



SW-19-924.

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

IN THE MATTER OF THE SEARCH WARRANT)  
JENNIFER PATTON,  
13608 Inverness Avenue, OKLAHOMA CITY)  
OKLAHOMA COUNTY, OKLAHOMA. )

Case No. \_\_\_\_\_

JUL 16 2019

RICK WARREN  
COURT CLERK

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AFFIDAVIT FOR SEARCH WARRANT

State of Oklahoma )  
County of OKLAHOMA ) ss

I, TOMMY L. JOHNSON, of lawful age, and being first duly sworn upon an oath, deposes and says:

I am an agent with the Oklahoma State Bureau of Investigation (OSBI), State of Oklahoma and have been so employed since May 1998. I have over twenty (20) years of experience in investigating crimes involving financial matters. I hold an advanced peace officer certification from the Oklahoma Council on Law Enforcement Education and Training (CLEET).

I have probable cause to believe that the following property constitutes evidence of a crime to-wit:

- Embezzlement of State Funds, 21 O.S. § 341
- Conspiracy to Commit Embezzlement of State Funds O.S. 21 § 421
- Obtaining Money Under False Pretenses 21 O.S. § 1501
- Violation of Oklahoma Racketeer-Influenced and Corrupt Organizations Act 22 O.S. § 1403

Notes, letters, memorandums, text messages and/or other written communication in either electronic or manual format between JENNIFER PATTON and employees and/or parents of students of Epic Charter School to include DAVID CHANEY, BEN HARRIS, and MARY ROE (true identity to be disclosed to the court in camera). Individual Education Plans (IEP) and lesson assignments, of JANE DOE (true identity to be disclosed to the court in camera). Electronic storage devices to include laptop computers (bearing asset tags of Epic Charter School) and cell phones, and paper documents containing Individual Education Plans (IEP) and lesson assignments, of JANE DOE.

I further state that the above described property may be found and is now being kept/ possessed at the following location:

Thirteen Thousand, Six Hundred and Eight (13608) Inverness Avenue, Oklahoma City, Oklahoma County, Oklahoma, which is a one (1) story brick single-family dwelling with an

attached two car garage, the front door trimmed in brown or green facing the west, located by traveling east one tenth (0.1) mile on Memorial Road from Tulsa Avenue to Inverness Avenue and turn right and travel south to the second house on the east side of the street with a brick mail box on the curb marked "13608."

As probable cause for believing that said property may be found at the location aforesaid, I allege and state as follows:

During or around 2009, DAVID CHANEY and BENJAMIN SCOTT HARRIS, aka: BEN HARRIS, acting jointly and together, devised a scheme to use their positions as public officers to unlawfully derive profits from State appropriated funds.

I spoke with BEN HARRIS and DAVID CHANEY and obtained the following information:

BEN HARRIS and DAVID CHANEY, acting jointing and together, gained control of two inactive companies, Oklahoma Consumer Education Foundation (the Foundation), a non-profit corporation and Epic Youth Services, LLC (EYS), a for profit limited liability company. BEN HARRIS changed the name of the Foundation to Community Strategies, Inc. BEN HARRIS and DAVID CHANEY used EYS to create a partnership with themselves as the only partners. BEN HARRIS and DAVID CHANEY agreed to split the profits of EYS.

BEN HARRIS and DAVID CHANEY, acting as public officers of Community Strategies dba: Epic One-on-One Charter School (Epic), located in Oklahoma City, Oklahoma in Oklahoma County, generated State Appropriated funds for Epic from the Oklahoma State Department of Education (OSDE).

On January 12, 2010, BEN HARRIS and DAVID CHANEY arranged a management contract for EYS with Epic, which they used to generate profits for EYS from State appropriated funds. BEN HARRIS and DAVID CHANEY, being public officers of Epic, then unlawfully received the profits of EYS which they split between themselves in violation of Title 21 O.S. § 341. I reviewed bank statements of EYS and found BEN HARRIS and DAVID CHANEY split profits from EYS of at least ten million dollars (\$10,000,000) between 2013 and 2018.

Epic received State appropriated funds from OSDE based on the number of students enrolled in Epic. BEN HARRIS and DAVID CHANEY inflated the number of students reported to OSDE by enrolling and/or retaining "ghost students." Ghost students were students enrolled in Epic that received little or no instruction from Epic teachers. BEN HARRIS and DAVID CHANEY recruited ghost students from home schooled families and private and sectarian schools. BEN HARRIS and DAVID CHANEY enticed ghost students to enroll in Epic by offering each student an annual learning fund ranging from \$800.00 to \$1,000.00.

Epic was an on-line virtual school. Epic did not maintain classrooms and students completed class work on-line. Epic students and teachers did not have daily face to face contact. Teachers did not take roll and determined attendance when students logged onto the computer.

During 2014, myself and other OSBI agents interviewed parents and former and current teachers/administrators of Epic. We found dozens of ghost students from home schooled families and private and sectarian schools. The parents of many of the home school students admitted they enrolled their children in Epic to receive the \$800.00 learning fund without any intent to

receive instruction from Epic. The parents received the \$800.00 learning fund and continued to provide instruction for their children using home school curriculums. Many parents refused instruction from Epic teachers, but continued to accept the \$800.00 learning fund. Many Epic teachers dubbed them "members of the \$800.00 club." DAVID CHANEY estimated to the Epic board during a meeting in April 2013 that thirty percent (30%) of Epic students were home schooled.

I reviewed the bank statements of EYS and found Epic parents made purchases from the learning fund through Epic's Chief Financial Officer (CFO) JOSH BROCK. JOSH BROCK made hundreds of thousands dollars (\$100,000's) of purchases from the learning fund for non-instructional items at the request of \$800.00 club members. JOSH BROCK made expenditures for furniture, musical instruments, toys, laptop computers, games, horseback riding and karate lessons. JOSH BROCK also paid for dues and fees for home school organizations in violation of the Oklahoma Charter School Act which prohibited funneling State money to fund home school activities. JOSH BROCK paid \$390.00 to Sherman ISD for two (2) home school students to attend an "out of state" Summer Enrichment program offered by the Sherman ISD in Sherman, Texas, from June 10 through July 3, 2013.

One former Epic teacher, Ms. TCC, told me she learned a rural family withdrew their ten (10) children from public school and received \$8,000.00. The parents did not require the students to participate in any of Epic's curriculums and they spent their day horseback riding and participating in other non-educational activities. Ms. TCC and the other teachers were instructed to conceal the fact home school students were not working in Epic's curriculums. Ms. TCC and the other teachers were told to give home school students credit for doing yard work, participating in extra-curricular activities or just talking to them on the phone. Ms. TCC received the instructions from several of supervisors, which included BEN HARRIS. Ms. TCC told me the main emphasis at Epic was to keep students on the rolls in order to keep the state aid money.

Attorney General Opinions issued in 1979 and 1982 by JAN ERIC CARTWRIGHT and in 2012 by E SCOTT PRUITT established prohibitions against dual enrollment in private and public school and affiliations of charter schools with non-public sectarian schools. CARTWRIGHT specifically cited a prohibition against the use of public funds to aid private and sectarian schools. PRUITT's opinion prohibited affiliation of charter schools with non-public sectarian schools or religious institutions.

DAVID CHANEY was personally involved in recruiting students from private and sectarian schools for dual enrollment in Epic. Many private and sectarian students were dual enrolled in Epic without the knowledge or consent of their parents. The parents unknowingly continued to pay tuition for the private schools for the instruction of their children while they were dual enrolled in Epic. DAVID CHANEY reportedly convinced parents of private school students to enroll in Epic because it was a State funded tutoring option.

BOH was a sectarian school in Sapulpa, Oklahoma and was founded by Ms. NNB as a daycare center for home school children. Ms. NNB was a state certified teacher and provided instruction to the students during the day. Ms. NNB charged parents an annual tuition of \$3,783.00 to attend BOH. DAVID CHANEY was involved in recruiting BOH students for dual enrollment in Epic. Ms. NNB met DAVID CHANEY at a meeting. DAVID CHANEY convinced Ms. NNB to dual enroll BOH students in Epic.

Ms. NNB was also hired as a teacher for Epic. Ms. NNB had thirty-four students on her

Epic roster. Fourteen (14) of the students on the roster were dual enrolled in BOH and the parents unknowingly paid tuition to Ms. NNB. Seventeen (17) students were home school students and were educated by their parents. Ms. NNB was the parent of the remaining three (3) students. An administrator at Epic informed Ms. NNB that BOH students could not be dual enrolled in Epic. DAVID CHANEY intervened and assured Ms. NNB that it was permissible for BOH students to be dual enrolled in Epic. Ms. NNB received wages from Epic and, in addition, continued to receive tuition payments from parents of BOH students.

Ms. LDW was the founder and principal of RHCA in Oklahoma City, Oklahoma. RHCA was a sectarian school. Ms. LDW was not a certified teacher and employed individuals who were not certified teachers. RHCA charged each student \$50.00 per week for tuition. Ms. LDW allowed some home school children of working parents to come to RHCA daily, but they were not enrolled in RHCA. Ms. LDW charged home school parents \$50.00 per week for before and after care and for tutoring.

Ms. LDW told me she learned about Epic through one of the home school students, and Ms. LDW thought the Epic curriculum was great. Ms. LDW contacted Epic to get the Epic curriculum for all of her students at RHCA. Ms. LDW learned Epic provided free curriculums, laptop computers, and an \$800.00 learning fund for each student.

Ms. LDW told me Epic presented her with an opportunity for an "economic windfall." Ms. LDW could direct the students to use money from the learning fund to purchase educational supplies and material and save money for RHCA. Ms. LDW said she also learned Epic was a public on-line charter school. Each RHCA student would have to be enrolled in Epic by his/her parent and they would be considered public school students. Ms. LDW admitted she conducted some research and found it was "illegal" for students to be dual enrolled in a public and private school. Ms. LDW told me she also learned there was a prohibition against using charter schools to fund home school students and using State funds to support religious organizations.

Ms. LDW said she circumvented the dual enrollment, home school and religions issues by converting RHCA to the "Epic Model". Ms. LDW made a couple of changes and continued to operate RHCA as she had in the past and took advantage of Epic's economic benefits. Ms. LDW was evasive in providing me with an explanation of how the Epic Model worked. Ms. LDW would not disclose to me how she learned about the Epic Model. Ms. LWD made a vague reference to receiving information about the Epic Model in an email, and later Ms. LWD implied she "may have" learned about the Epic Model from the Epic website.

Beginning with the 2016-17 school year, Ms. LDW said she closed RHCA and opened RHA. RHA was not a sectarian school, but an advanced learning center similar to Sylvan Learning Centers. Ms LDW claimed all RHA students were enrolled in Epic by their parents. Ms. LDW still collected weekly payments from the parents. Instead of calling the payments tuition, Ms. LDW called the payments "before and after care" and "tutoring fees."

Ms. COOK was an assistant principal at Epic. Ms. COOK told Ms. LDW that RHA students would have to work on Epic for three (3) hours a day to get credit for a school day. Ms. COOK assigned four (4) Epic teachers to RHA. The Epic teachers provided instruction to RHA students from nine o'clock (9:00am) in the morning until twelve noon (12:00pm). Ms. LDW and her teachers provided tutoring to the RHA students from twelve noon (12:00pm) to three-thirty o'clock (3:30pm) in the afternoon. Ms. LDW was able to double her teaching staff without incurring

additional costs.

Oklahoma State law required public school students to receive six (6) hours of instruction a day. Ms. LDW admitted to me that Epic teachers provided only three (3) hours of instruction to RHA students a day. Ms. LDW and her staff were not state certified teachers and the instruction provided by them did not meet the requirement.

On September 20, 2016, Ms. LDW composed a document titled "General Assurance." Ms. LDW signed the document and sent it to DAVID CHANEY. The document confirmed to DAVID CHANEY that Ms. LDW was not doing anything "illegal" and she was not mixing church and state.

I talked with Ms. SAS, one of the parents of a RHCA/RHA student, and found her child was enrolled in Epic without her knowledge or consent. Ms. SAS continued to pay \$50.00 a week to Ms. LDW for tuition. Ms. SAS did not know anything about an \$800.00 learning fund for her child.

I later found Ms. LDW was a convicted felon and plead guilty to mortgage fraud charges in Florida federal court on July 1, 2010. Provisions of 70 O.S. § 6-101.48 prohibits any person working on school premises if that person has been convicted of a felony. Based on statements Ms. LDW made to me, RHA was being used by Epic as school premises.

I learned from interviews of former and/or current teachers that DAVID CHANEY and BEN HARRIS created a pay structure that encouraged "straw teachers." The teachers were paid based on the number of students in their roster. The teachers also received additional pay in the form of bonuses, which included student retention goals. Teacher who dropped students from their rosters saw a decrease in their pay. Straw teachers had a financial incentive for maintaining ghost students on the roster. Ms. TCC told me DAVID CHANEY created an environment at Epic that fostered the commission of fraud by teachers and administrators.

Straw teachers were teacher of record for ghost students. The ghost students received little or no instruction from state certified teachers. One former teacher, Ms. WBW, told me she had forty-one (41) students assigned to her roster and two (2) were ghost students who were residents of TYA, in Mayes County. The residents received their instruction from TYA counselors who were not certified teachers.

In January 2016, Ms. WBW and several other teachers went to TYA and enrolled 180 residents as Epic students. All of the students were classified as Not Full Academic Year (NFAY) because they were enrolled after October 1, 2015. Test scores of NFAY students did not count against Epic on Statewide Standardized Tests.

Students HHT and DCB were two residents of TYA on Ms. WBW's roster. HHT and DCB did not complete any assignments. Epic's truancy policy stated any student who did not complete at least five (5) total graded assignments over ten (10) consecutive days would be considered truant and withdrawn for truancy. BEN HARRIS was over the enrollment department, and he had the final say as to who would be withdrawn. HHT and DCB were not withdrawn.

Many ghost students were at risk for poor performance on standardized tests because they did not receive instruction from state certified teachers. Ms. WBW was pressured to NFAY students who were expected to perform poorly on Statewide Standardized Tests. Ms. WBW

forced the students into truancy by giving them assignments that were impossible to complete and they were withdrawn from Epic. The students were later re-enrolled without the knowledge or consent of their parents.

Ms. EBB was an administrator at Epic. Ms. EBB told me BEN HARRIS allowed students to remain on teacher rosters who had withdraw from Epic as long as the student did not appear on a conflict list. A conflict list was produced by OSDE. The list contained names of students who were enrolled in more than one state supported school. Students who withdrew and moved out of state, were home schooled or attended a private or sectarian school would not appear on a conflict list. BEN HARRIS allowed hundreds of those students to remain on the rolls even though they no longer attended Epic.

I reviewed the 2017-18 and 2018-19 enrollment of Epic Blended Charter School and found JANE DOE listed as a student for both academic years. JANE DOE listed an address in Portland, Oregon. MARY ROE was JANE DOE's mother. I called and talked with MARY ROE.

MARY ROE told me she was a resident of Oklahoma during most of 2017. MARY ROE enrolled JANE DOE in Epic in September 2017. MARY ROE decided to leave Oklahoma and relocated to Portland, Oregon. MARY ROE withdrew JANE DOE from Epic in October 2017. MARY ROE provided Epic with her new address and informed them she was enrolling JANE DOE in Connections Academy in Portland, Oregon. JENNIFER PATTON was listed as the teacher for JANE DOE for the 2017-18 and 2018-19 academic years.

On June 28, 2019, I made contact with JENNIFER PATTON at her home, 13608 Inverness Avenue, Oklahoma City, Oklahoma in Oklahoma County. JENNIFER PATTON was working on a laptop computer when I entered her residence. JENNIFER PATTON admitted she was employed with Epic as a teacher and claimed she was acquainted with JANE DOE. JENNIFER PATTON excused herself a couple of times to talk on her cell phone. JENNIFER PATTON received a call on her cell phone from someone at Epic when she returned and she refused to answer further questions without an Epic attorney present.

Ms. WBW told me that she and all Epic teachers worked from their homes, since Epic was a virtual school and did not maintain classrooms. Epic issued laptop computers to each teacher. Each laptop was labeled with a pre-numbered Epic Charter School asset tag. The teachers used the laptops to make student assignments and track student progress. Ms. WBW and other teachers also maintained paper files of student grades and lesson assignment. Epic teachers also maintained telephone contact with parents of Epic students.

Based on my investigation, I have probable cause to believe DAVID CHANEY and BEN HARRIS, knowingly and intentionally acting jointly and together, created a system of financial gain at Epic to entice and promote fraudulent acts by teachers, administrators and parents of home school students to wrongfully create and conceal the existence of ghost students on the rosters at Epic for the purpose of unlawfully diverting State Appropriated Funds to their own personal use resulting in high NFAY rates and low graduations rates for the students..

Based on the above information, I have reason to believe the above mentioned items are located at the address described above. I further believe the items are evidence relevant to the crimes of Embezzlement of State Funds 21 O.S. § 341, Conspiracy to Commit Embezzlement of

State Funds O.S. 21 § 421, Obtaining Money Under False Pretenses 21 O.S. § 1501 and Violation of Oklahoma Racketeer-Influenced and Corrupt Organizations Act O.S. 22 § 1403.

WHEREFORE, Affiant asks that a search warrant be issued according to law, directed to any OSBI Agent, Constable, Oklahoma Highway Patrol Trooper, Sheriff, Policeman or law enforcement officer in OKLAHOMA COUNTY, Oklahoma, commanding that he/she search all the outbuildings, premises and/or vehicle(s) and take possession of the property hereinbefore described and detain the same as provided by law, and make a written return thereof according to law.

FURTHER AFFIANT SAYETH NOT.

  
AFFIANT

SUBSCRIBED AND SWORN to before me this 15<sup>th</sup> day of, July, 2019

  
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JUDGE OF THE DISTRICT COURT

IN THE DISTRICT COURT IN AND FOR OKLAHOMA COUNTY

STATE OF OKLAHOMA

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

STATE OF OKLAHOMA )  
COUNTY OF OKLAHOMA )

) SS. SW-19-924.

JUL 16 2019

RICK WARREN  
COURT CLERK

SEARCH WARRANT

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IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OKLAHOMA

TO: ANY SHERIFF, DEPUTY, CONSTABLE, MARSHAL, POLICE OFFICER, HIGHWAY PATROL TROOPER, AGENT OF THE OKLAHOMA STATE BUREAU OF INVESTIGATION (OSBI), OR OTHER LAW ENFORCEMENT OFFICER IN OKLAHOMA COUNTY, STATE OF OKLAHOMA.


An Affidavit having been sworn to by TOMMY L. JOHNSON of the OSBI, before me this day, based upon facts stated herein, probable cause having been found, I command you to make immediate search for the following described property and things, and if you find the same or any part thereof to take possession of the property hereinbefore described and detain the same as provided by law, bring it forthwith before me at my office at Oklahoma City, Oklahoma and make a written return thereof according to law.

Notes, letters, memorandums, text messages and/or other written communication in either electronic or manual format between JENNIFER PATTON and employees and/or parents of students of Epic Charter School to include DAVID CHANEY, BEN HARRIS, and MARY ROE (true identity to be disclosed to the court in camera). Individual Education Plans (IEP) and lesson assignments, of JANE DOE (true identity to be disclosed to the court in camera). Any electronic storage devices to include laptop computers (bearing asset tags of Epic Charter School) and cell phones, and paper documents containing Individual Education Plans (IEP) and lesson assignments of JANE DOE.

Said search to be conducted at the following location:

Thirteen Thousand, Six Hundred and Eight (13608) Inverness Avenue, Oklahoma City, Oklahoma County, Oklahoma, which is a one (1) story brick single-family dwelling with an attached two car garage, with the front door trimmed in brown or green facing the west, located by traveling east one tenth (0.1) mile on Memorial Road from Tulsa Avenue to Inverness Avenue and turn right and travel south to the second house on the east side of the street with a brick mail box on the curb marked "13608".

Issued under my hand this 15<sup>th</sup> day of July, 2019



Judge of the District Court  
OKLAHOMA County, Oklahoma



FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

SEARCH WARRANT RETURN:  
JENNIFER PATTON,  
13608 Inverness Ave  
OKLAHOMA CITY, OKLAHOMA COUNTY OKLAHOMA

JUL 16 2019

RICK WARREN  
COURT CLERK

THE STATE OF OKLAHOMA )  
 ) SS.  
COUNTY           OF OKLAHOMA           )

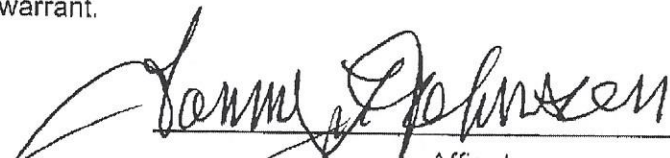
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SW-19-924.

The following described property was seized under this warrant on the 15th day of July, 2019.

- ThinkPad Laptop Computer, Epic Charter School Asset Tag, # 0028551.
- One (1) Iphone in a gold protector-T-Mobile carrier.


I, TOMMY L. JOHNSON, the officer by whom this warrant was executed on the 15th day of July, 2019, do swear that the above inventory is a true and detailed account of items taken by authority of the warrant.

  
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Affiant

Subscribed and sworn to before me  
this

16<sup>th</sup> day of July, 2019

  
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Judge of the District Court