

Approval/Disapproval Agenda
March 2010

- ❖ **BOD Motion 35-07-09:** This motion passed at the July 6, 2009 Board of Director's meeting. It is being presented as an *Approval Motion* at the March 21, 2010 Board of Director's meeting.

BOD Motion 35-07-09: The ApHC Board of Directors moves to approve Rules Committee recommendation by amending ApHC Rule 20.D.

D. COMPLAINT

A complaint of possible or alleged violation(s) by a member or nonmember 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 Chief Executive Officer, the ApHC President or the ApHC Vice-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 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, or the complaint may be dismissed by the Disciplinary Committee.
3. The **ApHC Chief Executive Officer, the ApHC President and the ApHC Vice 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 CEO, the ApHC President or the ApHC Vice-president.**
4. **A majority of the Chief Executive Officer, ApHC President and ApHC Vice President**, 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 Chief Executive Officer, the ApHC President and the ApHC Vice President** 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 Chief Executive Officer** will cause notice of the hearing to be given to the charged

member or non-member 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 **Chief Executive Officer**, 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 **Chief Executive Officer**, with approval from ApHC Executive 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 the Executive Secretary, the ApHC President on behalf of the Executive Committee, and all affected parties.

❖ **BOD Motion 39-07-09:** This motion passed at the July 6, 2009 Board of Director's meeting. It is being presented as an *Approval Motion* at the March 21, 2010 Board of Director's meeting.

BOD Motion 39-07-09: The ApHC Board of Directors moves to amend Rule 204 with the addition of section C, as follows:

C. Horses that are parentage verified by genetic testing as having both parents registered as listed in ApHC Rules 204.B.1.,2. and 3., but that do not have at least one parent with an ApHC registration classification of Regular (#) per ApHC Rule 204.A.1., and that would otherwise meet the requirements for Regular registration classification, and are not ineligible for ApHC registration as stated in ApHC Rule 205 titled "Horses Not Eligible Registration," may be considered for ApHC registration on a case-by-base basis by the registrar. Horses that are not registered with an ApHC-approved breed association must adhere to ApHC registration procedures.

- ❖ **BOD Motion 06-08-09:** This motion failed at the August 20, 2009 Board of Director's special meeting. It is being presented as a *Disapproval Motion* at the Board of Director's March 21, 2010 meeting.

BOD Motion 06-08-09: The ApHC Board of Directors moves to pass BOD Motion 32-07-09 as amended by BOD Motion 05-08-09:

BOD Motion 32-07-09: The ApHC Board of Directors moves to approve Rules Committee recommendation to amend the following rules as follows:
Rule 60.A.1.f. To publish the name of the person, the violation and the sanction **in *Appaloosa Journal* and/or the ApHC web site and/or by electronic communication to ApHC members.**

Rule 400.M. Official International Affiliates of the Appaloosa Horse Club **shall be published by the ApHC in *Appaloosa Journal* and/or the ApHC web site and/or by electronic communication to ApHC members.**

Rule 460.E. **The ApHC shall publish the name, dates, trail ride location and trail ride contact information 30 days prior to trail ride in *Appaloosa Journal* and/or the ApHC web site and/or by electronic communication to ApHC members.**

Rule 601.P. **The ApHC shall publish the name, dates, show location, judges, show contact's name, address, phone number, e-mail address and class list for the show 30 days prior to the show in *Appaloosa Journal* and/or the ApHC web site and/or by electronic communication to ApHC members. Changes in a show application may not be made after such publication. If the ApHC is unable to publish show information in the issue preceding the month of the show, it may be published on the ApHC website and/or by electronic communication to ApHC members as long as a completed show approval application is received at least 100 days prior to the first day of the show.**

Rule 606.E.1. Entry fees must be included on the premium list and **shall be published by the ApHC in *Appaloosa Journal* and/or the ApHC web site and/or by electronic communication to ApHC members.** No changes to entry fees can be made after such publication.

Rule 606.F.2. Show management cannot cancel a class unless so stated in the premium list; however, classes in premium list or published by the ApHC in *Appaloosa Journal* **and/or the ApHC web site and/or by electronic communication to ApHC members** must be held if there is an entry.

Rule 606.G.1. An approved show will not be permitted to start earlier than the time printed in the premium list, the advertised schedule, or **published by the ApHC in *Appaloosa Journal* and/or the ApHC web site and/or by electronic communication to ApHC members.**

Rule 608.D. Classes in the premium list or **published by the ApHC in *Appaloosa Journal* and/or the ApHC web site and/or by electronic communication to ApHC members** must be held if there is an entry.

Rule 800.C. Appaloosa Youth Association activities...Also, the association will provide materials, including outstanding accomplishments of youths with Appaloosas in the show ring and in other endeavors, **for publication by the ApHC in *Appaloosa Journal* and/or the ApHC web site and/or by electronic communication to ApHC members.** Important dates for 20XX, page 261. Sept. 1...Breeders' Trust Stallion nominations due for listing **by the ApHC in *Appaloosa Journal* and/or the ApHC web site and/or by electronic communication to ApHC members.**

- ❖ **BOD Motion 07-08-09:** This motion was tabled at the August 20, 2009 Board of Director's special meeting. This motion is being presented as an *Approval Motion* at the March 21, 2010 Board of Director's meeting.

BOD Motion 07-08-09: The ApHC Board of Directors moves to approve motion 34-07-09.

BOD Motion 34-07-09: The ApHC Board of Directors moves to approve Rules Committee recommendation by amending Rule 30.B., as follows:

B. FRAUDULENT PRACTICES

Knowingly misrepresenting any material fact pertaining to a horse, ApHC document, **of a matter of significance to the interests of the ApHC, its programs, policies and objectives**, including, but not limited to:

1. Representing any horse as an ApHC-registered horse that is not an ApHC- registered horse or representing that an ApHC-registered horse has a classification that such horse does not have or that has been revoked or changed.
2. Providing false information to the ApHC or any person regarding the name, age, parentage, or registration status of a horse.
3. Representing that a horse registered with the ApHC has earned or is entitled to any official ApHC designation, honor, points and/or awards that such horse has not either earned or received or prior to the actual issuance of such designation, honor, points and/or awards or after the ApHC has cancelled said designation, honor, points and/or awards.
4. Advertising any ApHC-registered horse by a name other than that by which it is registered.
5. Representing a certificate or other document as valid and issued or prepared or altered by the ApHC that was not valid and issued or prepared or altered by the ApHC.
6. Committing forgery or providing false information on or with respect to any document filed with the ApHC or altering any official ApHC document.

7. Representing a horse as bearing natural characteristic(s) and/or coat pattern that actually bears artificial characteristic(s) and/or artificial coat pattern.
8. Altering, changing or attempting to hide or alter natural markings of a horse by surgery, dye or any other manner or coloring of the hooves to hide or cover natural characteristics of the hooves or hoof (clear hoof dressing being expressly allowed) or the use of a substance of any color on the hooves or hoof.
9. **Falsely representing oneself as an ApHC official, director, employee, judge, or steward through verbal, written or electronic communication**

❖ **BOD Motion 12-08-09:** This motion passed at the August 20, 2009 Board of Director's special meeting. It is being presented as an *Approval Motion* at the Board of Director's March 21, 2010 meeting.

BOD Motion 12-08-09: The ApHC Board of Directors moves to approve motion 09-07-09 as amended:

BOD Motion 09-07-09: The ApHC Board of Directors moves to approve BOD Motion 60-03-09 to take effect on September 1, 2009.

BOD Motion 60-03-09: The ApHC Board of Directors moves to approve the addition of Rule 703.A.2.e. as follows:

An exception may be made to the one (1) National Point requirement if it is documented on forms requested from and provided by the ApHC and submitted by the owner of the horse by the World qualifying point cutoff deadline that the horse was entered and attempted in good faith to earn points under at least five (5) different judges in that class during that qualifying year but could not earn the required one (1) point due to lack of other entrants in that specific class.

Addition of Rule 907.C.1 as follows:

1. An exception may be made to the one (1) National Point requirement if it is documented on forms requested from and provided by the ApHC and submitted by the **Non-pro** by the World qualifying point cutoff deadline that the **Non-pro** was entered and attempted in good faith to earn points under at least five (5) different judges in any age division (19 & over, 35 & over, masters) for that class during that qualifying year but could not earn the required one (1) point due to lack of other entrants in that specific class.

Change the existing 907.C.1 to 907.C.2, and 2 to 3, etc.