



# INDEPENDENT ACCOUNTABILITY RESOLUTION PROCESS

FOR RELEASE: December 14, 2022

**Former University of Arizona assistant men's basketball coach accepted and paid cash bribes; another former assistant men's basketball coach committed and concealed violations; an assistant swimming and diving coach conducted impermissible tryouts and provided preferential treatment; university failed to monitor its men's basketball and swimming and diving programs**

Download the [December 14, 2022, University of Arizona IRP Infractions Decision](#)

[Links to news release contents](#)

[Men's Basketball Program](#)

[Swimming and Diving Program](#)

[University of Arizona](#)

[Violations and Levels](#)

[Penalties](#)

INDIANAPOLIS – A University of Arizona former assistant men's basketball coach solicited and accepted \$20,000 in cash bribes and paid \$40,000 for a fraudulent academic transcript, another former assistant men's basketball coach provided an impermissible benefit to a student-athlete and then directed the student-athlete to conceal the violation, and an assistant swimming and diving coach conducted impermissible tryouts and provided preferential treatment to prospective student-athletes, according to a decision released by the Independent Resolution Panel of the NCAA's Independent Accountability Resolution Process. The hearing panel also found that Arizona failed to monitor its men's basketball and swimming and diving programs.

## **Men's Basketball Program**

Former assistant men's basketball coach No. 1

According to the case decision, the men's basketball portion of this infractions case includes allegations involving former assistant men's basketball coach No. 1 and men's basketball prospective student-athlete No. 1\* during 2016 and 2017. Violations found by the hearing panel

*\*Men's basketball prospective student-athlete No. 1 and men's basketball student-athlete No. 1 are the same individual. Different terms are used depending on the student-athlete's status at the time.*

were related to the solicitation and acceptance of \$20,000 in cash bribes by former assistant men's basketball coach No. 1 in exchange for promoting the use of a business management company's services to a men's basketball student-athlete, and a payment of \$40,000 by former assistant men's basketball coach No. 1 to obtain a fraudulent high school academic course credit and transcript for a men's basketball prospective student-athlete.

The decision states this infractions case initially arose from the U.S. Attorney's Office for the Southern District of New York case involving a scheme within men's college basketball that included bribes to college basketball coaches from a business manager and other members of the management company the business manager formed for professional basketball players. As part of its investigation, the FBI wiretapped former assistant men's basketball coach No. 1 speaking to the business manager, financial advisor, and two FBI undercover agents. The wiretaps revealed that former assistant men's basketball coach No. 1 solicited and accepted \$20,000 from the business manager and financial advisor in exchange for promising to direct men's basketball student-athlete No. 1\* to the business manager's company once men's basketball student-athlete No. 1\* turned professional.

Also included in the case record were details regarding wiretapped conversations between former assistant men's basketball coach No. 1 and undercover FBI agents revealing that former assistant men's basketball coach No. 1 paid \$40,000 for a fraudulent high school academic course credit and transcript for men's basketball prospective student-athlete No. 1\* to enable the student-athlete to meet initial-eligibility requirements. As a result of the FBI investigation, former assistant men's basketball coach No. 1 pled guilty in federal court to one count of conspiracy to commit bribery based on his solicitation and acceptance of the \$20,000 in bribes, according to the case decision.

After his employment was terminated at Arizona, former assistant men's basketball coach No. 1 failed to cooperate with NCAA enforcement staff throughout the infractions case investigation by knowingly providing false information and refusing to disclose information relevant to an investigation of possible violations, undermining and threatening the integrity of the NCAA

Collegiate Model, according to the infractions case decision.

Former assistant men's basketball coach No. 2

The infractions case decision also includes allegations occurring during 2016 and 2017 that involve former assistant men's basketball coach No. 2, men's basketball student-athlete No. 3, and men's basketball student-athlete No. 1\*. The hearing panel found violations related to former assistant men's basketball coach No. 2 providing an impermissible benefit to men's basketball student-athlete No. 3 and then directing the student-athlete to conceal the violation. Additionally, former assistant men's basketball coach No. 2 instructed basketball student-athlete No. 1 to make impermissible recruiting contacts.

The case decision states that on June 29, 2017, former assistant men's basketball coach No. 2 provided an impermissible \$500 cash loan to men's basketball student-athlete No. 3 for the purchase of a plane ticket to New Orleans to visit his mentor. As a result of the impermissible benefit, men's basketball student-athlete No. 3 received travel-related expenses and competed in two basketball contests while ineligible. On July 10, 2017, former assistant men's basketball coach No. 2 texted men's basketball student-athlete No. 3 and instructed him to delete the text message chain related to the \$500 cash loan, which he did. The next day, men's basketball student-athlete No. 3 repaid the loan in its entirety. This violated NCAA legislation regarding extra benefits and unethical conduct according to the infractions case decision.

According to the decision, former assistant men's basketball coach No. 2 texted men's basketball student-athlete No. 1\* July 29, 2016, asking him to help recruit two men's basketball prospective student-athletes at a July 2016 competitive event. Subsequently, on August 1, 2016, men's basketball student-athlete No. 1\* reported back to former assistant men's basketball coach No. 2 regarding his conversation with one of the men's basketball prospective student-athletes. This violated NCAA legislation regarding permissible recruiters, according to the infractions case decision.

#### Former head men's basketball coach

The hearing panel found no violation for the former head men's basketball coach because the hearing panel determined that the former head men's basketball coach demonstrated that he promoted an atmosphere of compliance and monitored two of his assistant coaches regarding the academic eligibility of men's basketball prospective student-athletes, rebutting the presumption of head coach responsibility.

#### **Swimming and Diving Program**

During the men's basketball program infractions investigation, the enforcement staff became aware of violations within the swimming and diving program during 2018 and 2019 involving assistant swimming and diving coach. According to the infractions case decision, the violations arose from assistant swimming and diving coach's recruitment of two diving prospective student-athletes, sisters who had previously trained with the coach in Texas before moving to the Tucson, Arizona, area to train with him at his diving club. The hearing panel found violations related to assistant swimming and diving coach having conducted impermissible tryouts and preferential treatment being provided to diving prospective student-athlete Nos. 1 and 2.

According to the case decision, the mother of diving prospective student-athlete Nos. 1 and 2 expressed interest in moving to the Tucson area in October 2018 to allow her daughters to continue training with assistant swimming and diving coach after he was employed by Arizona. However, the family did not move to the Tucson area until April 2019.

The decision states that before the family of the diving prospective student-athletes moved to the Tucson area in April 2019, diving prospective student-athlete No. 1 trained with assistant swimming and diving coach at his Tucson diving club, club No. 3, from November 2018 to April 2019, and diving prospective student-athlete No. 2 trained with the same coach at club No. 3 from December 2018 to April 2019. However, because their family was not living in the Tucson area during this time, neither of the diving prospective student-athletes was a legal

resident living within a 50-mile radius of Arizona, where assistant swimming and diving coach was employed, according to the infractions case decision. Therefore, the hearing panel found that the training of diving prospective student-athlete Nos. 1 and 2 by assistant swimming and diving coach at club No. 3 resulted in assistant swimming and diving coach conducting impermissible tryouts for both diving prospective student-athlete Nos. 1 and 2, according to NCAA bylaws.

Additionally, before the family of the diving prospective student-athletes moved to the Tucson area, diving prospective student-athlete No. 1 stayed with family No. 3 in Tucson, at no cost, from November 11-21, 2018, and diving prospective student athlete Nos. 1 and 2 received free occasional transportation from family No. 3 from December 2018 to April 2019. From November 26-30, 2018, diving prospective student-athlete No. 1 stayed with family No. 4 in Tucson at no cost, while also receiving free transportation and occasional meals from family No. 4. Because neither of the diving prospective student-athletes was eligible to train with assistant swimming and diving coach at his Tucson diving club during the time in which they received these benefits, the free lodging, transportation and occasional meals for the diving prospective student-athletes from family No. 3 and family No. 4 resulted in a violation of NCAA preferential treatment Bylaw 12.1.2.1.6, according to the case decision.

Further, the hearing panel found that a red flag was raised for assistant swimming and diving coach when he was told by the mother of family No. 3 that diving prospective student-athlete Nos. 1 and 2 were residing with her. According to the case decision, this should have led to, at a minimum, additional questions by assistant swimming and diving coach regarding the prospective student-athletes' living situation and residency status, which would have likely led to the discovery of these impermissible benefits.

#### Head swimming and diving coach

The hearing panel found no violation for head swimming and diving coach because the hearing panel determined that head swimming and diving coach demonstrated that he promoted an

atmosphere of compliance and monitored his assistant coach, rebutting the presumption of head coach responsibility.

### **Failure to Monitor**

Because of the scope and nature of the violations for the Arizona men's basketball program and the swimming and diving program, the hearing panel found a violation for the institution, according to the infractions case decision. The hearing panel determined that the university failed to monitor its men's basketball and swimming and diving programs because the compliance department's "instability" resulted in significant breakdowns in the monitoring of the two sports programs and in the education of coaches about NCAA rules

For more procedural details, please visit <https://iarpcc.org/referred-cases/university-of-arizona/> to view the procedural case timeline and case decision.

### **Violations and Levels**

The Independent Resolution Panel determined that this case involves Level I, II and III violations of NCAA legislation. Based on its review of the case record, the hearing panel concluded the following violations:

#### **Former assistant men's basketball coach No. 1 and former assistant men's basketball coach No. 2**

#### **Level I violations:**

1. Former assistant men's basketball coach No. 1 violated the NCAA principles of ethical conduct, engaged in academic misconduct, and provided a recruiting inducement when he knowingly arranged for and paid \$40,000 to obtain a fraudulent high school academic credit and academic transcript for men's basketball prospective student-athlete No. 1.
2. Former assistant men's basketball coach No. 1 violated the NCAA principles of ethical conduct when he solicited and accepted \$20,000 in cash bribes from representatives of a business management company in exchange for agreeing to facilitate men's basketball student-athlete No. 1's use of the company's services when he turned professional.

3. After his employment was terminated by Arizona, former assistant men's basketball coach No. 1 violated NCAA principles of ethical conduct and failed to cooperate when he knowingly furnished false information to the institution and enforcement staff regarding his knowledge of, and involvement in, NCAA legislation violations and refused to provide information relevant to the infractions case investigation.

**Level II violations:**

- Former assistant men's basketball coach No. 2 violated the principles of ethical conduct when he instructed men's basketball student-athlete No. 3 to delete a text message exchange about a \$500 cash loan to conceal the violation.

**Level III violations:**

1. Former assistant men's basketball coach No. 2 provided an impermissible \$500 cash loan to men's basketball student-athlete No. 3. As a result of the impermissible benefit, men's basketball student-athlete No. 3 received travel-related expenses and competed in two contests while ineligible.
2. Former assistant men's basketball coach No. 2 asked men's basketball student-athlete No. 1 to help recruit two men's basketball prospective student-athletes, violating NCAA legislation regarding permissible recruiters.

Assistant swimming and diving coach

**Level II violations:**

1. Assistant swimming and diving coach conducted impermissible tryouts by training diving prospective student-athlete No. 1 as part of his Tucson diving club, club No. 3 when the prospective student-athlete was not a legal resident living within a 50-mile radius of Arizona, where the assistant coach was employed.
2. Assistant swimming and diving coach conducted impermissible tryouts by training diving

prospective student-athlete No. 2 as part of club No. 3 when the prospective student-athlete was not a legal resident living within a 50-mile radius of Arizona, where the assistant coach was employed.

**Level III violations:**

1. The NCAA preferential treatment bylaw was violated when diving prospective student-athlete No. 1 stayed with a local family in Tucson at no cost from November 11-21, 2018, and when diving prospective student-athlete Nos. 1 and 2 received free occasional transportation from the same family from December 2018 to April 2019. It was not permissible for either prospective student-athlete to train with assistant swimming and diving coach at club No. 3 during this time, making the provision of free lodging and occasional transportation a preferential treatment violation.
2. The NCAA preferential treatment bylaw was violated when diving prospective student-athlete No. 1 stayed with a second local family in Tucson at no cost from November 26-30, 2018, and also received free transportation and occasional meals from the family. It was not permissible for prospective student-athlete No. 1 to train with assistant swimming and diving coach at club No. 1 during this time, making the provision of free lodging, transportation and occasional meals a preferential treatment violation.

Failure to Monitor

**Level II violation:**

- The institution failed to monitor its men's basketball and swimming and diving programs because the compliance department's "instability" resulted in significant breakdowns in the monitoring of the two sports programs and in the education of coaches about NCAA rules.

**Penalties**

Based on its assessment, the Independent Resolution Panel classifies this case as **Level I-Standard**



**for Arizona, Level I-Aggravated for former assistant men’s basketball coach No. 1, Level II-Aggravated for former assistant men’s basketball coach No. 2, and Level II-Mitigated for assistant swimming and diving coach.**

- The Independent Resolution Panel was intentional in not prescribing penalties that would have a negative impact on current student-athletes. The panel also applied significant weight to Arizona’s self-imposed penalties, especially the 2020-21 postseason competition ban for its men’s basketball program. This postseason ban was self-imposed by the institution in December 2020, at a time when the men’s basketball program was having a successful season. The NCAA membership has acknowledged the significance of this self-imposed penalty, and the hearing panel encourages NCAA member institutions to critically examine meaningful and proactive self-imposed penalties based on their evaluation of the severity of the violations.

The Independent Resolution Panel used the Division I membership-approved penalty guidelines to prescribe the following penalties:

1. Core Penalties:

a. Former Assistant Men’s Basketball Coach No. 1

- A 10-year show-cause order.

b. Former Assistant Men’s Basketball Coach No. 2

- A two-year show-cause order.

c. Assistant Swimming and Diving Coach

- A one-year show-cause order. During this period, assistant swimming and diving coach is prohibited from participating in off-campus recruiting activities for six months and will attend one NCAA Regional Rules Seminar.

d. Arizona

**For the men's basketball program:**

- Competition penalty during the 2020-21 academic year during which the men's basketball program did not participate in the postseason conference or NCAA tournament competition (self-imposed).
- \$5,000 fine, plus 1% of the average men's basketball budget based on the average of the men's basketball program's previous three total budgets (self-imposed).
- A reduction in the total number of men's basketball scholarships for the incoming class of the 2023-24 academic year by one, from the permissible total of 13, or if a scholarship becomes available prior to the 2022-23 academic year (self-imposed).
- A two-week ban on men's basketball campus visits during March 2022 (self-imposed).
- A reduction in the number of official visits in men's basketball by 10% for the 2021-22 academic year (self-imposed).
- A 15-day reduction in the number of recruiting person days for the 2021-22 academic year (self-imposed), plus an additional two-day reduction in the number of recruiting person days for the 2022-23 academic year.
- A seven-week recruiting communication (telephone and written correspondence) ban for the 2022-23 academic year.

**For the swimming and diving program:**

- A one-week ban on unofficial visits for the 2022-23 academic year.
- A 1% reduction in the number of official visits for the 2022-23 academic year, based on the average number provided during the previous four years.

- A one-week suspension of off-campus recruiting during the 2022-23 academic year.
- A one-week recruiting communication (telephone and written correspondence) ban for the 2022-23 academic year.

**For the institution:**

- Three years of probation, from December 14, 2022, to December 13, 2025. During this probation period, Arizona will:
  - Require all members of its compliance staff to attend a Regional Rules Seminar each year of the probation and share information with other members of the athletics department. Regional Rules Seminars attendance and the dissemination of information shall be included in the institution's compliance report.
  - By April 1, 2023, 2024 and 2025, Arizona shall file with the NCAA Office of Committees on Infractions a plan outlining who will attend the Regional Rules Seminars and how information learned from the Regional Rules sessions will be distributed to the other members of the athletics compliance office.
  - Inform all men's basketball and swimming and diving prospective student-athletes in writing that the institution is on probation for three years, detailing violations committed. If a prospective student-athlete takes an official paid visit, 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.
  - Publicize information about the infractions and post a direct link to the public infractions report on the athletics department main

webpage, as well as include the information in media guides and an alumni publication.

- Following the submission of the final compliance report and prior to the conclusion of probation, Arizona's president shall provide a letter to the Committee on Infractions affirming Arizona's current athletics policies and practices conform to all NCAA regulations.

2. Additional Penalties:

- a. Public reprimand and censure.
- b. Vacation of all regular season and conference tournament wins, records and participation in which men's basketball student-athlete No. 1 competed in the 2016-17 and 2017-18 seasons, as well as vacation of any postseason contests in which men's basketball student-athlete No. 1 participated when he was ineligible.
- c. Vacation of the individual records of ineligible men's basketball student-athlete No. 1.
- d. Vacation of all regular season and conference tournament wins, records and participation related to men's basketball student-athlete No. 3's participation in the two foreign tour contests.
- e. Arizona's men's basketball program and the former head men's basketball coach's records shall reflect the vacated records and be recorded in all appropriate publications.
- f. The institution's media relations director must contact the NCAA and appropriate conference officials to identify student-athletes and contests impacted by the penalties and then provide the NCAA with a written report detailing those discussions no later than 14 days following the infractions decision release.

**More information about the case, including the case decision and case timeline, can be found at <https://iarpc.org/referred-cases/university-of-arizona/>.**

#### About the Independent Accountability Resolution Process

The Independent Accountability Resolution Process is responsible for reviewing select complex Division I infractions cases with the goal of increasing accountability in intercollegiate athletics by creating an alternative to the NCAA's peer-review process. For more information, visit: [iarpcc.org](http://iarpcc.org).

#### About the Independent Resolution Panel

The Independent Resolution Panel is comprised of 14 Independent Accountability Resolution Process members with legal, higher education and/or sports backgrounds. Once a Division I infractions case is accepted into the Independent Accountability Resolution Process, a software program randomly generates a five-member panel, plus one alternate, to serve as the hearing panel for that infractions case. The Independent Resolution Panel five-member panel, plus one alternate, is then appointed by the Independent Accountability Resolution Process' Independent Accountability Oversight Committee. A quorum for a hearing panel to conduct a hearing and deliberate is four panel members. The Independent Resolution Panel members who reviewed this case are: Dana Welch, an arbitrator and chief panel member for this Independent Resolution Panel; Joan Cronan, a retired Division I university athletics director; Hugh Fraser, a mediator and arbitrator; and Bruce Meyerson, a mediator, arbitrator and trainer.

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