

## AERC BOD Minutes September 13, 2021, 8 p.m. EDT

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

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, Kelly Williams-Stehman, Jan Stevens, Vance Stine, Laurie Underwood, Tim Worden.

Also present were Executive Director Kathleen Henkel and Kyra DeMartini and Legal Committee member Dee McDonald.

Susan Kasemeyer made a motion to excuse Mollie Krumlaw-Smith who is out of cell range – managing a ride. Seconded by Olin Balch DVM. Motion passed.

Jan Stevens made a motion to accept the agenda which was seconded by Tami Rougeau. Motion passed.

A motion to approve the August 9, 2021 board meeting minutes was made by Lisa Schneider and seconded by Jessica Cobbley. Motion passed.

Kathleen Henkel reviewed the statistical report with the Board.

Membership 9/10/18	4790
Membership 9/10/19	4628
Membership 9/14/20	4162
Membership 9/13/21	4595
Sanction fees 9/13/20	\$11,245
Sanction fees 9/13/21	\$11,195
Rider fees 9/13/20	\$17,978
Rider fees 9/13/21	\$40,295
New members as of 9/10/18	540
New members as of 9/10/19	529
New members as of 9/14/20	402
New members as of 9/13/21	620

### Executive Committee update

Connie Caudill reviewed an approval by the Executive Committee of a late sanctioned ride, due to Canadian Covid restrictions. The Stockholm Fall Ride, to take place October 2 – 3, 2021, MW Region. Robin Anderson, ride manager and Justin Noble, Head Control Judge. The BOD voted to ratify the decision of the Executive Committee.

### Sanctioning Committee motions

Connie Caudill presented a motion from the Sanctioning Committee for a first-year pioneer ride. Fire Mountain, January 14 – 16, 2022, Gretchen Montgomery is the Ride Manager with Mike Peralez as head control judge. Lisa Schneider, PSW Sanction Director, has given her approval along with the Sanctioning Committee. Motion from committee passed.

Connie Caudill presented another motion from the Sanctioning Committee for the approval of the AERC International Team Challenge ride, September 24 – 25, 2022, to be held at Gunner and Alanna Frank's farm in Oklahoma, 75 and 100-mile distances. The ride requires special sanctioning due to ride qualifications. The ride has been approved by Michael Campbell and the Sanctioning Committee. The International Committee first discussed this ride with the Board a few months ago – this is strictly an AERC ride and has no connection to FEI.

This ride includes special sanctioning because the following will be required:

75 mile - 3 years leading up to the event 300 endurance miles for horse and 300 endurance miles for rider. 150 endurance miles together as a team. Horse must be at least 6 years old at the time of the event.

100 mile - 5 years leading up to the event two 100-mile rides for rider, two 100-mile rides for horse, and one 100 mile ride together as a team. Horse must be at least 7 years old at the time of the event.

After a brief discussion the motion was approved with one abstention.

#### Committee Charters

The Board unanimously approved the newly revised Committee Charters. Kathleen Henkel will update each charter to include- Chair is appointed by the president and “approved by the Board”.

#### Veterinary Committee Motion

Nick Kohut DVM presented a motion from the Veterinary Committee.

Motion- Update of AERC Rule 13 Appendix G Allowable Treatments

Proposed Motion Update Rule 13 Appendix G to include the following changes underlined:

1. Massage, deep tissue massage, and acupressure is allowed but is limited to the use of digital (finger or hand) pressure only. The use of any tool or appliance (including common grooming tools) for musculoskeletal manipulation is prohibited.
2. The use of instruments commonly known as grooming instruments for the purpose of grooming are allowed. The use of grooming instruments for the purpose of massage, deep tissue massage or acupressure is prohibited.
5. Healed scars from pinfiring and freezing are allowed.

Background- The AERC Veterinary Committee is tasked with updating AERC Rule 13 appendices as needed. As newer medications, substances and treatments are developed and become available, they are

to be assessed by the Veterinary Committee and the Appendices of Rule 13 are to be modified to reflect the intent of Rule 13.

Instruments, including those commonly known as grooming tools, have been marketed and used for the purpose of massage during competition. The update of item 1 and 2 in Appendix G is to clarify that the intent of use for an instrument is the deciding factor in its allowability or prohibition. The update of item 5 is to reflect current veterinary practices.

The purpose of AERC Drug Rule 13 is in part to ensure fair competition by allowing horses to compete only under their natural ability and without the influence of treatments. Updating Appendix G, Rule 13 as above will promote fair and safe competition.

Discussion by the board concerned people who do not have strong hands and may want to use a brush or brush handle to help in massaging a tight muscle. Nick Kohut DVM noted that currently the rule doesn't allow use of grooming tools at all and this rule allows them to be used if they don't specify for message use. The Board would like the Veterinary Committee to reconsider the wording of this rule. Christoph Schork offered to send his thoughts to the Committee. Susan Garlinghouse DVM offered to help with the wordsmithing of the revision.

The Board agreed to remand this motion back to the Committee.

#### Rules Committee motion

Michael Campbell made a motion from the Rules Committee regarding the protest procedures of Rule 14. Revisions are for clarification.

Effective for the 2022 Ride Season, will reflect the changes in the 2022 rulebook.

## **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, equine owner, crew member, control judge, treatment veterinarian, ride manager or other ride management personnel. Anyone contemplating a protest must 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. All filings, submissions and other communications relating to the protest shall be in writing and transmitted electronically (email) unless requested otherwise by any of the involved parties, in which case communication shall be by certified mail, return receipt requested.

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, either by electronic transmission (preferred) or by certified mail, return receipt requested, 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 all affected 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 Regional Directors of the region involved in the protest that a protest has been filed, identifying the parties and the ride, if any, which is the subject of the protest but not including any further documentation. Upon receipt of the protest with supporting evidence, ~~[t]he Chairman of the Protest and Grievance~~ The Chair of the Protest and Grievance Committee shall serve the respondent either by electronic transmission or, at the request of the respondent, by certified mail, return receipt requested, 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 the electronic delivery or 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 Chair of the Committee. In the absence of a response from the Respondent, [t]he Protest and Grievance committee may conclude that all well-supported facts of the protest may be considered true. The Chair 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 Chair 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 Chair not to exceed 30 days from the time for filing of the respondent’s initial opposing papers.

**14.2.6 Independent Investigation.** The Chair 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(s) by interviewing the ride manager or other relevant witnesses. The Chair 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 Chair of the Committee shall first refer the protest to nonbinding mediation to provide the protestor and respondent an opportunity to voluntarily settle the matters in dispute. 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 mediation has concluded, the mediator is responsible for filing a report with the AERC office stating either 1) mediation was successful and the protest is considered withdrawn or, 2) mediation was unsuccessful and the protest has been referred back to the Committee for decision. The AERC office shall inform the Board of the results of the mediator's report.

Once a protest has been referred to mediation by the Chair 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 90 days after receipt by the Chair 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 equine records or other actions by the AERC necessary to implement the decision. The protestor and the respondent shall be identified by name in the title and text of the written decision. The Chair of the Committee shall serve the written decision upon the protestor, the respondent and the AERC either by electronic transmission or by certified mail, return receipt requested. 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 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 (either by electronic transmission or by certified mail, return receipt requested) with the AERC office a notice of appeal within 30 days after the date of electronic transmission or mailing of the written decision by the Chair 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 Chair of the Protest and Grievance Committee either by electronic transmission (preferred) or by certified mail, return receipt requested, 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 delivery of the electronic transmission or within 30 days 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 Chair of the Committee, any written extensions of time period 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 Chair of the Committee to respond to any points raised in support or in opposition to the appeal.

**14.5.4** Decision by the 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 service notice of the Board of Director's action by first class mail to the protestor, the respondent and the Chair of the Protest and Grievance Committee.

**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 Chair 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 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 equine and rider records to correspond with the protest decision.

Motion approved unanimously

### Trail grant motions

Dawn Hilliard presented two motions for grants from the Trails and Land Management Committee. Funds will be provided from dedicated Trails Grant fund for both grants.

Motion- The Trails and Land Management Committee moves that AERC, using designated Trails Grants, help fund the installation of eight 12x12 metal panel horse pens in the Prague Lake Horse camp, which is owned by the City of Prague (OK). Funds requested: \$3,530.20.

Prague Lake is a city owned campground that have been used by equestrians and campers for decades. Prague Lake seeks to provide a meaningful public resource for equestrian riders for recreation, training, and competition. The addition of permanent, safe horse corrals will benefit all who camp there.

There is an established ride, the Cougar Prowl, at this venue. Permanent horse pens will improve safety for equines. Signage will be provided to show AERC's contribution. Many AERC riders routinely train and camp at this facility, so it is important to keep equestrian trail interests at the forefront with the local land managers.

Work to begin Fall of 2021.

Motion from Committee passed unanimously.

Dawn Hilliard presented a second trail grant motion.

Motion- The Trails and Land Management Committee moves that AERC, using designated Trails Grants, help fund the installation of a metal panel 4-horse corral in the Rock Creek Horse Camp. The camp is located in the Yacolt Burn State Forest (Washington Department of Natural Resources). Funds requested: \$500.00.

The metal horse corral will be replacing a wooden structure that was removed due to safety concerns. The proposed safe containment system will benefit all users.

This state park is used by many AERC riders to condition as there is a vast trail network which continues to expand. A group of local AERC members plan to hold an AERC ride there in the near future, using this location as base camp. Signage on the corral will acknowledge AERC's contribution and potentially attract new riders to the sport locally.

Work to begin Fall of 2021.

Discussion was held. Some members were concerned that this location currently doesn't host a ride but it was explained that AERC has presented grants in the past to non AERC ride locations. Many people train here and they hope to have a ride at this area in the future.

Motion from Committee passed with two votes against.

### Executive Session

Jessica Cobbley moved to go into Executive session at 8:43pm, seconded by Susan Kasemeyer.  
At 9:36 pm, Lisa Schneider made a motion to come out of Executive session, seconded by Susan Kasemeyer.

Lisa Schneider moved to adjourn at 9:37 pm, seconded by Susan Garlinghouse DVM, motion passed.

Respectfully submitted by Connie Caudill