



University of San Diego

Executive Summary:

Report of Investigation Regarding
United States Department of Justice
College Admissions Investigation

July 19, 2019

I. EXECUTIVE SUMMARY

In March 2019, in connection with allegations raised by the United States Department of Justice (“DOJ”), the University of San Diego (“USD” or the “University”) retained Snell & Wilmer L.L.P. (“Snell & Wilmer”) to conduct an independent internal investigation regarding allegations concerning USD set forth in two federal pleadings filed in the United States District Court for the District of Massachusetts; namely, (1) the criminal indictment in *United States v. Gordon Ernst et al.*, No. 1:19-CR-10081-IT (D. Mass. Mar. 5, 2019) (“Coaches Indictment”); and (2) the criminal complaint in *United States v. Gregory Abbott et al.*, No. 1:19-mj-06087-MPK (D. Mass. Mar. 11, 2019) (“Parents Complaint” and collectively, “DOJ Charging Documents”). These federal pleadings primarily formed the basis of the widely-reported “Varsity Blues” college admissions investigation, which involved the March 2019 arrest of dozens of individuals who were allegedly involved in a nationwide conspiracy to: (1) facilitate cheating on college entrance exams; (2) facilitate the admission of students to elite universities as recruited athletes, regardless of their athletic abilities; and (3) fraudulently use a charitable organization to conceal payments meant to personally enrich college athletic coaches and administrators, standardized test administrators, and the owner and Chief Executive Officer (“CEO”) of the for-profit and not-for-profit companies that facilitated these alleged bribe payments.

The DOJ Charging Documents do not charge any of USD’s current or former administrators or staff as defendants. However, these federal pleadings do contain various allegations specifically referencing the University. In particular, the pleadings allege two schemes involving William “Rick” Singer, Martin Fox, and Father of Applicants 1 and 2. As alleged in the first scheme, beginning in 2015, Mr. Fox (under the direction of Mr. Singer), facilitated bribe payments to Men’s Basketball Former Head Coach (“Former Head Coach”).¹ In exchange for those bribes, which were funded by Father of Applicants 1 and 2, Former Head Coach designated Applicant 1, as a recruit for the USD Men’s Basketball team, even though he did not play the sport, thereby facilitating his admission to USD.

As alleged in the second scheme, in 2017, in exchange for the promise of an additional bribe, Former Head Coach designated Applicant 2 (Applicant 1’s sister), as a recruit to manage the USD Men’s Basketball team, thereby facilitating her admission to USD.

With respect to the scheme involving Applicant 1, the DOJ Charging Documents allege that in or about May and June 2016, Father of Applicants 1 and 2’s company wired two payments of \$125,000 each to Mr. Singer’s not-for-profit company. Mr. Singer then issued a \$100,000 payment to Mr. Fox, who advised Mr. Singer that he paid Former Head Coach to facilitate Applicant 1’s admission to USD.

¹ Although the DOJ Charging Documents do not refer to Former Head Coach or the Men’s Basketball team specifically, Snell & Wilmer determined that these were the varsity coach and sports team referenced in these federal pleadings, respectively.

With respect to the scheme involving Applicant 2, the DOJ Charging Documents allege that in or about October 2016, Father of Applicants 1 and 2's company wired \$75,000 to Mr. Singer's not-for-profit company. Mr. Singer then allegedly paid \$50,000 to Mr. Fox and \$20,000 to Mark Riddell for assisting with the entrance exam cheating scheme. Although Applicant 2 did not ultimately attend USD, Mr. Singer paid Former Head Coach \$10,000 for his help in securing her admission.

Snell & Wilmer's internal investigation included review of four areas:

1. Factual issues related to USD as set forth in the DOJ Charging Documents;
2. Whether any USD current or former employees, other than Former Head Coach, were involved in or otherwise had knowledge of the alleged wrongdoing identified in the DOJ Charging Documents;
3. Whether Former Head Coach engaged in any recruitment or admissions-related misconduct while employed by USD involving individuals other than those referenced in the DOJ Charging Documents; and
4. Whether there is evidence of other recruitment or admissions-related misconduct at USD that involved either Mr. Singer (or any of his related organizations identified in the DOJ Charging Documents, including those organizations' respective employees), Mr. Fox, or Individual 1.

Snell & Wilmer's investigation consisted of three phases. First, Snell & Wilmer, in coordination with a third-party e-discovery vendor, collected and reviewed potentially relevant documents, which consisted primarily of email and email attachments. Second, Snell & Wilmer conducted interviews of 20 current and former USD employees. Third, Snell & Wilmer reviewed additional relevant sources and materials to further aid its investigation.

A. Factual Findings Regarding USD Allegations in the DOJ Charging Documents

Preliminarily, as set forth in more detail throughout this report, Snell & Wilmer concluded that, other than Former Head Coach, no current or former USD employees were knowingly involved in the alleged wrongdoing identified in the DOJ Charging Documents.

Further, Snell & Wilmer was unable to corroborate that the alleged bribe payments from Mr. Singer — through Mr. Fox — to Former Head Coach actually occurred. No one that Snell & Wilmer interviewed was aware of such bribes and the documents and donor records that it reviewed did not contain any information regarding the alleged bribes. Thus, Snell & Wilmer did not find any evidence of the alleged bribes in the University's possession. This finding does not establish that the alleged bribe payments to Former Head Coach did not occur; it only means that USD did not possess any information reflecting such bribes. Similarly, Snell & Wilmer was unable to corroborate allegations in the DOJ Charging Documents concerning communications solely

between Mr. Singer and Father of Applicants 1 and 2 or Mr. Fox, as those documents are likewise not in the University's possession.

REDACTION—
STUDENT PRIVACY

With respect to Applicant 2, Snell & Wilmer confirmed several of the USD-related allegations contained in the DOJ Charging Documents. Specifically, Snell & Wilmer found that on November 14, 2016, Individual 1 emailed Applicant 2's unofficial transcript to Former Head Coach. Thereafter, on December 9, 2016, Individual 1 emailed both Applicant 2's September 2016 ACT score report, which reflected a score of 24, and her unofficial transcript to Former Head Coach. In his email, Individual 1 informed Former Head Coach that Applicant 2 had recently retaken the ACT, received extended time to take the test, and was awaiting her new test score. Snell & Wilmer did not identify any documentary evidence that Former Head Coach provided a written response to these emails.

Snell & Wilmer found that subsequent to Individual 1's emails to Former Head Coach regarding Applicant 2, Former Head Coach represented to the Admissions Office that Applicant 2 was the sister of someone on the Men's Basketball team and that he wanted her to work as a manager for the team. Former Head Coach also represented that he had secured funding for the purported manager position. Snell & Wilmer did not find any evidence of funding for the purported manager position and concluded that Former Head Coach likely fabricated this statement.

In early 2017, Former Head Coach inquired with the Admissions Office about Applicant 2. After resending electronic versions of Applicant 2's materials, Former Head Coach asked the Admissions Office for its determination regarding her admissibility to USD as a recruit for the Men's Basketball team. Applicant 2 was approved for admission to USD in or around mid-January 2017.

Snell & Wilmer found that on January 11, 2017, Former Head Coach forwarded to Mr. Fox the email from the Admissions Office that approved Applicant 2 for admission. Shortly thereafter, on February 1, 2017, Individual 1 sent Applicant 2's October 2016 ACT score report to Former Head Coach. Consistent with the allegation in the DOJ Charging Documents, Applicant 2 received an improved score of 28 on the October 2016 ACT.

Snell & Wilmer confirmed the allegation in the DOJ Charging Documents that Applicant 2 was formally admitted to USD but that she ultimately decided not to attend. Specifically, on May 16, 2017, Former Head Coach asked the Admissions Office whether certain individuals, including Applicant 2, had completed all necessary steps for their admission to USD. That same day, the Admissions Office employee responded that Applicant 2 had still not confirmed her enrollment at USD and requested that Former Head Coach follow-up with her regarding whether she still planned to attend USD. Later that day, Former Head Coach emailed himself a "To Do" list, which contained an item referring to Applicant 2 and "fox," which Snell & Wilmer determined to be a reference to Mr. Fox. On May 18, 2017, the Admissions Office emailed Former Head Coach to inquire again about Applicant 2's intent to enroll at USD. The next day, on May 19, 2017, Former Head Coach responded that Applicant 2 had decided not to attend USD.

B. No Current or Former USD Employees, Other Than Former Head Coach, Were Knowingly Involved in the Alleged Wrongdoing Identified in the DOJ Charging Documents

Snell & Wilmer concluded that, other than Former Head Coach, no current or former USD employees were knowingly involved in the alleged wrongdoing identified in the DOJ Charging Documents. In connection with the DOJ Charging Documents' allegations regarding Applicant 1 and Applicant 2's respective applications to USD, based on Snell & Wilmer's document review and analysis and interviews, Snell & Wilmer determined that no current or former USD employees, other than Former Head Coach, had contact with Mr. Singer, his entities or his employees, Mr. Fox, Mr. Riddell, or Individual 1. Snell & Wilmer also concluded that there was no evidence of bribe payments in the Men's Basketball program's donor records. As explained above, this

determination does not establish that the alleged bribe payments did not take place; it only means that the University did not possess any information reflecting such bribes.

C. No Additional Recruitment or Admissions-Related Misconduct at USD by Former Head Coach Involving Individuals Other Than Those Referenced in the DOJ Charging Documents

Snell & Wilmer concluded that Former Head Coach did not engage in any recruitment or admissions-related misconduct while employed by USD involving individuals other than that referenced in the DOJ Charging Documents.

D. No Additional Recruitment or Admissions-Related Misconduct at USD Involving Rick Singer or His Related Organizations and Agents, Martin Fox, or Individual 1

Snell & Wilmer concluded that there was no evidence of other recruitment or admissions-related misconduct at USD involving either Mr. Singer (or any of his related organizations identified by the DOJ, including those organizations' respective employees), Mr. Fox, or Individual 1. While Mr. Singer and other relevant individuals, including Mr. Riddell, may have contacted, in some form, four other USD employees, those contacts appear to be isolated instances, occurred in contexts other than the alleged misconduct identified by the DOJ Charging Documents, and did not appear to involve any impropriety.