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John A. Stewart, Ed.D.  
Commissioner

August 14, 2007<sup>7</sup>

Mrs. Cynthia Ansell, Principal  
Trinity Christian Academy (Lake Worth)  
7259 S. Military Trail  
Lake Worth, FL 33463

**Via Facsimile and US Mail - 561.965.4347**

Re: Findings of Violations of FHSAA Regulations and Sanctions

Dear Mrs. Ansell,

The Florida High School Athletic Association (henceforth referred to as FHSAA) sent a letter dated June 28, 2007 to Trinity Christian Academy (henceforth referred to as TCA) outlining the findings of Mr. Wayne Williamson, FHSAA Investigative Consultant, regarding an investigation of alleged violations of FHSAA regulations. This investigation was initiated on May 22, 2007 due to allegations from an FHSAA member school, Lake Worth Christian School (henceforth referred to as LWCS).

The letter from the FHSAA dated June 28, 2007 was responded to by Suzanne K. Bogdan, P.A. on behalf of TCA and received at the FHSAA Office on July 12, 2007. A point that should be addressed is Ms. Bogdan's assertion that the letter from the FHSAA dated June 28, 2007 was interpreted by her to be findings under FHSAA Bylaw 13.2 and 13.3. In actuality, the letter dated June 28, 2007 was a letter of findings of the FHSAA investigative consultant and not the findings of the Commissioner as noted in FHSAA Bylaw 13.2. The letter from the FHSAA dated June 28, 2007, was a letter designed to give TCA an overview of the findings of the investigator, a forum to address the findings of the investigator whether in agreement or not, and an opportunity to list any proactive measures the school will take to remedy any violations that have occurred.

**Background of Facts**

- On May 14, 17, and 18, 2007, TCA held tryouts to determine which students would represent TCA's summer volleyball team at camp.
- The tryouts were held during the school year and not the summer time.
- The tryouts were held on the campus of TCA.
- The tryouts were supervised by TCA volleyball coaches Mike and Tobi Manke.
- Volleyball skills were being evaluated by the coaches and volleyball equipment was in use.
- Three students identified as bona fide students at FHSAA member school LWCS attended at least one day of the tryouts.
- Statement from [redacted] "Mrs. Tobi Manke let us know about the tryouts happening and asked the girls to come to at least one of the days scheduled.
- Statement by LWCS student [redacted], "I was invited by Coach Manke."
- TCA Head Volleyball Coach Mike Manke signed FHSAA GA3 Form stating that he has read and understands the recruiting regulations of the FHSAA.
- Statement from coaches Mike and Tobi Manke, "we were indeed in violation of an FHSAA guideline. We did have an open participation to see who was interested in attending summer volleyball team camp."

## Findings of Violations of FHSAA Regulations

- Violation of FHSAA Bylaw 7.6.1 which states, *Recruitment of students or attempted recruitment of students for athletic purposes, regardless of their residence, is a gross violation of the spirit and philosophy of these Bylaws and is expressly forbidden. Recruiting is the use of undue influence and/or special inducement by anyone associated with a school in an attempt to encourage a prospective student to attend or remain at that school for the purpose of participating in interscholastic athletics. A member school is responsible for any such action committed by any person associated with the school, including the principal, assistant principals, the athletic director, coaches, teachers, any other staff members or employees, students, parents or any organization, such as booster clubs, having connection to the school. A member school also is responsible for any violation committed by any person acting at the direction of the school or anyone associated with the school. The Board of Directors shall establish and maintain a policy which defines undue influence and special inducement; lists examples of such actions which shall be considered to be violations of this article; establishes the penalties for such violations; and regulates academic recruitment programs and financial aid programs conducted and administered by member schools.* TCA volleyball coaches invited bona fide students from another FHSAA member school (LWCS) to volleyball tryouts prior to becoming bona fide students at TCA).
- Violation of FHSAA Bylaw 11.1.1 which states, *In order to represent a school in any branch of athletics, a student must be a bona fide student of that school – bona fide meaning one who is regularly enrolled and in regular attendance – who meets, in addition, the requirements as set forth in other sections of this Article. In order to practice with a school in any branch of athletics, a player must be a bona fide student of that school.* Three students from LWCS participated in volleyball tryouts with a team associated with TCA.
- Violation of FHSAA Bylaw 11.4.12, which states, *Participation by a student in non-school athletics (i.e. AAU, American Legion, club settings, etc.) on a team that is affiliated with any school other than the school which the student attends, or attended the prior year, followed by enrollment by that student in the affiliated school shall be considered prima facie evidence of recruiting by the school to which that student enrolled, or that the student enrolled in that school in whole or in part for athletic reasons. Unless this prima facie evidence of recruiting or that the student enrolled in the new school in whole or in part for athletic reasons is disproved by the school and student to the satisfaction of the Commissioner, the student shall be ineligible to represent that school in interscholastic athletic competition for a period of 365 consecutive days from the date of his/her enrollment in that school. A team affiliated with the school is one that is organized by and/or coached by any member of the coaching staff at, or any other person affiliated with, that school; and/or on which the majority of the members of the team (participants in practice and/or competition) are students who attend that school.* LWCS student [REDACTED] participated on a club team coached by Mike and Tobi Manke prior to enrolling at TCA. [REDACTED], [REDACTED], and [REDACTED] participated in volleyball tryouts with a team associated with TCA prior to enrolling at TCA. The interpretation of enrollment is the date a student becomes a bona fide student as defined in FHSAA Bylaw 11.1.1.
- Violations of FHSAA Policy 24 – Off-Season Participations Guidelines, specifically #2 which states, *During the off-season, (“Off-season” means the period of time during the regular school year but outside the defined sport season for a specific sport), a coach may have contact with student athletes who are members of his/her team outside the normal teacher-student classroom environment to make arrangements for and assist in the conduct of physical examinations; explain eligibility regulations; solve insurance problems; review films; build morale; and conduct off-season conditioning as defined in the “Off-Season Conditioning Guidelines” contained elsewhere in this handbook.* TCA allowed team volleyball tryouts to take place during the off-season as defined in this Policy.

Ms. Bogdan provided a list of corrective actions, however, all of these actions with the exception of the probationary period for the coaches should have been in place prior to the violations being committed. Please be advised the sanctions placed on TCA are minimum in nature due to cooperation in this matter. Violations as egregious as those cited could have caused larger monetary fines and longer probationary periods.

### Sanctions to TCA

Pursuant to FHSAA Bylaw 12.1, Penalty for Violating Rules, TCA is reprimanded, fined \$7,500.00, and its girls volleyball team placed on restrictive probation for a period of one year, as well as administrative probation for a period of two years following the year of restrictive probation. The probation period will begin immediately and end at the conclusion of the 2009-2010 school year. Details of the restrictive probation are as follows.

- TCA will not be permitted to participate in the FHSAA Girls Volleyball State Series during the 2007-2008 school year.
- TCA is placed on administrative probation for the 2008-2009 and 2009-2010 school years.

Furthermore, students [REDACTED] are ineligible to participate in interscholastic athletics at TCA for a period of 365 days from the date of their enrollment at TCA. Enrollment is interpreted as the date these students became bona fide students at TCA. Bona fide student is defined in FHSAA Bylaw 11.1.1. These students are ineligible based on FHSAA Bylaw 11.4.12. All three students participated in tryouts for a volleyball team associated with TCA prior to becoming bona fide students at TCA. They participated in non-school athletics and subsequently enrolled (see interpretation above) at TCA. It is the determination of the Association these students enrolled at TCA in whole or in part for athletic reasons. Furthermore the prima facie evidence of recruiting has not been disproved to the satisfaction of the Commissioner. Coach Tobi Manke let [REDACTED]'s mother know about the tryouts (Policy 38, 3.1), and [REDACTED] was invited by Coach Manke (Policy 38, 3.1).

**REPRIMAND** – An official letter of censure to the individual and/or school concerned in regard to the offense committed and warning against further acts of a detrimental nature which are contrary to the aims of this Association. This letter of reprimand becomes a part of the file of the individual and/or school involved.

**Administrative Probation** – The school is reprimanded, fined and served notice that it is in a period of warning for one or more calendar years and additional violations during this period may result in an extension of the probationary period, or in the school being placed on restrictive or suspension probation, or in the school being expelled from membership in this Association.

**Restrictive Probation** – The school is reprimanded, fined and restricted in some manner for one or more calendar years, including restriction from participation in championship competition in one or more sports. The school is further served notice that it is in a period of warning for one or more calendar years and additional violations during this period may result in an extension of the probationary period, or in the school being placed on suspension probation, or in the school being expelled from membership in this Association.

*According to FHSAA Bylaw 13.2.1; The principal of a member school or his/her designee, or any other individual, who is found to be in violation of the rules of this Association by the Commissioner, whether or not such finding results in the imposition of penalty, may appeal the finding of the Commissioner if he/she takes issue with it, or may appeal the penalty imposed, if any, if he/she, while not disagreeing with the finding, believes the penalty to be too severe. The appeal must be filed so that it is received in the office of this Association within ten (10) business days of the receipt of the Commissioner's finding and/or notification of the imposition of penalty. Failure to file an appeal so that it is received in the office of this Association within the ten (10) business days*

*allowed shall be deemed a waiver of the right to appeal as granted herein. The cost of the appeal, including the Association's attorney fees, shall be borne by the appellant if the finding of the Commissioner or the penalty as imposed is upheld. Appeals shall be considered by the Sectional Appeals Committee, which serves the administrative section in which the petitioning school is located, only at a regularly scheduled meeting. If, however, the finding of the Commissioner arises from a situation involving or affecting member schools in more than one administrative section, or the finding results in the imposition of a penalty of restrictive probation, suspension probation or expulsion against a member school, an appeal of that finding shall be forwarded directly to the Board of Directors.*

Furthermore according to FHSAA Bylaw 13.1.1, the students who have been deemed ineligible may appeal those decisions to the Sectional Appeals Committee in their section. The deadline for being placed on the September agenda is 5:00 p.m. on August 24, 2007. FHSAA form EL 11 is to be used for this purpose.

Sincerely



John A. Stewart, Ed.D.,  
Commissioner

Cc Board of Directors  
Sonny Hester, Associate Commissioner, FHSAA  
Mrs. Dorothy Brunson, Director of Compliance and Eligibility, FHSAA  
Mr. Wayne Williamson, Investigative Consultant  
Mr. Jim Harwood, FHSAA Representative, Lake Worth Christian School  
Denarvise Thornton, Senior Director of Athletic Operations  
Roberta Elkins, Comptroller  
Robert Hernberger, Associate Director of Communications  
Leonard Ireland, General Counsel