

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO COURTHOUSE

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

Plaintiffs,

vs.

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.

-----/

REMOTE VIDEOCONFERENCE DEPOSITION OF

DARRYL HONDA

Tuesday, February 16, 2021

10:07 a.m.

Reported by:

TERRI D. KINSER
CSR No. 4393

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ALSO PRESENT:

20

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21

(Appeared remotely)

22

RACHEL SWANN

(Appeared remotely for the afternoon session)

23

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1 TUESDAY, FEBRUARY 16, 2021, 10:07 A.M.

2 * * *

3 THE REPORTER: Before we proceed today, I will
4 now ask counsel to stipulate on the record that there is
5 no objection to the deposition officer administering the
6 binding oath to the witness remotely and that the
7 testimony is being given as if the witness was sworn in
8 person, starting with the taking attorney.

9 MR. EMBLIDGE: So stipulated.

10 MR. STEVENS: No objection. Stipulated.

11

12 DARRYL HONDA,
13 having been first duly remotely sworn by
14 the court reporter, was examined
15 and testified as follows:

16

17 THE REPORTER: Okay. Thank you. You may
18 proceed, Counsel.

19

20 EXAMINATION BY MR. EMBLIDGE

21 MR. EMBLIDGE: Good morning, Mr. Honda.

22 Have you had your deposition taken before?

23 A. Excuse me?

24 Q. Have you had your deposition taken before?

25 A. Did I take a deposition?

1 Q. Have you ever been deposed before?

2 A. Yes.

3 Q. Okay. So you probably know the rules -- how to
4 make this go smoothly, but particularly in a Zoom
5 environment, it's really important that you let me finish
6 my question, even if you think you know where I'm going,
7 before you start your answer and I'll let you finish your
8 answer before I ask my next question so that we have a
9 clear record and the court reporter doesn't have to take
10 down two people talking at once. Okay?

11 A. Yes.

12 Q. I'm entitled to your best recollection about the
13 subjects I'm going to ask you about, but I don't want you
14 to guess or speculate. If you don't understand any of my
15 questions -- and sometimes that's going to happen --
16 please let me know. I'll rephrase my questions so that we
17 are communicating. All right?

18 A. Okay.

19 Q. Okay. And it's really important -- you're
20 putting yourself -- and you're muted right now. It's
21 going to be very important that you answer audibly so that
22 the court reporter can take things down. Nods of the
23 head, shakes of the head -- they don't work in a
24 deposition format. Okay?

25 A. I understand. I have five dogs and an elderly

1 father who's having a blood draw downstairs right now, so
2 I don't really think that you want the background audio.

3 Q. Right. And as we discussed, if for any reason
4 you need to take a break to attend to your father or for
5 any reason, just let us know. Okay?

6 A. Yes.

7 Q. All right. Am I correct that you have some
8 general knowledge about the lawsuit that we're here about
9 today?

10 A. Correct.

11 Q. Can you tell me, other than your attorneys, who
12 have you talked with about your deposition being taken
13 today?

14 A. Wife, family. Because of Covid, I'm not really
15 talking to very many people, but I would imagine that I
16 mentioned it to people here and there. It's not a secret
17 and I don't remember -- I don't recall who I said that I
18 am being deposed to. I'm pretty open about it.

19 Q. Is there anybody you can recall, other than
20 family members, with whom you talked about being deposed
21 today?

22 A. Frank Fung.

23 THE REPORTER: I'm sorry?

24 THE WITNESS: Frank Fung.

25 MR. EMBLIDGE: That's F-r-e-d (sic) F-u-n-g.

1 Anyone else?

2 A. Not that I can recall.

3 Q. And with whom have you -- other than your
4 attorneys, with whom have you discussed the allegations in
5 this lawsuit?

6 A. In what manner? Just in general or just that I'm
7 being deposed?

8 Q. No. Apart from being deposed, with whom have you
9 discussed the allegations that Mr. Richards and Miss Swann
10 are making in the lawsuit?

11 A. John Pollard.

12 Q. Who else?

13 A. His wife.

14 Q. That's Annabel McClellan?

15 A. I believe so.

16 Q. Well, who did you mean when you said, "His wife"?

17 A. Annabel. I don't know if it's Annabel or Annabel
18 (pronunciation).

19 Q. Who else?

20 A. I don't know. I can't remember in particular,
21 but I remember I spoke to them about that.

22 Q. What about Ed Sweeney?

23 A. No, I had no communications with him.

24 Q. What about Fred (sic) Fung?

25 A. Yes, I spoke to Frank Fung about that.

1 Q. You answered earlier -- I thought you said "Fred
2 Fung," but did you mean Frank Fung?

3 A. I meant Frank Fung.

4 Q. All right. Is there anybody you can recall with
5 whom you've discussed this lawsuit other than family
6 members, John Pollard, Annabel McClellan and Frank Fung?

7 A. I'm not sure.

8 Q. And when I say "discussed," I mean, also,
9 communicated by written communication, email, text, that
10 sort of thing.

11 Anyone else you've communicated with in any form about
12 the allegations made in the lawsuit?

13 A. I don't recall. I'm not sure.

14 Q. Can you recall anyone?

15 A. That I would send a written notification to? No,
16 I can't remember.

17 Q. No, not a notification to, but an email, a text
18 about what the allegations are in the lawsuit, including
19 the allegations about communications you had.

20 A. I can't remember.

21 Q. Have you reviewed any documents in preparing for
22 your deposition today?

23 A. Just what I've gone over with my attorneys.

24 Q. Okay. Can you -- well, I'm entitled to know the
25 documents you reviewed in preparing for the deposition, so

1 can you tell me what those are in general?

2 A. What you requested. You requested some Facebook
3 stuff, my emails and my text -- phone records.

4 (Whereupon, Exhibit 37 was marked for
5 identification and is attached hereto.)

6 MR. EMBLIDGE: Okay. All right. Now, I believe
7 you've been provided with what we're going to mark as
8 Exhibit 37, the Deposition Notice.

9 Is that correct?

10 A. I have not. Oh, 37? Oh, hold on here. Let me
11 go get 37. What I have only goes to Number 28.

12 Q. Okay. Exhibit 37 is a five-page document that
13 should say "Plaintiffs' Notice of Deposition of Darryl
14 Honda."

15 Do you not have that?

16 MR. STEVENS: Darryl, I think that's the last
17 email I sent you.

18 THE WITNESS: Oh, you sent me an email? Hold on.
19 Let me go to that email. Hold on here.

20 I have an email at 10:05 -- oh, there's two things on
21 there, I guess. It just says "G. Scott Emblidge, State
22 Bar Number 121613, Matthew K. Yan, State Bar number," and
23 if you read down further, it says "United States District
24 Court, Northern District of California, San Francisco
25 Courthouse."

1 MR. EMBLIDGE: And then a little bit further
2 down, it says, "Plaintiffs' Notice of Deposition of Darryl
3 Honda." Correct?

4 A. Yes, Plaintiffs' Notice of -- it says
5 "3:20-cv-01242."

6 Q. Okay. So if you could take a minute and look at
7 that document and tell me if you've seen it before today.

8 A. I do not recall seeing this document before.

9 Q. Okay. If you could look at Pages 4 and 5 of the
10 document, you'll see there are 18 categories of documents
11 that we asked you to produce.

12 Do you see that?

13 A. Yes, I do.

14 Q. Could you look through those categories and tell
15 me if you think you have produced all the documents that
16 you have responsive to those categories?

17 A. "Category 1" --

18 Q. No, you don't need to --

19 A. -- "Communications between you and anyone
20 regarding the 18th Street project." No.

21 "Category Number 2: All communications" --

22 Q. Time out. You don't need to read them all into
23 the record.

24 So if you could just look through them and then tell
25 me if there are categories where you did not -- or where

1 you did produce all the documents you have in your
2 possession relating to those categories?

3 A. Yes, I believe so.

4 Q. You believe what? I'm sorry.

5 A. Yes.

6 Q. I don't know what that means, Mr. Honda.

7 A. You asked if I -- if I've given you these
8 documents. Yes, I have.

9 Q. Okay. So your testimony is you've produced all
10 the documents in your possession that relate to the 18
11 categories in Exhibit 37.

12 Is that correct?

13 MS. BERS: Scott, I'm just going to jump in here.
14 Pursuant to our meet and confer efforts, the parties
15 agreed upon some search terms to run on Mr. Honda's email
16 and so I just want to note for the record that that is the
17 process.

18 MR. EMBLIDGE: Do you have my last question in
19 mind, Mr. Honda?

20 A. Your last question was --

21 Q. Am I correct that you have produced all documents
22 in your possession that you believe are responsive to
23 Categories 1 through 18 in Exhibit 37?

24 A. I believe that I have complied with what you have
25 asked me to provide, yes.

1 Q. And so in looking for documents that might be
2 responsive to those categories, in order to produce them,
3 where did you look?

4 A. In the site search criteria that you provided.

5 Q. What does that mean, the site search criteria?

6 A. In the criteria that you asked me to search in.
7 So you asked for specific information. I then gave my
8 phone and my email accounts to the city attorney.

9 Q. Okay. So did you do that search or did you
10 provide your devices and your email accounts to the city
11 to do the search?

12 A. We did both.

13 Q. All right. And the email addresses you searched
14 or provided to the city to search -- which ones were
15 those?

16 A. I can't remember. If you give me the names, I
17 will tell you "Yes" or "No."

18 Q. Darryl.honda@hotmail.com.

19 A. I don't have that email account.

20 Q. So you didn't provide that to --

21 A. I don't -- that's not my email account.

22 Q. Okay. But you have to let me finish my
23 question -- all right -- so the court reporter doesn't
24 have to take us both talking at the same time.

25 A. Sure.

1 Q. Have you ever had that email account?

2 A. No.

3 Q. All right. What about darrylhonda@aol.com?

4 A. Yes.

5 Q. And is that one of the email accounts that you
6 searched or that the city attorney searched?

7 A. I'm not sure. I haven't used that account for
8 over a decade.

9 Q. What about sfdragon@juno.com?

10 A. Not my email.

11 Q. Sfdragon@hotmail.com?

12 A. Not my email.

13 Q. Sfhomes@aol.com?

14 A. Um, I might have had that 20 years ago. I don't
15 have access to that account.

16 Q. What is your current account?

17 A. Um, darryl@teamhondasf.com.

18 Q. Is that the only account you provided to the
19 city?

20 A. No, I believe they -- they searched the previous
21 account as well.

22 Q. Okay. What was that account?

23 A. I believe it was darryl@sf-living.

24 Q. What about darryl@darrylhonda.com?

25 A. I don't have access to that account.

1 Q. Is it an account you've used in the past?

2 A. No. I believe that was from 1998, when I ran for
3 supervisor.

4 Q. Okay. So the two that you did search were
5 darryl@teamhonda.com and darryl@sf-living.com.

6 Is that correct?

7 A. Correct. And I believe they searched my sfguv.

8 THE REPORTER: Did you say "my sfguv"?

9 THE WITNESS: Yes, my sfguv.

10 MR. EMBLIDGE: S-f-g-u-v.

11 All right. And do you use Telegram?

12 A. No.

13 Q. Did you ever use Telegram?

14 A. I have it on my account, but only one of my
15 clients uses it, so I use it with that client.

16 Q. Other than email, are there any other sources of
17 electronic communication you've used?

18 A. On my phone, I -- because I have clients in Korea
19 who choose to do Line, L-i-n-e. I have clients in
20 Indonesia who prefer to use WhatsApp. I have clients in
21 China who prefer to use MiChat. I have Viber, but have
22 not used Viber in many years.

23 Q. Can you spell that one? I'm sorry. I don't know
24 that one.

25 A. Viper. V, as in Victor, i, as in I, b, as in

1 boy, e, as in Edward, r, as in Robert.

2 Q. Okay. And then in terms of text messages,
3 what -- do you have more than one cell phone account or
4 account by which you communicate via text and send text
5 messages?

6 A. No. I only have one phone number.

7 Q. And what is that?

8 A. 415.608.7575.

9 Q. 7574?

10 A. 7575.

11 Q. And you provided the City Attorney's office with
12 access to that account?

13 A. Correct.

14 Q. Okay. Let's talk about some real basic stuff.
15 Tell me briefly your educational background.

16 A. I have a ninth grade education.

17 Q. In the United States or where?

18 A. In the United States.

19 Q. And let's talk about your employment background.
20 So you are a real estate agent. Correct?

21 A. Correct.

22 Q. With -- what's it called now -- Corcoran. Is
23 that --

24 A. Correct.

25 Q. Okay. And how long have you been a real estate

1 agent with Corcoran or Zephyr?

2 A. Twelve, thirteen years.

3 Q. And before that, how were you employed?

4 A. We were a real estate agent called "Barbagelata."

5 Q. Oh. How long were you with Barbagelata?

6 A. Three years.

7 Q. And what did you do before that?

8 A. I was a real estate agent at another company,
9 which I can't remember -- for a year, and then I was at
10 Fog Horn Realty for nine years.

11 Q. When did you get your real estate license?

12 A. 1990 -- 1997, I believe.

13 Q. And you've been a licensed real estate agent ever
14 since then?

15 A. Correct.

16 Q. Have you had any employment since 1997, other
17 than as a licensed real estate agent?

18 A. I used to own a video store.

19 Q. When was that, approximately?

20 A. 1985 to 2000.

21 Q. Not too many people only video stores anymore.

22 Now, you are currently the president of the San
23 Francisco Board of Appeals.

24 Is that correct?

25 A. That's correct.

1 Q. How long have you been a member of the Board of
2 Appeals.

3 A. Eight years.

4 Q. Have you held any other city offices besides the
5 Board of Appeals?

6 A. No.

7 Q. Do you have any professional licenses other than
8 your real estate license?

9 A. No.

10 Q. Apart from being a real estate broker, do you
11 have any --

12 A. I'm a real estate agent.

13 Q. Sorry. A real estate agent.

14 Do you have any professional involvement in real
15 estate?

16 A. Explain.

17 Q. Pardon me?

18 A. Explain.

19 Q. Well, like, for example, are you involved in
20 acquiring properties as investments or acquiring
21 properties to renovate and sell?

22 A. Yes.

23 Q. Okay. Could you just briefly tell me about that
24 part of your career?

25 A. Um, I bought with two partners an empty lot --

1 two empty lots in the Tenderloin six years ago.

2 Q. Two empty -- okay.

3 Approximately -- I'm sorry. What are the addresses of
4 those lots?

5 A. 430 Eddy and 519 Ellis Street.

6 Q. And who are your partners?

7 A. John O'Donoghue and Eric Wong.

8 Q. Eric W-o-n-g?

9 A. Yes. Correct.

10 Q. Other than that, have you been involved in the
11 real estate investor or development business at all?

12 A. I've done one more project at 133 Ellis -- no,
13 133 Elsie.

14 Q. Elsie?

15 A. Elsie, E-l-s-i-e.

16 Q. Is that in San Francisco?

17 A. That's correct.

18 Q. Huh. Never heard of that street.
19 Did you have partners in that venture?

20 A. John O'Donoghue.

21 Q. Is Mr. O'Donoghue a contractor?

22 A. He is.

23 Q. Is he a member of the Residential Builders
24 Association, to your knowledge?

25 A. No, he is not.

1 Q. What about Eric Wong?

2 A. Eric Wong is not a contractor.

3 Q. The 133 Elsie project -- is that a project that's
4 still in the works or is that a property that you --

5 A. No, we -- John and I bought 133 Elsie fully
6 entitled, fully permitted and it was a vacant lot and we
7 built it and sold it.

8 Q. Approximately when would you say you sold it?

9 A. Let me look that up. March 2015. And we
10 recently sold 430 Eddy and we 1031'd that into 2121 Mason
11 Street.

12 Q. And who --

13 A. And my partner on that is John O'Donoghue.

14 Q. Okay. Do you still have 519 Ellis?

15 A. We still have 519 Ellis.

16 Q. And who did you sell 430 Eddy to?

17 A. An agent brought in a buyer. It's a Southern
18 California company.

19 Q. Do you know the name of the company?

20 A. I'm looking for it. Global Premier Development.

21 Q. That's a pretty generic name.

22 2121 Mason -- is that in North Beach, Fisherman's
23 Wharf?

24 A. That is North Beach.

25 Q. And what are the plans for that?

1 A. It's a fully entitled project to build four
2 condominiums.

3 Q. Do you provide advice about real estate
4 development to others?

5 A. You mean, if -- I don't understand the question.

6 Q. Oh, okay. So I understand that you are a real
7 estate agent, but do you advise people not just about
8 buying and selling properties, but about developing
9 opportunities?

10 A. I'm particularly a residential realtor. I have
11 very limited business in commercial property.

12 Q. Okay. But do you provide advice to individuals
13 who are interested in investing in residential real estate
14 in San Francisco?

15 A. Explain the question. So I mean, if they say, "I
16 want to buy a property," I say, "What would you like to
17 buy? I'm a realtor."

18 Q. Okay. Do you provide them advice about
19 investment opportunities for -- do you advise clients
20 about opportunities for residential properties in San
21 Francisco to purchase, renovate and sell?

22 MR. STEVENS: Objection. Vague.

23 THE WITNESS: I'm sorry?

24 MR. EMBLIDGE: Mr. Stevens said, "Objection.
25 Vague," but you can answer the question, if you understand

1 it.

2 THE WITNESS: You're not being specific enough.

3 MR. EMBLIDGE: Do you know what the term
4 "flipping" refers to?

5 A. I don't flip properties and I don't -- I don't
6 personally flip properties and my clientele base are not
7 flippers.

8 Q. Okay.

9 A. I don't generally deal with flippers.

10 Q. Okay. So I don't mean flippers in any pejorative
11 way. I mean, somebody that's interested in buying a
12 residential property that looks like it's being
13 underutilized, renovating it and then selling it,
14 hopefully, for a profit. Okay?

15 A. Not in this city. That's generally not -- in San
16 Francisco, that is a hard proposition and I generally
17 don't work with people that want to buy something cheap to
18 flip. Most of my clientele base are people that are
19 looking to owner occupy.

20 Q. You say you generally don't and you say most of
21 your clients.

22 Is there some percentage of your clients that are
23 interested in those investment and sale opportunities?

24 A. Yes.

25 MR. STEVENS: I'm going to interpose a late

1 objection. Lacks foundation.

2 You can answer, Darryl.

3 THE WITNESS: So I mean, again, generally, I
4 don't work with that type of client. That's not my
5 clientele base. So when clients want to bid on distressed
6 properties and lowball, that's not my business.

7 Real estate is very specific. I mean, even though the
8 license is very broad, my business over the last 500 homes
9 has been just for people that are either selling their
10 homes -- and I'm primarily a listing agent. 85 percent of
11 my business is listing properties. A very small
12 percentage is representing buyers.

13 MR. EMBLIDGE: So 85 percent of your business is
14 listing residential properties for sale. Correct?

15 A. Correct.

16 Q. And what percentage of that is in San Francisco
17 as opposed to outside of San Francisco?

18 A. 90 percent.

19 Q. All right. So I'm going to ask you a broad
20 question. You're on the Board of Appeals.

21 What is your understanding of the role of the Board of
22 Appeals in city government?

23 A. That is a pretty broad question, actually. So I
24 mean, ultimately, in the past, the Board of Appeals has
25 been called the people's court. We're there to settle

1 disputes between appellants and permit holders regarding a
2 large variety of things, as well as taxi medallions,
3 medical cannabis dispensaries, food carts, food trucks,
4 sidewalk encroachments, tenant issues regarding
5 unpermitted work, vinyl windows that have been put in
6 without benefit of permit.

7 So at that point, people like yourself represent a
8 party and then we have an opposing attorney generally
9 representing an appellant or a permit holder. They each
10 provide a brief as well as oral comments and at that
11 point, there's five members on my body that make that
12 decision, and so we can either -- generally, it takes four
13 members of our board to overturn a decision; three members
14 required to continue.

15 Q. Have you heard the phrase, "a quasi-judicial
16 body" in relation to the Board of Appeals?

17 A. Correct.

18 Q. What's your understanding of the significance of
19 a Board of Appeals being a quasi-judicial body?

20 A. I believe that we're not supposed to have any
21 involvement regarding the case prior. We're not allowed
22 to look up the address on Google. Any relationships I
23 have must be disclosed. So if I have hired professionals
24 on my behalf and they're appearing before the body, then
25 they should be -- if you've ever been to one of my

1 hearings, you will notice that I do have to make a
2 disclosure regarding that I've hired Reuben & Junius on my
3 own personal project.

4 So any person that I've dealt with professionally, any
5 property that I've been on within a year, I have to
6 disclose.

7 Q. Yeah, I have heard that disclosure.

8 So Reuben & Junius -- they are your attorneys on the
9 Eddy and Ellis --

10 A. Correct.

11 Q. -- Street?

12 A. And now that Eddy has been sold, the clock is
13 ticking --

14 THE REPORTER: I'm sorry. You cut out.

15 You said, "And now that Eddy has been sold, the clock
16 is ticking" --

17 THE WITNESS: -- for me to give disclosure on
18 that property, but they are still my representation
19 regarding the Ellis Street property. And then regarding
20 2121 Mason, we have no representation on that.

21 MR. EMBLIDGE: Did you say "new" --

22 A. I'm sorry. No representation.

23 Q. Okay. All right. Now, you deal with appeals of
24 permits issued by the Department of Building Inspection.
25 Correct?

1 A. That's correct.

2 Q. Do you have an understanding of the difference
3 between a DBI suspension of a permit and a DBI revocation
4 of a permit?

5 A. Not in-depth, but casually.

6 Q. Okay. What's your understanding?

7 A. That a revocation would require you to resubmit
8 your permits as a whole and that a suspension means that
9 you would have to deal with whatever reason why you're
10 being suspended.

11 Q. In the last eight years that you've been on the
12 Board of Appeal, can you recall any appeals coming before
13 you that have involved permits being revoked by DBI?

14 A. Not that I can remember.

15 Q. What is your understanding, if you have one, as
16 to the bases on which DBI can revoke a permit as opposed
17 to suspending it?

18 A. I actually don't have --

19 MR. STEVENS: That lacks foundation.

20 THE WITNESS: I don't have any knowledge on how
21 that is formed.

22 MR. EMBLIDGE: Do you have any understanding
23 about the difference between a Notice of Violation and a
24 Notice of Correction issued by DBI?

25 A. Vaguely.

1 Q. What's your vague understanding?

2 A. That a Notice of Violation is -- actually, I
3 believe they're similar. A Notice of Violation is being
4 issued on work that has been not done either with a permit
5 or as to the permit situation. A Notice of Correction
6 would be that if you had a permit, that that permit would
7 be corrected; whereas, a NOV potentially means that you
8 don't have a permit for that.

9 Q. Have you heard the phrase "serial permitting"?

10 A. Yes.

11 Q. What is your understanding of what that means?

12 A. Um, that the permit in its entirety would not
13 have been issued without further process and that to skirt
14 the law, multiple permits are taken out to -- to
15 circumvent that. If all work had been initially put down
16 on the permit, then it would not have happened or as
17 quickly. There would be no process.

18 Q. Okay. Not necessarily that it would never have
19 happened, but that it would have involved, for example,
20 neighborhood notification and a longer process. Correct?

21 A. It depends on what the serial permitting
22 involves.

23 Q. Have you ever heard of certain building
24 inspectors at the Department of Building Inspection being
25 assigned to projects at the request of a contractor or a

1 project sponsor?

2 A. No.

3 Q. Have you ever heard of some contractors or
4 project sponsors being social friends with DBI personnel?

5 A. No.

6 Q. Have you ever heard that subcontractors or
7 project sponsors or engineers have given money or gifts of
8 any kind to DBI personnel, apart from, of course, paying
9 permit fees?

10 A. No.

11 Q. You've never heard allegations to that effect?

12 A. No.

13 Q. Have you ever heard of any contractors, engineers
14 or project sponsors performing work for DBI personnel on
15 their personal property?

16 A. No.

17 Q. So you have a city email account. Correct?

18 A. Correct.

19 Q. As far as conducting Board of Appeal business, do
20 you do all of your Board of Appeal business on the city
21 email account or do you also do Board of Appeal business
22 on your other two e-mail accounts?

23 A. SF-Living has been turned off three years ago,
24 when I opened the darryl@teamhondasf. And so that
25 SF-Living is just redirected to Team Honda, and as far as

1 business being done on both, I answer both emails and
2 sometimes, yes, they get crossed. They get crossed and
3 because we're quasi-judicial, no one's allowed to email me
4 about projects.

5 Q. Nobody's allowed to email you --

6 A. No one's allowed to email me regarding a project
7 that is before the body -- before the board.

8 Q. But surely that happens sometimes, doesn't it?

9 A. I can't remember the last time it has. And then
10 generally, I just respond that this is incorrect or I
11 forward it to my director.

12 Q. Your director at this time being Julie Rosenberg?

13 A. Correct.

14 Q. So you can't remember a time when anyone has sent
15 you an email about a project pending before the Board of
16 Appeals?

17 A. No.

18 Q. That's good to hear.

19 A. Yeah.

20 Q. I don't do it, but I assumed everyone else does.

21 A. I haven't got one from you, Scott.

22 Q. I assume I'm too much of a Boy Scout, so I'm glad
23 to hear.

24 A. There's actually quite a few Boy Scouts out
25 there. There's only a few that are not Boy Scouts.

1 Q. Are there any policies or rules you're aware of
2 that say you should only be engaging in Board of Appeals
3 business on the city account versus your personal account?

4 A. Not that I'm aware of. I try to keep them
5 separate, but, I mean -- the emails are very limited that
6 come on my sf.gov email. Those emails are generally just
7 city emails regarding taking Covid tests and informational
8 packages from my board and overall city material.

9 Q. Do you have a city-issued phone?

10 A. No, I do not.

11 Q. All right. Now, earlier in the deposition, I
12 asked you about who you had talked about the allegations
13 in this lawsuit with and you mentioned John Pollard.

14 A. Correct.

15 Q. What did you talk to Mr. Pollard about this in
16 relationship to this lawsuit?

17 A. That I'm getting deposed.

18 Q. So was that a recent conversation?

19 A. Yes.

20 Q. Approximately when?

21 A. Oh, last week. I mean, sometimes I talk to John
22 once a week. Sometimes I talk to John once in six months.
23 I mean, before that, I didn't talk to him for four months.
24 I mean, especially with Covid, we're not really
25 socializing at this point.

1 Q. Understood.

2 So you talked -- in the last few weeks, you talked to
3 John Pollard about the fact that you were being deposed.
4 Correct?

5 A. Correct.

6 Q. Have you talked to John Pollard about the
7 allegations in this lawsuit other than that conversation
8 about you being deposed?

9 A. I don't really know what the allegations are of
10 the lawsuit.

11 Q. So have you read the complaint that Dennis
12 Richards and Rachel Swann filed in court?

13 A. No.

14 Q. Did you read the brief that they presented to the
15 Board of Appeals?

16 A. I recused from that hearing.

17 Q. I understand, but that doesn't --

18 A. No, I did not -- I knew I was recusing, so if I
19 was recusing, there's no reason to read extra material.
20 And to this day, I've never even seen that hearing.

21 Q. I'm sorry. You've never what?

22 A. To this date, I have not seen that hearing in
23 regards to Dennis Richards.

24 Q. You mean, the tape?

25 A. Yeah.

1 Q. Okay. So have -- what is your understanding
2 about what this lawsuit is about?

3 A. That Dennis is trying to say that the city had
4 ganged up on him for all the illegal work that he had
5 done.

6 Q. All right. Have you discussed that subject
7 matter in any way with John Pollard?

8 A. No. We just talked about that I'm getting
9 deposed.

10 Q. And tell me about in specifics what you talked
11 about relating to your deposition.

12 A. Nothing. "I am getting deposed. I don't
13 understand why I'm getting deposed, but I'm getting
14 deposed."

15 Q. Why would you talk to John Pollard about that?

16 A. Just because I talk to John fairly regularly,
17 sometimes, and we just happened to be talking not that
18 long ago.

19 Q. Right. But why did you talk to him about your
20 deposition?

21 A. It's the same reason that when Rodrigo was in
22 trouble that Dennis texted me that Rodrigo was in trouble.

23 Q. I don't follow you.

24 A. I mean, this is a small town and everyone wants
25 to know everyone's business, I guess. I don't really

1 care, personally.

2 Q. Okay. So I understand that might be why
3 Mr. Pollard might want to know what's going on, but why
4 would you discuss it with him?

5 A. I just told you, I discussed that I was being
6 deposed. We didn't go into -- I don't know what the case
7 is about, so there's nothing I can really talk about.

8 Q. What did you discuss with Annabel McClellan?

9 A. Nothing regarding Dennis Richards.

10 Q. Well, you testified earlier in your deposition
11 that there are three people with whom you talked about the
12 allegations in this case.

13 A. Oh, maybe I misunderstood that. Sorry, Scott. I
14 thought you were asking if I had talked to people -- yeah,
15 so I talked to Annabel. They are helping me get an
16 accountant right now for my personal stuff.

17 Q. Okay. But what about this case did you talk to
18 Annabel about?

19 A. Oh, nothing.

20 Q. What about Frank Fung?

21 A. That I am being deposed and that I can't believe
22 this.

23 Q. And what do you mean by, you can't believe this?

24 A. Why am I getting deposed?

25 Q. You have no understanding as to why you're being

1 deposed?

2 A. I know what was said. I'm being deposed for what
3 was -- what Dennis Richards has accused me of.

4 Q. And what do you understand Dennis Richards to
5 have accused you of?

6 A. I believe I heard that he said I offered a quid
7 pro quo with the department.

8 Q. A quid pro quo about what?

9 A. His problem.

10 Q. What do you mean by "His problem"?

11 A. His work done without proper permitting.

12 Q. And so did you talk to Frank Fung about those
13 allegations?

14 A. No.

15 Q. Did you talk to Annabel McClellan about those
16 allegations?

17 A. No.

18 Q. And I'm sorry. John Pollard and Annabel
19 McClellan -- they are married?

20 A. I've known them to be husband -- actually, I'm
21 not sure. I was invited to their wedding, which was
22 postponed because of Covid, so I'm not sure if they're
23 married or not married.

24 Q. Got it.

25 What's the Residential Builders Association?

1 A. RBA is an Irish building association.

2 Q. Why do you call it an Irish building association?

3 A. Because most of the members are Irish.

4 Q. But there are some Asian members, aren't there?

5 A. I don't know any of their membership personally
6 and the only members that I know are the three gentlemen
7 that I meet -- I see at events are all Irish.

8 Q. Who are they?

9 A. I can't remember their names. If you tell me, I
10 can tell you.

11 Q. Okay. Well, have you ever been a member of RBA?

12 A. No.

13 Q. But you have attended RBA events. Correct?

14 A. Correct.

15 Q. And do you have any understanding as to who is an
16 officer with or a board member of the RBA?

17 A. No.

18 Q. And you said there are three people that you
19 associate with at the RBA.

20 Is that right?

21 A. Yes.

22 Q. Are they people you associate as being the
23 president of or how is it you associate them with the RBA?

24 A. That generally when there's an event, they're the
25 ones that are speaking on behalf of the RBA.

1 Q. Is one of them Sean Keighran?

2 A. Yes.

3 Q. Is one of them Angus McCarthy?

4 A. Yes.

5 Q. And who's the third, to the best of your
6 knowledge?

7 A. I don't know. He's got kind of blondish/red
8 hair. A little bit older than me, I think.

9 Q. Is it a contractor in town?

10 A. I'm not sure.

11 Q. Are you aware of any DBI personnel who are
12 members of the RBA?

13 A. No.

14 Q. Are you aware of any DBI personnel to have ever
15 been members of the RBA?

16 A. No.

17 Q. Are you aware any city officials --

18 A. You went on mute. Hello? I can't hear you.

19 Q. You can't hear me?

20 A. Oh.

21 MR. EMBLIDGE: Ryan, Terri, can you hear me?

22 THE REPORTER: I can hear you. I think you froze
23 for a minute.

24 MR. STEVENS: I can hear you.

25 Darryl, can you hear us?

1 THE WITNESS: Hello. Is somebody there?

2 MR. STEVENS: We're here. Can you hear us?

3 THE WITNESS: Okay. Hello.

4 MR. EMBLIDGE: We can hear you.

5 THE WITNESS: Okay. I can hear you now. I don't
6 know what I did.

7 MR. EMBLIDGE: Okay. Are you aware of any city
8 officials who have been members of the RBA?

9 A. No.

10 Q. So the RBA has an annual golf tournament -- is
11 that right -- that you attend?

12 A. That's correct.

13 Q. Why? Why attend the RBA golf tournament?

14 A. I feel that -- not just the RBA tournament. The
15 Planning Department events as well -- that this way people
16 can connect a face with, because we are the face of the
17 Board of Appeals and they can associate that as with real
18 people and not just something out of an object.

19 Q. And did you attend the RBA golf tournament before
20 you were on the Board of Appeals?

21 A. I believe I started to prior to coming on the
22 board, yes.

23 Q. So why would you do that?

24 A. One of the sponsors is the company I worked for,
25 Zephyr.

1 Q. Okay. So there are businesses that sponsor the
2 RBA golf tournament.

3 Is that right?

4 A. Yes.

5 Q. Have you attended other RBA events besides their
6 golf tournament?

7 A. I believe I attended one or two meetings.

8 Q. One or two meetings?

9 A. Correct.

10 Q. Where do they hold their meetings?

11 A. The one I attended was in -- oh, God -- next to
12 Jackson Playground, in the -- I'm not sure of -- the
13 Cottrell (phonetic) Hill area.

14 Q. At one of the schools there?

15 A. No. It was -- I think it was their building.
16 I'm not sure.

17 Q. Oh, in an RBA-owned building?

18 A. I'm not sure, but I believe there was an RBA
19 building.

20 Q. Okay. So why would you attend meetings of the
21 RBA?

22 A. It was regarding -- I can't remember or recall,
23 but it was regarding something specific and I wanted to
24 attend.

25 Q. Can you give me anything more about that --

1 anymore details?

2 A. No.

3 Q. Was it about city regulations?

4 A. I can't remember.

5 Q. Approximately when was that?

6 A. 2014.

7 Q. So it was during a time when you were on the
8 Board of Appeals?

9 A. That's correct.

10 Q. So was it about an issue that had come or you
11 were expecting to come before the Board of Appeals?

12 A. I can't remember.

13 Q. At RBA meetings, have you seen any DBI personnel
14 there?

15 A. No. Like I said, I only attended one or two, so
16 I can't remember.

17 Q. Yeah. I'm just referring to the ones, obviously,
18 that you --

19 A. Yeah.

20 Q. So as to the meetings you've been to, you don't
21 recall seeing any DBI personnel there?

22 A. No.

23 Q. How about any other city officials?

24 A. No.

25 Q. At the RBA golf tournament, have you seen any DBI

1 personnel there?

2 A. Yes.

3 Q. Who would that be?

4 A. Um, Joe Duffy, Ed Sweeney. I can't remember who
5 else.

6 Q. Have you seen any other city officials at RBA
7 golf tournaments?

8 A. I can't remember if the mayor came to one of the
9 events, Ed Lee.

10 Q. Okay. What about other city officials?

11 A. Not that I can recall.

12 Q. Well, Frank Fung has been there. Right?

13 A. Okay. Well, Frank Fung, yes.

14 Q. Joel Koppel, K-o-p-p-e-l. Right?

15 A. When I went with Joel, I believe he was not a
16 commissioner at the time.

17 Q. Okay. So other than Frank Fung, can you think of
18 any other city officials you have seen at RBA golf
19 tournaments?

20 A. Not that I can recall.

21 Q. Have you ever discussed any residential
22 development projects with members of the RBA?

23 A. No, we don't -- we don't have conversation.

24 Q. And not with Mr. McCarthy?

25 A. Again, I don't have conversations with them.

1 Q. Do you understand John Pollard to be a member of
2 the RBA?

3 A. Not that I'm aware.

4 Q. You've seen him, though, at RBA events. Correct?

5 A. Correct.

6 Q. His companies sponsor the golf tournament.

7 Right?

8 A. Well, one of the sponsors, correct.

9 Q. One of his companies or you're just saying --

10 A. One of the sponsors. There are many sponsors in
11 that tournament.

12 Q. SF Garage, though, is a sponsor. Correct?

13 A. I'm not sure.

14 Q. Well, which of Mr. Pollard's companies are you
15 familiar with as being a sponsor in the --

16 A. I'm not -- I only see the sponsors as they put
17 little flags in front of the holes and I generally don't
18 pay attention to that. I'm just usually there to play
19 golf.

20 Q. Do you have any understanding as to whether
21 Rodrigo Santos is a member of the RBA?

22 A. I'm not aware of that.

23 Q. What about Albert Urrutia?

24 A. I don't know him.

25 Q. Tim Brown?

1 A. I'm not sure if he's a member.

2 Q. What about Jon Kantor?

3 A. I'm not sure, either.

4 Q. Have you seen Mr. Brown or Mr. Kantor at RBA
5 events?

6 A. Actually, not -- I don't remember -- I don't
7 recall seeing them at the golf events.

8 MR. EMBLIDGE: Terri, let me know if you need a
9 break and the same with you, Mr. Honda.

10 THE REPORTER: Thank you.

11 MR. EMBLIDGE: So it's my understanding that Ed
12 Sweeney might have retired in 2020.

13 Do you have that same understanding?

14 A. I thought he retired more recent than that.

15 Q. Oh, okay. In this year?

16 A. Yeah, that's what I thought, but I don't know.

17 Q. Okay. What did you understand to be his position
18 at the time he retired?

19 A. Actually, I don't know his position.

20 Q. Well, what was your understanding of where he --
21 what his role was within DBI?

22 A. He was one of the head inspectors at DBI or lead
23 inspectors or department heads. I mean, I knew that Tom
24 Hui was the director. I don't really know anyone after
25 that.

1 Q. Did you have an understanding that Mr. Sweeney
2 reported to Mr. Hui?

3 A. I -- if Mr. Hui is the boss, I would imagine that
4 anyone below him would report higher.

5 Q. All right. Do you have an understanding as to
6 who reported to Mr. Sweeney?

7 A. No.

8 Q. Have you ever heard people refer to DBI personnel
9 as being part of Ed's crew or the crew?

10 A. No.

11 Q. How would you describe your relationship with
12 Mr. Sweeney?

13 A. I see him at the golf tournaments and every once
14 in a while at other events throughout the city.

15 Q. Have you ever socialized with him besides the
16 golf tournaments?

17 A. No.

18 Q. At the golf tournaments, have you played in a
19 foursome with him?

20 A. I believe in 2018, I played in a foursome with
21 him.

22 Q. Have you -- so you say you've seen him at golf
23 tournaments and are there other times when you've met him
24 personally besides RBA golf tournaments?

25 A. I see him at various -- I see him at various

1 other events throughout the city. There's a lot of
2 Chinatown events. Like normally, if this was not Covid,
3 there would be a lot of Chinese New Year's events -- four
4 to six a night, to be honest, and so, you know, you see
5 various people through -- at events, depending on who is
6 holding their event.

7 Q. How often would you say you talk to Mr. Sweeney
8 on the phone?

9 A. Almost never.

10 Q. How often would you say you've communicated with
11 him in other ways, such as emails or texts?

12 A. Almost never.

13 Q. Have you ever talked to Mr. Sweeney about Dennis
14 Richards?

15 A. No.

16 Q. What about Pat Buscovich?

17 A. Did I talk to Pat Buscovich about Dennis
18 Richards?

19 Q. Yeah, bad question. Sorry.

20 Have you ever talked with Ed Sweeney about Pat
21 Buscovich?

22 A. Never.

23 Q. Has Mr. Sweeney ever been a client of yours?

24 A. No.

25 Q. Has anyone else at DBI ever been a client of

1 yours?

2 A. No.

3 Q. Do you know Mauricio Hernandez?

4 A. Yes.

5 Q. How do you know him?

6 A. He was the enforcement personnel from DBI
7 regarding my client power washing their house and putting
8 paint chips on the sidewalk, and I believe that was in
9 2000, 2006, 2005. And other than that, he has appeared
10 before my body twice or three times.

11 Q. Who was the client that you were describing?

12 A. I can't remember.

13 Q. Okay. So other than the fact that Mr. Hernandez
14 was the DBI enforcement person for a client of yours
15 relating to power washing of a sidewalk and one or two
16 times that Mr. Hernandez has appeared in front of the
17 Board of Appeal while you have been present, do you have
18 any other relationship with Mr. Hernandez?

19 A. No.

20 Q. Have you ever socialized with him?

21 A. No.

22 Q. Talked to him on the phone?

23 A. No.

24 Q. Emailed or communicated with him in writing?

25 A. No.

1 Q. Have you ever heard people suggest that the
2 Department of Building Inspection gives favorable
3 treatment to certain contractors or project sponsors?

4 A. No.

5 Q. Not even -- in all the people that have come
6 before you at the Board of Appeal, nobody's said that?

7 A. No, no. I mean, why would you mention -- I mean,
8 when you come before the board, I have not heard someone
9 say the Building Department or the Planning Department is
10 giving them special treatment.

11 No, that has not come before the board.

12 Q. Yeah, but project opponents claiming that a
13 project sponsor has gotten special treatment?

14 A. No.

15 Q. You never heard that?

16 A. No.

17 Q. Have you ever heard allegations or accusations
18 that there are contractors or project sponsors who get
19 treated worse by DBI than other project sponsors or
20 contractors?

21 A. No.

22 Q. You haven't read allegations to that effect in
23 the newspapers?

24 A. Um, Mohammed Nuru was all over the papers.

25 Q. Yeah, but he's a DPW.

1 You haven't read that about DBI?

2 A. No. I mean, I believe that four or five or six,
3 seven years ago, the FBI raided DBI on allegations of some
4 people. I don't know. Maybe ten years, eight years,
5 seven years. I can't remember. That was a long time --

6 Q. What did you understand those allegations to be
7 about?

8 A. Oh, I don't know. I just read that FBI raided
9 and took somebody in cuffs.

10 Q. So how do you know Mr. Pollard?

11 A. Socially. I met him probably eight years ago and
12 found out that we both play golf miserably.

13 Q. So you met him about the time you joined the
14 Board of Appeal?

15 A. That's correct.

16 Q. And what were the circumstances under which you
17 met?

18 A. At a bar.

19 Q. Just random or did it have something to do
20 with --

21 A. There was no -- it was just -- we just happened
22 to be in the bar and we got introduced.

23 Q. Who introduced you?

24 A. I can't remember, actually.

25 Q. How would you describe your relationship?

1 A. More quasi friends. I mean, I see him generally
2 a couple times a year for golf and then maybe a dinner
3 once -- our kids go to the same school -- or did go to the
4 same school.

5 Q. What school is that?

6 A. Drew.

7 Just like mine and your kids worked at Supervisor
8 Preston's office. They both interned at the same time.
9 Right? Small town.

10 Q. It is.

11 Would you call him a good friend?

12 A. No.

13 Q. How often would you say you talk to him per week
14 or month or year?

15 A. It varies. Like I said, under shelter in place,
16 I didn't talk to him for five or six months.

17 Q. You have his cell phone number. Correct?

18 A. Correct.

19 Q. He has yours. Correct?

20 A. (Witness nods head.)

21 Q. You need to answer audibly for the court
22 reporter.

23 A. Oh, yes.

24 Q. How often do you communicate with him in writing,
25 you know, emails, texts or any other written

1 communication?

2 A. Very infrequently. As I said, he introduced me
3 to an accountant recently, so that's why there's messages
4 from us recently, because of the accountant that he's
5 recently introduced me to.

6 Q. When you say "Very infrequently" -- do you mean,
7 once a month? Once a year? What's your best estimate?

8 A. Five times a year, six times a year.

9 Q. And when you do communicate with him in writing,
10 does it tend to be by text or by email or by some other
11 method?

12 A. Text.

13 Q. Before Covid, how often would you say you saw him
14 in a year?

15 A. Four times, five times.

16 Q. All right. So that was at golf tournaments and
17 other social occasions.

18 Is that correct?

19 A. My -- he has a skating rink. My daughter likes
20 to skate.

21 Q. He has a skating rink. What do you mean by that?

22 A. Church of the Eight Wheels.

23 Q. Oh, I saw that on one of the documents.

24 So that's a roller skating rink?

25 A. It's a church that was converted into a roller

1 skating rink.

2 Q. Cool. Where is that?

3 A. Off of Fillmore Street, I think.

4 MR. STEVENS: Yeah.

5 MR. EMBLIDGE: It looks like Ryan's been there.

6 MR. STEVENS: I just heard of it. I think it's

7 like Fillmore and Fell or something like that, yeah.

8 MR. EMBLIDGE: All right. Have you ever had any
9 professional dealings with Mr. Pollard?

10 A. No.

11 Q. Has Mr. Pollard ever provided any professional
12 services to you?

13 A. No.

14 Q. How about to any of your clients?

15 A. No.

16 Q. Have you ever provided any professional services
17 to him?

18 A. No.

19 Q. Have you referred clients to him?

20 A. No.

21 Q. Has he referred clients to you?

22 A. No.

23 Q. Have you ever talked with Mr. Pollard about
24 specific projects that he has been involved in?

25 A. No.

1 Q. Have you ever talked with Mr. Pollard about
2 Dennis Richards?

3 A. Just what's in the news articles.

4 Q. What do you mean?

5 A. "Did you hear what happened to Dennis?"

6 "Yes."

7 I mean, I believe those are all texts and you have
8 access to all of those. We provided all those texts to
9 you.

10 Q. Okay. Apart from the texts that you provided to
11 me, have you ever talked with him about Dennis Richards?

12 A. Not really. No reason to.

13 Q. "Not really" or "No" or "Yes"?

14 A. Okay. Yes.

15 Q. Okay. What have you talked with him about in
16 terms of Dennis Richards?

17 A. "He's a piece of shit."

18 Q. And is that what you said or what Mr. Pollard
19 said?

20 A. I think it's mutual between both of us.

21 Q. And why did you feel Dennis Richards is a piece
22 of shit?

23 A. Because of his false allegations -- his
24 allegations towards me.

25 Q. The allegations toward you, meaning that you

1 suggested some sort of quid pro quo with DBI?

2 A. Correct. The reason why I had to recuse from the
3 hearing that he was before at the Board of Appeals.

4 Q. Is there any other reason you think Mr. Richards
5 is a piece of shit?

6 A. Nope. I thought we used to be friends.

7 Q. And what makes you believe that Mr. Pollard
8 thinks Mr. Richards is a piece of shit?

9 A. Actually, I should probably recant that
10 statement. I'm not sure what he understands of
11 Mr. Richards.

12 Q. Do you recall anything else you ever talked to
13 Mr. Pollard about in terms of Mr. Richards?

14 A. No.

15 Q. Do you know Rachel Swann?

16 A. No.

17 Q. Have you ever talked with Mr. Pollard about Pat
18 Buscovich?

19 A. No.

20 Q. Have you ever talked with Mr. Pollard about any
21 personnel at DBI?

22 A. No.

23 Q. Have you ever been aware of any of Mr. Pollard's
24 projects coming before the Board of Appeals?

25 A. Only when they're at the Board of Appeals.

1 Q. Okay. So how often does that happen?

2 A. I -- if I recall, I believe Mr. Pollard has been
3 before the Board of Appeals two or three times in the
4 eight years that I've been there.

5 Q. Do you recall any specific projects?

6 A. No.

7 Q. And did you recuse yourself when those projects
8 came before the board?

9 A. No.

10 Q. Have you heard anything about Mr. Pollard's
11 criminal record?

12 A. That he had some tax issues.

13 Q. Did you hear anything more than that?

14 A. No.

15 Q. And from whom did you hear that?

16 A. Um, I believe he told me.

17 Q. Are you aware of anyone at DBI giving Mr. Pollard
18 any kind of favorable treatment?

19 A. No.

20 Q. Are you aware of any relationship between
21 Mr. Sweeney and Mr. Pollard?

22 A. No.

23 Q. How about between Mr. Hernandez and Mr. Pollard?

24 A. No.

25 MR. EMBLIDGE: Okay. Let's take five or ten

1 minutes. Let's take a ten-minute break. We'll resume at
2 about 11:25.

3 THE WITNESS: Sure.

4 (Break taken.)

5 MR. EMBLIDGE: Terri, are we back on the record?

6 THE REPORTER: Yes.

7 MR. EMBLIDGE: Okay. Mr. Honda, I forgot to tell
8 you at the beginning of the deposition, so I just want to
9 make sure you understand that even though this is an
10 informal setting over Zoom, that the oath you took is the
11 same type of oath you would take in a court of law to tell
12 the truth. Correct?

13 A. Yes.

14 Q. You mentioned right before the break that there
15 are maybe two or three times when a project involving
16 Mr. Pollard has come before the Board of Appeal during the
17 time you've been on the Board of Appeal.

18 As to those projects, did you ever discuss any of them
19 with Mr. Pollard?

20 A. No.

21 Q. Have you ever discussed Dennis Richards or the
22 allegations he's made with Joe Duffy?

23 A. No.

24 Q. Have you ever discussed Dennis Richards or the
25 allegations he's made with Scott Sanchez?

1 A. No.

2 Q. Have you ever discussed Dennis Richards or the
3 allegations he's made with any other DBI or Planning
4 Department personnel?

5 A. No.

6 Q. How long have you known Annabel McClellan?

7 A. Three years, four years.

8 Q. How did you meet her?

9 A. Through John.

10 Q. What do you understand to be what she does
11 professionally?

12 A. I actually don't know.

13 Q. Do you understand her to have anything to do with
14 the real estate development world?

15 A. Um, I know that they are contractors and then
16 they do their own projects.

17 Q. What companies do you understand Mr. Pollard
18 and/or Ms. McClellan to be associated with?

19 A. Garage Door Company and Mercury Engineering.

20 Q. Any others?

21 A. No.

22 Q. Have you ever communicated with Miss McClellan
23 outside of your communications with Mr. Pollard?

24 A. No.

25 Q. Have you ever heard anything about

1 Miss McClellan's criminal record?

2 A. No.

3 Q. Have you ever been aware of anyone at DBI
4 discussing Miss McClellan in any way?

5 A. No.

6 Q. How do you know Rodrigo Santos?

7 A. Um, he's come before my board many, many, many
8 times.

9 Q. Do you have any relationship with him other than
10 having seen him at the Board of Appeal?

11 A. No.

12 Q. Have you ever corresponded with him or talked
13 with him outside of the Board of Appeal?

14 A. He has sent me text messages a few times over the
15 years -- he has sent me text messages over the last eight
16 years several times.

17 Q. Regarding what, to the best of your recollection?

18 A. I don't even remember. Commenting on a ruling
19 that I made, I think.

20 Q. Do you recall what ruling that was?

21 A. No.

22 Q. Do you recall anything about that ruling?

23 A. No.

24 Q. Can you recall anything about any communications
25 you've had with Rodrigo Santos other than him commenting

1 on one ruling?

2 A. No.

3 Q. Do you -- outside of him appearing at the Board
4 of Appeal, have you ever met him face to face?

5 A. I have seen him at events.

6 Q. Have you ever talked with him about any city
7 projects?

8 A. No.

9 Q. Have you ever emailed with him?

10 A. Not that I'm aware of.

11 Q. Has Mr. Santos ever provided any professional
12 services to you?

13 A. No. Hold on.

14 I sell properties and his company has done work for
15 properties that my clients have either bought or sold.
16 I've seen their plans. I mean, they're quite prolific as
17 far as structural engineers in the city.

18 Q. Okay. So good point. Let me break that down a
19 little bit.

20 So apart from your real estate clients, have you
21 personally -- has Mr. Santos ever provided you any
22 professional services?

23 A. No.

24 Q. And have you ever provided him any?

25 A. No.

1 Q. As far as your real estate clients, are you aware
2 of Mr. Santos providing professional services to your real
3 estate clients?

4 A. I do not -- no. And I just see the -- I mean,
5 when we searched his name on my computer, it came up for
6 plans on homes. I don't recall specific homes and I don't
7 have any interaction with him regarding that.

8 Q. On homes your clients are considering buying or
9 on homes that your clients are selling?

10 A. I can't remember.

11 Q. You can't remember any specifics?

12 A. No.

13 Q. Have you ever talked with Dennis -- I'm sorry.
14 Have you ever talked with Rodrigo Santos about Dennis
15 Richards or the allegations he's made?

16 A. No.

17 Q. Have you ever talked with Mr. Santos about Pat
18 Buscovich?

19 A. No.

20 Q. Have you ever talked with Mr. Santos about any
21 personnel at DBI?

22 A. No.

23 Q. Are you aware of the city's lawsuit against
24 Mr. Santos?

25 A. No. Just what I -- I mean, I've seen the

1 headlines, but I have not read the articles.

2 Q. You have not read the articles?

3 A. No, I did not read the articles. I just remember
4 reading the headlines. I remember something about a check
5 turning in to DBI or DB or something like that.

6 Q. Are you aware of any allegations that Mr. Santos
7 has received favorable treatment from DBI personnel?

8 A. No.

9 Q. Do you -- I think you might have said you don't
10 know this gentleman, but do you know Albert Urrutia?

11 A. No.

12 Q. Do you know Patricia or Kirsten Urrutia?

13 A. No.

14 Q. Okay. You do know Tim Brown, though. Correct?

15 A. He's a realtor.

16 Q. Do you understand him to also be a real estate
17 developer?

18 A. He's been before our board, I believe, once or
19 twice.

20 Q. Okay. So how do you know him?

21 A. Same way I know Rachel Swann. I get lots of
22 emails with their names on it.

23 Q. I thought you said you didn't know Rachel Swann.

24 A. I don't, but I'm in real estate, so their emails,
25 when they're selling properties, get routed to my email.

1 So if you're marketing a property, it gets sent to all the
2 realtors. There's 4,000 realtors. I'm one of the 4,000
3 realtors, so when they market a property, those emails go
4 to all realtors.

5 Q. Okay. So apart from having seen Mr. Brown's name
6 on emails, do you have any relationship with Mr. Brown
7 whatsoever?

8 A. If I saw him on the street, I wouldn't know who
9 he is.

10 Q. And you said he's come before the Board of
11 Appeals a couple times?

12 A. I believe, once that I can recall.

13 Q. What was that regarding?

14 A. A project in the Richmond District.

15 Q. The one on 17th Street?

16 A. 17th Street is not in the Richmond District.

17 Q. 17th Avenue?

18 A. I'm not sure if it's 17th Avenue. I thought it
19 was 5th, but it could be 17th.

20 Q. What do you recall about the project?

21 A. That the neighbor across the street had filed
22 multiple complaints in regards to work being performed
23 beyond the scope of the permit.

24 Q. Is that Mr. Dratler?

25 A. Jerry Dratler, yes.

1 Q. And did you talk with Mr. Brown about that
2 project?

3 A. No.

4 Q. Are you aware of other real estate development
5 projects that Mr. Brown has been involved in?

6 A. No.

7 Q. Have you ever met him socially?

8 A. No.

9 Q. Have you ever met him at all besides him coming
10 before the Board of Appeal?

11 A. No.

12 Q. Who is Jon Kantor?

13 A. I believe that's Tim Brown's partner.

14 Q. How do you know him?

15 A. His daughter did crew with my daughter for three
16 years at the Boathouse, so as parents -- responsible
17 parents, we pick our children up and drop our children
18 off, so he would be in the parking lot when I would be in
19 the parking lot.

20 Q. Do you know him in any way other than as somebody
21 in the parking lot at crew practice?

22 A. No.

23 Q. Okay. Mr. Honda, you can see that I sometimes
24 hesitate. Right? And you know where I'm going, but you
25 got to let me finish the question --

1 A. Sure.

2 Q. -- before the court reporter takes down the
3 answer. Okay?

4 Have you ever socialized with Mr. Kantor other than
5 seeing him in the parking lot at crew practice?

6 A. I believe there was a couple crew events. I
7 didn't talk to him at those crew events, but I believe he
8 was at the crew events.

9 Q. How did you come to an understanding that
10 Mr. Kantor was Mr. Brown's partner?

11 A. Because he approached me in the parking lot.

12 Q. The parking lot at a crew event?

13 A. Correct.

14 Q. So tell me what that was about.

15 A. Oh, we just kind of -- we were -- I mean, some
16 guy said, "Hi. How are you?"

17 I'm like, "Do I know you?"

18 He goes, "Oh."

19 He was just trying to be friendly and I asked my
20 daughter, "Who is that?"

21 And she goes, "Oh, that's such and such's dad."

22 And I said, "Okay."

23 And then he came before the Board of Appeals.

24 Q. Okay. When he approached you in the parking lot,
25 did he discuss at all a project or --

1 A. No.

2 Q. -- identify himself as the developer?

3 A. No.

4 Q. So how did you come to learn that he was
5 associated with Mr. Brown?

6 A. I saw him in front of me.

7 Q. At the Board of Appeal?

8 A. Correct.

9 Q. And have you had any other personal contact with
10 Mr. Kantor regarding his role as a real estate developer
11 other than seeing him before you at the Board of Appeal?

12 A. No.

13 Q. Have you ever corresponded with Mr. Kantor?

14 A. No. I believe he sent me a few texts and I told
15 him it was inappropriate for him to text me.

16 Q. He sent you texts about a matter before you?

17 A. No, he didn't text about a matter before me, but
18 he was just texting to say "Hello" or something and I just
19 said it was inappropriate.

20 Q. Why would it be inappropriate for him to text
21 you?

22 A. Because I believe he had a case that was ongoing.

23 Q. I see. And what case did you believe Mr. Kantor
24 was associated with?

25 A. I believe he was associated with the one across

1 from the Jerry Gattler guy.

2 Q. Dratler?

3 A. Oh, Dratler?

4 Q. Yeah. D-r-a-t-l-e-r, for the record.

5 A. I don't know how to spell his name.

6 Q. All right. Other than a couple of texts while
7 the Dratler appeal was pending before the board, have you
8 corresponded with Mr. Kantor?

9 A. No.

10 Q. Do you know Pat Buscovich?

11 A. Yes.

12 Q. How do you know him?

13 A. He appears at -- he's probably at my board as
14 often as I am.

15 Q. Do you know him in any way outside of him
16 appearing before you at the Board of Appeal?

17 A. I've seen him at a couple poker nights at Dennis
18 Richards' house.

19 Q. Have you socialized with him in any other way?

20 A. No.

21 Q. Have you dealt with him professionally in any way
22 other than when he appears in front of you at the Board of
23 Appeal?

24 A. No.

25 Q. All right. Have you ever communicated with

1 Mr. Buscovich outside the Board of Appeal other than at a
2 couple of poker nights at Mr. Richards' house?

3 A. No.

4 Q. Do you have any opinion regarding Mr. Buscovich's
5 professional qualifications?

6 A. I believe that Mr. Buscovich has been before our
7 body a lot. He's traditionally a hired gun. He comes in
8 as a professional. We have a case recently that he was
9 fired from that came before my board last week and his
10 drawings were terrible. So as far as his personal skills,
11 I'm not very impressed -- professional skills, I'm not
12 very impressed.

13 Q. You said there was a case that he was fired from.
14 Can you elaborate on that, please?

15 A. Yes. We have a case that came before us in 2016.
16 They hired a professional on their behalf. I believe it
17 was Mr. Buscovich. At which point, rather than deal with
18 the Board of Appeals' conditions, they withdrew the permit
19 so that the Board of Appeals no longer had jurisdiction
20 over it and then reapplied under a separate permit and
21 then that separate permit is having -- it's an ongoing
22 case. There's a lot of problems and it was just recently
23 continued again, but the permit holder said that they are
24 no longer associated with him and that they had fired him.

25 Q. Who do you recall the permit holder to be?

1 A. I have no idea. It was somewhere on 16th Avenue.

2 Q. 16th Avenue.

3 Other than not being impressed with Mr. Buscovich's
4 drawings on the 16th Avenue project, do you have any other
5 opinion regarding his professional qualifications?

6 A. He came before us on another case maybe a year or
7 two ago that, again, his drawings were not up to snuff.

8 Q. Have you ever discussed Mr. Buscovich with any
9 member of the Building Department?

10 A. No.

11 Q. Have you ever discussed Mr. Buscovich or his
12 qualifications with any member of the Planning Department?

13 A. No.

14 Q. What was the second project you recall relating
15 to Mr. Buscovich?

16 A. Broderick, Baker -- I don't remember. I don't
17 recall.

18 Q. Approximately when was that that he came before
19 you?

20 A. Probably, a year, two years ago, and
21 Mr. Buscovich was representing, I guess, one house that it
22 looked -- it appeared that there was infill done without
23 the proper permitting.

24 Q. He was there advocating on behalf of a property
25 owner?

1 A. On behalf of the property opener. Correct. He
2 was not the hired gun. He was the actual agent of the
3 permit holder, I believe.

4 Q. I don't understand the distinction.

5 What do you mean by distinguishing between the hired
6 gun versus the agent of the permit holder?

7 A. Normally, he comes in as the -- as a -- as a
8 professional to evaluate projects, but he's not generally
9 representing the project sponsor as their architect or
10 engineer.

11 In this particular case, he was representing the
12 client as their engineer.

13 Q. I see. So by a hired gun, you mean someone that
14 is retained to critique the work that is before the board?

15 A. Correct.

16 Q. And the only way in which you know Rachel Swann
17 is through emails in the real estate world.

18 Is that correct?

19 A. Right. Yes.

20 Q. Okay. How did you come to know Dennis Richards?

21 A. I actually can't remember how we met, to be
22 honest. It was probably at an event.

23 Q. What's your recollection of how long ago you
24 first met Dennis, approximately?

25 A. Four years.

1 Q. What's the first interaction you can recall with
2 Mr. Richards?

3 A. Getting drunk together.

4 Q. Okay. What was the occasion?

5 A. He was introducing me to Joel Koppel and
6 recommending that Joel Koppel would be a good commissioner
7 for the Planning Commission.

8 Q. Where did this occur?

9 A. At a wine bar off of Castro. I believe it's
10 maybe 17th and Castro.

11 Q. Do you believe you knew Mr. Richards before that
12 or met him before that?

13 A. I can't recall.

14 Q. Did you know Mr. Koppel before that?

15 A. No.

16 Q. All right. And that was approximately four years
17 ago?

18 A. If you look when Mr. Koppel was appointed, it was
19 probably six months to eight months prior to that.

20 Q. After that, how regularly would you say you and
21 Mr. Richards communicated?

22 A. Quite a bit.

23 Q. And I believe you said you thought he was a good
24 friend.

25 Is that right?

1 A. We went to a lot of events together.

2 Q. Right. But would you say you thought he was a
3 good friend before the allegations in this case came to
4 light?

5 A. Correct.

6 Q. In communicating with Mr. Richards, besides at
7 events or on the phone, would you typically text him or
8 email him?

9 A. Generally, text or a phone call.

10 Q. Approximately how often would you see him
11 personally, whether it's weekly, monthly, yearly?

12 A. Weekly.

13 Q. How often?

14 A. Weekly.

15 Q. All right. So you've mentioned that there were
16 times when you would attend poker nights at his house.
17 Correct?

18 A. Correct.

19 Q. And you would see him at city events?

20 A. I would actually drive him to and drive him home
21 from a lot of city events.

22 Q. Okay. And are there other ways in which you
23 socialized with him besides those?

24 A. We've gone to dinner. We have gone to dinner.
25 I've gone to his house for drinks.

1 Q. And how often would you say the two of you would
2 communicate in writing by text, email or otherwise?

3 A. I don't know.

4 Q. Weekly, monthly?

5 A. Once a week, I guess. Once a week, twice a week.

6 Q. Did you ever talk with Mr. Richards about any
7 particular projects that came before the Planning
8 Commission or the Board of Appeal?

9 A. I don't recall.

10 Q. Did you ever talk with Mr. Richards about any --
11 anything about the Department of Building Inspection?

12 A. I believe so, but I can't recall.

13 Q. Did you ever invite Mr. Richards to any meetings?

14 A. I mentioned I took Mr. Richards to events.

15 Q. Did you ever attend any meetings with
16 Mr. Richards and any DBI personnel?

17 A. I don't recall. I mean, I think I took him to a
18 Rose Pak event and I believe that there were a lot of
19 people there.

20 Q. Did you have a meeting with Mr. Richards and
21 Mr. Sweeney?

22 A. Not that I'm aware of.

23 Q. Did you ever attend a meeting with Mr. Richards
24 and Mr. Fung?

25 A. A meeting or -- I mean, we've gone drinking

1 together.

2 Q. A meeting about any specific -- about specific
3 city issues.

4 A. No.

5 Q. Just one second.

6 Have you ever discussed with Mr. Richards anything
7 about the personell at the Planning Department?

8 A. Not that I'm aware of.

9 Q. Have you ever talked with Mr. Richards about any
10 city contractors, engineers or project sponsors?

11 A. Not that I can recall specifically.

12 Q. Have you ever talked with Mr. Richards or
13 communicated with Mr. Richards about John Pollard?

14 A. I'm sure we talked about him, but there's nothing
15 I can recall specifically.

16 Q. You said you're sure you did talk about him?

17 A. I'm pretty sure his name came up. Dennis knows
18 that I'm friends with John and John knows I'm friends with
19 Dennis, but I don't remember anything in specifics that
20 were mentioned.

21 Q. Do you recall whether you ever talked with
22 Mr. Richards about Mr. Pollard?

23 A. No.

24 Q. Did you ever talk with Mr. Richards about
25 Miss McClellan?

1 A. No.

2 Q. Did you ever talk with Mr. Richards about Rodrigo
3 Santos? When I said "talk," I'm including emails or
4 texts, communications.

5 A. I'm sure we have. I'm sure there's a text from
6 Dennis Richards sending me the Chronicle article regarding
7 Rodrigo Santos.

8 Q. And other than that, do you recall communicating
9 with Mr. Richards at all about Rodrigo Santos?

10 A. I'm sure we've had conversations. I don't
11 remember specifics.

12 Q. Can you recall any specifics?

13 A. No.

14 Q. Did you ever have any communications with Dennis
15 Richards about Pat Buscovich?

16 A. I don't believe so.

17 Q. How about Jon Kantor?

18 A. No.

19 Q. How about Tim Brown?

20 A. No.

21 Q. Are you aware of any -- have you ever heard
22 anyone assert that Mr. Richards has been given any kind of
23 favorable treatment by the Department of Building
24 Inspection?

25 A. No.

1 Q. Have you ever heard anyone assert that
2 Mr. Richards has been given any kind of favorable
3 treatment by the Planning Department?

4 A. No.

5 Q. Have you ever heard that Mr. Richards has been
6 given any kind of unfavorable treatment by the Building
7 Department?

8 A. No.

9 Q. How about by the Planning Department?

10 A. No.

11 Q. Have you ever discussed Ed Sweeney with
12 Mr. Richards?

13 A. I don't believe so.

14 Q. Have you ever sought to connect Mr. Richards with
15 Mr. Sweeney?

16 A. I don't believe so.

17 Q. Have you ever discussed the Residential Builders
18 Association with Mr. Richards?

19 A. I don't believe so.

20 Q. Have you ever had any reason to believe that
21 Mr. Richards is not honest, apart from the allegations
22 he's made against you in this lawsuit?

23 A. No.

24 Q. Okay. So could you go to Exhibit 38, please?

25 A. I don't think I have that exhibit.

1 Q. Do you have copies of the texts that you
2 provided?

3 A. No. Do you want to put it on your screen and
4 share your screen? I can view it that way.

5 Q. Unfortunately, what I've got on my screen has
6 notes on it.

7 MR. STEVENS: Let me try and send it to you
8 again, Darryl.

9 THE WITNESS: Okay. Thank you.

10 MR. STEVENS: I'll send it as a standalone email
11 so hopefully, this time it will work. I think the problem
12 is that a lot of the files are big.

13 THE REPORTER: Counsel, can we go off the record
14 for a moment?

15 MR. EMBLIDGE: Sure.

16 (Discussion held off the record.)

17 MR. EMBLIDGE: Okay. Back on the record.

18 (Whereupon, Exhibit 38 was marked for
19 identification and is attached hereto.)

20 MR. EMBLIDGE: Exhibit 38 is a 28-page document
21 that is a series of what appear to be text messages that
22 were produced by the city attorney's office. They are
23 stamped CCSF-Richards 963 through 990.

24 Do you have that in front of you, Mr. Honda?

25 A. I don't see those numbers, but I do have a bunch

1 of text messages.

2 Q. Okay. So if you scroll down, at the bottom of
3 each page there's a unique identifying number that your
4 attorneys have placed on them.

5 Do you see that number?

6 A. Yep. The CCSF-Richards 00096?

7 Q. It should say "963."

8 A. Okay. 963. Okay.

9 Q. Okay. So let's deal with the first page here,
10 please.

11 A. Sure.

12 Q. So starting at the top, this appears to be a text
13 message from December 5th, 2019 at 11:16 in the morning.
14 You are a participant.

15 Can you tell who else is a participant in this
16 conversation?

17 A. I can't. Unfortunately, I am a realtor that, if
18 you Google me, all my information comes up, so I --
19 unfortunately, because I'm a city commissioner, people
20 have my phone number. All right? So a lot of the
21 information that I get are unsolicited texts.

22 Q. All right. So if you read down a few lines, it
23 appears this is a conversation over text that you're
24 having with Jon Kantor.

25 Do you see that?

1 A. Yep, I see where it says, "Who is this" -- that I
2 texted him, "Who is this?"

3 Q. And then look at the next text.

4 A. Yep. "I knew that was coming. Mia's Cox
5 friend's dad. Jon Kantor."

6 Q. Okay.

7 A. He's identifying himself at that point, because I
8 evidently did not know who he was.

9 Q. Right. And then you responded to him, saying you
10 thought you had his number in your book. Right?

11 A. Yep.

12 Q. And then you say to him, "If you read the brief,
13 you saw that he" -- meaning, Commissioner Richards -- "was
14 trying to throw me under the bus."

15 Do you see that?

16 A. That's what he said to me. Correct, I guess.

17 Q. No, that's an email from you.

18 Do you see that?

19 A. I don't even understand what I wrote, if I wrote
20 that.

21 Q. That was going to be my question.

22 A. I have no idea what that means, to be honest.

23 Q. I had asked you earlier if you had ever talked
24 with Mr. Kantor about Mr. Richards, and you told me you
25 hadn't, but here you appear to be telling Mr. Kantor that

1 Mr. Richards was trying to throw you under the bus?

2 A. I don't -- no, I don't recall that.

3 Q. Do you recall when you were discussing

4 Mr. Richards with Mr. Kantor?

5 A. No, I do not.

6 Q. And going back up to the top of that page, it

7 says, "Some show last night. Although I am personally no
8 fan of Mr. Swig."

9 What did you understand Mr. Kantor to be communicating
10 there?

11 A. Oh, because my fellow commissioner interrogated
12 him quite well.

13 Q. Interrogated who?

14 A. Mr. Kantor.

15 Q. So you think he's referring to Mr. Swig
16 interrogating himself, Mr. Kantor?

17 A. Yes.

18 Q. And then he says, "I give him credit for hold
19 (sic) Mr. Richards to the same standard he held us to."

20 What did you understand that to refer to?

21 A. I have no idea.

22 Q. Okay. And then about halfway down, after you
23 said to Mr. Kantor that Mr. Richards was trying to throw
24 you under the bus, Mr. Kantor replied, "I read it in
25 full," apparently, meaning, the brief. And then he says,

1 "Threw us under the bus as well for 17th Avenue."

2 What did you understand that to refer to?

3 A. It's evidently regarding a project on 17th
4 Avenue.

5 Q. And you see at the end of that message he refers
6 to Mr. Dratler's shenanigans?

7 A. Right.

8 Q. And after it says the word "shenanigans," there's
9 a symbol there. That symbol shows up in many of your
10 texts.

11 Do you or your counsel know what that symbol is?

12 A. I have no idea what that symbol is. My best bet
13 is that it's an emoji and that when they caught the
14 messages from the phone, that's how it translates over.

15 Q. Yeah. I'm just wondering whether you know if
16 it's a smiley face or what kind of emoji it is.

17 A. I have no idea. I mean, I don't have that number
18 in my book, but I guess you can tell by the body of the
19 message, from the beginning, I didn't know how to figure
20 out who this was.

21 Q. Okay. And then could you just finish reading the
22 texts on this page? Just read them to yourself.

23 A. (Witness complies.)

24 Q. So earlier, you testified that Mr. Kantor had
25 sent a couple of texts about a matter of his that was

1 before you and you told him that it was inappropriate.

2 A. Yes.

3 Q. I don't see any texts in here where you're
4 discouraging him from communicating with you or telling
5 him it's inappropriate. Do you?

6 A. No, I don't.

7 Q. And toward the bottom of the first page, which is
8 Bates stamped 963, you write to Mr. Kantor --

9 A. I'm sorry. What are you talking about, "Bates
10 stamped 963"?

11 Q. Yeah. I'm sorry. Bates stamped is a way of
12 referring to that identifier number in the bottom
13 right-hand corner of each page.

14 A. Uh-huh.

15 Q. So the first page of Exhibit 38 is Bates stamped
16 963. Toward the bottom, there's a text from you back to
17 Mr. Kantor where you say, "I am surprise I'm not seeing
18 his rent on social media."

19 Did you mean to be referring to Dennis Richards?

20 A. I have no idea what I'm referring to. There's
21 nothing in there regarding a rental unit, so I don't know.
22 Maybe -- did I send a text to the wrong person? I'm not
23 sure. "I'm surprised I'm not seeing his rent on social
24 media." I don't know what that refer to.

25 Q. Okay. Hang on. Is that referring to what you

1 called "Mr. Richards' rant" at the Board of Appeal on
2 social media?

3 A. I have no idea.

4 Q. All right. Let's go to the next page.

5 Then you say to him, "I'm sitting in front of the
6 cashier David."

7 What is that referring to?

8 A. Is that from me? Yeah, it is from me.

9 Q. Yes.

10 A. At 12 o'clock -- or 11:51. I have no idea what
11 that means.

12 Q. And then the next text says -- I believe that is
13 to you from him -- "I want" -- from him. I mean,
14 Mr. Kantor. It says, quote, "I want Caitlin to turn it
15 into a GIF," capital G-I-F, "for me."

16 Is that referring --

17 A. Caitlin is his daughter and I don't know what
18 he's talking about, a GIF.

19 Q. All right. You don't think that's referring to a
20 GIF relating to Mr. Richards' appearance before the Board
21 of Appeal?

22 A. Was this after the Board of Appeals?

23 Q. I'm asking you, sir.

24 A. Oh, I don't know, then.

25 Q. And you see you laughed at that email and then

1 you were sent, apparently, two GIFs.

2 Do you see that?

3 A. Okay.

4 Q. Did you produce those GIFs?

5 A. No. It says, sent from them.

6 Q. Right. But you received them and they were
7 attached to this text. Right?

8 A. Okay.

9 Q. Do you have those?

10 A. I don't know.

11 Q. Did you produce them to your attorney to produce
12 to us?

13 A. I'm not sure. What is his name, again? Kantor?

14 Q. Let me just ask that you check on that, please.
15 You don't need to do it right now.

16 MS. BERS: Counsel, I can represent that the
17 phone was forensically imaged, so if there was an emoji,
18 it was gathered by our forensic company that we hired and
19 we can look into it. I don't think it's necessary for
20 Mr. Honda to --

21 MR. EMBLIDGE: I'm not asking him to. I just
22 want to -- I want to get a copy of those GIFs -- the
23 things that were attached to the text.

24 MS. BERS: And what I'm saying is perhaps the
25 parties should meet and confer, because I don't think that

1 it's necessary for Mr. Honda to do anything else. We can
2 look into it.

3 MR. EMBLIDGE: We're on the same page, Rebecca.
4 I'm not asking him to do anything else right now. I just
5 want to get those.

6 All right. Let's go to the next page, which at the
7 bottom of the page you'll see a stamp, 965.

8 A. Are you done?

9 Q. Yes. Are you there?

10 A. Yes. Are you done?

11 Q. I just want to make sure you're on that page.

12 A. Yes, I'm on that page.

13 Q. Okay. So this appears to be some text messages
14 between you, Ed Sweeney and John Pollard arranging for --
15 to meet at the RBA golf tournament.

16 Do you see that?

17 A. Right.

18 Q. And it also refers to Joel -- and Joel Koppel.
19 Is that correct?

20 A. That's correct.

21 Q. And the Frank that it's referring to there --
22 that's Frank Fung?

23 A. Correct.

24 Q. So the four of you, meaning, you, John Pollard,
25 Ed Sweeney and Joel Koppel -- you were a foursome at the

1 RBA golf tournament. Right?

2 A. I believe so.

3 Q. And is it your testimony that in that time
4 golfing together, you never talked with Mr. Sweeney about
5 any DBI business?

6 A. Right.

7 Q. All right. Let's go to the next page.

8 On this page, there is an email from Mr. Pollard to
9 Frank Fung and Ed Sweeney about another RBA golf
10 tournament, it appears.

11 Do you see that?

12 A. Correct.

13 Q. So did you have a foursome at an RBA golf
14 tournament with Mr. Sweeney and Mr. Fung and Mr. Pollard?

15 A. I can't remember.

16 Q. And if you look at the next page, which is Bates
17 stamped 000967, there's a text from Mr. Fung to
18 Mr. Pollard saying, "John, thanks for a nice afternoon.
19 Good to catch up with friends."

20 Do you see that?

21 A. Yes.

22 Q. And then it appears you responded and you had a
23 great time and you're thanking Mr. Pollard.

24 Is that right?

25 A. That's correct.

1 Q. Okay. Let's go to the next page, please. This
2 is a page Bates stamped 968, and at the top, it appears to
3 be a text exchange between you and Mr. Duffy.

4 Do you see that?

5 A. Correct. Yes.

6 Q. And you're asking Mr. Duffy, "Do you know
7 anything about this property's NOV's?" Meaning, I assume,
8 Notices of Violation. Correct?

9 A. I believe that's right.

10 Q. And I'll represent to you, this is on a Thursday,
11 July 25th -- well, let me just check that. Let me just
12 check that.

13 Yes. July 25th, 2019 is a Thursday.

14 MR. STEVENS: 2018.

15 MR. EMBLIDGE: Oh, 2018. Okay. That is a
16 Wednesday. That makes more sense. Okay. So that's a
17 Wednesday at 5:14 p.m.

18 So is this a text you're sending to Mr. Duffy during a
19 Board of Appeal meeting?

20 A. If we had a Board of Appeal meeting. Correct.

21 Q. Okay. And do you recall what project you were
22 texting Mr. Duffy about?

23 A. No.

24 Q. And then, if you go down a few texts, you ask
25 Mr. Duffy, "Is it okay if I ask a question live?"

1 So does that mean you're asking Mr. Duffy during a
2 Board of Appeal meeting, "Is it okay if I put you on the
3 spot," essentially?

4 A. No, I probably -- I have no idea what it meant,
5 but I'm probably asking if I should ask that question.

6 Q. If you should ask what question?

7 A. If I could ask the question. That's what it
8 says, if I could ask a question.

9 Q. Of Mr. Duffy?

10 A. It doesn't specifically say, and that was three
11 years ago.

12 Q. Okay. So during Board of Appeal meetings, you
13 would occasionally text with Mr. Duffy about the matters
14 that were coming before you. Correct?

15 A. Correct.

16 Q. Now, if you'll look at the bottom of this page,
17 which is Bates stamped 968, there's a text from Mr. Duffy
18 to you.

19 It says, "WTF" --

20 A. 968? You said "Bates stamped 968." I'm at Bates
21 stamped 981.

22 Q. No, it's 968. It's Page 6 of Exhibit 38.

23 A. Okay. 968. Okay.

24 Q. At the bottom of that page, there is a text at
25 7:57 p.m. from Mr. Duffy. It says, "WTF. You guys still

1 there? We been in Soluna" -- S-o-l-u-n-a -- "for a
2 while."

3 Is that Mr. Duffy texting you while you're wrapping up
4 a Board of Appeal meeting, inviting you to come meet him
5 at Soluna Cafe?

6 A. I believe that's probably what that is.

7 Q. And was that sort of a regular thing that you
8 guys would do is sort of blow off steam after a Board of
9 Appeal meeting and get together at a nearby place for a
10 drink or something like that?

11 A. Sometimes, we would. Sometimes, we don't. The
12 Planning Commission meets at -- somewhere in Hayes Valley,
13 after their hearings.

14 Q. Okay. Right. But I'm talking about you and the
15 Board of Appeal.

16 A. Sometimes we go there. The owner of that bar is
17 a good friend of mine.

18 Q. And who would go there?

19 A. Whoever wanted to go.

20 Q. So typically, who would -- Mr. Duffy might be
21 there. You might be there.

22 Who else might be there?

23 A. Joel comes sometimes. Generally, Frank and I are
24 the parties that go.

25 Q. What about other members of the board?

1 A. Sometimes they go. Sometimes they don't. Frank
2 and I are the two -- Frank Fung and I generally have a
3 drink together at the end of the board meeting.

4 Q. Does Scott Sanchez sometimes join you?

5 A. Scott lives in the North Bay, so sometimes he
6 does and sometimes he doesn't. It's a long drive back to
7 where he lives.

8 Q. Now, if you look at the bottom of that page as it
9 carries over into the next page, there is a text from
10 Mr. Duffy to you about the DBI Building Inspectors' annual
11 golf tournament.

12 Do you see that?

13 A. Yes.

14 Q. That's something different from the RBA golf
15 tournament.

16 Is that correct?

17 A. The -- everyone has a golf tournament. So
18 Plumbing Inspection has a golf tournament. Chinese
19 Chamber of Commerce has a golf tournament. The Plumber's
20 Union has a golf tournament. The Electrical's Union has a
21 golf tournament. Most of these places have golf
22 tournaments. So RBA is not DBI. RBA is the Residential
23 Builders Association. DBI is Department of Building
24 Inspection.

25 Q. So what is the DBI Building Inspectors

1 Association?

2 A. It's -- I know it's a tournament that I generally
3 participate in.

4 Q. What do you understand as being the purpose of
5 this association -- of DBI Building Inspectors?

6 A. I go for the golf. I don't go for the
7 association.

8 Q. Do you know anything about it?

9 A. No.

10 Q. Do you know who are members?

11 A. No.

12 Q. Okay. With whom have you golfed at the DBI
13 Building Inspectors' annual golf tournament?

14 A. I can't recall. I believe I golfed with Joel one
15 time. I generally golf with Frank Fung. Frank and I
16 usually golf together and then the two people that golf
17 with us is, you know, random, but generally, I golf with
18 Frank Fung and John Pollard generally joins us 70 percent
19 of the time.

20 Q. At both the RBA tournaments and the DBI
21 tournaments?

22 Would that be --

23 A. I'm not sure if John played with us at the DBI.
24 I'm not sure.

25 Q. Can you recall one way or the other?

1 A. No.

2 Q. So here you respond that you are in, and you
3 asked about calling Joel Koppel to participate.

4 A. I believe -- my memory's not great, but I think
5 they only had a few spots open and so sometimes they just
6 put you with whoever and then I wasn't sure if they were
7 full, so I asked if I should call Joel, because Joel is a
8 golfer. Joel is a big time golfer.

9 Q. Okay. So then, if you go to the next page, which
10 is stamped 970, Page 8 of Exhibit 38, the third text up
11 from the bottom in this long string of messages between
12 you and Mr. Duffy.

13 You asked, "Did Pollard buy a foursome?"

14 Do you see that?

15 A. Third one says "Body: Yes. You are in."
16 Am I in the wrong thing here?

17 Q. Yeah, third from the bottom, please.

18 A. Okay. "Did Pollard buy a foursome?"
19 Okay. That's evidently me asking Joel.

20 Q. Right. And then if you go to the next page, as
21 these text messages continue, there's a message from you
22 to Joe Duffy that says, quote, "That's what Patrick said.
23 Shit. I invited someone else."

24 Do you see that?

25 A. Yep.

1 Q. Do you -- who do you believe Patrick to be in
2 this context?

3 A. I guess that would be Patrick O'Riordan. I'm not
4 sure.

5 Q. So did you golf with Patrick O'Riordan on
6 occasion?

7 A. I can't remember if I golfed with Patrick or not,
8 to be honest.

9 Q. Have you ever socialized with Mr. O'Riordan?

10 A. Only, evidently, at the golf tournaments.

11 Q. Have you ever dealt with Mr. O'Riordan
12 professionally, apart from occasions when he appeared
13 before the Board of Appeal?

14 A. No.

15 Q. Have you ever talked with Mr. O'Riordan about
16 Mr. Richards or the allegations he's made in this case?

17 A. No.

18 Q. Okay. And then you go on further about --
19 e-mails about a foursome and you bring up another name
20 towards the bottom of Page 971, and this name I will spell
21 for the record, because I can't pronounce it.

22 The first name is B-a-h-m-a-n. The second -- the last
23 name -- excuse me -- is capital G-h-a-s-e-m-z-a-d-e-h.

24 Do you see that?

25 A. Bahman Ghasemzadeh?

1 Q. Yes. Do you see that?

2 A. Yes, I see that.

3 Q. Who is that?

4 A. A friend of mine.

5 Q. Okay. Is he a developer?

6 A. Yes.

7 Q. And he's associated with SIA, S-I-A?

8 A. Correct.

9 Q. Is he one of the owners of SIA?

10 A. No, he's no longer actually associated with SIA.

11 Q. With who is he associated now?

12 A. He's associated with himself.

13 Q. When was he associated with SIA?

14 A. I don't know exactly, but I believe he went on
15 his own a year or two ago.

16 Q. Have you ever provided professional services to
17 individuals associated with SIA Development projects?

18 A. I'm their realtor.

19 Q. You are SIA's realtor?

20 A. Yes. I still am, too.

21 Q. Who are the owners of SIA today?

22 A. SIA.

23 Q. Could you help me out? Is that a name?

24 A. His name is SIA, S-I-A. That's S, as in Sam, I,
25 as in ignore, A as in apple.

1 Q. Is that a first name or a last name?

2 A. That's a last name.

3 Q. And then what's his first name?

4 A. That's a first name. Sorry.

5 Q. What's his last name?

6 A. Tabannof.

7 Q. Please spell.

8 A. T-a-b -- oh, hold on. Let me look it up. If I
9 leave, I'm going to lose this page here that I'm on.

10 Q. Why don't you just give us your best
11 recollection?

12 A. T-a-b-a-n-n-o-f.

13 Q. And the third letter -- was that a b, as in boy,
14 or a v, as in veil?

15 A. B, as in boy.

16 Q. As far as you understand it, is SIA the only
17 owner of SIA Consulting?

18 A. Yes.

19 Q. And for approximately how long have you been
20 SIA's realtor?

21 A. 10 years, 11 years -- 10 or 11.

22 Q. Have SIA projects ever come before the Board of
23 Appeal during your tenure there?

24 A. Yes.

25 Q. And have you recused yourself?

1 A. Yes.

2 Q. Okay. And if we go to the next page, which is
3 stamped 972, do you see that Mr. Duffy's asking you to
4 make a check out, I guess, for this golf tournament to the
5 Building Inspectors' Association of SF.

6 Do you see that?

7 A. Correct. Yes.

8 Q. And again, you don't know anything about the
9 Building Inspectors' Association of San Francisco other
10 than that they have this golf tournament.

11 Is that right?

12 A. Yes.

13 Q. All right. And then on Page 973, which is Page
14 11 of Exhibit 38, about a third of the way down, there's a
15 text from you to Mr. Duffy. It says, "Panelli,"
16 P-a-n-e-l-l-i, "says he's still playing with me."

17 Who's that referring to?

18 A. I guess that would be -- I think he's an
19 inspector at the Department of Building Inspection.

20 Q. What's his first name?

21 A. I'm not sure.

22 Q. Well, how did it come to your attention that
23 Mr. Panelli thought he was playing golf with you that day?

24 A. You know, the tournaments are quite jammed and,
25 you know, I don't know who organizes them or not, but, you

1 know, oftentimes, I would get to a tournament and it would
2 say who I'm playing with and not playing with. People end
3 up being late. People end up cancelling because of other
4 engagements. I've played with people I didn't know at
5 all.

6 Generally -- I generally only go if Frank goes -- like
7 90 percent of the time, you know, because I don't really
8 sometimes remember when these golf tournaments are and so,
9 as you can tell by the messages, they have to remind me
10 when those tournaments are.

11 Q. Okay. Why don't we take a break for lunch?

12 A. Actually, I can't. I've got stuff to do, to be
13 honest. You know, I'd like to get this -- carry this
14 through. I'm taking offers on a property at two o'clock
15 today.

16 Q. Okay. Well, we're not going to finish by 2:00.

17 A. Well, let's try. Let's try and continue, please.

18 MR. EMBLIDGE: Well, I need to get some food in
19 my body. So Terri, can we take a brief break for lunch
20 and restart in 15 minutes? Does that work for you?

21 THE REPORTER: Yes, that's fine.

22 (Discussion held off the record.)

23 (Break taken from 12:30

24 p.m. to 4:00 p.m.)

25 MR. EMBLIDGE: Okay. Mr. Honda, I just want

1 to -- I know I gave you a bunch of names this morning and
2 asked you about them. I want to give you a couple more.

3 Do you know a developer in San Francisco named Kevin
4 Cheng, C-h-e-n-g?

5 A. No.

6 Q. How about --

7 A. He was -- he was nominated for my position at the
8 Board of Appeals prior to me and he declined the
9 nomination.

10 Q. Okay.

11 A. And he's been before my board several times.

12 Q. Regarding what?

13 A. Um, I think his property address -- it's been in
14 front of us so many times. I think it's 10 States or --
15 States Avenue -- States Street.

16 Q. Have you ever communicated with him outside of a
17 Board of Appeal meeting?

18 A. Not that I'm aware of.

19 Q. Do you know Bruce Storrs, S-t-o-r-r-s?

20 A. No. Does he work for the planning department?

21 Q. He was the city surveyor.

22 A. Oh, I've heard his name. I think his name has
23 come up under cases at the Board of Appeals.

24 Q. And you referred earlier to a business partner
25 named John O'Donoghue. The court reporter wanted to know

1 how to spell O'Donoghue.

2 A. J-o-h-n. His last name is O'D-o-n-o-g-h-u-e.

3 Q. Okay. Is he any relation to Joe O'Donoghue --

4 A. No.

5 Q. -- the former president of the RBA?

6 A. No.

7 Q. What is -- how long have you had this business
8 relationship with John O'Donoghue?

9 A. 15 years.

10 Q. And are you both partners in JSOD, LLC?

11 A. JSOD is his -- is his LLC.

12 Q. Got it.

13 All right. I think we were on Exhibit 38.

14 Do you know Randy Shaw?

15 A. I do know Randy Shaw.

16 Q. Have you ever communicated with Mr. Shaw about
17 development projects in San Francisco?

18 A. Not that I'm aware of.

19 Q. Have you ever communicated with Mr. Shaw about
20 Dennis Richards?

21 A. Not that I'm aware of.

22 Q. Are you the realtor for a company called
23 "Paramount Estates"?

24 A. No.

25 Q. Okay. So on Exhibit 38, I think we were on Page

1 11, which is Bates stamped 973.

2 Do you see that?

3 A. 973. Yes.

4 Q. Okay. We were talking about this Mr. Panelli,
5 who you thought was with DBI, but you weren't sure of his
6 first name. Correct?

7 A. I think it's Steve.

8 Q. Steve. Okay.

9 All right. Then on the next page, you see there's an
10 email at the top from you to Mr. Duffy, thanking him for
11 the wonderful time?

12 A. Yes.

13 Q. And then Mr. Duffy writes back to you, "Always,
14 Darryl. You are part of the crew."

15 Do you see that?

16 A. Yes.

17 Q. What was your understanding of what he meant by
18 "You are part of the crew"?

19 A. Um, because I had called in to play golf with
20 them. They were near being filled and I was thanking him,
21 because he got me onto a foursome, because there's only a
22 finite amount of players that can play in a tournament and
23 I was thanking him for that and that's what that means is
24 that, you know, part of the golf crew.

25 Q. The golf crew?

1 A. Yeah.

2 Q. Okay. And then you email him a few days later
3 and you ask if you can call him later.

4 Do you see that?

5 A. Yes.

6 Q. Do you recall what that was about?

7 A. No.

8 Q. And then, if you look at the next email, it says,
9 "Hi, Daryl. The Pearl are advertising Christmas parties.
10 See you are looking for a venue."

11 What do you recall that being about?

12 A. I was celebrating my 55th birthday and I was
13 looking for a venue to host it.

14 Q. What's The Pearl?

15 A. I have no idea. A media club or a venue.

16 Q. If you look at the bottom of that page, again,
17 it's Page 12 of Exhibit 38, Bates stamped 974. You're
18 e-mailing Mr. Duffy and you say, quote, "Hey, Bro, are you
19 coming? We're on the corner of Van Ness and Sutter."

20 And then to give you some context, you might want to
21 look at the email on the next page.

22 Can you tell me what this email exchange is about?

23 A. "Sorry. I got very busy at DBI toay. Lot of
24 people came in and I have a meeting that I'm heading to
25 now on Geary at 18th which is on until 4:30 p.m."

1 I have no idea why. Maybe we're having lunch. I have
2 no idea. Van Ness and Sutter.

3 Q. Can you see it says, "Send my apologies to
4 Bahman," B-a-h-m-a-n, and "Reza," R-e-z-a?

5 A. It was probably for lunch. They were having
6 lunch.

7 Q. You, Joe Duffy and two people from SIA?

8 A. I actually asked them to lunch and evidently was
9 not able to make it, yes.

10 Q. And why were you asking Mr. Duffy to come have
11 lunch with you and two people from SIA Consulting?

12 A. I ask a lot of people to lunch. I ask Dennis to
13 lunch. I ask Reza to lunch. That's my highlight of the
14 day is having a nice meal during lunchtime.

15 Q. Okay. I appreciate that, but what I'm asking
16 about is this specific lunch.

17 Why were you connecting Joe Duffy with two people from
18 SIA Consulting?

19 A. I wasn't connecting them. We were having lunch.
20 So I have lunch with -- with a lot of people. I wasn't
21 specifically saying, "Let me connect this person and this
22 person." We were just having lunch.

23 Q. Do you recall any particular reason you wanted to
24 have Joe Duffy at a lunch in December of 2018 with two
25 folks from SIA Consulting?

1 A. To eat.

2 Q. That's it?

3 A. Yeah.

4 Q. There was --

5 A. I mean, we -- if you've looked at my Facebook,
6 you see that I eat and I go out to lunch quite a bit.

7 I'm sure you have looked at my Facebook, so you see that
8 I'm out to lunch pretty much every day, except now that
9 it's Covid, we can't go out to lunch anymore.

10 Q. Just to be clear: A, I haven't looked at your
11 Facebook and B, I'm not asking you about your preferences
12 for eating.

13 A. Yep.

14 Q. What I'm asking you about is: Do you recall why,
15 in December of 2018, you were arranging a lunch with Joe
16 Duffy and two people from SIA Consulting, other than just
17 to eat food?

18 A. No.

19 Q. And then the next email -- you're e-mailing
20 Mr. Duffy about -- I assume that means B and K Electrical
21 and their annual Christmas party.

22 A. Correct.

23 Q. You're asking Joe to come to that party?

24 A. Because it's -- it's a half block away from the
25 Department of Building Inspections.

1 Q. Is that --

2 A. It's on -- oh, what's the name of the street?

3 Q. Is it at a venue or their office?

4 A. It's an electrical supply house. It's at 47

5 Duboce Street.

6 Q. Okay. I'm sorry. Going back up to the -- how
7 do you pronounce his name, Bachman?

8 A. Bahman (pronunciation).

9 Q. Bahman and Reza.

10 What is Reza's last name?

11 A. Khoshnevisan.

12 Q. Can you try to spell that one for us?

13 A. Let me look at my emails. K-h-o-s-h-n-e-v-i-a --
14 no, i-s-a-n.

15 Q. Okay. We'll call him Reza.

16 What did you understand his position to be at SIA
17 Consulting?

18 A. He used to be a partner, I believe, or he was an
19 employee. I'm not sure, actually.

20 Q. And have you handled real estate issues for Reza?

21 A. Yes.

22 Q. Do you continue to do so?

23 A. I'm doing so right now.

24 Q. You're doing so right now on a residential
25 property?

1 A. Correct.

2 Q. Where is that?

3 A. Mississippi.

4 Q. Mississippi.

5 Okay. So now let's go to the email from Mr. Duffy,
6 dated January 10th, 2019 at 6:55 p.m.

7 It says, "Hi, Darryl. If those guys at Myra" --
8 M-y-r-a -- "can come to meet me or Pat at DBI, it may
9 help."

10 Then it talks about it being a tough case.

11 What's that all about?

12 A. I can't remember. I think it might be Myrna
13 Street, maybe.

14 Q. Okay. Well, what do you remember about a problem
15 on Myrna Street, where you and Mr. Duffy were
16 corresponding?

17 A. No, I mean, I just get -- I actually don't
18 remember anything regarding it.

19 Let me look at my emails and see if there's something
20 from Myrna Street.

21 Yeah, I don't have anything. I mean, you know, lots
22 of members of the public call me, because my number is
23 easily available, regarding stuff -- regarding a fence
24 that blew down, a street lamp that's in front of them. I
25 just try to point them to the department that can best

1 handle their complaint or their situation.

2 Q. Do you remember anything about this particular
3 correspondence --

4 A. No.

5 Q. -- where you were talking with Mr. Duffy about
6 something involving Myra or Myrna Street?

7 A. Well, he evidently says here that he's meeting
8 with the neighbor the next week, so they must have been
9 aware of this already.

10 Q. No, I'm asking whether you recall anything --

11 A. I don't.

12 Q. -- about this situation.

13 A. I do not.

14 Q. And do you know -- when he says "me or Pat," do
15 you have any understanding as to whether he's talking
16 about Patrick O'Riordan or some other Pat?

17 A. I have no idea what Pat he's talking about.

18 Q. So if you see, there's a series of emails where
19 you thank Mr. Duffy about this Myra problem -- M-y-r-a
20 problem -- excuse me -- and then he writes back to you and
21 says, "I'd like to get this one sorted out. Better for
22 everyone."

23 A. Oh, so this has to be something that was a case
24 before the Board of Appeals.

25 Q. And then you see on the next page, you write

1 back, "100 percent. Otherwise, will turn into a hot
2 mess."

3 Do you see this?

4 A. I'm looking. Where is that at? Oh, I see it at
5 the top. I see it. Yes.

6 Q. Does that refresh your recollection --

7 A. No.

8 Q. -- about what you were corresponding with
9 Mr. Duffy about?

10 A. No.

11 Q. You have no recollection at all?

12 A. None.

13 Q. All right. Let's go to Page 977, which is Page
14 15 of Exhibit 38.

15 A. Yes.

16 Q. There's a series of e-mails -- starting in the
17 top third of the page, a series of emails from March 5th,
18 2019.

19 You write to Mr. Duffy saying, quote, "Hey, Bro. When
20 you get a few" -- "a free moment, can you give me a call?"

21 And then, as it continues, it seems to be about 1030
22 Baker Street and somebody named Donal, D-o-n-a-l.

23 A. Yes.

24 Q. Do you recall what this correspondence was about?

25 A. A member of the public had called me regarding a

1 Notice of Violation that he received and I passed him on
2 to Joe for help to -- for either the property owner to
3 call or him to call him.

4 Q. Okay. But then at the bottom of the page, it
5 says, "Hi, Daryl (sic). Donal" -- who I believe is Donal
6 Duffy -- "will be calling you."

7 Why would the building inspector be calling you,
8 rather than just calling the property owner?

9 A. Oh, because I guess, when the property owner
10 called me -- when I made the phone call, Joe said that he
11 did not want to take it out of the local guy's hand, so he
12 called me rather than the property owner and then I
13 directed him to the property owner.

14 Q. Who was the property owner?

15 A. I can't remember his name, to be honest.

16 Q. Is the property owner someone with whom you've
17 had business dealings?

18 A. No.

19 Q. Okay. And then if you look at the next page,
20 there is more correspondence on March 7th.

21 It seems to say that this is a property with Reza and
22 Bahman.

23 A. No. I recommended to the property owner that
24 there was a -- I believe what was in question was that
25 there was a retaining wall that the adjoining property

1 owner or the next door property owner said that was
2 encroaching onto his property, at which point I
3 recommended that he either have a surveyor or an engineer
4 take a look at the property.

5 Q. And you went out to the property --

6 A. Yes.

7 Q. -- with Reza and Bahman from SIA?

8 A. Yes.

9 Q. And does that refresh your recollection about the
10 property or the property owner?

11 A. No. I mean, I know -- I can remember the
12 property. I mean, it's kind of cool. He has a pool
13 inside his house.

14 Q. Why would you take Reza and Bahman with you?

15 A. Because I recommended an engineer and then he
16 hired -- I believe he hired Bahman -- I believe he hired
17 Bahman or Reza to do whatever they do.

18 Q. Okay. So you -- you recommended Reza or Bahman
19 to the property owner?

20 A. Correct.

21 Q. Then further down, on May 9th, you were sending
22 an email to Mr. Duffy saying, "Hey, Joe. What is (sic) my
23 friend have to do to legalize those covered parking
24 things?"

25 Do you remember what that's about?

1 A. No, I don't.

2 Q. I don't want you to speculate.

3 A. Yeah. No, I can't remember.

4 Q. Then -- let's see. Okay. If you go to the very
5 bottom of Page 979, which is Page 17 of Exhibit 38, and
6 then that carries over onto the next page.

7 It appears you're having some correspondence with
8 Mr. Duffy about 517-521 Fourth Avenue.

9 Do you see that?

10 A. I'm looking.

11 Q. Sure. We're at 979 -- the very bottom of 979.
12 The very last email. It just gives you a date stamp and
13 then carries over onto the next page.

14 A. I don't see where it says "979." I see --

15 Q. Keep going.

16 A. I see "Liked. 'If you need me to'" -- and then
17 it says, "Hey, brother, are you back from Ireland? If so,
18 welcome back and give me a call when you get a chance. If
19 not, enjoy your rest."

20 Q. And then it continues with a few texts and then
21 there's an address that you identify.

22 A. Yes, 517-521 is one of my listings.

23 Q. Oh, it's a property you're listing.

24 Okay. What were you contacting Mr. Duffy about
25 regarding that property?

1 A. They needed some direction of how to do their
2 permitting.

3 Q. What was the problem?

4 A. They inherited the property and when they
5 inherited it, there was a Notice of Violation on the
6 property and so they subsequently have hired professionals
7 to take care of their stuff. I believe they've hired Amy
8 Lee to handle their stuff.

9 Q. Who's Amy Lee?

10 A. She used to be the -- she was the Intern Director
11 of the Department of Building Inspections. She runs a --
12 she runs a code compliance company now.

13 Q. How do you know Amy Lee?

14 A. Our kids went to school together.

15 Q. So approximately how long have you known her?

16 A. Four or five years.

17 Q. So has Amy Lee performed any professional
18 services for you personally?

19 A. She is now.

20 Q. I'm separating you personally versus your
21 clients.

22 A. Oh, yeah. Yeah, I'm hiring -- we're going to
23 hire her for a project.

24 Q. Is that the project on Mason?

25 A. Correct.

1 Q. And you've also referred her to some of your
2 clients?

3 A. Correct.

4 Q. Have you handled anything professionally for
5 Miss Lee?

6 A. No.

7 Q. All right. So now we are still on Page 980,
8 which is Page 18 of Exhibit 38. There's an email
9 exchange on September 11th, 2019, where Mr. Duffy says,
10 "Thank you for the backup with that case on the public
11 comment," and then at the end, it says, "Hope she calms
12 down a bit."

13 Do you know what that's about?

14 A. I believe someone called him a liar regarding the
15 case.

16 Q. And you stood up for him?

17 A. Well, what was in the briefs supported what the
18 department said.

19 Q. And then on the next page, it looks like the
20 conversation goes back to a discussion about your client's
21 property.

22 A. Correct.

23 Q. And it looks like actually Mr. Duffy recommended
24 Amy Lee to you.

25 Is that correct?

1 A. No. Mr. Duffy recommended that I hire someone.
2 He's never given me any recommendations for hiring people.

3 Q. Well, wait. Look at -- look at a quarter of the
4 way down. There's a text from Joe Duffy to you after you
5 asked him who he would recommend. He says, "I'd have to
6 think on that one. Maybe Amy Lee."

7 A. We had already talked about Amy Lee already prior
8 to that.

9 Q. You just said he's never recommended anybody to
10 you. Isn't he right here recommending Amy Lee?

11 A. I guess he is. I didn't see that text and I
12 don't recall him recommending.

13 I've asked Joe for recommendations in the past and he
14 has always declined to give recommendations.

15 Q. And the conversation continues on and you thank
16 him and he says, "Anything you need, Daryl (sic). Happy
17 to help."

18 Do you see that?

19 A. Yep.

20 Q. Okay. Now we're back to golf on Page 982 -- the
21 third text from the bottom on Page 982. It looks like
22 Mr. Duffy is recruiting you again to play at the Building
23 Inspectors tournament.

24 Is that right?

25 A. "Hi, Darryl. Do you want to play?" Yes.

1 Q. And then on the next page -- I didn't follow this
2 email from Mr. Duffy, which you responded that you like.

3 It says, quote, "One of the inspectors just text me.
4 When I get in I will know better."

5 Do you know what that was about?

6 A. Well, no, I don't.

7 Q. And then toward the bottom of the page, Mr. Duffy
8 says, quote, "Think you are out with Leo McFadden,"
9 M-c-F-a-d-d-e-n.

10 Do you see that?

11 A. Right.

12 Q. Who is Leo McFadden?

13 A. I don't know. He ended up not playing with me.

14 Q. Have you ever met him?

15 A. I think I had a beer with him at the end of
16 the -- at the end of the tournament.

17 Q. Do you understand what connection he has to the
18 Building Department?

19 A. No.

20 Q. Do you know any of his family members?

21 A. No.

22 Q. Who -- if you didn't play with Mr. McFadden that
23 day, do you recall who you did play with?

24 A. I can't remember who I played with. All I
25 remember is right before T-off time, I had an empty seat

1 and then they -- I can't remember who took the empty seat.

2 Q. Okay. Now, on the next page, which is Bates
3 stamped 984, there's an email exchange where you -- I'm
4 sorry. Mr. Duffy writes to you and you write back that
5 you liked his comment about the outer Richmond and Sunset
6 changing and the permit being suspended and putting them
7 in touch with Corey.

8 Do you see that?

9 A. "The outer Richmond and Sunset are changing and
10 as a resident, it is all for the better. It brings some
11 much needed vibrancy to our area and" --

12 Q. I just -- you don't have to read that, because if
13 you do read it, then the court reporter has to try to take
14 down what you're saying.

15 A. Okay. So I read it. Yes.

16 Q. What do you recall being the issue here and who
17 was being put in touch with Corey?

18 A. Is 11-13-2019 on a Wednesday?

19 Would you like me to check?

20 Q. I don't -- I'm sorry. I don't understand what
21 you're asking me.

22 A. Is 11-19 (sic) on a Wednesday?

23 Q. Oh, it looks like, actually, it's 11-13.

24 A. Oh, 11-13.

25 Q. I do not know.

1 A. I'll look right now. 10-13-19 (sic) is a Sunday.

2 I don't recall what that was about.

3 MR. STEVENS: Yeah, I think that was a Wednesday.

4 THE WITNESS: Oh, was it? Yeah, because I was
5 going to say, it sounds like a Wednesday text to me,
6 honestly.

7 MR. EMBLIDGE: Okay. Regardless of whether it
8 was a Wednesday or a Sunday, do you remember what the
9 issue was you were talking about and who you were putting
10 in touch with Corey?

11 A. No.

12 Q. Down a couple of texts, you send an email to Joe
13 saying, "Did that guy Tony ever email you?"

14 Do you know what that's about?

15 A. No. Where did you see that? "Did that guy
16 Tony" --

17 Q. Oh, I'm sorry.

18 A. Where is that at?

19 Q. That is on Page 984, third text up from the
20 bottom.

21 A. No, I have no idea who Tony is.

22 Q. Okay. So I want to go to Page 986.

23 About halfway through that page, there's some emails
24 that appear to relate to potential exposure to Covid,
25 maybe from an attorney who tested positive at a board

1 meeting.

2 Do you see that?

3 A. I'm reading it now. Yes, I see it.

4 Q. Do you recall this incident?

5 A. Yeah, Jim Rubin showed up at a hearing and tested
6 positive for Covid.

7 Q. Right. I heard about that.

8 So then it goes onto the next page and it says -- it's
9 an email from Joe, saying, "Hope he's okay. John is a
10 nice guy."

11 And then an email that says, "Tell Lucy thank you for
12 what she does."

13 So do you know -- is that just a typo? Was he talking
14 about Jim or was he referring to John Pollard or do you
15 know who he's referring to?

16 A. I have no idea who he's talking to, but regarding
17 Lucy -- his wife is a registered nurse.

18 Q. Joe's wife?

19 A. Yes.

20 Q. Then a little further down on that page -- we're
21 now on Page 987. There's an email from Duffy to you,
22 saying, "Man, I need to own that building."

23 Do you recall what building you were corresponding
24 about?

25 A. No, I don't. It's probably a Wednesday text.

1 Q. A Wednesday text, meaning, something going back
2 and forth during the course of the board meeting?

3 A. Yes.

4 Q. And then a little further down, it looks like
5 probably at that same meeting, there's a text from you
6 about, quote, "It's funny there's (sic) sophisticated
7 enough to do construction leases, use that Airbnb
8 platform, but now are claiming that they don't know what
9 their" -- and then the next page it says, "doing."

10 Do you recall what that was about?

11 A. No, I do not.

12 Q. And the next page, five texts down, it appears
13 that you were sending Mr. Duffy some sort of JPEG image.

14 Could you look at the context around there and see if
15 you know what you were e-mailing him about?

16 A. No, I don't know what that's about.

17 Q. So you sent him an image and then he responds, "I
18 can look it up at work and let you know what is needed to
19 be done."

20 Does that refresh your memory at all?

21 A. I read that and I still say, no.

22 Q. You have no idea?

23 A. No idea.

24 Q. Okay. Then go down a couple to a text on the
25 21st of May of last year. It looks like you're trying to

1 find job cards for a project at 1033 Capital. That is a
2 friend of yours' house.

3 What do you recall about that?

4 A. What page are you at?

5 Q. It is two texts from the bottom on Page 988.

6 MR. STEVENS: Page 26 of the PDF.

7 THE WITNESS: Oh, I see it. Yeah. So I sold a
8 house and the clients lost their job cards.

9 MR. EMBLIDGE: So you were reaching out to
10 Mr. Duffy to see if he could get those for you?

11 A. Well, to see what would I do to get a copy of
12 those.

13 Q. And were you able to get them?

14 A. I actually can't remember. I know that we
15 finalized the project, so we must have gotten them somehow.
16 It was just confusing, because that was during -- that was
17 during Covid and it was just very challenging.

18 Q. Okay. So let's go to the next page. There's a
19 text toward the top, where Mr. Duffy, on June 3rd, 2020
20 texts you and says, quote, "You guys should bring these
21 contractors in who did the damage. It may shame them into
22 not doing it again. Still only on second case."

23 So does that sound like another text during a meeting?

24 A. I imagine so.

25 Q. And do you have any recollection as to what

1 contractors or what damage he's talking about?

2 A. No.

3 Q. All right. We actually finished Exhibit 38.

4 Let's go to Exhibit 39, please.

5 (Whereupon, Exhibit 39 was marked for
6 identification and is attached hereto.)

7 THE WITNESS: What is Exhibit 39?

8 MR. EMBLIDGE: I broke the texts that you sent me
9 into three batches. So it's the next batch. It starts
10 with page --

11 THE WITNESS: Ryan, can you send it to me?
12 Because I don't think I have that.

13 MR. STEVENS: Yeah, I'll try sending it again.
14 I'll send it as a separate message, because that's what
15 seemed to work.

16 Exhibit 39. Right?

17 MR. EMBLIDGE: Yeah. And then if you could send
18 another one of Exhibit 40, that would be great.

19 THE WITNESS: Okay. I have 39.

20 MR. EMBLIDGE: Great. We'll start at the top.
21 These emails -- or texts -- excuse me. These texts seem
22 to be between you and Mr. Richards.

23 A. Uh-huh.

24 Q. This first one looks like it's from you and it
25 says, "Reza is before you today. He's representing

1 Ash" -- parentheses -- "the jerk. Try not to kill the
2 messenger."

3 I think I know who Ash is, but I can't remember his
4 last name. Ashok -- what was his last name?

5 A. Gurald or Gerald (pronunciation) or something
6 like that.

7 Q. G-u-r-a-d or something like that?

8 A. Yeah, something like that. Yeah.

9 Q. Okay. So Reza is your -- would you call him a
10 friend?

11 A. Yes.

12 Q. Reza is your friend from SIA Consulting. Right?

13 A. Yes.

14 Q. And so he was coming to the Planning Commission
15 representing Ash and you're asking Mr. Richards,
16 basically, "Even if you think Ash is a jerk, don't take it
17 out on Reza"?

18 A. So besides Reza being my friend, he's also
19 Commissioner Richards' friend as well. So yes, that's
20 what I said. I said, "Try not to kill the messenger."

21 Pretty self-explanatory.

22 Q. And then a little further down, it seems like
23 there's an email from you at 1:36 p.m. to Mr. Richards,
24 where you say, "Reza is really worried."

25 Do you remember what that was about?

1 A. Is it the same day or is it a different day?

2 Q. No, these look like they're all, you know, pretty
3 rapid fire, from 1:32 p.m., 1:36 p.m. --

4 A. Give me a second to just read this.

5 Q. Please.

6 A. Yes, I believe it's for the same case.

7 Q. And what was it -- how do you know Reza was
8 worried and what was he worried about?

9 A. Oh, I don't know the exact particulars, but I
10 guess Ash Gurad (phonetic) is not a -- he's not a Boy
11 Scout.

12 Q. Right. He's got some issues, but was Reza
13 communicating to you that he was worried about something
14 and then you communicated that to Dennis Richards?

15 A. I guess -- I don't know the particulars of the
16 case. It's just that we're all friends and I just said,
17 "Hey, don't kill the messenger."

18 Q. All right. If you look at the bottom of that
19 page, going over to the top of the next page -- is that
20 the text that you referred to earlier, where Mr. Richards
21 told you about Mr. Santos was being accused of certain
22 things in the Chronicle?

23 A. I'm not sure.

24 Q. Well, do you see --

25 A. I can't -- it says "Chats, message, native

1 attachments."

2 Q. Keep going.

3 A. Okay. "Google Chronicle" -- yeah, well, it says
4 "SF sues former building official for cheating."

5 Q. Okay. And so then you say, "Wow" with an
6 exclamation mark.

7 Mr. Richards texts back, "He had it coming" and "What
8 a snake."

9 And you write back, "Yep," with exclamation marks.

10 So were you agreeing that Mr. Santos had this coming?

11 A. I was agreeing that his circumstances were well
12 deserved from his actions.

13 Q. What do you mean by that? His circumstances were
14 well deserved?

15 A. I was agreeing -- I was agreeing with the
16 article.

17 Q. Now, if you scroll down to -- there's a text on
18 December 19th, 2018 from you to Mr. Richards and you say,
19 "Hey, Dennis. Can you give me a call when you get a
20 chance?"

21 And then there's a text on the -- the next text that
22 says "Smiling."

23 Do you know what any of that was about?

24 A. No.

25 Q. On the next page, which is Bates stamped 993 and

1 is Page 3 of Exhibit 39, about five texts down, you say,
2 in this text to Mr. Richards, "Also, thank you for not
3 going hard on Reza's design."

4 And it looks like he writes back and says, "Yes, we
5 need to catch up."

6 Do you recall what property that related to?

7 A. No, I don't.

8 Q. Okay. And then at the bottom of this page, Page
9 993, you sent a text to Mr. Richards that says, "Hey, Bro.
10 Can you give me a call when you get a chance?" It's on
11 July 16th, 2019.

12 And then on the next page, there's two follow up
13 texts.

14 Do you remember what that was about?

15 A. No.

16 Q. All right. And then on the next page, which is
17 Bates stamped 994 and is Page 4 of Exhibit 39, there's a
18 text from you to Mr. Richards on September 27th, 2019.
19 It says, "Hey, Bro. There's some not so nice stuff going
20 around about you right now. What's up?"

21 Do you recall what that was about?

22 A. Yes.

23 Q. What were you trying to communicate to
24 Mr. Richards here?

25 A. I believe I had played golf earlier in the day

1 and I -- exactly what it said. I heard some not so nice
2 stuff about Dennis. I considered Dennis a friend, so I
3 called him up -- I texted him and then he called me back.

4 Q. Who were you golfing with?

5 A. I was golfing with John Pollard, Frank Fung and
6 Ed Sweeney, but that's not where I heard it from.

7 Q. Where did you hear it from?

8 A. In the beginning -- from the beginning of the
9 golf tournament, you know, we were getting there and
10 everybody was seeming to -- the gossip was about Dennis.

11 Q. Okay. So this was at the RBA golf tournament?

12 A. Whichever golf tournament that day was, yes.

13 Q. And you were golfing with Frank Fung, Ed Sweeney
14 and John Pollard that day?

15 A. Correct.

16 Q. And when you arrived, you said there was gossip
17 about Dennis?

18 A. Correct.

19 Q. And what was the gist of the gossip that you were
20 hearing?

21 A. "Did you hear what happened to that commissioner?
22 How" -- you know, what's the word I'm looking for? The
23 word that was mostly used was "hypocritical."

24 Q. Okay. So someone was accusing Dennis Richards of
25 being hypocritical?

1 A. Exactly. Or basically, the gist of it was that
2 he -- or the stuff that he was extremely hard on, he had
3 done the same stuff.

4 Q. And who was it that was telling you this?

5 A. You know, it was just -- it was just people
6 talking around the carts. I don't remember who it was.
7 I don't know a lot of the people at those tournaments, to
8 be honest, you know. It's just that they're friendly with
9 me. We're sitting there. We're getting ready to play a
10 round of golf. I can't remember if Frank was a Planning
11 Commissioner yet or if he was still a Board of Appeals
12 Commissioner, and that was what they were talking about.

13 Q. Okay. Can you recall a single person at this
14 golf tournament that was accusing Mr. Richards of being
15 hypocritical?

16 A. No.

17 Q. Did you talk to Frank Fung about what people were
18 saying about Dennis Richards?

19 A. Frank was right there next to me.

20 Q. Thank you, but that's not what I asked.
21 Did you talk with Frank Fung about Mr. Richards?

22 A. No.

23 Q. Did you talk with Ed Sweeney about Mr. Richards?

24 A. No.

25 Q. Did you talk with John Pollard about

1 Mr. Richards?

2 A. No.

3 Q. And what was the hypocrisy that you understood
4 was being alleged?

5 A. I can't remember specifics about it. It was
6 regarding required permits for work before you start --
7 you know, as you do it, and that he had not gotten the
8 necessary permits to do what he had done.

9 Q. And you have no recollection whatsoever about who
10 was saying this?

11 A. No recollection.

12 Q. Okay. So then after you heard this stuff, that
13 same day, did you text Mr. Richards?

14 A. Of course, because Dennis was a friend. So I
15 texted him right away, after I got home, and then he
16 called me back a while later.

17 Q. And tell me about the phone conversation you had
18 with Mr. Richards, please.

19 A. Would you like me to repeat what I remember?

20 Q. That's what I'm asking you.

21 A. Okay. So I called -- Dennis called me back.
22 When he called me, I said, "Hey, what's going on? There's
23 some stuff that's not so nice going on about you right
24 now."

25 And at that point, he was already kind of slurring his

1 words already and then he got extremely belligerent --

2 Q. I'm sorry. He was what his words?

3 A. Slurring his words.

4 Q. Okay.

5 A. And he got rather belligerent at that point, so
6 basically, I said, "Hey, you know" -- he goes -- you know,
7 it started off friendly enough, where he said that the
8 Building Department has got an axe to grind with him or
9 something similar to that and they're going after him for
10 stuff.

11 And I said, "Well, you know, whatever it is, you
12 should go to the department and get ahead of this."

13 And he said, "Fuck them. Do they know who they're
14 fucking with? I'm going to fucking sue the fuck out of
15 them."

16 And after about the sixth or seventh F bomb, I
17 basically told Dennis, "Shut the fuck up." I said, "Hey,
18 I'm your friend. I'm calling you, because this is what I
19 heard and I think that you should get in front of the
20 departments and deal with this."

21 And the next thing I heard was that I had offered him
22 a quid pro quo to settle his issues.

23 Q. So where did you hear that somebody accused you
24 of offering him a quid pro quo?

25 A. I don't know. Somebody had told me. That's what

1 I heard.

2 Q. From who?

3 A. I can't remember.

4 Q. I've never seen that written anywhere. Do you
5 know --

6 A. No.

7 Q. What is the quid pro quo that you supposedly
8 offered or were offering?

9 A. I have no idea. I wasn't the one that said it.

10 Q. And you don't know who it was that did say it?

11 A. Nope.

12 Q. But you believed it?

13 A. Well, I believed that I had to -- what was the --
14 didn't you ask me to recuse that hearing?

15 Q. I did.

16 A. Okay. So what was the grounds that you asked me
17 to recuse that hearing?

18 Q. I'm happy to send you the brief, but nobody said
19 you were offering or offered a quid pro quo.

20 So you had this conversation where you said he should
21 get in front of the department or departments?

22 A. Departments. He should go -- get in front of the
23 departments and get ahead of this.

24 I don't know if those are the exact words, but it's
25 something along that line.

1 Q. But I'm still not sure whether you're using
2 singular or plural on "department."

3 A. Plural, because he had problems with both the
4 Planning Department and the Building Department.

5 Q. How did you know that?

6 A. From -- from what some of the accusations were.
7 Right? I mean, that's just not a building problem. If
8 you've done -- if you've gone beyond the scope of your
9 permits, you've got to involve the planning as well.
10 Right?

11 Q. Why? You've seen plenty of cases that come
12 before you that don't involve planning; that involve scope
13 outside the work of building permits and it's just a DBI
14 issue.

15 A. Not necessarily.

16 Q. You've never had that happen at the Board of
17 Appeal?

18 A. If you go beyond your envelope of your building,
19 I believe that planning is involved. Correct?

20 Q. Right. But did somebody tell you that
21 Mr. Richards had gone beyond the envelope of his building?

22 A. At this point, I told him he should get in front
23 of -- I said, "Scott is a reasonable person. You should
24 get in front of the departments."

25 That's exactly what I told him.

1 Q. Scott, meaning Scott Sanchez?

2 A. Correct.

3 Q. I'm trying to get to the bottom of why you think
4 planning was involved and not just building.

5 A. I don't know. Maybe I made that assumption.

6 Q. Do you have any reason -- do you have any
7 recollection as to why you made that assumption?

8 A. No.

9 Q. Okay. After this phone call on the evening of
10 Sunday, September 27th, did you have any further
11 communication with Dennis Richards at all?

12 A. No.

13 Q. Just one second, please.

14 Okay. After you had that phone call with Mr. Richards
15 on that Sunday evening, did you communicate with anybody
16 about Mr. Richards' situation?

17 A. I can't remember.

18 Q. You can't remember?

19 A. I can't remember.

20 Q. Did you talk to Ed Sweeney about the situation?

21 A. No.

22 Q. Did you talk to Joe Duffy about the situation?

23 A. No.

24 Q. Did you talk to Scott Sanchez about the
25 situation?

1 A. No.

2 Q. But you may have talked to somebody else. You
3 just can't remember.

4 Is that right?

5 A. Correct.

6 Q. Can you recall anybody at DBI you've talked with
7 about the situation?

8 A. No.

9 Q. Did you talk to Frank Fung about the situation?

10 A. Probably, Frank and I had that conversation.

11 Q. What do you recall regarding that conversation?

12 A. That he got caught for doing something that he
13 was strongly against.

14 Q. Were you the one that was expressing that point
15 of view or was Mr. Fung?

16 A. I'm not sure.

17 Q. You don't recall that, either?

18 A. No, I do not recall it.

19 Q. Weren't you pretty upset about this?

20 MR. STEVENS: Objection. Vague.

21 MR. EMBLIDGE: You can answer.

22 A. At the moment, yes.

23 Q. At the moment, meaning, on September 27, 2019?

24 A. Correct. But evidently, I was not upset enough
25 to watch the hearing. I just went home and went to sleep.

1 Q. Okay. Wait. I think we're confusing something
2 here.

3 September 27th, 2019 is not the hearing date.

4 A. Oh, okay.

5 Q. So let's -- going back to what you were upset
6 about in the moment.

7 You're saying the time that this upset you was at the
8 hearing.

9 Is that right?

10 A. Why don't you ask your original question?
11 Because I think it's gone out of line here.

12 Q. Okay. After you had the text and then the phone
13 call with Mr. Richards in September of 2019, were you
14 upset about it?

15 A. No.

16 Q. After Mr. Richards raised issues about his
17 permits and the text -- strike that again.

18 After Mr. Richards raised issues about his
19 communications with you to the Board of Appeal, that upset
20 you.

21 Is that correct?

22 A. Yes.

23 Q. And at that time, is there anybody you
24 communicated with about Mr. Richards, other than Frank
25 Fung?

1 A. Oh, I can't remember specifically.

2 Q. So do you think you talked to other people? You
3 just don't remember who. Or you didn't talk to other
4 people?

5 A. I probably expressed my opinions that, you know,
6 I'm not a happy person.

7 Q. Can you think of a single person that you
8 expressed your opinions to besides Frank Fung?

9 A. No. Definitely, my wife.

10 Q. Anyone else?

11 A. No.

12 Q. If you go to the next page of Exhibit 39, who is
13 that a photo of?

14 A. Rodrigo Santos.

15 Q. Do you have any idea why you were producing a
16 photo of Rodrigo Santos?

17 A. No. I believe -- the C means it's the Chronicle,
18 so it's probably the Chronicle thing that Dennis sent me.

19 Q. That's what I would guess, too. But it would
20 just be a guess?

21 A. Right.

22 MR. STEVENS: I wouldn't disagree with that
23 guess, either.

24 MR. EMBLIDGE: All right. If you go to the next
25 page.

1 Now we're in some email exchanges between you and
2 Mr. Pollard. Do you see that?

3 A. Yes.

4 Q. This is Page 7 of Exhibit 39.

5 So the first one seems to be talking maybe about what
6 you mentioned earlier, that you were trying to get a
7 reference from him for an accountant?

8 A. The first one says, "Hey, Jon (sic) two things."
9 That one?

10 Q. Yeah.

11 A. Yes.

12 Q. And then you say, "Are you free for a London
13 Breed event tomorrow in Chinatown?" And "Frank will be
14 there as well."

15 That's Frank Fung?

16 A. Right.

17 Q. So is this a campaign event for Mayor Breed?

18 A. I would -- I would imagine so.

19 Q. And it says you were on the hook for a table, and
20 so you were inviting Mr. Pollard to attend that event?

21 A. Correct.

22 Q. Now, the next text starts, "She needs you to
23 bring all your stuff in."

24 Do you see that?

25 A. Yes.

1 Q. Is this about the accountant?

2 A. Yes.

3 Q. At the end of that text, he says, "Do you know
4 Omar in Airbnb? I remember some story."

5 And then you say, "Yes, very well."

6 What's that about?

7 A. He asked if I knew Omar and I said, "Yes, I do."

8 Q. Okay. Who's Omar?

9 A. Omar Masry is the -- is a planning employee that
10 used to be the head of mobile facilities and then they
11 moved him over to Airbnb, which I guess is -- he's at the
12 Airbnb, which I guess is part of the Planning Department.

13 Q. And Mr. Pollard says, "I remember some story" and
14 you say, "Yes, very well."

15 Are you saying -- do you know what the story was
16 about?

17 A. I can't remember now. I think they had
18 interviewed him. They had interviewed Omar and it was on
19 TV or media or something.

20 Q. Mr. Pollard had interviewed Omar or --

21 A. No, somebody else interviewed Omar.

22 Q. Okay. If you scroll down a little bit, there is
23 an email where Mr. Pollard is telling you that Annabel has
24 a question.

25 So it sounds like Mr. Pollard has a question about the

1 Airbnb rules and he's asking you to ask Omar and you agree
2 to ask him.

3 Could you tell me if I'm understanding those text
4 exchanges accurately?

5 A. I actually don't even recall calling Omar
6 regarding this email -- or this text.

7 Q. So when you wrote back to him and said, "I can
8 ask him," you don't know what that's about?

9 A. Correct.

10 Q. On the next page, there are more emails with
11 Mr. Pollard.

12 About halfway down, on July 18th, 2018, Mr. Pollard
13 texts you and says, quote, "Bring your stuff to our
14 office, please."

15 Do you see that?

16 A. Yes.

17 Q. Is that about the accountant or something else?

18 A. Yes, my taxes.

19 Q. And then there's a -- the next text is from
20 August 24th, 2018. It says -- from Mr. Pollard to you.
21 It says, quote, "Can you appeal a fine from BSM to your
22 board," question mark. "Is it possible to win," question
23 mark.

24 What did you understand that to be about?

25 A. I guess he's asking if you can file a thing -- I

1 wasn't a hundred percent sure, but I said, "I would
2 imagine that you'd have the opportunity to appeal. I'm
3 not sure. You can call the office."

4 Basically, you can call my director to ask about that.

5 Q. What did you understand to be BSM?

6 A. Isn't that like something-sidewalk?

7 Q. I'm asking you what you understood it to mean
8 when Mr. Pollard texted you.

9 A. Yeah, I believe it's the department regarding
10 sidewalk. I'm not sure. That's why -- I wasn't sure.
11 That's why I said, "You can call the office."

12 Q. Okay. And then on the next page -- well, the
13 bottom of this page, which is Page 998 or Page 8 of
14 Exhibit 38 -- I'm sorry -- Exhibit 39, and carrying over
15 onto the next page, it looks like you send Mr. Pollard a
16 text in which you attach the Chronicle article about
17 Rodrigo Santos.

18 Do you see that?

19 A. Yes.

20 Q. And did you ever talk to Mr. Pollard about the
21 Rodrigo Santos situation?

22 A. No, but Dennis sent it to me, so I sent it to
23 him. It was kind of a chain mail.

24 Q. And you see Mr. Pollard wrote back with a "Yep"
25 and a frowning face?

1 A. Yes.

2 Q. After this, you never had any conversation or
3 correspondence of any kind with Mr. Pollard about the
4 situation Mr. Santos found himself in?

5 A. I don't know. In passing. I mean, Rodrigo is
6 not very interesting to me, so I don't really have very
7 much -- there's no reason for me to talk about someone
8 that I don't really know that well. I mean, we shared the
9 article, but that was about it. Right?

10 Q. What do you mean, he's not very interesting to
11 you.>

12 A. We're not friends. I don't have any relations --
13 like I don't care about what happens to you. No
14 disrespect, but I mean, we're not friends. We're not
15 buddies. That's just the thing.

16 Q. But you're on the Board of Appeal and you're
17 dealing with building and planning issues on a biweekly
18 basis. The fact that somebody that comes before you on a
19 regular basis is being sued by the city attorney for
20 fraud -- that wasn't interesting?

21 MR. STEVENS: I'm just going to object. That's
22 argumentative and I'm not really sure what the relevance
23 is as to how Mr. Honda felt about what was happening to
24 Rodrigo, but you can answer, Darryl.

25 THE WITNESS: Honestly, Rodrigo has come before

1 my board -- or before the board many times. He has gotten
2 no favor from me in any way.

3 You can listen to any one of those cases that he has
4 appeared before my body -- and again, I don't -- I mean,
5 how someone runs their business or does their business is
6 entirely -- how you run your law practice is entirely your
7 choice and your decision. How someone runs their
8 construction business or how someone runs their structural
9 engineer business is up to them. How I run my real estate
10 business is up to me.

11 MR. EMBLIDGE: Right. But how he conducts his
12 construction business is a matter that comes before you on
13 a regular basis on the Board of Appeal. Right?

14 A. Well, then -- and each case is separate and
15 different and you can't judge what someone's done in the
16 past from what the current case is. I mean, if you lose a
17 case before me and you come before me the next time,
18 should I automatically assume that that's going to be the
19 same situation? I'm not. Each case is different.

20 So has Rodrigo been wrong in every single case he's
21 brought before us? No, he hasn't, you know, so --

22 Q. Are you done?

23 A. Yep.

24 Q. Okay. So earlier, we talked about Pat Buscovich
25 and you noted that there have been a couple of occasions

1 where you have been less than impressed with his
2 professional work. Right?

3 A. Correct.

4 Q. What is your opinion about Mr. Santos and his
5 professional work?

6 A. He has a much larger body of work than
7 Mr. Buscovich, so I mean, there are evidently projects
8 that have come before the board that did not have a
9 problem. They were at the board for other reasons. It's
10 just that he was the engineer that stamped it or whatever,
11 but he was not -- you know, his particular work was not in
12 question.

13 All right? So you know, what my feeling is -- it's on
14 a per case basis. I mean, how he did your house, how he
15 did my house, how he did somebody else's house, you know,
16 is -- like I said, I can't judge him for what he did last
17 week or what he's going to do this week.

18 Q. Okay. But is it fair to say that there have been
19 cases where his work has come before you where you have
20 found it to be professionally competent and some cases
21 where you have found it to be less than professionally
22 competent?

23 A. That's a correct statement.

24 Q. Okay. We're still on Page 9 of Exhibit 39, which
25 is Bates stamped 999.

1 In the middle of that page, you have an email exchange
2 with Mr. Pollard about golfing with Joel.

3 Do you see that?

4 A. Yes, I do.

5 Q. And then Mr. Pollard asks you, "Is Joel for the
6 new deck restrictions," question mark.

7 And then he says, "Receipts," question mark.

8 Do you know what that's about?

9 A. No.

10 Q. Did you say, "No"?

11 A. Yes. "No."

12 Q. At the top of the very next page, Mr. Pollard
13 writes to you, "What's your thought on the 11-99 placard
14 membership?"

15 Do you know what that's about?

16 A. Yes.

17 Q. What's that about?

18 A. If you donate to the fallen officers of the
19 California Highway Patrol a certain amount, they issue an
20 11-99 placard honoring fallen officers.

21 Q. And people get that perhaps to help them if they
22 get pulled over?

23 A. That's what I've heard.

24 Q. I always wondered about that.

25 (Dog barking.)

1 MR. EMBLIDGE: Sorry about the dog.

2 A. Well, your dog's going to start getting my dogs
3 going and then we're going to have a real problem here,
4 because I've got five.

5 Q. I must have had one of those many Amazon
6 deliveries.

7 Then there's a whole bunch of stuff on this page --
8 Page 1000 about private school and Paul somebody's kid.

9 A. Uh-huh.

10 Q. What was the issue there?

11 A. Paul Barbagelata's kid got thrown out of five
12 schools, I believe, or three schools, including Drew.

13 Q. And Drew is where your kids and Pollard's kids
14 were?

15 A. Pollard's kids.

16 MR. STEVENS: Objection. Relevance.

17 MR. EMBLIDGE: Yeah, just -- I think you
18 testified to that earlier. Right?

19 A. Yeah.

20 Q. Okay. Now, getting to Page 1001, which is Page
21 11 of Exhibit 39, toward the bottom. You're texting
22 Mr. Pollard about Scott Sanchez' party tomorrow.

23 What's that about?

24 A. Scott Sanchez resigned his role as the zoning
25 administrator for the San Francisco Planning Department

1 and there was a -- the Board of Supervisors had planned
2 a -- had planned a thing to honor him.

3 Q. And you and Mr. Pollard went to that?

4 A. I don't believe so. I don't believe John went.
5 I went. There was not many people there.

6 Q. Well, if you go to the next page, there's a
7 thanks for the invite text and then it was a blast text.

8 Do you think that's about something other than the
9 Sanchez party?

10 A. Let's see. Let me look at it.

11 I don't even remember the party, to be honest. I
12 honestly don't remember it.

13 Q. If you go down to the bottom of this page, 1002,
14 three texts from the bottom, there's a text from you and
15 Mr. Pollard. It says, quote, "Kendall says go and fix the
16 damn retaining wall ASAP."

17 What is all that about?

18 A. I can't remember. It was some property in
19 Chinatown regarding a retaining wall that was crumbling or
20 something.

21 Q. Who's Kendall?

22 A. Kendall is Frank Fung's partner.

23 Q. Frank Fung's business partner?

24 A. Yeah, business partner, I believe.

25 Q. Is he an architect or -- is Kendall an architect?

1 A. Yes, I believe he's -- I'm not sure if he's an
2 architect. I just think he's Frank Fung's partner.

3 Q. Okay. Is this a retaining wall on Mr. Pollard's
4 project that was failing?

5 A. I don't want to guess. I don't know.

6 Q. Okay. Now we're on the next page and it looks
7 like you and Mr. Pollard are again arranging for golf with
8 the RBA.

9 Is that correct?

10 A. I'm not sure. I just see "Golf." I don't know
11 if it was at the RBA or not.

12 Q. And then if you go down a little further, there
13 is a text on October 23rd, 2019 and it's a text from you
14 to John Pollard where you say, quote, "I guess you're
15 really glad that you're not Dennis Richards or Pat."

16 Do you see that?

17 A. Yes.

18 Q. What were you referring to there?

19 A. I believe that there was a news article that came
20 out.

21 Q. About what?

22 A. Dennis Richards and Pat.

23 Q. What do you recall about that news article?

24 A. I didn't read the whole context. I just read
25 that -- I believe it said that Vice President Dennis

1 Richards -- whatever he's done.

2 Q. Do you recall what publication you saw this in?

3 A. Nope.

4 Q. And Pat is Pat Buscovich?

5 A. Yes.

6 Q. And what do you recall the article saying about
7 Pat Buscovich?

8 A. That Pat had worked for Dennis and that, you
9 know, whatever the -- their permits were in question.

10 Q. Okay. Then Mr. Pollard writes you back. He
11 says, quote, "Heard about Richard and neighbor. Haven't
12 heard about Pat. What happened there?"

13 And then you write back, "At the BOA."

14 What are you talking about?

15 A. That's probably after the hearing at the Board of
16 Appeals.

17 Q. So you're thinking these were texts that you sent
18 to Mr. Pollard when the Richards matter was at the Board
19 of Appeal?

20 A. Correct.

21 Q. Have you vacationed with Mr. Pollard?

22 A. No.

23 Q. On the next page, which is Page 1004, there is a
24 text about halfway down on October 30th, 2019, where
25 Mr. Pollard texts to you, quote, "Glad I'm not working on

1 Sacramento Street," with a frowning face.

2 Do you recall what that's about?

3 A. No, but John -- Mr. Pollard tends to watch the
4 board hearings and add his two cents while I'm there,
5 unfortunately.

6 Q. I see. Okay. And you write back and ask, "Why?"
7 He writes back and says, "Chris" with an exclamation
8 mark.

9 And you wrote "Chris."

10 And then he writes back a few seconds later and says,
11 "Geo," question mark -- "G-e-o," question mark. "Was that
12 before they had licensing?"

13 Does that refresh your memory as to what this was all
14 about?

15 A. I do not -- no.

16 Q. Okay. And then on the next page, if you go
17 down -- well, I'm sorry. At the top of that page, you
18 write to him that you just tried calling him.

19 Were you calling him during a Board of Appeal meeting?

20 A. Is that 7:21 in the morning?

21 Q. It says "p.m."

22 If you look at the text before it, it looks like he
23 writes to you about Chris and he writes to you about Geo
24 and --

25 A. I have no idea what that is, but let me read

1 this.

2 I don't know what it's referring to.

3 Q. Okay. If you go down a couple texts, it looks
4 like there are -- you're golfing again at the DBI
5 Inspectors' tournament and then there's a text from you --
6 there's a text exchange where Mr. Pollard says, "Who
7 invited you?"

8 And you write back and say, "Ed, your buddy."

9 Do you see that?

10 A. Yes.

11 Q. And that's Mr. Sweeney?

12 A. I have no idea which Ed that is.

13 Q. Well, you wrote it. Who was the Ed you were
14 referring to?

15 A. I can't remember.

16 Q. Is there any other Ed it could be?

17 A. I guess. I don't -- I don't fraternize or
18 talk -- well, I don't really talk to Ed that much so, you
19 know, I don't know if I was being sarcastic or not on the
20 text.

21 Q. Are there any other Eds that you golf with at the
22 DBI Inspectors' tournament?

23 A. Not that I can recall.

24 Q. And then there's a text back from you that says,
25 "Loved 'Chris,'" exclamation mark, and then he writes back

1 and says, "Nice."

2 Do you remember what that's about?

3 A. No idea. The only Chris that I know is the
4 photographer that works at DBI. I mean, he works at DBI,
5 but for the tournaments, he generally takes pictures. I
6 think that's got to be what I'm referring to.

7 Q. And then let's go to the next page. That page is
8 Bates stamped 1006. It's Page 16 of Exhibit 39.

9 If you go to the very bottom of that one, please.

10 A. Yep.

11 Q. Is that you sending to Mr. Pollard an article
12 about Commissioner Richards that was in Beyond Chron?

13 A. I believe so, by looking at it. That's what it
14 looks like.

15 Q. And then on the next page, it looks like there's
16 a JPEG that was attached to that text.

17 Do you know what that image was?

18 A. No.

19 Q. On the next page, on December 12th, 2019, you
20 sent a text to Mr. Pollard that says, quote, "Hey, give me
21 a call, sick boy. I have a referral for new construction
22 eight-story building if you're interested."

23 Do you see that?

24 A. Yes.

25 Q. What were you referring to Mr. Pollard?

1 A. I was seeing if he would do a -- I forgot what
2 it's called -- a preferred salary -- it's when the
3 government does a building. He wasn't interested in doing
4 it. It was -- the people that bought my project on Eddy
5 Street were potentially -- they wanted three names for
6 referral, and they didn't go with anyone I referred. I
7 referred my business partner and I referred John, but John
8 said he wasn't interested in doing it. I forgot what it's
9 called. Preferred wages? Preferred wages.

10 Q. Prevailing?

11 A. Prevailing wages. That's what it is.

12 It was a prevailing wage job, and nobody wanted to
13 do -- I didn't know anyone that wanted to do a prevailing
14 wage job.

15 Q. Okay. So you referred Mr. O'Donoghue to these
16 folks and you referred Mr. Pollard, but neither of them
17 ended up doing the work?

18 A. Yeah. Correct.

19 Q. Now, if we go to the next page, 1008. If you go
20 down to the bottom, you'll see that you sent Mr. Pollard a
21 text relating to --

22 A. It looks like Rodrigo Santos.

23 Q. Right. The city attorney uncovered check fraud?

24 A. Yeah, that was the DBI, Rodrigo or Rodrigo
25 (pronunciation) or something, where he switched the DBI to

1 a name, supposedly. I did find that kind of amusing.

2 Q. Amusing in a good way or in a bad way?

3 A. In a bad way. I mean, why would you alter a
4 check?

5 Q. Good question. Although I'm not sure what
6 Mr. Pollard thinks from the text that follows up.

7 After Mr. Pollard's text, which I won't ask you to
8 speculate about, you write back and say, "#Don't Drop the
9 Soap."

10 What was that about?

11 A. You've never heard that term?

12 Q. I'm sorry. I'm pretty out of it.

13 A. If you go to prison, don't drop the soap.

14 Q. Oh, okay. You don't have to elaborate.

15 A. I can show you some pictures, if you'd like.

16 Q. Please, no.

17 Okay. Then about halfway down, there is a text from
18 you to Mr. Pollard on May 6, 2020 where you say, quote,
19 "Hey, Bro. What time do you think you can come by my
20 garage," end quote?

21 Do you see that?

22 A. Yep.

23 Q. What's that about?

24 A. He said he was going to be in the neighborhood
25 and I had a bunch of paperwork that I wanted him to pick

1 up. I ended up dropping them off at his place.

2 Q. Paperwork about what?

3 A. My taxes.

4 Q. Okay. Let's go forward a few pages to Page 22 of
5 Exhibit 39, and it is Bates stamped 1012.

6 A. 39? Were we just on 38 or --

7 Q. We're on Exhibit 39.

8 A. Okay.

9 Q. That's what I've been talking about.

10 A. Okay.

11 Q. If you go to Page 22 of the exhibit.

12 A. Which CCSF-Richards number would that be?

13 Q. 001012.

14 A. Okay.

15 Q. Go down to the bottom of that page, please, and
16 you'll see some texts from Mr. Pollard on June 16th, 2020,
17 the first of which says, quote, "Quick question when free.
18 Hope all is good with you and fam."

19 Do you see that?

20 A. Yep, I see that.

21 Q. Okay. Then there is a text about 1848 Mason.
22 It goes on to the next page, and that text refers to
23 Scott.

24 Do you understand that to be Scott Sanchez?

25 A. I would imagine that that is Scott Sanchez.

1 Q. And is Chaska, C-h-a-s-k-a, Chaska Berger?

2 A. Yeah. She's a planning person.

3 Q. What was this about?

4 A. I guess -- I do actually remember this a little.

5 I don't know if it was John's project or John's client's
6 project, but there was something regarding the demolition
7 count and he thought that the demolition count was unfair.

8 Q. By "the demolition count," you mean, when
9 somebody applies for a permit, they need to keep the
10 amount of demolition below a certain percentage?

11 A. I believe that was -- that was the demolition
12 count, yes.

13 Q. Do you remember ever inviting Mr. Richards to
14 attend a meeting about the definition of demolition?

15 A. No.

16 Q. Okay. Now, if you go down on the next page,
17 which is 1013, the second text from the top, Mr. Pollard
18 says to you, quote, "Also, are you free at 10:30 to 11 for
19 my engineer and I to see your garage"?

20 A. Oh, you know what? I had a question regarding my
21 garage.

22 Q. What about it?

23 A. I have a 2600-square-foot cement garage --

24 Q. Wow.

25 A. -- and I wanted to see -- there are posts in the

1 center of the garage and I wanted to see if I could span
2 the 30 feet without moving the posts.

3 He said, "No, you can't." Well, he said, "You can,
4 but you would have to put a moment frame on all of them,"
5 and each one of those moment frames would cost me \$95,000,
6 so --

7 Q. So there.

8 A. So I can't do it.

9 Q. Did you retain Mr. Pollard or his engineer to --

10 A. No, I just asked him just -- he just came in and
11 took a look and said, "You can't do it."

12 Basically, he walked in and five minutes later, he
13 said, "You can't do it."

14 Q. Do you recall the name of the engineer?

15 A. No, I don't. He was an older gentleman. I
16 believe he was riding a motorcycle.

17 Q. Is it -- oh, gosh -- Harry Hopkins or something
18 like that? Does that sound at all familiar?

19 A. Like I said, he is an older gentleman. He rode a
20 motorcycle in. He looked up and said, "No, you can't do
21 it. It's too much weight."

22 Q. All right. And four texts down from that,
23 there's a text from Mr. Pollard to you with three images
24 attached.

25 That text is followed up by another one the same day

1 about "Just getting off the phone with Chaska."

2 Do you recall whether these images relate to the
3 project on Mason Street?

4 A. I can't remember, but looking at the text of
5 the -- I would imagine that it would be.

6 Q. And what did -- what did the Mason Street project
7 have to do with you?

8 A. He was just asking my opinion.

9 Q. About what?

10 A. Of what I thought.

11 And my expertise does not cover that, so I had no
12 opinion.

13 Q. He wanted to know your opinion about the
14 demolition calcs?

15 A. That the wall should not have been included in
16 the demo calcs, because it was not a load-bearing wall,
17 but I guess he thought my expertise was larger than it
18 was, because I can't give him that kind of information.

19 Q. Okay. And if you go to the next page, these
20 texts on June 17th continue and there's the text from
21 Mr. Pollard that says, quote, "Here is parapet walk try to
22 talking about."

23 Do you see that?

24 A. Yes. I have no idea what that means. I don't
25 even know what a parapet walk is.

1 Q. Okay. So we've got a couple more exhibits to go
2 through. Do we want to take --

3 A. Let's just finish it.

4 Q. How do you want to do this?

5 A. Let's get it done.

6 MR. EMBLIDGE: Terri, how are your fingers?

7 THE REPORTER: They're fine. About another hour
8 or so?

9 MR. EMBLIDGE: I hope not, but that's possible.
10 I'm just going to take 30 seconds and get a glass of
11 water.

12 (Brief break taken.)

13 MR. EMBLIDGE: Okay. Back on the record.

14 (Whereupon, Exhibit 40 was marked for
15 identification and is attached hereto.)

16 MR. EMBLIDGE: We're looking at Exhibit 40. So
17 these appear to be additional texts from your accountant
18 and the first one seems to be introducing someone named
19 Rick Lobos, L-o-b-o-s, to John Pollard.

20 Do you see that?

21 A. Yes.

22 Q. Who is Mr. Lobos and why were you connecting
23 them?

24 A. As I mentioned in your last question, Lobos was
25 the agent representing the buyer at 430 Eddy and they

1 needed to find someone to write a bid for them, and so I
2 gave the introduction to John Pollard and to my business
3 partner, John O'Donoghue, and I think I gave it to a third
4 person. I can't remember who that was. And they didn't
5 go with any of them.

6 Q. And if you look at the next page, this is in a
7 different kind of format. I think it must be a text to
8 you from Amy Lee.

9 A. I'm looking at it. It doesn't make any sense to
10 me. I could just read it. "Is Dennis Richards reasonable
11 and sympathetic to homeowners and families?"

12 Q. Do you remember the context in which Miss Lee --

13 A. I think Amy Lee -- what date is this? 9-19-19?

14 I think she had a case in front of Dennis. I don't
15 know what the case was. I don't know what the particulars
16 were.

17 I think the reason why it came up like this is because
18 she has an Android and not an Apple phone.

19 Q. Okay. The next page. It's a text from Rodrigo
20 Santos to you, and it looks like --

21 A. He must have an Android phone, too.

22 Q. Okay. And I guess you're writing back to him and
23 saying, "All good, Rodrigo. I hope you have better days
24 ahead."

25 A. Yes. I believe he had a case in front of us and

1 as I mentioned earlier, not all his cases were terrible,
2 and I guess he reached out and I said, you know, "All
3 good." I mean, his case before us was okay.

4 Q. And by, "I hope you have better days ahead," is
5 that referring to the lawsuit against Mr. Santos?

6 A. If you look at the date -- I don't know when he
7 got in trouble, but I would imagine that that would be --
8 I would imagine that that is what that is referring to.

9 Q. Okay. And then on the next page, there's another
10 text exchange with Mr. Santos.

11 He says, "Thank you for your comments and vote last
12 night."

13 Again, that appears to be relating to a project that
14 he did at DBI -- I'm sorry -- Board of Appeal?

15 A. Correct.

16 Q. And then the next page is another text with
17 Mr. Santos where you say, quote, "Hey, Rodrigo. Pat has a
18 case before us. You should take a look at his project,"
19 and then there's some sort of emoji.

20 What do you recall that being about?

21 A. I don't remember what case that was regarding.

22 Q. And is "Pat" Pat Buscovich?

23 A. I believe that's who I'm referring to.

24 Q. Why would you be asking Mr. Santos to look at a
25 project involving Mr. Buscovich?

1 A. The emoji is probably a laughing face, because I
2 guess Pat was the witness against Rodrigo on his case.

3 Q. So you understand there would be some sort of
4 issue between Mr. Santos and Mr. Buscovich?

5 A. I was making a funny. Yes.

6 Q. And so you believe Mr. Buscovich was a witness in
7 a case --

8 A. I don't know the context, because I can't see it
9 here, and it was evidently -- it looks like -- I don't
10 know who initiated that, because I know that I would not
11 initiate a text to Rodrigo. So there has to be one from
12 Rodrigo to me somewhere, because I would not initiate a
13 text to Rodrigo.

14 Q. Why not?

15 A. Again, as I mentioned before, he's not a friend.
16 He's not someone I do business with. He's not someone I
17 would hire. He's not someone that my clients use.

18 Q. So you think there's another text in this string
19 that would have come from Rodrigo that you were responding
20 to?

21 A. Like I said, I know that I would not reach out to
22 him. There's no reason for me to reach out to Rodrigo.

23 Q. And what was the case -- you said -- I was just a
24 little confused about it. You said Pat was a witness in a
25 case and so you were making a joke about Rodrigo looking

1 at a case that Pat has?

2 A. You told me not to guess, so I don't know.

3 Q. You don't recall what this is about at all?

4 A. No.

5 Q. All right. Now, I'm going to just -- if you go
6 to Page 9 of this exhibit --

7 A. What CCSF number is that?

8 Q. 10260.

9 A. Okay.

10 Q. Do you know why you produced this document to me?

11 A. No idea. That is my ex business partner.

12 Q. Okay. On the next page, it looks like you're
13 sending an email to Dennis Richards about an event where
14 you're a guest of Joy.

15 Do you remember what that's about?

16 A. It was a party. There was an event. I probably
17 had an extra seat and I called Dennis.

18 Q. Who is Joy?

19 A. She is a friend of my friend Michael.

20 Q. What's Joy's last name?

21 A. I have no idea.

22 Q. Do you remember what the event was?

23 A. No.

24 Q. Okay. If you could go to page --

25 A. If it's January 19th, it's probably some Chinese

1 New Year's event, because that's when Chinese New Year's
2 is.

3 Q. If you go to Page 1029, which is Page 12 of
4 Exhibit 40, you'll see there's --

5 A. You don't want to read Dennis' response to my
6 invitation?

7 Q. Sounds like Dennis to me.

8 A. I'm sorry. Which page? Sorry.

9 Q. Yeah, it's 1029.

10 A. Okay.

11 Q. It's an email, it looks like, from you to John
12 Pollard with a bunch of attachments. It may be relating
13 to an address on Diamond Street.

14 A. Yes. I had taken a listing on Diamond Street and
15 then the people that had it did not -- did not disclose to
16 me that they had issues with the property. The sellers
17 did not disclose that they had Notice of Violations; just
18 that they wanted to do certain work.

19 So I had called John to take a look at it and then,
20 once I realized that there was larger issues, I declined
21 the listing and was through.

22 Q. I missed the last word. You declined the listing
23 and --

24 A. I had already signed the listing and then after
25 that, I declined and said that I can no longer represent

1 you.

2 Q. Oh. And do you know if Mr. Pollard helped them
3 clear up their issues?

4 A. No. Actually, the reason why is I found out --
5 that's when I found out that they had called John already
6 and they knew that there was some more serious problems,
7 and John had told me that he had come out like six months
8 or a year prior to that. So at that point, I knew the
9 clients were lying and not being truthful.

10 Q. And do you know whether Mr. Pollard was able to
11 eventually help them clear up their problem?

12 A. No, he declined working with them over a year
13 prior.

14 Q. And then the next page is an e-mail, the title of
15 which is, quote, "Holding an event at my home this
16 Thursday evening." And you're writing to Mr. Pollard and
17 telling him to bring his checkbook.

18 Do you remember what that was about?

19 A. Yes. I have only had two events at my house.
20 Both were for my very good friend, Jane Kim, and at which
21 point Dennis -- and it was on a Thursday, which was a
22 planning evening. They came to my house for a
23 housewarming party.

24 Q. Who's "they"?

25 A. John Pollard and Dennis Richards.

1 Q. And you said "... including two Planning
2 Commissioners."

3 Do you know who the other one was?

4 A. I think that was Joel Koppel.

5 Q. Okay. The next page -- is this referring to the
6 same property at Diamond we just talked about?

7 A. Yeah, same property.

8 (Whereupon, Exhibit 41 was marked for
9 identification and is attached hereto.)

10 MR. EMBLIDGE: Okay. Do you have Exhibit 41?

11 A. Yes.

12 Q. All right. The first page of Exhibit 41, which
13 is Bates stamped 1032 -- that's you and Frank Fung in the
14 top left corner?

15 A. Correct.

16 Q. And then there's a photograph that has, it looks
17 like, six people in it.

18 A. Correct.

19 Q. You're the one who's taking the selfie.
20 Right?

21 A. Correct.

22 Q. Who are the other five people, from left to
23 right, please?

24 A. John Pollard, Reza, Frank Fung, Amir and Ed
25 Sweeney.

1 Q. Who's Amir?

2 A. Reza's employee.

3 Q. At SIA?

4 A. Sorry?

5 Q. At SIA Consulting?

6 A. I don't know if that's his company name. I'm not
7 sure if he was still with SIA at this point. And Reza and
8 Amir were there because they sponsored part of the
9 tournament. They're one of the sponsors. They didn't
10 golf.

11 Do you want to know who the raccoons are? Sorry.

12 Q. I'm going to -- in the course of serving on the
13 Board of Appeal, have you received any training from the
14 City Attorney's office about good government principles?

15 A. Annually, we have to take -- we as a city -- all
16 city employees have to watch a two- to four-hour video and
17 answer questions.

18 Q. So I'm sharing my screen now with you. This is a
19 Good Government Guide that I downloaded off the city's
20 website. It's 212 pages long.

21 Is that something that's ever been provided to you, to
22 your knowledge?

23 A. I can't remember. I don't have it in my library.

24 Q. All right. So give me -- we're just about done.

25 Give me five minutes to check my notes and then we'll try

1 to wrap this up pretty quickly. Okay?

2 A. Yep.

3 (Break taken.)

4 MR. EMBLIDGE: Okay. Back on the record.

5 Mr. Honda, I have no further questions for you.

6 Thank you very much for your time today. Hope your father
7 does well.

8 THE WITNESS: Terri, thank you for all your hard
9 work.

10 I apologize for the mask and not being able to hear
11 me. Ryan, it's a pleasure actually connecting a face with
12 a voice. Thank you very much, everybody.

13 THE REPORTER: I just have some housekeeping
14 before the attorneys go off the record.

15 Mr. Emblidge, is our normal two-week turnaround to
16 prepare the transcript going to be okay for you?

17 MR. EMBLIDGE: Yes, that's fine.

18 THE REPORTER: Okay. And Mr. Stevens, do you
19 need a copy of this deposition?

20 MR. STEVENS: Yes, an electronic copy only.

21 THE REPORTER: Okay. Thank you, everybody.
22 Have a nice evening.

23

24 (Whereupon, the proceedings were
25 concluded at 5:48 p.m.)

1	DEPOSITION ERRATA SHEET	
2	Page No. _____	Line No. _____
3	Change: _____	
4	Reason for change: _____	
5	Page No. _____	Line No. _____
6	Change: _____	
7	Reason for change: _____	
8	Page No. _____	Line No. _____
9	Change: _____	
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11	Page No. _____	Line No. _____
12	Change: _____	
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14	Page No. _____	Line No. _____
15	Change: _____	
16	Reason for change: _____	
17	Page No. _____	Line No. _____
18	Change: _____	
19	Reason for change: _____	
20	Page No. _____	Line No. _____
21	Change: _____	
22	Reason for change: _____	
23		
24	_____	_____
25	DARRYL HONDA	DATED

1 STATE OF CALIFORNIA)
) SS.

2 COUNTY OF SOLANO)
3

4 I, TERRI D. KINSER, Certified Shorthand Reporter, do
5 hereby certify:

6 That prior to being examined, the witness in the
7 foregoing proceedings was by me duly remotely sworn to
8 testify to the truth, the whole truth, and nothing but the
9 truth;

10 That said proceedings were taken remotely by me via
11 remote videoconferencing equipment without the witness
12 being present with me, and were taken down by me in
13 shorthand and thereafter transcribed into typewriting
14 under my direction and supervision;

15 I further certify that I am neither counsel for, nor
16 related to, any parties to said proceedings, nor in
17 any way interested in the outcome thereof.

18
19 In witness whereof, I have hereunto subscribed my
20 name this 1st day of March, 2021.

21

22

23

24

25


TERRI D. KINSER, CSR NO. 4393

