

MEMORANDUM

TO: Persons Wishing To Apply for U.S. Soccer
International Players' Agent Licenses
FROM: Gregory Fike
Staff Attorney, U.S. Soccer
DATE: May 2010
RE: FIFA Players' Agent Licensing Procedures

This Memorandum outlines the procedures for obtaining a U.S. Soccer International Players' Agent License.

Under FIFA Rules, players and clubs are entitled to use the services of a "players' agent" to represent them or safeguard their interests in negotiations with other players or clubs. FIFA regulations provide that national organizations, such as U.S. Soccer, shall develop procedures for providing a "license" to certain players' agent who have complied with FIFA requirements.

U.S. Soccer does not require that a players' agent be "licensed" in order to serve as an agent for a player or a club. FIFA regulations, however, forbid players and clubs from using "the services of a non-licensed players' agent," and contain provisions under which FIFA may discipline players and clubs who fail to comply. Thus, U.S. Soccer has put into place a set of voluntary application procedures through which an applicant, if he or she successfully completes the process, may receive a license from U.S. Soccer indicating that the applicant has fully complied with the requirements for players' agent licensing as set forth in the FIFA regulations.

Please note that there are a number of federal and state laws that address the issue of who may or may not serve as an agent. Regardless of whether an agent obtains a U.S. Soccer players' agent license, each agent is individually responsible for determining whether he/she is complying with applicable laws.

Persons Eligible to Apply for Players' Agent Licenses: A person is eligible to apply for a players' agent license from U.S. Soccer if he or she: (1) is a U.S. citizen; or (2) has resided in the U.S. constantly for at least two years. Licenses are issued to individuals only, and companies or organizations are not eligible. No person may apply for a license if they hold a position as an official or employee with FIFA, a confederation, a national association, a league, a club, or any organization connected with any of these groups.

Exemptions from Player Agent Licensing: In connection with obtaining a players' agent license, FIFA regulations provide that a players' agent need not be licensed if: (1) the agent is a parent, sibling or spouse of the player in question; or (2) the agent is legally authorized to practice as a lawyer in the agent's country or domicile.

Application Procedures:

STEP 1: YOU MUST COMPLETE AND RETURN THE ENCLOSED APPLICATION.

Persons interested in obtaining a U.S. Soccer International Players' Agent License must complete the enclosed Application and return it, together with a cashier's check or money order with a Criminal Background Investigation Fee of \$400.00 (see Step 2 below), to U.S. Soccer at the following address:

**United States Soccer Federation, Inc.
1801 S. Prairie Avenue
Chicago, IL 60616
Attention: Gregory Fike
Staff Attorney, US Soccer**

* **Deadline:** As explained below, exams are given in March and September. Because we must allow several weeks for the background check and other administrative matters, deadlines for the exams are as follows. There are **no exceptions** to this rule:

- March exam: Application must be received by U.S. Soccer no later than February 15.
- September exam: Application must be received by U.S. Soccer no later than August 15.

If an applicant misses the deadline, the application will still be accepted and, if the background check results are satisfactory, the applicant will be enrolled in the next exam. (For instance, applications coming after February 15 will be accepted for the September exam).

STEP 2: YOU MUST SUBMIT TO A CRIMINAL BACKGROUND CHECK

Your Application must be accompanied by a ***non-refundable**** cashier's check or money order in the amount of Four Hundred Dollars (\$400.00) made payable to: **United States Soccer Federation, Inc.** This fee will cover the costs of a criminal background check, which is required to be performed prior to the issuance of any license.

* **Please note that this fee is non-refundable even where the applicant is not subsequently granted a license.**

U.S. Soccer will have a background investigation conducted by an independent investigation firm. By submitting an Application to U.S. Soccer, Applicants consent to the Background Investigation and use of all information obtained in connection with the licensing process.

STEP 3: YOU MUST PASS A WRITTEN EXAMINATION

Once U.S. Soccer determines that the application is complete, it will call the applicant for a written examination. At this time, U.S. Soccer will also require the applicant to pay a non-refundable fee of \$200 to cover the costs of the examination, the costs of issuing player agents' cards, and other licensing procedures.

This examination is scheduled by FIFA for two times per year – to be set by FIFA for specific dates in March and September. Please note – FIFA will announce the date of the exam in January and July of each year. The examination is held in Chicago, Illinois. Applicants will be responsible for the payment of all expenses in connection with attending the examination, including, but not limited to, airfare, ground transportation, hotel, meals or other incidentals.

A time limit will be set for each examination – USSF currently allows 90 minutes to take the examination, the maximum length of time allowed under FIFA’s regulations. Please note that FIFA regulations require the examination to be given on one specific date, worldwide. There will be no opportunity for a “make-up” examination – if an applicant misses the time scheduled for an examination, he or she will need to wait until the next scheduled date.

According to FIFA regulations, the examination will contain twenty questions: fifteen set by FIFA and five set by U.S. Soccer. The subjects to be covered are listed in FIFA’s Players’ Agents Regulations, Article 9. U.S. Soccer recommends that applicants review the following material, located at the listed website:

www.fifa.com (FIFA’s examination notification letter for April 2010 states that the examination material consists of the documents listed below.)

- FIFA Statutes, as adopted at the Ordinary Congress in Nassau on 3 June 2009;
- Regulations Governing the Application of the FIFA Statutes, as adopted at the Ordinary Congress in Nassau on 3 June 2009;
- FIFA Regulations on the Status and Transfer of Players, edition 2009, including the Annexes (1 to 5);
- Rules for the Status and Transfer of Futsal Players, Annex 6 of the FIFA
- Regulations on the Status and Transfer of Players;
- FIFA Players' Agents Regulations, edition 2008, including the Annexes 1, 2 and 3;
- Rules Governing the Procedures of the Players' Status Committee and the Dispute Resolution Chamber, edition 2008;
- FIFA Disciplinary Code, edition 2009, First Title: Chapter I, Section 1 to 6 and Chapter II, Section 8;
- Circulars and any annexes as follows:
 - No. 792 : Coordinated International Match Calendar;
 - No. 1125: Revised FIFA Players' Agents Regulations;
 - No, 1147: Eligibility to play for representative teams Articles 15 - 18 of the Regulations Governing the Application of the FIFA Statutes;
 - No. 1148: Revised Rules Governing the Procedures of the Players' Status Committee and the Dispute Resolution Chamber;
 - No. 1160: Revised FIFA Players' Agents Regulations.
 - No. 1185: FIFA Regulations on the Status and Transfer of Players;
 - No. 1190: Revised Regulations on the Status and Transfer of Players - Protection of minors;
 - No, 1200: Amendments to the FIFA Statutes and to the Regulations Governing the Application of the Statutes;

- No. 1206: Revised Regulations on the Status and Transfer of Players Protection of minors;
- No. 1209: Protection of minors.

www.ussoccer.com (under “About U.S. Soccer” and the “Governance” button)

- U.S. Soccer Federation Bylaws
- U.S. Soccer Federation Policies

In addition, applicants should review general principles in agency and contracts law in the United States. U.S. Soccer provides to each examinant a copy of the most recent exam, with an answer key. These are distributed in the month before the exam, along with the notice of the time and place of the exam. Except for a copy of the most recent exam, U.S. Soccer does not provide any study materials and has no further advice on items to study.

FIFA will fix the minimum mark necessary to pass the examination. U.S. Soccer will inform applicants, before they take the examination, what minimum mark must be attained. Exams will be graded within 5 business days of taking the exam, and applicants will be notified of their results by email or facsimile.

STEP 4: YOU MUST OBTAIN PROFESSIONAL LIABILITY INSURANCE

Upon the successful completion of the background check and the examination, the applicant must then obtain professional liability insurance that complies with the requirements set out in FIFA’s Players’ Agent Regulations, Art. 9.

The applicant must obtain the necessary insurance and submit a copy of its insurance policy to U.S. Soccer. U.S. Soccer will review the policy, and will determine whether the policy complies with the requirements set forth by FIFA in its regulations.

STEP 5: YOU MUST SIGN THE CODE OF PROFESSIONAL CONDUCT

Each applicant who has successfully completed the background check process, has passed the examination, has obtained the necessary insurance, has paid all applicable fees, and has otherwise complied with all license application requirements will be sent a Code of Professional Conduct form, (contained in the FIFA Players’ Agent Regulations, Annexe 1), to sign. The applicant will be asked to return the form, along with two passport-sized photos (for creation of an identification card).

Upon receipt of a signed Code of Professional Conduct from the applicant, U.S. Soccer will issue a license, certifying that the applicant has completed the licensing requirements as set forth in FIFA’s Players’ Agent Regulations.

STEP 6: YOU HAVE CERTAIN RIGHTS TO APPEAL

If U.S. Soccer rejects an application for any reason, the applicant may send his or her application to FIFA, for consideration by the FIFA Players’ Status Committee.

Should you have any additional questions or comments, please do not hesitate to give me a call at (312) 528-1278.