

From: [Marianne Bachers](#)
To: [Carroll, John \(BOS\)](#); [Beinart, Amy \(BOS\)](#)
Subject: BOS Hearing 11/19/2020 - Agenda Item 9 Comments
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Attachments: [2020_11_19BOSDBIPermitHearing.pdf](#)

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Dear Mr. Carroll:

I am a resident of Bernal Heights. I have attached a PDF with my comments concerning Agenda Item 9, Consultant Access and Involvement in Building Permit Process. If there is anything further I need to do in order to ensure my comments are made a part of the record, please let me know. I appreciate it.

Marianne Bachers

BOS Hearing 11/19/2020

Agenda Item 9: Consultant Access and Involvement in Building Permit Process

Remarks from Marianne Bachers, Bernal Heights

Email: marianne.bachers@gmail.com

My name is Marianne Bachers. My husband, a native San Franciscan, and I have lived in our Bernal Heights home since July 1989. My personal experience with permit abuse problems comes from living next door to a house that notorious flipper Ashok Gujral purchased in 2015. Mr. Gujral was sued by the City Attorney's office in July 2018 after, according to the civil complaint filed against him, he fraudulently abused the DBI permit process on multiple properties he was flipping across the city.

The very first permit next door was violated within days of it being issued - an exploratory minor demolition permit turned into a full scale internal demolition of the house. DBI filed a notice of violation. However, permit violations continued, and even though we and our neighbors required Mr. Gujral to sign a contract that ensured he would not damage our adjoining homes, within days of signing the contract he did damage both of our homes. We had to sue. I researched Mr. Gujral and other properties he was flipping. It was after much research that I found Mr. Gujral had multiple projects across the city which were out of compliance with DBI permits, some vastly so. I also located records which showed Mr. Gujral had an admitted history of fraud, as he had voluntarily relinquished his real estate sales and brokerage licenses and admitted all allegations of fraud lodged against him by the state real estate board.

I gathered hundreds of pages of court records and DBI records and presented them to DBI at several permit hearings. I also presented these materials to the planning department and planning commission. I was repeatedly told that the only way the city could stop permits from being issued to a serial permit abuser was for the city attorney to file suit.

Eventually, the City Attorney did sue Mr. Gujral. That litigation is on hiatus while Mr. Gujral attempts to comply with the settlement terms to which he agreed.

There is currently no way for DBI or the planning department to identify and track people who serially violate its permits, and there is no procedure in place to stop the issuance of permits to people who facilitate or commit repeated building code violations, or make misrepresentations on their permit applications. I had to gather documents demonstrating Mr. Gujral's history and outstanding permit violations and bring it to the attention of multiple people and city agencies before anything could be done to stop him from engaging in these activities which presented a health and safety threat to the citizens of this city.

The city ought to consider creating a new permit application for people who are engaged in the business of flipping residential properties. The application ought to require the applicant to disclose the owners and operators of any LLC affiliated with such work. The application ought to require disclosure of any other properties the applicant, or these people or entities worked on in the last 5 years and at present; whether there were and are permit violations in connection with these properties; how any such violations were resolved; whether these people or entities have been sued in connection with the properties, and the result of such lawsuit(s); whether any such person or entity has been criminally charged in connection with such work. If any of these responses present red flags, there should be a procedure to refuse to issue a building permit. The application should also be signed under penalty of perjury. Such a process would save city time and resources at the front end of the process by identifying potential problem projects and participants, and stopping those who are unable to comply with the law until they demonstrate an ability to do so. Additionally, those who have a history of compliance would need minor scrutiny and the processes could be streamlined.