

Peralta Community College District

333 East Eighth Street · Oakland, California 94606 · (510) 466-7200

Via email and by hand

June 1, 2017

Julina Bonilla
President, Board of Trustees
Peralta Community College District
333 East 8th Street
Oakland, CA 94606

Dear President Bonilla:

I am writing with reference to Peralta Community College District (“PCCD”) Board Policy 7700 and Administrative Procedure 7700, Whistleblower Protection, concerning suspected unlawful activities and possible violations of state or federal statutes, rules, regulations and PCCD Board Policies and Administrative Procedures (the “activities”) by Chancellor Jowel C. Laguerre (“Laguerre”) and members of the Board of Trustees.

Some of these activities took place prior to Laguerre’s tenure and involve current and former members of the Board of Trustees. I am concerned that no action by the Board to curtail these activities, in spite of Alameda County Grand Jury recommendations, has taken place and that the activities continue at PCCD in violation of state or federal statutes, rules, regulations and PCCD Board Policies and Administrative Procedures.

Therefore, I ask that you investigate the following activities at PCCD:

Multiple Brown Act violations, which include, but are not limited to, either no notices or untimely notice of public meetings; missing information from agenda items, including contractor payment information; items that require public hearing being decided in private, including overseas agreements made by Laguerre that were not approved by the Board in public session; private agreements made with for-profit and community or private organizations that should have been subject to public scrutiny; travel activity that should have been made public; and personnel matters that require public hearing.

Campaign Finance Law and Fair Political Practices violations, including, but not limited to the possibility that public funds have been used for national and local campaign contributions; that PCCD resources were used to further the campaigns of current and former board members; that PCCD resources were used to further Bond and Parcel Tax measures; and that PCCD personnel, including myself, were called on to aid these campaigns while being paid with public funds.

Misappropriation of funds and misuse of public funds for private gain and/or reimbursement, including, but not limited to the establishment by Laguerre of a so-called “contract education” unit at the District Office with a shadow finance department to manage “soft” money outside of PCCD’s publically accountable General Fund; the misappropriation of State of California Equity/SSSP funds and other grant monies, and the use of these funds for inappropriate expenditures, including faculty office hours and general public information officer activities; asking PCCD staff to “steer” foreign students to private housing that appears to benefit a private individual or individuals and or private organizations, and promising staff a “kick back” for doing so; instructing PCCD staff to produce materials used to promote overseas private enterprises; paying contractors without following PCCD Board policies and administrative procedures; the awarding of lucrative contracts and/or positions to search consultants who selected Laguerre; reimbursement by Laguerre, the Board of Trustees (past and present) and others for personal expenses and/or lavish travel expenses; and the possible use of public office by at least one current trustee for personal gain.

Providing false and/or misleading information to the Board of Trustees, committees, staff, students, the public and the media, including, but not limited to presentations made by Laguerre to the public and to PCCD employees “explaining” his hiring and reorganization activities; false and/or misleading information that was presented at Board meetings, and therefore to the public, concerning budgets and finances, including information provided to various committees and the media concerning PCCD’s Bond funds, Parcel Tax funds and OPEB investments; providing false and or misleading information to accrediting agencies concerning the operations of the District Office and colleges; persistently false and/or misleading information provided by Laguerre to me and to other employees concerning personnel, administrative and financial actions; and Laguerre providing me with false or misleading information concerning the Parcel Tax and, most recently, on-going public land property negotiations that I was directed to communicate to the media (and did so in fear of losing my job).

Multiple Violations of Board Travel policies and administrative procedures, including, but not limited to persistent out-of-state and foreign travel by Laguerre and members of the Board of Trustees not presented at public meetings per policy and Alameda County Grand Jury recommendations; private travel paid for with public funds; apparently

inappropriate travel with staff, consultants and students possibly paid for with public funds; questionable reimbursement without documentation for travel expenses; and possible inappropriate conduct during trips to China, including the purchase of gifts, possibly with public funds, for “two ladies.”

Multiple Violations of Board Hiring policies and administrative procedures, including, but not limited to the unprecedented contract extension granted to Laguerre by the Board in violation of practice, procedure and policy; the misuse by Laguerre of interim status to hand-pick administrators in violation of policy and possibly California Ed Code; the interference by Laguerre in the hiring process on multiple occasions in violation of policy and possibly California Ed Code; gross mismanagement of District personnel that resulted in further violations of purchasing and/or finance policies and operations, endangering the District’s integrity and solvency; the gross mismanagement by Laguerre of key district operations, including, but not limited to the departments of Finance, IT, General Services, Educational Services, Human Resources and International Education; the supervision of Union employees by outside contractors; the hiring of contractors in violation of California Public Contract Code and, possibly, other laws.

Violations of the California Public Records Act (“PRA”), including, but not limited to not responding to PRA requests; not responding within the timeframe set out in PRA laws, not fully responding to PRA requests; providing misleading or evasive responses to PRA requests; omitting material covered by PRA requests; and the use of private email accounts and text messaging services to conduct public business in order to avoid disclosure under PRA laws.

In light of the seriousness of my concerns, and the possible unlawful activities that have taken place, I ask that you fully and thoroughly investigate my concerns and grant me Whistleblower Protection as outlined in PCCD Board Policy 7700 and Administrative Procedure 7700.

I have been concerned about these activities for some time, but feel obligated to come forward now not only because I can no longer allow my professional reputation to be put at risk, but also to shield current and future staff and faculty from these abuses of power – and I do so in the interest of reestablishing the public’s trust in the Peralta Community College District.

I am also concerned with Laguerre’s arbitrary and capricious firing, reassigning and demoting of staff and creating hostile workplace environments for so many of my qualified and dedicated colleagues. This, and the fear of losing my own job, has caused me a great deal of personal anxiety and emotional distress. As the longest serving member of PCCD Senior Staff and member of the Chancellor’s Cabinet, it is also a motivating factor in me coming forward at this time.

Thank you for your attention to this matter and I look forward to assisting in the investigation of my concerns in any way I can. I care deeply about the Peralta Community College District, which I have proudly served for the past 18 years.

Sincerely yours,

Jeffrey Heyman
Executive Director, Public Information, Communications and Media
Peralta Community College District

Copy: Jowel C. Laguerre, Chancellor Peralta Community College District
Dan Siegel, Partner, Siegel & Yee