

NOTICE OF ALLEGATIONS

to the

Chancellor of the University of Hawaii at Manoa

A. Processing Level of Case.

Based on the information contained within the following allegations, the NCAA enforcement staff believes that 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 11.7.1.2-(b) and 13.1.3.4.1 (2010-11); and 11.7.1.1.1.1.1 and 11.7.4 (2010-11 and 2011-12)]

It is alleged that throughout the 2010-11 and 2011-12 academic years, the then men's basketball directors of operations participated in on-court coaching and other instructional activities with men's basketball student-athletes at the instruction of Gib Arnold (Arnold), then head men's basketball coach. Additionally, at times during the 2010-11 academic year, the then men's basketball director of operations made recruiting telephone calls to men's basketball prospective student-athletes at Arnold's instruction. As a result, the institution exceeded the permissible number of countable men's basketball coaches during the 2010-11 and 2011-12 academic years. Specifically:

- a. Throughout the 2010-11 academic year, Scott Fisher (Fisher), then men's basketball director of operations, participated in on-court coaching during practice and opponent scouting during team meetings with men's basketball student-athletes at Arnold's instruction. Additionally, at times, Fisher made recruiting telephone calls to men's basketball prospects at Arnold's instruction. [NCAA Bylaws 11.7.1.1.1.1.1, 11.7.1.2-(b), 11.7.4 and 13.1.3.4.1 (2010-11)]
- b. Throughout the 2011-12 academic year, Kerry Rupp (Rupp), then men's basketball director of operations, participated in on-court coaching during practice and opponent scouting during team meetings with men's basketball student-athletes at Arnold's instruction. [NCAA Bylaws 11.7.1.1.1.1.1 and 11.7.4 (2011-12)]

¹Pursuant to NCAA Bylaw 19.7.7.1 (2014-15), 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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Level of Allegation No. 1:

The NCAA enforcement staff believes that the hearing panel of the NCAA Division I Committee on Infractions could determine that Allegation No. 1 is a significant breach of conduct (Level II) because the circumstances surrounding this allegation (1) were intended to, and did, provide more than a minimal recruiting, competitive or other advantage; (2) do not rise to a Level I violation but are more serious than a Level III violation; and (3) were not inadvertent, isolated or limited in nature. [NCAA Bylaws 19.1.2 and 19.1.2-(a) (2014-15)]

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

FI1: June 16, 2014 – Interview transcript of Fisher. This includes, but is not limited to, Fisher's statements that throughout the 2010-11 academic year when he served as men's basketball director of operations, he participated in on-court coaching during practice with men's basketball student-athletes at Arnold's instruction. Additionally, Fisher stated that, at times, he participated in opponent scouting during team meetings with men's basketball student-athletes, as well as made recruiting telephone calls to men's basketball prospects, at Arnold's instruction. Further, Fisher stated that throughout the 2011-12 academic year when Rupp served as men's basketball director of operations, Rupp participated in on-court coaching during practice and opponent scouting during team meetings with men's basketball student-athletes at Arnold's instruction. Last, Fisher stated that Arnold instructed him and Rupp to cease coaching during practice if media were present, as well as to refrain from reporting their participation in these activities to the compliance office, in order to conceal the violations.

(SFisher_TR_061614_Hawaii_00202)

FI2: June 23, 2014 – Interview transcript of Chris McMillian (McMillian), former men's basketball director of operations. This includes, but is not limited to, McMillian's statements that he served as a non-coaching staff member with the men's basketball program during the 2010-11 through 2013-14 academic years, including men's basketball director of operations during the 2012-13 and 2013-14 academic years. Additionally, McMillian stated that throughout the 2010-11 academic year, Fisher participated in on-court coaching during practice and, at times, participated in opponent scouting during team meetings with men's basketball student-athletes at Arnold's instruction. Further, McMillian stated that throughout the 2011-12 academic year, Rupp participated in on-court coaching during practice

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and opponent scouting during team meetings with men's basketball student-athletes at Arnold's instruction.

(CMcMillian_TR_062314_Hawaii_00202)

FI3: June 24, 2014 – Interview transcript of Lyn Nakagawa (Nakagawa), assistant athletic trainer. This includes, but is not limited to, Nakagawa's statements that she served as assistant athletic trainer for the men's basketball program from October 2007 through September 2013 and regularly attended practice in that capacity. Additionally, Nakagawa stated that throughout the 2011-12 academic year, Rupp participated in on-court coaching during practice with men's basketball student-athletes. Further, Nakagawa stated she could not recall whether Fisher participated in on-court coaching during practice during the 2010-11 academic year.

(LNakagawa_TR_062414_Hawaii_00202)

FI4: July 1, 2014 – Interview transcript of Rupp. This includes, but is not limited to, Rupp's statements that throughout the 2011-12 academic year when he served as men's basketball director of operations, he participated in on-court coaching during practice and opponent scouting during team meetings with men's basketball student-athletes at Arnold's instruction.

(KRupp_TR_070114_Hawaii_00202)

FI5: August 28, 2014 – Interview transcript of [REDACTED] [REDACTED] ([REDACTED] former men's basketball student-athlete. This includes, but is not limited to, [REDACTED] statements that throughout the 2011-12 academic year, Rupp participated in on-court coaching during practice and opponent scouting during team meetings with men's basketball student-athletes at Arnold's instruction.

([REDACTED]_TR_082814_Hawaii_00202)

FI6: October 17, 2014 – Interview transcript of Arnold. This includes, but is not limited to, Arnold's statements that he did not recall instructing Fisher or Rupp to participate in on-court coaching during practice with men's basketball student-athletes when each served as men's basketball director of operations. Additionally, Arnold stated he did not recall instructing Fisher to make recruiting telephone calls to men's basketball prospects during the 2010-11 academic year, nor does he have any knowledge of Fisher doing so. Last, Arnold stated he personally conducted opponent scouting sessions with men's basketball student-athletes during team meetings and denied instructing Fisher or Rupp to lead the scouting sessions.

(GArnold_TR_101714_Hawaii_00202)

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FI7: December 5, 2014 – Interview transcript of Amanda Paterson (Paterson), director of compliance. This includes, but is not limited to, Paterson's statements that she had no knowledge, nor reason to suspect, that Fisher or Rupp participated in coaching activities with men's basketball student-athletes when each served as men's basketball director of operations except for a single instance during the spring of 2012 in which Rupp was observed coaching from the bench during the Western Athletic Conference tournament.

(APaterson_TR_120514_Hawaii_00202)

FI8: December 10, 2014 – Arnold's written statement. This includes, but is not limited to, Arnold's statements that he did not instruct Fisher or Rupp to participate in coaching activities with men's basketball student-athletes during practice when each served as men's basketball director of operations, nor did he instruct Fisher to make recruiting telephone calls to men's basketball prospects. Additionally, Arnold stated he personally conducted opponent scouting sessions with men's basketball student-athletes during team meetings and denied instructing Fisher or Rupp to lead the scouting sessions.

(GArnold_InterviewSupplement_121014_Hawaii_00202)

The enforcement staff incorporates by reference all other information from FIs referenced in this document and all other documents posted on the secure website.

Specific to Allegation No. 1:

- a. Please indicate whether the information contained within this allegation is substantially correct and whether the institution and the involved parties identified in this allegation believe that violations of NCAA legislation occurred. Submit materials to support your response.
- b. If the institution and the involved parties believe that 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 has additional pertinent information and/or facts. Submit facts in support of your response.

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2. [NCAA Division I Manual Bylaws 17.1.6.2-(a) (2010-11); 13.11.1² (2010-11 and 2011-12); 17.1.6.2.2 and 17.1.6.3.4 (2010-11 through 2012-13); and 13.11.2.1-(a) and 13.11.2.1-(h) (2012-13)]

It is alleged that on three occasions between April 30 and November 5, 2011, Gib Arnold (Arnold), then head men's basketball coach, conducted impermissible tryouts of five then men's basketball prospective student-athletes during their official paid visits. Additionally, between April 20 and 21, 2012, Arnold conducted an impermissible on-campus evaluation of a then men's basketball prospect during his official paid visit. Last, on multiple occasions between April 30, 2011, and April 20, 2013, Arnold violated NCAA countable athletically-related activities (CARA) legislation during the tryouts and on-campus evaluations he conducted of visiting men's basketball prospects. Specifically:

- a. Between April 30 and May 1, 2011, Arnold conducted impermissible tryouts of [REDACTED] ([REDACTED]) and [REDACTED] ([REDACTED]) then men's basketball prospects, when he and other men's basketball staff members evaluated them during a basketball scrimmage. Additionally, Arnold required then men's basketball student-athletes to play in the scrimmage but did not record the time associated with the activity in the men's basketball CARA logs. Last, the scrimmage exceeded the maximum number of four men's basketball student-athletes who could permissibly participate at a time. [NCAA Bylaws 13.11.1, 17.1.6.2.2 and 17.1.6.3.4 (2010-11)]
- b. Between May 5 and 7, 2011, Arnold conducted an impermissible tryout of [REDACTED] ([REDACTED]) then men's basketball prospect, when he and other men's basketball staff members evaluated [REDACTED] during a basketball scrimmage. Additionally, Arnold required then men's basketball student-athletes to play in the scrimmage but did not record the time associated with the activity in the men's basketball CARA logs. Further, the scrimmage occurred outside the men's basketball playing season and within one week of final exams, as well as exceeded the maximum number of four men's basketball student-athletes who could permissibly participate at a time. [NCAA Bylaws 13.11.1, 17.1.6.2-(a), 17.1.6.2.2 and 17.1.6.3.4 (2010-11)]
- c. Between November 4 and 5, 2011, Arnold conducted impermissible tryouts of [REDACTED] ([REDACTED]) and [REDACTED] ([REDACTED]) then men's basketball prospects, when he and other men's basketball staff members evaluated

² On January 14, 2012, the NCAA Division I Board of Directors adopted Division I Proposal 2012-2, which permitted Division I men's basketball programs to conduct on-campus evaluations of prospects.

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them during individual workouts and a basketball scrimmage. [NCAA Bylaw 13.11.1 (2011-12)]

- d. Between April 20 and April 21, 2012, Arnold conducted permissible on-campus evaluations of [REDACTED] ([REDACTED]) and [REDACTED] ([REDACTED]) then men's basketball prospects, when he and other men's basketball staff members evaluated them during a basketball scrimmage. Even though the evaluations were permissible, Arnold required then men's basketball student-athletes to play in the scrimmage but did not record the time associated with the activity in the men's basketball CARA logs. Further, the scrimmage exceeded the maximum number of four men's basketball student-athletes who could permissibly participate at a time. [NCAA Bylaws 13.11.1, 17.1.6.2.2 and 17.1.6.3.4 (2011-12)]
- e. Between September 21 and 22, 2012, Arnold conducted an impermissible on-campus evaluation of [REDACTED] ([REDACTED]) then men's basketball prospect, when he and other men's basketball staff members evaluated [REDACTED] during a basketball scrimmage. At the time of the evaluation, [REDACTED] had not exhausted his high school basketball eligibility. Additionally, Arnold required then men's basketball student-athletes to play in the scrimmage but did not record the time associated with the activity in the men's basketball CARA logs. [NCAA Bylaws 13.11.2.1-(a), 13.11.2.1-(h) and 17.1.6.3.4 (2012-13)]
- f. Between April 3 and 4, 2013, Arnold conducted permissible on-campus evaluations of [REDACTED] ([REDACTED]) and [REDACTED] ([REDACTED]) then men's basketball prospects, when he and other men's basketball staff members evaluated them during a basketball scrimmage. Even though the evaluations were permissible, Arnold required then men's basketball student-athletes to play in the scrimmage but did not record the time associated with the activity in the men's basketball CARA logs. [NCAA Bylaws 13.11.2.1-(h) and 17.1.6.3.4 (2012-13)]
- g. Between April 12 and 13, 2013, Arnold conducted a permissible on-campus evaluation of [REDACTED] ([REDACTED]) then men's basketball prospect, when he and other men's basketball staff members evaluated [REDACTED] during a basketball scrimmage. Even though the evaluation was permissible, Arnold required then men's basketball student-athletes to play in the scrimmage but did not record the time associated with the activity in the men's basketball CARA logs. [NCAA Bylaws 13.11.2.1-(h) and 17.1.6.3.4 (2012-13)]

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- h. Between April 19 and 20, 2013, Arnold conducted a permissible on-campus evaluation of [REDACTED] ([REDACTED] then men's basketball prospect, when he and other men's basketball staff members evaluated [REDACTED] during a basketball scrimmage. Even though the evaluation was permissible, Arnold required then men's basketball student-athletes to play in the scrimmage but did not record the time associated with the activity in the men's basketball CARA logs. Further, the scrimmage exceeded the maximum number of four men's basketball student-athletes who could permissibly participate at a time. [NCAA Bylaws 13.11.2.1-(h), 17.1.6.2.2 and 17.1.6.3.4 (2012-13)]

Level of Allegation No. 2:

The NCAA enforcement staff believes that the hearing panel of the NCAA Division I Committee on Infractions could determine that Allegation No. 2 is a significant breach of conduct (Level II) because the circumstances surrounding this allegation (1) were intended to, and did, provide more than a minimal recruiting advantage; as well as involve (2) conduct that does not rise to a Level I violation but is more serious than a Level III violation; and (3) violations that were not isolated, inadvertent or limited in nature. [NCAA Bylaws 19.1.2, 19.1.2-(a) and 19.1.2-(d) (2014-15)]

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

- FI9: April 29, 2014 – Interview transcript of [REDACTED]. This includes, but is not limited to, [REDACTED] statements that (1) he and [REDACTED] played in a basketball scrimmage with men's basketball student-athletes during their official paid visits; and (2) he does not recall whether men's basketball staff members were present for the scrimmage.
([REDACTED] TR_042914_Hawaii_00202)
- FI10: May 6, 2014 – Interview transcript of [REDACTED]. This includes, but is not limited to, [REDACTED] statements that (1) he played in basketball scrimmages with [REDACTED] and [REDACTED] during their official paid visits; and (2) Arnold was present for the scrimmage involving [REDACTED].
([REDACTED] TR_050614_Hawaii_00202)
- FI11: May 7, 2014 – Interview transcript of [REDACTED]. This includes, but is not limited to, [REDACTED] statements that (1) he and [REDACTED] played in a basketball scrimmage with men's basketball student-athletes during their official paid visits; and (2) members of the men's basketball staff, including Arnold and

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- FI15: October 13, 2014 – Interview transcript of Kerry Rupp (Rupp), former men's basketball director of operations. This includes, but is not limited to, Rupp's statements that (1) the men's basketball staff conducted individual workouts of [REDACTED] and [REDACTED] during their official paid visits, as well as observed them play in a scrimmage with men's basketball student-athletes; and (2) the men's basketball staff observed [REDACTED] [REDACTED] [REDACTED] and [REDACTED] play in a scrimmage with men's basketball student-athletes during their official paid visits.
(KRupp_TR_101314_Hawaii_00202)
- FI16: October 15, 2014 – Interview transcript of [REDACTED]. This includes, but is not limited to, [REDACTED] statements that (1) he played in a scrimmage with men's basketball student-athletes during his official paid visit; and (2) the men's basketball staff was present for the scrimmage.
([REDACTED]_TR_101514_Hawaii_00202)
- FI17: October 17, 2014 – Interview transcript of Arnold. This includes, but is not limited to, Arnold's statements that he did not recall conducting impermissible tryouts of five then prospects between the spring and fall of 2011 during their official paid visits. Additionally, Arnold stated he did not require then men's basketball student-athletes to play in basketball scrimmages involving visiting prospects.
(GARnold_TR_101714_Hawaii_00202)
- FI18: September 17, 2012 – Email from Chet Hesson (Hesson), then compliance coordinator, in which Hesson informs the men's basketball staff they were not permitted to conduct an on-campus evaluation of [REDACTED] during his official paid visit because he had not exhausted his high school basketball eligibility. Additionally, Hesson included the full text of Bylaw 13.11.2.1, which sets forth the rules for on-campus evaluations.
(OnCampusEvaluationEducation_UH2093-2100_Hawaii_00202)
- FI19: May 3, 2013 – Email from [REDACTED] ([REDACTED] then men's basketball student-athlete, in which [REDACTED] informs Amanda Paterson (Paterson), director of compliance, that the men's basketball staff (1) required men's basketball student-athletes to play in open gyms when prospects visited; and (2) attended the open gyms, including the one during [REDACTED] official paid visit.
([REDACTED]_EmailReCoachesAttendingOpenGym_UH2079_Hawaii_00202)

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- FI20: April 15, 2014 – Violation self-report regarding the men's basketball staff observing the scrimmage during ██████ official paid visit.
(Case548271_MBBOpenGymExceedingCARA_Hawaii_00202)
- FI21: October 23, 2014 – Email from the institution confirming the official paid visit dates for ██████ ██████ ██████ ██████ and ██████
(WKing_CO_PSAOVDatesTryoutIssue_102314_Hawaii_00202)
- FI22: October 28, 2014 – Email from ██████ in which he responds to questions from the enforcement staff regarding the basketball activities he and ██████ engaged in during their official paid visits.
(██████CO_ResponsetoTryoutQuestions_102814_Hawaii_00202)
- FI23: December 10, 2014 – Arnold's written statement that (1) he did not require men's basketball student-athletes to play in open gyms with visiting men's basketball prospects; and (2) he did not instruct men's basketball staff members to provide false statements to the institution's compliance office regarding their presence at open gyms. Additionally, Arnold provided his recollection as to whether men's basketball prospects played in open gyms with men's basketball student-athletes and/or participated in basketball workouts during their official paid visits.
(GArnold_InterviewSupplement_121014_Hawaii_00202)
- FI24: Chart showing the dates of men's basketball official paid visits from the fall of 2010 through the spring of 2013.
(Item4_MBBOfficialVisitsFall2010-Spring2013_040814_Hawaii_00202)
- FI25: Institution's academic calendar for the spring 2011 semester showing final exams began May 9, 2011.
(Spring2011SemesterAcademicCalendar_Hawaii_00202)
- FI26: Men's basketball CARA logs from August 23, 2010, through May 4, 2013, including Page Nos. 43, 44, 87, 88, 97, 98, 129 and 131 through 133, which cover the time periods for the official paid visits referenced in this allegation.
(MBBCARALog_UH2078_Hawaii_00202)
- FI27: NCAA Division I Proposal 2012-2 permitting on-campus evaluations for men's basketball prospects.
(Proposal2012-2_OnCampusEvaluation_Hawaii_00202)

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- FI28: Official paid visit itineraries for [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] and [REDACTED] (OVItineraries_UH2101-2117_Hawaii_00202)
- FI29: Official paid visit itineraries for [REDACTED] and [REDACTED] (OVItinerary_[REDACTED] UH2401_Hawaii_00202)
- FI30: Official paid visit itineraries for [REDACTED] [REDACTED] [REDACTED] and [REDACTED] (OVItinerary_[REDACTED] UH2400_Hawaii_00202; OVItinerary_[REDACTED] UH2399_Hawaii_00202; OVItinerary_[REDACTED] UH2397_Hawaii_00202; OVItinerary_[REDACTED] UH2398_Hawaii_00202)
- FI31: Air travel itineraries for [REDACTED] [REDACTED] [REDACTED] and [REDACTED] (OVTravel_[REDACTED] UH2396_Hawaii_00202; OVTravel_[REDACTED] UH2395_Hawaii_00202; OVTravel_[REDACTED] UH2393_Hawaii_00202; OVTravel_[REDACTED] UH2394_Hawaii_00202)

The enforcement staff incorporates by reference all other information from FIs referenced in this document and all other documents posted on the secure website.

Specific to Allegation No. 2:

- a. Please indicate whether the information contained within this allegation is substantially correct and whether the institution and the involved parties identified in this allegation believe that violations of NCAA legislation occurred. Submit materials to support your response.
 - b. If the institution and the involved parties believe that 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 has additional pertinent information and/or facts. Submit facts in support of your response.
3. [NCAA Division I Manual Bylaws 14.11.1, 16.11.2.1 and 16.11.2.3-(c) (2012-13); and 14.10.1 (2013-14)]

It is alleged that in the fall of 2012, [REDACTED] ([REDACTED]) a representative of the institution's athletics interests, provided [REDACTED] ([REDACTED]) then men's

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basketball student-athlete, with an impermissible benefit in the form of complimentary use of an automobile. Specifically, [REDACTED] loaned his 2004 Porsche Cayenne to [REDACTED] for approximately two days at no cost. The value of the impermissible benefit [REDACTED] received was approximately \$560. Additionally, Gib Arnold (Arnold), then head men's basketball coach, knew [REDACTED] was in possession of [REDACTED] vehicle at the time, but did not report the matter to the institution's athletics administration, which is addressed in Allegation No. 6-(c). Subsequently, [REDACTED] competed while ineligible during the 2012-13 and 2013-14 academic years.

Level of Allegation No. 3:

The NCAA enforcement staff believes that the hearing panel of the NCAA Division I Committee on Infractions could determine that Allegation No. 3 is a significant breach of conduct (Level II) because the circumstances surrounding this allegation (1) include more than a minimal impermissible benefit; and (2) do not rise to a Level I violation but are more serious than a Level III violation. [NCAA Bylaws 19.1.2 and 19.1.2-(a) (2014-15)]

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

FI32: April 8, 2014 – Interview transcript of [REDACTED] ([REDACTED] former men's basketball student-athlete. This includes, but is not limited to, [REDACTED] statements that (1) during the summer of 2012, [REDACTED] was driving a booster's vehicle; (2) Arnold learned of this and became very angry with [REDACTED] as a result; and (3) Arnold instructed the men's basketball team not to discuss the issue with anyone because it was something the men's basketball coaches "could lose their jobs over."

([REDACTED]TR_040814_Hawaii_00202)

FI33: April 15, 2014 – Interview transcript of [REDACTED] ([REDACTED] former men's basketball student-athlete. This includes, but is not limited to, [REDACTED] statements that (1) during the fall of 2012, there was an issue involving a men's basketball student-athlete driving another individual's vehicle; and (2) Arnold addressed the men's basketball team about the issue at the time and instructed them not to accept such things.

([REDACTED]TR_041514_Hawaii_00202)

FI34: April 23, 2014 – Interview transcript of [REDACTED] ([REDACTED] former men's basketball student-athlete. This includes, but is not limited to, [REDACTED] statements that Arnold (1) addressed the men's basketball team at

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practice regarding [REDACTED] driving a Porsche that did not belong to him; (2) instructed [REDACTED] to return the vehicle because using it was "against the rules;" and (3) instructed the men's basketball team not to discuss the issue with anyone.

([REDACTED] TR_042314_Hawaii_00202)

FI35: April 28, 2014 – Interview transcript of [REDACTED] This includes, but is not limited to, [REDACTED] statements that (1) he borrowed [REDACTED] 2004 Porsche Cayenne for approximately two days; (2) Arnold learned he had the vehicle and said he was not allowed to drive it; and (3) Arnold addressed the men's basketball team about the issue.

([REDACTED] TR_042814_Hawaii_00202)

FI36: May 5, 2014 – Interview transcript of [REDACTED] [REDACTED] then men's basketball student-athlete. This includes, but is not limited to, [REDACTED] statements that (1) during the second week of classes in the fall of 2012, there was an issue involving [REDACTED] driving a Porsche that belonged to a man named [REDACTED] (2) Arnold learned [REDACTED] was driving the Porsche and took it away; and (3) Arnold instructed the men's basketball team to keep the matter "in house" and not discuss it with anyone outside the men's basketball program.

([REDACTED] TR_050514_Hawaii_00202)

FI37: May 6, 2014 – Interview transcript of [REDACTED] [REDACTED] men's basketball student-athlete. This includes, but is not limited to, [REDACTED] statements that (1) Arnold addressed the men's basketball team regarding [REDACTED] driving a booster's vehicle and told them not to accept such things because it was an NCAA rules violation; and (2) Arnold told the men's basketball team to keep the matter "in house."

([REDACTED] TR_050614_Hawaii_00202)

FI38: May 6, 2014 – Interview transcript of [REDACTED] [REDACTED] former men's basketball student-athlete. This includes, but is not limited to, [REDACTED] statements that (1) in the fall of 2012, there was an issue involving [REDACTED] driving a vehicle that did not belong to him; and (2) Arnold instructed the men's basketball team not to accept such things from anyone.

([REDACTED] TR_050614_Hawaii_00202)

FI39: May 6, 2014 – Interview transcript of [REDACTED] [REDACTED] men's basketball student-athlete. This includes, but is not limited to, [REDACTED] statements that (1) Arnold addressed the men's basketball team regarding

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██████ driving a vehicle that did not belong to him; and (2) Arnold told the team not to accept such things because it was an NCAA rules violation.

(██████TR_050614_Hawaii_00202)

FI40: May 7, 2014 – Interview transcript of Scott Fisher (Fisher), then assistant men's basketball coach. This includes, but is not limited to, Fisher's statements that (1) ██████ told him he was driving ██████ Porsche; (2) he reported the matter to Benjy Taylor (Taylor), assistant men's basketball coach; (3) Taylor said ██████ driving the vehicle was an NCAA rules violation; and (4) the men's basketball staff instructed ██████ to stop driving the vehicle.

(SFisher_TR_050714_Hawaii_00202)

FI41: May 17, 2014 – Interview transcript of ██████ This includes, but is not limited to, ██████ statements that (1) ██████ borrowed his 2004 Porsche Cayenne in the fall of 2012; and (2) Arnold contacted him about this matter.

(██████TR_051714_Hawaii_00202)

FI42: June 10, 2014 – Interview transcript of Brandyn Akana (Akana), then assistant men's basketball coach. This includes, but is not limited to, Akana's statements that (1) he learned ██████ was driving a vehicle that did not belong to him; and (2) Arnold was angry with ██████ as a result.

(BAkana_TR_061014_Hawaii_00202)

FI43: June 10, 2014 – Interview transcript of Arnold. This includes, but is not limited to, Arnold's statements that (1) in the fall of 2012, he learned ██████ was driving ██████ Porsche Cayenne; (2) he instructed ██████ and the men's basketball team not to accept such things; (3) he spoke with ██████ and Jim Donovan (Donovan), former director of athletics, regarding this matter and determined after those conversations the matter was not an NCAA rules violation; and (4) he did not report the matter to the compliance office.

(GArnold_TR_061014_Hawaii_00202)

FI44: June 10, 2014 – Interview transcript of Taylor. This includes, but is not limited to, Taylor's statements that (1) Arnold and the men's basketball staff learned ██████ was driving a booster's vehicle; (2) Arnold instructed ██████ to return it and admonished him not to accept such things; and (3) he believed the issue could have been an NCAA rules violation.

(BTaylor_TR_061014_Hawaii_00202)

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- FI45: June 13, 2014 – Interview transcript of Donovan. This includes, but is not limited to, Donovan's statements that (1) he was removed from his position as the institution's director of athletics around July 9, 2012; (2) he does not recall speaking with Arnold at any point about [REDACTED] and his relationship to the institution; (3) he does not recall an issue involving [REDACTED] driving a booster's vehicle; and (4) he does not recall a conversation with Arnold in which they discussed men's basketball student-athletes receiving extra benefits.
(JDonovan_TR_061314_Hawaii_00202)
- FI46: June 17, 2014 – Interview transcript of Donovan. This includes, but is not limited to, Donovan's statements that (1) after his June 13, 2014, interview, he recalled a telephone conversation in the fall of 2012 with a coach he believes to have been Arnold, in which they discussed a hypothetical question as to whether it was permissible for a student-athlete to drive a vehicle belonging to the student-athlete's girlfriend; (2) at no point during that conversation was the name [REDACTED] mentioned; (3) at no point during that conversation was the subject of a booster loaning a student-athlete a vehicle discussed; and (4) this conversation is the only thing he could recall that would be relevant as to whether he and Arnold discussed [REDACTED] driving a booster's vehicle.
(JDonovan_TR_061714_Hawaii_00202)
- FI47: December 5, 2014 – Interview transcript of Ben Jay (Jay), director of athletics. This includes, but is not limited to, Jay's statements that (1) he had no knowledge of this issue prior to the NCAA investigation commencing; and (2) he and Arnold never communicated regarding [REDACTED] providing men's basketball student-athletes with impermissible benefits.
(BJay_TR_120514_Hawaii_00202)
- FI48: December 5, 2014 – Interview transcript of Amanda Paterson (Paterson), director of compliance. This includes, but is not limited to, Paterson's statements that she first learned of this issue during the NCAA investigation.
(APaterson_TR_120514_Hawaii_00202)
- FI49: Arnold's cellular telephone call and text message records from August 8 through November 7, 2012.
(GArnold_PhoneCallTextRecords_808-366-4965_080812-110712_Hawaii_00202)

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FI50: December 10, 2014 – Arnold's written statement that (1) after learning [REDACTED] was driving [REDACTED] vehicle, he immediately took the keys and inquired whether [REDACTED] was a booster for the institution; (2) after speaking with [REDACTED] and others, he concluded [REDACTED] was not a booster and that an NCAA rules violation did not occur; and (3) in retrospect, he wished he would have reported the matter to compliance.
(GArnold_InterviewSupplement_121014_Hawaii_00202)

FI51: December 23, 2014 – Email from the institution containing information that the incident involving [REDACTED] driving [REDACTED] vehicle possibly occurred around September 3, 2012.
(WKing_CO_Fall2012OccasionalMealForm_Non-Bates_122314_Hawaii_00202)

FI52: Documentation regarding [REDACTED] financial contributions to the institution's athletics program.
([REDACTED]Hawaii_00202;
[REDACTED]Hawaii_00202)

FI53: Occasional meal request form for a team meal at Arnold's residence on September 3, 2012.
(Fall2012MBBOccasionalMeal_UH2386_Hawaii_00202)

FI54: Pricing information for a two-day luxury sports utility vehicle rental in Honolulu, Hawaii over a weekend in the month of August.
([REDACTED]SUVRentalValue_Hawaii_00202)

The enforcement staff incorporates by reference all other information from FIs referenced in this document and all other documents posted on the secure website.

Specific to Allegation No. 3:

- a. Please indicate whether the information contained within this allegation is substantially correct and whether the institution and the involved parties identified in this allegation believe that violations of NCAA legislation occurred. Submit materials to support your response.
- b. If the institution and the involved parties believe that NCAA violations occurred, please indicate whether there is substantial agreement on the level of the violation. Submit materials to support your response.

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- c. Please indicate whether the factual information is substantially correct and whether the institution has additional pertinent information and/or facts. Submit facts in support of your response.

4. [NCAA Division I Manual Bylaws 13.2.1, 13.6.6 and 16.11.2.1 (2013-14)]

It is alleged that between August 28 and December 19, 2013, Gib Arnold (Arnold), then head men's basketball coach, and Brandyn Akana (Akana), then assistant men's basketball coach, arranged impermissible recruiting inducements in the form of hotel concierge lounge access that was not generally available to all hotel guests for three then men's basketball prospective student-athletes and one men's basketball student-athlete during the prospects' official paid visits. The total value of the benefits was approximately \$422. Specifically:

- a. Between August 28 and 31, 2013, Arnold and Akana arranged for [REDACTED] ([REDACTED] then men's basketball prospect, to receive two days' use of the Leahi Room at the Sheraton Hotel Waikiki Beach (Sheraton) in Honolulu, Hawaii. The value of the benefit was approximately \$200. [NCAA Bylaws 13.2.1 and 13.6.6 (2013-14)]
- b. Between October 3 and 6, 2013, Arnold and Akana arranged for [REDACTED] ([REDACTED] then men's basketball prospect, to receive one day's use of the Leahi Room. The value of the benefit was approximately \$100. [NCAA Bylaws 13.2.1 and 13.6.6 (2013-14)]
- c. Between December 17 and 19, 2013, Arnold and Akana arranged for [REDACTED] ([REDACTED] then men's basketball prospect, to receive one day's use of the Leahi Room. The value of the benefit was approximately \$100. Additionally, [REDACTED] ([REDACTED] men's basketball student-athlete, accompanied [REDACTED] to the Leahi Room and received a free meal valued at approximately \$22. [NCAA Bylaws 13.2.1, 13.6.6 and 16.11.2.1 (2013-14)]

Level of Allegation No. 4:

The NCAA enforcement staff believes that the hearing panel of the NCAA Division I Committee on Infractions could determine that Allegation No. 4 is a significant breach of conduct (Level II) because the circumstances surrounding this allegation (1) were intended to, and did, provide more than a minimal recruiting advantage; and (2) do not rise to a Level I violation but are more serious than a Level III violation. [NCAA Bylaws 19.1.2, 19.1.2-(a) and 19.1.2-(d) (2014-15)]

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

- FI55: April 1, 2014 – Interview transcript of Akana. This includes, but is not limited to, Akana's statements that (1) at Arnold's instruction, he contacted the Sheraton and requested that Leahi Room access be added to the hotel reservations for [REDACTED] and [REDACTED] during their official paid visits; (2) the compliance office was not consulted as to whether this was permissible; and (3) the purpose for requesting Leahi Room access was to make the prospects' visits more enjoyable.
(BAkana_TR_040114_Hawaii_00202)
- FI56: April 1, 2014 – Interview transcript of [REDACTED]. This includes, but is not limited to, [REDACTED] statements that he stayed at the Sheraton during his official paid visit and visited the Leahi Room on one occasion.
([REDACTED] TR_040114_Hawaii_00202)
- FI57: April 23, 2014 – Interview transcript of [REDACTED]. This includes, but is not limited to, [REDACTED] statements that (1) Akana made the travel and lodging arrangements for his official paid visit; (2) he and his mother stayed at the Sheraton; and (3) he and his mother visited the Leahi Room on one occasion.
([REDACTED] TR_042314_Hawaii_00202)
- FI58: July 22, 2014 – Interview transcript of [REDACTED]. This includes, but is not limited to, [REDACTED] statements that (1) he and [REDACTED] visited the Leahi Room during [REDACTED] official paid visit on one occasion; and (2) the December 19, 2013, Twitter posting of a photograph showing him overlooking Waikiki Beach was taken during his and [REDACTED] visit to the Leahi Room.
([REDACTED] TR_072214_Hawaii_00202)
- FI59: July 28, 2014 – Interview transcript of [REDACTED]. This includes, but is not limited to, [REDACTED] statements that (1) he and his mother stayed at the Sheraton for his official paid visit; and (2) they visited the Leahi Room on two occasions.
([REDACTED] TR_072814_Hawaii_00202)
- FI60: September 14, 2010 – Educational Column stating that lodging provided to prospects on official paid visits must be standard and not include any upgrades or special amenities not generally available to guests.
(Bylaw13.6.6EdColumn_HotelLodgingonOV_091410_Hawaii_00202)

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- FI61: December 17 and 18, 2013 – Emails between Akana and the Sheraton in which they discuss adding Leahi Room access to [REDACTED] hotel reservation.
(BAkana_[REDACTED]Hawaii_00202;
BAkana_[REDACTED]Hawaii_00202)
- FI62: July 21, 2014 – Email from Paterson containing the dates in which [REDACTED] and [REDACTED] stayed at the Sheraton during their official paid visits.
(APaterson_CO_PSAsheratonStays_072114_Hawaii_00202)
- FI63: December 19, 2013 – Twitter posting of a photograph taken by [REDACTED] during his visit to the Leahi Room with [REDACTED]
([REDACTED]Hawaii_00202)
- FI64: Chart showing the dates of [REDACTED] and [REDACTED] official paid visits.
(Item4_MBBOfficialVisits2013-14_040814_Hawaii_00202)
- FI65: Description of the Leahi Room.
(SheratonWaikikiHotelLeahiLounge_032514_Hawaii_00202)
- FI66: [REDACTED] official paid visit documentation, including documentation of his hotel accommodations and meals.
(Item2a_[REDACTED]040814_Hawaii_00202;
Item3_PSAHotelReceipt_[REDACTED]040814_Hawaii_00202)
- FI67: [REDACTED] official paid visit documentation, including documentation of his hotel accommodations and meals.
(Item2b_[REDACTED]040814_Hawaii_00202)
- FI68: [REDACTED] official paid visit documentation, including documentation of his hotel accommodations and meals.
([REDACTED]OVDdocumentation_032714_Hawaii_00202)

The enforcement staff incorporates by reference all other information from FIs referenced in this document and all other documents posted on the secure website.

Specific to Allegation No. 4:

- a. Please indicate whether the information contained within this allegation is substantially correct and whether the institution and the involved parties

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identified in this allegation believe that violations of NCAA legislation occurred. Submit materials to support your response.

- b. If the institution and the involved parties believe that 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 has additional pertinent information and/or facts. Submit facts in support of your response.
5. [NCAA Division I Manual Bylaws 10.1-(c) and 16.11.2.1 (2012-13); 10.01.1 and 10.1 (2012-13 through 2014-15); and 10.1-(d) (2013-14 and 2014-15)]

It is alleged that on four occasions between December 2012 and August 7, 2014, Brandyn Akana (Akana), then assistant men's basketball coach, acted contrary to the NCAA principles of ethical conduct when he failed to deport himself in accordance with the generally recognized high standards of honesty and sportsmanship normally associated with the conduct and administration of intercollegiate athletics. Specifically:

- a. In late December 2012 or early January 2013, Akana knowingly provided ██████████ (██████████) then men's basketball student-athlete, with an impermissible benefit in the form of an Apple iPad valued at approximately \$400. [NCAA Bylaws 10.01.1, 10.1, 10.1-(c) and 16.11.2.1 (2012-13)]
- b. On January 10, 2014, Akana knowingly altered the Supplementary Information Form for Undergraduate International Applicants (supplemental form) for ██████████ (██████████) then men's basketball prospective student-athlete, by increasing the amount of family financial support listed in Section C of ██████████ supplemental form and submitting it to the institution in order to facilitate ██████████ admission to the institution. [NCAA Bylaws 10.01.1 and 10.1 (2013-14)]
- c. During his June 10 and August 7, 2014, interviews with the institution and NCAA enforcement staff, Akana knowingly provided false or misleading information when he denied providing ██████████ with an iPad, as detailed in Allegation No. 5-(a). However, the factual information shows Akana knowingly provided ██████████ with an iPad in late December 2012 or early January 2013. [NCAA Bylaws 10.01.1, 10.1 and 10.1-(d) (2013-14)]

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Level of Allegation No. 5:

The enforcement staff believes that the hearing panel of the NCAA Division I Committee on Infractions could determine that Allegation No. 5 is a severe breach of conduct (Level I) because the circumstances surrounding this allegation involve (1) individual unethical or dishonest conduct; and (2) intentional violations or showing reckless indifference to the NCAA constitution and bylaws. [NCAA Bylaws 19.1.1, 19.1.1-(d) and 19.1.1-(h) (2014-15)]

Factual Information (FI) on which the enforcement staff relies for Allegation No. 5:

FI on which the enforcement staff relies for Allegation Nos. 5-(a) and 5-(c):

FI69: April 8, 2014 – Interview transcript of [REDACTED] ([REDACTED] former men's basketball student-athlete. This includes, but is not limited to, [REDACTED] statements that (1) he saw [REDACTED] with a new iPad after returning to campus for the spring 2013 semester; and (2) [REDACTED] said he received the iPad from Akana as a Christmas gift.
([REDACTED]TR_040814_Hawaii_00202)

FI70: May 7, 2014 – Interview transcript of [REDACTED] This includes, but is not limited to, [REDACTED] statements that (1) when he returned to campus for the spring 2013 semester, he told [REDACTED] that Akana gave him a new iPad as a Christmas gift; (2) the statement he made to [REDACTED] was a lie in order to make [REDACTED] jealous of his relationship with Akana; (3) Akana was not involved with respect to him acquiring the iPad; (4) he purchased the iPad himself at an Apple Store in Honolulu, Hawaii with money he received from his family for Christmas; and (5) the serial number of the iPad he purchased was DKVM60CYDFHW.
([REDACTED]TR_050714_Hawaii_00202)

FI71: June 9, 2014 – Interview transcript of [REDACTED] This includes, but is not limited to, [REDACTED] statements that (1) he purchased an iPad from an Apple Store on Waikiki Beach in Honolulu in the spring of 2014 because the original iPad he purchased around Christmas 2012 had a broken screen; (2) the iPad he brought to his May 7 interview with serial number DKVM60CYDFHW was the iPad he purchased in the spring 2014; and (3) he did not have any record of the original iPad he purchased around Christmas 2012.
([REDACTED]TR_060914_Hawaii_00202)

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- FI72: June 10, 2014 – Interview transcript of Akana. This includes, but is not limited to, Akana's statements that (1) he did not give ██████ an iPad around Christmas 2012; (2) he does not know how ██████ acquired an iPad; and (3) he does not have any information regarding a potential NCAA rules violation regarding ██████ obtaining an iPad.
(BAkana_TR_061014_Hawaii_00202)
- FI73: July 26, 2014 – Email from Justin Faberlle, senior manager at the Apple Store Royal Hawaiian in Honolulu, regarding Akana's request for the sales receipt for the iPad that Joselyn Akana (J. Akana), Akana's wife, purchased on December 24, 2012.
(JFaberlle_CO_AppleiPadReceiptRequest_072614_Hawaii_00202)
- FI74: August 7, 2014 – Interview transcript of Akana. This includes, but is not limited to, Akana's statements that (1) J. Akana purchased an iPad on December 26, 2012, as a gift for their young son; (2) he gave the iPad to ██████ in late March 2014 at no cost because the device had a broken screen; and (3) he did not report this during his previous interview because he interpreted the questions to be whether he gave ██████ an iPad around Christmas 2012, not whether he had ever given ██████ an iPad.
(BAkana_TR_080714_Hawaii_00202)
- FI75: August 8 and August 13, 2014 – Emails from the enforcement staff to Akana's counsel confirming J. Akana declined to provide the staff with a copy of the sales receipt for the iPad she purportedly purchased on December 24, 2012.
(MSheridan_CO_JoselynAkanaDecliningCooperation_080814_Hawaii_00202;
MSheridan_CO_JoselynAkanaDecliningCooperation_081314_Hawaii_00202)
- FI76: September 15, 2014 – Email from ██████ describing the purported circumstances in which he obtained the iPad.
(WKing_CO_████████████████████091614_Hawaii_00202)
- FI77: October 17, 2014 – Interview transcripts of ██████. This includes, but is not limited to, ██████ statements that (1) in December 2012, he took possession of an iPad that belonged to the Akana family with their permission and had exclusive use of the device until the spring 2014; (2) in the spring 2014, he took the Akana family's iPad to an Apple Store in Honolulu because its screen was broken; and (3) at that time, he purchased a replacement iPad for himself because the Akana family's iPad was

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irreparable. Additionally, [REDACTED] stated (1) he lied during his previous interviews in saying he purchased an iPad from an Apple Store in Honolulu around Christmas 2012; and (2) he actually purchased another brand of tablet around Christmas 2012 but took possession of the Akana family's iPad at that time because he preferred it to his tablet.

([REDACTED]TR_101714_Hawaii_00202)

- FI78: Pricing information for an iPad 2 around Christmas 2012.
(iPad2PriceHistory_Hawaii_00202; iPad2PriceHistory2_Hawaii_00202)
- FI79: Documentation from Apple showing (1) [REDACTED] requested a work order for the iPad with serial number DYVJVDF0DFHW because it had a broken screen; (2) at that time, [REDACTED] purchased an iPad with serial number DKVM60CYDFHW to replace the iPad with the broken screen; and (3) the iPad with serial number DYVJVDF0DFHW was originally purchased on December 24, 2012.
([REDACTED]iPadWorkOrder_Hawaii_00202)
- FI80: [REDACTED] Bank of Hawaii account statement showing a \$260.73 purchase at an Apple Store in Honolulu on April 19, 2014.
([REDACTED]BankofHawaiiStatementiPadPurchaseUH2091_Hawaii_00202)
- FI81: Sales receipt showing [REDACTED] purchased an iPad 2 on April 19, 2014, for \$260.73.
([REDACTED]iPadReceiptUH2092_Hawaii_00202)
- FI82: Screen shot of the serial number (DKVM60CYDFHW) for the iPad in [REDACTED] possession during his May 7, 2014, interview.
([REDACTED]iPadSerialNumber_Hawaii_00202)

FI on which the enforcement staff relies for Allegation No. 5-(b):

- FI83: May 7, 2013 – Email from Kalei Miyahana, administrative assistant, containing the May 7, 2013, department of athletics newsletter reminding all coaches that their incoming prospects must be able to pay their educational expenses if they will not receive an athletics scholarship.
(KMiyahana_EmailMay2013UHAthleticsNewsletter_UH2360_050713_Hawaii_00202;
UHAthleticsNewsletter_UH2361_050713_Hawaii_00202)
- FI84: December 30, 2013 – Email from Serenda Valdez (Valdez), assistant director of student affairs, stating she informed Akana that [REDACTED]

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supplemental form, accompanying bank statement and other documentation were due by January 3, 2014.

([REDACTED] UH2090_Hawaii_00202)

FI85: January 7, 2014 – Email from Akana to [REDACTED] which includes a blank supplemental form as well as instructions on how to complete it.

(BAkana_ [REDACTED] 010714_Hawaii_00202)

FI86: January 8, 2014 – Email from Akana to Stacey Price (Price), director of student-athlete affairs, in which he forwards Price an email from [REDACTED] containing a supplemental form showing \$500 of yearly financial support.

(BAkana_ [REDACTED] 500_010814_Hawaii_00202;

[REDACTED] SupplementalFormCFI\$500_032414_Hawaii_00202)

FI87: January 8 and 9, 2014 – Emails between Akana and [REDACTED] in which they discuss the amount of yearly financial support [REDACTED] needed to show on the supplemental form to be admitted to the institution.

(BAkana_ [REDACTED] 010914_Hawaii_00202)

FI88: January 9, 2014 – Email from [REDACTED] to Akana, which includes a supplemental form showing \$1,000 of yearly financial support.

([REDACTED] EmailToAkanaSupplementalForm\$1000_010914_Hawaii_00202)

FI89: January 9, 2014 – Email from Akana to Price, which includes a supplemental form showing [REDACTED] would receive \$1,000 of yearly financial support from his family.

(BAkana_ [REDACTED] 1000_010914_Hawaii_00202)

FI90: January 9, 2014 – Email from Price to Akana in which Price states (1) the supplemental form showing [REDACTED] would receive \$1,000 of yearly financial support from his family was insufficient; (2) [REDACTED] would need to demonstrate yearly financial support of \$42,612 (full cost-of-attendance) to be admitted to the institution; and (3) the deadline to submit the supplemental form reflecting that amount was noon January 10, 2014.

(SPrice_ [REDACTED] 010914_Hawaii_00202)

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- FI91: January 10, 2014 – Email from Akana to Price in which Akana states "Looks like they got it" in reference to [REDACTED] showing sufficient yearly financial support on the supplemental form to be admitted to the institution.
(BAkana_ [REDACTED] 011014_Hawaii_00202)
- FI92: January 13, 2014 – Email from Price to Gib Arnold (Arnold), then head men's basketball coach, in which she states (1) [REDACTED] was not admissible to the institution for the spring 2014 semester because he failed to demonstrate sufficient yearly financial support; and (2) the supplemental form submitted on January 10 was altered.
(SPrice_ [REDACTED] 011314_Hawaii_00202)
- FI93: January 29, 2014 – Email from Amanda Paterson, director of compliance, to the enforcement staff reporting the violation involving Akana altering [REDACTED] supplemental form.
(MajorSelfReport_012914_Hawaii_00202)
- FI94: February 10, 2014 – Letter from Ben Jay (Jay), director of athletics, to Akana regarding Akana being suspended due to altering [REDACTED] supplemental form.
(BAkana_NoticeofSuspension_021014_Hawaii_00202)
- FI95: February 25, 2014 – Letter from Jay to [REDACTED] Akana's union agent, regarding a grievance Akana filed due to the institution suspending him for 30 days due to altering [REDACTED] supplemental form.
(BAkana_HGEAMemoReGrievanceDecision_022514_Hawaii_00202)
- FI96: March 31, 2014 – Violation self-report regarding Akana altering [REDACTED] supplemental form on January 10, 2014.
(InstitutionSelfReport_021214_IncludesAttachments_Hawaii_00202)
- FI97: March 31, 2014 – Interview transcript of Jay. This includes, but is not limited to, Jay's statements that (1) he, Akana and Tammy Kuniyoshi (Kuniyoshi), director of human resources, met on January 21, 2014, during which time Akana admitted to "forging" [REDACTED] supplemental form by writing the number "4" in front of the number "1" to show [REDACTED] would receive \$41,000 of yearly financial support from his family rather than \$1,000.
(BJay_TR_033114_Hawaii_00202)

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FI98: March 31, 2014 – Interview transcript of Kuniyoshi. This includes, but is not limited to, Kuniyoshi's statements that she, Jay and Akana met on January 21, 2014, during which time Akana admitted to writing the number "4" on [REDACTED] supplemental form to increase the amount of yearly financial support he would receive from his family. Additionally, Kuniyoshi stated Akana altered the document in order to "buy more time" for [REDACTED] to submit the paperwork necessary for admission to the institution.

(TKuniyoshi_TR_033114_Hawaii_00202)

FI99: March 31, 2014 – Interview transcript of Price. This includes, but is not limited to, Price's statements that (1) as the liaison between the department of athletics and admissions, she assists coaches with prospect admissions; (2) coaches are educated on the admissions process for international prospects, including that the prospect must demonstrate sufficient finances to attend the institution; (3) the men's basketball program recruits international prospects heavily and is aware of this financial requirement; (4) [REDACTED] supplemental form packet was submitted four times; (5) the amount of yearly financial support on [REDACTED] first two supplemental forms was \$500 and \$1,000, respectively, which was insufficient for admission to the institution; (6) after the second submission, she spoke with Akana and learned that [REDACTED] would not receive an athletics scholarship for the spring 2014 semester; (7) at that time, she informed Akana that [REDACTED] needed to show yearly financial support sufficient to pay the full cost of attendance; (8) the following day, she received a fax from a Marriott in California containing [REDACTED] third supplemental form; (9) someone altered the supplemental form in the third submission to show a larger amount of yearly financial support; and (10) she suspected Akana altered the document.

(SPrice_TR_033114_Hawaii_00202)

FI100: March 31, 2014 – Interview transcript of Valdez. This includes, but is not limited to, Valdez's statements that (1) when she received [REDACTED] third supplemental form submission on January 10, 2014, she noticed someone altered the amount of yearly financial support by writing the number "4" in front of the number "1" so as to show \$41,000 rather than \$1,000; and (2) she immediately reported the matter to the institution's compliance office.

(SValdez_TR_033114_Hawaii_00202)

FI101: April 1, 2014 – Interview transcript of Akana. This includes, but is not limited to, Akana's statements that on January 10, 2014, he intentionally

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wrote the number "4" in front of the number "1" on Section C of [REDACTED] supplemental form to show [REDACTED] would receive \$41,000 of yearly financial support from his family rather than \$1,000. Additionally, Akana stated he faxed the altered supplemental form to the institution in hopes of receiving an extension for [REDACTED] to submit the paperwork necessary to be admitted for the spring 2014 semester.
(BAkana_TR_040114_Hawaii_00202)

FI102: April 1, 2014 – Interview transcript of Arnold. This includes, but is not limited to, Arnold's statements that Akana admitted that he altered [REDACTED] supplemental form by writing the number "4" in front of the number "1" to show the amount of yearly financial support [REDACTED] would receive from his family to be \$41,000 rather than \$1,000.
(GArnold_TR_040114_Hawaii_00202)

FI103: Exhibit SJ1. This includes, but is not limited to, the altered supplemental form Akana submitted to the institution on January 10, 2014.
(BAkana_040114InterviewExhibitSJ1_Hawaii_00202;
[REDACTED]InterviewExhibitSJ1_040114_Hawaii_00202)

FI104: Notes taken by Kuniyoshi during her January 21, 2014, meeting with Jay and Akana in which they discussed the circumstances surrounding Akana altering [REDACTED] supplemental form and submitting it to the institution.
(TKuniyoshi_BAkanaConfessionMeetingNotes_012114_Hawaii_00202)

FI105: Timeline created by Valdez detailing her communications with Akana regarding [REDACTED] admission to the institution for the spring 2014 semester.
(SValdez_InterviewExhibitsSV1-SV2_Timelines_Hawaii_00202)

The enforcement staff incorporates by reference all other information from FIs referenced in this document and all other documents posted on the secure website.

Specific to Allegation No. 5:

- a. Please indicate whether the information contained within this allegation is substantially correct and whether the institution and the involved parties identified in this allegation believe that violations of NCAA legislation occurred. Submit materials to support your response.

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- b. If the institution and the involved parties believe that 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 has additional pertinent information and/or facts. Submit facts in support of your response.
6. [NCAA Division I Manual Constitution 2.8.1 (2012-13); NCAA Division I Manual Bylaws 10.01.1, 10.1 and 10.1-(d) (2010-11 through 2012-13); and 11.1.2.1 (2010-11 through 2012-13)]

It is alleged that on multiple occasions between the fall of 2010 and summer of 2013, Gib Arnold (Arnold), then head men's basketball coach, acted contrary to the NCAA principles of ethical conduct when he failed to deport himself in accordance with the generally recognized high standards of honesty and sportsmanship normally associated with the conduct and administration of intercollegiate athletics when he knowingly influenced others to provide the institution with false or misleading information, or to conceal information, regarding their knowledge of and/or involvement in violations of NCAA legislation. Additionally, between the fall of 2010 and spring of 2013, Arnold violated the NCAA legislated responsibilities of a head coach when he failed to promote an atmosphere of compliance within the men's basketball program when he intentionally committed and/or failed to report violations of NCAA legislation. Specifically:

- a. As detailed in Allegation No. 1, throughout the 2010-11 and 2011-12 academic years, Arnold instructed the then men's basketball directors of operations to participate in on-court coaching and other instructional activities with men's basketball student-athletes knowing it was a violation. Additionally, at times during the 2010-11 academic year, Arnold instructed the then men's basketball director of operations to make recruiting telephone calls to men's basketball prospective student-athletes knowing it was a violation. Last, throughout these two academic years, Arnold knowingly influenced the then directors of operations to conceal their participation in these activities from the institution in order to conceal the violations. [NCAA Bylaws 10.01.1, 10.1, 10.1-(d) and 11.1.2.1 (2010-11 and 2011-12)]
- b. As detailed in Allegation No. 2, on three occasions between April 30 and November 5, 2011, Arnold conducted impermissible tryouts of five then men's basketball prospects knowing it was a violation. Additionally,

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between September 21 and 22, 2012, Arnold knowingly conducted an impermissible on-campus evaluation of a then men's basketball prospect. Further, during two of the impermissible tryouts, as well as on five occasions in which Arnold conducted on-campus evaluations between April 20, 2012, and April 20, 2013, Arnold required the participation of then men's basketball student-athletes but did not record the time associated with the activities in the men's basketball countable athletically-related activity (CARA) logs, even though he knew it was required. Last, between the spring and summer of 2013, Arnold knowingly influenced then men's basketball staff members to report false or misleading information to, or conceal information from, the institution's compliance office regarding whether the men's basketball staff arranged or observed the on-campus evaluation that occurred between April 19 and 20, 2013. [NCAA Bylaws 10.01.1, 10.1 and 10.1-(d) (2012-13); and 11.1.2.1 (2010-11 through 2012-13)]

- c. As detailed in Allegation No. 3, during the fall of 2012, Arnold failed to report his knowledge of a possible violation of NCAA legislation involving a then men's basketball student-athlete receiving complimentary use of a vehicle owned by an individual who was determined to be a representative of the institution's athletics interests. Additionally, Arnold knowingly influenced at least four then men's basketball student-athletes to refrain from reporting the matter to anyone outside the men's basketball program in order to conceal the violation. [NCAA Constitution 2.8.1 (2012-13); and NCAA Bylaws 10.01.1, 10.1, 10.1-(d) and 11.1.2.1 (2012-13)]

Level of Allegation No. 6:

The NCAA enforcement staff believes that the hearing panel of the NCAA Division I Committee on Infractions could determine that Allegation No. 6 is a severe breach of conduct (Level I) because the circumstances surrounding this allegation involve (1) individual unethical or dishonest conduct; (2) a Bylaw 11.1.1.1 violation by a head coach resulting from underlying Level I violations in the men's basketball program; and (3) intentional violations or showing reckless indifference to the NCAA constitution and bylaws. [NCAA Bylaws 19.1.1, 19.1.1-(d), 19.1.1-(e) and 19.1.1-(h) (2014-15)]

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Factual Information (FI) on which the enforcement staff relies for Allegation No. 6:

The enforcement staff incorporates by reference the factual information referenced in Allegations Nos. 1, 2 and 3 and all other documents posted on the secure website.

Additional FI on which the staff relies for Allegation No. 6-(a):

FI106: May 12, 2010 – Email from Amanda Paterson (Paterson), director of compliance, to Arnold regarding the job duties for the director of operations.

(APaterson_EmailDOBODutiesToArnold_UH2138_051210_Hawaii_00202)

FI107: July 27, 2010 – Email from Paterson to Scott Fisher (Fisher), then men's basketball director of operations, regarding the job duties for the director of operations.

(APaterson_EmailDOBODutiesToFisher_UH2140_072710_Hawaii_00202)

FI108: August 11, 2010 – Email from Paterson to Fisher instructing him not to make recruiting telephone calls to prospects.

(APaterson_EmailRecruitingRestrictionsToFisher_UH2144_081110_Hawaii_00202)

FI109: January 13, 2011 – Email from Kalei Miyahana (Miyahana), administrative assistant, containing the January 12, 2011, department of athletics newsletter with information regarding the job duties for non-coaching staff members with sports-specific responsibilities.

(KMiyahana_EmailUHAthleticsNewsletter_January2011_UH2145_011311_Hawaii_00202;

UHAthleticsNewsletter_DOBODuties_UH2158_011211_Hawaii_00202)

FI110: August 10, 2011 – Department of athletics newsletter stating that directors of operations are not permitted to participate in practice, either as coaches or participants.

(UHAthleticsNewsletter_DOBODuties_UH2166_081011_Hawaii_00202)

FI111: December 3, 2011 – Email from Paterson to Kerry Rupp, then men's basketball director of operations, regarding the job duties for the director of operations.

(APaterson_EmailDOBODutiesToRupp_UH2238_120311_Hawaii_00202)

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FI112: December 8, 2011 – Email from Miyahana containing the December 8, 2011, department of athletics newsletter regarding the job duties for non-coaching staff members with sport-specific responsibilities.
(KMiyahana_EmailDecember2011UHAthleticsNewsletter_UH2240_120811_Hawaii_00202;
UHAthleticsNewsletter_DOBODuties_UH2241_120811_Hawaii_00202)

FI113: October 1, 2013 – Email from Paterson to Chris McMillian, then men's basketball director of operations, regarding the job duties for the director of operations.
(APaterson_EmailDOBODutiesToMcMillian_UH2358_100113_Hawaii_00202)

FI114: October 8, 2013 – Email from Paterson to the institution's athletics coaches regarding the job duties for non-coaching staff members with sport-specific responsibilities.
(APaterson_EmailCountableCoachRestrictions_UH2366_100813_Hawaii_00202)

FI115: Journal entries provided by Arnold regarding his commitment to NCAA compliance.
(Item1a_GArnoldJournals_GA1-100_072114_Hawaii_00202;
Item1a_GArnoldJournals_GA101-200_071614_Hawaii_00202;
Item1a_GArnoldJournals_GA201-300_071614_Hawaii_00202;
Item1a_GArnoldJournals_GA301-400_072114_Hawaii_00202;
Item1a_GArnoldJournals_GA401-472_071614_Hawaii_00202;
Item1a_GArnoldJournals_PromotingAtmosphereComplianceStatement_071614_Hawaii_00202)

Additional FI on which the staff relies for Allegation No. 6-(b):

FI116: August 27, 2011 – Email from Paterson to the men's basketball staff containing the 2011-12 compliance manual which contains information on CARA legislation.
(APaterson_Email2011-12ComplianceManual_UH2176_082711_Hawaii_00202)

FI117: June 12, 2012 – Email from Paterson to the men's basketball staff informing them of a mandatory rules education seminar by the Big West Conference on June 19, 2012.
(APaterson_EmailRulesEdSessionReminder_UH2269_061212_Hawaii_00202)

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FI118: January 7, 2013 – Email from Paterson to the institution's athletics coaches regarding CARA and common issues and violations.
(APaterson_EmailCARARulesEd_UH2345_010713_Hawaii_00202)

FI119: April 9, 2013 – Email from Miyahana containing the April 9, 2013, department of athletics newsletter with information on CARA.
(KMiyahana_EmailApril2013UHAthleticsNewsletter_UH2350_040913_Hawaii_00202;
UHAthleticsNewsletter_April2013CARA_UH2351_Hawaii_00202)

FI120: Journal entries provided by Arnold regarding his commitment to NCAA compliance.
(Item1a_GArnoldJournals_GA1-100_072114_Hawaii_00202;
Item1a_GArnoldJournals_GA101-200_071614_Hawaii_00202;
Item1a_GArnoldJournals_GA201-300_071614_Hawaii_00202;
Item1a_GArnoldJournals_GA301-400_072114_Hawaii_00202;
Item1a_GArnoldJournals_GA401-472_071614_Hawaii_00202;
Item1a_GArnoldJournals_PromotingAtmosphereComplianceStatement_071614_Hawaii_00202)

FI121: Rules education materials presented by the Big West Conference to the men's basketball staff on June 19, 2012, including information regarding the CARA implications of involving men's basketball student-athletes in on-campus evaluations of prospects.
(BigWestRulesEdPowerpoint_June2012_UH2270_Hawaii_00202)

Specific to Allegation No. 6:

- a. Please indicate whether the information contained within this allegation is substantially correct and whether the institution and the involved parties identified in this allegation believe that violations of NCAA legislation occurred. Submit materials to support your response.
- b. If the institution and the involved parties believe that 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 has additional pertinent information and/or facts. Submit facts in support of your response.

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7. [NCAA Division I Manual Bylaws 10.01.1, 10.1 and 10.1-(d) (2014-15)]

It is alleged that on October 17 and December 10, 2014, Gib Arnold (Arnold), then head men's basketball coach, acted contrary to the NCAA principles of ethical conduct when he failed to deport himself in accordance with the generally recognized high standards of honesty and sportsmanship normally associated with the conduct and administration of intercollegiate athletics when he knowingly 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 Nos. 1 and 2. Specifically:

- a. During his October 17, 2014, interview, as well as in a December 10, 2014, written statement, Arnold knowingly provided false or misleading information regarding his knowledge of and/or involvement in the violations detailed in Allegation No. 1 when he denied that he instructed the then men's basketball directors of operations to participate in on-court coaching, instructional and/or recruiting activities during the 2010-11 and 2011-12 academic years. The factual information for Allegation No. 1 shows Arnold knowingly instructed the then directors of operations to participate in these activities, as well as instructed them to conceal their participation in them from the institution in order to conceal the violations. [NCAA Bylaws 10.01.1, 10.1 and 10.1-(d) (2014-15)]
- b. During his October 17, 2014, interview, as well as in a December 10, 2014, written statement, Arnold knowingly provided false or misleading information regarding his knowledge of and/or involvement in the violations detailed in Allegation No. 2 when he denied (1) conducting impermissible tryouts of five then men's basketball prospects; and (2) requiring then men's basketball student-athletes to participate in the tryouts and on-campus evaluations. The factual information for Allegation No. 2 shows Arnold knowingly conducted the tryouts, as well as required then men's basketball student-athletes to participate in the tryouts and on-campus evaluations. [NCAA Bylaws 10.01.1, 10.1 and 10.1-(d) (2014-15)]

Level of Allegation No. 7:

The enforcement staff believes that the hearing panel of the NCAA Division I Committee on Infractions could determine that Allegation No. 7 is a severe breach of conduct (Level I) because the circumstances surrounding this allegation involve (1) individual unethical or dishonest conduct; and (2) intentional

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violations or showing reckless indifference to the NCAA constitution and bylaws. [NCAA Bylaws 19.1.1, 19.1.1-(d) and 19.1.1-(h) (2014-15)]

Factual Information (FI) on which the enforcement staff relies for Allegation No. 7:

The enforcement staff incorporates by reference the factual information referenced in Allegations Nos. 1, 2 and 6 and all other documents posted on the secure website.

Specific to Allegation No. 7:

- a. Please indicate whether the information contained within this allegation is substantially correct and whether the institution and the involved parties identified in this allegation believe that violations of NCAA legislation occurred. Submit materials to support your response.
- b. If the institution and the involved parties believe that 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 has 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 the hearing panel may consider.

1. Institution:

- a. Aggravating factor(s). [NCAA Bylaw 19.9.3 (2014-15)]

- (1) Multiple Level I violations by the institution or involved individuals. [NCAA Bylaw 19.9.3-(a) (2014-15)]

The violations referenced in Allegation Nos. 5, 6 and 7 have been identified by the enforcement staff to be Level I violations. Therefore, the enforcement staff has identified this as a potential aggravating factor.

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(2) A history of major violations by the institution. [NCAA Bylaw 19.9.3-(b) (2014-15)]

- July 2, 1976 – Improper financial aid; eligibility; questionable practice; certification of compliance.
- May 8, 1977 – Improper entertainment, financial aid; lodging and transportation; extra benefits; complimentary tickets; improper recruiting entertainment, inducement and transportation; eligibility; unethical conduct; institutional control; certification of compliance.

(3) Multiple Level II violations by the institution or involved individuals. [NCAA Bylaw 19.9.3-(g) (2014-15)]

The violations detailed in Allegation Nos. 1 through 4 have been identified by the enforcement staff to be Level II violations. Therefore, the enforcement staff has identified this as a potential aggravating factor.

(4) A pattern of noncompliance within the sport program involved. [NCAA Bylaw 19.9.3-(k) (2014-15)]

The violations detailed in Allegation Nos. 1 through 7 occurred between the 2010-11 and 2014-15 academic years and involve personnel, recruiting, extra benefit, countable athletically-related activity, ethical conduct and head coach control. Therefore, due to the wide range of violations involved and the lengthy time frame over which they occurred, the enforcement staff has identified this as a potential aggravating factor.

b. Mitigating factor(s). [NCAA Bylaw 19.9.4 (2014-15)]

(1) Prompt self-detection and self-disclosure of the violations. [NCAA Bylaw 19.9.4-(a) (2014-15)]

The institution promptly self-detected the violation detailed in Allegation No. 5-(b), which triggered the enforcement staff's investigation of this case, and reported it to the enforcement staff.

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Therefore, the enforcement staff has identified this as a potential mitigating factor.

- (2) Prompt acknowledgement of the violations, acceptance of responsibility and imposition of meaningful corrective measures and/or penalties. [NCAA Bylaw 19.9.4-(b) (2014-15)]

The institution promptly acknowledged and accepted responsibility for the violations alleged in this case and imposed meaningful corrective measures and/or penalties. Specifically, the institution (1) terminated the employment of Brandyn Akana (Akana), then assistant men's basketball coach, and Gib Arnold (Arnold), then head men's basketball coach, on October 29, 2014, due to their involvement in the violations alleged in this case; (2) suspended Akana for 30 days, as well as imposed recruiting restrictions, in February 2014 for altering an admissions document and submitting it to the institution under false pretenses, as detailed in Allegation No. 5-(b); (3) increased its compliance monitoring efforts, including regularly attending practices for all sports programs, attending all on-campus evaluations of men's and women's basketball prospects during official paid visits, closely reviewing all official paid visit itineraries, requiring itemized hotel receipts showing all charges assessed to the institution and amenities provided to prospects in conjunction with official paid visits, and sending a compliance officer with the men's basketball program on all neutral-site and away competitions; and (4) increased its compliance rules education efforts, including in the areas of countable athletically-related activities, permissible entertainment during official paid visits, international prospects admissions, ethical conduct, and off-campus recruiting. Additionally the institution has increased the compliance rules education it provides to local booster clubs, particularly the area of impermissible extra benefits. Therefore, the enforcement staff has identified this as a potential mitigating factor.

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- (3) Affirmative steps to expedite final resolution of the matter.
[NCAA Bylaw 19.9.4-(c) (2014-15)]

The institution was actively engaged in the investigation in this case and provided the enforcement staff with valuable assistance to expedite the final resolution of this matter, including arranging interviews, providing requested documentation in a timely manner, retaining outside counsel and using its athletics compliance staff and university general counsel. Therefore, the enforcement staff has identified this as a potential mitigating factor.

- (4) An established history of self-reporting Level III or secondary violations. [NCAA Bylaw 19.9.4-(d) (2014-15)]

From the 2010-11 through 2013-14 academic years, the institution self-reported 45 secondary/Level III violations to the enforcement staff. Therefore, the enforcement staff has identified this as a potential mitigating factor. However, the enforcement staff noted that the men's basketball program during Arnold's term as head men's basketball coach did not self-report any secondary/Level III violations to the institution's compliance office; rather, the violations involving the men's basketball program in this case were discovered by the institution and reported to the enforcement staff.

2. **Involved party [Gib Arnold (Arnold), former head men's basketball coach]:**

- a. Aggravating factor(s). [NCAA Bylaw 19.9.3 (2014-15)]

- (1) Obstructing an investigation or attempting to conceal the violations. [NCAA Bylaw 19.9.3-(d) (2014-15)]

As detailed in Allegation No 6-(a), Arnold knowingly influenced the then directors of operations to conceal their participation in coaching, instructional and/or recruiting activities from the media and the institution in order to conceal the violations. Additionally, as detailed in Allegation No. 6-(b), Arnold knowingly influenced then men's basketball staff members to fabricate a story to report to the institution that the on-campus evaluation conducted between April 19 and 20, 2013, was neither arranged nor observed by the men's basketball staff. Last, as detailed in Allegation No. 6-(c), Arnold knowingly influenced at least four then men's basketball student-athletes to refrain from reporting the issue of a then men's

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basketball student-athlete having impermissible use of a vehicle with anyone outside the men's basketball program in order to conceal the violation. Therefore, the NCAA enforcement staff has identified this as a potential aggravating factor.

- (2) Unethical conduct. [NCAA Bylaw 19.9.3-(e) (2014-15)]

As detailed in Allegation No. 6, Arnold knowingly influenced others to furnish to the institution false or misleading information, or to conceal information, regarding the violations detailed in Allegation Nos. 1, 2 and 3. Additionally, as detailed in Allegation No. 7, Arnold knowingly provided false or misleading information to the institution and enforcement staff regarding his knowledge of and/or involvement in the violations detailed in Allegation Nos. 1 and 2. Therefore, the enforcement staff has identified this as a potential aggravating factor.

- (3) Multiple Level II violations by the institution or involved individual. [NCAA Bylaw 19.9.3-(g) (2014-15)]

The violations detailed in Allegation Nos. 1 through 4 have been identified by the enforcement staff to be Level II violations in which Arnold had direct knowledge and/or involvement. Therefore, the enforcement staff has identified this as a potential aggravating factor.

- (4) Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct. [NCAA Bylaw 19.9.3-(h) (2014-15)]

Arnold was the institution's head men's basketball coach during the time period in which the violations detailed in Allegation Nos. 1 through 4, 6 and 7 occurred. Due to his position as head coach and knowledge of and/or involvement in the violations, the enforcement staff has identified this as a potential aggravating factor.

- (5) A pattern of noncompliance within the sport program involved. [NCAA Bylaw 19.9.3-(k) (2014-15)]

The violations detailed in Allegation Nos. 1 through 4, 6 and 7 occurred during the 2010-11 through 2014-15 academic years and

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involve personnel, recruiting, countable athletically-related activity, ethical conduct and head coach control violations. Therefore, due to the wide range of violations involved, the lengthy time frame over which they occurred, and Arnold's knowledge and/or involvement, the enforcement staff has identified this as a potential aggravating factor.

- (6) Intentional, willful or blatant disregard for the NCAA constitution and bylaws. [NCAA Bylaw 19.9.3-(m) (2014-15)]

Arnold committed the violations detailed in Allegation Nos. 1, 2, 3, 6 and 7 intentionally. Therefore, the enforcement staff has identified this as a potential aggravating factor.

- b. Mitigating factor(s). [NCAA Bylaw 19.9.4 (2014-15)]

The enforcement staff has not identified any mitigating factors applicable to Arnold.

3. **Involved party [Brandyn Akana (Akana), former assistant men's basketball coach]:**

- a. Aggravating factor(s). [NCAA Bylaw 19.9.3 (2014-15)]

- (1) Unethical conduct. [NCAA Bylaw 19.9.3-(e) (2014-15)]

As detailed in Allegation No. 5, Akana knowingly provided a then men's basketball student-athlete with an Apple iPad. Additionally, Akana knowingly altered an admissions document of a then men's basketball prospect and submitted the document to the institution to facilitate the prospect's admission. Last, Akana knowingly provided the institution and NCAA enforcement staff with false or misleading information when he denied providing the then student-athlete with an iPad despite the factual support showing he had provided the iPad. Therefore, the enforcement staff has identified this as a potential aggravating factor.

- (2) Intentional, willful or blatant disregard for the NCAA constitution and bylaws. [NCAA Bylaw 19.9.3-(m) (2014-15)]

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Akana committed the violations detailed in Allegation No. 5 intentionally. Therefore, the enforcement staff has identified this as a potential aggravating factor.

b. Mitigating factor(s). [NCAA Bylaw 19.9.4 (2014-15)]

The enforcement staff has not identified any mitigating factors applicable to Akana.

D. Request for Supplemental Information.

1. Provide mailing and email addresses for all necessary parties to receive communications from 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, 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 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

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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.

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- 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.

Any additional information or comments regarding this case are welcome.