

Report on the

# Alabama Athlete Agents Commission

Montgomery, Alabama



## Department of Examiners of Public Accounts

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June 15, 2022

Representative Howard Sanderford  
Chairman, Sunset Committee  
Alabama State House  
Montgomery, AL 36130

Dear Representative Sanderford,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Alabama Athlete Agents Commission in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Alabama Athlete Agents Commission, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

A handwritten signature in cursive script that reads "Rachel Laurie Riddle".

Rachel Laurie Riddle  
Chief Examiner

**Examiner**  
Rodney Wagstaff



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# **PROFILE**

## **Purpose/Authority**

The Athlete Agents Regulatory Commission was originally created in 1987. Act 1994-504, Acts of Alabama, added the Secretary of State as a member of the Commission and provided for administrative duties of the Commission to be performed by the Secretary of State.

Act 2001-701, Acts of Alabama, effective October 1, 2001, repealed the Athlete Agents regulatory law in its entirety and created a new regulatory law in its current form with primary responsibility for administering the law transferred from the Commission to the Secretary of State. The Commission was retained in a reduced capacity and renamed the Alabama Athlete Agents Commission.

The Athlete Agents Commission, along with the Secretary of State, administers the Athlete Agents regulatory law to protect the interests of student-athletes and academic institutions by regulating the activities of athlete agents. Current statutory authority for the Commission is found in the *Code of Alabama 1975*, Section 8-26B-1 through 8-26B-31, and Section 8-26B-50.

The following legislation was passed since the last sunset review of this agency and is included in the codification presented in the appendices of this report:

Act 2019-504, Acts of Alabama, amended the *Code of Alabama 1975*, Section 8-26B-14 to allow certain athlete agents registered in the state to pay certain expenses of a student athlete or the family of the athlete prior to signing a contract with the agent.

<b><u>Characteristics</u></b>	
<b>Members and Selection</b>	<p>The Commission consists of the Secretary of State and 18 members as follows:</p> <ul style="list-style-type: none"><li>• One member appointed by the Governor</li><li>• One member appointed by the Lieutenant Governor</li><li>• One member appointed by the Speaker of the House of Representatives</li><li>• The athletic director or an individual appointed by the athletic director at each of the following institutions of higher education:<ul style="list-style-type: none"><li>○ Auburn University</li><li>○ University of Alabama, Tuscaloosa</li><li>○ University of South Alabama</li><li>○ Alabama State University</li><li>○ Alabama A&amp;M University</li><li>○ Tuskegee University</li><li>○ Troy University</li></ul></li></ul>

	<ul style="list-style-type: none"> <li>○ Jacksonville State University</li> <li>○ University of North Alabama</li> <li>○ University of West Alabama</li> <li>○ Miles College</li> <li>○ University of Montevallo</li> <li>○ University of Alabama, Huntsville</li> <li>○ University of Alabama, Birmingham</li> <li>● One member appointed by the Alabama High School Athletic Association.</li> </ul>
	<p>All members serve three-year terms.  Members are eligible for reappointment.  There are no term limits.</p> <p><i>Code of Alabama 1975</i>, Section 8-26B-30 (a) and (b)</p>
<b>Qualifications</b>	<p>Citizens of the United States and residents of Alabama.</p> <p><i>Code of Alabama 1975</i>, Section 8-26B-30(b)</p>
<b>Consumer Representation</b>	<p>No statutory requirement.</p>
<b>Racial Representation</b>	<p>No statutory requirement.  Nine minority members serving</p>
<b>Geographical Representation</b>	<p>No statutory requirement.</p>
<b>Other Representation</b>	<p>The appointing power shall select those persons whose appointments, to the extent possible, ensure that the membership of the Commission is inclusive and reflects the racial, gender, urban/rural, and economic diversity of the state.</p> <p><i>Code of Alabama 1975</i>, Section 8-26B-30(b)</p>
<b>Compensation</b>	<p>Except for the Secretary of State, each member of the commission, who is not otherwise reimbursed by public funds, receives fifty dollars for each day the member is actively engaged in the discharge of official duties and shall also be entitled to reimbursement for actual necessary expenses.</p> <p><i>Code of Alabama 1975</i>, Section 8-26B-30(k)</p>



<b>Attended Board Member Training</b>	Nineteen Commission Members Nine Secretary of State Staff members Secretary of State Legal Counsel
<b><u>Operations</u></b>	
<b>Administrator</b>	Honorable John H. Merrill, Secretary of State Elected Official Annual salary as an elected official - \$89,561.28.  <i>Code of Alabama 1975</i> , Section 8-26B-3
<b>Location</b>	State Capitol Building – Suite S-105 600 Dexter Avenue Montgomery, AL 36130 Office Hours: M – F 8:00 a.m. – 5:00 p.m.
<b>Employees</b>	No employees. Six employees from the Secretary of State’s Office perform administrative functions for the Commission on an as needed basis.
<b>Legal Counsel</b>	Hugh R. Evans III, Secretary of State’s Office legal counsel, serves as the Commission’s legal counsel.
<b>Subpoena Power</b>	None except as provided by the Administrative Procedures Act, the <i>Code of Alabama 1975</i> , Section 41-22-12, for hearings and contested cases.
<b>Internet Presence</b>	<a href="http://sos.alabama.gov/administrative-services/athlete-agents">http://sos.alabama.gov/administrative-services/athlete-agents</a> <ul style="list-style-type: none"> <li>• Home Page</li> <li>• Registered Athlete Agents Listing</li> <li>• Enabling Statutes</li> <li>• Request for Registration Information Packet</li> <li>• Athlete Agent Application Form</li> <li>• Commission Meeting Minutes</li> <li>• Records Disposition Authority (RDA)</li> <li>• Administrative Rules</li> <li>• Contact Information</li> </ul>

<b><u>Financial</u></b>	
<b>Source of Funds</b>	Registration fees, renewal fees, and administrative penalties.
<b>State Treasury</b>	Operates from State Treasury Special Revenue Fund 0781.  <i>Code of Alabama 1975</i> , Section 8-26B-31(b)
<b>Required Distributions</b>	No statutory requirements.
<b>Unused Funds</b>	The Commission retains unused funds at fiscal year-end.
<b><u>Licensure</u></b>	
<b>Licensees</b>	As of March 1, 2022 220 active registered athlete agents  <i>Source:</i> Office staff
<b>Licensure Qualifications</b>	Potential athlete agents must complete an application with a description of: <ul style="list-style-type: none"> <li>• Formal trainings as an athlete agent.</li> <li>• Practical experience as an athlete agent.</li> <li>• Educational background relating to the applicants' activities as an athlete agent.</li> </ul> <i>Code of Alabama 1975</i> , Section 8-26B-5(a)(5)
<b>Examinations</b>	Examinations are not required for licensure.
<b>Reciprocity</b>	An individual registered as an athlete agent in another state may apply for registration as an athlete agent in this state by submitting to the Secretary of State: <ul style="list-style-type: none"> <li>• A copy of the application for registration in the other state.</li> <li>• A statement that identifies any material change in the information on the application or verifies there is no material change in the information, signed under penalty of perjury.</li> <li>• A copy of the certificate of registration from the other state.</li> </ul> <i>Code of Alabama 1975</i> , Section 8-26B-5(b)  The Secretary of State shall issue a certificate of registration to an individual who applies for registration under subsection (b) if the Secretary of State determines:

	<ul style="list-style-type: none"> <li>• The application and registration requirements of the other state are substantially similar to or more restrictive than this chapter.</li> <li>• The registration has not been revoked or suspended and no action involving the individual's conduct as an athlete agent is pending against the individual or the individual's registration in any state.</li> </ul> <p><i>Code of Alabama 1975</i>, Section 8-26B-5(c)</p>
<b>Renewals</b>	<p>Biennially – Certificates of registration expire two years from the date of issue. Issuance dates are the dates of the quarterly Commission meetings. Renewal applications can be received by the Commission up to and including the date of the Commission meeting. Grace period for a license after expiration is only during that quarter for renewal.</p> <p>If a licensee does not get their renewal information in during the quarter the license expires, they will need to reapply as a new agent in a subsequent quarter.</p> <p>Online renewals are not available.</p> <p><i>Code of Alabama 1975</i>, Section 8-26B-6(f) <i>Source:</i> Office Staff</p>
<b>Licensee Demographics</b>	<p>Data not collected by agency.</p> <p><i>Source:</i> Office staff</p>
<b>Continuing Education</b>	<p>No statutory requirement.</p>

## **SIGNIFICANT ISSUES**

**2022-01 - Five of the six Commissioners responding to the survey stated that Name, Image and Likeness laws are the most significant issues currently facing the Commission and how the new laws will affect Athlete Agents.** Act 2021-227, Acts of Alabama, allowed student athletes to earn compensation for the use of their name, image, or likeness; prevented postsecondary education institutions from unreasonably restricting athletes from receiving compensation for use of their name, image, or likeness; and established the Alabama Collegiate Athletics Commission to provide rules and recommendation on matters related to the names, images, and likeness of athletes. Act 2021-227 was repealed in the 2022 legislative session.

**Commission's Response** – Act 2021-227 gave the Athlete Agents Commission (AAC) oversight over the activities of the Alabama Collegiate Athletic Association (ACAC) which was charged with rule making authority, investigation of complaints, etc., relative to Name, Image, and Likeness (NIL).

The AAC, on May 3, 2021, sent a letter to all members of the ACAC informing them of the logistics as well as cooperation that would be required to make NIL work. It was further suggested to Attorney General Marshall that ACAC would need counsel, that the AAC could not provide it to them, and requesting he appoint one.

Before the ACAC could meet, begin the rule making process, etc., Act 2022-2 repealed Act 2021-227.

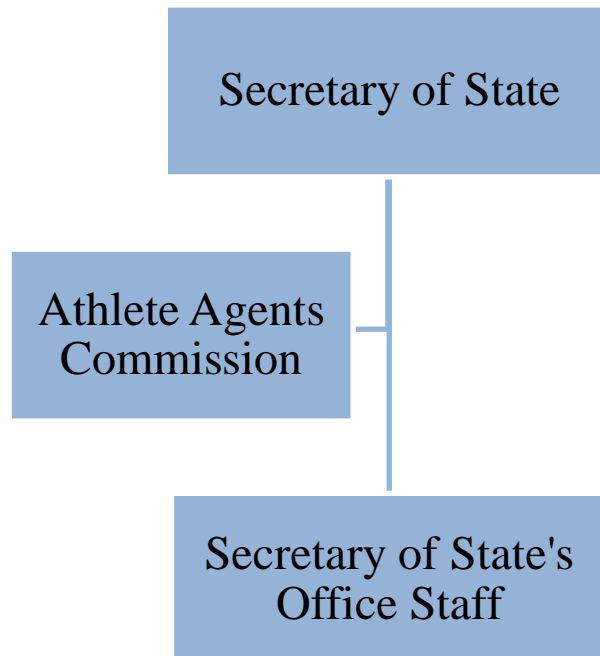
Currently, Alabama has no law or mechanism in place to monitor or oversee this very important aspect of collegiate sports. Alabama will not be able to do so going forward without legislative action.

The Office of Secretary of State, which staffs the AAC, shares in the concerns of the AAC members surveyed, and would strongly encourage the Alabama Legislature to take appropriate action to put the proper safeguards in place to manage this crucial issue.

## **STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES**

All prior findings/significant issues have been resolved.

## **ORGANIZATION**



## **PERSONNEL**

The Commission does not have employees. Six employees from the Secretary of State's Office perform administrative functions for the Commission on an as needed basis.

### **Legal Counsel**

Hugh R. Evans III, Secretary of State's Office legal counsel, serves as the Commission's legal counsel.

## **PERFORMANCE CHARACTERISTICS**

### **Number of Licensees for the Past Four Years**

Type of Licenses	CALENDAR YEARS			
	2018	2019	2020	2021
Athlete Agent	198	191	187	220

**Operating Disbursements per Licensee (FY 2021)** – \$10.92

## Notification of Commission decisions to Amend Administrative Rules

The Commission complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. Licensees are not specifically notified of proposed changes. The Commission also posts proposed rules on its website.

## COMPLAINT HANDLING

The Commission's *Administrative Rule* 142-1-2 provides the procedures for documentation, receipt, and investigation of complaints against licensees. According to the Secretary of State's Chief of Staff, no complaints have been filed with the Commission for the past four years.

<b>Initial Contact/Documentation</b>	<p>Complaints may be received by delivery of documents to the Commission, an employee of the Office of the Secretary of State, in person, or by United States Mail.</p> <p>Commission members are allowed to bring complaints to the attention of the Commission.</p> <p>No specific form is required. Complaints may be either informal or formal. Informal complaints can be made in any manner which states specifically the cause of the complaint.</p> <p>Formal complaints must be in writing and contain the names of all parties, complainants and defendant, in full and the address of each. The complaint must fully and completely advise the defendant(s) and the Commission of the provision of law, rules, or regulations that have been or will be violated as well as state the relief sought. Formal complaints must be accompanied by copies in sufficient numbers to serve to each defendant and retain nineteen copies for use of the Commission. All formal complaints must be signed by the party or an attorney representing the party.</p>
<b>Anonymous Complaints Accepted</b>	Yes
<b>Investigative Process / Probable Cause Determination</b>	<p>Informal complaints are taken up by communication with the parties affected in an endeavor to resolve the complaint without formal hearing. When a complaint cannot be resolved by informal negotiation, complainants are notified, and the matter is closed. Formal complaints may then be filed if complainants so desire.</p>

	For formal complaints, each person against whom a complaint is directed must plead or answer at least five days prior to the date set for hearing, but no later than 30 days from the filing of the complaint. A formal vote determines if the complaint merits corrective action by the Commission.
<b>Negotiated Settlements</b>	Yes
<b>Notification of Resolution to the Complainant</b>	Complainants are notified of the Commission's resolution of complaints.

## **REGULATION IN CONJUNCTION WITH OTHER ENTITIES**

There is no direct overlap or regulation with other state or federal agencies.

## **FINANCIAL INFORMATION**

### **Source of funds**

Registration and renewal fees, administrative penalties

### **Fund**

The Commission operates from Special Revenue Fund 0781 in the State Treasury, authorized by the *Code of Alabama 1975*, Section 8-26B-31.

### **Schedule of Fees**

<b>Fee Type</b>	<b>Statutory Authority</b>	<b>Amount Authorized</b>	<b>Amount Collected</b>
Initial Application for Registration	8-26B-9(1)	\$200.00	\$200.00
Registration Based on Certificate of Registration Issued by Another State	8-26B-9(2)	\$100.00	\$100.00
Registration Renewal	8-26B-9(3)	\$100.00	\$100.00
Registration Renewal Based on Certificate of Registration Issued by Another State	8-26B-9(4)	\$100.00	\$100.00
Bad Check Fee	8-8-15(b)	Maximum \$30.00	\$30.00
Public Records Requests	36-14-3(1)	\$1.00 per page	\$1.00 per page
Reprint of Athlete Agent Certificate	36-14-3(2)	\$5.00	\$5.00

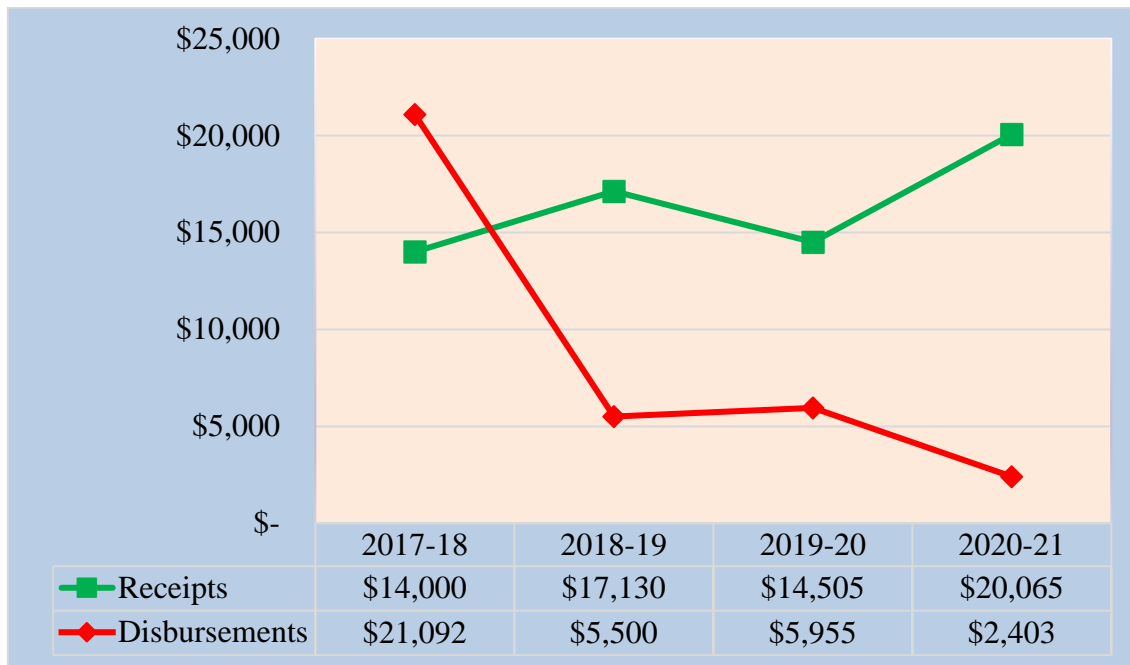
**Schedule of Receipts, Disbursements and Balances**

October 1, 2017 through September 30, 2021

	<u>2021-2020</u>	<u>2020-2019</u>	<u>2019-2018</u>	<u>2018-2017</u>
<b><u>Receipts</u></b>				
License Fees	\$ 20,000.00	\$ 14,500.00	\$ 17,100.32	\$ 14,000.00
Duplicate License Fees	5.00	5.00	-	-
Bad Check Penalties	60.00	-	30.00	-
<b>Total</b>	<u>20,065.00</u>	<u>14,505.00</u>	<u>17,130.32</u>	<u>14,000.00</u>
 <b><u>Disbursements</u></b>				
Personnel Costs	-	-	-	370.74
Employee Benefits	-	-	-	79.12
Travel, In-State	-	3,456.84	3,825.87	5,973.76
Professional Services	2,403.21	2,416.85	1,645.19	14,668.46
Supplies, Materials, & Operation Expenses	-	80.99	28.44	-
<b>Total</b>	<u>2,403.21</u>	<u>5,954.68</u>	<u>5,499.50</u>	<u>21,092.08</u>
 Excess (Deficiency) of Receipts over Disbursements	 17,661.79	 8,550.32	 11,630.82	 (7,092.08)
 Cash Balance at Beginning of Year	 <u>30,432.66</u>	 <u>21,882.34</u>	 <u>10,251.52</u>	 <u>17,343.60</u>
 Cash Balance at End of Year	 48,094.45	 30,432.66	 21,882.34	 10,251.52
 Reserved for Year-End Obligations	 <u>-</u>	 <u>(601.00)</u>	 <u>(2,001.00)</u>	 <u>(262.00)</u>
 Unobligated Cash Balance at End of Year	 <u>\$ 48,094.45</u>	 <u>\$ 29,831.66</u>	 <u>\$ 19,881.34</u>	 <u>\$ 9,989.52</u>



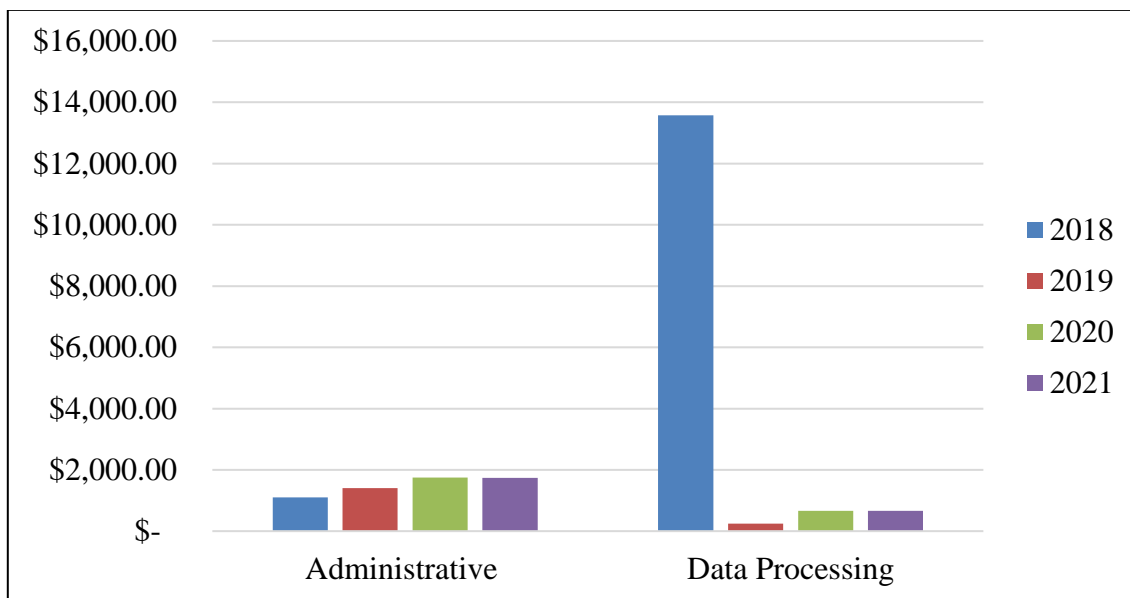
**Operating Receipts vs. Operating Disbursements (Chart)**



<b>SUMMARY SCHEDULE OF PROFESSIONAL SERVICE DISBURSEMENTS*</b>				
As of September 30 <sup>th</sup>				
<b>Type of Service</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
Administrative Services	\$ 1,100.00	\$ 1,400.00	\$ 1,750.00	\$ 1,740.00
Data Processing Services	13,568.46	245.19	666.85	663.21
<b>Total</b>	<b>\$ 14,668.46</b>	<b>\$ 1,645.19</b>	<b>\$ 2,416.85</b>	<b>\$ 2,403.21</b>

\*Detailed information presented in the appendix

### Professional Service Disbursement Chart



## **QUESTIONNAIRES**

### **Commission Member Questionnaire**

A letter was sent to all nineteen members of the Alabama Athlete Agents Commission requesting participation in our survey. Six participated in the survey. The percentages, where shown, are based on the number who responded to the question.

#### **1. What are the most significant issues currently facing the Alabama Athlete Agents Commission and how is the Commission addressing these issues?**

**Commission Member #1** – “Name, Image, and Likeness is now permissible. Agents are now lining up to get certified in Alabama.”

**Commission Member #2** – “Right now, Name Image and Likeness laws for the State of Alabama. The Commission is addressing these issues as soon as we are updated by the state legislature regarding new laws and how they affect NCAA rules and regulations.”

**Commission Member #3** – “Navigating the NIL law and how to apply the Agent Law requirements to individuals wishing to participate as an NIL representative.”

**Commission Member #4** – “Monitoring the NIL issue that will affect every collegiate athlete in Alabama”

**Commission Member #5** – “With the New NIL deals at the college level we are really making sure that individuals that want to be an agent in the state are doing it for the right reasons. Also, there seems to be never ending rule changes at the NCAA and the Federal level that we are continuing to monitor.”

**Commission Member #6** – “NA”

#### **2. What, if any, changes to the Commission’s laws are needed?**

**Commission Member #1** – “The commission needs to be able to meet via zoom instead of in person.”

**Commission Member #2** – “The state is working on changing the laws so they reflect new NCAA rules and regulations. This is needed and being worked on.”

**Commission Member #3** – “Flexibility in meeting virtual if possible.”

**Commission Member #4** – “None at this time.”

**Commission Member #5** – “N/A.”

**Commission Member #6** – “NA.”

#### **3. Is the Commission adequately funded?**

<b>Yes</b>	<b>5</b>	<b>83%</b>
No Opinion	1	17%

#### **4. Is the Commission adequately staffed?**

<b>Yes</b>	<b>6</b>	<b>100%</b>
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*Commission Member Questionnaire*

**5. Does the Commission receive regular reports on its operations from the Chief Administrative Officer?**

Yes	5	83%
No Opinion	1	17%

**6. Has the Commission experienced any significant changes to its operations?**

Yes	1	17%
No	5	83%

**7. Does the Commission plan any significant changes in its operations?**

No	3	50%
Unknown	2	33%
No Opinion	1	17%

**8. Do you have any other comments you would like to make?**

**Commission Member #1** – “The staff does a great job.”

**Commission Member #2** – “A lot of the survey questions above will depend on state law and what happens in the legislature. We were mandated to watch ethics videos recently which I believe will help in operations moving forward, for clarity. We are notified of operations on a quarterly basis, so if this is regular then yes to that question.”

**Commission Member #3** – “It's a pleasure to serve on this commission with fellow state institution members.”

**Commission Member #4** – “None.”

**Commission Member #5** – “N/A.”

**Commission Member #6** – “NA.”

**Athlete Agent Questionnaire**

A letter was sent to one hundred licensees requesting participation in our survey. Thirteen participated in the survey. The percentages, where shown, are based on the number who responded to the question.

**1. What do you think is the most significant issue(s) currently facing your profession in Alabama?**

**Respondent #1** – “Agents that do not follow rules and offer compensation to amateur athletes.”

**Respondent #2** – “Not necessarily a problem with the state of Alabama specifically, but a lack of clarity on state laws and school policies become difficult to properly carry out business in a way that is universally compliant when it comes to NIL. Additionally, a rolling acceptance on applications would make certifications easier.”

**Respondent #3** – “Corruption of agencies and use of NIL as a Trojan horse.”

**Respondent #4** – “Honestly, this is my first year to be registered in Alabama. I would not know how to answer this other than because of the high-quality athletes, cheating among agents would not surprise me.”

**Respondent #5** – “How NIL will negatively impact college athletics.”

**Respondent #6** – “Impermissible benefits, Athletes understanding what an agent can and cannot do in terms of NIL Representation.”

**Respondent #7** – “The number of agents exceeds the number of athletes at the highest levels of professional sports. Subsequently, that causes agents to clamor for amateur players, who have less information as to who is, or isn't, a good agent. Has made the amateur level a cesspool--more so than in the past.”

**Respondent #8** – “unregistered agents.”

**Respondent #9** – “NEW LAWS NOT BEING UPDATED ON TIME.”

**Respondent #10** – “There are a number of issues that we face in this legal profession. However, the most significant issue that I believe we face are obtaining the athletes and being able to assist them in receiving NIL deals.”

**Respondent #11** – “I think the Commission and its regulations address the significant issues in the profession.”

**Respondent #12** – “The clients are restricted from pursuing NIL deals based on regulations within the Athletics Administration.”

**Respondent #13** – “There are too many new agents and/or representatives due to the NIL rights, approaching the student athletes with little knowledge or expertise in sponsorship/endorsements.”

**2. Do you think regulation of your profession by the Alabama Athlete Agents Commission is necessary to protect the public welfare?**

<b>Yes</b>	<b>7</b>	<b>54%</b>
No	2	15%
Unknown	1	8%
No Opinion	3	23%

**3. Do you think any of the Commission's laws, rules, or policies are an unnecessary restriction on the practice of your profession?**

Yes	4	31%
<b>No</b>	<b>6</b>	<b>46%</b>
Unknown	1	8%
No Opinion	2	15%

**4. Are you adequately informed by the Commission of changes to and interpretations of the Commission's positions, policies, rules, and laws?**

Yes	2	15.0%
<b>No</b>	<b>5</b>	<b>38.5%</b>
<b>Unknown</b>	<b>5</b>	<b>38.5%</b>
No Opinion	1	8.0%

**5. Does the Commission respond to your inquiries in a timely manner?**

<b>Yes</b>	<b>10</b>	<b>77%</b>
Unknown	3	23%

**6. Has the Commission performed your licensing and renewal in a timely manner?**

<b>Yes</b>	<b>12</b>	<b>92%</b>
No Opinion	1	8%

**7. Do you have any other comments you would like to make?**

**Respondent #1** – “No, Thanks.”

**Respondent #2** – “No.”

**Respondent #3** – “NA.”

**Respondent #4** – “I grew up in Alabama and I'm really looking forward to the opportunity to make a difference there.”

**Respondent #5** – “None.”

**Respondent #6** – “Setting up an online registration form, rather than completing on paper through mail would help improve efficiency.”

*Athlete Agent Questionnaire*

**Respondent #7** – “Strong enforcement is critical for the success of the program. And making sure the public is aware of the enforcement, via informing the press, is important. Without enforcement and agents' awareness of the enforcement, the program is a waste of time. Finding an agent who has broken the state laws is not difficult to do. There are agents illegally contacting Alabama amateurs, I dare to say, every day.”

**Respondent #8** – “NIL has created an interesting situation and believe has relatively gone unchecked as it relates to the agents repping student athletes.”

**Respondent #9** – “GREAT COMMISSION OVERALL.”

**Respondent #10** – “N/A.”

**Respondent #11** – “no further comments.”

**Respondent #12** – “N/A.”

**Respondent #13** – “One of the positive aspects of working with the Alabama Athlete Agents Commission is that they are organized and responsive, which is not the case in other States. Alabama could be at the forefront of this new era by creating a guidebook or other media to demonstrate leadership throughout the nation. Thank you.”

# **APPENDICES**

## **Applicable Statutes**

### **Article 1 General Provisions**

#### **Section 8-26B-1 Short title.**

This chapter may be cited as the Revised Uniform Athlete Agents Act (2016).  
(Act 2016-415, §1.)

#### **Section 8-26B-2 Definitions.**

In this chapter:

(1) "Agency contract" means an agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the athlete a professional-sports-services contract or endorsement contract.

(2) "Athlete agent":

(A) means an individual, whether or not registered under this chapter, who:

(i) directly or indirectly recruits or solicits a student athlete to enter into an agency contract or, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for a student athlete as a professional athlete or member of a professional sports team or organization;

(ii) for compensation or in anticipation of compensation related to a student athlete's participation in athletics:

(I) serves the athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions, unless the individual is an employee of an educational institution acting exclusively as an employee of the institution for the benefit of the institution; or

(II) manages the business affairs of the athlete by providing assistance with bills, payments, contracts, or taxes; or

(iii) in anticipation of representing a student athlete for a purpose related to the athlete's participation in athletics:

(I) gives consideration to the student athlete or another person;

(II) serves the athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions; or

(III) manages the business affairs of the athlete by providing assistance with bills, payments, contracts, or taxes; but

(B) does not include an individual who:

(i) acts solely on behalf of a professional sports team or organization; or

(ii) is a licensed, registered, or certified professional and offers or provides services to a student athlete customarily provided by members of the profession, unless the individual:

(I) also recruits or solicits the athlete to enter into an agency contract;

(II) also, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for the athlete as a professional athlete or member of a professional sports team or organization; or

(III) receives consideration for providing the services calculated using a different method than for an individual who is not a student athlete.



- (3) "Athletic director" means the individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male students and female students, the athletic program for males or the athletic program for females, as appropriate.
- (4) "Educational institution" includes a public or private elementary school, secondary school, technical or vocational school, community college, college, and university.
- (5) "Endorsement contract" means an agreement under which a student athlete is employed or receives consideration to use on behalf of the other party any value that the athlete may have because of publicity, reputation, following, or fame obtained because of athletic ability or performance.
- (6) "Enrolled" means registered for courses and attending athletic practice or class. "Enrolls" has a corresponding meaning.
- (7) "Intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association that promotes or regulates collegiate athletics.
- (8) "Interscholastic sport" means a sport played between educational institutions that are not community colleges, colleges, or universities.
- (9) "Licensed, registered, or certified professional" means an individual licensed, registered, or certified as an attorney, dealer in securities, financial planner, insurance agent, real estate broker or sales agent, tax consultant, accountant, or member of a profession, other than that of athlete agent, who is licensed, registered, or certified by the state or a nationally recognized organization that licenses, registers, or certifies members of the profession on the basis of experience, education, or testing.
- (10) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.
- (11) "Professional-sports-services contract" means an agreement under which an individual is employed as a professional athlete or agrees to render services as a player on a professional sports team or with a professional sports organization.
- (12) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- (13) "Recruit or solicit" means attempt to influence the choice of an athlete agent by a student athlete or, if the athlete is a minor, a parent or guardian of the athlete. The term does not include giving advice on the selection of a particular agent in a family, coaching, or social situation unless the individual giving the advice does so because of the receipt or anticipated receipt of an economic benefit, directly or indirectly, from the agent.
- (14) "Registration" means registration as an athlete agent under this chapter.
- (15) "Sign" means, with present intent to authenticate or adopt a record:
- (A) to execute or adopt a tangible symbol; or
  - (B) to attach to or logically associate with the record an electronic symbol, sound, or process.
- (16) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.
- (17) "Student athlete" means an individual who is eligible to attend an educational institution and engages in, is eligible to engage in, or may be eligible in the future to engage in, any interscholastic or intercollegiate sport. The term does not include an individual permanently

ineligible to participate in a particular interscholastic or intercollegiate sport for that sport.  
(Act 2016-415, §1.)

**Section 8-26B-3 Secretary of State; authority; procedure.**

(a) The Alabama Administrative Procedure Act applies to this chapter. The Secretary of State may adopt rules under the act to implement this chapter.

(b) By acting as an athlete agent in this state, a nonresident individual appoints the Secretary of State as the individual's agent for service of process in any civil action in this state related to the individual acting as an athlete agent in this state.

(Act 2016-415, §1.)

**Section 8-26B-4 Athlete agent; registration required; void contract.**

(a) Except as otherwise provided in subsection (b), an individual may not act as an athlete agent in this state without holding a certificate of registration under this chapter.

(b) Before being issued a certificate of registration under this chapter, an individual may act as an athlete agent in this state for all purposes except signing an agency contract, if:

(1) a student athlete or another person acting on behalf of the athlete initiates communication with the individual; and

(2) not later than seven days after an initial act that requires the individual to register as an athlete agent, the individual submits an application for registration as an athlete agent in this state.

(c) An agency contract resulting from conduct in violation of this section is void, and the athlete agent shall return any consideration received under the contract.

(Act 2016-415, §1.)

**Section 8-26B-5 Registration as athlete agent; application; requirements; reciprocal registration.**

(a) An applicant for registration as an athlete agent shall submit an application for registration to the Secretary of State in a form prescribed by the Secretary of State. The applicant must be an individual, and the application must be signed by the applicant under penalty of perjury. The application must contain at least the following:

(1) the name and date and place of birth of the applicant and the following contact information for the applicant:

(A) the address of the applicant's principal place of business;

(B) work and mobile telephone numbers; and

(C) any means of communicating electronically, including a facsimile number, electronic-mail address, and personal and business or employer websites;

(2) the name of the applicant's business or employer, if applicable, including for each business or employer, its mailing address, telephone number, organization form, and the nature of the business;

(3) each social-media account with which the applicant or the applicant's business or employer is affiliated;

(4) each business or occupation in which the applicant engaged within five years before the date of the application, including self-employment and employment by others, and any professional or occupational license, registration, or certification held by the applicant during that time;

(5) a description of the applicant's:

(A) formal training as an athlete agent;

- (B) practical experience as an athlete agent; and
- (C) educational background relating to the applicant's activities as an athlete agent;
- (6) the name of each student athlete for whom the applicant acted as an athlete agent within five years before the date of the application or, if the individual is a minor, the name of the parent or guardian of the minor, together with the athlete's sport and last-known team;
- (7) the name and address of each person that:
  - (A) is a partner, member, officer, manager, associate, or profit sharer or directly or indirectly holds an equity interest of five percent or greater of the athlete agent's business if it is not a corporation; and
  - (B) is an officer or director of a corporation employing the athlete agent or a shareholder having an interest of five percent or greater in the corporation;
- (8) a description of the status of any application by the applicant, or any person named under paragraph (7), for a state or federal business, professional, or occupational license, other than as an athlete agent, from a state or federal agency, including any denial, refusal to renew, suspension, withdrawal, or termination of the license and any reprimand or censure related to the license;
- (9) whether the applicant, or any person named under paragraph (7), has pleaded guilty or no contest to, has been convicted of, or has charges pending for, a crime that would involve moral turpitude or be a felony if committed in this state and, if so, identification of:
  - (A) the crime;
  - (B) the law-enforcement agency involved; and
  - (C) if applicable, the date of the conviction and the fine or penalty imposed;
- (10) whether, within 15 years before the date of application, the applicant, or any person named under paragraph (7), has been a defendant or respondent in a civil proceeding, including a proceeding seeking an adjudication of legal incompetence and, if so, the date and a full explanation of each proceeding;
- (11) whether the applicant, or any person named under paragraph (7), has an unsatisfied judgment or a judgment of continuing effect, including alimony or a domestic order in the nature of child support, which is not current at the date of the application;
- (12) whether, within 10 years before the date of application, the applicant, or any person named under paragraph (7), was adjudicated bankrupt or was an owner of a business that was adjudicated bankrupt;
- (13) whether there has been any administrative or judicial determination that the applicant, or any person named under paragraph (7), made a false, misleading, deceptive, or fraudulent representation;
- (14) each instance in which conduct of the applicant, or any person named under paragraph (7), resulted in the imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic, intercollegiate, or professional athletic event on a student athlete or a sanction on an educational institution;
- (15) each sanction, suspension, or disciplinary action taken against the applicant, or any person named under paragraph (7), arising out of occupational or professional conduct;
- (16) whether there has been a denial of an application for, suspension or revocation of, refusal to renew, or abandonment of, the registration of the applicant, or any person named under paragraph (7), as an athlete agent in any state;
- (17) each state in which the applicant currently is registered as an athlete agent or has applied to be registered as an athlete agent;

(18) if the applicant is certified or registered by a professional league or players association:

(A) the name of the league or association;

(B) the date of certification or registration, and the date of expiration of the certification or registration, if any; and

(C) if applicable, the date of any denial of an application for, suspension or revocation of, refusal to renew, withdrawal of, or termination of, the certification or registration or any reprimand or censure related to the certification or registration; and

(19) any additional information required by the Secretary of State.

(b) Instead of proceeding under subsection (a), an individual registered as an athlete agent in another state may apply for registration as an athlete agent in this state by submitting to the Secretary of State:

(1) a copy of the application for registration in the other state;

(2) a statement that identifies any material change in the information on the application or verifies there is no material change in the information, signed under penalty of perjury; and

(3) a copy of the certificate of registration from the other state.

(c) The Secretary of State shall issue a certificate of registration to an individual who applies for registration under subsection (b) if the Secretary of State determines:

(1) the application and registration requirements of the other state are substantially similar to or more restrictive than this chapter; and

(2) the registration has not been revoked or suspended and no action involving the individual's conduct as an athlete agent is pending against the individual or the individual's registration in any state.

(d) For purposes of implementing subsection (c), the Secretary of State shall:

(1) cooperate with national organizations concerned with athlete agent issues and agencies in other states which register athlete agents to develop a common registration form and determine which states have laws that are substantially similar to or more restrictive than this chapter; and

(2) exchange information, including information related to actions taken against registered athlete agents or their registrations, with those organizations and agencies.

*(Act 2016-415, §1.)*

**Section 8-26B-6 Certificate of registration; issuance or denial; renewal.**

(a) Except as otherwise provided in subsection (b), the Secretary of State shall issue a certificate of registration to an applicant for registration who complies with Section 8-26B-5(a).

(b) The Secretary of State may refuse to issue a certificate of registration to an applicant for registration under Section 8-26B-5(a) if the Secretary of State determines that the applicant has engaged in conduct that significantly adversely reflects on the applicant's fitness to act as an athlete agent. In making the determination, the Secretary of State may consider whether the applicant has:

(1) pleaded guilty or no contest to, has been convicted of, or has charges pending for, a crime that would involve moral turpitude or be a felony if committed in this state;

(2) made a materially false, misleading, deceptive, or fraudulent representation in the application or as an athlete agent;

(3) engaged in conduct that would disqualify the applicant from serving in a fiduciary capacity;

(4) engaged in conduct prohibited by Section 8-26B-14;

(5) had a registration as an athlete agent suspended, revoked, or denied in any state;

(6) been refused renewal of registration as an athlete agent in any state;

(7) engaged in conduct resulting in imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic, intercollegiate, or professional athletic event on a student athlete or a sanction on an educational institution; or

(8) engaged in conduct that adversely reflects on the applicant's credibility, honesty, or integrity.

(c) In making a determination under subsection (b), the Secretary of State shall consider:

(1) how recently the conduct occurred;

(2) the nature of the conduct and the context in which it occurred; and

(3) other relevant conduct of the applicant.

(d) An athlete agent registered under subsection (a) may apply to renew the registration by submitting an application for renewal in a form prescribed by the Secretary of State. The applicant shall sign the application for renewal under penalty of perjury and include current information on all matters required in an original application for registration.

(e) An athlete agent registered under Section 8-26B-5(c) may renew the registration by proceeding under subsection (d) or, if the registration in the other state has been renewed, by submitting to the Secretary of State copies of the application for renewal in the other state and the renewed registration from the other state. The Secretary of State shall renew the registration if the Secretary of State determines:

(1) the registration requirements of the other state are substantially similar to or more restrictive than this chapter; and

(2) the renewed registration has not been suspended or revoked and no action involving the individual's conduct as an athlete agent is pending against the individual or the individual's registration in any state.

(f) A certificate of registration or renewal of registration under this chapter is valid for two years.  
(Act 2016-415, §1.)

#### **Section 8-26B-7 Suspension, revocation, or refusal to renew registration.**

(a) The Secretary of State may limit, suspend, revoke, or refuse to renew a registration of an individual registered under Section 8-26B-6(a) for conduct that would have justified refusal to issue a certificate of registration under Section 8-26B-6(b).

(b) The Secretary of State may suspend or revoke the registration of an individual registered under Section 8-26B-5(c) or renewed under Section 8-26B-6(e) for any reason for which the Secretary of State could have refused to grant or renew registration or for conduct that would justify refusal to issue a certificate of registration under Section 8-26B-6(b).

(Act 2016-415, §1.)

#### **Section 8-26B-8 Temporary registration.**

The Secretary of State may issue a temporary certificate of registration as an athlete agent while an application for registration or renewal of registration is pending.

(Act 2016-415, §1.)

#### **Section 8-26B-9 Registration and renewal fees.**

An application for registration or renewal of registration as an athlete agent must be accompanied by a fee in the following amount:

(1) Two hundred dollars (\$200) for an initial application for registration;

(2) One hundred dollars (\$100) for registration based on a certificate of registration issued by another state;

- (3) One hundred dollars (\$100) for an application for renewal of registration; or
- (4) One hundred dollars (\$100) for renewal of registration based on a renewal of registration in another state.

*(Act 2016-415, §1.)*

**Section 8-26B-10 Required form of agency contract.**

- (a) An agency contract must be in a record signed by the parties.
- (b) An agency contract must contain:
  - (1) a statement that the athlete agent is registered as an athlete agent in this state and a list of any other states in which the agent is registered as an athlete agent;
  - (2) the amount and method of calculating the consideration to be paid by the student athlete for services to be provided by the agent under the contract and any other consideration the agent has received or will receive from any other source for entering into the contract or providing the services;
  - (3) the name of any person not listed in the agent's application for registration or renewal of registration which will be compensated because the athlete signed the contract;
  - (4) a description of any expenses the athlete agrees to reimburse;
  - (5) a description of the services to be provided to the athlete;
  - (6) the duration of the contract; and
  - (7) the date of execution.
- (c) Subject to subsection (g), an agency contract must contain a conspicuous notice in boldface type and in substantially the following form:

**WARNING TO STUDENT ATHLETE**

**IF YOU SIGN THIS CONTRACT:**

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

(d) An agency contract must be accompanied by a separate record signed by the student athlete or, if the athlete is a minor, the parent or guardian of the athlete acknowledging that signing the contract may result in the loss of the athlete's eligibility to participate in the athlete's sport.

(e) A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may void an agency contract that does not conform to this section. If the contract is voided, any consideration received from the athlete agent under the contract to induce entering into the contract is not required to be returned.

(f) At the time an agency contract is executed, the athlete agent shall give the student athlete or, if the athlete is a minor, the parent or guardian of the athlete a copy in a record of the contract and the separate acknowledgement required by subsection (d).

(g) If a student athlete is a minor, an agency contract must be signed by the parent or guardian of the minor and the notice required by subsection (c) must be revised accordingly.

*(Act 2016-415, §1.)*

**Section 8-26B-11 Notice to educational institution.**

(a) In this section, "communicating or attempting to communicate" means contacting or attempting to contact by an in-person meeting, a record, or any other method that conveys or attempts to convey a message.

(b) Not later than 72 hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete agent shall give notice in a record of the existence of the contract to the athletic director of the educational institution at which the athlete is enrolled or at which the agent has reasonable grounds to believe the athlete intends to enroll.

(c) Not later than 72 hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete shall inform the athletic director of the educational institution at which the athlete is enrolled that the athlete has entered into an agency contract and the name and contact information of the athlete agent.

(d) If an athlete agent enters into an agency contract with a student athlete and the athlete subsequently enrolls at an educational institution, the agent shall notify the athletic director of the institution of the existence of the contract not later than 72 hours after the agent knew or should have known the athlete enrolled.

(e) If an athlete agent has a relationship with a student athlete before the athlete enrolls in an educational institution and receives an athletic scholarship from the institution, the agent shall notify the institution of the relationship not later than 10 days after the enrollment if the agent knows or should have known of the enrollment and:

- (1) the relationship was motivated in whole or part by the intention of the agent to recruit or solicit the athlete to enter an agency contract in the future; or
- (2) the agent directly or indirectly recruited or solicited the athlete to enter an agency contract before the enrollment.

(f) An athlete agent shall give notice in a record to the athletic director of any educational institution at which a student athlete is enrolled before the agent communicates or attempts to communicate with:

- (1) the athlete or, if the athlete is a minor, a parent or guardian of the athlete, to influence the athlete or parent or guardian to enter into an agency contract; or
- (2) another individual to have that individual influence the athlete or, if the athlete is a minor, the parent or guardian of the athlete to enter into an agency contract.

(g) If a communication or attempt to communicate with an athlete agent is initiated by a student athlete or another individual on behalf of the athlete, the agent shall notify in a record the athletic director of any educational institution at which the athlete is enrolled. The notification must be made not later than 10 days after the communication or attempt.

(h) An educational institution that becomes aware of a violation of this chapter by an athlete agent shall notify the Secretary of State and any professional league or players association with which the institution is aware the agent is licensed or registered of the violation.

*(Act 2016-415, §1.)*

**Section 8-26B-12 Student athlete's right to cancel.**

(a) A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may cancel an agency contract by giving notice in a record of cancellation to the athlete agent not later than 14 days after the contract is signed.

(b) A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may not waive the right to cancel an agency contract.

(c) If a student athlete, parent, or guardian cancels an agency contract, the athlete, parent, or guardian is not required to pay any consideration under the contract or return any consideration received from the athlete agent to influence the athlete to enter into the contract.

*(Act 2016-415, §1.)*

**Section 8-26B-13 Required records.**

(a) An athlete agent shall create and retain for five years records of the following:

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

(b) Records described in subsection (a) are open to inspection by the Secretary of State during normal business hours.

*(Act 2016-415, §1.)*

**Section 8-26B-14 Prohibited conduct; payment of expenses under certain circumstances.**

(a) Except as otherwise provided in subsection (c), an athlete agent, with the intent to influence a student athlete or, if the athlete is a minor, a parent or guardian of the athlete, to enter into an agency contract, may not take any of the following actions or encourage any other individual to take or assist any other individual in taking any of the following actions on behalf of the agent:

- (1) give materially false or misleading information or make a materially false promise or representation;
- (2) furnish anything of value to the athlete before the athlete enters into the contract; or
- (3) furnish anything of value to an individual other than the athlete or another registered athlete agent.

(b) An athlete agent may not intentionally do any of the following or encourage any other individual to do any of the following on behalf of the agent:

- (1) initiate contact, directly or indirectly, with a student athlete or, if the athlete is a minor, a parent or guardian of the athlete, to recruit or solicit the athlete, parent, or guardian to enter an agency contract unless registered under this chapter;
- (2) fail to create or retain or to permit inspection of the records required by Section 8-26B-13;
- (3) fail to register when required by Section 8-26B-4;
- (4) provide materially false or misleading information in an application for registration or renewal of registration;
- (5) predate or postdate an agency contract; or



(6) fail to notify a student athlete or, if the athlete is a minor, a parent or guardian of the athlete, before the athlete, parent, or guardian signs an agency contract for a particular sport that the signing may make the athlete ineligible to participate as a student athlete in that sport.

(c) An athlete agent registered under this chapter who is certified as an athlete agent in a particular sport by a national association that promotes or regulates intercollegiate athletics and establishes eligibility standards for participation by a student athlete in the sport may pay expenses incurred before the signing of an agency contract by a student athlete, a family member of the student athlete, and an individual who is a member of a class of individuals authorized to receive payment for the expenses by the national association that certified the agent, if the expenses are:

(1) for the benefit of an athlete who is a member of a class of athletes authorized to receive the benefit by the national association;

(2) of a type authorized to be paid by a certified agent by the national association;

(3) for a purpose authorized by the national association; and

(4) with respect to an athlete who is a secondary school student, allowed by the interscholastic association that determines eligibility for the athlete.

*(Act 2016-415, p. 1160, §1; Act 2019-504, §1.)*

#### **Section 8-26B-15 Criminal penalties.**

(a) The commission of any conduct prohibited in subsection (a) of Section 8-26B-14 by an individual required by this chapter to register as an athlete agent who has intentionally not registered under this chapter is a Class B felony.

(b) Except for subdivision (1) of subsection (b) of Section 8-26B-14, the commission of any conduct prohibited in Section 8-26B-14 by an athlete agent who has registered under this chapter is a Class C felony.

(c) The commission of any conduct prohibited in subdivision (1) of subsection (b) of Section 8-26B-14 by an athlete agent who has registered under this chapter is a Class A misdemeanor.

*(Act 2016-415, §1.)*

#### **Section 8-26B-16 Civil remedy.**

(a) An educational institution or student athlete may bring an action for damages against an athlete agent if the institution or athlete is adversely affected by an act or omission of the agent in violation of this chapter. An educational institution or student athlete is adversely affected by an act or omission of the agent only if, because of the act or omission, the institution or an individual who was a student athlete at the time of the act or omission and enrolled in the institution:

(1) is suspended or disqualified from participation in an interscholastic or intercollegiate sports event by or under the rules of a state or national federation or association that promotes or regulates interscholastic or intercollegiate sports; or

(2) suffers financial damage.

(b) A plaintiff that prevails in an action under this section may recover actual damages, costs, and reasonable attorney's fees. An athlete agent found liable under this section forfeits any right of payment for anything of benefit or value provided to the student athlete and shall refund any consideration paid to the agent by or on behalf of the athlete.

*(Act 2016-415, §1.)*

**Section 8-26B-17 Civil penalty.**

The Secretary of State may assess a civil penalty against an athlete agent not to exceed fifty thousand dollars (\$50,000) for a violation of this chapter.

*(Act 2016-415, §1.)*

**Section 8-26B-18 Uniformity of application and construction.**

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

*(Act 2016-415, §1.)*

**Section 8-26B-19 Relation to Electronic Signatures in Global and National Commerce Act.**

This chapter modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103 (b) of that act, 15 U.S.C. Section 7003(b).

*(Act 2016-415, §1.)*

**Article 2 Commission and Disposition of Funds**

**Section 8-26B-30 Alabama Athlete Agents Commission.**

(a) The Alabama Athlete Agents Commission is continued in existence. The commission shall consist of the Secretary of State and 18 members to be appointed as follows:

- (1) One member appointed by the Governor.
- (2) One member appointed by the Lieutenant Governor.
- (3) One member appointed by the Speaker of the House of Representatives.
- (4) The athletic director or an individual appointed by the athletic director at each of the following institutions of higher education:
  - a. Auburn University.
  - b. University of Alabama, Tuscaloosa.
  - c. University of South Alabama.
  - d. Alabama State University.
  - e. Alabama A & M University.
  - f. Tuskegee University.
  - g. Troy University.
  - h. Jacksonville State University.
  - i. University of North Alabama.
  - j. University of West Alabama.
  - k. Miles College.
  - l. University of Montevallo.
  - m. University of Alabama, Huntsville.
  - n. University of Alabama, Birmingham.

(5) One member appointed by the Alabama High School Athletic Association.

(b) In appointing members to the board, the appointing power shall select those persons whose appointments, to the extent possible, ensure that the membership of the board is inclusive and reflects the racial, gender, urban/rural, and economic diversity of the state. All appointed members of the commission shall be citizens of the United States and residents of Alabama. The

term of each appointed commission member shall be three years and members are eligible for reappointment. If a vacancy occurs, the appointing power for the vacant position shall appoint a successor who shall take office immediately and serve the remainder of the unexpired term. Members of the Alabama Athlete Agents Commission serving on October 1, 2016, shall continue to serve on the Alabama Athlete Agents Commission until their term expires.

(c) Within 15 days after their appointment, the members of the commission shall take an oath before any person lawfully authorized to administer oaths in this state to faithfully and impartially perform their duties as members of the commission, and the same shall be filed with the Secretary of State.

(d) The Governor may remove from the commission any appointed member for neglect of duty or other just cause.

(e) The commission shall elect annually a chair, a vice chair, and a secretary-treasurer from its members.

(f) A majority of the commission shall constitute a quorum for the transaction of business.

(g) The Secretary of State shall keep records of the proceedings of the commission; and, in any proceeding in court, civil or criminal, arising out of or founded upon any provision of this chapter, copies of those records certified as correct by the Secretary of State shall be admissible in evidence as tending to prove the content of the records.

(h) The Secretary of State shall have printed and published for distribution an annual register which shall contain the names, arranged alphabetically, of all persons registered under this chapter. The Secretary of State shall also provide a quarterly report to the commission of all agents registered during the quarter, any suspension or revocation of registered agents during the quarter, and other disciplinary action taken against an agent.

(i) The Secretary of State may employ personnel and arrange for assistance, service, and supplies as the Secretary of State may require for the performance of the duties of the commission.

(j) The commission may promulgate and, from time to time, amend rules and standards of conduct for athlete agents appropriate for the protection of the residents of the state. At least 35 days prior to the completion of notice of any rule or amendment, the Secretary of State shall mail copies of the proposed rule or amendment to all persons registered under this chapter, with a notice advising them of the completion of notice of the rule or amendment and requesting that they submit advisory comments thereon at least 15 days prior to the completion of notice. Failure to receive by mail a rule, amendment, or notice by all persons registered under this chapter shall not affect the validity of the rule or amendment.

(k) Except for the Secretary of State, each member of the commission, who is not otherwise reimbursed by public funds for services provided to this commission, shall be paid fifty dollars (\$50) for each day the member is actively engaged in the discharge of official duties as a member of the commission, and shall also be entitled to, and shall receive, reimbursement for actual necessary expenses incurred in the discharge of official duties on behalf of the commission.

(l) The Alabama Athlete Agents Commission shall be subject to the Alabama Sunset Law, Chapter 20, Title 41, as an enumerated agency as provided in Section 41-20-3, and shall have a termination date of October 1, 2019, and every four years thereafter, unless continued pursuant to the Alabama Sunset Law.

*(Act 2016-415, §1.)*

**Section 8-26B-31 Disposition of funds; Alabama Athlete Agents Fund.**

(a) All moneys collected for registrations and all fines collected for violations of this chapter shall be paid to the Secretary of State, who shall deposit them in a special fund in the State Treasury for the use of the commission.

(b) There is hereby created in the State Treasury a fund to be known and designated as the Alabama Athlete Agents Fund. All funds, fees, charges, costs, and collections accruing to or collected under the provisions of this chapter shall be deposited into the State Treasury to the credit of the Alabama Athlete Agents Fund.

(c) Funds now or hereafter deposited in the State Treasury to the credit of the Alabama Athlete Agents Fund may not be expended for any purpose whatsoever unless the same shall have been allotted and budgeted in accordance with Article 4 of Chapter 4 of Title 41, and only in the amounts and for the purposes provided by the Legislature in the general appropriation bill or other appropriation bills.

*(Act 2016-415, §1.)*

**Section 8-26B-32 Oversight and enforcement of Article 3 and rules adopted thereunder.**

THIS SECTION WAS REPEALED IN THE 2022 REGULAR SESSION BY ACT 2022-2 EFFECTIVE FEBRUARY 3, 2022. THIS IS NOT IN THE CURRENT CODE SUPPLEMENT. The Alabama Athlete Agents Commission shall carry out the functions assigned to it in Section 8-26B-61, relating to oversight and enforcement of Article 3 and rules adopted by the Alabama Collegiate Athletics Commission.

*(Act 2021-227, §13.)*

**Article 3 Compensation of Student Athletes**

**Section 8-26B-50 Definitions.**

For purposes of this article, the following terms shall have the following meanings:

(1) COMPENSATION. Anything of value, monetary or otherwise, granted to a party by a second party in exchange for performance of a contract. For purposes of this article, compensation does not include a scholarship awarded to a student athlete by a postsecondary educational institution or a stipend given to a student athlete by a postsecondary educational institution which is calculated based on the cost of living and cost of attendance at the institution.

(2) INTERCOLLEGIATE SPORT. An athletic program at a postsecondary educational institution.

(3) NAME, IMAGE, OR LIKENESS. Any or all of those elements that, together, are known as the right of publicity.

(4) POSTSECONDARY EDUCATIONAL INSTITUTION. A public university or college in this state or an institution for higher education as defined in Section 16-18A-2. This term does not include any Alabama Community College System institutions.

(5) STUDENT ATHLETE. As defined in Section 8-26B-2.

*(Act 2021-227, §1.)*

**Section 8-26B-51 Compensation for use of student athlete's name, image, or likeness.**

THIS SECTION WAS REPEALED IN THE 2022 REGULAR SESSION BY ACT 2022-2 EFFECTIVE FEBRUARY 3, 2022. THIS IS NOT IN THE CURRENT CODE SUPPLEMENT.

(a) A student athlete participating in intercollegiate sports at a postsecondary educational institution may earn compensation for the use of the student athlete's name, image, or likeness pursuant to this article. The compensation shall be commensurate with the market value of the student athlete's name, image, or likeness.

(b) Subject to this article and any rule adopted by the Alabama Collegiate Athletics Commission pursuant to Section 8-26B-55, a postsecondary educational institution may not adopt or maintain a contract, rule, regulation, standard, or other requirement that unreasonably restricts a student athlete from receiving compensation for the student athlete's name, image, or likeness.

(1) A postsecondary educational institution may prohibit a student athlete from entering into an endorsement contract with, or otherwise receiving compensation from, any of the following categories of brands or companies:

a. A tobacco company or brand, including any tobacco product, alternative nicotine product, electronic nicotine delivery system, or any electronic nicotine delivery system retailer, or any specialty retailer of electronic nicotine delivery systems or tobacco specialty store, as defined in Section 28-11-2.

b. Any alcoholic beverage company or brand.

c. Any seller or dispensary of a controlled substance, including, but not limited to, marijuana.

d. Any adult entertainment business.

e. Any casino or entity that sponsors or promotes gambling activities.

f. Any entity or individual that, in the reasonable and good faith judgment of the postsecondary educational institution, negatively impacts or reflects adversely on the postsecondary educational institution or its athletic programs, including, but not limited to, bringing about public disrepute, contempt, embarrassment, scandal, ridicule, or otherwise negatively impacting the reputation or the moral or ethical standards of the postsecondary educational institution.

(2) A postsecondary educational institution may also prohibit a student athlete from wearing any item of clothing, shoes, or other gear with the insignia of any entity while wearing athletic gear or uniforms licensed by a postsecondary educational institution or otherwise competing in any athletic competition or institutionally-sponsored event.

(c) Compensation for a student athlete's name, image, or likeness may not be conditioned on athletic performance or attendance at a particular postsecondary educational institution.

(d) Compensation for the use of a student athlete's name, image, or likeness may be provided only by a third party not owned or operating under the authority of the student athlete's postsecondary educational institution.

(e) A postsecondary educational institution, an entity with the purpose of supporting or benefitting the institution or its intercollegiate sports, or any officer, director, or employee of the institution or entity may not compensate or cause compensation to be directed to a student athlete or the family of a student athlete for use of their name, image, or likeness.

(f) Except with the prior written consent of the postsecondary education institution, a student athlete may not enter into a contract for compensation for the use of the student athlete's name, image, or likeness if the institution determines that a term of the contract conflicts with a term of a contract held by the student athlete's postsecondary education institution.

(g) Before any contract for compensation for the use of a student athlete's name, image, or likeness is executed, and before any compensation is provided to the student athlete in advance of a contract, the student athlete shall disclose that contract to his or her postsecondary educational institution in a manner prescribed by the institution.

(h) A contract for the use of a student athlete's name, image, or likeness which is formed while the student athlete is participating in an intercollegiate sport at a postsecondary educational institution may not extend beyond the student athlete's participation in the sport at the institution. (Act 2021-227, §2.)

**Section 8-26B-52 Professional representation of student athlete.**

THIS SECTION WAS REPEALED IN THE 2022 REGULAR SESSION BY ACT 2022-2 EFFECTIVE FEBRUARY 3, 2022. THIS IS NOT IN THE CURRENT CODE SUPPLEMENT.

(a) A postsecondary educational institution may not prevent or unreasonably restrict a student athlete from obtaining professional representation for the purpose of securing compensation for the use of the student athlete's name, image, or likeness.

(b) An individual representing a student athlete for purposes of exploring or securing compensation for the student athlete's name, image, or likeness shall be registered as an athlete agent with the state pursuant to Section 8-26B-4, or shall be a licensed attorney and a member in good standing of the Alabama State Bar.

(c) A student athlete participating in intercollegiate sports at a postsecondary educational institution shall provide the institution with written notice at least seven days prior to entering into a representation agreement with any individual for purposes of exploring or securing compensation for use of the student athlete's name, image, or likeness.

(Act 2021-227, §3.)

**Section 8-26B-53 Revocation or reduction of scholarships.**

THIS SECTION WAS REPEALED IN THE 2022 REGULAR SESSION BY ACT 2022-2 EFFECTIVE FEBRUARY 3, 2022. THIS IS NOT IN THE CURRENT CODE SUPPLEMENT.

A scholarship awarded to a student athlete by a postsecondary educational institution may not be revoked or reduced as a result of the receipt of compensation by a student athlete for use of their name, image, or likeness, or as a result of the student athlete obtaining professional representation pursuant to this article and any rule adopted by the Alabama Collegiate Athletics Commission under Section 8-26B-55.

(Act 2021-227, §4.)

**Section 8-26B-54 Financial literacy and life skills programming for student athletes.**

THIS SECTION WAS REPEALED IN THE 2022 REGULAR SESSION BY ACT 2022-2 EFFECTIVE FEBRUARY 3, 2022. THIS IS NOT IN THE CURRENT CODE SUPPLEMENT.

(a) Each postsecondary educational institution shall conduct financial literacy and life skills programming for student athletes. At a minimum, the programming must include information concerning financial aid and debt management, as well as recommended model budgets for student athletes based on that academic year's estimated cost of attendance and the various scholarship statuses of student athletes at the institution. The programming shall also include information on time management skills necessary for success as a student athlete and available academic resources.

(b) The programming may not include any marketing, advertising, referral, or solicitation by providers of financial products or services.

(c) This section does not place any obligation on a postsecondary educational institution to provide tax guidance or financial safeguards to student athletes outside of the programming required under this section. (Act 2021-227, §5.)

**Section 8-26B-55 Alabama Collegiate Athletics Commission.**

THIS SECTION WAS REPEALED IN THE 2022 REGULAR SESSION BY ACT 2022-2 EFFECTIVE FEBRUARY 3, 2022. THIS IS NOT IN THE CURRENT CODE SUPPLEMENT.

(a) There is established the Alabama Collegiate Athletics Commission. The purpose of the commission shall be to develop rules and recommendations to maintain the fairness and integrity of amateur intercollegiate athletics and the principle of amateurism in intercollegiate athletics, consistent with this article. The commission may do all of the following:

(1) Make rules or recommendations related to the implementation of name, image, and likeness standards and requirements that are consistent with this article.

(2) Make rules or recommendations about a process to manage registered athlete agents in the context of name, image, and likeness.

(3) Make rules or recommendations for the establishment of an independent dispute resolution process for any dispute arising between a student athlete and a postsecondary education institution related to name, image, or likeness usage.

(4) Make rules or recommendations regarding the financial literacy and life skills programming required by this act.

(b) The commission shall consist of seven members, including the Governor, who shall serve as chair; the Lieutenant Governor; the President Pro Tempore of the Senate; the Speaker of the House of Representatives; the Minority Leaders of the House of Representatives and the Senate; and the chair of the Alabama Athlete Agents Commission.

(c) The commission may consult with individuals or groups with information or knowledge about issues related to name, image, and likeness, including, but not limited to, current or former student athletes, coaches, conference or school administrators, professionals with expertise in sports marketing, contracting and public relations, athlete agents, and the Alabama Athlete Agents Commission.

(d)(1) Meetings of the commission shall be held at the call of the chair.

(2) A meeting may only be held where there is a quorum of at least three members.

(3) Meetings of the commission may take place via electronic means.

(4) Within 15 calendar days of any called meeting, the commission shall publicly post a report of any formal rules or recommendations that were developed during the meeting.

(e) A violation of a rule of the commission shall be punishable by a civil penalty of up to one thousand dollars (\$1,000).

*(Act 2021-227, §6.)*

**Section 8-26B-56 Permission required for use of name, image, or likeness in conjunction with registered or licensed marks, logos, etc.**

THIS SECTION WAS REPEALED IN THE 2022 REGULAR SESSION BY ACT 2022-2 EFFECTIVE FEBRUARY 3, 2022. THIS IS NOT IN THE CURRENT CODE SUPPLEMENT.

A student athlete may not receive or enter into a contract for compensation for use of his or her name, image, or likeness in a way that also uses any registered or licensed marks, logos, verbiage, or designs of a postsecondary education institution, unless the institution has provided the student athlete with written permission to do so prior to the execution of the contract. If permission is granted, the postsecondary education institution, by agreement of all parties, may be compensated for the use in a manner consistent with market rates or prior practice.

*(Act 2021-227, §7.)*

**Section 8-26B-57 Inducements prohibited to attend, enroll, etc., in specific postsecondary educational institution.**

THIS SECTION WAS REPEALED IN THE 2022 REGULAR SESSION BY ACT 2022-2 EFFECTIVE FEBRUARY 3, 2022. THIS IS NOT IN THE CURRENT CODE SUPPLEMENT. A student athlete may not receive compensation for use of his or her name, image, or likeness as an inducement to attend or enroll in or continue attending a specific postsecondary educational institution.

*(Act 2021-227, §8.)*

**Section 8-26B-58 No cause of action for prior acts.**

THIS SECTION WAS REPEALED IN THE 2022 REGULAR SESSION BY ACT 2022-2 EFFECTIVE FEBRUARY 3, 2022. THIS IS NOT IN THE CURRENT CODE SUPPLEMENT. This article does not create a cause of action for any actions taken by a postsecondary education institution prior to July 1, 2021, including, but not limited to, any action under a claim or theory relating to restriction on trade or tortious interference of fair competition.

*(Act 2021-227, §9.)*

**Section 8-26B-59 Employment status of student athlete with a postsecondary education institution.**

THIS SECTION WAS REPEALED IN THE 2022 REGULAR SESSION BY ACT 2022-2 EFFECTIVE FEBRUARY 3, 2022. THIS IS NOT IN THE CURRENT CODE SUPPLEMENT. Nothing in this article or rule of the commission shall affect the employment status of a student athlete with a postsecondary education institution. A student athlete shall not be considered an employee of a postsecondary education institution based on participation in an intercollegiate sport.

*(Act 2021-227, §10.)*

**Section 8-26B-60 Applicability to constitutionally created boards of trustees of postsecondary educational institutions.**

THIS SECTION WAS REPEALED IN THE 2022 REGULAR SESSION BY ACT 2022-2 EFFECTIVE FEBRUARY 3, 2022. THIS IS NOT IN THE CURRENT CODE SUPPLEMENT. It is the intent of the Legislature that constitutionally created boards of trustees of postsecondary educational institutions comply with the requirement of this article.

*(Act 2021-227, §11.)*

**Section 8-26B-61 Violations.**

THIS SECTION WAS REPEALED IN THE 2022 REGULAR SESSION BY ACT 2022-2 EFFECTIVE FEBRUARY 3, 2022. THIS IS NOT IN THE CURRENT CODE SUPPLEMENT.

(a) An individual other than a student athlete who violates subsection (c), (d), or (e) of Section 8-26B-51 or who grants compensation to a student athlete in a manner that causes the student athlete to violate Section 8-26B-57 shall be guilty of a Class C felony.

(b) (1) Compliance with this article and the rules adopted by the Alabama Collegiate Athletics Commission shall be monitored by the Alabama Athlete Agents Commission.

(2) If any officer, employee, or agent of a postsecondary educational institution, any athlete agent, any licensed attorney, or any student athlete witnesses a potential violation of this article or the rules adopted by the Alabama Collegiate Athletics Commission pursuant to this article,



that person shall report the potential violation to the postsecondary educational institution at which the student athlete at issue participates or participated in intercollegiate sports. The postsecondary educational institution shall investigate the report. If the institution determines a violation has occurred, the institution, within 14 days, shall report the matter to the Alabama Athlete Agents Commission, which shall review the matter. The Alabama Athlete Agents Commission shall work with appropriate law enforcement as necessary to investigate and address credible reports received from an institution under this subdivision.  
*(Act 2021-227, §12.)*

**Professional Services by Vendor**

	<b>2017-2018</b>	<b>2018-2019</b>	<b>2019-2020</b>	<b>2020-2021</b>
<b>Administrative Services</b>				
Greg Bonds	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00
Corey Bray	100.00	100.00	-	-
Nicholas Zack Brown	-	-	200.00	100.00
Joseph Marques Dantzler	-	100.00	-	-
David Derringer	-	50.00	150.00	100.00
David Albin Didion	-	-	150.00	100.00
Jacqueline Freeman	-	-	50.00	50.00
Tiffini Nicole Grimes	50.00	50.00	-	50.00
Michael David Jones	100.00	100.00	200.00	100.00
Stephen Lautz	100.00	150.00	-	-
Janetha Cherrelle Leslie	100.00	-	-	-
Christopher D. Moore	100.00	150.00	200.00	100.00
Santiago Pinzon	100.00	150.00	200.00	150.00
Deborah Rodgers	-	-	50.00	50.00
Anthony Charles Stallworth	50.00	-	-	-
Jasmine Thomas	100.00	150.00	100.00	100.00
Todd Vardaman	100.00	150.00	200.00	100.00
Julie Woltjen	100.00	150.00	150.00	100.00
Legislative Services Agency	-	-	-	540.00
<b>Total Administrative Services</b>	<b>1,100.00</b>	<b>1,400.00</b>	<b>1,750.00</b>	<b>1,740.00</b>
<b>Data Processing Services</b>				
Department of Finance	12,219.49	244.76	666.37	663.21
Office of Information Technology	1,348.97	0.43	0.48	-
<b>Total Data Processing Services</b>	<b>13,568.46</b>	<b>245.19</b>	<b>666.85</b>	<b>663.21</b>
<b>Total Professional Services</b>	<b>\$ 14,668.46</b>	<b>\$ 1,645.19</b>	<b>\$ 2,416.85</b>	<b>\$ 2,403.21</b>

*Commission Members*

ALABAMA STATE CAPITOL  
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**JOHN H. MERRILL**  
SECRETARY OF STATE

February 23, 2022

Mr. Rodney Wagstaff  
Examiner of Public Accounts  
P.O. Box 302251  
Montgomery, Alabama 36130-2251

Dear Mr. Wagstaff:

Thank you for your letter, dated February 16, 2022, whereby the Alabama Department of Examiners of Public Accounts informed the Secretary of State's Office that it was commencing its Sunset Review of the Alabama Athlete Agents Commission.

This correspondence will answer question 2.

Should you need further assistance and/or information, please contact my Chief of Staff, David Brewer, at (334) 242-7207.

Respectfully submitted,

A handwritten signature in black ink that reads "John H. Merrill".

John H. Merrill  
Secretary of State

Secretary of State  
John Merrill  
Tuscaloosa, AL  
Expires 1-15-2023 (Term of Office)

Governor's appointee  
Jared White  
Montgomery, AL  
Expires 3-1-2022

Lt. Governor's appointee  
Gerald Allen  
Tuscaloosa, AL  
Expires 3-4-2022

Speaker of the House appointee  
Chris Blackshear  
Birmingham, AL  
Expires 1-3-2022

Auburn University appointee  
Richard Greene  
Auburn, AL  
Expires 4-29-2024

University of Alabama appointee  
Tiffini Grimes  
Tuscaloosa, AL  
Expires 2-19-2022

Alabama State University appointee  
Jacqueline Freeman  
Montgomery, AL  
Expires 4-26-2022

Alabama A&M University appointee  
Earl Robinson  
Normal, AL  
Expires 6-11-2023

Tuskegee University appointee  
Nicholas Brown  
Tuskegee, AL  
Expires 4-18-2022

Troy University appointee  
Santiago Pinzon  
Troy, AL  
Expires 2-4-2022

Jacksonville State University appointee  
Greg Bonds  
Alexandria, AL  
Expires 2-18-2022

University of North Alabama appointee  
Todd Vardaman  
Florence, AL  
Expires 2-14-2022

University of West Alabama appointee  
Mike Jones  
Demopolis, AL  
Expires 2-14-2022

Miles College appointee  
Barbara Palmer  
Birmingham, AL  
Expires 5-18-2024

University of Montevallo appointee  
Taylor Shields  
Tuscaloosa, AL  
Expires 12-8-2024

University of Alabama in Birmingham appointee  
Michael Derringer  
Alabaster, AL  
Expires 2-14-2022

Alabama High School Athletic Association appointee  
Alvin Briggs  
Montgomery, AL  
Expires 4-11-2022

University of South Alabama appointee  
Chris Moore  
Mobile, AL  
Expires 8-18-2022

University of Alabama Huntsville appointee  
Julie Woltjen  
Madison, AL  
Expires 3-28-2022

*Commission's Response to Significant Issue*

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JOHN H. MERRILL  
SECRETARY OF STATE

April 29, 2022

The Honorable Rachel Laurie Riddle  
Chief Examiner  
Examiners of Public Accounts  
P.O. Box 302251  
Montgomery, AL. 36130-2251

Dear Ms. Riddle,

Thank you for giving us the opportunity to respond to the significant issue posed by the Sunset Committee. Before we respond, a little historical perspective is necessary.

Act 2021-227 gave the Athlete Agents Commission (AAC) oversight over the activities of the Alabama Collegiate Athletic Commission (ACAC) which was charged with rule making authority, investigation of complaints, etc., relative to Name, Image, and Likeness (NIL).

The AAC, on May 3, 2021, sent a letter to all members of the ACAC informing them of the logistics as well as cooperation that would be required to make NIL work. It was further suggested to Attorney General Marshall that the ACAC would need counsel, that the AAC could not provide it to them, and requesting he appoint one.

Before the ACAC could meet, begin the rule making process, etc., Act 2022-2 repealed Act 2021-227.

Currently, Alabama has no law or mechanism in place to monitor or oversee this very important aspect of collegiate sports. Alabama will not be able to do so going forward without legislative action.

The Office of Secretary of State, which staffs the AAC, shares in the concerns of the AAC members surveyed, and would strongly encourage the Alabama Legislature to take appropriate action to put the proper safeguards in place to manage this crucial issue.

Respectfully submitted,

A handwritten signature in black ink that reads "John H. Merrill".

John H. Merrill  
Secretary of State