



STATE BOARD OF EQUALIZATION

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RAMON J. HIRSIG
Executive Director

October 30, 2008

Mr. Will Bush, Director
Department of General Services
Executive Office
707 Third Street
West Sacramento, 95605-2811

Dear Mr. Bush:

I am writing this letter as a follow-up to our meeting on Monday, October 20, 2008, and in response to a letter from Mr. Doug Button dated October 17, 2008, stating the 23rd and 24th floors at 450 N Street are available for occupancy.

Although the letter from Mr. Button stated that DGS' consultants have completed their work in relation to the remediation and renovations on floors 23 and 24, several matters remain to be addressed before BOE can or will re-occupy those floors.

First, our BOE staff, their unions and BOE management want to and should be fully informed about the nature and scope of remediation that occurred on those floors, as well as a plan of action to monitor those remediation efforts. I have specifically advised you that BOE wanted a report from DGS and its consultant on these issues before we would ask our staff to reoccupy the remediated floors. To date, we have not received that report. At this time, I reiterate my request and ask that DGS and its consultants provide a report with the following information to BOE:

1. Specifically identify all locations where mold was found and remediated.
2. For each location where mold was found, tell us:
 - a. What mold was found.
 - b. For each location, the approximate size/area covered by mold growth.
 - c. What was done to remediate the mold, i.e. removal and replacement of drywall, cleaning, etc.
 - d. Whose professional judgment was used to determine the nature and scope of each area of mold clean-up, and that remediation was completed as to each area. Please make sure that this professional signs and approves of the content of the report relating to his or her work.
3. For each location where mold was found, tell us:
 - a. The source of moisture that caused the mold growth.
 - b. What repairs were made to stop the source of moisture.
 - c. Who made the repairs to eliminate the source of the moisture.
 - d. Whose professional judgment was used to determine the nature and scope of the source of moisture and the repair of each source. Please make sure that this professional signs and approves of the content of the report as relates to his or her work.

4. For each mold test (air, surface, or any other test) taken, tell us:
 - a. Why the tests were taken.
 - b. Where the tests were taken.
 - c. Who interpreted the tests.
 - d. The results of the tests.
5. Provide clear digital copies of all pictures or videos taken during the remediation process, identifying each by date and location.
6. Provide a follow-up plan for monitoring these floors after re-occupation.

Once we have this report and photos we will post it on our website and make it available to our employees. We anticipate that they will have many questions and concerns. We believe it will be necessary for DGS representative and its remediation consultants to participate in town hall meetings to address these issues.

Once Hygiene Technologies, Inc. (HTI) has received and reviewed your reports, HTI will perform a walkthrough of the floors, after which we will advise DGS of any concerns that arise during that walk through. We anticipate that the Unions may also want to perform some sort of walk through as well.

Second, we are receiving mixed communications on the status of the 23rd floor in relation to the work being done on the fire proofing on the 22nd floor. Mr. Button reports that the State Fire Marshall (SFM) has indicated that the 23rd and 24th floors may be occupied during the removal and replacement of fire retardant on the 22nd floor. However, in a subsequent construction meeting between DGS and BOE staff, DGS staff advised that the SFM clearance is only a 30 day temporary clearance. Please provide us with a written confirmation from the SFM about his position on this issue.

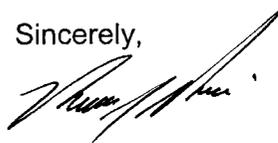
Third, we would like to know the plan of action and status of the investigation and remediation of the elevator shafts by your contractor, LaCroix Davis. We have asked for a plan of action, but have not yet received one. Based on an email following our meeting, you indicated that LaCroix Davis will have that report completed by December 20th, 2008.

Finally, the appropriate BOE administrative staff must perform a walk-through, and all items noted on their punch list must be completely.

At this time, we believe that each of the items above must be addressed before floors 23 and 24 are ready to "re-occupy." Stated differently, although the "construction" aspect of the process may be complete, further work must be done to facilitate re-occupancy.

I respectfully request a written response to this request on or before November 7, 2008. I still await responses to my letters of September 11 and September 29, 2008.

Sincerely,



Ramon J. Hirsig
Executive Director

cc: Honorable Judy Chu, Chair
Honorable Betty T. Yee, Vice Chairwoman
Honorable Bill Leonard
Honorable Michelle Steel
Honorable John Chiang

bc: Mr. Steve Shea
Mr. Alan LoFaso
Ms. Barbara Alby
Mr. Ken Maddox
Ms. Marcy Jo Mandel
Executive Team