



March 15, 2018

Mr. Carlos Cordeiro, President
Mr. Dan Flynn, CEO/Secretary General
U.S. Soccer Federation
1801 S. Prairie Ave.
Chicago, IL 60616

via Email: ccordeiro@ussoccer.org
via Email: dflynn@ussoccer.org

Dear Messrs. Cordeiro and Flynn,

I am writing to you on behalf of the New York Cosmos to file a grievance with respect to the Cosmos exclusion from the 2018 Lamar Hunt U.S. Open Cup (USOC). As you know, the U.S. Soccer Board of Directors ("Board") took a decision on September 1, 2017 to revoke the North American Soccer League's (NASL) Division II sanctioning for the 2018 Season. Unlike the decisions made by the Board on January 16, 2018 to give United Soccer League (USL) a 2-year runway to come into compliance with the Professional League Standards, the Board gave NASL no ability to cure any deficiencies in its application for Division II.

As a result of the Board's decision, on February 27, 2018 the NASL announced that it canceled its 2018 Season. However, as you are aware, the Cosmos, like our sister-NASL clubs Jacksonville Armada FC and Miami FC, will be operating teams in the National Premier Soccer League (NPSL) during the 2018 Season.

I understand that the U.S. Soccer Open Cup Committee explored, but ultimately failed to reach consensus on, a pathway for the Cosmos, Armada and Miami to play in the 2018 USOC. I strongly believe that the NASL clubs being excluded from the 2018 USOC is against the spirit of an open tournament and is an unjust decision based on the following factors:

- The Cosmos completed the entry paperwork for the 2018 USOC ahead of the December 29, 2017 deadline;
- U.S. Soccer accepted the application and accepted the entry fee payment from the Cosmos;
- Indy Eleven and North Carolina FC are being allowed in the tournament, despite having moved from NASL to USL (with Indy Eleven doing so after the December 29 entry deadline);
- There are several teams (LAFC, Nashville SC, Las Vegas Lights FC, Fresno FC) that will be participating in the 2018 USOC despite the fact these clubs never fielded teams before 2018;
- Miami won the 2017 NASL Spring and Fall seasons and the Cosmos played in the 2017 NASL Championship Final; and
- Besides receiving automatic entry into the 2018 USOC, certain MLS and USL franchises (Portland Timbers, New York Red Bulls and Oklahoma City Energy) have been allowed to field 2 teams each in the 2018 USOC.



It is my belief that U.S. Soccer should consider serious changes to the policies governing the USOC including:

- (i) prohibiting clubs from entering multiple teams in the USOC regardless of their professional or amateur status;
- (ii) either using sporting merit-based qualification factors for all entrants in the USOC or allowing all entrants to enter the USOC directly (as opposed to the current practice of only using sporting merit to determine non-pro league entrants); and
- (iii) taking steps to ensure that the Open Cup Committee is acting in the best interests of U.S. Soccer and in the spirit of open and fair competition upon which the USOC is based, and not solely in the best interests of certain individual stakeholders.

I note that USL's representation on the Open Cup Committee is unfair in that the USL also operates the Premier Development League (PDL) which qualifies through the Open Division. The USL's position on the Open Cup Committee allows the PDL to have inordinate representation as the remaining Open Division constituents such as the NPSL do not have commensurate representation on the Open Cup Committee. It is my understanding that this differential in representation led the Open Cup Committee to allocate more berths to PDL teams in the 2018 USOC than to NPSL teams, despite NPSL consisting of approximately **92 teams** and PDL consisting of **66 teams**, I believe.

I ask that the Board review the concerns I have raised and take immediate action to remedy the exclusion of the Cosmos, Armada and Miami via one of the following options:

- (a) removing the first-year clubs consisting of LAFC, Nashville SC, Las Vegas Lights FC and Fresno FC from the 2018 USOC;
- (b) removing the subsidiary teams of the Portland Timbers, New York Red Bulls and Oklahoma City Energy FC (all of which play in the PDL) from the 2018 USOC; or
- (c) any other equitable resolution which allows the three NASL clubs to compete in the 2018 USOC.

I urge the Board to make such a decision by no later than March 21, 2018, as the Cosmos, Armada and Miami, need time to finalize plans to compete in the 2018 USOC or pursue other possible courses of action.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rocco B. Commisso".

Rocco B. Commisso
Chairman

cc: U.S. Soccer Board Members – *via Email*