



San Diego City Attorney MICHAEL J. AGUIRRE

NEWS RELEASE

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CITY ATTORNEY CALLS FOR A COMPLETE HALT TO CONSTRUCTION AT SUNROAD CENTRUM BUILDING

*Former City Inspector Confirms He Refused to Sign Order Modifying
Stop Work Notice of December 21, 2006*

San Diego, CA: City Attorney Michael Aguirre called on Mayor Jerry Sanders to issue on Monday an absolute stop work notice and direct Sunroad Enterprises to begin taking down the Centrum 1 building to 160 feet. The building has been determined by the Federal Aviation Administration to be an air navigation hazard to pilots flying in and out of Montgomery Field in Kearny Mesa.

The City Attorney is pursuing this course action after the Mayor recently confirmed on KOGO radio that a City building inspector refused to sign a December 21, 2006, modified stop work order that allowed weather-proofing of the Centrum building. The revelation was made by radio personality Roger Hedgecock who interviewed the Mayor yesterday afternoon about the stop work order:

Roger Hedgecock:

Do you know that in your bureaucracy there's somebody who's supposed to, that actually is designated by your procedures and state law, to sign uh, because it's a pretty serious matter. You know, stopping work. A stop work order is a pretty serious matter. And there's actually a building official that's designated to do that....

Mayor Sanders: Right.

Roger Hedgecock: It's not Marcela.

Mayor Sanders: (Mayor did not respond).

Roger Hedgecock: I mean, and and and and Waring had to change the the policy in your department because the guy who was supposed to do it, the guy who was actually uh under the policies and the state law required to do it, in terms of modifying any stop work order, refused to do it.

Mayor Sanders: You know, we talked about that issue this afternoon and I I I don't, I'm not sure that's exactly right.

Roger Hedgecock: What is exactly right?

Mayor Sanders: Well, my understanding is Marcela asked him if he wanted to do it, if we was willing to do it, and he said no.

Today the City Attorney spoke with the inspector and he confirmed to Aguirre that he refused to sign the proposed modified stop work notice because it went far beyond weatherizing the building. The inspector

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no longer works at the City and is employed in San Francisco.

“As the City Attorney, I would also like to know if the Mayor knew that the modified work order went beyond just weather-proofing the building,” said City Attorney Aguirre.

Mayor Sanders also confirmed that he participated in a December 19, 2006 meeting with Aaron Feldman, President of Sunroad Enterprises and Tom Story, Vice-President of Development at Sunroad. The meeting took place in the Mayor’s Office.

Two days later on December 21, 2006, the stop work order for the Sunroad Centrum I building was modified and signed by Marcela Escobar Eck, Director of the Development Services Department.

Roger Hedgecock: Now, the Aguirre accusation is that this date, December 19, two days before the stop work order was modified to allow uh Sunroad to complete the building, um, there was a meeting in your office with you, Tom Story, Aaron Feldman, and Jim Waring, who heads up your department. Uh, two days later the stop work order was modified and Aguirre’s charge is that you modified it on behalf of a campaign contributor.

Mayor Sanders: Well, let me go back into that one. Uh we did have that meeting. Aaron Feldman asked to come over and explain his side of the story. Um he came over and uh said that uh he didn’t want to file a lawsuit against the City. Uh he didn’t want to file a lawsuit for quite a bit of money against the City, but he was feeling compelled to because uh he felt that he had done everything correctly, even though we now know that that’s not the case. Uh he also felt that um it was if we couldn’t winterize that building, it was going to create damage in there uh that couldn’t be taken care of and if they sued us we were going to owe a lot more money for that. Um I talked with Jim Waring, we had conversations, and basically the decision was made to let the building be winterized so we could mitigate any damages in case there was a lawsuit and in case we lost. Because we lose quite a few lawsuits. Uh and I thought that the right decision was to let it be winterized so that if we did lose the lawsuit, and we have been sued since then, uh that we were not going to have to pay as much of the damages because it simply hadn’t allowed it to be destroyed on the inside.

Roger Hedgecock: Do you think that Aaron Feldman lived up to the verbal agreement that you’re now describing that he had with you?

Mayor Sanders: No.

Roger Hedgecock: In what specific respect?

Mayor Sanders: Well, when uh they talk about winterizing, uh, you know, I I think what my expectation [sic], or or my impression of winterizing is is you uh put some type of coating around the outside so that rain can’t get in, so that wind can’t blow in, so that all that can’t happen. It certainly didn’t mean putting new architectural features at that wing that’s on there now. It didn’t mean any of those things. And that’s the mistake we made in not stopping it quickly enough.

For copies of documents that were released to the media, visit www.sandiegocityattorney.org, click “Significant Reports & Legal Documents.

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