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IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY, PENNSYLVANIA

- - -

RACHEL RANDOLPH : MAY TERM, 2006
:
v. :
:
KHEPERA CHARTER SCHOOL : NO. 002850

COPY

- - -
November 16, 2006
- - -

Oral deposition of RICHARD
ISAAC, taken pursuant to notice, was held at the
law offices of REGER, RIZZO, KAVULICH & DARNALL,
LLP, Cira Centre, 13th Floor, 2929 Arch Street,
Philadelphia, Pennsylvania, commencing at 1:22
p.m., on the above date, before Tracey Cox,
Professional Reporter and Notary Public.

- - -

COURT REPORTING ASSOCIATES
P.O. Box 515
Wynnewood, Pennsylvania 19096
(215) 564-0466

Richard Isaac

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APPEARANCES :

LAW OFFICES OF LEON WILLIAMS
BY: LEON A. WILLIAMS, ESQUIRE
327 South 13th Street
Philadelphia, Pennsylvania 19107
(215) 732-0180
Representing the Plaintiffs

REGER, RIZZO, KAVULICH & DARNALL, LLP
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Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, Pennsylvania 19104
(215) 495-6500
Representing the Defendants

ALSO PRESENT: RACHEL RANDOLPH

- - -

Richard Isaac

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Testimony of: RICHARD ISAAC

By Mr. Williams

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E X H I B I T S
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NO.	DESCRIPTION	PAGE
None		

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(It is hereby stipulated
and agreed by and between counsel
that signing, sealing, filing and
certification are waived; and
that all objections, except as to
the form of questions, be
reserved until the time of
trial.)

RICHARD ISAAC, after
having been duly sworn, was
examined and testified as
follows:

EXAMINATION

BY MR. WILLIAMS:

Q. Okay. Good afternoon, Mr. Isaac.
A. Good afternoon.
Q. You and I've talked before --
A. Yes.
Q. -- so you know I represent Carrie
Bailey, and you know what we're here for.

MR. FOSTER: You're representing

Richard Isaac

1 Rachel Randolph today.

2 MR. WILLIAMS: Yes. At
3 that time, I was representing
4 Carrie. Now, I'm representing
5 Rachel Randolph.

6 BY MR. WILLIAMS:

7 Q. Hopefully, we won't keep you too long.
8 Let me ask you, first, when did you first meet
9 Rachel Randolph?

10 A. October.

11 Q. Of '04?

12 A. Yes.

13 Q. Okay. Now, are you familiar with some
14 of the things that Rachel and her sister did to
15 establish Khepera Charter School?

16 A. In '04?

17 Q. Yes, or prior to.

18 MR. FOSTER: Objection to the
19 form. Are you referring
20 specifically to things that
21 Rachel Randolph did as opposed to
22 all of the stuff Carrie Bailey
23 did when you asked the question?

24 MR. WILLIAMS: Yes,

Richard Isaac

1 basically.

2 BY MR. WILLIAMS:

3 Q. Are you familiar with any of those
4 things that --

5 A. No.

6 Q. Okay. Are you familiar with Rachel
7 Randolph's work as a teacher for Khepera Charter
8 School?

9 A. No.

10 Q. Were you involved at all in the hiring
11 of Rachel Randolph?

12 A. No.

13 Q. All right. Were you ever involved in
14 any evaluations of Rachel Randolph?

15 A. No.

16 Q. Do you know what Rachel Randolph was
17 hired to do for Khepera Charter School?

18 A. A teacher.

19 Q. Okay. And that was in -- in 2004,
20 right?

21 A. Yes.

22 Q. Now, are you aware of any other position
23 that Rachel Randolph held for Khepera Charter
24 School?

Richard Isaac

1 A. Executive administrative assistant.

2 Q. How did you get information about that?

3 A. Through the budget and Rhonda Shariff.

4 Q. Do you remember what the budget said

5 about that?

6 A. The budget had a position in there that

7 said executive administrative assistant.

8 Q. But it didn't say who was holding that

9 position, right?

10 A. It did have it listed who was holding

11 that position.

12 Q. And what did it say?

13 A. Rachel Randolph.

14 Q. That's the 2004-2005 budget?

15 A. It was the 2004 budget.

16 Q. Okay. Now, who wrote that information

17 in the budget, do you know?

18 A. No.

19 Q. Okay. And this other lady you've just

20 mentioned, what's her name?

21 A. Rhonda Shariff.

22 Q. Who is she?

23 A. The business manager.

24 Q. Did she tell you anything about this

Richard Isaac

1 issue?

2 A. No.

3 Q. How did she get -- I mean, what was her
4 relationship to this issue?

5 A. CPA.

6 Q. She was CPA?

7 A. CPA business manager. Took care of the
8 budget issues and payroll.

9 Q. She didn't tell you that there was a
10 position called executive administrative
11 assistant?

12 A. She didn't tell me what?

13 Q. That there was a position called
14 executive administrative assistant. Did she tell
15 you that?

16 A. No.

17 Q. What did she tell you about this issue?

18 A. I asked her about the position, and she
19 said she was told to put that position in place.

20 Q. And who -- did she say who told her?

21 A. Carrie.

22 Q. Okay. Did you talk to Carrie Bailey
23 about that?

24 A. No.

Richard Isaac

1 Q. Okay. Did you do any investigation,
2 aside from talking to this lady and actually
3 seeing that information in the budget, was there
4 any other investigation to determine whether or
5 not -- that Ms. Randolph actually was holding
6 that position?

7 A. I was told that she was holding that
8 position. I didn't do any other investigating.

9 Q. Did the board, to your knowledge, do an
10 investigation on that issue?

11 A. No.

12 Q. Okay. Now, do you know why Rachel
13 Randolph was terminated from the school?

14 A. The position was discontinued because it
15 wasn't a position that the board had authorized.

16 Q. Okay. And the position was
17 discontinued, but why was Ms. Randolph
18 discontinued?

19 A. They had filled the position that she
20 held with a teacher.

21 Q. Okay. Do you know how that came about?

22 A. No.

23 Q. Do you know who the teacher's name --
24 what the teacher's name was?

Richard Isaac

1 A. Mr. Dean.

2 Q. Was he certified, do you know?

3 MR. FOSTER: At that time?

4 MR. WILLIAMS: At that

5 time.

6 THE WITNESS: I don't

7 believe so.

8 BY MR. WILLIAMS:

9 Q. Did he have a written contract with the

10 school?

11 A. I believe so.

12 Q. Okay. You don't remember if you ever

13 saw a written contract for Mr. Dean?

14 A. I've seen one, but I can't remember the

15 exact time to say.

16 Q. Do you know who hired Mr. Dean?

17 A. No.

18 Q. Do you know how Mr. Dean came to get a

19 job that Ms. Randolph formally held?

20 A. No.

21 Q. Did you investigate that?

22 A. No.

23 Q. Do you know, were there any differences

24 in pay between what Ms. Randolph received as a

Richard Isaac

1 teacher and what she received as that executive
2 administrative assistant position?

3 A. Yes.

4 Q. Can you tell us what those differences
5 were?

6 A. I don't know.

7 Q. Was it more pay --

8 A. Yes.

9 Q. -- executive administrator assistant?

10 A. Yes.

11 Q. Do you have information that Ms.
12 Randolph actually received money for this
13 position?

14 A. I believe she was.

15 Q. Do you ever remember looking at any
16 payroll records to substantiate that belief?

17 A. Yes.

18 Q. Do you remember what those records said?

19 A. Just that the payroll -- the pay was
20 different from being a teacher.

21 Q. And it was higher?

22 A. Yes.

23 Q. At some point, you compared the pay that
24 Ms. Randolph was receiving as a teacher with the

Richard Isaac

1 pay that she was receiving as executive
2 administrative assistant?

3 A. For what?

4 Q. Did you compare the pay to see if one
5 was higher --

6 A. No.

7 Q. -- than the other?

8 A. No.

9 Q. You didn't?

10 A. No.

11 Q. How do you know she was receiving more?

12 A. Because she had a teacher salary, and
13 then she had an executive administrator salary.

14 Q. Maybe they were paying her the same
15 salary though, right?

16 A. I don't think so, but I wasn't comparing
17 them.

18 Q. So you don't know for sure whether or
19 not Ms. Randolph received extra pay for the
20 administrative assistant's job?

21 A. She received a raise.

22 Q. And how did you come to know about that
23 raise?

24 A. In conversation with somebody who I

Richard Isaac

1 don't remember, but it was a difference in pay.
2 But talk about comparing them, it wasn't a
3 comparison. Just the idea that she occupied a
4 different position.

5 Q. Now, can you tell us, how did -- how did
6 the board -- what process did the board use to
7 terminate Ms. Randolph?

8 A. As I said before, we had not authorized
9 this position, and the position was terminated.

10 Q. Okay. Now, was that at a board meeting,
11 a regular board meeting?

12 A. Yes.

13 Q. And can you tell us, was that the
14 meeting of November 10th, 2004?

15 A. That was the same meeting, yes.

16 Q. And was there any discussion prior to
17 the meeting that this issue would come up at the
18 meeting?

19 A. We reviewed the staffing and found the
20 position we hadn't authorized, and in a meeting,
21 we took the action.

22 Q. Did you notify Ms. Randolph that this
23 issue would come up at the meeting, the board
24 meeting?

Richard Isaac

1 A. No.

2 Q. Did you allow Ms. Randolph to -- to give
3 her input on the issue at all?

4 A. She had the opportunity to.

5 Q. How was that?

6 A. I would know she'd know when the board
7 meeting was that night (sic).

8 Q. But you can't offer her --

9 A. No.

10 Q. -- to attend that board meeting?

11 A. (Witness nods.)

12 Q. All right. Did you have a conversation
13 with Ms. Randolph prior to the board meeting
14 about this issue?

15 A. No.

16 Q. The day of the board meeting, around
17 noon --

18 A. No.

19 Q. -- you didn't talk to her?

20 Did you or the board issue a letter to
21 Ms. Randolph that she would be terminated?

22 A. A letter was sent.

23 Q. Who drafted the letter, who signed it?

24 A. I believe, the secretary drafted the

Richard Isaac

1 letter, and I believe, I signed it.

2 Q. Did you -- who sent the letter, who
3 delivered it?

4 A. I'm not sure who sent it.

5 Q. Is there a procedure for that, it would
6 have to be the secretary --

7 A. It would have been mailed.

8 Q. Excuse me?

9 A. It would have been mailed.

10 Q. By regular mail?

11 A. I think so.

12 Q. Do you have a copy of the letter, that
13 letter?

14 A. I may have a copy of it.

15 MR. FOSTER: If you do, please
16 provide a copy to me so I can
17 give it to counsel.

18 THE WITNESS: Okay.

19 BY MR. WILLIAMS:

20 Q. Okay. Does the CEO have the authority
21 or power to appoint a teacher as executive
22 administrative assistant?

23 MR. FOSTER: To your
24 understanding of the rules.

Richard Isaac

1 MR. WILLIAMS: Right.

2 THE WITNESS: The power
3 to appoint a teacher to the
4 executive -- that was a position
5 that didn't exist, so I don't
6 know where the power would come
7 from.

8 BY MR. WILLIAMS:

9 Q. Did the CEO have the power to pay a
10 teacher to do chores that were outside of the
11 contract of the teacher? Did she have that
12 power?

13 MR. FOSTER: To your
14 understanding of your authority.

15 THE WITNESS: To pay a
16 teacher to do something else in
17 the school?

18 BY MR. WILLIAMS:

19 Q. Yes.

20 A. In the broad scope, I imagine, she has
21 that power.

22 Q. Okay. But you never discussed with the
23 CEO prior to November 10th, 2004 whether or not
24 she appointed Rachel Randolph to this new

Richard Isaac

1 position, or whether or not she paid her more
2 than her contract called for because of these
3 additional duties? You never discussed that with
4 Carrie Bailey, right?

5 A. No.

6 Q. Why not?

7 A. The issue didn't come up between Carrie
8 and I.

9 Q. You didn't even talk to Carrie about the
10 issue, right?

11 A. I didn't know the issue existed when
12 Carrie and I were talking.

13 Q. But you don't know when you were talking
14 with Carrie about the issue, right?

15 A. No. I said we never talked about the
16 issue, because I wasn't aware of the issue when
17 Carrie and I talked.

18 Q. When did you first become aware of this
19 issue?

20 A. At the board meeting.

21 Q. At the board meeting?

22 A. (Witness nods.)

23 Q. November 10, 2004?

24 A. Yes.

Richard Isaac

1 Q. Didn't you talk to Mr. Carnley prior to
2 that board meeting about this issue?

3 A. About the position?

4 Q. Yes.

5 A. Yes.

6 Q. So you knew about it prior to the board
7 meeting?

8 A. But I'm talking about just prior to a
9 board meeting, not a day before, not that
10 particular afternoon.

11 Q. So how -- how long before the board
12 meeting of November 10th, 2004 did you talk to
13 Mr. Carnley about this issue?

14 A. I don't recall the exact time period.
15 It was some time that day.

16 Q. The same day, November 10th, 2004?

17 A. Yes.

18 Q. And what did you say to Mr. Carnley
19 about it?

20 A. That we'd have to look over the budget,
21 and there was a position there that wasn't
22 authorized.

23 Q. And -- and you were told that by whom?

24 A. I was told what by whom?

Richard Isaac

1 Q. This position that wasn't authorized --

2 MR. FOSTER: Did the position
3 exist, or that it wasn't
4 authorized?

5 MR. WILLIAMS: Both.

6 BY MR. WILLIAMS:

7 Q. Did anybody tell you that this position
8 existed?

9 A. We went over that when I talked about
10 the budget, and then Ms. Shariff.

11 Q. Right. She's the one that told you, Ms.
12 Shariff, right?

13 A. When I asked about it.

14 Q. Did she also -- Ms. Shariff also tell
15 you that the position wasn't authorized?

16 A. How would she know?

17 Q. I don't know. I'm just trying to find
18 out, how did you come across that? Did you do
19 your own investigation to determine if this
20 position wasn't authorized, or did you just base
21 it on something that somebody told you?

22 A. As the board president, I didn't -- I
23 wasn't involved in any vote for a new position.
24 And the board members weren't involved in any

Richard Isaac

1 vote for a new position, to my knowledge.

2 Q. Right. Okay. Okay. So because of
3 that, you decided it wasn't authorized, this new
4 position?

5 A. It wasn't authorized.

6 Q. Okay. Was it just a coincidence that
7 Rachel Randolph was terminated from the school at
8 the same time as her sister as CEO?

9 A. Yes.

10 Q. The two had nothing to do with each
11 other?

12 A. Which two?

13 Q. The two incidents that -- you know, you
14 have a situation where the CEO, who happened to
15 be her sister, was terminated, and then she,
16 Rachel Randolph, was terminated around the same
17 time. The two were not related?

18 A. They're not sisters?

19 Q. No, they are sisters. But were the two
20 terminations related? Do they have anything to
21 do with each other?

22 A. No.

23 Q. No? Okay.

24 (A recess occurred.)

Richard Isaac

1 BY MR. WILLIAMS:
2 Q. Were you involved in the drafting and
3 filing of the Khepera annual report of 2004 and
4 -- 2004-2005 and 2005-2006, were you involved in
5 that?
6 A. Drafting it, no.
7 Q. Did you read it, read those reports?
8 A. I read portions of it.
9 Q. Did you check to see if information --
10 did you check to see if those reports were
11 complete?
12 A. Yes.
13 Q. All right. And if information was left
14 out of those reports? Did you find any
15 information missing?
16 A. I was not familiar with what the
17 contents of the report should be, so I relied on
18 the people putting it together to say it was
19 complete.
20 Q. Who are those people, if you could tell
21 me?
22 A. The principal.
23 Q. The principal.
24 A. Business manager.

Richard Isaac

1 Q. Okay. Yes. Okay.

2 A. And your finance person.

3 Q. Did you have to sign these reports
4 before they were filed?

5 A. I had to sign off on certain sections.

6 Q. Okay. Do you know why charter schools
7 are required to file annual reports?

8 MR. FOSTER: Why it was passed
9 as part of the statute, or why is
10 there a statute that requires it?

11 MR. WILLIAMS: Yes.

12 BY MR. WILLIAMS:

13 Q. Do you know why the legislatures require
14 charter schools to file annual reports?

15 A. Only charter schools do it?

16 Q. Excuse me?

17 A. Only charter schools file annual
18 reports?

19 Q. I'm not sure but --

20 MR. FOSTER: Do you know why
21 there's a requirement for an
22 annual report to be filed?

23 THE WITNESS: No.

24 BY MR. WILLIAMS:

Richard Isaac

1 Q. Do you have any information whether or
2 not anyone at the charter school deliberately
3 deleted any information from your annual reports
4 from 2005-2006?

5 A. Deleted information?

6 Q. Yes. Do you know whether or not
7 information was deliberately removed from these
8 reports?

9 A. Not to my knowledge.

10 Q. To your knowledge, are charter schools
11 also required to file with the School District of
12 Philadelphia reasons why teachers were dismissed?

13 MR. FOSTER: Objection.

14 Requirements only exist if the
15 teacher's returning to the School
16 District of Philadelphia.

17 BY MR. WILLIAMS:

18 Q. Do you know whether or not Rachel
19 Randolph returned to the School District of
20 Philadelphia after leaving Khepera?

21 A. I did not know.

22 Q. Okay. Do you have any information of
23 whether or not the reasons for -- the details of
24 Rachel Randolph's dismissal were submitted to the

Richard Isaac

1 School District of Philadelphia?

2 A. Repeat the question again.

3 Q. Do you have any information on whether
4 or not the Khepera Charter School filed any
5 reasons or details with the School District of
6 Philadelphia regarding the dismissal of Rachel
7 Randolph?

8 A. Not that I know of.

9 Q. Okay. You don't even know if you're
10 required to do that for teachers who are going
11 back to the public schools, right?

12 A. In 2004, I didn't.

13 Q. When did you find out?

14 A. In conversations over the last few
15 years.

16 Q. You mean, in 2004, you didn't know?

17 A. No.

18 Q. All right. What about in 2005?

19 A. I may not have known then.

20 Q. You said you did look at the reports,
21 the annual reports, right, of 2005 and 2006?

22 A. I did not look at them page by page.

23 Q. Okay. Is Mr. Theodore Robinson still
24 with the school?

Richard Isaac

1 A. No.

2 Q. Can you tell us when he left?

3 A. He hadn't officially left, but he hasn't
4 been in meetings in recent.

5 Q. Has he been terminated as a board member
6 by the board?

7 A. He is asked -- he's going to turn his
8 resignation in. He said he would resign. We
9 didn't ask for his termination. He was
10 questioned as to why he wasn't -- he says he was
11 going to resign.

12 Q. What was the last position Mr. Robinson
13 held?

14 A. Board secretary.

15 Q. Okay. And is he currently the board
16 secretary?

17 A. Not if he's resigning.

18 Q. Okay. Is -- has there been any official
19 movement by the board to terminate Mr. Robinson
20 as board secretary?

21 A. No.

22 Q. So officially, he's still board
23 secretary?

24 MR. FOSTER: Objection. That is

Richard Isaac

1 so wrong, and you know it.

2 BY MR. WILLIAMS:

3 Q. Let me ask you directly. Mr. Robinson
4 was listed in the 2006 and in the 2005 annual
5 report as secretary, is that accurate?

6 A. That was accurate.

7 Q. It's accurate?

8 A. That was accurate.

9 Q. Okay. As of 2006, it was accurate?

10 MR. FOSTER: You mean, as of
11 June 2006? Isn't that when it
12 ends?

13 MR. WILLIAMS: Yes.

14 BY MR. WILLIAMS:

15 Q. Isn't that right, as of June 2006, it
16 was accurate?

17 A. Yes.

18 Q. Okay. In your position of chairman,
19 what are your duties?

20 MR. FOSTER: Technically, he's
21 president of the trustees. Isn't
22 that his title?

23 BY MR. WILLIAMS:

24 Q. Is that your title?

Richard Isaac

1 A. Yes.

2 Q. What are your duties under that title?

3 A. To conduct board meetings and oversee
4 the financial -- and every other issue that might
5 go on in the school.

6 MR. WILLIAMS: Okay. I'm just
7 going to take a minute. Okay?

8 MR. FOSTER: Sure.

9 (A recess occurred.)

10 MR. WILLIAMS: Okay. That's all
11 I have for you. I appreciate you
12 coming in.

13 (Witness excused.)

14 (Deposition concluded at
15 approximately 1:46 p.m.)

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Richard Isaac

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CERTIFICATE

I HEREBY CERTIFY that the witness was duly sworn by me and that the deposition is a true record of the testimony given by the witness.

Tracey Cox, Professional Reporter
Notary Public
Dated December 1, 2006

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)