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FIRM BUILD PRINCIPALS CHARGED WITH EXPOSING STUDENTS TO ASBESTOS

Merced County District Attorney Larry D. Morse II announced today that new charges, including felony child endangerment, have been filed against three officers of Firm Build, the now-defunct, non-profit construction training company. The charges stem from an allegation that they used teenaged student workers to remove asbestos containing material on a building project at the former Castle Air Force Base. The students were not advised of the presence of asbestos containing material or provided appropriate safety equipment or training. Asbestos exposure can cause serious lung problems and cancer, according to the U.S. Department of Human Services.

During a press conference Thursday Morse said warrants had been issued for Rudy Buendia III, age 47, of Planada and Joseph Cuellar, age 70, of Fresno, both Firm Build co-managers, and Patrick Bowman, age 43, of Los Banos, Firm Build Board President and former coordinator for the Merced County Office of Education. Buendia and Bowman surrendered yesterday at Merced County Jail and were taken into custody. Bail was set at \$500,000. Cuellar was scheduled to surrender this morning to the Fresno County jail. His bail also will be set at \$500,000.

As many as 80 teenagers may have been exposed to asbestos containing materials while working at the Automotive Training Center (ATC) project at Castle over a seven month period of time in 2005 and 2006, an investigation by the Merced County District Attorney's office revealed. All of the students were participating in the Career and Alternative Education Division of MCOE, created to provide vocational training to at-risk high school students through enrollment in the Regional Occupational Program (ROP) and the Workplace Learning Academy (WLA). The students who were part of the Workplace Learning Academy received school credits while other students were paid through the Regional Occupational Program (ROP). Both programs were administered by MCOE.

Late last year, District Attorney investigators learned that some of the students were tasked with removal of asbestos containing material by Firm Build as part of their duties at the Automotive Training Center, the former motor pool at Castle Air Force Base. None of the students were advised that they were removing asbestos containing materials. State and federal law prohibit anyone from removing asbestos containing material without appropriate training and equipment. The only safety equipment provided the students were paper dust masks, goggles and hardhats, none of which provided the necessary protection from airborne asbestos fibers and none of which met minimum state or federal standards for asbestos removal, Morse said.

Interviews by District Attorney investigators with five students and two job coaches assigned to the project confirmed students were used in the demolition, removal and disposal of asbestos containing material. Morse said a review of the Firm Build student activity logs indicated that as many as 80 students may have been assigned to

the Castle ATC project. DA investigators spent months trying to locate and interview students, some of whom have left the area or state.

“The idea that anyone would knowingly expose school kids to potentially cancer causing materials simply to cut corners on a construction project is shocking to say the least,” Morse said. “Parents that allowed their kids to participate in these programs hoped they would gain valuable life skills. Instead, it appears that these kids, now young adults, must live with the possibility of developing lung disease or cancer as a result of their participation,” he added.

Morse said the U.S. Department of Health and Human Services, the World Health Organization, the National Cancer Institute and the U.S. Environmental Protection Agency have all determined that asbestos is a human carcinogen. The EPA banned all use of asbestos in 1989. A study by the Asbestos Disease Awareness Organization in 2008 found that, “Asbestos, when inhaled, is extremely difficult for the body to break down, resulting in a sustained irritation within the body’s internal structures. Children, in particular, are at a specific risk because they are often less discriminatory about what products they may ingest or inhale. Once within a child’s body, the asbestos inflammation may cause harmful scar tissue over several years, ultimately leading to a terminal cancer, called mesothelioma.”

In September 2008, arrest warrants were obtained for Buendia, Cuellar, Bowman, Christina Ledezma and Rudy Buendia, Jr., based on information uncovered during the course of a 16 month investigation by the District Attorney’s office and multiple local, state and federal agencies into the financial collapse of Firm Build, a non-profit construction skills training program, Morse said. Buendia, III and Cuellar, were charged with 15 felony counts each and Bowman, Firm Build’s Board President was charged with seven felony counts. Buendia, Jr., pled to a misdemeanor charge of contracting without a license. Ledezma pled to misdemeanor theft charges and is cooperating with the investigation.

The new charges will be filed as part of a separate complaint, Morse said. In addition to five counts of child endangerment, Buendia III, Cuellar and Bowman are charged with five counts of willfully and knowingly exposing a person to hazardous material

Morse advised that individuals who worked at the ATC site should contact Investigator Anna Hazel at the District Attorney’s Investigations Division at (209) 385-7383. The MCOE contact is Paul Baxter, Risk Manager, at (209) 381-6637.