

**From:** Jane Harmon <harmonj@yosemite.edu>  
**Date:** Monday, May 8, 2017 at 9:59 AM  
**To:** Jim Sahlman <sahlmanj@yosemite.edu>  
**Cc:** Gina Leguria <leguriag@yosemite.edu>, Teresa Scott <scottt@yosemite.edu>, Anne DeMartini <anneycdd@cv-access.com>, Darin Gharat <gharat@sbcglobal.net>  
**Subject:** RE: Missing Information Re: Ellucian/Ferrilli RFI

The contract for Ferrelli was for services which according to government code does not have to be bid. Instead with services, you want the very best to meet your needs (lawyers, accountants). In this circumstance had the conversion that Ferrelli did not taken place by this year, you would have had to shut down financial aid, admissions and records because the platform they were not on was no longer going to be supported. This was a critical situation and Ferrelli was deemed the best to handle this. We contracted with them for services – Dan was part of that service. Jane

**Jane M. Harmon, Ph.D.**  
Interim Chancellor  
Yosemite Community College District  
2201 Blue Gum Avenue  
Modesto, CA 95358  
(209) 575-6508 • (209) 575-6565 fax  
[harmonj@yosemite.edu](mailto:harmonj@yosemite.edu)

**From:** Jim Sahlman  
**Sent:** Monday, May 8, 2017 8:19 AM  
**To:** Jane Harmon <harmonj@yosemite.edu>  
**Cc:** Gina Leguria <leguriag@yosemite.edu>; Teresa Scott <scottt@yosemite.edu>; Anne DeMartini <anneycdd@cv-access.com>; Darin Gharat <gharat@sbcglobal.net>  
**Subject:** Missing Information Re: Ellucian/Ferrilli RFI

Jane,

Thanks for giving me the thumb drive last Thursday, May 4<sup>th</sup>, with the Ellucian/Ferrilli information from the Request for Information (RFI) I submitted to the District on April 28<sup>th</sup>. I've been reviewing the various subfolders and documents regarding contracts, invoices, and payments. However, I am unable to find request #4 from my RFI (see attached PDF) which states:

*"All bids, in accordance to the California Public Contract Code (Article 41), that competed with Robert Ferrilli LLC for the YCCD contract, the dates the District advertised for these bids, and the names of the newspapers or other media used to advertise for these bids. (See attached copy of our email exchange from April 17, 2017)."*

The Public Contract Code (and the Education Code cited within it) state that a public bidding process for these contracts should have occurred (see the attached PDFs of these codes).

As stated in my April 28<sup>th</sup> RFI letter, the YFA requested this information about the Ellucian and Ferrilli contract bidding process as it is both *"relevant and necessary to determine the District's approach to District expenditures."* How the District spends money is of interest to the YFA.

**Please note the following:**

- **Mar-30-2017**—I sent both an electronic and hard-copy of an RFI which sought the 2016 total compensation for several District administrators. Dan Duffy, as Interim Assistant Vice Chancellor of Information Technology, was on that list. The letter stated that, *"If the District requires any clarification*

*regarding this information request, or is unable or unwilling to provide any of the above-requested information, please let us know by no later than April 6, 2017 of any such requested clarifications, objections, or inability to provide the requested information.”*

- There was no response from the District regarding any clarifications, objections, etcetera at all, let alone by April 6<sup>th</sup>.
- The information was emailed to me by Gina in the morning, well before the 5:00pm deadline on April 17<sup>th</sup>.
- In a reply email, I asked Gina to provide the information about Dan Duffy that was missing from the data submitted to the YFA by the District, but was told that *“Dan Duffy is not a District employee. We do not pay him any compensation. Dan’s compensation is handled by his employer, Ferrilli Consulting. Therefore, we have no information responsive to your request.” (emphasis added)*
- **Apr-28-2017**—I sent a follow-up RFI, in both electronic and hard-copy, to the District regarding several purchase orders for both the Ellucian and Ferrilli contracts. This request included *“Amounts of monies, salaries, and anything considered compensation to Ellucian, Ferrilli, and Dan Duffy”* and added all related expenses, such as travel in this request.
  - In reviewing the information you gave to me on May 4<sup>th</sup> on the thumb drive, I have discovered contracts, invoices, and payments made to Dan Duffy for \$35,000 for a single month’s work, plus over \$5,000 in “reasonable expenses” (as the invoices state) that include weekly airline travel back-and-forth from what appears to be Washington State.
  - This gives the appearance that the District did have “information responsive to [my] request” but, perhaps, was originally unwilling to share it. It also confirms that the District did directly pay Dan Duffy his compensation. Both of these facts contradict what I was told in the April 17<sup>th</sup> email. If this was simply the result of an unawareness that the information existed, then that would be understandable. It is possible to not know all information that the District might possess. But since Gina’s signature is on some of these contracts, I find this implausible.
- Aside from the astronomical amount of compensation that Dan Duffy personally received as part of the overall cost to Ferrilli (which is over \$620,000 in an 11-month time frame), there are two additional surprising discoveries:
  - There are invoices to pay Dan Duffy his \$35,000 per month flat fee with Dan Duffy’s signature approving the payment. I would suggest that in the future, the District tighten-up its procedures as this gives an impression of a conflict-of-interest. Perhaps there could be some District checks-and-balances when any administrator is potentially placed in the awkward position of approving his/her own salary payment.
  - There are contracts, invoices, and payments for Ferrilli employees who were hired in management-related roles at the District office by Dan Duffy. At least two of these individuals had their travel expenses paid for by the District traveling back-and-forth from Michigan. It seems odd to me that nobody in California is capable of doing this work, especially given our proximity to the Silicon Valley.

- **May-08-2017**—I am, once again, having to follow-up on information that I have already requested. Specifically, this follow-up involves the information in item #4 of the attached RFI letter regarding all bids that Ferrilli competed with prior to being awarded its contract. While this may be a coincidence as well as a possible oversight by the District, it has the same filibuster effect as an act that is being done intentionally. As a result, I am becoming impatient and will pursue other means to make this information transparent if necessary. State Senator Cathleen Galgiani, our local representative, happens to be a member of the State Education Committee. If the District is unwilling to provide the information I have repeatedly requested, then I will seek her assistance to investigate the matter.

**Therefore, please provide this information to me no later than 5:30pm this Wednesday, May 10<sup>th</sup>.** It can be handed to me just prior to open session at this Wednesday's Board meeting.

Thanks,

*Jim*