

PROTECTING YOUR POSSIBILITIES PODCAST WITH LUKE FEDLAM

Episode 68: NIL: An athlete's perspective | April 13, 2022

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Luke: I'm sports attorney Luke Fedlam, and welcome to the Protecting Your Possibilities podcast. Each conversation we focus on sharing information and having conversations around how athletes can best educate and protect themselves or their life outside of their sports.

Thank you so much for tuning in to the Protecting Your Possibilities podcast. I'm your host, Luke Fedlam. And I know I always say I'm excited about this episode. But this one actually is, is really a special episode I'm really excited for we've got a great guest with us. And as you know, we've been having different episodes in the past where we've talked about name, image and likeness. And a lot of times, given the Protecting Your Possibilities theme of our podcast, it's always about how do we protect student athletes when it comes to name, image and likeness? How do we use education to be able to do that. But I thought it would be important for us to have, let's have a conversation with a student athlete who is participating in different ways and name, image and likeness. And just talk a little bit about it and really have much more of an in depth conversation around all that goes into it. So if we had extra sound, I would say drumroll, please. But you can just imagine that in your mind. I'm excited to welcome to the show today. From The Ohio State University men's basketball team number three, he's a guard from Conyers, Georgia. Eugene Brown, the third. Gene, what's up my man?

Eugene: Man? How are you doing?

Luke: Good? I'm good. How are you doing?

Eugene: Good, good.

Luke: Excellent. So we've had these conversations. I'm really excited. You know, thank you so much for being on the show today. We've had some of these conversations around name, image and likeness, and know that you're really getting involved in different ways, just from a broad perspective, and to kind of set the stage for our audience and for our listeners, as a student athlete, when you first heard about name, image and likeness. And you heard that you were going to be able to earn money off of your name, image and likeness. What was your reaction? And what does it mean to you?

Eugene: I think my initial reaction was just like, excited about the money aspect of it like, oh, yeah, we finally getting you know, some more money, stuff like that. I think my secondary reaction was kind of like, oh, focus on your socials, by make sure they're good stuff like that, like, just try to keep a good image that you have on your socials.

Luke: Yeah, so you bring up social media. So, what has that been like for you? Maybe tell us before NIL? How did you approach social media, your social channels? And then now that NIL

is a thing as the way in which you've engaged in social media, has that changed? And if so, how has that changed?

Eugene: Yeah, I think so. I think before it was kind of just social media for me, my friends, you know, like, stuff like that. But like after NIL, like kind of turned into a social media for, you know, companies looking, you know, business opportunities, stuff like that. So I tried to keep my audience more engaged, you know, try to get my following up. Stuff like that.

Luke: Okay, so let me assist that. Let me try to help you out. So why don't you share with people? How can people find you on social media? If they want to say, Okay, who is this guy Luke's talking to? And they want to find you on social? Why don't you share your social information?

Eugene: They could find me on Instagram at Eugene Brown, three, underscore, same thing from our Twitter, and then tick tock is Gene Brown three underscore everything pretty much the same.

Luke: All right, sounds good. We'll be sure to put that in the show notes. So you can check out the show notes and find all of Gene's social media handles. So let's take a step and think about this from the perspective of engaging in name image and likeness. What is it that you have done to try to engage in NIL? What have you done to find opportunities for yourself, have opportunities kind of found you directly? What is that experience been like, as a student athlete?

Eugene: Some of it's been just, you know, DMing companies as professionally as possible, and Instagram, just trying to get them to respond. I mean, that's worked a couple of times too. Some of it is having like an agent or a marketer that, you know, finds these deals has connections, and then they bring them to you. And that's pretty much the two ways that I've been finding deals for myself. I mean, sometimes my mother will somehow find a deal and send it to me. So just things like that.

Luke: Yeah, absolutely. Shout out to your mom, Stephanie, who I know is listening in when this airs, I think you bring up really good points. And that's something that is really important for student athletes to understand when thinking about engaging in name, image and likeness, to be involved. You have to engage in this business side have name, image and likeness. And so something that Gene mentioned was reaching out and sending direct messages or DMs to various companies and brands that interest you. And that's a great way to get started to say, Hey, this is who I am. I like your brand, or I enjoy your brand. I use your product or your service, I'd love to talk more about getting involved in name, image and likeness. Just out of curiosity, what were some of the responses that you got in doing that? And what kind of feedback were you getting from companies when you reached out directly.

Eugene: See, a couple of companies were just like, you know, they seen - it didn't really respond. You know, other companies asked for an email, some companies just started like DMing me directly back and we just kind of went from there on in terms of like creating a contract, stuff like that. So, you know, I've had a variety of like responses to that. But, I mean, I still think it's pretty good way to go.

Luke: Yeah, yeah. So I gotta throw in there. As I put my lawyer hat on for this, one of the things that we talked to student athletes about is how, when companies reach out to you in your DMS, what you want to make sure is that why you engage in the conversation, then you always ask them ultimately, before you agree to anything on social media, and your direct messages that

you ask them to put it in writing and email it to you. That way you have a contract that you can review and make sure that the terms that are actually in the contract align with what it is that they're saying, as you go back and forth on social media. So I got to ask this question. I think a lot of people that I talked to are curious. When you think about name, image and likeness, like how much work do you feel like you've put in when you think about name, image and likeness and how you engage?

Eugene: It does it feel like I've put in a decent amount of work, because there's been times where, you know, I have to go to a meeting or need somebody talk to somebody about a deal or do something for a deal, and I just don't really feel like doing it. So in that sense, I kind of feel like I've done a lot of work for NIL just going out and doing hands on type of stuff like appearances, stuff like that.

Luke: Yeah. And so what's been exciting for you, and when you look back over the past, you know, 10-11 months, obviously went through the entire basketball season, if you could share with our audience, what has excited you or is there anything that's really kind of been an eye opening moment, or just a fun, exciting moment related to name, image and likeness over this past year?

Eugene: Most recently, I got this deal going with Ricart. So we're doing the you know, contract stuff like that now, but you know, when I was there, touring their facilities and everything, Rick Ricart, you know, the owner and everything. He had this big raptor truck, he had like this little rocky dirt mound called, like raptor ridge or something like that. And he took me in the truck, and then took the truck over you know the little dirt course or whatever. Like, basically like a test course for trucks. And I know a lot of like, it felt like a roller coaster like was going at in a truck, like, fun, exciting that I probably remember for a while.

Luke: Oh, wait. So thanks for sharing that. Because I think that's one of the things that a lot of times people don't understand when it comes to name image and likeness, which is, it's more than necessarily just doing the deal, because as you said, you're still working through all the details on that. But it's also about the experience. And so being able to meet with business owners, and in this instance, the business is a car dealership ownership group. And when you think about getting exposure, you get to meet CEOs and other business executives, entrepreneurs, so that you get exposed to kind of the business in addition to just the actual deal itself. Yeah, no, that's great. So what kind of advice have you received as it relates to name, image and likeness? Either from you know, you mentioned your mom earlier, either from your mom or from other teammates from other people that you trust? What types of advice have you received? And, and maybe what has been advice that has really been helpful for you as you've navigated being a student, and being an athlete, and then now also really being a business owner of this NIL business that's going on around you?

Eugene: Well, first, I've got tons of advice. I've gotten tons of advice from numerous people, some people's probably input didn't even matter, but I just had tons of advice. But I think the best advice was probably like, early on, my mother telling me like, you don't have to take every deal. Everybody was so eager to get stuff, get deals get money. So you know, her told me I don't take every day, it was like a good reminder to have just throughout the whole process, because not every deal is worth your time, or it's just not a good deal. So.

Luke: Yeah, and how do you balance that? How do you balance the idea of first of all being patient, right? Because you're right, and I've seen it across the country student athletes want to do as soon as an NIL deal comes their way, especially the first one, they want to jump on it and

do it because like you said, most student athletes think about NIL and think about the money aspect. So, but how do you kind of balance the idea of wanting to get paid and wanting to do deals, but also having the patience to not just jump at anything? And recognizing like, you know, kind of balancing that, that being driven, being driven to really focus on NIL, but at the same time, not just take anything that comes your way.

Eugene: I think the balance is kind of focus on whatever sports you're doing, and the deals will come. And then at that point, you can sift through and talk to the right people that you need to talk to, and then figure out the best deals for you to take. But I think just kind of sitting back and letting most of them come to you was a good way to just fine balance for me.

Luke: Yeah, yeah. So as you're talking to brands and companies and people who have reached out to you directly or through your DMs or through your family members and others, how do you kind of see the decisions being made by companies to want to do deals with you? So when you think about deals that you've done, what is it that the brand or the company, the business owner, what is it that they were looking for? And what is it that they saw in you to say we want to do a deal? Where Eugene Brown the third?

Eugene: Yes, it is just like probably the just the social media part of it. I'm not like a standoff guy like I'm community, I talk to people, you know, I'm kind of friendly. So I think just that kind of personality allows for companies to offer me these deals, and then I'm able to portray it in a way that people would accept it or like it through my social media,

Luke: I think you need to say that, again, a little bit louder. For the people in the back, what he just said is so spot on. And it's this idea of being professional, of being open and communicating. A lot of times, if you're an athlete listening to this, you know, the amount of pressures that you have people who always want to talk to the celebrity status that you enjoy as an athlete, but taking the time to, especially when it comes to NIL, to be open, to be humble, to be aggressive about the things that you want to do. But to be able to communicate and have conversation is so important.

Here's the honest truth, we know that most college student athletes will not play professionally. And name, image and likeness creates an opportunity to earn compensation that can really set you up for success after you're done with school. And having those conversations and being open to it and going and touring facilities like Gene mentioned earlier, and taking the time to meet the owners and business leaders that can lead to job opportunities, shadowing opportunities, internship experience, and so much more that can be helpful and beneficial. And that's why I think a lot of times people get caught up in name, image and likeness, just being those big branding deals that we see nationally. But it's so much more than that. It's the opportunity for young people to get exposed to the business side of sports and all that's going on around them. I mean, from your perspective, what would you say in terms of kind of your business acumen or your understanding of kind of this business world now, whereas before, your focus was a I'm gonna be a student, I'm going to play basketball and my social media is going to be all about me and my friends. But now you're very much a business owner, and what's that been like for you?

Eugene: Um, it wasn't too much of a change. I guess the biggest thing was finding other forms of social media that aren't as public to kind of my personal fun on, I guess you could say. So just keeping the main ones like Instagram, Twitter, keeping us professional as possible, just focusing on checking DMs, or research or companies when they email you stuff like that. So just

kind of gaining knowledge as I go on, and just keeping the right people around me to help me, you know, sift through everything that's going on.

Luke: Absolutely. So when you say, keeping the right people around you, please don't feel like you need to name names, but just like, what are the types of people that you have around you, as you think about navigating name, image and likeness?

Eugene: A lawyer just for protection of deals, contracts, just trying to find, keep my best interest, I have a marketer, that's basically someone that's looking for other deals, you know, just trying to bring deals to me find me money, connect me to CEOs, stuff like that. So you said, and then just my parents and family, like sometimes of a company, DM me on Instagram on, you know, screenshot and send it to them and family group chat, like, hey, what do you guys think it is, you know, get mixed response and stuff like that. So just having a support system around you, you know, makes everything easier.

Luke: Yeah, yeah, absolutely. And, you know, obviously, I lean in on that lawyer, one, obviously, with what I do every day. That's what it's all about, and having someone who can review contracts, review agreements before they're signed. But you also mentioned, kind of having a marketing person. And that's a question that does arise frequently, where student athletes are determining whether they should have a marketing agent who's out there trying to find them opportunities and find them deals, what has that experience been like for you both the selection process of deciding if you're going to work with a marketing person or a marketing agent, and then also just kind of the relationship aspect now. So now that you are working together, how has that been helpful for you, and anything that you can share from that perspective?

Eugene: I think on the first side of it, trying to find one, I didn't want somebody that had a lot of people underneath their, like marketing team or whatever. So they have 50 people that they're all trying to find deals for, like, everybody's not going to get the amount of deals that they want. So I was trying to find someone you know, that was good at what they do, but you know, not huge in the market. And I actually met Chris Fields with NIL Pro, doing a deal with my teammate, Justin. And they had like extra spots, you know, just ask the guys like, yeah, who wants to do this? You know, I said, Yeah, and then we met after that, like we were just communicating. So now that we're here, and the relationship has been, you know, great. He just made deals, connects me to the right people. And just kind of just like ongoing relationship.

Luke: That's great. You know, when it comes to marketing agents, I think it is really important. Some of the things that Gene mentioned, really hit home from the perspective of when you're selecting a marketing agent, you should really understand how big is that agency. Do they have a lot of athletes that they're working with? Or do they just have a few? Are they a big agency with a lot of agents or do they just have one or two agents. And neither of these are good or bad things. It's just a matter of what is it that you're individually. What are you looking for? If you know that you want individualized attention, then you're going to probably want to be at a place that has a fewer number of athletes that they're representing. And it's just helpful for you to think about what are the services that I want. What is it that I want this marketing agent to provide to me? And are they established, structured and set up in a way that they'll be able to provide me with kind of the attention and the focus that I'm really looking for in this relationship?

Alright, so we've covered a bunch of different topics, I want to just get a sense broadly of where do you see, I get this question asked a lot of me, I want to turn it back to you as a student athlete. Where do you see name, image and likeness going? I don't want to make this some

really hard, challenging question for you. I just want to get a sense. How do you see yourself growing in name, image and likeness? And just generally speaking, thinking about how much has changed over the last 10 months of name, image and likeness, kind of where do you see things going?

Eugene: I think in the coming years name, image likeness is gonna be huge. Because there's still like companies that haven't even heard of name, image and likeness and have never did a deal. So like, for example, like apartments, like they've never heard of name, image or likeness, like, and it's early. So you know, the next couple of years, they might have deals flowing for multiple people like it's just the amount of companies that haven't heard of it, I feel like it can be huge and great for student athletes.

Luke: Really a great point made because we have conversations with a lot of different companies who want to engage in this name, image and likeness world but don't understand it don't know that much about it don't know how it works. So that's why I feel like great advice, Gene, that you can share with student athletes, which is the idea of reaching out to companies, sometimes it's going to help educate them, on fact that student athletes can be paid as brand ambassadors as endorsers, as social media influencers. And again, this is something where when you think about it, from the business perspective, the business world for the last 70 years has been told, don't give any impermissible benefits, don't pay student athletes, don't give them anything. And now over the last 10 months, that is completely shifted and flipped on its head where now yes, you can engage with student athletes the key and this is my public service announcement for all athletes who are listening in for brands and companies. The key in all of this is that there has to be a quid pro quo. Basically what that means is there has to be if the company or the brand is providing any type of benefit, financial, in kind, then the student athlete has to provide a service and so if the student athlete is providing a service, and that company or brand is providing compensation, then there you have a name, image and likeness, opportunity. So, Gene man, listen, thank you so much for taking the time. Any last comments, anything else that you want to share about your experience in NIL? Or just generally tell our audience

Eugene: No, not really just to other companies? You know? Um, yeah, my socials, y'all can contact me if you need to order student athletes, same thing. So that's all I got.

Luke: use that platform and use that platform? Listen, I've been here with you, Eugene Brown, the third, number three for The Ohio State University men's basketball team. Congratulations on a great season a great year. Thank you so much for sharing with our audience how you have navigated name, image and likeness. And again, check out the show notes. You can find all of his social media handles, we'll get those added in there and see we look forward to having you on the Protecting Your Possibilities podcast again real soon.

Eugene: Yes, sir. Thank you.

Luke: Absolutely. Thank you guys for tuning into the Protecting Your Possibilities podcast. Feel free to share this with anyone in your network. Because again, we just want to be able to share good high quality information with everyone who's listening. Again, thank you for tuning in. And we'll talk again real soon. Make it a great day.

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