

S p o r t s a n d A g e n t s

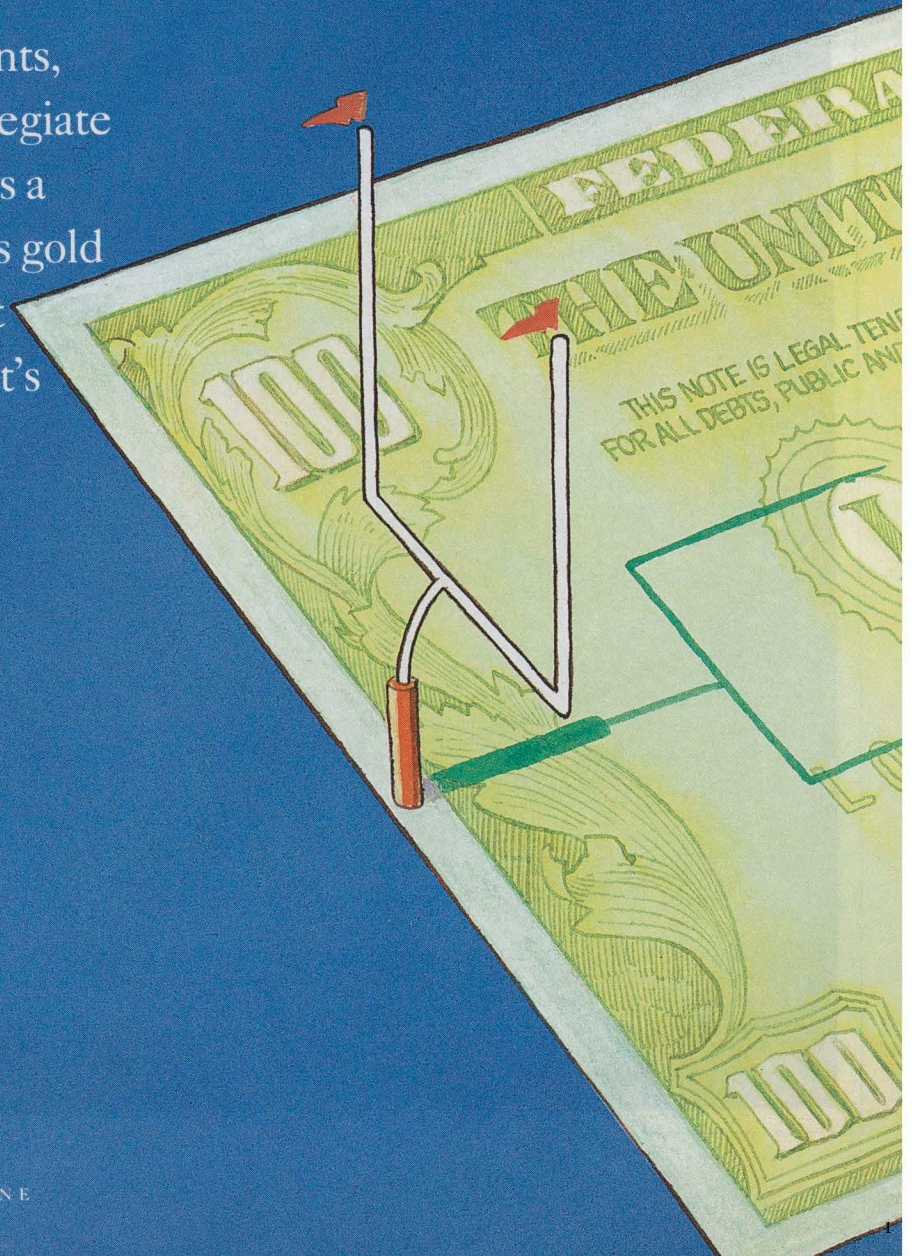
ILLEGAL PROCEDURE

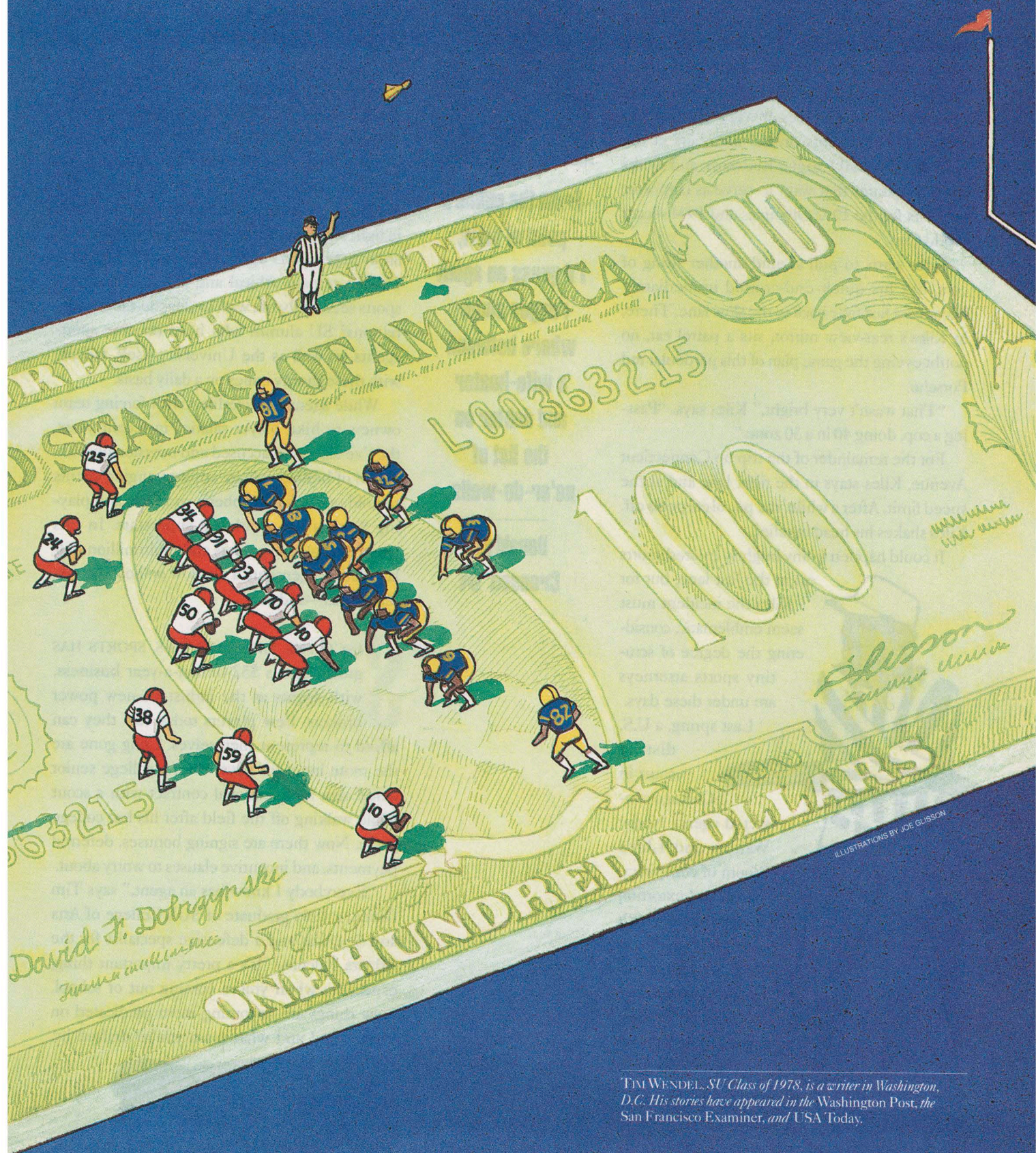
The press paints sports agents, who negotiate the post-collegiate athlete's first pro contract, as a species born rotten: ruthless gold diggers and miscreants. But alumni in the business say it's the process that's at fault.

By Tim Wendel

ATTORNEY JAMES J. KILES III STEERS his red Porsche 944 along Connecticut Avenue, heading north through Washington, D.C. Weaving in and out of the steady stream of traffic clogging the two outbound lanes, he rapidly makes up time for his late-morning appointment in the Maryland suburbs.

Although the impending meeting in Maryland involves a real estate transaction, the deal Kiles is eager to talk about is a package he's in the process of putting together with former Chicago Bears running back Walter Payton and Anheuser-Busch, the beer company. Since retiring from football, Payton has been driving race cars as a member of Paul Newman's team.





David J. Dobrzynski
Journalist

TIM WENDEL, SU Class of 1978, is a writer in Washington, D.C. His stories have appeared in the Washington Post, the San Francisco Examiner, and USA Today.

"Payton's perfect for Busch's 'Know When to Say When' campaign," Kiles says, taking a quick glance at his side mirror and then cutting for daylight. "He doesn't drink himself and he's already out there making appearances on the race circuit."

With a B.A. (1975) and law degree (1978) from Syracuse University, Kiles is one of a half-dozen SU alumni who are deal-makers in the world of sports. Kiles, once the agent for Orangemen football stars Bill Hurley and Art Monk, has a practice with two offices on M Street in Washington. He represents several members of the National Football League Redskins, and works with companies that want to serve as corporate sponsors for the 1992 Olympics and 1994 soccer World Cup.

Kiles starts to pull around another string of cars, but his quick end-around immediately becomes a fast fade back to the slow lane. There, in Kiles's rear-view mirror, sits a patrol car, no doubt eyeing the game plan of this particular red Porsche.

"That wasn't very bright," Kiles says. "Passing a cop, doing 40 in a 30 zone."

For the remainder of the trip up Connecticut Avenue, Kiles stays in the right lane and at the speed limit. After a while, the patrol car peels off. Kiles shakes his head in relief.

It could happen to any brightly colored sports

car in the fast lane, but for Kiles the incident must seem emblematic, considering the degree of scrutiny sports attorneys are under these days.

Last spring, a U.S. district court in

Chicago convicted agents Norby Walters and Lloyd Bloom of conspiracy, fraud, and extortion in connection with the signing of college players to client contracts before their eligibility ended. The major players in the case were



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**Donald A.
Cronson '64**

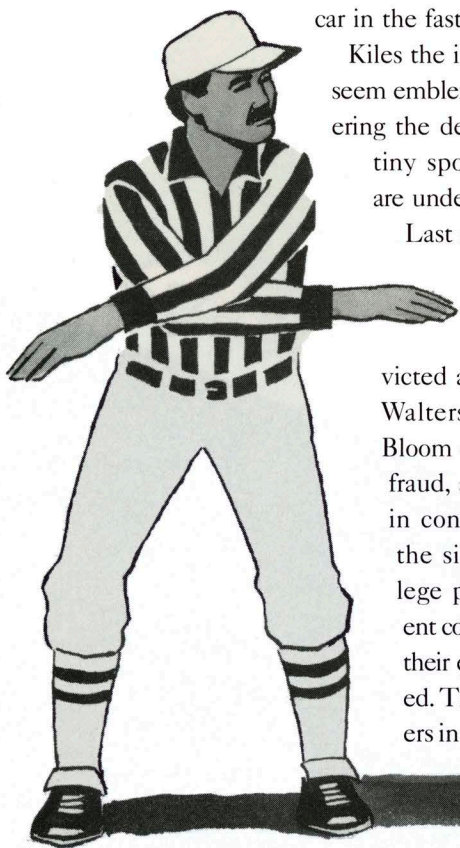
former Iowa running back Ronnie Harmon (now with the Buffalo Bills) and Paul Palmer, the 1986 Heisman Trophy runner-up from Temple. Among those who testified at the Walters-Bloom trial was Michael Franzese, a captain in the Colombo crime family, who said he invested \$50,000 in the agents' business and gave Walters permission to use his name to enforce contracts with players.

Even though some, most notably NCAA executive director Dick Schultz, said the conviction sent a clear message to players and agents alike, others maintain the court case merely scratched the surface of the sleazy deals currently going down in sports. The general public, in light of this case and others, must wonder how an average sports agent conducts his business. Can he remain ethical and still succeed with sports seemingly rife with under-the-table negotiations? SU alumni who have become sports agents, as well as the University itself, wrestle with these thorny issues on a daily basis.

While agents are credited with forcing team owners to hike player salaries in recent years, they've also been accused and occasionally convicted of bribing college athletes, urging clients to hold out for stratospheric contracts and playing Svengali to would-be superstars. In this world of broken contracts and multimillion-dollar salaries, agents are a window on how the system works—and fails.

SINCE THE MID-SEVENTIES, SPORTS HAS grown into a \$52-billion-a-year business, with agents as the industry's new power brokers. Few players today feel they can afford to represent themselves. Long gone are the more innocent days when a college senior dared sign a professional contract with a scout while walking off the field after his last college game. Now there are signing bonuses, deferred payments, and incentive clauses to worry about.

"Everybody I know has an agent," says Tim Green, a 1986 graduate of SU's College of Arts and Sciences and a defensive specialist for the Atlanta Falcons. "It's a pretty important thing, especially when you're coming out of school. Now things are becoming more predicated on what round and what team you're drafted by.



But you still need somebody at least to help you with that initial contract.”

The amount of money available to agents, especially those representing first-round draft picks, can be staggering. Agent Leigh Steinberg, who is employed by NFL quarterbacks Troy Aikman, Warren Moon, Ken O'Brien, Tony Eason, and Wade Wilson, negotiated contracts worth \$27 million this past spring. His cut was more than \$1 million.

For every top-round player, there may be 15 or more agents trying to sign him to a client contract. Don Cronson, who graduated from SU's College of Arts and Sciences in 1964, says the only way to win this mating dance is “to find the pressure point—the one individual besides the player you need to convince.” That pivotal person can be the player's mother or father, coach, or even girlfriend or grandparent. Cronson's sales tactics get results. His Roundball Enterprises in New York City has a dozen major sports clients, including football's Ed “Too Tall” Jones and former Orange basketball star Dwayne “Pearl” Washington.

Still, for every Leigh Steinberg or Don Cronson there are many more agents who are lucky to break even. At a recent conference on Capitol Hill of the Sports Lawyers Association, it was estimated that there are three times more agents in the marketplace than athletes who have a reasonable chance of playing professional ball. Such intense competition is the beginning of most abuses.

“The basic problem today is too many representatives for the number of players who can possibly turn pro,” says agent Norman Blass, who graduated from SU's College of Arts and Sciences in 1949. “Everybody thinks this is a glamorous business, but it's gotten much more competitive over the last 20 years.”

A lawyer based in New York City, Blass currently represents professional basketball players Roy Hinson, Vern Fleming, and Derrick McKey (who, ironically, was one of Norby Walters's clients before the recent court decision). In 1970, Blass had four of the top 16 college players chosen in that year's National Basketball Association draft, including future all-stars Bob Lanier and Dave Cowens. Twenty years later, no agent can reasonably aspire to such success.

As a star player's college career draws to a close, the jockeying between agents becomes



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Norman Blass '49

more intense. In many cases, there's a weeding-out period during the senior year when the player often has a short list of four to six agents. This is the time, especially if the player is projected to be drafted early in the first round, that the stakes and chances for shady dealing dramatically increase.

While attending such post-season, all-star contests as the Senior Bowl and the All-American Bowl, Green witnessed agents playing dominoes—\$100 per game—with athletes and losing game after game on purpose. “Everybody knew what was going on,” says Green, who was drafted in the first round by the Falcons. “I saw a lot of guys flown around in Lear jets—given women, cars, and cash.”

There are many in collegiate sports, from the coaches to the boosters, who deserve blame, but agents often are the most visible fall guys.

“From the public's point of view, I'd guess an agent ranges somewhere between a wife-beater and debtor on the list of ne'er-do-wells,” says Cronson.

OF THE HALF-DOZEN SU ALUMNI WHO HAVE served as sports agents on a regular basis, no one devotes all of his time to it now. John F. Marchiano, who holds SU degrees in political science (1973) and law (1976), recruited athletes for several years before seeing one too many deals evaporate because somebody else

NCAA Legislation Governing Sports Agents

12.3 Use of Agents

12.3.1 General Rule. An individual [student] shall be ineligible for participation in an intercollegiate sport if he or she ever has agreed (orally or in writing) to be represented by an agent for the purpose of marketing his or her athletics ability or reputation in that sport. Further, an agency contract not specifically limited in writing to a sport or particular sports shall be deemed applicable to all sports and the individual shall be ineligible to participate in any sport.

12.3.2 Legal Counsel. Securing advice from a lawyer concerning a proposed professional sports contract shall not be considered contracting for representation by an agent under this rule, unless the lawyer also represents the student-athlete in negotiations for such a contract.

12.3.3 Athletics Scholarship Agent. Any individual, agency or organization that represents a prospective student-athlete for compensation in placing the prospect in a collegiate institution as a recipient of institutional financial aid shall be considered an agent or organization marketing the individual's athletics ability or reputation.

12.3.4 Career Counseling Panel. It is permissible for an authorized institutional career counseling panel to:

- (a) Advise a student-athlete about a future professional career,
- (b) Review a proposed professional sports contract, and
- (c) Meet with the student-athlete and representatives of professional teams.

offered cash or a new car. Although Marchiano still does contract negotiations for athletes (his clients include Tim Green), he focuses on other aspects of law and recently served as city attorney for Henderson, Nevada.

"The basic problem is that people have been handing these kids something since they were really young," he says. "Now they just expect some kind of payoff. I had a kid ask for money. He didn't get any, but I didn't get that kid either."

Kiles says he is now concentrating on sports business deals and promotions, like the one involving Payton, because college athletics has become such a minefield. Only five years ago, he represented 50 to 60 athletes, mostly football players. Today, he has 10 such clients and doesn't solicit college seniors anymore. "I got sick and tired of having dinner with 21-year-olds who thought they knew everything and expected the moon," Kiles says.

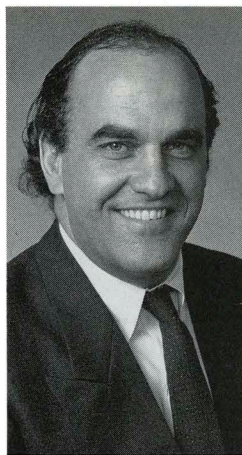
Blass adds that many athletes have been "wined and dined since junior high." They see agents, and whatever they may be offering, as one of the final payoffs before the ultimate reward—a professional contract.

Marchiano remembers when he first got into the business, "you could get by on a handshake. Now there's no loyalty. There isn't an agent out there who hasn't been put through a lot of crap and still lost a kid."

Perhaps no one as much as G. William Hunter, a 1964 graduate of SU's College of Arts and Sciences. A litigation lawyer in Oakland, California, Hunter was one of a dozen agents vying to represent former Nebraska running back and 1983 Heisman Trophy-winner Mike Rozier.

Just 16 hours after his Cornhuskers lost in the Orange Bowl to Miami, 31-30, Rozier was reportedly signed to a three-year, \$3-million contract with the Pittsburgh Maulers of the now defunct U.S. Football League. His agent, who had appeared on the scene only hours after the Orange Bowl defeat, was Mike Trope, who has admitted he gave money to college players with eligibility remaining.

Rozier's signing and Trope's sudden appearance raised eyebrows and, in subsequent months, Rozier admitted he took nearly \$2,400 from sports agent Bruce Marks, who was working for Trope. Marks and that kind of money is



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**James J. Kiles III
'75, G'78**

what Hunter found himself competing against for Rozier's signature on a client contract.

"It's the incident that finally drove me out of that line of work," says Hunter. "Some of my contacts with players were enjoyable, but for the most part I found them pretty fickle."

"I became disillusioned when I saw what was going on around Rozier. . . . I couldn't compete with other agents and the unethical acts. Some were offering money, some were offering women, some drugs. I couldn't compete in that arena. All I wanted to sell were my services as an attorney. In Rozier's case, it wasn't nearly enough."

Nor was it enough for Kiles when he was trying to convince football star Lawrence Taylor to sign on with him. Kiles visited the All-America linebacker at the University of North Carolina during Taylor's senior year.

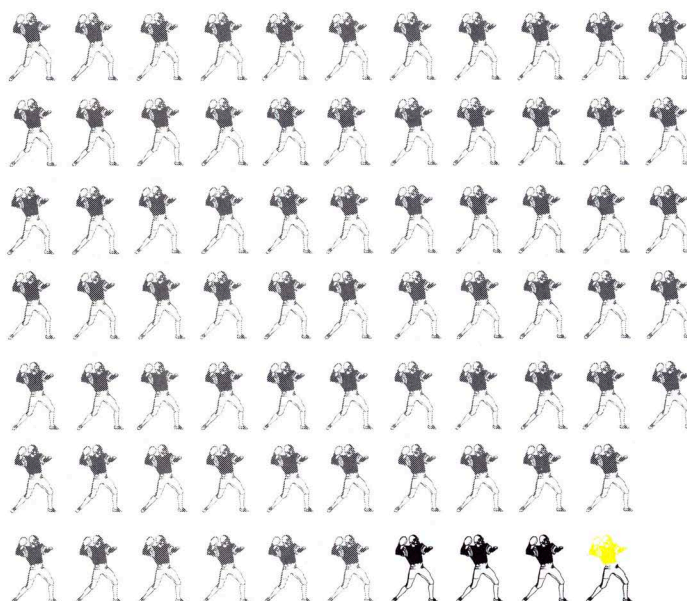
"I knew everybody was after him," Kiles says. "And early on in our talks I asked him—point-blank—how many agents he had *already* signed with."

Kiles says Taylor replied, "I don't know how many."

With Kiles's help, Taylor regained control of his agent situation, perhaps saving his senior

Probabilities of Advancing to Professional Football

 Represents 10,000 athletes



Gray: Approximate number of players in high school football (750,000)

Black: Approximate number of players in college football (40,000; 5 percent of high school players)

Yellow: Approximate number of players in professional football (2,300, 6 percent of college players)

1986 figures, according to *A Sociological Perspective of Sport*, by Wilbert Marcellus Leonard II (1988: Macmillan Publishing Co.)

year of eligibility. The linebacker had signed client contracts and taken money from at least five agents. Kiles asked Redskins general manager Bobby Beathard to convince a Chapel Hill bank to loan Taylor money based upon his expected earnings as a certain number-one pick. With the bank loan in hand, Kiles instructed Taylor to repay the money he had accepted from agents as well as pay off a BMW automobile another agent had "given" him.

And so what happened after Kiles saved Taylor from what could have been a highly publicized mess? The first-round pick of the New York Giants turned around and signed with one of the guys he'd originally taken money from. No wonder Kiles is branching out.

Even though Green says his signing with an agent was relatively "cut and dried," opting for Marchiano at the suggestion of his friend and ex-SU defensive end Blaise Winter, he remembers the misconceptions he had about the process of turning pro.

"I felt I deserved all the laurels and benefits. I was so excited things were going to pay off," Green says. "But I look back on that time and realize how foolish I was. Thankfully, I found John [Marchiano]. He was a godsend, and he made all the right moves as far as I was concerned.

"But if I hadn't found somebody that good I don't know what would have happened. I didn't want anybody making my business decisions for me, but I didn't really know what those decisions required. If somebody had told me back then, I wonder if I would have listened."

When his school was recently accused of NCAA violations—it's alleged that players sold sneakers and tickets for cash—North Carolina State basketball coach Jim Valvano admitted his players were at fault. But he's not surprised by their actions. "We're taking kids, many from impoverished backgrounds, and setting them down in the middle of campus like this," he told ESPN. "I may disapprove [of what they did], but I understand it."

"Lack of money is how this whole thing is perpetuated," says Kiles. "Going back to the ghetto, it's a big deal to have a car, gold chains, or money to spend. I've seen the same wants in kids from middle-class backgrounds. You want

to go back home and show that you're making it. That's why so many of these players are susceptible to under-the-table deals."

UNDER NCAA RULES, COLLEGIATE PLAYERS are prohibited from signing agreements with agents or accepting money from them until their eligibility expires.

"Under the rules, I can talk with players," Cronson explains. "Of course, I can't offer them money or compensate them in any way until they're out of school."

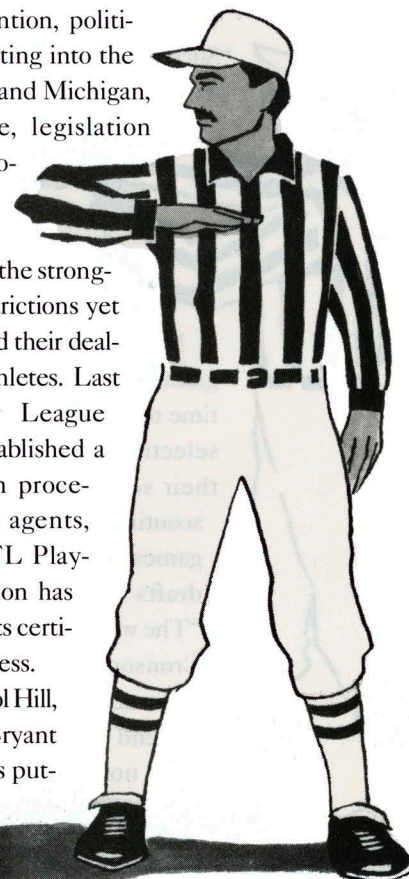
Some schools attempt to extend the NCAA buffer. At SU, for example, agents are not allowed in the locker room or in the players' dormitories or apartments. Agents, however, are under no legal obligation to adhere to a school's procedures. For example, Andy Brandt of the Washington, D.C.-based sports agency ProServ knew nothing of SU's specific school rules when he was in the process of signing ex-Orange nose guard Ted Gregory. Brandt took a more traditional route: having one of his major clients, Bengals quarterback Boomer Esiason, who grew up with Gregory, "talk up" the SU defensive star.

Among the SU agent-alumni, the prevailing opinion is that only the most corrupt agents are likely to be caught today. With agent misconduct gaining attention, politicians are getting into the act. In Ohio and Michigan, for example, legislation has been introduced that, if enacted, would place the strongest state restrictions yet on agents and their dealings with athletes. Last year Major League Baseball established a certification procedure for its agents, and the NFL Players Association has toughened its certification process.

On Capitol Hill, Rep. John Bryant (D.-Texas) is put-

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**John F. Marchiano
'73, G'76**



ting together federal legislation calling for the creation of an association to regulate and monitor sports agents nationally. The bill empowers the secretary of commerce to make rules and guidelines governing the new body, which would be similar in structure to the American Bar Association.

"The purpose of this legislation is to prevent unscrupulous sports agents from taking advantage of young athletes who have a future in amateur sports," says Bryant, a graduate of Southern Methodist University. His district includes SMU—which is playing football again after a two-year NCAA "death penalty"—as well as the NBA Mavericks and the NFL Cowboys.

Fifteen states currently have guidelines for sports agents, and the majority of members in the Sports Lawyers Association support such legislation on the federal level.

"It's the only answer," says Hunter. "Agents have to be regulated like any other profession, and once the laws are on the books they have to be enforced. California has an agent law, but only the most corrupt are ever caught."

"There are many more Norby Walters out there," he adds.

Several of the SU agents are skeptical that additional legislation—federal, state, or NCAA—can solve this problem.

"Such laws have to be appropriate," warns Marchiano. He adds that politicians shouldn't simply rubber stamp the NCAA regulations because "those rules are a joke."

Many agents would like to see graduating seniors allowed more time to choose an agent. Besides selecting an agent, athletes in their senior year often attend scouting combines and all-star games before the professional drafts in the various sports. "The window is too small," says Cronson. "The players need some access to agents prior to the end of their careers. Right now the period is too

short for a player, especially a high draft choice, to sort through who's who."

Mike Trope, who practiced what he preached in the Rozier fiasco, says in his book, *Necessary Roughness*, that "to assume that it's wrong for a player to seek an advisor before his last college game is to assume that his best interests are being looked out for by someone else, namely the school. That's a theory that colleges like to promote. It's a false theory."

However, Tim Green believes that allowing more time to legally sign with an agent would further complicate things between athletes, agents, and coaches.

"If a player was injured, and was already committed to an agent, I could see a real conflict," he says. "You could have the agent telling a player not to play because it may hurt his investment, while the coaches would be wanting a player to probably play. A player would be caught in the middle."

The marketplace itself may eventually cause a shaking-out among sports agents. Green says after the initial professional contract is signed, what a player needs more than an agent is a money manager. "And those two are rarely the same person," he cautions.

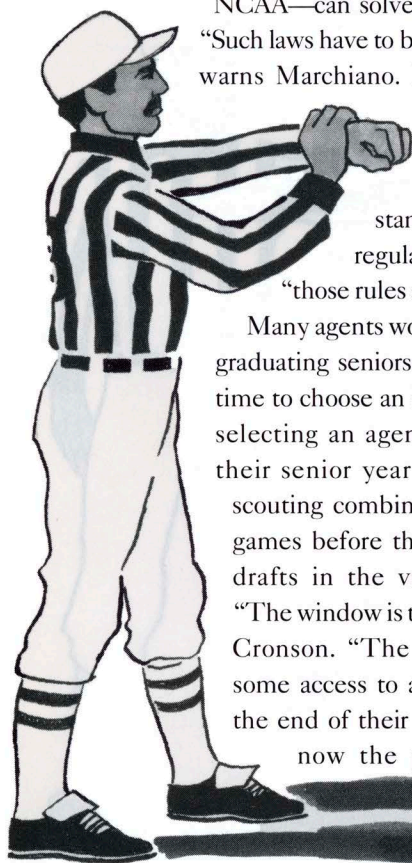
Kiles warns, "Any player who lets an agent have anything to do with the investment of his dollars, other than to talk to him about it, is a fool."

Looking to fill this void is the Cleveland-based International Management Group (IMG). This organization's presence could affect the future of the sports agent industry more than any pending legislation or university guidelines. IMG currently has nearly 100 sports clients and it is offering players a full-service management package that includes contract negotiation, investment strategy, and product endorsements. IMG could become the sports equivalent of the William Morris and Creative Artists agencies, which handle 90 percent of the major talent in the entertainment world.

"This is the opportunity for exposure in a multitude of arenas outside football for me and my clients," Ralph Cindrich, who heads up IMG's football division, told *Sports inc.* maga-

**Some [agents]
were offering
money, some were
offering women,
some drugs.
All I wanted to sell
was my services
as an attorney.**

**G. William
Hunter '64**



zine. "Talk about an organization that does it all. For God's sake, these guys did the marketing for the Pope."

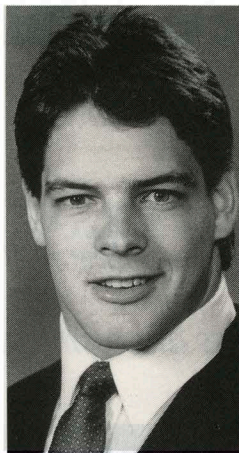
A LOT OF PLAYERS MEET VETERAN PLAYERS who tell them about agents," says Syracuse law professor Travis Lewin. "They learn very early. Unfortunately, they're learning about this in much the same way those in my generation learned about sex on the street.

"This problem isn't going away. At a school like Syracuse, that has seen such success in basketball and now football in recent years, it may actually be getting worse. Last year we saw an agent come in here and sign up 12 kids in no time."

Lewin is a member of SU's Athletic Career Counseling Panel—an example of the steps schools take in lieu of strong national regulation. The panel advises players and sponsors discussions with agents.

In the past these sessions have only involved seniors. But in the future Lewin would like to see freshmen on up invited. "Kids are being reached before their senior years," says Lewin. "We're discovering they need this information much earlier."

Lewin hopes SU's counseling panel provides enough basic information that players can make informed choices in the time they have. Ronald Cavanagh, SU vice president for undergraduate affairs and chairman of the panel, keeps a file of agents interested in each SU athlete. The file is



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Tim Green '86

turned over to the appropriate player in its entirety at the end of the season. Football coach Dick MacPherson also sends letters to agents who have contacted players, telling them about the panel and emphasizing that "no direct contact is to be made with a Syracuse University player during our season."

That's direct language, but again there's nothing to prevent agents and players from meeting. "SU's making an attempt at the situation with their panel," says Green. "They're identifying what should be done, but I wish they had more clout."

Even Lewin admits that the panel is strictly "informational and advisory." For instance, it cannot grade agents or tell players to avoid certain ones.

"We walk a narrow line," Lewin says. "If we came out and said an agent's no good, we'd have a lawsuit on our hands. It's a delicate situation because we're dealing with University rules and regulations, not the law. Players have a right to talk to anybody they want to. I'd suspect the kids know more than we on the panel know sometimes, and that's a large part of the problem."

WHETHER SPORTS EMBRACES IMG OR looks to federal legislation or leaves matters to colleges and the NCAA to finally decide this issue, the so-called mating dance between college athletes and agents goes on. How many players are finding responsible representation this way is anybody's guess.

"Agents are like anything else," says Green. "There's good ones and bad ones. It's an open market and I was fortunate to find a good one."

Others aren't so lucky. And with SU's rising position, ranking annually among the top 20 in football and basketball, the odds of more athletes being burned can only rise with each passing spring.

"I believe the bad agents eventually get caught," says Lewin. "Until then, kids will continue to be hurt. Anytime you have a pot of gold, and that's how these players are often viewed, people will be chasing it."

