

GOVERNMENT

# 'I'd have done things differently:' District inspectors say DBI director Patrick O'Riordan kept them off connected builders' sites



by **JOE ESKENAZI**  
OCTOBER 17, 2021

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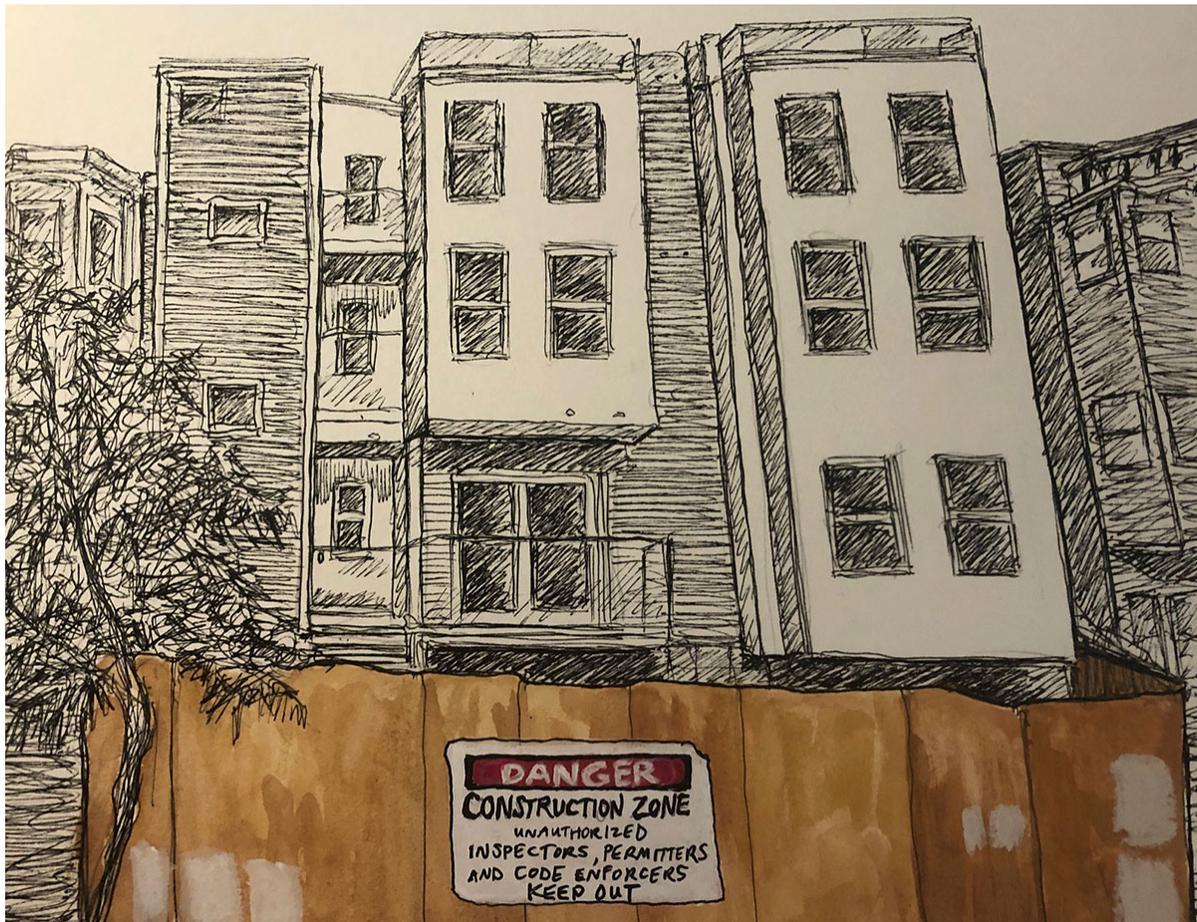


Illustration by Molly Oleson

**T**he president of the Fire Commission is, to the best of our knowledge, not given deference by firefighters to light buildings ablaze. The police do not allow the president of the Police Commission a complimentary number of free crimes. But for the president of the commission overseeing the Department of Building Inspection — well, life is different.

So, when asked how the Department of Building Inspection didn't notice its powerful, longtime former commission president Mel Murphy erecting a five-story, 11-unit structure at 3418 26th St., a literal stone's throw from the major intersection of Mission and 26th streets — all without the benefit of permitting or inspections — the former building inspector for the district says that, actually, *it did*.

It just didn't want to.



“I *do* remember this job. I did report it to Patrick O’Riordan. Numerous times,” recalls longtime inspector Christopher Schroeder. From his city vehicle, he noticed the foundation going in, the first floor, the second floor and, over the course of months, the fifth floor and roof. He maintains that he reported this, repeatedly, to his immediate supervisor, O’Riordan, then a senior building inspector, later chief building inspector, and now the interim head of the department — and an aspirant for the permanent job.

“I reported that to my immediate supervisor, Patrick, and I can’t remember *exactly* what he said — but he said, ‘don’t take any action right now,’” continues Schroeder.

But in January, 2013, sitting idly by was suddenly no longer an option, not after the *Chronicle* **began calling about the five-story building** being erected by the former head of the Building Inspection Commission with hardly anything in the way of permitting or inspections. Those calls were made on Jan. 2, 2013. A slew of permits were belatedly paid for and approved on Jan. 3, by which point the structure was already five floors high. On Jan. 4, O’Riordan himself wrote a stop-work order.

“It’s unfortunate that nobody brought this to our attention before you did,” a department spokesman **told the Chronicle** at the time.

Schroeder wasn’t being made available to the media then. But we’re speaking to him now. Because it’s unusual for a senior inspector like O’Riordan to bigfoot his district inspectors and personally oversee sites. In recent months O’Riordan has **decried accused federal criminal Bernie Curran traveling out of his district to do the same.**



Schroeder says he was told to stay away from Murphy’s project for months — and, after a splashy newspaper story forced the building department to tardily step in, records show he continued to stay away. Curran, however, was on site here, performing inspections. *Amazing* inspections, it would turn out.



SF Department of Building Inspection

@sfdbi



Congratulations to our Employee of the Quarter Senior Building Inspector Bernie Curran!



11:00 AM · Apr 20, 2016 · TweetDeck

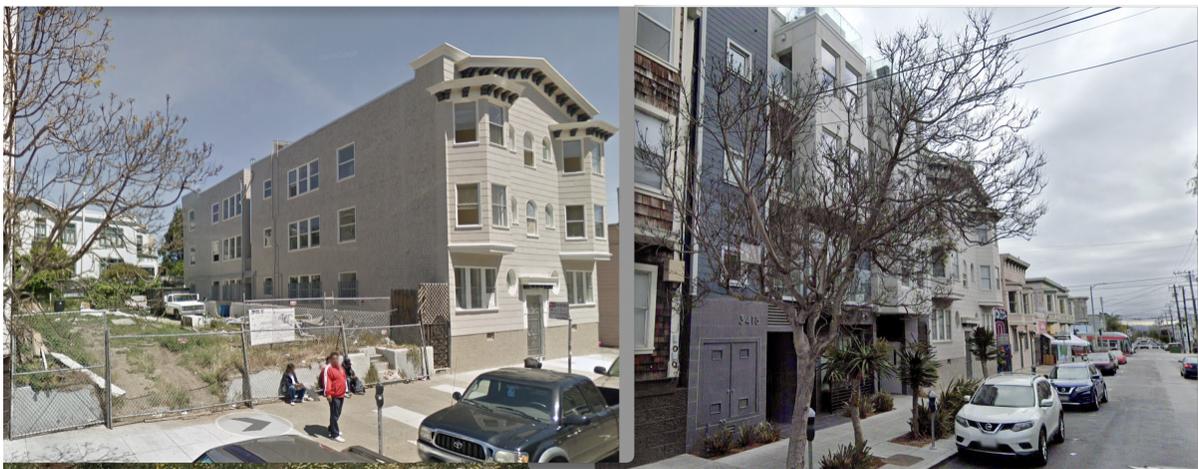
Upon being named Department of Building Inspection employee of the quarter in April, 2016, senior inspector Bernie Curran said “It is a pleasure and privilege to serve the people of San Francisco on a daily basis.”

When asked how O’Riordan learned of the goings on at 3418 26th St., a department spokesman says that an anonymous telephone complaint was made on Jan. 4, 2013 — which is days after the *Chron* started asking questions, inducing a frantic cavalcade of permit approvals. And it was months and months after Schroeder says he repeatedly told his boss what was up. It also doesn’t explain why O’Riordan was the one doing the work of a district inspector, or what the disgraced Curran was doing on site at all.

So, there's a lot going on here that remains unexplained. But, all these years later, and with the Department of Building Inspection at the crossroads it's at, this site explains a lot.

It's an instance in which a district inspector says O'Riordan stepped in to prevent him from keeping an influential, connected builder from being held accountable and following the building codes others are expected to follow.

And it's not the only one.



Google Street View images of 3418 26th St. in 2011, left, and in 2014. While district inspector Christopher Schroeder says he repeatedly informed his superior, Patrick O'Riordan, of the unpermitted, uninspected construction of this building, the Department of Building Inspection says it only found out via an anonymous call coming after the structure was largely complete.

**T** he janky, archaic, and easy-to-manipulate computer system the Department of Building Inspection has clung to for the past couple of decades has allowed for some surreal goings-on at the always-surreal DBI. So, that's bad. But, on the plus side, it did lead us to Schroeder.

That's because, despite his claims that he was barred from inspecting and taking action on this massive, overt scofflaw site in his district, his name is de-facto attached to the files as the district inspector. On a recent trip to DBI headquarters to search for documents, official after official shrugged his or her shoulders, pointed at the name

“Schroeder” on our file, and said “why don’t you talk to *that* guy?” So we did; the Department kindly facilitated the interview.

The problem, in Schroeder’s view, isn’t just that he was kept from doing his job. It’s that when the Department of Building Inspection finally intervened here, it continued to treat Murphy with kid gloves.

“With all due respect,” Schroeder says, “I’d have done things differently.”

To start with, he’d have put in a stop-work order when this was still just a hole in the ground, not a five-story structure. With this no longer possible, he’d have called for inspections on every story of this building; he’d have wanted to see walls and foundations opened up and analyzed; he may have even opted for ground-penetrating radar. These are the sorts of tests O’Riordan in 2021 said may be necessary on the massive 2867 San Bruno site signed off by Curran with a dearth of recorded inspections. But O’Riordan didn’t call for them here.

There are, in fact, no recorded foundation inspections on this site. None. And the rough framing inspection was conducted by Curran in June, 2013, by which time the building was already five stories. “Rough framing,” incidentally, is a building’s wooden exoskeleton and endoskeleton. So, unless Curran had X-ray vision, it’s unclear how he’d do this inspection in June, 2013, on a largely completed five-story structure, especially on the exterior fire walls, which are flush with the neighboring building.



Interim Department of Building Inspection head

**O**ur questions about this to the department received the following response:

*The engineering report, once reviewed by DBI, would constitute compliance with inspection requirements and give an inspector the authority to approve the foundation work and conduct inspections on subsequent addendum.*

Patrick O’Riordan

*Dan Lowery approved the foundation work, thus giving Curran the authority to conduct inspections on the rough*

*framing.*

*Attached is the Supplemental Inspection Record signed by Dan Lowery, then the Building Chief for DBI. The second page reads “3/18/13 Foundation Complete and Special Inspection Cleared For Foundation Work.”*

So, that doesn’t really answer the questions. But it does highlight the earlier point that Murphy was treated with kid gloves. Here’s why:

The engineering report, in fact, was the document we were hoping to locate on that recent trip to the Department of Building Inspection. Nobody could find it on that day but, eventually, the department did track it down. It’s a very lengthy report, and one that was mandated in a Notice of Violation penned by O’Riordan on Jan. 14, 2013.

But, here’s the thing: It appears that, rather than bringing in jackhammers or ground-penetrating radar, this engineering report is being used in lieu of actual inspections of the foundation — the foundation underpinning a five-story, 11-unit building.

Also, this report was penned by Rodrigo Santos.

Santos, like Curran, is now an accused federal criminal; the two are charged with setting up a permits-for-donation bribery scheme. He was earlier accused of stealing hundreds of thousands of dollars of his clients’ money via check fraud. Engineering-wise, he has been charged by the City Attorney with out-and-out forgery regarding dangerous, unwarranted excavations. Finally, another development of Murphy’s for which Santos served as engineer would tumble down the side of Twin Peaks on a pristine rain- and wind-free day, just 10 months after he handed in this report.

An engineer’s report of this sort is mandatory for every project; in fact, the conditions imposed by O’Riordan’s Notice of Violation all appear to be things Murphy should’ve done anyway. But an engineer’s report is not a substitute for a DBI inspection, let

alone an inspection of a foundation, even when the engineer is not an accused federal criminal and is not known for reckless, shoddy work.

As for the “Supplemental Inspection Record” signed by Lowery, it does nothing to alter the fact the foundation, and five stories above it, were built by January, while he signed off in March. And, again, there were no foundation inspections on the site. What’s more, the mandatory third-party special inspections of the foundation Lowery describes as completed in March **aren’t recorded as being completed until July.**

If you’re confused: Don’t worry. This is confusing. It’s a lot more confusing than the Schroeder solution of *open it up and show me what you got*. And a lot less reassuring. But that standard wasn’t applied here.

Once again, it might be worth comparing the treatment Murphy received with that of Dennis Richards, the former Planning Commissioner, **who, in 2019, had nine permits revoked** on his 22nd Street property on the very day that notices of violation were issued.

During a sworn deposition in Richards’ subsequent lawsuit, O’Riordan described Schroeder as “honest.” He also described him as “even-handed” and someone who never “showed favoritism to anyone above anyone else.”

But maybe that was the problem. He’d have “done things differently.” And Schroeder, notably, was never dispatched to Mel Murphy’s site.

**Coming tomorrow: Part II**

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**JOE ESKENAZI**

Joe was born in San Francisco, raised in the Bay Area, and attended U.C. Berkeley. He never left. “Your humble narrator” was a writer and columnist for SF Weekly from 2007 to 2015, and a senior... **More by Joe Eskenazi**



**C.F.**

October 17, 2021 at 9:32 am

Excellent column Joe. It's time for all the crooks to be swept out of DBI.



**phays**

October 17, 2021 at 11:38 am

Around 2001 Mel Murphy also built a structure at 1025 Hampshire street that exceeded the allowed number of units zoned, sneaking in an extra unit that was subsequently discovered. I'm curious how that slipped past the inspectors at the time. The information available online regarding the building is laughably incomplete and the mandated removal/merger of the unit has been stalled for years.



**Jerry**

October 17, 2021 at 1:40 pm

I assume libertarians believe none of these inspections are needed, if a building falls down, the free market will punish the builder by not purchasing their constructions in the future, or pricing them so low as to accommodate the risk of their collapse.

And they yimbys probably regret the lack of inspection while hailing Murphy's initiative and the implicit acknowledgement of O'Riordan of ridiculous "paperwork" requirements

If it wasn't for meddlesome reporters at the Chronicle...



**Mark**

October 17, 2021 at 10:46 pm

I was friends with someone involved with permit expediting. One Saturday while we were out, he said he had to drop off a "bag of money" to a city employee for his client, saying this city is so corrupt and this is what you need to do to get things done.



**Juan Doe**

October 18, 2021 at 7:26 am

The audacity to build an 11 unit building without a permit is unbelievable – and in the Mission no less!!!  
Where was MEDA & Calle 24 on this one?



**KimC**

October 18, 2021 at 2:05 pm

Good job, Joe. SF government is a hot mess. Yet despite all the uncovering of corruption in the past couple of years, the citizen outcry is.....\*crickets\*.... No protests, no outcry, nothing. We must rely on more great reporting, more Federal / outside investigations, more dishonest employees and cohorts going to jail.



**San Fransickened**

October 18, 2021 at 6:30 pm

So, were third party “Special Inspections” ever conducted to verify the strength of the concrete? What other shortcuts were taken by those “connected with DBI officials” that “regular” San Franciscans are required to do? What about fees they have skirted around? It sounds to me that the gangsters at SFDBI seem to feel they can act with impunity and frankly the lack of action and response by The Ethics Commission and the City Attorney seems to indicate they can do just that. Act without fear of ramifications or consequences. They question that comes to me is...Why would they do thi\$?

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