



NORTH COAST SECTION, CIF

Gil Lemmon, Commissioner of Athletics

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January 9, 2015

David Linzey, Executive Director
Clayton Valley Charter High School
1101 Alberta Way
Clayton Valley, CA 94530

RE: Request by Clayton Valley Charter High School to reduce the October 29, 2014 penalty of a two-year probation to one year.

Dear Mr. Linzey,

I have reviewed your school's request to reduce the two-year probation to your school's athletic program to one year. In review of your request, I have reviewed the first email sent October 29, 2014, the letter sent December 11, 2014 and all materials related to each referenced eligibility case from this fall. After review of these materials I will not alter the original decision to impose a two-year probation. The following is my rationale:

1. Under NCS Constitution and General Bylaw 1103 Clayton Valley Charter High School, affected students, or parents of affected students had the opportunity to appeal the decision. The appeal information was outlined in the decision of October 29, 2014, was very clear and referenced the bylaw. The school instead opted not to appeal. I believe the appeal process was the school's opportunity to protest or challenge the two-year probation.
2. Instead of appealing the Commissioner's decision the school asked that the penalty of probation be reduced. I am only obligated to reconsider my decision if new information is provided that in my opinion changes the decision and penalties. No new information was provided.
3. In your email dated October 29, 2014, you offered four points that you believe pointed to an unfair and unwarranted penalty. Let me address each one:
 - a. Point one addresses the number of transfers to your school. While this is a concern, any decision to place penalties on Clayton Valley Charter High School was not based on the number of transfers. In the decision I was careful to separate violations with concerns.
 - b. Point two concerns a willful disregard for the procedures outlined by NCS member schools, procedures communicated to schools in league Eligibility Workshops going back to former NCS Commissioner Tom Ehrhorn, and language adopted and included in Appendix A of the NCS Constitution and General Bylaws, "Undue Influence Rule Interpretations". The first communication between Ms. McKenzie and Mr. Murphy was highly inappropriate with Mr. Murphy stating "Please call me", providing his cell number. The school cannot turn this response into commendable action on the part of the coach.
 - c. Point three addresses the signature of Neil McChesney on the CIF 207 Waiver for [REDACTED]. This statement reveals a total misunderstanding of the CIF transfers eligibility rules and procedures. You state that Neil McChesney signed the 207 form correctly, signing that he had no knowledge of any "inappropriate contact, etc." That is not what the signature statement reads. The paragraph, in part, above the signature states, "My signature below attests that to the best of my knowledge I have no credible** evidence of any person who is associated* with the athletic department of the new school orhaving any communication,

directly or indirectly,prior to completion of the enrollment process. As the decision outlines there was significant pre-enrollment contact, contact related to football, prior to completion of the enrollment process at Clayton Valley Charter High School, contact that was not revealed by the student, family or school. It was the responsibility of the school, and any person who signed the form, to correctly certify and disclose the contact.

- d. In Point four you reference the infraction of the school starting practice early, prior to the start of the summer period. This was a concern, not part of the decision to place the school on probation.
4. None of the points in your letter of December 11, 2014 were part of the decision to place Clayton Valley Charter High School's athletic program on a two-year probation. Once again, any concerns were listed after I had rendered a decision based on the eligibility infractions that contributed to the ineligibility of two students, costing both students a year of eligibility, decisions supported during appeals to the CIF.
5. Since the decision I have received several eligibility waivers from your school. One waiver was approved for a soccer player who transferred from Concord High School. I reviewed the case with my concerns about the processing of the paperwork when I met with Miguel Romo and Amber Lineweaver December 5, 2014 as part of the parameters of probation. In this case the transfer is a club soccer player who lives in Concord, playing on the MDSA Elite. When the 207 Waiver Application was completed all Clayton Valley Charter High School personnel signed that there was no credible evidence of pre-enrollment contact with individuals associated with the athletic department prior to completion of the enrollment process, including yourself. Despite this claim Amber included a letter stating that there was pre-enrollment contact with several students at Clayton Valley Charter HS, listing seven names. In my review of the case I found three additional names, all soccer players who are current students at and have participated in soccer at Clayton Valley Charter HS, and who also have played on the same club team as the transfer. This was not reported by Clayton Valley Charter HS, a violation of CIF 207.C. (3), CIF 207.C. (7) and CIF 510.D. (1), all rules listed in my probation letter October 29, 2014. As part of my October letter I questioned on page two the effort of the school to reveal contact, suggesting that the school provide any potential student a roster of the team to see if they knew any of the students. Despite this recommendation, in the referenced case above this was clearly not done and once again the school has failed to correctly process the eligibility waiver, overstepping authority in the eligibility process by making a judgment concerning pre-enrollment contact, the responsibility of the section commissioner, and signing the CIF 207 form incorrectly.

Based on the above I do not believe my original decision was inappropriate, overly punitive or unfair. And based on item five above it is clear that Clayton Valley Charter High School still does not have a clear understanding of the responsibilities of eligibility and is not deserving of a reduction of the two-year probation time frame.

Sincerely,

Gil Lemmon
Commissioner of Athletics

Cc: Karen Sakata, Superintendent, Contra Costa County (Mr. Ovick asked to be included in any communication on this subject with Clayton Valley Charter High School)
Tom Thomsen, Athletic Director, Mission San Jose High School, Chair, NCS Eligibility Committee
Craig Lee, DVAL Commissioner
Ted Meriam, Chair, Clayton Valley Charter High School Governing Board