

## INTRODUCTION

### Initiation of Inquiry in this Area

In late December 2010, the University self-reported a violation involving preferential treatment provided to five football student-athletes who received free or reduced cost tattoos and/or sold their University-issued apparel or awards to an individual in the Columbus area. Representatives from OSU and the NCAA Enforcement Staff conducted interviews in the spring and summer of 2011 related to this self-report and other information. The self-reported information was reviewed by the NCAA Division I Committee on Infractions (COI) during its August 2011 hearing.

Prior to the hearing, in a July 14, 2011, letter from NCAA Director of Enforcement Stephanie Hannah to NCAA Director of the Committees on Infractions Shep Cooper, Hannah indicated that while “additional issues remained for investigation,” it was the position of the Enforcement Staff and the institution that the hearing would go forward because the “available evidence does not warrant additional allegations.” Subsequent to the hearing, representatives from OSU and the NCAA Enforcement Staff conducted additional interviews based on information that had been reported during the previous interviews concerning other possible violations of NCAA legislation. The interviews resulted in part with the two allegations in the Supplemental Notice of Allegations.

More specifically, in reference to an issue discussed during an interview with [REDACTED] prior to the hearing, the Enforcement Staff requested [REDACTED] bank records. Upon receipt of these records, a check dated February 19, 2010, to [REDACTED] for the amount of \$200 from Independence Excavating was discovered. This check was deposited by [REDACTED] in his checking account. Shortly thereafter, [REDACTED] and refused interview requests from OSU and the NCAA. He was never questioned about his employment at Independence Excavating and was subsequently disassociated from the University for his failure to interview. (See Exhibit 3-1).

As a result of this check deposited by [REDACTED], other student-athletes’ bank records were reviewed, and questions were asked in all subsequent interviews with student-athletes about possible employment at Independence Excavating or any of its affiliated companies. During these interviews, several student-athletes reported that they met Robert DiGeronimo, an executive with Independence Excavating who also

was a representative of the University's athletics interests, at an annual charity event held in February by Cornerstone of Hope.

The information reported by the student-athletes concerning the charitable event or their employment at Independence Excavating resulted in the acknowledged violations above. On September 1, 2011, the University submitted its restoration request to the NCAA Student-Athlete Reinstatement Staff involving the three student-athletes' receipt of funds at the charity event in February. On October 3, 2011, the University submitted its request for the student-athletes' reinstatement for their receipt of excessive wages. These requests are included in Exhibit 3-2.

### Overview of DiGeronimo's Involvement with the Institution

DiGeronimo was a representative of the University's athletics interests until he was disassociated by the University in a letter dated September 20, 2011 (See Exhibit 3-3). DiGeronimo had contributed over \$72,000 to the athletics department since 1988 and has had season tickets in football for numerous years. DiGeronimo was a member of a group that the University called "Committeemen" who assisted in the institution's recruiting efforts during the time period when that was permissible under NCAA legislation (before the mid 1980's). The institution ceased using the Committeemen prior to the legislation prohibiting their use. Members of that group had contact with the institution's coaching staff members because of their recruiting efforts. DiGeronimo lives in Independence, Ohio, a suburb of Cleveland and an approximately two-hour drive from the University's campus. According to the Independence Excavating website, the DiGeronimo family has been in the construction/excavating business since 1956, and Independence Excavating is one of several companies operated by the DiGeronimo family.

John Cooper was the institution's head football coach from 1988 to 2000. He occasionally allowed certain individuals access to the football locker room and sideline. DiGeronimo was one of these individuals. Shortly after Jim Tressel became head football coach in 2001, Tressel began restricting the number of non-OSU employees who had access to the locker room. These individuals, including DiGeronimo, subsequently were prohibited from being present in the locker room.

Effective 2006, under the direction of Director of Athletics Gene Smith (who had been at the institution for approximately one year), a new policy for sideline access was implemented. Only media and other working personnel were allowed to be on the sideline for the game – with the exception of former OSU players who

are participating in the NFL. Under this policy, DiGeronimo and others were prohibited from sideline access.

During this time period, DiGeronimo also occasionally brought lunch during the football season to the football coaching staff members. In 2005, Tressel told DiGeronimo to discontinue this practice. DiGeronimo also occasionally provided meals to the men's basketball staff or other athletics department staff members. Smith told DiGeronimo to discontinue this practice to all athletics department staff members in 2006. These meals were discontinued to eliminate the possibility that student-athletes might eat the food, which would have been an NCAA violation.

During the early 2000s, DiGeronimo also employed student-athletes at Independence Excavating or one of its affiliates. The majority of these student-athletes were from the [REDACTED] area. As will be detailed later in this response, the University was aware that a few student-athletes were employed until 2006, around the same period when it told DiGeronimo to discontinue certain activities with the athletics program.

In the spring of 2005, the University became aware that then former head football coach John Cooper, DiGeronimo and two then-current student-athletes had lunch at the same time at a Columbus area casual restaurant. They arrived separately at this restaurant, it was not pre-arranged, and they simply sat together. The student-athletes and DiGeronimo reported that they paid for their own lunches, so there was no NCAA violation.

In 2006, as will be detailed later in this response, the Cornerstone of Hope charity (of which DiGeronimo was one of approximately 20 members of the Board of Directors until recently) was involved with a secondary NCAA violation because it did not complete the necessary paperwork for the institution's compliance program.

In 2006, the University did not prohibit DiGeronimo from employing student-athletes or prohibit student-athlete attendance at the Cornerstone of Hope charitable event, but reinforced the importance of registering such jobs and the charitable event with the University. Nevertheless, after this secondary violation involving the charitable event, the University determined that it was in the best interests of the University and its student-athletes if DiGeronimo did not spend time in university athletic facilities or around the athletic programs and personnel. The University told DiGeronimo to discontinue bringing lunches to

coaches, to discontinue coming to the athletic facilities, to not be around the program, and to read and abide by the NCAA rules education the institution regularly sent to him.

From 2006 to the present, DiGeronimo was not seen around the University's facilities. Recent interviews with several coaching staff members confirm DiGeronimo's absence from the locker room, sidelines, and coaches' offices. From the University's perspective, he was told to stay away from athletics facilities, and it appeared that he did. Based upon the recent interviews with the student-athletes, while the institution's efforts prohibited his access to certain institutional facilities, he contacted the student-athletes directly. This link to the student-athletes usually occurred when upperclassmen on the football team from the [REDACTED] area would inform other student-athletes about the opportunity to be employed at one of DiGeronimo's companies or attend a charity event in which DiGeronimo was involved. This resulted in these student-athletes subsequently informing other student-athletes of this opportunity.

In the current inquiry, despite several written, in-person, and telephonic requests from the NCAA Enforcement Staff and the University to DiGeronimo or his counsel, DiGeronimo refused to be interviewed. As a result of his failure to cooperate, he was disassociated. This disassociation occurred prior to the University's determination that Independence Excavating had paid several student-athletes for more hours than they actually worked.

#### Corrective and Punitive Actions Imposed by the Institution

As a result of the acknowledged violations in this response, the institution has or will:

- Reduce the number of initial scholarships awarded in the sport of football by a total of five over the 2012-13, 2013-14, and 2014-15 academic years.
- Disassociated DiGeronimo for 10 years from any involvement with the University's athletics program.

This disassociation includes:

- i. The receipt of any monies from him;
- ii. Prohibiting him or any associated companies from employing any Ohio State student-athletes;
- iii. Prohibiting him from purchasing season tickets from Ohio State for any athletic event;
- iv. Prohibiting him from access to complimentary tickets, including but not limited to, the following sources: current student-athletes, coaches, current suite holders, or alumni members;

- v. Prohibiting any contact between him and Ohio State student-athletes;
  - vi. Prohibiting any contact between him and Ohio State coaching staff members or other administrative staff members; and
  - vii. Prohibiting his attendance at any practice or competition of any athletics contest on the University's campus.
- Disassociated [REDACTED] for 5 years from any involvement with the University's athletics program. This disassociation includes:
- a. Prohibiting him from providing any financial or other assistance that supports the recruitment of prospects or enrolled student-athletes;
  - ii. Prohibiting him from being provided directly or indirectly any benefit or privilege that is not available to the general public (among others, this means that he cannot have access to complimentary tickets from current or former student-athletes, coaches, current suite holders, or alumni members); and
  - iii. Prohibiting him from using any athletics department facilities (except for SASSO for tutoring and other services, if he returns to the University).
- Prohibited all student-athletes from attending the Cornerstone of Hope event, effective September 2011.
- Continue to educate student-athletes, coaches and staff about the necessity to report any employment (paid, volunteer, or temporary) to the compliance office as required by athletics department policies.
- Continue to develop the electronic system (Assistant Coach Systems LLC) that was started during the 2009-10 academic year to electronically gather both retrospective and prospective employment information on a more frequent basis. The institution anticipates that the system will be implemented during the 2012-13 academic year. The system will make it more convenient for student-athletes to register employment and will, in particular:
- i. Allow student-athletes to electronically register employment;
  - ii. Create a more efficient method for electronically communicating with employers and allow the compliance office to monitor employment more efficiently and frequently;
  - iii. Establish an automated tracking system for employment information; and

- iv. Create an historical employment record for each student-athlete which will require him or her to electronically verify involvement at both previous and future jobs (and verify whether or not they have any employment) at least three times per year.
- Review and revise, if necessary, the institution’s department-wide program for student-athlete employment. This includes a review of educational efforts for student-athletes, athletics department staff members, and employees and an assessment of the institution’s system to detect and monitor such employment. Although the jobs discussed in this report were not registered with the institution’s monitoring program and the violations herein may have occurred even if the student-athletes had registered such employment, the University believes it is appropriate to closely review the program.
- Review and revise, if necessary, the institution’s system to identify, educate, and monitor those individuals not employed by the institution who have or had frequent access to or contact with coaches and student-athletes.

The institution reminds the COI that the University previously has taken the following punitive actions:

- a. Imposed a two-year probationary period effective July 8, 2011;
- b. Vacated all of the 2010 football season victories, including the 2011 Sugar Bowl game;
- c. Vacated the co-championship of the Big Ten Conference for the 2010 season;
- d. Has donated its share (\$338,811) of the Big Ten’s proceeds for the 2011 Sugar Bowl to local Columbus area charities. (While all student-athlete eligibility issues had been resolved for the violations acknowledged in the initial self report in December, 2010, the institution imposed this forfeiture as a punitive action); and
- e. Sought and accepted the resignation of then Head Football Coach Jim Tressel.

Please reference Pages 4-1 and 4-2 of the institution’s response for a complete listing.

### Conclusion

The University appreciates the assistance of the Enforcement Staff in the review of this additional information. It requests that the COI accept this finding and self-imposed sanctions and impose no further action.

3. [NCAA Bylaws 12.4.1, 12.5.1.1-(a), 16.02.3 and 16.11.2.1]

It is alleged that between the spring of 2009 and summer of 2011, Robert DiGeronimo, representative of the institution's athletics interests, arranged for the provision of extra benefits to nine football student-athletes worth a total of \$2,405 in the form of compensation for work not performed and cash payments. Specifically:

- a. DiGeronimo arranged for football student-athletes [REDACTED] to receive compensation totaling \$1,605 for work not performed while they were employed at Independence Excavating, a business owned and operated by the DiGeronimo family, as set forth below:

<i>Year(s)</i>	<i>Student-athlete</i>	<i>Unearned compensation</i>
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

[NCAA Bylaws 12.4.1, 16.02.3 and 16.11.2.1]

- b. On February 19, 2011, DiGeronimo arranged cash payments of \$200 each to football student-athletes [REDACTED] and [REDACTED] at an annual charity event for Cornerstone of Hope, a nonprofit organization of which DiGeronimo is a board member. Additionally, the student-athletes attended the event without written approval from the athletics director or his designee in violation of promotional activities legislation. [NCAA Bylaws 12.5.1.1-(a), 16.02.3 and 16.11.2.1]

Further, the institution's failure to monitor DiGeronimo's employment of and interaction with football student-athletes contributed to a failure to monitor, as set forth in Allegation No. 4.

Please indicate whether this information is substantially correct and whether the institution agrees that violations of NCAA legislation occurred. Submit evidence to support your response.

The University agrees with this information and that this information constitutes violations of NCAA legislation. The institution acknowledged this information in student-athlete restoration requests to the NCAA Student-Athlete Reinstatement Staff over the past few months.

Cornerstone of Hope Charity Event

The headquarters for the Cornerstone of Hope charity organization is in Independence, Ohio, and was founded, in part, by assistance from DiGeronimo and other members of the DiGeronimo family. According to its website, the organization was founded in 2003 by a couple whose three-year-old son died suddenly. The purpose of the charity is to support grieving families who have lost family members. Its Board of Directors consists of approximately 20 Directors, including an Executive Director. DiGeronimo, until very

recently, was a Director, but he has not served as Executive Director or an officer of the organization. It has a 501(c)(3) charitable organization status with the Internal Revenue Service. The charity began an annual fundraising dinner and auction in 2004. The event usually is held in February and is attended by hundreds of guests. In March 2006, the institution learned that a few student-athletes from the [REDACTED] area attended the February 2006 event as guests and were acknowledged as OSU student-athletes. The attendance by the student-athletes at the event was permissible under Bylaw 12.5.1, if the event would have been approved by the compliance office. Since the student-athletes' attendance at the event was not pre-approved by the compliance staff, the institution self-reported this violation and submitted a restoration request (See Exhibit 3-4 for correspondence between the institution and the NCAA staff).

[NOTE: Per athletics department policy, the organizer of a charity event is to seek approval through the compliance office by completing certain online documentation. (See Exhibit 3-5 for a copy of the form that is to be completed by the event). Nearly 600 student-athletes make approximately 225 appearances at charity events annually. All OSU student-athletes, including football, are encouraged to attend such events, subject to prior approval by the compliance office. The football program conducts over 100 appearances at charitable and/or educational events annually.]

In 2006, after learning of the violation, the compliance office informed the executive director of the charity about the necessity to seek approval from the compliance office prior to the event. The event properly applied, and was approved, by the compliance office in 2007 and several student-athletes attended. Neither the event nor any student-athletes informed the institution of their presence at this event in subsequent years, until February 2010.

Based upon interviews jointly conducted by the NCAA Enforcement Staff and the University with several student-athletes, it appears that several former OSU football student-athletes routinely attended the event over the past few years, and they routinely encouraged current student-athletes, especially those from the [REDACTED] area, to attend. At this event, the student-athletes frequently were introduced to DiGeronimo, who occasionally invited the student-athletes to return the following year. These former student-athletes or DiGeronimo also informed some of the current student-athletes of the possibility of employment with DiGeronimo. At the charity event, it was a common practice for the student-athletes to be introduced to the crowd, and each would sit individually at a table with other event guests. While permissible under NCAA regulations if they had done so, the student-athletes reported that they did not sign autographs nor was any memorabilia of existing student-athletes sold as part of the auction.

### Specific Chronology of DiGeronimo's Involvement

In 2005 and 2006, the University was aware of DiGeronimo's previous involvement with the football program and believed it took significant action at that time to ensure that DiGeronimo was not involved in any violations of NCAA legislation. The Director of Athletics and the then head football coach took specific action to distance DiGeronimo from the athletics program. At the time of these actions, DiGeronimo had been only indirectly involved in a NCAA secondary violation involving a legitimate charitable organization that did not complete the appropriate paperwork. The institution did not view this as a violation in which DiGeronimo was directly involved in violating NCAA legislation but rather that the appropriate paperwork was not submitted. While DiGeronimo was not visible within the athletics program, the institution acknowledges that if it had taken additional measures to determine whether he had interactions with student-athletes away from institutional facilities, the probability of the current violations occurring would have been reduced.

The following details several events that occurred over the past several years involving DiGeronimo and the University's actions in each instance:

- a. DiGeronimo Access to Locker Room, Football Sidelines, and Coaches' Offices – As noted above, when Cooper was the head football coach, DiGeronimo was one of several individuals who had access to the locker room and sidelines. Soon after his arrival, Tressel began restricting access to the locker room and eventually only coaching staff members and student-athletes were allowed in the locker room prior to or after a game. After Tressel implemented this restriction, DiGeronimo and another individual impermissibly gained access to the locker room prior to a home football game. Tressel saw DiGeronimo attempting to hide in a locker to listen to Tressel's pregame speech. DiGeronimo and the other individual were told to leave the locker room. Tressel reported in his recent interview that this event occurred during his initial game in 2001, but the University believes it more likely occurred later in the 2001 season or during the 2002 season.

Similarly, Smith discontinued the practice of allowing non-working personnel on the sidelines for home football games. Prior to that time, DiGeronimo was among those who had access on an occasional basis, beginning at least during the Cooper era.

DiGeronimo began providing food to the football staff in the coaches' offices on a weekly basis during the football season. For a short period of time, he also provided food to the men's basketball staff. It was reported that he also might have brought food to other athletics department staffs. Regardless, Smith discontinued this practice in 2006.

- b. Spring 2005 Lunch with Two Student-Athletes – In 2005, information was reported to the compliance staff that DiGeronimo and Cooper were seen at a Columbus restaurant with two then-current football student-athletes ( [REDACTED] ), both of whom were from the [REDACTED] area. DiGeronimo and the student-athletes were interviewed and stated that the student-athletes paid for their own meals, and it was not prearranged.

Nevertheless, at the request of the institution's compliance staff, Tressel sent DiGeronimo a letter dated May 25, 2005, directing him to discontinue his provision of food to the coaching staff due to the possibility that student-athletes may consume it and result in a potential extra benefit, and instructing him to abide by NCAA legislation. (See Exhibit 3-6). In his interview, Tressel reported that he also telephoned DiGeronimo and instructed him to stay out of the locker room.

- c. February 2006 Charity Event – In early March 2006, the institution's compliance office first learned of an annual charitable dinner event and auction sponsored by the Cornerstone of Hope (the event began around 2004) and that seven then-current football student-athletes, including [REDACTED], attended the 2006 charity event. At least one of the student-athletes reported that DiGeronimo telephoned the student-athletes to invite him to this event. Since an OSU promotional event waiver was not obtained prior to the student-athletes' attendance, the institution declared the seven student-athletes ineligible, and the NCAA reinstated their eligibility.

- d. Student-Athletes Registering their Employment with DiGeronimo with the Compliance Office – Student-athletes [REDACTED] registered their employment at Independence Excavating for spring break 2006 with the compliance staff, as required by compliance office policy. (Student-athlete [REDACTED] had registered employment with Independence Excavating with the compliance staff in 2004 and 2005). Student-athlete employment records indicate that only these three student-athletes registered employment at Independence Excavating with the compliance office.

- e. Smith Telephone Conversation with DiGeronimo – In light of the information about DiGeronimo being seen at a restaurant with two student-athletes, the student-athletes' attendance at the charity event in the spring of 2006, and the then recent registering of employment at Independence Excavating for the two additional student-athletes, DiGeronimo's relationship with the athletics program was discussed at the March 30, 2006, meeting of the institution's Executive Compliance Subcommittee. (The Subcommittee is composed of the FAR, members of the institution's Office of Legal Affairs, athletics department staff members, and other institutional officials). The decision was made that Smith should contact DiGeronimo directly to discuss DiGeronimo's relationship with the football program. Then Associate Director of Athletics for Compliance Heather Lyke sent an April 20, 2006, e-mail to Smith (See Exhibit 3-7). In this e-mail, Lyke identified potential compliance issues that she suggested Smith discuss with DiGeronimo. With Lyke in his office, Smith telephoned DiGeronimo but he was not available. DiGeronimo later returned the call. Smith did not have Lyke's April 20, 2006, e-mail with him at that time that he spoke with DiGeronimo; however, Smith told DiGeronimo to: (i) stop bringing food to the football and men's basketball offices; (ii) distance himself from student-athletes; and (ii) read the NCAA booster education materials the University previously provided to him and adhere to those guidelines.
- f. Employment Forms Submitted to the Compliance Office – As noted above, three student-athletes completed the appropriate forms for employment with Independence Excavating in 2004, 2005, and 2006. These are the only student-athletes who registered employment at Independence Excavating with the compliance office. The compliance office was not aware of any additional student-athlete being employed by DiGeronimo until obtaining ██████ bank records as part of this current inquiry.

When DiGeronimo recently told the Cleveland Plain Dealer that he returned "questionnaires" to the University, the University inquired about the exact forms sent by the football office. The institution then obtained form letters and other correspondence that had been sent by the football office for many years to potential employers of football student-athletes. The director of external operations in the football office would write employers to determine whether jobs may be available for student-athletes. If jobs were actually arranged through this process, the director of external operations would forward the information to the compliance office. The compliance office then forwarded to the employer the appropriate employment forms. In 2006 and 2007, a group of approximately 35 individuals or businesses were sent employment inquiry form letters by the football staff's then director of external operations. DiGeronimo was one of these individuals. (See Exhibit 3-8).

In response to these employment inquiry letters by the director of external operations, DiGeronimo completed these forms and returned them to the football office indicating that he was willing to employ student-athletes who needed employment. While the compliance office was aware that the football staff occasionally sought employment for student-athletes, it was not aware that DiGeronimo in particular had been sent a letter. (The football office forwarded to the compliance office any jobs it arranged for student-athletes). The compliance office then forwarded to the employer the compliance employment forms. The director of external operations for football also conducted onsite monitoring of those jobs that the football staff had arranged).

In 2006 and 2007, even though DiGeronimo completed forms indicating that he had jobs available, the football staff did not arrange any employment with DiGeronimo. Based upon information provided by football staff members who sought employment for student-athletes, while DiGeronimo was one of many who received such letters, the football staff had not arranged employment for any student-athlete with DiGeronimo in many years. The University emphasizes that while the football staff sent DiGeronimo or Independence Excavating a form letter asking if he or it had jobs available, the football staff never arranged any employment with DiGeronimo.

As noted above, DiGeronimo returned the employment questionnaires in 2006 and 2007. In the 2006 form, DiGeronimo or another representative of Independence Excavating listed the following student-athletes in response to the question of “list any players who have worked for you in the past recently (2000)”: [REDACTED].

On the 2007 form, DiGeronimo or another representative of Independence Excavating listed the following student-athletes in response to the same question: [REDACTED]  
[REDACTED]

These forms were not forwarded to the compliance office. At the time, the compliance office was aware of only [REDACTED] previously working for DiGeronimo, as they had completed employment forms with the compliance office. None of the student-athletes listed on the forms returned by DiGeronimo in 2006 and 2007 were currently enrolled and several had left the university years ago.

- g. 2007 Charity Event – As instructed to do so by the institution in 2006, the executive director of the charity submitted a request for the student-athletes to appear at the 2007 event prior to the event and it was approved by the compliance staff (See Exhibit 3-9).

Neither the compliance staff nor other athletics departmental administrators were aware of any involvement by DiGeronimo with the athletics program or football student-athletes from 2007 until 2010.

- h. 2010 Charity Event – On the night before the event in 2010, during a telephone conversation between [REDACTED] and a football staff member, [REDACTED] mentioned that he was in Cleveland and would be attending this charity event. The football staff member immediately notified the compliance office, who contacted the charity early the next day. Since the event had not yet occurred, the charity completed the appropriate paperwork, and the compliance office approved the appearance of several student-athletes at that time.

In interviews with compliance staff members involved in the approval decision, while concerned that the charity had not sought approval like it had done in 2007, they reported that event had been approved in the past and met the waiver provisions. The compliance staff reported that, while it was aware that DiGeronimo was affiliated with the organization, the event itself was organized and hosted by a legitimate charitable group with about 20 Board of Directors members and was not DiGeronimo's "personal" event. In both 2007 and 2010, the compliance office had direct contact with the Executive Director of the charity regarding the possibility of student-athlete involvement in the event. On both occasions, the compliance office again reminded student-athletes that their appearance at any charity event needed to be approved by the compliance office. The University's educational program for student-athletes about the necessity to seek approval prior to attending a charitable event is detailed later in this response. In short, the student-athletes receive such information during a check-in meeting in the fall, a check-out meeting in the spring, and on two or three occasions during the year. They also receive electronic correspondence such as e-mails that include this information.

## PARAGRAPH A – EMPLOYMENT

As noted above, then student-athletes ██████ in 2004 and 2005 and ██████ in 2006 were the only student-athletes who informed the compliance staff of their employment at Independence Excavating. ██████, ██████ are from the ██████ area. The institution now has learned that since 2009, several OSU football student-athletes were employed by Independence Excavating or one of its subsidiaries either during or subsequent to their enrollment at OSU. The student-athletes were primarily from the ██████ area and had met DiGeronimo through the Cornerstone of Hope event or had heard from other student-athletes about the employment opportunities. DiGeronimo hired the student-athletes to perform work on behalf of Independence Excavating, Inc or its affiliated businesses, including a carwash and recycling center.

The institution and NCAA Enforcement Staff interviewed the five football student-athletes named in the current finding: ██████. Each freely acknowledged his employment. During this time period, the student-athletes worked during the summer or during institutional vacation periods. The student-athletes usually would work just a few days, with the longest continuous period being approximately eight days over a two-week period.

The student-athletes telephoned DiGeronimo or one of the supervisors to request work for an upcoming period or the next day. Such requests for work were always granted. The jobs primarily were day labor such as clean-up work at a carwash, picking up scrap metal at the recycling yard, or sorting through items in a storage area. The student-athletes were paid \$15 per hour, a rate that was less than that which Independence Excavating paid to nearly all of its employees since most company employees are members of a labor union. The student-athletes could determine their work schedule, and each student-athlete generally arrived and left around the same time each day.

Exhibit 3-10 to this report is a letter from DiGeronimo to legal counsel for the student-athletes detailing the hours for which the student-athletes were paid. Independence Excavating has not provided any more specific payment records to the institution or NCAA Enforcement Staff. Below is a listing of hours worked and overpayments by Independence Excavating for each student-athlete, as agreed upon by the NCAA Enforcement Staff and the institution:

Student-Athlete	Week Ending	Hours Paid	Hours Worked	Hrs. Over (Overpymt.)
██████████	██████████	██████████	██████████	██████████
<b>Total</b>		██████████	██████████	██████████

Student-Athlete	Week Ending	Hours Paid	Hours Worked	Hrs. Over (Overpymt.)
██████████	██████████	██████████	██████████	██████████
<b>Total</b>		██████████	██████████	██████████

Student-Athlete	Week Ending	Hours Paid	Hours Worked	Hrs. Over (Overpymt.)
██████████	██████████	██████████	██████████	██████████
<b>Total</b>		██████████	██████████	██████████

Student-Athlete	Week Ending	Hours Paid	Hours Worked	Hrs. Over (Overpymt.)
██████████	██████████	██████████	██████████	██████████
<b>Total</b>		██████████	██████████	██████████

Student-Athlete	Week Ending	Hours Paid	Hours Worked	Hrs. Over (Overpymt.)
██████████	██████████	██████████	██████████	██████████
<b>Total</b>		██████████	██████████	██████████

The institution and Enforcement Staff determined the actual number of hours worked based upon cell phone and bank records and the student-athletes' testimony.

The University notes that:

- It was not obvious to nearly all of the student-athletes that they were being overpaid. The student-athletes were not told their hourly wage. According to Independence Excavating's controller, no

timecards were completed for the work the student-athletes performed; instead, a supervisor verbally reported to the controller the hours that they worked, and he issued a paycheck. The check provided to the student-athletes did not include the number of hours worked nor the hourly wage. As a result, while the student-athletes generally understood the number of hours they worked due to their presence at the job site, they did not know their hourly rate and would not have known if they were overpaid. (On one occasion, [REDACTED] received a check without evidently performing any work).

- These employment practices (no timecard and flexible work schedule) were similar to other part-time employees at Independence Excavating.
- All student-athletes worked while at their jobs, and based upon an interview with the supervisor of one of the job sites, there were no issues with the student-athletes not performing the work required of them while at the job site.
- The student-athletes did not register these jobs with the institution’s compliance office as they were instructed to do during compliance education sessions and as required by athletic department policies. While the compliance staff told the student-athletes that they needed to register any employment with the compliance office, regardless of the jobs’ duration, including jobs worked for short periods, the student-athletes’ general position was that this employment was not arranged through the University nor was it for an extended period of time (e.g., throughout the summer). As a result, they did not feel the need to contact the compliance office.
- All of the student-athletes reported that they worked the hours they believed they were asked to work and were paid accordingly. None felt they were overpaid but, as noted above, none knew their hourly wage or the number of hours for which they were paid.

The institution declared the following student-athletes ineligible until reinstated by the NCAA Student-Athlete Reinstatement Staff and required each to repay the value of the impermissible funds received to a charitable organization as required under NCAA reinstatement guidelines. The student-athletes were required to be withheld from the following games:

[REDACTED] – 1 game  
[REDACTED] – 1 game  
[REDACTED] – 1 game

[REDACTED] – Eligibility reinstated based upon repayment  
[REDACTED] – 5 games

## **PARAGRAPH B -- 2011 CHARITY EVENT**

As part of this inquiry, in response to questions about their involvement with DiGeronimo or the charity event, several student-athletes reported that on February 19, 2011, five current football student-athletes and two former student-athletes attended the event. Three of the current student-athletes received impermissible monies at the event. All of the five current student-athletes incorrectly believed that their participation in the event had been approved by the OSU compliance office as either DiGeronimo or an individual representing the charity told them of this purported approval. The three student-athletes who received money reported that they were invited to participate in the event by [REDACTED] [REDACTED]. Two of the student-athletes reported that they received \$200 cash in an envelope from [REDACTED], while one student-athlete said that DiGeronimo personally gave him an envelope containing the money before the event.

The event would have met the provisions of NCAA Bylaw 12.5.1 and been permissible for the student-athletes to attend, but neither the student-athletes nor the event obtained prior approval from the institution as required under Bylaw 12.5.1. NCAA legislation also would have allowed student-athletes to receive actual and necessary expenses associated with attendance at this event, if it had been approved. (Based on federal mileage rates, each of the student-athletes who drove to the event could have received approximately \$150 in actual and necessary travel expenses).

As noted above, in order to monitor promotional activities and comply with NCAA legislation, the institution's athletics department requires written approval from the compliance office prior to any student-athlete's attendance at promotional or charitable events. Football student-athletes are educated about this requirement at fall check-in and spring check-out meetings, as well as repeatedly throughout the academic year by both compliance staff and Football Director of Player Development Stan Jefferson. The University believes that due to the previous attendance of some student-athletes at the event, of which one was approved, the student-athletes did not sufficiently understand that the event annually had to be approved. DiGeronimo, the event organizer, or fellow student-athletes explicitly assured the student-athletes that their attendance had been approved by the compliance office.

The institution declared the three student-athletes ineligible on September 1, 2011, required them to each pay \$200 to a charitable organization, and sought their reinstatement. (See Exhibit 3-2). The Student-Athlete Reinstatement Staff determined that each would be reinstated subject to a two-game suspension.

Also, please provide the following:

- a. An overview of the attendance and athletics participation at the institution for the identified student-athletes (except those named in previous allegations), including the (1) dates of enrollment at the institution and any other two- or four-year institution, (2) eligibility for practice and competition for each academic year enrolled, (3) amount of athletically related financial aid provided for each academic year, (4) average number of minutes and average number of contests participated in for each season of competition, (5) number of contests started for each season of competition, and (6) number of postseason events participated in for each season of competition.

Student-Athlete	Dates of Enrollment at OSU and Any Other Two- or four-Year Institution	Eligibility for Practice and Competition for Each Academic Year Enrolled			Amount of Athletically-Related Financial Aid Provided for Each Academic year			Average Number of Contests Participated in for Each Season of Competition				Average Number of Contests Started for Each Season of Competition				Number of Postseason Events Participated in for Each Season of Competition		
		10	09	08	10	09	08	10	09	08	AVG	10	09	08	AVG	10	09	08
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

NA = Was not a student-athlete during this time period  
 FS = Full Scholarship

- b. A statement indicating whether any of the student-athletes identified in the allegation have remaining eligibility issues. Please include copies of all correspondence between the institution and the NCAA student-athlete reinstatement staff concerning the restoration of eligibility for the student-athletes named in the allegation.

(See Exhibit 3-2).

- c. A statement describing DiGeronimo's relationship to the institution and its intercollegiate athletics program. In that regard, please indicate whether DiGeronimo has (1) participated in or is a member of an agency or organization promoting the institution's intercollegiate athletics program; (2) made financial contributions to the institution, its intercollegiate athletics program or an athletics booster organization; (3) a personal relationship in any manner with any current or former members of the institution's athletics programs; (4) been involved in any manner with the recruitment of prospective student-athletes; (5) provided benefits in any manner to any enrolled student-athletes, prospective student-athletes or their families; or (6) been involved in any manner in the promotion of the institution's intercollegiate athletics program. Also, please indicate if the institution believes DiGeronimo to be a representative of the institution's athletics interests and, if so, the date he became a representative.

(See Overview Section of Allegation #3).

As a result of DiGeronimo occasionally being present on the sidelines and in the locker room, DiGeronimo knew several members of the coaching staff, primarily during the period when John Cooper was the head coach. Some members of the Tressel football coaching staff knew

DiGeronimo since they also were members of the Cooper staff. DiGeronimo provided meals to the men's basketball staff on an occasional basis, so it is possible that some basketball coaching staff members knew him.

DiGeronimo was a member of a group entitled "Committeemen" who assisted in the institution's recruiting efforts when it was permissible for representatives to contact prospects (mid 1980s). After the booster prohibition legislation was enacted, the Committeemen did not contact prospects.

DiGeronimo was a representative of the University's athletics interests until he was disassociated on September 20, 2011. Readily available University records indicate that DiGeronimo was a booster at least beginning in the 1980s, and it is believed that he had made contributions prior to that time.

- d. *A statement indicating the reason the violations occurred in light of NCAA legislation prohibiting the receipt of extra benefits by student-athletes.*

DiGeronimo was knowledgeable of NCAA legislation and University procedures but decided to not abide by them.

4. [NCAA Bylaw 2.8.1]

*It is alleged that the institution failed to adequately monitor Robert DiGeronimo, representative of the institution's athletics interests, including his interaction with and employment of football student-athletes, as set forth in Allegation No. 3. Specifically, the institution knew that DiGeronimo previously employed football student-athletes (2004 through 2006) and, on multiple occasions, hosted them at an annual charity event he is associated with (2006, 2007 and 2010) but failed to take appropriate actions to determine if DiGeronimo continued to employ student-athletes or host them at the charity event despite concerns about his interaction with the football program, his previous involvement in a secondary violation related to football student-athletes' attendance at the charity event (2006) and his attempt to form close personal relationships with football student-athletes. Additionally, the institution failed to educate football student-athletes about DiGeronimo, encourage them to cease interaction with him or inquire about their potential employment with DiGeronimo and attendance at the charity event. As a result, DiGeronimo continued to employ student-athletes without the institution's knowledge and host them at the annual charity event, which resulted in the violations set forth in Allegation No. 3.*

*Please indicate whether this information is substantially correct and whether the institution agrees that violations of NCAA legislation occurred. Submit evidence to support your response.*

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The University acknowledges a violation of Bylaw 2.8.1.

The University was aware of DiGeronimo and believes it took significant actions to separate DiGeronimo from its program in the mid 2000s. These included:

1. Prohibiting his previous access to the locker room, sideline, and coaches' offices;
2. Eliminating his provision of food to coaching staff members;
3. Educating him on applicable NCAA legislation;
4. Sending DiGeronimo a letter from the then head football coach directing him to abide by NCAA rules. The then head football coach also telephoned DiGeronimo to inform him of similar information; and
5. Telling him in a telephone call from the Director of Athletics to eliminate the provision of food to coaches and to distance himself from the University's student-athletes and to comply with NCAA rules sent to him regularly through booster education.

However, the institution acknowledges that had it taken additional measures to determine whether DiGeronimo had interactions with student-athletes away from institutional facilities, the likelihood of these current violations occurring would have been reduced. These additional actions primarily relate to

specifically monitoring the student-athletes' attendance at the annual charity event and their possible employment at Independence Excavating.

While attendance at the event and employment at Independence Excavating are permissible under NCAA legislation (assuming the event submits the appropriate forms and the student-athletes receive appropriate wages), the institution could have:

- a. Reinforced to student-athletes that they could not attend the Cornerstone of Hope charity event unless they were directly told by the compliance staff that their attendance was approved;
- b. Contacted DiGeronimo directly to inform him that student-athletes could not be employed unless the student-athletes registered their employment;
- c. Contacted the Cornerstone of Hope charity in 2011 to inform it that student-athletes could not attend the event unless the charity submitted the appropriate forms to the compliance staff; and
- d. Ensured that its football staff informed the compliance office concerning requesting of employment for student-athletes from DiGeronimo and receiving completed questionnaires from him. The person who received these forms in 2006 and 2007 is no longer with the University, and the University ceased sending these forms in 2009.

The University emphasizes that these actions above individually do not result in a failure to monitor but that when viewed collectively, in hindsight and in light of the violations that occurred, more actions could have been taken.

The University identified DiGeronimo as a potential concern because his name surfaced as a person who had contact with coaches and student-athletes and took several actions against him. It was proactive with DiGeronimo even though DiGeronimo had only been found to be involved in a "paperwork" violation (See Allegation #3). He was identified in 2005 and 2006 by the compliance staff as an individual that the Director of Athletics should contact. This contact occurred. The University also eliminated his presence (along with others) from the locker room and sidelines. The institution believed it resolved the situation in 2006 and based upon DiGeronimo's visible absence from the facilities, the institution believed he was no longer involved with the football program. The University recognizes that had it undertaken additional follow up actions to identify whether he continued to be involved with its student-athletes, the probability of the current violations occurring would have been reduced.

The issue is not a failure to recognize the potential problem but to undertake sufficient steps to potentially detect actions by a then representative of its athletics interests who understood University student-athlete employment policies and NCAA legislation. DiGeronimo was an individual who knowingly violated NCAA rules and circumvented University procedures, contrary to the information provided to him.

The institution did not disassociate DiGeronimo from its athletics program in 2006 because the available information did not warrant such an action. In hindsight, if such a disassociation would have occurred, it would have reduced the likelihood of (but possibly not have eliminated) these violations. For example, had the appropriate compliance paperwork been completed, the institution would have known that DiGeronimo was employing student-athletes. However, despite knowing about the employment, the institution would not have known that student-athletes were overpaid a couple of hours on various days. Similarly, had the appropriate compliance paperwork been completed, the institution would have known that student-athletes were attending the Cornerstone of Hope charitable event in 2011, but it still would not have known that DiGeronimo was giving/arranging to give cash in envelopes to student-athletes.

The institution had (and continues to have) appropriate educational and monitoring programs. Below is a detailing of the institution's: (i) educational efforts for student-athletes, coaches, and boosters; and (ii) student-athlete employment monitoring program.

#### Student-Athlete Employment and Education Program

Student-athlete education is a substantial portion of the athletic compliance office's educational efforts. All student-athletes are required to attend compliance education sessions during the fall and spring academic terms and complete accompanying compliance paperwork. Each educational session provides general rules education as well as sport specific reminders. All student-athletes also receive educational reminders from the compliance office at least once per month in the form of emails and text messages. The athletic compliance office also has frequent in-person, email and phone correspondence with student-athletes regarding NCAA rules and interpretations.

Regarding representatives of the institution's athletics interests, the compliance office has extensive interaction with Ohio State University Alumni Association (OSUAA) groups and individual sport support groups regarding NCAA rules and regulations and interpretive issues. Specifically, the institution's athletic compliance office sends educational materials to OSUAA chapter officials for distribution among its

membership, as well as to officials within sport support groups. The athletic compliance office regularly works with the OSUAA staff liaison to the individual OSUAA chapters to ensure that each group is aware of NCAA, Big Ten and institutional rules and regulations.

Additionally, the compliance office distributes educational materials to approximately 180,000 ticket holders in the sports of football, men's basketball, women's basketball and men's ice hockey. Further, educational videos and public service announcements are broadcasted at football games, men's basketball games, women's basketball games and men's ice hockey games. The announcements focus on NCAA extra benefit, preferential treatment and employment regulations. The University's game programs also contain educational pages featuring extra benefit, preferential treatment and employment regulations.

DiGeronimo received numerous educational materials concerning employment and extra benefits. He would have received booster education materials as a result of being a season ticket holder and by being present for numerous public service announcements during games. He also received information on NCAA legislation from the compliance staff in 2004, 2005, and 2006 for the student-athlete jobs that were registered. On at least four occasions, he received the employer education and for each year that he was a member of the Buckeye Club, he received booster education. As importantly, as noted above, he received personal telephone calls from the then head football coach and Director of Athletics about complying with NCAA legislation. The Cornerstone of Hope also received education in 2006, 2007 and 2010 regarding the need to register charitable events if current student-athletes will be in attendance.

Regarding student-athlete employment educational information, student-athletes, coaches, parents, and employers are educated about the importance of student-athletes registering employment with the compliance office. The student-athletes receive extensive education about the requirement and importance of registering their employment regardless of its duration or compensation. For example, the compliance office requires registration of unpaid internships and volunteer positions so that the compliance office can verify that no compensation or other benefit was provided for their services. Specifically, student-athlete education includes: (i) a fall education session; (ii) a spring education session; and (iii) regular reminders (three to four times per year) at football specific education meetings.

The football staff is present at the student-athlete meetings. They also receive education concerning the need for student-athletes to register their employment at their weekly meetings held during the season. Parents receive e-mails containing the information provided to their sons from each educational session so

that the parents are aware of the information being presented, including the necessity to register employment.

Employers are educated through the employment registration process. They are sent NCAA and institutional guidelines concerning employment, as well as information concerning the completion of the registration process. In addition, as part of the compliance office's educational program, representatives of the University's athletics interests are sent brochures that outline NCAA and institutional rules that govern student-athlete employment.

### Monitoring

The monitoring process is based upon the compliance office receiving notification of a student-athlete's employment. Notification to the compliance office can be initiated by: (i) the student-athlete; (ii) a coaching staff member; (iii) the employer; or (iv) a parent of a student-athlete.

Upon notification of employment, the compliance office takes the following steps to validate the student-athlete's employment:

- i. Requires the student-athlete to complete an employment form. It must be completed, signed, and received by the compliance office prior to the beginning of employment (prior to the summer term, the student-athlete must affirmatively represent his employment status to the University even if he has no employment);
- ii. Sends NCAA and institutional guidelines concerning employment, as well as information concerning how to complete the registration process to employers;
- iii. Requires the employer to complete a form prior to the beginning of employment; and
- iv. Requires the employer to complete an earnings verification form that examines the hours worked and wages provided during the employment.

The compliance office contacts any employer who did not submit the employment verification forms. When employers are not responsive, the compliance office requires the student-athlete to provide verification of their employment and earnings. Student-athletes who do not provided verification could be withheld from practice and/or competition until verification is received. Copies of these above forms are included in Exhibit 3-11.

Also, please provide the following:

- a. *A statement describing the history of DiGeronimo's interaction with the football program, including any instances in which DiGeronimo was in the football locker room without permission and the dates and circumstances under which he provided meals to the football staff.*

(See Overview Section in Allegation #3).

- b. *A copy of all correspondence since 2004 between the institution and Independence Excavating or DiGeronimo regarding employment of student-athletes and all employment forms submitted by student-athletes during that time period regarding employment at Independence Excavation.*

(See Exhibits 3-8 and 4-1).

- c. *A copy of the May 25, 2005, letter from Jim Tressel, then head football coach, to DiGeronimo regarding his interaction with two then football student-athletes and DiGeronimo's delivery of lunch to the football staff.*

(See Exhibit 3-6).

- d. *A copy of the May 26, 2005, and March 16 and 30, 2006, meeting minutes of the institution's Executive Compliance Subcommittee.*

(See Exhibit 4-2).

- e. *A statement describing the Cornerstone of Hope foundation, its annual charity event and DiGeronimo's involvement in both. Please provide the names of each student-athlete who attended the charity event, including the year(s) attended, how their attendance was arranged, the purpose of their attendance, the circumstances regarding the institution's approval of their attendance and whether such approval was in accordance with the institution's procedures for promotional activities.*

(See Overview Section of Allegation #3).

Regarding the student-athlete attendance, below is a listing of the student-athletes who the institution believes attended the event:

Year	Student-Athlete	
2006	[REDACTED]	[REDACTED]
2007	[REDACTED]	[REDACTED]

Year	Student-Athlete	
2008	[REDACTED]	[REDACTED]
2009	Unknown	
2010	[REDACTED]	
2011	[REDACTED]	[REDACTED]

The approval in 2007 and 2010 were in accordance with the institution's policy for promotional activities.

- f. *A copy of the institution's self-report of secondary violations dated June 22, 2006, regarding football student-athletes' attendance at the Cornerstone of Hope annual charity event.*  
  
(See Exhibit 3-4).
- g. *A copy of the March 8 and 15, 2006, emails from Heather Lyke, then associate athletics director of compliance, to Tressel regarding DiGeronimo.*  
  
(See Exhibit 4-3).
- h. *A copy of the April 20 and June 15, 2006, emails from Lyke to Gene Smith, athletics director, and Tressel regarding DiGeronimo.*  
  
(See Exhibit 3-7).
- i. *A copy of the June 17, 2011, letter from Smith to DiGeronimo disassociating him from the institution.*  
  
(See Exhibit 3-3).
- j. *An overview of the institution's compliance procedures during the previous five academic years for monitoring football student-athlete employment and involvement in promotional activities.*  
  
(See Education Section of Allegation #3).
- k. *An overview of the institution's compliance procedures during the previous five academic years for monitoring representatives of the institution's athletics interests and their interaction with student-athletes.*

The institution undertakes both educational and monitoring activities of its athletics representatives.

Its educational efforts towards boosters are described in the Educational Section of Allegation #3. It also undertakes booster education prior to and at football bowl games.

Regarding monitoring efforts, as detailed in the Overview Section in Allegation #3, the University closely monitors its athletics representatives. The actions of prohibiting several athletics representatives, including DiGeronimo, from access to the locker room and sidelines is an example of this monitoring and of restricting booster presence around student-athletes. Due to the prohibition on representatives being in the locker room and sidelines, much of the institution's monitoring efforts focused on individuals who were contacting student-athletes with a concern that such interaction could result in amateurism violations. While the institution acknowledges that it could have done more in Allegation #4, representatives were not visible in the athletics program. The focus was on potential agents, runners, or other individuals who were attempting to associate with the student-athletes for those individuals' personal gain. For example, the institution had a list of individuals that was compared to the weekly complimentary admissions list to make sure that such individuals were not receiving admissions from the student-athletes' allotment.

- l. A statement describing NCAA rules education provided to representatives of the institution's athletics interests during the previous five academic years related to extra-benefit legislation, student-athlete employment arrangements and promotional activities.*

(See Education Section of Allegation #3).

- m. A statement describing NCAA rules education provided to football student-athletes during the previous five academic years related to the receipt of extra benefits and involvement in promotional activities.*

(See Education Section of Allegation #3).