

Utah State Fairpark Board of Directors
Virtual Meeting
February 18, 2021 – 8:30 am

Attended: Commissioner Craig Buttars
Ginger Casper
Tracy Cowdell
Wade Garrett
Mike Kohler
David Lewis
Ted Lewis
Paula Martin
Clay Nielsen
Jim Russell
Jennifer Seelig

Excused: Nico Priskos

Staff: Larry Mullenax
Judy Duncombe
Allan Kitterman (Advance CFO)

Guests: Debbie Kurzban, Office of Utah Attorney General
Kelly Kunzler, representing Kunzler family
Dr. Dean Taylor, State Veterinarian
Dr. Amanda Price, Asst State Veterinarian
Dr. Dave Moss, Northside Animal Clinic

Dave called the meeting to order and roll was taken.

Dave noted the agenda would be fluid to allow for those needing to come and go from the meeting with priority being given to the continuation of the Kunzler appeal. He also reminded everyone that only those members that participated fully in the prior presentation could ask questions and vote during today's continuation.

Dave welcomed newly appointed Commissioner of Agriculture and Food, Craig Buttars and asked him to introduce himself. Commissioner Buttars indicated he was excited to be part of the Board and spoke briefly about his background in politics and as a dairy farmer in Cache County.

Kylie Kunzler Appeal Continuation

Dave thanked everyone for attending and outlined the purpose for the continuation. He indicated everyone had been sent a video taken of the blood draw and asked if there were any questions specific to that. Paula asked who took the video and who was present in the video. Dave asked Judy to respond and she indicated that Jr Livestock Show Chairman, Jared Buhler, had asked committee member Darann Smith to take the video and was her best recollection that Dr. Moss, Dr. Price, and Kylie Kunzler are seen in the video. Paula asked if taping the draw was normal protocol and Judy indicated it had been done in recent years. Dave asked State Veterinarian Dr. Taylor, to provide comments regarding concerns expressed

about the process seen in the video. Dr. Taylor indicated it was common practice not to wear exam gloves when drawing samples such as these and he saw no evidence of possible transference of the drug. He further noted he did not find anything to cause him concern on the video. Wade asked what the half-life of the drug in question was. Dave also asked if Dr. Taylor could explain what half-life means. Dr. Taylor indicated he would need to confirm, but recollected half-life for acepromazine was 72 hours and half-life is the amount of time it takes for half of a drug to get out of the body. He also explained the difference between drugs that are permitted to be used in an animal, with proper withdrawal times observed and drugs that are prohibited entirely. Dr. Moss indicated that given orally the drug has a half-life of 16 hours and given intravenously it is 7 hours. He indicated the half-life should be a non-issue since the drug in question is prohibited. Dave asked if there were other questions for any of the vets. Seeing none, Dave thanked them all for participating and providing information to address the facts and understand the issues.

Dave indicated the Kunzler family and Judy, representing the Fair, would be allowed to take 3-5 minutes to present their closing statement. Mrs. Kunzler read a prepared statement, expressing frustration and discouragement in the situation. Judy expressed her feelings that the evidence presented supported the finding of a rule violation and noted that is the only thing that was up for consideration. Dave asked if there were any final questions from the Board members. Hearing none, Dave indicated he would entertain a motion. Mike asked what options they had for consideration and Ted asked what an appropriate motion would be. Debbie Kurzban, Utah Attorney General representative, replied the Board should vote to confirm or reverse the decision that was made by State Fair staff. Dave asked Judy to summarize what the penalty being imposed consisted of. Judy indicated the rule stipulates that all awards and premiums would be forfeited and Debbie agreed. Following additional discussion and clarification, **Mike moved to find that the drug was present in the animal, all awards not related to cash be forfeited, that there is no ban on participation going forward and the participant forfeit \$2,000 of cash awards, Wade seconded the motion.** Dave asked for any discussion on the motion. Ted requested that each part of the motion be voted on separately. Mike agreed and re-stated the four different parts of his motion. Clay asked for clarification on his understanding that there was not a ban being imposed. Judy indicated that no ban had been imposed as part of the penalty. Mike withdrew that part of his motion. Following discussion and comments from members that heard the entire appeal, Dave asked Judy to conduct a roll call vote on each motion. On the first motion, **Acknowledge the animal tested positive for a prohibited drug** (in favor – Dave, Ginger, Ted, Paula, Mike, Clay, Tracy, Wade and none opposed), motion passed. Second motion, **Forfeit all non-cash awards** (in favor – Dave, Ginger, Ted, Paula, Mike, Clay, Tracy, Wade and none opposed), motion passed. Third motion, **Forfeit \$2,000 of cash awards.** Wade offered comments and Paula asked for clarification on the amount the exhibitor would receive (in favor – Ted, Mike, Wade and opposed – Dave, Ginger, Paula, Clay, Tracy), motion failed. Dave indicated he would entertain a motion to accept the original findings. Ted asked for clarification on language and Dave asked Debbie to respond. Debbie stated the options were for the Board to confirm or reverse the decision by Fair management. **Ted moved to confirm the decision of the staff, and Paula seconded.** Roll call vote was taken with those voting in favor – Tracy, Clay, Ginger, Ted, Dave, and Paula and those opposed – Wade and Mike. **Motion passed.** Dave indicated this brings the appeal process to a close, thanked everyone that participated and expressed his hope that the Kunzler family understands the need to uphold our rules. Debbie reminded Dave that staff would be preparing a letter to be sent to the Kunzler family for his signature to formalize the decision.

Approval of Minutes

Dave asked for a motion to approve the minutes from the meeting held February 4th. **Clay moved to accept, Paula seconded and all were in favor.** Dave asked for Ted and Jennifer to coordinate on the outstanding action item related to HR procedure update recommendations.

Guests departed the meeting.

Finance Review

Allan indicated January was an excellent month with income recognized from the light show event that carried over. He noted that \$8,000 of the expenses for the month was for a water bill that had not been received the prior year. He also pointed out the appropriation of \$275,000 that we received last year in January, which we did not receive this year. Allan continued by stating our cash position is still strong considering the past year of COVID related issues.

Legislative Committee Update

Wade expressed that we are in a good position to receive our requested appropriation. He asked Larry to address the proposed changes to ride safety legislation. Larry indicated HB322 would extend the licensing requirement to 2023, allowing an additional year to refine the rules and to address budget shortfalls created by the legislation.

Mike departed the meeting.

Jennifer expressed gratitude for those that talked with their legislative representatives and asked Board members to make sure that Judy has their most current contact information.

Wade reminded everyone to thank legislative representatives and to make sure they know who they are.

Jennifer noted she had been notified that the City has funds to address the issue with the landscaping rocks along North Temple and will be scheduling removal.

Jim asked about any contributions from the City toward the public market. Larry indicated he had spoken with Councilman Rogers and reminded him of the matching funds offered by the State.

Executive Review

Larry noted he distributed an adjusted budget draft yesterday and reviewed some of the changes. Dave asked how it compares to pre-COVID budgets. Larry indicated we are projecting an increase over 2019 due to increased entertainment.

Larry briefly reviewed a possible event with an in-line skate group.

Larry provided an update on the master plan project. Dave asked when it was expected to be completed and Larry said tentatively August.

Larry reported that DFCM is sending a revised licensing agreement to SL Garfield Western, allowing them to continue operating on the land but clarifying they do not own it or have any other rights to it.

He indicated that it did not work to start the Fair a week earlier to accommodate Days of '47 and they are requesting a discount if they move back to July. Dave asked if there were other revenue generating opportunities we could support them with. Larry will conduct negotiations and report back.

Department Reports

Judy provided a brief report on work recently completed and currently underway including updating the commercial vendor portal so we can start signups for the Fair, preparing to host a bridal expo this coming weekend, contacting of returning and possible sponsors, and website updates to competitive entry departments. She also noted the operations department reported the Promontory HVAC project is set to get underway next week, the Grand building elevator replacement will be complete by the end of the month and COVID testing is still taking place in Barn 51.

Paula asked if we have a theme for 2021 and Judy noted that is a discussion to be held next week. Jim indicated he would like to see the drug testing rule be reviewed and Dave asked Clay, as the head of the Livestock Show committee, to address at a future meeting. Wade noted he would like to test additional random animals and discuss adding cameras.

Hearing no additional business, **Commissioner Buttars moved to adjourn the meeting, Ginger seconded and all were in favor.**

Action Items:

- HR procedure update recommendation (Jennifer / Ted)
- Committees discuss plans & assignments for coming year