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Subject: Questions for agenda item #5 September 13, 2021, Land Use and Transportation Committee hearing
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To: Supervisors Melgar, Peskin, Preston

CC: Supervisor Ronen, Ms. Beinert, Ms. Major

From: Jerry Dratler

Date: September 11, 2021

Subject: Questions for agenda item #5 September 13, 2021, Land Use and Transportation Committee hearing

Ms. Major, please include these questions in the hearing records.

The citizens of San Francisco are entitled to a full explanation of the following:

1. Were the penalties assessed by DBI and the Planning Department commensurate with the numerous serious violations that occurred at San Bruno Avenue?
 - a. How many Notices of Violation did the Department of Building Inspection issue and what was the amount of the penalties assessed for work without permit and work exceeding the scope of the building permit?
 - b. What financial penalties did the Planning Department assess for the construction of the illegal units, removing required parking and failing to provide on-site affordable units?
2. What actions were taken by DBI and the Planning Department to determine the illegal construction at San Bruno Avenue was both safe and building code compliant before the two departments approved 4 building permits to legalize the illegal construction.
3. DBI failed to detect the illegal construction at San Bruno Avenue due to a total breakdown of internal controls. Who is responsible for the breakdown of internal controls at DBI? DBI senior management or the Building Inspection Commission?
 - a. The district inspector allowed Senior Inspector Bernie Curran to finalize 4 separate building permits without a single district inspection of the project. How could the district building inspector be unaware of the construction activity on this project for over three years?
 - b. Why did DBI's independent backend controls fail to identify the illegal construction?
 - The project structural engineer of record is required to submit a final project report where the engineer identifies the construction work they observed and if

the work was building code compliant and consistent with the city approved plans. Who was the project structural engineer of record and did their report call out the illegal construction?

- At the bottom of the building permit, there is a list of 21 separate special inspections from the approved plans. An independent inspection service is required to observe/inspect each of the 21 separate construction processes. Who was the supervising structural engineer of the independent inspection service and did their report call out the illegal construction?
 - DBI inspector PBR reviewed the two reports from the structural engineers. Should PBR have observed that there were no district inspections of the construction work?
4. What is most concerning is the DBI organizational culture that prevented other DBI employees from calling out Bernie Curran's improper acts. What are DBI senior management and the BIC doing to address the culture of corruption at DBI? DBI senior management has been aware of the out-of- district inspection problem for many years and implemented a policy in 2014 to try to control these inspections. Below, is an excerpt from page 27 of the recent Criminal Complaint, United States of America v. Bernard Curran and Rodrigo Santos.

Out-of-District Inspections

68. According to DBI Official-1, CURRAN often did inspections outside of his district, which caused problems with the inspectors who were assigned to those districts and who did not want CURRAN doing inspections in their territory. It became contentious enough that in April 2014, a supervising employee at DBI created an assignment flow chart that dictated how inspections should be reassigned if the district inspector was unavailable and then if subsequent inspectors were also unavailable:

1. District Inspector
2. Floating Inspector
3. Inspector with availability on their schedule
4. Spread Inspection to Inspectors where schedule is not completely full
5. Adjacent District Building Inspector
6. Building Inspector from other Districts
7. Senior Building Inspector