

DA won't file charges in school board's job discussion

By Laurel Rosenhall - Bee Staff Writer

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After investigating possible wrongdoing by board members of the North Sacramento School District in a personnel action, Sacramento County District Attorney Jan Scully has decided not to file any charges.

The district attorney found there wasn't enough evidence to prove that the school board violated open meeting laws in its discussions this spring about firing former Superintendent Dennis Tillett.

Scully also found insufficient evidence to prove that trustee Linda Fowler acted criminally in her communication with fellow trustee Francisco Garcia.

In May, Fowler sent Garcia an e-mail saying she would help his wife with a district job if he changed his mind about firing the superintendent.

Garcia's wife was in her first year as a preschool teacher at Hagginwood Elementary.

Because she was a probationary teacher, there was no guarantee that her job would continue.

"Although Linda Fowler's choice of words in the e-mail was unwise and may have aroused suspicion, we did not find credible evidence that proves beyond a reasonable doubt that she acted with corrupt intent," Donald Steed of the District Attorney's Office wrote in an Oct. 9 letter about the investigation.

"Corrupt intent" is required to prove a bribery allegation, said Lana Wyant, spokeswoman for the District Attorney's Office.

"We're looking at it from a strictly legal standpoint and we didn't find evidence of corrupt intent," Wyant said.

The investigation stemmed from the school board's discussions this spring about whether to fire then-Superintendent Tillett.

Fowler and another board member wanted to keep him; Garcia and two other board members wanted to let him go.

On May 10, Fowler sent Garcia an e-mail saying: "I am willing to work with the Administration to find a way to offer your wife a contract for the coming school year in exchange for your vote to fire Dennis being rescinded."

"I firmly believe that I can be successful in getting that agreement for you. I know the law and I know our staff."

Suspecting the offer was an illegal act of bribery, Garcia forwarded Fowler's e-mail to board President Maxine Pepper, who forwarded it to county schools chief David Gordon.

Gordon submitted the e-mail to the district attorney.

"I just felt obligated to turn it over to them because it seemed very questionable to me," Gordon said this week.

"The district attorney has chosen not to bring charges so the matter is now closed."

Fowler said the investigation "really put a cloud over our district that was unnecessary."

"I have been completely vindicated," she said.

"I had no harmful intent whatsoever except to save Francisco's wife's job, save Mr. Tillett's job, and save the district over a half a million dollars" in attorneys fees and the cost of buying Tillett out of his contract.

The school board voted 3-2 in June to oust Tillett, and agreed to pay him nearly \$300,000 to leave.

Fowler, who has served on the North Sacramento school board for 36 years, and Garcia, who joined the board last year, are running against each other in the Nov. 6 election.

Measure B asks voters in the North Sacramento, Del Paso Heights, Rio Linda and Grant school districts if they want the four districts to merge into a unified K-12 school system.

On the same ballot, voters will also choose seven people to govern the new district if it is approved.

Fowler and Garcia are running for the seat representing Area 7 on the potential new school board.

Fowler is on a slate of candidates backed by teachers unions. Garcia is on a slate of candidates backed by companies that do business with the Grant Joint Union High School District.

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FRANCISCO GARCIA Before a formal vote was taken, he had talked about voting to fire the district superintendent.