

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN FRANCISCO

ELIEZER WILLIAMS, a minor, by)
Sweetie Williams, his guardian)
ad litem, et al., each)
individually and on behalf of)
all others similarly situated,)

Plaintiffs,)

vs.)

No. 312236

STATE OF CALIFORNIA, DELAINE)
EASTIN, State Superintendent)
of Public Instruction, STATE)
DEPARTMENT OF EDUCATION,)
STATE BOARD OF EDUCATION,)

Defendants.)
-----)

DEPOSITION OF DENNIS BELLET
Sacramento, California
Tuesday, January 8, 2002

Reported by:
TRACY LEE MOORELAND
CSR No. 10397
Job No. 30589

APPEARANCES

1
2
3 For the Plaintiffs Eliezer Williams, et al.:

4 ACLU FOUNDATION OF SOUTHERN CALIFORNIA
5 BY: PETER J. ELIASBERG, ESQ.
6 1616 Beverly Boulevard
7 Los Angeles, California 90026

8
9

10 For the Defendant Delaine Eastin, State Superintendent
11 of Public Instruction, State Department of Education,
12 State Board of Education:

13 DEPARTMENT OF JUSTICE
14 OFFICE OF THE ATTORNEY GENERAL
15 BY: ANTHONY V. SEFERIAN, ESQ.
16 1300 I Street, Suite 1101
17 Sacramento, California 95814

18

19 The Intervener:

20 CALIFORNIA SCHOOL BOARD ASSOCIATION
21 BY: RICHARD HAMILTON, ESQ.
22 3100 Beacon Boulevard
23 West Sacramento, California 95691
24
25

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APPEARANCES, cont.

1
2

3 For the Defendant State of California:

4 OMELVENEY & MYERS LLP
5 BY: PAUL SALVATY, ESQ.
6 400 South Hope Street
7 Los Angeles, California 90071

8

9 For the Los Angeles Unified School District and the
10 Pajaro Valley Unified School District:

11 LOZANO & SMITH
12 BY: JUDD JORDAN, ESQ.
13 20 Ragsdale Drive, Suite 201
14 Monterey, California 93940
15
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17
18
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21
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23
24
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1 BE IT REMEMBERED, that on Tuesday, January 8,
2 2002, commencing at the hour of 10:16 a.m., thereof, at
3 the offices of Morrison & Foerster, 400 Capitol Mall,
4 26th Floor, Sacramento, California, before me,
5 TRACY LEE MOORELAND, a Certified Shorthand Reporter in
6 the State of California, there personally appeared
7 DENNIS BELLET,
8 called as a witness herein, who, having been previously
9 duly sworn to tell the truth, the whole truth, and
10 nothing but the truth, was thereupon examined and
11 interrogated as hereinafter set forth.

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13 EXAMINATION BY MR. ELIASBERG

14 Q. Good morning, Mr. Bellet. Would you please
15 spell your first and last name for the court reporter.

16 A. Sure. Dennis, D-e-n-n-i-s, Bellet,
17 B-e-l-l-e-t.

18 Q. Great. Let me just first quickly go through
19 the ground rules of a deposition.

20 Have you been deposed before?

21 A. Yes.

22 Q. And when was that?

23 Let me ask you this, how many times have you
24 been deposed before?

25 A. Three or four, I think.

1 Q. Okay. Do you remember what the last --
 2 approximately when the last deposition was?
 3 A. Four years ago or so.
 4 Q. I don't need the details of the case, but just
 5 generally what type of a case was it?
 6 A. It was a -- let's see. What happened? I'm
 7 going blank right now.
 8 MR. SEFERIAN: If you recall.
 9 Q. BY MR. ELIASBERG: I think you said you've been
 10 deposed about three or four times. Do you know the
 11 general outlines of any of the cases for which you had
 12 your deposition taken?
 13 A. For some reason it's just slipping right now.
 14 I probably knew 15 minutes ago, but for right now I
 15 can't recall.
 16 Q. I hope I'm not terrifying.
 17 A. No, for some reason every so often -- I'll
 18 probably come up with the answer later.
 19 Q. Fair enough. Let me -- I know you've been
 20 deposed before, but let me go through some of the basic
 21 ground rules.
 22 You understand that you're under oath, and even
 23 though this is a much more informal setting than a court
 24 of law that nevertheless the same penalties of perjury
 25 apply as in a court of law?

1 Do you understand that?
 2 A. Yes.
 3 Q. Second, the court reporter is recording
 4 everything that I say and your answers and any other
 5 statements that are made by counsel unless we say that
 6 we're off the record.
 7 Do you understand that?
 8 A. Yes.
 9 Q. As a result, it's important that your answers
 10 be verbal ones as opposed to nods of the head or
 11 gestures or whatever.
 12 Do you understand that?
 13 A. Yes.
 14 Q. And because it becomes difficult for the court
 15 reporter to try to take down what's going on if two
 16 people are talking at the same time, it's important --
 17 and I'll do my best to make sure that I give you an
 18 opportunity to finish your answer before I begin my
 19 question, next question. Even if you know and
 20 understand what my question is going to be, it's
 21 important that you allow me to finish it before you
 22 answer.
 23 Do you understand that?
 24 A. Yes.
 25 Q. It's typical, very much conversational just to

1 cut each other off, and I'll remind you if we're butting
 2 heads and going over each other.
 3 Now, the court reporter is going to transcribe
 4 everything that you say and we say in a transcript and
 5 that will be provided to you sometime after the
 6 deposition is over, and you will have the opportunity to
 7 review that to make sure that you don't see any errors,
 8 typographical errors and so on. You will also have the
 9 opportunity to change your answers, but it's important
 10 that I let you know that if you substantively change an
 11 answer, I or somebody else over the course of this case
 12 would have the opportunity to comment on the fact that
 13 you've made a substantive change in your answer.
 14 Do you understand that?
 15 A. Yes.
 16 Q. The main point here is that we're trying to get
 17 your best recollection and your best answers here rather
 18 than having you rely on sometime in the future when you
 19 can change answers that you might have made.
 20 Do you understand that?
 21 A. Yes.
 22 Q. In this process I'm entitled to your best
 23 recollections. You don't have to have perfect knowledge
 24 of an answer if you have a basis for your answer. At
 25 the same time, I'm not interested in having you guess.

1 So if you're really just wildly guessing, gee, I think
 2 it might be "X," but you really don't have a basis for
 3 that, I don't want that answer.
 4 If you do answer a question, I'll assume that
 5 you had a basis for that answer. So it's important if
 6 you don't know, don't have a basis for answering, you
 7 should make that clear and not answer a question for
 8 which you're really just guessing.
 9 Do you understand that?
 10 A. Yes.
 11 Q. I'm also not going to try to trick you. That's
 12 not my goal here. I may ask bad questions and they may
 13 appear to be tricky, but that's not my purpose. If you
 14 don't understand one of my questions, you should let me
 15 know that and I'll take another stab at it and try to --
 16 I'm sure counsel will probably take the opportunity to
 17 let you know that they don't think the question is good
 18 either. But if you don't understand it, please let me
 19 know because if you do answer it, I'll assume, and I
 20 think anyone who reads the transcript of the deposition
 21 will assume, that you understood the question and your
 22 answer was in response to that question. Okay?
 23 A. Yes, I understand.
 24 Q. Great. Are there any reasons -- are you taking
 25 any medications? Are there any reasons that you feel

1 that we can't proceed with this deposition today?
 2 A. You can proceed. No problem.
 3 Q. Okay. What I'd first like to do is just get
 4 some information about you, your present position, and
 5 then go back a little bit in time about your previous
 6 occupations.
 7 Right now what is your current position?
 8 A. Chief structural engineer for the Division of
 9 the State Architect.
 10 Q. And that is the chief structural engineer for
 11 the Division of the State Architect?
 12 A. Yes.
 13 Q. How long have you held that position?
 14 A. Since May 2001.
 15 Q. Okay.
 16 A. Previously I was sitting in the chair at that
 17 position.
 18 Q. So you were, in effect, the acting chief
 19 structural engineer?
 20 A. Right, from about March 2000.
 21 Q. Okay. Without going into a treatise, can you
 22 explain to me what a structural engineer is?
 23 A. Well, it's a person with the authority to use
 24 the title structural engineer within the state of
 25 California, and they are civil engineers that have

1 passed a specific test having to do with structural
 2 engineering, so that's the specifics of what a
 3 structural engineer is.
 4 Q. Is there a particular special knowledge that
 5 one has as a structural engineer that another kind of
 6 engineer wouldn't have?
 7 A. Structural aspects of the design of buildings,
 8 specifically in California where the seismic is --
 9 seismic design is the specialty for structural engineers
 10 in California.
 11 Q. And by "seismic design," do you mean design for
 12 the purpose of preventing buildings from falling down in
 13 the case of earthquakes?
 14 A. Yes.
 15 Q. Okay. What are your basic duties and
 16 responsibilities as the chief structural engineer for
 17 the Division of the State Architect?
 18 A. Two basic responsibilities, one is overall
 19 management of the regional operations of the Division of
 20 the State Architect, and secondly, is, on the structural
 21 side, setting the policy for structural issues for the
 22 Division of the State Architect.
 23 Q. Let me focus on the first responsibility you
 24 talked about. You talked about the overall management
 25 of the regional operations. What do you mean by

1 "regional operations"?
 2 A. We have four regional offices, within those
 3 offices they do plan review and oversee the construction
 4 inspection of school buildings, state owned and state
 5 leased essential service facilities, and in the area of
 6 access compliance, state buildings and UC, that's
 7 University of California, and California State
 8 University buildings for the access compliance review,
 9 only for those last three.
 10 Q. With respect to access compliance, do you mean
 11 compliance with disability laws?
 12 A. Yes. Correct.
 13 Q. Let me understand. With respect to access
 14 compliance, you listed Cal State and University of
 15 California. Does DSA have responsibility with respect
 16 to access compliance at K through 12 public schools?
 17 A. Oh, yes.
 18 Q. What are the regions, the four regions that you
 19 described?
 20 A. There's San Diego, Los Angeles, the Oakland and
 21 Sacramento offices. Each has a number of counties and
 22 the whole state is covered by those four regions, four
 23 regional offices.
 24 Q. Approximately how many employees are there in
 25 the Division of the State Architect?

1 A. There's about 160.
 2 Q. Is it somewhat evenly divided or basically
 3 evenly divided among the four offices you set forth?
 4 A. There's also a headquarters, which is not
 5 regional operations. They have about 30 people. And
 6 then the other four regional offices have the remainder,
 7 and it's pretty close to the same, within five people.
 8 Q. Over who in the Division of the State
 9 Architect, I'm not looking for names but titles or jobs,
 10 do you have supervision?
 11 A. Structural engineers, architects, civil
 12 engineers, fire and life safety officers and business
 13 support staff.
 14 Q. Let me add one more thing about the background.
 15 This is not intended to be a marathon contest.
 16 Depositions can be a tiring experience, but we want your
 17 best answers on things. You're welcome to take a break
 18 at any time if you feel uncomfortable, need to use the
 19 restroom, just want to take a break and clear your head.
 20 That's fine. I'll try to space them out around every
 21 hour. If you need one at another time, let me know. I
 22 might get on a roll and not notice the clock. Just let
 23 me know. We want you to be comfortable today, as
 24 comfortable as you can be under the circumstances.
 25 A. Okay.

1 Q. You said there are around 160 people in the
2 Division of the State Architect. How many people in the
3 Division of the State Architect do you have supervisory
4 responsibility over?

5 A. The actual supervision is 10 people, but I'm
6 responsible for the operations of about 130.
7 Supervision is a specific in state government, specific
8 position relationships.

9 Q. Who or what single individual or individuals
10 reports directly to you in terms of, I guess, the 10
11 people that you supervise? Who are they?

12 A. There's the four regional managers, and then in
13 the headquarters I have three structural engineers and
14 three support staff, so those are the ten.

15 Q. Okay. Let me shift to the second one you
16 talked about. You said on the structural side you have
17 responsibility for setting policy for structural issues.
18 What do you mean by that?

19 A. It's policies and procedures. So, for example,
20 on a structural item, steel moment frames, if there's an
21 issue that develops regarding that that we need to
22 distribute to our stakeholders and our own staff, we
23 would develop it within my headquarters unit and then
24 distribute that. So that's the development of the
25 structural side, setting that policy.

1 capabilities. We have meetings like where we make this
2 sort of presentation, and the school districts would be
3 there as well as engineers and architects.

4 Q. BY MR. ELIASBERG: Are there a particular
5 person or persons, or do you -- do you attempt to target
6 a particular person within a school district, or do you
7 just say I'm going to get it to the school district and
8 let them distribute it to the person they think is
9 correct?

10 MR. SEFERIAN: Objection. Overly broad.

11 MR. SALVATY: Incomplete hypothetical.

12 THE WITNESS: Let's see. There's no individual
13 person that we send it to. We send it -- let me change
14 that. We generally send our notices to the school
15 district superintendent, sometimes to the facility
16 planners. And it's not just structural, it's procedural
17 things too.

18 Q. BY MR. ELIASBERG: Can you give me an example
19 of a procedural thing?

20 A. A change in process within the office. For
21 example, let's say that they need to submit -- the fees
22 changed, let's say. I don't know if we've done that
23 specific one, but we do things that would be along that
24 line where we notice people.

25 Q. When you say "the fees changed," what do you

1 Q. Okay. When you refer to "stakeholders," whom
2 are you referring to?

3 A. Everybody that could be impacted by the
4 decision. That would be the school districts, the
5 architects, engineers, the manufacturers of steel, the
6 inspectors, that group of people.

7 Q. When you send out notice about -- I'm
8 assuming -- you said you distribute the information
9 about a policy. When you send it out, if you're trying
10 to inform school districts, is there a particular way
11 that you would inform school districts about a policy
12 that might impact them?

13 MR. SEFERIAN: Objection. Assumes facts not in
14 evidence. Overly broad.

15 MR. ELIASBERG: You can answer.

16 THE WITNESS: Could you repeat the question.

17 Q. BY MR. ELIASBERG: I'm trying to understand how
18 you would get out, if the Division of the State
19 Architect were to issue a policy that you felt was --
20 might have an impact on school districts, what steps
21 would you take in order to inform the school districts
22 of that policy, policy change?

23 MR. SEFERIAN: Same objections.

24 THE WITNESS: We would -- by direct mail, by
25 posting it on our website, now that we have web

1 mean by that? I understand it's just an example, but
2 what do you mean by that?

3 A. For our plan review they pay a fee, and if the
4 fee percentages change, we would let them know.

5 Q. Prior to your becoming acting chief structural
6 engineer in March 2000, what position did you hold prior
7 to that?

8 A. The regional manager.

9 Q. And was that regional manager within the
10 Division of the State Architect?

11 A. Yes, Sacramento regional office.

12 Q. And how long were you in that position?

13 A. I don't recall exactly, but I think it was
14 about four years.

15 Q. And what are the differences in
16 responsibilities between the regional manager and the
17 chief structural engineer for the department as a whole?

18 A. The regional manager is responsible just for
19 that region, that area instead of the whole state, and
20 there's -- that person supervises three supervisors
21 within the office instead of the -- no involvement with
22 the supervision of the headquarters staff. The
23 responsibility for that person is the operation of just
24 that regional office.

25 Q. In that position as a regional manager, do you

1 have policy-making authority within the region?
 2 MR. SEFERIAN: Objection. Calls for an
 3 inadmissible legal opinion. Vague and ambiguous as to
 4 "policy-making authority."
 5 THE WITNESS: We would assist the headquarters
 6 people in developing policy by providing input.
 7 Q. BY MR. ELIASBERG: And how would you assist
 8 them by providing input?
 9 A. From our experience, what we know of a subject.
 10 We might not, we might. If we know something, we
 11 provide that input.
 12 Q. And prior to that position as regional manager,
 13 what was your job before that?
 14 A. Principle professional policy, as I recall.
 15 Q. I'm sorry, the title was principle professional
 16 policy?
 17 A. Yes. No, principle structural policy.
 18 Q. And was that also within the Division of the
 19 State Architect?
 20 A. Right, in headquarters.
 21 Q. And what were your responsibilities as
 22 principle structural policy?
 23 A. I oversaw code changes and structural policy
 24 issues, the development of structural policy issues and
 25 our structural product approval program.

1 Q. You say you oversaw code changes. What codes
 2 are you referring to?
 3 A. The Title 24, California Code of Regulations.
 4 Q. Is that commonly known as the building code?
 5 A. California Building Code.
 6 Q. What do you mean by structural product approval
 7 program, or what is the structural product approval
 8 program?
 9 A. Not all the products that are proposed for
 10 school construction are covered within the California
 11 Building Code, so we review the products for their
 12 structural capacity for use in public school
 13 construction.
 14 Q. Can you give me an example of a product that's
 15 not covered by the Code?
 16 A. In the past, oriented strandboard was not
 17 within the Code.
 18 Q. As a total novice who has never done anything
 19 with respect to construction, what is oriented
 20 strandboard? You can give me a layman's description.
 21 A. It's a substitute for plywood. It's pieces of
 22 wood that are cut into -- that are pressed together with
 23 glue to make a structural panel.
 24 Q. So am I correct -- and if I'm getting this
 25 wrong, please let me know. Am I correct in

1 understanding that some products that are used as part
 2 of the structure in a school building are directly
 3 covered within the Title 24 regulations; is that
 4 correct?
 5 A. That's correct.
 6 Q. And there are other products that the Code is
 7 silent about, is that correct, other products that might
 8 be used that are structural products within a school?
 9 A. Yes, that's correct.
 10 Q. And is it correct that for a school district to
 11 use one of those products, they would need to come to
 12 you to get approval to use it?
 13 MR. SEFERIAN: Objection. Incomplete
 14 hypothetical. Calls for inadmissible legal opinion.
 15 Vague and ambiguous as to "you."
 16 MR. ELIASBERG: Let me clarify. By "you" I
 17 mean the Division of the State Architect.
 18 THE WITNESS: Generally these come from the
 19 product manufacturer requesting our approval.
 20 Q. BY MR. ELIASBERG: If a product manufacturer
 21 requests approval for, let's use oriented strandboard,
 22 would you review -- would you then -- explain to me what
 23 happens if they come to you and request -- with respect
 24 to something like oriented strandboard, what would your
 25 review consist of?

1 MR. SEFERIAN: Objection. Calls for a
 2 narrative.
 3 MR. SALVATY: Objection. Incomplete
 4 hypothetical.
 5 THE WITNESS: We would check the existing
 6 information on the product and evaluate that existing
 7 information. We might request additional testing.
 8 Q. BY MR. ELIASBERG: Is one possible outcome of a
 9 review that you do that you would issue some kind of
 10 opinion saying this either is or is not an acceptable
 11 product for use in school structures?
 12 MR. SEFERIAN: Objection. Vague and ambiguous
 13 as to "issue."
 14 MR. SALVATY: Incomplete hypothetical also.
 15 THE WITNESS: We issue letters of approval.
 16 Q. BY MR. ELIASBERG: In a situation like this,
 17 would the letter of approval simply be to one particular
 18 manufacturer, or would you issue a more broad document
 19 saying this type of product is acceptable for use in
 20 school construction?
 21 MR. SALVATY: Objection. Vague and ambiguous.
 22 Incomplete hypothetical.
 23 THE WITNESS: Do you mean DSA?
 24 MR. ELIASBERG: Yes.
 25 THE WITNESS: We would give to the manufacturer

1 and to our own staff a letter.
 2 Q. BY MR. ELIASBERG: If I asked you this, I
 3 apologize. How long were you the principle structural
 4 policy at DSA?
 5 A. About six years, I think.
 6 Q. And just doing the math -- and, again, I'm
 7 talking approximations here, I understand you may not
 8 know the exact years -- that would be somewhere in the
 9 range of 1990 to 1996 that you would have held that
 10 position?
 11 A. Yes.
 12 Q. What was your position previous to that?
 13 A. I was district structural engineer.
 14 Q. And how long did you hold that position?
 15 A. About two years.
 16 Q. Let's do this. I don't think I need to know
 17 the details of every job you've held, especially now
 18 that we're getting almost 10 years back, but how long
 19 have you been at the Division of the State Architect?
 20 A. For 15 and a half years.
 21 Q. And are there any other positions that you've
 22 held besides the ones that you've already laid out for
 23 me, including the last one, which, I believe, was
 24 district structural engineer at the Division of the
 25 State Architect?

1 A. Senior structural engineer.
 2 Q. Was that your first position within the DSA?
 3 A. Yes.
 4 Q. Tell me a little bit about your educational
 5 background. Do you have a BA?
 6 A. No.
 7 Q. BS?
 8 A. Yes.
 9 Q. Okay. And when did you obtain that?
 10 A. 1973.
 11 Q. And where did you obtain that?
 12 A. University of California Davis.
 13 Q. Did you major in engineering?
 14 A. Yes.
 15 Q. And subsequent to graduating from Davis with a
 16 BS, have you done other educational -- have you gotten
 17 any other academic degrees?
 18 A. Yes, master's in engineering also from
 19 UC Davis.
 20 Q. And when did you get that degree?
 21 A. 1975.
 22 Q. And have you gotten any other academic degree
 23 after your master's in engineering?
 24 A. No.
 25 Q. What jobs did you hold between -- well, after

1 you obtained your master's degree, what job did you
 2 obtain?
 3 A. Worked for the Department of Defense, Corps of
 4 Engineers, U.S. Army Corps of Engineers.
 5 Q. And how long did you do that?
 6 A. For 11 years.
 7 Q. Were you working as a structural engineer?
 8 A. A civil engineer, and then when I got my
 9 license, as a structural engineer.
 10 Q. In that position did you have any
 11 responsibilities with respect to overseeing school
 12 construction?
 13 A. Only for schools that were on Army or Air Force
 14 bases for the servicemen.
 15 Q. And what were your responsibilities with
 16 respect to schools that were on Army or Air Force bases
 17 for servicemen?
 18 A. Structural design.
 19 Q. What does that mean?
 20 A. Design of the structural portion of the
 21 buildings.
 22 Q. Do you have any sense approximately of how many
 23 schools that you might have --
 24 A. School buildings, I'm not sure, but probably
 25 eight.

1 Q. How did you come to join the Division of the
 2 State Architect?
 3 A. I saw a job advertisement and applied.
 4 Q. One of the things I'd like to try to do today
 5 is understand the role that DSA plays with respect to
 6 new school construction and then also modernization and
 7 deferred maintenance, if there is a role, and we can
 8 talk about each of them in turn. What I'd first like to
 9 focus on is new school construction.
 10 What responsibilities, if any, does DSA have
 11 with respect to -- and let me just clarify the question,
 12 when I talk about public school construction, unless I
 13 tell you something different, I'm not talking about the
 14 university system, I'm not talking about CSU, I'm
 15 talking about K through 12 public schools. Okay?
 16 What responsibilities does DSA have with
 17 respect to the construction of new schools in the state
 18 of California?
 19 MR. SEFERIAN: Objection. Calls for
 20 inadmissible legal opinion. Overly broad. Calls for a
 21 narrative. Vague and ambiguous as to
 22 "responsibilities." No foundation. Calls for
 23 speculation.
 24 THE WITNESS: We do the plan review of the
 25 designs and oversee the construction inspection.

1 Q. BY MR. ELIASBERG: You're dealing with somewhat
2 of a novice here, so I'm going to ask you to define a
3 lot of your terms.
4 What do you mean by plan review of designs?
5 Here we're referring to designs for school construction.
6 A. Checking the design of the building to ensure
7 compliance with the Code, California Building Code.
8 Q. When you refer to the plans, are you talking
9 about blueprints or drawings, is that what you're
10 referring to?
11 A. Right, plans and specifications.
12 Q. What is the difference?
13 A. Plans are the drawings. And specifications are
14 the document, the bound set of requirements for the
15 construction of the building.
16 Q. When you say "set of requirements,"
17 requirements from whom?
18 A. Designed by the architect. The contractor has
19 to build according to the specifications, so if the
20 specifications ask for a certain color of paint, then
21 that's the color of paint.
22 Q. I see. So the specifications are something
23 that the architect has set forth, these are the
24 specifications that the building or buildings is going
25 to have; is that correct?

1 A. Correct.
2 Q. And then the contractor is -- it is correct
3 that the contractor is supposed to build a building that
4 meets those specifications; is that correct?
5 MR. SEFERIAN: Objection. Overly broad. Lacks
6 foundation. Calls for an inadmissible opinion.
7 Incomplete hypothetical.
8 THE WITNESS: Correct.
9 Q. BY MR. ELIASBERG: And please, again, correct
10 me if I'm wrong. DSA, then, part of your plan review or
11 part of your review is to ensure that the contractor has
12 actually built the school building according to the
13 specifications that the architect set forth?
14 MR. SEFERIAN: Objection. Misstates witness'
15 testimony. Calls for an inadmissible legal opinion.
16 Vague and ambiguous as to "ensure." Overly broad.
17 THE WITNESS: Could you repeat the question.
18 Q. BY MR. ELIASBERG: I believe you said that the
19 architect set forth certain specifications for how the
20 building is supposed to be constructed; is that correct?
21 A. I'm sorry, one more time.
22 Q. Let's go back. You used the term
23 specifications. What did you mean by specifications?
24 Let's me start this way. Who draws up the
25 specifications?

1 A. The architect.
2 Q. Does DSA have any role in reviewing whether the
3 building actually meets the specifications that the
4 architect drew up?
5 MR. SALVATY: Objection. Vague and ambiguous.
6 MR. SEFERIAN: Overly broad. Vague and
7 ambiguous as to "role." Calls for an inadmissible
8 opinion.
9 THE WITNESS: I'm sorry again. Could you
10 repeat the question.
11 MR. ELIASBERG: No need to apologize.
12 Q. I'm really trying to understand what it is that
13 DSA does with respect to review plans and
14 specifications, if anything.
15 Let's start with plans. What do you do when
16 you review the plans, you being DSA, for new school
17 construction?
18 MR. SEFERIAN: Okay. Are you talking about the
19 structural people, or are you talking about everyone? I
20 think your question is too broad. He's testified about
21 structural review. I'll object as overly broad.
22 MR. ELIASBERG: You can answer the question if
23 you understand it.
24 THE WITNESS: I'm sorry again. Just have to
25 hear all the words before I can answer your question. I

1 need to hear them a second time.
2 MR. ELIASBERG: No problem. Let's start again.
3 THE WITNESS: Yeah.
4 Q. BY MR. ELIASBERG: I'm interested now in what
5 role DSA plays, and I'm talking broadly here. I only
6 want you to testify about what you know about. I'm
7 trying to understand the complete range of things DSA
8 does to the extent that you know about them with respect
9 to the review of new schools that are being built.
10 What roles does DSA play with respect to
11 reviewing new school construction?
12 MR. SEFERIAN: Objection. Overly broad. Vague
13 and ambiguous as to "roles." Calls for an inadmissible
14 legal opinion.
15 THE WITNESS: What we do is a set of plans come
16 in, we look at calculations, geohazard reports,
17 specifications, an application, a fee for structural.
18 We look at the plans and the calculations and compare
19 them against the Code to detect errors where we can in
20 the plans, and we mark the plans with the architect and
21 the structural engineer to respond to, that's on the
22 structural side. And we do it for the access compliance
23 and the fire and life safety also, same process.
24 Q. BY MR. ELIASBERG: You talked about for
25 structural comparing with the Code; is that correct?

1 A. Right.
 2 Q. When you talk about the Code there, are you
 3 referring to Title 24?
 4 A. California Building Code, yes.
 5 Q. Are there any other codes that DSA structural
 6 people review plans -- does DSA review plans for
 7 compliance with any other California codes other than
 8 Title 24?
 9 A. I believe so, but I'm not sure.
 10 Q. If you have a basis for this, for your belief,
 11 what other codes does DSA do review for?
 12 A. I'm not sure.
 13 Q. Do you know who else at DSA would know what
 14 other code review DSA does, if any?
 15 MR. SEFERIAN: Objection. Calls for
 16 speculation.
 17 MR. SALVATY: Objection. Overly broad.
 18 THE WITNESS: Yeah, I don't know for sure.
 19 Q. BY MR. ELIASBERG: I believe you used the term
 20 "geohazard." What did you mean by that?
 21 A. I'm not sure of all the details, but one of the
 22 things in a geohazard report would be distance from
 23 faults.
 24 Q. What do you mean by "faults"?
 25 A. Earthquake faults.

1 Q. You talked about school districts or architects
 2 and contractors submitting an application. What is in
 3 the application?
 4 A. The name of the architect, the scope of the
 5 construction. It's a fairly long list. Those are a
 6 couple of the things. There's names of the engineers.
 7 Q. And what do you mean by "the scope of the
 8 construction"?
 9 A. If it's construction of classroom buildings,
 10 gymnasiums, if it's an alteration to an existing
 11 building. Those would be the typical types of scopes.
 12 Q. Do the structural engineers at DSA have any
 13 responsibility with respect to ensuring that
 14 buildings -- new school construction complies with the
 15 requirements of Title 5 of the California Code of
 16 Regulations?
 17 MR. SEFERIAN: Objection. No foundation.
 18 Calls for an inadmissible legal opinion. Vague and
 19 ambiguous as to "responsibility." Calls for
 20 speculation.
 21 THE WITNESS: Could you repeat the question.
 22 Q. BY MR. ELIASBERG: Sure. Let me modify it a
 23 bit. Do the structural engineers at DSA -- I'll do it
 24 this way.
 25 Have you in your time at the Division of the

1 State Architect ever reviewed plans for new school
 2 construction for compliance with Title 5 of the
 3 California Code of Regulations, any of the provisions of
 4 Title 5?
 5 A. No.
 6 Q. Do you know if any other structural engineers
 7 in the Division of the State Architect review plans for
 8 new school construction for compliance with Title 5 of
 9 the California Code of Regulations?
 10 MR. SEFERIAN: Objection. Lacks foundation.
 11 Calls for speculation.
 12 THE WITNESS: I'm not -- I don't have personal
 13 knowledge whether they do or don't.
 14 Q. BY MR. ELIASBERG: Have you ever asked any of
 15 your structural engineers that you've supervised to
 16 review school plans for compliance with Title 5 of the
 17 California Code of Regulations?
 18 A. No, I've never asked.
 19 Q. Do you know if anybody, not just structural
 20 engineers, but anybody in the Division of the State
 21 Architect reviews new school construction plans for
 22 compliance with Title 5 of the California Code of
 23 Regulations?
 24 MR. SEFERIAN: Objection. No foundation.
 25 Calls for speculation. Asked and answered.

1 THE WITNESS: I'm not sure.
 2 Q. BY MR. ELIASBERG: Let me just jump back a
 3 little bit. I want to understand perhaps who else has
 4 supervisory responsibility in DSA with respect to other
 5 people who might work at DSA.
 6 I understand that you are the chief structural
 7 engineer and that you have supervisory responsibility
 8 over the structural engineers in the department; is that
 9 correct?
 10 A. I have supervisory responsibility -- authority
 11 over my own unit in headquarters and the four regional
 12 managers only.
 13 Q. What other types of engineers, if any, work
 14 within the department of -- Division of the State
 15 Architect?
 16 A. Civil engineers.
 17 Q. And what are the responsibilities of the civil
 18 engineers with respect to new school construction?
 19 MR. SEFERIAN: Objection. Overly broad. Vague
 20 and ambiguous as to "responsibilities."
 21 THE WITNESS: It would be difficult to answer.
 22 They do structural plan review, some of the less
 23 complex. That's one of the things they do.
 24 Q. BY MR. ELIASBERG: Do you know if the civil
 25 engineers do any review of school plans for compliance

1 with Title 5 of the California Code of Regulations?
 2 MR. SEFERIAN: Objection. No foundation.
 3 Asked and answered. Calls for speculation.
 4 THE WITNESS: I'm not sure.
 5 Q. BY MR. ELIASBERG: Okay. I believe you said
 6 that there are architects who work in the Division of
 7 the State Architect?
 8 A. Yes.
 9 Q. About how many of them are there?
 10 A. 20, about 20.
 11 Q. Let me step back. Who is the -- is there a
 12 chief civil engineer within the Division of the State
 13 Architect?
 14 A. No.
 15 Q. Do you know who has -- is there somebody who
 16 has particular supervisory responsibility over the civil
 17 engineers in the DSA?
 18 A. They are supervised by structural engineers
 19 within each of the regional offices.
 20 Q. And could you give me the names of the heads
 21 of -- or the head supervisor in each of the regional
 22 offices?
 23 A. Head supervisor?
 24 Q. Well, who is the highest ranking structural
 25 engineer in each of the four regions?

1 A. Right now the regional managers are all
 2 structural engineers, they are Jeff Bruce, Mahendra
 3 Mehta.
 4 Q. You're going have to slow down. Jack Bruce.
 5 A. M-a-h-e-n-d-r-a, that's his first name. Last
 6 name Mehta, M-e-h-t-a. There's also Matt Chauhan,
 7 C-h-a-u-h-a-n, and in our Sacramento regional office we
 8 currently do not have a regional manager so we have two
 9 supervising structural engineers that are trading off in
 10 that role.
 11 Q. And who are they?
 12 A. Dan Leveriner, L-e-v-e-r-i-n-e-r, and Jim
 13 McCarthy.
 14 Q. Okay. Which region is Mr. Brooks regional --
 15 I'm sorry, Mr. Bruce regional manager for?
 16 A. Los Angeles.
 17 Q. And Mr. Mehta?
 18 A. San Diego.
 19 Q. And my memory is not good enough for me to be
 20 able to figure out -- Mr. Chow --
 21 A. Mr. Chauhan.
 22 Q. Is which region?
 23 A. San Francisco. It's a San Francisco region,
 24 the Oakland office.
 25 Q. Okay. Is there a person in DSA who has the

1 chief supervising responsibility for the architects
 2 within DSA?
 3 A. Not supervision, no. There is a -- I think,
 4 the term is principle access compliance, and that person
 5 oversees, I think, two -- supervises two architects, I
 6 believe.
 7 Q. Do you know who supervises the approximately
 8 other 18 architects?
 9 A. Those are in the regional offices, so they're
 10 supervised by the supervising structural engineers in
 11 each regional office.
 12 Q. Do you know if any of the architects in DSA
 13 have responsibilities with respect to reviewing plans
 14 for new school construction ensuring that those plans
 15 comply with Title 5 of the California Code of
 16 Regulations?
 17 MR. SEFERIAN: Objection. Calls for an
 18 inadmissible legal opinion. Vague and ambiguous as to
 19 "responsibility." Calls for speculation. Lacks
 20 foundation.
 21 THE WITNESS: I'm not sure.
 22 Q. BY MR. ELIASBERG: I won't even use the term
 23 responsibility, but just as a practical matter, talking
 24 about what these architects actually do, do you know if
 25 any architects in the Division of the State Architect

1 actually review plans for new school construction for
 2 compliance with Title 5 of the California Code of
 3 Regulations?
 4 MR. SEFERIAN: Objection. Lacks foundation.
 5 Calls for speculation.
 6 THE WITNESS: I'm not sure.
 7 MR. ELIASBERG: We've been going about an hour.
 8 Let's take a five-minute break.
 9 (Recess taken.)
 10 Q. BY MR. ELIASBERG: Mr. Bellet, you understand
 11 that you're still under oath and that's going to be true
 12 as long as the deposition continues?
 13 A. Yes.
 14 MR. SALVATY: Can I just add something on the
 15 record. I wanted to make sure that -- we've had an
 16 agreement in the past that the objections raised by the
 17 state agency defendants also apply jointly to the state
 18 defendants.
 19 MR. SEFERIAN: And vice versa.
 20 MR. SALVATY: And vice versa. And I just want
 21 to make sure that that agreement is still in place.
 22 MR. ELIASBERG: Yeah, I don't have a problem
 23 with that. I'll even apply it retroactively for you,
 24 Paul. That's not a problem.
 25 MR. SALVATY: Thank you.

1 MR. ELIASBERG: I expected that was pretty much
2 our general agreement for the case.

3 Q. I've mentioned briefly Title 5 of the
4 California Code of Regulations. I just want to talk a
5 little bit more specifically about some of the specific
6 provisions.

7 Are you familiar with Title 5, Section 14030 of
8 the California Code of Regulations?

9 A. I don't recall it at this time.

10 Q. What I'd like to do is give a copy to the court
11 reporter to be marked, and a copy of the document to the
12 witness and opposing counsel which is entitled Section
13 14030, standards for development of plans for the design
14 and construction of school facilities. That's near the
15 top. At the very top it says Title 5 education, and it
16 is a -- unfortunately each page says 1 of 1. It's an
17 11-page document, if I'm counting this correctly.

18 (Exhibit SAD-220 was marked.)

19 MR. ELIASBERG: We have marked this document as
20 SAD-220.

21 Q. Mr. Bellet, take as long as you'd like to take
22 a look at this document and familiarize yourself with
23 it. You don't need to learn it verbatim. I may take
24 you through some specific portions. I'll refer you to
25 them. Take as long as you'd like to look it over and

1 paragraph just so that's on the record and everybody
2 knows what we're referring to.

3 (Mr. Jordan entered the room.)

4 MR. ELIASBERG: Take a short break.

5 (Discussion held off the record.)

6 Q. BY MR. ELIASBERG: Mr. Bellet, let me refer you
7 to the second page of the document. About six or seven
8 lines down there is a little "c" in parentheses and it
9 says playgrounds and field areas. Do you see that?

10 A. Yes.

11 Q. And underneath it it says, adequate physical
12 education teaching stations shall be available to
13 accommodate course requirements for the planned
14 enrollment, specifically, colon. Do you see that?

15 A. Yes.

16 Q. Prior to reading this document here today, were
17 you familiar with that provision, little "c", and the
18 material underneath?

19 A. No.

20 Q. Do you know if -- in the course of your job, do
21 you ever review plans for new school construction to
22 ensure that they comply with provision little "c" of
23 California Code of Regulations, Title 14030 which has
24 been marked as SAD-220?

25 MR. SALVATY: Objection. Assumes facts not in

1 see if you recognize it.

2 A. Okay. I haven't read this in detail, but I've
3 looked through it.

4 Q. Mr. Bellet, are you familiar with this
5 document, or at least the material contained in this
6 document which has been marked as SAD-220?

7 MR. SEFERIAN: Objection. Asked and answered.

8 THE WITNESS: I have gained more familiarity
9 after reading it just now. That is the extent of my
10 familiarity with this now. Previously I was not
11 familiar with it.

12 Q. BY MR. ELIASBERG: Okay. Because I want to be
13 clear here, as far as you know, had you ever previously
14 seen these regulations before?

15 A. I'm not sure.

16 Q. Let me refer you -- on the first page of this
17 material there is a paragraph that -- about one, two,
18 three -- I'm not talking now about the heading here, but
19 once you get actually in the text -- one, two, three --
20 there's a paragraph that begins four lines down. It
21 begins, prior to submitting preliminary plans for the
22 designs and construction of school facilities.

23 Do you see that paragraph?

24 A. Yes.

25 Q. Okay. And I'm going to actually read the

1 evidence.

2 THE WITNESS: I have never checked -- reviewed
3 that portion.

4 Q. BY MR. ELIASBERG: Do you know if anybody else,
5 whether it's an individual or any other job title within
6 the Division of the State Architect reviews plans for
7 compliance with this section, Subsection C?

8 MR. SEFERIAN: Objection. No foundation.

9 Calls for speculation.

10 THE WITNESS: I'm not sure.

11 Q. BY MR. ELIASBERG: Okay. Do you have any idea
12 of anybody in the Division of the State Architect who
13 might know whether anyone in the State Architect's
14 office reviews plans for compliance with this section?

15 A. I'm not sure of anyone.

16 Q. Do you know of any other state agency other
17 than the Division of the State Architect that reviews
18 school plans, plans for new school construction for
19 compliance with this provision?

20 MR. SEFERIAN: Objection. Compound question.

21 Lacks foundation. Calls for speculation.

22 THE WITNESS: I'm not sure, but California
23 Department of Education might be doing that, but I'm not
24 sure.

25 Q. BY MR. ELIASBERG: What's your basis for your

1 supposition that the California Department of Education
 2 might be doing this?
 3 MR. SEFERIAN: Objection. Calls for
 4 speculation.
 5 THE WITNESS: I don't know where I got that
 6 from.
 7 Q. BY MR. ELIASBERG: Let me refer you to the
 8 third page here. Let me just cover here. Under
 9 Subsection C there are a number of numerical provisions,
 10 1, 2, 3, 4. I just want to make sure that your answer
 11 as to whether you review plans for new school
 12 construction for compliance with these -- with the
 13 provisions of C -- and I am including within that 1, 2,
 14 3 and 4. Would you review plans for compliance with any
 15 of those provisions?
 16 MR. SEFERIAN: When you're saying "you," are
 17 you saying Mr. Bellet?
 18 MR. ELIASBERG: I'm going to start with
 19 Mr. Bellet, yeah.
 20 THE WITNESS: My answers are the same. I was
 21 assuming when I answered them before that "C" applied
 22 for everything, 1, 2, 3 and 4.
 23 Q. BY MR. ELIASBERG: Okay. I'd like to shift you
 24 to the next page -- I'm sorry, we're going to be dealing
 25 with the provision that goes from one page to the next,

1 speculation.
 2 THE WITNESS: I'm not sure. Item 2 possibly we
 3 would have been looking at that within the Division of
 4 the State Architect.
 5 Q. BY MR. ELIASBERG: And that's the item that
 6 begins utilities to the expansion area are included in
 7 the plans?
 8 A. Yes.
 9 Q. What's your basis for that answer?
 10 A. I believe those are generally on the plans that
 11 are submitted to our office.
 12 Q. Are you aware of whether any other state agency
 13 beyond the Division of the State Architect reviews plans
 14 for compliance with these provisions?
 15 MR. SEFERIAN: Objection. Calls for
 16 speculation. Lacks foundation.
 17 THE WITNESS: It would be the same answer I had
 18 before, I'm not sure, but California Department of
 19 Education might be doing that.
 20 Q. BY MR. ELIASBERG: Okay. And do you have any
 21 knowledge of what the division of -- I'm sorry, the
 22 Department of Education might do when they review plans
 23 for compliance with these provisions?
 24 A. No.
 25 MR. SEFERIAN: Objection. No foundation.

1 so let's stay on the page that we previously were on.
 2 Do you see at the bottom there's a little "e"
 3 in parentheses and next to the little "e" it says future
 4 expansion? Do you see that?
 5 A. Yes.
 6 Q. And then underneath that there's some text that
 7 reads, site layouts shall have capability for expansion
 8 without substantial alterations to existing structures
 9 or playgrounds, colon, and then over on to the next page
 10 there are three numerical subsections; is that correct?
 11 Do you see that?
 12 A. Yes.
 13 Q. Just look at those -- that provision E and the
 14 subsections beneath it and tell me, do you personally --
 15 at any time, actually, in your tenure at the Division of
 16 the State Architect have you reviewed plans for new
 17 school construction for compliance with these
 18 provisions?
 19 A. I have not done that.
 20 Q. Okay. Do you know if anyone within the
 21 Division of the State Architect does or has reviewed
 22 plans for new school construction for compliance with
 23 these provisions? And by these provisions I'm referring
 24 to the little "e" and the subsections beneath it.
 25 MR. SEFERIAN: Objection. Calls for

1 Calls for speculation.
 2 Q. BY MR. ELIASBERG: Does the Division of the
 3 State Architect also when it reviews -- in its
 4 involvement with new school construction, does it
 5 actually go to construction sites to see that the school
 6 is actually being built according -- in compliance with
 7 any California codes?
 8 MR. SEFERIAN: Objection. Overly broad.
 9 Incomplete hypothetical question. Calls for a
 10 narrative.
 11 THE WITNESS: Yes, we do go to school sites.
 12 Q. BY MR. ELIASBERG: Okay. When you go to school
 13 sites, do you check the actual construction for
 14 compliance with this provision here?
 15 MR. SEFERIAN: Objection. Incomplete
 16 hypothetical question.
 17 MR. ELIASBERG: And by "this provision" I mean
 18 the provision of SAD-220 that's E -- I'm sorry, little
 19 "e," future expansion.
 20 MR. SEFERIAN: Objection. Overly broad.
 21 Incomplete hypothetical question.
 22 THE WITNESS: I'm not sure.
 23 Q. BY MR. ELIASBERG: Have you personally visited
 24 a school site that was in the process of being
 25 constructed?

1 A. Yes.
 2 Q. Have you personally looked at that site in
 3 order to ensure that the site and the construction
 4 was -- the construction was being done so that it
 5 complied with little "e" in SAD-220?
 6 A. I may have. I'm not sure.
 7 Q. When's the last time that you personally have
 8 visited a school site where new school construction was
 9 going on?
 10 A. About two years ago.
 11 Q. At the time that you did that, did you -- did
 12 you look at the site and the construction that was going
 13 on with the intent to determine whether it was being
 14 done so -- that it complied with little "e" of SAD-220?
 15 A. I did not specifically look at that item.
 16 Q. Did you look at it generally?
 17 A. We look at the construction for conformance
 18 with the plans. The plans could cover this area, and so
 19 we're making sure that the construction was built
 20 according to those plans.
 21 Q. Okay.
 22 A. It could cover that area naturally.
 23 Q. When you reviewed the plans -- let me ask you,
 24 at that school site that you're talking about that you
 25 visited when you went to the site for the actual

1 mean every time you reviewed a plan, but have you ever
 2 reviewed any of those plans for compliance with little
 3 "g" and the provisions underneath of SAD-220?
 4 A. No.
 5 Q. Okay. Do you know if there's anyone in the
 6 State Architect's Office who, when he or she reviews
 7 plans, reviews them for compliance with little "g" and
 8 the provisions thereunder?
 9 MR. SEFERIAN: Objection. No foundation.
 10 Calls for speculation.
 11 THE WITNESS: I'm not sure.
 12 Q. BY MR. ELIASBERG: And I believe you've also
 13 testified that you have visited school sites and
 14 actually seen new school construction that was going on;
 15 is that correct?
 16 A. Yes.
 17 Q. At any time when you visited those school
 18 sites, have you reviewed the actual construction to see
 19 whether the construction complied with the provisions of
 20 little "g"?
 21 A. No, I have not.
 22 Q. Okay. Are you aware of anybody else, any other
 23 state agency, that reviews plans or construction, the
 24 actual construction itself for compliance with little
 25 "g" of SAD-220?

1 construction, do you know if you also reviewed the plans
 2 of that school?
 3 A. Portions of the plans, yes.
 4 Q. When you reviewed those plans, did you look at
 5 the plans to see whether they were in compliance with
 6 little "e" of SAD-220?
 7 A. No.
 8 Q. Let me shift your attention down on the same
 9 page of SAD-220 to little "g" where it says classrooms.
 10 Do you see that?
 11 A. Yes.
 12 Q. Let me ask you just to -- I know you
 13 familiarized yourself generally with this document. I'd
 14 like you to look at those provisions beneath classrooms.
 15 There's 1 and then 1, large A, and B, 2, 3 and 4. If
 16 you could take a look at that, and when you've had a
 17 chance to familiarize yourself with those provisions, if
 18 you could let me know.
 19 A. Okay. I've read that over.
 20 Q. Okay. Mr. Bellet, when -- in your time at the
 21 Division of the State Architect, have you reviewed plans
 22 for new school construction?
 23 A. Yes.
 24 Q. Okay. When you've reviewed those plans, have
 25 you reviewed them at any time -- and I don't necessarily

1 MR. SEFERIAN: Objection. Compound question.
 2 Vague and ambiguous. Lacks foundation. Calls for
 3 speculation.
 4 THE WITNESS: I'm not sure. California
 5 Department of Education may be doing that.
 6 Q. BY MR. ELIASBERG: And what's your basis --
 7 what's the basis for your answer that they may be doing
 8 that?
 9 MR. SEFERIAN: Objection. Asked and answered.
 10 THE WITNESS: Same answer as previous.
 11 Q. BY MR. ELIASBERG: Let me just shift your
 12 attention down a little bit. I just want to make sure
 13 in answering those questions -- do you see a provision
 14 about two-thirds of the way down the page, and by that
 15 page, I mean the page that begins with proposed
 16 classrooms of less than 960 square feet have written
 17 justification? Do you see that page I'm referring to?
 18 A. Yes.
 19 Q. About two-thirds of the way down that page
 20 there's a No. 2 and by it it says kindergarten
 21 classrooms. Do you see that?
 22 A. Yes.
 23 Q. And beneath that there's a large capital "A"
 24 that says kindergarten classroom size for permanent
 25 structures is not less than 1350 square feet. Do you

1 see that?

2 A. Yes, I see that section.

3 Q. I'm not sure what I asked you to review. Did
4 you review all the way down through this provision, or
5 had you not yet looked at this provision?

6 A. I had not previously looked at this provision.

7 Q. Let me just ask you to review just 2 and 2
8 Roman A and let me know when you've done that.

9 A. I'm done.

10 (Mr. Hamilton left the room.)

11 Q. BY MR. ELIASBERG: At any time when you've
12 reviewed plans for new school construction while you've
13 been at the Division of the State Architect, have you
14 reviewed those plans for compliance with those
15 provisions, kindergarten classrooms and then capital
16 "A"?

17 A. No.

18 Q. And have you ever -- when you've gone to visit
19 a school site of new school construction, have you ever
20 reviewed the construction site to see if it's in
21 compliance with those provisions?

22 A. No.

23 Q. Are you aware of whether anybody in the
24 Division of the State Architect reviews plans for new
25 school construction for compliance with this provision?

1 THE WITNESS: Could you repeat the question
2 again.

3 Q. BY MR. ELIASBERG: I'm trying to understand
4 whether you've been aware of whether there have been
5 officials of the California Department of Education at
6 the sites of new school construction at times when
7 you've visited those sites in your role as an employee
8 of the Division of the State Architect?

9 MR. SEFERIAN: Objection. No foundation.
10 Calls for speculation. Overly broad.

11 THE WITNESS: There may have been times, but
12 I'm not sure.

13 Q. BY MR. ELIASBERG: Do you have any
14 understanding as to whether employees at the California
15 Department of Education visit sites of new school
16 construction in order to determine whether they are in
17 compliance with any California laws or regulations?

18 MR. SEFERIAN: Objection. Overly broad. Lacks
19 foundation. Calls for speculation.

20 THE WITNESS: I'm not sure.

21 Q. BY MR. ELIASBERG: It's a couple of pages down.
22 It's probably easier just to refer to the little
23 alphabet numbers. This is alphabet number little "i".
24 A couple pages back and next to little "i" on SAD-220 it
25 says, laboratories shall be designed in accordance with

1 MR. SEFERIAN: Objection. Calls for
2 speculation.

3 THE WITNESS: I'm not sure.

4 Q. BY MR. ELIASBERG: And are you aware of whether
5 anybody at the Division of the State Architect reviews
6 plans -- not plans, but the actual construction site for
7 compliance with that provision?

8 MR. SEFERIAN: Objection. Calls for
9 speculation.

10 THE WITNESS: I'm not sure.

11 Q. BY MR. ELIASBERG: Are you aware of anybody
12 else in the state, the government, any other state
13 agency that might review plans for construction sites
14 for compliance with those provisions?

15 MR. SEFERIAN: Objection. Compound question.
16 Calls for speculation.

17 THE WITNESS: The Department of Education might
18 be doing that. I'm not sure if they do or don't.

19 Q. BY MR. ELIASBERG: In the times that you
20 visited school sites to review them as part of your job
21 as an engineer of the Division of the State Architect,
22 have you -- have there been officials of the Department
23 of Education there at the same time?

24 MR. SEFERIAN: Objection. No foundation.
25 Calls for speculation. Overly broad.

1 the plan curriculum.

2 Do you see that?

3 A. Yes.

4 Q. Could you review the subsections beneath that,
5 specifically 1, capital "A." There's only one provision
6 so -- no, I'm sorry, and then -- shoot. I have a
7 feeling I have a missed page here. I may have to print
8 out the complete version of this section. Let's skip
9 further down because I want to make sure that I have a
10 complete version to show you.

11 Let me shift you down to what should be the
12 second to last page in this document. It would be
13 little "m." It says acoustical. Do you see that
14 provision?

15 A. Yes.

16 Q. And do you see underneath there there is some
17 text that begins, hearing conditions shall complement
18 the educational function, and beneath that there are
19 subsections numbered 1, 2 and 3? Do you see those?

20 A. Yes.

21 Q. If you would review those and then let me know
22 when you've had a chance to do that, please, Mr. Bellet.

23 A. Okay. I'm finished reading that.

24 Q. Okay. At any time when you've been working at
25 the DSA have you reviewed plans for new school

1 construction to see whether they complied with provision
2 "M" and the subsections beneath it?

3 A. I have not.

4 Q. Do you know if anybody else in the Division of
5 the State Architect reviews or has reviewed school plan
6 provisions -- I'm sorry, school plans to see if they
7 comply with this provision?

8 MR. SEFERIAN: Objection. Compound question.
9 Asked and answered. Lacks foundation. Calls for
10 speculation.

11 THE WITNESS: I'm not sure.

12 Q. BY MR. ELIASBERG: Okay. And in the times when
13 you visited school sites, have you ever in those visits
14 attempted to determine whether the building that is
15 actually being constructed complies with these
16 provisions?

17 A. No.

18 Q. Okay. And do you know if anybody else in the
19 Division of the State Architect does that?

20 MR. SEFERIAN: Objection. Calls for
21 speculation. Lacks foundation.

22 THE WITNESS: I'm not sure.

23 Q. BY MR. ELIASBERG: Okay. Do you know if
24 anybody outside of the Division of the State Architect
25 but in any other state agency reviews plans for

1 Q. Have you ever -- forgetting that provision,
2 subsection 5 itself, but in reviewing plans have you
3 ever reviewed them to ensure that the school has any
4 particular lighting design or capabilities?

5 MR. SALVATY: Objection. Vague.

6 THE WITNESS: Yeah, I don't understand that
7 question.

8 Q. BY MR. ELIASBERG: Well, what I understood your
9 previous answer to be, and if I'm wrong, please let me
10 know, you said the term lighting design was vague; is
11 that correct?

12 A. Yes.

13 Q. And I believe that you suggested that perhaps
14 you might have done some review along these lines except
15 you couldn't be sure because the term was vague?

16 A. That's correct.

17 Q. Okay. I guess what I'm trying to understand is
18 whether you have ever reviewed plans to make sure that
19 they are in compliance with any California codes that
20 have to do with lighting, plans for new school
21 construction?

22 A. Well, the term "lighting" is vague. I may
23 have. It depends on how you define lighting.

24 Q. Have you ever reviewed plans to ensure that
25 there is a sufficient amount of light, that the light

1 compliance to see whether they -- plans for new school
2 construction to see if they comply with these
3 provisions?

4 MR. SEFERIAN: Objection. Lacks foundation.
5 Calls for speculation.

6 THE WITNESS: I'm not sure. The California
7 Department of Education may be looking into that, may
8 look that over.

9 (Mr. Hamilton entered the room.)

10 Q. BY MR. ELIASBERG: Let me shift you back one
11 page to, I guess it's little "l," lighting. If you
12 would review the provisions beneath that that include 1,
13 2, 3, 4 and 5. And this is, again, on document SAD-220.

14 A. Okay. I'm finished reading that.

15 Q. Prior to looking at these provisions right now,
16 were you previously familiar with these provisions?

17 A. No.

18 Q. And in reviewing -- at any time during your
19 tenure at the Division of State Architect reviewing
20 these -- did you ever review plans for compliance with
21 these provisions? By those I mean L, lighting, and the
22 subsections beneath it.

23 A. Item 5, light design is a bit vague, so I'm
24 unsure whether I reviewed for that particular one or not
25 since it's a vague, vaguely written there.

1 fixtures are sufficient to provide a sufficient amount
2 of light in school classrooms or school buildings?

3 A. No.

4 Q. Have you ever reviewed the school plans to
5 determine whether, in your opinion, the lighting is
6 appropriate for an educational atmosphere?

7 MR. SALVATY: Objection. Vague.

8 THE WITNESS: The word "lighting" is too vague
9 for me.

10 Q. BY MR. ELIASBERG: Have you ever reviewed plans
11 to attempt to determine whether you think there would be
12 excessive glare in a classroom or a school?

13 A. No.

14 Q. And in your -- and I want to ask basically the
15 same questions with respect to your site visits.

16 Have you ever in your site visits attempted to
17 look at a new school construction to see if it complies
18 with any of the provisions of little "l," lighting?

19 A. Again, No. 5, because of the vagueness of light
20 design, may have looked at that. It matters how you
21 define lighting design.

22 Q. I just want to see if I can understand what the
23 lack of clarity is. Do you do any review with respect
24 to light fixtures in a school?

25 A. Yes.

1 Q. Okay. And what does that review consist of?
 2 A. Checking to make sure that it's properly
 3 anchored and braced so it wouldn't fall under gravity
 4 loads or seismic loads.
 5 Q. Are there particular code provisions that
 6 govern that issue of proper bracing of lighting
 7 fixtures?
 8 A. Yes.
 9 Q. And what are those code provisions?
 10 MR. SEFERIAN: Objection. Calls for an
 11 inadmissible legal opinion.
 12 THE WITNESS: There's a fair amount. I would
 13 have to look them up and read them for you. It's fairly
 14 extensive.
 15 Q. BY MR. ELIASBERG: Are those code provisions in
 16 Title 24?
 17 A. Yes.
 18 Q. Are there other titles or statutes where those
 19 code provisions that govern the anchoring of lighting
 20 are contained?
 21 A. I'm not sure.
 22 Q. Let me just shift your attention now to little
 23 "n." I'm sorry, I just want to make sure that I've
 24 covered it.
 25 On little "l" again, are you aware of

1 anybody -- that's the lighting provisions -- are you
 2 aware of anybody in the Division of the State Architect
 3 who reviews plans for new school construction for
 4 compliance with little "l" and the provisions
 5 thereunder?
 6 MR. SEFERIAN: Objection. Calls for
 7 speculation.
 8 THE WITNESS: I'm not sure.
 9 Q. BY MR. ELIASBERG: Are you aware of anybody in
 10 the Division of the State Architect who actually reviews
 11 the construction sites themselves and the construction
 12 going on to ensure that they comply with the provisions
 13 of little "l"?
 14 MR. SEFERIAN: Objection. Calls for
 15 speculation.
 16 THE WITNESS: That particular section, this
 17 applies to that previous question you just asked. In
 18 regards to item 5, we still have the vagueness there.
 19 Q. BY MR. ELIASBERG: Okay. Other than item 5,
 20 are you aware of anyone at the Division of the State
 21 Architect who would review school construction for
 22 compliance with any of the provisions under little "l"
 23 except item 5?
 24 MR. SEFERIAN: Objection. Calls for
 25 speculation.

1 THE WITNESS: I'm not sure.
 2 Q. BY MR. ELIASBERG: Let me shift your attention
 3 to little "n." It says plumbing. If you could just
 4 review that and the provisions thereunder. I guess
 5 there are only a couple of number provisions.
 6 Familiarize yourself with those.
 7 A. I've read that.
 8 Q. Prior to this deposition here today, were you
 9 familiar with those provisions? And by "those" I mean
 10 "N," little "n" in SAD-220.
 11 MR. SALVATY: Objection. Vague.
 12 THE WITNESS: I've read some information on
 13 that. I wouldn't call myself familiar with it, but I've
 14 read some information on that previous to today.
 15 Q. BY MR. ELIASBERG: Do you remember what
 16 information it was that you've read?
 17 A. Read some portions of Title 24, restroom
 18 stalls, yes, and I read in '91, California Building
 19 Code, I think the '94 California Building Code and maybe
 20 the '97 or '98 California Building Code. I've read that
 21 information, I believe. That's my best recollection
 22 that I've read that.
 23 Q. Okay. And in referring to the '91 California
 24 Building Code, were those provisions of the California
 25 Building Code that had to do with plumbing?

1 A. Yes.
 2 Q. And is that the same for the '94 California
 3 Building Code?
 4 A. Yes.
 5 Q. And for the '97 building code the same?
 6 A. Yes.
 7 Q. Okay. At any time since you've been at the
 8 Division of the State Architect when you've reviewed
 9 plans for new school construction, have you reviewed
 10 them to attempt to determine whether those plans
 11 complied with the provisions of little "n" and then the
 12 material referred to thereunder?
 13 A. No.
 14 Q. Okay. When you've -- do you know of anybody at
 15 the Division of the State Architect who reviews plans
 16 for compliance with little "n" and the provisions
 17 thereunder?
 18 MR. SEFERIAN: Objection. Calls for
 19 speculation.
 20 THE WITNESS: I'm not sure.
 21 Q. BY MR. ELIASBERG: When you visited school
 22 sites themselves, and, again, I'm referring to sites of
 23 new construction, have you attempted to determine
 24 whether those -- the buildings that are being
 25 constructed comply with the provisions of little "n"?

1 A. No.
 2 Q. And are you aware of anyone at the Division of
 3 the State Architect who, when he or she visits sites of
 4 new school construction, sees whether they're in
 5 compliance with little "n"?
 6 MR. SEFERIAN: Objection. Calls for
 7 speculation.
 8 THE WITNESS: I'm not sure.
 9 Q. BY MR. ELIASBERG: Do you know of anybody
 10 outside of the Division of the State Architect within
 11 any state agency who reviews plans for compliance with
 12 those provisions?
 13 MR. SEFERIAN: Objection. Lacks foundation.
 14 Calls for speculation.
 15 THE WITNESS: I'm not sure, but the California
 16 Department of Education might be doing that.
 17 Q. BY MR. ELIASBERG: Mr. Bellet, is there a state
 18 architect?
 19 A. Yes.
 20 Q. And is that person the head of the Division of
 21 the State Architect?
 22 A. Yes.
 23 Q. And who is that?
 24 A. Steve Castellanos, C-a-s-t-e-l-l-a-n-o-s.
 25 Could be wrong in that spelling. Could look it up.

1 Q. That's okay. That's probably close enough.
 2 How long has Mr. Castellanos been head of the
 3 division?
 4 A. I believe it's since March of 2000.
 5 Q. And who was the state architect prior to
 6 Mr. Castellanos?
 7 A. Fred Hummel.
 8 MR. SEFERIAN: How do you spell that?
 9 THE WITNESS: H-u-m-m-e-l.
 10 Q. BY MR. ELIASBERG: 14030 has some provisions in
 11 there that you've seen that refer to classroom size;
 12 isn't that correct?
 13 A. Yes.
 14 Q. In the time that you've been at the Division of
 15 the State Architect, have you ever heard any discussion
 16 in the Division of the State Architect along the
 17 following lines sum or substance, gee, maybe we should
 18 be involved in looking at plans or looking at the sites
 19 of new construction to see whether classrooms are
 20 sufficiently large or meet a certain size standard?
 21 MR. SEFERIAN: Objection. Overly broad. Vague
 22 and ambiguous.
 23 THE WITNESS: I'm not sure if we've had that
 24 discussion or not.
 25 Q. BY MR. ELIASBERG: Do you think you might have

1 had that discussion?
 2 MR. SEFERIAN: Objection. Calls for
 3 speculation. Asked and answered.
 4 THE WITNESS: I'm not sure.
 5 Q. BY MR. ELIASBERG: Have you ever heard any
 6 discussion in the time you've been at the Division of
 7 the State Architect talking about whether the Division
 8 of the State Architect should be involved in reviewing
 9 not plans or new school construction, but existing
 10 buildings to determine whether those buildings have
 11 classrooms that are a specific size standard?
 12 MR. SEFERIAN: Objection. Lacks foundation.
 13 Overly broad. Calls for speculation. Vague and
 14 ambiguous.
 15 THE WITNESS: I'm not sure.
 16 Q. BY MR. ELIASBERG: I understand that the
 17 Division -- employees of the Division of the State
 18 Architect are involved in reviewing plans for new school
 19 construction for compliance with certain codes; isn't
 20 that correct?
 21 A. Yes.
 22 Q. And they are also involved in actually visiting
 23 school sites of new school construction to ensure
 24 compliance with certain code sections; is that correct?
 25 A. Yes.

1 Q. Do employees -- let me focus on you first. In
 2 your tenure at the Division of the State Architect, have
 3 you visited school buildings after they have already
 4 been constructed to see whether they remain in
 5 compliance or continue to be in compliance with any code
 6 provisions or code sections?
 7 MR. SEFERIAN: Objection. Overly broad.
 8 Incomplete hypothetical question. Vague and ambiguous
 9 as to "constructed." Vague and ambiguous.
 10 THE WITNESS: I'm not sure if I've done that or
 11 not.
 12 Q. BY MR. ELIASBERG: Do you know whether other
 13 people in the Division of the State Architect go to
 14 schools that are, let's say two, three, four, five, up
 15 to fifty years old in order to review whether those
 16 buildings continue to be in compliance with state codes,
 17 any state code sections or state regulations?
 18 MR. JORDAN: Calls for a legal opinion.
 19 MR. SEFERIAN: Objection. Assumes facts not in
 20 evidence. Lacks foundation. Calls for speculation.
 21 MR. SALVATY: Vague and ambiguous.
 22 THE WITNESS: Again, I'm not sure.
 23 Q. BY MR. ELIASBERG: Let me introduce -- yeah, we
 24 can get started on this. We've been going about 50
 25 minutes. How are you doing? We can take a break now,

1 we can go for another 10, 15 minutes.
 2 A. Ten, fifteen minutes, no problem.
 3 MR. ELIASBERG: Let me give the court reporter
 4 a document that we will mark -- she will mark as
 5 SAD-221. It is a nine-page document with a pleadings
 6 cover sheet for Williams versus the State of California,
 7 and the title of the document down at the bottom in bold
 8 is declaration of Dennis Bellet in support of defendant
 9 State of California's opposition to plaintiff's motion
 10 for class certification, and I will give copies to the
 11 witness and counsel.

12 (Exhibit SAD-221 was marked.)

13 MR. ELIASBERG: Let's take a very short break.
 14 For whatever reason on this one I'm one copy short.

15 MR. JORDAN: I may have an extra.

16 MR. ELIASBERG: Could you check. Then I won't
 17 need to break.

18 (Discussion held off the record.)

19 Q. BY MR. ELIASBERG: Take as much time as you'd
 20 like to review this document, familiarize yourself with
 21 it. And when you're done, just let me know.

22 MR. JORDAN: What number is this?

23 MR. ELIASBERG: SAD-221.

24 THE WITNESS: Okay. I've briefly reviewed that
 25 document.

1 Q. BY MR. ELIASBERG: When you say you looked up
 2 the -- I think you said the --

3 MR. ELIASBERG: Could you read his answer back
 4 for me, please.

5 (Record read.)

6 Q. BY MR. ELIASBERG: When you say looked up this
 7 information in the codes, what is this information that
 8 you're referring to?

9 A. There's references within it -- for example, on
 10 page 6, I believe -- no, here, better example, page 3.

11 Q. Okay.

12 A. Looked up that information from -- in the
 13 codes.

14 Q. Is that the information that's bullet pointed?

15 A. Yes.

16 Q. Okay. Do you remember what codes you found
 17 that information in?

18 A. Yes, the Title 24, the '91 California Building
 19 Code and 1994 California Building Code.

20 Q. I believe you also said you gathered
 21 information from your staff; is that correct?

22 A. Yes, they assisted me in looking this
 23 information up.

24 Q. Who assisted you?

25 A. I believe it was Howard Smith.

1 Q. BY MR. ELIASBERG: Okay. By that document
 2 you're referring to SAD-221?

3 A. Correct.

4 Q. Okay. Have you seen this document before?

5 A. Yes.

6 Q. Okay. Can you turn to page 9, please.

7 A. Yes.

8 Q. And at the bottom there do you see a signature?

9 A. Yes.

10 Q. Is that your signature?

11 A. Yes.

12 Q. Okay. Did you write this document?

13 A. I participated in the writing of the document.

14 Q. How did you participate in the writing of it?

15 MR. SEFERIAN: I'm going to object that it's
 16 calling for information protected by the attorney/client
 17 privilege and the work product privilege.

18 MR. SALVATY: Mr. Bellet, we want to caution
 19 you to the extent you can respond without disclosing
 20 confidential attorney/client communications, go ahead
 21 and answer his questions, but be careful not to reveal
 22 any of those.

23 THE WITNESS: Okay. I looked up this
 24 information in the codes and I gathered information from
 25 my staff to write this.

1 Q. Who is Howard Smith?

2 A. He's one of the people that works for me.

3 Q. What's his title?

4 A. District structural engineer.

5 Q. And I'm sorry if you've answered this question
 6 in your previous answer. How did Mr. Smith assist you
 7 in the preparation of this document?

8 A. He found the codes, we turned to the right
 9 page, we looked at it together.

10 Q. Did he provide any other assistance to you?

11 A. That was pretty much it from my recollection.

12 Q. Did Mr. Smith draft any portion of this
 13 declaration?

14 A. I'm not sure. I'm not sure if he did or
 15 didn't. Don't have a strong recollection.

16 Q. Did you draft any portion of this declaration?

17 A. Yes.

18 Q. Did anybody else draft any portions of this
 19 declaration?

20 A. I'm trying to recall. Yes, I think so.

21 Q. And who was that?

22 A. Well, maybe -- I don't know. Could fall into
 23 that area of attorney/client privilege. It might.

24 There's other -- well, Terry Fong in my office may have
 25 assisted too.

1 Q. Is that a Mr. Fong or a Ms. Fong?
 2 A. Mr.
 3 Q. Okay. And what is Mr. Fong's position?
 4 A. District structural engineer.
 5 Q. Anybody else who partic -- did anybody else
 6 draft portions of this declaration besides the people
 7 that you've already mentioned?
 8 A. Not that I recall. No, I don't recall anyone.
 9 Q. Did you review the complete declaration before
 10 signing it?
 11 A. Yes.
 12 Q. And were you aware that you were signing it
 13 under penalty of perjury?
 14 A. Yes.
 15 Q. Let me shift you to page 7, if you would. I'm
 16 going to refer you to lines 2 through 6, but if you -- I
 17 want to be sure -- I understand I'm taking portions of
 18 this, so please read those, but if you need to go back
 19 and read the sentences that lead up to that, that's
 20 totally fine. Take your time and do that.
 21 A. Okay. Finished.
 22 Q. The particular text I'm referring to reads, the
 23 vast majority of schools throughout the state do not
 24 comply with the October 1993 version of Section 14030
 25 because the vast majority of schools were planned,

1 designed and constructed before that regulation became
 2 effective.
 3 In that text that I've just read between lines
 4 2 and 6, can you tell me all the bases for your
 5 conclusion that the vast majority of schools throughout
 6 the state do not comply with the October 1993 version of
 7 Section 14030?
 8 MR. JORDAN: Calls for a legal conclusion.
 9 Assumes facts not in evidence.
 10 MR. SEFERIAN: Also object it calls for
 11 privileged communications between the witness and his
 12 attorneys.
 13 THE WITNESS: I think if you look at page 4,
 14 lines -- it's hard to line these up, but it looks like
 15 the one between 14 and 15.
 16 MR. ELIASBERG: Paul's got to pay for the fact
 17 that they're not perfectly lined up.
 18 THE WITNESS: Anyhow, that first sentence, that
 19 particular item regarding the vast -- use of the word
 20 vast majority is, you know, speculation that you see
 21 right there.
 22 Q. BY MR. ELIASBERG: I'm sorry, I'm not sure I
 23 understood you. The sentence that begins on page 4 next
 24 to paragraph 8?
 25 A. Right, the first sentence.

1 Q. That sentence is speculation, is that what
 2 you're saying?
 3 MR. SEFERIAN: Objection. Misstates the
 4 witness' testimony.
 5 THE WITNESS: Well, that's not correct. If she
 6 could read it back.
 7 (Record read.)
 8 THE WITNESS: Does that answer your question?
 9 Q. BY MR. ELIASBERG: Could you tell me what you
 10 mean by "speculation"?
 11 A. That I'm guessing, speculating that the
 12 designers voluntarily decided to go beyond what's in the
 13 Code at the time of their design.
 14 Q. And you're speculating that designers do do
 15 that?
 16 A. I'm speculating that they don't do that.
 17 Q. Okay. The question that I asked a couple of
 18 times ago, I want to make sure that your answers have
 19 been responsive to that. Please give me the bases for
 20 your conclusion that you wrote between the lines -- that
 21 are written between lines 2 and 6 on page 7, the vast
 22 majority of schools throughout the state do not comply
 23 with the October 1993 version of Section 14030, and then
 24 the sentence continues. I want to get all of the bases
 25 for your conclusions set forth in that sentence there.

1 MR. SEFERIAN: Objection. Asked and answered.
 2 THE WITNESS: There might be one other reason
 3 why I made that speculation, and that is that the Code
 4 changed at that time and so I was looking at the
 5 previous code. And since there was a change in the
 6 requirements of the Code, then I'm beginning to -- I
 7 speculated that -- again, what I had stated previously
 8 regarding my speculation, architect going beyond the
 9 requirements of the codes at the time of project
 10 submittal.
 11 Q. BY MR. ELIASBERG: Prior to October -- are you
 12 aware as to whether prior to October 1993 there was any
 13 requirement in the state code or the state code of
 14 regulations as to the class size, required class size
 15 for public schools?
 16 A. Could you repeat.
 17 MR. SEFERIAN: Objection. No foundation.
 18 Calls for an inadmissible legal opinion. Calls for
 19 speculation. Compound question.
 20 Q. BY MR. ELIASBERG: Do you know whether prior to
 21 October 1993 there was any state code, statute or
 22 regulation that related to minimum size of classrooms
 23 for public -- K through 12 public schools?
 24 MR. SEFERIAN: Objection. Calls for an
 25 inadmissible legal opinion. Compound question. Lacks

1 foundation. Calls for speculation. Overly broad.
 2 THE WITNESS: I'm not sure, to tell you the
 3 truth. I'd have to look through this. If at some point
 4 I looked that up, you know, in our -- my coworkers'
 5 effort to find these code sections, if we looked that up
 6 and saw that, then it would be in here. But beyond
 7 that, I don't have a recollection.
 8 Q. BY MR. ELIASBERG: Okay. Fair enough. Can you
 9 go back through and see whether anywhere in this
 10 declaration you refer to a previous requirement in the
 11 Code or statutes as to classroom size?
 12 A. Well, I know there's portions in here that
 13 discuss classroom size.
 14 Q. But I'm talking about -- just so I'm clear, I
 15 want to see whether there's any reference in here to a
 16 state code section, and by that I mean statute or
 17 regulation, as to minimum classroom size prior to
 18 October 1993?
 19 MR. SEFERIAN: I'll object. I think the
 20 document speaks for itself. I don't see the need for
 21 him to go through and read a nine-page document to find
 22 that out. I think the information in the document
 23 speaks for itself.
 24 THE WITNESS: Right. I'd rather not do that.
 25 It's going to take time. As my counsel states, the

1 document speaks for itself.
 2 MR. ELIASBERG: I appreciate that, but we have
 3 the time, so if you'd please do that.
 4 THE WITNESS: Okay. Oh, boy. Let's see.
 5 MR. JORDAN: While he's looking, are we
 6 planning on going to lunch at some time?
 7 MR. ELIASBERG: Let's go off the record for a
 8 minute.
 9 (Discussion held off the record.)
 10 Q. BY MR. ELIASBERG: When you've had a chance to
 11 go through the document, if you need the reporter to
 12 reread the last question?
 13 A. Yes, I've gone through the document. And if
 14 you could reread that last question.
 15 (Record read.)
 16 THE WITNESS: My declaration states, prior to
 17 October 1993, Section 14030 did not provide any
 18 standards concerning the minimum square footage that
 19 must be provided in California's classrooms.
 20 Q. BY MR. ELIASBERG: What page and lines?
 21 A. I'm looking at page 6, lines 4, 5 and 6. And I
 22 stand by that declaration, that statement in the
 23 declaration. No change.
 24 Q. Do you know what the basis for that statement
 25 was?

1 A. I'm not sure, but my recollection is that I had
 2 documents that indicated that that I looked at.
 3 Q. Do you have any idea what documents you're
 4 referring to?
 5 A. I'm not sure. You know, it's Title 5,
 6 section -- well, I can't recall the exact documents.
 7 Q. Do you remember if you reviewed a previous
 8 version of Title 5, Section 14030?
 9 A. I'm not absolutely sure.
 10 Q. In your opinion if there is not a code
 11 minimum -- I'm sorry, is it your opinion that as a
 12 general matter architects and contractors in school
 13 districts will only build schools so that they satisfy
 14 code minimums?
 15 MR. JORDAN: Calls for speculation.
 16 MR. SEFERIAN: Objection. No foundation.
 17 Calls for speculation. Incomplete hypothetical
 18 question. Calls for an inadmissible opinion. Overly
 19 broad.
 20 THE WITNESS: It would be speculation to answer
 21 that question.
 22 Q. BY MR. ELIASBERG: Let me refer you to page 4
 23 again, paragraph 8, which reads, as a practical matter
 24 most schools are designed and constructed to meet
 25 minimum requirements of the specific code provisions

1 that are in effect at the time of the plans.
 2 Do you see that?
 3 A. Yes.
 4 Q. What's the basis for that conclusion?
 5 A. Experience as to what's turned in to the
 6 office.
 7 Q. When you say "experience as to what's turned
 8 in," what do you mean by that?
 9 A. In the past when I've reviewed structural
 10 designs, the structural engineers don't go beyond the
 11 Code requirements as a matter of habit. They tend to
 12 stay close to the -- they exceed the Code requirements,
 13 but not by a large amount. In some cases -- it varies.
 14 In some cases it's a large amount because it's the
 15 nature of the design, other cases it's a little bit, but
 16 they always meet the Code requirements.
 17 Q. But as a practice, generally it's your
 18 opinion -- I understand you said it's not always the
 19 case, but generally architects and contractors build
 20 relatively close to the Code minimum, correct?
 21 MR. SEFERIAN: Objection. No foundation.
 22 Calls for an inadmissible opinion. Compound question.
 23 Lacks foundation. Calls for speculation. Overly broad.
 24 MR. JORDAN: Just for the record, we're
 25 following the protocol where we don't have to repeat or

1 join in the objections?

2 MR. ELIASBERG: Yeah, we dealt with that
3 before, Judd.

4 THE WITNESS: It would be speculation for me
5 to -- that's what that is, it is speculation that that's
6 what's happening, and that's just based on my
7 experience, and it does vary.

8 Q. BY MR. ELIASBERG: Based on your experience, in
9 a particular area, how do architects and contractors
10 decide to build something when there's no code minimum
11 whatsoever?

12 MR. SEFERIAN: Objection. Assumes facts not in
13 evidence. Overly broad. Incomplete hypothetical
14 question. Lacks foundation.

15 THE WITNESS: Exactly. That would be
16 speculation.

17 Q. BY MR. ELIASBERG: Let me be more specific. In
18 the case -- as you previously testified that there -- or
19 stated in this declaration that there was no classroom
20 minimum whatsoever prior to October 1993 for classroom
21 size?

22 A. That's correct.

23 MR. SALVATY: Objection. Misstates testimony.

24 THE WITNESS: Yeah. Okay. If we go back to
25 page 6, lines 4 through 6, if that's your question,

1 schools built prior to October 1993 to determine what
2 the square footage of the classrooms was in preparing
3 this -- I'm talking now in preparation for this
4 declaration, did you review the plans for any schools
5 built prior to October 1993 to determine what the size
6 of classrooms -- the square footage of classrooms was?

7 MR. SALVATY: Objection. Vague and ambiguous.

8 THE WITNESS: No.

9 Q. BY MR. ELIASBERG: Did you visit any schools in
10 preparation for this declaration and measure the size of
11 classrooms to determine what the square footage of the
12 classrooms was?

13 A. Could you repeat the question.

14 Q. I'm asking you, in preparing this declaration,
15 did you visit any K through 12 public schools in the
16 state of California and measure the classrooms, any
17 classrooms in an attempt to determine what the square
18 footage of those classrooms was?

19 A. No.

20 Q. Did you direct any members of your staff,
21 anybody in the Division of the State Architect to review
22 plans -- let me preface all of the next set of
23 questions. I'm talking about in your preparation for --
24 preparing this declaration.

25 Did you direct anybody on your staff or anybody

1 then -- maybe it would be best if you restated the
2 question so I could understand it more clearly.

3 Q. BY MR. ELIASBERG: I wanted to see whether you
4 had stated in your declaration that prior to October
5 1993, there was no code or regulation that set classroom
6 minimum sizes?

7 MR. SEFERIAN: Objection. That's not what the
8 declaration says. I'll object it misstates the witness'
9 testimony and it mischaracterizes the declaration.

10 THE WITNESS: I think you would need to read
11 the declaration itself for me to answer that question.

12 Q. BY MR. ELIASBERG: Does your declaration state,
13 prior to October 1993, Section 14030 did not provide any
14 standards concerning the minimum square footage that
15 must be provided in California's classrooms?

16 A. Yes.

17 Q. Do you have an opinion as to how school
18 districts would decide what size their classrooms should
19 be if there's no minimum whatsoever?

20 MR. SEFERIAN: Objection. Assumes facts not in
21 evidence. Incomplete hypothetical question. Lacks
22 foundation. Calls for speculation. Calls for an
23 inadmissible opinion.

24 THE WITNESS: I have no opinion.

25 Q. BY MR. ELIASBERG: Did you review any plans of

1 at the Division of the State Architect to review plans
2 of schools built prior to October 1993 to determine the
3 size of any of the classrooms, the square footage of any
4 of the classrooms in those schools?

5 A. No.

6 Q. Did you direct any members of your staff or
7 anybody in the Division of the State Architect to visit
8 any school sites to measure classrooms to determine what
9 the size -- the minimum square footage of the classrooms
10 were?

11 A. No.

12 Q. Did you have available to you -- in preparing
13 this, did you look at any summaries or statistics that
14 set forth the average class sizes in the schools in the
15 state of California?

16 A. No.

17 Q. Did you call any school districts to ask them
18 what the size of the classrooms in their schools was?

19 A. No.

20 MR. ELIASBERG: This is a good time to take a
21 break.

22 (Lunch recess taken.)

23 Q. BY MR. ELIASBERG: How are you doing,
24 Mr. Bellet? Did you get a chance to get some lunch?

25 A. Yes.

1 MR. ELIASBERG: Whether off the record or on,
2 my thought is that I probably will finish. I don't know
3 that it will be in time for you to get to your meeting,
4 but I will be able to finish today. I'll probably
5 finish in time for Judd to get his questions in before
6 5:00. And if it looks like that's any different at the
7 next break, I'll let you know.

8 MR. SALVATY: Appreciate it. Thanks.

9 Q. BY MR. ELIASBERG: Mr. Bellet, we had
10 previously been looking at SAD-221, which was a copy of
11 your declaration. I want to ask you a few more
12 questions about that, or at least matters that relate to
13 the declaration.

14 Is it your understanding that sometime near the
15 end of October 1993 there was a revision to Title 5,
16 Section 14030 of the California Code of Regulations? If
17 it helps, you might want to look at paragraph 11 on page
18 6.

19 MR. SALVATY: Objection. Vague.

20 THE WITNESS: Can you repeat the question for
21 me?

22 Q. BY MR. ELIASBERG: Sure. Is it your
23 understanding that sometime near the end of October 1993
24 there was a revision to Title 5, Section 14030 of the
25 California Code of Regulations?

1 MR. SALVATY: Objection. Vague and ambiguous.

2 THE WITNESS: Yes, I think there was a change
3 at that time.

4 Q. BY MR. ELIASBERG: Okay. Did you play any role
5 in drafting or any role whatsoever in preparing the
6 revisions to that --

7 A. No.

8 MR. SEFERIAN: Please let him finish the
9 question.

10 THE WITNESS: Sorry.

11 Q. BY MR. ELIASBERG: Do you know who did prepare
12 those revisions?

13 MR. SEFERIAN: Objection. Calls for
14 speculation.

15 THE WITNESS: No, I don't.

16 Q. BY MR. ELIASBERG: Okay. Is it your
17 understanding that the newer version or the version that
18 came out around October 1993 did contain a standard
19 of -- a minimum of approximately 960 square feet for
20 classrooms?

21 MR. SEFERIAN: Objection. Calls for an
22 inadmissible legal opinion. The regulation speaks for
23 itself.

24 THE WITNESS: Section -- on page 6, line 14,
25 that, I think, answers your questions, 14, 15, 16.

1 Q. BY MR. ELIASBERG: Do you have any
2 understanding as to how that 960-square-foot figure was
3 arrived at?

4 A. No.

5 Q. Have you personally ever visited any schools
6 that -- where the classrooms, any of the classrooms in
7 there did not satisfy -- were not -- were less than 960
8 square feet?

9 MR. SEFERIAN: Objection. No foundation.
10 Calls for speculation. Overly broad.

11 THE WITNESS: I don't know if I did or didn't.

12 Q. BY MR. ELIASBERG: Okay. And have you ever
13 reviewed plans for schools where the classrooms were
14 less than -- any of the classrooms were less than 960
15 square feet?

16 MR. SEFERIAN: Objection. Assumes facts not in
17 evidence. Calls for speculation.

18 THE WITNESS: I can't recall.

19 MR. ELIASBERG: Let me give to the court
20 reporter --

21 THE WITNESS: Wait a second. I do recall that
22 I have -- well, buildings. I don't know what their use
23 was, but buildings that were smaller than 960 square
24 feet.

25 MR. ELIASBERG: Let me make sure we're clear.

1 My question focuses specifically on classrooms.

2 THE WITNESS: Okay. I'm not sure.

3 MR. ELIASBERG: I'm going to give to the court
4 reporter and the witness and all counsel present a
5 document. It's a one-page document. It's actually
6 Bates stamped at the bottom STATE 0073108. It's on
7 California Department of Education letterhead, and it's
8 dated February/1994. That will be marked as SAD-222.
9 (Exhibit SAD-222 was marked.)

10 Q. BY MR. ELIASBERG: Mr. Bellet, take as much
11 time as you'd like to look this document over, and when
12 you've had the chance to do that, if you would just let
13 me know.

14 A. Okay. I've read through it.

15 Q. Have you seen this document before?

16 A. No.

17 Q. Let me just refer you to the -- the subject
18 line reads, newly adopted California Code of
19 Regulations, Title 5 regulations for school site and
20 plans, and then at the first paragraph it reads,
21 effective December 13th, 1993, the Office of
22 Administrative Law approved the California Department of
23 Education's amendments to Title 5 of the California Code
24 of Regulations.

25 Do you see that?

1 A. Yes.

2 Q. Is it your understanding that these amendments
3 to the regulations are the changes or amendments that
4 you've discussed in your declaration?

5 MR. SALVATY: Objection. Vague and ambiguous.

6 MR. SEFERIAN: No foundation. Calls for
7 speculation.

8 THE WITNESS: I'm not sure.

9 Q. BY MR. ELIASBERG: Can you look now at the
10 third paragraph from the bottom. That paragraph reads,
11 the formally adopted regulations codify many of the
12 standards the California Department of Education has
13 been using for approving school sites and plans,
14 therefore, the standards should be familiar to those who
15 have previously worked with the California Department of
16 Education, a copy of the regulations is enclosed.

17 Do you see that?

18 A. Yes.

19 Q. Did you -- in preparing this declaration, were
20 you aware of whether there were any standards that the
21 California Department of Education used prior to October
22 1993, standards that related to minimum classroom size
23 for school facilities?

24 MR. SEFERIAN: Objection. Assumes facts not in
25 evidence. Calls for speculation.

1 MR. SALVATY: I thought it was asked and
2 answered too.

3 THE WITNESS: I'm unfamiliar with that. I'm
4 not sure if I've seen it or not.

5 Q. BY MR. ELIASBERG: Again, these are questions
6 that go to the preparation of your declaration. Did you
7 call anybody at the California Department of Education
8 to determine if there were any standards that governed
9 or related to classroom size prior to October 1993?

10 A. I don't recall doing that.

11 Q. Did you direct any members of your staff to do
12 that?

13 A. I don't recall directing anybody to do that.

14 Q. And if I've asked this question, I apologize.
15 I want to make sure we have a clear record.

16 Are you aware of whether there was any standard
17 that existed that the California Department of Education
18 used prior to 1993 that governed or related to minimum
19 size of classrooms in schools?

20 A. I don't recall. I don't think I know anything
21 about the pre-1993 standards.

22 Q. Thanks. Let me refer you back to your
23 declaration, which is SAD-221. I'm not necessarily
24 going to point you to a specific provision, but just ask
25 you some questions that generally relate to this

1 declaration.

2 Mr. Bellet, are you aware of any -- let me ask
3 you a background question.

4 Do you have a general understanding of the
5 provisions of the California Code of Regulations that
6 govern the requirements for school buildings with
7 respect to the number of toilet fixtures that schools
8 need to have?

9 MR. SEFERIAN: Objection. No foundation.
10 Calls for speculation. Calls for an inadmissible legal
11 opinion.

12 THE WITNESS: I need help with the general
13 understanding. Could you define that?

14 Q. BY MR. ELIASBERG: Are you aware of whether
15 there are any provisions in the California Code of
16 Regulations that govern the number of toilet fixtures
17 that school buildings are supposed to have?

18 A. Yeah, I am aware that there are regulations.

19 Q. And do you know how long those regulations have
20 been in effect?

21 MR. SEFERIAN: Objection. Calls for an
22 inadmissible legal opinion.

23 THE WITNESS: No, I don't recall how long
24 the --

25 MR. ELIASBERG: You answered the question.

1 THE WITNESS: I don't recall.

2 Q. BY MR. ELIASBERG: Let me refer you to page 2
3 of your declaration, paragraph 5. Review that
4 paragraph. Actually, let me -- if you would review
5 paragraphs 4 and 5, please.

6 A. Where are we looking again?

7 Q. Starting on page 2, paragraphs 4 and 5, which
8 goes on to page 3.

9 A. Okay.

10 Q. And is it your understanding that the Uniform
11 Building Code, Section 805 governed the number of toilet
12 fixtures required in schools designed and constructed
13 before 1994?

14 MR. JORDAN: Vague and ambiguous as to time.

15 MR. SEFERIAN: Calls for an inadmissible legal
16 opinion.

17 THE WITNESS: Could you repeat the question.

18 Q. BY MR. ELIASBERG: Sure. Is it your
19 understanding that the Uniform Building Code, Section
20 805 governs the requirement for the number of toilet
21 fixtures in schools designed and constructed before
22 1994?

23 MR. SEFERIAN: Objection. Calls for an
24 inadmissible legal opinion.

25 MR. JORDAN: Ambiguous as to time.

1 MR. SEFERIAN: No foundation.
 2 MR. ELIASBERG: Let me strike the question.
 3 THE WITNESS: Okay.
 4 Q. BY MR. ELIASBERG: If you would look at page 2,
 5 lines 18 through 20 or the sentence that's on 18 through
 6 20 that reads, the number of toilet fixtures required
 7 for student use in schools designed and constructed
 8 before 1994 is specified in the Uniform Building Code,
 9 Section 805. Do you see that?
 10 A. Yes.
 11 Q. What did you mean by that?
 12 A. What I'm saying there is that that's what the
 13 statement is in the Code, that that's the requirement of
 14 that code.
 15 Q. Is it your understanding that school districts
 16 or schools have to meet the requirements that are set
 17 forth in the Code?
 18 MR. JORDAN: Ambiguous as to time.
 19 MR. SEFERIAN: Objection. Calls for
 20 inadmissible legal opinion.
 21 THE WITNESS: Regarding toilet fixtures, this
 22 is a section of the Code. As far as enforcement or
 23 minimum requirements, I'm not sure.
 24 Q. BY MR. ELIASBERG: I'm sorry, you're not sure
 25 of what?

1 A. That this particular section is the only
 2 requirement that needs to be met.
 3 Q. Okay. But is it your understanding that this
 4 is a requirement that needs to be met?
 5 MR. JORDAN: Ambiguous as to time.
 6 MR. SEFERIAN: Objection. Calls for
 7 inadmissible legal opinion. Overly broad.
 8 THE WITNESS: I'm not sure. To tell you the
 9 truth, I'm not sure.
 10 Q. BY MR. ELIASBERG: Let me refer you to page 3,
 11 the bullet paragraph between -- well, let me start at
 12 the bottom of page 2 then on to page 3. Paragraph 5
 13 begins, for public schools designed and built before
 14 1994, the toilet requirements for public schools are as
 15 follows, and then the first bullet point on the next
 16 page is elementary schools, one urinal for every 30
 17 boys, plus one toilet for every 100 boys, semicolon, one
 18 toilet for every 35 girls.
 19 A. That's --
 20 MR. SEFERIAN: He hasn't asked you a question.
 21 Q. BY MR. ELIASBERG: Is it your understanding
 22 that public schools designed and built before 1994 must
 23 meet the standards set forth next to the bullet that
 24 begins elementary schools?
 25 MR. JORDAN: Ambiguous as to how long before

1 1994.
 2 MR. SEFERIAN: Objection. Calls for
 3 inadmissible legal opinion. Vague as to time.
 4 Incomplete hypothetical question.
 5 THE WITNESS: Yeah, Judd is entirely correct,
 6 it doesn't say how long before 1994 so --
 7 MR. ELIASBERG: I'm actually asking for your
 8 understanding.
 9 THE WITNESS: My understanding?
 10 MR. ELIASBERG: Uh-huh.
 11 MR. SEFERIAN: Same objections.
 12 THE WITNESS: Same problem. My understanding
 13 is there's -- before 1994 goes back forever, so --
 14 MR. SEFERIAN: Wait.
 15 THE WITNESS: Okay.
 16 Q. BY MR. ELIASBERG: Is it your understanding
 17 that schools built between say, 1992 up until 1994 need
 18 to meet these requirements?
 19 MR. SEFERIAN: Objection. Calls for an
 20 inadmissible legal opinion. Incomplete hypothetical
 21 question.
 22 MR. JORDAN: Still ambiguous as to time. Did
 23 you say between '92 and '94?
 24 MR. ELIASBERG: That's exactly what I said.
 25 MR. JORDAN: I'm sorry. I withdraw the

1 objection.
 2 THE WITNESS: I don't know for sure on this
 3 one.
 4 Q. BY MR. ELIASBERG: So your testimony is that
 5 you don't know as to whether a school that's built
 6 between 1992 and 1994 needs to meet the requirements set
 7 forth next to the bullet that says elementary schools?
 8 MR. SEFERIAN: Objection. Asked and answered.
 9 Incomplete hypothetical question. Calls for an
 10 inadmissible legal opinion.
 11 THE WITNESS: Yeah, I don't know for sure.
 12 Q. BY MR. ELIASBERG: Have you ever attempted to
 13 find out whether any schools that were built in that
 14 period between, let's say, 1992 and 1994 are in
 15 compliance with that provision? And by that I mean the
 16 provision that's set forth on page 3 lines 1 through 2
 17 on your declaration.
 18 A. No, I have not.
 19 Q. Have you ever attempted to review the plans to
 20 see whether the plans are in compliance?
 21 A. No, I have not.
 22 Q. Okay. Have you ever heard any discussion in
 23 the Division of the State Architect as to whether it
 24 would be a good idea for persons within the Division of
 25 the State Architect to determine whether schools in the

1 state of California are in compliance with the building
2 codes -- the building codes that applied to them at the
3 time they were built?

4 MR. SEFERIAN: Objection. Assumes fact not in
5 evidence. Incomplete hypothetical question. Overly
6 broad.

7 THE WITNESS: I'd have to agree with that.
8 Could you repeat the question.

9 MR. ELIASBERG: Could you read the question
10 back.

11 (Record read.)

12 THE WITNESS: Yes.

13 Q. BY MR. ELIASBERG: When did you hear that
14 discussion?

15 A. I can't recall the dates.

16 Q. Can you give me an approximation of when you
17 heard that discussion?

18 A. Within the last year.

19 Q. Okay. Who did you hear discussing that issue?

20 A. Some of my colleagues, some people that work
21 for me.

22 Q. And who were those colleagues?

23 A. Howard Smith, Jeff Enzler, E-n-z-l-e-r.

24 Q. Is that all that you remember?

25 A. That I can recall for sure, yeah.

1 As to the toilet codes?

2 MR. ELIASBERG: Yes, toilet codes.

3 THE WITNESS: No.

4 Q. BY MR. ELIASBERG: Do you remember anything
5 about the -- I believe you previously testified that you
6 heard some discussion by Mr. Smith and Mr. Enzler on the
7 subject of the compliance with the toilet codes; is that
8 correct?

9 A. I thought you said codes and not toilet codes.

10 Q. Okay. I'm sorry.

11 A. So that's what I was saying.

12 Q. Is it your testimony that there was discussion
13 by Mr. Smith and Mr. Enzler about -- well, let me start
14 again.

15 Based on the question I asked you, you said
16 that you had heard some discussion between Mr. Smith and
17 Mr. Enzler about compliance with codes, right?

18 A. Right.

19 Q. What was the subject of that discussion?

20 A. I think it was about inspectors and their
21 having to meet certain minimum standards before they
22 could take a test as to number of years of experience as
23 familiar with the construction of buildings.

24 Q. Did Mr. Smith or Mr. Enzler ever say anything
25 about school districts -- whether school districts or

1 Q. Who is Mr. Enzler?

2 A. He's a district structural engineer that works
3 for me.

4 Q. What was discussed by Mr. Smith and Mr. Enzler
5 on that subject?

6 A. I don't recall any of the details.

7 Q. Do you remember whether either of them
8 expressed an opinion as to whether there were schools in
9 the state of California that did not now comply with --
10 did not comply with the codes that governed toilets, the
11 Code that was applicable to them based on the time that
12 they were built?

13 A. No.

14 MR. SEFERIAN: Objection. Calls for an
15 inadmissible opinion.

16 Q. BY MR. ELIASBERG: Your answer is no, there was
17 no discussion of that subject?

18 MR. SEFERIAN: Same objection.

19 THE WITNESS: That's correct.

20 Q. BY MR. ELIASBERG: Did either of them express
21 an opinion as to whether it would be a good idea for the
22 Division of the State Architect or members of the
23 Division of the State Architect to attempt to find out
24 whether the schools were in compliance with these codes?

25 MR. SALVATY: Objection. Vague and ambiguous.

1 schools were presently complying with codes?

2 A. Schools were complying with codes?

3 Q. Yeah.

4 MR. SALVATY: Objection. Overbroad. Vague and
5 ambiguous.

6 THE WITNESS: Yeah, the discussion wasn't along
7 those lines at all.

8 Q. BY MR. ELIASBERG: Okay. Let me refer you on
9 page 7, paragraph 14, review that paragraph that begins,
10 the mere fact.

11 A. Okay.

12 Q. If you would review that paragraph and let me
13 know when you've had a chance do that.

14 A. Okay.

15 Q. Let me refer you specifically to lines 24
16 through 26 and the sentence that reads, on the contrary,
17 most school facilities throughout the state are adequate
18 to meet the needs of each particular school.

19 What did you mean by that statement?

20 A. That was an assumption I made based on -- not
21 based on a whole lot. Just an assumption I made.

22 Q. What was the meaning of the assumption?

23 A. The meaning?

24 Q. Yeah.

25 MR. SEFERIAN: I'll object. The statement

1 speaks for itself.

2 THE WITNESS: And I don't understand the
3 question, "the meaning of the assumption."

4 Q. BY MR. ELIASBERG: Let me get more specific.
5 You said most school facilities throughout the state are
6 adequate to meet the needs of each particular school.

7 What did you mean by adequate to meet the needs
8 of each particular school?

9 A. It's my opinion, just my opinion.

10 Q. Now, I wasn't asking what this is. What I
11 meant was, what did you mean by adequate to meet the
12 needs of each particular school?

13 MR. SEFERIAN: Object that the document speaks
14 for itself.

15 THE WITNESS: Right. I'm a structural
16 engineer, I'm not too good at giving definitions for
17 words. Adequate seems adequate, the word I would use.

18 Q. BY MR. ELIASBERG: Adequate for a particular
19 purpose?

20 A. I really don't know what you mean by "adequate
21 for a particular purpose." No, I wasn't thinking
22 adequate for any particular purpose, in general.

23 Q. Do you have an opinion that -- let me do it
24 this way. You said that most school facilities
25 throughout the state are adequate to meet the needs of

1 days throughout the school year.

2 In preparing -- what was the basis for your --
3 strike that. Let me rephrase the question.

4 What was the basis for that statement?

5 A. Well, personal experience. If the temperature
6 outside is over 80 degrees, the temperature inside will
7 generally, you know, get above -- around 80. Could get
8 above, it could stay below.

9 Q. Are you aware as to whether there are means by
10 which a school could be -- the temperature inside a
11 school could be kept below the temperature in the
12 outside area without the school being air conditioned?

13 MR. JORDAN: Beyond expertise.

14 MR. SEFERIAN: Objection. No foundation.

15 THE WITNESS: There might be other ways that
16 I'm not familiar with.

17 Q. BY MR. ELIASBERG: Have you ever -- in
18 preparation for this declaration, did you ever attempt
19 to find out whether there were means to keep the inside
20 temperature of a school below the outside temperature,
21 besides air conditioning?

22 A. No.

23 Q. Let me refer you again to page 7, the very
24 bottom. It's paragraph 14, line beginning -- beginning
25 at line 26, the sentence that reads, the only way to

1 each particular school; is that correct?

2 A. That's what I think -- yeah, I think you left
3 out "on the contrary." Yeah, that's what it says.

4 Q. And sitting here today, do you think that that
5 statement is correct?

6 A. Yes, I believe it's correct.

7 Q. Do you think that there are some school
8 facilities throughout the state of California that are
9 not adequate to meet the needs of each particular
10 school?

11 MR. SEFERIAN: Objection. No foundation.
12 Overly broad. Calls for an inadmissible opinion. Vague
13 and ambiguous as to "facilities" and "adequate." Lacks
14 foundation. Calls for speculation.

15 THE WITNESS: I have no experience to make that
16 statement.

17 Q. BY MR. ELIASBERG: Let me refer you to the same
18 page, paragraph 13. Could you review that paragraph and
19 let me know when you're done.

20 A. Okay.

21 Q. Looking at the sentence that begins, in
22 California, which reads, this would seem to bring all
23 students that attend a school without air conditioning
24 into the proposed class because throughout most of the
25 state the temperatures rise above 80 degrees on some

1 determine whether a particular bathroom or classroom is
2 insufficient would be to examine the facility in
3 question, to analyze the applicable regulations, and to
4 give consideration to the specific circumstances of the
5 particular school.

6 What was the basis for that conclusion?

7 A. Well, for example, every school varies, so the
8 need for the number of toilets at that school would
9 vary.

10 Q. What would cause the need for -- the number of
11 toilets in a particular school to vary?

12 MR. SEFERIAN: Objection. Vague and ambiguous.
13 Incomplete hypothetical question. Lacks foundation.
14 Calls for an inadmissible opinion. Calls for
15 speculation.

16 THE WITNESS: How would it vary? Well, you
17 might have more teachers in a particular school or, I
18 don't know, let's say you had a lot of handicapped
19 students. It could vary.

20 Q. BY MR. ELIASBERG: Would the number of students
21 in the school cause it to vary?

22 MR. SEFERIAN: Objection. Incomplete and
23 hypothetical question. Vague and ambiguous. Lacks
24 foundation.

25 MR. SALVATY: Calls for speculation also.

1 THE WITNESS: It's my opinion that -- the
 2 previous part of that paragraph talks about adequate,
 3 and so that's -- I think that still stands.
 4 Could you repeat your question again.
 5 Q. BY MR. ELIASBERG: My question was whether the
 6 number of students in a particular school would affect
 7 the need -- or the adequacy of the number of toilets.
 8 MR. SEFERIAN: Incomplete hypothetical. Lacks
 9 foundation. Calls for speculation.
 10 MR. SALVATY: Same objections.
 11 THE WITNESS: It may or may not. It varies.
 12 Q. BY MR. ELIASBERG: And what would cause it to
 13 vary?
 14 MR. SEFERIAN: Objection. No foundation.
 15 Calls for speculation. Incomplete hypothetical
 16 question. Vague as to time.
 17 THE WITNESS: I don't have an answer other than
 18 it varies on that particular item. There's just so many
 19 variables, to answer the question with a specific would
 20 be very difficult. Just too many variables.
 21 Q. BY MR. ELIASBERG: Is it your understanding
 22 that there are -- the building code does provide for
 23 minimum -- certain minimums with respect to toilet
 24 fixtures in school facilities?
 25 MR. SALVATY: Objection. Vague and ambiguous.

1 MR. SEFERIAN: Asked and answered.
 2 THE WITNESS: Right. I believe I've answered
 3 that previously.
 4 Q. BY MR. ELIASBERG: And what was your answer?
 5 A. I don't recall right now, but -- I don't
 6 recall. I can't recall. I just remember the question
 7 more than the answer.
 8 Q. I'm interested in your answer now. Is it your
 9 understanding that there are regulations or codes --
 10 statutes or regulations, California statutes or
 11 regulations that govern the minimum number of toilets
 12 necessary in schools in the state of California, public
 13 schools in the state of California?
 14 A. Yes.
 15 MR. SEFERIAN: Objection. No foundation.
 16 THE WITNESS: Yes, I believe there are
 17 requirements in the Code.
 18 Q. BY MR. ELIASBERG: Is it your opinion -- do you
 19 have an opinion as to whether those minimums are
 20 adequate?
 21 MR. SEFERIAN: Objection. No foundation.
 22 Calls for an inadmissible opinion. Vague and ambiguous
 23 as to "adequate." Incomplete hypothetical question.
 24 Overly broad.
 25 THE WITNESS: No.

1 MR. ELIASBERG: I'm going to introduce a
 2 document. I'll give it to the court reporter to mark as
 3 SAD-223. It is a -- I'll have to count because there
 4 are no numbers. It's a five-page document. At the top
 5 it says SFPD advisory 99/02, dated August 16th, 1999,
 6 and it is Bates stamped at the bottom DOE 00044 on the
 7 first page and then runs sequentially.
 8 (Exhibit SAD-223 was marked.)
 9 Q. BY MR. ELIASBERG: Take as much time as you'd
 10 like to familiarize yourself with this document,
 11 Mr. Bellet. When you've had a chance to do that, please
 12 let me know.
 13 I am going to direct you to a couple of
 14 specific -- or maybe even one specific portion, so I'm
 15 not asking you to learn the document now, although if
 16 you'd like to do that, feel free to do so.
 17 A. Okay.
 18 Q. Have you seen this document before?
 19 A. No, I don't believe so.
 20 Q. Let me refer you to the page that's Bates
 21 stamped on the bottom. Those are the black numbers on
 22 the right-hand corner. It says DOE, and I'm looking
 23 particularly at 00046 of SAD-223. And about midway down
 24 the page in the left margin there's a No. 5.
 25 Do you see that?

1 A. Yes.
 2 Q. And next to it, toilet facilities. Let me -- I
 3 want to specifically refer you to the next paragraph
 4 there which begins, the number of fixtures -- and I'm
 5 going to read the whole thing. The number of fixtures
 6 required for student use in schools constructed before
 7 1994, and that's emphasized, before 1994, is specified
 8 in the Uniform Building Code, part of the California
 9 Building Code, Section 805. The Uniform Plumbing Code,
 10 also part of the California Building Code, Appendix C,
 11 applies to schools constructed after 1994. Both codes
 12 are based on student population. Any construction or
 13 additions that add population, including portable
 14 structures, should add toilets to meet the Code. Both
 15 codes, in the opinion of the school facilities planning
 16 division of the CDE, provide too few toilets for girls.
 17 Do you see that section there?
 18 A. Yes.
 19 Q. Do you know Duwayne Brooks?
 20 A. Yes.
 21 Q. And who is Mr. Brooks?
 22 A. I don't know his exact title, but he works for
 23 the school facilities planning division. It might be a
 24 title like deputy director or something like that.
 25 Q. Do you see that this document on the first

1 page, DOE 00044 is labeled that it's from Duwayne
 2 Brooks, division director, school facilities planning
 3 division? Do you see that?
 4 A. Yes.
 5 Q. Back on page 46, the sentence that reads, both
 6 codes, in the opinion of school facilities planning
 7 division of the CDE, provide too few toilets for girls,
 8 do you see that?
 9 A. Yes.
 10 Q. Have you ever spoken to Mr. Brooks about that
 11 conclusion or that opinion?
 12 A. No.
 13 Q. Okay. Have you ever spoken to anybody in the
 14 school facilities planning division about that opinion?
 15 A. Yes.
 16 Q. Okay. Who did you speak to?
 17 A. Ellen Aasletten.
 18 Q. When did you speak to Ms. Aasletten?
 19 Why don't you spell that for the court
 20 reporter, if you would.
 21 A. It's right on the page.
 22 Q. Thank you.
 23 A. Contact Ellen Aasletten. Probably three, four
 24 years ago.
 25 Q. Did you speak with her in person or over the

1 Ms. Aasletten ask you to do anything about the fact that
 2 it was her opinion that the codes provided too few
 3 toilets for girls?
 4 A. I don't recall.
 5 Q. Did she ask if you had an opinion on the
 6 subject?
 7 A. She may have asked.
 8 Q. And do you remember if you answered her?
 9 MR. SEFERIAN: Objection. Calls for
 10 speculation.
 11 THE WITNESS: I don't think -- if she did ask,
 12 I don't think I offered an opinion.
 13 Q. BY MR. ELIASBERG: Sitting here today, do you
 14 have any opinion as to whether the codes that are
 15 referred to in this paragraph provide too few toilets
 16 for girls?
 17 MR. SEFERIAN: Objection. No foundation.
 18 Calls for speculation. Incomplete hypothetical
 19 question. Calls for an inadmissible opinion.
 20 MR. SALVATY: Also vague and ambiguous as to
 21 which codes you're talking about.
 22 MR. ELIASBERG: Thanks. I'll be more specific.
 23 The codes referred to here, the Uniform Building Code,
 24 Section 805 and the Uniform Plumbing Code, also part of
 25 the California Building Code, Appendix C. Those are the

1 telephone?
 2 A. I think it was in person.
 3 Q. Do you remember where that meeting took place?
 4 A. No, I don't.
 5 Q. Was anyone else present when you spoke to
 6 Ms. Aasletten about this subject?
 7 A. I don't recall.
 8 Q. Do you remember whether Ms. Aasletten initiated
 9 the meeting with you or whether you initiated the
 10 meeting with Ms. Aasletten?
 11 MR. SEFERIAN: Objection. Misstates the
 12 witness' testimony. Assumes facts not in evidence.
 13 THE WITNESS: I don't recall.
 14 Q. BY MR. ELIASBERG: What were the subjects of
 15 your discussions with Ms. Aasletten at that time?
 16 A. I don't recall. One of them had to do with the
 17 number of toilets for girls. I mean, probably a much
 18 longer conversation than that.
 19 Q. Do you remember what she said about the number
 20 of toilets for girls?
 21 A. She said that previously there were too few
 22 toilets, in her opinion, for girls.
 23 Q. And did you respond to her in any way?
 24 A. I don't recall how or if I responded at all.
 25 Q. Did Ms. Aasletten -- as far as you know, did

1 codes I'm referring to.
 2 MR. SEFERIAN: Objection. No foundation.
 3 Calls for speculation. Calls for an inadmissible
 4 opinion.
 5 MR. JORDAN: It's compound in that you got
 6 prior to '94 and after '94.
 7 MR. ELIASBERG: I'm asking about both codes.
 8 THE WITNESS: In either case, I have no
 9 opinion.
 10 Q. BY MR. ELIASBERG: I apologize if I've asked
 11 you this question before, but I want to make sure I
 12 cover the material that I intended to cover here.
 13 Mr. Bellet, have you ever attempted to
 14 determine whether any public schools in California meet
 15 either of the two plumbing codes with respect to the
 16 number of toilet fixtures that are referred to here in
 17 this paragraph 5?
 18 MR. SALVATY: Objection that it misstates the
 19 document just because I think it talks about three codes
 20 here. It's vague and ambiguous.
 21 MR. ELIASBERG: I understand that.
 22 Q. Let me refer you to the last sentence of that
 23 paragraph that we've been talking about where it talks
 24 about the 1998 code requires equal fixtures for girls.
 25 Do you see that?

1 A. Yes.
 2 Q. Have you ever attempted to make any effort to
 3 determine whether schools in California comply with any
 4 of the three codes referred to in this paragraph?
 5 A. No.
 6 Q. Do you know if anybody in the Division of the
 7 State Architect has ever attempted to do so?
 8 A. I'm not sure.
 9 Q. Mr. Bellet, does the Division of State -- let
 10 me lay out a hypothetical situation for you. School was
 11 built, let's say, 10 years ago and then they decide --
 12 the school decides that it wanted to add -- it's got an
 13 increased number of students and it wants to add 15
 14 portables in order to house the students, it doesn't
 15 matter the number, some number to deal with that
 16 increased enrollment.
 17 Does the Division of the State Architect play
 18 any role in reviewing -- in reviewing that school's
 19 decision to add portables?
 20 MR. SALVATY: Incomplete hypothetical.
 21 MR. SEFERIAN: Vague and ambiguous. Objection
 22 as to "role."
 23 THE WITNESS: That would have been my question.
 24 What do you mean by "role"?
 25 Q. BY MR. ELIASBERG: Does anybody from the school

1 Wait a second. Could you repeat the question.
 2 I might have been assuming the end of your question
 3 before I heard it. Could you repeat the question.
 4 Q. Sure. After you were informed by a school
 5 district or a school that they intended to add portables
 6 to their campus, did you inform them in sum or substance
 7 that before they could do that, someone from the
 8 Division of the State Architect would have to approve
 9 their doing so?
 10 MR. JORDAN: Ambiguous. You mean ever or
 11 always or --
 12 THE WITNESS: I may have. I'm not sure.
 13 Q. BY MR. ELIASBERG: You said previously that you
 14 review plans for school construction; is that correct?
 15 A. Right.
 16 Q. Do you review plans for school additions?
 17 A. Yes. I mean, I have personally. When you say
 18 "you," do you mean me?
 19 Q. Yes.
 20 A. Yes, I have.
 21 Q. Is it your understanding that others in the
 22 Division of the State Architect review plans for school
 23 additions?
 24 A. Yes.
 25 MR. SEFERIAN: Objection. Vague and ambiguous

1 district have to even inform the Division of the State
 2 Architect -- not even whether they have to or not.
 3 Do school districts inform the Division of
 4 State Architect that they are planning to add some
 5 number of portables onto their campus?
 6 MR. JORDAN: Incomplete hypothetical, unless
 7 you're just asking what's happened. Are we still on the
 8 hypothetical, or are you asking what's happened?
 9 MR. ELIASBERG: You can answer the question.
 10 THE WITNESS: It seems like I've had sort of
 11 two different questions, so if you could repeat the
 12 question.
 13 Q. BY MR. ELIASBERG: Okay. Have you ever -- has
 14 a school district ever contacted you, you meaning you
 15 personally but in your role as a member of the Division
 16 of the State Architect, and said, we intend to add some
 17 number of portables on our campus?
 18 A. I believe they may have. I believe that I've
 19 had that phone call.
 20 Q. Okay. Is it your understanding -- well, when
 21 you were contacted and informed of that, did you inform
 22 the school district that -- that before they did that,
 23 that they would have to get approval from the Division
 24 of the State Architect to do that?
 25 A. I don't recall saying that.

1 as to "additions."
 2 Q. BY MR. ELIASBERG: What do you mean by
 3 additions?
 4 A. Additions to a school building, connecting
 5 structure.
 6 Q. In your use of the word "addition," would
 7 putting a portable on a school site that had not
 8 previously been there, does that fall within your
 9 definition of addition?
 10 MR. JORDAN: Insufficient hypothetical.
 11 THE WITNESS: That would not be within my
 12 definition of a -- the Division of the State Architect's
 13 definition of addition.
 14 Q. BY MR. ELIASBERG: If someone informed you
 15 that -- let's go back to the time when you were regional
 16 manager and you were informed by someone that you
 17 considered to be a reliable source that a school that
 18 was in your region had just -- it was previously just a
 19 permanent building, they'd added 20 portables to their
 20 campus. In your opinion, would you have believed --
 21 would it have been your opinion that that should not
 22 have been done without approval from the Division of the
 23 State Architect?
 24 MR. JORDAN: Incomplete hypothetical.
 25 MR. SEFERIAN: Objection. Calls for

1 speculation.

2 THE WITNESS: Yeah, that's -- I can't answer
3 that question. It isn't complete enough.
4 Q. BY MR. ELIASBERG: Is there any situation where
5 a school -- in which a school puts a portable classroom
6 on a campus that did not previously exist, any portable
7 whatsoever, they put a portable on a school campus, is
8 there any situation in which you believe that someone at
9 the Division of the State Architect needs to approve
10 that decision before it's made -- I'm sorry, needs to
11 approve that decision?

12 MR. SEFERIAN: Objection. Vague and ambiguous
13 as to "approve that decision." Incomplete hypothetical
14 question.

15 THE WITNESS: We don't approve decisions.

16 Q. BY MR. ELIASBERG: Are there any times when you
17 have to approve plans to add portables to a campus where
18 those portables did not previously exist?

19 MR. SALVATY: Objection. Vague and ambiguous.

20 THE WITNESS: The word "have" is the vague
21 part.

22 (Phone interruption.)

23 (Recess taken.)

24 Q. BY MR. ELIASBERG: Mr. Bellet, have you seen
25 the complaint in the lawsuit Williams versus the State

1 the complaint, if I only looked at the first page of the
2 entire complaint, or if I received only one page of the
3 complaint. I just don't recall.

4 Q. And I'm sorry if I've asked you this question
5 before, but I want to make sure I've covered it.

6 Did a particular person give you the document
7 that you're referring to or the documents?

8 MR. SALVATY: Objection. I'm just getting
9 concerned you're getting into attorney/client areas.
10 You can answer, I just don't want you to disclose any of
11 our conversations.

12 THE WITNESS: Right. Okay. I know I received
13 it from someone, that I didn't go research it myself,
14 and who I got it from, to be honest, I don't know who I
15 got it from.

16 Q. BY MR. ELIASBERG: Do you remember
17 approximately when you saw it?

18 A. Maybe about a year ago, maybe earlier. My
19 recollection on looking at the complaint is pretty
20 fuzzy.

21 Q. Did you -- do you know the names of any of the
22 schools that are listed in the complaint?

23 A. Oh, gosh. I've seen the names. Do I recall
24 them right now, no.

25 Q. Do you recall any of them?

1 of California?

2 A. I think I've seen portions of it, yes.

3 Q. Do you have -- what portions have you seen?

4 A. Well, gosh, a while back I remember seeing a
5 page and it had to do with the class of people that are
6 in -- you know, in the complaint. It's a legal term
7 that I'm not that familiar with.

8 Q. Do you remember any other portions of the
9 complaint that you've seen?

10 A. I think there was -- I can't remember the
11 specifics, but something to do with class size -- not
12 class sizes, classroom sizes, and the number of toilet
13 fixtures and the temperature in the classrooms, the
14 teachers, I think, books. I'm assuming that what I saw
15 was not the whole complaint. I just saw a couple
16 paragraphs is my recollection.

17 Q. How did you know that the paragraphs you saw
18 were from the complaint?

19 A. I don't know. I mean, I saw it, I think it had
20 a name like Williams v the State of California, so I
21 assumed that that was the complaint.

22 Q. Did you see a single document that you think
23 would constitute portions of the complaint?

24 A. I don't recall. I don't recall if I saw -- I
25 don't know if I saw the whole complaint, a portion of

1 A. I could guess, but it would be just total
2 guessing. I wouldn't want to just guess.

3 Q. I don't want you to just guess.

4 Have you personally ever made any attempt to
5 determine whether any of the statements that are in the
6 complaint or the document, it may have been portions of
7 the complaint, were true?

8 A. No.

9 Q. Have you ever asked any members of your staff
10 to do that?

11 A. No.

12 Q. Do you know if anybody in the Division of the
13 State Architect has attempted to determine whether any
14 portions of the complaint are true?

15 A. I don't know if anybody's done that or not.

16 Q. Did Mr. Castellanos ask you to attempt to
17 determine whether any of the statements that were set
18 forth in the complaint were true?

19 A. He has not.

20 Q. Have you ever discussed the complaint -- has
21 anybody else ever asked you to determine whether some or
22 any of the statements in the complaint are true?

23 A. No one.

24 Q. Are you aware of whether anybody in any state
25 agency has attempted to determine whether some or any of

1 the statements in the complaint are true?
 2 A. I don't know if they have or have not.
 3 Q. Did you discuss the complaint or any portions
 4 of the complaint with anybody in the Division of the
 5 State Architect?
 6 MR. SALVATY: Leaving aside communications with
 7 your attorneys.
 8 MR. ELIASBERG: Yeah, my question was about
 9 people in the Division of the State Architect.
 10 MR. SALVATY: Okay.
 11 THE WITNESS: Okay. The only discussions I've
 12 had is, one, collecting the information from the codes
 13 that are in the declaration, and there's been casual
 14 conversation to the extent of I'm going to a deposition
 15 regarding this. But those are the only -- there was
 16 general type of discussion about like I just mentioned
 17 about I'm going to the deposition. And the only
 18 specific sort of thing, that's directly more related is
 19 looking at this -- getting this code information.
 20 Q. BY MR. ELIASBERG: Okay. You spoke previously
 21 about the DSA reviewing plans and actually I think also
 22 visiting the school sites to see whether those plans
 23 and/or sites were in compliance with the California
 24 Building Code; is that correct?
 25 MR. SALVATY: Objection. Misstates testimony.

1 Go ahead.
 2 THE WITNESS: Yes.
 3 Q. BY MR. ELIASBERG: Let me ask you this, are you
 4 familiar with the Field Act?
 5 A. Yes.
 6 Q. Okay. Is the Field -- can you tell me what the
 7 Field Act is?
 8 MR. SEFERIAN: Objection. Calls for a
 9 narrative. Calls for an inadmissible legal opinion.
 10 THE WITNESS: My understanding of what the
 11 Field Act is is a piece of legislation that was passed
 12 on -- passed and signed by the governor in 1933 having
 13 to do with jurisdiction for the review, maybe not the
 14 best word, but review of the design and the construction
 15 of public school buildings, kindergarten through 14.
 16 Q. BY MR. ELIASBERG: Do you have an understanding
 17 of who does have jurisdiction to do that review?
 18 MR. SEFERIAN: Objection. Calls for an
 19 inadmissible legal opinion.
 20 THE WITNESS: Do I have an understanding?
 21 MR. SEFERIAN: Objection. Vague and ambiguous
 22 as to "jurisdiction."
 23 THE WITNESS: I have my own opinion on that,
 24 yes.
 25 Q. BY MR. ELIASBERG: That's what I'm interested

1 in is your opinion.
 2 What was your opinion as to who has
 3 jurisdiction, what agency?
 4 MR. SEFERIAN: Same objections.
 5 THE WITNESS: For portions of the Code -- I
 6 mean, portions of the Field Act, Division of the State
 7 Architect has jurisdiction.
 8 Q. BY MR. ELIASBERG: Okay. Are there particular
 9 subject matters -- referring to the portions over which,
 10 in your opinion, the Division of the State Architect has
 11 jurisdiction, are there particular subject matters that
 12 those portions cover?
 13 MR. SEFERIAN: Objection. Calls for an
 14 inadmissible legal opinion.
 15 MR. SALVATY: Vague and ambiguous.
 16 THE WITNESS: In the very beginning of the
 17 Field Act there's a statement that has to do with the
 18 Division of the State Architect's responsibility or
 19 authority for -- relative to the Field Act and public
 20 school design and construction, and I can't remember the
 21 exact terms in there, but I think that's where you find
 22 out the authority. And that's where I would go if I was
 23 to --
 24 Q. BY MR. ELIASBERG: Do you have an opinion as to
 25 what other agency or agencies has jurisdiction with

1 respect to the Field Act?
 2 MR. SEFERIAN: Objection. No foundation.
 3 Calls for speculation. Calls for inadmissible opinion.
 4 Vague and ambiguous as to "jurisdiction."
 5 THE WITNESS: Yeah, there's so much to it that
 6 I couldn't give you an answer that would be something
 7 other than speculation.
 8 Q. BY MR. ELIASBERG: Without speculating, do you
 9 know if there is any other particular state agency,
 10 other than the Division of the State Architect, that
 11 does have jurisdiction with respect to some portion of
 12 the Field Act?
 13 MR. SEFERIAN: Objection. Calls for an
 14 inadmissible legal opinion. Vague and ambiguous as to
 15 "jurisdiction." Calls for speculation. Lacks
 16 foundation.
 17 THE WITNESS: I'm not sure. I think there are
 18 sections in there, but I'm not sure.
 19 Q. BY MR. ELIASBERG: I'm not asking about
 20 sections, I'm asking about other agencies.
 21 A. Yeah, sections that deal with other agencies.
 22 I'm not sure if that's in there or not. I'm just not
 23 sure.
 24 Q. Other than the Field Act and Title 24, are
 25 there other California codes -- let me start this way.

1 Let's go back to an experience where you have reviewed
 2 plans for a new school, that's the background here.
 3 A. Okay.
 4 Q. When you review plans for a new school, other
 5 than the Field Act and Title 24, are there other
 6 California codes that you review those plans for to
 7 determine whether the plans are in compliance with those
 8 other California codes?
 9 MR. SEFERIAN: Objection. Incomplete
 10 hypothetical question. Calls for inadmissible legal
 11 opinion. Vague as to time.
 12 THE WITNESS: I have looked at other codes
 13 besides those that you mentioned.
 14 Q. BY MR. ELIASBERG: Okay. What are those other
 15 codes?
 16 A. I can't recall, but sometimes they're like
 17 the -- I can't recall all of them, but some of them
 18 would be -- like the Title 24 references other codes,
 19 like they might reference the American Institute of
 20 Steel Construction codes or quasicodes, and so we would
 21 use that in conjunction with Title 24 in doing our plan
 22 review, and that's what I was doing.
 23 Q. Are you familiar with the term school
 24 modernization?
 25 A. Yes.

1 Q. Are you familiar with SB 50?
 2 A. I've heard it. I wouldn't say that I'm
 3 familiar with it.
 4 Q. When I asked you if you heard the term school
 5 modernization, what is your understanding of what school
 6 modernization is?
 7 MR. SEFERIAN: Objection. Vague and ambiguous.
 8 Overly broad.
 9 THE WITNESS: When I hear the words school
 10 modernization, I immediately think of an alteration to a
 11 school building.
 12 Q. BY MR. ELIASBERG: Does the Division of the
 13 State Architect have any responsibility with respect to
 14 school modernization as you have used that term?
 15 MR. SEFERIAN: Objection. Calls for an
 16 inadmissible legal opinion. Incomplete hypothetical
 17 question. Vague and ambiguous as to "responsibility".
 18 THE WITNESS: On a modernization, which I would
 19 call an alteration project, we would review the project
 20 for -- you know, like we do a new construction project.
 21 Q. BY MR. ELIASBERG: And as part of your review,
 22 would you do review for Title 24 compliance?
 23 MR. SEFERIAN: Objection. Overly broad.
 24 Incomplete hypothetical question. Calls for
 25 speculation.

1 THE WITNESS: We review certainly for portions
 2 of it. One can't review for every particular section of
 3 the Code.
 4 Q. BY MR. ELIASBERG: Fair enough. Do you also do
 5 review for some portions -- review the plans for
 6 compliance with some portions of the Field Act?
 7 MR. SALVATY: Same objections as before.
 8 THE WITNESS: The Field Act is not a code, so
 9 you're not reviewing it in regards to the Field Act, you
 10 review it in regards to Title 24.
 11 Q. BY MR. ELIASBERG: Okay. Do you -- I'm focused
 12 here just on school modernization, not new construction.
 13 With school modernization, do you review plans
 14 for compliance with any portion of Title 5 of the
 15 California Code of Regulations?
 16 MR. SEFERIAN: Objection. Incomplete
 17 hypothetical question. Asked and answered in part.
 18 Vague and ambiguous.
 19 THE WITNESS: Are you saying myself?
 20 MR. ELIASBERG: Let me start with you, yeah.
 21 Q. When you have reviewed school modernization
 22 plans, have you reviewed them for compliance with any
 23 portion of Title 5?
 24 MR. SEFERIAN: Same objections.
 25 THE WITNESS: No, I haven't.

1 Q. BY MR. ELIASBERG: Do you know -- are you aware
 2 whether other persons employed by the Division of the
 3 State Architect also review school modernization plans?
 4 A. I'm not sure whether they do it or not.
 5 Q. Do you have a sense in the time that you've
 6 been at the Division of the State Architect how many
 7 school modernization plans -- approximately how many
 8 school modernization plans you've reviewed?
 9 MR. SALVATY: Objection. Vague and ambiguous.
 10 Is this just Mr. Bellet?
 11 MR. ELIASBERG: Yes.
 12 THE WITNESS: Myself?
 13 MR. ELIASBERG: Yes.
 14 THE WITNESS: Well, probably over 80, less than
 15 500.
 16 Q. BY MR. ELIASBERG: Do you know whether any of
 17 the people who you have directly supervised in the time
 18 that you've been at the Division of the State Architect
 19 have reviewed school modernization plans?
 20 MR. SALVATY: Objection. People he supervises
 21 now?
 22 MR. ELIASBERG: No, at any time.
 23 Q. And I'm really not talking about someone who
 24 maybe -- I know as chief structural engineer you're
 25 relatively high on the totem pole. I'm not talking

1 about somebody way down below. I'm talking about people
2 who you directly supervise.

3 Were there any of them at any time that you've
4 been there that have reviewed plans for school
5 modernization?

6 A. Have they reviewed plans for school
7 modernization?

8 Q. Yes.

9 A. Those people that I've supervised any time in
10 my -- yes, I'm aware that some of them have.

11 Q. Okay. Just specifically in any of the reviews
12 that you've personally done, have you -- and I know that
13 I've asked you a broad question about Title 5. I want
14 to narrow it -- have you done review of school
15 modernization plans for compliance with Title 5, Section
16 14030?

17 A. No.

18 Q. Are you familiar with the term deferred
19 maintenance?

20 A. I've heard the term. I don't know if you'd say
21 that I'm familiar with it.

22 Q. What is your understanding of the term deferred
23 maintenance?

24 MR. SEFERIAN: Objection. Overly broad. Calls
25 for speculation. Vague and ambiguous.

1 MR. SALVATY: Also overbroad.

2 THE WITNESS: I know there's the word repair
3 within the Field Act, I know that.

4 Q. BY MR. ELIASBERG: Are you aware of any other
5 Ed Code statutes that use that word?

6 MR. SEFERIAN: Objection. Overly broad.

7 THE WITNESS: I'm not sure.

8 MR. ELIASBERG: Let me take a brief break. I'm
9 going to review what I have left. I think it's quite
10 narrow.

11 (Recess taken.)

12 Q. BY MR. ELIASBERG: Mr. Bellet, I just want to
13 make sure that I understand the role -- we've been
14 through a lot of the things that DSA does and that
15 you've done and do do in your role of DSA. I want to
16 make sure I understand what DSA does with respect to
17 schools that already exist as opposed to the review of
18 plans and the visits to the sites for schools that are
19 being built. I understand you talked a little bit about
20 modernize. I'm not focused on that now.

21 Have you ever at any time in your tenure at DSA
22 gone to a school a long time after it's been constructed
23 to make sure that the school remained in compliance with
24 codes that you -- that the people at DSA reviewed plans
25 and school site and construction for?

1 THE WITNESS: I would be guessing if I answered
2 what I thought deferred maintenance was.

3 Q. BY MR. ELIASBERG: Have you personally played
4 any role in reviewing school district plans or proposals
5 for deferred maintenance?

6 A. No.

7 Q. Are you aware whether anybody at the Division
8 of the State Architect does review or has reviewed
9 particular school district plans or proposals for
10 deferred maintenance?

11 A. I'm not sure.

12 Q. Are you aware of whether anybody that you have
13 directly supervised at any time you've been at the
14 Division of the State Architect has reviewed school
15 plans or proposals for deferred maintenance?

16 A. I'm not sure if they've done it or not.

17 Q. Are you aware of any Ed Code statutes that
18 govern the subject of repair of school facilities?

19 MR. SEFERIAN: Objection. Calls for an
20 inadmissible legal opinion. Vague and ambiguous as to
21 "repair" and "govern."

22 MR. ELIASBERG: Let me rephrase the question.

23 Q. Are you aware of any Ed Code statutes that
24 refer to repair with respect to school facilities?

25 MR. SEFERIAN: Same objections.

1 MR. JORDAN: Assumes facts not in evidence.
2 Ambiguous as to time.

3 MR. SEFERIAN: Incomplete hypothetical. Vague
4 and ambiguous as to "remains" and "compliance," and
5 vague and ambiguous as to "codes".

6 THE WITNESS: I have not.

7 Q. BY MR. ELIASBERG: Let me just give you a
8 specific hypothetical. You have talked about, well,
9 just basically reviewing with respect to certain
10 provisions of Title 24 and that you, in your role at the
11 Division of the State Architect, have reviewed plans to
12 make sure that those plans were in compliance with the
13 provisions of Title 24; is that correct?

14 A. You've moved on to -- have I reviewed plans?

15 Q. Yes, plans now. New school construction.

16 A. I thought you asked that before. Yes, I have.

17 Q. Yeah. I just want to make sure.

18 Have you then ever gone back to a school after
19 it's been constructed, not just the construction site
20 that's going on, but gone back to make sure that that
21 school is in compliance with the Code section that you
22 originally -- or some of the 24 codes that you
23 originally reviewed the plans for?

24 MR. SEFERIAN: Objection. Assumes facts not in
25 evidence. Incomplete hypothetical question. Overly

1 broad.

2 THE WITNESS: I have not.

3 Q. BY MR. ELIASBERG: Do you know if anybody in
4 the State Architect's office does that review of
5 buildings after they have been built to ensure
6 continuing compliance with the codes that applied at the
7 time that the plans were reviewed?

8 MR. SEFERIAN: Objection. Assumes facts not in
9 evidence. Vague and ambiguous as to "continuing
10 compliance."

11 THE WITNESS: Yeah, I'm not sure if people have
12 gone back or not.

13 Q. BY MR. ELIASBERG: Okay. Have you ever heard
14 any discussion, say, in the last five years at the
15 Division of the State Architect about expanding the role
16 of the Division of the State Architect with respect
17 to -- expanding its role with respect to K through 12
18 public schools?

19 MR. SALVATY: Objection. Vague and ambiguous.

20 THE WITNESS: Expanding its role, could you --

21 MR. ELIASBERG: Taking on any responsibilities
22 that it didn't currently exercise.

23 MR. SEFERIAN: Objection. Overly broad.

24 THE WITNESS: Yeah, it's -- we're constantly
25 looking at -- there's changes in codes, there's -- it

1 THE WITNESS: As brief as what I've just said
2 right now. It's just I've thought that's maybe
3 something I want to do.

4 Q. BY MR. ELIASBERG: Sitting here today, do you
5 have an opinion as to whether it would be a good idea
6 for the Division of the State Architect to engage in
7 some review of the condition of schools after they've
8 already been built?

9 MR. SEFERIAN: Objection. Incomplete
10 hypothetical question. Lacks foundation. Calls for an
11 inadmissible opinion. Overly broad. Vague and
12 ambiguous as to "good idea."

13 THE WITNESS: Right now I don't have an
14 opinion.

15 Q. BY MR. ELIASBERG: Mr. Bellet, have you heard
16 any discussion within the Division of the State
17 Architect about -- let me do this. I don't want to
18 focus it just on the Division of the State Architect.

19 Have you heard any discussion with any members
20 of the Division of the State Architect or any state
21 agency about conducting some survey or inventory of the
22 condition of school buildings in the state of
23 California?

24 MR. SEFERIAN: Objection. Vague and ambiguous
25 as to "condition." Vague as to time.

1 varies. We're constantly looking at what we want to
2 look at differently. It's just part of the process of
3 doing plan review.

4 Q. BY MR. ELIASBERG: Have you ever heard any
5 discussion in sum or substance along the following
6 lines, it would be a good idea for the Division of the
7 State Architect to start going into schools, looking at
8 schools that have already been built and reviewing the
9 conditions of those schools for compliance with any
10 codes?

11 A. I'm not sure --

12 MR. SEFERIAN: Objection. Overly broad.
13 Assumes facts not in evidence.

14 THE WITNESS: I'm not sure if we've had that
15 discussion or not.

16 Q. BY MR. ELIASBERG: Have you personally ever
17 participated in that type of discussion with anybody at
18 any state agency?

19 MR. SEFERIAN: Objection. Overly broad.

20 THE WITNESS: I've thought about it. I don't
21 know if I've actually had discussions regarding it.

22 Q. BY MR. ELIASBERG: What were your thoughts
23 about it?

24 MR. SALVATY: Objection. Vague and ambiguous.
25 Overbroad.

1 THE WITNESS: Right. "Condition," I definitely
2 need to have that defined for me.

3 Q. BY MR. ELIASBERG: Okay. Have you heard any
4 discussion about -- in the Division of the State
5 Architect among anybody in a state agency about doing a
6 survey or an inventory to determine the age of school
7 buildings in the state of California?

8 A. No, not the age.

9 Q. Have you heard any discussion about
10 conducting -- and, again, this is any state agency,
11 Division of the State Architect or outside -- about
12 doing some kind of survey or inventory to determine the
13 number of portables or the number of -- yeah, the number
14 of portables in California school K through 12 public
15 school sites?

16 MR. SEFERIAN: Objection. Compound question.
17 Vague as to time.

18 THE WITNESS: The beginning part of your
19 question was again?

20 Q. BY MR. ELIASBERG: I'm asking you at any time
21 since you've been at the Division of the State
22 Architect, have you heard any discussion there or
23 with -- from any member of a California state agency
24 about conducting some kind of survey or inventory to
25 determine the number of portable classrooms in K through

1 12 public schools?
 2 MR. SEFERIAN: Objection. Compound question.
 3 Overly broad.
 4 THE WITNESS: Regarding relocatables, I think
 5 the auditor general -- I think it's the auditor general.
 6 Some group did an estimate of the number of portables in
 7 the state of California. I think they did.
 8 Q. BY MR. ELIASBERG: Have you seen that document?
 9 A. I saw it at one time.
 10 Q. Do you have a copy of that document?
 11 A. I'm not sure if I do or don't.
 12 Q. Do you know if anybody on your staff has a copy
 13 of that document?
 14 A. I'm even less sure if they have one or not.
 15 Q. Do you have any approximation when that
 16 document was written?
 17 A. My recollection is that it was around 1992, but
 18 I could be wrong.
 19 Q. Have you heard any discussion since 1992 about
 20 doing an updated survey or inventory, and, again, I'm
 21 talking about in DSA, within any state agency, doing an
 22 updated survey about the number of portables in K
 23 through --
 24 A. I don't recall.
 25 Q. Have you heard any discussion about doing any

1 A. Not that I know of.
 2 MR. ELIASBERG: I think I'm done.
 3 MR. JORDAN: I just have a few.
 4 (Exhibit SAD-224 was marked.)
 5 EXAMINATION BY MR. JORDAN
 6 Q. I've handed you two pages that I'll represent
 7 to you that I've printed off of the CD-ROM for the Title
 8 24 building codes, and this one in particular is part of
 9 the California energy code, Section 121. I'd like you
 10 to focus on Subsections B and C, and, in particular,
 11 Subsections B1 and 2 and C, Sub 1.
 12 MR. ELIASBERG: I'm sorry, could you repeat.
 13 MR. JORDAN: Sure.
 14 Q. I'd like you to focus on Section 121,
 15 Subsection B and C, and under B, Subsections 1 and 2,
 16 and under Subsection C, Subsection 1. Go ahead and read
 17 those and let me know when you've had a chance to look
 18 at them.
 19 A. Okay. I've quickly read through that.
 20 Q. Do you remember ever reading that before?
 21 A. No.
 22 Q. That's not the sort of thing a structural
 23 engineer typically reviews?
 24 MR. SALVATY: Objection. Vague and ambiguous.
 25 Calls for speculation. Incomplete hypothetical.

1 kind of survey or inventory of whether the -- whether
 2 school buildings have a sufficient number of toilets for
 3 the student population in the schools?
 4 MR. SALVATY: Objection. Vague and ambiguous.
 5 THE WITNESS: No.
 6 Q. BY MR. ELIASBERG: Just sitting here today, do
 7 you have an opinion as to whether it would be -- there
 8 would be any value or -- let me rephrase it -- whether
 9 it would be a good idea to do an inventory to attempt to
 10 determine the number of portable classrooms in K through
 11 12 public schools in the state of California?
 12 MR. SEFERIAN: Objection. No foundation.
 13 Calls for speculation. Calls for inadmissible opinion.
 14 Overly broad. Vague and ambiguous.
 15 THE WITNESS: No.
 16 Q. BY MR. ELIASBERG: Mr. Bellet, are you aware of
 17 a group called in sum or substance a joint legislative
 18 committee to develop a master plan for K through 12
 19 education?
 20 A. No, I don't know anything about them.
 21 Q. For the record, have you testified or
 22 participated in any meetings of that committee?
 23 A. No.
 24 Q. Have you ever testified or participated in any
 25 subcommittees of that committee?

1 THE WITNESS: In my own experience as a
 2 structural engineer, I haven't read through this. I
 3 don't use this.
 4 Q. BY MR. JORDAN: Okay. In construing Subsection
 5 C, Sub 1, would you consider construing that subsection
 6 within your area of expertise or not?
 7 MR. SALVATY: Objection. Vague and ambiguous.
 8 MR. SEFERIAN: Calls for an inadmissible
 9 opinion.
 10 THE WITNESS: I would say that is not within my
 11 area of expertise as a structural engineer.
 12 MR. JORDAN: Okay. Thank you. That's all I've
 13 got on that one. Mark this one next in order.
 14 (Exhibit SAD-225 was marked.)
 15 Q. BY MR. JORDAN: Mr. Bellet, you may not know
 16 the answer to this, and if you don't know the answer,
 17 that's the answer, I don't know.
 18 A. Okay.
 19 Q. I'll tell you that on the CD-ROM we have for
 20 the California codes it did not have part 5, which was
 21 the plumbing, toilet sections that you cited in your
 22 declaration, but we did find similar provisions in this
 23 Chapter 29 of the building code that we did have. And
 24 in particular there's provisions -- if you look at the
 25 bottom of the first page, referring to Exhibit SAD-235

1 (sic), Section 2902.4 there's reference to elementary
2 schools and secondary schools.
3 Do you see that?
4 A. Yes.
5 Q. And then there's also this appendix to chapter
6 9 -- excuse me, to chapter 29 which, towards the bottom
7 of the group "E", has some additional references to
8 schools which seem to have the same numbers that you're
9 referencing in your declaration, although it may be
10 purely a coincidence.

11 Do you know what these code sections apply to
12 as opposed to the part 5?

13 MR. SALVATY: Objection. Vague and ambiguous.
14 Calls for a legal conclusion.

15 THE WITNESS: The answer to your question is I
16 don't know.

17 Q. BY MR. JORDAN: Okay. Fair enough. When you
18 were looking at the toilet requirements -- we've got to
19 look specifically at your declaration. Let's go back to
20 that. That's SAD-221.

21 Let's go back to the toilet section. We talked
22 about before 1994, and from your earlier testimony am I
23 correct in understanding you to mean immediately before
24 the new requirements that the requirements that you list
25 in paragraph 5 were the ones that were in effect; is

1 who are structural engineers?

2 A. Yeah, it happens quite often.

3 Q. And, in fact, in your experience is that more
4 often than not?

5 A. That's correct, more often than not.

6 Q. And I, frankly, don't know the answer to this
7 question. Does DSA require the structural engineer to
8 sign off on the plans as well as the architect of
9 record?

10 A. When the architect delegates a portion of the
11 design to a structural engineer, which is typically the
12 case for the structural engineering portion of the work,
13 that structural engineer is required to sign the
14 drawings, stamp and sign the drawings.

15 Q. And they also submit calculations for the
16 structural?

17 A. Yes, they do.

18 Q. And do you review the calculations as well as
19 the drawings?

20 MR. SALVATY: Objection. Incomplete
21 hypothetical. Overbroad.

22 THE WITNESS: Review of the calculations is --
23 using the word review wouldn't apply to the
24 calculations. You review the drawings. You use the
25 calculations to determine if the drawings are in

1 that correct?

2 A. When we did our research of the codes, this is
3 what we found out from the code preceding the 1994 Code.

4 Q. But did you do any research to find out how
5 long before 1994 that the pre-'94 Code sections you
6 cited here were in effect?

7 A. To tell you the truth, I don't know for sure
8 which code -- how far back we went.

9 Q. Any recollection at all how far back you went?

10 A. No, I don't.

11 Q. Do you know within the Division whether you
12 have records of what the Code was going back?

13 A. We have a lot of the codes, more recent ones,
14 they're in better condition. When we get back into the
15 '40s and '30s and early '50s they're not in such good
16 shape as far as having all the information, but after
17 that we do have the codes in our office.

18 Q. In the work you have done reviewing plans as a
19 structural engineer within the State Architect's Office,
20 have you dealt with what are called architects of record
21 on projects?

22 A. Have I talked with them, worked with them, yes.

23 Q. And in the structural work that is included
24 within the architectural plans that you're reviewing, do
25 architects sometimes or often have associates consult

1 compliance, so you use them as a tool.

2 Q. BY MR. JORDAN: What I'm trying to determine,
3 regardless of the form of words used, to what degree are
4 you relying on the structural engineer doing the
5 calculations properly as opposed to independently
6 verifying that he did them properly?

7 MR. SEFERIAN: Objection. Incomplete
8 hypothetical question.

9 MR. SALVATY: Objection. Is there a question?

10 MR. JORDAN: Yes, I'm trying to find out
11 whether they do any independent verification of the
12 calculations done by the structural engineer.

13 MR. SALVATY: Ever?

14 MR. JORDAN: Ever. We'll start with, sure.

15 THE WITNESS: Sometimes.

16 Q. BY MR. JORDAN: Sometimes?

17 A. Yes.

18 Q. Is that when there's some reason to question
19 whether the calculations are correct?

20 A. It's generally an efficiency thing. If you
21 have real trouble following the person's calculations, I
22 might do an independent one. If it's been left out and
23 it's a lot faster for you to do the quick calculation
24 than go back to them and ask them to do the calculation,
25 you'll do it that way.

1 Q. Sure.
 2 A. And sometimes you do calculations that are
 3 approximations to verify that what they've done is
 4 reasonable instead of redoing calculations. That's the
 5 only time you do your own independent sort of
 6 calculations.
 7 Q. Okay. In your experience over the last few
 8 years, have you seen any structural calculations done by
 9 architects as opposed to consultants, structural
 10 engineers?
 11 A. I haven't been doing -- over the last few years
 12 personally doing plan reviews, so I haven't. No is the
 13 answer to that.
 14 Q. Have you seen any structural calcs done by
 15 architects over the last few years?
 16 A. Over the last few years, no.
 17 Q. Is there also something called an inspector of
 18 record on a project?
 19 A. Yes. We are using the term, I think, project
 20 inspector these days.
 21 Q. I may not be up-to-date.
 22 A. That's no problem.
 23 Q. In your experience, those are generally hired
 24 by the school district, but they have to be approved by
 25 the DSA?

1 helpful.
 2 Q. BY MR. JORDAN: Do you have any understanding
 3 of the significance of an architect of record signing
 4 off on a set of plans?
 5 MR. SEFERIAN: Objection. Calls for
 6 inadmissible legal opinion. Overly broad. Incomplete
 7 hypothetical. Vague and ambiguous as to "significance."
 8 THE WITNESS: Right, the word "significance," I
 9 need a better definition on that.
 10 Q. BY MR. JORDAN: Does the fact that an architect
 11 of record has stamped a set of plans have any meaning to
 12 you?
 13 MR. SEFERIAN: Objection. Overly broad and
 14 vague.
 15 MR. SALVATY: Incomplete hypothetical.
 16 THE WITNESS: The word "meaning" is kind of --
 17 does it have any meaning? I need something more
 18 specific.
 19 Q. BY MR. JORDAN: I'll add a couple facts and
 20 maybe that will help. It's my understanding DSA
 21 generally requires, although not always, but generally
 22 requires the architect of record to stamp a set of plans
 23 before it's completely reviewed by DSA; is that correct?
 24 MR. SALVATY: Objection. Incomplete
 25 hypothetical.

1 MR. SEFERIAN: Objection. Vague and ambiguous
 2 as to "approved." Incomplete hypothetical.
 3 THE WITNESS: The answer is yes.
 4 Q. BY MR. JORDAN: Okay. And as far as your part
 5 of the plans go, making sure that the buildings are
 6 built according to plan, does DSA rely on the inspectors
 7 to a degree?
 8 MR. SALVATY: Objection. Vague and ambiguous.
 9 MR. SEFERIAN: Incomplete hypothetical.
 10 Assumes facts not in evidence. Overly broad.
 11 THE WITNESS: You said rely. It's kind of too
 12 vague for me to answer your question.
 13 Q. BY MR. JORDAN: Okay. In your view from within
 14 the DSA, does the inspector of record perform any
 15 function that helps the DSA perform their function?
 16 A. Yes.
 17 Q. And what is that that they do that helps the
 18 DSA perform its function?
 19 MR. SEFERIAN: Objection. Incomplete
 20 hypothetical. Overly broad.
 21 THE WITNESS: They are on the site quite a bit
 22 more than our own employees, and one of their duties is
 23 to check the construction against the approved plans to
 24 make sure that they agree, and since they're on the site
 25 for a longer period of time than our own staff, it's

1 MR. SEFERIAN: Objection. Vague and ambiguous
 2 as to "completely reviewed."
 3 THE WITNESS: Yes, at some point the person in
 4 general who is responsible, in charge, be it an
 5 architect or a structural engineer, has to sign and
 6 stamp the drawings.
 7 Q. BY MR. JORDAN: Do you have any understanding
 8 as to why DSA requires that?
 9 MR. SEFERIAN: Objection. Calls for an
 10 inadmissible legal opinion.
 11 MR. SALVATY: Assumes facts not in evidence.
 12 MR. SEFERIAN: Calls for speculation.
 13 THE WITNESS: I would be guessing if I was to
 14 assume DSA in general.
 15 Your question was why does DSA --
 16 MR. JORDAN: Requires architects to stamp plans
 17 before they complete their review. If you don't know,
 18 you don't know.
 19 MR. SALVATY: Same objections.
 20 THE WITNESS: My assumption is that it's done
 21 in that an architect, structural engineers have specific
 22 knowledge, they've passed tests to show that they have
 23 that knowledge for the design and construction of
 24 buildings, so that's one of the reasons that it's
 25 required.

1 Another reason, it's in the statute. And
 2 another reason is that if we ask them to sign and stamp
 3 something, then it puts them in a position of liability
 4 as to the design and construction and complying with the
 5 codes.
 6 Q. BY MR. JORDAN: Two more. Have you ever had a
 7 situation where the architect of record on a project for
 8 one reason or another left the project and another
 9 architect took on the job as architect of record?
 10 A. Yes.
 11 Q. And, in your experience -- first of all, how
 12 many times has that happened in your experience?
 13 A. I can't say for sure. Less than ten, I would
 14 guess, that I know personally of.
 15 Q. So it's a relatively infrequent occurrence?
 16 A. Yes.
 17 Q. And in those experiences, did DSA require the
 18 new architect to stamp the plans and take responsibility
 19 for them?
 20 MR. SEFERIAN: Objection. Lacks foundation.
 21 Calls for speculation.
 22 THE WITNESS: It matters when the architect
 23 took over. It can vary based on special circumstances
 24 of the case.
 25 MR. JORDAN: Rather than burden everybody's

1 DEPONENT'S CHANGES OR CORRECTIONS
 2 Note: If you are adding to your testimony, print the
 3 exact words you want to add. If you are deleting from
 4 your testimony, print the exact words you want to
 5 delete. Specify with "Add" or "Delete" and sign this
 6 form.
 7 DEPOSITION OF: DENNIS BELLET
 8 CASE: WILLIAMS VS STATE
 9 DATE OF DEPOSITION: TUESDAY, JANUARY 8, 2002
 10 I, _____, have the following
 11 corrections to make to my deposition:
 12
 13 PAGE LINE CHANGE/ADD/DELETE
 14
 15 _____
 16 _____
 17 _____
 18 _____
 19 _____
 20 _____
 21 _____
 22 _____
 23 _____
 24 _____
 25 DENNIS BELLET DATE _____

1 time, let's not get into that. I'm done.
 2 MR. HAMILTON: I have no questions.
 3 (The deposition concluded at 3:45 p.m.)
 4 ---oOo---
 5 Please be advised that I have read the foregoing
 6 deposition. I hereby state there are:
 7
 8 (check one) _____ NO CORRECTIONS
 9 _____ CORRECTIONS ATTACHED
 10
 11 _____
 12 Date Signed
 13
 14 _____
 15 DENNIS BELLET
 16
 17 Case Title: Williams vs State
 18 Date of Deposition: Tuesday, January 8, 2002
 19
 20
 21
 22
 23
 24
 25

1 REPORTER'S CERTIFICATE
 2
 3 I certify that the witness in the foregoing
 4 deposition,
 5 DENNIS BELLET,
 6 was by me duly sworn to testify the truth, the whole
 7 truth, in the within-entitled cause; that said
 8 deposition was taken at the time and place therein
 9 named; that the testimony of said witness was reported
 10 by me, a duly certified shorthand reporter and a
 11 disinterested person, and was thereafter transcribed
 12 into typewriting.
 13 I further certify that I am not of counsel or
 14 attorney for either or any of the parties to said cause,
 15 nor in any way interested in the outcome of the cause
 16 named in said deposition.
 17 IN WITNESS WHEREOF, I have hereunto set my hand
 18 this 16th day of January, 2002.
 19
 20
 21
 22 _____
 23 TRACY LEE MOORELAND, CSR 10397
 24 State of California
 25