

AFFIDAVIT FOR SEARCH WARRANT

OF OKLAHOMA, }
 COUNTY OF TULSA } ss IN THE DISTRICT COURT
 THE STATE OF OKLAHOMA, }
 Plaintiff, } DISTRICT COURT
 vs. } FILED No. _____
 Air Assurance: its owners et al } FEB 19 2009
 & }
 Broken Arrow Public Schools } SALLY HOWE SMITH, COURT CLERK
 Defendant, } STATE OF OKLA. TULSA COUNTY

AFFIDAVIT FOR SEARCH WARRANT

The undersigned affiant, being first duly sworn, upon oath deposes and says that the following described property:

Invoices and billing information between Air Assurance and Broken Arrow Public Schools between January 1st 1998 and this date.

Constitutes evidence that an offense was committed and that the person in possession thereof participated in the commission of said offense, to-wit:

Destruction of Evidence 21 § 454

Second Degree Forgery / Possession of Forged Evidences of Debt 21 § 1578

That said property, or a portion of it is now being held, kept, possessed and concealed by the above named defendant, in Tulsa County, Oklahoma, Described as follows:

Free standing mini storage complex building with a facade of small brown rock and concrete with brown metal overhead doors and brown metal guttering. The northwest corner of the building is approximately 195 feet 6 inches from the south curb of West Concord Circle. The southwest corner of the building is approximately 147 feet 7 inches north of the north curb of West Albany Street. This location is otherwise known as 1929 W. Concord Circle Unit # 1203 and # 1204. This storage facility is located within the city of Broken Arrow, County of Tulsa.

The affiant being positive that the described property is in the listed location, and there being a likelihood that said property above described will be destroyed, moved or concealed.

Your affiant also states that he has been employed by the Broken Arrow Police Department since January 26th 1998 and is currently assigned to the Detective Division. Your affiant further has received specific training regarding investigations involving arson investigations as well as financial based crimes.

1. That on 12/17/2008 a police report (08-9216) was filed with the Broken Arrow Police Department. This complaint alleged a locally owned business was involved in a bidding scheme to give preferential treatment. That this scheme involved bids and service contracts between the Broken Arrow Schools and Air Assurance. That the overall expenditures for these bids and services exceed three million dollars.
2. Dr. Jim Sisney, former Superintendent of Broken Arrow Public Schools, reports the sole source of heating and air conditioning service with Broken Arrow Public Schools for the past fifteen years has been Air Assurance. This service was provided in the absence of any formal bid process as directed by Oklahoma State Statute. The first bid process to occur for this type of service took place in April of 2007 with Air Assurance winning the bid.
3. Dr. Jim Sisney has provided documentation relevant to these claims to include the following:
 - a. Nineteen invoices dated 07/13/07 were changed by hand from the original date of 06/30/07. The fiscal year ended June 30th.
 - b. Four invoices with no TMA (internal request for payment) request number on invoice, which indicates the work was performed and completed with no prior authorization or work order.
 - c. One-hundred-three invoice, HVAC requests for payment, where dates were the same as dates listed on the TMA request, indicating work orders were retrofitted to accommodate the invoice.
 - d. Fifty-six invoices have a TMA number referred, but no TMA printed from the Broken Arrow Schools "system" to back the invoice. This indicates a number was assigned with no accompanying work order to validate the charge or alleged work.
 - e. Twenty-six invoices dated before the TMA request date. Air Assurance billed the Broken Arrow Public Schools prior to the work being requested.
4. That in the early morning hours of 2/04/2008 Fire Personnel were dispatched to 1929 W. Concord Circle in the city of Broken Arrow, County of Tulsa, to investigate a fire. Tim Lipe reported seeing an adult white male walking through the alleyway between the storage units. This sighting was minutes prior to the fire's discovery. Upon arrival, fire personnel discovered a fire had been set in one of the storage facilities.
5. Fire Marshall Paul Thompson will testify during his investigation of this scene he discovered the nature of this fire to be suspicious with "no apparent source of ignition". The location of this fire was in close proximity to a unit maintained by Air Assurance for records storage. During his investigation, he discovered invoices and purchase orders that had been stored in this facility by Air Assurance. Several of the folders and boxes containing these invoices were labeled "BA Schools". A number of these files survived the fire.
6. That the interim Superintendent and former Operations Director Dr. Gary Gerber requested any and all invoices and correspondence between Broken Arrow Public Schools and Air Assurance upon his appointment as superintendent. This request was made of Broken Arrow Public Schools employee [REDACTED]. Fearing destruction of this evidence, these documents were photocopied and kept by [REDACTED]. That your affiant by phone has confirmed the existence of these documents at the listed location on this date. The content of these documents and a comparison to those contained in the listed storage unit could constitute motive for the listed crime.

