

Has the Great Park Investigation Become Its Own Boondoggle?



A juggler performs during the opening of the Palm Court Arts Complex and the North Lawn at Irvine's Great Park. (Photo by: Adam Elmahrek)

By **Adam Elmahrek** October 12, 2015 at 10:40 AM [Follow @adamelmahrek](#)

If you had walked in late to the Great Park Board of Directors meeting on Sept. 22, you might have thought at first that you'd entered a mini time warp in the city's decade-long Great Park saga.

Republican council members were railing about cost overruns, questionable invoices, and other expense-related issues, just like they had throughout 2013 and 2014. Except they weren't railing about Great Park consultants -- they were grilling the person they'd hired to investigate Great Park consultants.

That's right -- the latest question that won't go away in the investigation of the Great Park boondoggle is whether the investigation itself is becoming a boondoggle?

The city's Great Park investigation alone has ballooned from \$240,000 to over \$1.4 million. A state legislative committee recently [launched an audit](#) of the investigation expected to cost \$251,000, and there's an ongoing [investigation of the investigation](#) by the state Board of Accountancy.

It started in May [when the findings](#) of the initial \$240,000 audit into park spending by Newport Beach-based Hagen, Streiff, Newton & Oshiro Accountants (HSNO) were officially withdrawn or replaced by a second audit report, with some of the most sensational findings determined false or scaled back to inconclusive.

Withdrawn findings included a contract change order to alter a single word in a groundwater report, double-billings by a consultant and feasibility studies performed twice for no discernable reason, among others. In the firm's final report, Great Park was misspelled "Great Part" on the first page, [the Orange County Register reported](#).

Called to the carpet during the Sept. 22 meeting was Anthony Taylor, an attorney with the law firm Aleshire & Wynder, which helped conduct the second phase of the city's investigation. He opened his defense by drawing a comparison between the spiraling costs of the investigation and the out-of-control spending his firm asserts had plagued the park project.

"If you were to do a comparison of the amount of money spent on the Great Park project, that would be akin to \$100, versus only less than \$1 spent on the audit," Taylor said, comparing the nearly \$260 million spent on the park to the \$1.4 million spent on the city investigation. "It's a fraction."

Taylor went on to say it's also unfair to compare submitting legal bills before a budget change is authorized to the park's contractors doing the same with construction bills. He said the deadlines his firm faced to complete the investigation were similar to a medical emergency -- the patient had to be saved. There was no time for council approval.

He also defended his firm's report -- which as the [OC Register](#) pointed out has scolded park management for the very kind of change order Aleshire & Wynder was requesting -- as worthwhile because it was the most cited document in the grand jury's recent report about the park.

Finally, Taylor claimed the political pressure to finish the report by a March 24 deadline led to increased costs, along with fulfilling Public Records Act requests and unexpected levels of resistance from the targets of the investigation, primarily former council leader Larry Agran.

Councilman Jeffrey Lalloway took the lead in grilling Taylor. He questioned why Taylor's firm had asked the city for \$100,000 to be spent on outside experts but then turned around and spent the majority of it on attorneys' fees.

He also said the firm's bills didn't match up with statements made in a letter from the firm arguing why it deserves over \$186,000 for work performed without budget approval. The letter said Taylor and other attorneys and staff worked 18 hours a day and an entire weekend to finish the final investigative report.

But Lalloway said the bills showed Taylor working only seven hours on the weekend, while Dave Aleshire, the lead attorney on the report, worked only three hours. The bills showed any one attorney worked at most 12.2 hours in a week during the run up to the final report, Lalloway said.

"There's a big difference between 18 hours and three hours," Lalloway said.

Taylor responded that the full hours worked weren't reflected because the firm had written off a number of hours that could have added over \$75,000 to the bill, effectively giving the city a discount. He said he would be glad to show records proving it.

Taylor said the firm couldn't find outside experts willing to do the work for under \$100,000. So instead they deposed Great Park experts -- like former park engineer Pat Fuscoe -- to provide technical perspective and a more balanced investigation.

Lalloway wasn't satisfied with the responses and said there's no way to know the number of hours worked by attorneys other than what's on the bills.

Councilwoman and park Chairwoman Christina Shea put a stop to the questioning, saying that none of the millions of dollars in invoices submitted by Great Park contractors accused of wasteful spending were as scrutinized as the invoices submitted by Aleshire & Wynder.

In fact, Shea said in her 23 years of council service she hadn't seen any other contractor's bills scrutinized this closely. And she accused City Manager Sean Joyce of making an attorney-client confidential letter public by attaching it to the public board meeting agenda.

Joyce -- who was clearly offended by that statement and others by council members who called the scrutiny unprofessional and unsound -- said the situation was unique because a transparency measure passed by the voters required the bills to be brought to the board.

Joyce also said he disagreed with council members' criticism, saying it could have a "chilling effect" on his staff, scaring them into not scrutinizing billings. Though he insisted it wouldn't affect him personally.

"God forbid we don't come before you because we fear coming before you," Joyce said.

In the end, the board approved an extra \$30,000 for taking Agran to court in a bid to force him to answer questions he refused to answer in his deposition and \$26,174 for assisting Public Records Act requests. Other Aleshire & Wynder bills totaling \$114,672 were denied.

The board also denied \$67,257 in extra bills from HSNO.

According to a city staff report, HSNO racked up \$778,000 of the total spent on the city's Great Park investigation. Another \$465,000 was paid to Aleshire & Wynder, and the rest, \$92,280, was paid to the firm Jones & Mayer.

Meanwhile, the status of the state Board of Accountancy investigation -- which like the state audit began looking into HSNO's audit of the park at the behest of Gafcon, Inc., the park's former lead consultant and main target of the city's investigation -- is not yet clear. Neither is the status of the District Attorney's investigation into park spending.

City officials hope to recoup costs of the audit and money wasted on the park project with possible lawsuits against former park contractors, and has budgeted \$165,000 for the effort.

Correction: A previous version of this article misidentified the firm responsible for misspelling the Great Park on the first page of its final report. We regret the error.

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