

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY  
STATE OF OKLAHOMA

JIM SISNEY, an individual, )  
)  
Plaintiff, )

-vs-

Case No. CJ 2008-06173

MIKE RAMPEY, an individual; )  
DOUGLAS HUDKINS, an )  
individual; MARYANNE FLIPPO, )  
an individual; SHARI WILKINS, )  
an individual; and SHARON )  
WHELPLEY, an individual; )  
INDEPENDENT SCHOOL DISTRICT )  
NO. 3 OF TULSA COUNTY, )  
a political subdivision; )  
and AIR ASSURANCE CO., )  
a domestic For Profit )  
Business Corporation, )  
)  
Defendants. )

\*\*\*\*\*

THE VIDEOTAPED DEPOSITION OF  
STATE REPRESENTATIVE MICHAEL D. REYNOLDS, produced as a  
witness on behalf of the Defendants Maryanne Flippo, Sharon  
Whelpley and Shari Wilkins in the above styled and numbered  
cause, taken on the 29th day of September, 2010, in Tulsa,  
Oklahoma before me, Dalene Lawrence, a Certified Shorthand  
Reporter duly certified under and by virtue of the laws of  
the State of Oklahoma, pursuant to the stipulations  
hereinafter set forth.

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## A-P-P-E-A-R-A-N-C-E-S

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-AND-

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17 FOR THE DEFENDANT,  
BROKEN ARROW SCHOOL  
18 DISTRICT:

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20 FOR THE WITNESS,  
MICHAEL D. REYNOLDS:

MR. JAMES E. DUNN  
Attorney at Law  
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21  
22 ALSO PRESENT:

MS. MARYANNE FLIPPO  
MS. SHARON WHELPLEY  
MS. CHERYL KELLY  
MS. SHARI WILKINS  
REP. DR. MIKE RITZE  
DR. DOUGLAS HUDKINS  
MRS. LINDA HUDKINS

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S T I P U L A T I O N S

It is stipulated and agreed by and between the parties hereto that this deposition is being taken by Notice and Agreement of the parties, and that the same may be taken at this time and place.

It is further stipulated and agreed that all objections are reserved to the time of trial, except as to form, with the same force and effect as if made at the taking of the deposition.

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1 VIDEO TECHNICIAN: We're now on the record for  
2 the deposition of Mr. Michael Reynolds. Today is September  
3 29, 2010. The time is 10:13 A.M. Would Counsel please  
4 identify themselves for the record.

5 MR. DUNN: James Dunn on behalf of  
6 Representative Reynolds.

7 MS. WALTA: Phyllis Walta on behalf of the  
8 Defendants Sharon Whelpley, Shari Wilkins and Maryanne  
9 Flippo.

10 MR. KEESLING: David Keesling on behalf of the  
11 Plaintiff, Dr. Jim Sisney.

12 MS. SHADID: Heidi Shadid on behalf of Dr. Jim  
13 Sisney.

14 MR. RAINEY: Bo Rainey on behalf of the Broken  
15 Arrow School District.

16 MR. LUTHEY: Dean Luthey for Air Assurance and  
17 Mike Rampey.

18 MR. JENNINGS: Mark Jennings for Defendant  
19 Douglas Hudkins.

20 MS. LINDAMAN: Meredith Lindaman for  
21 the Defendant Douglas Hudkins.

22 VIDEO TECHNICIAN: Thank you. The witness may  
23 be sworn in.

24 THE REPORTER: Thank you.  
25

1 STATE REPRESENTATIVE MICHAEL D. REYNOLDS

2 of lawful age, who having been first duly sworn to testify  
3 the truth, the whole truth and nothing but the truth,  
4 answered in reply to the questions propounded as follows:

5  
6 DIRECT EXAMINATION

7 BY MS. WALTA:

8 Q Will you state your full name for the record.

9 A Michael Don Reynolds.

10 Q And Mr. Reynolds, have you ever given a  
11 deposition before?

12 A I don't think so.

13 Q Well, then, I'm going to go over a few ground  
14 rules. And the first one is, if at any point you need to  
15 take a break, feel free to do so -- this isn't an endurance  
16 test, and just let us know -- as long as there's not a  
17 question on the table. I would prefer that you go ahead and  
18 answer that question. But after that, if you need to take a  
19 break, just let us know.

20 A Thank you.

21 Q The second thing is to make sure that we don't  
22 talk over each other. So if you will wait till I finish my  
23 question, I will try really hard to wait until you finish  
24 your response to ask another question. Is that okay?

25 A Yes.

1           Q           The third thing is for you to give verbal  
2 responses rather than a shake of the head, nod of the head,  
3 or "huh-uh" or "uh-huh". Because it's very hard for the  
4 Court Reporter to take that down. Is that acceptable?

5           A           I understand.

6           Q           And the last thing is, sometimes I ask really  
7 poorly worded questions. It's not intentional on my part.  
8 But if I do, please feel free to ask me to rephrase it, tell  
9 me you don't understand, and I will be happy to do so. If  
10 for some reason you don't ask me to rephrase my question, I'm  
11 going to assume that you understood what I was asking. Is  
12 that fair?

13          A           Yes.

14          Q           Thank you.

15                               (Whereupon, Deposition Exhibit No. 1  
16 was marked for identification).

17          Q           I'm going to put into the record the Notice of  
18 Deposition, why we're here today. It's Defendant's  
19 Deposition Exhibit Number 1. And it contains a subpoena for  
20 records that we asked you to bring. And your counsel has  
21 handed quite a large package of documents and a CD to me this  
22 morning. So if it's okay, we're going to go through those  
23 and see what's responsive to the request that I made. Is  
24 that fair?

25          A           Yes, it is.

1                   MR. DUNN: Okay. For the record, we don't  
2 agree that the subpoena and Notice was appropriate, properly  
3 issued, and/or served. But we are here in good faith in the  
4 discovery process for Mr. Reynolds to be deposed and produce  
5 the documentation he has.

6                   MS. WALTA: Okay. It's my understanding,  
7 though, he has produced the documents pursuant to the  
8 subpoena, even though you contest its service

9                   MR. DUNN: No, he produced them pursuant to  
10 his agreement and good faith participation in the process.

11                   MS. WALTA: Are there any of these five items  
12 that were not responded to?

13                   MR. DUNN: I don't believe so. But you can  
14 ask Mr. Reynolds.

15                   MS. WALTA: Okay, okay.

16                   Q       Mr. Reynolds, the first item that we asked you  
17 to bring today was all documents received from or sent to Jim  
18 Sisney including but not limited to emails. Did you bring  
19 those with you today?

20                   A       Yes, I did.

21                   Q       And what you brought today that's in this  
22 stack, is that everything that you have at the present time?

23                   A       That is correct.

24                   Q       Had you deleted any records that you didn't  
25 bring with you today?

1           A           Nothing to my knowledge.

2           Q           And Number 2 is all documents received from or  
3 sent to Lee Sisney, including but not limited to emails. Did  
4 you bring those documents with you today?

5           A           No, I did not.

6           Q           And why not?

7           A           Because Mr. Sisney has been consulting me with  
8 regards to attorney-client relationship.

9           Q           So you're alleging that Thurman Lee Sisney is  
10 your attorney?

11          A           In some of these matters, yes.

12          Q           And as to some of the matters that he is not  
13 your attorney, did you bring any correspondence that you had  
14 with Thurman Lee Sisney?

15          A           I have none.

16          Q           And did you bring any type of a log to show us  
17 those items that you claim are attorney-client privileged?

18          A           No, I did not.

19                   MS. WALTA: Counsel, I would ask that we get  
20 some type of a log as to the documents that Mr. Reynolds is  
21 claiming are privileged.

22                   MR. DUNN: We'll certainly produce a privilege  
23 log.

24                   MS. WALTA: Thank you.

25          Q           As to Item Number 3, all documents in your



1 possession related to the Broken Arrow School District,  
2 Maryanne Flipppo, Shari Wilkins, Sharon Whelpley, Douglas  
3 Hudkins, Mike Rampey, Air Assurance, Gary Gerber or Cheryl  
4 Kelly including but not limited to emails. Have you  
5 responded to that request?

6 A Yes, I have.

7 Q And have you brought all documents that  
8 respond to Number 3 that are in your possession with you  
9 today?

10 A Number 3 being the one you just named?

11 Q Correct.

12 A Yes.

13 Q And Number 4 is all documents provided to you  
14 related to the payment of sick leave by the Broken Arrow  
15 School District. Have you complied with that request, as  
16 well?

17 A Yes.

18 Q And they're included in this stack of  
19 documents, as well?

20 A Yes.

21 Q Number 5 is any legal memorandums or other  
22 correspondence from Doug Mann or the firm of Rosenstein, Fist  
23 & Ringold in your possession? Have you complied with that  
24 request, as well?

25 A Yes, I have.

1 Q And those are in this stack of documents, as  
2 well?

3 A Yes, they are.

4 Q Let's go through that stack of documents now.

5 A All right.

6 Q The first thing I have on this stack is a CD  
7 that is unlabeled and unmarked. What are we going to find on  
8 this CD?

9 A That CD is about eight hours of audio that I  
10 believe is a recording of the exit interview conducted by the  
11 State Auditor with, what we call the exit interviews with the  
12 Broken Arrow School Board.

13 Q How did you obtain a copy of that audio?

14 A I received a copy of that from my attorney's  
15 office, where I understand -- and I'll let him speak to that  
16 -- he received that anonymously. And my attorney being James  
17 Dunn.

18 Q And did you communicate at all with Sherri  
19 Combs to determine if in fact she had taped this?

20 A No, I did not.

21 Q Do you know it's authentic?

22 A No, I do not.

23 Q And did you give copies of this audio, when I  
24 say "tape", it's not a tape anymore; it's on a CD.

25 A DVD (sic). Or CD.

1 Q Yes. But did you give copies of this to  
2 anyone else?

3 A I uploaded copies to an FTP web site that's  
4 managed by the House of Representatives. So other people  
5 were able to download that. I did not, per se, hand them  
6 copies.

7 Q Okay. When you uploaded it to this FTP web  
8 site, who did you let know that it was on there that they  
9 could get access to that?

10 A There is a list of media that I have  
11 corresponded with over the years. I provided each  
12 people(sic) on that particular mass email list instructions  
13 on where that information was.

14 Q Do you have any way of knowing how many of  
15 those mass media accessed the audio clip?

16 A No, I do not.

17 Q Could you provide us with a copy of the list  
18 of media that had access to this audio?

19 A Yes.

20 Q Okay. Thank you. If you would just give it  
21 to Mr. Dunn, he will make sure and forward it to me.

22 A And excuse me.

23 THE WITNESS: So I guess I'm not supposed to  
24 have to remember all this. You're going to --

25 MR. DUNN: Yes.

1 THE WITNESS: Thank you.

2 Q So it's your testimony that you received this,  
3 that your attorney received this anonymously and your  
4 attorney provided it to you. Is that correct?

5 A That is correct.

6 Q And did you speak with Dr. Jim Sisney about  
7 these audio tapes after you received it? I keep saying  
8 "tapes" -- I apologize.

9 A I'm not sure. I don't know if I spoke  
10 specifically about audio tapes. I have spoken to Jim Sisney  
11 since I received those tapes. I don't know if I spoke  
12 specifically about receiving the audio tapes.

13 Q Have you spoken with Thurman Lee Sisney about  
14 the audio tape after receipt of this CD from your attorney?

15 MR. DUNN: I'm going to interject. Is that  
16 the attorney, Mr. Sisney?

17 MS. WALTA: Correct.

18 MR. DUNN: He's going to assert  
19 attorney-client privilege on any communications with Thurman  
20 Lee Sisney. I'll make a standing objection to that on behalf  
21 of him. He's testified that that is the capacity that he has  
22 engaged the attorney and sought legal advice and, therefore,  
23 that objection will stand.

24 MS. WALTA: I'm not asking for the content of  
25 the communication between the two of them at this point. I'm

1 just asking as to whether or not he contacted him.

2 MR. DUNN: About that audio was your question.

3 MS. WALTA: Correct.

4 MR. DUNN: But again, any contact with an  
5 attorney who Representative Reynolds had sought any advice of  
6 concerning this litigation is not going to be fair game.  
7 He's not going to answer.

8 MS. WALTA: Well, Mr. Dunn, I disagree with  
9 you in that I'm entitled to ask if he's had that contact. I  
10 believe that Mr. Reynolds should respond to that question.  
11 And if I asked a follow-up as to what was discussed, then you  
12 would have a proper objection.

13 MR. RAINEY: On behalf of the School District,  
14 I would assert that in the prior testimony, Representative  
15 Reynolds indicated that he had spoken to Lee Sisney as to  
16 some matters. He did not identify what matters those were.  
17 And I believe it's proper form, Ms. Walta, to inquire as to  
18 the matters that Mr. Reynolds is invoking the attorney-client  
19 privilege as they have not been identified at this point, nor  
20 has the privilege log been provided prior to the taking of  
21 this deposition, which would allow that information to be  
22 ascertained.

23 MR. DUNN: As you know, we can debate this all  
24 day on tape if you want to. I will caution, with the Tulsa  
25 County Bar Association meeting in this room, there's a number

1 of people that probably are going to end up speaking up, but  
2 I would caution that the State rules is limited to a six-hour  
3 deposition. I will hold you to the fire on that. So we can  
4 debate this all day. Representative Reynolds is not a party  
5 to this lawsuit; therefore, he wouldn't be required to  
6 produce a privilege log at this point in time, as discovery  
7 was not issued. We have taken issue with whether or not a  
8 subpoena was properly serviced on him. We're here in good  
9 faith, and any matter that he has discussed with his  
10 attorneys is privileged and he's not going to answer. Now,  
11 he's identified his two attorneys that I know of, myself  
12 being one of them. From that, you have enough information to  
13 move on.

14 Q So I take it that, Mr. Reynolds, you're going  
15 to follow your attorney's advice and not answer the question  
16 as to whether or not -- I just want to know if you contacted  
17 Lee Sisney as to the audio tapes.

18 A Yes, I'm going to follow my attorney's advice.

19 Q Do you know whether or not Thurman Lee Sisney  
20 is admitted to the bar in Oklahoma?

21 A No, I do not.

22 Q Would that make a difference to you?

23 A No, it would not.

24 Q Wouldn't you think that if you are consulting  
25 about Oklahoma law, that you would want someone who is

1 licensed to practice in Oklahoma?

2 A I have that person here in Mr. Dunn.

3 Q But you've also felt it necessary to seek out  
4 an attorney that's the brother of the Plaintiff in this case  
5 that lives in Kentucky. Is that correct?

6 A I'm sorry. What was the question there?

7 Q But you've also felt it necessary to seek out  
8 the brother of the Plaintiff in this case who is an attorney  
9 who practices in Kentucky?

10 A No.

11 Q You have not sought -- you did not feel it was  
12 necessary to seek him out?

13 A I didn't, you characterize that as I felt it  
14 was necessary to seek him out. I've consulted with him with  
15 regards to representing me in certain matters, and so I'm  
16 going to stick with the advice of Mr. Dunn, my attorney  
17 that's here today with me.

18 Q As to the certain matters that you contacted  
19 him about, do they relate to the Broken Arrow School  
20 District?

21 MR. DUNN: Same objection. Privileged.

22 MS. WALTA: I'll just let you know we'll be  
23 seeking relief from the Court on that, because I disagree  
24 with you on that issue. But we'll move on for now. We'll  
25 preserve it and we'll go ask Judge Cantrell whether or not

1 he'll be required to answer as to that.

2 Q The second item that you brought with you  
3 today is a February 26, 2004 communication from Doug Mann,  
4 with Rosenstein, Fist & Ringold to Cathey Metevelis at the  
5 Broken Arrow School District. Is that correct?

6 A Yes.

7 Q And is this the memo that you issued a press  
8 release on in I believe May of 2009?

9 A I wouldn't say my press release was released  
10 based strictly on that memo, no.

11 Q Did you in fact issue a press release that  
12 dealt with this memo?

13 A I issued a press release with regards to  
14 payment of sick leave, if that's the press release you're  
15 referring to.

16 Q Okay. You did that actually in January,  
17 correct, of 2009?

18 A I do not have a copy of that in front of me.

19 Q We'll talk about that in a little bit then.

20 Where did you get this February 26, 2004 memo from?

21 A That came to me in the mail.

22 Q From whom?

23 A I do not know.

24 Q You're invoking the attorney-client privilege  
25 today, communications that you've had with Thurman Lee



1 Sisney. So you obviously think that's an important  
2 privilege. Is that correct?

3 A It's a privilege, yes.

4 Q Then why did you feel like it was okay for you  
5 to have a copy of and speak to the press about a personal and  
6 confidential attorney-client privileged communication between  
7 Doug Mann and his client, the Broken Arrow School District?

8 MR. DUNN: Objection to form.

9 MR. KEESLING: Object to the form.

10 MR. DUNN: When I say that, you can answer.

11 THE WITNESS: Oh.

12 A Why did I think it was important to, I'm  
13 sorry. Would you, I want to answer your question correctly.  
14 Why did I think it was important to release information with  
15 regard to that document?

16 Q Why did you think it was okay to have  
17 possession of a privileged communication between the Broken  
18 Arrow School District and its attorney and then to issue a  
19 statement and talk to the press about it?

20 MR. KEESLING: Object to form.

21 MR. DUNN: Same objection.

22 A My press release wasn't specifically about  
23 that document.

24 Q But I said you've talked to the press  
25 concerning this. Correct?

1           A           Not in January of 2009, I don't think. Again,  
2 I'd like to see the press release. I don't think I had a  
3 press conference on that particular day, if that's the press  
4 release that I think you're referring to.

5           Q           When we take a break, I'll look for it because  
6 I don't want to spend our time looking for it now. But my  
7 memory is that in May of 2009, you issued a press release  
8 stating that you'd been handed a copy of a memo from Doug  
9 Mann and talking about the sick leave issue at Broken Arrow  
10 Schools. Is that your memory, as well?

11          A           I probably did, if you say so, yes.

12          Q           Then my question was why, in May of 2009, you  
13 felt it appropriate to speak about a privileged communication  
14 between Mr. Mann and his client.

15                   MR. DUNN: Objection to the form.

16                   MR. KEESLING: Object to the form.

17          A           I don't believe that I released that  
18 particular document in my press release. Again, my press  
19 release was about, as I recall, sick leave policies,  
20 accumulated sick leave policies in the Broken Arrow Schools.

21          Q           But you spoke about the document even though  
22 you didn't release it. Correct?

23          A           I could not say if I spoke about that  
24 particular document in that press release unless I had the  
25 press release in front of me.

1           Q           We'll find it. Okay. The next item that you  
2 brought is an email from Archer Honea, H-O-N-E-A, to you;  
3 subject: Steve Burrage and Generally Accepted Auditing  
4 Standards. Is that correct?

5           A           That is correct.

6           Q           And the next is an email from Jim Sisney to  
7 you January 29, 2009, and it looks like attached are Sick  
8 Leave documents from the Broken Arrow School District. Is  
9 that correct?

10          A           I believe that's what they are.

11          Q           And the next item is an email from Jim Sisney  
12 to you dated January 29, 2009, a different email forwarding  
13 an email from you to him dated January 24, 2009. Is that  
14 correct?

15          A           Forwarding an email? It wasn't forwarding an  
16 email that I sent to him that he sent back to me, no.

17          Q           Okay.

18          A           No. This was another one that he had  
19 forwarded to me, I believe, from this particular individual.

20          Q           Okay. So forwarding other sick leave  
21 documents. Is that correct?

22          A           Yes. Actually, I believe it was the same set  
23 of documents.

24          Q           And then I have a set of documents that you've  
25 produced that appear to be sick leave documents with employee

1 names from, I'm assuming, the Broken Arrow School District.

2 Is that what was attached to these other emails?

3 A That is copies of the attachments. I do not  
4 know. I would assume they are employees of the Broken Arrow  
5 School District. I've never validated that.

6 Q All right. Then we have a stack of papers  
7 that have a binder clip on them that is from Sherri Combs at  
8 the State Auditor's Office forward draft. It's a copy of an  
9 email from her to Ricky Branch. And is this a copy of --  
10 well, you tell me what this is.

11 A Thank you. Those four packets that you have  
12 there following, I received I believe it was a week ago last  
13 Thursday with the CD in question with regards to  
14 conversations in the packet that I received anonymously that  
15 came through Mr. Dunn.

16 Q Okay. So you received those from your  
17 attorney. Is that correct?

18 A That is correct.

19 Q And so you don't know where those came from?

20 A That is correct.

21 Q And we have four separate packets with binder  
22 clips on them, and that is information that you say was  
23 included in the packet with the CD?

24 A That is correct.

25 Q And what did you do with this information?

1           A           That information was posted also on the web  
2 site in conjunction with the video (sic) -- or excuse me, the  
3 audio.

4           Q           At the same time?

5           A           Same day, yes.

6           Q           Representative Reynolds, do you think Jim  
7 Sisney should have been fired by the Broken Arrow School  
8 District?

9           A           I have no opinion on that.

10          Q           And have you delved into that at all? Have  
11 you sought to obtain information concerning his termination?

12          A           No, I have not.

13          Q           How long have you known Jim Sisney?

14          A           I believe November of 2009, I believe.

15          Q           That's the first time you met Dr. Sisney?

16          A           I think so. It could have been last, it could  
17 have been as early as September of 2009. I'm not quite sure.

18          Q           And where did you meet him at?

19          A           Actually, I do recall it was before the  
20 general elections in 2009 (sic). So it must have been  
21 September or October.

22          Q           Where did you meet him at?

23          A           I had a phone conversation with Mr. Sisney and  
24 then he offered to drive to Oklahoma City to meet me to  
25 discuss the Broken Arrow School District. So I met him at

1 Johnny's Charcoaler on South I-240 at Walker Oklahoma City.

2 Q Would that have been 2008 or 2009?

3 A This is '10.

4 Q Right.

5 A '08. I'm sorry; I apologize.

6 Q That's what I was thinking when you said "the  
7 elections".

8 A Yes. '08.

9 Q So November of 2008 or probably before that,  
10 because it was before the election?

11 A I believe it was slightly before, in the month  
12 or two preceding the elections.

13 Q So was Dr. Sisney still employed as the  
14 Superintendent of Broken Arrow schools at that time?

15 A I do not know. I don't know for sure.

16 Q And what did Dr. Sisney tell you that he  
17 wanted to meet with you about?

18 A Specifically, I don't recall. Goings-on at  
19 the Broken Arrow School District. I have many people that  
20 contact me and most of them don't follow up with solid  
21 information. They want me to investigate something. So I  
22 suggested to Mr. Sisney that if he wanted to visit with me,  
23 I'd have to sit down and visit with him in person. And it  
24 was specifically about the Broken Arrow School District.  
25 Past that, I couldn't say.

1 Q Did he say how he decided to call you?

2 A I can't say that he did. I don't recall if he  
3 did.

4 Q Since then, has he said how he selected you as  
5 a person to give this information to?

6 A Well, I think -- no, he has not said, no.

7 Q What information did Dr. Sisney give you the  
8 first time he met with you?

9 A I have no information. He gave me no  
10 paperwork the first time.

11 Q What did he tell you?

12 A He told me about the sick leave policy that  
13 was being done at the Broken Arrow School District in which  
14 teachers were being paid for accumulated sick leave over and  
15 above, I believe they can receive credits for up to 10 years  
16 of or receive sick leave, up to 10 years of credit, and after  
17 that, they would either or state policy is they would lose  
18 the sick leave at the end of the 10 years. And he was  
19 describing to me a manner in which they were being paid, I  
20 suppose a stipend -- not to put a word in his mouth -- but  
21 they were being paid for sick leave that they were going to  
22 lose after their 10 years of accumulation.

23 Q Was that the only thing he discussed with you  
24 at that time was the sick leave?

25 A It was the only thing that I paid attention to

1 or remember being discussed.

2 Q Did he tell you at that point in time that he  
3 had a lawsuit filed against certain individuals, depending on  
4 the date, either three unnamed co-conspirators and Air  
5 Assurance or, past a certain date, the three School Board  
6 members?

7 MR. DUNN: Objection to the form.

8 A I would have no recollection of him telling me  
9 that.

10 Q Did you know that?

11 A I do not believe so.

12 Q Have you read the counterclaim that's been  
13 filed by my clients in this case?

14 A I have not read the claim or the counterclaim.

15 Q In the counterclaim, we've attached copies of  
16 emails where Dr. Sisney states that if he doesn't get a good  
17 evaluation or an extra year on his employment contract, that  
18 he's going to create a public relations nightmare for my  
19 clients. Would that be something that you'd be interested in  
20 seeing?

21 MR. DUNN: Objection to the form.

22 MR. KEESLING: Object to form.

23 A It would not be significant to me.

24 Q Why not?

25 A Why not? Because I'm interested in the fact



1 that educational dollars that I as a legislator vote on to  
2 appropriate were being used improperly. I'm not worried or  
3 considering personal lawsuits in my function as a legislator.

4 Q The sick leave information that Dr. Sisney  
5 gave you, that had happened years prior, hadn't it?

6 A It looked like it had been -- at that point, I  
7 did not understand that. But it looked like it had been  
8 ongoing for a long time, yes.

9 Q If it had been ongoing under Dr. Sisney's  
10 watch, then it would be something that he was responsible  
11 for, as well, wouldn't it?

12 MR. KEESLING: Objection to form.

13 MR. DUNN: Objection to form.

14 A I believe, my understanding is he was  
15 responsible for bringing an end to that policy.

16 Q Who told you that?

17 A I believe that's what the record shows: That  
18 that policy has stopped.

19 Q What do the records show is the date that  
20 policy stopped?

21 A I couldn't say a specific date.

22 Q I'm going to hand you what's been marked as  
23 Deposition Exhibit Number 2.

24 (Whereupon, Deposition Exhibit No. 2  
25 was marked for identification).

1           Q           That is Tulsa World article from January 30,  
2           2009 saying "BA School Officials Accused of Illegally Paying  
3           for Sick Time" is the headlines. And does that refresh your  
4           recollection as to when you issued something to the press  
5           concerning the sick leave?

6           A           I believe this would be an accurate  
7           reflection, yes, of a press release I did on -- well, this is  
8           the Tulsa World story. This isn't the actual press release.

9           Q           Correct.

10          A           So, but yes, it does give me some indication  
11          as to the content of the press release.

12          Q           And why did you only mention two employees'  
13          names when you released this information?

14          A           Could you please tell me where that is so I  
15          may read?

16          Q           Let's see. If you go down to the paragraph  
17          that starts, "It's ridiculous that somebody".

18          A           I believe that's a comment by Gary Gerber, not  
19          by me.

20          Q           Right. But it says he's mentioned in the  
21          press release as one of the employees receiving the payments,  
22          along with School Board candidate, Cheryl Kelly.

23                   MR. DUNN: I'm going to object to the form.

24          Q           Did you see that in there?

25          A           Yes. But your question was about the content

1 of my press release, and this is a Tulsa World article that  
2 -- I don't know which portions of this pertain to my press  
3 release.

4 Q Well, are you denying that in your press  
5 release, you named Gary Gerber and Cheryl Kelly as two  
6 employees who were receiving sick leave payment?

7 A I'm certainly not denying that. And I didn't  
8 bring a copy of that with me. So I do not recall  
9 specifically who may have been named in that press release.  
10 But I could address as to why I might have included one of  
11 those names in that press release. I wish we had that press  
12 release here. I'm sorry. But that would be Mr. Gerber.

13 Q Why did you name Cheryl Kelly?

14 A I would have to go back and read the press  
15 release specifically.

16 Q Well, this press release was timed  
17 approximately one week before a School Board election in  
18 which Cheryl Kelly was a candidate. Was that any type of  
19 motivation on your part to mention her name since she was a  
20 candidate for the School Board at Broken Arrow?

21 A Absolutely not.

22 Q Did anyone tell you that she was a candidate  
23 for the School Board?

24 A Until you mentioned the name Cheryl Kelly a  
25 moment ago, I would not have recalled that from anybody

1 else's name on the face of the earth.

2 Q And did Dr. Sisney know you were going to  
3 issue this press release before you did on January 30, 2009?

4 MR. DUNN: Objection to the form.

5 A I would not possibly see how.

6 Q What does that mean?

7 A Would he know? I can't say as to what he  
8 knows.

9 Q Did he know?

10 A I would have no knowledge.

11 Q Well, did you tell him?

12 A No.

13 Q And did you have any conversation with him  
14 ahead of issuing the press release on January 30, letting him  
15 know you were getting ready to give information to the press  
16 on sick leave from the Broken Arrow School District?

17 A Not to my recollection.

18 Q Do you recall issuing a press release  
19 concerning the audit of the Broken Arrow School District in  
20 April of 2010?

21 A I have issued a number of press releases in my  
22 career as a legislator. Again, if I had the specific press  
23 release in front of me, I would be happy to read it and say  
24 "Yeah, that looks like one I did."

25 (Whereupon, Deposition Exhibit No. 5

1 was marked for identification).

2 Q I'm going to hand you what's marked as  
3 Deposition Exhibit Number 5. Are you finished looking at it?

4 A Oh. I'm sorry. What was your question now?

5 Q The first question I had was just for you to  
6 look at it.

7 A Oh, yes, I've observed it, yes.

8 Q All right. Does this refresh your  
9 recollection as to issuing a press release in April of 2010  
10 concerning the audit at the Broken Arrow School District?

11 MR. DUNN: Objection to form.

12 A This is a story from CapitalBeatOK. No, this  
13 didn't doesn't refresh my recollection of the specifics of my  
14 press release.

15 Q But did you in fact issue a press release as  
16 is reported in this article?

17 A I would not be surprised. I do not know.

18 Q Well, the press release refers to contents of  
19 an email from Assistant Attorney General Tom Bates asking the  
20 Auditor's office to refrain from releasing the audit until  
21 the staff of Attorney General Drew Edmondson has an  
22 opportunity to review the matter?

23 A Could you direct me to that?

24 Q The last paragraph, Mr. Reynolds.

25 MR. DUNN: Was that a question?

1 MS. WALTA: I'm getting ready to.

2 A Okay. I'm sorry. I've read it.

3 Q How did you obtain knowledge of an email from  
4 the Assistant Attorney General's office to someone at the  
5 State Auditor's office?

6 A I don't believe that that paragraph says that  
7 I obtained that information. It may lead one to believe that  
8 CapitalBeatOK obtained the information.

9 Q I'm not talking about the paragraph. I'm  
10 asking you: Did you have knowledge of an email between Tom  
11 Bates and the Auditor's office?

12 A No, I did not.

13 Q Have you ever seen it?

14 A Have I ever seen it? Not that I am aware of.

15 Q Who told you about this email between Tom  
16 Bates and somebody at the Auditor's office?

17 A Again, I'm having a hard time understanding  
18 what email you're referring to. This is a newspaper story by  
19 the press. It doesn't say that I obtained the email. It  
20 seems to indicate a reporter obtained the email.

21 Q I'm not asking you about the article. I'm  
22 asking you first if in fact you saw it. You said you didn't  
23 know.

24 A Uh-huh.

25 Q And if someone told you about it, the contents

1 of the email.

2 MR. DUNN: Is that the new question?

3 MS. WALTA: Yes.

4 A Did someone show me?

5 Q Tell you.

6 A Tell me about the contents of an email between

7 --

8 Q Tom Bates and someone from the Auditor's  
9 office asking them to hold up on releasing the Broken Arrow  
10 audit?

11 A I suppose that that could be in the packet of  
12 information that, that I've provided today. So I may have  
13 seen it in there. I don't recall ever having seen it before.  
14 And I don't even recall if it was in there, because I didn't  
15 pay that much attention to those particular documents.

16 (Whereupon, Deposition Exhibit No. 6  
17 was marked for identification).

18 Q I'm going to hand you what's been marked as  
19 Deposition Exhibit Number 6. Contains a statement that you  
20 sent to CapitalBeatOK.

21 A Did you want me to read this?

22 Q If you would read the second paragraph.

23 A Second paragraph? Okay. Okay.

24 Q This article says that you issued a statement  
25 on April 26, 2010, which says, quote, "I was informed today

1 that the State audit of the Broken Arrow School District's  
2 finances has been completed and turned over to the Office of  
3 the Attorney General for possible criminal prosecution. It  
4 is unfortunate that lawmakers are not being provided the  
5 details of the audit during this year's session. If there  
6 has been misuse of taxpayer dollars, it would be best if  
7 lawmakers were given that information before they finalize  
8 the State budget", end quote. Is that a correct quote from  
9 your statement to CapitalBeatOK?

10 A I believe it is.

11 Q And how did you learn on April 26, 2010 that  
12 the State audit of the Broken Arrow School District finances  
13 had been completed and turned over to the Office of the  
14 Attorney General for possible criminal prosecution?

15 A Last year, 2009, there were many questions  
16 about the Broken Arrow School audit. I began requesting of  
17 Mr. Burrage on a regular basis when that audit was going to  
18 be completed and when it was going to be released. As I  
19 recall, in September, he told me "by Thanksgiving" or  
20 something like that; in October, it became "by Christmas"; in  
21 November it was "Christmas"; in December, it became "next  
22 month"; and in January, it became "next month." And  
23 ultimately, Mr. Burrage was the source of that information.

24 We got to a point, I think it was in April, that he  
25 said over a period of weeks, "It will be next week"; "It will



1 be next week"; "It will be next week." And finally one day,  
2 Mr. Burrage said "We're going to release it on Friday." I  
3 said "Wow. This thing is really going to happen, isn't it?  
4 Used to be it was months out, and now it's two days away --  
5 but I'll believe it when I see it."

6 Later that day, Mr. Burrage came to me and said --  
7 and I knew he wasn't going to be able to release it on  
8 Friday. I had read the statutes. Apparently, Mr. Burrage  
9 hadn't. The statutes required that the Broken Arrow School  
10 Board receive an exit interview two weeks before it was  
11 released. So Mr. Burrage came to me and said "We've had to  
12 go the Attorney General's office -- and by the way, I've just  
13 discovered that I have to have exit interviews with the  
14 Broken Arrow School District before I can release it". So I  
15 think the source of that was Mr. Burrage.

16 Q You think, or you know?

17 A I'm confident that he told me that. If that  
18 is the exact same time frame, and I think it is, he was  
19 ultimately the source of that.

20 Q Okay. Prior to April 26, 2010, had you had  
21 any conversations with anyone else at the Auditor's office  
22 concerning the Broken Arrow School District audit?

23 A Yes, I had.

24 Q Who did you speak with?

25 A Sherri Combs.

1           Q           How often did you speak with Sherri Combs  
2 prior to April 26, 2010 about the Broken Arrow School  
3 District audit?

4           A           One time.

5           Q           When was that?

6           A           April 13.

7           Q           April 13, 2010?

8           A           That's correct.

9           Q           Why do you have a specific recollection of  
10 that date, Mr. Reynolds?

11          A           Because I have decided recently it would be  
12 important for me to know if I had spoken to someone else in  
13 the Auditor's office. And I went and checked my log and Ms.  
14 Combs and I had a conversation on April 13 of 2010.

15          Q           A personal face-to-face conversation or an  
16 over-the-telephone conversation?

17          A           I have never met Ms. Combs face-to-face. It  
18 was over the telephone.

19          Q           Did you call her or did she call you?

20          A           I called her.

21          Q           Why did you decide to call Sherri Combs on  
22 April 13, 2010?

23          A           Because Mr. Burrage kept delaying the release  
24 of the audit. I contacted a friend that had been in the  
25 Auditor's office years previously that's now retired, asked

1 him, "Is there any problem with me contacting individuals?"  
2 He says "No, not as long as they don't give you any  
3 confidential information. That's perfectly appropriate." So  
4 I decided I would contact -- I discovered that Ms. Combs was  
5 auditing the, wasn't hard to find out, that Ms. Combs was the  
6 person that had conducted the audit. And I decided to call  
7 and ask her if there was some particular delays that had  
8 caused this to drag out for months longer than Mr. Burrage  
9 had indicated it would take.

10 Q How long was that conversation?

11 A About 20 minutes.

12 Q Tell me everything you can recall as you sit  
13 here today about your conversation with Ms. Combs on that  
14 date -- in other words, what she told you and what you told  
15 her.

16 MR. DUNN: Objection to the form.

17 A Everything I can recall is, basically it was,  
18 I asked Ms. Combs, I said "First of all, here's the ground  
19 rules" -- which I said to anybody I talk to inside an agency.  
20 "I don't want you to tell me anything that I'm not supposed  
21 to know. But I would like to know if you can share with me  
22 why it's taken so long." To the best of my recollection, Ms.  
23 Combs said "I had completed that audit in January. But  
24 apparently, there's some concern about some criminal  
25 investigation or something of that nature, and so we're going

1 to go and evaluate it further." And I don't know any  
2 particulars past that. That was the gist of the  
3 conversation.

4 Q So was Ms. Combs the source of your  
5 information that it was being turned over to the Attorney  
6 General's office for possible criminal investigation?

7 A No. That was Mr. Burrage.

8 Q That was Mr. Burrage?

9 A Without question.

10 Q All right. Tell me other things that you  
11 recall about that 20-minute conversation.

12 A The only other thing I recall is that it was a  
13 two-part conversation because the phone line went dead. So  
14 identify to call back. So I was asking a question, and I  
15 wasn't quite sure when the phone went dead, so I had to ask  
16 it again.

17 Q Did you ask any specifics about her findings  
18 in relation to the Broken Arrow audit?

19 A None at all.

20 Q So this 20-minute conversation was just about  
21 generalities; is that what your testimony is?

22 A No. It wasn't about generalities. It was  
23 about "Why has it taken so long? Can you share with me why?  
24 What is the difficulty when Mr. Burrage told me last  
25 September it would be out in a month? He told me in October

1       it would out in a month? He told me in November it would be  
2       out in a month? He began telling me two or three months ago  
3       'Next week, next week, next week.' Can you share with me, is  
4       there some particular difficulty in getting the audit  
5       released?"

6               Q       And other than what you've already shared with  
7       us, was there anything else that Ms. Combs told you in that  
8       conversation as to why it had taken so long?

9               A       No.

10              Q       Did Ms. Combs say she was upset at  
11       Mr. Burrage?

12              A       Oh, no.

13              Q       So she wasn't relaying that she thought there  
14       was anything sinister going on; it was just that it had taken  
15       a while?

16              A       That's my recollection of that conversation,  
17       yes.

18              Q       Is that the only time you've spoken to Ms.  
19       Combs?

20              A       No.

21              Q       Tell me the next time you spoke to Ms. Combs.

22              A       I spoke to Ms. Combs again in the middle of  
23       August -- 13, 14, 15, I'm not quite sure. But I spoke to Ms.  
24       Combs again in the middle of August. And I believe I've  
25       spoken to her maybe two or three other times since then.

1           Q       In the middle of August, did she call you or  
2 did you call her?

3           A       No. Ms. Combs never called me. I initiated,  
4 she may have called me after I initiated the call, left a  
5 message, "This is Representative Reynolds just calling to  
6 visit with you" -- and if she wasn't there, then she may have  
7 called me back just a few moments later or the next morning.  
8 I don't specifically know.

9           Q       What was the purpose of your phone call around  
10 August 13, 14, or 15 of this year to Ms. Combs?

11          A       I wanted to encourage her to continue to do  
12 the right thing. Apparently, in my conversation with her, it  
13 appeared that she was being pressured to remove information  
14 from the audit. And I certainly didn't know -- didn't care  
15 -- what was in the audit. I was concerned about the release  
16 and the sooner it got released, the better for the public.  
17 So I just encouraged her to stick by her findings and then  
18 let the chips fall where they may.

19          Q       So in this conversation that you had with Ms.  
20 Combs, she relayed to you she felt pressured to remove things  
21 from the audit. Is that what you're saying?

22          A       That is what I'm saying.

23          Q       Specifically, what did she say she was being  
24 pressured to do and who did she say was pressuring her?

25                 MR. DUNN: Objection to form.

1           A           Specifically, Ms. Combs indicated that she had  
2 visited with Mr. Burrage. There was a meeting of her, Mr.  
3 Burrage, her supervisor Ricky Branch, and I believe the legal  
4 counsel, Michelle Day. And she asked to have a closed-door  
5 meeting with Mr. Burrage alone without the other two present.  
6 According to her, they had that meeting and Mr. Burrage  
7 ordered Mr. Branch and Ms. Day to put all the information  
8 back into the audit that they were removing.

9           Q           So when you had this conversation with Ms.  
10 Combs somewhere around August 13 to 15 of 2010, she relayed  
11 to you she had had a private, closed-door meeting with Mr.  
12 Burrage over her perception that she was being pressured to  
13 remove things from the audit and that, as a result of this  
14 meeting, Mr. Burrage had instructed Ricky Branch and Michelle  
15 Day to put items back into the audit. Am I correct on that?

16          A           I believe I would agree with what you just  
17 said, yes.

18          Q           And did she say what was removed and what was  
19 put back in?

20          A           If she did, once again, I wasn't paying  
21 particular attention to particulars of the audit. I was  
22 concerned that it was taking so long to get out. So I don't  
23 recall any specifics of things that would be removed or not  
24 be removed. I do recall that she said that the audit was in  
25 excess of 70 pages long, and that it was being reduced to a

1 20- or 25-page audit. So there appeared to be significant  
2 amounts that were being removed.

3 Q Did Ms. Combs discuss with you at all in  
4 either of these two conversations you've testified to so far  
5 about who she interviewed or what she looked at in terms of  
6 documents?

7 A If she did, I do not recall any specifics --  
8 because again, those were not of interest to me.

9 Q Did you relay this information about her being  
10 pressured to anyone else?

11 A Probably quite a few people.

12 Q Did you issue a press release concerning it?

13 A No, I don't think I ever issued a press  
14 release saying that Sherri Combs was being pressured to  
15 remove information, no.

16 Q Well, not Sherri Combs. Did you issue any  
17 type of a press release or a statement saying that there were  
18 things that were being removed from the audit?

19 A As a result of my conversations with Ms.  
20 Combs?

21 Q Right.

22 A No.

23 Q As a result of anything else that you  
24 obtained, any other information, did you issue a press  
25 release?



1 MR. DUNN: Objection to form.

2 A I'm going to, you're going to have to repeat.

3 Q Did you obtain any other information that  
4 caused you to issue a press release saying that items were  
5 being removed from the audit by the Auditor's office?

6 A I issued the press release -- actually, I did  
7 a press conference, I think, is maybe what we're referring to  
8 about my concern with the lack of the audit coming out. At  
9 some point, I decided that that was the best way to deal with  
10 it -- that Mr. Burrage had had adequate time to release this  
11 audit. I went through session and other times last year  
12 researching the length of time for other audits. He had had  
13 more than enough time to release it. And I thought it was  
14 time to force the issue.

15 Q Did you communicate the information you  
16 obtained from Sherri Combs with any other person other than  
17 the press? In other words, did you speak to Dr. Jim Sisney  
18 about this?

19 A Not to my recollection.

20 Q Did you speak to Stephanie Updike about this?

21 A Not to my recollection. Stephanie Updike?  
22 Can you tell me where she --

23 Q Former Board Member from Broken Arrow.

24 A And she lives in Broken Arrow?

25 Q Correct.

1           A       Not to my recollection.

2           Q       As we sit here today, can you recall anyone  
3 else that you told about your conversation with Sherri Combs?

4           A       Well, I expect I discussed it with my  
5 attorneys. I'm sure I discussed it with my wife. And I may  
6 have discussed it with some other people. But in terms of  
7 specific people or recalling a specific conversation, no, I  
8 do not recall any others.

9           Q       Would your attorneys include Thurman Lee  
10 Sisney?

11          A       Yes.

12          Q       How often have you communicated with Thurman  
13 Lee Sisney about the audit?

14                   MR. DUNN: Objection. Privilege.

15                   MS. WALTA: What would be a privileged  
16 communication about the audit? Just asking. What in the  
17 world could --

18                   MR. DUNN: Any conversation the Representative  
19 had with his attorney that he sought legal advice is  
20 privileged, as you know. Now, he holds the privilege. He's  
21 the one that can release that privilege. The attorney  
22 doesn't hold it. He holds it. But I'm instructing you any  
23 conversations that he has with the attorney that you inquire,  
24 directly inquire about, I'm going to object as privileged.  
25 After that, it's up to him if he releases the privilege.

1           Q       Mr. Reynolds, are you refusing to answer that  
2 question?

3           A       I don't want to release my privilege.

4           Q       So are you refusing to answer that question?

5           A       Yes.

6                   MR. LUTHEY: I request that that question be  
7 certified to be presented to the Court. It didn't ask for  
8 the content of the communication. It asked how many  
9 communications occurred.

10                   MR. RAINEY: Information that would otherwise  
11 be provided on a privilege log.

12                   MR. DUNN: Assuming that my client had a duty  
13 to produce a privilege log.

14           Q       We stopped at conversation number 2 with Ms.  
15 Combs. But you said you had had others. Will you tell us  
16 about the other conversations you had with Ms. Combs.

17           A       I think the basis of, again, there was  
18 probably three or four. I think each of those conversations  
19 were basically, the second conversation she appeared to be  
20 pretty upset and I was just calling to encourage her to hang  
21 in there. Seems like she was doing an outstanding job. She  
22 was being pressured to modify her findings. And I think most  
23 of the content of my conversations, if not all, was to  
24 encourage her to just stick in there, because as long as you  
25 do the right thing, it's all going to work out.

1           Q       Tell me the approximate time of the third  
2 conversation with Ms. Combs when you were telling her to just  
3 stick in there and it will be okay.

4           A       I think all of those occurred over a two- or  
5 three-week period there.

6           Q       Can you tell me when?

7           A       Again, I think the first one was August 13 or  
8 14, and then another one maybe two weeks later, and another  
9 one a few days after that.

10          Q       Was this third conversation before or after  
11 the exit interview that she attended?

12          A       Could you tell me the date of the exit  
13 interview? I'm sorry.

14          Q       Sure.

15          A       I'm not sure I'll be able to answer that  
16 question even if you do.

17          Q       My recollection is it's around August 27 of  
18 2010. But I'm going to double-check here.

19          A       I do not believe we've had any conversations  
20 since the exit interview.

21          Q       Did you tell Ms. Combs to record the exit  
22 interview?

23          A       Absolutely not.

24          Q       Did you know that she was secretly tape  
25 recording that exit interview?

1           A       No.

2           Q       Do you think that was appropriate on her part?

3                   MR. DUNN:  Objection to form.

4                   MR. KEESLING:  Object to form.

5           A       I don't know that Ms. Combs recorded the exit  
6 interview.

7           Q       Well, have you listened to the CD?

8           A       I have listened to a portion of the first file  
9 on the CD, the first interview.

10          Q       And from what's being relayed in the press,  
11 since we haven't had a copy of the tapes to listen to, but  
12 that there are conversations between Sherri Combs and Mr.  
13 Burrage on the tape before and after the tape was made,  
14 leading one to believe that it was Ms. Combs who taped it, do  
15 you have any reason to doubt that?

16                   MR. DUNN:  Objection to form.

17          A       I have no reason to speculate on that.

18          Q       Have you been told by anyone that Ms. Combs  
19 tape recorded those exit interviews?

20          A       No.

21          Q       Do you think it was appropriate for those exit  
22 interviews to be released to the press?

23          A       I think the public deserves the right to know  
24 what's going on in the Broken Arrow School District.  If the  
25 School District manufactured a way to conduct exit interviews

1 and prevent this audit from coming out, I think that's  
2 inappropriate. So I don't know if that's exactly answering  
3 the question that you asked me. But I think it is  
4 appropriate that the public have as much information about  
5 exposing fraud and corruption in their government as they can  
6 possibly get.

7 Q Well, my question was whether or not you felt  
8 like it was appropriate for her to secretly tape record a  
9 private meeting, an exit interview, and then release it to  
10 the press.

11 MR. DUNN: Objection to form.

12 A I do not know that she secretly recorded it.

13 Q Well, you said you listened to the first part  
14 of the tape. Did you hear her telling anyone that she was  
15 recording that?

16 A I certainly didn't hear that on the tape.

17 Q I can certainly tell you from my clients'  
18 perspective, the two that were there, that they had no idea  
19 it was being recorded.

20 MR. DUNN: Objection to form.

21 Q So, I mean, I'm telling you now that they  
22 didn't know. Do you feel like that's appropriate?

23 MR. DUNN: Objection to form.

24 A I don't know that she recorded it.

25 Q When is the last time you spoke to Ms. Combs?

1           A           I think it's probably been, again, like I  
2           said, I think it was before the exit interviews.

3           Q           And what did she tell you in that  
4           conversation?

5           A           Again, it goes back to the fact that she was  
6           rather upset that she was being pressured to remove  
7           information from her findings, and I said "If you did not, if  
8           those aren't your findings, then what do you do? Do you sign  
9           off? Do you not sign off? I do not know. But I just know  
10          that you want to do the right thing, whatever it is. I would  
11          just encourage you to hang in and do the right thing."

12          Q           And did she tell you in this last conversation  
13          who was allegedly pressuring her to remove things from the  
14          audit?

15          A           I don't know that she specifically said one  
16          person. I gathered that there were only three possibilities:  
17          Steve Burrage, Ricky Branch, and Michelle Day. I don't know  
18          if one of them more than another was exerting the pressure.

19          Q           Did she name all three of them?

20          A           I don't know that she named any of the three.  
21          Those were the people that she worked for. I certainly knew  
22          that Michelle Day was the legal counsel. When she indicated  
23          that she had went in to Mr. Burrage's office to have a closed  
24          door meeting, she said "Michelle Day, the legal counsel, and  
25          Ricky Branch, my supervisor. I've asked for them not to be

1 in that room so that Mr. Burrage and I could have a  
2 face-to-face conversation." And so I do not know if it was  
3 Mr. Burrage, Mr. Branch, Michelle Day, two of the three, or  
4 all three.

5 Q So it's fair to say you're assuming that those  
6 were the three. She didn't name them. Is that correct?

7 A Yes, I guess that would be fair.

8 Q I've been told August 18 was the date of the  
9 exit interview, if that helps you.

10 A Okay. Then I probably have talked to her  
11 after the exit interview. Because I believe that I talked to  
12 her the last week of August.

13 Q And when you spoke to her, was she in the  
14 Auditor's office?

15 A I talked to her via my telephone. I do not  
16 know where she might have been located.

17 Q Well, where did you call?

18 A I called her cell phone.

19 Q How did you get her cell phone number?

20 A Oh. I had had that. I called that last April  
21 when I talked to her the first time, April 13.

22 Q And did you receive any emails directly from  
23 Sherri Combs to you?

24 A None to my knowledge.

25 Q Did you receive any emails from the Auditor's



1 office that were sent to you by electronic mail other than,  
2 you've given me a packet of information that your attorney  
3 received. But other than those, did you get any electronic  
4 mail from anyone that contained information in it that was  
5 emails from the Auditor's office?

6 MR. DUNN: Objection to form. I just want to  
7 clarify, Ms. Walta. Is your question suggesting that that  
8 stuff that Mr. Reynolds received through our office  
9 anonymously, are you suggesting that it came from the  
10 Auditor's office? Because I just want to make sure that  
11 there's not a suggestion there that --

12 MS. WALTA: My question is whether or not  
13 Representative Reynolds received electronic mail that had  
14 emails, whether they were forwarded from someone else or from  
15 someone in the Auditor's office, that contained information  
16 about the Broken Arrow audit originating from the Auditor's  
17 office.

18 Q In other words, did anybody forward to you  
19 information from the Auditor's office by electronic mail?

20 A I know you're not trying to go there, but I  
21 did do an Open Record, a request of the Auditor's office for  
22 all open records requests that the auditor had received with  
23 regards to the Broken Arrow School District. So I think the  
24 Auditor's office emailed me and said "These are the following  
25 open records requests we've received." I think you're

1 talking about specifically about the audit: Did I receive  
2 any information about the Broken Arrow audit from the  
3 Auditor's office?

4 Q Correct.

5 A Nothing other than what I've just described,  
6 when the press was asking all kinds of questions and the  
7 auditor was saying "Well, it's going to be released, it's not  
8 going to be released", I wanted to see what kind of questions  
9 the media was asking the auditor. So I did receive that from  
10 the Auditor's office.

11 Q Did you provide copies of those to us today?

12 A No, I did not.

13 Q Would you give those to your attorney?

14 A Sure.

15 Q Okay. Thank you. But other than that, nobody  
16 has forwarded to you some emails?

17 A No, no.

18 Q That's what I'm trying to get at.

19 A I thought you were. I just didn't want to  
20 answer that incorrectly. I had received that.

21 Q All right, all right. I noticed from looking  
22 through some of the press releases from the Auditor's office  
23 last night that there are audits for Skiatook Schools, I  
24 forget, there's about three other school districts. And you  
25 haven't commented or issued a press release about any of

1 those. Why not?

2 A You know, a legislator could spend a thousand  
3 hours a day looking for different areas. I did do some  
4 research on investigatory audits or audits in other school  
5 districts. Did quite a bit of contact. I contacted, I  
6 think, six or seven school districts that have gone through  
7 an audit from the State Auditor's office in the past three  
8 years. I contacted at least one School Board member or a  
9 Superintendent at each of those school districts. In each  
10 case, they told me that their exit interview was conducted in  
11 executive session of the School Board. I believe that's, I'm  
12 not sure because these other audits are too new and there  
13 hasn't been anything brought to my attention particularly on  
14 those. So I had no reason to look at those. I looked at  
15 what I was choosing to look at, granted, and that was, why is  
16 it taking so long and what's going on in Broken Arrow? Why  
17 are they doing exit interviews -- three different exit  
18 interviews -- on the same day instead of conducting one exit  
19 interview as they did with every other school district in  
20 executive session? Still haven't received an answer for  
21 that.

22 Q So is your answer then that you just don't  
23 have an interest in like Skiatook or any of the other audits  
24 in reference to monies that perhaps were being wasted for  
25 schools? I mean, why wouldn't you get involved in those?

1           A           Oh, I probably will if it takes, if Mr.  
2 Burrage is the state auditor next year or the year after and  
3 he's taken two years to get to those, I'll probably take an  
4 interest in those, too.

5           Q           But those are finished.

6           A           Oh. Are they?

7           Q           Yeah.

8           A           So I guess he's released them and I haven't  
9 taken a big interest in the ones that have been released  
10 other than verifying that they were released during executive  
11 session.

12          Q           Well, that's my question to you is: Why  
13 haven't you taken an interest in findings in these other  
14 school districts where there's money that was taxpayer money  
15 that was spent versus this intense scrutiny on the Broken  
16 Arrow School District when you're from Moore, Oklahoma?

17                   MR. DUNN: Object to the form.

18          A           That's a good question. And again, I haven't  
19 taken an intense interest in the findings of the audit in any  
20 of the school districts. I've taken an interest in how  
21 ridiculously long it has taken Mr. Burrage to get this  
22 particular audit done.

23          Q           Well, but you met with Dr. Sisney, you said,  
24 in September or October of 2008 about sick leave. Right?

25          A           Uh-huh.

1           Q           And so your interest was piqued at that point  
2           in reference to the Broken Arrow School District. I mean,  
3           you didn't wait until there was an audit. Correct?

4           A           No. My interest wasn't piqued at that point  
5           at all, no.

6           Q           Well, you issued a press release after he gave  
7           that information. Wasn't your interest piqued after he gave  
8           you this information and you issued a press release?

9           A           I took a personal interest in this because of  
10          the sick leave issue. No other school district has reported  
11          to me, no other individual has come to me up until the last  
12          few days to say that that sick leave issue is going on in any  
13          other school district in Oklahoma. I have learned in the  
14          last few days that apparently it's going on in a lot of  
15          school districts. And I intend on investigating that if I'm  
16          re-elected. In fact, I may investigate it between now and  
17          the election time.

18          Q           And who informed you of that?

19          A           Oh, gosh. I've talked to several people that  
20          said "What's going on in Broken Arrow? Oh, my. I think  
21          they're doing that in our school district, too". So I  
22          couldn't recall specific people right now. But I've visited  
23          with quite a few people about the sick leave policy. And I  
24          called, I think I called the Moore School District and they  
25          don't do that, as I recall. So I do plan on finding out,

1 getting to the bottom of how many millions of dollars of  
2 taxpayer money is being spent to the detriment of my district  
3 by school districts like Broken Arrow by paying sick leave  
4 when they're not supposed to be paying it.

5 Q Are you friends with Gary Jones?

6 A I guess -- what is your definition of a  
7 friend?

8 Q What is your definition of a friend?

9 A My definition of a friend? I guess that's  
10 somebody that I might die for. And maybe it wouldn't even  
11 rise to that level.

12 Q Is he an acquaintance?

13 A Oh, yes, he is. In fact, he's a friend.

14 Q He is a friend?

15 A Uh-huh.

16 Q Okay. I apologize; I didn't let you answer  
17 that question. So he is somebody that you would die for?

18 A Oh, Gary Jones is a quality individual.

19 Q Are you supporting him in his election bid  
20 against Steve Burrage?

21 A No.

22 Q Well, he is running for office against Mr.  
23 Burrage. Correct?

24 A Yes, he is.

25 Q Is that fueling any of the discussions that

1 you're having concerning the Broken Arrow School District  
2 since he's a friend you would die for?

3 A Absolutely not.

4 MS. WALTA: Is it okay if we take about a  
5 five-minute break?

6 THE WITNESS: Sure.

7 MR. DUNN: Let's do it.

8 VIDEO TECHNICIAN: We're now off the record.  
9 The time is 11:26 A.M.

10 (Whereupon, a brief recess was taken  
11 off the record by those present).

12 VIDEO TECHNICIAN: We're back on the record.  
13 The time is 11:38 A.M.

14 Q Mr. Reynolds, thanks for letting us take a  
15 break. I needed some more coffee.

16 A Okay.

17 Q Is Jim Sisney one of those people that you  
18 consider a friend that you would die for?

19 A No.

20 Q Are you related to Jim Sisney or his wife or  
21 Thurman Sisney's wife?

22 A Not to my knowledge.

23 Q I'm going to hand you what I've marked as  
24 Deposition Exhibit Number 7.

25 (Whereupon, Deposition Exhibit No. 7

1 was marked for identification).

2 Q And I didn't have a stapler, so it's just  
3 paperclipped here. But it's one of the documents that you  
4 provided us this morning and brought with us.

5 MR. DUNN: While we're on that subject, before  
6 you go into your question, there was some other documents  
7 that you were having made copies. I just want to make sure  
8 we get our originals back and that you incorporate that those  
9 were produced also so the record is clear. In fact, at this  
10 time, I'll move, let's just say as Deponent's Exhibit 1, all  
11 the documents that he provided today be attached to the  
12 deposition as an exhibit as Deponent's Exhibit 1.

13 MS. WALTA: No problem. And I'll let you  
14 separate those out as to which are Dr. Ritze's and which are  
15 Mr. Reynolds'.

16 MR. DUNN: Okay.

17 Q Have you had a chance to look at that, Mr.  
18 Reynolds?

19 A Yes, I haven't -- do I need to look at it  
20 thoroughly or are you going to point me to a certain  
21 paragraph?

22 Q I am going to point you to a certain  
23 paragraph.

24 A Thank you.

25 Q I just want to make sure, this is an email



1 that you received from Dr. Jim Sisney. And it looks like the  
2 original date of it is, am I correct, is Saturday, January  
3 24, 2009. And then it looks like on top of that, then,  
4 there's an additional email with attachments on January 29,  
5 2009. Am I understanding that correctly?

6 A I believe you are. I don't, I don't know why  
7 there's two different dates. But I get confused about the  
8 dating of emails all the time, anyway. So yes, there's two  
9 separate dates. I do not know why it shows up as January 29  
10 and January 24.

11 Q Okay. I had asked you earlier about how you  
12 decided on Cheryl Kelly and Gary Gerber's names being  
13 mentioned whenever you issued this information to the press.  
14 And that's what I wanted to refer you to. If you'll look on  
15 page 1, look at paragraph 2. It looks like there's a mention  
16 of Cheryl Kelly by Dr. Sisney.

17 A Okay.

18 Q And I'm quoting, and you can make sure I read  
19 this correctly: "Cheryl Kelly, she is a retired teacher who  
20 is running for the School Board." Do you see that in there?

21 A Yes, I do.

22 Q The other persons named by Jim Sisney is at  
23 the bottom of that same paragraph, it says "Interim  
24 Superintendent Gary Gerber received \$2,607 during a four-year  
25 period back to 1999." Do you see that?

1           A        Yes, I do.

2           Q        Would that be possibly where you picked up  
3 those two people's names to mention whenever you released  
4 this information to the press?

5                   MR. DUNN:  Objection to the form.

6           A        I remember why Mr. Gerber.

7           Q        And tell me why you remember Mr. Gerber.

8           A        Simply because, I don't know that I would  
9 recall him today, had he not called me on the telephone and  
10 accused me, I guess, basically of breaking the law or  
11 something.  I don't know what he was doing.  He seemed to be  
12 irrational.  He said "You ought to know better than to have  
13 certain documents" and "What are you doing with them?" and  
14 things of that nature.  And I had been inquiring of the  
15 Broken Arrow School District for some time if in fact they  
16 were releasing or if they were paying these stipends for  
17 accumulated sick leave.  I had asked the Broken Arrow School  
18 District several times to supply me any information with  
19 regard to that, and they had refused to supply that.

20           Q        Who did you ask at the Broken Arrow School  
21 District?

22           A        I believe it was Dusty Dildine.  But I am not  
23 certain.  I'm not certain.  And the only reason I believe  
24 that is because, in looking at this particular document,  
25 which was from Dusty Dildine, let me say, more precisely, I

1 believe I was discussing it with whoever was the financial  
2 officer in the Broken Arrow School District. I don't know if  
3 that was Dusty Dildine or not. That has just come to my mind  
4 since I reviewed this particular document. But I had been  
5 asking about that policy and had been unsuccessful in getting  
6 information with regards to that. So Mr. Gerber called and  
7 began a conversation with me, and I said "Mr. Gerber, I've  
8 asked you guys if these spreadsheets" -- which are the  
9 attachments to this particular document that we have in this  
10 attachment line -- "are accurate. If they are accurate, I  
11 have no more questions for you, and as a State  
12 Representative, I probably am not interested in this  
13 particular process. So based on the tone of your voice, I  
14 assume they're accurate." "Well, no, I'm not confirming  
15 they're accurate". It's like "Well, then, tell me they're  
16 inaccurate." And he wouldn't respond one way or the other.  
17 So Mr. Gerber's name became ingrained in my mind. I haven't  
18 gotten very many phone calls where people chewed me out when  
19 I was trying to look for the truth of a matter.

20 Q Well, do you think Mr. Gerber may have been  
21 upset because he was singled out as somebody when there were  
22 over a hundred teachers who also received these sick leave  
23 payments?

24 MR. DUNN: Objection to form.

25 A I don't know why Mr. Gerber was upset.

1           Q           Well, Cheryl Kelly's name was mentioned, as  
2 well -- and she's someone in here Dr. Sisney identifies as  
3 running for the School Board. Did that give you any type of  
4 red flag that maybe there was a political motive behind this  
5 or a motive in terms of the litigation?

6           A           No. The red flag was the payment of sick  
7 leave.

8           Q           Well, I'm asking about two people's names out  
9 of those hundreds being mentioned to you by Dr. Sisney and  
10 you releasing those two individuals names to the press. Was  
11 there any type of red flag that perhaps there was a political  
12 motivation behind that, since Cheryl Kelly was identified by  
13 Dr. Sisney as running for the School Board?

14                   MR. DUNN: Objection to form.

15           A           No.

16           Q           Why not?

17           A           I just, there wasn't a red flag.

18           Q           Did you tape record any conversations related  
19 to the Broken Arrow Schools?

20           A           Broken Arrow Schools? Yes, I did, as a matter  
21 of fact.

22           Q           Okay. Tell me how many and who you were  
23 speaking to.

24           A           Okay. Two conversations.

25           Q           Okay.

1           A           One conversation was with Michelle Day. I  
2 went to the Auditor's office to inquire as to, I think the  
3 specific question was: "Why are the exit interviews being  
4 conducted in three different shifts as opposed to in  
5 executive session of the School Board?" I took my assistant  
6 with me. Took my tape recorder. I stood there with Ms. Day.  
7 She was well apprised of the tape recorder. She said "You  
8 don't need to tape this", and I said "Based on previous  
9 comments by the State Auditor, I think it would be in my best  
10 interest to record this conversation with you. Why are you  
11 doing this?" And she finally confirmed after about 10  
12 minutes that in fact they were conducting three separate exit  
13 interviews with two Board members at once and two Board  
14 members after that one concluded and another Board member  
15 after that exit interview concluded.

16           And then I contacted Mr., the Superintendent, is it  
17 Mendenhall? -- at the Broken Arrow School District. I had  
18 actually contacted him earlier in the day to find out about  
19 the exit interviews. Hadn't returned my calls. So after my  
20 conversation with Michelle Day, I went back up and contacted  
21 Mr. Mendenhall to get his take if the State Auditor had  
22 informed them that they should conduct three separate exit  
23 interviews. I thought the question would simply be answered  
24 by "Yes, they contacted me" or "No, they didn't contact me".  
25 But Mr. Mendenhall wanted to go into a different direction:

1 "Well, who told you that?" I said "Hey, Michelle Day has  
2 just confirmed. I'm just asking you, have you notified Board  
3 members that there's going to be three separate exit  
4 interviews?"

5 Q Would that have been as to the first exit  
6 interview or the second exit interview?

7 A The first.

8 Q Have you had any conversations with former  
9 School Board member Terry Stover about the Broken Arrow  
10 School District?

11 A I believe I, I've talked to several people in  
12 this. I believe I did talk to Mr. Stover. I think I talked  
13 to Mr. Stover briefly. Oh, yes. When I found out they were  
14 doing the three separate interviews, I contacted Mr. Stover.  
15 In fact, I think I got ahold of him. I know I was trying to  
16 confirm there were three separate exit interviews. I believe  
17 I contacted Mr. Stover possibly even before I spoke with  
18 Michelle Day or possibly after. Maybe he returned the call.  
19 I do not know. But specifically, "Are you having exit  
20 interviews in the next couple of days?"

21 Q Why did you decide to contact Terry Stover  
22 concerning that?

23 A I didn't need to contact all the Board  
24 members. I just chose to contact Mr. Stover.

25 Q Well, you're aware of the fact that Mr. Stover

1 is somebody who voted not to terminate Dr. Sisney, are you  
2 not?

3 A I guess I am aware of that, yes.

4 Q Is that the reason why you chose to contact  
5 Mr. Stover rather than contacting Shari Wilkins or Sharon  
6 Whelpley?

7 A Oh, no, no. I was just trying to find out are  
8 there exit interviews going to be conducted outside of  
9 executive session?

10 Q What did Mr. Stover tell you?

11 A Once again, I believe that I actually talked  
12 to Mr. Stover. I'm not positive. The only purpose was to  
13 confirm the exit interviews. So if we had a conversation, it  
14 would simply have been "Yes, we're having the exit  
15 interviews". But frankly, I cannot recall on that particular  
16 time frame if I spoke with Mr. Stover or not. I believe I  
17 did, but I'm not certain.

18 Q Some of the information that you provided  
19 today are copies of emails from Terry Stover. Did Mr. Stover  
20 give those to you?

21 A No. That information was received in a packet  
22 that I picked up from my attorney that we discussed  
23 previously.

24 Q Have you spoken to Mr. Stover about these  
25 emails?

1 A No.

2 Q Have you spoken to Sherri Combs about these  
3 emails?

4 A No.

5 Q How did you obtain Sherri Combs' cell phone  
6 number? Who gave it to you?

7 A I don't know. Possibly the State Auditor's  
8 office. Possibly, possibly, I don't think I've ever talked  
9 to, I don't know.

10 Q You testified earlier that you had a friend  
11 who used to work in the Auditor's office who had told you  
12 that it would be okay to contact an auditor as long as they  
13 didn't provide confidential information to you. Did you get  
14 the cell phone number from him or her?

15 A Oh, I doubt it. He's been gone for years.  
16 No, I --

17 Q Who is this person?

18 A Steve Tinsley is his name.

19 Q In your log, would you have notation of  
20 conversation where you wrote down Sherri Combs' number?

21 A Oh, no, no. My log was simply, last week I  
22 was trying to figure out in determining the order of this  
23 paperwork, and unfortunately we've already kind of shuffled  
24 it, but I was trying to figure out when I might have -- as I  
25 said, you pointed out here, this particular email has got two



1 different dates. I can't reconcile that. I don't even know  
2 why an email comes in with two different dates. So I just  
3 had made a couple of notes about contact with people.

4 Q And you didn't provide those notes to us  
5 today, though. Correct?

6 A I don't even know that I have them anymore. I  
7 mean, it was hand-scratched information that -- but no, no.  
8 To answer your question, no, I did not.

9 Q Okay. Will you check and see if you do still  
10 have those notes and, if so, will you give them to Mr. Dunn?

11 A Yes, yes.

12 Q Have you ever had any conversations with Beth  
13 Snellgrove?

14 A Tell me where she lives, please.

15 Q Doesn't live here now but did live in Broken  
16 Arrow and is someone who went and spoke to the auditor with  
17 Stephanie Updike.

18 A Do you know where, any idea where? No, I  
19 cannot say.

20 Q She moved from Broken Arrow in May or June, if  
21 that helps you. and her husband worked for Dr. Sisney at the  
22 Sperry School District. I don't know if that helps at all.

23 A I may have talked with her. I don't recall.

24 Q Would this have been, are you recalling a  
25 personal meeting or a telephone conversation?

1 MR. DUNN: Object to the form.

2 A I certainly never met her personally. So I  
3 mean, she may have called the office. My assistant gives my  
4 cell phone out on a regular basis. I talk to numerous people  
5 every day. I'm not certain.

6 Q Is there a reason why you didn't return my  
7 phone call when I called you?

8 A Would you tell me when that is?

9 Q January of this year.

10 A Why I didn't return it? I think my attorney  
11 was representing me at that point, so it would have been  
12 inappropriate for me to contact you outside of my attorney,  
13 wouldn't it?

14 Q It would have just been to talk about you  
15 accepting service of the subpoena.

16 A WOULD that have been inappropriate for me to  
17 talk to you outside of my attorney? That was my  
18 understanding.

19 Q Was Mr. Dunn representing you at that time?

20 A Mr. Dunn has represented me on a number of  
21 issues for a long time.

22 Q I can assure you, I didn't know Mr. Dunn was  
23 representing you at that time.

24 A I understand.

25 Q Okay. Have you ever attended a meeting where

1 the Broken Arrow School -- let's start with the audit --  
2 where the audit was discussed?

3 A The particulars of the audit?

4 Q No. Just in generalities.

5 A Attended a -- I guess you're going to have to  
6 pin that down. A meeting where someone called a meeting and  
7 said "Let's get together and discuss the Broken Arrow School  
8 audit" -- things of that nature? Because I certainly don't  
9 want to go into things in my legislative duties with regards  
10 to House Committee meetings or things of that nature.

11 Q Well, surely the Broken Arrow School District  
12 audit wasn't discussed at a committee meeting, was it?

13 MR. DUNN: Objection.

14 A No, no. Not to my knowledge. The Broken  
15 Arrow School District audit has never been discussed at a  
16 House Committee, at least not on the House Committees that  
17 I'm a part of.

18 Q Okay. Are you aware of any criminal  
19 investigation that's currently ongoing regarding the Broken  
20 Arrow School District?

21 A I don't -- well, I'm certainly aware of the, I  
22 can't read, I can't picture the letter in front of me, but  
23 I'm aware that apparently the Attorney General has instructed  
24 the State Auditor to conduct an investigative audit. And I  
25 believe in that letter it says something about "with the

1 potential for criminal investigation". With regards to any  
2 other, oh, yeah, Mr. Burrage, back when we had, when we had  
3 gotten it down to "two days from now", I actually had, the  
4 indication that Mr. Burrage gave to me that, "We've got to  
5 delay this now, because it's going to go to a multi-county  
6 grand jury."

7           You specifically asked me if I'm aware of any  
8 meeting. I found out since that time that apparently Mr.  
9 Burrage completely mischaracterized that -- that it never  
10 went to multi-county grand jury. But that was the reason he  
11 was giving me for the delay. So I'm not aware of any  
12 bonafide criminal investigation. But Mr. Burrage did tell me  
13 "Oh, this is going to a multi-county grand jury".

14           Q           Well, one of the articles I read last night  
15 was information you provided about computers being seized at  
16 the Broken Arrow School District. How did you obtain that  
17 knowledge?

18           A           I believe it was in a newspaper story,  
19 actually. But I'm not certain.

20           Q           Did Dr. Sisney tell you that?

21           A           I don't recall that, no.

22           Q           As we sit here today, what information do you  
23 know about computers being seized by some law enforcement  
24 agency at the Broken Arrow School District?

25           A           In listening to the audio tapes, I heard some

1 reference to forensic analysis on some computers, I believe,  
2 something to that effect. So past that, I can't say I'm  
3 aware of much more than that.

4 Q Another article I read last night had you  
5 quoted as saying that you had provided information to Tim  
6 Harris, the District Attorney here in Tulsa County.

7 A Uh-huh.

8 Q What information did you provide to Tim  
9 Harris?

10 A I believe specifically what I gave him was the  
11 Excel spreadsheets and the letter from Mr. Mann stating that  
12 the sick leave policy was illegal after he had told me that  
13 it was legal.

14 Q Other than that, did you provide any other  
15 information to Mr. Harris?

16 A No, I don't believe so.

17 Q Have you provided any information to the  
18 Attorney General's office?

19 A No.

20 Q That same article said that you had provided  
21 information to Mr. Harris and to the Attorney General.

22 A I don't believe it said that. I believe it  
23 said "to other law enforcement agencies".

24 Q Well, what were the other law enforcement  
25 agencies that you provided that information to?

1           A           I've spent quite a bit of time with the  
2           Federal Bureau of Investigation with regards to this.

3           Q           And what specific information have you given  
4           to the FBI?

5           A           I've given them all the information that you  
6           have here today.

7           Q           Anything else?

8           A           Other than things that might be covered by  
9           attorney-client privilege, no.

10          Q           So there are other items that you've given to  
11          the FBI, but you're refusing to disclose them?

12          A           Well, I'm not sure if I've given the FBI  
13          anything else. I know for a certainty I've given them these  
14          documents. I've given them a copy of the audio. And that's  
15          the only thing I can say for a certainty.

16          Q           How many times have you met with the FBI  
17          concerning this particular situation?

18          A           Face-to-face?

19          Q           No. Total.

20          A           Probably I've visited with them six or seven  
21          times.

22          Q           When was the most recent?

23          A           Last week.

24          Q           In Oklahoma City?

25          A           Yes.

1 Q And what information did you give them last  
2 week?

3 A This newly acquired information.

4 Q The time before that, when did you meet with  
5 them?

6 A I couldn't tell you specifically.

7 Q Tell me approximately.

8 A The first time I met with them was shortly  
9 after I obtained the memo from Mr. Mann. It bothered me that  
10 an Officer of the Court would be able to tell me something  
11 was legal when he had crafted an opinion or whatever we would  
12 call that document saying something was illegal. And that  
13 seemed that that would be rather peculiar for someone to do  
14 that when they're speaking to a legislator about the issues  
15 of that nature. So I contacted the FBI at that point.

16 Q In Oklahoma City?

17 A Yes.

18 Q A particular agent?

19 A Yes.

20 Q And his name, please?

21 A Steve Kaitcher.

22 Q And you said that was the first time you  
23 contacted him that you gave him the information concerning  
24 sick leave?

25 A No, no. That was not the first time I

1 contacted him. That was the first time I contacted him with  
2 any matters regarding the Broken Arrow School District.

3 Q Thank you. As to the second time you  
4 contacted him concerning matters surrounding the Broken Arrow  
5 School District, what information did you give him?

6 A I am unaware of any particular documents that  
7 I may have given him.

8 Q Did you give him documents?

9 A I don't think I did.

10 Q What information did you share with him?

11 A Simply my concern, I'm sure, that the Broken  
12 Arrow School District audit was still not being released, and  
13 we were having a very difficult time getting that  
14 truthfulness out to the public.

15 Q Anything else?

16 A I can't recall specifics, no.

17 Q Tell me about the third time you spoke to the  
18 FBI agent about the Broken Arrow School District.

19 A Well, in person was, again, last week with  
20 regards to these documents. And I think that was the third  
21 time.

22 Q Oh, okay. You said five or six times.

23 A Well, in person. I've talked to them other  
24 times on occasion on the telephone. Those particular  
25 instances, I certainly didn't give any documents and may have



1 just called to inquire. I don't know. In other words, I'm  
2 not trying to mislead you by making you think I haven't  
3 talked to them on other occasions. But I don't know of any  
4 specifics in those phone conversations. They would have been  
5 very brief. But last week, when I provided that information,  
6 we spent a considerable amount of time with it.

7 Q How much is "a considerable amount of time"?

8 A Oh, I think probably two hours.

9 Q And was this in Oklahoma City?

10 A Yes.

11 Q Have you been informed what crimes that, I  
12 mean, is there an investigation ongoing by the FBI?

13 A Having dealt with the FBI over the last six  
14 years, I've determined that a person never knows what the FBI  
15 is doing. You simply visit with them if you're concerned.

16 Q And in this two-hour meeting that you had last  
17 week, what other information was shared, other than the  
18 written documents that you provided?

19 A Oh, I don't think there was, I think it all  
20 pertained to the written information.

21 Q What crime, what federal crime, do you think  
22 was violated such that you felt it important to go speak to  
23 an FBI agent?

24 MR. DUNN: Objection, form.

25 A I'm not going to speculate as to what federal

1 crime. I don't know the federal statutes.

2 Q Well, you felt some reason why you wanted to  
3 go speak to the FBI about this. Correct?

4 A That's correct.

5 Q And you don't go just talk to the FBI because  
6 you think somebody spit on the sidewalk. Correct?

7 A Yeah, I'd probably go to the DA for that.

8 Q So tell me what jurisdictional matters you  
9 thought the FBI would be able to use to investigate the  
10 Broken Arrow Schools.

11 MR. DUNN: Objection to form.

12 A I don't. I don't know the federal statutes,  
13 the jurisdictional matters. I knew that I had been told as a  
14 legislator that a policy was legal when I had a letter from  
15 that same person that said it was illegal.

16 Q Do you believe that there have been crimes  
17 committed by individuals in reference to the Broken Arrow  
18 School District?

19 A I couldn't speculate as to that.

20 Q Have you met with or communicated with Chris  
21 Tharp at any time?

22 A I believe I have. But could you tell me what  
23 his position is? And then I might be able to recall better.

24 Q I don't know that there's a position other  
25 than he's a resident of the Broken Arrow School District.

1 Someone who has met with the Auditor's office and provided  
2 them with information.

3 A Okay. Well, I wasn't aware of that. I  
4 receive phone calls again on a regular basis at the Capitol  
5 where people call me. I've never met with Chris Tharp. I do  
6 believe I've talked with him on the phone as a constituent of  
7 Broken Arrow. But I couldn't recall any specifics of a  
8 conversation there.

9 Q Did you contact Terry Stover on cell phone,  
10 home phone or work phone, if you recall?

11 A No, I do not recall.

12 Q Do you recall how you go Terry Stover's  
13 number?

14 A I think I got it the same way I got the School  
15 Board members that I referred to earlier where I contacted, I  
16 simply got on the web site, looked up people's names, and  
17 most of them have phone numbers listed on the web site. I  
18 would expect, I don't know, we Google, we White Page, we do  
19 things all the time. So I don't recall any particular way  
20 past that.

21 Q Have we covered all the law enforcement  
22 agencies that you think are conducting an investigation into  
23 the Broken Arrow School District?

24 MR. DUNN: Objection to form.

25 Mischaracterizes his testimony.

1           Q           Have we covered all of the law enforcement  
2 agencies that you have contacted concerning the Broken Arrow  
3 School District?

4           A           As I said, I visited with Tim Harris and I've  
5 visited with the FBI and I don't believe there's any other  
6 law enforcement agencies that I've contacted.

7           Q           Are you aware of any other law enforcement  
8 agencies who have obtained information concerning the Broken  
9 Arrow School District?

10          A           No.

11                    MS. WALTA: Let me look real quickly at my  
12 notes. I'm probably going to pass the witness here in just a  
13 second.

14                    THE WITNESS: Sure. In that case, may we take  
15 a brief break?

16                    MS. WALTA: You bet. Absolutely.

17                    VIDEO TECHNICIAN: We're now off the record.  
18 The time is 12:09 P.M.

19                                   (Whereupon, lunch recess was taken  
20 off the record by those present).

21                    VIDEO TECHNICIAN: We are back on the record.  
22 The time is 1:13 P.M.

23           Q           (By Ms. Walta) Mr. Reynolds, we had a nice  
24 lunch break, so we're ready to proceed. I don't have very  
25 many more questions for you, and then we'll let some of the

1 other attorneys ask you questions.

2 A All right.

3 Q One of the things I forgot to ask you is if  
4 the meetings that you had with the FBI, the in-person  
5 meetings, was there anyone else present?

6 A I think, I know there was someone else present  
7 at the last meeting. At the previous two meetings, I don't  
8 believe there was anyone else present.

9 Q At the last meeting, who else was present?

10 A It was another agent. I believe -- I may not  
11 get you the correct spelling of his last name -- but I  
12 believe it's Jim Shook.

13 Q S-H-O-O-K?

14 A Uh-huh. And I can get that corrected, the  
15 correct name for you.

16 Q So did you go to the meeting alone?

17 A Yes.

18 Q Did you meet with anyone other than Mr. Dunn  
19 to prepare for your deposition today?

20 A No.

21 Q Have you ever met with anyone from the  
22 Richardson law firm concerning the Broken Arrow School  
23 District?

24 A No.

25 Q And did you review any documents other than

1 what you've already provided to us in preparation for your  
2 deposition today?

3 A Other than I tried to look through notes. I  
4 make notes and I can't even read my own writing. So I tried  
5 to look through some stuff and I couldn't, so I didn't -- I  
6 looked through stuff and I didn't find anything. And so no,  
7 no specific documents. Certainly none of the documents that  
8 you've requested that I bring.

9 Q What notes did you look through?

10 A I have a desk calendar. I think it says  
11 "2008" on it. I don't ever change it. I write stuff on  
12 there. And it's like "Okay." And I just looked on a couple  
13 of random things where I write stuff like that, and I didn't  
14 find anything. So you asked me if I reviewed anything else.  
15 I was like did I write anything on here, and a couple of  
16 other places like that. I couldn't find anything that I  
17 might have had to refer to anything of that nature.

18 Q Okay. So in a search for documents to bring  
19 to comply with the subpoena, you looked through this desk  
20 calendar but you didn't find anything that related to the  
21 Broken Arrow Schools or the requests that I had made. Is  
22 that correct?

23 A That is correct.

24 Q If you obtained some of this information  
25 anonymously -- you said it came to Mr. Dunn anonymously and

1 then he gave it to you -- didn't you have any concerns about  
2 whether or not this was authentic information prior to up  
3 loading it to a public State-owned web site?

4 A Not particularly, no.

5 Q Why not?

6 A It just didn't occur to me to have concerns.  
7 I was curious as to whether or not the information was  
8 accurate and was going to allow people to ask questions to  
9 see if it was accurate. That was my main concern was  
10 verifying it.

11 Q Did you verify it prior to publishing it?

12 A There was no way to verify.

13 Q So you made no inquiries of where this  
14 information may have come from?

15 A Inquiries? Yes, I asked -- of that packet, I  
16 asked Mr. Dunn. And he said that was received anonymously.

17 Q Anonymously through the mail?

18 A That's my impression. I'm not sure if I asked  
19 that exact question.

20 Q Did you call Sherri Combs to see if this  
21 information was valid?

22 A No.

23 Q Why not?

24 A No reason to call Sherri Combs.

25 Q Well, what if it was a fake document?

1 MR. DUNN: Object to the form.

2 A Mr. Burrage could say they were fake  
3 documents. It seems that every press conference he's done,  
4 every statement he's released, he is complaining that these  
5 are the real documents and who's releasing them. So I expect  
6 if they've been fake, Mr. Burrage would have been able to say  
7 "Those aren't even valid documents." I've never heard those  
8 words come out of his mouth.

9 Q But by that time, the damage would have been  
10 done if you had published information that was fake.

11 MR. DUNN: Objection, form.

12 A I don't understand what you mean by "damage  
13 being done".

14 Q Well, if the documents that you obtained  
15 falsely accuse someone of something and they relay that  
16 information and you put it on a web site for everybody to  
17 see, wouldn't you have concern as a legislator, wouldn't you  
18 want the truth to be told?

19 MR. DUNN: Object to form.

20 A I do want the truth to be told.

21 Q So wouldn't you be concerned as to whether or  
22 not information that you had been given anonymously contained  
23 the truth?

24 A Absolutely.

25 Q All right. So what did you do to insure that



1 the information you obtained anonymously contained the truth?

2 A What did I do? I didn't do anything in  
3 particular. Waited to see if Mr. Burrage had a problem with  
4 any of the documents. I'm quite sure that, in most cases,  
5 the media would verify that kind of information before they  
6 print stories because they want to be very careful of that.  
7 So as I said, I only sent that information to people in the  
8 media.

9 Q I think you testified that you corresponded  
10 with different taxpayers and people in the Broken Arrow  
11 School District, correct, if they had concerns?

12 A Corresponded? I don't know if I said that. I  
13 said I've received phone calls all the time. And I couldn't  
14 say who all that I've received phone calls from.

15 Q I apologize; I should have said "communicated"  
16 -- that you communicated with different people in the Broken  
17 Arrow School District.

18 A Okay.

19 Q Why didn't you communicate with Maryanne  
20 Flippo?

21 A I think if Maryanne Flippo had called my  
22 office and voiced a concern, I probably would have.

23 (Whereupon, Deposition Exhibit No. 8  
24 was marked for identification).

25 Q I'm going to hand you what's been marked as

1 Defendant's Exhibit Number 8. Oh. Hold on. Is that a  
2 letter to you?

3 A Yes, it is.

4 MR. DUNN: No, wait a minute.

5 Q The copy I have is not a letter to you.

6 MR. DUNN: The copy I got is "Dear Terry".

7 MS. WALTA: I know. That's what I'm saying.

8 Q What is the document I just handed you?

9 A Looks like a letter that was written to me.

10 Q I don't have a photocopy of that. Let your  
11 attorney see that.

12 A okay.

13 Q All right. What is Defendant's Exhibit Number  
14 8?

15 A It's an unsigned letter apparently from a  
16 Maryanne Flipppo.

17 Q And it is to you?

18 A Yes, it would be.

19 Q What's the date of that letter?

20 A February 5, 2009.

21 Q And have you read the contents of the letter?

22 A Today?

23 Q Yes.

24 A No, I have not. Shall I?

25 Q Have you seen the letter before?

1           A        I don't recall seeing it before.

2           Q        Would you look at the contents of the letter?

3           A        Yes. Okay.

4           Q        What was Ms. Flipppo communicating with you  
5           about?

6           A        Looks like to me she was communicating her  
7           personal opinion as to this matter.

8           Q        What matter?

9           A        My press release.

10          Q        Which press release?

11          A        Apparently the one from January 29 or 30 that  
12          we've been discussing.

13          Q        Of 2009?

14          A        Yes.

15          Q        Concerning the sick leave?

16          A        Yes.

17          Q        Why didn't you respond to Maryanne Flipppo when  
18          she wrote you that letter?

19          A        Well, the only response I see that she wanted  
20          was for me to recant. Let me read this again. She didn't  
21          specifically ask me for any action, as a matter of fact. She  
22          does say "I hope you will choose to publicly recant and  
23          withdraw your allegations". But she did not ask for an  
24          action, did not ask for me to contact her. And I get 10 or  
25          20 calls a day from constituents that give me information

1 that I don't respond to unless they ask for a specific  
2 action.

3 Q But Mr. Reynolds, this was a specific letter  
4 to you concerning the sick leave release that you had issued  
5 to the press in which you said that you called somebody from  
6 the Broken Arrow School District to try to verify whether the  
7 information was correct. So it wasn't just a person calling  
8 about an anonymous issue; it was something that was recently  
9 in the press, wasn't it?

10 MR. DUNN: Objection to form.

11 A If it was -- this letter is unsigned. So I  
12 don't know. I may have not even paid attention. If I  
13 received a copy of a letter with her signature, I might have.  
14 But I get unsigned and things of that nature. So to answer  
15 your question, I believe it would be appropriate for the  
16 Speaker of the House to thoroughly investigate this matter.  
17 I guess I would have taken that letter, and in hindsight, as  
18 where she was asking the Speaker of the House to do some  
19 particular action as opposed to asking me to do some  
20 particular action.

21 Q Weren't you interested at all in the other  
22 side of the issue? Weren't you interested in the issue she  
23 raised in that letter?

24 A Would you like to tell me one specific issue?

25 Q No. I mean, any of those issues.

1           A           Oh, I've been confused of many things that  
2           have been proven to be completely false. So I don't need to  
3           refute. No one needs to. A legislator or any elected  
4           official wouldn't have the time to publicly refute every  
5           allegation made against them, no.

6           Q           Well, wouldn't you want to call and see  
7           whether or not the information you had submitted to the press  
8           might be shaded, might be partially untrue, if somebody  
9           contacted you?

10                   MR. DUNN: Objection to form.

11           A           I was satisfied that the information I had  
12           received was accurate.

13           Q           What was it that satisfied you that it was  
14           accurate?

15           A           The spreadsheets and my contact with  
16           Mr. Gerber where he absolutely refused to tell me that it was  
17           inaccurate. He had every opportunity during our telephone  
18           conversation. I said "Are you confirming the accuracy or are  
19           you denying the accuracy?" And he wouldn't respond to that.

20           Q           Isn't it true, Mr. Reynolds, that the last  
21           time the Broken Arrow School District paid for the sick leave  
22           was in the '03-04 school year?

23           A           I couldn't answer that. I do not know if  
24           that's the last time they paid for that policy.

25           Q           And your press release was in '09. So we're

1 talking years later, past when the practice stopped?

2 A We would be talking years later, yes.

3 Q Why was it a burning issue if it was years  
4 later?

5 MR. DUNN: Objection to form.

6 A I didn't say it was years later. I didn't say  
7 the last time it happened. I said obviously 2009 is years  
8 past 2003. Those spreadsheets seem to indicate that the  
9 policy was continued into other years.

10 Q Do they?

11 A I do not know. That's what I asked Mr. Gerber  
12 to validate, which he would not do.

13 Q Did you ask Dr. Sisney?

14 A I don't believe Mr. Sisney was at the Broken  
15 Arrow School District when I found out about this.

16 Q But he submitted the information to you in an  
17 email. That's how you got it; right?

18 A Yes, that's how I got it.

19 Q So did you ask Dr. Sisney when this stopped?

20 A Did I ask him when it stopped?

21 Q Yes.

22 A I don't know that I asked him when it stopped.

23 Q Did it matter to you?

24 A Did it matter to me?

25 Q Right.

1           A           No. What mattered to me was that Mr. Mann had  
2 told me that it was legal, while he had an opinion that he'd  
3 given to the Broken Arrow School District telling them that  
4 it was illegal. That's what mattered to me.

5           Q           In fact, in January of 2009, Mr. Mann hadn't  
6 told you that, had he?

7           A           No. Probably not.

8           Q           You testified that you called the Moore School  
9 District a few weeks ago. Or was it a week ago?

10          A           This is Wednesday. I think it was last week.

11          Q           And that you inquired about whether or not  
12 they paid for unused sick leave. Correct?

13          A           I believe I asked two or three questions of  
14 several different school districts: Had they done any  
15 investigative audits? Had their audits been conducted in  
16 executive session? And the sick leave issue would have also  
17 been a question I asked. I didn't ask the same question of  
18 every district.

19          Q           Is it true that you asked the Moore School  
20 District about me?

21          A           I think that is accurate. Actually, did I ask  
22 them about you? I believe I asked the Moore School District  
23 who represented them. And I think they indicated that they  
24 had contracts, or I don't know if you'd call it contracts,  
25 but some sort of agreements with two different law firms --

1 you being one of them and the other being I think McAfee  
2 Taft; I'm not certain.

3 Q What was the purpose of that inquiry?

4 A I was trying to find out -- there were  
5 obviously 350 school districts that apparently the Broken  
6 Arrow, the firm that represents Broken Arrow, represents. I  
7 was just curious if they represented the Moore School  
8 District.

9 Q Did you ask that same question of the other  
10 two school districts you called?

11 A I'm sure I asked that of the Oklahoma City  
12 School District. And as I recall, I don't think they said  
13 that you had -- maybe they might have indicated you had  
14 represented them at some point in the past. Possibly not. I  
15 don't recall who they told me. But it was not RFR.

16 Q Did you call Laura Holmes in the last couple  
17 of weeks?

18 A I do not recognize that name. Wait a minute.  
19 Let me think. She is with one of those law firms, I think.  
20 Laura Holmes. The name is familiar. So I think I did. What  
21 law firm, might I inquire, is she with?

22 Q With the Center for Education Law.

23 A Center for -- yes, I did leave a message for  
24 her. She wasn't there and I believe she called me back a  
25 little later.



1 Q And what was the purpose of that phone call?

2 A To find out, once again, apparently,  
3 apparently, most of the representation for school districts  
4 in Oklahoma is done either by -- did you call it Center for  
5 Education Excellence? Or Center for Education Law?

6 Q Correct.

7 A That firm, and RFR, and possibly you. That's  
8 the only three that I'm -- well, and Crowe & Dunlevy or  
9 whoever it was that Moore was using. So I was just inquiring  
10 as to who was representing various school districts.

11 Q Did you not know prior to last week that I  
12 represented the Moore School District?

13 A I had no earthly idea.

14 MS. WALTA: That's all I have. I'm going to  
15 pass the witness.

16

17 DIRECT EXAMINATION

18 BY MR. JENNINGS:

19 Q Mr. Reynolds, my name is Mark Jennings.

20 A Excuse me one second, sir. I'm getting a  
21 little hard of hearing and I've refused to start wearing a  
22 hearing aid.

23 Q Would this be better?

24 A Thank you.

25 Q My name is Mark Jennings. I represent one of

1 the Defendants in this case named Douglas Hudkins. Do you  
2 know Dr. Douglas Hudkins?

3 A No, I do not.

4 Q If I told you he's an optometrist practicing  
5 in Broken Arrow, does that help refresh your memory at all?

6 A Not at all.

7 Q Suffice to say as far as you know, you've  
8 never met Dr. Hudkins?

9 A That's true.

10 Q Never had any conversations with him to your  
11 knowledge?

12 A To my knowledge, I've never had a conversation  
13 with him.

14 Q Is it also safe to say you've never heard Dr.  
15 Hudkins say anything disparaging about Dr. Sisney, Dr. Jim  
16 Sisney?

17 A I have, I, to my knowledge, I've never heard  
18 any remarks from Mr. Hudkins.

19 Q Have you ever had any discussions with Jim  
20 Sisney involving Dr. Hudkins or Dr. Hudkins' name?

21 A Not to my knowledge.

22 Q Have you ever had any discussions with Mike  
23 Ritze regarding Dr. Hudkins or where Dr. Hudkins' name came  
24 up?

25 A Yes, I have.

1 Q Can you tell me about that?

2 A Yes. Mr. Ritze told me that Dr. Hudkins was,  
3 what did you say? An optometrist in this area. That he had  
4 known him for a long time.

5 Q Anything else in that conversation?

6 A Nothing in particular.

7 Q Do you know why that came up in your  
8 conversation about Dr. Hudkins?

9 A I believe it came up because these documents  
10 talked about some payment of an invoice or something that was  
11 possibly mistakenly done for an office building or something  
12 like that in the Broken Arrow area.

13 Q Was there any suggestion in that conversation  
14 by Dr. Ritze that Dr. Hudkins had done something wrong?

15 A None at all.

16 Q Have you ever had any other discussion with  
17 any other person that you can recall regarding Dr. Hudkins or  
18 his name?

19 A Have I had a discussion with anybody else  
20 about Dr. Hudkins?

21 Q Yes. Or involving where his name came up,  
22 anything like that, that you can recall?

23 A No, sir.

24 MR. JENNINGS: I'll pass the witness.

25

## DIRECT EXAMINATION

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BY MR. LUTHEY:

Q Mr. Reynolds, can you tell us your educational background, please, sir.

A Educational background? I graduated U.S. Grant High School in Oklahoma City. Bachelor of Science of Mathematics at the University of Oklahoma.

Q Did you have any training in accounting or auditing at the University of Oklahoma?

A No.

Q Have you had any subsequent training in accounting or auditing?

A Training? Not specifically, no.

Q Have you had any formalized training in investigation?

A No.

Q You have no firsthand knowledge of whether or not Sherri Combs did a good job in her audit, do you, sir?

A No, I do not.

Q You have not reviewed her work papers. Is that correct?

A I do not believe I've reviewed her -- if her work papers are contained in this information, then I have given a cursory glance of that. But I do not know if Sherri Combs' work papers are in there or not, so --

1           Let me correct one thing. You asked me a question; I  
2 wasn't trying to -- I managed the accounting systems for the  
3 Gulf Oil Corporation as a computer programmer for five years.  
4 So I had no formal training in accounting. But I had to know  
5 a lot about accounting in order to do quadruple entry  
6 accounting for the fifth largest oil company in the world.

7           Q       Were you responsible for applying Generally  
8 Accepted Accounting Principles in that job?

9           A       No. Those were dictated by the in-house  
10 accountants.

11          Q       By the Accounting Department?

12          A       Yes.

13          Q       I want to ask you a bit about the House of  
14 Representatives and your role in it.

15          A       All right.

16          Q       Where is your constituency, please?

17          A       I represent House District 91. That would be  
18 on the southwest side of Oklahoma City.

19          Q       That has nothing to do with Broken Arrow, is  
20 that correct, that constituency?

21          A       Those particular constituents?

22          Q       Right.

23          A       Only in the sense that if money is spent in  
24 any place in the State and it's taxpayer dollars extracted  
25 from my constituents, then it would have to do with Broken

1 Arrow or Tulsa or Enid or anyplace else.

2 Q But my point is: You don't represent any  
3 voter or taxpayer in Broken Arrow. Is that right?

4 A That is correct.

5 Q Now, the House of Representatives has 101  
6 members?

7 A That is correct.

8 Q How many of those members belong to your  
9 political party, approximately?

10 A I think it's 62 now.

11 Q Out of those 62 members of your party, how  
12 many are in the leadership of the house?

13 A Oh, my goodness. Well, I tell each member of  
14 our caucus that you're all a leader of your district. So I  
15 don't know. The leadership of the House would be a very  
16 loosely defined thing.

17 Q The House has a Speaker?

18 A Yes, it does. Constitutionally.

19 Q Is that you?

20 A No, sir.

21 Q Does it have a Majority Leader?

22 A I don't believe we do have a Majority Leader.

23 Q Do you have a Floor Leader?

24 A Yes, we do.

25 Q Is that you?

1 A No, that's not.

2 Q Are there Assistant or Deputy Floor Leaders?

3 A I think we have Assistant Majority whips. I  
4 don't think -- that's probably what you might be referring to  
5 as a Floor Leader.

6 Q No, I'm referring to Assistant or Deputy Floor  
7 Leaders for the Majority.

8 A I don't, I don't think we do.

9 Q Is there a chief whip for your party?

10 A No.

11 Q Do you have a whip?

12 A No.

13 Q Do you have deputy whips?

14 A No.

15 Q Do you have assistant whips?

16 A No.

17 Q Are there Committee Chairmen in the House of  
18 Representatives?

19 A Yes.

20 Q Are you a Committee Chairman?

21 A No.

22 Q What committees do you belong to?

23 A I belong to the Government Oversight  
24 Committee. I belong to a committee with regards to child  
25 care and a committee with regards to transportation.

1 Q Does the Committee on Oversight that you  
2 belong to have subpoena power?

3 A As it turns out, every committee has subpoena  
4 power in the House of Representatives.

5 Q Can an individual member of the House of  
6 Representatives issue a subpoena without a committee vote?

7 A I do not know the answer to that question.

8 Q Do you think you personally as a member have  
9 the ability to issue a subpoena?

10 A Me personally?

11 Q Right.

12 A No.

13 Q So you've not tried to subpoena any material  
14 concerning the Broken Arrow Schools. Is that right?

15 A That is correct.

16 Q Concerning Lee Sisney, I think you've  
17 testified he is your lawyer?

18 A He is one lawyer that I have used, yes.

19 Q Do you own property in Kentucky?

20 A No.

21 Q Do you have a business in Kentucky?

22 A No.

23 Q Do you have relatives in Kentucky?

24 A No.

25 Q Lee Sisney is a lawyer in Kentucky?



1           A        I believe that's correct.

2           Q        Why do you need a lawyer in Kentucky?

3           A        For advice.

4           Q        When did you first meet Lee Sisney?

5           A        I've never met Lee Sisney face-to-face.

6           Q        You've never met him in person?

7           A        No.

8           Q        Have you talked to him on the phone?

9           A        Yes, I have.

10          Q        When did you first speak to Lee Sisney on the  
11          phone?

12          A        I believe it was mid-August, just, September,  
13          yeah, just a few weeks ago.

14          Q        Did someone suggest you call Lee Sisney?

15          A        I don't know if someone suggested that or not.  
16          I'm not sure.

17          Q        Did you know him before the conversation?

18          A        I knew of him.

19          Q        How did you learn of Lee Sisney?

20          A        I can't recall.

21          Q        Do you know other lawyers in Kentucky?

22          A        Not that I could call their names.

23          Q        So we're clear, you have no recollection of  
24          how you first learned of Lee Sisney?

25          A        That is correct.

1 Q I guess I should ask you this: Have you  
2 employed Lee Sisney to represent you?

3 A I believe that would be accurate.

4 Q Have you paid him?

5 A No, I have not.

6 Q Has he sent you a bill?

7 A I have not received one yet, no.

8 Q Do you have an understanding as to whether you  
9 will pay him?

10 A Yes, I do.

11 Q And what is your understanding?

12 MR. DUNN: Are you asking him an hourly rate?  
13 What are you asking him?

14 MR. LUTHEY: I'm asking if he's going to pay  
15 Lee Sisney for his advice.

16 A Yes.

17 Q Did you reach that understanding directly with  
18 Lee Sisney?

19 A Yes.

20 Q Lee Sisney is the Plaintiff Jim Sisney's  
21 brother. Is that right?

22 A I believe that's correct.

23 Q And you knew that at the time you retained Lee  
24 Sisney?

25 A I expect I did.

1           Q       And did you retain Lee Sisney to provide you  
2 with advice in matters concerning the Broken Arrow School  
3 District?

4           A       I suppose in the sense of these depositions  
5 pertaining to the Broken Arrow School District, yes, I did.

6           Q       Concerning these depositions?

7           A       Yes.

8           Q       Do you know, is Lee Sisney admitted to  
9 practice law in Oklahoma?

10          A       I'm not aware if he is or he is not.

11          Q       You weren't relying on Lee Sisney for  
12 expertise in Oklahoma law. Is that correct?

13          A       No. I was relying on Lee Sisney -- no. That  
14 is correct.

15          Q       You've had Mr. Dunn as your Oklahoma lawyer  
16 through all this deposition business, haven't you?

17          A       I think I may have contacted someone else  
18 before Mr. Dunn. But yes. Mr. Dunn is the primary, yes.

19          Q       Does the House of Representatives have lawyers  
20 on its staff?

21          A       Yes, they do.

22          Q       Did you contact a member of the House Legal  
23 Department concerning these depositions and the question of  
24 legislative privilege?

25          A       Yes, I did.

1           Q           Is there a reason why you did not use that  
2 lawyer to represent you in your claim of legislative  
3 privilege?

4           A           A reason? Mr. Dunn agreed to handle this for  
5 me.

6           Q           Did you have any concern about the capability  
7 of the House legal staff to represent you on a matter of  
8 legislative privilege?

9           A           Did I have any what?

10          Q           Concern about the capability of the House  
11 legal staff to represent you in a matter concerning  
12 legislative privilege in the Oklahoma State courts?

13          A           No. I felt, I simply felt that Mr. Dunn would  
14 do the best job.

15          Q           You're aware that you could have waived any  
16 legislative privilege that you might have had and voluntarily  
17 testified in this matter. Is that correct?

18          A           I, no, I'm not aware of that. But I would  
19 believe that, yes.

20          Q           And you chose not to waive that. Is that  
21 correct?

22          A           That's true.

23          Q           And you resisted the subpoena that was  
24 intended to be served upon you initially, did you not?

25                   MR. DUNN: Objection to form.

1 A No. No, I did not.

2 Q Did you know that that subpoena was being  
3 served?

4 A Did I know the subpoena was being served? Are  
5 you talking about in January?

6 Q Initially, yes. Let me rephrase that. Were  
7 you aware there was an attempt being made to serve you with a  
8 subpoena before you accepted the service?

9 A Before I accepted?

10 Q Right.

11 A I didn't accept service until you, I believe  
12 my attorney accepted service for me. Yeah, so I knew before  
13 Mr. Dunn accepted service for me; I was aware, yes.

14 Q Did you do anything to resist or evade  
15 service?

16 A No.

17 Q And then you went to the Court to try to avoid  
18 having to give your testimony. Is that correct?

19 A That is correct.

20 Q And you were unsuccessful before the District  
21 Judge. Is that correct?

22 A That would be correct.

23 Q And then rather than appear for your  
24 deposition at a date and time noticed, you then sought the  
25 Oklahoma Supreme Court to prohibit the deposition. Is that

1 right?

2 A That is correct.

3 Q And you were unsuccessful there, were you not?

4 A That is correct.

5 Q What did you not want to testify about, sir?

6 A What did I not want to testify about? I  
7 didn't want to set a precedent that we can't find anyplace  
8 else in the United States where a legislator could be pulled  
9 before a group of people over something that they might be  
10 investigating when the legislator was not accused of any sort  
11 of criminal activity. Because now we have the potential that  
12 every 101 members of the House of Representatives and all the  
13 48 members of the Senate could be called to depositions on a  
14 regular basis because of the precedent that the Court has now  
15 set.

16 Q And you were aware there was decisional law  
17 that supported that precedent, are you not?

18 A No, I'm not.

19 Q You didn't read the Court papers that were  
20 filed on your behalf?

21 A You'll have to ask me that question again. I  
22 guess I don't understand.

23 Q Are you aware that there were other Court  
24 decisions that authorized and required legislators to give  
25 testimony?



1 MR. DUNN: Are you going to be asking my  
2 client a known on legal specifics on how statutes apply?

3 MR. LUTHEY: I'll remind you, Counsel, the  
4 Tulsa District Court rules that prohibit the coaching of a  
5 witness. And I regard that statement as suggesting an  
6 answer.

7 MR. DUNN: There's not a question pending.  
8 I'm inquiring of Counsel whether or not --

9 MR. LUTHEY: right. You've anticipated the  
10 question. And we'll see what my question is.

11 MR. DUNN: Okay. Fair enough.

12 A Did you want me to read this all the way  
13 through to the end of the second page?

14 Q You don't need to read through 9, because that  
15 deals with terrorism and I don't think we're discussing that  
16 here.

17 A Okay.

18 Q All right. Do you see any exception in  
19 Section 307 that allows executive sessions for the  
20 consideration of draft audit reports by the State Auditor?

21 MR. DUNN: Objection to form.

22 A Not specifically. Although Item 7 apparently  
23 would seem how other school districts do their exit  
24 interviews in executive session.

25 Q That's the one discussing any matter where



1 disclosure of information would violate confidentiality  
2 requirements of state or federal law?

3 A Yes.

4 Q And that would be if the draft audit report  
5 would be subject to a confidentiality requirement of the  
6 state or federal law?

7 MR. DUNN: Objection to form.

8 A I still don't understand your question.

9 Q Why do you think that 7 might apply?

10 A Well, what I think is that I contacted several  
11 school districts. They were handled in executive session.  
12 It hasn't occurred to me to ask for a legal opinion from the  
13 Attorney General or anybody else as to how in the world other  
14 school districts had their exit interviews in executive  
15 session in light of the statute that you're showing me here.

16 Q And what I'm asking you is: Are you aware of  
17 any exceptions in the statutes that would authorize an  
18 executive session to discuss the audit report in draft form  
19 before it's released?

20 MR. DUNN: Objection to form.

21 A No.

22 Q If in fact that matter would be appropriate  
23 for an executive session, wouldn't you be violating the  
24 purpose of the executive session by publicizing a secret tape  
25 recording of it?

1 MR. DUNN: Objection to form.

2 A Would you ask that question again?

3 Q Uh-huh. If the discussion of a draft audit  
4 report was subject to an executive session, wouldn't the  
5 release of a secret tape recording of such a session violate  
6 that purpose of having the executive session?

7 MR. DUNN: Objection to form.

8 A I would have never considered that question,  
9 because the draft audit as you characterize it was not  
10 discussed in the executive session.

11 MR. LUTHEY: Would you read the question back?  
12 I think it calls for a "yes" or "no".

13 THE REPORTER: Sure.

14 MR. DUNN: While there's not a question  
15 pending, let's take a break.

16 MR. LUTHEY: There is a question pending.

17 MR. DUNN: No, there's not.

18 MR. LUTHEY: I'm asking her to read it back so  
19 I can then ask him to answer it. The question is pending.

20 MR. DUNN: He answered the question. We're  
21 taking a break.

22 MR. LUTHEY: Note my objection on the record.

23 MR. DUNN: Okay. Noted.

24 VIDEO TECHNICIAN: We're now off the record.

25 The time is 1:53 P.M.

1 (Whereupon, a brief recess was taken  
2 off the record by those present).

3 VIDEO TECHNICIAN: We're back on the record.  
4 The time is 1:58 P.M.

5 MR. LUTHEY: Counsel, I call your attention to  
6 local rule Civil 20.5(C) of our District Court rules which  
7 says that Counsel and the witness shall not engage in private  
8 off-the-record conferences during the actual taking of the  
9 deposition except for the purpose of deciding whether to  
10 assert a privilege or move for a protective order. Private  
11 conferences may be held, however, during agreed recesses and  
12 adjournments. I did not agree to a recess or an adjournment.  
13 Was the purpose of your conference to move for a protective  
14 order or to assert a privilege?

15 MR. DUNN: It is not here for me to answer  
16 questions. I am not the one being deposed. The rules of  
17 this deposition on the front end when it was began by Ms.  
18 Walta, my client can take a break any time he desires. That  
19 was part of the stipulated agreement. We are doing this  
20 under the stipulated rules. And that is what we did.  
21 And for the record, and the record will be clear, there was  
22 not a question on the table at the time we took a break and I  
23 needed to use the restroom.

24 MR. LUTHEY: And you also needed to talk to  
25 your client, I take it?

1                   MR. DUNN: What I communicate with my client  
2 is between my client and I, clearly.

3                   Q           (By Mr. Luthey) Mr. Reynolds, was there  
4 anyone present besides you and Mr. Dunn during the brief  
5 conference you had?

6                   MR. DUNN: Objection. Now, if you're talking  
7 about my other witness here, or client, who we have a joint  
8 defense agreement on these depositions, clearly you're not  
9 suggesting to him that that would count for a joint defense  
10 agreement, which I'm sure as a licensed attorney you know  
11 would.

12                   MR. LUTHEY: Do you have a written joint  
13 defense agreement?

14                   MR. DUNN: I don't have to answer that.

15                   MR. LUTHEY: Well, Counsel, you'll be  
16 receiving a notice and a motion for sanctions from us for  
17 violation of this local rule.

18                   MR. DUNN: There has been no violation of the  
19 rule.

20                   MR. LUTHEY: That will be for Judge Cantrell  
21 to decide.

22                   MR. DUNN: I'm certain it will be.

23                   Q           Now, sir, Mr. Reynolds, have you discussed Air  
24 Assurance with anyone?

25                   A           Not to my knowledge.

1 Q Have you discussed Mike Rampey with anyone?

2 A Not to my knowledge.

3 Q Specifically, let me see if I can hone in  
4 here. Have you had any discussions with Dr. Ritze with whom  
5 you share a common lawyer concerning Air Assurance?

6 A Not to my knowledge.

7 Q Or Mike Rampey?

8 A Not to my knowledge.

9 Q Have you ever reviewed any records of Air  
10 Assurance?

11 A Not to my knowledge.

12 Q Have you ever reviewed any records of the  
13 Broken Arrow Schools concerning Air Assurance?

14 A If those records are contained in these  
15 papers, yes.

16 Q Do you recall any specific records of Air  
17 Assurance that you've reviewed?

18 A No, I do not.

19 Q Why did you put material up on the House web  
20 site without verifying either its accuracy or authenticity?

21 A Because I believed it to be accurate.

22 Q Why do you believe it to be accurate?

23 A Because I believe it to be accurate.

24 Q What is your factual basis, if any, for your  
25 statement of belief?

1           A       My personal belief.

2           Q       And what is the factual basis that information  
3 is your personal belief?

4                   MR. DUNN:  Objection, form.

5           Q       What is your factual basis that informs your  
6 personal belief?

7                   MR. DUNN:  Same objection.

8           Q       Do you have any facts that inform your  
9 personal belief?

10          A       I have the information that I've received.  So  
11 I believe it's accurate.

12          Q       Do you believe all information you always  
13 receive to be always accurate?

14                   MR. DUNN:  Objection to form.

15          A       No, I do not.

16          Q       Why do you believe this information is  
17 accurate?

18          A       Because I believe it is.

19          Q       And you can't point to one fact today in  
20 support of that belief; is that correct?

21          A       Oh, the one fact that I'd point to is that Mr.  
22 Burrage has never denied it.

23          Q       Has never denied the accuracy?

24          A       Uh-huh.  Excuse me.  Yes.

25          Q       Have you seen Mr. Burrage's statement that Ms.

1 Combs work is unreliable because of bias?

2 A I've seen statements in the newspaper by Mr.  
3 Burrage, yes.

4 Q So he's denied the accuracy, hasn't he?

5 A No.

6 Q You didn't regard those as denial of the  
7 accuracy?

8 A Of course not.

9 Q Why not?

10 A He didn't deny they were accurate. He said  
11 they were biased. That's two entirely different things. The  
12 accuracy, he's never questioned.

13 Q Did he question their reliability?

14 A I don't know. He never questioned their  
15 accuracy.

16 Q And do you know if he has a factual basis to  
17 question their accuracy or lack of accuracy?

18 A I guess you'd have to ask him.

19 Q So because Mr. Burrage has not publicly stated  
20 that Ms. Combs' work is inaccurate, you never have concluded  
21 it is. Is that right?

22 MR. DUNN: Objection to form.

23 Q Is that correct?

24 A No, that's not the reason why. I already told  
25 you why.

1 Q Is there any other reason you believe this  
2 information to be accurate?

3 A I don't know that I need more than one. I  
4 believe it's accurate.

5 Q Well, let's look at what Mr. Burrage is doing  
6 concerning accuracy. He's thrown out Ms. Combs' audit,  
7 hasn't he?

8 A Thrown out? I don't know if he's capable of  
9 throwing out Mrs. Combs' audit. So I couldn't say. You'd  
10 have to ask Mr. Burrage.

11 Q He's saying he's starting over. Correct?

12 A I don't think that's correct.

13 Q You don't think that's correct? Have you read  
14 his press release where he said he was starting over?

15 A I think I read a press release where he said  
16 the Attorney General had instructed him. I don't know that  
17 he's started over.

18 Q He's assigned auditors other than Ms. Combs to  
19 the audit, hasn't he?

20 A I do not know.

21 Q You didn't read that in the papers? You  
22 didn't read that in the papers?

23 A I've answered that. I do not know if he's  
24 assigned other auditors.

25 Q I didn't ask you if you knew it. I asked you



1 if you read it in the papers.

2 A I can't say that I read it in the papers, no.

3 Q Do you read The Oklahoman every day?

4 A Portions of it.

5 Q Do you read The Tulsa World every day?

6 A No.

7 Q Why did you choose this House web site as the  
8 venue to put this material up on?

9 A The House web site is an FTP site that has  
10 high-speed Internet access.

11 Q Are there others that have high-speed Internet  
12 access?

13 A Oh, I expect there's millions.

14 Q Why did you choose the House web site?

15 A Because it's a web site that I had access to.

16 Q And is there any check for accuracy before  
17 something is posted on the House web site?

18 A I suspect that that would be a very difficult  
19 thing for them to edit everything that appears in the web  
20 site or everything that appears on every member's press  
21 release or everything with every member's statement. So I  
22 don't know that there would be any check for accuracy.

23 Q Good point. Have you discussed your concerns  
24 about the Broken Arrow School District with the Speaker?

25 A No, I have not.

1 Q Have you discussed it with any member of the  
2 House leadership?

3 A What's the House leadership?

4 Q The people that run your party in the house.

5 A Our party is a group of individuals.

6 Q Do you have a caucus chairman?

7 A A caucus chairman? Yes, we do.

8 Q Have you discussed it with the caucus  
9 chairman?

10 A Yes, I have.

11 Q And what did you discuss with the caucus  
12 chairman?

13 A I told him that I had some serious concerns  
14 about the Broken Arrow School District.

15 Q What did he say?

16 A What did he say? I think what he said would  
17 be what he typically says, "You're a free moral agent, and if  
18 you have concerns, then I would encourage you to pursue  
19 them".

20 Q Did you pursue them with the Chairman of your  
21 Oversight Committee?

22 A That would be the same person.

23 Q And did you ask for a Committee investigation?

24 A I don't believe I did.

25 Q Why not?

1           A           Because we have elections coming up and there  
2           are a number of interim studies that it is unlikely that  
3           there would be an investigation into something that's already  
4           being investigated by the State Auditor that any individual  
5           member has the free authority to check out on their own.

6           Q           Where in the Constitution are individual  
7           members of the House of Representatives given the  
8           Constitutional power to conduct investigations?

9                       MR. DUNN: Object to the form.

10          A           I couldn't tell you a specific place in the  
11          Constitution.

12          Q           All right. Thank you on that. What is Sherri  
13          Combs' cell phone number?

14          A           I couldn't tell you that.

15          Q           Do you have it written down somewhere?

16          A           I probably do.

17          Q           Is there a reason why you did not provide  
18          either a written objection to producing what you claim to be  
19          attorney-client privileged material prior to this deposition  
20          or a privilege log?

21                       MR. DUNN: Objection to form.

22          Q           Before today?

23          A           I don't think that that was in the five things  
24          that were requested of me.

25          Q           Did you withhold anything that was requested

1 of you on the grounds of attorney-client privilege?

2 A No.

3 Q So you're not holding anything back on the  
4 grounds of attorney-client privilege?

5 MR. DUNN: Objection, form.

6 MR. LUTHEY: Wait a minute. What's unclear  
7 about the question -- the basis of your objection to form --  
8 so I can cure it.

9 MR. DUNN: I thought we were doing this by the  
10 normal stipulations. I objected to the form. Earlier you  
11 had protested me doing that. I objected to the form; you go  
12 as you want to go.

13 MR. LUTHEY: I'm asking you to specify what's  
14 objectionable to the form of the question so I can cure it.

15 MR. DUNN: Show me under the Rules where I  
16 have to do that.

17 MR. LUTHEY: You don't want to give the basis  
18 for your objection, Counsel?

19 MR. DUNN: We're going by usual stipulations,  
20 Counsel. If I do that, then you're going to accuse me of  
21 coaching my witness or my client. I'm not going to do that.  
22 It was objection to the form.

23 Q You may answer. Do you remember the question?

24 A No, I do not.

25 MR. LUTHEY: Dalene, would you read it back?

1 THE REPORTER: Sure.

2 (Whereupon, the following question  
3 was read from the record by the Reporter: "Q) So you're not  
4 holding anything back on the grounds of attorney-client  
5 privilege?")

6 A Not to my knowledge.

7 Q And that is why you've prepared no privilege  
8 log. Right?

9 A I don't understand that question.

10 Q Do you know what a privilege log is?

11 A No, I do not.

12 (Whereupon, Deposition Exhibit No.  
13 10 was marked for identification).

14 Q I hand you what comes from the Oklahoma  
15 statutes passed by the legislature, Title 12, Section  
16 2004.1(C) -- excuse me -- (D) (2). It's on the last page  
17 where it says Duties in Responding to A Subpoena. It's on  
18 your second page there.

19 A Second page.

20 Q At the bottom of the page.

21 A Okay.

22 Q And if you see Duties in Responding to A  
23 Subpoena. Then there's 2, number 2: "When information  
24 subject to a subpoena is withheld on a claim that it is  
25 privileged or subject to protection as trial prep" --

1 A I'm sorry. I'm not tracking with you.

2 Q Here.

3 A Okay.

4 Q Got it. "When information subject to a  
5 subpoena is withheld on a claim that it is privileged or  
6 subject to protection as trial preparation materials, the  
7 claim shall be made expressly and shall be supported by a  
8 description of the nature of the documents, communications,  
9 or things not produced that is sufficient to enable the  
10 demanding party to contest the claim." You've not prepared  
11 such a list, nor has one been prepared on your behalf. Is  
12 that right?

13 MR. DUNN: Objection to the form.

14 A I've prepared no list.

15 Q I think you told us earlier today that you  
16 have not read either the petition or the counterclaim in the  
17 lawsuit that you are testifying in here today.

18 A I believe that's true.

19 Q Were you aware of this lawsuit's existence?

20 A I was aware, I don't know that I was aware  
21 there was a counterclaim. I think I was aware that there was  
22 a claim, I suppose, if that's the right term.

23 Q And when did you become aware of that, please?

24 A I couldn't tell you a specific time.

25 Q Was it before you learned of the notice and

1 subpoena for your deposition?

2 A I do not know.

3 Q In light of your interest in the Broken Arrow  
4 School District, is there a particular reason why you chose  
5 not to familiarize yourself with either the petition or the  
6 counterclaim?

7 A Absolutely.

8 Q And what is it?

9 A It didn't capture my interest. I was only  
10 interested in the fact that the State Auditor had refused for  
11 months now, upwards of a year, of releasing the audit. That  
12 was what I was focusing on.

13 Q That's all you're interested in concerning the  
14 Broken Arrow School District is the auditor issue?

15 A No, no. I'm also highly interested in the  
16 sick pay issue.

17 Q That's the one that we talked about with  
18 Counsel earlier where the policy ended in 2003 or 2004. Is  
19 that right?

20 MR. DUNN: Objection to form.

21 A I don't, I never agreed that it ended in 2003  
22 or 2004. I'm unaware of when it may have ended.

23 Q What did you do if anything to determine  
24 whether it ended, if it did?

25 A Nothing.

1 Q Are you interested in the procurement  
2 practices at the Broken Arrow School District?

3 A I'm interested in procurement practices in  
4 every school district in the state of Oklahoma.

5 Q And are you interested specifically in the  
6 Broken Arrow School District's procurement practices that are  
7 in part the subject of Mr. Burrage's audit?

8 A No.

9 Q You're not interested in that at all?

10 A Only if there's criminal conduct involved.  
11 And I have not examined that enough to see.

12 Q And you're not a lawyer, are you, sir?

13 A No.

14 Q You've never had any training in the law. Is  
15 that right?

16 A That's correct.

17 Q So you would not be qualified to determine  
18 whether criminal conduct occurred. Is that correct?

19 A My understanding, only a Jury can determine if  
20 criminal conduct occurred.

21 Q Does the Attorney General determine whether in  
22 his view criminal conduct has occurred in bringing an  
23 indictment or an information (sic)?

24 MR. DUNN: Objection to form.

25 A I guess you'd have to ask him.



1 Q Do you know?

2 A No, I do not know.

3 Q When you met with the FBI, did you express any  
4 concern about the secret tape recording of the exit interview  
5 that you have caused now to be published?

6 MR. DUNN: Objection to form.

7 A Did I express any what?

8 Q Concern.

9 A Concern about --

10 Q The secret tape recording of the exit  
11 interview that you have now caused to be published.

12 MR. DUNN: Objection to form.

13 A No.

14 Q When you met with the FBI, did you express any  
15 concern about the publication of auditor's materials prior to  
16 the release of a final audit on the Broken Arrow School  
17 District?

18 A No need to.

19 Q I didn't ask you whether there was a need. I  
20 asked you if you expressed any concern.

21 A No.

22 Q Do you know who leaked those materials?

23 A No, I do not.

24 Q Do you have a suspicion?

25 A No.

1 Q Do you suspect that Sherri Combs leaked them?

2 A I believe I said I don't have a suspicion.

3 Q Have you thought about it at all?

4 A No.

5 Q It's not of any interest to you, is it?

6 A I'd rather go watch my son play football.

7 Q But it's not of any interest where the  
8 materials came from, is it?

9 A It's not of my concern.

10 Q By the way, you don't have any idea as to who  
11 secretly recorded the exit interview, do you?

12 A No.

13 Q Did you consider calling and asking Ms. Combs  
14 if she did, since you have her cell phone number?

15 A No.

16 Q Why didn't you?

17 A Because I didn't.

18 Q Why didn't you consider that?

19 MR. DUNN: Object.

20 A I could have called Mr. Burrage and asked him  
21 if he recorded it. I didn't consider that, either.

22 Q Did you consider asking anybody that was  
23 present at that meeting if they recorded it?

24 A No.

25 Q That would be one way you could determine the

1 authenticity of the recording that you have published. Isn't  
2 that correct, sir?

3 MR. DUNN: Objection to form.

4 A There could probably be a lot of ways to  
5 determine it.

6 Q But my question is: That would be one way,  
7 wouldn't it?

8 MR. DUNN: Objection to form.

9 Q Correct?

10 A Yes. That would be one way, yes.

11 Q Didn't you have time to make the calls?

12 A No.

13 Q You lacked the time to make the calls?

14 A Yes.

15 Q Do you have another business in addition to  
16 being a legislator?

17 A Yes, I do.

18 Q How much of your time is consumed by that  
19 other business on an annual basis, approximately?

20 MR. DUNN: Objection to form.

21 A I don't know. I couldn't speculate.

22 Q Fifty percent or more, do you think?

23 A I don't know.

24 Q Would you describe your principal occupation  
25 as being a legislator?

1 A I couldn't answer that.

2 Q Do you have to file an ethics report that  
3 breaks down your governmental and non-governmental income  
4 annually?

5 A Yes, we do. Actually, no. Well, it's an  
6 ethics, yes, it's an F-1R.

7 Q With the Ethics Commission?

8 A With the Ethics Commission, yes.

9 Q And do you recall if your most recent filing  
10 shows whether a majority of your income came as a member of  
11 the government as opposed to your private sector activity?

12 A I think that those forms ask about outside  
13 business interest and income and things of that nature. It  
14 doesn't even list amounts. So it certainly doesn't classify  
15 what is your principal, I don't believe. It may. I fill it  
16 out once a year. But I couldn't speak to that specifically.

17 Q Could you tell us if the majority of your  
18 income each year comes from your legislative pay?

19 A No, I could not tell you.

20 Q You don't know?

21 A No.

22 MR. LUTHEY: Thank you, sir.

23

24 DIRECT EXAMINATION

25 BY MR. RAINEY:

1           Q       Mr. Reynolds, tell me more about this FTP site  
2       on the House web site. How would I access it?

3           A       As of yesterday, you won't be able to.  
4       Apparently, the House of Representatives has taken down the  
5       FTP site. But previously -- I don't guess you want technical  
6       details. But in general, FTP sites are provisions to put  
7       massive amounts of data out on a particular area so that it  
8       can be downloaded by people that access the Internet through  
9       what's called file transfer protocol, thus, FTP.

10          Q       This would be by members of the public?

11          A       Downloaded by members of the public?

12          Q       Yes.

13          A       Oh, yes.

14          Q       Why did the House take the site down?

15          A       I do not know.

16          Q       Were there any prohibitions against using the  
17       site for non-House-related business?

18          A       I am unaware of any prohibitions of that  
19       nature.

20          Q       So you could technically take your son's  
21       football films, assuming you made them, and put them on the  
22       House web site and that would be proper and permissible under  
23       House rules?

24          A       As a matter of fact, that may have been, I  
25       didn't investigate that yesterday, but that may have been why

1 they took it down. It turns out that passwords that they  
2 were giving out for public access allowed any person with  
3 access to a computer on the face of the planet to put  
4 information on the House web site and then retrieve it at  
5 other places. I don't think they realized that until just  
6 recently.

7 Q This CD that was produced today which contains  
8 the secret recordings, was this the information that was  
9 posted by you on the web site?

10 MR. DUNN: Objection to form.

11 A The information on that CD?

12 Q Yes.

13 A Information there, yes, was posted on the  
14 House web site, as well as these documents, yes.

15 Q Were there any audio recordings posted on the  
16 House web site related to the exit interviews between the  
17 Auditor's office and the School District that are not  
18 included on the CD?

19 A You're going to have to ask me that again. I  
20 was going in a different direction. I wasn't tracking.

21 Q Have you read the news reports about what's on  
22 or what was secretly recorded?

23 MR. DUNN: Objection to form.

24 A I've read some. I can't know that I've read  
25 them all or the ones you're referring to.

1 Q Well, have you read the report that indicates  
2 that there is a tape recorded conversation between Ms. Combs  
3 and Mr. Burrage prior to the exit interviews beginning?

4 A I don't know that I've read any news reports.

5 Q Are you aware that there's a news report of an  
6 interview between Ms. Combs and Mr. Burrage after the exit  
7 interviews?

8 A No, I'm not aware of that news report.

9 Q Are those included on this disk?

10 MR. DUNN: Objection to form.

11 A I do not know.

12 Q Is this disk in my hand the disk that was  
13 received anonymously by your attorney?

14 A That is a duplicate image of the disk.

15 Q Who made the duplicate image of it?

16 A I think I did. Or my son.

17 Q And it's your testimony under oath that the  
18 information contained on this disk is exactly the same as the  
19 information that you obtained from your attorney?

20 A Absolutely, yes. Absolutely.

21 Q How did you find out that this anonymous  
22 package had been given to your attorney?

23 A He called me.

24 Q And did he tell you that he had received a  
25 package with materials related to the audit?

1                   MR. DUNN: Wait a minute. I'm going to object  
2 to the privilege. You're starting to go into attorney-client  
3 privileged information. I'm trying to give you some grace.  
4 And I know this is kind of --

5                   MR. RAINEY: The witness has testified --

6           Q       Well, was this mailed to Mr. Dunn?

7           A       I have no knowledge.

8                   MR. RAINEY: Mr. Dunn, was it mailed to you?

9                   MR. DUNN: Well, in light of today's  
10 activities, I don't want to go into me answering questions  
11 back and forth.

12                   MR. RAINEY: Well, you understand that unless  
13 we're able to get some sort of understanding, we're going to  
14 have to come back and depose you with regard to this as to  
15 how it was received, because none of that is protected by the  
16 attorney-client privilege. How you received it, and how you  
17 provided it to Mr. Reynolds would not be subject. Perhaps  
18 your conversations regarding it, if that was a matter of your  
19 representation -- but it doesn't appear as though, based upon  
20 the witness's testimony, that part of your representation  
21 consists of receiving anonymous documents and giving them to  
22 Mr. Reynolds. Unless I'm incorrect.

23                   MR. DUNN: I understand where you're at. What  
24 I don't want to do is set a precedent for me to be inquired  
25 of questions, especially as a result of representation of any



1 client. Now, in all fairness, I don't mind answering your  
2 question as long as we have an agreement with the respected  
3 attorneys here that it's for that purpose: To prevent these  
4 proceedings to have to go to that next step that I would  
5 anticipate it would go.

6 MR. RAINEY: Well, I don't know how else we're  
7 going to get there.

8 Q Because these documents were not addressed to  
9 you, were they, Mr. Reynolds -- the documents that were  
10 anonymously sent to your attorney?

11 A The documents were not addressed to me? I  
12 received those documents and that disk in an envelope. I  
13 don't recall that the envelope had postage stamps or anything  
14 of that nature on it. I believe it had my name on it.

15 Q Do you know, well, again, this may just be an  
16 area that we're going to have to inquire of you, Mr. Dunn, as  
17 to whether or not these documents came by mail and then were  
18 put into a separate envelope from Mr. Dunn's office with your  
19 name on it. You have no idea. Correct, Mr. Reynolds? All  
20 you know is that you received these documents from your  
21 attorney's office. Correct?

22 A All I know, yeah, I believe that's correct.  
23 Yes.

24 MR. DUNN: Let me make a stipulation for the  
25 record. And this is for purposes to help on this inquiry so

1       there won't be a claim that Mr. Reynolds or Dr. Ritze or  
2       myself are being obstructionists here. The package that  
3       showed up at our office anonymously, someone walks in, lays  
4       it on the desk for Mike Reynolds.

5                   MR. RAINEY: Was it mailed?

6                   MR. DUNN: No. It was hand-delivered. I went  
7       on out to see who it was. Never saw the person before in my  
8       life. I asked them "Who are you?" and they left.

9                   MR. RAINEY: Man or woman?

10                  MR. DUNN: Man. I wouldn't recognize him.  
11       Didn't know him from Adam.

12                  MR. RAINEY: African-American? Caucasian?  
13       Hispanic?

14                  MR. DUNN: Caucasian. Somewhere between 45  
15       and 65.

16                  MR. RAINEY: Height?

17                  MR. DUNN: I have no clue.

18                  MR. RAINEY: How tall are you, sir?

19                  MR. DUNN: I'm six even. Used to be six-one,  
20       but I'm starting to shrink.

21                  MR. RAINEY: Was it taller than you?

22                  MR. DUNN: I can't tell you. I don't know.

23                  MR. RAINEY: You saw him and you can't tell  
24       me?

25                  MR. DUNN: I saw him that quick (snaps

1 fingers).

2 MR. RAINEY: Anybody else in your office see  
3 him?

4 MR. DUNN: My paralegal was there. In fact,  
5 she thought maybe they were a process server because they  
6 wanted to give something to me. As attorneys, we get served  
7 with stuff all the time. And she came -- I was in another  
8 meeting, and I walked out.

9 MR. RAINEY: Oh. So your paralegal had a  
10 conversation with this gentleman who dropped off this  
11 package?

12 MR. DUNN: My paralegal told me someone was  
13 here to see me and they insisted upon seeing me.

14 MR. RAINEY: Well, she had a conversation?  
15 Your paralegal is a "she"; right?

16 MR. DUNN: Look, this is starting to get into  
17 a deposition. I'm just trying to cover it to alleviate that.  
18 How they came to my office --

19 MR. RAINEY: Did the package that you gave to  
20 Representative Reynolds containing this information, was it  
21 the original package that the materials came in?

22 MR. DUNN: Yeah, I don't believe I even opened  
23 it. It had his name on it. I don't think I opened it.

24 Q When did you receive these materials?

25 A I believe it was a week ago last Friday.

1 Q A week ago last Friday?

2 A That's correct.

3 Q Prior to the matters pertaining to this  
4 deposition, when was the last time that you were represented  
5 by your current counsel?

6 A I can't say a specific date. He's represented  
7 me on two or three different matters. But I couldn't recall  
8 a specific date.

9 Q Well, has Mr. Dunn represented you in any  
10 other matters in the 2010 calendar year?

11 A Not that I can recall.

12 Q Did Mr. Dunn represent you in any legal  
13 matters during the 2009 calendar year?

14 A I believe he did.

15 Q Did you tell anybody during the 2010 calendar  
16 year that Mr. Dunn was representing you with regard to Jim  
17 Sisney's lawsuit against Mike Rampey and the Broken Arrow  
18 School District?

19 A I probably have.

20 Q Who would you have told that to?

21 A Oh, man. Gosh. My wife. Sunday School  
22 teacher. I don't know.

23 Q I'm trying to figure out how somebody knew to  
24 take these surreptitiously recorded conversations and these  
25 documents from the State Auditor's office and knew to deliver

1       them to Mr. Dunn.

2                       MR. DUNN:  Objection to form.

3               Q       Do you know?

4               A       No, I do not.

5               Q       Are you concerned about that?

6               A       I'm concerned about the content of the  
7 documents.

8               Q       You understand that these documents purporting  
9 to be the draft of the audit, you understand these are  
10 documents that are the property of the State Auditor's  
11 office.  Correct?

12              A       No.

13              Q       They're not?

14              A       No.

15              Q       Well, who else would be in possession of them,  
16 sir?

17              A       Well, you are, right now.

18              Q       I am -- because you would agree with me, would  
19 you not, sir, that the drafts of the audit would have been  
20 maintained by the State Auditor and Inspector's office.  
21 Correct?

22                       MR. DUNN:  Objection to form.

23              A       Certainly that would be one of the people.

24              Q       Well, who else would be handling these, other  
25 than the employees of the State Auditor's office?

1 MR. DUNN: Objection, form.

2 A Attorney General's office.

3 Q Do you know if the documents you produced here  
4 today were provided to the Attorney General's office?

5 A No. I don't.

6 Q So you're just guessing?

7 A You asked me who else that might --

8 Q No; I'm just asking you if you know who else,  
9 and --

10 A No.

11 Q -- and you said the Attorney General's office.

12 A I don't know who all may have touched those  
13 documents.

14 Q But that was just a guess. Right?

15 A Yes.

16 Q But you know these are documents, these are  
17 proprietary documents of the State Auditor's office.  
18 Correct?

19 MR. DUNN: Objection, form.

20 A No.

21 Q You don't?

22 A No.

23 Q You don't? Do you care about the sanctity of  
24 the papers of the State Auditor's office?

25 A Do I care about the sanctity of the property

1 of the State Auditor's office?

2 Q Yes. Yes.

3 A I care about the sanctity of paperwork that is  
4 generated on behalf of the taxpayers of the State of  
5 Oklahoma.

6 Q You're on a number of committees. Correct?

7 A That is correct.

8 Q Are there draft committee reports from the  
9 committees on which you serve?

10 A I don't believe so.

11 Q Is it your position that every paper generated  
12 by any of the committees upon which you sit are open to the  
13 public because they're paid for by taxpayer dollars by  
14 elected officials who are paid by taxpayers like me?

15 MR. DUNN: Objection to form.

16 A Committees don't generate reports generally.

17 Q Committees do generate reports sometimes,  
18 don't they?

19 MR. DUNN: Objection to form.

20 A I suppose they might.

21 Q Is that your position, sir, that any paper  
22 generated by any agency, so long as it's part of the state  
23 government, is open for inspection?

24 A Is that my position? Well, my position is  
25 whatever the statutes allow for.

1           Q           You understand that Ms. Combs was a field  
2 auditor. Correct?

3           A           If that's the proper definition.

4           Q           She was the lowest person on the totem pole  
5 with regard to conducting this audit. Correct?

6           A           I guess that's right. I don't know if there  
7 was other people that worked for her or not.

8           Q           Ms. Combs is not a CPA, to your knowledge.  
9 Correct?

10          A           I don't have any knowledge of her educational  
11 background.

12          Q           Ms. Combs does not sign off on audits by the  
13 State Auditor's Inspector's office. Correct?

14          A           I do not know the answer to that question.

15          Q           Have you ever seen an audit that was signed  
16 off by Sherri Combs?

17          A           No.

18          Q           Whose name do you see on audits?

19          A           I don't look at most audits. But I have seen  
20 Jeff McMahan's and Steve Burrage's.

21          Q           And the position of each of those individuals  
22 at the time that the audits were completed and released was  
23 that of State Auditor and Inspector. Correct?

24          A           I believe that's correct.

25          Q           With regard to State Auditor Burrage, if I



1 understand correctly, you indicated that he had not denied  
2 the accuracy of the document that you produced and,  
3 therefore, you concluded that they were accurate. Is that a  
4 fair recanting or recitation of your testimony?

5 MR. DUNN: Objection to form.

6 A I think that would be very similar to what I  
7 concluded, yes.

8 Q What did you do to verify the truth of any of  
9 the statements contained in this report?

10 A Nothing.

11 Q What did you do to investigate the bias of any  
12 of the individuals who may have provided the information  
13 that's contained in this report?

14 A Bias doesn't typically relate to the facts.

15 Q I'm sorry. Say that again, please.

16 A Bias is more of an opinion as opposed to a  
17 fact. So I haven't considered bias.

18 Q Well, if somebody has bias and tells somebody  
19 something else, they're expressing their opinion, correct,  
20 under your definition?

21 MR. DUNN: Objection to form.

22 Q Is that what you're saying?

23 A You'll have to ask that again. That was --

24 Q Well, if I told you that Mr. Dunn liked  
25 beating puppies, that would be an opinion of mine. Correct?

1 MR. DUNN: Objection to form.

2 A (Witness nods head).

3 Q And if you wrote that down in a report that  
4 said "I was told that Mr. Dunn beats puppies", are you saying  
5 that would somehow become fact?

6 MR. DUNN: Objection to form. It would be  
7 cats, not puppies.

8 Q Would that somehow become a fact?

9 A Would your opinion about something be a fact?

10 Q Yes, yes. I don't like Mr. Dunn. I want to  
11 spread bad things about him. So I say that, since Mr. Dunn  
12 doesn't like cats, that he kicks cats.

13 MR. DUNN: Objection to form.

14 Q And I tell you that. And then you write it in  
15 a report that says "I was told that Mr. Dunn kicks cats".  
16 Are you telling me that my bias has nothing to do with the  
17 veracity of the statement that was made that Mr. Dunn kicks  
18 cats?

19 MR. DUNN: Objection to form.

20 A It has nothing to do with the fact of whether  
21 or not Mr. Dunn kicks cats.

22 Q Oh. So the important fact is the fact that  
23 somebody made the statement, not the truthfulness of the  
24 statement made. Is that correct?

25 MR. DUNN: Objection to form.

1           A        I didn't say that at all.

2           Q        Do you disagree with that?

3           A        Do I disagree with what?

4           Q        Yeah.  Isn't the truth about the facts, not  
5           the fact that the statement was made?

6           A        That's true.  The truth is about the facts.

7           Q        And you did nothing to investigate the truth  
8           of any of these things, did you?

9           A        I considered them to be the facts.

10          Q        Did you?  Did you, sir?  You did nothing to  
11          verify the truth of any of these things.  Correct?

12                   MR. DUNN:  Objection to form.

13          Q        Correct?  Correct?

14          A        That's not a "yes" or "no" question.

15          Q        Isn't it correct that you did nothing to  
16          verify the facts that were contained in this unreleased draft  
17          report of an audit?

18                   MR. DUNN:  Objection to form.

19          A        If you're asking me did I go and look at the  
20          invoices?  No, I did not.

21          Q        Did you look at anything, sir?  Anything?

22          A        With regards to what?

23          Q        The act to verify the accuracy of any of the  
24          information contained in this report that you took upon  
25          yourself to publish to the world.

1 MR. DUNN: Objection to form.

2 A I believe it to be true.

3 Q So that makes it all right, because you  
4 believe it to be true?

5 MR. DUNN: Objection to form.

6 Q Does that make it all right because Mike  
7 Reynolds believes it to be true?

8 MR. DUNN: Same objection.

9 Q Is that the sole criteria for you publishing  
10 anything, that Mike Reynolds believes it to be true?

11 MR. DUNN: Objection to form.

12 A As I have indicated before, Mr. Burrage had  
13 delayed release of this information for a number of months  
14 upwards of a year.

15 MR. RAINEY: I'm going to object.

16 Nonresponsive.

17 MR. DUNN: It is actually responsive. Let him  
18 finish his answer.

19 MR. RAINEY: No, no.

20 Q (By Mr. Dunn) Finish your answer.

21 A Mr. Burrage had denied releasing this  
22 information for almost a year. Then Mr. Burrage said  
23 publicly that he was upset that someone had released  
24 information before he had made it public. Mr. Burrage  
25 himself verified that information as factual information by

1 that claim, as far as I was concerned.

2 Q (By Mr. Rainey) Mr. Burrage stated, did he  
3 not, that this is an early draft of the report that hadn't  
4 been vetted by his office or checked as to its veracity by a  
5 review of the work papers?

6 MR. DUNN: Objection to form.

7 Q Did he not say that, sir?

8 A No, he did not.

9 Q Did he not say something to that extent? I  
10 don't want to play semantic games of "he didn't say exactly  
11 that." You understand what I'm saying?

12 MR. DUNN: Objection, form.

13 A You'll have to ask Mr. Burrage what he said.

14 Q You're not authorized under Oklahoma law to  
15 render legal advice, are you, sir?

16 A I don't think so, no.

17 Q That would constitute unauthorized practice of  
18 law, would it not?

19 MR. DUNN: Objection, form.

20 Q If you weren't an Oklahoma attorney and you  
21 were rendering legal advice, that could very well constitute  
22 the unauthorized practice of law, could it not?

23 MR. DUNN: Objection to form.

24 A I haven't looked at the statutes with regard  
25 to that. So I do not know.

1 Q As a legislator, you don't know that?

2 A As a legislator?

3 Q As a legislator, you don't know that  
4 non-lawyers can't render legal advice?

5 MR. DUNN: Objection to form.

6 A I haven't studied the statutes with regard to  
7 that.

8 Q You'd have to study the statutes in order to  
9 ascertain that? Is that your testimony?

10 A I haven't looked at the statutes to determine  
11 that.

12 Q There was an individual by the name of Steve  
13 Tinsley, I believe you testified to earlier, if I have the  
14 name correct --

15 A Uh-huh.

16 Q -- as an individual who used to be in the  
17 State Auditor's office.

18 A Yes.

19 Q And he's since retired.

20 A Yes.

21 Q Is that correct?

22 A Yes.

23 Q Where does he live?

24 A Oklahoma City.

25 Q Do you profess to know something about the

1 laws of public schools in the state of Oklahoma?

2 A Profess to know?

3 Q Uh-huh.

4 A You'll have to qualify that for me.

5 Q Well, do you think you have knowledge as to  
6 the laws as they relate to public schools in the state of  
7 Oklahoma?

8 A You'd have to ask me about a specific law.

9 Q All right. Who runs the school district?

10 A Who runs the school district?

11 Q Yes.

12 A Basically, the school district is generally, I  
13 suppose, managed if you will by a school board and a school  
14 superintendent if that's what you're referring to.

15 Q Who is charged under Oklahoma law with running  
16 a school district, if you know?

17 A Again, as I said, I believe the school board  
18 and the school superintendent.

19 Q Who governs the school district?

20 A Who governs it? Ultimately, the citizens, I  
21 suppose. They elect the school board members.

22 Q But citizens don't make decisions on behalf of  
23 the school district other than electing --

24 MR. DUNN: Objection to form.

25 Q -- members of the Board of Education.

1 Correct?

2 A I do not know other areas that citizens might  
3 participate.

4 Q Do you disagree that school district is  
5 governed by a Board of Education?

6 A The state Board of Education?

7 Q No. Do you disagree that a local school  
8 district is governed by a selected Board of Education?

9 A No, I don't disagree with that.

10 Q The superintendent is not elected in the state  
11 of Oklahoma, a superintendent of a school district. Correct?

12 A That is correct.

13 Q They are hired, are they not?

14 A I think -- excuse me. That may not be  
15 correct. The Oklahoma City and Tulsa school districts have a  
16 different situation. Oh, no. It's the Chairman of the  
17 School Board is elected, district-wide. Okay. I believe the  
18 superintendent, yes, is as you said.

19 Q Superintendent is not elected. Correct?

20 A They're not elected. That's correct.

21 Q Who hires the superintendent?

22 A Who hires the superintendent? I'm going to  
23 say that I believe that the school board is the people that  
24 are ultimately responsible for determining the employment of  
25 the superintendent.



1 Q The school board?

2 A Yes.

3 Q The people who have been elected by the  
4 citizens of the school district to run the school district.  
5 Correct?

6 A That's correct.

7 Q And a superintendent, under Oklahoma law,  
8 performs the duties as the Board of Education directs.  
9 Correct?

10 A Say that again for me, please. I'm sorry.

11 Q Do you disagree that a superintendent performs  
12 the duties as the Board of Education directs?

13 A I believe that that would be how a typical  
14 school district operates, yes, how every school district  
15 does.

16 Q Did you understand that to be the law?

17 A I believe it is.

18 Q You understand that a superintendent is  
19 answerable to his or her Board of Education?

20 A That would, I believe, be accurate.

21 Q And you believe it to be accurate that the  
22 Board of Education is the boss of the superintendent of the  
23 school district. Correct?

24 A I would think that's correct, yes.

25 Q You understand, well, do you disagree that

1 Oklahoma law charges the Board of Education with operating a  
2 school system in such character as the Board of Education  
3 shall deem best suited to meet the needs of the school  
4 district?

5 MR. DUNN: Objection to form.

6 A I have no knowledge of that.

7 Q If I were to show you the statute, would that  
8 assist you?

9 A Sure. Excuse me. Yes. I'm sorry.

10 Q While I'm finding this, sir, have you ever  
11 seen or do you know why Dr. Sisney was terminated as  
12 Superintendent of the Broken Arrow School Board on October 23  
13 of 2008?

14 A No, I do not.

15 Q So you have no facts to assert here today that  
16 the Board of Education was in error in any way in voting to  
17 terminate Dr. Sisney's employment. Correct?

18 A I have no facts pertaining to that whatsoever.

19 Q Do you have an opinion of the character of a  
20 superintendent who emails one Board member and gives that  
21 Board member suggestions as to how to isolate other Board  
22 members?

23 A None whatsoever.

24 Q Do you believe that such conduct would be  
25 unprofessional of a superintendent of schools?

1           A        I have no opinion.

2           Q        That doesn't bother you?

3           A        I have no opinion.

4           Q        It wouldn't bother you if the superintendent  
5 of a school district emailed a Board member and said "You  
6 need to isolate this other elected official"? That wouldn't  
7 bother you?

8           A        What bothers me is the State Auditor hasn't  
9 released his audit.

10          Q        No, no; does that bother you, sir?

11          A        No; I don't think about it.

12          Q        Oh. So you don't care?

13          A        I don't think about it.

14          Q        I'm not asking if you think about it. I'm  
15 asking you if that concerns you as an elected representative  
16 of the State of Oklahoma.

17          A        Is it illegal?

18          Q        I'm not asking -- sir, I'm asking you very  
19 simply: As an elected official of the State of Oklahoma,  
20 does that bother you?

21          A        Would you tell me the question again, please.

22          Q        Certainly. If a superintendent of a school  
23 district is emailing a Board member with ways to isolate  
24 another Board member who is an elected public official, does  
25 that bother you in your capacity as a Representative of the

1 Oklahoma House of Representatives?

2 MR. DUNN: Objection to form.

3 A No.

4 Q Do you believe such practice would be  
5 unprofessional on behalf of the superintendent?

6 MR. DUNN: Objection to form.

7 A I have no opinion as to whether it would be  
8 professional or unprofessional.

9 Q Is it moral, sir?

10 A Moral? I can't think of any scriptures that  
11 would apply to that.

12 Q Bearing false witness against your neighbor  
13 doesn't come into play in some regard to that?

14 MR. DUNN: Objection to form.

15 A I don't believe you characterized the previous  
16 conversation as being false. You said it was a matter of  
17 isolation. Not whether there was truthfulness or falsity  
18 with regards to what you were representing earlier.

19 Q So, so long as there's not a scripture verse  
20 pertaining to it, it becomes moral in your opinion?

21 A No. You asked me if it was --

22 Q You, sir, were the one that said "I can't  
23 think of a scripture regarding it." So I'm saying, although  
24 there may not be a scripture actually pertaining to such  
25 activity, do you not have an opinion as to whether or not

1 it's moral?

2 A What?

3 Q The action of a superintendent attempting to  
4 isolate an elected member of the superintendent's Board of  
5 Education? Same thing we've gone over.

6 A I have no opinion whether or not that is  
7 professional, unprofessional, or moral.

8 Q What facts do you have that there was no  
9 evidence presented to the Board of Education as to each  
10 ground of cause for Dr. Sisney's dismissal that was found to  
11 have existed by the Board of Education?

12 MR. DUNN: Objection to form.

13 A You'll have to break that down into smaller  
14 pieces for me.

15 Q Did you understand that Dr. Sisney was  
16 provided the grounds for his possible dismissal --

17 A No.

18 Q -- in October of 2008?

19 A No.

20 Q You don't dispute that he was, do you?

21 A No.

22 Q And I'll just represent that there were five  
23 grounds that were provided to him. You don't have any facts  
24 as we sit here today that information wasn't presented as to  
25 each of these five grounds to the Board of Education prior to

1 it voting to dismiss Dr. Sisney, do you?

2 MR. DUNN: Objection to form.

3 A I have no knowledge of that.

4 Q Do you have an understanding as to who has the  
5 authority to enter into contracts on behalf of a school  
6 district?

7 A I'm not sure of the exact legal process. But  
8 I would believe that most contracts, some contracts are  
9 probably authorized to be entered into by employees of the  
10 school if they're under a certain dollar level threshold;  
11 other contracts have different levels apply and some might  
12 actually require a vote of the school board; and then I don't  
13 know if they designate the superintendent to sign that or if  
14 each of the individual members of the school board signs off  
15 on those contracts. So I don't have an intimate knowledge of  
16 how contracts are entered into, but I would expect there's  
17 different levels.

18 Q But the only entity who would be authorized to  
19 authorize an individual to enter into a contract would be the  
20 Board of Education. Correct?

21 A I would expect that to be so, yes.

22 Q In any of your conversations with Ms. Combs,  
23 did you record those?

24 A No.

25 Q Do you know if she recorded them?

1 A No.

2 Q Are you concerned that the exit interview with  
3 the Broken Arrow School District on or about August 18, 2010  
4 was not conducted in executive session?

5 A Am I concerned that it wasn't in executive  
6 session?

7 Q That it was not, yes.

8 A Yes, I've had that concern.

9 Q Why?

10 A Why? But every other school board audit that  
11 I was able to delve into said that they were conducted in  
12 executive session.

13 Q Do you know who Trey Davis is?

14 A I believe he's an employee of the State  
15 Auditor's office.

16 Q Spokesman for the State Auditor. Is that your  
17 understanding?

18 A Spokesman or press person. I don't know if  
19 you could use those terms interchangeably.

20 Q Have you met Mr. Davis?

21 A Yes, I have.

22 Q Is he a friend of yours?

23 A No.

24 Q Is he more than an acquaintance?

25 A No.

1 Q Have you had any conversations with Mr. Davis  
2 regarding the audit of the Broken Arrow School District?

3 A Possibly, because sometimes when I contacted  
4 the Auditor's office -- but I can't think of any  
5 specifically.

6 Q Did you read any of the news reports that  
7 Mr. Davis was quoted as saying that the Auditor's office  
8 would meet with the members of the Broken Arrow School Board  
9 in small groups for the purposes of the exit interview?

10 A I do not know.

11 Q Do you know when these documents were released  
12 to the media?

13 A I believe it was a week ago last Friday.

14 Q So in the month of September?

15 A Yes.

16 Q Had you received copies of any of these  
17 documents? And by that, I also include the recording, prior  
18 to them being delivered to your attorney approximately a week  
19 ago.

20 A No.

21 Q Had anybody shown you any drafts of the audit?

22 A No.

23 Q Had you requested to see drafts of the audit?

24 A No.

25 Q You understand that a draft of an audit is not



1 the final document, do you not?

2 A If it's a draft, I would assume in most cases  
3 it's not necessarily the final document. So yes.

4 Q And you would understand that a draft is not  
5 the document that is going to be finally released or approved  
6 for release by the State Auditor's office. Correct?

7 MR. DUNN: Objection to form.

8 A Well, I suppose the draft could be the final  
9 copy. I mean, once you have your final draft, then --

10 Q A final audit is the audit signed by the State  
11 Auditor. Correct?

12 A Okay.

13 Q Correct?

14 A A final audit is an audit signed by the State  
15 Auditor?

16 Q Yeah.

17 A I assume that is correct. I don't know  
18 specifically, yes.

19 Q And you haven't requested any type of legal  
20 opinion as to whether or not there is a ground for going into  
21 executive session to review an audit prepared by the State  
22 Auditor's office. Correct?

23 A That is correct.

24 Q Did I read correctly that you plan on  
25 introducing legislation to change the statute which requires

1 that non-law enforcement requested audits of school districts  
2 conducted by the State Auditor's office are reviewed 14 days  
3 in advance with the school district from the date of release  
4 of the audit? Do you understand that?

5 A No, I don't. I'm sorry.

6 Q You understand the current law says that when  
7 a school district requests an audit to be conducted by the  
8 State Auditor's office, that that audit has to be reviewed  
9 with the Board of Education 14 days before the audit's  
10 release to the public?

11 A Uh-huh.

12 Q Is that a "yes"?

13 A Yes. I'm sorry. Apologize.

14 Q And did I read correctly that you intended to  
15 introduce legislation to change that statute?

16 A I don't know if I've actually -- that's  
17 excellent legislation, but I do not know if I've actually  
18 said that publicly to do that.

19 Q So you would deny the statement?

20 A I wouldn't deny it; I just don't recall if  
21 I've made that statement publicly.

22 Q Do you know what the purpose of the exit  
23 interviews are between the State Auditor's office and members  
24 of the Board of Education?

25 A The purpose of the exit interview?

1 Q Do you know?

2 A No.

3 Q So any reason you might give would be pure  
4 speculation, correct, because you're not an auditor?

5 A Any reason I might give with regards to what?

6 Q The purpose of the exit interview would be  
7 pure speculation. Correct?

8 A Oh, yes, I think that would be true from  
9 anybody's point of view.

10 Q You made a comment earlier, Representative  
11 Reynolds, that I found interesting. You were talking about,  
12 and correct me if I'm wrong here, but I believe it was your  
13 testimony that money spent by the Broken Arrow School  
14 District on accrued but unpaid sick leave would impact the  
15 financial condition of your local school district. Did I  
16 understand that correctly?

17 A I don't know if I said it exactly like that.  
18 But I believe I said something very similar to that.

19 Q Explain to me how that is.

20 A Well, if any school district in Oklahoma is  
21 spending taxpayer dollars inappropriately, it drains  
22 resources from the other school districts.

23 Q How so?

24 A How so? Well, if the Tulsa School District  
25 chose to spend a billion dollars this year on something that

1 they shouldn't have spent it on, that would be a billion  
2 dollars less for appropriation, or for use, in other  
3 districts. So I mean, it's not unlimited.

4 Q Well, money isn't directly appropriated from  
5 the legislature to the school districts, is it, sir?

6 A It's appropriated to the State Department of  
7 Education.

8 Q Yes. And you understand how the State  
9 Department of Education allocates the appropriated monies to  
10 the local school districts, do you not?

11 A There are several different ways. I don't  
12 know the mechanics of all of them. But yes, I understand  
13 that from a general concept.

14 Q Well, if Tulsa Public Schools is allocated or  
15 is given \$5 million from the State Department of Education,  
16 what difference does it make how it spends that money, so  
17 long as it's lawful?

18 MR. DUNN: Objection to form.

19 Q What difference does it make?

20 A It makes a tremendous difference.

21 Q How does it impact your local school district?

22 A It drains money that may otherwise be  
23 allocated to other school districts.

24 Q Well, one school district in Oklahoma may  
25 think that its football program is important. Would you

1 disagree with that?

2 MR. DUNN: Objection to form.

3 A I couldn't say what priorities different  
4 school districts have.

5 Q Exactly my point. Different school districts  
6 throughout the state have different priorities. Correct?

7 A That is correct.

8 Q And that's because the Board of Education of  
9 those various school districts have decided to set the  
10 priorities that they think are necessary for their local  
11 school district. Correct?

12 A Within the guidelines of the statutes, yes.  
13 That would be correct.

14 Q Are you familiar with any legal or any  
15 judicial decision which says that Broken Arrow School  
16 District violated Oklahoma law in making the sick leave  
17 payments?

18 A Yes. I'm familiar with a legal representation  
19 that Mr. Mann made.

20 (Whereupon, Deposition Exhibit No. 4  
21 was marked for identification).

22 Q You're familiar with Mr. Mann's letter to  
23 Cathey Metevelis. Correct? -- Defendant's Exhibit 4?

24 A To Cathey Metevelis, yes.

25 Q The Broken Arrow School District?

1           A        Yes.

2           Q        And this is dated February 26, 2004.  Correct?

3           A        Yes.

4           Q        Who was the Superintendent of the Broken Arrow  
5 School District in 2004?

6           A        I do not know.

7           Q        Do you have any facts to disagree that it was  
8 Jim Sisney?

9           A        No.

10          Q        If the Broken Arrow School District paid for  
11 accrued and unused sick leave for teachers on an annual basis  
12 after the receipt of this letter, and if that was illegal,  
13 then that would have occurred on Dr. Sisney's watch as  
14 Superintendent of the Broken Arrow Public Schools.  Correct?

15                   MR. DUNN:  Objection to form.

16                   MR. KEESLING:  Objection to form.

17          A        I do not know.

18          Q        Well, isn't the superintendent of the school  
19 district the Chief Executive Officer?

20          A        I'm sorry.  I thought I previously agreed that  
21 it was the School Board members that manage that.

22          Q        Are you familiar with what Oklahoma law says  
23 with regard to who is the Chief Executive Officer or who is  
24 the Executive Officer of the Board of Education?  Do you know  
25 that?

1 A No, I do not.

2 Q Do you know how much Dr. Sisney was being paid  
3 when he was Superintendent of the School District?

4 A I have no idea.

5 Q If I were to tell you that Dr. Sisney's  
6 contract provided him to be paid a salary of at least  
7 \$140,400 during the '07-08 school year, would you find that  
8 amount to be reasonable?

9 MR. DUNN: Objection to form.

10 A I find that many school superintendents are  
11 paid much higher amounts than most of the citizens of  
12 Oklahoma appear to be reasonable.

13 Q That's not what I asked you, sir. I asked  
14 you: Would you find that to be reasonable?

15 A I have no opinion on that.

16 Q So you wouldn't find it to be unreasonable,  
17 would you?

18 A That he was paid too much or too little?

19 Q That he was paid at least \$140,000 a year --  
20 you wouldn't find that that salary amount was unreasonable,  
21 would you?

22 A Yes, I would.

23 Q So you don't have an opinion as to whether  
24 it's reasonable -- but it's unreasonable? Is that what  
25 you're saying?

1           A        I'm sorry.  You'll have to ask me that again.

2           Q        Okay.

3           A        You're asking two different questions, and I  
4        don't quite understand the difference.  So I want to get it  
5        right for you.

6           Q        Well, I asked you if his salary was  
7        reasonable, and you said you don't have an opinion on whether  
8        it was reasonable or not.  So then I asked you if it was  
9        unreasonable, and you said "Yes".  Is that correct?

10                  MR. DUNN:  Objection to form.

11           A        At that particular moment, that's the first  
12        time I've ever heard how much he was paid.  I didn't have an  
13        opinion at that moment.  You formulated the question further,  
14        and that allowed me to reflect.  And I consider that most  
15        school superintendents are overpaid in the state of Oklahoma.  
16        I'd have to say that.

17           Q        Was Dr. Sisney overpaid when he was  
18        Superintendent of the Broken Arrow Public Schools?

19           A        I believe I just answered that question.

20           Q        Is that a "yes"?

21           A        Was he overpaid?

22           Q        Yes.  Do you believe he was overpaid?

23           A        If he was paid \$140,000.  I've seen no  
24        information with regards to that, so --

25           Q        I'll show it to you if you want to see his



1 contract.

2 A Sure.

3 Q Great. We can look at it.

4 MR. RAINEY: We'll mark this as Exhibit 11.

5 (Whereupon, Deposition Exhibit No.  
6 11 was marked for identification).

7 Q Let me hand you a copy of the Superintendent's  
8 contract. Why don't you take a look at paragraph 3 at the  
9 bottom there.

10 A Paragraph 3? Okay.

11 Q It's the one entitled Base Salary Computation.

12 A Yes.

13 Q Why don't you read that paragraph. And note  
14 that that's for the '07-08 school year.

15 A All right.

16 Q Do you see where it says for the '07-08 school  
17 year, Dr. Sisney was paid a sum of \$140,400?

18 A Yes, I see that.

19 Q Do you see at the bottom of that page where  
20 this document was received by the State Department of  
21 Education?

22 A Yes, I see that.

23 Q And you're aware that superintendents'  
24 contracts have to be filed with the State Department of  
25 Education?

1           A       No, I was not aware of that.

2           Q       Now that you know that Dr. Sisney's salary for  
3       '07-08 was \$140,400, do you believe he was overpaid?

4           A       That would be my belief, yes.

5           Q       Do you have an opinion as to what a reasonable  
6       salary should be for a superintendent of a school district  
7       the size of Broken Arrow?

8           A       No, I do not.

9           Q       But something less than \$140,400. Correct?

10          A       That would be correct.

11          Q       How much do you make as a legislator?

12          A       I believe we receive \$38,800 per year. I  
13       think that's accurate.

14          Q       Do you make more money than that from your  
15       outside business?

16          A       I couldn't say.

17          Q       Do you own that business?

18          A       I'm a part-owner, yes.

19          Q       Is it a family business?

20          A       Family business? Yes.

21          Q       Who is the other owner?

22          A       My wife. My children.

23          Q       And you don't know how much you make from  
24       that?

25          A       I guess if you would define for me "what you

1 make".

2 Q Well, what's reported as your net income from  
3 that business?

4 A Net income? I couldn't tell you.

5 Q Is it a corporation?

6 A A subchapter-S.

7 Q Do you get a K-1?

8 A That is correct.

9 Q And you don't know how much that K-1 was for  
10 last year?

11 A No, I do not.

12 Q I'm a little concerned. You're on the House  
13 Oversight Committee, government Oversight Committee.  
14 Correct?

15 A Uh-huh.

16 Q Is that a "yes"?

17 A Yes. I'm sorry.

18 Q And you don't even know how much you made from  
19 your own private business last year? Is that your testimony?

20 MR. DUNN: Objection to form.

21 Q Is that your testimony?

22 A Exactly, yes. I wasn't asked to provide that  
23 information.

24 Q As we sit here today, you just don't know.

25 Correct?

1 MR. DUNN: Asked and answered. Objection.

2 MR. RAINEY: Mr. Dunn, please state your  
3 objection just as to form, per the local rules.

4 MR. DUNN: There we go again.

5 Q Have you ever spoken with Ann Wade at the  
6 School District?

7 A I believe I have.

8 Q On how many occasions have you spoken with Ms.  
9 Wade?

10 A I think once.

11 Q What was the purpose of that conversation?

12 A I can't recall.

13 Q Did she contact you or did you contact her?

14 A I am not sure.

15 Q What was the substance of that conversation  
16 with Ms. Wade?

17 A I'm not sure.

18 Q Did Ms. Wade provide you any documents?

19 A No.

20 Q Did Ms. Wade provide you any information  
21 regarding the financial condition of the School District?

22 A No.

23 Q Did Ms. Wade speak to you about matters  
24 concerning the Tulsa or the Broken Arrow School District?

25 A I would expect so. I don't recall.

1 Q When did that conversation take place?

2 A I'm not sure. It seems likes it's been in the  
3 last couple of months.

4 Q Was it in regard to the audit?

5 A I would expect so. But I couldn't tell you  
6 conclusively.

7 Q Did you make any notes of this conversation?

8 A No.

9 Q Where did the conversation take place?

10 A I do not recall.

11 Q Where were you when the conversation took  
12 place?

13 A I do not recall.

14 Q Was it a telephone conversation?

15 A I'm quite certain it would have been a  
16 telephone conversation. I've never met her.

17 Q But don't know if you initiated that call or  
18 if she did?

19 A That is correct.

20 Q And you don't remember anything about it;  
21 correct?

22 A No; I remember that I visited with her.

23 Q But you don't recall the substance of anything  
24 that you all discussed?

25 A No, none of the specifics.

1 Q Do you know who Ms. Wade is?

2 A No, I do not.

3 Q Do you know what her position is with the  
4 Broken Arrow School District?

5 A No, I do not.

6 Q Did you ever ask?

7 A I probably did.

8 Q Who from the Broken Arrow School District has  
9 contacted your office regarding information pertaining to the  
10 School District?

11 A Since I'm not familiar with all the employees  
12 at the Broken Arrow School District, I do not, I'm not aware  
13 of anyone. You've told me that Ms. Wade, I think you just  
14 told me that she was an employee of the Broken Arrow School  
15 District.

16 Q She is an employee.

17 A So I don't know that I could have told you  
18 that she was an employee. But I do not know people that  
19 contact me on the phone, I don't know that I -- I certainly  
20 don't say "Are you an employee of the Broken Arrow School  
21 District?" So I haven't, I don't know if anybody from the  
22 Broken Arrow School District specifically has contacted me  
23 with regards to this other than Gary Gerber.

24 Q Have you ever spoken to an individual by the  
25 name of Keith Isbell?

1           A           Keith? I am not certain. If I might ask his  
2 title? Or does he work there? I'm not certain.

3           Q           Until recently, he did. And he was in the  
4 Communications Department.

5           A           I don't believe I've ever spoken with a Keith  
6 Isbell.

7           Q           Have you submitted any comments to news  
8 stories to any newspaper or online newspaper relating to the  
9 Broken Arrow School District? Do you understand what I mean?

10                   MR. RAINEY: Let me strike that and back up.

11           Q           Have you read The Tulsa World before?

12           A           Yes. And I don't want to stop in the middle  
13 of a question. But in a moment if we could take a break,  
14 whenever you come to a convenient time, I would like to do  
15 that.

16           Q           Certainly.

17           A           Thank you.

18           Q           Do you know, have you read online a story of  
19 The Tulsa World?

20           A           Occasionally I have, yes.

21           Q           Do you see where there are readers' comments  
22 below the story on the web site?

23           A           I don't, I think I've seen that, yes.

24                   MR. RAINEY: We'll take a break and I'll ask  
25 you questions regarding that here in a minute.

1 VIDEO TECHNICIAN: We're now off the record.

2 The time is 3:17 P.M.

3 (Whereupon, a brief recess was taken  
4 off the record by those present).

5 VIDEO TECHNICIAN: We are back on the record.

6 The time is 3:31 P.M.

7 Q Representative Reynolds, I was talking to you  
8 right before the break about various online news reports and  
9 stories on The Tulsa World and other types of newspaper web  
10 sites. And you've seen those, haven't you?

11 MR. DUNN: Objection to form.

12 A I don't observe them.

13 Q Well, you've read them on the Internet, have  
14 you not?

15 MR. DUNN: Objection to form.

16 A Not much, no.

17 Q Have you ever read any articles on an Internet  
18 newspaper called The Oklahoma Watchdog?

19 A I probably have.

20 Q Have you read any interviews or any stories, I  
21 believe it's on the Oklahoma Capital Beat?

22 A I believe I have.

23 Q And you've read stories on The Daily  
24 Oklahoman?

25 A I don't read the newspaper online, no.



1           Q           Have you ever posted any comment to a story  
2 via the Internet related to the Broken Arrow School District  
3 or the audit?

4                   MR. DUNN:  Objection to form.

5           A           On a blog?  I mean, I've already admitted that  
6 I put the FTP stuff up there.

7           Q           No, no -- a comment to a news story.

8           A           No, no.

9           Q           Have you instructed anybody to post  
10 information in a comment or a blog entry?

11          A           No.

12          Q           Has anybody told you that they have done so  
13 with respect to a news story involving the Broken Arrow  
14 School District or the audit?

15          A           Not to my recollection, no.

16          Q           Do you read paper newspapers?

17          A           I read The Daily Oklahoman, yes.

18          Q           So you have a paper subscription to The Daily  
19 Oklahoman?

20          A           Yes, I do.

21          Q           And that's pretty much the only newspaper that  
22 you read.  Is that correct?

23          A           When we're in session, there are newspapers  
24 provided at each office and sometimes there's Journal Record,  
25 Tulsa World, although I think they discontinued last year.

1 So sometimes if we're in session, if I'm in my office and  
2 they've laid it on my desk, I may. But I don't subscribe or  
3 don't pick up copies, no.

4 Q But the other half of the year, really, the  
5 only newspaper you're reading is The Daily Oklahoman?

6 A Well, and I do read The Journal Record because  
7 I receive that in the mail each day.

8 Q What facts do you have that there were any  
9 illegal activities that occurred at the Broken Arrow School  
10 District?

11 MR. DUNN: Objection to form.

12 A What facts? The main one is what appears to  
13 be illegal payment of sick leave.

14 Q Absent the sick leave issue, is it true that  
15 you have no facts that any illegal activities occurred at the  
16 Broken Arrow School District?

17 MR. DUNN: Objection to form.

18 A I don't believe I've obtained any facts  
19 outside of the information in this.

20 Q That's not what I asked, sir. I asked first  
21 if you had any facts of illegal activity, and you said no,  
22 except for the sick leave issue.

23 MR. DUNN: Objection.

24 Q So my next question to you was, rephrasing it:  
25 Isn't it true that you have no facts of any illegal

1 activities occurring at the School District outside of the  
2 issues that you believe involve sick leave?

3 MR. DUNN: Objection to form.

4 Q That was my question.

5 A In terms of paper documentation?

6 Q No, sir. What facts do you have of any  
7 illegal activity occurring at the Broken Arrow School  
8 District outside what you believe to be accrued and paid sick  
9 leave?

10 MR. DUNN: Objection to form.

11 A I cannot think of any specific facts outside  
12 of that information.

13 Q Outside of information pertaining to the sick  
14 leave issue. Correct?

15 A No. Outside of the information pertaining to  
16 these documents.

17 Q You have no facts upon which to base that any  
18 of this information is true. Correct?

19 A Oh. That's true, yes.

20 Q So you have no facts. Correct?

21 MR. DUNN: Objection to form.

22 A I guess in the literal sense, yeah, that's  
23 correct.

24 Q Are you aware that the Oklahoma Attorney  
25 General's office has requested the State Auditor's office to

1 investigate the Sperry School District?

2 A I believe that that was announced yesterday.  
3 And I went to the State Auditor's office when I heard that  
4 and asked for a copy of the letter from the Attorney  
5 General's office to the State Auditor. So yes, I became  
6 aware of that yesterday.

7 Q Where is Dr. Sisney currently employed?

8 A I believe Dr. Sisney is at the Sperry School  
9 District.

10 Q Have you spoken to the Oklahoma Attorney  
11 General's office regarding the Sperry School District?

12 A No, I have not.

13 Q Are you under any legal obligation not to  
14 disclose any conversations that you may have had with the  
15 Oklahoma Attorney General's office?

16 A I don't believe I've had any conversations  
17 with regard to any school district and the Oklahoma Attorney  
18 General's office.

19 Q Okay. I appreciate that. But that wasn't my  
20 question.

21 A Okay.

22 Q My question is: Are you under any legal  
23 obligation not to disclose conversations that you may have  
24 had with the Oklahoma Attorney General's office?

25 A I don't believe a legislator is under any

1 legal obligations not to disclose conversations they had with  
2 the Attorney General with regards to any matter.

3 Q Well, whether it's Mike Reynolds as a  
4 legislator or Mike Reynolds as a citizen, are you under any  
5 legal obligation not to disclose any conversations that you  
6 may have had with the Attorney General's office?

7 MR. DUNN: Objection to form.

8 Q Simple question.

9 A None that I'm aware of.

10 Q Have you spoken to, has anybody provided you  
11 any information pertaining to possible illegal activities or  
12 improper activities that have occurred at the Sperry School  
13 District?

14 A Not to my knowledge.

15 Q Well, would you know if that information had  
16 been provided to you or not, sir?

17 A I wouldn't, unless of course, I mean, I  
18 haven't seen any information with regards to the Sperry  
19 School District.

20 Q Has anybody told that you they're going to  
21 provide any information to you?

22 A No.

23 Q Did you make a complaint to the Oklahoma  
24 Attorney General's office with regard to the Sperry School  
25 District and seek an investigation?

1           A           I've never made a complaint to the Attorney  
2           General's office to seek an investigation, whether it was  
3           Sperry or Broken Arrow.

4           Q           Do you have any animus toward the law firm  
5           Rosenstein, Fist & Ringold?

6           A           Animus? Would you please tell me what you  
7           mean by "animus"?

8           Q           Ill will or feeling.

9           A           No.

10          Q           Do you have any ill will or ill feeling toward  
11          any attorneys at the law firm of Rosenstein, Fist & Ringold?

12          A           I don't know I would say ill will or ill  
13          feelings. I am highly concerned when Mr. Mann tells me  
14          something is illegal (sic) and he's drafted an opinion that  
15          says it's illegal. So I have concerns about his credibility.

16          Q           How many conversations have you had with  
17          Mr. Mann?

18          A           Just one.

19          Q           Did you record that conversation?

20          A           No, I did not.

21          Q           You understand that Mr. Mann has a different  
22          view and different opinion as to what was said than what you  
23          have, do you not?

24                   MR. DUNN: Objection to form.

25          A           I have no understanding of his opinion.

1           Q        Do you know any other attorneys at the law  
2 firm of Rosenstein, Fist & Ringold besides Mr. Mann?

3           A        I have learned the names of a couple of other  
4 attorneys.

5           Q        Who are they?

6           A        One of them is recently appointed to be on the  
7 Oklahoma Ethics Commission.

8           Q        Uh-huh.

9           A        I believe her last name is Long.  Possibly  
10 Nancy Long.  I'm not certain.  I saw her at an Ethics  
11 Commission meeting the last couple of weeks.

12          Q        Do you have an opinion as to Ms. Long?

13          A        She seemed to be -- the only time I've ever  
14 seen her was at that Ethics Commission meeting, and she  
15 seemed to present herself very well and made a good argument  
16 for the issue before the Commission.

17          Q        Has anybody provided you any information  
18 regarding Ms. Long?

19          A        No.

20          Q        Has anybody provided you any information  
21 regarding Mr. Mann?

22          A        No.

23          Q        Have you collected any information regarding  
24 Mr. Mann?

25          A        No.

1 Q Have you collected any information regarding  
2 Ms. Long?

3 A No.

4 Q Collected any information regarding the law  
5 firm of Rosenstein, Fist & Ringold?

6 A Just the information that I brought today.  
7 And, as I indicated earlier, I made calls to three or four  
8 school districts to find out who they might have (sic)  
9 represented. But I don't think that any of them were  
10 represented by Rosenstein.

11 Q Earlier in your testimony, you made reference  
12 to the initials RFR. By that, did you mean Rosenstein, Fist  
13 & Ringold?

14 A Yes.

15 Q Are you familiar with any other attorneys of  
16 Rosenstein, Fist & Ringold?

17 A I'm familiar with names of one other attorney.  
18 But I didn't know the whole name.

19 Q What's the other attorney?

20 A Last name is Ballard. I don't know the first  
21 name.

22 Q What do you know about the attorney with the  
23 last name of Ballard?

24 A I was simply told that he was the son of the  
25 superintendent of the public schools of Tulsa.



1 Q And what significance is that?

2 A I don't know. Someone told me that. I didn't  
3 inquire or ask as to "tell me about people in the RFR law  
4 firm".

5 Q That makes no difference to you as to who his  
6 dad may be, does it?

7 A No.

8 Q Have you appeared on a --

9 A I'm sorry. I want to clarify something there.

10 Q Uh-huh.

11 A Last year, I made some inquiries about the  
12 contract for converting Tulsa school buses to natural gas.  
13 And after asking for some of that information, my request was  
14 referred over to RFR, and I believe that someone indicated to  
15 me at that point that that's, I think that's when I was told  
16 Mr. Ballard's son was a member of that firm. I'm still  
17 waiting for that information from RFR. In fact, the House  
18 staff followed up in the last couple of weeks asking for that  
19 contractual information with regards to the sale of Tulsa  
20 school buses.

21 Q Do you have a problem with school districts  
22 using natural gas in Oklahoma to power their school buses?

23 A No. My problem was with, apparently -- and  
24 that's why I haven't got the contracts yet, which is what I  
25 want to see. I have a problem if in fact a school district

1 buys buses with bonds, sells the buses, and don't pay off the  
2 bonds.

3 Q What facts do you have that that's occurring?

4 A I don't have any. That's what I'm waiting to  
5 get.

6 Q You don't pay any taxes in Tulsa County, do  
7 you?

8 A I don't think so. I don't know why I would.  
9 Sales tax.

10 Q So how does that affect you, Mike Reynolds?

11 A Oh, gosh. I took an oath to uphold and defend  
12 the Constitution of the State of Oklahoma. Our Constitution  
13 says that the State won't go into debt without a vote of the  
14 people. The people, I would assume -- I don't have the  
15 information, I'm waiting for that -- would have voted to sell  
16 bonds to purchase those buses. I don't think in my mind the  
17 people would want to sell bonds to purchase buses and then  
18 sell the buses and not pay off the bonds. That would seem to  
19 be a new way to pioneer to get additional operating funds in  
20 a school district. And I sure don't want that precedent to  
21 happen. So I'm trying to find out if that may have occurred.

22 Q You, sir, don't have any evidence that that  
23 has occurred, do you?

24 A Yes, actually, I do. I just don't have the  
25 contracts. It's been a matter of public record that that

1 occurred. I just asked specifically for the contracts  
2 dealing with that, and I haven't received them yet.

3 Q As a State Representative, you have certain  
4 responsibilities, do you not?

5 A Yes.

6 Q And one of those responsibilities is to uphold  
7 the State Constitution. Correct?

8 A That's the first responsibility, yes.

9 Q And one of those responsibilities is not to  
10 abuse the position of your office. Correct?

11 A I believe that's correct.

12 Q And one of those responsibilities is to act  
13 professionally. Correct?

14 A That is correct.

15 Q Now, as a Representative of --

16 A I'm sorry. I don't know that that's in any  
17 statute or in the Constitution or anything else. So.

18 Q Well, you have a responsibility, do you not?

19 A I think that we have a responsibility to act  
20 professionally, yes.

21 Q And as a State Representative, are you bound  
22 by any code of ethics?

23 A Oh, yes.

24 Q Outside of your role as a legislator, are you  
25 bound by any professional code of ethics?

1           A           In terms of, are you referring to like CPA's  
2           have a code of ethics and attorneys have a code of ethics?  
3           Am I in any organizations that have a professional code of  
4           ethics? The answer would be no, I don't. I'm not a member  
5           of an organization that has that particular type of code.

6           Q           You would agree that you have a moral  
7           responsibility not to disseminate unproven information about  
8           individuals --

9                       MR. DUNN: Objection to form.

10          Q           -- do you not?

11          A           I would agree that I have a moral obligation  
12          to get to the truth.

13          Q           That's the truth as you determine to be the  
14          truth. Correct?

15          A           No. To get to the truth.

16          Q           Well, I'm trying to get back and trying to  
17          understand. Because I understand, if I remember your House  
18          web page, I understand that you're a deacon at a Baptist  
19          church. Is that correct?

20          A           I believe that's correct, yes.

21          Q           I'm just trying to understand how you justify  
22          your personal beliefs and your personal morals with releasing  
23          information in a draft audit that is critical of many people  
24          which, to your knowledge, is solely the work of one  
25          individual, Sherri Combs, and which contains information that

1 you've never verified as having any basis in fact. So how do  
2 you do that?

3 MR. DUNN: Object to form.

4 A I'm sorry. What was the question in there?

5 Q Okay. Are you listening to me?

6 A Yes, I am.

7 Q Okay.

8 A Would you shorten it for me, then, please?

9 Q How do you as a person explain your release of  
10 this document which is critical of individuals and which, to  
11 your knowledge, is just the workings of Ms. Combs without  
12 having first verified whether any of it is true?

13 MR. DUNN: Objection to form.

14 A I believe it to be the truth.

15 Q Do you adopt this as your sworn testimony here  
16 today as the truth?

17 MR. DUNN: Objection to form.

18 A No, I don't.

19 Q You say it's the truth. You haven't verified  
20 it. You haven't looked at it. But are you willing to adopt  
21 it as your sworn testimony?

22 MR. DUNN: Objection to form.

23 A I said I believe it's the truth.

24 Q Well, you've been testifying as to what you  
25 believe to be truth all day, have you not?

1 A Yes, that is correct.

2 Q So why wouldn't you adopt this as your sworn  
3 testimony subject to penalty of perjury?

4 MR. DUNN: Objection to form.

5 A I believe it to be true.

6 Q Are you adopting it as your sworn testimony  
7 subject to penalty of perjury? "Yes" or "no"?

8 MR. DUNN: Objection to form.

9 A I believe it to be true.

10 Q "Yes" or "no", sir? Answer the question,  
11 please.

12 MR. DUNN: Objection to form.

13 A I believe the information in that document is  
14 the truth. Mr. Burrage has confirmed it was the truth when  
15 he said it was a release of a draft version.

16 Q Who do you understand wrote this draft  
17 version?

18 A I don't have an understanding as to who wrote  
19 it.

20 Q So you don't know who wrote it. It's, by your  
21 own definition, a draft. And you believe it to be true?

22 A I believe that to be true. I believe that Mr.  
23 Burrage had a cover letter in there where he was going to  
24 adopt it but he simply did not sign his cover letter.

25 Q Ms. Walta asked you some questions regarding a

1 letter that was forwarded to your office by Maryanne Flipppo.

2 Do you remember that?

3 A I do.

4 Q And you said that this copy of the letter  
5 wasn't signed. Correct?

6 A That's correct.

7 Q You don't have any knowledge that she didn't  
8 sign it when she sent it to you, do you?

9 A No. I just don't understand how that could be  
10 a copy of a letter sent to me that has no signature.

11 Q Have you ever attempted to speak to Ms. Flipppo  
12 about the matters addressed in here?

13 A No.

14 Q Do you have any care in doing so?

15 A No.

16 Q Well, she's sitting right here to my right.

17 Would you like to address her questions?

18 MR. DUNN: Objection to form.

19 A No.

20 Q I just wanted to make sure I gave you the  
21 opportunity to do so.

22 MR. DUNN: Objection to form.

23 A Is that a question?

24 Q No. It was a statement.

25 A Oh.

1           Q           Do you believe that Dr. Sisney should be  
2 reinstated as a Superintendent of the Broken Arrow Public  
3 Schools?

4           A           I have no opinion on that. But it probably  
5 wouldn't be a wise thing.

6           Q           Do you believe that, is it your understanding  
7 that superintendents are kind of like the captains of the  
8 ship?

9           A           Hmm. I wouldn't have an opinion about  
10 equating them as captains of the ship.

11          Q           Well, who do you think is responsible for the  
12 day-to-day running of the school district?

13          A           The Board.

14          Q           Do you think the Board makes decisions every  
15 time a parent comes in complaining about a teacher?

16          A           I think they've delegated that responsibility  
17 so the Board is responsible.

18          Q           So what responsibility does the superintendent  
19 have with respect to the day-to-day running of the school  
20 district if it's been delegated by the Board and therefore  
21 the Board is responsible?

22          A           I haven't contemplated the numerous  
23 responsibilities that the superintendent may have.

24          Q           Have all your answers to my questions  
25 been true and correct?



- 1           A           To the best of my knowledge.
- 2           Q           Have you testified pursuant to your oath as to  
3 the truth, the whole truth, and nothing but the truth?
- 4           A           To the best of my knowledge.
- 5           Q           Have you withheld any part of the truth?
- 6           A           Not to my knowledge.
- 7           Q           You haven't given me part of the truth because  
8 I might not have asked the question in a particular way?
- 9           A           Not to my knowledge.
- 10          Q           Are there any documents that are responsive to  
11 the subpoena duces tecum that have been withheld?
- 12          A           Not to my knowledge.
- 13          Q           Have you had email communications with Lee  
14 Sisney?
- 15          A           Yes, I believe I have.
- 16          Q           When did those email communications start?
- 17          A           I couldn't give you a specific date.
- 18          Q           Did they occur prior to August of 2010?
- 19          A           Certainly not.
- 20          Q           Are all of those email communications between  
21 you and Lee Sisney in his capacity as your attorney?
- 22          A           Yes, I would say so.
- 23          Q           What email address did Mr. Sisney use to  
24 communicate with you?
- 25          A           I have two email addresses.

1 Q Please.

2 A I, I couldn't tell you.

3 Q Please tell me those two email addresses.

4 A MIKEREYNOLDS@OKHOUSE.GOV and

5 MIKE@OKLAHOMADATA.COM.

6 Q Has he communicated by email to you at any

7 other email addresses?

8 A I recently acquired a G-mail account which was

9 designed to consolidate all my emails into one account but I

10 believe that the only documents in it are documents that were

11 forwarded from the other two web sites so I could access them

12 all simultaneously. That would be MIKEREYNOLDSOKC@GMAIL.COM.

13 Q Has Lee Sisney sent you any facsimiles?

14 A No.

15 Q Have you received any facsimiles from anybody

16 with regard to the Broken Arrow School District?

17 A No.

18 Q Have you signed a contract with Lee Sisney?

19 A No.

20 Q Have you signed an engagement letter with Lee

21 Sisney?

22 A No.

23 Q Have you discussed Lee Sisney's fees?

24 A Yes.

25 Q Is that in one of the emails?

1           A       No.

2           Q       How has that been discussed?

3           A       How has it been discussed? It would have been  
4 on the phone.

5           Q       Do you have notes of that conversation?

6           A       No.

7           Q       I'm simply going to advise you, sir, that  
8 until the issue as to the attorney-client privilege with Lee  
9 Sisney clarifies and is resolved, that you have a duty to  
10 preserve all evidence and not to delete any of those emails  
11 or any of those communications. I'm just simply advising you  
12 of the duty not to destroy potential evidence in the case as  
13 well as any other documents that you received that are  
14 responsive to the subpoena.

15                   MR. DUNN: Objection to form.

16                   MR. RAINEY: That's fine. No questions, so --

17                   MR. DUNN: Obviously.

18           Q       (By Mr. Rainey) But I just felt it was  
19 necessary to advise you of that, sir. Are you paying for  
20 Mr. Dunn's services personally?

21                   MR. DUNN: Hold on. I'm going to object.  
22 That's attorney-client privilege. It's your privilege. You  
23 can waive it.

24           A       I don't choose to waive that.

25           Q       Is the State of Oklahoma paying for any of

1 Mr. Dunn's services in representing you here today or in  
2 connection with the subpoena issued by Ms. Walta?

3 A No, not to my knowledge.

4 Q Have you requested the State of Oklahoma to  
5 bay for any of those legal expenses associated with the  
6 subpoena in your deposition here today?

7 A No.

8 Q Do you plan on requesting the State of  
9 Oklahoma to pay for any of those expenses?

10 A No.

11 Q Do you believe it would be ethical to make  
12 such a request?

13 A Yes.

14 Q Why should taxpayers like myself be required  
15 to pay for the services of Mr. Dunn to appear on your behalf  
16 today and to have fought a subpoena upon which it was  
17 wrongfully alleged that there was legislative privilege?

18 MR. DUNN: Objection to form.

19 A I guess you're going to have to ask me that  
20 again. It was wrongfully alleged?

21 Q Okay.

22 MR. RAINEY: I will just have the Court  
23 Reporter read it back, please.

24 (Whereupon, the following question  
25 was read from the record by the Reporter: "Q) Why should

1 taxpayers like myself be required to pay for the services of  
2 Mr. Dunn to appear on your behalf today and to have fought a  
3 subpoena on which it was wrongfully alleged that there was  
4 legislative privilege?")

5 MR. DUNN: Same objection.

6 A Why should taxpayers? I don't know why they  
7 should.

8 Q But you think that you should be able to have  
9 Mr. Dunn's fees paid by the citizens of the state of Oklahoma  
10 with regard to the subpoena?

11 A I believe you asked me did I have any  
12 intention of asking for Mr. Dunn to be reimbursed. And I  
13 believe the answer to that question was "no".

14 Q I believe I asked you, sir, that: Do you  
15 believe it would be ethical to request the State to pay any  
16 of those expenses. And you said "yes".

17 A Oh.

18 Q Which resulted in my question as to why.

19 MR. DUNN: Objection to form.

20 A Well, ethical? Ethical would be not  
21 statutory. So I guess I again don't understand that  
22 question, would it be ethical.

23 Q Your ethics are contained within the statutes  
24 of the State of Oklahoma?

25 A Well, recently, the Speaker of the House

1       apparently retained outside counsel to have the taxpayers of  
2       Oklahoma represent him in the debacle that had to do with the  
3       stepping down of Senator Leftwich. So if that is a level of  
4       ethics and it's acceptable, then I guess it would be  
5       appropriate or ethical as determined by the Speaker of the  
6       House. But I have no intentions of doing it.

7               Q       Are your ethics based upon what somebody else  
8       does?

9                       MR. DUNN: Objection to form.

10              Q       Is that what you're saying?

11              A       No.

12              Q       So long as somebody else does it, it's fine?

13              A       That's not what I said.

14              Q       We'll leave it up to your testimony as  
15       contained on the video to determine the answer to that  
16       question.

17                       MR. RAINEY: I have no further Questions.

18                       MS. WALTA: I have one.

19

20                               REDIRECT EXAMINATION

21       BY MS. WALTA:

22              Q       Mr. Reynolds, is Jim Sisney paying for any of  
23       Mr. Dunn's attorneys fees in this case?

24              A       On my behalf?

25              Q       Yes.

1           A           No.  Certainly I would have no knowledge of  
2   that, no.

3                   MS. WALTA:  That's all I have.

4                   MR. DUNN:  For the record, Mr. Dunn will take  
5   a check from anybody who wants to pay his fees.  Read and  
6   sign.

7                   VIDEO TECHNICIAN:  This concludes the  
8   deposition.  We are off the record.  The time is 4:06 P.M.

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1 I, MICHAEL REYNOLDS, do hereby certify:

2 That I have read the foregoing deposition;

3 That I have made such changes in form and/or  
4 substance to the within deposition as might be necessary to  
5 render the same true and correct;

6 That having made such changes thereon, I hereby  
7 subscribe my name to the deposition.

8 I declare under penalty of perjury that the foregoing  
9 is true and correct.

10

11 WITNESS MY HAND THIS \_\_\_\_\_ day of  
12 \_\_\_\_\_, 2010.

13

14

15

\_\_\_\_\_

16

MICHAEL REYNOLDS

17

18

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_

19

day of \_\_\_\_\_, 2010.

20

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\_\_\_\_\_

23

NOTARY PUBLIC

24

COMMISSION NUMBER: \_\_\_\_\_

25

MY COMMISSION EXPIRES: \_\_\_\_\_



CORRECTIONS TO THE DEPOSITION OF  
REPRESENTATIVE MIKE REYNOLDS

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PLEASE RETURN BY: 11/9/10

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## C E R T I F I C A T E

1  
2 STATE OF OKLAHOMA)

3 COUNTY OF TULSA )

4 I, DALENE LAWRENCE, Certified Shorthand  
5 Reporter within and for Tulsa County, State of Oklahoma, do  
6 hereby certify that the above named witness was by me first  
7 duly sworn to testify the truth, the whole truth and nothing  
8 but the truth in the case aforesaid, and that I reported in  
9 stenograph this deposition; that my stenograph notes were  
10 thereafter transcribed and reduced to typewritten form under  
11 my supervision, as the same appears herein.

12 I further certify that the foregoing pages  
13 contain a full, true and correct transcript of the deposition  
14 taken at such time and place.

15 I further certify that I am not attorney for  
16 or relative to either of said parties, or otherwise  
17 interested in the event of said action.

18 WITNESS MY HAND AND SEAL this 7th day of  
19 October, 2010.

20  
21  
22  
23  
24 \_\_\_\_\_  
DALENE LAWRENCE, CSR-RPR-CP  
25

## 1 T U L S A C O U R T R E P O R T E R S

2 320 South Boston \*\* Suite 1030

3 Tulsa, Oklahoma 74103

4 (918) 584-6633

5 October 7, 2010

6  
7  
8 Mr. James Dunn

Attorney at Law

9 116 S. Walker

10 Oklahoma City, OK 73102

11 RE: Sisney v. Rampey, et al.

12 Case No. CJ 2008-06173

13 Dear Mr. Dunn:

14 Enclosed please find your copy of the deposition  
15 taken recently of Representative Mike Reynolds. Attached to  
16 the transcript are the original signature page and correction  
17 sheet for the deposition.18 Please have Representative Reynolds review the  
19 deposition, make any corrections on the correction sheet and  
20 sign the original signature page before a Notary Public.21 As soon as this procedure is completed, please return  
22 ONLY the executed signature page and correction sheet to me.  
23 If you have questions, please contact me. If you have not  
24 returned the requested pages within the 30-day period given  
25 for signature, the original transcript will be submitted as  
though, in fact, signed. Many thanks.

Sincerely,

Dalene Lawrence, CSR-CP

Cc: file

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