

# TALLAHASSEE DEMOCRAT

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### Pons, School Board facing accusations

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*(Photo: Glenn Beil/Democrat )*

Major construction projects at a half-dozen Leon County Schools were split into smaller contracts over the past several years to avoid a competitive-bidding process, with millions of dollars going to

companies that have contributed to Superintendent Jackie Pons' political campaigns, according to school-district documents.

In all cases, Pons recommended approval of the contracts, which each came in just under a \$2-million threshold in state statute that would have triggered competitive bidding. All of the contracts were approved as part of the School Board's consent agenda, where routine items appear requiring no discussion or debate.

In at least one case, a contract came in at exactly one penny below the \$2-million threshold.

District officials have subjected the transactions to outside review — lawyers and accountants hired by the district and paid more than \$30,000 for their work — and determined that the contracts did not follow best practices, but were neither illegal nor unethical. District officials have provided those responses to the FBI.

The construction projects involve contracts dating to 2010 at schools including Gilchrist Elementary School, Gretchen Everhart School, Griffin Middle School, Kate Sullivan Elementary School, Killlearn Lakes Elementary School and Rickards High School. The projects included new school wings, underground utility work and heating and air-conditioning upgrades.

The vendors involved include Baycrest Corporation, Culpepper Construction, Childers Construction, LLT Building Corporation, Premier Construction, Pro-Steel Building, RAM Construction & Development, Southland Contracting, all of whom gave to Pons' 2012 campaign. Baycrest and Premier are both controlled by the Ghazvini family, who are major local political donors.

Some of the contracts were awarded just after a March 2012 report by the Florida Auditor General's Office that said the district "effectively circumvented" state statutes by not competitively bidding selected construction firms involved in work at Griffin. Vendors selected came from the district's prequalified list of firms.

Shortly before Christmas, Pons became aware from someone outside the district of a nearly 90-page packet of information calling into

question the projects and some of his personal business dealings. School officials say they are unsure exactly who compiled the report.

“I immediately took actions which included an independent audit with both full internal and external reviews,” Pons said in a written statement. “All actions taken, both present and future, will continue to include full transparency and disclosure. I believe we have taken the appropriate steps and I am very comfortable with the audit recommendations received and the implementation that has followed.”

John Hunkiar, chief of school security, said after Pons became aware of the report, he contacted Woody Hildebrandt, principal of Lively Technical Center and a former director of construction, to see whether he knew about the report. According to Hunkiar, Hildebrandt told Pons that Rocky Hanna, division director and former principal at Leon High School, compiled the report. Hildebrandt gave Pons a copy of the report.

Hanna has since twice declined to meet with Pons to discuss the matter, Hunkiar said. He also declined to comment for this article. In June 2012, Hanna was moved from his job at Leon to his current district post, which touched off a community rally to keep him at the high school.

Hanna’s attorney, Tim Jansen of Tallahassee, said Hanna is considering any and all legal rights he has.

“Rocky Hanna is a dedicated public servant to the school system and has kids and their education in the forefront of his mind,” Jansen said. “He is not a witness to any of these allegations that have come forward or is out there in the public arena now. I’ve been retained to advise him and protect all of his legal rights and remedies in this matter.”

Since the district became aware of the report, it has hired outside attorneys and its own accounting firm to review allegations, Hunkiar said. Attorney Robert Sniffen, a former member of the Florida Commission on Ethics, was hired to review some of the issues, while attorney Ron Meyer was hired to examine Pons’ personal business

dealings. The district's accounting firm, Thomas Howell Ferguson, was hired to examine contracts involving school construction. So far, the district has spent roughly \$30,000 on the firms, though Pons hired Meyer out of his own pocket.

In an undated memo, Sniffen wrote that the reviews found no evidence of criminal acts, fraud, unethical conduct or personal gains by Pons. However, he wrote that the accounting firm found areas where internal procedures could be improved.

Hunkiar said the district later gave copies of the accounting firm's findings and Meyer's report to the FBI, which contacted the district in March after the arrest of Paul Byrd, a former assistant superintendent of maintenance and transportation. Byrd was arrested on drug-possession and trafficking charges Feb. 28 by Franklin County deputies after they allegedly found more than 31 grams of cocaine in his School Board-owned truck during a traffic stop. FBI officials wanted permission to search the vehicle, Hunkiar said.

During his conversation with the FBI, an agent told Hunkiar he was aware of allegations involving contracts coming in under \$2 million, Hunkiar said. But Hunkiar said the FBI gave no indication that the contracts were the subject of an investigation.

"That's the first time that we were aware that they might have information that might be similar to what we have," Hunkiar said. "So then after that ... we wanted them to have the same information that we have."

Barbara Wills, assistant superintendent for professional and community services, said the school-construction projects were divided into multiple contracts for two reasons: to speed up construction work to meet deadlines tied to a federal, low-interest bond program and to spread around construction work to multiple vendors during the recession.

She said that in hindsight, the district should have competitively bid the projects, though she said it still would have divided up the projects among builders.

“When you look at the intent of the statute ... the process is in place so that one contractor doesn’t get all the work,” she said. “The process is in place so the project doesn’t cost the district more money. And in our situations, none of those things happened.”

Wills also said the contracts were awarded based on vendors on the district’s prequalified list, not because of political contributions.

“Project recommendations are made to the superintendent according to contractor qualifications, capacity and past performance,” she said in an email. “When multiple projects are awarded, every attempt is made to distribute the work in order to meet project and school deadlines. Every effort is made to review the process carefully and improve it wherever possible.”

The anonymous report also calls into question a project to build a multi-purpose facility with four basketball courts at Ghazvini Learning Center, an alternative school on Blountstown Highway for students who were removed from their previous school for bad behavior or trouble with the law.

The project, which was to use proceeds from a half-percent sales tax approved by voters in 2012, had been recommended for funding by the Capital Improvements Review Team, a group of 70 citizens and business leaders, Wills said.

But the district found that clay soil at the site could not support construction and ordered soil remediation, Wills said. So far, more than \$470,000 in contracts have been awarded to five different vendors, including \$247,155 to Baycrest for the site work and remediation, according to school-district documents. No work on the building itself has begun, and the project itself has been halted. Wills said the district is re-evaluating the school’s needs but still plans to build a gym there.

School Board member Joy Bowen said she had seen a statement the district issued about the construction contracting.

“The district is committed to cooperating with the authorities,” Bowen said. “I have received all of the findings and I am monitoring the

situation as a school board member.”

School Board member Dee Dee Rasmussen said the outside audit and legal review forwarded by the district administration to board members — she had not seen the underlying documentation gathered by an unknown source — concluded there was nothing illegal done and hesitated to suggest how the board might react, preferring instead to see the outcome of investigations.

“Here we’ve got a investigation going on and (a former employee arrested) and it seems like we should wait until that is done,” she said, adding the extent of law enforcement inquiries are not known. “That’s part of the issue is we don’t know what the FBI is or isn’t investigating.”

## Project and contract details

### Griffin Middle School

- Childers Construction, awarded contract totaling \$1,868,943 in April 2011.
- Culpepper Construction, awarded contract totaling \$1,998,334 for one phase of the project in July 2010 and \$1,984,808 for another in October 2010.

### Killlearn Lakes Elementary School

- Baycrest Corporation, awarded contract for \$20,000 in July 2012, amended in September 2012 for an additional \$1,979,999, bringing the total to \$1,999,999.
- Pro-Steel Building, awarded contract for \$19,856 in June 2012, amended in September 2012 for an additional \$1,980,143.99, bringing the total to \$1,999,999.99.

### Gilchrist Elementary School

- Southland Contracting, awarded contract for \$1,999,782 in June 2012.
- LLT Building Corporation, awarded contract for \$1,998,960 in June 2012.

### Kate Sullivan Elementary School

- RAM Construction & Development, awarded contract for \$17,134 in May 2012, amended in June 2012 for an additional \$1,981,347, bringing the total to \$1,998,481.
- Culpepper Construction, awarded \$76,000 contract in May 2012, amended in June 2012 for an additional \$1,923,213 in June 2012, bringing the total to \$1,999,213.
- Childers Construction, awarded contract for \$16,847 in May 2012, amended in June 2012 for an additional \$1,983,065, bringing the total to \$1,999,912.

### Gretchen Everhart School

- RAM Construction & Development, awarded contract for \$66,885.86 in July 2011, amended for an additional \$1,922,433.91 in October 2011, bringing the total to \$1,989,319.77.

Source: Leon County Schools