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612, Broken Arrow (7/25/2009 10:26:52 AM)

Thinking about this - if I do a lousy job at work and my boss fires me, clearly he is "biased", because he knows I did a lousy job.

Should that disqualify him from making the decision to fire me? Of course not - his knowledge of my performance IS what qualifies him to make that determination.

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612, Broken Arrow (7/25/2009 3:59:40 PM)

The pdfs are available on BrokenArrowForum dot net.

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BAParentsforTruth, Broken Arrow (7/26/2009 2:37:46 PM)

"It's a lot easier to read in the pdfs. Maybe the BAParentsForTruth people will post them on their website. I would be happy to provide them."

The website BAParentsForTruth would be more than happy to put on its website any information you would like to provide. The email address is baparentsfortruth at gmail dot com just as posted on the website.

Thanks

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612, Broken Arrow (7/26/2009 8:55:10 PM)

Ok, I emailed the website link to the baparentsfortruth address.

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612, Broken Arrow (7/28/2009 3:01:22 PM)

I posted some documents from Dr. Sisney's defamation case on BrokenArrowForum dot net.

There are several recent documents, including a scheduling order (handy to see what is expected to happen when), and lists of witnesses and exhibits for the trial.

The file is about 2 inches thick, and it would have been too expensive to get copies of everything.

I did include Hudkin's motion to dismiss, and Rampey's Answer (dated 7/10/2009), because they're not too long. The 3 board members' Motion to Dismiss is very long, old, and really pretty boring. It doesn't give any information about their reasons for firing Sisney, or address any of Sisney's accusations of a conspiracy. It pretty much just gives reasons (citing laws and other cases) why the charges don't apply (Sisney is a public figure, the board members are immune, etc.)

The board members' exhibit list includes Dr. Sisney's personnel files from Broken Arrow, Bartlesville, and Sperry, and all documents that the board reviewed in executive session when they were considering terminating his contract.

It also includes his Pikepass records, travel claims, income tax return, evaluation conference notes from Ms. Updike's laptop, contents of Mr. Stover's laptop, a tape recorded message from Dr. Sisney to Ms. Flippo, documents on Dr. Sisney's computer, including some that had been deleted but were recovered through forensic analysis. And documents in the possession of Dr. Sisney that were removed from BAPS, in paper and electronic format.

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612, Broken Arrow (7/28/2009 3:19:21 PM)

I probably wasn't too clear - the exhibit list is just a list of what they intend to provide at the trial. Those things are not actually in the file - at least not yet.

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612, Broken Arrow (7/28/2009 3:36:53 PM)

From the looks of the OSCN reports, Ms. Updike has probably been under considerable stress lately. How much worse (financially and emotionally) would it be for her if she opposed Dr. Sisney?

Could this have something to do with her going out of her way to try to make the board members look bad, even though it was a blatant violation of the code of ethics? Could there be pressure to support Sisney, or risk more financial difficulties?

An unenviable position, if that is the case.

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612, Broken Arrow (7/28/2009 5:04:56 PM)

The foreclosures on the rental houses are just the tip of the iceberg. The bankruptcy case, filed 6/30/2009, has the

whole story. I wonder if keeping this quiet is something Dr. Sisney might have held over her head, to get her to support him.

You can be the Ledger would have been all over this if it had been Maryanne Flippo.

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612, Broken Arrow (7/28/2009 5:09:10 PM)

"bet", that is.

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612, Broken Arrow (7/31/2009 2:11:14 PM)

Top Ten Ways Dr. Sisney Has Torpedoed His Own Credibility

#3 - Not taking his suspicions and evidence to the proper authorities (OSBI, state auditor, state school system officials) in the spring of 2008 when he discovered the alleged coverup.

He alleges CRIMINAL ACTIVITY. A situation this serious should not have been left to the local newspaper to clear up. The best time to catch the crooks would have been before they knew he was on to them. It would have been less embarrassing for Broken Arrow, less expensive, and more effective in terms of getting rid of the corrupt school officials and vendor. But maintaining Broken Arrow's good reputation, getting rid of corrupt officials and vendors, and keeping costs to a minimum appears not to be his goal.

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Jolie2, (7/31/2009 5:44:04 PM)

612, you've brought up some interesting information about Stephanie and Peter Updike's financial problems, including foreclosures and bankruptcy. OSCN lists 7 court cases in Tulsa County: 1 in 2007 and 6 this year (so far).

CJ-2007-8418 12/18/2007 DEUTSCHE BANK NATIONAL TRUST CO v. SINGH, JENNIFER PEARL UPDIKE, STEPHANIE J (Defendant)

CJ-2009-2349 03/26/2009 BANK OF NEW YORK MELLON TRUST COMPANY v. UPDIKE, STEPHANIE J UPDIKE, STEPHANIE J (Defendant)

CJ-2009-2927 04/16/2009 COUNTRYWIDE HOME LOANS SERVICING LP v. UPDIKE, STEPHANIE J UPDIKE, STEPHANIE J (Defendant)

CJ-2009-2965 04/17/2009 BAC HOME LOANS SERVICING LP v. STEPHANIE J UPDIKE UPDIKE, STEPHANIE J (Defendant)

CJ-2009-3211 04/28/2009 BAC HOME LOANS SERVICING LP v. UPDIKE, STEPHANIE J UPDIKE, STEPHANIE J (Defendant)

CJ-2009-3214 04/28/2009 JP MORGAN CHASE BANK v. STEPHANIE J UPDIKE UPDIKE, STEPHANIE J (Defendant)

CJ-2009-4578 06/19/2009 BANK OF NEW YORK MELLON v. UPDIKE, PETER UPDIKE, STEPHANIE J (Defendant)

All of the above are foreclosure cases. The only bankruptcy record I came up with was back in April 1992 (4/13/92 case number 9201278C or 921278) Is there a more recent filing?

You may be right. It is possible that Sisney was aware of the Updike's financial predicaments and used this knowledge as leverage to secure Ms. Updike's cooperation. I wonder if there is anything on Mr. Stover that he held over his head?

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Jolie2, (7/31/2009 5:53:33 PM)

It does seem that Sisney's wrongful termination lawsuit won't have a leg to stand on, unless the OSBI comes back with proof of criminal wrongdoing on the part of the board/district. Posters on the Ledger and TW commented at the time that Sisney's not requesting a formal board hearing prior to his official termination would prevent him from being able to file such a lawsuit. I have to wonder about his attorney's abilities if the true motivation in filing the lawsuit was to follow through to win the case and not just use the filing of it for public PR and possible manipulation of the Sperry School board to hire Sisney and extend the period of his service as interim superintendent.

The list of exhibits that will be presented by the board members and their representatives at the defamation lawsuit hearing looks very interesting.

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Jolie2, (7/31/2009 6:07:49 PM)

612, I re-read your posts from 7/28/09 about the Updikes' financial/legal predicaments and noted that you wrote the most recent bankruptcy was filed 6/30/09. Can you tell me where/how I can look this up for myself?

It doesn't look good for someone with financial oversight over the school district to have had to file personal bankruptcy twice, if it is the same Stephanie J. Updike involved in both cases.

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612, Broken Arrow (7/31/2009 6:14:38 PM)

You're right, there was a bankruptcy in 1992. There is a new one filed 6/30/2009.

According to the bankruptcy document, they have a rental house business, and they own 31 houses including the one they live in. The mortgages on the rental houses are in default; hence the foreclosures.

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Jolie2, (7/31/2009 6:19:34 PM)

Thanks for setting up the brokenarrow forum dot net website to post copies of the original documents, etc., 612!

I was reviewing the preliminary exhibits list from the board members and wonder if there is any difference between item 16 and item 20. Isn't Jim Sisney the plaintiff?

If the defamation court case does hold its December hearing and all of this information is presented during it, will it become available for the public to read afterward? Can members of the public attend the court hearing?

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612, Broken Arrow (7/31/2009 6:35:55 PM)

You're welcome! It's my first attempt at a website. Kinda minimal, but it gets the documents out there.

I'll keep watching the cases for more to post. The federal one is easy - just download them. For the district one, you have to go to the courthouse and hope the file is available. Then you have to pay for copies.

I saw that too, on items 16 and 20. Probably just a typo. I think they list everything they can think of on those preliminary exhibit lists, whether they intend at the time to use it or not.

The file should be available to the public after the hearing, but it's possible that Sisney will request that they seal it. The lady at the courthouse said they are sealing a lot of cases lately. I wouldn't be surprised if we never get a glimpse at the personnel documents or the information the board had when they voted to terminate. Too bad if that happens, because after all this, we need to know whether the termination reasons were real or trumped up.

I don't know if the public can attend. I would think that if it's a jury trial, it would be open. I'll try to find out.

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Jolie2, (7/31/2009 6:37:41 PM)

I went to the BAParentsforTruth website and can't find any link or reference to the BrokenArrowForum dot net site, yet.

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612, Broken Arrow (7/31/2009 6:40:00 PM)

I think Dr. Sisney's wrongful termination case will not be affected one way or the other by the findings of the OSBI. In the scope of the federal case, I think the board's alleged misbehavior is irrelevant.

I don't think the federal court will look past Dr. Sisney's waiving his right to a hearing. Their job is to make sure he has his opportunity. He had it.

Even if the federal court did decide to look into whether the termination was justified, I don't think the board would have to prove their innocence on Sisney's corruption charges. All they would need to do is prove they had good reason to fire him, and did it within legal guidelines. Their being corrupt doesn't preclude his being impossible; it's possible for both stories to be true: that they were out to get him to cover their tracks AND that he was an abusive troublemaker.

After looking at the cases cited, I have a better understanding of why the board has been so unwilling to say anything - they are making sure they do everything by the book. Anything they say about his performance or termination could give him grounds to sue, which would open the district up for more costs. Of course, as we have seen, he appears to be willing to sue even without grounds. Not sure why people seem mystified by the exorbitant legal fees...

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612, Broken Arrow (7/31/2009 6:52:34 PM)

You can look up the bankruptcy case on the PACER website - the same pay-per-page one that has Sisney's federal case.

There's a link at the bottom of the page on the brokenarrowforum website.

I downloaded the bankruptcy petition but wasn't sure about posting it.

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Jolie2, (7/31/2009 9:39:38 PM)

612, I signed up for a PACER account and accessed the US Bankruptcy Court, Northern District of Oklahoma (located in Tulsa) and could only find the 1992 bankruptcy case. Searching for any other open case under each of their names came up with 'sorry, no match found' What am I doing wrong?

I'll let you wrestle with the ethics of posting the bankruptcy petition on your site, as I am unsure myself if it would be appropriate or fair.

I don't know if it would be appropriate to post

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Jolie2, (7/31/2009 9:41:16 PM)

Delete the hanging sentence in my last post. It was an oversight to leave it in.

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612, Broken Arrow (7/31/2009 10:34:07 PM)

Hm, I didn't notice that before. The 2009 bankruptcy is in a different bankruptcy court. It's in the Eastern District of Oklahoma.

If you do a search on All Courts, you'll see both of them.

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612, Broken Arrow (7/31/2009 11:11:30 PM)

I'm glad you've got an account too. The charges aren't much, and we can keep each other updated. Let me know if you see something that would be good to post on the website.

I feel for Ms. Updike. I believe she is in a difficult position with her responsibilities on the school board and the conflict with Dr. Sisney. Bankruptcy can happen for many reasons, and doesn't necessarily reflect irresponsibility. I don't want people to rush to judgment based on this, when we don't know the circumstances. It does provide some insight, however, into a possible explanation for the seemingly incongruous statements she has made over the past several months.

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612, Broken Arrow (7/31/2009 11:18:05 PM)

I noticed the "Beer Summit" article has 433 comments, all within the past two days. Even though we're over 800 comments total, I'm afraid we can't compete with that on the Most Commented board.

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Jolie2, (8/1/2009 10:32:09 AM)

Thanks, 612. I was able to pull up the 6/30/09 bankruptcy filing by the Updikes with your direction. The case file is 09-81034 for anyone who wants to search it out for themselves through another source.

I agree that people shouldn't rush to judgment over bankruptcy, as it could be due to events out of a person's control, such as medical or family crises. However, if Ms. Updike compromised her principles and avoided doing her duty on the board properly in order to protect her privacy, etc., based on possible threats by Sisney, I would not have much sympathy for that. Sacrificing others' reputations and allowing someone in the wrong to go unchecked to avoid trouble is not being an honorable person, in my book. Some times you have to take a stand, even if you end up getting hurt in the process. I think that's what has happened with the three who voted to terminate Sisney's employment.

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612, Broken Arrow (8/1/2009 11:12:33 AM)

I think you're right that the three did what they had to do, knowing that a lot of people wouldn't understand their reasons. I don't know if they anticipated how bad the public's response would be, but they have stood firm and continued to fulfill their responsibilities in a professional manner. To me, that says a lot about their character.

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612, Broken Arrow (8/7/2009 9:49:49 AM)

It looks like another BA staff member has made the move to Sperry. Brent Core was the Language/Foreign Arts coordinator, and has taken the position of Director of Curriculum/Middle School Principal at Sperry. I believe he came from Bartlesville when Dr. Sisney became superintendent - does anyone know for sure?

With Dr. Beagles and now Mr. Core, it's looking very likely that Sperry will soon announce that Dr. Sisney's position will become permanent.

I believe that was always the intent, and it's possible that it was in the works long before Dr. Sisney discovered the alleged coverup. I would not be surprised if Dr. Sisney's intent all along has been to get out of his 3-year-in-advance contract.

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thenight1, (8/7/2009 11:28:37 AM)

Why would Dr. Sisney want to get out of a contract to move to a smaller school system? I could understand moving to a larger one but to take a step down?

Also, if he was so bad, why do people keep wanting to follow him?

It wouldn't surprise me if Sperry announced Sisney as permanent but I do think that is a mistake on their part. While I've tended to be more on Sisney's side on the BA incident, as long as that is still unresolved, I think it is a mistake on Sperry's part to hire Sisney and certainly a mistake to make it permanent.

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612, Broken Arrow (8/7/2009 1:04:42 PM)

Right, on the surface it seems unreasonable that Sisney would want to move from BA to Sperry.

But there are many possible reasons for Sisney to want out of BA. Maybe the school board made it impossible for him to do his job and continue to have success in the district. Or maybe there was something else going on that we don't know about (because no one on the school board has blabbed their side to the media). Just because it seems counterintuitive that he would want to go to a smaller school system doesn't mean there aren't reasons.

As for people wanting to follow him, I have heard that people who give Sisney what he wants get very good treatment from him. It's when there is a conflict and a person refuses to do something on ethical grounds that things get ugly. The people who follow Sisney may not have had a conflict like this (yet), or may be willing to compromise what's best for the people they are supposed to serve, in order to keep their "good puppy" status with Sisney.

If Sisney's reputation as an agitator is undeserved, and he was attempting to do the right thing in trying to expose the school board's corruption (although obviously terribly in the wrong way), then Sperry will have made a very good move in keeping him, and attracting his staff members. It remains to be seen.

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thenight1, (8/7/2009 3:47:59 PM)

There are just still too many unresolved questions. I wish the OSBI and auditor would come to a conclusion so we can all put this behind us. From what I've seen Gerber seems to have a lot of support from the people working for him so if he can be exonerated, we can look more seriously at keeping him. I was hoping we would have answers before the new school year so everything can feel like a fresh start.

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612, Broken Arrow (8/7/2009 4:23:54 PM)

I was under the impression that Dr. Gerber wasn't really interested in the permanent superintendent job. That's what the Ledger said when the board gave him his contract. I know other people have mentioned keeping him, but I haven't heard anything about whether he wants it or not.

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Jolie2, (8/13/2009 8:43:30 PM)

612 - this is in response to your question about Brent Core who was recently hired by the Sperry School District school board. Yes, he did once work within the Bartlesville School District. Here is an excerpt from the minutes of the Board meeting approving his hiring:

QUOTE

7. Dr. Beagles made a recommendation to hire Mr. Brent Core as Middle School Principal/District Curriculum Director. Mr. Core is from Ochelata Oklahoma. He has taught in Bartlesville Public School System and was also District Teacher of the year. Jeff Carter motioned to hire Mr. Brent Core as Middle School Principal/District Curriculum Director and Cindy Wilson seconded the motion and all approved.

Jeff Carter-aye

Brian Wedlake-aye

Cindy Wilson-aye

Derrell Morrow-aye

MOTION CARRIES 4-0

END QUOTE

Isn't it interesting that there is no mention of his employment with the Broken Arrow School District?

I also think that these hires are based on the assumption that Sisney's position as Superintendent of the Sperry school district will become permanent.

Looking at the Sperry schools' official website, it is strange to see the top three administrators listed (Sisney, Beagles, and Core) are formerly from both BA and B'ville districts. They're a tight-knit group, aren't they? Wonder which Sisney associate will be next to be hired to join his administration?

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612, Broken Arrow (8/13/2009 11:31:35 PM)

Thanks, Jolie. More than interesting, it is very striking that BA isn't mentioned, when it is his most recent, and, in my opinion, most prestigious :) job.

Mr. Core's and Dr. Beagles' hiring all fits in with the possibility that Dr. Sisney has been working toward moving to Sperry for quite a while. Doesn't prove it of course, but it makes sense in that context.

If more Sisney associates move to Sperry, will that help free Broken Arrow teachers and staff from the fear of retribution from Sisney supporters that we have heard about?

On another topic, I am perplexed by the bankruptcy and foreclosures on the Updikes' properties. The Broken Arrow rental house market is very tight - there are very few rentals available, and the monthly rent is very high given the location and condition of the properties. A lot of the Updikes' properties are in Tulsa - is the Tulsa rental market that different?

Why are the Updikes having trouble paying the mortgages, when they presumably have rental income to pay them with? Where is the rental money going? And why is the total value of the homes so much less than the total debt on them (2,057,000 in value vs. 4,954,480 in mortgages)? That's a really big difference - how did that happen?

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Jolie2, (8/14/2009 12:40:02 PM)

612, some of the questions you've asked went through my mind at the time you informed me of the foreclosures and current bankruptcy case. I didn't dig far enough to find out about the devaluation of the property, however.

If their properties had residents in them at the time of foreclosure, would they have had to move out of their rental homes?

I thought perhaps someone in the Updike family was ill and the couple couldn't keep up with their rental business, including upkeep of the properties, advertising and interviewing prospective renters, collecting rent, etc.

It's also possible they made the mistake of buying properties that were in less desirable neighborhoods that would not command sufficient rent to cover the mortgages. Some times collecting rents from renters at the low-income end of the scale can be quite the challenge. My aunt who lived in the northeast had dreams of being a real estate millionaire and bought cheaper properties with hopes of fixing them up. Too often residents would skip out without paying, repair costs piled up, etc., and when my aunt died, she was in way over her head, which she knew for quite some time. Her family was left with trying to sell and/or maintain those delapidated buildings in a very soft rental market--a tremendous burden. The twist to the story is that she in the last few years of her life, she ended up embezzling all of her mother's life savings (her mother outlived her), which was discovered after my aunt's death. I've wondered if her debt and unsellable properties were the cause of her corruption. It may have contributed, but it could just be the tip of the iceberg of her problems and she had kept other secrets from her family.

If the Updikes did have the properties rented and were collecting rents, it is rational to ask, where did that money go? As you've asked, why was it necessary to foreclose on their properties? Were the Updikes having personal financial problems of their own (again) and using the rents to pay for their personal expenses, trying to stay afloat? Is it illegal to do that? Did Sisney know about this and use this as leverage to gain Updike's support for him in face of potential termination and her later public criticism of her fellow board members for his firing?

I don't know if it would be appropriate for the media to research this and report on it (would it?), but I suspect even if it weren't, if it involved the Flippos, the BA Ledger would be all over it.

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612, Broken Arrow (8/14/2009 4:36:06 PM)

Good questions...since the Updikes had to list all their debts in the bankruptcy filing, they probably would have listed any medical debts. I didn't see anything like that - just mortgages and credit accounts.

It's possible that they were using the rental income to pay their personal expenses, possibly including large medical bills, but that in itself is a problem. It is indeed illegal to collect rental income while failing to pay the mortgage on the property. If this is the case, fraud charges could be brought against them. This could very well have been used as blackmail ammunition (especially by someone who delights in filing lawsuits).

I think the scenario you described with your aunt is fairly likely in this case. I have heard that it can be very difficult to collect from renters, and it can take months and a lot of legal fees to get them out of the house when they don't pay. Of course, if you're in the rental business, that should be no surprise - I guess you have to take it into account as a part of doing business.

There's still that enormous discrepancy in the total property value and the mortgage debt. I'm sure some of that can be attributed to the downturn in real estate. Maybe a majority of the houses were bought at the top of the market, and lost a disproportionate amount of their value.

Another possibility is that this business is meant as a write-off, and they wanted to show large interest payments to offset some other income (you know, from the Ponzi scheme they've been running on the side); hence the inflated mortgages. I don't know - I could be completely off. But a lot of times these financial situations are a lot more complicated than they appear.

I don't know whether renters have to move out when a house is foreclosed.

I agree, the Ledger would have a field day if this happened to the Flippos, or any of the "amigos".

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Jolie2, (8/14/2009 8:51:59 PM)

612,

Is it possible that the Updikes took out second mortgages on their properties? That would explain the difference in the worth of the property and what is owed on it.

Mr. Peter Updike (Stephanie's husband) is a rep for Saladmaster stainless steel cookware, through P.O.P. Enterprises. (Why would you name cookware 'Saladmaster' ?) I don't know how long he's been in this line of work. This is just a piece of information I thought I'd share, in case it may prove useful to your sleuthing. Did that show up in the court papers you researched? Does Mrs. Updike have another paid job outside of their rental real estate business?

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Jolie2, (8/14/2009 9:48:12 PM)

Follow-up to my last post re. Peter Updike's involvement with Saladmaster. There's a lot of discussion on the net about the Saladmaster business, with some people calling it a multi-level marketing scam. It costs an enormous amount of money (someone quoted 1,000 British pounds for a full set) but allegedly, many of the claims on the cookware's abilities and health benefits are unsubstantiated and the value of it is substantially less than the price it is sold for.

I am beginning to see a possible pattern here...

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612, Broken Arrow (8/15/2009 10:10:09 AM)

Wow, maybe I wasn't too far off on the Ponzi scheme thing.

The only income Ms. Updike showed was \$4333 per month from H.E.L.P Housing and 500 per year for the school board. Mr. Updike listed no income, even though he is also self-employed with H.E.L.P Housing. If he has been ill, that might have something to do with collecting disability pay, but I would think that income would be included in the filing, in the section that says "Income other than from employment or operation of business." Maybe insurance benefits are not considered income.

According to the bankruptcy filing, their income dropped sharply in 2008. 2007 income was 172,807; 2008 was 88,019, and 2009 (partial year through June) was 42,479. What happened?

There is \$8357 in outstanding rental accounts. That's not a lot considering the number of houses they rent. Clearly unpaid rent is not the cause of the bankruptcy. The tight rental market makes it seem unlikely that they can't find renters. If some of the houses are unoccupied, it could be because they chose not to rent them, or maybe the houses

need repairs and can't be rented. The document lists only 8 renters, but says all the rest are under H.E.L.P. Housing. I don't know why the debts for H.E.L.P. Housing would be listed but the income wouldn't.

H.E.L.P. Housing has been in business for 4 years. A lot of the mortgage accounts were opened in 2005. The document lists "First Mortgage" on almost all of the properties. I didn't see any properties with more than one mortgage.

There are 3 separate H.E.L.P. Housing companies listed - a corporation and two LLC's. The Updikes are not personally liable for the debts of the corporation or the LLCs. I don't understand why the houses that belong to the company are listed as debts. It seems like the company would have to file its own bankruptcy. I didn't find one in my search. Why would you need two LLCs when you already have a corporation? To transfer assets and raise more cash maybe (Semgroup created an LLC too, just before they went bankrupt - but they were a private company, not already a corporation).

I am considering posting the bankruptcy filing on Broken Arrow Forum. I am starting to believe there may be more to this than unfortunate events. What do you think, Jolie?

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612, Broken Arrow (8/15/2009 10:13:10 AM)

Sorry, mistake in my last post - SemGroup created an MLP, not an LLC. Both protect the partners from personal liability.

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612, Broken Arrow (8/15/2009 10:34:12 AM)

There are about 30 houses listed that are in the Updikes' name; there are about 50 more that are owned by the 3 companies. From what I can tell, the 2,057,000 in value and the 4,954,480 in debt includes just their personally-owned properties. So that explains why the rental accounts from the corporation are not listed.

So where is the rental income from the 30 houses? Is the management of the personally-owned houses done through the company? I wonder why they didn't transfer the ownership to the company.

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Jolie2, (8/16/2009 2:00:03 AM)

612, if you are fairly sure there is something irregular about the Updike's business dealings, as indicated by the court documents, then posting it on your website would be appropriate. The decent thing to do would be to first interview Stephanie Updike personally and ask the tough questions to see what explanations she has. Unfortunately, that would be impossible to do for either one of us, without giving away our identities. If we had a trusted reporter we could turn to to investigate this matter, that would be ideal. Do you think anyone at the TW might appreciate a story tip on a member of the BA Board? We already know the Ledger won't touch it unless it is reported elsewhere as fact first.

I'm not anywhere near as sharp in understanding the fine points of business and finance as you are, but if Stephanie Updike is the only one reporting income of \$4,333, that would total just under \$52,000 a year. I suspect that if the reporting is accurate and truthful, then one of the Updikes has just lost a source of income and that is the breaking point that forced them into bankruptcy.

Wouldn't the bankruptcy court wonder the same thing about what happened to the rental income collected and the foreclosures on their rental homes? Would the bankruptcy court have the authority to turn over any information about suspected illegal activity to the proper authorities?

IF Mrs. Updike and her husband are/have been involved in illegal schemes, then it most certainly is the business of the Broken Arrow community and should be reported in the media. It would also certainly go a long way in discrediting her standing up for Sisney as the 'right thing to do.' However, if the Updikes are not guilty of wrongdoing, it would be hard to unring the bell of accusing them of it.

If anyone can find a way to address this issue fairly, you can, I think.

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Jolie2, (8/18/2009 3:42:44 PM)

612

Don't you find it interesting that the BAParentsforTruth website has not posted information and a link to your Brokenarrowforum website, with all the court documents you've made available there related to Jim Sisney's lawsuits? Why do you suppose that is?

Did you know there is also a Facebook account for the group (with the same name used) that lists about a dozen

members, with some showing complete profiles, including photos and interests, etc. This group also has a youtube channel, complete with video clips from BAPS board meetings, which I haven't watched (just found this web page). The top left of the youtube page has a photo of Stephanie Updike with the title 'Director' under it. What do you think that means? Is she directly involved with this group?

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612, Broken Arrow (8/19/2009 11:31:53 AM)

I agree, since someone suggested sending the information to the BAParentsForTruth email address, I thought there might be some interest in posting some of the documents, or a link to the site. The information posted is just the documents themselves - no commentary that could influence anyone's interpretation.

There is a new document posted, from the federal case - it's a status report from 8/17. I didn't really see anything new in it.

I don't think at this point I'll post the Updike bankruptcy document. It's available on the court website if people want to look at it. Things that seem strange to me (the two LLCs and a corporation) could have a reasonable explanation (well, as reasonable as our tax laws are - ha). I don't know enough about bankruptcy laws to be able to say for sure that anything is out of the ordinary.

I don't know if bankruptcy courts do much investigation into the justification and circumstances of the bankruptcy, or if they just mediate between the debtors and creditors. If they do look into the circumstances, I would expect there would be procedures in place to handle a situation where illegal activity was suspected.

I had no idea there was a Facebook account for BAParentsforTruth. I haven't seen it mentioned on the website. How did you find it? Let me know if you find out what Ms. Updike is the Director of. If she is involved with this group, I would see that as a shocking conflict of interest (as defined as "a situation in which a public official's decisions are influenced by the official's personal interests").

This group is vocal, unfair, and destructive in their criticism of the board, and her involvement in it would be a most serious breach of the public's trust.

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612, Broken Arrow (8/19/2009 12:29:40 PM)

I noticed this in John Lare's complaint, from back in September 2008. "This law firm" refers to Doug Mann's firm.

"During this meeting, direct testimony was given of the past problems with this law firm regarding its professional mistakes, over billing, erroneous advice, and extremely high billing rates which were more than twice as much as the current law firm for the past year, a cost comparison provided by Mrs. Stephanie Updike, Board of Education Member. Mrs. Updike detailed the legal costs over the preceding three years which showed the extraordinary decrease in annual legal cost when the new law firm was hired in 2007, versus the costs when Rosenstein was representing the Broken Arrow School District," the complaint states.

How much of this testimony was given by Ms. Updike? Where did she get her data? Maybe she was assisted by some of the same people who are now protesting the board's legal fees - the BAParentsforTruth group. Clearly they are acting as an organization. How organized was this group when - or before - these issues became publicly known?

Side not - I haven't seen it mentioned, but it seems likely that the "extraordinary decrease" with the new law firm was at least partially due to four of the board members being cut off from requesting legal services.

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612, Broken Arrow (8/19/2009 12:47:03 PM)

If there is a link between Ms. Updike and the BaParentsForTruth group, that could explain the comments we've seen online that claim to know what was said in closed sessions - the "leaks" that the board mentioned recently. If Ms. Updike does have a relationship with this group, it's very likely that the board knows about it. The statement they read about the leaks may be the first step in addressing it.

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Jolie2, (8/19/2009 1:25:26 PM)

If you do a search for BA Parents for Truth (with the spaces included), the sixth link that comes up on the first page of the search results is their facebook account. They also have a twitter page under the name BAParents4Truth (notice the numeral 4 instead of spelling out 'for').

I do not have a facebook account and do not have any inclination at this time to set one up, but the BAParents group is listed as an open group that anyone can join. Of 11 members that have signed up with the Facebook group, eight first names show: Scott (Bollin), Susie (no profile available), Cyndi (Whitehurst King), Cheryl (Estes Hammons), Dawn (Johnson), Lorie (Bandy) (listed as living in Tulsa), Melanie (her last initial is S., as noted as one of the two

subscribers on the BAParents youtube account, but does not have a Facebook profile available to look at), and Christina (Walls-Kockelman). You can click on the link labeled by their first names to bring up their profiles with their last names (see names in parentheses above, etc. (even without Facebook membership) but some of the members keep most of their information private, for friends only. Since their first and most last names are easily available to the public, I have included them on this post, as I assume none of them would have any problem with being identified with this group, as they have signed up on Facebook and know this information is available to anyone looking it up.

I agree that if Stephanie Updike was/is directly involved with this group, that would be a serious conflict of interest.

I would think that, as a board member, Ms. Updike would have access to the financial information history regarding the district's legal fees and the alleged prior problems of working with Doug Mann's law firm.

The administrator for the group is listed as BA Parents and his/her/their profile page has its own separate list of friends, including two elected Oklahoma politicians: State Rep. Phil Richardson and State Senator Dan Newberry. Is this getting more interesting? :)

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612, Broken Arrow (8/19/2009 2:26:26 PM)

Hey, my little website comes up on a Google search now!

Very interesting about the Facebook members, and the connection between the administrator and politicians. I wonder if the 3 unnamed members are closely involved...

It's true that Ms. Updike would have access to the history and costs associated with Doug Mann's firm. But what I am wondering is - was this group involved in developing the testimony given at the meeting - "...the past problems with this law firm regarding its professional mistakes, over billing, erroneous advice, and extremely high billing rates..."

If they collaborated with her to present this information at the meeting - did she provide information (financial and otherwise) to them that should have been confidential? And did they help present the case in a way that makes Doug Mann's firm look bad? It's pretty easy to quote figures and relate incidents in a way that is misleading, even if it's not completely false.

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612, Broken Arrow (8/19/2009 5:04:40 PM)

If you refresh the Facebook page where it's showing "here are some of so-and-so's friends", it shows you another group of their friends. Also in the list of BaParent's friends: Rick Newell, Matthew Vermillion (administrator of the website), Chris Tharp, John Sullivan, and Trish Henley.

A "Melanie" has posted several times on this story on the Ledger. To me, her posts come across as opinionated and closed-minded, becoming somewhat hysterical if what she says is challenged. As we know, capital letters and excessive punctuation trump reason every time!

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612, Broken Arrow (8/19/2009 5:31:25 PM)

I looked at the YouTube page. It looks like the "Director" label under Ms. Updike's picture refers to the type of YouTube account. It allows you to do additional things with videos, custom text, and graphics.

I guess they chose to put Ms. Updike's picture on the profile. I wonder if she is aware of it, and if so, if she minds the appearance that she is siding with them.

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Jolie2, (8/19/2009 8:55:33 PM)

Thanks for the clarification on the Director label on the youtube account. It is very strange that they used Updike's photo as a representation of the group on the profile. Why not stick with the tiger photo?

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Jolie2, (8/19/2009 9:05:57 PM)

I did a search for 'Melanie Broken Arrow Ledger and the name of Melanie Self came up--this search result specifically:

QUOTE

Jun 29, 2009 ... I'm writing to express disappointment in The Ledger's decision to print Melanie Self's letter to the editor which disparaged Broken Arrow's ...

END QUOTE

I'm wondering if this is the same Melanie that is a member of the BA Parents group and the one who wrote the comments you recalled. The actual articles are already archived, of course, so I don't know what Melanie Self was disparaging in her letter to the editor, but I suspect it is related to the Board discussing Stephanie Updike making a statement to the press related to board business without identifying it as a personal opinion rather than representative of the board. That 3-2 vote took place June 29.

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612, Broken Arrow (8/19/2009 9:38:28 PM)

I'm glad I didn't see that letter. I've been avoiding the Opinion page. Melanie Self is the same person who wrote a letter to the editor saying that, if Dr. Sisney really did send an email to teachers telling them to shape up, he was right to do it, because a lot of them need to be told to "get off their behind". She said that any teachers who were unhappy with Dr. Sisney were just whiners who didn't know how to cope with real jobs...something along those lines.

That article is gone of course - in the Ledger's blackout period from August through early November. Here is another sample of her point of view, from when Lare was suspended as a Partner in Education:

QUOTE

Melanie wrote on Nov 11, 2008 11:26 PM:

" I find it quite humorous that as long as Mr. Lare sent out an email that Mr. Gerber agreed with it was just fine. But, he sends one standing up for what he believes and he is canned. Who gets hurt here? Why of course it is the students and schools that his business supported. If the 3 Board Members, Mr. Gerber and anyone else disagrees so much with him sending the email and agrees he should be dismissed from his PIE then I would HOPE that they would open up their wallets and pickup the slack created in helping the schools he supported! Shame on you Mr. Gerber.... "

UNQUOTE

So when a Partner In Education illegally uses a confidential email list on a campaign against the school board, the officials who have the responsibility to deal with it are expected to personally reimburse the school district for the losses incurred by the Partner's wrongdoing?

I don't find that "humorous" at all, but then I'm just rude and biased...

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Jolie2, (8/20/2009 12:37:57 PM)

It is Melanie Self who is a member of the BA Parents for Truth group. Now both first and last names are showing up under their photos. Another member listed by name is Michael Andrew Duvall from Memphis, TN. The only member without a 'name' is the administrator, BA Parents. BA Parents has 39 friends listed. The display seems to have changed on Facebook, at least for these accounts.

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1adam12, (8/20/2009 3:14:25 PM)

I wonder if the BA parents for the truth will post this on their website?

Sperry educator files suit over job

The school principal says she was denied due process.

By RHETT MORGAN World Staff Writer

Published: 8/20/2009 2:40 AM

Last Modified: 8/20/2009 4:20 AM

A Sperry elementary school principal whose contract has expired is suing the district's interim superintendent and two school board members, alleging that she was denied due process.

Stephanie Holcomb filed the lawsuit Tuesday in Tulsa County District Court, listing as defendants acting Superintendent Jim Sisney, school board President Derrell Morrow and board member Cindy Wilson, records show.

The petition claims that Sisney, Morrow and Wilson, after repeated requests from Holcomb, failed to schedule a hearing for her to challenge a proposed nonrenewal of her contract.

Then-Superintendent Rayma Harchar recommended in writing in March that Holcomb, a first-year Sperry administrator, not be rehired, records show.

Holcomb's lawsuit states that five months after Holcomb requested a hearing before the board, Sisney — who was

hired as acting superintendent April 28 after Harchar's contract was bought out — recommended that Holcomb not be renewed for employment based upon "reasons he knew or reasonably should have known were false."

Holcomb's contract, which began July 1, 2008, expired June 30, although she remains employed by the district, the lawsuit states.

Holcomb's lawyer, Steven Novick, would not comment Wednesday, and a message left on Holcomb's school voice mail was not immediately returned. Sisney didn't immediately return a message seeking comment. Morrow and Wilson were unable to be reached.

Holcomb claims that after Harchar's

issue of nonsupport, Morrow and Wilson gave Holcomb assurances that the board would back her attempt to keep her job.

Shortly after Sisney's hiring, however, Morrow and Wilson refused to communicate further with Holcomb regarding her request for a hearing, records state.

Sisney ultimately met with Holcomb on June 23, saying he would call her in a week to advise her on what he planned to do about her employment, the lawsuit states.

Holcomb was named this year in a former elementary school employee's complaint with the Equal Employment Opportunity Commission. She has been an educator for 12 years and is a certified school administrator, according to her petition.

Sisney's contract, which was extended from June 30, is set to expire at the end of this month. He was fired as Broken Arrow's superintendent in October.

Sisney sued the Broken Arrow district three months ago in federal court over his dismissal.

He alleges in his lawsuit that he "was fired in retaliation for threatening to investigate and expose" what he deemed the district's improper financial relationship with its heating-and-air provider, Air Assurance.

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612, Broken Arrow (8/20/2009 4:38:25 PM)

I wonder if Holcomb has evidence that she made her request for a hearing in writing. If she made her request in writing within the required time period after notification of non-renewal, she probably has a case.

I wonder why the two board members changed their minds about supporting Holcomb.

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Jolie2, (8/20/2009 5:55:31 PM)

QUOTE

Sisney ultimately met with Holcomb on June 23, saying he would call her in a week to advise her on what he planned to do about her employment, the lawsuit states.

END QUOTE

The article never follows through on what happened next. Did Sisney call her back or didn't he?

Looks like Dr. Sisney will be spending a lot of time in court, with three lawsuits now pending. I'll bet it doesn't feel too good to be on the receiving end this time.

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612, Broken Arrow (8/20/2009 8:17:26 PM)

It is kind of ironic - he is claiming the board did not follow correct procedures in terminating him, and that he was denied due process. In his case, the board followed the notification procedures to the letter, and he waived his right to a hearing.

Now he is being sued for allegedly failing to follow correct procedures when terminating someone's contract, and denying her due process. If her claims are true - that she requested her hearing within the time limit, and that he failed to allow her to schedule it - he is guilty of exactly what he is suing the BA board for.

In her case as in his, the board has a right to determine whether they want to renew her contract. Whether she was a

good principal or not, she has a right to her hearing.

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Jolie2, (8/20/2009 8:26:40 PM)

Do you think this will affect the Sperry board's decision on making Sisney a permanent superintendent? His contract as a temp is due to expire at the end of August. He already has two of his faithful friends on board in Sperry. Maybe Sperry residents aren't ready for the financial burden of being entangled in litigation, allegedly as a result of Dr. Sisney's decisions, if he did indeed fail to give Ms. Holcomb her due process hearing as she claimed to have requested. If true, I hope she sent her requests by certified mail or some other way that can be legally proven.

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612, Broken Arrow (8/20/2009 8:40:29 PM)

From the comments on the Sperry story, I get the impression that a lot of people are unhappy with Ms. Holcomb's performance. That shouldn't mean that they let Dr. Sisney off the hook for denying her due process, but it probably will.

As we have seen, angry people tend to justify the second wrong (and support the person doing it) when they think it serves to avenge what they see as the first.

So I think it's likely that they will support Dr. Sisney - even if it's shown that he broke the law in denying her due process - because they don't like Ms. Holcomb.

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612, Broken Arrow (8/20/2009 10:00:37 PM)

Jolie - on another topic - did you see the "new twist" in the McCann case, about the Australian woman? Apparently the McCann's detectives haven't done a very thorough job of investigating this "strong lead" - the lead that they broke to the press, based on the testimony of two witnesses who stayed silent for two years for "personal reasons". Hmm.

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Jolie2, (8/20/2009 11:26:31 PM)

612, The McCanns and their supporters continue on with their charade of pretending there was an abduction in the hopes of keeping the real story of what happened to Madeleine and their involvement in concealing the truth from becoming common knowledge, and perhaps to rake in some extra cash for their fund at the same time. Forensic evidence points to the death of Madeleine in the McCanns' resort apartment on May 3.

I'll continue this post some time tomorrow on the other article here at the TW *, where we've been discussing the case in detail. I'll be glad to have someone to talk to about the latest developments in the case.

In the meantime, anyone interested in finding out more about the case should check out these two excellent websites devoted to providing up-to-date information: themccannfiles dot com and joana-morais dot blogspot dot com

(* Police halt probe of absent girl dated July 22, 2008, here at the Tulsa World)

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Jolie2, (8/20/2009 11:39:39 PM)

Stephanie Holcomb's contract was not renewed but it is reported that she is still an employee of the Sperry school district. Would this still entitle her to a due process hearing, even if her employment was not terminated? Her contract was not canceled (if I'm reading the facts right), only not renewed.

612, I concur with your assessment about the public's likely reaction of support for Sisney, even if he didn't follow appropriate procedures. However, he does have the stink of the BA mess following him, for those Sperry residents who choose to now look more closely at what happened there. Perhaps there will be a time to post a comment on a news story about the Sperry district lawsuit, directing readers to comments here for background information.

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612, Broken Arrow (8/21/2009 7:00:18 AM)

I agree, it would be in Sperry people's best interest to look into the background of the BA situation. I'm sure the last thing they want is more conflict with the superintendent and school board.

I'm not sure how to bring it up without sounding like, "You guys just hired the devil, good luck with that!"

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612, Broken Arrow (8/21/2009 7:49:02 AM)

The comments on the Sperry story say that there are two principals on the payroll but not working - a high school principal and an elementary principal - referring to Ms. Holcomb. I don't know for sure though.

I can understand not wanting to change principals during the school year, but it seems strange that they would keep her on the payroll over the start of the new fiscal year, into the new school year. If her contract expired, and she is not

being used in any capacity, why is she still with the school district? Is it because they would have to go through the process of terminating her, and for some reason, they can't or don't want to? Is there something that would come out in a hearing that the school district does not want out?

I posted that question on the Sperry story. Hope someone can offer some insight.

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612, Broken Arrow (8/21/2009 9:38:10 AM)

I posted a comment on the Sperry story about Sisney's court documents at brokenarrowforum. When I get a chance I will put a little label by the link to this story that says something like "Ongoing discussion on this topic", so people can find it if they are interested.

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612, Broken Arrow (8/21/2009 4:25:55 PM)

I'm adding some other documents to the brokenarrowforum page. Let me know if you think of something that would be good to add.

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Jolie2, (8/21/2009 5:56:09 PM)

Thanks, 612, for adding the miscellaneous category to the brokenarrowforum. It's helpful to have a place to quickly access that information.

I reviewed the status report of 8/17/09 for Sisney's Federal lawsuit against the district and was pleased to see that a jury has been requested. Also noted is that the defendant (the school district) hopes to have the case dismissed before discovery continues, to limit litigation costs, based on the board offering Sisney a due process hearing and his not taking them up on the offer within the prescribed time frame. Could the answer be that easy? It would be efficient. Did you see that a settlement conference has been requested, after discovery is completed, in the event that the case is not dismissed? I hope Sisney isn't paid another red cent out of Broken Arrow's pockets, in order to save the district money in litigation expenses for a trial. Any settlement would likely be kept confidential and people will read into it whatever they want to. I think it would be preferable to come to a definite conclusion and legal ruling at trial.

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612, Broken Arrow (8/21/2009 6:36:48 PM)

You're welcome :)

From what I have seen on other lawsuits alleging denial of due process, that's as far as it gets - did the employee have a chance to get a hearing or not. If not, they get a hearing. If they did, the case is dismissed. I have not yet seen one where the federal court got the least bit involved in deciding whether the termination was justified.

Someone on the Sperry site snapped at me for posting the information about the BrokenArrowForum website. Why in the world would people be angry about being offered more information? They've hired a freshly-fired person straight out of a controversy - why would someone want to ignore information that could be pivotal in making the right decision on whether to keep him?

I have seen more traffic on the webpage, and have gotten emails. Some people in Sperry ARE interested in checking out what their superintendent left behind at his last job.

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612, Broken Arrow (8/21/2009 7:01:24 PM)

One other thing I noticed while I was copying press releases - one press release from back in November 2008 pointed out that the Board of Education is the ultimate authority over the school district.

This is why the "biased school board" argument doesn't work. Even though the board might be biased, it is still the ultimate authority - and in fact, "the sole body granted authority by the Oklahoma Legislature to consider the nonreemployment or dismissal of an administrator".

Until I had looked at federal cases similar to Dr. Sisney's, I didn't make the connection.

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Jolie2, (8/21/2009 9:57:06 PM)

I keep checking the comments on the Sperry story, too, and couldn't resist responding to that same poster that had an issue with your comments. Here's my response:

QUOTE

Jolie2, (8/21/2009 9:43:24 PM)

imaspytoo wrote "Are you starting to feel like the best man for the job is now in Sperry?" to poster 612

612 had too much self-control and dignity to reply to that particular question but I don't mind stepping in it. My response to that question is gentle laughter. If you're happy having him as your school superintendent in Sperry, that's wonderful. I am thankful Dr. Sisney is no longer working for Broken Arrow, and am sure I am not alone.

QUOTE

Originally, I was going to type "HaHaHaHaHaHaHaHaHa" but it just didn't look right; I can't carry it off properly. I liked your statement on this thread earlier about hiring the devil and good luck with that.

I think your information will be useful to folks in Sperry who are interesting in thinking things through for themselves instead of only reacting emotionally.

I just checked the BAParents main website and they've put up 7 new links dated August 20--all related to swine flu. Not one mention of the subject of the Sperry lawsuit naming Sisney as a defendant and no link or reference to your brokenarrow forum website. They seem to be not interested in having ALL information available on their site, particularly if it makes 'their side' look bad.

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612, Broken Arrow (8/22/2009 7:14:26 AM)

Your response cracked me up. I did have a less dignified response ready to type...

I don't think imaspytoo can possibly understand the profound relief we feel.

From what I have read on posts, a lot of Sperry people are fed up with their board, and they want someone who will stand up to them. I believe that strategy is doomed to fail though, no matter who the superintendent is. The board is still the boss, and if they are not doing what the people want, that's where the change needs to be made. A strong-willed superintendent is likely to generate more conflict, but not in a constructive way.

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Jolie2, (8/24/2009 1:20:35 PM)

The Tulsa World has removed all comments from the Stephanie Holcomb/Sperry lawsuit article, and left the following information in their place:

QUOTE

Due to the number of comments that violate our terms and conditions, the Tulsa World has elected to disable comments for this article.

END QUOTE

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612, Broken Arrow (8/24/2009 3:39:50 PM)

Wow, I've never seen that before. And I've seen some pretty contentious comments on some articles. I guess somebody complained. It's a reminder that the same thing could happen here, if somebody objects to some comments posted.

There is a new documents on the brokenarrowforum site - Chris Tharp sent me the Open Records Request that is scheduled to be discussed at tonight's board meeting.