

NOTICE OF ALLEGATIONS

to the

President of the Georgia Institute of Technology

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).¹

B. Allegations.

1. [NCAA Division I Manual Bylaws 12.11.1, 13.1.2.1, 13.2.1, 13.2.1.1-(e), 13.6.7.1, 13.6.7.4, 16.8.1, 16.11.2.1 and 16.11.2.2 (2016-17)]

It is alleged that on November 5 and 6, 2016, Darryl LaBarrie (LaBarrie), then assistant men's basketball coach, facilitated impermissible recruiting contact between then men's basketball prospective student-athlete [REDACTED] and [REDACTED], a representative of the institution's athletics interests, at multiple locations during [REDACTED] official paid visit, including [REDACTED] residence, an Atlanta strip club and an Atlanta restaurant/lounge. These contacts resulted in [REDACTED] providing [REDACTED] and men's basketball student-athlete [REDACTED], who also served as [REDACTED] host on the visit, approximately \$664 in impermissible recruiting inducements and benefits. The inducements and benefits included \$300 cash each for use at the strip club, strip club cover charges and restaurant food valued at approximately \$32 each. Also, the day following [REDACTED] official paid visit, [REDACTED] impermissibly contacted [REDACTED] via text message.

As a result of the impermissible benefits, [REDACTED] competed and received actual and necessary expenses to represent the institution in competition while ineligible.

Level of Allegation No. 1:

The NCAA 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 the violation (a) provided or was intended to provide a substantial or extensive recruiting advantage, (b) provided or was intended to provide a substantial or extensive impermissible benefit, (c) involved third parties, cash payments

¹ Pursuant to NCAA Bylaw 19.7.7.1 of the 2018-19 NCAA Division I Manual, if violations from multiple levels are identified in the notice of allegations, the case shall be processed pursuant to procedures applicable to the most serious violation(s) alleged.

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and benefits intended to secure the enrollment of a prospect, (d) was intentional or showed reckless indifference to the NCAA constitution and bylaws and (e) seriously undermined or threatened the integrity of the NCAA Collegiate Model. [NCAA Bylaw 19.1.1 (2018-19)]

Involved Individual:

The enforcement staff believes a hearing panel could enter a show-cause order pursuant to NCAA Bylaw 19.9.5.4 regarding LaBarrie's involvement in Allegation No. 1.

2. [NCAA Division I Manual Bylaws 10.01.1, 10.1, 10.1-(c) and 19.2.3 (2017-18)]

It is alleged that on November 20 and 29, 2017, Darryl LaBarrie (LaBarrie), then assistant men's basketball coach, violated the NCAA principles of ethical conduct and the responsibility to cooperate when he (a) provided false or misleading information to the institution and NCAA enforcement staff regarding his knowledge of and/or involvement in the violations detailed in Allegation No. 1, (b) attempted to influence men's basketball student-athlete ██████████ to provide false or misleading information to the institution and/or enforcement staff and (c) provided false or misleading information regarding his attempts to influence ██████████. Specifically:

- a. During his November 20, 2017, interview with the institution and enforcement staff, LaBarrie stated that he did not accompany then men's basketball prospective student-athlete ██████████ to a strip club or to the residence of ██████████ a representative of the institution's athletics interests, during ██████████ official paid visit when, in fact, he transported the prospect to and was present with him for the duration of his time at both locations. [NCAA Bylaws 10.01.1, 10.1 and 10.1-(c) (2017-18)]
- b. On November 20, 2017, LaBarrie asked ██████████ to recant violations he previously reported so that information provided by ██████████ would not contradict what LaBarrie reported. LaBarrie took this action after being admonished during his interview that he was not permitted to speak with others about what was discussed or any related information and that doing so could result in an allegation that he violated the principles of ethical conduct and/or the cooperative principle. [NCAA Bylaws 10.01.1, 10.1, 10.1-(c) and 19.2.3 (2017-18)]
- c. During his November 29, 2017, interview with the enforcement staff and institution, LaBarrie stated that he had not asked ██████████ to recant the violations he previously reported when, in fact, he made that request of ██████████ on multiple occasions. [NCAA Bylaws 10.01.1, 10.1 and 10.1-(c) (2017-18)]

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Level of Allegation No. 2:

The NCAA 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 involved failure of the responsibility to cooperate and unethical or dishonest conduct, which seriously undermined or threatened the integrity of the NCAA Collegiate Model. 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 the preservation of its enduring values. [NCAA Bylaw 19.1.1 (2018-19)]

Involved Individual:

The enforcement staff believes a hearing panel could enter a show-cause order pursuant to NCAA Bylaw 19.9.5.4 regarding LaBarrie's involvement in Allegation No. 2.

3. [NCAA Division I Manual Bylaws 13.1.1.3, 13.1.2.1, 13.1.3.5.1, 13.2.1 and 13.2.1.1-(b) (2016-17), 16.11.2.1, 16.11.2.2 and 16.11.2.2-(d) (2016-17 and 2017-18)]

It is alleged that between the fall of 2016 and September 2017, Ron Bell (Bell), a representative of the institution's athletics interests, provided and/or arranged approximately \$2,424 in impermissible benefits to men's basketball student-athletes [REDACTED] and [REDACTED] and then [REDACTED] men's basketball student-athlete [REDACTED]. Additionally, between at least February and May 2017, Bell impermissibly contacted [REDACTED] via text messages and telephone calls. Specifically:

- a. During the 2016-17 academic year, Bell provided approximately \$444 in shoes, clothing and meal expenses to [REDACTED] and [REDACTED]. Additionally, between May 9 and 13, 2017, Bell provided [REDACTED] and [REDACTED] with approximately \$979 in transportation, lodging and meals associated with a five-day trip to Bell's home in Oro Valley, Arizona. As a result of the impermissible benefits, [REDACTED] and [REDACTED] competed and received actual and necessary expenses to represent the institution in competition while ineligible. [NCAA Bylaws 16.11.2.1, 16.11.2.2 and 16.11.2.2-(d) (2016-17 and 2017-18)]
- b. On February 14, 2017, Bell provided [REDACTED] with shoes valued at approximately \$118 and he communicated with [REDACTED] about potentially transferring to the institution. [NCAA Bylaws 13.1.1.3, 13.1.2.1, 13.1.3.5.1, 13.2.1, 13.2.1.1-(b) (2016-17)]

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- c. On April 11, 2017, Bell purchased ██████████ and his brother round-trip airline tickets from Memphis, Tennessee, to Tucson, Arizona, valued at approximately \$883 and communicated his intent to provide additional impermissible benefits related to a trip. However, Bell cancelled the airline tickets and did not provide any additional benefits after ██████████ committed to another institution. [NCAA Bylaws 13.1.1.3, 13.1.2.1, 13.1.3.5.1 and 13.2.1 (2016-17)]
- d. Between at least February 6 and May 6, 2017, Bell sent hundreds of text messages to ██████████ and initiated multiple phone calls. In the text messages, Bell stated on several occasions that he believed ██████████ should transfer to the institution. [NCAA Bylaws 13.1.1.3, 13.1.2.1 and 13.1.3.5.1 (2016-17)]

Level of Allegation No. 3:

The NCAA enforcement staff believes a hearing panel of the NCAA Division I Committee on Infractions could conclude that Allegation No. 3 is a significant breach of conduct (Level II) because the violations (1) were not isolated or limited, (2) involved multiple recruiting violations, (3) provided or were intended to provide more than a minimal recruiting or other advantage, (4) included more than a minimal impermissible benefit, (5) were more serious than Level III violations and (6) compromised the integrity of the NCAA Collegiate Model. [NCAA Bylaw 19.1.2 (2018-19)]

Involved Individual:

None.

Specific to Allegation Nos. 1, 2 and 3:

- 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 factors. [NCAA Bylaw 19.9.3]

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

The enforcement staff identified Allegation Nos. 1 and 2 as Level I violations.

(2) History of Level I, Level II or major violations. [NCAA Bylaw 19.9.3-(b)]²

- September 4, 2014 – The Georgia Institute of Technology failed to monitor its sports programs to ensure its coaches followed NCAA recruiting rules, according to a decision issued by a hearing panel. A total of nine sport programs placed at least 478 impermissible calls and sent at least 299 impermissible text messages to a total of 140 prospects. Most of the violations occurred in the men's and women's basketball and football programs between March 2011 and March 2012. Three days after appearing before the committee for major violations in its football and men's basketball program in April 2011, the men's basketball program began placing impermissible phone calls. Violations in the football and women's basketball program began the month before the school appeared before the committee.
- July 14, 2011 – This case involved NCAA violations in the football and men's basketball programs.

² The dates of previous Level I, II or major infractions violations and the accompanying descriptions are provided directly from the Legislative Services Database for the Internet (LSDBi).

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- November 17, 2005 – The violations involved ineligible participation by 17 student-athletes in four sports over six years as a result of the institution's academic advisors and registrar improperly certifying the student-athletes as eligible for competition. Violations of NCAA bylaws included ineligible participation and a lack of institutional control.
 - June 14, 1989 – The violation involved extra benefits and payments to several student-athletes by the head coach that exceeded the value of work performed, payments in advance of work constituted impermissible loan, personal funds provided by the head coach for on-campus summer housing and improper annual award. The violation involved impermissible recruitment and impermissible employment in institutional tennis clinic; excessive compensation for work not performed; lodging in residences of the head coach and several athletics representatives; local automobile transportation and meals provided by athletics representatives or family members; impermissible tryouts with athletics representative, assistant tennis coach and student-athlete on several occasions. The violation involved improper financial aid with excessive financial aid and erroneous certification of compliance.
- (3) Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct. [NCAA Bylaw 19.9.3-(h)]

Regarding Allegation No. 1, Darryl LaBarrie (LaBarrie), then assistant men's basketball coach, condoned and participated in the violations that occurred surrounding then men's basketball prospective student-athlete [REDACTED] [REDACTED] official paid visit.

- (4) One or more violations caused significant ineligibility or other substantial harm to a student-athlete or prospective student-athlete. [NCAA Bylaw 19.9.3-(i)]

The institution declared men's basketball student-athlete [REDACTED] ineligible and suspended him for two games regarding Allegation No. 1. Additionally, the institution declared men's basketball student-athletes [REDACTED] and [REDACTED] ineligible and suspended each three and six games, respectively, regarding Allegation No. 3-(a).

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b. Mitigating factors. [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)]

After learning of the violations, the compliance office then conducted further investigation, resulting in the institution declaring two men's basketball student-athletes ineligible.

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

The institution reported 83 Level III or secondary violations from the 2012-13 through 2016-17 academic years, approximately 17 violations each year.

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

a. Aggravating factors. [NCAA Bylaw 19.9.3]

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

The enforcement staff has identified Allegation Nos. 1 and 2, in which LaBarrie is named, as Level I violations.

- (2) Obstructing an investigation or attempting to conceal the violation. [NCAA Bylaw 19.9.3-(d)]

LaBarrie, following his interview with the institution and the enforcement staff, attempted to persuade ██████ to recant violations ██████ reported, as detailed in Allegation No. 2-(b).

- (3) Unethical conduct. [NCAA Bylaw 19.9.3-(e)]

Allegation No. 2, in which LaBarrie is named, details LaBarrie's unethical conduct during the investigation.

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

Regarding Allegation No. 1, LaBarrie condoned, participated in and negligently disregarded the violations that occurred surrounding ██████ official paid visit.

- (5) One or more violations caused significant ineligibility or other substantial harm to a student-athlete or prospective student-athlete. [NCAA Bylaw 19.9.3-(i)]

The institution declared ██████ ineligible and suspended him for two games as a result of his involvement in Allegation No. 1. Shortly following his suspension, ██████ discontinued participation with the basketball team and withdrew from the institution. ██████ did not enroll at another institution for the 2018-19 academic year.

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

LaBarrie, as an assistant coach and the individual who recruited ██████, abused his position of trust when he requested that ██████ provide untruthful information regarding violations of NCAA legislation, as detailed in Allegation No. 2-(b).

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

Regarding Allegation Nos. 1 and 2, LaBarrie's conduct demonstrated intentional, willful and/or blatant disregarding for NCAA recruiting, extra benefit and ethical conduct legislation.

- b. Mitigating factor. [NCAA Bylaw 19.9.4]

The absence of prior conclusions of Level I, Level II or major violations. [NCAA Bylaw 19.9.4-(h)]

LaBarrie has not been named as an involved individual in previous Level I, Level II or major violations. LaBarrie was a NCAA Division I assistant men's basketball coach for approximately 10 years at the time of the violations, beginning in 2006.

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D. Hearing Attendance.

In addition to the involved individuals and institutional representatives as outlined in NCAA Division I Bylaw 19.7.7.5.2, the hearing panel of the NCAA Division I Committee on Infractions may benefit from asking the following individual(s) to attend the hearing pursuant to Bylaw 19.7.7.5: [REDACTED]

E. 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.
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

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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.
 - 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.

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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.