

42 Questions that Suggest Sisney Wasn't Railroaded

- 1) How did the allegedly corrupt board get secret blanket PO's and contracts past the other 2 board members, the superintendent, and the CFO, when year after year, they were all there when the board voted to approve them? Over the span of several different school boards? If the scheme went back "at least until the 1990's" as Sisney has claimed, did Sharon Whelpley carry it out single-handedly, fooling Sylvia Belitz, Michael Barron, Dee Master, Ed Koepsel, Carl White, Max Smith, and Greg Green? Or were they in on it too?
- 2) How did the allegedly corrupt board direct questionable invoices to be paid without the CFO's knowledge and approval?
- 3) Why would the board present Dr. Sisney's personnel file as an exhibit in his defamation case if it only proved that he was right about them firing him abruptly for trumped-up reasons? Even the idea that the board terminated Sisney to hide their crimes doesn't make sense. Why would they think stirring up the community by getting rid of him would keep it quiet? Why would they want to take an action that would draw attention to the very thing they were trying to cover up? Especially considering he had already filed his court case against them, alleging these crimes?
- 4) Sisney's claims of bypassing procedures and paying fraudulent invoices, when none of his examples show anything out of the ordinary, suggest that either he doesn't know how his district works or he is trying to make something innocent and normal look suspicious.

From Sisney's defamation lawsuit petition:

Through investigation and inquiry, Dr. Sisney discovered that the relationship with Air Assurance and its owners Mike and Narissa Rampey (hereinafter the "Rampeys") was one in which the Competitive Bidding Act was avoided for some time, by use of a blanket purchase order.

This was a surprise to him, after being superintendent for 5 years, and sitting in the board meetings where they voted on and approved these blanket purchase orders year after year? Did he not communicate with his CFO, or know how his purchasing and maintenance departments worked, or did he sleep through the board meetings? Or is he being disingenuous – trying to make something typical and normal in all school districts, that had been done the same way for many years at BA, out to be a secret plot?

- 5) Why would Ms. Flippo state in a press conference that Sisney had committed blackmail (which is a felony) if he hadn't? That would be slander and defamation of character. She was already stepping down from the board – why would she take this risk to tell a lie with no benefit to her?
- 6) If there was a conspiracy, and BA administrators were using the established blanket PO system for the purpose of defrauding the district, and were paying invoices that shouldn't have been paid, why did Sisney not implicate the CFO, Trish Williams? How could she not have known that these things were going on? It is curious that she left in June 2008, to be replaced by Anne Wade, who came from the Claremore district but had worked in the Bartlesville school district at the same time as Sisney.
- 7) When Sisney "discovered" the conspiracy with AA and the board, why did he not take his evidence to the authorities? A defamation case might serve to get him some money and clear his name, but it would not address the corruption on the board. It was four months between the time he brought up the issues to the board and when he filed his defamation case, and eight months before he filed a police report. He never reported his suspicions to a state education authority. Why, if he was not getting satisfactory action from the board, did he not take the evidence to the police, OSBI, or state authority? How can Shari Wilkins' emails supporting his efforts be explained if the board was refusing to allow him to investigate? Shouldn't a highly experienced and intelligent superintendent with legal counsel be able to figure out how to get corruption on the board investigated and eliminated?

Sisney claims that the board members "worked feverishly and against all reason to keep the matter from seeing the light of day". How was he prevented from informing authorities? During the time he was in office, he was able to consult with legal counsel *without* the board having any participation, oversight, or even knowledge of his communications with his attorney; email his disapproval of the board members to all District staff; have two local newspapers (Ledger and Beacon) present his complaints unchallenged to the public; and

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file a lawsuit against board members. If he had the freedom to do these things, how can he claim not to have been able to alert the appropriate authorities of the corruption he suspected?

- 8) Where did the payroll records come from that Rep. Reynolds based his accusations of "illegal sick pay" on? Who breached employment confidentiality and provided this information to him? Why did he single out Dr. Gerber and Cheryl Kelly – right before the school board election Kelly was a candidate in? Why the sudden concern about a policy that was discontinued 5 years previously, and was widely used by school districts across the state? What action was he expecting the District to take about it? If he was genuinely concerned, as a politician, shouldn't he be savvy enough to present his concerns in such a way that he doesn't look like he is blatantly trying to influence an election he has no connection with, with information he has no business having? Is there a connection with Mike Ritze, whom Reynolds works with frequently, and who is on Dr. Sisney's witness list?
- 9) What happened to the four signatures that were removed from Lare's Taxpayer Demand? The Demand requires at least 10 signatures to be legally viable. Richardson claimed that since it had 10 signatures on it, the requirement was fulfilled, even though 4 people had, as Richardson explained it, "changed their minds" and asked to remove their support. The Tulsa World article quoted a letter from the Kitchens, a couple whose signatures were on the document, saying that they had never seen the letter, did not agree with it, and did not want to be part of this action. How could the Kitchens sign it if they had never seen it, as they claimed in their letter? Why did the Ledger not ask Richardson to explain? Why did the Ledger refuse to print comments (5 attempts) pointing out the discrepancy?
- 10) Why did Richardson pretend not to know the explanation for the typo in the Sequoyah invoice – when he had filed the explanation with his original defamation petition? The invoice was highlighted in the press as a prime example of the board's corruption. Sisney alleged that the board had approved BAPS paying for Air Assurance to do A/C work at the office of an eye doctor who was a friend of Air Assurance's owners, the Rampeys. The eye doctor's office is in the Sequoyah Professional Building. Air Assurance proved with work orders, requests, purchase orders, electronic time cards, and BA staff approval of the work, that the work was done, as requested, at Sequoyah Middle School. Rampey offered to provide GPS proof if necessary (noting the cost involved). When keying the invoice into the computer, the wrong location had been chosen from the dropdown. The error was not noticed because the locations were so similar. Mike Rampey explained this error and provided his proof in a letter to the school district dated 6/27/2008. This letter was filed with Sisney's original petition, by Richardson, in his district court case on 9/3/2008.

Why did Sisney continue to make the accusation in the press after it had been proven false? Why did Richardson leave the accusation in the lawsuit, when the very papers he filed with it disprove it? Why did Richardson, after the Rampeys' press conference where they showed this proof, including GPS, claim that he didn't know about the typo? Why did the Ledger not ask Richardson to explain his puzzling statement?

- 11) Why did Sisney make a show of returning to the ESC the night he was suspended? He knew the vote was coming – he could have taken anything he wanted (evidence, personal items) beforehand.
- 12) Why has Dr. Sisney not released his personnel records, or at least portions, like performance reviews, to prove that the board had no issues with him until he began his investigation?
- 13) Why did Richardson and Lare file a taxpayer demand and then fail to provide the associated information – without which nothing could be done? The repayment amount that was demanded was the full amount of AA's services. Surely at least some of that was legitimate. How could the board determine how much was fraudulent and take action to repay it with no supporting documentation showing what services/invoices were suspected of being fraudulent?
- 14) Why did Sisney waive his right to his hearing, knowing that it would eliminate his chances of being able to win a wrongful termination case? If he was truly trying to expose corruption, why did he not take steps to protect his legal "whistleblower" status? If the board truly fired him solely because he was onto them, why would he not want to present his evidence in a hearing, and allow the public to see that they had no evidence against him?

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15) Why does the Ledger refuse to publish certain comments that are relevant to the article and are not offensive? Examples: 2/26/2009 – Jolie tried three times to point out an announcement on BAPS website called "Superintendent comments on recent media reports". 2/27 – Forgery rumors debunked – 612 tried 4 or 5 times (at least) to refer readers to the TW article that had information that the Ledger did not have in its article – that the Kitchens had stated that they had never seen the letter and did not want to be part of the action. The Ledger left that information out of their article and refused to publish the comments pointing it out – when submitted with or without mention of the TW article. There are many, many examples of comments that the Ledger declined to publish. All of these have been posted on the Tulsa World story, "BA School Board Rejects Probe", February 26, 2009.

Why did the Ledger on multiple occasions print the address of the baparentsvsbaboe website – as the full website address (www.baparentsvsbaboe.com) – but refuse to print any comments that even mention the existence of a website that contains court documents relating to Sisney's lawsuits?

16) Why are Sisney supporters not interested in questions around Sisney's behavior? Why do they sneer and call names when someone brings up an alternative to their point of view? Why do they not want to know if Sisney blackmailed Maryanne Flippo? Why don't they want that investigated? Doesn't that change the whole story, if it's true? Jolie, 3/6/2009: "Allegedly, in July of 2008, Dr. Sisney had already threatened Maryanne Flippo..." Ledger commenter: "You make it sound like he threatened to 'beat her up'..." Blackmail is a felony. Is this person ok with people committing felonies, as long as the victim is someone they have been led to distrust? Does that make it ok?

17) Why did the Ledger print – at least twice – that Sisney filed his defamation lawsuit after he was fired? The story was by Bob Lewis, who had been involved from the beginning and certainly knew better. Why did the Ledger print twice that Chris Tharp had been trying to get RFR's billing details for two years – when they had only been representing the board for one? The second time was after they had already corrected their first article after the error was pointed out in a comment (which they didn't publish).

18) Why did Ms. Updike claim to have "no idea" why the board would vote to suspend Sisney? Even if they trumped up the charges, they would have had to document them and address them as a board – which would have included Ms. Updike. If she lied about that, what else has she been lying about?

19) Why did Ms. Updike claim that she didn't believe anyone had been prevented from putting items on the agenda or that anyone had been denied access to legal counsel? Her claim that no one was prevented from putting items on the agenda was explicitly disproven by Sisney's own comments at the 8/12/2008 board meeting, where he describes an agenda item Flippo and Whelpley tried to add and states that he told them no, and that the agenda item wasn't added. He cited Policy 15.1, which states that the final decision is at the discretion of the superintendent and board president. Updike's claim that no one had been denied access to legal counsel is not consistent with Maryanne Flippo's claim that only the board president and superintendent had access to legal counsel, and it is not consistent with the emails between Shari Wilkins and Terry Stover, where Wilkins repeatedly asked Stover about the status of the letter to the Rampeys that The Center was supposed to be drafting. If she had access to The Center, she could have asked them herself.

20) Why did the board members feel they needed to hire legal representation, if, as Sisney claims, they already had it? Why did Sisney and Stover refuse to let the board even discuss having Doug Mann review board policies? Preventing board members from voting on their own issues is a violation of policy and misuse of authority. A superintendent has no right to control what his employer discusses and votes on. The laws regarding school boards indicate that the majority rules. In this scenario, if the superintendent disagrees with the majority, he has the power to override the board's majority vote by simply never allowing them to vote on the issue he disagrees with. Is this what is intended by the laws governing school boards?

21) Why the fuss over the changes in the audit? There were no significant changes; nothing was left out and the scope was not narrowed. If anything, it was expanded. Sisney claimed that Dr. Gerber removed certain items to keep them from being looked into. Dr. Gerber didn't write the audit request (the audit company did), and he didn't even sign it – Terry Stover did. What was Sisney's purpose in misrepresenting the changes that were made, and attributing them inaccurately to Dr. Gerber?

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- 22) Why did Sisney file a doomed federal lawsuit for wrongful termination? The federal court's only job is to make sure he gets his hearing. He waived his right to the hearing. If they decide he didn't get a fair chance, the only thing they will do is make the BA board offer him another hearing. His highly experience attorney has to know this; his attorney brother should have been able to tell him. Sisney's objective can't be to win. So what is it? Sisney filed to dismiss his own case in October 2009. The District's counsel objected, saying that the case never had any merit and Sisney was trying to drop it in such a way as to avoid having the judge order him to pay the District's legal fees incurred because of the frivolous lawsuit.
- 23) Why did Sisney file his defamation case with the 3 co-conspirators unnamed? There is no legal advantage to this. His attorney should have been astute enough to know that it made it look like manipulation.
- 24) Why did Bob Lewis point out the "delay in extending the superintendent's contract" in a Ledger article on 8/8/2008? "Obviously, something is amiss here that needs to get resolved." That was certainly true, but it was not anything the public could know about or do anything about. The article paints a glowing picture of Sisney, including such phrases as "a glittering record of success". Why did Bob Lewis think it was appropriate to tell the public that there were issues that needed to be resolved – that they couldn't know about - but they should be on Sisney's side? Highly biased, and gives the appearance of prepping for things to come, at the request of Dr. Sisney.
- 25) Where is all the evidence of Air Assurance overcharging and billing for work not done? Why are the totals paid for Air Assurance not significantly higher than what the district pays now for a comparable level of service, after adjusting for the fact that no maintenance is being done?
- 26) Why did Sisney claim that on May 8, 2008, Mike Rampey had "absolutely, without warning" terminated future service to BASD? It was anything but "absolutely, without warning", according to Sisney's own claims. In the days just before May 8, Mike Rampey had made several attempts to meet with Sisney to discuss the accusations Sisney had made against Air Assurance. Sisney refused. Almost two weeks later, 5/22, Sisney met with Rampey about the issues he had discovered. Why did Sisney leave out of his defamation suit the accusations he had previously made against Rampey and Air Assurance? It was these accusations that led to Rampey making several attempts to meet with Sisney, as Sisney states in his lawsuit, between 5/5/2008 and 5/10/2008. It was these accusations and Sisney's refusal to communicate with Rampey that led to Rampey's letter terminating service. These accusations are listed in the board's letter to Sisney giving the reasons for possible dismissal. Why did Sisney decide not to include them in his lawsuit, if he is so convinced that they are accurate?
- 27) Why did Ms. Updike make the accusations against the other board members in June 2009? What was her purpose in stating that some teachers' positions had to be cut directly because they fired Dr. Sisney? And why did anybody support her in making those comments? In addition to being inaccurate, it's also divisive and against board policy – unlike Ms. Flippo's comments, which made some people mad, but did not violate any of the provisions in the code of ethics and have not been shown to be inaccurate. Why was Ms. Updike willing to say these inaccurate and inflammatory things about people she has to continue to work with? Was she prompted – or coerced? This was two weeks before she filed her bankruptcy case. Was there a threat of making that public?
- 28) How much credibility do we give Ms. Updike when she chastises the other board members by saying, "I have said many times that actions have consequences...", and two weeks later files for bankruptcy because she is four million dollars in debt?
- 29) Why did Sisney send an email criticizing the board members to all Broken Arrow staff? His stated intent was to address their concerns regarding the conflict with the school board. Instead of providing constructive information to staff, the letter encourages them to take sides, draws them into the controversy while pretending to keep them out of it, and appears to set the stage to guide their perception of future events to his benefit. Why did he point out that the board members had boycotted the meeting but not address their stated reason for boycotting the meeting? How was this an informative letter if the core issue was not mentioned?
- 30) What happened to the fire, that some were so sure was set by AA in an attempt to destroy evidence? There were predictions of arrests. No arrests made have been made, and no charges have been filed. Who

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informed the Ledger that Air Assurance rented a unit there? EGI, the owner of the storage facility? Is it common practice to inform the media of the tenants' identities? Presumably not Mike Rampey, who said he had almost forgotten they still had a unit there. Or someone else, who had something to gain by making it look like AA was trying to destroy evidence? At the time AA's office was near the storage facility, they are said to have had several units. Were these previously occupied units the target? About 25 units were destroyed; the one rented by Air Assurance was only damaged by smoke and water. If the fire was AA's attempt to destroy evidence, they apparently didn't know where their own unit was. Why would AA go to the trouble and risk of destroying evidence in such a high-profile way, when they could have legally and quietly gotten the boxes out of their storage unit and shredded the documents?

- 31) Where did the Tulsa Beacon get the material for its 10/9/2008 story on Sisney's suspension? It references a letter from Sisney to Doug Mann; this letter is not in the lawsuit filings. It goes into detail on the "revelation" that invoices were paid without corresponding work orders, and claims that this was against procedure (it wasn't). This is the same claim that showed up on the affidavit for the police search of AA's storage unit after the fire. It also includes Sisney's claim that BAPS paid for work done at Dr. Hudkin's office – a claim that had already been disproven by Rampey's letter, included in the very documents that Sisney filed in his defamation case a month earlier. Why does this article report extensively on Sisney's lawsuit – which was a month old by this time – and not include any information that could show any other side to the controversy? Was the information provided by Sisney? Was the article written by or on behalf of Sisney? Why did Sisney not include the letter in the lawsuit he filed against Doug Mann?
- 32) Where is the proof that the board had a conspiracy with Air Assurance? There is supposedly proof in the police report filed on 12/17/2008; it is referenced in the affidavit for a search warrant after the fire at the storage unit. Is this the extent of his proof of a conspiracy? This proof shows that blanket PO's were unanimously approved by various boards over many years, in public meetings with the superintendent and CFO present; that procedures that didn't yet exist weren't followed, and that end-of-fiscal-year invoices were handled in the same way they were handled every year. Is there anything that actually shows wrongdoing?
- 33) If there were "issues that rise to the level of criminal behavior", "carefully calculated actions that violate statutes and board policies", "a massive cover-up scheme", and if it was true that "criminal activities involving the expenditure of public money have taken place in the school district since at least the 1990's", why did the audit find no hint of intentional wrongdoing?
- 34) Why did Sisney think it was a good thing to run a district with nearly 16,000 students with access to legal counsel so severely restricted? His 8,501.18 in legal fees for FY 2006-2007 allows for only 7.1 hours per month, at a modest \$100/hour. What would superintendents of other comparable-sized school districts have to say about that? Union, with 14,573 students, budgeted 170,000 for FY 2007-2008, or 141.6 hours per month. What needs was legal counsel fulfilling for Union that BA was doing without?

It seems extremely dangerous and negligent to conduct the business of a large school district with practically no legal counsel. How much have we been paying since then because of mistakes made that opened the district up for litigation? Of course any fallout from that fiscal year would have gone into the legal fees incurred in 2007-2008 – the fiscal year for which Sisney was blaming the board in his email.

Because of the extreme irresponsibility of this policy, it seems unlikely that saving money was the motive, except in the very short term. It suggests that Sisney was intentionally shutting out legal counsel, in order to impede the board's ability to properly handle legal challenges in the district, while at the same time setting himself up to point out the drastic reduction in legal fees he had achieved. Was he positioning himself to criticize the board for hiring appropriate legal counsel, knowing that of course the costs would go up (to something more reasonable), and setting the stage to lead the public to blame them for the increased costs to taxpayers that are really due to his own actions?

- 35) Sisney's federal wrongful termination lawsuit claims that he waived his hearing because it wouldn't have been fair, since the three board members are biased. He points to the fact that he sued them as proof of their bias. How can his actions against them be taken to prove bias on their part? Is that the real purpose of the defamation case? To set the stage for the wrongful termination case Sisney expected to file?

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- 36) Charges virtually identical to Sisney's allegations against the district were being investigated by the FBI in Bossier City, LA starting in the June 2008 timeframe. Sisney allegedly told Flippo that if she didn't get the board to agree to what he wanted, he would "go public with the Air Assurance story" in July 2008. Are these similarities due to coincidence, or plagiarism?

Bossier City: "Air Repair received \$8.6 million worth of air conditioning work from the school system during the past four years, according to school system record."

Sisney's federal lawsuit: "In total, from July 2002 to present, Air Assurance and the Rampeys have been paid \$3,100,000.00 by the BASD."

Bossier City: "...[the employees] are accused of conspiring to illegally affect the awarding of air conditioning work so that Air Repair received a vast majority."

Sisney's federal lawsuit: "Employees of the School district engaged in an ongoing enterprise with AA to keep AA's competition from competitively bidding work for the Broken Arrow School District. The ongoing criminal activity damaged other HVAC vendors in the area by eliminating competition."

Bossier City: "Air Repair, which got millions of dollars in air-conditioning work on parish schools, overcharged for work that was done, billed for work on rooms that didn't exist and replaced air-conditioning units that were working properly."

Sisney's federal lawsuit: "AA, over extended periods of time, padded their invoices to the District – by overcharging, by charging for services not performed, or by providing unnecessary repairs and parts."

The Bossier City statements are from articles on the KTBS Channel 3 website.

Note: a major difference between Bossier City's and Broken Arrow's handling of the suspected fraud is that Bossier City called for an FBI investigation when the suspicious activity was first discovered, and did not inform the media. Broken Arrow informed the media and did not involve law enforcement until 8 months after the suspicious activity was discovered.

- 37) People have taken the claim that Wilkins had created a benefits package for AA claim as fact. Even Sisney didn't claim it as fact.

His defamation lawsuit reads, "On May 6, 2008, Dr. Sisney was informed that Board Member Shari Wilkins had business relations outside the BASD with the Rampeys and Air Assurance, by way of a personal business for which she was creating a new benefits package for Air Assurance".

Sisney won't even commit to it as fact in his lawsuit, probably because he knows it isn't true. But he raises suspicion by bringing up a rumor.

Mike Rampey says in his Answer to Sisney's defamation lawsuit that neither he nor Air Assurance had any business relations with Shari Wilkins outside the BASD. Both statements could be true: Sisney could have heard a rumor, and Wilkins may not have done outside business with Air Assurance. So why did Sisney include this rumor in his lawsuit? Was it to suggest an inappropriate relationship, to get the claim reported by the media and put into people's minds as fact, without going so far as to make a claim that he knew wasn't true?

- 38) On August 4, 2008, Stephanie Updike leaked confidential information from executive session, according to a statement read by Shari Wilkins on 6/29/2009.

On August 8, 2008, the Ledger published an editorial about the board's pending decision on whether to extend Sisney's contract for the 2011-2012 school year, stating, "...it must be noted there are five members of the school board and the Ledger is told the votes behind this delay are far from unanimous."

The Ledger was told...by whom?

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Anybody who knew how the vote was going was not allowed to talk about it, because it involves a personnel issue *and* a discussion in executive session. Some people may have reservations about believing Ms. Wilkins' statement, but - *somebody* leaked confidential information.

- 39) Why did Stover send a letter from the Board to Mike Rampey without the other board members seeing or approving it? When Shari Wilkins told him at the 8/4/2008 board meeting that the board members wanted to see the draft letter when he received it from The Center for Education Law (after several weeks of delay), why did he not tell her he had already received it, prepared the final draft, and in fact had it with him at the meeting, ready to give it to Mike Rampey if he was there?

Stover states that he did not give the letter to Rampey or share it with the board members because they all disappeared after the meeting while he was in the bathroom. So why did he go ahead and send it the next day, still without informing the board members that he had even received the draft from The Center, and without providing them copies – even though the letter was from the whole board? Only when Wilkins asked him two days later about the delay in getting the draft from the Center did Stover admit that he had already sent it.

- 40) What did Sisney want the board to do when he “discovered” the conspiracy between them and Air Assurance? According to Maryanne Flippo's statement at her press conference and Shari Wilkins' emails, the board was aware that Sisney was researching and correcting some internal processes, and that he believed the issues he had found presented a substantial legal and financial risk to the district. Neither Flippo nor Wilkins deny Sisney's diligent efforts or the possibility of incorrect procedures that could put the district at financial and legal risk.

Sisney claims that the board “worked feverishly and against all reason to keep the matter from seeing the light of day”. What did they do to stand in his way? What did they refuse to do that prevented him from getting the issues resolved? He has not provided any details whatsoever as to any actions they took to cover up their crimes or block his investigation, and in fact Ms. Wilkins' email shows that the board was allowing Sisney to research freely, and appears to support his efforts.

Stover confirmed in his statement on 8/18/2008 that he (Stover) was the one who created the agenda and had the power to decide what was on it. Sisney's comments at the 8/12/2008 meeting show without a doubt that Sisney and Stover controlled the agenda. This shows that the 3 board members did not block any discussion of the issues from being put on the agenda. The issues were never brought up in a board meeting, so either Sisney never asked for the board to discuss them, or Sisney tried to put discussions on the agenda but Stover blocked him.

Stover could have put any issues relating to Sisney's concerns on the agenda, but he never did. Nothing relating to Sisney's concerns was ever discussed at a board meeting. There were never any recommendations made by Sisney for the board to vote on. If he had recommended action, it would have had to have been brought up in a board meeting. Unless Stover was throwing out Sisney's agenda items, Sisney had full control to inform the public, bring up issues for discussion, and make recommendations for the board to vote on.

Why did Sisney not even attempting to address his concerns about the district's potentially illegal practices with the board?

- 41) Why did Sisney suggest on 6/16/2008 sending a letter to Mike Rampey to ease the contention between AA and the district, and then never do it? Sisney suggested in a meeting with Wilkins and Updike that it would be a good idea for him to send the letter to Rampey to assure him that Sisney did not mean to accuse him of wrongdoing, but had found areas in the district that needed improvement to make sure the district is following the law.

Flippo said in her press conference that in July Sisney told her that if she didn't get the board to give Sisney what he wanted in his employment contract, he would “go public with the AA story” and create a PR nightmare for the district and for her personally.

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So why did Sisney never send the letter? Was he waiting to see if Flippo got him what he wanted in his contract? Holding back on releasing the accusations against AA in case he needed them when he "went public"?

- 42) In the days before the 10/06/2008 board meeting where Sisney was suspended, Stephanie Updike spoke out strongly against the agenda item to prohibit public comments at the special meeting.

"I can't believe the arrogance of shutting out comments from the very public we are suppose to be serving."

"I am appalled that a public body would put a gag order on the public. That's incredible to me. I know the public is pretty outraged by that."

Did Ms. Updike really not understand that allowing comments would have been irresponsible and unfair to Sisney, and in fact would have put the district at legal and financial risk? Did the people who expressed outrage not realize that there might have been comments *against* Sisney, and those would have to be allowed too? The Ledger article stated that about half the spectators on 10/6/2008 cheered Sisney; the other half cheered when the board voted to suspend. How would it have been fair to Sisney to allow any comments – positive or negative, reasonable or outrageous - to be made that might have influenced (or could be claimed to have influenced) the decision that was about to be voted on by the board? This would be a major boost to the plaintiff in a wrongful termination case, and rightly so. That is why the board could not legally or ethically allow comments.

It is now a board policy not to allow public comments at special board meetings or in regard to any employment-related issue. As far as I know, it was not at the time in Broken Arrow. However, it was and is a very common policy on boards across the country. The Broken Arrow BOE was following accepted convention, and protecting the district from risk of legal repercussions.

Knowing what they must have known as board members, Mr. Stover and Ms. Updike nevertheless chose to take a strong public stance on allowing public comments that was reckless and antagonistic – as if they intended to stir up the public on an issue that they knew could not be compromised. Was this their intention? Or was their reaction rooted in ignorance and a lack of common sense?