

MEMORANDUM REGARDING UNIVERSITY OF IOWA BASKETBALL PROGRAM

1. [NCAA Constitution 2.3, and Bylaws 10.01 and 11.1.1]

It is alleged that Iowa men's assistant basketball coach, Bruce Pearl, acted contrary to the principles of ethical conduct inasmuch as he did not, on all occasions, deport himself in accordance with the generally recognized high standards of honesty and sportsmanship normally associated with the conduct and administration of intercollegiate athletics in that, without the consent of the individuals, he covertly tape-recorded telephone calls, with the intent of using said tape recordings in an effort to recruit then prospective student-athlete, Deon Thomas, to the University of Iowa. Further, that said improper tape recordings occurred on April 3, April 6, April 9, and in early to mid-July, all in the calendar year 1989. Said covert tape recordings included telephone conversations with Renaldo Kyles (a friend of Deon Thomas), Deon Thomas himself, Derron Heard (Deon Thomas' younger brother), the University of Minnesota men's basketball office and Joanna Johnson (Deon Thomas' mother).

The University of Iowa should be required to indicate whether this information is substantially correct and whether the institution agrees a violation of NCAA legislation occurred.

The University of Iowa should be required to provide the reasons Bruce Pearl engaged in this conduct in light of NCAA legislation to the contrary.

2. [NCAA Bylaw 13.4.1]

It is alleged that on one occasion, while recruiting then prospective student-athlete, Deon Thomas (Simeon High School, Chicago, Illinois), Iowa men's assistant basketball coach Bruce Pearl provided a university-produced basketball highlight videotape at no cost to Thomas.

The University of Iowa should be required to indicate whether this information is substantially correct and whether this information agrees a violation of NCAA legislation occurred.

The University of Iowa should be required to provide the date assistant coach Pearl gave this tape to Thomas, together with information regarding the cost and source of production of the tape, the names of all prospective student-athletes who were provided this tape, and the method utilized by the University of Iowa to regulate the distribution and return of its men's basketball recruiting videotape.

The University of Iowa should be required to provide the reasons assistant coach Pearl engaged in this conduct in light of NCAA legislation to the contrary.

3. [NCAA Bylaws 13.2.1, 13.2.2, 13.4.1.1, 13.5.1, 13.5.2.8]

It is alleged that during 1989, while recruiting then prospective student-athlete Deon Thomas (Simeon High School, Chicago, Illinois), Iowa men's assistant basketball coach, Bruce Pearl, provided recruiting inducements specifically prohibited by NCAA legislation to Deon Thomas and his friends. Specifically, when the Simeon basketball team went to Amsterdam, the Netherlands, in March of 1989, Bruce Pearl also went to Amsterdam, the Netherlands and while in Amsterdam, the Netherlands, gave Deon Thomas \$100 cash, a videotape recording depicting a "fantasy", (depicting Deon Thomas playing basketball and attending the University of Iowa), and Nike stockings. Assistant coach Pearl also gave to Thomas' high school teammates stockings, and purchased food at McDonalds for Thomas and his high school teammates. Assistant coach Pearl also gave Iowa t-shirts to a host family in the Amsterdam, the Netherlands area. Assistant coach Pearl also provided transportation to Thomas and his high school teammates around the Amsterdam, the Netherlands area, including a trip through the "red light" district and to the McDonalds restaurant where assistant coach Pearl bought them food.

The University of Iowa should be required to indicate whether this information is substantially correct and whether the Institution agrees a violation of NCAA legislation occurred.

The University of Iowa should also be required to provide the "fantasy" videotape referred to herein and to demonstrate where Iowa t-shirts given out by coach Pearl came from, as well as the source of the Nike stockings that were used by coach Pearl as gifts. The University of Iowa should also be required to provide all receipts and vouchers prepared and submitted by or on behalf of assistant coach Pearl in connection with this Amsterdam, the Netherlands trip. The University of Iowa should be required to submit a list of all items given to Deon Thomas and his friends during the University of Iowa's recruitment of Thomas.

The University of Iowa should be required to provide the reasons assistant coach Pearl provided these recruitment inducements in light of NCAA legislation prohibiting them.

4. [NCAA Bylaws 13.2.1, 13.1.2(c), 13.1.2.5(a), 13.1.2.9.2]

It is alleged that from January through April of 1989, Renaldo Kyles was acting as a representative of the athletic interests of the University of Iowa and that Renaldo Kyles, a representative of the athletic interests of the University of Iowa, provided improper recruiting inducements in that Iowa men's assistant basketball coach, Bruce Pearl, who was monitoring Deon Thomas' activities, including his recruitment by the University of Illinois, made arrangements to leave tickets at the Iowa v. Northwestern basketball game in February, 1989, played in Evanston, Illinois, whereby Kyles would pay for and pick up tickets to the game to be attended by Kyles and Deon Thomas. Further, that at that game, Kyles provided Deon Thomas with an Iowa baseball-type hat to wear when sitting near the Iowa bench. At Pearl's request, Kyles was directed to provide transportation to Deon Thomas on a daily basis and to report to Pearl, Thomas' activities by telephone. Pearl and Kyles made arrangements for Thomas' expected official visit to the University of Iowa on the weekend of April 7-9, 1989, in advance of that weekend arrangements were made for Kyles to accompany Thomas while on campus at Iowa City, Iowa during that weekend. When Thomas did not come to the University of Iowa that weekend, the University of Iowa paid living expenses and made living arrangements for Renaldo Kyles who stayed with University of Iowa men's basketball players and further, was provided access to a telephone where, at no cost to himself, Kyles was permitted to call Deon Thomas at Thomas' home in Chicago. Kyles was further taken on a tour of Iowa basketball facilities and provided meals, entertainment and lodging by Iowa men's basketball players.

The University of Iowa should be required to indicate whether this information is substantially correct and whether the Institution agrees a violation of NCAA legislation occurred.

The University of Iowa should be required to provide reasons for this conduct in light of NCAA legislation to the contrary.

5. [NCAA Bylaw 13.1.1.1]

It alleged that in September, 1988, Iowa assistant men's basketball coach, Bruce Pearl, made an in person, off campus recruiting contact with Renaldo Kyles, (Simeon High School, Chicago, Illinois) in the young man's high school; further, this contact occurred prior to the completion of the young man's junior year in high school. In a letter dated January 19, 1989, Assistant Coach Pearl identified Kyles as a recruit and later provided meals and

entertainment for the young man as a prospect, the weekend of April 7-9 at the campus of the University of Iowa in Iowa City, Iowa.

The University of Iowa should be required to indicate whether this information is substantially correct and whether the Institution agrees that violation of NCAA legislation occurred.

The University of Iowa should be required to provide the dates of all visits by Bruce Pearl to Simeon High School and to Renaldo Kyles during the 1988-89 academic year and further, the reasons Bruce Pearl made contacts with Renaldo Kyles in light of NCAA legislation prohibiting such contact.

6. [NCAA Bylaws 13.01.2, 13.02.10, 13.2.2(a) and 13.2.2(f)]

It is alleged that during the spring of 1989 a representative of the athletic interests of the University of Iowa, David "Deacon" Jones, at the request, or with the knowledge of Iowa men's assistant basketball coach, Bruce Pearl, provided employment in the financial aid office of Harold Washington College, Chicago, Illinois, to Joanna Johnson, the mother of then prospective student-athlete, Deon Thomas, who was then being recruited by assistant coach Pearl. Joanna Johnson was employed for a period from February, 1989 through April, 1989 and after Deon Thomas signed a national letter of intent to attend another institution, was no longer employed at Harold Washington College. Additionally, Coach Pearl and another man known only as "Harry" entertained Joanna Johnson and Patricia Park Burch, (a relative of prospective student-athlete, Deon Thomas) at a Chicago hotel, buying them drinks, following a high school athletic contest in Chicago, during the spring of 1989.

The University of Iowa should be required to indicate whether this information is substantially correct and whether the institution believes a violation of NCAA legislation occurred.

The University of Iowa should be required to provide assistant Coach Pearl's recruiting calendar and the identity of all the individuals in the Chicago area that he utilized to assist him in the recruitment of Deon Thomas, including the identification of the person known as "Harry".

The University of Iowa should be required to provide reasons for this conduct in light of NCAA legislation to the contrary.

7. [NCAA Bylaws 13.1.2.1 and 13.1.5.2(c)]

It is alleged that in March, 1989, Iowa men's assistant basketball coach, Bruce Pearl, traveled to Amsterdam, the Netherlands, where he made contact on at least two separate occasions with prospective student-athlete, Deon Thomas (Simeon High School, Chicago, Illinois) at the site of an athletic competition, namely a Simeon High School exhibition basketball game with a foreign team, when such travel out of the continental United States for recruiting purposes is not expressly permitted by NCAA legislation, and which such contacts by Bruce Pearl occurred at an improper site for contact and prior to the completion of a series of exhibition games being played by the Simeon High School basketball team.

The University of Iowa should be required to indicate whether this information is substantially correct and whether the Institution believes a violation of NCAA legislation occurred.

The University of Iowa should be required to itemize the activities of Bruce Pearl and the total number of contacts with Deon Thomas throughout the recruitment process, including the trip to Amsterdam, the Netherlands.

The University of Iowa should be required to provide reasons for this conduct in light of NCAA legislation to the contrary.

8. [NCAA Bylaws 13.2.1 and 13.2.2(h)]

It is alleged that Iowa men's assistant basketball coach, Bruce Pearl, during the winter of 1988-89, while recruiting prospective student-athlete, Deon Thomas (Simeon High School, Chicago, Illinois) offered to provide financial assistance to Thomas' grandmother, Bernice McGary in the form of repairs to her home in Chicago, Illinois. Further, in a taped telephone call with Joanna Johnson, the mother of Deon Thomas, Mrs. Johnson repeated to assistant coach Pearl that Mrs. McGary had asserted assistant coach Pearl's offer to repair Mrs. McGary's house and assistant coach Pearl did not deny that conversation.

It is further alleged that during the same time period (winter of 1988-89), assistant coach Pearl told Joanna Johnson, the mother of then prospective student-athlete, Deon Thomas who assistant coach Pearl was then recruiting, that the University of Iowa would move Mrs. Johnson and her family to Iowa City, Iowa, if Thomas would agree to enroll at the University of Iowa.

The University of Iowa should be required to indicate whether this information is substantially correct and whether the Institution believes a violation of NCAA legislation occurred.

The University of Iowa should be required to provide a transcript of the tape recording and the tape of the telephone conversation with Joanna Johnson as set forth herein.

The University of Iowa should be required to provide reasons for this conduct in light of NCAA legislation to the contrary.

9. [NCAA Bylaw 13.2.1]

It is alleged that Iowa men's assistant basketball Coach, Bruce Pearl, offered a scholarship to attend the University of Iowa to Renaldo Kyles, a friend of then prospective student-athlete, Deon Thomas (Simeon High School, Chicago, Illinois) during the academic year of 1988-89, when Kyles was enrolled as a junior at Simeon High School, Chicago, Illinois. Specifically, in a letter written by assistant coach Pearl to Kyles on January 19, 1989, assistant coach Pearl acknowledged that while Renaldo Kyles was a junior, assistant coach Pearl wanted to familiarize Kyles with the recruiting process for scholarship aid to Iowa for the next (Kyles' senior) year. Further, assistant coach Pearl, in telephone calls told Kyles that the University of Iowa would provide Kyles with a Manager's Scholarship to attend the University of Iowa in the event that Deon Thomas would enroll at the University of Iowa, commencing with the 1989-90 academic year.

The University of Iowa should be required to indicate whether this information is substantially correct and whether the Institution believes a violation of NCAA legislation occurred.

The University of Iowa should be required to provide copies of any and all recruiting correspondence between its athletic staff and Renaldo Kyles, including correspondence received from Renaldo Kyles. The University of Iowa Athletic Department should be required to provide all telephone records of all athletic staff members who had contact with Renaldo Kyles.

The University of Iowa should be required to provide reasons for this conduct in light of NCAA legislation to the contrary.

10. [NCAA Bylaws 10.01.1, 10.1(c) and 10.1(d)]

It is alleged that Iowa men's assistant basketball coach, Bruce Pearl, acted contrary to the principles of ethical conduct inasmuch as he did not, on all occasions, deport himself in accordance with the generally recognized high standards of honesty normally associated with the conduct and administration of intercollegiate athletics, due to his involvement in the alleged violations in this inquiry; further, assistant coach Pearl knowingly provided false and misleading information to the NCAA enforcement staff and investigators from the University of Illinois, by failing to be forthcoming concerning his involvement in or knowledge of matters relevant to violations of NCAA rules and regulations regarding the recruitment of then prospective student-athlete, Deon Thomas, (Simeon High School, Chicago, Illinois) as set forth herein.

The University of Iowa should be required to indicate whether this information is substantially correct and whether the Institution believes a violation of NCAA legislation occurred.

The University of Iowa should be required to provide reasons for this conduct in light of NCAA legislation to the contrary.

11. [NCAA Bylaw 11.02.4]

It is alleged that during the time period from November, 1988 through August, 1989, an Iowa graduate assistant in the men's basketball program made long distance telephone calls to NCAA compliance officer, John Hart, on Iowa Athletic Department phone lines. It is believed that those phone calls were personal in nature and that the use of athletic phone lines for that purpose constitutes compensation or remuneration in excess of the value of a full grant-in-aid for a full time student.

The University of Iowa should be required to indicate whether this information is substantially correct and whether the Institution believes a violation of NCAA legislation occurred.

The University of Iowa should be required to identify all graduate assistants in their men's basketball program and provide a copy of all telephone billing records for the period of time from September, 1988 through May of 1990. The University of Iowa should be required to state the purpose of telephone calls between representatives of its athletic departments and representatives of the NCAA and any of its departments or divisions during this period of time, identifying whether such telephone calls were personal or

business purposes and whether the University of Iowa received reimbursement for personal telephone calls as set forth herein.

The University of Iowa should be required to provide reasons for this conduct in light of NCAA legislation to the contrary.

12. [NCAA Constitution 2.1, 2.5.1 and 6.01 and Bylaws 16.12.2.1 and 16.12.2.2.1]

It is alleged that from the fall of 1988 to the fall of 1989, the University of Iowa, and its athletic department staff members failed to exercise appropriate institutional control over the men's basketball program in that, all of the allegations set forth herein occurred, and further, in a strategy memo drafted by Iowa men's assistant basketball coach, Bruce Pearl, it was declared that the University of Iowa should use the NCAA enforcement process against the University of Illinois to be able to recruit then prospective student-athlete, Deon Thomas (Simeon High School, Chicago, Illinois) to attend the University of Iowa, notwithstanding Thomas' signing a national letter of intent to attend the University of Illinois in April, 1989.

It is further alleged that assistant coach Pearl, Iowa head basketball coach, Tom Davis, Iowa athletic director, Chalmers "Bump" Elliot, and other Iowa athletic department staff members, met to discuss the "strategy memo", finally concluding that the University of Iowa did not believe the allegations to be set forth by assistant coach Pearl and that they would not permit assistant coach Pearl on behalf of the Institution to make such allegations.

It is further alleged that during the period April 1989 to July 1989, athletics department staff members did not exercise appropriate institutional control in monitoring the attempts of men's assistant basketball coach Bruce Pearl to covertly tape-record telephone calls of individuals without their consent in that the Institution permitted Pearl to proceed with these tapings despite being advised of Pearl's intent to covertly tape prospective student-athlete Deon Thomas; further, Assistant Director of Athletics, Fred Mims instructed Pearl to first make sure it was legal for him to tape-record a conversation without the other party's consent; finally, Mims provided the mechanical equipment Pearl used in making covert non-consensual tape recorded telephone conversations, without ensuring that Pearl had checked the legality of his intended actions.

The University of Iowa should be required to indicate whether this information is substantially correct and whether the Institution believes a violation of NCAA legislation occurred.

The University of Iowa should be required to submit any and all memorandums prepared by assistant coach Pearl and reviewed and discussed by the Iowa Athletic Department as alleged herein. The University of Iowa should be required to provide a summary of all conversations between assistant coach Pearl and other members of its Athletic Department regarding Pearl's "strategy memo", including the dates and locations. The University of Iowa should also be required to produce the covert, non-consensual tape recording referred to herein, transcripts of the said tape recorded telephone conversations and the wire tapping equipment furnished to assistant coach Pearl used to make the tape recording.

The University of Iowa should be required to provide reasons for this conduct in light of NCAA legislation to the contrary.

13.

The University of Iowa should be required to provide all information concerning possible violations of NCAA legislation by the Institution not alleged in this memorandum, but that have been discovered by the Institution as a result of its review of allegations in this inquiry. In this regard, the University of Iowa should be required to indicate the means by which the information has been discovered, the Institution's position of whether a violation has occurred, and the restoration of any eligibility that may have been effected.

14.

The University of Iowa should be required to provide a detailed description and explanation of all disciplinary actions taken against any current or former athletic department staff members and representatives of the Institution's athletic interest based upon the involvement of these individuals in violations of NCAA legislation, as determined by the Institution, based on a review of this Memorandum. In this regard, the Institution would be required to explain the reasons why the actions that have been taken have been judged to be appropriate, and further should be required to identify the allegations upon which the actions were based, also indicating the dates that any disciplinary or corrective actions were taken, and further submitting copies of any and all correspondence from the Institution to each individual described in the disciplinary or corrective actions.