

On January 17th, a residence protest was filed against Bryan Kirkland of the Texas Stampede. The protest was filed according to the 2016 Bylaws, which require the USQRA to form a panel to investigate the validity of the residence status of the player.

The panel was composed of the USQRA commissioner, secretary, and first vice president. The second vice president recused herself due to the potential of a perceived conflict of interest. This is a summary of the findings and the final ruling.

In 2014, Mr. Kirkland changed teams from the Lakeshore Demolition to the Texas Stampede. At that time, the 2013 USQRA Bylaws were in effect. The Bylaws provided 2 methods of changing to a team outside the prescribed 150 mile radius (and still does currently, with the exact same criteria).

Article III Player Eligibility

Section IV Player Residence

Rosters shall not contain players whose residence and/or place of employment are more than 150 miles from the team's home city unless:

- a) The Commissioner grants an exception based on a request filed by the player and the team for which he wishes to play; or
- b) At the time the player began to play no member team existed less than 150 miles from the player's home city and/or place of employment. If a team is later formed nearer the player he/she has the option of rostering with either team.
- c) A team's home city shall be defined as the location of its primary practice facility as identified in its team registration.
- d) 150 miles shall be determined on a straight line between the main practice facility and the address of the affected player(s), or if none listed, the city center on stated team's registration to the address of affected player(s).

The first method of changing teams is to request an exception to the residence requirements from the Commissioner. The commissioner did not receive or rule on such a request. The second is to go thru the transfer process, which Mr. Kirkland did. He executed a transfer from Lakeshore Demolition to Texas Stampede in September 2014. His resignation and transfer letters were submitted properly and on time. He also filed the appropriate documentation to complete his protest. His transfer was approved by satisfying the relevant criteria (a,b,c, and e) below:

Article III

Section 3 Player Transfers

A transfer shall be defined as a player moving from a rostered team to another rostered team in the current or previous year. Any player in the USQRA may transfer to another team if they wish. However, if a player chooses to transfer both the player and the team they transfer to must agree to the following guidelines:

- a) The proposed transfer must take place prior to October 1st of the upcoming rugby season.
- b) The transferring player must notify the Commissioner and Secretary's office in writing of the proposed transfer no later than October 1.

- c) A written resignation letter must be given to the current team's coach or representative by September 15th. Written copies of that resignation letter must also be sent to the Commissioner and Secretary's office, and be received no later than October 1.
- d) The transferring player must take up permanent residence within 150 miles of the city in which the team they are transferring to is located. Furthermore, the transferring player must obtain, and maintain, a valid driver's license or State ID from the state to which they are transferring.
- e) Players must also show proof of 4 of the 5 following forms of verification by October 1 to receive approval:
 - 1. Address of employment/school/disability check
 - 2. Vehicle registration
 - 3. Address on lease/utility bill/home
 - 4. Credit card or bank statement activity
 - 5. Driver's license

Despite the approval of his transfer, executing such also subjects the player to (d) – the permanent residence clause. This was the primary focus of the panel.

It was determined that Mr Kirkland maintains 2 residences on record. It is the position of the panel that a player's primary residence should be considered his permanent residence. This interpretation fits with our understanding of the intent and spirit of the rule, and provides the necessary framework to come to a decision.

The panel carefully investigated the issue and interviewed the player. After discussing the evidence collected, the panel unanimously concluded that the player's primary residence is located in Alabama, where Mr. Kirkland maintains a job, a family, multiple vehicles, trains regularly at Lakeshore, and participates on other Lakeshore teams. Taking into account Article III Sections 4 ("Rosters shall not contain players whose residence and/or place of employment are more than 150 miles from the team's home city") and Section 3d ("The transferring player must take up permanent residence within 150 miles of the city in which the team they are transferring to is located"), he is in violation of the rules and is therefore no longer rostered with Texas or any USQRA team for the remainder of the season.

Mr. Kirkland will be eligible to roster with a team next season under the appropriate USQRA rules.

David R. Mengyan

USQRA Commissioner