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**From:** Lowell, Jeff (Jeffrey R)  
**Sent:** Monday, October 05, 2015 4:43 PM  
**To:** John Miller; John Olson; Carl Blackstone; Robert Westinghouse; Harrison, John R; Cole, Annie  
**Cc:** Mills, Tim (Justin T)  
**Subject:** Meeting Summary from September 30, 2015

All –

Thank you for meeting on September 30 to continue discussing the current WIAA fact-finding investigation into allegations against the Bellevue High School Football program raised in a Seattle Times article dated August 22, 2015 entitled "Bellevue High's Football Success aided by 'Diploma Mill'."

In attendance today were:

- John Miller, Assistant Executive Director, WIAA
- John Olson, Legal Counsel, WIAA
- Carl Blackstone, Investigator retained by the WIAA
- Robert (Bob) Westinghouse, Investigator retained by the WIAA
- John Harrison, Executive Director of Schools, Bellevue School District
- Annie Cole, General Counsel, Bellevue School District
- Jeff Lowell, District Athletic and Activities Director

John Harrison began the meeting stating that the purpose of the meeting was to gain clarity around the scope and tenor of the investigation as it moves forward. John H. provided a short history of the events that led to the meeting being called:

- After the Bellevue School District sent a request for a fact finding investigation to the WIAA, John Harrison, John Miller, John Olson, Scott Powers, BHS Principal, Lauren McDaniel, BHS Athletic Director, and Jeff Lowell met at Bellevue High to discuss the specific allegations raised in the August 22 article and the process involved with a WIAA fact finding investigation. At the end of the meeting there were five specific allegations shared with the WIAA that defined the scope of the investigation. These were:
  1. Investigating whether coaches directed athletes to attend the Academic Institute
  2. Investigating whether boosters had paid for tuition of athletes at Academic Institute
  3. Investigating whether athletes used false addresses to gain eligibility
  4. Investigating whether athletes received subsidized housing to gain eligibility
  5. Investigating whether coaches are coordinating tuition payments for athletes
    - NOTE: These allegations were culled from the August 22 article in the Seattle Times.
- After selecting Bob and Carl as investigators, the WIAA contacted John and interviews with BSD staff were scheduled to begin on Thursday September 17.
- After four initial interviews were conducted on September 17 (with John Harrison, Jeff Lowell, Scott Powers, and Lauren McDaniel) there were questions that arose regarding the scope and tenor of the investigation for John Harrison. A meeting was scheduled for September 25 to discuss these concerns.
- At the September 25 meeting attended by John Harrison, John Miller, John Olson, and Jeff Lowell, it was suggested that a meeting which included Bob and Carl would be a helpful next step to ensure that everyone is in agreement regarding scope and tenor. At the September 25 meeting John Miller suggested that BSD General Counsel be present when the next meeting was to be scheduled.

- After the September 25 meeting, John Harrison sent Bob and Carl an email detailing that BSD personnel would not be available for additional interviews until questions regarding scope and tenor of the investigation were resolved.

John H. completed the opening summary by stating that ultimately it is his belief that all interested parties (BSD, WIAA) want to reach a conclusion relative to the allegations printed in the Seattle Times. To that end, the hope today was that the meeting would bring resolution to John H.'s concerns about the scope and tenor of the investigation so that it may continue.

Annie asked John M. why he had suggested and John H. why he agreed that she be in attendance at today's meeting. John M. shared that he believed it to be important for her to attend to help clarify BSD responsibility regarding release of student records as it pertains to FERPA. John H. shared that this was his reasoning as well.

John H. then provided context specific to the scope of the investigation – stating that requests made during the initial interviews seemed unrelated to the stated scope of the investigation. He also shared that Scott Powers and Lauren McDaniel were concerned about the nature of the questions being asked during their interviews. Both were left feeling as if they were being interrogated and were being accused of being less than forthcoming. Lauren was also concerned that while she understood the investigation to be related to potential violations related to the football program, the investigators were asking questions relative to any programs which had had successful seasons.

John O. stated that he and John M. had shared these concerns with Bob and Carl and that they had provided answers that he believed could clarify the situation and alleviate concerns.

Bob suggested it would be helpful to receive clarification regarding student records. Bob shared his view of the law as it pertains to access of student records as well as the experiences Bob and Carl have had in obtaining student records in the Seattle Public Schools and Tacoma Public Schools. Bob shared that while working on investigations for Seattle Public School and Tacoma Public Schools they have been able to receive relevant student records for their investigations without prior parent permission. Bob then shared that what he has read in the FERPA statute expressly states that if an outside source is retained as an agent of a school district, the agent then stands as the school district and would have access to information without having to seek parental and/or student permission.

Bob then shared that it is his understanding of the law that if he and Carl were hired by the Bellevue School District there would be no issue. Bob then shared that it stands to reason that as the Bellevue School District requested a fact-finding investigation by the WIAA, Bob and Carl have been in essence retained by the Bellevue School District. Therefore, as Bob and Carl were retained to conduct the investigation, they are acting as agents of the district and would have access to FERPA records and that while names may be included in a final report, the student names would be redacted if the report was released through a public records request.

When speaking directly about the types of records that they feel are critical to review in order to conduct a thorough investigation, Bob and Carl stated that they felt they needed to have access to the following student information:

- Optional Learning Requests
- Transcripts
- Contact Information in order to facilitate interviews
- Addresses of athletes to investigate alleged recruiting / eligibility violations
  - These allegations include apartments being provided to athletes and/or families

Annie shared that she didn't see the WIAA, Bob, or Carl as our agents. She shared that as an investigation is launched by the Bellevue School District whether it be conducted by an internal or external investigator, the investigator is checking in with the school district on a regular basis to make sure that they were staying within the scope of the investigation and takes direction from the school district during the investigation. She shared that as this is an independent investigation that Bob and Carl cannot be acting as agents of the district simultaneously. John O. asked Annie how Bob and Carl were different than Shawn Flood. Annie explained that Shawn became an agent of the district when the district commissioned her to conduct an investigation and that the district has not commissioned the investigators in this investigation.

Bob stated that the district had requested the WIAA to conduct this investigation. Annie added that there was no option outside of the WIAA to come in and conduct this type of investigation – which meant there were limited options available to the school district as far as conducting this investigation on independent basis.

Annie shared she had spoken with other attorneys as well as Seattle Public Schools to receive additional opinions regarding considering Bob and Carl agents of the district. She shared that the other attorneys shared her view and that Seattle Public Schools shared that they had provided the records only because they had commissioned Bob and Carl to conduct investigations.

Bob and Carl expressed concern that without access to this information they would not be able to conduct a thorough investigation. Annie shared that the District was not saying it would not make the information available, but rather it was saying it would do so in keeping with FERPA requirements therefore, the District would need to contact parents/guardians and/or student to notify them of the request for records and receive permission for the release. She then excused herself to attend her other meeting.

John H. returned the meeting to his concern that the investigation was not the scope requested previously. John H. shared that some areas of questioning that have reported are areas that have been dealt with by the Bellevue School District and don't appear germane to the current investigation. Four examples provided were: former volunteer TC Lewis, recruiting allegations raised and resolved in 2011, coaches compensation by the booster club and the HIB investigation from 2015.

Bob stated that there seems to be a fundamental misunderstanding of what he and Carl were commissioned to do. Bob shared that Mike Colbrese asked them to look under rocks (meaning the allegations contained in the scope requested), and then under rocks (meaning if there are other allegations raised during the course of the investigation they should determine the validity of the allegations). John M. interjected that it is likely in a fact finding investigation that information received will lead the investigators in different directions. Carl shared that since being commissioned that this is exactly what has happened. Carl shared that there have been interviews conducted that provided them with credible allegations about coaches being paid. John H. asked why these allegations have not come to the district. Carl stated that he does not know why, but that they have been beating the bushes and people have spoken to them. Carl also stated that he believes that the WIAA and BSD want to come to the same conclusion – determining the validity of the allegations.

John H. asked how it is they were contacting a retired AD, a retired coach – people who seem to be outside of the current situation.

Bob explained that they had received names of individuals who may be able to assist and/or have information that could assist.

Jeff shared that much of the misperception came from the lack of information regarding the work that Bob and Carl did prior to speaking with John. Jeff shared that it was the understanding of BSD that John would be the first interview – and that this information provided some clarification regarding why additional questions were asked. Jeff also shared that during his interview with Bob and Carl he tried to think of how the line of questions tied back to the items that were discussed as the scope of the investigation.

Bob and Carl assured everyone that they began with the five items agreed as the scope of the investigation and that their interviews have led to other issues being raised. Bob and Carl shared as an example that a simple search of the Academic Institute website revealed that BHS students who played football, basketball, and ran track attended the school. As the question of whether or not the Academic Institute is/is not a diploma mill has been raised, it would lead to asking questions about basketball and track. How this is relevant to the investigation was clarified – if the school was used as a means to create athlete eligibility it would be an issue to BSD, so why only look at football?

John H. and Bob discussed ancillary services and students. Bob shared that NCAA issues are at the heart of the questioning, with a wondering of whether or not coaches directed athletes to the school.

The discussion around the table turned to the fact-finding investigation being a benefit for all interested parties. There was agreement that resolving the allegations is a benefit for all interested parties.

John H. shared that the meeting has clarified the intent of the investigation and that at this point he would like to report the information back to Dr. Tim Mills (Superintendent, BSD) and Annie, while finalizing a plan to remain compliant with FERPA regulations.

Bob shared that he and Carl were in no better position to release student information than BSD or WIAA.

Carl wanted to provide clarity around the interview with Scott Powers as well. Carl shared that during the interview Scott was asked difficult questions – focused specifically on the differing information regarding his memory regarding what information Butch shared with him during the HIB incident from December 2014. Carl and Bob stated that part of the investigation is being thorough to determine credibility of the information as it is provided.

Bob and Carl stated that when they write the report they will ask if there is credible information that is sufficient to support the allegations, sufficient to refute the allegations, or not sufficient either way. This level of detail will be included in the report – and it was stated that the report will come to the Bellevue School District for review and to determine action steps based on the information included.

The meeting ended with Bob and Carl apologizing for contacting and meeting with Nancy Larson prior to John H. and all emphasizing a belief that the investigation will be most effective if BSD and WIAA (including Bob and Carl) are working cooperatively.

Please let me know if there is something I have missed.

Sincerely,

**Jeff Lowell**

**District Activities and Athletics Director**

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