STATE OF ALABAMA
DEPARTMENT OF EDUCATION

Michael Sentance, J.D., LL.M.
State Superintendent of Education

MEMORANDUM

TO: Michael Sentance
State Superintendent of Education

Dr. Dee O. Fowler
Chief of Staff

Dr. Jeff Langham
Deputy State Superintendent of Education

FROM: Michael E. Meyer MEM
Office of General Counsel

DATE: June 6, 2017

RE: Final Report and Conclusions of Dr. Craig Pouncey Investigation

Pursuant to your directive that I investigate and provide conclusions regarding the anonymous ethics allegations levied against Dr. Craig Pouncey, I have examined the following data within the possession of the Alabama State Department of Education ("the Department"):

- Selected e-mails provided by Mr. David Pope, Chief Information Security Officer (CISO)
- Documents made available to me through the investigation process, and
- Interviews with and Deposition of CISO Pope

Based upon a thorough and deliberative examination and review, my conclusions are as follows:

- The three (3) Department attorneys (Juliana Dean, James Ward, and Susan Crowther) named in the Pouncey lawsuit, Case No. 03-CV-2017-900286.00 in the Circuit Court of Montgomery County, Alabama, were integral components in a scheme to malign Dr. Pouncey and prevent his selection as State Superintendent.

- Dr. Phillip Cleveland, as Interim State Superintendent, was aware of the scheme and actively participated and promoted in the furtherance of the scheme and objectives.

- State Board member Mary Scott Hunter actively and publicly furthered the theme that Dr. Pouncey had "ethics issues and problems" and, because of these issues and problems, would be difficult to hire as the new State Superintendent.

- A yet-to-be-named individual and source within the Department gathered certain e-mails from Dr. Pouncey's computer while he was employed at the Department. These e-mails were later used against Dr. Pouncey in a "cut and paste" manner during the anonymous disbursement within each Board Member's packet for the July 12, 2016 meeting.

- The evidence collected decisively established Dr. Pouncey's innocence and positively absolved Dr. Pouncey of any "ethical issue or problem." However, the discovery of Dr. Pouncey's innocence was concealed by Department Counsel Dean, Ward and Crowther as well as Dr. Cleveland and Ms. Hunter. Numerous parties and entities should have been notified of Dr. Pouncey's innocence immediately upon the undisputed conclusion that Dr. Pouncey had not plagiarized his doctoral thesis as alleged in the secret distribution and anonymous "cut and paste" e-mail allegations as contained within each Board member packet.

Factual History and Background for these Conclusions:

On July 12, 2016, the Alabama State Board of Education ("the State Board") assembled to consider the candidates for the position occupied by Interim Superintendent, Dr. Phillip Cleveland. At the meeting, a packet was left at the seat of each State Board member. The packet contained an assortment of "cut and paste" e-mails between former Department employees, Dr. Pouncey's doctoral academic advisor, Dr. Carol Dean, and a member of Dr. Pouncey's dissertation committee, Dr. Shelley Vail-Smith, regarding his thesis, including formatting, editing, and related activities. **(Exhibit 1)**. The clear and undeniable inference of the "cut and paste" correspondence was that Dr. Pouncey had used state employees on work time to draft his thesis. Also inferred from the packet was that Dr. Pouncey had Department employees to, in some part, write the thesis. Undoubtedly, substantiated and verified assertions like these would have disqualified Dr. Pouncey from the State Superintendent candidacy and very likely subjected him to discipline, including termination, from his current position as Superintendent of the Jefferson County School System.

Likewise, the dissemination of anonymous and unsubstantiated ethical allegations to legislators, State Board members, governmental bodies, news and media outlets, and the public at large would effectively taint Dr. Pouncey's credibility and candidacy to be selected as State Superintendent and further subject him to unwarranted scrutiny and suspicion as well as potential disciplinary action by the Jefferson County School Board.

The delivery of the anonymous packet to the State Board and its subsequent leaking to the media set in motion a series of unfortunate and entirely avoidable events. The State Department legal office, led by the General Counsel, pursued the investigation of the anonymous packet in a fashion and manner that implied it had known about the contents prior to the delivery of the packets to the State Board members. The correct way to investigate the packet would have been first to determine who had invaded and breached the security and integrity of Dr. Pouncey's computer, files, and e-mail communications, who had assimilated the "cut and paste" documents into a packet, and then who had placed the packets in the Board assembly room.

Moreover, a *proper investigation* would determine the validity of the allegations and, if credible, a recommendation by the State Superintendent, in conjunction with legal counsel, on reporting responsibilities to the State Board as well as compliance with state law including Code of Alabama § 36-25-17 (1975). By all reasonable appearances and logic, no investigation like this ever took place.

To the contrary, Dr. Pouncey was left to fend for himself in attempts to navigate the predicament and obtain resolution to clear his name. Although Dr. Pouncey refuted the anonymous allegations directly to General Counsel Dean on August 2, 2016 and requested on August 16, 2016 that Dr. Cleveland and General Counsel Dean conduct a complete investigation of the matter and report their findings, there is absolutely no evidence that either of them conducted a formal, fair, and competent investigation. **(Exhibit 2)**.

On or about July 20, 2016, Dr. Cleveland and General Counsel Dean summoned David Pope for a telephone conference with Mary Scott Hunter on General Counsel Dean's speaker phone. David Pope has provided sworn testimony that several of these meetings transpired during July-August 2016 with Dr. Cleveland, General Counsel Dean, and Mary Scott Hunter. Mr. Pope has testified that Mary Scott Hunter's demeanor, tone, and actions were very negative against Dr. Pouncey. She demanded that Mr. Pope conduct a computer search, as the departmental Chief Information Security Officer, for all e-mails and documents regarding the anonymous allegations. Mr. Pope testified that both Interim Superintendent Cleveland and General Counsel Dean were in favor of Mary Scott Hunter's demands and encouraged him to fully cooperate. General Counsel Dean further offered her assistance, including identifying search terms.

Mr. Pope confirmed on May 26, 2017 during sworn testimony that this was not a State Board request with Superintendent approval and departmental legal concurrence. This demand was strictly from a sole Board member.

At this time, CISO Pope became quite apprehensive and nervous due to the potential and, indeed, likely legal improprieties and repercussions in conducting this search as presented. Immediately thereafter, Mr. Pope checked with his brother, a practicing attorney, who advised that any computer search must be authorized, preferably in writing, by the State Superintendent with departmental legal review and concurrence, and certainly not at the verbal demands or suggestions of one State Board member. In addition, search parameters and terms would have to be provided and authorized. Mr. Pope testified that he sought this legal advice because he believed the actions and advice of the departmental General Counsel were suspect, unauthorized, and likely prohibited.

Shortly thereafter, on or about July 22, 2016, Dr. Cleveland directed that Dave Pope restore and collect all e-mails regarding Dr. Pouncey, Dean Murray, and Dr. Shannon Parks from August 2009 through November 2009, the date parameters as contained in the anonymous "cut and paste" e-mails.[1] Mr. Pope performed this task as directed and submitted these e-mails to Dr. Cleveland on a thumbdrive, with notification to General Counsel Dean, and retained an identical copy without examination.

Mr. Pope testified that he is unaware whether the contents of the thumbdrive were reviewed or if a final recommendation was made. His impression is that the thumbdrive contents and e-mails contained thereon did not substantiate or verify the anonymous allegations because Dr. Cleveland and General Counsel Dean did not pursue further action at that time or any time thereafter.

Moreover, Dr. Cleveland, in conjunction with General Counsel Dean, completely ignored Dave Pope's e-mail correspondence entitled "Pouncey Investigation Status" on August 22, 2016 to proceed with the investigation, including the collection and review, of the relevant e-mails directly pertaining to the allegations regarding Dr. Pouncey's doctoral thesis. **(Exhibit 3)**. In addition, on August 30, 2016, Mr. David Boyd, departmental outside legal counsel, advised General Counsel Juliana Dean, pursuant to Code of Alabama § 36-25-17 (1975), that the Interim State Superintendent, Dr. Cleveland, and herself as General Counsel must review the e-mails and documents as previously identified, obtained, and provided by Mr. Pope on July 22, 2016 and thereafter to determine whether credible information either indicated a potential ethical violation by Dr. Pouncey or, *conversely whether such documentation absolved and refuted these anonymous and alleged ethics violations.* **(Exhibit 4)**.

Mr. Pope confirmed by sworn testimony on May 26, 2017 that neither Dr. Cleveland nor the three departmental attorneys involved – Ms. Dean, Mr. Ward, and Ms. Crowther – ever followed through after his July 22, 2016 thumbdrive submission to them. Moreover, Dave Pope further confirmed that none of them acted upon his August 22, 2016 request to proceed with the investigation and collection of the referenced documents to determine whether a reportable ethical violation under § 36-25-17 had occurred or that no ethics violation was due to be reported under state law.[2]

Again, on September 1, 2016, General Counsel Dean acknowledged to Superintendent Cleveland that Dave Pope "has alerted us to the existence of certain e-mails that may shed light on the veracity or not of the allegations against Dr. Pouncey" as well as the potential reporting requirement under state law. **(Exhibit 5)**.

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[1] Dave Pope testified on May 26, 2017 that the anonymous "cut and paste" e-mails were akin to the ones prepared by the "Unabomber" – i.e. Ted Kaczynski – due to the sloppy, erratic, and novice appearance, format, and lack of context. Dave Pope made similar reference about the "cut and paste" e-mails before Senator Dial's Joint Investigative Committee.

[2] An examination of the referenced e-mails and attachments on the thumbdrive (as referenced in Mr. Boyd's August 30, 2016 correspondence to General Counsel Dean) sharpens the conclusion that Dr. Pouncey is innocent of the anonymous ethics allegations.

In this case, the named personnel were utterly silent and ignored their legal and ethical duties and responsibilities. Simply put, fundamental fairness demanded a competent investigation and answer. Neither an investigation nor an answer were forthcoming.

In addition, other evidence clearly establishes the complete lack of will and interest on behalf of Dr. Cleveland and the three departmental attorneys to conduct even a cursory investigation much less one that was fair, thorough, and impartial even when relevant documentation literally was placed within their midst. On or about July 2016, Dr. Dennis Coe delivered several boxes containing Dr. Pouncey's handwritten doctoral thesis on yellow pads, notes, research data, and related documentation personally to General Counsel Dean. These documents, doctoral notes, and research materials unequivocally verified that Dr. Pouncey drafted and submitted his doctoral thesis and properly earned his doctorate degree from Samford University.

Moreover, several pertinent individuals with direct knowledge of Dr. Pouncey's doctoral work vouched for his veracity and submitted signed statements on his behalf which were given to Dr. Cleveland and General Counsel Dean, amongst others. Ms. Dean Murray stated on July 26, 2016 that, "Dr. Pouncey wrote every word of his dissertation on a yellow legal pad. He would give me his handwritten notes and I would type them. The master file of his dissertation resided on my home computer for safety and security purposes. The completed and approved paper was electronically sent to a non-government ADA expert to correctly type, edit, and format to Samford University requirements." **(Exhibit 6)**.

Dr. Shannon Parks stated in pertinent part, the following: "For the record, I would like the board to know that I freely offered to read Dr. Pouncey's draft and share the process that is commonly followed in writing a dissertation. That is all. All Doctoral candidates have grammar editors. I certainly did. I was NEVER asked nor pressured in any way whatsoever to make suggestions or help. Further, I was not supervised nor evaluated by Dr. Pouncey while at the state department. Few individuals understand government and school finance and can write about it at the level required to acquire a doctorate as Dr. Pouncey did." Thus, Dr. Parks acknowledged Dr. Pouncey's unique expertise and knowledge of the subject matter and that it would not have been possible for someone other than Dr. Pouncey to write the thesis. **(Exhibit 7)**.

Likewise, Dr. Shelley Vail-Smith, a member of Dr. Pouncey's dissertation committee and Samford University professor for twelve years, stated in her August 9, 2016 letter that, "Our committee found both his written dissertation and his understanding of the subject to represent considerable expertise, certainly worthy of our endorsement." **(Exhibit 8)**.

Despite these first hand disclosures and direct knowledge of and access to the relevant e-mails and documents beginning on the July 22, 2016 thumbdrive submission, neither General Counsel Dean nor Dr. Cleveland displayed the professionalism, initiative, or fairness to acknowledge it to Dr. Pouncey, Senator Dial's Joint Investigative Committee, or the State Board members (except Mary Scott Hunter). On August 3, 2016, Mary Scott Hunter wrote to Juliana Dean (amongst numerous correspondence relating to Pouncey) acknowledging the doctoral and research work in the delivered boxes and admitted that,

"One thing that occurs to me is that if Dr. Pouncey kept his yellow legal pads where he wrote his desertion at least that part of the issue can be resolved." Interestingly, no one else was informed. **(Exhibit 9)**.

The three attorneys then continued to direct their concerted efforts and energy on a furious course to discredit Dr. Pouncey before the August 11, 2016 State Board meeting where the State Board of Education was to vote upon and select the next State Superintendent. In a memorandum dated July 22, 2016, Associate General Counsel, James Ward, wrote a memorandum to General Counsel Dean and Associate Attorney, Susan Crowther, in conjunction with submission to Mr. Dorman Walker, departmental outside legal counsel, outlining four ways that the legal staff could pursue an investigation of Dr. Pouncey. **(Exhibit 10)**. The central driving force behind which path should be chosen was the ***speed*** with which each could be undertaken and completed prior to the August Board meeting. In other words, the three departmental attorneys appeared to be determined to find the most destructive and expeditious method for discrediting Dr. Pouncey and completing their "investigation" in the shortest amount of time. Clearly, their intent was to obtain a quick result before the State Board vote and selection. Once again, only one Board member, Mary Scott Hunter, was informed. Ms. Hunter conducted correspondence with General Counsel Dean to accelerate and facilitate their objective.

On August 4, 2016, Mary Scott Hunter wrote to General Counsel Dean: "Juliana, I'll be disappointed if the Ethics Commission and Samford can't update the Board in advance of our vote on August 11." Moreover, on August 3, 2016, Ms. Hunter contacted General Counsel Dean and inquired, "Juliana, can you email me a copy of the original allegation? I gave my only copy to you." Less than ten minutes later, General Counsel Dean replied, "Mary Scott, Please find attached a copy of the complaint; the Ethics Commission has the original that you received." **(Exhibit 11)**.

Ultimately, the named individuals chose dual paths. The first path involved contacting Samford University and asking the administration of the validity of the thesis process. Succinctly stated, Samford University politely declined. The second path involved pursuing a course of action that would ultimately be the foundation for a smear and public relations campaign against Dr. Pouncey, including the decision to contact the Alabama Ethics Commission, a plea by Mary Scott Hunter for an immediate acknowledgement and response, and General Counsel Dean's hand delivery of the anonymous allegations to that entity on the same day. Tom Albritton, Executive Director of the Alabama Ethics Commission, stated at Senator Dial's Joint Investigative Committee that the Ethics Commission deviated from its customary practice and procedure and accepted the anonymous complaint allegations due to the emphatic and urgent request.

The State Board did not review or take action in response to the anonymous allegations under Board authority or by official action. The decision to contact and deliver the anonymous allegations to the Alabama Ethics Commission was done without Board knowledge, consideration, or review.

These actions by Mary Scott Hunter and General Counsel Dean set the stage for Mary Scott Hunter's blunt proclamation to various legislators, including Senator Dial, at a Business Council of Alabama conference in Point Clear on August 5-7, 2016 that Dr. Pouncey would have difficulty passing muster in the candidate selection process because of "ethics problems."

By late July and August 2016, with the documents and direct statements provided by Dave Pope, Chief Information Security Officer, Dr. Shelley Vail-Smith, the doctoral thesis committee member for Dr. Pouncey, and fellow departmental employees with first-hand knowledge of his dissertation work, the conclusion in this matter is inescapable and irrefutable: Dr. Pouncey was innocent of any ethic allegations and it was indisputable that his thesis work was completely his own. Herein lies the most egregious failure and clearest evidence of collusion and concerted action amongst Dr. Cleveland, Mary Scott Hunter, and departmental attorneys Dean, Ward, and Crowther. Rather than informing a variety of interested parties that Dr. Pouncey was innocent of all ethical allegations, they simply let the charges and unsubstantiated assertions hang in the air with no interest or desire to make a public declaration of Dr. Pouncey's vindication.

Numerous parties and entities were owed a final answer from Interim Superintendent, Dr. Cleveland, General Counsel Dean, and the others but none of them were interested in providing one. The incoming Superintendent, Michael Sentance, the State Board, the Alabama Ethics Commission, the two departmental employees with intricate and firsthand accounts, Samford University, the Senator Dial Joint Investigative Committee, the Jefferson County School Board, educators and administrators throughout the State, and, most of all, Dr. Pouncey himself were owed an honest, fair, and deliberative assessment and explanation of the Department's conclusions and his innocence. To date, none has been forthcoming which is a grave injustice. Succinctly stated, the five involved in this tawdry scheme covered up the conclusion that Dr. Pouncey was innocent of all ethical allegations and rightfully earned his doctorate.

There is no good conclusion to this for the Department. Most regrettably, these five participants have caused grave and serious harm and cast a major shadow on the veracity and credibility of the State Department of Education and the State Board of Education (through no fault of the majority) that still lingers to the present day.

Recommendation:

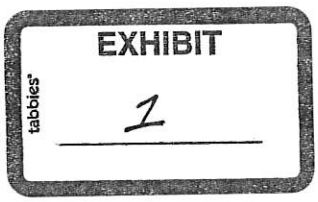
Pursuant to and in accordance with the State Board of Education Resolution **(Exhibit 12)** authorizing an investigation into the unauthorized and potentially illegal dissemination of confidential information and the State Superintendent's directive to investigate this matter, I recommend that this Final Report and Conclusions be forwarded to the State Board of Education.

Dear State Board Member,

As you make your decision about the next State Superintendent of Education, it is important that you are aware that Warren Craig Pouncey has previously violated Alabama Ethics laws during his tenure as Assistant State Superintendent of Education. Would you seriously consider a candidate that DID NOT write their own dissertation? Would you seriously consider a candidate that SUBMITTED to a state university the work of another and portrayed it as his own? Would you seriously consider a candidate that USED STATE EMPLOYEES during STATE WORK HOURS to write, edit, compile, review, and submit his doctoral work? The samples included only scratch the surface. Warren Craig Pouncey is not trustworthy and should not be considered for a leading educational position in our state.

Request his emails from the State Department of Education and you will find additional examples of him accepting meals, golf outings, and other things of value from vendors; examples of him circumventing bid laws to grant contracts to his "preferred" vendor; and finally of him breaking the REVOLVING DOOR law by hiring former superintendents, accountants, principals, and teachers to do the same or similar job without waiting the REQUIRED two years and then paying them through a company located outside of the state.

Would you seriously consider a person like this as a candidate for STATE SUPERINTENDENT OF ALABAMA? What cause have you to believe that he will act any different if he returns?



PERTINENT LAW

PERSONAL USE OF OFFICE – Section 36-25-5(a) states:

"No public official or public employee shall use or cause to be used his or her official position or office to obtain personal gain for himself or herself, or family member of the public employee or family member of the public official, or any business with which the person is associated unless the use and gain are otherwise specifically authorized by law. Personal gain is achieved when the public official, public employee, or a family member thereof receives, obtains, exerts control over, or otherwise converts to personal use the object constituting such personal gain."

Section 36-25-5(b) states:

"Unless prohibited by the Constitution of Alabama of 1901, nothing herein shall be construed to prohibit a public official from introducing bills, ordinances, resolutions, or other legislative matters, serving on committees, or making statements or taking action in the exercise of his or her duties as a public official. A member of a legislative body may not vote for any legislation in which he or she knows or should have known that he or she has a conflict of interest."

Section 36-25-5(c) states:

"No public official or public employee shall use or cause to be used equipment, facilities, time, materials, human labor, or other public property under his or her discretion or control for the private benefit or business benefit of the public official, public employee, any other person, or principal campaign committee as defined in Section 17-5-2, which would materially affect his or her financial interest, except as otherwise provided by law or as provided pursuant to a lawful employment agreement regulated by agency policy."

Section 36-25-5(e) states:

"No public official or public employee shall, other than in the ordinary course of business, solicit a thing of value from a subordinate or person or business with whom he or she directly inspects, regulates, or supervises in his or her official capacity."

CONTRIBUTIONS – Section 36-25-6 states:

"Contributions to an office holder, a candidate, or to a public official's inaugural or transitional fund shall not be converted to personal use."

Sent: Wednesday, October 21, 2009 10:08 AM
To: Murray Dean
Cc: Pouncey Craig
Subject: Timeline--Pouncey Dissertation-10.21.09
Attachments: Pouncey-Perceptual Differences School Funding-SP-10-21.09.doc

Importance: High

Dean:

Me too—awaiting "the Ansah!" I also have some small but important edits before he sends to the entire committee.

I have attached a version with today's date where I have made one edit on p. 51-highlighted.

May I suggest that you take THIS attached version, select all, copy, and paste IN FRONT of the correct Appendices so all the correct tables show up?

I am coming over with Keith to see about your Google account so you can access the surveys, and we can do all this together.

Do you get the impression they will let him walk in December? (I understood from the email that he must meet with his committee before sending out the survey, so they would need to come off the Nov. 6 deadline for him to walk in December.) After he gets the go-ahead to send out the survey (after meeting with the committee), he needs at least 3 weeks to send it out and get the responses, then analyze his data, and write Chapter 4. Chapter 5 will then take another 2 weeks.

SO it looks like he needs 5 weeks total to finish this puppy after he meets with his committee.

Great going!!!

Shannon

Shannon E. Parks
State Education Administrator
Technology Initiatives
Alabama Department of Education
334-242-9594 Office/334-353-5886 Fax
sparks@alsde.edu

From: Murray Dean
Sent: Tuesday, October 20, 2009 1:58 PM
To: Parks Shannon
Subject: RE: FINAL REVISION (Hopefully)

I was shocked at her email! I went in Mr. Pouncey's office and opened up his "sent" file and it was perfectly edited to her specifications. I'm anxious to hear from the missing Dr. Ansah!

From: Parks Shannon
Sent: Tuesday, October 20, 2009 11:14 AM
To: Murray Dean; shannon9554@gmail.com; Pouncey Craig
Subject: Re: FINAL REVISION (Hopefully)

Dean: What a relief. I watched you send the correct version!

I am so glad to be moving forward. I have some small but important edits before he sends to the entire committee.

----- Reply message -----
From: "Murray Dean" <dmurray@ALSDE.edu>
Date: Tue, Oct 20, 2009 10:19 am
Subject: FINAL REVISION (Hopefully)
To: "Shannon Parks" <shannon9554@gmail.com>, "Parks Shannon" <sparks@ALSDE.edu>

Shannnon,
I thought you would want to know what we sent Dr. Dean last Friday was the correct version. Evidently she opened up an old version. Dean

From: Kirkpatrick Elaine **On Behalf Of** Pouncey Craig
Sent: Tuesday, October 20, 2009 10:13 AM
To: Murray Dean
Subject: FW: FINAL REVISION (Hopefully)

From: Dean, Carol [mailto:cddean@samford.edu]
Sent: Tuesday, October 20, 2009 9:34 AM
To: Pouncey Craig
Subject: RE: FINAL REVISION (Hopefully)

I apologize, Craig. I don't know if I just opened the wrong document–I need to delete old versions. Chapter 1 looks good. Once Dr. Ansah is comfortable with chapter 3, send all chapters to your committee and begin the process for setting a date for defense of the first 3 chapters.
CD

From: Pouncey Craig [cpouncey@ALSDE.edu]
Sent: Monday, October 19, 2009 3:41 PM
To: Dean, Carol
Subject: FW: FINAL REVISION (Hopefully)

Dr. Dean,
I am forwarding to you the email and attachment I sent you last Friday afternoon with all your edits. Please let me know if you are not receiving the correct version. When I open the document, your edits are there. Thanks,

Craig

From: Pouncey Craig
Sent: Friday, October 16, 2009 5:13 PM

From: Parks Shannon
Sent: Friday, August 14, 2009 9:28 AM
To: Pouncey Craig
Subject: RE: Survey

Cell Phone--anytime day or night:

205.586.8871

(Ask Melinda! She will tell you that I am always reachable by cell.)

----Original Message----
From: "Pouncey Craig" <cpouncey@ALSDE.edu>
To: "Parks Shannon" <sparks@ALSDE.edu>
Cc: "Murray Dean" <dmurray@ALSDE.edu>
Sent: 8/14/2009 6:58 AM
Subject: RE: Survey

Shannon , Will you please e-mail me the exact wording of the four constructs the survey is intended to measure. Dean is going to lists them in the e-mail when she sends it out this morning. I will be in meetings all morning but should be back in the office this afternoon. thanks, Craig

---

From: Parks Shannon
Sent: Thursday, August 13, 2009 4:59 PM
To: Pouncey Craig
Cc: Murray Dean
Subject: Survey
Importance: High

Craig:

I have edited the survey based upon our discussion this morning. Please especially examine the Demographic part before sending on to the focus groups to establish content validity. Your three individuals (3 Superintendents and 3 Staffers is a decent number) should ensure the questions are clear and measure your four constructs IN THEIR OPINION. (If not, they need to edit them.)

I added 2 more demographic questions that will provide helpful information when it is time for you to analyze your data---let them look over these too.

I am also editing Chapters 1-3, especially 3, to reflect our discussion and for the sake of consistency.

Hope this helps!

Shannon

Shannon E. Parks
State Education Administrator

chapter 3 has changed, just mail us that chapter. Then you **don't** need to bring fresh copies to the defense unless one of your committee members asks you to do so.

This will be a formal defense; please be prepared with a PowerPoint presentation.

1. You should spend a little time reminding us of the purpose and need for your research and what it will add to the body of scholarly knowledge.
2. Tell us **briefly** the major points you gleaned from the literature--particularly the basis for your research questions and your survey.
3. Explain your methodology--participants, data gathering process, process for analysis.....

Your presentation to us should take **no more than 20-25 minutes.** Then we will ask you questions and make recommendations.

Please bring to the meeting all the forms and necessary documents for submitting to IRB. You can find documents and instructions on Samford's website. Then if your committee approves your moving forward, I can sign the form and we can submit to IRB. That will save you a lot of time.

I look forward to the 23rd.
Dr. Dean

From: Pouncey Craig [cpouncey@ALSDE.edu]
Sent: Sunday, November 15, 2009 6:47 AM
To: Dean, Carol
Cc: Shelley Vail-Smith; Ennis, Leslie
Subject: FW: Craig's Dissertation

Dr. Dean, It looks like Shelly and Les can make either the 23rd or the 24th . I"ll let you determine the specific date , time and location. I look forward to our meeting. What do I need to be prepared to address ? Do I need to bring anything other than my most recent revised copy , which incorporated Dr. Ansah 's final recommendations ? I look forward to hearing from you. Craig

---

From: Shelley Vail-Smith [mailto:svailsmith@blountboe.net]
Sent: Friday, November 13, 2009 1:04 PM
To: Pouncey Craig
Subject: RE: Craig's Dissertation

Craig,

I've been out of the office, but I have finally finished reading your latest draft. Please forgive my slow pace. I'm having some medical problems and have been at doctors' offices. (Nothing major - just disruptive to my schedule.) Anyway, I have made minor revisions and can bring it to you when we meet at Samford. It's looking really good. I know how excited you are about coming close to the end!

I actually have both of those dates open with nothing on them. So, just let me know what works for you.

Thanks!
Shelley

----Original Message----
From: "Pouncey Craig" <cpouncey@ALSDE.edu>
Sent: Thursday, November 12, 2009 12:09pm
To: "Dean, Carol" <cddean@samford.edu>, "Ennis, Leslie" <lsennis@samford.edu>, "Shelley Vail-Smith" <svailsmith@blountboe.net>
Subject: Craig's Dissertation

From: Parks Shannon
Sent: Friday, August 14, 2009 9:28 AM
To: Pouncey Craig
Subject: RE: Survey

Cell Phone--anytime day or night:

205.586.8871

(Ask Melinda! She will tell you that I am always reachable by cell.)

----Original Message----
From: "Pouncey Craig" <cpouncey@ALSDE.edu>
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Cc: "Murray Dean" <dmurray@ALSDE.edu>
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Craig:

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I added 2 more demographic questions that will provide helpful information when it is time for you to analyze your data—let them look over these too.

I am also editing Chapters 1-3, especially 3, to reflect our discussion and for the sake of consistency.

Hope this helps!

Shannon

Shannon E. Parks
State Education Administrator

PUBLIC CONTRACTS – Section 36-25-11 states:

"Unless exempt pursuant to Alabama competitive bid laws or otherwise permitted by law, no public official or public employee, or a member of the household of the public employee or the public official, and no business with which the person is associated shall enter into any contract to provide goods or services which is to be paid in whole or in part out of state, county, or municipal funds unless the contract has been awarded through a process of competitive bidding and a copy of the contract is filed with the commission. All such contract awards shall be made as a result of original bid takings, and no awards from negotiations after bidding shall be allowed. A copy of each contract, regardless of the amount, entered into by a public official, public employee, a member of the household of the public employee or the public official, and any business with which the person is associated shall be filed with the commission within 10 days after the contract has been entered into."

REVOLVING DOOR – Section 36-25-13 states:

"(a) No public official shall serve for a fee as a lobbyist or otherwise represent clients, including his or her employer before the board, agency, commission, department, or legislative body, of which he or she is a former member for a period of two years after he or she leaves such membership. For the purposes of this subsection, such prohibition shall not include a former member of the Alabama judiciary who as an attorney represents a client in a legal, non-lobbying capacity."

"(c) No public official, director, assistant director, department or division chief, purchasing or procurement agent having the authority to make purchases, or any person who participates in the negotiation or approval of contracts, grants, or awards or any person who negotiates or approves contracts, grants, or awards shall enter into, solicit, or negotiate a contract, grant, or award with the governmental agency of which the person was a member or employee for a period of two years after he or she leaves the membership or employment of such governmental agency."

"(d) No public official or public employee who personally participates in the direct regulation, audit, or investigation of a private business, corporation, partnership, or individual shall within two years of his or her departure from such employment solicit or accept employment with such private business, corporation, partnership, or individual."

"(e) No former public official or public employee of the state may, within two years after termination of office or employment, act as attorney for any person other than himself or herself or the state, or aid, counsel, advise, consult or assist in representing any other person, in connection with any judicial proceeding or other matter in which the state is a party or has a direct and substantial interest and in

From: Pope David A
Sent: Wednesday, July 20, 2016 8:50 AM
To: Pouncey Warren
Cc: Cleveland Philip; Dean Juliana
Subject: RE: Possible Data Breach

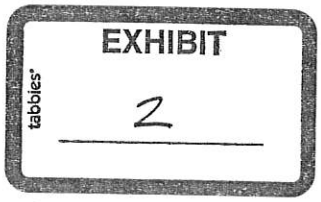
Dr. Pouncey,
Thank you for contacting me on this matter. I spoke with Dr. Cleveland this morning after I forwarded him a copy of your email. Dr. Cleveland asked me to inform you that we will look into this situation as soon as possible. We take data security very seriously here at the department.

David Pope
Chief Information Security Officer
Information Systems
Alabama Department of Education
334-242-9890

From: Craig Pouncey [mailto:cpouncey@jefcoed.com]
Sent: Wednesday, July 20, 2016 7:46 AM
To: Pope David A <dpope@ALSDE.edu>
Subject: Possible Data Breach

Dave, I am forwarding this attachment that was sent to me from a Superintendent who received it from a state board member. While I am not concerned about the baseless allegations it contains I am concerned about a possible breach in the data security that you have in place at the State Department of Education. I have no idea how emails from several years ago could be replicated unless somebody has been given unauthorized access to your network. As the departments Chief Security Officer, I wanted to make you aware of this possible security breach.
Thanks,
Craig

Warren Craig Pouncey, Ed.D.
Superintendent
Jefferson County Schools
2100 18th Street South
Birmingham, AL 35209
205-379-2000
www.jefcoed.com



From: Pope David A
Sent: Wednesday, July 20, 2016 8:06 AM
To: Cleveland Philip; Dean Juliana
Subject: FW: Possible Data Breach
Attachments: Dr. Pouncey (1).pdf

I received this email from Dr. Pouncey this morning.

David Pope
Chief Information Security Officer
Information Systems
Alabama Department of Education
334-242-9890

From: Craig Pouncey [mailto:cpouncey@jefcoed.com]
Sent: Wednesday, July 20, 2016 7:46 AM
To: Pope David A <dpope@ALSDE.edu>
Subject: Possible Data Breach

Dave, I am forwarding this attachment that was sent to me from a Superintendent who received it from a state board member. While I am not concerned about the baseless allegations it contains I am concerned about a possible breach in the data security that you have in place at the State Department of Education. I have no idea how emails from several years ago could be replicated unless somebody has been given unauthorized access to your network. As the departments Chief Security Officer, I wanted to make you aware of this possible security breach.
Thanks,
Craig

Warren Craig Pouncey, Ed.D.
Superintendent
Jefferson County Schools
2100 18th Street South
Birmingham, AL 35209
205-379-2000
www.jefcoed.com

WARREN CRAIG POUNCEY, ED.D.
CPOUNCEY@JEFCOED.COM

August 2, 2016

VIA ELECTRONIC MAIL

Juliana T. Dean, Esq.
General Counsel
Alabama Department of Education
5103 Gordon Persons Building
50 North Ripley Street
Montgomery, AL 36104-2101
(jdean@alsde.edu)

Re: Response to anonymous complaint

Dear Ms. Dean:

You have relayed a request made by a State Board of Education member for a written response to an anonymous and undated complaint alleging ethical improprieties on my part. The complaint has apparently been shared with Dr. Shannon Parks, a retired educational administrator who was formerly employed in the Department's Office of Technology Initiatives, and with Ms. Dean Murray, also retired from the Department and formerly employed in its Office of Finance. Both Dr. Parks and Ms. Murray have direct knowledge regarding the matters that are the subject of the complaint, and both have prepared an unsolicited response to the complaint, copies of which are attached. I refer you to their statements.

Putting aside questions about the motives and means by which the e-mails that were attached to the complaint were obtained, I welcome the opportunity to discuss any concerns or questions that are not fully addressed in the attached statements with any interested Board member and invite members to contact me directly for that purpose.

Respectfully,

Warren Craig Pouncey, Ed.D.

Encl.

From: Craig Pouncey <cpouncey@jefcoed.com>
Sent: Tuesday, August 16, 2016 5:08 PM
To: Cleveland Philip
Cc: yrichardson@alsde.edu; mcphersony@bellsouth.net; geralddial@yahoo.com; Dean Juliana
Subject: Investigation Requested
Attachments: Request for Investigation.pdf

Dr. Cleveland,
Attached is the request for an investigation that I referred to earlier in the week. Feel free to contact me if you have any questions.

Sincerely,

Warren Craig Pouncey, Ed.D.
Superintendent
Jefferson County Schools
2100 18th Street South
Birmingham, AL 35209
205-379-2000
www.jefcoed.com

CRAIG POUNCEY
1887 Pouncey Road
Highland Home, Alabama 36041-3826
(334) 868-9038

August 16, 2016

Dr. Phillip C. Cleveland
Interim State Superintendent of Education
Alabama State Department of Education
Gordon Persons Building, Room 5114
P.O. Box 302101
Montgomery, Alabama 36130-2101

Dear Dr. Cleveland,

I know that it's been a busy time, to say the least, for you at the Department. The last thing I want to do is to impede the transition process or to otherwise add to staff burdens. Nonetheless, I believe that the Department itself has an interest in gaining a complete and accurate understanding of the events related to the unauthorized procurement and circulation of emails that were sent and received on what should have been a secure account.

Accordingly, I request that you initiate an official investigation into this apparent breach of security and the related events as soon as possible. I request that the investigation include an inquiry into how the breach occurred, who was responsible, and how and to whom the emails and the related documents were circulated. Please also determine if my emails may have been released due to a public records request or a subpoena.

Lastly, I would like to know if we had an individual member of the State Board who was initiating actions on his or her own accord, without the knowledge and support of the majority of the Board, to direct the Office of General Council to resubmit the anonymous complaint. Furthermore, why did the individual Board member attempt to spread these unfounded allegations amongst legislative leadership?

Would you please share with me any accounts of these activities including any internal or external communications surrounding this issue? Please be assured that this request has nothing to do with the outcome of last week's vote. I believe that the Board acted and voted conscientiously in making its decision. I also hope that it goes without saying that the Department and Mr. Sentence will have my continuing support in advancing the cause of public education in this state. At the same time, I hope you can respect my desire to protect my reputation from future unwarranted attacks, in addition to protecting anyone else who finds himself or herself in this position in the future. It is important to me that this investigation and request for information serve to strengthen the integrity of departmental operations.

Thank you in advance for your consideration of this request.

Respectfully,

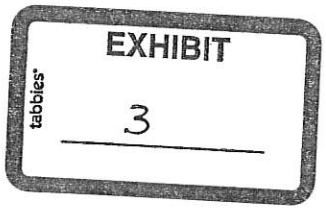
Warren Craig Pouncey, Ed.D.

cc: Senator Gerald Dial
Attorney General Luther Strange
Dr. Yvette Richardson
Julianna Dean, General Counsel

From: Pope David A
Sent: Monday, August 22, 2016 3:26 PM
To: Cleveland Philip; Dean Juliana
Subject: Pouncey Investigation Status
Attachments: Pouncey Email Investigation.xlsx

Per our conversations I have my team on standby awaiting search parameters from our board member. I have attached the spreadsheet listing the emails included in the letter by date and time. In order to have all the emails in the letter you would have to have access Dr. Pouncey's and Dean Murray's emails back in 2009.

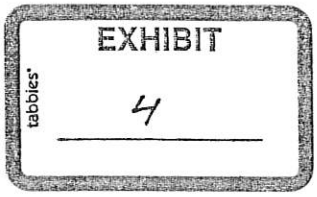
David Pope
Chief Information Security Officer
Information Systems
Alabama Department of Education
334-242-9890



From	TO	CC	Sent	Time	Subject
Parks Shannon	Pouncey Craig	Murray Dean	13-Aug-09	4:59 PM	Survey
Parks Shannon	Pouncey Craig	Murray Dean	13-Aug-09	4:59 PM	Survey
Pouncey Craig	Parks Shannon	Murray Dean	14-Aug-09	6:58 AM	RE: Survey
Parks Shannon	Pouncey Craig		14-Aug-09	9:28 AM	RE: Survey
Parks Shannon	Pouncey Craig		14-Aug-09	9:28 AM	RE: Survey
Pouncey Craig	Dean, Carol		19-Oct-09	3:41 AM	FW: FINAL REVISION (Hopefully)
Dean, Carol cddean@samford.edu	Pouncey Craig		20-Oct-09	9:34 AM	RE: FINAL REVISION (Hopefully)
Kirkpatrick Elaine on behalf of Pouncey Craig	Murray Dean		20-Oct-09	10:13 AM	FW: FINAL REVISION (Hopefully)
Dean Murray	Shannon9554@gmail.com, sparks@alsde.edu		20-Oct-09	10:19 AM	FINAL REVISION (Hopefully)
Parks Shannon	Murray Dean, Shannon9554@gmail.com, Pouncey Craig		20-Oct-09	11:14:00 AM	RE: FINAL REVISION (Hopefully)
Pouncey Craig	Parks Shannon		20-Oct-09	1:58:00 PM	RE: FINAL REVISION (Hopefully)
Parks Shannon	Murray Dean	Pouncey Craig	21-Oct-09	10:08:00 AM	Timeline-Pouncey Dissertation 10.21.09
Pouncey Craig	Dean Carol, Ennis Leslie, Shelley Vail-Smith		12-Nov-09	12:09 PM	Craig's Dissertation
Shelley Vail-Smith svailsmith@blountboe.net	Pouncey Craig		13-Nov-09	1:04 PM	RE: Craig's Dissertation
Pouncey Craig	Dean, Carol	Shelley Vail-Smith, Ennis Leslie	15-Nov-09	6:47 AM	FW: Craig's Dissertation

Same EMAIL
Dr Pouncey did not receive.

From: Boyd, David <DBOYD@balch.com>
Sent: Tuesday, August 30, 2016 5:06 PM
To: Dean Juliana
Cc: Walker, Dorman
Subject: Potential Sec. 36-25-17 Reporting Requirement



Juliana:

In the course of several recent discussions we've had about the controversy surrounding certain accusations that Dr. Craig Pouncey may have mis-used Department resources for personal purposes, we have taken a look at a possible legal obligation that Dr. Cleveland, the acting State Superintendent, may have, as well as a professional responsibility that you, as the Department's General Counsel, may have. Let me explain.

I understand that the Department's Chief Information Security Officer (CISO) has personally advised you as well as Dr. Cleveland that he has identified certain archived emails or other documents that may shed light on the veracity or not of the allegations against Dr. Pouncey. These documents include the emails that were recently made public by an anonymous source, but also include new, additional documents. I further understand that all those documents are being maintained and that there is a legal hold in place.

A provision of Alabama's Ethics Law, Ala. Code § 36-25-17, requires the head of any state agency (in this case the State Superintendent) to report to the Ethics Commission any matter that comes to his attention in his official capacity that may constitute a violation of the Ethics Law.

The Commission already has the documents that were anonymously disclosed earlier this month. Because you as General Counsel, along with Dr. Cleveland, have since been alerted to the existence of additional documents that could be relevant to a possible Ethics Law violation, you should consider whether you have a professional obligation to advise the acting superintendent of his potential reporting obligation under § 36-25-17.

I suggest you consider this course of action: You would have a preliminary discussion with Dr. Cleveland and advise him of the overall situation, including the § 36-25-17 reporting requirement. He would presumably direct you or your designee to undertake a review of the documents located by the CISO, including the previously disclosed documents as well as any additional documents that may be pertinent. You or your designee would then report the results of your document review to Dr. Cleveland, and a decision would be made as to whether the documents, taken as a whole, suggest a possible violation of the Ethics Law, such that a report under § 36-25-17 is required. That report, of course, is by law to be made by or at the direction of the agency head, not at the direction of the agency head's legal counsel. In other words, the decision whether to report is for the agency head, presumably with advice of counsel.

Finally, let me add a point in case there might be any misunderstanding of the significance, or lack thereof, of the fact that the Pouncey-related emails that surfaced recently were from an anonymous source. Whether receipt of documents or information from an anonymous source could trigger a reporting obligation under § 36-25-17 is irrelevant here. The CISO has confirmed the existence in the Department's records of certain documents that may be relevant to a potential violation of law. It is <u>that</u> information, not the earlier anonymous distribution, that prompts the need for further investigation, evaluation, and potential reporting under § 36-25-17.

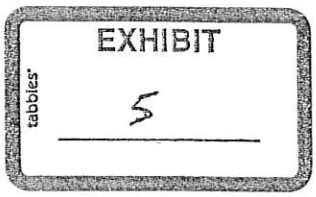
I am available to discuss this matter as needed. I emphasize that in no way am I suggesting that Dr. Pouncey has violated any law. This is a matter of the agency head's statutory compliance and your discharge of your professional responsibility to your client.

Dave Boyd

BALCH
& BINGHAM LLP

David R. Boyd, Partner, Balch & Bingham LLP
1901 Sixth Avenue North • Suite 1500 • Birmingham, AL 35203-4642
t: (334) 269-3132 f: (866) 783-2739 e: dboyd@balch.com
www.balch.com

From: Dean Juliana
Sent: Thursday, September 1, 2016 9:54 AM
To: Cleveland Philip
Subject: Potential Reporting Requirement



Dr. Cleveland,
Good morning. As you are aware, Dave Pope has alerted us to the existence of certain e-mails that may shed light on the veracity or not of the allegations against Dr. Pouncey. Although we have not seen the e-mail messages at this point, there may be a reporting requirement under Alabama Code section 36-25-17 (copied below). I would like to discuss this with you; please let me know when you are available at your earliest convenience.
With best regards,
Juliana

Ala. Code 1975 § 36-25-17

§ 36-25-17. Reports of violations; cooperation of agency heads.

(a) Every governmental agency head shall within 10 days file reports with the commission on any matters that come to his or her attention in his or her official capacity which constitute a violation of this chapter.

(b) Governmental agency heads shall cooperate in every possible manner in connection with any investigation or hearing, public or private, which may be conducted by the commission.

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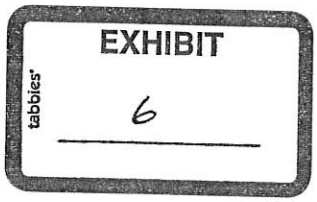
ATTORNEY WORK PRODUCT

Juliana T. Dean
General Counsel
Alabama State Department of Education
Tel.: 334-242-1899
Fax: 334-242-0982

Memorandum



To: Alabama State Department of Education Board Member
From: Dean Murray
Retired, IT Specialist
Date: July 26, 2016
Re: Candidate, Dr. Warren Craig Pouncey

Regarding the emails circulating attempting to create a negative impression of Dr. Pouncey, I am compelled to, from my knowledge, clear the inaccurate statements contained in these emails.

The unidentified person who gave you this inaccurate information claims that Samford is a state university. We all know that it is a private institution. So why should we give him/her any credibility to judge Dr. Craig Pouncey?

Since I was Dr. Pouncey's primary dissertation typist, I know that the following statement I make to you is true and correct.

Dr. Pouncey wrote every word of his dissertation on a yellow legal pad. He is a one-finger typist! He would give me his handwritten notes and I would type them. The master file of his dissertation resided on my home computer for safety and security purposes. Yes, it is true that I emailed the draft document to Dr. Pouncey from my home computer to his office. By transferring, this file did pass through the SDE email server. It is true that during the day if there was a quick minor edit I would make that change to the document. To Dr. Pouncey's outside editor I also would send a copy of the draft to her personal email account. To be very clear, the information below is to clarify and contradict the following points:

1. Dr. Pouncey wrote every word of his dissertation
2. I typed the draft on my home computer
3. The document was transferred from my home through the SDE Email server to Dr. Pouncey's desk computer
4. The draft was emailed sometimes from my office or Dr. Pouncey's office, to his outside editor as well as to Dr. Dean and Dr. Ansah at Samford.
5. Finally, the completed and approved paper was electronically sent to a nongovernment ADA expert to correctly type, edit and format to Samford University requirements.

To the comments made in paragraph 2. Absolutely no contracts were awarded without either an invitation to bid (ITB) or request for proposal (RFP). There were situations that required large amounts of money to be awarded. Legally these awards could have been awarded through an RFP. But to eliminate any doubt of fairness or legality we would issue a bid. For example, STI was awarded through competitive bid process and the contract approved by legislative oversight committee.

I am not aware of any special accommodations made to Dr. Pouncey. Golf activities and meals provided by vendors were approved by the State Ethics Commission for conferences.

Finally, the unnamed individual submitting this information obviously has no knowledge of the state required intervention program. This program was designed to assist school districts who were under financial or academic intervention because of consistent low test scores or not having a two month financial reserve. The State Retirement System approved the hiring of retired administrators, chief financial officers, teachers, etc. to be hired and placed in school districts under intervention. The personnel placement company was selected through competitive bid and was approved by legislative oversight committee. Again, this process had been previously awarded through RFPs. Dr. Pouncey determined that an ITB should be done for accountability sake. He is a believer that the actions of the SDE always be transparent.

It is my hope that Dr. Warren Craig Pouncey be unanimously appointed as State Superintendent. There could be no better choice of one who knows Alabama schools and their needs better than he. After all, he was tutored and mentored by Mr. Robert Morton. During Mr. Morton's final days at the SDE I remember him counseling Dr. Pouncey to "always be good to our schools and help them all you can." And he did during his tenure at the SDE. Thank you.

State Board of Education Members:

I am writing this letter to let you know that I recently received copies of emails that I sent to Dr. Pouncey in 2008. They were accompanied by a letter alleging that someone else wrote Dr. Pouncey's dissertation.

For the record, I would like the board to know that I freely offered to read Dr. Pouncey's draft and share the process that is commonly followed in writing a dissertation. That is all. All doctoral candidates have grammar editors. I certainly did. I was NEVER asked nor pressured in any way whatsoever to make suggestions or help. Further, I was not supervised nor evaluated by Dr. Pouncey while at the state department.

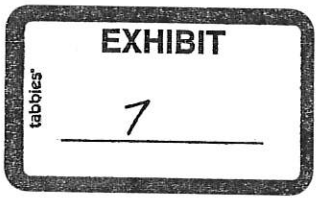
Finally, with the exception of maybe meeting with him a few times, and sending some emails, what few suggestions I did make were after hours and on my own time.

I AM concerned that someone would be able to acquire government emails without an affidavit. It had to be someone with quite a bit of authority and power. That individual in my view should be discovered and questioned by legal authorities. Not only is that an ethics issue involving abuse of power; In my view, using illegally acquired emails out of context to defame someone reveals more about that perpetrator than anything they are alleging about Dr. Pouncey.

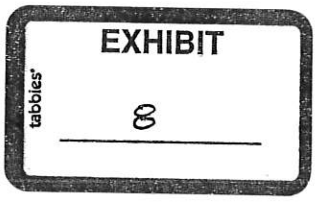
Please know that I am retired now and have nothing to gain or lose by sharing these facts. Few individuals understand government and school finance and can write about it at the level required to acquire a doctorate as Dr. Pouncey did. I have no expertise in these areas and certainly did not author someone else's dissertation.

Respectfully,

Shannon Parks



1008 Grandview Trail
Warrior, AL 35180
August 9, 2016



Dear State Board Members:

Having seen the article in today's Alabama Political Reporter regarding Dr. Pouncey and allegations regarding his character, especially in regard to the authorship of his dissertation, I feel compelled to speak on his behalf. As a member of his dissertation committee in 2010, I was a part of the process that he went through. I participated in the entire process of his writing the dissertation, as did the other committee members. In my opinion, it would have been impossible for anyone else to have written any part of this for him.

As an adjunct professor for Samford University for the past twelve years, I have served on numerous dissertation committees, so I am very familiar with this process. For those who are unfamiliar with what a dissertation is, it is original research. Dr. Pouncey's topic, which related to the legislature and funding of Alabama's public schools, was directly related to his job at the time and was unique. It was a difficult topic, one with little research available. Few others in the state or country had the background knowledge or understanding to have written this.

We met face-to-face with Dr. Pouncey on numerous occasions, guiding him through selecting his topic, posing research questions, determining the methodology, refining the focus, analyzing his research findings and summarizing the conclusions. The completion of a dissertation is not easy, and as with every other person that I have ever worked with in this process, he had to work diligently to complete this. As a culmination of the highest degree a university bestows, committees take the quality and integrity of the dissertation and the process very seriously. I personally take great pride in helping people achieve this level of success; however, it is never easily achieved.
Having read Dr. Pouncey's dissertation numerous times, I can assure you that it reflected the immense depth of knowledge of what he had researched and learned. Candidates then must defend the dissertation orally, answering comprehensive questions on the subject. It is up to the committee to determine whether to approve the work and recommend that the dissertation be considered as part of the fulfillment of the doctoral degree. Our committee found both his written dissertation and his understanding of the subject to represent considerable expertise, certainly worthy of our endorsement.

I know Dr. Pouncey to be an honest man who cares deeply about educating children, and as someone who has devoted his professional career to improving the lives of students across the state, especially those from our poorest areas.

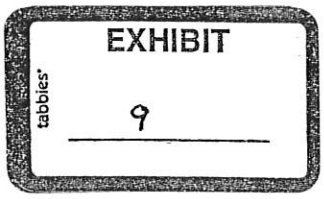
Although I currently serve as the Executive Director of Limestone County Schools, and as an adjunct professor at Samford University, I am not writing this letter in my official capacities or roles, but rather as an Alabama educator and parent who has dedicated her life to furthering

the education of the children of Alabama. I hope that the politics that would prompt people to act in such an unprofessional way as to slander a candidate's good name be resolved and that your decision be unaffected by such tactics. So much rests in your hands, and I know that you will do your best to make the decision that is right for our state, our families, and our children.

Sincerely,

Shelley Vail-Smith, Ed.D.
(205) 515-8390

From: Mary Scott Hunter <hunter@maryscotthunter.com>
Sent: Wednesday, August 3, 2016 11:44 AM
To: Dean Juliana
Subject: Re: requested letter.



Juliana,

Can you email me a copy of the original allegation? I gave my only copy to you.

One thing that occurs to me is that if Dr. Pouncey kept his yellow legal pads where he wrote his dissertation at least that part of the issue can be resolved.

Thanks,
msh

Mary Scott Hunter

Representative, Alabama State Board of Education
www.MaryScottHunter.com

From: Dean Juliana <jdean@ALSDE.edu>
To: Board Members <BoardMembers@ALSDE.edu>
Cc: Cleveland Philip <pcleveland@ALSDE.edu>
Sent: Tuesday, August 2, 2016 1:14 PM
Subject: FW: requested letter.

Forwarding –
With best regards,
Juliana

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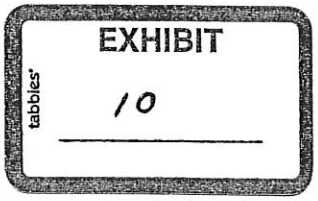
ATTORNEY WORK PRODUCT

Juliana T. Dean
General Counsel
Alabama State Department of Education
Tel.: 334-242-1899
Fax: 334-242-0982

Sent: Friday, July 22, 2016 9:18 AM
To: Walker, Dorman (DWALKER@balch.com)
Cc: Ward James
Subject: FW: Memo re investigation
Attachments: Memo re Pouncey.docx; Conducting an Internal Investigation.pdf

Dorman,
Good morning. We would appreciate your review so that the three of us can discuss at a later time.
With best regards,



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ATTORNEY WORK PRODUCT

Juliana T. Dean
General Counsel
Alabama State Department of Education
Tel.: 334-242-1899
Fax: 334-242-0982

From: Ward James
Sent: Friday, July 22, 2016 9:12 AM
To: Dean Juliana <jdean@ALSDE.edu>
Cc: Tudor Crowther Susan <scrowther@alsde.edu>
Subject: Memo re investigation

Hi Juliana,

Here is my memo about Pouncey and the attachment. I made a few changes since printing the hard copy. I'll bring a new hard copy to you shortly.

Best regards,

James

Philip C. Cleveland, Ed.D.
Interim State Superintendent of Education

STATE OF ALABAMA
DEPARTMENT OF EDUCATION
OFFICE OF GENERAL COUNSEL

Juliana T. Dean, LL.M.
General Counsel

Associate General Counsel
Darnell D. Coley
James R. Ward III
Susan Tudor Crowther
Michael E. Meyer

Confidential Attorney-Client Communication and/or Attorney Work-Product

July 22, 2016

MEMORANDUM

TO: Juliana T. Dean
General Counsel

FROM: James R. Ward III
Associate General Counsel

RE: Recommendations concerning the allegations about Dr. Craig Pouncey

1. Because of the short amount of time between now and the date that the State Board of Education plans to select a State Superintendent, I think it is wise to make certain options clear to Dr. Cleveland and possibly the State Board members in regard to the allegations that were recently made by an anonymous party about Dr. Craig Pouncey.

2. The available options include:
   a. Relying upon the Alabama Ethics Commission to conduct an investigation into any alleged improprieties.
   b. Requesting Samford University to conduct an investigation into any alleged improprieties concerning Dr. Pouncey's academic work as part of his doctorate program.
   c. Employing an outside party to facilitate an investigation into the allegations.
   d. Requesting Dr. Pouncey to respond to the allegations.

3. I recommend options c and d for several reasons.
   a. First, the Alabama Ethics Commission will not necessarily operate within the time frame necessary for the State Board members to make a decision by August 11th.
   b. Second, even if the allegations were true, it is possible that the State Ethics Commission will not investigate some or all of them. This is because, under Ala. Code § 36-25-27 (1975), any criminal prosecution for the violations of the state ethics laws by a public official or employee must commence within, at most, four years after the commission of the offense. It is also possible that the State Ethics Commission will resolve the matter without sharing the details of their investigation with the State Board. Therefore, the State Board may wish to independently learn whether there is any truth to the allegations.
   c. The third reason for this recommendation is that, according my conversation with Clark Watson, Samford University's General Counsel, the University does not have an established mechanism for handling allegations of this sort after someone has graduated.

4. Using option c would allow someone to do, at least, some minimal investigation into the allegations in time for the State Board members to make a decision on August 11th. Although Dr. Pouncey no longer works at the Department, the allegations against him refer to a time when he was employed here. An outside party should do the investigation to eliminate any perception that Dr. Pouncey's previous positions as Chief of Staff and as Deputy State Superintendent influenced the investigation. For reference, I have copied an excerpt from the Alabama Bar Journal on conducting internal investigations.

5. Including option d, to request a response from Dr. Pouncey, is fair and worthwhile.

6. At this time we do not know how long the State Ethics Commission's investigation will take, nor do we know whether Samford University will substantively look into these allegations. The selection of the State Superintendent is too urgent to wait for a resolution from either the State Ethics Commission or Samford University. Therefore, using options c and d together makes the most sense.

7. I recommend that we propose these options to Dr. Cleveland and possibly the State Board members. Although Susan Crowther has not read this memo, from my conversations with her I believe she would agree with these recommendations. If you have any questions or concerns please let me know.

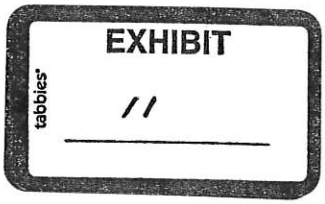
Attachment

From: Mary Scott Hunter <hunter@maryscotthunter.com>
Sent: Thursday, August 4, 2016 7:34 AM
To: Dean Juliana
Subject: Re: requested letter.

Juliana,

Thank you. This has been a very troubling development. I'll be disappointed if the Ethics Commission and Samford can't update the Board in advance of our vote on August 11.

MARY SCOTT HUNTER
Representative, Alabama State Board of Education, D8
www.MaryScottHunter.com



Sent from my iPhone

On Aug 3, 2016, at 11:53 AM, Dean Juliana <jdean@ALSDE.edu> wrote:

> Mary Scott,
> Please find attached a copy of the complaint; the Ethics Commission has the original that you received. That sounds reasonable about the legal pads.
> With best regards,
> Juliana

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Juliana T. Dean
General Counsel
Alabama State Department of Education
Tel.: 334-242-1899
Fax: 334-242-0982

From: Mary Scott Hunter [mailto:hunter@maryscotthunter.com]
Sent: Wednesday, August 3, 2016 11:44 AM
To: Dean Juliana <jdean@ALSDE.edu>
Subject: Re: requested letter.

Juliana,

Can you email me a copy of the original allegation? I gave my only copy to you.

One thing that occurs to me is that if Dr. Pouncey kept his yellow legal pads where he wrote his dissertation at least that part of the issue can be resolved.

Thanks,
msh

Mary Scott Hunter

Representative, Alabama State Board of Education
www.MaryScottHunter.com

From: Dean Juliana <jdean@ALSDE.edu>
To: Board Members <BoardMembers@ALSDE.edu>
Cc: Cleveland Philip <pcleveland@ALSDE.edu>
Sent: Tuesday, August 2, 2016 1:14 PM
Subject: FW: requested letter.

Forwarding –
With best regards,
Juliana

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ATTORNEY WORK PRODUCT

Juliana T. Dean
General Counsel
Alabama State Department of Education
Tel.: 334-242-1899
Fax: 334-242-0982

From: Craig Pouncey [mailto:cpouncey@jefcoed.com]
Sent: Tuesday, August 2, 2016 1:06 PM
To: Dean Juliana <jdean@ALSDE.edu>
Subject: requested letter.

Julianna , Per your request. Please acknowledge receipt. Thanks , Craig.

<Doc.pdf>

RESOLUTION AUTHORIZING AN INVESTIGATION INTO THE UNAUTHORIZED AND POTENTIALLY ILLEGAL DISSEMINATION OF CONFIDENTIAL INFORMATION

WHEREAS, during the period of about June 2016 through August 2016, the Alabama State Board of Education conducted a search for a State Superintendent of Education; and

WHEREAS, on or about July 14, 2016, information about one of the candidates being considered for the position of Alabama State Superintendent of Education was anonymously disseminated to the members of the Alabama State Board of Education; and

WHEREAS, the Alabama State Board of Education of the state of Alabama has not authorized any member, subcommittee, or person to request an investigation into any matter pertaining to any candidate being considered for the position of Alabama State Superintendent of Education; and

WHEREAS, the Alabama State Board of Education has found and determined the following regarding the information believed to have been disseminated to the Alabama Ethics Commission: (1) Said information was of a 'private' and 'confidential' nature and due to be protected from unauthorized disclosure; (2) Said information was obtained by potentially unlawful means; and (3) The manner in which said information was obtained and disseminated to the Ethics Commission was, possibly, in violation of state laws concerning the handling of privileged, confidential, and/or sensitive personal information:

NOW, THEREFORE, BE IT RESOLVED, By the Alabama State Board of Education that the Board hereby requests an investigation by the Alabama Ethics Commission and the Alabama State Attorney's General's Office into the unauthorized and potentially illegal dissemination in 2016 of information concerning the position of Alabama State Superintendent of Education:

BE IT FURTHER RESOLVED, By the Alabama State Board of Education that the Board hereby authorizes and directs the issuance of a formal opinion to the Board by the appropriate regulatory body—including but not limited to the Alabama Ethics Commission and Alabama Attorney General's office—as to whether or not the subject disseminated information, in fact, violated any state or federal laws.

Done this 13th day of October 2016