

## Summary of Motions

December 22, 2021

### ApHC Board of Directors

#### ZOOM meeting

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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 December 22, 2021 were Daylene Williams, Deb Dyer, Leslie Foxvog, Ken Johnson, Ray Burchett, Sean Schembri, Kevin Griner, Luke Northway, Kama Urton and Lori Wunderlich, and Dave Parlier. Absent was Christina Ottersbach. 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; Dave Johnson, ApHC member

#### **Motion 1- 12/22-2021**

The 2021 ApHC Board of Directors moves to offer Carmel Minogue another 6 month contract to do the ApHC finances.

**Motion made** by Leslie Foxvog, seconded by Ken Johnson  
**Motion approved unanimously**

#### **Motion 2- 12/22-2021**

The 2021 ApHC Board of Directors moves to approve the show committee recommendation that the ApHC offer neck ribbons at the National/Youth World show and the World Championship Appaloosa show instead of 1<sup>st</sup> place blue streamer ribbons.

**Motion made** by Ken Johnson, seconded by Sean Schembri  
**Motion approved unanimously**

#### **Motion 3- 12/22-2021**

The 2021 ApHC Board of Directors moves to amend ApHC rule 704 as follows:

##### 704. NATIONAL CHAMPIONSHIP APPALOOSA SHOW

A. National points will be awarded, as outlined in rule 701.A, in each nationally pointed open, non-pro, and youth class held at the National Championship Appaloosa Show and the World Championship Appaloosa Youth Show for the ~~individual placings of each judge~~ **judges composite placing** in the class.

B. Points earned at this show will not count toward territorial high-point awards ~~or~~

**C. Points earned at this show will count** toward qualifying for the World Championship Appaloosa Show, ~~but shall~~ **and will** count for year-end high point awards per rule 702 B 4.

**Motion made** by Ken Johnson, seconded by Ray Burchett

Roll Call Vote

Leslie Foxvog—YES

Daylene Williams—YES

Ken Johnson—YES

Ray Burchett—YES

Sean Schembri—NO

Kevin Griner—YES

Christina Ottersbach-- ABSENT

Dave Parlier-- YES

Luke Northway-- NO

Kama Urton-- NO

Lori Wunderlich—YES

Deb Dyer—YES

**Motion approved**

#### **Motion 4- 11/19-2021**

The 2021 ApHC Board of Directors moves to use rule #70 to allow this rule change to take effect Jan 1, 2022 due to the effect the present rule had on entries in some regional shows.

**Motion made** by Ken Johnson, seconded by Ray Burchett

**Motion approved unanimously**

The National/Youth World site selection committee reported on their progress. They have winnowed the choices to 2 locations.

#### **Motion 5- 12/22-2021**

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.

8. The decision of the Disciplinary Committee will be final. (added under Motion 11/12/22)

**Motion made by** Ken Johnson, seconded by Kevin Griner.

Roll Call Vote

Leslie Foxvog—YES

Daylene Williams—YES

Ken Johnson—YES

Ray Burchett—NO

Sean Schembri—NO

Kevin Griner—YES

Christina Ottersbach--ABSENT

Dave Parlier-- NO

Luke Northway-- YES

Kama Urton-- YES

Lori Wunderlich—Did not vote

Deb Dyer—NO

**Motion approved**

**Motion 6- 12/22-2021**

The 2021 ApHC Board of Directors moves to use rule #70 to allow this rule change to take effect Jan 1, 2022 for the good of the organization.

**Motion made by** Ken Johnson, seconded by Kevin Griner.

Roll Call Vote

Leslie Foxvog—NO

Daylene Williams—YES

Ken Johnson—YES

Ray Burchett—NO

Sean Schembri—NO

Kevin Griner—YES

Christina Ottersbach--ABSENT

Dave Parlier-- NO

Luke Northway-- YES

Kama Urton-- YES

Lori Wunderlich—NO

Deb Dyer—NO

**Motion failed** (many of those voting against the motion would like the process to have an appeals process as suggested by the lawyer)

**Motion 7- 12/22-2021**

The 2021 ApHC Board of Directors moves to begin the process of accepting American Express cards as a form of ApHC payment.

**Motion made by** Kevin Griner, seconded by Dalene Williams

Roll Call Vote

Leslie Foxvog—YES

Daylene Williams—YES

Ken Johnson—YES

Ray Burchett—NO

Sean Schembri—YES

Kevin Griner—YES

Christina Ottersbach--ABSENT

Dave Parlier-- NO

Luke Northway-- YES

Kama Urton-- YES

Lori Wunderlich—YES

Deb Dyer—YES

**Motion approved**

### Motion 8- 12/22-2021

The 2021 ApHC Board of Directors moves to allow the ApHC to participate in the Oral History Project presented by PCI. Lynette and Museum curator Crystal White will coordinate this work.

**Motion made** by Ray Burchett, seconded by Deb Dyer

**Motion approved unanimously**

Next meeting set for December 22, 2021 at 10 am via ZOOM

### Motion 9-12/22 2021

The 2021 ApHC Board of Directors moves to approve the following changes to Rule 601 of the ApHC rulebook.

#### 601. SHOW APPROVAL REQUIREMENTS

H. To apply for show approval, the sponsoring organization or **sponsoring** individual must submit a show approval application to the ApHC. Said application must list the name of the show, show contact for all correspondence, the date(s) and location of the show, the name of the show manager and show secretary and a list of classes to be held at the show. ~~Additional details on the application such as ring steward, judge(s), and other information required by the ApHC must be forwarded and~~ **The show approval application and all approval fees must be** received by the ApHC according to the following schedule:

1. Application received 100+ days prior to the first day of the show - \$25/judge
2. Applications received ~~50~~ **65-99** days prior to the first day of the show - \$50/judge
3. Applications received ~~30-49~~ **45-64** days prior to the first day of the show - \$100/judge
4. Shows will not be approved if application is received ~~within 30-~~ **less than 45** days of the first day of the show.
5. Changes to the information on the original application and any additions including the names of the judges, ring steward or other required information may be accepted ~~30-~~ **45** or more days in advance of the show at no charge. Changes to the list of classes offered or to any other information related to the show made within ~~29~~ **44** days of the first day of the show may be made for a fee of \$20 per class or per judge or \$20/change. Changes made on or after the first day of the show shall not be accepted.
  - a. ~~For shows held in November and December, all~~ **No show approvals applications and/or** class changes ~~will must be submitted no later than~~ **accepted after** October ~~31~~ **15**. Conditions and fees listed above will apply.

Q. The ApHC ~~shall~~ **will attempt to** publish the name, dates, show location, judge(s), show contact's name, address, phone number and e-mail address for the show at least 30 days prior to the show in

*Appaloosa Journal* and/or on the ApHC web site and/or by electronic communication to ApHC members. The ApHC ~~shall~~ **will attempt to** publish the class list for the show on the ApHC web site at least 30 days prior to the show. The sponsoring regional club or individual(s) should make every effort to ensure that the list of classes is complete and accurate well in advance of the show to ensure all potential exhibitors the opportunity to attend. Changes to the class list will be published on the ApHC website as soon as reasonably practical.

1. Classes published on the ApHC web site must be held if there is an entry.

**Motion made** by Ken Johnson, seconded by Ray Burchett

**Motion approved unanimously**

### **Motion 10-12/22 2021**

The 2021 ApHC Board of Directors moves to use rule #70 to allow this rule change to take effect Jan 1, 2022 for the good of the organization as it solves a conflict between ApHC rules.

**Motion made** by Ken Johnson, seconded by Ray Burchett

**Motion approved unanimously**

### **Motion 11-12/22 2021**

The 2021 ApHC Board of Directors moves to add the following wording to **Motion 5- 12/22-2021;**

20 E. 8. The decision of the Disciplinary Committee will be final.

**Motion made by** Ken Johnson, seconded by Kevin Griner

Roll Call Vote

Leslie Foxvog—YES

Daylene Williams—YES

Ken Johnson—YES

Ray Burchett—NO

Sean Schembri—NO

Kevin Griner—YES

Christina Ottersbach--ABSENT

Dave Parlier-- NO

Luke Northway-- YES

Kama Urton-- YES

Lori Wunderlich—YES

Deb Dyer—NO

**Motion approved**

The 2021 ApHC Board of Directors reviewed 7 applications for Territory 1 Director. After due consideration, the candidates following candidates received nominations for the position.

Ken Johnson nominated Alison Phillips

Ray Burchett nominated Tom Hodges

Alison Phillips received 6 votes for Director and Tom Hodges received 5 votes.

Alison Phillips is the new ApHC Director from Territory 1.

The next ApHC Board meeting is scheduled for December 28, 2021 at 10 am Pacific via ZOOM.

**Motion 12-12/22 2021**

The 2021 ApHC Board of Directors moves to adjourn.

UNAPPROVED