

THE CONNECTICUT INTERSCHOLASTIC ATHLETIC CONFERENCE



Investigative Report Regarding New Britain's Allegations of Illegal Recruiting and Residency Violation

October 30, 2015

Submitted by [Redacted]

CIAC Special Investigator

On October 21, 2015 I met with Dr. Steve Wysowski, associate executive director of CAS/CIAC to discuss a complaint of illegal recruiting and residency violations lodged by administrators from New Britain High School against the football program at Berlin High School. Mr. David Chambers, principal of New Britain High School sent a letter to Dr. Wysowski dated October 19, 2015 requesting that the CIAC conduct a formal investigation due to allegations of illegal recruiting and residency violations by the Berlin High School head football coach (D.1). A self-report of the possible infractions was sent to the CIAC by Francis T. Kennedy, principal of Berlin High School, on October 20, 2015 (D.2).

Please note: The documents included in this report are numbered and noted when cited in the text. Also, the term "illegal" is defined as contrary to the policies of the CIAC and in violation of the conference rules.

On October 27, 2015 I visited New Britain High School where I met with Superintendent Kelt Cooper, Principal Dave Chambers, Director of Athletics Len Corto, Assistant Principal Joe Pinchera, and Residency Officer Joe Vaverchak. It was expressed at the meeting that illegal recruiting of football players is occurring at Berlin High School and has been going on for years by the current Berlin High School head football coach. They cited the number of New Britain football players on the Berlin football team over the years, and the fact that there are currently 6 players on the team's roster who transferred from New Britain, as support for their allegations. School personnel shared a surveillance report and photos (D.3and4) from

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September 13th – 22nd, 2015, regarding a student-athlete (player B) whom they believe is on the Berlin football team roster, but still lives in New Britain. One of the photos shows him leaving the New Britain address with a Berlin football helmet in his hand (D.4).

According to the New Britain athletic director, the coach sent a text stating “All of you might have become better [redacted] coaches today by just waking up – good chance [redacted] brother is coming to Berlin HS for fall [redacted]” (D.5). The significance of this information is that the text was forwarded on July 23, 2015; the student officially enrolled at Berlin High School on August 31, 2015 (D6).

My first meeting at Berlin High School was with the principal of BHS, Fran Kennedy and Daniel Scavone, the school’s director of athletics on October 28, 2015. Mr. Kennedy informed me that he submitted a self-report to the CIAC when he “became aware of allegations of not only falsification of residency of one or more members of the Berlin High School football team, but also accusations of active recruitment of out of town football players to our team.” At this meeting I was informed that Berlin has hired a private investigator and was assured by Mr. Kennedy that all relevant information would be shared with myself and New Britain High School personnel. I was given statements from several individuals who shared information regarding the allegations of illegal recruiting and residency violations.

In addition to my meeting with Mr. Kennedy and Mr. Scavone, I interviewed [redacted] a physical education teacher at Berlin High School, who told me that another teacher told her that her husband, who is a property owner in Berlin, received a call from the father of the Berlin High School head coach who asked “...if he would have section eight housing available because John Capodice, his son, was looking to move a family into town”. I asked her if her written statement (D.7) is accurate, she said yes.

I also met with Police Officer Kostka who had cause to visit the aunt of the student who was allegedly recruited from New Britain High School in mid-August. According to Officer Kostka, “It was necessary for her to tell me who resides there.” When the officer asked the aunt who lives with her she stated that only she and her son reside at the house. The significance of this testimony is that address is the one given as the residence of one of the alleged recruited football players (player B) and his mother.

My next meeting with Berlin High School officials (principal and director of athletics) was on November 3, 2015. The director of athletics, Mr. Dan Scavone, shared that he has received

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phone calls from several people who are angry and are concerned about how this situation will affect the kids. He also referenced the previously mentioned text message (D.5) sent from the Berlin head coach to his assistants that was forwarded on July 23, 2015, prior to the date the student-athlete in question enrolled at Berlin High School (August 31, 2015).

During the meeting I met with and interviewed assistant football coach [REDACTED] and asked him if he had any information to share regarding this case. He stated that he wanted to make it clear that his dialogue is different from the other coaches: he did not get a text message from the coach stating that the student-athlete in question was coming to Berlin. According to [REDACTED], he was at a meeting with other coaches when there was a discussion about moving the student-athlete (player A) in question from one position to another and Mr. Capodice reminded the staff that he told them that after he (the head coach) "spoke to his mother our defense got better." [REDACTED] stated that the student-athlete in question did practice with the Berlin football team doing "position specific drills the last half hour of the day when they have team time and [REDACTED] played with our team, late June early July, it was the first time I had a chance to see and coach him." When I questioned him on the "coaching him" comment he said "We didn't coach him, we watched him." [REDACTED] also stated that the student-athlete was weight lifting with the team before August 31st and that the weight lifting sessions included an instructor that was financed with district funds. According to [REDACTED], coaches also monitored the session.

I also met with [REDACTED] a teacher at the high school who is the president of the Berlin Teachers' Association (the union). [REDACTED] was present in the room with [REDACTED] (see meeting on 10/28) when another teacher: "...shared that her husband, a property owner in town, had received a call from Ken Capodice last year stating that his son, John Capodice, was looking to find section 8 housing for a New Britain family to move to Berlin." I asked her if her written statement (D.8) was accurate, she said yes.

I received an email correspondence from the Berlin High School director of athletics, Mr. Dan Scavone on Thursday, November 5th. The correspondence is from a Berlin resident who states that he is also a Berlin High School football fan. This correspondence is significant because it cites another instance where a player is alleged to be from Middletown (not New Britain) even though he is on Berlin's football roster (D.9).

At their request, I met with Berlin High School head football coach, John Capodice and his attorney, Viral Keshwala on November 9th, 2015 at the CAS/CIAC headquarters. Mr. Capodice did not want to meet at the high school with Berlin administrators present. I began the meeting

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by explaining that according to CAS/CIAC by-laws, no one may be represented by counsel during this phase of the investigation. I told them that I received permission from CAS/CIAC to suspend the by-laws in this case due to the nature of the allegations that have been made. I also informed them that the attorney could listen to the conversation and could ask me clarifying questions, but that he could not advise his client. Both the attorney and coach agreed to the conditions and thanked me for the courtesy. I then outlined CAS/CIAC protocol for investigating and determining sanctions against member school districts, as well as the options member schools have if they choose to appeal the results of an investigation. The coach responded that he knows that this is serious and that's why he chose to attend the meeting. He also said that he has been teaching and coaching for 18 years and has been on the CIAC Football Committee for 8 to 10 years and that he would never break any rules.

Prior to the meeting I texted the following message to attorney Keshwala: Since this is an active investigation no documents, other than the allegations outlined in the Berlin principal's self-report are available for review. All documentation cited in the investigation will be attached to the final report. The purpose of the meeting is to gather any information your client may have regarding this investigation. I will ask your client if he has any knowledge about illegal recruiting or residency violations related to the Berlin High School football team, including whether he, or anyone acting on his behalf, had any knowledge or involvement in illegal recruiting of student-athletes; or if he, or anyone acting on his behalf was aware of, or was involved in securing, or attempting to secure housing for any student-athletes who were at any time on the roster of the Berlin High School football team. Please note that the purpose of this investigation is to determine if any inappropriate activity related to the Berlin High School football team occurred by anyone in the district. In addition to answering questions related to the investigation, the meeting will provide your client with an opportunity to share any information about the case he feels is relevant. If the evidence suggests that CIAC regulations were violated, sanctions would be applied to the district. The report has to be approved by the CIAC Board of Control for any action to be taken. The notes that I collect in the investigation will allow me to come to a decision as to possible action or sanctions for the CIAC to consider. The school will accept or reject the decision. If it accepts the decision, it is then presented to the CIAC Board of Control in writing as a report. That report then becomes part of the minutes of the Board. If it rejects the report, the school that registered the complaint may appeal the decision to the CIAC.

When I asked Mr. Capodice "if he has any knowledge about illegal recruiting or residency violations related to the Berlin High School football team, including whether he, or anyone acting on his behalf, had any knowledge or involvement in illegal recruiting of student-athletes; or if he, or anyone acting on his behalf was aware of, or was involved in securing, or attempting to secure housing for any student-athletes who were at any time on the roster of the Berlin High School football team?" He said "I do not".

I then asked "If he, or anyone acting on his behalf was aware of, or was involved in securing, or attempting to secure, housing for any student-athletes who were at any time on the roster of the Berlin High School football team. Please note that the purpose of this investigation is to determine if any inappropriate activity related to the Berlin High School football team occurred by anyone in the district?" He said "No."

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I told the coach that this was his opportunity to share any information he may have about this case. I also told him I would be happy to speak to anyone he feels would have relevant information for this investigation. Mr. Capodice said that he believes there was an allegation that a student-athlete was on the team who wasn't supposed to be (player B). He said he met with the school's athletic director who eventually told him the student could play. He said that he didn't understand the problem because the student has been at the school for a year and a half. When I asked if the student-athlete has a sibling at the school, he said no. The coach also said he feels this investigation is because a rival high school is upset because a kid moved to Berlin. He also said that he has never had a bad review as a teacher or coach.

The meeting concluded with me telling Mr. Capodice and Mr. Keshwala that they may call me if they have any questions or information regarding this investigation. They both thanked me once again for allowing Attorney Keshwala to attend the meeting.

On November 10, 2015, I spoke on the phone with a New Britain parent, [REDACTED] regarding her written testimony (D.10). She confirmed her written testimony and said that the conversation with the mother of one of the student-athletes who is alleged to have been recruited by Coach Capodice took place during the 2014 Berlin/New Britain football game. She said she told the mother that the coach could not guarantee a scholarship for her son, only colleges could guarantee scholarships. According to [REDACTED], she also has face book postings regarding that conversation.

I spoke with assistant coach [REDACTED] on November 11th regarding his written testimony dated November 3, 2015. (D.11) In addition to his written testimony [REDACTED] stated that he understood that the player in question (player A) wasn't going to come to Berlin but was told after Coach Capodice and his father went to talk to him (player A) that he will play with us. He also said that the student-athlete in question worked out with the team during weight lifting sessions that were supervised by a trainer. According to [REDACTED] "the school pays for that service." [REDACTED] stated "It was very clear that he was participating with the team during the SCSU summer football camp in July." [REDACTED] added that "John is very controlling. He controls everything all of the time. He's a one man deal."

On November 11th I also spoke on the phone with Mr. Michael Barrett, the private investigator employed by the Berlin Public Schools to investigate the allegations of illegal residency made against the members of the Berlin High School football team. He did surveillance on the New Britain home of the football player who was spotted coming out of the New Britain address in September with his Berlin football helmet in his hand (player B). The student-athlete did not leave the house in New Britain on the day he did his stake-out. He staked-out the address of another football player who supposedly lives in Berlin but is accused of living in Middletown (player C). According to the private investigator, the house

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is not occupied: there were no lights on, no car at the address and no window shades on the upstairs windows. The house is owned by an LLC. The investigator said that he would forward his report to me.

Attorney Keshwala called me on November 12th seeking clarification about the investigation process. He said his client notified him that the principal and athletic director of Berlin High School were making phone calls and gathering information about this case. He wondered why this is happening since this is an independent investigation being done by the CIAC. I informed him that because the investigation includes two CAS/CIAC member schools, they are both expected to cooperate with the investigation and turn over any information or documentation they may have relative to this case to me. I also told him that although both schools cooperated with the investigation but they will have no influence on the final recommendations which will be based on collected and analyzed evidence.

I received the investigative summary of the report from Mr. Barrett that was referenced earlier in this report on November 15th (D.12).

I spent several hours hearing testimony from those who were willing to share information regarding this case. Unfortunately, some of the witnesses who were asked to participate in the investigation refused to speak with me. A mother of one of the players on the Berlin football team, who is alleged to have been recruited by that school's head coach, hung up on the principal after inquiring as to whether or not speaking with me had anything to do with the investigation of alleged recruiting and illegal residency. He then left her a detailed phone message describing the reason for his call and the importance of her testimony. The teacher whose comments were made in the faculty room that were reported by two other teachers (D.7 and 8) also declined to speak with me.

Summary and Conclusions

There are several documents and statements from witnesses indicating that illegal recruiting and residency violations did occur within the Berlin High School football program. Some of the important issues are:

Illegal Recruitment:

- The student-athlete (player A) officially enrolled at Berlin High School on August 31, 2015.
- An assistant coach [redacted] stated that in mid-July, 2015, Mr. Capodice and his father went to talk to the New Britain football(player A) in question about playing for the Berlin football team (D.10).

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- Another assistant coach ([REDACTED]) stated that (player A) definitely worked out with the team in the weight room prior to August 31, 2015. The sessions were monitored by the coaches.
- The text message sent by Mr. Capodice on July 23, 2015, suggesting that student-athlete (player A) might be coming to Berlin to play football (D.5).
- Written testimony from ([REDACTED]), the dean of students at Pulaski Middle School and ([REDACTED]), the dean of students at Slade Middle School, both in New Britain, testified to the fact that students and parents told them that they were being recruited to play football in Berlin by Mr. Capodice (D.13and14).
- ([REDACTED])'s statement regarding the conversation she had with the parent of the student-athlete from New Britain (player D) regarding the fact that she was waiting to speak to Mr. Capodice because he promised her son (player D) a scholarship if he went to Berlin High School to play football(D.10).

Illegal Residency:

- The Berlin address given as their residence by the family of the student-athlete who allegedly still lives in Middletown (player C), is vacant, according to the private investigator hired by the Berlin school district (D.12).
- The testimony of two teachers from Berlin High School ([REDACTED]) and ([REDACTED]) regarding the conversation at school with another teacher who stated that her husband was contacted by Mr. Capodice's father asking if he would have Section 8 housing because his son was looking to move a family into town (D.7and8).
- The surveillance report, including photos taken of the New Britain student-athlete depicting him leaving a residence in New Britain, once with his Berlin football helmet, from September 14th - 22nd, 2015, seven school days. The student-athlete (playerB) was transported to Berlin High School from the New Britain residence six out of the seven days (D.3and4).
- The written testimony of Mr. Justise Hairston, a volunteer head football coach with the New Britain youth league stating he accompanied a parent of a New Britain player (E) to a home in Berlin where, according to Mr. Hairston, the parent told him the residence was being obtained by Coach Capodice so that her son could play in Berlin. In addition, the parent told Mr. Hairston that Coach Capodice would also find her employment in a Berlin clerical office (D.15).

Based on the testimony of witnesses from both school districts, it is clear that CIAC by-laws were violated. The evidence strongly suggests that illegal recruitment and residency violations occurred, and continue to occur within the Berlin High School football program.



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Per CIAC by-laws the following sanctions were approved by the Board of Control and accepted by the school. November 18, 2015

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1. Forfeiture of all football victories this season in which any ineligible player participated.
2. Prohibition from CIAC Championship competition for the football program for the 2015 season.
3. Probation for one year for the football program (CIAC probation is defined as a period of trial during which the school is monitored to determine compliance with requirements of CIAC regulations.
4. The school is fined \$4,000 (\$1,000 for each ineligible player).
5. The ineligible athletes will be permanently ineligible to participate in athletic competition if they remain at Berlin high school.
6. If the ineligible students transfer to another CIAC member school they will be ineligible to
7. participate in athletic competition for the remainder of the 2015-16 school year and 50% of
8. the 2016 fall season.