

Gerber, Gary

From: Lee Sisney [Lee@tktandassociates.com]
Sent: Thursday, August 07, 2008 8:24 AM
To: Sisney, Jim
Subject: Olive Branch

Jim,

You offered an olive branch. It was ignored, evidently. As we discussed, a recommended strategy is to raise the cost of the game and begin to think about protecting your own interests. These people are not fighters. Perhaps bringing a lawyer in to explain your rights would get their attention and get them to focus on your evaluation, the success of the school system, and likely conflict of interests they may get to see on the front page of the paper. An attorney will explain to you your rights not only in your contract but in the common law: for example, lack of good faith by the board, "Whistle Blower" issues—(you can't fire someone for exposing, reporting wrong doing), tortious interference with your contract, the effect of alleged conflicts of interest motivating Board Members to try to "get you fired", etc. Be careful and thoughtful: give a lot of consideration to trying to keep it from becoming all out war.

Your Board President probably carries messages back to the other Board Members. Think about demanding of him to investigate alleged "conflicts of interest" because there are good grounds for concluding it is conflicts of interest driving the attack on you and your contract and your career. At least you would have a record that you requested this of the person responsible. We don't know to what extent Air Assurance has Board Members in its pocket or the extent they have influenced them in their actions—which is in direct conflict with the interests of the Broken Arrow Public School System.

Board Members can get squirrely. A firm wake-up call might help—might make things worse. Jim, it seems to me you have done all you could do to handle this professionally, appropriately, sensibly. Something doesn't smell right with the way they have handled this and have responded. Extending the olive branch seems to have done no good. You must decide if this can be salvaged. If it can, I would tread more lightly, but still somehow let them know you will and can protect your rights. If you come to the conclusion it can't be salvaged, then they need to get the message it won't be a cake walk for them—that may be the only way to get respect, unfortunately.

The press is dynamite that can hurt you as much as anybody. I wouldn't rule it out. Your Board would look pretty bad if this played out in the press. However, even a little pancake has two sides and when it becomes adversarial, the other side will come out and you could be hurt. Tough judgement call. And you need to be ready to move on if it gets to the point the press is airing all of this. But when you get to that point you want to get the damages up as much as possible and have your exit plan in place.

Timing is another important consideration. With the school year starting, it would seem they may be trying to kill you with a thousand cuts—but that is hard to tell, hard to know. From what you say it's going to get worse with the next election.

If you get aggressive, then you can negotiate: for example staying to Jessica graduates, until you find a place, etc. It doesn't appear they are going to voluntarily come forward with your interests in mind or set down and voluntarily discuss what's in your best interest.

Sorry, Jim. But believe me when one door closes others open—and in our case it has always been for the better. Think about all this and we'll talk further. You need to focus on what is the best interest of Jim.
 Much love from Kentucky,
 Lee

Thurman L. Sisney
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