

December 31, 2013

Dear Sun Devil Families:

I am writing with important information about recent events that affect the future of our team. This is a long letter, but I ask that you take the time to read it all the way to the end.

Late in the day on December 9, I received notice from Arizona State University that as of December 31, Sun Devil Aquatics would no longer be permitted to rent the SDFC pool – a facility we have been using without issue for more than four years – on the direction of the University’s Office of General Counsel. This notice came as a complete surprise. Since then we have tried several times, including through our own legal counsel, to find out the reason for this decision, but so far, we have been unsuccessful in getting an explanation from the General Counsel’s office.

ASU’s sudden termination of this relationship created a serious challenge to our club and its swimmers. Nor does that end the pressure being applied by ASU and its lawyers: the University also has demanded that we stop using the name Sun Devil Aquatics, asserting that it infringes on their “Sun Devil” trademark, even though we have used the name for more than 15 years without complaint and even though there are many other businesses in Arizona that have the name “Sun Devil” in them.

These actions, taken as a whole, raise serious concerns that the University is trying to put our club out of business. Because this comes at a time when ASU has spoken in swimming circles about starting a club program of its own, and because there has been no explanation offered for the decision not to allow further use of the SDFC, it’s not hard to form the opinion that the institution wants to use the goodwill generated by the Sun Devil Aquatics name over the past 15 years to recruit athletes to their new team and otherwise hit the ground running.

SDA could challenge ASU’s claims about the right to use the name Sun Devil Aquatics, and we might even win such a challenge. But the attorneys’ fees and costs to do so would be high, with little chance of recovering any of that money even if we won. The time and emotional energy required also would be substantial. Over the past few weeks, this situation has already been a huge emotional drain on me and my family. In addition, we would not be able to obtain any long-term guarantee of pool space at the SDFC. At the end of the day, I would rather invest in our swimmers and staff than spend large sums of money fighting legal battles.

So, what do we do?

My initial plan was to ask everyone to write letters to ASU President Michael Crow, protesting the action by the General Counsel’s office and reminding Dr. Crow and the University of the many ways in which SDA has contributed to the University. Some of

you may still wish to write such a letter, and for those who do, I have listed some facts and the addresses for correspondence at the end of this letter. However, I came to the conclusion that such letters would not help us obtain any relief from the University for the immediate situation.

My next step was to attempt to obtain a brief additional period of usage at the SDFC (until March 15) while I continued to work on an alternative solution. However, the terms and conditions that ASU demanded for that continued use were not acceptable. Therefore, we will not be using the SDFC after today.

Over the past six months, since the loss of space at Mona Plummer, I have been actively seeking additional pool space for our team. I have checked on space availability at what I believe to be every 25-yard or larger pool in the East Valley that isn't currently being used. The results were disappointing; in most cases, either the expenses were far too high, or the pool owner or manager was unwilling to rent the facility at all. I am in discussions about one long-term option that I feel very good about and that would give the team our own pool, but it is two years away at the best, so we must find other solutions in the meantime.

The best solution I have been able to develop over the past few weeks is to affiliate, and eventually fully merge, with Mesa Aquatic Club (MAC). This is the club with whom we have run the very successful Arizona Invitational over the past few years. Combining with MAC will result in loss of the SDA name, but in the current circumstances, we were going to have to change the name of the team anyway, no matter what happened with pool space at ASU, to avoid further challenges from ASU and its General Counsel's office. This solution will allow the 60 swimmers who train at the SDFC to continue working with the same coaches and also not require any further cramping of space at Ahwatukee.

Paul Smith is the CEO of MAC, which encompasses age group swimming, water polo, masters swimming, and other aquatic activities. Paul's wife Laura coaches age group and masters swimming for MAC and is in charge of their senior dryland program. Both Paul and Laura swam for me during college and after graduation. I have known both for over 30 years and think very highly of them.

Joining forces with MAC to form a unified club will give us access to a number of pools in Mesa, including long course at Kino and Skyline. It will also give us access to Rhodes Junior High, which is the closest Mesa pool to Ahwatukee and Tempe. Rhodes is located at 1860 S. Longmore Drive, in the area bordered by US-60, Baseline, Dobson and Alma School. You can check out the webpage for the Rhodes Aquatics Complex [here](#). This is the main location that we expect to use for the Gold, Senior and NTG groups.

The distance to Rhodes from my house in Ahwatukee is 0.9 miles farther than the distance to the SDFC. For most of our families, the driving time to Rhodes will be about the same or less than driving time to the SDFC, depending on traffic. Rhodes is a completely redone 8-lane, 25-yard pool, to which we will have full access at any time.

We also will be able to have practices as needed at Kino, where many of our families have swum for meets.

While we will not have to pay rent to use Rhodes, we will have to pay for a lifeguard and heating. We will also need to purchase pool covers to keep the heating bill lower. The amount we currently pay for rent at the SDFC will cover the cost of the Rhodes lifeguard and some of the heating cost. The rest of heating bill will be covered by funds saved during the last six months. In addition, MAC has a foundation, which may be able to donate 50% of the pool cover cost to help save additional money.

During at least the first year of the combined club, the only major changes for our families will be to the practice location for the Gold and Senior/NTG swimmers, and the cap and t-shirt that all swimmers will wear at meets. Coaching, fees, volunteer policies, and other significant items will remain the same, and there will be no changes to coaching or the schedules at Ahwatukee as a result of the merger.

That said, everyone will notice a few administrative changes in the coming days and weeks. The name of Sun Devil Aquatics, Inc. will change, although it will continue to exist as a non-profit corporation and will continue to be the entity to which your training, meet escrow and other fees are paid. The domain name for our website also will change in the next few days, but we will continue to operate the site for our part of MAC operations during at least the first year. More information on administrative changes will be distributed in the near future.

A more detailed plan for cooperation and merger will be developed over the next 12 months. In the meantime, here is a summary of key points about our combination with MAC:

1. Guaranteed year-round access to a good 25-yard training pool.
2. Guaranteed year-round access to long course training as needed.
3. The ability to retain our coaches in their current positions.
4. Similar driving distance to a pool with free parking in a safe neighborhood.
5. Practice times very close to our current times and those we have used in the summer.
6. No fees to use the pools except our out of pocket costs, which include a lifeguard and heat at Rhodes. Use of Kino or Skyline will not involve any additional cost.
7. We will have the ability to use Rhodes or Kino for small meets to help offset costs.
8. Senior/NTG and Gold swimmers will move to the Mesa locations starting on January 4. We will use Ahwatukee from January 1-3.
9. In general, Gold, Senior and NTG will train at Rhodes during the week and Kino on the weekend. It is possible, though, that these groups might do 1-2 weekday practices at Kino each week. Every time we swim at Kino it saves us money, as we don't have to pay the guard and heating costs at Rhodes.

10. Groups 1-3 and Maroon at the Ahwatukee Community Center will not have a change in their training locations or schedule. The Ahwatukee location will be rebranded as MAC-West.
11. Paul, Laura and I recognize that quite a few families (including my own) have recently invested in new or additional SDA apparel. There will be no immediate requirement to change apparel, other than wearing a MAC cap at meets starting sometime in 2014, and ASU has stated in writing that our families may continue to wear their existing SDA apparel without issue. We will have to gradually shift the rest of our apparel after a reasonable amount of time.
12. I will help MAC develop additional programming, such as an indoor swim school and future pool locations outside of Mesa.

My first choice would, of course, have been to continue SDA as an independent club under our current name, but ASU's actions have effectively made this impossible. Thus, my goal has been to make sure our athletes could stay together in the best training situations possible. I felt this would be best accomplished by using the Mesa facilities with Scott Goodrich still becoming our head coach and Max still coaching Gold. Scott is aware of everything that is taking place, and believes the changes will actually help him get pool space to train Cesar. As part of the merger, Scott will take on the title of National Training Group-Post Grad Director.

Back to the letters I mentioned above. Below is some information you may use if you wish to write to President Crow and/or the General Counsel's office. Please, feel free to add any related information from your personal experience that will add to the impact of your letter.

- SDA swimmers, parents, families and volunteers have loyally supported ASU for over 15 years. SDA enjoyed an excellent working relationship – a partnership, really – with ASU over that long period of time. The club helped to promote the collegiate swimming program in a variety of ways, including encouraging swimmers and their families to attend collegiate meets and Sun Devil Swimming Association fundraising events.
- SDA's partnership with ASU resulted in significant financial gain to the University. Among the benefits of this relationship: \$175,000 to \$200,000 in rental fees for practices; \$50,000-\$75,000 in rental fees for swim meets; payment for the current scoreboard and parts of the timing system, which together cost \$75,000; a \$5,000 renovation of the Devil Room off the pool deck, used by swimming, diving and water polo; a contribution of \$15,000 towards the permanent shade structures on the pool deck; \$3,000 in direct contributions towards saving the ASU Men's Swimming Program (plus numerous individual contributions made by the Chasson family and others through attending fundraising events for the program); \$10,000 in contributions to the Athletic Department as part of the Fulton matching fundraising program; \$10,000 worth of swim training equipment that the ASU swimming program was allowed to use at any time; the hosting of 20-25 swim meets that brought thousands of swimmers

and parents to the ASU campus from all over the Western United States, at no cost to ASU; and 15-20 swimmers who have attended ASU with no athletic scholarship, who may have been a member of one of the swim teams or just a non-athlete student.

- We have over 160 families on our team. Many of them are football season ticket holders, ASU graduates, or have children attending ASU. Others are potential supporters of ASU. All are now wondering why the University is treating Sun Devil Aquatics with such disdain.

The addresses for correspondence:

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I ask for your patience and support as we work through this situation during the coming weeks and months. The circumstances that have resulted in these changes are far from ideal, and there will undoubtedly be some bumps in the road as we work on blending two sizeable, successful clubs. However, I am confident that this merger provides the best opportunity for success over the long term. The Smiths and I, and the staffs of both clubs, are committed to making this work and ensuring an exceptional competitive swimming experience for our swimmers and families.

If you have questions or concerns – and I am sure there will be some of both – please email me or call me at (602) 820-4354. I will continue to keep you informed of additional details as they develop. Thank you for your patience, for your continued loyalty to the team and our philosophy, and for your help as we work to make sure our swimmers and our organization continue to thrive.

Yours truly,

Michael Chasson  
President