

# The New York Times

"All the News That's Fit to Print"

THURSDAY, JANUARY 24, 2013

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## Sports Thursday

### N.C.A.A. Admits Mishandling Miami Inquiry

By STEVE EDER

**T**he N.C.A.A., facing increasingly fierce scrutiny regarding its role as the administrator of college athletics, said Wednesday that its enforcement staff improperly obtained information in its high-profile investigation involving the University of Miami.

The N.C.A.A. said it uncovered evidence that its investigators contracted with a criminal defense lawyer for the booster at the center of the Miami case to obtain information they should not have been able to access. The N.C.A.A. had been examining allegations that the booster, Nevin Shapiro, gave hundreds of thousands of dollars in cash, as well as other benefits, to dozens of Miami athletes.

Mark Emmert, the N.C.A.A.'s president, called the conduct of the investigators "shocking" and "stunning," saying the organization could not tolerate such "grossly inappropriate" behavior in its inquiries. He said that the employees no longer worked for the N.C.A.A. and that an outside firm had been hired to review the N.C.A.A.'s enforcement program, including its handling of the Miami matter and other cases.

"When you have something as candidly dramatic as this occur, you can't offer just words," Emmert said in a conference call. "You have to offer a demonstration that you are getting this right."

The admission comes at a challenging time for the N.C.A.A. This month, Gov. Tom Corbett of Pennsylvania sued the organization over its handling of the Penn State child sexual abuse case, saying that it was "overreaching and unlawful" in how it punished

the university and that it violated anti-trust laws. The N.C.A.A. has also been criticized for its handling of recent cases involving U.C.L.A., Southern California, North Carolina and other universities.

The Miami case "raises a large question of how widespread this practice has been and whether any other major investigations have been similarly tainted," said Tyrone Thomas, a Washington lawyer with the firm Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, who advises on enforcement cases.

"This is pretty big," Thomas said. "It's a basic understanding that there is a notion of due process to an N.C.A.A. investigation."

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***A move to make changes  
after investigators received  
information improperly.***

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David Ridpath, an associate professor of sports administration at Ohio University, said he was not surprised by the admission.

"I've been saying these things have been going on for years: the N.C.A.A. is not following its own rules in investigations," said Ridpath, who has long advocated for more fairness in the enforcement program. "I've always thought that the investigations followed very little protocol. I don't

think anyone should believe this is the first time anything like this has happened."

The improper conduct in the Miami inquiry was apparently revealed when the N.C.A.A. received invoices last fall for legal services from a criminal lawyer representing Shapiro, who was convicted and imprisoned for his role in a \$900 million Ponzi scheme. Shapiro told Yahoo Sports in 2011 that he had given cash, the services of prostitutes and lavish entertainment to scores of Miami football and men's basketball players.

Emmert said investigators' hiring of an outside lawyer had not been approved, so "it immediately raised the question: where the heck did those bills come from?"

The N.C.A.A. found that its enforcement staff members obtained information for the Miami investigation through a bankruptcy proceeding, to which the N.C.A.A. should not have had access. The N.C.A.A. does not have subpoena power, so it does not have the ability to compel testimony outside of its enforcement program.

The Miami investigation appears to be delayed as the N.C.A.A. awaits the results of the inquiry it has commissioned from Kenneth Wainstein, a lawyer with Cadwalader, Wickersham & Taft and a former homeland security adviser to President George W. Bush. Emmert said he hoped that the inquiry would take weeks, not months, and that it would help determine further steps to "assure accountability for any improper conduct."

On Wednesday, Lou Anna Simon, the chairwoman of the N.C.A.A.'s executive committee and the president of Michigan State, said in a state-

ment that she was “disappointed with the turn of events” but supported Emmert’s move to begin an outside investigation.

The results of that inquiry will be critical to setting the path of the organization’s investigators, because its findings could bolster or break the confidence of member universities,

said Mark Jones, a former N.C.A.A. enforcement director.

“If there’s one thing you have to have, it’s that the membership has to have confidence in the enforcement staff members,” said Jones, whose current law firm, Ice Miller, has represented one person who was dismissed from the Miami case.

Jones added that the enforcement staff members “are foot soldiers who do their work.”

“They do the heavy lifting,” he said. “They do a very tough job.”

As a result, the N.C.A.A.’s members, he said, must believe “by and large that they have total commitment to fairness.”

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