



**UNIVERSITY OF CENTRAL FLORIDA
PUBLIC INFRACTIONS REPORT
JULY 31, 2012**

A. INTRODUCTION.

On April 13, 2012, officials from the University of Central Florida (Central Florida), the former director of athletics (for the purposes of this report, "director of athletics") along with his legal counsel, a former assistant football coach (for purposes of this report, "the assistant football coach") and his legal counsel, the head men's basketball coach ("head basketball coach") and an assistant men's basketball coach ("assistant basketball coach") with their joint legal counsel, appeared before the NCAA Division I Committee on Infractions to address allegations of NCAA violations in the football and men's basketball programs.

This case centered on an ever-increasing problem in intercollegiate athletics today, the involvement of outside third parties with prospects and student-athletes, particularly in the "flagship" sports of football and men's basketball. These third parties often assume the roles of so-called runners or handlers when they are associated with sports agencies. Acting on behalf of their employers, they seek to ingratiate themselves with prospective student-athletes and student-athletes who might have a future in professional athletics. In their attempts to involve themselves into the lives of elite athletes, these runners and handlers often provide impermissible benefits in order to obtain the allegiance of prospects and student-athletes.

Most agents and their associates attempt to act surreptitiously so as not to be detected by institution officials and the NCAA. However, in this case, and particularly troubling to the committee, was the fact that the impermissible activity undertaken by these third parties was both known by athletics department personnel, and, in some cases, encouraged by them. Specifically, here the third parties were also assisting the institution in its recruitment of prospective student-athletes. This activity was known by athletics department staff, chief among them the director of athletics who not only allowed the third parties to become involved with the institution's recruiting, but also developed a friendship with at least one of them. The director of athletics' acceptance of these individuals, served to "legitimize" them in the eyes of the institution's coaches.

The committee notes that the investigation was hindered by the fact that none of the outside third parties in this case cooperated with the investigation; all refused requests by the enforcement staff and the institution to interview them.

The 2003 University of Michigan (Michigan) case had some similarities to this case. In its May 8, 2003, Michigan decision, the committee wrote the following:

During the hearing, there was discussion regarding the reasons why individuals such as this athletics representative are accepted (if not embraced, as demonstrated in this case) by college coaches. With regard to this issue, the institution wrote the following about the activity of the representative at the center of the 2003 case:

There are individuals who, like (the athletics representative), closely follow top prep basketball in their communities and develop relationships with the prospects long before colleges begin recruiting them in their senior year of high school. Whether accurate or not, many college coaches perceive individuals like (the athletics representative) to be influential in a prospect's decision on which school to attend. The coaches believe that if they want to successfully recruit prospects, they must be courteous to those individuals and treat them with respect..."

The committee wrote the following in response:

The committee understands this position as long as no violations of NCAA legislation result. However, in this case, it was clear to the committee that this athletics representative was treated with more than simply "respect" and "courtesy." The institution's men's basketball staff treated this individual with great deference, extending privileges and benefits that are usually reserved for only the most highly regarded individuals associated with the institution's athletics programs. The committee could not help but conclude that such treatment only served to encourage the athletics representative in his illicit activities relative to prospects and student-athletes.

With regard to the question of how member institutions should relate to such persons, the following exchange took place between a committee member and the University of Michigan's president at the hearing:

COMMITTEE MEMBER: What does the enforcement staff, university, and Big Ten Conference think should be the obligation of the university? Is it these guys are out there and you need to recruit and they're just a "necessary evil" so you've got to, you know, deal with them? Or should we have some level of higher standard about when you know they're there, that sort of relationship is just, you know, right for what turns out?

PRESIDENT: I'll be happy to address that. I can't speak for my predecessors but I can certainly speak for myself. Of course it's not acceptable. I don't care who the recruit is. If I knew that something like that were going on, if I knew there were even a possibility, certainly I would have a conversation with (the director of athletics) and (the head basketball coach). Because it's not acceptable.

The committee agreed with the president's position. As seen in the 2003 Michigan case, and in this case involving Central Florida, by not only accepting such individuals, but actively embracing them, an institution places itself in a very difficult position to assure conformity with NCAA legislation. In both cases, athletics representatives compromised the institutions' position and jeopardized their ability to comply with NCAA legislation.

Information about the impermissible recruiting activity by third parties on behalf of Central Florida first came to light on April 28, 2011. Reporters for *The New York Times* and ESPN.com contacted the institution about stories they were drafting which chronicled the activity of an individual from Chicago who was involved in the recruitment of prospective student-athletes by Central Florida. This individual ("representative 1"), has a criminal record with multiple felony convictions. He also has ties with a well-known sports agency based in New Jersey ("the agency") and was involved in non-scholastic basketball in the Chicago area.

Also on April 28, the enforcement staff contacted the institution about possible violations involving representative 1 and his relationship with prospective basketball and football student-athletes. *The New York Times* published the first article on April 29, 2011, and ESPN.com followed with an online article on May 2, 2011. These articles also identified a second individual, a resident of Louisville, Kentucky ("representative 2"), as being associated with representative 1.

NCAA Bylaw 13.02.14 provides the definition for a representative of an institution's athletics interests (athletics rep or representative). The investigation revealed that representative 1 engaged in two activities, which made him a representative of the institution's athletics interests, each of which occurred after he became known to members of the coaching staff and athletics administration. First, he contacted prospects and encouraged them to attend Central Florida. Second, he provided benefits to student-athletes. His contacts with prospects were known by the institution as early as March 2009; as a result, from that point forward, the institution was responsible for his activities under NCAA legislation. Representative 2, an associate of representative 1, also engaged in impermissible recruiting activity on behalf of the institution. Both representatives inserted themselves into the institution's recruiting process for football and men's basketball by, among other things, contacting prospects and encouraging them to consider attending Central Florida, suggesting they (the representatives) had unusual

influence over the institution's athletics program, continuing to suggest to recruits that they consider the institution even though they were not interested in the school, sending transcripts and other materials to the institution's coaches and encouraging them to consider prospects, and providing impermissible recruiting inducements.

In addition to the impermissible recruiting activity by representatives 1 and 2, and the extra benefits provided to student-athletes by representative 1, the joint investigation which followed the publication of the *New York Times* and ESPN.com articles supported the following violations: 1) Unethical conduct by institutional personnel; 2) An impermissible attempt to arrange employment for the mother of a prospect; 3) A failure to monitor by the head men's basketball coach and; 4) A lack of institutional control.

A member of Conference USA, the institution is one of the largest public institutions in the nation with an enrollment of approximately 58,600 students. The institution sponsors six men's and 10 women's intercollegiate sports. This was Central Florida's third major infractions case, the institution most recently having been involved in a football case adjudicated in 2010 on the written record through summary disposition. Because of its 2010 case, the institution was considered a "repeat violator" under NCAA legislation. The institution's other case occurred in 1985 and involved the men's basketball program.

B. FINDINGS OF VIOLATIONS OF NCAA LEGISLATION.

1. IMPERMISSIBLE RECRUITING ACTIVITY BY OUTSIDE PARTIES. [NCAA Bylaws 13.01.4, 13.1.2.1, 13.1.2.4-(a) and 13.1.3.5.1]

Between March 2009 and July 2011, representatives 1 and 2 assisted the institution in the recruitment of six men's basketball and five football prospective student-athletes by promoting the institution's athletics programs. As specified below, at times, certain institutional staff members were aware of representatives 1 and 2's activities; at other times, institutional staff members involved them in the recruitment of specific prospective student-athletes. As a result of these activities, representatives 1 and 2 became representatives of the institution's athletics interests and committed violations of NCAA recruiting legislation. Specifically:

- a. Representatives 1 and 2 assisted the institution's men's basketball coaching staff with the recruitment of six men's basketball prospective student-athletes as follows:

- (1) In March 2009, representative 1 had telephone and in-person, off-campus recruiting contact with a then men's basketball prospective

student-athlete ("prospect 1"). A former assistant men's basketball coach was aware of representative 1's contacts with prospect 1.

- (2) From December 2010 to July 2011, representatives 1 and 2 had telephone and in-person, off-campus recruiting contact with a men's basketball prospective student-athlete ("prospect 2"). The head basketball coach and an assistant basketball coach were aware of these recruiting contacts.
- (3) From March to May 2011, representative 1 had telephone and in-person, off-campus recruiting contact with a men's basketball prospective student-athlete ("prospect 3"). In April 2011, representative 2 had telephone recruiting contact with prospect 3. The head basketball coach, an assistant basketball coach and the director of athletics were aware of these recruiting contacts.
- (4) From October 2010 to April 2011, representative 1 had telephone recruiting contact with a men's basketball prospective student-athlete ("prospect 4"). In March 2011, representative 2 had in-person, off-campus recruiting contact with prospect 4.
- (5) In November 2010, representative 1 had telephone and in-person, off-campus recruiting contact with a men's basketball prospective student-athlete ("prospect 5").
- (6) In January 2011, representative 1 had telephone recruiting contact with a men's basketball prospective student-athlete ("prospect 6").

b. Representatives 1 and 2 assisted the institution's football coaching staff with the recruitment of five football prospective student-athletes as follows:

- (1) From December 2010 to July 2011, representatives 1 and 2 had telephone and in-person, on- and off-campus recruiting contact with a football prospective student-athlete ("prospect 7"). The assistant football coach and the director of athletics were both aware of the recruiting contacts that representatives 1 and 2 had with prospect 7 and also directly involved representatives 1 and 2 in prospect 7's recruitment.
- (2) From December 2010 to July 2011, representatives 1 and 2 had telephone and in-person, off-campus recruiting contact with a

football prospective student-athlete ("prospect 8"). The assistant football coach and the director of athletics were aware of the recruiting contacts that representative 1 and the associate had with prospect 8, and also directly involved representative 1 and the associate in prospect 8's recruitment.

- (3) From January 2010 to July 2011, representative 1 had telephone and in-person, on- and off-campus recruiting contact with a football prospective student-athlete ("prospect 9"). The assistant football coach was aware of these recruiting contacts.
- (4) From January 2010 to July 2011, representatives 1 and 2 had telephone and in-person, on- and off-campus recruiting contact with a football prospective student-athlete ("prospect 10"). The assistant football coach and the director of athletics were both aware of the recruiting contacts representatives 1 and 2 had with prospect 10, and also directly involved representatives 1 and 2 in prospect 10's recruitment.
- (5) From March to May 2011, representative 1 had telephone recruiting contact with a football prospective student-athlete ("prospect 11").

Committee Rationale

The NCAA enforcement staff and the institution were in substantial agreement as to the facts of this finding and that the violations occurred. The enforcement staff believed that all of the violations should be classified as major. The only issue was the institution's belief that Finding B-1-a-(5) and B-1-a-(6) should be classified as secondary. If taken in isolation, Findings B-1-a-(5) and B-1-a-(6) might be considered secondary. However, the committee concluded that Findings B-1-a-(5) and B-1-a-(6) were part of a pattern of recruiting violations (involving representatives 1 and 2) that were major in nature. The issue of whether those two findings were secondary or major was immaterial to the overall seriousness of Finding B-1. The committee finds that the violations occurred and that they were major.

As background, from the evidence developed in the investigation, it appeared that representative 1 first became involved with the institution in the spring of 2008. At that time, a former assistant men's basketball coach reported that he was "looking for a guard" and as part of that effort, had a conversation with a fellow assistant basketball coach at another institution. This fellow assistant coach, a native of Chicago, informed the former assistant men's basketball coach that representative 1 was involved with a Chicago

nonscholastic team, and had "a couple of guards" who might be of interest to the former assistant men's basketball coach. Subsequently, the former assistant men's basketball coach spoke with representative 1 who in turn, identified a current men's basketball student-athlete ("student-athlete A") as a potential prospect. Student-athlete A, at that time, was a member of representative 1's nonscholastic team. The recruitment of student-athlete A included an official visit to campus, which took place during the spring of 2008. Representative 1 accompanied student-athlete A on that visit. It was during student-athlete A's visit that representative 1 first met the director of athletics. Student-athlete A subsequently enrolled at the institution for the fall term of the 2008-09 academic year. Subsequently, representative 1 became a frequent presence on the institution's campus and a person with whom the director of athletics and coaches in both football and men's basketball had contact via email and telephone. In fact, representative 1 became so enamored with Central Florida, that he enrolled his son ("son of representative 1") at the institution in the fall of 2009.

While representative 1's involvement with the institution began with student-athlete A, it later expanded to other men's basketball and football prospects, including prospects who were not on the nonscholastic team with which representative 1 was affiliated and did not live in Chicago. Representative 1's recruiting activities were so specifically directed in favor of the institution that several prospects and parents thought representative 1 was a member of the coaching staff. It appeared that representative 1 involved himself with these prospects for at least two reasons. First, over time, representative 1 gained perceived importance and insider status from the institution through his relationship with the director of athletics. Many of the prospects interviewed commented on the fact that representative 1 touted this relationship. It was also evident that representative 1 was making an effort to develop a network of relationships with prospective student-athletes, and, in turn, expand his sphere of influence within the collegiate coaching community.

Finding B-1-a-(1)

With specific reference to Finding B-1-a-(1), prospect 1 was a 2009 men's basketball prospective student-athlete from the Chicago metropolitan area. It appeared that the relationship between representative 1 and prospect 1 likely originated from nonscholastic basketball in Chicago, although prospect 1 did not compete on the team with which representative 1 was affiliated. In the spring of 2009, the institution was involved in recruiting another prospect from the Chicago area who subsequently enrolled at Central Florida and is currently a member of the men's basketball team ("student-athlete B"). Both prospect 1 and student-athlete B were friends with student-athlete A through their participation in nonscholastic basketball in Chicago. While recruiting student-athlete B, the former assistant men's basketball coach had a conversation with representative 1 about student-athlete B. During that conversation, representative 1 said that prospect 1 and student-athlete B were interested in attending college together. As a result of this

conversation, the former assistant men's basketball coach likely concluded that if the institution successfully recruited prospect 1, it would increase the chances of signing student-athlete B. The institution then began recruiting prospect 1.

On March 22, 2009, the former assistant men's basketball coach had in-person, off-campus contact with prospect 1 at prospect 1's home. Representative 1 was present during this visit. Prospect 1 and student-athlete B made official visits to the institution March 25-27, 2009. Both signed National Letters of Intent (NLI) with the institution in April 2009 and initially enrolled at the institution in the fall of 2009.

The head men's basketball coach at the time ("former head men's basketball coach") and the former assistant men's basketball coach admitted that the institution would not have recruited prospect 1 had not representative 1 suggested that they do so. As agreed to by the institution, it is representative 1's involvement in prospect 1's recruitment that initiated representative 1's status as a representative of the institution's athletics interests.

Finding B-1-a-(2)

With specific reference to Finding B-1-a-(2), after transferring from an Indianapolis high school in 2010, prospect 2 obtained a high school diploma from Jefferson County High School¹ (Jefferson County) in Louisville, Kentucky, at the conclusion of the fall 2011 term. On January 1, 2011, prospect 2 made an oral commitment to attend Central Florida. However, at the time this case was heard, prospect 2 had not yet enrolled in college.

Prospect 2 reported that the institution first began recruiting him in the fall of 2010 while he was still attending high school in Indianapolis and that a current assistant men's basketball coach made the initial contact. Prospect 2 acknowledged that he knew representative 1. He said they met when representative 1 approached him after a nonscholastic basketball game (he believed during the summer of 2010) and complimented him on his play. Prospect 2 said after that initial meeting, representative 1 began calling him on a frequent basis. Prospect 2 reported that in their initial conversations, representative 1 always talked about (a Chicago area Division I institution) and how he (representative 1) "would like to see that program get back up." Prospect 2's uncle also reported that he (the uncle) had contact with representative 1 and he confirmed that representative 1 was advocating the Division I institution in the Chicago area. At some point during prospect 2's recruitment, however, the focus of representative 1's interactions with prospect 2 began to center around Central Florida.

¹ Jefferson County High School is an alternative school which provides the opportunity to earn a high school diploma through online correspondence courses. The school charges tuition fees for enrollment.

Institution records show that on December 14, 2010, the head basketball coach initiated a telephone call with representative 1. The head basketball coach reported that during that call, prospect 2 was connected for a three-way conversation by representative 1. After the three-way call was initiated, the head basketball coach, representative 1 and prospect 2 had a conversation that the head basketball coach said lasted approximately 30 minutes. Prospect 2 denied that this conversation took place and further stated that he did not believe that the head basketball coach and representative 1 "knew each other.

Prospect 2 made his official visit to the institution between December 30, 2010, and January 1, 2011. In addition to his official visit, prospect 2 also took an unofficial visit to the institution between April 15 and 17, 2011. Additionally, institutional records show that the men's basketball staff engaged in the following off-campus recruiting activities with prospect 2.

January 12, 2011 - (Evaluation at the Indianapolis high school where enrolled);

January 28, 2011 - (Evaluation at an Indianapolis area high school game);

February 22, 2011 - (Evaluation at an Indianapolis area high school game);

March 17, 2011 - (Contact at hotel), and

April 10, 2011 - (Contact at home)

Further, representative 1 and the assistant basketball coach called each other on 45 separate occasions between December 20, 2010, and January 7, 2011. (Prospect 2 made his official visit to Central Florida on December 30, 2010.) Representative 1 and the head basketball coach called each other 18 separate times between April 12, 2011, and April 20, 2011. (Prospect 2 made his unofficial visit to Central Florida on April 15, 2011.)

Prospect 2 reported that representative 2 was present on March 24, 2011, when prospect 2 and his sister enrolled at Jefferson County. Prospect 2 further reported that he and representative 1 spoke on the phone that day regarding the enrollment process. As set forth in Findings B-2-f and B-2-g, representative 1 paid the tuition fees at Jefferson County for both prospect 2 and his sister.

Finding B-1-a-(3)

With regard to Finding B-1-a-(3), prospect 3 is a 2011 graduate of a Georgia high school. In November 2010, he signed a NLI with a Southeastern Conference institution, but was later released from his NLI commitment. Prospect 3 enrolled at another Division I institution for the 2011-12 academic year.

Prospect 3 reported that subsequent to his release from his NLI, he became interested in the institution through a relationship he had formed with prospect 2. Prospect 3 reported

that prospect 2 talked to him about the institution and about representative 1, who prospect 2 said was "one of the coaches at Central Florida." According to prospect 3, after prospect 2 spoke to him about representative 1, he received a phone call from representative 1. He recalled taking the call while he was at his high school and that he and representative 1 talked for "10 to 15 minutes."²

Prospect 3 said that representative 1 placed a second phone call to him the following day. During that second call, representative 1 placed a call to the institution's head basketball coach and then connected him so that a three-way telephone conversation ensued with prospect 3, representative 1 and the head basketball coach. Prospect 3 reported that he and representative 1 were on the phone for "a good five minutes" and then representative 1 added the head basketball coach to the conversation. Once the head basketball coach joined the call, prospect 3 reported that he and the head basketball coach spoke about "the school (Central Florida) and how it was coming up."

Prospect 3 reported a similar conversation with representative 1 and an assistant basketball coach at the institution. Prospect 3 stated that he and representative 1 were on a call when representative 1 said, "(the name of the assistant basketball coach) had wanted to speak" to prospect 3. Prospect 3 reported that representative 1 added the assistant basketball coach to the conversation and that the call lasted five minutes. Prospect 3 recalled that the assistant basketball coach asked him how he was doing in school and whether he (prospect 3) would like to visit the institution's campus.

Prospect 3 reported that, approximately one week after the above described three-way telephone conversations with the institution's basketball coaches, representative 1 came to Georgia to visit him and his parents. During this visit, representative 1 promoted the institution. Also, according to prospect 3, representative 1 requested that prospect 3 bring a copy of his high school transcript to the meeting (prospect 3 complied) so that representative 1 could evaluate his future eligibility status.

In addition to reporting the specific contacts above, prospect 3 and his parents also said that representatives 1 and 2 repeatedly called them during the spring of 2011, talking to them about the institution and how prospect 3 would "fit in" with the institution's men's basketball program.

The head basketball coach acknowledged that he knew prospect 3's family had a relationship with representative 1 and that prospect 3's mother had solicited "advice" from representative 1 during her son's recruitment. The head basketball coach also

² Prospect 2 was questioned about connecting prospect 3 and representative 1. He initially denied playing any role in that or ever speaking to prospect 3 about representative 1. After further questioning, prospect 2 eventually stated that he had provided prospect 3 with representative 1's contact information.

acknowledged that representative 1 was the individual who provided prospect 3's initial high school transcript to the institution's basketball staff.

Institutional records reflect that the men's basketball staff engaged in the following off-campus recruiting activities with prospect 3:

April 10, 2011 - (Contact at home in Georgia);

April 17, 2011 - (Contact with biological father in New York);

April 18, 2011 - (Evaluation/Contact at prospect 3's high school and home);

April 23, 2011 - (Contact at hotel);

April 24, 2011 - (Contact at hotel); and

April 27, 2011 - (Contact at hotel)

Further, representative 1 and the head basketball coach had 18 separate telephone calls between April 12-20, 2011. Prospect 3 made his official visit during that time.

In addition to the head basketball coach's and the assistant basketball coach's knowledge of representative 1's recruiting contacts with prospect 3, the committee concluded that the director of athletics was also aware of representative 1's involvement in prospect 3's recruitment. (See: Finding B-4) This conclusion is supported by email exchanges between representative 1, the director of athletics and the head basketball coach around the time of prospect 3's recruitment. In an April 6, 2011, email to representative 1, the director of athletics writes "...I heard about John Wall, Jr.³ from (the head basketball coach). You da man."

When asked to explain the email to representative 1, the following exchange occurred during the director of athletics' September 7, 2011, interview:

ES – Enforcement staff member

AD – Director of athletics

ES: Can you explain that to me?

AD: "John Wall, Jr?"

ES: Yeah.

AD: I had got that from (the head men's basketball coach), and he said this guy is the next John Wall.

³ John Wall was a highly-regarded men's basketball student-athlete at the University of Kentucky who competed during the 2009-10 season. He declared for the NBA draft following that season.

ES: And who is it that was the next John Wall?

AD: I guess it was the kid from Tenn – (name of prospect 3).

ES: Okay. So that's who he's referring to there?

AD: Yeah.

ES: What do you mean by, 'You da man.'

AD: It's just 'you da man.' That's all. Just a saying.

On April 16, 2011, during the weekend of prospect 3's official visit to the institution, representative 1 sent an email to the director of athletics with the subject line, "My nephew (first name of prospect 3)" stating "You've got my nephew with you today. He's the next John Wall." When asked about this email, the director of athletics stated that he received it about the time prospect 3 came to his office to meet with him.

On April 19, 2011, the head basketball coach sent an email to representative 1 containing a number of hyperlinks to Internet articles referencing prospect 3's commitment to attend the institution. Representative 1 then forwarded the email string to the director of athletics, writing "Back in the light baby."

Again, in this situation, representative 1 was involved in the recruitment of a prospective student-athlete with whom he had no logical tie. Prospect 3 was not from the Chicago area and did not participate with any Chicago-based nonscholastic programs. Prospect 3's relationship with representative 1 was initiated by representative 1 and developed as a result of representative 1's promotion of Central Florida to prospect 3 and his family. This was the second prospect in a very short time period with whom representative 1 was involved. It is reasonable to conclude that representative 1's involvement in prospect 3's recruitment should have raised concerns with the coaching staff and the director of athletics. Given these circumstances, the committee found that the institution, through the director of athletics, the head basketball coach and the assistant basketball coach, was aware of representative 1's and 2's recruiting contacts with prospect 3.

Finding B-1-a-(4)

In reference to Finding B-1-a-(4), prospect 4 is a native of Canada and is a 2011 graduate of a college prep school in the northeast. He is currently enrolled at another member institution. Prospect 4 reported that he first met representative 2 during the summer of 2010 in Las Vegas, Nevada, while participating in a summer basketball event. Prospect 4 reported that he and representative 2 struck up a conversation in the Las Vegas Airport

while prospect 4 was waiting for the coach of his nonscholastic team to pick him up. Prospect 4 said that representative 2 "worked his way in" to prospect 4's recruiting process and that he did not request representative 2's involvement. Prospect 4 reported that he and representative 2 engaged in regular telephone conversations throughout the 2010-11 academic year.

During his July 20, 2011, interview, prospect 4 reported that "after Christmastime" in 2010, representative 2 began promoting Central Florida during their telephone calls. That was discussed during the following exchange during an enforcement staff interview of prospect 4:

ES- Enforcement staff representative

P4 - Prospect 4

ES: Did (representative 2) ever mention the University of Central Florida (UCF) to you?

P4: He did actually. There was a period in time where (representative 2) spoke highly of UCF and I feel like he kind of tried to flip me to go there, but I never really responded to anything he said about UCF, so he dropped it.

ES: When was this period in time where (representative 2) as you said tried to flip you to UCF?

P4: After Christmastime, January, February. I mean it would come up periodically throughout that time. Like he'd say something and then he wouldn't talk about it for a while and then he'd be like, 'Hey, UCF,' and he'd bring it up again, but I made it pretty clear that I didn't have any interest in going to UCF especially when all the high major schools started recruiting me, but, you know, I told him I was thankful for the thought or whatever, but I wasn't really interested in UCF.

ES: What specifically did (representative 2) say to you to try to flip you to UCF?

P4: Told me about how crazy the campus was. He told me they have a huge pool. He told me about the girls. He said that the coach, what's his name? I'm bad with names today, the coach of UCF, and (name of the head basketball coach). Talked about coach (first name of the head coach) and how cool he was and how, you know, he's a great guy and all the coaches love him. They're sponsored by (company name), you know, all the different stuff you'd say if you were trying to recruit someone. He said all that stuff, but I don't know, it wasn't enough for me to go there.

Prospect 4 reported that representative 1 also talked to him about the institution, promoting it as well. Prospect 4 said, "(representative 1) always brought up Central Florida (UCF) whenever we were talking. Even if we were talking about something else, he'd be like, 'Oh, you should really think about UCF.'"

Prospect 4 reported that there were times when he and both representatives 1 and 2 would speak together on a three-way telephone call and that the two were "really convincing." Prospect 4 added that representative 2 arranged a three-way telephone conversation between himself, representative 2 and the head basketball coach at some point during the spring of 2011. The head basketball coach confirmed prospect 4's account of such a three-way call and reported that three-way conversations occurred "a couple times."

There was also discussion of the relationship between representative 1 and the director of athletics, which took place in the following exchange during prospect 4's interview.

ES: What did representative 1 tell you about his relationship with the athletic director of the University of Central Florida?

P4: Well he didn't say anything. He didn't specifically say anything about the athletic director. (Representative 1) would say stuff like, "I run shit over there", you know? Made it pretty clear that he had some type of relationship with the athletic director, but that's the only thing I really have about like things that he says. He says things in a different way.

In March 2011, after prospect 4 left his prep school, prospect 4 had a conversation with representative 2 to get advice on how he could finish his remaining course work so that he could attend college. In response, representative 2 arranged for prospect 4 to enroll in on-line classes at Jefferson County, the same "alternative" high school at which prospect 2 enrolled after leaving his Indianapolis high school. On March 24, 2011, representative 2 had in-person off-campus contact with prospect 4 at which time representative 2 accompanied prospect 4 to Jefferson County to complete his registration and pre-enrollment placement exams. Representative 1 paid for the courses taken by prospect 4 at Jefferson County. (See: Finding B-2-e)

Finding B-1-a-(5)

In reference to Finding B-1-a-(5), prospect 5 is a 2011 graduate of a prep school in the northeast (not the same prep school attended by prospect 4) and is currently enrolled at another NCAA member institution. Prospect 5 reported that he first met representative 1 in the fall of 2010 after one of his prep school basketball games. Prospect 5 reported that representative 1 was with his mother and his mentor and that when he approached after the game, representative 1 briefly introduced himself. Subsequent to their initial

meeting, prospect 5 reported that representative 1 began calling him "like once a week" and discussing Central Florida. Further, prospect 5 reported that representative 2 also began calling him after he met representative 1 and that representative 2 was "encouraging" him to go to Central Florida. Prospect 5 indicated that representatives 1 and 2 both initiated their telephone contacts with him.

During interviews with the enforcement staff in September 2011, prospect 5 discussed representative 1's contacts with him in the following exchanges:

ES- Enforcement staff representative

P5 - Prospect 5

AT – Attorney for Prospect 5

ES: How often would (representative 1) call you?

P5: Probably like once a week.

ES: Once a week?

P5: Yes.

ES: And what was the purpose for him being in contact with you?

P5: He tried to like make me go to UCF.

ES: Okay, tell me a little about that. What do you mean he tried to make you go to UCF?

P5: Like he was just trying to make me like decommit from (the institution he attends) to go to UCF.

AT: Tell her what he would say to you.

P5: Well it would be like UCF is better because I will be like a star there . . .

ES: Did he ever talk to you about any schools other than UCF?

P5: No.

ES: No? UCF was the only one? Did he ever explain to you what his connection was or what his interest was in UCF?

P5: He just told me that he knew the coach.

ES: He knew the coach? The head coach there?

P5: Yes.

Prospect 5 reported that the institution did not engage in any recruiting activities with him and that no Central Florida coaching staff member ever called him or his mother.

Finding B-1-a-(6)

In reference to B-1-a-(6) prospect 6 is a 2011 graduate of a high school in the Chicago area. Following graduation, prospect 6 initially enrolled at a member institution in Illinois where he spent the 2008-09 and 2009-10 academic years. Prospect 6 transferred from that four-year institution to a two-year college, also in Illinois, which he attended during the 2010-11 academic year. Prospect 6 later transferred from the two-year college to another NCAA member institution where he remains enrolled.

Prospect 6 reported that on one occasion while he was enrolled at the two-year college, in either late February or early March 2011, the head basketball coach contacted him by phone. This one telephone call was the only recruiting contact from a Central Florida staff member. Prospect 6 also reported that representative 1 called him on two separate occasions during the winter of 2011, prior to his only conversation with the head basketball coach. Prospect 6 recalled that representative 1 made an initial and unsolicited call to him in January 2011 and that during this call, representative 1 attempted to determine which institutions were recruiting prospect 6. Prospect 6 reported that during this first call, representative 1 asked whether Central Florida was recruiting him. Prospect 6 reported that he told representative 1 that he "had no interest" in the institution. Approximately one week later, representative 1 again called and spoke specifically about Central Florida and the head basketball coach. Prospect 6 reported that both of these conversations occurred before he spoke to the head basketball coach.

Further, on March 2, 2011, representative 1, posted on prospect 6's Twitter account: "you need to think about UCF." Prospect 6 reported that representative 1's tweet was unsolicited and that it was in response to prospect 6 posting the final five schools he was considering attending, which did not include Central Florida.

The head basketball coach reported that representative 1 did communicate with him regarding prospect 6. He recalled that representative 1 had mentioned prospect 6 as a possible recruit, but he (the head basketball coach) told representative 1 he had "no interest."

Finding B-1-b-(1)

In reference to Finding B-1-b-(1), as with prospects 2 and 4, prospect 7 took on line courses from Jefferson County High School after attending a conventional high school in Louisville. Prospect 7 eventually obtained his high school diploma from Jefferson County. Prospect 7 originally signed a NLI with the institution on February 2, 2011. However, subsequent to this signing, prospect 7 requested a release from his NLI. The director of athletics refused to release prospect 7 from his NLI.

Prospect 7 had a previous relationship with representative 2. Both prospect 7 and his mother described representative 2 as a family friend they had known for a number of years. An associate of representative 2, who is a former high school football coach, was described by prospect 7 and his mother as prospect 7's mentor.

On December 18, 2010, representative 1 sent an Internet link to the assistant football coach, which contained a video of prospect 8 - See: Finding B-1-b-(1). While watching the video of prospect 8, the institution's football staff became interested in prospect 7, the team's quarterback. The assistant football coach began recruiting prospect 7 in January 2011, even though the prospect was verbally committed to attend another institution.

Prospect 7 stated that his first contact with representative 1 took place in January 2011, during a telephone conversation via speakerphone involving representative 1, prospect 8 and himself. During this call, representative 1 talked to both prospects 7 and 8 about the institution, the football program and his relationship with the director of athletics. Representative 1 told prospects 7 and 8 that he frequently visited Orlando, Florida, and offered to meet with both young men when they visited the institution. Following this first phone call, prospect 7 described continued contact with representative 1. Prospect 7 reported that he spoke with representative 1 about the institution and his interest in taking an official visit.

According to institutional telephone records, prospect 7 first contacted the assistant football coach on January 10, 2011. On this date, the assistant football coach had 62 contacts with representatives 1 and 2, in addition to contacts with prospect 7's mentor. On January 11, 2011, the day following the assistant football coach's first telephone contact with prospect 7, representative 2 sent an email to representative 1 with the subject line "UCF taking over Kentucky by storm!" The email contained a link to an article titled "UCF recruiting the bluegrass state." Representative 1 forwarded this email to both the assistant football coach and the director of athletics. The director of athletics responded to representative 1's email stating that he was traveling back to Orlando. Representative 1 responded to the director of athletics stating "Do you see what I have done to that state? You gotta call me while you at the airport. We got a great deal to talk about!" The following day, the director of athletics received one text message from

representative 1. He also placed two telephone calls to representative 1, the first call lasted 53 minutes and the second, 30 minutes.

On January 17, 2011, at 11:38 a.m., representative 1 forwarded a facsimile to the assistant football coach via email. The email contained the subject line "(name of prospect 8) transcripts." On the same day, representative 1 forwarded a facsimile to the director of athletics via email. The email also contained the subject line "(name of prospect 7) transcript." In the body of the email representative 1 wrote, "Top QB in the nation!!!! Coming to UCF." The director of athletics received the email at 11:44 a.m. On the same day, the director of athletics exchanged 22 text-messages between representative 1 (19 texts) and the assistant football coach (three texts). Additionally, the institution reported that: 1) Representative 1 sent two text messages on February 2, 2011, to the head football coach (the head football coach did not respond); (2) Representative 1 and the assistant football coach exchanged 78 telephone calls between January 15, 2011, and February 14, 2011; (prospect 7 made three visits to UCF during this time period); and (3) Representative 2 and the assistant football coach exchanged 36 telephone calls between January 16, 2011, and February 5, 2011.

When interviewed, the assistant football coach stated that he did not recall receiving any transcripts relating to prospect 7 from representative 1. The director of athletics, on the other hand, admitted receiving the transcript, but had no explanation as to why representative 1 would send prospect 1's transcript to him. The director of athletics also could not remember what he did with the transcript and that he could not recall representative 1 sending transcripts to him on other occasions.

The assistant football coach had in-person, off-campus recruiting contact with prospect 7 on January 19, 2011. Representative 2 provided the assistant football coach with transportation while he was in Louisville for this visit. The assistant football coach and representative 2 visited three Louisville-area high schools on this day, including the high school prospect 7 was attending at the time. At each high school, representative 2 was present while the assistant football coach made recruiting contacts. That same day, following the contacts at the high schools, representative 2 accompanied the assistant football coach on an in-person, off-campus recruiting contact with prospect 7 and his mother at a Louisville-area restaurant.

Prospect 7, accompanied by his mother, took an official visit to the institution January 20-22, 2011. Representatives 1 and 2, in addition to prospect 7's mentor, were also present on campus during this same time period. Prospect 7 and his mother both reported that this was the first time they met representative 1 in person. Evidence indicated that prospect 7 met with representative 1 in the director of athletics' office. The head football coach also reported meeting representatives 1, 2 and prospect 7's mentor briefly during

this weekend at the same hotel where prospect 7 and his mother were residing.⁴ Representatives 1 and 2, along with prospect 7's mentor, also stayed at that same hotel. Prospect 7's mother reported that she did not know in advance that the three men would be present during the visit, but said she was not surprised to see them there.

During the visit, prospect 7 and his mother had in-person, on-campus contact with representative 1 during halftime of a men's basketball contest that was played during the weekend of prospect 7's official visit. Prospect 7, his mother, representative 1's son, representatives 1 and 2 and prospect 7's mentor were all present at this time. Prospect 7's mother stated that she exchanged telephone contact information with representative 1 during this contact. Prospect 7 reported that he also met representative 1's son at a club while visiting the institution. He went to this club with other football student-athletes.

It is unclear when prospect 7 returned home from the visit. However, there is no dispute that prospect 7 was in Orlando after his official visit weekend. His mother confirmed that and the evidence indicates that prospect 7 returned to the Orlando area for the weekend of January 29. Prospect 7 reported having contact with representative 1's son during this second visit.

In assessing the agreed-upon facts set forth in this finding, the committee concluded that, through the director of athletics' and the assistant football coach's communication and interaction with representatives 1 and 2, the institution was aware of and in fact, condoned, the two representatives recruiting activity relative to prospect 7.

Finding B-3 details what occurred between the conclusion of prospect 7's official visit weekend and before February 2, 2011, the day following the NLI signing date for football. The facts involved in Finding B-3 are not in dispute, but the director of athletics denied that a violation occurred when, at the request of representative 1, he attempted to assist prospect 7's mother in obtaining a job transfer from Louisville to the Orlando area.

Finding B-1-b-(2)

In reference to Finding B-1-b-(2), as previously set forth in the rationale under Finding B-1-b-(1), prospect 8 was a high school teammate of prospect 7 in Louisville and, as with prospect 7, took courses from Jefferson County. Prospect 8 eventually obtained his high school diploma from Jefferson County.

⁴ The head football coach reported that this was the first time he had contact with representatives 1 and 2. Institutional telephone records support the head football coach's statement and no email communication between the head football coach and representatives 1 and 2 was found.

Prospect 8 reported first hearing about Central Florida from representative 2. Representative 2 contacted prospect 8 via a social networking site, instructing prospect 8 to contact him via telephone. Prospect 8 complied and upon contacting representative 2, representative 2 told prospect 8 that he had been in contact with the assistant football coach regarding the institution's need for receivers. Prospect 8 reported that he telephoned the assistant football coach to discuss the institution's football program's recruiting needs. Later, representative 2 and prospect 8 had another conversation about the institution. During that conversation, representative 2 connected prospect 8 to representative 1 via a three-way telephone call. Prospect 8 reported having frequent contact with representative 1 after this first contact.

On December 18, 2010, prospect 8 sent an email to representative 1 containing a video link to his game highlights. As previously described in the rationale under Finding B-1-b-(1), representative 1 forwarded that email to the assistant football coach. Representative 1 also forwarded prospect 8's email to the director of athletics that same day. The email to the director of athletics contained the subject line "Your next wide receiver from me." As described earlier in this report, it was from this video that the institution identified prospect 7, the high school team's quarterback, as a potential recruit. The assistant football coach confirmed that he initially received information about prospect 8 from representative 2 and that he began his recruitment of prospect 8 based on the information he received from representatives 1 and 2.

Prospect 8 took an unofficial visit to the institution on January 28, 2011. He reported attending a basketball contest at the institution during this visit and, at that game, he exchanged greetings with the assistant football coach. The assistant football coach acknowledged seeing prospect 8 at the basketball game and being surprised that prospect 8 was there. Prospect 8 also had in-person, off-campus contact with representative 1 at this game. Prospect 8 had previously informed representative 1 that he would be visiting the institution and representative 1 told prospect 8 to contact him. Prospect 8 described speaking with representative 1 for approximately five minutes prior to the start of the basketball contest. Also during this visit, prospect 8 reported that he attended a party with football student-athletes where he was introduced to representative 1's son. Prospect 8 stated that prospect 7 had told him that he (prospect 7) had met representative 1 on his visit to the institution the previous weekend. Prospect 8 spent one night in representative 1's son's apartment while visiting the institution.

From the agreed-upon facts in this finding, the committee concluded that, through the director of athletics' and the assistant football coach's communication and interaction with representatives 1 and 2, the institution was aware of the two representatives' recruiting activity relative to prospect 8.

Finding B-1-b-(3)

In regard to Finding B-1-b-(3), prospect 9 is a 2011 graduate of a Louisville area high school (not the same high school attended by prospects 7 and 8). Prospect 9 reported that he was first made aware of Central Florida in January 2011 by prospect 7. He recalled that representative 1 was the person who made the first telephone contact with him and that representative 1 was "doing most of the recruiting." Prospect 9 reported that representative 1 introduced himself as being "with UCF's recruiting staff." Further, Prospect 9 reported that representative 1 and an associate of representative 1 made an in-person visit with prospect 9 in his home. During that visit, prospect 9 reported that representative 1 "talked about my assets and my ability and what I can contribute" to the institution's football program.

According to prospect 9, approximately two weeks after the in-home visit by representative 1 and his associate, prospect 9 made an unofficial visit to the institution and was accompanied by prospects 7 and 8. Prospect 8 reported that this unofficial visit took place on January 28, 2011. Prospect 9 reported that the assistant football coach was his Central Florida recruiter. Prospect 9 stated that he first received a telephone call from the assistant football coach after representative 1 had spoken to him on the phone and made the in-person visit to his home. The assistant football coach made a visit to prospect 9's high school on January 19, 2011. The assistant football coach stated that he was made aware of prospect 9 by representatives 1 and 2, but that the institution had no interest in recruiting him further.

Finding B-1-b-(4)

In reference to Finding B-1-b-(4), prospect 10 is a 2011 graduate of a central Kentucky high school. He is currently a football student-athlete at a member institution in California.

When interviewed, prospect 10 recalled that during November of his senior year of high school, representative 2 contacted him via a social networking site and began discussing Central Florida. Prospect 10 reported that representative 2 told him of the "opportunity and staff at Central Florida" and that representative 2 could "help him out" if he needed "anything." At the time of representative 2's initial contact, prospect 10 reported that he was considering attending a number of institutions, including some in-state and "national" programs. Prospect 10 reported that Central Florida was not on "his list" at that time. Prospect 10 reported that after representative 2's initial contact, the assistant football coach called him and offered him a scholarship. Prospect 10 recalled that up until that point, he was not aware of the institution being engaged in any recruiting activity with him. Prospect 10 further reported that representative 2 suggested that he

talk with representative 1. Shortly thereafter, representative 1 contacted prospect 10 and engaged him in a recruiting conversation.

On January 6, 2011, representative 2 sent an email to the assistant football coach with the subject line "(name of prospect 10)." The assistant football coach separately forwarded that message to representative 1 and the director of athletics. The director of athletics then forwarded the message to representative 1, who responded to the director of athletics with the message, "He is a program changer 5 star recruit." The director of athletics was not able to provide an explanation as to why he forwarded the message to representative 1.

Prospect 10 made his official visit to the institution on January 21-23, 2011. Prospect 10 reported that he met with representatives 1 and 2 during his official visit and that representatives 1 and 2, along with representative 1's son, were present for a meeting with the director of athletics in his office. Additionally, prospect 10 reported that he met with representative 2 at the Louisville Airport after prospect 10 had returned from the high school all-star game. Prospect 10 was unable to recall how representative 2 knew he was going to be at the Louisville Airport. (See Finding B-2-c for a description of the activity in which representative 1 engaged in with prospect 10 during the aforementioned all-star game.)

In addition to prospect 10's visit, the investigation revealed that: (1) Representative 1 and the assistant football coach exchanged 78 separate telephone calls between January 15, 2011, and February 14, 2011, (As previously set forth, prospect 10 made his official visit January 21-23, 2011); (2) Representative 2 and the assistant football coach exchanged 36 separate calls between January 16, 2011, and February 5, 2011; and the football program made two in-person, off-campus contacts with prospect 10 on January 18, 2011, and January 26, 2011.

Finding B-1-b-(5)

In reference to Finding B-1-b-(5), prospect 11 is 2012 graduate of Jefferson County (the same Louisville high school which prospects 7 and 8 attended).

Prospect 11 reported that his recruitment began after prospect 7 signed a NLI with the institution on February 2, 2011. Prospect 11 reported that in either March or April 2011, representative 1 initiated the first contact regarding the institution. Prospect 11 said that representative 1 identified himself as "one of the guys who looks over the program" and is "a friend of the program." Prospect 11 recalled his conversation with representative 1 in these terms:

The first time he's talking to me he says that he (representative 1) heard that I was one of the guys from Louisville that was kind of interested in the program down there at UCF and interested in playing football down there, and he (representative 1) was saying it'd be great to see me come down there and play in the black and gold with them along side with (Prospect 7) and with (prospect 8), and it'd be great to bring some other guys from Louisville down there and try to make it a pipeline.

Prospect 11 reported that he last spoke with representative 1 in May 2011 to inform representative 1 that he was still interested in attending UCF.

With regard to the recruiting contact by representative 1 with prospect 11, it was not alleged that the institution's coaching staff or the director of athletics were aware of the contact.

2. IMPERMISSIBLE BENEFITS TO PROSPECTIVE STUDENT-ATHLETES AND STUDENT-ATHLETES. [NCAA Bylaws 12.1.2.1.3.1, 12.3.1.2, 13.2.1, 14.11.1, 15.01.2, 15.01.3 and 16.11.2.1]

From March 2009 through March 2011, representative 1 provided impermissible benefits to men's basketball and football student-athletes and prospective student-athletes. Specifically:

- a. On November 30, 2009, December 30, 2010, and January 3, 2011, representative 1 made deposits of \$100, \$200 and \$200, respectively, for a total of \$500, into the bank account student-athlete A, who competed while ineligible during the 2009-10 and 2010-11 seasons as a result of these payments.
- b. On May 13, 2010, representative 1 arranged, through his son, \$11,190.45 for tuition and institution fees at the institution for a men's basketball student-athlete ("student-athlete C") who subsequently competed while ineligible during the 2010-11 season.
- c. In January 2011, representative 1 provided a laptop computer valued at \$465.25 to prospect 10.
- d. On February 25, 2011, representative 1, through his son, arranged to pay \$234.90 in transportation expenses for prospect 4, to travel from Hartford, Connecticut, to Louisville, Kentucky.

- e. On March 24, 2011, representative 1 paid \$375 in tuition expenses at Jefferson County for prospect 4.
- f. On March 24, 2011, representative 1 paid \$1,375 in tuition expenses at Jefferson County for prospect 2.
- g. On March 24, 2011, representative 1 paid \$1,125 in tuition expenses at Jefferson County for the sister of prospect 2.
- h. On March 28, 2011, representative 1 arranged, through his son, to pay \$740.14 in transportation expenses for prospect 2's travel from Louisville, Kentucky, to Calgary, Canada.

Committee Rationale

The NCAA enforcement staff and the institution were in substantial agreement as to the facts of this finding and that those facts constitute violations of NCAA legislation. The institution does not believe that it should be held responsible for Finding B-2-d. The committee finds that the violation occurred.

Finding B-2-a

In reference to Finding B-2-a, as documented in the background information regarding Finding B-1, student-athlete A competed on a nonscholastic amateur basketball team coached by representative 1. Student-athlete A competed on this team from seventh grade until his junior year in high school. Thus, student-athlete A had an established relationship with representative 1 at the time of his enrollment at the institution. That relationship, however, did not satisfy applicable NCAA requirements making any benefits (e.g., money) provided by representative 1 permissible under applicable amateurism and/or extra benefit legislation because the relationship was forged under an athletics nexus and it therefore did not meet the parameters established in a June 6, 2000, official interpretation.

Student-athlete A reported that representative 1 provided money to him at various times during his enrollment at the institution. Student-athlete A provided copies of his bank records. The records revealed that representative 1 made three wire transfers into student-athlete A's account: \$100 on November 30, 2009; \$200 on December 30, 2010; and another \$200 on January 3, 2011.

Finding B-2-b

In reference to Finding B-2-b, student-athlete C was a walk-on (nonscholarship) men's international student-athlete who enrolled at the institution in the fall of 2009. (Note: he is no longer enrolled at Central Florida). Prior to his enrollment, student-athlete C attended high school in Chicago for his senior year (2008-09 academic year). Student-athlete C and representative 1 established a relationship at that time and student-athlete C listed representative 1 as his guardian on institutional records. Representative 1 accompanied student-athlete C and his family on his unofficial visit to the institution.

Institutional records indicate that on May 13, 2010, representative 1's son made four payments to the institution on student-athlete C's behalf. Representative 1's son's credit card was used to pay a \$10,284.45 tuition fee, a \$529 fee, a \$367 room and board fee, and a \$10 "convenience fee" for student-athlete C. In total, representative 1 paid \$11,190.45 in institutional expenses for student-athlete C.

Student-athlete C reported that he had no knowledge of anyone other than his father making tuition payments on his behalf while he was attending the institution. However, student-athlete C did acknowledge that he sometimes had trouble paying his tuition and other fees in a timely manner because his personal credit card was in his father's name, and when he tried to use it to make payments, it often was declined. Student-athlete C's father subsequently repaid representative 1 via a wire transfer for the value of the payments made to student-athlete C's account.

Finding B-2-c

In reference to Finding B-2-c, as previously documented in Finding B-1-b-(4), prospect 10 is a 2011 graduate of a central Kentucky high school and is enrolled at another member institution. He first had contact with representative 1 during his senior year of high school. Prospect 10 reported that during his recruitment by the institution, representative 1 gave him a laptop computer when they met at a hotel in January 2011 during the weekend of high school all-star game.

Finding B-2-d

As previously documented in Finding B-1-a-(4), prospect 4 is a Canadian citizen and a 2011 graduate of a college prep school in the northeast. He is enrolled at another member institution. His first contact with representative 1 occurred during the 2010-11 academic year while he was enrolled at the prep school.

During his July 20, 2011, interview with the NCAA enforcement staff, prospect 4 was questioned regarding travel he made on February 25, 2011. Prospect 4 provided the enforcement staff with copies of an email outlining his flight itinerary for the involved trip. The email reflected that representative 1 purchased an airline ticket for prospect 4 to travel from Hartford, Connecticut, to Louisville, Kentucky, on February 25, 2011. The cost of the ticket was \$234.90 and was charged to representative 1's son's credit card.

Prospect 4 reported the following:

. . . (Representative 1) paid for my flight to come to - like there was a weekend where we had off school, and I was bored. Like prep school is really, really boring and whatever, and (representative 2) asked me if I wanted to come to Kentucky for the weekend and hang out with him and go to - he had tickets to the Louisville game and the Kentucky game. I said, "Sure." (representative 2) arranged it, but like I said, (representative 1) paid for stuff for (representative 2). (Representative 1) wasn't (directly) involved. Like I didn't have a conversation with him. I think (representative 2) like had his credit card number or whatever, and so he just charged it to that. And when like I enrolled at Jefferson County, my mom could only afford to send me there, but she needed help to fly me back, and so (representative 1) paid for my flight back.

Prospect 4 reported that representative 1 had offered to transport him to Kentucky from Massachusetts that weekend and that representative 2 drove prospect 4 from Louisville to Lexington to attend the University of Kentucky's February 26, 2011, men's basketball contest against the University of Florida. Prospect 4 reported that this visit was his "unofficial visit" to Kentucky and that after the game, he "hung out" with Kentucky student-athletes.

The institution took the position that it should not be held responsible for this violation because prospect 4 was provided an impermissible benefit in conjunction with an unofficial visit to Kentucky, not Central Florida. However, the committee ruled that the "unofficial visit" to Kentucky's campus was incidental to the real motive for the trip; representative 2's attempt to ingratiate himself with prospect 4 for the purpose of steering him to Central Florida.

Finding B-2-e

In reference to Finding B-2-e, as set forth in the rationale under Finding B-1-a-(4), prospect 4 discussed with representative 2 the possibility of finding a way to complete the necessary course credits to be academically eligible. On March 24, 2011, prospect 4 enrolled in three classes at Jefferson County. The fee for each class was \$125. Prospect

4 claimed that he did not know how the fees were paid. A receipt from Jefferson County signed by representative 1 documents that representative 1 paid for prospect 4's enrollment in the classes.⁵

Finding B-2-f

In reference to Finding B-2-f, as set forth in the below footnote, Jefferson County payment records document that representative 1 paid \$2,625 in tuition expenses on March 24, 2011. Prospect 2 enrolled in 11 classes on March 24, 2011, at Jefferson County. Those classes account for \$1,375 of the \$2,625 spent by representative 1 that day. Prospect 2 claimed he had no knowledge of such a transaction. Prospect 2 stated that to his knowledge, his uncle, took care of the tuition payments for the classes in which he was enrolled at Jefferson County. Prospect 2's uncle acknowledged that his nephew, prospect 2, enrolled in online classes at Jefferson County and said that he did not pay for the classes. Prospect 2's uncle reported that when he inquired about the price of the classes, representative 2 told him, "It was paid for; don't worry about it."

Finding B-2-g

In reference to Finding B-2-g, as previously established, Jefferson County payment records reflect that representative 1 paid \$2,625 in tuition expenses on March 24, 2011. Prospect 2 and his sister registered for a total of nine classes that day, totaling \$1,125. This \$1,125 tuition fee was included in a March 24, 2011, payment of \$2,625 that representative 1 made to Jefferson County.

Finding B-2-h

In reference to Finding B-2-h, prospect 4 provided the enforcement staff with copies of an email outlining his flight itinerary. The email showed that representative 1 purchased the airline fare for prospect 4. The flight cost was \$740.14 and was paid using representative 1's son's credit card.

3. IMPERMISSIBLE RECRUITING INDUCEMENT – ATTEMPTED ARRANGEMENT FOR EMPLOYMENT. [NCAA Bylaws 13.2.1 and 13.2.1.1-(a)]

⁵ The receipt is for a total of \$2,625, which includes the \$375 for the three classes in which prospect 4 was registered, as well \$1,375 in tuition fees for prospect 2 (See: Finding B-2-f) and \$1,125 in tuition fees for prospect 2's sister (See Finding B-2-g).

In January and February 2011, the director of athletics, representative 1, and another representative of the institution's athletics interests ("representative 3"), attempted to arrange employment for the mother of prospect 7 in the locale of the institution.

Committee Rationale

The NCAA enforcement staff, the institution and the director of athletics agreed on the substantive facts involved with this finding. The enforcement staff and the institution believe that those facts show that the director of athletics violated NCAA recruiting inducement legislation. In his written submission, the director of athletics disagrees that his actions violated NCAA legislation, and believes that the allegation is incorrect and misleading because his actions were limited to an attempt to help facilitate a transfer within the company employing prospect 7's mother. However, the director of athletics indicated that if the committee finds that a violation occurred, he believes that the violation should be categorized as secondary. The committee finds that the violation occurred and that it is major.

As previously established in finding B-1-b-(1), representative 1 was involved in the institution's recruitment of prospect 7 and the director of athletics was aware of this involvement. Also, as previously set forth in this report, prospect 7 signed a NLI to attend the institution, but subsequently requested a release from the NLI that was denied by the director of athletics.

The director of athletics reported that representative 1 informed him of prospect 7's mother's desire to follow her son to Orlando and that she had applied with her then employer for a job transfer. He also reported that representative 1 asked if he knew anyone who might be in a position to assist with the transfer. Set forth below is an excerpt from the transcript of a September 7, 2011, interview with the director of athletics in which this subject was addressed.

AD – Director of Athletics

ES – Enforcement staff member

AD: I had, uh, received a phone call from (representative 1) . . .uh, saying that, (prospect 7's mother) . . .was transferring or put in a transfer to a, a unit within (her then employer). I think she works for (her then employer). And wanted to check to see if we know anybody who could look into her transfer.

ES: Okay. (representative 1) asked you if you knew anyone that could look into her transferring?

AD: Yes.

ES: Why did (representative 1) make that request of you?

AD: Um, I assumed that because he had a relationship with the family and that he was doin' it on behalf of the mother.

ES: That (representative 1) was doing it on behalf of the mother?

AD: Right.

ES: And what gave you that impression?

AD: I think he mentioned that. He said, you know, she's a single mom, I guess, I guess, I don't – I mean I didn't know her – and that she had put in a transfer. She wants to, you know, go with her son. Her son is gonna go to UCF. And that, you know, would we – would I check to see if anyone – if I knew anyone who's in that division cause she had already, you know, made the transfer and, um, I, you know, one I could think of in that industry was (representative 3).

Prospect 7 and his mother visited the institution's campus the weekend of January 21-23, 2011. According to prospect 7, he was not ready to commit to attend the institution after the visit, although his mother believed that Central Florida would be his best choice. On January 24, the day after prospect 7's mother returned from the visit to her home in Louisville, she sent an email to representative 1 to which her resume was attached. According to prospect 7's mother, she sent the resume to representative 1 because she had told him that if her son chose to attend the institution, she wanted to follow him to Orlando. On January 27, representative 1 forwarded the resume to the director of athletics and requested assistance from the director of athletics in facilitating a job transfer from Louisville to Orlando for prospect 7's mother. At the hearing, the director of athletics explained his attempt to assist in the transfer of prospect 7's mother from Louisville to Orlando. He stated:

You know, my thinking was this is something I normally do. I had no intentions, and there was no recollection in my mind about whether this was a kid that was an all-star and was going to make a difference in his signing . . .

This characterization of his efforts on behalf of prospect 7's mother is contradicted by the timing and level and nature of communication which took place between the director of

athletics, representative 1 and representative 3,⁶ the individual from whom the director of athletics sought assistance in the attempted transfer of prospect 7's mother to Orlando. From January 27 to February 2, 2011, records show that the director of athletics and representative 1 exchanged 46 text messages and four telephone calls, with one call lasting 29 minutes and another lasting 25 minutes. The two men exchanged two emails, both of which related to the attempted job transfer. In addition, the director of athletics and representative 3 exchanged 10 emails and three telephone calls. More specifically, on January 27, 2011 alone, the director of athletics and representative 3 exchanged six emails and three telephone calls. One email on that date contained additional information about prospect 7's mother and her attempt to transfer her employment to the Orlando area. The subject line of this email was entitled "Assistance" and the text of the email from the director of athletics to representative 3 was as follows:

(First name of representative 3):
Here is the info we discussed earlier today.

(Name of prospect 7's mother)- currently Beneficiary Service Rep.
Applied for the position of Customer Service Support for Guidance Center
on Jan 17th. Thanks for your help. ***This is big.*** (emphasis added)

On January 30, 2011, the director of athletics wrote to representative 3:

(First name of representative 3):

Just checking to see if there was any progress on the (name of prospect 7's
mother's employer) project. If there is anyone we can contact please let
me know. Thanks.

Representative 3 reported that when he was first contacted by the director of athletics about assisting in facilitating the transfer of prospect 7's mother to the Orlando area, he (representative 3) questioned the propriety of this, as stated in his August 30, 2011, interview with the enforcement staff:

Yeah, he did. He asked me, he said, "We want to see if we could help with that." You know, I asked him the question. I said, "Is this okay?" I said, "The last thing I want, I don't want to get my name in the paper for doing something illegal." He said, "No." He assured me that she worked already for this company. She had already applied for the transfer. It was just a referral situation, and there wasn't going to be any issues.

⁶ Representative 3 is employed in the medical insurance industry, as was prospect 7's mother, although not in the same company.

Representative 3 reported that he attempted to assist prospect 7's mother in obtaining the position by placing several telephone calls but ultimately he was unsuccessful. In a February 1, 2011, email to the director of athletics, representative 3 wrote that he spoke to the manager who supervised the locations at which prospect 7's mother would be eligible to transfer in Tampa and Orlando, and that the manager reported that there were no openings available for prospect 7's mother. On February 2, representative 3 followed up with an email to the director of athletics that stated: "Sorry we could not be of more help." All of these actions occurred prior to prospect 7's signing the NLI to attend UCF and while he was considering whether to do so.

At the hearing, the director of athletics admitted his culpability in this violation. He stated:

I made the wrong decision and now looking back at it, I probably should have asked more questions and should have researched it more and have gotten with compliance, and asked, this is what I am thinking; what I can do or can't do. Unfortunately, that didn't happen.

During the hearing, the director of athletics was further questioned on his decision process in attempting to assist prospect 7's mother with the job transfer she was seeking:

CM: Committee Member

AD: Director of Athletics

CM: There has been quite a bit of discussion of red flags in this case. I see one here, that screams, and that is the context in which you were being asked to do something is a recruiting context. I can't imagine anything that would set off more alarms than being asked to do something that is going to be to the benefit of a kid you are trying to recruit. I need some explanation for why the goodness of your heart in dealing with people and helping them out doesn't get overridden by, 'my goodness, we are recruiting this kid' and there are bombs all over the place when you are recruiting. So, I need an explanation for why that didn't go off.

AD: First of all, as I said earlier, I apologize. I missed that. And why the bomb didn't go off is because I am ashamed to say it, but unfortunately as the director of athletics at the University of Central Florida, former athletics director, I have not taken a class, or a refresher course, or anything on the recruiting rules. I even heard earlier about recruiting and the different rules seminar. Most of it was geared as coaches, because coaches recruit. Unfortunately, I got into a situation with a young man, and in the words of Jesse Jackson, I was bamboozled. I regret that. Someone probably took advantage of my nature, took advantage of the type

of person I was, and coupled with not really doing the due diligence of the rules seminars and understanding the recruiting rules. . .

NCAA Bylaw 13.2.1 under the heading "Offers and Inducements – General Regulations" states in relevant part:

An institution's staff member or any representative of its athletics interests shall not be involved, directly or indirectly, in making arrangements for or giving or offering to give any financial aid or other benefits to a prospective student-athlete or his or her relatives or friends, other than expressly permitted by NCAA regulations. . .

Under Bylaw 13.2.1.1, Specific Prohibitions, subparagraph (a) specifies,

An employment arrangement for a prospective student-athlete's relatives.

In the final analysis, the committee concluded that the director of athletics' actions in attempting to assist a prospect's parent in transferring employment to the locale of the institution is a clear violation of universally understood recruiting bylaws.

As earlier established, the director of athletics takes the position that, if the committee concludes that a violation did occur, it should be categorized as secondary. NCAA Bylaw 19.02.2.1 defines a secondary violation in the following terms:

A secondary violation is a violation that is isolated or inadvertent in nature, provides or is intended to provide only a minimal recruiting, competitive or other advantage and does not include any significant impermissible benefit (including, but not limited to, an extra benefit, recruiting inducement, preferential treatment or financial aid). Multiple secondary violations by a member institution may collectively be considered as a major violation.

Although the committee concedes that this action could be viewed as isolated," it was not "inadvertent." The director of athletics' attempt to help facilitate the job transfer to the locale of the institution of the mother of prospect 7, a highly-rated quarterback, was, the committee concluded, undertaken with the intent to enhance the institution's chances of successfully recruiting the young man. This was done during the time when prospect 7 was about to commit to the college of his choice, thus was intended to provide a significant recruiting advantage. The fact that, in his communication with representative 3 about assisting with the job transfer of prospect 7's mother, the director of athletics characterized the effort as "big" and referred to it as "the project," underscores the significance of this effort in the eyes of the director of athletics. The committee also

noted that, after it was determined prospect 7's mother would not be able to transfer her job to the Central Florida area and after prospect 7 signed the NLI, the director of athletics denied prospect 7's request to be released from his letter of intent. This decision appears to contradict the director of athletics' stated reason for attempting to assist with the transfer; that he wanted to help prospect 7's mother in her effort to live and work near where her son was attending college.

As the leader of the athletics department, it is incumbent upon the director of athletics to know basic rules governing the Association. Further, if there is any question about these rules, the director of athletics must consult with the compliance office, particularly in a situation when someone else, as seen in this case, a booster, questions the permissibility of the activity. Pleading ignorance of the rules, as the director of athletics did during the hearing, does not excuse or even mitigate the violation.

4. UNETHICAL CONDUCT. [NCAA Bylaws 10.1-(d)]

Between January and September 7, 2011, the director of athletics failed to deport himself in accordance with the honesty and integrity normally associated with the conduct and administration of intercollegiate athletics as required by NCAA legislation and violated ethical-conduct legislation when he failed to take steps to prevent the involvement of athletics representatives in recruiting activities and, on at least one occasion, became involved in a violation himself as a result of the activity in which the representatives engaged. Further, the director of athletics provided false and misleading information when, during his May 5 and September 7, 2011, interviews with the institution and enforcement staff, he denied knowledge of the involvement of representative 1 in the recruitment of prospects 3 and 12 as detailed in Finding B-1-a-(3) and B-1-b-(1).

Committee Rationale

The committee concludes, based on the evidence provided at the hearing, that the director of athletics engaged in unethical conduct through his knowledge, acceptance and, in fact, encouragement of the athletics representatives' involvement in the institution's recruiting of football and men's basketball prospective student-athletes⁷ and his provision of false

⁷ In making this finding, the committee relies on the authority under Bylaw 32.8.7.5, **Scope of Inquiry**, which allows the committee to make findings based upon the evidence presented to it. Specifically, that bylaw states: "If an institution appears before the Committee on Infractions to discuss its response to the notice of allegations, the hearing shall be directed toward the allegations set forth in the notice of allegations but shall not preclude the committee from finding any violation resulting from information developed or discussed during the hearing."

and misleading testimony regarding his knowledge of representative 1's recruiting activity.

Knowledge of Impermissible Recruiting Activity

The committee noted that the director of athletics' response to the notice of allegations contained the following:

. . . as the director of athletics, it was his job to recognize that (representatives 1 and 2) were impermissibly involved in the recruitment of prospects and to take action to try to stop the activity.

The committee agrees that it was the director of athletics "job to recognize (representatives 1 and 2) were impermissibly involved in the recruitment of prospects. . ." It is clear from the evidence that the director of athletics was well aware of the representatives' involvement in the recruitment of prospects on behalf of the institution. As established in Finding B-1-a(3), the director of athletics knew of representative 1's recruiting activity relative to prospect 3, a highly coveted men's basketball prospect whom both men referred to as "John Wall Jr." and was the subject of several email exchanges between the two. Further, as set forth in Finding B-1-b-1, the director of athletics was also aware of representative 1's involvement in the recruitment of prospect 7. In fact representative 1 emailed prospect 7's transcript to the director of athletics stating in the email, "Top QB in the nation. Coming to UCF." Following the receipt of prospect 7's transcript, the director of athletics exchanged 19 texts with representative 1. The committee notes that it was representative 1 who informed the director of athletics that prospect 7's mother wanted to follow her son to Central Florida. It was in this context, an obvious recruiting context, that the director of athletics attempted to facilitate a job transfer to the Orlando area for prospect 7's mother, as detailed in Finding B-3.

The director of athletics response to the notice of allegations contained the following:

Until this case, (the director of athletics) had a very superficial and somewhat misinformed understanding of NCAA recruiting legislation. . . However, (the director of athletics) acknowledges that as the director of athletics, it was his responsibility to know the recruiting rules, and he is now embarrassed that he was not as sensitive as he should have been to the problems that can occur when third-parties become involved in the recruiting process.

He reiterated this position at the hearing in the following statement:

. . . unfortunately as the director of athletics at the University of Central Florida, former athletics director, I have not taken a class, or a refresher course, or anything on the recruiting rules. I even heard earlier about recruiting and the different rules seminar. Most of it was geared as coaches, because coaches recruit. Unfortunately, I got into a situation with a young man, and in the words of Jesse Jackson, I was bamboozled. I regret that. Someone probably took advantage of my nature, took advantage of the type of person I was, and coupled with not really doing the due diligence of the rules seminars and understanding the recruiting rules. . .

The committee found it incredible that the director of athletics would be ignorant of basic rules governing the association, particularly in areas which have been the focus of much attention in recent years, such as the involvement of third parties in recruiting. Pleading ignorance of the rules does not excuse or even mitigate the violations. As the leader of a program responsible for acting within a set of rules, the director of athletics must have a sufficient understanding of the rules to discharge his leadership obligations. The director of athletics' attempted use of rules ignorance as a defense for his actions was not accepted by the committee.

The committee noted that an "ignorance of the rules" defense has been attempted by involved individuals in previous infractions cases and was specifically addressed by the Division I Infractions Appeals Committee (IAC) in a 2002 decision involving an appeal by the former head soccer coach at Jacksonville University. In that decision, the IAC wrote:

. . . the former head coach argued that he was not sufficiently familiar with the rules to knowingly violate them. Ignorance of the rules is not a defense. To hold that lack of knowledge of the rules excuses a violation would hold individuals familiar with the rules to a higher standard than those who are uninformed.

Provision of False and Misleading Information

In reference to Finding B-4-b, unethical conduct on the part of the director of athletics regarding his denial of knowledge of representative 1's recruiting activity involving prospects 3 and 7, the committee finds that the director of athletics provided false and misleading testimony during his May 5 and September 7, 2011, interviews.

As previously set forth in this report, prospect 7 was a "four-star" football prospective student-athlete from Louisville, Kentucky. Representative 1 was at the institution during prospect 7's official visit and was with him during a meeting in the director of athletics'

office during his official visit. A review of the director of athletics' email records revealed that he received an email from representative 1 dated January 17, 2011, at 11:44 a.m., with copies of prospect 7's transcripts attached. The text in the body of the email stated, "The top QB in the nation!!!! Coming to UCF." Additionally, as set forth in Finding B-3, the director of athletics and representative 1 exchanged two emails, 46 text messages and four telephone calls, with one call lasting 29 minutes and another lasting 25 minutes, between January 27 and February 2, 2011, regarding prospect 7's mother's attempted job transfer from Louisville to the Orlando area.

The director of athletics was first questioned about the recruitment of prospect 7 during a May 5, 2011, interview. At that time, the enforcement staff had not yet reviewed the director of athletics' email and telephone records. As a result, the questions were of a more general nature. The following exchange occurred during the interview:

ES: Enforcement staff member

AD: Director of athletics.

ES: Okay. Are you aware of (representative 1), are you aware of, um, the recruitment of prospect 7, the football stu- prospective student-athlete? Do you know the circumstances surrounding that recruitment?

AD: No, ma'am, I'm not aware of the circumstances around it.

ES: You're aware of him wanting to get a National Letter of Intent –

AD: I'm aware of that.

ES: from the institution?

AD: I am aware of that.

ES: Okay. And are you involved, did you -- not involved -- did you have any knowledge that (representative 1), uh, was potentially involved in the recruitment or has a relationship with (prospect 7)?

AD: I heard but I wasn't aware of it.

ES: And can you let me know when, when you heard that or what you heard about that?

AD: Uh, probably, um, oh, I don't know if it was one of our assistant coaches, um, one of our football coaches, uh, told me, told me about it and that he knew him. I

don't know what he was involved in but one of our assistant coaches told me he knew, knew, knew of it, knew that (representative 1) knew the guy or something like that.

During the hearing, the director of athletics was questioned about his May 5, 2011, interview in the following exchange:

CM: Committee Member

AD: Director of Athletics

CM: (Quoting from the above interview excerpt) "Did you have any knowledge that representative 1, um, was potentially involved in the recruitment or has relationship with prospect 7?" And your response . . . was, "I heard but I wasn't aware of it." Then the follow-up question, "And then, can you let me know when you heard that or when you heard about that?" "Um, probably, um, I don't know if it was one of our assistant coaches or one of our football coaches told me, told me about it, and that he knew him. I don't know what he was involved in, but one of our assistant coaches told me that he knew, knew, knew of it, knew that (representative 1) knew the guy or something like that."

CM: Now, this was on May 5th, 2011, and at that point you had been involved with trying to assist (representative 1) to help (prospect 7's mother) get a (job) transfer, correct?

AD: Yes.

CM: So, when you said, "I heard but I wasn't aware of this," you knew full well that (representative 1) was trying to assist, arrange, help, and you were trying to help prospect 7's mom get a job, correct?

AD: Yes, he was trying to assist her in getting a transfer.

CM: So, that's a bit more than just hearing about (representative 1) and knowing from an assistant coach that (representative 1) is involved in the recruitment of (prospect 7), correct?

AD: Correct.

CM: And you had also gotten a transcript from (representative 1), correct, a transcript of (prospect 7)?

AD: Correct.

CM: So, you weren't exactly being forthcoming in your response to the question, "Are you involved or do you have any knowledge about (representative 1's) potential involvement in the relationship with (prospect 7)?"

AD: I think I wasn't -- I didn't have the extent -- when the question was asked was I aware of an involvement, I guess I was thinking of more than just what I knew of. I did not go back and put two and two together with the mom, because I wasn't putting all that together at that time.

CM: Had there just been some newspaper articles about (representative 1) and his involvement with your institution?

AD: Yes.

CM: So, you knew (representative 1) was potentially a big concern for you and your school, right?

AD: This was prior to the investigation. The article came up prior to the investigation.

CM: I think the article came out at the end of April didn't it?

AD: Yes.

CM: The article came out on April 29th, so your interview followed close in time to the publicity, the negative publicity about (representative 1), correct?

AD: That is correct.

CM: So, while (your) counsel suggests you were being very forthcoming about (representative 1), the fact of the matter was (representative 1) was already in the press, right?

AD: Yes.

CM: And as we sit here today, do you think your response "I heard but I wasn't aware of it" in response to the question, "Did you have any knowledge that (representative 1) was potentially involved in the recruitment or has a relationship with (prospect 7)," was really a full and honest response to their question?

AD: I think at that period of time, I think I said I heard, but I wasn't aware. I think at the time I became more aware after that, after I started looking at more of it and

actually doing recollecting of what it actually was that I was involved in or what I knew about. At that point, I wasn't really prepared to answer the questions, and I didn't know the extent of what the involvement was, and so I think at that time I probably was not aware of that.

CM: Well, I certainly understand that you may not have been fully-prepared for that (interview), and I certainly understand you may not have been able to recall all of the exact times and dates that you had interaction with (representative 1). But we have talked about already that you were involved in trying back in January to try and help his mom get a job and you were--you had (representative 1) and (prospect 7) in your office, and you exchanged the number of emails with (representative 1) about (prospect 7). So, it is kind of hard for me to accept the fact that you can say, "I wasn't aware of (representative 1's) involvement in the recruiting (of prospect 7)."

During his September 7, 2011, interview, the director of athletics was asked again if he was aware of representative 1 being involved in the recruitment of prospect 7 and he continued to state that he had heard that he was but that he wasn't aware. Below is the exchange:

ES: Enforcement staff member.

AD: Director of athletics.

ES: We covered him a little bit in our first interview back in May, and there was - all we want to do, just based on new information that's come to light since then, when we asked you in your first interview about (representative 1's) relationship or involvement with prospect 7's' recruitment, you stated that you had heard of it, but you weren't aware of it. Is that still your position on your awareness of (representative 1)?

AD: That I heard of it.

ES: Uh-huh. Heard of it but wasn't aware of it.

AD: I think it - I mean I don't think - it depends on what we're defining as the recruiting process. Was he - did he have some sort of relationship or did he know of him? I think he did. Don't know how, but he did.

ES: Okay. The question was asked are you aware of (representative 1). Are you aware of the recruitment of (prospect 7)? Do you know the circumstances surrounding that recruitment? You said, "No, I'm not aware of the circumstances surrounding it." And follow up to that was, "Did you have any knowledge that

(representative 1) was potentially involved in the recruitment or has a relationship with (prospect 7)?" And the answer was, "I heard, but I wasn't aware of it." Is that fair?

AD: That's about right.

ES: Is that still your position on what your awareness was?

AD: Yeah. Right.

The scope and nature of the communications which took place between the director of athletics and representative 1 during the time prior to the director of athletics' May 5, 2011, interview prove that he had direct knowledge of representative 1's involvement in the recruitment of prospect 7. To recap:

- Representative 1 sent an email to the director of athletics and the former assistant football coach on January 11, 2011, with the subject line reading, "UCF taking Kentucky by storm" with an article attached. Additionally, representative 1 sent a follow-up email to the director of athletics stating, "Do you see what I am doing to that state. You gotta call me when you get to the airport."
- Representative 1 sent the director of athletics an email on January 17, 2011, at 11:44 a.m., with copies of prospect 7's transcripts.
- Representative 1 was in Orlando during prospect 7's official visit to the institution the weekend of January 21, 2011, and on this visit, was present during a meeting that occurred in the director of athletics' office which included representative 1, prospect 7 and his mother.
- The numerous phone calls, emails and text messages exchanged between the two men relating to prospect 7's mother's attempt to transfer her employment to the Orlando area.

In considering the above, the committee concluded that the director of athletics provided false information in both his May 5 and September 7, 2011, interviews regarding his knowledge of representative 1's involvement in the institution's recruitment of prospect 7.

In reference to the director of athletics provision of false and misleading information regarding his knowledge of representative 1's involvement in the recruiting of prospect 3, as previously set forth in Finding B-1-a-(3), prospect 3 decommitted from another institution when there was a coaching change. Following the decommitment, he was contacted by representative 1 through prospect 2. As previously discussed in the

rationale for Finding B-1-a-(3), representative 1 initiated several three-way calls involving prospect 3 and members of the men's basketball coaching staff. Further, on April 7, 2011, representative 1 sent an email to the director of athletics in which he stated, "You need to see the kid I'm about to bring in... John Wall baby!!! That's all I can say." The director of athletics confirmed that "John Wall" was referring to prospect 3. As set forth previously in the discussion of Finding B-1-a-(3), the director of athletics responded to representative 1's email, writing, "I heard about John Wall Jr. from (the head football coach). You da man!"

In addition, prospect 3 made an official visit to the institution the weekend of April 15-17, 2011, meeting with the director of athletics on April 16. The director of athletics acknowledged that while he was meeting with prospect 3, he received an email from representative 1 on April 16, 2011, with "My nephew (first name of prospect 3)" in the subject line and the context of the email stated "You got my nephew with you today... He is the next John Wall." Additionally, the director of athletics and representative 1 exchanged 13 text messages on April 16, the date prospect 3 was on campus and met with the director of athletics.

During the director of athletics May 5, 2011, interview, when specifically asked about representative 1's involvement in the recruitment of prospects 2 or 3, the following exchange occurred:

ES: Enforcement staff member.

AD: Director of athletics.

ES: Were you aware, have you had any knowledge of (representative 1) being involved with any of the 2011 recruits that the basketball staff is involved with, specifically (prospect 2 or prospect 3)?

AD: No, 'cause I don't get involved in that. I mean, I, I, I don't know the perfect way to say this. I usually, I'm usually involved when they land, when they're here and their either about to sign or they've committed. So I wouldn't know, you know, what's involved in the process, I mean in terms of how they get there. That's not what I do.

By the time the director of athletics was interviewed a second time, on September 7, 2011, the enforcement staff had obtained telephone and email records that had not been reviewed at the time of his first interview in May. When confronted with email records showing that representative 1 communicated with the director of athletics about prospect 3, the director of athletics equivocated regarding his knowledge of representative 1's involvement in prospect 3's recruitment:

ES: Enforcement staff member.

AD: Director of athletics.

ES: Given these email correspondence about (prospect 3) that you've had with (representative 1) around the time period of his official visit, do you still feel like it's an accurate statement that when we asked are you aware of (representative 1) being involved with (prospect 3) that, "No," was your response?

AD: "No," as my response is that it's in the sense of the way I was interpreting awareness of it. I mean I had no idea - if you're saying because he sent those emails and he knows the kid and he's giving information to our coaches and all that kind of stuff, then yes, he did that. In terms of how involved he was in the process, I only can get what I have here in the emails.

During the hearing the director of athletics was questioned about his knowledge of representative 1's involvement in the recruitment of prospect 3:

CM: Committee Member

AD: Director of Athletics

CM: And then Mr. Wall came to campus -- excuse me, (prospect 3) came to campus on April 16th, correct?

AD: I don't have that actual date that he came on to campus.

CM: Okay. He was on campus on April 16th, I would not expect that you would remember -- not necessarily expect you to remember the specific date. The important thing is while he was on campus, you exchanged thirteen text messages with (representative 1), correct?

AD: Yes.

CM: And you also received an email saying, "You have got my nephew with you today. He is the next John Wall."

AD: Yes. I don't know the sequence of those, but, yes.

CM: Once again, when you were asked the question back on May 5th, "Were you aware, have you any knowledge of (representative 1) being involved with any of the 2011 recruits, specifically (prospect 2), or (prospect 3)?" "No, because I don't get involved in that." That wasn't entirely inaccurate.

AD: That's true. I think at that period of time I couldn't recall, and that's why between this period of time, May 5th and I guess the next time I had my interview, I was able to recollect and get all my information to make sure. Because as I said earlier, I see a lot of recruits, and I had to make sure, you know, what has actually transpired.

The committee concluded that the director of athletics was, in fact, well aware of representative 1's involvement in the recruitment of prospective student-athletes and his denial of that knowledge constitutes the provision of false and misleading information.

5. UNETHICAL CONDUCT. [NCAA Bylaw 10.1-(d)]

The assistant football coach violated the principles of ethical conduct when he knowingly provided false and misleading information to the institution and enforcement staff when questioned about his knowledge of or involvement in violations of NCAA legislation. Specifically, on multiple occasions during his August 29, 2011, interview, the former assistant football coach denied that representatives 1 and 2 assisted the men's football program in the recruitment of prospective student-athletes 7, 8 and 10, as detailed in Findings B-1-b-(1), B-1-b-(2) and B-1-b-(4). His denials and related statements were at worst, false and at best, seriously misleading.

Committee Rationale

The NCAA enforcement staff and institution are in agreement as to the facts of this allegation and that a violation of NCAA ethical conduct occurred. The former assistant coach contends that there is no evidence to conclude he provided either false or misleading information. The committee finds the violation occurred.

The former assistant coach was interviewed on August 29, 2011, by the institution and enforcement staff. Prior to the interview, the assistant football coach was advised of his obligation to provide complete and truthful information as required by NCAA Bylaw 10.1 and that providing false or misleading information, or withholding information, in the course of the interview could constitute a violation of Bylaw 10.1. The assistant football coach was reminded of this obligation twice during the interview.

NCAA Bylaw 13.02.14 sets forth in detail how the NCAA defines a "Representative of Athletics Interests." Specifically, the bylaw states,

A "representative of the institution's athletics interests" is an individual, independent agency, corporate entity (e.g., apparel or equipment

manufacturer) or other organization who is known (or who should have been known) by a member of the institution's executive or athletics administration to:

- (a) Have participated in or to be a member of an agency or organization promoting the institution's intercollegiate athletics program;
- (b) Have made financial contributions to the athletics department or to an athletics booster organization of that institution;
- (c) Be assisting or to have been requested (by the athletics department staff) to assist in the recruitment of prospective student-athletes;
- (d) Be assisting or to have assisted in providing benefits to enrolled student-athletes or their families; or
- (e) Have been involved otherwise in promoting the institution's athletics program.

The committee noted that the assistant football coach was a veteran of the coaching ranks, having spent 32 years in the profession, the last 18 years at the Division I level. In the following exchange which took place during the hearing, the assistant football coach acknowledged that he was aware of the bylaw's definition of an athletics representative:

CM: Committee Member

FBA: Assistant Football Coach

CM: I have looked at your resume and the clinics you have been around, and I have read the bylaw that defines the representative of the athletic interests of the university, which says "have been requested to assist in the recruitment of a prospective student-athlete." . . . were you aware of that rule yourself?

FBA: Yes, I am aware of that rule.

During the August 29, 2011, interview, the assistant football coach denied that representatives 1 and 2 were involved in assisting the institution recruit prospective student-athletes. An example is set forth in the following excerpt from that interview:

ES: Enforcement Staff

FBA: Assistant Football Coach

ES: Were (representatives 1 and 2) helping you with recruiting?

FBA: I've been doing it for 32 years. I'm not saying this to be cocky or anything, but no, I don't really need anybody to help me recruit.

ES: Were they offering to help?

FBA: No. Help me recruit? No. Now people call and giving information about certain kids that you may want to take a look at and that type of thing, if that's construed as helping recruiting, then I guess that's helping, but that's nothing more than giving information or awareness about various kids that people see. But as far as going out, assisting in the recruiting process of a kid and that type of thing, I don't really need your help in that regard.

Knowledge of Recruiting Activity by Representatives 1 and 2

Representative 1's and representative 2's involvement in the recruitment of prospects 7, 8 and 10 is detailed in Findings B-1-b-(1), B-1-b-(2) and B-1-b-(4) of this report. Below is a recapitulation of facts associated with those findings that support the committee's conclusion that the assistant football coach had knowledge of, and in fact encouraged, the two representatives' involvement in the recruitment of those three prospects.

- The assistant football coach's telephone records reflected that during the period from December 18, 2010, to February 4, 2011, he had 513 telephone and text messaging contacts with representative 1 and 287 telephone and text messaging contacts with representative 2. Many of those communications occurred at key times during the recruitment of prospects 7 and 10.
- On December 18, 2010, prospect 8 sent an email to representative 1 containing a link to an online video file of his high school game highlights. Representative 1 then forwarded that email to the assistant football coach, with the "Subject" line containing prospect 8's first name. In the body of the email, representative 1 wrote "Check this out." The assistant football coach confirmed during his August 29, 2011 interview that he viewed prospect 8's game highlights and while viewing prospect 8's video, the Central Florida football staff became interested in recruiting prospect 7, the quarterback for prospect 8's high school.
- On December 26, 2010, representative 1 sent an email to the assistant football coach which contained a link to a recruiting article identifying the football prospective student-athletes named to the Kentucky All-State Football team. Both prospects 7 and 10 were named to that team. Representative 1 wrote the following below the link: "You see our guys who else do you like?" The assistant football coach responded: "I like it Brother! Now, we "Must" get them at UCF!! Make sure we get them on the January 21 visit; (prospect 10) is going to be a "Challenge" for You? I'm going to see how "Good" you really are? (Smile!)"

During his interview, the assistant football coach was asked about the permissibility of outside assistance in arranging for a prospect's campus visit:

ES: Enforcement Staff

FBA: Assistant Football Coach

ES: If someone called you and told you to take notice of some kid, would you consider them assisting in the recruiting if they were instructed to help get those kids down here for a visit?

FBA: If I told them to go and help get those kids to come for a visit, would I construe that as helping?

ES: (Yes).

FBA: No question.

- Prospect 10 reported that he and prospect 7 had in-person, on-campus contact with representatives 1 and 2 during their official visits to the institution, which records confirm occurred during the weekend of January 21, 2011. Prospect 10 stated that this contact occurred during a meeting in the director of athletics' office, and he recalled that the assistant football coach was present for this meeting. The assistant football coach termed it "purely coincidence" that prospect 10 visited the institution on the very day he had asked representative 1 to "make sure" that prospects 7 and 10 visit (that is, January 21, 2011.) When asked about representative's presence in Orlando that weekend, the assistant football coach stated, "Now I don't have any clue as to why (representative 1) came in."
- Prospect 8 took an unofficial visit to the institution on January 28, 2011. Similar to prospect 10, prospect 8 reported that he had contact with representative 1 during the visit. Prospect 8 had previously told representative 1 that he would be visiting the institution and representative 1 told prospect 8 to contact him. Prospect 8 recalled attending a home basketball contest and while at the game, prospect 8 had in-person contact with representative 1. Prospect 8 described speaking with representative 1 for approximately five minutes prior to the start of the basketball contest. Prospect 8 also recalled exchanging a greeting with the assistant football coach at the basketball game. Also during this visit, prospect 8 attended a party with football student-athletes. At the party, prospect 8 was introduced to representative 1's son. Prospect 8 spent one night in representative 1's son's apartment while visiting the institution.

- On January 6, 2011, representative 2 sent an email to the assistant football coach with the subject heading "(the name of prospect 10)!" The email contained a link to a recruiting article about prospect 10 narrowing his college choices to five institutions. In the assistant football coach's reply to representatives 1 and 2, he wrote: "I will BELIEVE it when the "ink is dry?" Who are you guys???" "Just Get It Done!" The committee noted that the final message in the exchange came from representative 1 in which he said: "All I can say, I got this." During the August 29 interview, the assistant football coach was asked to explain this email exchange:

ES: Enforcement staff.

FBA: Assistant football coach.

ES: . . . but can you explain why it would say, "I will believe it when the ink is dry. Who are you guys? Just get it done."

FBA: That was just me playing with those guys and that type of thing. That's not something that would be taken - should be taken literally or anything of that sort. So yeah, I hear what you're saying in that regard.

ES: What's the joke, though? Not taken seriously, can you explain to us what you meant by that?

FBA: Nothing other than idle words. There was really no specific content or thing that I was trying to say or prove in that regard. That's just, I guess, kind of no other terms. Us kind of black guys talking to each other, messing around, but nothing of any - it wasn't the intent of you all go out and recruit this kid and get it done for me. No, it wasn't anything of that sort.

- According to institutional telephone records, prospect 7 first contacted the assistant football coach via telephone January 10, 2011. On this date the assistant football coach had 62 contacts with representatives 1 and 2 in addition to another individual who was an associate of representative 2.
- As previously documented in this report, on January 17, 2011, representative 1 forwarded a facsimile to the assistant football coach via email. The email contained the subject line "(name of prospect 7) transcripts."
- On January 19, 2011, the assistant football coach had in-person, off-campus recruiting contact with prospects 7 and 8 in Louisville, Kentucky. Representative 2 provided the assistant football coach with transportation for this visit, introduced the assistant football coach to the two prospects' high school coaches

and was present for the assistant football coach's contacts with prospects 7 and 8. Representative 2 accompanied the assistant football coach on visits to two other Louisville-area high schools. That same evening, representative 2 also accompanied the assistant football coach to a Louisville area restaurant where the assistant football coach had contact with prospect 7 and his mother.

- During his August 29, 2011, interview, the assistant football coach stated the following: "Has (representative 1) told people, not these kids, but kids, "This UCF place is a great place. You may want to consider it," that type of thing? Knowing (representative 1), I'm sure he has." The committee noted that subpart (e) of the definition of an athletics representative contains the provision, "Have been involved otherwise in promoting the institution's athletics program." It appeared to the committee that the assistant football coach was aware of representative 1's promotion of the institution.

The assistant football coach maintained that representatives 1 and 2 were merely advisors and mentors to the prospective student-athletes and that he never requested their assistance in the recruiting process. The assistant coach dismissed the several cited communications between him and the two representatives as "bantering" and "joking" and that the only assistance the two provided was "information." However, there were many indications throughout the interview that the assistant football coach was aware that representatives 1 and 2 were intimately involved in the recruitment of prospective student-athletes. Visits to prospects were preceded and followed by multiple, lengthy calls to representative 1, which the assistant football coach attempted to minimize as idle chatter. The assistant football coach met representative 1 only once in person, which strongly suggests that they were not friends to the extent which would justify or explain the high level of communication between the two. The committee found the assistant football coach's testimony to be evasive and not forthcoming about the relationship.

The committee concluded that the information cited above provides evidence of the following: i) that representatives 1 and 2 were actively involved in the recruiting process on behalf of the institution, including impermissible recruiting activity; ii) the assistant football coach was aware of the activity and encouraged it; and iii) when questioned about his knowledge of this activity, he provided false and misleading information as set forth in the finding.

**6. FAILURE TO MONITOR – HEAD MEN'S BASKETBALL COACH.
[NCAA Bylaw 11.1.2.1]**

The head basketball coach failed to monitor relative to the activities of representative 1 and his associates. Representative 1 was a recruiter for a

professional sports agency and later became a representative of the institution's athletics interests through his recruiting activity. The head basketball coach was aware that representative 1 and his associates were promoting the institution's athletics programs and assisting the institution in the recruitment of prospects, as outlined in Finding B-1-a, but failed to try to stop or discourage the activities, ask reasonable questions about the circumstances; or report violations to the institution, Conference USA or the NCAA enforcement staff.

Committee Rationale

It was originally alleged that the head basketball coach failed to promote an atmosphere for compliance relating to two issues; a) the head basketball coach's knowledge of representative 1's recruiting activity on behalf of Central Florida, and the head basketball coach's failure to take appropriate action and; b) The head basketball coach's actions in approving the continuance of an out-of-state tuition waiver for representative 1's son. Both the institution and the head basketball coach do not believe that the coach failed to promote an atmosphere for compliance within the men's basketball program. The institution believes that the head basketball coach failed to monitor his program relative to representative 1 and some of his impermissible recruiting activities. The head basketball coach's written response did not address the question of whether a finding of a failure to monitor would be appropriate.

Under ordinary circumstances, the committee likely would have found that the head men's basketball coach failed to promote an atmosphere of compliance because of his knowledge of representative 1's recruiting activity. However, the committee noted that representative 1's involvement in the institution's recruiting began prior to the head coach's arrival at Central Florida. Moreover, as mentioned in the introduction of this report, the director of athletics' acceptance and befriending of representative 1 served to legitimize representative 1 in the eyes of the coaches, so that served as mitigating factor. Consequently, the committee finds that, with regard to the head basketball coach's knowledge of representative 1's activities and his failure to take appropriate action, the head basketball coach failed to monitor. At the hearing, the head basketball coach's attorney said that, as it relates to the activities of representative 1, a finding of a failure to monitor "would be much more reasonable and would not be an abuse of discretion by the committee." With regard to any role by the head coach in approving the continuance of an out-of-state tuition waiver for representative 1's son, that was found to be a component of the lack of institutional control finding as set forth in Finding B-6.

As previously set forth in this report, representative 1 had a relationship with the director of athletics and the previous men's basketball coaching staff prior to the current head basketball coach's arrival at the institution. The head basketball coach first became aware of representative 1 shortly after arriving at Central Florida when he was forced to

"re-recruit" some of the then current men's basketball student-athletes including student-athlete A, who was from Chicago. During this process, the director of athletics, told the head basketball coach that representative 1, as a Chicago area nonscholastic basketball team administrator and a "well-connected" guy, would be a good person for the head basketball coach to get to know. The head basketball coach contacted representative 1 and arranged an in-person meeting with him during the NCAA Men's Basketball Final Four tournament in Indianapolis. The focus of this meeting was student-athlete A and the effort to keep him from transferring. As previously set forth in Finding B-1-a, student-athlete A had been a member of the Chicago non-scholastic team with which representative 1 was affiliated.

After student-athlete A decided not to transfer to another institution, the communication between the head basketball coach and representative 1 did not stop and, in fact, expanded to involve men's basketball prospective student-athletes being recruited by the institution. After April 2010, the head basketball coach had minimal contact with representative 1 until the fall of 2010, when prospect 2 decommitted from the University of Louisville. It appears that it was also at that time that representative 1 first contacted prospect 2. At some point during prospect 2's recruitment, the focus of representative 1's communication with the prospect began to center on Central Florida. The head basketball coach' first significant contact with prospect 2 occurred during a three-way telephone call initiated by representative 1. Days later, representative 1 sent a copy of prospect 2's academic records to the men's basketball staff. Representative 1 continued to contact prospect 2's family in an effort to assist the institution's recruitment of prospect 2. The head basketball coach and one of his assistant coaches had frequent communication with representative 1 during this time and were aware that representative 1 was contacting prospect 2. However, the head basketball coach did nothing to ensure that representative 1 did not have impermissible recruiting contacts with prospect 2 or take any steps to determine whether representative 1's interactions with prospect 2 were permissible, including alerting the institution's compliance office. Additionally, the head basketball coach failed to discuss with representative 1 any limits regarding his interactions with prospective student-athletes. In doing so, the head basketball coach failed to meet his responsibility to ensure representative 1's contact with prospect 2 did not violate NCAA legislation.

Likewise, during April 2011, after the institution began recruiting prospect 3, the head basketball coach's contact with representative 1 also significantly increased. Between December 2010 and April 2011, the head basketball coach had 825 telephone calls and text-message contacts with representative 1, compared to 275 such contacts during the previous eight months. In the month of April 2011, the head basketball coach had 284 telephone calls and text-message contacts with representative 1. The first three contacts the men's basketball staff had with prospect 3 were the result of representative 1 connecting the staff to prospect 3 via a three-way telephone call. Prospect 3's family also

made the head basketball coach aware of representatives 1's and 2's telephone recruiting contacts. While the head basketball coach reportedly informed prospect 3's parents that representative 2 was not a part of the institution's men's basketball program, the head basketball coach did not make any efforts to curtail representative 1's and 2's activities, despite the fact that the head basketball coach knew representative 1 was having telephone contact with prospects 2 and 3 and that he was promoting the institution to those prospects.

In addition to assisting the institution in its recruitment of prospects 2 and 3, representative 1 had recruiting contact on behalf of the institution with men's basketball prospects 4, 5 and 6 as previously documented in Finding B-1-a.

According to Bylaw 11.1.2.1, a head coach is presumed to have knowledge of what is occurring in his program and, therefore, can be responsible for the actions of individuals associated with the program. In his written response the head basketball coach admits some culpability relative to the actions of representative 1 and his failure to recognize issues relating to representative 1's recruiting activity:

Given the totality of representative 1's relationship with UCF's athletics program, (the head basketball coach) agrees, with the benefit of hindsight, he should have been more conscious of representative 1's potential UCF booster status.

During the hearing, the head basketball coach's counsel again acquiesced to some blame on the part of the former head men's basketball coach:

(The head basketball coach) has admitted his mistake in not recognizing the violations that representative 1 committed in the recruiting realm (and) was an unfortunate oversight for which (the head basketball coach) has accepted responsibility,

A head coach is not required to investigate wrongdoing but is expected to recognize potential NCAA violations, address them and report them to the athletics administration. In assessing the head basketball coach's culpability, within the requirements and parameters of his responsibility as a head basketball coach, the committee concluded that he did not meet those requirements and thus should be found for a failure to monitor.

7. LACK OF INSTITUTIONAL CONTROL. [NCAA Constitution 2.8.1, 6.01.1 and 6.4.2]

The scope and nature of the violations detailed in Findings B-1 and B-3 demonstrate that the institution failed to exercise institutional control and monitoring in the administration of its athletics programs by failing to monitor the conduct, interaction and communication between various athletics department staff members and representative 1 and persons associated with representative 1. Further, an impermissible benefit was provided in conjunction with the institution's relationship with representative 1. Specifically:

- a. The director of athletics, and other athletics department staff members, including men's basketball and football coaching staff members, were aware that representative 1 and his associates:
 - (1) Maintained relationships with basketball and football prospective student-athletes and family members recruited by the institution from different cities and locations in the country but failed to adequately explore or monitor the activities of representative 1 and his associates in relation to those prospects to ensure NCAA rules compliance.
 - (2) Promoted the institution's athletics programs and assisted the institution in the recruitment of prospects but failed to take any actions to discourage or stop the activities; ask reasonable questions about the circumstances; or report violations to the institution, Conference USA or the enforcement staff.
- b. During the time period when representative 1 and his associates were promoting the institution's athletics programs and assisting the institution in recruitment, the director of athletics and the head basketball coach allowed representative 1 and his associates to receive tangible benefits and favors in the form of event tickets and access to the director of athletics, the institution's athletics department programs and coaches.
- c. The institution failed to implement adequate monitoring systems relating to the provision of out-of-state tuition fee waivers to student workers to ensure that such fee waivers were provided to student workers performing duties as assigned.

Committee Rationale

The NCAA enforcement staff and the institution were in substantial agreement on the facts of this finding and those facts constituted a violation of NCAA legislation. The committee finds that the violation occurred.

As this report reflects, the athletics administration (i.e., the director of athletics) and some coaches in the men's basketball and football programs were aware of representative 1 and his relationships with prospective and enrolled student-athletes, his involvement in the recruitment of prospective student-athletes, and his promotion of the institution and its athletics programs to prospects. However, the institution failed to evaluate the permissibility of the activities in which representative 1 and his associates engaged. This failure contributed to several of the violations previously set forth in this report.

Through its decisions in several cases adjudicated in the past decade, the committee has warned the membership of a greater obligation to monitor those individuals, like representative 1, who have insider status, and when violations occur, there is an enhanced responsibility for any violations they may commit. In the introduction of this report, the committee cited the 2003 Michigan decision which was illustrative in the context of this case.

In its 2002 decision in a case involving the University of Alabama, the committee provided a similar admonition:

But those athletics representatives provided favored access and "insider" status. . . are not the typical representative. Their favored access and insider status creates both a greater institution obligation to monitor and direct their conduct and a greater institution responsibility for any misconduct in which they engage. This case is apt illustration of the unequivocal obligation to monitor closely those athletics representatives (who have) a level of visibility, insider status, and favored access within athletics programs. Their insider status not only gives credence to their claims of authority within a program but also, and however unintended, serves to reward them for the illicit activities in which they engage.

Finding B-7-a

With reference to Finding B-7-a, as documented in the rationale for Finding B-1-a, representative 1 first became involved with the institution through the recruitment of student-athlete A. Representative 1 was the coach of student-athlete A's summer team and through contact made by a former assistant basketball coach, became involved in the institution's recruitment of student-athlete A. As representative 1 learned more about Central Florida, he became increasingly involved in the institution's recruiting efforts in men's basketball and football and in promoting the institution with recruits. As an outgrowth of that, he developed personal relationships with some of the men's basketball and football coaches and the director of athletics. Representative 1 was repeatedly described by individuals interviewed during the investigation as someone who "fell in

love" with the institution. His affection for Central Florida and his attendant recruiting efforts on behalf of the institution was known and, in fact, welcomed by the director of athletics and by the coaches who were involved in this case. Unfortunately, no one at the institution, including its most senior athletics department staff member, thought to consider whether, by so outwardly promoting the institution to prospects and others, representative 1's status had changed from that of a coach/advisor to prospects to that of a representative of the institution's athletics interests. The institution concedes that those who knew details of representative 1's activities should have known that his status had changed; that he had become a representative of the institution's athletics interests, or, at the minimum, should have asked questions toward that end.

Findings B-7-b and B-7-c

In reference to Findings B-7-b and B-7-c, and in particular an out-of-state tuition waiver described in Finding B-7-c, in the fall of 2009 the institution provided a special arrangement to representative 1's son in the form of an out-of-state tuition fee waiver. In providing this waiver, the institution did not follow its own institutional policies and procedures or monitor to ensure that that representative 1's son was performing his assigned tasks. Further, on January 20, 2011, the head basketball coach directed a men's basketball staff member to inform a senior level athletics department staff member that representative 1's son was in an employment status with the men's basketball program when, in fact, the son was not performing any duties for the men's basketball program. The head basketball coach's actions in January 2011 facilitated the continued approval of the out-of-state tuition fee waiver for the son of representative 1. The committee noted that this occurred during the time in which representative 1 was assisting the institution in the recruitment of prospective student-athletes as documented in Finding B-1-a. During the hearing, the institution's outside counsel stated that the tuition waiver reflected poorly on the institution:

On behalf of the university, first of all, I want to make it very clear this is a bad situation. It is extremely embarrassing. This is nothing that the university is pleased about at all.

C. SECONDARY VIOLATION.

RECRUITING VIOLATIONS – IMPERMISSIBLE TEXT MESSAGES. [NCAA Bylaw 13.4.1.2]

Between January and March 2011, a then assistant football coach sent 10 text-messages to prospective student-athletes and/or their parents prior to the involved prospect signing a

NLI/or institutional offer of financial aid in violation of NCAA recruiting communication legislation.

D. PENALTIES.

For the reasons set forth in Parts A and B of this report, the Committee on Infractions found that this case involved major violations of NCAA legislation. In addition the Institution is a repeat violator (See: Bylaw 19.5.2.1.1). In determining the appropriate penalties to impose, the committee considered the institution's self-imposed penalties and corrective actions. Note: The institution's corrective actions are contained in Appendix Two.]

The committee also considered the institution's cooperation in the processing of this case. Cooperation during the infractions process is addressed in Bylaw 19.01.3 - **Responsibility to Cooperate**, which states in relevant part that, "All representatives of member institutions shall cooperate fully with the NCAA enforcement staff, Committee on Infractions, Infractions Appeals Committee and Board of Directors. The enforcement policies and procedures require full and complete disclosure by all institutional representatives of any relevant information requested by the NCAA enforcement staff, Committee on Infractions or Infractions Appeals Committee during the course of an inquiry." Further, NCAA Bylaw 32.1.4 - **Cooperative Principle**, also addresses institutional responsibility to cooperate fully during infractions investigations, stating, in relevant part, "The cooperative principle imposes an affirmative obligation on each institution to assist the enforcement staff in developing full information, to determine whether a possible violation of NCAA legislation has occurred and the details thereof." The committee determined that the cooperation exhibited by the institution met its obligation under Bylaws 19.01.3 and 32.1.4. The cooperation the institution demonstrated in this case must be weighed against the conduct and failures of the institution and its personnel as set forth in Findings B-1, B-2, B-3, B-5, B-6 and B-7. The committee concluded that in light of the serious nature of the violations and the failure of the institution to detect and/or prevent them, plus the institution's status as a repeat violator, the institution's cooperation did not warrant relief in the penalties imposed by the committee in this case.

This is a case that involved several serious violations of NCAA legislation, most notably unethical conduct on the part of the director of athletics and an assistant football coach, a failure to monitor by the head men's basketball coach and a lack of institutional control, all of which can be traced to the activities of representative 1, and the fallout which resulted from those activities. For a period of more than two years, members of the institution's football and men's basketball coaching staffs not only condoned the involvement of representative 1 and his associates in the recruiting process, they actively

embraced and befriended him while he was violating NCAA legislation. In short, the institution's staff members who were in a position to know that representative 1 was engaging in illicit activity and indeed had an affirmative obligation to know, chose instead to look the other way. In doing so, they abdicated their responsibilities under NCAA legislation.

The committee decided that the imposition of postseason penalties was appropriate in this case, noting that four of the five aggravating factors cited under Bylaw 19.5.2-(g) were present, including: 1) An involved individual remains employed at the institution; 2) A significant competitive advantage resulted from the violations; 3) The violations reflect a lack of institutional control and; 4) The institution is a repeat violator.

In light of the above and the egregious nature of this case, the committee imposes the following penalties:

1. Public reprimand and censure.
2. Five years of probation commencing February 10, 2012, and concluding February 9, 2017. [**Note 1:** The period of probation begins retroactively to the ending date of the institution's prior two-year probationary period resulting from its 2010 case. **Note 2:** The institution suggested a three-year period of probation, also beginning on February 10, 2012.]
3. The institution's football team shall end its 2012 season with the playing of its last regularly scheduled, in-season contest and shall not be eligible to participate in any postseason competition, including a bowl game, following the season. Moreover, during the year of this postseason ban, the football team may not take advantage of the exceptions to the limit in the number of football contests that are provided in Bylaw 17.9.5.2, including a conference championship game, with the exception of a spring game as set forth in Bylaw 17.9.5.2-(a).
4. The institution's men's basketball team shall end its 2012-13 season with the playing of its last regularly scheduled, in-season contest. Moreover, during the year of this postseason ban, the basketball team may not take advantage of the exceptions to the limit in the number of contests that are provided in Bylaw 17.3.5, including a conference season-end tournament.
5. Limit of 20 initial grants-in-aid and 80 total grants in football each year for three academic years. [**Note:** The institution had proposed a reduction of four, from 85

to 81, in total grants and a reduction of four, from 25 to 21, in the permissible number of initial grants for the 2012-13 and 2013-14 academic years.]⁸

6. Limit of 11 total grants in men's basketball each year for three academic years. [Note: The institution had proposed a reduction of one, from 13 to 12, in total grants for each of the 2012-13 and 2013-14 academic years.]⁹
7. The head men's basketball coach was suspended without pay for the first three conference games of the 2011-12 season, and an assistant men's basketball coach was suspended for the first two conference games that season. (Institution imposed)
8. A financial penalty in the amount of \$50,000 payable to the NCAA shall be submitted at the time the institution's preliminary compliance report is due (September 15, 2012).
9. Pursuant to NCAA Bylaws 19.5.2.2-(e)-(2) and 31.2.2.3, the institution will vacate all men's basketball wins in which student-athlete A competed for the 2008-09, 2009-10 and 2010-11 academic years. (Institution imposed). The individual records of student-athlete A shall be vacated as well. Further, the institution's records regarding men's basketball, in addition to the record of the head men's basketball coaches during those years will reflect the vacated records and will be recorded in all publications in which men's basketball records for the 2008-09 through the 2010-11 seasons are reported, including, but not limited to

⁸ The institution has the option to comply with the limits imposed by the committee beginning with the 2012-13 academic year and concluding with the 2014-15 academic year, or commencing with the 2013-14 academic year and concluding with the 2015-16 academic year. If the institution chooses to implement the three-year period of the penalty during the 2012-13, 2013-14 and 2014-15 academic years, with the self-imposed reduction of four initial and four total (from 25 to 21 and from 85 to 81 respectively) during the 2012-13 academic year, it will be required to reduce initial and total grants by six (from 25 to 19 and from 85 to 79) during one of the remaining two years. Conversely, if the institution chooses to delay the three-year period of the penalty to the 2013-14, 2014-15 and 2015-16 academic years, with the current self-imposed reductions in place for the 2012-13 academic year, it will be "credited" with the self-imposed reduction of four initial and four total grants taken during the 2012-13 academic year and be required to reduce grants by one (from 25 to 24 and from 85 to 84) during one of the ensuing years.

⁹ The institution has the option to comply with the limits imposed by the committee beginning with the 2012-13 academic year and concluding with the 2014-15 academic year, or commencing with the 2013-14 academic year and concluding with the 2015-16 academic year. If the institution chooses to implement the three-year period of the penalty during the 2012-13, 2013-14 and 2014-15 academic years, with the self-imposed reduction of one (from 13 to 12) during the 2012-13 academic year, it will be required to reduce grants by three (from 13 to 10) one of those ensuing years. Conversely, if the institution chooses to delay the three-year period of the penalty to the 2013-14, 2014-15 and 2015-16 academic years, it will be "credited" with the self-imposed reduction of one grant during the 2012-13 academic year and be required to reduce grants by one (from 13 to 12) during one of the ensuing years.

institutional media guides, recruiting material, electronic and digital media plus institutional, conference and NCAA archives. Any institution which may subsequently hire the head coaches shall similarly reflect the vacated wins in their career records documented in media guides and other publications cited above. Head coaches with vacated wins on their records may not count the vacated wins to attain specific honors or victory "milestones" such as 100th, 200th or 500th career victories. Any public reference to these vacated contests shall be removed from athletics department stationery, banners displayed in public areas and any other form in which they may appear. Finally, to ensure that all institutional and student-athlete vacations, statistics and records are accurately reflected in official NCAA publication and archives, the sports information director (or other designee as assigned by the director of athletics) must contact the NCAA director of statistics and appropriate conference officials to identify the specific student-athlete and contests impacted by the penalties. In addition, the institution must provide the NCAA statistics department a written report, detailing those discussions with the director of statistics. This document will be maintained in the permanent files of the statistics department. This written report must be delivered to the NCAA statistics department no later than forty-five days following the initial Committee on Infractions release or, if the vacation penalty is appealed, the final adjudication of the appeals process.

10. A reduction of the number of permissible recruiters allowed off the institution's campus at any one time as follows:
 - a. Reduce by two, from seven to five, the maximum number of full-time coaches permitted to be off campus recruiting at any one time in football for the 2012-13 and 2013-14 academic years. [**Note:** the institution proposed a reduction of one, from seven to six.]
 - b. Reduce by one, from three to two the maximum number of full-time coaches permitted to be off campus recruiting at any one time in men's basketball for the 2012-13 and 2013-14 academic years.
 - c. The head men's basketball coach and assistant men's basketball coach were prohibited from engaging in any off-campus recruiting activity during two of the three July evaluation periods (e.g., head coach prohibited from off-campus recruiting activities during the first Wednesday through Sunday July evaluation period, and assistant men's basketball coach prohibited from off-campus recruiting activities during the second Wednesday through Sunday July evaluation period) for the July 2012 evaluation period. (Institution imposed) In addition, the above identified coaches will have the same prohibition for off-campus

recruiting activity during all three evaluation periods in July 2013. [**Note:** the institution suggested a prohibition for two out of the three July evaluation periods for both years.]

11. Reduction in the available number of recruiting person days by 25 in the sport of men's basketball (from 130 to 105) for each of the 2012-13 and 2013-14 academic years. (Institution imposed)
12. Reduction in the available number of recruiting evaluation days by nine in the fall evaluation period (from 42 to 33) and 34 in the spring evaluation period (from 168 to 134) in the sport of football or each of the 2012-13 and 2013-14 academic years. (Institution imposed)
13. Official paid visits in the sport of football shall be limited to 30 for each of the 2012-13 and 2013-14 academic years (August 1, 2012 – July 31, 2014). [**Note 1:** The maximum number of official paid visits in football is 56. **Note 2:** The institution had averaged approximately 33 visits over the previous four academic years. **Note 3:** The institution had proposed a limit of 42 official paid visits during the next two academic years.]
14. Official paid visits in the sport of men's basketball shall be limited to seven for each of the 2012-13 and 2013-14 academic years. (August 1, 2012 – July 31, 2014). [**Note 1:** The maximum number of official paid visits in basketball is 12]. (Institution imposed)
15. The committee found that the head men's basketball coach failed to monitor his program as set forth in Finding B-5. Specifically, he was aware that representative 1 and his associates were promoting the institution's athletics programs and assisting the institution in the recruitment of prospects, as outlined in Finding B-1-a, but failed to try to stop or discourage the activities, ask reasonable questions about the circumstances; or report violations to the institution, Conference USA or the NCAA enforcement staff. As a result of these failures, the institution suspended him for the first three conference games of the 2011-12 men's basketball season (Penalty D-7) and imposed recruiting restrictions on him (Penalty D-10-c). Further, the institution required the head coach to attend a NCAA Regional Rules Seminar in 2012. In addition, if the head men's basketball coach is still employed at this or any other NCAA member institution during the 2012-13, 2013-14 and 2014-15 academic years, the employing institution shall show cause why it should not be penalized further if he is not required to comply with the recruiting restrictions set forth in Penalty D-7 and also attend NCAA Regional Rules Seminars in 2013 and 2014 at his own expense.

16. The director of athletics will be informed in writing by the NCAA that, due to his involvement in Findings B-3 and B-4, if he seeks employment or affiliation in an athletically related position at an NCAA member institution during a three-year period (July 31, 2012, to July 30, 2015), he and the involved institution shall be requested to appear before the Committee on Infractions to consider whether the member institution should be subject to the show-cause procedures of Bylaw 19.5.2.2-(1), if the employing institution does not prevent him from having any contact (in person, telephonic and other electronic means) with prospective student-athletes being recruited by the institution and require him to attend a NCAA Regional Rules Seminar at his own expense in 2013, 2014 and 2015.
17. The former assistant football coach will be informed in writing by the NCAA that, due to his involvement in Findings B-1 and B-5, if he seeks employment or affiliation in an athletically related position at an NCAA member institution during a one-year period (July 31, 2012, to July 30, 2013), he and the involved institution shall be requested to appear before the Committee on Infractions to consider whether the member institution should be subject to the show-cause procedures of Bylaw 19.5.2.2-(1), if the employing institution does not prevent him from having any contact (in person, telephonic and other electronic means) with prospective student-athletes being recruited by the institution and require him to attend a NCAA Regional Rules Seminar in 2013.
18. The permanent disassociation of representative 1, his son and representative 2. (Institution imposed)
19. During this period of probation, the institution shall:
 - a. Continue to develop and implement a comprehensive educational program on NCAA legislation to instruct the coaches, the faculty athletics representative, all athletics department personnel and all institution staff members with responsibility for the certification of student-athletes' eligibility for admission, financial aid, practice or competition;
 - b. Submit a preliminary report to the office of the Committees on Infractions by September 15, 2012, setting forth a schedule for establishing this compliance and educational program; and
 - c. File with the office of the Committees on Infractions annual compliance reports indicating the progress made with this program by January 15 of each year during the probationary period. Particular emphasis should be placed on education of staff members regarding recruiting legislation,

particularly the involvement of "third parties" in the recruiting process. The reports must also include documentation of the institution's compliance with the penalties adopted and imposed by the committee.

20. During the period of probation, the institution shall:
 - a. Inform prospective student-athletes in football and men's basketball that the institution is on probation for five years and of the violations committed. If a prospective student-athlete takes an official paid visit, the information regarding violations, penalties and terms of probation must be provided in advance of the visit. Otherwise, the information must be provided before a prospective student-athlete signs a National Letter of Intent.
 - b. Publicize the case information annually in football and men's basketball media guides (or web posting), as well as in a general institution alumni publication to be chosen by the institution with the assent of the office of the Committees on Infractions. A copy of the media guides, alumni publication, and information included in recruiting material shall be included in the compliance reports to be submitted annually to the Committees on Infractions.
21. The above-listed penalties are independent of and supplemental to any action that has been or may be taken by the Committee on Academic Performance through its assessment of contemporaneous, historical, or other penalties.
22. At the conclusion of the probationary period, the institution's president shall provide a letter to the committee affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.

As required by NCAA legislation for any institution involved in a major infractions case, the University of Central Florida shall be subject to the provisions of NCAA Bylaw 19.5.2.3, concerning repeat violators, for a five-year period beginning on the effective date of the penalties in this case, July 31, 2012.

Should the University of Central Florida or any involved individual appeal either the findings of violations or penalties in this case to the NCAA Infractions Appeals Committee, the Committee on Infractions will submit a response to the appeals committee.

The Committee on Infractions advises the institution that it should take every precaution to ensure that the terms of the penalties are observed. The committee will monitor the penalties during their effective periods. Any action by the institution contrary to the terms of any of the penalties or any additional violations shall be considered grounds for extending the institution's probationary period or imposing more severe sanctions or may result in additional allegations and findings of violations. An institution that employs an individual while a show-cause order is in effect against that individual, and fails to adhere to the penalties imposed, subjects itself to allegations and possible findings of violations.

Should any portion of any of the penalties in this case be set aside for any reason other than by appropriate action of the Association, the penalties shall be reconsidered by the Committee on Infractions. Should any actions by NCAA legislative bodies directly or indirectly modify any provision of these penalties or the effect of the penalties, the committee reserves the right to review and reconsider the penalties.

NCAA COMMITTEE ON INFRACTIONS

Melissa (Missy) Conboy, acting chair
Christopher L. Griffin (appeals coordinator)
Roscoe C. Howard Jr.
Eleanor W. Myers
James O'Fallon
Gregory Sankey
Dennis E. Thomas
Rodney J. Uphoff
Thomas E. Yeager

APPENDIX ONE

CASE CHRONOLOGY.

2011

April 29 - New York Times and ESPN published stories alleging that the University of Central Florida violated NCAA legislation regarding the recruitment of several prospective student-athletes by using an outside third party (representative 1).

May 2 - The NCAA enforcement staff conducted initial off-campus interviews.

May 5 - The enforcement staff conducted initial on-campus interviews.

June through August - The enforcement staff conducted off-campus interviews.

August 15 - A notice of inquiry was sent to the institution.

August 29-31 - The enforcement staff conducted additional on-campus interviews.

September 7 - The enforcement staff conducted additional on-campus interviews.

September and October - The enforcement staff conducted additional off-campus interviews.

November 8 - The enforcement staff issued a notice of allegations to the institution, the director of athletics; the head basketball coach; an assistant basketball coach; and the former assistant football coach, and requested written responses by February 5, 2012.

2012

January 26 – The NCAA Division I Committee on Infractions granted an extension for responding to the notice of allegations for all parties until February 20, 2012.

February 20 - The NCAA Division I Committee on Infractions and enforcement staff received responses to the notice of allegations from the institution, the director of athletics, the head basketball coach, an assistant basketball coach and a former assistant football coach.

March 1 - The enforcement staff conducted a prehearing conference with the institution.

March 5 - The enforcement staff conducted a prehearing conference with the head men's basketball coach and an assistant men's basketball coach.

March 6 - The enforcement staff conducted a prehearing conference with the director of athletics.

March 7 - The enforcement staff conducted a prehearing conference with a former assistant football coach.

March 26 – The case summary was sent out.

April 13 – The institution appeared before the NCAA Division I Committee on Infractions.

July 31 – Infractions Report No. 372 was released.

APPENDIX TWO

CORRECTIVE ACTIONS AS IDENTIFIED IN THE INSTITUTION'S FEBRUARY 22, 2012, RESPONSE TO THE NOTICE OF ALLEGATIONS

1. Accepted the resignations of the director of athletics and a former assistant football coach from their positions as a result of their involvement in this case. They both left their positions on November 9, 2011.
2. Appointed a new director of athletics to replace the director of athletics effective January 10, 2012.
3. Issued letters of admonishment to the head football coach, the head men's basketball coach and an assistant men's basketball coach.
4. Required that the head men's basketball coach and an assistant men's basketball attend a NCAA Regional Rules Seminar in 2012.
5. Changed the internal reporting responsibilities for the office of athletics compliance so that it now reports to an institution compliance office outside of athletics. This change is seen by the institution as providing the athletics compliance office with more autonomy and the ability to have a non-athletics destination with which to confer for situations such as the issues addressed in institution's response to the notice of allegations. This organizational change was implemented on November 9, 2011.
6. Scheduled a comprehensive athletics compliance review, to be conducted by an outside evaluator, to ensure that the current athletics policies and practices conform to all requirements of NCAA regulations. The on-campus visit portion of this review occurred in mid-January 2012. Further, contracted with the same evaluator to conduct athletics compliance "audits" in selected areas (e.g., recruiting, eligibility certification) for the institution over the ensuing four academic years.
7. Entered into discussions with outside vendors to purchase a comprehensive "turnkey" software solution for the athletics compliance operation in order to automate athletics compliance functions and enhance the institution's ability to monitor critical athletics compliance areas in "real time." The institution has been in contact with several private compliance software solutions companies to determine which product can best provide a compliance solution for all of its sports.
8. Planned an internal review of single-game and "seasonal" all-access passes to better understand who has access to these benefits and to more accurately monitor their recipients.
9. Enhanced the institution's annual rules compliance educational program for coaches, administrators and staff conducted/coordinated by the athletics compliance office, with particular emphasis on the conduct of and interactions with representatives of the institution's athletics interests and other third parties, as they may be associated with recruiting.