



October 17, 2016

CONFIDENTIAL/VIA EMAIL

President Neville Pinto
University of Louisville
c/o Mr. Chuck Smrt
The Compliance Group
[REDACTED]

RE: Notice of allegations, University of Louisville, Case No. 00527.

Dear President Pinto:

The purpose of this letter and enclosures is to provide the University of Louisville with the results of an inquiry regarding the institution's athletics department. The available information appears to be of sufficient substance and reliability to warrant issuing a notice of allegations (NCAA Bylaw 19.7.1). This letter and its enclosures include (1) the details of the allegations, (2) the level of each allegation, (3) the factual information on which the NCAA enforcement staff relies, (4) any aggravating and/or mitigating factors that may be present, (5) a description of the available hearing procedures, and (6) a description of the institution's opportunity to respond to the allegations.

As indicated in the October 21, 2015, notice of inquiry, the cooperative principle imposes an affirmative obligation on the institution to assist the enforcement staff and a hearing panel of the NCAA Division I Committee on Infractions in developing full information to determine whether a violation of NCAA legislation occurred (Bylaw 19.2.3). The enforcement staff requests your continued cooperation for the purpose of obtaining pertinent facts until the case has been concluded.

Response to notice of allegations

Please review the allegations, factual information and requests for information thoroughly, and submit a written response. If the institution's position differs from the enforcement staff's, the institution should provide all available factual information in support of its position. In addition, pursuant to Bylaw 19.7.1.1, the institution has a responsibility to provide all relevant information, including any information uncovered related to new violations.

Pursuant to Bylaw 19.7.2, responses from the institution shall be submitted within 90 days from the date of this letter unless an extension is granted by the Committee on Infractions. In the interest of clarity and in accordance with procedures established by the committee, the institution is requested to copy each numbered item identified in the notice of allegations. The institution's response, as well as the reasons for its position,

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President Neville Pinto

October 17, 2016

Page No. 2

should immediately follow each numbered item or subparagraph. Pursuant to the Division I Committee on Infractions' IOP 3-13-3, parties are limited to 50 pages, double spaced with no smaller than 11-point font for their responses. The Division I Committee on Infractions' IOPs can be found [here](#).

Please submit the response and exhibits via email in Microsoft Word format to Joel McGormley, managing director of the office of the Committees on Infractions, at COI@ncaa.org and to enforcement by uploading the response using the following link:



Please name the file(s) using the following naming convention:

NOAResponse_DateSubmitted_Louisville_00527.

In addition, pursuant to Bylaw 19.7.2, you are responsible for providing pertinent portions of your response and exhibits to applicable parties involved in this case.

Your response assists the hearing panel as it considers whether a violation of NCAA rules occurred. Under Bylaw 19.7.2, the failure to submit a timely response to the notice of allegations may be viewed by the hearing panel as an admission that a violation occurred. Pursuant to Bylaw 19.7.3, within 60 days of the date the institution and all involved individuals submit responses to the notice of allegations, the enforcement staff is required to submit its reply.

The enforcement staff has compiled information relevant to this notice of allegations, including recorded interviews, interview transcripts and other factual information. Pursuant to Bylaw 19.5.9, you are entitled to review that information either through a secure website or at the NCAA national office. If you have not made arrangements with the enforcement staff to review the information, please contact the primary investigator identified below. If you believe additional interviews would be helpful as you prepare the institution's response, please consult the Division I Committee on Infractions' Operating Procedure 13-12-1 for further information and guidance.

Prehearing conference

Pursuant to Bylaw 19.7.4, the enforcement staff will conduct a prehearing conference to clarify the issues and discuss whether additional investigation is necessary. Unless the hearing panel's chief hearing officer orders otherwise, Bylaw 19.7.5 requires the parties to submit all relevant materials to the hearing panel no later than 30 days before the date of the infractions hearing.

Committee on Infractions hearing

Because this matter is being processed as a severe breach of conduct (Level I) case, a hearing panel of the Committee on Infractions will convene an in-person hearing, unless the institution requests a remote hearing under Bylaw 19.7.7. Once the final schedule is established, the office of the Committees on Infractions will notify the institution, involved individuals and enforcement staff of the hearing date and, if an in-person hearing is scheduled, the location.

President Neville Pinto

Ocotber 17, 2016

Page No. 3

In keeping with the premise of presidential control of athletics, the hearing panel will expect you to participate in the hearing and to discuss presidential control and the institution's commitment to compliance. Bylaw 19.7.7.5.2 identifies representatives of the institution who should also plan to attend the hearing. Please inform Mr. McGormley if you anticipate difficulties in securing the attendance of these individuals. The chief hearing officer may also identify additional individuals who will be requested to attend. If you believe the hearing panel would benefit from the attendance of other institutional representatives, please advise Mr. McGormley of their names and titles. The failure of any person to participate in the hearing, if specifically requested to participate, may constitute a violation of Bylaw 19.7.7.5.1.

This letter addresses only a portion of the information about processing this case. Please consult Bylaw 19 and the Division I Committee on Infractions' Operating Procedures for further information and guidance. You may direct any questions or requests for the hearing panel to Mr. McGormley. If the enforcement staff can be of assistance, please contact me; Stephanie Hannah, director of enforcement, at shannah@ncaa.org; or Nate Leffler, the primary investigator in this case, at nleffler@ncaa.org.

I hope this correspondence is helpful, and I look forward to working together with all parties to present complete and reliable information to the hearing panel of the Committee on Infractions.

Sincerely,



Jonathan F. Duncan
Vice President of Enforcement

JFD:jcd

Enclosures

cc: Mr. Thomas M. Jurich
Ms. Leslie Strohm
Mr. John Swofford
Mr. Steven Thompson
Ms. Elaine Wise

NOTICE OF ALLEGATIONS

to the

President of the University of Louisville

A. Processing Level of Case.

Based on the information contained within the following allegations, the NCAA enforcement staff believes this case should be reviewed by a hearing panel of the NCAA Division I Committee on Infractions pursuant to procedures applicable to a severe breach of conduct (Level I violation).

B. Allegations.

1. [NCAA Division I Manual Bylaws 13.2.1, 13.2.1.1-(e) and 16.11.2.1¹ (2010-11 through 2013-14)]

It is alleged that from at least December 2010 through July 2014, Andre McGee (McGee), then men's basketball program assistant (2010-11 and 2011-12 academic years), director of basketball operations (2012-13 academic year through April 2014) and representative of the institution's athletics interests while a University of Missouri-Kansas City assistant men's basketball coach (April through July 2014), arranged for and/or provided impermissible inducements, offers and/or extra benefits in the form of adult entertainment, sex acts and/or cash at Billy Minardi Hall (Minardi), a campus dormitory, or Louisville, Kentucky, hotels to at least 17 then men's basketball prospective and/or current student-athletes, two then nonscholastic men's basketball coaches and one then men's basketball prospective student-athlete's friend. The value of the impermissible inducements, offers and/or extra benefits was at least \$5,400. Specifically:

- a. During then men's basketball prospective student-athlete [REDACTED]'s ([REDACTED]) [REDACTED] unofficial visits to the institution, McGee arranged for and/or provided [REDACTED] at least \$510 in impermissible inducements at Minardi in the form of at least \$40 in cash, females performing two striptease shows (\$310) and sex acts (\$160).² [NCAA Bylaw 13.2.1 ([REDACTED])³

¹ In August 2013, adopted proposal RWG-16-5 revised the term "relatives" in NCAA Division I Bylaw 16.11.2.1 to "family members." This revision had no substantive effect on Allegation No. 1.

² Interviewee statements, receipts and additional information determined the violation values in Allegation No. 1. If an interviewee provided a range, the NCAA enforcement staff used the range's lowest number. If a student-athlete identified a then prospect as having possibly received an impermissible inducement, there was uncertainty regarding the identified prospect's involvement and the prospect did not participate in an interview, the enforcement staff did not name the then prospect in the allegation; however, the enforcement staff did account for the unnamed prospect when valuing the violations. Additionally, the enforcement staff accounted for prospects or student-athletes whose identities were not known by an interviewee but mentioned as having received an impermissible inducement or extra benefit.

³ The institution first learned of the allegations in August 2015. The first confirmed violation occurred in [REDACTED] and second confirmed violation occurred in [REDACTED]. NCAA Division I Bylaw 19.5.11-(b) permits the inclusion of these two violations in the notice of allegations because they involved a pattern of willful violations on the part of McGee, which began before but continued into the four-year period (August 2011 through August 2015).

NOTICE OF ALLEGATIONS

Case No. 00527

October 17, 2016

Page No. 2

- b. During then men's basketball prospective student-athlete [REDACTED]'s ([REDACTED]) [REDACTED] official paid visit to the institution, McGee arranged for and/or provided (1) at least \$650 in impermissible inducements at Minardi, which included \$400 in cash to [REDACTED] and then men's basketball prospective student-athlete [REDACTED] ([REDACTED]) and females performing a striptease show (\$250) and (2) an \$80 offer to [REDACTED], that he declined, in the form of a sex act with a female adult entertainer. [NCAA Bylaw 13.2.1 ([REDACTED])]
- c. During then men's basketball prospective student-athlete [REDACTED] [REDACTED]'s ([REDACTED]) [REDACTED] unofficial visit to the institution, McGee arranged for and/or provided [REDACTED] at least \$165 in impermissible inducements at Minardi in the form of at least \$40 in cash and females performing a striptease show (\$125). [NCAA Bylaw 13.2.1 ([REDACTED])]
- d. During the fall of [REDACTED], McGee arranged for and/or provided then men's basketball student-athlete [REDACTED] at least \$100 in extra benefits at Minardi in the form of females performing a striptease show. [NCAA Bylaw 16.11.2.1 ([REDACTED])]
- e. During then men's basketball prospective student-athlete [REDACTED] [REDACTED]'s ([REDACTED]) [REDACTED] unofficial and [REDACTED] official paid visits to the institution, McGee arranged for and/or provided [REDACTED] at least \$335 in impermissible inducements at Minardi in the form of \$25 in cash, females performing two striptease shows (\$310) and an \$80 offer to [REDACTED], that he declined, in the form of a sex act with a female adult entertainer. [NCAA Bylaw 13.2.1 ([REDACTED])]
- f. During then men's basketball prospective student-athlete [REDACTED]'s ([REDACTED]) [REDACTED] official paid visit to the institution, McGee arranged for and/or provided [REDACTED] at least \$480 in impermissible inducements at Minardi in the form of at least \$100 in cash, females performing a striptease show (\$140) and sex act (\$240). [NCAA Bylaw 13.2.1 ([REDACTED])]
- g. From the [REDACTED] academic year through the [REDACTED] [REDACTED], McGee arranged for and/or provided at least \$205 in extra benefits at Minardi to then men's basketball student-athlete [REDACTED] in the form of females performing at least one striptease show (\$125) and sex act (\$80). [NCAA Bylaw 16.11.2.1 ([REDACTED])]
- h. During then men's basketball prospective student-athlete [REDACTED] [REDACTED]'s ([REDACTED]) [REDACTED] unofficial visit to the institution, McGee arranged for and/or provided [REDACTED], [REDACTED] [REDACTED], at least a \$120 impermissible inducement at a Louisville hotel in the form of a sex act with a female escort. [NCAA Bylaw 13.2.1 ([REDACTED])]

NOTICE OF ALLEGATIONS

Case No. 00527

October 17, 2016

Page No. 3

- i. During then men's basketball prospective student-athletes ██████████'s (██████████) and ██████████'s (██████████) ██████████ official paid visit to the institution, McGee arranged for and/or provided at least \$660 in impermissible inducements at Minardi in the form of \$200 in cash to ██████████, females performing a striptease show (\$300) and sex acts (\$160) with ██████████. [NCAA Bylaw 13.2.1 (██████████)]
- j. During then men's basketball prospective student-athlete ██████████ (██████████) ██████████ official paid visit to the institution, McGee arranged for and/or provided ██████████ and then men's basketball student-athlete ██████████, at least a \$350 impermissible inducement and extra benefit at Minardi in the form of females performing a striptease show. [NCAA Bylaws 13.2.1 and 16.11.2.1 (██████████)]
- k. During then men's basketball prospective student-athlete ██████████'s (██████████) ██████████ unofficial visit to the institution, McGee arranged for and/or provided ██████████ at least \$100 in impermissible inducements at Minardi in the form of a female performing sex acts. [NCAA Bylaw 13.2.1 (██████████)]
- l. During then men's basketball prospective student-athlete ██████████'s (██████████) ██████████ unofficial visit to the institution, McGee arranged for and/or provided ██████████ and ██████████, ██████████'s friend, at least \$450 in impermissible inducements at Minardi in the form of females providing a striptease show (\$250) and sex acts (\$200). [NCAA Bylaw 13.2.1 (██████████)]
- m. During then men's basketball prospective student-athletes ██████████' (██████████) and ██████████'s (██████████) ██████████ official paid visit to the institution, McGee arranged for and/or provided ██████████ and ██████████ at least \$330 in impermissible inducements at Minardi in the form of females performing a striptease show (\$250) with ██████████ and sex acts (\$80) with ██████████ [NCAA Bylaw 13.2.1 (██████████)]
- n. During then men's basketball prospective student-athletes ██████████'s (██████████) unofficial and ██████████'s (██████████) official paid visits to the institution in ██████████, McGee arranged for and/or provided at least \$410 in impermissible inducements at Minardi in the form of females performing a striptease show (\$250) and a sex act (\$80) with ██████████, and a female performing a sex act with ██████████ (\$80). [NCAA Bylaw 13.2.1 (██████████)]
- o. In ██████████, McGee arranged for and/or provided at least \$400 in impermissible inducements at a Louisville hotel to ██████████ and ██████████, ██████████, in the form of sex acts with two female escorts. [NCAA Bylaw 13.2.1 (██████████)]

NOTICE OF ALLEGATIONS

Case No. 00527

October 17, 2016

Page No. 4

Level of Allegation No. 1:

The enforcement staff believes a hearing panel of the NCAA Division I Committee on Infractions could conclude that Allegation No. 1 is a severe breach of conduct (Level I) because these alleged violations seriously undermine or threaten the integrity of the Collegiate Model in that they (1) provided or were intended to provide a substantial or extensive recruiting advantage or a substantial or extensive impermissible benefit; (2) included a men's basketball staff member providing cash, other benefits and/or inducements intended to secure enrollment of prospective student-athletes at the institution; (3) involved intentional violations; and (4) involved a reckless indifference to NCAA Bylaws. [NCAA Bylaw 19.1.1, 19.1.1-(f) and (h) (2016-2017)]

Involved Individual:

The enforcement staff believes McGee is potentially subject to a show-cause order pursuant to Bylaw 19.9.5.4 for Allegation No. 1.

Factual information (FI) on which the enforcement staff relies for Allegation No. 1:

The attached exhibits detail the factual information on which the enforcement staff relies for Allegation No. 1. The enforcement staff incorporates the factual information referenced throughout this document, its exhibits and all other documents posted on the secure website.

2. [NCAA Division I Manual Bylaws 10.01.1 and 10.1 (2010-11 through 2013-14 and 2015-16); 10.1-(c) (2010-11 through 2013-14); 10.1-(a) (2015-16); and 19.2.3 and 19.2.3.2 (2015-16)]

It is alleged that from at least December 2010 through July 2014 and in February and June 2016, Andre McGee (McGee), then men's basketball program assistant (2010-11 and 2011-12 academic years), director of basketball operations (2012-13 academic year through April 2014) and former institutional employee (April through July 2014 and February through June 2016), violated the principles of ethical conduct when he was knowingly involved in offering or providing then prospective and/or enrolled student-athletes impermissible inducements and/or extra benefits and failed to satisfy his responsibility to cooperate with the NCAA enforcement staff by refusing to furnish information relevant to an investigation of possible violations of NCAA legislation. Specifically:

NOTICE OF ALLEGATIONS

Case No. 00527

October 17, 2016

Page No. 5

- a. From at least December 2010 through July 2014, McGee knowingly offered or provided at least \$5,400 in impermissible inducements and/or extra benefits in the form of cash, adult entertainment and sex acts to at least 17 then men's basketball prospective and/or current student-athletes, two then nonscholastic men's basketball coaches and one then men's basketball prospective student-athlete's friend as detailed in Allegation No. 1. [NCAA Bylaws 10.01.1, 10.1 and 10.1-(c) (2010-11 through 2013-14)]
- b. In February and June 2016, McGee refused to participate in an interview or provide records after the enforcement staff requested him to do so during the institution and enforcement staff's investigation of the NCAA violations detailed in Allegation No. 1. [NCAA Bylaws 10.01.1, 10.1, 10.1-(a), 19.2.3 and 19.2.3.2 (2015-16)]

Level of Allegation No. 2:

The enforcement staff believes a hearing panel of the NCAA Division I Committee on Infractions could conclude that Allegation No. 2 is a severe breach of conduct (Level I) because it seriously undermines or threatens the NCAA Collegiate Model in that it (1) is an unethical conduct violation that involved a men's basketball staff member providing cash, other benefits and/or inducements intended to secure enrollment of prospective student-athletes at the institution; (2) involved intentional violations; (3) involved a reckless indifference to NCAA bylaws; (4) provided or was intended to provide a substantial or extensive recruiting advantage or a substantial or extensive impermissible benefit; and (5) involved a failure to cooperate in an NCAA enforcement investigation and the responsibility to cooperate is paramount to a full and complete investigation, which the membership has identified as critical to the common interests of the Association and preservation of its enduring values. [NCAA Bylaws 19.1.1, 19.1.1-(c), 19.1.1-(d), 19.1.1-(f) and 19.1.1-(h) (2016-17)]

Involved Individual:

The enforcement staff believes McGee is potentially subject to a show-cause order pursuant to NCAA Bylaw 19.9.5.4 for Allegation No. 2.

Factual information (FI) on which the enforcement staff relies for Allegation No. 2:

The attached exhibits detail the factual information on which the enforcement staff relies for Allegation No. 2. The enforcement staff incorporates the factual information referenced throughout this document, its exhibits and all other documents posted on the secure website.

NOTICE OF ALLEGATIONS

Case No. 00527

October 17, 2016

Page No. 6

3. [NCAA Division I Manual Bylaws 10.01.1, 10.1, 10.1-(a), 19.2.3 and 19.2.3.2 (2015-16 and 2016-17)]

It is alleged that from May through August 2016, Brandon Williams (Williams), a former men's basketball program assistant, violated the principles of ethical conduct when he refused to furnish information relevant to an investigation of possible violations of NCAA legislation. Specifically, Williams refused to provide telephone records after the institution and NCAA enforcement staff requested him to do so during the institution and enforcement staff's investigation of NCAA violations.

Level of Allegation No. 3:

The enforcement staff believes a hearing panel of the NCAA Division I Committee on Infractions could conclude that Allegation No. 3 is a severe breach of conduct (Level I) because it seriously undermines or threatens the NCAA Collegiate Model in that it is an unethical conduct violation that involved a former men's basketball staff member's failure to cooperate in an NCAA enforcement investigation. The responsibility to cooperate is paramount to a full and complete investigation, which the membership has identified as critical to the common interests of the Association and preservation of its enduring values. [NCAA Bylaw 19.1.1-(c) (2016-17)]

Involved Individual:

The enforcement staff believes Williams is potentially subject to a show-cause order pursuant to NCAA Bylaw 19.9.5.4 for Allegation No. 3.

Factual information (FI) on which the enforcement staff relies for Allegation No. 3:

The attached exhibits detail the factual information on which the enforcement staff relies for Allegation No. 3. The enforcement staff incorporates the factual information referenced throughout this document, its exhibits and all other documents posted on the secure website.

NOTICE OF ALLEGATIONS

Case No. 00527

October 17, 2016

Page No. 7

4. [NCAA Division I Manual Bylaws 11.1.2.1 (2010-11 through October 29, 2012);⁴ 11.1.1.1 (October 30, 2012, through 2013-14)]

It is alleged that from at least December 2010 through April 2014, Rick Pitino (Pitino), head men's basketball coach, violated NCAA head coach responsibility legislation, as he is presumed responsible for the violations outlined in Allegation No. 1 and did not rebut that presumption. Specifically, Pitino did not demonstrate that he monitored Andre McGee (McGee), then men's basketball program assistant (2010-11 and 2011-12 academic years) and director of basketball operations (2012-13 academic year through April 2014), in that he failed to frequently spot-check the program to uncover potential or existing compliance problems, including actively looking for and evaluating red flags, asking pointed questions and regularly soliciting honest feedback to determine if monitoring systems were functioning properly regarding McGee's activities and interactions with then men's basketball prospective and current student-athletes visiting and attending the institution.

Level of Allegation No. 4:

The NCAA enforcement staff believes a hearing panel of the NCAA Division I Committee on Infractions could conclude that Allegation No. 4 is a severe breach of conduct (Level I) because the head coach failed to demonstrate that he monitored a member of his staff, resulting from underlying Level I violations. [NCAA Bylaw 19.1.1-(e) (2016-17)]

Involved Individual:

The enforcement staff believes Pitino is potentially subject to a show-cause order pursuant to NCAA Bylaw 19.9.5.4 for Allegation No. 4.

Factual information (FI) on which the enforcement staff relies for Allegation No. 4:

The attached exhibits detail the factual information on which the enforcement staff relies for Allegation No. 4. The enforcement staff incorporates the factual information referenced throughout this document, its exhibits and all other documents posted on the secure website.

⁴ On October 30, 2012, and during the period of Allegation No. 4, adopted proposal 2012-15 changed NCAA Division I Bylaw 11.1.2.1 to 11.1.1.1 and substantively revised it in the following manner:

~~It shall be the responsibility of an~~ **An institution's head coach is presumed to be responsible for the actions of all assistant coaches and administrators who report, directly or indirectly, to the head coach.** ~~An~~ institution's head coach ~~to~~ **shall** promote an atmosphere ~~for~~ **of** compliance within ~~the~~ **his or her** program ~~supervised by the coach~~ and ~~to~~ **shall** monitor the activities ~~regarding~~ **compliance** of all assistant coaches and ~~other~~ administrators involved with the program who report directly or indirectly to the coach.

NOTICE OF ALLEGATIONS

Case No. 00527

October 17, 2016

Page No. 8

Specific to Allegation Nos. 1 through 4:

- a. Please indicate whether the information contained within these allegations is substantially correct and whether the institution and involved individuals identified in these allegations believe violations of NCAA legislation occurred. Submit materials to support your response.
- b. If the institution and involved individuals believe NCAA violations occurred, please indicate whether there is substantial agreement on the level of the violation. Submit materials to support your response.
- c. Please indicate whether the factual information is substantially correct and whether the institution and involved individuals have additional pertinent information and/or facts. Submit facts in support of your response.

C. Potential Aggravating and Mitigating Factors.

Pursuant to NCAA Bylaw 19.7.1, the NCAA enforcement staff has identified the following potential aggravating and mitigating factors that a hearing panel of the NCAA Division I Committee on Infractions may consider.

1. Institution:

a. Aggravating factor(s). [NCAA Bylaw 19.9.3]

(1) Multiple Level I violations by the institution. [NCAA Bylaw 19.9.3-(a)]

Allegation Nos. 1, 2-a and 4 are Level I violations.

(2) A history of major violations by the institution and men's basketball program.⁵
[NCAA Bylaw 19.9.3-(b)]

(a) January 11, 1957: Improper transportation; extra benefits; improper recruiting inducements.

Involved Sport: Men's Basketball

(b) November 20, 1996: Preferential treatment, student-athlete received extensive personal use of automobile and cost for removing stereo system from summer employer; extra benefits, athletics representative provided an automobile,

⁵ The dates of previous major infractions violations and the accompanying descriptions are provided directly from the Legislative Services Database (LSDBi).

NOTICE OF ALLEGATIONS

Case No. 00527

October 17, 2016

Page No. 9

insurance and payment of parking tickets; athletics representative cosigned credit application and provided transportation and meal, improper cash payment to student-athlete by a coach; and impermissible recruiting, improper telephone and in-person recruiting contacts by athletics representative with knowledge of members of the coaching staff; impermissible telephone calls to prospective student-athletes.

Involved Sport: Men's Basketball

- (c) September 22, 1998: Impermissible recruiting, women's volleyball prospective student-athletes provided financial assistance, temporary lodging, automobile transportation, out-of-season practice/tryout for prospective and enrolled student-athletes; Improper financial aid, dormitory housing provided to two prospective student-athletes; extra benefits, student-athletes received automobile transportation and temporary lodging; prospective student-athlete received free dental care; unethical conduct; and institutional control. Secondary violations. [Reflects changes by the infractions appeals committee vacating repeat-violator penalty and changing basketball findings to be secondary rather than major.]

Involved Sport: Men's Basketball and Women's Volleyball

- (3) Person of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct. [NCAA Bylaw 19.9.3-(h)]

From the 2012-13 through 2013-14 academic years, Andre McGee (McGee), then men's basketball director of basketball operations, arranged for and/or provided at least \$2,400 in impermissible inducements and extra benefits in the form of cash, adult entertainment and sex acts.

- (4) Intentional, willful or blatant disregard for the NCAA constitution and bylaws. [NCAA Bylaw 19.9.3-(m)]

McGee arranged for and/or provided at least \$5,400 in impermissible offers and inducements and extra benefits in the form of cash, adult entertainment and sex acts.

NOTICE OF ALLEGATIONS

Case No. 00527

October 17, 2016

Page No. 10

b. Mitigating factor(s). [NCAA Bylaw 19.9.4]

- (1) Prompt acknowledgement of the violation, acceptance of responsibility and imposition of meaningful corrective measures and/or penalties. [NCAA Bylaw 19.9.4-(b)]

During the course of the investigation, the institution publicly confirmed the occurrence of violations of NCAA legislation and accepted responsibility by self-imposing the following penalties for its men's basketball program: (1) a post-season ban for the 2015-16 season, (2) grant-in-aid reductions and (3) recruiting limitations.

- (2) An established history of self-reporting Level III or secondary violations. [NCAA Bylaw 19.9.4-(d)]

The institution reported 50 Level III or secondary violations from 2011 to 2016, between eight and nine violations each year. Six reported secondary violations involved the men's basketball program.

2. **Involved Individual [McGee]:**

a. Aggravating factor(s). [NCAA Bylaw 19.9.3]

- (1) Multiple Level I violations by McGee. [NCAA Bylaw 19.9.3-(a)]

As detailed in Allegation Nos. 1 and 2, McGee was involved in multiple Level I violations.

- (2) Unethical conduct, failing to cooperate during an investigation or refusing to provide all relevant or requested information. [NCAA Bylaw 19.9.3-(e)]

As detailed in Allegation Nos. 1 and 2, McGee arranged for and/or provided impermissible offers and inducements and extra benefits and refused to interview with or provide requested records to the enforcement staff during the institution and enforcement staff's investigation of the NCAA violations detailed in Allegation No. 1.

- (3) Person of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct. [NCAA Bylaw 19.9.3-(h)]

During the 2012-13 and 2013-14 academic years, McGee arranged for and/or provided at least \$2,400 in impermissible inducements and extra benefits in the form of cash, adult entertainment and sex acts.

NOTICE OF ALLEGATIONS

Case No. 00527

October 17, 2016

Page No. 11

- (4) Conduct or circumstances demonstrating an abuse of a position of trust. [NCAA Bylaw 19.9.3-(j)]

McGee arranged for and/or provided impermissible offers and inducements and extra benefits while entrusted to interact with then men's basketball prospective and current student-athletes and their associates during unofficial and official paid visits to the institution.

- (5) Intentional, willful or blatant disregard for the NCAA constitution and bylaws. [NCAA Bylaw 19.9.3-(m)]

McGee arranged for and/or provided at least \$5,400 in impermissible offers and inducements and extra benefits in the form of cash, adult entertainment and sex acts.

- b. Mitigating factor(s). [NCAA Bylaw 19.9.4]

The enforcement staff did not identify any mitigating factors for the involved individual.

3. Involved Individual [Brandon Williams (Williams), former men's basketball program assistant]:

- a. Aggravating factor. [NCAA Bylaw 19.9.3]

- (1) Unethical conduct, failing to cooperate during an investigation or refusing to provide all relevant or requested information. [NCAA Bylaw 19.9.3-(e)]

As detailed in Allegation No. 3, Williams refused to provide requested records to the enforcement staff during the institution and enforcement staff's investigation of NCAA violations.

- b. Mitigating factor(s). [NCAA Bylaw 19.9.4]

The enforcement staff did not identify any mitigating factors for the involved individual.

NOTICE OF ALLEGATIONS

Case No. 00527

October 17, 2016

Page No. 12

4. **Involved Individual [Rick Pitino, head men's basketball coach]:**

a. Aggravating factor. [NCAA Bylaw 19.9.3]

The enforcement staff did not identify any aggravating factors for the involved individual.

b. Mitigating factor(s). [NCAA Bylaw 19.9.4]

The enforcement staff did not identify any mitigating factors for the involved individual.

D. Request for Supplemental Information.

1. Provide mailing and email addresses for all necessary parties to receive communications from the hearing panel of the NCAA Division I Committee on Infractions related to this matter.
2. Indicate how the violations were discovered.
3. Provide a detailed description of any corrective or punitive actions implemented by the institution as a result of the violations acknowledged in this inquiry. In that regard, explain the reasons the institution believes these actions to be appropriate and identify the violations on which the actions were based. Additionally, indicate the date that any corrective or punitive actions were implemented.
4. Provide a detailed description of all disciplinary actions taken against any current or former athletics department staff members as a result of violations acknowledged in this inquiry. In that regard, explain the reasons the institution believes these actions to be appropriate and identify the violations on which the actions were based. Additionally, indicate the date that any disciplinary actions were taken and submit copies of all correspondence from the institution to each individual describing these disciplinary actions.
5. Provide a short summary of every past Level I, Level II or major infractions case involving the institution or individuals named in this notice. In this summary, provide the date of the infractions report(s), a description of the violations found by the Committee on Infractions/hearing panel, the individuals involved, and the penalties and corrective actions. Additionally, provide a copy of any major infractions reports involving the institution or individuals named in this notice that were issued by the Committee on Infractions/hearing panel within the last 10 years.

NOTICE OF ALLEGATIONS

Case No. 00527

October 17, 2016

Page No. 13

6. Provide a chart depicting the institution's reporting history of Level III and secondary violations for the past five years. In this chart, please indicate for each academic year the number of total Level III and secondary violations reported involving the institution or individuals named in this notice. Also include the applicable bylaws for each violation, and then indicate the number of Level III and secondary violations involving just the sports team(s) named in this notice for the same five-year time period.
7. Provide the institution's overall conference affiliation, as well as the total enrollment on campus and the number of men's and women's sports sponsored.
8. Provide a statement describing the general organization and structure of the institution's intercollegiate athletics department, including the identities of those individuals in the athletics department who were responsible for the supervision of all sport programs during the previous four years.
9. State when the institution has conducted systematic reviews of NCAA and institutional regulations for its athletics department employees. Also, identify the agencies, individuals or committees responsible for these reviews and describe their responsibilities and functions.
10. Provide the following information concerning the sports program(s) identified in this inquiry:
 - The average number of initial and total grants-in-aid awarded during the past four academic years.
 - The number of initial and total grants-in-aid in effect for the current academic year (or upcoming academic year if the regular academic year is not in session) and the number anticipated for the following academic year.
 - The average number of official paid visits provided by the institution to prospective student-athletes during the past four years.
 - Copies of the institution's squad lists for the past four academic years.
 - Copies of the institution's media guides, either in hard copy or through electronic links, for the past four academic years.
 - A statement indicating whether the provisions of NCAA Bylaws 31.2.2.3 and 31.2.2.4 apply to the institution as a result of the involvement of student-athletes in violations noted in this inquiry.

NOTICE OF ALLEGATIONS

Case No. 00527

October 17, 2016

Page No. 14

- A statement indicating whether the provisions of Bylaw 19.9.7-(g) apply to the institution as a result of the involvement of student-athletes in violations noted in this inquiry.

11. Consistent with the Committee on Infractions IOP 4-16-2-1 (Total Budget for Sport Program) and 4-16-2-2 (Submission of Total Budget for Sport Program), please submit the three previous fiscal years' total budgets for all involved sport programs. At a minimum, a sport program's total budget shall include: (a) all contractual compensation including salaries, benefits and bonuses paid by the institution or related entities for coaching, operations, administrative and support staff tied to the sport program; (b) all recruiting expenses; (c) all team travel, entertainment and meals; (d) all expenses associated with equipment, uniforms and supplies; (e) game expenses and (f) any guarantees paid associated with the sport program.

Any additional information or comments regarding this case are welcome.

Individuals Who May Be Mentioned In The Factual Information Chart

University of Louisville – Case No. 00527

[REDACTED] – former men's basketball student-athlete [REDACTED].

[REDACTED] – former Billy Minardi Hall (Minardi) resident assistant.

Balado, Mike – assistant men's basketball coach.

[REDACTED] – former [REDACTED] [REDACTED] men's basketball student-athlete.

[REDACTED] – former men's basketball student-athlete.

[REDACTED] – [REDACTED] men's basketball student-athlete.

[REDACTED] – Katina Powell's associate.

[REDACTED] [REDACTED] – former men's basketball student manager [REDACTED].

[REDACTED] – Katina Powell's associate.

Carns, John – senior associate director of athletics for compliance.

Cox, Scott – Andre McGee's attorney.

Fuller, Tim – former assistant men's basketball coach.

[REDACTED] – former [REDACTED] [REDACTED] men's basketball student-athlete.

[REDACTED] – former men's basketball student-athlete [REDACTED].

[REDACTED] – former [REDACTED] men's basketball student-athlete.

[REDACTED] – former men's basketball student-athlete.

[REDACTED] – [REDACTED]'s guardian and nonscholastic basketball coach.

Hennemann, Mel – former Minardi security guard.

Johnson, Kenny – assistant men's basketball coach.

██████████ – former men's basketball student-athlete.

Jones, Wyking – former assistant men's basketball coach and current University of California, Berkeley (California) assistant men's basketball coach.

██████████ – former men's basketball student-athlete.

Keatts, Kevin – former assistant men's basketball coach and current University of North Carolina Wilmington head men's basketball coach.

██████████ – former men's basketball student-athlete.

██████████ – ██████████ men's basketball student-athlete.

Lewis, Kenny – Minardi security guard.

██████████ – ██████████ men's basketball student-athlete.

██████████ – former ██████████ men's basketball student-athlete.

██████████ – former men's basketball student-athlete.

██████████ – men's basketball student-athlete.

██████████ – ██████████ men's basketball student-athlete.

McGee, Andre – former men's basketball program assistant (2010-11 and 2011-12 academic years), director of basketball operations (2012-13 academic year through April 2014) and representative of the institution's athletics interests while a University of Missouri-Kansas City assistant men's basketball coach (April through July 2014)

██████████ – Minardi resident assistant.

██████████ – Katina Powell's daughter and an escort.

██████████ – former men's basketball student-athlete.

██████████ – former men's basketball student-athlete.

Padgett, David – former men's basketball director of basketball operations and current assistant men's basketball coach.

Pitino, Rick – head men's basketball coach.

Powell, Katina – adult entertainer and escort.

██████████ – former men's basketball student-athlete.

██████████ – ██████████'s nonscholastic basketball coach.

██████████ – former men's basketball student-athlete.

Shelangoski, Bryan – associate director of housing.

██████████ – ██████████ men's basketball student-athlete.

██████████ – former ██████ men's basketball student-athlete.

██████████ – former men's basketball student-athlete.

██████████ – former men's basketball student-athlete.

Smrt, Chuck – president of The Compliance Group and outside consultant to the institution.

██████████ – former men's basketball student-athlete.

██████████ – ██████████'s friend.

Turner, Wayne – men's basketball director of player development.

██████████ – former men's basketball student manager.

██████████ – former men's basketball student-athlete.

Wilder, Larry – Katina Powell's attorney.

Williams, Brandon – former men's basketball program assistant.