

FELONY CONDUCT:

“An athlete agent, with the intent to induce a student-athlete to enter into an agency contract, may not:

- (1) Give any materially false or misleading information or make a materially false promise or representation;
- (2) Furnish anything of value to a student-athlete before the student-athlete enters into the agency contract; or
- (3) Furnish anything of value to any individual other than the student-athlete or another registered athlete agent.”

W. Va. Code § 30-39-14(a) (2011). An athlete agent that engages in the aforementioned conduct “is *guilty of a felony* and, upon conviction thereof, shall be fined not more than fifty thousand dollars or confined in a state correctional facility for not less than one nor more than three years, or both so fined and confined.” W. Va. Code § 30-39-15 (2011).

MISDEMEANOR CONDUCT:

“An athlete agent may not intentionally:

- (1) Initiate contact with a student-athlete unless registered . . . [with the W. Va. Secretary of State];
- (2) Refuse or fail to retain or permit inspection of the records required to be retained by [W. Va. Code § 30-39-13];
- (3) Fail to register . . . [with the W. Va. Secretary of State];
- (4) Provide materially false or misleading information in an application for registration or renewal of registration [with the W. Va. Secretary of State];
- (5) Predate or postdate an agency contract; or
- (6) Fail to notify a student-athlete before the student-athlete signs or otherwise authenticates an agency contract for a particular sport that the signing or authentication may make the student-athlete ineligible to participate as a student-athlete in that sport.”

W. Va. Code § 30-39-14(b) (2011). An athlete agent that engages in the aforementioned conduct “is *guilty of a misdemeanor* and, upon conviction thereof, shall be fined not more than five hundred dollars or confined in a county or regional jail for not more than one year, or both so fined and confined.” W. Va. Code § 30-39-15 (2011).