

August 9, 2021, AERC Board meeting minutes

President Nick Kohut DVM called the meeting to order at 8:04 EST

Board members present were Olin Balch DVM, Michael Campbell, Connie Caudill, Monica Chapman, Susan Kasemeyer, Jessica Cobbley, Chalice Coward, Dawn Hilliard, Susan Garlinghouse DVM, Nick Kohut DVM, Bob Marshall DVM, Mike Maul, Angie Mikkelson, Stephanie Palmer-DuRoss, John Parke, Maribel Paulson, Naomi Preston, Tami Rougeau, Lisa Schneider, Christoph Schork, Mollie Krumlaw-Smith, Kelly Williams-Stehman, Jan Stevens, Vance Stine, Laurie Underwood, Tim Worden. Also present were Executive Director Kathleen Henkel and Kyra DeMartini and Legal Committee members Barbara Baris and Dee McDonald.

Lisa Schneider made a motion to approve the July 31, 2021, Midyear Board meeting minutes. Susan Garlinghouse DVM seconded. Motion passed with three abstentions.

Nick Kohut DVM added a ride for sanctioning approval to the agenda. Jessica Cobbley moved to approve the revised agenda, Susan Garlinghouse DVM seconded. Motion passed.

Kathleen Henkel reported good news on membership. AERC is only one member away from having 4,500 members.

Connie Caudill presented on behalf of the Sanctioning Committee, motions to approve five rides.

First year pioneer ride, the Rocky Road Ride, SW region, to be held in Truth or Consequences, New Mexico. New Mexico is just opening up and lifting some Covid restrictions, so the committee felt it was necessary to allow for the late sanctioning since it has been impossible to sanction within the state until just recently. Ride dates are September 3 – 5, 2021. Ride manager Cindy Binns-Mendoza also plans on having a 75 and 100-mile ride on September 4. The SW region director has approved the ride. Motion from committee passed unanimously.

First year pioneer ride, the Hillbilly Highways Ride, September 11-13, 2021, MW region to be held in Prince Albert, Saskatchewan Canada. A 75- and 50-mile ride will be held on the 12th if a minimum of 6 riders register. Ride manager is Cathy Coutu and veterinarian is Dr. Sylvia Wiebe. The committee was aware that Canada has been slow to allow rides and ride managers have only recently been able to obtain permits. Approved by the MW sanctioning director. Motion from committee passed unanimously.

Second year pioneer ride, the Moab XP, October 27 – 29, 2022. This would be the second year as a pioneer ride if the 2021 ride is approved in this meeting. All pioneer rides must receive Board approval for the first two years. Ride to be held in Moab, Utah. Ann Nicholson will be the ride manager and Dave Nicholson DVM vetting. Approved by the MT sanctioning director. Motion from committee passed unanimously.

First year pioneer ride, the Moab XP, October 21-23, 2021. MT region to be held in Moab, Utah. Ann Nicholson will be the ride manager with Dave Nicholson DVM vetting. Approved by the MT sanctioning director. Christoph Schork explained the reason for the late sanctioning. This ride will be a substitute ride for the Color Country ride which has had BLM permitting issues. Motion from the committee passed with one vote against and one abstention.

The Heather Bradshaw Memorial, September 11, 2021 is a one day 50-mile ride that is requesting late sanctioning due to Canada being slow to open up during the pandemic. Ride manager is June Melhuish. Ride to be held in Summerland, British Columbia, Canada. The NW sanctioning director has approved the ride. Motion from committee passed unanimously.

Susan Kasemeyer moved for the Board to go into executive session at 8:21pm, seconded by Vance Stine. Motion passed.

Susan Kasemeyer made a motion to come out of executive session at 8:24pm, seconded by Connie Caudill. Motion passed.

Nick Kohut DVM reviewed line by line, the policy procedure to govern formal hearings, for Board approval. This policy was brought forth by the Legal Committee with the assistance of AERC's outside attorney Chris Delfino.

PROCEDURES FOR FORMAL HEARING OF MEMBERSHIP SUSPENSION OR TERMINATION ACTIONS

These Procedures ("Procedures") govern the formal hearing ("Hearing") on actions to suspend or terminate a member of the American Endurance Ride Conference ("AERC") pursuant to Section 5.11 of the AERC bylaws ("Bylaws"). These Procedures shall also be used in the event a member's membership is not renewed due to the causes set forth in section 5.11 (a)(5) of the Bylaws.

A Hearing Officer, chosen and engaged by the AERC Board of Directors ("Board"), will be responsible for the administration of all procedural aspects of the Hearing including, but not limited to, the interpretation and application of these Procedures at the Hearing, all matters related to witnesses and the admissibility of all evidence. The Hearing Officer will control the docket, schedule hearings on motions/requests and maintain the record of the proceedings.

These Procedures shall not limit or impair any rights, duties or obligations of the Board as set forth under the Articles, Bylaws or under federal or state law. The Hearing Officer will not be the trier of fact and will make no rulings regarding the applicability of the Articles of Incorporation, Bylaws, any AERC policies or procedures (other than these Procedures) or federal or state laws rules or regulations. The role of fact finder remains exclusively with the Board of Directors, which will also make rulings regarding the applicability of the Articles of Incorporation, Bylaws, any AERC policies or procedures (other than these Procedures) and federal or state laws, rules or regulations.

The Board will provide its own representative or legal counsel ("Board Representative") to present AERC's case for termination or suspension. The Board Representative shall be separate from the Hearing Officer.

The member who is the subject of the Hearing ("Respondent") may, but is not required to, have a representative or legal counsel present their case at the Hearing ("Member Representative").

No member of the Board or AERC staff member may serve as the Hearing Officer, the Board Representative or the Member Representative.

The Hearing Officer will be engaged no later than the date on which the Board sets the time and date of the Hearing. The name and contact information of the Hearing Officer will be provided to the Respondent.

All requests by the Respondent or Member Representative regarding the Hearing ("Request") will be filed with the Hearing Officer. If the Request involves a procedural matter regarding the Hearing, it shall be decided by the Hearing Officer. If, pursuant to the Bylaws, a determination must be made by the Board regarding the Request, the Hearing Officer will expeditiously contact the President of the Board

and the Respondent, or his/her Representative, if any, regarding the procedures for the resolution of the Request. In the absence of any agreement to the contrary, all Requests will be heard and resolved immediately before the Formal Hearing.

The Hearing shall not exceed three (3) hours unless an extension is approved in advance by the Board. Any request for an extension must be provided to the Hearing Officer no later than three (3) business days prior to the Hearing date. The request for an extension must provide the reason for the extension. The Board may grant or reject the request for extension in its sole discretion.

Board Representative and Respondent shall each be given 4 hours to present their case. If a party wants time for rebuttal, they must reserve it out of their four hours.

Each side will file a witness list, with the Hearing Officer, including rebuttal witnesses, no later than seven (7) days prior to the Hearing date. Any witness called who is not listed on their list will not be allowed to testify.

Should a party want to use any exhibits during their presentation, they must provide the exhibits to the other side, either by hard copy or by digital images, no later than seven (7) days prior to the Hearing date. Exhibits not so provided will be excluded from admission.

It is the responsibility of the party delivering the notice, request, exhibit or witness list, or any other document, to ensure the other party's actual receipt of the delivery item.

Witnesses will testify under oath, administered by the Officer.

The California Rules of Evidence will apply.

A discussion was held among Board and Legal Committee members. One of the items that was debated was that three hours didn't seem like enough time, and it may be more reasonable to allow eight hours.

Connie Caudill made a motion to approve the procedure policy with one amendment to change the "three hours" time frame to "not to exceed eight hours". Michael Campbell seconded.

A thorough discussion was held before voting to approve. John Parke indicated the policy was more complicated for AERC than it needed to be. The Legal Committee members felt this was the cleanest and most fair and reasonable way to precede.

Dee McDonald made clear that this is just a Board policy and changes could be made by the Board as needed.

Motion passed to approve the procedure with two votes against and one abstention.

Naomi Preston made a motion to go into Executive Session at 9:07pm, Jessica Cobbley seconded. Motion passed.

Jessica Cobbley made a motion to leave executive session at 9:31pm, seconded by Connie Caudill.

Jessica Cobbley made a motion to adjourn at 9:32pm, seconded by Susan Garlinghouse DVM. Motion passed.

Respectfully submitted by Connie Caudill