

1 BEFORE THE OHIO HIGH SCHOOL ATHLETIC ASSOCIATION

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3 In the matter of:

4 ████████ ████████ Eligibility Hearing

5 - - -

6 TRANSCRIPT OF PROCEEDINGS

7 - - -

8 Monday, October 31, 2016  
9 12:47 p.m.  
10 4080 Roselea Place  
11 Columbus, Ohio 43214

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13 SHANA GRAVES

14 PROFESSIONAL REPORTER

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22 ANDERSON REPORTING SERVICES, INC.  
23 3242 West Henderson Road, Suite A  
24 Columbus, Ohio 43220  
(614) 326-0177  
FAX (614) 326-0214

1 APPEARANCES:

2 MR. STEVEN L. CRAIG, Attorney at Law  
3 Law Offices of Steven L. Craig  
4 437 Market Avenue North  
5 Canton, Ohio 44702  
6 (330)456-0061  
7 (330)456-1344 Fax  
8 scraig@scraig-law.net

9 On behalf of the Ohio High School  
10 Athletic Association.

11 - - -

12 Also Present:

13 With OSHAA:

14 Tony Mantell  
15 Kyle Kanuckel  
16 Phil Ackerman  
17 Dave Gray  
18 Roxanne Price  
19 Dr. Debbie Moore  
20 Kristin Ronai  
21 Kelcey Golec

22 With Dunbar High School:

23 Crystal Phillips  
24 Peter Pullen  
Mark Baker  
Darren Powell  
Alfred Powell

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P R O C E E D I N G S

- - -

BE IT REMEMBERED THAT, on the 31st day of October, 2016, this cause came on hearing before the Ohio High School Athletic Association; and the parties appearing in person and/or by counsel, as hereinafter set forth, the following proceedings were had:

CHAIRMAN MANTELL: Good afternoon. Welcome to the OHSAA. My name is Tony Mantell. To my left is Mr. Kanuckel. To my right is Mr. Ackerman. The three of us are the panel. To my far left is Mr. Craig. He's the OHSAA attorney. Everyone who has a name placard is an OHSAA employee, and to your immediate left is a court reporter.

What I'm going to do in just a moment is turn this over to Ms. Price, and she's going to give us a background of this situation, this case; and when she completes her statement, then I would like for each person to state their -- their name and their position so it can be on record with the court reporter. And then, at that time, whoever would like to start presenting the information will be welcome to do so. Okay?

1 Ms. Price.

2 MS. PRICE: Thank you, Mr. Mantell.

3 This appeal is on behalf of ██████████ ██████████  
4 who is a student; and he is a student at Dayton  
5 Dunbar High School. I want to tell you, the appeal  
6 right now just deals with the scholarship bylaw,  
7 Bylaw 4-4-1. As I read into the record information  
8 that came to us over the course of the weekend,  
9 another issue is going to come to light; but this  
10 appeal is in regards to the forfeitures that Dunbar  
11 has had imposed on them in regards to academic  
12 eligibility of the student who participated in a  
13 contest on October 21st, and also a contest on  
14 October 28th.

15 And it's probably easiest for me to just  
16 read this into the record, because, like I said,  
17 there was a lot of communications over the course of  
18 the weekend. I didn't even realize until a moment  
19 ago that I had an e-mail from Mr. Baker that came in  
20 at, like, 10:30 on Friday evening; so I had not seen  
21 the e-mail.

22 I am going to read into the record  
23 correspondence that is from Peter Pullen, the  
24 athletic director at Dayton Dunbar, and also

1 Ms. Crystal Phillips, who is the building principal.  
2 And just to make sure that these individuals are  
3 properly identified when I read them,  
4 Crystal Phillips is the principal of Dunbar;  
5 Melanie Walter is the principal of Belmont High  
6 School, which is one of Dunbar's opponents and was  
7 the opponent on October 28th; Peter Pullen is  
8 Dunbar's AD; Mark Baker, the district athletic  
9 director for Dayton Public Schools; Darren Powell is  
10 Dunbar's head coach; and ██████████ ██████████ is the student  
11 in question.

12 "This statement has been drafted in  
13 reference to the most recent allegations pertaining  
14 to the Dunbar football program. It is within our  
15 best efforts to outline a clear timeline that  
16 sequences the events as they transpired which led to  
17 an ineligible participant.

18 "At approximately 4 p.m. on October 28th,  
19 2016, the lead principal, Crystal Phillips, received  
20 a call from Melanie Walter, who is the Belmont High  
21 School principal. The call was concerning the  
22 student's -- ██████████ ██████████ -- eligibility, which would  
23 prevent him from being able to participate.

24 "At roughly 4:05 p.m., the head football

1 coach was notified that the player would be declared  
2 ineligible until further notice and investigated by  
3 the athletic administration. The athlete was  
4 informed that his academics were in question and  
5 would not be playing until the matter was clarified."

6 Now, this is in regards to a contest on  
7 October 28th. The scholarship bylaw indicates that  
8 the student has to be eligible by passing five  
9 one-credit courses or the equivalent in the preceding  
10 grading period. When a student has not passed those  
11 five one-credit courses or equivalent, the student  
12 remains eligible until five days into the second  
13 grading period. So what is going to be at question  
14 is when did the student become ineligible to  
15 participate in athletics, whether he was eligible for  
16 the October 21st contest and/or the October 28th  
17 contest. So that's going to come into play.

18 "Upon the team's arrival to  
19 Welcome Stadium around 5:15 p.m., ██████████ report card  
20 was handed to the building AD, Peter Pullen, for  
21 further review of the district AD." And, again, this  
22 was the October 28th contest. The district AD is  
23 Mark Baker.

24 "Around this time, Ms. Phillips also sent

1 out a text message to Peter Pullen and some coaches  
2 stating not to play ██████████ because of this issue. The  
3 building AD reiterated the fact that the athlete  
4 could not play until things were clarified.

5 ██████████ ██████████ became emotional about the situation  
6 when the coaches informed him that he would not play  
7 in that night's contest. He proceeded to the bench  
8 and was forced to surrender his helmet.

9 "At the start of the matchup, the district  
10 AD and building AD were phone conferencing with a  
11 third party to verify ██████████ eligibility. After  
12 several configurations and calculations, it was  
13 determined by Mark Baker, who is district AD, that  
14 ██████████ would be cleared to participate in that  
15 night's rivalry -- cleared to participate.

16 "At approximately 7:22 p.m., the district  
17 AD, Mark Baker, then told the building AD,  
18 Peter Pullen, to notify the Dunbar coaches that  
19 ██████████ was deemed eligible to participate in that  
20 night's game. At the same time, Ms. Phillips texted  
21 Peter Pullen stating not to inform the coaches with  
22 that information, but he had already done so. At the  
23 10-minute mark of the second quarter, Peter Pullen  
24 was then notified by Mark Baker that his ruling made

1 at 7:22 p.m. was incorrect.

2 "This egregious administrative error  
3 resulted in an automatic forfeiture of the game for  
4 Dunbar. At this point in the game, Dunbar was  
5 leading 30 to 14, going into the half. At halftime,  
6 Darren Powell, the head coach at Dunbar, was notified  
7 by the assistant coach that it was suggested by Mark  
8 Baker to lose the game on purpose in order to make  
9 his history and have two DPS teams in the state  
10 playoffs," Dayton Public Schools.

11 "Prior to beginning the third quarter,  
12 Coach Darren Powell proceeded to Mark Baker's  
13 office" -- his office is in Welcome Stadium -- "to  
14 confront and confirm the validity of the suggestion.  
15 Upon arrival, Melanie Walter, Belmont's principal;  
16 Crystal Phillips, Dunbar's principal; and Mark Baker  
17 were discussing the ramifications and possibility of  
18 that night's outcome.

19 "Coach Darren asked Baker, 'What do you  
20 want me to do?' Baker's reply was, 'You have two  
21 options. One, let Belmont win the game and nothing  
22 will be said, but ██████████ will be ineligible in the  
23 playoffs; two, win the game, and I will be forced to  
24 submit the forfeit.'



1 "Coach Darren's reply was, 'You tell these  
2 kids to lose this game. I can't do it.' Tensions  
3 flared; and Baker proceeded to walk into his personal  
4 office stating, 'Coach, do what you want to do. If  
5 you win this game, things will get serious for the  
6 district.'

7 "At that point, a disgruntled Ms. Phillips  
8 attempted to guide an emotional Coach Darren out of  
9 the office stating, 'We can't do this. Let's go.'  
10 Coach Powell then gave Ms. Walter a hug and Baker a  
11 handshake stating, 'No disrespect intended for  
12 neither of you.'

13 "So three minutes into the third quarter,  
14 Coach Darren returned to the field and called a time  
15 out to address his players and explain that we were  
16 instructed to lose the game in order for both teams  
17 to make the playoffs. The next three plays, an  
18 emotional Dunbar team took two penalties, forcing  
19 a 30 and 30. At this point, the head referee stopped  
20 the game."

21 I will stop here, because A-7 is a report  
22 from the referee; and he did indeed stop the game and  
23 did indeed confirm that two penalties were taken --  
24 or forced against Dunbar and that it appeared that

1 Dunbar was tossing the ball to the opposing team.

2 "At this point, the head referee stopped  
3 the game and called both coaches to the middle of the  
4 field stating, 'Guys, I don't know what's going on;  
5 but I will not compromise the integrity of the game.  
6 I will call the game before I let that happen.'

7 Peter Pullen then instructed Coach Darren to 'Play to  
8 win, and we will deal with it later.' At the end of  
9 the game, the teams shook hands; and the Dunbar  
10 players headed straight into the locker room where  
11 the Dunbar team was addressed about the issues.

12 "In conclusion, it is obvious that the  
13 egregious district administrative error, followed by  
14 corruption, was a catalyst within this whole ordeal.  
15 The Dunbar football staff was in full compliance with  
16 all matters upon receiving pertinent information from  
17 the administration. We sincerely hope that this  
18 appeal is expedited and overturned in our favor based  
19 upon district administrative error and tampering with  
20 the integrity and outcome of the game. We are open  
21 for further questions regarding the investigation and  
22 appeal."

23 So, again, A-2 -- A-1, A-2 is the  
24 information in regards to the appeal. And, again, at

1 this point in time, you are only really here -- here  
2 in regards to the forfeiture and the eligibility of  
3 the student athlete involved.

4 CHAIRMAN MANTELL: Thank you, Ms. Price.

5 At this time, if you would, please state  
6 your name and your position for the court reporter.

7 MS. PHILLIPS: I will start. My name is  
8 Crystal Phillips. I am the principal at Dunbar Early  
9 College High School. My position was that --

10 CHAIRMAN MANTELL: No, just the --

11 MS. PHILLIPS: Just who I am?

12 CHAIRMAN MANTELL: Yes, ma'am. Sorry.

13 MR. KANUCKEL: You will get your chance.

14 MS. PHILLIPS: Okay. I just want to  
15 comply.

16 CHAIRMAN MANTELL: No. That's okay. I  
17 did say, "State your position."

18 MS. PHILLIPS: Right.

19 MR. PULLEN: My name is Peter Pullen. I'm  
20 the athletic director at Belmont High School.

21 MR. DARREN POWELL: My name is  
22 Darren Powell, head varsity football coach.

23 MR. ALFRED POWELL: Alfred Powell Senior,  
24 general manager, student athlete.

1 MR. BAKER: Mark Baker, director of  
2 athletics.

3 CHAIRMAN MANTELL: Thank you very much.

4 Now, whoever -- I don't know who you want  
5 to start speaking to present your case, but I -- I  
6 mean, we would like to hear from you; and I'm sure  
7 we'll probably have some questions. I mean, I know  
8 she read this.

9 MS. PHILLIPS: Right.

10 CHAIRMAN MANTELL: But you -- I mean, you  
11 came to appeal, so you need to --

12 MS. PHILLIPS: Right.

13 CHAIRMAN MANTELL: -- tell us what you are  
14 appealing and why you are appealing it.

15 MS. PHILLIPS: Right. I just have two  
16 concerns. Initially, once I got the call -- because  
17 before the phone call, I was unaware that ██████████ was  
18 ineligible. I would not knowingly, as the principal,  
19 play a player that's ineligible, not knowingly; and  
20 so my first concern was to get to my AD and to my  
21 coach to make sure that we didn't start that game or  
22 play that game with an ineligible player. That's why  
23 my instructions were to not play him, but, at the  
24 same time, trying to get confirmation. As the AD,

1 I -- my thought was that he would know what  
2 calculations he used to decide that he was eligible,  
3 and I was trying to get that information still. So,  
4 for me, while the investigation was going on, I did  
5 not want him to play at that point in time.

6 So once Coach Pullen and Darren received  
7 the information, my thought was that they would  
8 figure out, between my school AD and the district AD,  
9 if I was wrong; but I wanted to err on the side of  
10 caution and say not to play, and that basically was  
11 my stance. Unfortunately, that didn't happen.

12 So because Mr. Baker -- and no offense to  
13 Mr. Baker. I don't know who he got his information  
14 from or what happened that he felt like he was  
15 eligible at that point to allow him -- to give -- to  
16 give the go-ahead for the young man to continue to  
17 play.

18 MR. PULLEN: Well, really, the  
19 calculations -- I did make a mistake. Once I  
20 realized it, me and Mark got together. Originally --  
21 me and Mark got together, again, to look at it,  
22 because for some reason, on that one, I did -- I did  
23 an average -- he had a 60-something average, and  
24 that's how it came out. But when we looked at it for

1 our type of school's scheduling, me and Mark -- well,  
2 Mark went to his office a little ahead of me. When I  
3 got there, he was on the phone trying to reach  
4 somebody. I don't know who. I know he made several  
5 attempts, and he finally got somebody.

6 We sat there in Mark's office and  
7 calculated it, and whoever he was -- the mentor he  
8 was talking to reported it to us; and the first time  
9 it came out, he had the average. We did it, and I  
10 was getting ready to go again to say he was clear;  
11 but Mark said, "Wait a minute." So we did it two  
12 more times; and it kept coming out with, yes, he's  
13 eligible. He has five credits. Mark gave me the  
14 sign, and I went out.

15 The only thing I regret is I still  
16 didn't -- Ms. Phillips text me and said, "Just don't  
17 play him," but I was trying to get -- to win this  
18 game for our playoff purposes of moving up. I went  
19 on and told Darren that Mark explained he had the  
20 five credits. Shortly after that, Mr. Baker came  
21 back to me and said the guy he was talking to made a  
22 mistake, and he just had four and a half credits.

23 CHAIRMAN MANTELL: Ms. Phillips.

24 MS. PHILLIPS: Yes.

1 CHAIRMAN MANTELL: If I'm understanding  
2 this whole thing correctly, it says you got a call  
3 from the principal of Belmont?

4 MS. PHILLIPS: Yes.

5 CHAIRMAN MANTELL: You had gotten a call,  
6 and she informed you that your player --

7 MS. PHILLIPS: Yes.

8 CHAIRMAN MANTELL: How would she be  
9 aware --

10 MS. PHILLIPS: I'm not sure, but I will  
11 say this from a principal's standpoint.

12 CHAIRMAN MANTELL: I've been a principal.

13 MS. PHILLIPS: Right. As a district, we  
14 have rights. I can look at any Dayton Public Schools  
15 student's record. Professionally, I wouldn't;  
16 however, we do have that access.

17 CHAIRMAN MANTELL: Okay.

18 MS. PHILLIPS: And so apparently she had  
19 to utilize her access to look at our student's grades  
20 to know that. There's no other way she would have  
21 known other than to go into his record to find it.

22 CHAIRMAN MANTELL: Well, what would  
23 your -- typically, at the end of the grading  
24 periods --

1 MS. PHILLIPS: Right.

2 CHAIRMAN MANTELL: -- does your AD -- who  
3 typically -- I mean --

4 MS. PHILLIPS: This is the process. Do  
5 you want me to go through the process?

6 CHAIRMAN MANTELL: Most kids are eligible,  
7 and it's not a big deal.

8 MS. PHILLIPS: Right. So we go through  
9 our data tech at the end of the semester. She prints  
10 out -- you know, they give her the list of students  
11 who are athletes. She prints off -- she runs the  
12 sheet of who's on there, just the grades; and she  
13 gives those to Mr. Pullen, who is the athletic  
14 director.

15 He then, in turn, goes through and  
16 calculates, individually, each kid's grade and then  
17 reports to Coach Powell those students who are not  
18 eligible at that point. And so when Coach Pullen did  
19 his calculation, which we now know was wrong based on  
20 the fact that we have block scheduling --

21 CHAIRMAN MANTELL: You have  
22 blocked scheduling?

23 MS. PHILLIPS: Right. Based on the fact  
24 that we had blocked scheduling, his calculation was



1 wrong. So, again, it wasn't -- we didn't know that  
2 the calculation was even wrong before I got the call  
3 from Ms. Walter.

4 CHAIRMAN MANTELL: Now, if I'm  
5 understanding, also, with what Ms. Price talked  
6 about, this should have been determined, actually,  
7 the week before, even before the game on the 21st.

8 MS. PHILLIPS: Well, we had already gotten  
9 the -- everybody's grades in, and calculations were  
10 done.

11 CHAIRMAN MANTELL: So the calculations,  
12 you actually did those, Mr. Pullen --

13 MS. PHILLIPS: Right.

14 CHAIRMAN MANTELL: -- the week before?

15 And so you determined before game nine --

16 MR. PULLEN: Right.

17 CHAIRMAN MANTELL: -- which would have  
18 been on the 21st that he was eligible?

19 So then we come to Week 10. Now, I'm  
20 guessing, because I have been around athletics a long  
21 time.

22 MS. PHILLIPS: Right, right.

23 CHAIRMAN MANTELL: The principal of  
24 Belmont probably wanted to win this game as much as

1 you wanted to win this game.

2 MS. PHILLIPS: Absolutely.

3 CHAIRMAN MANTELL: Which is fine. That's  
4 okay.

5 MS. PHILLIPS: Understandable.

6 CHAIRMAN MANTELL: Yeah. So she  
7 probably -- and I'm speculating. This is pure  
8 speculation.

9 MS. PHILLIPS: Right, right.

10 CHAIRMAN MANTELL: That -- that -- she's  
11 probably thinking -- somehow through grapevine, she's  
12 thinking, "Their player is not eligible," or somebody  
13 made her aware; so she probably checked it, and  
14 that's when she called you.

15 MS. PHILLIPS: Right.

16 CHAIRMAN MANTELL: Does that make sense to  
17 you?

18 MS. PHILLIPS: Yeah. It does make sense  
19 to me.

20 CHAIRMAN MANTELL: I don't know.

21 MS. PHILLIPS: Right, and that's how I  
22 assumed it happened. So once she placed the call to  
23 me, that's when I began to --

24 CHAIRMAN MANTELL: You made Mr. Pullen

1 aware?

2 MS. PHILLIPS: Yes.

3 CHAIRMAN MANTELL: And you made the  
4 district AD aware or somebody?

5 MS. PHILLIPS: No. I didn't talk to Mark.

6 CHAIRMAN MANTELL: Okay. You talked to  
7 Mark?

8 MR. PULLEN: Right. On the way to the --  
9 as soon as I got to Welcome Stadium, I met  
10 Coach Powell at the field. He gave me -- he gave me  
11 ██████████ report card; and then I immediately took it  
12 over to Mr. Baker, and we looked at it. He asked me  
13 was I sure; and, at the time, like I said, I made a  
14 mistake. I was sure I did everything right. So --  
15 and he said, "Well, let's just look at it"; and we  
16 eventually went to his office, and I gave him the  
17 results of that.

18 CHAIRMAN MANTELL: Okay.

19 So, Mr. Baker, you weren't even aware of  
20 this situation until the night of Game 10?

21 MR. BAKER: Yes.

22 CHAIRMAN MANTELL: They made you aware  
23 that evening?

24 MR. BAKER: Yes.

1 CHAIRMAN MANTELL: Prior to that game?

2 MR. BAKER: Yes.

3 CHAIRMAN MANTELL: And that's when you  
4 went to check on it? I mean, you tried to help  
5 determine whether he was eligible?

6 MR. BAKER: That's when we went to my  
7 office, yes.

8 CHAIRMAN MANTELL: And then, initially,  
9 you felt that he was eligible and then later -- I  
10 mean, I'm just going by what was in this report.

11 MR. BAKER: Right, right. I asked him was  
12 he confident that what he had down in terms of --  
13 because there was a -- a report card, but then there  
14 was something scribbled on it. I guess this was the  
15 calculations that he was using to do it; and he was  
16 sure -- confident and sure that this is -- this is  
17 what it was, but I didn't verify it. I didn't  
18 approve it.

19 CHAIRMAN MANTELL: Okay. But at some  
20 point, somebody felt that the player was eligible,  
21 told the coaches he can play; and then it gives a  
22 time, 7:22, I believe. That's when that occurred.  
23 And then, later on, it was -- according to this, it  
24 said you said, "No. You can't play." Please feel

1 free to help us clear this up.

2 MR. PULLEN: I'll try my best.

3 CHAIRMAN MANTELL: And I know this has got  
4 to be awkward, because he's probably your boss; and I  
5 understand that, but we're here about kids.

6 MR. PULLEN: The truth is the truth.

7 CHAIRMAN MANTELL: Yeah.

8 MR. PULLEN: Mr. Baker did call -- and I'm  
9 assuming a couple people, because he was -- he was on  
10 the phone; and I heard "Ring, ring, ring." Nobody  
11 answered, and he might have tried a couple people.  
12 Who, I don't know, but he did finally talk to  
13 somebody. And, like I said, we sat there and went  
14 through the calculations three times; and it came out  
15 that he had five points.

16 Here's the description, the -- what --  
17 what changed it: the student had PE, which is one  
18 fourth of a credit; and whoever he was talking to  
19 said it was -- the factor was four, which made it  
20 one. He had passed two other classes, so that's two,  
21 four, and that one made five. We did that four  
22 times.

23 After -- after I talked to Darren and told  
24 him he was good, he had a five, Mark came back and

1 said whoever he was talking to said it shouldn't have  
2 been factored by four. It should have been factored  
3 by two, which made him ineligible.

4 CHAIRMAN MANTELL: Okay. That makes  
5 perfect sense to me. On a block schedule, he had,  
6 maybe, an English class, maybe a math or a science;  
7 and in block scheduling, those would each be two.

8 DR. MOORE: Mr. Mantell, let's look at the  
9 grade card. Let's -- everybody pull out the grade  
10 card, and let's look at it; and we're going to look  
11 at the first quarter grades. And I understand you  
12 are on block scheduling. We know that. We  
13 understand your school. We have had appeals before.  
14 My understanding is that -- correct me if I'm  
15 wrong -- is that, to achieve a D, you must have a 70,  
16 correct?

17 MS. PHILLIPS: A D is 60.

18 DR. MOORE: So a 69 would be passing?

19 MS. PHILLIPS: Yes.

20 DR. MOORE: And I'm looking at the Spanish  
21 grade. I'm sorry if I was confused. I thought 70  
22 was a --

23 MS. PHILLIPS: Right.

24 DR. MOORE: That's a block, so I'm

1 assuming that the student is in Spanish for a full  
2 semester and is going to get a full credit; is that  
3 correct?

4 MS. PHILLIPS: Yes. So that would be two  
5 points.

6 DR. MOORE: So that's two credit  
7 equivalencies.

8 MS. PHILLIPS: Yes.

9 DR. MOORE: And then this language arts  
10 class --

11 MS. PHILLIPS: Right, is a --

12 DR. MOORE: That's clearly a failure.

13 MS. PHILLIPS: And he got a zero, so zero  
14 points for that one.

15 DR. MOORE: So that's nothing. So we have  
16 got the two so far; and then algebra, we have 73.  
17 That's passing. So that's --

18 MS. PHILLIPS: Right, an additional two  
19 points.

20 DR. MOORE: -- one credit times two,  
21 that's two. And then PE --

22 MS. PHILLIPS: It's a quarter times two.  
23 It's a half --

24 DR. MOORE: A half.

1 MS. PHILLIPS: -- which means it's four  
2 and a half.

3 DR. MOORE: Four and a half credits.

4 MS. PHILLIPS: Yes, ma'am.

5 DR. MOORE: Okay. Just wanted to make  
6 sure --

7 MS. PHILLIPS: Yes, ma'am.

8 DR. MOORE: -- that we're clear on that.

9 CHAIRMAN MANTELL: Okay. I gotcha. So he  
10 clearly has four and a half, not five?

11 MS. PHILLIPS: Yes, sir.

12 CHAIRMAN MANTELL: And everybody is in  
13 agreement at this point?

14 MS. PHILLIPS: But what Coach Pullen did  
15 was added and divided by three, and that's incorrect.

16 MS. PRICE: And let me -- but do you do  
17 that all the time?

18 MR. PULLEN: There was two things on my  
19 mind: We had moved our -- our district grading scale  
20 down from a 2 point and -- so we could get more  
21 participants and try to help pull in more kids. As  
22 long as they had a 1.0 to a 1.99, we said -- I just  
23 said that he was eligible. I -- I was looking at the  
24 60. If you average those grades, it is a 64 without



1 PE. I didn't Count PE.

2 MS. PRICE: If you average what grades?

3 MR. PULLEN: If you average the three  
4 grades he has other than the 94 --

5 MS. PHILLIPS: And divide by three, it is  
6 64.

7 MR. PULLEN: -- and divide by three, it  
8 comes out to 64.

9 MR. CRAIG: So you were doing this in  
10 context of a GPA, not necessarily the numbers of  
11 classes, initially?

12 MR. PULLEN: Yes.

13 CHAIRMAN MANTELL: So you weren't even  
14 initially considering the PE class?

15 MR. PULLEN: No.

16 CHAIRMAN MANTELL: The other three, you  
17 added and divided by three so you get --

18 MR. CRAIG: When did you -- all right. So  
19 your initial calculations, you know, you kept saying  
20 were based on a grade point average and not the  
21 number of classes he was even enrolled in, other  
22 than -- other than you used that as a factor to come  
23 up with your average?

24 MR. PULLEN: Yeah. I used it as a factor

1 to come up with my average. When I got the job, they  
2 said, "Do not count PE."

3 MR. CRAIG: You took the 61, the 45 and  
4 the 68, or are you taking --

5 MS. PHILLIPS: No. You got to look at --

6 MR. CRAIG: So you took the 69, 50 and 73,  
7 added those together, divided by three; and you said  
8 it fit the district policy on minimum GPA to move  
9 forward?

10 MR. PULLEN: Right.

11 MR. CRAIG: At some point, though, you  
12 transitioned to something different. When did you do  
13 that?

14 MR. PULLEN: I didn't realize that until  
15 game day.

16 MR. CRAIG: Which game?

17 MR. PULLEN: It was Belmont.

18 MS. PHILLIPS: He didn't know until --

19 MR. CRAIG: The 28th?

20 MS. PHILLIPS: Right.

21 MR. PULLEN: The 28th. And then, like I  
22 said --

23 MR. CRAIG: So when you go to Mark's  
24 office and he's asking you, "Are your calculations

1 right," the first time he asked that, you are still  
2 doing GPA calculations?

3 MR. PULLEN: Yes, sir.

4 MR. CRAIG: Now that you identified that  
5 piece, when did you then start to count, "Wait a  
6 minute. How many classes is he in?"

7 MR. PULLEN: Well, we knew he was in four  
8 classes. I guess I don't understand.

9 MR. CRAIG: Passing?

10 MR. PULLEN: Oh, well, he -- he -- he  
11 passed three out of four.

12 MR. CRAIG: When did the whole PE piece  
13 come into the equation?

14 MR. PULLEN: The PE piece came in when the  
15 person -- when he gave PE the factor of four; and I  
16 said, "I didn't know you could count PE." I've  
17 never -- when I first got my job, PE wasn't even a  
18 factor, as far as you had to pass five subjects and  
19 one of them can be PE. So I've never counted PE.

20 So when he was on the phone, whoever he  
21 talked to -- I knew PE was a fourth of a credit -- he  
22 gave me the factor of four; and, again, we did it  
23 three times before I left that office, and he kept  
24 getting a factor of four. And then, after I left,

1 called back or however it worked, he came back and  
2 said -- Mr. Baker came back and said it was just a  
3 factor of two and made it drop down to a four  
4 point -- four and a half.

5 CHAIRMAN MANTELL: Do you -- typically,  
6 students have PE in ninth and tenth grade and then,  
7 in some schools, 11th and 12th grade. They offered  
8 advanced PE classes for some time. Is this the PE  
9 that he's required to take for graduation, or is this  
10 some kind of an advanced -- he's a junior, correct?

11 MS. PHILLIPS: Right. He's a junior, and  
12 he's never taken PE at Dunbar; so I have asked my  
13 counselors over and over again for athletes to not be  
14 scheduled in PE because they're eligible for the  
15 waiver. I haven't mandated it, but I've had the  
16 conversation on more than one occasion; and, again,  
17 it's a thing for me as a principal, assuming that  
18 people -- that the counselor is not scheduling them  
19 in it.

20 CHAIRMAN MANTELL: Well, evidently, the  
21 counselor didn't his freshman and sophomore year.

22 MS. PHILLIPS: Right.

23 DR. MOORE: But, yet, this student was  
24 appropriately scheduled. By my understanding, he was

1 in three full-time academic classes.

2 MS. PHILLIPS: Right. He was.

3 CHAIRMAN MANTELL: One at a time. We're  
4 all yelling.

5 MS. PHILLIPS: I'm sorry. I apologize.

6 CHAIRMAN MANTELL: We're trying to help  
7 her out.

8 MS. PHILLIPS: No. I get it, but I'm just  
9 saying to always make -- there's no reason for it,  
10 because we have the waiver now; and he can just get  
11 the waiver for the PE credit that he needs because  
12 he's an athlete. So she scheduled it. I -- I mean,  
13 it's not a crime that she scheduled it; but, I mean,  
14 I had just been advising against it.

15 MR. KANUCKEL: So I guess my question  
16 is -- and I guess the overall point of this -- at the  
17 beginning, ██████████ had the opportunity to earn six and  
18 a half credits -- six a half points, credits,  
19 whatever you call them, yes?

20 MS. PHILLIPS: Points, uh-huh.

21 MR. KANUCKEL: And, Mr. Pullen, you  
22 realized that he had to be passing five of those in  
23 order to be eligible, or did you just go by the  
24 district GPA?

1 MR. PULLEN: I must have went by district  
2 GPA, because that's how I came up with 64.

3 MR. KANUCKEL: Okay.

4 MR. ACKERMAN: So it was calculated on  
5 GPA, not whether they were passing five credits?

6 MR. KANUCKEL: That's the way he did it.

7 MR. ACKERMAN: Is that an accurate  
8 statement?

9 MS. PHILLIPS: Uh-huh.

10 CHAIRMAN MANTELL: How long have you been  
11 the building AD?

12 MR. PULLEN: Three years.

13 CHAIRMAN MANTELL: Is that what you have  
14 been doing for three years or --

15 MR. PULLEN: Yes.

16 CHAIRMAN MANTELL: Okay.

17 MS. PRICE: And just -- and I'm sure the  
18 panel knows this, but if it were just a GPA issue, we  
19 wouldn't even need to be here, because if you let  
20 someone participate who hasn't met your GPA  
21 requirement, that does not effect us. As long as  
22 they're eligible in regards to the five one-credit  
23 courses or the equivalent, there's no necessity to  
24 take any forfeitures.

1 MR. KANUCKEL: Mr. Baker, did you -- did  
2 you realize and understand that it takes five -- to  
3 be passing -- five credits, or the equivalent  
4 thereof, in order to be eligible --

5 MR. BAKER: Yes.

6 MR. KANUCKEL: -- or did you go by GPA as  
7 well?

8 MR. BAKER: No. I didn't calculate it at  
9 all, but I know that -- based on the workshop that  
10 I've been to that explains the block scheduling, that  
11 we needed five -- five one-credit courses.

12 MR. KANUCKEL: Okay. Thank you.

13 MR. ACKERMAN: So your phone call, then,  
14 really was just for clarification of the PE issue,  
15 or -- or was it more than that?

16 MR. BAKER: Yeah. Well, I made an e-mail  
17 that night to Ms. Price; and I asked her to give me a  
18 call.

19 MR. ACKERMAN: Okay. But that being  
20 said --

21 MR. BAKER: Right. I made an e-mail to  
22 Ms. Price asking her to give me a call; and then I  
23 asked -- looking at the calculation of it, I asked  
24 someone that I knew was an AD, "Is that calculation

1 right," after Mr. Pullen had left my office.

2 MR. GRAY: Who were you talking to when  
3 Peter came into your office? Because you said you  
4 were on the phone, right?

5 MR. BAKER: No. I was trying to call -- I  
6 was trying to call Ms. Price, and I went and e-mailed  
7 her; and then I also tried to call another AD just to  
8 ask them about --

9 MR. GRAY: Who's that? Who's the other AD  
10 you tried to call?

11 MR. BAKER: The AD in Columbus.

12 MR. GRAY: Columbus?

13 MR. BAKER: Yeah.

14 MR. PULLEN: So let me just get this  
15 straight in my head. You didn't sit there and talk  
16 to anybody while I was there?

17 MR. BAKER: Yeah. I was trying to make a  
18 call.

19 MR. PULLEN: No. I said you made multiple  
20 tries to make a call, but you didn't talk to anybody?  
21 And we sat there and calculated that thing three  
22 times.

23 MR. BAKER: I didn't calculate it. I  
24 received an inaccurate report card that had some



1 calculated information on it --

2 MR. PULLEN: You --

3 MR. BAKER: -- and I asked our building  
4 AD, who verifies eligibility, if, based on his  
5 experience and his knowledge, is that correct; and he  
6 said yes.

7 MR. KANUCKEL: That -- when you say "he  
8 said it was correct," you are talking about the  
9 calculations for the GPA?

10 MR. BAKER: No. The -- was the kid  
11 eligible.

12 MR. KANUCKEL: And he thought he was?

13 MR. BAKER: Right, right.

14 MR. KANUCKEL: This is the Columbus City  
15 AD?

16 MR. BAKER: No. I asked him afterwards  
17 based on what I received, was that correct.

18 MR. CRAIG: So you used the term  
19 "calculate" a couple times here too. Do you believe,  
20 then, at least initially, what you were referring to  
21 when using the term "calculate" was different than  
22 what the AD's meaning of calculate is? Because he's  
23 already said, when he came to you, his calculation  
24 was GPA. Was your calculation GPA?

1 MR. BAKER: Well, my calculation was based  
2 on what he had shown me.

3 MR. CRAIG: Well, what did he show you?

4 MR. BAKER: He showed me a report card.

5 MR. CRAIG: According to him, he showed  
6 you a calculation for GPA, which deals with division  
7 and averaging, right?

8 MR. BAKER: Yes.

9 MR. CRAIG: That shouldn't even come into  
10 your evaluation. I mean, there's no dividing to be  
11 done; so when you looked at his calculation and saw  
12 that there's some division being done here, didn't a  
13 red flag go up?

14 MR. BAKER: It did not.

15 MR. CRAIG: Okay.

16 MR. DARREN POWELL: As a coach, I do the  
17 averages as well. I don't do that other stuff.  
18 That's really not my field. I just went off of what  
19 my AD was telling me. Like I said, I would never  
20 knowingly play an ineligible player. Them kids work  
21 too hard. There are goals, and it's just more of a  
22 mistake. Whatever it is, an error or mistake, it  
23 cost us to forfeit the game.

24 We didn't need to play him. We was going

1 to be fine without him; but when I got the word --  
2 you know, you need stats to go to college as well as  
3 grades, so I put him in. Then word came back that he  
4 was not cleared; and I'm like, "Well, we might as  
5 well just walk off the field. There's no point in  
6 finishing the game." So that's -- that's where I'm  
7 at. Like I said, I made my team aware; and we cried,  
8 because they know we worked for that.

9 MR. GRAY: Coach, when did you make them  
10 aware?

11 MR. DARREN POWELL: When I left  
12 Mr. Baker's office after halftime, I said, "Guys, we  
13 got to finish this game, but it ain't to our  
14 advantage." And, like I said, we had two penalties,  
15 I think -- intentional penalties. That's when the  
16 referee stopped the game; and after he said what he  
17 said, he came back. We went to the sideline. Coach  
18 just said, "Let's just play to win"; and we turned it  
19 on after that. That was that.

20 CHAIRMAN MANTELL: I have to say, I mean,  
21 I sympathize with your position. You know, I have  
22 been a coach; and, you know, congratulations on -- I  
23 mean, you are going for five and five and nine to  
24 one. That's quite an accomplishment. I think that

1 reflects on you. I really do. And I'm sorry that  
2 you are in the midst of all this as a coach, because  
3 I know how much time and effort it takes to -- to  
4 work with kids and build a program like that.

5 MR. GRAY: The other issue that needs to  
6 be addressed while you guys are up here is week nine.  
7 That game is also in question. How did that not come  
8 about in week nine that he was ineligible?

9 MR. DARREN POWELL: Well, I think, like I  
10 said, we didn't have school that Friday anyway when  
11 we played week nine; but I think it was -- Coach gave  
12 me a list of kids that was eligible and not eligible.  
13 ██████████ wasn't on it, and I think it was because he was  
14 doing the GPA requirement. He didn't do the five  
15 credits, so it was -- it was -- no idea.

16 But, like I said, we did have kids -- we  
17 had a couple freshman that came up short, and their  
18 season was done. But, like I said, because of the  
19 GPA, we never thought anything about anything else;  
20 so that's why he played. So I know week nine is  
21 basically lost, so --

22 MR. ACKERMAN: You know, I guess I'm still  
23 a little bit confused, and maybe it doesn't mean a  
24 lot; but, Mr. Baker, I hear you saying, you know, you

1 looked at it in terms of an affirmation of the  
2 calculation of his GPA. At the same time, I think  
3 you said you were aware at an OHSAA meeting about  
4 having five passing credits.

5 MR. BAKER: Right.

6 MR. ACKERMAN: That part -- help me with  
7 that.

8 MR. BAKER: I -- I did. I looked at it on  
9 the fly, and I really based it off the experience of  
10 my believing the AD, who verified -- who verifies our  
11 grades; so I should have caught that. I should have  
12 caught that.

13 MS. PRICE: I would just like to get a  
14 timeline, because I checked my phone for a call, and  
15 I did indicate that I got an e-mail at, like, 10:15  
16 or 10:20 on Friday; so how did it come on Friday that  
17 you recognized that he was ineligible?

18 MR. BAKER: That he was ineligible?

19 MS. PRICE: Ineligible.

20 MR. BAKER: After I had asked a colleague  
21 of mine if -- you know, based on, you know, what the  
22 information was, what he thought and he shared with  
23 me that it was -- it was an ineligible player.

24 MR. KANUCKEL: So I guess for me -- and

1 not to beat a dead horse or anything, but Mr. Pullen  
2 and Mr. Baker, you guys, going forward, obviously,  
3 understand how five credits plays into this --

4 MR. PULLEN: I understand.

5 MR. KANUCKEL: -- and the essential part  
6 of the OHSAA purposes that the five credits need to  
7 be calculated and counted for?

8 Okay. Thank you.

9 MR. CRAIG: Coach?

10 MR. ALFRED POWELL: I'm Coach Powell,  
11 assistant coach. This is a very awkward situation  
12 for me, since this is my nephew and I've helped raise  
13 this young man. He played for me, but only the truth  
14 has to be articulated.

15 Mr. Pullen, when he left his office and  
16 passed me, I was about to ask him, "What are we going  
17 to do with this mess?" He says, "He's good. Mark  
18 just told me -- or just gave me the thumb's up that  
19 he could play." So he proceeded to tell Coach.

20 At the halftime, I was informed that  
21 Mr. Baker wanted to see me. He went to the booth;  
22 and then coming back from the booth, that's when we  
23 talked. He said that he talked with his mentor and  
24 that he made a mistake, that he's not eligible; and I

1 said, "What are we going to do?" And that's what he  
2 said, "Well, if Belmont wins, then we're good, but if  
3 you lose" -- I mean, "If they win, then we're good."

4 And I'm like, "Well, we got to -- we got  
5 to lose the game?" He says, "Well, you know, if they  
6 win, you know, things are good." And -- and I said,  
7 "Do you want me to go over there and tell them that  
8 or whatever?"

9 I went over -- because that's my job. I'm  
10 the go-between. I went over, and I told him. I  
11 pulled him to the sideline, and I was indicating to  
12 Coach -- Coach was on the other end -- and I told  
13 him; and he went a little ballistic and was  
14 emotional. I said, "We got to keep it together for  
15 the kids."

16 And, at that point, he said, "Run the  
17 game. I'm going to the office," and he went into the  
18 office. That's the statement that you read. And I  
19 think that it's imperative to understand that she  
20 made it absolutely clear, our principal, he doesn't  
21 play; but information came down from what was  
22 appeared to be a superior. So, at that point, you  
23 are like, "It's good to go."

24 I mean, this is the authority. You know,

1 she's authority too, but you look back and see so  
2 many things that you don't do; but we have to be  
3 accurate with what occurred. I would never let this,  
4 under my watch, occur, period; and that's why we  
5 we're so adamant about it.

6 And it keeps coming up, "Why was he  
7 dressed for the game?" It was picture day. First  
8 playoffs, but it was still picture day; and we had no  
9 clue he was ineligible. 38 years, I have had one  
10 ineligible player under my watch at Dunbar high  
11 School that slipped through the cracks. I am the  
12 character coach for the program. This is -- it  
13 was -- it's a mistake.

14 I'm not -- I'm not pointing fingers saying  
15 it was malicious or whatever. The only -- the score  
16 would have been 70 to 14. We allowed them to score.  
17 It wasn't going to be a contest like that. It's just  
18 not their year like that with us, and I just want to  
19 be heard. The information was wrong, and that's why  
20 ██████████ was on the field.

21 MS. PRICE: Coach Powell, can you say --  
22 because I think you may have misspoke when you said,  
23 "We're good if we win," but you're Dunbar. Are you  
24 referring to if Dunbar wins that you're okay?



1 MR. ALFRED POWELL: No. If Belmont wins,  
2 we're okay. We are both still getting in the  
3 playoffs. That's a quandary, and I passed that  
4 information on. And I'm not trying to throw anybody  
5 under the bus. I just have to tell the truth. And  
6 then Mr. Baker showed me on a piece of paper how his  
7 mentor showed him where he made the mistake, you  
8 know, with the fourth and things like that.

9 MS. PHILLIPS: Excuse me. I need to step  
10 out for a second and take a call.

11 CHAIRMAN MANTELL: Sure.

12 MS. PHILLIPS: I'm sorry.

13 CHAIRMAN MANTELL: That's okay.

14 MR. PULLEN: And he was visibly upset that  
15 the mistake had been made, "The mentor just showed  
16 me. I just talked to him in Columbus, and we can't  
17 count that -- that gym," but the damage was done.

18 MR. BAKER: I just want to point out just  
19 two things, one being the eligibility of our student  
20 athletes at Dayton Public Schools. I did not verify  
21 that. You guys provide a sheet that we have to --  
22 our building ADs actually put the rosters of the kids  
23 that are eligible on this sheet, and we have to know  
24 back on the 21st whether a kid is eligible or

1 ineligible.

2 Ms. Phillips shared the information about  
3 her giving a direct -- information to him. At that  
4 time, I knew nothing about that. I knew nothing  
5 about what was communicated to Dunbar's believing the  
6 AD and their staff that this kid was ineligible.

7 I am hosting an event. It's one of the  
8 greatest times in our football history. I have two  
9 teams potentially making the playoffs. I have a  
10 building AD that comes and gives me a document. My  
11 initial thought was, "Let's see for the kid's sake.  
12 If we made a mistake, let's see for the kid's sake."

13 The principal, who I shared earlier had  
14 made a courtesy -- professional courtesy call to  
15 Belmont, was talking to me; and Coach Powell told me  
16 that we got a report card -- we got his report card.  
17 My initial thought is, if we have his report card,  
18 let's take a look at it. That's the only thing that  
19 I did. I did not approve any decision to put the kid  
20 on the field. I don't do that from my position.

21 The way we're structured, I rely on our  
22 building ADs to verify what you guys give us to  
23 document and to verify whether the kid is eligible or  
24 ineligible; and that should have been adjusted back

1 on the 21st.

2 CHAIRMAN MANTELL: Not that this really is  
3 a factor -- I guess it's not a factor, but I have to  
4 say curiosity has the best of me. Why did you think  
5 that if Belmont won it would be okay -- everything  
6 would be okay?

7 MR. BAKER: That was -- this is something  
8 that was -- that's explained. I did not say that. I  
9 did not say that if Belmont wins, everything was  
10 going to be okay.

11 CHAIRMAN MANTELL: Okay.

12 MR. ALFRED POWELL: That's not what I  
13 interpreted. That's what I heard from our  
14 conversation out on the track. What happened in the  
15 office and what was said to him, I don't know. We  
16 didn't even have the same type of information; so I'm  
17 saying that what you said to me was, "If they win,  
18 then we're okay." And I -- I would just -- and I  
19 passed that on.

20 CHAIRMAN MANTELL: But that's what I was  
21 basing the question on.

22 MR. KANUCKEL: Well -- and if I could just  
23 comment, at this particular point, that's a separate  
24 issue.

1 CHAIRMAN MANTELL: And it is. I just  
2 wanted to clarify.

3 MR. KANUCKEL: And I guess, from your  
4 perspective, Coach Pullen, when you became the  
5 building AD, were you provided any training in terms  
6 of how to determine the eligibility of students and  
7 so forth?

8 MR. PULLEN: Not really.

9 MR. KANUCKEL: Where would that training  
10 come from, normally?

11 MR. PULLEN: To be honest with you, I  
12 didn't really have any training. The former AD  
13 before me, she and I are really good friends. We  
14 talk together. She walked me through things.

15 MR. KANUCKEL: Okay. Okay. Would that be  
16 something -- normally, training would come out of  
17 your office, Mr. Baker? I mean --

18 MR. BAKER: Yes.

19 MR. KANUCKEL: And I don't understand the  
20 structure of the whole thing; but, normally, training  
21 for an AD would come out of your office?

22 MR. BAKER: Yes.

23 MR. KANUCKEL: Okay. Thank you.

24 DR. MOORE: We do try to provide training,

1 and we have a lot of online resources as well that we  
2 encourage schools to use.

3 MS. PRICE: And I was there within the  
4 last two or three years doing -- I was there -- I  
5 mean, I've been twice in the last --

6 DR. MOORE: We were focusing primarily on  
7 the transfer.

8 MS. PRICE: Yeah. I went over there and  
9 went over Bylaw 4. I had very good attendance. I  
10 had the coaches and athletic administrators and some  
11 principals there during the presentation I did,  
12 because Coach Powell and Coach Pullen were there.

13 DR. MOORE: And I know I made a  
14 presentation again on the transfer bylaw, because we  
15 get a lot of questions, which is fairly complex when  
16 you consider it and compare it to other bylaws.

17 MS. PRICE: And Mr. Baker and I were on  
18 the phone this morning seeing if I -- because I got  
19 the Toledo and Cleveland schedule, and I plan to be  
20 back in Dayton. We really got to hear about our  
21 urban districts. Yeah. It just -- we -- yeah.

22 MR. KANUCKEL: Thank you. That's it.

23 CHAIRMAN MANTELL: Anything else anybody  
24 would like to add or --

1 MS. PHILLIPS: Thank you for your time.

2 CHAIRMAN MANTELL: Well, thank you very  
3 much. It was nice meeting all of you; and it would  
4 be better if we were all having dinner together, you  
5 know, rather than having a complex problem here.

6 What -- what will happen, at this point,  
7 we will deliberate your situation and -- and make a  
8 decision on the forfeitures, you know, eligibility  
9 issue. And then, you know, once we do that, Mr. Gray  
10 will be in touch with whomever he's made arrangements  
11 with. And it's not something we drag out, so we'll  
12 deal with it right away.

13 Okay. Drive safely and --

14 MR. PULLEN: Thank you.

15 CHAIRMAN MANTELL: Thank you.

16 - - -

17 And, thereupon, the hearing was adjourned  
18 at 1:37 p.m.

19 - - -

1 BEFORE THE OHIO HIGH SCHOOL ATHLETIC ASSOCIATION

2 - - -

3  
4 In the Matter of:

5  
6 DUNBAR HIGH SCHOOL/DAYTON PUBLIC SCHOOLS

7  
8 - - -

9 TRANSCRIPT OF PROCEEDINGS

10 - - -

11 Monday, February 27, 2017  
12 1:32 p.m.  
13 Ohio High School Athletic Association  
14 4080 Roselea Place  
15 Columbus, Ohio 43214

16 - - -

17 LAUREN N. TERRELL

18 PROFESSIONAL REPORTER

19 - - -

20  
21  
22 ANDERSON REPORTING SERVICES, INC.  
23 3242 West Henderson Road  
24 Columbus, Ohio 43220  
(614) 326-0177  
FAX (614) 326-0214

1 APPEARANCES:

2 STEVEN L. CRAIG, Attorney at Law, Telephonically  
3 Law Offices of Steven L. Craig  
4 437 Market Avenue North  
5 Canton, Ohio 44702-1543  
6 (330) 456-1344  
7 scraig@scraig-law.net

8 On behalf of the Ohio High School  
9 Athletic Association.

10 - - -

11 BOARD MEMBERS PRESENT:

12 Kelsey Golec  
13 Dr. Debbie Moore  
14 Peter Pullen  
15 Roxanne Price  
16 Kristin Ronai  
17 Dr. Dan Ross  
18 Beau Rugg

19 - - -

20 ALSO PRESENT:

21 Alfred Powell, Support Services, Dunbar High School  
22 Darran Powell, Head coach, Dunbar High School  
23 Jamie Bullens, Executive Director of Safety and  
24 Security, Dayton Public Schools  
Mark Baker, District Athletic Director

- - -



1 - - -

2 P R O C E E D I N G S

3 - - -

4 BE IT REMEMBERED THAT, on the 27th day of  
5 February, 2017, this cause came on for hearing before the  
6 Ohio High School Athletic Association. And, the parties  
7 appearing in person and/or by counsel, as hereinafter set  
8 forth, the following proceedings were had:

9 - - -

10 DR. ROSS: Thank you for coming. We're  
11 going to start off by having -- we have a court  
12 reporter. We'll start out by doing introductions.

13 Debbie, would you like to --

14 DR. MOORE: Debbie Moore on the staff.

15 DR. ROSS: Debbie and Roxanne do  
16 compliance.

17 Dan Ross.

18 MS. PRICE: Roxanne Price.

19 MR. RUGG: Beau Rugg for the staff.

20 DR. ROSS: Beau does football.

21 MS. GOLEC: Kelsey Golec, intern.

22 MS. RONAI: Kristin Ronai, staff.

23 DR. ROSS: She works in compliance.

24 MR. A. POWELL: Alfred Powell, support

1 services, Dunbar High School.

2 MR. D. POWELL: Darran Powell, head  
3 football coach, Dunbar High School.

4 MR. PULLEN: Peter Pullen, teacher,  
5 basketball coach, Dunbar High School.

6 MR. BULLENS: Jamie Bullens. I'm the  
7 executive director of safety and security for  
8 Dayton Public Schools.

9 MR. BAKER: Mark Baker, district athletic  
10 director, Dayton Public Schools.

11 DR. ROSS: Thank you for being here. The  
12 only other person that we may have on here is --  
13 Steve Craig may end up being on the phone. Steve is  
14 the association's attorney. He -- every time we  
15 have an appeal, he's part of that piece.

16 So we have a copy here of -- and to make  
17 sure everybody knows, we're not going to be dealing  
18 today with the eligibility and ineligibility piece  
19 because we think that was all taken care of before  
20 and has been dealt with. What we would like to deal  
21 with today -- and we got a copy here of a official's  
22 report from the night of October 28. That was  
23 the -- the night of the Belmont/Dunbar game.

24 I think probably that's -- that probably

1 will be more at the bottom and then over onto the  
2 next -- I'd like for everybody to take a minute and  
3 read that, and what we would like to find out is if  
4 everybody's okay with the report that -- that's kind  
5 of where we started. We'll make sure we enter that  
6 into the report so you get a copy.

7 From the officials' point of view, does  
8 anybody have an issue, factually, that isn't what  
9 happened? With none of us being there, we use that  
10 as probably the -- probably a good starting point,  
11 the baseline of it. Is that what occurred? We were  
12 not there.

13 MS. PRICE: And just to reiterate Dr.  
14 Ross, I mean, so much of the communications we  
15 received -- even from you, Mr. Bullens -- was in  
16 regard to how did this student get on the field; how  
17 did an ineligible student participate. That's not  
18 why we're here.

19 We have, you know, all the time,  
20 individuals who, unfortunately, err; and students  
21 are ineligible so far as transfer, scholarship,  
22 international students, what have you, who  
23 participate who should not. We are here because of  
24 the behavior that transpired during that game, and

1 the report we got is the game was trying to be  
2 thrown so --

3 DR. ROSS: Anybody have any objections  
4 with what the official has sent us? Is it a pretty  
5 accurate description of what happened?

6 MR. D. POWELL: Yes.

7 MR. A. POWELL: Yes.

8 MR. PULLEN: Uh-huh.

9 DR. ROSS: Is everybody okay with that?  
10 Okay. That, at least, gives us a baseline to start.  
11 Now where we need to go with this is if this  
12 occurred, we need to know how it occurred because we  
13 weren't there.

14 Coach, maybe you would be a good person to  
15 start with since you're probably the closest to  
16 everybody since you're right there and you're on the  
17 field.

18 That's Mr. Powell.

19 MR. D. POWELL: Well, prior to the game,  
20 we got the information that the kid was ineligible.  
21 We started the game. He did not start. He didn't  
22 play. We got word that he was eligible, put him in  
23 the game. Ten minutes later, he came back. He was  
24 ineligible.

1 Halftime comes, they come down and --  
2 Coach Powell here, Dr. Powell, comes and notifies me  
3 that we have -- that we just need to lose the game.

4 I immediately said, "By who?"

5 And he just said, "We need to lose the  
6 game. Mark said we need to lose the game."

7 So I went to Mark's office. The game was  
8 about to start -- third quarter was about to start.  
9 When I walked into the office --

10 DR. ROSS: So all this was during  
11 halftime?

12 MR. D. POWELL: This was during halftime.  
13 So when I walked in the office, there was Mark, the  
14 Belmont principal, and my principal.

15 DR. ROSS: Ms. Walter?

16 MR. D. POWELL: Ms. Walter and then my  
17 principal, Ms. Phillips. So when I walked in there,  
18 the first thing I said was, "What do you want me to  
19 do? What's going on?"

20 It was back and forth. I can't remember  
21 the exact conversation.

22 Then what did happen was I said, "So,  
23 basically, you want me to lose this game?"

24 I know his response was, "Well, you know,

1 if you lose this game, don't worry about anything so  
2 [REDACTED] can't play in the playoffs. Both of you guys  
3 can get in the playoffs still."

4 I basically said, "I can't tell my kids to  
5 go out here and lose the game."

6 We was already up 30 to whatever at the  
7 time so --

8 DR. ROSS: 30 to 14.

9 MR. D. POWELL: -- like I said, we went  
10 back and forth. There was a little heated exchange.  
11 I shook his hand, told him, "No disrespect." I gave  
12 the Belmont principal a hug, told her, "No  
13 disrespect."

14 I walked in. Ms. Phillips walked back  
15 out. Like I said, I was very emotional at the time  
16 because, of course -- like, it's a messed up  
17 situation for us.

18 DR. ROSS: Have you ever been told  
19 anything like that before?

20 MR. D. POWELL: No, never. This was the  
21 first time I've been in a situation like that.  
22 Then -- like I said, we was already in the playoffs.  
23 Like, our table was already punched. So it was kind  
24 of a messed up game -- I mean, situation.

1           So when I went back to the field, I called  
2 a timeout. We was already on offense. I brought  
3 all my kids up in a huddle and said, "Listen, guys.  
4 Unfortunately, if we want to go to the playoffs, we  
5 need to lose this game." Emotions cleared.

6           I tried to tell them -- I said, "Listen,  
7 keep your head, you know -- we're still going to go  
8 to the playoffs. Keep your head up."

9           So we went back on the field, and I really  
10 didn't know who to call.

11          I just told him -- I said, "Give them the  
12 ball. Let them score."

13          The first play, he said "hut." I think  
14 our quarterback threw an intentional ground and it  
15 ended up being an interception. Our guys started  
16 walking on the field as they were running during the  
17 touchdown. The ref stopped play, did the same thing  
18 the second time -- or we got flags both times.

19          He brought me and Coach White, the Belmont  
20 head coach, to the middle of the field.

21          As we was talking, he was basically saying  
22 the game would be compromised. He didn't know what  
23 was going on.

24          DR. ROSS: And it would.

1 MR. D. POWELL: Yeah. So as that  
2 happened, I had no response because I didn't want to  
3 flat out just tell him, "Listen, we're trying to  
4 lose the game."

5 In hindsight, maybe I should have said  
6 that. I don't know how it would have played out  
7 either way. He said that, and I went back to the  
8 sideline and I told my kids, "I mean, listen. It is  
9 what it is. We got to do what we got to do."

10 Coach Pullen came over and said, "Man,  
11 just win the game."

12 Needless to say, I think it was, like, 30  
13 to 30. We got a first down. We ended up scoring,  
14 and we played hard football for the rest of that  
15 game.

16 MS. PRICE: For me, losing a game and  
17 forfeiting a game has the same outcome. So what  
18 would have been the point to be told to lose the  
19 game and not simply -- because you played an  
20 ineligible player by that time anyway. Right?

21 MR. D. POWELL: Yes.

22 MS. PRICE: So you're going to have to  
23 forfeit that game.

24 MR. D. POWELL: Yes.



1 MS. PRICE: When you look at the details,  
2 that ineligible player was ineligible the week  
3 before; so you would have had to forfeit that game.

4 MR. D. POWELL: I think that wasn't taken  
5 into consideration.

6 DR. ROSS: So when did you find that out?

7 MR. D. POWELL: Well, I found out that we  
8 was going to have to forfeit the previous game the  
9 next day.

10 DR. ROSS: You didn't know that?

11 MR. PULLEN: We was aware of the five-day  
12 rule, but we didn't know that it started the morning  
13 of that fifth day. So I don't think no one in this  
14 situation was aware of that.

15 So it was more so, "Okay. You would have  
16 to forfeit this game. Don't worry about them. Just  
17 lose this game. You'll still be in the playoffs.  
18 Don't worry about the game."

19 So like I said, that was that. We found  
20 out on the news that we was -- we wasn't going to be  
21 in the playoff, and that was that.

22 MS. PRICE: So, if I may, there's a  
23 statement in the report that we received from Mr. --

24 DR. MOORE: Is that from Mr. Bullens?

1 MS. PRICE: It's, like, the second page of  
2 the report. If I recall, this text would have come  
3 somewhere during halftime or right before halftime  
4 or before you went to the office.

5 This says, "Ms. Phillips stated" -- I'm  
6 going to have to read this the way it's written --  
7 "Ms. Phillips stated, 'He just fucked us. Watch.'

8 Uncle Alfred Powell texted, "Pullen and  
9 Mark gave the green light, yes. The shit was due  
10 last week."

11 [REDACTED] texted, "Mark wants to see you,  
12 Uncle D."

13 Uncle Alfred Powell texted, "Okay. We  
14 have to let Belmont win because they will bring up  
15 the issue that he was ineligible last week."

16 When was this statement made or this text  
17 received?

18 MR. A. POWELL: For me, that was during  
19 the halftime break. It was the halftime ceremony.  
20 The kid -- the kid rushed down the field and said  
21 that I have to come off the field, that Mr. Baker  
22 needed to see me right away, you know. I had had  
23 some reference of what was going on.

24 I had already calculated in my head two

1 games; and we would be out by 0.8 is exactly what  
2 happened. So that's when I got the information.  
3 With everybody being emotional, they didn't talk  
4 about the implications that night with the staff.  
5 We were just trying to calm these kids down.  
6 Parents were upset at this time, very, very  
7 emotional. That's when I received that information.

8 MS. PRICE: Okay. So what this statement  
9 tells me is, "If we don't do this, which is throw  
10 this game and let them win, then someone is going to  
11 bring up" -- whoever "they" is -- "that last week's  
12 game is going to be held over us as well." Okay?  
13 That, somehow, we weren't going to receive the  
14 information about the week before and it would be a  
15 moot point in regard to this game because you would  
16 have lost the football game.

17 MR. A. POWELL: We would have lost. We  
18 would have -- instead of being seven and three, we  
19 would have been eight and two, but we still would  
20 have been in the playoffs. So the whole thing was  
21 the two teams in the playoffs, and Belmont couldn't  
22 beat us. So I just felt like it was a way to get  
23 them in somehow, some way without thinking that we  
24 would have to forfeit the Taft game as well.

1 DR. ROSS: But you didn't know that that  
2 evening?

3 MR. D. POWELL: No, I didn't know that.

4 MS. PRICE: But you had --

5 MR. A. POWELL: You had an inkling of  
6 that?

7 MR. D. POWELL: In the 37 years of me  
8 doing this, we only had one major incident back in  
9 '88 similar to something like that that I've seen  
10 within our program, in the league. I knew it wasn't  
11 good. So a lot of emotions all around, a lot of  
12 emotions. I don't think anyone had been in that  
13 situation before. It was almost unbelievable.  
14 There was a lot of hype in the week before the game  
15 about the possibility of both programs being in it,  
16 which, you know, even at our detriment, would have  
17 been a plus, you know, for --

18 DR. ROSS: Well, sure. If you can get a  
19 couple of schools in the league --

20 MR. A. POWELL: So, yes, that -- that --

21 DR. ROSS: So when did you get the  
22 inkling? When you found out he was ineligible?

23 MR. A. POWELL: Yes.

24 DR. ROSS: And in your head, you kind of

1 went back and said, "Okay" --

2 MR. A. POWELL: If he's ineligible this  
3 game, he's ineligible the last game because that  
4 clock starts at 9:00 a.m. in the morning when school  
5 starts, not at the end of the day. So I had -- the  
6 first discussion that we had -- I had with Mr. Baker  
7 was by the -- by the scoreboard in the -- not the  
8 scoreboard, the open end of the stadium, I would  
9 call it. I guess that's the north end.

10 When he came out from the booth and we  
11 discussed that, then I said, "Well, what happens  
12 with Taft?"

13 He says, "We just take care of the  
14 situation, you know. That's it. We'll -- we don't  
15 mention Taft," is the inkling that I got, is what I  
16 was told. That's just the truth.

17 I'm like, "That's -- that's impossible."

18 I didn't tell the others about it, but I  
19 knew that was impossible.

20 So I said -- and I think I testified to  
21 this -- "My AD and my principal would never go for  
22 that, because one thing they're always talking about  
23 is integrity. They always tell us -- whether we  
24 want to be or not, you got to be on the goal line.

1 You're being watched, so make sure you guys are" --  
2 that's -- part of my position is to make sure that  
3 everything is flowing right, you know, that we would  
4 have approached.

5 So I was brokenhearted. I have a text  
6 related to that, though, that I never shared before.  
7 But this dawned on me because I texted Mr. Baker the  
8 next day, which was the 29th, and told him to keep  
9 his head up. There was no animosity, no -- I just  
10 felt bad. [REDACTED] my -- my -- is one of mine.

11 DR. ROSS: There wasn't any animosity.  
12 We're just trying to work through what happened.

13 MR. A. POWELL: There was the --

14 DR. ROSS: Roxanne, do you want to read it  
15 for everybody?

16 MS. PRICE: From Saturday, October 29,  
17 11:50 a.m. -- this is from Coach Alfred Powell --  
18 "Keep your head up. We have tests in life's sports  
19 in order to have a testimony. God is good, and this  
20 will make us all stronger. This, too, shall pass in  
21 time. We're going to finish ninth by eight-tenths  
22 of a point if the Taft game is taken away. This is  
23 going to be more than hard to break the news to the  
24 players and the community."

1 MR. A. POWELL: And I didn't get a  
2 response from that.

3 DR. ROSS: Which is exactly when you  
4 figured it out?

5 MR. A. POWELL: Yes, sir. I figured it  
6 out at the game. It was a wrap.

7 DR. ROSS: Exactly how that piece  
8 occurred.

9 Mark, do you have any -- your recollection  
10 through this -- I think the one good thing is  
11 everybody has kind of agreed that whatever happened  
12 happened.

13 MR. A. POWELL: Yes, sir.

14 DR. ROSS: Okay. And tell us how it got  
15 to that point, how it happened.

16 MR. BAKER: Well, actually, the first  
17 play, I didn't see.

18 DR. ROSS: Oh, of the --

19 MR. BAKER: Right.

20 DR. ROSS: -- third quarter?

21 MR. BAKER: Right. I didn't see.

22 DR. ROSS: Okay.

23 MR. BAKER: I mean, just in terms of  
24 the -- the overall -- the unfairness of the whole

1 situation, certainly, with the, you know -- and I  
2 know you guys talk about that it's not about the  
3 ineligible player, but I think it has everything to  
4 do with the ineligible player because that was what  
5 led us to this meeting here today.

6 To have my staff say some he-say, she-say,  
7 that I said this is what I did and not factual  
8 stuff, I do have a concern about that. I mean, it's  
9 a huge concern. The integrity of the game is  
10 important to me too. I participated in OHSAA.  
11 I was a part of what it is to be right inside of a,  
12 you know -- whether you're shooting for a  
13 championship or just playing a game. So for them to  
14 say that I gave a directive to lose a game, I have  
15 an issue with that. I have an issue with --

16 MS. PRICE: That's why we're here around  
17 the table. That part of it is an issue for us.

18 DR. ROSS: Right.

19 MR. BAKER: Absolutely. I understand.

20 DR. ROSS: But the other piece with that,  
21 Mark, is if somebody is having this conversation  
22 between going off of the field and when you get into  
23 the locker room, I don't know if, factually --  
24 unless somebody was following you with a tape



1 recorder -- we would know the facts. So it has to  
2 be what do I think I heard and what do I think I  
3 said? So it has to be a situation where you're  
4 going to relay what you believe happened, and then  
5 that's for us to work through.

6 We didn't walk across the field and go  
7 across the track and go into the locker room. We  
8 weren't in your office when any of the conversations  
9 took place there. There isn't any facts that you  
10 could say that somebody had a picture and a tape  
11 recorder to say, "This is who was in there, and this  
12 is what was said."

13 None of that exists. So it has to be, you  
14 know, people that you rely on, people that you  
15 trust. They wouldn't be in the spots they're in if  
16 you didn't trust them, and you wouldn't be in the  
17 spot you're in if somebody didn't trust you so --

18 MS. PRICE: I think what's important,  
19 also, is the timeline because you can also, you  
20 know -- you make several assumptions.

21 You're thinking, "If I'm going to throw a  
22 game, it's easier to throw the game from the  
23 beginning than it is if you're up at halftime."

24 So you're looking at a timeline when

1 everything is going okay, according to the rules.  
2 Then there's something that happens at halftime, and  
3 now the entire behavior has changed. We're just  
4 trying to -- what we're saying is the  
5 insubordination and those type of things, in regard  
6 to playing the student athlete, we have scholarship  
7 individuals who are ineligible. But what transpired  
8 in regard -- to losing a contest, again, is a  
9 paramount of importance here.

10 MR. BAKER: Absolutely.

11 Getting back to you, Mr. Ross, in terms of  
12 my recollection, the first play, I didn't see, of  
13 the second half. I didn't come out. But leading up  
14 to halftime, we were trying to figure out the  
15 ineligibility piece. Coach Pullen, you know, came  
16 to me -- actually, the principal came to me and told  
17 me what was going on.

18 DR. ROSS: Ms. Walter --

19 MR. BAKER: Ms. Walter --

20 DR. ROSS: -- from Belmont?

21 MR. BAKER: Yeah, Belmont's principal.

22 -- kind of shared with me what was going  
23 on at this time. I'm hosting an event at the  
24 stadium, had no knowledge of what was going on at

1 all earlier in the day and what transpired with  
2 Ms. Walter actually calling Ms. Phillips and giving  
3 her a courtesy call about the ineligible player.

4 So immediately, I went and found  
5 Coach Pullen. Coach Powell was walking, and Melvin  
6 was talking to me.

7 He was sharing with me, "We have his  
8 report card."

9 So I went on and talked to Coach Pullen  
10 about the situation. He was sharing with me --  
11 showing me a piece of paper that this is what had  
12 taken place.

13 So I got on the phone to call Ms. Phillips  
14 as a district AD and said, "Is this kid -- do you  
15 know anything about this? Is this kid eligible?"

16 She said, "What did they say?"

17 So Coach Pullen and myself went into my  
18 office, and we started to try to figure it out.  
19 He was showing me -- based on the block schedule, he  
20 was adding it up and he was coming out with a  
21 percentage saying 64 percent.

22 So I was like, "No. I don't think this is  
23 right."

24 So I got on the -- I think the first

1 person I tried to call was Ms. Price. I didn't get  
2 her, so I reached out to a colleague of mine and  
3 tried to get him. So he ended up getting back with  
4 me and --

5 DR. ROSS: Is that colleague an AD, or --

6 MR. BAKER: Yes, Columbus. Columbus  
7 Public Schools.

8 DR. ROSS: Do you mind sharing with us --

9 MR. BAKER: Vince --

10 MS. PRICE: Clarno?

11 MR. BAKER: Yes, Clarno. So right before  
12 halftime, we find out the kid -- based on what we  
13 had, the kid was ineligible. So I shared it with  
14 the -- with the -- Ms. Phillips. I shared it with  
15 Coach Pullen, and I shared it with Coach Powell that  
16 we were going to have to forfeit this game.

17 DR. ROSS: That was at halftime?

18 MR. BAKER: That was at halftime. We had  
19 some conversation about it, and I made a statement  
20 in regards to -- not a directive but a statement in  
21 regards to if -- if Dunbar was to lose this game,  
22 you know, we would still have two teams in the  
23 playoffs. But in terms of a directive, me telling  
24 someone to go out and lose a football game, I did

1 not do that.

2 MR. D. POWELL: So if we was to lose the  
3 game, how would we still make the playoffs? You  
4 wasn't going to turn in the Taft game then.

5 MR. BAKER: I knew nothing of the Taft  
6 game. I knew nothing -- that we already knew that a  
7 kid was ineligible for the Taft game, I knew nothing  
8 of that.

9 MR. D. POWELL: So if he was ineligible  
10 during the Belmont game, he had to have been  
11 ineligible for the Taft game. It just came out that  
12 week.

13 MR. BAKER: Yeah. Well, what I'm sharing  
14 with you is that I did not know that there was a  
15 player that was a player ineligible in regard to the  
16 game before too.

17 Because I think as I corresponded back  
18 with Mr. Rugg the next day, he was the one that  
19 informed me, "Mark" -- when he asked me when was our  
20 grading period over.

21 I thought we were still okay based on what  
22 I looked at on our sheet. He had shared with me  
23 that it was that five-day rule, and that fifth day  
24 was that start of the fifth day. So at that point,

1 I didn't even -- I didn't know about a potential  
2 Taft game -- the kid being ineligible.

3 DR. ROSS: So at that point in time, did  
4 you think that Dunbar was still in?

5 MR. BAKER: Did I think that they were  
6 still?

7 DR. ROSS: Uh-huh. If they wouldn't have  
8 had the Taft game out, they would have been eight  
9 and two.

10 MR. BAKER: Right. Based on what the  
11 percents was --

12 DR. ROSS: Yes. From that evening, you  
13 would have still believed that Dunbar was still in?

14 MR. BAKER: Right.

15 DR. ROSS: But Belmont would not have made  
16 it?

17 MR. BAKER: Right.

18 MR. BULLENS: Dr. Ross?

19 DR. ROSS: Yes?

20 MR. BULLENS: It was part of my report  
21 that I sent up here to you -- did I share the text?

22 MS. PRICE: Yes, you did.

23 MR. BULLENS: Okay. On a group text from  
24 the principal, Ms. Crystal Phillips and Uncle Alfred

1 Powell --

2 And I apologize. That's you, sir?

3 MR. A. POWELL: (Nods.)

4 MR. BULLENS: Okay. We've never met.

5 So I had to go through words and not  
6 knowing who people were.

7 So at 8:03 p.m. on that Friday, "Who told  
8 y'all to put him in the game? Why didn't y'all  
9 listen to me?"

10 Uncle Alfred Powell, "I'm in the booth.  
11 Pullen must have told him he could play."

12 She responded back, "He just F'd us.  
13 Watch."

14 Uncle Alfred responded -- I apologize.

15 Uncle Powell --

16 MR. A. POWELL: That's okay.

17 MR. BULLENS: -- "Pullen and Mark gave the  
18 green light, yes. The shit was due last week."

19 [REDACTED] -- now that is Coach Powell?

20 MR. A. POWELL: No. That would be my son.

21 MR. BAKER: There's another one? Okay.

22 I apologize.

23 Little Powell stated, "Mark wants to see  
24 Uncle D."

1 MR. A. POWELL: He wants to see me.

2 MR. BULLENS: Then you responded "Okay."

3 Then, "We have to let Belmont win because  
4 they will bring up the issue that we were ineligible  
5 last week."

6 So you knew Friday night that you were  
7 ineligible and you played an ineligible player the  
8 week before.

9 MR. A. POWELL: No, no, no. I learned  
10 that day about him being ineligible, like --

11 MR. BULLENS: Earlier Friday?

12 MR. A. POWELL: No. Not earlier Friday,  
13 at the game. That statement comes as a result of  
14 Mark telling me that we have to lose the game.

15 MR. D. POWELL: It says 8:03. The game  
16 started at 7:00.

17 MR. BULLENS: No, no. This was halftime.

18 MR. A. POWELL: Yeah. It was halftime.  
19 That's when we meet, right at that time; and you  
20 never called me down and interviewed me. I would  
21 have shared that information with you.

22 MR. BULLENS: I didn't know who all the  
23 Alfreds and all the Powells were.

24 MS. PRICE: And he has a twin brother.



1 DR. ROSS: But your piece would have been  
2 you found out about before the game that the young  
3 man was ineligible? You started --

4 MR. A. POWELL: Yes. I remember --

5 DR. ROSS: The ball started turning in  
6 your head as far as --

7 MR. A. POWELL: Right.

8 DR. ROSS: -- he is ineligible.

9 MR. A. POWELL: He's not to play. He's  
10 taken his picture in a uniform just because it's what  
11 we do. At that point in time, he's not to play. We  
12 were in agreement with that, that he's not to play.  
13 Ms. Phillips gives me a verbal directive, which I  
14 forcefully reinforce, that he's not to play unless  
15 they -- unless they come up with some different  
16 information because there was still workings between  
17 Mr. Baker and Mr. Pullen at that time. So I was --  
18 my assignment was in the booth, and I was working in  
19 the booth that particular day.

20 DR. ROSS: So they're working on this.  
21 You call Vince. Does Vince tell you, then, that  
22 with the numbers that you had given him, that he's  
23 eligible?

24 MR. BAKER: No. I actually tried to get

1 Vince and didn't get him initially. Then once he  
2 got back with me --

3 DR. ROSS: So how did you end up from him  
4 being ineligible to being eligible and then back to  
5 being ineligible, which is what happened?

6 MR. BAKER: Well, I never said he was  
7 eligible.

8 DR. ROSS: Then how did he end up playing?

9 MR. BAKER: He -- I didn't -- I guess  
10 that's the problem. I didn't give a go-ahead to  
11 tell him that it was okay. Pullen and I were in my  
12 office, and we were having a conversation. I asked  
13 coach.

14 I said, "You've been in this position  
15 longer than myself." I said, "Based on a block  
16 schedule, is this kid eligible?"

17 He said yes. I was on the phone trying to  
18 reach Vince. He walks out of my office and tells  
19 him to go play the kid.

20 DR. ROSS: All right.

21 MR. PULLEN: Excuse me. First of all, let  
22 me -- I heard everything. I -- I arrived at the  
23 stadium probably about a quarter to seven. As I was  
24 walking across the field, Mark approached me, had a

1 report card in his hand, asked me about a student  
2 athlete.

3 DR. MOORE: So -- excuse me -- Mark had  
4 the report card? Who brought the report card down  
5 to the stadium?

6 MR. D. POWELL: I brought it to the game.

7 DR. MOORE: You brought it to the game and  
8 you gave it to --

9 MR. A. POWELL: Mark.

10 DR. MOORE: How did it get to Mr. Baker?

11 MR. A. POWELL: Because I returned it to  
12 him to say, "Mark may want to look at this."

13 So when he did see Mark, he said, "I do  
14 have the report card," because Belmont, obviously,  
15 had put the word out. The kids had even said  
16 something. So nothing was, you know -- things were  
17 starting to spread.

18 DR. MOORE: Sorry. I'm not trying to  
19 interrupt. I'm just --

20 DR. ROSS: What we're trying to do is get  
21 the timeline and follow through that.

22 MS. PRICE: Who put the report card in  
23 your hands?

24 MR. PULLEN: So I had the report card in

1 my hand. Mark asked me, and I did say yes. I did  
2 calculate it wrong. Admitted that when I was up  
3 here. Because I was also calculating -- also we  
4 have the -- you have to have between the 2.0 whole  
5 and the 1.0 whole to be eligible district-wise. So  
6 I -- this was -- I didn't have it with me at the  
7 time.

8           This is Mark's handwriting. This is where  
9 we figured up the -- that he was at the 1.0.  
10 Whoever he talked to on the phone, I don't know. I  
11 don't know who he called. But I was in the office  
12 and, like I said, this was probably before the game  
13 started, before kickoff. We were in the office.  
14 What's in blue is what Mark wrote down, ended up  
15 with the five credits.

16           I asked him when he wrote down five  
17 credits, which I thought was good, I said, "Is he  
18 good?"

19           Mark did this. (Motions.) So I waited.  
20 They calculated it three times while I was right  
21 there, while he was on the phone. Like I said,  
22 I don't know who he was talking to. He said he  
23 can't talk to nobody. He said he called Vince, but  
24 he didn't answer.

1 MR. BAKER: Vince called me. I didn't get  
2 him initially. Vince called me and then shared --  
3 when I told him what we had, he tells me that's  
4 not -- he's not eligible. That's when I went out on  
5 the field and told them, and that's when he went and  
6 told his team.

7 MS. PRICE: Who wrote -- whose writing is  
8 that?

9 MR. PULLEN: Not mine.

10 MR. BAKER: The red is yours? Red is  
11 Darran's.

12 MR. D. POWELL: The numbers is mine.  
13 That's how I knew it was calculated wrong. Like I  
14 said, the red --

15 DR. MOORE: It's four and a half.

16 MR. D. POWELL: I didn't write "eligible,"  
17 just to answer that question. I didn't write it.  
18 Coach Pullen didn't write it. So I don't know.

19 MR. PULLEN: Now, like I was saying before  
20 I was interrupted -- like I was saying, I sit there.  
21 We calculated it three times and told me -- and he  
22 never did say anything. I got that from him. But  
23 also -- as humans, we also, you know, know what sign  
24 language is too. We know this (motions) means "wait

1 a minute." We know this (motions) means "okay. Go  
2 ahead."

3 So the third time I said, "Is he eligible  
4 or ineligible?" He did like this (motions). That's  
5 when I left his office. That was the last time I  
6 was in that office. The rest of the time after I  
7 left, I went straight -- I went straight to talk to  
8 Darran and tell him --

9 DR. ROSS: Was the game going on?

10 MR. PULLEN: The game was going on. The  
11 score was eight to nothing.

12 MS. PRICE: And the young man hadn't  
13 played yet?

14 MR. PULLEN: He has not played yet.  
15 That's when I told Darran, according to Mark, he was  
16 eligible. Whoever he talked to, that's what he told  
17 me. Ten, fifteen minutes later, Mark comes back on  
18 the field and calls me over and said his guy  
19 calculated it wrong. He was ineligible.

20 DR. ROSS: So then you pulled him out?

21 MR. D. POWELL: Yeah. I pulled him --  
22 I think this was maybe the second quarter. It was  
23 before halftime for sure. I said -- and we was up.  
24 Like I said, we was up before he got in the game.

1 We went up even more after he got in the game. So I  
2 remember on the -- that I was on my head coach.

3 I went to the office coordinator and was  
4 like -- excuse my language -- "Man, we fucked."

5 I said, "This game was forfeited. We  
6 don't even matter no more because Pullen just came  
7 back and said they made a mistake. He's ineligible.

8 MR. BAKER: Can I say something? First of  
9 all, as a coach and as a building AD, I have a  
10 problem -- and you mentioned earlier, Mr. Ross,  
11 these are "my people." I actually inherited them.  
12 I didn't choose the coaches when I got there. For  
13 us to not know that this student athlete is  
14 ineligible, that's an issue for our district because  
15 we should know this; and prior to them even bringing  
16 this to our game on that day, they knew this kid was  
17 ineligible.

18 DR. ROSS: Who would have known?

19 MR. BAKER: They -- they -- they knew he  
20 was ineligible. The one thing we didn't do is --  
21 we've put corrective measure in place for this -- is  
22 that the OHSAA's eligibility certificate is the  
23 Bible. It should have been updated. It was not  
24 updated on the -- the week before based on the

1 five-day rule. All right. So that's an issue for  
2 our district, that we don't know these things; and,  
3 again, we've put some corrective measure in place to  
4 make sure these certificates come directly to my  
5 office.

6 But I have a problem with our coaches and  
7 our building ADs not knowing that a kid is  
8 ineligible or eligible, and then we want to come  
9 here and say, "This is the result of Mark Baker."

10 This is not a result of Mark Baker.  
11 Mark Baker doesn't do eligibility. It happens at  
12 our building level. That's the concern. Like I  
13 said at the beginning, this is so uncomfortable that  
14 I have my staff up at OHSAA trying to blame  
15 something that happened at the building level on me  
16 for eligibility and then come out to a stadium and  
17 say -- with the he-say, she-say that I did  
18 something. I have a huge concern about that. And  
19 as I said, when I found out Coach Powell, it was  
20 relayed to him that the game was going to be  
21 forfeited, somebody --

22 DR. ROSS: That was during the game?

23 MR. BAKER: It had to be at halftime.

24 Because when I came out here, I saw a play where a



1 kid just did something with it. And I found --  
2 I don't know if it was this Powell or another  
3 Powell, but I said, "I don't know what he's doing,  
4 but they better play this game."

5 MR. A. POWELL: That was me.

6 That's when you showed me a piece of paper  
7 that's folded up, and you showed me where you  
8 calculated and said, "Your person made a mistake."

9 I said, "Mark, you gave the green light  
10 for the play."

11 He called me back and said --

12 MR. BAKER: I did -- I disagree. I  
13 disagree.

14 MR. A. POWELL: You said, "He made a  
15 mistake, and the kid is ineligible."

16 So I said, "So, again what -- we're -- we  
17 in deep."

18 And he said, "Well" --

19 MR. BAKER: We were in deep when we knew  
20 the kid was ineligible before the game.

21 MR. A. POWELL: Mr. Baker, you said at  
22 that time, "Well, if you just lose this game, then  
23 Taft -- the Taft game, we don't have to worry about  
24 it, you know. That's all we can do, is just let

1 Belmont win."

2 MS. PRICE: I have a question. If it's a  
3 matter of -- because I'm hearing some consistencies.  
4 If they knew that he was ineligible, then why the  
5 conversations and why the phone calls and why were  
6 you looking at it? I mean, that's just my question.

7 MR. BAKER: Say it again.

8 MS. PRICE: If you're saying that your  
9 staff knew he was ineligible and he never should  
10 have played -- if they knew he was ineligible and  
11 they came to you, then where does the confusion lie  
12 that you're continuing to look at eligibility and  
13 make the phone calls to Columbus?

14 MR. BAKER: At that time, I didn't know  
15 about the previous week.

16 MS. PRICE: We're not talking about the  
17 pervious week.

18 DR. MOORE: That doesn't matter.

19 MS. PRICE: Yeah. We're talking about  
20 whether he was eligible or ineligible based on  
21 his -- on his transcript and his grade card. You're  
22 saying they knew he was ineligible. If they knew he  
23 was ineligible and they came to you and he's  
24 ineligible, why are you questioning whether it was

1 done correctly and reaching out to someone in  
2 Columbus regarding his eligibility if it was a done  
3 deal and they knew he was ineligible? Why the need  
4 to inquire further about his eligibility?

5 MR. BAKER: Why the need --

6 MS. PRICE: Yeah. Why the need --

7 MR. BULLENS: Hold on.

8 MS. PRICE: I want to make sure he  
9 understands the question.

10 MR. BULLENS: Can I explain it?

11 MS. PRICE: Sure.

12 MR. BULLENS: What they're saying is --

13 MS. PRICE: Say it loud so we can put it  
14 on the record.

15 MR. BULLENS: All right.

16 They're saying that the minute  
17 Crystal Phillips, the principal, said this child,  
18 this athlete, is ineligible, that was final.

19 MR. BAKER: Uh-huh.

20 MR. BULLENS: But you took it upon  
21 yourself when they brought you papers -- hang on --  
22 that you wanted to confer with somebody else, but  
23 the principal had already made the decision that  
24 he's ineligible. You entertained their comments,

1 and you reached out, to do research, to Vince --

2 MR. BAKER: Right.

3 MR. BULLENS: -- to try to accommodate  
4 them.

5 MR. BAKER: At that time, I didn't -- she  
6 didn't tell me that the kid -- I didn't know the kid  
7 was ineligible at that time.

8 MR. BULLENS: At the beginning of the  
9 game, you didn't know that?

10 MR. BAKER: No, I didn't. I did not know  
11 the kid was ineligible at that time. I reached out  
12 to Ms. Phillips.

13 I asked her, as a district AD, I said, "Is  
14 the kid eligible?"

15 She said -- she said, "What did they say?"

16 MR. D. POWELL: You had the report card.  
17 It -- you should -- if you -- I don't know. I'm not  
18 a district AD; but having a report card, looking at  
19 it, you should already know that he's ineligible.

20 MR. BAKER: How could you not know as a  
21 coach?

22 MR. D. POWELL: You're --

23 MR. BAKER: I don't understand --

24 DR. ROSS: Whoa, whoa, whoa. One at a

1 time.

2 MS. PRICE: And let's be kind, because I  
3 got to come out there tomorrow.

4 DR. ROSS: Mark, do you want to finish  
5 your --

6 MR. BAKER: Yeah. Again, I just have a  
7 problem, and it's a concern. Again, we've put some  
8 corrective measures in place as a district that,  
9 prayerfully, this never happens --

10 DR. ROSS: Yeah. Nobody wants this to  
11 happen.

12 MR. BAKER: -- to a student athlete.

13 MR. D. POWELL: To answer your question --

14 MR. BAKER: For us, that is a huge issue  
15 in our district, that we have kids that potentially  
16 are ineligible, which is a violation to -- to the  
17 bylaws of OHSAA.

18 MS. PRICE: I'm not saying anything.

19 DR. ROSS: Is that the answer that you  
20 needed?

21 MR. BULLENS: To clarify just a little  
22 more beyond that --

23 DR. ROSS: Right. She asked a question.  
24 I wanted to make sure she got an answer.

1 MR. BULLENS: I don't see anywhere in my  
2 statement, my report that I gave you, that Mr. Baker  
3 was ever officially notified by anybody.  
4 Ms. Phillips had notified coach. Coach had notified  
5 player, slash, parent and/or parent, that he was  
6 ineligible.

7 DR. MOORE: At the beginning of the game?

8 MR. BULLENS: Before the game.

9 DR. MOORE: Before the game?

10 MR. D. POWELL: This happened when we was  
11 leaving the school. He still was in uniform taking  
12 playoff pictures.

13 MR. BULLENS: Right. There was -- there  
14 was some activity, senior night or whatever, so they  
15 let him play -- dress. So at that point, the  
16 district's athletic director had not been afforded  
17 the information that Ms. Phillips was because of the  
18 phone call.

19 Then at the game -- or at the stadium,  
20 then they were -- Ms. Walter came up to Mr. Baker  
21 and said, "Hey, I think they're going to have an  
22 ineligible player," and that's when documents were  
23 brought up.

24 "He's eligible here. Look at this."

1 MR. D. POWELL: Even after that, before  
2 the game, yes, he was ineligible.

3 MR. BULLENS: But nobody -- nobody  
4 officially told Mr. Baker.

5 MR. D. POWELL: Mr. Baker had the report  
6 card too.

7 MR. PULLEN: I guess that's the concern.  
8 If you guys knew he was ineligible, why bring the  
9 report card to Mr. Baker?

10 MR. D. POWELL: I had no recollect until  
11 4:00. So I didn't know until 4:00. But even before  
12 that, why is the Belmont principal even looking at  
13 our kid's grades? Was that question ever asked?

14 MR. BULLENS: Yes.

15 MR. D. POWELL: What was the answer?

16 MR. BULLENS: That it was rumors around  
17 the school. It was brought to her attention.

18 MR. D. POWELL: Rumors around Belmont?

19 MR. BULLENS: Yes. Kids are going to  
20 talk.

21 MR. D. POWELL: That's neither here nor  
22 there.

23 DR. ROSS: Kids are always talking to --

24 MR. BULLENS: Right.

1 MR. D. POWELL: My thing is, the kid did  
2 not play until I got word. So if -- you can say I  
3 knew before the game. Okay. I knew the kid still  
4 wasn't playing. I didn't -- I didn't put him in the  
5 game until my -- my higher-ups gave me the word that  
6 he was good to go.

7 MR. BAKER: Who was your higher-up?

8 MR. D. POWELL: My higher-up was you -- or  
9 Coach Pullen by way of you.

10 MR. BAKER: By way of me?

11 MR. D. POWELL: I've been knowing this man  
12 16 years. I don't know. Why would I question him?  
13 Like I said, yeah, you can say I didn't know the  
14 rules. That's the way I was taught to calculate it.  
15 That's my red handwriting. I will put -- that's on  
16 me. His grade point average -- because if I'm not  
17 mistaken, you came in and said we're going by the  
18 state rule, 1.0. You never said anything about five  
19 quarter credits. So that's what I did. I  
20 calculated his grades, and it came out to a 1.4 or  
21 something like that. So that's that.

22 MR. PULLEN: His question -- and if you  
23 look at your records, I think it was asked when we  
24 were up here last time and it never did get



1 answered. I admit, I calculated it wrong. So Mark  
2 stated, as a building AD, I should know. I made a  
3 mistake. But I also went to him to see if this is  
4 right or wrong, was my calculations right or wrong.

5 That's still -- as of that moment, the kid  
6 hadn't been on the field. He got on the field  
7 because of the result of our conversation prior to  
8 the game starting. Like I said, when I left Mark's  
9 office, he gave him the thumbs up because of the  
10 calculation he wrote down and whoever he was talking  
11 to, he told me yes. He didn't say "yes" according  
12 to you because -- but anyway --

13 DR. ROSS: You saw what you identified to  
14 be a go-ahead?

15 MR. PULLEN: A go-ahead. So I went on the  
16 field. Like I said, the score was eight to nothing.

17 I said, "Darran, Mark said he was good."  
18 That's how he got on the field. That's how the  
19 incident of trying to throw the game started.

20 MR. BAKER: Let me ask you this, coach.  
21 If you're --

22 DR. ROSS: Mark, one second.

23 MR. D. POWELL: I'm tired of this.

24 MR. PULLEN: The fact is, like you all

1 stated to him last time we was up here, somebody  
2 said you -- you, with your training -- you're the  
3 district AD. You should have been able to see that  
4 right away. I'm human. I make mistakes. All ADs  
5 around here have made some type of mistakes in their  
6 job.

7 But when they go to their boss -- he can  
8 say I got all the experience. Yeah. I've been  
9 fortunate enough to be in that position. I've been  
10 there longer than you. But that doesn't mean you're  
11 supposed to be -- have it all. If I presented it to  
12 somebody else, somebody else could have looked at it  
13 and said, "Yeah."

14 DR. MOORE: Go ahead, and then I have a  
15 follow-up question for you, Mr. Baker.

16 MR. BAKER: Yes. In terms of Ms.  
17 Phillips, who is your direct report at the building  
18 level, sharing with you guys not to play a kid,  
19 I still had challenges with bringing something to a  
20 game to ask anyone when she told you guys that the  
21 kid was ineligible not to play him. The kid knew he  
22 was ineligible. His dad shared with us that he knew  
23 his son was ineligible. So what the -- what was the  
24 understanding behind that or the thought behind

1 still bringing a kid?

2 MR. PULLEN: Why did you go through the  
3 tap dance then?

4 DR. ROSS: Let's go back to the question.

5 MR. D. POWELL: I would say I brought it  
6 because it wasn't a definite. It was still in  
7 question. So that's why I brought the report card  
8 because, like I said, me and Ms. Phillips, we sat  
9 down.

10 We did tell him, "You might not be able to  
11 play this game."

12 I called his mom -- his mom was outside  
13 when he was getting on the bus and told him, "Yeah.  
14 You might not be able to play tonight."

15 He did not play until I got word because  
16 it was never -- I never got no -- I mean, I know she  
17 sent a message or something. I'm coaching the game.  
18 I don't have my phone on me. So when I got word  
19 that he was good to go, okay.

20 Like I said, I'm trusting my bosses at the  
21 end of the day. Now, what transpired between there,  
22 who knows. But like I said, I trusted my boss and I  
23 put him in the game. Now, before that, he didn't  
24 have his helmet or anything.

1 DR. ROSS: When Ms. Phillips made that  
2 comment to you about it, it was he may be ineligible  
3 or he is ineligible?

4 MR. D. POWELL: She said, "He may be  
5 ineligible for the night."

6 I can't say verbatim, but I will say it  
7 was nothing definite. It was nothing definite at  
8 all so --

9 DR. MOORE: Okay. Accepting that and  
10 accepting that you have questions and also accepting  
11 that there were mistakes made way back when the  
12 grading period ended and the calculation should have  
13 been made at that time, Mr. Baker, I know that  
14 calculating grades under 4-4-1 four-block scheduling  
15 is complex; and you're a relatively new  
16 administrator, certainly new to an administration  
17 that involves multiple high schools.

18 If you had any question in your mind  
19 whatsoever -- and apparently you did because you  
20 called on a colleague. You wouldn't call us because  
21 7:00, 8:00 at night, we are not in the office,  
22 although we are on our email. We can almost always  
23 respond to emails.

24 Why wouldn't you have just said to

1 Mr. Pullen, "Let's err on the safe side. Don't play  
2 him"?

3 MR. BAKER: Lesson learned.

4 The biggest mistake I made that night was  
5 I should have said, "I'm not dealing with this  
6 tonight. We'll deal with it on Monday."

7 That's the biggest lesson I learned from  
8 this whole situation.

9 DR. MOORE: That would have been a good  
10 lesson.

11 MR. BAKER: Absolutely.

12 MR. D. POWELL: That would have been  
13 perfectly fine too. We would have beat Belmont  
14 anyway.

15 DR. ROSS: He mentioned people made  
16 mistakes.

17 Mark said, "If I had a do-over, I'd do  
18 this."

19 MR. A. POWELL: He said this much when we  
20 were here -- he was very upset.

21 He says, "Tell me this, coach. How is it  
22 you don't know your point guard" -- we've played  
23 them in basketball -- "is not eligible?"

24 We -- we in deep, and we going to have to

1 do this. I got to report this.

2 I said, "Report it." I said, "But why did  
3 you give me the green light?"

4 And that's when you said, "My -- my" --

5 You told me Columbus made a mistake. Your  
6 mentor made a mistake, and he called you back.  
7 That's what you told me. I wanted to press for more  
8 at that time; but I was then given a directive to  
9 get over and get them calmed down. After two or  
10 three plays, whatever happened, Mr. Baker --

11 DR. ROSS: Did you see what happened?

12 MR. A. POWELL: Yes, yes. I was, in  
13 fact -- I was -- I was at the coach's bench at the  
14 time.

15 So Mr. Baker came back across when he seen  
16 this whole embarrassment taking place on the field  
17 and says, "Tell them to play to win the game. Just  
18 win the game. Just win the game."

19 That's when I turned around and I said,  
20 "Keep playing," just like that. I had said it when  
21 I was here before. This is painful for me. This is  
22 extremely --

23 DR. ROSS: I'm sure it is.

24 MR. A. POWELL: All I can do is tell the

1 truth. You never asked me do I think it was  
2 malicious? No. I think it was -- panic occurred  
3 and bull crap rolls downhill. Not only did I  
4 calculate and was worried about that, I was worried  
5 about any form of retaliation, if it's going to be  
6 an embarrassment on -- my district would be  
7 threatened.

8           It is stressful. It is stressful not even  
9 knowing if we were -- the work we've done with these  
10 kids, if we're in a position for next year, stuff  
11 all day. I know you didn't ask about that, but this  
12 stuff is getting collective. It is getting  
13 collective and it's -- it's just -- his name has  
14 been drug through the dirt. His name has been drug  
15 through the dirt, and we're the only one that's  
16 wrong in this. There were mistakes made from top to  
17 bottom.

18           The counselor should have never have  
19 placed an athlete, who we provided a list, too, in a  
20 class not once but twice -- but no one says anything  
21 about the counselor. A number of things is faulty.  
22 I know Mr. Baker came in to fix things because prior  
23 to this, I was working right by his side to get my  
24 experience on things that he wanted to -- to have in

1 place, you know.

2 In spite of hearing, "Oh, you guys are  
3 supposed to be gone. You've been here too long."

4 I didn't take that. I'm like, you know,  
5 well, people say things. I'm just going to do my  
6 job and let the community speak for itself and let  
7 the work speak for itself. So this is stressful.

8 I hope we have some resolution. I was  
9 very upset that I wasn't educated about my own  
10 district. I don't know how I'm not called in to  
11 give the evidence that -- or to make the statement  
12 that this is what Mr. Baker told me twice. I didn't  
13 say -- I'm not saying it was malicious or anything  
14 like that.

15 DR. ROSS: I don't think anybody on this  
16 side believes that anything was malicious. It was a  
17 group of mistakes that kept compounding the --

18 MR. A. POWELL: It was the perfect storm,  
19 Dr. Ross. We have an article in the paper. And the  
20 writer has taken liberty slamming things and -- sir,  
21 we catching heat saying, you know, we going to court  
22 and all that. We never made that statement. There  
23 was a retraction in the paper this big the next day.

24 DR. ROSS: Behind the cookie recipes.



1 MR. A. POWELL: Yes. Then we're told --  
2 excuse me. The superintendent says emphatically,  
3 supposedly, that Mr. Baker didn't make the  
4 statements. Now, I go to church.

5 You a liar.

6 I'm getting called from around the country  
7 for the capacity in which I work for other  
8 organizations like OHSAA doing character education  
9 in sports. I'm training coaches. I've been --  
10 I was speaking all across -- I was supposed to be at  
11 Wayne State the other day for District 3 Michigan's  
12 AD address keynote. I'm here. I'm here because  
13 I -- my desire was that we all got together and  
14 worked it out in Dayton. But for these two to have  
15 to catch the heat, for these two to have their  
16 contracts -- I can't say it's related to football,  
17 but it didn't look good.

18 MR. D. POWELL: It was.

19 MR. A. POWELL: It's just, you know,  
20 retaliation-type things, the little things. We need  
21 Mr. Baker. I currently have three Division 1 kids  
22 and five D-2 signing in our heavily recruited --  
23 they need the mentorship of the district AD to be in  
24 support. We have to hustle to get transportation

1 because we're going to Alabama.

2 I call my AD and said, "I got kids to  
3 Alabama this week."

4 We don't have a van. I just went through  
5 my church and got it done. What I'm saying is this  
6 has to stop. Prior to that, the relationship was  
7 great. We need to get back to being great.

8 DR. ROSS: You need to pull your team back  
9 together.

10 MR. A. POWELL: Yes, and my community.

11 DR. ROSS: You're right. It's going to  
12 take some time. But I think on our end of this  
13 piece, one of the most egregious things that could  
14 happen is what happened when you read that -- when  
15 you read that official's part of that piece, you  
16 start to question the integrity of what happens.  
17 That just can't happen. That just cannot happen  
18 because, as you're well aware, you all work with  
19 kids. You work with coaches. That can't be  
20 something that's tolerable, not anywhere. Not just  
21 in Ohio, anywhere across the country.

22 MR. BULLENS: Dr. Ross, I'm going to  
23 summarize just from my perspective -- I said it to  
24 everybody. I'm Switzerland. My office is tasked

1 with gathering everything. I apologize because --  
2 for not speaking with you because this is not a  
3 homicide case. Twenty-five years being a Dayton  
4 detective, I dealt with homicides that were less  
5 complicated than this.

6 DR. ROSS: This is a complex issue.

7 MR. BULLENS: That's the reason I knew it  
8 was to the point that when I interviewed the coaches  
9 and ADs, I recorded it because there was no way I  
10 was going to take copious enough notes to dignify  
11 what was said.

12 DR. MOORE: Which is why --

13 DR. ROSS: Which is why we do the same  
14 thing.

15 MR. BULLENS: I would have. So I  
16 apologize upfront. I use that statement -- this is  
17 not -- these are kids. This is an activity. This  
18 is not a homicide investigation. New athletic  
19 director, bottom line, mistakes were made by  
20 everybody. It's in right. I'm not going to  
21 reiterate because you've all seen what works.

22 Moving forward, great tradition, part of  
23 that great tradition. Mark was a graduate of  
24 Dunbar, came up at Ohio State. Even what they're

1 saying, they want to see the athletic director -- we  
2 needed to -- I was brought in four years ago to see  
3 a change in the district because things were so far  
4 out of line, they needed to bring in a professional  
5 to do that.

6 The same thing with Mr. Baker. I think  
7 this is an opportunity for lessons learned and stop  
8 pointing fingers and say, "Okay. Mr. Baker knows  
9 from this point on, okay, this is what you need to  
10 do."

11 "Coaches and athletic directors" --

12 No, no, no. Okay. They all need to be --  
13 I don't need to understand block schedules. I got  
14 enough to understand with the Ohio Revised Code.  
15 Here's what it is. Moving forward, the district and  
16 Mark Baker has placed some gaps -- some measures in  
17 place, checks and balances, that they can track  
18 students' eligibility long before they get it.

19 We're removing the student in the incident  
20 of ineligibility. This is the finger-pointing and  
21 this and that. In a phone call, I do that to my  
22 kids. I'm on the phone, "Hey, dad, can I go out  
23 tonight?"

24 "Give me a minute." (Motions.)

1           They're like boom.

2           "Where did you go?"

3           "Well, you said I could."

4           "No. I meant" --

5           So gestures, whatever, it is what it is.

6   What we need to do here is to move forward as a  
7   district, an athletic program in a high school --  
8   really, all of our high schools -- and the AD or the  
9   athletic director for the district putting his game  
10  plan -- this is my fourth year here, and I'm just  
11  seeing the titanic turn from what I inherited.

12           Mark has been here six months. He's not  
13  even got the ores in the water yet. You go that  
14  way. Could it have been made, communication?  
15  Absolutely. If Mr. Baker would have been  
16  definitively told by the principal that, no, he's  
17  ineligible, fine. There shouldn't have been any  
18  mitigating, arguing, what I call "shopping for an  
19  answer" until they got the one. They went shopping  
20  for an answer until they got the one that they  
21  wanted. He was confused.

22           So as it may be, that's the stance that I  
23  think that my investigation -- what we've come up  
24  with, that there's not a finger-pointing. They knew

1 the child was ineligible. We're beyond that.

2 Now it's the -- the -- I don't think  
3 anybody would purposefully say, "Throw that game."

4 It could have been conceived that, well,  
5 we did this. Mistakes were made on both sides on  
6 this as far as following up, but your timeline of a  
7 game -- kickoff is in five minutes. They got to  
8 hurry and start. Hindsight and foresight, I'm sure  
9 coach would have done it a whole lot different.

10 MR. D. POWELL: I just got an issue. You  
11 don't think that anybody would say, "Throw the  
12 game," but you never asked me that in my interview.

13 MR. BULLENS: Hang on. Have you seen a  
14 copy of the transcript?

15 MR. D. POWELL: I haven't.

16 MR. BULLENS: Okay. It was reported --

17 MR. D. POWELL: If you would have asked me  
18 to throw the game, I would have said yes. So I know  
19 you didn't ask me that.

20 DR. MOORE: Well, since none of you  
21 disputed the official's report --

22 MR. D. POWELL: How do you explain that?

23 DR. MOORE: That's exactly my question.

24 Are you trying to represent to me that the kids did

1 it by themselves?

2 MR. BAKER: No, no. Here is what I'm  
3 believing -- and I saw it happen, Dr. Moore. When I  
4 came out -- when I came out, I saw some kids doing  
5 anything that they wanted to on the field. What I'm  
6 assuming is that we had a coach tell their kids  
7 something at that particular time to force them to  
8 go into something like that. That's just my  
9 assumption.

10 I think Coach Powell, bigger Powell down  
11 there, kind of summed it up in terms of -- the  
12 bottom line of all of this is we have a student  
13 athlete ineligible. That's a concern. The same kid  
14 that I'm talking about is still ineligible to this  
15 day. That's a concern. Here's a kid that we  
16 have --

17 MR. D. POWELL: They kept him in gym  
18 class. They never took him out. The two times he  
19 asked, they never took him out.

20 MR. A. POWELL: The district is broken.

21 DR. ROSS: Let him finish, and then we'll  
22 move down.

23 MR. BAKER: Here's the bigger issue. The  
24 bigger issue is that we have a kid that's

1 ineligible, and he's still ineligible to this day.  
2 So what we've done, in talking to my superintendent  
3 and other people, we do some challenges within our  
4 district and certainly within our athletic  
5 department. What's I've worked on is correctable  
6 measure. It's not about he said this, she said  
7 this. Here's this correctable measure, you know.

8           As people talk about their personal  
9 experience, Dr. Ross, I almost didn't get to  
10 Ohio State. I'm serious about this thing about  
11 eligibility with kids. I was this close, not  
12 because I was dumb, not because I was stupid as a  
13 student athlete. I had adults around that didn't  
14 challenge me and hold me accountable. I could score  
15 40 points on the court and go to class and do what I  
16 want to do. This is the type of stuff that has to  
17 stop.

18           DR. ROSS: It does.

19           MR. BAKER: My thought is correctable  
20 measures.

21           DR. ROSS: I understand.

22           MR. BAKER: One of the things we're  
23 doing -- Ms. Price is coming down tomorrow to do a  
24 training. I've done some internal training for our



1 staff to make sure they know. We've put systems in  
2 place, early warning signs that not only myself  
3 would know but the coaches would know, the  
4 counselors, the ADs at the buildings, but also the  
5 parents and the kid will know exactly where they're  
6 at.

7 DR. ROSS: Well, I think that's  
8 tremendous; but that's probably part one. Part two  
9 is we got to figure out where we are with what  
10 happened after halftime because that part is the  
11 question, and I think putting those pieces in place  
12 are going to help, hopefully, keep everybody out of  
13 this situation down the road. We still need to  
14 probably ascertain -- I know it's a lot of pointing  
15 fingers, but we need to come up with something so we  
16 have a fairly good understanding.

17 MR. D. POWELL: I just know Principal  
18 Walter was in the same room and Ms. Phillips was in  
19 the same room. I can't tell you what they would  
20 say, but I know what I was told. Like I said, these  
21 aren't kids. Like, I don't get paid enough to --  
22 just to go out there and do whatever. I care for  
23 these kids. We travel and do all this.

24 We're on our way to the playoffs. I'm not

1 going to jeopardize anything. These kids are  
2 playing more film, more highlights for college  
3 coaches to look at against playoff teams.  
4 I honestly can say I feel like we had the talent to  
5 get to States; whether we would have won when we got  
6 there or not, there's no telling because we didn't  
7 get in.

8 Like I said, there's no point in me  
9 playing a kid that's ineligible when we're already  
10 beating the team and would have beat the team  
11 without him. Like I said, once he got the word, my  
12 thought process is I'm not going to just punish this  
13 kid if he's eligible. So, like I said, I played him  
14 because I got the word to play.

15 DR. ROSS: Is there anything else you  
16 would like to add?

17 MS. RONAI: If I could ask a real quick  
18 question, just in looking through Mr. Bullens'  
19 report, Melanie Walter, she said that, "Mark Baker  
20 looked up at the scoreboard and said the best thing  
21 that could happen for them would be that Belmont  
22 High School win the game."

23 Had Mr. Pullen or Mr. Powell have been  
24 around you at that time?

1 MR. BAKER: No.

2 MR. PULLEN: The halftime meeting, for  
3 whatever reason -- and maybe because I was busy  
4 because it was senior night and I had to pick up  
5 that --

6 MR. D. POWELL: I walked in --

7 MR. PULLEN: I wasn't in that halftime  
8 meeting.

9 MR. D. POWELL: I walked in on that  
10 meeting.

11 MS. RONAI: The reason I ask is just that  
12 she said Mr. Bullens followed up and asked, "How did  
13 you take that statement?"

14 She said, "The game wouldn't have to be  
15 forfeited if Belmont won is how I interpreted what  
16 Mark Baker said -- stated to me and just trying to  
17 put together the pieces."

18 I don't know if there was some sort of  
19 miscommunication of the statement that was heard,  
20 but I just didn't know who was around when that  
21 statement was made.

22 MR. D. POWELL: The same thing. I got out  
23 of the -- our conversation in the -- in his office.

24 MR. PULLEN: He was in there.

1 MS. RONAI: So you were in the office when  
2 that statement was made?

3 MR. D. POWELL: I don't know if it was  
4 that statement, but I know that's basically what was  
5 said. If Belmont won the game, you know, we  
6 wouldn't have to worry about it basically.

7 MR. PULLEN: The meeting was going on  
8 before you got in there.

9 MR. D. POWELL: Yeah. I walked in on the  
10 meeting. They didn't know I was coming. Like I  
11 said, I was seeing red when my uncle told me that.  
12 I just went straight to his office.

13 DR. ROSS: And that was at halftime?

14 MR. D. POWELL: That was at halftime. We  
15 had senior night that night. We came back, and I  
16 told the coaches what was going on. Ms. Phillips  
17 and Ms. Walter, I guess, were already in there; and  
18 when I walked in there, I was just looking for Mark.  
19 I didn't know they was already in there. So when I  
20 walked in there, they was already in there. That's  
21 when we had that --

22 DR. ROSS: Mr. Powell, anything else that  
23 you would like to --

24 MR. A. POWELL: Just some -- well, I

1 guess -- one of the things I did this year --  
2 because I no longer have it. The second time that  
3 Mr. Baker talked to me, I did record it. Sadly,  
4 I can't retrieve it. I don't know what happened. I  
5 only shared it with my attorney and one of, you  
6 know -- two other people.

7 I said, "I'm going to hold onto this just  
8 in case it gets this far."

9 That's why I kept trying to say this hurts  
10 me because I can't -- I could never say it was  
11 malicious, but the statements were said. I mean,  
12 "Just let Belmont win."

13 "So what do you want me to tell them?"

14 "Just if Belmont wins, we okay."

15 "What about Taft?"

16 "We okay."

17 Belmont -- now, maybe his interpretation  
18 about Taft was this five days but he didn't --

19 MR. BAKER: He didn't know about Taft.

20 MR. A. POWELL: He's saying now he didn't  
21 know about Taft. I don't know what else to say.  
22 I've been called a liar in the paper, in my  
23 community. I met with the superintendent. She  
24 asked what was my concern. I'm highly suspicious

1 that we're going to get a call from you guys and  
2 we're all going to be replaced in May when this  
3 thing is quiet and done with.

4 My alumni association, which Mr. Baker is  
5 a member of, is saying, "We don't want to see this  
6 enter fire, but we're going to stand by the truth."

7 When we watch the film on Dayton Public  
8 Schools and hear the commentators saying something  
9 is egregiously wrong in this football game --

10 DR. ROSS: Which is why we're here.

11 MR. A. POWELL: Okay. So that's basically  
12 what it is.

13 MR. D. POWELL: Tell them about the film.

14 When we actually got the film -- when we  
15 got the film and popped it in that next day, this  
16 whole sequence was gone. I don't know who cut it.  
17 I'm not saying he told anybody to cut it. I don't  
18 know what happened to it, but it was gone.

19 So we was waiting on the, you know, Dayton  
20 Public Schools programming to -- that streams it  
21 live to put it up. So when they put it up, I  
22 watched it. I don't know if it's still up or not,  
23 but I'm pretty sure you can get the tape.

24 You can hear the commentator say,

1 "Something is not right. This ain't the same Dunbar  
2 team that was just playing in the first half."

3 Something had to happen because you see  
4 all these kids -- the kids was crying and  
5 everything. It was hard. It was a very tough  
6 environment.

7 DR. MOORE: Sure.

8 DR. ROSS: As a coach, that would have  
9 been very difficult.

10 MR. A. POWELL: From the moment the  
11 quarterback comes into the game, you see the Belmont  
12 kids begin to celebrate on the sideline. In  
13 hindsight, we said -- somebody knew something.

14 MR. D. POWELL: We just know normally --

15 MR. A. POWELL: Coaches, everybody is  
16 giving them high fives. Everybody is just jumping  
17 on the sidelines at Belmont. They knew something.

18 MR. D. POWELL: Belmont and their coach,  
19 he changed his whole game plan. We got -- I had --  
20 I got a four-star receiver and another three --  
21 I had good receivers.

22 He told them, "I got a real good running  
23 back."

24 He put one in the box and one-on-one with

1 our receivers because he was -- basically, our  
2 quarterback wasn't going to play. He has that. If  
3 you watch any other previous games before when  
4 Coach Albright is coaching against Dunbar, it's  
5 always two over the top.

6 I mean, like I said, he knew he had good  
7 receivers. His whole game plan changed. So that's  
8 why I just felt like something wasn't right from the  
9 jump. Like I said, why she was ever looking at my  
10 grades? I don't know. I mean, I'm not going to ask  
11 her now. It's water under the bridge; but why that  
12 even happened, I have no idea.

13 MR. BAKER: My question is, why weren't we  
14 looking at the grades?

15 MR. D. POWELL: Oh, well, like I said, I  
16 looked at it; and I knew his grade point average,  
17 like I said, because I was going off the 1.0. If  
18 you go off the 1.0 rule, we had the 1.0 --

19 MR. BAKER: What's the 1.0 rule?

20 MR. D. POWELL: What you said that -- the  
21 one.

22 MR. BAKER: I didn't give a 1.0 rule.

23 MR. A. POWELL: It's two.

24 MR. D. POWELL: Okay. Well, in August, we



1 had a meeting; and he said we going by the State  
2 rule of 1.0.

3 MS. PRICE: We don't have a rule.

4 MR. D. POWELL: I know that now.

5 MS. PRICE: We have a grade point average.

6 MR. D. POWELL: I know that now. But, I  
7 mean, that's what was translated to us. I'm pretty  
8 sure everybody across the district probably got that  
9 same statement when they had their meeting with  
10 Mr. Baker as well, the 1.0 rule so we can get more  
11 kids involved.

12 MR. A. POWELL: In August, we was told  
13 too -- and it's not to blame Mr. Baker, but he was  
14 going to put a support system in --

15 MR. BAKER: The building level was doing  
16 that.

17 MR. A. POWELL: That didn't happen.

18 MR. BAKER: What they're saying is prior  
19 to me taking the job, DPS came to me with the 2.0  
20 rule. That was above OHSAA's five credits; and when  
21 I took the job, there was some conversation about  
22 how we were losing a lot of kids to other districts  
23 and that such.

24 So our ABC, we agreed that as long as

1 they're passing the five and they're -- in between a  
2 2.0, they could be eligible. But we had to put  
3 interventions in place, and each building level was  
4 supposed to put study tables and all these types of  
5 things in place to ensure that the student athletes  
6 was good in that regard.

7 DR. MOORE: Well, we could certainly help  
8 you with those strategies and certainly strategies  
9 for making sure that you understand how to determine  
10 compliance for scholarship. I know when Ms. Price  
11 comes down, she'll be talking about that quite a  
12 bit. That's part of our job, to support our  
13 schools, but --

14 MR. BULLENS: Coach Powell, did you -- in  
15 your interview, you were asked, "Is it fair to say"  
16 -- let's see here. I don't know what number you  
17 have -- I guess we should have numbered all of them.

18 It says, "Is it fair that you're saying  
19 your principal, who everybody in the building  
20 reports to her, said do not -- don't play him, then  
21 your building AD comes and muddies the water and  
22 says, 'He's good to -- good. Go ahead and play  
23 him'? Did you ever talk personally to Mark Baker,  
24 the district athletic director?"

1           Your answer was, "No. I have not talked  
2 with him personally since halftime."

3           MR. D. POWELL: This is our first  
4 conversation since halftime.

5           MR. BULLENS: Right. But what I'm saying  
6 is you were getting it from another party.

7           MR. D. POWELL: From him.

8           MR. BULLENS: Okay.

9           MR. D. POWELL: Well, here's the thing --

10          MR. BULLENS: You didn't have firsthand  
11 knowledge?

12          MR. D. POWELL: Yeah. I'm saying -- this  
13 isn't going from text messages or anything but --

14          MR. BULLENS: This whole thing has  
15 compounded because --

16          MR. D. POWELL: You never asked me did he  
17 say to throw the game. That's my whole thing.

18          MR. BULLENS: You're absolutely correct.  
19 I didn't ask that direct question because I wouldn't  
20 question your integrity. That was not part of the  
21 investigation.

22          DR. ROSS: I think the investigation was  
23 more geared toward the eligibility and how it  
24 occurred.

1 MR. BULLENS: Absolutely.

2 MR. D. POWELL: But then in the paper, he  
3 said he didn't say it to make us look bad. The  
4 superintendent said he didn't instruct us to throw  
5 the game.

6 DR. ROSS: Peter, anything else?

7 MR. PULLEN: Yes. I got to say this, you  
8 know. I care so much about this school, and I don't  
9 know --

10 DR. ROSS: I don't think there's anybody  
11 sitting here that doesn't love the school.

12 MR. PULLEN: I would do anything. What  
13 hurts me more than anything is the fact that, you  
14 know, I gave up my AD job, which that was going to  
15 be like my retirement gig once I got through  
16 coaching. So when I get called into my principal's  
17 office and she's going to reprimand me, I deserve  
18 that. She's going to put the thing in my sheet --  
19 in my jacket. That's fine. I had no problem with  
20 that because I made a mistake.

21 So we're talking and she says also, that,  
22 you know, I'm forced -- "I'm going to have to get  
23 rid of you." She didn't just say it right then and  
24 there, but she was telling me that she's going to

1 have to replace me. I had already -- was thinking  
2 about -- once a person lies, I'm pretty much -- my  
3 parents taught me if you lie, you cheat, you steal,  
4 you do anything.

5           So I was trying not to deal with that. So  
6 when my principal told me that, I already gave her  
7 my letter of resignation. I was going to have her  
8 sign right then and there on the spot. Like I told  
9 my wife, it's going to be hard for me to work for  
10 somebody that I don't trust and -- and I'm saying  
11 that all this would be above -- be cleared up,  
12 I think, if -- if people would just admit, "I made a  
13 mistake. I admit it."

14           "You made a mistake?"

15           "Yes. This happened. Let's fix it."

16           We're talking about blame. Then I clarify  
17 by going on and stating, "Well, I'm new at this.  
18 I'm this and that."

19           All I wanted to do is -- all you got to  
20 say is, "I was wrong," and let's go from there.

21           If you make a mistake on the basketball  
22 court, if you sit -- since he likes to do basketball  
23 now, do you sit there and pout? Or do you get your  
24 butt up and try to make up for it? That's all I'm

1 saying. We just need to be honest. We're sitting  
2 here with three people -- three people saying what  
3 happened, pretty much saying the same thing. If you  
4 go back and look at the records from last time we  
5 were up here, I don't think we deviated from that.  
6 That's -- that's all, man, you know. I care about  
7 the district. I care about my school. I care about  
8 Mark. All I'm asking is that the truth got to be  
9 said. Yes. Yes.

10 DR. ROSS: Mr. Bullens.

11 MR. BULLENS: I have nothing further to  
12 say.

13 DR. ROSS: Mark?

14 MR. BAKER: No. I -- I do love Dunbar  
15 too. I'm a Dunbar graduate. I had success --

16 DR. ROSS: So everybody sitting there  
17 loves Dunbar --

18 MR. BAKER: Absolutely. I don't --

19 DR. ROSS: -- even Mr. Bullens.

20 MR. BULLENS: Yeah.

21 MR. BAKER: The matter that we have in our  
22 district was prior to Mark Baker coming to DPS. We  
23 have some issues and some challenges, and those  
24 challenges have been going on for a long time. What

1 I've got in place -- I've tried to correct them and  
2 put some things in place, as I said.

3 All these conversations with these guys  
4 that won't the truth come out, won't it just happen,  
5 the truth is -- we should have started with the  
6 truth. We wouldn't be sitting here having this  
7 conversation. That's the thing that drives me, is  
8 we have a student athlete that we all -- that's the  
9 truth, we all failed to figure it out.

10 MR. PULLEN: I went to my boss --

11 MR. BAKER: We all --

12 MR. PULLEN: -- to get an answer --

13 DR. ROSS: Give him a second.

14 MR. BAKER: I think that we all failed to  
15 figure out his GPA, but the bigger thing, as I said,  
16 is that this -- you're talking malicious --

17 DR. ROSS: I don't think anybody has  
18 talked malicious.

19 MR. BAKER: We knew -- there was an  
20 understanding that this kid was ineligible. He's  
21 been having issues since the seventh grade. He's  
22 never completed -- he's never completed a full  
23 season since he's been a seventh grader. How do we  
24 not know that and we care about these kids and we

1 work with them and they're ours? How do we not know  
2 this?

3 DR. ROSS: I think you've identified  
4 there's some corrections in the system that need to  
5 be made.

6 DR. MOORE: What year in school is this  
7 young man?

8 MR. BAKER: He's a junior.

9 MR. D. POWELL: To say that we didn't  
10 know, I have asked plenty of times what we can do to  
11 get him eligible. Like I said, I've coached him  
12 since the seventh grade. This kid needs an IEP or  
13 something. He doesn't connect. He's not -- he's  
14 still not. Like I said, even after football season,  
15 he was still ineligible for basketball with the same  
16 situation.

17 He was still in gym. We said to get him  
18 out of gym two or three times. The mom and the dad  
19 came up to the school with the counselor and the  
20 principal, and they still didn't take him out of  
21 gym. That's how it is, you know. When a team loses  
22 a game, it's on the quarterback and the coach.  
23 I understand that. Like I said, I'm due for it.  
24 I'm fine with that.



1 DR. ROSS: If you win, you got great  
2 players.

3 MR. BAKER: Exactly.

4 MR. D. POWELL: So to say that we don't  
5 care about this kid --

6 MR. BAKER: I did not say --

7 MR. D. POWELL: I'm talking about in  
8 general. I'm not just talking about --

9 MR. BAKER: It wasn't a care -- here's  
10 where, again, as a district, we have issues. We  
11 have a challenge that I've identified. I think this  
12 was a situation brought to light that we have to  
13 fix, and we understand that; but the thing is, I did  
14 not give a directive. I mean, somebody assuming and  
15 said -- I did not give somebody a directive.

16 MR. A. POWELL: I love you, Mark, but you  
17 gave me a directive. If I misheard, I apologize;  
18 but we had two conversations. So, you know, I have  
19 to see you and work with you and, you know -- I love  
20 you.

21 MR. BAKER: I love you too.

22 MR. A. POWELL: I'm not going to change  
23 that statement because it's true, and I think my  
24 text proves that I was sending you my love the next

1 day. I told you to get over it. I said in that  
2 text we made a mistake, but we're going to get  
3 through it. But then this whole thing of, you  
4 know -- I hope that we can move on, but actions  
5 are -- there's something planned for us down the  
6 road that's not good.

7 MR. BAKER: Who is the planning from?

8 MR. D. POWELL: We don't know.

9 MR. A. POWELL: I think that's an offline  
10 conversation that we need to have.

11 MR. PULLEN: Let's --

12 DR. ROSS: That's something you guys have  
13 to deal with.

14 DR. MOORE: This is a little off topic,  
15 but I'm coming to you as an academic. I spent a lot  
16 of years as a college professor. Here's the thing  
17 with blocks. I'm looking at this kid -- forget the  
18 PE. You've got to take PE. If you're not going to  
19 give him credit for football or basketball -- which  
20 a lot of schools do now and get rid of that half  
21 credit -- he's in the equivalent of six courses, six  
22 academic courses in terms of the time that he's  
23 spending.

24 There's nothing wrong with his schedule.

1 Spanish, language arts, mathematics. But he's got  
2 some issues in language arts, so he may need some  
3 support and intervention. He's not doing very well  
4 in Spanish either. So there's nothing wrong with  
5 his schedule. You guys have to get on the ball and  
6 get some help and get those grades up. I wouldn't  
7 recommend adding another full credit course in a  
8 block for a kid that's --

9 DR. ROSS: He's got enough.

10 DR. MOORE: He's got enough. He just has  
11 to do what he has --

12 DR. ROSS: He has plenty.

13 DR. MOORE: He has plenty of classes.  
14 He's just not getting the support that he needs to  
15 succeed, and that's where you need to go. I know  
16 I'm talking to the wrong people. You care, but  
17 that's not for you. You're not providing the  
18 instruction for this kid.

19 DR. ROSS: Dr. Moore, anything else you  
20 would like to --

21 DR. MOORE: No. Thank you.

22 DR. ROSS: Mark, anything else you would  
23 like to add?

24 MR. BAKER: No.

1 DR. ROSS: Mr. Bullens?

2 MR. BULLENS: No.

3 DR. ROSS: Darran?

4 MR. D. POWELL: No.

5 DR. ROSS: You're biting your tongue off.  
6 You might as well speak.

7 MR. D. POWELL: We can go back and forth  
8 all day. It's just -- I mean, it's a messed up  
9 situation. Like I said, hopefully we can move  
10 forward. Like I said, this was our first  
11 conversation since October 29 and just as -- as  
12 someone that's working under you, I would just like  
13 the communication to be better. I would have loved  
14 to have heard from you that we wasn't going to be in  
15 the playoffs if we lose. I would rather our players  
16 and our parents have a conversation with the staff,  
17 the principal, and you.

18 MR. BAKER: Well, if you recall during  
19 that time, I was -- the investigation was going on,  
20 so I couldn't. Ms. Phillips --

21 MR. BULLENS: In all fairness, I gave him  
22 a direct order -- and I report directly to the  
23 superintendent -- "You do not discuss this with  
24 anybody." The investigation was not concluded.

1 MR. D. POWELL: Is it still going on?

2 MR. BULLENS: Oh, no.

3 MR. D. POWELL: When was it concluded?

4 MR. BULLENS: When?

5 MR. D. POWELL: It wasn't concluded  
6 yesterday, correct?

7 MR. BULLENS: Oh, absolutely not.

8 MR. D. POWELL: So, like I'm saying, we  
9 still have not had that conversation.

10 MR. BULLENS: We can talk --

11 DR. MOORE: But that's a communication  
12 that you guys need to have.

13 MR. D. POWELL: I'm just letting him know  
14 now because I'm going to talk again.

15 MR. BULLENS: November 16 would be when I  
16 set out my book.

17 DR. ROSS: Okay. So it's one of those  
18 that there's a communication piece that needs to --

19 MR. D. POWELL: Yeah. That's the only  
20 thing. I just hope the communication can open back  
21 up.

22 DR. ROSS: But you're asking -- you're  
23 part of all this. You got to vet these issues  
24 because you don't -- if you don't vet the issues,

1 you're never going to get past that. You need to --  
2 I think kind of open it up so you can close it up.

3 MR. A. POWELL: The superintendent has  
4 given me an opportunity to sit down in her  
5 boardroom, and she's given me one directive. We  
6 better come out of there with -- whatever we're  
7 doing together is right, our relationships. I've  
8 taken her up on it. We're just waiting to solidify  
9 the date. She's put it on me.

10 DR. ROSS: Is there anything else that you  
11 would like to add?

12 MR. A. POWELL: Pardon?

13 DR. ROSS: Anything else that you would  
14 like to add?

15 MR. A. POWELL: No. It's going to be what  
16 it's going to be. It's water under the bridge. I  
17 appreciate the opportunity to have vented and to --  
18 and to say that -- that what it is is what it is is  
19 what I said it is. I just didn't want these men --  
20 their integrity questioned. They have basketball  
21 jobs, just like -- it's just got to get better.

22 DR. ROSS: The team has got to pull  
23 together.

24 Kristin, what do you think?

1 MS. RONAI: I do have one follow-up  
2 question. The very last page in Mr. Bullens'  
3 summary report, you said, essentially, that the  
4 Dunbar coaches had submitted a letter of appeal to  
5 our office without the permission of either Crystal  
6 Phillips or Peter Pullen. Is that accurate?

7 MR. PULLEN: No.

8 MR. D. POWELL: I signed it.

9 MS. RONAI: I thought I saw the signatures  
10 on there, but I wanted --

11 MR. BULLENS: What she's asking you is did  
12 you have permission from Crystal Phillips to --

13 MS. RONAI: No. That --

14 MR. BULLENS: Oh, I'm sorry. Go ahead.

15 DR. MOORE: She's asking that --

16 MR. D. POWELL: Was he aware that --

17 DR. MOORE: Yeah. It says, "On Monday,  
18 October 31, 2016, or the weekend prior, the Dunbar  
19 coaching staff had written a letter of appeal to the  
20 Ohio High School Athletic Association without the  
21 permission of either Crystal Phillips or  
22 Peter Pullen and typed their names on the signature  
23 line."

24 I believe that I received that

1 correspondence from you. I just wanted to give you  
2 an opportunity to respond to that since you -- it  
3 conflicts --

4 MS. PRICE: This gives the impression  
5 that --

6 MR. BULLENS: They forged.

7 MS. PRICE: Yeah.

8 MR. BULLENS: But a lot of times,  
9 transmittal with the electronic, you have to send --  
10 when you send it, then it's follow up with the  
11 signature. We did -- I was not afforded the  
12 opportunity of that.

13 DR. ROSS: You didn't have one with a  
14 signature on it?

15 MR. BULLENS: That is correct.

16 DR. ROSS: The one, I think, we have has  
17 signatures on it.

18 MR. A. POWELL: That explains something to  
19 me. We signed it --

20 DR. ROSS: I was going to say -- I was  
21 wondering when I read that because the copy we had  
22 had both signatures on it.

23 Kristin, did you find out what you need?

24 MS. RONAI: Yes.



1 DR. ROSS: Kelsey?

2 MS. GOLEC: No.

3 DR. ROSS: Beau?

4 MR. RUGG: No.

5 DR. ROSS: Roxanne?

6 MS. PRICE: I think it needs to be  
7 adjudicated; and I would say, perhaps, you do that  
8 to the superintendent. We did get something from  
9 her via email, Dr. Ross did, on last Tuesday that we  
10 moved on from the situation and did an internal  
11 investigation. Again, we read that thinking that  
12 her impression of this meeting was where did we go  
13 wrong or where was the mistake made that an  
14 ineligible student participated?

15 We may have 30 ineligible students  
16 participate between one Board meeting and the next,  
17 and those infractions are always in the Board  
18 meeting minutes. It happens. It happens every  
19 season. We wouldn't have a job if it didn't happen.  
20 We try to educate our individuals and what have you,  
21 but this meeting was not about that student and the  
22 ineligible --

23 MR. BULLENS: I understand. I'll explain  
24 that to her.

1 DR. ROSS: You made a mistake. People  
2 make mistakes.

3 MR. PULLEN: I know.

4 DR. ROSS: Eligibility is something  
5 that -- that's why we have these two ladies. You  
6 mentioned something about shopping for the right  
7 answer, that used to happen here. So one of the  
8 things that we started 13 years ago, we took all the  
9 compliance decisions out; and these two ladies take  
10 care of all of them. So we've consolidated, and we  
11 know where it comes from. They see it every day.  
12 People make mistakes.

13 So, Peter, don't beat yourself over the  
14 head.

15 MR. PULLEN: It's over with.

16 DR. ROSS: Coach, people made mistakes.  
17 That's how you learn because if you don't make a  
18 mistake sometimes, you never, ever realize the kind  
19 of pieces that you need to put in place to get  
20 better.

21 MS. PRICE: We've had so many scholarship  
22 mistakes and things pointing to the counselor that  
23 we've even -- if you go through the scholarship  
24 bylaw, they'll say things like -- that we've changed

1 even on your guidance because -- the parents do, why  
2 their kid was ineligible.

3 MR. BULLENS: I think it's fair, and I  
4 think he reiterated that that -- that these four  
5 individuals here, they said it one way or the other.  
6 Given an opportunity to do it over, they would do it  
7 a different way, one way or the other. That's where  
8 we learn from.

9 MS. PRICE: My very first slide tomorrow  
10 will be, "Communication is The Key" because it  
11 always is, whether it's in a district, between  
12 districts, or from a district to the Ohio High  
13 School Athletic Association. I apologize to Mark  
14 because -- I mean, I made a concerted effort -- I  
15 think I've told Mark a couple times that I have a --  
16 this is my job. It's not my life.

17 There are times in the evening when I'm  
18 just not going to answer an email. If you put,  
19 "Very, very important" and I see it on my phone, if  
20 it's something that matters that night -- because  
21 I can't let it always interfere with my life.

22 MR. BULLENS: I wonder how that would work  
23 with the superintendent and myself.

24 DR. ROSS: What we are going to do is

1 we're going to take all the pieces from today and  
2 make some kind of decision. Number one, we believe  
3 this is extremely serious. I don't think there's  
4 anybody sitting on that side of the table that  
5 doesn't think it's serious also. We have to make a  
6 decision on how to deal with that because I'm going  
7 to be really honest with you, I've been in this 13  
8 years.

9 In how many years --

10 MS. PRICE: Twenty.

11 DR. ROSS: -- have you seen this?

12 DR. MOORE: Never.

13 DR. ROSS: I haven't either. It's  
14 probably going to be a very serious piece, but we  
15 had this conversation because we needed to hear what  
16 everybody had to say. So we'll put that piece  
17 together, and then we'll get together and forward  
18 that on.

19 DR. MOORE: We'll inform you and the  
20 superintendent as well.

21 DR. ROSS: We'll inform the superintendent  
22 with that decision when that comes out.

23 MS. PRICE: Again, we're focusing on the  
24 behaviors that transpired and not so much the

1 eligibility of this individual.

2 MR. BULLENS: So there's no-finger  
3 pointing and --

4 DR. ROSS: It's not finger-pointing. It's  
5 not finger-pointing because we're not here to throw  
6 anybody under the bus, you know. There was some  
7 finger-pointing or whatever. That's going to have  
8 to stop. We have to deal with what happened versus  
9 the "who" part of this because I think as a  
10 district, that probably makes more sense. If it  
11 goes and is shooting somebody individually or others  
12 individually, then you got two issues. You got to  
13 clean that part up, and then you also got to clean  
14 the thing -- whatever happens with the district. So  
15 this is probably, I would think, more toward the  
16 institutions versus individuals that are involved.  
17 Is that fair?

18 MR. PULLEN: Yes, sir.

19 DR. ROSS: Okay. Thank you. Be careful  
20 going back.

21 DR. MOORE: Thank you for your time.

22 - - -

23 And, thereupon, the hearing was concluded  
24 at approximately 3:00 p.m.