

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

SUBPOENA

To: **Jack P. Moehle**
Department of Civil and Environmental Engineering
University of California - Berkeley
775 Davis Hall
Berkeley, CA 94720

Pursuant to the San Francisco Charter, Section 16.114 and California Government Code, Sections 25170 and 37104, the San Francisco Board of Supervisors hereby commands you to appear at **9:30 a.m. on February 2, 2017**, at the following location:

City Hall
1 Dr. Carlton B. Goodlett Place
Legislative Chamber, Room 250
San Francisco, CA 94102

- To provide oral information and respond to questions at a public hearing of the Board of Supervisors' Government Audit and Oversight Committee regarding your participation in, and knowledge regarding, the design, engineering, review, and approval process for the projects at 80 Natoma Street and 301 Mission Street in San Francisco.
- To produce and permit inspection and copying of all documents, records, and other materials in your possession related to those two projects.

If you have any questions regarding compliance with this subpoena, contact:

Angela Calvillo, Clerk of the Board of Supervisors, (415) 554-5184

Failure to comply with the commands of this subpoena may subject you to enforcement proceedings before the Superior Court of the State of California.

Date: 12/21/16

By: Angela Calvillo
Angela Calvillo, Clerk of the Board

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. 554-5184
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December 20, 2016

VIA HAND DELIVERY

Jack P. Moehle
Department of Civil and Environmental Engineering
University of California - Berkeley
775 Davis Hall
Berkeley, CA 94720

SUBJECT: Issuance of Subpoena Duces Tecum - Jack P. Moehle


Mr. Moehle:

Enclosed is a subpoena that was approved by the Board of Supervisors on December 13, 2016, by Motion No. M16-178. Please be guided by the attached subpoena accordingly.

- **Motion No. M16-178 (File No. 161299) – Motion directing the Clerk of the Board of Supervisors to issue a subpoena duces tecum to Jack P. Moehle, requiring him to appear at the Government Audit and Oversight Committee hearing on January 12, 2017, at 9:30 a.m., to provide oral information and respond to questions regarding the design, engineering, review, and approval process for the projects at 301 Mission Street and 80 Natoma Street; and requiring him to produce documents, records, and other materials in his possession related to those two projects.**

If you have any questions or require additional information, please call Angela Calvillo, Clerk of the Board, at (415) 554-5184.

Sincerely,


Angela Calvillo
Clerk of the Board

1 [Issuance of Subpoena Duces Tecum - Jack P. Moehle]

2
3 **Motion directing the Clerk of the Board of Supervisors to issue a subpoena duces**
4 **tecum to Jack P. Moehle, requiring him to appear at the Government Audit and**
5 **Oversight Committee hearing on January 12, 2017, at 9:30 a.m., to provide oral**
6 **information and respond to questions regarding the design, engineering, review, and**
7 **approval process for the projects at 301 Mission Street and 80 Natoma Street; and**
8 **requiring him to produce documents, records, and other materials in his possession**
9 **related to those two projects.**

10
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 three months, the Board of
16 Supervisors has initiated an investigation into the causes of the settlement, its impacts on
17 residents of the building and the surrounding neighborhood, its implications for future
18 buildings in the City, and the role of the Department of Building Inspection (DBI) in reviewing
19 and permitting the project; and

20 WHEREAS, In the course of those hearings, the Government Audit and Oversight
21 Committee has inquired into and compared the review and permitting process for the 301
22 Mission project with the process for the nearby project at 80 Natoma Street; and

23 WHEREAS, During the approximate time period from 2005 through 2007, Jack P.
24 Moehle served with Hardip Pannu, Structural Engineer for Middlebrook and Louie, on a DBI
25 Structural Peer Review Panel for the 301 Mission Street project; and Mr. Moehle and Mr.

1 Pannu's primary point of contact at DBI was Hanson Tom, the City's principal engineer for
2 plan review of the project; and

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

7 WHEREAS, Mr. Moehle served as Chair of the peer review panel tasked with reviewing
8 the structural safety of the design of the proposed development at 80 Natoma Street; and

9 WHEREAS, Former Director of the Department of Building Inspection, Frank Y. Chiu,
10 ordered construction work stopped at the proposed project at 80 Natoma Street, in light of the
11 publicly-documented concerns from experts and geotechnical consultants that the building's
12 proposed foundation would not support the weight of said high-rise, all of which Mr. Moehle
13 was apprised of; and

14 WHEREAS, Records show that in June 2004, Jack Moehle was retained by DeSimone
15 Consulting Engineers to sit on the peer review panel of the Millennium Tower project at 301
16 Mission Street; and

17 WHEREAS, Mr. Moehle and his counterpart on the Millennium Tower review panel
18 paid for by Millennium Partners, Hardip Pannu, both signed off on the safety and design of
19 the 301 Mission Street project, even though it was a similar foundation to the 80 Natoma
20 Street project that was ultimately denied; and

21 WHEREAS, Mr. Moehle possesses information related to the subject matter under
22 investigation by the Board of Supervisors, and the Board of Supervisors is unable to acquire
23 this information from other sources because of Mr. Moehle's unique role; and

24 WHEREAS, Supervisor Aaron Peskin, Chairperson of the Government Audit and
25 Oversight Committee, has requested that Mr. Moehle attend a hearing of the Committee to

1 respond to questions regarding his knowledge of the 301 Mission and 80 Natoma projects and
2 provide the Committee with relevant records in his possession, but Mr. Moehle has indicated
3 that he will not attend a hearing or produce records unless compelled to do so by subpoena;
4 and

5 WHEREAS, On November 16, 2016, the Chairperson of the Committee sent a letter to
6 Mr. Moehle requesting that he reconsider his unwillingness to attend a hearing or produce
7 documents, a copy of which is on file with the Clerk of the Board of Supervisors in File
8 No. 160975, but Mr. Moehle has not responded to that letter; and

9 WHEREAS, A draft subpoena requiring Mr. Moehle to attend a hearing of the
10 Committee and to produce documents is on file with the Clerk of the Board of Supervisors in
11 File No. 161299; now, therefore, be it

12 MOVED, That pursuant to its authority under Charter, Section 16.114, and Government
13 Code, Sections 25170 and 37104, the Board of Supervisors hereby directs the Clerk of the
14 Board to issue a subpoena duces tecum in substantially the form and substance of the draft
15 subpoena referenced above, requiring Mr. Moehle to (1) attend the Government Audit and
16 Oversight Committee meeting at 9:30 a.m. on January 12, 2017, to provide oral information
17 and respond to questions regarding his participation in and knowledge regarding the design,
18 engineering, review, and approval process for the projects at 80 Natoma Street and 301
19 Mission Street in San Francisco; and (2) produce and permit inspection and copying of all
20 documents, records, and other materials in his possession related to those two projects; and,
21 be it

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

1 FURTHER MOVED, That the Clerk and the Chairperson of the Government Audit and
2 Oversight Committee may in their discretion modify the time and date set forth in the
3 subpoena, and may reissue the subpoena with a modified time and date, in order to
4 accommodate Mr. Moehle's and the Committee's schedules.

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City and County of San Francisco
Tails
Motion: M16-178

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 161299

Date Passed: December 13, 2016

Motion directing the Clerk of the Board of Supervisors to issue a subpoena duces tecum to Jack P. Moehle, requiring him to appear at the Government Audit and Oversight Committee hearing on January 12, 2017, at 9:30 a.m., to provide oral information and respond to questions regarding the design, engineering, review, and approval process for the projects at 301 Mission Street and 80 Natoma Street; and requiring him to produce documents, records, and other materials in his possession related to those two projects.

December 08, 2016 Government Audit and Oversight Committee - AMENDED

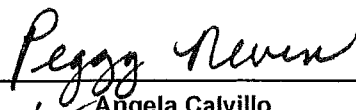
December 08, 2016 Government Audit and Oversight Committee - RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

December 13, 2016 Board of Supervisors - APPROVED

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang and Yee
Vacant: 1 - District 8

File No. 161299

I hereby certify that the foregoing Motion was APPROVED on 12/13/2016 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Certified Copy

Motion

161299 [Issuance of Subpoena Duces Tecum - Jack P. Moehle]

Sponsor: Peskin

Motion directing the Clerk of the Board of Supervisors to issue a subpoena duces tecum to Jack P. Moehle, requiring him to appear at the Government Audit and Oversight Committee hearing on January 12, 2017, at 9:30 a.m., to provide oral information and respond to questions regarding the design, engineering, review, and approval process for the projects at 301 Mission Street and 80 Natoma Street; and requiring him to produce documents, records, and other materials in his possession related to those two projects.

12/13/2016 Board of Supervisors - APPROVED

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang and Yee
Vacant: 1 - District 8

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

CLERK'S CERTIFICATE

I do hereby certify that the foregoing Motion is a full, true, and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City and County of San Francisco.

December 20, 2016

Date

Angela Calvillo
Clerk of the Board

Attorney or party without attorney (name and address): JONATHAN GIVNER SB#208000 OFFICE OF THE CITY ATTORNEY 1 DR. CARLTON B. GOODLETT PLACE, CITY HALL RM SAN FRANCISCO, CA 94102- Attorney for (name):		Telephone No: (415) 554-4694	For Court Use Only
Insert name of court and name of judicial district and branch court, if any:			
Plaintiff:			
Defendant:			
Reference Number: 9690021	PROOF OF SERVICE		Case Number:

At the time of service I was at least eighteen years of age and not a party to this action, and I served copies of the: COVER MEMO; BOARD OF SUPERVISOR'S MOTION NO. M16-178; SUBPOENA

in the within action by personally delivering true copies thereof to the person served as follows:

Served: PROF. JACK P. MOEHLE
 By Serving: PROF. JACK P. MOEHLE
 Address: RESIDENCE
 3444 ECHO SPRINGS ROAD
 LAFAYETTE, CA 94549-
 Date of Service: 12/22/16
 Time of Service: 10:00 AM

Person Serving (name, address, and telephone No.):

Josh Morgon



P.O. Box #78154

San Francisco, California 94107

(415) 278-9978

Fee for service:

Registered California process server.

(1) Employee or independent contractor.

(2) Registration No: 2015-1330

(3) County: San Francisco

(4) Reg. Exp. Date: March 12, 2017

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 12/22/16

Signature: _____

PROOF OF SERVICE