
 YARMUTH WILSDON PLLC

**INVESTIGATIVE REPORT
RE: BELLEVUE HIGH SCHOOL
FOOTBALL PROGRAM**

**Carl
Blackstone**

**Robert
Westinghouse**

- On January 25, 2016, Jeff Lowell showed us a list containing the names and addresses of 42 players. The District did not provide us with a copy of this list until February 29, 2016. (Exhibit 8). [REDACTED]'s name was contained on that list and the "current" address for him was shown as [REDACTED]. As explained earlier, because Mr. Lowell claims that the District destroys student residency records when a student either graduates or withdraws from BHS, the only available address for [REDACTED], who graduated in 2013, was his last reported address. King County property records, reflect that property is owned by Reza Zahar and Faranaz Foroozi. (Exhibit 54). On February 8, 2016, our investigator interviewed Ms. Foroozi who stated that she and her husband had lived at the 164th Pl. property between 2012 and August 2015. She said that [REDACTED] had never lived at the address.

The District has been unable to provide us with any other addresses for [REDACTED]. We have also been unable to locate [REDACTED]. As a result we have been unable to determine the accuracy of [REDACTED]'s statements to the *Seattle Times* or to clarify his living arrangements. It appears, however, that at least one address he gave to BHS was false.

A current BHS football player has told us that [REDACTED] lived in Seatac and Tacoma while he was attending BHS. The player said he learned this directly from [REDACTED] and he further knew that [REDACTED] had to get up at 4 a.m. to take a bus to get to Bellevue. We also learned that on a prior occasion, Art Keuhn, then the Interlake High School athletic director, received information prompting him to question where [REDACTED] was living. He advised us that he passed this concern along to Lance Gatter, then the BHS athletic director, but heard nothing further.

iv. [REDACTED]

[REDACTED] attended a high school in Texas during his freshman year. In the fall of 2012, he transferred to Lakes High School in Lakewood, Washington, after his mother was transferred to Joint Base Lewis McChord. He remained at Lakes High School during his junior year even though his mother was living out of the area. On March 3, 2014, [REDACTED] enrolled at Bellevue High School, using the address of [REDACTED]. (Exhibit 55). Shortly after he enrolled at BHS, [REDACTED] participated in an eligibility hearing. [REDACTED] claimed that his mother, [REDACTED] had been accepted into an Army Masters program in San Antonio, Texas and that she would remain in Texas until April 2015. As a result, [REDACTED] claimed that he had moved to Bellevue to reside with his uncle [REDACTED] further represented that his uncle had "recently moved to Bellevue, Washington, with a family friend," and "was scheduled to attend Bellevue University." [REDACTED] claimed that he moved with his uncle and "now I'm here at Bellevue High School."³⁰ (Exhibit 55 - "[REDACTED] - Student Statement"). As part of the eligibility hearing [REDACTED] submitted his application to attend Bellevue College. (Exhibit 56).

[REDACTED] signed a Residency Verification Affidavit under penalty of perjury stating that he was living at [REDACTED], and that [REDACTED] was

³⁰ In a letter dated March 14, 2014, [REDACTED] was notified by Sam Jackson, District 2 Eligibility Chairperson, that "based on the information presented at the Hearing, your appeal for eligibility has been granted." (Exhibit 57).

residing with him at this address "at least four (4) night per week . . . which is my primary residence." (Exhibit 58).

As part of the eligibility hearing, [REDACTED] provided a "Month-to-Month Rental Agreement dated March 3, 2014 as proof of his residence at [REDACTED] (Exhibit 59). The lease is for two bedrooms in the house at a rent of \$550 per month. The lease names Richard Mahan as the landlord and [REDACTED] as the tenant. The lease also reflects that [REDACTED], a minor, will also be residing at this address. Mr. Mahan was not the owner of this property. The property was owned by Michael Ritter who had leased the property to Mr. Mahan on December 26, 2013 for \$1,500 a month. (Exhibit 60).

Our investigation has raised doubts about whether [REDACTED] was in fact living with his uncle, as he represented. We have been advised by the Bellevue College registrar that [REDACTED] has never been a registered student at that institution. (Exhibit 61).

To verify [REDACTED]'s living arrangement, an investigator working for us went to the residence looking for Mr. Mahan.³¹ He was told that Mr. Mahan was not at home, but he spoke with another man named Brett, who would not provide his last name. Brett told the investigator that [REDACTED] no longer lived at the residence. He stated that he had moved into the residence as a renter in February 2014 and that [REDACTED] was living in the home at the time. He said that [REDACTED] moved out sometime in the spring 2014. Brett said that [REDACTED] usually lived at the residence four days a week, but left the residence on the weekends. Brett said he was not certain but he thought [REDACTED] went to join his family on the weekends. Brett said that [REDACTED]'s uncle, whose name he did not know, did not live at the house, but dropped by to visit [REDACTED].

Brett further advised the investigator that Richard Mahan had told him that an arrangement had been reached with the Bellevue High School whereby [REDACTED] could live at this house. He said that, according to Mr. Mahan, everything was okay with BHS. The investigator asked Brett to have Mr. Mahan call him.

After his conversation with Brett, the investigator left several messages with Mr. Mahan who never returned the calls.

Our investigator also contacted Michael Ritter, the owner of the residence. During the first telephone conversation, Mr. Ritter told the investigator he did not live at the house. He also told the investigator that he knew that [REDACTED] was at the rental in 2014, but did not know the particulars. Mr. Ritter told the investigator that he needed to contact Mr. Mahan to obtain the information. In the second conversation the investigator told Mr. Ritter he was seeking information about who paid the rent on the Mahan-Malone rental agreement. Mr. Ritter told the investigator that he did not know who paid the rent. He acknowledged that he had talked with Mr. Mahan immediately after the investigator's last attempt to reach him. Mr. Ritter volunteered

³¹ Mr. Mahan apparently signed a BHS Co-Residency Supplemental Form stating that he was the "primary resident/owner" of the property located at [REDACTED] and that Mr. Malone and [REDACTED] were residing with him at least four days per week. (Exhibit 62). Although the form required Mr. Mahan to submit a copy of his driver's license or passport and two proofs of residency, we have not been provided with copies of these documents.

that he thought [REDACTED]'s uncle had lived at the house. When confronted with the contradictory information from Brett, he said Brett was mistaken. The investigator attempted to pursue the conflict further pointing out that Mr. Ritter had previously told him he did not live in the house. Mr. Ritter then said that he had another call and hung up on the investigator. The investigator has not received any calls from Mr. Mahan or been able to reconnect with Mr. Ritter.

We interviewed [REDACTED]'s mother, [REDACTED] and his brother, [REDACTED], on February 9, 2016.³² [REDACTED] confirmed that she had lived in Lakewood, Washington but that she had been transferred to San Antonio, Texas to pursue a degree in counseling. She said that her oldest son [REDACTED] had moved to Bellevue to live with his uncle (her brother), Chris Malone. [REDACTED] admitted, however, that she knew that her son was living on his own and that Chris Malone would stop in to check on him but did not live with [REDACTED].

Although [REDACTED] did not provide a false address to BHS, it appears that he falsely represented that he was going to be living with his uncle, who was allegedly attending Bellevue College. Athletic Director Lauren McDaniel apparently told the Lakes High School Athletic Director that she was concerned that [REDACTED] was going to be living on his own. We do not know what efforts, if any, Ms. McDaniel undertook to investigate [REDACTED]'s living arrangement.³³ WIAA eligibility rules do not permit a student athlete to live by himself/herself. Rule 18.10.0 defines "residence" as the place "where the family unit has established its home and/or the place where the student is habitually present and to which, when departing, the student intends to return." The same rule defines "family unit" as the "adult(s) who has/have resided with, had legal custody, legal guardianship, or has/have acted in a parental capacity of the student and any siblings high school age or younger with whom the student resides for a period of at least one (1) year." Applying these definitions, it is our understanding that WIAA eligibility rules do not permit a student athlete, who is a minor, to live by himself/herself.

v. [REDACTED]

[REDACTED] graduated from BHS in June 2014. He currently attends the [REDACTED] and plays football. Mr. Lowell provided us with two addresses for [REDACTED]. (Exhibit 8). One of those addresses was [REDACTED]. A search of King County property records reveals that this property is owned by Evan and Lisa Feinman, and was purchased by them on August 23, 2010. (Exhibit 63). On February 2, 2016, our investigator talked with Mr. Feinman and asked him if [REDACTED] had ever lived

³² Our interview with [REDACTED] and [REDACTED] was cordial and pleasant. When it ended, Lauren McDaniel, who had sat in on the interview as a representative of the District complimented us on our demeanor and professionalism with [REDACTED]. Against this backdrop, [REDACTED] March 8, 2016, email to John Harrison and others strongly criticizing us rings hollow. (Exhibit 11A). If there was merit to her criticism, it seems reasonable to believe that [REDACTED] would have raised it more promptly instead of waiting almost a month. If there was merit to her criticism, it seem reasonable to believe that Ms. McDaniel might have expressed her concern instead of extending her compliments. Instead, we suggest that [REDACTED] belated email and the similar emails submitted to John Harrison reflect a concerted effort to undermine this report by condemning its writers.

³³ We attempted to raise this matter with Ms. McDaniel following our interview of [REDACTED] and [REDACTED] but she declined to talk to us without representation.