

CANADIAN LACROSSE ASSOCIATION TRANSFER REVIEW COMMITTEE

IN THE MATTER OF AN APPEAL BY MICHAEL GRIMES AND THE BRITISH
COLUMBIA LACROSSE ASSOCIATION FROM A DENIAL OF A CLA
TRANSFER FROM ONTARIO LACROSSE ASSOCIATION

BETWEEN:

MICHAEL GRIMES AND THE BRITISH COLUMBIA LACROSSE ASSOCIATION

Appellants

- and-

ONTARIO LACROSSE ASSOCIATION

Respondent

DECISION

Panel:

Ahmed Jomha (Chair) – Chair of The Canadian Box Lacrosse Sector
Jim Burke (Past President of the CLA)
Chuck Miller – Vice President of Competitions for CLA

Appearances:

British Columbia Lacrosse Association – Sohen Gill
On his behalf – Michael Grimes
OLA – Doug Luey
Peterborough Lakers – Represented at the hearing but not heard

PRELIMINARY MATTERS

Transfer of Rights

Prior to the commencement of the hearing it was brought to the attention of the Panel that the Peterborough Lakers had traded the rights of Michael Grimes to the Coquitlam Adanacs and therefore an issue arose as to whether this hearing should be heard at all or was even required. Upon review of the situation it was determined that Michael Grimes had made an application for the transfer prior to the above mentioned trade and had stated on his transfer that he had intended to play for the Burnaby Lakers and therefore, this hearing should be heard. In the event that the appeal was not successful then the mentioned trade could proceed.

APPEAL

Issue

Michael Grimes has requested a transfer from the Ontario Lacrosse Association to the British Columbia Lacrosse Association and specifically to play for the Junior A Burnaby Lakers and claims that the primary purpose of his move is other than to play lacrosse and therefore, is relying upon Section 17.3.4.6 (iv) of the CLA Operations Manual which reads as follows:

“A participant may move from one MA/AMA’s jurisdiction to another and be eligible to play under the following circumstances:

- (iv) the player moves from one MA/AMA to another where the primary purpose is not to play lacrosse.”

His request has been declined by the OLA and for this reason he has put forward his appeal.

Evidence

BCLA

Mr. Gill on behalf of the BCLA stated that he was not familiar with Mr. Grimes, however, he was aware that Mr. Grimes had been given a position with BC Hydro and this had occurred before any knowledge of Mr. Grimes playing in the Province of British Columbia. He further stated that there had been no communication to him with respect to Mr. Grimes from Mr. Crosby of the Burnaby Lakers nor from anyone else in the organization until recently.

Michael Grimes

A number of documents had been supplied by Mr. Grimes including a written statement by him. It is his evidence that he was interested in following his father's footsteps and a career in a hydro company. His father is currently employed with Ontario Hydro and Michael had taken steps to try and obtain employment with Ontario Hydro but was not successful. He states that he then had discussions with a teammate on his professional lacrosse team who advised that BC Hydro was hiring and therefore, Mr. Grimes took steps to enquire about possible employment with BC Hydro. It appears that he was successful in obtaining such employment. To that end Mr. Grimes completed all of the documents required by BC Hydro and has retained a position as a driver for the corporation. In support of his position Mr. Grimes has provided written confirmation from BC Hydro of his employment as well as copies of documentation required to become employed with that corporation.

Further, it is Mr. Grimes's evidence that he had approached a coach of the Junior A Burnaby Lakers, who is also a teammate in the National Lacrosse League, about the possibility of playing for that team and was advised by that coach that he could not speak to him further until such time as he had received permission from Mr. Grime's current team, the Peterborough Lakers. Mr. Grimes then suggested that he did contact the Peterborough Lakers himself to discuss the matter and was advised by Mr. Lee Vitarelli that they would not be making any further trades.

Mr. Grimes further gave evidence that he was moving to British Columbia knowing that there was a possibility that he would not be playing lacrosse this year and that his main purpose for his move was to pursue a career with BC Hydro.

OLA

Mr. Luey's evidence is that there had been limited communications between Burnaby and Peterborough with respect to Mr. Grimes and that he had email evidence that Mr. Grimes had intended to play for Burnaby early in the process therefore that the real reason for the move was to play lacrosse, however, no emails were produced. Further, Mr. Luey had stated that it is likely that Mr. Grimes was moving for the purpose of employment.

Reason for Decision

The unanimous decision of the panel is that the primary purpose of the move to the Province of British Columbia for Michael Grimes was for reasons other than to play lacrosse and therefore, Mr. Grimes falls within Section 17.3.4.6 (iv) of the CLA Operating Manual and therefore, is entitled to obtain a transfer to the MA of the BCLA.

Burden of Proof

We refer to the decision of The Canadian Lacrosse Association Appeals Committee in the Matter of Darryl Veltman and The Western Lacrosse Association and The Ontario Lacrosse Association wherein it sets out that it is incumbent upon the player to meet the burden of proof. In his decision, Mr. Engel states the following:

“The committee is of the view that the burden of proof to prove that the player has moved and that primary purpose is not to play lacrosse is on the player. After all, it is the player who is most familiar with both of those issues.”

It is our opinion that Mr. Grimes has met that burden of proof for the following reasons:

1. The evidence before us indicates that Mr. Grimes is pursuing a career with a hydro company and has obtained such an opportunity with BC Hydro.
2. It appears from the evidence that Mr. Grimes pursued this opportunity with BC Hydro prior to making any overtures to the Burnaby Lakers or to the Peterborough Lakers that he intended to play lacrosse in the Province of British Columbia.
3. Mr. Grimes has taken steps to pursue his career with BC Hydro and to move to the Province of British Columbia knowing that there was a possibility that he would not be able to play lacrosse in 2007 in British Columbia.
4. There is evidence that Mr. Grimes was prepared to compromise his position with his professional lacrosse team by advising that he would not be returning as a live-in player in the State of Arizona and would have to be a fly-in as he had intended to reside in the Province of British Columbia to pursue his career with BC Hydro.

Conclusion

While we are not completely convinced that Mr. Grimes would have pursued a career with BC Hydro had he not been involved in the game of lacrosse the evidence favors that he did move for the purpose of pursuing a career in that industry. We simply do not have any evidence before us to suggest otherwise.

We understand that there were emails that may have suggested otherwise, however, because they were not presented to us we cannot come to any conclusions with respect to that evidence.

We hereby direct that the OLA complete the transfer of Michael Grimes to the Province of British Columbia. We also state that this transfer will allow Mr.

Grimes to play for the Burnaby Lakers and shall not be considered an import pursuant to Section 3.4.8.1 (ii) of the CLA Policy Manual which states the following:

“No team shall have on its negotiation list or its 25 player roster more than five (5) players in total who have been acquired by an inter-member transfer with the following exceptions:

(ii) where a player moves in accordance with Section 17, Clause 3.4.6 subparagraph (iv), they will not count towards the total number of imports.”

The panel also wishes to acknowledge that there was much discussion by both the BCLA and the OLA with respect to the policy itself. However, the purpose of the hearing was not to debate the legislation but rather to hear the evidence and arguments concerning Mr. Grimes and come to a decision based on the current wording of the legislation. That being said we do however have the following recommendation to the Canadian Lacrosse Association executive. We recommend that Section 17.3.4.6 (iv) be revisited and that it would be of assistance to this committee and to members of the CLA if a date specific be identified in this section. If a date is stated of when such move must be completed by then this would eliminate any arguments with respect to players moving coincidentally at the same time during lacrosse seasons.

Dated _____ -at Edmonton, Alberta.

**CANADIAN LACROSSE ASSOCIATION
TRANSFER REVIEW COMMITTEE**

Per: _____