

*Constitution and Bylaws of
the
American Berkshire
Association*

Revised July 2025

CONSTITUTION

PREAMBLE

Recognizing the importance of a trustworthy record of pedigrees of Berkshire swine and the general improvement of this breed, we hereby unite as an Association under the corporate laws of the state of Indiana and solicit the cooperation of all breeders of Berkshire Hogs who will join us, and we herewith claim the title: "American Berkshire Association," established by this Association in the year 1875, for the name under which the pedigree record of the Association shall be published.

ARTICLE I - Name, Location, and Objectives

Section 1. This organization shall be known as the American Berkshire Association (ABA), an Indiana corporation not for pecuniary gain.

Section 2. The principal office shall be maintained at 2637 Yeager Road, West Lafayette, IN 47906, or at such other location designated by the Board of Directors.

Section 3. The objectives of the Association are to collect, record, preserve, and publish the pedigrees of, and information on the history of purebred Berkshire Swine; and to study and aid in the genetic improvement of Berkshire swine, and to promote use of the breed in the swine and pork industry.

ARTICLE II - Membership

Section 1. Persons, firms, and corporations who are the owners of purebred Berkshire Hogs, are actively promoting or are financially interested in the breed, shall be eligible for membership; except such persons, firms, or corporations who have been denied the services of this, or any other recognized purebred Record Association, or have in their employ in a responsible position, any person who has been denied these privileges.

Section 2. The members of this Association shall be subject to such dues and fees and have such voting rights and special privileges as may be prescribed by the Bylaws of the Association. Inactive members have all rights and privileges, except voting rights. An inactive member may not serve on Board of Directors (BOD).) If the executive committee finds a board member has become inactive, that board member has 30 days to become active again before they are removed from the Board of Directors. If a member has multiple accounts and has a past due balance greater than 120 days on any of their accounts, the member will lose voting rights on all accounts and will be ineligible to serve on the Board of Directors.

ARTICLE III - Management

Section 1. The affairs of the Association shall be managed by a Board of nine Directors, elected from the membership.

Section 2. The officers of the Association shall consist of a President, Vice-President, Secretary, and Treasurer or Secretary/Treasurer. The President and Vice-President shall be elected by the Board from its membership. The Secretary and Treasurer or Secretary/Treasurer shall be named by the Board from outside its membership, which persons or person shall be without power of vote.

Section 3. Officers and Directors of the Association shall be elected and perform such duties as are prescribed in the Bylaws.

ARTICLE IV - Merger

Any merger of the American Berkshire Association with any other entity would have to be approved by a majority vote of the membership.

ARTICLE V - Amendment

The Constitution of the Association may be amended by a two-thirds majority vote of the members present, mail in votes, electronic votes, or proxy votes, at any Annual Meeting of the membership, providing the proposed amendment is forwarded, via mailings or electronic vehicles, to the active members of the Association 15 days prior to the date of the Annual Meeting.

BYLAWS

ARTICLE I - Board of Directors

Section 1. Eligibility for Board of Director Candidate:

1. Candidate must be an active member.
2. Candidate is limited to two (2) consecutive three-year terms of service on the board and must sit out one year prior to re-election.
3. A candidate who was appointed to fill a vacant seat can stand and be elected to two (2) consecutive full three (3) year terms.

Section 2. Nominations of candidates – the President of the Board of Directors will appoint a nominating committee of three (3) members only one (1) of whom may be a director. All nominating committee members must be voting eligible ABA members in good standings. The committee shall nominate no less than five (5) and no more than seven (7) members to fill the three (3) vacancies.

Section 3. Election Procedure – Directors shall be elected by membership vote at the Annual meeting. Members may vote in person; electronically through a secured electronic voting system approved by the ABA, by proxy, or by mail ballot, which must be sealed and received at the American Berkshire Office at least three (3) days prior to the Annual meeting.

Members may request postal delivery of ballots to their registered address, facilitating remote participation in the voting process. Alternatively, downloadable forms are available on the ABA website for printing. Members may vote for the nominated candidates or write in any active member's name if the person is contacted and is sincere in his/her desire to serve. The ballots will be opened and reviewed by the credentials committee, and counted by the tellers, appointed by the President for that annual meeting. The three (3) candidates receiving the most votes will be elected each year and serve a three (3) year term.

Section 4. Absence from Meetings. Failure of any Director to attend two consecutive meetings of the Board or failure to remain an active member of the ABA may create a vacancy in the office held by that Director.

Section 5. Vacancies. Vacancies in the Board of Directors may be filled by a majority vote of the remaining members of the Board at any regular or special meeting. Members so elected shall hold office for the unexpired term created by the vacancy, and until their successors are elected and qualified.

Section 6. Access to ABA accounts. At least one member of the Board of Directors shall be appointed by the President to sign ABA checks and otherwise have access to ABA financial accounts and secured storage sites. The Director shall give bond or insurance in such form and amount as required by the Board of Directors.

ARTICLE II - Officers

Section 1. Election. Officers shall be elected at a meeting of the Board of Directors, to be held following the Annual Meeting of the Association.

Section 2. Terms. Officers shall serve for a term of one year and until their successors are elected and qualified.

ARTICLE III - Committees

Section 1. Committees. The Board of Directors shall, at its first meeting following the Annual Meeting of the Association, elect an Executive Committee, which shall be made up of the President, who shall be the Chairman, and at least two members of the Board of Directors, plus the Secretary/Treasurer as an ex-officio member (without vote).

Section 2. Proxy Committee. The Board of Directors shall, at its Annual Meeting, appoint a Proxy Committee consisting of two members, whose duty it shall be to canvass all proxies to be used at each meeting.

Section 3. Bylaws Committee. The President shall appoint annually a Bylaws Committee to review the Constitution and Bylaws and to propose revisions when necessary.

Section 4. Other Committees. All other Committees shall be appointed by the President, unless otherwise determined by the Board of Directors.

ARTICLE IV - Membership

Section 1. Application. Any person, firm, or corporation eligible for membership and desiring admission to the Association, shall file an application upon the prescribed form.

Section 2. Fee. Each membership application, except for Junior Membership, shall be accompanied by a fee to be set by the Board of Directors. Membership Maintenance Dues for recording activities shall be assessed each year. The amount of such dues shall be determined annually by the Board of Directors. Such maintenance dues shall be assessed each active membership with that member's first application for recording, within a new calendar year, beginning January 1, each year. No fee shall be collected for Junior Members as hereafter provided for.

Section 3. Junior Membership. Any boy or girl under the age of 21 years of age as of January 1 of the current year and who is the owner of one or more purebred Berkshire sows or gilts registered in his/her name or registered under a family or farm name shall be eligible for Junior Membership. Junior Membership privileges do not include voting privileges. Junior Membership shall, automatically and without notice, expire on December 31 following his/her 21st birthday.

Section 4. Issuance. Upon receipt of an application for membership, accompanied by the required fee and properly endorsed, the Secretary/Treasurer shall determine the eligibility of the applicant for membership. If the applicant is found to be eligible, a certificate of membership shall be issued by the Secretary/Treasurer and the name of the member shall thereupon be enrolled upon the membership rolls of the Association. In the event the Secretary/Treasurer is in doubt of any applicant for membership, the application shall be referred to the Executive Committee, whose decision thereon shall be final.

Section 5. Transfer of Memberships. Memberships in the Association shall not be transferable, except from the estate of a deceased member to any member of his or her immediate family; the formation of a partnership to which any member is one of the partners to the partnership; or upon the dissolution of a partnership to any person who was a partner at the time of the dissolution; and then only upon the surrender of the certificate properly endorsed and the payment of a transfer fee of \$1.00.

Section 6. Types and Terms of Membership. Membership in this Association shall be for life, and as long as the holder is actively recording/raising purebred Berkshires. The Association shall have two types of membership – Registered Herd and Commercial Herd.

A Registered Herd will individually ear notch all pigs and will record litters. Failure of a Registered Herd member to record two (2) purebred litters of Berkshires in the twelve (12) months prior to the Annual Meeting of the Association, shall automatically and without notice cause the member to become an Inactive Member, without power of vote. However, Inactive Registered members shall be reinstated to all Privileges of membership upon recording two litters in a calendar year and paying the annual maintenance fee.

A Commercial Herd will ear notch all offspring with a unique herd notch and pay an annual fee (set by the Board of Directors) based on the number of sows owned. Failure of a Commercial Herd member to own at least two (2) sows or to pay the annual fee shall automatically and without notice cause the member to become an Inactive Member, without power of vote. However, Inactive Certified members shall be reinstated to all Privileges of membership upon owning two sows in a calendar year, paying the fee per sow and paying the annual maintenance fee.

ARTICLE V - Duties of President

It shall be the duty of the President to preside at all meetings of members, the Board of Directors, and the Executive Committee; to maintain a contact with the Officers of the Association; to make a report of the affairs of the Association at the Annual Meeting of members; to retain custody of the official bonds or insurance of the Secretary/Treasurer; to perform all other duties which may be prescribed by the Board of Directors from time to time and such other duties as shall devolve upon that office. The President shall be an ex-officio member of all committees.

ARTICLE VI - Duties of Vice-President

In the absence of the President, the Vice-President shall have the powers, and shall perform the duties of the President and such other duties as may be prescribed by the Board of Directors.

ARTICLE VII - Duties of the Secretary/Treasurer

Section 1. General. The Secretary/Treasurer shall be the General Office Manager of, and have general charge of, the business of the Association under the direction of the Board of Directors; shall collect and preserve all

documents constituting the authority for Berkshire pedigrees and the transfer thereof, which shall be available to members for inspection during office hours at the principal office of the Association; act as Secretary of and keep a record of the minutes of meetings of members, Board of Directors, and Executive Committee; authenticate records of the Association; compile and maintain a proper herd book of recorded pedigrees; and make a report thereof monthly to the Board of Directors; collect and receive all moneys due the Association; sign all checks drawn on the Treasury; have custody of the common seal and the corporate records of the Association; issue certificates of membership; issue certificates of registration and transfer of ownership, except in cases where he/she is in doubt as to the authenticity thereof, in which cases such applications for registration or transfer shall be referred to the Executive Committee; issue all notices of meetings, and perform such other duties as are prescribed by the Board of Directors, and such other duties as shall devolve upon the Office. The Secretary/Treasurer shall also have the custody of all funds and securities of the Association, which funds shall be deposited in the name of the Association in a bank or other depository designated by the Board of Directors; shall only invest surplus funds in Federally Insured Money Market Accounts, FDIC Certificates of Deposits, which can include, Brokered Certificates of Deposits, and Structured Certificates of Deposits, are proper for the investment of trust funds, subject to the approval of the Board of Directors; issue all checks for the disbursement of Association funds; submit a detailed monthly report of receipts and disbursements to the Board of Directors; and submit to the Annual Meeting of Members a complete report of the financial affairs of the Association and shall perform such other duties as shall be prescribed by the Board of Directors or which shall devolve upon the office.

Section 2. Enforcement of Bylaws. It shall be the duty of the Secretary/Treasurer to investigate any complaint received by him/her or coming to his/her attention, of the violation or attempted violation by any member or non-member using the privileges of the Association, of any of the Bylaws of the Association, or of the doing of any act or acts which, in his/her opinion, tend to endanger or adversely affect the welfare, reputation or credit of the Association and to enforce these Bylaws unless such act or omission by such member or non-member shall be promptly rectified to the satisfaction of the Secretary/Treasurer. Any complaint or violation where doubt exists shall be referred to the Executive Committee.

Section 3. The Secretary/Treasurer shall, upon order of the Executive Committee, have the authority to negotiate a loan to carry the Association through any emergency period where cash flow may be a problem. The assets may be used as collateral.

ARTICLE VIII - Powers and Duties of the Board of Directors

The Board of Directors shall have, in addition to all other powers granted them by law and by the Bylaws of the Association, the following powers and duties, namely:

Section 1. General. General supervision of the affairs of the Association; management and control of all property; to fix the compensation of officers of the Association; to remove any officer elected by them when in their opinion the best interests of the Association will be served thereby, such removal to be by a two-thirds vote of all members of the Board of Directors.

Section 2. Expenditures. To make necessary appropriations for the verification, preservation, and publication of all pedigrees and other expenses of the general office of the Association, and for the payment of the expenses of Officers and Directors and members of Committees when on official business.

Section 3. Pedigrees. To fix the fees for registration and transfer of pedigrees, and publication subscriptions and advertising.

Section 4. Special Appropriations. To make appropriations for breed promotion, publicity and advertising, and special premiums at fairs and expositions.

Section 5. Appeal of Complaints. To pass upon all appeals from the action of the Secretary/Treasurer or of the Executive Committee, and to hear, investigate, and act upon all complaints or charges made against any member or non-member, who is permitted to avail himself of any of the privileges of the Association, for violation of any of the Bylaws of the Association, or for conduct adversely affecting the reputation, welfare, or credit of the Association, and to suspend or reinstate such member or nonmember complained against. To direct the Secretary/Treasurer to deny all privileges of the Association to any member or non-member who owes the Association fees, or who has been guilty of failure to complete registration and transfer of ownership for animals sold by such member or non-member.

Section 6. Cancellation. To direct the Secretary/Treasurer to cancel any registration or transfer certificate when it has been determined that such certificate was issued on the basis of incorrect statements of data in support thereof or in said application, and to refuse to make further entries in the record based upon such incorrect certificates of registration or transfer.

Section 7. Appointments. To designate by honorary appointment such Vice-Presidents for the several states, territories, and provinces as shall be deemed for the best interest of the Association; to fill all vacancies in the offices of the Association which might occur between Annual Meetings.

Section 8. Additional Employees. To engage or authorize the employment of such agents or employees as they consider necessary at any time in the conduct of the affairs of the Association.

Section 9. Bond or Insurance. To require any employees of this Association to give bond or insurance with such conditions and in such an amount as may be fixed by said Board of Directors.

Section 10. Handbook Policies: Board members shall follow relevant sections of the ABA Employee Handbook (i.e., Professional Ethics and Business Travel)

ARTICLE IX- Duties and Powers of the Executive Committee

Section 1. General. In the absence of the Board of Directors, it shall be the duty of the Executive Committee to act with the consent of the Board of Directors in the direction of the affairs of the Association, reporting all decisions, in writing or electronic vehicles, to the Board within seven days. Decisions of the Executive Committee shall be final, if two or more Directors do not object to the decision within an additional seven days; should such objections be filed with the Secretary/Treasurer, the matter in question shall be placed on the docket of the next meeting of the Board of Directors.

Section 2. Investigation. To investigate or cause to be investigated, all complaints coming to their attention, of the violation, or attempted violation by any member, of any of the Bylaws of the Association, or the violation or attempted violation by non-members, of registration or related requirements, or of any act or omission of any member or non-member, tending to endanger or adversely affect the welfare, reputation, or credit of the Association. If a majority of the members of the Committee shall, after making or having made such investigation as they deem necessary, determine the complaint to be of such import, or to be justified, they shall act, in due course, and submit the complaint and a report of their findings to the Board of Directors.

Section 3. Right of Appeal When Complaint Dismissed. Any member or non-member whose complaint is dismissed by the Executive Committee, shall within ten days of date of notice of decision have the right to, in writing, demand that the complaint be reheard by the Board.

Section 4. Direct Issuance of Certificates. In case of the inability of any applicant for a pedigree certificate or a certificate of transfer of ownership, to provide the certificates and data pertaining thereto, as required by the Association, on account of the failure, inability or refusal of any party to the transaction to furnish such certificate or data, the Committee shall have the right, upon being satisfied of the correctness and validity of the facts in question, to instruct the Secretary to issue the certificate of registration or certificate of transfer of ownership.

Section 5. Reference to Board of Directors. In any matter in which the Committee shall be unable to arrive at a decision, or which it deems of sufficient importance to the welfare of the Association, it shall have the right to refer such matter to the Board of Directors for decision.

Section 6. Audit. The Committee shall have the power to audit or cause to be audited any or all books of the Association.

ARTICLE X- Duties of Members and Non-Members

Section 1. It shall be the duty of members and of non-members using the privileges granted by the Association, to at all times comply with the Bylaws of the Association as they now exist, or may hereafter be amended; to keep adequate herd records sufficient to provide unquestionable identity of all purebred Berkshire hogs in the herd, or sold from the herd for breeding purposes; to so conduct his or her Berkshire business as not to endanger, reflect upon, or adversely affect the reputation, welfare, or credit of the Association and the Breed; to promptly report in writing to the Secretary/Treasurer any violation of the Bylaws or any act or conduct tending, to endanger or adversely affect the reputation, welfare, or credit of the Association, by or on the part of any other member or non-member using the privileges granted by the Association.

Section 2. Persons, firms, and corporations who are not members of the Association may record pedigrees and transfers of ownership on terms prescribed by the Board of Directors. The act of signing an application for registry or transfer, by a non-member, shall constitute an agreement to observe and be bound by the Bylaws of the Association as they now exist or may hereafter be amended, and to so conduct his Berkshire business as not to endanger or reflect upon the reputation, welfare, or credit of the Association.

ARTICLE XI - Misrepresentation of Fact

No member or non-member, using any of the privileges granted by the Association, shall in any way misrepresent any fact in connection with Berkshire hogs, either as to breeding, date of farrow, ear notches, alter ear notches; or in any other way cause false information to be placed upon the records of the Association, or presented to the public. Such misrepresentation shall be punishable by denial of the services of the Association to the offending party.

ARTICLE XII - Sale of Pedigree Certificates Prohibited

No member or non-member using the privileges of the Association, shall buy or sell any pedigree certificate which does not accompany the sale or transfer of a hog for which the certificate was issued.

ARTICLE XIII - Alteration of Pedigree Certificates Prohibited

No member or non-member using the privileges of the Association, shall make any alteration or changes in any certificate of registration or transfer issued by the Association, nor have in his or her possession any such certificate which has been tampered with or altered. In case any member or nonmember using the privileges of the Association, shall receive a certificate which bears evidence of change or alteration, he shall forthwith forward such certificate to the Secretary/Treasurer and in connection therewith, communicate to the Secretary/Treasurer the source from which he received such certificate, the date when received, and all pertinent attending information relating thereto.

ARTICLE XIV – Meetings of Members

Section 1. The Annual Meeting of the Association shall be held at such time and at such place as may be fixed by the President, subject to the approval of the majority of the members of the Board of Directors. A notice of such meeting shall be announced and forwarded to all active members via mailings or electronic vehicles at least 25 days in advance thereof. This shall be deemed a sufficient compliance with any section of the Constitution or Bylaws where it is required that notice shall be given.

Section 2. Special meetings of the Association may be held upon a call issued by the President, or a call signed by a majority of the members of the Board of Directors, or by a petition signed by fifty active members. In either case, fifteen (15) days notice of such meeting shall be forwarded to all active members of the Association via mailings or electronic vehicles. No business shall be transacted at such meeting except that stated in the call.

Section 3. For the purpose of an election and the transaction of other business, a quorum shall consist of the members present.

Section 4. Members may vote in person, electronically through a secured electronic voting system approved by the ABA, by mail or by a properly notarized and sealed proxy, received in the office at least 3 days prior to the meeting, and as described in the Bylaws. In the case of a tie, ties may be broken by membership and proxies present.

Section 5. Vote. Each Active Member shall be entitled to one vote at all meetings of members. Inactive and Junior Members shall not be entitled to vote.

ARTICLE XV - Meetings of Directors

Section 1. Annual. The Annual Meeting of the Board of Directors shall be held at such time and such place as decided by the President, within 120 days following the close of the Fiscal Year.

Section 2. Special. Special meetings of the Board of Directors may be called at any time by the President. The Secretary/Treasurer shall give written notice to the members of the Board of Directors of special meetings not less than five days before the date fixed for the meeting, by mailings, or electronic vehicles, stating the time, place, and purpose of the meeting. The President shall call special meetings of the Board of Directors upon written request of five Directors. With the approval of the majority Board of Directors and with a majority participating, provided all members have 24-hour notice, any Board meeting can be conducted by any communicating electronic vehicle.

Section 3. Quorum. A majority of Directors shall constitute a quorum for the transaction of business at any Directors' meeting, but a smaller number may adjourn the meeting to another day or hour or place.

ARTICLE XVI - Meetings of Executive Committee

Section 1. Call and Notice. The Chairman shall have the power to call a meeting of the Executive Committee at any time. The Chairman shall call a meeting of the Executive Committee upon the request of two members thereof.

Section 2. Quorum. Two members of the Executive Committee shall constitute a quorum.

ARTICLE XVII - Meetings by Correspondence

Whenever any matters are pending before, or which are proper to be decided by the Board of Directors or Executive Committee, and which, in the opinion of the President of the Board of Directors, or Chairman of the Executive Committee, may be determined by the Board of Directors or Executive Committee without the holding of a formal meeting, the President of the Board of Directors or Chairman of the Executive Committee shall have the right to submit the matter to the members of such Board of Directors or Executive Committee individually. The President or Chairman shall submit the proposition to be decided by the Board of Directors or Executive Committee in the form of a resolution to the Secretary/Treasurer. The Secretary/Treasurer shall thereupon submit the resolution to the members of the Board of Directors or Executive Committee for decision together with a notice of the time fixed for the return of the vote, which shall not be less than ten days from the mailing or forwarding by electronic vehicles of such resolution and notice by the Secretary/Treasurer. The members of the Board of Directors or Executive Committee shall cast their votes on such resolution by placing a mark in a column appearing opposite the statement of the resolution, and marked "for" or "against", and return the same to the Secretary/Treasurer within the time specified for the return of the votes. The Secretary/Treasurer shall exhibit all votes cast to the President or Chairman and shall thereafter file them in the office of the Association, subject to inspection by any member of the Association. If a majority of the members of such Board of Directors or Executive Committee shall vote in favor of the resolution, it shall be considered carried; otherwise, it shall be considered lost. The adoption or revision of a resolution in the manner herein provided for, shall have the same force and effect as if done at a regular or special meeting of such Board of Directors or Executive Committee, called and conducted as provided by law and by these Bylaws, and shall be incorporated in the minutes of the Board of Directors or the Executive Committee, as the case may be.

ARTICLE XVIII - General Recording Requirements

No litter or pedigree certificate shall be issued until the following requirements have been complied with:

Section 1. Recorded Ancestry. Sire and Dam shall have been recorded in the books of the American Berkshire Association.

Section 2. Recorded Ownership of Dam. No animal shall be admitted to record unless the dam is shown on the record of the Association as having been bred by or transferred to the name of the person, firm or corporation owning her at the time of farrowing the litter in question.

Section 3. Owner of Dam is Breeder. The Association recognizes the breeder of the animal, to be the person, firm or corporation owning the dam at the time of breeding.

Section 4. Artificial Insemination. There is no limit on the use of fresh or frozen semen in Berkshire females. For identification purposes, an A.I. Certificate must be verified by the owner of the boar. There is no extra charge for Artificial Insemination.

Section 5. Embryo Transfer. The method of Embryo Transfer to acquire purebred Berkshires is acceptable. For identification purposes, a Breeding Certificate must be signed and dated by both the owner of the dam and sire, and also by the technician. This certificate must have the date the litter was transferred through embryos and state the sire's name and registration number and donor sow's name and registration number. Also, office must know this procedure within 45 days of transfer.

Section 6. Certificate of Service. When sire of animal to be recorded is not owned by the breeder of the animal at the time of that service, a certificate of breeding service, signed by the owner of the sire, must be supplied upon form prescribed by the Board of Directors. This includes litters farrowed by artificial insemination or embryo transfer.

Section 7. Recognizing Foreign Registry. Berkshires registered in an officially recognized foreign registry are eligible for re-registry in the records of the American Berkshire Association, provided the requirements for registry within that foreign registry meet the same basic requirements required by the American Berkshire Association and a five-generation pedigree is provided. Pigs imported in dam from another officially recognized foreign registry are eligible for registry provided (a) the dam and sire are first recorded in the American Berkshire Association, (b) the foreign certificate of the dam presented with the application, shows service to the boar claimed as sire of the pigs in that application, and complies with fees imposed by the American Berkshire Association in United States funds. All foreign born or bred pigs will be denoted with an asterisk on their certificate of registry.

Section 8. Form. Applications shall be submitted on forms prescribed by the Board of Directors and shall contain all information required by such forms.

Section 9. Signature. Each application shall be signed by the breeder of the animal sought to be registered. When purchased in dam, the dam's pedigree shall be signed by the owner of the dam at the time of transfer verifying the breeding date and service sire.

Section 10. Fees. All fees for registration, transfer, and all penalties shall be paid at time of registry; or if a member in good standing and with a good credit history, who in the opinion of the Secretary/Treasurer and Executive Committee or full Board of Directors, is a good credit risk, may be allowed to charge services. Such charges are due following the receipt of a billing at the end of the month and if not paid within 60 days of the invoice date, all credit privileges could be lost for future transactions. The Secretary/Treasurer and Executive Committee may extend the credit time if they feel such an extension is warranted and payment likely. The Secretary/Treasurer and Executive Committee, if acting in good faith, and if there was no previous history to indicate a credit risk, are not liable for failure to pay by individuals and extended credit. Any member with an account over 120 days past due on the date of the Annual Meeting of the Association will automatically and without notice become an Inactive Member (without voting rights).

Section 11. Forfeiture of Fees. Whenever any fees are paid to the Association in connection with an application for registration or transfer, and the certificate shall not be issued on account of failure of the applicant to provide all information and data required by the Association, such fees shall be forfeited to the Association when the breeder becomes inactive.

Section 12. Additional Information. All additional information, data, and supporting evidence required by the Secretary/Treasurer or Board of Directors has been furnished.

Section 13. (Effective January 1, 2025) All sires used to register Berkshire litters must be DNA banked and tested for the stress (HAL-1843) and Redempt Napole (RN) genes. The sire's stress and Redempt Napole results must be negative for litter registrations, however if the status of the boar is a negative mating and the boar does not test negative, we will follow the Standard Procedures for DNA Testing and Report of Results.

ARTICLE XIX - Markings and Identification Requirements

Section 1. Color. The ideal color pattern is black with six white points (face, four socks, tip of tail). Less desirable, but acceptable, are sandy colored hair in the areas where white and black border. Color Qualifications for Registration (boars, gilts and barrows must meet the following color requirements in order to be recorded): A Berkshire must have white on the face and tail, unless the tail is docked. Three of four legs must be white. A Berkshire must not have a spotted or mottling pattern, which is defined as an intermixture of black and white and/or red skin/hair anywhere on the pig's body (defined as anything above the elbow and flank and excludes the legs and under belly). Examples of spotted or mottling patterns include cheetah and giraffe spotted markings anywhere on the back or side of the pig. Also, a Berkshire must not have a contiguous area of white and/or red skin/hair that exceeds 64 square inches anywhere on the body (defined as anything above the elbow and flank and excludes the legs and under belly) of a mature pig (approximately 8 x 8 square inch area on a 300 lb pig; this would be equivalent to 11 square inches on a 50 lb pig). Finally, a Berkshire cannot have a full or 3/4 belting pattern that is defined as white skin or hair that fully encircles or nearly encircles the body anywhere between the base of the ear and base of the tail.

Section 2. Ear Carriage. The ideal ear carriage is ridged and tight. Less desirable, but acceptable, ear carriage is: a) ears that are larger than astatically pleasing and b) ear carriage that lacks rigidity.

Section 3. Identification Requirements. No animal shall be eligible to record unless it is distinctively ear-notched at farrowing time. All pigs from the same litter must carry the same litter notch. When individual ear-notches are used, the right ear shall be used for the litter notch and the left ear for individual notch, in accordance with the official Berkshire ear-notching system. Official ear-notching system available on request. No two litters on the farm shall be ear-notched the same during the same farrowing season, which may be interpreted as being between January 1 through June 30 and July 1 through December 31 of each year.

Section 4. Disqualification for Registration of Breeding animals. The presence of one or more of the following are disqualifications for registration: a) less than 6 functional teats on each side, b) total blindness, c) rectal or uterine prolapse, d) hermaphroditism, e) atresia ani; f) cryptorchidism or monorchidism; g) scrotal and/or umbilical hernia, and h) ear carriage that "breaks" to the point in which ears are continually directed in a downward angle.

ARTICLE XX - Duty to Furnish Registration Certificate

Section 1. Certificate of Registration to Buyer. The Association holds the certificate of registration as an integral part of every purebred transaction. In every change of ownership of a Berkshire hog, the seller shall, at his/her own expense, furnish to the buyer a certificate of registration, and cause to be recorded, a certificate showing transfer of ownership and the date of sale, unless the right to such certificate is specifically waived, in writing, by the buyer at the time of completion of sale.

Failure to record and transfer by breeder should be cause for immediate suspension from all rights and privileges of this Association.

Section 2. Breeding Certificate. Should the change of ownership of a Berkshire hog involve a bred sow or bred gilt, a certificate of breeding service on a form prescribed by the Association, must be furnished by the seller to the buyer.

ARTICLE XXI - Non-Liability of Association; Indemnification

All pedigrees are based upon application made to the Association therefore, and are recorded in reliance upon the information contained therein, and neither the Association nor any of its Officers, Directors, or employees shall be held liable for any loss or damage incurred by any person, firm, or corporation, including members or non-members, arising from any act of the Association in striking from the record any registration certificate issued in error or cancelled as a result of information subsequently obtained by the Association; or the refusal of the Association to record pedigrees based upon registration which has been cancelled from the record.

The American Berkshire Association shall indemnify any and all persons who may serve or have served at any time as Officers or Directors, and their respective heirs, administrators, successors, and assigns, against any and all expenses including amounts paid upon judgments, counsel fees, and amounts paid in settlement (before or after suit is commenced), actually and necessarily incurred by such person in connection with the defense or settlement of any claim, action, suit, or proceeding in which they, or any of them, are made parties or a party, or which may be asserted against them or any of them, by reason of being or having been an Officer or Director of this Association if the conduct in question was taken in good faith and if the individual reasonably believed that either (a) in the case of conduct in the individual's official capacity with the Association that the individual's conduct was in the Association's best interests or (b) in all other cases, that the individual's conduct was not opposed to the Association's best interest. In the case of a criminal proceeding, the individual shall be required to have had reasonable cause to believe the conduct was lawful or no reasonable cause to believe the conduct was unlawful. Such indemnification shall be authorized in accordance with applicable law and shall be in addition to any other rights to which those indemnified may be entitled under any law, Bylaw agreement or otherwise.

ARTICLE XXII - Procedure for Hearing on Expulsion, Suspension and Discipline

Section 1. General. When a member or non-member, using the privileges of the Association, is charged with a violation of any of the Bylaws of the Association, or with any act or conduct tending to endanger or adversely affect the reputation, welfare, or credit of the Association, written notice of such charge shall be given to the member at least fifteen days prior to the expulsion, suspension or discipline of the member or non-member. If such complaint is appealed and referred by the Secretary/Treasurer to the Executive Committee or the Board of Directors, the President shall thereupon set a date for, and conduct a hearing on such charges or complaining. Prior to setting a hearing date the President, with support of the Executive Committee, may ask the complaining party to provide additional information to support their complaint. The President will set a hearing date after receipt of this additional information. If said complaint is against any member of the Board of Directors or Executive Committee, the duties of setting a date and conducting a hearing fall to the highest ranking, non-involved member of the Board as determined by tenure on the Board. The hearing shall be held no later than five days before the effective date of the expulsion, suspension, or discipline.

Section 2. Appearance. The member or non-member so complained against shall be given ten days' notice in writing of the date and place set for the conduct of the hearing and shall have the right to appear in person or by, or with counsel, at such hearing, and shall be entitled to examine all evidence and cross-examine all witnesses heard in support of said complaint, and to offer evidence and data by way of defense.

Section 3. Answer. The member or non-member so complained against shall have the right to file a written answer to the complaint with the Secretary/Treasurer at the office of the Association, not less than five days before the date of the hearings.

Section 4. Informal Hearing. Such hearings shall be conducted in an informal manner, within such limits as shall be determined by the person acting as Chairman thereof. The Association shall be required to keep a stenographic report of such proceedings.

Section 5. Failure to Appear. Whenever a member or non-member so complained against, shall fail to file his/her written answer or denial, or shall fail to appear in person, or by counsel at the hearing, the Board of Directors shall have the right to proceed with the hearing of such member or non-member.

Section 6. Penalty. Whenever the Board of Directors shall, by a majority vote of all members, find a member or non-member guilty of violating any of the Bylaws of the Association as they now exist, or may hereafter be amended, or of any act or conduct endangering or adversely affecting the reputation, welfare, or credit of the Association, after proceeding in accordance with the provisions of this article, they shall have the right to deny all further rights and privileges to such member or non-member, or otherwise discipline such member or non-member in any manner which they deem for the best interest of the Association. A member or non-member whom is suspended also causes any Herdmark that this person or entity is a 1% or greater partner of, to become suspended as well. Furthermore, the person or persons whom were complained against and found guilty are subject to a \$2,000 fine, all incurred expenses, or both and may be required to submit the assessed fees prior to reinstatement of membership.

Section 7. Notice of Decision. Written notice of the decision of the Board of Directors on such complaint shall either be delivered to such member or non-member in person, or be sent to the member or non-member complained against, by registered United States Mail, postage pre-paid, addressed to the member or non-member at his/her address as it appears on the books of the Association, within ten days of the date upon which the decision of the Board of Directors shall be arrived at; provided, however, that nothing herein contained shall prevent the decision of the Board of Directors from being appealed to the Annual Meeting of the members before the expiration of a ten- day period.

Section 8. Report and Reference to Meetings of Members. The findings, conclusion, and action of the Board of Directors shall be reported to the next regular Annual Meeting of members.

Section 9. Reversal or Qualification of Decision of Board. In all cases where the decision of the Board of Directors is reversed or modified by the action of the members, such member or non-member shall be reinstated to all of his/her former rights, except as qualified by action of a majority of the members present at such meeting.

Section 10. Right of Board of Directors Pending Decision. The Board of Directors shall have the right, during the time any complaint is pending against a member or non-member as aforesaid, to deny to such member or non- member any or all privileges of the Association.

Section 11. Continuance of Hearing and Requirements. In any case where a meeting of the Board of Directors is called for the purpose of a considering complaint against a member or non-member, and such member or non- member so charged shall request a continuance or further meeting of the Board of Directors, such continuance or further meeting shall be held at the expense of the member or non-member requesting the continuance or further meeting and shall be granted only if the member or non-member shall file with the Secretary/Treasurer cash or bond satisfactory to the Secretary/Treasurer. In such amount and form as to guarantee the payment of all expenses of such further meeting of the Board of Directors.

ARTICLE XXIII - Right to Inspect Herd and Herd Records

The Board of Directors shall have the right to inspect, or cause to be inspected, the herd and the herd records of any member or non-member, using the pedigrees of the Association. Upon demand made by the Board of Directors acting through its President or the Secretary/Treasurer of the Association, any member or non-member, using the privileges of the Association, shall exhibit his or her herd, or shall exhibit his or her records to the Board of Directors, or to any person or persons, designated by the Board of Directors to inspect such herd or herd records, or shall exhibit his or her herd records at such time and place as shall be fixed by the Board of Directors. The member or non-member may require herd visitors to observe herd biosecurity rules. Shall sufficient evidence be found that herd records are inadequate to provide identification of or are incorrect, or that the animals in the herd do not correspond with the pedigrees held, the Board of Directors, shall thereupon set a date for and conduct a hearing on such charge or charges as are justified. The procedure and action thereby shall be as prescribed in ARTICLE XXIII.

ARTICLE XXIV- Proxy

The vote of any absent active member may be by proxy, provided the absent member shall not less than five days prior to the meeting file said proxy in the office of the Secretary/Treasurer of the Association, said form being duly signed and acknowledged before a Notary Public or other officer authorized to administer oath. Proxies shall be valid only for the meeting designated thereon. It shall be the duty of the Proxy Committee to reject any and all proxies not complying with this Article. Members may assign their voting rights on all issues to another member, provided such is done in writing to the Secretary/Treasurer prior to the meeting, and that have met the preceding specifications.

ARTICLE XXV - Fiscal Year

The Fiscal Year of the Association shall begin on the 1st day of January and shall end on the 31st day of December each year.

ARTICLE XXVI - Order of Business

1. Roberts' Rules of Order shall govern all meetings.
2. The order of business at all meetings shall be:
 - a. Call to Order
 - b. Reading of Minutes.
 - c. Reports of Officers.
 - d. Reports of Committees.
 - e. Unfinished Business.
 - f. New Business.
 - g. Elections report by Credentials Committee.
 - h. Tie breaking election as needed.

ARTICLE XXVII - Amendment

These Bylaws may be amended at any regular meeting, or a special meeting called for that purpose, by a majority of the members present, mail in votes, electronic votes, or proxy votes.