

Chapter SPS 153

STANDARDS OF PRACTICE

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Note: Chapter RL 153 was created as an emergency rule effective 10-05-04. Chapter RL 153 was renumbered chapter SPS 153 under s. 13.92 (4) (b) 1, Stats., Register November 2011 No. 671.

SPS 153.01 Required form of contract. An agency contract shall be in a record, signed or otherwise authenticated by the parties. The athlete agent shall give a record of the signed or otherwise authenticated agency contract to the student athlete at the time of execution.

History: CR 04-110: cr. Register June 2005 No. 594, eff. 7-1-05.

SPS 153.02 Agency contract contents. An agency contract must state or contain all of the following:

- (1) The amount and method of calculating the consideration to be paid by the student athlete for services to be provided by the athlete agent under the contract and any other consideration that the athlete agent has received or will receive from any other source for entering into the contract or for providing the services.
- (2) The name of any person not listed in the application for registration or renewal of registration who will be compensated because the student athlete signed the agency contract.
- (3) A description of any expenses that the student athlete agrees to reimburse.
- (4) A description of the services to be provided to the student athlete.
- (5) The duration of the contract.
- (6) The date of execution.
- (7) An agency contract must contain, in close proximity to the signature of the student athlete, a conspicuous notice in boldface type and capital letters stating the following:

WARNING TO STUDENT ATHLETE
IF YOU SIGN THIS CONTRACT:

- 1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT ATHLETE IN YOUR SPORT;
- 2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER ENTERING INTO THIS CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN WHICH YOU MAY PARTICIPATE, WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR; AND
- 3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.

History: CR 04-110: cr. Register June 2005 No. 594, eff. 7-1-05.

SPS 153.03 Athlete agent to provide notice to educational institution. Within 72 hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete agent shall give notice in a record of the existence of the contract to the athletic director of the educational institution

at which the student athlete is enrolled or the athlete agent has reasonable grounds to believe the student athlete intends to enroll.

History: CR 04-110: cr. Register June 2005 No. 594, eff. 7-1-05.

SPS 153.04 Right to cancellation by student athlete not to be waived. An agency contract may not provide that a student athlete may waive the right to cancel the contract.

History: CR 04-110: cr. Register June 2005 No. 594, eff. 7-1-05.

SPS 153.05 Return of consideration for cancelled agency contract prohibited. An agency contract may not provide that if a student athlete cancels an agency contract, the student athlete is required to pay any consideration under the contract or to return any consideration received from the athlete agent made to induce the student athlete to enter into the contract.

History: CR 04-110: cr. Register June 2005 No. 594, eff. 7-1-05.

SPS 153.06 Records. An athlete agent shall retain all of the following records for a period of 5 years. Records are to be open to inspection by the department during normal business hours. Upon demand, an athlete agent shall provide a copy of a record that includes all of the following to the department:

- (1) The name and address of each individual represented by the athlete agent.
- (2) Any agency contract entered into by the athlete agent.
- (3) The amount and date of any direct costs incurred by the athlete agent in the recruitment or solicitation of a student athlete to enter into an agency contract.

History: CR 04-110: cr. Register June 2005 No. 594, eff. 7-1-05.

SPS 153.07 Change of address. A registrant shall notify the department of a change of address as required under s. 440.11, Stats.

History: CR 04-110: cr. Register June 2005 No. 594, eff. 7-1-05.

SPS 153.08 Prohibited conduct. (1) An athlete agent, with the intent to induce a student athlete to enter into an agency contract, shall not do any of the following:

- (a) Give any materially false or misleading information or make a materially false promise or representation.
 - (b) Furnish anything of value to a student athlete before the student athlete enters into the agency contract.
 - (c) Furnish anything of value to any individual other than the student athlete or another registered athlete agent.
- (2) An athlete agent shall not intentionally do any of the following:
- (a) Initiate contact with a student athlete unless registered as an athlete agent.
 - (b) Refuse or fail to retain or permit inspection of the records required to be retained by s. SPS 153.06.
 - (c) Fail to register when required by s. 440.991, Stats.
 - (d) Provide materially false or misleading information in an application for registration or renewal of registration.
 - (e) Predate or postdate an agency contract.

(f) Fail to notify a student athlete before the student athlete signs or otherwise authenticates an agency contract for a particular sport that the signing or authentication may make the student athlete ineligible to participate as a student athlete in that sport.

History: CR 04-110: cr. Register June 2005 No. 594, eff. 7-1-05; **correction in (2) (b) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.**

SPS 153.09 Reporting convictions. An athlete agent who has been convicted of a crime in this or another state shall send to the department within 30 days after the judgment of conviction a copy of the complaint or other information which describes the nature of the crime and the judgment of conviction.

History: CR 04-110: cr. Register June 2005 No. 594, eff. 7-1-05.

SPS 153.10 Reporting administrative or judicial determinations and sanctions. An athlete agent who has been the subject of an administrative, judicial or other governing

body determination or sanction shall send to the department within 30 days after the determination or sanction becomes final, an official form of notice, judgment or other record from the administrative, judicial or other governing body forum for any of the following:

- (1) A determination that the athlete agent has made a false, misleading, deceptive or fraudulent representation.
- (2) Any instance in which the conduct of the athlete agent resulted in the imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event on a student athlete or educational institution.
- (3) Any sanction, suspension, or disciplinary action taken against the athlete agent arising out of occupational or professional conduct.

History: CR 04-110: cr. Register June 2005 No. 594, eff. 7-1-05.