

Fresno Unified paying criminal defense attorney \$400 an hour

By Mackenzie Mays
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Fresno Unified is paying a criminal defense attorney \$400 an hour to provide counsel for school district officials involved in a federal investigation of no-bid contracts.

At a board meeting Wednesday, Fresno Unified trustees approved a contract through June 2016 for attorney [Carl Faller](#), who worked for the U.S. Attorney's Office in Fresno for 20 years and now specializes in federal grand jury investigations.

Since a federal grand jury subpoenaed the school district last month, demanding answers about public bond money used to fund no-bid construction projects, Fresno Unified trustees have mostly stayed quiet about the investigation, deferring questions to Faller.

Faller told The Bee earlier this month that the district is cooperating in the investigation but "other than that, I can't really make any comment."

The [subpoena](#), served to the district Aug. 28 by the U.S. Department of Justice, does not name individuals but targets any district officials who oversaw certain "leaseback" construction agreements and is asking the district to turn over a wide range of documents dating back to 2009 related to money spent from the \$280 million Measure Q bond that voters approved in 2010. The subpoena specifically targets projects with Harris Construction and Bush Construction.

The investigation comes after the 5th District Court of Appeal [ruled in June](#) that Fresno Unified improperly used the leaseback method when it hired Harris Construction to build the \$37 million Gaston Middle School in 2012. Leaseback agreements were designed to allow cash-strapped districts to build schools by going outside of the traditional competitive bidding process and handpicking contractors to front the cost of a project. The contractors are then repaid by the district over time.

\$220,000

How much Fresno Unified has spent on legal fees associated with the Davis case

The state Supreme Court denied the district's request for appeal [last month](#), allowing local contractor Stephen Davis – who first took Fresno Unified to court over the matter – to return to Fresno County Superior Court, where he will allege that the district intentionally used the leaseback process to guarantee that the project would go to Harris Construction.

The district has paid more than \$220,000 in legal fees associated with the pending court case so far.

In other business at Wednesday's meeting:

- Classified employees were given a raise. The board finalized a 5% salary increase and a one-time 2% increase for all employees represented by the Service Employees International Union, the Fresno Area Substitute Teachers Association, the California School Employees Association and other unrepresented management. Those employees include food service workers, custodians and others. The Fresno Teachers Association is scheduled to consider the same proposal at a union board meeting next month.
- A literacy intervention program was established for at-risk students at Yokomi and Jefferson elementary schools. The program is overseen by [Reading and Beyond](#) and will work with families to focus on academics, attendance and

behavior.

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