

To: Turlock Unified School District Board Members

CC: Stanislaus County Civil Grand Jury
California Fair Political Practices Commission
Turlock Teachers Association
California School Employees Association
Turlock Classified American Federation of Teachers
Turlock Journal Editorial Staff
Modesto Bee Editorial Staff

As employees of the Turlock Unified School District (TUSD), we would like to collectively express our grave concerns regarding the recent, abrupt resignation of TUSD Board Member Barney Gordon and then the almost immediate hiring of Mr. Gordon as the TUSD Assistant Superintendent/Business Services.

As publicly stated on April 16, 2019, Mr. Gordon resigned to "pursue other professional opportunities;" we now know what at least one of these opportunities is. This is highly inappropriate to hire Mr. Gordon for a position within the very District that he formerly represented (he interviewed for the position May 16, 2019, just 30 days after he resigned). This move calls into question the ethics of the Superintendent, Mr. Gordon and leadership at TUSD.

In California, local elected officials have a period of at least one year between the time they serve a District and when they can financially benefit from said District, according to California Government Code and Fair Political Practices Commission formal and informal opinion letters. This is to make sure decisions made as an elected official during his or her time of service are not tainted by the desire for personal advancement or to remain in good favor with those that could potentially enhance one's financial standing later on; in this case, it would make sense that Mr. Gordon would benefit from strategic demotions of employees and would want to remain on favorable terms with the Superintendent and those that might potentially be sitting on future hiring panels.

To complicate matters, Mr. Gordon approved budgets and salary increases for the Superintendent and other personnel that oversaw the hiring process for his new position. Not only is this appearing to be inappropriate and illegal, it can easily be construed by the public as an ethical lapse in judgment by both the Board and Superintendent. The law is very clear regarding "revolving door" policies for formerly elected officials; however, the law is the baseline when it comes to maintaining the public trust in elected institutions. Elected officials and public staff members need to remain well above reproach, both during elections and while holding office.

Several TUSD staff members are intimately aware of conversations before Mr. Gordon's departure regarding the demotion of the previous Assistant Superintendent/Business Services. They are also aware of the subsequent arrangement between the Superintendent and Mr. Gordon for this new, highly paid position before he resigned from the TUSD Board. As this matter will be referred to the Stanislaus County Civil Grand Jury, the Fair Political Practices Commission, and to a private lawyer to investigate the matter, it will inevitably become a black eye on the TUSD if and when documents, testimonials and/or witness accounts prove that there was collusion between the Superintendent and Mr. Gordon to allow him to personally profit (\$170,000+ per year) from the very District he was supposed to serve.

According to the TUSD's own policies: "The Board of Trustees desires to maximize staff and community confidence in district hiring, promotion, and

other employment decisions **by promoting practices that are free of conflicts of interest or the appearance of impropriety.**" Mr. Gordon's hiring clearly violates both the perception and actuality of a "conflict of interest" and "the appearance of impropriety."

TUSD policy also clearly states: "The Board shall adopt policies related to administrative and supervisory personnel insofar as they are needed to comply with law and describe terms of employment within the district. The Board may, by resolution, establish or abolish any or all positions of the senior management [including Assistant Superintendent/Business Services] of the classified service." This clearly shows that Mr. Gordon had the capacity to make decisions impacting the direction of senior management positions, including the one he currently occupies.

TUSD policy goes on to state that: "The Board of Trustees may authorize the demotion or reassignment of any administrative or supervisory employee upon the recommendation of the Superintendent or designee and when such action is determined to be in the best interest of the district." The previous Assistant Superintendent/Business Services was demoted by the Superintendent to a position at a continuation high school with a significant pay decrease. One of two things occurred in this case: (1) either the Board knew about this change and did not object (meaning the Board allowed this to occur), which clearly demonstrates Mr. Gordon's conflict of interest in the matter as he was a member of the Board OR (2) the Board was not informed by the Superintendent regarding such a high-level management change (which means the Superintendent is over-reaching her authority and acting unilaterally on key decisions impacting TUSD). Either way, it is highly inappropriate for Mr. Gordon to then acquire this position that he had a role in vacating.

Under the TUSD Conflict of Interest Code, it clearly states: "Governing Board members shall not engage in any employment or activity which is inconsistent with, incompatible with, in conflict with or inimical to the Board member's duties as an officer of the district." While Mr. Gordon stepped down from elected office to pursue employment with TUSD, he made decisions and/or approved changes (including the demotion of the individual that he would eventually replace) before he stepped down that led to the vacancy he now occupies; these actions rise to an egregious level of a conflict of interest.

TUSD Board Policy also states: "The Board of Trustees believes that its primary responsibility is to act in the best interests of every student in the district. The Board also has major commitments to parents/guardians, all members of the community, employees, the state of California, laws pertaining to public education, and established policies of the district. To maximize Board effectiveness and public confidence in district governance, **Board members are expected to govern responsibly and hold themselves to the highest standards of ethical conduct.**" These actions by the Superintendent and Mr. Gordon are to be in conflict with the intent and actuality of this policy.

As a group of concerned employees and teachers, we fear retribution from the TUSD Superintendent and management for writing this letter of concern. We, therefore, feel forced to remain anonymous. Undoubtedly there are emails, phone records, and other information that proves this conflict of interest and abuse of public funds and it will be discovered by the Grand Jury or FPPC when this letter is forwarded to them. **Turlock does not need this black eye. It is not too late to end this perception and actual corruption by simply asking Mr. Gordon to step down, which would avoid a former Board Member from profiting from his time as an elected official.**