

# Board Of Control Member Appeals Election

## MINUTES

MARCH 23, 1994

The Kentucky High School Athletic Association's Board of Control met in Special Session on Wednesday, March 23, 1994 at the Executive Inn in Louisville. All Board members, with the exception of Ken Cox, were present. Commissioner Billy Wise, Exec. Asst. Commissioner Louis Stout, Asst. Comm. Brigid DeVries and Larry Boucher, Bus. Affairs Mgr. Julian Tackett, Board Attorney Danny Reeves, Mike Luscher, representing the State Department of Education, newly elected Board member Darrell Treece and George Unseld were also in attendance.

President Ray Story called the meeting to order at 9:10 a.m.

The meeting was called for the purpose of hearing an appeal from James Sexton concerning the recent election to fill the impending vacancy in Regions 7 & 8.

Following brief introductory remarks, President Story called on Sexton to explain his appeal and offer any evidence he wished to have the Board consider. Sexton distributed a sheet

outlining the points of his appeal and addressed the two issues presented for the Board's consideration: 1) whether the recent election should be set aside because the ballot distributed for voting contained an ineligible candidate; and 2) whether the Commissioner's ruling was erroneous regarding his March 16, 1994 letter to Sexton holding both Sexton and Unseld to have been improperly included on the ballot.

Following Sexton's presentation, Story called on Treece and Unseld for their comments. Commissioner Wise then advised the Board of the events preceding the distribution of ballots to Board Appointed Representatives in Regions 7 & 8.

Following comments and questions to Sexton by the Board and Reeves, Claudia Hicks made a motion to go into Closed Session to discuss the case. Cookie Henson seconded the motion, which passed. Following a lengthy discussion, Claudia Hicks made a motion to uphold the Commissioner's ruling that George Unseld and James Sexton were invalid (ineligible) candidates under the KHSAA Constitution. Bob Rogers sec-

onded the motion, which passed with 10 members voting in favor of the motion and 1 absent (James Sexton). Next, Ozz Jackson made a motion that, although there were invalid (ineligible) candidates on the ballot, the Board should certify the election because the one remaining valid candidate did receive a sufficient number of votes to become elected to the position. Stan Steidel seconded the motion which passed by a vote of 9 in favor, 1 opposed and 1 absent (James Sexton). Grant Talbott moved to return to Open Session. Claudia Hicks seconded the motion which passed unanimously. Upon returning to Open Session, Board Attorney Reeves advised Sexton of the Board's decisions.

Mr. Story then announced that the Executive Committee will meet at 9 a.m. on Thursday, March 24, the Basketball Committee at 8:30 a.m. on Friday, March 25, and the All-Sports Committee at 9 a.m. on Friday, the 25th. There being no further business to come before the Board, Jackson moved for adjournment. Henson seconded the motion which passed unanimously. The meeting was adjourned at 10:35 a.m.

1061