

**LOS ANGELES COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES
AD-HOC COMMITTEE ON PROPOSED CONTRACTOR DEBARMENT
Educational Services Center
Board Room – First Floor
770 Wilshire Boulevard
Los Angeles, California 90017
Wednesday, December 9, 2011
9:30 a.m.**

Committee: Tina Park, Chair; and Mona Field

Participants: Mr. Bradley A. Raisin, Attorney, Raisin & Kavcioglu; Ms. Camille Goulet, General Counsel, Los Angeles Community College District (LACCD), Mr. Thomas Hall, Interim Director, Facilities Planning and Development, LACCD; Mr. Nizar Katbi, FTR International, Inc.; Mr. Armenak Kavcioglu, Attorney, Raisin & Kavcioglu; Mr. David Orbach, Attorney, Orbach Huff & Suarez LLP; Mr. Keith E. Smith, Attorney, Wood Smith Henning & Berman; Mr. Stewart D. Reid, Attorney, Wood Smith Henning & Berman; Ms. Lauren Teukolsky, Attorney, Traber & Voorhees; and Ms. Theresa M. Traber, Attorney, Traber & Voorhees.

Reconvene meeting from December 8, 2011 (9:30 a.m.)

The Ad Hoc Committee meeting reconvened at 9:30 a.m.

For the record, Trustee Park noted that both Committee members were present.

Public Speakers

None.

Continued Meeting and Hearing by the Ad Hoc Committee on Proposed Debarment.

Mr. David Orbach recommended that the Committee inquire if FTR's Counsel would like to conduct a cross-examination of Mr. Robert Tittle.

Mr. Armenak Kavcioglu cross-examined Mr. Tittle with respect to Allegation Number 3 involving the Los Angeles Valley College ("LAVC") Allied Health and Science Center project.

With respect to Exhibit 149, an article by Mr. Robert Craig, Mr. Kavcioglu inquired of Mr. Tittle, "Have you read this article before? Yes or no?"

Mr. Tittle testified, "I've read the article before. . . . But I did not testify to Keenes 40, and it doesn't leak all over the place. It explains exactly where it leaks. · It leaks at the end of the expansion joint."

Mr. Kavcioglu moved to strike the rest of Mr. Tillet's answer and that Mr. Tittle should be instructed to answer FTR's questions.

Mr. Orbach indicated that Counsel pursued this line of questioning and that Mr. Tittle should be permitted to answer. He recommended that Mr. Kavcioglu proceed with his cross-examination.

Mr. Kavcioglu continued his cross-examination of Mr. Tittle.

Mr. Stewart D. Reid conducted a redirect examination of Mr. Tittle.

For the record, Mr. Reid asked Mr. Tittle whether or not he was familiar with and had relied upon the following Exhibits: C187-C240; C241-C351; C352-C773; C774-C1623; C1624-C1792; C1793-C1806; C1807-C1832; C1833-C1839; C1840-C1911; AOR Inspection 18; C1912-C1918; C1919-C1945; C1946-C2089; and C2090-C2122.

Mr. Tittle responded in the affirmative.

Mr. Kavcioglu further cross-examined Mr. Tittle.

For the record, an objection was made by Ms. Lauren Teukolsky “with respect to FTR’s and Mr. Katbi’s due process rights under the constitution. In this proceeding, we do not have the ability to take a deposition of this expert. This very issue is subject of ongoing litigation between the District and FTR. In that proceeding, there are full discovery rights in effect, and depositions are permitted in that proceeding. The time to designate experts has not come in that proceeding, and it will. This is a very complicated issue, this expert has provided extensive testimony, has done extensive testing, and for the Board to consider debarring FTR without permitting us the ability to take a deposition, to designate our own experts, to take the time that we would need to fully and fairly rebut the allegations made here is a violation of Mr. Kabit’s due process rights. And we respectfully request that the Board of Trustees defer from consideration of this issue until a court of law has had the ability to fully consider all of the issues, all of the evidence with respect to this very complicate issue. Thank you.”

For the Record, and in response to FTR counsel’s objection, Mr. Reid stated that FTR was provided notice of all the testing done on the LAVC Allied Health and Science Center project..

There being no objection, the Ad Hoc Committee hearing recessed at 10:12 a.m. reconvened at 10:26 a.m.

For the record, Trustee Park noted that both Committee members were present.

The Court Reporter swore in Dr. Daniel J. LaVista.

Ms. Theresa M. Traber examined Dr. LaVista with respect to his role as Chancellor of the Los Angeles Community College District (“District”); the Los Angeles Times series of articles regarding their investigation of LACCD’s building program; the District’s response to the articles from the Los Angeles Times; and FTR’s Exhibits 43, 44, 46, and 63.

Dr. Daniel LaVista was not cross-examined by the District.

The Court Reporter swore in Mr. Khal Jalad.

Mr. Bradley Raisin examined Mr. Jalad with respect to Allegation Number 1, the submittal of Payment Application No. 14 for the relocation of the waterline at Los Angeles Mission College (LAMC).

An objection was made by Mr. Keith E. Smith with respect to Mr. Raisin’s examination of Mr. Jalad “that he is leading the witness.”

Mr. Orbach recommended to the Committee to permit this line of questioning.

The Objection was overruled by Ms. Park.

Mr. Raisin continued his examination of Mr. Jalad.

Mr. Smith cross-examined Mr. Jalad.

For the record, Ms. Traber submitted the original declaration of Mr. Nick Quintanilla, FTR's Exhibit 95, dated December 4, 2011, with respect to Payment Application number 14.

Ms. Camille Goulet recommended that the Committee can accord the declaration by Mr. Quintanilla different weight depending on the Committee's assessment of its relative credibility due to the fact that Mr. Quintanilla was not present to testify.

The Court Reporter swore in Mr. Nizar Katbi.

Mr. Raisin examined Mr. Katbi.

For the record, Mr. Raisin submitted a hardcopy marked as Exhibit 176, an e-mail from Mr. Robert Dieken with the attached blank DSA Form 6 sent to Mr. Katbi on June 25, 2009.

Mr. Raisin continued his examination of Mr. Katbi with respect to Exhibit 176.

Mr. Smith cross-examined Mr. Katbi.

There being no objection, the Ad Hoc Committee hearing recessed at 11:31 a.m. and reconvened at 11:39 a.m.

For the record, Trustee Park noted that both Committee members were present.

Mr. Kavcioglu called the following witnesses to testify but none were present:

- Mr. Larry Eisenberg
- Mr. James Sohn
- Mr. Art Gastelum
- Mr. Norman Roberts
- Mr. Todd Cozalino
- Mr. John McGlynn

For the record, Mr. Kavcioglu asked that Exhibits 163-174, and Exhibit 93, be made part of the administrative record.

Ms. Goulet reiterated that all motions, as with all exhibits, are subject to the briefing on evidentiary objections.

The Court Reporter swore in Mr. Thomas Hall.

Mr. Raisin examined Mr. Hall.

Several objections were made by Mr. Smith and Ms. Goulet with respect to the line of questioning related to employee privacy, attorney-client privilege, and attorney-work product.

The Committee adopted the recommendations of counsel with respect to the above objections and allowed Mr. Hall to assert the privileges mentioned above on behalf of the District.

Mr. Raisin continued his examination of Mr. Hall.

Mr. Reid moved into evidence as part of the record of this hearing the following: the deposition of Mr. Norman Roberts; Binder A-1; Binder B-1; Binder B-2; Binder C-1; Binder C-2; and Binder C-3. Objections were made by Ms. Traber and Mr. Kavcioglu with respect to the Exhibits being presented without witness

testimony without regard to authentication and new evidence being submitted at the time of District Counsel's closing argument.

Ms. Goulet concurred and indicated that counsel will have the opportunity to submit their written evidentiary objections to the Committee for consideration in FTR's brief due on December 22, 2011.

Mr. Reid and Ms. Traber presented their closing arguments.

Mr. Orbach made further recommendations regarding the review and consideration of the evidence presented during the three days of hearing as well as the post-hearing briefs and to disregard any pending litigation, media coverage and to consider and articulate whether the findings and recommendations are based on each allegation and/or the totality of the circumstances.

Mr. Traber objected to Mr. Orbach's recommendation with respect to any finding based on the totality of the circumstances.

Trustee Field expressed her appreciation to all the attorneys for their extensive and comprehensive presentation.

For the Record: Ms. Park stated that "the vote of the Committee will not in any way be biased, prejudge, or determine the charges that are before us here today during the hearing process. Thank you."

Recess for the Day

There being no objection, the Ad Hoc Committee meeting recessed at 12:32 p.m.

For the record, Trustee Park announced that the Ad Hoc Committee on Proposed Contractor Debarment will reconvene on Tuesday, January 10, 2011 at 9:30 a.m.