

## FIRST AMENDMENT TO DATA ACCESS AGREEMENT

**THIS FIRST AMENDMENT** of the Full Service Data Access Agreement (“Agreement”) with an effective date of November 13, 2006, is made by and between **NATIONAL CENTER FOR SAFETY INITIATIVES, LLC**, a Delaware limited liability company (“NCSI”) and **USA TRIATHLON** (“Company”). NCSI and Company are referred to in this Amendment collectively as the “Parties” and individually as a “Party.”

1. **Amendment to the Agreement.** Schedule A of the Agreement shall be amended effective January 1, 2011, to read:

### SCHEDULE A – Criterion Offenses

Convictions of, disclosures of convictions of, and pending dispositions for any of the following crimes will prompt a determination that an applicant ‘does not meet’ the criminal background screening criteria and a red light determination will be issued:

- R1. Any felony (any crime punishable by confinement greater than one year)
  - a. Defined on the basis of exposure to the offense for which the defendant was convicted, pled guilty or pled nolo contendere. If pled down, then the crime to which the defendant ultimately pled.
  - b. Defined as all crimes punishable by greater than one year in jail or prison, regardless of how characterized by jurisdiction. If range, alternate sentencing, or indeterminate sentencing, outer range > one year.
- R2. Any lesser crime involving force or threat of force against a person.
- R3. Any lesser crime in which sexual relations is an element, including “victimless” crimes of a sexual nature (including pornography).
- R4. Two (2) or more lesser crimes within the past seven (7) years involving controlled substances (not paraphernalia or alcohol).
- R5. Any lesser crime involving cruelty to animals.
- A6. Two (2) or more DUI’s within the past seven (7) years.

**2. Legal Effect.** This Amendment shall amend, modify, and supersede the provisions of the Agreement. The amended Schedule A – Criterion Offenses will be applied to any Company or applicant applications received in the NCSI system on or after January 1, 2010. Except as expressly modified in this Amendment, all terms and conditions of Agreement shall remain unchanged and in full force and effect. Capitalized terms used in this Amendment and not otherwise defined shall have the meaning defined in the Agreement.

IN WITNESS THEREOF, Company and NCSI have each caused this Amendment to be executed by their respective duly authorized representatives as of the Effective Date.

USA TRIATHLON

By:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address for Notices:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

NATIONAL CENTER FOR SAFETY  
INITIATIVES, LLC

By:

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