

**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
Tuesday, December 6, 2011
9:30 a.m.**

Committee: Tina Park, Chair; Mona Field

Trustee Park called the hearing to order at 9:30 a.m.

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

PUBLIC SPEAKERS

None.

Review of Hearing Procedures

Trustee Park read the recommended hearing procedures.

The following individuals introduced themselves:

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; 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.

Hearing Regarding Proposed Debarment and Proposed Finding of Nonresponsibility

Staff and opposition will each have up to six (6) hours of presentation time. The hearing will continue on December 8 and 9, 2011 as necessary.

On behalf of FTR International, Inc. (FTR) and Mr. Nizar Katbi, Ms. Lauren Teukolsky again requested to voir dire Trustees Park and Field.

Mr. David Orbach responded that this request has been made on several occasions and denied each time and, pursuant to Judge Johnson's ruling, is being denied again.

For the record: Ms. Teukolsky stated that FTR intends to submit into the record the written *voir dire* questions they would have asked Trustees Park and Field in order to establish that due-process rights were not being observed at this hearing.

Mr. Stewart Reid gave an opening statement on behalf of District Staff and discussed Allegation 1, Allegation 2, and Allegation 3.

With respect to Allegation 1, Mr. Reid introduced exhibits for District Staff marked as: Binder A.

Ms. Theresa Traber presented FTR and Mr. Katbi's opening statement with respect to the allegations.

For the record: Ms. Traber stated that FTR believes a serious impropriety was committed by the Board of Trustees and the Committee with respect to their role as decision makers in the debarment of FTR. She cited

numerous objections regarding hearsay with respect to Allegation Number 1, Allegation Number 2, and Allegation Number 3.

Ms. Goulet recommended to the Committee members that Counsel be allowed to submit their objections in writing as to the specific documents they are objecting to and that these be considered at the time of the closing arguments.

Ms. Kavcioglu asked that all witnesses be excluded from the Board Room until they are called for testimony.

Mr. Orbach recommended to the Committee members that the request be denied on the basis of the debarment hearing procedures which do not call for the exclusion of witnesses who are also members of the public.

Ms. Teukolsky requested that the members of the audience introduce themselves so that everyone knows who is present and Mr. Kavcioglu requested that members of the gallery who are intended to be called as witnesses by the Board of Trustees identify themselves.

Ms. Goulet stated that both requests were a violation of The Ralph M. Brown Act, that District Staff would be calling witnesses and not the Board of Trustees and recommended that the Committee deny the requests.

Trustee Park denied the requests.

Ms. Goulet recommended that the Court Reporter swear in Ms. Christine Marez.

The Court Reporter swore in Ms. Christine Marez.

Mr. Smith examined Ms. Marez with respect to her investigation regarding the relocation of a Department of Water & Power (DWP) waterline at Los Angeles Mission College (LAMC) Health, Fitness & Athletics Complex project; Allegation Number 1.

Ms. Marez presented her testimony regarding the investigation process with respect to Allegation Number 1, and her findings.

Objections were made by Ms. Traber with respect to Ms. Marez's testimony. The objections were overruled.

There being no objection, the Ad Hoc Committee hearing recessed at 10:47 a.m. and reconvened at 10:59 a.m.

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

Ms. Traber cross-examined Ms. Marez with respect to her investigation of the relocation of the DWP waterline on the LAMC Health, Fitness & Athletics Complex project.

Mr. Smith asked additional questions to Ms. Marez.

Ms. Traber re-cross examined Ms. Marez.

There being no objection, the Ad Hoc Committee hearing recessed for lunch at 11:50 a.m. and reconvened at 1:15 p.m.

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

The Court Reporter swore in Mr. Clifford Dewey.

Mr. Smith examined Mr. Dewey with respect to the Office of the Inspector General's investigation into the relocation of the DWP waterline at the LAMC Health, Fitness & Athletics Complex project.

Mr. Dewey presented his testimony.

Ms. Traber cross-examined Mr. Dewey.

There being no objection, the Ad Hoc Committee hearing recessed at 2:07 p.m. and reconvened at 2:17 p.m.

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

Mr. Reid introduced exhibits for District Staff marked as: B-1 (Binder B-1) and B-2 (Binder B-2) with respect to Allegation Number 2.

The Court Reporter swore in Mr. Andrew Labov.

Mr. Smith examined Mr. Labov with respect to the Los Angeles Valley College (LAVC) Allied Health and Sciences Center project; Allegation Number 2.

Numerous objections were made by FTR with respect to Mr. Labov's testimony regarding the status of the project, i.e., whether or not it is complete. FTR also cited lack of foundation and irrelevance.

The objections were overruled citing the hearing guidelines.

Mr. Smith continued his examination of Mr. Labov.

There being no objection, the Ad Hoc Committee hearing recessed at 2:45 p.m. and reconvened at 3:04 p.m.

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

Mr. Kavcioglu cross-examined Mr. Labov regarding the LAVC Allied Health and Sciences Center project; Allegation Number 2.

Mr. Labov declined to answer some questions with respect to the exterior design of the building because his firm had been served with legal papers by FTR in the pending litigation.

For the record: Mr. Kavcioglu noted that Mr. Labov refused to answer questions regarding the exterior design of the building.

Mr. Smith conducted a re-direct examination of Mr. Labov.

Mr. Kavcioglu re-cross examined Mr. Labov.

Mr. Smith conducted further re-direct examination of Mr. Labov.

Mr. Kavcioglu further cross-examined Mr. Labov.

The Court Reporter swore in Mr. Robert Payinda.

Mr. Smith examined Mr. Payinda with respect to the LAVC Allied Health and Sciences Center project; Allegation Number 2.

Ms. Teukolsky introduced FTR: Book 2, Exhibits 67 to 117 with respect to Allegation Number 2.

Ms. Teukolsky cross-examined Mr. Payinda.

Discussion by the Committee regarding Recommended Findings (upon the conclusion of the staff and opposition presentation)

None.

Recess for the Day

There being no objection, the hearing recessed at 4:33 p.m.

Trustee Park announced that the Ad Hoc Committee hearing will reconvene on Thursday, December 8, 2011 at 9:30 a.m.