



Arizona State University

2006-2007 Athlete Agent Registration

ASU REGISTRATION PROCESS FOR ATHLETE AGENTS:

1. Become familiar with applicable NCAA Rules, State of Arizona Regulations ([Chapter 13, Article 10, §§ 15-1761 to 15-1776](#)), as well as ASU Policies pertaining to Agents;
2. All Athlete Agents must register with the State of Arizona Secretary of State's Office (no ASU Athlete Agent Registrations will be accepted until a stamped copy of the State of Arizona Athlete Agent Registration is completed and submitted to the Compliance Office);
3. Complete the Arizona State University 2006-07 Athlete Agent Application and submit to Katie Brown in the Compliance Services Office along with a copy of a stamped State of Arizona Application for Registration of Athlete Agent;
4. Send all correspondence to the Compliance Office to be distributed to the Student-Athlete at the completion of their final season of eligibility (Baseball student-athletes may receive correspondence during their eligibility but are still held to the same NCAA regulations);
5. Recognize and follow all State of Arizona Regulations, NCAA Bylaws and ASU Athlete Agent Policies, outlined below.

Arizona State University Department of Intercollegiate Athletics and the NCAA support the Uniform Athlete Agents Act (UAAA) which has been adopted in the State of Arizona. There can be significant damage resulting from the impermissible and many times illegal practices of some athlete agents. Violations of NCAA agent legislation impact the eligibility of student-athletes for further participation in NCAA competition. Violations also may result in harsh penalties on the team and the university (including the imposition of NCAA sanctions that have resulted in the repayment of monies received from NCAA championship competition, forfeiture of contests and other penalties). The UAAA is an important tool in regulating the activities of athlete agents and protecting NCAA student-athletes and member institutions.

Arizona State University requires that all Athlete Agents who would like to represent an ASU Student-Athlete register with the Department of Intercollegiate Athletics and follow the applicable State of Arizona and NCAA regulations regarding registration as an athlete agent.

RELEVANT NCAA REGULATIONS:

12.1.1 Amateur Status. An individual loses amateur status and thus shall not be eligible for intercollegiate competition in a particular sport if the individual:

- a. Uses his or her athletics skill (directly or indirectly) for pay in any form in that sport;
- b. Accepts a promise of pay even if such pay is to be received following completion of intercollegiate athletics participation;
- c. Signs a contract or commitment of any kind to play professional athletics, regardless of its legal enforceability or any consideration received;
- d. Receives, directly or indirectly, a salary, reimbursement of expenses or any other form of financial assistance from a professional sports organization based upon athletics skill or participation, except as permitted by NCAA rules and regulations;
- e. Competes on any professional athletics team (per Bylaw 12.02.4), even if no pay or remuneration for expenses was received;
- f. Subsequent to initial full-time collegiate enrollment, enters into a professional draft (see also Bylaw 12.2.4.2.1); or
- g. Enters into an agreement with an agent.

12.1.1.3.1 Educational Expenses - Prior to Collegiate Enrollment. A prospective student-athlete may receive educational expenses (i.e., tuition, fees, room and board, and books) prior to collegiate enrollment from any individual or entity other than an agent, professional sports team/organization or a representative of an institution's athletics interests, provided such expenses are disbursed directly through the recipient's educational institution (e.g., high school, preparatory school).

12.2.4.3 Negotiations. An individual may request information about professional market value without affecting his or her amateur status. Further, the individual, his or her legal guardians or the institution's professional sports counseling panel may enter into negotiations with a professional sports organization without the loss of the individual's amateur status. An individual who retains an agent shall lose amateur status.

12.2.5.1 Nonbinding Agreement. An individual who signs a contract or commitment that does not become binding until the professional organization's representative or agent also signs the document is ineligible, even if the contract remains unsigned by the other parties until after the student-athlete's eligibility is exhausted.

12.3.1 General Rule. An individual shall be ineligible for participation in an intercollegiate sport if he or she ever has agreed (orally or in writing) to be represented by an agent for the purpose of marketing his or her athletics ability or reputation in that sport. Further, an agency contract not specifically limited in writing to a sport or particular sports shall be deemed applicable to all sports, and the individual shall be ineligible to participate in any sport.

12.3.1.1 Representation for Future Negotiations. An individual shall be ineligible per Bylaw 12.3.1 if he or she enters into a verbal or written agreement with an agent for representation in future professional sports negotiations that are to take place after the individual has completed his or her eligibility in that sport.

12.3.1.2 Benefits from Prospective Agents. An individual shall be ineligible per Bylaw 12.3.1 if he or she (or his or her relatives or friends) accepts transportation or other benefits from:

- a. Any person who represents any individual in the marketing of his or her athletics ability. The receipt of such expenses constitutes compensation based on athletics skill and is an extra benefit not available to the student body in general; or
- b. An agent, even if the agent has indicated that he or she has no interest in representing the student-athlete in the marketing of his or her athletics ability or reputation and does not represent individuals in the student-athlete's sport.

12.3.2 Legal Counsel. Securing advice from a lawyer concerning a proposed professional sports contract shall not be considered contracting for representation by an agent under this rule, unless the lawyer also represents the individual in negotiations for such a contract.

12.3.2.1 Presence of a Lawyer at Negotiations. A lawyer may not be present during discussions of a contract offer with a professional organization or have any direct contact (i.e., in person, by telephone or by mail) with a professional sports organization on behalf of the individual. A lawyer's presence during such discussions is considered representation by an agent.

12.3.3 Athletics Scholarship Agent. Any individual, agency or organization that represents a prospective student-athlete for compensation in placing the prospect in a collegiate institution as a recipient of institutional financial aid shall be considered an agent or organization marketing the individual's athletics ability or reputation.

12.3.3.1 Talent Evaluation Services and Agents. A prospect may allow a scouting service or agent to distribute personal information (e.g., high-school academic and athletics records, physical statistics) to member institutions without jeopardizing his or her eligibility, provided the fee paid to such an agent is not based on placing the prospect in a collegiate institution as a recipient of institutional financial aid.

UNIFORM ATHLETE AGENT ACT (UAAA)

As of June 12, 2006, 35 states and two territories have adopted the Act, including the State of Arizona. It is an important tool in regulating the activities of agents and protecting NCAA student-athletes and member institutions.

For Student-Athletes

- You may talk to an agent if he or she is registered as an agent with the Arizona Secretary of State.
- You can even sign a contract with an agent but, by doing so, you may lose your college eligibility.
- If you sign a contract with an agent, you have the right to cancel the contract within 14 days. However, even if you cancel the contract, you may still lose your eligibility.
- If you sign a contract, you must notify the Athletic Director within 72 hours, or before your next competition (whichever comes first).

For Agents

- You may not initiate contact (including by mail) with a student-athlete unless you are registered as an athlete agent with the state's Secretary of State.
- If you are not registered and a student-athlete contacts you, you may speak with the student-athlete only if you submit an application to register as an athlete agent within seven days.
- You may not furnish anything of value to anyone with the intent of inducing a student-athlete to sign an agency contract.
- You may not give false or misleading information or make a false promise to induce a student-athlete to sign a contract.
- You must notify a student-athlete of the risk to his or her eligibility before entering a contract.
- If you sign a contract with a student-athlete, you must notify the Athletic Director at his or her school within 72 hours, or before his or her next competition (whichever comes first).

Penalties

Criminal:

- A person who commits any statutorily prohibited conduct is guilty of a Class 1 misdemeanor punishable by up to six months imprisonment.

Civil:

- An educational institution or a student athlete may recover damages from an agent caused by a violation of the act.
- An educational institution may also recover damages caused when a violation of the act causes the institution to be penalized or suspended from participation in athletics by a national association or athletic conference or by a reasonable self-imposed disciplinary action.

Administrative:

- The secretary of state may assess a civil penalty against an athlete agent of up to \$25,000 per violation.

For information on how to register as an athlete agent in Arizona, go to: www.sos.state.az.us

ARIZONA STATE UNIVERSITY ATHLETE AGENT POLICIES:

1. In order to protect our student-athletes from the loss of eligibility due to agent involvement, the following policies and procedures will be adhered to:

- a. Any person or entity wishing to represent an Arizona State University student-athlete in the marketing of their athletics ability or reputation, to provide other services in any way related to such marketing (i.e., legal or accounting services), or to refer student-athletes to prospective agents, must be registered with Arizona State University's Department of Intercollegiate Athletics. By accepting registration, Arizona State University does not endorse or recommend the employment or retention of the registered party and expressly prohibits the registrant from representing or holding out that this registration is evidence of their skill, honesty, competence, or qualifications to represent players in contract negotiations or otherwise. Any such representation shall result in de-registration.
- b. Mail received for student-athletes with eligibility remaining from persons or entities acting in the capacities described above (which hereafter will be commonly called "agents" regardless of whether their intent is to function as "agents" per se) will be held by the Compliance Office until the end of the

student-athlete's senior season (policy does not apply to Baseball student-athletes). This mail will then be distributed at the same time so as not to create an advantage or disadvantage for any agent.

- c. Student-athletes, and/or their parents/legal guardians, should have no in-person or telephone communication with agents or their intermediaries prior to the completion of the student-athletes senior competitive season (this policy does not apply to Baseball student-athletes). Student-athletes and their parents/guardians will be educated in regard to this policy. The student-athletes and their parents/guardians are required to report any attempted contact to their coaches, who then will notify the appropriate administrator.
- d. The University and/or Intercollegiate Athletics staff members will not issue complimentary tickets, media credentials, sideline passes, or bench passes to a known sports agent or his/her intermediaries. In order to enforce this provision, the Compliance Office will review all of the aforementioned lists in detail to ensure compliance.
- e. Coaches and Intercollegiate Athletics staff members have been educated as to what indicators that they should be alert for with regard to improper inducements from agents and/or intermediaries. They have been instructed to report these indicators the appropriate administrator for investigation.

2. In the event that our efforts to prevent infractions are unsuccessful the following actions will be taken:

- a. Once it has been determined that a student-athlete has in fact signed a contract (or given a verbal commitment) to be represented by an agent, the student-athlete's team membership will be terminated (following an opportunity for appeal to the appropriate University personnel). All grant-in-aid, tuition waivers, and other benefits will be ended at the first allowable time in accordance with normal financial aid regulations.
- b. Once it has been determined that a student-athlete (or his or her parent, guardian, relative, or friend) has accepted inducements from an agent, the student-athlete's will be declared immediately ineligible. Restoration may be requested (where appropriate) from the NCAA.
- c. The appropriate players association will be informed of the agent involved in the violation and the extent of the agent's involvement in the violation.

If you have any questions, please do not hesitate to contact the Compliance office:

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