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'Varsity Blues' Parent Says Docs Show USC Payment Is Legit

By **Chris Villani**

Law360 (September 3, 2019, 2:33 PM EDT) -- A parent charged in the college admissions case known as "Varsity Blues" told a federal judge Tuesday he should be able to access University of Southern California documents showing his \$50,000 payment to the school was not a "bribe" but instead a rather common donation.

Miami developer Robert Zangrillo claimed to have acted in good faith when he made the five-figure donation to USC and that the seven documents being sought will show that across the university, wealthy parents frequently saw their children admitted at higher than normal rates due to past donations, the promise of future gifts or the school's expectation that parents with deep pockets might eventually give money to USC.

"The notion that Robert Zangrillo's \$50,000 check to USC, made after his daughter's admission, was a 'bribe' is legally wrong — there was no quid pro quo corrupt agreement between Mr. Zangrillo and USC that brought this relatively ordinary gift to a university into the orbit of the federal criminal law," his opposition to a USC motion to quash said. "It was a donation indistinguishable from the vast numbers of other donations by parents of students made to USC and apparently to other universities and colleges nationwide."

Federal prosecutors claim Zangrillo paid a total of \$250,000 — the \$50,000 to USC and another \$200,000 to the charity controlled by William "Rick" Singer, the scheme's mastermind — in order to have his daughter admitted to USC as a crew recruit despite not competing in the sport at a Division 1 level.

Zangrillo's daughter was denoted a "VIP" by former USC administrator Donna Heinel, who, like Zangrillo, is among the 51 people charged in the **nationwide case** and is among those fighting the charges.

In June, Zangrillo asked for records dating back to 2015 to show how many students were given a similar designation and whose admission to the school was closely tied to a donation from their families. USC is opposing the records request, citing privacy concerns and saying in August that it did not want to turn over records "unrelated to the charges."

But Zangrillo argued Tuesday the records are relevant and will show that USC was not, as prosecutors claim, a "victim" in the fraud case the government has levied against him and the other parents charged.

The records will show USC "lost no money or property, and that the employee or employees who tagged Mr. Zangrillo's daughter as a 'VIP' or with a 'special interest' code, thereby helping to facilitate her admission, acted within the scope of their duties and were not compromised or disloyal to USC," the opposition said. "Mr. Zangrillo did not cause any breach of honest services. To the contrary, Ms. Zangrillo's application had the support of influential members of the USC community, her family members were already students at USC, and she was never 'fronted' or presented to USC Admissions as an athlete by anyone in USC Athletics."

The line of defense is similar to the one suggested by actress Lori Loughlin and her husband, designer Massimo Giannulli, when they **appeared in federal court** in Boston last week. The celebrity couple, similarly charged with bribing their daughters' ways into USC as fake members of the crew team, believed they were making legitimate donations to USC and to Singer's Key Worldwide Foundation, their lawyer said.

Zangrillo said the documents he is seeking will show that numerous factors outside of grades and test scores factor into whether a student is admitted to USC, "including recommendations on the prospective student's behalf by persons of power, wealth, or position in the USC community, past or present."

The idea that the wealthy and connected have an inside track into getting their children into college was a central aspect of a **landmark Boston trial** last fall focusing on Harvard University's admissions practices.

In pushing back on USC's motion, Zangrillo also said the school and admissions dean Timothy Brunold made "straw man arguments" to the court and challenged Brunold's statement that USC does not track some of the data requested. Zangrillo argued that even if USC does not have information for every single student who received a VIP or other special designation, it certainly has records that fit within the scope of the subpoena.

Brunold had also told the court that "the majority of students who receive a special interest tag are not admitted," which Zangrillo said is not true. The admissions rate of special interest students designated by the athletics department was greater than 50% during the time period in question, including a 91% admissions rate in 2016, according to an exhibit filed by Zangrillo on Tuesday.

"USC attacks a straw man by accusing Mr. Zangrillo of incorrectly assuming that the special interest tag results in 'guaranteed admission,'" the document said. "There are, of course, no guarantees when applying to a highly selective institution such as USC. A four-fold increase in the chance of admission, however, holds great significance.

"We believe the subpoenaed documents will clearly demonstrate that Mr Zangrillo's donation to USC was far outside the ambit of the federal criminal law and was no different than donations given by many dozens if not hundreds of other parents of students who had gained admission to USC and, nationwide, to other universities," Zangrillo's attorney, Martin G. Weinberg, said Tuesday. "These documents will, if produced, fully demonstrate that USC was not a victim in this case."

A USC representative did not immediately respond to a comment request Tuesday.

The government is represented by Eric S. Rosen, Justin D. O'Connell, Alexia R. De Vincentis, Kristen A. Kearney and Leslie Wright of the U.S. Attorney's Office for the District of Massachusetts.

Zangrillo is represented by Martin G. Weinberg, by Matthew L. Schwartz of Boies Schiller Flexner LLP and by Nicholas C. Theodorou of Foley Hoag LLP.

USC is represented by Debra Wong Yang and Douglas Fuchs of Gibson Dunn & Crutcher LLP and by Anthony E. Fuller and Elizabeth Carr Pignatelli of Hogan Lovells.

The case is U.S. v. Sidoo et al., case number 1:19-cr-10080, in the U.S. District Court for the District of Massachusetts.

--Editing by Abbie Sarfo.