

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO COURTHOUSE

DENNIS RICHARDS, an individual,
RACHEL SWANN, an individual,
and SIX DOGS, LLC, a California
Limited Liability Company,

Plaintiffs,

vs.

Case No. 3:20-CV-01242 JCS

CITY AND COUNTY OF SAN FRANCISCO,
a Municipal Corporation; EDWARD
SWEENEY, an individual; and
MAURICIO HERNANDEZ, an individual,
Defendants.

-----/

DEPOSITION OF

CHRIS SCHROEDER

February 12, 2021

Reported By:
RENEE SERA

CSR No. 7435

HANNAH KAUFMAN & ASSOCIATES, INC.
Certified Shorthand Reporters
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1	INDEX OF EXHIBITS	
2		PAGE
3	Exhibit 35 San Francisco Department of Building	10
4	Inspection Statement of Incompatible Activities	
5		
6	-o0o-	
7		
8		
9	QUESTIONS NOT ANSWERED ON INSTRUCTION OF COUNSEL	
10		PAGE LINE
11	But as we sit here today you haven't -- have	36 13
12	you received any kind of discipline	
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 BE IT REMEMBERED THAT, pursuant to Notice of
2 Taking Deposition, on Friday, February 12, 2021, commencing
3 at the hour of 10:20 a.m. thereof, at the office of
4 RENEE SERA, CSR, 792 Grand Avenue, South San Francisco,
5 California 94080, via video conference appeared

6 CHRIS SCHROEDER
7 called as a witness herein, and the said witness, having
8 been duly sworn, was thereupon examined and testified as is
9 hereinafter set forth:

10 THE REPORTER: Do we have an agreement on the
11 record that the witness can be sworn in remotely?

12 MS. BERS: Yes.

13 MR. EMBLIDGE: Yes.

14 MS. LEE: Yes.

15 (Witness sworn.)

16 EXAMINATION BY MR. EMBLIDGE

17 MR. EMBLIDGE: Q.: Could you state and spell
18 name for the record, please?

19 A. Chris Schroeder, C-H-R-I-S, S-C-H-R-O-E-
20 D-E-R.

21 Q. You go by Chris, not Christopher?

22 A. Yes.

23 Q. My name is Scott Emblidge, I am one of the
24 attorneys representing the plaintiffs in this lawsuit. Do
25 you have a basic understanding of what the lawsuit is

1 about?

2 A. Yes.

3 Q. Have you ever had your deposition taken
4 before, Mr. Schroeder?

5 A. Not that I am aware of. Not that I am aware
6 of I have never been under oath from what I remember.

7 Q. Let me tell you a little about the process
8 and some of the rules that will help this go smoother,
9 okay?

10 A. Yep.

11 Q. One is to do what you have been doing which
12 is answer audibly. If you nod your head or shake your head
13 like you might do in a conversation, Renee can't take that
14 down so you need to answer questions audibly, all right?

15 A. That makes sense.

16 Q. Especially over Zoom this rule is really
17 important, wait for me to finish my question, even if you
18 know with where I am going or you think you know. If I am
19 hesitating and you want to just get to the answer, please
20 let me finish the question and I won't ask a question until
21 you finished an answer so Renee doesn't have to take down
22 two people talking over each other, okay?

23 A. Uh-huh. Yes.

24 Q. This is not an endurance test. Any time you
25 need to take a break, bathroom break or to talk to your

1 attorney, whatever, let us know and we can take a break.
2 It is important that you understand my question. I am sure
3 there are going to be times today where I ask a lousy
4 question that doesn't make sense to you. Please let me
5 know and just say could you rephrase that or what are you
6 getting at or I don't understand and I will try to ask the
7 question in a better way to make sure that you and I are
8 communicating, okay?

9 A. Yes.

10 Q. At the end of the deposition there is going
11 to be a transcript put together which is just a written
12 record of everything that's said today. You are going to
13 have a chance to review that and see if you think anything
14 in there is inaccurate. But if during the course of the
15 deposition you think about an answer you gave earlier and
16 you think maybe that wasn't right, you can certainly
17 correct yourself during the deposition and point out
18 something that comes to mind, okay?

19 A. Yes.

20 Q. There are going to be times perhaps when Sara
21 or Rebecca object to my questions. Certainly you should
22 listen to those objections but unless they instruct you not
23 to answer, and if you understand my question, I am entitled
24 to an answer.

25 A. Could you repeat that, I am sorry.

1 Q. A lot of times you will hear an attorney
2 object and you will assume I should just be quiet and not
3 answer the question, but attorneys raise objections for
4 various reasons so if your attorney instructs you not to
5 answer a question, then you should listen to your attorney.
6 But sometimes your attorney may make an objection that is
7 for the record but if you understand my question I am still
8 entitled to an answer. Does that make sense?

9 A. Yes.

10 Q. Okay. Other than your attorney, did you talk
11 to anybody in getting ready to give testimony today?

12 A. No, not to the best of my knowledge.

13 Q. Did you review any documents in preparing for
14 giving testimony today?

15 A. I am reviewing the documents that were sent
16 to me and --

17 Q. The ones that were sent to you as exhibits
18 that I might use?

19 A. Yes, the ones that were overnighted have been
20 reviewed.

21 Q. And you have those?

22 MS. LEE: Those are the exhibits that you
23 provided, Scott.

24 MR. EMBLIDGE: Q.: Other than those documents,
25 are there any other documents that you reviewed in

1 preparing to give your testimony today?

2 A. No. Recently, no. Have I read the news
3 articles? Yes.

4 Q. Are you on any sort of medication that might
5 interfere with your memory or is there any other reason
6 that you can't give your best testimony today?

7 A. I believe I am protected under the HIPAA.

8 Q. I don't want to know about what medications
9 you might take for anything but I do need to know if there
10 is any reason that you can't give your best testimony today
11 if you were on a medication that interfered with your
12 memory or your ability to recall things or testify clearly?

13 A. I don't know how to answer that. I am not a
14 doctor.

15 Q. I don't want to get into your medical
16 history, that has nothing to do with what we are all here
17 about today. What I want to make sure is that you are
18 capable of giving your best testimony today. Is there any
19 reason -- go ahead.

20 A. To answer that question, I believe I am
21 capable of giving my best testimony, yes.

22 Q. I want to ask some basic background
23 questions. Can you tell me a little bit about your
24 educational background?

25 A. I have a bachelor's of science degree and

1 then I also attended all the classes at CSM for the
2 building inspector certification.

3 Q. What's CSM?

4 A. College of San Mateo.

5 Q. Did you obtain that certification?

6 A. Yes.

7 Q. When was that approximately?

8 A. Twenty plus years ago, twenty-five. I know I
9 took all the classes back then, plumbing, electrical,
10 building and what they were.

11 Q. Are you currently --

12 A. I think I have got the certification
13 somewhere. I don't know where it is but I do know I
14 completed all the classes.

15 Q. I don't doubt it, no problem. Are you
16 currently employed with the Department of Building
17 Inspection with the City and County of San Francisco?

18 A. Yes.

19 Q. How long have you been employed there?

20 A. Over twenty years.

21 Q. Before you were employed with the
22 San Francisco DBI where were you employed?

23 A. Many places. Are you talking immediately
24 before?

25 Q. Yes, please.

1 A. That would be I was a general contractor.

2 Q. Did you have a general contractor's license?

3 A. Yes.

4 Q. Do you still?

5 A. I still have a license but since I took the
6 job it has been inactive because it's a conflict of
7 interest to -- you know, I know you can't do work in the
8 city and whatnot. I just placed it inactive.

9 Q. Tell me a little about that, what is your
10 understanding about your ability while being a DBI employee
11 to also do contracting work?

12 A. I believe you have got in what you sent me it
13 states anything in the city or any -- you can't do work in
14 the city, to the best of my knowledge. Again, I didn't
15 have a chance to go through everything on this. So you
16 can't do work in the city and any conflict of interest, I
17 am very aware of that.

18 Q. What do you mean by a conflict of interest?

19 A. I have never had anybody do any contracting
20 work on any of the houses that I have owned that would be
21 -- just what's written in the thing here. If I am doing
22 inspections for somebody or plan checking -- I have only
23 been in inspection for twenty years, I was down in BID and
24 then -- yeah, I understand that.

25 Q. But I don't understand what your knowledge is

1 so let me come at it a different way. When you are
2 referring to the documents here, are you referring to
3 Exhibit 35, the statement of incompatible activities?

4 MS. LEE: He has the hard copies of the
5 documents. If there is a description or a Bates number
6 that would be easier.

7 MR. EMBLIDGE: Q.: It's off the DBI website.
8 It's a thirteen page document which I guess we should now
9 introduce in evidence. Exhibit 35 is a thirteen page
10 document, the first page has a title of San Francisco
11 Department of Building Inspection Statement of Incompatible
12 Activities.

13 (Whereupon, Defendant's Exhibit 35 was marked for
14 identification.)

15 MR. EMBLIDGE: Q.: My question, Mr. Schroeder,
16 is that what you were referring to when you were referring
17 to conflicts?

18 A. You can call me Chris, Scott. I haven't read
19 the whole document and I don't know if we need to go
20 through that but I think it's pretty apparent we don't -- I
21 have never taken anything from anybody and I have never, as
22 I said before, had anybody work on any of my houses or done
23 anything that would affect my moral compass and ethical
24 compass.

25 Q. I appreciate that and let me just be clear, I

1 am not accusing you of anything. We are at a very early
2 stage in this litigation and one of the things I am trying
3 to find out is what do people at DBI understand to be the
4 rules and the moral compass. Putting aside Exhibit 35,
5 just tell me what was your understanding say one year ago
6 about what activities you were prohibited from doing in
7 terms of what you call the conflict of interest?

8 A. I think it's all in the documents there. I
9 could read it to you. Be more specific, please, Scott.

10 Q. Have you ever seen Exhibit 35 before
11 yesterday?

12 A. I may have, I don't recall.

13 Q. Right, but apart from Exhibit 35 you had an
14 idea in your mind about this is something I couldn't do or
15 shouldn't do because it's a conflict, right?

16 A. Yes.

17 Q. So tell me about that, what are the things
18 that -- I am not putting you up here as an expert or to
19 recite everything that's in Exhibit 35, I just want to know
20 in general what did you understand to be things that you
21 shouldn't be doing as a DBI employee? Now you are
22 referring to Exhibit 35 again.

23 A. There are so many things. Accepting gifts,
24 accept promotional opportunities, soliciting people to
25 speak with you at the BIC hearings and talk about

1 promotion, having your family get jobs. I am not related
2 to anybody in there. It's a very nebulous kind of
3 question, Scott. You have to follow what's inside and when
4 I go to sleep at night I don't have any -- I sleep well, I
5 don't have any skeletons in my closet. I am answering the
6 best I can. Without reading it back to you I think it's
7 all in there.

8 Q. You make a fair point, it was a very, very
9 broad question and I understand now why it's difficult for
10 you to answer. Let me try to narrow it down a little bit.

11 You talked about not hiring people, certain
12 people, to do work on properties that you own. Why not?

13 A. Or as it says in thirty-five, from my brief
14 reading of it, anything that's going to better your family
15 or anything like that, from my understanding of it. Maybe
16 I am not answering the question right.

17 Q. So let's just focus on my narrow question.
18 You earlier said you wouldn't hire certain people to do
19 work on properties that you own and I am asking why not,
20 what's the problem?

21 A. Because it's a quid pro quo, Scott, and
22 something is expected of you. Once you start doing that
23 they are going to discount it. Here, I will do this for a
24 discounted price and everything has a price in life.

25 Q. So you don't want to put yourself in a

1 compromised position where somebody might be expecting a
2 favor from you in exchange for having done work on your
3 property, is that correct?

4 A. That is correct. Not just the property, it
5 expands to all sorts of things probably in that Exhibit 35
6 that you provided, whatever incompatible activities, and
7 also on the ethics training. So it's all in there where
8 somebody receives, as I said, a quid pro quo, and that's a
9 very nebulous statement but it's a very specific statement,
10 also.

11 Q. Understood. So you seem to have a very
12 strong moral compass. Have you ever had concerns that
13 there are people at DBI who don't share your strong moral
14 compass?

15 A. That's their business, not mine.

16 Q. That's not what I am asking though. I am
17 asking whether you have observed things or has anything
18 given you concern that other people don't share the same
19 moral compass that you do in terms of conflicts of interest
20 and ethics?

21 A. Yes, I have had concerns. Can I narrow them
22 down and be specific? No.

23 Q. We can get to that. When you first started
24 at DBI what was your position?

25 A. A building inspector.

[REDACTED]

1 A. There is a lot of people in that class of
2 people.

3 Q. Who comes to mind?

4 A. I think John Pollard is one of them,
5 San Francisco Garage, the people in the RBA.

6 Q. The RBA meaning the Residential Builders
7 Association of San Francisco?

8 A. Yes.

9 Q. Anyone else that comes to mind at this point?
10 I am going to ask you about specific people a little later
11 but I am just wondering --

12 A. Let's reserve that until a little later
13 because I can't think of it offhand right now.

14 Q. What about Rodrigo Santos?

15 A. Yeah. We will deal with it now, if you want
16 to deal with it a little bit now, that's fine. Yeah,
17 Rodrigo Santos.

18 MS. LEE: Just wait for the next question.

19 THE WITNESS: Okay, thanks.

20 MR. EMBLIDGE: Q.: I am trying to go back to Mr.
21 Barrios. He confided in you that he was being retaliated
22 against, correct?

23 A. Yes. He also watched -- I am sorry, I will
24 let you finish your question or is that it?

25 Q. I want to ask you what is it specifically

1 that he confided in you?

2 A. That he was being subjected to extreme
3 increased scrutiny on everything he did.

4 Q. And he told you that was because he wouldn't
5 sign off on permits that were permits pulled by some of the
6 connected people, is that correct?

7 A. I would say that would be correct, yeah.

8 Q. And did he tell you what it was about any of
9 these permits that caused him not to sign off on them?

10 A. Yes, they weren't per code.

11 Q. Did he indicate to you that he was getting
12 pressure from others at the building department to sign off
13 on these permits even though they weren't per code?

14 A. Yes.

15 Q. Did he ever indicate to you who put that
16 pressure on him?

17 A. Yes.

18 Q. Could you tell me who, please?

19 A. Senior inspector McHugh, who is probably
20 under -- who was pressured by Edward Sweeney.

21 Q. Mr. McHugh, Mr. Sweeney. Were there other
22 individuals that he identified as putting pressure on him
23 to sign off on permits that he didn't believe were up to
24 code?

25 A. Not that I can recall at this time.

1 Q. Mr. McHugh -- correct me if I am wrong -- he
2 is still a senior inspector at the building department?

3 A. Yes.

4 Q. And did Mr. Sweeney retire?

5 A. Yes.

6 Q. The rumor mill tells me that was in
7 approximately November of last year. Is that consistent
8 with what you observed?

9 A. That's consistent with what I observed and it
10 was anticipated that he was going to retire more around
11 March but, from what I understand -- again, as you stated,
12 the rumor mill which is great around there -- he expedited
13 his retirement.

14 Q. So you understood that -- when you referred
15 to March you meant March, 2021, correct?

16 A. Yes.

17 Q. Let's go back to the retaliation against you.

18 A. I am going to take a five minute break and
19 walk around my garage. Give me a minute, I get a little
20 anxious.

21 Q. I wasn't aware of what happened to Mr.
22 Barrios, it must be a difficult subject, so let's all take
23 a five minute break and I am going to grab some tea.

24 (Brief recess.)

25 MR. EMBLIDGE: Back on the record.

1 hiring somebody that would be more amenable to what they
2 want to do?

3 MS. BERS: Objection, leading.

4 THE WITNESS: Can you state it one more time?

5 MR. EMBLIDGE: Q.: I am reading between the
6 lines of your facial expression and what you are saying and
7 I want to see if I am right. Are you suggesting that by
8 opening up a position they could fill, they were trying to
9 fill it with somebody who was more amenable to the types of
10 things they wanted to do?

11 MS. BERS: Same objection, argumentative.

12 THE WITNESS: Yes.

13 MR. EMBLIDGE: Q.: Who is the they that you are
14 referring to in terms of the people that you believe were
15 involved in retaliating against Mr. Li?

16 A. The people in upper management.

17 Q. Can you give me some specifics, please?

18 A. Ed Sweeney.

19 Q. Anyone else?

20 A. No. Ed Sweeney is the person who hires most
21 of the people and --

22 MS. LEE: Just answer the question.

23 THE WITNESS: Okay, thank you. The question
24 again?

25 MR. EMBLIDGE: Q.: I asked if there was anyone

1 else. You said senior management or upper management and I
2 was asking -- you identified Mr. Sweeney. Is there anyone
3 else that you would identify as being involved in these
4 retaliatory practices?

5 A. I don't know.

6 Q. Why do you identify Mr. Sweeney as being
7 involved?

8 A. Because oftentimes you will see the
9 promotional letters where his name is on there and it says
10 I am -- something like I am extremely -- what's it -- I am
11 extremely -- I can't remember, the announcements that go
12 who is going to get promoted. You could see them on the
13 promotional e-mails when people get like the chief
14 positions and stuff like that. It will say I am extremely
15 happy to welcome so and so to their new position and puts
16 his name down with a big thing at the bottom.

17 Q. Just for the record, the witness indicated
18 sort of an S movement with his hand.

19 A. You have seen his signature.

20 MS. LEE: Just wait for the question.

21 MR. EMBLIDGE: I probably have but it doesn't
22 come to mind.

23 Q. Have you ever heard of people referring to
24 some building inspectors as being part of Ed's crew?

25 A. I have not heard that specifically but in

1 reality I believe it exists and those people are promoted
2 and that's why I am at the bottom after twenty years. I
3 don't drink the Kook Aid.

4 Q. Tell me more about what you mean by you don't
5 drink the Kook Aid. What would you have to do to be part
6 of that crew?

7 MS. BERS: Objection, calls for speculation.

8 THE WITNESS: Take care of the connected
9 contractors and the people with power.

10 MR. EMBLIDGE: Q.: When you say take care of the
11 connected contractors, can you explain what you mean by
12 that?

13 A. I think it goes without saying. It's a very
14 broad question. In all aspects, from plan check to
15 electrical, plumbing, building, field inspections, code
16 enforcement. It's a vast array.

17 Q. Are you saying taking care of them is making
18 sure they get favorable treatment in those different
19 aspects of the building department's operations?

20 MS. LEE: Objection, vague.

21 THE WITNESS: Yes.

■ [REDACTED] ■ [REDACTED]
■ [REDACTED]
■ [REDACTED] ■ [REDACTED]
■ [REDACTED]

[illegible]

24 Q. Could you go to what has been previously
25 marked as Exhibit 1 and it is an organizational chart for

1 the code inspection --

2 A. I don't think I have a document marked as
3 Exhibit 1.

4 Q. It's a one page document.

5 A. It's not labeled Exhibit 1, it's just going
6 to be sequential then.

7 Q. It's a one page document and it is an
8 organizational chart for the Code Enforcement Division.

9 A. Yes.

10 Q. Do you have that in front of you?

11 A. Yes.

12 Q. Is this an organizational chart relating to
13 the time when you were transferred from being a field
14 inspector in the Building Inspection Division to the Code
15 Enforcement Division?

16 A. My name is on there. I missed the question,
17 I am sorry.

18 Q. If you look at -- is this the way the Code
19 Enforcement Division was staffed at the time when you were
20 transferred to the Code Enforcement Division as you
21 testified earlier?

22 A. No.

23 Q. I see there is a James Li, L-I. Is that the
24 James Li that you are referring to?

25 A. Yes.

1 Q. What is different about this work chart,
2 Exhibit 1, from the reality of when you were in the Code
3 Enforcement Division approximately two years ago or a year
4 to two years ago?

5 A. If you would not refer to it as Exhibit 1
6 because I don't have any exhibits on it that would be --
7 just the org chart, if we could be more descriptive that
8 would be great.

9 Q. I will do both because I need to identify it
10 for the record.

11 A. If you do both that would be great. What's
12 different about this? Okay, for approximately probably
13 close to fifteen years there was no chief of code
14 enforcement. As you see Mauricio Hernandez on the org
15 chart down below Sweeney. Prior to that, fifteen years
16 before that, they had hired a chief of code enforcement or
17 there was a chief -- I shouldn't say they hired, there was
18 a chief of code enforcement and he was the last one. He
19 went to Stanford, graduated with honors, so that position
20 was vacant for I want to say a decade and a close to.
21 During that time I know for sure John Hinchion, who was the
22 senior building inspector, ran code enforcement. As I
23 stated before, I believe James Li was the senior -- again,
24 John Hinchion is the senior building inspector for code
25 enforcement currently now and he was before. He ran that

1 as well as I believe James Li did as a senior during that
2 vacancy. I am done.

3 Q. So when you were in code enforcement do you
4 believe Mr. Hinchion reported to Mr. Hernandez?

5 A. I think you are getting confused, Scott, I
6 was in code enforcement approximately a year before
7 Hernandez became chief, before this new position or this
8 position that had been open and vacated for many years. I
9 am sorry, can you repeat it, I am sorry.

10 Q. I am just trying to -- I understand what you
11 said about Mr. Hernandez taking a position that had been
12 vacant for a long time, now I am trying to correlate that
13 with your time in code enforcement. So when you were in
14 code enforcement approximately a year and a half to two
15 years ago, do you believe that Mr. Hinchion was reporting
16 to Mr. Hernandez?

17 A. Yes, he was reporting to Mr. Hernandez. When
18 Ed Sweeney appointed Hernandez to chief of code
19 enforcement, then he was reporting to him. Prior to that
20 John Hinchion, senior code enforcement inspector, reported
21 to Patrick O'Riordan. Am I making any sense or no?

22 Q. Yeah. Did you ever report to Mr. Hernandez?

23 A. That's a subjective question. Did I report
24 to him through the org chart? Yes. Or did I report to him
25 through John Hinchion? I am not fully understanding the

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

13 Q. But as we sit here today you haven't -- have
14 you received any kind of discipline?

15 MS. LEE: I am going to object on that on privacy
16 grounds and instruct him not to answer.

17 MR. EMBLIDGE: When your lawyer tells you not to
18 answer, don't answer.

19 THE WITNESS: Okay, thanks. Again, this is all
20 new to me somewhat.

21 MR. EMBLIDGE: Understood.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

23 MS. LEE: Just wait for the next question.

24 THE WITNESS: Sorry.

25 MR. EMBLIDGE: Q.: What were your duties in code

1 enforcement?

2 A. My duties in code enforcement were to prepare
3 for the directors hearings, schedule directors hearings,
4 post the directors hearings, post order of abatements
5 regarding the directors hearing cases.

6 Q. If you look at that org chart you see in the
7 column where you are listed Mr. Gutierrez, Mr. Chung, Mr.
8 Li and Mr. Greene are also listed, do you see that?

9 A. I do.

10 Q. Did you all have similar duties or did you
11 have different duties?

12 A. We had similar duties but certain people were
13 assigned more detailed notices of violation, others were
14 assigned more perfunctory kind of notices like vacant
15 buildings and vacant commercial store fronts. So those are
16 more of a -- I don't want to say rubber stamp -- those are
17 more vanilla, routine. It's the same violation over and
18 over is what I am saying. Where Mr. Gutierrez and myself
19 were assigned the illegal additions or undermining or the
20 more complex cases.

21 Q. In the time that you were in code enforcement
22 -- I am sorry, I didn't hear you.

23 MS. LEE: Just let him ask the question.

24 THE WITNESS: I am going to let you ask the
25 question.

1 MR. EMBLIDGE: Q.: In the time you were in code
2 enforcement did you ever feel any pressure to treat certain
3 contractors better or worse than other contractors?

4 MS. LEE: Objection, vague.

5 THE WITNESS: I am going to go with counsel's
6 objection.

7 MR. EMBLIDGE: Q.: Remember you talked before
8 about the fact that you had felt pressure on a weekly if
9 not more often basis to treat the connected people more
10 favorably, do you recall that?

11 A. I do.

12 Q. Was that during your time in the Building
13 Inspection Division?

14 A. Yes.

15 Q. Did you also feel that kind of pressure in
16 the Code Enforcement Division?

17 A. I did not because it's more of a -- yeah, I
18 didn't feel that myself in code enforcement, no.

19 Q. I didn't understand what you were trying to
20 say. It's more of a what?

21 A. Procedural and not subjective and not -- it's
22 more of a procedural. You get the first notice of
23 violation, you get the second, it is sent to code
24 enforcement. It's more a procedural thing and there are
25 not as many -- we don't really make the calls, we are more

1 of a -- we are an adjudicative arm of the department so
2 it's not -- there is not room for -- when you are out in
3 the field is it ten feet tall or five feet. The notice of
4 violation has already been written.

5 MS. BERS: Scott, sorry to interrupt. I wonder
6 if we are going to go through lunch or plan to take a break
7 for lunch.

8 MR. EMBLIDGE: Definitely take a break. Mr.
9 Schroeder?

10 THE WITNESS: You can call me Chris.

11 MR. EMBLIDGE: Chris, whenever you or Renee, who
12 is doing the hard work here, whenever you want to take a
13 break, especially a lunch break, let me know, okay?

14 THE WITNESS: Thank you. And likewise, I am
15 flexible and if I need to take a break for whatever reason
16 I will let you guys know, too, thank you.

17 MR. EMBLIDGE: Q.: Do you have any kind of
18 social relationship with Mr. Hernandez outside of work?

19 A. I barely ever spoke to Mr. Hernandez. He was
20 in my mind an ineffective manager.

21 Q. What gave rise to that impression?

■ ■ [REDACTED]
■ [REDACTED] [REDACTED]
■ [REDACTED]
■ [REDACTED]

1 this, Scott. And in the new building I found it kind of
2 ironic how we are on the fourth floor in the new building,
3 but I find it somewhat ironic how I was positioned right
4 next to Ed Sweeney's office and Hernandez's office and
5 that's three hundred feet about away from all the other
6 inspectors. Sweeney was supposed to be supervising
7 plumbing, electrical and building.

8 Q. Just for the record, my colleague, Evan
9 Rosenbaum, joined the deposition.

10 So I take the elevator up to the sixth floor at
11 the old building and there is a counter close to the
12 elevator, right?

13 A. Yes.

14 Q. If I am standing at that counter --

15 A. You know what, hang on, I wouldn't say
16 counter -- yes, there is a counter on one side, yes, when
17 you get out there is a counter. Sorry, I stand corrected.
18 On the right-hand side was a desk to greet people but there
19 was the counter, I stand corrected.

20 Q. Where was your cubicle in relation to the
21 counter?

22 A. Maybe forty feet away.

23 Q. Okay. Talking about that moral compass that
24 you identified before, do you understand -- have you
25 understood while being employed by DBI that it was okay or

1 not okay for you to have employment by someone else?

2 A. I have never been employed by somebody else
3 myself but the way -- I believe it was thirty-five that you
4 mentioned earlier --

5 Q. I am not asking you about the exhibit right
6 now, I am just asking about your understanding. Did you
7 have an understanding that it was permissible or it was not
8 permissible for a DBI employee to have outside employment?

9 A. If it's not -- again, I have never had
10 outside employment, I am going to state that for the fact.
11 The way I understand it is if I was going to work an hour
12 as a waiter or mechanic on the weekend, not in
13 San Francisco, not under any -- that had no connection to
14 my job. I believe that would be permissible, in my
15 opinion. I have never done that. If I am answering the
16 question correctly, let me know, if I am not, expound,
17 please.

18 Q. That's fine. Let's shift then to -- let's go
19 back to the period of time when you were in the Building
20 Inspection Division before you believe you were retaliated
21 against and moved to the Code Enforcement Division, okay?
22 Do you understand where I am coming from?

23 A. I do.

24 Q. During those twenty some-odd years where was
25 your office or cubicle?

1 A. For a good ten to fifteen, in the same spot
2 that I always sat at.

3 Q. Which was where?

4 A. Again, on the third floor probably about
5 forty, fifty feet away from the counter by the windows on
6 the Otis Street side. I don't know where you are going
7 with this.

8 Q. I am just trying to orient myself, I am not
9 going anywhere. Your work space, your cubicle in the
10 Building Inspection Division, where was that in relation to
11 Mr. Sweeney's office?

12 A. Probably a hundred -- I don't know, maybe a
13 hundred -- fifty to a hundred feet away, at least, eighty
14 to a hundred feet, I don't know.

15 Q. When you were in the Building Inspection
16 Division was Mr. Hernandez in the Building Inspection
17 Division?

18 A. Yes, he was.

19 Q. Where in relation to your work space was his
20 work space?

21 A. He was in Ray Barrios's old cubicle.

22 Q. Which was where?

23 A. Maybe ten feet from me. I had very little
24 interaction with Hernandez. I don't really know much about
25 him.

1 Q. You said that during your time in the
2 Building Inspection Division, on a weekly or perhaps more
3 frequent basis you felt pressure to sign off on permits
4 related to the connected people that you did not think
5 should be signed off on, correct?

6 A. Yeah, or basically somebody else would take
7 over the job and the idea is once you took over a job, you
8 bought it, you own it.

9 Q. How would somebody take over a job you were
10 on? Would you have to agree to that or how would the
11 taking over occur?

12 A. How would the taking over occur? Well, they
13 would just start doing inspections out there or they would
14 get a call from one of their friends or the connected
15 people and they would do all the inspections out there
16 right from whenever they took over and they had to final it
17 at the end.

18 Q. But I guess what I am saying is if you have
19 got -- if you have inspection responsibility for a
20 particular address where there is a project going on, how
21 would somebody else start doing inspections at that
22 address?

23 A. Okay, they would call them up or they would
24 be assigned by Ed Sweeney or some other people in upper
25 management to take over a job or on the converse, sometimes

1 you just go direct. You call your buddy the inspector that
2 you grew up with and say hey, can you do the inspections on
3 this? So a lot of times a field inspector wouldn't even
4 know about it. I am sorry, the district inspector who was
5 supposed to be covering that would not even sometimes know
6 about that. I don't know if I am answering this right.

7 Q. I need to step back a little bit then and
8 understand more about how the Building Inspection Division
9 works.

10 A. Or doesn't.

11 Q. Or doesn't. Could you go to Exhibit 2.
12 Exhibit 2 is a one page organizational chart of the
13 Building Inspection Division. Actually, I am sorry, it's a
14 two page document, the second page has a map.

15 A. Which is somewhat irrelevant.

16 Q. I know some of the names may have changed but
17 is the structure of the Building Inspection Division shown
18 on Exhibit 2 similar to the way it was structured when you
19 were there?

20 A. There is the newer people down there have
21 been promoted to acting seniors which would include Matthew
22 Greene and Kevin Birmingham.

23 Q. But is the structure the way it was when you
24 were there where you had senior building inspectors who
25 were in charge of particular districts and then under those

1 seniors there were building inspectors that reported to the
2 seniors?

3 A. Yes.

4 Q. And this has the seniors reporting to Joe
5 Duffy and Joe Duffy reporting to Ed Sweeney. Were Mr.
6 Duffy and Mr. Sweeney in those positions when you were in
7 the Building Inspection Division?

8 A. Mr. Sweeney was. The interim director,
9 Patrick O'Riordan, was the chief building inspector that
10 now has been taken over by Joe Duffy as acting chief
11 building inspector.

12 Q. Because Mr. O'Riordan is now the head of the
13 department, correct?

14 A. Yes.

15 Q. Okay. As far as the individual inspectors
16 who report to seniors, am I correct that individual
17 inspectors would have a particular district assigned to
18 them?

19 A. Maybe I wasn't paying attention or I got lost
20 in the question, I am sorry. Can you please repeat it?

21 Q. If you look at that exhibit you see that
22 Kevin Birmingham is the acting senior and he has six
23 districts and then under him there are six inspectors who
24 each appear to be assigned to one of the specific six
25 districts. Do you see that?

1 A. Yes.

2 Q. Is that the way it worked when you were
3 there?

4 A. Yes.

5 Q. So if there is a project going on in your
6 district, what is your involvement in a construction
7 project that goes on in that district?

8 A. That's a very vague question, could you be
9 more specific, please?

10 Q. I will try. If you are the inspector for
11 District 1 and there is a construction project occurring in
12 District 1, is that something that is necessarily assigned
13 to you to inspect?

14 A. Yeah, that's the way it's supposed to work.
15 Again, I use the words supposed to work.

16 Q. Right. You see where I am going --

17 A. With the caveat that we discussed earlier
18 about people going out of their districts.

19 Q. You are getting ahead of me.

20 A. Sorry.

21 Q. I want to figure out how it's supposed to
22 work and then I want you to tell me how it worked in
23 reality. Let's start with how it's supposed to work.

24 If you are the building inspector for District 1,
25 any construction project going on in District 1 is

1 something that you would general be aware of and be
2 involved in inspecting, correct?

3 A. Generally, yes.

4 Q. And are you saying -- when we say inspecting,
5 my understanding is that that involves going out to the job
6 site often repeatedly and inspecting the progress of the
7 work on that project, is that accurate?

8 A. That's the way I always perform my
9 inspections.

10 Q. Did you inspect all aspects of a project or
11 are there some times where you would bring in an electrical
12 inspector or someone else to do an inspection?

13 A. Again, San Francisco is rather unique in the
14 terms that we have a separate building, plumbing and
15 electrical, as I stated before, so unlike other
16 jurisdictions that have combining inspectors that do all
17 those trades. So I would have no jurisdiction over
18 electrical or plumbing with the exception if I saw
19 something that I questioned with the plumbing or electrical
20 then I would require them to get a plumbing and electrical
21 inspection signed off prior. This also includes mechanical
22 work because that's where they cut holes in everything and
23 this is a very salient point. A lot of times people will
24 give rough framing pending electrical and plumbing --
25 people will sometimes go out to a job and give what's

1 called a rough framing and an okay to cover pending
2 electrical and plumbing and mechanical that have not even
3 been installed in the wall or whatever structural element.
4 So if something has been installed, plumbing, electrical or
5 mechanical, and the plumber wants to put in a six inch pipe
6 in a four inch wall, they come in with a saw and compromise
7 the structural integrity. I have also seen this where they
8 say okay to pour pending special inspection. It was always
9 my belief and my understanding and the way I operated was
10 until you get the inspections first before. I don't know
11 if you are aware, Scott, of what special inspections are.

12 Q. I know, for example, if you are going to --
13 no, why don't you tell me.

14 A. Let's bring up an engineer or a testing
15 agency does additional ancillary inspections which they
16 write reports on. The inspectors are only out there for a
17 brief time so we can only see so much, so that's why we
18 have special inspections. So the engineer of record or the
19 testing agency has gone out and verified that the rebar is
20 per plan, they write out what size, what the space is and
21 everything and they submit that report prior to the final.

22 Q. Hang on, you said a lot there. On the rough
23 framing, let me repeat that I think that you said and see
24 if I got it right. In your practice, you would not
25 authorize the rough framing until there has been the

1 plumbing and electrical work done because otherwise you are
2 covering up a space that still needs to have the specialty
3 work done, is that accurate?

4 A. You used the word -- I can't remember, you
5 used a different word, but the word is approved. So we
6 would approve the inspections. I know it's semantics but I
7 can't remember what word you used but it's either approved
8 or it's not approved, either pass or fail.

9 Q. But somebody authorizes the rough framing --

10 A. Let's use the word approve. I know it's
11 semantics.

12 Q. In your practice you would not approve rough
13 framing until you had plumbing and electrical inspections
14 done, am I following you?

15 A. Yes, and mechanical where, as I said, I have
16 seen literally -- and I will do with my hands -- there will
17 be a beam like this and my head is the pipe and they will
18 just bore a hole through a structural beam to get their
19 pipe through and there is nothing left after. That's why
20 it's imperative to have that. But oftentimes in reality
21 other inspectors don't.

22 Q. That just seems like common sense. What is
23 your understanding of why other inspectors would allow or
24 you said approve a rough framing or a concrete pour prior
25 to the time that that other work was done?

1 MS. LEE: Objection, calls for speculation.

2 THE WITNESS: I am going to go with counsel.

3 MR. EMBLIDGE: Q.: In your view, what valid
4 reasons could there be to do it in that other sequence
5 where you approve the framing or approve the pouring before
6 the underlying work is done?

7 A. I am going to try to answer it. It's per the
8 building code that those trades have been performed and
9 also that the special inspections -- those trades should be
10 performed before that for the reasons I have stated
11 earlier, that the structural compromise and whatnot, so
12 that's why it's in the building code that those must be
13 approved before.

14 Q. I understand that, I understand why you would
15 do it the way you did it. What I am trying to understand
16 is do you feel there are any valid reasons or exceptions to
17 the rule that would be consistent with the practices you
18 observed of other building inspectors where they would
19 allow the rough framing or the pours to be done before the
20 specialty work was done?

21 A. No.

22 Q. Did you ever have any discussions with other
23 building inspectors about the sequence in which the work
24 should be done?

25 A. I don't recall.

1 Q. If you thought it was being approved by other
2 inspectors in an incorrect sequence, did you ever raise
3 that issue with anyone?

4 A. I am just going to say this, the only thing
5 consistent around there is the inconsistency. I do my job
6 and how other people do their job is their business.

7 Q. Did you ever go to your senior and say isn't
8 this the way it's supposed to be done?

9 A. That would be futile.

10 Q. Why do you say that?

11 A. Because nothing would happen. Everybody -- I
12 don't know. Why do I say that? It would fall on deaf
13 ears. I will leave it at that, okay?

14 Q. I need to understand why you believe that?

15 A. From observation.

16 Q. Observation of what?

17 A. The different practices or the different --
18 the different modus operandi of different inspectors. So I
19 just pretty much did my thing to what I thought was correct
20 and that's again why I am at the bottom and I have never
21 been promoted after twenty years.

22 Q. So if I am a project sponsor -- do you know
23 what that terms means?

24 A. I do.

25 Q. So if I am a project sponsor, is there any

1 advantage to me from an economic perspective to get earlier
2 signoffs on the rough framing than I would get through your
3 sequencing?

4 MS. LEE: Objection, incomplete hypothetical,
5 calls for speculation.

6 THE WITNESS: I believe with counsel that's a
7 hypothetical supposition that I cannot ruminate on.

8 MR. EMBLIDGE: Q.: You don't know in your
9 experience whether there is an advantage to the project
10 sponsor in getting earlier sign off on rough framing or
11 concrete pours, is that correct?

12 A. I don't have an answer.

13 Q. Because you don't know or why?

14 A. Repeat the question, I will try to answer it
15 one more time.

16 Q. Chris, here is what I am getting at. You
17 have described for me a perfectly logical sequencing of
18 inspections that was the sequencing that you pursued. You
19 have also said there are other people who followed a
20 different sequencing. I am trying to get at why someone
21 would follow that difference sequencing. So my question is
22 in your experience as a licensed contractor and a certified
23 building inspector, do you feel there was any economic
24 advantage to a project sponsor in having the approvals done
25 in the sequencing that you did not approve of?

1 A. I don't know if there is economic advantages
2 so I have got to just leave it at that, we have to move on.
3 That's a hypothetical supposition I can't ruminate on.

4 Q. I am allowed to ask you hypothetical
5 questions.

6 A. I understand.

7 Q. Hang on, hang on, let me finish. I am
8 allowed to ask you hypothetical questions, you are also
9 allowed to tell me you don't know and it sounds like you
10 are saying you don't know.

11 A. I don't know the budget.

12 Q. Let me ask you this, in your experience as a
13 contractor and as a building inspector are there any
14 reasons that you can think of that one would sequence the
15 inspections such that framing and concrete pours were done
16 before the specialty work was done? Why would somebody do
17 that?

18 MS. LEE: Objection, calls for speculation.

19 THE WITNESS: I am going to have to go with
20 counsel on this. I don't know how to answer that. I don't
21 have the numbers in front of me. I don't know if there is
22 any financial gain other than moving the project along or
23 compromising the structural integrity, which we already
24 went over before.

25 MR. EMBLIDGE: Q.: Right, but presumably a

1 project sponsor doesn't want to compromise the structural
2 integrity of the project. I am trying to figure out --
3 what I am trying to ask you is can you think of any
4 legitimate reasons why one would do the inspections in that
5 other sequence?

6 A. I don't know. I mean, other than -- yeah,
7 other than not planning out your -- I don't know. Other
8 than not planning out your inspections right, I can get
9 building in here first and electrical. I don't know the
10 answer to that.

11 Q. So when you were in the Building Inspection
12 Division, am I correct there are times where you felt
13 pressure to sign off or to approve permits -- to approve
14 inspections -- let me try that again.

15 When you were in the Building Inspection
16 Division, am I correct there were times where you felt
17 pressure to approve inspections when you didn't think the
18 inspection should be approved?

19 A. Other than criticism. Once it was known that
20 I am not going to be compromised -- sorry, can you repeat
21 that, Scott?

22 Q. Maybe I am using improper vocabulary.
23 Earlier in the deposition you testified that on a weekly or
24 perhaps more frequent basis you felt pressure to do
25 something that you didn't think was appropriate and I am

1 now saying that was approving inspections but maybe I am
2 using the wrong words. So what were the things that you
3 felt pressure to do that you did not feel were appropriate?

4 A. Let's move on from -- I can't really answer
5 that, per se, for that but when I was in code enforcement,
6 as I said, after the first year or two Ed Sweeney came up
7 to me and there were what was called 3-R reports, I don't
8 know if you are familiar with those are not, are you?

9 Q. Yes.

10 A. So those are -- so Sara and Rebecca know
11 those are what you get prior to sales, it gives the
12 inspection records from the microfilm division. Ed Sweeney
13 came up to me on at least if not more occasions, probably
14 more than one, and solicited me to obtain reports for his
15 friends and the connected people who this report would cost
16 X amount of dollars. I had access to it because I was
17 doing the 3-R reports for condos. Now those are apples and
18 oranges, people often get them confused. A 3-R report for
19 a condo conversion is where an inspector goes out there and
20 identifies the deficiencies. As you know, Scott, the 3-R
21 reports from microfilm is more of an inspection history,
22 what is expired, what is completed and whatnot, so they are
23 apples and oranges. So I remember specifically Ed Sweeney
24 coming up to me, and I am going to use vulgar language here
25 because it is a quote, if that's okay?

1 Q. Yes.

2 A. Okay. So Ed Sweeney said print out these
3 reports here. I said Ed, I can't do that. I said they
4 need to pay for it. He says just print them out for me,
5 you have got access, you are one of the only people that
6 has access to these 3-R reports except for microfilm. And
7 then he told me grow some balls, you fucking pussy. Sorry
8 for using the language but that was the quote.

9 Q. You again referred to connected people. Do
10 you know in this particular instance who he was seeking to
11 get these 3-R reports printed out for?

12 MS. BERS: Objection, calls for speculation.

13 MR. EMBLIDGE: Q.: Earlier you referred to
14 connected people involving John Pollard, the RBA, Mr.
15 Santos. Do you know whether Mr. Sweeney was asking you to
16 do this work on behalf of them or others?

17 A. I don't know, there is a very wide web that
18 he weaves. I don't know all the characters. I didn't grow
19 up in the city like he did and many of the other inspectors
20 are very familiar with all the connected people and I am
21 not. I pretty much stay to myself.

22 Q. You talked earlier about I think when you
23 were in the Building Inspection Division having pressure to
24 sign off on permits when you didn't think the work was
25 ready to be signed off on, am I correct?

1 A. You are kind of correct but it goes more than
2 not ready to sign off on, it would be more improprieties --
3 I can't say it.

4 Q. Improprieties?

5 A. Yeah. So once it became known that I was
6 doing everything by the book, then other people would be
7 told to take over, you know, an inspection for certain
8 connected people, if I am answering that correctly.

9 MS. BERS: I am sorry, I am wondering if we can
10 take a break soon.

11 MR. EMBLIDGE: That's fine with me. Do you want
12 to take a lunch break now?

13 MS. BERS: That would be great.

14 (Lunch recess.)

15 MR. EMBLIDGE: Q.: A couple of quick followups,
16 Chris. Do you know how I would reach Mr. Li or Mr. Yam?

17 A. I don't know. They are both, as I stated,
18 retired.

19 Q. Do you know if they reside in San Francisco?

20 A. I do not.

■ ■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ ■ [REDACTED]
■ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9 Q. Do you still have a copy of that document?

10 A. I may, I don't know.

11 Q. Let's shift gears and talk about the
12 complaint process at DBI and the way complaints come in and
13 the way DBI handles complaints, okay?

14 A. Okay. I am just going to turn down my heater
15 a little bit.

16 Q. There are times when DBI receives complaints
17 about certain projects, correct?

18 A. Yes.

19 Q. How do though complaints come into DBI, in
20 what ways?

21 A. Many different ways. Somebody could come to
22 the counter and complain. Somebody could call in to
23 complain over the phone and leave it with our clerks, our
24 clerical staff. There is online complaints, I believe,
25 that they could file, web file, I am not familiar with

1 that. And there is also the 311 complaints which I think
2 you are familiar with.

3 Q. What role does a building inspector within
4 the Building Inspection Division have regarding looking
5 into or responding to complaints?

6 A. Please be more specific.

7 Q. A complaint comes in, somebody says I have
8 got a problem with this project at 1000 Jones Street. Does
9 that get routed to the district inspector at building or
10 who is supposed to go look into that complaint?

11 A. If there is an active permit on it then it's
12 supposed to go directly to the district inspector. If
13 there is no active permit it's supposed to go to the
14 complaint investigation team which was created a few years
15 ago.

16 Q. And that complaint investigation team, is
17 that within the Building Inspection Division or the Code
18 Enforcement Division?

19 A. I believe if you refer back to the first org
20 chart you can see that it is under the Code Enforcement
21 Division. On the right-hand side it lists the four
22 complaint people.

23 Q. So if a member of the public complains about
24 an address and at that address there are open permits, then
25 the complaint would be routed to the district inspector for

1 that address within the Building Inspection Division, is
2 that correct?

3 A. Again, I respectfully state that it's
4 semantics. Open permits. We have had open permits for ten
5 years on some projects that never get expired. So if it's
6 an issued permit and there are active -- if it's an active
7 project going on and there is inspections going on then it
8 is supposed to be handled by the district inspector.
9 Again, with an open permit this means a permit that has
10 never been expired in the computer and that could be ten
11 years old and nobody ever -- it was issued but it is still
12 open as we stated on like the 3-R.

13 Q. Thank you for that clarification. If a
14 complaint comes in from a member of the public about an
15 address at which there is work going on and inspections
16 going on, that complaint is supposed to be routed to the
17 district inspector for that address, correct?

18 A. For that address in that district, correct.

19 Q. Are there exceptions to that rule that you
20 are aware of where a complaint from a member of the public
21 about an address where work is going on and inspections is
22 going on would get routed to someone else?

23 A. Please state that again, I kind of lost it in
24 the middle.

25 Q. We have talked about -- you have talked about

1 the way things are supposed to work and the way things
2 work. Let's talk about the way things are supposed to
3 work. You have said that in general if there is work going
4 on at that address and inspections going on at that address
5 a complaint about that address would go to a district
6 inspector. My question is are there exceptions to that
7 rule where that complaint is supposed to be routed to
8 someone else?

9 A. No.

10 Q. In practice do complaints sometimes get
11 routed somewhere else other than the district inspector?

12 A. Yes.

13 Q. What's your understanding of the
14 circumstances under which complaints would get routed to
15 someone other than the district inspector?

16 MS. LEE: Objection, calls for speculation.

17 THE WITNESS: I agree with counsel, it calls for
18 speculation.

19 MR. EMBLIDGE: Q.: You have no idea?

20 A. Why it would be routed to somebody else?

21 Q. Correct.

22 A. No.

23 Q. Has that ever happened to you when you have
24 been a district inspector?

25 A. Yes.

1 Q. Can you give me an example?

2 A. 2079 15th Avenue.

3 Q. Well, that's a specific example.

4 A. Let's cut right to it, Scott.

5 Q. What happened at 2079 15th Avenue?

6 A. That was in my district. While Joe Duffy was
7 my supervisor I went out there. There was a complaint that
8 they were exceeding the scope of demolition and then I went
9 out there, I looked at the plans and it was pretty much
10 right on the border, it was a wobbler. So I told them do
11 not demo anything more -- you understand the demolition
12 process, you are supposed to leave the old wood?

13 Q. I do.

14 A. Okay, I just didn't want to insult you or
15 anything. So you are supposed to leave so much of the old
16 building. You can add additional supports adjacent to it
17 in addition but you have to leave that otherwise it will be
18 classified as an unlawful demolition. So I got this, I
19 went out there. It was, as I said, it was a wobbler. It
20 looked pretty good to me, it looked like it was pretty
21 close to what was on the plans. So I abated that
22 complaint. A few weeks later I get another complaint. I
23 go out there and Mauricio Hernandez, who was a senior --
24 let me back up, I am sorry, just so we get the
25 chronologically correct. So I go out there -- another

1 complaint comes in a few weeks later. I go out there and
2 most of the building is gone and what they were supposed to
3 keep was gone and I said to the contractor, I said what's
4 going on? I told you guys not to exceed any more of the
5 scope of demolition. And they said oh, Mauricio Hernandez
6 said it was okay. He said anything that was dry rot just
7 tear it out. I was floored so I went back and I talked to
8 senior inspector Hernandez and gave him the complaint. I
9 said look, this guy said -- he said you said it was okay
10 and he said I will take care of it. He proceeded to get
11 the contractor or whatever -- I don't know if you want to
12 call him -- it doesn't matter probably either way, the
13 project sponsor, contractor, we will use it interchangeably
14 in this case -- he said don't worry, I will take care of
15 it. Then they got incremental permits to increase the
16 scope of the job. I can't get into that, you can reference
17 that on the computer and request documents if you want for
18 that. Basically, in my mind, they performed an unlawful
19 demolition. Hernandez took care of it and did the
20 inspections out there. In my view he was in the complaint
21 investigation team as a senior, he was not the senior
22 inspector for that district.

23 Q. The way you believe things are supposed to
24 work, you would be doing those inspections and reporting to
25 Mr. Duffy, correct?

1 A. Mr. Joe Duffy because, as you know, the name
2 -- there is a lot of similar names in the department for
3 whatever reason, okay, we will leave it at that. So
4 basically had it been me, I would have written up the
5 notice of violation for an unlawful demolition out there
6 upon the second complaint but with Hernandez as a senior
7 inspector I turned the complaint over to him because he
8 told the project sponsor/contractor that if it was dry rot,
9 just tear it out and we will figure out the permits later,
10 something to that effect. I can't remember exactly, that
11 was a few years back.

12 Q. Why would Mr. Hernandez, if he is over in the
13 Code Enforcement Division, even get involved in inspecting
14 a project that was in your district?

15 MS. LEE: Objection, calls for speculation.

16 THE WITNESS: I respectfully agree with my
17 counsel, it's a question for Hernandez, not me.

18 MR. EMBLIDGE: Q.: Do you have any understanding
19 as to how Mr. Hernandez even found out there was a
20 complaint at that address?

21 A. I don't understand a lot of things.

22 MS. LEE: Same objection.

23 MR. EMBLIDGE: Q.: I don't understand a lot of
24 things either but my question is on this specific occasion
25 regarding this specific project do you have any

1 understanding as to how Mr. Hernandez got involved?

2 A. No.

3 Q. Who was the project sponsor on that project?

4 A. I don't recall. If you get the documents you
5 can find that out.

6 Q. Do you recall who the contractor was?

7 A. I don't.

8 Q. Chris, have we ever met?

9 A. Again, we may have, we may not have. You
10 would know better. I don't know if you have met me or if I
11 have met you or not. I don't recall, to be quite honest
12 with you. I see so many people up there and everybody is
13 kind of green, I mean green in terms of everybody is kind
14 of the same, not green in the military. We had a whole
15 different group of people and the drill sergeants said
16 everybody is green here so that's why everybody is the same
17 to me and I treat everybody the same.

18 MS. LEE: Just answer the question, Chris.

19 THE WITNESS: Okay, thanks, Sara.

20 MR. EMBLIDGE: Q.: Let me ask it a different
21 way. Can you ever recall having met me before today?

22 A. I can't recall.

23 Q. Do you recall having ever spoken with me
24 before today?

25 A. No, I don't recall.

1 Q. Can you recall any other instances where a
2 project was going on in your district that you were
3 inspecting and then you found out that another inspector
4 was inspecting it or responding to complaints about that
5 project?

6 A. 125 Crown Terrace.

7 Q. Ground?

8 A. Crown, like on the top of your head.

9 Q. Can you tell me what happened there, please?

10 A. That was a Rodrigo Santos job and another
11 inspector went out there for five inspections -- everything
12 is approximate in this, I want to clarify that, as this is
13 done by recollection obviously -- and from what I recall
14 there was supposed to be nine pieces -- nine supports for
15 describing for what they were supposed to preserve on this
16 building that went down the hill. Again, Rodrigo Santos
17 was the engineer on it. That was in my district. And
18 another inspector -- another one inspector went out there
19 five times prior to Tom Hui asking me to go out there. I
20 told Tom Hui this was at a senior level, I am not putting
21 my name on anything out there.

22 Q. Who was the other inspector that went out
23 there five times?

24 A. I believe that's on your second sheet, it's
25 Matthew Greene, the acting senior building inspector.

1 Q. Back then was he an acting senior?

2 A. No.

3 Q. Approximately when was this, the incident on
4 Crown Terrace?

5 A. You can Google it.

6 Q. I need your best recollection. Three years
7 ago? Seven years ago? Between five and ten years ago?
8 Whatever your best estimate is?

9 A. I don't know, five give or take. Let me put
10 it this way, let's say four give a few years, between four
11 and seven years ago I would guess.

12 Q. What about 15th Avenue?

13 A. Probably about the same.

14 Q. Can you think of any other projects where you
15 were the district inspector and you found out that someone
16 else was inspecting the project or responding to complaints
17 about the project?

18 A. Not off the top of my head, no.

19 Q. Let's go back again to complaints. You said
20 sometimes complaints come into DBI over the counter, right?

21 A. Yes.

22 Q. Are there times when you would be the person
23 assigned at the counter?

24 A. To the extent that we would hand them a
25 complaint form, they would fill out the complaint form and

1 then we would give it to the clerks to input so it has an
2 official complaint tracking number.

3 Q. As the counter person do you have any other
4 involvement with the intake of complaints besides providing
5 them with a form and then taking that form and providing it
6 to the clerk?

7 A. No, those are handled at a senior level and
8 above.

9 Q. What do you mean by that?

10 A. They are handled by management who route the
11 complaints and assigns the complaints to the district and
12 the complaint investigation team.

13 Q. By management who do you mean within the
14 Building Inspection Division?

15 A. From senior on up, senior building inspector
16 on up.

17 Q. So they go from complaint desk to clerk to
18 senior building inspector to district inspector, is that
19 right?

20 A. That is one way only. It could come into,
21 say, Tom Hui and then he would route it to wherever he
22 would route it to. Is it okay if I put my hands up here
23 every now and then?

24 Q. Of course, the important thing is that you
25 are comfortable.

1 A. Thanks, I am doing the best I can.

2 Q. In your experience, do complaints often have
3 documentation that accompany them, not just, hey, there is
4 some work going on next door and I think it exceeds the
5 scope of the permit, but is there documentation that is
6 provided with the complaint?

7 A. Both can happen. If somebody complains and
8 there is no documentation, we still accept the complaint.

9 Q. Is there a way that you prioritize complaints
10 in terms of what should you go out and look into before
11 others?

12 A. You lost me on that question, could you be
13 more specific, please?

14 Q. I am wondering whether -- you are familiar
15 with the concept of triage for like an emergency room?

16 A. Yes.

17 Q. Like in MASH?

18 A. I fully understand the triage, I have used
19 that word quite a bit of times trying to explain how things
20 work and the protocol, that triage is --

21 Q. Is there sort of a triage concept that you
22 apply to complaints about this one needs to be investigated
23 right away, this one can wait?

24 A. Yes, that's why they have or typically have
25 an emergency pager -- not pager anymore, I am getting too

1 old -- an emergency phone that they call in such as, as I
2 just told you, when they called -- when the building went
3 down the hill in the middle of the night they called Ray
4 Barrios out because he had the emergency cell phone. So if
5 something is getting ready to collapse that is an imminent
6 hazard then we do it immediately and that used to be, and I
7 believe it still is, a twenty-four hour kind of thing, if
8 that's what you are looking for.

9 Q. Let me break that down a bit. So the
10 building that went down the hill where Mr. Barrios was
11 involved, was that 125 Crown Terrace?

12 A. Yes.

13 Q. How was he involved in that project?

14 A. He was the emergency pager guy who needed to
15 go out to respond to any complaint -- any emergency in the
16 city.

17 Q. Was that pager or cell phone sort of rotated
18 around among building inspectors?

19 A. Certain building inspectors. I never had it
20 offered to me.

21 Q. Have you ever had a complaint come in for you
22 to look into that has included structural calculations that
23 the complainant did relating to a project? Do you follow
24 me?

25 A. I am following you. More than likely we

1 would refer that to one of our engineers to go out and
2 compare the calcs. If the calcs don't match on something
3 like that -- I don't know, I haven't dealt with that very
4 much. Rarely do we ever cross-check the calcs, and even in
5 plan check the idea was if an engineer has put his stamp on
6 it, it's all good.

7 Q. Stick with me here, I am just asking whether
8 that ever happened where a complaint got routed to you and
9 with the complaint came some structural calculations
10 presumably from the complainant saying that there was
11 something wrong at the site?

12 A. If you are directing that question just to
13 me, no, I have never experienced that.

14 Q. It's a strange way to answer me. What do you
15 mean if I am directing it just to you? Are you aware of it
16 happening to others?

17 A. I can't speak for others, I don't know. It's
18 not something in the past twenty years that I have come
19 across a structural calc in all the complaints that I have
20 looked at that I can recall.

21 Q. You said something about if there is an
22 engineer's stamp, that's it, or something to that effect.
23 What did you mean by that?

24 A. Typically if an engineer put his stamp on his
25 drawing, even in plan check if it has an engineer's stamp

1 on it then they move it along and I question if they have
2 done the calcs. And I have done some calcs myself on
3 certain stuff that looks funny, but that's on a very, very
4 rare, a handful of occasions.

5 Q. Is it correct to say that building inspectors
6 accept at face value structural calculations that have an
7 engineer's stamp on them?

8 A. Yes.

9 MS. BERS: Objection, calls for speculation.

10 MR. EMBLIDGE: Q.: What about structural
11 calculations that don't have an engineer's stamp on it,
12 would they be treated at face value? Would they be viewed
13 with suspicion?

14 MS. BERS: Calls for speculation.

15 THE WITNESS: I agree with Rebecca, that calls
16 for speculation because typically if it doesn't require
17 calculations then you would be going under what's called
18 the proscriptive building code.

19 MR. EMBLIDGE: Q.: That's not what I was asking.

20 A. I lost you, sorry.

21 Q. I was differentiating between the structural
22 calculations that get submitted and that have an engineer's
23 stamp on them, which you said typically would be accepted
24 at face value, versus structural calculations that would be
25 submitted that don't have an engineer's stamp on it. Would

1 those be treated at face value or would there be a greater
2 level of scrutiny associated with structural calculations
3 without a stamp?

4 MS. LEE: Objection, calls for speculation.

5 THE WITNESS: I refer to my counsel.

6 MR. EMBLIDGE: Q.: I don't know what that means.

7 A. It calls for speculation. I have never
8 worked in plan check so I don't know. To the best of my
9 knowledge, they -- either you have an engineer stamp that
10 requires calculations or they don't.

11 Q. Let me ask this question, are you aware of
12 any time that you have acted on a complaint about
13 structural calculations when the structural calculations
14 did not have an engineer's stamp on them?

15 A. I am unaware.

16 Q. I would like you please to look at
17 Exhibit 11. Exhibit 11 is a six page document entitled
18 Complaint Handling Procedures for various divisions.

19 A. Can you read to me who it is so I don't have
20 to fish through this.

21 Q. It's a six page document and on the first
22 page it says, Complaint Handling Procedures for the
23 Building, Electrical and Plumbing Inspection Divisions.

24 A. Okay, I am there.

25 Q. Have you ever seen that document before?

1 A. I have not, no.

2 Q. Are you aware of any other written manual or
3 policies or procedures within DBI about how to handle
4 complaints?

5 A. No. I have got to take -- turn down this
6 phone for a minute, I have another phone ringing.

7 (Brief recess.)

8 MR. EMBLIDGE: Q.: I think where we left off is
9 I was asking whether you are aware of any written manual or
10 policies and procedures that DBI has about how to handle
11 complaints?

12 A. If you are referring to the previous stapled
13 item titled, Office Policies and Procedures for Issuing
14 Notices of Violation, I have seen that many times, but this
15 one I do not recall seeing it. When I am looking at the
16 dates it looks like it's 2019 off the 1/1/2019, so it looks
17 like it's newly implemented.

18 Q. Chris, put those documents aside. I am
19 asking apart from anything that I have given you, are you
20 aware of any policies or procedures that DBI has in writing
21 that deal with how complaints should be handled?

22 A. I don't recall. I don't remember if there is
23 anything. There may be something in an old, old code
24 enforcement policy and procedures.

25 Q. But nothing you recall?

1 A. Nothing that I recall, no.

2 Q. You were referring to a document relating to
3 notices of violation that you think you had seen before.
4 Is that a seventeen page document that has the city's seal
5 on the cover page and says, Office Policy and Procedures
6 for Issuing Notices of Violation?

7 A. I haven't counted the pages but I have seen
8 the Office Policies and Procedures for Issuing Notices of
9 Violation dated November 1, 2013, that has kind of been
10 what we have used a lot. Before that there was a prior
11 one.

12 Q. Just for the record, that has been previously
13 marked as Exhibit 10.

14 I want to ask you about one other document and
15 that is what has previously been marked as Exhibit 13. It
16 is a forty-two page document, the first page of which is
17 just a big blank page. In the middle of it says assessment
18 tab.

19 A. Yes, I have that in front of me here. Let me
20 put a binder clip on it for a minute here. Okay, I am
21 ready.

22 Q. I just want to know if you have ever seen
23 this document before?

24 A. Yes, that was created, I believe, by Mauricio
25 Hernandez because the assessment tab always existed and

1 another long time inspector pointed that out to him about
2 the assessment tab, how it wasn't being utilized and he
3 implemented that. Let me know, Sara, if I am getting
4 overly verbose.

5 MS. LEE: Just wait for the next question.

6 THE WITNESS: Okay, thanks.

7 MR. EMBLIDGE: Q.: I don't even know what the
8 assessment tab is, could you tell me?

9 A. It has existed on our old Motorola system.
10 As you know, the Excel was a bust, we don't need to go into
11 that, so we are utilizing the old system. The old system
12 -- we used a system where we entered it in a paper log on
13 one side -- on the left-hand side of the manila folder that
14 had the notice of violation when it went to code
15 enforcement. This was a new policy implemented by
16 Hernandez.

17 Q. You have looked through this document and you
18 think you are familiar with all of it?

19 A. Yeah. Do I agree with all of it? No.

20 Q. What is your recollection of when this was
21 implemented, referring to Exhibit 13?

22 A. Maybe a year, year and a half ago.

23 Q. What is it about this policy that you took
24 issue with?

25 A. I took issue and I brought it up in a staff

1 meeting that you can't change horses in the middle of the
2 stream.

3 Q. Can you elaborate on that for me, please? I
4 don't know what that means.

5 A. You know metaphorically what it means. I am
6 sorry. But basically we had the old paper files with the
7 written -- the handwritten times on there on how many times
8 were -- how much time each person spent on issuing the
9 notice of violation and the monitoring -- not the
10 monitoring, that's a separate issue -- but issuing the
11 notice of violation, the phone calls and back and forth.
12 What I took issue with was everything that had a paper log
13 which wouldn't match up with the pre-described -- let me
14 find this here, hang on for one minute. If you go to --
15 actually, it's the fourth page in and says page one. Do
16 you have that in front of you?

17 Q. In one of the corners there is what's called
18 a Bates stamp and it says CCSF Richards and then it has a
19 number. Can you tell me what the number is on the page
20 that you are looking at?

21 A. From the assessment tab it's four pages in.
22 It looks like it is cut off here. It says all associated
23 fees, and on the right-hand side it says assessment of
24 costs -- initial. At the top of that document it has the
25 seal and says the City and County of San Francisco.

1 Q. Yes, I am on that page.

2 A. All the times are proscriptive, meaning that
3 this is what we charge. Do you see the time here?

4 Q. I do.

5 A. All those are finite times. We cannot change
6 those. The problem that I had is the paper log doesn't
7 match up with these proscriptives, so you can't have two
8 sets of rules. We should have completed all the paper logs
9 under the old system and anything knew that came up to us
10 then we should put it under the new computer system so
11 things would match. Is that making any sense? That's
12 where I said metaphorically changing horses in mid stream.
13 The complete one, everything that's on paper in the folder
14 and anything knew that comes up you do this so the numbers
15 don't match -- so the numbers do match and there is no
16 conflict between the paper files, data entry -- where the
17 inspector may have taken one and a half hours and that's
18 what's in the written log but here they only charge point
19 five. And the converse, somebody took fifteen minutes and
20 now it says pointfive of an hour, so it's not matching.
21 That's what I took issue with.

22 Q. Thank you. Have you ever heard that certain
23 project sponsors want certain inspectors assigned to their
24 projects?

25 A. Absolutely.

1 Q. Can you give me some examples?

2 MS. LEE: Objection, vague. Are you asking for
3 examples of the sponsors or the inspectors?

4 MR. EMBLIDGE: Examples of what he has heard.

5 THE WITNESS: Can I answer the question?

6 MS. LEE: If you understand it.

7 THE WITNESS: I will have Scott ask it again.

8 MR. EMBLIDGE: Q.: I would like you to give me
9 some examples where you believe project sponsors have asked
10 for particular inspectors to be assigned to their projects?

11 A. Yes. Through rather circuitous ways where Ed
12 Sweeney will ask them to write a complaint letter and talk
13 about how bad the inspector is and how he is using
14 profanity out there. I, myself, have been subjected to
15 this by solicited letter, more than one from Edward Sweeney
16 complaining because I was calling the code and that gave
17 Sweeney the vehicle to assign the inspector of choice to
18 the connected contractor.

19 Q. Can you think of a project where something
20 like that occurred?

21 A. I can think in code enforcement, I believe it
22 was 2350 Filbert Street where a former housing inspector
23 who worked briefly for a year approximately twenty years
24 ago for the department who is also a good friend of Ed
25 Sweeney's, they are doing the soft story retrofit and they

1 had a deadline to comply with, I can't remember how many
2 months ago this was but it will all reflect, again, if you
3 look on the DBI PTS or SF PIM is an even better one where
4 the former inspector who does a lot of Santos's work, and
5 Santos is the engineer on this project, everybody was
6 supposed who did not comply within the mandated time frame
7 to retrofit their soft story building would be required --
8 would get a notice of violation. I remember overhearing a
9 conversation that went something to the effect between
10 Christine Gasparac and Mauricio Hernandez -- let me know if
11 I am talking too fast, Ms. Sera -- and the conversation
12 went something to the effect of oh, he will write a letter
13 and complain and he is a good friend of Ed Sweeney's or
14 something like that and then Christine Gasparac says we are
15 supposed to treat everybody the same. And this person was
16 given a ninety day extension on it and that was more than I
17 believe double the time and it still hasn't received a
18 notice of violation on there. So he was given preferential
19 treatment by Hernandez.

20 Q. Let me go back and fill in a couple of
21 blanks. You said something about housing inspector that
22 worked for a short time a long time ago. My question is
23 who was this person and what was his role in this project?

24 A. His name was John Kerley.

25 Q. C-U-R-L-E-Y?

1 A. No, K-E-R-L-E-Y, Kerley Construction, and you
2 will be able to see it if you look that up. You will see
3 the extension, which is long expired, given by Hernandez.

4 Q. So you heard Ms. Gasparac -- how do you spell
5 her last name?

6 A. I am guessing off the top of my head it would
7 be G-A-S-P-A-R-A-C.

8 Q. You heard her having a conversation with Mr.
9 Hernandez and who said what in that conversation?

10 A. I overheard it. Sometimes I get into
11 semantics, I apologize. It went to the effect of this guy
12 was complaining that he was going to -- that he got the
13 notice of violation on 2350 Filbert Street. He complained
14 and complained and made a big fuss and it was something to
15 the effect of oh, Mauricio Hernandez told Christine
16 Gasparac that he is a good friend of Ed Sweeney's and he
17 will write letters, something to that effect. I can't
18 remember specifically what it was but I do remember
19 Christine Gasparac saying that we are supposed to be
20 treating everybody the same.

21 Q. Does Ms. Gasparac still work for DBI?

22 A. She was just recently appointed the assistant
23 to the director under interim director O'Riordan. Yeah,
24 you could Google that one, too, if you want to.

25 Q. But at this time Ms. Gasparac was in what

1 position in DBI?

2 A. She was the assistant to the director.

3 Q. At the time of this conversation with Mr.
4 Hernandez?

5 A. Yes, that's the only position she has ever
6 held. She has only been with the department for less than
7 a year or so or the only position that she has held within
8 the department.

9 Q. I want to step back. You mentioned that you
10 have been the subject of situations where Mr. Sweeney had a
11 project sponsor write a negative letter to him about you so
12 that Mr. Sweeney could assign a different inspector to a
13 project, am I correct?

14 A. Yes. And the whole idea is to keep signing
15 everything. If you don't approve it, you know, management
16 is not happy. You approve everything, everybody is happy,
17 even if it's right or wrong.

18 Q. Does that apply to all projects with all
19 contractors or just some projects with some contractors?

20 MS. LEE: Objection, calls for speculation.

21 THE WITNESS: Some contractors. The connected
22 contractors. As a matter of fact, when Ed Sweeney was my
23 senior close to twenty years ago, I would ask him should I
24 write a notice of violation on this project and he always
25 had two questions for me. The first one is who are they,

1 and then are they from Marin. And if they were from Marin
2 and if they weren't a connected contractor then they would
3 get the notice of violation. If they were connected, no
4 notice of violation.

5 MR. EMBLIDGE: Q.: Can you think of a particular
6 project where you believe Mr. Sweeney had another inspector
7 replace you because of a request for a connected
8 contractor?

9 A. Yes, I believe it's 544 Vicente. They sent a
10 letter -- as a matter of fact, the contractor sent a letter
11 stating that all the code violations that were okay by the
12 engineer but they are in direct contravention to the
13 building code. Like the footings were on top of the soil
14 where the plans said the footings were to be twelve inches
15 below the undisturbed soil. It was a cut and fill
16 condition. Cut the top, fill the bottom, okay? And then
17 oh, we will just put the footings, which are typically like
18 an L shape, on top of the soil that you cut from the top.
19 That's not compacted soil, it's uncompacted soil and they
20 were going to fill in around it. There is no way to
21 compact soil there. And the complaint letter expressly
22 states all the code violations yet I was called and
23 reprimanded for that. Other people were sent out to take
24 care of it.

25 Q. Do you remember who the project sponsor was

1 or who the contractor was on that project?

2 A. I think that one was Outer Lands or something
3 like that.

4 Q. Was that a project that was in your district
5 at the time?

6 A. Yes.

7 Q. Who then replaced you in terms of doing
8 further inspections on the project?

9 A. I don't have that information in front of me.
10 I know that there was like three or more previous
11 inspectors on that job that allowed this condition. Again,
12 the premise is if you don't pass inspection they will frown
13 upon you, management will.

14 Q. You said you were criticized or reprimanded
15 about this project. By whom?

16 A. I was called in by the current director,
17 interim director O'Riordan, into his office along with my
18 immediate supervisor at the time or on or around. That was
19 when I was transitioning into code enforcement. Joe Duffy
20 was there, John Hinchion and my union representative, Ed
21 Donnely (phonetic). They were at this meeting and I
22 retained it on audio recording legally because I told them
23 at the beginning I will be recording this and I will afford
24 you the same opportunity if you want to record it. They
25 chose not to record it. I have that on the audio tape,

1 too.

2 Q. What was it you were being accused of?

3 A. Not passing the inspection.

4 Q. How is that something to be reprimanded for?

5 A. Because you are supposed to pass the
6 inspections and somebody writes a complaint letter in --

7 Q. But if you thought the inspection revealed
8 unsafe conditions, why would you be brought into a room and
9 questioned about not passing the inspection?

10 MS. LEE: Objection, calls for speculation.

11 MR. EMBLIDGE: You can answer.

12 THE WITNESS: Can I answer, Sara?

13 MS. LEE: You can answer if you know.

14 THE WITNESS: Repeat the question, please, Scott.
15 Sorry, I got lost.

16 MR. EMBLIDGE: Q.: It sounds to me like this was
17 kind of a serious incident. You were called into an office
18 where O'Riordan is there, Duffy is there, you said others,
19 Hinchion was there, and you were being criticized for not
20 passing an inspection, do I have it right?

21 A. Yes, you have it right.

22 Q. But your reason for not passing the
23 inspection is because you didn't feel the construction
24 technique was sound, is that right?

25 A. No, feel is the wrong word. It was not per

1 code and it was expressly stated in the letter from the
2 complaining contractor about me and there is numerous code
3 violations, including what's called a ufer ground that's
4 supposed to be in the concrete, it was buried in mud.
5 There are numerous code violations.

6 Q. Let me explain what I am trying to get at. I
7 think you said you were being criticized for not passing
8 the inspection because that's what you are supposed to do.
9 So my question is when you said because that's what you
10 were --

11 A. You are breaking up a little bit, Scott.

12 Q. Let me try again. I believe you said you
13 were being criticized by these building department
14 officials --

15 A. I can't hear you.

16 (Brief recess.)

17 MR. EMBLIDGE: Q.: What I was trying to get at
18 is you said words to the effect of you were being
19 criticized for not passing the inspection and I said why
20 and you said because that's what you are supposed to do or
21 words to that effect. What I want to understand is do you
22 mean that's what you are supposed to do when there is a
23 favored contractor involved or do you mean you are supposed
24 to just generally pass inspections even if you think the
25 work is not up to code?

1 MS. BERS: Objection, argumentative.

2 THE WITNESS: Both.

3 MR. EMBLIDGE: Q.: You said both?

4 A. Yes.

5 Q. To the best of your understanding, why would
6 senior officials at DBI want you to pass inspections when
7 you felt the work was not being done up to code?

8 MS. BERS: Objection, calls for speculation.

9 THE WITNESS: Can I answer, Sara?

10 MS. LEE: If you know.

11 THE WITNESS: I am sorry, Scott, if you could
12 repeat that, it kind of got lost in the objection.

13 MR. EMBLIDGE: Q.: Remember, if your attorney
14 instructs you not to answer then you shouldn't answer. If
15 there are objections raised but you understand my question,
16 you are allowed to answer, okay?

17 A. Okay.

18 Q. Let me try that question again. Do you have
19 any understanding as to why senior building officials would
20 want you to pass an inspection on a project even though you
21 believe the work at the project site was not up to code?

22 MS. BERS: Objection, calls for speculation.

23 THE WITNESS: I believe because the contractors,
24 as you can probably reference back I believe it is August
25 of 2013 on sf.govtv, the contractors who will speak at the

1 BIC commission are the people that are supporting the
2 people in management. So when you pass everything the
3 contractor is happy. The homeowner assumes that -- the
4 homeowner assumes they got a permit and everything is fine,
5 but the connections between the contractors and management
6 run deep.

7 MR. EMBLIDGE: Q.: I understand what you are
8 saying but here we are in a lawsuit and if I were to ask
9 you that question in court, Ms. Bers would object and say
10 you are just speculating. What is your basis for believing
11 that there are these connections between these contractors
12 and these building officials that lead the building
13 officials to want you to pass an inspection even if you
14 think the work is not up to code? What leads you to
15 believe that?

16 A. Observation.

17 Q. Can you elaborate on that a little bit for
18 me, please? I know you have twenty-five or thirty years of
19 observation but could you elaborate a little bit for me?

20 A. I think I just gave you a prime example right
21 there where the actual contractor states all the code
22 violations, submits it to Sweeney, and then I get
23 reprimanded rather than getting support from management to
24 call -- to make the correct calls on the code and support
25 the code. This also leaves the homeowner predicament of a

1 false pretense that they got a permit and everything has
2 been passed by the department so it is fine.

3 Q. I totally get that.

4 A. I am trying to answer the best I can, Scott.

5 Q. I totally get that but another explanation
6 could be that the other folks in the room thought you were
7 wrong and that the work was done up to code and that you
8 should have passed the inspection and you just didn't
9 understand the code or something to that effect. What
10 leads you to believe that the reason those folks were
11 criticizing you was because of connections to a contractor?

12 A. It's not necessarily speculation when it's
13 based on the letter that the contractor provided that says
14 it's not per code and I referenced that 2079 15th Avenue
15 that we talked about earlier that there is clear
16 violations. I have seen it numerous times over and over
17 and it's not merely speculative. I have seen unlawful
18 demolitions. 1068 Florida Street.

19 Q. Tell me about that project, please.

20 A. You know Schrodinger's cat? It's kind of a
21 metaphorical condition where two mutually exclusive
22 conditions exist where you put a cat in a box, you put a
23 little radioactive -- radioactive thing in there, you shut
24 the box and the cat -- and you have food in the box so if
25 the cat eats the food then the radioactive substance drops

1 down and the cat is dead, so the cat is both dead and
2 alive. So you take 1068 -- it's kind of esoteric.

3 Q. I will look it up.

4 A. It's an interesting concept. So basically
5 both mutually exclusive conditions exist, both the cat is
6 alive and dead. When I reference 1068 Florida street, you
7 have an unlawful demolition -- it's not an unlawful
8 demolition -- I am going to restate that. Basically what
9 you have is a connected contractor goes out there -- a
10 connected contractor is doing the project and the inspector
11 goes out there and they see that the -- they see that --
12 not they see but the condition, in my humble opinion, would
13 have been an unlawful demolition but complaint inspection
14 person, actually I believe it was Hernandez -- I don't know
15 who it was, I don't have the records in front of me -- goes
16 out there and says it's not an unlawful demolition. Then
17 Ed Sweeney rules it to be a demolition to obtain a
18 demolition permit. Then all of a sudden somebody else goes
19 out there, one of our engineers or something like that, and
20 says no, it's not an unlawful demolition. And Ed Sweeney
21 was the hearing officer, I believe, on that one, too.

22 Q. Sweeney I thought you said was connected to
23 these contractors, right?

24 A. Yes.

25 Q. Why would he then find it to be an unlawful

1 demolition?

2 MS. BERS: Objection, calls for speculation,
3 argumentative.

4 THE WITNESS: Because the neighbors had a
5 petition over this and it sat for too long and there was
6 too much heat so he called it a demolition. I also believe
7 that he should be recusing himself from being a hearing
8 officer on certain projects that he has close relationships
9 with and it should be somebody independent being the
10 hearing officer for directors hearings.

11 MR. EMBLIDGE: Q.: Who was the contractor
12 involved in the work at 1068 Florida?

13 A. I don't have that information but that's
14 available through a records request or SF PIM.

15 Q. As you sit here today can you think of other
16 examples of where you have been inspecting a project only
17 to come to find that an inspector has superseded you and
18 been inspecting the project without your knowledge?

19 A. I can't think of any offhand because
20 oftentimes if they don't call or schedule an inspection
21 with me from the start and they go to one of their
22 connected inspectors, either a senior or in another
23 district, and these guys go out of district to do the
24 inspections, sometimes I am unaware of the project but I
25 can't think of any offhand.

1 Q. When you talk about connected inspectors, are
2 there particular inspectors you are thinking that are sort
3 of the favored inspectors of these connected contractors?

4 A. Yeah, the ones that will pass stuff.

5 Q. Who would they be?

6 A. I can't think offhand who the different
7 people were because I am unaware of it. Oftentimes it goes
8 from the start to the beginning without me even seeing the
9 project.

10 Q. Are there particular inspectors or senior
11 inspectors that you believe give more favorable treatment
12 to connected contractors or project sponsors?

13 A. I think Kevin McHugh.

14 Q. I probably asked that before and you said
15 Kevin McHugh and Ed Sweeney. Are there others?

16 A. There may be. I told you about the 125 Crown
17 Terrace. Why wasn't I called out there five separate times
18 on the Santos job that went down the hill.

19 Q. I am getting into something a little
20 different. I understand what you are saying about how you
21 feel you have been replaced or superseded because you
22 didn't play ball but what I am trying to get at is who are
23 the inspectors that you believe do play ball, do have --
24 treat more favorably the connected contractors?

25 A. Mauricio Hernandez, Ed Sweeney, Kevin McHugh.

1 Q. And do you know of others and you are just
2 hesitant to name names today or do you not know of others?

3 A. I can't think of any off the top of my head
4 right now.

5 MS. BERS: I am wondering if we could take a
6 break soon, we have been going for about an hour. Just a
7 short one.

8 MR. EMBLIDGE: That's fine for me.

9 (Brief recess.)

10 MR. EMBLIDGE: Q.: Mr. Schroeder, you said there
11 were some corrections you want to make?

12 A. Yes. I believe it was 533 Vicente and the
13 complaint letter about me can be furnished upon request.

14 Q. Meaning you have a copy of it?

15 A. Yes, sir.

16 Q. Okay.

17 A. Number two, with regard to 2079 15th Avenue,
18 that second complaint was closed by Hernandez referencing
19 the first complaint. Basically he closed it under the
20 false pretense of my name and that was a prevarication on
21 Hernandez's part.

22 Q. You have to explain that to me because I
23 don't know the details of how these things work. What did
24 he do that made it appear that you had cleared the
25 complaint?

1 A. The complaint came in. As I stated,
2 approximately a few weeks, a month before that, it was an
3 unlawful demolition or exceeding the scope of demolition
4 from a neighbor. Then I went out there, I looked at it, it
5 was right on the line, I said do not demolish anymore. I
6 went out there a few weeks later after receiving another
7 complaint and said what's going on, I told you guys not to
8 demolish it, and that's where the guy said Mauricio
9 Hernandez said if it was dry rot you can tear it all out
10 because if it's dry rot you don't need to save it. I went
11 back to the office and I gave Hernandez the complaint and
12 they said you were out there and you said this is all okay
13 and he said yeah, don't worry about it, I will handle it.
14 Then what he did, as you can see on the record, that's
15 public record, too, he states on there --

16 Q. Can I just ask you, I am looking at the
17 property information map 2079 15th Avenue, I don't see any
18 complains or building permits on that. Are you sure about
19 that address?

20 A. I am pretty sure.

21 Q. 15th Street maybe? 2079 15th Avenue?

22 A. Do you want me to look at it?

23 Q. No, that's okay. I interrupted you, you were
24 explaining that Mr. Hernandez approved the removal of more
25 material and then what happened?

1 A. What he did was he abated the complaint and
2 referenced my first complaint and said it was a duplicate
3 complaint, which was a prevarication because the original
4 complaint came in, I went out there for a site verification
5 to the demolition and it was per the scope of the
6 demolition pretty much. Then they went and tore out way
7 more. I gave him the second complaint and then he used the
8 first complaint and said duplicate complaint.

9 Q. I get it. If somebody looked at the records
10 they would see that you resolved the first complaint and
11 then it says duplicate complaint so they would assume that
12 you resolved the second complaint just like you resolved
13 the first one?

14 A. Exactly, so it's a prevarication on
15 Hernandez's part.

16 Q. Can I just ask you about unlawful demolition
17 because it kind of makes my head spin. How, in your
18 experience as a building inspector -- what makes an
19 unlawful demolition and where do you look for the rules
20 about unlawful demolition?

21 A. I believe off the top of my head it's in
22 Section 103.

23 Q. Of the San Francisco Building Code?

24 A. Yes.

25 Q. Is it percentage of structure removed or what

1 is it that you are looking for?

2 A. They submit the plans, and I don't mean to be
3 -- they submit plans and the plans -- I am going to say did
4 in simplistic terms -- the plans show a demolition permit,
5 what you are supposed to keep and what you aren't supposed
6 to keep. That's the first thing that goes through the plan
7 check. So when it states what you are supposed to keep and
8 what you are not supposed to, it has already been
9 preapproved that way and they are supposed to follow that.
10 But once out in the field it's very carte blanche of what
11 they tear down whether they do the demolition per plan or
12 not.

13 Q. So when you are out in the field are you
14 inspecting to see if they are doing it per plan or are you
15 inspecting to see if the amount of demolition exceeds the
16 demolition threshold in the code or both?

17 A. Both. If I see a plan that was approved in
18 gross error for demolition I am going to say wait a minute,
19 but usually most of the upstanding contractors follow the
20 demolition plan.

21 Q. It's in Section 103 of the Building Code
22 where I would find how much demolition is permitted?

23 A. I believe, I believe it's Section 103. That
24 could be looked up as long as you looked up San Francisco
25 Building Code, unlawful demolition, that would give you all

1 the definition there, too.

2 Q. Are you aware of any tension that's existed
3 between the building department and the planning department
4 about what constitutes an unlawful demolition?

5 MS. BERS: Objection, calls for speculation.

6 THE WITNESS: Am I allowed to respond, Sara?

7 MS. LEE: Yes, if you know. Just answer the
8 question though.

9 THE WITNESS: Thank you, okay.

10 MR. EMBLIDGE: Q.: Do you remember the question?

11 A. I do remember the question, it's kind of a
12 two part answer, somewhat bifurcated within the planning
13 department as to the people who are working with the
14 management at DBI and the people who aren't. So lately the
15 notices of violation, rather than citing the San Francisco
16 Building Code for demolition, the way they have -- I am
17 trying to think of a nice word or something like that --
18 the way it is structured or -- I can't think of the word --
19 the way it really goes down, I can't think of the word
20 right now, the way it really goes down, somebody writes an
21 NOV, which has been implemented since Sweeney ascended to
22 power, exceeding the scope of demolition obtain department
23 of city planning approval for increased scope of
24 demolition. Most of these NOV's don't reference the
25 Building Code so they want to dump it back on the Planning

1 Commission and say oh, the Planning Commission said it's
2 okay but they should be referencing the Building Code and
3 not pawning it off on planning and saying well, planning
4 approved it.

5 Q. Thank you. Have you ever heard that some DBI
6 personnel have received money or gifts or other special
7 favors from contractors or project sponsors?

8 A. I have heard that, yeah.

9 Q. Do you have any evidence of that happening?

10 A. I am not one of the people who gets involved
11 in that. It's often stated by some contractors that I own
12 that inspector and you could read into that what you want.

13 Q. Can you give me an example of what you have
14 heard as far as a contractor saying he or she owns that
15 inspector?

16 A. What that means, is that what you are asking?

17 Q. No, a specific example of contractors and
18 inspectors?

19 A. I can't think of it offhand, no.

20 Q. Can you think of what you have heard about
21 contractors or project sponsors providing money or gifts or
22 special favors or free work to DBI personnel?

23 A. I have heard people, a lot of them, talk
24 about that. I can't think of the specifics offhand but
25 that could be looked up. If you looked up the inspectors

1 and looked up wherever they live and see if they have any
2 building permits you could cross-reference it and determine
3 hey, this contractor in San Francisco did work on this home
4 and then there's a way in the computer you could type that
5 contractor in San Francisco and it gives you all the
6 projects they did. You probably know all this, Scott, I am
7 sure.

8 Q. I am meaning to hire you.

9 A. I looking to retire mighty quick, as you
10 probably gathered.

11 Q. Are there any specific examples you are aware
12 of where project sponsors or contractors doing work in
13 San Francisco have performed work on properties owned by
14 DBI personnel?

15 MS. LEE: Objection, asked and answered.

16 MR. EMBLIDGE: You can answer.

17 THE WITNESS: I am sorry, I who was objecting?

18 MS. LEE: That was me.

19 THE WITNESS: Okay, Sara. Objection, the
20 question was already answered, is that what it was?

21 MS. LEE: That was my objection, yes. You can
22 answer again.

23 THE WITNESS: I will choose to go with Sara's
24 objection.

25 MR. EMBLIDGE: Q.: Sara just said you could

1 answer again. I asked a broad question before about have
2 you heard about contractors providing money, favors, gifts
3 to DBI personnel?

4 A. Yes.

5 Q. Now I am asking a narrower question which is
6 have you heard of any specific examples of situations where
7 contractors doing business in San Francisco have performed
8 work on properties owned by DBI personnel?

9 MS. LEE: Same objection. Go ahead.

10 THE WITNESS: I don't recall any specifics right
11 now but this also goes back to the hiring practices. There
12 is a lot of different -- I don't know.

13 MR. EMBLIDGE: Q.: Help me out, what do you mean
14 by that, this goes back to the hiring practices?

15 A. Say somebody is in tight with a certain
16 contractor, they are very good friends and whatnot, and
17 then the contractor gets his son a job or something like
18 that. I think it's kind of somewhat self-evident in that
19 letter to Judge Orrick.

20 Q. You are referring to the letter that Ed
21 Sweeney wrote to Judge Orrick in support of John Pollard,
22 is that what you are referring to?

23 A. Yes.

24 Q. Other than Mr. Pollard getting a job --
25 giving a job to Mr. Sweeney's son, are you aware of other

1 situations where contractors have done favors like that for
2 DBI personnel?

3 A. This isn't directly answering your question
4 but --

5 MS. LEE: So just answer the question.

6 MR. EMBLIDGE: Q.: You can answer my question
7 directly or indirectly.

8 A. I am aware of Tom Hui hiring his son and
9 getting some blowback on that.

10 Q. Tom Hui hiring his on son at DBI?

11 A. Yes.

12 Q. Are you aware of any family members or
13 relatives of Mr. Sweeney that have been hired by the city?

14 A. I am not -- relatives -- a lot of the people,
15 the majority I want to say, are from the Sunset so I am not
16 all that familiar with family relationships. But from what
17 I have heard, this is my brother-in-law, this is my
18 cousin-in-law, and that -- it's kind of a somewhat
19 incestuous hiring process up there.

20 Q. Can you think of any examples of that where
21 somebody has told you hey, this new person who has hired is
22 my brother-in-law or my cousin or something like that?

23 A. People don't overtly say that. I can't give
24 you any examples at this time but you could match the names
25 up, also, the repetitive names.

1 Q. Just because Joe and Donald have the same
2 last name doesn't mean they are relatives.

3 A. Yeah.

4 Q. Give me one specific example of a connection
5 between a favored contractor and a DBI person which is the
6 hiring of Sweeney's son by Pollard, are you aware of other
7 examples like that where there is what appears to you to be
8 a you scratch my back, I will scratch yours relationship
9 between DBI and contractors or project sponsors?

10 A. I can't think of any specifics at this time,
11 and I think I did mention 817 Lombard. No.

12 Q. No. What happened there?

13 A. It was a John Pollard job where John Pollard
14 used his personal e-mail to e-mail Sweeney after hours or
15 close to, before the required time to get a continuance for
16 the directors hearing, and it went back and forth, unlike
17 some projects where they, as I talked way earlier in our
18 conversation, where certain people get certain favors. So
19 John Pollard sent a personal e-mail, which I haven't seen
20 people do, to get a continuance. Also on 817 Lombard, Ed
21 Sweeney was the hearing officer. Given the close
22 relationship, as you have seen in that letter to Judge
23 Orrick, I believe he should have recused himself in that
24 case and not been the hearing officer.

25 Q. Sweeney was the hearing officer on a John

1 Pollard project?

2 A. On probably more than one but 817 is one that
3 I am aware of and again he received great preferential
4 treatment where some people obviously -- we all know where
5 we are here, some people got slammed, which I read in the
6 paper about.

7 Q. 817 Lombard, approximately when did this
8 situation take place, two, four, six, eight years ago?

9 A. Between two and four probably, or maybe one
10 and four, I don't know.

11 Q. Chris, we talked earlier about that Statement
12 of Incompatible Activities which was marked as Exhibit 5,
13 do you recall that?

14 A. Yes.

15 Q. Have you seen that document before today?

16 A. Let me see. I don't know if I have and if I
17 have, it has been a long time.

18 Q. Go ahead.

19 A. As I stated earlier, we have the ethics
20 training and the form seven hundred we have to fill out as
21 employees.

22 Q. You anticipated my question. You said you
23 have ethics training. How often?

24 A. I can't remember whether it's either every
25 year or every other year. One of them is a Sunshine and I

1 think the ethics is every year and Sunshine is every two
2 years.

3 Q. Is the training done in-house or by the city
4 attorney's office?

5 A. It used to be done by the city attorney's
6 office and now it's online. So basically you turn on your
7 computer and it runs.

8 Q. We talked a little before favored contractors
9 and contract sponsors who you believe have gotten favorable
10 treatment. Are you aware of project sponsors or
11 contractors who are disfavored and get unfavorable
12 treatment at DBI?

13 A. Well, what I read in the paper here a while
14 back, I am aware of the situation on 22nd Street which is
15 unprecedented in what I have seen in the twenty plus years.

16 Q. What is it that you have seen in the
17 newspapers that makes you think it's unprecedented?

18 A. How the permits were revoked immediately and
19 the multiple notices of violation, yet other connected
20 people get the comments put in when a complaint comes in
21 and permit research and then they hope it fades away.

22 Q. Within DBI have you heard anyone talk about
23 the 22nd Street project?

24 A. When it came out in the paper, yes, everybody
25 was talking about it.

1 Q. When you say everybody was talking about it,
2 what do you mean?

3 A. The rumor mill, you know. People were very
4 surprised what went down there.

5 Q. Can you recall anybody in particular at DBI
6 that was surprised about what went down?

7 A. Nobody in particular, no, just many, many
8 people.

9 Q. Before you read about it in the newspaper,
10 did you hear anyone at DBI talking about a Dennis Richards
11 project?

12 A. I didn't even know who Dennis Richards was.

13 Q. Have you ever met Mr. Richards?

14 A. As with you, to the best of my knowledge, no.

15 Q. Did you hear anyone talking about a project
16 that Pat Buscovich was involved in that you came to learn
17 was the 22nd Street project?

18 A. I read that he was involved in it, too.

19 Q. Did you ever hear anyone, Mr. Hernandez or
20 Mr. Sweeney or anyone, say that they were going to come
21 down hard on this project?

22 A. No, I just read about it in the paper.
23 Again, I was unaware of the project until it came out.

24 Q. I want to shift gears for a second. If you
25 receive a complaint about a project in your district

1 regarding work done beyond the scope of permits, what do
2 you do to research that and come to a conclusion about
3 whether or not work was, in fact, done outside the scope of
4 permits?

5 A. Is that a rhetorical question?

6 Q. I did not mean it to be.

7 A. You said you, I don't know if that was
8 directed towards me or if it was rhetorical in general.

9 Q. I see what you are saying. Let me be clear.
10 When you were in the Building Inspection Division, if you
11 received a complaint, if a complaint got routed to you
12 about a project in your district and the complaint was
13 about work exceeding the scope of permits, what was the
14 normal practice in terms of looking into that complaint?

15 A. First off, we do research to see what permits
16 have been issued then we go out to the field, make a field
17 evaluation, allow them to present us the plans and if it's
18 a fairly straightforward one -- let me rephrase that -- a
19 fairly straightforward complaint that we can immediately
20 issue a notice of violation, we issue one on the spot
21 there. If it determines more research then we put down
22 permit research. Again, me, I would do the permit research
23 and make an evaluation within a week or so if I needed
24 microfilm or something like that.

25 Q. If there is a complaint about work being done

1 without permits as opposed to exceeding the scope of
2 permits, is the process any different?

3 A. Yes, very different. They have permits and
4 sometimes people exceed the scope. I have seen other
5 complaints -- I have seen other complaints where like
6 Hernandez and other people have put down -- written in the
7 computer rough framing okay pending approved revision or
8 pending approved revision, depending on the scope of work.
9 It's a judgment call. We try to keep the job going as much
10 as we can but on the minor violations that's acceptable but
11 any of the major violations that's not acceptable for me.

12 Q. Do you know a building inspector named
13 William Walsh?

14 A. Yes.

15 Q. To the best of your knowledge, is he still in
16 the Building Inspection Division?

17 A. I don't know, I haven't been down there in a
18 few years. But if you look on your org chart -- I don't
19 know, somebody said he was off for a long time. I don't
20 know much about William Walsh.

21 Q. Is he an inspector that, in your experience,
22 is one of the inspectors favored by the connected
23 contractors?

24 A. I can't speculate on that, I don't know the
25 answer.

1 Q. If a complaint comes in on a project that is
2 in the district of a particular building inspector and that
3 building inspector has been regularly inspecting the
4 project, can you think of why Mr. Hernandez would start
5 investigating complaints about that project rather than
6 refer them to the district inspector?

7 MS. LEE: Objection, calls for speculation.

8 THE WITNESS: Is that Rebecca or Sara?

9 MR. EMBLIDGE: That's Sara.

10 THE WITNESS: That's speculation, I don't know
11 the answer to that.

12 MR. EMBLIDGE: Q.: I am asking if there is a
13 reason in your experience and your familiarity with DBI
14 procedures why, if there is an ongoing project in a
15 district and the district inspector has been regularly
16 inspecting it, in your experience is there a reason why the
17 chief in the Code Enforcement Division would respond to a
18 complaint on the project rather than having the district
19 inspector respond?

20 A. Probably because he was directed by his
21 superior in the org chart.

22 Q. Have you experienced that in the past where
23 someone from code enforcement comes in to inspect a project
24 that's an active project in your district?

25 A. I think I just explained that to you earlier.

1 Maybe I have the wrong address but I thought it was 2079
2 15th Avenue. I could be wrong on the exact address. That
3 was a job I was doing inspections on and then boom, all of
4 a sudden he is out there and Joe Duffy is my senior, he is
5 out there -- we don't need to rehash that. That's a prime
6 example of that. I don't know how much you want me to
7 expound.

8 Q. I am trying to get at whether this is a rare
9 occurrence or a regular occurrence. We are talking about
10 an active project in a particular division where the
11 division inspector has been inspecting the project and then
12 someone from code enforcement rather than the district
13 inspector gets involved in investigating a complaint. Is
14 that something that in your experience happens on a regular
15 basis or a rare basis or some other frequency?

16 A. A very rare basis.

17 Q. Has there ever been a situation that you have
18 encountered where the senior building inspector to whom you
19 report stepped in to do inspections on a project that you
20 had been inspecting in your district?

21 A. Yeah, I remember one. Again that was Kerley
22 Construction on Irving Street.

23 Q. On a Kerley Construction project on Filbert
24 Street is what I have, is this a different one?

25 A. The same Kerleys.

1 Q. But a different project?

2 A. Yes.

3 Q. On the Irving Street project, that was a
4 project in your district, correct?

5 A. Yes.

6 Q. And your senior building inspector stepped in
7 to do inspections instead of you?

8 A. Because a complaint was solicited by Ed
9 Sweeney against me. Again, all sorts of -- in my humble
10 opinion, I think Sweeney helps -- this is again me opining
11 -- that Sweeney helps write the complaint and the complaint
12 letter and stuff.

13 Q. Let me make sure I am drawing the right
14 connections. Do you remember the address on Irving?

15 A. I believe it was adjacent to the gas station
16 on Irving and 19th Avenue on the north side one building
17 in. I don't have the address in front of me. I don't
18 know. It's I believe one building or two buildings east of
19 the gas station on 19th and Irving on the north side.

20 (Brief recess.)

21 THE WITNESS: That's one building over on the
22 north side, it was a soft story retrofit one building over
23 on the north side east from 19th and Irving.

24 MR. EMBLIDGE: Q.: Let me see if I have got this
25 straight. That was a building that was in your district,

1 correct?

2 A. Yes.

3 Q. And you had been doing inspections on that
4 building and then the contractor or the project sponsor
5 submitted a letter of complaint about you to DBI?

6 A. Yes.

7 Q. And after that did you continue to do
8 inspections on that site?

9 A. No, I was asked -- the contractor said that
10 he doesn't want to have me on any of his projects again,
11 something to that effect. I don't have it in front of me
12 but I do retain the letter.

13 Q. Do you know who the inspector was that took
14 over inspecting that particular project?

15 A. I think I actually finaled -- no, I did final
16 the job. I think I finaled the job and typically the
17 contractor will walk out to the car, because that's where I
18 keep the certificates of final completion. Then from the
19 beginning of the inspection I asked him, as I do when they
20 call in, to lay out the plans and permits in chronological
21 order if there is multiple of them and the contractor
22 didn't understand what the word chronological meant. Then
23 I just said from the oldest to the newest so I can get them
24 in the permutation in which -- sequentially they go so I
25 could follow and see what's going down the line. So I did

1 final a job but it was a formal request by Kerley
2 Construction to not have me out on their jobs ever again or
3 something to that effect. I don't have the letter in front
4 of me.

5 Q. Do you remember what it was -- what reasons
6 they gave for making that request?

7 A. He stated the chronological order, he didn't
8 understand what I meant. He said basically -- he started
9 yelling at me and getting very hostile right from the
10 beginning of the job. I remained calm and I said this is
11 turning unprofessional. I said I feel like you are being
12 hostile towards me, I am going to have to terminate the
13 inspection if he keeps yelling at me. That's one of the
14 first things you learn being an inspector is that you do
15 not get into confrontations. If it rises to an
16 unprofessional level, you merely walk away until the
17 contractor calms down and the inspector should never, ever
18 get into an argument. You always leave the inspection,
19 this has degraded to an unprofessional level and I am going
20 to have to terminate the inspection. He started yelling at
21 me, you are not terminating it, started yelling at me more.
22 I finished the inspection. At the end of the inspection I
23 said could you walk to my city car with me so I can write
24 down the certificate of final completion. He said no, your
25 job is to bring it to me and unless -- I never had anybody

1 in my twenty years complain about this issue. If it's a
2 person with children or disabled or has some medical
3 condition, I happily will bring it back to them if they
4 request it. I didn't even know he didn't want to walk to
5 the car, he just started yelling at me so that was -- yeah,
6 that's the extent of that. I remember telling -- yeah,
7 that's the extent of it, thanks.

8 Q. So the complaint letter comes in and you say
9 you have a copy of that?

10 A. Yeah.

11 Q. Did you get a response to that complaint
12 letter? Did you get told you are not to inspect Kerley
13 projects in the future or something like that?

14 A. Yes, and I wrote a retort to that. I can't
15 remember specifically what I said, but I said it would be
16 mutually beneficial in the future if we no longer had
17 interactions.

18 Q. Who was it that made a determination that you
19 shouldn't be inspecting Kerley projects?

20 A. Probably his friend, Kerley's friend Ed
21 Sweeney, and told Joe Duffy to take over or assign somebody
22 else, whoever the contractor wanted to do inspections.

23 Q. Have you ever heard about complaints that get
24 a blue dot or notices of violation that get a blue dot?

25 A. Yeah.

1 Q. What does that refer to?

2 A. From what I recollect, those were the ones
3 that go to the front of the line. It's kind of like
4 similar to them -- I am going to stop there, thanks.

5 Q. So is it like the triage system, those are
6 the ones that have the most danger to the public or do they
7 go to the front of the line for some other reason?

8 A. The latter, some other reason.

9 Q. What's your understanding of why a blue dot
10 would get put to the front of the line?

11 A. It's a multifaceted answer. High awareness
12 or -- I am lacking for words, usually I am pretty good --
13 high profile, that's the word I am looking for, it's a high
14 profile thing, it's out there, we have to move this to the
15 front of the line. Others I feel is probably due to
16 retaliation or something, the way I have seen it. So those
17 are a couple of the facets.

18 Q. So like the Millennium Tower would be a high
19 profile project that would get put at the front of the
20 line?

21 A. What's funny about that, I told Tom Hui how
22 to fix it and he goes you don't know what you are talking
23 about, you don't know what you are talking about, and you
24 can't fix it, you can only ameliorate the situation. You
25 can only stop it, you are not going to get that thing up

1 right again. And I was right, he did it and he said you
2 don't know what you are talking about so it's kind of
3 humorous.

4 Q. You told them about the micropiles?

5 A. Yeah, and how they are going to do all that.

6 Q. Do you know Lawrence?

7 A. Kornfield (phonetic)?

8 Q. Yeah.

9 A. Yes. As a matter of fact, I brought --

10 Q. He is a great guy.

11 A. I am going to make this quick but when he
12 changed out -- we had to use pressure treated under stucco
13 in San Francisco and I pointed out to him when they changed
14 the chemicals to ACQ from copper arsenic which is more
15 toxic, I said well, the fasteners, they don't make
16 stainless steel for the staples that hold the stucco on the
17 wall. So it was because of me they pulled the requirement
18 to have pressure treated plywood under stucco and that was
19 a San Francisco only kind of code in my belief to help
20 drive out the people who were not connected to
21 San Francisco because -- yeah, Lawrence is very
22 knowledgeable.

23 (Brief recess.)

24 MR. EMBLIDGE: Back on the record.

25 Q. Chris, are you ready?

1 A. Yes, I am ready.

2 Q. Let's talk a little bit about building plans,
3 Chris. Who at DBI, as far as you are aware, has the
4 ability to make copies of building plans?

5 A. Microfilm and the DBI, for in-house only use
6 is my understanding. I don't have the exact protocol in
7 front of me but it's only for in-house review because they
8 are copyrighted.

9 Q. If you want to head out to a job site, do you
10 have the ability to make a copy of the building plans and
11 then take those out to the job site with you?

12 A. No. Those are handled under a specific
13 request that needs, from what I remember, approval from a
14 senior as to the reason. As I mentioned earlier, Scott,
15 with the investigating a complaint or something like that
16 where I need to do the research then I could obtain copies.
17 I am not allowed to provide copies of any plans to anybody
18 else.

19 Q. We talked earlier briefly about the
20 Residential Builders Association. To your knowledge, has
21 anybody employed by the DBI been a member of the RBA?

22 A. I don't know because I don't really run in
23 that circle and I didn't grow up in the Sunset so I can't
24 -- I really don't -- it wouldn't surprise me, there
25 probably is, is or was. I don't know if they are active

1 members or not.

2 Q. Were you ever a member of the RBA?

3 A. I think I answered that before. No, I have
4 no idea. No, not -- no, at all. I don't know even know
5 much about their association.

6 Q. Are there individuals that you associate with
7 being in the leadership at the RBA?

8 MS. LEE: Objection, calls for speculation.

9 THE WITNESS: I can't speculate on that because I
10 don't know the answer.

11 MR. EMBLIDGE: Q.: People around DBI didn't talk
12 about who was the president or a big muckity muck in the
13 RBA?

14 A. Oh, I am sure they did but I am not a party.
15 I don't know much about how it's all structured, I just
16 know of the RBA.

17 Q. I take it you never attended any RBA events
18 like golf tournaments or parties, is that right?

19 A. No, never.

20 Q. Do you know of other DBI personnel who
21 attended RBA events?

22 A. I do not because, again, I don't run in that
23 circle and I pretty much keep to myself up there. I don't
24 want to get in non-professional relationships with anybody
25 so that's why I don't attend any of that stuff. Again, it

1 goes to the quid pro quo kind of thing.

2 Q. Are you aware of any sort of support group
3 for DBI like the friends of DBI or the Building Inspectors
4 Association?

5 A. The Building Inspectors Association, I am,
6 yes.

7 Q. What's that?

8 A. It's the -- I don't know what it is, if you
9 call it our union or association. It's just like a police
10 officers association. I am guessing. I don't attend the
11 meetings. I pay our union dues to the union but I don't go
12 to the association meetings.

13 Q. Do you think it's the same thing as your
14 union?

15 A. I don't know really. Again, I am not -- I
16 probably should be involved in the Building Inspectors
17 Association but -- I am a member or I think I pay dues to
18 it or something like that along with my union dues. I
19 don't know really how everything works.

20 Q. Have you ever been to a Building Inspectors
21 Association event?

22 A. Not to the best of my knowledge or
23 recollection.

24 Q. We mentioned John Pollard, who is he?

25 A. A contractor.

1 Q. I think you identified him as being
2 associated with SF Garage, is that right?

3 A. I believe he is the proprietor, the sole
4 proprietor. I shouldn't say sole, I don't know how it's
5 organized. But I believe he is the sole proprietor to the
6 best of my knowledge. I don't know.

7 Q. Are you aware of any other companies that he
8 does business with -- I am sorry, companies for whom he
9 works?

10 A. I thought there was some 512 Construction or
11 Soft Story Solutions or something to that effect. I don't
12 know how they all tie together.

13 Q. Have you ever heard of Mercury Engineering?

14 A. Yes.

15 Q. Do you have any reason to believe Mr. Pollard
16 is associated with Mercury Engineering?

17 A. That's his primary engineer, Harold Howell.

18 Q. How do you spell the last name, please?

19 A. Just like on Gilligan's Island, I believe,
20 H-O-W-E-L-L.

21 Q. Are you familiar with a permit expediting
22 business that Mr. Pollard has?

23 A. Be more specific, please.

24 Q. Do you know what a permit expediter is?

25 A. Yeah. I don't know how -- I think more of a

1 permit expediter is kind of like people like Rodrigo
2 Santos, he is an engineer. And then some of the other
3 people who just know the way the plans go and know the
4 procedures within the department. I don't really know that
5 much about how it all works but when I think of a permit
6 expediter I think of somebody who deals with more the
7 pushing through the paperwork and stuff as opposed to John
8 Pollard being more of a contractor but I think able to
9 expedite permits.

10 Q. Are you aware of a business that Mr. Pollard
11 is associated with called SF Permitting?

12 A. That sounds familiar.

13 Q. How do you know him?

14 A. How do I know John Pollard?

15 Q. Right.

16 A. I met him probably sixteen, seventeen years
17 ago, eighteen years ago when I put a notice of violation on
18 his property.

19 Q. How did that go?

20 A. It went over like a lead balloon.

21 Q. What property was that?

22 A. It's so many years ago I don't remember. It
23 may have been on Noe and 22nd to 25th or something like
24 that. It was when he just got to town. He went ballistic
25 on me for putting a notice of violation. What happened was

1 he didn't have the plans on site and -- I can't remember,
2 maybe a complaint on it or something and he said a copy of
3 the plans -- I have always insisted on the original wet
4 stamped approved plans.

5 Q. So you put a notice of violation on his
6 property and you said he went ballistic. What do you mean?

7 A. He said if you want to play ball that way, I
8 am going to talk to Carla Johnson, she was I believe the
9 chief at the time. He goes you want to play ball, I am
10 going to talk to Carla Johnson and I said okay, play ball,
11 let's go.

12 Q. When you refer to her as the chief, what do
13 you mean?

14 A. It's a position.

15 Q. I know, chief what?

16 A. I am sorry, chief of building inspection.

17 Q. Thank you.

18 A. Sorry, I didn't know where you were going
19 with that.

20 Q. You said okay, let's play ball and do you
21 recall what happened after that?

22 A. Let me correct myself. She is the chief of
23 inspection services which would encompass electrical,
24 plumbing and building, so I stand corrected on my last
25 statement.

1 Q. Okay. Walk me through what happened after
2 that initial confrontation with Mr. Pollard?

3 A. From what I can recollect, I believe we got
4 full support back in those old days from management where
5 management stood up for the inspectors who were making the
6 correct calls and calling the code.

7 Q. When approximately did that change?

8 A. It changed when Sweeney became in management.

9 Q. Do you have a recollection as to
10 approximately when that was? Five, ten, fifteen, twenty
11 years ago?

12 A. Let's go ten or fifteen maybe. I don't know,
13 I am just guessing. Maybe eight to fifteen, I don't know.
14 But he was quickly promoted to senior, Ed Sweeney, just
15 like Hernandez skyrocketed right to the chief position in
16 one of the shortest amounts of time and was the highest
17 paid chief in California if not the U.S.

18 Q. You had that first meeting with Mr. Pollard.
19 Have you subsequently had professional dealings with Mr.
20 Pollard?

21 A. Very rarely. He has other people do the
22 inspections. I want to say in the past, I don't know, ten
23 years maybe I have just ran into him a couple of times on
24 jobs that were pretty on the up and up.

25 Q. You say he has other people do the

1 inspections, what do you mean by that?

2 A. Other inspectors do the inspections.

3 Q. Even on projects that are in your district?

4 A. Yes.

5 Q. How does that happen? If it's in your
6 district, why aren't you the one doing the inspections?

7 MS. LEE: Objection, calls for speculation.

8 THE WITNESS: I think we covered that earlier,
9 also.

10 MR. EMBLIDGE: Q.: Could you answer my question?
11 I am sorry if I am asking it a second time.

12 A. Again, maybe he is calling certain inspectors
13 out there personally to come out and do their inspections.
14 What quid pro quo goes on I don't know. Because oftentimes
15 there is just the inspector out in the field and just the
16 contractor and what goes on between them I don't know.

17 Q. Have you ever had a situation where a project
18 sponsor or a contractor calls you up about a project and
19 asks you to come out and do an inspection that's not in
20 your district?

21 A. No, because I won't do it, plain and simple.

22 Q. Why not?

23 A. It's unethical. It's not only unethical, it
24 would violate, in my mind, whatever protocols are for the
25 department.

1 Q. So if you think there are unethical practices
2 going on at DBI as far as what inspectors inspected,
3 projects for favored contractors, what have you done to
4 complain about that?

5 A. I don't complain. Complaining gets you --
6 yeah, it's -- you don't complain. It's frowned upon. Ed
7 Sweeney won't tolerate anybody complaining.

8 Q. What's your basis for saying that Ed Sweeney
9 won't tolerate anybody complaining?

10 A. Here is an incident I will give you without
11 getting too into the weeds. I complained a few years back,
12 I can't remember how many years, about people obtaining
13 copies from microfilm if they have lost the plans. They
14 said we used to have a little blue stamp on there,
15 basically a wet stamp from records management. Now it's
16 all printed out in the computer so basically anybody could
17 cut and paste. Rather than a twenty foot addition now it's
18 a thirty foot.

19 Q. What does that have to do with Mr. Sweeney?

20 A. Oh, I am sorry. So I went in to complain to
21 Mr. Sweeney about -- I said really that's like, as I told
22 you earlier, when they call and ask for a time I would say
23 -- nine out of ten times I could give them a one hour
24 window or so, I would say how about the job cards, the pink
25 application and the original wet stamped approved plans

1 laid out in chronological order before I get there. I am
2 saying this for the record, I would say it more politely to
3 the customer so I hope I didn't offend anybody in that.
4 Because the cut and paste, oh, these are the same plans
5 that we have back at the office and these are just copies,
6 we didn't want them getting messed up on the site. What a
7 lot of contractors do is keep them in the tube -- keep them
8 in a tube and write inspection only and keep them on the
9 site or bring them to the site for inspection so there is
10 no, quote, funny business.

11 Q. But I am still having trouble connecting this
12 to Mr. Sweeney?

13 A. It's like a hologram on your driver's license
14 or something like that. The original wet stamp which they
15 used to do in microfilm was with a blue stamp on there so
16 they actually stamped it. So if somebody wanted to alter
17 the plans, they would have to actually get a wet stamp and
18 copy that. But now it prints out in black and white from
19 the computer and there is no stamp. It's like a seal that
20 you put, an embossed seal.

21 Q. You went to Mr. Sweeney and complained about
22 that and what happened?

23 A. He just shrugged his shoulders and laughed.

24 Q. You mentioned that you believe Mr. Pollard is
25 one of the connected contractors. What leads you to

1 believe that.

2 A. I think I have already given you some
3 examples on there. Through the Judge Orrick letter,
4 Lombard Street. Here is another one, 24 Ord Court.

5 Q. What happened there?

6 A. There is a couple of Ords in San Francisco.
7 There is Ord Street, Ord Court, so it is important to get
8 the suffix right on that and it's Ord Street. You can see
9 probably on Google maps, I don't know. This is I don't
10 know how many years back, probably five or six to eight
11 maybe, I don't know, whatever, that time frame. You can
12 look it up if you want to do your research on it. I wrote
13 a notice of violation on there because there was a
14 complaint that they are exceeding the scope of work. I
15 went out there and looked at it along with my senior
16 inspector, Tam Chu (phonetic), just because it was kind of
17 a high profile thing. So the permit was to replace
18 existing foundation at basement level. I go out there and
19 I see out there just a wall, there is no basement. So I
20 wrote the notice of violation that said something to the
21 effect of -- I am going off the top of my head now -- the
22 existing one thousand and a half square foot existing
23 basement reported on the approved plans prepared I believe
24 by Mercury Engineering, also, does not exist. It is an
25 incontrovertible subterfuge that the basement ever existed.

1 Therefore, the permit and plans -- the legality of the
2 permit and plans is hereby abrogated.

3 Q. Okay.

4 A. I am not finished, Scott. For the record,
5 that paper file disappeared from code enforcement.

6 Q. So you issued a notice of violation, correct?

7 A. Yes.

8 Q. And what happened then?

9 A. And then he obtained another permit to say --
10 again, you can research this, too, I am just going off the
11 top of my head -- he obtained another permit to say
12 something about crawl space. Instead of a basement he
13 called it a crawl space now and that permit was I think
14 suspended. Neither of these I believe were revoked, they
15 were suspended.

16 Q. Were you permitted to continue as the
17 inspector on that site?

18 A. I don't believe so, no.

19 Q. Did you discuss -- so let me start over.

20 You go out to the site where there is a permit
21 that's been applied for to renovate the basement level and
22 you observed that there, in fact, is no basement level,
23 correct?

24 A. One thousand and a half square foot basement,
25 yes.

1 Q. That is represented on plans as an existing
2 condition but, in fact, it doesn't exist, right?

3 A. Correct. That's why I put incontrovertible
4 subterfuge.

5 Q. So you issue a notice of violation because if
6 somebody wants to create a basement, they have to get a
7 permit to create a basement, right?

8 A. That would be nice.

9 Q. Did that project ever get approved?

10 A. I don't know, I haven't followed up on that.
11 Again, you could research that if you would like to.

12 Q. It was in your district, right?

13 A. Yes.

14 Q. So why wouldn't you be the inspector that
15 goes out to follow through on the NOV and see how the
16 project proceeds?

17 A. I think we covered that earlier. If he wants
18 to call out another inspector and if you have their cell
19 phone and call them up or maybe Sweeney directed another
20 inspector to go out there. I can't ruminate on
21 hypothetical suppositions on why and what.

22 Q. What you know is that you no longer went out
23 to inspect the progress of that work, is that correct?

24 A. From what I know, I believe so. All that
25 will be on the record as to whoever did inspections out

1 there. I believe I issued the second notice of violation,
2 also.

3 Q. Do you recall approximately when this
4 occurred?

5 A. I don't recall and I don't want to give
6 answers that I can't recall. It is all on DBI record. But
7 I believe, also, that the typewritten into the computer is
8 -- I think that's been omitted, too, and I think I am the
9 only one who retains a copy of the original notice of
10 violation.

11 Q. Let me show you what the property information
12 map says about this address. For the record, I have gone
13 onto the property information map, San Francisco property
14 information map, I have typed in the address 24 Ord Court,
15 and I have clicked on the most recent permit which is a
16 permit dated in 2016.

17 A. One of the authorized agents.

18 Q. So the authorized agents refers to Sia
19 Consulting, S-I-A, an individual whose name I will need to
20 spell, B-A-H-M-A-N, last name G-H-A-S-S-E-M-Z-A-D-E-H. Are
21 you familiar with Sia Consulting?

22 A. I am familiar with Sia Consulting, I am not
23 familiar with the agent. Maybe they are one in the same, I
24 don't know. If I saw a picture I would recognize it.

25 Q. But then when I click on site permit details

1 this is what I find. Look at the site permit details as
2 they are listed, does this seem to reflect the inspection
3 you did where Mr. Pollard said he was renovating a basement
4 but, in fact, no basement existed?

5 A. I don't know, you would need to back up
6 farther. Go back to whatever you are in and then go to
7 complaints and then we can reverse engineer it. Go to
8 complaints and here you can get the complaints. Why don't
9 we try 2012 and then you know how to hit the little box
10 there -- yeah, you can hit there for complaints, you can't
11 hit there for permits, okay. Go back out of that one,
12 please, and go to the next one.

13 Q. Here we go, that's it.

14 A. Exactly. So why isn't the complaint in the
15 computer anymore, to the best of my recollection, and why
16 wasn't the original paper one scanned and why did it
17 disappear from the code enforcement.

18 Q. When you see an inspection record like this
19 and it says case abated with your name, what does that
20 mean?

21 A. Again, this is the glitch in the -- I know I
22 am not supposed to get too much into the weeds but that
23 means nothing. It doesn't mean it was abated at all. What
24 they failed to put in the comments is who actually did it.
25 The inspector is whose district it is so anybody can go in

1 and abate it and not put their initials, which I kind of
2 promulgated the -- not legally promulgated but finally got
3 people to put in their initials at the end of the comments.
4 When they don't put their initials in then it appears to be
5 under my name.

6 Q. Got it. It says here referred to C201314301.

7 A. It appears this is correct but the first NOV
8 says Ord Court. Whether I have that stated on the actual
9 complaint, whether I wrote court or street, I don't
10 recollect at this time. But let's move up to that next
11 complaint. Let's go up to the next. Something isn't
12 making sense here, there is something funny. I think we
13 missed one, I think you jumped to the fourth. I don't know
14 what's going on here. Can we back up? It looks like the
15 records have been altered here. I will have to look back
16 on my original NOV. If you want to back up and let's go
17 again to number five complaint.

18 Q. You mean the top one here?

19 A. Yes, sir. I don't know what's going on
20 there.

21 Q. Am I correct that from looking at the online
22 database there is no way for you or I to tell what happened
23 to the violation that you issued because the plans that
24 were approved showed a basement renovation and your site
25 visit showed that there was no basement to be renovated,

1 correct?

2 A. Yeah, a hundred percent correct. I haven't
3 looked at this in a long time. It looks like stuff was
4 altered to me. Why would you say wrong address five times?
5 I think this has been altered, I don't know.

6 Q. I believe you said this was a project
7 associated with Mr. Pollard, is that correct?

8 A. Yes, initiated by Mr. Pollard and I believe
9 Mercury Engineering. If you want to back up to that screen
10 if it's not too hard, we have got the date on there and we
11 can see -- go to building permits. Oh, this is Ord Court,
12 let's put Ord Street in. I think maybe you made the
13 mistake, I am respectfully saying that.

14 Q. I respect you, too.

15 A. Thanks. Let's jump back to complaints here
16 and we will see how the sausage is made. Actually, we are
17 on here, we are on here so let's stay where we are at. Can
18 you make the screen go up a little more? Can you roll up a
19 little more, please? Roll up a little more, please?

20 Q. That's it.

21 A. I don't know why these aren't chronological.

22 Q. If you let me roll down here, here is the
23 crawl space converted to basement.

24 A. Yeah, but the permit before -- let's hang
25 around the crawl space converted to basement and see. I

1 just saw it.

2 Q. Which one would you like me to click on?

3 A. The one that is suspended, ends in 959, the
4 one on the bottom. Look at the description of work. So
5 it's an existing first and second and basement level.
6 Again, there was no basement. So when we back that up all
7 of a sudden it's a crawl space. So if we jump back to
8 where we see crawl space and then that was suspended, too.
9 Right here, yes, that's it right there, revision. Now they
10 are identifying the existing crawl space and convert it to
11 a basement. It doesn't make sense because it already was
12 an existing basement and now it's a crawl space and now
13 it's suspended. Now let's jump back and look at the
14 engineer of record on that. Okay, here's the agents.
15 Harold Howell, Mercury Engineering. So when stuff gets too
16 hot for Pollard, he dumps it and walks and sometimes Santos
17 takes over. So if you go to some of the other ones you
18 will see where Santos takes over. Nowhere do you see any
19 permits revoked, you see them suspended.

20 Q. So let's talk about that revocation of
21 permits. In your twenty plus years as a building
22 inspector, how many times have you been involved in a
23 project where the permits were revoked approximately?

24 A. I don't recall. There may have been some but
25 I do not recall any at this time, that's how unique this

1 other situation is.

2 Q. Am I correct that the normal process when you
3 issue a notice of violation is that you give at a minimum
4 thirty days for the project sponsor to address the issues
5 that you have raised in the notice of violation?

6 A. You are correct. Typically, unless it's
7 egregious as we talked about before about a building going
8 down a hill or some kind of fire where the building
9 collapsed and that is acted on right away. So it varies
10 depending on the degree of life safety and imminent
11 hazards.

12 Q. But assuming there are no life safety
13 concerns, can you recall a single instance where you have
14 been involved in a project where in response to a notice of
15 violation the building department revoked all the permits
16 for a project?

17 A. No.

18 Q. You have talked about the relationship that
19 you believe exists between Mr. Pollard and Mr. Sweeney. Do
20 you believe that there is any kind of improper relationship
21 that exists between Mr. Pollard and Mr. Hernandez?

22 MS. LEE: Objection, calls for speculation.

23 THE WITNESS: I think that is speculative in
24 nature unless he was directed by Ed Sweeney to do so who
25 hired him to be and appointed him as chief of code

1 enforcement.

2 MR. EMBLIDGE: Q.: Are you aware of any close
3 relationship that Mr. Pollard has with anyone else at the
4 building department besides Mr. Sweeney and Mr. Hernandez?

5 MS. LEE: Objection, vague.

6 THE WITNESS: I am going to say vague, too. I am
7 unaware.

8 MR. EMBLIDGE: Q.: What don't you understand
9 about my question?

10 A. Repeat it one more time and I will see if I
11 can answer it and see if Sara won't object.

12 Q. Apart from arm's length relationship that
13 like you would have with contractors who deal with DBI, are
14 you aware of any relationship that Mr. Pollard has with
15 other DBI personnel besides Mr. Sweeney and Mr. Hernandez?

16 A. I think that would become self-evident if you
17 do a little research, as I told you earlier, about pulling
18 up the Pollard jobs and cross-referencing who the district
19 inspector was and who is doing the inspections out there.
20 I don't have that information in front of me so I cannot
21 speculate on that.

22 Q. I can do that research but what I am asking
23 is for your knowledge as an inspector that's been there for
24 a couple of decades. Are you aware of any relationship
25 that Mr. Pollard has with other DBI personnel besides

1 Sweeney and Hernandez?

2 A. I don't know, that's my answer.

3 Q. Do you know Annabel McClellan?

4 A. I know of her. Have I ever met her? No.

5 Q. What do you know of her?

6 A. What you wrote about her.

7 Q. That's it?

8 A. I think you covered it good in your brief so
9 that's how I --

10 Q. Are you saying you knew the things I wrote
11 about before you read what I wrote or is all your knowledge
12 about Ms. McClellan based on what I wrote?

13 A. After I read your approximately seventy page
14 brief or lawsuit, that's when I became aware of it, and I
15 read that in detail.

16 Q. Before you read that complaint were you aware
17 of the relationship between Ms. McClellan and Mr. Pollard?

18 A. Other than that he had a girlfriend. I
19 didn't know the depth of their relationship and her past,
20 if I am answering this correctly.

21 Q. Let's forget about her past. I am talking
22 about professional dealings with people at DBI. Were you
23 aware that Ms. McClellan and Mr. Pollard were connected in
24 a professional way?

25 A. No.

1 Q. I assume -- I will just ask. Are you aware
2 of anyone at DBI who has a relationship with Ms. McClellan
3 other than an arm's length professional relationship?

4 A. I am unaware.

5 Q. When you referred to the connected
6 contractors before, was Ms. McClellan one that came to mind
7 for you?

8 A. No.

9 Q. So let's move on to Mr. Santos, Rodrigo
10 Santos. You know who he is, correct?

11 A. Yeah, I have heard the name.

12 Q. Have you dealt with him professionally?

13 A. Many times.

14 Q. Do you socialize with Rodrigo?

15 A. I don't socialize with anybody up there, it
16 would compromise my professional integrity.

17 Q. Including Rodrigo Santos?

18 A. Yeah.

19 Q. Have you ever inspected projects that Mr.
20 Santos has been involved in?

21 A. Many.

22 MS. LEE: Just let him finish the question.

23 MR. EMBLIDGE: Q.: Have there ever been projects
24 where you have been the inspector -- strike that, let me
25 start that question again.

1 A. Hang on for a minute.

2 (Brief recess.)

3 MR. EMBLIDGE: Q.: We are talking about Rodrigo
4 Santos. Have there ever been situations where you have
5 been inspecting projects in the district to which you were
6 assigned that involved Mr. Santos where you believe Mr.
7 Santos complained that you were being too strict or too by
8 the book with his projects?

9 A. I give credit to Mr. Santos for being very
10 polite and to my knowledge he has never complained directly
11 to me.

12 Q. Have there been Rodrigo Santos projects where
13 you have come to learn that even though they were in your
14 district, other inspectors were inspecting his projects?

15 A. I think we covered that under 125 Crown
16 Terrace.

17 Q. Okay. Are there other examples of that
18 regarding Mr. Santos?

19 A. What about 3418 26th Street.

20 Q. I just think it's amazing the way you guys
21 can remember addresses.

22 A. It drives my wife nuts about remembering
23 credit card numbers and numbers sometimes.

24 Q. What happened at 3418 26th Street?

25 A. That was I believe a project that was a five

1 story, eleven unit building that was built from the ground
2 up without any permits through the rough framing through
3 the roof when finally The Chronicle got ahold of it and
4 said what's going on.

5 Q. Time out. You are saying a building -- a
6 five story building was built to the point of rough framing
7 and it had no permits?

8 A. That's what I said. I don't believe they
9 were -- you can research that one and also reference The
10 Chronicle article, that would probably give you better
11 detail on that.

12 Q. So what was your dealings with Mr. Santos on
13 that project?

14 A. It was reported to the interim director who
15 was my senior at the time. We went out there and I believe
16 it was my senior interim director -- I am starting to get a
17 little spacey here --

18 Q. Chris, let me just say if at some point this
19 has lasted too long and you are getting too tired to give
20 your best testimony, let us know.

21 A. I will. I may need a break sometime and I
22 will let you know or if we need to terminate this and
23 revisit, I will do that.

24 Q. You said that you and Mr. O'Riordan went to
25 the site?

1 A. And to the best of my recollection, I believe
2 Rodrigo Santos was allowed to submit the special
3 inspections records for the foundation and all the framing
4 in lieu of the city inspecting the foundation and the
5 framing up to a certain point. Again, after it was
6 identified in the Chronicle then it became too high profile
7 to, for lack of a better word, look the other way.

8 Q. Were you looking the other way?

9 A. No.

10 Q. Was this a project that you went out to
11 inspect?

12 A. I believe, from the best of my recollection,
13 just when the notice of violation was issued by director
14 O'Riordan.

15 Q. I want to understand the chronology. Did you
16 issue an NOV or did inspector O'Riordan issue an NOV?

17 A. Inspector O'Riordan issued the NOV because he
18 was a senior at the time.

19 Q. I think we started on this path when I asked
20 you for examples of projects where you were involved and
21 you subsequently learned that other inspectors became
22 involved. So what was your involvement in 3418 26th Street
23 and how did that change?

24 A. To the best of my recollection, my
25 involvement was the time I went out there, I believe but I

1 am not positive that it was me that went out there, but I
2 do believe the interim director wrote the notice of
3 violation on it. That should all be in the records. You
4 could probably find that if you went on SF PIM or whatever.

5 Q. Do you believe Mr. Santos was receiving any
6 kind of favorable treatment on this project from Mr.
7 O'Riordan or others at DBI?

8 MS. LEE: Objection, calls for speculation.

9 THE WITNESS: Yeah, that's speculation.

10 MR. EMBLIDGE: Q.: Do you believe that the
11 project was treated appropriately by DBI?

12 A. No.

13 Q. Why not?

14 A. Because we are supposed to be out there
15 inspecting. As we went over this earlier, the way I
16 handled stuff when I did inspections, we kind of covered
17 special inspections, oftentimes the engineer of record they
18 are supposed to go out there before we look at the okay to
19 pour and then we go out there and look at it. Many times
20 these inspectors, which I disagree with and I think
21 finally, finally, it may have changed it just a couple few
22 years ago, they would write okay to pour pending special
23 inspections. I want the special inspections done before.
24 And that means Rodrigo has been out there before and then
25 the city gives its blessing. I had one time somebody tell

1 me, I can't remember what engineer, but they said that the
2 engineer of record, he is going to sign off all the special
3 inspections when he gets back from South America.

4 Q. And why was that troubling to you?

5 A. Because he is supposed to look at it.

6 Q. It wasn't just a case of him doing the
7 special inspections and then flying off to a vacation?

8 A. No, and I can't say that was Rodrigo but on
9 the other hand I can't say that it wasn't. It just blew me
10 away, yeah, he is in South America for the month but when
11 he comes back he is going to sign off on all the rebar,
12 special inspections, the rough framing, and I kind of --
13 yeah, I think you get it.

14 Q. Are you aware of other projects where you
15 think Mr. Santos was given favorable treatment by DBI
16 personnel?

17 A. Not off the top of my head.

18 Q. Have you ever talked with -- well, are you
19 aware of any kind of relationship that Mr. Santos has with
20 Mr. Sweeney?

21 A. I believe they are very close. Again, Mr.
22 Santos was a go-to guy for the RBA and many of the other
23 connected contractors because he can make things work.

24 Q. I need you to break that down a little bit.
25 When you say he was the go-to guy for the RBA, what do you

1 mean by that?

2 A. If you have a problem, you go to him, it gets
3 fixed, whether it's right or wrong.

4 Q. A problem with DBI?

5 A. A problem with a project. Again, Mr. Santos
6 is a very smart, charming, polite guy but the veracity of
7 some of the permits that he has pulled I have always found
8 kind of questionable. Not all of them, not all of them,
9 but a lot of them.

10 Q. Let me tell you what I am hearing and tell me
11 if I am getting it right. It's your impression that if RBA
12 members were working on a development project and they ran
13 into trouble with permitting or inspections through DBI,
14 they would turn to Mr. Santos because based on his
15 connections at DBI he could help get those problems
16 resolved. Am I hearing you correctly?

17 A. Yes.

18 Q. Are you aware of any particular favors or
19 gifts or work that Mr. Santos did for any DBI employees?

20 A. I can't think of any at this time but I am
21 sure there probably is some. You can research all that on
22 the DBI website. If you type in Santos and you can see all
23 the projects that he has approved and sometimes the name
24 changed, Santos & Associates, Santos & Urrutia. I can't
25 think of any other specifics.

1 Q. Are you aware of any relationship that Mr.
2 Santos has with Mauricio Hernandez?

3 A. Not specifically, no, other than Ed Sweeney
4 probably telling him before Santos fell from grace that I
5 am sure he was encouraged to give preferential treatment to
6 Rodrigo Santos and his projects. As we discussed earlier,
7 with Mr. Sweeney -- when Mr. Sweeney said are they an out
8 of town contractor? Are they from Marin? Then we issue
9 the NOV.

10 Q. Your lawyer dropped off again so we should
11 pause for a few seconds.

12 (Brief recess.)

13 MR. EMBLIDGE: Q.: Are you aware of any
14 relationship that Mr. Santos has with Patrick O'Riordan
15 apart from an arm's length professional relationship?

16 A. You need to be more specific on that if you
17 can, please.

18 Q. By an arm's length professional relationship
19 I am talking about Mr. Santos is obviously someone that
20 does a lot of business with DBI so he has to deal with DBI
21 personnel and has a professional relationship with them
22 like he would have with you in having you inspect his
23 projects. I am asking whether you are aware of any
24 relationship Mr. O'Riordan has with him outside of that
25 kind of day to day professional relationship at DBI?

1 A. If you are referring to events or socializing
2 or anything like that, I am unaware but it wouldn't
3 surprise me. Events like some RBA stuff where Santos would
4 be at and interim director O'Riordan would be at, if I am
5 answering that right. But anything extraneous I can't
6 speculate on.

7 Q. Are you aware of any tension or rivalry or
8 dislike between Mr. Santos and Pat Buscovich?

9 A. I am not aware of any rivalry, to the best of
10 my knowledge. I know they are both -- they both do a fair
11 share of work in the city. I haven't had problems ever
12 with Mr. Buscovich, I found him always polite and
13 professional. Whenever he missed something, which happens
14 on very rare occasion, either on the plans or anything he
15 has always promptly corrected and politely and respectfully
16 and also thanks, you are doing your job. So he appreciates
17 me doing my job and doing the right thing I always felt
18 with Mr. Buscovich.

19 MS. LEE: Just answer the question, Chris.

20 THE WITNESS: Thanks, Sara, sorry about that.

21 MR. EMBLIDGE: Q.: Have you ever heard Mr.
22 Hernandez say anything about Mr. Buscovich?

23 A. Not that I can remember.

24 Q. Have you ever heard Mr. Sweeney say anything
25 about Mr. Buscovich?

1 A. Not that I can remember.

2 Q. The Six Dogs project on 22nd that we talked
3 about earlier, you are familiar with that project, right?

4 A. I have read your seventy page or something
5 whatever it was lawsuit in detail. I read it a couple of
6 times.

7 Q. Did you ever hear Mr. Hernandez say anything
8 about that project or people associated with that project?

9 A. Again, as I reiterated at the beginning of
10 this deposition, I have very little contact with Hernandez.
11 We don't interact so I don't -- I wouldn't be one of the
12 inside people who would get knowledge if there was anything
13 going on, that would probably be more between he and
14 Sweeney.

15 Q. Did you ever overhear Mr. Sweeney and Mr.
16 Hernandez talking about the project at any time?

17 A. No.

18 Q. Albert Urrutia, U-R-R-U-T-I-A, have you dealt
19 with him professionally, Mr. Schroeder?

20 A. Just a handful of times and I can barely
21 remember -- not I can barely, I can't remember when and
22 where. Rodrigo is the person who fronts the band, for lack
23 of a better word.

24 Q. What about Patricia Urrutia or Kristen
25 Urrutia, have you ever dealt with either of them?

1 A. I never even heard of their names.

2 Q. Have you ever heard of a contractor or
3 project sponsor named Tim Brown?

4 A. The name sounds familiar. I can't picture
5 the face or any projects.

6 Q. What about Christopher Durkin, D-U-R-K-I-N?

7 A. Again, the name sounds familiar. I can't
8 picture their faces or any projects that I have been on
9 with them.

10 Q. Are you aware of a project that you inspected
11 at 2517 Green Street?

12 A. That sounds very familiar. If you bring it
13 up I could probably give you more information on that, and
14 I am only good for another fifteen minutes here.

15 Q. Got it. Why don't we just talk about this
16 project briefly and call it a day. I am going to share my
17 screen. For the record, I have gone onto the San Francisco
18 Property Information Map for 2417 Green Street. I may have
19 earlier misidentified it as 2517. So I clicked on
20 complaint number 201830371 and I am just going to scroll
21 down where you will see your name shows up a few times.
22 Does this refresh your recollection at all about --

23 A. Can you roll up to what the complaint was? I
24 saw something about a chimney, maybe it will refresh me a
25 little more. Yes, it does sound familiar. Again, as you

1 can see here in the comments on 5/21 referral information,
2 which it comes right back after inspection information.
3 You will see on 5/21/18 bid return per request to inspector
4 McHugh, and I think I mentioned him earlier. If we could
5 roll up a little more to 4/25/18 or actually just before
6 and you will see penetration seal by McHugh, so he has
7 entered that in there, so penetration seal, that doesn't
8 close at NOV. Yeah, here is where the sausage is getting
9 made, case abated per Kevin McHugh prior to directors
10 hearing at which time -- should I read this?

11 MS. LEE: Just wait for a question.

12 MR. EMBLIDGE: Q.: When you say this is where
13 the sausage is being made, what do you mean?

14 A. A case is abated per Kevin McHugh prior to
15 the directors hearing at which time the request to be heard
16 by the hearing officer if granted the decision to return to
17 bid is decided, after the hearing, not prior, the case
18 would be returned and possibly abated with ND -- when in
19 DBI possession of the file, therefore, the abatement is
20 hereby abrogated. Then it's returned down there to Kevin
21 McHugh, as you can see, and this is one of these called
22 fipos (phonetic), file placed in O'Riordan's office, and
23 then McHugh abates the case.

24 Q. The entry on April 25, 2018, that is an entry
25 you made, right? We know that because your initials CS are

1 at the end of the entry?

2 A. Yes.

3 Q. What is the significance of the file being
4 placed in Patrick O'Riordan's office?

5 A. Typically that's the limbo place where
6 connected people have their files placed sometimes for
7 years. I have seen it even up to ten years for the
8 connected people.

9 Q. If you were a connected person why would you
10 want to be in limbo for ten years?

11 A. Because no abatement action or order of
12 abatement would be issued and it puts the brakes on any
13 code enforcement action.

14 Q. I see. Okay, Mr. Schroeder, thank you. I
15 know you are tired, you have been very patient. I will
16 talk with Ms. Bers and Ms. Lee about a date that's
17 convenient to finish your deposition.

18 THE REPORTER: Would you like to order a copy of
19 the transcript?

20 MS. LEE: Yes.

21 MS. BERS: Yes.

22 (Whereupon, at 4:35 p.m. thereof, the deposition
23 was continued sine die.)

24

25 -----
CHRIS SCHROEDER

1 STATE OF CALIFORNIA

2 I do hereby certify that the witness in the foregoing
3 deposition was by me duly sworn to testify the truth, the
4 whole truth, and nothing but the truth in the within-
5 entitled cause; that said deposition was taken at the time
6 and place therein stated; that the testimony of the said
7 witness was reported by me, a Certified Shorthand Reporter
8 and a disinterested person, and was under my supervision
9 thereafter transcribed into typewriting; that thereafter,
10 the witness was given an opportunity to read and correct
11 the deposition transcript, and to subscribe the same; that
12 if unsigned by the witness, the signature has been waived
13 in accordance with stipulation between counsel for the
14 respective parties.

15 And I further certify that I am not of counsel or
16 attorney for either or any of the parties to said
17 deposition, nor in any way interested in the outcome of the
18 cause named in said caption.

19 IN WITNESS WHEREOF, I have hereunto set my hand the
20 22nd day of February, 2021.

21

22

23

24



Certified Shorthand Reporter
CSR No. 7435



25