

**AN ACT MAKING IT A MISDEMEANOR TO ALTER, REMOVE OR
CHANGE CERTIFICATION MARKERS
APPROVED BY THE GOVERNOR**

MISSISSIPPI LEGISLATURE

REGULAR SESSION 1946

SENATE BILL NO. 474
(As Sent to the Governor)

BY SENATOR WALKER

TO: JUDICIARY

An act making it a misdemeanor to change or alter in any manner the identification of Certified agricultural field seed, cotton or cotton lint.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF
MISSISSIPPI:**

SECTION 1. Any person who with the intent to injure, defraud or mislead, shall alter, erase, raise, obliterate, destroy, forge, substitute, disfigure in any manner, or remove from the package, container wrappings or bale to which it is attached, any certificate, specification, or Certification of any Seed Improvement Association organized under the laws of this state, disclosing or in any manner pertaining to the grade, quality, quantity, or condition of any agricultural field seed or seeds or any cotton or cotton lint, shall be guilty of a misdemeanor, and on conviction shall be fined not less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00), or imprisoned in the county jail for not more than twelve months, or both.

SECTION 2. This act shall take effect and be in force from and after its passage.

SENATE BILL NO. 274
(As Approved by the Governor)

AN ACT TO CREATE AN OFFICIAL STATE SEED CERTIFYING AGENCY FOR THE STATE OF MISSISSIPPI FOR THE PURPOSE OF CERTIFYING SEEDS, PLANTS AND PLANT PARTS OFFERED FOR SALE AS PROPAGATING CERTIFIED SEED STOCKS TO INSURE THE QUALITY, INTEGRITY AND PURITY THEREOF: TO AUTHORIZE THE PRESIDENT OF MISSISSIPPI STATE COLLEGE, THE DIRECTOR OF THE AGRICULTURAL EXPERIMENT STATION OF MISSISSIPPI STATE COLLEGE, AND THE COMMISSIONER OF AGRICULTURE OF MISSISSIPPI, TO DESIGNATE A SEED IMPROVEMENT ASSOCIATION AS THE STATE SEED CERTIFYING AGENCY: TO CREATE A STATE SEED BOARD EMPOWERED AND DIRECTED TO APPROVE RULES AND STANDARDS PROMULGATED BY THE STATE SEED CERTIFYING AGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Designated State Seed Certifying Agency. The Commissioner of Agriculture, the President of Mississippi State University, and the Director of the Agricultural Experiment Station of Mississippi State University are hereby vested with the full authority to designate a seed improvement association as the official State Seed Certifying Agency for the State of Mississippi. Said officials are hereby further authorized, if they shall be satisfied at any time that the association acting as the official state seed Certifying agency is not functioning in a manner conducive to the best interest of agriculture in this state, to terminate the appointment of such association as the official state seed Certifying agency.

SECTION 2. Designating a State Seed Board. There is hereby created a State Seed Board composed of the President of Mississippi State University, the Director of the Agricultural Experiment Station of Mississippi State University, the Commissioner of Agriculture of Mississippi, two (2) members to be selected and approved by and from the membership of the State Certifying Agency, and one (1) member to be selected and approved by and from the membership of the Mississippi Seedsmen's Association, and one (1) member to be selected and approved by and from the present concerns and individuals engaged in the production of breeders registered planting seed in the State of Mississippi.

SECTION 3. State Seed Board - Financial Responsibility. Neither the State Seed Board, Mississippi State University, nor any of its divisions so represented shall be financially responsible for debts incurred by, damages inflicted by, or contracts broken by the official State Seed Certifying Agency.

SECTION 4. Certification to be self-supporting. The work of the official State Seed

Certifying Agency shall be on a self-supporting basis.

SECTION 5. Advertising - Tags. Every person, firm, association or corporation who shall issue, use or circulate any certificate, advertisement, tag, seal, poster, letterhead, marking circular, written or printed representation, or description of or pertaining to seeds, plants or plant parts intended for propagation or sale or sold or offered for sale wherein the words "Mississippi Certified," or "Mississippi State Certified," "State Certified," or similar words or phrases are used or employed, or wherein are used or employed signs, symbols, maps, diagrams, pictures, words or phrases expressly or impliedly stating or representing that such seeds, plants or plant parts comply with or conform to the Certification standards or requirements as made by the approved State Seed Certifying Agency of Mississippi, shall be subject to the provisions of this act provided that this act shall not apply to the Certification of plants or plant products for freedom from disease or insects which is now conducted under the authority of the State Plant Board. Every issuance, use or circulation of any certificate or any other instrument as in this section above described shall be deemed to be "Certification" as this term is employed in this act.

SECTION 6. Prohibiting the State Seed Certifying Agency from selling or processing Certified seed. The State Seed Certifying Agency shall not have the power to engage in the sale or processing of seeds, plants or plant parts or to designate any agency or individual for these purposes except that the State Seed Certifying Agency may promote the sale of Certified seeds in general through advertising.

SECTION 7. Rules and Regulations. The duly approved State Seed Certifying Agency is hereby vested with the full authority to establish, create and specify rules and regulations for the designation of seeds, plants and plant parts as Certified or Mississippi Certified to be grown, harvested, offered for sale or distributed. Such rules and regulations shall be approved by the State Seed Board before becoming effective. No seeds, plants or plant parts grown or to be grown in Mississippi shall be eligible for Certification hereunder except by full compliance as to standards, requirements and forms of or for Certification as may be made by the duly approved State Seed Certifying Agency. No Certification within the provisions of this act shall be made or authorized except through the approved state Seed Certifying Agency as herein provided.

SECTION 8. Appeals. Any person desiring a change in the rules and regulations or to appeal from the action of the State Seed Certifying Agency shall have the right of a hearing either in person or by attorney before a Board of Appeals composed of the State Commissioner of Agriculture, the Director of the Agricultural Experiment Station of Mississippi State University, and the President of Mississippi State University, at such time and place as the Board Chairman shall designate. The Director of the Agricultural Experiment Station of Mississippi State University shall serve as Chairman of the Board. The aggrieved party may appeal to the circuit court of the county wherein he may reside and bond shall be given to cover court costs within ten days after rendition of the order of the said Board, upon which appeal is made.

SECTION 9. Enforcement of this act. The Commissioner of Agriculture of Mississippi is hereby vested with the responsibility for enforcing the provisions of this act.

It shall be unlawful for any person, firm, association or corporation to issue, make, use, or circulate any Certification as defined in this act without the authority or approval of the approved State Seed Certifying Agency. Every person, firm, association or corporation who shall violate any of the provisions of this act pertaining to Certification shall be guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not less than \$25.00, nor exceeding \$500.00, for each offense, and be denied the right to apply for further Certification within such period as the court may determine, not exceeding 1 year.

SECTION 10. Repeal. This act repeals only those laws with reference to seed which are necessarily in conflict herewith, and no others. The invalidity of any section or sections or parts of any section or sections of this act shall not affect the validity of the remainder of this act.

SECTION 11. That this act take effect and be in force from and after its passage.

HOUSE BILL NO. 890
(As Sent to Governor)

AN ACT TO AMEND SECTIONS 69-3-109, 69-3-111 AND 69-3-113, MISSISSIPPI CODE OF 1972, TO REVISE THE SEED CERTIFICATION LAW TO INCLUDE OTHER FARM PRODUCTS THAT MAY BE DEFINED BY REGULATIONS, AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 69-3-109, Mississippi Code of 1972, is amended as follows:

69-3-109. Every person, firm, association or corporation who shall issue, use or circulate any certificate, advertisement, tag, seal, poster, letterhead, marking circular, written or printed representation, or description of or pertaining to seeds, plants or plant parts or other farm products that may be defined by regulations intended for propagation or sale or sold or offered for sale wherein the words "Mississippi Certified," or "Mississippi State Certified," "State Certified," or similar words or phrases are used or employed, or wherein are used or employed signs, symbols, maps, diagrams, pictures, words or phrases expressly or impliedly stating or representing that such seeds, plants or plant parts or other farm products comply with or conform to the certification standards or requirements as made by the approved state seed certifying agency of Mississippi, shall be subject to the provisions of this article, provided that this article shall not apply to the certification of plants or plant products for freedom from disease or insects which is now conducted under the authority of the Commissioner of Agriculture and Commerce. Every issuance, use, or circulation of any certificate or any other instrument as in this section above described shall be deemed to be "certification" as this term is employed in this article.

SECTION 2. Section 69-3-111, Mississippi Code of 1972, is amended as follows:

69-3-111. The state seed certifying agency shall not have the power to engage in the sale or processing of seeds, plants or plant parts or other farm products or to designate any agency or individual for these purposes except that the state seed certifying agency may promote the sale of certified seeds in general through advertising.

SECTION 3. Section 69-3-113, Mississippi Code of 1972, is amended as follows:

69-3-113. The duly approved state seed certifying agency is hereby vested with the full authority to establish, create and specify rules and regulations for the designation of seeds, plants and plant parts and other farm products as certified or Mississippi certified to be grown, harvested, offered for sale or distributed. Such rules and regulations shall be approved by the state seed board before becoming effective. No seeds, plants or plant parts or other farm products grown or to be grown in Mississippi shall be eligible for certification hereunder except by full compliance as to standards, requirements and forms of or for certification as may be made by the duly approved state seed certifying agency. No certification within the provisions of this article shall be made or authorized except through the approved state certifying agency as herein provided.

SECTION 4. This act shall take effect and be in force from and after July 1, 2002.

**CONSTITUTION AND BY-LAWS
OF THE
MISSISSIPPI CROP IMPROVEMENT ASSOCIATION**

**CONSTITUTION
Article I-Name**

This organization shall be known as the Mississippi Crop Improvement Association and shall be incorporated under the General Corporation act of the State of Mississippi as a "corporation not for profit."

Article II-Principal Office

The principal office shall be at Mississippi State, Mississippi.

Article III-Purpose

SECTION 1. The purpose of this Association is to encourage the production, Certification, and the general use of Registered and Certified pure seed and other agriculture products of the best strains and varieties available throughout the state.

SECTION 2. This broad purpose shall be accomplished:

- a. By cooperating with the Mississippi Agricultural and Forestry Experiment Station, the College of Agriculture and Life Sciences and the Extension Service of Mississippi State University in the development, testing, and introduction of superior strains and varieties of farm products, and in the continuous campaign for the use of standard improved strains and varieties of farm products in the State of Mississippi.
- b. By fostering and regulating the introduction, production, Certification and use of pure seed stocks of superior strains and varieties of farm products.
- c. By developing and adopting Certification standards for the various classes of seed and agriculture products grown by members under rules of the Association.
- d. By providing an inspection service for members growing Certified agricultural products.
- e. By providing and requiring the use of uniform and distinguishing marks, tags (labels), or emblems for use on agriculture products Certified by the Association.
- f. By collecting and distributing information on seeds and other agriculture products; by conducting demonstrations and exhibits; by providing information and promoting activities of interest and benefit to producers and consumers of agriculture products.

Article IV-Membership

SECTION 1. Any resident of Mississippi who is a grower or contract grower may apply for membership in the Association. Membership and associate membership fees and qualification shall be determined by the Board of Directors.

SECTION 2. An application for membership may be accepted or rejected by the Board of Directors following investigations as to the applicant's integrity, his interest in better certified products, his ability as a grower, and/or his facilities for the production, care, and storage of certified products.

SECTION 3. Upon acceptance, the applicant shall become a member by paying the membership fee and agreeing to abide by the Constitution, By-Laws, and rules and regulations of the Association.

SECTION 4. Associate membership may be granted to anyone interested in promoting the objective of this Association.

SECTION 5. Failure to conform with the Constitution, By-Laws, and/or rules and regulations shall make a member liable to expulsion from the Association by unanimous vote of the Board of Directors.

Article V-Officers

SECTION 1. The officers of this Association shall consist of a President, Vice President, and Executive Secretary-Treasurer.

SECTION 2. The President and Vice President shall be elected from and by the Board of Directors for a term of one year.

SECTION 3. The Executive Secretary-Treasurer shall be under the direct supervision of the Board of Directors.

Article VI-Board of Directors

SECTION 1. The business and affairs of the Association shall be managed by its Board of Directors. The Directors shall in all cases act as a Board, and they may adopt such rules and regulations for the conduct of their meetings and the management of the Association as they may deem proper, not inconsistent with these By-Laws and the Laws of this State.

The Board of Directors shall consist of the Director of the Mississippi Agriculture and Forestry Experiment Station or his appointed representative; the President of the Mississippi Seedsmen's Association, or a representative, selected by the Mississippi Seedsmen's Association Board of Directors; and 6 other members to be elected by the voting membership of the Association as follows:

- (a) Two members shall be elected from the membership of the Association who shall be representative of commercial plant breeding firms approved by the Association, who are actively engaged in plant breeding activities in Mississippi.
- (b) Three members shall be elected from the membership of the Association who shall be representative of Certified seed growers other than plant breeding firms.
- c. One member shall be elected from the membership of the Association who shall be representative of agricultural products other than seed.

The term of office of Board members, other than Director of the Mississippi Agricultural and Forestry Experiment Station, or an appointed representative, and the President of the Mississippi Seedsmen's Association, or a representative, selected by the Mississippi Seedsmen's Association Board of Directors shall be as follows:

- (a) One shall be elected for a period of one year.
- (b) Two shall be elected for a period of two years.
- (c) Three shall be elected for a period of three years.

After the initial election of said Board, all members shall be elected for a term of three years. In the event that the initial election of said Board shall take place at a special meeting of the Association, the period elapsing between said special meeting and the next annual meeting shall be considered to be one year for purposes of determining the term of the members of said Board. A Board member shall be eligible for reelection for another term but an elected Board member shall not serve more than two consecutive three-year terms.

SECTION 2. Retiring Board members will become ex-officio members of the Board and will be privileged to participate in all meetings of the Board but will not be voting members of the Board.

SECTION 3. Vacancies of Directors - Whenever a vacancy occurs in the Board of Directors other than from the expiration of the term of office, the President shall appoint a member to serve until the next annual meeting, said appointments to be from the segment of the membership represented by the vacating Director.

Article VII-Committees

SECTION 1. Executive Committee - The Board of Directors may elect from its own membership an Executive Committee, said Committee to contain one representative of commercial plant breeding firms approved by the MCIA, who is actively engaged in breeding activities in Mississippi; and two representatives of Certified growers other than breeding firms.

SECTION 2. Certification Committee - The president may appoint a Certification Committee of three members, one of whom shall be representative of commercial breeding firms approved by the MCIA, who is actively engaged in breeding activities in Mississippi; and two of whom shall be representative of Certified growers other than breeding firms.

The duties, which may be delegated by the Board of Directors, are to approve the strains or varieties to be Certified; approve or disapprove the standards to be employed in field, plant, and product inspections; approve or disapprove applications for membership; and approve or disapprove inspection and Certification reports.

SECTION 3. Nominating Committee - The President shall appoint a Nominating Committee of three members, one of whom shall be representative of commercial breeding firms approved by the MCIA, who is actively engaged in breeding activities in Mississippi; and two of whom shall be representative of Certified growers other than breeding firms.

Article VIII-Amendment

This constitution may be amended at any properly constituted meeting by a two-thirds vote of those qualified voters present provided notice of such proposed changes has been sent each member at least ten days before the meeting.

Article IX-Quorums

SECTION 1. The Association members present shall constitute a quorum for the transaction of business at any regular or special meeting.

SECTION 2. A majority of the members of the Board of Directors not including ex-officio members, shall constitute a quorum for the transaction of business.

SECTION 3. Two members of the Certification Committee shall constitute a quorum for the transaction of business.

Article X-Bond

The Treasurer shall be properly bonded, the amount of such bond to be determined by the Board of Directors and its cost to be borne by the Association.

Amendment XI-Purpose

This Association shall perform all acts authorized and contemplated in its role as the "designated official Certifying agency" as authorized for designation pursuant to provisions of Section 69-3-101 of the Mississippi Code of 1972, Annotated, Amended, defined under provisions of Section 69-3-1 (25) and when acting pursuant to rules promulgated under authority of Section 69-3-113 of the Mississippi code of 1972, Annotated, Amended and Certifying seed and other agricultural products under said statute, the Mississippi Crop Certifying Agency of the State of Mississippi.

In performing said role this organization is subject to the direction of the Commissioner of Agriculture so far as his enforcement authority under Section 69-3-15, Section 69-3-19, and Section 69-3-119, of the Mississippi Code of 1972, Annotated, Amended and under the direction of the State Seed Board of Appeals as provided by Section 69-3-101 and Section 69-3-115 of the Mississippi Code of 1972 Amended.

BY-LAWS
Article I - Duties of Officers

SECTION 1. The President shall:

- a. Preside over all meetings of the Association and of the Board of Directors. In the absence of the President, Vice-President shall preside.
- b. Sign, with the Secretary-Treasurer, all notes, deeds, and other instruments on behalf of the Association.
- c. Call special meetings of the Association and the Board of Directors.
- d. Appoint committees authorized by the By-Laws or by the Board of Directors.
- e. Perform all acts and duties usually required of an executive and presiding officer.

SECTION 2. The Vice President shall:

In the absence of the President, preside and perform the duties of President.

SECTION 3. The Executive Secretary-Treasurer shall:

- a. Act as manager of the head office and staff.
- b. Keep a complete record of all meetings of the Association, the Board of Directors, Certification Committee and other such meetings.
- c. Serve all notices required by law and by the Constitution and By-Laws.
- d. Direct and supervise the work of inspection and Certification authorized by the Board of Directors.
- e. Have the custody of the seal of the Association and shall cause the same to be affixed to such instruments, on behalf of the Association, as shall be directed by the Board of Directors.
- f. Perform such other duties as may be required of him by the Board of Directors.
- g. Sign all checks and, with the President, sign all notes and other obligations of the Association.
- h. Receive and disburse the funds, and be the custodian of all the securities of the Association.
- i. Keep a full and accurate account of all the financial transactions of the Association in books belonging to the Association, and deliver such books to his successor in office when qualified. He shall make a full report of all matters and business pertaining to this office to the Directors whenever required, and make all reports required by law.
- j. Deposit all monies of the Association in the name and to the credit of the Association, in such depositories as may be designated from time to time by the Board of Directors.

Article II - Classes of Seed and Standards

SECTION 1. The Association may recognize four classes of seed for Certification:

- a. Breeder Seed (White Tag)
- b. Foundation Seed (White Tag)
- c. Registered Seed (Purple Tag)
- d. Certified Seed (Blue Tag)

The Board of Directors may recognize any other classification of seed for Certification or any recommended changes in the classification of seed as may be determined by the Association of Official Seed Certifying Agencies.

SECTION 2. Eligibility and standards for each class of seed for each crop shall be determined by the Board of Directors.

Article III - Inspections, Responsibilities, Violations

SECTION 1. All crops inspections conducted by this Association shall be supervised by official representatives of the Association. Inspectors employed by the Mississippi Crop Improvement Association must meet the approval of the Board of Directors. No member of the staff of the Mississippi Experiment Station or of Mississippi State University will be considered as being responsible for actual crop Certification, though he may be designated as an official inspector.

SECTION 2. Certification of crops shall be on the basis of reports submitted by the official inspectors of the Mississippi Crop Improvement Association to authorized representatives of the Board of Directors. The responsibility for Certification shall rest with the Mississippi Crop Improvement Association.

SECTION 3. The Board of Directors shall have the authority to revise annually the rules and regulations governing inspection, membership fees and other fees, responsibilities, and refunds. This authority may be delegated to the Executive Committee.

SECTION 4. Responsibility for keeping crops which has passed inspection up to standards of this Association rests with the individual grower of the crop, and adjustments, due to the failure of crop to conform to such standards, must be made by him.

SECTION 5. On proof of the use of fraudulent or other unethical methods for the sale of crops, a member may be suspended or expelled by a unanimous vote of the Board of Directors.

Article IV - Tags

Each unit of Certified products to be sold as such must bear the official tags/certificates of the Association as issued by the Association.

Article V - Annual Meeting

The Association shall hold annual meetings, the time and place of such meetings to be designated by the Board of Directors.

Article VI - Membership Dues

Annual membership and associate membership dues shall be determined by the Board of Directors.

Article VII - Voting

Each bona fide member of the organization shall have one vote.

Article VIII - Parliamentary Authority

All meetings shall be conducted according to parliamentary law as set forth in ROBERTS' RULES OF ORDER.

Article IX - Amendment

These By-Laws may be amended at any properly constituted meeting by two-thirds vote of those qualified voters present provided notice of such proposed changes has been sent each member at least ten days before the meeting.

Amendment I - Dissolution

In event of dissolution, the residual assets of this organization will be turned over to the successor organization designated as the official crop Certifying agency of the state of Mississippi which is itself exempt from the federal income taxes an organization described under 501 (c) (3) of the Internal Revenue Code of 1954 or the corresponding provisions of any prior or future Internal Revenue Code or to the state, federal, or local government for exclusively public purposes.

APPENDIX

Appendix I - Disciplinary or Enforcement Procedures of the Mississippi Crop Improvement Association (AAL)

While acting under and pursuant to its authority as the official State Crop Certifying Agency of the State of Mississippi, there appears to be evidence that any individual engaging in the process of State Crop Certification has acted "fraudently" or unethically or that for some other reason that said individual may face expulsion from membership, suspension or the decertification of previously Certified crops, then he shall be accorded the following due process safeguards:

1. No action shall be taken against any member of this Association which is deemed to be adversary in nature without having presented to said individual or organization a written statement setting forth the allegations to be examined against him, the witnesses to those allegations, his right to appearance in any formal hearing, and the possible disciplinary action to which he may be subjected.

This notice, in writing, of the allegations against said individual or organization shall include a copy of these procedures.

2. The Respondent shall be afforded the opportunity to appear and participate in any hearing, upon his written request. This request must be made, by the Respondent within ten days of his notification under Paragraph 1 above by regular mail.

The Respondent shall be afforded the opportunity to waive his participation in any formal hearing.

3. The Mississippi Crop Improvement Association Board of Directors shall designate a time and place for a hearing to be had no sooner than two weeks nor later than forty-five days from the receipt of a request from the Respondent for a formal hearing. The Respondent will be notified in writing of the time and place of said hearing at least seven days prior thereto by Certified mail. If the Respondent does not request to appear or waives appearance, a hearing upon the complaint will be had in his absence without further notice to him. Said hearing to be had within sixty days of the time allowed the Respondent to reply.
4. From and after the date of the hearing as set forth herein, the Board will notify the Respondent within forty-five days of said hearing of the decision of the Board. Said notice of decision will be in writing.
5. All of the times provided herein may be extended by the Chairman of the Board upon good cause being shown.

HEARING PROCEDURES

Any person may make allegation in writing against any member of the Mississippi Crop Improvement Association regarding allegations of fraud, unethical behavior, or any other action, activity, or condition which might require the expulsion or suspension of that member or the removal of his crop from the market or the removal of the crop Certification tags/certificates from his crop. The Mississippi Crop Improvement Association retains the authority and right to make any complaint on its own.

The Board of Directors of the Mississippi Crop Improvement Association is the proper body for the hearing of complaints as set forth immediately above. This Board may designate a hearing officer for the gathering of evidence and for the purpose of making a report and recommendation to the Board as set forth herein.

The Chairman of the Board will make all rulings on procedure and evidence and will generally conduct the hearing, subject to being overridden by a majority of the voting members present.

The Chairman of the Board shall have full power and authority to conduct the hearing in such a manner as appropriate to ascertain the facts and facilitate the hearing which shall include but not be limited to the authority to:

- (a) Administer oaths and affirmations.
- (b) Examine witnesses.
- (c) Regulate the course of the hearing.
- (d) Hold conferences for the settlement or simplification of the issues by consent of the parties.
- (e) Dispose of procedural requests or similar matters.

The conduct of the hearing by the Chairman of the Board or the Hearing Officer shall not be bound by the common law or the statutory rules of evidence or the technical or formal rules of procedure.

HEARING OFFICER

The Board of Directors may in its discretion appoint a Hearing Officer to conduct the hearing. Nothing herein shall be construed to prevent a member of the Board from serving as Hearing Officer.

The Hearing Officer shall have all the powers of the presiding officer of the Board to conduct a hearing as enumerated in these rules.

The Hearing Officer shall, within five working days after the hearing, report in writing his findings and recommendations to the Board. This report from the Hearing Officer shall

summarize the evidence presented, the law, if any, involved, and shall contain a recommendation.

Upon receipt of the findings and recommendations of the Hearing Officer, the Board shall, if it desires, review the evidence presented, the findings and recommendations and make a ruling thereon.

The Respondent shall, after hearing by the Hearing Officer and before decision by the Board, be afforded the opportunity to appear in person before the Board of Directors to make any statement or argument that he feels necessary.

THE HEARING

1. The hearing shall not be conducted as an adversary proceeding but shall be conducted in order to determine the facts and circumstances, if any, which require any disciplinary or other negative action be taken against the Respondent.
2. The Mississippi Crop Improvement Association shall present to the Board of Directors any evidence which it might have, by allegation, report, documents, or otherwise that any violation of its rules or regulations have occurred or that for other reasons, negative action should be taken against the Respondent or that his product should be removed from the market.
3. The Respondent shall then be afforded the opportunity to present any evidence he may desire in defense of the allegations made against him or in extenuation or mitigation. He shall be allowed to present evidence orally, in writing or by witnesses, and the rules regarding hearsay evidence shall not apply.
4. Any oral or documentary evidence may be received but evidence which is irrelevant, immaterial, or unduly repetitious may be excluded.
5. If represented by an attorney, the Appellant may have his attorney participate in these proceedings in his behalf. However, it shall be up to the Chairman of the Board or the Hearing Officer to determine to what extent the Respondent or his attorney be allowed to examine witnesses or address the Board so that the ends of justice and economy are served.
6. A summary of the proceedings shall be kept and prepared by the Board by a duly designated individual. The summary may either be kept by tape recording or written.
7. The Respondent shall have the right to a written ruling regarding the allegations against him within thirty days from the date of said hearing. Such ruling shall set out the grounds and reasons for the decision by the State Crop Certifying Agency.

8. No complaint against any individual member by anyone other than this agency regarding any non-continuing allegation shall be received or considered more than ninety days after the occurrence of the event.

It shall be incumbent upon the Chairman of the Board or the Hearing Officer designated, to conduct such hearing in a manner as would most easily facilitate the gathering of information regarding the decision to be made. The Chairman of the Board and the Hearing Officer shall not allow these proceedings to become adversary and they shall be conducted and the Respondent and his attorney allowed to participate so long as the generally recognized rules of polite conduct, dignity, and decorum are observed and recognized.