

October 19, 2007

From: Matt Noah, President, Fargo Soccer Club – [www.fargosoccer.org](http://www.fargosoccer.org)

To Whom It May Concern:

Certain US Youth Soccer Association (USYSA) State Associations, local clubs and individual soccer teams have used the red herring issue of “insurance” to deny playing opportunities to children participating on non-USYSA soccer teams. It is a nationwide problem although the problem varies in intensity from state to state and city to city.

In Fargo, North Dakota, the problem is manifested because of the rise of the Fargo Soccer Club (FSC), a Soccer Association for Youth (SAY)-based club. The problem is caused by the USYSA State Associations North Dakota Youth Soccer Association (NDYSA) and Minnesota Youth Soccer Association (MYSA) as well as the existing Fargo-based NDYSA affiliate Red River Soccer Club (RRSC). FSC’s national parent is SAY and FSC has no state parent. FSC reports directly to SAY. RRSC’s state parent is NDYSA. Both NDSYA and MYSA are children of USYSA. USYSA and SAY are children of the United States Soccer Federation (USSF) whose other children are AYSO (American Youth Soccer Organization) and USCS (US Club Soccer).

As you examine the facts, you can draw your own conclusions on the various issues involved.

Our conclusion, based on the facts, is that any NDYSA or MYSA team can play any other USSF sanctioned team, with the full protection of insurance and benefits in a national or international tournament without any problem and without any further paperwork. Nearly every tournament in North Dakota is an international tournament since North Dakota tournaments rely on participation from Canadian teams. The vast majority of Minnesota tournaments are either national or international tournaments since Minnesota tournaments wish to attract teams from neighboring states and neighboring countries, e.g. Canada, Mexico. The FSC’s U9 boy’s team competed in two tournaments in summer 2007 – the national tournament known as the Tonka Splash in Minnetonka, MN and the international Grand Forks tournament. The FSC’s U10 boy’s team competed in the international NSC Fall Cup tournament in Blaine, MN in October 2007.

Our conclusion, based on the facts, is that any NDSYA or MYSA team can play any other USSF sanctioned team, with the full protection of insurance and benefits outside of tournament play, e.g. league or scrimmage without any problem if the corresponding USYSA State Association simply gives permission. That can happen with a simple request by a club like RRSC to NDYSA, followed by NDYSA simply saying “yes”. If the NDYSA or MYSA denies permission, that NDYSA or MYSA team can still play a FSC team but the children playing would have their USYSA insurance and benefits suspended only for the duration of the game. No other loss of benefits or insurance in other sanctioned play would occur.

Our conclusion, based on the facts is that any NDYSA or MYSA team can play a FSC team by dual-registering with SAY/FSC and have the full protection of insurance and benefits.

The personal health and liability coverage carried by parents, either directly or through their employers, homeowner’s policy or renter’s policy is not affected by the presence or absence of insurance through SAY or USYSA.

**Bottom Line: Kids can interplay between USYSA affiliated clubs and teams and SAY affiliated clubs and teams with a simple “yes” from NDYSA or MYSA. SAY Soccer has already granted permission. Clubs like Red River Soccer just need to ask NDYSA and receive permission. So, ask RRSC why they don’t ask permission and ask NDYSA why they won’t grant permission. Are Red River Soccer and NDYSA dutifully serving the children in their area or a petty political agenda whereby they try to exercise control over who plays soccer in North Dakota and under what terms? Because it sure isn’t about insurance.**

## 1. Observations

- 1) The RRSC website is [www.redriversoccer.org](http://www.redriversoccer.org).
- 2) The North Dakota Youth Soccer Association (NDYSA) website is <http://eteamz.active.com/ndysa/>.
- 3) The United States Youth Soccer Association (USYSA) website is [www.usyouthsoccer.org](http://www.usyouthsoccer.org).
- 4) The United States Soccer Federation (USSF) website is [www.ussoccer.com](http://www.ussoccer.com).
- 5) The Minnesota Youth Soccer Association (MYSA) website is [www.mnyouthsoccer.org](http://www.mnyouthsoccer.org).
- 6) The Red River Soccer Club (RRSC) Bylaws are silent on the matter of insurance. The bylaws are available on the RRSC website.
- 7) The RRSC Competitive Soccer Handbook is silent on the matter of insurance. The bylaws are available on the RRSC website.
- 8) The MYSA is covered by Pullen Insurance Services - [www.pullenins.com](http://www.pullenins.com). See both MYSA and Pullen's websites.
- 9) The NDYSA is covered by Pullen Insurance Services - [www.pullenins.com](http://www.pullenins.com). See Pullen's website.
- 10) The Fargo Soccer Club (FSC) website is [www.fargosoccer.org](http://www.fargosoccer.org).
- 11) The Soccer Association for Youth (SAY) website is [www.saysoccer.org](http://www.saysoccer.org).
- 12) SAY and FSC are covered by Bollinger Insurance - [www.bollingersoccer.com](http://www.bollingersoccer.com).

## 2. NDYSA

2.1 NDYSA Rules & Procedures Article 101, Section 1 (1) states: *The membership of NDYSA and its member clubs shall be open to any soccer players, coaches, trainers, managers, administrators, and officials not subject to suspension under Section 4 of Bylaw 241, and to any amateur soccer organization in its territory.*

2.2 NDYSA Rules & Procedures Article 101, Section 1 (2) states: *NDYSA will not discriminate against any individual on the basis of race, color, religion, age, sex or national origin*

2.3 NDYSA Rules & Procedures Article 101, Section 1 (3) states: *The Federation articles of incorporation, bylaws, policies, and requirements take precedence over and supersede the governing documents and decisions of NDYSA and its members to the extent applicable under state law, and NDYSA and its members will abide by those articles, bylaws, policies and requirements.*

2.4 NDYSA Rules & Procedures Article 101, Section 1 (6) states: *NDYSA and its members will abide by the Federation's articles, policies, and requirements on interplay.*

2.5 NDYSA Rules & Procedures Article 101, Section 1 (11) states: *NDYSA will provide equitable and prompt hearing and appeal procedures to guarantee the rights of individuals to participate and compete. Those procedures shall include that all grievances involving the right to participate and compete in activities sponsored by the federation and NDYSA and its members may be appealed to the Federation's Appeals Committee that shall have jurisdiction to approve, modify or reverse a decision.*

2.6 NDYSA Rules & Procedures Article 103, Section 1 states: *The Association includes all youth divisions below the age of nineteen (under 19).*

2.7 NDYSA Rules & Procedures Article 302, Section 3 states: *In order to receive the benefits and protection of affiliation including but not limited to USS trained referees, conformity of rules,*

*disciplinary process, appeals process and insurance, a club/team must play in affiliated programs. Playing in a nonaffiliated program will result in forfeiture of these benefits only during the term of that nonaffiliated play.*

2.8 NDYSA Rules & Procedures Article 1500, Section 1 states: *NDYSA shall recognize any state soccer program as a state affiliate whose parent body is a national affiliate to USSF.*

2.9 NDYSA Rules & Procedures Article 1501, Section 1 states: *NDYSA shall recognize any state soccer program as a state associate member whose parent body is a national associate member to USSF.*

2.10 NDYSA Rules & Procedures Article 1502, Section 1 (1) states: *NDYSA membership as an affiliate or associate must submit written application with 2 copies of the applicant's charter, bylaws, rules and procedures to NDYSA which shall process the application.*

2.11 NDYSA Rules & Procedures Article 1502, Section 1 (2) states: Each affiliate or associate member must pay a flat annual fee of \$200.00.

2.12 NDYSA Bylaws Article II, Section 1 states: *Affiliated Organization Membership: Membership in NDYSA shall be by Affiliated Organization consisting of sufficient registered players and coaches to form a minimum of one (1) team. No team may apply for membership directly to NDYSA. Team registration must come through an Affiliated Organization. Eligible Affiliated Organizations shall be those deemed such by the NDYSA Board of Directors pursuant to the NDYSA Rules and Procedures.*

### **3. US Youth Soccer Association (USYSA) and US Soccer Federation (USSF)**

3.1 USYSA Bylaw 103 states: *USYSA is a National Association member of the Federation. (USSF)*

3.2 NDYSA is a State Association of USYSA, i.e. an Organization Member as defined in USYSA Bylaw 202.

3.3 USYSA Policy on Players and Playing Rules Rule 106, Section 2 states: *A State Association may grant temporary permission to a State Association team, or to a team of a member of the State Association, to participate in games with a team of an organization that is not a member of the Federation or FIFA. In granting that permission, the State Association shall ensure that all USYSA and State Association requirements have been met, including State Association insurance requirements.*

3.4 USYSA Bylaw 103 states: USYSA is a National Association member of the Federation. (USSF)

3.5 USSF Bylaw 103, Section 2 states "The Federation is recognized as the national governing body for the sport of soccer in the United States by the United States Olympic Committee as provided by the Amateur Sports Act.

3.6 USSF Bylaw 213, Section 1 (3) states, "The Articles of Incorporation of the Federation, its binding rules and policies, and these Bylaws, including Bylaw 603 governing interplay, shall take precedence over and supersede the organizational documents and governing documents of the Organization Member and its member organizations except to the extent applicable law otherwise requires, and the Organization Member and its member organizations shall abide by the Articles of Incorporation of the Federation, its duly approved binding rules and policies, and these Bylaws.

3.7 USSF Bylaw 603, Section 2, sentence 1 states, "An Organization Member (other than a Professional League) shall not discriminate against the participation of players, teams, coaches or clubs on the basis of that player, coach, team, or club's membership in, or affiliation with, another organization.

#### **4. Conclusions**

- 1) Because of 1.6 and 1.7, there is nothing which prohibits RRSC from playing soccer against any USSF team except which may be found in the NDYSA or USYSA bylaws or rules.
- 2) Because of 3.3, the USYSA has deferred to its Member State Associations any decision on playing against non-USSF and non-FIFA teams. Since the FSC is part of the USSF through its affiliation with SAY, the requirements of 3.3 can not be more stringent for the FSC than it would be for a non-USSF club or team.
- 3) Because of 2.3, 2.4, 3.5 and 3.6, the NDYSA and MYSA are bound to be subordinate to USSF, its bylaws, rules, etc.
- 4) Because of 3.7, RRSC, NDYSA and MYSA may not discriminate against the FSC or SAY since all are USSF members.
- 5) Because of 2.8, NDYSA must recognize the FSC as a State Affiliate. However, the NDYSA has specifically rejected the formal application of the FSC to be an NDYSA affiliate. The NDYSA has also not recognized the FSC as a State Affiliate as required by 2.8; a violation of their own bylaws.
- 6) Because of 3.3, NDYSA has explicit authority to sanction play between NDYSA affiliate teams and any FSC team. It simply requires a simple "yes" to the question "Can team A play FSC team B?".

#### **5. Other Observations**

Any NDYSA or MYSA team or individual, whether it be recreational or competitive in nature can dual-register with any USSF affiliate such as the FSC and play soccer. Indeed, Bangu from Minnesota is dual-registered with MYSA and US Club Soccer. There are numerous other examples.

NDYSA and RRSC may not punish any coach, player, team manager, parent for participating in an "unsanctioned" soccer match because of 2.7. The benefits such as insurance may only be suspended for the duration of the unsanctioned game. The game itself would be outside the purview of the RRSC or NDYSA.

The RRSC, West Fargo Soccer Club and the Moorhead Soccer Club interplay on recreational soccer in the FMWFSL, probably without the explicit permission of either the MYSA or NDYSA as specified in 2.7. Because of 3.7, and because Moorhead is not a member of NDYSA, the NDYSA/RRSC may not discriminate against FSC/SAY, keeping it from participating in the FMWFSL.

Finally, the insurance carriers are quite happy to insure any event sanctioned by the State Association. Observe the following email from NDYSA/MYSA's insurance carrier, Pullen Insurance.

Matt,

Coverage is provided for sanctioned and supervised activities of the state soccer association we insure. You will need to contact the state office of the association to see if the activity is an approved activity of the state soccer association.

Dan Pullen  
Account Executive  
Pullen Insurance Services, Inc.  
(817) 738-6100 ; Fax (817) 738-2993  
[www.pullenins.com](http://www.pullenins.com)

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**From:** matt.noah@pobox.com [mailto:matt.noah@pobox.com]  
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**Subject:** Contact Information from Matt Noah

## Contact Us

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***Pullen Insurance***