

1 NO. 052-LH-0207

2 DALLAS INDEPENDENT SCHOOL) BEFORE THE INDEPENDENT
DISTRICT,)
3 Petitioner) HEARING EXAMINER
))
4 VS.) FOR THE STATE OF TEXAS,
))
5 ARDIS McCANN)
Respondent) FREDERICK AHRENS

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11 ORAL DEPOSITION OF
12 STEVE FLORES
13 MARCH 22, 2007

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18 ORAL DEPOSITION OF STEVE FLORES, produced as a witness at
19 the instance of the Respondent, and duly sworn, was taken in
20 the above-styled and numbered cause on the 22nd day of March,
21 2007, from 3:49 p.m. to 5:13 p.m., before Melissa Spivey, CSR
22 in and for the State of Texas, reported by machine shorthand,
23 at the offices of the Dallas Independent School District, 3700
24 Ross Avenue, Dallas, Texas, 75204, pursuant to the Texas Rules
25 of Civil Procedure.

A P P E A R A N C E S

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FOR THE PETITIONER:
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ALSO PRESENT:
MR. ARDIS McCANN

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1 A. Yes.

2 Q. And finally, while I don't think we're going to be
3 long, if you really need to take a break, let me know, okay?

4 A. Okay.

5 Q. How are you employed?

6 A. How am I employed?

7 Q. Yes.

8 A. Chief administrative officer for the Dallas
9 Independent School District.

10 Q. And you've had that position how long?

11 A. That position actually in name -- I believe it
12 changed to chief -- it used to be deputy -- in September, but
13 all it did is change in name only. But September of 2005, yes.

14 Q. Sir?

15 A. Yes. I was just making sure the years -- I don't
16 cross the years.

17 Q. And so for all practical purposes, you've been chief
18 administrative officer for the district since December of '05?

19 A. (Indicating.)

20 Q. Since December of '05?

21 A. September.

22 Q. Oh, September.

23 A. September.

24 Q. What are your duties?

25 A. My duties directly, I supervise the area

1 superintendents. School support services is the division in
2 which I manage or supervise as well which encompasses police
3 and security services, encompasses, you know, the alternative
4 schools as well and -- so my immediate supervision is the six
5 area superintendents and the one assistant superintendent
6 for -- for alternative schools.

7 Q. Is there a standing legal review committee in this
8 district?

9 A. Yes.

10 Q. Tell me about that.

11 A. The legal review committee is a --

12 Q. No. And I'm sorry for interrupting, but here in a
13 bit I'll be asking you about this separate ad hoc
14 superintendent's legal review committee, okay?

15 A. Okay.

16 Q. So talk to me now about the standing legal review
17 committee.

18 A. Well, as I know it, the standing legal review
19 committee is a committee made up of individuals from different
20 departments who hear cases that come through the legal review
21 or, you know, through HR and so forth. So that's the -- that's
22 the legal review committee.

23 Q. And who's a member of that committee?

24 A. It's -- you know, members of the committee varies.
25 They're from different departments, different divisions. As

1 far as do I know specifically who the members are on the -- not
2 the ad hoc superintendent's committee. Obviously I know the
3 members there. But the only -- from my division was Rene
4 Martinez. Other than that, I don't know exactly who's all on
5 that committee.

6 Q. Rene Martinez, he's in your --

7 A. From my division. He's parent and student
8 engagement which is part of the umbrella of my
9 responsibilities.

10 Q. And what is your understanding of the purpose of the
11 standing legal review committee?

12 A. To review -- you know, to review anything that is a
13 possible complaint or violation of district codes or policies
14 or so forth by employees.

15 Q. And to make recommendations regarding discipline?

16 A. Yes, and make recommendations with regards to the
17 discipline to -- for the superintendents -- for the
18 superintendent.

19 Q. So typically, if a principal, let's say, is
20 recommending either the nonrenewal or termination of a
21 classroom teacher, would something like that go before the
22 standing legal review committee?

23 A. If -- would you repeat the question?

24 Q. Sure. If a principal at any building in this
25 district is recommending either a nonrenewal or a termination

1 of a classroom teacher, would that matter go before the
2 standing legal review committee?

3 A. Not necessarily. Not necessarily. The legal --

4 Q. What do you mean?

5 A. Legal review -- if there was -- if there was a
6 violation -- if a teacher is being terminated for some
7 violation that needs to be reviewed by legal review committee,
8 that would go to legal review. But if a teacher says, I -- you
9 know, I understand my growth plan, I didn't meet the growth
10 plan, that doesn't necessarily mean that they go through a
11 legal review.

12 Q. Okay. So then only if a -- so only if it's alleged
13 a teacher has violated a policy will that go before the legal
14 review? Is that what you're saying?

15 A. No. I'm -- that's not what I'm saying. I'm saying
16 that if a teacher -- not everything goes to legal review,
17 whether it's termination or not. What goes to legal review are
18 violations of policy that action needs to be taken. That's my
19 understanding.

20 Q. That actions need to be taken to include perhaps
21 termination, nonrenewal?

22 A. That could, yes.

23 Q. How could a proposed termination of a classroom
24 teacher -- what is your understanding of the process if the
25 district would like to propose nonrenewal and/or termination of

1 a classroom teacher for any reason? Would that go before legal
2 review?

3 A. I don't believe so, no. Not every case goes to
4 legal review, no.

5 Q. What is the process in this district by which is
6 followed when a teacher is nonrenewed -- when the district's
7 trying to decide if it ought to recommend nonrenewal or
8 termination of a classroom teacher?

9 A. The process -- are we talking a probationary teacher
10 or --

11 Q. It doesn't matter.

12 A. The process, again, is documentation. If there is
13 sufficient documentation, to make a recommendation. A
14 principal makes the recommendation for nonrenewal, and that
15 process then goes forward as -- you know, for contractual
16 purposes and --

17 Q. Does anybody above a principal level review and/or
18 approve a principal's recommendation?

19 A. For termination?

20 Q. Or nonrenewal.

21 A. Or nonrenewal. It -- I don't -- as far as a review,
22 I think that the principal's recommendation is sufficient. But
23 oftentimes, if necessary, an area superintendent can possibly
24 review, if necessary.

25 Q. So if a principal recommends termination and/or

1 nonrenewal, an area superintendent may review it and may
2 approve it?

3 A. May review it and may -- if asked, may say, this is,
4 you know, the recommendation concurrent or not. But as an area
5 superintendent, I don't -- I was a former area superintendent
6 before, and I don't recall reviewing or making the
7 recommendations for a principal.

8 Q. Do you review these matters?

9 A. No. For the most part, no.

10 Q. Does Superintendent Hinojosa?

11 A. I -- I would say no. I would say that he wouldn't,
12 but I cannot speak for him. But I would say I don't which I
13 would think he would not either. I don't -- that's not
14 required; but I guess if he chooses, that would be something I
15 guess he could look at. So I can't answer for him.

16 Q. So then you believe in your opinion that only a
17 principal's recommendation is necessary for Dallas Independent
18 School District to propose nonrenewal or termination of a
19 classroom teacher?

20 A. If -- yes. I mean, it could be sufficient. It's
21 got to be -- that's reviewed by legal as well. I mean,
22 legal -- I'm sure attorneys and HR -- and HR reviews that. HR
23 would review if sufficient documentation is in order.

24 Q. Tell me about the superintendent's ad hoc legal
25 review committee.

1 A. The superintendent's ad hoc legal review committee
2 was a committee that the superintendent deemed necessary to
3 hear the reports of the investigation with regard to the
4 p-card.

5 Q. So the superintendent selected the individuals on
6 this committee?

7 A. I'm sorry?

8 Q. So the superintendent selected the individuals?

9 A. Yes, and that's the best of my recollection. I
10 guess that's how I was chosen, yes, the superintendent's
11 choice.

12 Q. Do you know what Superintendent Hinojosa considered
13 when he decided to form this ad hoc committee?

14 A. I can't speak for Dr. Hinojosa.

15 Q. So you don't know?

16 A. I don't know.

17 Q. Did he consult you one way or the other beforehand?

18 A. No. He said that -- the thing that he did want is
19 to make sure that this committee -- the individuals on this
20 committee were individuals that were part of the direct reports
21 to him so that it's -- it would be as clear and as thorough as
22 he possibly felt for a recommendation to him.

23 Q. The purpose of this committee, as you stated
24 earlier, was to hear the reports of these investigators; is
25 that correct?

1 A. To -- yes, that's correct.

2 Q. Anything else?

3 A. Not that I can think of.

4 Q. After hearing these reports, were you also to make
5 recommendations one way or the other?

6 A. Yes. Yes, review -- you know, hear -- and by
7 hearing, also I guess the review portion of it as well as
8 review because we -- you know, we had a copy of that
9 investigation that was presented to us at that legal review
10 committee.

11 Q. So when you say hear these reports, what do you
12 mean?

13 A. Hear, you know, we had independent investigators
14 that -- you know, it's basically review. They -- when I say
15 hear, they presented what was written. They presented what was
16 written.

17 Q. They presented what was written?

18 A. In their investigation.

19 Q. In their investigation?

20 A. Yes, sir.

21 Q. Is that what you mean by hear these reports?

22 MR. WOOD: Objection; form. You may proceed.

23 Q. (BY MR. ORTIZ) From time to time, counsel may voice
24 an objection. More than likely, you can go ahead and answer
25 it. Sir?

1 A. Would you please reask the question? I'm sorry.

2 Q. It's okay. I'm trying to understand what you mean
3 as a member of this ad hoc committee when you say that this
4 committee's purpose was to hear these reports from these
5 investigators. Tell me what you mean. Explain that.

6 A. By hearing -- the reports that we reviewed, the
7 actual investigators, those conducting the investigation -- by
8 hearing, what I mean there is that they presented, you know,
9 the -- the actual report. And from that report, they
10 verbalized -- they didn't read the whole report; but when I say
11 hearing, that's what -- that's what I'm alluding to. They
12 stated the report, we reviewed -- that's why hear and review.
13 We reviewed in the discussion the actual review of the
14 paperwork that was submitted from that investigation. So
15 that's what I refer by hear.

16 Q. So the purpose of this committee is to hear the
17 verbal reports of these investigators and to review documents
18 presented?

19 A. Right.

20 Q. Anything else?

21 A. Anything else with regard to --

22 Q. I'm trying to understand the function of this ad hoc
23 committee. Explain that for me, please.

24 A. The function was to hear --

25 Q. Hear and review.

1 A. -- and review and then if -- and then make
2 recommendations to the superintendent.

3 Q. Make recommendations regarding discipline, if any?

4 A. If any, yes.

5 Q. Were the recommendations made to the superintendent
6 in writing or verbal?

7 A. Our committee made them -- if I recall correctly, it
8 was verbal. It was verbal.

9 Q. I'm only talking now about the ad hoc committee.
10 And if you don't know an answer to anything, let me know and
11 I'll go on to something else. Who else was part of this
12 committee?

13 A. The members of the committee -- of the ad hoc legal
14 were Denise Collier, the chief academic officer, Ron Peace,
15 chief of staff, Eric Anderson, business -- the chief of
16 business services, business operations.

17 Q. How many times has this committee met?

18 A. To this point, I believe we've met three, possibly
19 four. But my best recollection is three times, but it may be
20 four.

21 Q. Can you give me an idea, a guesstimate of the dates
22 of these meetings?

23 A. The dates -- again, best recollection, January 10th
24 I believe was one.

25 Q. Is that January 10th, 2007?

1 A. 2007.

2 Q. Let me stop you. I'm sorry.

3 A. Yes.

4 Q. When did the superintendent create this committee?

5 A. I don't know for sure exactly when that committee
6 was created.

7 Q. Can you give me some idea, like a month ago, five
8 months ago, a year ago?

9 A. No, it wasn't a year ago. My best guesstimate is
10 December, maybe January upon return; but I'm not for certain.

11 Q. December of '06, January of '07, somewhere in there?

12 A. Yes.

13 Q. So then since December or January, you believe this
14 committee's met three times, maybe four times; is that correct?

15 A. That's correct.

16 Q. You threw out January 10th, 2007. Why is that? Why
17 do you remember that?

18 A. I remember that because that's my birthday.

19 Q. Okay. And you met then?

20 A. Yes, and --

21 Q. Was that the first time you met or the second time
22 you met?

23 A. I believe that's the first time. That's why the
24 three or four times is kind of confusing. I also -- again,
25 the -- as far as specific dates, I think maybe we also -- a

1 second time maybe this committee met was on the 14th of
2 February or -- and that was Valentine's, so I mean -- I think
3 but I'm not for sure once after the first or second time
4 January 10th. I know we met January 10th. That's a certainty.

5 Q. And the committee recommended termination of Mr.
6 McCann's employment?

7 A. The committee did make that recommendation, yes.

8 Q. And you wrote a letter to Mr. McCann -- it's dated
9 January 30, 2007 -- informing him of the district's proposed
10 termination, did you not?

11 A. There was a letter that he -- yes, that he received.
12 Yes.

13 Q. And the letter's dated January 30, 2007, is it not?

14 A. Yes.

15 Q. Does that help you remember whether you had another
16 meeting or a meeting of this committee sometime shortly prior
17 to January 30th?

18 A. That does not help me remember, no.

19 Q. Did this committee vote to recommend termination of
20 my client's employment?

21 A. Vote? I don't recollect a vote.

22 Q. How did this committee go about deciding whether it
23 would recommend termination?

24 A. I believe consensus is a better term than vote.

25 Q. What does that mean?

1 A. Consensus, agreement by all individuals -- all four
2 of the chiefs.

3 Q. Are you certain that all four of this committee
4 thought Mr. McCann's employment ought to be terminated?

5 A. Yes, I'm certain.

6 Q. What meeting did this consensus occur?

7 A. I don't know. I don't know. January 10th, I know
8 that was the first time the committee convened; but as far as
9 what and which, you know, group we discussed, those are --
10 there is some confusion. So I don't know for a fact that it
11 was January the 10th that we discussed Mr. McCann.

12 Q. But, of course, it was sometime before the January
13 30th letter of yours, was it not?

14 A. Oh, yes, it was. Yes.

15 Q. Sure. So then would it be fair to say it was the
16 last meeting this committee had immediately before January 30,
17 2007?

18 A. I wish I had the -- the answer to that is no,
19 because I don't have those dates so -- I want to be -- I want
20 to make sure that I'm exactly right. And you're saying was it
21 immediately before that January 30th date. I don't recollect
22 that. It may have been January 10th is what I'm --

23 Q. How was this recommendation communicated to the
24 superintendent and also when?

25 A. The recommendation from the legal review, once those

1 recommendations were given were then -- I believe Derrell
2 Coleman, interim assistant associate superintendent for HR, was
3 the one who actually discussed what our recommendations were
4 with the superintendent. And of that date, I don't know.

5 Q. And how do you know Derrell Coleman told Hinojosa
6 that this committee recommended termination of Mr. McCann's
7 employment?

8 A. That was what -- when we -- if I recollect
9 correctly, that was what I believe Dr. Coleman stated, that he
10 would be giving recommendations from that committee to the
11 superintendent for the superintendent's ultimate decision.

12 Q. You say Dr. Coleman. Who is that?

13 A. That's Derrell Coleman.

14 Q. Was Derrell Coleman part of this ad hoc committee?

15 A. The ad hoc committee -- the members of the ad hoc
16 committee as far as -- that the superintendent created were the
17 four that I stated.

18 Q. So why was Derrell Coleman communicating the ad hoc
19 committee's recommendation to the superintendent?

20 A. The HR -- as function -- as HR interim director or
21 head of HR, for all practical purposes, that was a function.

22 Q. And was that recommendation made to Hinojosa
23 privately or among other people or do you know?

24 A. I don't know.

25 Q. Did you and Superintendent Hinojosa ever talk about

1 Mr. McCann?

2 A. With regard to before or -- give me a specific time.

3 Q. With regard to the p-card investigation.

4 A. The only time we spoke about Mr. McCann was after
5 the recommendation. I don't recall we having a specific
6 discussion on Mr. McCann with regard to the p-card situation,
7 no.

8 Q. Do you ever recall having a conversation with
9 Superintendent Hinojosa about Mr. McCann generally, whether
10 about the p-card or not, other than the p-card conversation you
11 had after the recommendation had been made?

12 A. Restate that question.

13 Q. I want to know each and every time you and
14 Superintendent Hinojosa talked about my client.

15 A. I don't know. I don't recollect that answer. I do
16 know that we talked about Chapter 39 schools -- Chapter 39
17 schools probably in January. Chapter 39 schools are schools
18 that are second year AU --

19 Q. I understand.

20 A. -- academically unacceptable, and Mr. McCann's
21 school was one, and that was a discussion. So that's why I
22 don't recall when you ask that with specificity.

23 Q. And then January of 2007, you recall talking to
24 Superintendent Hinojosa about Mr. McCann because Mr. McCann's
25 school is a Chapter 39 school; is that correct?

1 A. Yeah. I'd say yes, January.

2 Q. January of '07?

3 A. January '07.

4 Q. And who was present?

5 A. I don't recall but -- I don't recall.

6 Q. Do you recall if anybody was present?

7 A. I don't.

8 Q. What was said?

9 A. There are five schools that are second year AU and
10 that the plan needs to be developed to look at -- to be, you
11 know, in compliance with the letter of what the intent of
12 Chapter 39 second year AU campuses. What exactly -- you know,
13 other than starting to formulate that plan for action on those
14 campuses, that's -- it would have been a general -- it would
15 have been a general discussion, and it wasn't a specific focus
16 on Mr. McCann for sure and definitely not -- it was more on the
17 five schools in the totality of the -- a reconstitution, a
18 possible reconstitution.

19 Q. Tell me about this conversation you and the
20 superintendent had about this p-card matter regarding Mr.
21 McCann.

22 A. I don't recall a conversation with --

23 Q. I thought you testified just within five minutes ago
24 that after the recommendation had been made to the
25 superintendent, you did talk with Mr. Hinojosa about Mr. McCann

1 as it relates to the p-card matter.

2 A. I don't recall saying that but if -- you know, I
3 don't recall because the specific -- I don't recall a specific
4 conversation -- I guess that's the answer -- with regard to Mr.
5 McCann and the p-card situation with Superintendent Hinojosa.

6 Q. At these committee meetings, these one, two, three
7 committee meetings you had where you talked about Mr. McCann,
8 who was present?

9 A. With the p-card situation, the ad hoc committee, is
10 that the question?

11 Q. That's what we are talking about today, yes, sir.

12 A. Yes. The ad hoc members -- I gave you the ad hoc
13 members, those three.

14 Q. No, I know the ad hoc members and we've already
15 talked about them.

16 A. Right, those three.

17 Q. And I assume that all four ad hoc members were
18 present every time this committee met.

19 A. Right. Right.

20 Q. I don't want to waste time talking about that. Who
21 else was there?

22 A. Derrell Coleman was there --

23 Q. Each time?

24 A. -- HR. Yes. Luis Tamez, Bruce Weaver, Kip.

25 Q. Kip is this investigator lawyer with this law firm,

1 outside law firm?

2 A. Yes.

3 Q. Who else?

4 A. And Pete Nielsen, Kip Mendrygal. And there was a
5 secretary. I don't recall her name. She was there each three,
6 was present. But I don't believe there was anybody else.
7 That's the best of my recollection.

8 Q. The secretary, what was her purpose of being there?

9 A. To -- she was there to take notes or to hand
10 documents to the next person or so forth, but that's -- I don't
11 know her name.

12 Q. Whose secretary is she?

13 A. That I don't know. I believe it's -- it might be --
14 it's somebody in HR. It may have been Luis Tamez', but I'm not
15 certain.

16 Q. What does she look like?

17 A. She's short, Hispanic female.

18 Q. Mary Gomez?

19 A. It was not Mary Gomez unless there's someone --
20 because I do know Mary Gomez. I don't remember her name.

21 Q. She made notes?

22 A. I don't know if she made notes. I do know that she
23 had, you know, the -- she had paperwork; but as far as notes, I
24 don't -- I don't know.

25 Q. Why was Luis Tamez, Derrell Coleman and Bruce Weaver

1 there?

2 A. It's my understanding -- I've never been on a legal
3 review committee, but my understanding is that they -- they're
4 there on that committee. They sit as standing members as there
5 might be changes to that committee. That's my understanding.

6 Q. So then you understand Luis Tamez, Derrell Coleman
7 and Bruce Weaver are standing members of this ad hoc
8 superintendent's committee?

9 A. I think that would be correct, but they may not be
10 members. If they're not, they're -- that's my best
11 understanding.

12 Q. Did they have any input one way or the other about
13 the recommendation regarding Mr. McCann?

14 A. Not that I recollect, no.

15 Q. Then why were they there?

16 A. I -- they're there as I guess the protocol that --
17 just to make sure --

18 Q. The protocol?

19 A. There's a protocol that we follow, but I don't
20 recall them providing any input with regard to these cases.

21 Q. What kind of protocol are you talking about?

22 A. I guess just to be consistent with making -- you
23 know, the reviewing of the facts. I don't know exactly. I
24 don't know.

25 Q. You don't seem to know a lot about the manner in

1 which this ad hoc committee went about its business; is that
2 correct?

3 A. No. We -- we reviewed, we heard and I know the
4 business. I knew that business. I knew that.

5 Q. Did Kip -- and you pronounced his last name a bit
6 ago.

7 A. I think Mendrygal. Did I say -- I may have said
8 that wrong.

9 Q. It's close enough, better than me. Did Mr.
10 Mendrygal make a recommendation of whether or not the district
11 ought to terminate Mr. McCann?

12 A. Made no recommendation, no.

13 Q. Made no recommendation. Did Mr. Nielsen?

14 A. Made no recommendation.

15 Q. Did Bruce Weaver, Derrell Coleman or Luis Tamez?

16 A. I don't believe they made a recommendation, no.

17 Q. So then the recommendation -- well, did this
18 four-member committee discuss Mr. McCann and this
19 recommendation outside of these two or three meetings that you
20 and I have talked about today?

21 A. I don't recollect, no. I don't believe we did.

22 Q. Tell me about -- so then I gather that this
23 discussion about whether or not the district ought to recommend
24 termination of Mr. McCann was made by the four members; you,
25 Anderson, Collier and Peace; is that correct?

1 A. That's correct.

2 Q. Tell me about that discussion.

3 A. That discussion, the best that I could remember from
4 that was one that focused on the actual investigation, that
5 focused on the findings of the investigation and focused on the
6 lack of, you know, the best again that I recall, receipts.

7 Q. The what?

8 A. The lack of receipts that were turned in and the
9 volume of purchasing that, you know, Principal McCann had with
10 regard to the p-card.

11 Q. Sir, let me show you what's marked as Exhibit No. 8
12 and represent to you it's a true and -- that it's a true and
13 correct copy -- a complete copy of Kip Mendrygal's report to
14 you and this committee dated December 18, 2006. Does that look
15 to be the case, sir?

16 A. I didn't bring my glasses, so I'm going to -- if I
17 squint a little and delay, just know that --

18 Q. That's fine.

19 MR. ORTIZ: I wonder if the documents are
20 ready.

21 MR. WOOD: I can check and see. Let's take a
22 short break.

23 (Recess; 4:25-4:26.)

24 Q. (BY MR. ORTIZ) Sir, after the short break, let me
25 ask you again, I've shown you what's marked Exhibit 8. Let me

1 represent to you it's a true and correct complete copy of this
2 investigator's December 18, 2006 report. Does that appear to
3 be the case?

4 A. Yes, it does.

5 Q. And it's fair to say that this document is this
6 investigative report and the investigative findings that you
7 and the other members of this ad hoc committee reviewed in the
8 January committee meetings about Mr. McCann; isn't that
9 correct?

10 A. Yes.

11 Q. Now, I'm told that you were given a copy of this
12 report to review while in this committee meeting but you and
13 the others were forced to give back your copy to this
14 investigator; is that correct?

15 MR. WOOD: Objection; form.

16 A. I don't believe we were forced at all.

17 Q. (BY MR. ORTIZ) Well, I didn't say forced. Or maybe
18 I did say forced.

19 A. You did say forced.

20 Q. But did you keep your copy?

21 A. I did not keep my copy.

22 Q. And, like, what happened to your copy?

23 A. I don't know. When we left the room, that copy --
24 my copy -- I can speak to that -- was put back on the table,
25 center of the table.

1 Q. And when you say that based upon this investigator's
2 report and also findings that you and this committee
3 recommended termination, you're talking about the report marked
4 Exhibit 8, are you not?

5 A. Yes. Yes.

6 Q. And more specifically, there were two primary issues
7 concerning Mr. McCann that you testified to a bit ago. Number
8 one, the substantial number of missing receipts and, number
9 two, the volume -- the dollar volume of the transactions; is
10 that correct?

11 A. If I -- let me clarify. If I stated that was a
12 problem, volume of purchase, all I'm saying what I remember
13 correctly was the missing receipts and that there were a large
14 number of purchases. As far as the -- is that necessarily
15 what -- the number of purchases, is that -- I think you
16 clarified or you stated that -- I don't perceive that -- that's
17 not a problem. If I made it sound like that was a problem,
18 that's not a problem. What I will say is a problem based on
19 this report were the percentage of missing -- or the number of
20 missing receipts. That's the problem.

21 Q. And that is the primary concern you and the other
22 members of this committee had about Mr. McCann, the number of
23 missing receipts?

24 A. The number of missing receipts and the opportunity
25 to bring forth from that time and date when notice was given,

1 that he did not submit receipts.

2 Q. Explain that to me.

3 A. The problem we saw was the missing receipts and also
4 that there was, I guess, no -- not much follow-up, if I recall
5 correctly -- I didn't read it all again but to the fact that
6 attempts to find missing receipts.

7 Q. So then are you suggesting to the honorable hearing
8 examiner that your recommendation to propose termination was
9 based on two things; number one, that Mr. McCann had only
10 produced 42 percent of his receipts and, two, the apparent lack
11 of effort by Mr. McCann to produce additional receipts?

12 A. Repeat that question.

13 MR. ORTIZ: Read it back, please.

14 (Requested material was read back.)

15 A. That would be correct, yes.

16 Q. (BY MR. ORTIZ) Let's talk about the 42 percent.
17 What's wrong with that?

18 A. 42 percent of receipts, what's wrong with that is
19 that verification -- it's hard to verify what the other
20 purchases were for, so that's -- that's a problem.

21 Q. Had Mr. McCann produced 70 percent of his receipts,
22 would that be different?

23 A. I can't answer that. I don't know. The fact that
24 42 percent was produced and there was ample opportunity or time
25 to have done so at that point in time is what I think the real

1 issue is. To have produced 70 percent, I don't know. I mean,
2 I don't know if that would --

3 Q. So had Mr. McCann produced 70 percent as of December
4 18th, 2006, you can't tell us whether or not it would have been
5 enough for you not to recommend termination; is that correct?

6 A. That's -- I believe that's correct.

7 Q. And you say ample opportunity. Talk to me about
8 that.

9 A. Well, if -- when the p-card situation first was
10 addressed and a letter was written -- I believe it was in July
11 that -- those that had had a p-card, they were given a time
12 line or a date to produce records and then producing those
13 records within that time line. That was -- that was a major
14 point of anybody who had a p-card in the district to have put
15 those together. So that was ample time to be able --

16 Q. July of '06 was ample time?

17 A. To actually put together or have a response if, in
18 fact, there was missing receipts, that -- so the answer is yes.
19 There was ample time, yes.

20 Q. Did you have a p-card?

21 A. I had a p-card.

22 Q. You'll agree with me, will you not, that principals
23 in this district who had p-cards were subject to utilizing the
24 p-card a lot more than others?

25 A. Yes, that would -- that would be an accurate

1 statement.

2 Q. What's your understanding of why the p-card program
3 came about?

4 A. The p-card program came about primarily, I believe,
5 to assist campuses primarily for the simple operations of
6 what's necessary on a campus. So the intent of the p-card in
7 my opinion is good. There's no doubt about that, the intent
8 for the purchasing and so forth. So I guess the intent in a
9 nutshell is to provide the necessary campus -- or the campus to
10 operate with efficiency.

11 Q. So that a campus would not have to be unnecessarily
12 delayed in getting what it needs in waiting on a purchase
13 order; is that correct?

14 A. That's correct.

15 Q. Now, when was the last time you were a principal?

16 A. Wow, time flies. 1999, May of 1999.

17 Q. When and where was that?

18 A. San Angelo.

19 Q. Assistant principal?

20 A. Principal of a middle school, actually a junior high
21 school. It was Edison Junior High School.

22 Q. Edison Junior High School?

23 A. Yes.

24 Q. Of course, as the principal of Edison Junior High
25 School in the San Angelo Independent School District, you were

1 ultimately responsible at that building for several activity
2 funds, were you not?

3 A. To the best of my recollection, yes.

4 Q. Did you keep 100 percent accuracy with respect to
5 your bookkeeping? And what school year are we talking about,
6 98-99?

7 A. 98-99.

8 Q. So if I make an open records request to the San
9 Angelo Independent School District, what activity funds were
10 you responsible for in the 98-99 school year?

11 A. What activity funds? There was a school activity
12 fund but just a basic activity fund.

13 Q. I don't understand what you're saying.

14 A. A basic activity fund. We -- in San Angelo, if I
15 remember correctly, we didn't have -- we didn't have a p-card,
16 we didn't have -- we had an activity fund which was usually
17 minimal. I don't recall the number or the percentage of
18 dollars that were there. But I would hope that the answer to
19 your question is that it would be accurate. I mean, we took --
20 I took that very seriously so yes.

21 Q. What other funds have you been responsible for as an
22 administrator of this school district or any other school
23 district?

24 A. As far as funds, my -- I mean, my budget for my
25 department but even that -- you know, as far as that, I had a

1 p-card. You know, that's -- that's the extent of that.

2 Q. Other than principal at Edison Junior High, where
3 have you been principal?

4 A. I was principal -- that was the only principalship
5 that I had. I was an assistant principalship -- assistant
6 principal at San Angelo Central and was not a principal. That
7 was -- my only years of principalship were at Edison Junior
8 High.

9 Q. Ever in your career?

10 A. Let me make sure. I've changed districts -- I mean,
11 I've been in different districts but yes, the only principal.
12 I was assistant principal at -- -- assistant principal at
13 Central High School in '92, became vice principal in '94 or
14 '95.

15 Q. Where?

16 A. Still at San Angelo Central and then principalship
17 at the middle school -- or the junior high school.

18 Q. At Edison?

19 A. Yes.

20 Q. For how many years?

21 A. 1996 to 1999. Again, that's best recollection.

22 Q. So the 96-97 school year, 97-98 and the 98-99 school
23 year?

24 A. Right.

25 Q. And you say that you had an activity fund but it was

1 used on a very limited basis?

2 A. I'd say yes.

3 Q. Did the athletic department have any kind of
4 activity fund?

5 A. Not that I recall.

6 Q. Did you have dollars coming in through the vending
7 machines at that school?

8 A. At that school, that was the activity fund. That
9 was the activity fund. That's what I'm referring to, deposits
10 and so forth.

11 Q. You had somebody there that you were responsible for
12 that was responsible for the vending machines?

13 A. Yes.

14 Q. Who was that?

15 A. That was my secretary and even my assistant
16 principal.

17 Q. Give me names.

18 A. My secretary was Delma Soto, S-o-t-o.

19 Q. That's fine.

20 A. What's that?

21 Q. That's fine. Go ahead.

22 A. And my assistant principal, Doug Snowden.

23 THE COURT REPORTER: What was the last name?

24 THE WITNESS: Snowden, S-n-o-w-d-e-n.

25 Q. (BY MR. ORTIZ) Cheerleaders, drill team, band,

1 choir, were they responsible for keeping track of money?

2 A. I think fund -- and again, best of my recollection,
3 the fundraisers and all were centralized. Did they have -- how
4 we did fundraisers and so forth, I don't necessarily recall;
5 but it would have been limited. It would have been limited is
6 my point.

7 Q. Were you ultimately responsible for all the monies
8 dealing with these fundraisers dealing with Edison Junior High
9 during this three-year period?

10 A. Yes, I would say that's true. I would say that's
11 accurate, if I remember.

12 Q. Now, let's assume that I make an open records
13 request and get all of these documents. Let's also assume that
14 understandably that you don't have receipts for every single
15 expenditure of every fund at that school during this three-year
16 period. Isn't that to some extent in the field of education
17 not unusual inasmuch as generally school districts do not train
18 like accountants and generally school districts do not have the
19 support staff to help a building principal keep track of these
20 records? Is that correct?

21 A. That's a long question. There's many parts to the
22 question; and for me to just in totality say yes, I don't --

23 Q. Do you understand the question?

24 A. No. I think you probably need to re-explain it. I
25 guess ask it in a question.

1 Q. Isn't it fair to say that a school district's
2 primary purpose is educating students?

3 A. Yes.

4 Q. That unlike the private sector and that's to run a
5 business and make a profit?

6 A. I agree. I agree.

7 Q. And wouldn't you say that school districts do a lot
8 better job educating kids than the private sector does?

9 A. I -- yes.

10 Q. And wouldn't you also agree that the general
11 well-run business in the private sector keeps books better and
12 are better trained to keep books and are better staffed to keep
13 books than the average school district?

14 MR. WOOD: Objection; form.

15 A. That's hard for me to answer because I don't know
16 all businesses. I have not been in my -- in the private
17 sector -- in private education or the private sector for the
18 most part to address the accounting. But generally, the
19 expectation should be that both are consistently good at being
20 able to maintain basic records.

21 Q. (BY MR. ORTIZ) How did Dallas Independent School
22 District train with respect to keeping accurate financial
23 records such as activity funds of any nature?

24 A. There's the training for the p-card in general. Are
25 we talking about the p-card in general? I would suppose is the

1 fact that before a p-card is issued, they had to attend
2 training.

3 Q. Who did that?

4 A. What's that?

5 Q. Who did that?

6 A. The -- are we talking about specific names of who
7 trained --

8 Q. Yes, sir.

9 A. The department -- the business service -- the
10 business service department division.

11 Q. Who trained staff in the Dallas Independent School
12 District with respect to the p-card?

13 A. To the p-card?

14 Q. Sherri Brokaw?

15 A. Primarily Sherri Brokaw but there were others that
16 were -- maybe Laura Allen or others that were also. So when
17 you ask the question --

18 Q. But primarily Sherri Brokaw?

19 A. To the best of my recollection, yes.

20 Q. What's Sherri Brokaw's status with the district?

21 A. At this point, I believe she's -- I don't know for a
22 fact. I believe, though, she's on leave or administrative
23 leave. I don't know.

24 Q. Hasn't the district proposed to fire her?

25 A. That has not -- I don't -- I don't know. That's --

1 it has not come through legal review. That discussion I've not
2 been a part of.

3 Q. Another member of this ad hoc committee testified
4 earlier under oath. He testified that this committee, the same
5 committee that you're a member of, this ad hoc committee, has
6 recommended termination of five people. Who are they?

7 A. Wow.

8 Q. Sir?

9 A. I said wow. Let me -- let me think. Five. Well,
10 first of all, I want to verify that I can remember five because
11 I -- I don't know.

12 Q. Well, tell me the ones that you can remember. Start
13 with the easy one first, Ardis McCann.

14 A. Ardis McCann.

15 Q. Sure.

16 A. Dwain Govan.

17 Q. Who?

18 A. Dwain Govan, Charlenta Govan. I believe it's
19 termination, yes.

20 Q. What?

21 A. Termination. I'm trying to remember the -- I mean,
22 exactly what the recommendation is. A teacher and I don't
23 recall --

24 Q. A teacher?

25 A. I think it was a teacher. I don't remember the

1 name. I believe it's a teacher. And that's four? Is that
2 four or five? If -- I need to -- if there's five, I don't
3 recall right now. I guess I need -- I'm kind of stuck on is
4 there five.

5 Q. You don't recall the committee recommending Sherri
6 Brokaw's termination?

7 A. I don't recall at this point even reviewing -- I
8 don't know if my memory -- we may have but what I'm telling you
9 today is I don't recall or remember Sherri Brokaw's --

10 Q. Well, assuming I'm remembering that correctly, if
11 another member did, in fact, suggest that this committee
12 recommended termination of Sherri Brokaw, do you have any
13 reason as you sit here today to disbelieve that?

14 A. I don't -- I don't -- I don't disbelieve. I just
15 don't remember. I don't remember.

16 Q. And wasn't the reason that this district ad hoc
17 committee recommended terminating Sherri Brokaw's employment is
18 because of the training that she and her office gave people
19 like Ardis McCann?

20 MR. WOOD: Objection; form.

21 Q. (BY MR. ORTIZ) Or do you remember that?

22 A. I don't remember that. I don't remember if there's
23 a recommendation -- I don't remember. I don't remember that
24 I've even reviewed in legal review --

25 Q. She's on leave, though. You know that?

1 A. I do know that.

2 Q. Why is that? That's a vague question. Let me ask
3 it again. Why is she on leave?

4 A. I -- I don't know. I don't know.

5 Q. So it could be a medical leave, it could be an
6 administrative leave, it could be an administrative leave
7 pending investigation?

8 A. Yes, it could be.

9 Q. But you don't know?

10 A. I don't know.

11 Q. Has she filed a lawsuit against this district?

12 A. I don't know that either, I don't.

13 Q. Do you know whether or not Sherri Brokaw did a good
14 job as the p-card administrator for this district?

15 A. I don't know that either.

16 Q. Who does?

17 A. Who knows if she did a good job?

18 Q. Yes, sir.

19 A. I would think that her business services supervisor.

20 Q. Who is that?

21 A. I believe it would be David Rastellini.

22 Q. Had David Rastellini recommended termination of her
23 employment?

24 A. I don't know that.

25 Q. Putting aside this p-card -- let's assume that never

1 occurred, okay -- wouldn't you agree with me Ardis McCann is a
2 very good secondary principal?

3 A. This is -- yes, I agree. I agree.

4 Q. And putting aside this p-card issue, wouldn't you
5 agree with me that Ardis McCann, not unlike many folks like him
6 and also you, has given a lot to this district and appears to
7 just really genuinely care about it?

8 MR. WOOD: Objection; form.

9 A. That's a yes-or-no question, if I'm remembering it.
10 I don't want you to have to repeat that again, but I think I
11 need you to repeat that.

12 Q. (BY MR. ORTIZ) Putting aside the p-card
13 investigation issue, wouldn't you agree with me that Ardis
14 McCann, not unlike other educators in this district, at least
15 appears to be a dedicated, loyal servant of this district?

16 A. That's -- that's a yes.

17 Q. And again, putting aside this p-card issue, wouldn't
18 you agree that if the district either terminates Mr. McCann or
19 Mr. McCann leaves the district -- wouldn't you also agree that
20 this district and the students of this district will lose out
21 if he leaves?

22 A. That would appear like a yes-or-no question, but my
23 job also is to make sure that our leadership in this district
24 is able and -- would it be a loss? It's hard to answer because
25 does he provide value as -- aside from the p-card issue -- now,

1 this is -- this is critical. I want to make sure that you
2 understand that that's why we're here, the p-card issue.

3 Q. I understand that.

4 A. And I'm sure you do. Let me rephrase that. I want
5 to make sure that it's understood that Ardis McCann in my
6 opinion is a very good principal.

7 Q. Is a what?

8 A. Is a very good principal. Outside of, you know,
9 what happened, though, we could not -- this is -- this is why
10 we're here.

11 Q. And for the record, you're pointing to Exhibit 8,
12 are you not?

13 A. Yes.

14 Q. And now let's talk about -- do you know whether or
15 not Mr. McCann's produced additional receipts after December
16 18th, 2006, the date of this Exhibit 8?

17 A. No, not specifically.

18 Q. No, you don't know?

19 A. No, I do not know specifically. I do know that --
20 and I don't recall who stated that he was -- there was a news
21 or he was on the news and was producing -- and produced some
22 additional -- but I don't know the report. I didn't see the
23 report so -- but the answer to that is no.

24 MR. ORTIZ: I'm going to step over here not
25 because I'm trying to -- I'm trying to speed it along so I can

1 get through with him.

2 Q. (BY MR. ORTIZ) Let's go on to something else here.
3 Sir, let me show you now what's marked Exhibit 9. This is a
4 report or a memo from the same Fish law firm dated February 5,
5 2006. Have you ever seen this document before?

6 A. I don't -- specifically, I don't recall.

7 Q. You don't remember?

8 A. I don't recall seeing this, no.

9 Q. Sir, let me show you now -- I'm just going to -- let
10 me show you now what's marked Exhibit 10. It's a letter from
11 Mr. Hopkins to Bruce Weaver dated February 15, 2007. Have you
12 ever seen this document before?

13 A. I've not -- this -- I know I would remember this, so
14 I know I have not seen this, no.

15 Q. Now let me --

16 A. To the best of my recollection, I don't recall
17 seeing that.

18 Q. Let me show you now what's marked as Exhibit 11, and
19 it's another report from the same Fish law firm that's dated
20 March 8, 2007 to Mr. Weaver. Have you ever seen this document
21 before?

22 A. Never seen that, no.

23 Q. And --

24 THE COURT REPORTER: I'm sorry. What was the
25 last of your answer?

1 A. The date, I know for a fact -- I mean, the others
2 I'm having a hard time recollecting; but I know that I have not
3 seen this because of that specific date, March 8th, 2007.

4 Q. (BY MR. ORTIZ) And now let me ask a collective
5 question just to hurry up. You've testified already you've not
6 seen Exhibit 9, 10, 11 and that's the three we just talked
7 about?

8 A. That I don't recall seeing this one, I don't recall
9 seeing this one --

10 Q. And this one is 9 and this one is 10 and now you're
11 talking about Exhibit 11; is that correct?

12 A. And Exhibit 11 I definitely have not seen.

13 Q. Do you recall ever having any discussion in this ad
14 hoc committee meeting about the substance of Exhibit 9, 10 or
15 Exhibit 11?

16 A. I don't recall discussions with particular Exhibits
17 9, 10 or 11, no, I do not.

18 Q. You don't have personal knowledge, do you, of why
19 Mr. McCann could not better produce receipts as of December
20 18th, 2006, do you?

21 A. No, I don't.

22 Q. You were not able -- the process set out in this
23 committee didn't allow for you to visit directly with Mr.
24 McCann, did it?

25 A. The process, are we talking about from the letter --

1 the date the letter was --

2 Q. The process, this ad hoc committee process did not
3 allow you to visit directly with Mr. McCann, did it?

4 A. No.

5 Q. And you and the rest of this committee relied upon
6 these investigators, did you not?

7 A. Yes.

8 Q. And they interviewed people like Mr. McCann and
9 others and they shared with you their findings about these
10 visits, correct?

11 A. Yes. Yes.

12 Q. Before you wrote this January 30, 2007 letter, the
13 one marked Exhibit 15 --

14 A. Let me see it. Yes.

15 Q. Before you wrote Exhibit 15, what understanding did
16 you have from your visits with these two investigators why Mr.
17 McCann did not produce additional documents?

18 A. My understanding is that he had ample time -- he was
19 given time, he did not produce that and --

20 Q. But why not?

21 A. I don't recall if there was a specific reason given.
22 I don't recall.

23 Q. Do you recall whether or not it appeared to these
24 investigators that he was making a reasonable, diligent effort
25 to find these missing receipts?

1 A. I can't answer that.

2 Q. You don't know one way or the other?

3 A. I don't recall, no.

4 Q. Do you know that as of this date how many additional
5 receipts Mr. McCann's produced, if he's produced any additional
6 receipts, since that December 18th, '06 report was given?

7 A. I don't know that.

8 Q. Would it make any difference to you one way or the
9 other?

10 A. That's a -- that's a -- that's a resounding no, it
11 would not because when we discussed this, it was felt that
12 there was given adequate time. So no, it would not. The
13 answer is no.

14 Q. Let's assume that the only evidence at the hearing
15 will be that Mr. McCann made every reasonable effort to look
16 and look and continue to look but through no reason of his,
17 that he was not able to find additional documents until
18 recently. And let's also assume that he's now produced over 90
19 percent of these missing receipts. Would that make a
20 difference?

21 A. No.

22 Q. Why not? Let's assume that these missing receipts
23 had been misplaced by people other than Mr. McCann and
24 misstored and only recently found. Now, what reasonable person
25 and/or judge would not at least consider that?

1 A. Because he was given the opportunity to verbalize
2 that, and based on what we had on --

3 Q. As of January 30th?

4 A. Whenever the date we reviewed that particular --

5 Q. The December 18th, '06 report?

6 A. Right, the report. And indications were -- this --
7 let me -- the humanistic side of me --

8 Q. The what?

9 A. The humanistic side says --

10 Q. What does that mean?

11 A. The humanistic side is that we're in a people
12 business, and the people business is important and we -- I care
13 about the livelihoods of individuals, of children, of adults in
14 our district. This was a painful decision that was made on
15 that day. But even with additional receipts, the question you
16 asked, unfortunately, I would not change; and I'm adamant about
17 that.

18 Q. So you're adamant that as of December 18th, 2006,
19 the time that this Exhibit 8 is dated, that you drew a line in
20 the sand; and had Mr. McCann produced 100 percent of these
21 missing receipts December 19th, 2006, it wouldn't have made any
22 difference because in your opinion, as of December 18th, '06,
23 he had had ample time?

24 A. No. The question there is December -- you're
25 stating if he had produced that December 19th, 2006 and 100

1 percent of those records were there. So that the time that we
2 get to legal review, if, in fact, this is what's written and
3 there's an addendum, I wished -- I wished that were the case.
4 I wished that would have been the case.

5 Q. So then --

6 A. So the December 19th -- I want to make sure because
7 I don't want to be misunderstood. Once that letter was
8 written, there's --

9 Q. Once which letter?

10 A. The letter January the 30th.

11 Q. Okay. So then once this January 30th, 2007 letter
12 was written by you, what about that?

13 A. That letter --

14 Q. Here it is.

15 A. This --

16 Q. The letter that you're referring to is marked
17 Exhibit 15, is it not?

18 A. It is Exhibit 15.

19 Q. Yeah. And once you wrote that January 30th, '07
20 letter, you believe even had Mr. McCann produced 100 percent of
21 these missing receipts the very next day, it would have been
22 too late, sir; is that correct?

23 A. Yes. Yes. Unfortunately, yes.

24 Q. So in your opinion as you state, unfortunately,
25 after you wrote this letter dated January 30th, 2007, there was

1 not a thing Mr. McCann could do or say that would change your
2 mind that this district ought to fire him nevertheless; is that
3 correct?

4 A. Yes.

5 Q. Tell me each and every reason why you make that
6 statement because it sounds harsh.

7 A. It does sound harsh, but he had ample opportunity.

8 Q. Is that it?

9 A. That's -- he had ample opportunity and was given
10 opportunities to produce.

11 Q. And that's each and every reason why you claim after
12 January 30th, '07, too late, McCann; is that correct?

13 A. I never stated that, but would it -- the question I
14 believe you're asking is would it have made a difference in my
15 decision. The answer to that is no.

16 Q. Do you know whether or not it would have made a
17 difference for Mr. Peace, Dr. Collier and/or Anderson?

18 MR. WOOD: Objection; form.

19 A. I can't answer what they would have answered. I
20 really can't. I don't know what they would have said. But it
21 was steadfast that we, you know, were hoping that there would
22 have been more than 42 percent.

23 Q. (BY MR. ORTIZ) What now?

24 A. We were -- you know, I was primarily hoping and I
25 think maybe I can speak for them that everyone on that

1 committee was hoping that there was more. No one -- and I
2 think I can safely speak because it was such a painful
3 decision; but it was a decision that once it was arrived, I --
4 that's why I hold steadfast to that. I can't say if they would
5 hold steadfast to that.

6 Q. You just testified under oath maybe you can speak
7 for them. Is that what you said?

8 A. If I said that -- I'm saying if -- I know that their
9 concern was -- it was a painful process. Let me just say it
10 was painful for everyone on that committee, and we agonized
11 over that. So our decisions we didn't -- we didn't take
12 lightly. It was -- it was serious. So that's what -- that's
13 my reference.

14 Q. Has the district paid a light amount of money to
15 this outside law firm?

16 A. Repeat the question.

17 Q. What has this district paid this outside law firm?

18 A. I don't know the exact dollar amount.

19 Q. I'm not asking for some exact amount. Give me an
20 estimate. Over a million dollars?

21 A. I'd say over \$500,000. I don't know if it's over a
22 million dollars. I don't know that, but I do know over
23 \$500,000.

24 Q. And for over \$500,000, this district has now
25 proposed termination of four employees and you can't really

1 remember a fifth but maybe a fifth; is that correct?

2 A. That's correct.

3 Q. Are you and/or Hinojosa and/or any other member of
4 this ad hoc superintendent's committee or any member of the
5 board of trustees concerned about the public image of this
6 district with respect to the way the Dallas Morning News and
7 other media will be treating you as it relates to Mr. McCann
8 and these other folks that this district through this committee
9 has proposed to fire?

10 MR. WOOD: Objection; form.

11 A. You need to repeat that question.

12 MR. ORTIZ: Read it back, please.

13 (Requested material was read back.)

14 A. I can't speak for anyone other than myself, but the
15 media -- however the media determines, that's -- that's the
16 media. That's their role. I'm not overly concerned.

17 Q. (BY MR. ORTIZ) But the bottom line is -- you'll
18 agree with me, will you not, that the bottom line is that you
19 want justice for Mr. McCann?

20 A. Yes, there's no doubt.

21 Q. And justice means also fairness, does it not?

22 A. Yes, it does.

23 Q. That if this hearing examiner finds out that Mr.
24 McCann's now produced over 90 percent of these receipts and if
25 in the judgment of this hearing examiner he believes that's

1 sufficient, can you live with that?

2 A. I can live with that. I mean, it's -- yes. I'd be
3 disappointed our decision was not upheld, but you've got to
4 live with what --

5 THE COURT REPORTER: Can you try to speak up a
6 little bit? There's so much outside noise and you're very
7 soft-spoken.

8 THE WITNESS: I'm sorry. Usually I'm not --
9 am I soft-spoken?

10 THE COURT REPORTER: At the end of your
11 answer.

12 THE WITNESS: That's a first for me. I'm
13 sorry. I will speak louder.

14 Q. (BY MR. ORTIZ) Do you know whether or not the
15 district claims that Mr. McCann unfairly, inappropriately
16 claimed that this district botched its investigation against
17 him?

18 A. I don't know that. I'm not aware.

19 Q. But regardless, though, that's not a reason that
20 this committee utilized in recommending termination, is it?

21 A. No.

22 Q. And if Mr. McCann has talked to the press
23 individually or through counsel, you understand and also
24 appreciate that Mr. McCann has a constitutional right to do
25 that, don't you?

1 A. Yes, I do.

2 Q. And you certainly would not fault him for that,
3 would you?

4 A. I -- I don't -- I can't answer that. I would not
5 fault him, but that's not what I would do. But that's not the
6 question I guess.

7 Q. Let me show you Respondent's interrogatory to
8 Petitioner No. 6. Would you read Interrogatory No. 6 for us,
9 please, into the record?

10 A. Interrogatory No. 6, State with specificity each and
11 every fact that supports or tends to support Petitioner's
12 contention that good cause exists for the termination of
13 Respondent's employment contract.

14 Q. Let me represent to you, sir, that in this context,
15 Petitioner is school district and that Respondent is Mr.
16 McCann, okay?

17 A. (Nods head up and down.)

18 Q. Well, now let me refer you to the school district's
19 answer, specifically No. (8) to Interrogatory No. 6. Read that
20 for us, please.

21 A. With regard to No. (8)?

22 Q. Yes, sir.

23 A. Respondent openly and falsely accused the district
24 of botching the investigation and engaging in illegal motives
25 during the investigation.

1 Q. What are we talking about here, sir, if you know?

2 A. I have no clue.

3 Q. But regardless, you're certain that when the school
4 district recommended termination of Mr. McCann and when you
5 wrote this January 30, 2007 letter to Mr. McCann, that
6 Respondent allegedly openly and falsely accused the district of
7 botching this investigation had no part in the school
8 district's reasons for proposing to fire Mr. McCann; isn't that
9 correct?

10 A. That is correct.

11 Q. You signed Exhibit 15, this January 30, 2007 letter.
12 Who drafted it?

13 A. This was HR.

14 Q. HR who?

15 A. HR, Derrell Coleman. Derrell Coleman's office did
16 this. This was approved by Derrell Coleman and that's --

17 Q. So then you believe everything in this letter is
18 true and correct and you believe that Derrell Coleman also
19 approved it?

20 A. Yes.

21 MR. ORTIZ: No further questions.

22 THE WITNESS: Thank you.

23 MR. WOOD: I'll reserve my questions until the
24 time of the hearing.

25 (Deposition concluded, 5:13 p.m.)

1 CHANGES AND SIGNATURE

2 WITNESS NAME: DATE OF DEPOSITION:

3 PAGE LINE CORRECTION REASON

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1 I, STEVE FLORES, have read the foregoing deposition and
 2 hereby affix my signature that same is true and correct, except
 3 as noted above.

4

5 STEVE FLORES

6

7

8

9 THE STATE OF TEXAS)

10 COUNTY OF)

11 Before me, , on this day personally
 12 appeared STEVE FLORES known to me (or proved to me under oath
 13 of through) (description of identity card or
 14 other document) to be the person whose name is subscribed to
 15 the foregoing instrument and acknowledged to me that they
 16 executed the same for the purposes and consideration therein
 17 expressed.

18 Given under my hand and seal of office this day of
 19 , 2007.

20

21

22

23

24 Notary Public in and for

25 the State of Texas

NO. 052-LH-0207

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|---|---------------------------|---|-------------------------|
| 1 | | | |
| 2 | DALLAS INDEPENDENT SCHOOL |) | BEFORE THE INDEPENDENT |
| 3 | DISTRICT, |) | |
| | Petitioner |) | HEARING EXAMINER |
| 4 | |) | |
| 5 | VS. |) | FOR THE STATE OF TEXAS, |
| 6 | ARDIS McCANN |) | |
| | Respondent |) | FREDERICK AHRENS |

REPORTER'S CERTIFICATION
 DEPOSITION OF STEVE FLORES
 MARCH 22, 2007

I, MELISSA SPIVEY, Certified Shorthand Reporter in and for the State of Texas, hereby certify to the following:

That the witness, STEVE FLORES, was duly sworn by the officer and that the transcript of the oral deposition is a true record of the testimony given by the witness;

That the deposition transcript was submitted on 3/27/07 to the attorney representing the witness for examination and signature and to be returned to me by 4/17/07;

That the amount of time used by each party at the deposition is as follows:

MR. DANIEL A. ORTIZ - 1:24

That pursuant to information given to the deposition officer at the time said testimony was taken, the following includes all parties of record:

Mr. D. Craig Wood, Attorney for Petitioner
 Ms. Sandra Carpenter, Attorney for Petitioner

1 Mr. Daniel A. Ortiz, Attorney for Repondent
Mr. Shane Goetz, Attorney for Repondent

2
3 I further certify that I am neither counsel for, related
4 to, nor employed by any of the parties in the action in which
5 this proceeding was taken, and further that I am not
6 financially or otherwise interested in the outcome of the
7 action.

8 Further certification requirements pursuant to Rule 203 of
9 TRCP will be certified to after they have occurred.

10 Certified to by me this 26th day of March, 2007.

11
12
13
14
15 MELISSA SPIVEY, Texas CSR 3715
Expiration Date: 12/31/2007
3109 Sunset Oaks
16 Arlington, Texas 76016
817.226.4399
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19
20

21 FURTHER CERTIFICATION UNDER RULE 203 TRCP

22 The original deposition was/was not returned to the
23 deposition officer ;

24 If returned, the attached Changes and Signature page
25 contains any changes and the reasons therefor;

1 If returned, the original deposition was delivered to MR.
2 DANIEL A. ORTIZ, Custodial Attorney;

3 That \$ is the deposition officer's charges to
4 the Respondent's attorney for preparing the original deposition
5 transcript and any copies of exhibits;

6 That the deposition was delivered in accordance with Rule
7 203.3, and that a copy of this certificate was served on all
8 parties shown herein on and filed with the clerk.

9 Certified to by me this day of , 2007.

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