THE DAILY CLIPS

September 8, 2010

News, commentary, and opinion
compiled by the East Carolina University News Bureau from:

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East Carolina University News Bureau
E-mail to durhamj@.ecu.edu  Web site at http://www.news.ecu.edu
252-328-6481
There have been reports of minor injuries to six to 12 people. ECU officials said Tuesday that they know the names of three students who suffered minor injuries from the bleacher failures.

Those who were injured were treated by stadium personnel for scrapes, cuts and bruises. One person reportedly was treated for a dislocated shoulder.

Bagnell said officials have not determined what caused several rows of bleachers to give way during the game.

Officials removed 30 rows of bleachers in the second quarter and halftime and allowed students to come back to the sections to stand on the concrete before ultimately moving the students to different sections as a safety precaution.

Bagnell said ECU officials have been working with the stadium expansion's architect, engineers and T.A. Loving Co., the contractor that installed the bleachers, to determine why the failures occurred.

"We don't know exactly why the failures occurred," Bagnell said.

David Philyaw, assistant vice president for T.A. Loving, said in a statement the company has been completing contract work for the state for 85 years and has a 50-year relationship with ECU.

"The Boneyard will be in a safe and usable condition for the Memphis game," Philyaw said. "It is our intention to make sure that the confidence that this state and this institution have placed in us remains."

The seats were attached in a standard fashion to the concrete floor vertically, similar to the way seats are attached in the upper deck. The bleachers were attached about every 5 feet, Bagnell said.

"This is a standard seating method that bleacher companies use," he said.

The bleachers will be removed this week and attached in a horizontal fashion against the concrete base, similar to the way bleachers are attached in the older section's lower levels.

T.A. Loving will reinstall the seats, but the matter of how the work will be funded has not been determined, Bagnell said.

Bagnell said the bleachers were meticulously tested along with every other aspect of the stadium before the season began. He said the bolts holding the bleachers, which were the culprit in the failures, were tested and properly installed.

The stadium's expansion was completed on a tight schedule this summer to add 7,000 seats before the season started, but Bagnell said the pace of the work was not a factor in the bleacher failures.

"We had a very aggressive schedule but we had plenty of time in the schedule for this," he said. "I don't see it as a time issue."

The contractor was chosen through a university policy that requires qualification of the contractors before bids are placed, then the lowest bid is accepted for the job.

Contact Josh Humphries at jhumphries@reflector.com or (252) 329-9565.
Architects draw back curtain on theater plan

The Fifth Street structure likely will total between $2.5 million and $3 million in renovations, the design firm estimates.

BY KATHRYN KENNEDY
The Daily Reflector

Plans to renovate a vacant downtown theater should pick up in the coming months after a Winston-Salem architecture firm presented site plans Tuesday night.

The Redevelopment Commission purchased White’s Theater — formerly known as both the State and Park theaters — in December 2008 with general obligation bond funds designated for center city redevelopment. The historic building was built in 1914 and closed in the late 1990s.

Commissioners listened to CJMW Architecture partner Dave Moore as he outlined what likely will total between $2.5 million and $3 million in renovations to the Fifth Street structure. The company specializes in theater restoration and was first brought in to do a feasibility study before the purchase.

Moore envisions a three-tiered design. The first floor would include a lobby, the stage floor and access dock. People would take stairs or an elevator to reach a second lobby and downward-sloping seating, which would occupy the second floor along with a control room and dressing rooms for performers.

The third floor would contain the lighting platform and storage space.

Physical renovations of the roof, siding and historic fly tower — once used for curtains and backdrops — as well as bricks, wood and windows to adorn the edifice should cost about $1.8 million, Moore said.

Equipment needed for the theater, including lighting, draperies and retractable seating, would cost an additional $1.15 million.

Continued from B1

$1.15 million. Moore said it would be possible to start with only $750,000 worth of equipment and improve or expand from there.

Input was taken from local arts groups and East Carolina University performance schools before deciding it should accommodate several styles of theater, dance, documentary or art film showings, lectures and receptions. A multi-use facility also was deemed necessary by city staff and commissioners years ago when the project was first broached.

Moore said the theater could seat 200-225 people for performances or 125-130 for film viewings. The work would take approximately one year to complete, he told Commissioner Don Mills when questioned.

City Planner Carl Rees estimates that during the next six months, staff could develop a bid package for the fly loft and façade. Meanwhile, a fundraising committee could be assembled and a strategy formed in three to six months.

Local nonprofit Magnolia Arts Council has been placed in charge of fundraising brainstorming.

Rees expects the campaign would take two to three years, setting the renovations start date about January 2014.

Moore’s firm was paid $85,000 for the design, with $20,000 of that coming from a state grant, Rees said. He and the commission hope more state historical funding will become available as the project progresses.

Contact Kathryn Kennedy at kkennedy@reflector.com or (252) 329-9566.
WEEK 2: MEMPHIS AT EAST CAROLINA

Father knows best
McNeill’s dad quick to critique son’s performance

By Nathan Summers
The Daily Reflector

East Carolina head coach Ruffin McNeill was probably on the receiving end of hundreds, if not thousands, of handshakes, high-fives and hugs in the aftermath of East Carolina’s thrilling last-second win over Tulsa last Sunday. But when he arrived home later that night, he found his toughest critic waiting for him — Ruffin McNeill Sr.

"Boy, that was a critique," McNeill said. "He bit me pretty good. Normally it’s on the phone, and I can do this: ‘Yep, yep, yep, yep.’

"Not this time. He sat right beside me and it was note-taking time for me. I can’t repeat things he said. But it was cool and rewarding.”

McNeill said it was nice to finally be able to use his full ticket allotment.

While at Texas Tech, the coach said he was usually the one to go see about tickets for games because he rarely had more than a few people in town other than immediate family.

ECU Coach Ruffin McNeill smiles as he talks about Sunday’s win over Tulsa during a press conference Tuesday.

Captain Dominique

Ever since the Pirates’ quarterback mystery was solved on Sunday in the six-touchdown command performance by junior Dominique Davis, things have progressed quickly.

In addition to being in regular rotation on ESPN highlights all week after throwing a game-winning touchdown to Justin See McNeill, C3
Jones, and being named the Conference USA Offensive Player of the Week, Davis has quickly become an unquestioned leader for the young team.

McNeill doesn't like to name permanent team captains for the entire season but instead allows his players to vote each week, and he said it was an easy decision this week.

"I think one of the biggest indicators of how much Dominique has earned respect ... when we voted on it, it was not by one or two votes, it was a unanimous vote by his teammates," McNeill said of Davis, who passed for 383 yards and five touchdowns and also ran for a score in the ECU victory over Tulsa. "I thought that showed what he had earned within the team."

In terms of impressing his coaches, Davis' consistency in August camp and then his poise in a big-game atmosphere cemented his role as starter over sophomore Brad Wornick, with whom Davis battled all summer for the right to lead the offense.

**Injury report**

There are more names coming off the Pirates' injury list this week than joining it.

Most notably, the team could have as many as three defensive linemen back on the field after the interior trio of senior Josh Smith, junior Maurice Mercer and sophomore Robert Jones took a lion's share of the duties last weekend.

Bolstering the position again could be the returns of junior Antonio Allinson (ankle) and Michael Brooks (knee), both of whom played substantial snaps last season.

Redshirt Jimmy Booth injured his left knee last Wednesday in practice and is still doubtful to return against Memphis this weekend.

The line will also welcome back freshman end Derrell Johnson after his one-game suspension.

Still out indefinitely are senior safety Dekota Marshall (leg) and freshman offensive lineman Anthony Garrett (knee).

Contact Nathan Summers at nsummers@reflector.com or (252)329-9595.
Love of college sports gear leads to N.C. sales tax losses

RALEIGH, N.C. — North Carolina loses an estimated $162 million in sales tax each year because of Internet purchases, and a WRAL Investigation found a large chunk of that money comes from the state’s love of college sports.

When customers buy gear from the official online stores of University of North Carolina at Chapel Hill, North Carolina State University, East Carolina University, Appalachian State University and others, they don’t pay a penny in sales tax. The companies that run their online sites are out of state, so despite the fact the schools are state-owned and state-run and a lot of the merchandise comes from stores in North Carolina, the goods are tax-free for fans.

Tar Heel gear, for example, is big business. Boosted by the 2009 national championship, UNC’s athletic deal with Nike and apparel sales brought in nearly $6 million in royalties to support academic programs.

The independently owned Tar Heel Bookstore in Chapel Hill is one of the hot spots to buy anything and everything Carolina. When customers check out in-store or on the book store’s website, they pay sales tax.

Manager Christian Campbell said he doesn’t believe it’s fair that UNC’s official site sells tax-free, especially when the supplier is his competitor just a few doors down Franklin Street, Chapel Hill Sportswear.

"I think that it's a competitive advantage that they have," Campbell said. "But they're not taking that discount out of their own pocket. It's coming out of the pocket of the state of North Carolina."

N.C. State’s official store sits along Wade Avenue in Raleigh. The store supplies all the merchandise for online orders that come through CBS Interactive, which took over the school’s web-based business on Aug. 1. Officials quickly realized sales tax wasn’t being charged for North Carolina-bound memorabilia.

"We've gone back and looked, and we had numerous orders - 300 orders - that were not charged sales tax, so we're in the process of adding all that up and making sure it gets paid, whether we pay it or CBS pays it," said store manager Ruth Hearn.

A CBS Interactive spokesman said it's perfectly legal not to charge sales tax. CBS handles the order, buys the merchandise wholesale, and then sells it to online customers, he said.

"Since CBS does not have business entities in North Carolina, we are not required by law to pay state tax," the spokesman said.

Still, Hearn said she believes something’s not quite right when you can walk into the Go Pack Store and pay sales tax, but shipping orders processed in the back of the store are tax-free.

"I think sales tax should be charged in North Carolina. It's only fair. It doesn't make sense it would be charged here and 2 feet away it not be charged. It's the same merchandise," she said.
House Minority Leader Paul Stam says it's an issue the schools or the legislature need to address.

"I think it's ironic that an agency of the state of North Carolina, which is supported by the taxpayers, is not collecting this tax which is otherwise due if it was selling the same thing from the store at Chapel Hill or Raleigh," said Stam, R-Wake. "The University of North Carolina, since all of its campuses are here, should insist that its online retailers collect the sales tax."

Until that happens, competing shops will continue to cry foul for what they see as an uneven playing field.

"If they are doing the fulfillment out of this store on Franklin Street and they're shipping to North Carolina, they should have to pay the same sales tax that we do," Campbell said.

Due to a push from Go Pack and Wolfpack Marketing, CBS Interactive told WRAL that it will now start collecting sales tax. As for other schools, a spokesman says that will be handled on a case-by-case basis.
Former UNC coach had agent on speed dial

John Blake was in frequent communication with sports agent Gary Wichard while Blake was the University of North Carolina's associate head football coach, calling into further question their relationship as the NCAA continues its investigation of the football program.

During the 61 days leading up to the Jan. 4 announcement that six juniors on UNC's football team would stay in school rather than enter the NFL draft, university phone records show that Blake and Wichard never went more than four days without communicating. The records also show 152 communications (phone calls or texts) during a 235-day period between Blake's university-paid number and Wichard's phone.

Asked if it is ever acceptable to have that level of communication between a coach and an agent, UNC chancellor Holden Thorp said in an e-mail: "Whether the level of contact is acceptable or unacceptable depends on what they talked about, and I have no idea what they were discussing. Clearly, Mr. Wichard and Coach Blake have a very close relationship. All things being equal, it's probably better not to have a close personal relationship with a sports agent if you're an NCAA coach."
Blake's connections with Wichard have drawn scrutiny since July, when North Carolina acknowledged that it was under investigation by the NCAA. One prong of the probe has focused on possible impermissible benefits provided to players by sports agents.

Last month, Wichard declined to talk about Blake, saying Blake was involved in the NCAA investigation.

The university announced Sunday that Blake was resigning immediately from his $240,000-a-year job and will be paid a $74,500 severance.

Efforts to reach Blake and Wichard on Tuesday were unsuccessful.

Though there are no NCAA rules prohibiting contact between a coach and a sports agent, UNC athletic director Dick Baddour recently said head coach Butch Davis has made it clear to his assistants since the beginning of his tenure that they are not to make recommendations to players about which agents they should choose. That policy actually is stronger than the NCAA's mandates, which prevent coaches from accepting payment from agents.

North Carolina athletic director Dick Baddour said he learned of the phone calls last week.

"I did talk with coach Blake about them," Baddour said. "I cannot discuss the content of my discussion with him, but I can say that he offered explanations for them." Baddour declined to elaborate, saying his discussions with staff members are private.

Blake's lawyer, William Beaver of Orlando, Fla., said he was not aware of the contents of the phone calls. But he said that there is a wider context for the volume. "They have been close, personal friends for 27 years," he said. "It's not surprising they speak on the phone with some frequency."

Asked about the phone calls Tuesday, Davis said, "I didn't have any idea that they were making that amount of calls. I had no idea. We don't monitor people's phone records. I don't ask guys who they talk to on a day-to-day basis. I'd like to know how come, but I think that's a more appropriate question to ask John. I didn't know that he was talking to him that frequently. I didn't know if he was talking to him once a year, twice a month. I had no idea."

The phone records show extensive communication between Blake and Wichard, who is based in California.

In a partial response to a public records request by The News & Observer and The Charlotte Observer, UNC released Blake's cell phone communications with Wichard's cell phone number from Oct. 31, 2009 through June 22, 2010.

Michael L. Buckner, a Florida lawyer whose specialty is advising universities on NCAA probes and audits, said the extent of the phone calls appears to show more than a casual relationship between the two. Investigators, he
said, would be trying to fully understand those communications. UNC's head coach and athletics administrators should have been closely monitoring that relationship, Buckner said, given Blake's possible past ties to the agent.

"You need to be more proactive in making sure that there's not anything illicit going on," Buckner said.

The records do not distinguish between phone calls and text messages, but they show that Blake and Wichard communicated 61 times in the 61 days leading up to UNC's Jan. 4 announcement that six Tar Heels players - Marvin Austin, Kendric Burney, Greg Little, Deunta Williams, Quan Sturdivant and Bruce Carter - decided to return for their senior seasons in 2010 rather than leave for the NFL draft.

Over the other 174 days, the communications were about half as frequent, with 92 total calls or texts. Blake and Wichard also communicated six times on April 24, the final day of the NFL draft, for a total of 63 minutes. Four calls on April 24 lasted at least 10 minutes.

The frequency of their communication could lead to questions about whether Blake or UNC knew about a potentially improper trip Tar Heels defensive tackles Marvin Austin and Cam Thomas took to California in the summer of 2009.

In August, Thomas told The News & Observer and The Charlotte Observer that former teammate Kentwan Balmer, a first-round draft pick of the San Francisco 49ers in 2008, paid for the trip, a potential NCAA violation.

Wichard told Yahoo Sports that he saw Balmer with two Tar Heels teammates (Austin and Thomas) at Proactive Sports Performance that summer. Proactive is where many of Wichard's clients train to prepare for the draft.

It is unclear whether Blake was aware that the players were in California. Had Blake or anyone else at UNC learned the players were with Balmer in California, it would have been necessary to have North Carolina's compliance office investigate whether the trip was permissible before the 2009 season.

Austin and Thomas played the 2009 season. Balmer also played on the defensive line for Blake and is a Wichard client. If the NCAA rules the trip an impermissible benefit, North Carolina might have to vacate the 2009 season from its records.

Baddour said that in general, having worked for an agent in the past wouldn't - and shouldn't - exclude someone from joining the UNC staff.

Blake's lawyers have declined to say whether Blake accepted money from an agent while he was coaching. If he has accepted money, he could be prosecuted as an unregistered "runner" for an agent in North Carolina Secretary of State Elaine Marshall's investigation of possible violations of the state's Uniform Athlete Agent Act.

Baddour said Davis feels strongly that players should choose their agents on their own, in part because if the player-agent relationship turns sour, the coach won't want to be held responsible for making the recommendation.
"That's a philosophy of his," Baddour said. "So that is not a single-time [reminder]. that is an ongoing philosophical, strongly-based opinion of his that - if you were to go to one of the coaches and ask that question, 'coach, what should we do?' they would know, because he has expressed it so strongly."

At least 13 players who played at schools where Blake was on the staff have signed with Wichard. They include Balmer (Wichard's only client from UNC), Mississippi State defensive tackle Tommy Kelly, Nebraska running back Brandon Jackson and 10 Oklahoma players.

Universities closely guard contacts with agents, even setting up a formal "agent day," where agents can present their backgrounds to potential clients - and the players can interview the agents. The effort is aimed at trying to limit other contacts and ensure an arms-length relationship between players and agents. Buckner said "messy situations" erupt when agents and active collegiate players mingle; typically, universities are on guard to prevent it.

He said that, if Blake had a past close tie to a particular agent, the university should have taken steps to ensure that any financial ties and professional connections to the agency were severed, and that the coach not be involved if the agency tried to sign a player.

Staff writers J. Andrew Curliss and J.P. Giglio contributed to this report.

ktysiac@charlotteobserver.com or 919-829-8942

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WHAT IS "INSTITUTIONAL CONTROL"?

According to an NCAA spokesperson, there are four pillars of institutional control for university athletic programs: compliance systems, monitoring and enforcement, rules education, and a commitment to compliance. A case-by-case analysis is required when reviewing violations to determine if there was a lack of institutional control or failure to monitor.

NCAA investigators look for the following factors in their analyses: the duration and frequency of violations; the visibility of violations; warning signs to the university; number of student-athletes or teams involved; the number of staff members involved; significance of impermissible benefits; the gaining of a recruiting or competitive advantage; and whether it was a self-reported violation or was reported from an outside source.

+ 2.1.1 - Responsibility for Control.

It is the responsibility of each member institution to control its intercollegiate athletics program in compliance with the rules and regulations of the Association. The institution's president or chancellor is responsible for the administration of all aspects of the athletics program, including approval of the budget and audit of all expenditures.

+ 6.01.1 - Institutional Control.

The control and responsibility for the conduct of intercollegiate athletics shall be exercised by the institution itself and by the conference(s), if any, of which it is a member. Administrative control or faculty control, or a combination of the two, shall constitute institutional control.

SOURCE: NCAA
MASS COMMUNICATIONS

During the two months leading up to January 4 - the date UNC football players Marvin Austin, Greg Little, Deunta Williams, Kendric Burney, Bruce Carter and Quan Sturdivant announced their decisions to return for their senior football seasons at North Carolina - there were 61 communications between their UNC assistant coach John Blake and agent Gary Wichard. Communications included incoming calls, outgoing calls and text messages via Blake's UNC-issued cell phone and Wichard's cell phone.

Wichard has said the two are longtime friends. Blake's connections with Wichard have drawn the interest of media and fans since July, when UNC acknowledged that it was under investigation. One prong of the probe has focused on possible impermissible benefits provided to players by sports agents. Blake resigned Sunday.

The 61 calls from Blake's university-issued cell phone to Wichard's cell phone during one 61-day period (in minutes):

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http://www.newsobserver.com/2010/09/08/669814/former-unc-ass...
Blake's UNC résumé skipped time with agent

BY KEN TYSIAC - STAFF WRITER

John Blake did not list an affiliation with sports agent Gary Wichard's company, Pro Tect Sports Management, on the résumé he provided the University of North Carolina before he was hired as associate head football coach, records show.

Blake, whose ties with Wichard have been scrutinized by fans and the media with UNC under investigation by the NCAA, resigned Sunday, saying his situation had become a distraction to his family and the school.

Archived Pro Tect Management websites list Blake as vice president of Wichard's company during at least part of the time between his firing as Oklahoma's head coach in 1988 and hiring as an assistant coach at Mississippi State in 2003. In addition, Antwoine Sanders, a former NFL player from Fayetteville who trained for the 2003 draft with Blake, has said Blake was an employee of Pro Tect.

Blake's lawyer, William Beaver of Orlando, Fla., has said that Blake did not have a business relationship with Wichard.

The UNC chancellor's office released Blake's résumé to The News & Observer and The Charlotte Observer under the integrity exception to the state's personnel laws, which allows the head of a state agency to provide personnel records that ordinarily would be private to prove the agency is acting in the public interest when that agency's credibility is questioned.

Blake's résumé states that while he was out of coaching, he was:

- Director of football operations for A Chance to Advance Football Camp.
- A consultant for recruiting analyst Tom Lemming.
- Managing partner of a residential development in North Tulsa.

Each of the 11 players Blake listed among his clients at A Chance to Advance also was a client of Wichard's.

Phone records released to The News & Observer and The Charlotte Observer on Tuesday show 152 communications between Blake and Wichard in a 235-day period. UNC athletic director Dick Baddour has declined to answer when asked whether he or coach Butch Davis knew of Blake's relationship with Wichard.

In an interview Tuesday, Davis said there were a lot of gaps in his relationship with Blake.

Davis has known Blake since Blake was a student at Sand Springs High School in Oklahoma in the late 1970s. Davis was an assistant coach and a biology teacher at Sand Springs. Davis and Blake, 49, also coached together with the Dallas Cowboys in 1993 and 1994.

"You have to put it in context: I coached John Blake for two years in high school," Davis said. "Then there was at least a 12-year period of time when I didn't see him until he was minority intern to the Dallas Cowboys for one summer and then came back the following year for two years as defensive line coach. Then when I went to Miami, from 1995 until here, another 12 years, between our relationship."

Baddour said Davis would have been the "hiring supervisor" in charge of checking Blake's references and employment history. The extent to
Davis also said that before any athletics employee can be hired at any school, including North Carolina, there has to be a background check with the NCAA. He said that the NCAA tells the administration whether there are any violations in somebody's past and that there were "no red flags" with Blake.

NCAA spokeswoman Stacey Osburn said in an e-mail message that when conducting a background check, schools may choose to contact the NCAA to determine whether the individual has been involved in past major infractions cases. But the process is not formal or mandatory, and hiring decisions are made by the schools.

Kirschner said UNC public safety conducts criminal background checks of candidates. Athletic department human resources representatives check applicants' educational backgrounds.

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