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COURT OF APPEALS, DIVISION I

OF THE STATE OF WASHINGTON

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STATE OF WASHINGTON
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DRAKE H. SISLEY and ANTOINETTE L. SISLEY, husband and wife,

Appellants,

v.

SEATTLE PUBLIC SCHOOLS, a local government entity,

Respondent.

COPY

PETITION FOR REVIEW OF COURT OF APPEALS DECISION

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I. IDENTITY OF PETITIONER

Drake Sisley and Antoinette Sisley are represented by Ray Siderius of Siderius Lonergan & Martin LLP.

II. CITATION TO THE COURT OF APPEALS DECISION

The decision, which was filed February 24th is unpublished.

Both petitioner and respondent have filed motions to publish which were granted on March 19, 2014. A copy of the decision is attached.

III. ISSUES PRESENTED FOR REVIEW

(1) Whether in a libel case the court can ignore a factual dispute as to the gist or sting of the publication and decide the issue as a matter of law.

(2) Whether, if so, the court, in deciding issues of fact as a matter of law can ignore the affidavits and deposition testimony that establish false statements and rely instead on articles and newspapers to support claimed accuracy.

IV. STATEMENT OF THE CASE

Drake Sisley and his wife Antoinette are longtime residents of Seattle, and have, for over 50 years, been active owners of rental real properties in the Seattle area. Their properties have always been maintained in perfect condition and they have enjoyed an excellent reputation as landlords. They

have routinely done all the work themselves, including the painting, carpentry, electrical and heating, more recently receiving assistance from their son, John Sisley who is an attorney and a licensed building contractor. Photos of some of Drake and Antoinette's rentals are exhibits to Drake Sisley's affidavit (copy attached).

Neither Drake nor Antoinette have ever owned any interest in properties in the Roosevelt neighborhood, the area near and surrounding Roosevelt High School. Drake has operated a small business in the Roosevelt neighborhood, a retail hardware store, located across the street from the high school.

The school publishes *The Roosevelt News,* with the articles prepared by students in journalism class, for credit, and supervised by a journalism teacher. The paper is circulated to subscribers and is available on the internet.

In 2003, an article written by a Roosevelt student in the journalism class, appeared in the school newspaper. The article referred to horribly run-down residences (slums) in the immediate area of the high school and falsely stated that Drake Sisley was an owner of these slums. In fact, the homes were an eyesore and in abominable condition but neither Drake Sisley nor

Antoinette Sisley had any ownership interest or control over them. They were owned by Drake's brother, Hugh Sisley. Yet the article stated ownership by the "Sisley brothers."

The article upset Drake – caused damage to his reputation, personal concern and damage to his small business in the neighborhood. He did not wish to sue and instead met with the Roosevelt High School principal, explaining he had no ownership or control of the houses and was damaged by the article. The principal took notes and assured Drake it would not happen again.

In 2009 it did happen again, with a new article in *The Roosevelt News* entitled "Sisley Slums Cause Controversy Developers and Neighborhood Clash Over Land Use." (CP 166.) A copy of the article is attached as an exhibit to this petition.

So, despite the principal's assurance in 2003, the same problem – even worse – was presented. Drake Sisley filed this suit for libel. The claim did not name the high school student author as a defendant. The suit merely named as defendants the Seattle School District and the school administration that had permitted the defamatory publication.

The principal defense offered by the school district was that the student author had a First Amendment privilege precluding the district from censoring or changing what she had written. The cases decided by the United States Supreme Court reject this constitutional claim. The other claim by the defense was that Drake Sisley had a history of abuse of residential tenants, using convicted white supremist Keith Gilbert as a manager of his rental properties. This claim by the defense was totally false. Gilbert never managed any of Drake or Antoinette Sisley's properties.

The trial court dismissed the entire case by a summary judgment ruling. The trial court did not provide a written opinion, merely signing "x's" on her ruling on the contentions. Though not clear, the trial court seemed to adopt the defendant's First Amendment constitutional challenge. The Sisleys appealed to the Court of Appeals. The decision which we seek to be reviewed is unbelievable. It ignores the evidence established by the Sisleys by affidavit and deposition, and rules instead that evidence supplied by articles in "various Seattle newspapers" dictate affirmance.

V. ARGUMENT

Petitioners respectfully request Supreme Court review of this decision. This case does not even mention that it decides issues of fact as a

matter of law. The troublesome aspect is that for some reason in defamation cases, the courts have recently elected to review the gist or sting of the publication as a matter of law, ignoring a clear factual dispute.

Literal truth of a publication has been a complete defense to defamation. In November, 1981 our Supreme Court announced a modification of this rule in *Mark v. Seattle Times*, 96 Wn.2d 473, 635 P.2d 1081:

> It is now generally agreed that a defamation defendant need not prove the literal truth of every claimed defamatory statement. A defendant need only show that the statement is substantially true or that the gist of the story, the portion that carries the 'sting' is true.

This was the first decision in Washington using the words "gist" and/or "sting" in a libel case. The source of this modification was *Prosser, on Torts* (4th Ed.). The *Mark* opinion also cited five decisions around the country. These five decisions did not define the terms "gist" or "sting" but it was not necessary. In each it was apparent that the allegedly libelous publication contained a minor error which no reasonable person could claim changed the overall substance of the publication.

Two of the decisions cited in *Mark* demonstrate this: *Turnbull v. Herald Co.*, 459 S.W.2d 516 (Mo. Ct. App. 1970) and. *Dudley v. Farmer's*

Branch Daily Times, 550 S.W.2d 99 (Tex. Civ.App. 1977). In both of these cases, the alleged defamatory publications contained an error in the amount involved in the prosecution for burglary and theft. The court accurately pointed out that the sting of both reports was that criminal cases had been filed and the value of the items taken would make no great difference.

These were close factually to the *Mark* situation. The report in question stated that Mark had been arrested for Medicaid fraud and had "bilked the State out of at least $300,000." In fact, Mark was charged with larceny based on a lesser amount with an audit revealing over $200,000 in fraud billing. The court upheld summary judgment of the libel claim stating:

> The inaccuracy, if any, does not alter the 'sting' of a publication as a whole and does not have a materially different effect on the viewer, listener or reader than that which the literal truth would produce.

The *Herron* case (*Herron v. KING TV*, 109 Wn.2d 514, 746 P.2d 295 (1985), 112 Wn.2d 762, 776 P.2d 48 (1989)) was decided in the late 1980s and was reviewed twice by our Supreme Court.

Herron was Pierce County Prosecuting Attorney. The KING news reporter, Don McGaffin, wrote and broadcast a story that stated:

> Bail bondsmen heavily contributed to Herron's campaign – approximately half of all of the campaign funds collected by Herron.

Herron sued. The decision marks the first factual dispute on what is the "sting" of the broadcast. The trial court had dismissed the case by summary judgment, ruling that the sting of the broadcast was the following two true statements: (1) Prosecutor Herron is under investigation for bail bond practices; and (2) he accepted substantial sums from bail bondsmen to finance his election campaign. The trial court ruled that the words "approximately half" of the funds contributed did not make any material difference in the "sting" of the broadcast and granted summary judgment of dismissal.

Herron appealed, claiming that the true percentage of the bondmen's contribution was 2% and not approximately half, asserting that the words "approximately half" carried "significantly greater opprobrium" than 2%. The Supreme Court agreed in both decisions, ruling that the expression "approximately half" carried the implication that Herron had bargained away his integrity. Both Herron decisions contained the ruling that the true "sting" of the publication was altered by the words "approximately half."

The second *Herron* decision contained the following statement:

> Credibility determinations, the weighing of evidence and the drawing of legitimate inferences from the facts are jury functions, not those of a judge, whether he is ruling on a motion for summary judgment or a directed verdict.

But in neither of the two *Herron* cases did either party seek remand for a jury determination.

In *Mohr v. Grant*, 117 Wn.App. 75, 68 P.3d 1159 (2003) the defendant KXLY-TV broadcast a series of news stories about a 40-year old man named Glen Burson who has Down's syndrome and the mental capacity of a 5-year old. The plaintiffs maintained a retail store and, on one occasion, Burson, who had a strange compulsion to wash the windows in the store, refused to leave. Mohr then physically escorted Glen Burson from the store premises at which time Glen Burson allegedly threatened the Mohrs, making slashing motions across his throat and saying he would shoot them. Mohr called the police and they arrested Burson, charging him with trespassing and harassment.

KXLY-TV then ran a broadcast in which Glen Burson personally appeared. Two others in the broadcast described Glen Burson as "gentle and childlike." The Burson family confirmed that, not surprisingly for one with a mental capacity of a 5-year old, he did not understand what was happening to him. Burson was later found incompetent to face trial and all charges against him were dismissed.

Mohr sued KXLY-TV alleging that the newscast falsely portrayed him as a bully who had physically assaulted the mentally disabled Glen Burson and callously subjected him to prosecution. At the initial trial court hearing, the court found that there was no convincing evidence that any of the KXLY-TV broadcast contained false statements and granted KXLY-TV's motion for summary judgment dismissing Mohr's complaint. Mohr appealed, stating that the broadcast created a false impression of him and his involvement in Glen Burson's arrest. Mohr and Grant disagreed about the gist or sting of the newscast. Mohr asserted that the gist was that "Elliott Mohr caused the arrest of a developmentally disabled individual because the individual came into Elliot Mohr's store to ask for candy." Grant disagreed, contending that the gist was that "the County was using taxpayer resources to prosecute a developmentally disabled man, based on charges brought by the owners of the Mohr business." The Court of Appeals ruled that an issue of fact was presented by these two interpretations and concluded that "what constitutes the sting of a news story is a question of fact for the jury. A reasonable jury could adopt Mr. Mohr's view of the case. . . the summary judgment dismissal of Mr. Mohr's claim is reversed."

The Supreme Court agreed to review the *Mohr v. Grant* decision. The issue of the differing interpretations of the gist were considered, but the court, in a single sentence, adopted the defendant's gist as a matter of law, stating: ". . . this court, not the jury, determined the gist of reports in at least two seminal defamation cases." The two cases cited were *Herron, supra* and *Mark, supra.*

Justice Chambers dissented, on the ground that reasonable minds would differ on the true sting and that a jury question was presented. The dissent was joined by two other justices, Bobbe Bridge and Faith Ireland.

A more recent decision is *US Mission Corp. v. KIRO-TV*, 172 Wn.App. 767, 292 P.3d 137 (2013). Plaintiff US Mission Corp. operated a transitional housing service in Seattle which permitted inmates released from jail a place to live provided by US Mission. KIRO broadcast on TV and published on its website a story entitled "Jailhouse Used to Find Door-to-Door Solicitors." The text read:

> A transitional housing service in Seattle (US Mission) has been sending a bevy of historically violent felons, burglars and robbers, to your house to collect money –and there isn't a thing you can do about it.

The story also described US Mission's "pay-to-stay plan" where residents of US Mission houses are required to solicit money door-to-door in order to remain living at the houses, stating:

> Operators typically load up a van with recent transients and known criminals, then drop them off in various neighborhoods. They are required to collect cash and checks to keep a roof over their heads.

A follow up story stated that KIRO investigators "discovered the kind of guys coming to your door are basically the kind right out of jail. Public records show house guests with records for assault, rape, kidnaping, attempted arson and residential burglary."

US Mission sued for libel. The trial court dismissed, entering a summary judgment for the defense under Rule 12(c). US Mission appealed, contending that four gists of the KIRO reports were false. The Court of Appeals decision announced "what constitutes the gist or sting of a story is a question for the court."

Three of the four gists that US Mission had claimed were false were the following:

(1) That "US Mission deliberately recruited violent criminals to solicit donations to the organization." The Court of Appeals disagreed,

concluding the gist of the story is not that the Mission "deliberately" seeks out violent criminals for solicitation purposes.

(2) That "US Mission deliberately employs known criminals to solicit donations as a tactic because the use of such people to solicit donations is an effective means of threatening people with harm if they do not contribute." The Court of Appeals disagreed, concluding that there are no statements in the stories of US Mission using criminals to threaten people.

(3) That "a significant portion of its solicitors have criminal records as violent felons." The Court of Appeals disagreed, stating that the stories do not discuss the proportion of felons and non-felons who live at US Mission and solicit.

The point here is that whether a reasonable person agrees or disagrees that these three gists that US Mission claimed were false – do they raise an issue of fact and is that to be decided by the court as a matter of law thereby removing it from a jury's determination.

Other authors have commented on the practice of judges deciding whether a libel has occurred announcing a particular interpretation of the "sting" or "gist" and then concluding that falsity had not been proved. In 73 New York University Law Review at p. 529, the following appears at p. 536:

> But the ability to bring a libel claim to an early resolution carries with it an inherent trade off: given the admitted vagueness of the substantial truth standard, the judge enjoys a wide latitude within which to evaluate the merits of the plaintiff's claim, a latitude which increases the risk that the plaintiff's claim will be judged, not by the standards of the community (as seen by the jury) but by the standards of a single judge. This risk is inherent in the way courts apply the doctrine. Before a court can apply the substantial truth test, it must characterize the 'gist' or 'sting' of the publication. The doctrine provides almost no guidance for making this determination, implicitly presuming that the gist of the publication will be self-evident to the court. The substantial truth doctrine is therefore susceptible to abuse–a judge may use the doctrine to formulate a particular gist of the publication to justify a decision a judge has already reached regarding the publication's truth or falsity. When judges use the doctrine in this manner, the scope of the substantial truth test is not determined by any stable legal standard, but by how far a defendant can stretch the truth before a judge's individual libel alarm goes off. . . .

The concern of appellants here in seeking review is that this new Sisley decision represents a continuation of the erosion of the role of a finder of fact in Washington defamation cases and a gradual slide into permitting the court to rule, by announcing the court's conclusion of the "gist" or "sting" of a publication when reasonable minds differ on an issue of fact relating to falsity.

You see a striking example of that here. The defamatory article in question is very narrow in its scope. The title of the article included

"Developers and Neighborhood Clash Over Land Use." The "Sisley slums" identified in the article were precisely located "on the block west of 15th and 65th." The article concluded, referring to the houses that "the neighborhood may not have to deal with them for much longer." The falsity in this article and the reason plaintiffs filed this case was because the article falsely stated that Drake Sisley owned these slums. The Court of Appeals decision that we now request be reviewed does not refer to any affidavits that might support the statement that Drake Sisley owned these slums, nor any records of evidence of deeds, title or anything else. The decision refers merely to "articles in various Seattle newspapers" and heavily emphasizes the white supremacist, Keith Gilbert. This Court of Appeals decision, tacitly rules that no issue of fact has been presented and tacitly assumes that the court has the power to decide all issues in the case as a matter of law. This Court of Appeals decision, on almost every page, ignores substantial issues of fact. On p. 1, the decision refers to the "property surrounding the high school" stating that they are properties owned by "Drake and Hugh Sisley (the Sisley brothers)" – an outright falsehood.

A. FALSE STATEMENT – OWNERSHIP OF THE HOUSES DESCRIBED IN THE ARTICLE

From the beginning of this case, Drake Sisley established that neither he nor his wife, Antoinette, ever had any ownership of any of the rundown houses surrounding Roosevelt High School. Drake's affidavit filed in opposition to the motion for summary judgment is attached and reads in part as follows:

> Neither my wife, Antoinette L. Sisley, nor I have ever at any time had any ownership interest in the run-down residences surrounding Roosevelt High School. I am entirely familiar with these run-down residences. They were the subject of *The Roosevelt News* article of 2003 (**Exhibit A** attached). This article falsely stated that together with my brother, Hugh Sisley, I 'owned' the white house on 15th. It falsely stated that together with Hugh Sisley, I have 'amassed a collection of over 55 houses in the area.' It ran a photo of one of the houses, falsely stating that it is 'one of the many run-down houses the Sisley brothers own.' These were all false factual statements.

This fact, that neither Drake nor Antoinette Sisley ever had any ownership in these houses was never controverted by the defense.

B. FALSE STATEMENT – KEITH GILBERT WAS A MANAGER OF DRAKE SISLEY PROPERTY

The decision refers on p. 2 to articles in "various Seattle newspapers," ultimately concluding that 'the evidence presented to the trial court demonstrated that Drake Sisley had knowingly allowed Gilbert to manage at

least one of the proerties in the Roosevelt neighborhood." This was false on its face because Drake Sisley never owned any of the Roosevelt properties and could not have had Gilbert as a manager, but beyond that, in Drake Sisley's deposition which lasted over 2 hours, Drake was repeatedly asked and repeatedly denied that Keith Gilbert was ever a manager of any of his rental properties at any location. The deposition questions and Drake's answers were as follows:

CP 43, p. 14

Q: What's your relationship with Keith Gilbert?

A: Oh, I didn't – I wouldn't say we had a relationship. He did rent a house from me at 5014 - 15th Avenue NE when I first bought it.

Q: So, other than being a tenant of yours, you had no other relationship with Keith Gilbert?

A: That is correct.

CP 43, p. 15:

Q: Was he managing that rooming house for you while he was renting from you?

A: He was the tenant. He had guests.

CP 44:

Q If somebody were to be evicted though, would Mr. Gilbert be the one who would make that decision as to whether he

wanted these guests to be in that rooming house or would it be you?

A: He had the tenant's right to do that. It wouldn't be me.

CP 44, p. 19:

Q: Approximately when did that happen? Were you told that he needed to leave?

A: That was within a year of when I signed the lease. He wasn't there for a full year. Nine months, about.

CP 50, p. 69:

Q: Would you agree that at one time Keith Gilbert did manage the one property we spoke about earlier today before lunch?

A: The Acme residence club, yes.

Q: He did manage that property for you, did he not?

A: No. He did not manage that club before me. He was a tenant of mine.

Q: Ok. But he managed the property in which he operated that club that you rented to him, isn't that correct?

A: I'm going to object to "manage." He was not a manager. He was a tenant.

Q: Ok, as the tenant he chose who the residents of that house were, he chose who were not the residents of that house, and he managed the property. When complaints came in he fixed the appliances and so on as you previously testified. Am I correct?

A: No. The technology that you are talking about is a term applied to a manager and it is that I object to being called a manager. He managed his own affairs. I will agree that he managed his own affairs but he did not manage for me.

CP 50, p. 70:

Q: How would you describe his role as manager of the property?

A: He wasn't a manager for the property. He was a manager of the residence club. He had other rules and other things that people needed to do as residents other than what the landlord would be concerned about.

CP 57, p. 97:

Q: You don't feel that you gave Mr. Gilbert a position of responsibility?

A: No sir.

Q: Ok. You don't agree that you allowed his thugginess to essentially represent you?

A: No. I do not.

CP 68, p. 142:

Q: No, but you were linked to him as being your property manager, who engaged in these racist policies, correct?

A: So even you can't keep it straight. He never was my property manager. He was a tenant.

The clear gist/sting of this high school news article was related solely to rundown houses in the Roosevelt neighborhood surrounding Roosevelt High School, the houses west of 15th and 65th.

But we see that the opinion adopts a different gist of the article claiming that the sting refers to "northeast Seattle." Even if this were true, it would not carry with it a rule that would permit a court to base its decision on "various Seattle newspapers" where the falsehoods in the newspapers are contradicted by signed sworn affidavits presented to the court as well as sworn deposition testimony.

VI. CONCLUSION

RAP 13.4(b)(1) and (2) permits acceptance of review of a decision of the Court of Appeals if it conflicts with a Supreme Court decision or a decision of a Court of Appeals. This decision, as well as the other decisions referred to in this petition, particularly US Mission Corp. v. KIRO-TV, supra, are in conflict with the basic court rule in CR 56 that requires remand for jury trial if the decision, whether it involves the sting of the alleged defamatory article or otherwise, makes a factual determination as to which reasonable minds differ. Rule 56 reads:

> The judgment sought shall be rendered forthwith if the pleadings, depositions, answer to interrogatories and

admissions on file together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a mater of law.

Petitioners request review.

Respectfully submitted this 20 day of March, 2014.

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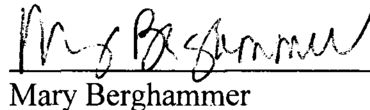
Declaration of Service

The undersigned declares under penalty of perjury under the laws of the State of Washington that on the below date I mailed via U.S. Mail, first class, postage pre-paid and/or sent by legal messenger a true copy of this document to:

Jeff Freimund
Attorney at Law
711 Capitol Way S., Ste 602
Olympia, WA 98501

Dated this 20th day of March, 2014.



Mary Berghammer

APPENDIX

Unpublished Opinion, February 24, 2014
Court of Appeals of the State of Washington
Sisley et ux v. Seattle Public Schools

Declaration of Drake Sisley with Exhibits
Sisley v. Seattle Public Schools,
King County Cause No. 11-2-11493-7SEA

The Roosevelt News, p. 7, March, 2009
"Sisley Slums Cause Controversy: Developers and neighborhood clash over land use"

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DRAKE H. SISLEY and ANTOINETTE L. SISLEY, husband and wife,	)	No. 69316-6-I
Appellants,	)	DIVISION ONE
v.	)	UNPUBLISHED OPINION
SEATTLE PUBLIC SCHOOLS, a local government entity,	)	
Respondent.	)	FILED: February 24, 2014

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STATE OF WASHINGTON
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GROSSE, J. — To overcome a defendant's motion for summary judgment dismissal in an action for defamation, a plaintiff must establish falsity, unprivileged communication, fault, and damages. Here, the plaintiff failed to do so and thus the summary judgment dismissal of the defamation claim was appropriate. We affirm the trial court's order.

FACTS

In March 2009, *The Roosevelt News,* Roosevelt High School's student newspaper, published an article entitled, "Sisley Slums Cause Controversy: Developers and neighborhood clash over land use." The article, written by Emily Shugerman, a student at Roosevelt High School, discussed the controversy regarding development plans on properties surrounding the high school—properties owned by brothers Drake and Hugh Sisley (the Sisley brothers). Shugerman's article stated:

> A fixture on the landscape of Roosevelt, the "Sisley Slums" are the run-down houses located on the block west of 15th and 65th. Also endearingly referred to as the "crack shacks" or ghetto houses", these buildings are rental houses owned by the infamous landlords

> Drake and Hugh Sisley. The Sisleys own more than forty pieces of property in Northeast Seattle, and have a bad reputation amongst both locals and city officials. In fifteen years these brothers have acquired 48 housing and building maintenance code violations, and have also been accused of racist renting policies. In his defense, Drake Sisley says that bad renters are to blame for the accumulating violations. No matter what the reason, the houses have become a well-known eye sore - but the neighborhood may not have to deal with them for much longer.[1]

Following the publication of the article, Drake and Antoinette Sisley (collectively Sisley) filed an action against the Seattle Public Schools (district) for defamation and libel. The district moved for summary judgment pursuant to CR 56. The district asserted that Sisley's vicarious liability theory failed as a matter of law because a public school student is not an agent or employee of the school district for whom the district may be vicariously liable for the intentional tort of defamation. The district additionally contended that dismissal of Sisley's claim was appropriate because he was unable to prove the elements of defamation.[2]

In support of its motion for summary judgment, the district cited several articles printed in various Seattle newspapers. Each of the articles concerned the deplorable conditions of the Sisley brothers' rental properties, referring to the brothers as among Seattle's worst "slumlords" and reporting on the numerous housing code violations on their properties. Many of the articles also describe

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[1] Underlined portions of the article are the specific statements Sisley asserts are defamatory.

[2] This is one of several grounds on which the trial court granted the district's motion for summary judgment dismissal of the Sisley claim. We need not address the other reasons given for dismissal in order to resolve this case and, therefore, do not do so.

the Sisley brothers' relationship with Keith Gilbert, the founder of a white supremacist organization, who had been convicted of multiple racist hate crimes.

The trial court granted summary judgment dismissal. Sisley appeals.

ANALYSIS

Sisley contends that the article in the newspaper was false, defamatory, slanderous, and maliciously published. Sisley denies owning, managing, or having anything to do with the properties described in the article.

In its review of a summary judgment order, this court engages in the same inquiry as the trial court.[3] "When a defendant in a defamation action moves for summary judgment, the plaintiff has the burden of establishing a prima facie case on all four elements of defamation: falsity, an unprivileged communication, fault, and damages."[4] Not "every misstatement of fact, however insignificant, is actionable as defamation."[5] Rather, "state law requires not only that there be fault on the part of the defamation defendant, but that the substance of the statement makes substantial danger to reputation apparent."[6] "The defamatory character of the language must be apparent from the words themselves."[7] Where language is ambiguous, "resolution in favor of a 'disparaging connotation' is not justified."[8] A defamation claim may not be based on the negative

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[3] Camer v. Seattle Post-Intelligencer, 45 Wn. App. 29, 35, 723 P.2d 1195 (1986).
[4] LaMon v. Butler, 112 Wn.2d 193, 197, 770 P.2d 1027 (1989).
[5] Mark v. Seattle Times, 96 Wn.2d 473, 493, 635 P.2d 1081(1981).
[6] Mark, 96 Wn.2d at 493 (emphasis, internal quotation marks, and citations omitted).
[7] Lee v. Columbian, Inc., 64 Wn. App. 534, 538, 826 P.2d 217 (1991).
[8] Lee, 64 Wn. App. at 538 (quoting Exner v. American Med. Ass'n, 12 Wn. App. 215, 219, 529 P.2d 863 (1974)).

implication of true statements.[9] This is because "[d]efamatory meaning may not be imputed to true statements."[10]

The element primarily at issue in this case is falsity. "Falsity in a classic defamation case is a false statement."[11] In a defamation by implication case, the plaintiff must show that the statement at issue is provably false, either because it is a false statement or because it leaves a false impression.[12]

> With respect to falsity, Washington does not require a defamation defendant to prove the literal truth of every claimed defamatory statement. . . . A defendant need only show that the statement is substantially true or that the gist of the story, the portion that carries the "sting," is true. . . . The "sting" of a report is defined as the gist or substance of a report when considered as a whole. . . . In applying this test, [the court] require[s] plaintiffs to show that the false statements caused harm distinct from the harm caused by the true portions of a communication[.][13]

"Where a report contains a mixture of true and false statements, a false statement (or statements) affects the 'sting' of a report only when 'significantly greater opprobrium' results from the report containing the falsehood than would result from the report without the falsehood."[14] The mere omission of facts favorable to the plaintiff or facts the plaintiff thinks should have been included in a publication does not make that publication false.[15] As recently noted by this court in Sisley v. Seattle School District No. 1, "the question is not whether the

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[9] Yeakey v. Hearst Commc'ns, Inc., 156 Wn. App. 787, 792, 234 P.3d 332 (2010).
[10] Yeakey, 156 Wn. App. at 792.
[11] Mohr v. Grant, 153 Wn.2d 812, 823, 108 P.3d 768 (2005).
[12] Mohr, 153 Wn.2d at 825.
[13] Mohr, 153 Wn.2d at 825 (internal quotation marks and citations omitted).
[14] Herron v. KING Broad. Co., 112 Wn.2d 762, 769, 776 P.2d 98 (1989) (quoting Mark, 96 Wn.2d at 496).
[15] Mohr, 153 Wn.2d at 827.

statement is literally true but, rather, whether 'the statement is substantially true' or 'the gist of the story, the portion that carries the "sting," is true.'"[16] Here, as there, the evidence presented to the trial court demonstrated that Drake Sisley had knowingly allowed Gilbert, who had been criminally convicted of racist hate crimes, to manage at least one of the properties in the Roosevelt neighborhood. Drake attempts to deny that Gilbert managed his properties stating that Gilbert was only a tenant and that the property was in the University District, not the Roosevelt District. But the gist of the article was about the Roosevelt neighborhood and Northeast Seattle. The article did not limit itself to just the Roosevelt District. Drake was also aware that Gilbert had been reported to have mistreated tenants in the rental properties. He testified that he was aware of the newspaper articles and that Gilbert was a white supremacist racist who used strong-arm tactics with tenants. Numerous Seattle newspaper reports describing Gilbert as a "racist" or "bigot" linked Gilbert to the Sisley brothers, commenting on, for example, the "strong-arm tactics" used by Gilbert against tenants of the rental properties owned by the Sisleys. Moreover, in addition to reading such newspaper articles, Shugerman attended a neighborhood association meeting where she discussed the rental properties and their development with community members.[17] Given this information, the Sisleys cannot demonstrate the falsity of

---

[16] 171 Wn. App. 227, 234, 286 P.3d 974 (2012); rev. den., 176 Wn.2d 1015, 297 P.3d 706 (2013) (quoting Mark, 96 Wn.2d at 494).

[17] Although Shugerman does not now recall where she learned that the Sisley brothers had been "accused of racist renting policies," it is the Sisleys' burden to show that the statement is false, not Shugerman's burden to demonstrate its truth. Schmalenberg v. Tacoma News, Inc., 87 Wn. App. 579, 591, 943 P.2d 350 (1997)).

the statement that Hugh and Drake Sisley had been "accused of racist renting policies."

In Sisley, this court focused on the same student article and found that as to Hugh Sisley, the statement that the brothers had been "accused of racist renting policies" was not defamatory.[18] The court noted that the "'sting' of the allegedly defamatory statement is that the Sisley brothers had been accused of being racist landlords—not that they are racist landlords or that they had enacted formal rental policies that discriminated on the basis of race."[19] Likewise, the "sting" of the statement here is that Drake Sisley had also been accused of being a racist landlord. Other than a bare allegation of falsity, Sisley, like his brother Hugh, failed to establish a genuine issue of material fact. In sum, the evidence here demonstrated that Sisley had knowingly allowed Gilbert, who had been criminally convicted of racist hate crimes, to manage his property in Northeast Seattle. Sisley was aware that Gilbert had been reported to have mistreated tenants in the rental properties and numerous Seattle newspaper reports described Gilbert's association with the Aryan Nations. Given this information, Sisley cannot demonstrate the falsity of the statement. Under Schmalenberg, it is Sisley's burden to show the reports are false.[20]

Sisley argues that the property he owns is in the University or Lake City Districts not the Roosevelt District, even though at least four of his rental properties are within approximately one mile of the high school. As noted

[18] 171 Wn. App. at 233.

[19] Sisley, 171 Wn. App. at 235 (emphasis omitted) (citing Herron, 112 Wn.2d at 769).

[20] 87 Wn. App. at 591.

previously, this argument fails because the article is not limited to just the Roosevelt District. Sisley also argues that his properties are not run down. He admits that he has received over 40 notices of violations, but asserts that he corrected those violations promptly. However, one of those properties involved a lawsuit with two tenants who successfully sued him over the rat infestation in their rental property.[21]

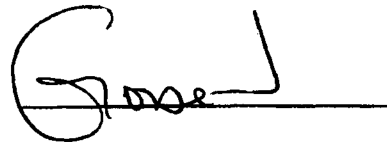
Sisley's primary complaint regards the article's reference to the properties as "crack shacks." Sisley argues that it is libelous per se because it accuses him of criminal behavior thus holding him up to ridicule. A publication is libelous per se if it "tends to expose a living person to hatred, contempt, ridicule or obloquy, or to deprive him of the benefit of public confidence or social intercourse, or to injure him in his business or occupation."[22] A defamatory statement is libelous per se if it imputes that the plaintiff's conduct is criminal and involves moral turpitude.[23] But the article does not say that Sisley runs crack shacks. Rather, it states that the houses are "endearingly referred to" as "crack shacks" or "ghetto houses." Anyone reading that article would interpret the quoted appellations as nothing more than a term that some people use to refer to the condition of those houses and not that the owners deal cocaine from the houses. The statement itself does not impute criminal activity to Sisley. There is nothing in the record to suggest that the author made up these comments or misreported what the

---

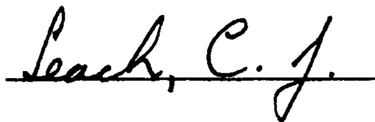
[21] At the deposition, Sisley noted that it was he who sued the tenants. After he received the tenants' demands, Sisley went in and obtained a restraining order against the tenants, which was issued ex parte and later quashed.
[22] Purvis v. Bremer's, Inc., 54 Wn.2d 743, 751, 344 P.2d 705 (1959).
[23] Maison de France v. Mais Oui!, Inc., 126 Wn. App. 34, 45, 108 P.3d 787 (2005) (citing Ward v. Painters' Local 300, 41 Wn.2d 859, 252 P.2d 253 (1953)).

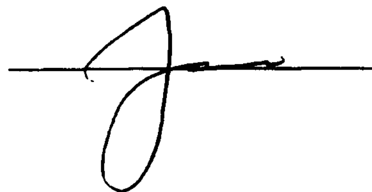
speakers said or that the speakers were lying. The statements cannot be the basis of a defamation claim because there is no evidence that they are false. Additionally, it is not defamatory because it is an opinion or not a false statement. The appellation can be taken as either an opinion or a generalization of the type of housing. The use of the term "endearingly referred to" as a preface to the appellation "crack shacks" makes the gist of the story about the condition of the houses, not that criminal activity is taking place.

Affirmed.



WE CONCUR:





Judge Monica Benton
Noted for Summary Judgment
Friday, August 17, 2012, 1:00 p.m.
WITH ORAL ARGUMENT

IN THE SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

DRAKE H. SISLEY and ANTOINETTE L. SISLEY, husband and wife, Plaintiff, v. SEATTLE PUBLIC SCHOOLS, a local government entity, Defendant.	NO. 11-2-11493-7SEA DECLARATION OF DRAKE H. SISLEY

Drake H. Sisley declares and states as follows:

1. Neither my wife, Antoinette L. Sisley, nor I have ever at any time had any ownership interest in the run-down residences surrounding Roosevelt High School. I am entirely familiar with these run-down residences. They were the subject of *The Roosevelt News* article of 2003 (**Exhibit A** attached). This article falsely stated that together with my brother, Hugh Sisley, I "owned" the white house on 15th. It falsely stated that together with Hugh Sisley, I have "amassed a collection of over 55 houses in the area." It ran a photo of one of the houses, falsely stating that it is "one of the many run-down houses the Sisley brothers own." These were all false factual statements.

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1 2. They damaged me and my wife in part because we are, and always have
2 been, responsible landlords. At no time have we ever owned rentals in the Roosevelt
3 neighborhood, whether run-down or not.

4 3. We presently own rentals including a triplex, a four-plex, and a rooming
5 house that are all within 3 blocks of the University of Washington campus. They are over
6 a mile distant from the Roosevelt neighborhood with its run-down houses described in the
7 2003 article. Photos of these three rentals that we presently own and operate are
8 attached as **Exhibits B, C and D.**

9 4. When I saw this publication in 2003 I went to the Principal of Roosevelt High
10 School (whose name I do not remember) and told him that my wife and I did not own any
11 of the houses described in the article, that it was a slander and seriously upsetting to us,
12 damaging our reputation. During this conversation he was polite. I do recall saying to him,
13 "if you do this again, we will sue you." He assured me it would not happen ever again and
14 he made notations for future advisors.

15 5. All of the residences described in the 2003 article are owned and have been
16 owned by my brother Hugh Sisley, presumably jointly owned by Hugh and his wife, Martha.
17 This has been a problem for us for years. It is true that these Roosevelt neighborhood
18 homes that Hugh owns are in miserable and horribly maintained condition, and in a
19 condition that my wife and I would not tolerate, but we have no control over that. There
20 is simply nothing we can do about it. He is my brother, but those are his houses and we
21 do not own them or have any interest in them.

22 6. Antoinette and I have suffered from these false statements for years. It is not
23 just the claim of ownership of these run-down houses that has defamed us. We have also
24 been slandered and defamed by false statements and stories that we are "linked to" or
25 "connected with" a Mr. Keith Gilbert. To explain: Mr. Keith Gilbert is as bad and as evil a
26
27
28

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person as reported in two *Seattle Times* articles in 2006 and 2007. The first of these articles, published February 17, 2006 contained the following:

> . . . Gilbert, 65, was arrested for allegedly selling two machine guns to an informant working for the Federal Bureau of Alcohol, Tobacco, Firearms & Explosives, and for being a felcn in possession of a firearm.
>
> He became a devotee of Aryan nations leader Richard Butler.
>
> Sometimes the intimidation was done through the courts. Gilbert sued tenants, building inspectors, City officials and neighbors sometimes for millions of dollars. In one federal lawsuit he claimed his constitutional rights had been violated when a City inspector stepped on his front porch.
>
> Gilbert filed so many frivolous claims that U.S. District Court Judge Barbara Rothstein barred him from suing any City officials without her explicit permission. He then filed a lawsuit against her.

7. In the 2007 *Seattle Times* article published March 9, 2007, the following appears:

> According to court documents, Gilbert was arrested in 1965 and convicted of possessing 1,400 pounds of stolen dynamite. Police and prosecutors claim that Gilbert was among a group that intended to blow up a Hollywood, California stage where late civil rights leader Martin Luther King, Jr. was scheduled to make a speech.
>
> He was also convicted of shooting a motorist after making insulting remarks about the other person's race.
>
> After serving 5 years in prison, Gilbert moved to Idaho and struck up a relationship with Aryan Nations leader Richard Butler.
>
> In the mid-1980s, Gilbert was convicted in Idaho of interfering with housing rights through force or threat. According to a federal court opinion, Gilbert sent hate mail to an adoption agency that placed black children with white families.

8. The problem that Antoinette and I have had is that the 2006 *Seattle Times* article also contained the following sentence containing the same falsehoods: "A key to Gilbert's influence in the neighborhood (Seattle's Roosevelt neighborhood) was his relationship with Hugh and Drake Sisley, two brothers who own dozens of properties in the area."

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1 9. So the defense counsel in the case at bar has made a serious attempt at
2 "linking" us to Keith Gilbert. We have no "link" to Keith Gilbert and we have never been
3 connected with him. (See the questioning at pp. 62 through 77 in Drake Sisley Deposition
4 taken June 7, 2012.) This questioning established that Gilbert had never "managed" any
5 rental properties owned by Drake or Antoinette Sisley. At the deposition I testified that for
6 approximately 9 months sometime during the 1990s, I rented a building to Gilbert. I
7 terminated that arrangement after approximately 9 months because I learned that Gilbert
8 was collecting money from what he called his "guests" in the home and simultaneously
9 collecting money from the State of Washington, an illegal system. I have had no
10 "connection" or "link" to Gilbert whatsoever at any time since.

11 10. On a positive note, there was slight improvement in these false statements,
12 beginning in late 2007. On September 21, 2007, the *Seattle P-I* ran a story (**Exhibit E**
13 attached) about a fire at a Roosevelt neighborhood home and the lead paragraph in that
14 article reads as follows:

15 A fire that gutted a rooming house and displaced 8 tenants this week was the fifth in a year at properties owned by Hugh Sisley – a man notorious with
16 neighbors and City leaders for his dilapidated Roosevelt neighborhood property. . . Sisley owns more than 40 homes around 15th Avenue NE and
17 NE 65th Street – most of them converted into rooming houses and rented to low income tenants.
18
19 11. The *Seattle P-I* was apparently more careful in checking the facts relating to
20 ownership than had been the case with the *Seattle Times*.

21 12. In the same manner, there is a Roosevelt Neighborhood Association
22 newsletter entitled *The Roosie*. It is a monthly publication and the front page of the May
23 2009 newsletter ran an article entitled "Prepare to Comment Upon Sisley Property
24 Redevelopment." (Copy attached as **Exhibit F**.) Neither the name Drake Sisley nor
25 Antoinette Sisley appears anywhere in that newsletter. Plaintiffs began to believe that the
26 false statements about their "ownership" of these run down houses had come to an end.
27 However, it was at approximately the same time of the *Roosie* edition that the false and
28

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1 defamatory Roosevelt High School publication occurred in 2009. This describes Roosevelt
2 area properties, "owned by the Sisley brothers," refers to them as "crack shacks," "ghetto
3 houses," and "Sisley slums." It further contains the statement: "In 15 years these
4 brothers have acquired 48 housing and building maintenance code violations . . ."
5 13. In all of the years we have maintained rentals, in some years maintaining
6 over 20 rental units, my wife and I have never been found guilty of a housing or zoning
7 code violation. From time to time we have received "alerts" or notices from housing or
8 zoning personnel which we have promptly corrected and resolved without further
9 controversy.
10 14. My wife and I have raised three children to adulthood and have also served
11 as foster parents for the Washington Department of Social & Health Services, raising 9
12 foster children.
13 15. I have read the argument in defense counsel's motion for summary judgment,
14 particularly the claim that our lawsuit should be "collaterally estopped" because it is
15 identical with Hugh Sisley's claim. That is obviously incorrect. The statements in the
16 article that my wife and I "owned" these run down properties in the Roosevelt
17 neighborhood were true in Hugh Sisley's claim because he and his wife are sole owners
18 of those properties. The false statements of ownership are, on the other hand, a central
19 issue in our libel claim.
20 16. Neither my wife nor I have any interest in the Hugh Sisley lawsuit, financial
21 or otherwise.
22 17. To say we have been damaged by publication of these false statements is
23 an understatement. We are, and have been, responsible, law-abiding landlords. These
24 falsehoods have exposed us to hatred, contempt and ridicule. I have diabetes which, as
25 a result of the stress from this, has been aggravated, requiring treatment and additional
26 medication.
27
28

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1 18. I have been damaged in my business, RR Hardware, a small business I
2 founded in 1980 which I own and operate in the Roosevelt neighborhood. The store is
3 across the street from the high school. We sell hardware at retail, perform "handyman"
4 repair services in the neighborhood, repair equipment and motors and we have a unique
5 "hunt and find" service to find items for customers that are out of production or no longer
6 available. I have always been active in the Roosevelt neighborhood. A good reputation
7 in the neighborhood, is, in my opinion, essential to the success of the business. I am a
8 graduate of Roosevelt High School, class of 1950. When I formed the business I named
9 it RR Hardware, the "RR" standing for "Roughriders," the logo of the Roosevelt athletic
10 teams. Also, some years ago when I worked in residential real estate sales, I focused on
11 the Roosevelt area. At approximately that time I was President of the Roosevelt Chamber
12 of Commerce.

13 19. Not surprisingly, there was a significant drop in the gross revenue at RR
14 Hardware following this 2009 publication.

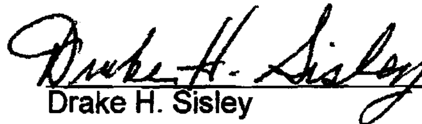
15 20. For over 13 years prior to this publication, RR Hardware was a successful U-
16 Haul franchisee. Shortly after this publication, the franchise, without prior notice, was
17 terminated because of a complaint from a neighbor in the Roosevelt neighborhood.

18 21. Finally, my wife has been upset over this since it happened and received
19 adverse comments from people at her place of employment.

20 I declare under penalty of perjury under the laws of the State of Washington that the
21 foregoing is true and correct.

22 SIGNED AT Seattle, Washington this 3rd day of August, 2012.

23

24 

25 Drake H. Sisley

26

27

28

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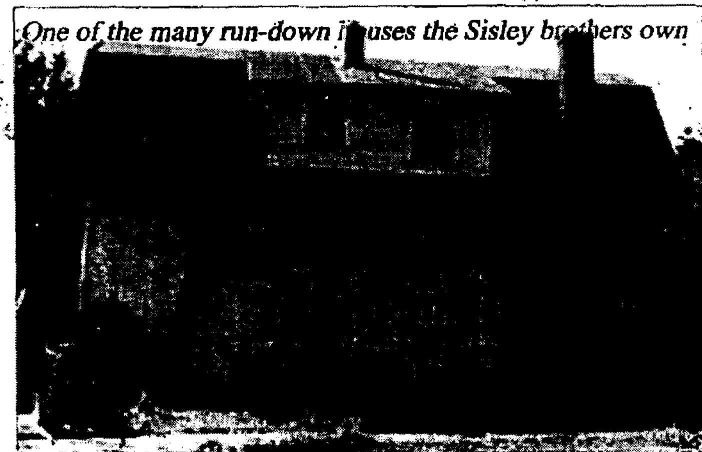
EXHIBIT A

2003

Questionable Landlord Perpetuates Roosevelt's Slums

Vladimir Korshin

Photo/Graphic Editor



One of the many run-down houses the Sisley brothers own

Before moving to Seattle, Keith Gilbert lived in Idaho where he made a name for himself by being convicted of 35 counts of welfare fraud and state-income-tax evasion. He was also convicted in a federal court of violating the Fair Housing Act because he almost drove over an African-American child because he was opposed to his white parents adopting him. Which, of course, makes sense since he was a member of the Aryan Nation.

Gilbert has now spent over a decade in the Roosevelt area and claims that he is an agent for non-profit and religious "Residents' Club." It is commonly believed that he is actually a property manager for the locally renowned brothers, Hugh and Drake Sisley.

The Sisley Brothers are the kings of the local slum. Their monopoly on the run-down homes that surround Roosevelt is worth an estimated 14 million dollars which ranks them among the top three slumlords in the city. The Sisley brothers are the owners of many local eye-sores such as the RR Hardware store, the plot of land by "Smokers' Corner" and the white house on 15th Avenue with a suspiciously abundant amount of people that go in and out of it. All in all they have amassed a collection of over 55 houses in the area and have become so powerful that the locals often refer to this neighborhood as "Sisleyland."

Their reputation is mixed. They attended Roosevelt and Hugh Sisley fought in both the Korean War and World War 2. Drake Sisley has run for several different Seattle political positions, though he has had a tendency to lose. On the other hand, the Seattle Department of Design, Construction and Land Use (DCLU) has been fighting with Hugh Sisley for over a decade. He has been given citations totaling up to $60,000 for his infractions ranging from allowing garbage to pile up on the lawns of his property to renting out one of his homes just days after it had been badly damaged in a fire.

Hugh Sisley has made his name commonplace in the courthouses of Seattle. He would often stall the payment of his fines by countersuing the city for trespassing onto his property. This cycle continued for over ten years until three years ago when the Roosevelt Neighborhood Association pleaded to the DCLU to take action on the numerous infractions. The DCLU found violations on thirteen of his properties, all within one block of Roosevelt. At that point Sisley agreed to clean up his homes a little if the if the fine is reduced. The city then agreed.

> **The Sisley brothers have become so powerful that the locals often refer to this neighborhood as "Sisleyland."**

Since then the houses that surround the school have once again begun to crumble back into a shamefully shanty existence. Hugh Sisley is still a name spoken regularly by the city judges. It is good to see that all is once again normal in "Sisleyland."

Checkmate!

The Roosevelt Chess Club Kicks Off

EXHIBIT B

1207 NE 55th ST TRIPLEX NORTH SIDE JULY 2012

ENTRANCE 1207 NE 55th ST June 2012

EXHIBIT C

5006 - 15th Ave NE Fourplex West July 2012

EXHIBIT D

5014 - 15th AVE NE WEST ENTRANCE JULY 2012

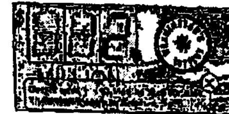
Pur. 2006

Rooming House

Last Painted 2010

EXHIBIT E

SOVREN
The Phil Smart Mercedes Benz 22nd Annual PACIFIC NORTHWEST HISTORICS
VINTAGE RACES
July 2-4, 2010
Pacific Raceways, Kent, Washington
Click here for more info
A benefit for Seattle Children's Hospital



Friday, September 21, 2007
Last updated 12:50 a.m. PT

5th blaze worries neighbors

Landlord owns dozens of dilapidated homes

By SCOTT GUTIERREZ AND CASEY MCNERTHNEY
P-I REPORTERS

A fire that gutted a rooming house and displaced eight tenants this week was the fifth in a year at properties owned by Hugh Sisley -- a man notorious with neighbors and city leaders for his dilapidated Roosevelt neighborhood properties.

The latest fire broke out late Tuesday in the attic of a home in the 6500 block of 15th Avenue Northeast. Fire investigators traced the flames to an area around a candle and an electric fan but were unable to determine which one was the source, Fire Department spokeswoman Helen Fitzpatrick said.

Sisley owns more than 40 homes around 15th Avenue Northeast and Northeast 65th Street -- most of them converted into rooming houses and rented to low-income tenants.

For more than a decade, Sisley has battled the city over the conditions of his properties, which have drawn complaints for accumulated junk, disrepair and electrical problems.

Some residents in the Roosevelt neighborhood worry about the potential safety hazards.

"It's one thing when your property is not aesthetically pleasing," said C.J. Liu, president of the Roosevelt Neighborhood Association, whose home is near the site of a house that caught fire last year. "It's another when you start endangering other people's lives."

Two of the fires were ruled accidental, caused by candles lit by tenants, and damage in both was limited to one room. Fire investigators determined that one small fire last month was arson, and another a year ago could have been intentionally set.

Hugh Sisley's brother Drake, who owns a hardware store in the neighborhood, said that as far as he knows, smoke detectors inside his brother's properties are up to date and functional. He said tenants aren't supposed to use portable heaters, and property managers recently inspected and upgraded electrical wiring on several properties to prevent fire hazards.

But people shouldn't blame his brother for tenants' carelessness and the work of arsonists, Drake Sisley said, speaking for his brother, who typically does not comment. "These are not things that the landlord causes."

Sisley leases the properties to managers, who sublet to other tenants. Drake Sisley said his brother is unfairly scrutinized for taking in people down on their luck.

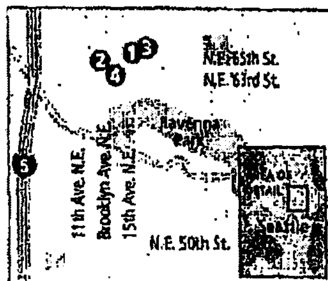
"My brother has provided housing for people who the city won't help," said Drake, who has run unsuccessfully for county and state office.

RAVENNA FIRES

Four rooming houses owned by Roosevelt landlord Hugh Sisley have caught fire in the past year. Sisley has fought the city for several years over code violations on his properties.

1 Sept. 18
2 Aug. 14 (2 fires)
3 May 14
4 Sept. 17, 2006

Source: City of Seattle



SEATTLE P-I

After firefighters responded to the first candle fire, on May 14 at 6544 16th Ave. N.E., inspectors from the city's Department of Planning and Development found several code violations, prompting inspectors to seal off the property until repairs

EXHIBIT F

The Roosie

Roosevelt Neighborhood Association Newsletter

May, 2009
www.rooseveltseattle.org

Prepare to Comment upon Sisley Property Redevelopment

The Roosevelt Development Group (RDG) has now submitted its general proposal to the Seattle Department of Planning and Development (DPD). Please refer to the map on Page 2 for proposed building height ranges, as well as locations and current zoning.

The impact and effect of buildings depends upon many factors, including their shape and design, the amount and use of open space, and streetscape treatment. But building height is certainly a dominant feature. RDG has proposed building heights taller than current zoning would allow, and also taller than the Roosevelt community's zoning recommendations published in 2006. RDG's building designs are not yet available.

This is a large and complex project with multiple processes and timelines. At different points there will be opportunities for the community to provide input and comments to the City authorities who will guide the process and make decisions. It is very important to act upon these opportunities for input, so that we can influence the future shape of our neighborhood.

The best near-term opportunity for you to have input will come during the EIS (Environmental Impact Statement) process. DPD will issue a public EIS notification, and schedule a "scoping meeting," as well as a minimum 21-day comment period. The scoping process is a critical phase in which multiple alternative building scenarios will be determined, along with the criteria for their evaluation in the EIS. It is important to note that the alternative building scenarios will be determined by DPD, and may include or vary significantly from RDG's proposal. The community can and should provide input on which alternatives (probably four different scenarios) will be included in the EIS.

As *The Roosie* goes to press, there is no date set for the RDG EIS Scoping Meeting. Please watch for future announcements, and/or contact Jim O'Halloran to be notified via e-mail (**jim@ohalloran.cc**). On Monday, May 18, at 7:00 p.m. at Calvary Christian Assembly, RDG will be on hand to answer questions about its proposal and to update the community on the EIS process.

Please continue following the Sisley property redevelopment, and prepare to make your comments, which will become an important part of the public record for evaluation by the City Council, which has the ultimate zoning authority.

-Jim O'Halloran

To view the neighborhood map with the proposed height limits, continue to the next page. Map created by John Adams.

Next RNA Meeting
Tuesday, May 26
Roosevelt High School, Room 242
7:30 p.m.

7:30-7:45. Committee Updates (Sustainability, Roosevelt Bull Moose Festival, non-RDG Land Use, and others TBD).

7:45-8:00. New Recycling Rules.

8:05-9:00. RDG proposals for developing areas south and east of Roosevelt High School (including re-zoning for height). Community response to these proposals and how to make your voices heard in the upcoming city council decision making process.

Sisley Slums Cause Controversy

Developers and neighborhood clash over land use

Emily Shugerman
Staff Reporter

A fixture on the landscape of Roosevelt, the "Sisley Slums" are the run-down houses located on the block west of 15th and 65th. Also endearingly referred to as the "crack shacks" or "ghetto houses", these buildings are rental houses owned by the infamous landlords Drake and Hugh Sisley. The Sisleys own more than forty pieces of property in Northeast Seattle, and have a bad reputation amongst both locals and city officials. In fifteen years these brothers have acquired 48 housing and building maintenance code violations, and have also been accused of racist renting policies. In his defense, Drake Sisley says that bad renters are to blame for the accumulating violations. No matter what the reason, the houses have become a well-known eye sore - but the neighborhood may not have to deal with them for much longer.

The property, run-down as it may be now, is actually a hot spot for development. The proposed installation of a light-rail station in the neighborhood makes the surrounding area a great place to create dense housing, and developers are taking note. The Roosevelt Development Group of Seattle has gained development rights for the Roosevelt area properties owned by the Sisley brothers. Their plans for the property have yet to be finalized, but many signs point to a much more population-dense development being erected. The Roosevelt/Ravenna neighborhood plan has already been updated to provide for more population density. Also, Hugh Sisley has been looking to change the zoning for the site to allow for more units per acre. There have been rumors circulating that the developers aim to build a ten story apartment building, sparking conflict within the neighborhood.

One of the houses located in the Sisley Slums, with Roosevelt in the background.

Some clues as to what type of buildings may be popping up next to Roosevelt can be found in the Environmental Impact Statement from the Roosevelt Development Group. An Environmental Impact Statement is a required investigation for all developers when they begin the development process. The developers must submit all potential building heights to be inspected for their possible impact on the environment. So far the Roosevelt Development Group has submitted building heights of 30 to 160 feet to be investigated. Considering that 160 feet is more than three times the height of RHS, this proposal has caused more than a little concern within the neighborhood.

Another house located in the Sisley Slums. The Roosevelt Neighborhood Association is resentful of the possibility of a ten story building replacing the Sisley Slums.

Photos by M. Tull

The Roosevelt Neighborhood Association (RNA) - a group of neighbors from around the Roosevelt area - have taken action. The RNA hosted a meeting recently to discuss the issue. City councilwoman Sally Clark was in attendance, along with almost 200 apprehensive neighbors. One such neighbor was Mark Weybright, who said, "The school is the heartbeat of the community. You can't cover that with a cement wall," echoing the concerns of most of the neighbors in attendance. Many community members were also worried about the safety of students if traffic was to increase due to higher population density. They also wondered how a large development would impact the learning environment at Roosevelt.

One group of concerned neighbors even did some research into the heights of buildings surrounding other public schools in Seattle. They found that no other public school has a building as tall as 160 feet on any side of it. In fact, no other schools have buildings over 40 feet directly next to them. The Roosevelt Development Group did attend the meeting, and developer Ed Hewson told us that he was "looking forward to putting in some nice buildings." Only time will tell how they choose to deal with the conflicts surrounding this property.

What Local Stores Say About Teen Shoplifters

Elaine Colligan
Staff Reporter

As American wallets become uncomfortably tight, some citizens are resorting to the "five-fingered discount" while shopping. A survey conducted by the Retail Industry Leaders Association found that 84% of retailers reported an increase in theft from their stores since the recession hit, adding more to the 35 billion dollars lost annually due to shoplifting. Who is to blame for this massive loss? Unsurprisingly, about a quarter of all apprehended shoplifters are teens, and Roosevelt students aren't an exception.

Any Roughrider who has been to Whole Foods during the midday lunch rush knows how busy the store becomes. Long lines, occupied tables, and a crowded checkout area contribute to a hectic atmosphere - perfect for shoplifting, as one student shoplifter remarked. In fact, Shoplifters Alternative, a national recovery organization, estimates that one out of every eleven Americans has shoplifted before, and one out of every four teenagers surveyed had committed this crime. Because of this high statistic, Roughriders shouldn't be surprised when their backpacks and youthful faces earn them extra attention from employees at QFC.

The manager at Roosevelt Square's Whole Foods says that, although he recognizes and appreciates the business that honest Roughriders do with Whole Foods, he is fully aware of the crimes some students commit during their lunch hour. The most common way students steal is taking more than one piece of food from the prepared food trays. "Especially in the meat department, people come through the store and abuse our sampling policy," he said. Seem like an easy, free way to have a meal? Think twice. The legal consequences for shoplifting are, though more relaxed for adolescents than adults, severe.

Illustration by X. Yuan

After being caught and detained by security personnel, a teen shoplifter will be arrested by the police and taken into custody. Depending on the case and whether or not it is a first offense, the shoplifter will either be released to his/her parents, or be sent to a juvenile court or office where an appropriate punishment will be given. Possible penalties include jail, fines, community service, or being banned from the store they shoplifted from.

Is shoplifting really worth it? Most teens steal for thrill and excitement; others because they don't have enough money to buy products at full price. However, a petty crime like shoplifting will go on file as a misdemeanor and, although colleges don't have access to such records, questions about past crimes appear on many job applications.

Our school motto states, "What I am to be, I am now becoming." Let's hope that "kleptomaniac" isn't in the future of any Roughrider.