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Committee on Infractions
Colonial Athletic Association

UNIVERSITY OF NEBRASKA, LINCOLN
PUBLIC INFRACTIONS REPORT

I. INTRODUCTION.

On September 21, 2001, officials from the University of Nebraska, Lincoln, and a former member of the swimming coaching staff appeared before the Division I Committee on Infractions to address allegations of NCAA violations in the institution's wrestling and swimming programs. The violations were focused in the following areas: extra benefits (including the provision of cash to pay off a gambling debt), improper recruiting contacts, unethical conduct and a failure to monitor. The wrestling violations were uncontested while many of the swimming violations were disputed by the involved coaches. Subsequent to the discovery of violations, the university discontinued its men's swimming program.

The University of Nebraska, Lincoln, is a Division I institution and a member of the Big 12 Conference. The university has an enrollment of approximately 25,000 students and sponsors 10 men's and 12 women's intercollegiate sports. Nebraska had previous infractions cases in 1986 (softball and football), 1975 (football) and 1967 (football).

II. FINDINGS OF VIOLATIONS OF NCAA LEGISLATION.

A. IMPERMISSIBLE FINANCIAL AID; EXTRA BENEFITS. [NCAA Bylaws 15.01.3, 15.5.3.1.1, 16.02.3 and 16.12.2.1]

Prior to the beginning of the 1997 spring semester, the head wrestling coach (henceforth, "head wrestling coach") gave cash or personal checks totaling $5,935.25 to five wrestling student-athletes (henceforth, "wrestling student-athletes A, B, C, D, and E") to pay a portion of their educational expenses. The head wrestling coach used funds from his personal resources and his summer wrestling camp to provide this financial assistance to these five wrestling student-

athletes. As a result of the head wrestling coach's actions, the institution exceeded the maximum financial aid award limitations for the sport of wrestling by .74 for the 1996-97 academic year. Specifically:

Prior to the spring of 1997, the head wrestling coach provided wrestling student-athlete A $1,730, wrestling student-athlete B $900, wrestling student-athlete C $700, wrestling student-athlete D $1,768.75 and wrestling student-athlete E $836.50 for the purpose of paying a portion of their educational expenses for the 1997 spring semester.

Committee Rationale

Regarding Finding II-A, impermissible financial aid and extra benefits provided to five wrestling student-athletes by the head wrestling coach, the committee, the university and the enforcement staff were in agreement with the facts as set forth above and that violations of NCAA legislation occurred. The head wrestling coach, who resigned from his position on April 18, 2000, did not submit a response to the allegations made against him in the letter of official inquiry. However, he did admit during an interview with a local newspaper on April 19, 2000, that he knew what he was doing was contrary to the "Nebraska way" and that he was solely accountable for his actions.

The committee was troubled by this finding because the head wrestling coach in an equivalency sport routinely recommended financial aid be granted on a semester basis, then manipulated this institutionally administered financial aid for the second semester by supplementing the institutional aid from personal funds or sources outside the institution. But for the objections of several student-athletes who voiced their concerns to administrators, the process continued undetected by the university.

B. IMPERMISSIBLE EXTRA BENEFIT. [NCAA Bylaws 16.02.3 and 16.12.2.3-(a)]

In the fall of 1998, a wrestling student-athlete (henceforth, "wrestling student-athlete F") met with the head wrestling coach in the coach's office and informed the head wrestling coach that he owed money to a bookmaker through whom he had placed wagers on both professional and intercollegiate football contests. The young man told the head wrestling coach he required $500 to satisfy his debt to the bookmaker. The head wrestling coach held a second meeting with wrestling student-athlete F shortly after this and gave wrestling student-athlete F $500 cash

to satisfy his debt to the bookmaker. Student-athlete F subsequently paid his gambling debt and after working for a local roofing company during the summer of 1999, repaid the $500 to the head wrestling coach. Specifically:

1. Wrestling student-athlete F initially met with the head wrestling coach in the fall of 1998 and told the head wrestling coach that he had been gambling on football contests through a student bookmaker and had incurred a $2,000 debt to the student bookmaker. Wrestling student-athlete F told the head wrestling coach that he had the means to pay $1,500 of this debt himself and asked the head wrestling coach for $500 to completely settle this debt.

2. The head wrestling coach told wrestling student-athlete F that it was wrong for him to gamble, read the language contained in NCAA Bylaw 10.3 and cautioned the young man never to engage in gambling activities again. The head wrestling coach told wrestling student-athlete F he would help him and told the young man to return to his office at a later date. A short time later, wrestling student-athlete F returned to the head wrestling coach's office for a second meeting and the head wrestling coach gave $500 cash to the young man to satisfy his gambling debt. Wrestling student-athlete F subsequently paid his gambling debt to the student bookmaker and repaid the $500 to the head wrestling coach in the fall of 1999. The young man also stated that he placed wagers on four to five professional football contests and perhaps one to two intercollegiate football contests each week. Wrestling student-athlete F insisted he did not bet on intercollegiate football contests involving the university's football team. According to student-athlete F, he stopped placing wagers after he was admonished by the head wrestling coach. He also said that he knew of no other student-athlete placing bets with this bookmaker and that no one other than the head wrestling coach knew of his gambling activities.

Committee Rationale

Regarding Finding II-B, an impermissible extra benefit in the form of cash provided by the head wrestling coach to satisfy a student-athlete's gambling debt, the committee, the university and the enforcement staff were in agreement with the facts as set forth above and that violations of NCAA legislation occurred. The head wrestling coach, as indicated earlier, did not submit a response to the allegations made against him in the

letter of official inquiry. However, he has made public statements indicating that he made mistakes in the conduct and administration of the institution's wrestling program.

Wrestling student-athlete F was a freshman at the institution during the 1996-97 academic year when he met the bookmaker with whom he placed these wagers. Wrestling student-athlete F has consistently refused to identify the student bookmaker, except to say that bookmaker was a freshman at the institution that year. Student-athlete F learned from some of his non-athlete friends who were wagering on sporting events with whom and how to bet. He placed his initial wager with this individual in October 1998 and has consistently reported that while he could not recall on which college teams he bet, he did not place wagers on the institution's football team. The institution declared wrestling student-athlete F ineligible for his involvement in these violations of NCAA legislation. The student-athlete subsequently transferred from the institution to a NCAA Division II member institution with a Division I wrestling program. Student-athlete F's eligibility was not restored by the Student-Athlete Reinstatement Subcommittee.

In summation, all parties agreed that wrestling student-athlete F told the head wrestling coach he had been placing wagers on professional and intercollegiate football contests through a bookmaker and neither the head wrestling coach nor the student-athlete was involved in soliciting wagers on any occasion. However, the head wrestling coach's failure to disclose this information and provide funds to satisfy the student-athlete's gambling debt is the basis for the finding of unethical conduct explained in Finding II-L.

C. IMPERMISSIBLE RECRUITING INDUCEMENT; IMPERMISSIBLE FINANCIAL AID TERMS. [NCAA Bylaws 13.2.1 and 15.3.3.1]

On or about October 21, 1999, the head wrestling coach made an athletics grant-in-aid award covering two academic years to a prospective student-athlete that included a .45 equivalency grant-in-aid award for the 2000-01 academic year and a .66 equivalency grant-in-aid award for the 2001-02 academic year. The young man received his .45 equivalency award for the 2000-01 academic year and the institution was prepared to grant him the .66 equivalency award for the 2001-02 academic year as promised.

Committee Rationale

Regarding Finding II-C, impermissible financial aid arrangements made by the head wrestling coach, the committee, the university and the enforcement staff were in

agreement with the facts as set forth above and that violations of NCAA legislation occurred. As previously established, the head wrestling coach did not submit a response to the allegation. The involved student-athlete and his father admitted that this offer was made and accepted. NCAA legislation specifies that financial aid arrangements cannot be made for more than a one-year period.

This information was reported by the young man and his father in a late June 2001 conversation with the institution's current head wrestling coach who then informed the appropriate institutional officials of this matter. The committee accepted the university's conclusion that the head wrestling coach made this offer of financial aid and that it is in violation of NCAA legislation. The young man and his father were told that the institution was responsible to award him a .66 athletics grant-in-aid for the 2001-02 academic year; however, the young man chose not to accept the .66 equivalency and instead chose to accept a .47 grant-in-aid award for the 2001-02 academic year for personal reasons. The head wrestling coach was aware of the NCAA legislation, which prohibited the awarding of athletics grant-in-aid awards for more than a one-year period, but nevertheless offered the young man athletically related financial aid for a consecutive two-year period.

D. IMPERMISSIBLE EXTRA BENEFITS. [NCAA Bylaw 16.02.3]

Between June and October 1997, the former head swimming coach (henceforth, "head swimming coach") and a former assistant swimming coach (henceforth, "assistant swimming coach 1") provided improper benefits to several student-athletes in the sport of swimming. Specifically:

1. In June 1997, the institution paid the round-trip transportation expenses of six swimming student-athletes (henceforth, "swimming student-athletes A, B, C, D, E and F") between Lincoln, Nebraska, and Santa Clara, California, in order for the six swimming student-athletes to participate in a swimming competition. The institutional payments for these transportation expenses were improper at this time because this competition did not meet the requirements of Bylaw 16.8.1.3. Shortly after this trip occurred, it was discovered that these transportation expenses were improper and the institution acknowledged that it committed a secondary violation. Based on information reported by the head swimming coach and assistant swimming coach 1, the institution reported these facts to the NCAA national office, declared the six swimming student-athletes ineligible and took the appropriate steps to

appeal for the restoration of eligibility for the young men and women. In order to complete the eligibility appeal process, five student-athletes each wrote a personal check to the University of Nebraska, Lincoln, in the amount of $439 to make restitution for the cost of the round-trip transportation; and one student-athlete wrote a personal check in the amount of $459 to make restitution. The student-athletes submitted the checks to assistant swimming coach 1.

2. Assistant swimming coach 1, with the knowledge and approval of the head swimming coach, gave five of the student-athletes $439 cash and gave the one student-athlete $459 cash to compensate for the student-athletes' restitution checks referenced in Finding II-D-1.

Committee Rationale

Regarding Finding II-D, the impermissible reimbursement of expenses to student-athletes for swimming competition expenses, the committee, the university and the enforcement staff were in agreement with the facts as set forth above and that violations of NCAA legislation occurred. Both involved coaches agree with the facts, but believed what they did was permissible, claiming they withheld reimbursing the student-athletes for expenses at subsequent competitions.

In initial interviews with the university, assistant swimming coach 1 reported that he and the head swimming coach felt responsible for the mistake and sought to avoid imposing such a large and unexpected expense on the student-athletes by providing cash to the student-athletes in the amount of the checks each student-athlete reimbursed the university. By providing the reimbursement checks, the student-athletes achieved restoration of their athletics eligibility and also created a "paper trail," making it appear that each student-athlete absorbed the expenses received from the institution for the Santa Clara meet and thus complied with NCAA legislation.

The head swimming coach and assistant swimming coach 1 later claimed that the money they provided the student-athletes at the time the student-athletes wrote checks for reimbursement for the Santa Clara meet was expense money for the student-athletes' later participation in meets at the U.S. Nationals and the World Student Games. The amount of each check and the provision of each expense payment was claimed to be the same amount in each case for each student-athlete. The head swimming coach also stated that it was common practice to carry over funds that were to be used for expenses in one meet over to another, thereby "commingling" funds from several events. The

head swimming coach stated that assistant swimming coach 1 and another former assistant swimming coach (henceforth, "assistant swimming coach 2") took cash draws for the U.S. Nationals and the World Student Games, but were not supposed to give the expense money out then, since the coaching staff had not received the Santa Clara reimbursements from the student-athletes. The committee noted, however, that assistant swimming coach 2 obtained a cash draw of $450 for swimming student-athlete A to participate in the World Student Games prior to the time that the head swimming coach and assistant swimming coach 1 gave the student-athlete cash in the fall of 1997. There is also evidence from swimming student-athletes B and C that the coaching staff gave expense money to them for the U.S. Nationals prior to the time the head swimming coach and assistant swimming coach 1 say they provided cash to the student-athletes.

Even if the coach's explanation is accepted, the committee noted that there was a difference in the amount for expenses between the Santa Clara meet and the U.S. Nationals, which were conducted in Nashville, Tennessee. As earlier indicated, five student-athletes received $439 in cash and one received $459 from the coaches in a "dollar-for-dollar" exchange for the checks they provided in reimbursement for the Santa Clara trip. However, documents submitted by the university show that the cash per diem purportedly withheld from the student-athletes for the Nashville meet amounted to only $304. Thus, four of the five student-athletes who went to both meets would have received an extra benefit in the amount of $135 and the fifth would have received a benefit of $155, after subtracting the cost of the U.S. National meet in Nashville from the cash they received from the coaches.

E. IMPERMISSIBLE ADMINSTRATION OF FINANCIAL AID. [NCAA Bylaw 15.5.3]

Between the 1996-97 and 1998-99 academic years, members of the institution's swimming coaching staff approached several student-athletes in the sport of swimming and requested that the student-athletes accept reductions in their athletically related grant-in-aid awards. The members of the swimming coaching staff offered to subsequently reimburse the student-athletes with cash payments in the amount of these reductions and actually did reimburse the student-athletes, who agreed to accept the reductions. Such arrangements violated NCAA financial aid legislation. Specifically:

1. Swimming student-athlete C was approached during the 1996-97 academic year by an assistant swimming coach (henceforth, "assistant swimming coach 3") who asked the student-athlete to contact the head

swimming coach. The student-athlete subsequently contacted the head swimming coach, and the head coach asked student-athlete C to take a reduction in his athletics grant-in-aid award, which would subsequently be provided to him in cash. The student-athlete agreed and was provided between $400 and $500 in cash.

2. A swimming student-athlete (henceforth, "swimming student-athlete G") was approached by assistant swimming coach 3 and the head swimming coach. They discussed the student-athlete reducing his athletically related grant-in-aid award and receiving the amount of the reduction in cash. Reluctantly, swimming student-athlete G agreed to the arrangement and assistant swimming coach 3 subsequently gave the student-athlete between $400 and $600 in cash.

3. Swimming student-athlete D was approached by assistant swimming coach 1, who requested that the student-athlete reduce his athletically related financial aid award and receive the reduction in cash. The student-athlete agreed to this arrangement and received the cash, but his athletics grant-in-aid award was not restored to its original amount until the following academic year.

4. A swimming student-athlete (henceforth, "swimming student-athlete H") was approached by assistant swimming coach 1 in November and December 1998 and was provided approximately $1,200 to $1,300 in cash as reimbursement for taking a reduction in his athletically related financial aid award.

5. Swimming student-athlete E accepted a similar proposal presented to him by assistant swimming coach 3 in the fall of 1997 but did not receive the cash because the cash that assistant swimming coach 1 offered him did not make up for the reduction to which he agreed. The reduction was made up to him in his 1998 spring athletics grant-in-aid award.

Committee Rationale

Regarding Finding II-E, the creation of a scheme to reduce student-athletes' grants-in-aid in exchange for cash compensation, the committee, the university and the enforcement staff agreed with facts contained in the finding and that the facts constitute violations of

NCAA legislation. The three coaches involved in this finding agreed to the facts, but did not believe that the facts represent violations of NCAA bylaws.

The head swimming coach agreed that he and members of his coaching staff requested that several student-athletes accept reductions in their athletically related financial aid awards. The head coach and his assistants chose to replace the athletics aid the young men were to receive with athletics department funds earmarked to provide student-athletes lodging and meal expenses during the institution's regular vacation periods for those student-athletes required to remain on campus to practice or compete. The head coach indicated that all the coaches knew which student-athletes agreed to give up their athletically related financial aid awards, as they discussed this in coaches' meetings. Assistant swimming coach 1 reported that student-athletes agreed to forego athletics scholarship money in exchange for vacation housing money and the amounts of money provided to the student-athletes were figured at between $50 to $60 per day multiplied by the number of days of vacation. Assistant swimming coach 3 agreed that student-athletes took a reduction in athletics aid in exchange for vacation housing expenses, but it was his understanding that this procedure was approved for the swimming program by the institution's compliance office.

The committee concluded that these arrangements violated the provisions of NCAA financial aid legislation. The evidence reflected that the head swimming coach never fully explained these arrangements to the institution's compliance office. There was no indication given to the compliance office that the vacation funds were going to be administered to student-athletes to make up for portions of the athletically related financial aid awards these student-athletes "voluntarily" rescinded. It appeared to the committee that the head swimming coach may have had some misgivings about the permissibility of this plan, as he refused to put these arrangements offered to student-athletes in writing.

F. IMPERMISSIBLE EXTRA BENEFITS. [NCAA Bylaw 16.12.2.1]

Between June 22 and June 25, 2000, an assistant swimming coach (henceforth, "assistant swimming coach 4") provided improper transportation and meals to several student-athletes during a swimming competition in Santa Clara, California.

Committee Rationale

Regarding Finding II-F, the provision of impermissible benefits by assistant coach 4 during a swimming competition, the committee, the enforcement staff and the institution agreed on the facts in this finding and that the facts constitute violations of NCAA legislation. Assistant swimming coach 4 agreed that most of the factual information in this finding is substantially correct and agreed that a violation of NCAA extra benefit legislation occurred.

This is a similar situation as described in Finding II-D, in that the competitions were not exempt under the provisions of Bylaw 16.8.1.3.

G. IMPERMISSIBLE DISTRIBUTION OF BENEFITS. [NCAA Bylaw 16.8.1.2.3]

During the 1997-98 academic year, the head swimming coach and assistant swimming coaches 1, 2, 3 and 4 distributed meal money to student-athletes at a competition in Boca Raton, Florida, based on the performances of the student-athletes in the 1996-97 NCAA and Big 12 Conference Swimming Championships.

Committee Rationale

Regarding Finding II-G, the impermissible distribution of benefits (meal money) by the swimming coaching staff during out-of-town competition, the committee, the enforcement staff, the institution and the coaching staff agreed on the facts of this finding. NCAA Bylaw 16.8.1.2.3 states that, "all student-athletes on the same team must receive identical meal allowances on intercollegiate trips." Basing meal money distribution on prior performances is a clear violation of this bylaw.

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H. IMPERMISSIBLE TRYOUTS. [NCAA Bylaws 13.12.1; 13.12.2.3 and 13.12.3.1]

In the fall of 1996, the fall of 1999 and the summer of 2000, members of the swimming coaching staff conducted physical activities and permitted prospective student-athletes to display their athletics abilities on the institution's campus. Specifically:

1. In the fall of 1996, swimming student-athlete A (then a prospective student-athlete) was allowed to participate improperly with a club swimming team associated with a member of the swimming coaching staff in the institution's natatorium. The young man enrolled at the institution in the spring of 1997.

2. In the fall of 1999, the swimming coaching staff permitted a prospective student-athlete, who later enrolled at the institution (henceforth, "swimming student-athlete I") to display or observe her displaying her swimming ability in a clinic in the institution's natatorium.

Committee Rationale

Regarding Finding II-H, impermissible tryouts, there was general agreement from all parties that prospects engaged in physical activities in the presence of coaches, but there was disagreement regarding the issue of whether the activity constituted violations of NCAA legislation.

With specific reference to Finding II-H-1, a prospective student-athlete's participation in impermissible physical activity with a swim club associated with a member of the swimming coaching staff, there was disagreement that this activity was a violation of NCAA rules. The staff member who operated the swimming club reported that in the fall of 1996, swimming student-athlete A established a residence in the city of Lincoln. In accordance with the bylaws of the swim club, the staff member claimed he was not permitted to discriminate against anyone wishing to swim on that club team and therefore, does not believe this to be an NCAA rules violation.

The evidence showed that swimming student-athlete A (a citizen of Latvia) traveled to Lincoln in the fall of 1996 where he was provided lodging in the home of a Latvian native through the assistance of the head swimming coach. The lodging that the young man received is the focus of Finding II-I and the arrangement is in violation of NCAA Bylaw 13.2.2-(h). On the basis of the evidence, the committee concluded that the head swimming coach arranged for swimming student-athlete A to live in Lincoln, Nebraska, in order for the young man to study for and pass the TOEFL (Test of English as a Foreign Language) and to participate in the aforementioned swim club team which worked out in the institution's natatorium prior to his enrollment at the institution in the spring of 1997. Since the young man had not yet enrolled and his conditioning activity

was conducted, in part, in the presence of at least one assistant coach, these circumstances constitute a violation of NCAA legislation governing tryouts.

With specific reference to Finding II-H-2, swimming student-athlete I's display of her swimming ability in a clinic conducted on the university's campus while she was a prospect, there was some dispute by the involved coaching staff members that they considered the young woman as a recruitable prospect and whether the activity in which she engaged would constitute a display of her swimming ability. It was clear to the committee that the prospective student-athlete displayed more than fundamental skills that would be permissible under the tryout exception specified in Bylaw 13.12.3.1-(a). From the evidence, it appeared that the student-athlete displayed techniques and abilities that were far in advance of what may be considered "fundamental skills."

Further, the committee concluded that the participation of swimming student-athlete I in a clinic at the institution's swimming facility in the fall of 1999 violated the provisions of NCAA Bylaw 13.12.3.1 in that the young woman was a prospective student-athlete at the time and did demonstrate her swimming abilities. The committee concluded that members of the coaching staff organized the clinic and contacted the clinicians from Bartlesville, Oklahoma, who brought the prospect with them to the clinic. It was clear that the young lady was a prospective student-athlete.

Further, the committee also concluded that while members of the coaching staff may not have known that the young women was a prospective student-athlete prior to her arrival in Lincoln, the coaches asked the individual who was responsible for bringing her to campus about her status and identity before the clinic began. Swimming student-athlete I was an individual with world-class swimming ability. In addition, once the Nebraska coaches saw her and asked about her background and status, her status as a prospective student-athlete should have been obvious. They could easily have prohibited her participation in the clinic and requested help from the institution's compliance office for clarification instead of permitting her to participate in this clinic. The young woman eventually was recruited by the institution, enrolled and competed. While it may be true that some staff members had no responsibility for organizing the clinic, the fact remains that they still attended the clinic and still observed the prospective student-athlete demonstrate her refined skills in violation of Bylaw 13.12.3.1.

I. IMPERMISSIBLE HOUSING ARRANGEMENTS FOR A PROSPECTIVE STUDENT-ATHLETE. [NCAA Bylaws 13.2.2-(h), 15.01.3 and 15.5.3]

In August 1996, the head swimming coach telephoned the minister of a Latvian Church in Lincoln, Nebraska, and asked the clergyman to find a family in Lincoln to house a prospective student-athlete when the young man arrived in Lincoln. The clergyman agreed and subsequently made an announcement at a church service seeking a volunteer family for the prospect. A church member volunteered to house the prospect and the reverend provided the member's name to the head swimming coach. The head swimming coach telephoned the church member and made arrangements for the prospect to reside with the church member. The head swimming coach provided the church member with the date, time of arrival and flight number for the prospect and the church member met the prospect at the airport in Omaha upon the young man's arrival. The church member provided the prospect with room, board and cost-free local telephone service from September 1996 through May 1997.

Committee Rationale

Regarding Finding II-I, impermissible housing arrangements for a prospect, there was no dispute regarding the facts of this finding, but the head coach questioned whether the facts constitute violations of NCAA legislation. The thrust of the head swimming coach's argument was that it was his understanding that Latvian parishioners at the church in question provided such support for other Latvian immigrants who were non-athletes.

The evidence showed that the head swimming coach requested that the minister of the Latvian church in question assist him in locating a parishioner to provide room and board for a student-athlete from Latvia. The minister recalled that the head swimming coach told him that the student's NCAA scholarship would not cover room and board and the young man needed some assistance in obtaining a place to live. Swimming student-athlete A reported that he did not know anyone in Nebraska when he initially arrived in the state in the fall of 1996. Nevertheless, when the young man arrived in Nebraska, he was met at the airport in Omaha by the Latvian parishioner who transported the prospect to Lincoln where the prospect was provided cost-free housing and board by the parishioner. Such arrangements by the head swimming coach were in direct violation of Bylaw 13.2.2-(h), arrangements for free or reduced cost housing for prospective student-athletes.

J. IMPROPER TELEPHONE CONTACTS WITH PROSPECTIVE STUDENT-ATHLETES. [NCAA Bylaws 13.02.5.2-(b), 13.1.2.2-(f), 13.1.3, 13.1.3.1 and 13.1.3.2.1]

During the 1998-99 and 1999-00 academic years, the head swimming coach and assistant swimming coaches 1 and 3 made improper telephone contact with a prospective student-athlete and improperly utilized student-athletes to assist in recruiting activities. Specifically:

1. The head swimming coach telephoned swimming student-athlete I at her home in Sweden on a daily basis while she was a prospect during the period mid-December 1999 through January 16, 2000.

2. The head swimming coach requested swimming student-athlete A and another student-athlete (henceforth, "student-athlete J") to translate for him at the time the head swimming coach telephoned international prospective student-athletes utilizing an athletics department telephone.

3. The head swimming coach and assistant swimming coach 3 requested that a Spanish-speaking student-athlete (henceforth, "student-athlete K") utilize an athletics department telephone to contact an international prospective student-athlete in Spain while the head swimming coach and associate swimming coach A listened to his conversation and informed the student-athlete what to discuss during the conversation.

4. In the spring of 1998, at the site of the NCAA Swimming Championship in Minneapolis, Minnesota, assistant swimming coach 1 arranged for a student-athlete to telephone a prospective student-athlete by utilizing assistant swimming coach 1's cellular telephone from the competition site.

5. On numerous occasions, assistant swimming coach 3 requested international student-athletes to use athletics department telephones to call international prospective student-athletes to speak to the prospects and evaluate their swimming times.

Committee Rationale

Regarding Finding II-J, impermissible telephone contacts with prospects, the committee, the university and the enforcement staff were in agreement regarding the facts of the

finding and that violations of NCAA legislation occurred. The involved coaching staff members do not deny the events described in this finding, but they do describe the events differently from the student-athletes and in doing so, maintain that violations of NCAA legislation did not occur.

With specific reference to Finding II-J-1, impermissible telephone contact with a prospect in Sweden, the head swimming coach agreed that for several days during the time period cited in the finding, he did, in fact, telephone swimming student-athlete I's house every day, but was often told that she was not in or that she was at a girlfriend's home. The head swimming coach claimed that he would then call the girlfriend's home and she would not be in. The head swimming coach theorized that, if this information came from swimming student-athlete I's testimony, it is possible that the young woman may have been speaking "literally;" i.e. that he had called her, but she was not in when he called and therefore, no contact was made. Ultimately, the committee concluded from the evidence that the head swimming coach did make excessive telephone contact with swimming student-athlete I during the time in question in violation of Bylaw 13.1.3.1, which limits the number of calls to prospective student-athletes to one per week.

With specific reference to Finding II-J-2 and II-J-3, use of student-athletes as translators or intermediaries in the recruiting process, the head swimming coach contended that the conversations between the student-athletes identified in the two findings and the prospects were not of the nature to constitute recruiting violations. The head swimming coach reported that the student-athletes did not make "friendly comments" to the prospects on the telephones and they did not recruit. The head swimming coach reported that the student-athletes simply explained the details of what was needed because the required documents were more complex than the recruits' ability to understand them from his English explanations. Even if the committee accepted the head swimming coach's explanation, NCAA Bylaw 13.1.2.2-(f) states unequivocally that student-athletes cannot be utilized as interpreters in the recruiting process. Further, NCAA Bylaw 13.02.5.2-(b), states that enrolled student-athletes shall not make or participate in telephone calls to prospects at the direction of the coaching staff member.

With specific reference to Finding II-J-4, arrangements made by assistant swimming coach 1 for a student-athlete to use the coach's cellular telephone to call a prospect from the site of the 1998 NCAA Division I Swimming Championship, assistant swimming coach 1 denied that this occurred. Assistant swimming coach 1 maintained that there was "no way" he contacted the prospective student-athlete in question at that time or permitted a student-athlete to use his cellular phone to telephone a prospect. In the final analysis, the committee found that the information reported by the student-athlete was very specific and was more credible than the denial by assistant swimming coach 1.

Therefore, a violation of NCAA Bylaws 13.02.5.2-(b) and 13.1.3.2.1 took place. As earlier stated, Bylaw 13.02.5.2-(b) precludes enrolled student-athletes from making or participating in telephone calls to prospects at the direction of coaching staff members. Bylaw 13.1.3.2.1 prohibits telephone calls to prospects during intercollegiate contests in which the institution is participating.

With specific reference to Finding II-J-5, requests by assistant swimming coach 3 for international student-athletes to telephone prospective student-athletes in other countries for recruiting purposes, once again, the committee accepted the university's conclusion that the facts of this finding and that violations of NCAA legislation occurred. Assistant swimming coach 3 agreed that he did ask athletes to e-mail their club coaches to help locate addresses and phone numbers of potential recruits, but he did not permit student-athletes to use athletics department telephones to call international prospects to speak to the prospects and evaluate their swimming times. Several student-athletes reported that they were asked to make recruiting calls and based upon their testimony and that of other student-athletes who witnessed coaches asking international student-athletes to make such telephone calls, the committee concluded that the facts as stated in the finding are an accurate reflection of what happened.

K. UNETHICAL CONDUCT. [NCAA Bylaws 10.01.1, 10.1-(c), 10.3-(e), and 19.01.2]

Between the 1996-97 and 1999-00 academic years, the head wrestling coach failed to deport himself in accordance with the generally recognized high standards of honesty normally associated with the conduct and administration of intercollegiate athletics and violated the provisions of ethical conduct in that the coach's involvement in the activities set forth in Findings II-A and II-C of this report demonstrate a knowing effort on his part to provide student-athletes with extra benefits by providing young men with financial assistance not administered by the institution and by failing to report a violation of NCAA gambling legislation to the appropriate institutional authority when he became aware of it.

Committee Rationale

Regarding Finding II-K, unethical conduct on the part of the head wrestling coach for his involvement in Findings II-A and II-C, the committee, the university and the enforcement staff were in agreement with the facts as set forth above and that violations of NCAA legislation occurred. The institution, however, could not conclude that the

application of NCAA Bylaw 10.01.1 was appropriate in this instance. Although, as previously indicated, the head wrestling coach did not submit a response to the allegations made against him, he publicly indicated that he is accountable for his actions.

The committee concluded that the head wrestling coach knowingly violated NCAA legislation in the conduct and operation of the institution's wrestling program. Moreover, the fact that he acknowledged his complicity in these violations but failed to provide his knowledge of these violations to athletics department administrators, violated the provisions of ethical conduct legislation.

L. FAILURE TO MONITOR. [NCAA Constitutions 2.1.1, 2.81 and 6.01.1]

The scope and nature of the violations in this finding demonstrate a lack of monitoring of the institution's swimming program. Specifically, the institution failed to adequately monitor the use of funds by coaches in the swimming program.

Committee Rationale

In reference to Finding II-L, failure to monitor, the committee concluded that the institution should have made more of an effort to monitor and control the use of funds by the swimming program. This was particularly evident in Findings II-D and II-E.

In Finding II-D, members of the swimming coaching staff provided cash in order to reimburse student-athletes for checks they provided to reimburse costs expended in conjunction with swimming competition that did not meet NCAA requirements. According to the head swimming coach, there was "commingling" of funds that were to be used for permissible outside competition. There appeared to be little, if any, effort on the part of the university to control and/or reconcile such funds.

Similarly, as seen in Finding II-E, coaches provided cash to student-athletes in exchange for having the student-athletes "voluntarily" reduce their university-administered, athletically related financial aid. Once again, it appeared to the committee that the university should have done a better job in monitoring, controlling and accounting for the cash that was used in this fashion.

The committee noted that the records provided to it in review of this case were often incomplete, poorly labeled and often undated. Further, some coaches were not

interviewed by the institution or the enforcement staff. These factors made it difficult for the committee to draw conclusions with regard to some of the allegations made in this case.

SECONDARY VIOLATIONS

[NCAA BYLAWS 13.2.1, 13.7.1, 16.02.3 and 17.1.5.2]

The following secondary violations of recruiting, extra benefit and practice limitation legislation occurred in the swimming program:

1. In the fall of 1999, while attending the U.S. Open swimming meet in San Antonio, Texas, the head swimming coach permitted a prospect to utilize his cellular telephone on approximately four occasions to telephone the Scholastic Assessment Test (SAT) 800 number and check on her SAT score.

2. On or about June 22-25, 2000, assistant swimming coach 4 provided automobile transportation to a prospect from the airport in San Jose, California, to a hotel and the swimming competition site.

3. In April 1996, at the site of the Australian Olympic Trials, assistant swimming coach 3 had an in-person, off-campus contact with a prospective student-athlete and her parents and another prospective student-athlete on the day of competition.

4. In June or July 1998, the head swimming coach had an in-person, off-campus contact with a prospective student-athlete during competition at the Spanish National Swimming meet where the head swimming coach discussed a plan for the prospect to take the TOEFL and enroll at the institution.

5. In the fall of 1999, assistant swimming coach 4 had an in-person, off-campus contact with a prospective student-athlete during competition at the World Cup swimming meet in Washington, D. C.

6. In April 2000, assistant swimming coach 4 exceeded the eight-hour weekly time limit for two student-athletes outside of the playing and practice season by one and two hours respectively.

7. On a number of occasions members of the coaching staff permitted international and domestic student-athletes to make personal long-distance telephone calls to their friends and families.

8. During the 1996-97 academic year, a member of the swimming coaching staff gave T-shirts and other apparel to student-athletes.

9. During the 2000-01 academic year, a member of the swimming coach gave T-shirts to the parents of a student-athlete when the student-athlete enrolled at the institution.

III. COMMITTEE ON INFRACTIONS PENALTIES.

For the reasons set forth in Parts I and II of this report, the Committee on Infractions found that this case involved several major violations of NCAA legislation.

A. CORRECTIVE ACTIONS TAKEN AND PENALTIES IMPOSED BY THE UNIVERSITY.

In determining the appropriate penalties to impose, the committee considered the institution's self-imposed corrective actions and penalties. Among the actions the university has taken or will take are as follows:

Wrestling

1. On April 18, 2000, the head wrestling coach resigned at the direction of the director of athletics.

2. In academic year 2000-01, the university reduced the team financial aid maximum equivalency by 1.46, resulting in total equivalences of 8.44. This reduction was .02 less than twice the amount of the financial aid overage that occurred in the 1996-97 academic year (.74) and was undertaken in one recruiting year despite the impact of such a reduction in a program with only 9.9 total equivalencies

3. The university has placed the wrestling program on a two year probation.

4. At the request of the university, the Big 12 Conference conducted a three-day rules education seminar in April 2001 and an on-campus comprehensive compliance review of the athletics department during the fall 2001 semester.

5. The faculty athletics representative distributed educational materials and conducted a session on Institutional Control and Ethical Conduct at the first monthly coaches compliance session of the 2000-01 and 2001-02 academic years and will conduct a similar session the first monthly coaches compliance session each academic year thereafter.

6. In addition to monthly compliance seminars required of all coaches, the newly hired head wrestling coach, the assistant wrestling coaches and the wrestling staff will receive material and additional training in NCAA rules.

7. The director of athletics has informed the newly hired head wrestling coach, the assistant wrestling coaches and the wrestling staff that, among other employment consequences, they are subject to salary penalties, including a freeze on salaries, should the wrestling program be the source of any further NCAA rules violations.

8. Any wrestling camp conducted will be subjected to a full financial audit, including a comprehensive review of employment records.

Swimming

1. The violations in men's swimming led to an overage of 1.02 equivalencies in academic year 1996-97 and an overage of 1.3 equivalencies in academic year 1998-99. As it did with wrestling, the university was prepared to assess its men's swimming and diving program a penalty of 2.30 equivalencies, or twice the total amount produced by the scholarship violations. With regard to the violations involving recruiting, the university was prepared to penalize the men's swimming program commensurate with the extent of the violations that occurred. These options ended when the men's swimming program was terminated on March 26, 2001, effective for the 2001-02 academic year.

2. The university has not discontinued its women's swimming program but

the impact on the program both from the infractions investigation and from discontinuance of men's swimming has been severe. The women swimmers lost Olympics-caliber coaches with whom they had established relationships. The women swimmers also suffered from the turmoil and media attention of the investigation. After discontinuance of men's swimming the women swimmers were encouraged to remain and compete at Nebraska but also were offered the opportunity to transfer should that be their decision. Most have now transferred. In consequence, the women's program has been decimated. At the current time there are no more than eight women swimmers and divers in the program and the projected equivalencies for academic year 2001-02 are 3.48. Among multiple other impacts, there is no possibility that the university will be able to compete in dual meets in the academic year 2001-02.

3. All four swimming coaches were suspended by September 27, 2000, and none are employed by the university.

4. The university has placed the women's swimming program on a two-year probation. The probation will entail (or has entailed) the following:

   (a) In addition to the mandatory monthly coach rules compliance instructional sessions, the new head swimming coach and assistants will receive material and additional training in NCAA rules.

   (b) The director of athletics will inform the new head swimming coach and assistants that, among other employment consequences, they are subject to salary penalties, including a freeze on salaries, should the swimming program be the source of any further NCAA rules violations.

5. In academic year 2001-02 the university limited itself to one fewer recruiting contact (two rather than three) and one fewer evaluation (six rather than seven) for all prospects recruited.

6. In academic year 2001-02 all swimming and diving coaches are prohibited from attending the Santa Clara meet.

7. The university has instituted new procedures to handle student-athlete payments in conjunction with self-reports of extra benefits and requests

for student-athlete reinstatement of eligibility. The compliance staff now administers this process. A student-athlete is required to provide check or cash to a compliance officer. In addition, the student-athlete at the time of repayment is informed specifically of the reason for payment, including discussion of the NCAA bylaw that was violated and NCAA rules regarding extra benefits and other relevant bylaws. Further, in any circumstance in which a student-athlete must make a substantial payment, the compliance staff is to report this information to the faculty athletics representative in advance of meeting with the student-athlete. A particular inquiry then will be conducted with regard to the source of the funds used to make the payment.

8. The university has instituted enhanced procedures to handle meal and other authorized expense money provided student-athletes on trips and for holidays. Prior to a trip a coach must provide a travel roster of student-athletes and staff who will be on the trip. All student-athletes on all teams will receive trip meal money equivalent to $30 per day. Student-athletes continue to be required to sign a sheet when receiving meal money. The form now will show the amount of meal money distributed to each student-athlete. After the trip a coach must file a report with regard to distribution of meal money and other expenses.

9. Beginning immediately, a process will be implemented to monitor semester grant-in-aid awards. Before any change in grant-in-aid from semester to semester can take effect, whether decrease, increase or withdrawal, the director of athletics must approve the change in writing. The procedure will require prior notice to the faculty athletics representative and the associate director of athletics with compliance oversight responsibilities before any such change is effective. In addition, the faculty athletics representative annually will review all such semester grant-in-aid changes both for the current academic year and cumulatively.

10. New polices and procedures are being implemented with regard to use of university phones or calling cards. First, current policy as a general matter prohibits use of university phones for personal long-distance calls and requires that any such all be identified and that the university be reimbursed. The athletics department will continue this policy. Second, current practice of random and periodic audits of phone records, office, cellular and calling card, will be enhanced to assure compliance with NCAA and conference legislation. Third, an access code system for long-

distance calls will be implemented on all coach, secretary and other staff office or work phones. Fourth, the annual coaches certification form will be augmented to include a statement that student-athlete use of university (or personal coach) phones is a prohibited extra benefit that the coach certifies will not be permitted. Fifth, applicable rules and procedures in place for use of phones will govern student-athlete use of faxes (sent or received).

11. New budget procedures are being implemented to reinforce prior practice and specify that funds remaining from a cash draw will be returned to the business office and not held for a subsequent trip and that in no case may there be commingling of team trips funds with recruiting trip funds. These procedures also will specify that coaches who fail to follow rules regarding cash draws will be prohibited from taking them.

12. At a meeting attended by all coaches, the associate athletics director with compliance oversight responsibilities and the faculty athletics representative reviewed the university's self-report in wrestling and swimming allegation by allegation. Relevant NCAA bylaws were discussed. At these sessions the director of athletics reiterated that rules violations will not be tolerated.

General Compliance Procedures

1. There has been a reorganization of athletics department lines of administrative responsibility to assure closer scrutiny of business practices from the perspective of rules compliance. The associate director of athletics has been elevated to the senior athletics director of internal operations and is the person to whom both business and compliance sides now will report.

2. The athletics department is in the process of hiring an assistant director of athletics for business and finance. This individual will report directly to the associate athletics director with compliance oversight responsibilities.

3. Monthly NCAA rules compliance instructional sessions for coaches are continuing. These sessions already were mandatory and attendance was taken. Absences unrelated to team or recruiting travel are logged. Participation in these sessions now is a formal part of all coach annual performance evaluations and relevant to personnel issues such as salary.

4. NCAA monthly rules compliance instructional sessions for all staff are continuing and will be increased. Greater attention will be paid to recruiting, financial aid and extra benefit legislation as well as the obligation of all staff to report potential violations either to compliance staff or to the faculty athletics representative. In addition, all staff will continue to be encouraged to attend the monthly coaches instructional sessions.

5. Although the university provides coaches with continuing instruction and information with regard to recruiting, financial aid and extra benefit legislation and has no doubt that all coaches already understand these requirements, particularly as they pertain to major violations such as those committed in the men's and women's swimming program, the university nonetheless has focused increased attention on rules education related to financial aid, recruiting and extra benefit legislation both in mandatory rules compliance instructional sessions and in the Compliance Department's Policy and Procedures Manual.

6. Currently, all student-athletes annually receive NCAA rules instruction at the beginning of an academic year and at mid-year for mid-year admits. A process was initiated to provide greater NCAA rules awareness to student-athletes. In particular, the compliance staff and faculty athletics representative periodically will highlight and discuss particular rules at Student Athlete Advisory Board (SAAB) and other student-athlete meetings with special attention paid to financial aid and extra benefit legislation.

7. Currently all student-athletes who have exhausted eligibility are provided exit interview questionnaires. The process requires review of these responses by the senior woman administrator and the associate athletics director with compliance oversight. The faculty athletics representative also periodically reviewed responses. Beginning with the academic year 2000-01, the process requires review of responses by the faculty athletics representative. The faculty athletics representative also is initiating a process to supplement written responses with in-person interviews of a random sample of student-athletes.

8. Currently the faculty athletics representative and at least one additional member of the Intercollegiate Athletics Committee, as well as the athletics

director, senior woman administrator and other athletics department staff, attend SAAB meetings. The president of SAAB attends all meetings of athletics department senior staff. These formal interactions will continue. The athletics director also attempts on a periodic and informal basis to lunch in the dining hall with student-athletes. The faculty athletics representative is initiating a process to create opportunities for periodic and informal interaction between her and student-athletes. These likely will include increased travel with teams.

9. Currently compliance staff maintains logs on the types, number and locus (team, coach, etc.) of secondary violations self-reported on an annual basis. The faculty athletics representative periodically and at least once annually will review these logs to determine if there is a pattern of particular violations or violators, to assure that rules instructional sessions are targeted to violations that are uncovered and to assure other action is undertaken as appropriate.

10. The Big 12 Conference conducted a compliance audit the week of October 27, 2001. Findings and recommendations were reported to both the athletics director and the faculty athletics representative.

11. Current coach contracts contain language with regard to their obligations to comply with NCAA and Big 12 Conference rules. All new head, associate head and assistant coaches contracts will state with greater specificity their responsibilities for rules compliance, including an obligation to report potential violations committed by others. The contract for head coaches also will state explicitly that a head coach is responsible for rules compliance both for himself/herself and for associate head, assistant coaches, administrative assistants and similarly that an associate head coach is responsible for rules compliance by those for whom the coach has line reporting responsibility. The university general counsel will make an effort to negotiate these clauses for inclusion in all existing contracts at least at the time of renewal.

B. ADDITIONAL PENALTIES IMPOSED BY THE COMMITTEE ON INFRACTIONS.

The Committee on Infractions agreed with and approved of the actions taken by the university, but it imposed additional penalties because of the serious nature of

the violations in the case, including the involvement of the former head coaches in two sports in the violations and lack of monitoring.

The committee chose not to impose all of the presumptive penalties permitted under Bylaw 19.6.2.1. The committee made this decision not to impose all of the presumptive penalties because of the actions taken by the university to institute appropriate corrective measures and to self-impose meaningful penalties upon its wrestling and swimming programs. In the sport of wrestling, the university imposed significant grant cuts outlined in paragraph III-A. In the involved sports of men's and women's swimming, all the involved coaches were suspended and none are currently employed by the university. The university discontinued its men's swimming program and as a result of its corrective actions, the women's swimming program has been impacted to the extent that the university is not participating in any dual (women's) swimming meets during the current academic years. Further, any scholarship cuts would be meaningless as the university is operating its women's swimming program substantially below NCAA scholarship limits. The additional penalties imposed by the committee are as follows:

1. Public reprimand and censure.

2. Two years of probation from January 23, 2002.

3. The former head wrestling coach will be informed in writing by the NCAA that, due to his involvement in certain violations of NCAA legislation found in this case, if he seeks employment or affiliation in an athletically related position at an NCAA member institution during a three year period (January 23, 2002, to January 22, 2005), he and any involved institution shall be requested to appear before the Committee on Infractions to consider whether the member institution(s) should be subject to the show-cause procedures of Bylaw 19.6.2.2-(l), which could limit athletically related duties of the former head wrestling coach at any such institution for a designated period.

4. During this period of probation, the institution shall:

    a. Continue to develop and implement a comprehensive educational program on NCAA legislation, including seminars and testing, to instruct the coaches, the faculty athletics representative, all athletics department personnel and all university staff members

with responsibility for the certification of student-athletes for admission, retention, financial aid or competition;

b. Submit a preliminary report to the director of the NCAA infractions committees by March 15, 2002, setting forth a schedule for establishing this compliance and educational program; and

c. File with the committee's director annual compliance reports indicating the progress made with this program by November 15 of each year during the probationary period. Particular emphasis should be placed on proper accounting procedures and control of funds used in conjunction with competition. The reports must also include documentation of the university's compliance with the penalties (adopted and) imposed by the committee.

5. At the conclusion of the probationary period, the university's president shall provide a letter to the committee affirming that the university's current athletics policies and practices conform to all requirements of NCAA regulations.

As required by NCAA legislation for any institution involved in a major infractions case, the University of Nebraska, Lincoln, shall be subject to the provisions of NCAA Bylaw 19.6.2.3, concerning repeat violators, for a five-year period beginning on the effective date of the penalties in this case, January 23, 2002.

Should Nebraska appeal either the findings of violations or penalties in this case to the NCAA Infractions Appeals Committee, the Committee on Infractions will submit a response to the members of the appeals committee. This response may include additional information in accordance with Bylaw 32.10.5. A copy of the report would be provided to the institution prior to the institution's appearance before the appeals committee.

The Committee on Infractions wishes to advise the institution that it should take every precaution to ensure that the terms of the penalties are observed. The committee will monitor the penalties during their effective periods and any action contrary to the terms of any of the penalties or any additional violations shall be considered grounds for extending the institution's probationary period, as well as imposing more severe sanctions in this case.

Should any portion of any of the penalties in this case be set aside for any reason other than by appropriate action of the Association, the penalties shall be reconsidered by the Committee on Infractions. Should any actions by NCAA legislative bodies directly or indirectly modify any provision of these penalties or the effect of the penalties, the committee reserves the right to review and reconsider the penalties.

NCAA COMMITTEE ON INFRACTIONS

Paul Dee
Frederick Lacey
Gene Marsh
Andrea Myers
James Park Jr.
Thomas Yeager, chair

APPENDIX

CASE CHRONOLOGY.

2000

- March 19 – A former student-athlete provided information to the associate director of athletics indicating that he received money in lieu of financial aid from the head wrestling coach.

- March 20 – The institution's faculty athletics representative and director of athletics were informed of the allegation by the associate director of athletics and it was decided to make the NCAA enforcement staff aware of the information and to investigate the allegations.

- May 1 – The institution completed the investigation of the wrestling program.

- July 5 – The institution sent the results of its investigation to the enforcement staff.

- August 21 – The enforcement staff sent the institution's chancellor a letter of preliminary inquiry regarding the wrestling program.

- August 22 – The enforcement staff sent the institution's chancellor and the former head wrestling coach a letter of official inquiry regarding the wrestling program.

- October 6 – The institution's chancellor notified the enforcement staff that the institution discovered violations in its swimming program and it was decided to consolidate the cases.

- December 11 – The institution submitted its written response to the enforcement staff's August letter concerning the wrestling program.

- December 13 – The institution submitted the results of its investigation into the swimming program to the enforcement staff.

2001

- January 31- February 1 – The enforcement staff sent the institution's chancellor and four former swimming coaches a letter of official inquiry regarding the swimming program.
- March 26 – The university announced the termination of the men's swimming program effective beginning with the 2001-02 academic year.
- June 11 – The institution submitted its written response to the letter of official inquiry regarding the swimming program.
- June 14 – A former associate head swimming coach submitted her written response to the letter of official inquiry.
- June 18 – A former associate head swimming coach and a former assistant swimming coach submitted their written responses to the letter of official inquiry.
- June 25 – The former head swimming coach submitted his written response to the letter of official inquiry.
- August 16 – The enforcement staff and legal counsel representing a former associate head swimming coach conducted a prehearing conference by telephone.
- August 16 – The enforcement staff sent two former assistant swimming coaches a supplemental letter of inquiry.
- August 29 – The enforcement staff and the institution conducted a prehearing conference.
- September 7 – The enforcement staff and assistant swimming coach 3 conducted a prehearing conference by telephone.

2002

- January 23 – Infractions Report No. 189 is released.