

Summary of Motions

October 15, 2021

ApHC Board of Directors



ZOOM meeting

These motions and notes are in draft form (unapproved) and will be finalized, published, and distributed in accordance with Article IV, Section 9 of the Bylaws of the Appaloosa Horse Club and ApHC Rule 70

Those Board members in attendance for all or part of the 2021 Board of Directors regular meeting October 15, 2021 were Daylene Williams, Deb Dyer, Leslie Foxvog, Ken Johnson, Ray Burchett, Sean Schembri, Kevin Griner, Luke Northway, Kama Urton and Lori Wunderlich, Christina Ottersbach, and Dave Parlier. ApHC officers and staff present for all, or part of this meeting were Executive Secretary, Lynette Thompson; ApHC Show Department, Keri LeForce; ApHC IT Department Dave O'Keefe

Motion 1- 10/15-2021

The 2021 ApHC Board of Directors moves to appoint Ken Johnson the chair of the Springfield contract committee and that he keeps the ApHC board of Directors informed of committee actions in a timely fashion.

Motion made by Kevin Griner , seconded by Luke Northway.

Motion approved unanimously.

Motion 2- 10/15-2021

The 2021 ApHC Board of Directors moves to appoint Dave Parlier, Ray Burchett, Ken Johnson, Keri LeForce, and Sean Schembri as National site committee in the event that Springfield does not want to continue contract negotiations with the ApHC. Committee shall have a report back to the ApHC Board of Directors date for recommendations of November 1, 2021.

Motion made by Sean Schembri, seconded by Deb Dyer.

Motion approved unanimously.

Motion 3- 10/15-2021

The 2021 ApHC Board of Directors moves to approve the following changes to ApHC rule #20 D and E. (cross outs and blue highlight)

Rule # 20. Disciplinary Procedures.

D. **COMPLAINT.** A complaint of possible or alleged violation(s) by a member or non-member of any bylaw, rule or regulation, decision or policy of the ApHC must be processed as follows:

1. A written complaint, which must be dated and signed, must be submitted by a member, ApHC director or ApHC employee, to the ApHC Executive Secretary and/or the ApHC President, and state the specific bylaw, rule or regulation, decision or policy alleged to have been violated and the person(s)

allegedly responsible for such violation(s). Any member filing a complaint, except ApHC directors or employees acting in that capacity, shall be required to pay a filing fee of \$250 to defer costs of hearing.

2. **The Executive Secretary or President will refer the complaint to the Disciplinary Committee for review.** The complaint must set forth prima facie evidence in support of any allegation. The individual(s) filing the complaint will be required to present testimony and/or evidence at a hearing, if a hearing is deemed necessary by the ApHC, **Disciplinary Committee**, or the complaint may be dismissed by the Disciplinary Committee.

3. ~~The ApHC Executive Secretary and the ApHC President will have the authority, but are not required, to investigate the allegations of a complaint.~~ Full disclosure of the complaint will be made to the person(s) charged with such violation(s) prior to any disciplinary action. In the case of a complaint involving a youth member, either as complainant or person charged, an investigation must take place, and the evidence be reviewed by the ApHC Executive Secretary, the ApHC President or the ApHC Vice President **Disciplinary Committee.**

4. ~~A majority of the Executive Secretary, ApHC President, and ApHC Vice President~~ **the Disciplinary Committee**, with advice from ApHC legal counsel, shall determine if prima facie evidence has been presented in the complaint sufficient to warrant a hearing. ~~before the Disciplinary Committee.~~ If such prima facie evidence has not been so presented, the complaint will be dismissed. The ~~Executive Secretary, ApHC President, and the ApHC Vice President~~ **Disciplinary Committee** may agree to assess against the person filing the complaint costs, including attorney fees, incurred by the ApHC in reviewing any frivolous or unfounded complaint. Complainant will be so notified but shall have a right to resubmit the complaint with new or additional evidence up to ninety (90) days from the date of the dismissal of the original complaint otherwise complainant will have no right to resubmit the complaint.

5. If it is determined that sufficient prima facie evidence has been presented, the Executive Secretary will cause notice of the hearing to be given to the charged member or nonmember as provided in rule 20.E.1. In such cases involving alleged violation(s) of any ApHC rule(s) pertaining to administration of a forbidden substance, notice of hearing shall be given and the hearing shall occur as close to 30 days after notice is given as is possible under the circumstances. Either the Disciplinary Committee or the Executive Secretary, upon instruction by the Disciplinary Committee, is authorized to issue the Disciplinary Committee's written decision by notice to the parties.

a. If two or more complaints are filed concerning the same incident, prima facie evidence presented by the complaining parties may be reviewed in order to determine the validity of any such complaints and the hearing(s) related to any such complaints may, at the ApHC's discretion, occur simultaneously.

6. The Executive Secretary, with approval from ~~the ApHC Executive Committee~~ **Disciplinary Committee**, shall have the authority of the Disciplinary Committee to enter into an appropriate agreement, including the imposition of sanctions and penalties called for under these rules, in the best interests of the ApHC settling and/or compromising and satisfying a complaint before any such complaint is heard by the Disciplinary Committee.

7. ~~The Executive Committee or~~ The Disciplinary Committee shall have authority to enter into an appropriate agreement at any stage of these proceedings, in the best interests of the ApHC, settling and/or compromising and satisfying the complaint. A complainant may withdraw a complaint at any time, forfeiting all fees and costs for the complaint, and may also be subject to assessment of the costs of hearing the complaint, including attorney fees in reviewing any frivolous or unfounded complaint.

8. Any agreement entered into under Rules 20.D.6. & 20.D.7. shall not be binding and effective until executed by Executive Secretary, ~~the ApHC President~~ on behalf of the ~~Executive Committee~~ **Disciplinary** Committee, and all affected parties.

E. HEARING PROCEDURES

1. Written notice of the date, time and location of a hearing, together with a description of the violation charged and accompanying statement of evidence shall be mailed to the charged member or nonmember not less than thirty (30) days prior to the hearing.

2. All disciplinary hearings will be held at the offices of the ApHC in Moscow, Idaho or as specified by the Disciplinary Committee. Any person participating in a hearing, including Disciplinary Committee members, persons charged, counsel and witnesses may appear at the hearing in person by way of teleconferencing. Any person appearing by teleconferencing shall notify the Executive Secretary in writing at least ten (10) days before the hearing and include a telephone number at which they can be reached at the time set for hearing.

3. Any interested person may submit a written, verified statement to the Disciplinary Committee prior to the hearing that shall be made part of the hearing record.

4. No continuance will be granted unless requested in writing and received in the ApHC office at least ten (10) days before the hearing and good cause is shown. A continuance will be granted or denied at the sole discretion of the ~~President~~ **Disciplinary Committee**.

5. The member or non-member charged by the complaint and the Complainant shall have the right to call witnesses, present testimony, under oath, and offer evidence, to cross examine any adverse witnesses and to provide rebuttal testimony and evidence.

6. The ApHC reserves the right to appear in any hearing, through designees and/or counsel, and call witnesses, present testimony, under oath, and offer other evidence, to cross examine any other witnesses and to provide rebuttal testimony and evidence.

7. The Disciplinary Committee may call and interrogate witnesses.

Motion made by Ken Johnson, seconded by Kevin Griner.

Roll Call Vote

Leslie Foxvog—NO

Daylene Williams—NO

Ken Johnson—YES

Ray Burchett—YES

Sean Schembri—NO

Kevin Griner—YES

Christina Ottersbach-- NO

Dave Parlier-- NO

Luke Northway-- YES

Kama Urton-- YES

Lori Wunderlich—Did not vote

Deb Dyer—NO

Motion failed

All who voted no wanted the motion reviewed by the lawyer, so this motion will be sent to the ApHC lawyer for review.

Motion 4- 10/15-2021

The 2021 ApHC Board of Directors moves to continue the following resolution made at the September 20, 2021, ApHC Board of Directors meeting.

Motion 17- 09/20-2021

Resolved, That the Executive Committee's (EC) powers specific to any allegations of members, non-members, staff or any other representative that have been alleged to have violated any bylaw, rule or regulation, decision or policy of the ApHC shall be revoked for 30 days until the ApHC Board of Directors meet and determine what specific and clear powers the EC shall have moving forward in regards to disciplinary actions. Also Resolved, That any issues, complaints — either formal or informal — or any other means of communicating alleged rules, policy & procedures, bylaw, or decisions of the ApHC shall be sent directly to the Disciplinary Committee for handling.

Motion made by Leslie Foxvog, seconded by Ken Johnson

Motion approved unanimously

Motion 5-10/15 2021

The 2021 ApHC Board of Directors moves to adjourn.