

# Fresno Unified re-bids Figarden deal after Ashjian's conflict of interest

By Mackenzie Mays  
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The Fresno Unified school board will start over on a \$9 million construction project, after concerns that a trustee had a financial conflict of interest in the deal.

On Wednesday, the board unanimously voted to reject all contractors' bids made for work on a Figarden Elementary School project in January, after trustee Brooke Ashjian's company, [Seal Rite Paving](#), was listed as a subcontractor.

Selma-based [Lewis C. Nelson and Sons](#) was the lowest bidder and was set to be named the general contractor, but the project will now be re-bid because the firm chose Seal Rite Paving as a subcontractor. Fresno Unified administrators recommended rebidding, saying Ashjian had a prohibited financial interest in the project that disqualifies Seal Rite.

"The district clearly reserves the right to reject all bids. In this case, we thought that was the most prudent thing to do because of all the irregularities," Mark Creede, attorney with Lang, Richert & Patch, who represents the district, said Wednesday.

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Ashjian – who was not present for Wednesday's vote – has denied any misdeed and said he was unaware that his employee bid on a Fresno Unified job. As soon as he was notified, he was willing to step away from the project, Ashjian said, and has steered clear of projects related to the district since he was elected as a trustee in 2014.

But Merced attorney Kenneth Mackie - who represents "Fresno Watchdogs for Ethical Bidding" – claims otherwise, and [alleges that Ashjian deliberately sought the deal](#) despite a clear conflict of interest.

Mackie, who refused to name the people involved in the group that hired him, asked the board not to re-bid the project, and instead award it to Bush Construction – the next lowest bidder. Bush Construction's no-bid contracts with the school district are currently being [investigated by the FBI](#).

The second I found out about it, I was out.

Fresno Unified Trustee Brooke Ashjian

Creede said the district has no intentions of awarding the project to Bush as the next lowest bidder, pointing to a similar case in Clovis Unified, where a court decided that a general contractor was not disqualified for submitting a bid that included a non-licensed subcontractor.

"Seal Rite is not a responsible bidder. However, that does not reflect automatically that Nelson and Sons is not responsible," he said. "There's no obligation to award this to the second bidder ... As we see it right now, we don't have evidence that would bind (Nelson and Sons) to be non-responsible."

In front of the board Wednesday, Mackie doubted Ashjian's claims that his affiliation with the project was an accident, and referenced a school board meeting in 2015 when Ashjian acknowledged that his company was not eligible for district projects.

"One of his arguments was he didn't know ... but a year ago he recognized that Seal Rite could not do business

with the school board,” Mackie said.

The project, which aims to add classrooms and a kindergarten building to Figarden Elementary in northwest Fresno, will be rebid later this month. The work is still expected to be completed on time.

Also at Wednesday’s meeting, the board ratified its much-debated agreement with the Fresno Teachers Association, giving teachers a 5 percent ongoing raise and a one-time 2 percent payment. The agreement also provides funding for speech language pathologists and nurses.

Fresno Unified Chief Financial Officer Ruthie Quinto called the package “competitive,” but FTA leaders say that the agreement should have also focused on lowering class sizes and hiring more support staff such as psychologists and social workers.

In November, after 12 unsuccessful collective bargaining sessions, the district made its “best and final” offer and [declared an impasse](#), requiring the Public Employment Relations Board to step in to mediate.

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