

**REDACTED**

May 26, 2011

Dr. Matthew Welker, Principal  
Dr. Michael M. Krop Sr. High School  
1410 County Line Road  
Miami, Florida 33179

7/19/11  
~~Dr. Matthew Welker~~  
~~Principal~~  
DT/AA

Dear Dr. Welker:

Subject: FHSAA's investigation of Dr. Krop's Athletic Program – Boys Basketball

This communication addresses the Florida High School Athletic Association's (referred to as FHSAA) findings as related to the current investigation of Dr. Krop High School's athletic program (referred to as DKHS) and related matters.

Please review the following information in its entirety for appropriate response to the FHSAA Office.

The following information is organized as follows:

- I. **Background Summary**
- II. **Pertinent Bylaws and Policies**
- III. **Summary of Potential Violations and Additional Requested Information**

**I. Background Summary**

In December 2010, the FHSAA received an anonymous allegation regarding the eligibility status of a student representing DKHS in interscholastic competition in boys basketball. The information was forwarded to Miami-Dade Public Schools for review, providing the school district an opportunity to review this matter with its school.

In January 2011, the FHSAA received similar information from an FHSAA member school, Miami Carol City Sr. High School, requesting the FHSAA address this matter in accordance with Bylaw 10.3.1.

DKHS self-reported allowing an ineligible student to participate in its program (reference Policy 17). Allowing the ineligible student to participate in the state series resulted in DKHS's removal from the 2010-11 FHSAA Boys Basketball State Series. DKHS requested and was granted an emergency appeal to reinstate the ineligible student's eligibility AND to reinstate DKHS boys' basketball team into the 2010-11 Boys Basketball State Series.

As a result of the information received and at the request of an FHSAA member school, the Association's Executive Director authorized an investigation of DKHS's athletic program, addressing.



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As a result of the information received and at the request of an FHSAA member school, the Association's Executive Director authorized an investigation of DKHS's athletic program, addressing.

## **II. Pertinent Bylaws and Policies**

The FHSAA Bylaws and Policies relative to this investigation include Bylaw and Policy references for 2010-11 school year. The following lists, at a minimum, applicable bylaws and policies:

### **2010-11 FHSAA Handbook**

#### *Bylaws*

#### **2.5 ADMINISTRATIVE CONTROL AND RESPONSIBILITY**

*Each school must control its interscholastic athletic programs by FHSAA rules and regulations. The principal, who is responsible for the administration of all aspects of the school's interscholastic athletic programs, is responsible for ensuring this control, which extends to and includes responsibility for and control over the actions of:*

- (a) The administration and faculty;*
  - (b) The athletic department staff and student-athletes;*
  - (c) The student body, parents and other spectators at athletic events; and*
  - (d) Any other individual or group engaged in activities representing, supporting or promoting the athletic interests of the school.*
- 3.5.1 Administrative Control (Duties and Authority of the Principal).** *A member school must control its interscholastic athletic programs in accordance with the regulations of the Association. Responsibility for this control rests with the principal, who is responsible for the administration of all aspects of the school's interscholastic athletic programs.*
- 3.5.2 Compliance with Rules.** *A member school must comply with all bylaws and other rules of the Association. The school must monitor its athletic programs to assure compliance with all bylaws and regulations, must identify and report to the FHSAA Office instances in which compliance has not been achieved, and must take appropriate corrective actions regarding such instances of noncompliance. Staff members, student-athletes and other individuals and groups representing, supporting or promoting the school's athletic interests must comply with applicable bylaws and rules. The school is responsible for such compliance.*
- 3.5.2.1 Eligibility of Student-Athletes.** *A member school must certify the eligibility of all student-athletes. The school must not permit a student-athlete to participate in interscholastic competition unless the student-athlete meets all eligibility requirements.*
- 3.5.2.2 Cooperation with Association.** *A member school must fully cooperate in the investigation of any alleged violation of the bylaws or other rules of the Association. A school that refuses to permit the interview of any individual, to grant access to and inspection of pertinent records, to submit relevant information to the Association upon request, or otherwise interferes with or obstructs the investigation, will be in violation of this provision.*
- 3.5.4 Sportsmanship and Ethical Conduct.** *A member school must establish policies that promote sportsmanship and ethical conduct in its interscholastic athletic programs. These policies must require student-athletes, coaches and all other individuals associated with the school's interscholastic athletic programs to adhere to such fundamental values as respect, fairness, civility, honesty and responsibility. The school must educate, on a continuing basis, all staff members, student-athletes, student body, and other individuals and groups representing, supporting or promoting the school's athletic interests about these policies.*
- 6.2.1 Eligibility Reports.** *The principal or designee must annually submit all eligibility reports electronically and sign all eligibility correspondence.*
- 6.3.1 General Principle (Recruiting).** *Recruitment or attempted recruitment of students for athletic purposes is an act of unsportsmanlike conduct and is expressly forbidden.*
- 6.3.2 Definition of Recruiting.** *Recruiting is the use of undue influence or special inducement by anyone associated with the school in an attempt to encourage a prospective student to attend or remain at that school for the purpose of participating in interscholastic athletics.*
- 6.3.3 Liability for Recruitment.** *A member school is responsible for any violation of this bylaw and/or the recruiting policies committed by any person associated with the school, including the principal, assistant principals, athletic*



director, coaches, teachers, any other staff members or employees, students, parents, or any organizations having connection to the school, such as booster clubs. The member school is also responsible for a violation committed by any third party under the direction of the school or anyone associated with it.

**9.2.1 Student May Only Participate at School He/She First Attends Each School Year.** A student must attend school, and may participate only in the interscholastic athletic programs sponsored by the school he/she first attends each school year, which is either: (s.1006.20(2)(a), Florida Statutes)

(a) The school where the student first attends classes; or

(b) The school where the student first participates in an athletic activities on or after the official start date of that sport season before he/she attends classes at any school.

**9.3.2 Transfer Student Not Eligible Until the Following School Year.** A student who transfers from one school to another will not be eligible at the new school until the beginning of the next school year, unless the student qualifies under one of the following four exceptions:

**9.3.2.1 Exception – Full and Complete Move to New Residence.** A student who moves to a new home address due to a full and complete move by the student and the persons with whom he/she has been living for at least one calendar year that makes it necessary for the student to attend a different school and meets all other eligibility requirements as provided in Article 9 will be eligible subject to Bylaw 9.3.3. A student and his/her parents cannot occupy a residence at more than one address, and only the student's current residence may be used for eligibility purposes.

**9.3.2.1.1 Full and Complete Move Defined.** The following items are evidence a move is full and complete:

(a) The former residence is not occupied for any purpose at any time by the student or any of the persons with whom the student has been living; and

(b) All personal belongings are moved from the former residence; and

(c) Mail is received at the new residence; and

(d) All utilities are transferred to the new residence; and

(e) Driver's license, voter registration and other forms of legal identification are changed to the new residence.

**9.3.3.1 Transfer Student Must Provide Academic Records.** A student who transfers to a member school from a nonmember school after beginning high school must provide the member school with an official sealed transcript showing all grades he/she has received at all schools attended since beginning eighth grade. The student must also provide the school with all information the school needs to convert the student's grades using the scale in Bylaw 9.4.2. The student cannot be declared academically eligible by the member school until all such information is received to its satisfaction.

**10.2.1 General Principle (Forfeiture of Contest).** If an ineligible student is inadvertently or intentionally permitted to participate in an interscholastic athletic contest, forfeiture of the game and honors shall be automatic and mandatory.

**10.3.1 Protesting Actions of Another School.** Any member school filing a protest over the eligibility of a student or the actions of a member school shall submit to the Executive Director in writing a full statement of the facts, signed by the principal. The Executive Director shall provide the accused party or parties with a copy of the accusation and determine if the allegations warrant an investigation.

**10.5.4 Request for Eligibility Ruling.** Each member school principal or his/her designee having reasonable cause to believe that a student is ineligible to participate in, or continue to participate in, interscholastic athletic competition under any provision of these regulations may request an official ruling on the student's eligibility from the Executive Director on a form to be provided by this Association, and must do so at the student's request. The Executive Director or his/her designee shall issue a ruling based on the statement of facts and any other information available to the Executive Director, which additional information shall be included in the official ruling related to the student's eligibility. In the event the Executive Director later determines that incomplete or inaccurate information has been included in the statement supporting the member schools request for an eligibility ruling, the ruling may be retracted and such penalties as deemed appropriate may be imposed by the Executive Director against the member school requesting the ruling.

#### **Policies**

**10.9.2 Withholding Information.** Member schools (or persons defined in Policy 36.2.1.1) who intentionally withhold information impacting state series participation shall be considered unethical and unsportsmanlike and addressed in accordance with Policy 41.

#### **17.2 Other International Students**



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*An international student who is not sponsored by a bona fide foreign exchange program may be eligible to represent an FHSAA member school in interscholastic athletic competition under the following conditions:*

- 17.2.1 Visa Requirements.** *The international student must possess a nonimmigrant Visa (i.e. F-1) issued by the U.S. Citizenship and Immigration Service (USCIS). An international student visiting this country on a B-2 tourist visa is not eligible to participate in interscholastic athletic competition.*
- 17.2.2 Placed in Academic Track.** *The international student must be placed in a traditional academic track that leads to a high school diploma by the member school.*
- 17.2.3 Must Not Have Been Recruited.** *The international student must not have been recruited to attend the member school for athletic reasons by any individual or agency, whether or not associated with the school's athletic interest, or selected or placed in the school on any basis related to his/her athletic interests or abilities.*
- 17.2.4 Financial Assistance.** *No individual or agency associated with the school's athletic interest may provide financial assistance to the international student in gaining necessary visas, assist in the payment of the student's transportation to the U.S., or contribute to the student's living expenses while in the U.S.*
- 17.2.5 Residence.** *The international student must not reside with a coach or other representative of the school's athletic interest (see Bylaw 1.4.18 or Policy 36.2.1.1) or reside in the U.S. with any other individual(s) from his/her home country with whom he/she has not lived continuously for the previous 365 consecutive days.*
- 17.2.6 Must not be a Graduate.** *The international student must not have completed the 12th grade (terminal grade) or its equivalent in either the U.S. or his/her home country. International students will not be eligible once they have completed the 12th grade or its equivalent in either the U.S. or their home countries.*
- 17.2.7 FHSAA Eligibility.** *The international student must meet all other eligibility standards of the FHSAA Bylaws while a student at a member school.*
- 17.2.8 Reimbursement of Educational Expenses.** *Pursuant to federal law, an international student attending a public school is eligible to remain in the U.S. for a maximum of one year and must reimburse the public school for the cost of his/her U.S. education.*

**POLICY 36 (formerly Policy 38). Policy on Athletic Recruiting**

**36.1 GENERAL PRINCIPLES**

- 36.1.1 Athletic Recruiting Forbidden.** *Athletic recruiting is a gross violation of the spirit and philosophy of educational athletics. Athletic recruiting is unethical and unsporting conduct, and is forbidden by FHSAA Bylaws (FHSAA Bylaw 6.3).*
- 36.1.2 Scope of School's Responsibility.** *A school's responsibility for the conduct of its interscholastic athletic program includes responsibility for:*
- 36.1.2.1** *The acts of any employee or athletic department staff member;*
- 36.1.2.2** *The acts of an independent person, business or organization that is a representative of the school's athletic interests when a member of the school's administration or athletic department staff knows or should know that the person, business or organization is promoting the school's interscholastic athletic program; and*
- 36.1.2.3** *The acts of any other independent person, business or organization acting at the request, direction, or otherwise on behalf of any employee or representative of the school's athletic interests.*
- 36.1.6 Extra Benefit.** *Student-athletes must not receive extra benefits, which are benefits that are not offered or generally made available to all other students in the school.*
- 36.1.7 Eligibility Effect of Violation.** *A student who is found to have been athletically recruited or is found to have received an impermissible benefit will be ineligible for interscholastic athletic competition for one or more years at the school to which the student was athletically recruited or at which he/she received the impermissible benefit, and may be declared ineligible for interscholastic athletic competition at all member schools for one or more years.*

**36.3 IMPROPER CONTACT**

- 36.3.1 General Regulation.** *No school employee, athletic department staff member or representative of the school's athletic interests may make contact, either in person or through any form of written or electronic communication or through any third party, with a student who does not attend that school or any member of the student's family, in an effort to pressure, urge or entice the student to attend that school for the purpose of participating in interscholastic athletics.*

**36.4 IMPERMISSIBLE BENEFIT**

- 36.4.1 General Regulation.** *No school employee, athletic department staff member or representative of the school's athletic interests may be involved, directly or indirectly, in promising, offering or giving an impermissible benefit to any student who does not attend that school or any member of his/her family in an attempt to entice the student*



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*to attend the school for the purpose of participating in interscholastic athletics, or to any student-athlete who already attends that school.*

*36.4.2 Specific Prohibitions. Specifically prohibited arrangements, assistance or benefits include, but are not limited to, the following:*

*36.4.2.1 School-based financial assistance of any kind that exceeds the amount for which a student has been approved by an independent financial needs assessment company that is recognized by the FHSAA or otherwise is in excess of any supplemental assistance provided by the school to each and every student who qualifies for financial assistance.*

*36.4.2.2 Cash or like items, such as credit cards, debit cards, gift cards, gift certificates, coupons or vouchers.*

*36.4.2.3 Gift of clothing, equipment, merchandise or other tangible items.*

*36.4.2.4 Loans or assistance in securing a loan of any kind.*

*36.4.2.6 Free or reduced-cost transportation.*

*36.4.2.7 Living on a full- or part-time basis, regardless of whether rent is paid, with any school employee, athletic department staff member or representative of the school's athletic interests.*

*36.4.2.9 Full or partial payment of moving expenses or assistance of any kind with an actual physical move.*

*36.4.2.11 Promise of a position on an interscholastic athletic team or playing time as a member of the team.*

*36.4.2.12 Promise of guaranteeing a college athletic scholarship.*

*36.4.2.13 Free or reduced costs to attend a sport or skills camp.*

*36.4.2.14 Any other form of arrangement, assistance or benefit that is not generally available to other students in the school or their families or that is based in any way on athletic ability.*

### III. Summary of Potential Violations

The following information is a list of potential violations according to all information received. Please respond to each potential violation in writing, separately, and indicate whether you:

- Agree a violation occurred. *(DKHS may include any corrective actions taken to ensure such violations will not reoccur.)*
- Disagree and consider a violation did not occur *(supporting documentation must be presented).*
- Agree some form of violation occurred but not as described in herein *(supporting documentation must be presented).*

Note: Some items simply request information and do not require a response of: *agree, disagree and consider a violation did not occur, and agree some form of violation occurred but not as described herein.* The page references are not all-inclusive, meaning evidence of the potential violation may be cross-referenced in other pages or documents found within the attachment.

1. [REDACTED]
  - a. Participated in interscholastic contests during the 2010-11 school year while ineligible in accordance with Bylaw 9.1.2.2. Student (and/or parents) falsified information relative to the student's residence.
  - b. Please provide the number of contests, all sports and all levels, in which the aforementioned student participated during the 2010-11 school year.
  - c. Provide a statement regarding [REDACTED] association with DKHS in any capacity.
  - d. Date the falsified information was discovered is May 21, 2011.



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e. Provide the number of contests, all sports and all levels, in which the  
 aforementioned student participated during the 2010-11 school year.

[REDACTED]

- a. Provided fraudulent information in accordance with Florida Statute 837.06.
- b. Participated in interscholastic contests during the 2010-11 school year while ineligible in accordance with Bylaw 9.1.2.2. Student (and/or) parents falsified information relative to the student's residence.
- c. Withheld information by not providing response(s) to FHSAA Investigative Consultants during the interview (reference Policy 10.9.2).
- d. Date the falsified information was discovered is May 21, 2011.
- e. Provide a copy of the student's discipline record indicating the tardies for which the student was removed from boys' basketball team.
- f. Provide a copy of the school's/district's policy addressing excessive tardies and extracurricular activities (athletic) participation.
- g. Provide the number of contests, all sports and all levels, in which the aforementioned student participated during the 2010-11 school year.

[REDACTED]

- a. Participated in interscholastic contests during the 2010-11 school year while ineligible in accordance with Bylaw 9.1.2.2. Student (and/or) parents falsified information relative to the student's residence.
- b. Date the falsified information was discovered is May 21, 2011.
- c. Provide a statement regarding [REDACTED] association with DKHS in any capacity.
- d. Provide a statement regarding [REDACTED] association with DKHS in any capacity.
- e. Verify if any of [REDACTED] offspring attend DKHS.
- f. Provide the number of contests, all sports and all levels, in which the aforementioned student participated during the 2010-11 school year.

[REDACTED]

- a. Provided fraudulent information in accordance with Florida Statute 837.06.
- b. Participated in interscholastic contests during the 2010-11 school year while ineligible in accordance with Bylaw 9.1.2.2. Student (and/or) parents falsified information relative to the student's residence.
- c. Withheld information by not providing response(s) to FHSAA Investigative Consultants during the interview (reference Policy 10.9.2).
- d. Date the falsified information was discovered is May 21, 2011.
- e. Provide the number of contests, all sports and all levels, in which the aforementioned student participated during the 2010-11 school year.

[REDACTED]

- a. Withheld information by not providing response(s) to FHSAA Investigative Consultants during the interview (reference Policy 10.9.2). *NOTE: Aforementioned student was named as a plaintiff seeking injunctive relief in [REDACTED] vs. FHSAA, however, the student deferred to his guardian when being questioned by FHSAA Investigative Consultant. No guardian was referenced in the student's lawsuit against the FHSAA.*
- b. Participated while ineligible in accordance with Policy 17.
- c. Participated while ineligible in accordance with Bylaw 9.3.2.



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- d. Please provide the number of contests, all sports and all levels, in which the student participated, representing DKHS, during the 2010-11 school year.
  - e. Provide the number of contests, all sports and all levels, in which the aforementioned student participated during the 2010-11 school year.
- 6. Coach Marcos (Shakey) Rodriguez**
- a. Provided impermissible benefit to student-athlete reference in item #2 by not reporting questionable eligibility status to school's administration in accordance with Policy 36.
  - b. Provided impermissible benefit to student-athlete referenced in item #3 by not reporting questionable eligibility status to school's administration in accordance with Policy 36.
  - c. Withheld information by not providing response(s) to FHSAA Investigative Consultants during the interview (reference Policy 10.9.2).
  - d. Failed to fully cooperate with the investigative process (reference Bylaw 3.5.2.2).
- 7. Dr. Krop High School Administration - Staff and Representatives of DKHS Athletic Interests**
- a. Representatives of DKHS athletic interests provided impermissible benefits in violation of Policy 36.
  - b. Representatives of DKHS's athletic interests committed improper contact with non-DKHS students in violation of Policy 36.
  - c. Representative(s) of DKHS failed to follow procedures in determining student eligibility in accordance with Policy 17.
  - d. Allowed student(s) to participate while ineligible during the 2010-11 school year.
  - e. Provide the number of instances in which Mr. Shakey Rodriguez provided an impermissible benefit to student-athletes attending DKHS.
  - f. Provide the number of instances in which Mr. Shakey Rodriguez committed improper contact with non-DKHS students.
  - g. Provide the number of instances in which any member of DKHS's basketball coaching staff, all levels, committed improper contact with non-DKHS students during the 2009-10, 2010-11 school year.
  - h. Representatives of DKHS filed a lawsuit against the FHSAA (reference Bylaws 1.4.18 and 10.1.3)
  - i. DKHS staff that was present during student interviews did not encourage the students who refused to cooperate during the interview, to do so (reference Bylaw 3.5.2.2).
  - j. DKHS staff presented evidence and/or false testimony during an appeal hearing conducted by the FHSAA Board of Directors.

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Please submit the following supplemental information as it relates to the aforementioned preliminary findings:

**Supplemental Information**

1. Provide a roster of all DKHS basketball coaches, all levels, paid and volunteers. For each coach, provide the name of any non-school basketball team or organization with which each individual is affiliated, inclusive of international play/organizations.
2. Provide a roster of all DKHS students who participated in boys basketball during the 2010-11 school year, all levels. For each student listed, provide the following in columns adjacent to the student's name: student's grade level for the 2010-11 school year, school student attended during the 2009-10 school year, non-school team student participated on during the 2009-10 school year, school to which the student is zoned to attend.
3. Provide list of any students who have participated in basketball activities under the direction of Mr. Bernard Wright during the past three (3) years.
4. Provide a list of any students who have participated in basketball in an international program prior to or during their participation at DKHS within the last three (3) years.
5. Provide an approved (ok'd) copy of a GA4 for each student who has not begun the ninth (9<sup>th</sup>) grade attending DKHS.
6. Provide a list of all DKHS staff members, paid and volunteers, attending the hearing held on Friday, February 4, 2011.

Please submit your response(s) so that it is received within ten (10) business days of delivery of this communication.

If you have any questions regarding this communication, please feel free to contact me at extension 240.

Sincerely,



M. Denarvise Thornton, Jr.  
Associate Executive Director

Cc: Roger Dearing, Executive Director  
Sonny Hester, Associate Executive Director  
Peggy Jones, Assistant Executive Director

