

September 12, 2022 AERC Board meeting minutes

President Nick Kohut DVM called the meeting to order at 8:07 p.m. E.T.

Board members present were Olin Balch DVM, Connie Caudill, Jessica Cobbley, Gunnar Frank, Susan Garlinghouse DVM, Bridget Helms, Dawn Hilliard, Susan Kasemeyer, Bob Marshall DVM, Mike Maul, John Parke, Maribel Paulson, Naomi Preston, Tami Rougeau, Linda Rudolphi, Lisa Schneider, Christoph Schork, Kelly Williams-Stehman, Jan Stevens, Vance Stine, Laurie Underwood, Tim Worden. Also present, Executive Director Kathleen Henkel, Legal Committee member, Barbara Baris and Trademark Attorney Kaitlyn Saberlin.

Lisa Schneider made a motion to excuse – Monica Chapman, traveling; Mollie Krumlaw-Smith, ride managing duties; and Stephanie Palmer-DuRoss, work conflict. Tami Rougeau seconded. Motion passed.

Susan Kasemeyer made a motion to accept the agenda, Lisa Schneider seconded. Motion passed.

Susan Garlinghouse DVM made a motion to approve the August 6, 2022 midyear meeting minutes. Seconded by Jan Stevens. Motion passed.

John Parke moved to ratify action taken by the Executive Committee relative to the cancellation of the Virginia City ride (100-mile ride originally slated for 9/17/2022) and moving the 100 from Virginia City to Red Rock Rumble on 10/15/2022, along with the addition of a 75-mile ride. Susan Kasemeyer seconded. Motion passed.

Kathleen Henkel updated the Board on the membership status.

Membership as of 9/8/2021	4580
Membership as of 9/9/2022	4453
Sanction fees 9/9/2021	\$11,195
Sanction fees 9/9/2022	\$12,240
Rider fees 9/9/2021	\$40,295
Rider fees 9/9/2022	\$40,558
New members as of 9/8/2021	614
New members as of 9/9/2022	559

Trademark discussion

Nick Kohut DVM, welcomed Kaitlyn Saberlin to the meeting. Kaitlyn is a trademark attorney from Chris Delfino's firm. She was invited to speak about trademarking the AERC logo and brand. She explained the differences between common law trademarks and federal trademarks. Common law trademarking is generally sufficient when doing business in one state/locally, but when doing business in multiple states, it may be best to apply for a federal trademark. Once the application is approved, AERC will have exclusive rights to the trademark in the United States. The process takes 10-12 months once the application is completed. The application fee per classification is \$250. A ballpark price of \$3,000 - \$5000 includes a database search to determine if the logo or brand are in use by another, application fees and attorneys' fees to prepare and file the application. The cost fee could increase in the event the filing

authorities had any questions or objection which was not discovered during the initial evaluation. The Board thanked Kaitlyn Saberlin for her clear presentation.

Nick Kohut DVM indicated that more discussion would be held at the October Board meeting on this subject when Treasurer Mollie Krumlaw-Smith would be present.

Motion – AERC International Team Challenge Funding Grant

The AERC-I Committee is requesting that the \$5,000 grant made to support the 2022 AERC-I Team Challenge be reallocated to support Team events at all AERC endurance distance events by providing prizes, promotional items and other marketing materials to ride managers and team participants. The AERC-I Team Challenge website will be utilized to publicize events and results. Reallocation of the granted funds will support a grassroots effort to foster the development of teams at any endurance distance event where the ride manager chooses to offer a team challenge.

The AERC-I Committee was awarded \$5,000 from AERC International funds to support the AERC International Team Challenge which was to be held on September 24-25, 2022.

The event was postponed due to market conditions negatively affecting rider participation in qualifying events and general lack of awareness of the team challenge. The AERC-I Committee believes supporting the ad hoc teams at any endurance distance ride will help to spread awareness of team events and specifically a Team Challenge event to be held in the future.

As noted in a prior report to the Board concerning this ride, the intent of the event is to provide cross-sharing of knowledge for riders to succeed at longer distances, building more interest in longer distance rides, and create a fun environment within a “team atmosphere”.

In the past, AERC-I has donated grant monies to several rides to help support those managers having FEI rides in conjunction with their AERC rides. The AERC-I Committee has expanded its focus to help promote high-performance endurance within the AERC ranks versus total focus on international competitions.

Discussion was held by the Board concerning the definition of “high performance”. It was explained that the goal would be for team members to work together for points with a variety of weight divisions on each team. “High performance” would then be determined by the performance of the team. Team members that are consistent in completing will be desired team members.

Motion from the Committee passed unanimously.

Motion- Revisit Motion from Veterinary Committee – Addition to Rule 13 Allowing On Site Disqualification by the Head Control Judge Due to Witnessed Violations of Rule 13

Nick Kohut DVM presented the motion on behalf of the Veterinary Committee. Some minor revisions were made on Rule 15 by Nick Kohut DVM, who was acting for the Veterinary Committee.

Motion – Add to Rule 2.1.5, 2.1.5.1, and 15 in **bold**:

2.1.5 The control judge is responsible for making decisions in relation to all matters concerning equine health and welfare at events. The control judge may immediately disqualify (DQ) an equine

for health, dangerous behavior, and/or welfare issues including violations of AERC Rules 11 and 13.

2.1.5.1 Ride Manager may not overrule a control judge's decision on **equine judging, welfare, or veterinary matters, including disqualifications.**

15. Violations and Penalties

All participants in AERC sanctioned endurance rides **must** abide by the rules of the organization. Failure to do so may result in disqualification from competition by the ride manager, **or the control judge for health, dangerous behavior, and/or welfare issues, including violations of AERC Rules 11 and 13** of the ride where the violation occurred and/or a protest being filed with AERC. In the event that a protest is filed for a rule infraction, the penalties listed below and any other that may be deemed appropriate may be applied by the Protest and Grievance Committee and the Board of Directors.

Some recent events have prompted a need to further strengthen Rule 13 to allow for immediate disciplinary action of those that are seen violating Rule 13 at the moment during competition, as opposed to those violations picked up during routine drug testing of horses during competition. Rule 13 is broad and expansive and prohibits certain treatments and manipulations of horses during competition, beyond just the administration of prohibited substances to horses while in competition. Both Appendix F – Prohibited Treatments, and Appendix G – Allowable Treatments specifically describe what is allowed and what is not allowed in relation to treating horses during the time of competition. In the current Rule 13 framework we have no mechanism for immediate disciplinary action against those who violate this Rule 13 in the moment during competition, versus the Protest route taken for a drug violation found weeks after a ride has occurred. Further clarification of possible violations of Rule 13 beyond just positive blood tests, is needed to continue to provide safety for the equines in our sport, along with a level playing field for all.

Motion from committee passed unanimously.

Strategic Plan Updates

Nick Kohut DVM updated the Board on the Governance Group which has been having monthly meetings. The group has been discussing the job descriptions of the current office staff, possible changes for future staff due to technology and post-Covid work from home preferences, and the succession plan. The group will continue with discussion of the IT succession plan in the next meeting.

Nick Kohut DVM conveyed to the Board that he would go into executive session to discuss office staff finances during the October meeting. He also suggested that Board members begin looking at flights for the AERC Convention meetings to be held in Jacksonville, Florida on February 23-26, 2023.

John Parke requested that a discussion concerning the AERC Legacy Foundation (ALF) be added to the agenda in a future Board meeting. He asked that each Board member list 3-4 people who may be willing to make a large donation. People donate to causes and he would like to go over some projects that ALF would be willing to support. John Parke offered to write an article for Endurance News.

Motion to adjourn was made by Susan Kasemeyer at 8:59 p.m. Lisa Schneider seconded. Motion passed.

Respectfully submitted by Connie Caudill