Brian Harris
747 1/2 N. Hayworth Ave.
Los Angeles, CA 90046

February 29, 2016

Los Angeles City Council
200 N. Spring St.
Los Angeles, CA 90012

Re: Proposed Designation of 750 N. Edinburgh Avenue (CHC-2015-3386-HCM)

Honorable Councilmembers,

Thank you so much for your support in the preservation effort of Edinburgh Bungalow Court. Since the 15-day time extension was granted on February 17, in addition to try to gain access to the property for my experts, I have done much thinking on this situation. I've written down my thoughts and summarized them here.

The owner of the Edinburgh buildings, along with the Glaser Weil law firm (whose members include at least two of the owner's investors), are utilizing a variety of arguments, "expert" information, and threats of what is to come in an attempt to convince you that a beloved historic bungalow court cannot be saved. Please do not be deterred.

The hard work has already been done. The buildings were recommended for a historic designation after a months-long process culminating in a staff recommendation by the Office of Historic Resources and a unanimous vote of the Cultural Heritage Commission. Before acting, the Commission considered reports by multiple historical consultants, including the owner's consultant, and listened carefully to the owner's claims about the poor condition of the buildings. The designation is wholeheartedly

supported by the L.A. Conservancy and by the Mid City West Community Council, which voted unanimously, and literally hundreds of neighbors.

All that is left is the Council's vote to confirm the designation.

The Neighbor's Expert Reports.

Although the buildings are historically intact, they are not in perfect condition. While that is not technically even relevant to a historic designation, the fact is that all of the identified structural, foundation and soils issues can be repaired economically. I have obtained and submitted the following reports to you on this subject:

1. A February 1 letter from Michael Mekeel of Offenhauser/Mekeel Architects, a licensed architect with long experience in historic structures. Mr. Mekeel visited the buildings, described the conditions and the needed repairs, and concluded that they can be restored to a condition suitable for occupancy for about $125,000, or less than $16,000 per unit. **[EXHIBIT 1]**

2. A February 12 letter from Dr. Daniel Pradel of Shannon & Wilson, Inc., a licensed civil engineer qualified in structural and geotechnical engineering who is a professor at UCLA and has more than 25 years' experience in the field. Dr. Pradel responded to reports by two of the owner's "experts," each of whom had rendered dire evaluations of the condition of the buildings. He noted that one of them is a geologist and the other is a contractor, and that neither is a licensed civil, structural or geotechnical engineer qualified by license to render opinions on structural and geotechnical issues. **[EXHIBIT 2]**

3. A February 26 letter from Dr. Pradel, responding to a report by the owner's "cost engineer," who evaluated the cost of three scenarios for repairing the buildings. Dr. Pradel noted that the owner's "expert" has a background only in interior design and has no engineering license of any kind, much less a qualification to render opinions on structural and geotechnical issues. He also stated that the three scenarios the interior designer considered were "extraordinary and extreme" and unprecedented in Dr. Pradel's experience, and that the designer ignored three other "common and traditional expansive soil remediation methodologies." Dr. Pradel then described the three traditional methods. **[EXHIBIT 3]**

4. A February 26 letter from Mr. Mekeel, the historic architect, who reviewed the three traditional methods identified by Dr. Pradel in his February 26 letter, and stated that even assuming that these methods

were all employed to their fullest extent across all four structures, the total cost of restoring the buildings to a condition suitable for occupancy would be about $245,000, or less than $31,000 per unit. **[EXHIBIT 4]**

In addition to these written submissions, on February 5 you and other members of your staff met with Mr. Mekeel and my civil engineer Vic Beizai, as well as several neighbors and Richard Barron, a practicing architect and the chair of the Cultural Heritage Commission. As you will recall, Mr. Beizai and Mr. Barron generally agreed with Mr. Mekeel's conclusions, emphasizing that single-story structures of this type perform well and that the observed foundation issues can be resolved inexpensively by simply shoring the structure, installing new foundations by slot cutting, and then bolting the structure to the foundation.

The Developer's Tactics.

The developer is well endowed for this fight. It has deep pockets, unlimited access to the property, and a highly motivated law firm on its side. In its attempt to defeat the designation, the owner and its lawyers are employing every conceivable tool in the developer's toolbox:

1. Conceal the property condition from everyone but owner's hand-picked "experts." For weeks, I have pleaded with the owner to allow an inspection of the property by my own civil engineer and architect, at my sole expense, so that these experts can evaluate the condition of the property and meaningfully respond to reports presented by the owner. The L.A. Conservancy also strongly encouraged the owner to provide access for my experts. Even though the owner can easily provide access with no damage or harm to the property, it has steadfastly refused this access, with no stated reason. Clearly the owner does not want any independent inspections because they have the potential to expose the owner's exaggerated claims, and to identify feasible means to repair any problems that do exist at the site.

2. Stall a promised independent review by the L.A. Conservancy. At the owner's request, the Council office supported a 15-day extension of the Council's time to act, which was approved on February 17. As a condition of this extension, the Council office advised the owner that it would require the L.A. Conservancy to be given full control of an independent evaluation of the property, and that the owner would need to follow whatever instructions the Conservancy gave concerning the selection of experts, access to the property and the like. Rather than promptly facilitate this crucial independent review, the owner apparently embarked on a strategy to run out the 15-day clock. First, the owner took a full 6 days, i.e., until February 23, to even come to terms with the Conservancy about which structural engineer would conduct the review. Then, 6 more days went by. It is now Monday, February 29, just a day before the Council's

final vote, and it appears that the owner has still not provided access to the Conservancy's expert, and even if it has without my knowledge, no report has been produced as of yet. By delaying the Conservancy's review for crucial days at the beginning of the 15-day extension period, the owner has already deprived the expert of a chance to completely review and report on the conditions in time for the Council office and the neighbors to fully evaluate his conclusions before the Council votes. If the owner's stalling efforts continue for another two days, it might even succeed in its goal to preclude the independent report entirely.

3. Submit vague reports about the building's condition by unqualified "experts." The owner has had unlimited access to the property since it purchased the buildings in December 2014, and has had more than five months since the historic designation was initiated in September 2015 to prepare expert opinions opposing the designation. The owner's primary argument against designation – and the Council office's primary concern – is the poor condition of the buildings. Yet the owner's sole evidence on this point is an assortment of reports, letters and emails which are all either suspiciously vague, written by people who lack the qualifications to give an opinion, or both. These documents include:

A. An April 2, 2015 Geotechnical Investigation (soils report) by Feffer Geological Consulting, which was premised entirely on the assumption that the original structures would be demolished and replaced with eight new 3-story buildings. The report merely mentions the original structures, assumes their demolition, and then proceeds to make soils recommendations for the new structures.

B. An October 22 termite report by Termite & Pest Solutions, Inc. This report identifies termite damage and wood rot in specific locations throughout the buildings, but it does not contend that this damage cannot be repaired. To the contrary, the report proposes to repair 9 separate items for a total of $8,973.00 and the remaining 13 items for an unspecified amount to be "bid on request."

C. A November 4 letter from David Funk of John Labib and Associates, a structural engineer. Mr. Funk was initially hired by the owner to prepare structural drawings for new development on the site. Only after the historic designation was initiated was he asked to render an opinion about the condition of the existing structures and the means to repair them. Mr. Funk makes ambiguous statements about the "poor condition" of the buildings, wood rot, the existence of "rotation and movement" in the foundation, the lack of use of modern structural clips and connectors, and the lack of attachment of the foundation to the structure (bolting). Mr. Funk does not say that any of these conditions

cannot be repaired; much less does he provide any estimates for the cost of such work. Mr. Funk then jumps to the unjustified conclusion that "salvaging these structures would not be structurally or economically feasible." Of course, regardless of his qualifications to make various ambiguous statements about the condition of the structures, Mr. Funk has no qualification to state what is "economically feasible," on this or any other site.

D. A February 5 report by Josh Feffer, a geologist who is the principal of Feffer Geological Consulting, the same firm which had previously prepared the soils report for the new construction. Mr. Feffer discusses deficiencies in the wood framing, foundation recommendations, and the danger of structural collapse, and concludes that the buildings should be red-tagged. As Dr. Daniel Pradel points out in the February 12 letter we supplied to you, Mr. Feffer is not qualified by license to provide opinions on any of these subjects, all of which concern the disciplines of structural engineering, geotechnical engineering and/or civil engineering.

E. A February 8 "Inspection Report" by Michael Goldberg of White Castle Construction, a contractor and "certified professional estimator." Mr. Goldberg was initially contacted by Heather Fox, a neighbor, to evaluate the owner's reports and offer an estimate for foundation repairs. He made no further contact with Ms. Fox, and then apparently contacted the owner instead. Approximately two weeks later, without Ms. Fox's knowledge, he prepared a report for the owner. In the report Mr. Goldberg makes overreaching (and borderline hysterical) statements about the condition of the structures and the soils. As Dr. Pradel points out in his February 12 letter, Mr. Goldberg has no engineering license of any kind, and is not qualified to speak to any of these issues.

F. A February 12 email from Mr. Funk of John Labib and Associates to Guy Penini, the owner's principal, which reiterates ambiguous statements such as that "moving the residences would result in further damage & degradation" and that "the structures and foundations are still severely damaged and would need to be replaced," and then proceeds to reiterate the firm's qualifications to render an opinion.

G. A February 13 "Clarification Letter" from Mr. Feffer, in which he describes the expansive soils present at the site, and then goes on to insist that there are only two feasible options to deal with them: (1) move the structures entirely off the site and regrade the site; or (2) "replac[e] the existing foundations with proper foundations (grade beams) that are

supported by piles that are drilled into the subsurface." As Dr. Pradel stated in his February 12 letter, Mr. Feffer is not qualified by license to speak to either of these two issues. Moreover, as to the substance of Mr. Feffer's opinion, Dr. Pradel notes: "In my 25+ years of experience in the City of Los Angeles, I have never encountered a project of this type (single story buildings, in flat land with only one foot fill depth) where piles were used!"

H. A February 16 letter from Nabih Youssef, a structural engineer, to Elisa Paster, a lawyer and one of the owner's investors, which merely states that Mr. Youssef reviewed the November 4 report by Mr. Funk of the Labib firm and "Based on information provided in the evaluation report, the findings and recommendations are appropriate." The letter does not indicate that Mr. Youssef has visited the site himself. Also, the utter lack of any detail or elaboration on the Mr. Funk's rather vague conclusions, and Mr. Youssef's use of the word "appropriate" to describe Mr. Funk's conclusions, speak volumes. Apparently, Mr. Youssef was brought in at the request of the L.A. Conservancy as a potentially independent expert, but he then disclosed that he had done work for the property owner in the past. On the basis of that relationship, Mr. Youssef may have felt the obligation to prepare some sort of letter for the owner, but it is clear that other than to say that someone else's report was "appropriate," Mr. Youssef was not inclined to help build the owner's case for demolition.

I. A February 16 letter from a Marc Bourdages of Partner Engineering and Science, Inc., whom the owner describes as a "cost engineer." Mr. Bourdages discusses three repair scenarios (A, B and C) to "preserve the character-defining architectural elements of the subject property" and assigns cost estimates to each. However, he does not claim to have any expertise relevant to the selection of the scenarios, and he does not state any source for the scenarios other than the owner. Predictably, the scenarios all result in extreme cost estimates for the repair of the buildings, some running into the millions of dollars. Yet Mr. Bourdages is merely acting as an advocate for the owner, not as a qualified expert. As Dr. Pradel stated in his February 26 letter, "Mr. Bourdages is neither an Engineer nor a Contractor; he appears to have studied interior design and has mainly worked for realty and commercial real estate companies. He is obviously not qualified by licensing or education to opine about engineering repair methodologies for the mitigation of expansive soils at the subject site." As to the substance of the scenarios presented by Mr. Bourdages, Dr. Pradel opined that "I have worked for more than 25 years in Los Angeles and I am not aware of any

similar project where such measures were taken to remediate 4 feet of expansive soils, i.e., in my opinion, the geotechnical mitigation methods considered by Mr. Bourdages are extraordinary and extreme." Meanwhile, Dr. Pradel noted that "it is clear to me that any of the common and traditional expansive soil remediation methodologies were not considered."

4. Conceal information from neighbors so they cannot meaningfully respond. Given the extremely short time within which the Council must act on this designation, I have repeatedly reminded Mr. Jacobs to send to me any reports on the property immediately as they are received or submitted to the City, so that my neighbors and the Conservancy can promptly evaluate and respond to them. Mr. Jacobs at one point promised to comply with this request, but he has never lived up to his promise. In one instance (just two days before the Council voted on February 17) he sent me documents several days after they were received and/or submitted to the City. Soon after that, he stopped sending any documents at all. This past week, I discovered two documents that the owner had submitted to the Council: (1) a 158-page letter from Glaser Weil dated February 12, which includes new reports on other historic bungalows in the area; and (2) a letter from Marc Bourdages, a so-called "cost engineer," addressed February 16. Mr. Jacobs never sent me these documents, I only learned of them days after the fact, when they were posted to the City's Council File website. The owner's strategy here is clear: Delay the neighbors' ability to see any new information for as long as possible, so that they have no chance to rebut that information.

5. Claim ignorance of the property's historic value. The owner claims that it had no notice that the buildings had historic value when it purchased the property. In fact, any qualified historic consultant retained by owner before the purchase – including PCR Services, the very consultant the owner retained to attempt to defeat the designation – would surely have advised the owner that this 1923 bungalow court is a rare remaining example of the building type, and a potential candidate for designation. The City's Survey LA project merely confirmed the historic significance of the property, finding that the bungalow court is an "excellent" example of its type and qualifies for local, state and federal historic designation. In fact, the February 12 Glaser Weil letter admits that the owner was on notice of Survey LA in July 2014, before it entered into an agreement to purchase the property. The Glaser Weil letter states that at that time the owner "sought to determine whether the Edinburgh Property was included in SurveyLA or on the City's Historic Places LA inventory," and to prove this attaches an exhibit (Exhibit H) which reflects the owner's online search for that address. The search result states: "Survey data is being compiled into reports and will be available in 2015." Having read this, the owner could easily have inquired with the Office of Historic Resources about the survey data relevant to this property. Instead, the owner chose not to make this inquiry, either in July or at any time during the 5-month due diligence period between the purchase agreement in July 2014 and the close of the transaction in

December 2014. The owner's position seems to be that if a building was not prominently labeled as "historic" on a readily accessible City website before the time of purchase, then any future historic designation of the building is simply precluded by law. If that were the applicable test, then all of the more than 1,070 historic designations between the passage of the Cultural Heritage Ordinance in 1962 and late 2014, when Survey LA was first released, would have been unjustified.

6. Feign surprise at the initiation of the designation process. The owner insists that when it briefly commenced minor demolition work on September 11, 2015, it had no idea the designation would be initiated by the Director of Planning. In fact, the owner was well aware of the preservation effort, which had been underway for months, and was actually hurrying to demolish the buildings in an effort to thwart any designation before it could be initiated. Here is the actual timeline:

- April 3 – Owner applies to Planning Department for a small-lot subdivision on the site, proposing demolition of the buildings and replacement with 8 new 3-story buildings, to be sold as luxury single-family homes.
- April 15 - Owner applies for a demolition permit. Permit is not issued because of various required clearances, including compliance with the California Environmental Quality Act (CEQA), concerning the significant impact of the demolition and new construction on a historical resource.
- June – August – Neighbors await CEQA environmental review and simultaneously work to have the buildings nominated as a historic monument.
- Early September - Owner's lawyers discover a loophole in the City's laws: By withdrawing their pending application to build 8 new luxury homes on the site, and by stating (however untruthfully) that they have no plans for any discretionary project on the site, the owner can convert a "discretionary" permit for the overall project requiring CEQA review into a "non-discretionary" (or "ministerial") demolition permit which does not technically require CEQA review.
- September 9 – In order to exploit the loophole, owner formally withdraws the small-lot subdivision application. On this basis, Planning Department clears the requirement for CEQA review. Then, without neighbors' knowledge, LADBS issues a demolition permit.
- September 11 – Owner begins minor demolition activities (limited to asbestos removal). Neighbors observe this and immediately complain to Council office. That morning, LADBS issues a stop-work order based upon the owner's failure to meet certain prerequisites for demolition, including a pre-construction meeting. Demolition is halted while owner's lawyers work furiously to have the stop-work order rescinded. Meanwhile, the Council office makes a direct appeal to owner's lawyer, Bill Delvac, to cease demolition temporarily, but Mr. Delvac refuses. At about 6 p.m., with the support of the Council office, Planning Director Michael LoGrande intercedes and commences designation, and immediately advises owner's attorneys by telephone that despite the existence of a demolition permit,

under a specific provision of the City ordinance further demolition is forbidden pending the completion of the designation process.

7. **Threaten litigation against the City**. The owner's lawyers have written a lengthy letter setting out the grounds on which the owner threatens to sue the City if the Council confirms the designation. However, the lawyers know that City has broad discretion to nominate historic buildings, and that this designation is well supported by both the facts and the thorough deliberative process used by the Cultural Heritage Commission. Perhaps understanding this, the owner's lawyers "go for broke" in their argument. They mount a frontal assault on the entire Survey LA process, contending that its findings categorically cannot be used to protect buildings from demolition and that the City is thus vulnerable to litigation by property owners throughout the City. Yet, the letter sets forth not a single legal case in which a historic designation was found to violate a private property owner's rights when the owner can still use the building for an economically viable use. In fact, the owner's claim flies in the face of the very case it cites for the proposition, i.e., Penn Central Transp. Co. v. New York City, (1978) 438 U.S. 104, which states that a regulatory action, in order to effect a "taking" of private property, must leave the owner with "no reasonable or beneficial use" of the property. Since the property can still be used for rental apartments and perhaps for other economically viable uses, this test simply cannot be met.

8. **Claim that the Ellis Act precludes any future rental use**. The owner commenced the Ellis Act process in 2015 and evicted all of the tenants. Now it claims that this is an irreversible decision, so the buildings must be torn down. In arguing for this self-fulfilling prophecy, the owner mischaracterizes the Ellis Act and the implementing local ordinance. In fact, an "Ellised" building can easily be returned to use as rental apartments immediately, and the Ellis Act and local ordinance each provide for exactly that result. First, the owner is wrong that the City would impose "penalties" for returning the apartments to rental occupancy: There simply are no penalties for doing this, regardless of when the units are returned to the rental market. As to the owner's alleged fear that "damages" would be awarded to prior tenants, the fear is overblown. The owner's primary obligation to prior tenants is simply to offer the apartments to them at the same rent they paid when evicted. As long as this offer is made to the prior tenants, it is highly unlikely that any damages would be awarded against the owner. The reason is simple: The primary consideration in any damages award would be whether the owner had wrongful intent when it commenced the Ellis process, and in this case it is clear that the owner began the Ellis Act process with the intention to demolish the buildings, and was only precluded from doing so by a historic designation that it did not anticipate. Moreover, if the developer is still fearful of damages, it can completely avoid any liability for damages by simply waiting to re-rent until 2 years after the property was removed from rental use under the Ellis Act (i.e., until August 2017.) At such time, under the Ellis Act and the local ordinance the owner is free to re-rent the premises to tenants without any liability for damages, as long as it does so at the

original rental rate. Since all concerned agree that the owner needs to do substantial repairs to the buildings before they can be reoccupied – something which would likely take at least a year – it is not even a significant burden for the owner to wait until August 2017 to re-rent the buildings.

9. Raise the specter that the buildings will sit idle and become a "nuisance." The owner has insisted that if the buildings are designated they will be left vacant and left to rot. The threat is a hollow one. As stated above, the owner can easily repair the buildings and re-rent them without fear of any legal liability as early as next August, and there is no reason to assume that it would not do so. If, on the other hand, the owner would rather keep the buildings vacant and pursue other options, it can easily protect the vacant buildings in the meantime. In fact, the owner has little incentive to allow the buildings to decay, even if they are vacant. Once designated, the buildings will be solidly within the jurisdiction of the Cultural Heritage Commission, which must approve any alterations. By intentionally neglecting the buildings, the owner would merely increase the cost of rehabilitating the structures, while also incurring the wrath of all of the various stakeholders and decision makers who have a say in buildings' future – including the community, the neighborhood council, the Council office, the Office of Historic Resources, and the Cultural Heritage Commission.

10. Insist that the buildings will be demolished anyway. The owner contends that even if there is a historic designation, it will simply wait 420 days and demolish the buildings anyway. However, in fact the owner will have a difficult time doing that without the support of the Council office. Although a complete stay on demolition may only last for 420 days, if the owner pursues a demolition permit after that it must still complete the CEQA process first. That process will certainly result in a finding that the demolition of the designated landmark would constitute a significant impact on historic resources. Once that finding has been made, the City Council can only approve demolition if it makes a "statement of overriding considerations" that justifies demolition of the monument. The City Council has no duty to make such a finding, and it is commonly known that the Council is unlikely to make such a finding without the support of the Council office in which the landmark is located. This is precisely why very few designated landmarks in the City have ever been demolished, even though the Cultural Heritage Ordinance has been in place for more than 50 years and most of the monuments have been designated for decades.

Some Questions.

Here are some questions for the Council to ponder:

- **Will this case be a road map for future efforts to defeat historic designations?** This is a highly publicized case, drawing press attention and much public comment. The owner is effectively drawing up a road map to defeat

historic nominations, and other developers are watching. In the future, a Council office may seek to designate other buildings, or even groups of buildings or districts, over the objections of some building owners. Owners opposed to future designations will follow any road map that is drawn up this time around.

- **Should the City Council be the arbiter of questions about expansive soils, foundation repair methods and the like?** Neither the Council office nor the City Council generally is equipped, either in terms of time or expertise, to mediate between conflicting claims about highly technical subjects. Instead, the proper forum for these disputes is the Cultural Heritage Commission, which gains jurisdiction over the designated monument after it is designated. Unlike the Council members, the Commission has technical expertise readily available to it, both within the staff of the Office of Historic Resources and in the Commission itself, which includes several licensed architects.

- **Will neighbors and the L.A. Conservancy be saddled with an impossible burden in future nominations?** A well-funded owner is flooding the Council office and the Council with arguments and information in the context of a confirmation process that moves rapidly and with no meaningful public hearings. The neighbors and the L.A. Conservancy have been continually forced to respond to this cacophony of information, including by retaining multiple experts at substantial expense. This is an enormous burden and consumes resources, which could, and should, be allocated elsewhere. If the owner succeeds with this strategy, other owners may attempt to follow its example in future designations or other land use disputes.

- **Will owners be rewarded for concealing information and denying access to their property?** The owner has consistently denied access to the site to anyone but its own hand-picked experts, so as to suppress any information that conflicts with its narrative about the condition of the building. The owner has also stalled the Conservancy's effort to secure an independent expert report, and has withheld crucial information from the neighbors so as to delay or preclude any meaningful response.

- **Will owners be allowed to bully the Council with vague threats of litigation?** Some property owners threaten litigation whenever the City exercises its discretion, even when the litigation would have no merit. They will only be emboldened if the City gives in this time, when the threats have no merit at all.

- **Will the Cultural Heritage Commission members be heard?** As the owner works to resist this designation, the members of the Commission stand idly by, watching their deliberations supplanted by a lobbying process that occurs entirely behind closed doors. Does the Council wish to send the message to the

Commissioners that their site tours, review of lengthy applications, public hearings, and deliberations are all for naught, simply because a developer has access to City Councilmembers who might reverse those decisions?

Thank you for your consideration of my opinion. These buildings will either remain standing as a historic landmark, or they will be torn down within days after the City Council acts. It is up to you. Thank you so much.

Sincerely,

Brian Harris

EXHIBIT 1

February 1, 2016

Michael Mekeel
Offenhauser/Mekeel Architects
9872 Holloway Drive
West Hollywood, CA 90069

Councilman Koretz
Council District 5
200 North Spring Street, Suite 440
Los Angeles, CA 90012

Re: Proposed Designation of 750 N. Edinburgh Avenue (CHC-2015-3386-HCM)

Dear Councilman Koretz:

Offenhauser Mekeel Architects are historic preservation architects as well as real estate developers. We have designed, preserved, restored, owned and maintained numerous historic buildings in the City of Los Angeles. We also currently own and maintain The Toberman House which is Los Angeles Cultural Historic Monument #769; it was the home of the second mayor of Los Angeles. We are experts in restoring historic buildings.

The Spanish Colonial Revival bungalow court located at 750 North Edinburgh Avenue is in remarkably good condition for a 95 year old historic building and can be restored to its former use as rental units without excessive difficulty or cost.

We have reviewed the letter from Armbruster Goldsmith & Delvac dated November 11, 2015 which includes letters and reports from PCR Services Corporation, John Labib & Associates and Termite Pest Solutions. We also visited the site. Based on our extensive experience and in consultation with our geotechnical and structural consultants, we find that these reports dramatically overstate the difficulty and cost of rehabilitating these structures and restoring them as rental properties. In fact, the deferred maintenance can be corrected and structural remedial work, though not required by the building code, can be performed cost-effectively.

1. **Architectural/Historic Character Defining Features Are Remarkably Intact:**

   - The overall appearance of the property is essentially unchanged from 1923. There is no question that an original resident of the building would recognize it today. The four buildings and the garage structure are in their original location defining the central courtyard, and the simple rectangular massing with rough textured exterior plaster, crenellated parapets with barrel tile coping are intact.
   - Significant architectural details are intact. The plaster arched front door porticos and the lean to shade structures over the main windows and the plaster arches with detail are intact.

- Doors and windows are highly significant character defining features and are substantially intact. The replacement of some windows and doors can be easily reversed by installing salvage matching windows and doors or having new ones made to match.
- The interiors are original. The interiors still have the original wood floors, the original casing at doors and windows, the original casework in the living rooms and the original cabinets and tile in the kitchens, including in at least on case the original ice box!

2. **Structural upgrades are not required by law and even if voluntarily undertaken they would be relatively inexpensive.**

   - There is no building code requirement to upgrade the structures.
   - The existing buildings provide substantial protection even without any upgrades. One story older buildings of this type tend to perform well in earthquakes. The structural loads in a one story building are very low. Thus, in a one-story building the difference between straight and diagonal sheathing is irrelevant for purposes of safety. In addition, the plaster on both sides of a stud wall provides a certain amount of structural shear.
   - Relatively inexpensive voluntary upgrades can significantly increase the structural performance. Foundation bolting, adding connectors to beams and posts and roof framing, and perhaps installing a few shear walls are all simple and cost effective upgrades that will improve the structural performance of the building significantly. The cost of these upgrades is likely to be less than $40,000 total for all four structures combined.
   - Termite damage can be inexpensively repaired. Termite damage is common in all buildings and is not justification for demolishing the buildings. The exposed wood girders look in remarkably good condition, so it would be reasonable to assume that the termite damage is localized and due to maintenance issues. It can likely be repaired for less than $10,000 for all structures combined.

3. **The expansive soil does not need to be removed and re-compacted.**

   - A 4 foot blanket of expansive soil is common in this part of the Los Angeles basin. This building is no exception. Yet this and many thousands of older buildings are performing well structurally.
   - There is no building code requirement that the soil under an existing building be removed and re-compacted.
   - Even for a new building, the building code requires only that foundations in expansive soil be 24" deep. Although a new foundation is not required by the code, even for a new one-story building the code allows foundations to be 24" deep, which is above the 4-foot level of expansive soil.

4. **Any foundation distress is likely caused by deferred maintenance, is localized, and can be easily repaired.**

   - Cracks in the crawlspace are likely the result of maintenance issues. Surface water customarily flows away from the building and should not cause foundation movement. Thus, identified cracks in the crawlspace soil are probably the result of maintenance issues, e.g., a leak or flooding in the building either before or after the building was vacated; water penetration from the crawl space vents where soil has been allowed to accumulate above the level of the vents; and/or ponding around down spouts where the water does not have a path to the street.
   - Excessive rotation of the footings is localized. The entire foundation is not in distress. The identified footing rotation is occurring in a only a few areas of the foundation, for instance where water has been allowed to pond at the base of downspouts.
   - The foundation can be inexpensively repaired. In order to correct the rotating footings it is not necessary to relocate all the houses, remove and replace all the soil 5 feet deep on the entire site, construct new footings and replace the houses. The customary solution is considerably less intrusive and far less expensive:
     - Stop the foundation movement: Correct the roof and site drainage, repair the plumbing and patch the roofs to be certain that water does not flow into the crawl space in the future. The total budget for this is likely to be less than $5,000.
     - Replace sections of footing which have rotated: Temporarily shore that section of the building and remove and replace the footing with a code-conforming 24" deep footing. The total budget for this is likely to be less than $25,000.
     - Replace under floor piers: The piers in the crawl space can be easily replaced and are structurally sufficient so long as no water penetrates the crawl space. The total budget for this is likely to be less than $5,000.

5. **Budget for structural repairs.**

   - Altogether a budget of $85,000 should be sufficient to accomplish the voluntary repair of some footings, repair of termite damage and structural upgrades described above. These repairs can be done without substantial harm to the interiors or exteriors of the structures. Nonetheless, an additional $40,000, or $10 per square foot, is a reasonable budget to restore the interiors and exteriors to a condition suitable to return the buildings to their use as rental apartments.

Sincerely,

Michael Mekeel
Offenhauser/Mekeel Architects

EXHIBIT 2

SHANNON & WILSON, INC.
GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS

ALASKA
CALIFORNIA
COLORADO
FLORIDA
MISSOURI
OREGON
WASHINGTON
WASHINGTON DC METRO
WISCONSIN

February 12, 2016

Mr. Brian Harris
747 1/2 N. Hayworth Ave.
Los Angeles, CA 90046

RE: THIRD PARTY REVIEW OF LETTERS/REPORTS BY FEFFER GEOLOGICAL CONSULTING AND WHITE CASTLE CONSTRUCTION REGARDING THE PROPERTY AT 750-756½ NORTH EDINBURGH AVENUE, LOS ANGELES, CALIFORNIA

Dear Mr. Harris:

At your request, I have reviewed the February 5, 2016, report by Mr. Joshua R. Feffer, CEG, and the attached Curriculum Vitae (CV) of Mr. Feffer (Appendix A), as well as a letter by Michael Goldberg of White Castle Construction dated February 8, 2016 (Appendix D). In the preparation of this third party review, I have also reviewed a prior Geotechnical Investigation report for the property dated April 2, 2015 by Feffer Geological Consulting, Inc., and the Soils Report Approval Letter issued by the Los Angeles Department of Building and Safety Grading Division on April 27, 2015.

MR. FEFFER'S REPORT DATED FEB. 5, 2016

Mr. Feffer's Qualifications

The April 2, 2015, Geotechnical Investigation by Feffer Geological Consulting, Inc. does not consider the condition of the existing structures, but instead simply assumes that they are to be demolished for the construction of new buildings on the site. The more recent report by Mr. Feffer (dated February 5, 2016), does concern the existing structures. It discusses seismic bolting of the structures, danger of structural collapse, standards of foundation construction, safety and red-tagging of the buildings, shallow and deep foundation recommendations, as well as wood framing deficiencies. All of these matters belong to Civil Engineering and its subspecialties (Structural and Geotechnical). I am well aware of these topics as both a practicing Civil Engineer and a Professor at UCLA in the Department of Civil and Environmental Engineering (my CV is in Appendix B).

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As indicated in his CV, Mr. Feffer has geology degrees and registrations, as well as a Certification in Engineering Geology (CEG 2138). The regulations of the practice of geology is described in Appendix C, attached. Mr. Feffer is not a Registered Civil Engineer, nor is he registered Structural or Geotechnical Engineer (the two Civil Engineering specialties registrations licensed by the State of California). **Hence, Mr. Feffer is not qualified by licensing to opine on the Civil Engineering matters described above.**

GEOLOGY REQUIREMENTS

A brief research of the property reveals that:

a) It is situated on a flat area of the City of Los Angeles (Figure 1).
b) The GIS database system of the City of Los Angeles (Figure 2), does not reveal geologic hazards such as faults, liquefaction, landslides, and oil extraction.

Since there are no hillside or mapped geologic hazards (Figure 2), building improvements, or constructions at this site, it does not require submission of a report by a geologist such as Mr. Feffer. The City does require a Geotechnical report (a.k.a., soils report) signed and stamped by a California registered Civil Engineer.

FOUNDATIONS

In his report, Mr. Feffer indicates that "*The existing foundations could be replaced by either conventional foundations or new pile and grade beams."* In my 25+ years of experience in the City of Los Angeles, I have never encountered a project of this type (single story buildings, in flat land with only one foot fill depth) where piles were used! In fact, piles were neither recommended in the Geotechnical Investigation report dated April 2, 2015, for the new 3-story development project proposed at the site, nor were they required by the April 27, 2015, Soils Report Approval Letter issued by the City's grading division. Furthermore, foundations of lightweight buildings of the type and age existing at the site are, in my experience, rarely replaced; instead old foundations are usually locally reinforced without moving the structures, mudsills are bolted using metal plates (e.g., using Simpson Strong-Tie UFP10 plates), and expansive soils mitigated through drainage improvements.

WHITECASTLE CONSTRUCTION LETTER DATED FEB. 8, 2016

I understand, Mr. Goldberg's letter was based on a review of Mr. Feffer's "Geologic Report" and a Termite & Pest Solutions Inc. report. The letter presumes that the site has unstable soils, that new foundations are required, and that new foundations should extend to bedrock. These

assumptions are in my opinion unreasonable. I would also note that Mr. Goldberg appears to have no engineering registration of any kind, whether it be civil engineering, structural engineering, or geotechnical engineering. He also does not appear to be a geologist, as is Mr. Feffer. Instead, the only professional registration apparent from Mr. Goldberg's letter (following his name on the signature block) is "CPE," which as I understand it stands for Certified Professional Estimator. Thus, unless he has credentials of which I am unaware, Mr. Goldberg is also not qualified by licensing to render an opinion on matters concerning structural engineering, geotechnical engineering, or geology.

We appreciate the opportunity to be of continued service to you on this project. If you have any questions, please contact us at (818) 543-4560.

Sincerely,

SHANNON & WILSON, INC.

Dr. Daniel Pradel, P.E., G.E.
Vice President

DEP:RTD/ady

Enc: Figure 1, Aerial Photo
Figure 2, Geologic Hazard Map
Appendix A, Review of Building Condition" by Feffer Geological Consulting (File No. 1556-54), dated Feb. 5, 2016, regarding the Property at 750-756 North Edinburgh Avenue, Los Angeles, California
Appendix B, Curriculum Vitae – Dr. Daniel Pradel
Appendix C, Regulations Relating to the Practices of Geology and Geophysics, California Code of Regulations Title 16, Division 29, §§ 3000-3067
Appendix D, Letter by Whitecastle Construction dated Feb. 8, 2016, regarding the Property at 750-756 North Edinburgh Avenue, Los Angeles, California

APPENDIX A

REVIEW OF BUILDING CONDITION BY FEFFER GEOLOGICAL CONSULTING (FILE NO. 1556-54), DATED FEB. 5, 2016

FEFFER
GEOLOGICAL CONSULTING

February 5, 2016 File No. 1556-54

Edinburgh Small Lots
BLDG Edinburgh LLC
755 N. Laurel Avenue
Los Angeles, CA 90046

Subject: **REVIEW OF BUILDING CONDITION**
750-756 N Edinburgh Avenue, Los Angeles, CA 90046

Reference: **GEOTECHNICAL INVESTIGATION**
Proposed Eight, Three-Story Residences
750-756 N Edinburgh Avenue, Los Angeles, CA 90046
By Feffer Geological Consulting, Inc. Dated April 2, 2015

CITY OF LOS ANGELES APPROVAL
Log #87983 Dated April 27, 2015

Dear Mr. Jacobs and Mr. Penini,

We recently conducted a site visit at 750-756 N. Edinburgh Boulevard to review the condition of the existing structures and have the following comments.

The project site contains four bungalow structures. The buildings were constructed in 1923, prior to the implementation of seismic bolting requirements, a fundamental component of seismic safety. Seismic bolting requirements have been required for seismic safety since 1931. All of the structures on the site are in danger of collapsing during an earthquake because of the lack of seismic safety components.

The soil at the site is expansive and the foundations are shallow. Such foundation construction does not conform to current standards. There is extensive and significant cracking in the structures and the floors are significantly out of level due to the foundation movement that has occurred.

The existing buildings are failing and it is our opinion they are not only uninhabitable, but also dangerous, and should be red-tagged. They have simply outlived their lifespan. They are poorly built structures that have significant deferred maintenance and cannot be rebuilt.

The existing foundations would have to be completely replaced and that would necessitate removal of the structures from the site while the work is being performed. The existing foundations could be replaced by either conventional foundations or new pile and grade beams. However, it does not matter what type of foundation replacement occurs because the existing wood framing is deficient and is rotting in places and does not have the capacity to be connected to new foundations. We recommend that a structural engineer review the condition of the

buildings but it is our opinion that the buildings are so fragile that performing any foundation repair is not warranted and could cause the buildings to collapse.

There is no meaningful repair methodology that can reasonably be performed for these dilapidated structures and I suggest they be demolished.

We appreciate the opportunity to be of service. Should you have any questions regarding the information contained in this report, please do not hesitate to contact us.

Sincerely,

FEFFER GEOLOGICAL CONSULTING, INC.

Joshua R. Feffer
Principal

FEFFER
GEOLOGICAL CONSULTING

JOSHUA R. FEFFER, M.S., P.G., C.E.G

EMPLOYMENT HISTORY:

09/2004 to Present	Principal **FEFFER GEOLOGICAL CONSULTING (FGC)** Los Angeles, California
12/2002 to 02/05	Chief Engineering Geologist **AMERICAN GEOTECHNICAL** Yorba Linda, California
10/2000 to11/2002	Senior Scientist **EXPONENT FAILURE ANALYSIS ASSOCIATES** Los Angeles, California
12/1994 to 9/2000	Senior Geologist **LOCKWOOD-SINGH & ASSOCIATES** Los Angeles, California

EDUCATION:

UNIVERSITY OF SOUTHERN CALIFORNIA
M.S., Geological Sciences, 1998

CALIFORNIA STATE UNIVERSITY, NORTHRIDGE
B.S., Geology, 1994

Short Course, 8 hour credit, Cone Penetration Testing
April, 2000

Short Course, Inclinometer Analysis, August, 2004

Short Course, Soil Engineering for Non-Soil Engineers,
November, 2005

Short Course, 8 hour credit, Fundamentals of Slope Stability
December, 2009

PROFESSIONAL REGISTRATIONS:

State of California, Registered Geologist 6861
State of California, Certified Engineering Geologist 2138
State of Arizona, Professional Geologist 41244

PROFESSIONAL HONORS:

Award for Outstanding Teaching Assistant Award, Fall 1994,
University of Southern California, Dept. of Geological Sciences
Subject Matter Expert for the State of California
State Board of Registration for Geologists and Geophysicists;

Member of Enforcement and Oversight Committee
State Board of Registration for Geologists and Geophysicists

PROFESSIONAL AFFILIATIONS:

Association of Engineering Geologists (member)
American Society of Civil Engineers (member)- Public Relations Committee
Chair, Los Angeles Section, Appointed June 2010

PRESENTATIONS:

"Soil, Geology, and Grading: A Geotechnical perspective" presented to Real Estate West, Remax, DBL Realtors, September, 2004

"The Geologist's Role in Real Estate Closings" presented to Lorman Education Services, San Diego, California, August 2004

"Common Soil Problems," presented to Liberty Mutual Insurance, Orange, California, August 2003

MCLE on "Common Soil Problems," presented to Fiore Racobs and Powers, Riverside, California, July 2003

"How Soil and Geology Influence Homes on the Palos Verdes Peninsula," presented to Palos Verdes Board of Realtors, Palos Verdes, California, May 2003

"Erosion and Other Slope-Related Problems," Presented to BIA Customer Service Council, Irvine, California, February 2003

"Malibu Seasons: Spring, Summer, Fire and Flood," presented to Association of Engineering Geologists, Southern California Section, June 2002

PROFESSIONAL

Mr. Joshua Feffer is principal of Feffer Geological Consulting (FGC). Mr. Feffer specializes in geologic and geotechnical investigations of landslides, slope failures, earthquake damage, land subsidence, soil creep, expansive soils, construction defects, and flooding. Feffer Geological Consulting services include engineering geology and geotechnical, soils, and foundation engineering.

FGC specializes in providing services for real estate transactions, development and design of both single-family and commercial sites, fault and liquefaction studies, repair of slopes and various structures, insurance claims, and litigation disputes. Josh Feffer's investigative work has included logging exploratory trenches and borings and collection of representative samples of soils and rocks for laboratory testing. Mr. Feffer has developed repair recommendations and engineering cost estimates for a variety of geotechnical and geologic failures, presented findings at expert meetings and mediation proceedings, and has been designated as an expert witness.

APPENDIX B

CURRICULUM VITAE – DR. DANIEL PRADEL

DR. DANIEL PRADEL, PE, GE, D.GE, VICE PRESIDENT
PRINCIPAL IN CHARGE

Dr. Daniel Pradel has over 30 years of experience in the geotechnical engineering field and has worked on major transportation projects (including BART, METRO and SVRT), earth and concrete dams (El Cajon and Paute Mazar), earthquake engineering and landslide investigations, as well as residential and commercial developments. He is a Professor in the Civil Engineering Department at UCLA, and was part of the state wide committee that produced the report "Guidelines for Analyzing and Mitigating Landslide Hazards in California." Dr. Pradel has been deposed approximately 75 times as an expert and has testified in approximately 25 trials as an expert witness, including Domenigoni vs. MWD, Alvis vs. La Conchita, and Alvarado vs. MTA. In addition, Dr. Pradel has over 20 years of experience in performing first and third party claim investigations for insurance companies.

Education

Certificate of Postdoctoral Studies, Geotechnical Engineering, University of California, Los Angeles

PhD Engineering, Civil Engineering, University of Tokyo

Diploma of Civil Engineering, Swiss Institute of Technology, Lausanne

Registrations

Registered Geotechnical Engineer, CA, No. 2242

Registered Civil Engineer, CA, No. 47734

Registered Civil Engineer, UT, No. 9252352-2202

Registered Civil Engineer, NV, No. 12285

Registered Civil Engineer, HI, No. 12243

Registered Engineer, Switzerland, (Number 2/16791)

Diplomate of ASCE's Academy of Geo-Professionals No. 1135

Relevant Experience

Regional Connector Transit Corridor, Los Angeles, CA

Dr. Pradel supervised and performed dynamic geomechanical numerical analyses for the planned Regional Connector Transit Corridor light rail project in downtown Los Angeles. He performed numerous seismic numerical analyses to evaluate the soil-structure interaction of multiple cut-and-cover stations and U-section structures. Results of the analyses included the seismic racking displacements of the structures and seismic earth pressures on the walls, as well as bending moments and shear forces on walls and slabs.

Bay Area Rapid Transit Berryessa Extension, San Jose, CA

Dr. Pradel supervised and performed static and dynamic geomechanical numerical analyses for a proposed design alternative using Lightweight Cellular Concrete (LCC) as backfill for the MSE walls along a portion of Bay Area Rapid Transit (BART) extension into Silicon Valley. He conducted static numerical analyses to evaluate the bearing capacity, settlement, and stresses of the LCC MSE walls, and dynamic numerical analyses to evaluate the seismic soil-structure interaction of the LCC MSE walls, including dynamic settlements and stresses within the LCC.

Evergreen Line Rapid Transit, Vancouver, British Columbia

Dr. Pradel performed seismic deformation analyses including soil-structure interaction for the planned skytrain system in Vancouver, British Columbia. Dynamic numerical analyses using FLAC were performed to estimate ground deformations and the structural demands resulting from soil-structure interaction (SSI) between the piles and surrounding soil from numerous different ground motions, as well as to evaluate the impact of the liquefiable soils present at the site.

Mandeville Canyon Landslide, Los Angeles, CA
Dr. Pradel managed the investigation and remedial stabilization of a landslide on a residential property in Los Angeles, California. He performed and supervised field inspections, subsurface investigations, and designed a remedial slope repair that included a pile-supported retaining wall as well as grading on the slope below. Dr. Pradel was the Engineer of Record for the repair and managed the construction inspection services during the stabilization.

Silicon Valley Rapid Transit, San Jose, CA
Dr. Pradel performed static analyses using finite differences (FLAC) for the design of a deep-soil-mixing cut-off wall and braced excavation system of the proposed cut-and-cover station and portal structures for the tunnel alignment. He performed numerical analyses to estimate the structural loads developed during excavation and construction of the support system. Dr. Pradel also performed seismic ground response analyses to develop input ground motions and dynamic soil properties for soil-structure interaction analyses. Results are published in ASCE Geotechnical Special Publication 181, Geotechnical Earthquake Engineering and Soil Dynamics IV.

Estrondo Landslide Stabilization, Encino, CA
Dr. Pradel managed and coordinated thevinvestigation and stabilization of a large landslide on 3 properties. Dr. Pradel was the Engineer of Record for the stabilization, designing a system of caisson-supported retaining walls with tiebacks in the upper row, a permanent soil buttress, and drainage gallery for subsurface dewatering. Dr. Pradel also performed numerical analyses of the landslide and repair, using FLAC to model the soil-structure interaction.

Melia Landslide Stabilization, Los Angeles, CA
Dr. Pradel was originally retained as an expert witness to investigate a large landslide affecting several homeowners in a secluded hillside area in Los Angeles, and then was hired as engineer of record to repair the landslide. Dr. Pradel managed and coordinated the site reconnaissance, subsurface investigation and monitoring of the slope movement with slope inclinometers. He performed numerical analyses using the program FLAC to determine the feasibility of stabilization of the ancient landslide using a combination of landslide removal, pile supported retaining walls, and a fill buttress. The numerical modeling included both the temporary and permanent stability of the affected properties. During repairs, Dr. Pradel was the engineer of record for the slope stabilization which included construction of a fill buttress and retaining walls for the stabilization of the Landslide.

Metro Gold Line, South Pasadena, CA
Dr. Pradel performed a vibration study for the Metro Gold Line light rail extension into South Pasadena. He investigated claims of distress on nearby residences from construction activities and train vibrations, performed vibration testing at various distances and locations along the Gold Line tracks.

Forensic Investigations of Residential Distress for Insurance Companies, Various Locations in CA
Dr. Pradel managed and performed numerous forensic inspections of distress at residential properties in California on behalf of insurance companies. He performed site inspections, field measurements, document review and research, wrote causation reports, and prepared remedial repair recommendations as requested. He performed inspections of structural distress related to water intrusion, seepage, soil creep, tree roots, earthquakes, windstorms, and construction vibrations.

La Conchita Landslide, Ventura County, CA
As an expert witness for Alvis vs. La Conchita, Dr. Pradel performed site reconnaissance, review of geologic and geotechnical investigations performed at the site, performance of a subsurface

investigation, monitoring of the slope, meetings with other experts, geologic mapping, and research and review of technical documents. He performed geotechnical and slope stability analyses, determined causes of the landslide, prepared preliminary and conceptual repair recommendations, and testified in depositions and trial.

Linden Terrace Landslide, Calabasas, CA
Dr. Pradel performed seismic analyses to determine the ground motions that affected the landslide during the 1994 Northridge Earthquake and Finite Element Analyses, using the software QUAD4M, to predict the magnitude of earthquake induced displacements. The comparison between observed and predicted movements was published in the Journal of Geotechnical and Geoenvironmental Engineering (ASCE), Vol. 131, No. 11, 1360-1369.

Strathern Landfill, Los Angeles, CA
Dr. Pradel performed numerical analyses using the program FLAC to estimate the varying amounts of settlement from inert landfill material with varying depths across the site. Using these settlement estimates, Dr. Pradel recommended zones for potential redevelopment of the closed landfill and their associated conceptual foundation designs (geogrid reinforced fill mats and concrete mat foundations).

Ground Motion Studies, Various Sites, Los Angeles, CA
Following the Northridge Earthquake, Dr. Pradel performed numerous site specific ground motion studies for hundreds of sites located across the Los Angeles region. He researched ground motion recordings, selected dynamic soil properties, and developed site-specific ground motions and response spectra to provide to structural engineers. He has also investigated the effects of earthquakes on many tall structures. He published his findings on the correlation between ground motions and structural damages using a database of over 200 steel buildings. His findings were published in 2006 at the “Soil Stress-Strain Behavior, Measurement, Modeling and Analysis” conference in Rome.

Murrieta Creek Fault, Temecula Valley, CA
Dr. Pradel performed a study using Finite Element Analyses to predict the area of influence of the regional wetting induced (hydro-consolidation) subsidence. Finite Element predictions included determination of the likely location of ground extension/cracking and determination of the magnitude of settlement. He also designed several mitigation measures.

Sinaloa Dam, Simi Valley, CA
Dr. Pradel performed a feasibility study for the improvement/reconstruction of the dam, including subsurface characterization and testing, seepage, and stability analyses (static, dynamic and rapid drawdown conditions).

Sacred Falls, Oahu, HI
Dr. Pradel worked for the State of Hawaii and performed a geotechnical investigation of the rock fall that killed several people in the Sacred Falls Park. He also performed a feasibility study of potential mitigation and remediation techniques for the State Park.

Geotechnical Investigation, Tokyo, Japan
Geotechnical investigation of the causes of settlement and design of remediation using piles for a tract of homes near Tokyo, Japan (for American Homes of Japan).

Post-Earthquake reconnaissance
Dr. Pradel has been part of reconnaissance teams investigating the effects of the 1994 Northridge, 2003 San Simeon (a.k.a., Paso Robles), 2010 Eureka, 2011 Tohoku, 2014 Napa, and 2015 Gorkha (a.k.a,

Nepal Earthquakes. His findings have been reported in ASCE Journal and Conference papers, and/or reports (including repair recommendations) for his clients, and he has participated in various ASCE seismic hazard mitigation committees (referenced in the publications section below).

Construction Vibration Studies for Public Works Projects at Various Locations in Southern California and Nevada. (2009-2011).
Dr. Pradel performed construction vibration monitoring for a contractor performing public roadway and bridge improvements at various locations in Nevada and Southern California. He performed investigations of adjacent structures and buildings, and recorded vibration levels from construction activities in order to determine if the threshold limits were exceeded and the potential for structural distress.

EL Cajon Arch Dam, Honduras. (1982-1984).
Dr. Pradel performed static and dynamic analyses using Finite Elements for the design of the bottom outlet and elevator towers. After a portion of the upper left abutment was lost during blasting during construction, Dr. Pradel performed numerical analyses to verify that stress redistribution would not significantly overstress the arch dam and rock abutments. Additional analyses included design of instrumentation to evaluate the performance of the grout and drainage curtains and rock abutments.

Celite Dam Replacement Spillway, Lompoc, CA. (2003).
When a replacement spillway was necessary for the Celite dam Dr. Pradel performed a study to select a new location and directed a subsurface investigation for the geotechnical design of the spillway and hydraulic structures.

Paute Mazar Gravity Dam, Ecuador. (1983-1984).
Dr. Pradel performed static and dynamic analyses for the stability of the rock abutments. He used Finite Element results to evaluate the stresses and water pressures in the rock mass and performed three-dimensional rock mechanics stability analyses to determine the potential for three-dimensional discrete geologic block failures in the rock abutments.

Emosson Dam, Switzerland (1982-1984).
Emosson dam is a 590-feet high double curvature arch dam in Switzerland. Dr Pradel performed a yearly inspection and worked on the feasibility study to raise the dam by building an additional concrete arch connected to the existing dam with tiebacks.

Yuracmayo Earth Dam, Peru. (1982-1984).
Dr. Pradel performed numerical deformation analyses to evaluate the dynamic performance of the dam and predict displacements of the dam under various Earthquake scenarios. The large predicted displacements resulted in significant changes to the dam cross-section to reduce the potential for a major failure due to seismic events.

Committees & Awards

Committee Member, Recommended procedures for implementation of DMG SP117 ("Guidelines for evaluating and mitigating seismic hazards in California") for analyzing and mitigating landslide hazards in California (2001-2002)

Editor and Committee Member, Recommended procedures for implementation of DMG SP117 ("Guidelines for evaluating and mitigating seismic hazards in California") for analyzing and mitigating landslide hazards in California (1999-2000)

Chair of the Los Angeles Geotechnical Technical Section of the American Society of Civil Engineers (1999-2000).

Vice-Chair of the Los Angeles Geotechnical Technical Section of the American Society of Civil Engineers (1998-1999).

Treasurer and Secretary of the Los Angeles Geotechnical Technical Section of the American Society of Civil Engineers (1996-1998).

1st and 2nd Director of the Los Angeles Geotechnical Technical Section of the American Society of Civil Engineers (1994-1996).

Committee Member of the Geotechnical Engineering Career Awards Committee, for the National Science Foundation (1997).

Committee Member of the Slope Stability Committee for the Los Angeles County Department of Building and Safety (1995-1996).

Committee member of the American Society of Testing Materials Committee on Soil and Rock (1990-present).

Subcommittee chairman for the Structural Engineers Association of Southern California for Foundations (1990 - 1992).

Committee member of the American Society of Testing Materials Committee on Waste Management (1992-present).

"State of Vaud" award for thesis at the Swiss Institute of Technology in Lausanne, Switzerland (1982).

Teaching, Research and Publications

Dr. Pradel is also an Adjunct Associate Professor in the Civil Engineering Department at UCLA, where he has taught graduate and undergraduate courses in Soil Mechanics, Foundation Engineering, Slope Stability, Earth Retaining Structures, Finite Elements, Constitutive Modeling and Structural Engineering. In particular, he is the instructor of the only course at UCLA that focuses on the design of earth and concrete dams, including seepage analyses by numerical methods, piping, and slope stability analyses (including rapid drawdown).

Dr. Pradel is the author of many publications on topics such as dynamic compression of soils during earthquakes, seismic displacements of slopes, liquefaction and slope stability. He is the former chair of the Los Angeles ASCE geotechnical technical group, an editorial board member of the ASCE Journal of Geotechnical Engineering and has peer reviewed and edited U.S. Army Corps of Engineers (USACOE) technical manuals. In 1995, after a 2-year effort, the USACE presented Dr. Pradel with a certificate of Appreciation for his work for them.

Dr. Pradel is also an active member in several research committees, his duties include reviewing documents and standards for the American Society of Testing Materials (ASTM), being member of the American Society of Civil Engineers Education Committee, and was subcommittee chairman for "Foundations" within the Structural Engineers Association of Southern California.

Publications in Journals and Books

"Regional Patterns of Landslides from the Tohoku, Japan Earthquake", Wartman, J., Dunham, L., Tiwari, B., and Pradel, D. (2015), Engineering Geology for Society and Territory, Vol.2, No.128, 759-763, Springer International Publishing, Switzerland.

"Impact of anthropogenic changes on liquefaction along the Tone River during the 2011 Tohoku Earthquake", Pradel D., Wartman J., and Tiwari B. (2014), ASCE Natural Hazards Review. Vol.15, 13-26.

"Landslides in Eastern Honshu Induced by the 2011 Off the Pacific Coast of Tohoku Earthquake", Wartman J., Dunham L., Tiwari B., and Pradel D. (2013) , Bulletin of the Seismological Society of America, Vol. 103, No. 2B, 1503–1521.

"Landslides Triggered by 2011 Tohoku Pacific Earthquake: Preliminary Observations", Pradel D., Tiwari B., and Wartman J. (2011), Geo-Strata (ASCE's Geo-Institute) Sept./Oct. 2011, 28-32

"Practical Design of Stabilizing Piles", Pradel D. and Chang K. (2011), Deep Foundations (DFI), Summer 2011, 51-54

"Case History of Landslide Movement during the Northridge Earthquake", Pradel D., Smith P., Stewart J. and Raad G. (2005), ASCE Journal of Geotechnical and Geoenvironmental Engineering, Vol. 131, No. 11, 1360-1369.

"Procedure to Evaluate Earthquake-Induced Settlements in Dry Sandy Soils"., Pradel D. (1997), ASCE Journal of Geotechnical Engineering, Vol. 124, No. 4, 364-368 and Vol. 124, No. 10, 1048.

"Influence of Permeability on Surficial Stability of Homogeneous Slopes", Pradel D. and Raad G. (1993), ASCE Journal of Geotechnical Engineering, Vol. 119, No. 2, 315-332.

"Hydrocompression Settlement of Deep Fills, Discussion", Pradel D., Raad G. and Harter R. (1992), ASCE Journal of Geotechnical Engineering, Vol. 118, No. 6, 954-955.

"Stability and Flow of Granular Materials: Experimental Investigation", Lade P.V. and Pradel D. (1990), ASCE Journal of Engineering Mechanics, Vol. 116, No. 11, 2532-2550.

"Stability and Flow of Granular Materials: Analytical Investigation", Pradel D. and Lade P.V. (1990), " ASCE Journal of Engineering Mechanics, Vol. 116, No. 11, 2551-2566.

"Yielding and Flow of Sand under Principal Stress Axes Rotation", Pradel D., Ishihara K. and Gutierrez M. (1990), Soils and Foundations, Vol. 30, No. 1, 87-99.

"Plasticity Approach to Sand Behavior Under Principal Stress Axes Rotation", Towhata I., Pradel D. and Ishihara K. (1988) Micromechanics of Granular Materials, Studies in Applied Mechanics, Vol. 20, 191-200.

Publications in Proceedings

"The Progressive Failure Reactivation of La Conchita Landslide in 2005", Pradel D. (2014), ASCE Geo-Congress 2014: Geo-Characterization and Modeling for Sustainability, GSP 234, 3209-3222.

"Failure of the Fujinuma Dams during the 2011 Tohoku Earthquake", Pradel D., Wartman J., and Tiwari B. (2013), ASCE Geo-Congress 2013: Stability and Performance of Slopes and Embankments III, GSP 231, 1566-1580.

"Estimating Undrained Strength of Clays from Direct Shear Testing at Fast Displacement Rates", Bro A., Stewart J., and Pradel D. (2013), ASCE Geo-Congress 2013: Stability and Performance of Slopes and Embankments III, GSP 231, 106-119

"Seismic Testing Program for Large-Scale MSE Retaining Walls at UCSD", Sander A., Fox P., Elgamal A., Pradel D., Isaacs D., Stone M., and Wong S. (2013), ASCE Geo-Congress 2013: Stability and Performance of Slopes and Embankments III, GSP 231, 1188-1195.

"Slope Stability Issues After Mw 9.0 Tohoku Earthquake", Tiwari B., Wartman J., and Pradel D. (2013), ASCE Geo-Congress 2013: Stability and Performance of Slopes and Embankments III, GSP 231, 1594-1601.

"Regional Patterns of Landslides from the Tohoku, Japan Earthquake", Abstract, Wartman, J., Dunham, L., Tiwari, B., and Pradel, D. (2013), presented at 2013 SSA Annual Meeting, Salt Lake City, Utah, 17-19 April.

"Failure of Fujinuma Dam During the 2011 Tohoku Earthquake", Pradel D., Wartman J., and Tiwari B. (2012), 9th International Conference on Urban Earthquake Engineering/ 4th Asia Conference on Earthquake Engineering March 6-8, 2012, Tokyo, Japan.

"Performance of Slopes and Dams on the Mw 9.0 Tohoku, Japan Earthquake", Tiwari B., Pradel D., and Wartman J. (2012), 2nd International Conference on Performance-Based Design in Earthquake Geotechnical Engineering, Taormina, Italy.

"Landslides Triggered by the Great Tōhoku, Japan Earthquake", Abstract, Wartman, J., Dunham, L., Tiwari, B., and Pradel, D. (2012), NH13A-1585 presented at 2012 Fall Meeting, AGU, San Francisco, Calif., 3-7 Dec.

"Design of Drilled Shafts to Enhance Slope Stability", Pradel D., Garner J. and Kwok A. (2010), ASCE GSP 208, Earth Retention Conference 3, Bellevue, 920-927.

"Landslide Stabilization Using Drilled Shafts",Pradel D. and Carillo R. (2008), Proc. 1st Int. FLAC/DEM Symposium, Minneapolis.

"Seismic Response Analyses for the Silicon Valley Rapid Transit Project", Chiu P., Pradel D. Et al. (2008), ASCE GSP 181, Geotechnical Earthquake Engineering and Soil Dynamics IV, Sacramento, 1-10.

"Engineering Implications of Ground Motions on Welded Steel Moment Resisting Frame Buildings", Pradel D. (2006), Soil Stress-Strain Behavior, Measurement, Modeling and Analysis, Springer, Roma, 937-947.

Active Pressure Distribution in Cohesive Soils", Pradel D. (1994), Proc. of the XXIth International Conference of Soil Mechanics and Foundation Engineering, New Delhi, Vol. 2, 795-798.

"Instability and Plastic Flow of Soils", Pradel D. (1991), ASCE Engineering Mechanics Specialty Conference, Columbus OH, 1174-1178.

"Plastic Flow and Instability of Granular Materials", Pradel D. and Lade P.V. (1989), " Proc. of the IIIrd International Symposium on Numerical Models in Geomechanics, Niagara Falls, 9-16.

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APPENDIX C

REGULATIONS RELATING TO THE PRACTICES OF GEOLOGY AND GEOPHYSICS, CALIFORNIA CODE OF REGULATIONS TITLE 16, DIVISION 29, §§ 3000-3067

Regulations Relating to the Practices of Geology and Geophysics

California Code of Regulations
Title 16, Division 29
§§ 3000-3067

Article 1. General Provisions

3000. Location of Offices.

The principal office of the Board for Professional Engineers, Land Surveyors, and Geologists is located at 2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833-2944.

3001. Correspondence.

All correspondence relating to the functions of the board including remittances and renewal fees shall be directed to the principal office of the board.

3002. Tenses, Gender and Number.

For the purposes of these rules and regulations, the present tense includes the past and the future tenses, and the future includes the present; the masculine gender includes the feminine, and the feminine, the masculine; and the singular includes the plural, and the plural, the singular.

3003. Definitions.

For the purposes of the rules and regulations contained in this chapter, the term:

(a) "Board" means the Board for Professional Engineers, Land Surveyors, and Geologists.

(b) "Engineering Geology" means the application of geologic data, principles and interpretation so that geologic factors and processes affecting planning, design, construction, maintenance, and vulnerability of civil engineering works are properly recognized and utilized.

(c) "Responsible Position" means a position whereby a person having individual control and direction of a geological project exercises individual initiative, skill and judgment in the investigation and interpretation of geological features, or the supervision of such projects. An individual can be considered to be in a responsible position even though not registered and working as a subordinate employee to a registered or qualified geologist.

(d) "Professional geological work" is work performed at a professional level rather than at a subprofessional or apprentice level and requires the application of scientific knowledge, principles and methods to geological problems through the exercise of individual initiative and judgment in investigating, measuring, interpreting and reporting on the physical phenomena of the earth. Implicit in this definition is the recognition of professional responsibility and integrity and the acknowledgment of minimal supervision.

"Professional geological work" specifically does not include such routine activities as drafting, sampling, sample preparation, routine laboratory work, etc., where the elements of initiative, scientific judgment and decision making are lacking, nor does it include activities which do not use scientific methods to process and interpret geologic data. Further, it specifically does not include soils engineering, soils sampling, soils testing or other activities in or related to the agricultural application of soils sciences. It also does not include mining, mining engineering or other engineering disciplines and/or other physical sciences wherein geological investigation, analysis and interpretation are minimal or lacking.

(e) "Professional geophysical work" is work performed at a professional level rather than at a subprofessional or apprentice level and requires the application of scientific knowledge, principles and methods to geophysical problems through the exercise of individual initiative and judgment in investigating, measuring, interpreting and reporting on the physical phenomena of the earth. The term includes the practice of geophysics for the evaluation and mitigation of earthquake hazards, and environmental and groundwater resource assessment. Implicit in this definition is the recognition of professional responsibility and integrity and the acknowledgment of minimal supervision.

"Professional geophysical work" specifically does not include activities wherein the analysis or interpretation of geophysical or geological information is lacking. Such nonprofessional work could encompass party or crew chief and would encompass lesser forms of employment in field parties, the manufacture, assembly or maintenance and repair of geophysical instruments and equipment, computer programming, data processing or retrieval and routine activities normally performed by a technician in acquiring and reporting on geophysical information where the elements of initiative, scientific judgment and decision making are absent. It also does not include those engineering disciplines and other physical sciences wherein geophysical or geological investigation, analysis and interpretation are minimal or lacking.

(f) "Practice of Geology or Geophysics."

(1) The practice of geology or geophysics "for others" includes but is not limited to the preparation of geologic or geophysical reports, documents or exhibits by any commission, board, department, district or division of the state or any political subdivision thereof or of any county, city or other public body or by the employees or staff members of such commission, board, department, district or division of the state or any political subdivision thereof or of any county, city or other public body when such reports, documents or exhibits are disseminated or made available to the public in such a manner that the public may reasonably be expected to rely thereon or be affected thereby.

(2) The practice of geology or geophysics "for others" includes but is not limited to the performance of geological or geophysical services by any individual, firm, partnership, corporation or other association or by the employees or staff members thereof, whether or not the principal business of such organization is the practice of geology or geophysics, when the geological or geophysical reports, documents or exhibits constituting the practice of geology or geophysics are disseminated or made available to the public or any individual or combination of individuals other than the employees or staff of such organization in such a manner that the public or said individual or combination of individuals may reasonably be expected to rely thereon or be affected thereby.

(3) Geological or geophysical reports, documents or exhibits which are prepared by the employees or staff members of any individual, firm, partnership, corporation or other association or commission, board, department, district, or division of the state or any political

subdivision thereof or of any county, city or other public body which are for use solely within such organization are considered "in-house" reports, documents or exhibits and are not the practice of geology or geophysics for others unless or until such reports are disseminated or made available as set forth in subsection (1) or (2).

(g) "Code" means the Business and Professions Code.

(h) "Hydrogeology" means the application of the science of geology to the study of the occurrence, distribution, quantity and movement of water below the surface of the earth, as it relates to the interrelationships of geologic materials and processes with water, with particular emphasis given to groundwater quality.

3004. Delegation of Certain Functions.

(a) Whenever it is stated in these rules and regulations that the "board" may or shall exercise or discharge any power, duty, purpose, function, or jurisdiction, the board specifically has reserved the same for its own, exclusive action.

(b) Whenever it is stated the "executive officer" may or shall exercise or discharge any power, duty, purpose, function, or jurisdiction, the executive officer for the board has the authority to act thereon.

(c) Any real party in interest may appeal to the board for review of the actions and decisions of the executive officer.

(d) Nothing herein prohibits the executive officer from redelegating duties to his or her subordinates as provided in Section 18572 of the Government Code.

(e) The power and discretion conferred by law upon the board to receive and file accusations; issue notices of hearings, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code, issue subpoenas and subpoenas duces tecum, set and calendar cases for hearing and perform other functions necessary to the businesslike dispatch of the business of the board in connection with proceedings under the provisions of Section 11500 through 11528 of the Government Code prior to the hearing of such proceeding; and the certification and delivery or mailing of copies of decisions under Section 11518 of said code are hereby delegated to and conferred upon the executive officer, or, in his or her absence from the office of the board, his or her designee.

3005. Fees.

(a) All fees required by provisions of the code and rules of the board shall be transmitted by money order, bank draft or check, payable to the Department of Consumer Affairs.

(b) The following is the prescribed application fee for:

(1) Licensure as a Professional Geologist or a Professional Geophysicist $250.00;

(2) Certification as a specialty geologist or specialty geophysicist $250.00;

(c) The following is the prescribed examination fee for:

(1) The Practice of Geology national examination $250;

(2) The California specific geologist examination $150:

(3) The Fundamentals of Geology national examination $150;

(4) Examination for licensure as a geophysicist $100.00;

(5) Examination for certification as a specialty geologist or specialty geophysicist $100.00.

(d) The duplicate certificate fee $6.00.

(e) The following is the prescribed renewal fee for:

(1) Licensure as a geologist or a geophysicist $270.00;

(2) Certification as a specialty geologist or a specialty geophysicist $67.50.

(f) The delinquency fee for renewal of licensure as a geologist or geophysicist or certification as a specialty geologist or specialty geophysicist is 50% of the renewal fee in effect on the last regular renewal date.

(g) When transmitted through the mail, fees required under provisions of this rule shall be deemed filed on the date shown by the post office cancellation mark appearing on the envelope containing the fee.

(h) The fee for the retired license shall be $62.50. No renewal fee or other fee shall be charged for the retired license. As used in this subdivision, "license" includes certificate of registration or license as a professional geologist, certificate of registration as a registered certified specialty geologist, and certificate of registration as a professional geophysicist.

3008. Seal.

(a) The seal authorized by Section 7852 of the Code may be purchased by the licensee from any convenient source. It shall be not less than one and one-half (1 ½) inches in diameter and shall contain the following information:

(1) Within the top border of the seal: "Professional Geologist."

(2) Within the bottom border of the seal: "State of California."

(3) In the center of seal:

(A) The licensee's name as it appears on the certificate issued by the Board or as abbreviate pursuant to subdivision (e):

(B) Number of license or authority.

The seal shall be of a design similar to that shown below and shall bear at a minimum those elements specified above.

(b) The certified specialty geologist seal shall be not less than one and one-half (1 ½) inches in diameter and shall contain the following information:

(1) Within the top border of the seal: Either "Certified Engineering Geologist" or "Certified Hydrogeologist," depending on the certification of the license.

(2) Within the bottom border of the seal: "State of California."

(3) In the center of seal:

(A) The licensee's name as it appears on the certificate issued by the Board or as abbreviate pursuant to subdivision (e):

(B) Number of certification or authority.

The seal shall be of a design similar to that shown below and shall bear at a minimum those elements specified above.

(c) The seal authorized by Section 7852.1 may be purchased by the licensee from any convenient source. It shall not be less than one and one-half (1 ½) inches in diameter and shall contain the following information:

(1) Within the top border of seal: "Professional Geophysicist."

(2) Within the bottom border of seal: "State of California."

(3) In the center of seal:

(A) The licensee's name as it appears on the certificate issued by the Board or as abbreviated pursuant to subdivision (e);

(B) Number of license or authority.

The seal shall be of a design similar to that shown below and shall bear at minimum those elements specified above.

(d) The seals authorized by Section 7852 and Section 7852.1 shall not be used on a Real Estate Transfer Disclosure Statement required by Section 1102.6 of the Civil Code. However the seals authorized by Sections 7852 and 7852.1 shall be used on any geologic or geophysical report or opinion, dealing with matters within the scope of the professional's license and expertise, if said report or opinion is attached separately as a substituted disclosure pursuant to a Real Estate Transfer Disclosure Statement required by Section 1102.6 of the Civil Code.

(e) The seal may contain an abbreviated form of the licensee's given name or a combination of initials representing the licensee's given name provided the surname listed with the Board appears on the seal and in the signature.

(f) The seal shall be capable of leaving a permanent ink representation, a permanent impression, or an electronically-generated representation on the documents. The signature may be applied to the documents electronically.

(g) Preprinting of blank forms with the seal or signature, the use of decals of the seal or signature, or the use of a rubber stamp of the signature is prohibited.

(h) (1) All professional geological plans, specifications, reports, or documents (hereinafter referred to as "documents") shall be signed and sealed in accordance with the requirements of the Geologist and Geophysicist Act and any other laws related to the practice of professional geology and shall be signed and sealed in a manner such that all work can be clearly attributed to the licensee(s) in responsible charge of the work.

(2) All professional geophysical plans, specifications, reports, or documents (hereinafter referred to as "documents") shall be signed and sealed in accordance with the requirements of the Geologist and Geophysicist Act and any other laws related to the practice of professional geophysics and shall be signed and sealed in a manner such that all work can be clearly attributed to the licensee(s) in responsible charge of the work.

(3) When signing and sealing documents containing work done by or under the responsible charge of two or more licensees, the signature and seal of each licensee in responsible charge shall be placed on the documents with a notation describing the work done under each licensee's responsible charge.

(i) Each licensee shall include the date of signing and sealing immediately below or next to the signature and seal.

3009. Address Change.

Each person who is an applicant for or a holder of a certificate license issued by the Board shall file his or her address of record with the Board. Within thirty (30) days after any change to his or her address of record, he or she shall notify the Board in writing of such change.

Article 2. Applications

3021. Applications.

Applications for registration as a geologist, certified specialty geologist, or geophysicist shall be:

(a) Filed on a form prescribed by the board, accompanied by the required application fee and examination fee.

(b) Filed with the board at least one hundred (100) days prior to the scheduled examination. All documentation in support of the applications shall be submitted to the board within seventy (70) days prior to the scheduled examination. Applications and supporting documentation not received by the board within the timeframes specified shall not be considered for that examination. An application mailed to the board shall be deemed filed on the date shown by the post office cancellation mark appearing on the envelope.

(c) An application which is not submitted in proper form will not be accepted by the board and will be returned by the executive officer with a statement of the reason therefor.

3021.1. Applicant Fingerprint Submittal and Review.

(a) Pursuant to Section 144 of the Business and Professions Code, the Board has the authority to obtain and review criminal offender record information. The information obtained

as a result of the fingerprinting shall be used in accordance with Section 11105 of the Penal Code and to determine whether the applicant is subject to denial of license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code or Sections 7841, 7841.1, or 7884 of the Business and Professions Code.

(b) As a condition of application for a license, each applicant shall furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the Department of Justice.

(c) The applicant shall pay any costs for furnishing the fingerprints and conducting the searches.

(d) The applicant shall certify when applying for a license whether his or her fingerprints have been furnished to the Department of Justice in compliance with this section.

(e) Failure to comply with the requirements of this section renders the application for license incomplete, and the application shall not be considered until the applicant demonstrates compliance with all requirements of this section.

(f) Notwithstanding any other provision of law, the results of any criminal offender record information request by either state or federal law enforcement authorities shall not be released by the Board except in accordance with state and federal requirements.

(g) This section shall apply to all applicants, including those applicants who submit applications pursuant to Sections 7840, 7841, 7841.1, 7841.2, 7842, 7842.1, 7843, 7846, 7847, 7848, 7848.1, and 7884 of the Business and Professions Code.

(h) As used in this section, "license" includes certification as a geologist-in-training, registration or license as a professional geologist or a professional geophysicist, and registered certifications as a specialty geologist or a specialty geophysicist.

(i) As used in this section, the term "applicant" shall have the meaning given to it by Section 144(c) of the Business and Professions Code, which states, "the term 'applicant' shall be limited to an initial applicant who has never been registered or licensed by the board or to an applicant for a new licensure or registration category."

3023. Date of Education and Experience.

The qualifying education and experience for examination and registration as a geologist or geophysicist or certification as a specialty geologist or specialty geophysicist shall include the one hundred (100) days provided in Section 3021 for processing and acceptance of the application by the board prior to the date of the examination. The applicant shall promptly give written notice to the board in the event the applicant's work situation changes and the one hundred (100) days from the final filing date of the application to the examination date credited for qualifying education and experience, or the portion that is required for qualification, are not performed.

3024. Abandoned Applications.

(a) In the absence of special circumstances, the board shall consider an application abandoned when:

(1) The applicant fails to submit a registration fee within 6 months of the date of the letter of notification that the application has been received and approved or

(2) The applicant fails to appear for a scheduled examination without obtaining a postponement from the board prior to the date of the examination or without scheduling to take the examination within the next two subsequent examinations as follows:

(A) An applicant for registration as a geologist shall obtain a postponement no later than fifty (50) days prior to the date of the examination.

(B) An applicant for registration as a geophysicist or certification as a specialty geologist or specialty geophysicist shall obtain a postponement no later than fifteen (15) days prior to the date of the examination, or

(3) The applicant fails to respond within 6 months of a board request for additional information concerning the applicant's educational background or professional geological or geophysical work experience.

(b) An applicant may be granted an emergency postponement not less than five days prior to such examination by the board for good cause.

(c) The application fee will be retained by the board when an application has been declared abandoned.

(d) In the event an applicant fails to appear for a scheduled examination without obtaining a postponement from the board, the board shall retain a portion of the examination fee as follows:

(1) For failure to appear as scheduled for two sections of the national examination the board shall retain $75.00 of the examination fee.

(2) For failure to appear as scheduled for one section of the national examination, the board shall retain $50.00 of the examination fee.

(3) For failure to appear as scheduled for an examination for registration as a geophysicist or certified engineering geologist or certified hydrogeologist, the Board shall retain $25.00 of the examination fee.

3026. Unqualified Applicant: Refund of Examination Fee.

If an applicant for registration as a geologist or geophysicist or certification as a specialty geologist or specialty geophysicist is found by the Board to lack the qualifications required for admission to the examination for such registration, the board shall refund to the applicant the amount of the applicant's examination fee only.

3028. Review of Applications.

(a) Within one hundred twenty (120) days after receipt of an application, the board shall inform the candidate in writing whether the application is complete and accepted for filing or that it is deficient and what specific information or documentation is required to complete the application.

(b) The board shall render a decision concerning a candidate's written examination results within three hundred thirty (330) days after the filing of a completed application for written examination. This processing time applies to those candidates who submit their completed written examination application on the examination filing deadline.

(c) The following time frame shall apply to applications for registration under section 7847, when no examination is required.

(1) Within ninety (90) days of receipt of an application the board shall inform the applicant in writing that the application, is either complete or that it is deficient and what specific information or document is required to complete the application.

(2) Within two hundred seventy (270) calendar days after the date of filing an application, the board shall make a decision on the application for registration.

3029. Processing Times.

(a) The minimum, median and maximum process time for an application from the time of receipt of the completed application until the board makes a decision thereon concerning an applicant's eligibility to take an examination is set forth below.

Minimum - 41 days
Median - 113 days
Maximum - 239 days

(b) The minimum, median and maximum processing times for written examination results from the time of receipt of a completed application until the board makes a decision thereon is set forth below:

Minimum - 175 days
Median - 202 days
Maximum - 236 days

These processing times apply to those candidates who submit a completed written examination application on the examination filing deadline.

(c) The minimum, median and maximum process time for an application filed under section 7847 from the time of receipt of an application until the applicant is informed in writing that the application is complete or that it is deficient and what specific information or documents are required to complete the application is set forth below.

Minimum - 30 days
Median - 60 days
Maximum - 90 days

(d) The minimum, median and maximum process time for an application filed under section 7847 from the time of receipt of the completed application until the board makes a decision thereon concerning an applicant's eligibility to be registered under that section is set forth below.

Minimum - 30 days
Median - 150 days
Maximum - 270 days

Article 3. Examinations

3031. Examination Required.

(a) Every applicant for registration as a geologist shall be required to take and pass examinations as provided in Section 7841(d) of the code or every applicant for registration as a geophysicist, or every applicant for certification in any specialty, shall be required to take and pass an examination as prescribed by the board except as provided in Section 7847 of the code.

(b) To be eligible for the geological examination, an applicant shall have completed at least five years of educational and work experience in professional geological work, as set forth in subdivisions (b) and (c) of Section 7841 of the code.

(1) Graduate study or research in geological sciences at a school or university whose geological curricula meet criteria established by rules of the board, shall be counted on a year-for-year basis in computing the experience requirements specified in Section 7841 of the code. A

year of graduate study or research is defined as being a 12 calendar month period during which the candidate is enrolled in a full-time program of graduate study or research. Shorter periods will be prorated.

(2) An applicant shall not be eligible to earn credit for professional geological work performed under the supervision of a professional geologist or registered civil or petroleum engineer until the applicant has completed the educational requirements set forth in subdivision (b) of Section 7841 of the code.

(3) In no case will credit be given for professional geological work experience performed during the same time period when full-time graduate study or research is being done for which educational experience credit is being allowed. Part-time graduate study or research and part-time professional geological work experience will be prorated and combined on a 12 calendar month basis.

(c) To be eligible for the geophysical examination, an applicant shall have completed at least seven years of educational and work experience in professional geophysical work, as set forth in subdivisions (b) and (c) of Section 7841.1 of the code.

(1) Graduate study or research in geophysical related sciences at a school or university whose geophysical curricula meet criteria established by rules of the board, shall be counted on a year-for-year basis in computing the experience requirements specified in Section 7841.1 of the code. A year of graduate study or research is defined as being a 12 calendar month period during which the candidate is enrolled in a full-time program of graduate study or research. Shorter periods will be prorated.

(2) An applicant shall not be eligible to earn credit for professional geophysical work performed under the supervision of a professional geophysicist until the applicant has completed the educational requirements set forth in subdivision (b) of Section 7841.1 of the code.

(3) In no case will credit be given for professional geophysical work experience performed during the same time period when full-time graduate study or research is being done for which educational experience credit is being allowed. Part-time graduate study or research and part-time professional geophysical work experience will be prorated and combined on a 12 calendar month basis.

(d) Every applicant for registration as a geologist who obtains a passing score determined by a recognized criterion-referenced method of establishing the pass point in the California examination shall be deemed to have passed the California examination. Such a passing score may vary moderately with changes in test composition. This subsection shall become effective on December 1, 1998, and shall be repealed on December 31, 1999.

(e) Each applicant for registration as a geologist who obtains a passing score on the Fundamentals of Geology and Practice of Geology examinations created by the National Association of State Boards of Geology on or after November 1, 1996 and obtains a passing score as determined by a recognized criterion-referenced method of establishing the pass point in the California specific examination pursuant to Section 7841(d) shall be deemed to have passed the required examinations for licensure as a professional geologist in California. This subsection shall become effective on January 1, 2000.

(1) Candidates shall receive credit for obtaining a passing score on the Fundamentals of Geology examination, the Practice of Geology examination and the California specific examination and shall be required to submit an application to retake and pass only those examinations previously failed.

(f) Every applicant for registration as a geophysicist or for certification in any specialty, who obtains a passing score determined by a recognized criterion-reference method of establishing the pass point in the California examination shall be deemed to have passed the California examination. Such a passing score may vary moderately with changes in test composition.

3032. Regular Written Examination.

(a) The regular written examination for registration as a geologist, geophysicists, or for certification in a specialty shall be held not less than once nor more than twice each calendar year.

(b) The executive officer shall publish annually, not later than October 1st of each calendar year, a schedule of examinations for the following year.

(c) Whenever circumstances warrant, the board may postpone, advance, or otherwise change the examination schedule previously published.

3035. Examination Subversion.

(a) Examination subversion is the use of any means to alter the results of an examination to cause the results to inaccurately represent the competency of an examinee. Examination subversion includes, but is not limited to:

(1) Communication between examinees inside of the examination room.

(2) Giving or receiving any unauthorized assistance on the examination while an examination is in progress.

(3) Having any unauthorized printed or written matter or other devices in his or her possession which might serve to aid the examinee on the examination.

(4) Obtaining, using, buying, selling, distributing, having possession of, or having unauthorized access to secured examination questions or other secured examination material prior to, during, or after the administration of the examination.

(5) Copying another examinee's answers or looking at another examinee's materials while an examination is in progress.

(6) Permitting anyone to copy answers to the examination.

(7) Removing any secured examination materials from the examination facility.

(8) Allowing another person to take the examination in the examinee's place.

(9) Placing any identifying mark upon his or her examination papers other than his or her identification number or other identifiers as directed by the examination administrator.

(10) Use by an examinee of any written material, audio material, video material, digital material, or any other mechanism not specifically authorized during the examination for the purpose of assisting an examinee in the examination.

(11) Writing on anything other than designated examination material.

(12) Writing or erasing anything after time is called.

(b) At the discretion of the Executive Officer, if there is evidence of examination subversion by an examinee prior to, during, or after the administration of the examination, one or more of the following may occur:

(1) The examinee may be denied the privilege of taking the examination if examination subversion is detected before the administration of the examination.

(2) If the examination subversion detected has not yet compromised the integrity of the examination, such steps as are necessary to prevent further examination subversion shall be taken, and the examinee may be permitted to continue with the examination.

(3) The examinee may be requested to leave the examination facility if examination subversion is detected during the examination.

(4) The examinee may be requested to submit written advisement of his or her understanding of and intent to comply with the law.

(5) The examination results may be voided and the application and examination fee forfeited.

(6) The examinee may not be allowed to sit for an examination for up to three (3) years.

(c) If examination subversion is detected after the administration of the examination, the Executive Officer shall make appropriate inquiry to determine the facts concerning the examination subversion and may take any of the actions as described in subdivision (b) of this section.

(d) The Executive Officer reserves the right not to release the examination results to the examinee pending the outcome of any investigation of examination subversion.

(e) Removal from or voidance of one part of a multiple-part examination taken during a single examination administration may be cause for removal from or voidance of all other parts of the multiple-part examination.

3036.1. Inspection of Geophysicist or Specialty Geologist or Specialty Geophysicist Examination.

(a) An applicant for registration as a geophysicist or certification as a specialty geologist or specialty geophysicist who obtains a failing score of 10 percentage points or less below the passing score established by the criterion-referenced pass point method on the written examination may inspect the applicant's examination papers at such times and locations as may be designated by the executive officer. Inspection of such examination papers shall be permitted within 60 days after receipt of notice by the applicant of the applicant's failure to pass the examination. Applicants who score more than 10 percentage points below the established criterion-referenced pass point shall not be allowed to inspect their examinations.

(b) At the time of inspection, no one other than the examinee or the applicant's attorney and a representative of the board shall have access to such examination papers.

3036.2. Inspection of Geologist Examination.

(a) An applicant for registration as a geologist who obtains a failing score of 10 percentage points or less below the passing score established by the criterion-referenced pass point method on the written examination may inspect the applicant's examination papers at such times and locations as may be designated by the executive officer. Inspection of such examination papers shall be permitted within 60 days after receipt of notice by the applicant of the applicant's failure to pass the examination. Applicants who score more than 10 percentage points below the established criterion-referenced pass point shall not be allowed to inspect their examinations.

(b) At the time of inspection, no one other than the examinee or the applicant's attorney and a representative of the board shall have access to such examination papers.

This section shall be repealed on December 31, 1999.

3037.1. Geophysicist or Specialty Geologist or Specialty Geophysicist Examination Appeal.

(a) At the time of inspection of an applicant's examination papers as provided in section 3036.1, an applicant for registration as a geophysicist or certification as a specialty geologist or specialty geophysicist who obtained a failing score of 10 percentage points or less below the passing score established by the criterion-referenced pass point method on the examination may appeal to the board for a review of the applicant's examination papers. Applicants who score more than 10 percentage points below the established criterion-referenced pass point shall not be eligible to appeal their examination results.

(b) The appeal for a review shall be made in writing stating the reason for such appeal and citing the item or items against which the request is directed.

3037.2. Geologist Examination Appeal Until January 1, 2000.

(a) At the time of inspection of an applicant's examination papers as provided in section 3036.1, an applicant for registration as a geologist who obtained a failing score of 10 percentage points or less below the passing score established by the criterion-referenced pass point method on the examination may appeal to the board for a review of the applicant's examination papers. Applicants who score more than 10 percentage points below the established criterion-referenced pass point shall not be eligible to appeal their examination results.

(b) The appeal for a review shall be made in writing stating the reason for such appeal and citing the item or items against which the request is directed.

This section shall be repealed on December 31, 1999.

Article 4. Specialties

3041. Specialty in Engineering Geology.

Only a professional geologist is eligible for certification in a specialty. Application may be submitted for both registration as a geologist and for certification in a specialty at the same time, but the applicant must be approved for registration as a geologist before being considered for certification in a specialty. The certification in a specialty is, in every case, dependent upon the approval of registration as a geologist.

(a) The specialty of "Engineering Geology" is hereby created as a division of the certification of registration as a geologist.

In addition to the provisions of Section 7842 of the Code, an applicant for certification in the specialty of "Engineering Geology" shall:

(1) Be registered as a geologist in the State of California.

(2) Have a knowledge of:

(A) Geology of the State of California.

(B) Geologic factors relating to Civil Engineering problems typically encountered in the State.

(C) Elementary soil and rock mechanics.

(D) Principles of grading codes and other pertinent regulations. (Appendix Chapter 33, 1997 Uniform Building Code).

Experience in engineering geology used to qualify for registration as a geologist may also be used to qualify for certification as an engineering geologist.

In addition to the above, an applicant shall submit three references from qualified engineering geologists, and may be required, in the board's discretion, to submit one or more engineering geology reports prepared mainly or wholly by the applicant.

3042. Specialty in Hydrogeology.

(a) A specialty in "Hydrogeology" is hereby created as a division of the certification of registration as a geologist. The creation of the certification in hydrogeology is established to protect the health, safety and welfare of the people of the State of California.

(b) In addition to the provisions of section 7842 of the Code, an applicant for certification in the specialty of "hydrogeology" shall comply with the following:

(1) Be registered as a geologist in the State of California.

(2) Have a knowledge of and experience in:

(A) Geology of the State of California.

(B) Geologic factors relating to the water resources of this State.

(C) Principles of groundwater hydraulics/hydrology and groundwater quality including the vadose zone.

(D) Applicable federal, state and local rules and regulations.

(E) Principles of water well, monitoring well, disposal well, and injection well construction.

(F) Elementary soil and rock mechanics in relation to groundwater, including the description of rock and soil samples from wells.

(G) Interpretation of borehole logs as they relate to porosity, hydraulic conductivity or fluid character.

(c) Experience in hydrogeology used to qualify for registration as a geologist may also be used to qualify for certification as a hydrogeologist.

(d) An applicant for certification as a hydrogeologist shall submit, with the applicant's application, three (3) references from either certified hydrogeologists or professional geologists who have a minimum of five years' experience in responsible charge of hydrogeological work. An applicant may also be required to submit one or more hydrogeology reports which were prepared by the applicant or the applicant was closely associated with during its preparation.

(e) A civil engineer registered to practice engineering in this state, under Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code, insofar as he or she practices civil engineering is exempt from the provisions for certification as a hydrogeologist.

Article 5. Denial, Suspension and Revocation of Registration

3060. Substantial Relationship Criteria.

For the purpose of denial, suspension, or revocation of the registration of a geologist, specialty geologist, geophysicists or specialty geophysicists pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions, and duties of a geologist, specialty geologist, geophysicists or specialty geophysicists if to a substantial degree it evidences present or potential unfitness of such geologist or geophysicists to perform the functions authorized by his registration in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include, but not be limited to, the following:

(a) Any violation of the provisions of Chapter 12.5 of Division 3 of the Business and Professions Code.

3061. Criteria for Rehabilitation.

(a) When considering the denial of an application for licensure as a professional geologist or professional geophysicist, or certification as a specialty geologist, specialty geophysicist, or geologist-in-training under Section 480 of the Code, the Board, in evaluating the rehabilitation of the applicant and his or her present eligibility for such a license or certification, will consider the following criteria:

(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s) committed prior to or subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

(6) Total criminal record.

(7) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(b) When considering the suspension or revocation of the license of a professional geologist or professional geophysicist, or certification of a specialty geologist, specialty geophysicist, or geologist-in-training under Section 490 of the Code, the Board will consider the following criteria in evaluating the rehabilitation of such person and his or her present eligibility to retain his or her license:

(1) Nature and severity of the act(s) or offense(s) under consideration as grounds for suspension or revocation.

(2) Evidence of any act(s) committed prior to or subsequent to the act(s) or offense(s) under consideration as grounds for suspension or revocation under Section 490 of the Code.

(3) The time that has elapsed since commission of the act(s) or offense(s) referred to in subdivision (1) or (2).

(4) The extent to which the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

(7) Total criminal record.

(c) When considering a petition of reinstatement of the certification as a geologist-in-training, specialty geologist, or specialty geophysicist, or the license of a professional geologist or professional geophysicist, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, including but not limited to the following:

(1) Educational courses, including college-level courses, seminars, and continuing professional development courses, completed after the effective date of the Board's decision ordering revocation.

(2) Professional geological or geophysical work done under the responsible charge of a licensee in good standing or under the direction of a person legally authorized to practice.

(3) Payment of restitution to the consumer(s) by the petitioner.

(4) Actual or potential harm to the public, client(s), employer(s), and/or employee(s) caused by the action(s) that led to the revocation or that could be caused by the reinstatement of the certificate, license, or authority.

(5) The criteria specified in subsection (b)(1) through (7), as applicable.

(6) Disciplinary history, other than criminal actions, after the revocation.

(7) Recognition by the petitioner of his or her own actions and/or behavior that led to the revocation.

(8) Correction of the petitioner's actions and/or behavior that led to the revocation.

3062. Citations of Unregistered Persons.

(a) The executive officer is authorized to issue citations containing orders of abatement or administrative fines pursuant to Business and Professions Code sections 148 and 149 against persons acting in the capacity of or engaging in the practice of a geologist, geophysicist, or certified specialist within this state without registration or certification in any discipline as a geologist, geophysicist, or certified specialist.

(b) If the executive officer has reasonable cause to believe that a person is acting in the capacity of, or engaging in the practice of, a geologist, geophysicist or certified specialist within this state without having a registration to so act or engage, the executive officer may issue a citation to that person.

(c) Each citation for violation shall be in writing and shall describe with particularity the basis of the citation including specific reference to the provision of law determined to have been violated.

(d) Each citation may contain an order of abatement or may contain an assessment of an administrative fine in an amount not more than two thousand five hundred dollars ($2,500).

(e) Service of a citation issued under this section shall be made by certified mail at the last known business address or residence address of the person cited and shall include information regarding appeal rights and copies of the applicable code sections violated.

3062.1. Assessment of Administrative Fines.

(a) Before assessing an administrative fine pursuant to Section 3062, the executive officer shall give due consideration to the gravity of the violation, the good faith of the person cited, and the history of previous violations.

(b) In no event shall the administrative fine be assessed in an amount greater than two thousand five hundred dollars ($2,500) for each inspection or each investigation made with respect to any violation of the following provisions:

Business and Professions Code Section and Description

7830 Title Professional Geologist, or Certified Engineering Geologist, or Hydrogeologist

7830.1 Title of Professional Geophysicist

7832 Offers to Practice or Practices Geology or Geophysics for Others

7834 Unregistered Practice by Partnership or Corporation

7835 Sign or Seal Reports (Geology)

7835.1 Sign or Seal Reports (Geophysics)

7872(a) Unregistered Practice

7872(b) Presents or Attempts to File as His/Her Own the Certificate of Another

7872(d) Impersonates or Uses the Seal of Any Other Practitioner

7872(e) Uses Expired or Revoked Certificate of Registration

7872(g) Unregistered Manager, Proprietor, or Agent of Business from Which Geological or Geophysical Work is Solicited, Performed, or Practiced for Others

7872(h) Violation of Any Provision of the Geologist and Geophysicist Act

(c) Notwithstanding the administrative fine amounts specified in this section, a citation may include a fine between $2,501 and $5,000 if one or more of the following circumstances apply:

1. The citation involves a violation that has an immediate relationship to the health and safety of another person;

2. The cited person has a history of two or more prior citations of the same or similar violations;

3. The citation involves multiple violations that demonstrate a willful disregard of the law;

4. The citation involves a violation or violations perpetrated against a child, elderly person or person with a disability.

3062.2. Appeal of Citations.

(a) Any person served with a citation pursuant to Section 3062 may submit a written request for appeal to the executive officer within 30 days of the date of issuance of the citation. The person cited, also, may submit a written request within 30 days of the date of issuance of the citation for an informal conference with the executive officer with respect to violations alleged, scope of the order of abatement, or amount of administrative fine assessed.

(b) The executive officer shall, within 30 days from receipt of the request, hold an informal conference with the person cited and/or his or her legal counsel or authorized representative. The 30 day period may be extended by the executive officer for good cause. At the conclusion of the informal conference, the executive officer shall either affirm, modify or dismiss the citation, including any administrative fine levied or order of abatement issued. The executive officer shall state in writing the reasons for his or her action and serve a copy of the findings and decision to the cited person within 30 days from the date of the informal conference. Service shall be made by certified mail at the last known business address or residence address of the person cited. The decision shall be deemed to be a final order of the executive officer.

(c) If the person cited submits a written request to appeal thecitation within 30 days of the citation's issuance, the cited person shall be afforded an opportunity for a hearing, as provided for in subsection (b)(4) of section 125.9 of the Business and Professions Code.

(d) The cited person does not waive his or her right to request a hearing to appeal the citation by requesting an informal conference after which conference the citation is affirmed by the executive officer. If the citation is dismissed after the informal conference, the request for a hearing on the matter of the citation shall be deemed to be withdrawn. If the citation is modified, the citation originally issued shall be considered withdrawn and a new citation issued. If a hearing is requested for the subsequent citation, it shall be requested in writing within 30 days of issuance of the subsequent citation in accordance with subsection (b)(4) of Section 125.9 of the Business and Professions Code.

(e) If, within 30 days of the date of issuance of the citation, the person cited has failed to file a written request to appeal the citation with the executive officer, the citation shall be deemed a final order.

3062.3. Failure to Comply with Order.

(a) The failure of an unregistered person acting as a geologist, geophysicist or certified specialist to comply with a citation or pay a fine after it is final is a ground for denial of registration.

(b) Notwithstanding any other provisions of the law, the executive officer may waive all or part of the administrative fine if the cited person satisfactorily completes all the requirements for, and is issued, a registration. Any outstanding injury to the public shall be settled to the satisfaction of a majority of the Board members prior to issuance of the registration.

3062.4. Disconnection of Telephone Service.

(a) If, upon investigation, the executive officer has probable cause to believe that an unregistered individual acting in the capacity of a geologist, geophysicist or certified specialist, who is not otherwise exempted from the provisions of the Geologist and Geophysicist Act and is advertising in a telephone directory, without being properly registered, or certified, the executive officer may issue a citation under Section 3062 containing an order of abatement which requires the cited person to both cease the unlawful advertising and notify the telephone company furnishing services to the cited person to disconnect the telephone services furnished to any telephone number contained in the unlawful advertising, and that subsequent calls to that number shall not be referred by the telephone company to any new telephone number obtained by that person. The cited person shall provide written evidence of compliance to the executive officer.

(b) The citation shall be stayed if the person to whom a citation is issued under subdivision (a) submits a written request to the executive officer for a hearing to appeal the citation. The executive officer shall afford an opportunity for a hearing, as specified in Section 3062.2.

(c) If the person to whom a citation and order of abatement is issued under subdivision (a) fails to comply with the order of abatement after the order is final as provided in Section 3062.2, the executive officer shall inform the Public Utilities Commission of the violation in accordance with Business and Professions Code section 149.

3063. Citations of Registered Persons.

(a) The executive officer is authorized to issue citations containing orders of abatement or administrative fines pursuant to Business and Professions Code section 125.9.

(b) If the executive officer has reasonable cause to believe that a geologist, geophysicist or certified specialist has committed any act or omission where the registrant is in violation of the Geologist and Geophysicist Act, the executive officer may, in lieu of filing an accusation, issue a citation to the registrant.

(c) Each citation for violation shall be in writing and shall describe with particularity the basis of the citation, including specific reference to the provision of law determined to have been violated.

(d) Each citation may contain: (1) an order of abatement, which may include the fixing of a reasonable time for abatement of the violation; or (2) an assessment of an administrative fine in an amount not more than two thousand five hundred dollars ($2,500).

(e) Service of a citation issued under this section shall be made by certified mail to the registrant's address of record and shall include information regarding appeal rights and copies of the applicable code sections violated.

3063.1. Assessment of Administrative Fines.

(a) Before assessing an administrative fine under section 3063, the executive officer shall give due consideration to the gravity of the violation, the good faith of the cited person, and the history of previous violations.

(b) In no event shall the administrative fine be assessed in an amount greater than two thousand five hundred dollars ($2,500) for each inspection or each investigation made with respect to any violation of the following provisions:

Business and Professions Code section and Description

7831 Use of Expired, Suspended, or Revoked Registration

7839 Practice or Attempts to Practice Civil Engineering

7839.1 Geologist or Geophysicist Practicing Outside Area of Registered Practice

7860(b) Committed Deceit, Misrepresentation, Violation of Contract, Fraud, Negligence, Incompetence in Practice

7860(d) Aiding and Abetting in the Violation of Any Provision of the Geologist and Geophysicist Act

7872(b) Presents or Attempts to File as His/Her Own the Certificate of Another

7872(d) Impersonates or Uses the Seal of Any Other Practitioner

7872(e) Uses Expired or Revoked Certificate of Registration

7872(h) Violation of Any Provision of the Geologist and Geophysicist Act

(c) Notwithstanding the administrative fine amounts specified in this section, a citation may include a fine between $2,501 and $5,000 if one or more of the following circumstances apply:

1. The citation involves a violation that has an immediate relationship to the health and safety of another person;
2. The cited person has a history of two or more prior citations of the same or similar violations;
3. The citation involves multiple violations that demonstrate a willful disregard of the law;
4. The citation involves a violation or violations perpetrated against a child, elderly person or person with a disability.

3063.3. Appeal of Citations.

(a) Any geologist, geophysicist or certified specialist served with a citation pursuant to Section 3063, may submit a written request for appeal to the executive officer within 30 days of the date of issuance of the citation. The cited person, also, may submit a written request within 30 days of the date of issuance of the citation for an informal conference with the executive officer with respect to violations alleged, abatement periods, amount of fines, and the reasonableness of the action required to abate the violation.

(b) The executive officer shall, within 30 days from receipt of the request, hold an informal conference with the person cited and/or his or her legal counsel or authorized representative. The 30 day period may be extended by the executive officer for good cause. At the conclusion of the informal conference, the executive officer shall either affirm, modify or

dismiss the citation, including any administrative fine levied or order of abatement issued. The executive officer shall state in writing the reasons for his or her action and serve a copy of the findings and decision to the cited person within 30 days from the date of the informal conference. Service shall be made by certified mail at the last known business address or residence address of the person cited. The decision shall be deemed to be a final order of the executive officer.

(c) If the geologist, geophysicist or certified specialist cited submits a written request for a hearing to appeal the citation within 30 days of the citation's issuance, the cited person shall be afforded an opportunity for a hearing, as provided for in subsection (b)(4) of section 125.9 of the Business and Professions Code.

(d) The cited person does not waive his or her right to request a hearing to appeal the citation by requesting an informal conference, after which conference the citation is affirmed by the executive officer. If the citation is dismissed after the informal conference, the request for a hearing on the matter of the citation shall be deemed to be withdrawn. If the citation is modified, the citation originally issued shall be considered withdrawn and a new citation issued. If a hearing is requested for the subsequent citation, it shall be requested in writing within 30 days of issuance of the subsequent citation in accordance with subsection (b)(4) of Section 125.9 of the Business and Professions Code.

(e) If, within 30 days of the date of issuance of the citation, the geologist, geophysicist or certified specialist cited has failed to file a written request to appeal the citation with the executive officer, the citation shall be deemed a final order.

3063.4. Failure to Comply with Citations.

(a) The failure of a geologist, geophysicist or certified specialist to comply with a citation or pay a fine after it is final is grounds for suspension or revocation of a registration.

(b) If a geologist, geophysicist or certified specialist does not appeal a citation and fails to pay all of the fine, the balance due for the fine shall be added to the renewal fee for the registration and the registration shall not be renewed until the fine is paid in full pursuant to subsection (b)(5) of Section 125.9 of the Business and Professions Code.

3064. Disciplinary Orders.

For violations of Business and Professions Code section 7860 which result in an order issued in accordance with Chapters 4.5 and 5 of Part 1 of Division 3 of Title 2 of the Government Code against a professional geologist and/or a professional geophysicist license, the following provisions shall apply to disciplinary orders contained in decisions of the Board:

(a) The minimum disciplinary order shall be reproval. The maximum disciplinary order shall be revocation of the license.

(b) If warranted by extenuating and/or mitigating factors in the matter, the disciplinary order may be stayed by an express condition that the respondent comply with probationary conditions. The minimum time period in which the respondent shall have to comply with the conditions shall be two years. For purposes of this section, this time period shall be known as the "period of probation."

(c) All decisions containing stayed disciplinary orders as described in subdivision (b) shall include the following probationary conditions:

(1) The respondent shall obey all laws and regulations related to the practices of professional geology and geophysics.

(2) The respondent shall submit such special reports as the Board may require.

(3) The period of probation shall be tolled during the time the respondent is practicing exclusively outside the state of California. If, during the period of probation, the respondent practices exclusively outside the state of California, the respondent shall immediately notify the Board in writing.

(4) If the respondent violates the probationary conditions in any respect, the Board, after giving the respondent notice and the opportunity to be heard, may vacate the stay and reinstate the disciplinary order which was stayed. If, during the period of probation, an accusation or petition to vacate stay is filed against the respondent, or if the matter has been submitted to the Office of the Attorney General for the filing of such, the Board shall have continuing jurisdiction until all matters are final, and the period of probation shall be extended until all matters are final.

(5) Upon successful completion of all of the probationary conditions and the expiration of the period of probation, the respondent's license shall be unconditionally restored.

(d) All decisions containing stayed disciplinary orders as described in subdivision (b) may include one or more of the following probationary conditions:

(1) The respondent's license shall be suspended for a period not to exceed two years. If a suspension of the license is ordered, it shall begin on the effective date of the decision.

(2) The respondent shall successfully complete and pass a course in professional ethics, approved in advance by the Board or its designee. The probationary condition shall include a time period in which this course shall be successfully completed which time period shall be at least 60 days less than the time period ordered for the period of probation.

(3) Within 30 days of the effective date of the decision, the respondent shall provide the Board with evidence that he or she has provided all persons or entities with whom he or she has a contractual or employment relationship such that the relationship is in the area of practice of professional geology and/or professional geophysics in which the violation occurred with a copy of the decision and order of the Board and shall provide the Board with the name and business address of each person or entity required to be so notified. During the period of probation, the respondent may be required to provide the same notification to each new person or entity with whom he or she has a contractual or employment relationship such that the relationship is in the area of practice of professional geology and/or professional geophysics in which the violation occurred and shall report to the Board the name and address of each person or entity so notified.

(4) The respondent shall provide verifiable proof to the Board that restitution has been paid as ordered. The probationary condition shall include a time period in which the verifiable proof shall be provided to the Board which time period shall be at least 60 days less than the time period ordered for the period of probation.

(e) In addition to the conditions as may be ordered pursuant to subdivisions (c) and/or (d), the following conditions shall be included for the following specific violations:

(1) Incompetency in the practice of professional geology and/or professional geophysics:

(A) The respondent shall successfully complete and pass, with a grade of "C" or better, a minimum of one and a maximum of three college-level courses, approved

in advance by the Board or its designee. Such courses shall be specifically related to the area of violation. For purposes of this subdivision, "college-level course" shall mean a course offered by a community college or a four-year university of three semester units or the equivalent; "college-level course" does not include seminars. The probationary condition shall include a time period in which the course(s) shall be successfully completed which time period shall be at least 60 days less than the time period ordered for the period of probation.

(B) The respondent shall take and achieve the passing score for the Professional Geologist or Professional Geophysicist examination, provided that in the event the respondent holds multiple licenses, the Board shall select the examination in the area of practice of professional geology and/or professional geophysics in which the violation occurred and in the area of professional geology and/or professional geophysics in which the respondent is licensed. The Board or its designee may select the specific examination questions such that the questions relate to the specific area of violation and comprise an examination of the same duration as that required of an applicant for licensure. The respondent shall be required to pay the application and examination fees as described in Section 3005. The probationary condition shall include a time period in which the examination(s) shall be successfully completed which time period shall be at least 60 days less than the time period ordered for the period of probation.

(C) During the period of probation, the respondent may practice professional geology and/or professional geophysics only under the review of a professional geologist and/or professional geophysicist licensed in the same branch as the respondent. This person or persons shall be approved in advance by the Board or its designee. Such reviewing professional geologist and/or professional geophysicist shall initial every stamped or sealed document in close proximity to the respondent's stamp or seal.

(2) Negligence in the practice of professional geology and/or professional geophysics:

(A) The respondent shall successfully complete and pass, with a grade of "C" or better, a minimum of one and a maximum of three college-level courses, approved in advance by the Board or its designee. Such courses shall be specifically related to the area of violation. For purposes of this subdivision, "college-level course" shall mean a course offered by a community college or a four-year university of three semester units or the equivalent; "college-level course" does not include seminars. The probationary condition shall include a time period in which the course(s) shall be successfully completed which time period shall be at least 60 days less than the time period ordered for the period of probation.

(3) Violation and/or breach of contract in the practice of professional geology and/or professional geophysics:

(A) The respondent shall successfully complete and pass, with a grade of "C" or better, a minimum of one and a maximum of three college-level courses, approved in advance by the Board or its designee. Such courses shall be specifically related to the area of violation. For purposes of this subdivision, "college-level course" shall mean a course offered by a community college or a four-year university of three semester units or the equivalent; "college-level course" does not include seminars. The

probationary condition shall include a time period in which the course(s) shall be successfully completed which time period shall be at least 60 days less than the time period ordered for the period of probation.

In addition to the disciplinary orders described in this section, all decisions shall address recovery of the Board's investigation and enforcement costs, as described in and authorized by Business and Professions Code section 125.3.

Notwithstanding this section, non-conforming terms and conditions may be included as part of the disciplinary order, including such other further or lesser action as the Board deems appropriate, in the interest of protecting the public health, safety, and welfare.

3065. Professional Standards and Code of Professional Conduct - Professional Geology and Professional Geophysics.

To protect and safeguard the health, safety, welfare, property of the public, and California's environmental quality, every person who is licensed by the Board as a professional geologist or professional geophysicist, including licensees employed in any manner by a governmental entity or in private practice, shall comply with the professional standards in this section. A violation of any of the following professional standards shall constitute unprofessional conduct and shall be sufficient grounds for disciplinary action.

(a) Compliance with Applicable Law:

A licensee shall provide all geological and geophysical services in a manner consistent with applicable laws, codes, ordinances, rules, and regulations. A licensee may obtain and rely upon the knowledge and advice of other professionals (e.g., architects, attorneys, professional engineers, other professional geologists and geophysicists, land surveyors, and other qualified persons) concerning the intent and meaning of such laws, codes, and regulations.

(b) Competence:

(1) Licensed geologists or licensed geophysicists (together with those whom the licensee may engage as consultants) shall perform, or offer to perform, only those professional services for which they are qualified by education, training, experience, and licensure as required by law, in the specific technical and scientific areas involved.

(2) When practicing geology or geophysics, a licensee shall act with competence and reasonable care, and shall apply the technical knowledge and skill which is ordinarily practiced by licensees in good standing, practicing in this state under similar circumstances and conditions.

(c) Representations:

(1) A licensee shall not misrepresent, or permit the misrepresentation, of his or her professional qualifications, affiliations, or purposes, or those of the institutions, organizations, or other businesses with which they are associated.

(2) A licensee may advertise or solicit those professional services for which he or she is authorized by licensure, provided such services are within his or her field of competence.

(3) A licensee shall not misrepresent his or her qualifications to a prospective or existing client or employer.

(4) A licensee shall not misrepresent to a prospective or existing client the licensee's scope of responsibility in connection with those professional services for which the licensee is receiving or will receive compensation, whether directly or indirectly. Specifically, a licensee who represents that a project was completed under his or her responsible charge (i.e., stamped and/or signed) must also have maintained responsible charge of the work.

(5) A licensee shall only express professional opinions which have a basis in fact, are within the scope of the licensee's own experience or knowledge, and are generally accepted geologic or geophysical principles.

(6) A licensee shall attribute proper credit to others for their professional work or professional contribution.

(7) A licensee shall not knowingly permit the publication or use of his or her data, reports, maps, plans, or other professional documents for any unlawful purpose.

(8) A licensee shall not falsely or maliciously attempt to injure, impugn, or injure the professional reputation or business of others.

(9) A licensee shall not misrepresent data or its relative significance in any geologic or geophysical work product or oral conveyance of his or her professional opinion.

(10) A licensee shall not misrepresent or conceal the scope of his or her professional responsibility in connection with those professional services for which the licensee is claiming any responsibility or credit, or for which the licensee is receiving any compensation.

(11) When providing information to the Board pursuant to another's application for licensure to practice professional geology or geophysics, a licensee shall accurately represent his or her knowledge of the applicant's qualifications and qualifying experience.

(d) Conflict of Interest:

(1) A licensee shall not concurrently engage in any other business, occupation, or have a financial interest in any entity that may impair his or her independent judgment and/or objectivity, or which may create a conflict of interest in rendering his or her professional services.

(2) A licensee shall not accept compensation for his or her professional services from more than one party on any project, endeavor, or proceeding unless the circumstances are fully disclosed and agreed to in writing by all concerned parties.

(3) If a licensee has any business association or financial interest which is substantial enough to influence his or her judgment in connection with the performance of professional services, the licensee shall fully disclose in writing to his or her client(s) or employer(s) the nature of the business association or financial interest. If the client(s) or employer(s) object(s) to such association or financial interest, the licensee shall either terminate such association or interest or offer to give up the project or employment.

(4) A licensee shall not solicit or accept payments, rebates, refunds, commissions, or compensation, whether in the form of money or otherwise from other professionals, contractors, suppliers of materials, systems, or equipment in return for specifying their products or professional services to a client or employer of the licensee.

(5) A licensee, while engaged by a governmental agency as an officer, employee, appointee, agent, or consultant of that agency shall not engage in a professional geological or geophysical business or activity that may be subject to that licensee’s direct or indirect control, inspection, review, audit, or enforcement on behalf of that agency, unless the circumstances are disclosed to and approved by that agency in writing prior to such engagement.

(e) Confidential Information:

As used in this section, "confidential information" includes all information specifically identified as confidential by the licensee's client, employer, representative, or other related entity. Confidential information obtained by a licensee in his or her professional capacity shall not be disclosed by the licensee without prior permission, except under the following specific conditions:

(1) Disclosures made in response to a subpoena or summons enforceable by an order of a court;

(2) Disclosures made in response to an official inquiry from a governmental regulatory agency;

(3) Disclosures made by a licensee to another licensee to the extent necessary for purposes of professional consultation;

(4) Disclosures made when required by law, code, or regulation;

(5) Disclosures made upon discovery of a hazard within the licensee's field of professional expertise, which, in the licensee's professional opinion, is a threat to the health, safety, and welfare of the public;

(6) Disclosures made when providing evidence to the Board concerning another licensee or unlicensed individual, who may have violated any part of the Geologist and Geophysicist Act or this Section;

(7) Disclosures made regarding alleged illegal conduct; or

(8) Disclosures made in an adjudicatory proceeding or pursuant to an order of the court.

(f) Document Submittal:

(1) A licensee shall not misrepresent the completeness of any professional geologic or geophysical document submitted to any governmental or regulatory agency.

(2) A licensee shall not misrepresent the completeness of any professional geologic or geophysical document prepared for his or her client, employer, or other involved party.

3066. License Notification.

(a) Every licensee shall provide notice to his or her clients that he or she is licensed by the Board. Notice shall be provided by any of the following methods:

(1) Displaying his or her license certificate in a public area of the premises where the licensee provides the licensed service.

(2) Posting a notice in a public area of the premises where the licensee provides the licensed services, in at least 48-point type, that states that the named licensee is licensed by the Board.

(3) Providing a statement to each client, to be signed and dated by the client and retained in the licensee's records, that states that the client understands that the licensee is licensed by the Board.

(b) The party or parties in responsible charge of geologic and/or geophysical projects shall:

(1) Include a statement that he or she is licensed by the Board on contracts for service, bid documents, and/or responses to requests for proposals or qualifications, where the notice is placed immediately above the signature line for the client in at least 12-point type.

(2) Print his or her license number on the firm's correspondence.

(3) Print his or her license number on the firm's business cards bearing his or her name.

(c) A licensed principal or partner in a geologic or geophysical firm shall:

(1) Print his or her license number on all advertising including telephone directory and website.

3067. Public Information System - Disclosure.

(a) The Board has established and maintains a public information system to provide members of the public with information regarding complaints and disciplinary or enforcement actions against professional geologists, geophysicists and unlicensed persons subject to the Board's jurisdiction. Such a system also provides the public with information regarding the license status of the Board's licensees and registrants.

Information subject to the public information system shall be disclosed to members of the public, upon request, by telephone, in person, or in writing (including fax or e-mail). Such information, when feasible and to the extent required or permitted by law, shall be made available by the Board in writing or by telephone. Requests for information shall be responded to within 10 days.

(b) The Board shall disclose the following information regarding past and current licensees:

(1) The name of the licensee, as it appears in the Board's records;

(2) The license number;

(3) The address of record;

(4) The license issue date;

(5) The license expiration date; and

(6) The license status and history.

(c) Unless otherwise required by law, the Board shall disclose the following information regarding disciplinary or enforcement action taken against licensees and unlicensed persons, if applicable:

(1) Total number of disciplinary and enforcement actions taken by the Board;

(2) Brief summary of disciplinary and enforcement actions taken by the Board; citations that have been satisfactorily resolved shall be disclosed as such;

(3) Current status of pending Accusations, Statements of Issues, and Citations filed by the Board. Disclosure of pending actions shall contain a disclaimer stating that any pending administrative action against the person is alleged and no final legal determination has yet been made. Further disclaimers or cautionary statements regarding such pending actions may also be made; and

(4) Information which is statutorily mandated to be disclosed.

(d) The Board shall disclose complaint information when the Executive Officer has determined that:

(1) The complaint information has a direct and immediate relationship to the health and safety of another person; and

(2) One or more of the following have occurred:

(A) A complaint involves a dangerous act or condition caused by the subject of the complaint that has or could result in a death, bodily injury, or severe consequences, and disclosure may protect the consumer or prevent additional harm to the public;

(B) A series of complaints against a party alleging a pattern of unlawful activity have been received by the Board and it has been determined that disclosure may protect the consumer or prevent additional harm to the public;

(C) A complaint has been referred to the Attorney General for filing of an Accusation or Statement of Issues; or

(D) A complaint has been referred to other law enforcement entity for prosecution.

(e) Complaint information that is determined to meet the conditions for disclosure listed in subsection (d) shall be incorporated into the public information system no later than 10 days after the conditions for disclosure have been met.

(f) Information about a complaint shall not be disclosed if it is determined by the Executive Officer that any of the following apply:

(1) Disclosure is prohibited by statute or regulation;

(2) Disclosure might compromise an investigation or prosecution; or

(3) Disclosure might endanger or injure the complainant or third party.

(g) When conditions for disclosure have been met, the Board shall disclose the following information regarding complaints received against licensees and unlicensed persons, if applicable:

(1) Total number of complaints meeting conditions of disclosure;

(2) Date of receipt and nature of any complaint;

(3) Disposition of each complaint by indicating whether the matter has been:

(A) Referred to formal disciplinary action;

(B) Disposed of through any other action, formal or informal; or

(C) Other disposition.

(4) Information which is statutorily mandated to be disclosed;

(5) Current status of criminal prosecution resulting from a complaint received by the Board;

(6) A description of the type of public information not included in the system (i.e., civil judgments, criminal convictions, unsubstantiated complaints); and

(7) Disclaimers indicating that the system does not constitute endorsement or non-endorsement of a person, and that the system may not contain all available information.

APPENDIX D

LETTER BY WHITECASTLE CONSTRUCTION DATED FEB. 8, 2016, REGARDING THE PROPERTY AT 750-756 NORTH EDINBURGH AVENUE, LOS ANGELES, CALIFORNIA

HOUSE BOLTING
WHITE CASTLE CONSTRUCTION
Lic. #697197
www.housebolting.com
323-937-1660
"Always Always the Lowest Price"
0% Financing Available

HOME IMPROVEMENT

EGX inc. D/b/A
WHITECASTLE CONSTRUCTION
MICHAEL GOLDBERG
10560 Butterfield Rd. Los Angeles, CA 90064
(323) 937-1660 FAX (818) 753-1646
Email: house.bolting@yahoo.com
"Since 1976"

Inspection Report

750- 756 ½ Edinburgh Ave

We were contacted by the LA Conservancy in the person of Heather Fox to inspect some buildings with regards to making them strong enough to survive an earthquake by replacing their foundations. We were supplied with both a Geological Report and a Termite Report.

Both reports were extremely discouraging. The Termite Report indicated that the buildings have been badly damaged by termites to a great extent. The Geologic report was worse; it indicated that this particular area has completely unstable earth and my reading of it is that it would be exceptionally foolish to have any expectation that the upper layers of dirt (above bedrock) could support a building in a safe manner.

We have been performing Seismic Retrofitting and Foundation Replacement since 1976 and our experience with this kind of dirt is extremely poor. We have found it necessary to physically remove the buildings from the area and install a series of friction piles (caissons) in order to support the houses on bedrock.

This presumes that the houses we are moving have enough strength (structural integrity) so they would survive being moved and put back.

This presumes that the houses we are moving have enough strength (structural integrity) so they would survive being moved and put back.

I visited the site and verified my understanding of the poor condition of the houses and the soil.

IT IS MY OPINION, BASED ON MANY YEARS' EXPERIENCE THAT THESE BUILDINGS HAVE BEEN ALLOWED TO DETERIORATE TO A POINT WHERE THE WOULD NOT SURVIVE EVEN THE REMOVAL, MUCH LESS THE REPLACEMENT.

I will not undertake this job, regardless of the price; I am certain that it is not possible to accomplish without the destruction of the buildings.

Sincerely Yours,

Michael Goldberg

Michael Goldberg

CPE

February 8, 2016

EXHIBIT 3

SHANNON & WILSON, INC.
GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS

ALASKA
CALIFORNIA
COLORADO
FLORIDA
MISSOURI
OREGON
WASHINGTON
WASHINGTON DC METRO
WISCONSIN

February 26, 2016

Mr. Brian Harris
747 ½ N. Hayworth Ave.
Los Angeles, CA 90046

RE: THIRD PARTY REVIEW OF LETTER BY PARTNER ESI LETTER DATED FEBRUARY 16, 2016, REGARDING THE PROPERTY AT 750-756½ NORTH EDINBURGH AVENUE, LOS ANGELES, CALIFORNIA

Dear Mr. Harris:

At your request, I have reviewed the February 16, 2016 letter by Mr. Marc Bourdages. In the preparation of this third party review letter, I also did some research regarding Mr. Bourdages registrations and education.

Mr. Bourdages Qualifications

I understand from you that Mr. Bourdages has been introduced as an "engineer" by the owners of the subject property. I performed a license search on the California Board of Professional Engineers, Land Surveyors and Geologists website and could not find any engineer registration under his name (Fig.1). Similarly, I could not find any contractor's license under Mr. Bourdages' name (Fig.2).

I did find information on Mr. Bourdages' background and education posted online at www.linkedin.com/in/mbourdages which indicates:

- **Education**: he received a BAA in "Interior Design" from Ryerson University.
- **Employment:** he has worked for several realty and commercial real estate companies for about 20 years (full details in Appendix A).

In summary, Mr. Bourdages is neither an Engineer nor a Contractor; he appears to have studied interior design and has mainly worked for realty and commercial real estate companies. He is obviously not qualified by licensing or education to opine about engineering repair methodologies for the mitigation of expansive soils at the subject site.

664 WEST BROADWAY
GLENDALE, CALIFORNIA 91204-1032
818-543-4560 FAX: 818-543-4565
TDD 1-800-833-6388
www.shannonwilson.com

Scenarios A to C in Partner ESI report

The scope of Mr. Bourdages' report falls under the "cost estimator" discipline and, in my opinion, is not an engineering report. His report considers three mitigation scenarios for cost estimating purposes:

A. "Remove existing structure, excavate 4-foot depth of expansive soil, install engineered fill and concrete foundation walls, reposition and rehabilitate existing structure."
B. "New Construction to match existing specs. Selective reuse of character-defining salvaged materials."
C. "Raise existing structure, install new concrete foundation supported by helical piers and ledger plates, level and rehabilitate entire structure."

I have worked for more than 25 years in Los Angeles and I am not aware of any similar project where such measures were taken to remediate 4 feet of expansive soils, i.e., in my opinion, the geotechnical mitigation methods considered by Mr. Bourdages are extraordinary and extreme. The report does not provide the name of the engineer(s) that provided him with the three methods described above, but it is clear to me that any of the common and traditional expansive soil remediation methodologies were not considered.

Typical Methods used to mitigate expansive soil problems in Los Angeles

Expansive soils are clayey soils that swell when wetted (heave) and shrink when dried (settle). It is quite common for old residences built in the flat areas of Los Angeles to experience cracking related to expansive soil movement. Consequently, Geotechnical engineers are often hired to mitigate expansive soil effects and numerous well-established methods are commonly implemented by contractors. Depending on the level of the damage, the following methods are used (ranked in order the order they are typically employed, with 3 being the most expensive):

1. **Improve surface drainage:** to collect surface runoff from rainfall and irrigation. The purpose is to prevent areas of ponding and reduce the saturation of expansive soils. Hence, reducing the cyclic amount of swell and shrinkage that affects foundations.
2. **French drains**: that collect water that has infiltrated into the ground. As shown in Fig.3 a plastic barrier is often included to prevent water from wetting the soils below the foundations. If the planter areas are properly sealed, this method can eliminate most of the swell and shrinkage from expansive soils.

3. **Deepened footings:** If the perimeter footings are locally cracked, a concrete strap or grade beam can be placed along the affected areas and connected to the existing footings (Fig.4). Strap beams can be used to relevel the residence perimeter (using sacrificial jacks) in combination with shimming.

We appreciate the opportunity to be of continued service to you on this project. If you have any questions, please contact us at (818) 543-4560.

Sincerely,

SHANNON & WILSON, INC.

Dr. Daniel Pradel, P.E., G.E.
Vice President

DEP:RTD/ady

Enc: Figure 1, Board of Professional Engineers website
Figure 2, Contractor's License Board website
Figure 3, French drain mitigation of expansive soils
Figure 4, Strap beam repair of footing
Appendix A, Marc Bourdages' LinkedIn page

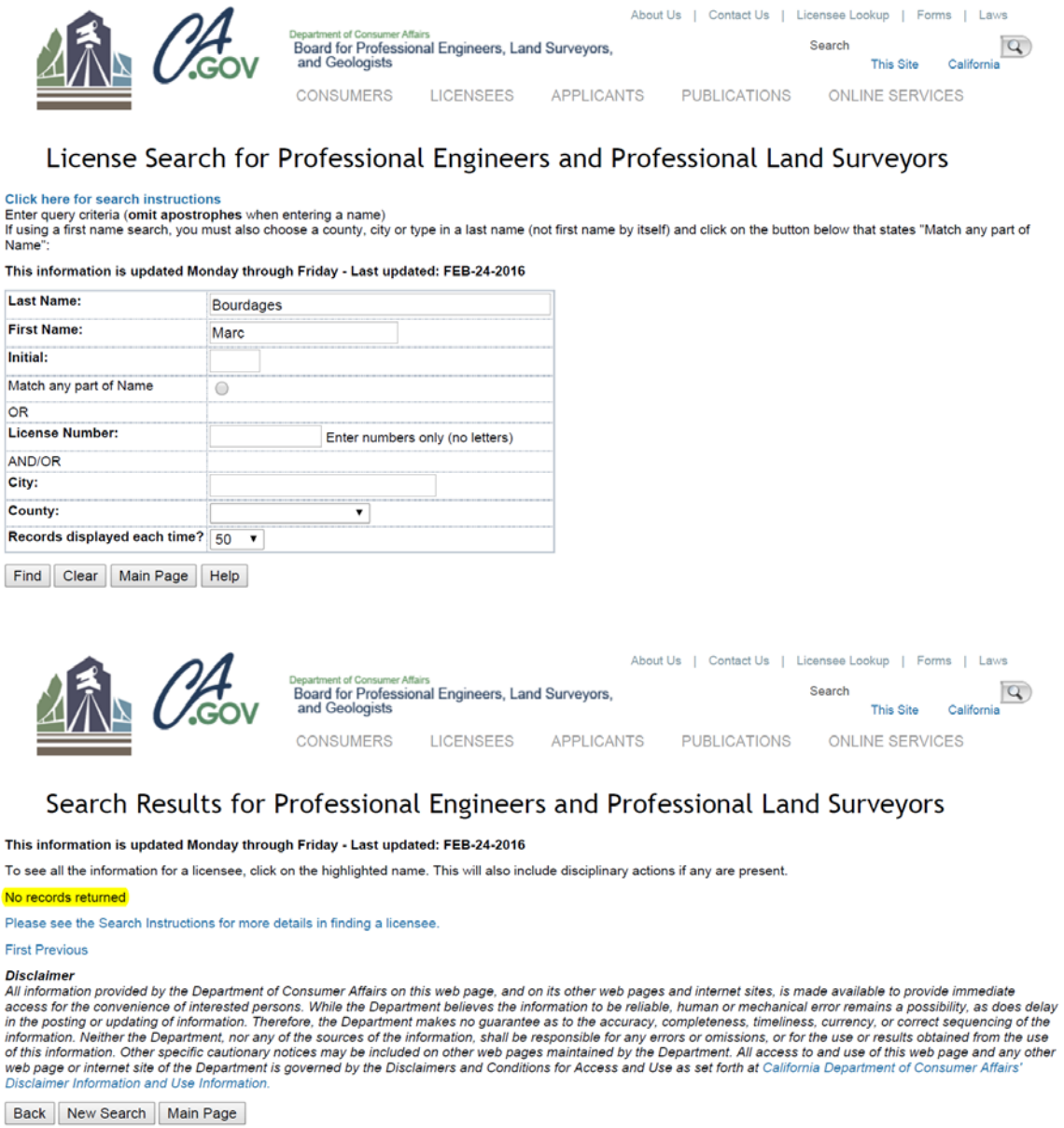


Fig.1: Board of Professional Engineers website

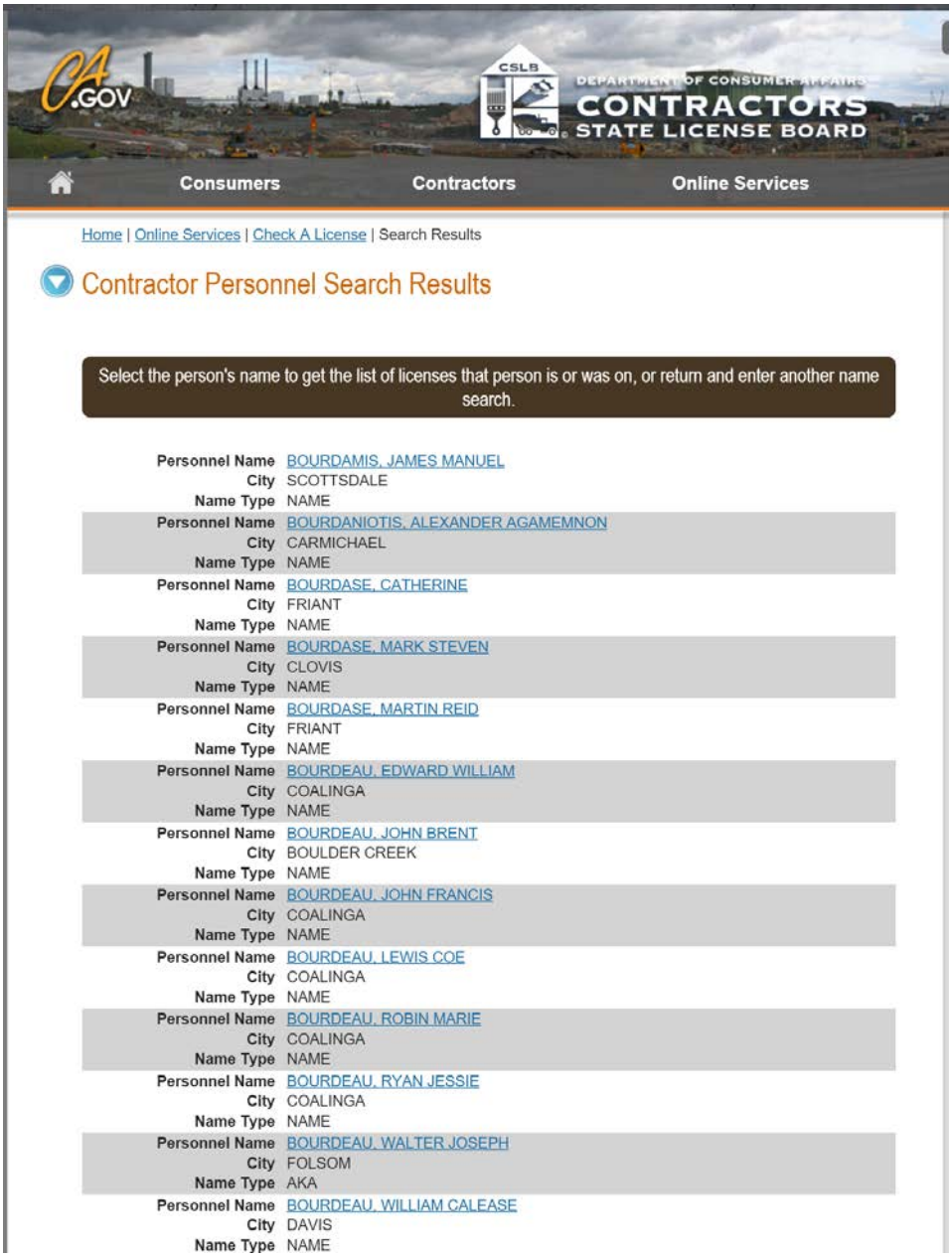


Fig.2: Contractor's License Board website

Fig.3: French drain mitigation of expansive soils

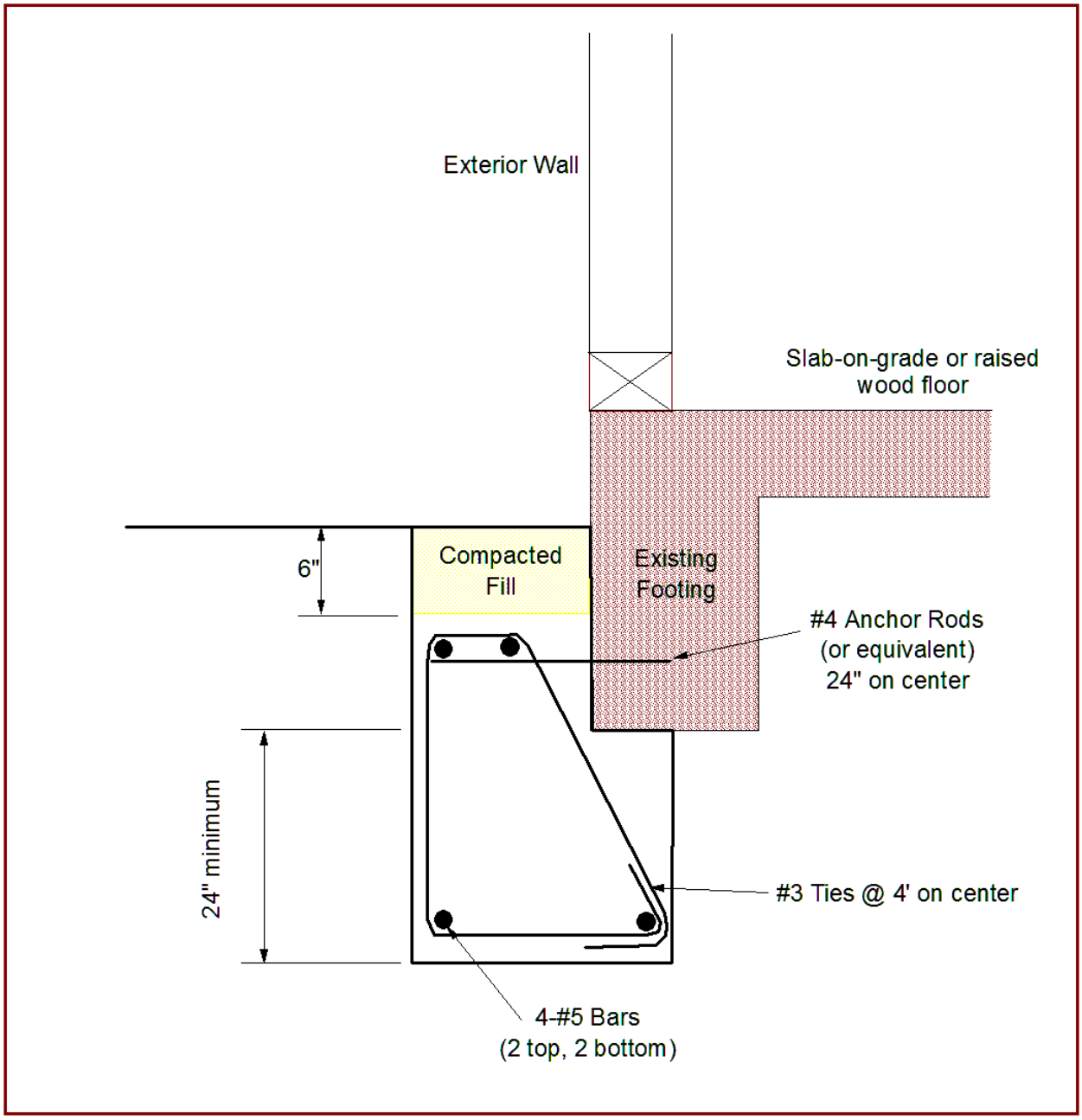


Fig.4: Strap beam repair of footing (sacrificial jack may be used for leveling purposes)

APPENDIX A

MARC BOURDAGES' LINKEDIN PAGE

Marc Bourdages

3rd

Technical Director at Partner Engineering & Science, Inc.

Greater Los Angeles Area | Commercial Real Estate

Previous ForeSite Advisory Services, LLC, American Realty Advisors, Irvine Company

Education Ryerson University

Send Marc InMail

500+ connections

https://www.linkedin.com/in/mbourdages

Background

Summary

Marc Bourdages has devoted his entire career to the improvement, operation and acquisition due diligence of commercial investment properties. He has over 30 years of experience in the architectural, design and construction fields, and extensive knowledge of commercial real estate improvement and due diligence – all exercised in context with how the cyclical nature of the real estate economy directly affects the value of the various asset classes. Mr. Bourdages primarily works with institutional and private equity clients, providing services that include real estate acquisition/disposition advisory services, property condition assessments, owners' representation services, plans and specifications review, construction monitoring services and project management services.

In December 2014, ForeSite Advisory Services, LLC was acquired by Partner Engineering and Science, Inc. (Partner), with Mr. Bourdages being retained as a Technical Director for its Investment Advisory Group. Partner is one of the largest engineering, environmental & energy consulting and design firms in the country, with over 500 multidisciplinary professional staff across several offices nationwide. Its dedicated Investment Advisory Group offers nationwide due diligence with depth to commercial real estate investors. Partner's complimentary service lines include Phase I & II ESAs, Structural Evaluations, ALTA Surveys, Asbestos & Lead Surveys, Energy Consulting, Facility Surveys, Remediation, and Zoning.

"I have a passion for improving every aspect of commercial investment properties, so they become enjoyable places to work, live or stay. The successful execution of capital improvement strategies increases the desirability of the property from the end users perspective, which directly translates to higher rental and occupancy rates."

Experience

Technical Director

Partner Engineering & Science, Inc.

December 2014 – Present (1 year 3 months) | Pasadena, California

Principal

ForeSite Advisory Services, LLC

March 2004 – December 2014 (10 years 10 months) | Glendale, CA

Formed in 2004, ForeSite performed physical due diligence oversight to over $5 billion in commercial real estate transactions nationwide, and functioned as a project adviser to approximately $20 million in capital improvement and T.I. work annually.

ForeSite integrating into the corporate culture of each client as an outsourced consultant, collaborating

How You're Connected

You

99+

LinkedIn Members

See up to 99+ people at your company who can connect you to Marc

Upgrade now

This person knows 1 or more people who can introduce you to Marc

Marc 3rd

Send Marc InMail

People Also Viewed

Shervan Shah
Principal, Director of Information Technology

Arcie Propster
Partner Engineering and Science, Principal

Joe Derhake
PARTNER Engineering and Science, CEO

Roger Rozenberg
Real Estate Developer

2. Oversee all aspects of physical due diligence pertaining to the acquisition of new assets, working directly with the client's underwriting team to ensure the appropriate allocation of capital reserves are included in financial models.
3. Perform peer reviews of all physical and environmental reports, and provide rational, concise summary recommendations to client.
4. Partner with the client's asset manager to develop multi-year capital and operational budget plans for institutional core, core-plus, and value-add assets.
5. Provide vision & focus to architectural and engineering disciplines for implementation of scheduled capital expenditure projects, ensuring the improvements effectively align with the asset management strategy, and maximize value.
6. Provide Owner's Representation oversight of capital improvements and development activity including code compliance, permitting, bidding and analysis, contract negotiation, and construction through to project close-out.

Foresite was acquired by Partner Engineering & Science, Inc. in December 2014, with ForeSite's principal Marc Bourdages accepting a position as a Technical Director within Partner's Investment Advisory Group's Pasadena, California office.

▾ 3 recommendations, including:

Steve Rosenblatt
President at Sonoma Cast Stone

Marc was quick to use a totally new base material for communal sinks on a large project in Chicago. Most would have... View

Stephen Peterson
Director at Alvarez & Marsal Real Estate…

Marc understands the complexity of physical issues of institutional real estate investments but, more importantly, Marc also... View

1 more recommendation

Director of Design & Construction
American Realty Advisors
2004 – February 2014 (10 years) | Glendale, CA

In-house design and construction consultant/advisor to institutional asset management team.

Regional Project Manager
Irvine Company
May 2003 – October 2003 (6 months) | Irvine, CA

Oversaw completion of T.I.s and project managers for flex/campus office portfolio at Irvine Spectrum.

Senior Project Manager
Arden Realty, Inc.
November 1998 – February 2003 (4 years 4 months) | Newport Beach, CA

Tenant improvement project manager and road warrior for Class-A office and Class-B suburban office properties.

Project Manager
Shorenstein Realty Services
June 1994 – November 1998 (4 years 6 months) | San Francisco, CA

Project Manager acting in a general contracting capacity to complete commercial office and hospitality T.I.s within Shorenstein Company's Class-A financial district portfolio in downtown San Francisco.

Interior Designer
Cecconi Eppstadt Simone Design Planners, Inc.
September 1984 – January 1992 (7 years 5 months) | Toronto, Ontario, Canada

Commercial Office & retail, hospitality designer, planner and project manager.

Skills

Top Skills

60 Commercial Real Estate

58 Real Estate

Tak Fujii, MBA
CIO, CTO, Vice President of Information Technology

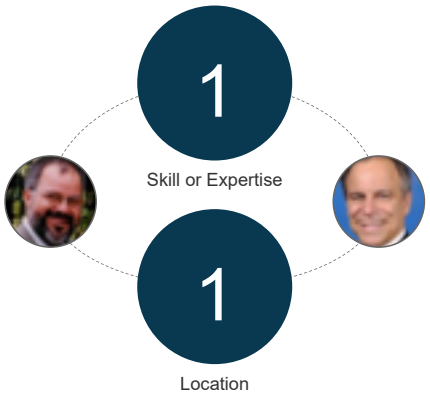
Pat Lorimer
Director of Operations at Partner Engineering and Science, Inc.

Emilie Moore
Environmental Scientist at Partner Engineering & Science, Inc.

Kelly McMicken
Digital Marketing and Events Manager at Partner Engineering & Science

Chris Gregor
Managing Director / Principal at Partner Engineering and Science Ltd.

In Common with Marc



People Similar to Marc

Sandy MacLean 3rd
Vice President at iStar Financial
Connect

Ads You May Be Interested In

Teach more UC students!
RFP 4 is open for UC faculty that want to create a fantastic online course!

Writing APLU Grant Prop?

Master of Arts in Teaching Online at USC.

44 Contract Negotiation

41 Due Diligence

32 Construction

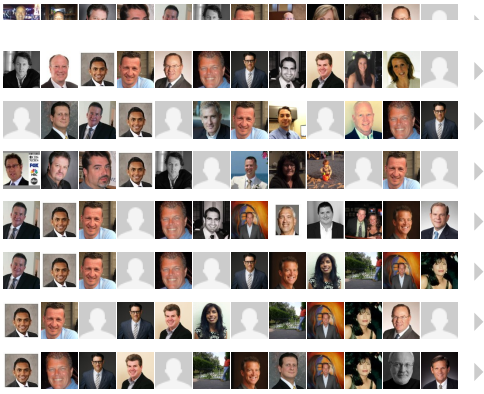
31 Real Estate Development

25 Budgets

23 Construction Management

19 Asset Management

18 Investment Properties



Marc also knows about...

14 Property Management | 14 Leases | 12 Shopping Centers | 12 Corporate Real Estate | 12 Real Estate Transactions | 9 Investments | 7 Apartments | 6 Property | 3 Tenant Improvement | 2 Asset Managment

Education

Ryerson University
BAA, Interior Design
1980 – 1984

Additional Info

- **Interests**

Golf, Architecture & Design, Investment, Music & the Arts

- **Personal Details**

Birthday August 3

- **Advice for Contacting Marc**

Contact Marc if acquisition/disposition Property Condition Assessments of all asset types are needed.

Post-close, take a proactive approach to capital improvements that will enable your property to out-lease its competitors. This requires a strong, cohesive strategy to program development that aligns with your investment return objectives. Call me early in the process to ensure successful project outcomes!

Honors & Awards

Additional Honors & Awards

- Recipient of 6 IIDEX Design awards (ARIDO) for completed projects.
- 2007 France Place Renovation, Minneapolis, MN:
Project Achievement Award from the Construction Management Association of America (CMAA) for construction value less than $20 million.

Recommendations

Received (3) Given (1)

EXHIBIT 4

February 26, 2016

Michael Mekeel
Offenhauser/Mekeel Architects
9872 Holloway Drive
West Hollywood, CA 90069

Councilman Koretz
Council District 5
200 North Spring Street, Suite 440
Los Angeles, CA 90012

Re: UPDATE LETTER: Proposed Designation of 750 N. Edinburgh Avenue (CHC-2015-3386-HCM)

Dear Councilman Koretz:

This is an update to my previous letter to you dated February 1, 2016. As you may recall, I attended a meeting with you on February 2 to discuss my findings that the buildings could be restored to rental use for a total of $125,000 for all four buildings (or $15,625 per unit). I am now updating the February 1 letter to reflect three typical methods for mitigating foundations in expansive soil identified by a civil engineer, Dr. Daniel Pradel, P.E., G.E of Shannon & Wilson, Inc.

My conclusion is that even if Dr. Pradel's recommendations are employed to their fullest extent, the cost of restoring the buildings to their original use is no more than $244,640 or $30,580/unit.

Qualifications.

Offenhauser Mekeel Architects are historic preservation architects as well as real estate developers. We have designed, preserved, restored, owned and maintained numerous historic buildings in the City of Los Angeles. We also currently own and maintain The Toberman House which is Los Angeles Cultural Historic Monument #769; it was the home of the second mayor of Los Angeles. We are experts in restoring historic buildings.

February 26 letter from Dr. Pradel

The most recent information relevant to this designation is a letter dated February 26, 2016, from Dr. Pradel. At the end of his letter, Dr. Pradel describes three typical methods used to mitigate foundations in expansive soils, and explains that these three methods are ranked in the order in which they are typically employed, with "3" being the most expensive.

The recommendations made by Dr. Pradel correspond generally to my original recommendations and estimates of likely cost for the project, which already assumed that the first method (improving surface drainage) would be employed. Although neither Dr. Pradel nor I have identified evidence that the second and/or third methods will be necessary, for purposes of establishing a "worst-case" scenario I have prepared estimates which assume that these two

methods are employed to their fullest conceivable extent. My conclusion is that the original estimate of $125,000 would increase as follows:

Method 1: No increase: Total budget $125,000 or $15,625/unit.
Methods 1 and 2: + $9,640: Total budget $134,640 or $16,830/unit.

WORST-CASE SCENARIO:
Methods 1,2 and 3: + $119,640: Total budget $244,640 or $30,580/unit.

Discussion of three methods proposed by Dr. Pradel.

Dr. Pradel's three methods for mitigating foundations in expansive soils are described below, along with my estimates for each and the effect on the total budget.

1. **Method 1: Improve surface drainage**: My original estimate included a budget of $5,000 to "Correct the roof and site drainage, repair the plumbing and patch the roofs to be certain that water does not flow into the crawl space in the future." Thus, Dr. Pradel's recommendation to improve surface drainage does not change the total budget.

   In sum, the improvement of surface drainage (Method #1) does not change the budget of $125,000 or $15,625/unit.

2. **Method 2: Install French drains**: My original estimate did not include French drains, which Dr. Pradel identifies as a second method to mitigate expansive soils. French drains are installed adjacent to the footings in order to keep water away from the footings. I consulted with Fernando Lavanche of Ambiente Landscaping of La Crescenta, California, a licensed landscape contractor (License #730001) whom I know and trust and whom I have hired in the past to install French drains. Mr. Lavanche provided me with the following estimate of the cost of installing French drains around the entire perimeter of all four buildings:

540 linear feet of French drain at $16/linear ft	$ 8,640
Dry well	$ 1,000
Total	$ 9,640

   In sum, the installation of French drains (Method #2) and improvement of site drainage (Method #1) would increase the total budget by $9,640, i.e.,. to a total of $134,640 or $16,830 per unit.

3. **Method 3: Install strap beam and deepen footings**: Dr. Pradel's third method is the most comprehensive and expensive of the three methods. He says that if any of the footings are "locally cracked," a typical solution is to place a concrete strap (also known as a "strap beam") along the affected area and then connect this strap beam to the existing footing. This effectively deepens the footing 24 inches below the existing 12-inch footing. In his letter, Dr. Pradel provides a graphic detail for this strap-beam method. My February 1 letter acknowledged there was evidence that some of the existing 12-inch footings were rotated (which indicates cracking), and on that basis I

recommended removing and replacing about 100 feet (or about 20%) of these rotated footings with a code-conforming 24" deep footing, at a total cost of $25,000. (My visit to the site indicated that most of the walls were in good condition, indicating that rotation and cracking exists on only some, but not all, of the footings.) In any event, Dr. Pradel's strap-beam method is more comprehensive than simply replacing footings, and wherever it is implemented, it would effectively preclude the need to remove and replace the existing footing, because the rotated footing would be returned to the proper position and then the strap beam would resupport the original footing. Under a "worst case" scenario (which is highly unlikely considering my observation of the condition of the walls), all 540 linear feet of footings in the combined four buildings would be cracked and require strap beams and deepened footings. I contacted John A. Schroyer of J.A. Schroyer Construction in Sunland California, a licensed building and concrete contractor (License #955716) whom I know and trust and whose business is primarily in the excavation and construction of concrete foundations for apartment buildings. Mr. Schroyer provided me with the following estimated cost for installing strap beams and deepened footings along the entire 540 linear feet of the four structures:

540 lf @ $250/lf	$135,000

Since my original estimate assumed $25,000 for replacing rotated footings, and since that expenditure would no longer be necessary if this third method is employed along the entire 540 linear feet of footings, the use of Dr. Pradel's third method would add $110,000 to the total budget.

In sum, the installation of strap-beams and deepened footings on the entire perimeter of the structures (Method #3), along with French drains (Method #2) and improvement of site drainage (Method #1) would increase my original budget by $119,640, to a total of $244,640, or $30,580 per unit.

Original February 1 letter

The balance of my original letter follows for your information:

February 1, 2016

The Spanish Colonial Revival bungalow court located at 750 North Edinburgh Avenue is in remarkably good condition for a 95 year old historic building and can be restored to its former use as rental units without excessive difficulty or cost.

We have reviewed the letter from Armbruster Goldsmith & Delvac dated November 11, 2015 which includes letters and reports from PCR Services Corporation, John Labib & Associates and Termite Pest Solutions. We also visited the site. Based on our extensive experience and in consultation with our geotechnical and structural consultants, we find that these reports dramatically overstate the difficulty and cost of rehabilitating these structures and restoring

them as rental properties. In fact, the deferred maintenance can be corrected and structural remedial work, though not required by the building code, can be performed cost-effectively.

1. **Architectural/Historic Character Defining Features Are Remarkably Intact:**

    - The overall appearance of the property is essentially unchanged from 1923. There is no question that an original resident of the building would recognize it today. The four buildings and the garage structure are in their original location defining the central courtyard, and the simple rectangular massing with rough textured exterior plaster, crenellated parapets with barrel tile coping are intact.
    - Significant architectural details are intact. The plaster arched front door porticos and the lean to shade structures over the main windows and the plaster arches with detail are intact.
    - Doors and windows are highly significant character defining features and are substantially intact. The replacement of some windows and doors can be easily reversed by installing salvage matching windows and doors or having new ones made to match.
    - The interiors are original. The interiors still have the original wood floors, the original casing at doors and windows, the original casework in the living rooms and the original cabinets and tile in the kitchens, including in at least on case the original ice box!

2. **Structural upgrades are not required by law and even if voluntarily undertaken they would be relatively inexpensive.**

    - There is no building code requirement to upgrade the structures.
    - The existing buildings provide substantial protection even without any upgrades. One story older buildings of this type tend to perform well in earthquakes. The structural loads in a one story building are very low. Thus, in a one-story building the difference between straight and diagonal sheathing is irrelevant for purposes of safety. In addition, the plaster on both sides of a stud wall provides a certain amount of structural shear.
    - Relatively inexpensive voluntary upgrades can significantly increase the structural performance. Foundation bolting, adding connectors to beams and posts and roof framing, and perhaps installing a few shear walls are all simple and cost effective upgrades that will improve the structural performance of the building significantly. The cost of these upgrades is likely to be less than $40,000 total for all four structures combined.
    - Termite damage can be inexpensively repaired. Termite damage is common in all buildings and is not justification for demolishing the buildings. The exposed wood girders look in remarkably good condition, so it would be reasonable to assume that the termite damage is localized and due to maintenance issues. It can likely be repaired for less than $10,000 for all structures combined.

3. **The expansive soil does not need to be removed and re-compacted.**

- A 4 foot blanket of expansive soil is common in this part of the Los Angeles basin. This building is no exception. Yet this and many thousands of older buildings are performing well structurally.
- There is no building code requirement that the soil under an existing building be removed and re-compacted.
- Even for a new building, the building code requires only that foundations in expansive soil be 24" deep. Although a new foundation is not required by the code, even for a new one-story building the code allows foundations to be 24" deep, which is above the 4-foot level of expansive soil.

4. **Any foundation distress is likely caused by deferred maintenance, is localized, and can be easily repaired.**

- Cracks in the crawlspace are likely the result of maintenance issues. Surface water customarily flows away from the building and should not cause foundation movement. Thus, identified cracks in the crawlspace soil are probably the result of maintenance issues, e.g., a leak or flooding in the building either before or after the building was vacated; water penetration from the crawl space vents where soil has been allowed to accumulate above the level of the vents; and/or ponding around down spouts where the water does not have a path to the street.
- Excessive rotation of the footings is localized. The entire foundation is not in distress. The identified footing rotation is occurring in a only a few areas of the foundation, for instance where water has been allowed to pond at the base of downspouts.
- The foundation can be inexpensively repaired. In order to correct the rotating footings it is not necessary to relocate all the houses, remove and replace all the soil 5 feet deep on the entire site, construct new footings and replace the houses. The customary solution is considerably less intrusive and far less expensive:
    - Stop the foundation movement: Correct the roof and site drainage, repair the plumbing and patch the roofs to be certain that water does not flow into the crawl space in the future. The total budget for this is likely to be less than $5,000.
    - Replace sections of footing which have rotated: Temporarily shore that section of the building and remove and replace the footing with a code-conforming 24" deep footing. The total budget for this is likely to be less than $25,000.
    - Replace under floor piers: The piers in the crawl space can be easily replaced and are structurally sufficient so long as no water penetrates the crawl space. The total budget for this is likely to be less than $5,000.

5. **Budget for structural repairs.**

- Altogether a budget of $85,000 should be sufficient to accomplish the voluntary repair of some footings, repair of termite damage and structural upgrades

described above. These repairs can be done without substantial harm to the interiors or exteriors of the structures. Nonetheless, an additional $40,000, or $10 per square foot, is a reasonable budget to restore the interiors and exteriors to a condition suitable to return the buildings to their use as rental apartments.

Sincerely,

Michael Mekeel
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