



Uniform Athlete Agents Act  
Drafting Committee

February 27, 2015

Re: Memorandum from Paul Pogge

Paul Pogge has requested that the following be distributed to the committee for its consideration.

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There are a few things that I think are very important to address. We have discussed most of them before:

1. Most importantly, I think we are close but still missing the mark in the section defining “athlete agent”. I think we can fix it by taking out the word “student” in:

Section 2 (Definitions)

2.A.ii.I (Have it read “represents an athlete for a purpose related to the athlete’s participation in professional athletics”);

2.A.ii.II (Have it read “serves an athlete in an advisory capacity on a matter related to finances, business pursuits...” etc.); and

2.A.ii.III (Have it read “manages the business affairs of an athlete by providing assistance with bills, payments, contracts, or taxes”).

This eliminates the loophole that many people will surely exploit by saying “I don’t represent, advise, or manage the affairs of any student-athlete.” This would technically be true in most cases, though the intent may still be nefarious in nature. By eliminating the word “student,” we get to the functional definition of what they actually do for athletes and, therefore, will have the appropriate scope for the definition. I believe this change is critical.

2. Also under the definition of “athlete agent” in Section 2 (Definitions), 2.A.iii, I think we need to add some language so that it says “gives consideration to a student athlete or another individual in anticipation of...”

Often, benefits are given to parents, relatives, and friends instead of the student-athlete. This would help us close that loophole.

3. In giving it some more thought, I think it might be beneficial to add language to the definition of an actual “agency contract” so that it also includes managing their business or financial affairs.

4. One question I had was regarding the “Business Managers” who primarily do things with athletes’ foundations and non-profits. Some of these people are problematic. Do you think we have sufficiently captured them in the definition?

5. In the second to last letter of Section 14, I think it is important to add:

(g) Not later than 10 days after a student-athlete enrolls at an educational institution, an athlete agent shall notify the athletic director of the institution if the athlete agent previously recruited the athlete, directly or indirectly, with the intention of in the future for compensation or the anticipation of compensation:

(I) representing the athlete for a purpose related to the athlete’s participation in athletics;

(II) serving the athlete in an advisory capacity on a matter related to finances, business pursuits or ventures, or career management decisions; or

(III) managing the business affairs of the athlete by providing assistance with bills, payments, contracts, or taxes.

This captures the agents, advisors, and other people who start recruiting athletes well before they get to college.

Thanks again for all you guys are doing.

Best,

Paul