

## NOTICE OF ALLEGATIONS

to the

President of Louisiana State University

### **A. Processing Level of Case.**

Based on the information contained within the following allegations, the Complex Case Unit (“CCU”) believes this case should be reviewed by a hearing panel of the Independent Accountability Resolution Process (“IARP”) pursuant to procedures applicable to a severe breach of conduct (Level I violation).<sup>1</sup>

### **B. Allegations.**

1. [NCAA Division I Manual Bylaws 16.11.2.1 (2011-12 through 2016-17); 14.11.1 and 16.8.1.2 (2011-12 through 2012-13); 14.10.1 (2013-14); 12.11.1 (2014-15) and 16.8.1 (2013-14 through 2014-15)]

It is alleged that, from February 2012<sup>2</sup> to January 2017, John Paul Funes (Funes), a representative of the institution's athletics interests, provided impermissible benefits in the form of arranging employment for the parents of a then football student-athlete and subsequently compensating the father for unperformed work. The value of the impermissible benefits is approximately \$180,150. Specifically, Funes met with the parents of the then football student-athlete in late 2012 or early 2013 and offered to employ the mother at Our Lady of the Lake hospital system and the father at Our Lady of the Lake Foundation in Baton Rouge, Louisiana. Funes arranged for the father to be paid \$3,150 on February 16, 2012, followed by recurring monthly payments of \$3,000 as a retainer from the Foundation. Funes continued this arrangement with the father for nearly five years, although the father worked no more than five events. As a result of the impermissible benefits, the then football student-athlete competed in fifty contests and received actual and necessary expenses while ineligible.

---

<sup>1</sup> Pursuant to NCAA Bylaw 19.7.7.1 of the 2021-22 NCAA Division I Manual, if violations from multiple levels are identified in the notice of allegations, the case shall be processed pursuant to procedures applicable to the most serious violation(s) alleged.

<sup>2</sup> While some of the conduct alleged in Allegation No. 1 occurred as early as 2012, the institution did not become aware of and report these issues to the NCAA until November 2018. The conduct described in Allegation No. 1 indicates a pattern of willful violations on the part of the individuals involved. Further, this conduct began before but continued into the four-year period, and the alleged conduct also indicates a blatant disregard for the NCAA’s Bylaws. For these reasons, the conduct occurring in 2012 is not barred by the four-year period of limitations contained in NCAA Bylaw 19.11.4.8. [NCAA Bylaw 19.11.4.8-(b) and (c)]

## NOTICE OF ALLEGATIONS

Case No. 00909

March 7, 2022

Page No. 2

### **Level of Allegation No. 1:**

The CCU believes a hearing panel of the IARP could conclude that Allegation No. 1 is a severe breach of conduct (Level I) because the violations (a) provided or were intended to provide a substantial or extensive recruiting, competitive or other advantage, (b) provided or were intended to provide a substantial or extensive impermissible benefit and (c) seriously undermined or threatened the integrity of the NCAA Collegiate Model. [NCAA Bylaw 19.1.1 (2019-20)]

### **Involved Individual(s):**

None.

#### **2. [NCAA Division I Manual Bylaw 16.11.2.1 (2019-20)]**

It is alleged that, in January 2020, Odell Beckham, Jr. (Beckham), a representative of the institution's athletics interests and former football student-athlete, provided approximately \$2,000 in impermissible benefits to four student-athletes following the January 13, 2020, College Football Playoff National Championship game. Specifically, Beckham provided \$800 and \$500 in cash to student-athletes 1 and 2, respectively, while on the field immediately following the game. In addition, that same night, at a club in New Orleans, Beckham provided student-athletes 3 and 4 with \$500 and \$200 in cash, respectively.

### **Level of Allegation No. 2:**

The CCU believes a hearing panel of the IARP could conclude that Allegation No. 2 is a significant breach of conduct (Level II) because the violations (a) were not isolated or limited, (b) provided or were intended to provide more than a minimal but less than a substantial or extensive competitive or other advantage, (c) provided or were intended to provide more than a minimal but less than a substantial or extensive impermissible benefit and (d) seriously undermined or threatened the integrity of the NCAA Collegiate model. [NCAA Bylaw 19.1.1 (2019-20)]

### **Involved Individual(s):**

None.

#### **3. [NCAA Division I Manual Bylaws 13.01.2 and 13.1.1.1 (2018-19)]**

It is alleged that, in January 2019 during an evaluation period, the then head football coach had an impermissible recruiting contact with a football prospective student-athlete. Specifically, on January 17, 2019, the then head football coach met with a 2020 prospective football student-athlete in the office of the prospect's high school coach. The meeting occurred prior to July 1 following the prospect's completion of his junior year, in violation of NCAA Bylaws. The then head football coach engaged in dialogue in excess of a greeting and did not take appropriate steps to immediately terminate the encounter when he

## NOTICE OF ALLEGATIONS

Case No. 00909

March 7, 2022

Page No. 3

discussed recruiting with the high school coaches in the presence of the prospect and invited the prospect to the institution's Junior Day.

### **Level of Allegation No. 3:**

The CCU believes a hearing panel of the IARP could conclude that Allegation No. 3 is a breach of conduct (Level III) because the violation (a) was isolated and limited and (b) provided no more than a minimal recruiting advantage. [NCAA Bylaw 19.1.3 (2019-20)]

### **Involved Individual(s):**

None.

4. [NCAA Division I Manual Bylaws 10.01.1, 10.1, 13.2.1, 13.2.1.1-(a), 13.2.1.1-(e) (2016-17)]

It is alleged that, between at least April and June 2017, Will Wade (Wade), head men's basketball coach, violated the principles of ethical conduct and/or offered impermissible recruiting inducements in the form of cash payments and job offers in order to secure prospective student-athlete [REDACTED] commitment to the LSU men's basketball program.<sup>3</sup> Specifically, Wade offered cash and a job as an assistant coach to [REDACTED], a person closely associated with [REDACTED].

Additionally, during this same time period, Wade engaged in a scheme with convicted felon Christian Dawkins wherein college basketball coaches accepted money to recruit student athletes in exchange for steering the athletes to a certain sports agency. A conversation between Wade and Dawkins regarding [REDACTED] was captured in or about May or June 2017 by the FBI on a wiretap related to the federal criminal trial in the Southern District of New York. On March 19, 2019, Yahoo Sports released partial transcripts of this 2017 wiretapped conversation in which Wade told Dawkins that he was frustrated by the "Smart thing" because he "went to him with a f\*\*\*\*\*g strong-ass offer about a month ago. F\*\*\*\*\*g strong. The problem was, I know why he didn't take it now, it was f\*\*\*\*\*g tilted toward the family a little bit. It was tilted toward taking care of the mom, taking care of the kid. Like it was tilted toward that. Now I know for a fact he didn't explain everything to the mom. I know now, he didn't get enough of the piece of the pie in the deal."

### **Level of Allegation No. 4:**

The CCU believes the hearing panel of the IARP could conclude that Allegation No. 4 is a severe breach of conduct (Level I) because the violations (a) provided or were intended to provide substantial or extensive recruiting or competitive advantages; (b) provided or were intended to provide substantial or extensive impermissible benefits; (c) were intentional or showed reckless indifference to the NCAA constitution and bylaws; and (d) involved

---

<sup>3</sup> [REDACTED] verbally committed to LSU on [REDACTED] and signed his National Letter of Intent ("NLI") on [REDACTED].

## NOTICE OF ALLEGATIONS

Case No. 00909

March 7, 2022

Page No. 4

unethical or dishonest conduct, which seriously undermined or threatened the integrity of the NCAA Collegiate Model. [NCAA Bylaws 19.01.5, 19.1.1, 19.1.1-(b), 19.1.1-(d), 19.1.1-(f) and 19.1.1-(h)]

### **Involved Individual(s):**

The CCU believes the hearing panel of the IARP could enter a show-cause order pursuant to NCAA Bylaw 19.9.5.4 regarding Wade's involvement in the conduct described in Allegation No. 4.

#### 5. [NCAA Division I Manual Bylaws 10.01.1, 10.1, 13.2.1, 13.2.1, 13.2.1.1-(e) (2016-17)]

It is alleged that, between at least April and November 2017, Will Wade (Wade), head men's basketball coach, violated the principles of ethical conduct and provided impermissible cash payments to the former fiancée of a student-athlete in order to buy her silence regarding prior and current impermissible inducements to student-athletes or prospective student-athletes. Specifically,

Wade agreed to send money to [REDACTED], the former fiancée of former student-athlete [REDACTED], to keep quiet about Wade's payments to student-athletes. The communications between [REDACTED] and Wade exist as text messages on Wade's cell phone. Specifically, on July 25, 2017, [REDACTED] sent a text to Wade, *"I know you also gave money to some of your new recruits. . ."* On July 26, 2017, [REDACTED] sent Wade another text, *". . . my trainer I use to work with has talked to a few ppl in the basketball world & have offered me money to talk. Pls contact me by the end of the day or I will have to take them up on the offer."* Wade's reply to these text messages was, *"Call me."* On July 27, 2017, [REDACTED] sent another text, *"I need 5 more to put a down payment on a car. Put it in the same account."* On July 28, 2017, [REDACTED] continued, *"Send 9 to this account (my mon's [sic] ... you've done your part now I have to do mine and make sure this doesn't get out."* On July 31, 2017, [REDACTED] sent another text, *"Wade it's [REDACTED]. Did you get my message?"* Wade replied the same day, *"Yes I did. I thought we were done."* [REDACTED] replied, *"I told you when I went back to the dealership he told me I had to put more money down because of my credit. We will be done w everything after this..."* Wade replied the following day on August 1, 2017, *"I'm sorry you are having money issues. You said we were done after the last transfer I sent, so in my mind we are done."* The timing of this exchange between [REDACTED] and Wade coincides with the inducements offered by Wade to secure [REDACTED]'s commitment (Allegation No. 4).

### **Level of Allegation No. 5:**

The CCU believes the hearing panel of the IARP could conclude that Allegation No. 5 is a severe breach of conduct (Level I) because the violations (a) provided or were intended to provide substantial or extensive recruiting or competitive advantages; (b) provided or were intended to provide substantial or extensive impermissible benefits; (c) were intentional or showed reckless indifference to the NCAA constitution and bylaws; and (d) involved

## NOTICE OF ALLEGATIONS

Case No. 00909

March 7, 2022

Page No. 5

unethical or dishonest conduct, which seriously undermined or threatened the integrity of the NCAA Collegiate Model. [NCAA Bylaws 19.01.5, 19.1.1, 19.1.1-(d) and 19.1.1-(h)]

### **Involved Individual(s):**

The CCU believes the hearing panel of the IARP could enter a show-cause order pursuant to NCAA Bylaw 19.9.5.4 regarding Wade's involvement in the conduct described in Allegation No. 5.

6. [NCAA Division I Manual Bylaws 10.01.1, 10.1, 10.1-(b), 13.2.1, 13.2.1.1-(a), 13.2.1.1-(e), 13.2.1.1-(h), 16.11.2.1 (2019-20)]

It is alleged that, between at least February and June 2020, Bill Armstrong (Armstrong), assistant men's basketball coach, with the knowledge of Will Wade (Wade), head men's basketball coach, violated the principles of ethical conduct and/or provided impermissible recruiting inducements in the form of cash payments, a job offer, lodging, impermissible academic assistance, a scholarship, and assistance securing visas to then men's basketball prospective student-athlete [REDACTED] and/or his family members or associates in order to secure his commitment to the LSU men's basketball program.<sup>4</sup> Specifically, Armstrong offered to provide [REDACTED] and/or his family members or associates with \$300,000 cash (paid in installments of \$50,000), help with [REDACTED], and help with fixing [REDACTED]. Armstrong also offered to do various favors for [REDACTED]'s friends and relatives as a further inducement to secure [REDACTED]'s commitment to LSU, including: a job within the institution's men's basketball program, an apartment, and a car for [REDACTED]'s cousin; a promise of a scholarship for a friend of [REDACTED]; and assistance securing visas for other [REDACTED] basketball players to the United States.

### **Level of Allegation No. 6:**

The CCU believes the hearing panel of the IARP could conclude that Allegation No. 6 is a severe breach of conduct (Level I) because the violations (a) provided or were intended to provide substantial or extensive recruiting or competitive advantages; (b) provided or were intended to provide substantial or extensive impermissible benefits; (c) were intentional or showed reckless indifference to the NCAA constitution and bylaws; and (d) involved unethical or dishonest conduct, which seriously undermined or threatened the integrity of the NCAA Collegiate Model. [NCAA Bylaws 19.01.5, 19.1.1, 19.1.1-(b), 19.1.1-(d), 19.1.1-(f) and 19.1.1-(h)]

### **Involved Individual(s):**

The CCU believes the hearing panel of the IARP could enter show-cause orders pursuant to NCAA Bylaw 19.9.5.4 regarding Armstrong's involvement in the conduct described in Allegation No. 6.

---

<sup>4</sup> [REDACTED] ultimately committed to and enrolled at the [REDACTED].

## NOTICE OF ALLEGATIONS

Case No. 00909

March 7, 2022

Page No. 6

### 7. [NCAA Division I Manual Bylaws 10.01.1, 10.1, 13.2.1, 13.2.1.1-(e) (2017-18)]

It is alleged that, in April 2018, Will Wade (Wade), head men's basketball coach, paid [REDACTED] for his services as an impermissible recruiter for [REDACTED], a prospective student-athlete for the LSU men's basketball program. [REDACTED] was a friend of [REDACTED]'s family and told Wade that he, [REDACTED]'s mother, and [REDACTED] would "make the decision on where he goes." In exchange for [REDACTED]'s influence over [REDACTED]'s decision, Wade directed that payments be made to [REDACTED] from a bank account in the name of Wade's spouse that Wade and his spouse treated as a joint account.

#### **Level of Allegation No. 7:**

The CCU believes the hearing panel of the IARP could conclude that Allegation No. 7 is a severe breach of conduct (Level I) because the violations (a) provided or were intended to provide substantial or extensive recruiting or competitive advantages; (b) were intentional or showed reckless indifference to the NCAA constitution and bylaws; and (c) involved unethical or dishonest conduct which seriously undermined or threatened the integrity of the NCAA Collegiate Model. [NCAA Bylaws 19.01.5, 19.1.1, 19.1.1-(d), 19.1.1-(f) and 19.1.1-(h) (2021-22)]

#### **Involved Individual(s):**

The CCU believes the hearing panel of the IARP could enter a show-cause order pursuant to NCAA Bylaw 19.9.5.4 regarding Wade's involvement in Allegation No. 7.

### 8. [NCAA Division I Manual Bylaws 13.1.6.2.1-(a) (2018-19)]

It is alleged that, on February 28, 2019, Will Wade (Wade), head men's basketball coach, and Bill Armstrong (Armstrong), assistant men's basketball coach, had an impermissible in-person contact with the parents of prospective student-athlete [REDACTED] on the same day that [REDACTED] competed. Specifically, on February 28, 2019, Wade and Armstrong traveled to [REDACTED], [REDACTED], to watch the boys' basketball state finals, which included a game played by [REDACTED]'s high school team. After the game, Wade and Armstrong met with [REDACTED] and others at [REDACTED] restaurant in [REDACTED]. A photograph of the meeting later surfaced on Instagram. Neither Wade nor Armstrong self-reported the matter; rather, LSU's Compliance office learned of the impermissible contact through the NCAA.

#### **Level of Allegation No. 8:**

The CCU believes a hearing panel of the IARP could conclude that Allegation No. 8 is a breach of conduct (Level II) because the violation (a) was prearranged, (b) Wade and Armstrong initiated the impermissible contact, (c) Wade and Armstrong did not disengage within a reasonable time period, (d) the impermissible contact lasted more than a minimal

## NOTICE OF ALLEGATIONS

Case No. 00909

March 7, 2022

Page No. 7

amount of time, and (d) multiple coaches contacted multiple family members of a potential student athlete. [NCAA Bylaw 19.1.2 (2020-21)]

### **Involved Individual(s):**

The CCU believes the hearing panel of the IARP could enter a show-cause order pursuant to NCAA Bylaw 19.9.5.4 regarding Wade's and Armstrong's involvement in Allegation No. 8.

9. [NCAA Division I Manual Bylaws 10.01.1, 10.1, 10.1-(a), 10.1-(c), 19.2.3.2 and 19.2.3.2.1 (2018-19 through 2021-22)]

It is alleged that, from the beginning of the NCAA investigation into the above allegations and continuing to the present, Will Wade (Wade), head men's basketball coach, violated the NCAA principles of ethical conduct and failed to cooperate in the investigation of Allegation Nos. 4 through 8, as well as a number of other allegations the CCU was ultimately unable to substantiate fully, when he refused to produce all records the CCU requested from him. Specifically:

- Between December 2018 and February 2020, the NCAA made repeated requests for a full and complete image of Wade's digital devices. During these thirteen months, Wade did not produce these records requested by the NCAA. Wade ultimately produced to the NCAA only 60,000 of the estimated 130,000 records Wade's counsel claimed had been imaged.
- The NCAA referred this case to the CCU in the fall of 2020. The referral letter describes in detail Wade's failure to cooperate in providing the records requested. Wade's lack of cooperation in producing requested documents continued during the IARP proceeding, as the CCU attempted to obtain the approximately 70,000 digital device records Wade withheld from the NCAA. Specifically, over the course of several months, including on December 30, 2020, and February 19, March 19, March 25, April 23, and July 29, 2021, the CCU renewed the request for these records. Each time, Wade refused to produce the documents. Only after being ordered by the IRP on August 20, 2021 to produce the records did Wade finally produce a portion of the requested digital device records – nearly three years after the NCAA initially requested them. Wade's delay in producing the records was unjustified and obstructed the CCU's ability to investigate several allegations that had surfaced publicly in the media.
- On December 30, 2020 (and additionally on September 9 and November 1, 2021), the CCU made a request for bank records from Wade which were needed to verify or refute allegations of payments made by Wade to family members and associates of potential student athletes. Despite the obvious relevance to the CCU's investigation, Wade failed to produce financial records for the "joint account," which is a bank account held in the name of his spouse and mother to which a large percentage of his income was transferred. Despite many communications between Wade and his spouse establishing Wade's control over the joint account, Wade repeatedly made the claim that his spouse "handled the finances" and

## NOTICE OF ALLEGATIONS

Case No. 00909

March 7, 2022

Page No. 8

generally claimed ignorance of or stated he did not recall the details of his financial affairs. However, the existence of text messages between Wade and his spouse contradicts and belie Wade's statements. Furthermore, in lieu of providing records for the joint account, the CCU requested information on the ultimate disposition of funds transferred from Wade's account to the "joint account," which Wade also failed to produce (or produced only in part).

- In addition to the above failures to produce requested documents, Wade violated the NCAA principles of ethical conduct and failed to cooperate when, during interviews with the NCAA or the CCU on April 12, 2019, October 27-28, 2021, and December 7, 2021, he knowingly provided false or misleading information to the NCAA enforcement staff and CCU regarding his knowledge of and/or involvement in possible violations of an NCAA legislation. Specifically, Wade denied providing the recruiting inducements and other impermissible and/or unethical conduct detailed in Allegation Nos. 4, 5, 6, and 7, and he denied having the impermissible contact detailed in Allegation No. 8.

### **Level of Allegation No. 9:**

The CCU believes the hearing panel of the IARP could conclude that Allegation No. 9 is a severe breach of conduct (Level I) because Wade's failure to cooperate (a) involves underlying Level I violations, (b) is a presumed Level I violation, (c) was intentional or showed reckless indifference to the NCAA constitution and bylaws, and (d) involved unethical or dishonest conduct, which seriously undermined or threatened the integrity of the NCAA Collegiate Model. Furthermore, the responsibility to cooperate is paramount to a full and complete investigation, which the membership identified as critical to the common interests of the Association and preservation of its enduring values. [NCAA Bylaws 19.01.1, 19.1.1, 19.1.1-(c), 19.1.1-(d), 19.1.1-(h) and 19.11.1 (2021-22)]

### **Involved Individual(s):**

The CCU believes the hearing panel of the IARP could enter a show-cause order pursuant to NCAA Bylaw 19.9.5.4 regarding Wade's failure to cooperate and knowingly providing false or misleading information in the investigation of the matters described in Allegation Nos 4, 5, 6, 7, and 8.

### **10. [NCAA Division I Manual Bylaw 11.1.1.1 (2016-17 through 2018-19)]**

It is alleged that Will Wade (Wade), head men's basketball coach, is presumed responsible for the violations detailed in Allegation No. 4 through 8 and did not rebut the presumption of responsibility. In particular, Wade did not demonstrate that he (1) promoted an atmosphere for compliance because of his personal involvement in the allegations or (2) monitored the men's basketball program based on the conduct of assistant coach Armstrong detailed in Allegation No. 6. The evidence establishes, at a minimum, that Wade was aware of Armstrong's conduct but did not stop it.



## NOTICE OF ALLEGATIONS

Case No. 00909

March 7, 2022

Page No. 9

### **Level of Allegation No. 10:**

The CCU believes the hearing panel of the IARP could conclude that Allegation No. 10 is a severe breach of conduct (Level I) because it is a head coach responsibility violation resulting from the underlying Level I violations. [NCAA Bylaw 19.1.1 (2021-22)]

### **Involved Individual(s):**

The CCU believes the hearing panel of the IARP could prescribe head coach restrictions pursuant to NCAA Bylaw 19.9.5.5 regarding Wade's involvement in Allegation No. 10.

11. [NCAA Division I Manual Constitution 2.1.1, 2.8.1 and 6.01.1 (2011-12 through 2019-20)]

It is alleged that, from February 2012<sup>5</sup> to June 2020, the scope and nature of the violations set forth in Allegation Nos. 1, 2, 4, 5, 6, 7, and 8 demonstrate that the institution failed to exercise institutional control and monitor the conduct and administration of its football and men's basketball programs. Specifically:

- a. From February 2012 through January 2020, the scope and nature of the violations detailed in Allegation Nos. 1 and 2 demonstrate that the institution violated the NCAA principle of rules compliance when it failed to adequately monitor the activities of representatives of its athletics interests in its football program and to ensure compliance with NCAA Bylaw 16.11.2.1. Specifically, in January 2012, a member of the institution's football staff connected the parents of a then football student-athlete with John Paul Funes (Funes), a representative of the institution's athletics interests, to obtain employment in Baton Rouge because they were relocating to the area as detailed in Allegation No. 1. Further, in January 2020, at the request of the head football coach, the institution's athletics staff provided a field pass to Odell Beckham, Jr. (Beckham), a representative of the institution's athletics interests and former football student-athlete, for the College Football Playoff National Championship game based on his previous financial donations to the football program. Even though institutional staff arranged and provided access for Funes and Beckham to the football program, it did not take adequate steps to provide rules education and monitor the actions of Funes and Beckham. As a result, the violation detailed in Allegation No. 1 spanned nearly six years and caused significant ineligibility for the then football student-athlete, and two of the violations detailed in Allegation No. 2 occurred on the football field immediately following the National Championship game.
- b. The institution failed to establish a culture of compliance in the men's basketball program. As outlined in Allegation Nos. 4 through 8, the head men's basketball coach

---

<sup>5</sup> See footnote 2 above regarding the extension of the limitations period to cover conduct alleged to have occurred beginning in 2012. [NCAA Bylaw 19.11.4.8]

## NOTICE OF ALLEGATIONS

Case No. 00909

March 7, 2022

Page No. 10

- and at least one assistant men's basketball coach committed intentional violations involving offering impermissible benefits to or having impermissible contacts with potential student athletes, their families, and close associates. These actions demonstrate that the institution failed to establish an effective compliance program where the men's basketball coaching staff understood that compliance with the NCAA legislation is an obligation shared by all athletics staff members and that they had an obligation to report all actual or potential violations.
- c. The institution failed to heighten its monitoring and/or take reasonable steps to prevent noncompliant conduct despite red flags in the men's basketball program. Specifically, despite media accounts containing details of improper conduct by Wade and his assistant coaches, a taped conversation of Wade obtained as part of a federal bribery investigation, and a report to the LSU athletic director of impermissible booster financial involvement, the institution did not meet its obligation to investigate or report to the NCAA activities within the men's basketball program that clearly violated the NCAA bylaws. Furthermore, in light of the federal bribery scandal and other matters, on October 11, 2017, the NCAA Board of Governors and Board of Directors specifically asked Division I programs (including LSU) to examine their men's basketball program for possible NCAA violations, especially those related to offers, inducements, agents, and extra benefits. Then on October 26, 2018, NCAA Executive Vice President of Regulatory Affairs Stan Wilcox followed up on the Board of Governors' letter with a memorandum reminding Division I schools (including LSU) of their mandate to examine their men's basketball program. The evidence of wrongdoing on the part of Wade and his assistant coaches as detailed in Allegation Nos. 4, 5, 6, 7, and 8 establishes that LSU should have been aware of potential serious violations and did not take appropriate steps to ensure compliance with the NCAA constitution or NCAA bylaws. Notably, Allegation Nos. 6 and 8 occurred after the NCAA's letters and Allegation No. 6 occurred after Wade's wiretapped conversation with Dawkins had been released by Yahoo Sports. Taken as a whole, the institution's conduct shows a lack of oversight by the leadership of the institution's athletics programs and demonstrated that the institution's leadership lacked sufficient knowledge about the content and operation of the compliance program in the men's basketball program.

### **Level of Allegation No. 11:**

The CCU believes the hearing panel of the IARP could conclude that Allegation No. 11 is a severe breach of conduct (Level I) because the lack of institutional control seriously undermined or threatened the integrity of the NCAA Collegiate Model. [NCAA Bylaws 19.1.1 and 19.1.1-(a) (2021-22)]

### **Involved Individual(s):**

None.

## NOTICE OF ALLEGATIONS

Case No. 00909

March 7, 2022

Page No. 11

### C. Potential Aggravating and Mitigating Factors

Pursuant to Bylaw 19.7.1, the CCU has identified the following potential aggravating and mitigating factors that a hearing panel of the IARP may consider.

#### 1. Institution:

##### a. Aggravating factor(s). [NCAA Bylaw 19.9.3]

- (1) Multiple Level I and II violations by the institution or involved individual. [NCAA Bylaw 19.9.3-(a) and (g)]

Allegation Nos. 1, 4, 5, 6, 7, 9, 10 and 11 are each alleged as Level I violations.

Allegation Nos. 2 and 8 are each alleged as Level II violations.

- (2) A history of Level I, Level II or major violations by the institution or involved individual. [NCAA Bylaw 19.9.3-(b)]

The institution has had three prior major violations:

October 15, 1986 – Violations related to improper entertainment, financial aid, lodging and transportation; extra benefits; complimentary tickets; improper recruiting entertainment, inducements, lodging and transportation; institutional control.

November 18, 1998 – Recruiting and extra benefit violations related to a representative of the university's athletics interests contacting and providing cash to a prospective student-athlete; the provision of medical and rehabilitation treatments to prospective student-athletes; excessive telephone calls to a prospective student-athlete; employment and legal assistance for a prospective student-athlete's family members and provision of impermissible meals to prospective and enrolled student-athletes.

July 19, 2011 - Violations involved impermissible transportation and lodging as well as excessive phone calls by members of the athletics administration to a prospective student-athlete. A former football assistant coach was found for unethical conduct for his role in the commission of violations and his subsequent obstruction of the investigation.

- (3) Lack of institutional control. [NCAA Bylaw 19.9.3-(c)]

The CCU identified a lack of institutional control violation in Allegation No. 11.

## NOTICE OF ALLEGATIONS

Case No. 00909

March 7, 2022

Page No. 12

- (4) Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct. [NCAA Bylaw 19.1.3-(h)]

As detailed in Allegation Nos. 4 through 8, Wade and Armstrong were persons of authority and personally involved in the violations. Additionally, as detailed in Allegation No. 9, Wade was a person of authority who violated the NCAA principles of ethical conduct by failing to cooperate in the investigation and in providing false or misleading information to the NCAA and the CCU.

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

As a result of the violations detailed in allegation No. 1, the then football student-athlete was ineligible for every competition in which he competed for the institution.

- (6) Pattern of noncompliance within the sport program involved. [NCAA Bylaw 19.9.3-(k)]

As detailed in Allegation Nos. 4 through 8, multiple violations involving the head men's basketball coach and at least one assistant men's basketball coach occurred between at least 2017 and 2020.

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

The provision of benefits by representatives of the institution's athletics interests to student-athletes and/or their families seriously undermine and threaten the integrity of the NCAA Collegiate Model and reflect an intentional, willful or blatant disregard for the NCAA Constitution and Bylaws.

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

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

The institution reacted quickly to the discovery of the football violations, accepted responsibility and implemented penalties that included disassociating from the representatives of its athletics interests.

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

The institution alerted the NCAA enforcement staff to the potential violation identified in Allegation No. 1 and worked with a number of entities and individuals

## NOTICE OF ALLEGATIONS

Case No. 00909

March 7, 2022

Page No. 13

to secure the audit of the Foundation to help facilitate the NCAA interview with Funes.

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

The institution has reported 108 violations over the last five years for an average of approximately 21 violations annually.

### 2. Involved Individual [Wade]:

#### a. Aggravating factors. [NCAA Bylaw 19.9.3]

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

The CCU identified Allegation Nos. 4, 5, 6, 7, and 9 as Level I violations.

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

As detailed in Allegation 9, Wade failed to cooperate in the investigation, attempted to conceal violations, and obstructed the investigation.

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

Wade violated the NCAA principles of ethical conduct as detailed in Allegation Nos. 4, 5, 6, 7, 8, and 9 herein.

- (4) Violations were premeditated, deliberate or committed after substantial planning. [NCAA Bylaw 19.9.3-(f)]

As detailed in Allegation Nos. 4, 5, 6, and 7, Wade's conduct was deliberate and committed after substantial planning. Specifically, Wade offered inducements to secure prospective student-athlete [REDACTED]'s commitment to the LSU men's basketball program and prospective student-athlete [REDACTED]'s commitment to the LSU men's basketball program, and paid [REDACTED] for his services as an unauthorized recruiter for prospective student-athlete [REDACTED].

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

As the head coach, Wade condoned, participated in or negligently disregarded the conduct of Armstrong in the recruitment of a potential student-athlete, as detailed in Allegation No. 6.

## NOTICE OF ALLEGATIONS

Case No. 00909

March 7, 2022

Page No. 14

(6) Pattern of noncompliance within the sport program involved. [NCAA Bylaw 19.9.3-(k)]

As detailed in Allegation Nos. 4 through 8, multiple violations involving the head men's basketball coach and at least one assistant men's basketball coach occurred between at least 2017 and 2020.

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

Allegation Nos. 4 through 7 detail Wade's actions that were an intentional, willful or blatant disregard for the NCAA constitution, bylaws and Collegiate Model. Further, Allegation No. 9, which details Wade's repeated refusal to cooperate and knowingly providing false and/or misleading information, further evidences Wade's intentional and blatant disregard for the NCAA constitution and bylaws.

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

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

Wade has no prior conclusions of Level I, Level II or major violations during his approximately 17 years as an NCAA coach.

## 2. **Involved Individual [Armstrong]:**

a. Aggravating factors. [NCAA Bylaw 19.9.3-(a)]

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

Armstrong violated the NCAA principles of ethical conduct as detailed in Allegation No. 6.

(2) Violations were premeditated, deliberate or committed after substantial planning. [NCAA Bylaw 19.9.3-(f)]

As detailed in Allegation No. 6, Armstrong's conduct was premeditated and deliberate. Specifically, Armstrong offered inducements to secure prospective student-athlete [REDACTED]'s commitment to the LSU men's basketball program.

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

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

Armstrong has no prior conclusions of Level I, Level II or major violations during his approximately 15 years as part of NCAA coaching staffs.

## NOTICE OF ALLEGATIONS

Case No. 00909

March 7, 2022

Page No. 15

### **D. Hearing Attendance.**

In addition to the involved individuals and institutional representatives as outlined in Bylaw 19.7.7.5.2, the hearing panel may benefit from asking the following individual(s) to attend the hearing pursuant to Bylaw 19.7.7.5: None.

### **E. Factual Information.**

The attached exhibit details the factual information on which the CCU relies for Allegations Nos. 1 through 10. The CCU incorporates the factual information referenced throughout this document, its exhibits and all other documents in the secure filing system.

### **F. Response to Allegations.**

1. Please indicate whether the information contained within these allegations is substantially correct and whether the institution and involved individuals identified in these allegations believe violations of NCAA legislation occurred. Submit materials to support your response.
2. If the institution and involved individuals believe NCAA violations occurred, please indicate whether there is substantial agreement on the level of the violation. Submit materials to support your response.
3. Please indicate whether the factual information is substantially correct and whether the institution and involved individuals have additional pertinent information and/or facts. Submit facts in support of your response.
4. In accordance with Bylaw 19.7.8.3.4, the hearing panel may view the failure by an institution or involved individual to submit a timely response to a notice of allegations an admission that an alleged violation, for which the party may be subject to penalty pursuant to Bylaw 19.9, occurred.

### **G. Request for Supplemental Information.**

1. Provide mailing and email addresses for all necessary parties to receive communications from the hearing panel related to this matter.
2. Indicate how the violations were discovered.
3. Provide a detailed description of any corrective or punitive actions implemented by the institution as a result of the violations acknowledged in this inquiry. In that regard, explain the reasons the institution believes these actions to be appropriate and identify the violations on which the actions were based. Additionally, indicate the date that any corrective or punitive actions were implemented.

## NOTICE OF ALLEGATIONS

Case No. 00909

March 7, 2022

Page No. 16

4. Provide a detailed description of all disciplinary actions taken against any current or former athletics department staff members as a result of violations acknowledged in this inquiry. In that regard, explain the reasons the institution believes these actions to be appropriate and identify the violations on which the actions were based. Additionally, indicate the date that any disciplinary actions were taken and submit copies of all correspondence from the institution to each individual describing these disciplinary actions.
5. Provide a short summary of every past Level I, Level II or major infractions case involving the institution or individuals named in this notice. In this summary, provide the date of the infractions report(s), a description of the violations found, the individuals involved, and the penalties and corrective actions. Additionally, provide a copy of any major infractions' reports involving the institution or individuals named in this notice that were issued within the last 10 years.
6. Provide a chart depicting the institution's reporting history of Level III and secondary violations for the past five years. In this chart, please indicate for each academic year the number of total Level III and secondary violations reported involving the institution or individuals named in this notice. Also include the applicable bylaws for each violation, and then indicate the number of Level III and secondary violations involving just the sports team(s) named in this notice for the same five-year time period.
7. Provide the institution's overall conference affiliation, as well as the total enrollment on campus and the number of men's and women's sports sponsored.
8. Provide a statement describing the general organization and structure of the institution's intercollegiate athletics department, including the identities of those individuals in the athletics department who were responsible for the supervision of all sport programs during the previous four years.
9. State when the institution has conducted systematic reviews of NCAA and institutional regulations for its athletics department employees. Also, identify the agencies, individuals or committees responsible for these reviews and describe their responsibilities and functions.
10. Provide the following information concerning the sports program(s) identified in this inquiry:
  - The average number of initial and total grants-in-aid awarded during the past four academic years.
  - The number of initial and total grants-in-aid in effect for the current academic year (or upcoming academic year if the regular academic year is not in session) and the number anticipated for the following academic year.
  - The average number of official paid visits provided by the institution to prospective



## NOTICE OF ALLEGATIONS

Case No. 00909

March 7, 2022

Page No. 17

student-athletes during the past four years.

- Copies of the institution's squad lists for the past four academic years.
- Copies of the institution's media guides, either in hard copy or through electronic links, for the past four academic years.
- A statement indicating whether the provisions of Bylaws 31.2.2.3 and 31.2.2.4 apply to the institution as a result of the involvement of student-athletes in violations noted in this inquiry.
- A statement indicating whether the provisions of Bylaw 19.9.7-(g) apply to the institution as a result of the involvement of student-athletes in violations noted in this inquiry.

11. Consistent with the Committee on Infractions Internal Operating Procedures 4-16-2-1 (Total Budget for Sport Program) and 4-16-2-2 (Submission of Total Budget for Sport Program), please submit the three previous fiscal years' total budgets for all involved sport programs. At a minimum, a sport program's total budget shall include: (a) all contractual compensation including salaries, benefits and bonuses paid by the institution or related entities for coaching, operations, administrative and support staff tied to the sport program; (b) all recruiting expenses; (c) all team travel, entertainment and meals; (d) all expenses associated with equipment, uniforms and supplies; (e) game expenses; and (f) any guarantees paid associated with the sport program.

Any additional information or comments regarding this case are welcome.