

## Kansas State High School Activities Association



# Minutes

Appeal Board Meeting  
KSHSAA Board Room  
Monday, February 19, 2018

*Note: Minutes are subject to approval by the Board at its next meeting.*

The meeting of the Appeal Board was held in the office of the Kansas State High School Activities Association on Thursday, August 31, 2017.

### Call to Order:

Gregg Noel, vice-chairperson, called the meeting to order at 1:00 p.m. Loren Feldkamp served as recording secretary.

### Roll Call:

Members present were: Loren Feldkamp, Brian Fitch, William Ford, Gregg Noel, Brian Spencer and Gary Teel.

Brian Cordel was unavailable for the meeting.

In accordance with **Bylaw Article VIII, Section 6**, Jerry Flanagan was excused due to conflict of interest.

All Appeal Board members signed an Oath of Office.

Gregg Noel served as vice-chairperson, Loren Feldkamp as recording secretary and Brian Spencer as alternate recording secretary. These officer positions will remain in place until such election is necessary.

### Purpose of Appeal:

Antuane Barksdale, parent of a student attending Topeka High School, requested the hearing with the Appeal Board through his attorney, Rebekah Phelps-Davis. The appeal is from the January 17, 2018 eligibility ruling by the Executive Board per **Transfer Rule 18-1-13**. The student is currently attending Topeka High School. He was initially granted eligibility for a transfer from Topeka-Highland Park High School based on a lease agreement provided to USD 501 by the father. After evidence was reported that a change of residence was never actually made by the student, Topeka High School self-reported the student's ineligibility for the fall semester on November 30th. After considering the evidence and testimony offered at the January 17, 2018 hearing, the Executive Board voted 7-0 to declare the student ineligible and require forfeiture of eight football victories and awards by Topeka High School per **Forfeiture and Restitution Rule 27-1-2**. Upon becoming eligible under the Transfer Rule, the student was required to sit out 10 varsity athletic contests, two of which must be the first two games of the 2018 football season.

### Appearing:

Rebekah Phelps-Davis, Attorney  
Rebecca Morrisey, Principal, Topeka High School  
Dustin Dick, Principal, Topeka West High School  
Lori Kopp, Attorney, USD 501  
Gary Musselman, Executive Director KSHSAA  
Bill Faflick, Executive Director-Elect, KSHSAA  
Randy Forbes, Attorney, KSHSAA

### Appeal Board Decision:

Motion by Loren Feldkamp, second by Bill Ford, to enter into Executive Session for the purpose of deliberation beginning at 2:45 p.m. Motion approved 6-0. The Board resumed open session at 3 p.m.

Motion by Brian Spencer, second by Gary Teel, to uphold the ruling of the Executive Board in accordance with **Transfer Rule 18, Section 1, Article 13**.

The vote was 6-0 in favor of upholding the ruling by the Executive Board. The student is denied eligibility per the Transfer Rule.

The meeting was adjourned at 3:07 p.m.

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The meeting of the Appeal Board was held in the office of the Kansas State High School Activities Association on Thursday, August 31, 2017.

### Call to Order:

Gregg Noel, vice-chairperson, called the meeting to order at 3:13 p.m. Loren Feldkamp served as recording secretary.

### Roll Call:

Members present were: Loren Feldkamp, Brian Fitch, William Ford, Gregg Noel, Brian Spencer and Gary Teel.

Brian Cordel was unavailable for the meeting.

In accordance with **Bylaw Article VIII, Section 6**, Jerry Flanagan was excused due to conflict of interest.

All Appeal Board members signed an Oath of Office.

Gregg Noel served as vice-chairperson, Loren Feldkamp as recording secretary and Brian Spencer as alternate recording secretary. These officer positions will remain in place until such election is necessary.

### Purpose of Appeal:

Topeka High School, requested the hearing with the Appeal Board through USD #501 general counsel, Lori Kopp. The appeal is from the January 17, 2018 by the Executive Board per **Forfeiture and Restitution Rule 27-1-2**. A student currently attending Topeka High School was initially granted eligibility for a transfer from Topeka-Highland Park High School based on a lease agreement provided to USD 501 by the father. After evidence was reported that a change of residence was never actually made by the student, Topeka High School self-reported the student's ineligibility for the fall semester on November 30th. After considering the evidence and testimony offered at the January 17, 2018 hearing, the Executive Board voted 7-0 to declare the student ineligible and require forfeiture of eight football victories and awards by Topeka High School per **Forfeiture and Restitution Rule 27-1-2**.

### Appearing:

Rebecca Morrisey, Principal, Topeka High School  
Dustin Dick, Principal, Topeka West High School  
Lori Kopp, Attorney, USD 501  
Gary Musselman, Executive Director KSHSAA  
Bill Faflick, Executive Director-Elect, KSHSAA  
Randy Forbes, Attorney, KSHSAA

### Appeal Board Decision:

Motion by Loren Feldkamp, second by Gary Teel, to enter into Executive Session for the purpose of deliberation beginning at 4:35 p.m. Motion approved 6-0. The Board resumed open session at 5:05 p.m.

Motion by Gary Teel, second by Bill Ford, to overturn the ruling of the Executive Board in accordance with **Forfeiture and Restitution Rule 27-1-2** and allow Topeka High School to return eight football victories in the 2017 season.

The vote was 5-1 to overturn the ruling by the Executive Board.

The meeting was adjourned at 5:13 p.m.