

To: State Legislators in Various Jurisdictions

From: Paul Pogge, Associate Athletic Director, University of North Carolina
Tony Agnone, NFL Agent, Past President of the Sports Lawyers Association

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RE: Adoption of the Revised Uniform Athlete Agents Act

Recent charges brought by the FBI and revelations by federal investigators about the shadowy world of sports agents' recruitment of athletes has, once again, exposed the desperate need for legislative change. Regardless of any possible future changes to athlete compensation models, it is essential to protect young athletes from the many unethical and incompetent agents and other professional representatives seeking to profit off of them.

In the fall of 2013, the Uniform Law Commission undertook a thorough review of the Uniform Athlete Agents Act. At the time, the law had been adopted by over 40 jurisdictions in efforts to curb unethical recruiting practices by sports agents. Despite the legislation, however, problems persisted. Agent recruitment of amateur athletes was and still is plagued by illegal inducements, misrepresentations, shady dealings, withheld information, and an overall lack of transparency. Most of these issues were and continue to be deliberately concealed by those involved due to the illegal nature of some of the conduct. As a result of these practices, however, many young, naïve athletes select representation based on a lack of information and inducements offered in exchange for their commitments. Not surprisingly, this leads to many professional athletes finding themselves in financial ruin and suffering from poor advocacy.

In 2013, at the urging of multiple sports agents and numerous Division I athletic directors around the country, the Uniform Law Commission began a two year process of drafting a strengthened piece of legislation proposed for adoption by individual states. Formally known as the Revised Uniform Athlete Agents Act, the new proposed legislation was designed to address deficiencies in the previous version of the law.

Among other things, the new legislation more clearly broadens the scope of the Act to apply to the wide variety of individuals who use various titles to describe the services they offer for professional athletes, thus capturing the great majority of people involved with the shady recruitment of young athletes. By enhancing these definitions to clearly broaden the applicability, it will be more difficult for those seeking to prey upon young athletes to circumvent the requirements of the law.

The new proposed legislation also injects transparency in the process by requiring additional relevant information to be provided under penalty of perjury upon registration in states in which an agent or other professional representative will recruit. This will enable athletes and their families to better understand the competency and track record of each professional representative by relying upon a credible source, rather than the representations of the individuals themselves. Additionally, scholastic institutions will be more empowered to work with young athletes to

make educated decisions because the new proposed legislation requires those governed by the law to notify the applicable school prior to initiating contact with an athlete at such school. Appropriate administrators at educational institutions can then use their resources to help athletes assess their options and make more informed decisions. This notice requirement should also make the law easier to enforce, as it will more frequently expose those seeking to avoid transparency and forthright dealings.

The lure of potentially reaping millions of dollars in profit from representing a professional athlete has distorted the risk/reward analysis for some agents. In many cases, agents and other professional representatives have provided thousands of dollars in illegal inducements to athletes with the anticipation of significant monetary "returns on their investments." Moreover, the infrequent enforcement of the current law also does little to discourage these illegal practices. Thus, the new proposed legislation empowers states to strengthen criminal and civil penalties to more effectively deter this conduct.

As the FBI investigation continues and more light is shed on the seedy, hidden nature of recruitment by many sports agents and other professional representatives, it is imperative that action be taken to impede more occurrences of this nature. While future conversations may take place about the collegiate model and the structure of amateur sports in general, there should never be any debate about protecting young athletes from individuals seeking to prey on them through deceit, inducements, kickbacks, and a lack of transparency.

The Uniform Law Commission thoroughly debated this subject matter after receiving input from professionals throughout the industry and formally proposed this new legislation to help address these very issues. The law has already been enacted in Alabama, Idaho, Nevada, North Dakota, Oregon, Tennessee, Utah, and Washington. We strongly urge you to help remedy this great need by passing the Revised Uniform Athlete Agents Act in your respective jurisdictions.

Individuals who have expressed their support of this memo include, but are not limited to:

Barry Alvarez	(College Football Hall of Fame Inductee and Director of Athletics, University of Wisconsin)
Geno Auriemma	(Naismith Memorial Basketball Hall of Fame Inductee and 11-Time National Champion Head Women's Basketball Coach, University of Connecticut)
Wren Baker	(Vice President and Director of Athletics, University of North Texas)
Ryan Bamford	(Director of Athletics, University of Massachusetts)
Scott Barnes	(Vice President and Athletic Director, Oregon State University)
Jack Bechta	(NFL Agent)
Mike Bellotti	(College Football Hall of Fame Inductee and Former Head Football Coach, University of Oregon)
David Benedict	(Director of Athletics, University of Connecticut)
Matt Blood	(18U National Team Director, USA Baseball)
Mike Bobinski	(Vice President and Director of Intercollegiate Athletics, Purdue University)

Rick Buoncore	(MAI Capital Management)
Chase Callahan	(NFL Agent)
Joe Castiglione	(Vice President for Intercollegiate Athletic Programs, University of Oklahoma)
Gene Chizik	(National Champion Former Head Football Coach, Auburn University)
Bus Cook	(NFL Agent)
Mark Coyle	(Director of Athletics, University of Minnesota)
Lawrence R. Cunningham	(Director of Athletics, University of North Carolina at Chapel Hill)
Troy Dannen	(Director of Athletics, Tulane University)
Anson Dorrance	(United Soccer Coaches Hall of Fame Inductee and 22-Time National Champion Head Women's Soccer Coach, University of North Carolina at Chapel Hill)
Larry Fedora	(Head Football Coach, University of North Carolina at Chapel Hill)
Rick George	(Athletic Director, University of Colorado)
Doug Gillin	(Director of Athletics, Appalachian State University)
Allen Greene	(Director of Athletics, University of Buffalo)
Sylvia Hatchell	(Naismith Memorial Basketball Hall of Fame Inductee and National Champion Women's Basketball Coach, University of North Carolina at Chapel Hill)
Jeff Hawkins	(Senior Associate Athletic Director, University of Oregon)
Dr. Chris Hill	(Athletics Director and Special Assistant to the President, University of Utah)
Vince Ille	(Senior Associate Athletic Director, University of North Carolina at Chapel Hill)
Mark Ingram	(Director of Athletics, University of Alabama Birmingham)
Blake James	(Director of Athletics, University of Miami)
Eddie Johnson	(NFL Agent)
Heather Lyke	(Athletic Director, University of Pittsburgh)
Shane Lyons	(Director of Athletics and Associate Vice President, West Virginia University)
Bronco Mendenhall	(Head Football Coach, University of Virginia)
Les Miles	(National Champion Former Head Football Coach, Louisiana State University)
James Moore	(NFL Agent)
Rob Mullens	(Athletic Director, University of Oregon)
Michael O'Brien	(Vice President and Director of Athletics, University of Toledo)
Dr. Tom Osborne	(College Football Hall of Fame Inductee and Three-Time National Champion Former Head Football Coach, University of Nebraska)
Dan Radakovich	(Director of Athletics, Clemson University)
Rich Rodriguez	(Head Football Coach, University of Arizona)
Gary Shipman	(NFL Agent)
Carlos Somoano	(National Champion Head Men's Soccer Coach, University of North Carolina at Chapel Hill)
Willie Taggart	(Head Football Coach, University of Oregon)
Gene Taylor	(Director of Athletics, Kansas State University)
Bruce Tollner	(NFL Agent)
Ryan Tollner	(NFL Agent)

Marielle Van Gelder

(Associate Athletic Director for Compliance, University of North Carolina at Chapel Hill)

Kevin Weinress

(Major League Soccer Agent)

Ron Wellman

(Director of Athletics, Wake Forest University)

Matt Wells

(Head Football Coach, Utah State University)

Kevin Westerman

(Assistant Director of Compliance, University of North Carolina at Chapel Hill)

Larry Williams

(Director of Athletics, University of Akron)

Roy Williams

(Naismith Memorial Basketball Hall of Fame Inductee and Three-Time National Champion Head Men's Basketball Coach, University of North Carolina at Chapel Hill)

Deborah Yow

(Director of Athletics, North Carolina State University)

Hunter Yurachek

(Vice President for Athletics, University of Houston)