



Beth Snellgrove <bcsnellgrove@gmail.com>

FW: REPORT ON RFR BILLINGS TO BASE

1 message

Stephanie Updike <stephanieupdike@hotmail.com>
To: Beth Snellgrove <bcsnellgrove@gmail.com>

Mon, Feb 8, 2010 at 3:41 PM

I don't know if you ever saw this. . . I don't remember it. Just thought you might be interested.

> From: supdike@baschools.org
> To: stephanieupdike@hotmail.com
> Date: Mon, 8 Feb 2010 15:38:37 -0600
> Subject: FW: REPORT ON RFR BILLINGS TO BASE

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> From: Maryanne Flippo [maryanneflippo@hotmail.com]
> Sent: Thursday, April 02, 2009 11:09 PM
> To: Doug Mann
> Cc: Gerber, Gary; Updike, Stephanie
> Subject: RE: REPORT ON RFR BILLINGS TO BASE

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> While I think it could be a good idea to analyze the legal bills in order to plan appropriately for next year's budget, I do not know if it is the most important thing Dr. Gerber could be doing with his time in the next two weeks. Certainly he is the only one who could do it because no other employees are authorized to look at the itemized bills. While I do not object to releasing a categorized report on your legal bills in time to prepare next year's budget, I am not sure I am comfortable with insisting that it be done immediately.

> If the goal is truly to produce a report to aid the board in decision-making for the future, and to give the public an accurate understanding of how and why BAPS has incurred legal costs, I think the report needs to include some additional information. I think if we are going to produce a report analyzing our legal bills it should include an analysis of all the legal bills in this fiscal year from all of the attorneys who have done work for BAPS since July 1, 2008. It should also compare the bills with legal bills from the last five years, accompanied by an explanation for the previous years as well. A comparison of total costs with those of neighboring districts would also be good to include. (I believe most of this additional information was prepared last fall and even aired on TV.) In my opinion, the report should suggest an appropriate amount to budget annually.

> The public also needs to be reminded that costs for legal bills vary according to the needs of a particular year, just as medical bills vary according to personal illness or injury. The year in which you have a heart attack, you will have higher medical bills than the previous year when you had no known heart problems. Even though it will not matter to the board members or the citizens who refuse to objectively consider the facts, I think the invalid comparison between this year's legal bills and last year's legal bills needs to be addressed for open-minded citizens and board members to consider.

> In my opinion, preparing a report to release right now will be interpreted as an attempt to placate Mrs. Updike and a few vocal citizens with whom she shares an agenda to discredit RFR and Dr. Gerber. I do not agree with setting a precedent of giving in to the demands of a board member who is actively and unceasingly working to publicly discredit the superintendent and a vendor with whom BAPS has a board-approved contract. Furthermore, I do not believe Mrs. Updike (or the few vocal citizens Mrs. Updike seems particularly interested in pleasing) will be satisfied by the release of this information. She (and they) will not be

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until BAPS cancels its contract with your firm.

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> I believe Mrs. Updike is one of the citizens to whom you refer in your email who "seeks information about your billings because she has her own agendas unrelated to the underlying billings or even why the services were needed." I do not believe Mrs. Updike has any motive for seeking the release of the itemization of the legal bills other than a desire to embarrass or discredit Dr. Gerber, and/or a desire to harm me or some of the other board members personally. She has never apologized for, nor retracted, her inaccurate statements on Aug. 12, 2008. Mrs. Updike has attempted on several occasions since then to publicly discredit RFR. She has also repeatedly asked to release information that would incur liability for the district and for all board members. She has even refused to acknowledge the seriousness of the potential liability to all board members (including herself) if all the issues are clearly identified to the public.

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> Additionally, I do not think it is wise to set the precedent of allowing Mrs. Updike to succeed in demanding a report from Dr. Gerber that she never would have asked for from the previous administration, particularly when a.) a majority of the board has not voted to direct Dr. Gerber to produce this report, and b.) the parameters of the report have not been clearly set. As stated earlier, I would like to increase the scope of the report and would like for the board to have the opportunity to vote on that.

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> If you do release the billing information in categories, I think you should consider special categories for the hours billed to the district in attempts to minimize the damage and the potential liability to the district and to individual board members as a result of a.) the efforts of Mr. Lare, Mr. Richardson and Mr. Sisney, b.) Mrs. Updike's and Mr. Stover's words and actions, c.) complying with the Open Records requests from certain citizens, d.) responses to Mr. Reynolds' comments, e.) responding to the taxpayer demand letter, including considering a state audit, f.) preparations for and responses to the special audit requested last fall. You could also include a category for the costs of the investigation, and the subsequent suspension and dismissal of the previous superintendent. (Although I defer to your legal wisdom, I am not kidding about suggesting these categories. I think the public could benefit from understanding the root cause of most of the legal bills.)

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> I have only voted not to release the itemized legal bills to honor confidentiality laws and to protect the district and board members from liability if certain information became public. I did not wish to identify the information, so I have been unable to explain my decision in detail to the public. However, if I had not voted to block Mrs. Updike's previous requests, the public would have read many problematic details and names of individuals months ago. Even though she should know better, Mrs. Updike so far has refused to acknowledge there are many details that would be very unwise to release to the public, which is how this issue has become so controversial (see suggested category b. above).

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> If Mrs. Updike is at all sincere about caring for this district more than she desires to discredit Dr. Gerber, it would be helpful if she would publicly state her agreement to give up demanding the release of itemized billing descriptions. A public acknowledgement that she will accept as the wise and appropriate solution (not just the best she could achieve under the circumstances) the report of categories of legal bills would be evidence that her concern for the welfare of the district is greater than her desire to discredit Dr. Gerber and/or RFR, and that she is truly interested in moving forward.

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> In conclusion, if you and Dr. Gerber do want prepare a report on the legal bills right now, I would like for the scope to be expanded to include the additional items I mentioned, and I would like some assurance that everyone is aware of the precedents being set and is comfortable with those precedents, or agrees to clarify that a particular precedent is not being set. I will be very happy to give an expanded report my public blessing as long as the precedents being set are clearly agreed upon and understood. In the interests of moving the district forward, I would even be willing to make a joint statement of approval of the proposed report on the legal bills with Mrs. Updike, if she is willing to not just grudgingly accept, but endorse, this solution. Whether or not Mrs. Updike cares to make a joint statement with me, if she is not willing to publicly endorse this solution to releasing the legal bills, it will be a waste of time, effort and money to complete the proposed report (see paragraph 4 and 5 above.)

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> Maryanne

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