

**JANUARY  
BOARD OF  
CONTROL  
MINUTES**

President Roland Williams convened the regular meeting of the Board of Control on Wednesday, January 10, 2001 at 1:30 p.m. All Board members were present. Also present were Commissioner Louis Stout, Executive Assistant Commissioner Brigid DeVries, Assistant Commissioners Larry Boucher and Julian Tackett, Sports Information Director Butch Cope, Fundraising Consultant Ken Tippett and Office Manager Darlene Koszenski. Kyna Koch, representing the Department of Education, was also present. Guests present were: Charles Coleman, Bellevue High School; Jeff Isaacs, Paris High School; Gary McGregor, parent; Dennis Null, Attorney for the McGregor family; Doc Sanders, Marshall County High School.

Dale Stewart was called on for the invocation.

Commissioner Stout introduced our newest Board member, Sally Haeberle, who has been appointed by the State Board to replace Lois Adams-Rodgers.

Eddie Saylor made a motion, seconded by Cynthia Elliott, to approve the minutes of the November 15, 2000, regular meeting. The motion passed unanimously.

Bob Rogers made a motion, seconded by L.V. McGinty, to approve the minutes of the December 1, 2000 special meeting. The motion passed unanimously.

Betsy Glover made a motion that all bills of the Association for the period November 1, 2000 through December 31, 2000 be approved. Cynthia Elliott seconded the motion, which passed unanimously, following discussion of items on which the Board sought clarification.

The next item on the agenda was consideration of the Hearing Officer's Recommendations (Cases in which the student was recommended to be eligible).

No.	Bylaw Student	School
		Findings

NONE AT THIS TIME

The next item on the agenda was consideration of the Hearing Officer's Recommendations (Cases in which the student was recommended to be ineligible).

No.	Bylaw Student	School
		Findings

NONE AT THIS TIME

The next item on the agenda was consideration of the Hearing Officer's Recommendations (Cases in which exceptions were filed). Cookie Henson made a motion, seconded by Cynthia Elliott to uphold the Hearing Officer's recommendation on the following appeal. The motion passed 9-5 with two (Gary Dearborn and Kathy Johnston) recusals:

No.	Bylaw Student	School
		Findings
#557 6	Jamile Brown (Paris High School)	Bourbon County Eligible

Dale Stewart made a motion, seconded by Paul Dotson to uphold the Hearing Officer's recommendation with the following amendment on the following appeal.

Modify the eligibility date FOR PRACTICE ONLY to August 22, 2001 in order that he have the mandatory 10 days of practice, which is unique to the sport of football.

No games or scrimmages of any kind are to be played before September 5, 2001.

The motion passed unanimously:

No.	Bylaw Student	School
		Findings
#566 6	Steven Foster Newport Central Catholic (Bellevue)	Ineligible

Paul Dotson made a motion, seconded by Cynthia Elliott to uphold the Hearing Officer's recommendation on the following appeal. It was noted that the finding of fact should state Ms. "Smith", not Ms. "Hall" The motion passed 15-1:

No.	Bylaw Student	School
		Findings

#568 6	Sarah Beldin Caverna (Lathrop)	Ineligible
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Gary Dearborn made a motion, seconded by Jerry Taylor to uphold the Hearing Officer's recommendation on the following appeal. The motion passed 15-1:

No.	Bylaw Student	School
		Findings

#567 6	Gabriel Reynolds Henderson County (New Harmony)	Ineligible
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Cookie Henson made a motion, seconded by Cynthia Elliott to uphold the Hearing Officer's recommendation on the following appeal. The motion failed 9-5 with two (Bob Rogers and L.V. McGinty) recusals. It was noted that the finding of fact should state "Fields McGregor", not "Gary Field". After some discussion, Dale Stewart made a motion to set aside the Hearing Officer's recommendation.

The motion was seconded by Gary Dearborn and passed 9-5 with two (Bob Rogers and L.V. McGinty) recusals:

No.	Bylaw Student	School
		Findings

#565 6	Michael McGregor Graves County (Marshall County)	Ineligible
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The Board considered this case including the Hearing Officer's Report and issues the following Findings of Fact as it relates to their deliberations and consideration —

1. The Administrative record of the case including the videotape of the hearing held before Judge Pete Karem, was made an official part of the findings.
2. Board members Bob Rogers, Superintendent at Caldwell County Schools and L.V. McGinty, at-large member from Paducah chose to recuse themselves from discussion and deliberation in this matter due to communication from affected parties relevant to this matter prior to its consideration.

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3. The Board finds paragraphs 2 and 3 (unnumbered) of Bylaw 6 as published on page 15 of the KHSAA Handbook, 2000-2001 to be relevant to the consideration of this case, in particular, the language that states "A change of residence shall not be considered bona fide if the change is motivated in whole or part by a desire to participate in athletics at the new school or if the change in residence is used or manipulated for the purpose of gaining athletic eligibility", and "A student whose change in residence by the student and the parent(s) does not reasonably precipitate a transfer to the new school shall not be deemed to have a bona fide change in residence for the purposes of this bylaw" is of relevance.
4. The Board finds to be credible and factual a conversation occurring between the McGregor family and the coaching staff at Marshall County which would clearly indicate that the transfer was motivated by athletics as such statements were made during the official hearing held before the KHSAA hearing officer and were not refuted by the family.
5. The Board finds not to be credible or a fact relevant to this transfer, the contention that the transfer was motivated by academic programs available at one school over another due to the similar nature and presence of programs at both schools and the fact that the only reference to academic concerns in the transfer rule refers to schools in crisis, or other commonly used terms as defined by the Department of Education and not relevant in this matter.
6. The Board finds that the specious nature of the residence change as detailed by a month-to-month apartment lease, the fact that the change was not geographically necessary or advantageous to the employment of the parents, and that the real estate transaction was in fact an easily manipulated close-family transaction to be further evidence that the change was used for the purpose of gaining eligibility in interscholastic athletics.
7. The Board finds that the specious nature of the residence change is further illustrated by the limited exchange of actual dollars in the sale of the residence to the out of state relatives, the lack of additional sales documentation as concluded by the hearing officer, and the fact, as concluded by the First Region Investigative Committee, that speculative land purchases by the parties who purportedly bought the property would not be in the normal common practice, all were further evidence that the change was used for the purpose of gaining eligibility in interscholastic athletics.
8. The Board finds that the hearing officer statement in the Conclusions of Law section of his report stating that it is possible that "this was an elaborate scheme to avoid the transfer rule" is in fact a valid conclusion.
9. The Board finds that in fact the family's change of residence was not concluded prior to the first date of enrollment due to the transfer of the property (August 20) being after the first date of school in Graves County (July 31) according to the report of the First Region Investigative Committee.

Based upon these findings and after deliberation, the Board voted 9-5 with two members recus-

ing themselves to set aside the Hearing Officer's recommendation in the matter of Michael McGregor and issue the following conclusions as they relate to this matter:

1. That Bylaw 6, KHSAA Transfer Rule, is the proper applicable body of law for this matter as printed in the KHSAA Handbook and referenced in various parts of the Administrative record in this matter.
2. This student has changed schools after having participated in varsity athletics and is therefore subject to the provisions of Bylaw 6 as published.
3. This student's transfer was not accompanied by a bona fide change in residence because the change was motivated in whole or part by a desire to participate in athletics at the new school, the change was used or manipulated for the purpose of gaining athletic eligibility and the change in residence occurred after the enrollment at the new school.
4. This student's transfer was not within any published exception to Bylaw 6 nor deserving of a waiver under the Due Process Procedure.

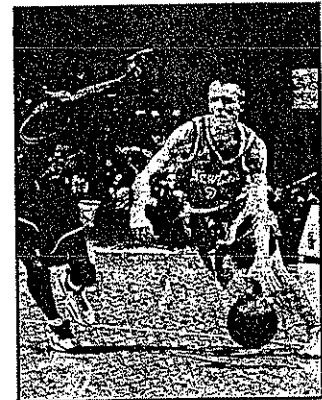
Cookie Henson made a motion, seconded by Jerry Taylor to go in to Executive Session to discuss pending litigation. The motion passed unanimously.

Wendell Thomas made a motion, seconded by Eddie Saylor to come out of Executive Session, where no action was taken. The motion passed unanimously.

President Williams, Executive Committee Chairperson, asked Bob Rogers to make the following motion for the Board's approval:

1. Submit Proposal 1, 2, 7, 10, 11 to the Kentucky Board of Education with a recommendation to endorse their approval. The motion was seconded by Eddie Saylor, and passed unanimously.

Mr. Rogers asked the record to show that the Constitution and Bylaws Committee will meet in March regarding failed Proposals 8 and 9. There is a health and safety factor regarding heat-related deaths, and the board will be bringing the proposals back to schools in the form of a referendum.



Newport Central Catholic's Ronny Dawn brings the ball up the floor during the Breds' game against Male in last year's State Tournament.

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Anne Hutchens of Presentation and LeNita White battle for a ball during last year's Girls' State Tournament.

Roland Williams, Chairperson, **Basketball Committee**, asked the record to show that:

1. Girls' basketball bids will be presented at the May meeting.
2. Officials movement within regions was decided as follows:

<u>OFFICIALS FROM</u>	<u>OFFICIALS GO TO</u>
Region 1	Region 3
Region 2	Region 1
Region 3	Region 2
Region 4	Region 5
Region 5	Region 4
Region 6/7	Region 6/7 (Stay In)
Region 8	Region 8 (Stay In)
Region 9	Region 9 (Stay In)
Region 10/11	Region 10/11 (Stay In)
Region 12	Region 15
Region 13	Region 14
Region 14	Region 13
Region 15	Region 12
Region 16	Region 16 (Stay In)

3. Nolan Barger, Kentucky Association of Basketball Coaches, spoke for KABC Director, Ken Trivette, noting that the coaches in their association overwhelmingly preferred NOT to be mandated to use 3-person officiating during regular season play.
4. Mr. Williams reiterated the fact that the KHSAA is not mandating the use of 3-person officiating during regular season play.

Dale Stewart, Chairperson, **Museum Development Committee**, asked that the meeting be tabled until March, when estimates would be ready from the Phoenix Group on turning part of the museum into the Hall of Fame.

Eddie Saylor, Chairperson, **Ad Hoc Membership Status Committee**, noted there were no action items and asked the record to show that:

1. The committee is still gathering data.
2. Information was received from Commissioner Stout on the members of his Ad Hoc committee.
3. The Commissioner's Ad Hoc Committee will meet 2-3 times over the next several months and have their written recommendations ready for the May

meeting.

Mr. Boucher, for the **Team Sports Committee**, noted that three presentations will be made at the March meeting for state Fast Pitch Softball sites. The presenters will be from Jeffersontown, Hopkinsville and Owensboro. The presentation will be Thursday, March 22<sup>nd</sup> in Bowling Green.

Mr. Williams called the Board's attention to miscellaneous items listed for their information only. 1) Confirm date for Special Board Meeting in February to consider December appeals; 2) Review dates for the next regular Board of Control Meeting, March 22-23, 2001 in Bowling Green, KY; 3) Miscellaneous Board and staff items.

It was decided that a Special Board Meeting to consider December appeals was necessary, and will be held on Monday, February 12, 2001 at 8:30 a.m.

Kyna Koch mentioned there was some re-organization at the Kentucky Department of Education. Kevin Noland will be replacing Lois Adams-Rodgers as our liaison. Ms. Koch is also taking on additional responsibilities, but will still be attending our meetings, hearings, and helping KHSAA with Title IX issues.

Ken Tippett noted the Hall of Fame Screening Committee will be meeting Thursday, March 15<sup>th</sup> at 8:30 a.m., not Friday as originally scheduled.

Mr. Cope stated the Sweet 16@ draw for both boys' and girls' state basketball tournaments will be on WKYT, Friday, February 2<sup>nd</sup> at 12:30 p.m.

Commissioner Stout requested authorization to review the Landon Cofer and Mitchell Thornton cases, which had previously come before the board. A motion was made by Eddie Saylor to grant him permission to review the two cases as requested, due to new evidence. The motion was seconded by Betsy Glover and passed unanimously.

There being no further business to come before the Board, Eddie Saylor made a motion to adjourn. The motion was seconded by Sally Haeberle and passed unanimously. The meeting adjourned at 3:50 p.m.



Casey County's Stacey Woodrum goes for a layup during last year's Girls' Sweet 16@ State Tournament.