

American Endurance Ride Conference  
Board of Directors Meeting – Teleconference Call  
November 3, 2008

Call to Order: 6:06 pm Pacific Standard Time

Roll Call: Mike Maul, Connie Caudill, Jan Stevens, Patti Pizzo, Michael Campbell, Monica Chapman, Susan Schomburg, Sandy Terp, Tom Noll, Terry Woolley Howe, Susan Kasemeyer, Joe Schoech, Bruce Weary, Jeff Trinkle, Roger Taylor, Dianna Chapek, Laura Hayes, John Parke, Robert Ribley, Gail Williams, and Joyce Mocilan.

Also in attendance was Kathleen Henkel, Executive Director of AERC, and Melissa Ribley, DVM, representing the AERC Veterinary Committee.

Absent: Heidi Smith DVM, Maryben Stover, Randy Eiland, Mike Tomlinson, and John Crandell III.

A motion to accept the absence of John Parke, Heidi Smith DVM, and Jeff Trinkle from the October Teleconference call was made and was approved unanimously.

A motion to accept the absence of John Crandell III from the November Teleconference call was made and was approved unanimously.

The minutes from the October 6, 2008 Teleconference call meeting was approved by unanimous vote.

Kathleen Henkel reported on the current state of AERC

Membership as of 11/1/07 - 6909  
11/3/08 - 6880

Rider fees as of 11/3/07 - \$96,602  
11/3/08 - \$93,719

Sanction fees as of 11/3/07 - \$ 15,435  
11/3/08 - \$15,295

New members as of 11/1/07 – 1185  
New members as of 11/3/08 - 1020

As of October 31, 2008, 140 3-year memberships have been received with a total of 526 members entered for 2009.

#### New Business

Michael Campbell reported on the Insurance for the Trail Master classes. Kathleen reported to the BOD that the AERC Ride Insurance does not cover the Trail Master classes and that Mike Riter's liability insurance does not cover participants either. After Kathleen and Roger talked with Diane Leshner from Equisure, it was learned that Equisure would agree to include our Trail Master classes for free within our Ride Liability insurance. The insurance is a liability policy that will cover AERC members (Non-AERC members will not be covered – IE Government employees) against damages to property or damage/injury to public. The AERC Office has received a certificate from Trail Design (Mike Riter's business) and Kathleen has sent it out to see what it covers.

Michael Campbell also reported to the BOD concerning the request from RFD TV/Jeff Tucker to create a 30 minute television show on endurance riding. There was a lot of discussion from the BOD on this topic with

several suggestions/questions coming from the BOD. Many members were concerned that endurance may not be portrayed in a positive light and that we needed to be sure that we had someone there as a consultant from AERC. The television show program organizers would be requesting \$3000 from AERC, 6 months of ½ page color ads in *Endurance News*, and 6 months of clickable banners on the AERC website for producing the show. John Parke noted that it was a fairly inexpensive way for AERC to advertise that we haven't tried yet. Tom Noll suggested that we have Troy Smith work with the producers of the show to make sure that AERC's interests/concerns were met. Several members were concerned about a contract and what verbiage it would need. Bruce Weary, who has worked in similar projects, informed the BOD that he was sure that they would have program set-up with the show laid out prior to the filming so that our concerns would be met. It was suggested that Bruce Weary and Troy Smith should look into the matter and report back to the BOD at a later date with more information.

#### Old Business

Roger Taylor reported to the BOD on the Medical Malpractice Insurance for the AERC Veterinarians. Roger and Kathleen spoke with Diane Leshner and reported that Diane Leshner quoted a price of \$42/vet/event with a minimum of \$10,000 to be paid by AERC for this insurance (same amount as the previous Veterinary Liability insurance that the BOD was looking into). Melissa Ribley inquired as to whether or not this insurance would cover a veterinary license defense. Roger said it would not in the case of a treatment veterinarian treating a horse but does cover the control judges. Melissa suggested that the AERC Veterinarians should be questioned as to whether or not they would want this type of coverage. Melissa said that she would take care of providing a questionnaire (or similar form for asking the veterinarians). John Parke requested to see the policy to see what it covers. Roger will send John an example policy. Melissa will put together the questionnaire for the vets and will put together information for the next meeting concerning insuring language and exclusions. Roger will send John Parke a copy of the example policy.

Susan Schomburg of the Rules Committee brought the motions for approval of Rule 14 revision, Rule 4 revision, and the Control Judge Motion.

The motion to approve the revision to rule 14 was voted on and was unanimous.

The motion to approve the revision to rule 4 was voted on and was unanimous.

The motion to approve the rewriting of the rules with the Control Judge wording was voted on and was unanimous.

(See attached motions)

It was also mentioned that the Veterinary Handbook would be revised soon and that a new version of the rulebook is expected to go out within the next two years.

The motion to adjourn the meeting was made at 7:14 pst by Susan Schomburg and seconded by Dianna Chapek, the motion passed unanimously

Submitted by Jan Stevens

## AERC Board of Directors MOTION PROPOSAL

<p>This Motion Proposal form is to be used in the development, presentation and approval process of submitting motions to the Board.</p>
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**Motion Name** Control Judge Definition

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**Proposing Committee** Rules committee, Vet committee

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**Date of Motion** (Date to be presented to BOD) August 23, 2008

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**Classification of Motion Request** (new, change, add, delete, by-law, rule, policy) Rule change

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**Proposed Motion** (use exact wording) A motion to include a definition of a veterinary control judge in the AERC rule book to read “Control Judges are persons that have graduated with a Degree in Veterinary Medicine from an institution of recognized standing. A control judge will provide judgment as to an equines ability to remain in competition. Control judges are not to provide a diagnosis and will refer equines identified as requiring diagnostics to a veterinarian legally licensed to practice. A control judge who is also a veterinarian legally licensed to practice may perform concurrent duties outside the role of control judge such as providing a diagnosis and/or medical treatment. “ and to replace all references to “vet” or “veterinarian” in the rules with the term “control” or “control judge” excluding specific references to treatment or treating veterinarians.

**Background, analysis and benefit** (describe the problem this motion is solving) In recent years, there has been heightened concern by ride veterinarians over litigation while carrying out their duties at endurance rides. It was recommended by AERC’s insurer that a distinction be made between a control judge at an endurance event and a vet involved in a client-patient relationship as a result of treatment. The large majority of AERC ride veterinarians act as control judges and only occasionally move into the role of treatment vet. There is a distinction in liability when this role change occurs. Defining and clarifying the roles in the rules was suggested by the insurer as well as the vet committee.

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**Budget effect/impact** (Attach spreadsheet if appropriate) Printing of a new version of the rule book (\$2800)

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**Benefit and/or Impact to Membership and/or the AERC Organization** -Meets the request of AERC’s insurer and decreases the liability of veterinarians working AERC rides

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**Impact on AERC Office** (Work load, budget) Rule book re-printing

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**Committees consulted and/or affected** Vet committee

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**Implementation plan** (Schedule, resources, financial) Effective with the 2009 rule book revision

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**Supporting materials** (List of any other documents and/or spreadsheets) see attached

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**Supporting approvals** (proposing committee, participating committees) vet committee

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**AERC Board of Directors  
MOTION PROPOSAL**

This Motion Proposal form is to be used in the development, presentation and approval process of submitting motions to the Board.

**Motion Name** Revision of Rule 14

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**Proposing Committee** Rules Committee

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**Date of Motion** (Date to be presented to BOD) August 23, 2008

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**Classification of Motion Request** (new, change, add, delete, by-law, rule, policy) Rule change

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**Proposed Motion** (use exact wording) Move that the BOD adopt the changes to rule 14 that have been recommended by the P & G committee. (see attached)

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**Background, analysis and benefit** (describe the problem this motion is solving) Rule 14 was revised and adopted by the BOD in 2007. After working under the new rule, the P & G Committee requested some changes in the newly revised rule particularly in regard to deadlines and the mediation process.

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**Budget effect/impact** (Attach spreadsheet if appropriate) The cost of a new printing of the rule book is roughly \$2800.

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**Benefit and/or Impact to Membership and/or the AERC Organization** - The changes should decrease the workload for the P & G and simplify the process particularly in regard to the early stages of the protest.

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**Impact on AERC Office** (Work load, budget) Decreases the workload on the AERC office by eliminating some procedures in the protest process. Neither the current version of Rule 14 (or 13A) are in the current rule book. A new version of the rule book with all changes would need to be printed and disseminated to members.

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**Committees consulted and/or affected** - P & G

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**Implementation plan** (Schedule, resources, financial) To be implemented with the start of the 2009 ride season

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**Supporting materials** (List of any other documents and/or spreadsheets) See attached changes and rationale from P & G committee

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## **14. Protests**

**14.1. Introduction.** Any AERC member, other than a single event member as defined in the AERC Bylaws, may bring a protest with the AERC Protest and Grievance Committee alleging violation of AERC Rules by anyone participating in any manner at an AERC sanctioned ride, including, but not limited to, a rider, horse owner, crew member, veterinarian, ride manager or other ride management personnel. Anyone contemplating a protest is encouraged to first attempt to resolve his or her complaint informally by discussing the alleged violation with the person committing the violation and/or the ride manager and/or appropriate regional director. The Protest and Grievance Committee and, in the case of an appeal, the Board of Directors shall apply the AERC Rules and Bylaws in deciding the protest.

### **14.2. Protest Procedures.**

**14.2.1. Time of Filing.** Any person bringing a protest (the “protestor”) shall file it with the AERC office no later than 30 days after the ride in question. If an alleged violation does not come to light until the ride results are printed in Endurance News, the protest must be filed no later than 30 days after the mailing of Endurance News. The date the AERC office receives the protest shall be considered the date of filing. The deadline for filing a protest in an individual case may be extended by the AERC President in his or her sole discretion for good cause shown for a period of no more than 60 days from the original deadline. Any such extension shall be memorialized by the AERC President in writing and filed with the AERC office. Any protest filed after the applicable deadline shall be rejected by the AERC and shall not be considered on its merits. [The AERC office shall also notify the ride manager and appropriate regional directors of the filing of the protest.](#)

**14.2.2. Content of Protest.** Every protest must be filed using the complaint form attached as Appendix 14A to the AERC Rules. The complaint form may be amended from time to time by the AERC Board of Directors. The complaint form shall at a minimum require the protestor to state:

- a. The full name and address of the person accused of the violation of AERC Rules (the “respondent”);
- b. The name, date, location, and manager of the ride where the alleged violation occurred;
- c. A summary of the acts of the respondent which constitute a violation of AERC Rules;
- d. The AERC Rules, identified by Rule number, allegedly violated by the respondent.

The complaint form must be fully completed and signed by the protestor. The protestor shall file with the complaint form all evidence which the protestor believes to support the protest. Evidence must be in written form and may include witness statements by the protestor or other witnesses, photographs, ride records, maps and other relevant documents. Hearsay evidence will be accepted, but will be accorded less weight than first-hand evidence.

### **[e. Documentation of attempts to resolve the issue before the formal protest was filed.](#)**

**14.2.3. Filing Fee.** A filing fee of \$150 must be paid by the protestor to the AERC by check, credit card or cash when the protest is filed. The AERC shall refund the filing fee if the protest is granted.

**14.2.4. Invalid Filing.** Any protest filed after the applicable deadline or which fails to include the required complaint form or filing fee shall be rejected by the AERC and shall not be considered on its merits.

**14.2.5. Respondent’s Opposition.** Upon receipt of a properly initiated protest, the AERC office shall immediately transmit the complaint form and all supporting evidence to the Protest and Grievance Committee. ~~The AERC office shall also notify the ride manager and appropriate regional directors of the filing of the protest.~~ The Chairman of the Committee shall serve the respondent by first class mail with written notice of the filing of the protest and with a copy of the complaint form and all supporting evidence. The respondent shall have 30 days after the date of mailing of the notice of the protest to file written witness statements and other documents in opposition to the protest. If no response from the respondent is received by the AERC office within the 30 day period, the AERC office shall attempt to make contact with the respondent by telephone and email and will report the results of the attempted contact to the Chairman of the Committee. The Protest and Grievance committee may conclude that all well-supported facts of the protest may be considered true. The Chairman of the Committee shall provide the protestor with copies of all witness statements and other documents filed by the respondent in opposition to the protest. The Chairman of the Committee may in his or her sole discretion allow the protestor and respondent to file additional written materials within a time period selected by the Chairman not to exceed 30 days from the time for filing of the respondent’s initial opposing papers.

**14.2.6. Independent Investigation.** The Chairman of the Committee may in his or her sole discretion decide to perform, or direct other members of the Committee to perform, independent investigation of the alleged Rules’ violation by interviewing the ride

manager or other relevant witnesses. The Chairman of the Committee shall decide how to share the information from any such investigation with the protestor and respondent so that they will have an opportunity to respond.

**14.3. Mediation.** The Chairman of the Committee ~~shall refer every~~ may, if appropriate, refer the protest to non binding mediation to provide the protestor and respondent an opportunity to voluntarily settle the matters in dispute, ~~unless the Protest and Grievance Committee decides that mediation of the protest would be futile or inappropriate.~~ The Chairman of the Committee shall select the time during the protest process to refer the protest to mediation. The mediation shall be conducted by a mediator from a panel of mediators approved by the AERC Board of Directors. The mediation shall be conducted telephonically unless the protestor and respondent make arrangements to meet personally with the mediator. The mediation will be conducted in confidence and no position taken or statement made by anyone at the mediation shall be submitted or considered as evidence in any following protest proceedings. Once a protest has been referred to mediation by the Chairman of the Committee, all time periods for filing written materials will be suspended for 30 days to allow the mediation to occur. If a settlement is reached through the mediation, the protest shall be considered to have been withdrawn and the filing fee paid by the protestor shall be refunded by the AERC office. If the protest is not resolved through mediation, the protest proceeding shall resume after the termination of the 30 day suspension of proceedings.

**14.4. Decision.** After each of the members of the Committee has reviewed all of the evidence timely submitted by the protestor and respondent, the Committee shall prepare a written decision no later than ~~60 days~~ 90 days after receipt by the Chairman of the final written materials submitted under this Rule. The decision shall summarize the Committee's findings, state whether the protest is granted or denied in whole or in part, assess any penalties and direct any required amendment of the ride results, standings, and rider and horse records or other actions by the AERC necessary to implement the decision. The Chairman of the Committee shall serve the written decision upon the protestor, the respondent and the AERC by first class mail. The AERC office shall copy each member of the Board of Directors with the written decision by email. The President of the AERC may in his or her sole discretion extend in writing the deadline for preparation of the written decision by no more than 60 days for good cause shown. Any failure of the Protest and Grievance Committee to meet the deadline for preparation of the written decision shall result in referral of the protest to the Board of the Directors to decide the protest acting in substitution for the Protest and Grievance Committee.

#### **14.5. Appeal.**

**14.5.1. Initiation of Appeal.** The protestor or respondent may appeal the decision of the Protest and Grievance Committee to the AERC Board of Directors by filing with the AERC office a notice of appeal within 30 days after the date of mailing of the written decision by the Chairman of the Committee. Every appeal must be filed using the notice of appeal form attached as Appendix 14B to the AERC Rules. The notice of appeal form may be amended from time to time by the AERC Board of Directors. The notice of appeal form must be fully completed and signed by the party filing the appeal. The notice of appeal must include the following:

- a. A filing fee of \$250 paid to the AERC by check, credit card or cash.
- b. A written statement of the grounds for the appeal.

A notice of appeal which is not timely filed or fails to include any of the above described items shall be rejected and shall not be considered by the AERC Board of Directors.

**14.5.2. Submittals to the Board.** Upon receipt of a valid notice of appeal, the AERC office shall serve the protestor, respondent, and the Chairman of the Protest and Grievance Committee by first class mail with a copy of the notice of appeal and the written statement of the grounds for appeal. Any party to the protest who chooses to oppose the appeal may file with the AERC office a statement of opposition to the appeal within 30 days following the date of mailing of the copy of the notice of appeal by the AERC office. After the time to file a statement of opposition to the appeal has expired, the AERC office shall transmit to each member of the Board of Directors a copy of the complete record of the protest, including the original complaint form, all witness statements and other written materials submitted by the protestor and the respondent, all correspondence from the Chairman of the Committee, any written extensions of time periods for filing, any record of investigation or hearing by the Committee and the written decision of the Protest and Grievance Committee, together with all documents timely filed by either party to initiate the appeal or to oppose the appeal.

**14.5.3. Record on Appeal.** The appeal shall be based only upon the information contained in the record of the protest considered by the Protest and Grievance Committee. The statements of the parties in support of or in opposition to the appeal shall only comment on the record of the protest and shall not contain any new factual information. No additional witness statements or new factual information shall be considered by the members of the Board of Directors in deciding the appeal. The Board may seek an explanation of the Protest and Grievance Committee's decision from the Chairman of the Committee to respond to any points raised in support or in opposition to the appeal.

**14.5.4. Decision by Board.** The members of the Board of Directors shall have at least 15 days after the complete record of the protest is transmitted by the AERC office to consider the appeal. The Board of Directors shall decide the appeal at the earliest convenient special or regular meeting after the consideration period. The action of the Board of Directors shall be reflected in its minutes. The AERC office shall serve notice of the Board of Director's action by first class mail to the protestor, the respondent and the Chairman of the Protest and Grievance Committee. There shall be no appeal from the Board of Director's decision.

**14.6. Official Record.** The AERC office will maintain a complete record of the protest, including but not limited to, the complaint form, all written materials submitted by all parties to a protest, correspondence from the Chairman of the Protest and Grievance Committee, any written extensions of time for filing, any record of investigation or hearing by the Protest and Grievance Committee, and the written decision of the Committee as well as any action by the Board of Directors on any appeal. The AERC office will publish a brief summary of the Protest and Grievance Committee's decision and any action by the Board on appeal, including a description of any penalties assessed, in the next two issues of Endurance News following the expiration of the time to appeal

the Protest and Grievance Committee's decision or, if there is an appeal, following the Board of Director's action on the appeal. The AERC Office will correct ride results, standings, and horse and rider records to correspond with the protest decision.

## AERC Board of Directors MOTION PROPOSAL

This Motion Proposal form is to be used in the development, presentation and approval process of submitting motions to the Board.

**Motion Name** Revision of Rule 4

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**Proposing Committee** Rules Committee

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**Date of Motion** (Date to be presented to BOD) August 23, 2008

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**Classification of Motion Request** (new, change, add, delete, by-law, rule, policy) Rule change

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**Proposed Motion** (use exact wording) A motion to change Rule 4 (Denial of Entry) to read

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**4. Entry to a ride may be refused for cause, however**

**4.1 Entry may not be denied if to do so would violate Federal and State civil rights laws**

**4.2 Entry may not be denied, if the purpose is to intentionally, provide an unfair competitive advantage to one rider over another.**

**Background, analysis and benefit** (describe the problem this motion is solving) There has been increasing concern by ride managers regarding "Badly Behaving Riders". The current rule gives a "laundry list" of causes for the denial of entry. Anecdotal evidence suggested that the list is not broad enough or inconclusive enough to meet the needs of ride managers and members (who also suffer at the hands of BBR's) Current legal precedent allows individuals or private groups to set reasonable standards for behavior and to deny participation "for cause". The new definition/rule is in keeping with this principle.

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**Budget effect/impact** (Attach spreadsheet if appropriate) None

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**Benefit and/or Impact to Membership and/or the AERC Organization** -Clarifies the rule and helps protect ride managers from the liability posed by BBR's.

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**Impact on AERC Office** (Work load, budget) None other than as part of a larger rule book revision

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**Committees consulted and/or affected** Ride Managers Committee

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**Implementation plan** (Schedule, resources, financial) Effective with the start of the 2009 ride season

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**Supporting materials** (List of any other documents and/or spreadsheets) See attached additions and changes

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**Supporting approvals** (proposing committee, participating committees)

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