

February 26, 2018

CASEY JORGENSEN, General Council

1775 Bob Johnson Drive
Colorado Springs, Colorado
U.S.A. 80906

Dear Mr. Jorgenson:

RE: STATUS, CLASSIFICATIONS & MEMBERSHIPS OF CANADIAN HOCKEY LEAGUE

On behalf of **WAIPU** and its members, with respect to the above-noted, we thank you for your email response of February 23, 2018. It's been over 2 years since our initial request to USA hockey for clarity on these issues.

We apologise for not disclosing *reasons* for the questions to USA hockey. As its council, the presumption was that you would be fully aware of the lobbying efforts being made by CHL teams in the United States to try to classify all **Major Junior** icehockey players as simple **Junior** icehockey players; or to have CHL players considered as *amateur athletics*. These statements are a direct contradiction to USA Hockey by-laws and USA/Hockey Canada/CHL agreements.

Quoted within USA/Hockey Canada/CHL agreements, it is stated:

“WHEREAS, the CHL is recognized in both federations as MAJOR JUNIOR HOCKEY. Operating in three divisions and including teams on either side of the boarder.”

WAIPU is extremely concerned about misleading statements by lawyers of WHL teams and supporters including an Oregon state house representative. Statements of facts were introduced on the record in an Oregon state business and labor committee hearing, in attempt to approve HB 4093. These statements did not comply with USA hockey by-laws or agreements. These misleading statements were done in an attempt to seek a different status for Major Junior hockey players as well as a totally different classification under the *amateur* icehockey guidelines. In Oregon, at this time, **House Bill 4093 (“HB 4093”)** is attempting to make its way through the senate. HB 4093 is a bill to exempt junior hockey players and amateur athletics from the protections of the Employment standards act of Oregon, which includes min wage, and health and safety benefits and other rights.

WAIPU is seeking full transparency from USA hockey on this issue. You are the governing body of hockey in the USA, and as such you have a legal and moral obligation to uphold your very own by-laws. When members or partners attempt to scheme or misrepresent USA hockey by-laws or agreements in order to try and gain either sympathy or make statements to lawmakers that are in direct contradiction of USA hockey &

Hockey Canada agreements, one would think USA hockey would want to be advised of these erroneous statements and conduct. Your NO comment statement and refusal to once again answer such simple basic questions, gives great cause for concern. One could draw the conclusion that USA hockey is conspiring with USA based WHL teams by allowing such misleading statements to continue.

WAIPU is only seeking answers to ensure USA lawmakers are correctly apprised before making any decision on a very important (*dangerous*) Oregon Senate **HB 4093**.

In efforts to save Oregon taxpayers and lawmakers from the embarrassment of passing a bill that is not legally binding, we all have a moral and legal right to best inform those who are making those laws ... USA Hockey has a legal and moral obligation to respond.

In the icehockey community, some CHL players have signed NHL contracts and received “*signing bonuses*”, yet *still* play in the CHL. In accordance with NCAA regulations, CHL teams and players are considered to be **Professional**-players and have no eligibility to NCAA.

As well and FYI:

- CHL teams **DO NOT** adhere to USA Hockey by-laws;
- CHL teams **DO NOT** maintain amateur status in regards to access to NCAA; and
- CHL teams **DO NOT** play under playing the rules of USA Hockey – they play under NHL rules.

USA hockey by-laws, *Section K*, it states:

- “USA hockey **DOES NOT** sanction CHL games.”

The answers given in your email appear to be erroneous, unfounded and incomplete. WAIPU is therefore directing USA hockey to respond to the following questions in timely manner in order to assist USA lawmakers who are hearing bill HB 4093 on February 27, 2018

- If a **Major Junior** icehockey player signs an NHL contract and receives a signing bonus, does USA Hockey consider that player to be a **Professional** player?
- Why & when was the USA / Hockey Canada/ CHL transfer agreement changed?

It used to read:

“It is agreed that CHL Teams are considered and treated by third parties as being professional. Therefore, the signing of a contract with a CHL Team is the equivalent of signing a professional contract”

- It’s clear that your NEW agreement says CHL players are considered “Non-professional”.

- In the NEW USA/CHL transfer agreement, how does USA hockey reference and classify CHL players?
- Why was the wording of non-professional added?
- Why would USA hockey not use the word amateur?

In case you were not aware, WAIPU would like to bring to your attention a **One Hundred & Eighty-Seven Million (\$187M) Dollar** Canadian class-action lawsuit filed by the against CHL teams that has been certified to proceed before a judge in Superior Court of Canada.

“Justice Hall certified all of the causes of action pleaded by the plaintiffs, including: (1) breach of contract; (2) breach of contractual duties of honesty, good faith, and fair dealing; (3) breach of employment standards legislation; (4) negligence; (5) conspiracy; and (6) waiver of tort.”

These are very serious claims, especially the *conspiracy, breach of good faith and fair dealing*. We should all be working together to come to a speedy conclusion to all matters that involve the **Major Junior** icehockey player status.

In regard to your direction that we direct all future questions only to your legal council, WAIPU and its members respectfully decline such a request at this time.

We feel it is extremely important that the USA Hockey’s full board understands all of the ramifications of the avoidance of this issue.

Since it has taken more than 2 years to receive this one response from your office on these matters, we feel we cannot be held up on future correspondences &/or actions that need to be taken when ***time is of the essence***, concerning very important, time-sensitive matters; especially when having to interact with time & deadlines of courts and house senate/legislative requirements, etc.

Please be advised that a copy of this letter will be sent to the Oregon State Senate / Legislature in advance of the vote on **HB 4093’s** hearing being conducted, **February 27 2018**.

Yours truly,

WAIPU

WORLD ASSOCIATION OF
ICEHOCKEY PLAYERS’ UNION

RANDY GUMBLEY