



CANADIAN LACROSSE ASSOCIATION APPEALS COMMITTEE

IN THE MATTER OF AN APPEAL BY THE BRITISH COLUMBIA LACROSSE ASSOCIATION, PETER THOMASEN, DAVE RAE AND JED SIGFUSSON FROM THE SUSPENSIONS IMPOSED BY THE CLA FOR BREACHES OF CLA RULE OF PLAY 63 (B) ARISING OUT OF THE ABSENCE OF THE PORT MOODY TEAM FROM A SCHEDULED GAME AT THE 2009 FOUNDERS CUP

BETWEEN:

BRITISH COLUMBIA LACROSSE ASSOCIATION, PETER THOMASEN, DAVE RAE AND JED SIGFUSSON  
APPELLANTS

AND

CANADIAN LACROSSE ASSOCIATION

RESPONDENT

---

**Reasons for Decision**

---

**Panel:**

Tom Engel (Chair) – CLA VP Administration  
Terry Rowland – CLA VP Organizational Development  
Shawn Williams – President Saskatchewan Lacrosse Association

**Appearances:**

Sohen Gill – BCLA President  
Jed Sigfusson – representing all individual appellants

**PART 1: COMPOSITION OF THE PANEL**

1. Despite there being an indication in the materials that there could be an objection to one of the members sitting on the Appeal Committee, that was not advanced at the hearing.

**PART 2: INTRODUCTION**

2. The Port Moody Jr. B team, a member of the BCLA, without proper notice and without permission, failed to show up for its final game at the Founders Cup against the Saskatoon Swat on Saturday, August 22, 2009. As a result, the CLA VP Domestic Competition wrote to the BCLA on September 11, 2009 and informed the BCLA that, pursuant to CLA Rule of Play 63(B) and CLA 4.4.5, and 24.8, the entire bench staff of the Port Moody team was suspended for one year and the \$2,000 bond was forfeited.
3. By letters dated September 16 and 22, 2009, Mr. Sigfusson, on behalf of all, appealed.
4. On the record provided to the AC, there appears to be no appeal by the BCLA in relation to the forfeiture of the bond. If that would make a difference, an extension of time to appeal would be considered, but as will be seen, it does not matter.
5. The appeal was heard on February 2, 2010.
6. On the same day, the parties were advised that the suspensions of Peter Thomassen and Dave Rae were vacated, the suspension of Jed Sigfusson was varied to the balance of the one-year suspension to be from participation in activities related to post-Midget lacrosse and the bond remains forfeited and the appeal fee will not be returned, with reasons to follow.

**PART 3: EVIDENCE AND SUBMISSIONS**

7. Mr. Sigfusson provided voluminous written materials in advance of the appeal. This necessitated the AC asking that certain people respond to allegations made in the materials. Those responses were obtained and shared with the parties.
8. Mr. Sigfusson told the AC that Port Moody was a new Jr. B team. The coaches and the executive relied on the CLA to provide a fair and equitable tournament but it did not. He said the rules were not followed.
9. He said CLA 24.4.3.2 provided that the host and provincial champion had to be in different pools and then the rest of the draw occurs. He said that the tournament shouldn't have been sanctioned.
10. It was pointed out by the AC that CLA 24.4.3.4.2 had no application to the Founders and that there was no such rule for the Founders.
11. He went on to say that the Host must have a medical emergency plan in place and there was none.
12. He then spoke of the meetings and discussions at the Founders about the scheduling and objected to the process.

13. He claimed differential favourable treatment was accorded to Winnipeg and said their game should have been forfeited when they showed up late.
14. He argued that if one rule wasn't enforced, none should.
15. Mr. Sigfusson was 50 years old and his assistants were 26. He took full responsibility for the decision not to attend the game and argued that the language of Rule 63(B) meant that only one person could be suspended. Rule 63(B) reads as follows:

*In National Lacrosse finals, the coach, manager or team official responsible for a game being ended under this rule shall be suspended for one year from the date of the game and their bond shall be forfeited.*

16. He runs the Junior, Intermediate and the Minor programs for Port Moody and has been hampered in doing so because of the suspension. He argued that a 6-month suspension was sufficient.
17. He agreed that he had no permission to leave.
18. If he had known the penalty, he would not have had the team leave.
19. He agreed that the game was part of the Founders National Tournament.
20. His team had 19 runners and 3 goalies, but were down to 13 runners. Despite this, he was confident they would not only have been competitive in the game, they could have beaten Saskatoon. However, he didn't want to beat SWAT after Randy Trobak had proposed a schedule solution and the CLA rejected it.
21. Sohen Gill said that the CLA BOD agreed that the formulas for the Founders and Presidents have to be reformed. The game was a Tier 2 Consolation Final, which was an added game and wasn't part of a National Championship – it is not the Bronze Medal Game.
22. Sohen Gill said that Randy Trobak, of the SWAT, was upset that Port Moody failed to show up, but that he had some sympathy for them.
23. In relation to the BC Jr. B Commissioner's failure to advise Mr. Sigfusson of the consequences of his decision when he called him to inform him of his plan, Mr. Gill was "not happy" with that.
24. Mr. Gill implored the AC to consider the consequences to Port Moody if Mr. Sigfusson's suspension was upheld. He does a lot of work for the club and is a key member and was very concerned about the consequences if the club lost him.
25. At this point, the AC advised that, in its view, it had enough relevant information to dispose of the appeal. There was information provided to the AC by Mr. Sigfusson, which was disputed by others, but the AC's view was that this was collateral to the issues on the appeal. However, if the AC in its deliberations felt that some of it was relevant, it would, if necessary, reconvene and hear the witnesses by telephone.

#### **PART 4: ANALYSIS**

26. That certain rules and procedures may not have been followed by the Founders Tournament is no excuse for pulling out of it, especially the way this was done. It was inexcusable and there is nothing in the way of mitigation of Mr. Sigfusson's actions.

27. As for the argument about whether the game was part of the “National Championship”, that is not the wording of the Rule. The whole tournament is the “National Lacrosse Finals” and this game was part of it.
28. Mr. Rae and Mr. Thomassen were, in the view of the AC, not responsible for the decision; Mr. Sigfusson was. So, their suspensions are vacated. It is not necessary to determine whether more than one person could be suspended under Rule 63(B), but, if it had to, the AC would be inclined to interpret it as such, otherwise there would be an absurd result. The AC sees no basis for such a restrictive interpretation, but did not decide that issue.
29. The AC is convinced by Sohen Gill to reduce the penalty, but only because of the consequences to Port Moody. Otherwise the appeal would have been dismissed.
30. The conduct of Mr. Sigfusson was outrageous and high-handed. Worse, his conduct continued, even to the hearing of this appeal. He sought to blame the organizers of the Founders Tournament, all volunteers, for his decision and raised arguments that had no merit.
31. He made allegations that some of those in charge of the Founders were dishonest, with no foundation for such allegations. When the Chair, prior to the appeal hearing, asked what he had to support such allegations, he said in an e-mail dated January, 4, 2010 that, “I stand by the appeal statement.” The concern here is that he does not appear to recognize that such allegations are defamatory and cannot be made without a reasonable basis for them.
32. The AC has concluded that, in all the circumstances, the \$500 appeal fee should be forfeited, despite a substantial amount of success. That is because of the conduct of Mr. Sigfusson in connection with this appeal.
33. Whether there are other consequences to Mr. Sigfusson for his conduct in relation to his allegations, like discipline under CLA 6.2 is not for the AC to determine on this appeal.

#### **PART 5: COLLATERAL**

34. Frazer MacDonald, the BCLA Jr. B commissioner, wrote to the AC on January 31, 2010 in relation to his knowledge of the circumstances. His letter is full of the same kind of accusations as made by Mr. Sigfusson, including dishonesty. He also placed the blame for this on the Chair’s “own backyard” (being from Alberta) and suggested that the Chair was in conflict. It is clear from his letter that, not only did he not do anything to prevent the Port Moody team from leaving, but he was complicit in it. A copy of his letter will be forwarded to the VP Domestic Competition and the BCLA President.

*Association  
Canadienne  
de crosse*



*Canadian  
Lacrosse  
Association*

Dated this 25<sup>th</sup> day of May, 2010.

**CLA APPEALS COMMITTEE**

Per:

**Tom Engel, Chair**