

# **LACCD Board of Trustees Refuse to Adopt Resolution to Release Van de Kamps Construction Project Records to the State Controller's Office**

(Los Angeles September 7, 2011) The Los Angeles Community College District ("LACCD") Board of Trustees today refused to move, second, or adopt a proposed resolution that would have ordered the District's Chancellor and General Counsel to release to the State Controller's Office records the District previously refused to turn over to auditors seeking to investigate official wrongdoing on the construction at the site of the former Van de Kamps Bakery in the Glassell Park area of Los Angeles. The proposed resolution would also have required the Chancellor to invite the State Controller's Office back to complete its audit of the Northeast Satellite Campus of Los Angeles City College at the historic site of the former Van de Kamps Bakery.

The resolution recited language from the State Controller's Office Audit that stated auditors were unable to complete a review of the Van de Kamps Project because the District refused to make financial, construction management, and construction communication records available for inspection due to "pending litigation".

The resolution was supported by a memo setting forth key California cases that hold the "pending litigation" exemption of the state's premiere public records law can never be used to withhold from public inspection routine financial, construction management, and construction communication records.

Instead of wanting to demonstrate a commitment to meaningful reform of its troubled bond construction program, the Board, led by questions asked by new trustee Steve Veres, literally changed the subject. Mr. Veres and the District's outside legal counsel in environmental lawsuits over leasing the Van de Kamps site to outside entities, engaged in a recounting of how many documents had been released to the Van de Kamps Coalition, a community advocacy group. Although that was not the subject of the proposed resolution to release the Van de Kamps Project records to State Controller John Chiang, Mr. Veres and outside legal counsel engaged in an extended "performance" discussing public records requests of the Van de Kamps Coalition that are more than two years old.

Trustee Veres tried to comfort himself by suggesting that the District make the Administrative Record for the environmental lawsuit available for public inspection in the lobby of its headquarters building, but even his outside attorney confessed that this Administrative Record in no way was a complete record of District activities at the Van de Kamps construction site.

When no member of the Board was willing to move the proposed resolution or second it, LACCD General Counsel, Camille Goulet declared that the Board had "taken no action" on the item.

Ironically, and perhaps affecting the Board's willingness to adopt a resolution inviting the State Controller's Office back to further audit the District, Chancellor Daniel LaVista announced that Controller Chiang's auditors are returning to conduct at least two more days of audits and interviews -- including an interview of the Chancellor himself.

It is likely that the State Controller's auditors will follow up an apparent set of second books maintained by the LACCD in connection with the procurement and award of a \$3.25 million contract to a firm whose President, Christine Marez, the State Controller's Office found to be unqualified for the job she was hired by LACCD. The existence of the second set of books was revealed in a public meeting on August 17, 2011, when Chancellor Daniel LaVista claimed that the State Controller's Office auditor's "failed to use the correct scoring sheets" for the Inspector General procurement. In a August 19, 2011 LA Times article, a spokesperson for Controller Chiang said that the existence of a double set of books raised serious "red flags" that warranted further investigation.

The open question is whether John Chiang will passively allow the LACCD's Chancellor, Daniel LaVista, and LACCD's General Counsel, Camille Goulet, to dictate what records will be released and what records will be withheld.

For more information:

Miki Jackson (323) 855-0764  
Van de Kamps Coalition