

Perata lawyer alleges improper conduct in new federal probe

He says the FBI and federal prosecutors, 'desperate to justify five years of investigation,' are acting unfairly in opening a new corruption investigation of the former California Senate leader.

By Patrick McGreevy

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Reporting from Sacramento — Former state Senate leader Don Perata has requested a probe of whether FBI agents and federal prosecutors in Sacramento are acting improperly in trying to revive a corruption investigation that was dropped by another U.S. attorney's office, his lawyer said Wednesday.

In a letter to the inspector general for the U.S. Justice Department, George O'Connell, an attorney for Perata, accused Acting U.S. Atty. Lawrence G. Brown in Sacramento of "grossly unfair and highly questionable conduct" in taking up an investigation after the U.S. attorney in San Francisco recently declined to file charges after a lengthy investigation.

Perata had agreed to allow that investigation to be extended multiple times past legal deadlines for filing charges. His attorneys say his understanding was that the investigation into his political and business activities would end if San Francisco prosecutors decided not to file charges.

"This takeover of the case by the Eastern District, which admittedly was done at the urging of disgruntled FBI agents desperate to justify five years of investigation, flies directly in the face of plainly established Principles of Federal Prosecution," O'Connell wrote.

He also asked that the investigation look into whether Brown violated rules prohibiting federal prosecutors from commenting on the merits of pending cases.

"There is something not right with this picture," O'Connell said in an interview. "It's shameful."

Brown denied that authorities acted improperly in pursuing the investigation of the formerly powerful Democratic politician from Oakland.

"There was nothing improper with FBI agents seeking review by another U.S. attorney's office which also had jurisdiction, particularly given the extent of their investigation and the serious nature of the conduct at issue," Brown said in a statement.

"In that the state Capitol falls within our district, we felt it would have been irresponsible to have not agreed to the FBI's request. No matter how loud the protestations, nothing improper has occurred," he added.

Perata, who was president pro tem of the state Senate when term limits forced him out of office in November, has faced a federal investigation of his political and business affairs since 2004.

The Times reported in 2007 that a grand jury had heard testimony and issued subpoenas to businesses and government agencies as authorities looked at Perata's possible role in bond measures for seismic work on a Bay Area transit system, billboards along freeways and federal approval of an airport roadway.

The FBI was trying to determine whether Perata campaign contributors and associates might have gained from his actions and whether any money may have illegally flowed back to him or was not properly disclosed, the paper has reported.

Perata has spent more than \$1 million in political contributions on attorneys and other legal defense expenses during the federal probe.

O'Connell said his office was recently notified verbally by federal prosecutors in San Francisco that they were declining to pursue charges. Lauren Horwood, a spokeswoman for the U.S. attorney's office in Sacramento, confirmed Wednesday that such a notification was made by colleagues in San Francisco.

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