Kathy King, would  
7 he be able to come back and register cattle in his  
8 wife's name? That's one of my questions.

9 MR. BUENGER: You are asking me can people  
10 rob liquor stores when the law says they can't? Yeah,  
11 they can. If she did that, once he's expelled, if we  
12 found that she was helping him transfer cattle through  
13 her name, she'd be subject to expulsion herself.

14 MS. HIGHTOWER: The only other comment --  
15 I'm ready to proceed. I think we've heard from them,  
16 we've heard from both of them, there's no new  
17 information out there that they are going to bring to  
18 us that's probably going to change our minds. I'm  
19 ready to go for it and get it over with.

20 MR. LARSON: Bob Larson. This board was  
21 beat up as well as the membership was beat up really  
22 bad by all of this. The evidence -- or the findings of  
23 the arbitration and evidence that there was fraud and  
24 theft involved, I prefer to go forward with the  
25 expulsion but I am concerned about the repercussions to

1 our friends Joel and Shirley. So we want to do it  
2 right. And maybe the paper trail needs to be -- to  
3 Joel and Shirley, maybe 30 days doesn't matter, maybe  
4 the next board meeting doesn't matter, 90 days or 120  
5 days, we need to have it done right so there's no  
6 repercussion. One of the TLBAA -- or maybe, one, to  
7 our friends, and, two, to the TLBAA. Maybe it should  
8 be in that order.

9 DR. MOELLER: Donnie?

10 MR. TAYLOR: Donnie Taylor, Region 7. You  
11 spoke while ago about suffering. I'm not concerned  
12 about your suffering. The TLBAA and its members have  
13 suffered because of what they have done. I believe we  
14 should move forward with this, do it today, be done  
15 with it, get rid of it.

16 MR. LADNIER: Maurice Ladnier. We've been  
17 hampered with this problem a year. Everybody I think  
18 is aware of what's going on. I'm prepared to move  
19 forward with this.

20 DR. MOELLER: Scott?

21 MR. SIMMONS: I guess my only concern would  
22 be what ramification would come of it if we proceed and  
23 they take legal action. I'm not a lawyer, so is it  
24 like murdering somebody, that you can't take them back  
25 to court the second time?

1 DR. MOELLER: I didn't hear your last  
2 comment. What was it?

3 MR. SIMMONS: Is it like murdering somebody  
4 going to trial, double jeopardy? Can we still proceed  
5 with it a second time or not?

6 DR. MOELLER: Ty Wehring.

7 MR. WEHRING: Speaking of Joel and Shirley  
8 Lemley, the little letter that they got for our  
9 whatever he wants to call it, our bylaws says that they  
10 are immune from any of that stuff you're talking about  
11 and I think with the effort that all of us have put  
12 forth, I think everyone in this room is ready to go on  
13 with this thing and I think we should vote and let's  
14 get it over with.

15 DR. MOELLER: Mr. Buenger.

16 MR. BUENGER: In response to Bob's  
17 statement about Joel and Shirley, I don't think it  
18 makes a difference what we do as to their position,  
19 whether we do it or we don't. I mean, there's some  
20 veiled threats in there to Joel for his affidavit and  
21 if they were going to proceed against Joel they'd do it  
22 regardless of what we did so I don't see that that is  
23 going to be affected. Now, I'll take a little more  
24 time than I should.

25 DR. MOELLER: As usual.

1                   MR. BUENGER: As usual. I believe - and  
2 this is just Charlie's speculation okay? But I've been  
3 doing this for 31 years - and I believe that no matter  
4 what we do, their lawyers are going to try to nitpick  
5 and find something to complain about. And even if we  
6 put it off, I think they're going to find some  
7 complaint to sue over. The reason is, no matter what  
8 kind of trouble they can cause, if they can come up  
9 with anything to sue us over, it gives them just  
10 another way to try to whittle us down to negotiate to  
11 lower the amount they owe. Do I think that a lawsuit  
12 like that is a danger? Well, they cost. You don't  
13 want to have to fool with them. You don't want to have  
14 to spend the money on them. But let's just assume the  
15 worst. Assume that we went forward and they did sue  
16 and claim that we improperly expelled them because they  
17 didn't get notice. What are their damages? Their  
18 damages have to be, well, we didn't get to transfer  
19 cattle we would have been able to transfer. That's  
20 what they would claim. But if you remember, two nights  
21 ago we have already suspended their rights to do that.  
22 And the reason that I framed the motion two nights ago  
23 was for that purpose so that in the event their lawyers  
24 did claim that if we proceed, and we did so without  
25 proper notice, our lawyers could turn around and say

1 well it really didn't matter because two days ago we  
2 suspended their rights because they were in arrears.  
3 And that wasn't directed at them. That was directed at  
4 everybody in arrears. So it takes away their argument  
5 for damages. So, you know, there's nothing black and  
6 white when we talk about lawsuits, but it puts us in  
7 the best possible position that we could be in if you  
8 all decide to proceed with it. Yeah, you'd always like  
9 to have a written notification, you'd always like to  
10 have it in your hand. Sometimes it just doesn't happen  
11 for whatever reasons. Green cards get lost, they never  
12 come back from the mail. People always say they didn't  
13 get things. I tend to believe they probably did get  
14 them, but we don't have any documentation of it. We've  
15 got the post office telling us they got it and they  
16 tell us they got it the next day.

17           Anyway, I'm just trying to share my  
18 thoughts about all this with everybody. It does have  
19 some warts on it and you guys have accurately  
20 highlighted those warts. It does. Most cases do,  
21 though. And, you know, when we talk about it, when  
22 this first came up a few days ago when we got these  
23 letters, I think Fritz rightly decided, look, it's a  
24 board decision, tell them what's what and y'all make  
25 the decision. Personally, I fall with Lana and the

1 rest of these guys.

2 DR. MOELLER: Bob Kropp.

3 DR. KROPP: Bob Kropp, Region 15. No  
4 additional comment.

5 MS. TAYLOR: Stacey Taylor, Region 8. I  
6 would agree, I would choose that we proceed forward, I  
7 consider the cost definitely of any kind of  
8 repercussion being outweighed by the benefit of the  
9 association. I would make a note that in the future if  
10 we can maybe have somebody else proofread our letters  
11 before they're sent out, definitely that would benefit  
12 and they would not have that comment and that's  
13 certainly not an attack to anybody that wrote the  
14 letter at all. I would also suggest that maybe -- I  
15 know in my business we do delivery confirmation. Any  
16 time that we have any kind -- without the green card,  
17 it can just be tracked by the post office, I would  
18 suggest that as well. The cost of that, again, would  
19 definitely outweigh anything that we're having to  
20 discuss today.

21 DR. DAMERON: Zech Dameron. Res ipsa  
22 loquitur. Let's proceed with the expulsion.

23 MR. KETY: Kaso Kety. While I do have some  
24 of the same concerns that some of the other board  
25 members, I think the arbitration award proves their

1 guilt. As far as a convenient time and place for them,  
2 they both live here, or most of the time live here, a  
3 lot of us don't, and they can stall us forever. If we  
4 say it's -- we'll do it at the next board meeting, that  
5 might be inconvenient for them. And then it's the next  
6 board meeting. Or if they give us a time and place and  
7 all of us from across the country have to get back here  
8 to have a quorum I think, you know, they can run us  
9 around a tree forever. So I think we proceed. If in  
10 the legal opinion of our attorney, and I respect  
11 Charlie's opinion as an attorney and as a member of  
12 this board, if they both feel we are on solid ground  
13 going forward, I think we go forward.

14 MR. BUENGER: In terms of a legal opinion,  
15 I just gave you my personal one. I believe, though,  
16 from a legal opinion, that what Wiseman told Fritz is  
17 correct.

18 MR. KETY: Then I say we proceed.

19 MR. JURANKA: Gene Juranka, Region 6. I  
20 think we should proceed. And if we wait 30 days,  
21 they'll have another excuse, and then this goes on  
22 forever. We need to get it over with and get our  
23 business straight and go forward.

24 MR. HYDER: Doc Hyder. I also agree to  
25 proceed and get this chapter closed and behind us.

1 MR. SITZMAN: Michael Sitzman, Region 13.  
2 With, so to speak, being at the end of the trail, a lot  
3 of things that have been made out here for comments are  
4 all true and accurate and all of them that I believe in  
5 and I think we should proceed along with the procedure.

6 COL. WEST: Ladies and gentlemen, I rise.  
7 I think the court reporter can hear me. Members of the  
8 board, ladies and gentlemen. Common sense is the thing  
9 that should prevail. I have learned - as many of you  
10 have learned - things in life. I learned a long time  
11 ago it's best when you deal with any authority to send  
12 things through certified mail. And what our good  
13 friend Charlie has said, sometimes you don't get them  
14 back. That, I have also experienced. But common sense  
15 should prevail, and I'll tell you why from a lifetime  
16 experience. As a very young Marine officer in north  
17 China, I was on the board, I was the second senior  
18 member and what it was, a young Marine sentry on duty  
19 was charged with killing a Chinese, charged with  
20 murder. Three-day trial. Common sense should prevail.  
21 And I know that John T. may be familiar, maybe some  
22 others, under the old rocks and shoals of the Navy  
23 which was replaced with the Uniform Code of Military  
24 Justice which follows more civil law. Now, this trial  
25 went on and he was charged with murder. Finally, we

1 voted unanimously to recommend to the convening  
2 authority that he be given the death penalty. We  
3 gave -- our unanimous vote was for death. But inasmuch  
4 as he was a young 18-year-old in north China with  
5 inexperience, and so we voted to recommend to the  
6 convening authority that he be given lifetime  
7 imprisonment. Subsequently the convening authority  
8 accepted our recommendation. But having once voted for  
9 death, and I was on many military general courts  
10 martial, sometimes you have to do what you don't want  
11 to do. I told my good friend that in the audience  
12 here, Dr. Gene Berry, who was on the board, that one of  
13 the first things that I ever experienced in life was  
14 before a board before I was commissioned as a regular  
15 officer in the Marine Corps, we appeared before a small  
16 board of officers. Naturally senior. I was just a  
17 young Second Lieutenant reserve officer. They queried  
18 us and they said this: What would you do if your  
19 brother was charged with murder and you are on his  
20 court martial for some reason in the court, that you  
21 were still allowed to remain on the court, what would  
22 you do? We want a decision. Would you vote for  
23 murder, yes or no? I voted yes. I don't know what  
24 they would have said if I had voted no, but I voted  
25 yes. So common sense prevails. You have heard of the

1 technical aspects that several members of the board  
2 have presented. I see no difficulty. I respect what  
3 has been said. The people have an inquiring mind. But  
4 again, as Mr. Buenger, both as an attorney and a member  
5 of the board has expressed himself both personally and  
6 as an attorney, I feel that we should proceed and I  
7 will vote for expulsion. That's all.

8 DR. MOELLER: Mr. Johnson.

9 MR. JOHNSON: That's a tough act to follow.  
10 For me it's real simple, you know. And everybody knows  
11 I'm pretty simple. As far as the memberships are  
12 concerned, clearly under Article 2, lifetime  
13 memberships, the lifetime memberships are restricted to  
14 individuals. Then if you go to Article 6 for  
15 expulsion, if any member of the association shall be  
16 accused of misrepresentation, deception or fraud in  
17 relation to the registry of animals in the herd  
18 registry or any infraction of charter, constitution or  
19 bylaws of the association. That right there, he was  
20 frauding somebody when he put the membership in two  
21 people's name. So there's another count of fraud.  
22 This membership nonsense, if you're out, you're out,  
23 and I think he ought to be out. That's all I've got to  
24 say. And same with her. Pardon me.

25 DR. MOELLER: All right. We've got a hand

1 up over here, Bob Larson. Do you want something  
2 additional to say?

3 MR. LARSON: Through this discussion I  
4 think we have determined one of two things whether we  
5 expel, continue the expulsion now or delay it until we  
6 have a paper trail. I'm sorry. I have to go back to  
7 Joel and Shirley. Do you want us to do this today or  
8 do you want us to wait 120 days?

9 DR. MOELLER: This is a board decision.  
10 Mr. Lemley has already made his decision. He has asked  
11 this board to expel those people and unless Joel would  
12 like to make a counter comment, that would be my answer  
13 to Mr. Larson.

14 I have one other hand down here.

15 MR. ZUNKER: I have a question. I will  
16 have to agree with everybody that I would like this to  
17 happen today. I do still have reservations and  
18 concerns that we do this properly so that it sticks. I  
19 would have a question that I'd like to know if this  
20 would be something we could do or is even proper, when  
21 you do read in Article 6 about expulsions, it says that  
22 the accused member shall be expelled or suspended for a  
23 period of time. Would it be feasible to suspend until  
24 we have everything in order and then expel? And that's  
25 just a question.

1 DR. MOELLER: We are reacting to the  
2 affidavit we received from Mr. Lemley and there was no  
3 unequivocal timespan on that, he didn't ask us to  
4 temporarily do it until everybody was comfortable doing  
5 it. He asked for expulsion. And we -- what we are  
6 acting on today, gentlemen, is the affidavit that was  
7 presented to us and that's what we are voting on, as  
8 well as the other documents in here. And I would like,  
9 if there's still a little question in somebody's mind,  
10 just for further information I am going to hand the  
11 microphone over here to Brenda, just let her illustrate  
12 something about priority mail. Did you want to say  
13 something there?

14 MS. CANTRELL: I am very aware about  
15 certified mail. I went and did research on it. I went  
16 to the post office, discussed it with them and was told  
17 that I was doing it the way it should be done. Four  
18 people proofread this letter. I'm an editor. I  
19 realize that people make typo mistakes all the time and  
20 I apologize for that. Don King responded this past  
21 week in the exact same way and in the exact same  
22 envelope, the exact same thing, and we received this in  
23 one day. I received a priority mail from another  
24 member of our association all the way from Ohio and I  
25 received that in two. So they received this letter in

1 one day.

2 DR. MOELLER: All right. The -- Ty has  
3 another comment. We need to continue to be brief,  
4 gentlemen.

5 MR. WEHRING: This is very brief. I'd like  
6 to make a motion to expel them for life. Do I hear a  
7 second?

8 MR. TAYLOR: Donnie Taylor. I second.

9 DR. MOELLER: Okay. A motion has been made  
10 and seconded. There is apparently some more  
11 discussion. Mr. Johnson, did you have another?

12 MR. JOHNSON: Just in response to his deal  
13 about a --

14 DR. MOELLER: Wait a minute. Wait for the  
15 micro phone.

16 MR. JOHNSON: In response to Steven  
17 Zunker's deal about temporary removal. Hell, there  
18 ain't none of that. He's already removed by the motion  
19 that Charlie made the other night. He owes his money.  
20 Their membership is temporarily suspended. This is to  
21 kick their -- pardon me -- Kick them out.

22 DR. MOELLER: Colonel, if your remarks are  
23 brief, I'll let you.

24 COL. WEST: I'll be brief. In response to  
25 Steven. Normally, I believe in probation, the suspense

1 would be in order, but not on this particular case. Do  
2 I make myself clear?

3 MR. ZUNKER: I was just asking questions.

4 DR. MOELLER: Gentlemen, I think everybody  
5 has in front of them this little card from the  
6 Radisson. If you don't have one, borrow one from your  
7 neighbor. Would you please write one of two words on  
8 there. Expel. Not expel. And Dennis and Brenda will  
9 collect these and we will count these.

10 MR. JOHNSON: Do you want us to sign it? I  
11 don't mind signing it.

12 DR. MOELLER: You don't have to sign it.

13 Gentlemen and women, and I do appreciate  
14 the ladies on our board, and I will defer to our  
15 Canadian member that you have some help on this all  
16 men's club, you've got two other women on here.

17 I am pleased to announce that the vote for  
18 expulsion was unanimous.

19 Now, the next step is notification to them  
20 and what I will do is just begin to make sure we keep  
21 things on the up and up and official as possible, I'll  
22 call Mr. Wiseman Monday, he's not in his office today,  
23 and ask him if it's okay if he gets a letter, if that  
24 letter comes from me, comes from our secretary, or  
25 would he prefer to write it.

1                   Gentlemen, there is no other business  
2 before the board at the present time, and I will accept  
3 a motion for adjournment.

4                   MR. SITZMAN: I move that we adjourn.

5                   MR. BRANTLEY: Second.

6                   DR. MOELLER: The motion has been made and  
7 seconded. Anybody opposed to adjourning right now?  
8 Hearing none, let's go look at some cattle out there  
9 and let's buy some cattle tonight.

10                   (Concluding at 10:17 a.m.)

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1 STATE OF TEXAS )  
2 COUNTY OF TARRANT )

3 REPORTER'S CERTIFICATION

4 This is to certify that I, Joseph D. Hendrick,  
5 Certified Shorthand Reporter #947 in and for the State  
6 of Texas, reported by machine shorthand the above and  
7 foregoing proceedings; that the transcript contains a  
8 full, true and correct transcription of the proceedings  
9 had at said time and place previously set forth.

10 Certified to on this the 12th of February, 2008.

11  
12 

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