



DEPARTMENT OF GENERAL SERVICES

Division of the State Architect

Sacramento Regional Office • 1102 Q Street, Suite 5200 • Sacramento, CA 95811-6550
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August 15, 2008

RECEIVED

AUG 20 2008

Donald E. Shaver, Presiding Judge
Superior Court
Stanislaus County
P.O. Box 3488
Modesto, CA 95353

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DES

Dear Judge Shaver,

This is in response to the Stanislaus County Grand Jury Report, Case #08-04, La Grange Elementary School District, dated June 5, 2008 that required a response from the Division of the State Architect (DSA).

DSA has implemented Recommendation 1a) of the Grand Jury report, "DSA conduct an immediate inspection of the La Grange School facility to determine compliance with DSA requirements for construction on school sites." The following is a summary of DSA's inspection.

On July 1, 2008 Jim McCarthy, DSA Supervising Structural Engineer, and Rob Andrews, DSA District Structural Engineer, visited the La Grange Elementary School site, observed the construction and spoke with Joseph Magnu, Superintendent/Principal, and Mike Olsen, School Board Member. See attached Field Trip Note No. 1 from this visit. Note that the scope of DSA's site review was to determine which buildings were DSA certified. DSA staff did not perform an investigation of all potential building code violations at the site. DSA does not have adequate staff to perform such school site reviews. If such a review is desired, the school district should hire an architect to perform this function.

DSA records indicate that one building at the site was certified under DSA application number 1921. There was an addition to this building that was certified under DSA application number 5495. Plans for an alteration to this building were approved by DSA under application number 52714, however, construction of the alteration was not certified due to missing documents, see attached Close of File Without Certification Due to Exceptions letter dated October 2, 1995.

The Non-DSA approved buildings are indicated in the attached Field Trip Note No. 1. DSA sent letters to the school district superintendent dated April 3, 2008 and July 28, 2008 regarding Non-DSA approved buildings at the school site, see attached. In a

telephone conversation with the superintendent on July 29, 2008, the superintendent indicated that four of the unapproved buildings have been removed from the site.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Levernier", written in a cursive style.

Daniel Levernier
Regional Manager

CC: David Thorman, State Architect
Frank Nissen, DSA Operations Deputy
Teresa Boron-Irwin, DGS Legal



Field Trip Note No. - 1

Facility – La Grange Elem.

File No. – 50-23

Application No. - None

Date – 7/1/2008

Project Inspector - Unknown

Project Completion - na

Trip Notes:

- People Onsite:

- Mike Olsen – School Board member

- Joseph Magnu – Superintendent/Principal 209-620-0557

- Other School Board members, public, and County Sheriffs Deputy for School Board meeting.

- Bldgs. that are onsite:

- One Permanent Bldg. – Originally constructed under Application 1921 (Closed with certification); An Addition was done to this Bldg. under Application 5494 (Closed with certification); Alterations were made to this Bldg. under Application 52714 (Closed without certification). See Figure 1.



Figure 1

- One Non-DSA Approved - 24x 40 Relocatable Bldg. which is being used as the school office was placed onsite August of 2004. See Figure 2.

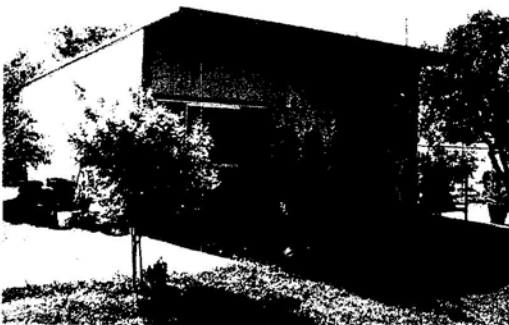


Figure 2

- Two Non-DSA Approved 24x 40 Bldgs. and One 12x 40 Bldg. (Modtech) were placed onsite west of the Permanent Bldg. August 2005. See Figure 4.

- Two Non-DSA Approved 24x 40 Bldgs. (American Modular) at the west end of the campus and One 12x 40 next to the Permanent Bldg. were placed onsite August 2006. The two Non-DSA Approved 24x 40 Bldgs. have been emptied and the District is planning on having them removed from the school site. See Figures 3 and 5.

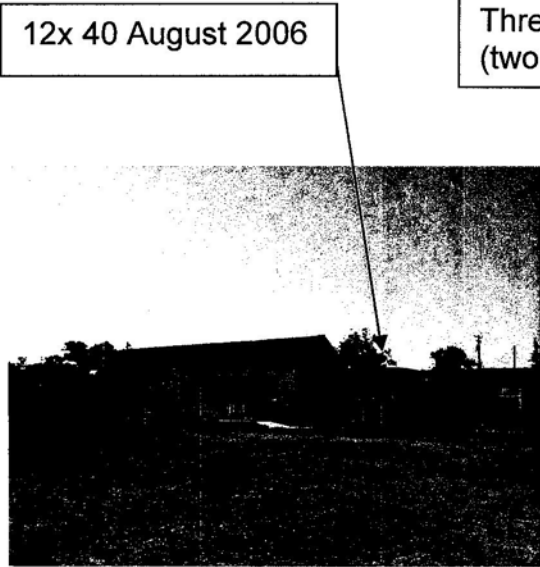


Figure 3

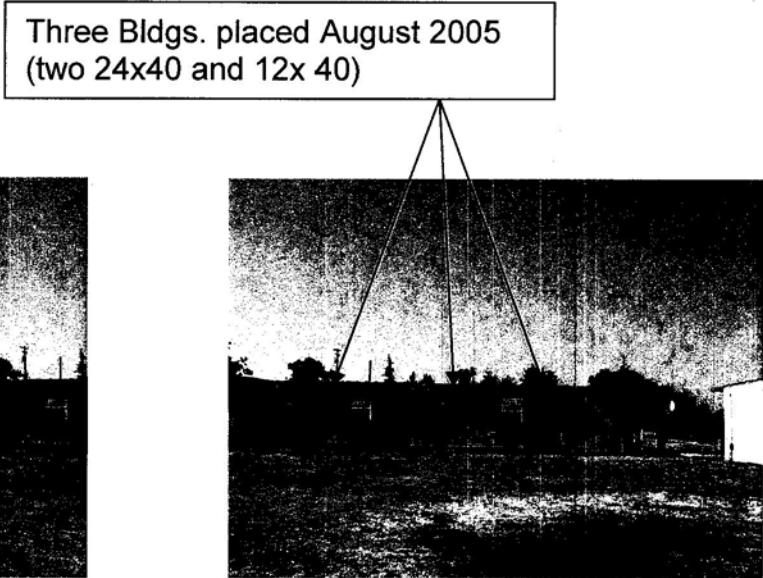


Figure 4

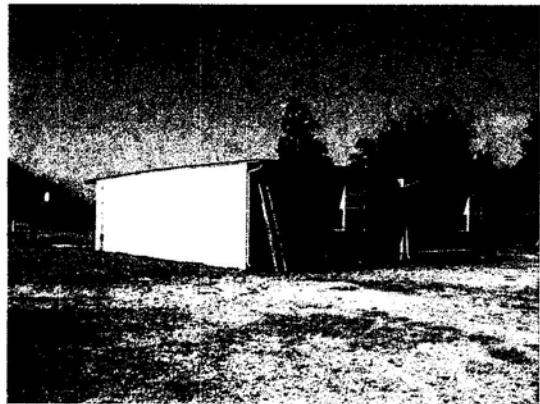


Figure 5

← 2-24x 40's Placed August 2006 –
These are going to be removed.

- One Non-DSA Approved Masonry Storage Bldg. near the Non-DSA Approved Office Relocatable Bldg. next to the west property line. See Figure 6. The requirements for non-school Bldgs. such as storage Bldgs. that will not be entered by teachers and students were discussed.



Figure 6

- A Simplex 4005 Fire Alarm panel is in the Non-DSA Approved Office Relocatable Bldg. See Figure 7.

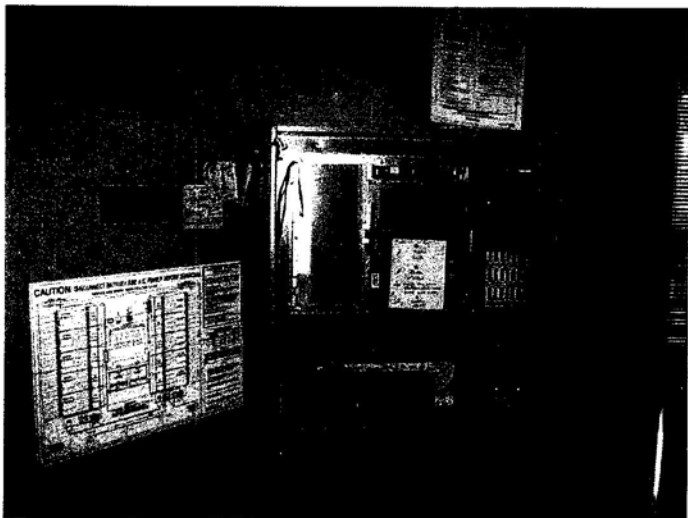


Figure 7

- No Accessible parking was observed.
- Mr. Magnu indicated that Architect Ted Brandvold was the professional for the Non-DSA Approved Relocatable Bldgs.
- The process and requirements for obtaining DSA approval and certification for Relocatable Bldgs. on school sites was discussed with Mr. Magnu and Mr. Olsen.
- The Charter School was discussed and it was determined that all of the students are intermingled in the school.

Rob Andrews, DSE and Jim McCarthy, SSE



Office of Regulation Services

1300 STREET, SUITE 200, SACRAMENTO, CA 95814
(916) 445-8730

October 2, 1995

File No. 50-23
52714Board of Trustees
La Grange Elem. S. D.
P. O. Box 66
La Grange, CA 95329

Gentlemen:

**CLOSE OF FILE WITHOUT CERTIFICATION DUE TO EXCEPTIONS
LA GRANGE ELEMENTARY SCHOOL
ALTERATIONS TO CLSRM./MULTIPURPOSE/ADMIN. BUILDING**

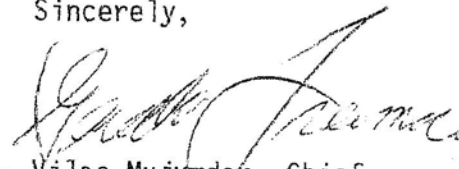
The Department of General Services' records indicate that the design documents for the referenced project were approved by the Department, and that the work of construction has been substantially completed in accordance with those documents. However, many of the Verified Report documents and affidavits required to complete the file have not been received from the responsible entities. This lack of documentation is significant. The items below are outstanding:

1. FINAL VERIFIED REPORT: ARCHITECT - BUD GOLDBERG
PROJECT INSPECTOR - G. ASCHENBRENNER
2. NOTICE OF COMPLETION FROM SCHOOL DISTRICT
3. ADDENDA #1 - RETURNED FOR CORRECTION 5-19-92.

Therefore, the Department of General Services cannot certify this project.

No further action is anticipated in this regard, and the file on this project is being closed without issuance of the Department's certification of compliance.

Sincerely,


FOR Vilas Mujumdar, Chief
Office of Regulation Services

VM:cb

cc: Co. Superintendent of Schs.
Architect/Engineer
Reading - File



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Division of the State Architect

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July 28, 2008

File No. 50-23
Application – None

Mr. Joseph Magnu, Superintendent
La Grange Elementary School District
P.O. Box 66
La Grange, CA 95329

Dear Mr. Magnu:

LA GRANGE ELEMENTARY SCHOOL
UNAPPROVED RELOCATABLE CLASSROOM BUILDINGS & STORAGE BUILDING

This letter is to summarize the unapproved construction observed by DSA at the La Grange Elementary School. Two unapproved relocatable buildings (See Figure 5) were discussed in our April 3, 2008 letter (See attached letter) in reference to our March 28, 2008 site visit. During an additional visit on July 1, 2008, five additional unapproved relocatable buildings (See Figures 1, 2, & 3) and one unapproved storage building (See Figure 4) were observed on the school property.

For miscellaneous structures such as the storage building, the building may be constructed by the School Board on its own responsibility without first submitting plans and specifications to DSA, but such buildings or structures shall never be used for school purposes. It shall be the responsibility of the school board to take all necessary measures and precautions to prevent such use and to prevent injuries to pupils or teachers on school grounds as a result of collapse (DSA interprets this to be fenced off a falling distance away) of such buildings or structures. Any such building excluded from the provisions of these regulations shall be posted with a sign in a conspicuous place on the building stating that such building does not meet the structural standards imposed by law for earthquake safety pursuant to Sections 17368 and 81165 of the Education Code. In authorizing and completing the design and construction of the storage building, the school board assumes responsibility for employing appropriate licensed architects or registered engineers to prepare the plans and specifications and for adequate inspection of the materials and work of construction to ensure compliance with the provisions of Parts 2, 3, 4, 5, 6, 7 and 12, Title 24, C.C.R., as adopted by the Building Standards Commission. DSA requires that a resolution be passed by the school board stating the storage building shall not be used for school purposes and that no pupils or teachers, as such, will be permitted to use or enter the storage building for said purposes or be subjected to a hazard resulting from its collapse. A copy of the resolution shall be submitted to DSA.

It appears the five relocatable buildings observed July 1, 2008 were placed without DSA approved plans and specifications and apparently without adequate supervision of construction. Therefore, these relocatable buildings must be considered in violation of Section 17280 through 17317 of the Education Code (Field Act).

For these buildings to comply with the Field Act provisions, the actual design must be submitted for review and approval by this office. Verification of the quality of all materials used in the construction and the materials current condition is also required. Any design, construction, or material deficiencies must be corrected. Any future alterations or additions to this building cannot be approved by the DSA before this structure is brought into compliance with the Field Act provisions.

Before any corrective action or plan submittal can occur, the District must secure the services of an architect in compliance with Section 17302 of the Field Act.

Various opinions of the Office of the Attorney General and County Counsels have expressed the view that the members of the governing board may be held personally liable for injury to persons or damage to property from the use of non-compliant structures.



Figure 1

3-24x 40 Relocatable Bldgs.

2-12x 40 Relocatable Bldgs.



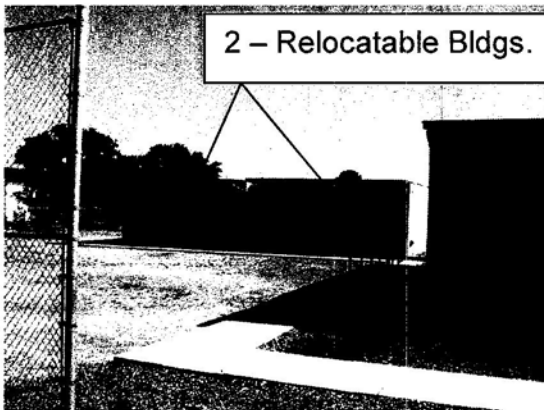
Figure 2



Figure 3



Figure 4 – Storage Building



2 – Relocatable Bldgs.

Figure 5 – Two Bldgs. in April 3, 2008 Letter

