

Board Gets "Clean" Opinion From Audit

MINUTES

September 15, 1994

The Board of Control of the Kentucky High School Athletic Association met at the Association Office in Lexington, Kentucky, on Thursday, Sept. 15, 1994. The meeting was called to order at 9:05 a.m. by President Frank Cardwell. Board members present in addition to the President were Vice President Ozz Jackson, Tom Bryant, Tasso Harris, Cookie Henson, Claudia Hicks, Kathy Hopper, Bob Rogers, Stan Steidel, Darrell Treece and Frank Welch. Members absent were Bill Beasley, Ken Cox, Teresa Isaac, Grant Talbott and Wendell Thomas. Also present were Commissioner Louis Stout, Assistant Commissioners Larry Boucher and Brigid DeVries, Bus. Mgr. Julian Tackett, SID Brooks Downing, Ken Tippett, Anne Wesley Mays and State Dept. Representative Randy Kimbrough.

The Invocation was given by Frank Cardwell.

President Cardwell then called on Lisa VonHalle and Mike Sullivan from the CPA firm of Miller, Mayer, Sullivan and Stevens. The audit reports were mailed to the Board prior to the meeting. Mr. Sullivan expressed positive comments regarding the financial condition of the KHSAA. The "going concern" opinion noted in the 1992-93 audit was replaced with a "clean" opinion in the 1993-94 audit. He went over the audit report and fielded questions from Board members. Mr. Sullivan noted that even though revenue was down considerably from the projected budget figure for the 1994 Boys' Basketball Tournament, total expenses for the Association were held in check. Stan Steidel requested that the Association receive, in writing, a summary of the audit in the form of a Management Letter. Mr. Sullivan stated the firm would be happy to issue such. Ozz Jackson then made a motion that the 1993-94 Audit Report be accepted. Bob Rogers seconded the motion which passed unanimously.

Wendell Thomas arrived at 9:20 a.m. and did not vote on the previous motion.

Commissioner Stout presented plans to the Board regarding the establishment of the KHSAA Foundation. This Foundation is being formed to develop the Hall of Fame Museum and decrease the indebtedness of the building. Mr. Downing then distributed a new pamphlet, "KHSAA - A Partner in Educating Tomorrow's Leaders," which he and the Commissioner developed to highlight the Benefits, Programs, Services, Finances,

The next Board of Control meeting is Jan. 19-21, 1995 at the KHSAA offices.

Purpose and Rules of the Kentucky High School Athletic Association.

Following these presentations, Wendell Thomas made a motion that the Commissioner continue on with plans for the formation of the KHSAA Foundation. Frank Welch seconded the motion which passed unanimously.

Commissioner Stout then introduced the new receptionist, Angela Faulkner, to the Board and officially welcomed her to the KHSAA family.

The next items on the Agenda were the appeals hearings. Wendell Thomas made a motion that the Board of Control vote on all eligibility appeals in Open Session. Tom Bryant seconded the motion. The motion failed. Cookie Henson then moved to reconsider the previous motion. Kathy Hopper seconded, motion passed 11-2. Tasso Harris made a motion that the vote be taken by roll call. Tom Bryant seconded the motion which passed 9-4.

Each appellant was allowed to present his/her case in Open or Closed Session and distribute to the Board any additional information which was not submitted previously and which the Board received prior to the hearings. The Board then went into Executive Session to discuss the case. Following return to Open Session, a roll call vote was taken on a motion to grant or deny the appeal. The President explained the Due Process Procedure to each appellant in the event the appeal was denied. Following is the disposition of each appeal:

1) Jennifer Ziegler, Campbell County HS, Bylaw 6, Transfer Rule

Kathy Hopper made a motion to grant the appeal due to financial hardship. Wendell Thomas seconded the motion which passed unanimously.

2) Travis Petty, Ballard HS, Bylaw 6, Transfer Rule

Claudia Hicks made a motion to deny the appeal due to lack of a bona fide change of residence. Darrell Treece seconded the motion which passed 9-3.

3) Rachel VanMeter, Oldham County HS, Bylaw 6, Transfer Rule

Claudia Hicks made a motion to grant the appeal due to hardship. Kathy Hopper seconded the motion which passed unanimously.

Ken Cox arrived at the meeting at 11:45 a.m.

Ms. Kimbrough recommended that the Board of Control seek an Attorney

General's Opinion regarding the status of the KHSAA as a public entity and therefore subject to the Open Meeting Law.

President Cardwell called for a lunch break at 12:12 to reconvene at 1 p.m.

The Board reconvened at 1:10 and continued with the appeals hearings.

4) Otello Claxton, Louisville, Bylaw 3, Age Rule

President Cardwell advised the Commissioner to notify the parties that no action was taken due to their failure to appear.

5) Istvan Lambriex, Ky. Country Day, Bylaw 6, Sec. 2, FES

Ozz Jackson made a motion to grant the appeal. Tom Bryant seconded the motion which failed by a vote of 8-5.

6) Jeremy Stone, North Bullitt HS, Bylaw 6, Transfer Rule

Tasso Harris made a motion to grant the appeal. Frank Welch seconded the motion which passed unanimously.

7) Jammie Purvis, Bath County HS, Bylaw 3, Age Rule

Claudia Hicks made a motion to grant the appeal. Kathy Hopper seconded the motion which failed by a vote of 6 yesses and 8 nos.

8) Jonathan Sumner, Hazard HS, Bylaw 6, Transfer Rule

Bob Rogers made a motion to grant the appeal. Tom Bryant seconded the motion which passed unanimously.

9) Tommy Garrenton, Apollo HS, Bylaw 6, Transfer Rule

Bob Rogers made a motion to grant the appeal contingent upon receipt of medical information to verify his condition of health. Stan Steidel seconded the motion which passed 12-2.

10) Lajuane Chenault, Bryan Station HS, Bylaw 6, Transfer Rule

Stan Steidel made a motion to grant the appeal based on the availability of special classes at Bryan Station HS. Tasso Harris seconded the motion which passed unanimously. Teresa Isaac disqualified herself from the hearing and did not vote.

11) Steve Kennedy, Dayton HS, Bylaw 3, Age Rule

Tom Bryant made a motion to grant the appeal. Ozz Jackson seconded the motion which passed 12-1. Stan Steidel disqualified himself from the hearing and did not vote.

12) Jennifer Anderson, Scott HS, Bylaw 6, Transfer Rule

Tasso Harris made a motion to grant the appeal. Stan Steidel seconded the motion which passed unanimously.

Darrell Treece left the meeting at 4:30 p.m.

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13) Bo Parrish, Ballard HS, Bylaw 6, Transfer Rule

Stan Steidel made a motion to grant the appeal. Frank Welch seconded the motion which passed 12-0. Ozz Jackson was absent from the hearing.

14) Philip Haussermann, L'ville Collegiate, Bylaw 6, Sec. 2, FES

Kathy Hopper made a motion to grant the appeal. Tom Bryant seconded the motion which passed 10-3.

15) Spencer Smith, Ballard HS, Bylaw 6, Transfer Rule

Cookie Henson made a motion to grant the appeal. Ozz Jackson seconded the motion which failed 10-3.

There being no further appeals to come before the Board, President Cardwell recessed the meeting until 9 a.m., Friday, Sept. 16. The meeting recessed at 6:30 p.m.

September 16, 1994

President Cardwell reconvened the Board of Control meeting on Friday, Sept. 16, 1994 at 9 a.m. All Board members were present. Also present were Commissioner Louis Stout, Assistant Commissioners Larry Boucher and Brigid DeVries, Bus. Mgr. Julian Tackett, SID Brooks Downing, Ken Tippett, Anne Wesley Mays and State Dept. Representative Randy Kimbrough.

The first item on the Agenda was the approval of the minutes of the July 21-22, 1994 Board of Control Meeting. Mr. Cardwell noted that Claudia Hicks' name should be included on the Executive Committee. Frank Welch made a motion, seconded by Bill Beasley, that the minutes of the meeting be approved as corrected. The motion passed unanimously.

Bill Beasley made a motion, seconded by Bob Rogers, that the minutes of the West Eligibility Committee Meeting on Aug. 31, 1994 be approved. The motion passed unanimously.

Frank Welch moved that all bills of the Association for the period July 1 - Aug. 31, 1994 be approved. Darrell Treece seconded the motion which passed unanimously.

Mr. Tackett and Ms. Mays presented the Budget Report and Update through Aug. 31. They reported on the settlement of E.C. Matthews vs. KHSAA. Following their report, Ken Cox made a motion to accept the budget report and update. Wendell Thomas seconded the motion which passed unanimously.

Asst. Comm. Boucher then gave an update on the Officials' Division, specifically a review of the procedures used for the ratings, observations, evaluations, discipline and recruitment of officials. Following a lengthy discussion of the pro-

posed policy changes for the Officials Division, Ken Cox made a motion, seconded by Teresa Isaac, that the recommended changes be approved as presented and distributed immediately. He added that details be worked out through communications across the State. The motion passed 15-1.

An explanation then followed by Mr. Tackett regarding the need to transfer \$6,809.00 to the Retirement Trust Fund at Montgomery & Traders Bank. This transfer is to be made annually for the previous year as detailed in the audit report to cover employees' accrued sick leave in the event of retirement. Grant Talbott made a motion to approve this request. Ozz Jackson seconded the motion which passed unanimously.

Bill Beasley made a motion to approve the proposed Fan Jam '95 contract with All-Star, Inc. Tasso Harris seconded the motion which passed 15-1.

A lengthy discussion then ensued regarding Fast Pitch Softball. Commissioner Stout reported on the status of the Attorney General's Opinion. Many concerns were expressed about the Limitation of Seasons, minimum number of games, cost of clinics, participation by schools, etc. Mr. Boucher announced the results of the Fast Pitch/Slow Pitch Softball Survey which was mailed to all schools. The results are as follows: 185 schools will play fast pitch; 45 schools will also play slow pitch; 16 schools will not play softball; the remaining schools did not respond. Bob Rogers made a motion that the following requirement be added to Rules and Regulations Governing Softball Tournaments of the KHSAA: Number of Games - a minimum of ten (10) fast pitch softball games shall be played. Wendell Thomas seconded the motion. The motion failed by a vote of 8-8. Stan Steidel made a motion, seconded by Tasso Harris to accept the softball report as presented. The motion passed 15-1.

No action was taken following a discussion of the eligibility of students who were assigned to Lewis County High School after the closure of Tollesboro High School.

The next item on the Agenda was a discussion of several proposals to be considered as amendments to the Constitution and Bylaws for presentation at the Annual Meeting on February 9-10.

1) Bylaw 2. Responsibility for Eligibility - Addition of allowing the principal to appoint a designated representative in his/her absence to conduct the business of the interscholastic program in his/her school. This change could affect Bylaws 1, 12, 14, 15 and 18. Ken Cox made a motion to add Designated Representative to the suggested bylaws as listed in

the draft. Tom Bryant seconded the motion which passed unanimously.

2) Bylaw 25. Limitation of Seasons - President Cardwell asked the All-Sports Committee to look at this bylaw and make a recommendation to the Board.

The Board then heard a proposal submitted by Greenebaum, Doll & McDonald with regard to procuring a Hearing Officer to hear appeals as part of the Due Process Procedure and a fixed retainage amount for the legal expenses with the firm. Attorney Danny Reeves explained the procedure and answered questions regarding same. Commissioner Stout recommended that the Board accept the proposal of Greenebaum Doll & McDonald in its entirety.

President Cardwell called for a lunch break at 12:30 p.m. to reconvene at 1:30 p.m.

The meeting was reconvened at 1:30 p.m. with the absence of Claudia Hicks.

Ken Cox made a motion that the Commissioner's recommendation be supported. Following a discussion, Frank Cardwell seconded the motion. The motion failed 10-5. Bill Beasley then moved that the Board accept the Commissioner's recommendation of a Hearing Officer as part of the Due Process Procedure. Tom Bryant seconded the motion which passed 9-5. Bob Rogers made a motion, seconded by Tom Bryant, that the proposal of Greenebaum, Doll & McDonald be accepted. The motion passed 11-3. Teresa Isaac was absent for the voting. Darrell Treece made a motion that qualifications of a Hearing Office be established and a Job Description be approved by the Board. Bill Beasley seconded the motion which passed unanimously. Tasso Harris then moved to accept the Due Process Procedure as amended. Frank Welch seconded the motion which passed 13-1.

Following a discussion of amending Bylaw 7. Conduct, to include contest officials or other official school representatives, and to carry over penalties occurring in the last game of a season, Tasso Harris made a motion to accept Bylaw 7 with amendments and submit it to the Delegate Assembly as well as an amendment to Bylaw 38. Ken Cox seconded the motion which passed unanimously.

Asst. Comm. DeVries advised the Board that plans were being finalized for the opening of the Novelty Shop at the KHSAA Headquarters. The purpose of the shop will be to sell leftover items from the state events.

Commissioner Stout announced the

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formation of a Middle School Committee as recommended by the State Board of Education's Blue Ribbon Commission. Mr. Stout submitted the names of Homer Brown, Joe Carr, Larry Cheek, Juanta Cox, Danny Maxberry, Dan Sullivan and Jim Watkins. Wendell Thomas made a motion to accept the appointees presented by the Commissioner. Ozz Jackson seconded the motion, which passed. Other names submitted for inclusion on the Committee were John Blaney, Marvin Moore and Vaughn Macklin.

Other items of discussion with no action taken included Coaching Education to be conducted on Nov. 19 and coordinated by Jim Komara, the former Fayette County Athletic Director; the formation of an Insurance Committee; 1995-96 football realignment to be submitted to the Board in December; a new Sweet 16 ticket brochure and the formation of a Sweet 16 Club. A request was made regarding the Board's waiving By-law 25, 1 and 7, to allow baseball and softball teams to participate in out-of-state games during spring break prior to the start of the season. Grant Talbott made a motion, seconded by Tasso Harris to approve this request. The motion failed 10-3. Ms. DeVries discussed the Strategic Planning Workshop which was conducted for the Board of Control by David Bryant on Wednesday, Sept. 14. She distributed a strategic plan to be developed by the KHSAA.

Commissioner Stout asked the Board to consider a request from Peter Conway to bring an Australian basketball team to the West Hopkins area to play games in December and not count the games in the Limitation of Seasons. Steidel made a motion that due to the lateness and uncertainty of details, the request be denied. Harris seconded the motion which passed unanimously.

Mr. Stout announced the results of appeals submitted to the State Board of Education: Fredrik Holst, upheld; Phillip Rose, upheld; Eugene Smith, upheld; Julie Skaggs, upheld; Kim Murphy, overruled; Ryan Tucker, overruled; Aaron Deglow, overruled.

The Board set the date for the next meeting to be held on Friday and Saturday, December 2-3 at the Executive Inn in Louisville during the State Football Playoffs.

There being no further business to come before the Board, Frank Welch made a motion to go into Executive Session. Bill Beasley seconded the motion which passed.

The regular meeting of the Board adjourned at 4:15 p.m.

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