



MOREHEAD STATE UNIVERSITY
PUBLIC INFRACTIONS REPORT

August 25, 2010

A. INTRODUCTION.

This case was resolved through the summary disposition process, a cooperative endeavor in which the Committee on Infractions reviews infractions cases submitted in written form. This process is used as an alternative to a formal hearing, and may be utilized only when the NCAA enforcement staff, the member institution and involved individuals agree to the facts of an infractions case and that those facts constitute major violations. The summary report was reviewed by the committee during its June 2010 meeting. The committee accepted the findings in the report and imposed minimal additional penalties. In a letter dated June 17, the committee informed the institution of its acceptance of the report, the imposition of the additional penalties, and the institution's option to contest the penalties at a hearing. In a letter dated July 2, the institution informed the committee that it accepted the additional penalties.

The violations in this case all pertain to a representative of the institution's athletics interests' involvement in the recruitment of men's basketball prospective student-athletes. This activity included offers and inducements by the representative. Associated with these violations was a failure by the head coach to monitor his basketball coaching staff members in connection with their interactions with the representative of the institution's athletics interests.

A member of the Ohio Valley Conference, the institution has an enrollment of approximately 9,046 students. The institution sponsors eight men's and eight women's intercollegiate sports. This was the institution's first major infractions case.

B. FINDINGS OF VIOLATIONS OF NCAA LEGISLATION.

1. VIOLATIONS OF COACHING STAFF LIMITATIONS, VIOLATIONS OF RECRUITING LEGISLATION. [NCAA Bylaws 11.7.1.1.1, 11.7.1.1.1.1, 11.7.4, 13.01.2, 13.01.3, 13.01.4, 13.02.3, 13.02.13-(c), 13.1.2.1, 13.1.2.4-(a), 13.1.2.4-(b), 13.1.2.4-(c), 13.1.2.4-(d), 13.1.2.5, 13.1.3.4.1, 13.2.1, 13.11.1 and 13.15.1]

From the fall of 2006 through April 2009, the head men's basketball coach, ("the head coach"); an assistant men's basketball coach ("former assistant coach 1");

and other members of the men's basketball staff had knowledge of and at times directed or encouraged the impermissible recruiting activities of a representative of the institution's athletics interests ("the representative"). The representative was involved in the recruitment of numerous men's basketball prospective student-athletes, arranged workouts, assisted in the arrangement of official and unofficial visits, and offered improper recruiting inducements to prospective student-athletes. As a result, the representative became a countable coach by participating in recruiting activities resulting in the men's basketball program exceeding its countable coach limit by one. Specifically:

- a. From the fall of 2006 through the spring of 2009, the head coach, and former assistant coach 1, in addition to other members of the men's basketball coaching staff, had knowledge of, and at times directed or encouraged the representative when he impermissibly assisted in the institution's recruiting efforts by evaluating 30 men's basketball prospective student-athletes ("prospects 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30," respectively).
- b. Between the fall of 2006 and the spring of 2009, the head coach, former assistant coach 1 and other members of the men's basketball coaching staff had knowledge of and at times directed or encouraged the representative when he had impermissible recruiting contacts, including some telephone contacts, with prospects 2, 3, 4, 8, 9, 10, 11, 13, 14, 15, 18, 19, 21, 23 and 26.
- c. In the fall of 2007 and March 2009, and at the direction of former assistant coach 1, the representative impermissibly arranged two workouts for the head coach and the former assistant coach to evaluate prospective student-athletes at two New Jersey high schools ("high school 1" and "high school 2" respectively).
- d. During the 2009 spring semester, the head men's coach, former assistant coach 1, and other members of the men's basketball coaching staff had knowledge of and at times directed or encouraged the representative when he assisted in the arrangements for official-paid visits to the institution for prospects 2, 14 and 23. Additionally, the representative assisted in the arrangement of prospect 26's unofficial visit to the institution and made an offer to the head coach to finance the visit. The institution refused the offer and advised the representative that the offer was impermissible.

- e. In March 2009, the representative offered to pay prospect 21's first year of tuition to attend the institution. Further, in a March 22 e-mail to the head coach, the representative guaranteed to finance prospect 21's first-year loan amount for attendance at the institution if the head coach had interest in prospect 21.
- f. In an April 8, 2009 e-mail to the president of a third New Jersey high school ("high school 3"), the representative wrote that he would support prospect 14, a student at high school 3, and make sure that he was comfortable if he attended Morehead State.
- g. From the 2006-07 through the 2008-09 academic years, the representative became a countable coach by participating in recruiting activities, as described above, resulting in the men's basketball program exceeding its countable coach limit by one.

Explanation of Violation

The enforcement staff, institution, the head coach and former assistant coach 1 were in substantial agreement on this finding and that the facts constitute violations of NCAA legislation. The committee finds the violations occurred.

Background

The athletics representative at the center of this case is a retired New Jersey businessman who graduated from Morehead State in 1967. He has made financial contributions to Morehead State's athletics program and has been a representative of the institution's athletics interests since 1978. He is a former baseball student-athlete at Morehead State; however, his primary sporting interest is basketball.

The representative reported that he first became involved in evaluating high school basketball talent in 1978, at the request of an acquaintance who, at that time, was hired as the head men's basketball coach at Morehead State ("former head coach 1"). According to the representative, former head coach 1 asked him to monitor and evaluate the basketball talent of prospective student-athletes in the New Jersey area. He did this until former head coach 1 left the institution in 1987, at which time his evaluation of high school basketball prospects for the institution ceased.

Upon retiring in 2003, the representative rekindled his interest in New Jersey high school basketball. As a part of this renewed interest, the representative befriended various individuals who were associated with youth basketball, including some who coached high school basketball and/or operated basketball camps and skill programs. One of

these individuals was a New Jersey-based summer basketball camp director ("the camp director"). Starting in 2005, the representative assisted the camp director in promoting interest from colleges and universities in prospective student-athletes who participated in the camp director's programs. Also in 2005, the representative became acquainted with a friend of the camp director, the basketball coach at high school 3 ("the high school coach"). The high school coach is also a basketball skill instructor. For the past 17 years, the high school coach has operated multiple basketball skill-development programs and camps in the New Jersey area. Additionally, the high school coach is well-connected within the collegiate coaching fraternity. As a result of the friendships with both the camp director and the high school coach, and by attending high school all-star games, the representative met other people within the greater basketball community. Additionally, the representative had some contact with colleges and universities regarding the recruitment of prospective student-athletes.

During the 2004-05 academic year, the representative attended a men's basketball tournament in New York City in which Morehead State's men's basketball team participated. He introduced himself and established a relationship with a then assistant men's basketball coach at Morehead State ("former assistant coach 2"). Partly as a result of the representative developing a relationship with former assistant coach 2, Morehead State was able to sign two prospective student-athletes from New Jersey. At that time, it appeared that the representative's involvement was simply connecting former assistant coach 2 with the prospective student-athletes. Sometime during the 2004-05 academic years, the then head coach ("former head coach 2") was informed that the representative offered to help evaluate and recruit prospective student-athletes for Morehead State in the New Jersey area. In response to that, former head coach 2 directed his coaching staff to avoid the representative and spurn his offers to assist in recruiting. Despite this, the representative continued to provide names of prospective student-athletes to former assistant coach 2 during his time at Morehead State and subsequently, when former assistant coach 2 left to take a position at another institution.

As earlier set forth, the representative established a relationship with the basketball coach at high school 3. High school 3 is located in the basement of a Newark, New Jersey hotel. In May 2008, the president of high school 3 established a boy's basketball program and hired the camp director as the athletics director and the high school coach as the boys' basketball coach.

[Note: It was high school 3's president/owner who first reported potential violations of NCAA legislation involving the representative. This information was contained in a memorandum transmitted by facsimile to the institution on April 21, 2009.]

The high school coach secured the services of the representative as a nonpaid "consultant" to assist in the recruitment of players for the high school 3. The

representative did not perform any coaching duties and was never considered a coach. The high school coach was relieved of his duties by high school 3's president in September 2008. At that point, the camp director (originally hired as the athletics director at the high school) became the head basketball coach while continuing to serve as the athletics director. The representative continued to serve in his consultant role to recruit players for high school 3.

Once a team was formed at high school 3, the representative's recruiting role on behalf of the high school was discontinued. He then focused his efforts he on contacting colleges and universities to promote the recruitment of prospective student-athletes at high school 3, primarily with Division II and NAIA institutions. However, the representative also involved himself in the recruitment of Division I-level prospects, including some to Morehead State.

In May 2006, the institution hired its current head men's basketball coach. During the interview process for the head coach, it was made clear to all candidates that developing positive relationships with fans and the general public was an important aspect of the position. During the fall of 2006, the representative contacted the head coach to inform him that he was an alumnus of the institution and a basketball-talent evaluator in the Metropolitan Newark, New Jersey, area and offered to assist the men's basketball program. The head coach stated that he made a conscientious effort to be responsive and respectful to every alumnus who contacted him, and so he was with the representative.

Over time, the representative and the head coach developed a close professional and personal relationship, which included numerous e-mail exchanges and telephone calls. Further, starting in the fall of 2006, the representative donated funds to the institution which were used to 1) purchase video equipment for the men's basketball program and; 2) help fund summer school financial aid for incoming men's basketball student-athletes through the Morehead State University Foundation. Because of the financial donations to the men's basketball program, the head coach was aware that the representative was a representative of the institution's athletics interests.

The representative also communicated openly with other members of Morehead State's coaching staff through institution e-mail accounts and institution phones. During the 2006-07 academic year, the representative communicated mostly with the head coach regarding prospective student-athletes in the New Jersey area. However, on three occasions, the representative communicated with former assistant coach 1 by e-mail regarding prospect 8, and in doing so, assisted in the recruitment of prospect 8, who is currently a men's basketball student-athlete at the institution. [See Finding B-1-b.] It appeared that, as a result of the institution signing prospect 8, the representative recruiting activities increased and were encouraged by the head coach.

During the 2007-08 academic year, the representative communicated primarily with former assistant coach 1 via e-mail. In the e-mails, the representative provided details of his evaluations and contacts with prospective student-athletes and on some occasions, received directives from former assistant coach 1 to evaluate and contact prospective student-athletes. He was also asked to arrange workouts for the head coach and former assistant coach 1 so that they could evaluate prospective student-athletes.

During the 2008-09 academic year, the representative communicated with both the head coach and former assistant coach 1 in association with his efforts to assist in the recruitment of prospective student-athletes. Although the representative communicated with other members of the men's basketball staff by telephone, e-mail and text messages, records do not indicate that he had substantial communications with anyone other than with the head coach and former assistant coach 1.

At times, the representative presented himself as a Morehead State "scout" and was seen wearing Morehead State apparel while attending high school basketball games. During the first two academic years of the representative's involvement with institutional recruiting efforts, the men's basketball staff believed that he served as a "talent evaluator" or provided a scouting service. As a result, the Morehead State coaching staff encouraged his assistance. The head coach understood that NCAA bylaws prohibit a representative of the institution's athletics interests' involvement in recruiting activities. However, the head coach mistakenly thought that as long as the representative interacted with prospects and Morehead State's coaching staff as a talent evaluator, then his activities and his interaction with the coaching staff were permissible. The representative does not have a scouting service as defined by NCAA bylaws, and the institution's men's basketball staff has never subscribed to any scouting service in the New Jersey area. The representative became the primary recruiting source for the institution's men's basketball staff in the New Jersey area.

During the 2008-09 academic year, his third year of involvement with the recruiting efforts on behalf of the head coach and his staff, the representative was also a "consultant" for the high school 3's basketball program. The institution's men's basketball staff erroneously believed that the representative was a *bona fide* coach at high school 3 and that his role as coach "superseded" his status as a representative of the institution's athletics interests. As a result, members of the men's basketball staff not only continued to encourage his recruiting activity, but encouraged his involvement with official and unofficial visits for the institution. However, at high school 3, no coaching staff member, administrator or prospective student-athlete ever identified the representative as one of their coaches. The institution ultimately recruited five prospective student-athletes (prospects 2, 14, 21, 23 and 26) from high school 3 during the 2008-09 academic year.

During the three academic years that the representative was involved in recruiting efforts for the men's basketball program, the head coach and the representative had 87 telephone calls and text messages in which information was exchanged, most of which included information regarding prospective student-athletes. Additionally, the two exchanged over 200 e-mails, some in which the representative provided details of his evaluations and contacts with prospective student-athletes. The head coach reported that he understood that NCAA legislation prohibits any involvement of a representative of the institution's athletics interests with the recruitment of prospective student-athletes; yet, for three academic years, the head coach stated that he never recognized that the representative's activities were contrary to NCAA legislation.

On two occasions, the representative submitted to interviews with the institution. However, following the receipt of a letter of disassociation from the institution, the representative refused to be interviewed by the NCAA enforcement staff.

In summation, the committee acknowledges that it not unusual for fans and alumni to contact coaching staffs at NCAA member institutions to inform them about promising prospective student-athletes. What made the representatives actions impermissible was the fact he went far beyond merely informing the Morehead State men's basketball coaches of prospective student-athletes in whom they might have interest. He not only passed along names, but he contacted prospects; provided his evaluations of prospects, impermissibly arranged workouts for the coaching staff and in some cases, offered inducements to prospects and coaches; all clear violations of NCAA recruiting legislation.

Findings B-1-a and B-1-b

In specific reference to Findings B-1-a and B-1-b, the investigation revealed the following examples of how the representative assisted, or attempted to assist, the institution in the recruitment of men's basketball prospects in New Jersey:

- With regard to prospective student-athlete 1, in the spring of 2007, the representative sent a text message to the head coach, providing the head coach with an evaluation of the prospect's athletic ability.
- Prospect 2 attended high school 3 in 2008. On multiple occasions the representative attended prospect 2's basketball games at the high school and made evaluations, which he communicated to the members of the institution's men's basketball staff. At the time of these evaluations of and related interactions with the Morehead State basketball staff, the head coach and his assistants mistakenly believed that the representative was a member of high school 3's basketball staff. However, the head coach also knew that the representative was contributing funds

for athletics grants-in-aid which made him a representative of the institution's athletics interests. Further, on multiple occasions, the representative had contact with high school 3's head coach regarding the institution's recruitment of prospect 2. In March 2009, at the request of the president of high school 3, the representative assisted in the arrangement for prospect 2's official visit to Morehead State. Finally, on March 22, 2009, the representative impermissibly arranged for the head coach and former assistant coach 1 to evaluate prospect 2 during a workout at high school 3.

- In reference to prospect 3, during the 2007-08 academic year, the representative conducted evaluations and had contact with prospect 3 and his father. The representative also sent e-mail messages to former assistant coach 1 in which he provided an evaluation of prospect 3 and suggested that prospect 3 be added to the institution's recruiting/ mailing list. He also provided to former assistant coach 1 the cellular telephone numbers for both prospect 3 and his father. Telephone records at the institution reflect that no member of the coaching staff telephoned either the student-athlete or his father. In a subsequent e-mail to former assistant coach 1, the representative expressed the opinion that prospect 3 was not good enough to play at the institution and suggested that he be removed from the institution's recruiting/ mailing list.
- Prospect 4 is a current men's basketball student-athlete at another NCAA member institution. During the 2008 spring semester, the prospect was dissatisfied at his institution and was granted a release during the 2008 summer. The prospect and his father contacted the camp director and asked for assistance in locating another institution for prospect 4. The camp director suggested Morehead State and informed the representative of prospect 4's interest in transferring. The representative then telephoned prospect 4's father. The representative sent one e-mail to the institution concerning prospect 4. Specifically, on June 5, 2008, the representative e-mailed a Morehead assistant coach ("assistant coach 3") alerting him that prospect 4 and his father were coming to Louisville [Note: Morehead State is about 130 miles from Louisville, Kentucky]. In July 2008, assistant coach 3 and prospect 4's father arranged an unofficial visit to the institution for prospect 4. Ultimately, prospect 4 decided to return to his original institution.
- In reference to prospect 7, a July 13, 2007, e-mail from the representative to former assistant coach 1 showed that the representative assisted in the recruitment of prospect 7 by evaluating the prospect's basketball ability, contacting the prospect by telephone and providing the young man's contact information to former assistant coach 1. In addition, at former assistant coach 1's direction, the

representative impermissibly arranged for the head coach and former assistant coach 1 to attend a March 22, 2009, workout at high school 3 where they evaluated prospect 7.

- Prospect 8 attended high school 3 at the end of his senior year in an effort to improve his grades. He graduated from another high school in Newark in 2007 and subsequently enrolled at Morehead State. Several years before graduating from high school, the representative befriended prospect 8 and his mother. The representative's contact with prospect 8 and his family preceded the head coach's tenure at Morehead State. Prospect 8 reported that the representative had conversations with him about basketball and his academics. The representative recommended Morehead State to prospect 8, who reported the representative told him the institution was "great, they're a good school." Prospect 8 and his mother claimed that the representative did not influence prospect 8's decision to choose Morehead State. Aside from the question of the representative's possible influence in prospect 8's matriculation to the institution, the investigation revealed the following NCAA violations:
 1. In a January 11, 2007, e-mail from the representative to former assistant coach 1, the representative evaluated prospect 8 and had contact with his parents regarding his official visit to the institution.
 2. In a February 1, 2007, e-mail the representative provided former assistant coach 1 another evaluation of prospect 8 and referenced the prospect's official visits. Specifically, the representative wrote: "According to (a New Jersey sports blog), (prospect 8) is third in New Jersey in scoring at 23.5, and third in rebounding at 13.4 and seventh in blocks at three. Have a good visit."
 3. During the 2009 spring semester, the representative provided extra benefits to prospect 8's mother and her companion when he purchased airline tickets with his credit card for them to attend the Ohio Valley Conference men's basketball tournament. Prospect 8's mother later repaid the cost of the tickets to the representative.
- In reference to prospect 9, during the summer of 2007, the representative had contact with the prospect and his father and impermissibly arranged for the head coach and former assistant coach 1 to attend a 2007 fall workout to evaluate prospect 9. Electronic mail messages between the representative and former assistant coach 1 revealed the following:

1. In a July 24, 2007, e-mail the representative provided an evaluation of prospect 9 and stated that he spoke with prospect 9's father regarding the institution. Additionally, the representative provided the prospect's home address and his father's cellular telephone number to former assistant coach 1. The representative also wrote that he promised prospect 9's father that the institution would contact him and send information. There is no phone record of any Morehead State men's basketball coach calling the telephone numbers that the representative provided regarding prospect 9.
 2. In an August 17, 2007, e-mail, the representative stated that he had spoken with prospect 9's father and that the father said he was going to contact the institution.
 3. During the 2007 fall semester, the representative, at former assistant coach 1's direction, impermissibly arranged for the head coach and former assistant coach 1 to attend a workout to evaluate prospect 9 at high school 2.
- Prospect 14 reported that he believed that the representative was a coach at the institution. This may have stemmed from the fact that, during the 2006-07 academic year, while participating in a high school all-star game, the camp director introduced him to the representative describing him as "an associate" of Morehead State. During the fall of 2008, prospect 14 enrolled at high school 3 and later verbally committed to another NCAA institution. The representative's e-mails to the head coach and former assistant coach 1 revealed the following:
 1. The representative attended prospect 14's games at high school 3 on multiple occasions and made evaluations that he communicated to the institution's men's basketball staff.
 2. The representative had contact with the camp director (then the boys' basketball coach at high school 3) and the president of high school 3 on multiple occasions regarding prospect 14's regret with his decision to commit to another NCAA institution and his interest in recruitment by the Morehead State.
 3. The representative had contact with prospect 14 on multiple occasions regarding his interest in the institution, and in a February 13, 2009, e-mail, the representative told the head coach that, "I think (prospect 14) can be talked into decommitting from (the other institution)."

4. Prospect 14 informed his mother and the camp director that he was not satisfied with the lack of attention the other institution had shown him and that he was interested in opening up his recruitment.
 5. The representative took steps to keep prospect 14 from attending a workout where other Division I institutions were present.
 6. In March 2009, at former assistant coach 1's direction, the representative impermissibly arranged for the head coach and former assistant coach 1 to attend the March 22, 2009, workout at high school 3 to evaluate prospect 14.
 7. In an April 8, 2009, e-mail, the representative offered to support prospect 14 if he attended the institution.
 8. At the time of the representative's evaluations of, and contacts with prospect 14 and his related interactions with the Morehead State basketball staff, the head coach and his assistant coaches mistakenly believed that the representative was a member of the high school 3's basketball staff. At the same time, however, the head coach also knew that the representative was, under NCAA legislation, a representative of the institution's athletics interests.
- Prospect 18 was associated with high school 3 briefly in the fall of 2008 until the high school coach was fired and the camp director took over the coaching duties. At that point, prospect 18's mother withdrew him from the school. During the 2009 spring semester, the representative's recruiting activities with prospect 18 increased. The representative initiated the recruitment of prospect 18 by contacting him via Facebook and introducing himself as "a Morehead State scout." Morehead State coaches had no knowledge that the representative cast himself as a scout for the institution. The representative stated that the head coach was trying to reach prospect 18 and asked him to call the head coach. University records reveal that three calls were made by the head coach to prospect 18. Ultimately, prospect 18 never visited the institution. However, the head coach never directed the representative to stop recruiting prospect 18.
 - During the 2008-09 academic year, the representative assisted in the institution's recruiting efforts of prospect 18 as evidenced by e-mails between the representative and the head coach, which revealed the following:

1. The representative evaluated and contacted prospect 18 regarding his recruitment by the institution on multiple occasions.
 2. The representative was encouraged by the head coach to pursue prospect 18 on multiple occasions. The head coach was aware of most evaluations and contacts that the representative made in regard to prospect 18's recruitment. Although the head coach advised the representative that prospect 18 was a nonqualifier but never directed the representative to stop recruiting him.
 3. In an e-mail to the head coach, the representative offered to help with expenses if prospect 18 took an official visit to the institution.
 4. On March 22, 2009, the representative, at the direction of former assistant coach 1, impermissibly arranged for the head coach and former assistant coach 1 to attend a workout at high school 3 in order to evaluate prospect 18.
 5. The representative had one telephone contact and one in-person contact with prospect 18's mother associated with the March 22, 2009, workout at high school 3.
- In reference to prospect 20, during the 2007-08 academic years, e-mails between the representative and former assistant coach 1 revealed the following:
 1. During the 2007-08 academic year, the representative evaluated prospect 20 on multiple occasions by assessing his basketball talent.
 2. During the 2007 fall semester, at the direction of former assistant coach 1, the representative arranged for the head coach and former assistant coach 1 to attend a workout in order to evaluate prospect 20. This is one of the two workouts the Morehead coaches attended as discussed above.
 - In reference to prospect 21, during the 2008 fall semester, the prospect enrolled and participated in basketball at high school 3. During the 2008-09 academic year, the representative evaluated and had contact with prospect 21 regarding recruitment by the institution. Information from an interview with the prospect 21 and e-mails between the representative and the head coach revealed the following:

1. On multiple occasions, the representative attended prospect 21's games at high school 3 and made evaluations that he communicated to the institution's men's basketball staff.
 2. On multiple occasions, the representative had contact with the camp director (serving at the coach at high school 3), regarding the institution's recruitment of prospect 21.
 3. On March 22, 2009, at the direction of former assistant coach 1, the representative impermissibly arranged for the head coach and former assistant coach 1 to attend a workout in order to evaluate prospect 21 and other prospective student-athletes at high school 3.
 4. The representative made an improper offer to prospect 21 to pay his first year's tuition if he were to attend Morehead State.
 5. At the time of the representative's evaluations of and contacts with prospect 21 and his related interactions with the Morehead State men's basketball staff, the head coach and his assistants mistakenly believed that the representative was a member of high school 2's basketball staff. However, as earlier established, the head coach was aware that the representative met the NCAA definition of a representative of the institution's athletics interests.
- Prospect 23 is a current student-athlete at another NCAA member institution. During the 2008 fall semester, prospect 23 was enrolled at high school 3 and competed on the basketball team. In his "consultant" role with high school 3, the representative had access to prospect 23. In addition, the head coach encouraged the representative's recruitment of the prospect. During the 2008-09 academic year, e-mails exchanged between the representative and the head coach revealed that the representative assisted the institution in its pursuit of prospect 23. The e-mails revealed the following:
 1. The representative conducted evaluations and had recruiting contact with prospect 23 and his father regarding his recruitment by the institution.
 2. On multiple occasions the representative attended prospect 23's basketball games while he was high school 3 and maintained a steady flow of communication with the head coach regarding the evaluations.

3. The representative contacted the camp director (high school 3's basketball coach at the time) on multiple occasions regarding the institution's recruitment of prospect 23.
 4. At the time of the representative's evaluations of and contacts with prospect 23 and his related interactions with the Morehead State basketball staff, the head coach and his assistant coaches mistakenly believed that the representative was a member of high school 3's basketball staff. However, at the same time, the head coach knew that the representative was a representative of the institution's athletics interests.
- Prospect 26 enrolled and participated in basketball at high school 3. During the 2008-09 academic year, the representative evaluated and had contact with prospect 26 regarding his recruitment by the institution. The investigation revealed the following:
 1. On multiple occasions, the representative attended prospect 26's basketball games at high school 3 and made evaluations that he communicated to the head coach.
 2. The representative frequently contacted the camp director (high school 3's basketball coach at the time) regarding prospect 26's recruitment. The representative used his "consultant" status with high school 3 to convince the camp director (coach) that Morehead State would accept prospect 26 as a walk-on. The institution ultimately never made an offer to prospect 26.
 3. The representative assisted in making arrangements for an unofficial visit prospect 26 made to the institution. Additionally, the representative advised the head coach that he was willing to help with the cost of the visit. The institution refused the offer and advised the representative that the offer was impermissible.
 4. As with other recruits, at the time of the representative's evaluations of and contacts with prospect 26 and his related interactions with the Morehead State basketball staff, the institution's men's basketball coaches mistakenly believed that the representative was a member of high school 3's basketball staff. The head coach also knew that the representative met the NCAA definition of a representative of the institution's athletics interests.

- Prospect 27 is a current men's prospective student-athlete at another NCAA institution. Prospect 27 stated that he was recruited by Morehead State but claimed that he had never met the representative. The representative's e-mails with former assistant coach 1 revealed the following recruiting activity regarding prospect 27:
 1. The representative conducted evaluations and had telephone contact with prospect 27 and his father regarding the prospect's recruitment by Morehead State.
 2. On several occasions through e-mail, former assistant coach 1 discussed prospect 27's recruitment by the institution with the representative.
- In reference to prospect 30, during the 2007-08 academic year, e-mail messages between the representative and former assistant coach 1 documented that the representative had contacted with the prospect. Additionally, during the 2007 fall semester, at former assistant coach 1's direction, the representative arranged for the head coach and assistant coach 1 to attend a workout to evaluate prospect 30. This is one of the two workouts the Morehead State coaches attended as discussed in Finding 1-c.

Finding B-1-c

As set forth in the discussion of Findings B-1-a and B-1-b, the representative impermissibly arranged for the head coach and former assistant coach 1 to attend two workouts for prospective student-athletes at the request of the Morehead State men's basketball staff.

Specifically, in an August 16, 2007, e-mail, former assistant coach 1 requested that the representative arrange a workout for prospects 7, 9, 27 and 30. The representative arranged for the head coach and former assistant coach 1 to attend a workout organized by high school 3's basketball coach. The representative ensured the attendance of the prospective student-athletes for whom the institution had interest. In September 2007, the head coach and assistant coach 1 attended the impermissibly arranged workout at high school 1.

Additionally, on March 22, 2009, the representative impermissibly arranged for the head coach and former assistant coach 1 to attend a workout involving several prospective student-athletes, primarily from high school 3. This workout was conducted at high school 2. As background, during the 2008-09 academic year, the representative's recruiting focus for the institution included five prospective student-athletes from high school 3 (prospects 2, 14, 21, 23 and 25), in addition to prospect 18, who was attending

another high school after transferring from high school 3 when its basketball coach was fired. As previously set forth in Findings 1-a and 1-b, the representative had multiple evaluations and contacts with the aforementioned prospects. In an e-mail dated March 18, 2009, the representative informed the head coach of the time of the workout. According to the representative's March 21, 2009, e-mail to the head coach, the institution was the only NCAA Division I school invited. Although the e-mail originally indicated a separate workout for the institution, evidence showed that there was only one workout, and this included the attendance of coaches from NAIA and NCAA Divisions II and III institutions.

The representative's involvement in arranging the attendance of the head coach and former assistant coach 1 at the workouts violated NCAA recruiting legislation.

Finding B-1-d

During the 2009 spring semester, the representative assisted in the arrangements associated with the official visits of prospects 2, 14 and 23. In a February 23, 2009, e-mail to the head coach, the representative provided potential official visit dates, checked on flights and offered to provide financial assistance to the institution for the official visits for prospects 2 and 23. The institution refused the offer and advised the representative that the offer was impermissible. Prospects 2 and 23 took their official visits to the institution in 2009. Prospect 14's official visit was scheduled for April 2009; however, while in transit to the institution on a bus, prospect 14 decided not to make the visit and returned to New Jersey that same day. At that point, prospect 14 decided to end his recruitment by Morehead State. The committee noted that the representative assisted in arranging bus transportation for prospect 14, who had a fear of flying.

Prospect 26 was unable to provide the institution with a standardized test score necessary for an official visit. As a result, he was limited to an unofficial visit. However, prospect 26 could not afford the expense of such a visit. In a February 23, 2009, e-mail to the head coach, the representative offered to finance prospect 26's unofficial visit. As referenced earlier, the institution refused this offer and advised the representative that the offer was impermissible. Ultimately, prospect 26 travelled in prospect 23's father's automobile to the institution's campus for an official visit. He stayed in prospect 23's father's hotel room and the institution provided him a permissible ticket to a home men's basketball game.

Finding B-1-e

In reference to the representative's offer to provide financial assistance to prospect 21, after the March 22, 2009, workout at high school 2 referenced in Finding B-1-c, the institution's coaching staff had interest in prospect 21, but not enough to offer him

athletically related financial aid. The representative and the head coach discussed the possibility of a financial aid package, which included loans to cover the prospect's first year of residency at the institution. In a March 22, 2009, e-mail to the head coach, the representative informed the head coach of his willingness to pay prospect 21's first-year expenses at the institution. The head coach stated in his interview with the NCAA that a day or so after the e-mail he called the representative and advised him that it was impermissible for him to pay such costs for a student-athlete.

Finding B-1-f

In reference to the representative's offer to support prospect 14 if he were to attend Morehead State, prospect 14 verbally committed to another NCAA member institution after his official visit to that institution in December 2008. Prospect 14 decided to reopen the recruiting process after that institution's men's basketball staff failed to telephone him for several weeks after his verbal commitment. The camp director informed the representative that prospect 14 had decommitted. After informing the head coach of prospect 14's decommitment, the representative attempted to recruit prospect 14 to Morehead State.

On March 22, 2009, prospect 14 participated in the work-out session at high school 2 referenced in Finding B-1-c. As explained in that finding, the representative impermissibly arranged this workout to provide the head coach and former assistant coach 1 the opportunity to evaluate prospect 14 and other prospective student-athletes. Prospect 14 reported that, after the coaches left the workout, the representative approached him and took him off to the side of high school 2's gym. The prospect reported the representative told him that the head coach was impressed with his basketball talent and encouraged prospect 14 to contact the Morehead State coaching staff. During this same exchange, prospect 14 reported that the representative told him that if he committed to Morehead State, the representative would make sure that he was "comfortable." Specifically, the prospect reported that the representative offered him \$6,000. Prospect 14 reported that he told the president/owner of high school 3 and his mother about the offer.

Finding B-1-g

As noted previously in this report, because the representative at times engaged in recruiting activities at the direction and with the knowledge of the institution's men's basketball coaching staff, the representative actions constituted coaching activities as defined in Bylaw 11.7.1.1.1.1. As such, he was a countable coach; therefore, the institution exceeded the number of countable coaches by one.

2. IMPERMISSIBLE EXTRA BENEFITS – AIRLINE TICKETS AND A LOAN. [NCAA Bylaw 16.11.2.1]

In the spring of 2009, the representative arranged airline transportation and provided a loan for the cost of flights for two family members of men's basketball student-athlete 8.

Explanation of Violation

The enforcement staff and institution agree that the information is substantially correct and that violations of NCAA legislation occurred in regard to the student-athlete 8's family. The committee finds the violations occurred.

The violations were discovered during an interview the institution conducted with prospect 8's mother. [Note: Prospect 8 enrolled at Morehead State] During her interview, she reported that the representative arranged the airline transportation for her and her companion to attend a Morehead State men's basketball game. The representative paid for the airline tickets with his credit card. Prospect 8's mother claimed that she paid back the representative with cash shortly after the purchase. This was a short-term loan, and this arrangement was contrary to NCAA extra-benefit legislation. The day following the institution's interview with prospect 8's mother and the discovery of the loan, the institution permanently disassociated the representative.

3. FAILURE TO PROMOTE AN ATMOSPHERE OF COMPLIANCE. [NCAA Bylaw 11.1.2.1]

The scope and nature of the violations detailed in Finding No. 1 demonstrate that head men's basketball coach failed to promote an atmosphere for compliance within the men's basketball program and failed to monitor his basketball coaching staff and their interactions with a representative of the institution's athletics interests, for NCAA rules compliance. Specifically, since the fall of 2006, the head men's coach knew that the representative was a representative of the institution's athletics interests and not only allowed, but encouraged the representative's assistance with the recruitment of prospective student-athletes. The head men's basketball coach also directed and encouraged his basketball coaching staff to interact with the representative regarding the institution's recruiting efforts of prospective student-athletes.

Explanation of Violation

The enforcement staff, institution and the head men's basketball coach agree that the information is substantially correct and that violations of NCAA legislation occurred. The committee finds the violation occurred.

As previously set forth in Finding B-1, since at least the 2006 fall semester, the head coach knew that the representative met the NCAA definition of a representative of the institution's athletics interests. During the course of three academic years, the head coach encouraged the representative's involvement in the recruitment of men's basketball prospective student-athletes. The head coach rationalized this by saying he believed that the representative was a *bona fide* coach at high school 3 and that the representative's role as coach "superseded" his status as a representative of the institution's athletics interests. As a result, members of the men's basketball staff not only continued to encourage his recruiting activity, but encouraged his involvement with official and unofficial visits for the institution. The committee concluded that the head coach should have been more diligent in following up with respect to the permissibility of the representative's actions, and, as an outgrowth of that, he failed to promote an atmosphere of compliance within the men's basketball program in regard to the representative's involvement with prospects and his associated interaction with the Morehead State University men's basketball coaching staff.

C. PENALTIES.

For the reasons set forth in Parts A and B of this report, the Committee on Infractions found that this case involved several major violations of NCAA legislation. 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.] Further, the committee considered the institution's cooperation in this case. It determined that the cooperation exhibited by the institution was consistent with Bylaw 32.1.4, Cooperative Principle, which requires member institutions to cooperate in investigations, and did not warrant consideration by the committee for a possible reduction in penalties. The committee imposes the following penalties (the institution's self-imposed penalties are so noted):

1. Public reprimand and censure.
2. Two years of probation beginning on August 25, 2010, and concluding on August 24, 2012.

3. Reduction in the number of athletics grants-in-aid in men's basketball by one, from 13 to 12, for the 2011-12 academic year. (Institution imposed)
4. Reduction in the number of remaining recruiting days by 30 for the 2009-10 academic year. The head coach must assume 10 of those days. (Institution imposed)
5. Reduction in the number of recruiting days by 15 for the 2010-11 academic year. Of the 15 days, the head coach must assume five of those days. (Institution imposed)
6. Reduction in the number of official visits by three, from 12 to 9, for the 2010-11 academic year. (Institution imposed)
7. Requirement that all men's basketball coaches attend the 2010 NCAA Regional Rules Seminar in May or June. (Institution imposed)
8. Reduction in the number of permissible telephone calls to each senior prospective student-athlete from two per week to one per week during the 2009-10 academic year. (Institution imposed)
9. In reference to reporting and publicizing its infractions, the institution shall:
 - a. Inform prospective student-athletes in men's basketball that the institution is on probation for two years and the violations committed. If a prospective student-athlete takes an official paid visit, then information regarding violations, penalties, and terms of probation must be included with information provided in advance of the visit (five-visit rule, 48-hour rule, etc.). Otherwise, the information must be provided before a prospective student-athlete signs a national letter of intent and no later than when the institution provides a prospective student-athlete with the academic data report and information regarding team APR.
 - b. Publicize the information annually in the media guide (or Web posting), if any, in men's basketball, as well as in a general institution alumni publication to be chosen by the institution with the assent of the assistant director of the committee on infractions. A copy of the media guide, alumni publication, and information included in recruiting material shall be included in the compliance reports to be submitted annually to the committee on infractions.
10. During this period of probation, the institution shall:

- a. Continue to develop and implement a comprehensive educational program on NCAA legislation, including seminars and testing, 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 for admission, retention, financial aid or competition;
 - b. Submit a preliminary report to the office of the Committees on Infractions by October 15, 2010, 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 June 1 of each year during the probationary period. Particular emphasis should be placed on the monitoring of athletics representatives and their interaction with prospective student-athletes. The institution shall include in each annual compliance report copies of any secondary violation self reports in men's basketball, together with information as to who committed the violation if such information is not provided in the self report.
 - d. The reports must also include documentation of the institution's compliance with the penalties adopted and imposed by the committee.
11. 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.
 12. 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, Morehead State University 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, August 25, 2010.

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.

NCAA COMMITTEE ON INFRACTIONS

John S. Black
Melissa (Missy) Conboy
Paul T. Dee, chair
Roscoe C. Howard
James O'Fallon
Josephine Potuto

APPENDIX ONE

CASE CHRONOLOGY AS DEVELOPED BY THE INSTITUTION AND THE ENFORCEMENT STAFF.

2009

April 21 – The institution and another institution in the state of Kentucky received a faxed memorandum from the president of high school 3 alleging recruiting violations within the institution's men's basketball program. That same day, the director of athletics telephoned the Ohio Valley Conference (Ohio Valley) to notify them of the allegation.

April 22 – The Ohio Valley assistant commissioner telephoned the enforcement staff reporting receipt of the memorandum and requested assistance. According to the Ohio Valley assistant commissioner, the memorandum alleged a recruiting battle between the institution and the other institution over student-athlete 14. The faxed memorandum alleged that a member of "Morehead's coaching staff" attempted to provide student-athlete 14 with an inducement to enroll at the institution, instead of the other institution but that student-athlete 14 rejected the offer.

The institution launched an internal investigation into the alleged improper inducement and conducted several interviews. It was determined that the representative attempted to provide student-athlete 14 an inducement, not a member of "Morehead's coaching staff."

The director of athletics and the associate director of athletics/compliance interviewed the representative via telephone. At the request of the president, the investigation was turned over to the institution's general counsel, and the faculty athletics representative.

April 23 – The general counsel telephoned the NCAA's director of enforcement, basketball focus group, to inform her of the allegation and to seek the NCAA's help in initiating a thorough investigation.

May 5 through July 6 – To facilitate the institution's ability to contact prospective student-athletes mentioned in the faxed memorandum, the enforcement staff joined with the institution to conduct the initial investigation and off-campus interviews.

May 5 – The general counsel and the faculty athletics representative conducted a second interview with the representative in Newark, New Jersey.

June 17 – The president of high school 3 was interviewed by the institution and enforcement staff regarding the alleged violations. The president of high school 3 provided the enforcement staff e-mail evidence of potential NCAA violations.

June 19 – The institution issued a letter permanently disassociating the representative from the institution.

July 7 – The general counsel and the faculty athletics representative met with the enforcement staff at the national office in Indianapolis to discuss the next stage of the investigation. The president joined the meeting via telephone. The institution and enforcement staff discussed the initial stage of the investigation, and it was determined that the scope of the investigation expanded into all of the representative's recruiting activities. The enforcement staff issued a notice of inquiry and developed a plan and timeline to move forward with the investigation. At the enforcement staff's request, the institution notified the men's basketball staff members and athletics department administrators that they should not speak with anyone regarding matters pertaining to the inquiry. In addition, the enforcement staff and the basketball focus group requested institutional records specific to the men's basketball program.

July 8 through August 5 – The institution gathered the information requested.

August 7 – The institution submitted all of the requested information and an analysis was initiated. The enforcement staff determined that some of the representative's e-mails with the men's basketball staff were evidence of recruiting activities contrary to NCAA legislation.

August 8 through September 23 – The institution made several calls to the representative requesting an interview; the representative did not return the calls. Additionally, the enforcement staff left two telephone messages with the representative requesting an interview. The representative did not return the enforcement staff's calls.

August 18-19 The enforcement staff and institution conducted additional off-campus interviews pertaining to the alleged recruiting violations involving the representative.

September 14-16 – The enforcement staff conducted on-campus interviews pertaining to the alleged recruiting violations involving the representative.

September 23 – The enforcement staff wrote the representative requesting an interview.

September 28– The representative wrote a letter declining the enforcement staff's request for an interview.

October 2009 to January 2010 – The enforcement staff and institution conducted additional on-campus (via telephone) and off-campus (some via telephone) interviews pertaining to the alleged

recruiting violations involving the representative. In an October 4, 2009, interview with student-athlete 21, the enforcement staff confirmed that the representative had made an impermissible offer to student-athlete 21 to attend the institution.

October 15 – The enforcement staff consulted with the NCAA director of academic and membership affairs, regarding the representative's recruiting activities on behalf of the institution. After this consultation, it was determined that all of the representative's recruiting activities should be included in this infractions case.

December 17 – The enforcement staff issued a notice of allegations to the institution; the head men's coach and the former assistant coach.

2010

February 15 – The enforcement staff met with the institution and outside counsel for both the head men's coach and the head men's coach and the former assistant coach, to discuss the institution's desire to use the summary disposition process. All parties agreed to move forward, and the enforcement staff began the summary disposition process. The enforcement staff provided the institution and the outside counsel the proposed findings, which were reviewed and agreed upon by all parties.

May 19 – Summary disposition report submitted to the Division I Committee on Infractions.

June 13 – Summary disposition report reviewed by the Division I Committee on Infractions.

June 17 – Letter sent to the institution regarding additional penalties proposed by the committee.

July 2 – Institution president submits letter to the committee accepting the additional penalties.

August 25 - Infractions Report No. 328 released.

APPENDIX TWO

CORRECTIVE ACTIONS AS IDENTIFIED IN THE INSTITUTION'S MAY 19, 2010, SUMMARY DISPOSITION REPORT

1. No salary increase for the head coach for the 2010 academic year.
2. Institutional reprimand of the head coach.
3. Permanent disassociation of the representative, which occurred June 19, 2009.
4. Implementation of monthly compliance educational sessions, in which all coaches are required to attend six of nine.
5. Implementation of a monthly newsletter distributed to staff, registrar, financial aid, enrollment services, housing, faculty athletics representative and other institutional units involved in the recruitment of student-athletes.
6. Purchase and implementation of recruitment software providing for the tracking of phone calls, evaluation and contacts.
7. Implementation of a policy change to require all contact with prospective student-athletes to be from an institution phone, phone card or otherwise able to be tracked by Scoutware.
8. Revision and update of the Rules Education Pamphlet provided to prospective and current athletics donors for compliance booster education.
9. Development and creation of a link on the MSU Athletics Web site for booster education.
10. Acceptance of the resignation of the former assistant men's coach.
11. Revision and enhancement of educational materials for prospective and current student-athletes and their parents and/or legal guardian regarding recruitment and benefits.
12. Implementation of Blackboard, an online interactive software application, to provide posting of all rules-education materials, as well as forms and documents used by the athletics department. Through the use of this software, the athletic department also can provide the rules education for coaches who are unable to attend the monthly in-person required education sessions. Through Blackboard, the coach participation is automatically monitored and recorded.