

# ADVISOR

## + PAGE 3

### Defense Isn't Always Necessary

Some actions aren't worth a public response by leaders. Find out when doing nothing might be your best bet.

## + PAGE 7

### Members Want President Gone

If members no longer want a president to serve, what can they do? Learn how association bylaws hold the answer.

## + PAGE 8

### Maximize Tax Deductions

You and your officials can deduct much of the cost of training and membership from your taxes.

## When to Lead and When to Follow

By Carl Smith

**H**ow do you know when to lead and when to step aside and observe, or better yet, jump on board and support? Those are great questions, and the correct answers are necessary to ensure your association is happy and healthy. No one that I know likes a micromanager. There's a very fine line between being in control, and being perceived as overbearing.

In many associations, a small number of officials are willing to help with governing the association, training new officials and a multitude of other tasks necessary to make the season flow smoothly. It's important that the veteran board members don't squelch the thought process or enthusiasm of the new or less senior board member(s). Many of the same traits that you employ when interacting with your officiating crew can be used when working together with other board members or committee members.

### 1. STAY IN YOUR AREA.

That is a hard one for me to swallow, but I'm working at it. Most longtime board members have filled a different position on the board previously. Maybe you switched because a vacancy needed to be filled, or maybe it was a "promotion." Either way, you need to be very careful about offering too much "input" to the person who is now filling your vacancy.

Much like you do when working with less experienced officials, give positive advice or reinforcement when asked. Don't offer advice unbidden if that person appears to be defensive or irritated. Let them live and die in their own area. You never know ... they might actually come up with something new that you didn't think about. Offer your services at the beginning of the season, and then let it go.

### 2. CREW INTEGRITY IS ALL WE HAVE

If a person in a position of authority is undermining your "crew," you need to step up and address the problem. Be firm and at the same time positive. "Moving forward, this is what we need to focus on and the direction we need to go. The path you're headed down right now isn't helping our crew."

Much like the crash with no call where your partner locks up, you need to know when to insert yourself to keep your game from going in the hole. Otherwise, trust your partner and let him or her handle it.

### 3. BE A GOOD PARTNER.

In my officiating career, the most important thing to me has always been my desire to be known as a solid partner, not just a solid official. I use it as a training point even today. Be the official that other officials want to work with. When they see their new schedule, it should be "Oh boy, I get to work with Joe next Thursday," not "Oh crap, I have to work with Joe ... again?" To all you "Joes" out there, nothing personal.

Whether you're officiating in a crew or helping to govern your association, you want to be known as the person who can and will step up if needed. By the same

+ See "Lead or Follow" P.8

## Properly Educate Officials on Concussion Mechanics

By Todd Korth

**O**fficials really have no role in determining a concussion, but they do have a role in removing the student-athlete who exhibits a sign, symptom or behavior of a concussion. That's a big difference that is often confused by association leaders and officials throughout the country.

The NFHS injury rule for officials states, "Any player who exhibits signs, symptoms or behaviors consistent with a concussion (such as loss of consciousness, headache, dizziness, confusion or balance problems) shall be immediately removed from the game and shall not return to play until cleared by an appropriate health-care professional."

"Be aware that almost all state laws, or maybe all state laws, that speak to

the subject refer to not only games and competition, but to practices," says Alan Goldberger, a noted sports law attorney from Clifton, N.J. "That is significant for our guys and gals who work scrimmages. Obviously if you are working at all, no matter how informal the scrimmage is, or if it's a game scrimmage or something less than that, if you're out there with your striped shirt, or white shirt, or blue shirt, guess what? You'd be an official and the state law says a student-athlete has to come out if one or more of those signs, symptoms or behaviors is exhibited. So we have to be very leery of that."

Associations are encouraged also to educate their officials on proper concussion mechanics. Despite what is printed in rulebooks, there are some

+ See "Concussion Mechanics" P.2

## + Concussion Mechanics

continued from p.1

states that suggest injury mechanics for their officials that conflicts with those rules. Not abiding by those rules could possibly mean a trip to court for an official who wings it when it comes to following those rules and mechanics in injury situations.

For example, never use the "C" word regarding an injured athlete who may have taken a blow to the head. Never say the athlete may have had a concussion or that it looks like a concussion or you are removing him or her because you suspect a concussion.

"It doesn't matter what we suspect," says Goldberger. "'Coach, I don't think she should return to the game today.' The coach doesn't care what you think. He didn't care what our crew thought for three quarters, so he doesn't care now."

Officials should keep the opponents separated in the event of any injury and never discuss the cause of the injury around other players or coaches.

"There are some associations in 2014 who still publish mechanics and suggest mechanics to officials that really

cause officials to ignore the appropriate playing rule in this area, and often to ignore a legally mandated obligation," Goldberger said. "We still have these pockets. When officials are encouraged to ignore the rules and the law, what happens? What happens is you're sitting across the desk from a joker like me in a dark suit, long story short. That's what happens."

Goldberger provided a few examples of faulty mechanics that have been applied by officials in concussion situations.

**Offering advice.** "A mechanic of an association in the U.S.: The official shall merely point out to a coach that a player is apparently injured and advise that the player should be examined by the health-care provider for an exact determination of the extent of the injury," Goldberger said. "This is loosely translated by many interpreters and supervisors as, yes, tell the coach she may be hurt, take a look at her for me."

**Reading the script.** "One officials association said, here's what you do if a player has suffered a head injury and you suspect that: If you suspect that ...

you have a little card you carry around that has a script on it. The script says, 'Coach, how are you? I recommend that you remove the player from the game for further assessment,'" Goldberger said. "I have recommended to my clients who go along with this particular mechanic that they also write their own legal death warrant and hand that to the coach as well, and get your name and address right so that the coach and the student-athlete and Mom and Dad can sue you when the traumatic brain injury comes because you're only recommending. You're not refereeing the rule. Those mechanics ignore officiating the rule."

Dealing with concussions has been a major issue in sports of all levels in recent years and perhaps the number-one situation that officials often stumble on the lawsuit and liability landscape, whether they know it or not. Association leaders should make every attempt to provide good and simple guidance to their officials to apply in those situations to avoid any legal pitfalls down the road.

*Todd Korth is a Referee associate editor and multi-sport official.* 📧

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Editor:  
Julie Sternberg  
email: [jsternberg@naso.org](mailto:jsternberg@naso.org)

Graphic Designer:  
Ross Bray  
email: [rbray@naso.org](mailto:rbray@naso.org)

Contributors:  
Tim Sloan, Don Collins, Patrick Rosenow, Alan Goldberger, Lawrence Tomei, Carl Smith, David Westol, Bob Masucci, Todd Korth, Dan Olson, Jeffrey Stern

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Phone 262-632-5448 FAX 262-632-5460  
Email [advantage@naso.org](mailto:advantage@naso.org) Website [nasoadvantage.com](http://nasoadvantage.com)

## New Pay Rule for Assigners Adopted in Michigan

**P**roblematic pay practices involving assigners led the Michigan High School Athletic Association (MHSAA) to adopt a new regulation regarding how assigners may pay officials.

Before the new rule was established, some assigners were receiving the game fees from schools or conferences, then distributing the money to officials after the games. The problem

with the now-banned pay practice, said Mark Uyl, MHSAA assistant director, was that it made it appear the officials were employees rather than independent contractors. "Assigners were acting like employers," Uyl said. "We said that

needed to change."

The practice of assigners accepting fees and then paying officials is not uncommon in the U.S. However, as the MHSAA discovered, it has its problems.

As of Aug. 1, payment to officials for contests worked will come directly from the school or through the school via a third-party electronic payment service.

The MHSAA takes assigning a step further by requiring assigners to be registered with the state. It's a relatively painless process, requiring only that a person wishing to be an assigner complete an online meeting. However, it does allow the association to regulate the assigning process in the state. 📧



# Defense Isn't Always Necessary

By Tim Sloan

**Y**ou know, through 30 years of officiating, I'm beginning to get the feeling that life isn't always fair. ...

Wait; before you try to argue with me, consider this episode from my own personal experience: I was refereeing a high school football game about 10 years ago and team K's punter was standing on his own 20 yardline. The snap arrived on the third bounce and his kick was blocked, with both teams taking turns trying to recover the loose ball. It was still loose and at rest on the five yardline when a defensive lineman tried to pick it up but instead muffed it into the end zone, where the punter fell on it.

The celebration by the defensive team ended abruptly when they realized I had awarded a touchback instead of a safety and that team K would be getting a fresh first down at its 20 yardline. They were in disbelief and I think team K wanted to put the ball in play before I changed my mind, too. Even my two side guys, whom I had borrowed from the sophomore crew due to injuries, thought I was insane. The defensive team's coach wanted to talk about it, but that only wasted him a timeout. I don't recall the play affecting the outcome of the game, but it certainly set the tone.

It so happened that the sports editor of the local newspaper was covering the contest that night and his story — if you can believe it — made prominent mention of the officials' lack of rules knowledge. My assigner soon emailed, wanting to know what I'd been thinking and my reply was, "Rule 8-5-3b." Through some discussion, we got to the bottom of what the writer thought had happened and what *really* happened, so my boss was satisfied. The coach even contacted me on the following Monday and assured me he'd looked up the rule and now concurred with me, too. My partners were soon talking to me again, but I am still waiting for the newspaper guy to issue a retraction: The referees are always incompetent, right?

What is your job as an association leader? To straighten out adventures such as that and assure the masses that the referees usually get it right? My opinion,

from being on all sides of that issue, is that you do nothing unless someone asks. I always think of the old *Rowan and Martin's Laugh-In*, where a recurring skit had Dick Martin playing a politician, spewing nonsense from behind an array of microphones. Then, when he was finished talking, he would turn and walk away and we'd discover the microphones were strapped to his chest, ready to go wherever he could make more news. I believe we don't want to be the black-and-white striped equivalent of an ambulance chaser when one of our group is slimed (again), itching to offer our two cents worth.

Do you ever see Anton Scalia or Ruth Ginsberg standing before the press after releasing an important Supreme Court decision, explaining why they ruled one way or the other? No, the action speaks for itself, right? Yes, the NFL or the NBA will issue a press release acknowledging errors that are made by officials but, just as often, they'll put pen to paper when the crew got it right, too: Remember the Tuck Rule incident?

Referee Walt Coleman correctly ruled that New England quarterback Tom Brady hadn't fumbled on a pass attempt at a pivotal point in a playoff game with Oakland. The NFL responded to the uproar from the doubting masses by supporting and explaining his ruling and what happened? The league was covering up for its incompetent officials; the league wanted to make sure the Patriots won; the officials were paid off ... you know the drill.

The public believed what it wanted to believe and anything the NFL did to proactively refute that belief entrenched The Grassy Knoll Theory that much more. In my view, the whole episode and others like it did more harm than good to officials and the sports we work.

I think a lot of officials, especially the good ones, understand that a big part of their job is to do the unpopular — not for the sake of being unpopular, but for the sake of what's correct. Sometimes people yell at them. Sometimes they're libeled. Hey, sometimes they even rule "safety" instead of "touchback"; but it's always the duty of some members of the public to propagate the lie that officials

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## THE PULSE

Local Association News Nationwide

### WCUA and WCOA Campaign Against Domestic Violence

The West Coast Umpires Association (WCUA) and West Coast Officials Association (WCOA) in the Tampa Bay, Fla., area held a one-month campaign speaking out against domestic violence Sept. 19-Oct. 17. The campaign culminated with a golf tournament with funds going to domestic violence victims.

Dave Stone, president of the WCUA and a basketball and football official for the WCOA, tragically has had to deal with domestic violence personally. His niece, Ashley Hall Atherley, was killed by her husband in California.

"It is a chance for WCOA and WCUA officials to stand with the men in our family to give a voice to the loss we feel and the injustice that happens every time a man hits a woman," Stone said in a press release. "More importantly it is an opportunity for us to stand up and influence a generation of young men and at the same time let victims like Ashley who may be sitting in the stands know that someone is standing up and speaking out for them."

### Klamath Association Awards Scholarships

Caleigh Smith and Chandler O'Grady were named first-place winners of the Klamath County (Ore.) Sports Officials Association's scholarship program, with Jennie Sites and Cody Dykstra second in the girls' and boys' divisions, respectively.

Established in 2011, the officials association program provides scholarships to graduating seniors from area high schools.

Winners are selected based on academics and at least one letter of recommendation from a varsity coach. Each winner must have earned at least one varsity letter. First-place recipients received \$500, second place \$250 and others \$100.

### Erie Game Doubles Charity Donation

Typically, the winners and losers in all-star games don't mean anything but bragging rights. But the winner in this year's Walmart City-County All-Star Baseball Game in Erie, Pa., was clearly the Children's Miracle Network (CMN).

The Erie County Baseball Umpires, assisted by the All-Star Baseball Committee, presented a check for \$23,200 to CMN, a major increase over last year's \$12,712. That donation provided sleep sacks for babies born at Saint Vincent Hospital to prevent Sudden Infant Death Syndrome.

During the past 23 years, the umpire chapter has raised more than \$220,000 for Erie County charities.

SOURCES: CREATIVE LOAFING TAMPA, HERALD AND NEWS (KLAMATH FALLS, ORE.)

are biased. Let them yell; let them post grammatically incorrect rants on one of a million blogs out there, but we have no obligation to correct any of it.

That doesn't mean we can't respond, as leaders, if we're asked our opinion.


The morning after the touchback game, I didn't feel any disappointment that my association president didn't scathe the sports editor and copy me on the email. I would have preferred the incident hadn't occurred, but sometimes stuff happens and we just have to deal with it ... which brings me to my real point.

As an association leader, if one of my people gets "the treatment," I'll chat with them and reassure them, if they need it. I'll mentor them if they're wrong, but I won't set out to educate public opinion. And you mark my word: I will do one other thing I haven't written about yet: Sports are way too important to more and more people these days and sometimes

one of the nuts will elevate a supposed grievance with us to threats, intimidation, assaults or worse.

If that happens, I'll see to it that the perp gets the book thrown at him or her. If the association has to take out a loan for a good lawyer, we will do what we must to make sure our member is supported in court and that the bum gets the full 54 years. That's where the line is drawn: talk is cheap; false teeth, titanium plates and funerals aren't. Our job is to step in when a game stops being just a game and it affects the wellbeing of one of our members.

Part of our job as arbiters and as leaders of arbiters is to maintain sanity. We can't tell people what to think or convert some of them in the face of facts. But we can help them wish they'd left us alone about it.

*Tim Sloan, Davenport, Iowa, is a high school football, basketball and volleyball official, and a former college football and soccer official.* 

## Member Spotlight: Potomac Society of Rugby Football Referees

The mission of the Potomac Society of Rugby Football Referees (PRR) is: To foster and promote the growth and development of rugby in the U.S., and, in particular within the bounds of the Potomac Rugby Union. To increase awareness of rugby, its traditions and its dedication to amateurism and to adhere to the law of the game and the regulations relating to amateurism as framed by the International Rugby Board. Generally to advance interest, education and participation in rugby, within this area, nationally and internationally. To promote, develop and regulate the activities of and establish the qualifications for referees of the sport of rugby as played in accordance with the laws of the game and the directives of the U.S. Rugby Football Union. To promote interest in amateur sports, to provide classes and instructions to the general public, and to officiate rugby competitions and exhibitions. To do any other act or thing incidental to or

connected with the foregoing purposes or in advancement thereof, but not for the pecuniary profit or financial gain of its members, directors or officers.

PRR assigns for clubs and schools in Northern Virginia, Washington D.C., Maryland and Pennsylvania.

### OFFICERS

The PRR is led by Stephanie Gussack, president; Andrew Burke, development  
+ See "Rugby" P.6

## BYLAW BIT

Having properly prepared bylaws better enables an organization to receive tax-exempt status from the IRS.

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## HOW TO...

### BUILD MEMBERSHIP FROM THE INSIDE

When it comes to strategies that can be used to recruit new association members, remember what is often said of the chubby guy who owns the corner bakery: His physique is the best advertisement for his product.

In other words, since your members are already avid officials and (it is hoped) active association members, they're best suited to bring others into the fold. Here are some tips to boost your recruitment efforts.

#### 1. Consider workout warriors.

Many officials belong to a health club or gym. Some play rec league sports. Those are fertile grounds for people who are in the kind of condition necessary for the rigors of officiating and have a passion for the sport they play. The person working up a sweat on the next elliptical machine may be a great candidate, but no one will know unless someone asks.

#### 2. Wear your colors.

Members likely have a closet full of casual attire bearing the logos of local, state and national officiating organizations. Wearing those items while they're grocery shopping, playing golf or just running errands can lead to someone asking to which group your member belongs. Many an airport layover has been made more interesting by an official explaining the avocation to a layperson. That could spark enough curiosity for the fellow traveler to give officiating a try.

#### 3. All in the family.

When the relatives gather for a celebration or holiday and a game is on the TV, there usually is a family member who barks at the officials working the game. If that person is misinformed regarding the rule or mechanic involved, an explanation can end the vitriol. It can also lead to a recruiting pitch along the lines of, "We could use someone with your passion for the game in officiating." That comes with the caveat that the family member joins an association and gets the kind of training that will prevent future outbursts.

#### 4. Job fairs.

Is your kid's school having a job fair or career day? Talk to the administrator or principal and see if your association can get a booth or table. Have plenty of handouts ready for distribution and staff the table with your most enthusiastic and knowledgeable members.

### + Rugby

continued from p.4

officer; Kenneth Fraine, training officer; Riaan van Greuning, treasurer; Jake Still, recruitment officer; and Mark Handel, allocations and territorial performance reviewer. Elections for all positions are held at the annual general meeting each year in December.

### REQUIREMENTS

Members in the PRR must go through the International Rugby Board level one certification in order to receive any assignments. Members must also be registered with USA Rugby. USA Rugby conducts background checks on all officials in accordance with the U.S. Olympic Committee requirements.

### TRAINING

The level one course is a basic introduction to refereeing the sport, concentrating on the game's fundamentals and safety. During the season, monthly meetings focus on a specific facet of the game. There are also onfield training sessions in the preseason to provide immediate feedback. Online interactive training sessions are also held throughout the year. Officials will get evaluated and coached during the season. The PRR has a goal of observing and coaching each official at least once every year.

### FEES

Dues are \$20 and include their membership fees in their national association and in NASO. Members also receive a refereeing kit and law book each year. Officials get mileage reimbursement in lieu of game payments in order for the membership to receive the vast benefits. The PRR will also cover the expenses of an exchange program, in which officials travel (sometimes internationally) to work or share ideas with other associations. Referee camps and social events are held throughout the year as well.

### MEETING REQUIREMENTS

Members are not required to attend meetings in order to advance to higher games as the membership is geographically spread out. However, members get to hear from national panel officials at the meetings, so a majority of members, especially those who are most active, do regularly

attend the meetings. The PRR also has started doing online meetings and web conferences to supplement the in-person monthly meetings. The membership has been very receptive to those. The group is moving toward adding video to those meetings in the near future.

### RATINGS

Performance evaluations are done by certified performance evaluators. Officials move up the ladder from the local level (basic referee) to regional level and finally, the national panel certification. Officials must meet a certain criteria and performance standard to advance through the levels. Once you get to the top of the local level and want to become a regional official, you must also pass a fitness test.

### GOALS

The goals of the group are multiple. "We want to assist our members to develop their skills and progress up the ladder," van Greuning said. "Second, our goal is to increase our number and quality of officials. The development of our game depends on our local referees improving their skills and to recruit more referees to assist the growth of rugby."

### WEBSITE

The association's website is [pr.arbitersports.com](http://pr.arbitersports.com). It includes the society policy, meeting schedule, new updates, game laws, disciplinary and game report forms, training information and association history and game assignments. ☒

## QUICK TIP

### POISE IN PRESENTING

You set the tone of the meeting. Be in control of your words and your actions. Don't permit any one person to set the pace. Don't be reduced to exchanging insults or sarcasm. Manners, tact, respect, sensitivity and kindness are of the essence. There is often a mirror or echo effect in human interaction; kindness and respect elicit kindness and respect.

## MICP Q&A

# Members Want President Gone

By Donald C. Collins

**Q** I was elected president of my officials association within the last six months. In that time, I have made a lot of changes, including raising the membership fee and making meeting attendance mandatory. Some have been on board with the changes, but most members in the association are not happy and want me to step down. I want to stay on. I believe the changes will make our association stronger. My term is for two years. Would members have any legal grounds to remove me from office?

**A** An association that wants to remove its president has to address two issues: (1) they have to address legal issues relating to the president's removal; and (2) they need to address some political realities. The president needs to be concerned if the membership elects him for the same reason that any elected official who was polling badly would be concerned. However, the president may be perfectly safe if his association's board of directors makes presidential appointments. There are many ways to structure an association, and the structure will tell the president how much he has to worry.

**1. The legal issues.** The legal issues may be the easiest to resolve. The association bylaws will determine the grounds for removal of the president. The bylaws are a legal contract between members and the association.

Association bylaws run the gamut from bylaws that don't address the removal of a president to those that provide for removal with or without cause to those that require some sort of misconduct in order to replace a president. The bylaws also will determine who is involved in determining whether to replace a president.

There are some governing principles that will keep associations out of trouble. First, associations should only take those actions which are set out in the bylaws. If bylaws are silent on removal, the association should not act and the president should not be removed. Silence is not permission to take action; associations should only do what their bylaws charge them to do.

Next, clarity is the key. Associations get

in legal trouble when they are vague. Thus, bylaws that require misconduct in order to remove a president should define the types of misconduct that can give rise to removal. Vague bylaw provisions open the door to legal problems.


Next, the bylaws need to provide a means of removal. If not, you will have an association that can remove its president, but has no mechanism for doing so. That will lead to an ugly situation that could cause a rift in the association, a dispute that goes to the state governing body or a lawsuit.

A president who has lost the support of his membership may have cause for concern if the membership can vote on his removal. On the other hand, a president who has lost the support of his membership may not have much to worry about if the removal power lies in the hands of the association's board of directors or association officers.

**2. Political realities.** The association's structure will determine the president's ability to impose unpopular requirements on the association's membership. It will also determine whether a president has to worry about upset members removing him.

If a president serves an association where the members have the power to remove him, it is likely that either the association's board of directors, its officers or the members have some say-so in association governance. If that is the case, the president's primary concern may not be so much removal as reversal. It is generally easier — or at least more palatable — for people to amend bylaws, bring measures and elect new board members than it is to get involved in contentious removal procedures.

If an association's bylaws give groups other than the president some voting power, the president's ultimate concern may be that his unpopular measures will be undone at the ballot. That would leave the president in office, but lacking all of the power he expected to have. That could be a situation where the president's political fate is worse than his legal fate.

*Donald C. Collins is the executive director of the San Francisco Section of the California Interscholastic Federation. He is a longtime basketball official and lawyer. This article is for informational purposes and is not legal advice.* 

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## + Lead or Follow

continued from p.1

token, you want to be the board member others know they can work with, and who isn't trying to take over. Understand the process, be involved in it and do your best.

### 4. WHEN IT'S OVER, IT'S OVER.

Association board members are involved in something that's much bigger than the individual. By design, you need to work together to do what's best for the entire association membership, not just for the select few. We use the democratic process for a reason. It works. We have seven board members in my association. The president doesn't vote unless there's a tie.

When discussing any topic in a board setting, don't *make* it personal and don't *take* it personal. Nitpicking and infighting are detriments to any association board, and you just don't have time for that. Be professional, and if you find out you can't be, remove yourself. Have that kind of integrity. It's not all about you. If your idea gets voted down, or you disagree with a majority vote that went against your way of thinking, get over it. It's not personal, it's the process. It's not a dictatorship.

Rethink your idea, and come up with a different or better way to address it to the board to still accomplish the end goal. If it still doesn't fly, drop it. You're beating the proverbial dead horse. Immature attitudes are no more popular in a board setting than they are anywhere else.

The bottom line is that you're expected to be a leader as a board member, whether it's taking an active lead because you happen to be "the man or woman" on the

project, or if it's just leading by example. If you need to take an active role because there's no one else that can, do it. If it's not in your area of expertise, be supportive and follow those in the leading roles.

Just like officiating, it's a group effort. If you continue to work together toward a common goal, success should be in sight. *Carl Smith, Anchorage, Alaska, is the treasurer and assigner for the Anchorage Sports Officials Association.* ☐

## Maximize Tax Deductions

As independent contractors, you and your officials can deduct much of the cost of training and membership from your taxes.

That includes NASO membership, books and videos from the Referee Training Center and any camps, clinics, mileage and certain expenses like phone and computers. For a guide to dealing with taxes as a sports official and a list of tax FAQs, visit [naso.org/resources/taxtips](http://naso.org/resources/taxtips) for more information.

We urge you to provide that

information to your officials as many fail to take advantage of the great benefit of officiating. Let them know that any membership or training expenses they have before the end of the year can be deducted on their taxes.

Learn more about NASO membership at [naso.org](http://naso.org) and find the best books and videos at [refereetrainingcenter.com](http://refereetrainingcenter.com)

If you have additional tax-related questions, contact Cory Ludwin at 262-632-8855, ext. 124. ☐

## WE'RE ALL IN THIS TOGETHER!

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