

Your Rights and Responsibilities



Fines for Umbrella Organization



Alan Goldberger



Donald C. Collins

The following question was asked during the "Current Legal Issues: Your Questions Answered" session at the 2008 NASO Summit. The answers are from session leaders Alan Goldberger, New Jersey lawyer and official who wrote the book *Sports Officiating: A Legal Guide*; and Don Collins, a lawyer and executive director of the San Francisco section of the California Interscholastic Federation.

Question: We have kind of like an umbrella association. It covers 10

different sports. Each sport has its own little administrative board that administers operations in that particular sport. We've delegated fining to the boards of the individual sports. They can levy and administer fines. Our constitution and bylaws are at the umbrella organization level. Are we remiss in not having a fine schedule that covers everyone, or can we rightfully delegate that? Then we have an appeal process if it's administered all the way up.

Goldberger: Those details, if they are in your governing documents, there's no reason why you can't delegate to the subordinate groups that function as long as it's clear to the member official. The official should know if he's working football, he could be fined \$75 for being out of uniform, while Lowell is a baseball umpire and he can be fined \$52 for being out of uniform, or whatever the case may be. I don't think

there's a problem with that. The key is having the officials apprised in advance of what bad things can happen if they violate an association rule. You can delegate those functions as long as it's done fairly and it bears some reasonable relation to the offense.

Collins: From the administrative/ legal perspective, one interesting thing that you might do one day is ask your members what happens if X occurs to see what they say. I once asked newer officials, "Who is your employer? They all said, "You are." Well, when one of them loses their job they obviously will file an unemployment claim against me and the board of my association. We did not educate them on what the bylaws were, what the expectations were, what life was like in officiating. You have a similar role to play in your organization, an educational function. If you do that, you reduce the likelihood of problems occurring. □

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