

STATE OF IOWA)
) SS: AFFIDAVIT
JOHNSON COUNTY)

I, Tom Brands, being duly sworn on oath do depose and state that I am of legal age and presently a resident of the State of Iowa. That at all times, for that which is contained in this Affidavit, I was the wrestling coach at Virginia Tech. I ceased my employment as wrestling coach at Virginia Tech on April 17, 2006. The purpose of giving this Affidavit is to provide information that I believe is relevant to the issue of release of athletes from scholarships and the one-time transfer rule. (NCAA Bylaw 14.5.5.2.10)

Throughout the hiring process and my employment at Virginia Tech (June 2004-April 2006), I dealt with and reported to Athletic Director Jim Weaver and the Associate Athletic Director Jon Jaudon. Prior to my employment at Virginia Tech, the issue of the release of student athletes from scholarships (one time transfer exception) was discussed by me and Mr. Weaver and Mr. Jaudon. Before signing my contract with Virginia Tech, Jon Jaudon specifically told me there was an open release policy at Virginia Tech and the head coach would have no power to stop any athlete from leaving under any circumstances. He said, "People who don't want to be here, don't do us any good and we will not keep them." He went on to say, "Any student-athlete will be released anytime for any reason." Prior to my hiring, I went into a meeting with Jim Weaver and Jon Jaudon. Among the many issues talked about was the open release policy. Jim Weaver made it very clear there was an open release policy which would allow a student athlete to transfer without loss of NCAA eligibility.

It may be important to note that during the negotiations of my contract at VT, Mr. Weaver tried to include a provision for a \$100,000 buy-out of my contract which would have required repayment of that amount to Virginia Tech if I left before my contract expired. I did not agree to this.

It may also be important to note that in late March or early April, Jim Weaver called me into his office and we talked, among other things, about Ohio State. He said he would allow me to be contacted by them about their head wrestling coach vacancy. At one point during the discussion he point blank told me, "your athletes will be released," and "we are people persons first." Jon Jaudon was present.

As head coach at Virginia Tech, one of my important duties was recruiting. Specifically, I was the Virginia Tech representative dealing with recruits and their parents. The open release policy was something I was given authority to discuss with recruits and their parents. I was given that authority because I could not bring in the quality of recruits that I was bringing in without having authority to tell them there was an open release policy. In the fall of 2004, the five recruits seeking permission to use the one time transfer exception (Jay Borschel, Dan LeClere, T.H. Leet, Brent Metcalf and Joe Slaton) and their families all made it very clear to me that they were uncertain about attending Virginia Tech and probably would not come unless they could be released at any time. They all had concern about my possible departure for an opportunity at one

of the traditionally strong wrestling programs and they all indicated that if I left, they would want to follow me or have the opportunity to transfer to another school and the release (one time transfer exception, NCAA Bylaw 14.5.5.2.10) was important enough that they would not come to Virginia Tech without it. When I recruited these athletes, the possibility of my leaving was stated to be a major concern in their choice of whether or not to come to Virginia Tech and they, along with their parents, specifically asked for clarification about being released if they wanted to transfer. I gave them assurances that Virginia Tech had an open release policy based upon what Mr. Weaver and Mr. Jaudon had previously told me. I even gave Brent Metcalf and his father a handwritten note to that effect. I believe I had the authority to tell recruits that the university would grant releases based on the specific statements made by Mr. Weaver and Mr. Jaudon to me. I specifically remember hearing Mr. Jaudon himself tell many recruits on different occasions that there was an open release policy. Mr. Jaudon was specifically told by me that I had given athletes assurances about the granting of the one time transfer exception rule, but at no time did he ever tell me or, to my knowledge, any of the student athletes that I had no authority to tell recruits about the university's open release policy and in no instance known to me did Mr. Jaudon or anyone in the athletic department take any action to advise anyone that this was not correct or that recruits should not rely on that policy.

In all the time I was there, no one told me Virginia Tech was going to change the open release policy.

The open release commitment of the University was applied specifically to the wrestling program while I was there. A student-athlete by the name of Christian Smith requested a one time transfer exception release at the end of the first semester during the 2005-06 season. I made it very clear to Mr. Jaudon that I thought it would be better for our program if he stayed and finished out the school year. After Jon Jaudon and I discussed it I was specifically told that I was free to talk to Christian Smith, but if he still wanted to leave Virginia Tech, Jim Weaver would not hold him there because of the open release policy. Christian was then granted the one time transfer exception because that was what he wanted to do.

In summary, I believe that the five student-athletes seeking the one time transfer exception release have a right to it based on the policy as it was described to me and these student-athletes, and applied by Virginia Tech while I was there. This dates back to when these young men were recruited. It was clearly represented to them that under the open release policy they would be allowed to transfer at any time for any reason and that authority came from Mr. Weaver and Mr. Jaudon. Also, Mr. Weaver and Mr. Jaudon reiterated that it was their position that this was the policy of Virginia Tech. I only passed along this policy to the recruits. I do not believe that I could have recruited these five athletes without the open release policy. These facts are true as I verily believe.



Tom Brands

Subscribed and sworn to before me, the undersigned Notary Public, by Tom Brands, on this
10th day of May, 2006.

Marie R. Kasparuk 5-10-06
Notary Public in and for the State of Iowa

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