



October 1, 2008

J. Douglas Mann, Esq.
Rosenstein, Fist & Ringold
525 S. Main Street, Suite 700
Tulsa, Oklahoma 74103

Via Facsimile (918) 583-5617
Original to Follow via U.S. Mail

Mr. Mann:

This letter is to inform you of facts and circumstances that may or may not have been brought to your attention before the controversial hiring of Rosenstein, Fist & Ringold by the Board of the Broken Arrow Public School System.

First, I have notified to Board repeatedly about possible statutory violations since April 14, 2008 and the Board was notified on July 15, 2008 by legal counsel about the possibility of violations of the Competitive Bidding laws of Oklahoma. After this possible violation of law was reported, the Board did not do what one would expect: I was not directed to investigate the matter thoroughly and to take any and all action necessary and appropriate to correct the matter. Instead, I became subject to intense pressure to apologize, make things right with the subject disgruntled vendor, an "influential member of the community" as I was repeatedly reminded by the three Board Members you have been representing. The pressure intensified with time.

Second, since last May (when I told the disgruntled vendor the matter would be investigated and then later notified my Board of possible violation of law), we have observed (1) a rush to hire a new law firm against my wishes and the wishes of others-- and at more costs for legal services than before, (2) a flurry of hastily prepared "new" policies by Board Members who suddenly had the urge for new policies after being on the Board for several years, (3) three Board Members boycotting regular scheduled meetings, (4) a series of strange, extended closed-session meetings on the extension of my contract, and (5) hastily thrown-together special meetings in a mad rush to fix that which is not broken-- The Broken Arrow Public School System continues to be recognized for its academic scores and achievements locally and nationally.

All of the recent "rush" of activity centered around only three of our five member Board, and it was without input from me (as the Superintendent), the Board President, and Mrs. Updike, a duly-elected member of the Board. You and three Board Members engineered the entire series of events. These activities obviously took considerable planning, considerable communication, and considerable coordination. Evidently, there was a meeting of the minds between you and only three Board Members to coordinate the divisive matters later taken up in Special and Regular meetings of the Board. You made no effort to communicate with or inform me, as Superintendent, the Board President, or Board Member Mrs. Updike of any aspect of the planning, intentions, or coordinating of meetings that only three Board Members participated in with your legal guidance.

Those activities did not happen by accident. Those activities excluded part of the Board: I was not involved in any way; the Board President was not involved in any way; Board Member Mrs. Updike was not involved in any way. E-mails we have in our possession indicate you were part of the activities leading up to the Special Meeting on August 25, 2008. The coordinated actions of part of the Board raise questions about circumvention or violation of the Open Meetings Law. Your role in it raises issues of trust, possibly more. Did you tell the



three Board Members that in a letter to you dated August 15, 2008 that I had asked my attorney to set up a meeting with you to discuss the issues? Did you, Mr. Mann, advise the three Board Members when Steve Peters sent you the letter in which I wanted a special board meeting to discuss or take action on approval of internal controls to assure compliance with the requirements of the Oklahoma Public Competitive Bidding Act? We have had a lot of special board meetings, and you and the three have failed to bring this topic up. I have told the Board about the issues, legal counsel has informed them of possible violations, I have done my job and the retaliation by you and the three Board Members continue. I wonder why the attorney who informed the Board of Competitive Bidding Law violations and a potential taxpayer lawsuit is scheduled to be terminated on the agenda created by Ms. Whelpley and Ms. Wilkins with your coaching? Or, an attorney who is aware of Ms. Flippo's desire to fire me after being informed of the issues on July 15, 2008?

Third, an individual who is the subject of the civil action I recently filed has been quoted as saying "that lawyer (meaning Mr. Doug Mann) has been hired to help get rid of Dr. Sisney." This is, of course, hearsay at this point - but we will be taking testimony to determine if that statement is true or not. We have also confirmed that one of the three Board Members you have been advising contacted a nearby Superintendent asking if he would be interested in the Broken Arrow Superintendent's position. These troubling facts raise serious questions about your intent and the intent of the three Board Members you have been advising to the exclusion of the other Board Members. It indicates intent to interfere with my contract.

Fourth, Mrs. Updike, a duly-elected member of the Board, has asked you questions about your role in advising only three members of the Board. You refused to answer, claiming the Attorney-Client Privilege. I am advised that a first-year lawyer would know the Attorney-Client Privilege is the client's, not yours as a lawyer. Therefore, I can only assume you intentionally misquoted the law (on camera and in an open Board Meeting) to a Board Member who is also your client, assuming you represent the entire Board. Furthermore, your e-mail of September 10, 2008, to Mrs. Updike stated that you were unsure if you could trust her with Attorney-Client Privileged information. Mrs. Updike has a right and a duty to extract information from you or anyone that might conceivably result in liability exposure for the Board or the District. You withheld information: you have refused to answer this Board Member's questions. Your refusal to answer your client's questions (i.e., Mrs. Updike's) raises the question of whose interests you are trying to protect. Your own? Or the three Board Members you have been advising?

An attorney must maintain trust with his client; a client is entitled to have an attorney they trust. Trust is noticeably absent with the legal representation being provided in Broken Arrow by Rosenstein, Fist & Ringold. You have been asked questions any lawyer should be willing and eager to answer for a client. (I have attached a list of questions remaining unanswered by you.) Your continued refusal to address these questions about your role with just three members of the Board does nothing to generate trust or confidence.

Finally, it appears that you have become too entangled in collateral matters to properly represent the entire Board of the Broken Arrow Public School System. Frankly, I fail to see why a respected firm like Rosenstein, Fist & Ringold would be involved given the lack of trust and divisiveness surrounding the issues above—and your role in them. The Mission of the Broken Arrow Public School System is to help our children. Your Mission, and involvement, in the Broken Arrow Public School System has become highly questionable.

BROKEN ARROW PUBLIC SCHOOLS
601 SOUTH MAIN STREET
BROKEN ARROW, OKLAHOMA 74012



918.259.4300 | F: 918.258.0399
WWW.BASCHOOLS.ORG
DR. JIM SISNEY, SUPERINTENDENT

Accordingly, please accept this as a formal request that Rosenstein, Fist & Ringold withdraw immediately from its representation of the Board of the Broken Arrow Public School System.

The issues raised above will soon be explored in depth with the advantage of having witnesses under oath. At the very least-- you will be a witness. My experience is that Truth is a powerful force. The truth has an interesting way of making itself known. We will do everything we can to make sure that happens and fully expect it will.

Sincerely,

A handwritten signature in black ink that reads "Jim D. Sisney". The signature is written in a cursive, flowing style.

Dr. Jim Sisney
Superintendent of Schools

Cc: A.F. Ringold
Coleman Robison
John Moyer Jr.
Board of Education Members