

1 5/20/2014, and those were the plans that really
2 should have been issued, because those are the
3 newest plans that should have come in.

4 Like I say, I don't remember seeing
5 any of those, because this building permit was
6 issued for Exhibit 66.

7 Q. Exhibit number 26 includes the west
8 dining area, correct? And let's refer to it as
9 scope of interior alteration work.

10 A. Correct. It is -- it does show that
11 that portion was included in Exhibit 26. Which I
12 have not seen those plans, that I'm aware of.

13 Q. And so actually, the scope of
14 interior alteration work designated on Exhibit 66
15 would appear to be the same as designated as scope
16 of interior alteration work on Exhibit Number 26?

17 A. Correct. They do show the same
18 thing. And originally, on Exhibit 55, that
19 same -- over on the legend on the key notes, that
20 symbol key, on Exhibit 55, that symbol key says
21 "existing."

22 Q. Correct.

23 A. Okay. Now, when you go to Exhibit
24 66, now that same identical symbol key now says

scope of interior alteration work." And then on

EXHIBIT

28-1

1 Exhibit 26, it also shows the same thing. That
2 symbol key shows the scope of interior alteration
3 work.

4 Now, when you're looking at plans,
5 when you're looking at the first plans, when
6 you're looking everything over, when you're
7 looking at all the key notes and the symbol key,
8 and you read this stuff, and there it says
9 "existing," that sticks in your mind. When you
10 see this border here, you're looking at that, and
11 you're saying, okay, that's existing. Now, when
12 you get revisions, a lot of times that isn't
13 something that you're going to look at when it's
14 changed because it's not clouded as a revision.

15 If you look at these other plans
16 here, on Exhibit 66, where it shows the revisions
17 with a little triangle and the things all clouded,
18 it shows it was a revision, so you're going to
19 look at that. That's something that draws your
20 attention that you're supposed to look at. That
21 symbol key was not included or marked as a
22 revision.

23 So as I'm looking at these plans, and
24 I see how it is marked for the existing with a
25 large dash and two small dashes, I'm looking at

EXHIBIT

tabbles®

28-2

1 that, that is existing to me. So when I'm looking
2 at any revisions that come in, I'm going to look
3 at that as existing because I don't see anything
4 down here that says that was a revision.

5 Q. When Exhibit Number 66 came in, did
6 you compare Exhibit 66 to Exhibit 55?

7 A. Yes, I would have compared the two.
8 Like I say, I didn't see that difference there,
9 but as I was looking at it, to me, this mark
10 was -- that symbol that they show there was
11 existing. It didn't really show that it was going
12 to be built up or anything, it was saying that
13 that was an existing part of the building.

14 Q. There's a key note in the west dining
15 area on Exhibit Number 66, which isn't on
16 Exhibit 55; is that correct?

17 A. Right. There are no key notes on --
18 on Exhibit 66 there are no key notes on the west
19 dining area, and on Exhibit 66, then the key notes
20 show up, but those key notes show, number 7 says,
21 "New service bar and counter, electric and
22 plumbing by future permits." So that's saying
23 they're going to get a future permit for that.
24 That's not saying it's being built. It says
25 "future permit."

EXHIBIT

tabbies'

08-3

1 Q. What kind of permit would they need
2 to get?

3 A. They would be need a building permit.

4 Q. A building permit?

5 A. They would need a building permit, a
6 plumbing permit and an electrical permit. And
7 then when you go to 15, same thing. That area
8 there, which is now clouded as a revision, it just
9 says, "Future platform in green room."

10 Okay. So to me, that isn't being
11 done in this whole grouping here.

12 Q. And there's --

13 A. And 12 -- and there's another number
14 down here, 12, for the exterior stair, and that
15 also is a revision. It says "New exterior stair,"
16 exit stair, "exit stair construction by separate
17 permit with HPC approval." And there again, that
18 means they needed a separate permit, and they
19 needed HPC approval.

20 Now, that permit was issued later on
21 in 2017, I think, maybe. Maybe '16, '17. Anyway,
22 that permit was issued, and they did have HPC
23 approval to do that, but it was a temporary stair.
24 It was not a permanent stair.

25 Q. But a permit was issued?

EXHIBIT

tabbies

28-4

1 Q. But don't they base that on
2 information that you gave them?

3 A. Say that again.

4 Q. Doesn't the Met Council make the
5 determination based on the information which you
6 provided?

7 A. No, no, they don't. The owner or the
8 contractor had to submit plans to Met Council, and
9 Met Council will make that determination when they
10 give us a SAC determination letter.

11 Now, when we receive that SAC
12 determination letter, if we feel or if the
13 customer feels they're being overcharged -- of
14 course if they're undercharged, they're not going
15 to say anything -- but if they feel they're being
16 overcharged, then we can do research to find if
17 there's any credits on that property to try to
18 bring their SAC charges down. But we send
19 everyone to Met Council to make a SAC
20 determination.

21 MR. MILLER: I have nothing else.

22 EXAMINATION

23 BY MS. SKARDA:

24 Q. I have just a few questions. Mr.
25 Skradski, I'm going to stand up here because I'm

EXHIBIT

tabbies®

28-5

1 short. I can't see over.

2 I just have some follow-up questions
3 on Exhibit 66, which we've established is a copy
4 of the plans you reviewed and approved that go
5 along with the general building permit application
6 that Mr. Rupp filled out, and along with the
7 plans, the building permit issued by the
8 Department of Safety and Inspections.

9 I'm going to have you just talk a
10 little bit about the occupant load up here and
11 what that means, and what the notes were about,
12 how you interpret, I guess, the information up in
13 that upper left-hand corner.

14 A. On Exhibit 66, what we have to do is
15 the architect has to provide us with a code
16 analysis, which provides us with an occupant load.
17 And what he has up here in the upper left-hand
18 corner, it says "Occupant Classification." He has
19 it as an A-2, and he also has it as S-2, lower
20 hazard storage.

21 And then he goes to the occupancy
22 load, and he breaks everything down here on what's
23 in these different spaces. And what he does here,
24 he goes through each room, and he says, north
25 lounge, north bar, da da da. And then he comes

EXHIBIT

58-6

1 down towards the bottom, and it says, "Future west
2 dining area is 2,587, factor of 15, 172
3 occupants." So that right there is telling me
4 that this is the future. This has nothing to do
5 with this permit that was issued. That's future.
6 It has nothing to do with what we had issued a
7 permit for.

8 Q. And then today we talked a little bit
9 about the symbol keys.

10 A. Yes.

11 Q. And the fact that the symbol that is
12 actually denoting the scope of interior alteration
13 work changed from the first set of plans. Based
14 on your years of experience, do architects change
15 their symbol keys very often?

16 A. No. No. Normally when they show the
17 normal symbol key, they follow that for the
18 building. For any kind of revision that comes
19 through it always stays the same. So when we
20 would be looking at the plans, and we would be
21 looking at the symbol key, we see that it says
22 "existing," that's how we would be interpreting
23 any new plans that would be submitted, and we
24 would be looking at that symbol as being existing,
25 unless they stuck a cloud around that and made it

EXHIBIT

28-7

1 a revision and saying that they actually changed
2 their symbol.

3 Q. So what you call the cloud, that's
4 what the architect, the designer of record uses to
5 kind of tell you, cue you into the areas you
6 should be --

7 A. Right, that's how he tells us there's
8 a revision. Because what he does is he clouds it,
9 he puts his little triangle there with a number in
10 there, if it's revision number 1. If it's
11 revision 8, then he puts an 8 in there. But it
12 draws attention to us so we can look at that, and
13 we see that there's a change.

14 Q. We talked a little bit about, I think
15 you referred to it as what we're here for today.
16 You understand that at some point, the department
17 went in and learned that this western dining area
18 had been finished off.

19 A. Correct.

20 Q. And you saw pictures of the area
21 before it was finished?

22 A. I did see some from -- I forget who
23 showed them to me, but they issued pictures of it
24 before it was finished.

25 Q. Have you seen pictures since it was

EXHIBIT

28-8

1 finished?

2 A. I believe I did see some pictures of
3 that, too.

4 Q. And looking at those pictures, and
5 based on your recollection of what the western
6 dining room looked like when it was an exercise
7 room, what other permits and analysis, processes,
8 would the applicant have had to go through to get
9 that finished off under permit for occupancy?

10 A. Under permit, they would have had to
11 finish that area off. They would have had to
12 provide us with HVAC plans. There would have had
13 to have been a SAC determination, and architect
14 would have had to show us for sure what the
15 occupant load was going to be and if this space
16 was going to have to be sprinklered, and how many
17 exits would be required out of the space, which on
18 the plan, on the 66 that was issued, he just had
19 the general arrow that shows that there's 86
20 occupants exiting out of a future exterior stair.

21 Q. And do you require -- I guess my
22 question is, you don't make architects decide what
23 they're going to put on their plans?

24 A. No. They do the design. We review
25 their design to see that it's meeting code

EXHIBIT

tabbies

08-9

1 requirements. If it doesn't meet code
2 requirements, then we tell them to re-visit what
3 they're proposing and to resubmit.

4 Q. So you actually go back to them and
5 ask for more?

6 A. Right. We usually go right directly
7 to the architect and then send him the request for
8 the changes that we made.

9 Q. When you say HVAC -- you said
10 mechanical plans and HVAC plans. What are those?

11 A. For us, it's a general term when we
12 say mechanical plans. Because mechanical plans
13 are actually plumbing, electrical and HVAC. But
14 the only ones that we required to review and plan
15 review are the HVAC plans because we just -- we
16 have to give those plans to our HVAC person to
17 review because he's looking at air changes. And
18 if there's any kind of duct work and stuff going
19 through rated walls and stuff like that, he just
20 has to verify that information.

21 You still have to get a separate
22 permit, mechanical permit for -- it's actually
23 called a warm air permit for the HVAC. They have
24 to get a separate plumbing permit, and then our
25 plumbing inspector does his own plan review. And

EXHIBIT

tabbies®

28-10

1 then the electrical inspector has to get a
2 separate electrical permit, and then the
3 electrical people, they get separate plans, too.
4 So everybody kind of gets their separate things.

5 The same thing, there's a sprinkler
6 system, and fire protection engineer, they get
7 their plans, and they review those. A lot of
8 times, those come after we've issued the zoning
9 permits, so we really don't have anything to do
10 with that. But those plans have to be submitted
11 and a permit issued by the fire group.

12 Q. And that all has to happen before a
13 building gets a certificate of occupancy?

14 A. Right. Before the certificate of
15 occupancy can be issued, all that has to be taken
16 care of. All that work has to be done. I mean,
17 the permits don't have to be issued because, I
18 mean, permits have to be issued for them to do the
19 work, but they will not sign off for the C of O
20 until all that work is done.

21 Q. And if those things were done, you
22 would have them attached to this -- how do we know
23 none of that got done?

24 A. By looking in Amanda. Amanda would
25 show, you know, if all the different permits were

EXHIBIT

tabbies®

28-11

1 taken out for everything. Because all this plan
2 here shows me is I'm just issuing for life safety.
3 I'm not issuing for the other disciplines.

4 Q. I'm going to have you take a look at
5 a line on Exhibit 61, the last sentence. "Since
6 the building has been given a temporary C of O."
7 When you made that statement, what knowledge was
8 that based on? Are you aware that the building
9 had one, didn't have one? Were you making
10 assumptions?

11 A. That I'm not sure. I probably looked
12 in Amanda and probably saw that there was a
13 temporary C of O issued.

14 Q. But you don't recollect whether that
15 temporary C of O you might have seen would have
16 covered one area, both areas?

17 A. Yeah, the C of O, I don't know what
18 it would have said on there. I don't know if it
19 would have said this area or that area. That's
20 not one of the things that I do, is issue C of
21 O's. The building inspector would have been doing
22 that.

23 Q. And that would have been who at that
24 time? Do you recall?

25 A. I'm not really sure who was -- I

EXHIBIT

tabbies

28-12

1 mean, there have been changes, so I'm not sure who
2 was doing the inspections at that time. I know on
3 that one exhibit, this one here, on Exhibit 63, it
4 has on it that the inspector was Ken Eggers.

5 No, I don't know if he was doing the
6 inspections at the time, or if -- because there
7 were people hired and stuff, so they had to change
8 the inspectors around. And sometimes what would
9 happen is the computer would print out the
10 inspector's name, but it wasn't correct. So I'm
11 not sure who was the inspector that was supposed
12 to be out there doing the inspections.

13 MS. SKARDA: That's all I have at
14 this point.

15 EXAMINATION

16 BY MR. MILLER:

17 Q. Just a quick follow-up on Miss
18 Skarda's questions. You talked about when the
19 department realized that the west dining area was
20 finished off. When was it that the department
21 realized that the west dining area was finished
22 off?

23 A. That I don't recall when I saw
24 pictures of that. I'm not sure. I don't remember
25 what year that was.

EXHIBIT

28-13

John Skradski - 3/7/2018
In the Matter of All Licenses Held by the University Club of St. Paul

1 MR. MILLER: I have nothing further.
2 MS. SKARDA: We'll read and sign.
3 MR. MILLER: Electronic.
4 MS. SKARDA: Electronic as well.

5

6 (The deposition was concluded at 12:05 p.m.)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

EXHIBIT

tabbles'

28-14