

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR MARICOPA COUNTY

ELIZABETH McCOY and WILLIAM)	
McCOY, husband and wife,)	
)	
Plaintiffs,)	
)	
vs.)	No. CV2013-090349
)	
GILBERT UNIFIED SCHOOL DISTRICT)	
No. 41, a political subdivision)	
of the state; DR. DAVE ALLISON,)	
and JANE DOE ALLISON, husband)	
and wife; BRIAN YEE an unmarried)	
man; JOHN DOS 1-X, JANE DOES)	
I-X, CORPORATIONS I-X;)	
PARTNERSHIPS I-X,)	
)	
Defendants.)	
)	
)	

DEPOSITION OF DAVE ALLISON

Chandler, Arizona
June 6, 2014
10:01 a.m.

	Reported by:
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1 DEPOSITION OF DAVE ALLISON
2 commenced at 10:01 a.m. on June 6, 2014 at the Law
3 Offices of William R. Hobson located at 7303 West Boston
4 Street, Chandler, Arizona 85226, before SHANNON
5 STEVENSON, Certified Court Reporter, Certificate No.
6 50461, for the State of Arizona.

7

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* * *

9

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21

22 Also Present:

23 Elizabeth McCoy
24 William McCoy

25

Chandler, Arizona
June 6, 2014
10:01 a.m.

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DAVE ALLISON,

called as a witness herein, having been first duly sworn,
was examined and testified as follows:

* * *

EXAMINATION

BY MR. HOBSON:

09:53:46 Q Dr. Allison, I know you have been deposed
before at least once. Are there other occasions when
you've been deposed?

10:01:28 A Yes.

10:01:30 Q How many occasions?

10:01:31 A At least two others.

10:01:32 Q And tell me what those occasions were.

10:01:35 A One was dealing with the CrossPoint issue and
then the other one was years ago dealing with an issue at
Mesquite High School with a basketball player.

10:01:50 Q And it was a lawsuit by the basketball player?

10:01:52 A By the parent.

10:01:57 Q I sort of gave you the rules of the road before

1 I know, but let me just go through them again so we're
2 clear and get through here, hopefully before sundown, and
3 we can have a clear record.

10:02:11 4 MS. GILBERT: Definitely before sundown.

10:02:12 5 MR. HOBSON: Record should reflect that Liz
6 Gilbert took a deep sigh.

10:02:18 7 Q BY MR. HOBSON: So this is a process where I
8 get to ask -- first of all, your testimony is under oath
9 and that is to remind you the seriousness of telling the
10 truth and the whole truth. Do you understand that?

10:02:29 11 A Yes.

10:02:30 12 Q The process is one where I get to ask questions
13 and you get to give answers. It doesn't work the other
14 way. So, sometimes the questions I ask may seem a little
15 unfair or confused or whatever. If you have a problem
16 answering a question, would you please tell me that I
17 don't understand or that assumes things or whatever your
18 reaction is, and I'll try to rephrase that. All right?

10:02:59 19 A All right.

10:03:00 20 Q If you answer a question, I'm going to assume
21 you understood it and you gave a fair answer. Do you
22 think that's okay?

10:03:08 23 A Sounds all right.

10:03:09 24 Q Okay. Ms. Gilbert from time to time will
25 interpose objections. And the way this is supposed to

1 work is if you see her start to make an objection, please
2 pause and let her get her objection on the record and I
3 will then -- then you should go ahead and answer it as
4 best you can. That way we have her objection and the
5 answer. If she's right about her objection, the court
6 won't let the answer in to the extent we get to a trial
7 in this matter. If, on the other hand, she's wrong, we
8 have your answer. Okay?

10:03:39 9 A (Nodding head.)

10:03:40 10 MS. GILBERT: You have to answer out loud.

11 Q BY MR. HOBSON: Do you understand that?

10:03:43 12 A Yes.

10:03:43 13 Q The court reporter we have is marvelous but she
14 has limitations on her skills. She can only take down
15 when one person is talking. So when you are talking, I
16 need to be listening; when I'm talking, you need to be
17 listening. Does that seem fair to you?

10:04:01 18 A Seems fair.

10:04:02 19 Q In addition, things we do in ordinary
20 communication are sometimes difficult for the court
21 reporter, so you need to speak up. Okay?

10:04:14 22 A Yes.

10:04:20 23 Q And also head nods and head shakes are okay,
24 but you should also be affirmatively responsive. Do you
25 understand that?

10:04:28 1 A Yes.

10:04:29 2 Q Okay. And, finally, the two common expressions
3 in English are uh-huh and huh-uh, and they're difficult
4 to discern, so yes or no as appropriate. All right?

10:04:40 5 A Uh-huh, yes.

10:04:41 6 Q Is there any reason why we can't go forward
7 with your deposition today?

10:04:45 8 A No.

10:04:46 9 Q Did you take any medication before coming
10 today?

10:04:48 11 A No.

10:04:49 12 Q Do you take any medication regularly?

10:04:51 13 A No.

10:04:52 14 Q What did you do to prepare for your deposition
15 today?

10:04:56 16 A I read some of the notes that I have that --
17 the ones which Liz has, and then I met with Liz.

10:05:09 18 Q These are all materials that you provided to
19 your lawyer?

10:05:11 20 A That's correct.

10:05:12 21 Q And to the extent that it's appropriate, they
22 have been disclosed as far as you know?

10:05:16 23 A Yes.

10:05:17 24 Q Are there any notes that you provided
25 Ms. Gilbert that you did not disclose or did not have

1 disclosed?

10:05:25 2 A No.

10:05:25 3 Q You didn't mark any notes that you gave to
4 attorney-client privilege or anything like that?

10:05:32 5 A I don't know. I don't think so. You can
6 better answer that one.

10:05:40 7 Q And how long did you prepare with Ms. Gilbert?

10:05:47 8 A Couple hours.

10:05:49 9 Q All right. Let me show you kind of an
10 interesting thing I'm kind of interested in. Let's mark
11 this as one.

12 (Deposition Exhibit No. 1 was marked for
13 identification and attached hereto.)

10:06:12 14 MS. GILBERT: Just before you get started, I'm
15 going to object to the relevance of this in this
16 deposition.

17 Q BY MR. HOBSON: Do you recognize your signature
18 on this document?

10:06:23 19 A Yes.

10:06:23 20 Q What is this?

10:06:27 21 A This is a --

10:06:30 22 MS. GILBERT: You have to look at the entire
23 document, David, because there's multiple pages.

10:06:36 24 Q BY MR. HOBSON: I'm interested most right now
25 on Page 308, Bates No. 308.

10:06:43 1 A This is a payment for additional work.

10:06:50 2 Q Were you aware that Mr. McCord was just
3 photocopying stuff that he had previously done in years
4 before as the special project work?

10:07:04 5 MS. GILBERT: Form and foundation.

10:07:08 6 THE WITNESS: In regards to his work that he
7 did, I do not know the specifics of that.

8 Q BY MR. HOBSON: What did you ask for? You are
9 the one assigning him a special project. What was the
10 special project that you assigned for him to do?

10:07:23 11 MS. GILBERT: Form.

10:07:24 12 THE WITNESS: The special project was related
13 to his dissertation work.

14 Q BY MR. HOBSON: I understand how that helps
15 Mr. McCord. How does that benefit the district?

10:07:35 16 A Because what he was doing -- his research that
17 he was doing on his dissertation was related to the
18 learning of Gilbert students.

10:07:47 19 Q You know that?

10:07:49 20 MS. GILBERT: Form.

10:07:50 21 THE WITNESS: That's what he told me, yes.

22 Q BY MR. HOBSON: Are you aware that he was
23 simply photocopying stuff that he had done previously
24 under other provisions of this special contracting
25 agreement that you had done with him so that the one in

1 2010 he photocopied and produced as part of the 2011
2 special project, and then in the 2012 one was actually
3 photocopying that again, are you aware of that?

10:08:25 4 MS. GILBERT: Form and foundation.

10:08:26 5 THE WITNESS: I am not aware of what you're
6 insinuating, no.

7 Q BY MR. HOBSON: I'm not insinuating, I'm saying
8 that. I'm asking if you are aware.

10:08:38 9 MS. GILBERT: Form.

10:08:39 10 THE WITNESS: I was aware he was working on the
11 dissertation which was going to be helping Gilbert
12 students.

13 Q BY MR. HOBSON: Was this at the same time that
14 Gilbert schoolteachers had not received raises for years
15 after years after years?

10:08:52 16 MS. GILBERT: Form and foundation.

10:08:53 17 THE WITNESS: That's a false statement to begin
18 with.

19 Q BY MR. HOBSON: Tell me why that's a false
20 statement.

10:08:59 21 A Because Gilbert teachers did receive increases,
22 not very much, but they did receive increases over those
23 years.

10:09:06 24 Q Did any of them get this sweet \$2,000 kicker on
25 their employment contract?

10:09:13 1 MS. GILBERT: Form.

2 Q BY MR. HOBSON: Any teacher?

10:09:16 3 A No.

10:09:16 4 Q So this was a special thing for Mr. McCord and
5 Mr. Filloon had this kind of arrangement too?

10:09:26 6 MS. GILBERT: Form.

7 Q BY MR. HOBSON: And he's working on his
8 dissertation too?

10:09:29 9 A Yes.

10:09:30 10 Q Did you give any consideration, Dr. Allison, to
11 the notion that maybe somebody who's making \$110,000 a
12 year could afford to pay for their own research on their
13 own dissertation?

10:09:51 14 MS. GILBERT: Form and foundation.

15 Q BY MR. HOBSON: It is 110 he was making, isn't
16 it?

10:09:58 17 A No. It's 107,644.

10:10:03 18 Q Did you ever give any consideration to -- oh,
19 of course in Item D he had a \$4,000 allowance on top of
20 the 107,644; right?

10:10:19 21 A Car allowance.

10:10:20 22 Q Yeah, so he gets another \$4,000?

10:10:23 23 A Of course, that's standard.

10:10:25 24 Q So he's getting more than a \$110,000?

10:10:28 25 A No. He's getting \$4,000 to pay for his

1 expenses on the use of his car.

10:10:33 2 Q He gets a lump sum \$4,000; right?

10:10:36 3 MS. GILBERT: Form.

10:10:37 4 THE WITNESS: To pay for the expense of his
5 car.

6 Q BY MR. HOBSON: If his car costs him \$2,000, he
7 still takes the \$4,000; right?

10:10:46 8 MS. GILBERT: Form.

10:10:50 9 THE WITNESS: Yes.

10 Q BY MR. HOBSON: And that's how you guys do it
11 in Gilbert; right?

10:10:56 12 MS. GILBERT: Form.

10:10:57 13 THE WITNESS: No. That's how it's done all
14 over the state. Actually, other contracts in the state
15 for those equivalent positions get much more than this.

16 Q BY MR. HOBSON: Since you said he was only
17 making \$107,000, Item E he gets another \$7,000 for family
18 insurance coverage; right?

10:11:16 19 MS. GILBERT: You have to look at the contract.

20 THE WITNESS: Yes.

21 Q BY MR. HOBSON: That's the kind of thing that
22 every schoolteacher has in their contract as well, the
23 district provides \$7,000 for their family insurance
24 coverage?

10:11:29 25 MS. GILBERT: Form and foundation.

1 Q BY MR. HOBSON: In Gilbert, sir?

10:11:35 2 MS. GILBERT: Form and foundation.

10:11:36 3 THE WITNESS: Not teachers.

4 Q BY MR. HOBSON: Teachers don't get \$7,000 for
5 family insurance coverage?

10:11:43 6 MS. GILBERT: Form.

10:11:43 7 THE WITNESS: They get something like
8 forty-five, 4300 for their own coverage.

9 Q BY MR. HOBSON: Is that because Mr. McCord's
10 family was unusually large so he needed twice as much as
11 what you provided for schoolteachers?

10:11:59 12 MS. GILBERT: Form.

13 THE WITNESS: It's a standard statement or
14 contract basis for assistant superintendents throughout
15 the state.

16 Q BY MR. HOBSON: So the assistant
17 superintendents get the gold plan and the guys who are in
18 the trenches actually educating children, they get the
19 cheap plan?

10:12:18 20 MS. GILBERT: Form.

21 Q BY MR. HOBSON: Is that the case, Dr. Allison?

10:12:21 22 MS. GILBERT: Form.

10:12:24 23 THE WITNESS: The question, you know, it's hard
24 to even answer that question because of the silliness of
25 it. You know, as we know in any organization in terms of

1 management, we'll get contracts that their contract is
2 usually more than the people who work in the institution.

3 Q BY MR. HOBSON: And tell me, does Mr. McCord,
4 and you for that matter, participate in the state
5 retirement system?

10:12:58 6 A Yes.

10:12:59 7 Q Okay. Tell me why Mr. McCord also gets a
8 \$1,007 for a tax sheltered annuity.

10:13:12 9 MS. GILBERT: Foundation.

10:13:14 10 THE WITNESS: Again, it's a standard clause
11 that's given to management in school districts throughout
12 Arizona.

13 Q BY MR. HOBSON: But not to schoolteachers?

10:13:23 14 MS. GILBERT: Form and foundation.

10:13:25 15 THE WITNESS: Right.

16 Q BY MR. HOBSON: It always puzzles me, I guess,
17 why you feed -- why you would fail to feed oats to the
18 race horses, the people actually doing the work, and
19 instead you divert money to senior management. I assume
20 you had the same kinds of sweet deals in your contract?

10:13:49 21 MS. GILBERT: Form.

10:13:52 22 THE WITNESS: Yes, I had similar deals. I was
23 also one of the lowest paid superintendents in Arizona in
24 regards to the size of the district. Just ask what the
25 new superintendent in Gilbert is getting compared to what

1 I get.

2 Q BY MR. HOBSON: That makes you feel a little
3 jealous, I guess?

10:14:14 4 MS. GILBERT: Form.

10:14:14 5 THE WITNESS: No, it doesn't. But that's the
6 fact of life. And you should study that and get to know
7 those kinds of things.

8 Q BY MR. HOBSON: I am familiar with those kinds
9 of things, actually.

10:14:25 10 A It doesn't sound like it.

10:14:27 11 Q It still puzzles me, that's the reason I'm
12 asking.

10:14:31 13 A Okay.

10:14:31 14 Q I assume you also did these regular approval
15 \$2,000 kickers for Mr. Filloon as well --

10:14:39 16 MS. GILBERT: Form.

10:14:40 17 THE WITNESS: Yes.

18 Q BY MR. HOBSON: -- for his doctoral program?

10:14:42 19 MS. GILBERT: Form.

10:14:43 20 THE WITNESS: Yes.

21 Q BY MR. HOBSON: Did you get those kinds of
22 things when you were working on your doctorate?

10:14:48 23 A No.

10:14:48 24 Q Why not?

10:14:52 25 MS. GILBERT: Foundation.

10:14:56 1 THE WITNESS: I don't know. I didn't ask for
2 it at the time. By the time I had joined Gilbert, I had
3 pretty well completed my doctorate.

4 Q BY MR. HOBSON: Here's a curious -- your
5 Canadian; am I right?

10:15:11 6 MS. GILBERT: Form.

10:15:12 7 THE WITNESS: Yes.

8 Q BY MR. HOBSON: Are you a naturalized American
9 citizen at this point?

10:15:18 10 A I'm a dual citizen.

10:15:19 11 Q Can you be a dual citizen?

10:15:21 12 A Yes.

10:15:22 13 Q That's changed. My dad was a citizen of
14 Ireland and the United States and he had to choose at age
15 21.

10:15:29 16 A Not anymore.

10:15:30 17 Q Okay.

10:15:32 18 A You can check with the law on that.

10:15:35 19 Q No. I am curious.

10:15:38 20 So let me ask you, you approved this special
21 service contract on 4/4/2012; right?

10:15:47 22 A Right.

10:15:47 23 Q And this was for the 2012/2013 employment
24 contract?

10:15:57 25 A That's correct.

10:15:57 1 Q Okay. When did he actually sign the 2012/2013
2 contract, do you know?

10:16:07 3 A It was signed, looks like, May 18.

10:16:15 4 Q So you approved a special project on a contract
5 that didn't even exist yet?

10:16:20 6 MS. GILBERT: Form.

10:16:21 7 THE WITNESS: No.

8 Q BY MR. HOBSON: Well, didn't you approve this
9 2000 --

10:16:27 10 A I did.

10:16:27 11 Q And you did that on April 4th?

10:16:30 12 A That's correct.

10:16:30 13 Q And he didn't sign the contract until when?

10:16:33 14 A May 18.

10:16:34 15 Q And when did the 2012/2013 contract come into
16 being?

10:16:39 17 MS. GILBERT: Foundation.

10:16:39 18 THE WITNESS: July 1st.

19 Q BY MR. HOBSON: When did you sign it?

10:16:44 20 A May 18.

10:16:45 21 Q That was how many days after you approved the
22 special project?

10:16:49 23 MS. GILBERT: Form.

24 Q BY MR. HOBSON: I counted 33 days. Does that
25 sound about right?

10:16:56 1 MS. GILBERT: Form.

10:16:56 2 THE WITNESS: In regards to the process, as a
3 superintendent, I have the authority, and it's in my
4 contract, over personnel in the district, and if I wanted
5 to give Shane McCord \$50,000, I could write one of these
6 things out, and it would be put in the contract. But in
7 the final analysis, in the final analysis, it's these
8 people here that sign the contract and approve it.

10:17:27 9 MS. GILBERT: And you have to reference what
10 you are pointing to.

11 Q BY MR. HOBSON: Board members?

10:17:31 12 A I'm sorry, board members, right.

10:17:34 13 Q So they hadn't even signed off on this contract
14 yet. The contract doesn't take effect until Shane
15 McCord -- at least until he signs it, wouldn't you agree?

10:17:48 16 A Doesn't take effect until July 1st.

10:17:50 17 Q So, in fact, you approved an addendum to a
18 contract that wasn't in existence for three months --

10:17:58 19 MS. GILBERT: Form.

20 Q BY MR. HOBSON: -- right?

10:17:59 21 MS. GILBERT: Form.

10:18:00 22 THE WITNESS: Correct.

23 Q BY MR. HOBSON: Did you get training in -- when
24 you were studying for your doctorate, was it training in
25 educational policy and procedures?

10:18:12 1 A Yes.

10:18:13 2 Q Did you get training in things like contracts?

10:18:17 3 A Yes.

10:18:18 4 Q Did you -- and of course you have legal counsel
5 available to advise you about contracts?

10:18:25 6 A Yes.

10:18:25 7 Q This was Ms. Segal at the time, Susan Segal?

10:18:27 8 A She was the board's lawyer at the time.

10:18:30 9 Q Were you using someone different?

10:18:35 10 A No. Basically for questions of legal
11 procedures I used Susan.

10:18:42 12 Q Did you check out the appropriateness of
13 signing an addendum to a contract that didn't exist
14 before you signed it?

10:18:48 15 A Form.

10:18:50 16 Q With anybody?

10:18:51 17 A No. There's no illegal situations here.

10:18:56 18 Q Well, I hear you say that. I haven't seen your
19 law degree yet, sir, but I trust that you believe that.

10:19:05 20 Let me ask you this: Was it within your
21 contemplation that Shane McCord would satisfy the needs
22 of this special addendum by photocopying materials from
23 prior contracts or not?

10:19:19 24 MS. GILBERT: Form.

10:19:20 25 THE WITNESS: I am not -- you are saying that's

1 what he did.

2 Q BY MR. HOBSON: Sure.

10:19:25 3 A I'm saying he very well could have done more
4 than that.

10:19:29 5 Q What did you do to check out the special
6 project that you were paying him \$2,000 bucks for?

10:19:36 7 MS. GILBERT: Form.

10:19:37 8 THE WITNESS: I would ask him how are things
9 going with regards to your dissertation. He would say,
10 I'm looking at statistics and I've interviewed a couple
11 people. I don't know the specifics of it.

12 Q BY MR. HOBSON: You didn't make any notes of
13 your conversations with him?

10:19:52 14 A No.

15 (Deposition Exhibit No. 2 was marked for
16 identification and attached hereto.)

17 Q BY MR. HOBSON: Let me show you what's marked
18 as 253. Do you see that?

10:20:20 19 MS. GILBERT: Down here.

20 THE WITNESS: Yes.

21 Q BY MR. HOBSON: This is a table that has been
22 assembled and I'm interested specifically in the table,
23 and it's been assembled from data that the district
24 provided in public records requests. Okay?

10:20:35 25 A All right.

10:20:36 1 MS. GILBERT: Form.

2 Q BY MR. HOBSON: And some of the supporting
3 documents -- well, so in this table it shows -- let's
4 look at Chip Pettit. Do you know who Chip Pettit is?

10:20:51 5 A Yes.

10:20:51 6 Q And, well, Chris Birgen, do you know who Chris
7 Birgen is?

10:20:57 8 A Yes.

10:20:57 9 Q Ray Mercado?

10:20:59 10 A Yes.

10:20:59 11 Q And Patrick Miller?

10:21:02 12 A Yes.

10:21:02 13 Q Who are those people?

10:21:04 14 A Those people are -- were, I think three of them
15 still are, but I'm not sure of that, they were elementary
16 school principals.

10:21:18 17 Q So in the far right there's the ranking that
18 they had when the interviews were done. Do you see that?

10:21:29 19 MS. GILBERT: Foundation.

10:21:31 20 THE WITNESS: Yes.

21 Q BY MR. HOBSON: So it shows that Chip Pettit
22 was -- of the 14 people that were interviewed, he was
23 ranked ninth in the scoring of the interviewing
24 committee. Do you see that?

10:21:44 25 MS. GILBERT: Form and foundation.

1 Do you see where he's referencing?

10:21:56 2 THE WITNESS: Yes, I see where it is.

3 Q BY MR. HOBSON: Do you see that?

10:21:58 4 A Yes.

10:21:59 5 Q Chris Birgen was ranked 10th out of 14?

10:22:02 6 MS. GILBERT: Form and foundation.

10:22:03 7 THE WITNESS: Yes.

8 Q BY MR. HOBSON: Fourth out of seventh for Ray

9 Mercado, four out of seven. Do you see that?

10:22:09 10 MS. GILBERT: Form and foundation.

10:22:11 11 THE WITNESS: Yes.

12 Q BY MR. HOBSON: Patrick Miller seven out of

13 ten -- 7th out of the 10 that were interviewed. Do you

14 see that?

10:22:18 15 MS. GILBERT: Form and foundation.

10:22:19 16 THE WITNESS: Yes.

17 Q BY MR. HOBSON: Can you tell me how it is that

18 people who rank so badly end up being selected by you to

19 be recommended to the board for these positions?

10:22:33 20 MS. GILBERT: Form and foundation.

10:22:42 21 THE WITNESS: I'm not sure. Did you put this

22 together?

23 Q BY MR. HOBSON: We've arranged to have it put

24 together from data that the district provided. I'll avow

25 to you that the scoring sheets show that material to be

1 what it is.

10:23:04 2 A Okay.

10:23:04 3 MS. GILBERT: Form.

4 Q BY MR. HOBSON: Were you ever aware of the fact
5 that you were selecting people who did so badly in the
6 interviewing process to be the persons that you
7 recommended or the district recommended to the board for
8 selection?

10:23:22 9 MS. GILBERT: Form.

10:23:25 10 THE WITNESS: When I -- what the process was is
11 that the committee would interview the candidates and do
12 their process or their scoring and things like that, and
13 then they would -- in most cases, they would say here is
14 the person the committee is recommending. Did I ever
15 look at the scoring sheets, no.

16 Q BY MR. HOBSON: Do you have any understanding
17 of why anyone would engage in scoring at all if the
18 selection process is as you describe it? I mean, the
19 committee just says, yeah, let's recommend Bill McCoy, we
20 realize that there are 15 people interviewed, let's just
21 recommend Bill McCoy without any reference to the scores,
22 did you give any consideration to how inappropriate that
23 might be?

10:24:26 24 MS. GILBERT: Form and foundation. Misstates
25 the testimony.

10:24:31 1 THE WITNESS: I wasn't aware of the scoring, so
2 I can't answer your question.

3 Q BY MR. HOBSON: Do you know what gut checking
4 is?

10:24:37 5 A Yes.

10:24:38 6 Q By the way, were you superintendent at the
7 district in 2010?

10:24:42 8 A Yes.

10:24:43 9 Q And '11?

10:24:44 10 A Yes.

10:24:45 11 Q '12, and '13?

10:24:47 12 A Yes.

10:24:47 13 Q And when did you leave the district?

10:24:50 14 A July 12, 2013.

10:24:54 15 Q And then somebody was -- became a short-term
16 hire to replace you, and who was that?

10:25:02 17 MS. GILBERT: Form.

10:25:03 18 THE WITNESS: His name was Bill -- Jack Keegan.
19 And then he left in March, I believe, and now there's
20 another interim person.

21 Q BY MR. HOBSON: What is a gut check?

10:25:25 22 A Gut check is, in regards to this, is after the
23 scoring is done on the individual interviewing questions,
24 each -- during an interview, each person is asked the
25 same questions. And then they're scored on the basis of

1 their answers to those questions by each member of the
2 committee. Then those scores are tallied up and, you
3 know, you get, you know, a rating of one, two, three,
4 four, five, whatever it is. Then what happens is that in
5 regards to the -- there's also then a discussion on
6 how -- you know, how you felt in regards to each of the
7 committee members, how you felt in regards to these
8 people, you know -- there's more to just an interview
9 than just answering questions. There's body language,
10 there's how they communicated, it's some of those areas,
11 and all those are important areas in regards to whether a
12 person is qualified to be an administrator. So there's
13 that discussion.

10:26:54 14 There's also that could be done in regards to
15 people know background of the person. We of course do
16 background checks on particular people that are out of
17 the district, so that information can come into that
18 discussion and things like that. So, there are these --
19 all of these significant attributes that are important,
20 but they're not -- you can't -- they're not part of the
21 scoring, of the first part of the scoring. So the
22 selection of a candidate then is based on both things.

10:27:34 23 Q Do you know who Brian Yee is?

10:27:36 24 A Yes.

10:27:36 25 Q Were you superintendent when he was selected to

1 be a principal?

10:27:43 2 A When he was selected to be a principal? And I
3 forget the dates when he was selected.

10:27:52 4 Q When did you become superintendent?

10:27:54 5 A 2008.

10:27:55 6 Q And you were associate superintendent before
7 that?

10:27:58 8 A Yes.

10:27:59 9 Q And who were you under?

10:28:01 10 A Brad Garrett.

10:28:02 11 Q Would you have been involved in the selection
12 process for Brian Yee whenever that was --

10:28:06 13 A Yes.

10:28:07 14 Q -- even if you were an associate
15 superintendent?

10:28:09 16 A Yes.

10:28:09 17 Q Would you have known things about his
18 background?

10:28:14 19 A Would I have known it?

10:28:15 20 Q Sure. When you had this discussion, you talked
21 about the committee having a discussion, I assume that
22 the selecting officials, yourself, and Brad Barrett,
23 perhaps --

10:28:25 24 MS. GILBERT: Form and foundation.

25 Q BY MR. HOBSON: -- would have also had

1 discussions?

10:28:29 2 A I can't recall.

10:28:31 3 Q One of the things that's clear from the data is
4 that you guys are disregarding the number -- the ranking
5 of the interviewing process in order to select people
6 from -- these four at the bottom are all in the bottom
7 half of the interviewing class. Do you see that?

10:28:53 8 MS. GILBERT: Form.

10:28:56 9 THE WITNESS: Yes.

10 Q BY MR. HOBSON: So your gut checking system is
11 letting you entirely discard the scoring in order to
12 choose people that interview really badly.

10:29:06 13 MS. GILBERT: Form and foundation.

10:29:10 14 THE WITNESS: I can't answer to these because I
15 wasn't involved in the scoring. I don't know. You would
16 be better off asking the people involved in that regard.

10:29:22 17 Q BY MR. HOBSON: When you were the
18 superintendent, nobody was telling you, gosh,
19 Dr. Allison, we're having this interviewing process but
20 it doesn't seem to matter much because our gut checking
21 thing lets us choose people that are not interviewing
22 very well.

10:29:37 23 MS. GILBERT: Form.

10:29:37 24 Q BY MR. HOBSON: Nobody said that to you?

10:29:39 25 MS. GILBERT: Form.

10:29:40 1 THE WITNESS: No.

2 Q BY MR. HOBSON: So you were just kind of
3 unaware of this?

10:29:43 4 MS. GILBERT: Form.

10:29:44 5 THE WITNESS: That's correct. I mean, I used
6 that procedure when I was associate superintendent and
7 also superintendent -- not when I was superintendent
8 because I didn't. That was with Shane. In regards to
9 the selection, I'd say of an assistant superintendent, I
10 would be involved, and the system worked very well. Most
11 of the time the correlation between the gut check and the
12 answers to the questions were very close.

13 Q BY MR. HOBSON: But if this is the result of
14 what's happening at least as to these four, that's not a
15 good result at all, is it?

10:30:22 16 MS. GILBERT: Form.

10:30:25 17 THE WITNESS: On paper it doesn't look very
18 good. However, there may be some things there that I'm
19 not aware of.

20 Q BY MR. HOBSON: When you were involved in the
21 selection of Brian Yee to be a principal, were you also
22 involved in the selection of Brian Yee to be a dean?

10:30:39 23 MS. GILBERT: Form.

10:30:41 24 THE WITNESS: Probably not.

25 Q BY MR. HOBSON: But you would have been

1 involved in the selection either as an associate or the
2 sup when he became principal; correct?

10:30:51 3 MS. GILBERT: Form. Foundation.

10:30:53 4 THE WITNESS: Good chance, yes.

5 Q BY MR. HOBSON: Did you know that he had been
6 charged with a felony for stealing money from a bank in
7 Wisconsin?

10:31:06 8 MS. GILBERT: Form.

9 THE WITNESS: I didn't know that at the time of
10 hire. I found that out later.

11 Q BY MR. HOBSON: After you had hired him?

10:31:15 12 MS. GILBERT: Form.

10:31:17 13 THE WITNESS: It had been disclosed to
14 personnel.

15 Q BY MR. HOBSON: When was that disclosed to
16 personnel?

10:31:23 17 MS. GILBERT: Form and foundation.

10:31:24 18 THE WITNESS: I don't know.

19 Q BY MR. HOBSON: Was it after his hire?

10:31:27 20 MS. GILBERT: And for the record, he was not
21 convicted of a felony. You need to have the record
22 correct.

10:31:35 23 MR. HOBSON: I'm getting there, Liz.

24 Q BY MR. HOBSON: Were you aware that subsequent
25 to his selection as a principal --

10:31:42 1 MS. GILBERT: Form.

10:31:42 2 Q BY MR. HOBSON -- or prior?

10:31:43 3 MS. GILBERT: Form.

10:31:44 4 THE WITNESS: I was aware of it after his
5 selection.

6 Q BY MR. HOBSON: Now, when you know somebody has
7 been charged with a felony, embezzling money, you
8 understand that to be stealing money; correct?

10:31:58 9 A Yes.

10:31:59 10 Q Did you -- did you -- and he pled to a
11 misdemeanor, but the facts are that he stole 1500 bucks;
12 right?

10:32:10 13 MS. GILBERT: Form and foundation.

10:32:11 14 THE WITNESS: I do not know the specifics.

15 Q BY MR. HOBSON: You didn't bother to find out
16 the specifics?

10:32:18 17 MS. GILBERT: Form.

10:32:19 18 THE WITNESS: He disclosed this to personnel.
19 They were well aware of it, they did a background check,
20 they came back and said -- they wouldn't -- we wouldn't
21 have gone forward with the hiring unless at that time it
22 would be probably -- I'm not sure if it would be Paul
23 Houston or Nicki Blanchard would have said, okay, along
24 with the superintendent was made aware of it.

25 Q BY MR. HOBSON: So it's your testimony that it

1 was disclosed before his hire?

10:32:51 2 MS. GILBERT: Foundation.

10:32:52 3 THE WITNESS: That's my understanding, yes. He
4 disclosed it.

5 Q BY MR. HOBSON: Where did you get that
6 understanding from?

10:32:57 7 A When I was told about this later on.

10:33:01 8 Q By whom?

10:33:05 9 A I can't recall. It might have been someone
10 from personnel. It might have been Paul. It might have
11 been Nicki, I don't know that.

10:33:13 12 Q You just don't remember?

10:33:16 13 A No. The main thing is he was cleared to be
14 hired by the HR department.

10:33:24 15 Q When you know somebody has been guilty of
16 stealing money, does that give you any thought or concern
17 about how they might manage money?

10:33:35 18 MS. GILBERT: Form.

10:33:37 19 THE WITNESS: That would give me a concern,
20 yes.

21 Q BY MR. HOBSON: You are aware that one of the
22 complaints made about Brian Yee as principal was that he
23 permitted a staff member to be very casual about
24 accounting for money. I mean, Kelly Sherwood was one of
25 his central office people and she periodically had money

1 just strewn across her desk and was in and out of the
2 room. Are you aware of that?

10:34:07 3 MS. GILBERT: Form.

10:34:08 4 THE WITNESS: No, I never heard that.

5 Q BY MR. HOBSON: It's in part of the complaints
6 that were made about Brian Yee, concern about that, you
7 are not aware of?

10:34:20 8 MS. GILBERT: Form.

10:34:21 9 THE WITNESS: No.

10 Q BY MR. HOBSON: I interviewed some of those
11 people that you were looking for that wrote the anonymous
12 letters and that was one of the things that I was told.
13 You were not?

10:34:32 14 A I don't recall that.

10:34:33 15 MS. GILBERT: Form.

16 Bill, are you saying that you have contacted
17 employees of Gilbert Public Schools in relation to this
18 without going through counsel?

10:34:42 19 MR. HOBSON: I have talked to persons who have
20 information about the events that we're talking about,
21 yeah. Some of them who are no longer employees of the
22 district, which is absolutely appropriate I have to tell
23 you.

10:35:04 24 MS. GILBERT: I think we are going to differ on
25 that.

10:35:07 1 MR. HOBSON: Yeah, the case is called Upjohn by
2 the way, also good samaritan.

3 Q BY MR. HOBSON: So you are unaware of the fact
4 that that's one of the concerns that was expressed about
5 Brian Yee's role, this thing that led to these
6 investigations?

10:35:30 7 A Yes.

10:35:37 8 Q Do you know if the board -- before Brian Yee
9 was hired, if the board disclosed -- or, if it was
10 disclosed to the board that Brian Yee had been charged
11 with a felony and pled to a misdemeanor for stealing
12 money from a bank?

10:35:54 13 MS. GILBERT: Form and foundation.

10:35:55 14 THE WITNESS: I do not know that.

15 Q BY MR. HOBSON: Were you the guy that brought
16 the gut check system to Gilbert or did it come from
17 before you?

10:36:13 18 A I would say I was part of that, yes, along with
19 personnel at that time with the HR department.

10:36:21 20 Q Did you sit down and talk with any employment
21 lawyers about the wisdom of using that kind of unhinged
22 system?

10:36:32 23 MS. GILBERT: Form.

10:36:32 24 THE WITNESS: Well, I don't believe it's an
25 unhinged system. To answer your question, I do not know

1 that. HR may have talked to somebody about that, but I
2 didn't.

3 Q BY MR. HOBSON: You know when you have a system
4 that lets you just disregard the number scoring, you can
5 say, well, my gut tells me this Mexican or this black or
6 this woman isn't right for the job. You are aware of
7 that, aren't you?

10:37:01 8 MS. GILBERT: Form and foundation.

10:37:04 9 THE WITNESS: That's -- that would be an
10 example that would be so far afield it wouldn't be
11 considered.

12 Q BY MR. HOBSON: You say that, but here's the
13 interesting thing: If you look at the history of the
14 date, and I'll ask you your reaction to this, it shows in
15 the period of time that Shane McCord was in the role that
16 he was in and supervising that part of the process, that
17 the number of persons that were hired who were male and
18 under the age of 40 increased phenomenally, like
19 90 percent, male administrative hires, male under 40.
20 Does that surprise you?

10:37:45 21 MS. GILBERT: Form and foundation.

10:37:49 22 THE WITNESS: In terms of that, I've never
23 thought of that in that regard. My direction to Shane
24 and that committee was always to find the best person,
25 the best qualified person for the job.

1 Q BY MR. HOBSON: And of course you weren't
2 keeping a history of that and checking it, so it just
3 turns out that your doctoral candidate associate
4 superintendent Shane McCord is choosing -- the best
5 qualified people he's choosing are male and under 40?

10:38:23 6 MS. GILBERT: Form and foundation. It
7 misstates the testimony.

10:38:30 8 THE WITNESS: There very well could have been
9 male and under 40, but hopefully they were the best
10 candidates for that position. The other problem is that
11 there weren't very many as Shane told me one time, and I
12 forget the time and place, but there weren't very many
13 qualified female people or female administrators applying
14 for those positions or female educators.

15 Q BY MR. HOBSON: In a profession dominated by
16 women?

10:39:02 17 A Yes.

10:39:02 18 Q Whose life purpose has been to educate
19 children, you are saying that the best qualified people
20 are all young males?

10:39:13 21 MS. GILBERT: Form and foundation.

10:39:14 22 THE WITNESS: No, I'm not saying that at all.

10:39:16 23 Q BY MR. HOBSON: Well, you are saying that Shane
24 said that to you.

10:39:19 25 MS. GILBERT: Form and foundation, and it

1 misstates his testimony.

2 Q BY MR. HOBSON: Did you say that Shane said
3 that to you?

10:39:25 4 MS. GILBERT: Form.

5 MR. HOBSON: Make your objection.

6 THE WITNESS: He mentioned that to me on a
7 couple of these and I don't know which ones of these
8 competitions. He just said he didn't have very many. On
9 other computations, there were a number.

10:39:43 10 Q BY MR. HOBSON: This would be in the period of
11 time of 2010 to 2013 and there just weren't that many
12 qualified women?

10:39:53 13 A No. No. I said on a couple of these, and I
14 don't know which ones.

10:39:59 15 Q When you put out a -- when you decide to
16 interview for a position and you don't like anybody, do
17 you have to choose the people that you interviewed from
18 the people you interviewed?

10:40:11 19 MS. GILBERT: Form.

10:40:12 20 THE WITNESS: No. I don't think that's ever
21 happened, but you don't have to.

22 Q BY MR. HOBSON: You can repost the position;
23 right?

10:40:19 24 A Yes.

10:40:20 25 Q So when Shane said to you that there weren't

1 many qualified women to put in the pool, did you give any
2 thought, Dr. Allison, as a careful administrator with
3 lots of years of experience to saying to him, Shane,
4 repost the position, let's enrich the pool and make sure
5 that we get a good selection of people to interview?

10:40:40 6 MS. GILBERT: Form.

7 Q BY MR. HOBSON: Did you do that?

10:40:42 8 A No.

10:40:44 9 Q Were you comfortable with the notion that your
10 senior administrators, principals, and whatever were
11 getting progressively male and young and that was okay
12 with you?

10:40:56 13 MS. GILBERT: Form.

10:40:59 14 THE WITNESS: The administrators we were
15 getting were high quality candidates.

16 Q BY MR. HOBSON: You consider people that are in
17 the bottom half of the interview cohort to be high
18 quality candidates?

10:41:13 19 MS. GILBERT: Form.

10:41:14 20 THE WITNESS: I'm saying they're high quality
21 candidates because as they have turned out in their jobs,
22 they're very good principals.

23 Q BY MR. HOBSON: Just they don't interview very
24 well, I guess; right?

10:41:30 25 MS. GILBERT: Form.

1 Q BY MR. HOBSON: Dr. Allison?

10:41:31 2 MS. GILBERT: Form.

10:41:32 3 THE WITNESS: That could be, I wasn't in the
4 interviews.

5 Q BY MR. HOBSON: And, in any case, you probably
6 didn't look at any of that data; am I right?

10:41:41 7 A That's correct.

10:41:42 8 Q And you didn't suggest to Shane McCord as part
9 of his research money that he might want to look at the
10 data to see if your gut checking system was, in fact,
11 selecting the best qualified people?

10:41:55 12 MS. GILBERT: Form.

10:41:57 13 THE WITNESS: This wasn't part of his
14 dissertation work.

15 Q BY MR. HOBSON: And it wouldn't have helped the
16 district to know that the gut checking system was letting
17 you choose people that were interviewing so badly?

10:42:12 18 MS. GILBERT: Form and foundation.

10:42:15 19 THE WITNESS: I don't know that.

20 Q BY MR. HOBSON: You guys still use the gut
21 checking there so far as you know?

10:42:24 22 MS. GILBERT: Foundation.

10:42:24 23 Q BY MR. HOBSON: I realize you left in 2013.

10:42:27 24 A I couldn't answer that question, I don't know.

10:42:29 25 Q While you were there, did you give any notion

1 to changing the system and not using the gut checking
2 system?

10:42:36 3 A Not while I was there.

4 (Deposition Exhibit No. 3 was marked for
5 identification and attached hereto.)

6 Q BY MR. HOBSON: This table is assembled from
7 data provided by the district that we got in public
8 records request, and it goes back to 1999. Do you see
9 that?

10:43:36 10 MS. GILBERT: Form and foundation.

10:43:38 11 THE WITNESS: I'm sorry, I was looking at this
12 other form. What was your question?

13 Q BY MR. HOBSON: This is material -- this is a
14 table assembled from data that the district provided in
15 public records request. It describes the gender and age
16 of candidates in the district who were hired into
17 administrative positions. And what it shows, if you look
18 at the second column from the right, you see that? It
19 shows a progression of the district that appears to, as
20 it gets into recent years, more frequently favor the
21 choice of males over females. Do you see that?

10:44:51 22 MS. GILBERT: Form and foundation.

10:44:52 23 THE WITNESS: No, I don't.

24 Q BY MR. HOBSON: Well, in the early years 1999
25 there are no candidates who are males, persons who were

1 hired. The only person hired was a woman. Do you see
2 that?

10:45:08 3 A Yes.

10:45:08 4 Q In 2000/2001, 25 percent --

10:45:10 5 A These are principal positions?

10:45:13 6 Q These are administrators. These are
7 assistants -- APs and principals.

10:45:18 8 In 2000/2001, 25 percent of the candidates are
9 males; that in 2001/2002, 20 percent are males; in
10 2003/2004, 100 percent are males. Do you see that?

10:45:37 11 MS. GILBERT: Form and foundation.

12 Q BY MR. HOBSON: Once you skip down, there's no
13 data in a couple years in the middle. When you skip down
14 to the bottom, it looks like in 2009/2010 through 2010 --
15 2011/2012 a hundred percent of the hires are male.

10:45:56 16 MS. GILBERT: Form and foundation.

17 Q BY MR. HOBSON: Do you see that?

10:45:59 18 MS. GILBERT: Form and foundation.

19 Q BY MR. HOBSON: And then in 2012/2013,
20 75 percent are males.

10:46:06 21 You know enough about statistics, Dr. Allison,
22 to recognize that what's happening in recent years is
23 that you are favoring males over females, don't you?

10:46:19 24 MS. GILBERT: Form and foundation.

10:46:25 25 THE WITNESS: There's trends. Why isn't there

1 data for these other years?

10:46:31 2 Q BY MR. HOBSON: Because the district didn't
3 produce all the data. We've had a big public records
4 fight with the district and, notwithstanding, the
5 district. You know you guys destroy a lot of stuff?

10:46:44 6 MS. GILBERT: Don't answer that question.

7 Q BY MR. HOBSON: The district didn't produce a
8 lot of stuff.

10:46:49 9 MS. GILBERT: Don't even respond to it.

10 Q BY MR. HOBSON: You are aware the district paid
11 a bunch of money to settle its public records suit,
12 actually the trust paid a lot of money because you guys
13 didn't produce public records.

10:47:01 14 MS. GILBERT: Form and foundation.

10:47:02 15 Don't answer that question.

10:47:03 16 Q BY MR. HOBSON: You are aware of that, aren't
17 you?

10:47:06 18 MS. GILBERT: Don't answer that question.

19 Q BY MR. HOBSON: Sir, so there's no data in the
20 middle, but if you look at the progression in recent
21 years, it's way more males and females and 100 percent,
22 and then if you look on the column on the right, it shows
23 that you're tending to favor candidates under the age of
24 40 in 2009/2010, 2010/2011 100 percent are under 40.

10:47:40 25 MS. GILBERT: Form and foundation.

10:47:41 1 THE WITNESS: These are principals and
2 assistant principals?

10:47:44 3 Q BY MR. HOBSON: And APs.

10:47:46 4 A Not deans?

10:47:47 5 Q Are deans administrators?

10:47:49 6 A They're considered administrators.

10:47:50 7 Q These are male administrators. My
8 understanding is they're APs and principals is what we're
9 looking at.

10:47:57 10 A That's all?

10:47:58 11 Q Correct.

10:47:59 12 A Okay.

10:47:59 13 Q Wouldn't you think that's important information
14 for you as a superintendent to maybe have developed? You
15 would want to know stuff like that, wouldn't you?

10:48:09 16 MS. GILBERT: Form.

10:48:16 17 THE WITNESS: I'm not -- based on some of the
18 things I know, I'm not sure this is correct.

19 Q BY MR. HOBSON: Did you do any studies,
20 Dr. Allison, I mean you can hire --

10:48:28 21 A No.

10:48:28 22 Q -- you can hire lawyers to go around and find
23 out who anonymous complainants are. Did you do -- and
24 you said yourself you can write a \$50,000 check just
25 right now as a superintendent back when you were a

1 superintendent. Did you give any thought to hiring a
2 statistician to look at your hiring trends?

10:48:49 3 MS. GILBERT: Form. Misstates his testimony.

4 Q BY MR. HOBSON: Sir?

10:48:54 5 A No.

10:48:56 6 Q Do you think it might -- you say you are not
7 sure if this is right just from things you know.

10:49:01 8 A Right.

10:49:02 9 Q Do you have any knowledge of whether or not you
10 are tending to favor younger males over other candidates?

10:49:11 11 MS. GILBERT: Form.

10:49:14 12 THE WITNESS: No, I didn't look at that.

10:49:15 13 Q BY MR. HOBSON: So, for example, in the year
14 2009/2010, is it your testimony that there were assistant
15 principals and principals hired who were not males?

10:49:31 16 MS. GILBERT: Form and foundation.

10:49:35 17 THE WITNESS: Some assistant principals. I
18 would have to check exact dates. Especially at the high
19 school level we had a number of -- I don't know of a
20 number, but a few assistant principals, female assistant
21 principals who were hired.

22 Q BY MR. HOBSON: And over the age of 40?

10:49:59 23 MS. GILBERT: Form and foundation.

10:50:00 24 THE WITNESS: I do not know their ages. We
25 don't ask that in an interview. That's against the law.

1 Q BY MR. HOBSON: You don't know the age of the
2 candidates when you interview them?

10:50:15 3 A We don't ask them that.

10:50:16 4 Q Is it your testimony that you don't know the
5 age of the candidate?

10:50:19 6 MS. GILBERT: Form and foundation.

10:50:23 7 THE WITNESS: As a person who sat in on
8 interviews, it's never been an issue with me.

9 Q BY MR. HOBSON: Okay. And if it turns out that
10 you're only selecting persons under the age of 40, isn't
11 that information you'd want to know?

10:50:37 12 MS. GILBERT: Form.

10:50:39 13 THE WITNESS: We are trying to select the best
14 qualified candidate.

10:50:43 15 Q And they just all happen to be young men?

10:50:46 16 MS. GILBERT: Form and foundation.

10:50:48 17 THE WITNESS: And I would say not all of them,
18 but some of them.

19 (Deposition Exhibit No. 4 was marked for
20 identification and attached hereto.)

21 Q BY MR. HOBSON: You had a -- I'm sorry,
22 Mr. McCord had a mandatory meeting with the staff at
23 Highland Junior High on January 19 of 2011. Are you
24 aware of that?

10:51:31 25 MS. GILBERT: Form.

10:51:32 1 THE WITNESS: Is that the meeting where he did
2 his evaluation and questionnaires?

3 Q BY MR. HOBSON: It's where he said he wanted
4 to do -- yeah, evaluation of McKee -- I'm sorry, stop.

10:51:46 5 MS. GILBERT: Mixing up your cases.

6 Q BY MR. HOBSON: Clyde Yee is going to come up
7 for sure. I have a case involving a plaintiff named
8 Clyde Yee and the day I did Mr. McCord I guess I could
9 not stop calling Brian Yee Clyde Yee. It was driving
10 everybody crazy, so I hope to not start that again.

10:52:06 11 Are you aware of that evaluation process?

10:52:10 12 A Yes.

10:52:11 13 Q And how did you become aware of it?

10:52:13 14 A Of the process itself?

10:52:15 15 Q Yes.

10:52:16 16 A Because I instituted it.

10:52:18 17 Q Were you aware there was a promise there would
18 be no retaliation?

10:52:26 19 MS. GILBERT: Form and foundation.

10:52:27 20 THE WITNESS: Of retaliation, I'm not sure I
21 understand your question.

22 Q BY MR. HOBSON: If the staff is asked to
23 interview -- to be interviewed and give honest
24 evaluations of the boss, that's what you guys were doing;
25 right?

10:52:42 1 MS. GILBERT: Form.

2 Q BY MR. HOBSON: You wanted to know how the
3 staff evaluated Mr. Yee?

10:52:47 4 A Yes. The questionnaire, it wasn't a verbal
5 interview, it was a questionnaire.

10:52:52 6 Q It was a written evaluation.

10:52:54 7 A Written.

10:52:54 8 Q And you people to be honest?

10:52:56 9 A Correct.

10:52:57 10 Q Was it your intention that people understand
11 that they would not suffer retaliation?

10:53:08 12 MS. GILBERT: Form and foundation.

10:53:10 13 THE WITNESS: Of course, because you don't know
14 who it is. I mean, you don't retaliate anyways, but if
15 they did, you don't know who it is, you don't know who
16 writes the things. People don't put their names on it.

17 Q BY MR. HOBSON: Did you see this attachment
18 that was sent out as part of this survey?

10:53:41 19 A What attachment?

10:53:43 20 MS. GILBERT: Form. Foundation.

21 Q BY MR. HOBSON: Item 266.

10:53:46 22 MS. GILBERT: That misstates the disclosure in
23 this case. This disclosure in this case, this
24 attachment, was not attached to this survey. I don't
25 know what this was an attachment to, but it wasn't to the

1 survey. This is not supported by anything in this case.

2 Q BY MR. HOBSON: I'm sorry, did you see this --
3 correct. Did you see this particular response to the
4 January 19, 2011 survey?

10:54:20 5 MS. GILBERT: Form and foundation.

10:54:22 6 THE WITNESS: Response, I've seen it, yes.

7 Q BY MR. HOBSON: Do you know who wrote this
8 particular response?

10:54:31 9 MS. GILBERT: Form.

10:54:32 10 THE WITNESS: I have no idea.

11 Q BY MR. HOBSON: Did you see any of the
12 evaluations the district received as a result of the
13 January 19th meeting?

10:54:39 14 A Evaluations, now, you mean questionnaires?

10:54:43 15 Q Well, I think -- sure. The questionnaires were
16 evaluative, weren't they?

10:54:53 17 A Yes. I call them questionnaires. I want to
18 maker sure we were calling the same things the same
19 things.

10:54:59 20 Q What's the difference between calling it a
21 questionnaire and an evaluation?

10:55:05 22 A I don't know. I always called them
23 questionnaires. I did a number of these when I was an
24 associate superintendent and I called them questionnaires
25 when I would hand them out to the staff. I said they're

1 questionnaires based on your principal.

10:55:23 2 Q Did you ask McCord and Blanchard to conduct an
3 investigation based on the evaluations after you received
4 them?

10:55:32 5 MS. GILBERT: Form and foundation.

10:55:34 6 THE WITNESS: On the evaluations?

7 Q BY MR. HOBSON: Sure. After you received the
8 questionnaires, as you call them, did you then ask McCord
9 and Blanchard to conduct an investigation?

10:55:43 10 MS. GILBERT: Form.

10:55:44 11 THE WITNESS: No. Not on the questionnaires,
12 no.

13 Q BY MR. HOBSON: Did you ask them to conduct an
14 investigation after receiving the questionnaires?

10:55:51 15 MS. GILBERT: Form.

10:55:53 16 THE WITNESS: After -- I didn't -- I don't
17 receive the questionnaires.

18 Q BY MR. HOBSON: After the district received
19 them; right?

10:56:00 20 A Let me explain the process.

10:56:04 21 When the questionnaires are received by the
22 evaluator, in this case it would be Shane, I used to do
23 it, I would receive them, I would take all the
24 questionnaires and give them to a secretary at the
25 office. That case it was my secretary and Shane I'm sure

1 his secretary. And there's two parts to the
2 questionnaire. There's a tabulation part, like a rating
3 scale on a likert scale one to five agrees, strongly
4 disagrees, one of those ones, and then there's written
5 comments. The likert scale was done electronically, they
6 did a bubble sheet. Do you know what a bubble sheet is?

10:56:45 7 Q I do.

10:56:46 8 A Okay. They did a bubble sheet and that was
9 done electronically, fed through the machine, and the
10 ratings came out. On the comments the secretary took
11 each questionnaire and typed out all the comments
12 verbatim, and then the questionnaires were done away with
13 because all the information had been accumulated.

10:57:04 14 Q You just destroyed them?

10:57:06 15 A I assume that's what happened to them, yes.
16 Because all the information -- all of information is
17 there.

10:57:15 18 Q Do you know whether or not those documents are
19 public records?

10:57:19 20 MS. GILBERT: Foundation. Calls for a legal
21 conclusion.

10:57:22 22 THE WITNESS: I couldn't answer that question.

23 Q BY MR. HOBSON: But it's your testimony that
24 they were destroyed?

10:57:26 25 MS. GILBERT: Form.

10:57:28 1 THE WITNESS: Well, destroyed or put back in
2 some kind of an archive or thing, I don't know. But they
3 weren't part of the official evaluation.

4 Q BY MR. HOBSON: Can you tell me why Kelly
5 Lambeth was moved to another campus in March of 2011?

10:57:46 6 A Yes, because of the -- for a couple reasons.
7 First of all, that -- there's a position opened at GC --
8 is that where she went? And also just because of all the
9 kind of muckery that was going on in regards to that and
10 all the talking and that. It was best for her and the
11 school that she be moved to another campus.

10:58:13 12 Q So you ultimately didn't decide whether or not
13 Brian Yee was having an affair with Kelly Lambeth?

10:58:23 14 MS. GILBERT: Form.

15 Q BY MR. HOBSON: You just thought there's an
16 open position over here at this -- it was a traditional
17 school?

10:58:29 18 A Traditional school, that's correct.

10:58:32 19 Q Of course it's much smaller than Highland
20 Junior High; right?

10:58:37 21 A Much smaller, yes.

10:58:38 22 Q So you reduced the staff that you had at
23 Highland Junior High and sent that staff person who was
24 the dean; right?

10:58:49 25 A She was the dean, yes.

10:58:50 1 Q To this much smaller school mid semester;
2 right?

10:58:57 3 MS. GILBERT: Form.

10:58:58 4 THE WITNESS: Right.

5 Q BY MR. HOBSON: And you say it was because of
6 the muckery?

10:59:01 7 A Because of all the stuff that was going on and
8 all the rumors and innuendos and everything going on at
9 that school. It wasn't a healthy work place, so we
10 decided to separate her from that.

10:59:16 11 Q So you decided she was the cause of the
12 problem?

10:59:19 13 MS. GILBERT: Form.

10:59:19 14 THE WITNESS: No, that's not what I said at
15 all.

16 Q BY MR. HOBSON: It's interesting that this --
17 the -- did you ever make a decision about whether or not
18 there was an affair going on between Kelly Lambeth and
19 Brian Yee?

10:59:38 20 MS. GILBERT: Form.

10:59:39 21 THE WITNESS: We could find no evidence of
22 that.

23 Q BY MR. HOBSON: Because Brian Yee was asked,
24 and he said no; and Kelly Lambeth was asked, and she said
25 no; right?

10:59:50 1 MS. GILBERT: Form.

10:59:51 2 THE WITNESS: That was certainly part of it,
3 yes.

4 Q BY MR. HOBSON: And they were both married at
5 the time?

10:59:55 6 MS. GILBERT: Form.

10:59:56 7 THE WITNESS: Yes.

8 Q BY MR. HOBSON: And you never -- you didn't
9 conceive, I guess, of the possibility that they might
10 have been untruthful about whether or not they were
11 having an affair?

11:00:07 12 MS. GILBERT: Form.

11:00:12 13 THE WITNESS: At that time, no, they seemed to
14 be very -- I forget, I'm not sure what the word is here.
15 Anyways, they seemed to be -- how can I use the term?

11:00:27 16 Q BY MR. HOBSON: Familiar with one another?

11:00:29 17 MS. GILBERT: Form.

11:00:30 18 THE WITNESS: No, no, not at all.

19 They seemed that they were certainly telling
20 the truth in regards to those questions.

21 Q BY MR. HOBSON: Well, if they were having an
22 affair on the school campus involving sexual contact on
23 the school campus, that would be impermissible; correct?

11:00:51 24 MS. GILBERT: Form.

11:00:52 25 THE WITNESS: Correct.

1 Q BY MR. HOBSON: Do you have senior staff
2 involved in sexual relations with one another outside the
3 bounds of marriage?

11:00:59 4 MS. GILBERT: Form and foundation.

5 He doesn't have any staff.

6 Q BY MR. HOBSON: When you were the
7 superintendent.

11:01:04 8 MS. GILBERT: Form and foundation.

11:01:06 9 THE WITNESS: Ask that question again.

10 Q BY MR. HOBSON: Sure. Are you aware of other
11 administrative staff in the district who've been involved
12 in adulteress relationships?

11:01:15 13 MS. GILBERT: Form. Foundation.

11:01:19 14 THE WITNESS: None come to mind.

15 Q BY MR. HOBSON: Okay. Does the district have
16 any policy that would relate to administrators involved
17 in adulterous relationships?

11:01:31 18 MS. GILBERT: Form and foundation.

11:01:32 19 THE WITNESS: Yes. There's a morality clause.

20 Q BY MR. HOBSON: And adultery would offend the
21 district's policy on morality?

11:01:43 22 MS. GILBERT: Form.

11:01:44 23 THE WITNESS: Certainly be investigated, I
24 agree.

25 Q BY MR. HOBSON: And persons who were involved

1 in adulterous relationships like Brian Yee and Kelly
2 Lambeth, for example, let's assume that they were -- you
3 know, they might have an incentive not to tell the truth
4 about that?

11:02:00 5 MS. GILBERT: Form and foundation.

11:02:02 6 THE WITNESS: Yes.

7 Q BY MR. HOBSON: Okay. And certainly there were
8 lots and lots of people reporting in the questionnaire
9 that was done that there was an appearance of misconduct.
10 Would you agree with that?

11:02:16 11 MS. GILBERT: Form.

11:02:17 12 THE WITNESS: No. I asked Shane specifically I
13 said, are you getting any feedback in regards to,
14 especially in the comments, about any inappropriateness
15 of things that are happening on that campus, and he said,
16 no, there wasn't anything in those comments.

17 Q BY MR. HOBSON: Did you ever see the anonymous
18 letters that were sent to the board?

11:02:44 19 A Yes.

11:02:44 20 Q You opened one of them. Was that one of the
21 envelopes you opened or did the anonymous letters just
22 come separately?

11:02:52 23 MS. GILBERT: Form.

11:02:53 24 THE WITNESS: The anonymous letters came to me.

25 Q BY MR. HOBSON: You know that some of those

1 anonymous letters were reporting that Brian Yee and Kelly
2 Lambeth appeared to be involved in an intimate
3 relationship on school campus and on school time in some
4 cases?

11:03:10 5 A That's correct.

11:03:11 6 MS. GILBERT: Form.

7 Q BY MR. HOBSON: And it's your testimony that
8 you asked Shane specifically about that and Shane said,
9 oh, no, there's nothing in any of the materials we're
10 getting about --

11:03:23 11 A Nothing in the questionnaire comments.

11:03:26 12 Q Or in the comments?

11:03:26 13 A Right.

11:03:39 14 Q The muckery you are talking about, in part,
15 related to the perception by some that Mr. Yee and
16 Ms. Lambeth were inappropriately familiar with one
17 another; isn't that correct?

11:03:53 18 MS. GILBERT: Form.

11:03:53 19 THE WITNESS: Those were the rumors and
20 innuendos flying around, yes.

21 Q BY MR. HOBSON: Didn't Brian Yee have a history
22 of that kind of behavior; that is, being inappropriately
23 familiar with persons to whom he was not married and at
24 school?

11:04:17 25 MS. GILBERT: Form.

11:04:18 1 THE WITNESS: Not that I was aware of.

2 Q BY MR. HOBSON: You are aware that George
3 Bowers talked to him about a young woman when she was a
4 teacher, a young woman with whom he was
5 inappropriately -- he was creating an appearance of
6 inappropriate relationship?

11:04:36 7 MS. GILBERT: Form and foundation.

11:04:37 8 THE WITNESS: I wasn't aware of that.

9 Q BY MR. HOBSON: And Mr. McCord didn't provide
10 that information to you; correct?

11:04:45 11 MS. GILBERT: Form.

11:04:46 12 THE WITNESS: What information?

13 Q BY MR. HOBSON: Mr. McCord didn't provide the
14 information that Brian Yee actually has a history of this
15 kind of concern, that being a concern about his
16 inappropriate involvement with female staff?

11:04:59 17 MS. GILBERT: Form.

11:05:00 18 THE WITNESS: No, no one did.

19 Q BY MR. HOBSON: Anyone else that you are aware
20 of other than Kelly Lambeth with whom concerns were
21 expressed about his inappropriate relationship?

11:05:22 22 MS. GILBERT: Form.

11:05:25 23 THE WITNESS: Well, the letters which the
24 report shows wasn't -- wasn't truthful mentioned that --
25 I think mentioned the counselor at school.

11:05:43 1 Q BY MR. HOBSON: That's Michele?

11:05:44 2 A Yes.

11:05:45 3 Q What's her last name?

11:05:46 4 A Chapin. I'm not exactly sure how to pronounce
5 it. I think it's Chapin.

6 (Deposition Exhibit No. 5 was marked for
7 identification and attached hereto.)

8 Q BY MR. HOBSON: I'm showing you what's marked
9 as 3574 through 3589. It's a series of letters. These
10 are the so-called anonymous letters?

11:06:37 11 A Yes.

11:06:37 12 Q You've seen these before?

11:06:39 13 A Yes.

11:06:40 14 Q Were you -- how did they come to you? Did they
15 come to you?

11:06:45 16 A Yeah.

11:06:46 17 Q How did they come to you?

11:06:47 18 A I think they came to me just in an envelope.

11:06:51 19 Q All at once?

11:06:52 20 A No. Like two of them -- like this one, for
21 example, came separately.

11:06:56 22 Q Okay.

11:06:57 23 A And then there was some -- I'm going by memory,
24 and that's not serving me very well, but I think that
25 some of them came maybe together and then there was

1 another batch that came.

11:07:09 2 Q Were you surprised at the number of them?

11:07:13 3 MS. GILBERT: Form.

11:07:16 4 THE WITNESS: To begin with, yes.

5 Q BY MR. HOBSON: What do you mean "to begin
6 with"?

11:07:20 7 A Well, yes, I was. Once I started looking --
8 reading them and looking into them, and then after
9 Mr. Wright's report I wasn't as concerned as I was when I
10 first received them.

11:07:38 11 Q Mr. Wright's firm were hired as independent
12 investigators?

11:07:43 13 A That's correct.

11:07:47 14 Q Do you know what kind of training Mr. Wright's
15 firm has investigating these kinds of claims?

11:07:56 16 MS. GILBERT: Foundation.

11:07:57 17 THE WITNESS: No.

18 Q BY MR. HOBSON: Were you surprised at the tone
19 of the letters?

11:08:06 20 MS. GILBERT: Form.

11:08:14 21 THE WITNESS: After reading a couple, then the
22 rest of them, no. Some of them -- I think some of them
23 were written, and this is just me, I have no proof at all
24 whatsoever, but I think some of them were written by the
25 same person.

1 Q BY MR. HOBSON: Well, you know that's not true?

11:08:31 2 MS. GILBERT: Form and foundation.

3 Q BY MR. HOBSON: You hired Matt Wright to find
4 out who wrote the letters.

11:08:37 5 MS. GILBERT: Form and foundation.

6 Q BY MR. HOBSON: Didn't you?

11:08:41 7 MS. GILBERT: Form.

11:08:42 8 THE WITNESS: No. We hired him not so much to
9 find out who wrote the letters but were the letters true.

10 Q BY MR. HOBSON: And as part of that he found
11 out who wrote the letters?

11:08:54 12 A Some of them.

11:08:55 13 MS. GILBERT: Foundation.

14 Q BY MR. HOBSON: Provided that information to
15 you?

11:08:57 16 MS. GILBERT: Form and foundation.

17 Q BY MR. HOBSON: Correct?

11:09:01 18 A He provided -- yes, but not all of the letters.

11:09:04 19 Q Interestingly, he doesn't provide that
20 information to you directly in either of the two reports
21 that he wrote. The one, the public report and the secret
22 Dr. Allison report that was supposedly attorney-client
23 privilege. Do you remember those two?

11:09:19 24 MS. GILBERT: Form.

11:09:20 25 THE WITNESS: Yes.

1 Q BY MR. HOBSON: I reviewed both of them. He
2 doesn't identify the individuals in either of those
3 reports, but he did provide that information to you as to
4 who he determined had written the anonymous letters;
5 right?

11:09:34 6 MS. GILBERT: Form.

11:09:35 7 THE WITNESS: He provided some names, yes.

8 Q BY MR. HOBSON: Did you have any input into the
9 final report that was released before it's released?

11:09:47 10 MS. GILBERT: Form.

11 Q BY MR. HOBSON: Did Mr. Wright sit down and
12 say, here's where I think we're going, here's a draft,
13 you want to review it and make some suggestive revisions,
14 anything like that?

11:09:59 15 A No. He did meet with me about three quarters
16 of the way through. First of all, he was apologizing for
17 it taking so long because I was wanting it done sooner.
18 And so he met with me and he says, yeah, we were -- this
19 is much more in depth than I thought it was going to be.
20 He had to go back and interview certain people twice or
21 three times. No, in terms of providing direction on the
22 report, I wouldn't do that.

11:10:37 23 Q The anonymous letters detail stuff that had
24 happened, in many cases, after you transferred
25 Kelly Lambeth to the traditional school; correct?

11:10:49 1 MS. GILBERT: Form. Foundation.

11:10:54 2 THE WITNESS: No, I don't believe so.

11:10:55 3 Q BY MR. HOBSON: When you transferred Kelly in
4 March of 2011, did you sit down with Brian Yee or get on
5 the phone with him, however you might have, and said,
6 Brian, look, this is -- you know, whether or not anything
7 is going on, the appearances of this aren't good, and for
8 that reason, we're going to transfer Kelly mid semester
9 away from Highland Junior High? Did you have any
10 discussion with him like that?

11:11:26 11 MS. GILBERT: Form.

12 Did you say before or after he transferred
13 Kelly?

11:11:30 14 MR. HOBSON: At the time he transferred Kelly.

15 Q BY MR. HOBSON: At about that time, in March of
16 2011 is when she was transferred, as I recall.

11:11:40 17 A I very well could have. I said we're
18 transferring Kelly to alleviate, to help alleviate the
19 situation here. What else I said, I can't recall.

11:11:54 20 Q As a careful superintendent, did you have any
21 thoughts, Dr. Allison, about how it was that the
22 principal could let this kind of problem develop?

11:12:07 23 MS. GILBERT: Form.

24 Q BY MR. HOBSON: I mean, for example, let's
25 assume that they weren't having sex with each other in

1 the way that a number of those folks described, let's
2 assume that's not true.

11:12:20 3 MS. GILBERT: Form.

4 Q BY MR. HOBSON: There certainly was enough kind
5 of odd behavior that it might fuel rumors. Would you
6 agree?

11:12:30 7 MS. GILBERT: Form and foundation.

8 THE WITNESS: I think I told Brian on one
9 occasion and I don't know when it was to avoid any
10 perception that there might be anything inappropriate
11 with any staff members.

12 Q BY MR. HOBSON: As a careful administrator, you
13 know, for example, that it's important that people stay
14 out of closed rooms with children; right? You don't --
15 as a teacher, you wouldn't take a child off to be with
16 you in a closet?

11:13:03 17 MS. GILBERT: Form.

18 Q BY MR. HOBSON: Right?

11:13:08 19 A Probably would be a good practice.

11:13:10 20 Q Well, it's the kind of thing that leads people
21 to get in serious trouble even if they're innocent of
22 misconduct. Would you agree?

11:13:19 23 MS. GILBERT: Form. Foundation.

11:13:20 24 THE WITNESS: In these days, yes.

25 Q BY MR. HOBSON: And in these days would include

1 as late as 2006 and 2007, 2008; right?

11:13:29 2 MS. GILBERT: Form and foundation.

11:13:31 3 THE WITNESS: I suppose, yes.

4 Q BY MR. HOBSON: Hasn't it been the practice for
5 the longest time that teachers are cautioned about
6 appearances?

11:13:39 7 A Yes.

11:13:39 8 Q You can be peers driven snow, but you better
9 not put yourself in a situation where you are going to be
10 accused of misconduct; right?

11:13:50 11 A Correct.

11:13:51 12 Q Brian Yee was trained as a schoolteacher after
13 his experience in Wisconsin; right?

11:13:56 14 MS. GILBERT: Form.

11:13:56 15 THE WITNESS: I would assume so, yes.

16 Q BY MR. HOBSON: And he was also a dean?

11:13:59 17 A Yes.

11:14:00 18 Q And somewhere along the way did someone give
19 him some instruction, would you assume that he need to be
20 thoughtful about appearances?

11:14:08 21 MS. GILBERT: Form and foundation.

11:14:12 22 THE WITNESS: I would think that would be the
23 case.

24 Q BY MR. HOBSON: You're careful to stay out of
25 closets -- when you were the superintendent, you were

1 careful, I'm sure, not to get your secretary to go in the
2 closet and lock the door behind you; right?

11:14:29 3 MS. GILBERT: Form.

11:14:29 4 THE WITNESS: I can't recall that ever
5 happening.

6 Q BY MR. HOBSON: Well --

11:14:34 7 A I can recall being in our storage closet with
8 her when trying to hoist stuff up on the upper shelves
9 and things like that that I would help her.

11:14:46 10 Q And close the door behind you?

11:14:48 11 MS. GILBERT: Form.

11:14:49 12 THE WITNESS: No. The door would be, as far as
13 I know, open. The doors aren't -- weren't spring-loaded
14 in the office.

11:14:57 15 Q BY MR. HOBSON: I take it from your comments
16 that you essentially didn't think much of the anonymous
17 letters after you read them?

11:15:05 18 A Right.

11:15:05 19 Q They were just --

11:15:06 20 A Well, no. There were some of them that I knew
21 right off the bat that they were lying.

11:15:12 22 Q Tell me which one.

11:15:14 23 A For example, there was one that said that the
24 psychologist had reported inappropriate behavior to Shane
25 McCord and Dave Allison, and I've never even talked to

1 her about it. So I knew right off the bat that was
2 something that just wasn't truthful at all, and so I'm
3 thinking, what else is there.

11:15:39 4 Q So, if somebody comes -- let's say a
5 psychologist reports to somebody who reports to you and
6 she writes that I reported it to Shane McCord knowing
7 that Shane McCord is somebody that reports to
8 Dr. Allison, you don't think it's possible that that
9 might have been what she was stating, I reported to Shane
10 McCord and Allison knowing that that's who McCord is
11 supposed to report to?

11:16:15 12 MS. GILBERT: Form and foundation.

11:16:16 13 THE WITNESS: I asked Shane specifically, did
14 the psychologist ever report this to you and he said
15 absolutely not.

16 Q BY MR. HOBSON: Okay.

11:16:29 17 A And then Matt Wright asked it also, and he
18 said, no, I never did.

11:16:37 19 MS. GILBERT: Good time for a break, Bill?

11:16:52 20 MR. HOBSON: Yeah, yeah.

11:16:53 21 (Break taken at 11:16 a.m.)

11:38:05 22 (Back on the record at 11:38 a.m.)

23 (Deposition Exhibit No. 6 was marked for
24 identification and attached hereto.)

11:38:26 25 Q BY MR. HOBSON: One of the things we received,

1 Dr. Allison, is part of Yee's personnel file. Here's a
2 part of the application where I would have expected some
3 sort of disclosure having been made in the application,
4 but it wasn't, at least as far as I can see. Could have
5 checked and robbery --

11:38:56 6 MS. GILBERT: Form.

7 Q BY MR. HOBSON: Stealing money is --

11:38:59 8 MS. GILBERT: Not robbery.

9 Q BY MR. HOBSON: -- in the nature of -- theft of
10 money could be robbery, could be burglary. Says
11 including admissions pursuant to plea agreement as part
12 of both Box A and Box -- top box and second box,
13 including admissions pursuant to plea agreement.

11:39:22 14 How did the disclosure about this theft of
15 money from the bank come to you?

11:39:28 16 MS. GILBERT: Form.

17 Q BY MR. HOBSON: I looked at the resume attached
18 and there's nothing there. I sort of -- generating not
19 too much paper, I also looked at the reference letters
20 that he appended and none of them references changing his
21 life since he stole money from the bank.

11:39:56 22 MS. GILBERT: Form and foundation.

11:40:00 23 THE WITNESS: Your question?

24 Q BY MR. HOBSON: How did the information about
25 him stealing money from the bank and being -- the felony

1 arrest that turned into a misdemeanor conviction, how did
2 that come to you?

11:40:14 3 MS. GILBERT: Form and foundation.

11:40:18 4 THE WITNESS: I'm thinking, and, again, I think
5 he told me.

6 Q BY MR. HOBSON: When?

11:40:25 7 A That's what I'm trying to think.

11:40:30 8 Q Well, you didn't interview him when he was
9 hired as a teacher, did you?

11:40:35 10 A No.

11:40:35 11 Q So, was it when you hired him as a principal?

11:40:38 12 A No.

11:40:39 13 MS. GILBERT: Form.

11:40:40 14 THE WITNESS: No, this was like maybe a year or
15 two years ago.

11:40:45 16 Q BY MR. HOBSON: After he was a principal?

11:40:47 17 A Oh, yeah, yeah.

11:40:48 18 Q How did it come out?

11:40:50 19 A He just told me about it. He said that he had
20 talked to -- when he was hired, he had disclosed it to
21 the people in personnel. It looks like that was back in
22 2001.

11:41:05 23 Q 2001.

11:41:06 24 A So Paul Houston was the --

11:41:09 25 Q There's nothing in the personnel material that

1 had been produced to us indicating that.

11:41:13 2 A I can't answer. I don't know how it was
3 disclosed. I have no idea.

11:41:17 4 Q And no check was done, from what I can see, in
5 terms of checking out the criminal history information.

11:41:24 6 MS. GILBERT: Form and foundation.

11:41:25 7 THE WITNESS: I can't help you with this.
8 You'd have to ask other people.

9 Q BY MR. HOBSON: In the anonymous letters that I
10 was asking you about, the Item 5, which one is
11 Ann Dugan's?

11:41:45 12 MS. GILBERT: Foundation.

11:41:46 13 THE WITNESS: I have no idea.

14 Q BY MR. HOBSON: You said you looked at them and
15 you knew right off that it was untrue.

11:41:51 16 A No, no, no. I said there was a report in one.

11:41:53 17 Q Okay. Tell me where that is.

11:42:02 18 A I don't know where it is. It's in one of them.

11:42:05 19 Q Well, it's a little trick question. Tell you
20 what the trick is.

11:42:10 21 A Right here.

11:42:11 22 Q Show me where.

11:42:12 23 MS. GILBERT: Give him the page number.

11:42:14 24 THE WITNESS: 3579. About halfway down says
25 she went to Dave Allison and Shane McCord and reported

1 this incident.

2 Q BY MR. HOBSON: So --

11:42:33 3 A She went to us.

11:42:35 4 Q So this is not Ann Dugan's letter?

11:42:37 5 MS. GILBERT: Form and foundation.

11:42:39 6 THE WITNESS: No. And I never said it was.

11:42:42 7 Q BY MR. HOBSON: I thought you said you looked
8 at it and you knew right away it was untrue.

11:42:47 9 A It was, yes. The report, this is untrue. I'm
10 not saying that she wrote the letter, though. I never
11 said that.

11:43:00 12 Q So because this letter which was third-party
13 reporting what this person had heard got the part about
14 she went to Dave Allison and Shane McCord and reported
15 this incident, got that wrong, so you say, you don't
16 think that the rest of it could be true?

11:43:24 17 MS. GILBERT: Form.

11:43:25 18 THE WITNESS: No. I said that's -- I know
19 that's not true. So I'm going to look at the rest of
20 this as a bit of a suspect. For example, at the very
21 bottom, another part it says I know for a fact the school
22 board, Dave Allison, and Shane McCord have received
23 numerous complaint letters regarding Brian's conduct.

24 What does that mean? Does that mean before all
25 the letters arrived or before, I'm making the assumption,

1 and that hadn't happened.

2 Q BY MR. HOBSON: You say that. You know, where
3 is the summary document that was prepared from the
4 January 19th meeting that Mr. McCord -- January 19, 2011
5 meeting, do you know where that is?

11:44:15 6 MS. GILBERT: Form.

7 Q BY MR. HOBSON: You said McCord's secretary
8 typed in all the comments that appeared in all the
9 evaluations.

11:44:22 10 MS. GILBERT: Form.

11:44:23 11 THE WITNESS: I would assume it's in Brad's
12 file.

11:44:26 13 MS. GILBERT: And it has been disclosed.

14 Q BY MR. HOBSON: You say that the documents from
15 which that was prepared had been destroyed you said --
16 or, gone away is what you said.

11:44:39 17 MS. GILBERT: Form and foundation.

11:44:41 18 THE WITNESS: Yeah.

19 Q BY MR. HOBSON: So you don't have a letter in
20 here from Ann Dugan?

11:44:56 21 A There my be.

11:44:57 22 MS. GILBERT: Form and foundation.

11:44:58 23 THE WITNESS: I don't know. I don't know who
24 wrote these letters.

25 Q BY MR. HOBSON: Well, you know something about

1 who wrote these letters because you already testified
2 that part of Mr. Wright's responsibilities was to find
3 out who wrote the letters.

11:45:12 4 MS. GILBERT: Form and foundation. It
5 misstates his testimony.

11:45:16 6 THE WITNESS: I said he mentioned that these
7 are some of the people that may have written some of the
8 letters, but he didn't identify, say this letter was
9 written by so and so and this letter was written by so
10 and so, that never happened.

11 Q BY MR. HOBSON: I asked you earlier and you --
12 I think you corrected me, and I'm not sure I got the
13 answer, so let me -- at the January 19th meeting that
14 McCord and Blanchard had with the staff, January 19,
15 2011, okay.

11:45:46 16 MS. GILBERT: Form.

17 Q BY MR. HOBSON: Remember they all went over and
18 they said we want you to do this summary -- this
19 questionnaire, and --

11:45:55 20 A I don't think --

11:45:56 21 MS. GILBERT: Form. It misstates the
22 testimony.

23 Go ahead.

11:46:00 24 MR. HOBSON: Liz, let's be careful not to do
25 coaching, okay.

11:46:02 1 MS. GILBERT: I'm not coaching him.

2 MR. HOBSON: You are coaching him.

3 MS. GILBERT: You are misstating testimony.

11:46:04 4 MR. HOBSON: I understand and that's why you
5 are limited to form and foundation.

11:46:09 6 Q BY MR. HOBSON: Go ahead.

11:46:10 7 A I don't believe and I'm not sure of this, but I
8 don't believe Nicki was there. I think it was just
9 Shane.

10 Q BY MR. HOBSON: Okay. So not to quibble with
11 you, but at the January 19th, 2011 meeting, were there
12 assurances made that there would not be retaliation for
13 people's participation in this survey?

11:46:33 14 MS. GILBERT: Form and foundation.

11:46:38 15 THE WITNESS: I don't know. You'd have to ask
16 Mr. McCord about that specifically.

17 Q BY MR. HOBSON: Did you have any discussions
18 with Shane McCord as his supervisor about the importance
19 of being sure that staff understands that this is
20 privileged what they're doing and there will be no
21 recrimination or reprisal or retaliation for truthfully
22 answering the questionnaires, as you put it?

11:47:03 23 MS. GILBERT: Form.

11:47:04 24 THE WITNESS: I do not know whether he said
25 those things. When I used to do it, I would say there's

1 no names on these things. They won't be coming back to
2 you or anything like that. It's just information we're
3 collecting.

4 Q BY MR. HOBSON: Let me have you look at, let's
5 see, No. 3576. It's like the fourth page -- third page
6 down, maybe. Do you see that?

11:47:50 7 A Yes.

11:47:50 8 Q This is from a parent of an eighth grade
9 student.

11:47:54 10 MS. GILBERT: Form. Foundation.

11:47:58 11 THE WITNESS: That's what it says.

12 Q BY MR. HOBSON: Person talks about -- the
13 fifth, sixth line down about being concerned that after
14 Yee came on board, he took over an A school -- an
15 excelling school.

11:48:09 16 A Excelling school. There's a difference between
17 A and excelling.

11:48:14 18 Q Took over an excelling school?

11:48:17 19 A Correct.

11:48:17 20 Q That's now a C school?

11:48:19 21 A That's correct.

11:48:19 22 Q And the fact that the person characterized this
23 as an A school, which is now a C school, I guess you must
24 have discarded this too, because that would be an error;
25 right?

11:48:30 1 MS. GILBERT: Form.

11:48:31 2 THE WITNESS: Error. But a parent wouldn't
3 know that. If it's truly a parent, they wouldn't know
4 that. They're not probably aware of the differences of
5 the Department of Education labeling their system.

6 Q BY MR. HOBSON: Did you have any concern about
7 the way in which Highland Junior High was not performing
8 well during the period of time that Clyde Yee -- Brian
9 Yee was a principal there?

11:49:09 10 A I was concerned about all the junior high
11 schools, actually, because all of our junior high
12 schools -- actually, if I recall, Highland Junior was one
13 point away from being a B school or very close and still
14 two or three junior highs below it. I was concerned
15 about all the junior highs.

11:49:30 16 Q But importantly, Highland had gone from an
17 excelling school to a school that was now graded at a C
18 level.

11:49:38 19 A And I believe South Valley went from an
20 excelling to a D, and I believe there might have been
21 another one that went from excelling to --

11:49:49 22 Q Who was the principal at those schools?

11:49:52 23 A Where?

11:49:52 24 Q The other two schools that had declining
25 scores.

11:49:56 1 MS. GILBERT: Form.
2 THE WITNESS: All of the junior high schools
3 declined.
11:50:01 4 Q BY MR. HOBSON: Four junior high schools?
11:50:02 5 A Six.
11:50:02 6 Q Who were the principals at those junior high
7 schools?
11:50:04 8 A Jean Woods was at Desert Ridge Junior.
11:50:07 9 Q Okay.
11:50:08 10 A And then George. Brian was at Highland Junior,
11 Kevin Rainey was at Gilbert Junior, and Ron Izett was at
12 Mesquite Junior, and Brian Jaeger was at South Valley.
13 Who am I missing? Greenfield. I guess Joyce Meyer.
14 Greenfield I believe was an excelling school and went to
15 a C, if I'm not mistaken, I believe, I'm going by memory,
16 I may be wrong. I was concerned about all the junior
17 highs.
11:51:05 18 Q Does it matter whether or not this school has a
19 confident principal?
11:51:15 20 MS. GILBERT: Form.
11:51:16 21 THE WITNESS: What do you mean "does it
22 matter"?
23 Q BY MR. HOBSON: Does it matter? I mean, you
24 know, Brian Yee takes over a school that's excelling and
25 in short order the school's getting a C grade. Does that

1 fall under the -- is it the responsibility of the
2 principal to see to it that the school, you know,
3 performs well in terms of state evaluations?

11:51:47 4 MS. GILBERT: Form.

11:51:47 5 THE WITNESS: Of course it is, and that's why
6 we did an awful lot of work. Barbara Bernard in
7 particular because she was the assistant superintendent
8 for curriculum, and she did an awful lot of work with the
9 junior highs to bring them up. Like I said, all the
10 junior highs dropped and I was concerned. So Barb and I
11 got together and said what can we do, get the junior high
12 principals in and see what we can do, and that's also
13 research to find out what happened too. And there were
14 problems with the math and language arts grades that we
15 needed to work on. But it wasn't -- so, I wasn't
16 concerned. Specifically, I was concerned about Highland
17 Junior, but I was also concerned about five other junior
18 highs too.

19 Q BY MR. HOBSON: Did any of them fall that far?

11:52:41 20 A I believe Greenfield did, if I'm not mistaken.
21 I don't know that for a fact.

11:52:45 22 Q Is Greenfield where Kelly Lambeth was sent?

11:52:50 23 MS. GILBERT: Form.

11:52:51 24 THE WITNESS: No. Joyce. The other school,
25 the two schools I was really concerned with more so than

1 that was Mesquite Junior and Gilbert Junior because they
2 really went down.

3 Q BY MR. HOBSON: Other than your observation
4 that one of the these people didn't correctly report what
5 Ann Dugan had done, that is Ann Dugan never reported to
6 me, you said, did you find anything else about these
7 anonymous letters that justified in your mind discarding
8 them as you did?

11:53:50 9 THE WITNESS: I would have to --

11:53:51 10 MS. GILBERT: Form.

11:53:52 11 THE WITNESS: -- go back to my letters and look
12 at them.

13 Q BY MR. HOBSON: You have versions of these
14 letters?

11:53:59 15 MS. GILBERT: Form.

16 Q BY MR. HOBSON: You said to go to my letters.
17 What are you referring to?

11:54:04 18 A The letters that were sent to me.

11:54:07 19 Q Is there a separate set of them?

11:54:09 20 A No, no, no, no. These ones.

11:54:11 21 Q Okay. Why would you have to go back to those?

11:54:14 22 A Because I probably had -- I don't know if I
23 have them, notes.

11:54:18 24 Q You put notes on them?

11:54:22 25 A I don't recall. Maybe I did.

11:54:24 1 Q Did you provide copies of the ones you put
2 notes on to your lawyers?

11:54:30 3 MS. GILBERT: Form.

11:54:31 4 THE WITNESS: I don't know.

5 Q BY MR. HOBSON: The one that's marked 3580 has
6 two numbers here 76 dash 81. Do you recognize that at
7 all?

11:54:44 8 A No, it's not mine.

11:54:46 9 Q Okay. Are there any that you are aware of
10 that -- did you keep the originals and forward copies to
11 your counsel?

11:54:55 12 A No. I didn't keep the originals. I made
13 copies of them. I think the originals are put in a
14 permanent file or they were given to maybe Matt or
15 somebody. I don't know.

11:55:09 16 Q I'm talking -- let me be clear. I'm talking
17 about the copies that you had on which you put notes.

11:55:15 18 MS. GILBERT: Form.

11:55:16 19 THE WITNESS: Again, I'm not sure whether I put
20 notes or something separate. I don't know. I don't
21 know.

22 Q BY MR. HOBSON: Did you provide those to
23 Mr. Wright, the ones on which you wrote notes?

11:55:29 24 A No. I gave him clean copies.

11:55:40 25 Q Okay. Let's look at the next exhibit.

1 (Deposition Exhibit Nos. 7 and 8 were marked
2 for identification and attached hereto.)

3 Q BY MR. HOBSON: Do you recognize these
4 documents, sir?

11:56:14 5 A Yes, I do.

11:56:15 6 Q Can you tell me, did you have a conversation
7 with Mr. Wright about what you expected in terms of his
8 work on this investigation?

11:56:28 9 MS. GILBERT: Form.

11:56:30 10 THE WITNESS: You'd have to be more specific.

11:56:31 11 Q BY MR. HOBSON: When did you first meet with
12 Mr. Wright about doing this investigation that these
13 reports are generated from?

11:56:42 14 A I don't know the exact date. It was obviously
15 in the spring of 2012.

11:56:47 16 Q Did you go to his office or he come to your
17 office?

11:56:50 18 A No, I didn't go to his office.

11:56:53 19 Q So did he come to yours?

11:56:55 20 MS. GILBERT: Form.

11:56:57 21 THE WITNESS: He may have or I may have just
22 talked to him over the telephone.

23 Q BY MR. HOBSON: Was his associate Dominique
24 Verstegen with him?

11:57:07 25 A No, not when I talked to him. It was Nicki

1 that mainly had contact with him.

11:57:12 2 Q Nicki Blanchard?

11:57:13 3 A Yes. Do you want to do this? Nicki and I
4 talked to him and said who would be a good person to
5 bring in as a third party.

11:57:22 6 Q Why would you choose Matt Wright?

11:57:25 7 A Matt Wright, I worked with him, I knew that he
8 was a person who was fair and could be -- was good at
9 investigation, I worked with him previously on a case
10 that we had quite a few years ago at Mesquite High, and I
11 was just impressed with him as a person that could be
12 fair.

11:57:47 13 Q Wasn't he the lawyer that was involved in that
14 Safford case justifying strip searching of 13-year-old
15 girls looking for pills?

11:57:58 16 MS. GILBERT: Foundation.

17 Q BY MR. HOBSON: The supreme court, isn't that
18 the same Matt Wright?

11:58:02 19 MS. GILBERT: Foundation.

11:58:03 20 THE WITNESS: I believe so.

21 Q BY MR. HOBSON: So, did you -- you said it was
22 Nicki that talked to him. Did you talk to him at all?

11:58:15 23 A Yeah, I talked to him. Again, I don't know if
24 it was over the telephone or face-to-face. I don't
25 recall that.

11:58:23 1 Q Are you the person suggesting to him, Matt,
2 look, we want to have a public report that we're going to
3 put out. I want you to do a secret report that comes
4 just to me?

11:58:34 5 MS. GILBERT: Form.

11:58:35 6 THE WITNESS: No.

11:58:35 7 Q BY MR. HOBSON: So he's the guy that dreamed
8 that up?

11:58:38 9 MS. GILBERT: Form.

11:58:39 10 THE WITNESS: After the report was over, he
11 said could I have these two reports, and he said one
12 specifically deals with the sexual inappropriateness and
13 the other one deals with other items.

14 Q BY MR. HOBSON: So you were hiring him just to
15 talk about -- just to do the public report on the sexual
16 inappropriateness?

11:59:02 17 MS. GILBERT: Form.

18 Q BY MR. HOBSON: And then you had an agreement
19 with him, an understanding, that he was going to do a
20 separate report for you?

11:59:09 21 MS. GILBERT: Form.

11:59:10 22 THE WITNESS: No. No. The original thing we
23 asked him to do was investigate the situation at Highland
24 Junior, mainly in regards to the accusations of sexual
25 inappropriateness.

1 From that, from the report, like I said, he
2 interviewed every staff member and some staff members
3 more than once, two or three times. It was a really
4 in-depth report. And from that he found out other things
5 that he said, you know, I may want to include some other
6 things in this report.

7 My only instruction to Matt was, Matt, I want
8 to find out what's going on, and I said, you know, if you
9 find out there is something going on, that's fine. I
10 don't want this covered up or anything like that. I want
11 to report what's truthful and fair.

12:00:06 12 Q And to find out who wrote the anonymous
13 letters?

12:00:09 14 MS. GILBERT: Form.

12:00:10 15 THE WITNESS: That was never part of it.

16 Q BY MR. HOBSON: Did you ever say to him, Matt,
17 it's inappropriate for you to be providing me the
18 identities of the persons that wrote the anonymous
19 letters?

12:00:23 20 MS. GILBERT: Form.

12:00:23 21 Q BY MR. HOBSON: Did you ever say that to him?

12:00:25 22 MS. GILBERT: Form.

12:00:26 23 THE WITNESS: No.

24 Q BY MR. HOBSON: Do you understand why people
25 might want to make complaints anonymously, Dr. Allison?

12:00:35 1 MS. GILBERT: Form. Foundation.

12:00:36 2 THE WITNESS: Sure. I got lots of them -- not
3 lots of them, but a number of unsigned.

4 Q BY MR. HOBSON: I understand. Do you
5 understand why people might want to make anonymous
6 reports?

12:00:48 7 MS. GILBERT: Form and foundation.

12:00:50 8 THE WITNESS: Yes.

9 Q BY MR. HOBSON: What do you understand the
10 reason for that to be?

12:00:53 11 MS. GILBERT: Form and foundation.

12:00:54 12 THE WITNESS: In some respects it had to do
13 with -- you know, for example, they would -- the main
14 ones I would get would be in relation to a teacher or a
15 coach and they say I sent this unsigned because I don't
16 want my kid retaliated against.

17 Q BY MR. HOBSON: So --

12:01:21 18 A There was always that fear by parents.

12:01:24 19 Q Is it your testimony then, Dr. Allison, that
20 the reason people might forward anonymous reports is for
21 fear of retaliation?

12:01:32 22 MS. GILBERT: Form and foundation.

12:01:34 23 THE WITNESS: That would be maybe one reason.

24 Q BY MR. HOBSON: Can you think of any other
25 reasons?

12:01:40 1 A They don't want to get involved, they just want
2 to the let people know and then back away, don't want to
3 get involved any more, that it could be that they don't
4 want -- I remember one case where the guy finally called
5 me and said I don't want my name out there because it
6 could jeopardize my employment with the business in
7 Gilbert. There is a whole host of reasons. But that
8 would probably be the main one that you mentioned.

9 Q BY MR. HOBSON: In your conversation with
10 Mr. Wright, you didn't tell him, look, I don't want to
11 know the identities of the persons, you didn't do that?

12:02:21 12 A No.

12:02:23 13 MS. GILBERT: Form.

12:02:24 14 THE WITNESS: No, I said it didn't come up.

15 Q BY MR. HOBSON: But then when he did tell you
16 the identities of some of the people that wrote the
17 anonymous letters, did you say, Matt, that's not
18 appropriate for me to know that?

12:02:37 19 MS. GILBERT: Form.

20 Q BY MR. HOBSON: Did you say that?

12:02:38 21 A No.

12:02:39 22 Q Did you tell Matt Wright about anything about
23 what you wanted the outcome to be?

12:02:44 24 MS. GILBERT: Form.

12:02:44 25 THE WITNESS: No. I told you, just a little

1 while ago what I wanted in the report.

2 Q BY MR. HOBSON: I'm asking you a slightly
3 different question. Did you suggest in any way to
4 Mr. Wright what you wanted the outcome of the
5 investigation to be?

12:02:57 6 A No.

12:02:59 7 Q Did you expect -- I asked you some questions
8 about this, let me tie this one down. Did you expect
9 Brian Yee to ever admit to having sex with employees?

12:03:10 10 MS. GILBERT: Form.

12:03:12 11 THE WITNESS: Did I ever --

12 Q BY MR. HOBSON: Expect him to admit to having
13 sex with employees?

12:03:17 14 MS. GILBERT: Form.

12:03:17 15 THE WITNESS: I never even thought of that
16 before.

17 Q BY MR. HOBSON: If he's having sex with
18 employees, you would expect him to lie about it, wouldn't
19 you?

12:03:25 20 MS. GILBERT: Form.

12:03:26 21 THE WITNESS: I couldn't answer that.

22 Q BY MR. HOBSON: Did you expect any employees to
23 admit to having sex with their principal?

12:03:32 24 MS. GILBERT: Form.

12:03:35 25 THE WITNESS: Again, I didn't have any

1 expectation one way or the other.

2 Q BY MR. HOBSON: Kelly Lambeth is a married
3 person as Brian Yee was a married person at the time;
4 correct?

12:03:46 5 A Right.

12:03:46 6 Q Michele Chapin, she's a married person?

12:03:49 7 MS. GILBERT: Foundation.

12:03:50 8 THE WITNESS: I assume so, I don't know that
9 for a fact. I don't know.

10 Q BY MR. HOBSON: The people he was accused of
11 having sex with were all married people, weren't they?

12:04:01 12 MS. GILBERT: Form and foundation.

12:04:03 13 THE WITNESS: Again, I don't know about
14 Michele. I don't know her well enough to know whether
15 she's married or not.

16 Q BY MR. HOBSON: You are aware from the report
17 that Brian Yee admitted to spending a lot of time with
18 certain employees; correct?

12:04:19 19 MS. GILBERT: Form.

20 Q BY MR. HOBSON: Part of what Matt Wright found.

12:04:22 21 A Yeah.

12:04:24 22 Q Do you remember that?

12:04:25 23 A I believe so, yes.

12:04:28 24 Q So when he's spending a lot of time with
25 employees, are they doing their jobs?

12:04:34 1 MS. GILBERT: Form. Foundation.

12:04:36 2 THE WITNESS: Depends on what he's doing with
3 them.

12:04:38 4 Q BY MR. HOBSON: One of the things that's
5 described as this culture of favoritism. Do you recall
6 that?

12:04:44 7 A Yes.

12:04:45 8 Q And it's clear that he was engaging in conduct
9 that led to the perception of favoritism; correct?

12:04:53 10 MS. GILBERT: Form.

12:04:55 11 THE WITNESS: That was the perception of the
12 people.

13 Q BY MR. HOBSON: Well, and it was based on
14 conduct of Brian Yee; correct?

12:05:04 15 MS. GILBERT: Form.

12:05:05 16 THE WITNESS: That a perception of people's --
17 the perception of his conduct, yes.

18 Q BY MR. HOBSON: Some of that involves spending
19 lots of time together?

12:05:15 20 MS. GILBERT: Form.

12:05:16 21 THE WITNESS: Time with people, yes.

22 Q BY MR. HOBSON: That's one of the things that
23 when you finally do your performance improvement plan a
24 year late, that's one of the things you told him to be
25 careful about; correct?

12:05:32 1 MS. GILBERT: Form.

12:05:33 2 THE WITNESS: Correct.

3 Q BY MR. HOBSON: Do you think that Brian Yee's
4 poor leadership at Highland had anything to do with the
5 decline in staff moral that led to a declining score?

12:05:43 6 MS. GILBERT: Form.

12:05:44 7 THE WITNESS: You said his poor leadership.

12:05:46 8 Q BY MR. HOBSON: Poor leadership.

12:05:48 9 A I'm not saying he was a poor leader.

12:05:50 10 Q You think he's a good leader?

12:05:52 11 A Yes.

12:05:56 12 Q You stake your good name and reputation on
13 that, I take it?

12:06:02 14 MS. GILBERT: Form.

12:06:02 15 THE WITNESS: Yes.

16 Q BY MR. HOBSON: Did Mr. Wright share with you
17 any of the information you read from the individual
18 interviews that he conducted?

12:06:18 19 A No. Well, isn't there some in here where he
20 talked about certain people? These ones. These people
21 here.

12:06:29 22 MS. GILBERT: You have to reference.

12:06:33 23 THE WITNESS: I'm sorry, 00136. Is that good
24 enough? And 00135, he talked about particular people in
25 his report.

12:06:51 1 MS. GILBERT: For the record, that's in
2 Exhibit 8.

3 Q BY MR. HOBSON: I'm kind of intrigued to know
4 why -- I guess I want to understand why it was that Matt
5 Wright thought that he should do these two reports the
6 way he did. Did he discuss that with you?

12:07:23 7 MS. GILBERT: Form and foundation.

12:07:26 8 THE WITNESS: From what I can remember him
9 saying, is that as he was -- as he found out all this
10 information that was coming to him, he said there's kind
11 of two areas that we're now looking at. One is the --
12 was, again, finding if there is any basis to the sexual
13 inappropriateness, and then the other things that came
14 out were the things that he mentioned in the second
15 report.

16 Q BY MR. HOBSON: He uses a funny word when he's
17 dismissive about the allegations of sexual misconduct.
18 He says "inconclusive." Do you recall that?

12:08:07 19 A Yes.

12:08:07 20 Q Inconclusive?

12:08:08 21 MS. GILBERT: Form.

12:08:09 22 THE WITNESS: Yes.

23 Q BY MR. HOBSON: Do you understand that to mean
24 that it didn't happen or it just can't be proven?

12:08:15 25 MS. GILBERT: Form and foundation.

12:08:16 1 THE WITNESS: There was no evidence to show
2 that it happened.

3 Q BY MR. HOBSON: He didn't say it didn't happen,
4 Mr. Wright, he said inconclusive; correct?

12:08:30 5 MS. GILBERT: Form.

12:08:30 6 THE WITNESS: He said it was inconclusive.

7 Q BY MR. HOBSON: Do you discern any difference
8 between it didn't happen and inconclusive, Dr. Allison,
9 or not?

12:08:41 10 MS. GILBERT: Form.

12:08:41 11 THE WITNESS: We were unable to find any
12 conclusive evidence to support these allegations. If I'm
13 going to do anything, take any action towards an
14 employee, I need specific evidence.

15 Q BY MR. HOBSON: If you look at 122 of
16 Exhibit 8, it's the third page down, you see that?

12:09:36 17 A Yes.

12:09:36 18 Q With respect to -- the first full paragraph,
19 "With respect to the allegations that people saw Mr. Yee
20 and Ms. Lambeth in unusual and hidden locations," he
21 explained that one reason was they were working on a
22 project developing a spreadsheet relating to the
23 surveillance cameras. Do you see that?

12:09:54 24 A Yes.

12:09:54 25 Q What's a spreadsheet?

12:09:56 1 MS. GILBERT: Form.

12:09:57 2 THE WITNESS: Spreadsheet?

3 Q BY MR. HOBSON: Yeah.

12:10:02 4 A Has things across the top and things down the
5 side of it. To me that's a spreadsheet.

12:10:08 6 Q Did you understand what Mr. Wright meant by
7 that?

12:10:13 8 MS. GILBERT: Form and foundation.

12:10:14 9 THE WITNESS: No.

10 Q BY MR. HOBSON: Do you understand what Mr. Yee
11 meant when he said that to Mr. Wright?

12:10:19 12 MS. GILBERT: Form and foundation.

12:10:20 13 THE WITNESS: I have no idea. It could mean a
14 number of things.

15 Q BY MR. HOBSON: What he testified to it was a
16 map, a map of the location of the cameras, and he
17 actually produced -- we have a copy of the map.

12:10:34 18 A Okay.

12:10:34 19 MS. GILBERT: Form.

20 Q BY MR. HOBSON: And what he testified -- what
21 Mr. Yee testified to us was that he was there with Kelly
22 Lambeth to mark 16 Xs on the map so that he could
23 identify where the cameras were in the school.

12:10:56 24 MS. GILBERT: Form. Misstates testimony.

12:10:59 25 THE WITNESS: Okay.

1 Q BY MR. HOBSON: Okay. How long do you think it
2 would take to mark 16 Xs on a map?

12:11:06 3 MS. GILBERT: Form and foundation.

12:11:09 4 THE WITNESS: Shouldn't take too long.

5 Q BY MR. HOBSON: He also testified that he was
6 in there and the door was self-closing and self-locking.
7 Do you recall that?

12:11:20 8 MS. GILBERT: Form and foundation.

12:11:25 9 THE WITNESS: I don't recall that.

10 Q BY MR. HOBSON: Do you know what the school's
11 policy is about PDAs? You know what that is?

12:11:36 12 A Yes.

12:11:36 13 Q What is the school's policy for students?

12:11:40 14 A They shouldn't be involved with it.

12:11:42 15 Q Hugging, long hugs, not acceptable?

12:11:47 16 MS. GILBERT: Form.

12:11:48 17 THE WITNESS: Right.

18 Q BY MR. HOBSON: What's the obligation of school
19 principals with respect to long hugs of staff?

12:11:56 20 MS. GILBERT: Form.

12:11:59 21 THE WITNESS: Long hugs?

22 Q BY MR. HOBSON: Those are PDAs, aren't they,
23 Dr. Allison?

12:12:09 24 MS. GILBERT: Form.

12:12:10 25 THE WITNESS: What are you defining as a long

1 hug? Do you time them?

2 Q BY MR. HOBSON: How about there shouldn't be
3 any hugs would be one solution, that way there is no
4 question that you have -- whether or not you have to time
5 them or not?

12:12:27 6 A That would be --

12:12:28 7 MS. GILBERT: Form.

12:12:29 8 THE WITNESS: That would be one thing to do.

12:12:31 9 Q BY MR. HOBSON: Particularly, you are aware
10 that there were reports that students at Highland Junior
11 High were having sexual intercourse on campus, you are
12 aware of that?

12:12:40 13 MS. GILBERT: Form and foundation.

12:12:41 14 THE WITNESS: I wasn't aware of that, no.

15 Q BY MR. HOBSON: In the school they were having
16 sexual intercourse. You are aware of those reports?

12:12:48 17 MS. GILBERT: Form and foundation.

12:12:49 18 THE WITNESS: From what I understand, they
19 were -- again, they were doing things inappropriately
20 from what I heard, but I didn't hear the actual sexual
21 intercourse.

22 Q BY MR. HOBSON: Okay. Do you think it's
23 helpful to a school of junior high kids who are -- many
24 of whom are prepubescent or pubescent young folks having
25 part of their life and their hormones eat off their

1 brains, you think it's useful for them to have a
2 principal who is involved in kids seeing the principal
3 involved in PDAs?

12:13:32 4 MS. GILBERT: Form and foundation.

12:13:38 5 THE WITNESS: I don't understand your question
6 really in terms of that. There is nothing to show in
7 this that Brian was involved with PDAs with any staff
8 problems. There was the case of the three-minute hug on
9 the surveillance thing. If that's what you are getting
10 at, might as well get right at it.

12:13:58 11 MS. GILBERT: Form.

12 Q BY MR. HOBSON: What do you know about the
13 three-minute hug?

12:14:00 14 MS. GILBERT: Form.

12:14:01 15 THE WITNESS: Three second hug.

12:14:04 16 Q BY MR. HOBSON: I missed the three-minute one.

12:14:07 17 A So did I.

12:14:08 18 Q Why do you say three seconds?

12:14:09 19 A That's what the tape showed.

12:14:11 20 Q Did you see the tape?

12:14:12 21 A No, I didn't. That's what I was told. I
22 didn't see the tape.

12:14:15 23 Q Why did Matt Wright write here hugging from 5
24 to 10 seconds?

12:14:23 25 MS. GILBERT: Form.

12:14:24 1 THE WITNESS: I heard three. You are right it
2 says 5 to 10.

3 Q BY MR. HOBSON: And Yee actually admitted that
4 they hugged; right?

12:14:36 5 A Yes. The whole thing about hugging, if I can
6 put a comment in, you go on any junior high school, any
7 high school, there's a difference in culture in the past
8 few years. Kids hug each other all the time. You walk
9 down the hallway or you go at the lunch hour and they're
10 giving each other hugs.

12:14:58 11 When I was a school principal, again I'm old,
12 some years ago, that just never happened. But even now
13 with adults, there's a culture of hugging where a lot of
14 cases before people shook hands. As a superintendent, I
15 would be talking to a parent or talking to an employee
16 and all of a sudden, you know, they hug me. Why they
17 would -- I would hug them back. I'm not a hugging
18 person, but that's kind of the accepted norm these days
19 than even shaking hands. You know, this -- that's just
20 an editorial comment.

12:15:43 21 Q I understand. My response to you would be in
22 the work that I do, that I caution people that they
23 should never do that and the teachers who hugs kids are
24 irresponsible.

12:15:58 25 MS. GILBERT: Form.

12:15:59 1 THE WITNESS: Yes.

2 Q BY MR. HOBSON: In terms of best practices, you
3 talk to good administrators and they will tell you that
4 they caution teachers never to -- they have a funny way
5 about the sideways hugs about diverting kids that try to
6 hug them.

12:16:14 7 A We tell teachers the same thing.

12:16:23 8 Q How much money did the district spend on
9 helping Brian Yee avoid the allegations that have been
10 made about him, do you know?

12:16:36 11 MS. GILBERT: Form and foundation.

12 Q BY MR. HOBSON: What did you guys pay
13 Mr. Wright and Mr. Verstegen for their multiple reports?

12:16:43 14 A It came out of the trust, out of the premium
15 that we pay the trust.

12:16:56 16 Q You know what the trust paid to Mr. Wright?

12:16:59 17 A I couldn't answer that question.

12:17:00 18 MS. GILBERT: Foundation.

19 Q BY MR. HOBSON: Is it Matt's dad that's on the
20 board of the Risk Retention Trust, do you know?

12:17:07 21 MS. GILBERT: Form and foundation.

22 Q BY MR. HOBSON: He's the former superintendent
23 of Apache Junction; right?

12:17:12 24 MS. GILBERT: Form and foundation.

12:17:12 25 THE WITNESS: I've never met him.

1 Q BY MR. HOBSON: In any case, based on this side
2 report that Mr. Wright provided to you, was it your
3 intention that that not be made public?

12:17:53 4 A As long as Matt was telling me it shouldn't be,
5 I wasn't going to make it public.

12:17:57 6 Q I thought he was hired as an independent
7 investigator?

12:18:04 8 A Yes.

12:18:05 9 MS. GILBERT: Form.

10 Q BY MR. HOBSON: But the fact that he was doing
11 a confidential attorney-client privilege report to you
12 while holding himself out as an independent investigator,
13 that didn't raise any concerns in your mind about the
14 appropriateness of what Mr. Wright was suggesting to you?

12:18:25 15 MS. GILBERT: Form and foundation.

12:18:27 16 THE WITNESS: No.

17 Q BY MR. HOBSON: I mean, did you produce both of
18 these reports at the same time to the public?

12:18:34 19 MS. GILBERT: Form.

12:18:35 20 THE WITNESS: No.

21 Q BY MR. HOBSON: So you produced the first one
22 that didn't have the detail that was in the second one,
23 you gave it out to the public; right?

12:18:44 24 A Right.

12:18:44 25 Q And then how was it that the second report, the

1 one that was marked confidential attorney-client
2 privilege memorandum, how was it that that got made
3 public?

12:18:54 4 MS. GILBERT: Form and foundation.

12:18:56 5 THE WITNESS: I'm not sure.

6 Q BY MR. HOBSON: Wasn't it the case that the
7 board found out about it?

12:19:00 8 MS. GILBERT: Form and foundation.

12:19:01 9 THE WITNESS: Yes.

10 Q BY MR. HOBSON: Initially you didn't provide
11 that to the board; correct?

12:19:05 12 A No, because I didn't provide it to anybody.

13 Q BY MR. HOBSON: I'm sorry. You didn't provide
14 it to anybody?

12:19:12 15 A I didn't provide it to Shane, I didn't provide
16 it to Nicki.

12:19:17 17 Q You think that's appropriate?

12:19:18 18 MS. GILBERT: Form.

12:19:22 19 THE WITNESS: I was just following the
20 instructions of Matt.

21 Q BY MR. HOBSON: He's an independent
22 investigator, you are holding him out to the public as a
23 guy that's going to get to the bottom of this thing, and
24 he's doing a shorter report that says Brian is a great
25 guy, nothing wrong with him, the whitewash report. And

1 then he does a separate one that he gives to you, slides
2 it into Allison's pocket, and says this is just between
3 us. Does that kind conduct seem appropriate to you?

12:19:59 4 MS. GILBERT: Form.

12:20:00 5 THE WITNESS: When he gave it -- when I talked
6 to him -- when he first initially said I want -- this is
7 just for your eyes only for now, and he says it may
8 become public in the future, I don't know, but I'll let
9 you know.

10 Q BY MR. HOBSON: You didn't even share it with
11 the board; right?

12:20:20 12 MS. GILBERT: Form.

12:20:21 13 THE WITNESS: Right.

14 Q BY MR. HOBSON: You report to the board.
15 They're your boss, aren't they?

12:20:26 16 A That's correct.

12:20:28 17 Q Did you think it was appropriate for you to be
18 having a secret report from Matt Wright that you didn't
19 even share with your boss?

12:20:36 20 MS. GILBERT: Form.

12:20:36 21 THE WITNESS: There are -- the board has
22 specific duties as the superintendent has specific
23 duties, and there are a number of things that go on on a
24 daily basis that that information is not provided to the
25 board.

1 Q BY MR. HOBSON: The kind of material that's in
2 the confidential attorney-client privilege memorandum
3 that Matt stuck in your pocket, is that the kind of
4 information that you think that the board should not be
5 told?

12:21:07 6 MS. GILBERT: Form.

12:21:08 7 THE WITNESS: If I'm told not to produce it, I
8 don't produce it.

9 Q BY MR. HOBSON: Because you work for Matt
10 Wright?

12:21:17 11 MS. GILBERT: Form.

12:21:18 12 THE WITNESS: No. He's the legal person who
13 was giving me -- telling me what to do in terms of that.

12:21:24 14 Q BY MR. HOBSON: Did the board tell you at any
15 time, look, Dave, don't give us information about the
16 conduct of one of our principals that we are getting all
17 these anonymous letters about, don't tell us how the
18 investigation turned out? Did the board ever tell you
19 stuff about that?

12:21:45 20 MS. GILBERT: Form.

12:21:45 21 THE WITNESS: The board found out about the
22 sexual stuff.

23 Q BY MR. HOBSON: I understand. How did the
24 board find out about this confidential attorney-client
25 privilege secret report?

12:21:55 1 MS. GILBERT: Form and foundation.

12:21:57 2 THE WITNESS: I'm not sure. I may have told
3 them eventually, I don't know. I really forget how that
4 happened.

5 Q BY MR. HOBSON: Didn't a number of board
6 members get quite annoyed with you for withholding that
7 information?

12:22:13 8 MS. GILBERT: Form.

12:22:15 9 THE WITNESS: There's three board members that
10 got annoyed with me all the time, but there's a whole
11 bunch of other reasons besides this.

12 Q BY MR. HOBSON: They didn't like Canadians?

12:22:26 13 MS. GILBERT: Form.

12:22:27 14 THE WITNESS: Actually, that is one of the
15 things.

16 Q BY MR. HOBSON: Is it really?

12:22:30 17 A That's right. And I still feel I was
18 discriminated against, but that's a whole different
19 thing.

12:22:36 20 Q You should have come and talked to me.

12:22:38 21 A I should have, that's right.

12:22:40 22 Q It's not too late.

12:22:41 23 A Yeah, it is.

12:22:57 24 Q Let me have you look at what's marked as
25 Exhibit 9.

1 (Deposition Exhibit No. 9 was marked for
2 identification and attached hereto.)

3 Q BY MR. HOBSON: These are notes that have been
4 produced to us that are the so-called Wright's notes.
5 Have you seen these before?

12:23:38 6 A No. Where are these from?

12:23:51 7 Q These are from Matt Wright.

12:23:54 8 A Oh.

12:24:01 9 MS. GILBERT: With the exception of the last
10 page; correct? This looks like it's a page from the
11 report. Might have been just inadvertently attached.

12:24:13 12 MR. HOBSON: I was going to draw your attention
13 to that.

12:24:15 14 MS. GILBERT: Okay.

15 Q BY MR. HOBSON: If you look at 1302.

12:24:19 16 MS. GILBERT: The very last page.

17 Q BY MR. HOBSON: It says in the conclusion --

12:24:31 18 A Yes.

12:24:31 19 Q -- "More people spoke positively about him than
20 spoke negatively about him."

12:24:37 21 Do you see that?

12:24:37 22 A Yes.

12:24:41 23 Q So, if you look at the notes -- have you seen
24 the notes before, by the way?

12:24:45 25 A No, I haven't.

12:24:49 1 Q The notes don't reflect positive comments, they
2 only reflect negative comments --

12:24:54 3 MS. GILBERT: Form.

4 Q BY MR. HOBSON: -- made by Highland Junior High
5 staff.

12:24:58 6 MS. GILBERT: Form.

12:24:59 7 THE WITNESS: Okay.

8 Q BY MR. HOBSON: Can you tell me where
9 Mr. Wright would get an inference that more people spoke
10 positively than negatively when his notes don't show
11 anything but negative comments?

12:25:11 12 MS. GILBERT: Form and foundation.

12:25:13 13 THE WITNESS: You'd have to ask Mr. Wright.

14 Q BY MR. HOBSON: I'm working on that.

12:25:18 15 Other than this investigation, was Mr. Wright
16 performing other work for the district?

12:25:23 17 MS. GILBERT: Form and foundation.

12:25:27 18 THE WITNESS: I don't know. Not that I'm aware
19 of.

20 Q BY MR. HOBSON: Are you --

12:25:31 21 A He was working, but I'm not sure whether it was
22 that year. He came and did a PowerPoint with coaches
23 on --

12:25:45 24 Q Strip searching 13-year-old girls?

12:25:48 25 MS. GILBERT: Form.

12:25:49 1 THE WITNESS: No. I forget the title of it.
2 They had everybody. It was well received. I forget the
3 topic of it. I'm not sure whether it was this year or
4 the year previous.

5 Q BY MR. HOBSON: Are you personal friends with
6 any of the lawyers at Holm Wright Hyde & Hays?

12:26:12 7 A No.

12:26:15 8 Q Are you -- do you know if Nicki Blanchard is
9 personal friends with any of the lawyers at Holm Wright
10 Hyde & Hays?

12:26:23 11 MS. GILBERT: Foundation.

12:26:25 12 THE WITNESS: I'm not sure.

12:26:26 13 Q BY MR. HOBSON: Was it your perception that
14 Brian Yee was exonerated by the second report, that's the
15 long one, the attorney-client privileged one?

12:26:40 16 A No, I don't think I would use that word. It is
17 interesting the word exonerated has been attributed to me
18 saying Dave Allison said he was exonerated. I have never
19 used that term, but people have given it -- have said
20 that I said that and I never said that. Even the press,
21 I never said that.

12:27:00 22 Q I understand that words gets attributed to you.
23 In fact, the conclusion of the report was that there were
24 lots of things that were problems but they were
25 sufficiently minor, that it didn't justify hanging him;

1 right?

12:27:16 2 MS. GILBERT: Form.

12:27:17 3 THE WITNESS: That's correct.

4 Q BY MR. HOBSON: And, in fact, based on the
5 second report you put -- you directed that Brian Yee be
6 put on a performance improvement plan.

12:27:29 7 MS. GILBERT: Form.

12:27:29 8 Q BY MR. HOBSON: Am I right?

12:27:29 9 A And, again, we're getting down to different
10 words. I asked that Shane McCord give him a letter of
11 direction.

12 Q BY MR. HOBSON: And what was the letter of
13 direction?

12:27:44 14 A Letter of direction directing him
15 specifically -- mainly on the things that were written in
16 this report, but more specifically on two specific items.
17 One is on the area of favoritism, which was talked about
18 quite a bit in this; and the other was make sure that he
19 doesn't allow himself to be caught in any, and I'll use
20 the word, compromising positions, in regards to in a
21 closet and things like that that people can draw
22 perceptions from.

12:28:16 23 Q Yeah. Were you present when Shane McCord did
24 this letter of direction?

12:28:25 25 MS. GILBERT: Form.

12:28:25 1 THE WITNESS: No.

2 Q BY MR. HOBSON: Did Shane McCord report to you
3 back that he had done this letter of direction?

12:28:31 4 A No.

12:28:32 5 Q What happened to the letter of direction?

12:28:36 6 A As I'm sure you know just as well as I do, it
7 wasn't done.

12:28:40 8 Q Why not?

12:28:42 9 MS. GILBERT: Foundation.

12:28:43 10 THE WITNESS: I'm sure you have -- you've
11 already talked to Shane McCord, so I'm sure he provided
12 you with the reason.

12:28:53 13 Q BY MR. HOBSON: Why do you think it wasn't
14 done?

12:28:55 15 MS. GILBERT: Foundation.

12:28:56 16 THE WITNESS: What he told me was that he
17 didn't feel it was -- because of the legal situations
18 that were going on, that he didn't feel it was a good
19 thing to do at that time.

20 Q BY MR. HOBSON: What legal things that were
21 going on?

12:29:09 22 A Well, with the notice of claim and also the
23 fact that Brian had gotten himself -- hired himself a
24 lawyer.

12:29:19 25 Q Brian hired a lawyer?

12:29:20 1 A Yes.

12:29:20 2 Q Who did Brian hire?

12:29:21 3 MS. GILBERT: Foundation.

12:29:22 4 THE WITNESS: I don't know his name.

5 Q BY MR. HOBSON: Did he communicate with you,
6 Brian's lawyer?

12:29:29 7 A No.

12:29:30 8 Q Brian just told you he hired a lawyer?

12:29:32 9 A No. He came to a board meeting.

12:29:34 10 Q Brian's lawyer did?

12:29:35 11 A Yeah.

12:29:36 12 Q You don't remember his name?

12:29:37 13 A No, I don't.

12:29:40 14 Q Brian has a divorce lawyer?

12:29:43 15 MS. GILBERT: Form and foundation.

12:29:45 16 THE WITNESS: Probably.

17 Q BY MR. HOBSON: The notice of claim wasn't
18 filed until October, do you know that, of that year, of
19 2012?

12:30:02 20 MS. GILBERT: Foundation.

12:30:07 21 THE WITNESS: Yeah -- of 2012?

22 Q BY MR. HOBSON: Right.

12:30:14 23 A I don't know the time. But certainly there
24 was --

12:30:18 25 Q Was it the EEOC charge you are talking about?

12:30:21 1 MS. GILBERT: Form and foundation.

2 Q BY MR. HOBSON: Was that when Mr. McCord said
3 we don't want to do anything to Brian because of the EEOC
4 charge?

12:30:28 5 MS. GILBERT: Form and foundation.

6 THE WITNESS: No. It had to do with the
7 renewal of the contract and that was the legal situation
8 because Susan Segal was involved with that.

9 Q BY MR. HOBSON: Susan Segal?

12:30:43 10 A She was --

12:30:44 11 MS. GILBERT: Wait a second.

12 Q BY MR. HOBSON: When you say she was involved
13 in that, what do you mean?

12:30:48 14 MS. GILBERT: Form.

12:30:48 15 THE WITNESS: She was advising myself and the
16 board.

12:30:53 17 Q BY MR. HOBSON: About protecting Brian Yee?

12:30:56 18 MS. GILBERT: Form and foundation.

12:30:57 19 THE WITNESS: No. The situation regarding the
20 renewal of his contract. You should go watch the board
21 meeting, this is all public knowledge.

22 Q BY MR. HOBSON: Was she making -- was she
23 advising the board in public?

12:31:23 24 A I can't recall that. I don't think so.

12:31:29 25 Q Shane McCord just made this decision on his own

1 to not put Yee on this -- get this letter of direction?

12:31:38 2 A Yes.

12:31:41 3 Q He was disciplined for that subsequently;
4 right?

12:31:44 5 A It was noted in his evaluation, yes.

12:31:46 6 MS. GILBERT: Form.

7 Q BY MR. HOBSON: And you intended that to be
8 discipline?

12:31:50 9 MS. GILBERT: Form.

12:31:51 10 THE WITNESS: Yes.

11 Q BY MR. HOBSON: He should have put Yee -- given
12 this letter of direction sooner?

12:31:58 13 A Yes.

12:32:02 14 Q At some point along the way, sir, you were
15 involved in a plan that you were discussing with Brian
16 Yee. Do you recall that?

12:32:11 17 MS. GILBERT: Form.

12:32:13 18 THE WITNESS: Plan?

19 Q BY MR. HOBSON: Right. Brian Yee talks about a
20 plan that he was involved in discussing with you. A
21 plan. Was he involved in -- were you and Yee in
22 communication at all about your plan?

12:32:28 23 MS. GILBERT: Form.

12:32:33 24 THE WITNESS: I would have to have more
25 information.

1 Q BY MR. HOBSON: Well, sure. The plan involved
2 moving Liz McCoy, for example, to another school, having
3 her demoted, involved moving others -- other teachers who
4 Matt Wright's found out the identities of some of them
5 and Yee talks about -- and names some of them, and says
6 that you have a plan for them. Do you recall any of
7 that?

12:33:03 8 MS. GILBERT: Form and foundation.

9 Q BY MR. HOBSON: We'll get to that this
10 afternoon, but I want to see if you have any memory of
11 that.

12:33:13 12 A After the investigation was completed, we --
13 when I say "we," there was myself, Jeff Filloon, who is
14 the HR person at that time, it was being handed off
15 between Nicki and Jeff Filloon at that time to see what
16 we could do in regards to, again, going back to the
17 school and alleviating some of the situations there so
18 they wouldn't continue. Matt identified certain
19 situations for people that could be creating problems to
20 the school and therefore we wanted to make sure that that
21 was -- that those problems were alleviated as best as
22 possible.

12:34:01 23 Q And that involves removing people from Highland
24 Junior High and sending them off to other locations.

12:34:07 25 MS. GILBERT: Form.

12:34:07 1 THE WITNESS: That involved talking to the
2 people and seeing whether or not some of them would be
3 wanting to move out of -- and many of them did. So,
4 places were found for them in other schools.

5 Q BY MR. HOBSON: I'm perplexed, I guess, and let
6 me see. The crux of the problem with respect to Highland
7 Junior High is if you were drawing a Venn diagram of
8 where all these things -- it's all Brian Yee. Did you
9 see that at all?

12:34:41 10 MS. GILBERT: Form.

12:34:42 11 THE WITNESS: No, I disagree. The crux of the
12 problem is people who write letters who don't sign them
13 and make claims that aren't true.

14 Q BY MR. HOBSON: Well, that's not what Matt
15 Wright concluded. He said inconclusive, didn't he?

12:35:01 16 MS. GILBERT: Form.

12:35:02 17 THE WITNESS: Yes.

12:35:02 18 Q BY MR. HOBSON: He also said there was evidence
19 of favoritism, he did say that, didn't he?

12:35:08 20 MS. GILBERT: Form.

12:35:08 21 THE WITNESS: He said that.

22 Q BY MR. HOBSON: He also said that there was --
23 that Brian Yee was loose about discipline, didn't he?

12:35:20 24 MS. GILBERT: Form.

12:35:22 25 THE WITNESS: I believe he said that, but I

1 don't think that was proven.

2 Q BY MR. HOBSON: He also said that Brian Yee was
3 casual about enforcing the dress code?

12:35:33 4 MS. GILBERT: Form.

5 Q BY MR. HOBSON: He did say that, didn't he?

12:35:37 6 A He said that was one of the things that was --
7 that people had said about him.

12:35:44 8 Q Didn't one of Brian Yee's subordinates Kelly
9 Sherwood by name come to school with a t-shirt that said
10 on the front across her breast naughty, and nice on the
11 back, didn't she?

12:36:01 12 MS. GILBERT: Form and foundation.

12:36:02 13 THE WITNESS: That was, I believe, in the
14 report.

15 Q BY MR. HOBSON: How does a school principal
16 permit a staff person to wear a shirt like that at a
17 junior high school where kids are being sent home and
18 told to change into clothes that are more appropriate to
19 school, sir?

12:36:22 20 MS. GILBERT: Form and foundation.

12:36:23 21 THE WITNESS: Maybe he did speak to her, I
22 don't know.

23 Q BY MR. HOBSON: Did Matt's report conclude that
24 he did speak to Kelly Sherwood about naughty and nice?

12:36:36 25 A I don't think it said that.

12:36:37 1 Q Do you think -- can you conceive of a situation
2 where it's appropriate for a female staff person to have
3 naughty written across her breasts?

12:36:48 4 MS. GILBERT: Form.

5 Q BY MR. HOBSON: Sir?

12:36:52 6 MS. GILBERT: Form.

12:36:53 7 THE WITNESS: No.

8 Q BY MR. HOBSON: Are you aware of anybody who
9 sent letters to the district in contrast with the
10 anonymous letter saying what a great job Yee was doing
11 there?

12:37:10 12 MS. GILBERT: Form and foundation.

12:37:13 13 THE WITNESS: There were some letters that came
14 in after, a couple, but this was after actually Marcie
15 Taylor was already assigned. We received many, many --
16 the board and I received many letters from Brian -- or,
17 supporting of Brian when he had gone to Greenfield Junior
18 High.

12:37:47 19 MR. HOBSON: You know, why don't we stop here
20 and take our lunch. I'm not entirely through, but I'll
21 shorten it up.

12:37:58 22 MS. GILBERT: Great, thanks.

23 (Lunch break taken at 12:38 p.m.)

24 (Back on the record at 1:48 p.m.)

13:48:29 25 Q BY MR. HOBSON: I'm curious, I was thinking

1 over lunch, if you had known before his hire that Brian
2 Yee had this criminal background that he subsequently
3 disclosed to you, would you guys have hired him for the
4 district?

13:48:51 5 MS. GILBERT: Form. Foundation.

13:48:53 6 THE WITNESS: I don't know. That's
7 speculation.

8 Q BY MR. HOBSON: Do you know if anyone ever
9 satisfied themselves that the criminal charge was as he
10 described it? I was thinking one of the things that
11 frequently people do is admit to wrong but minimize it.
12 Did you check to see if, in fact, there was a misdemeanor
13 rather than a felony conviction?

13:49:13 14 MS. GILBERT: Form.

13:49:14 15 THE WITNESS: I didn't check. I wasn't
16 involved in that at all.

17 Q BY MR. HOBSON: Did anybody?

13:49:18 18 A I couldn't answer that.

13:49:20 19 Q I think you testified earlier that the
20 disclosure is in his personnel file?

13:49:23 21 A I believe it is, yes.

13:49:25 22 Q Have you seen that?

13:49:26 23 A I don't know.

13:49:26 24 Q Or are you just guessing?

13:49:28 25 A Correct.

13:49:31 1 Q Did you talk to anybody else about the
2 information that he was disclosing to you a couple years
3 ago?

13:49:37 4 MS. GILBERT: Form.

13:49:37 5 THE WITNESS: No.

6 Q BY MR. HOBSON: Did you talk to Paul Houston or
7 Shane --

13:49:41 8 A Paul had gone by then.

13:49:44 9 Q Paul was the one there when he was hired
10 though; right?

13:49:48 11 A Yes.

13:49:48 12 Q So if somebody knew back then, that would have
13 been Paul?

13:49:53 14 A Paul, that's correct.

13:49:53 15 Q And you didn't verify with Paul whether or not
16 he actually had been told that?

13:50:00 17 MS. GILBERT: Form.

13:50:00 18 THE WITNESS: No.

19 Q BY MR. HOBSON: You indicated that one of the
20 things that you were exploring were transferring some of
21 the complaining persons -- transferring or otherwise
22 providing for their relocation of the anonymous letter
23 complainants; am I right?

13:50:23 24 MS. GILBERT: Form and foundation.

13:50:25 25 THE WITNESS: Not necessarily the people. I

1 don't know any people in terms of writing the letters.

2 It was the people who were complaining in the report.

13:50:36 3 Q BY MR. HOBSON: About Brian?

13:50:37 4 A Yes.

13:50:38 5 Q Okay. Now, one of the letters, of course, is

6 from a parent. So you weren't thinking about

7 transferring that person, were you?

13:50:45 8 MS. GILBERT: Form.

13:50:45 9 THE WITNESS: It says it's from a parent, yes.

10 Q BY MR. HOBSON: Well, I assume that Matt found

11 out who that person was too, but would you -- I guess you

12 wouldn't be able to transfer the parent's child out of

13 that school because the parent complained about what the

14 parent had heard with respect to Brian Yee, would you?

13:51:04 15 MS. GILBERT: Form.

13:51:05 16 THE WITNESS: No. The student, as far as I

17 know, was in eighth grade anyways. No, that wouldn't

18 have been.

19 Q BY MR. HOBSON: So you were thinking about --

20 you were planning with respect to the others, but not

21 that parent?

13:51:21 22 MS. GILBERT: Form.

13:51:22 23 THE WITNESS: No.

24 Q BY MR. HOBSON: And the plan about

25 transferring -- I guess demoting Liz McCoy, was that part

1 of the plan too?

13:51:37 2 MS. GILBERT: Form.

13:51:38 3 THE WITNESS: No, no.

4 Q BY MR. HOBSON: Where does that come up about
5 demoting Ms. McCoy, do you recall?

13:51:43 6 MS. GILBERT: Form.

13:51:43 7 THE WITNESS: Shane had broached it to me as a
8 possibility of having Liz work in an elementary school.

9 Q BY MR. HOBSON: What did you think of that?

13:51:55 10 A I said, well, that's a possibility, yes.

13:52:01 11 Q Why would you think that's a possibility?

13:52:03 12 A Because Liz wanted to be working in an
13 elementary school and wanted to become an elementary
14 principal.

13:52:11 15 Q She was working in an elementary school, wasn't
16 she -- no, junior high?

13:52:14 17 A Yes.

13:52:15 18 Q Those are not considered elementary schools?

13:52:18 19 A No.

13:52:18 20 Q Those are middle schools?

13:52:21 21 A Junior high. In our district Gilbert is junior
22 high.

13:52:23 23 Q When you get an elementary certificate, isn't
24 it a K-8 certificate?

13:52:29 25 MS. GILBERT: Form.

13:52:30 1 THE WITNESS: It is.

2 Q BY MR. HOBSON: It's a specialized use of the
3 word elementary that you are using?

13:52:34 4 MS. GILBERT: Form.

13:52:35 5 THE WITNESS: In terms of Gilbert public
6 schools, elementary is K to 6, junior high is 7 to 8.

7 Q BY MR. HOBSON: Okay. You weren't talking
8 about an AP position in an elementary school, you were
9 talking about a demotion though?

13:52:51 10 MS. GILBERT: Form.

13:52:52 11 THE WITNESS: I never -- we never viewed it as
12 a demotion.

13 Q BY MR. HOBSON: Well, isn't a deanship, isn't
14 it a lesser rank than an AP position?

13:53:04 15 A In terms of the staffing patterns, yes, it is.

13:53:09 16 Q Well, and on the salary schedule, the deans are
17 paid less than --

13:53:14 18 A Correct.

13:53:16 19 Q I realize there is overlap, but it starts lower
20 and doesn't go as high; correct?

13:53:21 21 A That's correct.

13:53:21 22 Q So it is an inferior position to an AP
23 position?

13:53:25 24 A We had told Liz that -- or, Shane had told Liz
25 that she wouldn't be losing any money on this. We pay

1 her the same rate of pay.

13:53:36 2 Q Understand. But it is still an inferior rank,
3 isn't it?

13:53:42 4 MS. GILBERT: Form.

13:53:43 5 THE WITNESS: It's a lesser rank. Again, the
6 thing is we don't have assistant principals in the
7 elementary school. We thought that this would be an idea
8 of getting Liz into an elementary school as an
9 administrator and see if that would work. It was an
10 idea.

11 Q BY MR. HOBSON: She in any case declined the
12 proposal; is that right?

13:54:15 13 A Uh-huh.

13:54:16 14 MS. GILBERT: Is that a "yes"?

13:54:18 15 THE WITNESS: Yes, sorry.

13:54:18 16 Q BY MR. HOBSON: Mr. McCord met with Mrs. McCoy
17 on June 18, 2012 at 3:30 p.m. Are you aware of that?

13:54:26 18 MS. GILBERT: Foundation.

13:54:27 19 THE WITNESS: I know he met with her, but I
20 don't know the specific date.

21 Q BY MR. HOBSON: Do you know that she reported
22 to Mr. McCord that Brian Yee was retaliating against her?

13:54:40 23 A I don't know the specifics, but that was
24 generally what --

13:54:46 25 Q Go ahead.

13:54:46 1 A That's what I was told.

13:54:47 2 Q You were told by Mr. McCord?

13:54:50 3 A And Mrs. McCoy when she met with me.

13:54:54 4 Q What do you remember Mr. McCord telling you
5 that Liz McCoy had told him?

13:55:00 6 A That she had met with her and -- or came and
7 met with him, sorry, and said that she had raised some
8 concerns about Brian, something like that.

13:55:15 9 Q So -- is that all he said, some concerns about
10 Brian?

13:55:19 11 A Something like that. I can't remember the
12 exact conversation.

13:55:25 13 Q Didn't she -- did he report to you that she
14 said that Mr. Yee had retaliated against her?

13:55:33 15 MS. GILBERT: Form.

13:55:35 16 THE WITNESS: I can't recall.

17 Q BY MR. HOBSON: Do you know what retaliation
18 is?

13:55:41 19 A Yes, generally. It's a pretty general word.

13:55:44 20 Q Well, doesn't it mean coming after people --
21 taking adverse actions against people for exercise of
22 protected rights --

13:55:53 23 MS. GILBERT: Form.

13:55:53 24 Q BY MR. HOBSON: -- is that what you understand
25 that to mean?

13:55:56 1 MS. GILBERT: Form and foundation.

13:55:57 2 THE WITNESS: You probably know better than I
3 do what the definition is.

4 Q BY MR. HOBSON: If somebody reports abusive
5 authority, violation of the law, or mismanagement, any of
6 those things, and then it is -- and the person about whom
7 they make that report takes reprisal, that's retaliatory
8 comment, isn't it?

13:56:22 9 MS. GILBERT: Form and foundation. Calls for a
10 legal conclusion.

13:56:25 11 THE WITNESS: Yes. That very well could be.
12 Like I said, you are more of an authority on that than I
13 am.

14 Q BY MR. HOBSON: Did Mr. McCord tell you what
15 Brian Yee had done to Mrs. McCoy?

13:56:39 16 MS. GILBERT: Form.

13:56:45 17 THE WITNESS: I'm trying to separate both what
18 Ms. McCoy told me and what Shane told me. I'm not sure
19 if Shane told me. It was a very short conversation
20 because we were going -- it was the end of the day and
21 we -- even the next day, so we were going different
22 directions. There was some e-mails that were written,
23 that's all, that Brian had written to Liz.

24 Q BY MR. HOBSON: And do you remember what the
25 e-mails were?

13:57:11 1 A Yes, I read them.

13:57:13 2 Q Tell me what you remember them being about.

13:57:16 3 A About Brian talking about some things he would
4 like to accomplish. Have Liz or Ms. McCoy accomplish
5 before the end of the year.

13:57:29 6 Q Did you look at the list of things that he had
7 directed her to do?

13:57:34 8 A I read the e-mails.

13:57:35 9 Q What did you think -- as a careful
10 administrator, Dr. Allison, what did you think of the
11 assignments that Mr. Yee was giving to Mrs. McCoy?

13:57:49 12 A The assignments, they were assignments that
13 probably most junior high principals would ask their
14 assistant principals to do.

13:57:59 15 Q Did you know how much time she had available to
16 do them?

13:58:02 17 MS. GILBERT: Form and foundation.

13:58:03 18 THE WITNESS: I think he wanted it done by the
19 28th of June.

20 Q BY MR. HOBSON: Do you know how much time she
21 had available to do that?

13:58:09 22 MS. GILBERT: Foundation.

13:58:10 23 THE WITNESS: Not that much, because of the
24 days that were to be taken off and things like that. I
25 forget the exact specific things.

1 Q BY MR. HOBSON: We're going to come to those,
2 so let's zip along.

13:58:24 3 A Okay.

4 (Deposition Exhibit No. 10 was marked for
5 identification and attached hereto.)

6 Q BY MR. HOBSON: I asked you questions about
7 the -- what's marked as 9, the Wright notes. You had
8 never seen those before?

13:58:42 9 THE WITNESS: Correct.

10 Q BY MR. HOBSON: So this is your first chance to
11 see them?

13:58:46 12 A Yes.

13:58:46 13 Q Let's move on then.

13:59:20 14 Have you seen this document before?

13:59:24 15 A No, I don't believe so.

13:59:30 16 Q These are notes drafted up by Brian Yee.

13:59:39 17 MS. GILBERT: Form. Are you just
18 referencing --

13:59:43 19 MR. HOBSON: The first.

13:59:44 20 MS. GILBERT: Just the first page?

13:59:46 21 MR. HOBSON: First two pages, I think.

13:59:47 22 MS. GILBERT: Form.

13:59:49 23 MR. HOBSON: First page, I'm sorry. The second
24 page is actually from Matt Wright.

25 Q BY MR. HOBSON: 3563, in the middle of the page

1 see where it says, "Eyewitnesses see me leave security
2 video room with Kelly Lambeth"?

14:00:08 3 A Yes. And "me" being Brian?

14:00:11 4 Q Right. I think these are Brian Yee's notes,
5 because it starts with, "The following are allegations
6 that were made against me and asked by Matt."

14:00:18 7 A Okay.

14:00:19 8 Q Matt is I guess --

14:00:24 9 A I assume.

14:00:26 10 Q I guess they're on a first name basis, Matt and
11 Brian. Hey, Bri, hey, Matt, how are you doing.

14:00:35 12 MS. GILBERT: Form.

13 Q BY MR. HOBSON: Are you on a first name basis
14 with Matt too?

14:00:38 15 MS. GILBERT: Form.

14:00:39 16 THE WITNESS: Do I call him Matt?

14:00:40 17 Q BY MR. HOBSON: Does he call you Dave and you
18 call him Matt or is it Mr. and Mr.?

14:00:45 19 A Probably I call him Matt. I haven't talked to
20 Mr. Wright for over -- well over a year, so I don't know.

14:00:57 21 Q He says, the fourth paragraph down, "Video,
22 Kyle saw us embracing in parking lot for extended amount
23 of time. Ten seconds in parking lot."

14:01:07 24 Do you see that?

14:01:08 25 A Yes.

14:01:09 1 Q So Brian Yee says 10 seconds. I wonder how it
2 is that Matt Wright ends up saying 5 to 10 seconds?

14:01:18 3 MS. GILBERT: Form and foundation.

4 THE WITNESS: I have no idea. You would have
5 to ask Matt.

6 Q BY MR. HOBSON: Isn't that one of those things
7 that people do when they admit it but they minimize it?
8 That's part of what Matt Wright has done for his report
9 is to minimize the bad stuff that relates to Mr. Yee, so
10 rather than 10 seconds, which he admits, it's now 5 to 10
11 seconds.

14:01:42 12 MS. GILBERT: Form and foundation.

14:01:44 13 THE WITNESS: You'd have to ask Mr. Wright.

14 Q BY MR. HOBSON: Below it says, "Eyewitness
15 seeing me leave the security video room with Kelly
16 Lambeth."

14:01:52 17 Below that it says, "Project for video system,
18 creating it, fixing it, was an on-going project, had to
19 fix, readjust, change. Previous dean could not do it
20 right. Looking at video for specific discipline issues
21 and gathering items from storage room."

14:02:09 22 Do you see that?

14:02:10 23 A Yes.

14:02:12 24 Q Do you know what Mr. Yee's training is in
25 videography?

14:02:17 1 MS. GILBERT: Foundation.

14:02:20 2 THE WITNESS: I don't know.

14:02:27 3 Q BY MR. HOBSON: How about security?

14:02:29 4 MS. GILBERT: Form and foundation.

5 Q BY MR. HOBSON: What's his training in
6 security?

14:02:32 7 MS. GILBERT: Form and foundation.

14:02:33 8 THE WITNESS: His training would be the same as
9 all principals' probably.

10 Q BY MR. HOBSON: Does the district have people
11 that are trained in setting up security systems?

14:02:42 12 MS. GILBERT: Form and foundation.

14:02:43 13 THE WITNESS: Yes.

14 Q BY MR. HOBSON: Adjusting them?

14:02:45 15 A Yes.

14:02:46 16 Q Calibrating them?

14:02:47 17 A Yes.

14:02:48 18 Q What possible reason would a dean and a
19 principal have to be in there fixing, readjusting,
20 changing a security system?

14:03:02 21 MS. GILBERT: Form and foundation.

14:03:03 22 THE WITNESS: In terms of even the location of
23 the camera, the principals had direct input into that.

24 Q BY MR. HOBSON: Well, I understand. The
25 security people are the people that are charged with

1 installing and adjusting and calibrating.

14:03:17 2 A Right. There was one person responsible for
3 something like 500 units, and I am not sure throughout
4 the district, and that includes alarms and cameras and
5 everything else. I know that some principals took it
6 upon themselves to adjust because they couldn't wait for
7 Aziz to come and fix them.

14:03:41 8 Q And you don't know what kind of training Kelly
9 Lambeth had in videography, do you?

14:03:47 10 MS. GILBERT: Foundation.

14:03:47 11 THE WITNESS: No.

14:03:48 12 Q BY MR. HOBSON: In security systems?

14:03:49 13 MS. GILBERT: Foundation.

14:03:50 14 THE WITNESS: No, I don't.

15 Q BY MR. HOBSON: I guess one of the things that
16 perplexes me a bit, and I get to ask Mr. Wright this, but
17 I'm sure you must have thought about it, gosh, Matt, what
18 possible skills do Brian Yee and Kelly Lambeth bring to
19 bear in this fixing, readjusting, changing the security
20 system.

14:04:15 21 MS. GILBERT: Form.

22 Q BY MR. HOBSON: Did you ask Mr. Wright that
23 question?

14:04:18 24 MS. GILBERT: Form.

14:04:19 25 THE WITNESS: No, I didn't.

1 Q BY MR. HOBSON: Wouldn't you think that would
2 be an important thing to know? So you say you are in
3 this room to fix and readjust and change the security
4 system. What's your training in that?

14:04:32 5 MS. GILBERT: Form.

6 Q BY MR. HOBSON: Would you think that would be
7 an important thing to know?

14:04:37 8 MS. GILBERT: Form.

14:04:37 9 THE WITNESS: This is the first time I've seen
10 this.

11 Q BY MR. HOBSON: Understand.

14:04:44 12 A It wasn't in the report.

14:04:45 13 Q No, I understand. It wasn't in the report and
14 it doesn't appear from the notes that I looked at that
15 Mr. Wright had any interest in finding anything other
16 than that Brian Yee wasn't doing anything wrong.

14:04:57 17 And as a careful administrator, I'm sure, you
18 know, as you sit here today, you must be thinking, what,
19 Brian Yee, what's your training in videography or
20 security, or fixing video cameras. Doesn't that come to
21 your mind, Dr. Allison, as something that a careful
22 investigator would have looked at?

14:05:25 23 MS. GILBERT: Form.

14:05:25 24 THE WITNESS: Not necessarily. Again, because
25 I said I know some principals took it upon themselves

1 because they couldn't wait to get the work on their own
2 cameras.

3 Q BY MR. HOBSON: Let's go to the next sheet
4 down.

14:05:41 5 A In this bundle, No. 10?

14:05:44 6 Q I'm sorry, yes, what's marked as 10, right.

14:05:46 7 So at 3605, these are part of Matt Wright's
8 notes. At the bottom paragraph, do you see that?

14:06:06 9 A Yeah.

14:06:06 10 Q Now, Yee told Wright according to Wright's
11 notes that he and Lambeth were working on a spreadsheet
12 map showing surveillance cameras. Do you see that?

14:06:20 13 A Yes.

14:06:23 14 Q But if you look at the next page down, which is
15 3602, he told Wright, if you look at last paragraph,
16 third line down, "Project was to create instructions for
17 how to use the security system."

14:06:40 18 Do you see that? "He had her working on a
19 project there in the security room. Project was to
20 create instructions for how to use the security system."

14:06:52 21 Did I read that right?

14:06:53 22 A Yes.

14:06:56 23 Q Which of those do you think it was?

14:06:58 24 MS. GILBERT: Form.

14:07:01 25 THE WITNESS: Which of what?

1 Q BY MR. HOBSON: The project was to create
2 instructions for how to create a security system or the
3 project was to create a spreadsheet map to use it
4 immediately if there was a problem that occurred that he
5 could go directly to the relevant camera as soon as a
6 problem arose.

14:07:20 7 MS. GILBERT: Form.

8 Q BY MR. HOBSON: Which was it?

14:07:22 9 MS. GILBERT: Form.

14:07:22 10 THE WITNESS: Could be both projects.

11 Q BY MR. HOBSON: Well, yeah. Do you remember in
12 Matt's reports whether he ever got to resolving the
13 possibility that maybe it was both of those projects or
14 maybe one or the other?

14:07:42 15 MS. GILBERT: Form.

14:07:43 16 THE WITNESS: I can't recall.

17 Q BY MR. HOBSON: Certainly inconsistent,
18 wouldn't you agree --

14:07:46 19 MS. GILBERT: Form.

14:07:47 20 THE WITNESS: What?

21 Q BY MR. HOBSON: -- on it's face? What Brian is
22 telling Yee on 3605 and then what he's telling Yee --
23 what Yee is telling Matt at 3602.

14:08:01 24 MS. GILBERT: Form.

14:08:06 25 THE WITNESS: I wouldn't say one way or the

1 other on that. These are notes. There may be more to
2 it. When people make notes, they just make notes for
3 themselves.

4 Q BY MR. HOBSON: Typically when they make notes,
5 they write a report from their notes. You are not going
6 to find stuff in the report that is not in the notes, or
7 the notes are going to prefigure stuff that is in the
8 report.

14:08:28 9 One of the things that jumps out at me is why
10 didn't Matt figure out -- why didn't he recognize that
11 there were different responses being given and resolve
12 the problem? I mean, did that cross your mind at all?

14:08:42 13 MS. GILBERT: Form.

14:08:43 14 THE WITNESS: No.

15 Q BY MR. HOBSON: Here's a question for you:
16 When you guys buy security systems in the school
17 districts, do they come with instruction?

14:08:52 18 MS. GILBERT: Foundation.

19 Q BY MR. HOBSON: The reason I ask, I bought a
20 security system for my house.

14:09:01 21 A Yes.

14:09:01 22 Q And I stuck up the cameras around and it has a
23 little base and an instruction booklet and tells me how
24 to do stuff with it.

14:09:13 25 MS. GILBERT: Is there a question pending?

14:09:16 1 Q BY MR. HOBSON: Yeah. The question is: Was
2 the security that you buy from the district or the vendor
3 that sold to the district come with instructions?

14:09:24 4 MS. GILBERT: Foundation.

14:09:25 5 THE WITNESS: What you buy for a house is very
6 different than what you buy for a school. What you buy
7 for a school, we have a person that is trained that comes
8 out and trains the principals on how that works. In
9 terms of instruction booklet, I don't think the
10 principals or anybody ever sees that.

11 Q BY MR. HOBSON: So who came out and trained
12 Brian Yee in the security system?

14:09:47 13 MS. GILBERT: Foundation.

14:09:49 14 THE WITNESS: It was probably Aziz Bacarie
15 (phonetic), probably.

16 Q BY MR. HOBSON: Have you look at the next page,
17 which is marked 576, I think, and 577 and 578, the next
18 three pages. Do you see those?

14:10:24 19 A Yes.

14:10:25 20 Q You recognize what those pictures show?

14:10:27 21 MS. GILBERT: Foundation.

14:10:31 22 THE WITNESS: Looks like things are being
23 stored somewhere.

14:10:38 24 Q BY MR. HOBSON: So you don't recognize this?

14:10:40 25 A No.

14:10:41 1 Q The first page is a security system monitor or
2 whatever.

14:10:48 3 A Where is the monitor?

14:10:49 4 MS. GILBERT: Foundation.

5 Q BY MR. HOBSON: Interestingly, initially --
6 well, it's not displayed there. Mr. Yee said it was not
7 there then, but it was subsequently there.

14:11:03 8 MS. GILBERT: Form.

9 Q BY MR. HOBSON: Good question, where is the
10 monitor? It's not displayed in the picture.

14:11:10 11 A Some schools I know the principals keep it in
12 their office and some schools it's in another office. It
13 doesn't necessarily have to be with this.

14:11:19 14 Q Let me have you look at the third page. You
15 see 578? Do you recognize that at all?

14:11:27 16 MS. GILBERT: Form. Foundation.

14:11:28 17 THE WITNESS: No.

18 Q BY MR. HOBSON: It's the door to the storage
19 room.

14:11:32 20 MS. GILBERT: Form.

21 THE WITNESS: Okay.

22 Q BY MR. HOBSON: In the newspaper article Brian
23 Yee described on the next page, Brian Yee says, the
24 closet where the surveillance camera is located -- oh,
25 this is from Matt Wright's report. The closet where the

1 surveillance camera is located has a self-closing,
2 self-locking door. Do you see that?

14:11:54 3 A Yes.

14:11:54 4 Q Looking at the picture of the doors on the
5 previous page, does that look like a self-closing door to
6 you?

14:12:01 7 MS. GILBERT: Foundation.

14:12:04 8 THE WITNESS: It very well could be. I look up
9 here because if it's a self-closer, what happens in a lot
10 of doors, especially this office, there was some of
11 these, people would jam stuff under here.

14:12:17 12 Q BY MR HOBSON: You are looking at a black and
13 white. Let me show you the color version there. Tell me
14 if you see the mechanism for the self-closing part of
15 that door.

14:12:28 16 MS. GILBERT: Form and foundation.

14:12:33 17 THE WITNESS: Not there.

18 Q BY MR. HOBSON: The self-closing mechanisms on
19 doors that I'm familiar with are never on the outside of
20 the door, they're on the inside, they pull the door
21 closed; right?

14:12:43 22 MS. GILBERT: Form. Foundation.

23 Q BY MR. HOBSON: It's got a pneumatic cylinder
24 up there; right?

14:12:48 25 MS. GILBERT: Form and foundation.

14:12:49 1 THE WITNESS: Some do.

2 Q BY MR. HOBSON: And you push it open and it has
3 this feature that makes it close back up; right?

14:12:54 4 MS. GILBERT: Foundation.

14:12:57 5 THE WITNESS: Yeah, you know, for example, in
6 hotels, they have self-closing doors and they don't have
7 a thing up here.

8 Q BY MR. HOBSON: Do you have any of those kinds
9 of doors in the district that you are familiar with?

14:13:08 10 MS. GILBERT: Form and foundation.

14:13:09 11 THE WITNESS: I don't know, I don't check
12 doors.

14:13:11 13 Q BY MR. HOBSON: Of the doors that you are
14 familiar with in the district and the years that you
15 served in the district, do you recall any of those kinds
16 of doors in the district?

14:13:19 17 MS. GILBERT: Form. Foundation.

14:13:20 18 THE WITNESS: I can't recall.

19 Q BY MR. HOBSON: The self-closing doors that you
20 are familiar with at Gilbert all have pneumatic features
21 on the upper part of the door, don't they?

14:13:28 22 MS. GILBERT: Form and foundation.

14:13:30 23 THE WITNESS: I don't know that.

14:13:30 24 Q BY MR. HOBSON: Are you saying that there are
25 doors in the district that are self-closing doors that

1 don't have the pneumatic feature, Dr. Allison?

14:13:38 2 MS. GILBERT: Form.

14:13:38 3 THE WITNESS: I'm saying I don't know that.

4 Q BY MR. HOBSON: Wouldn't you think that if
5 Brian Yee were to say it was a self-closing, self-locking
6 door, that a careful investigator would have at least
7 gone and checked that out?

14:13:55 8 MS. GILBERT: Form.

9 Q BY MR. HOBSON: Wouldn't you think?

14:13:56 10 MS. GILBERT: Form.

14:14:00 11 THE WITNESS: Maybe he did.

12 Q BY MR. HOBSON: Well, here's the thing, Brian
13 Yee says the reason I'm alone in a closed room with this
14 particular female employee working on stuff I'm not
15 trained to do and neither is she, we're talking about
16 security systems, of course, is because there was a
17 self-closing, self-locking door, and it turns out that it
18 is not a self-closing, self-locking door, that that makes
19 for real problems with Brian Yee's explanation, wouldn't
20 you think?

14:14:30 21 MS. GILBERT: Form.

14:14:31 22 THE WITNESS: I don't know whether it's not
23 self-closing, self-locking.

24 Q BY MR. HOBSON: My question to you,
25 Dr. Allison, if you are a careful investigator being paid

1 a bunch of money from the Arizona Risk Retention Trust to
2 do this investigating, Matt Wright or Dominique, either
3 one of them, one of the important things to learn is
4 whether or not this explanation for why the door was
5 closed, that it was self-closing, self-locking, wouldn't
6 it be important to find out if that were true?

14:15:00 7 MS. GILBERT: Form.

8 THE WITNESS: The best answer I can give there
9 is to ask Mr. Wright or Dominique, I forget his last
10 name, if you talk to them. I don't know.

11 Q BY MR. HOBSON: I'm asking you a different
12 question, Dr. Allison. Don't you think that that would
13 be an important piece of information to tie down?

14:15:21 14 MS. GILBERT: Form.

14:15:23 15 THE WITNESS: I'm saying maybe they did look at
16 it.

17 Q BY MR. HOBSON: Do you have information that
18 they did look at it?

14:15:30 19 MS. GILBERT: Form.

14:15:31 20 THE WITNESS: No.

21 (Deposition Exhibit No. 11 was marked for
22 identification and attached hereto.)

23 Q BY MR. HOBSON: Because we went down and got
24 parts of Mr. Yee's employment application, we're now out
25 of sequence by one, so I have to keep correcting in my

1 brain.

14:16:21 2 Looking at what's marked as 11, these are some
3 of Brian Yee's notes to Matt Wright. Have you seen these
4 before?

14:16:34 5 MS. GILBERT: Could you say that again.

14:16:37 6 MR. HOBSON: These are some of the notes --
7 Brian Yee's notes to Matt Wright.

14:16:42 8 MS. GILBERT: Not this exhibit.

9 MR. HOBSON: 3566, yeah, these are a
10 continuation of his notes.

14:16:47 11 MS. GILBERT: This is what you gave us.

14:16:49 12 MR. HOBSON: I'm sorry, excuse me. Sorry,
13 sorry. What am I doing?

14 Q BY MR. HOBSON: This is -- take that back.

14:16:57 15 MS. GILBERT: Wait a second.

14:16:59 16 MR. HOBSON: I'm out of sequence.

17 Q BY MR. HOBSON: Let me have you go back and
18 look at what's marked as -- the notes, sorry, the one
19 before.

14:17:21 20 MS. GILBERT: Exhibit 10?

14:17:22 21 MR. HOBSON: Yeah, sorry.

22 (Deposition Exhibit No. 12 was marked for
23 identification and attached hereto.)

24 Q BY MR. HOBSON: So let me have you look at
25 what's marked as 12. These are some of Brian Yee's notes

1 to Matt Wright. I'll tell you that.

14:18:15 2 Were you aware that in the fall of 2005 when
3 Brian Yee was a dean at Highland Junior High George
4 Bowers and Mrs. McCoy met with Brian Yee to discuss
5 complaints by staff members regarding his improper
6 relationships with Bridget Glenn, and Michele Chapin?

14:18:33 7 MS. GILBERT: Form and foundation. Misstates
8 the testimony.

14:18:36 9 THE WITNESS: Where are you looking?

14:18:39 10 MS. GILBERT: I don't think that's on here.

11 Q BY MR. HOBSON: I'm asking were you aware of
12 that?

14:18:42 13 MS. GILBERT: Form and foundation. Misstates
14 testimony.

14:18:45 15 THE WITNESS: No.

14:18:45 16 Q BY MR. HOBSON: If you go two-thirds of the way
17 down, says, "Liz as a witness to Bowers telling me about
18 Bridget and I when we taught."

14:18:55 19 MS. GILBERT: This is where he is.

14:18:58 20 THE WITNESS: Yes.

21 Q BY MR. HOBSON: Do you see that?

14:19:00 22 A Yes.

14:19:01 23 Q Were you aware of that at all?

14:19:03 24 MS. GILBERT: Form and foundation. Misstates
25 testimony.

1 THE WITNESS: No.

14:19:05 2 Q BY MR. HOBSON: Were you aware that George
3 Bowers had a discussion with Brian Yee when he was a
4 teacher about appearances and his conduct with Bridget
5 Glenn?

14:19:18 6 MS. GILBERT: Form and foundation.

14:19:19 7 THE WITNESS: No.

8 Q BY MR. HOBSON: Were you aware that there had
9 been discussions about his conduct with Michele Chapin?

14:19:29 10 MS. GILBERT: Form and foundation.

14:19:32 11 THE WITNESS: Previous to?

12 Q BY MR. HOBSON: Earlier.

14:19:39 13 A Earlier?

14:19:40 14 Q Right. That he has had a history of folks
15 complaining about his conduct with women employees?

14:19:47 16 MS. GILBERT: Form and foundation.

14:19:48 17 THE WITNESS: I wasn't aware.

18 Q BY MR. HOBSON: Let me have you look at the
19 next page down, which is 3567. And on the middle
20 5/15/12 note that Mr. Yee writes, you see that, "Dan
21 receiving position with GrJHS," that's Gilbert Junior
22 High School?

14:20:22 23 A Greenfield.

14:20:23 24 Q Greenfield Junior High School, "should be
25 taking Liz' spot here. We lose out on keeping him while

1 this mess plays out. Possibly will need to fill AP and
2 dean at the same time."

14:20:37 3 Remember you having discussions with Brian Yee
4 about moving Liz to Greenfield and Dan to Highland.

14:20:52 5 MS. GILBERT: Form.

14:20:52 6 THE WITNESS: I wasn't, no.

7 Q BY MR. HOBSON: Let me have you look at the
8 next page down, 3569, at 5/22/12.

14:21:11 9 A Yes.

14:21:11 10 Q Says, "Dr. Allison visited with me at
11 8:00 a.m., said district is planning to send an e-mail to
12 Highland Junior High School to inform staff that report
13 is in, that I am cleared of all allegations, and no
14 evidence was discovered to verify any allegation."

14:21:28 15 Did you have that discussion with Mr. Yee?

14:21:31 16 A I talked to him.

14:21:33 17 Q You apparently told him on 5/22, "Two reports
18 were given, one is attorney-client and the other is a
19 summary."

14:21:43 20 Did I read that right?

14:21:45 21 A Yes.

14:21:45 22 Q Did you tell Brian Yee that?

14:21:49 23 A Sounds like I did, yes.

14:21:51 24 Q Had you told the board by that point that there
25 was a summary report and an attorney-client privilege

1 report?

14:22:02 2 MS. GILBERT: Form.

14:22:03 3 THE WITNESS: I can't recall, probably not.

4 Q BY MR. HOBSON: The next, let me skip to the
5 next paragraph, "Plan being developed for the people
6 involved. He mentioned the nurses, Christi, Sonya, Dawn,
7 Kelly Mount. I asked about Sonya, Kathy and Mark K, he
8 did not recall all the names."

14:22:22 9 Do you remember having that discussion with
10 Brian Yee?

14:22:25 11 A I don't recall the discussion, but if he
12 remembers it, yes.

14:22:29 13 Q So he's reporting that there is a plan being
14 developed for the people involved?

14:22:35 15 A Yes.

14:22:36 16 Q Was that you that was developing the plan?

14:22:39 17 MS. GILBERT: Form.

14:22:40 18 THE WITNESS: Along with the HR department,
19 yes.

20 Q BY MR. HOBSON: Do you understand, Dr. Allison,
21 that reporting misconduct, even if you are wrong about
22 the reported conduct, is still a protected right?

14:23:01 23 MS. GILBERT: Form and foundation.

14:23:02 24 THE WITNESS: I'm not sure what your question
25 is.

1 Q BY MR. HOBSON: If a staff member believes that
2 there's something that is wrong going on that somebody is
3 abusing authority or mismanaging or otherwise violating
4 the law, that because we want to encourage good
5 citizenship, that we protect people who report bad
6 conduct even if they are ultimately determined not to be
7 correct about what they reported?

14:23:33 8 MS. GILBERT: Form and foundation.

14:23:36 9 THE WITNESS: I'm not sure what you are asking.

10 Q BY MR. HOBSON: I'm asking about -- actually
11 I'm asking -- getting close to asking you, I think,
12 whether or not you had any concern that in developing a
13 plan for the people involved that you might be
14 retaliating against persons who did what we expect
15 responsible employees to do, report what they believed to
16 be inappropriate conduct?

14:24:07 17 MS. GILBERT: Form.

14:24:07 18 THE WITNESS: Well, we have a plan because of
19 the report, and the report laid out some situations with
20 some employees in terms of some of the things they said,
21 some of the things they said weren't true, and,
22 therefore, there was a problem at school with all these
23 people and innuendos and rumors and that. My priority
24 was to make that school function properly.

14:24:36 25 Q BY MR. HOBSON: What Matt Wright said was not

1 that what was reported wasn't true. He said that it was
2 not something that could be necessarily proved. Do you
3 understand the difference?

14:24:50 4 MS. GILBERT: Form.

5 Q BY MR. HOBSON: You understand the difference
6 between saying it's untrue and it's inconclusive?

14:24:56 7 MS. GILBERT: Form.

14:24:57 8 THE WITNESS: The letters that were written by
9 somebody or some people casts aspersions onto Brian and
10 two or three other people and, as Matt said, they weren't
11 conclusive.

14:25:18 12 Q BY MR. HOBSON: But he didn't say they weren't
13 true. He said they were inconclusive.

14:25:23 14 A I think he used the word conclusive.

14:25:25 15 Q And, of course, we know from what we looked at
16 with respect to some of the notes involved, that Matt
17 Wright wasn't being a terribly careful investigator when
18 he didn't tie down important points in the investigation.
19 We know, for example, that Brian Yee gave two different
20 accounts of what he was doing in the security room with
21 Kelly Lambeth; right?

14:25:51 22 MS. GILBERT: Form.

23 Q BY MR. HOBSON: You saw that?

14:25:53 24 MS. GILBERT: Form.

14:25:54 25 THE WITNESS: There may be more to it than that

1 because they're just notes.

14:25:59 2 Q BY MR. HOBSON: I understand.

14:25:59 3 A That's your opinion. I may have a different
4 one.

14:26:01 5 Q I wasn't there, you weren't there.

14:26:03 6 A Right.

14:26:03 7 Q We've both seen the notes and the notes report
8 slightly different things. The report says it's a
9 self-closing, self-locking door, you can't, apparently,
10 see that it's -- whether or not it's self-closing and
11 self-locking, but I think you agree with me that tying
12 down whether it's self-closing and self-locking would be
13 an important thing to do, or do you?

14:26:25 14 MS. GILBERT: Form.

14:26:26 15 THE WITNESS: I said it was something maybe
16 Matt didn't tie down, I don't know that.

17 Q BY MR. HOBSON: It's not in the report; right?

14:26:38 18 A Right.

14:26:33 19 Q Were you the author of the plan or was that
20 something that Shane did --

14:26:42 21 MS. GILBERT: Form.

22 Q BY MR. HOBSON: -- to take care of these people
23 who had written the anonymous letters?

14:26:49 24 MS. GILBERT: Form.

14:26:54 25 THE WITNESS: It was more of a cabinet decision

1 in terms of discussion. I was involved, Shane was
2 involved, Jeff Filloon was involved, Nicki was involved
3 saying what can we do to fix this.

4 Q BY MR. HOBSON: And what you decided to do to
5 fix it was to get rid of the people who had made the
6 anonymous complaints and protected Brian Yee at all
7 costs; right?

14:27:24 8 MS. GILBERT: Form.

14:27:24 9 THE WITNESS: No, that's not true at all.

10 Q BY MR. HOBSON: At the end of the day, the
11 people who had made the reports which they made
12 anonymously because they were fearful were found out and
13 moved along, weren't they?

14:27:42 14 MS. GILBERT: Form and foundation.

14:27:45 15 THE WITNESS: I don't know whether some of them
16 wrote the reports or letters. They very well could have,
17 I don't know.

14:27:53 18 Q BY MR. HOBSON: Let's go to -- it's out of
19 order. Let's go to the next one in order.

14:28:04 20 MS. GILBERT: Exhibit 11?

21 Q BY MR. HOBSON: 11. Do you see this document?

14:28:09 22 A Yes.

14:28:09 23 Q Who's Barb Willesen?

14:28:18 24 A Barb Willesen is my secretary -- was my
25 secretary.

14:28:25 1 Q This is the one that you were in the closet
2 with?

14:28:29 3 A The self-locking one, yeah.

14:28:33 4 Q I'm sorry.

14:28:35 5 Do you recall this document, sir?

14:28:37 6 A Oh, yes.

14:28:45 7 Q You said in this -- this is a document that
8 your secretary sent out at your direction to the Highland
9 Junior High School staff; right?

14:28:59 10 A That's correct.

14:28:59 11 Q You said you didn't find any conclusive
12 evidence to support the allegations. Do you see that?

14:29:10 13 A Where, right here?

14:29:13 14 Q Yeah.

14:29:14 15 A This is quoting from Matt's.

14:29:19 16 Q What would be conclusive evidence?

14:29:22 17 MS. GILBERT: Form and foundation.

14:29:25 18 THE WITNESS: There could be a variety of
19 things.

20 Q BY MR. HOBSON: Video camera?

14:29:30 21 A Video camera, pictures, people, Brian or one of
22 the other people, admitting that they were involved,
23 confessing that they were involved. Those kinds of
24 evidence.

14:29:56 25 Q Wasn't it more -- I mean, that's kind of

1 like -- it's kind of like the highest level of evidence
2 that you would want, but wasn't the real concern or issue
3 about the appearance of impropriety, wasn't that really
4 the more important point, Dr. Allison?

14:30:23 5 MS. GILBERT: Form.

6 Q BY MR. HOBSON: I mean, it's clear that -- let
7 me ask it a different way. Isn't it clear in your mind
8 that Brian Yee was not careful about appearances?

14:30:35 9 MS. GILBERT: Form.

14:30:37 10 THE WITNESS: He was not careful about some
11 appearances.

12 Q BY MR. HOBSON: I mean, going into closed
13 closets with female staff as a regular matter, not a
14 smart thing. Would you agree with that?

14:30:52 15 MS. GILBERT: Form.

14:30:53 16 THE WITNESS: Depends on the reason of going
17 into a closed closet.

18 Q BY MR. HOBSON: I understand. But as a regular
19 matter, you and Barb Willesen only went in the locked
20 closet once in your tenure there that you remember. But
21 the reports that were made about Brian Yee was that this
22 was a regular thing. Weren't you aware of that?

14:31:14 23 MS. GILBERT: Form.

14:31:15 24 THE WITNESS: I don't know what you mean by
25 "regular."

1 Q BY MR. HOBSON: More than a few times.

14:31:19 2 MS. GILBERT: Form.

14:31:27 3 THE WITNESS: Yes, if it was more than a few
4 times. I don't know how many times. Matt never
5 specifically had provided that number. I don't even know
6 if he had it.

7 Q BY MR. HOBSON: The bottom thing that Barb
8 Willesen says --

14:31:46 9 A No, no, no. She's not saying, I'm saying it.
10 This is from her, but this is my document.

14:31:52 11 Q The bottom thing you say here is, "However,
12 there will be recommendations from the District as to
13 procedures and protocol as well as staffing at Highland
14 Junior High School based on the information received by
15 Mr. Matthew Wright's report. Mr. Jeff Filloon and
16 Mr. Shawn McIntosh from the Human Resources Department
17 will contact employees impacted by the staffing changes
18 during the week of June 4th through 7, 2012."

14:32:15 19 Right?

14:32:16 20 A Right.

14:32:17 21 Q I bet that sent him a message, don't you think?

14:32:20 22 MS. GILBERT: Form. Foundation.

14:32:22 23 THE WITNESS: I couldn't answer that question.

14:32:23 24 Q BY MR. HOBSON: You all complained about Brian
25 Yee and certain conduct that you found suspect and

1 inappropriate and with the appearance of inappropriate
2 conduct, and we're going to provide for staffing changes.

14:32:40 3 Was this the plan part that you earlier shared
4 with Brian Yee?

14:32:46 5 MS. GILBERT: Form.

14:32:47 6 THE WITNESS: Yes.

7 Q BY MR. HOBSON: We have the plan to fix the
8 people that complained about you.

14:32:51 9 MS. GILBERT: Form.

14:32:51 10 THE WITNESS: We have a plan in terms of
11 talking with some employees about -- there are some
12 employees who wanted to leave.

13 Q BY MR. HOBSON: Well, people who want to leave
14 know how to tender letters of resignation?

14:33:06 15 A Some of these people in this.

14:33:08 16 Q Do you think -- did you intend that statement
17 to be intimidating?

14:33:12 18 MS. GILBERT: Form.

14:33:13 19 THE WITNESS: No, not at all.

20 Q BY MR. HOBSON: Did you go ahead and make
21 staffing changes at Highland Junior High?

14:33:19 22 A There were some, yes.

14:33:20 23 Q Were the people that you transferred or
24 otherwise moved on that didn't ask for that?

14:33:24 25 MS. GILBERT: Form.

14:33:25 1 THE WITNESS: From what I understand, and again
2 I didn't talk to any of these people, but Mr. Filloon and
3 Mr. McIntoch did. There was one employee who was
4 involuntarily transferred.

5 Q BY MR. HOBSON: Is it your sense that all these
6 people that wrote these anonymous letters got together
7 and ginned up this huge conspiracy against poor little
8 Brian Yee?

14:33:49 9 MS. GILBERT: Form.

14:33:50 10 THE WITNESS: That thought has occurred to me.

11 Q BY MR. HOBSON: And you stood in the breach and
12 protected Brian Yee from the blandishments of
13 schoolteachers who -- and counselors and nurses, I guess,
14 who were complaining about favoritism, about appearances?

14:34:12 15 MS. GILBERT: Form.

14:34:14 16 THE WITNESS: No. I wanted a report done that
17 would tell me whether or not there was actually any
18 problems or any inappropriate things going on. It wasn't
19 to protect anybody.

20 Q BY MR. HOBSON: It puzzles me, Dr. Allison,
21 here is a guy who has not been a school principal all
22 that many years, he's not a very good one judging by the
23 scores that the school is receiving during the period of
24 time that Brian Yee is a principal there, there are lots
25 and lots and lots of people complaining about him, so

1 he's not inspiring the confidence of bunches of people,
2 and yet you seem to be willing to -- you and Shane McCord
3 seem to be willing to go to any lengths to protect Brian
4 Yee.

14:35:14 5 Is there some -- do you and Brian Yee and Shane
6 McCord have some other relationship that you haven't
7 disclosed to us?

14:35:27 8 MS. GILBERT: Form.

14:35:31 9 THE WITNESS: You know, I'm not sure where to
10 start exactly on your question.

11 Q BY MR. HOBSON: Let me ask it a different way.

14:35:38 12 A There were a few erroneous statements there.

14:35:41 13 Q Let me ask it a different way. He's not a very
14 good principal?

14:35:43 15 A Not true.

14:35:44 16 MS. GILBERT: Form.

17 Q BY MR. HOBSON: You do agree that the school's
18 scores he's receiving has declined from an excelling to a
19 C score in the four years that he was the principal
20 there?

14:35:57 21 MS. GILBERT: Form.

14:35:58 22 THE WITNESS: Along with at least four other
23 junior highs because of the way the scoring was done and
24 what was happening at the other junior highs.

14:36:09 25 Q BY MR. HOBSON: None of the other junior highs

1 went from the top to a C. His is the most extreme.

14:36:16 2 MS. GILBERT: Form.

3 Q BY MR. HOBSON: And your justification for it
4 is that all of our junior highs are bad and getting
5 worse.

14:36:23 6 A No, all of our junior highs aren't bad, but
7 some are worse than others. His didn't drop as much as
8 some other ones.

14:36:29 9 Q Well, actually, sir, what you described is you
10 said the four junior highs had dropped a score. Joyce
11 Meyers' school went from excelling to a B is what you
12 said.

14:36:37 13 A I said it may have gone to a C, I wasn't sure
14 of that. I don't know that. I think it did, but I don't
15 know for sure on that.

14:36:44 16 Q So, Brian Yee is just as bad as Joyce Meyers as
17 a school leader is your defense of Brian Yee's
18 leadership?

14:36:51 19 MS. GILBERT: Form.

14:36:51 20 THE WITNESS: No.

21 Q BY MR. HOBSON: I don't know how you defend an
22 indefensible decline in scoring by saying that, gosh,
23 he's not as bad as some of the other ones that are worse.
24 I don't understand the logic of that.

14:37:08 25 Let me go to the other thing I mentioned to

1 you. There are lots of people complaining about his
2 favoritism and his other bad conduct -- conduct in the
3 workplace that creates appearances of impropriety. You
4 are aware of that?

14:37:26 5 MS. GILBERT: Form.

14:37:26 6 THE WITNESS: When you say "lots," compared to
7 what?

8 Q BY MR. HOBSON: Well, there were 12 to 15
9 people that wrote anonymous letters. There are some
10 people, Ann Dugan, who didn't right a letter, who just
11 made reports. Are you aware of that?

14:37:41 12 MS. GILBERT: Form and foundation.

13 Q BY MR. HOBSON: Liz McCoy came and talked to
14 Shane and she came and talked to you about Brian Yee and
15 his bad conduct. You agree with that?

14:37:51 16 MS. GILBERT: Form and foundation.

14:37:52 17 THE WITNESS: Yes.

18 Q BY MR. HOBSON: She was -- Liz McCoy was so
19 concerned about it that she wanted to talk to the board
20 about Brian Yee. Am I right?

14:38:02 21 A That's fair.

14:38:02 22 MS. GILBERT: Form.

23 Q BY MR. HOBSON: And knowing how you treat
24 people who are whistle blowers, she still was willing to
25 do that. I mean, what Dr. Allison and his administrative

1 team do is to deal with people who are whistle blowers
2 and notwithstanding that Liz McCoy was still prepared to
3 come to the board and say Brian Yee is doing a lot of bad
4 stuff. Isn't that right?

14:38:29 5 MS. GILBERT: Form. It's argumentative.
6 Foundation.

14:38:34 7 THE WITNESS: There -- I wasn't sure whether
8 there was substance to what any of these people were
9 saying, including Liz.

10 Q BY MR. HOBSON: Well, sure. And, of course, we
11 know that Matt Wright will solve any problems that exist.

14:38:50 12 I'm going to come to some of these points, but
13 I do want to understand and give you the opportunity to
14 explain why you would -- why you would go to such lengths
15 to protect a not very distinguished principal by the name
16 of Brian Yee. And what I asked you is I wanted to give
17 you the opportunity to say, well, we used to go camping
18 together or we were fishing buddies or we went on a
19 vacation in Mexico together and we got to be close
20 friends, or he's my boyfriend, whatever explanation that
21 you might have, I wanted to give you the opportunity to
22 explain why you and Shane McCord went through such
23 extraordinary lengths to protect Brian Yee.

14:39:39 24 MS. GILBERT: Form.

25 Q BY MR. HOBSON: That's all I'm trying to do for

1 this question.

14:39:42 2 MS. GILBERT: Form.

14:39:43 3 THE WITNESS: I didn't go through
4 extraordinary -- I've never had a social relationship
5 with him. He's one of our principals and he had
6 quality -- he had qualities of being a good principal.

7 Q BY MR. HOBSON: One of the things that comes up
8 in some of the documents we received is some suggestion
9 that Brian Yee -- that there were people with whom Brian
10 Yee was involved, the allegation is made, were involved
11 with a swingers club. Do you know what a swingers club
12 is?

14:40:16 13 MS. GILBERT: Form. I think that misstates the
14 evidence.

15 Q BY MR. HOBSON: I'm trying to be general. Do
16 you know what it is to be a swinger? I just recently
17 learned this word.

14:40:28 18 MS. GILBERT: Form.

19 Q BY MR. HOBSON: It's not dancing, I have to
20 tell you.

14:40:31 21 A I can only imagine.

14:40:32 22 Q It's like a sex club kind of thing.

14:40:35 23 MS. GILBERT: Form.

14:40:35 24 THE WITNESS: I didn't know that, but I assume
25 from what you are saying that's what it was.

1 Q BY MR. HOBSON: Are you aware of any suggestion
2 that Brian knew about a swingers club or was involved in
3 a swingers club or otherwise, you know, might have --
4 Shane McCord might have been one, anything like that?

14:40:57 5 MS. GILBERT: Form. It misstates the evidence.
6 Foundation.

14:41:02 7 THE WITNESS: No.

8 Q BY MR. HOBSON: I wouldn't think so, but I want
9 to make sure that we cover...

14:41:13 10 Let me ask you to look at 45.

14:41:22 11 A Are we still on 11?

14:41:23 12 Q 11, yeah, next page down. This is a -- do you
13 recognize this at all?

14:41:44 14 MS. GILBERT: Form.

15 Q BY MR. HOBSON: Do you remember meeting with
16 Liz McCoy on June 26, 2012?

14:41:51 17 A Yes.

14:41:51 18 Q You know that was recorded?

14:41:54 19 MS. GILBERT: Foundation.

14:41:55 20 THE WITNESS: I found out yesterday.

21 Q BY MR. HOBSON: Okay.

14:41:58 22 A I didn't know it was at the time.

14:42:09 23 Q Do you remember saying that to Ms. McCoy?

14:42:11 24 MS. GILBERT: Form and foundation.

14:42:27 25 THE WITNESS: I can't remember saying that.

1 Q BY MR. HOBSON: If there's a tape recording of
2 that and those words appear there, do you have some
3 alternative explanation for what you meant when you said
4 those words?

14:42:43 5 MS. GILBERT: Form.

14:42:50 6 THE WITNESS: No.

7 Q BY MR. HOBSON: Do you understand that's
8 threatening retaliation?

14:42:58 9 MS. GILBERT: Form.

14:43:05 10 THE WITNESS: No.

11 Q BY MR. HOBSON: Let's see. I know you didn't
12 write a letter, you are saying, to Liz McCoy, and I know
13 that, and you know that because she came and talked to
14 you, right? She came right in to see you?

14:43:18 15 MS. GILBERT: Form and foundation.

16 Q BY MR. HOBSON: "But the people that did and
17 they wrote letters that weren't true, if we knew exactly
18 who they were and we really don't, there were people that
19 named a small group of people, but we have a pretty good
20 idea, then something should be done with them."

14:43:34 21 Were you referring to the people that wrote the
22 letters?

14:43:37 23 MS. GILBERT: Form.

24 Q BY MR. HOBSON: Or the small group refers to
25 the so-called breakfast club, doesn't it?

14:43:44 1 MS. GILBERT: Form and foundation.

14:43:46 2 THE WITNESS: I believe the people that wrote
3 the letters.

4 Q BY MR. HOBSON: "We really don't, there were
5 people that named a small group of people, but we have a
6 pretty good idea, then something should be done with
7 him."

14:44:01 8 Had you received Matt's report by then, by the
9 way?

14:44:08 10 A Yeah.

14:44:09 11 Q And he had already told you who some of the
12 people who wrote the letters were, didn't he?

14:44:15 13 MS. GILBERT: Form.

14:44:16 14 THE WITNESS: He had mentioned some -- if I can
15 recall, he said, here's some possibilities. I don't
16 think he came out and said here's the people that wrote
17 them. Not that I'm aware of. Obviously, I had some
18 ideas, he had some ideas, but again...

19 (Deposition Exhibit No. 13 was marked for
20 identification and attached hereto.)

21 Q BY MR. HOBSON: Let me -- this is a news
22 article that was published on May 31st, 2012. Do you see
23 that?

14:45:01 24 A Yes.

14:45:01 25 Q And it says, An attorney hired by Gilbert

1 Public Schools has concluded that sexual misconduct
2 allegations against Highland Junior High School Principal
3 Brian Yee were, quote, inconclusive; right?

14:45:12 4 A Yes.

14:45:13 5 Q If you go five or six, seven paragraphs down,
6 "district policy," do you see that?

14:45:20 7 A Yes.

14:45:21 8 Q "Is that employees are expected to maintain
9 high ethical standards in the performance of their job
10 duties and their relationships with other employees and
11 defines misconduct as including improper personal or
12 sexual relationships with students, employees or others."

14:45:35 13 Did I read that right?

14:45:39 14 A Yes.

14:45:53 15 Q Do you know if Brian Yee admitted to any
16 inappropriate relationships?

14:45:58 17 MS. GILBERT: Form. Foundation.

14:46:02 18 THE WITNESS: Inappropriate relationships?
19 Sexual relationships?

20 Q BY MR. HOBSON: Any inappropriate
21 relationships.

14:46:09 22 A Not that I'm aware of.

14:46:26 23 THE WITNESS: I need a break.

24 MR. HOBSON: Okay.

14:46:27 25 (Break taken at 2:46 p.m.)

14:50:58 1 (Back on the record at 2:50 p.m.)

14:50:58 2 Q BY MR. HOBSON: You are quoted in the news
3 article on the top of 273 as saying, quote, It is
4 unfortunate that malicious rumors were spread about
5 Mr. Yee as the untrue statements which were made upset
6 the educational environment of the school, and could have
7 jeopardized Mr. Yee's career. This investigation will
8 bring closure to this situation; now Highland Junior High
9 School and Mr. Yee can move forward."

14:51:28 10 Do you see that?

14:51:29 11 A Yeah.

14:51:30 12 Q It's not true though, is it, that Mr. Wright's
13 report, such that it is, found that the statements were
14 untrue, they just found -- I thought he found the
15 evidence to be inconclusive?

14:51:48 16 MS. GILBERT: Form.

17 Q BY MR. HOBSON: Would you agree with me about
18 that.

14:51:51 19 MS. GILBERT: Form.

14:51:54 20 THE WITNESS: That's right.

21 Q BY MR. HOBSON: Were you accurately quoted here
22 where you say they were untrue statements?

14:52:02 23 A As far as I'm concerned, they were, that's my
24 opinion.

14:52:16 25 Q But in the same article Mr. Yee admitted to

1 inappropriate conduct, didn't he?

14:52:23 2 MS. GILBERT: Form.

14:52:28 3 THE WITNESS: Where was that?

4 Q BY MR. HOBSON: There's a video of surveillance
5 showing Mr. Yee hugging for, and this quotes Mr. Wright's
6 report, saying 5 to 10 seconds. We know Yee said it was
7 10 seconds, but that's inappropriate, isn't it?

14:52:44 8 MS. GILBERT: Form.

14:52:49 9 THE WITNESS: Again, that's a judgment call in
10 regards to the whole norm in which we live in nowadays.

11 Q BY MR. HOBSON: And Mr. Yee also admitted to
12 the appearance of impropriety, didn't he?

14:53:02 13 MS. GILBERT: Form and foundation.

14 THE WITNESS: Sir?

14:53:03 15 Q BY MR. HOBSON: Mr. Yee also admitted to the
16 appearance of impropriety, didn't he?

14:53:06 17 MS. GILBERT: Form and foundation.

14:53:07 18 THE WITNESS: In this article?

19 Q BY MR. HOBSON: Yes, sir. Right above that it
20 says, "The closet where the surveillance camera was
21 located is a self-closing, self-locking door." And I've
22 asked you questions about that.

14:53:16 23 A Right.

14:53:16 24 Q "Mr. Yee now acknowledges that the appearance
25 of impropriety would have been avoided had he propped the

1 door open during the time that he and the unnamed woman
2 were evaluating the security camera."

14:53:27 3 Right?

14:53:28 4 A Yes.

14:53:28 5 Q Of course we know the security camera is not in
6 there either. The security cameras are out in the halls.

14:53:36 7 A Right.

14:53:36 8 Q That's actually the monitoring system that, as
9 you pointed out, was lacking the video?

14:53:45 10 MS. GILBERT: Form and foundation.

14:53:46 11 THE WITNESS: Yes, but don't expect a news
12 report to get it exactly right.

14:53:57 13 Q BY MR. HOBSON: It looks like it's actually
14 quoting from Mr. Wright's report or from you. The report
15 states it says, quote, Mr. Yee now acknowledges that and
16 da, da, da, and it goes on. It's quoting from the
17 report, isn't it?

14:54:13 18 MS. GILBERT: Form.

14:54:15 19 THE WITNESS: Yeah.

20 Q BY MR. HOBSON: He's admitting to the
21 appearance of impropriety, he's admitting to hugging for
22 5 to 10 seconds; right?

14:54:29 23 MS. GILBERT: Form.

14:54:30 24 THE WITNESS: Yes.

25 ///

1 (Deposition Exhibit No. 14 was marked for
2 identification and attached hereto.)

3 Q BY MR. HOBSON: Have you seen these before?

14:54:50 4 A Yes.

14:54:55 5 Q Where have you seen these?

14:55:01 6 A I actually believe that when Liz met with me
7 she brought me copies of these.

14:55:10 8 Q On June 18, it looks like, Brian Yee comes to
9 life with respect to Liz McCoy, and there's this whole
10 series of e-mails that he writes her on June 14, June 15,
11 June 15, June 15, June 15. Have you seen those?

14:55:29 12 MS. GILBERT: Form.

13 Q BY MR. HOBSON: Have you seen those?

14:55:32 14 A Yes.

14:55:32 15 Q And, in fact, there are six e-mails in a period
16 of 4 hours and 17 minutes requesting the same information
17 over and over and over; is that right?

14:55:44 18 MS. GILBERT: Form.

14:55:47 19 THE WITNESS: I don't know if it's the same
20 information. It was a conversation back and forth
21 because Liz had written some e-mails in here too.

22 Q BY MR. HOBSON: In Gilbert in that part of
23 June, the middle of June of 2012, you guys were
24 working -- the testimony has been that you were working
25 four 10-hour days Monday through Thursday. Friday would

1 be a day when you weren't working; right?

14:56:32 2 A Yes, they weren't scheduled to work.

14:56:35 3 Q Okay. The trade off is you work 10 10-hour
4 days for four days and have a three-day weekend?

14:56:43 5 A Correct.

14:56:43 6 Q So if Brian Yee is having Liz McCoy respond to
7 him on the 15th, that's on a day when she's off; right?

14:56:54 8 A If the 15th is a Friday, yes.

14:56:56 9 Q Right. And if he -- if she's off, she's not
10 supposed to be working; right?

14:57:02 11 MS. GILBERT: Form.

14:57:05 12 THE WITNESS: Well, this is -- yeah, she
13 doesn't -- she certainly wouldn't have to respond on that
14 day.

14:57:13 15 Q BY MR. HOBSON: In fact, what she did was to
16 tell Mr. Yee -- you've seen the e-mail string of the
17 responses, haven't you?

14:57:22 18 A Yes.

14:57:23 19 Q And she tells him things like I'll get to this
20 first thing Monday, I'll get you all this information on
21 Monday, words to that affect; is that right?

14:57:34 22 MS. GILBERT: Form and foundation.

14:57:35 23 THE WITNESS: Something to that. I don't have
24 it right in front of me.

14:57:39 25 Q BY MR. HOBSON: He's asking her for information

1 about her time off, days off; right?

14:57:44 2 A Uh-huh.

14:57:44 3 Q You've seen the forms that she provided to you
4 where she shows you that he has copies of them signed by
5 him that are kept in his office. Have you seen those?

14:57:57 6 MS. GILBERT: Form and foundation.

7 THE WITNESS: I believe so.

8 Q BY MR. HOBSON: And, in fact, if he wants to
9 know, he can just go to the file in his office where the
10 leave authorizations are kept and look at them, can't he?

14:58:16 11 MS. GILBERT: Form. Foundation.

14:58:19 12 THE WITNESS: The reason I'm hesitating is that
13 in my own case, the assistant superintendents would send
14 in their form and it would be given -- Barb Willesen
15 would keep a copy of it in her office and I wasn't sure
16 where it was. I would always ask, Shane, are you working
17 today or taking time off. I wouldn't remember those.

18 Q BY MR. HOBSON: Can you remember situation
19 where you sent --

14:58:49 20 A And I don't know whether that was the case here
21 or not.

14:58:53 22 Q Do you remember a situation where you sent an
23 e-mail to Shane, let's say, on June 15 at 11:06 saying
24 tell me what your work schedule is for the next few days
25 and then 19 minutes later tell me what your work schedule

1 is for the next few days, and then 20 minutes later tell
2 me what your work schedule is, remember a situation where
3 you did that to Shane McCord?

14:59:20 4 MS. GILBERT: Form.

14:59:20 5 THE WITNESS: No, I don't. But what happened
6 in --

7 Q BY MR. HOBSON: Well --

14:59:27 8 A If Shane wrote me back and said, hey, I don't
9 know yet, give me a couple minutes or something like
10 that.

11 Q BY MR. HOBSON: Or I'm out of the office today.
12 On Monday I can tell you what my whole schedule is when
13 I'm in the office. Would that be okay?

14:59:42 14 MS. GILBERT: Form.

14:59:43 15 THE WITNESS: That may be fine, yes.

16 Q BY MR. HOBSON: Did you stop to consider where
17 it might be a little odd, Dr. Allison, that Brian Yee is
18 sending these e-mails on a day when Liz McCoy is off over
19 and over and over, did you give any consideration to how
20 odd that seemed?

14:59:59 21 MS. GILBERT: Form.

15:00:01 22 THE WITNESS: Well, again, Liz was answering
23 some of these e-mails, not all of them, so it was more of
24 a conversation that seemed to be taking place between the
25 two of them over e-mail.

1 Q BY MR. HOBSON: That's the way you read it,
2 just conversation? If that's your take on it, that's
3 your take on it.

15:00:21 4 MS. GILBERT: Form.

5 Q BY MR. HOBSON: When somebody asks a question
6 over and over and over, strikes me as something else is
7 going on besides requesting the information.

15:00:33 8 Here's another question that I'm sure as a
9 careful administrator you must have thought about, gosh,
10 why does he have to have this on Friday when she's off.
11 She's going to be in first thing Monday. Did you give
12 any consideration to that?

15:00:47 13 MS. GILBERT: Form.

15:00:50 14 THE WITNESS: Probably not because I didn't
15 recognize the day as Friday.

16 (Deposition Exhibit No. 15 was marked for
17 identification and attached hereto.)

18 Q BY MR. HOBSON: You recognize this?

15:01:51 19 A Yeah, I guess. Not the format, but the words.

15:01:54 20 Q This is the e-mail string that you were talking
21 about, the so-called conversation; right?

15:02:00 22 A Okay.

15:02:01 23 Q She says --

15:02:03 24 A Where are you?

15:02:05 25 Q On the first page, 3514, she says in response

1 to his first one, "I will be there on June 18 through
2 June 21. I will see you there on Monday. Thanks, Liz."

15:02:19 3 Do you see that?

15:02:21 4 A Yes.

15:02:25 5 Q And then the next page down 3513, she says he
6 wants to know about the day off that she had Thursday.
7 Brian, Thursday was a sick day. My schedule next week
8 will be Monday thru Thursday all day, except for an AD
9 meeting on Tuesday 8:00 a.m. until 11:00 or noon. You
10 know how these meetings are. I will return to school
11 Tuesday when the meeting is over. June 25th thru June 28
12 are days you signed for, but if you need me to come in
13 for the dean's interviews on any of those days, I will
14 gladly do it.

15:02:57 15 Did I read that right?

15:02:58 16 A Yes.

15:03:00 17 Q And he is still wanting to know. At the bottom
18 there on June 15th at 1:47, Brian, when I come in Monday,
19 I will give a schedule.

15:03:14 20 Do you see that? Right?

15:03:30 21 A Yes.

15:03:30 22 Q And then the next page, 3512, she says, "Brian,
23 the medical day I already had Gabby take care of. We can
24 talk Monday about what needs to be done. Thanks, Liz."

15:03:41 25 Did I read that right?

15:03:43 1 A Yes.

15:03:48 2 Q Do you think that the e-mails Ms. McCoy sent in
3 response to Mr. Yee's repeated inquiries were obstinate?

15:04:02 4 MS. GILBERT: Form.

15:04:04 5 THE WITNESS: No.

6 Q BY MR. HOBSON: Do you think she's being
7 responsive to his multiple inquiries?

15:04:11 8 MS. GILBERT: Form.

15:04:11 9 THE WITNESS: She's being responsive.

10 Q BY MR. HOBSON: Anything inappropriate about
11 her responses?

15:04:16 12 A No.

13 (Deposition Exhibit No. 16 was marked for
14 identification and attached hereto.)

15 Q BY MR. HOBSON: Do you recognize this document,
16 sir?

15:05:03 17 MS. GILBERT: Form.

15:05:08 18 THE WITNESS: It's an absent approval form.

19 Q BY MR. HOBSON: And it has -- on the last two
20 pages of it, it also has -- this is a district's portal,
21 I guess, with respect to how these things are
22 characterized. Do you see that?

15:05:23 23 A Yes.

15:05:23 24 MS. GILBERT: Form.

25 Q BY MR. HOBSON: You are familiar with this?

1 This is for Liz McCoy, but it's similar to others I'm
2 sure you have seen; correct?

15:05:32 3 A Yes.

15:05:32 4 Q The documents that are Pages 1, 2, and 3
5 provide the information -- all the information that
6 Mr. Yee was looking for; right?

15:05:49 7 MS. GILBERT: Form and foundation.

8 Q BY MR. HOBSON: Days off, June 6 and 7, 25, 26,
9 27, 28, also June 14; right?

15:06:07 10 MS. GILBERT: Form and foundation.

11 Q BY MR. HOBSON: If you look at the bottom, the
12 third document down, it says 6/14.

15:06:17 13 A Oh, over here, okay.

15:06:25 14 Q That provides all the information that Yee
15 needs to answer questions about when Liz McCoy is going
16 to be there; right?

15:06:31 17 MS. GILBERT: Form and foundation.

15:06:34 18 THE WITNESS: Yes.

19 Q BY MR. HOBSON: And I think it's your testimony
20 like it is with your relationship with Shane, sometimes
21 it's easier to ask rather than look the information up;
22 correct?

15:06:49 23 A Yes.

15:06:50 24 Q This document shows that Ms. McCoy --

15:06:54 25 A Which document, this one?

15:06:56 1 Q I'm sorry, the document 572 and 573.

15:07:03 2 A Okay.

15:07:03 3 Q Shows that Ms. McCoy was off on May 31st;
4 right?

15:07:08 5 MS. GILBERT: Form.

15:07:19 6 THE WITNESS: Okay.

7 Q BY MR. HOBSON: 1st, 6th, 7th, 14th, 27th, and
8 28th; right? If you look at June, you seen the 1st, 6th,
9 7th, 14th, 27th, 28th?

15:07:45 10 A That's odd.

15:07:47 11 Q What's odd?

15:07:50 12 A That the -- okay, I'm sorry. Those are days --

15:07:56 13 Q Off.

15:07:56 14 A -- off because of the request. All right. I'm
15 sorry.

15:08:01 16 Q And we know --

15:08:03 17 A I thought it was a general calendar for
18 assistant principals.

15:08:08 19 Q We know in June that by June of 2012 you worked
20 four 10s; right?

15:08:17 21 A Usually it starts the second week in June.

15:08:20 22 Q Okay. So looking at June 2012 the 8th, 15th,
23 22nd, and 29th are Fridays. Those are days off because
24 people are working four 10s?

15:08:31 25 A Yes.

15:08:32 1 Q So, Brian Yee's e-mail is sent to her on
2 June 15th requesting her schedule. That's on a day when
3 she was off; right?

15:08:44 4 MS. GILBERT: Form.

15:08:56 5 THE WITNESS: Yes.

15:08:57 6 Q BY MR. HOBSON: Looking at the calendar here,
7 does this show that she was working more than a few days
8 in June? I mean, she's working the 4th and the 5th;
9 right?

15:09:26 10 MS. GILBERT: Form and foundation.

15:09:29 11 THE WITNESS: Yes.

12 Q BY MR. HOBSON: 11, 12, 13.

15:09:32 13 MS. GILBERT: Form and foundation.

14 Q BY MR. HOBSON: Right?

15:09:36 15 A Yes.

15:09:36 16 Q 18th, 19th, 20th, 21st.

15:09:41 17 MS. GILBERT: Form and foundation.

18 Q BY MR. HOBSON: Right?

15:09:46 19 A Yes.

15:09:47 20 Q She does have the 25th and 26th off according
21 to that that you have in front of you, and the 27th and
22 28, right, those are all approved leaves.

15:09:58 23 MS. GILBERT: Form.

24 Q BY MR. HOBSON: Right?

15:10:11 25 A Looks like she's working the 25th and 26th. I

1 can't -- comp days, oh. Junior varsity wrestling team.

15:10:24 2 Q Right. I'll tell you the testimony was that
3 this is how you do comp days. That's how you do comp
4 days. There isn't a category listed for comp days here.

15:10:42 5 MS. GILBERT: Form and foundation.

15:10:44 6 THE WITNESS: That must be an arrangement at a
7 school.

15:10:50 8 Q BY MR. HOBSON: Okay. You recognize what comp
9 days are?

15:10:53 10 A Yes. I have not necessarily in terms of there
11 is no policy on that. I would not approve comp days as
12 an administrator.

15:11:04 13 Q You would not?

15:11:05 14 A No.

15:11:06 15 Q Would you require people to work on days off
16 and then require them to work beyond? I mean, when
17 somebody is working a comp day, they give you a day's
18 work JV wrestling tour, track meet, looks like these must
19 be days that she had to work when she ordinarily would be
20 off. Is it your testimony you wouldn't approve comp
21 days?

15:11:35 22 MS. GILBERT: Form.

15:11:36 23 THE WITNESS: In regards to this, we have
24 administrators who work all sorts of days that are not
25 contract days necessarily, for example. Let's take an

1 athletic contest on a Saturday, the director or district
2 athletic director show up and work that. That's part of
3 the job.

15:12:08 4 Q BY MR. HOBSON: And in this case 4/28 looks
5 like a Saturday, wrestling, JV wrestling tour -- I'm
6 sorry, it's a track meet tour, I guess, 4/28.

15:12:22 7 A Yeah.

15:12:22 8 Q And it looks like 1/21 is also a Saturday. So
9 it looks like this is an employee that had to work on
10 Saturdays. And Brian Yee approved her for comp days.

15:12:38 11 A Nice of Brian to do that.

15:12:40 12 Q But you wouldn't do that?

15:12:43 13 MS. GILBERT: Form.

15:12:44 14 THE WITNESS: To me it's part of the job of an
15 athletic director at a junior high or senior high school.
16 They aren't paid -- assistant principals and principals
17 aren't paid by the hour. They aren't hourly-wage
18 employees, they are professionals that apply for a job
19 knowing what they are getting into.

20 Part of it could be Saturday work. Part of it
21 could be maybe a day, for example, I've gone to -- during
22 the Christmas holidays -- I guess I shouldn't say
23 Christmas, I should say spring or whatever it is, winter
24 holiday. I've gone to athletic events during the
25 holidays to watch our school teams, and the athletic

1 director for the school is there working with the coach
2 not getting paid extra, not getting comp time. It's part
3 of that job in my mind. Maybe I'm kind of an old
4 dinosaur with respect to this. I believe professionalism
5 and people, you know, work their job because that's part
6 of the job.

15:14:07 7 Q So I understand, you are saying that people who
8 are exempt employees hired to do the job and they're not
9 held to hard timelines with respect to when they're
10 supposed to be at work?

15:14:20 11 A Yes.

15:14:21 12 Q Okay. So if you are hired to do the job, and
13 you work some weekends, there's no reason in your mind
14 why an employee who has worked weekends can't -- since
15 just hired to do the job, can't take days off that aren't
16 in the regular cycle?

15:14:42 17 MS. GILBERT: Form and foundation.

15:14:43 18 THE WITNESS: No. Then I would -- what I've
19 told people in the past, work that out with your
20 supervisor.

21 Q BY MR. HOBSON: Okay. You have no reason to
22 doubt that Liz McCoy was approved for comp days by Brian
23 Yee?

15:14:58 24 A It says that right there.

15:14:59 25 Q He's acknowledged that that's his signature, by

1 the way.

15:15:03 2 A Yeah. Good for Brian, nice guy.

15:15:14 3 Q On about June 18 I want to have you keep 16
4 close by because I'm going to ask you questions about
5 that. On June 18 Brian Yee presents Ms. McCoy with a
6 summary list. Do you see that?

15:15:44 7 A I believe I have, yes.

15:15:46 8 Q And June 18 you know from looking at her
9 calendar, on June 18 Liz McCoy has in -- before the
10 expiration of her contract, before she is off for summer
11 break, has one, two, three workdays.

15:16:08 12 MS. GILBERT: Form.

13 Q BY MR. HOBSON: So he's presenting this
14 document to her on June 18. Do you see that?

15:16:14 15 A Yes.

15:16:15 16 Q And she's at work 19, 20, 21st; right?

15:16:19 17 MS. GILBERT: Form.

15:16:20 18 THE WITNESS: Right.

19 Q BY MR. HOBSON: And she's off on Friday the
20 22nd. And she's been approved for leave on 25, 26, 27,
21 and 28; right?

15:16:30 22 A Yes.

15:16:30 23 Q 25 and 26 are comp days, the 27th and 28th
24 pre-approved leave?

15:16:37 25 A Right.

15:16:38 1 Q That's been done by Brian Yee, he signed off on
2 those; right?

15:16:42 3 A Yes.

15:16:43 4 Q So on June 18 he's presenting her with this
5 summer list. Have you seen the summer list before,
6 Dr. Allison?

15:16:51 7 MS. GILBERT: Form.

15:16:55 8 THE WITNESS: Summer list?

15:16:55 9 Q BY MR. HOBSON: Yeah. This summer list
10 June 18, 2012 it says at the top.

11 (Deposition Exhibit No. 17 was marked for
12 identification and attached hereto.)

15:17:00 13 MS. GILBERT: Exhibit 17.

14 Q BY MR. HOBSON: Have you seen Exhibit 17
15 before?

15:17:04 16 A I believe, yes. I'm not sure, but I think Liz
17 gave me a copy of this too.

15:17:09 18 Q And she gave you this, Liz, when she came and
19 complained to you that she was being subjected to
20 retaliation by Mr. Yee?

15:17:17 21 MS. GILBERT: Form.

15:17:17 22 THE WITNESS: Yes.

23 Q BY MR. HOBSON: Did you look at this list at
24 all?

15:17:19 25 MS. GILBERT: Form.

15:17:20 1 THE WITNESS: Yes.

15:17:20 2 Q BY MR. HOBSON: Let me ask you: As a careful
3 administrator, is it possible for a competent
4 administrator to do all of the things on this list in
5 three days' time?

15:17:32 6 MS. GILBERT: Form.

15:17:40 7 THE WITNESS: There are a number of things that
8 could be done, yes, in three days. There are some things
9 that probably needed more time. In fact, I know Shane
10 talked to Brian and said tell Liz that she can have some
11 more time to do some of these things. I don't know if
12 that message was ever given.

15:17:59 13 Q BY MR. HOBSON: You said that you gave a letter
14 of direction to -- you directed that there be a letter of
15 direction given to Brian Yee. Do you remember that?

15:18:08 16 A Yes.

15:18:09 17 Q Is that a lower level of discipline than a
18 performance improvement plan?

15:18:17 19 A I don't believe -- I think they're two
20 different things. I don't know if they are lower or
21 higher, but two different aspects.

15:18:24 22 Q Typically a performance improvement plan is
23 done after letters of direction have been given; right?

15:18:33 24 MS. GILBERT: Form and foundation.

15:18:35 25 THE WITNESS: Not necessarily.

1 Q BY MR. HOBSON: Okay. Okay. You don't have to
2 give a performance improvement plan to a person when
3 you've given them a letter of direction; right?

15:18:49 4 MS. GILBERT: Form.

15:18:50 5 THE WITNESS: You don't have to, but you could.

6 Q BY MR. HOBSON: Aren't performance improvement
7 plans typically reserved for more serious problems than
8 letters of direction?

15:19:02 9 MS. GILBERT: Form.

15:19:03 10 THE WITNESS: No, I wouldn't agree with that.

11 Q BY MR. HOBSON: So less serious problems?

15:19:08 12 A I think that there is two different aspects
13 that are probably similar. If there's an improvement
14 plan, then the idea is you are trying to improve a
15 person's performance.

15:19:20 16 Q Have you seen the district's rubric for the
17 levels of discipline?

15:19:26 18 MS. GILBERT: Form.

19 Q BY MR. HOBSON: You have, haven't you?

15:19:28 20 A Yes, I have, but I forget them.

15:19:30 21 Q You know that there are letters of direction,
22 there are oral reprimands, written reprimands, there are
23 performance improvement plans, there are discipline
24 beginning with days off, days off with pay, days off
25 without pay, up to and including eventually termination;

1 right?

15:19:55 2 A Yes.

15:19:56 3 Q It falls within that range of disciplinary
4 steps that administrators can take; right?

15:20:03 5 MS. GILBERT: Form.

15:20:04 6 THE WITNESS: Yes.

7 Q BY MR. HOBSON: Is it your testimony that the
8 performance improvement plan is at a lower level or a
9 higher level than letters of direction?

15:20:12 10 MS. GILBERT: Form.

15:20:12 11 THE WITNESS: I view them pretty well the same.
12 You probably know the policy better than I do, so why
13 don't you tell me.

14 Q BY MR. HOBSON: We'll get there.

15:20:22 15 Let me have you look at Item 2 on the list, the
16 summer list, Page 19. Do you see that?

15:20:31 17 A Yes, I see it.

15:20:33 18 Q Do you think that a cafeteria recycle program
19 can be completed in two days?

15:20:40 20 MS. GILBERT: Form and foundation.

15:20:48 21 THE WITNESS: I don't think that.

15:20:49 22 Q BY MR. HOBSON: Cafeteria workers aren't even
23 under contract by that time, are they?

15:21:00 24 A No.

15:21:01 25 Q It's an impossible task, isn't it?

15:21:04 1 MS. GILBERT: Form.

2 THE WITNESS: If those people aren't available,
3 yes, it is.

15:21:18 4 Q BY MR. HOBSON: Item 3 says summer info for
5 athletics. There was not a summer athletic schedule in
6 Gilbert school district, was there?

15:21:29 7 MS. GILBERT: Form.

15:21:32 8 THE WITNESS: No, but you go on and it says
9 physicals, meet coaches night, season dates, sports
10 offered dates of tryouts. I would assume that this is
11 pretty -- you know, Liz has been the athletic director in
12 high school for several years and this would be pretty
13 standard stuff. I would imagine she has a copy from
14 previous years.

15:21:52 15 Q Skip to Item 14. Is the PE department under
16 contract when school is it out for the summer?

15:22:07 17 A No.

15:22:09 18 Q So when he directs her to work with PE
19 department to find common ground with locker room
20 policies, grading, and goes on and on and on, have the
21 plan to me by June 28, that's an impossible task, isn't
22 it?

15:22:22 23 MS. GILBERT: Form.

15:22:23 24 THE WITNESS: That was one of the ones that I
25 mentioned to Shane to tell Brian that we could postpone

1 it.

2 Q BY MR. HOBSON: Look at 15. Are teachers under
3 contract after the last day of school?

15:22:40 4 A No. Well, it depends whether they're working
5 on short-term contracts in summer school and things like
6 that. Generally, their contract finishes on the last day
7 of school.

15:22:57 8 Q You think that's a possible task?

15:22:59 9 MS. GILBERT: Form.

10 Q BY MR. HOBSON: Teachers aren't --

15:23:04 11 A Number 15?

15:23:05 12 Q Yeah. Schedule of which teachers are working
13 the event. Work with Angela. Teachers aren't even
14 there.

15:23:11 15 A That doesn't mean you can't schedule them.

15:23:14 16 MS. GILBERT: Form.

17 Q BY MR. HOBSON: All of it by June 28.

15:23:22 18 Let me have you look at 23. If school is out
19 for the summer, how is Ms. McCoy going to start
20 documenting students if there are no students on campus?

15:23:42 21 MS. GILBERT: Form.

15:23:50 22 THE WITNESS: It says send me your plan.

15:23:52 23 Q BY MR. HOBSON: It says, discipline, start
24 documenting students you speak with/give referrals to.
25 It's an impossible task, isn't it?

15:24:02 1 MS. GILBERT: Form.

15:24:02 2 THE WITNESS: I don't think it was referring to
3 start documenting students. This talks about a
4 discipline plan. I don't know how you are going to
5 develop a discipline plan for the next school year.
6 That's my read of it.

7 Q BY MR. HOBSON: Is there some district policy
8 that says that APs should do their own typing?

15:24:29 9 MS. GILBERT: Form.

15:24:32 10 THE WITNESS: Not that I'm aware of.

11 Q BY MR. HOBSON: Craziest thing in my mind. In
12 the middle of this he directs that she has to type up the
13 document herself, that her administrative assistant can
14 proofread it. Do you see that?

15:24:52 15 A Yes.

15:24:53 16 Q So he's directing that the professional who's
17 making the judgments about how this thing should be is
18 the person that has to do the typing, and the
19 administrative assistant is the one that's supposed to
20 proofread it. Did I read that right?

15:25:11 21 MS. GILBERT: Form.

15:25:12 22 THE WITNESS: That's what it says, yes.

23 Q BY MR. HOBSON: Wouldn't you think that having
24 the professionals making the judgment about the
25 appropriateness of what's being developed should be the

1 one doing the proofreading?

15:25:23 2 MS. GILBERT: Form.

3 Q BY MR. HOBSON: I mean, it strikes me as the
4 craziest thing on the planet. What do you think of that?
5 Does that strike you as backwards?

15:25:35 6 MS. GILBERT: Form.

15:25:36 7 THE WITNESS: No, not necessarily. We've
8 had -- when I say "we," when I was there, problems in
9 terms of documentation of student discipline for 10-day
10 suspensions or more. And, you know, that has to be --
11 the document has to be legally correct and everything
12 else because it goes to a hearing officer. And so
13 because of that -- I know that Shane has mentioned to
14 administrators in the past that, you know, make sure that
15 those documents are correct.

15:26:14 16 Q BY MR. HOBSON: Sure.

15:26:15 17 A It could be that. And I know that many of the
18 principals and assistant principals type up their own
19 reports. It's not a policy that they have to, that I'm
20 aware of, unless Shane has mandated that, that I'm not
21 aware of, but I know that a lot of the assistant
22 principals and principals do that.

15:26:39 23 Q It just strikes me as crazy. You said, and I
24 think we agree about this, it's important that it be
25 accurate. That's what you are testifying to; right?

15:26:51 1 MS. GILBERT: Form.

15:26:51 2 THE WITNESS: Yes.

3 Q BY MR. HOBSON: Why is it that you would have
4 the administrative assistant who is not the professional
5 who knows what needs to be there doing the proofreading
6 and have the professional who is making that judgment do
7 the typing?

15:27:07 8 MS. GILBERT: Form.

9 Q BY MR. HOBSON: Here's the thing Brian Yee
10 says, she's a girl, she can type. Is that possible?

15:27:14 11 MS. GILBERT: Form.

15:27:17 12 THE WITNESS: I'm sure he didn't say that.

13 (Deposition Exhibit No. 18 was marked for
14 identification and attached hereto.)

15 Q BY MR. HOBSON: Have you seen this before?

15:27:39 16 A Let me read it. I think I read it before.

15:28:17 17 Q Okay. Do you understand Yee to be telling
18 Ms. McCoy that she has to get all the stuff on that
19 summer list done by June 28?

15:28:29 20 MS. GILBERT: Form.

15:28:34 21 THE WITNESS: That's what it says. That's the
22 assumption I get from it, yes.

23 Q BY MR. HOBSON: Do you think Mr. Yee was trying
24 to -- this has occurred after she's declined the offer,
25 the demotion; right?

15:28:51 1 MS. GILBERT: Form.

2 Q BY MR. HOBSON: Right?

15:28:52 3 MS. GILBERT: Form.

4 Q BY MR. HOBSON: You testified about that.

15:28:56 5 A I forget the exact timing of that. If you say
6 so.

15:29:00 7 Q That's that plan that you and Mr. McCord and
8 Mr. Yee were working up to deal with the people who were
9 complainants, moving them on?

15:29:11 10 MS. GILBERT: Form. Misstates the testimony.

11 Q BY MR. HOBSON: And you've talked with Mr. Yee
12 about the plan?

15:29:17 13 A But he wasn't involved with the idea of moving
14 Liz to an elementary school.

15:29:22 15 Q That just happened at the same time?

15:29:24 16 MS. GILBERT: Form.

15:29:25 17 THE WITNESS: Yes.

18 Q BY MR. HOBSON: She's declined the offer of the
19 demotion; right?

15:29:29 20 MS. GILBERT: Form.

15:29:29 21 THE WITNESS: Of the move, yes.

22 Q BY MR. HOBSON: And Mr. Yee is piling on this
23 work right at the end of her contract and you've
24 acknowledged at least some of it is impossible to do;
25 right?

15:29:42 1 MS. GILBERT: Form.

15:29:42 2 THE WITNESS: One or two of the items, yes.

3 Q BY MR. HOBSON: As you look at the list of the
4 23 items, do you think as a competent administrator that
5 the idea that you could accomplish, you know, half of
6 those tasks or a third of those tasks in the three days
7 that remain in your contract cycle, do you think that
8 it's possible to do that many even?

15:30:10 9 MS. GILBERT: Form.

15:30:13 10 THE WITNESS: I would think that a third could
11 be done in those three days.

12 Q BY MR. HOBSON: Some of it is impossible, you
13 acknowledged that. You don't have PE staff available,
14 you don't have any athletic programs scheduled. There
15 are things that --

15:30:35 16 MS. GILBERT: Form.

15:30:36 17 THE WITNESS: But, again, there may be some
18 things in there that I'm not aware of. We're looking for
19 a plan, not necessarily having to talk to people.

15:30:45 20 Q BY MR. HOBSON: Did you give any consideration
21 to the possibility that what Mr. Yee was doing was
22 retaliating, Dr. Allison?

15:30:53 23 MS. GILBERT: Form.

15:30:54 24 THE WITNESS: No, I didn't. Again, we went
25 back and said, you know, I believe Shane talked to Brian

1 and said just pull back a bit. You don't need all of
2 this stuff done.

3 Q BY MR. HOBSON: Is there an e-mail from Brian
4 that says Liz, Mrs. McCoy, I was wrong about the
5 suggestion or I didn't mean to make a suggestion that
6 this all had to be done on June 28, do whatever you can,
7 and we will take up the rest when you get back, is there
8 an e-mail that you are aware of that says that?

15:31:26 9 MS. GILBERT: Form.

15:31:26 10 THE WITNESS: Not that I'm aware of, no.

15:31:28 11 Q BY MR. HOBSON: Had there been such
12 dispensation arranged by Mr. McCord between Mrs. McCoy
13 and her principal, wouldn't you think that there should
14 exist such a document?

15:31:43 15 MS. GILBERT: Form. Foundation.

15:31:44 16 THE WITNESS: Not necessarily. I don't know
17 this. You know probably better than I do that Mr. Yee
18 talked to Ms. McCoy and said that, it doesn't have to be
19 in an e-mail.

15:31:59 20 Q BY MR. HOBSON: When he wants to know about a
21 schedule, he can send six e-mails asking about a schedule
22 in a four-hour period. Wouldn't you think there would be
23 one document somewhere that said, Mrs. McCoy, please
24 discard the insistence that all this has to be done by
25 June 28?

15:32:21 1 MS. GILBERT: Form.

15:32:22 2 THE WITNESS: Not necessarily. If Mrs. McCoy
3 is in the building, why would you do that?

4 Q BY MR. HOBSON: So let me have you look at
5 what's marked as Exhibit 19.

6 (Deposition Exhibit No. 19 was marked for
7 identification and attached hereto.)

8 Q BY MR. HOBSON: Do you recognize this document,
9 sir?

15:32:59 10 MS. GILBERT: Form.

11 You have to look at the second page, too.

12 Q BY MR. HOBSON: Do you recognize this?

15:33:18 13 A I don't recognize this, I recognize this.

15:33:21 14 MS. GILBERT: So you recognize the second page?

15:33:24 15 THE WITNESS: Yes.

16 Q BY MR. HOBSON: Mrs. McCoy met with Mr. McCord
17 on June 18 with a copy of what's marked as the first page
18 of Exhibit 19.

15:33:37 19 Did Mr. McCord share this with you at any
20 point?

15:33:41 21 MS. GILBERT: Form.

15:33:41 22 THE WITNESS: No.

23 Q BY MR. HOBSON: Did Mr. McCord discuss the
24 meeting that he had with Mrs. McCoy?

15:33:48 25 MS. GILBERT: Form.

15:33:50 1 THE WITNESS: Very generally, didn't get into
2 specifics.

3 Q BY MR. HOBSON: Did Shane tell you that -- did
4 Mr. McCord tell you that Mrs. McCoy said that Mr. Yee was
5 retaliating against her?

15:34:04 6 MS. GILBERT: Form.

15:34:05 7 THE WITNESS: Yes.

8 Q BY MR. HOBSON: Did she say that Yee was
9 becoming more and more aggressive as I reported to you?

15:34:11 10 MS. GILBERT: Form.

15:34:11 11 THE WITNESS: No.

12 Q BY MR. HOBSON: Did she tell you that she was
13 afraid what Brian Yee would do, Mr. McCord tell you?

15:34:19 14 MS. GILBERT: Form.

15 THE WITNESS: No.

15:34:20 16 Q BY MR. HOBSON: Did Mrs. McCoy tell you at any
17 point that she had a box of documents to support her
18 claim of retaliation and bullying?

15:34:29 19 A Yes.

15:34:30 20 Q Did you ask her for those documents?

15:34:32 21 A Yes. I said I -- in terms of furthering the
22 investigation, she would give them to me and she said she
23 would.

15:34:43 24 Q She said she would give you the documents. Did
25 you ever ask her for them? Did you ever say, Liz, please

1 deliver the documents?

15:34:48 2 A She said she would give them to me, yes.

15:34:51 3 Q I understand that. I'm asking if you then took
4 the step, Dr. Allison, of saying, Liz, please bring the
5 documents in?

15:34:59 6 MS. GILBERT: Form.

15:35:00 7 THE WITNESS: I don't know that I said that.

8 Q BY MR. HOBSON: Did you ever tell Mrs. McCoy
9 that she could not go to the board?

15:35:07 10 MS. GILBERT: Form.

15:35:08 11 THE WITNESS: Yes.

12 Q BY MR. HOBSON: Is there -- you are looking at
13 the second page of Exhibit 19. Do you see that?

15:35:18 14 A Yes.

15:35:21 15 Q Do you see the second to the last sentence, the
16 penultimate sentence?

15:35:28 17 A Which one?

15:35:29 18 Q The one that begins "an employee," do you see
19 that?

15:35:38 20 A Yes.

15:35:40 21 Q It says that if you believe that they are
22 suffering an adverse personnel action as a result of
23 whistle blowing, that they shall make a complaint to the
24 board.

15:35:52 25 When you told Liz McCoy that she couldn't go to

1 the board, were you familiar with this policy?

15:35:58 2 MS. GILBERT: Form.

3 THE WITNESS: I was familiar with it. We
4 weren't working -- we weren't using this policy at that
5 time.

6 Q BY MR. HOBSON: Well, I'll tell you this policy
7 is state law and been state law for a long time.

15:36:10 8 A This was never brought up to me, this policy.

15:36:13 9 Q Isn't it district policy?

15:36:15 10 A Yes.

15:36:15 11 Q It says it was adopted July 13, 2000.

15:36:20 12 A But we were working under another policy.

15:36:25 13 Q Liz McCoy was claiming that she was suffering
14 retaliation for whistle blowing. Do you understand that?

15:36:34 15 MS. GILBERT: Form.

15:36:35 16 THE WITNESS: No, she didn't tell me about
17 whistle blowing.

18 Q BY MR. HOBSON: Wasn't she reporting
19 misconduct, mismanagement, abuse of authority, violations
20 of the law by Brian Yee?

15:36:54 21 MS. GILBERT: Form and foundation.

15:36:55 22 THE WITNESS: She was reporting harassment,
23 yes, and I said under policy, I think BHC, we would be
24 investigating that because that was the policy that
25 Mrs. McCoy had mentioned to me.

15:37:08 1 Q BY MR. HOBSON: Do you understand that
2 harassment is an abuse of authority?

15:37:14 3 MS. GILBERT: Objection. Form. Foundation.
4 Calls for a legal conclusion.

15:37:18 5 THE WITNESS: That we would be investigating
6 that.

7 Q BY MR. HOBSON: Do you understand that
8 harassment is an abuse of authority?

15:37:26 9 MS. GILBERT: Form. Foundation. Calls for a
10 legal conclusion.

11 THE WITNESS: I understand.

12 Q BY MR. HOBSON: You kept Liz McCoy from using
13 the district policy to report Yee's misconduct, didn't
14 you?

15:37:51 15 MS. GILBERT: Form.

15:37:51 16 THE WITNESS: No.

15:37:52 17 Q BY MR. HOBSON: You told her that she couldn't
18 talk to the board.

15:37:55 19 A That's correct.

15:37:55 20 Q The policy says that the employee believes that
21 any of these things are happening, violation of the law,
22 mismanagement, gross waste of money, and abuse of
23 authority who believes that there is an adverse personnel
24 action that's being taken against them, must make a
25 complaint to the board -- shall make a complaint to the

1 board it says.

15:38:15 2 A But when I was dealing with -- we weren't
3 dealing with this policy.

15:38:21 4 Q So is the policy only in effect, Dr. Allison,
5 when Dr. Allison decides that, gosh, we're not going to
6 honor the whistle blower policy now, we're going to use a
7 different policy?

15:38:36 8 MS. GILBERT: Form.

15:38:37 9 THE WITNESS: No. Because there was a
10 complaint from Ms. McCoy about her supervisor, so that
11 comes under the policy BHC, I believe it is.

12 Q BY MR. HOBSON: She was claiming retaliation,
13 wasn't she?

15:38:53 14 MS. GILBERT: Form.

15:38:54 15 THE WITNESS: Yeah.

16 Q BY MR. HOBSON: And she was claiming
17 retaliation because she had made reports about Yee's bad
18 conduct; right?

15:39:03 19 MS. GILBERT: Form.

15:39:05 20 THE WITNESS: She was reporting retaliation,
21 whether that was true or not is another...

22 Q BY MR. HOBSON: Do you understand retaliation
23 to be illegal conduct?

15:39:14 24 MS. GILBERT: Form.

15:39:14 25 THE WITNESS: Yes.

1 Q BY MR. HOBSON: So she's reporting -- you think
2 retaliation might be a violation of the law?

15:39:22 3 MS. GILBERT: Form. Foundation.

15:39:25 4 THE WITNESS: It's a violation if it is truly a
5 retaliation.

6 Q BY MR. HOBSON: Did you ever report to the
7 board that there's an employee who believed they're
8 suffering an adverse personnel action because of
9 information that was disclosed and they want to make a
10 complaint to the board, did you ever say that?

15:39:50 11 MS. GILBERT: Form.

15:39:52 12 THE WITNESS: No, because I was following
13 policy that said certain process has to be followed.

14 (Deposition Exhibit No. 20 was marked for
15 identification and attached hereto.)

16 Q BY MR. HOBSON: Have you ever seen this
17 document, sir?

15:40:22 18 A Yes, I have.

15:40:23 19 Q Who's Dominique Verstegen?

15:40:33 20 A He's a lawyer that works for Holm Wright Hyde &
21 Hays.

15:40:49 22 Q The May 9, 2012 investigation by -- if you look
23 at 3503, he refers to -- let me step back a bit.

15:41:36 24 Do you remember hiring Holm Wright Hyde & Hays
25 with respect to Mrs. McCoy's claim of retaliation?

15:41:43 1 A Yes.

15:41:44 2 Q That's the same firm that was used for the
3 May 9, 2012 reports; right?

15:41:51 4 A That's correct.

15:41:55 5 Q Makes sense to you that you use that same firm
6 for Ms. McCoy's claim of retaliation?

15:42:01 7 MS. GILBERT: Form.

8 Q BY MR. HOBSON: And consideration about
9 changing up?

15:42:07 10 MS. GILBERT: Form.

15:42:08 11 THE WITNESS: Yes. What was your question?

15:42:13 12 MS. GILBERT: I don't think you understood his
13 question.

14 Q BY MR. HOBSON: Made sense to you to use the
15 same firm?

15:42:17 16 A Yes.

15:42:18 17 Q They started out by referring to the prior
18 investigation, isn't that right, very first sentence?

15:42:31 19 A Yes. Go over that again.

15:42:45 20 MS. GILBERT: Here is the first sentence.

15:42:52 21 THE WITNESS: Doesn't say anything about a
22 prior investigation.

23 Q BY MR. HOBSON: The one, two, third paragraph,
24 "When interviewed during our spring investigation," do
25 you see that?

15:43:05 1 A Yes.

15:43:06 2 Q So it does refer to the prior investigation,
3 doesn't it?

15:43:09 4 A In that one it does. In the first paragraph it
5 doesn't.

15:43:16 6 Q The investigation into Yee's behavior in the
7 spring was limited to finding out whether McKee (sic) was
8 involved sexually with employees, wasn't it?

15:43:28 9 MS. GILBERT: You mean Mr. Yee?

15:43:31 10 MR. HOBSON: Yee, I'm sorry.

15:43:33 11 Q BY MR. HOBSON: Right?

15:43:33 12 MS. GILBERT: Form.

15:43:34 13 THE WITNESS: That was the original.

14 Q BY MR. HOBSON: Okay. Did it have anything to
15 do with bullying and harassment?

15:43:40 16 MS. GILBERT: Form.

15:43:40 17 THE WITNESS: At that time?

18 Q BY MR. HOBSON: The spring investigation.

15:43:45 19 A That wasn't the original reason for the
20 investigation.

15:43:48 21 Q Wasn't addressed in the original -- in either
22 the secret report that Matt gave you or the summary
23 report; right?

15:43:57 24 MS. GILBERT: Form.

15:43:58 25 THE WITNESS: No.

1 Q BY MR. HOBSON: Verstegen says that Ms. McCoy's
2 knowledge of the Yee investigation is limited. Do you
3 see that?

15:44:27 4 A At the very bottom?

15:44:29 5 MS. GILBERT: Yeah.

15:44:40 6 THE WITNESS: What was your question again?

15:44:42 7 MS. GILBERT: Whether you saw that reference.

8 Q BY MR. HOBSON: Do you know if Mr. Verstegen
9 talked with Ms. McCoy as a part of his investigation?

15:45:09 10 A No, he didn't.

15:45:13 11 Q He says here on Page 3504 in the second to the
12 last paragraph, after this -- let me see. The next thing
13 Ms. McCoy complained about in her letter was an
14 interaction with Shane McCord. She claims Mr. McCord
15 offered to transfer her to an elementary school as a
16 dean. This was a demotion, and she thought it was
17 retaliatory and rejected the offer. Do you see that?

15:45:40 18 A Yes.

15:45:41 19 Q After this, Ms. McCoy said it became clear to
20 Mr. Yee that Ms. McCoy was staying at the school and that
21 the retaliation increased greatly by Brian. She says
22 that; right?

15:45:51 23 A Yes.

15:45:51 24 Q And the only retaliation that he finds was the
25 statement that Yee gave, the to-do list and the e-mail

1 conversation, and he's referring to the one, we went
2 through that, the June 18.

15:46:05 3 A Yes.

15:46:26 4 Q So if you go to 3505, which is the
5 continuation. Do you see that, Page 3505?

15:46:39 6 A Yes.

15:46:39 7 Q If you go to the -- I want to ask you about
8 this.

15:46:45 9 It says, Ms. McCoy claims she responded to all
10 his e-mails with the information he requested. By review
11 of the e-mail shows she was obstinate in doing so. Do
12 you see that, the very top?

15:46:58 13 A Yes.

15:46:59 14 Q That's why I asked you if you thought it was
15 obstinate.

15:47:08 16 A Is there a question?

15:47:09 17 MS. GILBERT: Form.

18 Q BY MR. HOBSON: Yeah. Do you think now as you
19 look at Dominique's report about believing that the
20 e-mail -- same e-mail string you looked at was obstinate,
21 do you think that's an accurate characterization of that
22 e-mail exchange?

15:47:23 23 MS. GILBERT: Form.

15:47:25 24 THE WITNESS: I would view it as she did.

15:47:30 25 Q BY MR. HOBSON: Well, he hasn't even

1 interviewed her; right?

15:47:32 2 A Yes.

15:47:32 3 Q He goes on to say that Ms. McCoy has a smart
4 phone, so she certainly saw the e-mail and could have
5 responded at some point, but she did not; right?

15:47:40 6 A Right.

15:47:40 7 Q Well, do you ever misplace your phone, sir?

15:47:45 8 MS. GILBERT: Form.

15:47:46 9 THE WITNESS: Not very often.

10 Q BY MR. HOBSON: But you have from time to time;
11 right?

15:47:49 12 MS. GILBERT: Form.

15:47:51 13 THE WITNESS: Yes.

14 Q BY MR. HOBSON: Why do you suppose this
15 so-called disinterested investigator Dominique Verstegen
16 would be making that kind inference about the June 14
17 e-mail 5:00 message from Yee to Mrs. McCoy and the fact
18 that she had a smart phone, could have responded but did
19 not, why do you suppose Mr. Verstegen would do that?

15:48:17 20 MS. GILBERT: Form. Foundation.

15:48:18 21 THE WITNESS: You would have to ask him.

15:48:20 22 Q BY MR. HOBSON: I'm hoping to get there.

15:48:23 23 Let me have you look at the second to last
24 paragraph. Do you see that?

15:48:28 25 A Yes.

15:48:29 1 Q Says, the last sentence in that paragraph, in
2 fact, her refusal to answer his repeated query was
3 improper; right?

15:48:40 4 A That's what it says, yes.

15:48:42 5 Q But she actually did answer him, didn't she,
6 you saw that e-mail string; right?

15:48:49 7 A Yes.

15:49:08 8 Q Let me have you look at 3507. You did get the
9 Verstegen report, I take it. I'm not asking you about
10 something you haven't seen before; right?

15:49:18 11 A Yes.

15:49:20 12 Q At 3507 Verstegen says Ms. McCoy conceded to
13 Yee that he was her supervisor, and he could obviously
14 tell her what he would like her to do.

15:49:40 15 A Where are you?

15:49:41 16 Q 3507, the third paragraph, the bottom,
17 Ms. McCoy conceded this to Mr. Yee saying that he was her
18 supervisor, so he could obviously tell her what he'd like
19 her to work on. Did I read that right?

15:49:53 20 A Yes.

15:50:02 21 Q And then the very last paragraph here,
22 additionally it appears that Ms. McCoy is a wrongdoer.

15:50:12 23 Did I read that right?

15:50:15 24 A Yes.

15:50:31 25 Q Of course if he was a wrongdoer, then the

1 suggestion by Mr. Verstegen that this somehow suggests
2 something bad about Mrs. McCoy would be incorrect. Would
3 you agree with that?

15:50:49 4 MS. GILBERT: Form.

5 Q BY MR. HOBSON: If Mr. Yee was a wrongdoer, if
6 he did engage in improprieties about which Ms. McCoy and
7 others were concerned, then that would be -- it would be
8 appropriate -- as a matter of fact, you would expect
9 Mrs. McCoy to make a report about improprieties, wouldn't
10 you?

15:51:13 11 MS. GILBERT: Form.

15:51:17 12 THE WITNESS: If he was a wrongdoer, then
13 that's true of any employee.

15:51:23 14 Q BY MR. HOBSON: Let me ask you to look at the
15 next page, 3508. Former assistant superintendent Nicki
16 Blanchard said this spring that Ms. McCoy called her to
17 complain that Mr. Yee was making her speak to the
18 reporter for the Arizona Republic. She led Ms. Blanchard
19 to believe that Mr. Yee was making her talk to a reporter
20 about the investigation. Did I read that right?

15:51:47 21 A Yes.

15:51:48 22 Q Ms. McCoy didn't want to talk to the reporter
23 and Yee was telling her that she had to.

15:52:02 24 MS. GILBERT: Form.

25 Q BY MR. HOBSON: Is that what was being

1 reported?

15:52:06 2 MS. GILBERT: Form and foundation.

3 Q BY MR. HOBSON: Sir?

15:52:13 4 A Read the rest of it.

15:52:21 5 Q What?

15:52:21 6 A When she said a reporter, really the person was
7 a parent was asking as a parent, not as a reporter.

15:52:32 8 Q Let me have you look at the next page. This is
9 the e-mail that Liz McCoy sent to Nicki Blanchard; right?

15:52:49 10 A Yeah.

15:52:51 11 Q Liz McCoy doesn't want to talk to a reporter.
12 It's not a parent, it's a senior reporter from the
13 Arizona Republic.

15:53:01 14 MS. GILBERT: Form.

15:53:02 15 THE WITNESS: When they found out that the
16 person was acting as a parent, not a reporter, then they
17 went ahead. I assume they went ahead with that.

15:53:29 18 MS. GILBERT: Bill, we've been going five
19 hours. We need to cut this down.

15:53:34 20 MR. HOBSON: That's what I'm trying to do right
21 now. Take a breath. Gather my thoughts.

15:53:43 22 (Break taken at 3:53 p.m.)

23 (Back on the record at 3:55 p.m.)

24 (Deposition Exhibit No. 21 was marked for
25 identification and attached hereto.)

15:55:20 1 Q BY MR. HOBSON: Have you seen this document
2 before?

15:55:40 3 A Yes.

15:55:41 4 Q You put Mr. -- you discovered that Mr. McCord
5 had not done what you directed him to do; right?

15:55:52 6 A That's correct.

15:55:55 7 Q Did he ever give an explanation to you about
8 why he refused to do that or declined to do that?

15:56:02 9 A Yes.

15:56:02 10 Q What did he tell you?

15:56:04 11 MS. GILBERT: Form.

15:56:05 12 THE WITNESS: As I said this morning in answer
13 to the same question, he said he thought it wouldn't be
14 the time to do it during legal proceedings and the
15 renewal of contracts and things like that.

15:56:18 16 Q BY MR. HOBSON: So, let's see. It says, while
17 the investigation found the allegation of sexual
18 misconduct and retaliation were inconclusive, at best,
19 with respect to one individual and simply insufficient
20 with respect to any others, there were items pertaining
21 to your management skills and professionalism in your
22 role as a principal that must be addressed.

15:56:41 23 Did I read that right?

15:56:42 24 A Yes.

15:56:43 25 Q So he wasn't measuring up in some respects;

1 right?

15:56:47 2 MS. GILBERT: Form.

15:56:48 3 THE WITNESS: There are some areas, yes.

4 Q BY MR. HOBSON: So you put him on something --
5 and you got to help me with this, Dr. Allison. You put
6 him on something called improvement plan. Did I read
7 that right?

15:57:03 8 MS. GILBERT: Form.

15:57:03 9 THE WITNESS: That's correct.

10 Q BY MR. HOBSON: Would this be something that
11 could be fairly characterized as a performance
12 improvement plan?

15:57:13 13 MS. GILBERT: Form.

15:57:14 14 THE WITNESS: It's an improvement plan.

15 Q BY MR. HOBSON: And part of it was that it was
16 designed to address concerns about management of staff
17 and professionalism; right?

15:57:25 18 MS. GILBERT: Form.

15:57:25 19 THE WITNESS: That's correct.

20 Q BY MR. HOBSON: And it said that he was to
21 avoid the appearance of favoritism; right?

15:57:35 22 A That's correct.

15:57:36 23 Q Avoid one-on-one meetings with staff members --
24 I'm sorry, be conscious of when and where one-on-one
25 meetings with staff members are to be held?

15:57:47 1 A Right.

15:57:48 2 Q Is that to get him out of the closet?

15:57:51 3 MS. GILBERT: Form.

15:57:52 4 THE WITNESS: It's to be careful when meeting
5 with staff members on a one-on-one basis.

15:57:58 6 Q BY MR. HOBSON: And treating all members
7 consistently with respect to the dress code, is that
8 because he presented certain of his core staff to dress
9 in ways that were not available to the rest of the staff?

15:58:13 10 MS. GILBERT: Form and foundation.

15:58:15 11 THE WITNESS: That's probably not so much
12 permitting some people to dress different but not
13 addressing the situation where dress code wasn't adhering
14 to policy.

15:58:31 15 Q BY MR. HOBSON: For example, Kelly Sherwood
16 with her naughty written across her breast t-shirt, that
17 would be the kind of thing you wouldn't find appropriate;
18 right?

15:58:39 19 MS. GILBERT: Form.

15:58:40 20 THE WITNESS: That would be an example.

21 Q BY MR. HOBSON: And then with respect to
22 professionalism, similar points with respect to dress
23 code, avoid the appearance of favoritism, and, again,
24 one-on-one meetings; right?

15:58:55 25 A Yes.

15:58:56 1 Q And right at the bottom you talk about
2 one-on-one meetings with female staff behind closed
3 doors, while they may be perfectly innocent, should be
4 avoided; right?

15:59:07 5 A Yes.

15:59:14 6 Q Did he complete this performance improvement
7 plan?

15:59:20 8 MS. GILBERT: Foundation.

9 THE WITNESS: I don't know.

10 Q BY MR. HOBSON: This improvement plan?

15:59:25 11 MS. GILBERT: Foundation.

12 Q BY MR. HOBSON: I assume you understood it to
13 be the same as a performance improvement plan; right?

15:59:32 14 MS. GILBERT: Form.

15:59:32 15 THE WITNESS: In terms of the improvement plan,
16 we called it improvement plan.

17 Q BY MR. HOBSON: It's certainly not a letter of
18 direction?

15:59:39 19 A No. And to answer your question, I don't know,
20 I didn't work for the district during '13/'14 school
21 year.

15:59:59 22 MR. HOBSON: I think that's all I have.

23 Ms. McCoy (sic)?

16:00:05 24 MS. GILBERT: Not Ms. McCoy.

16:00:07 25 MR. HOBSON: I'm sorry. I'm getting to be

1 progressively old and forgetful.

16:00:12 2 MS. GILBERT: I just have a few, Dr. Allison.

3

4

EXAMINATION

5 BY MS. GILBERT:

16:00:14 6 Q Do you know why Dominique Versteegen did not
7 interview Ms. McCoy in relation to this investigation
8 that was conducted in the summer 2012?

16:00:24 9 A As it was explained to me, Ms. McCoy refused to
10 be interviewed by Dominique.

16:00:30 11 Q Was that true even after you -- was it your
12 understanding that she continued to refuse to speak to
13 anyone that the district offered to hire to complete this
14 investigation?

16:00:43 15 A That's my understanding, yes. We offered other
16 investigators.

16:00:49 17 Q Do you know the legal definition of abuse of
18 authority?

16:00:54 19 A No.

16:01:00 20 Q You were asked whether you specifically asked
21 Mrs. McCoy for the box of documents. Did you tell her
22 that she should give them to the investigator that you
23 were hiring?

16:01:14 24 A I believe I did, yes.

16:01:20 25 Q Did you know that Brian Yee met with Mrs. McCoy

1 on June 21st after he had a conversation with Shane
2 McCord and they had another conversation and he told her
3 that she only needed to accomplish whatever she could
4 actually accomplish of the list by the time she left on
5 her contract and she could do the rest when she returned
6 the next contract year?

16:01:42 7 A Yes.

16:01:44 8 Q If Mrs. McCoy was given the list by Mr. Yee at
9 8:00 in the morning on June 18th, she would have had 40
10 hours of work -- of her workweek to complete those tasks;
11 is that correct?

16:02:02 12 A It could be given on Monday morning, yes.

16:02:05 13 Q If June 18 is a Monday and given Monday
14 morning, she has all day Monday, all day Tuesday, all day
15 Wednesday, and all day Thursday; correct?

16:02:12 16 A Yes.

16:02:14 17 Q Did you know that when Brian met with
18 Mrs. McCoy on Monday morning he told her and went
19 through the list and explained that most of the things he
20 was asking for were just for her plan for accomplishing
21 those tasks?

16:02:28 22 MR. HOBSON: Objection. Foundation.

23 THE WITNESS: I don't know the specifics of
24 that meeting, but that's probably what happened.

16:02:36 25 Q BY MS. GILBERT: Okay. Is there a district

1 policy that says that no male employee may be in a closed
2 closet with a female employee at any time for any
3 purpose?

16:03:05 4 A There's no specific policy that says that.

16:03:08 5 Q Okay. I wanted to go back because I wanted you
6 to explain. You said that after the completion of the
7 report you had met with the HR folks Jeff, Shawn
8 Macintosh, I think, about a plan regarding the staff and
9 some staffing changes and that your priority was to make
10 sure that the school was functional. What did you mean?

16:03:39 11 A I meant that people who had shown that they
12 were -- they didn't like Brian, they didn't want to work
13 with Brian, we would give them certainly an opportunity
14 to move from that school so that stress and that tension
15 and confrontation that was there before could be
16 alleviated.

16:04:08 17 Q To your knowledge, did Brian Yee present the
18 district with a fingerprint clearance card when he
19 applied for employment?

16:04:19 20 A He wouldn't be employed without one because
21 that's the law.

16:04:40 22 Q You were asked by Mr. Hobson to give some
23 reasons that you thought people might write anonymous
24 letters, and you gave some.

16:04:49 25 Is it possible that people write anonymous

1 letters because they want to make untrue allegations?

16:04:55 2 MR. HOBSON: Objection. Foundation.

16:04:57 3 THE WITNESS: Absolutely.

16:04:57 4 Q BY MS. GILBERT: Is it possible that people
5 might write anonymous letters because they are trying to
6 get others in trouble?

16:05:04 7 MR. HOBSON: Objection. Foundation.

16:05:06 8 THE WITNESS: Yes.

16:05:06 9 Q BY MS. GILBERT: Is it part of a principal's
10 job to spend time with their employees, teachers, and
11 other staff members?

16:05:16 12 A Yes, I would encourage principals to do that.

16:05:21 13 Q In fact, principals are required to go into
14 teachers' classrooms and make observations of their
15 teaching, they're required to meet with staff in various
16 staff meetings and for other reasons; is that correct?

16:05:34 17 A Yes.

16:05:35 18 Q If a principal wasn't doing that, would they be
19 doing their job?

16:05:42 20 A Not fully, no.

16:05:44 21 Q Okay. You were asked about improper
22 relationships and how it's a violation of district policy
23 for employees to be involved in relationships. Would
24 that include a married teacher engaging in a relationship
25 with her principal?

16:06:21 1 A Yes.

16:06:22 2 Q Could that include that same married teacher
3 and the principal traveling out of the country over a
4 weekend together?

16:06:30 5 A Yes.

16:06:31 6 Q Could that give an appearance of improper
7 relationship?

16:06:35 8 A Yes, that was what the investigation showed,
9 yes.

16:06:50 10 Q And Exhibit No. 4, you were shown this letter.
11 Do you recall receiving this anonymous or unsigned letter
12 of allegations about Brian?

16:07:06 13 A Yes.

16:07:08 14 Q When you received this, did you ask Shane and
15 Nicki to meet with Brian and Kelly about the allegations
16 in there?

16:07:14 17 A Yes.

16:07:15 18 Q To your knowledge did they?

16:07:16 19 A Yes.

16:07:19 20 Q Do you recall whether Shane and Nicki, or Shane
21 or Nicki reported back to you the findings of their
22 investigation regarding these complaints?

16:07:32 23 A Yes, they did. Do you want me to expound on
24 that?

16:07:38 25 Q Yes, please.

16:07:39 1 A They said that both Brian and Kelly had said
2 that the -- that the allegations in the letter were
3 untrue, completely untrue, but both of them were
4 cautioned, you know, to make sure that their behavior,
5 their activity on campus could lead to nothing of
6 people's perceptions that there were problems or
7 inappropriate relationships.

16:08:06 8 Q Okay. Do you recall being asked some questions
9 about having money out on a desk and having some concern
10 about having money available in a school?

16:08:22 11 A Yes.

16:08:29 12 Q Were you shown an evaluation of Mrs. McCoy in
13 which Mr. Bowers addressed her questionable judgment with
14 regard to using cash from student funds as her own money
15 to supplement student purchases or change boxes and she
16 was referred to the district policy and told she needed
17 to change that conduct?

16:08:53 18 MR. HOBSON: Objection. Foundation.

16:08:56 19 THE WITNESS: Yeah, I've seen it.

16:09:15 20 Q BY MS. GILBERT: In Exhibit No. 10 you were
21 shown some photographs and specifically the photograph at
22 Bates Mccoydst000576. Do you know what this is a
23 photograph of specifically?

16:09:37 24 A I believe it's -- not specifically because our
25 monitoring systems changed seemed to be every year

1 because they were upgraded, and so right on top of this I
2 believe it is a system that directs which camera is going
3 to be appear on a monitor. That's a guess, but I believe
4 that's what it is.

16:10:03 5 Q Do you know where this photograph was taken?

16:10:05 6 A I have no idea.

16:10:07 7 Q Do you know when this photograph was taken?

16:10:09 8 A No.

16:10:11 9 Q Directing you to the photograph on Bates 577,
10 do you know where that photograph was taken?

16:10:20 11 A No, I don't.

16:10:21 12 Q Do you know when that photograph was taken?

16:10:23 13 A No.

16:10:27 14 Q And directing you to Page 578, you told us
15 that's a photograph of a door to a room. Do you know
16 where that photograph was taken?

16:10:38 17 A No, I don't.

16:10:39 18 Q Do you know when it was taken?

16:10:40 19 A No.

16:10:58 20 Q Do you remember Mr. Hobson showing you
21 Exhibit 9 and telling you these were some interview notes
22 from Matt Wright, do you recall that line of questioning?

16:11:07 23 A Yes.

16:11:08 24 Q Were you aware that there were another
25 141 pages of interview notes taken by Mr. Wright and

1 Mr. Verstegen?

16:11:15 2 A No.

16:11:15 3 Q And do you remember that one of the questions
4 that you were asked was whether or not these interview
5 notes had positive comments in them, do you recall that
6 question?

16:11:26 7 A Yes.

16:11:26 8 Q Do you know whether the other 141 pages of
9 interview notes had positive comments?

16:11:32 10 MR. HOBSON: Objection. Foundation. Form.

16:11:34 11 THE WITNESS: Because I haven't seen them, I
12 don't know what's in those notes.

16:11:38 13 Q BY MS. GILBERT: And, finally, with regard to
14 Exhibit No. 17, which is the summer list I think it's
15 being referenced. On Item No. 14 you were asked if that
16 would even be possible. Do you think it would be
17 possible to get a plan for working on this project
18 implemented within a 40-hour workweek?

16:12:19 19 A Yes, the plan, that's right. Obviously,
20 Ms. McCoy couldn't contact the phys ed people, but the
21 plan.

16:12:29 22 Q Okay. And with regard to Item No. 15, do you
23 think it would be possible to get a schedule and a plan
24 and an outline for that project or that task completed in
25 a 40-hour workweek?

16:12:43 1 A Yes.

16:12:47 2 Q With regard to Item No. 23, do you think it
3 would be possible to get a plan of this documentation
4 system for student discipline completed in a 40-hour
5 workweek?

16:13:01 6 A Yes.

16:13:17 7 MS. GILBERT: That's all the questions I have.

8

9

FURTHER EXAMINATION

10 BY MR. HOBSON:

16:13:19 11 Q Since you are on that document, sir, let me ask
12 you, Item No. 14 counsel asked you about, the first line
13 of Item 14 says, work with PE department, define common
14 ground. Do you see that?

16:13:36 15 A Uh-huh.

16:13:37 16 MS. GILBERT: Is that a "yes"?

16:13:39 17 THE WITNESS: Yes.

18 Q BY MR. HOBSON: Is the PE department available
19 for her to work with --

16:13:43 20 MS. GILBERT: Form.

21 Q BY MR. HOBSON: -- after school's out?

16:13:46 22 THE WITNESS: No.

16:13:46 23 MS. GILBERT: Form.

24 Q BY MR. HOBSON: Similar, with respect to --
25 let's go to 23. Start documenting students you speak

1 with is how that begins; right? Student discipline,
2 start documenting students you speak with, give referrals
3 to. Are students on campus by June 18?

16:14:11 4 MS. GILBERT: Form.

16:14:11 5 THE WITNESS: No.

6 Q BY MR. HOBSON: And so in terms of the plan
7 that she's talking about, that counsel is asking you
8 about, the necessary precondition to the plan doesn't
9 exist at the time these are given; correct?

16:14:24 10 MS. GILBERT: Form.

16:14:26 11 THE WITNESS: Well, I read it a little
12 differently. I agree it says that about the students,
13 but it's developing a student discipline plan.

14 Q BY MR. HOBSON: Counsel asked you questions
15 about when Mr. Yee talked to Ms. McCoy -- Mrs. McCoy on
16 June 18, and things that she says he said. Do you recall
17 that, Ms. Gilbert suggested that? Mr. Yee said you
18 weren't present for the June 18 meeting between Liz McCoy
19 and Brian Yee, were you?

16:14:53 20 MS. GILBERT: Form.

16:14:54 21 THE WITNESS: No.

16:14:54 22 Q BY MR. HOBSON: So you have no idea what Brian
23 Yee said to Ms. McCoy; right?

16:14:59 24 MS. GILBERT: Form.

16:15:00 25 THE WITNESS: Not specifically, no.

1 Q BY MR. HOBSON: You know what he said he said,
2 I suppose?

16:15:05 3 A Right.

16:15:08 4 Q You were asked a question about this.
5 Apparently counsel has an evaluation of Liz McCoy where
6 Dr. Bowers made some reference in her evaluation about
7 money. What's that about? You said you've seen it.

16:15:25 8 A Yes.

16:15:26 9 Q And you were kind of compliant with respect to
10 questions that Mr. Bowers had talked to Liz McCoy about
11 money. What was that about?

16:15:36 12 MS. GILBERT: Form.

16:15:37 13 THE WITNESS: Just from what I read is that he
14 talked to her a little bit.

15 Q BY MR. HOBSON: Was she reprimanded?

16:15:43 16 MS. GILBERT: Form and foundation.

16:15:44 17 THE WITNESS: I don't know that. It was
18 referred to her in her evaluation.

19 Q BY MR. HOBSON: Was there a letter of direction
20 given?

16:15:50 21 MS. GILBERT: Form and foundation.

16:15:52 22 THE WITNESS: Not that I'm aware of.

23 Q BY MR. HOBSON: There was a performance
24 improvement plan given?

16:15:56 25 THE WITNESS: Probably not.

16:15:57 1 Q BY MR. HOBSON: A lot of stuff gets reported in
2 evaluations that we need to do this better; correct?

16:16:01 3 A Yes.

16:16:02 4 Q And, in fact, you know that district policy
5 says that evaluations are not mechanisms for discipline.
6 You are aware of that, aren't you?

16:16:11 7 MS. GILBERT: Form.

8 Q BY MR. HOBSON: They're to help people improve,
9 they're not to discipline people. Are you aware of that?

16:16:17 10 MS. GILBERT: Form.

16:16:17 11 THE WITNESS: They're to help people improve.

12 Q BY MR. HOBSON: So, a reference that was
13 made -- do you know how old that evaluation was?

16:16:25 14 A I can't recall.

16:16:26 15 Q It would have been many years ago; correct?

16:16:29 16 MS. GILBERT: Form.

16:16:30 17 THE WITNESS: Yes.

18 Q BY MR. HOBSON: If there was an ongoing concern
19 with Liz McCoy and management of money, that would be
20 something that would appear in newer evaluations;
21 correct?

16:16:39 22 MS. GILBERT: Form and foundation.

16:16:41 23 THE WITNESS: Correct.

24 Q BY MR. HOBSON: In any case, you recognize
25 there is a difference between stealing \$1500 from the

1 bank and having a supervisor say we need to be careful
2 about how we account for money? You would recognize
3 that, wouldn't you?

16:16:54 4 MS. GILBERT: Form. Foundation.

16:16:55 5 THE WITNESS: I don't think that was the point.

6 Q BY MR. HOBSON: I understand that you don't
7 think it was the point. So you don't see any connection
8 between counsel's questions about something that appears
9 in a performance evaluation for Liz McCoy under a prior
10 principal years ago and the inquiries -- the disclosure
11 that we've recently discovered about Brian Yee's criminal
12 past?

16:17:20 13 MS. GILBERT: Form.

16:17:21 14 THE WITNESS: No.

15 Q BY MR. HOBSON: Okay. Good.

16 (Deposition Exhibit No. 22 was marked for
17 identification and attached hereto.)

18 Q BY MR. HOBSON: You were asked questions about
19 Ms. McCoy's non-participation in Verstegen's
20 investigation. You aware of that?

16:17:43 21 A Yes.

16:17:44 22 Q You aware that Ms. McCoy believed that the
23 Holms Wright firm were a bad group that were not going to
24 give her a fair shot. You are aware of that?

16:17:54 25 MS. GILBERT: Form.

16:17:54 1 THE WITNESS: I assume that was the assistant
2 superintendent.

3 Q BY MR. HOBSON: Okay. And she said I will
4 participate in the investigation but we want to have
5 completely impartial investigators. Do you recall that?

16:18:06 6 MS. GILBERT: Form.

16:18:06 7 THE WITNESS: Yes.

8 Q BY MR. HOBSON: And she, in fact, through her
9 prior counsel Burr Shields offered up possibilities for
10 who might -- who she might cooperate with; correct?

16:18:18 11 MS. GILBERT: Form.

16:18:19 12 THE WITNESS: That's correct.

13 Q BY MR. HOBSON: One of the persons she
14 suggested through Mr. Shields was somebody by the name of
15 Amy Lieberman is a well-respected lawyer in town, does
16 these kinds investigations. You aware of that?

16:18:34 17 MS. GILBERT: Form and foundation.

16:18:36 18 THE WITNESS: Yes, that went to Denise
19 Lowell-Britt.

20 Q BY MR. HOBSON: So, it's not quite accurate to
21 say that she refused to participate, she just refused to
22 participate with people who were people that she didn't
23 believe were impartial; correct?

16:18:53 24 MS. GILBERT: Form and foundation.

16:19:00 25 THE WITNESS: Yes, I assume that was the case

1 why she refused that.

2 Q BY MR. HOBSON: In fact, after Mr. Shields
3 didn't represent her, the last page of this document
4 shows that Mr. Koelbel, which is a lawyer in this
5 building, when she went to see Mr. Koelbel, he wrote to
6 Denise Lowell-Britt and said she would be happy to
7 participate as long as the investigator was completely
8 impartial. Isn't that how you read that?

16:19:28 9 MS. GILBERT: Form and foundation.

16:19:41 10 THE WITNESS: Yes.

16:19:53 11 Q BY MR. HOBSON: Counsel asked you a question
12 about married teachers involved in relationships with a
13 principal. Do you recall that?

16:20:01 14 A Yes.

16:20:02 15 Q And suggesting that going out of town on a trip
16 to Mexico, for example, is somehow inappropriate conduct.
17 Do you recall those questions?

16:20:13 18 A Yes.

16:20:14 19 Q Do you know what she's referring to, sir?

16:20:17 20 A Not specifically.

16:20:19 21 Q Are you aware that she's suggesting that
22 Mrs. McCoy dated at some point a principal that she
23 worked for?

16:20:29 24 A I wasn't aware of that.

16:20:33 25 Q Is there anything wrong with people in their

1 private time having whatever relationship they have as
2 long as it's not illegal conduct?

16:20:45 3 MS. GILBERT: Form.

16:20:46 4 THE WITNESS: I would say there is if those
5 people are married.

6 Q BY MR. HOBSON: So, a trip to Mexico where
7 married people go who aren't married to each other is
8 somehow improper in your mind?

16:21:08 9 MS. GILBERT: Form.

10 Q BY MR. HOBSON: They're on a camping trip in
11 Mexico with four, five folks all along?

16:21:18 12 MS. GILBERT: Form.

16:21:18 13 THE WITNESS: And they're married to other
14 people?

15 Q BY MR. HOBSON: Correct.

16:21:22 16 A As a superintendent, I would have a problem
17 with that.

16:21:35 18 Q Really?

16:21:36 19 You were asked a question about Mr. Yee's
20 fingerprint card. You weren't suggesting that Mr. Yee
21 made a disclosure of his prior criminal conviction by
22 presenting a fingerprint card, were you?

16:21:47 23 MS. GILBERT: Form.

16:21:48 24 THE WITNESS: No.

25 Q BY MR. HOBSON: He only told that to you a

1 couple of years ago; right?

16:21:52 2 A Right.

16:21:53 3 Q And you don't know whether or not he actually
4 told anything to Mr. Houston, you just assumed you might
5 have, but you just don't know?

16:22:02 6 MS. GILBERT: Form.

16:22:09 7 THE WITNESS: Mr. Yee told me he disclosed it.

16:22:13 8 Q BY MR. HOBSON: He told you?

16:22:14 9 A Mr. Yee told me he disclosed that when he was
10 hired.

16:22:18 11 Q You didn't hear that from Mr. Houston, you
12 heard it from Yee two years ago?

16:22:23 13 MS. GILBERT: Form.

16:22:23 14 THE WITNESS: Yes.

15 Q BY MR. HOBSON: You were asked a question about
16 a male employee being in a closed closet whether there
17 was a specific policy that says you can't be in a closed
18 closet when you are members of the opposite sex.

16:22:40 19 A No specific policy that says that.

16:22:43 20 Q Do you think that persons of the opposite sex
21 in closed closets together are exercising good judgment?

16:22:53 22 MS. GILBERT: Form.

16:22:53 23 THE WITNESS: Not necessarily, no.

16:23:03 24 Q BY MR. HOBSON: I'm asking if you think that
25 reflects good judgment. She's talking about Mr. Yee and

1 Ms. Lambeth in the closed closet and saying if there is a
2 policy that prohibits that --

16:23:19 3 MS. GILBERT: Form.

4 Q BY MR. HOBSON: -- I wanted to know if you
5 think that's good judgment?

16:23:23 6 MS. GILBERT: That is not the basis of my
7 question. And form.

16:23:29 8 THE WITNESS: She was just asking in reference
9 to a policy as such.

10 Q BY MR. HOBSON: She wasn't trying to ask about
11 Liz McCoy in a closet, was she?

16:23:41 12 MS. GILBERT: Form. Foundation.

13 He has no way of knowing what I was asking or
14 the reasons for it.

16:23:47 15 MR. HOBSON: That's why I'm trying to explore
16 it with him, Liz. Okay.

17 Q BY MR. HOBSON: You were asked a question about
18 the conversation on June 18 and you were asked I think if
19 Mr. Yee didn't -- didn't Mr. Yee say that she had as much
20 time as she needed to do these projects. Do you recall
21 that?

16:24:12 22 A Yes.

16:24:12 23 Q There is nothing in writing that says you said
24 that, is there?

16:24:15 25 MS. GILBERT: Form.

16:24:16 1 THE WITNESS: No.

16:24:19 2 MR. HOBSON: That's all I have.

16:24:21 3 MS. GILBERT: He will read and sign.

4 (Whereupon the deposition of DAVE ALLISON was
5 concluded at 4:24 p.m.

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DAVE ALLISON

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1 STATE OF ARIZONA)
) ss
2 COUNTY OF MARICOPA)

3

4 BE IT KNOWN that the foregoing deposition was taken
5 before me, SHANNON STEVENSON, a Certified Reporter in and
6 for the County of Maricopa, State of Arizona; that the
7 witness before testifying was duly sworn to testify to
8 the whole truth; that the questions propounded to the
9 witness and the answers of the witness thereto were taken
10 down by me in shorthand and thereafter reduced to
11 computer-aided transcription under my direction; that the
12 foregoing 229 pages are a true and correct transcript of
13 all proceedings had upon the taking of said deposition,
14 all done to the best of my skill and ability.

15 I FURTHER CERTIFY that I am in no way related to any
16 of the parties hereto, nor am I in any way interested in
17 the outcome hereof.

18 (XXX) Signature was requested.

19 () Signature was not requested.

20 DATED at Phoenix, Arizona, this 16th day of June,
21 2014.

22

23

24

25

SHANNON STEVENSON, CR, RPR
Certified Reporter
Certificate No. 50461