

Oregon Football Best Practices and Policies NCAA & NFLPA Rules and State Laws Regarding Interaction Between Student-Athletes & Athlete-Agents

JH



"Thank you! My wife and I look at the situation that we are in right now, and we are truly grateful for all that you and Oregon have done for us. Now that I am in the NFL, I have had opportunities to talk to a lot of younger players, many in my same situation (rookies). One of the most common topics, especially during the combine and senior games, was agents. Who is your agent? How did you pick your agent? How is your agent taking care of you? Did he pay for your training? How much do you owe your agent for training? After telling them about all of the resources Oregon made ready for us and that I interviewed several agents with you in the room, the response was and has been the same from every one, 'I wish our school would have done something like that for us.' I cannot believe how many guys just signed with there buddy's agent or with the one who promised them the most. It is sad, but the first time most players interview agents, is when they are trying to find a new one because they aren't happy with the one that they started off with.

Once again, thank you Hawk for putting me in a situation where I had the best opportunity to succeed, not only in football but in life. If anyone has even the slightest desire to play football after college, I would strongly recommend that that they take full advantage of what Oregon has to offer. I guaranty that your chances of success will increase because of it."

-- Brandon Bair
DL Philadelphia Eagles
UO Class of '11



"After the Civil War of my senior year, Hawk and myself scheduled four interviews that took place at the Casanova Center. For me, the benefit of having a member of the athletic department present during the meetings is invaluable, if nothing else to have someone on your side during the meetings. If you want to select an agent with a non biased approach and find someone that you are truly comfortable with, use the panel. I felt that the agencies were slightly more truthful with a member of the panel present. From the legal point of view (NCAA and Oregon state law) they had my best interests in mind.

You have nothing to lose and everything to gain by using the panel for your agent selection. I chose not to meet with any agents face to face prior to my formal interviews with Hawk, just to eliminate any chance of a rules violation, and to keep it neutral. I would highly recommend any level of involvement by the panel."

-- Max Unger
OL Seattle Seahawks
UO Class of '09



"I had assistance from Hawk and James in helping me find and screen agents and financial planners. Hawk helped me primarily by pulling together a list of important questions for both agents and financial planners. There is a lot of intricate stuff on the question list that I would have never thought to ask. Hawk and James helped me by sitting in on the meetings and basically just observed. If I missed a question or they thought of something I hadn't thought of they would chime in, but for the most part they just listened. It was really helpful to be able to confer with them afterwards.

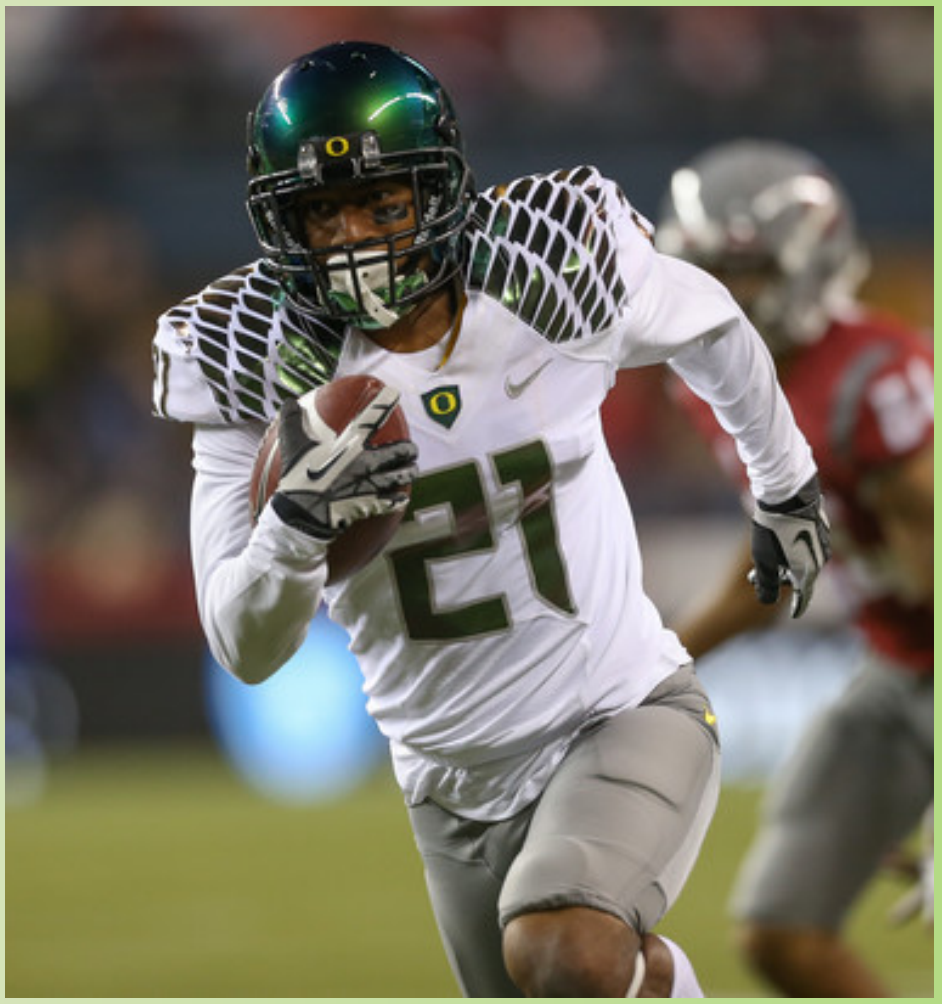
I made all the decisions. Hawk, James and I discussed of the qualities of each individual afterwards but they were very careful to just weigh the pros and cons and not try to make decisions for me. I would recommend current players to follow my lead. There are a ton of agents and financial planners out there, and unfortunately not all of them are honest or trustworthy. This is a good way to put a couple of heads together and figure out what kind of guy you are dealing with."

-- Nick Reed
DE Seattle Seahawks
UO Class of '09



"I would say the process was easier because I was given a lot of resources to choose from as opposed to having to find everything on my own. The panel gave me a lot of options, but the decision was all mine. I would recommend current players to follow this structure because it saves you time, so you can stay on track as far as getting ready for combines and workouts. The U of O has resources that have either experienced this process, or is still in it. Thanks again to the U of O. GO DUCKS!!!!"

-- Dennis Dixon
Buffalo Bills
UO Class of '08

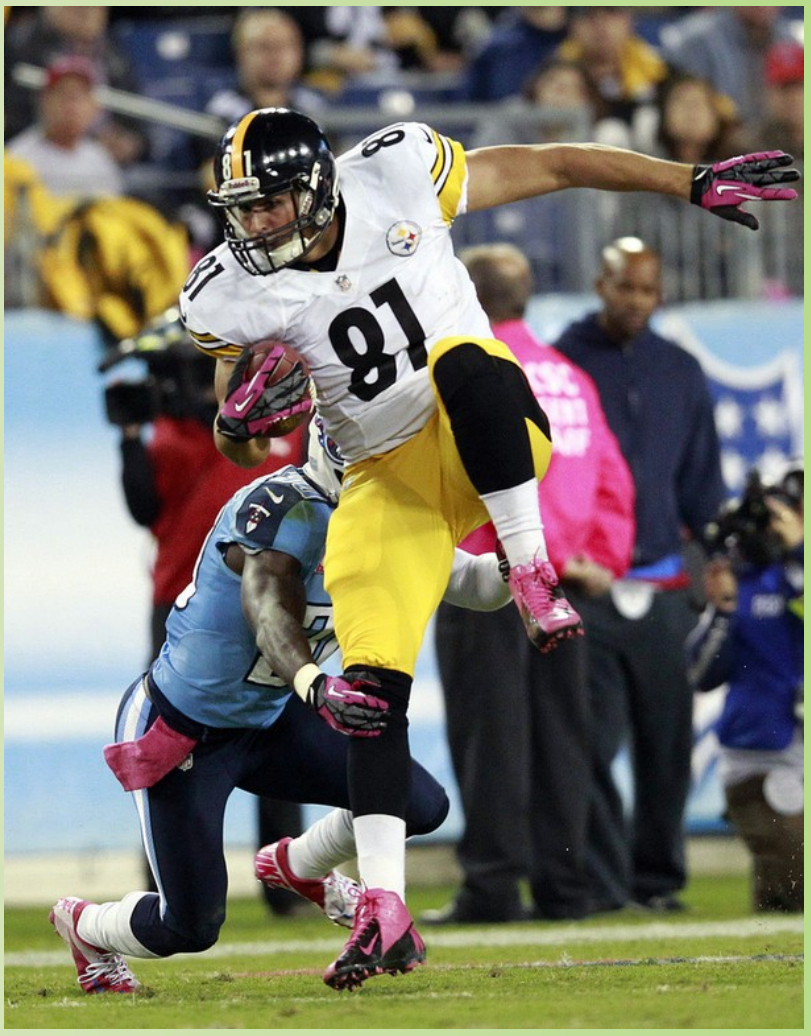


“Hawk and the rest of the team assembled were a tremendous help and were there to document and reinforce everything the agent promised he would do. And they weren’t there to influence me in any direction at all.”

-- Avery Patterson

DB Baltimore Ravens

UO Class of ‘14



“The Oregon football program and Jeff Hawkins provided excellent resources for my family and me throughout the process of interviewing and hiring an agent. They groomed me for my interviews using experienced and knowledgeable professionals in a way that gave me great confidence when it came to interview and eventually hire an agent.”

-- David Paulson

TE Pittsburg Steelers

UO Class of ‘12



“Football and Jeff Hawkins did a great job at helping me find an agent. In the end I chose a great agent, and because of our program I learned what to look for in a good quality agent. The choice and decision I made felt like the right choice for me.”

-- Drew Howell

Free-Agent

UO Class of ‘14



“It was great having the panel that the Oregon people set up for agent meetings. They asked questions that we may not have thought of or may not have felt comfortable asking.”

-- Josh Kaddu

LB Philadelphia Eagles

UO Class of ‘12



“Jeff Hawkins and the University of Oregon were paramount in assisting me during my agent process. The decision was ultimately my own but they educated me on what questions to ask and how to spot potential red flags.”

-- Spencer Paysinger

LB New York Giants

UO Class of ‘11



"I was never pressured by the U of O nor Hawk in my agent process. They only helped me and took pressure off my shoulders so I could focus on football and getting my degree. Also it showed me they cared about me even though I was moving on into the professional world. Without them I would have had no direction."

-- LaMichael James

RB San Francisco 49ers

UO Class of '12



“Without having Hawk and the Oregon organization to help me through the process, I probably would’ve made a bad decision. They helped me step by step in what to look for in a good agent, but also gave me the leisure to pick who I felt was right for me. Without their guidance, I feel I wouldn’t be in the perfect situation that I am at right now.”

-- Ricky Havili-Heimuli
DL Jacksonville Jaguars
UO Class of ‘14



“Having Hawk and everyone on the football staff made the process of choosing an agent very easy. It decreased a lot of the normal stress that people go through and made it an enjoyable process. In the end, it was easy for me to choose my agent after going through this process with them.”

-- Taylor Hart

DL Philadelphia Eagles

UO Class of ‘14



“Hawk and the rest of the guys that helped in the process were very big in my decision to choose an agent. Hawk did background checks on all of the guys that I was in contact with and alerted me to any red flags. Overall it made the process a lot less stressful than it could have been and helped me make sure I landed in a situation that was comfortable and productive. USE YOUR RESOURCES.”

-- Darrion Weems

OL Dallas Cowboys

UO Class of ‘12



"I felt comfortable knowing that there were people sitting in on the interview who knew what questions to ask and basically picked up on anything that I may have missed while asking questions to the agent. It really gave me a clear headed mindset and allowed me to make a decision on my own without having any unanswered questions. Thank you Hawk and the board for sitting in on the conference call, it made the entire process so much easier and not a headache."

-- Wade Keliikipi

DL Philadelphia Eagles

UO Class of '14

History

Sports agents have been around for almost a century.

Scandals involving college athletes and agents occurred as early as the 1920s and 30s when student-athletes would play for pay.

The proliferation of agents came about in the 1960s and 70s when professional athlete's salaries rose in monumental proportions and endorsements deals went off the charts.

As the number of agents grew the pool of athletes got smaller and smaller and the stakes got higher and higher. Agents became synonymous with underhandedness especially among themselves. Dog eat dog.

There is great representation available. But there are more bad guys out there than there are good guys.

JH

CONTRACT ADVISORS STATUS QUO

Five years ago there were 1500 contract advisors (typically regarded as sports agents).

The NFL Players Association (i.e. Union) toughened the annual test and increased the annual fees so that today there are about 1,000 certified contract advisors – only 50% of which have any clients. And in order to maintain their certification they have to have an active NFL client within a 3 year window.

You can imagine what lengths some guys will go to get a client, in order to remain being certified or simply to become one.

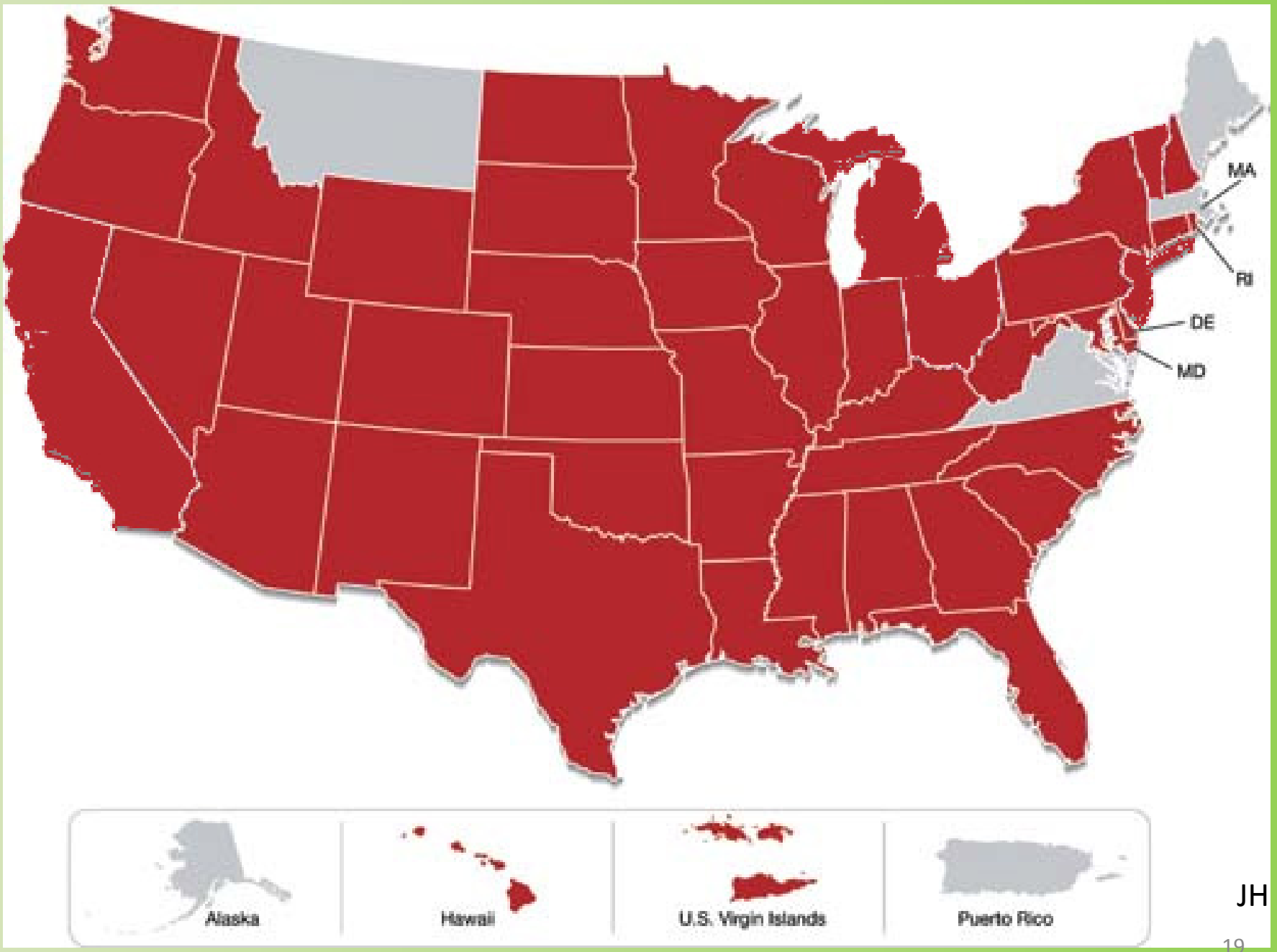
We bring people in every year from the NFL and the NCAA who can advise student-athletes to make good decisions on your future and to make sure that you don't do anything wrong to affect our team and your teammates by making yourself ineligible and make us forfeit games.

JH

State & Federal Laws

- UAAA (enacted in Oregon in 2000)
  - Uniform Athlete Agents Act
  - In 1997, the NCAA and several major academic institutions urged the ULC (Uniform Law Commission) to consider drafting a model law that would provide a uniform system for regulating athlete agents.
- Currently the UAAA has been passed in 43 states, the District of Columbia and the U.S Virgin Islands:

JH



JH

State of Oregon

- It is a ***misdemeanor*** for an agent to make contact with any student-athlete in the state of Oregon unless they are registered in the state of Oregon and the UO Athletic Director.
- It is a ***felony*** for an agent to make contact with any student-athlete in the state of Oregon and the UO Athletic Director if they are not registered and anything of value passes hands (i.e. a cup of coffee).

JS

What is an “Athlete-Agent?”

NCAA Definition

ANY *person (contract advisor, financial planner, marketing representative, runner or* ***ANY*** *staff member who is employed* ***OR*** *associated with a firm) who represents with purpose or intent, directly* ***OR*** *indirectly,* ***ANY*** *individual in the marketing of his or her athletics ability* ***OR*** *reputation,* ***OR*** *seeks to represent or gain financially.*

JS

“I’m NOT an Agent”

- Understand they (sometimes) interchangeably refer to themselves as: contract advisors, financial planners, marketing reps, insurance brokers, trainers, mentors, advisors, consultants, counselors, confidants, spiritual advisors, Dutch uncles, buttinskis, kibitzers, etc., etc., etc…. Yadda, yadda, yadda.

- Simply speaking… if they seek to represent or to gain a profit … THEY ARE AN AGENT!!!
- **$ = Athlete-Agent**
  If they are making a buck, they are an Athlete-Agent.

JH

Oregon State Law

JH

“State of Oregon Definition”

Definition in the State of Oregon

House Bill 3296

An individual who:

Enters into an agency contract with a student-athlete in the marketing of his or her athletic ability [or] reputation and includes any person, who represents, [or] seeks to represent, directly [or] indirectly, and seeks to receive consideration, [or] the promise of consideration, the forgiveness of debt and/ [or] the making of, [or] the forgiveness of a promise; or represents to the public that the individual is an athlete agent.

JH

What is an “Agency Contract?”

Definition in the State of Oregon

House Bill 3296

Agency Contract means:

a written [or] verbal agreement in which a student-athlete authorizes a person, entity, and/or organization or collection of individuals (as defined in ORS 174.109) or any other legal or commercial entity, to negotiate [or] solicit on behalf of the student-athlete a professional sports services contract, and endorsement contract, [or] any other agreement that would make the student-athlete ineligible to participate in an interscholastic or intercollegiate sport due to a violation of OSAA [or] NCAA or NAIA rules and regulations which governs student athlete eligibility and participation.

JH

This Means that **Anyone** Can be Defined as an Athlete-Agent

If there is direct, or indirect ***intent*** to market the abilities of a student-athlete.

Serving as an intermediary doesn't preclude someone from being an athlete-agent.

Claiming naiveté or ignorance of the rules and the law is not acceptable.

JS

4 CARDINAL RULES WHEN DEALING WITH AGENTS …

1. *Registered with the State of Oregon (UAAA)
2. *Registered with the AD at the U of O
3. Do NOT take ANYTHING of value (cup of coffee)
4. Do NOT agree to representation (verbal/written)

*These conditions must be met **BEFORE** any contact is made with an Oregon student-athlete or their families (phone, email, text, social networks, face-to-face, etc.).

JS

Agent Interview Process

Seniors & Underclassmen
(3 seasons removed from HS)

JH

Seniors & Juniors
Team Rules

- No face-to-face contact between senior football student-athletes and athlete-agents until after the last game of the regular season. Family ok.
- Face-to-face interviews with agents can be conducted between the last game and departure for bowl game site and again when on bowl site.
- Interviews can take place on AD premises and at team hotel under the supervision of AD staff and professional advisors. Help us to help you!

JH

Juniors (3 seasons from HS)

- It is highly recommended to submit for NFL draft evaluation before face-to-face contact with athlete-agents. (FYI applications will be submitted right after last game).
  - An evaluation is not a commitment to enter the draft… that is a separate process
- NFL's CAC evaluation will issue you one (1) of three (3) letters.
- We will assist in interview process at UO during Bowl practice, at Bowl site or even in January after the Bowl game.
- Player can withdraw from NFL draft, if no agreement has been made with an athlete-agent (verbal or written), by NFL-imposed deadline in mid Jan.

JH

Freshmen and Sophomores

- Absolutely **NO CONTACT** (written or otherwise) with an athlete-agent.
- Includes families/friends.

Historical % of Underclassmen Drafted by NFL

- Junior Rule
  - The NFL requires that to be "Draft Eligible three (3) seasons must have occurred after your high school graduation/ or the graduation of the high school class in which you entered, whichever is earlier.

  - History of underclassmen who have declared early admission to NFL Draft:

YEAR	DECLARED	DRAFTED	UNDRAFTED	PERCENTAGE
2014	98	62	36	63.3%
2013	73	50	23	68.5%
2012	65	44	21	67.6%
2011	56	43	13	76.7%
2010	53	46	7	86.7%
2009:	46	41	5	89.1%
2008:	53	39	14	73.6%
2007:	40	29	11	72.5%
2006:	62	34	28	54.8%
2005:	57	38	19	66.7%
2004:	44	35	9	79.%
2003:	54	32	22	59.3%
2002:	43	26	17	60.5%
2001:	54	31	23	57.4%
2000:	31	20	11	64.5%

JH

University of Oregon Football Policies

JH

4 Elements of Athlete-Agent Representation

1. Contract Advisor (3%)
   Certified with the NFLPA (3 year rule)
2. Financial Planner (depends on investment)
   Registered with the NFLPA
3. Marketing Representative (0-30%)
   No official oversight
4. Tax Accountant (hourly rate)
   Federal and state oversight

- Runners/Insurance Agents/Trainers/3d Parties

JH

NFL College Advisory Committee

- CAC Evaluation
- Football Student-Athletes who are at least 3 years removed from high school

JH

Tickets

Under no circumstances should a student-athlete provide an athlete-agent game tickets through Player Guest, nor should they provide access to other student-athletes on the University premises or otherwise.

JS

Family and Friends

Family members and friends often get drawn into meetings or agreements with the best intentions, but it can affect the student-athlete's college eligibility and further, the fortunes of a collective college football team.

Therefore, it is critical for the student-athlete and their families to know that family members and friends must also abide by these rules and cannot act as de facto representatives of the student-athlete without endangering the eligibility of the student-athlete.

JS

Oregon Football Advisory Panel

- Assembled by the student-athlete.
  - Family (parent / guardian etc.)
  - Athletic department administrator
  - Compliance Director
  - Life Skills Director
  - Judge
  - Behavioral Therapist
  - Coach
  - Representative from Warsaw School of Sports Marketing
  - Representative from University School of Law
  - Faculty / Staff member (current or former)
  - Financial Planner (who will not represent you)
  - Former agent
- Student-athlete runs the meeting and asks the questions.
- Student-athlete makes final decision.
- Advisory group will assist in creating pertinent questions.
- Advisory group will **NOT** weigh-in regarding who the student-athlete should choose.

JH

Sample Questions for Contract Advisors

1. Are you certified by the NFLPA?
2. Are you registered with the DOE in the state of Oregon as an agent?
3. Have you registered with the compliance office at the University of Oregon?
4. Did you attend / graduate from law school?
5. What is your educational background?
6. What is your professional background as a Contract Advisor (aka Agent)?
7. Have you ever been disbarred, suspended, reprimanded, censured, or otherwise disciplined or disqualified as an attorney or as a member of any other profession?
8. Are there currently any complaints or charges pending against you regarding your conduct as an attorney or Contract Advisor?
9. Have you ever been investigated or found guilty for any violations of NCAA or any professional league (NFL, CFL, NBA, MLB, AFL, etc.) rules?
10. Are you certified by any other professional sports organizations? Which?

JH

Sample Questions for Financial Planners

1. Are you registered with the NFLPA Financial Advisor's Program?
2. Are you registered with the DOE in the state of Oregon as an agent?
3. Have you registered with the compliance office at the University of Oregon?
4. Are you a broker or registered investment broker?
5. What is your fee structure?
6. Is there a minimum account size?
7. Do you use internal proprietary funds, and if so, what is the fee structure?
8. How do you obtain diversification within a client's account?
9. Who is the custodian, and why?
10. Is there an additional charge for transaction fees?

JH

What Do You Want Out of Life?

- To play on Sundays?
- What about life after the pros?
- Degree
  - Players with a degree earn 20-30% more
  - Players with a degree have a career that lasts 50% longer
- Post NFL Career Goals
  - Average playing career is 4.3 years
  - Pension does not start until year 3

JS

Always use …

1. Integrity
2. Honesty
3. Character

And take care of each other!

