

Being a Sports Agent: Examining the Profession of Athlete Representation

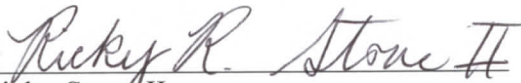
In fulfillment of the Requirements for
The Esther G. Maynor Honors College
University of North Carolina at Pembroke

By

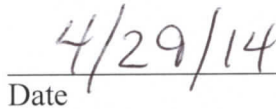
Ricky Stone II

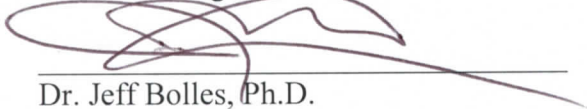
Exercise & Sport Science

April 29th, 2014

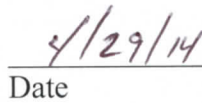


Ricky Stone II
Honors College Scholar


Date

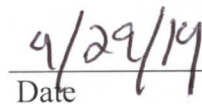


Dr. Jeff Bolles, Ph.D.
Faculty Mentor


Date



Mark Milewicz, Ph.D.
Dean, Esther G. Maynor Honors College


Date

Acknowledgments

This work was very important to me outside of fulfilling an educational requirement. The information that I was able to compile along with the assistance I received throughout this process not only allowed me to complete my research, but also provided me with more insight into the industry of athlete representation. I would like to express gratitude within this work to the following individuals:

Dr. Jeff Boles, Ph. D.

Sam Renaut

Jarrett G. Meadors

Without the efforts that these gentlemen put forth, I would have more than likely ended up having to restructure the approach of my study into a completely alternate, less satisfying version of the initial thesis that I desired to complete. The individuals listed above offered their personal network contacts to contribute to the progression of my endeavors at the most crucial moment of this process. I am extremely grateful for the deeds that I was able to request and receive from these people.

TABLE OF CONTENTS

Abstract.....	2
Introduction.....	3
Review of Literature.....	4
Analysis.....	13
Discussion.....	20
Conclusion.....	25
Methodology.....	26
References.....	27
Appendices	
Appendix A: Survey Questions.....	30
Appendix B: IRB Approval.....	33
Appendix C: Email Cover for Survey Instrument.....	34

ABSTRACT

BEING A SPORTS AGENT: EXAMINING THE PROFESSION OF ATHLETE REPRESENTATION

By
Ricky Stone II
Exercise & Sport Science
The University of North Carolina at Pembroke
May 2014

Anything that remains relevant in society over time faces changes with progression in culture and technology, including goods, services, laws, and especially professions, that may seem strange to imagine life without. The tricky thing about professions is that if they don't respond well to adaptations, they are usually eliminated if a substitution can be created to yield similar results. This is not any different for athlete representation, which is a profession that has seen many changes but still is a necessary field to prevent professional athletes from being taken advantage of by organizations and vice versa. This is an examination of how modern advancements, controversy, and motivation have collectively shaped the perspective of the field from the opinions of those currently involved in the profession. A survey was sent to several agencies to gather data about the general response to issues such as the impact of social media, aggressive agents, certification regulations, and the future of the profession, among other things. While analyzing the data collected from the survey, this thesis will provide brief background information on the main pillars that sustain this profession. The information offered will provide insight for people who may have a serious interest in this occupation to the casual inquirer who would just like to discover facts about this line of work.

Introduction

Athlete representation is a very complex and misunderstood profession. The people who participate in the profession have faced a heavy amount of scrutiny over the issues that plague agents who do their work the wrong way. This criticism has subsequently caused these professionals to close themselves off from the prying minds of the outside world. Not much thought is given to all of the duties that this career entails and how the people who are in this field respond to the demands. When the controversy becomes larger with each problem, how do these professionals react? One may even become curious as to how someone could become involved in such a profession when the few avenues to obtain information are disguised so much that aspiring agents work hard for years to get a foot in the door, leading some to resort to unethical tactics in order to scale the ranks of success in an accelerated manner.

This study has been developed to dig deeper into the mysterious operations of sports agents, athlete representation and their respective impacts on each other's careers. The constant evolution of society and the workings of modern sports will often throw a wrench into plans of success for both athletes and their agents. How do they adjust? How do they feel watching damaging incidents unfold? What steps should be taken in order to move towards a more stable, secure environment for the practicing professionals currently in the fray, as well as the future professionals who desire to take part in the industry the RIGHT way? Origins of careers as well as potential pitfalls and worries are discussed and examined through analysis of a survey along with a review of literature, articles, and other various sources of information that provide the most insight on topics that may be of concern to anyone who has an interest in the profession popularized by the likes of Scott Boras, Drew Rosenhaus, Bill Duffy, and perhaps most famously, Jerry Macguire.

Review of Literature

Athlete Representation

The sports agent is the link between the personal and professional life of the athlete, arranging and securing the opportunities for the individual to prosper playing sports during the physical peak years of their life. The athlete should carefully select his agent, the person who will represent him in business negotiations. The agent is trusted to advocate on behalf of the athlete, and more importantly, the agent is cognizant of how much the athlete is making, could make, and will be able to make in the future. Agents may often act as athlete's personal managers, working to advance athletes' reputations, vocations, and earning potential. The agent is the essential link between the general business world and the athlete.

The sports agent may be involved in many aspects of an athlete's professional life, but the agent's primary responsibility is keeping the athlete employed and in compliance with contractual obligations. An additional aspect of athlete representation can include the agent's background in specialized education, as far as what additional services to offer along with representation. Sports agents traditionally assumed various roles according to the needs of their clients (Davis, Mathewson, and Shropshire, 1999).

The role of a sports agent has expanded greatly. According to Jones (1999), professional athletes were left on their own to negotiate the terms of their contracts. Agents currently manage the terms of anything that an athlete participates in, from the athletic front to entertainment fronts (commercials, movies, TV shows, etc.), all of which they expect to receive compensation for. The profession of sports representation is credited to the relationship between Bob Woolf and Earl Wilson, former pitcher for the Boston Red Sox, which ultimately led to the career development of the athlete agent (Jones, 1999).

The main duty that the sports agent serves is representing the athlete in contract negotiations with a professional sports organization. Sports agents are brought in to reach a negotiable and fair agreement for the athlete to sign without personal conflicts interfering with the nature of business. Leigh Steinberg could possibly be credited with sparking a growth worldwide in this industry by allowing a director to loosely base the movie *Jerry Maguire* off of what took place in his life over the course of a year (Roberts & Torre, 2012). The life of a very successful sports agent can be almost as glamorous as those of the athletes that he or she may represent, but there is a lot of hard work that goes into reaching such a level of success.

The Athlete-Agent Background

Most athletes are focused on becoming the best competitors they can be and lack the knowledge or composure to conduct themselves properly in business negotiations. Because such negotiations determine the athlete's job and earnings, the agent is obligated to act in good faith and loyalty while representing his athletes, the legal definition of a fiduciary relationship (Jones, 1999). In any occupation, less stress allows a person to be more successful, and that pertains to professional athletes as well. Agents represent athletes whether they participate in individual or team sports (Dailey & Fenech, 2003).

An agent may have many different routes to becoming a representative of current professional athletes. A few paths may include being a former athlete, which may drive them to help following athletes avoid the same disadvantages and pitfalls that they may have been exposed to during their career or a former front office executive for a professional sports organization may have realized an injustice in how contract negotiations have been handled and may desire to set a new standard for this process.

The athlete-agent tandem will often work together in order to ensure success for one another and themselves by striving for advancement in the right ways. In an ideal scenario, the agent will work to provide long stints of employment and financial security for their clients in order to build a reputation that attracts more current and future clients while the athletes will work hard to assure that the agent will have statistics to support more years and dollars on the next round of contract negotiations along with income opportunities from many other avenues.

Protecting the Athlete

Over the years, agents and agencies alike have used ways to manipulate and even trick athletes into entering a representation agreement before they have decided who would be the right person to handle their business on their behalf. Player agent regulations have been sought after following repeated stories of improper business practices used to secure clients (Davis, Mathewson, & Shropshire, 1999).

Former United States president Teddy Roosevelt expressed a desire to have the early stages of collegiate football ruled by a governing body that could create and institute regulations that made the game safer, leading to the creation of the National Collegiate Athletic Association (NCAA) (Jones, 1999). The NCAA has taken many steps to combat injustice while at the same time making sure that the student athletes as well as the athletic departments are more aware of the terms of amateurism in order to abide by them more effortlessly. The excuse that many players use to escape severe punishments on their behalf is that they didn't know about the rules, but as Feinstein (2010) states, "Not only do players know the rules, the rules are pounded into their heads."

One specific problem that has plagued many successful NCAA sports programs has been the involvement of boosters. Boosters are usually alumni of the school who are doing very well

financially who willingly donate large amounts of money towards athletic programs of a school and graciously support various fundraising efforts. There are good boosters and bad boosters in the world of college athletics and the bad boosters are the ones who knowingly or unknowingly will jeopardize the eligibility student athletes have to compete in sporting events for the school. A positive example of booster support is gas tycoon T. Boone Pickens, who has donated over \$500 million to his undergraduate alma mater of Oklahoma State University in the early 2000s, according to Forbes (2010). The football stadium was named after him following his generous contributions to the university to show appreciation for his deed. This type of support does not draw NCAA investigation because it benefits the school and the athletic department as a whole rather than a few key individual athletes. A negative example of booster support occurred with the University of Miami athletic program and booster Nevin Shapiro. Shapiro made large contributions to the university's athletic program and had the student athlete lounge named after him but he was charged in 2010 for running a Ponzi Scheme that robbed many creditors and investors of millions of dollars, he also gave money and expensive gifts to important Miami figures such as then Miami Heat player Shaquille O'Neal and the Miami police chief (Hanks, 2010). He was also the center of an NCAA investigation due to his gambling habits that he heavily cashed in on because of inside information he'd receive from members of the football team and its coaching staff (Thamel & Wolff, 2013). His illegal activities (he was also believed to give money, gifts, and favors to various members of the Miami Hurricanes' student-athlete population over the time period from 2002-2010, consisting largely of football and basketball players), along with his criminal findings led to the university's athletic program undergoing a three year period where they lost three scholarships each year in addition to its' self-imposed two year postseason ban which they served the last two seasons (Daniels, 2013).

One way that the NCAA attempts to keep the problems in the past is that they require all student athletes to be honest disclosing any information during investigations, regardless of possible outcomes. “Knowingly furnishing the N.C.A.A. or the individual’s institution false or misleading information concerning the individual’s involvement in or knowledge of matters relevant to a possible violation of an N.C.A.A. regulation” is prohibited by NCAA bylaw 10.1 (d) (Evans, 2009). This rule was violated by current Dallas Cowboys wide receiver Dez Bryant when he played at Oklahoma State University. When initially questioned about a meeting he had with NFL legend Deion Sanders one day in Texas, Bryant denied that he went into Sanders’ home for dinner, but later investigation confirmed that Bryant had dinner with Sanders in his home, causing Bryant to be ruled ineligible for his junior season (Evans, 2009). Although Bryant was one of the most dynamic college players in the country, missing the majority of his junior season caused his draft stock to plummet to the 24th overall selection of the NFL draft. This shows that even actions punished during your collegiate career still may have a noticeable impact on the professional end as well.

Another way that the NCAA attempts to protect student-athletes is making it illegal to make contact with members of professional sports organizations. The professional sports leagues and the NCAA work together to levy the punishment towards the offending sports organization as a whole. In 2011, the NBA issued a fine of \$50,000 to the New Jersey Nets (now the Brooklyn Nets) because one of its owners had went into the locker room of the Kentucky Wildcats to congratulate the team following a win in the Elite Eight round of the NCAA Men’s College Basketball Tournament. In the rules policed by the NBA, team personnel are not allowed to have contact with basketball players who are ineligible for the draft (NBA, 2011). It just so happened that the owner in question was Shawn Carter, better known as rapper Jay-Z. Many of these

young men were probably fans of the superstar entertainer and Carter likely wanted to be seen solely as a celebrity fan but as an owner he is not allowed to interact with amateur athletes.

Carter obviously meant no harm with his actions, but this maneuver made by other team officials in the past could easily persuade top talents to leave school early.

Agents vs. Agents

As in any profession, there is heavy competition amongst those in field, and athlete representation is no different. Hindrances that put agents in a finite operation space to obtain and satisfy clients are met with other agents who are often trying to reach the same potential clients, while resorting to underhanded and most of the time illegal tactics to win their favor. The athlete-agent contract currently serves as the strongest and only tool that keeps agents from losing their clients right under their eyes. Competition in any nature is an efficient way of separating those who really want to reach desired goals from those who aren't willing to work for those same result, but there is obviously no way to police the competition when the competitors go to extreme lengths to cover up what they have done in order to excel.

The biggest strike against sports agents, more so in earlier times, was that they would financially support amateur athletes in hopes of securing a client and having a head start on agents that would legally recruit clients the proper way. This would often include but was not limited to giving money to players for family members, paying for social outings with friends, and buying food or clothing for the athlete. One agent has told of his experience of these chronicles on the road to success in this field. Josh Luchs tells how he first began to give athletes money and then he was shown how to lure in more athletes by learning under the wing of a more seasoned agent who was doing the same thing but had achieved more by doing so (Dohrmann, 2010). The actions committed by Luchs and those he worked with came to light well after he

attempted to walk the straight and narrow by doing well the right way at a new agency, which led to his dismissal.

In the current state of this profession, many agents are under an umbrella and work together at agencies. They will pool their resources in order to keep current clients satisfied while using a collective clientele to lure in more clients. Karcher alludes to this trend occurring as early as 1995 in which agents have been persuaded to join a larger entity and bring their success with them (as cited in Disbarring Jerry Maguire, 2007, p. 230). One legal and acceptable way that agents can build credibility is the old fashioned way, and that is to obtain clients that will excel in their sport inside and outside of the playing scope to urge organizations to throw millions of dollars to acquire their services. When other rising athletes notice that the same agent represents several established, prosperous athletes, it will draw interest and a desire for similar results.

Social Media, Secrets, & Consequences

Twitter, the popular micro-blogging site that allows one to send informative blasts to all of their “followers” in no more than 140 characters per post, has transformed into an avenue used to broadcast more information than what should be known. For example, the University of North Carolina Chapel Hill faced sanctions in 2010 from the NCAA due to a tweet from former star Tar Heel football player Marvin Austin. This tweet offered investigators insight to possible violations committed by agents who paid for Austin to enjoy an outing at a lavish nightclub in Miami, Florida. These findings also led to investigations at Marvin’s school in Chapel Hill, where several infractions were found within the football program separate from this particular incident (Carter, 2013). The NCAA handed down sanctions to the football program in addition to the self-imposed ones issued before the ruling came down, a tactic often employed to avoid harsher violation penalties that could perhaps cripple the program. Although this is an extreme

case, tweets and other social media posts can be incriminating evidence against anyone, including the person who posted the information.

A lot of athletes, professional or amateur, use social networking to communicate with other athletes or to send fans personal updates on a more frequent basis than a news report or a sanctioned team press release. This may seem beneficial to diehard fans that enjoy every morsel of information they can get concerning their favorite players and teams. There are also instances in which these blasts can be detrimental to the posting party and anyone involved with them. In 2011, UNC basketball player P.J. Hairston sent out a tweet prematurely announcing that an injury would keep him out of an upcoming game against the University of Kentucky, prior to the team's official injury report (North Carolina, 2011). Of course, this did not sit well with the basketball staff due to the fact that the trainers had yet to determine the injury wasn't significant enough to hold him out of competition. The leaks that come from social networking can often give opponents an advantage in preparation to hinder an injured player's performance, or in a contact sport such as football, having a target to focus on that would all but assure a victory. Users of these social networking sites should always be aware that anything they may post can cause issues of any size, especially professional or amateur athletes that are affiliated with any major programs or organizations. Former NFL player and head coach Herman Edwards gave a speech that included a now popular quote when dealing with social media as a professional athlete, "don't press send!" prompting the athlete to reconsider the contents of a post and possibly clean up the post or omit the submission altogether. Edwards now uses this topic at many speaking engagements he addresses student-athletes and rookie professional athletes (McCollum, 2013). League commissioners have even gone as far to have their players' posts monitored and levy fines for any explicit or negative content that makes its way to the internet as

a reminder that their content is capable of reaching the youngest and most impressionable fans that look up to athletes. This communication method that makes fans closer to their favorite sports figures now more than ever can create a mess for an agent to work tirelessly to clean up for the good of his client.

Analysis

The following information contains the questions that made up the survey that was sent out to the accessible agents, along with the responses recorded from those who participated in the survey. Each respondent's answer is included by participant number (e.g. 1 = participant 1). The

responses to each question are duplicated exactly as recorded for accuracy purposes. Each set of responses is followed by a summary qualitative analysis that explains the common apparent link between each respondent's answer for each question on the survey.

What made you want to pursue a career in this field?

1. I was a division I athlete in college and wanted to wrap my business degree, my law degree and my sports background into one package for my career
2. Several things. I've always loved sports, but I was not gifted enough for a playing career to even be a consideration, so I had to find another way. I've worked in sports since college in several different capacities. Becoming an agent just felt right – like it suited my skillset well. I love having the opportunity to work with truly special kids who really can make a mark on this world. It's very rewarding, and the glamour of being a part of one of the biggest industries in the world is pretty fun, too.
3. Love of sports, law, media.
4. I had a love of sports and a love of business.

Summary Qualitative Analysis: The main reason shared by the subjects is a love for sports. The main desire appeared to be to remain heavily involved in the sports world by turning their passion into a career path. This factor was then tied into a secondary passion for either law or business.

When did you know for certain that you wanted to be a sports agent?

1. Somewhere between my 4th year of college and during my 1st year of law school.
2. Becoming a sports agent was the reason I decided to attend law school, so I guess it was at that point that I knew for certain. I took the LSAT on a whim, scored well, and when I committed to Arizona State, it was with the intention of becoming an agent.
3. 2nd year law school.
4. After graduating and stepping into the corporate world, I realized that I missed playing and being involved with sports on a regular basis. So, I made a career change.

Summary Qualitative Analysis: As a whole, the decision to become a sports agent became a certainty upon completion of undergraduate studies and before completion of law school studies. One subject realized that the career path initially embarked on was not a fulfilling one, desiring for a return to sports involvement.

Once you decided to become a sports agent, did you have a role model or guiding figure within the profession?

1. No. I came from a family of attorneys, one of whom played in the NFL. My role models were therefor attorneys and how they represented their clients and the interactions.
2. I was very fortunate to be hired as an intern by a veteran NFL agent who has served as a mentor for me since entering the profession. Through him, I have met several other people who have helped to guide me, including other agents within the company that he and I joined last year.
3. Yes.
4. Not really, self-taught and learned by trial-and-error.

Summary Qualitative Analysis: The response to this question is very mixed. One subject didn't have a sports agent role model but did have family members who were attorneys, including one who played in the NFL. Another subject said that an internship with a veteran NFL agent presented an opportunity to meet and establish a beneficial relationship with an eventual mentor. Another subject revealed that the process of trial-and-error through self-teaching was the route taken, sans mentor or role model.

What were your biggest concerns regarding your potential success in this industry?

1. I didn't have any. I was always confident in my ability to become a good lawyer and was of the view point (still am by the way) that if my abilities don't match with a professional athlete's needs then they should hire someone else.
2. It's a vicious, cutthroat industry, and only the 10-20 agents are truly "successful" in terms of getting top clients and being known in the business. Concerns range from the difficulties in recruiting, succeeding as an honest agent when the competition isn't necessarily honest, knowing that your success is based entirely on someone else's ability to do their job. It's highly competitive, and if you are not on your A-game 24/7, someone else is, and you are missing out.
3. Making money at it/making a living.
4. Overcoming the fact that I had no experience and/or a client list.

Summary Qualitative Analysis: Besides one subject who exuded confidence through a "take it or leave it" approach, the other subject cited fears including, but not limited to, making a successful living in the field, competing against other agents, and lack of experience or clientele.

What are some of the biggest misconceptions that you have heard regarding this profession?

1. Too many to name. One is that we earn 10%. One is that we are all like (fill in name of any agent who has been in the media for doing something they shouldn't).
2. A few bad agents give all of us a bad name. Everyone thinks agents are sleazy cheater who would sell their own first born to get the client. That's not the case for a lot of us.
3. No Response

4. “Sports agents are slimeballs.” Just like in every profession, there are some bad apples, but for the most part sports agents are good people.

Summary Qualitative Analysis: The subjects seem to generally express the same idea that the members of a profession are generalized in a negative manner due to the publicized exploits of the most known agents in the industry. All agents are assumed to be underhanded, sneaky, and that assumption is emphasized following every new incident or scandal that is uncovered.

Matrix Response Statements (1=Strongly Disagree, 2=Disagree, 3=Neither Agree or Disagree, 4=Agree, 5=Strongly Agree)

The negative perceptions of sports agents are misconstrued.

- 2, 2, 3, 4 (Mode response = 2 [disagree])

Summary Qualitative Analysis: The responses for this question stayed in the middle of the scale, with no “strongly agree” or “strongly disagree” answers registered. This seems to say to me that the things sports agents have become notorious for are a result of the cutthroat nature of this industry and it’s not too farfetched to think that these agents acted irresponsibly to combat adversity in the profession.

Social Media, such as FaceBook and Twitter, ultimately helps the athlete-agent relationship.

- 3, 4, 3, 4 (Mode response = 3 [neither agree or disagree] & 4 [agree])

Summary Qualitative Analysis: The response for this question was between neutral and agree, as social media has been a tool that almost anyone can find a positive use for. None of our subjects disagree or strongly disagree with the statement.

Past incidents involving professional sports agents and amateur athletes have damaged the sports agent profession.

- 5, 5, 5, 2

Summary Qualitative Analysis: All but one subject strongly agreed that past scandals have tarnished the reputation of the profession. The lone detractor disagrees with this statement.

Agents are responsible for college rules violations that have been committed in order for the agent to recruit and secure clients.

- No response, 4, 2, 3

Summary Qualitative Analysis: The subjects have calm opinions on the idea that agents are responsible for the violations to college rules that help them to secure clients, as there are no “strongly agree/disagree” responses. One subject did not respond to this question.

Rules should be established to hold agents to a higher degree of professionalism and accountability, similar to the regulations to which collegiate athletes are expected to adhere.

- 5, 4, 3, 3

Summary Qualitative Analysis: All subjects either agree in some fashion or are neutral to the suggestion of having a set of rules to govern agents from gaining unfair advantages on their competition similar to those of NCAA athletes.

Agents should be hesitant to offer athletes too much free advice, as that increases the risk of those athletes taking that advice and then contracting with another agent.

- 4, 1, 2, 1

Summary Qualitative Analysis: This question has mixed responses from the subjects pertaining to free advice. Some agents may feel that no advice should be offered for free, being that the industry is as competitive as it is, while other agents may feel inclined to offer general advice even if the athlete chooses to sign with someone else if for nothing but to provide insight to help these young athletes navigate through the upcoming murky waters of professional sports in which they are about to enter.

I have felt the need to offer money or other benefits in order to secure a client.

- 1, 4, 2, 1

Summary Qualitative Analysis: This question has mixed responses from subjects on the controversial topic of offering money in order to secure clients. It is illegal in almost all of collegiately sanctioned sports and agents still find a way to work around the rules in place to gain favor with athletes who are believed to make it big time.

Agents that offer services in addition to representation, free of charge, are self-defeating, as the job of representing athletes’ needs is difficult enough.

- 5, 1, 2, 3

Summary Qualitative Analysis: Mixed responses from the subject display the individual nature of each practicing agent. Once again, this is a question that would be answered according to the nature of each specific subject. Agents who are in the profession for the love of what it deals with would seem to be more than willing to give their clients whatever they need not only to help

them become successful but to also maintain a strong relationship that would favor them to continue working together throughout the span of the athlete's career. On the other hand, agents who are in it for the money would look at every possible opportunity to charge additional fees of their clients, judging from the wide range of response that this question received.

Does this profession face many obstacles, and if so, what are some with which you are familiar?

1. Yes. The independent registration requirements on a state by state, and often university by university policy are absurd. The fees charged in many states are simply not worth the benefit of being "registered" for agents that are not in the top 10% of number of clients represented. Also, uniformed AD's and coaches who think they can violate federal mail laws by "holding" mail sent directly to a player because it is not during some arbitrary "contact" period put in place by the university.
2. Endless obstacles. Being at the mercy of 22 year old athletes and NFL decision makers is very difficult. The nature of the NFL itself is an obstacle – it's a heartless business and you have no control over it. Injuries can derail a promising career and cost your client (and ultimately, you) millions. The high levels of stress, the constant need to be 'on' and working. The personal heartbreak when you miss out on or lose a client.
3. Too many to list....
4. Incompetent and/or overbearing players associations are our biggest obstacles.

Summary Qualitative Analysis: The main obstacles expressed by the subjects were being at the mercy of the teenage athletes, following all of the specific policies set in place and the enforcing bodies to go along with the policies.

Knowing that most of the current rules favor athletes, is there anything that can be done to ensure that athletes are not able to take advantage of their agents?

1. Not possible from a player's association standard as the agents must be members but have no vote or voice on the final regulations. Only if the association's make a rules that agents cannot pay or otherwise loan players money for ANYTHING will the field be evened. The offer of "marketing fees" and "training costs" and "housing or travel expenses" are cancers in the industry (at least for football)
2. I'm not so sure the current rules really favor anyone. It's on the agent if he's not smart enough to protect himself in his own contracts with his clients. That being said, most of the organizations that exist at the moment are meant to protect and advocate for the players. Agents don't have a union that fights for them. We're often considered a necessary evil.
3. Yes they can do many things. How about punishing an athlete who takes money? Ever seen that happen?
4. The rules should apply both ways. And the penalties should also.

Summary Qualitative Analysis: All subjects besides one agree that there is no feasible way to govern accordingly athletes and agents don't take advantage of each other.

Do you feel that certain organizations take extreme steps to keep athletes away from agents during their amateur careers? If so, please provide a couple of examples.

1. As mentioned previously, not ensuring that mail is delivered to the athlete is a violation of federal law. These are adults, and supposedly educated, individuals. If the delivery of marketing materials is really that damaging to the athlete then they have a bigger problem than agent's sending them mail. This is what drives the "bad agents" to hire illegal runners to make direct contact with the athletes or their families.
2. Yes, university compliance departments and coaches are usually extremely anti-agent. The problem, though, with over-regulating agents is that you are effectively pushing out the agents who follow the rules while allowing unfettered access to the agents who couldn't care less.
3. Yes. Many colleges UNC, Miami to name a couple
4. The NCAA claims to protect players from agents, for the players' own good. But, someone needs to protect the players from the NCAA.

Summary Qualitative Analysis: The subjects collectively seem to express that the NCAA and schools within it work as a whole to freeze out agents from athletes. It is viewed as a poorly explained protection method for the student athlete, which ultimately lead to more incentive to lean towards riskier ways of communication with possible clients.

What can be done by current and future sports agents to maximize the industry's integrity and preserve the profession for years to come?

1. Once again, unless you take the "up front" offers to pay for everything out of the equation you will always have those agents who are perhaps not as qualified but willing to pay out monies taking the athlete out of a decision philosophy as to what is in their long term best interest but instead going with what is in the short term financial interest.
2. I'm not sure how to answer this question. Working with integrity and honesty and truly being an agent, by its legal definition, for your client is the only way to maximize the integrity. It's redundant, but I don't think there is any way to truly do that, expect for agents to decide how it's how things should be done. You can't keep creating more and more rules. You could implement are more strict application process to become a certified agent, but it's not really possible to determine a person's integrity until he does something that would prove he has none.
3. There is no integrity
4. Do it right, or don't do it at all.

Summary Qualitative Analysis: This question's responses are split with half of the responding subjects believing that the integrity can be restored through various pure practices, one responder claiming that there is no integrity in the profession and the general statement of one who chooses to say "do it right, or don't do it at all".

Discussion

Upon return of the survey results, the responses to questions based on previous research, inquiry, and media reports over the years (articles, interview, reports, et cetera) were ready for analysis. Valid input from practicing professionals was critical to this research, and provided first-hand insight on how the general public perceptions shapes the target audience's sentiments about the profession.

The response to the first question, which explored how agents decide to become involved in athlete representation, provided feedback that one might expect. The common love for sports, from either an athlete or spectator perspective, led the respondents to venture into this particular career path. For one to pursue a career as a sports agent, an interest in sports seems to be an almost mandatory qualification. Law and business principles are critical in contract negotiations and branding opportunities, so an interest in either area, or perhaps both, would allow this career to be more enjoyable to a potential agent.

The third question in the survey asked the participants to address the importance of having a role model or guiding figure in the profession. The responses to this question were especially important to aspiring agents who want to explore the possible options of getting a foot into the door of this profession. The answers were mixed and stretched across the spectrum of possible responses. One participant noted that family members who were attorneys (one who actually played in the NFL) served as guides instead of an actual sports agent. Another participant offered what could possibly be the most desirable scenario, in that the subject started with an internship with a veteran agent, which, in turn, led to a mentoring relationship while establishing a career. Perhaps the most interesting response of all was the one that revealed self-teaching and trial-and-error were the tools used to blaze a career path. Without a mentor or role

model in the profession, that participant had to obviously perform a considerable amount of self-evaluation and redefining of who he was going to be as a sports agent. Such a path, while more difficult, might develop a greater sense of self-efficacy as well as career satisfaction.

The issues that appeared with collecting data were indicative of the mysterious nature of the profession, as well as the professionals. Success as an agent is not guaranteed to the new entrants of the profession, so that concept is bound to breed potential fears of making it in the industry. The fourth question in the survey reached into this topic and answers that many outsiders would likely predict (being successful within the field, competition among other agents, lack of experience, lack of clients) came up in the responses. It was shocking to discover that one subject seemed to be extremely confident from the moment he started his career journey, stating “if my abilities don’t match with a professional athlete’s needs then they should hire someone else”. Of course self-esteem is a great attribute, especially in a field such as this one, the belief he had in his own abilities starting out were eye opening, nonetheless.

From an outside view, the way that things are handled by more famous agents in the spotlight would seem to tarnish the whole lot and may lead someone to ask why such drastic maneuvers were made. When investigating about the negative perceptions of sports agents being misconstrued, not one respondent strongly agreed or strongly disagreed; this shows that agents don’t have too much remorse for their peers that become ruined by their own malpractice. Tarnishing the reputation of the profession is one topic that the public view appears to align with those of the professionals in the field. Only one respondent does not feel that past scandals darken the view of athlete representation. In general, sports agents tend to take pride in their line of work just as any other fulfilled professional in another field. When there are instances in

which the actions of one agent can scar the integrity of this profession, other agents don't appear willing to let disgracing acts slide in their eyes.

One hot topic in today's culture is social media (FaceBook, Twitter, Instagram, etc.), posing the inquiry of how beneficial these means of mass communication are to sports agents, seeing time and time again how many pitfalls it can present with people who may misuse it, from people in college to professionals who have a lot at stake if they become embroiled in controversy. All of the subjects responded in a manner that suggests that they see no detriment from the growing impact of social media in today's world.

Issues that draw mixed responses include offering free advice, offering money to secure clients, and taking on additional duties along with athlete representation. This is not necessarily a warm industry in which advice is given out on a regular basis. Perhaps, the biggest problem facing athlete representation is the dilemma of athletes staying loyal to an agent and honoring their word. Just about everyone knows about the financial struggles of a college student and many agents will see this as a way to get in better favor with the athlete that they are attempting to represent. Agents will often give money to amateur athletes for this sole purpose and end up stung on the end of the negotiations when the targeted individual selects a different representative. Many sports agents may feel inclined to assist their clients with other personal affairs to show that they are not just an agent, with hopes to retain their top clients. These results show that such specific matters hinge heavily on the type of personality the agent has, as they revolve around morals and personal beliefs.

The profession of athlete representation consists mainly of building relationships with promising athletes when they are at a young age. The rules put in place by the NCAA make it almost impossible to legally build rapport with the athletes on the brink of going pro. The

athletes are often approached during high school years and at times earlier than that to present a face that athletes can pin to a name when the time comes to select an agent. These adults are mostly at the mercy of these teenage athletes because their decision to select an agent could be the one endorsement they need to prove capability in handling all affairs that are requested of them and gateway into a notable stable of clients under the same representation faction. Along with concerns about youth, come questions of maturity. Agents will eventually figure out if they are simply in place to help secure revenue or contractually bound to helping an athlete grow up. Of course, the detailed boundaries that governing bodies set to keep agents at bay during the progression of amateur athletic careers would appear to be an obvious deterrent but the position that adults are put in by athletes who could very well be a fraction of their own total age could be a very stressful aspect of this career choice.

The agents that responded to the survey answered a question posed about policing the profession in a predictable manner. The respondents don't really see a way in which a governing body can create rules that mandate agents and athletes are treating each other with respect in such a fluid professional setting. There are a substantial amount of rules and standards that are in place to keep the working relationship between an agent and an athlete respectable. In current times, the law of the profession appears to level the playing field for both parties as opposed to earlier times in which there was a general feeling that the athlete was the only party at risk when this courting and negotiation period took place to establish representation parameters.

The numerous problems that have been faced by other agents in the profession have led the majority of survey participants to believe that athlete representation can reach an era in which integrity can be restored to a self-made industry. The publicized problems don't help the case but the damage that the cases do is insufficient to crumble the belief of improvement, now more than

ever. Pure and legitimate practices can be the first building blocks to turning this ship in the right direction.

Conclusion

This thesis was developed to gain information on the particulars of what it takes to establish a career in the field of athlete representation. Networking was the main tool used for gathering results in this study, and networking is likely the most important resource for getting a foot in the door, as well as advancement within the profession. It was discovered that cold calling for information, insight, or just about anything else is an arduous task that yields little to no results, as sports agents are very busy and pay little to no attention to anything that doesn't concern their current clients or any new business. What was surprising was how candid the replies were in the open-ended questions of the survey, considering how difficult it was to secure initial responses from the target group. While the data collection process was filled with obstacles, none were substantial enough to deter the course of study.

This profession does not welcome newcomers with open arms, so making any sort of headway in this study was a victory. Future research should reflect the secretive nature of sports agents and the slim chance that the researchers will get any response in relation to this inquiry without a solid, prior connection with someone established within the profession. Overcoming the obstacles that are presented by the industry, although the task is challenging, will strengthen driven individuals.

Methodology

The research team, consisting of the principal investigator (PI) and faculty mentor (FM) developed a 10-question, qualitative study instrument (Appendix A) using Qualtrics software. IRB approval (Appendix B) of the study was obtained, and the PI distributed the survey instrument and an email cover (Appendix C) to various professional sports agency firms through email addresses listed under the “Contact Us” pages of their websites. After a three-week period for collection, no results were returned and a second round of emails went out to a pool of sports agents who had individual contact methods. As well, some agencies’ office personnel agreed to help by accepting the recruiting email and distributing the email to the agents’ personal email addresses. Generating only one response, the FM contacted a personal friend who served as a liaison to an agent, who, in addition to participating, compelled two peers to also participate. After responses were collected, the PI and FM individually evaluated the participants’ responses. The individual evaluations were then compared to establish consensus interpretations of the data (inter-rater reliability). Those consensus opinions were then cataloged for representation in this paper.

References

- Carter, A. (2013, March 13). *UNC's Thorp calls NCAA penalties 'painful'*. Retrieved from <http://www.newsobserver.com/2012/03/13/1926741/ncaa-to-announce-findings-on-unc.html>
- Chadiha, J. J. (2004). The man behind the man: Aggressive. Brash. Cocky. And that's what his friends call Aaron Goodwin, the most controversial agent in sports. He's also one of the most powerful--and the envy of his profession--since he landed LeBron James. *Sports Illustrated*, 100(26), 74-76; 78.
- Dailey, J., & Fenech, C. (2003). An interview with Craig Fenech, sport agent and attorney. *International Journal of Sports Marketing & Sponsorship*, 5(1), 75-79.
- Daniels, T. (2013, October 23). *Miami Hurricanes sanctions announced by NCAA*. Retrieved from <http://bleacherreport.com/articles/1820323-miami-hurricanes-sanctions-by-ncaa-reportedly-revealed>
- Davis, T., Mathewson, A., & Shropshire, K. (1999). *Sports and the law*. Durham, North Carolina: Carolina Academic Press.
- Disbarring Jerry Maguire: How broadly defining "unauthorized practice of law" could take the "lawyer" out of "lawyer-agent" despite the current state of athlete agent legislation. (2007). *Marquette Sports Law Review*, 18(1), 225-247.

Dohrmann, G. (2010, October 18). Confessions of a sports agent. *Sports Illustrated*, 113(14),

Retrieved from

<http://sportsillustrated.cnn.com/vault/article/magazine/MAG1175725/1/index.htm>

Feinstein, J. (2010). Wanted: Agents of change to clean up collegiate corruption. *Sporting News*,

234(17/18), 84.

Hanks, D. (2010, April 4). *Accused Ponzi swindler Nevin Shapiro had a knack for making*

prominent connections. Retrieved from

http://www.miamiherald.com/2011/08/17/2362972_p2/accused-ponzi-swindler-nevin-shapiro.html

Jones, M. (1999). *Sports law*. Upper Saddle River, New Jersey: Prentice Hall.

McCollum, D. (2013 February 04). *McCollum's Column: Herman Edwards turns football*

experiences into metaphors. Retrieved from

http://thecabin.net/interact/opinion/columns/2013-02-14/mccollums-column-herman-edwards-turns-football-experiences#.U1LeCrU_VI

NBA fines New Jersey Nets over Jay-Z's visit to Kentucky Wildcats' locker room. (2011, April

08). Retrieved from http://www.huffingtonpost.com/2011/04/08/jay-z-new-jersey-nets-nba-fine_n_846934.html

North Carolina's P.J. Hairston to miss Kentucky game. (2011, December 01). Retrieved from

<http://www.sportingnews.com/ncaa-basketball/story/2011-12-01/north-carolinas-pj-hairston-to-miss-kentucky-game>

Roberts, D., & Torre, P. S. (2012). Jerry Maguire aspires to be you. *Sports Illustrated*, 116(16),

50-55.

T. Boone Pickens profile billionaires: March 2012. (2012, March). Retrieved from
<http://www.forbes.com/profile/t-boone-pickens/>

Thamel, P., & Wolff, A. (2013, June). *In jailhouse interviews, Nevin Shapiro still talking about Miami, NCAA.* Retrieved from <http://sportsillustrated.cnn.com/college-football/news/20130612/nevin-shapiro-miami-ncaa/>

Appendix A
Qualitative Study Instrument

Please note that this survey (IRB protocol #_____) is being conducted by UNCP Honors College Student, Ricky Stone, as a part of his senior thesis. If you have any questions about this survey, please contact the UNCP IRB Chair, Dr. Bullard-Dillard, at 910-775-4548 or irb@uncp.edu, or the faculty mentor, Dr. Jeff Bolles at 910-522-5728. Your participation is completely voluntary and anonymous, and you are welcome to exit this study at any time, without any retribution. Your submission of this survey will represent your consent to participate in this study. Thank you.

What made you want to pursue a career in this field?

When did you know for certain that you wanted to be a sports agent?

Once you decided to become a sports agent, did you have a role model or guiding figure within the profession?

What were your biggest concerns regarding your potential success in this industry?

What are some of the biggest misconceptions that you have heard regarding this profession?

Please respond to the statements in the matrix below.

(1) Strongly Disagree (2) Disagree (3) Neither Agree or Disagree (4) Agree (5) Strongly Agree

- The negative perceptions of sports agents are misconstrued.
- Social media, such as Facebook and Twitter, ultimately helps the athlete-agent relationship.
- Past incidents involving professional sports agents and amateur athletes have damaged the sports agent profession.
- Agents are responsible for college rules violations that have been committed in order for the agent to recruit and secure clients.
- Rules should be established to hold agents to a higher degree of professionalism and accountability, similar to the regulations to which collegiate athletes are expected to adhere.
- Agents should be hesitant to offer athletes too much free advice, as that increases the risk of those athletes taking that advice and then contracting with another agent.
- I have felt the need to offer money or other benefits in order to secure a client.
- Agents that offer services in addition to representation, free of charge, are self-defeating, as the job of representing athletes' needs is difficult enough.

Does this profession face many obstacles, and if so, what are some with which you are familiar?

Knowing that most of the current rules favor athletes, is there anything that can be done to ensure that athletes are not able to take advantage of their agents?

Do you feel that certain organizations take extreme steps to keep athletes away from agents during their amateur careers? If so, please provide a couple of examples.

What can be done by current and future sports agents to maximize the industry's integrity and preserve the profession for years to come?

One University Drive
P.O. Box 1510
Pembroke, NC 28372

Appendix B
UNIVERSITY of NORTH CAROLINA
P E M B R O K E

Institutional Review
Board
FWA 00005281

October 15, 2013

Ricky Stone II
UNC Pembroke
PO Box 6424
Pembroke, NC 28372

Title of Study: **Being a Sports Agent: Examining the Profession of Athlete Representation**
IRB Protocol #: 13-10-007

Dear Mr. Stone:

The IRB has completed review of your protocol titled “**Being a Sports Agent: Examining the Profession of Athlete Representation**” and it is APPROVED. This protocol is exempt from further review under 45CFR46.101.2.b.2

Protocols that are determined to be exempt are re-evaluated every three years. If research described in this protocol will continue beyond **October 15, 2016** please contact the IRB no later than **October 1, 2016** so that your protocol can be re-evaluated prior to expiration.

Please note that if significant changes are made to the protocol, you must submit these changes to the IRB prior to their implementation in your study, as they may change the status of your review. Also, if any unanticipated or adverse events occur during this research, please notify me immediately.

Please note that your protocol # is 13-10-007. Please include this on your final consent forms and in future correspondence regarding this protocol.

Sincerely,

(consider attachment to email as electronic signature)

Rebecca Bullard-Dillard, Ph.D.
Dean, School of Graduate Studies and Research and
Chair, UNCP Institutional Review Board

Appendix C

Email Cover for Survey Instrument

Hello,

My name is Ricky Stone, and I am a senior undergraduate student attending the University of North Carolina at Pembroke, majoring in Exercise and Sport Science with a concentration in Sports Management. I am conducting research for my honors senior thesis project in which I plan to explore the world of athlete representation as a sports agent. I have decided to conduct my project on this topic, because I aspire to be a sports agent. Not only will the research I conduct help me gain a greater perspective on this profession, it will also provide me with invaluable information about the field and the potential obstacles I may face. Attached, is a survey that I would like to be completed by as many sports agents as possible and it has been constructed using Qualtrics software, containing questions that must be answered with either open-ended responses or likert scale rankings. This survey is anonymous, meaning that I will not ask for any identifying information in order to participate, and there is no identifying information recorded by the software. Please be aware that your open-ended responses may or may not be referenced within my analysis of the research. Due to unforeseen delays and the end of the semester quickly approaching, I am asking that all responses be submitted no later than Wednesday, October 30th.

This 10-question survey should take no more than 20 minutes to complete. In order to complete the survey, please use this link:

https://uncp.co1.qualtrics.com/SE/?SID=SV_086SYTgufJwXCdv and the password: Stone

Informed Consent

This survey (IRB protocol #13-10-007) [**"Being a Sports Agent: Examining the Profession of Athlete Representation"**] is being conducted as a part of my senior thesis. If you have any questions about this survey, please contact the UNCP IRB Chair, Dr. Bullard-Dillard, at 910-775-4548 or irb@uncp.edu, or the faculty mentor, Dr. Jeff Bolles at 910-522-5728. Your participation is completely voluntary and anonymous, and you are welcome to exit this study at any time, without any retribution. Your submission of this survey will represent your consent to participate in this study.

Thank you once again for your time and consideration with this matter.

Sincerely,

Ricky Stone II