



CANADIAN LACROSSE ASSOCIATION DISCIPLINE COMMITTEE

MAY 11, 2011, 8PM EST

IN THE MATTER OF A COMPLAINT OF POSSIBLE TAMPERING OF AN  
OLA ASSOCIATION WITH AN FCQ PLAYER

BETWEEN

APPELLANT PETER MULOIN, PRESIDENT N2N SPORTS INC. FCQ

AND

RESPONDENT AARON KIRBY, GM, KAHNAWAKE LACROSSE ASSOCIATION, OLA

**Memorandum of Decision**

Panel:

Paul Magnan, (Chair) MLA  
Steve O'Shaughnessy, CLA VP Domestic Development  
Jim Gow, CLA Coaching Sector (Past Chair)

In Attendance:

For Appellant - Peter Muloin, President N2N Sports Inc. FCQ

For Respondent - Doug Luey, OLA Executive

For Respondent - Stan Cockerton, OLA Executive Director

**Hearing Process:**

1. The hearing was held by telephone conference call on May 11, 2011 at 8pm est time.
2. The call was recorded.
3. Appearing on behalf of the Appellant was Peter Muloin, President of N2N Sports Inc.(FCQ) who submitted the complaint of player tampering.
4. Appearing on behalf of the Respondent was Doug Luey, OLA Executive and Stan Cockerton, OLA Executive Director.
5. No witnesses were called by either party. Documentation supporting each side was distributed to all parties prior to the hearing.

**Background:**

A complaint has been filed with the CLA by Peter Muloin, President, N2N Sports Inc., a member of the FCQ, against Aaron Kirby, GM, Kahnawake Lacrosse Association, a member of the OLA regarding an alleged tampering violation as defined in the CLA Operations Manual Section 18 - Box Sector specifically 18.4.10 - Tampering .

The hearing was only to deal with the tampering complaint in the case of player, Chris Ebsworth.

**Evidence and Arguments:**

Peter Muloin submitted this written evidence:

- 1) *Chris Ebsworth is a member of the FCQ and on the Quebec Phoenix Junior Elite Lacrosse Club*
- 2) *Chris Ebsworth was at this camp and practicing with the other players from Kahnawake*  
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- 3) *Chris Ebsworth did not ask us for permission to attend these camps until after attending 2 sessions*
- 4) *These conditioning camps were designed exactly like a practice. All of the players wore helmets and gloves, the coaches from the junior B Hunters were running the practices, and they did all lacrosse drills all evening (witnessed by Chad Fairfoull)*
- 5) *The Kahnawake Lacrosse Association is a member of the OLA.*

*I believe this is a case of tampering because a group from one provincial association allowed a player, signed and protected by a team from another provincial association, to attend its camp without written permission from that player's GM or the league Commissioner.*

Aaron Kirby submitted this written evidence:

- *For the last 3 seasons, Kahnawake Lacrosse has run a camp for anyone. Kahnawake Lacrosse merely facilitates floor time for kids to run and have fun in mid to late winter because there no other organization does this. We take a proactive approach to lacrosse in the offseason. Any person that wanted to run and get in shape and work on their sticks skills was welcomed to attend.*
- *Kahnawake Lacrosse Pre-season conditioning camps are just that, Camps.*
- *Kahnawake has always allowed anyone to attend our camps as a way to get in shape and have fun.*

Peter Muloin added the following verbal evidence:

- What is the difference between promoting your team and tampering?
- He expects AMA's to follow the rules.
- He wants the AMA to work with him on this.
- If the camp was just a "pick up game" why were coaches running drills?

Doug Luey presented the following evidence:

- This was not a "conditioning camp". It was like a pick up hockey game. A bunch of kids got together and threw the ball around,
- There was no intent on behalf of Aaron.

All parties agreed that:

- 1) The timing of the "camp" was prior to the protected lists.
- 2) That The Hunter's Jr. B Lacrosse Team did advertise on their website an open invitation to come to their camp.
- 3) That the Hunter's Jr B lacrosse Team did post on their Facebook page and open invitation to attend their camp.



**Decision with Reasons:**

- 1) The Discipline Committee does not believe that The Hunter's Jr B Lacrosse Team targeted Chris Ebsworth and that with Chris Ebsworth there was no intent of direct tampering.
- 2) The panel does agree that there was indirect or overt tampering in the case of Chris Ebsworth.
- 3) The Hunter's Jr B Lacrosse team purposefully invited ANYONE out to their camp. It was their responsibility to ensure that protected players have permission to attend their camp. CLA policy 18.4.10.1 would apply here – prior to the submissions of negotiation lists, no team or agent of the team from any MA or AMA may communicate with or allow to tryout or participate in its training camp, practices, intra-squad games or exhibition game, a player from another MA or AMA without first having received written permission by either email or fax from the team or league commission with which said player was last registered, prior to that players' participation.
- 4) We think the definition of a conditioning camp or drop in session is poorly defined. We would interpret any event that is not sanctioned or insured thru CLA or MA that it is not an official team evaluation or tryout. Hence it would not be tampering if someone went on that floor/field.

**Conclusion:**

Based on the above, the panel would like to make the following recommendation:

- 1) That the CLA remind MAs/AMAs that it is their responsibility to ensure who is out at their "Camps". We recommend a bulletin to define and publicize the situation would be helpful to all MAs and AMAs..
- 2) If you invite someone out to a camp, make sure they have permission. It is the responsibility of the Team organizing the Camp.
- 3) For these "camps" that there is adequate supervision and that all MAs/AMAs have a better understanding of how players are covered for insurance purposes.
- 4) Our intent is not to stop these conditioning camps, but more to ensure they do not have any implication of tampering. These camps are a great idea to help promote the game.
- 5) We do not think there should be a fine to either party.

Dated This 19<sup>th</sup> Day of May 2011

**CLA Discipline Committee**

Per:

**Paul Magnan, Chair**