

## USA Rugby Reverses Own Ruling, Bans Glendale Players

Written by Alex Goff and Pat Clifton  
Thursday, 19 May 2011 14:22

---

USA Rugby's Club Strategic Committee has overruled a USA Rugby national office decision, and has rescinded waivers that allowed players from Aspen to transfer to other clubs.

Originally, as many as 11 players applied for transfer waivers after Aspen folded for the 2010-2011 season. USA Rugby's Matt Trenary, using the precedent of Pearl City in 2010 (whose DI club also folded mid-season, leading to players being allowed to switch clubs), approved the transfers.

By RUGBYMag.com's count, 11 players transferred: Cameron Adams, Kai Beech, Simon Dogbe, Matt Doubek, Michael Hurley, Will Mansour, Hayden Mexted, Michael Nelson, Spencer Scott, Greg Tarpey and David Yavala.

Of these, Adams, Dogbe, Doubek, Hurley, Mexted, Scott and Tarpey all transferred to the Glendale Raptors. Also playing with the Raptors was longtime Aspen player Alec Parker, but Parker did not CIPP with Aspen in the fall and did not need a waiver. (He is still scheduled to compete with Glendale in the Sweet 16 this weekend.)

Beech registered with San Luis Obispo and Mansour and Yavala with the Denver Barbarians.

All players submitted eligibility waivers to USA Rugby and all were approved. In addition, pertinent to the argument that these players played in a game leading to a national championship, the Aspen games were vacated in the West RFU standings (as shown on the [www.wrfu.org](http://www.wrfu.org)). To all intents and purposes, Aspen did not exist as a club for this season.

But in early February, WRFU president Bill Sexton sent an email to USA Rugby CEO Nigel Melville, Club Strategic Committee Chair Alan Sharpley, Trenary, John Wolf, Bob Latham and others. This email was not sent to members of the eligibility committee.

The e-mail warned of a "potential storm" that was brewing regarding the allowing of mid-season transfers in-league. Trenary said he did not forward the email to the eligibility committee

## USA Rugby Reverses Own Ruling, Bans Glendale Players

Written by Alex Goff and Pat Clifton  
Thursday, 19 May 2011 14:22

---

members because he thought it was his role to take care of the waiver in-house, and the 2010 Pearl City ruling (that, for example, allowed Tai Enosa to move to Belmont Shore and compete in the DI postseason) provided precedent.

On March 28, complaints from the Denver Highlanders (a club that, according to several Aspen players, actively recruited them before they made the decision to transfer to Glendale) reached the eligibility committee and Sharpley (also the Austin Blacks' president, another team said to have actively recruited Aspen players).

The CSC was set to hold its first meeting that same day, and the Highlanders' complaints prompted the new committee to look at the Aspen waivers. Trenary said he received emails from members of the old eligibility committee that had they been presented with the waiver applications they would have upheld Trenary's approval of said waivers, thus providing a two-thirds majority approval within the committee, and allowing the players in question to continue to play.

Sharpley responded, saying that with the formation of the CSC, the old eligibility committee was dissolved. Sharpley formed instead an ad-hoc eligibility committee within the CSC to review the transfers. The CSC ad-hoc committee recommended the CSC rescind the waivers USA Rugby had already approved, and the CSC did so.

Aspen players were then allowed to submit new waivers, using new logic. Some players resubmitted waivers, citing geographic relocation as their reason for transfer. Legitimate geographic location is listed in USA Rugby's Eligibility Regulations as an "exemption often granted". The request is supposed to be "accompanied with proof of job transfer or geographic relocation".

Leases and rent checks were provided, but still the CSC denied the transfers.

"The rationale wasn't all legitimate that was provided, or it wasn't substantiated. Somebody said they had a lease and somebody had a boiler-plate lease," said Breckenridge. "You get to a certain point and people start coming back with all these various documentations to you and stories about why they are requesting this transfer, and to provide just a copy of a front page of a contract for an apartment that's owned by a player on Glendale, we asked for a canceled

## USA Rugby Reverses Own Ruling, Bans Glendale Players

Written by Alex Goff and Pat Clifton  
Thursday, 19 May 2011 14:22

---

check. We never saw a canceled check.

“And at this point we were looking at the waiver requests a little more closely, because we knew they wanted to go to Glendale, and we wanted to make sure they did meet, basically, the letter of the rule, the intent of the rule, and played within the spirit of the game...We just wanted to make sure everything was above board.”

Breckenridge also seemed to interpret the “exemption often granted” differently than others. The Eligibility Regulations clearly state a job transfer *or* legitimate geographic relocation suffices.

“If there was a geographic relocation with a proof of the job, that case would have met the criteria and that would have been a factor in the determination,” she said. “I can just say that it’s kind of a two-prong; there’s actual geographic relocation, but you must have a job.”

Appeals were made, but the appeals process only calls for due process to be examined, not the decision. So the appeal would only be successful if due process was not followed. The appellate body determined due process was followed, so the appeal was unsuccessful. Glendale director of rugby operations Mark Bullock has filed a grievance with USA Rugby.

Melville responded to Bullock via e-mail by quoting USA Rugby Congress and grievance panel member Gary Lee Heavner.

Here is the quote: "The Grievance Panel has determined that in regards to the 'Aspen Players Incident', the procedures and the ultimate decisions of the USARFU staff, panels and committees were proper and in conformity with the USARFU by-laws and regulations. Therefore, the Appellate Panel's ruling remains undisturbed and the grievance is denied in its entirety."

As it stands, the Raptors will be without the services of Mexted, Scott, Dogbe, Tarpey, Hurley, Doubek and Adams at this weekend’s DI Sweet 16 in Chula Vista, Calif.

## USA Rugby Reverses Own Ruling, Bans Glendale Players

Written by Alex Goff and Pat Clifton  
Thursday, 19 May 2011 14:22

---

Raptors head coach Mark Bullock and several of the players in question are disgruntled by the situation, and they've cited numerous examples of mid-season transfers, including from Aspen to Glendale, that have been approved in the past, using the geographic relocation as reasoning.

Breckenridge says the CSC is a new committee, with new members and a new viewpoint.

"The main thing I do want to emphasize is there is a lot of people saying two years ago or three years ago," she said. "Committees change and our philosophies on the rules change as well. Now that we're fully focused on the clubs and exactly what the clubs' rules are, and we are going to be taking a very close scrutiny of what the rules are this summer to tighten everything up, you can't just continue to look back at previous years, necessarily. We want to stop the mid-season transfers."

You can still find case studies of eligibility waivers on USA Rugby's website, including many which cite geographic relocation as reasoning. One case study outlines a waiver granted because a player moved roughly 30 miles from St. Petersburg, Fla. to Tampa, Fla. Aspen is about a three-and-a-half-hour drive from Glendale.

William John Martin (CIPP# 419534) transferred from Aspen to the Austin Blacks in October. Aspen players say he played for the Gentlemen of Aspen in a fall league match against Boulder. Sharpley says Martin did not play in a league match with Aspen. Martin's transfer was not brought into question. Aspen representatives and former players were adamant about not wanting Martin to be withheld from competition.