

SHONTEL D. JOHNSON

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August 8, 2022

Mayor Eric Garcetti
City of Los Angeles
200 N. Spring St.,
Los Angeles, CA 90012

C/o: Ms. Lisa Payne
Director of Public Engagement

**Re: Fountain Park Apartments at Playa Vista
Toxic Methane Gas Leaks and Structural Building Failures
Conflicts of Interest, Ethical Misconduct, & Misuse of Authority by City Officers
Cal OES Case #22-3964**

Dear Mayor Garcetti c/o Ms. Payne,

This is a complaint and plea for help from Mayor Eric Garcetti. The public relies on the City of Los Angeles and its leaders to keep us safe. That's why, there is an urgent need for Mayor Garcetti to take immediate, focused actions to address the documented public safety risks and the high-level methane gas leaks in Playa Vista at the Fountain Park Apartments before something catastrophic occurs. Ms. Payne, as you already know, I have been a resident of Fountain Park for 19 years and there is a major methane gas problem here. High-level methane leaks are never-ending health and safety hazards for all the residents of Fountain Park. I know this personally because I'm a casualty of the nonstop methane leaks and I'm still suffering from the health consequences of this lethal gas.

During the last toxic methane leak on March 24, 2022, I was nearly asphyxiated. The building was shaking and the methane alarms went off inside the apartments. I ran to evacuate the building and right into an extremely high concentration of methane gas in the parking garage. I could not breathe and immediately felt like I was suffocating. I had chest pain, became dizzy, and had sudden bouts of nausea and vomiting. There was no air, no fans, and no ventilation whatsoever! I felt trapped with the pressurized gas in the confined space of the parking garage. The methane leak and the alarms went on for the entire day with no response from LAFD or even our own Fountain Park Management. In fact, the last time LAFD responded to any fire/methane alarm and gas leak at Fountain Park was in 2003. However, the high-level leaks have not stopped. They are still to date, a never-ending problem. This is not normal!

Another urgent priority that requires the immediate, focused attention of Mayor Garcetti is the life-threatening structural failures at Fountain Park. There is documented "long-term concrete decay" and "major structural damage" in the upper and lower levels of the G1 and

G2 parking garage due to problems that include but are not limited to flooding, water penetration, methane gas bubbling through the concrete slab, concrete corrosion, and termite rot that has rendered the buildings structurally unsound according to reports from both the City's Housing Inspectors and the Systematic Code Enforcement Program. An example of the flooding and methane



gas bubbling through the concrete slab in the parking garage is represented in the photo above. These abnormal events occurred regularly from October 2021 – February 2022. The methane alarms will sound, it becomes humid, and difficult to breathe. When it occurs, it can go on ranging anywhere from a day, or two-plus days without any response from LAFD or Fountain Park Management. During the 2019-2020 rain season, the flooding on the lower G2 level had risen to ankle-high. All the methane alarms were sounding, all the strobe lights were flashing, and it was very humid, and difficult to breathe. This went on for two days as the residents were forced to endure this and wade through ankle-high water with no response from LAFD or Fountain Park. After two days of angry resident complaints, Fountain Park finally responded.

The goal of this complaint and plea to Mayor Garcetti is to help him understand the extent of the methane leaks and the structural hazards that require an immediate remedy and/or full evacuation of all the residents at Fountain Park. Moreover, the goal is to further help Mayor Garcetti understand that the current state of affairs may not have reached this point but for what appears to be conflicts of interest, ethical misconduct, abuse of authority, dereliction of duty, and oversight failures by many City officers and departments to hold Fountain Park accountable for a pattern of habitual violations and failures to abide by numerous authoritative orders. Because of this, these critical issues were escalated to the Governor's Office of Emergency Services – Cal OES Case #22-3964.

This complaint now involves several entities including Fountain Park; Office of the Mayor; City Council; City Housing Department and Inspectors; Department of Building and Safety; Fire Department; Fire Prevention Bureau Inspectors; County Fire Department – Haz Mat Emergency Operations; and the California Geologic Energy Management Division. While there are noble City, County, and State actors here, sadly, there are some bad actors here as well. To assist Mayor Garcetti, I will outline the following matters that may have escaped and/or were never brought to his executive purview.

This complaint begins with Housing Department Inspector Heber Jurado. I believe he is an egregiously bad actor here, including any and all others who aided him in the illegal closure of the Notice and Order to Comply issued by Inspector Jurado on July 7, 2021; Case #786051.

The report regarding my apartment building at 13175 Fountain Park Dr., explicitly states the:

“Horizontal supports are sagging, split, or buckling, and the structural hazards are life-threatening violations that compromise the integrity of the building ... and pose a significant risk of harm, injury, or death to residents of the building.” Compliance is still outstanding!

While there are many areas of concrete corrosion in the parking garage, the photos below depict one of the most life-threatening areas of concrete deterioration as you enter the G2 lower level parking garage as described in the notice and order to comply on July 7, 2021. The steel beam in the photos was mounted in November 2020 because every time it rained, the water that poured from the concrete slab was like driving through a car wash. The steel beam spans about 20+ parking spaces and runs under the pool. The last photo is an example of a large amount of concrete that had already broken off the slab.



Because of the force and amount of water that pours from this area, I captured the photos and a video after the rain, flooding, methane alarms, and when the gas cleared. As you can see, from the time the beam was mounted in November 2020, until Inspector Jurado issued his violation in July 2021, the severity of concrete erosion, and rusted steel occurred within a short span of only eight (8) months. The beam is also separating from the concrete slab.

Pursuant to your requests Ms. Payne and Ms. Romero, Inspector Jurado explicitly told us all on 11/16/21, that the case was being referred for a General Managers (GM) hearing review. This was due to Fountain Park's failure to correct the violations in the order to comply that was issued on 7/7/21, and even after the re-inspection on 8/16/21.

Case #: 786051
Date: 12/03/2021 09:40:00 AM
Recorded By: Heber Jurado
Contact:
Send To:
Send CC:
Log: Received an email reply from the property manager & Brian Nelson stating he will follow up with his vendor on the permit status. Replied to email informing him to obtain the permits as soon as possible in order to avoid a hearing.

Case #: 786051
Date: 12/03/2021 09:12:00 AM
Recorded By: Heber Jurado
Contact:
Send To:
Send CC:
Log: Received an email thread from the Senior Affordable Housing Policy Specialist & Marisol Romero & Marisol.romero@lacity.org and Director of Public Engagement Lisa Payne & lisa.payne@lacity.org. Ms. Romero was following up with status on the GM hearing and had questions regarding the hearing dates, the pending permit and assessment from LADBS. Replied to email providing status for both the GM hearing has not been scheduled, informed them I will follow up with the management company today, and informed them the status of the LADBS permit. Follow up email was sent to the property manager & Brian Nelson & bnelson@essex.com and to the capital manager & Tad Gamboni tgamboni@essex.com to provide status on the pending permit.

Case #: 786051
Date: 11/16/2021 03:57:00 PM
Recorded By: Heber Jurado
Contact:
Send To:
Send CC:
Log: Received a call back from Lisa Payne 213-926-4090 and explained the case is being referred for a GM hearing review. Ms. Payne understood and requested for complainant to also be updated. Called and spoke to the complainant Shontel Johnson 310-227-6173 and explained the GM process update, she understood and was very appreciative.

Later, on 12/3/21, Inspector Jurado provided an update

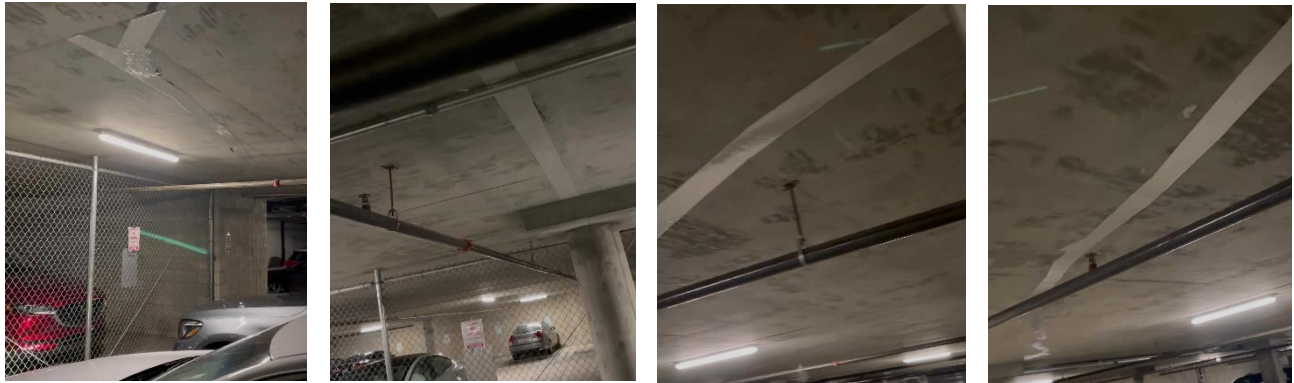
to you, Ms. Payne, and Ms. Romero that the GM hearing had not been scheduled yet. Less than 30 minutes after communicating this to you both on 12/3, Inspector Jurado followed up with Fountain Park and appears to actively aid them behind the scenes to "avoid a GM hearing" by ensuring the hearing would never be scheduled. And it never was. (See Inspector Jurado's worklog indicated above that he recorded for the dates referenced here.)

Bait and Switch – Improper use of Los Angeles Department of Building and Safety's (LADBS) Permit #21016-30000-30847, to Deceitfully Close LAHD Case #786051

It appears that Inspector Jurado in conjunction with Fountain Park executed a "bait and switch" tactic on us all, including his own employer the City of Los Angeles. Fountain Park and Ace Consulting Civil Engineer Barry Cohan (CA Registration #C36291) submitted an application for LADBS Permit #21016-30000-30847 on or about September 22, 2021. The permit was recorded as "final" on April 15, 2022, and "closed" on May 11, 2022. However, LADBS didn't issue this permit for the legitimate work required under Case #786051.

For example, the photos of the structural hazards indicated above on page three (3), were taken in the "common parking area" as you first enter the G2 parking garage. The damage was referenced in the original parent case notice and order to comply issued by Inspector Jurado on March 9, 2020; Case #756769. In addition, page three (3) photos were indicated during Inspector Jurado's inspection on March 5, 2020, when this all began. The structural damage and concrete erosion on page three (3) had severely expanded by the time Inspector Jurado issued the second notice and order to comply on July 7, 2021; Case #786051.

Accordingly, when permit #21016-30000-30847 was issued, it was for a totally different area in the parking structure specified in Mr. Cohan’s report filed on record with LADBS as a “hairline crack.” See the photos indicated below of where Inspector Jurado took his pictures on September 23, 2021. Then, Inspector Jurado combined the photos with Mr. Cohan’s report and deceptively attached them to July 7, 2021; Case #786051. This is a private and gated parking area. The tape in the photos starts over my car in my “designated parking stall.” The tape represents the length of one of the cracks that run over my car, alongside my car to the other side of the garage.



If you recall, Ms. Payne, the “hairline crack” is what I called the tacky tape job that we discussed on November 11, 2021. The tape was used to cover up chunks of material that were already broken off from the concrete slab. The tape appeared to be a flimsy visual fix to address “only one” of the major cracks as opposed to a structural address of the cracks. There are also cracks on the concrete ground floor that have not been addressed. Once the optical cover was done, Inspector Jurado used this to satisfy Case #786051 and closed it on May 11, 2022. Even though Inspector Jurado was directed by the Office of the Mayor to proceed with scheduling the GM hearing. A direction that Inspector Jurado clearly understood when he confirmed it with us all on November 16, 2021.

Permit #21016-30000-30847 wasn’t issued by LADBS for the critical hazards outlined in Case #786051, represented in the photos on page three (3). It appears that Fountain Park couldn’t obtain the required permits from LADBS due to a number of unauthorized constructions on the property. As you recall, Ms. Payne, in November 2021, I sent you the video of the corroded steel beam depicted on page three (3). The beam and surrounding areas in the video are the rightful subject on record for Case #786051. Again, this originated from the parent case of 3/9/20; Case #756769. Inspector Jurado confirmed this in his worklog above on 10/6/21.

Case #: 786051
 Date: 10/06/2021 04:04:00 PM
 Recorded By: Heber Jurado
 Contact:
 Send To:
 Send CC:
 Log: Received a conference call from LISA PAYNE Director of Public Engagement Office of Mayor Eric Garcetti Office (213) 978-0837 and the Mayor’s Constituent Services Coordinator through Google Meet. Reviewed the case violation that is pending regarding the garage level repairs, the required permit, and the civil engineer’s report. Answered questions from both the Director and Coordinator regarding the areas of concern and also regarding last year’s inspection violations under case# 756769. The Director asked and requested if the complainant, Shantel Johnson can be contacted and ge updated with the case and if she can be present upon reinspection and walk through the garage levels with me and any other representatives. A call was made and spoke to the complainant. Explained the case status including the permit process, civil engineer’s report and provided the date and time of the reinspection. Complainant understood and stated there are other areas of concern in the garage levels that keep being ignored by management. Informed her to be present on the reinspection date and walk and show us the areas of concern, she understood.

The problem was the steel beam mounted in November 2020 was completed without an LADBS permit. Therefore, when Inspector Jurado issued the notice and order to comply on July 7, 2021; Case #786051, Fountain Park could not obtain the necessary permit from LADBS to repair it.

Case #: 786051
Date: 11/16/2021 03:46:00 PM
Recorded By: Heber Jurado
Contact:
Send To:
Send CC:
Log: On 11/15/2021-Received a call from Lisa Payne Director of Public Engagement Office of Mayor Eric Garcetti Office (213) 978-0837 who requested status on the case and asked about the meeting with complainant. Explained to her the outcome of the TDO and the complaint case and informed her my senior had a conversation with Marisol Romero from the mayor's office, she understood. Called and spoke to the complainant; Shontel Johnson 310-227-6173 in unit A414 in building 13175 informing her of the outcome of inspection. Complainant stated she wanted to meet with me and show me other areas of concern in the parking structure. Explained to her that after speaking to my senior, she can file a new complaint and we can conduct another inspection, she understood and stated she is just afraid of a future collapse of the building since the cracks and water leaks have been a recurring issue. After reviewing the case with senior and the required permit has not been issued, the case will be referred to a GM hearing review. The following permit information found under LADBS: 21016-30000-30847 B21WL04210 Bldg-Alter/Repair Corrections issued 11/9/2021 repair hairline cracks in floor of garage, bldgA, podium level (per city of los angeles housing and community investment department case no. 786051) 21016-10000-42032 B21LA19498 Bldg-Alter/Repair PC Info Complete 10/28/2021 HAIRLINE CRACK REPAIR IN CONCRETE SLAB AT PARKING GARAGE. Called and left a message for the manager Brian 310-936-7131 informing him of the GM process. Called and spoke to the capital manager Tad Gambino 949-306-5638 and explained the GM process and the pending permit required. Manager understood and will follow up with his vendor.

Inspector Jurado was aware of this because he told me and recorded it in another worklog dated November 16, 2021, as indicated above. Hence, his zeal to assist Fountain Park and facilitate closing the case. It appears this was a reason that Inspector Jurado failed to contact me on 11/15/21, as you requested Ms. Payne, to walk through the garage levels with other City officers to identify additional critical areas in the parking garage. Afterward, Inspector Jurado also misrepresented these conversations with you and me in his worklog. I became aware that Inspector Jurado recorded inaccurate worklogs in the City's database and alerted you to this on February 7, 2022. Inspector Jurado undermined the efforts of both you and Ms. Romero in November 2021 while you attempted to safeguard the residents from a structural collapse by misrepresenting his intentions to help Fountain Park escape accountability through a GM hearing.

This is one reason I stressed to you, Ms. Payne, that the **City of Los Angeles should "conduct a detailed audit" of the Fountain Park property from its inception to determine the gravity of authorized and unauthorized construction conducted here.**

Clearly, it appears that ethical misconduct may have been committed. It further appears that Inspector Jurado abused his authority and has a major conflict of interest with Fountain Park Management that compromises his duty and independent judgment to act in the interests of the City of Los Angeles and to make the appropriate professional and ethical decisions necessary regarding the health, safety, and habitability harms that exist at Fountain Park. The highest principle of leadership is integrity. When the ethics of our leaders are compromised or reasoned away, it is the moment when leadership moves into the slippery slope of failure.

Ms. Payne, as I mentioned to you before that my desire is not to condemn Inspector Jurado. However, I am extremely disappointed with his actions because they are beyond shameful that a representative acting on behalf of the City of Los Angeles would engage in such conduct at the expense of human lives. So, I will ask again, how much compromise does it take to turn a blind eye and sacrifice human life? Where is the accountability?

Inaccurate Worklogs and Misleading Evidence recorded by Inspector Jurado in the City of Los Angeles Database

In furtherance of this appalling deception, it appears that Inspector Jurado recorded a considerable amount of misinformation in the City of Los Angeles Database. Is Inspector

Jurado prepared to sign a document “under penalty of perjury” that the contents of all his worklogs and supporting evidence that he recorded in the City’s database as outlined in this complaint are truthful? And further sign “under penalty of perjury” that all of his colleagues and I were completely aware of his alleged actions and knowingly supported them?

The misrepresentations Inspector Jurado recorded in the worklogs include, but are not limited to the distortions he made to the Office of the Mayor and other city officials; to Juan Medina in the Emergency Management Unit causing an inspection of the wrong area, and the misleading statements he made about communications with me and other city officials. It also appears that Inspector Jurado concealed separate worklogs that were created for Case #786051 and permit #21016-30000-30847. They were recorded under parallel case numbers, as well as worklogs that were created with no case numbers at all. This appeared to be maintained concurrently with the misleading information that was recorded in Case #786051, to divert attention away from a pending collapse in the parking garage that Inspector Jurado forewarned of in his July 7, 2021, report.

A surefire way to cover things up is to deliberately avoid keeping good records. The methodical deception is shocking. Consequently, it appears the only thing that Inspector Jurado has managed to achieve here is to increase the liability to the City of Los Angeles for dishonest record keeping and reckless indifference to human life.

Inspector Jurado’s Nerve-Wracking Comparison of Fountain Park to the Florida Surfside Condo Collapse and the report issued on July 7, 2021; Case #786051

When Inspector Jurado initially conducted his inspection on June 29, 2021, it was shortly after the Florida Surfside Condo collapse. A major factor in that collapse was the “long-term decay” and “major structural damage” to the concrete slab in the parking garage due to water penetration and corrosion. Despite the inspection reports of concrete deterioration and structural damage, along with reported concerns from the residents regarding the structural damage, there was an abject failure to properly protect human life.

Likewise, as I walked through the parking garage with Inspector Jurado on June 29, he expressed that the severe concrete corrosion and deep structural cracks he photographed concerned him that Fountain Park could be on the same path. Hence, the terrifying report he issued on July 7, 2021; Case #786051. I am vividly reminded of the chilling conversation I had with Inspector Jurado. Ever since I’ve been deathly afraid for my life and the lives of all the residents. Fountain Park eerily appears to be on a slow walk to the same fate while our leaders casually dismiss, ignore, and/or punt the residents’ concerns elsewhere. Yet, I imagine it was a similar indifference to human life that contributed to the Florida collapse.

What will the city, county, and state officials tell the families and the public if the building collapses? The residents of Fountain Park do not want your thoughts and prayers after the fact when safety measures could have been put in place before a tragedy strikes.

Two-Day Emergency Order and Urgent Referral Program (URP) — Inoperable Methane Detection and Mitigation System issued on November 10, 2021, LAHD Case #798529

Concurrently with all the structural damage, Inspector Jurado issued a Two-Day Emergency Order and placed Fountain Park in the Urgent Referral Program on November 10, 2021, for an inoperable methane detection and mitigation system. To date, over eight (8) months later, compliance for this remains outstanding even though the deficiencies in the Order explicitly state:

“Deficiencies revealed constitute a present, imminent, extreme, and immediate hazard or danger to life or limb, health or safety ... rendering the entire premises untenable.”

Methane gas is a critical problem at Fountain Park. And given the two-day emergency order, Inspector Jurado is acutely aware of this.

I sincerely hope this case wasn't improperly closed as well for work that was never done. Otherwise, this would appear to be a very disturbing and troubling pattern of cover-up and misconduct not only for LAHD but yet another case that has Inspector Jurado's name connected to it. This would again beg the question:

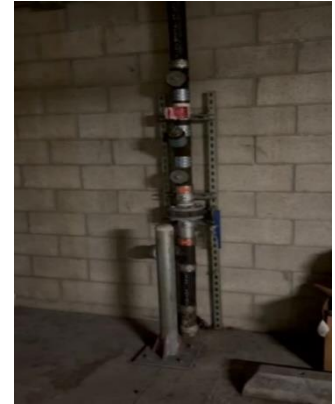
1. Why would a matter deemed so deadly be closed without completion?
2. Were there incentives to do this?

LADBS Methane Hazard Mitigation Standards; Abandonment and Dereliction of Duty; and Object Failure to Monitor Fountain Park's Methane Detection and Monitoring Systems Pursuant to Stipulated Agreements

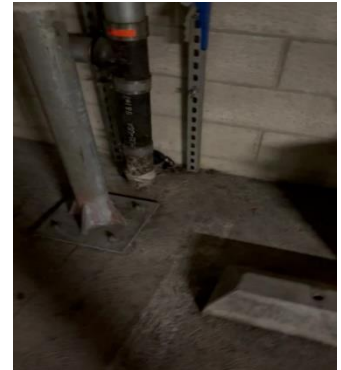
Division 71 of Article 1, Chapter IX of the Los Angeles Municipal Code establishes citywide methane mitigation requirements and includes more restrictive construction standards to control methane intrusion into buildings. LADBS establishes the Methane Hazard Mitigation Standards to comply with the Methane Seepage Regulations of Division 71. All components of the methane gas mitigation system require maintenance and service to stay in proper working condition to promote public safety and welfare.

The methane mitigation and monitoring system at Fountain Park is not working! In fact, they haven't worked properly for years. LAHD business records date the problems with the methane mitigation system and the "fire alarm panel" that detects the methane gas as far back as November 2005 to the present day. In addition, there are no fans or ventilation systems if any, working in the parking garage throughout the entire property.

As indicated on page one (1), I know this personally because I'm a casualty of the nonstop methane leaks and still suffering from the health consequences. Following the toxic leak on March 24, when I was nearly asphyxiated, I notified Fountain Park in writing about the leak while I was still recovering from the effects of inhaling the gas for an extended period of time. On April 24, 2022, while notifying Fountain Park, I also alerted them to my new discovery of all the methane gas pipes that were mounted and flowing directly into each of the five (5) residential buildings (A-E). There is at least 50+ pipes throughout the property mounted in various locations. An example of the vertical pipes in the photo above to the right is located on the lower G2 level at the back of the elevator behind my designated parking stall.



The iron pipe appears to be completely corroded at the bottom with holes, and some form of white tape to hold the pipe in place on the floor of the concrete slab as indicated in the photo on the right. Mounted on these dangerous pipes are lethal warning signs of **no smoking or sparks within 25 feet** in the first photo below. People smoke here all the time in the garage, in their cars, in the elevators, in the common areas, and even in their apartments unaware of the dangers that everyone could blow up! This is one poorly maintained pipe but it is an accurate representation of the faulty equipment and careless maintenance by Fountain Park. It further represents the infrequent inspections and a failure of City officers and departments to exercise general supervision and appropriate oversight for Fountain Park.



There is separation in the concrete columns and concrete cracks, as indicated in the photos above which I assume the cracks and methane pipe corrosion is from the gas and water. This is also the area I discussed above on page two (2) during the 2019-2020 rain season and floods that were ankle-high. Residents waded through ankle-high water with no response from LAFD or Fountain Park. After two days, Fountain Park finally had someone drain the water underground through the brown "methane test" drain cover in the last photo above.

After notifying Fountain Park on April 24, they never extended the courtesy to respond to my email or even address the methane leak. I was extremely sick and had to seek medical treatment. I remain under care and my doctor is concerned not only about my health, safety, and well-being, but the effects of the gas on all the residents. A concern that is not shared by Fountain Park. On June 30, I sent another email to Fountain Park for information on the methane gas levels to present to my medical provider. I asked for information about 1) who maintains the methane mitigation system; 2) how is the system maintained; 3) what are methane gas levels or any other gas levels at Fountain Park; 4) what gases are being released into the atmosphere besides methane at Fountain Park, etc.

The first and only response from Fountain Park was a flippant reply on July 1, 2022, that stated, "my email had been received and is under review." To date, there has been no further response. It appears that Fountain Park has utterly failed to maintain a methane mitigation system if there is one that exists at all.

Therefore, on July 6, 2022, I sent a PRA Request to LADBS for the annual Methane Mitigation and Monitoring Reports for the period of 2016-2022, for Fountain Park. On July 14, 2022, LADBS sent the following response:

"LADBS does not conduct annual tests for Methane Gas Mitigation and/or Monitoring. Annual tests (if any) are conducted on a private level and the reports are not submitted to LADBS. You may want to contact the property owner or management company with your inquiry."

I understand if LADBS does not conduct annual tests for methane gas. However, I was stunned that there wasn't at least an annual reporting requirement to LADBS for methane mitigation systems to protect public safety and welfare from property owners such as Fountain Park that operate in absolute defiance of the Regulations of Division 71.

On the contrary, there were "restrictive conditions" for the methane mitigation and monitoring system at Fountain Park as stipulated in November and December 1999 by Fountain Park, LADBS Grading Section, and Exploration Technologies, Inc., the Peer Reviewer for LADBS.

It was mandatory that Fountain Park conformed to all requirements of Division 71 of the Building Code and the Memorandum of General Distribution #92, because the area was designated as a "High Potential Methane Zone" and the methane mitigation and monitoring system were to operate continuously. For example:

CITY OF LOS ANGELES
 DEPARTMENT OF BUILDING AND SAFETY
 125 N. GARDEN STREET
 LOS ANGELES, CA 90012

Permit No. 21459
 S003-00101001011111-2

DATE: December 15, 1999

PROJECT: Playa Vista Capital Corp.
 11551 W. Julian St.
 Los Angeles, CA 90066

TRACT: 4910-05
 LOT: 2, 3, 9 & 10 / 5
 LOCATION: 13151, 13155 & 13179 Fountain Park Dr // 5450 Lincoln Bl

CURRENT REFERENCE REPORTED BY (FIRM)	REPORT NO.	DATE(S) OF DOCUMENT	PREPARED BY
Methane Report		12/15/99 (rev 06/01)	Stegich Assoc.
Peer Review Report		12/14/99	Exploration Tech.

PREVIOUS REFERENCE REPORT (LETTERS)	REPORT NO.	DATE(S) OF DOCUMENT	PREPARED BY
Department letter	27796-01	1/2/99	Edgar & Bailey

The referenced reports concerning methane mitigation and monitoring systems for the Fountain Park Apartments and the Marketing Pavilion (attached) have been reviewed by the Grading Section of the Department of Building and Safety. Stegich Associates is the methane gas consultant for Playa Vista Capital and has provided the recommendations for the monitoring and mitigation of methane gas. Exploration Technologies, Inc. is the Peer Reviewer for the City of Los Angeles, Department of Building and Safety. Based upon the acceptance of the above and report by the Peer Reviewer, the Department is accepting the recommendations for the monitoring and mitigation of methane gas on the site.

The Fountain Park Apartments and the Marketing Pavilion (attached) shall conform to all requirements specified in Chapter 71 of the Building Code and MGD#92. It is stipulated the zone designated as a "High Potential Methane Zone". The methane monitoring system is to be operated continuously, in addition to daily monitoring and reporting, during occupancy of the building. Furthermore, all building contractors shall comply with the following supplemental requirements. The report is acceptable, provided the following conditions are complied with during site development:

- An affidavit shall be filed with the County Recorder's Office, in which the owner states that they agree to take responsibility for complying with a methane gas consultant to insure that the methane monitoring system are functioning, correctly, and to submit a report:

AN EQUAL OPPORTUNITY AFFIRMATION - AFFIRMATIVE ACTION EMPLOYER

1. An affidavit shall be filed with the County Recorder's Office which Fountain Park took responsibility to ensure the methane mitigation/monitoring system was functioning properly and is required to "submit a report containing the results of the monitoring to LADBS and Exploration Technologies, a minimum of every three months" until an agreement was reached to revise this requirement.
2. Methane monitoring probes and methane detection sensors were to be placed below the slab of the building and into the two-foot gravel layer to detect future changes in the methane concentrations and also have the capability of being replaced should the probes and sensors become corroded.
3. A network of permanent monitoring wells, completed in the 50-foot gravel aquifer, to provide continuous monitoring of free methane gas concentrations and detection of any changes should they occur ... and design criteria for a monitoring system that includes continuous measurement of methane gas.
4. Obtain clearance from the Fire Department, for the methane gas design and monitoring system, and other environmental issues.
5. Obtain clearance from the Department of Public Works, Bureau of Engineering, for H₂S, BETX, and other environmental issues.
6. Internet access to the methane monitoring data shall be provided to the Department of Building and Safety, Exploration Technologies, Inc., and the Fire Department.
7. All recommendations in the reports were in addition to or more restrictive than the conditions in the reports that were required to be incorporated into the plans.

These are only some of the highlights in a list of at least 26 mandatory conditions. According to the stipulations and affidavit on file with the County Recorder's Office, LADBS is required to have methane monitoring reports for Fountain Park that were responsive to my PRA Request on July 6. If not, LADBS should have provided an agreement indicating any revisions reached by all parties pursuant to the stipulation. Since neither LADBS nor Fountain Park can provide any documents or reports that the methane mitigation/monitoring system was installed, functioning properly, operating continuously as agreed, and further, if any revisions to the stipulations were made, they are both out of compliance.

This is inconceivable! LADBS has essentially excused themselves from any form of oversight for Fountain Park and the methane mitigation/monitoring reports they are required to have. The pre- and post-conditions were requirements. Hence, they are not optional! This is a reckless lack of care and concern by the actions of LADBS and a disregard for the danger and consequences this is to the residents of Fountain Park. Where is the accountability here?

The Fire Department was also required to have access to the methane monitoring system. According to the records history of Playa Vista Fire Station 67, from 2008-2018, Fountain Park was, again and again, cited to "Repair the fire alarm system/methane monitoring system to its original operating condition." The example provided to the right appears to be the last notice of violation written in 2018. There were additional problems cited as well.

Notice written on 05/01/18 10:39:07
~0001~05/01/18 10:39:07 NOTICE HISTORY by DAVIS, JOHN ~@

A fire and life safety inspection was made of your facility. The following condition(s) shall be corrected:

L.A.M.C. 57.13.03 / 57.122.09
Restore the fire alarm system to its proper operating condition. All fire protective signaling systems shall be maintained in an operable condition at all times. A fire watch shall be established and maintained continuously for 24 hours a day in accordance with Division 320.18 of Los Angeles Fire Code.

L.A.M.C. 57.907.7.3
Provide approved, clear, and comprehensive written operating instructions for the fire alarm system. These instructions shall be in a step-by-step format and located at the control panel.

L.A.M.C. 57.907.7.3
Provide approved labels for the fire alarm annunciator so that it can be easily understood.

Thank you for your immediate attention to our mutual problem concerning fire prevention and life safety. Any questions concerning violations noted, contact:

Los Angeles Fire Department
Fire Station # 67
Phone # (310) 862-2844

The Station 67 records along with the LAHD records I discussed above on page nine (9) that dated the defective fire alarm system/methane monitoring system from 2005 to the present, undoubtedly establish that the systems at Fountain Park never functioned properly or operated continuously as required! And why would Fountain Park comply with any of the City's authoritative orders because **no one** is holding them accountable even though there is an affidavit of responsibility for Fountain Park on file with the County Recorder's Office?

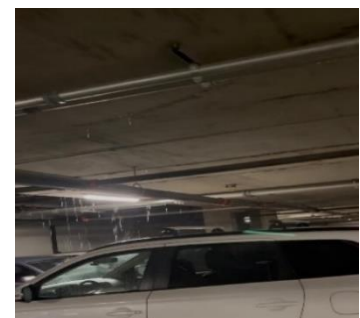
Los Angeles County Fire Department (LACFD) HazMat Emergency Operations

On July 13, 2022, I received a call from HazMat Safety Officer Eric Bald. Officer Bald responded to the Cal OES Case #22-3964, filed on July 12, 2022, regarding the methane gas hazards at Fountain Park. Officer Bald indicated that his job was to determine if he needed to evacuate all the residents from Fountain Park. Pursuant to Officer Bald's request for assistance in making his determination, I sent him the following videos that were previously sent to you Ms. Payne as follows:

1. Video — G1 parking garage flooding. This occurs every time it rains. This is the photo on page two (2).

The methane leaks also occur outside of the rain season, for example, during an earthquake jolt to the building. The difference for me is the triggers are not as detectible without rain and the earthquake jolts.

2. Video — Methane gas alarm going off inside my unit every time the gases reach very high concentration levels.
3. Video — The rain I captured in the G2 parking garage demonstrates how the floods begin, the methane alarms are triggered, and the gases bubble up through the concrete slab. See the photo on the right. The video in #1 above, represent the end result of the flooding.



4. Video — The concrete corrosion in the parking garage renders the building no longer structurally sound. This was the video that represents Inspector Jurado’s report filed on July 7, 2021; Case #786051. These are the photos on page three (3) and the concrete slab appears that it could give way at any time. I sent Inspector Jurado’s report to Safety Officer Bald. I also sent the two-day emergency order demonstrating that Fountain Park failed to correct the methane mitigation deficiencies.

We are quickly approaching another rainy season. It saddens me that I pray against heavy rains because it rains through the parking garage further weakening the concrete slab, and the methane gas always bubble up to extreme levels. When this occurs, I fear an explosion and collapse or vice versa. In contrast, the people and brave firefighters in northern California could greatly benefit from heavy rains. Moreover, heavy rains would bless the entire State of California during an extreme drought.

On July 18, 2022, I requested an update from Safety Officer Bald as to how the LACFD HazMat Operations planned to address these dire issues to protect the residents at Fountain Park. To date, I have not received a response or return phone call.

Los Angeles Fire Department (LAFD) Fire Prevention Bureau — Failure to Monitor Fountain Park’s Methane Detection and Mitigation System

On July 6, 2022, I spoke with the LAFD West Bureau Command Headquarters regarding the two-day emergency order and urgent referral for Fountain Park’s inoperable methane mitigation system. I was referred to Inspector Herbert Martin at the LAFD Fire Prevention Bureau. I spoke with Inspector Martin the same day regarding the emergency order issued on November 10, 2021; Case #798529. I asked Inspector Martin who was in charge of monitoring the methane mitigation systems at Fountain Park. Inspector Martin said he didn’t have that information but would conduct background research to find out and call me back. I forwarded the same email and documents to Inspector Martin that I originally provided to you, Ms. Payne, on July 5, 2022, which included:

1. My April 24, 2022, email notifying Fountain Park about the March 24, methane leak.
2. My June 30, follow-up email to Fountain Park requesting info on the methane gas to address concerns in treatment with my doctor.
3. The July 1, discourteous response from Fountain Park.
4. The two-day emergency order and URP for Fountain Park’s inoperable fire/methane detection system and the urgent referral.
5. Three pages (pgs. 41, 42, & 47) extracted from the LAHD Code Enforcement report issued on May 10, 2022, highlighting the high severity levels in the parking garage.
6. The 48-page report of decrepit and unsafe conditions issued on May 10, 2022.

suddenly working again. Yet, a month later on July 13, created under another new Case #824032, the electrical service required maintenance along with the methane gas mitigation system located in the parking garage was once again "Not Properly Working."

Case No: 824032
Complaint Date: 07/13/2022
Alleged Violation: Electrical service requires maintenance
Unit:
Comments: Methane mitigation alarm system not working
methane mitigation system not properly working- located in underground garage.

Response:

07/14/2022
1st attempt, left vm, schedule 7/21 @ 11:15 w/Reichmann

07/18/2022
[REDACTED] Referral from Health Department

No surprise, seven (7) days later on July 21, Case #824032, was closed because County Environmental Health visited the property and said, "they didn't find any issue with the detection system" even though the agent explained the visit was essentially "just FYI." Unless County Environmental Health made the electrical repairs and tested the methane system, how was a

Case #:
Date: 07/29/2022 01:30:00 PM
Recorded By: Juan Medina
Contact: EMU Notes
Send To:
Send CC:
Log: At site to conduct an EMU and URP site visit. A more detailed worklog is forthcoming.

Case #: 824032
Date: 07/21/2022 12:57:00 PM
Recorded By: Thomas Reichmann
Contact:
Send To:
Send CC:
Log: Unable to verify owner information. At site in response to complaint. spoke by phone with complainant [REDACTED] who is an inspector with LA CO Environmental Health and he explained the referral was just FYI and he didn't find any issues with methane gas nor the Bldgs detection system. Closing Complaint Case

visual glimpse sufficient to close such a significant case? Then again, it appears that it wasn't because eight (8) days later on July 29, a new case was opened but this time without a case number. The defective methane mitigation alarm system was once again referred to the Emergency Management Unit (EMU) and the Urgent Referral Program (URP).

It appears we have come full circle on Inspector Jurado's resurrected **Two-Day Emergency Order and URP** discussed above on pages four (4) and page nine (9). This is likewise similar to Inspector Jurado's creative case switching I discussed under the "Bait and Switch" section above on pages 5-7. As well as the "Inaccurate Worklogs and Misleading Evidence" section I discussed on page eight (8). This appears to be how LAHD evades accurate case tracking. Keep changing the case numbers or don't assign a case number at all to confuse the record. Therefore, if someone were to inquire about the status of a particular case, that person is misled to believe a case has been closed when it's not or a case can't be located at all.

This never-ending comedy of errors is outrageous, beyond offensive, and the lack of professionalism on display is absolutely remarkable! This is not proper methane gas testing and it certainly isn't proper methane monitoring and oversight where you simply drive by and stick a gas detector in the air to see which way the gas blows and call it a day! I have more regard for the methane gas beast that nearly asphyxiated me on March 24, 2022. Clearly, this requires a level of expertise far beyond the surface-level inspections by various divisions within LAHD. Which, I can't even fathom how something of this magnitude was delegated to the Housing Department! While I regard what LAHD is designed to do, methane gas and monitoring should not be one of them. Methane gas is a matter far beyond LAHD's level of expertise and purview, and it should not be further entrusted to handle this. Frankly, I believe LAHD is in over their heads trying to manage an explosive gas! Who thought this was a good idea?

LAHD Systematic Code Enforcement Program (SCEP) — Notice and Order to Comply issued on May 10, 2022; Case #807125

Ignoring outstanding City code violations led us to Fountain Park's 48-page report of dangerous and derelict conditions issued by Inspector Alfonso Chairez on May 10, 2022. No property should ever have the numerous kinds of violations revealed in this report. I will ask again Ms. Payne, how is the Fountain Park property allowed by the City of Los Angeles to exist in such decrepit and unsafe conditions?

Furthermore, there are two additional buildings and at least 200+ apartments missing from the 48-page report and the unit count. The two buildings are ... 5389 and 5399 Playa Vista Drive. LAHD business records in the City's database continue to reference the unit count for the entire Fountain Park property as approved for only 409 units pursuant to the Certificate of Occupation associated with Permit #99010-10000-03384.

There are five apartment buildings (A-E) on this property and one leasing office. Each individual building has four (4) floors with at least 100+ apartment units:

1. 13175 Fountain Park Dr, Los Angeles CA 90094 — (Bldg. A)
2. 13163 Fountain Park Dr, Los Angeles CA 90094 — (Bldg. B)
3. 13151 Fountain Park Dr, Los Angeles CA 90094 — (Bldg. C)
4. 5389 Playa Vista Dr, Los Angeles CA 90094 — (Bldg. D)
5. 5399 Playa Vista Dr, Los Angeles CA 90094 — (Bldg. E)
6. 13141 Fountain Park Dr, Los Angeles CA 90094 — (Leasing Office)

I informed you of this on March 15, 2022. This is what can occur when there are sloppy records. Moreover, **I stressed to you again that the City of Los Angeles should "conduct a detailed audit" of the Fountain Park property from its inception to determine the gravity of authorized and unauthorized construction here.** Otherwise, it appears that Fountain Park will continue to operate unofficially in their construction endeavors with impunity because they can't seem to obtain legitimate approval from the City of Los Angeles for the hazards connected to this property and the life-threatening dangers to the residents!

Another example of Fountain Park's brazen unchecked management was a Notice and Order to Comply issued to Fountain Park on November 18, 2016; Case #600356. The violation was for an Illegal Change of Use or Occupancy without a Building Permit and Certificate of Occupancy. The case was closed on February 14, 2017. This was only five (5) years ago!

Adding insult to injury, Fountain Park has received thousands, hundreds of thousands, and maybe even millions in financial assistance for COVID-19 Rent Relief and utilities from California's city, county, and state governments due to the public health emergency. I can't fathom our government officials envisioned disbursing financial assistance to landlords and property owners (i.e., Fountain Park) who are actively jeopardizing the health, safety, and

habitability of their residents. This isn't an average landlord/tenant dispute as some false narratives that are circulating would like you to believe. Fountain Park is a public health emergency and there must be accountability for landlords and property owners that engage in conduct contrary to the community standards of honesty, good morals, and justice! This is a mockery to all the city, county, and state leadership who worked tirelessly to establish programs and resources during one of the most grievous times in history.

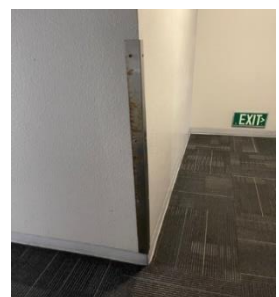
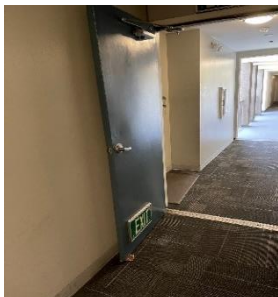
LAFD Fire Prevention Bureau — Failure to Conduct Annual Residential Apartment Inspections Pursuant to Fire Code (R1/R2); and Failure to Monitor Methane Detection and Mitigation System

According to the LAFD Fire Prevention Bureau, residential apartment inspections are requirements set forth by the State Fire Marshal to ensure all properties that fall within the program's criteria are compliant with the general "fire and life safety provisions." In 2008, the California State Fire Marshal determined that all multi-family residential apartment buildings in the State of California consisting of three or more units shall be inspected annually by the local Fire Departments throughout the state.

According to Fire Code R1/R2 and the LAHD 48-page violation report on May 10, 2022; Case #807125, the Fountain Park property falls within this category containing several pages of numerous high severity Fire Safety violations that increase the risk of harm, injury, or death to residents at Fountain Park such as:

- Defective methane mitigation system and fire warning devices
- Defective exit signage and exit illumination that impedes egress and escapes
- Defective fire doors that don't self-close
- Defective stairways, walkways, decking material, and guardrails
- Defective venting systems that risk leading to carbon monoxide poisoning
- Electrical hazards that may cause electrocution or electric shock
- Missing or defective fire sprinkler heads, etc.

Below are photos of some defective fire doors that don't self-close, and the defective exit sign/illumination. This door is outside my front door. At the bottom, the doors are held open by cardboard and the top bracket is broken preventing it from closing. The last photo of a wall bracket is also mounted outside my door. There are two. The brackets were mounted because chunks of the wall are missing due to the structural damage to the building.



The defective fire doors are high-risk dangers that exist throughout the entire Fountain Park property in all five (5) buildings (A-E). According to Code Enforcement Inspector Alfonso Chairez's Notice and Order to Comply issued on May 10, 2022; Case #807125, as referenced above on pages 14-15, the defective fire doors were specified in his report. And the date of re-inspection has passed. The compliance date was August 1, 2022. The photos of the defective doors were taken on August 2, 2022. To date, three months later, Fountain Park didn't even attempt to comply with the City's violation notice issued on May 10. This is once again bold defiance!

Annual and routine inspections enable the detection of minor wear and tear or any other defects that can lead to performance failures. Appropriate regulatory oversight is an ongoing process that monitors the performance of what is being supervised. Consistent with this, if there were regular annual and/or routine inspections, as well as the appropriate regulatory oversight, it is not feasible that the fire doors or any of the other numerous high severity Fire Safety violations would be in the condition depicted in the photos.

And yet, there have been no LAFD Fire Prevention Bureau Inspections at Fountain Park, nor were any fire safety violations issued by the LAFD Fire Prevention Bureau. After speaking with Inspector Herbert Martin on July 6, 2022, he appeared to know very little or nothing at all about the Fountain Park property even though I was told that he is the lead inspector for the Playa Vista site and for the methane mitigation system. And Inspector Martin placed Fountain Park on "fire watch" on May 6, as recorded in Inspector Palmerin's June 13, 2022 worklog as indicated on page 15 above. Yet, Inspector Martin feigned ignorance in our talk on July 6. Where is the accountability?

LAHD Notice and Order to Comply issued on June 5, 2007; Case #133305 — Fountain Park placed in the City of Los Angeles Rent Escrow Account Program (REAP) on October 18, 2007

Fountain Park Apartments\Essex Property Trust was placed in the City of Los Angeles Rent Escrow Account Program (REAP) on October 18, 2007, because they failed to correct all outstanding code violations that were originally issued on June 5, 2007.

The alarming irony here is the same outstanding code violations in the REAP report for defective fire doors on October 18, 2007; Case #133305, are once again specified 15 years later in the current 48-page report issued on May 10, 2022; Case #807125 as discussed above on page 17. Furthermore, according to the Los Angeles Municipal Code, once an escrow account has been established, **only** the City Council can remove a



property from REAP. There does not appear to be any City Council hearings that were held or any orders issued by the City Council indicated in Case #133305, removing Fountain Park from REAP and the City Council's oversight.

How is this possible? This would appear to beg the frightening question again:

1. Was Fountain Park removed from REAP without appropriate oversight from the Los Angeles City Council?
2. Was the Los Angeles City Council ever informed that Fountain Park was placed in REAP for appropriate oversight and/or removal?
3. Did Fountain Park receive any preferential treatment that may have assisted in avoiding accountability and oversight as a habitual violator over the past 15 years?
4. Was there any preferential treatment that may have encouraged an attitude of indifference to the City's notices and orders to comply, thereby, creating a pattern of habitual violations over the past 15 years?
5. Did Fountain Park receive any preferential treatment that may have caused LAHD cases to be repeatedly closed over the past 15 years without appropriate oversight and completion of work?
6. Were there any regular incentives over the past 15 years to accomplish this?

California Geologic Energy Management (CalGEM) — Exploration Technologies, Inc's (ETI) Subsurface Geochemical Assessment Report of Methane Gas Occurrences at Playa Vista Development's First Phase Project was prepared for the City of Los Angeles and LADBS on April 17, 2000

On July 13, 2022, I was thankful to receive a call from CalGEM who expressed concern for the residents of Fountain Park experiencing the dangers of methane gas. The CalGEM official explained some of ETI's First Phase Project report which includes Fountain Park. As I understood it, thermogenic gases are migrating to the surface and without the proper mitigation of the methane, it is a dangerous situation because the residents are at a direct threat from the methane exposure wafting through the closed walls of our homes. ETI recommended the safest approach was to leave the gas seepage areas as open space and not build. However, if the project proceeded with any construction, it should have been non-residential buildings only. It appears this advice was not heeded ... so here we are.

Based on the expertise of CalGEM, as well as their deference for ETI's findings, I respectfully ask Mayor Garcetti to bring back ETI to garner performance of new soil gas monitoring data in order to determine "what is" the level of oilfield gases under the Fountain Park property. There are no evaluations and monitoring of the system per the 50-foot vent wells and the

subslab gravel blanket to determine if the main component of the gas mitigation system is clogged or if it can move the dangerous gases from the subsurface to the rooftop vents. In short, does the active system at Fountain Park work? This was included in the pre- and post-conditions that are discussed above on pages 11-13.

The lives of hundreds/thousands of families in the Fountain Park Apartments, vulnerable seniors at Sunrise Assisted Living, and the firefighters at Station 67 are all dependent upon methane mitigation and monitoring systems that are properly installed, functioning correctly, and operating continuously because we are all in the zone of danger if an explosion were to occur.

I have included the link here for ETI's Subsurface Geochemical Assessment of Methane Gas Occurrences at the Playa Vista Development prepared for the City of Los Angeles and LADBS on April 17, 2000 [SUBSURFACE GEOCHEMICAL ASSESSMENT OF \(eti-geochemistry.com\)](http://eti-geochemistry.com).

California Governor's Office of Emergency Services (Cal OES) Case #22-3964 — Filed on July 12, 2022.

For years, LAHD inspections have concluded:

1. The Fountain Park buildings are sagging, split, or buckling, and structural hazards are life-threatening.
2. The Fountain Park residents are at "risk for harm, injury, or death."
3. The entire property "constitutes a present, imminent, extreme, and immediate hazard or danger to life or limb, health or safety ... rendering the entire premises untenable.
4. There are inoperable methane mitigation and monitoring systems.
5. There are inoperable and a substantial lack of electrical fire warning and fire alarm systems at risk for shock, electrocution, or explosion.
6. There are recurring high concentrations of methane gases bubbling to the surface that is not being detected.
7. There is no response from anyone during the high-level methane gas leaks.
8. ETI recommended the safest approach was to leave the gas seepage areas as open space or proceed with non-residential buildings only.

Again, I can't emphasize this enough! The lives of hundreds/thousands of people are all in danger because a rogue property owner 1) failed to heed the advice of "non-residential" buildings only and failed to alert the residents of this; 2) failed to abide by the mandatory conditions to establish proper safety measures, and 3) operates in total defiance to the City's authoritative orders because **no one** is holding Fountain Park accountable!

Conclusion

People come to Playa Vista and at first glance – think this is a beautiful community. If you are looking at exterior appearances I could agree. However, it is not the exterior appearances that we should be concerned about when the interior foundation is unstable. In short, who cares about shallow appearances when what lies beneath can kill you?

There is a complete lack of transparency, accountability, and follow-through with City officers and departments regarding the failure to monitor, exercise general supervision and provide the appropriate oversight for Fountain Park. There is no transparency, accountability, and follow-through regarding who is trained, certified, and actually experienced to conduct methane gas inspections at Fountain Park. There is no accountability and enforcement of the City's policies against Fountain Park as a habitual violator who doesn't comply with the rules.

To date, Fountain Park has once again failed to correct all outstanding code violations by demonstrating a blatant disregard to abide by the City's authoritative orders. This is a further detriment to the health and safety of the residents. It is painstakingly evident that Fountain Park cannot be entrusted to respect the rule of law without the necessary oversight and accountability from the executive branches of our City, County, and State leaders. Far too many City officers and departments have proven themselves to be unsuccessful in this position. Far too many City officers and departments appear to be deeply involved with the difficult job of exercising general supervision and regulating the actions of Fountain Park for the good of public safety and welfare.

I will stress one last time with an addition, the City of Los Angeles should not only “conduct a detailed audit” of the Fountain Park property from its inception to determine the gravity of authorized and unauthorized construction here — it should further “conduct a deep-dive audit” of all the City officers, departments, and records outlined in this complaint.

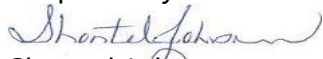
To Mayor Garcetti, City Council members, County officials, and State officials, I submit the above matters that may have escaped and/or were never brought to your executive purview, and I humbly plea for your help because there are too many lives at risk. Please bring back the ETI experts who know more about the methane gas in Playa Vista, and in particular Fountain Park especially since they are the stipulated Peer Reviewer for the City as discussed above on page 11. I am happy to explain my encounters with methane gas. I am also certain that if I describe the leaks and gas bubbling that is triggered by flooding and earthquake jolts, as well as when I was almost asphyxiated on March 24, by the high concentration leak, ETI could provide our executive leaders with accurate advice regarding the methane dangers that have advanced over time and the precise instructions on how to handle it. Moreover, it would serve your ability to make the best well-rounded decisions for the hundreds and/or thousands of lives at stake.

Our executive leadership owes this duty to protect the lives of its citizens. Otherwise, you certainly won't obtain the accurate truth from Fountain Park and the other cast of characters outlined here, who should all be "placed under oath" as they appear to be engaged in nothing more than a cover-up at this point.

While all supporting documents, letters, videos, etc., demonstrating these matters in greater detail were previously provided to Ms. Payne, other entities outlined above have received supporting information piecemeal by request. For all others that did not receive any information, I am happy to forward any and all supporting documentation upon request and reserve the right to amend this complaint with any additional information as needed.

Thank you for your time and consideration of this request. I am available to answer any questions you may have

Respectfully submitted,



Shontel Johnson