

Louisiana Livestock Brand Commission Board Meeting  
November 7, 2013  
10:00 a.m.  
Veterans Memorial Auditorium  
5825 Florida Boulevard  
Baton Rouge, Louisiana 70806  
Proceeding

**CALL TO ORDER**

The meeting was called to order by Jim Marsalis at 10:20 a.m.

**ROLL CALL**

The roll call was made by Liz Wilcox.

Members present: Calvin LeBouef, Sheriff Austin Daniel, Jim Marsalis, Henry Capdebosque, Cecil Sanner, Dennis Klein, Sheriff Budd Torres, and Dr. Brent Robbins, LDAF.

Members absent: Vic Blanchard or Alternate David Richard, and Robert Joyner.

**PUBLIC COMMENT**

None

Mr. Marsalis stated the Livestock Brand Commission does a great job and if there were anything the board members can do to assist them to please let the board know.

**APPROVAL OF MINUTES**

**Motion:** Motion was made by Mr. LeBouef to accept the October 18, 2012 Livestock Brand Commission minutes. The motion was seconded by Mr. Capdebosque and passed.

Marvin Montgomery, Legal Counsel for the Louisiana Department of Agriculture and Forestry, turned the meeting over to Lindsey Hunter, Assistant Attorney General.

**ADJUDICATORY HEARING**

*Hunter, Hanson, and Harper Foreman, Case Number 13-11-01  
(Kevin Foreman, father, represented the above minor children)*

Ms. Lindsey Hunter, representing the Attorney General's Office, conducted the hearing and informed the board on the procedure for this meeting. She introduced the case for the Louisiana Livestock Brand Commission's denial of a brand for Hunter, Hanson, and Harper Foreman.

Mr. Montgomery presented the Livestock Brand Commission paperwork as evidence for the hearing.

*LDAF 1. Letter dated August 29, 2013 - sent to Mr. Billy Foreman with return receipt.*

*LDAF 2: Letter dated August 29, 2013- sent to Mr. Maurice L. Tynes with return receipt.*

- LDAF 3: Original brand application dated January 5, 1994 for Mr. Billy Foreman.*
- LDAF 4: Original brand application for Hunter, Hanson, and Harper Foreman from their father, Keven Foreman who had signed for the minors on their application.*
- LDAF 5: Letter dated July 30, 2013 to Mr. Kevin Foreman from the State Brand Recorder, Liz Wilcox.*
- LDAF 6: Letter dated August 20, 2013 from Mr. Maurice L. Tynes, Attorney representing the Foreman family objecting the denial of the brand.*
- LDAF 7: Copy of email from Johnny Steib to Liz Wilcox with an attached file from Mr. Billy Foreman.*

Ms. Hunter clarified to the board that on the agenda the adjudicatory hearing was in the name of Maurice L. Tynes but actually the case is an appeal for Mr. Keven Foreman's children's brand rejection.

Maurice L. Tynes, attorney for the Foreman family, presented the appeal case to the board. He explained to the board why Mr. Kevin Foreman was trying to register this brand for his children.

Mr. Marvin Montgomery, LDAF, gave more information concerning the case and responded to Mr. Tynes appeal.

Mr. Tynes called Mr. Kevin Wayne Foreman to the stand and he was sworn in by Ms. Hunter. He answered questions concerning the case.

Ms. Hunter provided the board members with a copy of Louisiana Law RS 3:736 Brands and Marks.

Mr. Tynes presented the following as evidence concerning the case:

- Kevin 1: Texted messages from Kevin Foreman to Billy Foreman on July 19, 2013, July 24, 2013 and August 9, 2013.*
- Kevin 2: Picture of brand on Kevin Foreman's horse.*
- Kevin 3: A picture of Billy Foreman's Quarter Horses in a 2013 Calendar for the month of September.*



*Kevin 4: Picture of drawing of brand.*

Mr. Tynes asked Mr. Kevin Foreman, if allowed, would he be willing to move the brand to the other side of the animal if the brand he requested is not approved today. Mr. Foreman stated he would be fine with this.

Mr. Montgomery drew Mr. Kevin Foreman's brand on evidence document Kevin 1. Mr. Foreman identified the brand as his current brand registered with the Livestock Brand Commission.

Mr. Billy Foreman introduced himself to the Board. He asked Mr. Kevin Foreman what did he tell him (Billy). Mr. Kevin stated his Uncle (Billy) told him to change it up when he used it on the horse he (Kevin) owned. Mr. Kevin could not remember if he told his uncle (Billy) he was going to record it.

The Honorable Cecil Sanner, Board Member, asked Mr. Kevin Foreman a question. "Did he know why his uncle did not want him to register this brand?" Mr. Kevin said no.

Mr. Henry Capdebosque, Board Member, asked Mr. Kevin Foreman a question. "What kind of program was he referring to during his statement?" Mr. Kevin said he does ranch work for a living and he was not really meaning a program.

Dr. Robbins, representing Commissioner Strain, asked Mr. Kevin Foreman a question. "You knew it was not right to use a brand that was not approved?" Mr. Kevin said he had not received it in the mail yet. He had the supplies and he went ahead and branded without the approval from the Livestock Brand Commission.

Mr. Tynes presented another item for evidence.

*Kevin 5 2010 Livestock Brand Book*

Mr. Carl Bennett, Director of the Livestock Brand Commission, was sworn in by Ms. Hunter. Mr. Montgomery asked him the procedure to record a new recording. Mr. Bennett explained how a brand is registered with the state of Louisiana. Mr. Montgomery questioned him further on his experience, procedure, and why the recording for Mr. Foreman was denied.

Mr. Tynes questioned Mr. Bennett further on how he determines if a brand is eligible to be recorded or denied.

Mr. Tynes asked Mr. Bennett if the brand would be denied if Mr. Foreman asked to put it on the right side of the animal. Mr. Bennett stated he had asked Mr. Foreman if he would want it on the other side and he had turned it down. Mr. Tynes said it was his fault and just realize this morning that Mr. Foreman had only applied for one side.

Mr. Dennis Klein, Board Member, stated this brand can be easily altered and he believed this was the main reason it was turned down.

Mr. Montgomery questioned Mr. Billy Foreman concerning his brand design and how long he has been raising and selling horses.

Mr. Tynes questioned Mr. Billy Foreman concerning him allowing his nephew, Kevin Foreman, to use his registered brand.

Cecil Sanner stated if Mr. Kevin Foreman's application was submitted on July 2 than he had already sent in his application when he asked Mr. Billy Foreman to use his brand. He asked Mr. Billy Foreman if he and Kevin had discussed where the placement of the brand was to be used. He said Kevin told him he was putting it on the shoulder.

Mr. Tynes gave his closing argument.

Mr. Montgomery gave his closing argument.

**MOTION:**

Sheriff Torres made a motion to clear the room except for the board members in order for them to make a decision. Motion was seconded by Mr. Capdebosque. Motion passed.

Ms. Hunter called the meeting back to order at 12:49 pm with all board members, attorneys, and clients back present. Ms. Hunter also reflected there no objections from either side objecting to the board discussing privately. Ms. Hunter asked if there were any thoughts or comments. (No comments)

**MOTION:**

Cecil Sanner made several comments concerning the case. He spoke on Mr. Bennett's actions. He submitted Mr. Bennett's decision was not arbitrary or captious. He commended him on contacting Mr. Billy Foreman. He stated Mr. Bennett was guided by what the law said and he made his decision. He was not arbitrary and captious and urged the board to uphold that decision.



Motion was made to accept this statement as a motion by Mr. Capdebosque and seconded by Sheriff Torres. Motion passed.

**MOTION:**

Sheriff Torres made a motion for the Livestock Brand Commission; with the approval of Mr. Bennett; to accept the brand on the right side of the animal as drawn on the original application. Motion was seconded by Mr. Marsalis. The motion passed unanimously.

Ms. Hunter asked Mr. Tynes since the board had approved the brand on the right side, does he still want a findings of fact? Mr. Tynes replied no.

Ms. Hunter advised Mr. Kevin Foreman to follow up with the Brand Commission on his application.

**OLD BUSINESS**

Mr. Bennett gave a report on the inspector's cases and the inspector's sale barn inspection totals.

Dr. Robbins commended the Brand Commission on what a good job they do with so few employees.

Mr. Bennett reported they did not have any Crimestopper request.

**NEW BUSINESS**

Mr. Bennett gave an overview of the Livestock Brand Commission operations since the last board meeting.

Mr. Bennett introduced the Livestock Brand Commission's new Brand Inspector, Lori Mayaux.

Mr. Bennett spoke on a book Dr. Cenack wrote "Livestock Brand & Marks".

Mr. Bennett commended Liz Wilcox, State Brand Recorder, on screening brands for the Brand Commission.

Mr. Marsalis requested a copy of the quarterly report for each board meeting in the future.

Mr. Marsalis also commended Liz Wilcox for her brand expertise.

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**PUBLIC COMMENT**

None

**ADJOURNMENT**

**Motion:** Mr. LeBouef made a motion to adjourn at 1:17 pm. Sheriff Daniel seconded the motion. The motion passed unanimously.