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1 were put in.
 2 MR. WIGGINS: Renovations. Okay. Next
 3 question, Ms. Haskins.
 4 Q. Did that have anything to do with lead?
 5 A. Did it have anything to do with lead?
 6 Q. Yes.
 7 A. It wasn't because of any lead or
 8 anything like that, it was just a renovation
 9 project that was decided on because the building
 10 was in ill repair and it was time for it to be
 11 renovated. It didn't have anything to do with
 12 the lead.
 13 MS. HASKINS: I don't have any more
 14 questions for Ms. White.
 15 MR. WIGGINS: Cross-examination,
 16 Ms. Williams?
 17 MS. WILLIAMS: Yes, sir.
 18 EXAMINATION BY MS. WILLIAMS:
 19 Q. Good morning, Ms. White.
 20 A. Good morning, Ms. Williams.
 21 Q. Do you recall, Ms. White, Ms. Williams

1 mentioning her concern about the health and
 2 safety of everyone in the building during the
 3 major renovation project --
 4 A. Yes.
 5 Q. -- to the contractor at the first
 6 faculty meeting that we had?
 7 A. I remember, Ms. Williams, that you
 8 raised the issue several times about the safety
 9 of students and faculty members. Not
 10 specifically that meeting, but several times.
 11 Q. Okay. Thank you. Do you recall
 12 anything specifically that Ms. Williams raised in
 13 regard to the health and safety of the school,
 14 anything specific about what was of concern to
 15 her?
 16 A. I recall that you said that there were
 17 high levels of lead in the building.
 18 Q. Okay. Do you recall Ms. Williams coming
 19 to your office in September of 1996 visibly upset
 20 and complaining about fumes, dust, and debris
 21 that was in the halls and her classroom and that

1 she was inhaling?
 2 A. Yes.
 3 Q. How did she appear to you?
 4 A. You were in tears, agitated, shaking.
 5 Q. I'm sorry. Had you finished?
 6 A. Yes.
 7 Q. Okay. Do you recall Ms. Williams coming
 8 to your office around early November of 1996
 9 complaining about the extreme cold temperatures
 10 in the building?
 11 A. No, I don't recall that.
 12 Q. Do you recall issuing any documentation
 13 to the staff in regard to the cold temperatures?
 14 Again, this was around early November of 1996,
 15 probably around November the 4th.
 16 Do you recall issuing any letters or
 17 documents to parents in regard to the boilers not
 18 functioning properly; therefore, the temperatures
 19 were lower than normal?
 20 A. I don't recall a specific document, but
 21 if the building was cold, I would have -- I could

1 have sent notice home.
 2 Q. Okay. Do you recall sending a
 3 documentation in 1996 -- again, this all happened
 4 in early November 1996 -- about the school
 5 undergoing major renovations and that several
 6 problems and issues had arisen as a result of the
 7 project, do you recall sending a memo home in
 8 regard to that matter?
 9 A. I don't recall. I could have.
 10 MS. WILLIAMS: Could I present a
 11 document?
 12 MR. WIGGINS: Present it to me. Do you
 13 have copies?
 14 MS. WILLIAMS: Yes. Here is Exhibit 21,
 15 this is in regards to the problems, but I'm
 16 looking for the document.
 17 MR. WIGGINS: Well, I'm going to mark it
 18 for identification. Do you have your own copy,
 19 ma'am?
 20 MS. WILLIAMS: Yes, sir.
 21 MR. WIGGINS: Do you have a copy for Ms.

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1 Haskins?
 2 MS. WILLIAMS: No, I don't.
 3 MR. WIGGINS: Well, I'm going to mark it
 4 for identification as Respondent's Exhibit 1 and
 5 I'm going to give it to Ms. Haskins for her
 6 review.
 7 (Whereupon, Respondent's Exhibit No. 1
 8 marked.)
 9 MR. WIGGINS: What's your question with
 10 regards to that memo, ma'am?
 11 MS. WILLIAMS: I asked her had she
 12 recalled sending any documentation out to parents
 13 in regard to several issues that resulted from
 14 the renovation project being undertaken.
 15 MR. WIGGINS: Okay. You have your copy,
 16 right?
 17 MS. WILLIAMS: Yes, sir.
 18 MR. WIGGINS: Now show it to the
 19 witness, Ms. Haskins, please. Her question is do
 20 you recall sending out that document, ma'am.
 21 A. Yes.

1 MS. WILLIAMS: If you could just give me
 2 30 seconds to look for this other document,
 3 please. I thought I had -- maybe it's in this,
 4 but this is --
 5 MR. WIGGINS: I don't need for you to
 6 explain to me what it is. I just need for you to
 7 present to me what you have to present.
 8 MS. WILLIAMS: I understand. All right.
 9 At this time I'd just proceed with other
 10 questions.
 11 MR. WIGGINS: Do you want to move that
 12 into evidence?
 13 MS. WILLIAMS: Yes, sir, please, I'd
 14 like to move that into evidence.
 15 MR. WIGGINS: Any objections,
 16 Ms. Haskins?
 17 MS. HASKINS: No.
 18 MR. WIGGINS: We'll take into evidence
 19 as Respondent's Exhibit Number 1 a letter from
 20 Elaine M. White, Principal, to the parents of
 21 Fairmount-Hartford High School students dated 8th

1 of November 1996, and there's a second one behind
 2 it dated the 13th of November 1996.
 3 Next question, ma'am.
 4 Q. Okay. Do you recall, Ms. White, hearing
 5 from one of the staff persons that
 6 Ms. Williams had came up to the school around
 7 November the 11th of 1996 to inform you that she
 8 had lead in her system and that the staff,
 9 students, and the pregnant females, as well as
 10 the Morgan State Head Start children, needed to
 11 be tested for lead?
 12 A. No, I don't recall that, Ms. Williams.
 13 Q. Do you recall, Ms. White, early in
 14 November, again, Ms. Williams calling you to talk
 15 to you about the lead and asbestos data that had
 16 been released to the staff? It was very early in
 17 November.
 18 A. I recall talking with you several times,
 19 but I don't recall specifically a time in
 20 November.
 21 MR. WIGGINS: Was there a report issued

1 dealing with lead and asbestos to the staff?
 2 A. Was there a --
 3 MR. WIGGINS: A report issued to the
 4 staff regarding lead and asbestos.
 5 A. Yes, there was.
 6 MR. WIGGINS: Okay. Next question,
 7 ma'am.
 8 Q. Okay. In regard to the lead and
 9 asbestos report that was issued to the staff,
 10 what did it basically say in regard to lead and
 11 asbestos, do you recall?
 12 A. The report that was given to the staff
 13 was not the complete report, but that the
 14 building -- that there had been some high levels
 15 of lead found in, I believe, three areas of the
 16 building and that the building would be cleaned
 17 appropriately and that there was not the feeling
 18 that there was any threat to the staff or the
 19 students.
 20 Q. In that report, did they specify what
 21 areas of the building had very high levels of

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1 lead dust, as well as lead-based paint?

2 A. Yes. There was an area -- the basement

3 area, where the contractors basically used, and

4 there was a window sill on the third floor and

5 then a window sill, I believe, on the first -- the

6 top of a locker on the first floor.

7 Q. Was there lead-based paint basically

8 throughout the interior and exterior of the

9 building, was that mentioned in the report?

10 A. Yes.

11 Q. Was it also mentioned in the report that

12 there was -- the owners of the property had

13 tested the facility for lead as early as 1993,

14 was that report in there?

15 A. The report that was given to the

16 staff?

17 Q. Yes, ma'am.

18 A. I don't recall whether or not that

19 information was there.

20 MR. WIGGINS: In the original report,

21 was there an earlier report that indicated that

1 the place had been tested for lead and what was

2 those results?

3 A. I don't know that information. The

4 safety person would probably be able to give you

5 more specific details as to those reports.

6 MR. WIGGINS: Next question.

7 Q. Okay. During the major renovation

8 project, which you mentioned lasted about three

9 years, were there children under 6 years of age,

10 were there pregnant females, and were there -- in

11 other words, was school in session as normal

12 during the renovation project?

13 A. The Head Start students were relocated

14 in early December, I believe. The renovations

15 started prior to that time, yes. They were there

16 for a short period of time.

17 Q. Do you know why they were --

18 A. There were pregnant females, yes.

19 Q. Do you know why the Morgan State Head

20 Start children were relocated?

21 A. Basically, because we had to approach

1 memorandum either from Mr. Jack Elam or Mr. Giles

2 in regard to disturbance of lead-based paint as

3 early as July and August of 1996?

4 A. From them to me?

5 Q. Yes. Receiving a copy maybe written to

6 someone else, but you received a copy, they cd

7 a copy to you.

8 A. I don't recall that.

9 Q. Do you know that in one area of the

10 building in the lead dust report there were over

11 31,000 micrograms per square foot of lead dust in

12 one particular area of the building, do you

13 recall seeing any data referencing to that?

14 A. No, I don't. I would not remember

15 specific quantities.

16 Q. Okay. Ms. White, do you recall a

17 student by the name of Tiffany Burgess?

18 A. Yes.

19 Q. Did Tiffany Burgess have an incident or

20 an accident at the school where she was taken out

21 to the emergency room?

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1 A. Yes.

2 Q. Could you explain that a bit more in

3 terms of what happened?

4 A. I believe she was in a food service

5 class and the temperature may have been high and

6 she fainted or something.

7 Q. Do you recall any physical condition in

8 terms of -- bottom line, was Tiffany -- did she

9 ever tell you or did you notice that she was

10 pregnant?

11 MR. WIGGINS: Why is that relevant,

12 Ms. Williams?

13 MS. WILLIAMS: Because the student is

14 one of those that claimed to have been exposed to

15 lead-based paint and that Ms. White was

16 knowledgeable about this fact.

17 MR. WIGGINS: I need for you to get me

18 there.

19 MS. WILLIAMS: I'm trying to get you

20 there.

21 MR. WIGGINS: The question is this,

1 Ms. White, did you receive any results indicating

2 that the student had any sort of lead paint

3 contamination?

4 A. I did not.

5 MR. WIGGINS: Okay. Next question.

6 Q. Do you recall writing a check to either

7 Tiffany's aunt or her mother in regard to -- for

8 \$500, and this is what Tiffany called, verbatim,

9 hush-hush money? Do you recall writing her a

10 check for \$500?

11 A. Absolutely not.

12 MS. HASKINS: I object.

13 MR. WIGGINS: Okay, stop. What's your

14 objection?

15 MS. HASKINS: My objection is what's the

16 relevancy of this?

17 MR. WIGGINS: What's the relevancy of

18 this, Ms. Williams?

19 MS. WILLIAMS: Again, we're trying to

20 show that students and staff, as well as little

21 ones, were exposed to lead-based paint, as well

1 Q. So --

2 MR. WIGGINS: No, I'm sorry.

3 MS. WILLIAMS: I apologize.

4 MR. WIGGINS: I didn't ask you if it

5 came to you personally. I said did you have any

6 knowledge of any students, faculty, or staff

7 having elevated lead paint.

8 A. No.

9 MR. WIGGINS: Okay. Now, your next

10 question.

11 Q. Thank you. You didn't get a copy of the

12 Kennedy Krieger report that gave the number of

13 students that had elevated lead blood levels, as

14 well as adults, you didn't receive a copy of that

15 report from KK?

16 A. I did receive the general report, and I

17 believe it may have referenced some students in

18 the Morgan Head Start program having some hig

19 levels of lead.

20 Now, whether that was determined to be

21 as a result of exposure at the school or in their

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1 Q. What about the Saturday school population, staff and students?

2 A. Saturday school had about 30 staff and about 600 students.

3 MR. WIGGINS: Question. No one has introduced a Kennedy Krieger report, so why are we doing this?

4 MS. WILLIAMS: Can I respond? I'll let her go first. I can tell you why I'm doing it.

5 MR. WIGGINS: Is it coming down the pipe, Ms. Haskins?

6 MS. HASKINS: I have the report.

7 MR. WIGGINS: Well, I'm saying is it coming down the pipe?

8 MS. HASKINS: I would have to ask Ms. White about this, because it refers to her school, but --

9 MR. WIGGINS: It wasn't asked on direct, so I can't let you go through it on cross.

10 MS. WILLIAMS: Okay.

11 MR. WIGGINS: Move on to another area.

12 MS. WILLIAMS: Right. I appreciate that.

13 Q. Did any staff persons -- during the 1996-97 school year, were there any staff persons that were out on sick leave for an abnormally extended period of time during 1996-97?

14 MR. WIGGINS: Make it more specific. Are you saying in reference to an elevated lead content?

15 Q. In terms of the elevated blood lead level, do you recall any staff person being out for an extended period of time because of --

16 A. No.

17 MS. WILLIAMS: Okay. At this time I have no further questions.

18 MR. WIGGINS: Redirect, Ms. Haskins?

19 MS. HASKINS: No questions.

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1 homes or wherever, I don't know.

2 Q. Okay. You said you recall seeing something in reference to Morgan State Head Start children being -- you don't recall the report mentioning anything about adults -- any adults being exposed to elevated levels of lead?

3 A. No.

4 Q. And you're not an expert on lead, are you?

5 A. No.

6 Q. Ms. White, approximately how many -- during the 1996-97 school year, could you give me an approximate figure of the total enrollment, including Morgan State Head Start, staff, and students --

7 MR. WIGGINS: Relevancy, Ms. Williams. Why is this relevant?

8 MS. WILLIAMS: Because I'm going to prove that the Kennedy Krieger report couldn't be accurate because of the sample population in terms of the number of -- percents. Do you want

9 me to specify that a little bit more?

10 MR. WIGGINS: You're going to disprove the Kennedy Krieger report?

11 MS. WILLIAMS: Yes. In terms of them saying -- if they said -- I'm giving just a hypothetical. If they said 10 percent of a population was exposed to lead, the population -- the percent depends on the population. If their population was only 20, then, of course, that's going to give a different percent than if you had a population of 100.

12 So, consequently, I need to know the total population so that we can see if their percent is accurate in regard to the population at that school during this particular time.

13 MR. WIGGINS: How many people were in that school, approximately?

14 A. Approximately 500 students in the regular high school population, approximately 60 staff persons, about 60 Head Start students, and about 10 Head Start staff in 96-97.

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MR. WIGGINS: Ms. Haskins?

Q. Do you know Ms. Diana Williams?

A. No, ma'am, I do not.

Q. Have you had any communications

concerning Ms. Diana Williams?

A. Not on one-on-one kind of

communications.

Q. Have you had any written communications

concerning Ms. Diana Williams?

A. Yes, I have.

Q. Could you please identify this document?

A. Yes. This --

Q. I'm sorry. There's another page to

it.

A. Okay. This is a second one.

MR. WIGGINS: You might want to have

this stapled, Ms. Haskins.

A. I received --

MR. WIGGINS: Is there a particular

order of these documents, Ms. Haskins?

MR. WIGGINS: You may step down,

2 ma'am.

THE WITNESS: Okay.

MR. WIGGINS: Are you going to call her

back for any reason, Ms. Haskins?

MS. HASKINS: No.

MR. WIGGINS: Will you need her for any

reason later on, Ms. Williams?

MS. WILLIAMS: Yes, sir.

MR. WIGGINS: Okay. Now, I'm going to

11 do the same thing with you, Ms. White, that we

12 did with Dr. Abernethy. You're going to be on

13 call.

14 Do you have a pager or something where

15 we can get to you if we need to bring you back?

16 THE WITNESS: I don't have a pager. I'll

17 be at my building. I'll give you that phone

18 number. 396-6241.

19 MR. WIGGINS: And your building is

20 where, on Hartford Road?

21 THE WITNESS: Yes.

1 MR. WIGGINS: So you can be back in 15
 2 minutes too then.
 3 THE WITNESS: Yes.
 4 MR. WIGGINS: You may leave, ma'am.
 5 THE WITNESS: Thank you.
 6 MR. WIGGINS: And do not discuss your
 7 testimony with anyone.
 8 THE WITNESS: Okay.
 9 MR. WIGGINS: Next witness,
 10 Ms. Haskins.
 11 CASCELIA SPEARS,
 12 being first duly sworn to tell the truth, the
 13 whole truth, and nothing but the truth, testified
 14 as follows:
 15 EXAMINATION BY MS. HASKINS:
 16 Q. Could you please state your name and
 17 position?
 18 A. My name is Cascellia Spears, Principal of
 19 James Mosher Elementary School.
 20 MR. WIGGINS: Is it Cascellia?
 21 A. Cascellia, C-A-S-C-E-L-I-A.

MS. HASKINS: The fax cover sheet, the

2 memo --

3 A. Okay. This is not my memo, the one I

4 send to --

5 MR. WIGGINS: No, ma'am, Ms. Spears.

6 THE WITNESS: Excuse me.

7 MR. WIGGINS: She's running her case,

8 she will present me the documents, and then you

9 will wait until she asks you questions.

10 THE WITNESS: Yes, sir.

11 MR. WIGGINS: Is there a specific order?

12 MS. HASKINS: There's a fax cover sheet

13 that's the first page, a memo from Ms. Spears to

14 Mr. Wilbur Giles, and a sample that -- attachment

15 that came with it.

16 MR. WIGGINS: Do you want to staple it

17 for me? Okay. We'll mark as CEO Exhibit 10 for

18 identification a fax cover sheet to Ms. Haskins

19 from C. Spears and it's dated 6-14-99 and the

20 attachments thereto. Okay. Ms. Haskins?

21 (Whereupon, CEO Exhibit No. 10 marked.)

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1 MR. WIGGINS: Ms. Haskins?

2 Q. Do you know Ms. Diana Williams?

3 A. No, ma'am, I do not.

4 Q. Have you had any communications

5 concerning Ms. Diana Williams?

6 A. Not on one-on-one kind of

7 communications.

8 Q. Have you had any written communications

9 concerning Ms. Diana Williams?

10 A. Yes, I have.

11 Q. Could you please identify this document?

12 It's a fax dated 6-14-99.

13 A. Yes. This --

14 Q. I'm sorry. There's another page to

15 it.

16 A. Okay. This is a second one.

17 MR. WIGGINS: You might want to have

18 this stapled, Ms. Haskins.

19 A. I received --

20 MR. WIGGINS: Is there a particular

21 order of these documents, Ms. Haskins?

1 MR. WIGGINS: You may step down,

2 ma'am.

3 THE WITNESS: Okay.

4 MR. WIGGINS: Are you going to call her

5 back for any reason, Ms. Haskins?

6 MS. HASKINS: No.

7 MR. WIGGINS: Will you need her for any

8 reason later on, Ms. Williams?

9 MS. WILLIAMS: Yes, sir.

10 MR. WIGGINS: Okay. Now, I'm going to

11 do the same thing with you, Ms. White, that we

12 did with Dr. Abernethy. You're going to be on

13 call.

14 Do you have a pager or something where

15 we can get to you if we need to bring you back?

16 THE WITNESS: I don't have a pager, I'll

17 be at my building. I'll give you that phone

18 number, 396-6241.

19 MR. WIGGINS: And your building is

20 where, on Harford Road?

21 THE WITNESS: Yes.

1 MS. HASKINS: The fax cover sheet, the

2 memo --

3 A. Okay. This is not my memo, the one I

4 send to --

5 MR. WIGGINS: No, ma'am, Ms. Spears.

6 THE WITNESS: Excuse me.

7 MR. WIGGINS: She's running her case,

8 she will present me the documents, and then you

9 will wait until she asks you questions.

10 THE WITNESS: Yes, sir.

11 MR. WIGGINS: Is there a specific order?

12 MS. HASKINS: There's a fax cover sheet

13 that's the first page, a memo from Ms. Spears to

14 Mr. Wilbur Giles, and a sample that -- attachment

15 that came with it.

16 MR. WIGGINS: Do you want to staple it

17 for me? Okay. We'll mark as CEO Exhibit 10 for

18 identification a fax cover sheet to Ms. Haskins

19 from C. Spears and it's dated 6-14-99 and the

20 attachments thereto. Okay. Ms. Haskins?

21 (Whereupon, CEO Exhibit No. 10 marked.)

1 MR. WIGGINS: So you can be back in 15

2 minutes too then.

3 THE WITNESS: Yes.

4 MR. WIGGINS: You may leave, ma'am.

5 THE WITNESS: Thank you.

6 MR. WIGGINS: And do not discuss your

7 testimony with anyone.

8 THE WITNESS: Okay.

9 MR. WIGGINS: Next witness,

10 Ms. Haskins.

11 CASCELIA SPEARS,

12 being first duly sworn to tell the truth, the

13 whole truth, and nothing but the truth, testified

14 as follows:

15 EXAMINATION BY MS. HASKINS:

16 Q. Could you please state your name and

17 position?

18 A. My name is Cascella Spears, Principal of

19 James Mosher Elementary School.

20 MR. WIGGINS: Is it Cascella?

21 A. Cascella, C-A-S-C-E-L-I-A.

1 Q. Ms. Spears, can you please identify the
 2 document?
 3 A. The fax document was sent on the 14th. I
 4 do not see her the memo that was attached to this
 5 particular fax. Okay. All right. Let me recall
 6 now. Right. You asked me to fax this over to
 7 you, yes. What do I need to comment on on this?
 8 I really don't understand.
 9 Q. The memo than you wrote and the
 10 attachment, please.
 11 A. "There has been continuous communication
 12 (by an outside source) with parents in our
 13 community about lead/asbestos contamination.
 14 Parents are beginning to call the school and
 15 visit the school to discuss the matter. See the
 16 attached flyer.
 17 Please contact me so that I may be
 18 given appropriate instructions on how to handle
 19 this matter. An official, Mr. John Delgado, from
 20 MOSH was here on Friday, April 24th, 1998 to
 21 inspect the building and talk with Union

1 A. I can only assume what's at the bottom
 2 of the flyer. There's a name at the bottom,
 3 Ms. Williams, but I have no other reason to
 4 expect anything else.
 5 MS. HASKINS: Okay. I have a memo dated
 6 May 11th, 1998, which I'd like for
 7 Ms. Spears to identify and have marked as
 8 evidence, please.
 9 MR. WIGGINS: We'll mark for
 10 identification as CEO Exhibit 11 a memorandum
 11 from Wilbur C. Giles to the Cascellia M. Spears
 12 dated May 11th, 1998.
 13 (Whereupon, CEO Exhibit No. 11 marked.)
 14 Q. Ms. Spears, could you please identify
 15 the document?
 16 A. Yes, I did receive this document from
 17 Mr. Giles.
 18 Q. Without reading the document, could you
 19 please tell us the gist of it?
 20 A. Okay. The document was acknowledging
 21 the receipt of my letter concerning the problem

1 personnel.
 2 An immediate response is requested and
 3 will be appreciated."
 4 And I have a flyer that I attached to
 5 it concerning the matter.
 6 Q. Where did the flyer come from,
 7 Ms. Spears?
 8 A. It was given to me from a community
 9 person. The flyer was in the community, and one
 10 of the persons who worked at my school handed me
 11 the flyer.
 12 MS. HASKINS: I'd like to move this
 13 document into evidence, please.
 14 MR. WIGGINS: Ms. Williams?
 15 MS. WILLIAMS: Fine, that's okay, yes.
 16 MR. WIGGINS: We will allow into
 17 evidence as CEO Exhibit Number 10 the fax
 18 document from Ms. Spears to Ms. Haskins, along
 19 with the attachments.
 20 Q. Okay. Ms. Spears, do you know who wrote
 21 the flyer?

1 that was at the school and the course I should
 2 take in the future when something like that
 3 occurs.
 4 Q. What problem are you referring to?
 5 A. The problem that was stated in the
 6 flyer, that there was an asbestos and lead
 7 problem at James Mosher Elementary School and the
 8 fact that there was a person from MOSH to visit
 9 the school.
 10 MS. HASKINS: Okay. I have a document
 11 dated July 19th, 1999.
 12 MR. WIGGINS: Are you planning on moving
 13 this previous one into evidence?
 14 MS. HASKINS: Oh, yes. I'm sorry. I
 15 said that at the beginning. I'd like to have
 16 document number 11 moved into evidence, please.
 17 MR. WIGGINS: Any objections,
 18 Ms. Williams?
 19 MS. WILLIAMS: No, sir.
 20 MR. WIGGINS: Okay. It will be admitted
 21 into evidence as CEO Exhibit Number 11.

1 We're now marking for identification as
 2 CEO Exhibit Number 12 a memorandum from Cascelia
 3 M. Spears to Wilbur Giles dated July 19th, 1999.
 4 (Whereupon, CEO Exhibit No. 12 marked.)
 5 Q. Okay. Ms. Spears, could you please
 6 identify this document?
 7 A. Yes. This was a document that I did fax
 8 to Mr. Giles in relation -- related to the lead
 9 and asbestos that was alleged to be at James
 10 Mosher School back in April of 1998.
 11 Q. What's the gist of the communication you
 12 received that you sent to Mr. Giles?
 13 A. That there was still a problem at James
 14 Mosher Elementary School, as well as others, with
 15 lead paint and asbestos hazards and that --
 16 requesting that parents attend an open hearing
 17 meeting concerning the matter.
 18 Q. Who did the letter come from?
 19 A. The letter's from Ms. Williams.
 20 Q. Did you take any further action as a
 21 result of receiving the letter?

1 A. No. I just sent it to Mr. Giles, and
 2 that was it.
 3 Q. Did you receive any response from him
 4 regarding that?
 5 A. No, I did not.
 6 MS. HASKINS: Thank you. No further
 7 questions.
 8 MR. WIGGINS: Do you want to move that
 9 into evidence?
 10 MS. HASKINS: I'm sorry. I'd like to
 11 move the document into evidence, please.
 12 MR. WIGGINS: Any objections,
 13 Ms. Williams?
 14 MS. WILLIAMS: No, not at all.
 15 MR. WIGGINS: Okay. It will be admitted
 16 as CEO Exhibit Number 12.
 17 Cross, Ms. Williams?
 18 MS. WILLIAMS: Yes, sir.
 19 EXAMINATION BY MS. WILLIAMS:
 20 Q. Ms. Spears, referring to Exhibit 10, did
 21 you ever -- on the third page where it says lead

1 her this one other question. I apologize.
 2 Sometimes -- I'm not an attorney, but I --
 3 MR. WIGGINS: Well, why don't we allow
 4 you to ask the question now so we can excuse
 5 Ms. Spears. What's that question?
 6 Q. Did you ever investigate to see whether
 7 or not the allegations were true?
 8 A. No.
 9 MS. WILLIAMS: Okay. No further
 10 questions. Thank you.
 11 MR. WIGGINS: Okay. You're free to
 12 leave, ma'am.
 13 Next witness, Ms. Haskins?
 14 JACK ELAM,
 15 being first duly sworn to tell the truth, the
 16 whole truth, and nothing but the truth, testified
 17 as follows:
 18 EXAMINATION BY MS. HASKINS:
 19 Q. Okay. Could you please state your name
 20 and position?
 21 A. Jack Elam. I'm building safety and

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1 education officer for the Baltimore City Public

2 School System.

3 Q. Mr. Elam, in your position have you had

4 occasion to have any communications regarding

5 lead in drinking water in the Baltimore City

6 Public Schools?

7 A. Yes.

8 Q. Would you please tell us which schools?

9 A. We have approximately 32 schools that

10 we've identified with lead in drinking water, and

11 we're providing alternative water for them. I

12 don't have a list of the schools with me.

13 MR. WIGGINS: Let me help you. Are any

14 of the four schools we're speaking of; James

15 Mosher Elementary School, Highlandtown Middle

16 School, Fairmount-Harford High School, or

17 Southeast Middle School, on that list?

18 A. Southeast Middle School is; Highlandtown

19 Middle School, #43, is also. What were the other

20 two?

21 MR. WIGGINS: Fairmount-Harford High

1 School.

2 A. Fairmount-Harford is no longer a school

3 with that concern. It was recently renovated and

4 it's clear of lead in water.

5 And what was the fourth?

6 MR. WIGGINS: James Mosher.

7 A. James Mosher is not on that list.

8 MR. WIGGINS: Was it ever on the list?

9 A. No, not to my knowledge.

10 MR. WIGGINS: Okay. Now, Ms. Haskins.

11 Q. Okay. Mr. Elam, regarding

12 Fairmount-Harford High School, #456, a report to

13 the City of Baltimore was issued dated November

14 25th, 1996.

15 MS. HASKINS: I'd like to have Mr. Elam

16 identify a document. There are other copies, but

17 I can't find them.

18 MR. WIGGINS: I'm patient,

19 Ms. Haskins.

20 MS. HOLMES: We can go make a copy on

21 the copier if it's going to be quicker.

1 and this is the document that was provided by the

2 medical examiners for that particular school.

3 This is the report from Dr. Clifford

4 Mitchell, who is a physician at Johns Hopkins

5 Bayview Medical Clinic, and Dr. Cecilia Davoli,

6 who is a physician with Johns Hopkins -- well,

7 actually, the Kennedy Krieger Institute.

8 Q. Mr. Elam, why were those two facilities

9 selected?

10 A. Because of the time frame required to

11 conduct these evaluations, we attempted to get

12 the State of Maryland to assist, as well as the

13 Baltimore City Health Department, and both felt

14 that the testing of these students was not

15 warranted because of the conditions at the

16 school.

17 But for the purposes of providing a

18 clear picture as to whether there was an exposure

19 for the Baltimore -- and to protect the Baltimore

20 City Public School System, we selected these two

21 recognized facilities for the purposes of

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1 examining the students.

2 One, the students at the Morgan Head

3 Start that was housed in the facility because

4 they are younger children and they would be more

5 at risk, and for those others that were at risk

6 would be the faculty who were in the building and

7 any of the students that may have been pregnant

8 or any of the faculty that were pregnant, we

9 elected to pursue the test, even though it was

10 advised by the State and the Baltimore City

11 Health Department that they didn't feel it was

12 necessary.

13 Q. Okay. Mr. Elam, are you aware of the

14 results of the test?

15 A. Yes.

16 Q. Could you please summarize it for us,

17 briefly?

18 A. Based on the tests for the adults -- and

19 all of the tests were shared with the parents or

20 the adults that were examined. We had no control

21 or no direct knowledge of what the results were.

1 They tested all the students, all of the adults,

2 and then faculty and staff, and the students at

3 the Head Start Program.

4 According to this particular document,

5 11 of these students had a history of childhood

6 lead poisoning in the past and 5 of the employees

7 of the school and 1 of the pregnant females. All

8 of these people were tested and examined. A

9 total of 145 people were examined in the

10 facility.

11 Q. Does the report issue any conclusions or

12 recommendations based on their examinations?

13 A. The conclusions and recommendations,

14 based on their document, indicate that there was

15 no link of exposure to lead paint to the

16 facility.

17 MS. HASKINS: I have no further

18 questions for Mr. Elam.

19 I'd like to move this document into

20 evidence, please. It's already marked.

21 MR. WIGGINS: Any objections,

1 children, particularly the Morgan Head Start

2 children, to be in, sir?

3 A. The time would not be a significant

4 factor if the conditions are maintained to

5 provide a safe environment for the facility --

6 for the occupants of the facility.

7 In reference to the question or second

8 part of your question relative to the Morgan Head

9 Start students, that facility is annually tested

10 by a State agency to discern if they are lead

11 safe, and according to the Morgan Head Start

12 director and our assessment, that facility was

13 approved to be operational in that particular

14 school.

15 Q. Sir, do you know what Federal, State,

16 and local regulations, as well as law, is

17 considered to be a lead-based paint hazard, do

18 you know what qualifications or what are the

19 characteristics --

20 MR. WIGGINS: Criteria?

21 Q. -- criteria, yes, for lead-based paint

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1 hazard? And can I --

2 MR. WIGGINS: Let him answer that

3 question, then you go to your next question.

4 MS. WILLIAMS: No. It's the same

5 question.

6 MR. WIGGINS: Let him answer one

7 question, just keep it simple. Mr. Blam?

8 A. And you kind of confused me. Do I

9 know -- could you repeat the question?

10 Q. Yes, sir. I'm sorry. Do you know what

11 Federal, State, and local laws and regulations

12 considered as a lead-based paint hazard, what --

13 MR. WIGGINS: Her question is are you

14 aware of the criteria, under Federal, State, and

15 local laws, for lead -- for a lead exposure

16 hazard.

17 A. They vary depending on the type of work

18 that's being conducted or the type of facility or

19 environment that they are in. Maryland OSHA has

20 a standard, HUD has a standard relative to

21 exposure of children in lead --

1 than three square feet of lead-based painted

2 surfaces, why were the students, staff, and the

3 little children and the pregnant females allowed

4 to stay in the facility?

5 A. The work was phased renovation. The

6 areas where the penetrations were made by the

7 contractor were not in the occupied space of the

8 personnel or the students in this particular

9 facility.

10 Q. Do you know, sir, that the Federal,

11 State, and local laws prohibit pregnant females

12 and children under the age of 6-years-old from

13 being in any facility, particularly what they

14 consider an affected property, which is a

15 pre-1950 property, they prohibit any of these

16 individuals from being in the facility during any

17 type of major renovation because of the

18 possibility of lead exposure, lead paint

19 poisoning?

20 A. There are variances allowed by the

21 Maryland Department of the Environment if the

1 MR. WIGGINS: Are you familiar with

2 those standards?

3 A. Yes.

4 MR. WIGGINS: Okay. Now,

5 Ms. Williams.

6 MS. WILLIAMS: Yes, sir.

7 Q. Do you know that any pre-1950 facility

8 is presumed to have lead-based paint?

9 A. Yes.

10 Q. Do you also know that, according to

11 Title 10, that lead-based paint hazards include

12 chipping, peeling, flaking paint, any disturbance

13 of more than three square feet of lead-based

14 paint, any major mechanical or plumbing work

15 that's done that's disturbing more than three

16 square feet of lead-based painted surfaces is

17 considered a lead-based paint hazard?

18 A. Yes.

19 Q. Sir, so why was not the school closed,

20 knowing that major mechanical, plumbing,

21 electrical work, that certainly disturbed more

1 areas are under containment.

2 Q. Sir, do you have any documentation to

3 prove that?

4 A. I wasn't asked to bring any.

5 Q. Okay. How long was the major renovation

6 project expected to last?

7 A. That was prior to my coming to the

8 Baltimore City Public School System that the job

9 started. It lasted approximately 18 months -- or

10 not 18 months. It actually lasted about

11 approximately one year after I came to the school

12 system in that particular capacity.

13 Q. So is it possible that the renovation

14 began maybe two years prior to your arrival?

15 A. I can't confirm that.

16 Q. Okay. When did -- do you know, sir,

17 when the renovation project for the replacement

18 of the windows, when did it begin or when was

19 it -- and when was it finished?

20 A. I do not know. I think that was done

21 prior to my coming on board.

