

BYLAWS OF THE MINIATURE AUSTRALIAN SHEPHERD CLUB OF AMERICA, INC.

Revised February 25, 2020

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ARTICLE 1– MEMBERSHIP

Section 1. Eligibility.

There shall be two (2) types of membership open to all persons 18 years of age and older who are in good standing with The Miniature Australian Shepherd Club of America Inc. (“MASCA” or the “Club”) and who subscribe to the purposes and objectives in the Code of Ethics of the Club: Single and Family. Single is to be defined as one person; Family is to be defined as two persons living in the same household. A single membership is entitled to one (1) vote; family membership is entitled to two (2) votes.

There shall be one (1) type of Junior membership open to all persons under eighteen years of age who are in good standing with MASCA and who subscribe to the purposes and objectives and Code of Ethics of the Club.

Single and Family members are entitled to vote and hold office. Junior members are not entitled to vote and hold office.

Section 2. Dues.

Actual dues for the ensuing year shall be set by the Board of Directors at the Board Meeting held following their election. No member may vote whose dues are not paid for the current year. Membership renewals, the Treasurer or their designee shall send to each member a statement of dues for the ensuing year. Membership runs from January 1st to December 31st of each year. Dues are to be paid before January 1st of the membership year. Renewals are also due at that time. RE: termination of membership, see Section 4C of this article.

Section 3. Election to Membership.

Each applicant for membership (the “Applicant”) shall apply on a form approved by the Board of Directors (the “Application”), which shall provide that the Applicant agrees to abide by the Bylaws, Code of Ethics and rules and regulations of MASCA. The Application shall state the name and address of the Applicant, require the Applicant’s signature and acceptance of the Bylaws, Code of Ethics and rules and regulations and state that upholding these items is a requirement for membership. Accompanying the Application, the Applicant shall submit dues payment for the current year.

The Applicant’s name(s) shall be published on the club’s member private group to permit current members of MASCA to submit any objections to the Board of Directors. Following a waiting period of thirty (30) days after posting date the Applicant may be elected by vote at any meeting of the Board of Directors. Affirmative votes of no less than fifty (50) percent of the members of the Board of Directors are required to confirm membership.

The Board of Directors reserves the right to refuse membership to any Applicant whose conduct has or is likely to endanger the welfare and character of the Club, the objectives and purposes of the Club or the Miniature Australian Shepherd.

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Section 4. Termination of Membership.

Membership may be terminated by:

a) resignation. Any member in good standing may resign from the Club upon written notice to the Secretary; but no member may resign when in debt to the Club. No membership fees will be returned.

b) expulsion. A membership may be terminated by expulsion as provided in Article 10 section 4 of these Bylaws.

c) Non- renewal of membership. Membership fees not renewed by the 15th of January will be considered a terminated membership. Membership may be reactivated at any time by reapplying and payment of membership fees.

ARTICLE 2 – MEETINGS

Section 1. Annual Meetings.

The Annual Meeting of the Club shall be held in conjunction with the Club's national specialty show, if possible, at such place, date and hour as designated by the Board of Directors. Written notice of the Annual Meeting shall be publicly posted and emailed by the Secretary at least thirty (30) days prior to the date of the meeting. The quorum for the Annual Meeting shall be ten (10) percent of the members in good standing.

Section 2. Special Club Meetings.

Special Club meetings may be called by the President or by a majority vote of the members of the Board of Directors who are present at a meeting of the Board of Directors or who vote by mail (including electronic mail); and shall be called by the Secretary upon receipt of a petition signed by ten (10) percent of the members of the Club who are in good standing. Such special meeting shall be held at a place, date, and hour designated by the Board of Directors. Written notice of such special meeting shall be mailed by the Secretary at least fourteen (14) days prior to the date of the meeting. The notice of such special meeting shall state the purpose of the meeting, and no other Club business may be transacted thereat. The quorum for such special meeting shall be ten (10) percent of the members in good standing.

Section 3. Board Meetings.

The first meetings of the Board of Directors shall be held within thirty (30) days following the new Board of Directors taking office. Other meetings of the Board of Directors shall be held at such times and places as are designated by the President or by a majority vote of the entire Board of Directors. Written notice of each such meeting shall be emailed by the Secretary to each member of the Board of Directors at least fourteen (14) days prior to the date of the meeting. The quorum for such a meeting shall be a majority of the Board of Directors voting in person, by mail (including electronic mail), internet, or telephone conference call.

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Section 4. Conducting Business.

The Board of Directors may conduct its business in person, by mail (including electronic mail), or telephone conference call through the Secretary. Items voted upon in telephone conference call must be confirmed in writing within fourteen (14) days.

ARTICLE 3 – ORDER OF BUSINESS

Section 1. Club Meeting Procedure.

At meetings of the Club, the order of business, so far as the character and nature of the meeting may permit, shall be as follows:

Roll Call

Minutes of Last Meeting

Report of President

Report of Secretary

Report of Treasurer

Reports of Committees

Election of Officers and Board of Directors (at Annual Meeting)

Election of New Members

Unfinished Business

New Business

Adjournment

Section 2. Board Meeting Procedure.

At meetings of the Board of Directors, the order of business, unless otherwise directed by majority vote of those present, shall be as follows:

Minutes of Last

Meeting

Report of Secretary

Report of Treasurer

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Reports of Committees

Unfinished Business

New Business

Adjournment

ARTICLE 4– DIRECTORS AND OFFICERS

Section 1. Board of Directors.

The Board of Directors shall be comprised of the officers (the “Officers”) and three (3) (except as indicated under Section 2(e) of this Article) other persons (the “Directors”), so that the total sum of persons on the Board of Directors shall equal an odd number, all of whom shall be members in good standing and shall have been members in good standing for at least one (1) year immediately preceding date of taking office, and all of whom shall be elected for two (2) year terms as provided in Article 5 of these Bylaws. They shall serve until their successors are elected. General management of the Club’s affairs shall be entrusted to the Board of Directors.

Section 2. Officers

The Club’s Officers, consisting of the President, Vice President, Secretary and Treasurer, shall serve in their respective capacities both with regards to the Club and its meetings and the Board of Directors and its meetings.

a) The President shall preside at all meetings of the Club and of the Board of Directors and shall have the duties and powers normally appurtenant to the office of President in addition to those particularly specified in these Bylaws. He or she shall also be an official member of all committees.

b) The Vice President shall have the duties and exercise the powers of the President in case of the President’s death, absence or incapacity or at the President’s request.

c) The Secretary shall keep, or cause to be kept, full and complete records of the Club, of all meetings of the Club and of the Board of Directors and of all matters of which a record shall be ordered by the Club; have charge of the correspondence, notify members of meetings, notify new members of their election to membership, notify Officers and Directors of their election to office; keep a roll of the members of the Club with their addresses and make such available to the Board of Directors upon request, and carry out such other duties as are prescribed in these By – laws. The Secretary may at his or her discretion delegate new member duties to a Membership Chairperson duly elected by the Board of Directors. At the Annual Meeting, the Secretary shall provide a report regarding number of new members or notice of significant decreases in membership.

d) The Treasurer shall collect and receive all moneys due or belonging to the Club. Moneys shall be deposited in an account of a bank approved by the Board of Directors, in the name of the Club. The

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Treasurer shall keep complete books of the account and retain such receipts, vouchers or evidence of disbursement as necessary. The books shall at all times be open to inspection by the Board of Directors and a report shall be given at every meeting of the condition of the Club's finances and every item of receipt or payment not before reported; and at the Annual Meeting an accounting shall be rendered of all moneys received and expended during the previous fiscal year, with a copy of such reports going to the Secretary. The Treasurer shall be bonded in such amount as the Board of Directors shall determine.

e) The offices of Secretary and Treasurer may not be held by the same person, in which case the Board of Directors shall seek additional persons to hold Director positions on the Board of Directors so that the Board of Directors shall be comprised of an odd number of persons.

Section 3. Board Members.

The Board Members shall attend all Board Meetings giving input and voting on all issues before the Board of Directors.

Section 4. Vacancies.

Any vacancies occurring on the Board of Directors or among the Officers during the year shall be filled until the next annual election by a majority vote of all the then members of the Board of Directors; except that a vacancy in the office of President shall be filled automatically by the Vice President and the resulting vacancy in the office of Vice President shall be filled by the Board of Directors.

ARTICLE 5 – THE CLUB YEAR, VOTING, NOMINATIONS AND ELECTIONS

Section 1. Club Year.

The Club's fiscal year shall begin on the first day of January and end on the last day of December.

The Club's official year shall begin on the first day of January and end on the last day of December. The elected Officers and Directors shall take office on the tenth day of January and each retiring Officer shall turn over to his or her successor all properties and records relating to that office by such date.

Section 2. Voting.

At the Annual Meeting or at a special meeting of the Club, voting shall be limited to those members in good standing who are present at the meeting, except for the annual election of Officers and Directors, and amendments to the Code of Ethics and Bylaws and changes to the standard of the Miniature Australian Shepherd which shall be decided by electronic vote of the membership. Voting by proxy shall not be permitted. The Board of Directors may decide to submit other specific questions for decision of the members by email or electronic vote.

Section 3. Annual Election.

The election of Officers and Directors shall be conducted by secret ballot. Ballot shall be counted by an independent professional firm, none of whose members shall be members of MASCA, or three (3) inspectors of election (the "Inspectors of Election") who are members in good standing and neither members of the current Board of Directors nor candidates on the ballot.

The nominated candidate receiving the greatest number of votes for each office shall be declared elected. If any nominee, at the time of the meeting, is unable to serve for any reason, such nominee shall not be elected and the vacancy so created shall be filled by the new Board of Directors in the manner provided by Article 4 section 4.

Section 4. Nominations and Ballots.

No person may be a candidate in a Club election who has not been nominated in accordance with these Bylaws. A nominating committee (the "Nominating Committee") shall be chosen by the Board of Directors before May 1st. The Nominating Committee shall consist of three members from different areas of the United States of America, and two alternates, all members in good standing, not more than one of whom may be a member of the current Board of Directors. The Board of Directors shall name a chairman for the Nominating Committee. The Nominating Committee may conduct its business by mail (including electronic mail).

(a) The Nominating Committee shall nominate from among the eligible members of the Club, one candidate for each office and position on the Board of Directors and shall procure consent of each person so nominated. The Nominating Committee should consider geographical representation of the membership on the Board to the extent that it is practicable to do so. The Nominating Committee shall then submit its slate of candidates to the Secretary who shall mail the list, including the full name of each candidate and the name of the state in which he or she resides, to each member of the Club on or before June 1st, so that additional nominates may be made by the members if they so desire.

(b) Additional nominations of eligible members may be made by written petition addressed to the Secretary and postmarked on or before July 1st, signed by Five (5) members and accompanied by a written acceptance of each such additional nominee signifying his or her willingness to be a candidate. No person may be a candidate for more than one position.

(c) If no valid additional nominations are postmarked on or before July 1st, the Nominating Committee's slate shall be declared elected and no voting will be required.

(d) If one or more valid additional nominations are postmarked on or before July 1st, the Secretary shall, on or before August 1st, email to each member in good standing a ballot listing all of the nominees for each position in alphabetical order, with the names of the states in which they reside. Voting will be done online by secret electronic vote. Results of the voting shall be announced at the Annual Meeting.

ARTICLE 6 – COMMITTEES

Section 1. Appointment.

The Board of Directors may each year appoint standing committees to advance the work of the Club in such matters as rescue efforts, dog shows, other events, trophies, annual prizes, membership and other fields which may well be served by committees. Such committees shall always be subject to the final authority of the Board of Directors. Special committees may also be appointed by the Board of Directors to aid it on any projects.

Section 2. Termination.

Any committee appointment may be terminated by a majority vote of the full membership of the Board of Directors upon written notice to the appointee; and the Board of Directors may appoint successors to those persons whose services have been terminated.

ARTICLE 7 – AMENDMENTS

Section 1. Proposals.

Amendments to the Code of Ethics, Bylaws and standard of the Miniature Australian Shepherd may be proposed by the Board of Directors or by written petition addressed to the Secretary signed by twenty (20) percent of the membership in good standing. Amendments proposed by such petition shall be promptly considered by the Board of Directors and must be submitted to the members with recommendations of the Board of Directors by the Secretary for a vote within three (3) months of the date when the petition was received by the Secretary.

Section 2. Procedure.

The Code of Ethics, Bylaws and standard of the Miniature Australian Shepherd may be amended at any time provided a copy of the proposed amendment has been posted to the Private members group by the Secretary accompanied by an on line vote on which a choice for or against the action to be taken shall be indicated. The favorable vote of two – thirds (2/3) of the members in good standing who voted Shall be required to affect any such amendments.

ARTICLE 8 - RECORDS

Section 1. Recording Event Results and Regulation of Record Keeping.

MASCA Regulates and records the results of all licensed events and issues awards for levels of achievement at these events. Additional events may be added at the sole discretion of MASCA. MASCA has the right to inspect all reports, score sheets, and other documents related to MASCA licensed/sanctioned events and to review those documents for any reason.

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Pursuant to the Inherent Rights and Powers, MASCA Business Office may make corrections, additions or deletions to any documents related to MASCA licensed/sanctioned events regardless if a judge or club officer approve those changes. MASCA reserves unto itself, in its sole judgement and discretion, the right to take such action and impose such sanctions as it deems appropriate. Points or qualifying scores earned toward titles are awarded after MASCA business office receives and processes the official event report from the host club.

MASCA will mail the appropriate title certificate to the owner on record once a title has been verified. The owner of a MASCA registered dog is responsible for having their address correct for all registered dogs. If an owner has moved, a change of address needs to be sent to the MASCA business office before the issuance of the title.

Section 2. Registrations and Pedigrees

MASCA provides certified registration and four (4) generation pedigrees. Only MASCA may produce MASCA registration certificates as well as MASCA certified pedigrees. All registrations and pedigree data bases are the property of MASCA business office.

ARTICLE 9 – DISSOLUTION

Section 1. Procedure.

The Club may be dissolved at any time by majority written consent of the members in good standing who returned valid ballots within the time limit required to effect such dissolution. In the event of the dissolution of the Club other than for purposes of reorganization whether voluntary or involuntary or by operation of law, none of the property of the Club nor any proceeds thereof nor any assets of the Club shall be distributed to any members of the Club but after payment of the debts of the Club its property and assets shall be given to a registry and/or charitable organization for the benefit of dogs selected by the Board of Directors.

ARTICLE 10 – MISCONDUCT & DISCIPLINE PROCEDURES

Section 1. MASCA Standard of Conduct.

MASCA dog breeders and registrants must comply with all MASCA rules, regulations, procedures, and policies, as well as all local, county, state and federal government regulations for kennel operations.

Jurisdiction.

All individuals who register individual dogs or litters with MASCA are subject to the jurisdiction of MASCA and are therefore subject to these MASCA standards of conduct and disciplinary procedures.

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The Complaint.

A person who becomes aware of an act of misconduct not associated with an event must notify MASCA in writing. The notification should include all known facts and circumstances surrounding the alleged misconduct; the date of and location where the alleged misconduct occurred; and any witnesses who may have additional knowledge of or information about the alleged misconduct.

Section 2. Investigation, Findings, and Recommendations.

MASCA Business Office shall investigate such complaints.

Category 1. (refer to SHOW RULES)

Wrongdoing during or associated with a MASCA Licensed event. This may include, but is not limited to, threatening, assaulting or battering another individual; falsifying any event-related document; cheating or conspiring to cheat to improve or hinder the standing of any dog competing at an event; abusing or neglecting a dog in conjunction with an event; abuse of hotel rooms by dogs or persons attending the events; and any other MASCA event rule infraction.

Category 2.

A. (refer to SHOW RULES) Uttering a payment with non-sufficient funds. This category refers to paying entry fees via a check with non-sufficient funds in the account, the use of a debit or credit card that is declined, forged or invalid money orders, or other forms of payment where an exhibitor's entry fees remain unpaid after competing.

B. Uttering a payment with non-sufficient funds. This category refers to paying REGISTRATIONS OR MEMBERSHIP or any other fees submitted to MASCA via a check with non-sufficient funds in the account, the use of a debit or credit card that is declined, forged or invalid money orders, or other forms of payment without rectifying in a given amount of time.

Category 3. Wrongdoing associated with MASCA or its Board or those appointed to act for the board in regards to Club business. This may include, but is not limited to, harassing, threatening, assaulting or battering another individual; falsifying any club related document; cheating or conspiring to cheat.

Category 4. Violation of MASCA Registration policies, procedures, or rules. This may include, but is not limited to, falsification of MASCA registration papers; misidentification of a dog or the parentage of a dog; or non-event related abuse or neglect of dogs.

Category 6. Any member who is convicted of charges of child or animal neglect, abuse or cruelty shall be permanently expelled from the Club.

Section 3. Board Hearing/Appointed Committee

The Board of Directors or Appointed committee shall have complete authority to decide whether counsel may attend the hearing, but both complainant and defendant shall be treated uniformly in that regard. Should the charges be sustained after hearing all the evidence and testimony presented by

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complainant and defendant, the Board of Directors or committee may by a majority vote of those present suspend the defendant from all privileges of the Club for not more than six months from the date of the hearing, or until the next Annual Meeting if that shall occur after six months. And, if it deems that punishment insufficient, it may also recommend to the membership that the penalty be expulsion. In such case, the suspension shall not restrict the defendant's right to appear before his fellow members at the ensuing Club meeting which considers the recommendation of the Board of Directors or the committee. Immediately after the Board of Directors or committee has reached a decision, its finding shall be put in written form and filed with the Secretary. The Secretary, in turn, shall notify each of the parties of the decision and penalty, if any.

Section 4. Expulsion.

Expulsion of a member from the Club may be accomplished only at the Annual Meeting of the Club following a hearing and upon the recommendation of the Board of Directors or committee as provided in Section 3 of this Article. The defendant shall have the privilege of appearing in his or her own behalf, though no evidence shall be taken at this meeting. The President shall read the charges, and the finding and recommendations of the Board of Directors or committee, and shall invite the defendant, if present, to speak in his or her own behalf if he or she wishes. The members shall then vote by secret ballot on the proposed expulsion. A two – thirds (2/3) vote of those present and voting at the Annual Meeting shall be necessary for expulsion. If expulsion is not so voted, the suspension shall stand.

A suspended or expelled member shall lose registration privileges during the period of suspension (see Section 3-3 of this article) or immediately coinciding with expulsion.

Section 5 Actions for Misconduct.

The MASCA BUSINESS OFFICE is the judicial body whose purpose is to properly handle violations of MASCA rules, policies, and procedures. It is in place to ensure That MASCA policies are followed, protect the standards and philosophy of MASCA, and assist MASCA in standing behind the pedigrees that MASCA is guardian over.

The MASCA Business office will decide the findings of any category 3-4-5 misconducts. The MASCA Business Office shall review all Hearing Committee findings and results and make decisions for staff investigation findings and reports for Misconduct. MASCA Business office shall decide if one of the following actions shall be taken:

1. Written warning.

Some situations may not be serious enough to necessitate a hearing or warrant discipline. In those cases, MASCA may issue a written warning to the accused to put the actor on notice that his or her actions were unacceptable, and to serve as a reminder of the rules. A file for that individual will be created, referenced, and taken into consideration should any future issues arise.

2. Probation.

Probation shall serve as a reprimand or serious warning. During the period of probation, the individual shall be closely monitored by MASCA. Any other instance of misconduct may result in immediate suspension or barring at the discretion of the MASCA BUSINESS OFFICE. If the probation is to be accompanied by a fine, the fine must be paid by the stated deadline, or the probation may be increased to suspension.

3. Suspension.

Suspension (also referred to as barring) is a loss of membership, event and all registration privileges as defined under the Terms of Suspension. Indefinite and life suspensions shall be reserved for the most egregious offences or repeat offenders. The loss of event and registration privileges shall begin upon MASCA's mailing of the notification to the respondent via certified mail (return receipt requested), but if it is a defined period of suspension, the fine must be paid by certified check or money order before the end of the suspension period. If the fine is not paid by the end of the suspension period, the suspended individual will remain so until the fine is paid in full. Once the suspension period is served, event and registration privileges will be restored with an automatic 3-year probation period.

Section 6. Terms of Suspension.

During the period of suspension, the suspended individual:

1. May not register any dogs in his/her name (joint or individual ownership). A suspended person may transfer any dogs currently registered in his/her name (joint or individual ownership), except that no dog registered in the name of a suspended/banned person, regardless of co-ownership status, may be transferred to any member of that person's family, spouse, or companion. Companion is defined as anyone who resides at the same address as the suspended individual.
2. May not use dogs that are currently registered in his/her name for breeding purposes. No dog registered in the name of a suspended person (joint or individual ownership) may be used for breeding and no offspring of such a dog is eligible for registration with MASCA.
3. May not register any litters or sign any litter registrations in any capacity.
4. May not enter or participate in any way in any MASCA sanctioned event, including, but not limited to: co-owner, handler, back-up handler, judge, guide, vendor, spectator, Judge or Director for any Conformation event, and are prohibited from holding office in any MASCA approved club or association.
5. No dog registered in the name of a suspended person (joint or individual ownership) may be entered or participate in any way in any MASCA sanctioned event.

6. May not receive monetary payouts from any MASCA specialty program.
7. May not receive Championship points for any dog registered in his/her name (joint or individual ownership).
8. May not advertise in any MASCA publication or internet site.

Section 7. Appeals.

Any person placed on suspension may appeal directly, in writing, to the MASCA Business Office.

An appeals committee will be appointed by the MASCA business Office and the decision of the Appeals Committee is final.

ARTICLE 11– PARLIAMENTARY AUTHORITY

Section 1. The rules contained in the current edition of “Robert’s Rules of Order, Newly Revised,” shall govern the Club in all cases to which they are applicable and in which they are not inconsistent with these By – laws and any other special rules of order the Club may adopt.

ARTICLE 12- INHERENT RIGHTS AND POWERS OF MASCA

Miniature Australian Shepherd Club of America holds and has reserved to itself certain inherent rights and powers in connection with conducting its business, registering litters, transferring registrations of dogs, licensing events, and awarding titles. These inherent rights and powers include but are not limited to the following:

Miniature Australian Shepherd Club of America has the right to inspect all reports, scorecards and documents related to MASCA events. Some, but not all, of the items subject to inspection are:

- a. Scores;
- b. Disqualifications of dogs for any reason;
- c. Errors by the recording person;
- d. Documentation excluded for any reason.

MASCA reserves the right to correct any mistakes found during such inspection whether or not the document has the signature of a Judge or Club Officer. MASCA reserves the right to itself and in its sole judgment and discretion, to take such actions and impose such sanctions as would:

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- a. Bar an individual from entering or participating in any way in any MASCA licensed/sanctioned event.
- b. Bar an individual from transferring or registering any pups or dogs in that person's name (joint or full registration) or to any member of that person's family.
- c. Bar an individual from receiving Championship points for any dog registered in that person's name (joint or full registration).

By way of illustration, the following constitute some, but not all, of the situations calling for the above sanctions:

- a. Falsification or alteration of a MASCA Registration Certificate, Pedigree, or any other MASCA document.
- b. Falsification or alteration of any reports of wins issued to MASCA
- c. Falsification or alteration of receipts issued by MASCA Judges
- d. Switching, wrongfully using or attempting to use a MASCA Registration Certificate, Pedigree, or any other MASCA document.
- e. Selling or attempting to sell a dog with false or incorrect MASCA Registration Certificate or Pedigree.
- f. Intimidating, threatening, or injuring a Judge, Club/Association member or official, event participant or spectator, or MASCA representative.

The illustrations given above are only by way of example and MASCA reserves to itself its inherent right and power to impose such sanctions in any other circumstances deemed appropriate by MASCA. Any individual who is found guilty by a court of law of a crime involving dogs will be barred from MASCA for an indefinite period. A person shall be considered guilty in a criminal proceeding if they are convicted by a judge, jury, or if they enter a plea bargain or other arrangement to plea to a lesser offense, or if their case is disposed of by any form of deferred adjudication; a person shall be considered guilty in a civil proceeding if they are held responsible or liable by a judge, jury, or if a compromised settlement is reached between the parties.

MASCA is the trademark of the MINIATURE AUSTRALIAN SHEPHERD CLUB OF AMERICA. The use of the initials MASCA in association with any other registry would be a violation.

MASCA Business Office refers to the board and/or its employees.

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