

July 2007  
The Trabuco Canyon News

# Troubles Continue in Beleaguered Capo Unified

## Investigations, Indictments and now a Recall

**Michael Winsten**

Four members of the Capistrano Unified School Board -- Marlene Draper, Sheila Benecke, Duane Stiff and Mike Darnold -- were served with recall notices on July 2<sup>nd</sup>.

As part of the on-going criminal investigation of the CUSD leaders, District Attorney Tony Rackauckas recently announced the indictment of former Superintendent James Fleming on three felony counts. If convicted, Fleming could serve up to four years in prison.

Former Assistant Superintendent Susan McGill was charged with two felonies and faces up to five years in prison.

The indictments relate to their creation of multiple versions of political "enemies" lists – lists that included the names of many children.

Rackauckas stated, "We are bombarded with complaints from educators and parents that our schools are strapped for cash and children have to do with less. It's a shame that resources were shifted away from students to create an unlawful list of political 'enemies'."

Rackauckas confirmed they are also investigating allegations against the Fleming-era Trustees and suggested additional indictments may still be issued, "We're not finished yet," Rackauckas said. "We still have work to do here."

District critics discovered a 1991 Grand Jury Report that criticized political corruption at CUSD. That report rebuked the CUSD leadership, including Trustee Marlene Draper, for an improper relationship with a political action committee led by current Trustee Sheila Benecke.

The 1991 report stated, "In the opinion of the Grand Jury, it would appear that the District is far from inexperienced in conducting political campaigns and, in fact, the District's behavior in this case shows a carefully planned and often secretive effort to push the law to the limit...the District did not willingly file its reports when notified of the obligation. It did so under

protest...[which] evidences a more sophisticated approach than just an innocent mistake."

CUSD Recall Spokesperson Thomas Russell observed, "The grand jury findings of corruption were strikingly similar to the corruption currently being investigated and prosecuted by the District Attorney."

News of the indictments, coupled with the suggested likelihood of additional indictments, sent shockwaves across the county.

In fact, the man selected to replace Fleming as superintendent of the troubled school district promptly backed out of the deal before officially starting.

Dennis Smith, who had been expected to assume his duties July 1, said in a letter to the board he was no longer interested in the position because of "uncertainty and instability" facing the district. "The conditions under which I accepted the position of superintendent have clearly changed."

Smith said he originally accepted the position, "...based on the presumption that several legal controversies and leadership challenges facing the district had been resolved.... However, there are indications that these problems may persist for well into the future."

Mincing no words, elected officials across South Orange County reacted to the latest developments at the beleaguered school district.

A growing chorus, including Mission Viejo Mayor Gail Reavis, Aliso Viejo Mayor Carmen Cave, RSM Mayor Tony Beall, RSM Mayor Pro Tem Gary Thompson and RSM Councilmember Neil Blais, condemned the corruption and called for the resignation of the four remaining Trustees who failed to exercise reasonable control over Fleming.

Mayor Beall stated, "No family should have to fear their government leaders will retaliate against their children. Those who created the lists – and the school board members who failed to exercise proper oversight of Fleming – must be held accountable before this school district can heal and move forward."