

1 [Issuance of Subpoena Duces Tecum - Hardip S. Pannu]

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3 **Motion directing the Clerk of the Board of Supervisors to issue a subpoena duces**
4 **tecum to Hardip S. Pannu, requiring him to appear at the Special Meeting of the**
5 **Government Audit and Oversight Committee on April 28, 2017, at 10:00 a.m., to provide**
6 **oral information at the hearing of File No. 160975 and respond to questions regarding**
7 **the design, engineering, review, and approval process for the project at 301 Mission**
8 **Street; and requiring him to produce documents, records, and other materials in his**
9 **possession related to that project.**

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11 WHEREAS, News accounts in August 2016 revealed that the high-rise building at 301
12 Mission Street, commonly known as Millennium Tower, has settled more, and more quickly,
13 than its designers anticipated, and that the building has settled 16 inches and now leans by
14 two inches at its base; and

15 WHEREAS, In a series of hearings over the past four months, the Board of Supervisors
16 has initiated an investigation into the causes of the settlement, its impacts on residents of the
17 building and the surrounding neighborhood, its implications for future buildings in the City, and
18 the role of the Department of Building Inspection (DBI) in reviewing and permitting the project;
19 and

20 WHEREAS, During the approximate time period from 2005 through 2007, Hardip S.
21 Pannu, then-Structural Engineer for Middlebrook and Louie, along with structural engineer
22 Jack P. Moehle, served on a DBI Structural Peer Review Panel for the 301 Mission Street
23 project; and their primary point of contact at DBI was Hanson Tom, the City's principal
24 engineer for plan review of the project; and

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1 WHEREAS, Mr. Pannu, Mr. Moehle, and Mr. Tom participated in the review of various
2 structural engineering design issues for the high-rise and mid-rise towers at 301 Mission
3 Street before DBI issued its certificate of final completion and occupancy for the project in
4 September 2009; and

5 WHEREAS, Records show that in June 2004, Mr. Pannu was retained by DeSimone
6 Consulting Engineers to sit on the peer review panel of the Millennium Tower project at 301
7 Mission Street; and

8 WHEREAS, Mr. Pannu and his counterpart on the Millennium Tower review panel paid
9 for by Millennium Partners, Mr. Mohele, both signed off on the safety and design of the 301
10 Mission Street project, even though it had a similar foundation to the proposed 80 Natoma
11 Street project that was ultimately denied; and

12 WHEREAS, Records indicate that Mr. Pannu suggested that DeSimone Engineers
13 should do advanced computer modeling of the project in order to meet safety thresholds; and

14 WHEREAS, Mr. Pannu ultimately signed off on the structural safety of the 301 Mission
15 Street project with the caveat that he had not reviewed the impacts of the adjacent Transbay
16 Terminal Project; and

17 WHEREAS, Mr. Pannu possesses information related to the subject matter under
18 investigation by the Board of Supervisors, and the Board of Supervisors is unable to acquire
19 this information from other sources because of Mr. Pannu's unique role; and

20 WHEREAS, Supervisor Aaron Peskin, Member of the Government Audit and Oversight
21 Committee, has requested that Mr. Pannu attend a special hearing of the Committee to
22 respond to questions regarding his knowledge of the 301 Mission project and provide the
23 Committee with relevant records in his possession, but Mr. Pannu has indicated that he will
24 not attend a hearing or produce records unless compelled to do so by subpoena; and
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1 WHEREAS, A draft subpoena requiring Mr. Moehle to attend a hearing of the
2 Committee and to produce documents is on file with the Clerk of the Board of Supervisors in
3 File No. 170310; now, therefore, be it

4 MOVED, That pursuant to its authority under Charter, Section 16.114, and Government
5 Code, Sections 25170 and 37104, the Board of Supervisors hereby directs the Clerk of the
6 Board to issue a subpoena duces tecum in substantially the form and substance of the draft
7 subpoena referenced above, requiring Mr. Pannu to (1) attend the Government Audit and
8 Oversight Committee special meeting at 10:00 a.m. on April 28, 2017, to provide oral
9 information and respond to questions regarding his participation in and knowledge regarding
10 the design, engineering, review, and approval process for the project at 301 Mission Street in
11 San Francisco; and (2) produce and permit inspection and copying of all documents, records,
12 and other materials in his possession related to those two projects; and, be it

13 FURTHER MOVED, That the Clerk of the Board of Supervisors, in consultation with the
14 City Attorney, may amend the draft subpoena prior to issuing it, consistent with the direction in
15 this Motion; and, be it

16 FURTHER MOVED, That the Clerk and the Chairperson of the Government Audit and
17 Oversight Committee may in their discretion modify the time and date set forth in the
18 subpoena, and may reissue the subpoena with a modified time and date, in order to
19 accommodate Mr. Pannu's and the Committee's schedules.