

UAHA Board of Directors Meeting  
October 5, 2009

- Approval of minutes from September
- Approval of Bylaws as retyped by Sandy
- Soderlund vs. NWR USA Hockey decision
- Adult League Tournament
- Spectrum Billing Process
- JV/Travel Player Eligibility
- Dasher Boards at the E-Center
- UAHA Website update/payment approval

Meeting called to order at 7:05 pm

Attendance: See attached

Proxies: See attached

Minutes from September meeting approved. Geoff made a motion to approve Fred 2<sup>nd</sup>. October minutes were approved with no corrections or amendments.

Updated bylaws – Tabled until there were more voting members.

Report on Soderlund vs NW Regulators – USA Hockey reversed the UAHA board decision. USA Hockey sided with the Soderlund's in the case and awarded the Soderlund's the amount they felt they were due from the NW Regulators organization. Fred made some comments about this turn of events; he wrote briefs in opposition to both of the appeals to USA hockey. UAHA set up the hearing process to be as fair and impartial as possible to everyone and feels that the disciplinary panel made decisions based on factual findings and as a state board UAHA did not hear testimony from the witnesses so did not have the ability to change the facts that were found. It has no bearing on the court judgments that are currently pending in favor of the NW Regulators. Fred said that UAHA ran the hearings based upon information he and Geoff received from Peter Lindberg regarding what processes should be followed. Fred asked the board for authorization to send an e-mail to the USA Hockey executive board asking for them to implement procedures on how to conduct a proper hearing, he doesn't think we as a state or a board did anything wrong. Fred said that he sees a serious problem when the leadership has a moving target with procedures, there are times when we need guidance from the top without being micro managed by the leadership, he also feels that at this point we should not give credence to other people's suspensions, until some formal processes are put in place. Wade said he has had personal experience with this and agrees with Fred that it needs to be changed. Geoff said that it bothered him that USA Hockey told the board that they abused their discretion. Fred said he sees no reason for our board meetings to ever be closed, Mike Holmes was allowed to sit in on the meeting, which is an open meeting, but Mike was not allowed to participate in the meeting at all.

Wade Bateman – Adult League Tournament, the adult league will have a Christmas Tournament, he has a preliminary budget which he will review with Matt. The tournament will begin on the 26<sup>th</sup> of December and will probably end on the 3<sup>rd</sup> of January; there is plenty of ice available since most of the other organizations are on break at this time. Wade asked for the state to pay for the entire tournament which will be \$17,000.00 based upon registration numbers he feels the state should have the money to pay for the entire tournament. Geoff said that \$17,000.00 is too much money to ask for; the Christmas tournament does not qualify for

the grant money that USA Hockey is offering for an adult championship tournament. Scott gave a report on how much money UAHA has in the bank; he does not know how much money has been collected from the adult players over the last 4 seasons. Wade said that as of last year there were just slightly over 1500 adult players registered in the state. Cathy said the numbers can be very skewed because people can be rostered on multiple teams so they would show up twice but only pay once. Wade is asking for the state to front the money to get the tournament up and running so that they can continue it in the future his intent is to put the money back so they have it for the next season tournament. Geoff said that the assignment was to come up with a state championship tournament where they can use the USA Hockey grant money and have UAHA match it. Mike Maero asked how many teams will participate and Wade told him that they will have no more than 8 no check teams and 4 full check teams on a first come first served. Wade said he is willing to go through what ever process is necessary to make this happen, he just doesn't know what he needs to do. Don said he doesn't understand why they are asking for money, Wade said that the money will come back to the state and then go back into the adult league for the tournament next year. Don asked why they can't pay for it with the money they collect. Geoff said he doesn't think there is any question that the adult league should have some sort of budget to work with, but \$17,000.00 is a lot of money. Wade said that if you add up all the costs of scorekeepers, ice and officials it comes out to that amount. Mike asked where the money would sit and what if there is a profit where will the money go? Fred said that every organization below adult league is a developmental league for adults. Wade said that the majority of his players never played youth hockey and that the adult league fees have gone up 6 or 700% in the last few years and they have seen none of that money back, but he also feels that the winter games will go further than just the adult league and that youth will get involved in the future and it will turn into a big state event.

Shannon agreed with Wade and said that he would like to see a budget with actual breakdown of cost and he would also like to see a women's group included. He contacted Debbie in Park City and she said she would probably need to bring teams from out of state in order to compete in this tournament. Shannon said he would like to see a very specific agreement on what is given and what is given back to the state to put into the pool for next year and that this tournament needs to be strictly not for profit. He said that he doesn't have a problem giving money to the adult league but we have never given more than \$2000.00 to any organization or for any state championship. Wade said he will prepare a proposal and submit it to the board, he is asking that once the proposal is done that he be given an immediate answer from the board on what he can expect to receive. Fred asked what they are charging the teams. A discussion followed on this issue, regarding budgets and what the teams will be charged. Geoff told Wade to put some numbers together and submit it to the board for approval. Kathleen asked about outside sponsors, Wade said they had not approached any yet. Chris Billeter said that his feedback is that everyone enjoyed the winter games and was sad to see it go away. Geoff said

there is no question that they deserve a seat on this council and they deserve some money to help get the tournament started.

Spectrum Billing Process: People are registering for incorrect associations so the billing process is getting very confused. The problem seems to be that there are 2 columns that people can select we need to just give them the choice for a sub-affiliate. Geoff said that the sub-affiliates need to pay the bill not the state. The state will help clear up the issues, Geoff said that if we need to pay the difference in the mean time until we get the mess straightened out we will but we are not going to be a collection agency. Discussion followed on coaches and how the background checks work and how people are approved to coach. Shannon was asking how the committee works and should someone who is sitting on the UAHA board be allowed to approve red flags. Don said that he and Cathy have no affiliations with any teams so 2 of the 3 committee members create the check and balance. Geoff asked if anyone was red flagged and approved that didn't meet the USA Hockey guideline and he was told no, there were only 2 this year that were red flagged and both met the USA Hockey requirements.

Geoff reviewed the ADM model and talked a little about Joe Doyle who is our regional ADM representative. All the regional managers are long time hockey people and they are important because they can be utilized to come in and help train individual organizations at various levels. Geoff explained the handout that was sent around to all the sub-affiliates. Fred and Geoff set up a coaching clinic with Joe to help train coaches, it is being held the 21<sup>st</sup> of November at the E-Center. He mentioned the push to do more cross ice stuff at younger age levels, ADM is trying to get more players involved in more levels and more areas and they feel cross ice play is an excellent way to do this.

Eligibility discussion: The issue is that there are players that are not eligible to play JV because they have played travel. See attached for details. Kathleen said that she thinks things got way blown out of proportion with this. She explained how the independent HS teams work and a simple statement like if they are travel players they can't play JV. Each Trustee takes things on a case by case basis. The purpose of Utah HS hockey is to develop a team at a HS, so the players play where they go to school but Kathleen rarely sees all the rostered players show up to a game. Discussion followed on how best to allow everyone to play without violating bylaws for individual sub-affiliates. Out of 30 teams there are only 16 with JV teams in the HS division. Fred said there is a distinct difference between a travel team player and a select rec league player. The HS should be able to police their own league and be able to determine eligibility within their own organization.

There is also an issue with a WMAHA player who was told he was ineligible to play for the County program because he is red shirted on a PeeWee A team. Matt asked what the County position on this issue was, County rule says that if a player is currently rostered on a travel team that they cannot play on a County team. If they are not good enough to be on a travel team then they should play County, but not both. The Outlaws that play at the Oval don't care if a kid plays travel or not so he could play at the Oval or Davis County. Geoff said his concern is making sure that we get and keep as many players as possible and add new ones as well. Wade said that the Oval is set up to handle those kids that fall through the cracks. Matt asked why the County rule was put in place and John told him that the County program is a house program and they have a philosophy that supports a house rec team environment, a travel team has a different philosophy he feels some of these can be harmful to the county house program. Travel programs can take over and make the house level players feel like the team is not at their level so they don't feel like it is a good idea for the rec and travel programs to mix; they are trying to keep the travel team element out of the county program. Shannon said that WMAHA has been trying to do this for years, getting their red shirted players into the County program, and feels like the player can play in Davis County or with the Outlaws at the Oval. John also said that one of the other concerns is that even though this kid is not playing games what happens in the future if he gets bumped up to play on travel and is then ineligible it leaves the County team with an empty spot, Shannon said that it also takes a spot away from a kid who could be playing County without playing travel. The other sports within the county program have similar rules. County feels like it is not beneficial to a kid who even though he is only practicing with a travel team is getting no benefit except more ice. Geoff said that USA Hockey has a different view than most of the organizations within our state and we need to change the perception on how we view the improvement needs of each player USA Hockey would like to go to cross ice with squirts and eliminate all competitive teams at 12 and under. John said that the primary goal of the county program is not to develop players to move up to the next level but to just allow them to have fun and play some games. County has 3 rinks that they have to try to keep viable so they are very concerned with retention of players. County doesn't feel like every single house rec player should aspire to be a travel player. The goal of the LTAD is to develop people to play a sport on into adulthood and each program needs to take some stuff from the LTAD and use it to better their program but may not necessarily need to implement the entire thing. Discussion followed on the ADM, Fred said this is a program to help our kids who are not getting any physical education in the schools to get more active and the guidelines in the ADM have been developed by experts to help develop adults who are in shape and active. USA Hockey will not tell us what to do on this but it is in our best interest to implement some of them. Fred said that for the November 21<sup>st</sup> coaches clinic they want all the house rec coaches in attendance, it will be at the E-Center on the ice at 8:00 am.

Dasher Board at the E-center – Jared offered us the opportunity to buy the dasher board for the cost of printing the dasher board sign, he says that at most it will be \$400.00. Matt made a motion to approve the \$400.00 for dasher boards Kathleen 2<sup>nd</sup>. Motion passed unanimously.

There is a set up fee and annual fee for maintaining the UAHA website the need annual hosting fee is \$780.00 Wade made a motion to have the state board approve the payment of \$780.00 for hosting the website. Mike 2<sup>nd</sup> the motion passed unanimously.

Mike made a motion to adjourn the meeting, Fred, 2<sup>nd</sup>. Motion passed unanimously. Meeting adjourned at 9:36 pm.

Minutes recorded and submitted by Sandy Curtis  
UAHA Secretary



SmartZone Communications Center Collaboration Suite

delicate\_\_flower@comcast.net

**RE: Minutes from September and October Agenda**

Monday, October 05, 2009 3:10:55 PM

From: dmodrovsky@parkcity.org

To: delicate\_\_flower@comcast.net

Attachments: Debbie Modrovsky (dmodrovsky@parkcity.org).vcf (313B)

I am on the ice until 7 pm tonight so I can't make it, sorry. I give my proxy to Shannon Schmidt. Thanks.

**Debbie Modrovsky****Hockey Director**

Park City Sports Complex

PO Box 1480

600 Gillmor Way

Park City, UT 84060-1480

Office: 435-615-5702

Cell: 435-659-6296

[dmodrovsky@parkcity.org](mailto:dmodrovsky@parkcity.org)

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**From:** Sandy Curtis [mailto:delicate\_\_flower@comcast.net]**Sent:** Monday, October 05, 2009 8:41 AM**To:** Brittain, Jack; Youngman, Jared; Bateman, Wade; Smith, Kathleen; Schmidt, Shannon; Maero, Mike; Vittands, Peter; Wilner, Fred; Soutter, Dave; Debbie Modrovsky; Korth, Don; Hinerman, Scott; Henderson, Ed; Fisher, Geoff; Brickley, Matt; Anderson, Cathy**Subject:** Minutes from September and October Agenda

Hi Everyone,

Attached are the minutes from the September meeting, there were so many attachments that the file was too large to send so what you have is just the minutes without all of the attachments. I will bring a copy of the minutes which include the attachments to the meeting tonight if anyone wants to look at them.

Don't forget to send an e-mail with your proxy if you will not be able to attend tonight. I think the HS group has given their proxies to each other but from what I can tell none of you will be there so you may want to re-send your proxies.

Thanks,

Sandy

UAHA Secretary

Don't go through life without goals

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delicate\_\_flower@comcast.net

**RE: Next UAHA board meeting**

Tuesday, September 22, 2009 11:13:46 AM

From: jack.brittain@utah.edu

To: delicate\_\_flower@comcast.net

Cc: tvillehockey@integra.net; dirk@desnews.com

We have a game. I can give my proxy to Kathleen assuming she can be there. It may be Dirk again.

===== Jack <Brittain@business.utah.edu>

-----Original Message-----

From: "Sandy Curtis" &lt;delicate\_\_flower@comcast.net&gt;

To: "Jack Brittain" &lt;jack.brittain@utah.edu&gt;; "Youngman, Jared" &lt;jyoungman@utahgrizz.com&gt;; "Bateman, Wade" &lt;puck4wri@yahoo.com&gt;; "Smith, Kathleen" &lt;tvillehockey@integra.net&gt;; "Schmid

Sent: 9/22/09 9:47 AM

Subject: Next UAHA board meeting

Hi all,

Our next board meeting will be Monday October 5th at 7 pm. I think we will be at the Oval but I will confirm and get back to you. I just wanted you all to be sure to put it on your calendar. If you have any agenda items send them my way.

Have a great day.

Sandy

UAHA Secretary

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Re: Reminder of the board meeting

Tuesday, September 29, 2009  
12:24:00 PM

From: dsoutter@msn.com

To: jack.brittain@utah.edu; jyoungman@utahgrizz.com; puck4wri@yahoo.com; tvillehockey@integra.net; sschmidt@slco.org; mikem@cve.com; peter.vittands@mountaincenter.com; fredw326@hotmail.com; dmodrovsky@parkcity.org; korthit@yahoo.com; hinerman571@comcast.net; hendu91@yahoo.com; geofffisher44@aol.com; mattbrickley@comcast.net; catherine.anderson@jordan.k12.ut.us; elukacs@provo.utah.gov; delicate\_flower@comcast.net

All:

Regrettably, I will have to miss this meeting. We have our first Bantam practice that evening at 8:00 p.m.

Regarding the JV eligibility agenda item:

I am in the process of putting some ideas down on paper and will submit them for Board review/discussion.

Thanks,

Dave Soutter

----- Original Message -----

**From:** [Sandy Curtis](#)

**To:** [Brittain, Jack](#) ; [Youngman, Jared](#) ; [Bateman, Wade](#) ; [Smith, Kathleen](#) ; [Schmidt, Shannon](#) ; [Maero, Mike](#) ; [Vittands, Peter](#) ; [Wilner, Fred](#) ; [Soutter, Dave](#) ; [Modrovsky, Debbie](#) ; [Korth, Don](#) ; [Hinerman, Scott](#) ; [Henderson, Ed](#) ; [Fisher, Geoff](#) ; [Brickley, Matt](#) ; [Anderson, Cathy](#) ; [Ed Lukacs](#)

**Sent:** Tuesday, September 29, 2009 11:20 AM

**Subject:** Reminder of the board meeting

Hi All,

I just wanted to send out a friendly reminder that Monday October 5th at 7:00 pm at the Oval we will be having our regular UAHA board meeting. So far the agenda includes:

- Spectrum Billing - they are requesting 1 bill to the state
- Approval of the newly typed bylaws
- UAHA Website - need approval for the annual fee
- Player Eligibility - travel, house and JV - possible by-law revision

If there is anything that needs to be added please let me know.

Thanks,

Sandy

UAHA Secretary

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11:42 PM  
10/04/09  
Cash Basis

Utah Amateur Hockey Association  
**Balance Sheet**  
As of October 4, 2009

	<u>Oct 4, 09</u>
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
Key Bank-Checking	57,081.19
Keybank Savings	<u>2,233.08</u>
Total Checking/Savings	<u>59,314.27</u>
Total Current Assets	<u>59,314.27</u>
<b>TOTAL ASSETS</b>	<b><u>59,314.27</u></b>
<b>LIABILITIES &amp; EQUITY</b>	
Equity	
Opening Bal Equity	9,088.30
Retained Earnings	47,009.91
Net Income	<u>3,216.06</u>
Total Equity	<u>59,314.27</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b><u>59,314.27</u></b>

11:45 PM  
 10/04/09  
 Cash Basis

**Utah Amateur Hockey Association**  
**Profit & Loss**  
 July 2008 through June 2009

	<u>Jul '08 - Jun 09</u>
Ordinary Income/Expense	
Income	
All-Star Participants	1,000.00
Services	35.00
State Development Camp Fees	9,637.15
State Per Unit Fee	
State per Unit Fee - 2008/09	30,395.50
State per Unit Fee - 2009/10	2,265.00
State Per Unit Fee - Other	647.50
Total State Per Unit Fee	33,308.00
Tryout Fees	
District Camp Fees	150.00
Total Tryout Fees	150.00
URL Tournament Team Fees	4,024.20
Total Income	48,154.35
Expense	
Ace Summit 2008	200.00
All Star Festival	374.79
Bank Service Charges	35.00
Development Camp	3,878.44
District Camp	-86.77
District Fees	2,625.50
Fundraising	0.00
Grant Distribution	4,300.00
Licenses and Permits	7.00
Postage and Delivery	193.35
Professional Fees	
Accounting	300.00
Total Professional Fees	300.00
Rent	
Rent-Board Meeting	195.00
Total Rent	195.00
State Roundtable Meeting	672.07
Tournaments	11,415.63
Travel & Ent	
Meals	154.16
Travel	751.76
Travel & Ent - Other	2,054.17
Total Travel & Ent	2,960.09
Total Expense	27,070.10
Net Ordinary Income	21,084.25
Other Income/Expense	
Other Income	
Player Fee Disputes	46.00
Total Other Income	46.00
Net Other Income	46.00
Net Income	<u>21,130.25</u>

11:45 PM  
10/04/09  
Cash Basis

Utah Amateur Hockey Association  
**Profit & Loss**  
July 1 through October 4, 2009

	<u>Jul 1 - Oct 4, 09</u>
Ordinary Income/Expense	
Income	
State Per Unit Fee	
State per Unit Fee - 2009/10	5,673.00
Total State Per Unit Fee	<u>5,673.00</u>
Total Income	5,673.00
Expense	
Bank Service Charges	3.50
District Camp	3,300.00
Postage and Delivery	29.19
Rent	
Rent-Board Meeting	20.00
Total Rent	<u>20.00</u>
Travel & Ent	
Meals	144.08
Travel	1,543.67
Total Travel & Ent	<u>1,687.75</u>
Total Expense	<u>5,040.44</u>
Net Ordinary Income	<u>632.56</u>
Net Income	<u><u>632.56</u></u>

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delicate\_\_flower@comcast.net

Fwd: JV eligibility

Sunday, September 27, 2009 2:34:24 AM

From: geofffisher44@aol.com

To: delicate\_\_flower@comcast.net

sandy,

please forward per fred's request.

Geoff

-----Original Message-----

From: Fred Wilner &lt;fredw32@hotmail.com&gt;

To: 'Dave Soutter' &lt;dsoutter@msn.com&gt;; Geoff Fisher &lt;geofffisher44@aol.com&gt;

Sent: Sat, Sep 26, 2009 5:43 am

Subject: RE: JV eligibility

Dave: We have a similar situation that occurred between Salt Lake County Rec and WMAHA. The County will not let a WMAHA rostered player register for County Rec. Peter has told the County that the player is a red shirt for WMAHA and was only rostered to meet the insurance requirements of USA Hockey; will not travel with the team; and will not play in any games. County refuses to allow this player, who just wanted to get a little extra ice time to improve his skills, to register at their taxpayer-subsidized league. The player's parents were so disgusted at the way they were treated by the County and their paid hockey employees, that he is only practicing with WMAHA right now.

Our goal, and USA Hockey's mandate, is to grow the game - not turn away players. I think this topic needs to be discussed at our Board meeting and we need to put a by-law in place to address the issue of eligibility. In our meetings with the USA Hockey officials in town over the past few days, they made it perfectly clear to Geoff and me that each Affiliate is free to establish their own rules and standards that work best for us. They recognize that what works in Minnesota, might not work in Utah and have given us the ability to tailor our rules to the unique situations of our State.

Think about how we can best handle these types of situations and let's have a spirited discussion at our next State Board meeting and figure out what is best for everyone involved.

Geoff: I think this string of emails and my latest addition should be sent to the full Board and anyone else you think could be affected by whatever by-law or policy we adopt so we can get an open dialogue and full discussion at our next Board meeting.

Fred Wilner  
(801) 259-6922

From: dsoutter@msn.com

To: jack.brittain@utah.edu

CC: dirkdesnews.com; scott.baker@HILL.af.mil; sp3baker@msn.com; wapiti@aol.com; geofffisher44@aol.com; fredw32@hotmail.com; KenKemp-int.com; Robert.Shegrud@ingenis.com; Drbobflint@msn.com; mholmes@nwregulators.com; sheri@pcu.net

vorthite@yahoo.com; villehockey@integra.net

Subject: JV eligibility

Date: Fri, 25 Sep 2009 23:31:04 -0600

Jack:

Thanks very much for the clarification. I appreciate your willingness to respond to my inquiry.

Although I understand why the JV rule is in place--no doubt to keep High School coaches from abusing the purpose of JV teams--it does seem a bit arbitrary to make a blanket statement that any player who played any sort of travel hockey is ineligible to play JV. Granted, there are many kids who have played A, AA, or AAA travel hockey who by all means do not belong on the JV squad, but there are many who have played at the B level that are nowhere near the skill level of the higher-caliber players.

I have coached B travel teams and for the most part, those kids are just decent House/Rec players looking to play a few extra games a year. (As you know, most House/Rec teams play about 12-15 games per season). To deny kids who fall into that category a chance to play JV--especially when you have a crowded situation like DCI--doesn't seem fair, especially when there are some kids who have never played travel of any sort, but are not likely to play many Varsity games. You end up sitting four kids per game, and how is that benefitting high school hockey? We should be finding ways to let every kid play, not have them sit every second or third game.

Nobody wants to see a JV team stacked with top-notch talent that everyone can see belongs on a Varsity roster. It just seems a shame that a 9th grader would be disqualified from a JV team because he played in a local Thanksgiving tourney the year before. JV should be reserved for kids of lesser ability and those who need time to adapt to high school hockey, no matter what their experience is. Many 9th graders aren't really ready for Varsity HS hockey, even though they played a handful of tourney games when they were in 7th or 8th grade as Bantams.

This is not meant to be a criticism of you or other committee members who have formulated the rule. I'm certain a lot of thought and consideration has gone into the matter and I appreciate you and the others who volunteer your time. I feel the determination of who plays and who doesn't play JV should be based on a player's skill level rather than what games were played on what team at some point in the past.

Regards,

Dave Soutter  
ACE Director for Utah  
DCYHA Coaching Director

----- Original Message -----

From: Jack Brittain

To: DAVE SOUTTER ; Kathleen Smith ; Sheri Becker ; Chris Wendt

Cc: Dirk Facer

Sent: Friday, September 25, 2009 6:25 PM

Subject: RE: ADM Meeting tonight

Dave:

Someone may have sent you the policy. Kathleen Smith is chair of the eligibility committee and Sheri Becker and I are on the committee. I am sure Chris knows the eligibility situation, as we have t

Players with any travel experience ever at the bantam or midget level are ineligible to play JV, including select teams chosen on the basis of tryouts. Could have been two years ago. Does not matt

Players with prior All Stars nominations are also ineligible. I think there was also a settlement that players in the league's top scorers are ineligible, but that may have been dropped.

Teams must have at least 10 JV eligible skaters and a goalie to register for JV. Being on the bubble is not a good idea because lose one JV player and the team is disqualified while still on the hook

=====

= Jack &lt;Brittain@business.utah.edu&gt;

-----Original Message-----

From: "DAVE SOUTTER" &lt;dsoutter@msn.com&gt;

To: "Jack Brittain" <jack.brittain@utah.edu>; "Wade Bateman" <puck4wri@yahoo.com>; "Kathleen Smith" <villehockey@integra.net>; "Shannon Schmidt" <sschmidt@slco.org>; "Mike Maero" <ustee@uintah, Skip Clinch" <avahahockey@yahoo.com>; "Trustee Timpanogos, Susie Kepo'o" <swak30@comcast.net>; "Trustee Springville, Reed Wright" <rwright@axis41.com>; "Trustee Skyview 0" Bertagnoli Bridgette" <bertag5@msn.com>; "Ed Gantt" <edgantt@comcast.net>; "Suzanne Goeders" <sgoeders@mailfdt.com>; "Michael Holmes" <mholmes@lazyhippo.com>; "Jim Kasper" <J

Cc: "Scott Baker-HAFB" <scott.baker@HILL.af.mil>; "Scott & Paula Baker" <sp3baker@msn.com>

Sent: 9/24/09 11:06 AM

Subject: Re: ADM Meeting tonight

All:

Can someone help with a high school hockey-related question?

Apparently, the Davis County Independent High School team (DCI) has 24 players, but the coach feels there aren't enough eligible players in that group to form a JV team.

As a result, only 20 of 24 kids can dress for games.

It's been quite a few years since I've coached high school so I'm a little rusty. What are the rules defining a JV player these days?

Thanks,

Dave Soutter  
ACE Director for Utah

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SmartZone Communications Center Collaboration Suite delicate\_flower@comcast.net

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## JV Eligibility

Monday, October 05, 2009 9:46:02 AM

From: dsoutter@msn.com

To: jack.brittain@utah.edu; jyoungman@utahgrizz.com; puck4wri@yahoo.com; tvillehockey@integra.net; sschmidt@slco.org; mikem@cve.com; peter.vittands@mountaincenter.com; fredw326@hotmail.com; dmodrovsky@parkcity.org; korthit@yahoo.com; hinerman571@comcast.net; hendu91@yahoo.com; geofffisher44@aol.com; mattbrickley@comcast.net; catherine.anderson@jordan.k12.ut.us; delicate\_flower@comcast.net; Scott.Hinerman@stakerparson.com

Cc: sp3baker@msn.com; scott.baker@HILL.af.mil; dirk@desnews.com; KenK@mp-int.com; Robert.Shegrud@Ingenix.com; wapiti3@aol.com; petergallowayerickson@msn.com; doug.wiser@es3inc.com; ktall278@msn.com; glmitchell@dsdmail.net; Drbobflint@msn.com; m2whit@yahoo.com; maynehockeymom@comcast.net; kristin@skisaltlake.com; Rhz10Gaz5@earthlink.com; will.russell@archiplexgroup.com; tom.donehue@comcast.net; toolrunner@comcast.net; elukacs@provo.utah.gov

All:

It has come to my attention that the Utah State High School Board has a rule prohibiting any high school hockey player from being rostered on a JV squad if that player has previously played for any travel or select team as a Bantam or Midget.

I assume this rule is in force is to prevent coaches from loading their JV teams with highly skilled skaters--- skaters who really belong at the Varsity level.

It makes sense that JV teams should be reserved for players who are less experienced and/or less skilled than a typical Varsity skater. In my past years of experience coaching at Bountiful High, we often rostered both a Varsity and a JV team. The less experienced kids skated JV regularly and they occasionally skated in a Varsity game if they proved to be hard workers.

Back in the early days of Utah high school hockey, 9th grade players were not allowed to play high school hockey at all unless they attended a four-year high school that sponsored a hockey team. That rule changed sometime in the 1980's and it opened the door to many more JV teams than had previously existed. I believe this rule change also helped fuel the growth of high school hockey in general.

The JV program is a tremendous starting point for many new and less-skilled players. It serves as a great learning experience for kids who are not quite ready to skate at the Varsity level.

My concern with the current rule and the language it contains is perhaps best illustrated with the situation on the Davis County Independent (DCI) team. DCI has 24 registered players, but despite this the coaching staff feels there are not enough eligible players to roster a JV squad. The net result is only 20 players being able to dress per game (as per USA Hockey rules) and four players must sit each game on some sort of rotating basis.

This situation is most unfortunate, assuming the coaches at DCI are merely trying to play within the rules. I feel an important goal of Utah Hockey is to look for ways to get ALL kids involved in the game. This rule seems to run somewhat counter-productive to that goal.

Here is another example of where the current rule may hinder future JV participation:

At Davis County Youth Hockey Association (DCYHA), we routinely organize what may best be described as "House Select" teams each year to compete in two or three tournaments per season. The purpose behind this is to give the kids who are interested a chance to play in a few extra games per year and give them a taste of a higher level of competition. Most of the kids who play on these "B" travel teams are not quite

at the level of most "B" travel players and certainly nowhere close to "A" or "AA" players in Utah who compete in tournaments throughout the USA and Canada. Yet, according to Utah High School Hockey rules, if those "House Select" skaters play in a "B" tournament as a 7th or 8th grade Bantam, they automatically become disqualified to participate on a JV team.

There are many kids (even with three or four years experience playing hockey) who are not ready to play at the Varsity level. And, as in the case at DCI, there is simply not room on the Varsity team for the extra skaters. This is why we need JV teams in high school and why the rule needs to be modified. If past experience is any indication, there are far more 9th and 10th grade players who fall into the "less skilled" than the "highly skilled" category.

I feel it is important to place skaters on teams according to their ability relative to other players on their school's team. To declare a skater ineligible to play JV because simply because he or she played in a "B" tournament as an 8th grader makes little sense. It does make sense to keep highly-skilled players where they belong: on the Varsity team.

Let's work to find a way to maximize game participation for high school-aged "JV-level" players. I appreciate the consideration of the State Board and the State High School Board in this matter.

Sincerely,

Dave Soutter  
ACE Director for Utah  
DCYHA Coaching Director

|

September 29, 2009

Nils Erik Soderlund  
c/o Michael and JoAnn Soderlund  
Stora Gatan 4 B  
Koping, 73130  
Sweden

NW Regulators Hockey, LLC  
P.O. Box 563  
Bountiful, UT 84010  
Attn: Mr. Mike Holmes

Goeffrey Fisher  
President  
Utah Amateur Hockey Association  
4007 W Honeylocust Lane  
Cedar Hills, UT 84062-8816

Gentleman:

Re: Appeal - Nils Erik Soderlund & NW Regulator LLC v.  
Utah Amateur Hockey Association

This correspondence is the decision of the USA Hockey Executive Committee in the above noted appeal. This letter will be transmitted by electronic mail and surface mail.

Either version will be considered the official decision of this committee. This appeal and its many submissions were read and reviewed by an appeal sub-committee appointed by this committee. The sub-committee submitted its written report and recommendation to the full committee.

The full committee discussed and deliberated this matter at its scheduled meeting of September 28, 2009. Its decision will be reported by Peter Lindberg, Chair Legal Council, USA Hockey, Inc. who shall write and transmit this decision to the parties.

This is the final decision of USA Hockey and there are no further appeals.

This matter involves two separate appeals to this committee.

In this matter Nils Erik Soderlund was represented by his mother JoAnn Soderlund. NW Regulators LLC (NWR) was represented by its President, Mike Holmes. Utah Amateur Hockey Association was represented by Mr. Fred Wilner, Esq. its Vice President.

The matter involves a contract(s) between the Soderlunds and NWR for ice hockey play for the 2007 – 2008 and 2008 – 2009 playing season for Nils Erik Soderlund to play on a NWR AAA midget team with provisions for education and travel expenses. The Soderlunds are residents of Sweden and much of this matter was transacted by fax or e-mail attachment. It appears Mr. Soderlund is a US citizen and Mrs. Soderlund a Swedish citizen. Nils Erik Soderlund was born in the US and holds dual citizenship, and is a registered participant with USA Hockey, Inc.

NW Regulators, LLC is an amateur ice hockey organization operating under sanction of the Utah Amateur Hockey Association, authorized to field teams at the AAA level of competition, for bantam and midget age players. In this matter the Tier I Chadder's Midget AAA team was the NWR team Nils Erik Soderlund was registered with for the 2007– 08, and 2008 - 09 ice hockey seasons.

The Utah Amateur Hockey Association (UAHA) is an Affiliate organization of USA Hockey. It has certain authority to regulate amateur ice hockey in its geographic area as delegated to it by USA Hockey under its Affiliate Agreement with USA Hockey Inc.

As noted there are two appeals before this committee regarding the August 3, 2009 decision of the Utah Amateur Hockey Association.

The first appeal is brought by Nils Erik Soderlund asserting that UAHA grossly abused its discretion in its decision in this matter in its review and decision regarding the 2008 – 2009 “Enrollment Agreement” contract(s) with the NW Regulators. Erik Soderlund asserts the contracts were not properly signed and if valid must be modified to reflect a proper allocation of his family’s payments to the NW Regulator organization to reflect his is not in arrears and that he accordingly be allowed to transfer to other ice hockey teams, programs or federations of his choice.

The second appeal is brought by NW Regulators Hockey, LLC, (NWR). NWR requests that the decision of the Utah Amateur Hockey Association, (UAHA) which affirmed the existence of the 08 – 09 “Enrollment Agreement” between Eric Soderlund and NWR, be modified to include attorney fees, interest, and court costs to the amount claimed due under the contract at issue in this matter.

On June 25, 2009 NWR had received a judgment against Nils Erik Soderlund from a Utah conciliation court in the amount of \$7,419. While the claim was against Nils Erik Soderlund it is not possible to determine which 08 - 09 contract was asserted in the court trial.

Utah Amateur Hockey has responded asserting it did not grossly abuse its discretion regarding the claims of the Soderlunds, and further in the NWR appeal, that Utah statutory and case law prohibit attorney fees in contracts drawn in the manner of this contract between the Soderlunds and NWR.

The parties – Soderlund and NWR – by use of this dispute resolution process, and as members of USA Hockey and the Utah Amateur Hockey Association, have both agreed to have their contract construed by either a hearing committee or a proper appeal authority, in this instance the USA Hockey Executive Committee.

In July 2009 the Utah Amateur Hockey Association pursuant to its policies appointed a disciplinary committee to hear this matter. The appointment resulted from a written request from NWR for a UAHA wide suspension of Erik Soderlund for non-payment of his contract obligations, On July 10, 2009 the committee held a hearing to resolve the issues between Soderlund and NWR.

UAHA Policies and Procedures provide for a participants' suspension for financial obligation defaults.

The polices provide:

3.9. Enforcing Statewide Suspensions: The follow process will be in place to enforce Statewide **Sub-Affiliate** suspensions.

3.9.1. The Sub-Affiliate imposing the suspension must notify the UAHA President or Chairperson of Disciplinary Committee of suspended players and reasons for the suspension. ...

3.9.4. The suspended party may choose to appeal the suspension, in which case they can refer to section IX of the policies and procedures.

3.9.5. If the suspended party would like to continue play pending the outcome of the appeals process they will be required to provide the sum of the financial obligation to the UAHA President or Chairperson of Disciplinary Committee to be held in escrow until an outcome of the appeals process is determined....

4.9 Enforcing Statewide Suspensions: The follow process will be in place to enforce Statewide **Section or Sub-Affiliate suspensions**.

4.9.1 The Section or Sub-Affiliate imposing the suspension must notify UAHA President or Chairperson of Disciplinary Committee of suspended players and reasons for the suspension.

It is not clear from the submissions nor the UAHA website if NWR is a sub- affiliate or a section. UAHA proceeded as if it was a sub-affiliate.

On this appeal the parties submitted voluminous documents, affidavits, e-mail copies, contracts, statements of guardians, billet parents, school administrators supporting their positions in this matter. It appears to the committee that the submissions in this matter, not including certain ethics complaint allegations,

were all included as submissions to the UAHA disciplinary committee, either in the form of affidavits or written statements or direct testimony. In addition UAHA also had all the same submissions before it for its deliberations. Therefore they were neither new theories nor new evidence submitted on these appeals.

At the outset our review reflects that the UAHA disciplinary hearing committee incorrectly concluded that there was a signed written contract between the parties for the 07 – 08 hockey season.

There appears to be no such contract.

The original deal was made through the Universal Players organization. Placement was confirmed with Nils Erik Soderlund with the NWR on June 19, 2007 by a Universal Players fax to the Soderlunds.

The bill for the 07 – 08 year was also sent to the Soderlunds by Universal Players on July 30, 2007. The bill was paid in full. There is no evidence of a written “Enrollment Agreement” contract between the parties for 07 – 08.

The UAHA disciplinary hearing committee stated as a fact: **whether or not Eric attended a public or private school in Utah was a moot point.**

That statement is not a fact but is a conclusion, which does not appear to be supported by any factual basis. That is the only instance of any reference to the tuition dispute that all agree was submitted in full by the parties to this dispute to the disciplinary hearing. The Soderlunds seeking relief, and NWR denying the their claim.

A moot point has been defined as one “ ...not settled by judicial decisions – undecided...” See Blacks’ Law Dictionary. 4<sup>th</sup> edition.

In this context the “undecided” issue was the claim of credit against the contract the disciplinary committee found to exist. That issue should have been addressed by the disciplinary hearing committee by a simple recitation of facts, supportive or not of the premise forwarded by the Soderlunds.

That conclusion of the disciplinary hearing committee, unsupported, effectively rejected issues underlying the principal claim of the Soderlunds - that their school tuition credit claim supported their claim of unjust enrichment by the NWR organization, and that they had no further enrollment obligations under their contracts with NWR.

Mrs. Soderlund's ongoing e-mail, phone conversations and submissions have been consistent and constant. She requested the credit for the sum of money NWR pocketed in 07 – 08 season for the tuition that neither NWR nor the Soderlunds were required to pay.

It is our determination that the ruling on the rejection of the school tuition dispute evidence as moot was a gross abuse of the discretion of the disciplinary committee. It is not only relevant but the heart of this discussion.

The UAHA disciplinary hearing committee further determined the disputed contract 08 – 09 contract should be modified and ruled the contract amount due NWR was \$3709.50. At that point the only purpose for payments beyond the travel expense side of the contract was for tuition. Erik Soderlund had already graduated from high school so no tuition was needed in any case.

The NWR sought a decision affirming full contract payment.

Thereafter both Eric Soderlund and NW Regulators appealed to the full Board of Directors of the Utah amateur Hockey Association.

The UAHA heard the matter and essentially reinstated a contract amount due by Erik Soderlund at \$7419.00, which appears to be the judgment of the conciliation court.

UAHA further affirmed the determination of the disciplinary committee that Erik Soderlund would be suspended and not eligible to transfer to any sanctioned USA Hockey program or

other ice hockey federation program. Both parties then brought this appeal.

The UAHA decision also determined the tuition claims were not relevant and were deemed either new evidence or new theories not argued or submitted at the disciplinary hearing. It is our view of the submissions that the tuition matter had in fact been submitted previously but had been determined to be moot and not relevant to this matter.

At the appeal deliberations of the UAHA Mike Holmes of NWR was allowed to sit in on the matter. Neither Mrs. Soderlund nor Erik Soderlund were present for any of that discussion, deliberation and vote. We found that particularly offensive. Either all parties are present or none are present. An early acknowledgement by UAHA was that this matter would be submitted by written submissions since Erik's parents could not be present. Further such deliberations should always be held in executive session to facilitate an open discussion of the matter without the subtle or not so subtle presence of one of the parties.

The following facts appear to be supported by the submissions.

1. This matter commenced in 2007 when Erik Soderlund's parents contacted Mr. Mikko Saarni of Universal Players. The Universal Player organization appears to be based in Finland. Mr. Saarni provided brochures, and personal comments extolling the virtues of obtaining an education in a private school in the USA, along with athletic participation in various ice hockey programs. In reality this was simply a recruiting pipeline to various hockey teams in the USA.

2. In this instance the connection was with the NW Regulators organization in Utah. That organization is managed by Mr. Mike Holmes, who has had many past connections to the UAHA and its various programs.

3. Universal Players was paid \$500.00 and tendered a deal to the Soderlunds that would allow them, after payment of \$12,500, to have their son move to Utah and register and play with the AAA Midget team of the NW Regulators organization. That transaction did not extend beyond the single hockey season of 2007 – 2008.

4. An integral part of the 2007 transaction was that Erik Soderlund was to be registered at a private boarding school, to complete or supplement his education in Sweden. A private boarding school was a very important inducement to the Soderlunds. They were very concerned about location of the hockey organization. They did not want Erik to go to such places as Detroit or the metropolitan area of NY.

5. The Soderlunds paid \$12,500 to NWR, through Universal Players, for the 2007 – 2008 season.

6. It was stated that all or most of the foreign student athletes in the NW Regulator program enrolled in the Mt. Vernon Academy, in Murray, UT. Mt. Vernon is a private boarding school whose tuition, and other charges for the 07 - 08 school year were \$7,340.00, which tuition requirement and amount was included in the \$12,500 the Soderlunds paid to NW Regulators.

The two main payment elements of the transaction were the enrollment fee – school tuition for 07- 08, payable to the school, and travel fees - \$5,300.00, payable to NWR for 07 - 08. The Soderlunds paid it all in full when it was presented by Universal Players.

7. NWR, through Mike Holmes apparently then aided by Mikko Saarni of Universal Players obtained the Soderlund's agreement to modify the education promise of a private boarding school education.

As it happens Erik Soderlund has dual citizenship. He was born in the U.S. and is also a citizen of Sweden. Upon discovery of this it

appears Mr. Holmes engineered a guardianship arrangement with a billet parent Christina D. Trost, also Erik Soderlund's court appointed guardian. Ms. Trost has asserted she made misrepresentations both to the court and the school district, at Mr. Holmes's request, that Eric Soderlund's sole reason for moving to Utah was education not to play hockey in the NWR program. In fact she states she was tutored by Mike Holmes to be very careful is what she said to both school officials and court personnel to be sure not to mention the NWR hockey program. Ms. Trost has recanted her prior comments to both the court and school district and in her statement in this appeal. See July 1, 2009 statement in Soderlund appeal submissions. In the process of discussions with the school district personnel it has been alleged by Mrs. Soderlund, under her affidavit, that a school administrator stated Mr. Holmes apparently passed himself off as a lawyer who was delivering guardianship documents to the school district for the team and the Soderlunds pro bono. It appears that had been also stated at the disciplinary hearing but not supported by a direct statement from the school administrator. To our knowledge Mr. Holmes is not licensed to practice law in the State of Utah.

*If Erik Soderlund satisfied school district standards – as a ward of his guardian and stated to be here solely for education – he would not have to pay out of district or out of state tuition. That test was met to the school districts satisfaction and Erik was enrolled in a Utah high school, without paying the \$6,021.00 out of state or out of district tuition, and in fact graduated at the end of the 2007 – 2008 school year.*

*No tuition was required, or paid by NWR on behalf of Erik Soderlund for public or private school tuition in any version of the transactions or contracts with the Soderlunds. See item 7 under Mrs. Soderlunds affidavit.*

8. Erik Soderlund's mother, aware a major part of the \$12,500 was for school tuition, early on discussed the matter with Mikko Saarni and Mike Holmes. She asserts the only reason she agreed

to have her son attend a public school, without cost, was that she would ultimately get a credit on the next years contract with NW Regulators for the 2008 – 2009 year of competition. The credit was to be the private school tuition at the Mt. Vernon Academy - \$7,340.00.

Thereafter this matter ripened into the present dispute. Mrs. Soderlund refused to sign a new contract on behalf of her son until a credit was acknowledged and in a contract. It appears her comments and requests for a credit were stonewalled by Mike Holmes, and not acknowledged in private conversations with the coaches.

9. In August 2008 Mrs. Soderlund received by fax in Sweden a signature page to a document she was told would allow her son to compete in the MN Jr. showcase at Blaine. She signed the page and returned it to Utah.

As it happened the signature page was for a new contract for the full \$12,500.00 for the 08 – 09 season. Since there was no prior “Enrollment Agreement” contract to guide her she apparently simply signed the page as she felt this would help her son progress in the program with NWR.

Mrs. Soderlund thereafter paid NWR for travel fees \$6,275.00. She then regularly requested an accounting for any balance due under the contract to insure she would receive a proper credit for the previous school years tuition, which tuition had been paid to NWR but not required by any school or school district.

It should be noted that Erik did not have any school tuition, or enrollment fee obligations for the 08 – 09 hockey season, since he had already graduated from his Utah high school the previous spring.

10. In addition to the August contract Mrs. Soderlund signed under an apparent false pretense, Mr. Holmes also claims Nils Erik Soderlund, after achieving emancipation (age 18), “signed” a second contract for the 08 – 09 hockey season in October 09.

11. It appears to this committee that Eric Soderlund's signature was electronically copied from his prior signature on the August 08 contract he apparently signed along with his mother. That signature then appears to have been simply pasted to Erik Soderlund's 08 – 09 contract "signed" in October. The submission to the hearing committee was not conclusive on the signature in any respect, and Mr. Holmes could not recall how the signature was acquired.

12. The fee dispute went through the 08 - 09 season and ultimately NWR apparently obtained its conciliation court judgment based upon the Erik Soderlund contract not the JoAnn Soderlund contract. Eric Soderlund has appealed the conciliation court judgment. That matter is pending trial de-novo in Utah district court.

13. NWR, by Mr. Holmes, has also sued Mrs. Soderlund on the contract she signed in August 2008, seeking \$, 9,149.26 for recovery of the balance of that contract, including attorney fees, interest and costs. This would in effect allow for double recovery with fees attached.

While all this is pending and working through the court system Mr. Holmes notifies UAHA that Eric Soderlund is in arrears in payments and states Erik Soderlund is under suspension and asks UAHA to acknowledge the suspension in Utah. See Utah policies 3.9 and 4.9 noted above.

14. Eric Soderlund now remains in a suspended status in Utah until either the contract is satisfied, or he posts the claimed sum in escrow, or this committee takes action.

15. To date there has not been a formal request to USA Hockey by the UAHA to acknowledge and honor the UAHA suspension. See Bylaw 10 C (2)(k), which states:

**If the suspension ...is imposed by a ...Affiliate ...and the Affiliate wishes to extend the suspension or discipline**

**beyond its ...geographical territory, it shall advise the Executive Director of USA Hockey of the suspension ... requesting that USA Hockey ... honor the suspension ... Imposed. Thereafter, the Executive Director shall promptly notify each District and Affiliates of the suspension ... which shall honor the suspension...**

On May 4, 2009 an e-mail addressed to Mike Holmes, copied to Erik Soderlund and the drafter herein, the President of UAHA stated to Erik Soderlund:

"This e-mail shall serve as a notice for pending suspension from the Utah Amateur Hockey Association of USA Hockey in 20 days from this date. **...This suspension shall be from all activity within USA Hockey.** This suspension is for non payment of dues owed to NW Regulators Hockey in the amount of \$7000. You have the opportunity to request a hearing to dispute the fees...If no written notice to ask for a hearing is provided ... the suspension shall remain valid until the dues are paid or the suspending party releases you from suspension." (Emphasis added)

Unfortunately that is an inaccurate characterization of the scope of the Utah suspension herein.

It appears all have assumed that the Utah suspension would automatically apply in the US and to other International federations. NWR is either under the same misapprehension or is willfully playing games with Erik Soderlund's status.

That assumption effectively took Eric Soderlund out of competition. Canadian Jr. teams have sought his services and he appeared he could not cross the border and sign with any team under this cloud. CHA and the Canadian Jr. League state they will honor the UAHA suspension if it is honored by USA Hockey. USA Jr. teams appeared to be in the same boat. Mark Kumpel's Jr. team was interested in Eric Soderlund but deferred action based upon his suspension.

16. The UAHA has forfeited its right to request a suspension be honored by USA Hockey as it needed to request that in a timely manner, contemporaneously with its decision to affirm the disciplinary committee decision. It has not done so.

17. Nils Erik Soderlund is not suspended from USA Hockey sanctioned competition, except in Utah. He is free to transfer to any other federation or program outside of Utah.

18. NWR does not "own" Erik Soderlund's player rights. Even if the 08 – 09 contract were valid and enforceable, it is only in effect for the 08 – 09 hockey season. That is long past. All NWR has at stake is what amount, if any may be due under the 08 – 09 contract.

Discussion.

The UAHA disciplinary committee stated the school issue private vs. public was moot and not controlling and simply found a contract and cut its amount in half.

UAHA agreed on the contract issue and simply reinstated the sum the disciplinary committee accepted as the correct amount of the balance of the contract.

We do not agree. The school tuition issue is central to the entire discussion between the Soderlunds and NWR for the 08 - 09 season. The Soderlunds would not have moved forward in 07 – 08 had they not obtained the promise of a credit for the next year for the school tuition they did not have to pay.

It is our decision that it was a gross abuse of discretion for the UAHA disciplinary committee, and the UAHA Board of Directors to rule the school tuition issues (public or private) were not relevant to this claim by the Soderlunds. The school tuition payment is the underlying claim in this entire dispute.

Both the UAHA disciplinary committee and the UAHA Board should have set out explicit findings of fact regarding the school tuition issue and the claim for a credit by the Soderlunds. It appears the conciliation court decision, unreported (no transcript or findings of fact or conclusions of law), was a determining factor of the UAHA or its disciplinary committee.

The UAHA disciplinary hearing committee also concluded that the Soderlunds had paid \$5,200.00 towards travel fee obligations.

That is also incorrect.

The copies of checks submitted by the Soderlunds in this matter reflect a total payment in 08 – 09 to NWR of \$6,275.00 for the travel fees portion of his contract.

That sum subtracted from the \$12,500 contract amount leaves a net of \$6,225 - which is the school tuition portion of the total contract fee.

Applying a credit of \$7,340.00 (Private school tuition not required) leaves an overpayment of \$1115.00 or a balance due to the Soderlunds by NWR.

Mrs. Soderlund's ongoing e-mail and phone conversations have been consistent and constant. She wanted a credit for the sum of money NWR pocketed in 07 – 08 for the tuition that neither NWR nor the Soderlunds were required to pay to the public school system.

Consistent with the apparent intent and policy of NWR is its profit motive. Here they had over \$7000.00 free and clear. They stonewalled Mrs. Soderlund, and then tendered a signature page to the 08 – 09 contract under the false premise that the signature was needed for a pre-season tournament.

It appears from the submissions that the Soderlunds obligation under either the contract signed by Mrs. Soderlund or Erik Soderlund, resulted in an overpayment of \$1115.00.

We note in this blizzard of paper and charges and recriminations there are not any denials by the coaches, or managing personnel of the NWR organization. Mrs. Soderlunds

submissions are replete with comment of what the coaches or Mr. Holmes stated over several months of discussion about payment. There are allegations of some very abusive and insulting language by either Mr. Holmes or his coaches.

Mr. Holmes in his short appeal document encloses two separate contracts. One contract with Mrs. Soderlund and one contract with Erik Soderlunds signature.

NWR asserts contract provisions regarding default rights. While we are sending this matter back to UAHA with instructions we find the UAHA response to such NWR claims to default penalties and attorney fees, interest and costs to be otherwise instructive. As noted Utah statutory and case law prohibit one sided attorney fee provisions in contracts. UAHA properly applies Utah statutes, and case law to NWR's claims.

Here NWR, under its August or October "Enrollment Agreement" would receive attorney fees if it sues Soderllunds, and is also awarded attorney fees if the Soderlunds sue it, whether or not Soderlunds win. Perhaps this is fully illustrative of this transaction between NWR and the Soderlunds.

Mr. Holmes indicates Mrs. Soderlunds personal comments are actionable. That isn't for this committee to determine, but Mr. Holmes indicates he will seek such relief in NWR's pending court case.

It seems Mr. Holmes has sued Mrs. Soderlund on her signed contract for the same essential cause of action including the same contract sum, plus attorney fees, interest and costs for which he has already obtained a judgment against her son Erik.

This committee as the appeal authority in this matter has authority to "... reverse or modify any decision as it deems proper under the circumstances before it." See USA Hockey Bylaw 10 G (2)(g).

It is our considered decision and Order that the July 10, 2009 decision of the Utah Amateur Hockey Association in this matter be vacated, reversed and remanded and its decision be amended to provide:

1. The decision regarding the 2008 – 2009 contract between Nils Erik Soderlund and NWR shall be amended to order a credit in favor of Nils Erik Soderlund in the amount of \$6,275.00 as paid to NW Regulators, LLC for its travel expense provisions; and a further credit to Nils Erik Soderlund/JoAnn Soderlund of \$7,340.00 to acknowledge their 07 – 08 tuition enrollment payment transaction with NW Regulators LLC; which credit shall be applied to the full amount of the 08 – 09 “Enrollment Agreement”;
2. The UAHH decision directly state that Nils Erik Soderlund has satisfied his contract dispute with NW Regulators, LLC;
3. That as a condition of remaining in good standing with the Utah Amateur Hockey Association, and USA Hockey, Inc., that NW Regulators, LLC be required to tender a refund to Nils Erik Soderlund and/or JoAnn Soderlund in the amount of \$1,115.00, within 30 days form the date of this decision.
4. That Nils Erik Soderlund's suspension under applicable Utah policies is removed in all respects and shall be noted in its amended decision.

It is further Ordered:

1. That the contract appeal claims of NW Regulators, LLC in this dispute are denied in all respects.
2. The Executive Director of USA Hockey, Inc is directed to immediately process a “transfer card” to the benefit of Nils Erik Soderlund.

This matter is hereby remanded to the Utah Amateur Hockey Association to enforce this order and decision.

Respectfully submitted  
Executive Committee  
USA Hockey, Inc  
By/ Peter Lindberg  
Chair Legal Council

CC: Executive Committee  
JoAnn Soderlund  
Fred Wilner, Esq  
Dave Ogrean.

Spectrum Security Group

6905 S 1300 E Ste 307  
Midvale, UT 84047

# Invoice

Date	Invoice #
10/1/2009	404

Bill To
US Hockey ATTN: Don Korth

P.O. No.	Terms	Project
	Due on receipt	

Quantity	Description	Rate	Amount
258	Background Check; See report for itemized associations	15.00	3,870.00
		<b>Total</b>	\$3,870.00