

## Investigative Roadmap

### **1. Multiple Brown Act Violations**

#### A. No notices or untimely notice of public meetings:

- Example: Several COC meetings and agenda items being voted on at retreats or meetings arranged at times/locations to avoid public/faculty participation.
- Example: COC is not and has not been constituted legally for some time.
- Action: Review Board and COC Agendas, times and dates, and when posted for the past 2 years
- Interviews: Michael Mills, Ron Little, Brenda Martinez, Richard Ferreira

#### B. Missing information from agenda items, including contractor payment information:

- Example: July 2016 off site board retreat: No payment/cost information for the hiring of Paul Cheng and passage of a contract for Ferilli
- Action: Review contracts voted on and ascertain if they should have been decided in public.
- Interviews: Robert Ferilli, Paul Cheng, Jowel Laguerre, Marie Hampton, Benda Martinez

#### C. 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 and Private agreements made with for-profit and community or private organizations that should have been subject to public scrutiny:

- Example: July 2016 C-GRAM table, photos on Chinese Websites, other unknown MOUs, such as with Patten College.
- Action: Review all MOUs and Agreements for the past 2 years and compare with board agendas and minutes.
- Interviews: Jowel Laguerre, Paul Cheng, Nitasha Sawhney

#### D. Travel activity that should have been made public:

- Example: Jowel Laguerre trips, Trustee trips, Board policy, Grand Jury Recommendations
- Action: Review all travel records over the past 2 years for Laguerre, the Board, consultants, etc. to ensure it complies with Board policy.
- Interviews: Brenda Martinez, Suzanne Kunkel, Ervin Robinson, Nitasha Sawhney

#### E. Personnel matters that require public hearing:

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- Example: Numerous reorganizations, reassignments, interim appointments
- Action: Review all personnel actions and reassignments with Board policies to ensure compliance
- Interviews: Trudy Largent, Nitasha Sawhney

### **2. Campaign Finance Law and Fair Political Practices Violations**

#### A. Public funds have been used for national and local campaign contributions:

- Example: Linda Handy \$950/plate dinner at the Congressional Black Caucus Foundation Annual Legislative Conference: Contribution to Hillary Clinton
- Action: Review reimbursement and payment records for Handy trip.
- Interviews: Linda Handy, Brenda Martinez

#### B. PCCD resources were used to further the campaigns of current and former board members:

- Example: PCCD tables at public events or PCCD-sponsored public events,
- Action: Review history of these expenditures to determine legality.
- Interviews: TBD

#### C. PCCD resources were used to further Bond and Parcel Tax measures and PCCD personnel, including myself, were called on to aid these campaigns while being paid with public funds:

- Example: Various staff called on to attend meetings, create materials, and assist in these campaigns.
- Action: Review records for campaign periods.
- Interviews: TBD

### **3. Misappropriation of Funds/Misuse of Public Funds for Private Gain and/or Reimbursement**

#### 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:

- Example: Workforce Development and Continuing Education Unit (WDCE) Established without precedent and consultation. Grant money moved to fund it, new offices built, headed by interim appointment, staff by interims, including long-time friend of Laguerre’s (Melvinia King) and, for the first time in PCCD

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- history, a second Budget Director, was appointed for oversee WDCE funding apart from the General Fund. After a year, no successful programs established.
- Action: Review the entire WDCE plan and budget, both sources of establishing funds and any revenue generated.
  - Interviews: Mike Orkin (June 30), Louis Quindlen, Karen Engel, Carmen Fairly, Elnora Webb (on leave), Melvinia King, Sui Song
- B. 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:
- Example: Funding of PT Office Hours, Laney Public Information and other general activities, including general advertising, funded with this categorical money
  - Action: Review all expenditures, included proposed expenditures and those at the colleges, of Equity/SSSP funds to ensure it meets State of California criteria
  - Interviews: Cleavon Smith, Jennifer Shanoski, Peter Brown, Mike Orkin (June 30), current and past college presidents and business managers, Ron Little (on leave), Christine Williams, Luther Aaberge, David Yang, Luis Pedraja (left the District)
- C. 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:
- Example: Paul Cheng conversations to International Department staff and me
  - Action: Review the entire International Department and how it interfaces with Paul Cheng’s assignment and private dealings
  - Interviews: Sean Brooke (June 30), Drew Gephart, Mike Orkin (June 30), Paul Cheng, Luis Pedraja (left the District).
- D. Instructing PCCD staff to produce materials used to promote overseas private enterprises:
- Example: Laguerre directing me to have staff produce material for Paul Cheng for the previous year, including currently.
  - Action: Review the legality of Paul Cheng’s requests and the Chancellor’s direction and research overseas programs to ensure the requests for support were legal
  - Interviews: Paul Cheng, Sean Brooke (June 30), Drew Gephart, Mike Orkin (June 30), Jowel Laguerre

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- E. Paying contractors without following PCCD Board policies and administrative procedures:
- Example: Ferilli contract (no emergency declaration by PCCD or County, no bid), Cheng contract on July 2016 retreat, others not known. Issuing of Peralta offices and email addresses to contractors, using contractors in lieu of employees (PIOs, etc.)
  - Action: Review all payments to contractors and ensure they were properly noticed on Board agendas and that the contracts follow purchasing policies and state law.
  - Interviews: Marie Hampton (on leave or fired), Ron Little (on leave), Mike Orkin (June 30), MaryBeth Benvenuti, Phyllis Carter (June 30), Sadiq Ikharo
- F. Awarding of lucrative contracts and/or positions to search consultants who selected Laguerre:
- Example: Fran White awarded two contracts after selecting Laguerre as Chancellor. White was interim president at BCC, and later CoA. (CBT was awarded two contracts for educational master planning)
  - Action: Review contracts
  - Interviews: Fran White (retired), Jowel Laguerre, Meredith Brown
- G. Reimbursement for Laguerre, the Board of Trustees (past and present) and others for personal expenses and/or lavish travel expenses:
- Example: Unprecedented number of trips taken by Laguerre and Board and reports from staff indicate large reimbursements. Ref. Grand Jury report.
  - Action: Review all travel expense reimbursements and all credit card use and expense reimbursement for the Board and Laguerre over the past 2 years.
  - Interviews: Brenda Martinez, Suzanne Kunkel, Earvin Robinson, Yashica Crawford, Ron Little (on leave)
- H. Possible use of public office by at least one current trustee for personal gain:
- Example: Meredith Brown and husband attend CCLC 2016 CEO Conference and sponsor lunch with 57 slide presentation on Dual Enrollment and how their firm could assist other districts
  - Action: Who paid for Brown and her husband's trip to CCLC; as a PCCD trustee can she offer these services based on knowledge gained through publically funded staff (Request for articles, presentations, during multiple conference calls.

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- Interviews: Meredith Brown, Guy Bryant (husband), Lorine Sharp (AA/RR legal assistant), Luis Pedraja (June 30), Norma Ambriz-Galaviz (June 30), Brenda Martinez, Jowel Laguerre

### **4. Providing False/Misleading Information to the Board of Trustees, Committees, Staff, Students, the Public and Media**

- A. False/Misleading representations made by Laguerre to the public and to PCCD employees “explaining” his hiring and reorganization activities:
- Example: Multiple examples in Laguerre’s C-DIRECT, C-GRAM, statements at meetings, speeches, written announcements and “Town Hall” presentations.
  - Action: Careful review of the conflicting and misleading statements in the above over the past two years, review of presentations and announcements
  - Interviews: TBD
- B. False/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:
- Example: Multiple misleading statements and presentations given by Laguerre and at his direction by senior administrators
  - Action: Review documents presented at Board meetings to Citizens oversight meetings, to the media, and internally and compare those with actual budget and balance numbers
  - Interviews: Ron Little (on leave), Thomas Wong (former Internal Auditor), Luther Aaberge, Michael Mills, Karen Weinstein, Bill Withrow, Jerry Herman, Debra Weintraub, Melvinia King, TBD
- C. Providing false/misleading information to accrediting agencies concerning the operations of the District Office and colleges:
- Example: Reports to AACJC contained inaccurate information, public statements and announcements were inaccurate
  - Action: Review reports and statements to determine inaccuracies.
  - Interviews: Mike Orkin (June 30), Annette Dambrosio (consultant), College Accreditation Officers, Elnora Webb (on leave), Norma Ambriz-Galaviz (June 30), Sadiq Ikharo, TBD

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- D. Persistently false/misleading information provided by Laguerre to me and to other employees concerning personnel, administrative and financial actions:
- Example: See above
  - Action: See above
  - Interviews: Trudy Largent, Ron Little (on leave), TBD
- E. 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):
- Example: Directed by Laguerre to provide to the media information, including the Laney Tower, that was not true or misleading about the Parcel Tax and the Oakland A's stadium discussions underway, which tarnished my professional reputation; Also, directed to have student newspaper remove true story of Laney College presidential candidate
  - Action: Review emails to determine if the misleading statements were untrue
  - Interviews: Ron Little (on leave), Michael Mills, Burt Dragin, TBD

### **5. Multiple Violations of Travel Policies and Administrative Procedures**

- A. 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 and Board policy:
- Example: Multiple examples of frequent out of state and overseas trips in violation of Board policy, including not being made public, possible international trip expenses paid with General Funds, rather than International non-tax payer funds per policy, Trustees spending more than the \$5,000 travel budget, travel to events not allowed under policy, travel over \$1,000 not on public agenda as required by policy.
  - Action: Review all travel documents by Laguerre and trustees and compare to board agendas and minutes, review policy and Grand Jury recommendations to determine compliance
  - Interviews: Brenda Martinez, Suzanne Kunkel, Yashica Crawford, Jewel Laguerre, Members of the Board of Trustees
- B. Private travel paid for with public funds:
- Example: It is unclear what trips Laguerre has taken, especially to Haiti, but also possibly to China and other destinations, are personal and which concern District

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- business. This could also include the Trustees as no travel has been posted publically per policy.
- Action: Review travel by Laguerre and determine which concerning District business and which are personal. Review Laguerre’s calendar and leave records to determine if he took proper leave for personal trips. Also the trustees.
  - Interviews: Brenda Martinez, Suzanne Kunkel, Ron Little (on leave), Earvin Robinson (or Nick Shere?), Yashica Crawford, Trustees, TBD
- C. Inappropriate travel with staff, consultants and students possibly paid for with public funds:
- Example: On at least two occasions Laguerre travelled to Haiti with PCCD individuals, Melvinia King and Marquita Price. See also below.
  - Action: Determine what the purpose was for these trips, were they appropriate and who paid for the travel.
  - Interviews: Melvinia King, Marquita Price, Jowel Laguerre, Herb Kitchen, Karen Engel, Sui Song
- D. Questionable reimbursement without documentation for travel expenses:
- Example: Persistent information that expenses have not included proper documentation, including “\$40,000” on Laguerre’s credit card for student trips, etc.
  - Action: Determine if all travel expenses are properly documented
  - Interviews: Brenda Martinez, Suzanne Kunkel, TBD
- E. Inappropriate conduct during trips to China, including the purchase of gifts, possibly with public funds, for “two ladies”:
- Example: Travel with consultant Paul Cheng to China on multiple occasions, “Peralta representatives” unknown to district identified on Websites, meetings with other than education officials, and providing gifts
  - Action: Determine if trips and meetings were appropriate for district business and why International Department staff were excluded; determine if travel with consultant was appropriate and who paid for the “Peralta representatives,” and others on trip. Were expense on trip, including “gifts,” appropriately paid for?
  - Interviews: Sean Brooke (June 30), Luis Pedraja (June 30), Brenda Martinez, Suzanne Kunkel, Ron Little (on leave), Paul Cheng, Jowel Laguerre, TBD

## **6. Multiple Violations of Board Hiring Policies and Administrative Procedures**

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- A. Unprecedented contract extension granted to Laguerre by the Board in violation of practice, procedure and policy:
- Example: Board granted Laguerre a one-year extension in November 2016, just prior to a new trustee being sworn-in.
  - Action: Determine why the Board, without public review of the Chancellor's evaluation, suddenly grant Laguerre a contract extension when he had not even completed half of his current contract? Was this in violation of policy and perhaps State Ed Code?
  - Interviews: Board members, Jowel Laguerre, Nitasha Swanhey
- B. Misuse by Laguerre of interim status to hand-pick administrators in violation of policy and possibly California Ed Code:
- Example: More Interim appointments, by far, have been made by Laguerre. He appears to do this to sidestep hiring procedures and in violation of Board policy.
  - Action: Review the interim appointments made over the past two years, including the length of the appointment (1 year is the limit and must be for existing positions, not newly created positions) and review policy to determine if Laguerre has violated it in his hiring practices.
  - Interviews: Trudy Largent, Nitasha Swanhey, TBD
- C. The interference by Laguerre in the hiring process on multiple occasions in violation of policy and possibly California Ed Code:
- Example: Hiring of "Chief of Staff," after 2 failed attempts to have Yashica Crawford forwarded as a finalist; Placed his pick over the candidate forwarded by the committee for Director of Facilities and Operation and also for Project Manager, Maintenance & Operations positions.
  - Action: Review hiring committee documents and talk to hiring committee chairs/ hiring managers to review if violations took place.
  - Interviews: Sadiq Ikharo, Trudy Largent, Rosemary Vazquez, Natasha Spivey, Kirk Shuler, TBD
- D. 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:
- Example: Shifting reorganizations and reassignments, with changing reporting structures, that often made no sense (Institutional Research, Facilities) caused



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delays and confusion in finance, vendor payments, IT enrollment systems and facilities

- Action: Review Laguerre's reorganization announcements and
- Interviews: Generally: Yashica Crawford, Trudy Largent, Elnora Webb (on leave); Education Services: Mike Orkin (June 30), Luis Pedraja (left district), Karen Engel, May Chan (June 30), Anne Childress, Laura Leon-Maurice, TBD; Finance: Ron Little (on leave), David Yang, Luther Aaberge, Joyce Brown-Willis, Earvin Robinson, Michelle Lee, Fred O'Yang; Human Resources: Natasha Spivey, Vivian Farmer, Carrie Burdick, Jennifer Seibert; IT: Deb Bennett (Ferilli), Antoine Mehoulley, Kit Hui, Abigail Brewer, Jonathan Olkowski, TBD; Facilities: Sadiq Ikharo, Kirk Schuler, Rosemary Vasquez, Ted Hoffman, Tim Brice, Atheria Smith, Gary Banks (June 30), Laura McCarty (June 30), David Russell; Admissions & Records: Norma Ambriz-Galaviz (June 30), Charlotte Smith, TBD; International: Sean Brookes (June30)

E. Gross mismanagement by Laguerre of key district operations, such Finance, IT, General Services, Educational Services, Human Resources and International Education:

- Example: See Above
- Action: See Above
- Interviews: See Above

F. The supervision of Union employees by outside contractors:

- Example: Ferilli contractors supervised and signed personnel documents.
- Action: Review records from that period and Laguerre's last minute order that all IT employees report to him (against Board policy on reporting lines to the Chancellor), when CFO refused to have Ferilli and IT under him.
- Interviews: Yashica Crawford, Trudy Largent, Nitasha Swanhey, Ron Little (on leave), Jowel Laguerre, Deb Bennett (Ferilli), George Crossland (Ferilli), members of IT staff, members of the Technology Committee

G. The hiring of contractors in violation of California Public Contract Code:

- Example: Consultants are not allowed to provide an assessment and then be granted the contract to address the shortcomings found in their assessment, as was the case with Ferilli. Other contractors not publically known may also have violated the code and/or state law
- Action: Review Ferilli assessment, contract and the law for violations, and review other similar contractors' contracts to ensure compliance.

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- Interviews: Marie Hampton (on leave or fired), Calvin Madlock (on leave or fired), Ranell Holmes (on leave or fired), Gina Tomlinson (on leave or fired), Nitasha Swanhey, Jowel Laguerre

### **7. Violations of the California Public Records Act (“PRA”)**

A. Not responding to PRA requests; Not responding within the timeframe set out in PRA laws; Not fully responding to PRA requests/Omitting material covered by PRA requests; and Providing misleading or evasive responses to PRA requests:

- Example: Many examples, as late as two weeks ago.
- Action: Review all PRA requests and follow up by District to the request. Review the response with district individuals with knowledge of the subject areas to determine if PRA request was fully address/responded to.
- Interviews: Nitasha Swanhey, Yashica Crawford, Jowel Laguerre

B. Use of private email accounts and text messaging services to conduct public business in order to avoid disclosure under PRA laws:

- Example: Trustees habitually use private accounts to conduct public business and Laguerre uses private texts to conduct public business. Trustees have been instructed that such communications are not responsive to PRA requests and disclosure.
- Action: Review all email between the Chancellor and Trustees and key staff for the past two years to ensure District business is not being conducted in an improper or illegal fashion. Review District records retention policies to ensure communications are safeguarded, including text messages. Review communications between trustees to ensure “serial” meetings are not taking place and that decisions about not being made using private email.
- Interviews: Jason Cole, Ron Little (on leave), Suzanne Kunkel, Brenda Martinez, Yashica Crawford, Nitasha Swanhey, Trustees