

August 27, 2009

Jeff Weiler
Chief Financial Officer
Clark County School District

Dear Mr. Weiler,

Thank you for your letter of interest regarding the issues that I have brought to the board. I must point out that the premise of your letter is completely inaccurate. During 2007 after receiving your assurance that if I gave adequate evidence to CCSD's chief investigator something would be done, I met with her. During that meeting I explained to her that I am not a professional investigator and do not have the authority that she did to investigate. I also explained to her that all of the items that I have given to others were brushed aside as either too complicated to understand or "Insignificant". So I told her that I would give her one item that in and of itself was absolute proof of illegal activity and another requiring her investigation. I also told her that IF action was taken on these items then I would have sufficient confidence in CCSD's investigations to spend the great deal of effort necessary to give your investigator more.

Of the two items that she was given one was the suspect's email chain ending in 'Don't tell anyone because this is illegal'. So you see that someone has lied to you outright to get you to write your letter to me making the assertion that insufficient evidence was provided. This was provided to support an accusation that I made in 2005 indicating that gifts customarily and openly flow from architects to Facilities staff. At that time Gerner held a meeting with all the architects saying that it would stop or better not be going on. However, in 2007 it was still going on in broadcast emails due to his failure to react forcefully.

Sadly, I must report to you that your second assertion implying that my reports are "Old News" is completely inaccurate also. In fact, over time, I have presented things that are in progress, just happened and even about to happen. I find these things to have also been ignored or covered up. Speaking particularly to the items in the letter; that project was a live contract then. The final step in that work was completed during August. Also, I am somewhat hamstrung by the fact that bringing up live issues in ongoing work have historically led to the children involved getting the short end of the stick, which I find unacceptable.

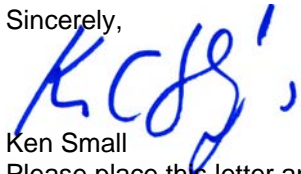
In the interest of responding with factual brevity here are with two examples that seem to be ongoing and seem to avoid facilities disregarding the students while trying to get back at me.

1. I am unaware of a school yet having been built without the sole source supplier that Facilities wants for clock intercom. Of course, without a bid from that supplier no electrician can bid and without that electrician's bid no general can bid. This is "Text Book" bid rigging. If it has stopped it was very recently. Your staff seems to have become so accustomed to handling this illegally that they don't know how to properly handle it. It can be done as a separate bid installed under a separate contract if this district can't get by without that system.
2. While I have not got the time to investigate this completely I know of no architectural contract currently underway that is not existing due to the illegal procedures of the facilities department. Knowing full well that this went on, the Board has not investigated and continues to award contracts according to the bid rigging and to architects who are neither on the selected list nor the blacklist. (The so called "Stand by list" that is mentioned as "Don't Use Architects" on at least 1 RFP.) Blacklisting is restraint of trade and illegal also.

I will state here categorically that I do not accuse nor imply that the architects nor the intercom supplier have any wrongdoing activity. This is simply Facilities bid rigging for it's own reasons. These reasons are diverse and too complicated to detail here.

The basic problem is that Facilities failed to correct it's behavior into a pattern of honest and fair dealings.

Sincerely,



Ken Small

Please place this letter and the one I replied to verbatim in the written public record and distribute copies to Walt, Craig and Janette.