

# Los Angeles Times

December 24, 2012

## Area sports cheating cases drag secretive NCAA into spotlight

Several recent incidents — including at UCLA and USC — raise questions about how the agency's enforcement officials police athletes and coaches on campuses nationwide.

By David Wharton and Baxter Holmes

The men and women of the NCAA enforcement staff prefer to work in secret.

They almost never speak publicly about tips they receive or evidence they gather against cheaters in big-time college sports. Rarely will they acknowledge the existence of an investigation.

Now several recent incidents — all in Southern California — have dragged them into the spotlight, raising questions about how they police athletes and coaches on campuses nationwide.

In one of the cases, at UCLA, the lead investigator has been accused of prejudging UCLA freshman Shabazz Muhammad before all of the facts were gathered.

Across town, a Los Angeles County Superior Court judge in a defamation suit has portrayed other NCAA officials as potentially malicious for the way they dealt with a USC assistant coach linked to the Reggie Bush sanctions.

Things could get worse. The judge could unseal files from that lawsuit, providing greater insight into this powerful, quasi-judicial organization.

"The NCAA does not operate like a prosecutor's office or a police department where there are clearly understood constitutional limits," said Geoffrey C. Rapp, a University of Toledo law professor and editor of the Sports Law blog. "They don't have a structure in place to ensure consistency."

The NCAA declined to answer questions, responding instead with a brief statement that read, in part, "We are committed to providing a fair enforcement process for our members."

The father of UCLA basketball player Kyle Anderson, who was investigated this fall, sees the process from a different angle.

"I'm a schoolteacher, and the big thing in school now is bullying," Kyle Anderson Sr. said. "That's exactly what the NCAA is ... the prototype of a bully."

### Money and television

The influx of television and donor money makes college sports vulnerable to corruption. Though almost no one denies the need for supervision, critics have often questioned the NCAA's enforcement

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policies.

The two-part procedure begins with an enforcement staff of 57, which includes "former coaches, student athletes and compliance officers — as well as investigators that are former practicing attorneys," the NCAA statement said.

Investigators gather information and submit a report for the second part: adjudication. The Committee on Infractions, its members drawn from colleges, conferences and the public, hears testimony and renders a decision.

The committee has been criticized for inconsistent penalties in recent cases against USC, Ohio State, Auburn and Penn State. The recent cases in Los Angeles deal primarily with the investigative part of the process.

Staff members face at least one major hurdle: They lack subpoena power, meaning they cannot compel outsiders such as former athletes and agents to talk.

To compensate, member schools have authorized the use of an ethics bylaw to penalize current athletes and coaches who refuse to cooperate.

"There's not, in my opinion, any sort of conspiracy on the part of the NCAA or the enforcement staff to incriminate people who have not committed violations," said Dan Matheson, a former investigator who now teaches at Iowa.

Not everyone agrees.

### **'Ill will or hatred'**

It was 2010 when the NCAA penalized USC because football star Bush and his family had received cash and gifts from two fledgling sports marketers. Assistant coach Todd McNair was a key figure, the link the NCAA needed to prove the football program knew about the violations.

Investigators claimed that, among other things, McNair lied to them by denying he had placed a 2005 call to one of the sports marketers, Lloyd Lake.

The accusation contributed to McNair's receiving a show-cause penalty that precluded him from recruiting for a year. USC chose not to renew his contract, making him an unattractive job candidate because the sanctions would follow him to any other school.

McNair filed a defamation suit and the NCAA responded with a motion to dismiss. That led to Judge Frederick Shaller's tentative ruling last month.

Shaller determined the critical phone call had been placed by Lake, not McNair. And that it took place in 2006, not 2005. He also found that investigators discovered this discrepancy but chose not to clear it up. The error remained in the NCAA's official report.

All of this, the judge wrote, "amounts to an admission that there was no credible evidence to support that McNair lied about the 2006 conversation."

In refusing to dismiss the case, Shaller — a USC alumnus — cited adequate evidence "to support the court's conclusion that the statements in the investigation report were made with actual malice."

The case has raised other issues, including allegations that NCAA officials tried to influence the sanctions with emails that, Shaller wrote, "tend to show ill will or hatred."

### **A chat on a plane**

The Muhammad incident began with a conversation in August on a flight from Chicago to Memphis, Tenn.

At the time, investigators had yet to formally interview the UCLA freshman's parents or view all relevant financial documents.

Regardless, a man on the plane allegedly told a fellow passenger that his girlfriend, "Abigail," worked for the NCAA and would make sure Muhammad never became eligible to play because he had broken the rules.

Abigail Grantstein was the lead investigator on the case and, two months later, the NCAA deemed Muhammad ineligible.

Then the conversation came to light, relayed to The Times by another passenger on the plane. The NCAA quickly reversed course, saying Muhammad could play if he repaid \$1,600 a family friend had provided to cover travel costs on trips he made as a high school student.

Grantstein was subsequently fired, according to multiple people close to the situation.

"I know people that the NCAA investigates often use the term 'witch hunt,' but in our case I don't know what else you could call it," said Muhammad's father, Ron Holmes. "It was pretty clear that they were out to get us."

Outsiders see a shift from the days when former NCAA President Myles Brand emphasized enforcing academic standards. His successor, Mark Emmert, seems to have focused more on catching cheaters.

"When I was there, we made a concerted effort not to go into any case with a preconceived notion, that we would just let the facts determine the outcome," said Steve Morgan, a former investigator who now represents athletes and schools accused of wrongdoing. "I have some concerns that the focus is lost on things that could clear the case."

### **Receipts and bills**

In recent years — especially since the Bush case — the NCAA has paid closer attention to top recruits in football and men's basketball. So Kyle Anderson Sr. wasn't surprised that investigators asked about trips his son had taken to colleges and all-star tournaments while in high school.

While interviewing the family in August, Grantstein asked to see credit card receipts and telephone bills. She also wanted to know about Kyle Sr.'s longtime relationship with NBA agent Thad Foucher.

"I thought this is what all Top 5 players get," Kyle Sr. said. "Fine."

His patience waned as the probe dragged on and investigators returned for another interview in October.

"The only question I ever asked them was, 'What, exactly, do you think my son did?'" he recalled. "They told me they weren't at liberty to say."

Many people being investigated make this complaint: They must open up their personal lives yet cannot get basic answers from enforcement staff.

"It is very tough when there's an intrusive investigation without a lot of information because the NCAA can keep everything confidential," said David Ridpath, an Ohio University professor and member of the watchdog Drake Group. "It becomes tough to get a fair shake."

### **A call for transparency**

So what should the NCAA do?

Critics say an organization that earns billions from television rights should spend more on manpower and training. Some suggest that investigations be outsourced.

If nothing else, experts call for more transparency. Ridpath said: "It needs to be as close to the

American judicial process as it can get."

No such change appears on the horizon. In the McNair case, NCAA lawyers are fighting to keep the record sealed.

So athletes and their families see no choice but to comply with investigators.

"The basic tenet of our American judicial system is, everyone is innocent until proven guilty," said **Bill Trosch**, the attorney for Muhammad's family. "The NCAA gets it backward."