

**EFL Post Season Meeting**  
**September 30, 2012**  
**Winner's Circle (just off of Exit 28 NY Thruway)**  
**3293 New York 5**  
**Fonda, NY 12068 - (518) 853-3094**

- Start Meeting @ 11am
- Approve Minutes of Last Meeting
- Review & Approve Treasurers Report
- Review Multiple Game Protest Regarding Illegal Player (CJ Tarver)
  - *Commissioner's Decision sent via separate email*
- Review/Decide Status of Watertown vs. Albany Uncompleted Game
- Establish Final Playoff Standings

**Standings as of 9/29/2012**

	TEAM	W	L	T	PF	PA
1	Albany Metro Mallers	8	1	0	262	113
2	Syracuse Shock	7	2	0	287	146
3	Plattsburgh North Stars	7	3	0	327	193
4	Monroe County Sting	5	4	0	198	211
5	Vermont Ice Storm	5	5	0	156	144
6	Watertown Red & Black	5	3	0	220	118
7	Montreal Voyageurs	3	7	0	213	234
8	Glens Falls Greenjackets	2	7	0	93	235
9	Amsterdam Zephyrs	0	10	0	19	339

- Playoff Pairings: The top 6 teams will participate in the playoffs
  - Playoffs October 6<sup>th</sup> - Top 2 seeds get bye; #6 @ #3; #5 @ #4
  - October 13<sup>th</sup> - Lowest seed goes to #1; Highest seed goes to #2
  - EFL Championship October 20<sup>th</sup> - EFL Championship hosted by the highest ranking winner
  - Assignment of EFL Deputy's for the playoffs (to be announced)
- EFL Game Officials
- Game Financial Reports
- All Star Nominations
- Old Business
- EFL All Star Game

- New Business
- Next EFL Meeting – October 21<sup>st</sup> at Site of EFL Championship
- Adjournment

## EFL Meeting Minutes

The meeting was held at the Winner's Circle in Fonda, NY. All teams were represented and all league officers were present. The meeting was called to order by Commissioner Burch.

Approve Minutes of Last Meeting: The minutes of the previous meeting were approved on motion from Montreal and second by Plattsburgh.

Review & Approve Treasurers Report: Concetta Sager presented the Treasurer's report. Our balance is currently \$6,042.67. Outstanding monies due to the league total \$2,590. The report was approved on motion from Plattsburgh with a second by Albany.

Review Multiple Game Protest Regarding Illegal Player (CJ Tarver): Commissioner's Decision sent via separate email: "Assessment of Whether or Not CJ Was An Illegal Player Resulting in Forfeit of Games Played to Date"

Commissioner Burch solicited discussion regarding this document (circulated to all league members on September 29<sup>th</sup>) which summarized his decision (see page #1 of Executive Summary from Commissioner's Decision). Feedback was solicited from each team regarding the Commissioner's final decision. Two teams had no problem with the player playing but the majority stated that it was more an issue of blatantly ignoring/violating an agreed to by law. Additionally, this by law was accepted at the Annual Meeting with Albany even voting in favor of it. All teams were given the opportunity to comment on the situation and most of them had lodged formal protests when they played Albany.

After much discussion, EFL member teams felt that the by law was very clear. With that said, the penalty for violating this by law is also very clear. Albany Owner, Sal Iavrone was given a chance to speak and stated that he felt that all of this was very unfair; also thought that the Commissioner's outbrief was incorrect. Sal went on to state that he was very angry and planned to "play CJ in the playoffs then walk his team off the field". He also stated that he felt a lot of this was personal and planned to seek legal counsel. As a result of this, Sal was requested to leave the meeting as is the appropriate practice, while the EFL members deliberated.

The net of the issue became a question of whether all Albany victories should become forfeits. Amsterdam moved and Vermont seconded that a vote be taken on this matter. Regarding Albany's forfeits, the voting results were 5 yes, 2 no, 1 abstention:

- Syracuse – no
- Plattsburgh – yes
- Monroe – Abstained
- Vermont – yes
- Watertown – yes
- Montreal – no

- Glens Falls – yes
- Amsterdam – yes

***Revised After Albany Forfeit due to illegal player***

TEAM	W	L	PF	PA
Plattsburgh North Stars	8	2	327	193
Syracuse Shock	7	3	300	160
Watertown Red & Black	7	3	234	131
Monroe County Sting	7	3	212	221
Vermont Ice Storm	6	4	156	144
Montreal Voyageurs	3	7	213	234
Glens Falls Greenjackets	4	6	103	249
Amsterdam Zephyrs	2	8	19	339
Albany Metro Mallers	1	9	262	113

Albany appealed the Commissioner's decision regarding CJ Tarver being banned from the EFL for life to EFL member teams. No one made a motion to change the Commissioner's decision so this decision remains unchanged. This decision resulted from several deliberate attempts to misrepresent communications from the Commissioner which Albany's Owner Sal Iavarone admitted to promoting/endorsing. (see page #1 of Executive Summary from Commissioner's Decision)

**Review/Decide Status of Watertown vs. Albany Uncompleted Game:** The Albany vs Watertown game was never completed. Albany was ahead when the game was terminated but the question was whether this would also be an Albany forfeit. The results of the voting was 7 yes. Plattsburgh –yes, Watertown – yes, Syracuse – yes, Glens Falls – yes, Amsterdam – yes, Vermont – yes, Montreal – yes.....The consensus was that this action was necessary because CJ Tarver did take part in that game.

**Montreal Forfeit Loss To Albany:** Glens Falls stated that Montreal should not have to forfeit their last game with Albany because Albany changed the game date several times, resulting in inability to secure game officials. Montreal replied that they would take the forfeit loss because they could not participate in the playoffs. Glens Falls and Amsterdam stated that they could not play any further.

**Establish Final Playoff Standings/ Playoff Pairings:** Based on the decision noted above, Albany's record because of forfeits became 1 win, 9 losses. It was finally decided that there would be one game in the quarter final week. Vermont will go to Watertown; Plattsburgh and

Syracuse will host games the following week. The championship game will be on October 20<sup>th</sup> at the home field of the highest seed.....

- Vermont @ Watertown 6-Oct; Winner @ Plattsburgh 13-Oct
- Monroe @ Syracuse 13-Oct
- Winner Hosts Highest Remaining Seed 20-Oct

**EFL Game Officials:** There was a discussion about officiating. Several teams complimented crews that had worked their games. The Brownell, Wotherspoon and Matthews Crews were all rated highly. However, the Watertown crew received no positive compliments.

**Game Financial Reports** Commissioner Burch stated that he would send playoff forms to all teams that will be hosting games

**All Star Nominations:** Rick Sager conducted the All Star voting. The results will be sent out as soon as compiled.

**Old Business:** Al Dole spoke about bench conduct this season. He stressed again that only head coaches are to talk to officials during the game.

**EFL All Star Game:** Hank Pelton reported that the EFL All Star game would not be played this year, but hopefully will happen next year.

**New Business:** It was suggested that the by law regarding our replacement player policy be reviewed again at the Annual Meeting because of its vagueness.

**Next EFL Meeting – October 21<sup>st</sup> at Site of EFL Championship**

**Adjournment:** Montreal moved to adjourn and Plattsburgh seconded the motion.

Respectfully submitted,

*Jane Dole*

# Assessment of Whether or Not CJ Was An Illegal Player Resulting in Forfeit of Games Played to Date

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## 1 Exec Summary

### 1.1 Objective:

*Make an assessment of whether or not CJ was an Illegal Player resulting in forfeit of games played to date*

The following summarizes my position regarding this issue. The subsequent sections also have all of the appropriate detail collected over time regarding this issue.

- As stated previously at Annual Meeting, By Laws are implemented to address specific problems. In spite of all of the time spent on this one during the Annual Meeting, I could not find a valid problem in this case that was being addressed....
- With regard to the "illegal player by law" that was enacted at the Annual Meeting, it cannot be changed until next year. However, based on this situation (as I have done previously on appeal) and because of its direct conflict with documented NCAA rules, I am ruling no violations committed in this case. CJ has also played in the EFL every year, so this is not a situation of loading up with arena players either. The intent that this rule was enacted under is no longer a valid issue/risk to semipro football players.
- By Laws cannot be changed until the Annual Meeting.....however, the Commissioner has previously ruled on issues (based on appeal) interim to formal By Law changes; e.g. Canadian Teams or last year's illegal Glens Falls player. Please refer to previous meeting minutes.

In closing, I want to again remind all of you that in regard to this decision you have several obvious options. The 1st being an appeal to the Administrative Committee .....if you feel you have additional evidence to support your position

This decision was made based on reasonable grounds, adequate consideration of the circumstances and was not arbitrary.

I'm sure you can all think of several analogies regarding this ruling that play out every day regarding laws...



## **Decision/Countermeasures To Prevent Recurrence**

### **1.1.1 Decision 1**

*1.1.1.1 Albany is immediately placed "not in good standing" with the EFL*

*1.1.1.2 Reason - Team mismanagement and misrepresenting communications from the Commissioner.*

### **1.1.2 Decision 2**

*1.1.2.1 Effective immediately, CJ is banned from the EFL forever as a countermeasure so that we never have this problem again.*

*1.1.2.1.1 Eliminated from all Star considerations & league awards*

*1.1.2.1.2 Further action pending*

*1.1.2.2 Reason - Deliberately denigrating the league by lying about alleged communications with the Commissioner. Ignoring FB warnings from Commissioner regarding postings misrepresenting as follows..... (August 3, 2012): - Dave Burch (August 3, 2012): CJ.....why are you on here misrepresenting anything I have said? You never talked with or met with me at anytime, ever! Your statement "We already talked to commisher I'm all set" is just not true. You really need to remove any reference to the "Commissioner" in any and all postings on FB or anywhere else on the internet. Some of us do care about how we are represented in social media and the internet in general and personal INTEGRITY. I'm going to ask again that you refrain from any reference to me in these forums.....especially since you know you have never talked or met with me ! - Cj Tarver (August 3, 2012): Sal has talked to you regarding me and recently called you! So if u could call him back and not worry my about my exact words on Facebook we would appreciate it! This is why we contacted you BEFORE the season and have emails and phone records to PROVE it!!!! - Dave Burch (August 3, 2012): Okay....have it your way CJ. - Cj Tarver (August 3, 2012): Love how you like coming on Facebook to correct things but take your one with phone calls and other forms of contact that we attempt with you.. U respond when u feel like it! Thanks again for speedy response on Facebook knowing Sal has contacted you and that is what I mean by we smh thank you*

### **1.1.3 Decision 3**

*1.1.3.1 Re write the By Law at the Annual Meeting with a crisp description of the problem that will be solved and supporting OE and logic in that regard.*

*1.1.3.2 Reason - The current bylaw has evolved over time and was not implemented with supporting facts from the NCAA but from anecdotal statements e.g. "I talked to a swimming coach" rather than obtaining the precise reading from NCAA regarding the alleged issue.*

### **1.1.4 Decision 4**

*1.1.4.1 A press release will go out to major media, social media and also the league's website.*

*1.1.4.2 Reason - To eliminate finger pointing and ensure consistent message*

1.1.4.2.1 To ensure no further confusion and misrepresentation to the players and general public regarding this decision

### **1.1.5 Decision 5**

*1.1.5.1 Provide assistance to any EFL players who are having difficulty getting into a college or junior college program and fell they were impacted by playing in the EFL*

*1.1.5.2 Reason - Clear up any misunderstanding recruiters may have regarding the EFL and college eligibility*

1.1.5.2.1 Provide admin support to players who request it

### **1.1.6 Decision 6**

*1.1.6.1 Deployed Image Consultant*

*1.1.6.2 Reason - Negative postings, AP Press coverage of EFL, CJ Facebook postings*

1.1.6.2.1 Countermeasures to fallout from the final "Commissioner's Ruling"



## **2 Stakeholders**

### **2.1 EFL Owners/Officers/Member Teams**

## **3 Objective**

**3.1 Make Assessment of whether or not CJ was an Illegal Player resulting in forfeit of games played to date**

## **4 Background**

**4.1 As a result of Sal's appeal, I drilled down beyond just what the By Laws stated, but what problems were intended to be addressed based on previous meeting minutes to make sure I was on solid ground.**

**4.2 A flawed or poorly worded by law is not reason to go blindly ahead with decisions that may not make sense and not address the real issue.**

**4.3 Factual data was requested of everyone regarding the NCAA rules regarding Amateur status & not opinion. This data was then used to complete the story & identify solutions/countermeasures**

**4.4 Formal protests & statements collected from everyone as another data point**

#### **4.4.1 ALL PROTESTS TO DATE**

See attachment(s): [All Protests to Date.doc](#)

**4.4.1.1 1** *The Watertown Red and Black protested the game against the Albany Metro Mallers on Saturday evening, August 18th. I spoke to the Head Official before kickoff and stated that I am protesting the game because of an ineligible player, #10 TJ Tarver. I informed the league of this decision earlier in the season because of bylaw article 3, section 3. Thank you, George Ashcraft Head Coach Watertown Red and Black*

**4.4.1.2 2** *Dave, Amsterdam would support Glens Falls protest, based on the fact the Mr. Tarver signed a contract and played in an Arena league (Continental Indoor Football League) in this 2012 calendar year. We feel this is a blatant violation of Empire Football League bylaws, bylaws that make this league what it is, Strong and with INTEGRITY !!!! Based on the fact that teams MUST follow the rules. We believe that is the reason some teams want to join us, and also the reason some teams have left. It will be Amsterdam's plan is to also protest this week's game versus the Mallers on the same grounds, if Mr. Tarver plays. Rick Sager Amsterdam Zephyrs Vice President 7 Horseshoe Drive Johnstown, New York 12095 Hm. 518-762-4081 Cell 518-774-0867*

**4.4.1.3 3** *Subject: Protest Date: 9/23/2012 7:01:46 P.M. Eastern Daylight Time From: gm@greenjacketsfootball.com <mailto:gm@greenjacketsfootball.com> Reply To: To: <mailto:DavidB6783@aol.com>DavidB6783@aol.com <mailto:DavidB6783@aol.com> CC: hank@greenjacketsfootball.com <mailto:hank@greenjacketsfootball.com> To Follow suit on our first game of the year we will stay consistent with our protest of the Albany Metro Mallers game against the Greenjackets last night as well. We submitted our opinion in that first email protest. Again, our position is that it is a violation of the By Laws we agreed on at the beginning of the year as our position on CJ Tarver. It was made very clear that Albany would do what they wanted anyways. We let the officials know prior to the game as well. It was also very unprofessional of him when he entered the game to come over across the field to our bench and yell out, "I am playing now so you can protest your game, like it matters."*

## **5 Problem/Issue**

**5.1 EFL Team Owners Meeting May 6th, 2012 - CJ Tarver Issue:** EFL member teams expressed their concern regarding CJ Tarver coming back to play for the Mallers after having played arena football. They felt that this is in violation of the following EFL By Law that was put in place at the Annual Meeting: No player or player coach shall be paid for participation in any EFL game. Any player that is being paid in an arena league or other paid league is considered a professional and therefore cannot play for an EFL team, in that calendar year. Any member team found in violation of this rule shall be subject to immediate suspension. Travel money to practice shall be considered as paying the participant and shall not be allowed by the EFL.

**5.1.1 One of the teams used an ineligible player. An ineligible player is defined as a player who is paid to play, a player without a release from his former team and who has left an EFL team, joined and played in a game in another league in the same season.**

**5.1.2 No player or player coach shall be paid for participation in any EFL game. Any player that is being paid in an arena league or other paid league is considered a professional and therefore cannot play for an EFL team, in that calendar year. Any member team found in violation of this rule shall be subject to immediate suspension. Travel money to practice shall be considered as paying the participant and shall not be allowed by the EFL.**

**5.2 - It was also stated that this by law was instituted primarily to protect the college eligibility of amateur players (Amsterdam) and also prevent teams from loading up with arena players later in the season (Watertown).**

**5.2.1 RICK SAGER position**

**Dave, Below is information I have found with the assistance of a friend who coaches college baseball, the link takes you to a 2010 document relative to D1 and may NOT be current. Based on the sections I have cut and pasted below I believe I may be wrong in regard to eligibility and perhaps the current by-law is not needed but I think that would need to be discussed by everyone. That being said I believe the Empire Football League By-laws are very clear, Article Nine, Section One; that the by-laws can only be amended or changed at the annual meeting. Therefore I think we will all just have to live with it for this season. Please forward this out to our member teams so they can have the same information to form their own opinions. Thanks Rick Sager Amsterdam Zephyrs Vice President 7 Horseshoe Drive Johnstown, New York 12095 Hm. 518-762-4081 Cell 518-774-0867 Email [sager4081@citlink.net](mailto:sager4081@citlink.net) <<mailto:sager4081@citlink.net>>**

**5.2.2 12.2.3 Competition. 12.2.3.1 Competition against Professionals.** An individual may participate singly or as a member of an amateur team against professional athletes or professional teams. (Revised: 8/24/07) **12.2.3.2 Competition with Professionals.** An individual shall not be eligible for intercollegiate athletics in a sport if the individual ever competed on a professional team (per Bylaw 12.02.4) in that sport. However, an individual may compete on a tennis, golf, two-person sand volleyball or two-person synchronized diving team with persons who are competing for cash or a comparable prize, provided the individual does not receive payment of any kind for such participation. (Revised: 1/9/96 effective 8/1/96, 1/14/97, 4/25/02 effective 8/1/02) **12.2.3.2.1 Professional Player as Team Member.** An individual may participate with a professional on a team, provided the professional is not being paid by a professional team or league to play as a member of that team (e.g., summer basketball leagues with teams composed of both professional and amateur athletes). **12.2.3.2.2 Professional Coach or Referee.** Participation on a team that includes a professional coach or referee does not cause the team to be classified as a professional team. **12.2.3.2.3 Major Junior A Ice Hockey.** Ice hockey teams in the United States and Canada, classified by the Canadian Amateur Hockey Association as major junior A teams, are considered professional teams under NCAA legislation. **12.2.3.2.3.1 Limitation on Restoration of Eligibility.** An appeal for restoration of eligibility may be submitted on behalf of an individual who has participated on a major junior A ice hockey team under the provisions of Bylaw 14.12; however, such individual shall be denied at least the first year of intercollegiate athletics competition in ice hockey at the certifying institution and shall be charged with the loss of at least one season of eligibility in ice hockey. (Revised: 1/11/89)  
<<http://www.ncaapublications.com/productdownloads/D110.pdf>

**5.2.3 First point-** these by laws were put in place to protect the amateur status of current EFL ball players. It was the interpretation of the member teams that the eligibility would be compromised of existing players. As it turns out, per the exact OE from the NCAA, this is not the case and should not be an issue.

**5.3 - Sal** stated that he plans to play CJ upon his return and appealed his position to the member teams regarding this player's eligibility. He felt that he could produce evidence to support his case

**5.4 - Commissioner Burch** requested that everyone go back and get objective evidence to support their positions; he mentioned that this objective evidence has to be the exact documentation of regarding eligibility and not emails or transcripts of telecons, or interpretation of individuals. This information was also requested from Sal prior to this meeting. Commissioner Burch stated that once this information is provided, the EFL Judiciary Committee will make a formal ruling regarding this entire issue and Sal's appeal.

**5.5 - Sal stated that he would get a letter from the arena team stating that CJ was not a paid professional. He also stated that he felt the league's position "is unfair to the kid" and reiterated that he does plan to play him.**

**5.6 CJ Tarver played for an arena football team and as a result is now considered a professional. As a result he is ineligible to play in the EFL per our by-laws.**

**5.7 This by law or contract was however very weak and established or bad data as evidenced in some of your protests.**

**5.7.1 Statements like "I talked to swimming coach" and quotes from NCAA rules that were no longer in existence**

**5.7.2 "Maybe we should change by law next year but we're stuck with it for now"**

**5.8 By Law was implemented to .....**

**5.8.1 Protect the players and ensure no impact to amateur status - YES**

**5.8.2 Protect eligibility of players for JC- YES**

**5.8.3 Prevent teams from loading up @ end of year with Arena Players - YES**

**5.8.4 Prevent CJ from playing? - NO**

**5.8.5 Prevent Pros from playing? - NO**

## **6 Objective Evidence Submitted**

### **6.1 Albany's Objective Evidence**

#### **6.1.1 Steve Trotter Info**

**6.1.1.1 -----Original Message----- From: Steve Trotter <MallersGM@nycap.rr.com> To: siavarone <siavarone@nycap.rr.com>; Tom Manny <thomasp67@aol.com> Sent: Wed, May 9, 2012 7:17 am Subject: NCAA Eligibility and semi-pro football I have attached the Summary of NCAA Regulations for Division I student-athletes AND a copy of a permission form for outside competition from Indiana University. Nowhere in the summary is any rule relating to playing with those who have previously been paid to play a sport but are not currently being paid by the team the student-athlete is playing for OR against. The NCAA does not decry the paid athlete but rather places the burden on the student-athlete to make sure that they are within the guidelines set forth by the NCAA. Over the years, I have encountered several players who wanted to play while still in college. My response was always to check with their coach and their school's compliance office. From the Summary of NCAA Regulations: You are not eligible in your sport for the remainder of the year and the next academic year if, during the academic year, you competed as a member of any outside team in any noncollegiate, amateur competition. You may compete outside of your declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition during any official vacation period published in your institution's catalog. Competing in the Olympic Games tryouts and competition and other specified national and international competition is permitted. [Bylaws 14.7.1, 14.7.1.1 and 14.7.3] <[http://fs.ncaa.org/Docs/AMA/compliance\\_forms/DI/DI%20Summary%20of%20NCAA%20Regulations.pdf](http://fs.ncaa.org/Docs/AMA/compliance_forms/DI/DI%20Summary%20of%20NCAA%20Regulations.pdf)> From the compliance department at Boston College: OUTSIDE COMPETITION is defined as athletics competition against any other athletics team (including an alumni team) that does not represent a varsity sport at Boston College. (NCAA Bylaw 17.02.9) GENERAL RULE ON OUTSIDE COMPETITION (NCAA Bylaw 14.7.1) Except in the sport of basketball, if you participate during the academic year in your sport as a member of any outside team in any competition, you shall be declared ineligible for all competition as part of your Boston College varsity team unless eligibility is restored by the NCAA's Committee on Student-Athlete Reinstatement. At Boston College, the academic year is defined by the NCAA as a student's first day of classes in September through that student's last final examination in May. In the sport of basketball, eligibility will not be restored. Hypothetical Example: The first day of classes is Tuesday, September 5, 2006. You decide to go home for weekend and compete for your old club team in the same sport that you compete for at Boston College, and do so on Saturday, September 23, 2006. You are now immediately ineligible for competition with your varsity team at Boston College. <[http://graphics.fansonly.com/photos/schools/bc/genrel/auto\\_pdf/outside-competition.pdf](http://graphics.fansonly.com/photos/schools/bc/genrel/auto_pdf/outside-competition.pdf)>**

**6.1.1.2 The mission statement of the Empire Football League includes the phrase ‘To train, educate, and promote football players who desire to play on regional and national football teams’. The EFL closely associates itself with the American Football Association, whose motto is “Semi-Pro and proud”. The term ‘semi-pro’ indicates that any given player may have been on a professional team at some point. While we as league members have pledged that we are not paying players, the NCAA takes the stance that since there is no national oversight body at our level, it has to treat semi-pro football as professional for purposes of student-athlete eligibility. Therefore, a rule banning players who have previously signed professional contracts would seem to be disingenuous with the motto of the AFA and the mission statement of the EFL. The recently added rule concerning ‘professional’ players is an unnecessary addition to the by-laws. The EFL already has language in the by-laws relating to players signing contracts for 2 separate teams. This language is sufficient for purposes of professionally contracted players as well. A player who has played professionally within the calendar year must be free of his professional contract before he would be eligible to sign with any EFL member team.**

**6.1.2 Finally provided letter stating that CJ did not get paid from Saginaw Sting Front Office. Sal's conclusion is that CJ did not get paid,**

**6.1.2.1 From: Saginaw Sting <info@saginawsting.com <mailto:info@saginawsting.com>>  
Date: June 18, 2012 6:02:22 PM EDT To: maginncj22@yahoo.com  
<mailto:maginncj22@yahoo.com> Cc: Stuart Schweigert <stu@saginawsting.com  
<mailto:stu@saginawsting.com>>, "Jim O'Brien" <jim@saginawsting.com  
<mailto:jim@saginawsting.com>>, Rob Licht <rob@saginawsting.com  
<mailto:rob@saginawsting.com>> Subject: Saginaw Sting/Semi-Pro Eligibility CJ, The  
Saginaw Sting organization would like to provide insight regarding your Semi-Pro  
eligibility. As far as we are aware, playing professional indoor football has no bearing on  
your semi-pro status. It would make you ineligible to compete at the collegiate level, but  
nothing beyond that. In fact, several of our existing players play Semi-Pro in the off-season  
(including Scott Long, Michael Carter, Anwar Jackson, and Joshua Pack). Your salary,  
composed of \$100 per game, was provided in increments that included \$50 for playing for  
us (which was to be used for your travel expense from Albany to Saginaw), \$25 for practice  
travel, and \$25 for meals. Please let us know if there's something further you need from us.  
Sincerely, Saginaw Sting Front Office 3730 Sherman St PO Box 164 Bridgeport, MI 48722  
989.714.4354**

## **6.2 NJCAA Objective Evidence OE**

See attachment(s): [njcaaeligibility.pdf](#)

**6.2.1 Relative to Junior College eligibility and semipro football, I strongly suggest that you inform your players and have them make an informed decision. The truth of the matter is that if they are really concerned about the potential of a college career, they need to focus of doing just that and not semipro football. This is the same advice I personally gave to the parents of the Jones kids from Endicott a few years back. I won't bore you with the details of where they ended up J**

**6.2.2 Amateur a. Only an individual who is an amateur is eligible for intercollegiate athletics participation in a NJCAA certified sport. b. An individual, for the purposes of this bylaw, is any person of any age without reference to enrollment in an educational institution or status as a student-athlete. c. An individual loses amateur status and thus shall not be eligible for intercollegiate competition in a NJCAA certified sport if any of the following criteria applies: i. Uses his or her athletics skill (directly or indirectly) for pay in any form in that sport; ii. Accepts a promise of pay even if such pay is to be received following completion of intercollegiate athletics participation; iii. Signs a contract or commitment of any kind to play professional athletics, regardless of its legal enforceability or any consideration received; iv. Receives, directly or indirectly, a salary, reimbursement of expenses or any other form of financial assistance from a professional sports organization based on athletics skill or participation v. Competes on any professional athletics team, or on a team where any member of the team is considered professional, even if no pay or remuneration for expenses was received; vi. Enters into a professional draft;**

**6.2.3 ELIGIBILITY RULES OF THE NATIONAL JUNIOR COLLEGE ATHLETIC ASSOCIATION  
1631 Mesa Avenue, Suite B Colorado Springs, CO 80906 2012-2013 Effective August 1, 2012**

### **6.3 NCAA Objective Evidence**



**6.3.1** Here are links to PDF version of the legislation for all 3 divisions that has been adopted as of April of this yr. Grey filled boxes mean - New legislation from April Regular boxes mean - Future changes to the legislation Legislation regarding amateurism is included in Article 12. Basic amateurism is in 12.1 and information regarding professional teams is in 12.2. Below is the page you specifically asked for (page 66 of Div 1 manual):

**12.2.1.3.1 Exception for Predraft Basketball Camp.** In basketball, a student-athlete may accept actual and necessary travel, and room and board expenses from a professional sports organization to attend that organization's predraft basketball camp regardless of the duration of the camp. [See Bylaws 14.7.4-(e) and 16.10.1.9 for more information on predraft basketball camps.] (Adopted: 4/23/03, Revised: 5/26/06, 4/26/07 effective 8/1/07)

**12.2.1.3.2 Exception for National Hockey League Scouting Combine-Men's Ice Hockey.** In men's ice hockey, a student-athlete may accept actual and necessary travel, and room and board expenses from the National Hockey League (NHL) to attend the NHL scouting combine, regardless of the duration of the combine. (Adopted: 1/16/10)

**12.2.1.3.3 Outside Competition Prohibited.** During a tryout, an individual may not take part in any outside competition (games or scrimmages) as a representative of a professional team.

**12.2.2 Practice Without Competition.**

**12.2.2.1 Practice Without Competition-Men's Ice Hockey and Skiing.** In men's ice hockey and skiing, an individual may participate in practice sessions conducted by a professional team, provided such participation meets the requirements of NCAA legislation governing tryouts with professional athletics teams (see Bylaw 12.2.1) and the individual does not: (Revised: 4/13/10 effective 8/1/10) (a) Receive any compensation for participation in the practice sessions; (b) Enter into any contract or agreement with a professional team or sports organization; or (c) Take part in any outside competition (games or scrimmages) as a representative of a professional team.

**12.2.2.2 Practice Without Competition-Sports Other Than Men's Ice Hockey and Skiing.**

**12.2.2.2.1 Before Enrollment.** In sports other than men's ice hockey and skiing, prior to initial fulltime enrollment in a collegiate institution, an individual may participate in practice sessions conducted by a professional team, provided he or she does not receive more than actual and necessary expenses to participate. (Adopted: 4/13/10 effective 8/1/10; applicable to student-athletes who initially enroll full time in a collegiate institution on or after 8/1/10)

**12.2.2.2.2 After Enrollment.** In sports other than men's ice hockey and skiing, after initial full-time collegiate enrollment, an individual may participate in practice sessions conducted by a professional team, provided such participation meets the requirements of Bylaw 12.2.1.3 and the individual does not: (Adopted: 4/13/10 effective 8/1/10) (a) Receive any compensation for participation in the practice sessions; (b) Enter into any contract or agreement with a professional team or sports organization; or (c) Take part in any outside competition (games or scrimmages) as a representative of a professional team.

**12.2.2.3 Prohibited Involvement of Institution's Coach.** An institution's coaching staff member may not arrange for or direct student-athletes' participation in football or basketball practice sessions conducted by a professional team.

**12.2.3 Competition.**

**12.2.3.1 Competition against Professionals.** An individual may participate singly or as a member of an amateur team against professional athletes or professional teams.

(Revised: 8/24/07) **12.2.3.2 Competition with Professionals.** An individual shall not be eligible for intercollegiate athletics in a sport if the individual ever competed on a professional team (per Bylaw 12.02.5) in that sport. However, an individual may compete on a tennis, golf, two-person sand volleyball or two-person synchronized diving team with persons who are competing for cash or a comparable prize, provided the individual does not receive payment of any kind for such participation. (Revised: 1/9/96 effective 8/1/96, 1/14/97, 4/25/02 effective 8/1/02) **12.2.3.2.1 Exception-Competition Before Initial Full-Time Collegiate Enrollment-Sports Other Than Men's Ice Hockey and Skiing.** In sports other than men's ice hockey and skiing, before initial full-time collegiate enrollment, an individual may compete on a professional team (per Bylaw 12.02.4), provided he or she does not receive more than actual and necessary expenses to participate on the team. (Adopted: 4/29/10 effective 8/1/10; applicable to student-athletes who initially enroll full time in a collegiate institution on or after 8/1/10) **12.2.3.2.2 Professional Player as Team Member.** An individual may participate with a professional on a team, provided the professional is not being paid by a professional team or league to play as a member of that team (e.g., summer basketball leagues with teams composed of both professional and amateur athletes). **12.2.3.2.3 Professional Coach or Referee.** Participation on a team that includes a professional coach or referee does not cause the team to be classified as a professional team. **12.2.3.2.4 Major Junior Ice Hockey.** Ice hockey teams in the United States and Canada, classified by the Canadian Hockey Association as major junior teams, are considered professional teams under NCAA legislation.

### **6.3.2 Division I Summary**

See attachment(s): [D1 Summary of NCAA Regulations.pdf](#)

### **6.3.3 NCAA Div I Manual**

See attachment(s): [D1 2012 01.pdf](#)

### **6.3.4 NCAA Div II Manual**

See attachment(s): [D2 2012 01.pdf](#)

### **6.3.5 NCAA Div III Manual**

See attachment(s): [D3 2012 01.pdf](#)

6.3.6 dave here is a start. the rule we have has no part of someones eligibility. the mere fact of them playing does that already. i am sure you can word it and tell it better. i have read many university web sites and i cannot find anything that some owners are talking about. please let me know what you think

*6.3.6.1 12.2.3 Competition. 12.2.3.1 Competition against Professionals. An individual may participate singly or as a member of an amateur team against professional athletes or professional teams. (Revised: 8/24/07)(Revised: 2/4/08)<http://www.goldenbullsports.com/custompages/PDFs/Compliance/NCAA%20DII%20Manual.pdf> 12.2.3.2 Competition with Professionals. An individual shall not be eligible for intercollegiate athletics in a sport if the individual ever competed on a professional team (per Bylaw 12.02.5) in that sport. However, an individual may compete on a tennis, golf, two-person sand volleyball or two-person synchronized diving team with persons who are competing for cash or a comparable prize, provided the individual does not receive payment of any kind for such participation. (Revised: 1/9/96 effective 8/1/96, 1/14/97, 4/25/02 effective 8/1/02)*

## **7 Causes**

### **7.1 Create diversion, cause confusion, discredit league/officers**

### **7.2 CONTINUAL ISSUES WITH ALBANY'S BEHAVIOR & LACK OF CONTROL**

**7.2.1 SAL & CJ STATING THAT THEY HAVE TALKED WITH COMMISSIONER AND EVERYTHING IS FINE**

**7.2.2 CJ POSTED ON FB ABOUT COMMUNICATION WITH COMMISSIONER; IT MAKES US LOOK BAD**

### **7.3 CJ POSTS**

**7.3.1 Dave, One of my players and Hank Pelton have heard a rumor that you met with Albany staff and CJ Tarver and discussed Mr. Tarvers situation and you cleared him to play, This was supposed to have happened weeks ago. Just an FYI to let you know what is out there. Rick**

*7.3.1.1 Yeah.....Hank called me about this because CJ put it on FB. I told Hank that I don,t talk to players and he should be ashamed of himself for calling me with such nonsense. I also posted a response to CJ post on FB which he quickly retracted/deleted .....I'll forward copies of post later. Sent from my Verizon Wireless 4G LTE DROID*

7.3.1.2 Wow, I can't believe he came back at you like that !!!! Rick From:

DavidB6783@aol.com [mailto:DavidB6783@aol.com] Sent: Friday, August 03, 2012 9:55

PM To: Sager, Rick (GE Energy) Subject: Re: C.J. Tarver Fyi..... Comments left by users on

this post: - DjKing Sean (August 3, 2012): Amsterdam Shouldn't even been in the same league as us they SUCK and Should Be off playing Albany High and giving the High their first Win in a few years - Gerald Coleman (August 3, 2012): Shit we want you to play. It anit like they haven't play against you before. Let the man play. - Jeremy Thundermoon Boyd (August 3, 2012): Bet Syracuse protest too!! Lol - Dee Murdock (August 3, 2012): We're running the score up the next time we play them - Cj Tarver (August 3, 2012): Uak.... Don't care if it's 100-0 5 wide lol deadas\$ - Charmain Smith (August 3, 2012): @@ jerm u a bum we don't care if yall had ten nfl players on the team we all grown men at the end of the day they just get paid - Jeremy Thundermoon Boyd (August 3, 2012): Maine you like a damn chihuahua, all that yappin and aint about shit! When y'all lose 2moro just like last time I don't wanna hear shit!!! - Charmain Smith (August 3, 2012): yo jerm if yall two dudes over on my side like yall do all the time to stop me ima kill 73 i promise u and say yall don't do that i got film to prove it - Jeremy Thundermoon Boyd (August 3, 2012): What two dudes?? I know im not playing any damn Oline lol... And who doesn't kill #73, he's a bum Lmao... - Charmain Smith (August 3, 2012): so how yall going to put a bum against me - Jeremy Thundermoon Boyd (August 3, 2012): Sometimes you have to just play the cards you're dealt lol - Jeremy Thundermoon Boyd (August 3, 2012): There's 5 teams in the Cap district. There's really not that many quality big dudes to support that many teams so every team got a just make due - Charmain Smith (August 3, 2012): and ima have a full house every hand lol - Charmain Smith (August 3, 2012): npt us - Jeremy Thundermoon Boyd (August 3, 2012): Please! Have you seen y'all Oline??? I respect the fact that you stand up for yours but EVERY team got they weakness or bums playing. Yes, even the almighty shockboyz lmao - Charmain Smith (August 3, 2012): and then yall got coop playing d smh - Jeremy Thundermoon Boyd (August 3, 2012): He wanted to lol....he do his thing though - Charmain Smith (August 3, 2012): man please - Alan Ladd (August 3, 2012): question cj did you get paid in this league? - Ej Maeweather (August 3, 2012): bet syracuse protest wat??? - **Cj Tarver (August 3, 2012): Doesn't matter every team can protest anything they want... We already talked to commisher I'm all set** - Charmain Smith (August 3, 2012): yo cj real niggas don't care if u got paidits the bum teams more to u tell niggaa to get off u - Charmain Smith (August 3, 2012): and to all bum ass teams with those non coaching ass coaches start scrimmages high school teams if u not ready to play this grown man shit a bunch of tattle tellers this not first grade that teacher teacher look shot stop telling about everything - Charmain Smith (August 3, 2012): \*shit - Cj Tarver (August 3, 2012): I feel u! Crazy how coaches be in your face acting like they your friend and doing shit like that! That's only reason why I feel some type of way but it is what it is.. Watch next time we play them - Brian Showtime Cunningham (August 3, 2012): I don't care if you got paid or not football is football if your nice enough to get paid that means your one of the best and order to be the best you have to beat the best so We will see lol - Cj Tarver (August 3, 2012): I respect that Cunningham .. Little things that will always separate us from the average teams! Shy away from competition instead of being a man about it... And yes we shall see lol

28 hours away lets go lol - Brian Showtime Cunningham (August 3, 2012): Yup I can't wait to bust that ass lol - Dave Burch (August 3, 2012): CJ.....why are you on here misrepresenting anything I have said? You never talked with or met with me at anytime, ever! Your statement "We already talked to commisher I'm all set" is just not true. You really need to remove any reference to the "Commissioner" in any and all postings on FB or anywhere else on the internet. Some of us do care about how we are represented in social media and the internet in general and personal INTEGRITY. I'm going to ask again that you refrain from any reference to me in these forums.....especially since you know you have never talked or met with me ! - Cj Tarver (August 3, 2012): Sal has talked to you regarding me and recently called you! So if u could call him back and not worry my about my exact words on Facebook we would appreciate it! This is why we contacted you BEFORE the season and have emails and phone records to PROVE it!!!! - Dave Burch (August 3, 2012): Okay....have it your way CJ. - Cj Tarver (August 3, 2012): Love how you like coming on Facebook to correct things but take your one with phone calls and other forms of contact that we attempt with you.. U respond when u feel like it! Thanks again for speedy response on Facebook knowing Sal has contacted you and that is what I mean by we smh thank you

7.3.2 Yo I heard C cAnt play tho bc of tht arena league Cj Tarver Nah we had meeting with commissioner in good money baby!! 5 wide get QB draw on one ready break lol

See attachment(s): [CJTarver.docx](#), [cjpost.doc](#)

## **8 Brainstorm Solution Options**

### **8.1 Option 1**

8.1.1 Forfeit all of the Albany wins as losses - No

### **8.2 Option 2**

8.2.1 Sanction Albany because of their behavior and disregard for league members - "not in good standing" - YES

8.2.2 They have to reapply for membership next year - YES

### **8.3 Option 3**

8.3.1 Ban CJ from the EFL immediately - YES

8.3.2 Strip of EFL All Star status - YES

8.3.3 Father action pending.....???

## **9 Decision/Countermeasure Options That Ensure This Does Not Happen Again**

### **9.1 Decision Option 1**

9.1.1 Albany is immediately placed "not in good standing" with the EFL

9.1.2 Reason - Team mismanagement and misrepresenting communications from the Commissioner.

### **9.2 Decision Option 2**

9.2.1 CJ is banned from the EFL forever as a countermeasure so that we never have this problem again.

*9.2.1.1 Eliminated from all Star considerations & league awards*

*9.2.1.2 Further action pending*

9.2.2 Reason - Deliberately denigrating the league by lying about alleged communications with the Commissioner. Ignoring FB warnings from Commissioner regarding postings

### **9.3 Decision Option 3**

9.3.1 Re write the By Law at the Annual Meeting with a crisp description of the problem that will be solved and supporting OE and logic regarding the problem.

9.3.2 Reason - The current bylaw has evolved over time and was not implemented with supporting facts from the NCAA but anecdotal statements e.g. "I talked to a swimming coach" rather than obtaining the precise reading from NCAA regarding the alleged issue.

#### **9.4 Decision Option 4**

9.4.1 A press release will go out to major media, social media and also the league's website.

9.4.2 Reason - To eliminate finger pointing and ensure consistent message

*9.4.2.1 To ensure no further confusion and misrepresentation to the players and general public regarding this decision,*

#### **9.5 Decision Option 5**

9.5.1 Provide assistance to any EFL players who are having difficulty getting into a college or junior college program and felt they were impacted by playing in the EFL

9.5.2 Reason - Clear up any misunderstanding recruiters may have regarding the EFL and college eligibility

*9.5.2.1 Provide admin support to players who request it*

#### **9.6 Decision Option 6**

9.6.1 Deployed Image Consultant

9.6.2 Reason - Negative postings, AP Press coverage of EFL, CJ Facebook postings

*9.6.2.1 Countermeasures to fallout from the final "Commissioner's Ruling"*

### **10 Conclusions**

10.1 As stated previously at Annual Meeting, By Laws are implemented to address specific problems. In spite of all of the time spent on this one during the Annual Meeting, I could not find a valid problem in this case that was being addressed....

10.2 - With regard to the by law that was enacted at the Annual Meeting, it cannot be changed until next year. However, based on this situation (as I have done previously on appeal) because of its direct conflict with documented NCAA rules, this by law is suspended in this case. CJ has also played in the EFL every year, so this is not a situation of loading up with arena players. The intent that this rule was enacted under is no longer an issue to semipro football players.

10.3 By Laws cannot be changed until the Annual Meeting.....however, the Commissioner has previously ruled on issues (based on appeal) interim to formal By Law changes; e.g. Canadian Teams or last year's illegal Glens Falls player. Please refer to previous meeting minutes.

10.4 In closing, I want to again remind all of you that in regard to this decision you have several obvious options. The 1st being an appeal to the Membership Committee.....if you feel you have additional evidence to support your position

**10.5 In Good Money, Baby :)**

## **11 Next Steps**

### 11.1 Communication

11.1.1 Present @ Meeting September 30th

11.1.2 Send Out Press Release

### 11.2 Implementation

11.2.1 Effective Immediately

## **12 MISCELLANEOUS**

12.1 Sal Note To Keleher



12.1.1 Subject: RE: Date: 7/12/2012 9:19:00 A.M. Eastern Daylight Time From: keleher2997@charter.net <mailto:keleher2997@charter.net> Reply To: To: SIAVARONE@nycap.rr.com <mailto:SIAVARONE@nycap.rr.com> CC: davidb6783@aol.com, scott\_aguglia@hotmail.com <mailto:scott\_aguglia@hotmail.com> Sal, This is not personal and I have no ill will toward CJ or any player. Based upon our league by-laws I believe CJ Tarver is ineligible. Based upon our league by-laws by playing an ineligible player you opened yourself up to forfeit. That is how I read the by-laws and interpreted them. Now if you have FACTUAL information and/or evidence that any organization within the EFL is playing a player(s) that have been paid professionally, or are being paid to play for thier respective team, then that should be immediately forwarded to the league Commissioner and the membership. I can tell you with certainty that no player on the Plattsburgh roster has been paid professionally or is being paid to play. I hold each team on thier honor and hope they do the right thing and play by the rules. That's all I can do. Pat On Wed, Jul 11, 2012 at 11:59 AM, Sal Iavarone wrote: just to let you know watertown,monroe,syracuse and amsterdam have all violated the rule aswell. so if i was vermont or plattsburgh i would not play any of us. in fact i should be protesting my game saturday against amsterdam becuase they played a team that played a professional player. i may in the future ask for signatures of all players we play against. I will ask for a signed statement that they have not played any sport with any paid players.

12.2 I have spent a bit of time validating this so it now comes down to Albany's ignoring the By Law or contract that everyone agreed upon

12.3 phone threats and folks even crying on phone about message board postings.....about me!!!

12.4 DEMANDING A QUICK DECISION REGARDING CJ; HOW IS THIS ANY DIFFERENT FROM LAST YEAR'S SITUATION REGARDING GLENS FALLS AND BYLAW INTERPRETATION?

12.4.1 I'M GOING TO TAKE A LOOK AT ANOTHER LEAGUE BECAUSE DECISION IS TAKING TOO LONG

12.4.2 NEED A DECISION SOONER NOT LATER

12.4.3 HOW IS THIS ANY DIFFERENT FROM LAST YEAR'S SITUATION REGARDING GLENS FALLS AND BYLAW INTERPRETATION?