

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO COURTHOUSE

DENNIS RICHARDS, an individual,
RACHEL SWANN, an individual,
and Six Dogs, LLC, a California
Limited Liability Company,

Plaintiffs,

vs.

Case No. 3:20-CV-01242 JCS

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

-----/

VIDEOTAPED DEPOSITION OF

WILLIAM WALSH

June 15, 2021

Reported By:	HANNAH KAUFMAN & ASSOCIATES, INC.
RENEE SERA	Certified Shorthand Reporters
	150 Executive Park Blvd., Suite 4600
CSR No. 7435	San Francisco, California 94134
	(415) 337-2077

1 A P P E A R A N C E S

2 MOSCONE, EMBLIDGE & RUBENS, LLP, represented by
3 EVAN ROSENBAUM and G. SCOTT EMBLIDGE, Attorneys at Law,
4 220 Montgomery Street, Suite 2100, San Francisco,
5 California 94104, appeared via video conference as
6 counsel on behalf of the plaintiffs.

7 OFFICE OF THE SAN FRANCISCO CITY ATTORNEY,
8 represented by RYAN C. STEVENS, Deputy City Attorney,
9 1390 Market Street, 6th Floor, San Francisco, California
10 94102, appeared via video conference as counsel on
11 behalf of the defendants.

12 Also Present via video conference: Rio Morales,
13 Videographer; Dennis Richards; Patrick Buscovich.

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1 BE IT REMEMBERED THAT, pursuant to Deposition
2 Subpoena, on Tuesday, June 15, 2021, commencing at the
3 hour of 9:37 a.m. thereof, at the office of RENEE SERA,
4 CSR, 792 Grand Avenue, South San Francisco, California
5 94080, via video conference appeared

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

09:25

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

09:25

09:32

12 MR. STEVENS: Yes.

09:36

13 MR. ROSENBAUM: Yes.

09:36

14 (Witness sworn.)

09:36

15 THE VIDEOGRAPHER: Good morning, we are on
16 video record on Tuesday, June 15, 2021, and the time is
17 9:37 a.m. My name is Rio Morales, I am the legal
18 videographer, and the court reporter today is Renee Sera
19 representing Hannah Kaufman & Associates in
20 San Francisco, California. This is the beginning of
21 disk one for the deposition of William Walsh in the
22 matter of Dennis Richards and others versus City and
23 County of San Francisco and others. It is being before
24 the United States District Court, Northern District of
25 California, San Francisco Courthouse, case number

09:37

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09:37

1	3:20-CV-01242. This is a virtual Zoom deposition.	09:38
2	Counsel, would you please identify yourself for the	09:38
3	record.	09:38
4	MR. ROSENBAUM: Good morning, Evan Rosenbaum	09:38
5	from Moscone, Emblidge & Rubens for the plaintiffs.	09:38
6	MR. STEVENS: Ryan Stevens on behalf of the	09:38
7	defendants.	09:38
8	THE VIDEOGRAPHER: The court reporter has	09:38
9	already sworn in the witness.	09:38
10	EXAMINATION BY MR. ROSENBAUM	09:38
11	MR. ROSENBAUM: Q.: Good morning, Mr. Walsh,	09:38
12	could you please spell your name for the record?	09:38
13	A. William, W-I-L-L-I-A-M, Walsh, W-A-L-S-H.	09:38
14	Q. Have you ever been deposed before?	09:38
15	A. Yes.	09:38
16	Q. About how many times?	09:38
17	A. Once.	09:38
18	Q. Was it related to your work at DBI or something	09:38
19	else?	09:38
20	A. DBI.	09:38
21	Q. About how long ago was that?	09:39
22	A. It was earlier this year, actually.	09:39
23	Q. So let's go over the rules again just to make	09:39
24	sure that you are familiar. If you don't understand a	09:39
25	question that I ask, please ask me to repeat it and make	09:39

1	sure that I know that you understand. Please give	09:39
2	audible responses and especially because we are here on	09:39
3	Zoom it is important that we don't talk over each other,	09:39
4	so I will let you finish, you try to let me finish. If	09:39
5	you ever need a break, let us know. You are here being	09:39
6	represented by the City Attorney's office and Ryan may	09:39
7	object to some of my questions. Unless he instructs you	09:39
8	otherwise, you should still answer the question. If you	09:39
9	aren't certain about an answer with respect to time or	09:39
10	something like that, I am entitled to your best	09:40
11	estimate. Again, you are under oath to tell the truth	09:40
12	and that's the same oath you would take in a court of	09:40
13	law -- which you would take in a court of law. Do you	09:40
14	understand that?	09:40
15	A. Yes, I do.	09:40
16	Q. Are you aware of the allegations in this	09:40
17	lawsuit?	09:40
18	A. Pardon me?	09:40
19	Q. Are you aware of the allegations in the	09:40
20	lawsuit, the complaint?	09:40
21	A. Vaguely.	09:40
22	Q. What do you know?	09:40
23	A. That the City and County, Ed Sweeney and	09:40
24	Mauricio Hernandez are being sued by Dennis Richards and	09:40
25	others regarding a property on 22nd Street. I don't	09:40

1	know the specifics but that is what I know.	09:40
2	Q. Other than attorneys, have you discussed this	09:40
3	lawsuit with anyone?	09:41
4	A. No	09:41
5	Q. You haven't discussed the lawsuit with anyone	09:41
6	at DBI?	09:41
7	A. My supervisor, I told him that I needed -- I	09:41
8	had to come over once before to the City Attorney's	09:41
9	office for a brief meeting and then today I had to have	09:41
10	my time blocked out from inspections so I talked it over	09:41
11	with my immediate supervisor.	09:41
12	Q. Who is that?	09:41
13	A. Brett Howard.	09:41
14	Q. Other than discussing the fact that you were	09:41
15	being deposed, did you discuss your deposition with	09:41
16	anyone other than your attorneys?	09:41
17	A. No.	09:41
18	Q. Just so we are clear, by discussed I mean	09:42
19	e-mail, text, any sort of communications?	09:42
20	A. No, I don't believe so.	09:42
21	Q. Have you reviewed any documents in preparation	09:42
22	for the deposition?	09:42
23	MR. STEVENS: I object to the extent that I	09:42
24	showed him documents. You can ask him if he reviewed	09:42
25	any documents that refreshed his recollection but to the	09:42

1 extent that I selected documents, I think that's covered 09:42
2 by privilege. 09:42

3 MR. ROSENBAUM: Q.: Have you reviewed any 09:42
4 documents to refresh your recollection that were not 09:42
5 provided by attorneys? 09:42

6 A. No, just these right here. 09:42

7 Q. Those documents in front of you that you are 09:42
8 referring to, are those the exhibits that I e-mailed 09:42
9 this morning? 09:42

10 A. Yes, they are. 09:42

11 Q. Are there any other documents in front of you? 09:42

12 A. No. 09:42

13 Q. Have you collected any documents in response to 09:43
14 discovery requests in this case? 09:43

15 A. I don't believe so. I may have -- usually when 09:43
16 these cases start there is a Sunshine Ordinance request 09:43
17 the clerks put out, does anybody have any documents 09:43
18 related to this case. But in 2015 or 2016 we went 09:43
19 paperless at DBI. We used to have index cards to write 09:43
20 notes on but we got rid of those so I just replied back 09:43
21 to the clerks the only information I have is what's in 09:43
22 the PTS system, the permanent tracking system. 09:43
23 Basically everything is on the computer. 09:43

24 Q. When you are asked for documents in the 09:43
25 Sunshine request or otherwise, do you ever look in your 09:43

1	personal files, your personal e-mail or text messages or	09:44
2	anything like that?	09:44
3	A. Yeah, I run a search. I type in a name or the	09:44
4	address. Like I said, we went paperless so we were told	09:44
5	to get rid of all those index cards.	09:44
6	Q. Okay. Can you tell me your educational	09:44
7	history?	09:44
8	A. I couldn't hear you, I am sorry.	09:44
9	Q. Your educational background, highest level of	09:44
10	education?	09:44
11	A. I have got two years of college.	09:44
12	Q. What school?	09:44
13	A. City College San Francisco.	09:44
14	Q. When were those two years?	09:44
15	A. When I got out of the navy, I guess 1981, '82.	09:44
16	Q. So before your two years of City College you	09:45
17	were in the navy. How long were you in the navy?	09:45
18	A. I was in the navy for two years.	09:45
19	Q. What was your rank?	09:45
20	A. E-4, Seabees over in Treasure Island,	09:45
21	California, back when it was a navy base.	09:45
22	Q. Where were you before the navy?	09:45
23	A. I was in the Merchant Marines.	09:45
24	Q. For how long?	09:45
25	A. Off and on for like two years. I did it during	09:45

1	high school and after high school. I shipped out for a	09:45
2	couple of summers.	09:45
3	Q. What year did you graduate high school?	09:45
4	A. 1977.	09:45
5	Q. After City College what was your first job?	09:46
6	A. I was a carpenter until about 1988.	09:46
7	Q. With whom did you work? Were you independent	09:46
8	or did you work for a company?	09:46
9	A. I worked for a couple of companies, Irish	09:46
10	contractors.	09:46
11	Q. By Irish contractors do you mean contractors in	09:46
12	Ireland or Irish contractors in San Francisco?	09:46
13	A. Irish contractors who were born in Ireland who	09:46
14	work in San Francisco now and Marin.	09:46
15	Q. Which contractors were those?	09:47
16	A. There was a guy named Aiden Collins (phonetic),	09:47
17	I worked for him for like three or four years.	09:47
18	Q. Who else?	09:47
19	A. I am trying to think. It's a long time ago.	09:47
20	Who else did I work for. J.R. Rainsford.	09:47
21	Q. Can you spell that?	09:47
22	A. R-A-I-N-S-F-O-R-D.	09:47
23	Q. You said through 1988?	09:47
24	A. In 1988 I got hurt on the job and then I got my	09:47
25	own license in 1990 and I started my own company in	09:47

1	1990.	09:47
2	Q. What was that company?	09:47
3	A. Bill Walsh and Sons Construction.	09:48
4	Q. How long did you work with that company?	09:48
5	A. I had that until 2014 when I started with the	09:48
6	city. Twenty-four years, right?	09:48
7	Q. Sounds about right, twenty-four, twenty-five.	09:48
8	Why did you decide to start working at the city? Let me	09:48
9	back up. What was your first role at the city?	09:48
10	A. My first what?	09:48
11	Q. First role at the city, what was your first job	09:48
12	there?	09:48
13	A. Building inspector.	09:48
14	Q. Why did you decide to start as a building	09:48
15	inspector?	09:48
16	A. I was pretty beat up physically from being a	09:48
17	contractor. I had a lot of physical -- two herniated	09:49
18	disks, I got diabetes, I got a bad knee, kind of deaf in	09:49
19	one ear. Basically the physical toll of working long	09:49
20	days.	09:49
21	Q. Do you have any professional licenses?	09:49
22	A. Professional licenses?	09:49
23	Q. Yeah.	09:49
24	A. My general contractor's license and then I have	09:49
25	a commercial building inspector certificate and a	09:49

1	residential builder's inspection certificate. I think I	09:49
2	have a third one, I am not sure, I would have to check	09:49
3	my ICC, International Code Council. They said I have	09:49
4	three. I am not sure of the third one, it might be plan	09:50
5	checker or something like that.	09:50
6	Q. Do you get those certificates based on	09:50
7	experience or from taking a test? How do you get those	09:50
8	certificates?	09:50
9	A. You take a test, yes.	09:50
10	Q. In 2014 when you decided to go to the city did	09:50
11	you know anyone else that was at DBI at the time?	09:50
12	A. Yeah, I knew most of the building inspectors	09:50
13	because I had been dealing with them for years. I knew	09:50
14	Brett Howard, Fergal Clancy (phonetic), Joe Mobatalini	09:50
15	(phonetic) who passed away, Leo McFadden (phonetic). I	09:51
16	pretty much knew everybody down there.	09:51
17	Q. Was your relationship with the inspectors one	09:51
18	of the reasons why you thought it would be a good place	09:51
19	for you?	09:51
20	A. Well, I took a test.	09:51
21	Q. You took a test in order to qualify as a	09:51
22	building inspector?	09:51
23	A. Yeah. I mean, I took the test -- I started	09:51
24	taking the test in like 2006 or 7 and I didn't get hired	09:51
25	until 2014. I took the test three or four times.	09:51

1	Q. Other than your physical well-being, was there	09:51
2	any other reason why you wanted to be a building	09:51
3	inspector?	09:52
4	A. I just figured it was the next logical step. I	09:52
5	have got a wife and three kids, I had to keep working,	09:52
6	and it seemed like it was the next, you know, next	09:52
7	logical step for me as far as career goes.	09:52
8	Q. Next logical step towards what, what's your	09:52
9	career goal that this would accomplish or help	09:52
10	accomplish?	09:52
11	A. I couldn't understand the question.	09:52
12	Q. Let me try to rephrase it. So you said that	09:52
13	this is the next step in a career. Is there a future	09:52
14	step that you have in mind?	09:52
15	A. Retirement.	09:52
16	Q. Okay. While at DBI have you had any other	09:53
17	jobs?	09:53
18	A. No.	09:53
19	Q. Have you continued to work as a contractor at	09:53
20	all?	09:53
21	A. No.	09:53
22	Q. Do you have an e-mail account with the city on	09:53
23	which you conduct DBI business?	09:53
24	A. Yes, I do.	09:53
25	Q. Is it william.u.walsh@sfgov.org?	09:53

1	A. Yes, it is.	09:53
2	Q. Besides the obvious William Walsh, is there	09:53
3	another William Walsh within the city that you know of?	09:53
4	A. Not that I know of.	09:53
5	Q. It's a pretty famous San Francisco name though.	09:53
6	A. Pardon me, sir?	09:53
7	Q. I am saying your name is pretty famous in	09:54
8	San Francisco.	09:54
9	A. Yes, it is.	09:54
10	Q. Do you have any other e-mail accounts on which	09:54
11	you have ever conducted DBI business?	09:54
12	A. No, I do not.	09:54
13	Q. You never used a personal e-mail address for	09:54
14	anything related to DBI?	09:54
15	A. Not that I know of.	09:54
16	Q. Do you have a city issued cell phone?	09:54
17	A. A city issued cell phone?	09:54
18	Q. Yeah.	09:54
19	A. Yes, I do.	09:54
20	Q. Is your phone number (415)962-0207?	09:54
21	A. 961.	09:54
22	Q. 961-0207?	09:54
23	A. Yes.	09:54
24	Q. Do you have another cell phone on which you	09:54
25	have ever conducted DBI business?	09:54

1	A. No. Well, you mean since I started?	09:54
2	Q. No, currently.	09:55
3	A. No. My personal cell phone.	09:55
4	Q. You don't text with project sponsors or	09:55
5	engineers or have phone calls with them on your personal	09:55
6	phone?	09:55
7	A. Sometimes they call me on my personal phone.	09:55
8	My city cell phone a while ago, I think in 2020, it got	09:55
9	-- it was -- something happened. It broke. And then	09:55
10	the MIS guys at our department got me a new cell phone	09:55
11	which I don't really know how to operate that well. So	09:55
12	a lot of the numbers -- I put down my cell phone number	09:55
13	on the job cards, the 961-0207, so that number has	09:56
14	remained consistent, but I have had like three or four	09:56
15	cell phones. One got stolen out of my car on Hayes	09:56
16	Street in 2015 or 2016.	09:56
17	Q. These are work cell phones you are talking	09:56
18	about?	09:56
19	A. Yeah, work cell phone got stolen.	09:56
20	Q. Why would certain engineers or project sponsors	09:56
21	use your personal phone instead of your city issued	09:56
22	phone?	09:56
23	A. Just for convenience.	09:56
24	Q. Can you give me the names of the people that	09:56
25	you work with, engineers or project sponsors, who have	09:56

1	used your cell phone?	09:56
2	A. None of that is related. I don't think anyone	09:57
3	that's related to this case has my personal cell phone	09:57
4	Q. Okay. Who unrelated to this case has your	09:57
5	personal cell phone?	09:57
6	A. Pardon me, sir?	09:57
7	Q. Which engineers or project sponsors have your	09:57
8	cell phone?	09:57
9	A. I am not sure, I would have to look on my	09:57
10	phone. A lot of times I call from my personal phone and	09:57
11	I guess my number shows up and they will call back on	09:57
12	that phone. Since I am carrying both phones for	09:57
13	convenience, it doesn't really matter. I make an	09:57
14	appointment in the morning, they want to know what time	09:57
15	you are going to be there at the job site so, you know.	09:57
16	I don't get a lot of personal phone calls, you know.	09:58
17	Q. So do you remember off the top of your head any	09:58
18	engineers in particular that you have spoken to on your	09:58
19	personal phone?	09:58
20	A. No.	09:58
21	Q. Do you remember any project sponsors that you	09:58
22	have spoken to on your personal phone?	09:58
23	A. Not off the top of my head that I recall.	09:58
24	Q. Okay. How often do you think it happened that	09:58
25	you speak on your personal phone with engineers or	09:58

1	project sponsors, contractors?	09:58
2	A. Probably a couple of times a week, you know.	09:59
3	Q. Do you know if DBI has any policies or rules	09:59
4	against using your personal phone for DBI business?	09:59
5	A. I am not aware of that.	09:59
6	Q. Do you have an understanding of the difference	09:59
7	between a DBI suspension of a permit and a DBI	09:59
8	revocation of a permit?	09:59
9	A. I kind of understand. A suspension can be	09:59
10	reversed by the chief if they meet the certain criteria.	10:00
11	Revocation means that they have to reapply, go through	10:00
12	the whole process again, I believe, if it has been	10:00
13	revoked. Does that sound right?	10:00
14	Q. Sounds good to me.	10:00
15	A. I am not sure. That would be more of an upper	10:00
16	echelon type of deal.	10:00
17	Q. Right, okay. Can you recall any times in which	10:00
18	a project you inspected had a permit revoked as opposed	10:00
19	to suspended?	10:00
20	A. Well, I wouldn't have been inspecting if it had	10:00
21	a permit that had been revoked or suspended, I wouldn't	10:00
22	have been -- you mean previously revoked?	10:00
23	Q. Yes, sorry. So you inspect a property and then	10:00
24	after your inspection there is a complaint and the	10:01
25	permit is either suspended or revoked. Can you recall	10:01

1	any times when that has happened?	10:01
2	A. Well, there is one sitting right in front of	10:01
3	me, I recall that, 22nd Street.	10:01
4	Q. Any other times?	10:01
5	A. It happens occasionally. I mean, like in the	10:01
6	morning when I get my daily list of inspections I will	10:01
7	look up on the computer and it will tell you what the	10:01
8	permit status is. A lot of times it says suspended and	10:01
9	then it will say reinstated by so and so, you know. So	10:01
10	that means you -- the thing is the clerk -- the system	10:01
11	won't allow -- they won't allow an inspection to be	10:02
12	scheduled if the permit is not in an issued status so, I	10:02
13	mean, just like it won't allow you to final -- to sign	10:02
14	off a job if there is any special inspections or fees,	10:02
15	you know, still on that permit.	10:02
16	Q. So can you recall any time where you have	10:02
17	logged in and seen that a permit has been revoked, not	10:02
18	suspended but revoked, other than the 22nd Street?	10:02
19	A. Yeah, I can recall seeing that but I don't	10:02
20	recall what the addresses were.	10:02
21	Q. How often do you think you have seen that in	10:02
22	your seven years?	10:02
23	A. Probably thirty, forty times.	10:02
24	Q. What do you understand to be the bases under	10:03
25	which DBI can revoke a permit? What are the reasons for	10:03

1	revoking a permit?	10:03
2	MR. STEVENS: I object, lacks foundation. You	10:03
3	can answer if you know, Bill.	10:03
4	THE WITNESS: Well, there is usually a	10:03
5	complaint from the outside. Usually working beyond the	10:03
6	scope. A lot of times I have seen where the permit has	10:03
7	been revoked on the Maher Ordinance where they have	10:03
8	excavated more than fifty-four cubic yards of dirt or	10:04
9	soil. Also it's revoked if, like I said, they have gone	10:04
10	beyond the scope. What else. They have exceeded the	10:04
11	height limit. There is all kinds of different reasons	10:04
12	why that happens.	10:04
13	MR. ROSENBAUM: Q.: What do you understand to	10:04
14	be the difference between a notice of violation and a	10:04
15	notice of correction?	10:04
16	A. The field inspectors issue a notice of	10:04
17	correction, that's for any kind of deficiencies in the	10:05
18	job that we find. I just wrote one this week for	10:05
19	valuation. The project was way under valued so I wrote	10:05
20	a correction. And a notice of violation is a violation	10:05
21	of the building code. Like the most common one is 102A,	10:05
22	unsafe building, or 103, exceeding the scope of work.	10:05
23	What else is there. What was the question again?	10:05
24	Q. It was just what's the difference between	10:05
25	notice of violation and notice of correction. I think	10:06

1	you have --	10:06
2	A. Basically the notice of correction is issued by	10:06
3	the field inspector -- well, they are both issued by the	10:06
4	field inspector. One is it allows the contractor to	10:06
5	correct the deficiency without going through the permit	10:06
6	process. The notice of violation requires an issuance	10:06
7	of a new building permit. That will be the difference.	10:06
8	Q. I think you answered this but when is -- I	10:06
9	think you have answered it, scratch that.	10:06
10	Have you ever heard the phrase serial	10:06
11	permitting?	10:06
12	A. Yes, I have.	10:06
13	Q. What do you understand that to mean?	10:06
14	A. Where the contractor or the homeowner or the	10:06
15	architect or whoever the person obtaining the permit	10:06
16	gets a lot of building permits for the same job where	10:07
17	they could just write the description of all the	10:07
18	different aspects on one permit and -- it makes it hard	10:07
19	on the field inspector because, you know, you go out	10:07
20	there and you got six or seven permits and it is hard to	10:07
21	keep track of what's going on.	10:07
22	Q. What would be the reason why someone would do	10:07
23	that or what are some of the reasons?	10:07
24	MR. STEVENS: I object, calls for speculation.	10:07
25	You can answer, Bill.	10:07

1	THE WITNESS: A lot of times to confuse the	10:07
2	building inspector. To look over here, don't look over	10:07
3	here type of thing. Sometimes there is a legitimate	10:07
4	reason. You get into a job and either the owner	10:07
5	changes, they had more work, you know, there is a change	10:08
6	in the plans or something, they want to delete some item	10:08
7	from the scope of work and then you need a revision.	10:08
8	Some of these big jobs that I was doing in Noe Valley	10:08
9	there was like seven or eight permits, you know.	10:08
10	MR. ROSENBAUM: Q.: You mentioned that	10:08
11	someone's motivation might be to confuse a field	10:08
12	inspector. How would having multiple permits confuse a	10:08
13	building inspector?	10:08
14	A. Well, it's mostly the time constraint, you	10:08
15	know. When I was in this district, which is District	10:08
16	17, Noe Valley, Castro and Hayes Valley, which is the	10:08
17	busiest district in the city, I was doing an average of	10:09
18	twenty-one to twenty-three inspections a day. In order	10:09
19	to get all those inspections done, I would have to, you	10:09
20	know -- I didn't have a lot of time to spend at each --	10:09
21	to ration my time I had to -- I didn't have a lot of	10:09
22	time to really, you know, fine tune each job. They	10:09
23	wanted -- two, three years ago we were doing a lot of --	10:09
24	we were doing two hundred sixty to two hundred eighty	10:09
25	inspections a day and today we are doing about one	10:09

1	hundred fifty a day.	10:09
2	Q. Those numbers are city-wide?	10:09
3	A. City-wide, yes, sir.	10:09
4	Q. Have you ever heard of certain building	10:10
5	inspectors being assigned to projects at the request of	10:10
6	a contractor or project sponsor?	10:10
7	A. No.	10:10
8	Q. How about at the request of a city official?	10:10
9	A. I have never heard of that.	10:10
10	Q. Who has the authority to assign inspectors to	10:10
11	projects?	10:10
12	A. Senior building inspectors, chiefs, director, I	10:10
13	guess.	10:10
14	Q. Do district inspectors ever inspect projects	10:10
15	outside of their district, their assigned district?	10:10
16	A. All the time.	10:10
17	Q. For what reasons?	10:10
18	A. If it's on your schedule to fill in. Like	10:10
19	yesterday I was right down here on Hartford Street doing	10:10
20	District 10, the Tenderloin, because the district	10:11
21	inspector was off and I didn't have -- my district out	10:11
22	in District 12, which is Visitacion Valley and San Bruno	10:11
23	Avenue, I only had five inspections so they gave me --	10:11
24	the inspectors are off, a lot of times -- we have a lot	10:11
25	of people out right now on disability. We have got the	10:11

1 whole covid thing. People are off. Basically if it's 10:11
2 on your schedule -- when I first started, you know, the 10:11
3 rules were different then. If you were -- you could get 10:11
4 assigned to different districts, like three or four 10:11
5 districts in one day, you know. But basically we cover 10:11
6 for people who are off. 10:11

7 Q. Is there any other reason now why you would be 10:12
8 assigned to a project in another district other than to 10:12
9 substitute for someone who is off that day? 10:12

10 A. Other than to substitute for someone who was 10:12
11 off, I can't think of another reason. 10:12

12 Q. If you inspect a property as a substitute, 10:12
13 would you be assigned to that property going forward or 10:12
14 is it just that one time? 10:12

15 A. No, just that one time. 10:12

16 Q. Have you ever heard that -- actually, let's go 10:13
17 back. You said at the beginning when you started at DBI 10:13
18 you could be assigned to three to four districts per 10:13
19 day. What was different then than today? 10:13

20 A. Well, you know, they have changed -- obviously 10:13
21 there have been some rule changes and some people 10:13
22 changes, there have been rule changes. Now it's like 10:13
23 the current rule is you have to stay in your district no 10:13
24 matter what unless when you get your daily in the 10:13
25 morning, the other districts are assigned and they will 10:13

1	say on the daily who they are assigned by and they have	10:13
2	to be assigned by either a senior or a chief, the chief.	10:14
3	Q. Does it say the reason why they are assigned	10:14
4	today?	10:14
5	A. To cover for people who are out.	10:14
6	Q. It says that on the sheet?	10:14
7	A. No, but like I was covering for Tim Kelly	10:14
8	yesterday because he was playing ball up in Sonoma. The	10:14
9	week before I was -- Hector Hernandez, who does Pacific	10:14
10	Heights/Marina, he is out on disability so I did his	10:14
11	district for, you know, probably two or three months	10:14
12	along with my district.	10:14
13	Q. To your knowledge, there is no reason -- to	10:15
14	your knowledge, you have never been assigned to someone	10:15
15	else's district -- a project in someone else's district	10:15
16	when they are present that day?	10:15
17	A. No, never.	10:15
18	Q. When you started you could be assigned to	10:15
19	various districts, correct?	10:15
20	A. Correct.	10:15
21	Q. When did that change?	10:15
22	A. When did it change? I think it's recently.	10:16
23	Q. Can you give me a guess as to what time frame	10:16
24	it changed?	10:16
25	A. 2020.	10:16

1 Q. So in 2018 and 2019 you could be assigned to 10:16
2 projects in other districts? 10:16

3 A. Yes, you can still be assigned to -- you mean 10:16
4 like assigned to that project specifically? 10:16

5 Q. Yeah, assigned to inspect a project either once 10:17
6 or for the entire project? 10:17

7 A. Yeah, I think before that, yeah, you could be 10:17
8 -- if it was, you know, -- I am trying to think. I 10:17
9 don't think -- I mean, I don't think that ever happened 10:17
10 to me. Like the downtown guys who are assigned to like 10:17
11 one highrise, but you are at that highrise every day, 10:17
12 you know. And then when those guys -- when the downtown 10:17
13 guys are out, somebody has to fill in for them because 10:18
14 those contractors, they need an inspection every day. 10:18

15 Q. I am trying to figure out the difference 10:18
16 between when you started up to 2020 and now. Now you 10:18
17 are assigned outside of your district only to substitute 10:18
18 for someone is what you have said? 10:18

19 A. That's correct. 10:18

20 Q. Before 2020 you could be assigned for other 10:18
21 reasons or no? 10:18

22 A. No, just to fill in -- if the district 10:18
23 inspector was there, the district inspector does his 10:18
24 job, does his district unless -- the only other time 10:18
25 that would happen would be if he had more -- we are 10:18

1	scheduled for fourteen inspections a day, that's what	10:18
2	the system -- that's the optimum inspection load for us.	10:18
3	But a lot of times, you know, people will call in in	10:18
4	certain districts and get on the schedule and if that	10:19
5	inspector has too many inspections, they will usually	10:19
6	offload a couple to whoever is in the next district from	10:19
7	him. So I don't know why I was driving from San Bruno	10:19
8	Avenue all the way to the Marina, but it would have been	10:19
9	nice if they gave it to the guy in Pac Heights or	10:19
10	something.	10:19
11	Q. You were never told any reason that you were	10:19
12	assigned to a project outside of your district other	10:19
13	than that you were filling in for someone who was absent	10:19
14	that day?	10:19
15	A. Correct.	10:19
16	Q. In 2018 to 2019 you still -- it seems to me	10:19
17	that you had testified earlier that you could be	10:20
18	assigned to three to four districts per day and it was	10:20
19	different than it is today, it wasn't just based on the	10:20
20	absence of other inspectors. Was there another reason	10:20
21	before 2020 that you could be assigned to three to four	10:20
22	districts per day?	10:20
23	A. I don't know what the reason was, it's all	10:20
24	management stuff, you know. I just, you know -- I go	10:20
25	where the daily tells me to go.	10:20

1 Q. Before 2020, do you remember going to the same 10:20
2 projects in other districts multiple times? 10:20

3 A. Not really, no. 10:20

4 Q. Going back to serial permitting, why is serial 10:21
5 permitting confusing to the field inspector? 10:21

6 MR. STEVENS: Asked and answered. 10:21

7 THE WITNESS: What's that, Ryan? 10:21

8 MR. STEVENS: I am objecting that it has been 10:21
9 asked and answered but you can go ahead and answer 10:21
10 again. 10:21

11 THE WITNESS: Because when I get there, you 10:21
12 know, they have a stack of job cards like these and I 10:21
13 ask them, I say what are we looking at today, and they 10:21
14 go the rebar. So then I go which permit is the concrete 10:21
15 on? And we have to go through the whole thing and then 10:21
16 I go okay, where is the plans? By then I am burning up 10:21
17 my six minutes that I have got, you know, to spend on 10:21
18 this. And then sometimes I will write the -- they will 10:22
19 hand me the wrong card and I don't have enough time to 10:22
20 determine if that's the specific job card to that task. 10:22
21 So I will actually sign okay to pour on a window permit, 10:22
22 you know. And then at the end all that stuff becomes 10:22
23 very -- it just becomes -- it's a nightmare. Why did I 10:22
24 sign okay to pour on a permit to replace windows? You 10:22
25 know, because I made a mistake because I didn't have 10:22

1 enough time, you know. I mean, I am sure I made a lot 10:22
2 of mistakes like that, you know. 10:22

3 MR. ROSENBAUM: Q.: Is it easier if the entire 10:22
4 project is on one permit when you go out to do the 10:22
5 inspection? Why is it easier if it's a multi-faceted 10:23
6 project if it's on one permit than if it's on multiple 10:23
7 permits? 10:23

8 A. Because then all the signatures -- like if I am 10:23
9 going to give somebody an okay to cover, then I need to 10:23
10 have the rough electrical and the rough plumbing signed 10:23
11 off by the plumbing inspector and the electrical 10:23
12 inspector. A lot of times they make a mistake and they 10:23
13 sign on a different permit and the contractor will say 10:23
14 no, electrical and plumbing signed off, we are okay to 10:23
15 cover. You are here to look at the insulation. And I 10:23
16 will go no, plumbing hasn't signed here. I then have to 10:23
17 read the notes and a lot of times it will say in the 10:23
18 notes okay to cover pending gas test at final, right? 10:23
19 So like a kitchen remodel, they got to test the gas but 10:23
20 they will let them do that at the end which doesn't make 10:23
21 sense because the walls are sealed up and if there is a 10:23
22 leak, but hopefully by then they -- so it's just easier. 10:24
23 Like when I got to a job, the first thing I look at it 10:24
24 can be the dollar amount. So if there is a twenty 10:24
25 thousand dollar permit and a two hundred eighty thousand 10:24

1	dollar permit, that permit becomes the main job card.	10:24
2	All right, main job card, sign here. I hope that note	10:24
3	let's the other inspectors, the plumbing and the	10:24
4	electrician, sign this card, don't sign the other card.	10:24
5	Because those guys are really -- and then if I give them	10:24
6	an okay to cover and electrical or plumbing hasn't	10:24
7	signed, a lot of times they get bent out of shape, how	10:24
8	come you have okay to cover? Well, you said you signed	10:24
9	off. No, I didn't sign off, they still have to do A, B	10:24
10	and C. I am like well, my bad. So then you get permit	10:24
11	shy, you don't want to -- a lot of guys don't want to	10:24
12	sign this part where you are supposed to initial like	10:25
13	okay to cover, okay to pour, all that stuff. A lot of	10:25
14	inspectors won't sign that, they will write up in the	10:25
15	notes and you get these job cards with like eight pages	10:25
16	of notes. Like I said, you have got six minutes, you	10:25
17	are five minutes into it now, you are reading the notes.	10:25
18	So then you have to drive to the next job, you have to	10:25
19	maybe not go twenty-five miles an hour, you know.	10:25
20	Q. If I am understanding correctly, the problem	10:25
21	with having multiple permits is that you would have to	10:25
22	sift through each one of the permits and look at the	10:25
23	plans for each one in order to determine that you have	10:25
24	the right one for the inspection of that day versus if	10:25
25	you had one or two permits it's easier to figure out	10:26

1 exactly what you are inspecting that day? 10:26

2 A. That is correct. 10:26

3 Q. Okay. What does the term serial permitting 10:26

4 mean in terms -- some projects are complicated and they 10:26

5 are going to have multiple permits but it's not serial 10:26

6 permitting and some projects would be considered serial 10:26

7 permitting. What's the difference? 10:26

8 A. Well, for example, yesterday I was on Van Ness, 10:26

9 a Webcor job, it's a thirteen story new building, a 10:26

10 midrise. The guy had a folder like this, there must 10:26

11 have been forty or thirty permits there. That's not 10:26

12 serial permitting, that's every time they get into a new 10:27

13 -- they have addendums. So then you have a new permit 10:27

14 for the HVAC, they have to make a change in the HVAC 10:27

15 that's a revision permit. So on those jobs that's not 10:27

16 serial permitting, that's just because it's a big job 10:27

17 and you got multi-faceted, you have a lot of permits. 10:27

18 But on a smaller job like a residential job, even if 10:27

19 it's a million dollar Seacliff remodel you are going to 10:27

20 have -- you are going to probably have four or five 10:27

21 permits at the end of that job, right? But on some jobs 10:27

22 you will have twelve, you know. I mean, it's like why 10:27

23 can't they decide when they start the job they are going 10:27

24 to do the windows? Instead of having a separate permit 10:28

25 for the windows, just have it on the main job card, 10:28

1 replace all windows, very simple. 10:28

2 Q. When you inspect a project that you believe has 10:28
3 serial permitting going on, what is your next step? Can 10:28
4 you do anything about that? 10:28

5 A. No, we have to -- the benefit of the doubt. I 10:28
6 mean, I am not going to accuse somebody. Maybe it 10:28
7 happened that way. Maybe they decided -- they started 10:28
8 the job and they looked at the windows and they go wow, 10:28
9 the windows are really crappy, we have to replace them. 10:28
10 They are facing the street, we have to go to planning, 10:28
11 we have to get another permit. That might happen. From 10:28
12 the building department's standpoint, the more permits, 10:28
13 more money, right? So, you know, I don't know, we just 10:28
14 deal with it, you know. There is nothing, you know -- 10:29

15 Q. There is no notice of violation or notice of 10:29
16 correction that could be issued for serial permitting? 10:29

17 A. Not at all. 10:29

18 THE VIDEOGRAPHER: We are going off the record 10:29
19 at 10:29 a.m. 10:29

20 (Brief recess.). 10:29

21 THE VIDEOGRAPHER: We are going back on the 10:41
22 record at 10:41 a.m. 10:41

23 MR. ROSENBAUM: Q.: Earlier we are we are 10:41
24 talking a little bit about revocations of permits. To 10:41
25 your knowledge, who has the authority to revoke permits? 10:41

1	A. I believe only a chief or a director.	10:41
2	Q. What about the deputy director for inspection	10:41
3	services?	10:41
4	A. That would be a director, yeah. I mean, yeah,	10:41
5	I am sorry, a chief deputy director or a director -- or	10:41
6	the director would have the revocation privileges.	10:41
7	Q. In the past ten years have you ever seen anyone	10:42
8	at DBI revoke permits other than those people in those	10:42
9	positions?	10:42
10	A. No, I have not.	10:42
11	Q. I am pretty sure you had mentioned this but	10:42
12	what is the effect of revoking permits on a job?	10:42
13	A. Revocation of a permit would require you to	10:42
14	reapply and start the whole permit process from the very	10:42
15	beginning.	10:42
16	Q. So work must stop?	10:42
17	A. All work must stop.	10:42
18	Q. You mentioned one reason for revocation would	10:42
19	be work done outside the scope of the permits?	10:42
20	A. That's correct.	10:42
21	Q. When work is done outside the scope of a	10:43
22	permit, is the only remedy a revocation of the permit?	10:43
23	MR. STEVENS: I object, lacks foundation.	10:43
24	MR. ROSENBAUM: Q.: If you see work done	10:43
25	outside the scope of a permit, what's your next step?	10:43

1 A. Depending on what the specifics were, I would 10:43
2 give them a correction notice and, you know, maybe have 10:43
3 them obtain a revision permit either with or without 10:43
4 drawings to cover the work beyond the scope of the 10:43
5 permit. 10:43

6 Q. In the typical situation, a revocation isn't 10:44
7 immediate? 10:44

8 A. No, usually not. 10:44

9 MR. STEVENS: Incomplete hypothetical, lacks 10:44
10 foundation, calls for speculation. Go ahead, Bill. 10:44

11 THE WITNESS: Mr. Rosenbaum, I don't really 10:44
12 know what the status are on that. I only know from my 10:44
13 own personal experience, I have always tried to work 10:44
14 with the contractor. I can't think of anything 10:44
15 egregious enough to bring it to my supervisor's 10:44
16 attention. I am sure there may have been once or twice. 10:44
17 My mind doesn't work that great anymore so, you know. 10:44
18 So the answer to your question, I would try to take care 10:45
19 of it at my level. I mean, you know, if they are moving 10:45
20 the bathroom from one side of the house to the other, it 10:45
21 is still a bathroom addition but it's in a different 10:45
22 location. That wouldn't warrant revocation of a permit, 10:45
23 I would just give them a correction notice, have them 10:45
24 get the revision and show it on the plans, you know, 10:45
25 where the bathroom is now located. It would be like a 10:45

1 one dollar permit, administrative only. 10:45

2 MR. ROSENBAUM: Q.: Do you recall any specific 10:45
3 incident where you have recommended a revocation of a 10:45
4 permit? 10:45

5 A. I know I have but -- or where I brought it to 10:46
6 my supervisor's attention, I just can't recall the 10:46
7 specific incident, but there have been some times where, 10:46
8 you know, people would just go like over the top and, 10:46
9 you know, that's the only thing that, you know -- I just 10:46
10 can't recall right now but I know there have been 10:46
11 incidents where I have been involved with saying like 10:46
12 hey, we need to shut these guys down, you know, because 10:46
13 this, this and this, you know. I can't remember a 10:46
14 specific address, you know, but yes, I have been 10:46
15 involved with that. 10:46

16 Q. Give me your best estimate about how many times 10:46
17 do you think that's happened? 10:47

18 A. Two or three maybe. 10:47

19 Q. Do you recall -- you said you don't recall the 10:47
20 address but do you recall the circumstances that led you 10:47
21 to recommend revocation or bring it to your supervisor's 10:47
22 attention as you said? 10:47

23 A. Yeah, over excavation was one of them. I 10:47
24 actually do remember where that was, that was on Madison 10:47
25 Street. That was actually this year. The guy had -- 10:47

1	the contractor had a permit for a kitchen remodel and he	10:47
2	had excavated by my estimate over a thousand yards of	10:47
3	dirt out of the basement and there was a complaint on	10:47
4	that. I went out there and I wrote the notice of	10:47
5	violation and then when I got back to the office --	10:47
6	actually, we did not revoke their kitchen remodel	10:47
7	permit, I take that back. Their kitchen remodel permit	10:48
8	still stands but the job shut down. They have a notice	10:48
9	of violation, the building has been red tagged and the	10:48
10	case is in code enforcement. That was one incident I	10:48
11	remember. I am sure there is --	10:48
12	Q. This year there is a permit for a kitchen	10:48
13	remodel at a project on Madison Street?	10:48
14	A. Correct.	10:48
15	Q. That you estimated had an excavation of over a	10:48
16	thousand cubic yards and the permits were not revoked?	10:48
17	A. No, because the permit was for the kitchen	10:48
18	remodel. They could still remodel the kitchen at any	10:48
19	time. They have three hundred sixty days to complete	10:48
20	that work. But the job was -- they were issued a notice	10:48
21	of violation and I red tagged the building as unsafe and	10:48
22	then I sent the case to code enforcement right away for	10:48
23	action, for direction, so it's handled. But as far as	10:49
24	revoking, the only reason to -- I don't think it would	10:49
25	be legally fundamentally right to revoke the permit for	10:49

1 the kitchen remodel because, like I said, technically 10:49
2 they can still remodel the kitchen, it's just they dug a 10:49
3 big hole under the house and the house next door might 10:49
4 collapse into it. There was a whole danger situation. 10:49

5 Q. When a permit is revoked, all work must stop. 10:49
6 Is there anything else that happens based on the 10:49
7 revocation of a permit? 10:49

8 A. You know, I am usually not involved in that 10:50
9 aspect of the process because that's more office stuff 10:50
10 and code enforcement, you know, and that's a whole 10:50
11 different division from us. Yeah, I can't answer your 10:50
12 question, I don't know. 10:50

13 Q. Other than the Madison Street incident, are 10:50
14 there any other projects that you can recall the 10:50
15 circumstances, if not the address, of where you brought 10:50
16 up the work to your supervisor's attention, thought it 10:50
17 might be worthy of a revocation of a permit? 10:50

18 A. I mean, I know that there have been more cases 10:50
19 like that. Madison Street was just this year. Off the 10:51
20 top of my head I can't think of anything but I know it's 10:51
21 not an isolated incident, it has happened. A lot of 10:51
22 times these guys they just get crazy. They are cowboys 10:51
23 and they think that we are so busy that we don't have 10:51
24 time to enforce the code, you know. That house on 10:51
25 Madison Street was dangerous. It compromised the 10:51

1	neighbors on both sides. It's on a, I don't know,	10:51
2	probably a twenty degree hill. I told the neighbor next	10:51
3	door, I said don't walk in your back yard near the	10:51
4	fence, there is like a fifteen foot cut on the other	10:52
5	side. If you gave me time I could think of something.	10:52
6	Q. If it comes to your mind in the next few hours,	10:52
7	let me know. Have you ever seen building permits on a	10:52
8	project revoked for work outside the scope of a permit?	10:52
9	A. Yes.	10:52
10	Q. Can you give details?	10:52
11	A. The one sitting in front of me, I guess.	10:52
12	Q. Besides the 22nd Street?	10:52
13	A. Let's see, famous cases revoked for work	10:52
14	outside the scope of work. I mean, I see it all the	10:53
15	time when I look up on my -- when I am in the office I	10:53
16	am looking up inspections I will see, you know, in the	10:53
17	notes section of when you like look up the permit	10:53
18	tracking and you go to the status of the permit, if it's	10:53
19	issued, suspended, withdrawn, filed, whatever it is, and	10:53
20	next door, next to the date it says comments and it will	10:53
21	say, you know, suspended by director for, you know,	10:53
22	exceeding the scope of work or non-sufficient fund check	10:53
23	or whatever it is, you know. I have seen it. I can't	10:53
24	think of a specific address, nothing sticks out at me.	10:54
25	Q. You just mentioned you will see suspended by	10:54

1	the chief or director. We are talking here about	10:54
2	revocations, have you seen revocations for work outside	10:54
3	the scope?	10:54
4	A. Permit revoked, yeah, I have seen them but I	10:54
5	can't recall the specific -- nothing comes to mind right	10:54
6	now but I have seen it on my monitor, you know.	10:54
7	Q. About how often do you think you have seen it?	10:54
8	A. Not too often. Probably -- maybe in seven	10:54
9	years I have been there I might have seen it four or	10:54
10	five times.	10:55
11	Q. Have you ever seen DBI revoke a permit without	10:55
12	waiting thirty days after the issuance of a notice of	10:55
13	violation?	10:55
14	A. I am not aware of that.	10:55
15	Q. Have you heard that some contractors, engineers	10:55
16	or project sponsors are social friends of DBI personnel?	10:55
17	A. Could you repeat that, Mr. Rosenbaum?	10:55
18	Q. Have you heard that contractors, project	10:55
19	sponsors or engineers are social friends of DBI	10:55
20	personnel?	10:55
21	MR. STEVENS: I object as vague.	10:55
22	THE WITNESS: Yeah, I read the paper.	10:55
23	MR. ROSENBAUM: Q.: What do you mean by that?	10:55
24	A. Well, whatever is in the current -- you know, I	10:55
25	have heard that, yes, I have heard that, you know.	10:56

1	Q. Are you social friends with any contractors,	10:56
2	engineers or project sponsors?	10:56
3	MR. STEVENS: I object, vague.	10:56
4	THE WITNESS: Did you say something?	10:56
5	MR. STEVENS: I was objecting that the question	10:56
6	is vague but you can answer.	10:56
7	THE WITNESS: Am I friends with any engineers	10:56
8	--	10:56
9	MR. ROSENBAUM: Q.: Contractors or project	10:56
10	sponsors?	10:56
11	A. I have friends who are contractors, yeah.	10:56
12	Q. Are you aware of any rules about social	10:56
13	interactions between DBI personnel and contractors?	10:56
14	A. Yes, I am aware.	10:57
15	Q. What are the rules that you are aware of?	10:57
16	A. You know, if you go out to dinner you have to	10:57
17	go dutch. You know, you are not supposed to -- you	10:57
18	know, you don't give them preferential treatment or	10:57
19	anything like that. I have friends that are contractors	10:57
20	that call me up and ask me like code questions, you	10:57
21	know. I mean, I help them out like that way, you know.	10:57
22	I think that's acceptable.	10:57
23	Q. Are there rules that you are talking about, you	10:57
24	mentioned going dutch, you mean you have to split the	10:57
25	bill or pay for what you purchase, is that what you	10:57

1	mean?	10:57
2	A. Yes, correct.	10:57
3	Q. Are those rules written down anywhere, to your	10:57
4	knowledge?	10:58
5	A. Are there rules what?	10:58
6	Q. Are there rules about being friendly with	10:58
7	contractors, are those rules written down anywhere to	10:58
8	your knowledge?	10:58
9	A. I have never read them. There probably is.	10:58
10	There is a lot of rules written down.	10:58
11	Q. Why do you think -- how did you become aware of	10:58
12	that rule?	10:58
13	A. Well, every year we do the -- we have to do	10:58
14	this ethics training and they mention that in there, the	10:58
15	Sunshine Ordinance ethics training. It's a video like	10:58
16	fifty minutes long and they mention that about, you	10:58
17	know, maintaining your professional integrity and stuff.	10:58
18	Q. Are you aware of any rules about contractors,	10:59
19	engineers or project sponsors giving money to DBI	10:59
20	personnel apart from paying for permit fees?	10:59
21	A. Am I aware of the rules?	10:59
22	Q. Yeah.	10:59
23	A. Yes, I am.	10:59
24	Q. What rules are you aware of?	10:59
25	A. You are not supposed to take any money from a	10:59

1	contractor, engineers or project managers for anything.	10:59
2	Q. Have you heard that some DBI personnel do take	10:59
3	money?	10:59
4	A. No.	10:59
5	Q. What about rules about taking gifts from	10:59
6	contractors, project sponsors or engineers?	10:59
7	A. Yeah, you are not supposed to take gifts. Like	11:00
8	I said, I read the paper, I saw, you know, that that	11:00
9	recently happened.	11:00
10	Q. What incident are you talking about?	11:00
11	A. Just in general in the paper. I mean, you	11:00
12	know, where I think the previous director went out to	11:00
13	dinner with somebody and he didn't pay for his meal and,	11:00
14	you know, stuff like that.	11:00
15	Q. Have you ever received a gift from a	11:00
16	contractor, engineer or project sponsor?	11:00
17	A. No, I have not.	11:00
18	Q. Are you aware of any rules against performing	11:00
19	work for -- sorry, are you aware of any rules against	11:00
20	contractors, engineers or project sponsors performing	11:00
21	work for DBI personnel on their personal property?	11:00
22	A. Am I aware of the rules? Yeah, it's forbidden.	11:01
23	Q. Have you heard that that's happened before?	11:01
24	A. Just what I read in the paper about, you know,	11:01
25	the DPW guy, Mohammed Nuru (phonetic). I believe he had	11:01

1	work done on his house by a contractor or something.	11:01
2	Q. Besides what you have read in the newspaper,	11:01
3	have you heard anything about contractors, engineers or	11:01
4	project sponsors performing work for DBI personnel?	11:01
5	A. No, I have not.	11:01
6	Q. Besides what you have read in the newspapers,	11:01
7	have you heard about any money or gifts given to DBI	11:01
8	personnel?	11:02
9	A. No, I have not.	11:02
10	Q. You mentioned you are in District 12 now?	11:02
11	A. Yes.	11:02
12	Q. Since when have you been assigned to District	11:02
13	12?	11:02
14	A. District 12 January of 2019.	11:02
15	Q. Who is your supervisor?	11:02
16	A. Brett Howard.	11:02
17	Q. Has he been your supervisor the entire time you	11:02
18	have been at District 12?	11:02
19	A. No, he has not.	11:02
20	Q. Who was your supervisor before that?	11:02
21	A. Bernie Curran, B-E-R-N-I-E, C-U-R-R-A-N.	11:02
22	Q. When did Brett Howard take over for Bernie	11:03
23	Curran as your supervisor?	11:03
24	A. About a month ago.	11:03
25	Q. Was anyone else your supervisor before Bernie	11:03

1	Curran in District 12?	11:03
2	A. In that district?	11:03
3	Q. Yeah, in that district.	11:03
4	A. No, he was in charge of -- that was one of his	11:03
5	districts, District 12.	11:03
6	Q. Do you have an understanding of why Brett	11:03
7	Howard replaced Bernie Curran as your supervisor about a	11:03
8	month ago?	11:03
9	A. I believe Bernie was suspended.	11:03
10	Q. Do you have an understanding of why Bernie was	11:04
11	suspended?	11:04
12	A. Only what I read in the paper.	11:04
13	Q. You never talked to your supervisor about why	11:04
14	he was suspended?	11:04
15	A. No.	11:04
16	Q. Where were you before District 12?	11:04
17	A. I was in District 17.	11:04
18	Q. How long were you there?	11:04
19	A. I was there for two years.	11:04
20	Q. Who was your supervisor?	11:04
21	A. District 17, I want to say Kevin McHugh.	11:04
22	Q. Kevin McHugh was your supervisor the entire	11:04
23	time you were at District 17?	11:04
24	A. Yes.	11:04
25	Q. You were there from the beginning of 2017 to	11:04

1	the end of 2018?	11:04
2	A. Correct, two years.	11:04
3	Q. Where were you before District 17?	11:05
4	A. District 5, the Richmond District.	11:05
5	Q. For what period of time were you at District 5?	11:05
6	A. Two years previous to District 17 which would	11:05
7	be I guess 2016 to 2017.	11:05
8	Q. Where were you before District 5?	11:05
9	A. I was in code enforcement.	11:05
10	Q. Who was your supervisor when you were in	11:05
11	District 5?	11:05
12	A. Kevin McHugh.	11:05
13	Q. What was your job in code enforcement?	11:05
14	A. To investigate complaints.	11:06
15	Q. For what period of time were you at code	11:06
16	enforcement?	11:06
17	A. From when I started. I guess October of '14	11:06
18	through 2015 or 2016 -- 2015, I guess.	11:06
19	Q. Who was your supervisor there?	11:06
20	A. Donal Duffy. D-O-N-A-L, Duffy, D-U-F-F-Y.	11:06
21	Q. Is it DBI policy to rotate inspectors every two	11:06
22	years?	11:06
23	A. Yes, it is.	11:06
24	Q. Were you ever the inspector for District 18?	11:07
25	A. No.	11:07

1 Q. Are you aware of any circumstance -- any time 11:07
2 where another inspector has inspected a property in your 11:07
3 district when you were not -- for a reason other than 11:07
4 you were absent that day? 11:07

5 A. No. 11:07

6 Q. From what you just told me it seems Mr. McHugh 11:08
7 was your direct supervisor for about four years? 11:08

8 A. Yes. 11:08

9 Q. And Mr. Curran was your supervisor for about a 11:08
10 year and a half? 11:08

11 A. Yes. 11:08

12 Q. Has anyone else -- sorry. 11:08

13 A. I may have that wrong. I am not sure when I 11:08
14 was in district -- I am not sure if it was Kevin McHugh. 11:08
15 It might have been Bernie Curran, too, in that district, 11:09
16 I am not sure. I am trying to think back. And also I 11:09
17 had Joe Duffy as a supervisor for a while, too. Kevin 11:09
18 McHugh was the supervisor when I was in the Richmond in 11:09
19 District 5 but in District 17 I am not sure who the -- 11:09
20 you know, you don't really contact them, you are not on 11:09
21 a daily -- you don't have a roll call or anything like 11:09
22 that so it's kind of -- it could have been Bernie Curran 11:09
23 was also the senior inspector for District 17. I would 11:09
24 have to look on the organizational chart. 11:09

25 Q. Do you remember when Joe Duffy was your 11:09

1	supervisor, for what period of time?	11:09
2	A. It was in the beginning because they had me	11:09
3	doing cancellations of permits, you know. When you	11:10
4	start off they try to teach you the whole system so they	11:10
5	have you jump around a lot so you get different, you	11:10
6	know, different aspects of the job.	11:10
7	Q. As a field inspector you don't have much	11:10
8	interaction with your senior inspector. How often would	11:10
9	you say that you interact with your senior inspector?	11:10
10	A. Hardly at all. I mean, maybe once a week, you	11:10
11	know. Sometimes just through e-mails, you know, you	11:10
12	would see them at the staff meetings back when we had	11:10
13	staff meetings.	11:10
14	Q. Did staff meetings stop because of covid or for	11:11
15	another reason?	11:11
16	A. Because of covid, yeah. Now they do Zoom staff	11:11
17	meetings but they are not -- it's not required.	11:11
18	Q. How do you decide to conduct an on site	11:11
19	building inspection?	11:11
20	A. How do I decide?	11:11
21	Q. How do you decide to go to a specific project?	11:11
22	A. It's on my schedule.	11:11
23	Q. So it's assigned to you in the morning?	11:11
24	A. Usually the day before. I can check it after	11:11
25	four and it will show up on the computer.	11:11

1	Q. On the computer does it say the reason why you	11:11
2	are supposed to go to the property that day?	11:11
3	A. What type of inspection, yes.	11:11
4	Q. So what are the different type of inspections	11:12
5	that you would do?	11:12
6	A. Eight types of inspections.	11:12
7	Q. What are they?	11:12
8	A. Forms, reinforcing steel, okay to pour, rough	11:12
9	framing, insulation, okay to cover, pre-final and final,	11:12
10	and sheetrock nailing. They just added that recently,	11:12
11	you never used to look at that but now because of the	11:12
12	numbers of inspections we are inspecting sheetrock	11:12
13	nailing.	11:12
14	Q. What about based on complaints?	11:12
15	A. Complaints is 109, that's a whole different --	11:12
16	you go through about -- it will say on the daily, you	11:12
17	know, the code and if it says 109 then you know it's a	11:13
18	complaint. Also, the number, you know, this is a twelve	11:13
19	digit number -- no -- yeah, twelve digit number. So a	11:13
20	complaint number is only a ten digit number so you can	11:13
21	tell by the number that it's a complaint and then you	11:13
22	print out the complaint data sheet and it will tell you	11:13
23	what the complaint is and the complainant, if there is	11:13
24	any, and, you know, we have a rule you have to react --	11:13
25	respond to a complaint within I think it's forty-eight	11:13

1	hours.	11:13
2	Q. So a complaint comes into DBI in your district,	11:13
3	is it automatically assigned to you?	11:13
4	A. No, it's reviewed by the code enforcement chief	11:14
5	usually and he will assign it either to one of his	11:14
6	people or he will assign it to the district inspector.	11:14
7	I don't know what the criteria is. I think he just	11:14
8	gives me the hard ones.	11:14
9	Q. Other than the eight or nine reasons for an	11:14
10	inspection and complaints, is there any other reason to	11:14
11	conduct an on site building inspection?	11:14
12	A. There is a whole page of calling codes for	11:14
13	inspections. I think there is probably like sixty.	11:14
14	Sometimes you will get one that's 148, that's other, 111	11:14
15	is a site verification. A lot of times the contractor	11:14
16	has a question. 101 is a start work inspection. That's	11:14
17	like on these big jobs the guy wants you to come by and	11:15
18	wants to lay the groundwork and tell you, you know, the	11:15
19	way he is going to do it and how often he needs to see	11:15
20	you and what do you want from him, basically. So there	11:15
21	are different codes but the eight I mentioned, those are	11:15
22	the most common, you know.	11:15
23	Q. You don't just pop in to projects and inspect	11:15
24	the property though?	11:15
25	A. Sometimes I do.	11:15

1 Q. What would be a reason to do that? 11:15

2 A. Like I think they don't have a permit, which 11:15
3 happens quite often. 11:15

4 Q. Okay, I am trying to understand. You just 11:15
5 drive by the property and see work being done and so you 11:15
6 stop? 11:15

7 A. Yeah, and then I go in. Sometimes they don't 11:15
8 let me in and then I, you know, call in a complaint and 11:16
9 let the complaint guy go out there. A lot of times now 11:16
10 since covid -- my rule is always to check one job a day. 11:16
11 So if I don't see the job card posted in the window and 11:16
12 I punch it in the computer and there is no permit on 11:16
13 record and I see these guys carrying a bunch of 11:16
14 sheetrock in, it's kind of a no brainer, right? I 11:16
15 usually try to talk to them first, hey, you need a 11:16
16 permit. And most of the times -- almost all the time 11:16
17 they comply and they get the permit. Sometimes the 11:16
18 roofers are having hard times getting permits issued 11:16
19 these days and I pull up and there is no permit and it's 11:16
20 like we don't really look at roofs. The only reason we 11:17
21 make them get a permit is we check the contractor's 11:17
22 license status and make sure they have liability and 11:17
23 workers' comp, you know. So sometimes the roofers don't 11:17
24 have a permit. I don't stop them from doing the roof, 11:17
25 heaven forbid it rains overnight and the people's house 11:17

1 gets ruined. So I just tell them to get a permit and 11:17
2 they always do, you know. So sometimes I do proactive 11:17
3 like that. I think we are supposed to do that. You are 11:17
4 supposed to have a permit, right? 11:17

5 Q. I think so. Is there any other reason that you 11:17
6 would conduct an inspection? 11:17

7 A. No. Usually 99.9 percent it's on the daily. I 11:17
8 show up, the address is there, I map it out on the GPS 11:17
9 which I am going to do. Sometimes I know the district 11:18
10 well enough I don't need to use the GPS, yeah. 11:18

11 Q. So when you go conduct a typical inspection 11:18
12 that's assigned to you on your daily, describe your 11:18
13 typical process? 11:18

14 A. I show up. I try to park legally if I can, if 11:18
15 not I put my flashers on. I go in. I make sure my ID 11:18
16 is out, you know. If the door is locked I ring the 11:18
17 bell, introduce myself, I am here for your inspection, 11:18
18 you know. Usually the contractor -- so a lot of these 11:18
19 guys I have seen them twenty, thirty times so they know 11:18
20 me, I know them. I will say what are we going to look 11:18
21 at today? I got rebar. Okay, where is the plans? I 11:18
22 look at the plans, you know. I ask them to -- you know, 11:19
23 sometimes the plans are fifty pages thick and I say can 11:19
24 you get me to the right page so I don't have to, you 11:19
25 know -- it will take me like three or four minutes to 11:19

1	find the right page. So we are looking at this section	11:19
2	of foundation. I go okay, number four rebar, twelve	11:19
3	inches on center on three inch dobies with drain mat	11:19
4	behind it and I go show it to me. I look. I always	11:19
5	carry a flashlight now because one time when I first	11:19
6	started I don't have a flashlight and these guys had	11:19
7	like a dungeon, a cave, there was no light and I saw a	11:19
8	brick through the foundation and I just figured they	11:19
9	shoved bricks in there, right? And it was in sand and	11:19
10	where it actually was was a lady's foundation next door.	11:19
11	It was a brick foundation and some time during the night	11:19
12	the thing slipped a couple if inches and cracked her	11:20
13	foundation and there was a big lawsuit. So I always	11:20
14	carry a flashlight now. Plus my eyes aren't that great.	11:20
15	And then I sign the job card. Like if it's only a	11:20
16	section, I will sign the note part of the job card, the	11:20
17	part with the lines where it says notes, and there's a	11:20
18	way to fill out your name, the date, your division, Bill	11:20
19	Walsh -- I say B. Walsh, date and then BID, Building	11:20
20	Inspection Division. I will say rebar and forms okay,	11:20
21	okay to pour between grid line one and three, and then I	11:20
22	initial it and that's it, I am out of there, on to the	11:20
23	next one.	11:20
24	Q. Do you ever conduct an inspection alone without	11:20
25	consulting the contractor, engineer or project sponsor?	11:20

1	A. No.	11:20
2	Q. So it seems like -- when you are going to an	11:21
3	inspection for a specific reason, do you inspect the	11:21
4	entire project or just the one item that you are called	11:21
5	out to inspect?	11:21
6	A. No, I have to stay on task, I don't have enough	11:21
7	time.	11:21
8	Q. If you notice something egregious, something	11:21
9	that's clearly outside the scope of a permit or over	11:21
10	excavation like you mentioned, what would be your next	11:21
11	step?	11:21
12	A. I would mention it to the contractor and I	11:21
13	would probably write them a correction notice or, you	11:21
14	know, wait until I get back to the office to talk to my	11:21
15	senior about it. Maybe take some pictures. If it's a	11:21
16	life safety issue I got to do something right there,	11:21
17	like guardrails or a window where a kid could fall out,	11:22
18	stuff like that. I think that's probably -- life safety	11:22
19	is probably the most important thing on the job, keeping	11:22
20	people safe from themselves.	11:22
21	Q. So you mentioned you look at the plans and you	11:22
22	look at the work that's been done. What exactly are you	11:22
23	looking for, just that the plans and the work match up	11:22
24	or is there more to it?	11:22
25	A. Just looking for compliance that the work and	11:22

1	the -- I don't carry a tape measure, we don't measure	11:22
2	the distance between rebar and stuff. I can look, I	11:22
3	have seen so many of them it's like you know if it's	11:22
4	right or wrong, you know. When I was in the Richmond,	11:22
5	the Richmond is mostly sand and a lot of these guys were	11:23
6	doing these soft story retrofits and they would dig the	11:23
7	grade beam, which is the concrete beam that's going to	11:23
8	tie the moment frames together, and they would just have	11:23
9	it open sand on both sides and I am like no, you can't	11:23
10	pour against sand. During the process the sand slumps	11:23
11	in and you have compromised the grade beams. It's not	11:23
12	going to be as strong as it's supposed to be. So I put	11:23
13	not okay to pour and give them a correction notice. A	11:23
14	lot of times they will go to the owner and say the	11:23
15	building inspector said we can't pour and they will want	11:23
16	it in writing, like a report card. So, you know --	11:23
17	yeah. A lot of times I don't look at the plans. I	11:23
18	mean, some days I don't have time to look at the plans,	11:24
19	to be honest with you. A guy is telling me pouring a	11:24
20	perimeter foundation, I know where it is going to be,	11:24
21	it's going to be on the perimeter and it better be	11:24
22	within the property line because that's on him. I am	11:24
23	not a surveyor, I just look at it, it's either right or	11:24
24	it's wrong. If it's right, go ahead pour.	11:24
25	Q. How often would you say that you don't look at	11:24

1	the plans?	11:24
2	A. Probably fifty-fifty, you know. Like a kitchen	11:24
3	remodel, you know, most of the times there are no plans,	11:24
4	there are cabinet schematics. I can look at the framing	11:25
5	and see that it's sixteen inches on center. I make sure	11:25
6	they have fire caulking in the holes, you know. Make	11:25
7	sure it's insulated with R-13 or 19, whatever is	11:25
8	applicable. In a window job there is no plans, you	11:25
9	know. Changing the furnace there is usually no plans.	11:25
10	There is a lot of jobs where plans just aren't	11:25
11	applicable. I looked at one yesterday that was a	11:25
12	perimeter -- the guy pouring a whole new perimeter	11:25
13	foundation inside an existing foundation on an R-3	11:25
14	single-family home and, you know, the rebar is sixteen	11:25
15	inches on center number four. I looked at it and it	11:25
16	looked good. He is like do you want to see the plans	11:25
17	and I am like no, I am reading the scope of work and it	11:26
18	says replace -- not replace, what was the word --	11:26
19	strengthen existing perimeter foundation with new	11:26
20	foundation. And he didn't do a ufer ground because he	11:26
21	is not replacing existing foundation so I gave him okay	11:26
22	to pour.	11:26
23	Q. If you are not looking at the plans, you are	11:26
24	looking at something else, the scope of work. Is there	11:26
25	anything else that you might look at?	11:26

1 A. No, that would be the only two documents that 11:26
2 would be relevant. 11:26

3 Q. Are there particular engineers and contractors, 11:26
4 project sponsors that you have worked with multiple 11:26
5 times that you maybe trust more than others? 11:26

6 A. Yeah. I mean, you know, some guys just do 11:27
7 really clean work, you know. They are the kind of guys 11:27
8 that I would hire to work on my house. You can usually 11:27
9 tell when you walk on to a job site, everything is not 11:27
10 haphazardly thrown about. Some of these guys use the 11:27
11 old insulation. No, you can't use that insulation. 11:27
12 They are like why not? It's R-11, it became -- it was 11:27
13 outdated in 1972 and it has formaldehyde in it so you 11:27
14 need to bag that crap up and get some insulation. So 11:27
15 there is guys that I recognize their work is, you know, 11:27
16 I don't want to say superior but it's better than, you 11:27
17 know -- it's a B plus average. 11:27

18 Q. Are there particular engineers that you can 11:27
19 think of that come to mind that fit that category? 11:27

20 A. Engineers, no, only contractors. 11:28

21 Q. Which contractors fit that category for you? 11:28

22 A. I can't think of anybody right now but, I mean, 11:28
23 there is some -- Herrero is good, Fine Line, but they 11:28
24 went out of business. Herrero it used to be brothers 11:28
25 but it's builders. Webcor does nice work, Cahill does 11:28

1 nice work. They are the big guys. There is just guys 11:28
2 you get used to seeing all the time and their work is 11:28
3 good, you know. You still have to look, you have to 11:28
4 inspect the work because that's what you are there for. 11:28
5 I always look at work, I don't do drive by sign offs or 11:29
6 anything like that. 11:29

7 Q. Would you describe yourself as a careful 11:29
8 inspector? 11:29

9 A. Yes. 11:29

10 Q. So when you see -- when you are there for an 11:29
11 inspection and something doesn't look right, do you 11:29
12 typically try to advise the contractor or whoever is 11:29
13 there at the project that day how to resolve the issue? 11:29

14 A. That would be my first choice, yeah. 11:29

15 Q. Is there any reason why you are required to 11:29
16 issue a notice of violation, to your knowledge? 11:29

17 A. Required to issue a notice of violation? Yeah, 11:30
18 for the violation. 11:30

19 Q. Any time you see a violation you feel that you 11:30
20 are required to -- 11:30

21 A. If it's not resolvable in some other fashion. 11:30
22 Like I said, correction notice is preferably -- the 11:30
23 correction notice is just between you and the 11:30
24 contractor, it doesn't get the office involved. Like 11:30
25 when I was in District 17, like I said, I was doing 11:30

1	twenty-one, twenty-two, twenty-three inspections a day.	11:30
2	I mentioned to management hey, this district should be	11:30
3	really divided into two because it was so -- there were	11:30
4	some blocks that there were six and seven projects, I	11:30
5	mean big projects on one block up on like Comstock	11:30
6	Street. They built a twelve million dollar home and	11:31
7	remodeling one across the street. Sometimes I get the	11:31
8	address wrong and I walk on the wrong job, you know.	11:31
9	Q. So if you are conducting an inspection and you	11:31
10	see work exceeding the scope of a permit, would your	11:31
11	first step be to talk to someone associated with the	11:31
12	project about the work that you see?	11:31
13	A. Yeah, if I saw that, yeah.	11:31
14	Q. Has that ever happened?	11:31
15	A. Yeah, Comstock Street kind of jogs my memory.	11:31
16	Yeah, there was a job 680 or 688 Sanchez, up on the hill	11:32
17	there. You know, it was just the scope of the work was	11:32
18	put in these -- I forget what they call these -- full	11:32
19	height doors -- nano doors, right, nano doors, and the	11:32
20	guy, I new the contractor, I knew him from another job	11:32
21	and I was like, you know, the valuation on this job he	11:32
22	had was like fifty thousand dollars. I told him, man --	11:32
23	and he was remodeling the whole house. So I gave him a	11:32
24	correction notice. I told him to -- the work that he	11:32
25	had that he was doing was on the plans so it wasn't	11:32

1	outside the scope of the work but his valuation was	11:32
2	grossly negligent, you know. It was probably at least	11:32
3	eight or nine hundred thousand dollar job. So I told	11:33
4	him -- so our people at the counter are supposed to	11:33
5	catch that. They have like a minimum valuation, on a	11:33
6	kitchen is like twenty-nine thousand dollars, a bathroom	11:33
7	is twenty-one thousand. So they have these numbers they	11:33
8	use and a lot of times they don't catch the whole thing	11:33
9	so I gave him a correction notice and I said add two	11:33
10	hundred thousand dollars valuation to the project, you	11:33
11	know, with the revision permit to reflect the actual	11:33
12	value of the work, which is still -- I was giving him a	11:33
13	break, you know. I mean, you don't want to estimate	11:33
14	these jobs for these guys but after all those years of	11:33
15	contracting I kind of got good at estimating by getting	11:33
16	whacked a few times, you know. So I always figure like	11:33
17	a third is fair. It's like I don't know what the	11:34
18	formula is, I think it's 1.25 percent or something of	11:34
19	whatever you put down on the permit. Like this thing	11:34
20	here, the value -- they put down thirty thousand and the	11:34
21	guy kind of crosses off and put forty thousand and it	11:34
22	ends up costing them instead of four hundred eighty	11:34
23	bucks, it cost them five hundred forty bucks or	11:34
24	something like that. So it's not, you know --	11:34
25	Q. So that project on Sanchez Street, all that was	11:34

1 was a notice of correction, they went and got a revision 11:34
2 permit. Did any notice of violation or suspension or 11:34
3 revocation come from that? 11:34

4 A. I don't know how that one panned out because I 11:34
5 was filling in for Brett Howard that day, it was his 11:34
6 district. District 17 is really overwhelmed so I gave 11:35
7 the guy the notice of violation, I told Brett Howard hey 11:35
8 -- I mean, the correction notice, I am sorry, the 11:35
9 correction notice and I gave a copy of it to Brett and I 11:35
10 said Brett, I gave this guy I think it was 680 or 688 11:35
11 Sanchez this correction notice. Because it's his 11:35
12 district so, you know, it would be -- I am pretty sure 11:35
13 the guy did it. 11:35

14 Q. After a notice of correction, I am sure 11:35
15 typically the issue is resolved but what's the next step 11:35
16 if the contractor does not correct the issue? 11:35

17 A. I never had that happen. Oh, wait, I did have 11:35
18 that happen on a roof. I was trying to work with the 11:35
19 guy, he did a roof without a permit and then he called 11:36
20 me up -- that was on Ina Court over in District 12 -- 11:36
21 and I talked to the guy and he explained to me that his 11:36
22 contractor's license had not renewed so he wasn't able 11:36
23 to get the permit. So I said okay, how long do you 11:36
24 think it will take? He goes well, I should get it 11:36
25 within ten days. So I waited two weeks, fourteen days, 11:36

1 and he still hadn't got it so I wrote the notice of 11:36
2 violation on the roof but I made the valuation. I 11:36
3 didn't hit him hard, I made it like twenty-five hundred, 11:36
4 which is low, but he had to pay nine times the fee so it 11:36
5 cost him about fifteen hundred dollars in penalties, you 11:36
6 know. He didn't have a permit, you know. 11:36

7 Q. So you see a roof being done without a permit 11:37
8 and you issue a notice of correction, the notice of 11:37
9 correction -- 11:37

10 A. I issued a notice of violation. 11:37

11 Q. I thought you issued a notice of violation? 11:37

12 A. I verbally talked to him. 11:37

13 Q. After you formally issue a notice of 11:37
14 correction, you never had an instance where it hasn't 11:37
15 been resolved? 11:37

16 A. No. 11:37

17 Q. What would be the next step if it hadn't been 11:37
18 resolved? 11:37

19 A. You send the notice of violation to code 11:37
20 enforcement and then they -- I never worked -- well, I 11:37
21 worked in code enforcement way back when it was 11:38
22 different but now I guess they issue an order of 11:38
23 abatement, I think it's called, and then it goes to a 11:38
24 director's hearing. It's like a blemish on the title of 11:38
25 the property or something like that. I never followed 11:38

1 it past that stage. 11:38

2 Q. When you do an inspection have you ever seen 11:38

3 work that doesn't coincide with the plans? 11:38

4 A. Yeah. Yes. 11:38

5 Q. What do you do when you see that? 11:39

6 A. I usually talk to the contractor and try to 11:39

7 rectify it, you know. A lot of times it's simple stuff 11:39

8 but, you know, I think the most common thing is 11:39

9 something like windows. Like people put vinyl windows 11:39

10 on the front of their houses and planning doesn't allow 11:39

11 vinyl windows if it's viewable from the street, stuff 11:39

12 like that. 11:39

13 Q. When work doesn't coincide with the plans, what 11:39

14 is the contractor's next step? 11:39

15 A. Usually to get a revision permit to cover the 11:39

16 work that's not on the plans, you know. A lot of times 11:40

17 they will do it on their own, you know. They get into a 11:40

18 job, a front stair job or something where they have 11:40

19 written down dry rot repair less than fifty percent, 11:40

20 plans not required, and then you get into the job and 11:40

21 you realize the whole thing has been invaded by 11:40

22 termites. It's the front of the house, you can't really 11:40

23 hide it. So then they have to get plans, go down and, 11:40

24 you know. 11:40

25 Q. Most of the problems you see at sites, whether 11:40

1 it's work exceeding the scope of a permit or work that 11:41
2 doesn't coincide with the plans, would you say that most 11:41
3 of that work is curable with a revision permit? 11:41

4 A. Yes, I would. 11:41

5 Q. Can you think of any incident where it was not 11:41
6 curable with a revision permit, in your experience? 11:41

7 A. Well, I mean, if they added an extra floor or 11:41
8 something like that then I don't think a revision permit 11:41
9 is going to get it. You have to remit plans and go 11:41
10 through all the stations, planning, you know, historical 11:41
11 review, all that. Especially like District 17 there is 11:41
12 a lot of historical buildings. Like out in the Sunset 11:41
13 there is not so many, you know, it was built after 1945. 11:41
14 Yeah, sometimes it's a -- like I said, I have never made 11:42
15 that decision. I mean, I am on the roof level, you 11:42
16 know. That would be more upper management. 11:42

17 Q. Was that a hypothetical that you gave where 11:42
18 they added a floor or is that something that you have 11:42
19 experienced? 11:42

20 A. No, it's happened before. I like I said, I 11:42
21 can't -- yeah, rear horizontal additions, I got a couple 11:42
22 of those in my district. Where is it, Elizabeth Street 11:42
23 -- no, last week a complaint came in about the guy is 11:42
24 building a -- you know, you are allowed a storage 11:43
25 building in your back yard one hundred square feet or 11:43

1	less without -- it's allowed under the code without a	11:43
2	permit. This guy, the neighbor called me up and he	11:43
3	wants to turn this guy in. I go out there and I take	11:43
4	pictures and he is building a second house, you know.	11:43
5	It's four hundred fifty square feet. It's got a	11:43
6	foundation, it's got electrical, it's got plumbing and,	11:43
7	you know, there is no other choice, you have to issue a	11:43
8	notice of violation. I get to write that because I am	11:43
9	the one that checks -- it says that you see this, was	11:43
10	this a visual -- is this notice written on a visual, you	11:43
11	know, basis? Yeah, I saw it. So once I see it --	11:43
12	because I am looking two fences over and there is	11:43
13	another building the same size. Sometimes you look down	11:44
14	the whole row of fences and it's like, you know -- you	11:44
15	have to explain to the people I am here for this so, you	11:44
16	know, we are not trying to make enemies. But yeah,	11:44
17	people build out a rear horizontal addition and roof	11:44
18	decks.	11:44
19	Q. As far as you know, have any of those times	11:44
20	where you have seen rear horizontal additions or, you	11:44
21	know, a new small unit in the back yard, have any of	11:44
22	those resulted in a revocation of permit, as far as you	11:44
23	know?	11:44
24	A. That guy had no permit.	11:44
25	Q. In other instances have you ever seen it?	11:44

1	A. I don't think a backyard structure, if the guy	11:45
2	-- say, for instance, hypothetically, he had a kitchen	11:45
3	remodel permit, I don't think the two are unrelated. We	11:45
4	wouldn't revoke the kitchen remodel permit because he --	11:45
5	but also with the notice of violation it puts a hold on	11:45
6	the property so you are not going to get any inspections	11:45
7	on your kitchen remodel until you take care of the NOV.	11:45
8	Q. So on a rear horizontal addition, have you ever	11:45
9	seen a permit revoked based on that?	11:45
10	A. Yes, I have.	11:45
11	Q. Can you remember the specific incident?	11:45
12	A. I can't. If it's something like that where it	11:45
13	is attached -- the thing with the structure in the back	11:46
14	yard was not attached to the building, that's the catch	11:46
15	phrase, it's separate. If somebody says can I have like	11:46
16	four storage buildings and kind of glue them together?	11:46
17	I say no, you can only have one storage building. The	11:46
18	code says a storage building one hundred square foot,	11:46
19	less than one story. I can't think of an incident but I	11:46
20	know that I have -- there have been incidents where like	11:46
21	something like that happened and they do have permits	11:46
22	and then they will revoke the permits. A lot of times	11:46
23	there will be permits issued on a property that never	11:46
24	got resolved in the system and they are still in an	11:46
25	issued status. Like 2008 permit and it is still issued,	11:46

1 nobody ever expired it, so what you have to do is you 11:47
2 have to expire that permit so when you wrote the notice 11:47
3 of violation you can go nine times the fee on it. 11:47
4 Because if there is an issued permit on a property, no 11:47
5 matter -- as long as it's in issued status, it could be 11:47
6 from 1985, you can only go two times the fee on a notice 11:47
7 of violation for the penalty. But in order to go nine 11:47
8 times it can't be any issued permits -- nine times the 11:47
9 fee. I am sorry, I was talking fast. 11:47

10 Q. Is that just an oversight that these permits 11:47
11 remained issued all these years? 11:47

12 A. The system is just -- you know, when the 11:48
13 building department moved from 475 McAllister, they lost 11:48
14 all the records so we don't have any records from like 11:48
15 prior to 1985. And then a lot of permits never get -- 11:48
16 either the contractor never calls to final them or some 11:48
17 other thing happens and they stay issued. So a lot of 11:48
18 times you go in the system and there will be like 1996 11:48
19 permit still issued. And I will be like let me find out 11:48
20 what that's for and I go it's a roof, so like you expire 11:48
21 it. So whenever you find them you are supposed to 11:48
22 expire them. There is thousands of them, millions of 11:48
23 them. I don't know why. 11:49

24 Q. If a project you are inspecting had excavation 11:49
25 beyond the scope of the permit would you typically 11:49

1 expect to notice it? 11:49

2 A. Usually not, not unless it was the one out in 11:49
3 Madison where they took out so much dirt -- well, the 11:49
4 neighbor told me there were eight dirt trucks lined up 11:49
5 and a dirt truck is I believe twelve yards, so eight 11:49
6 times twelve, that's more than fifty-four. 11:49

7 Q. Would you expect to notice unpermitted 11:49
8 excavation of over eight hundred cubic yards? 11:49

9 A. Oh yeah. If I was there from the beginning 11:49
10 until the end, you know. If I saw the area prior to the 11:50
11 excavation but these guys usually call for -- a 101 11:50
12 start order, they start and they put the permit up in 11:50
13 the window, right, like to keep the vampires away and 11:50
14 then, you know, they usually start the work and, you 11:50
15 know, sometimes I will notice there has like been -- a 11:50
16 debris box has been changed a few times, you know, the 11:50
17 concrete box. I would say I don't, you know -- they 11:50
18 probably -- on excavation probably only about twenty 11:50
19 percent as far as like being aware of how much soil has 11:51
20 been removed from a project. 11:51

21 Q. On a typical residential property, even if you 11:51
22 weren't there at the beginning of the project before 11:51
23 excavation had started, do you think you would notice 11:51
24 eight hundred cubic yards were missing or excavated? 11:51

25 A. How much? 11:51

1	Q. Eight hundred cubic yards.	11:51
2	A. Eight hundred?	11:51
3	Q. Yeah.	11:51
4	A. I am not sure. It depends on the ceiling	11:51
5	height, the crawl space, the garage, is it going to be	11:51
6	habitable space. I mean --	11:51
7	Q. Eight hundred cubic yards of excavation?	11:51
8	A. Yeah, that's a pretty big chunk of dirt.	11:52
9	Q. Let's move on to complaints.	11:52
10	THE VIDEOGRAPHER: We are going off the record	11:52
11	at 11:52 a.m.	11:52
12	(Brief recess.)	11:52
13	THE VIDEOGRAPHER: We are going back on the	11:52
14	record at 12:06 p.m.	12:05
15	MR. ROSENBAUM: Q.: Earlier we were talking	12:06
16	about complaints and you mentioned that sometimes they	12:06
17	are assigned to you and sometimes they are assigned to I	12:06
18	think you said code enforcement and you don't know why.	12:06
19	You did mention that you think it's -- you are supposed	12:06
20	to respond -- DBI is supposed to respond within	12:06
21	forty-eight hours I think you said to a complaint, is	12:06
22	that correct?	12:06
23	A. Yes.	12:06
24	Q. When DBI receives a complaint about a project	12:06
25	in your district, do you become aware of it no matter	12:06

1	what?	12:06
2	A. No.	12:06
3	Q. Only if it's assigned to you?	12:06
4	A. Yes.	12:06
5	Q. Remind me who assigns it to you?	12:07
6	A. I believe a complaint comes in and it's	12:07
7	reviewed by the code enforcement chief or it could be	12:07
8	reviewed by a senior inspector, I am not sure.	12:07
9	Q. And they assign it to either the field	12:07
10	inspector, district inspector or someone in code	12:07
11	enforcement?	12:07
12	A. Correct.	12:07
13	Q. Who is the code enforcement chief?	12:07
14	A. Mauricio Hernandez.	12:07
15	Q. Have you ever seen a complaint assigned by	12:07
16	anyone else?	12:07
17	A. No.	12:07
18	Q. Have you ever seen complaints accompanied by	12:08
19	detailed engineer's drawings and summaries?	12:08
20	A. No, I have not.	12:08
21	Q. Are you aware of those -- of complaints being	12:08
22	accompanied by detailed engineer's drawings and	12:08
23	summaries, have you heard of those before?	12:08
24	A. I think when complaints come from the outside,	12:08
25	you know, they come in all forms. Recently there was --	12:08

1 I read in the paper there was a nine hundred forty-one 12:08
2 page complaint that came in. I am assuming that 12:08
3 sometimes they have drawings, you know. 12:08

4 Q. What are the typical complaints -- let me see 12:09
5 if I can ask this in a good way -- if a complaint is 12:09
6 about work beyond the scope, do you typically go to the 12:09
7 site to inspect it? 12:09

8 A. Yes. 12:09

9 Q. And you would go within forty-eight hours? 12:09

10 A. Someone would go within forty-eight hours. 12:09

11 Q. If you get to the property based on a complaint 12:09
12 or for any other reason and there is something else 12:09
13 going on at the property, does that affect your decision 12:09
14 to enter the property? Could it affect your decision to 12:10
15 enter the property? 12:10

16 MR. STEVENS: I object that it's vague. You 12:10
17 can answer. 12:10

18 THE WITNESS: I don't understand the question. 12:10

19 MR. ROSENBAUM: Q.: Let's say that there is a 12:10
20 family dinner going on in the property, would you still 12:10
21 enter the property to conduct your inspection? 12:10

22 A. I wouldn't be there at dinner time, my work 12:10
23 hours end at -- 12:10

24 Q. A family lunch. 12:10

25 A. I mean, common decency. To answer your 12:10

1 question, the most common complaint is noise or working 12:10
2 hours, those are the two most common. 12:10

3 Q. Okay. If you went to a property and there was 12:11
4 a broker's open house going on, would that affect your 12:11
5 decision to enter the property? 12:11

6 A. No. 12:11

7 Q. What percentage of time that you inspect a 12:11
8 property based on a complaint would you say that it 12:11
9 results in a notice of violation? 12:11

10 A. Five to ten percent. 12:11

11 Q. What are the other ninety to ninety-five 12:11
12 percent, do they result -- what do the other ninety to 12:11
13 ninety-five percent of the cases result in? 12:11

14 A. Abatement of the complaint because usually 12:11
15 people call and say hey, these guys are starting at 12:11
16 eight a.m. with loud jackhammering noises and the code 12:12
17 says you can work from seven a.m. to eight p.m. seven 12:12
18 days a week. So I would just close the complaint and 12:12
19 ask the contractor if he could maybe keep it down, you 12:12
20 know, until ten with the loud stuff. A lot of 12:12
21 complaints around here about noise, trucks backing up. 12:12
22 It's usually not contractors, usually it's garbage 12:12
23 trucks or something. Most of the time the complaint 12:12
24 would get closed. There are a lot of times where people 12:12
25 file the same complaint the next day and it becomes like 12:12

1 a war, like you got this serial complaining. You can 12:12
2 close them as fast as they issue them. Sometimes I will 12:12
3 leave my phone number, call me, I will explain it to 12:12
4 you, you know. 12:12

5 Q. When you get instances like that where the 12:12
6 complaint is the same as one that was just submitted 12:13
7 within the last couple of days, do you still have to go 12:13
8 out to the property? Does someone from DBI still have 12:13
9 to go out to the property? 12:13

10 A. No, you can close it if you -- if there is 12:13
11 already an open complaint you can close the second one 12:13
12 if it's a duplicate. A lot of times we will say 12:13
13 duplicate complaint and reference the complaint number 12:13
14 and say this complaint is closed. 12:13

15 Q. And you can do that on your own? 12:13

16 A. Yes. 12:13

17 Q. In the five to ten percent of instances where 12:13
18 an NOV results from an inspection based on a complaint, 12:13
19 what are the most common notices of violation that you 12:13
20 issue? 12:13

21 A. Work without a permit, work beyond the scope of 12:13
22 permit. 12:13

23 Q. After the notice of violation is issued, the 12:14
24 contractor typically gets a revision permit? 12:14

25 A. They do something to address it, yeah. 12:14

1 Q. Are you aware of any times where you have 12:14
2 issued a notice of violation for work beyond the scope 12:14
3 or any other reason where the NOV has lead to a 12:14
4 revocation of permits? 12:14

5 A. Am I aware? 12:14

6 Q. Are you aware of any time you have issued a 12:14
7 notice of violation that was not abated and lead to a 12:14
8 revocation of a permit? 12:14

9 A. Yes, it's happened, yes. 12:14

10 Q. Do you remember a specific occurrence? 12:15

11 A. Besides this one? 12:15

12 Q. Anything besides 22nd Street, the 22nd Street 12:15
13 project, yeah. 12:15

14 A. I can't think of the address but I know it's 12:15
15 not, you know, it's not the first time it's happened. 12:15

16 Q. When you conduct an inspection based on a 12:15
17 complaint that's not related to noise or working hours, 12:15
18 is there any difference in the inspection you conduct 12:15
19 versus a regular field inspection? 12:15

20 A. No. I am specifically looking for -- the 12:15
21 complaints are usually specific so I am usually looking 12:15
22 -- you know, a lot of times people won't let me in and 12:15
23 then the neighbor is usually the complainant so the 12:16
24 neighbor is like come over here, let me see what they 12:16
25 did, they built a ten foot high fence, you know. 12:16

1 Sometimes we have no access, you have to wait and then 12:16
2 the people call you -- the complainant calls you and 12:16
3 offers to let you in their house so you can see it, you 12:16
4 know. We have rules we have to follow, like if there is 12:16
5 work going on in a garage, like they are building 12:16
6 something in the garage like an illegal unit, you can't 12:16
7 take a picture through the mailbox because the mailbox 12:16
8 is federal. I learned that. 12:16

9 Q. So there is no difference between an inspection 12:16
10 based on a complaint and an inspection to sign off on 12:16
11 work? 12:17

12 A. I am having a hard time hearing. 12:17

13 Q. Other than the subject of the inspection 12:17
14 because one is based on a complaint and one is based on 12:17
15 a request to come inspect and sign off on work, is there 12:17
16 any difference in what you do in conducting your 12:17
17 inspection when it based on a complaint versus a request 12:17
18 to sign off? 12:17

19 A. No, they are both specific, you know. I mean, 12:17
20 I can go into any of the two hundred thousand plus 12:17
21 buildings in San Francisco and find, you know, 12:17
22 conditions that don't meet code but that's not my job, 12:17
23 my job is to regulate current construction. Just 12:17
24 because something, you know -- so I would say I 12:18
25 specifically stay on task. If I am there to look at 12:18

1 they built an illegal shed in the back yard, I am going 12:18
2 to look in the back yard, I am not going to look in 12:18
3 their house. That's a privacy issue, you know. 12:18

4 Q. When you are assigned to a property based on a 12:18
5 complaint and you know that you have been to that 12:18
6 property within the last two weeks, say, because of 12:18
7 another complaint, do you always check to see if those 12:18
8 complaints are duplicative? 12:18

9 A. If it was a duplicate complaint I would 12:19
10 probably not go the second time but if the complaint 12:19
11 data shows a different person, then I am going to show 12:19
12 up. I think what you are talking about there was a -- 12:19
13 the wording was different on the complaint so it wasn't 12:19
14 -- it wasn't a hundred percent and the data -- the 12:19
15 complaint data was different -- there were two different 12:19
16 people complaining and the verbiage was not a hundred 12:19
17 percent the same. I don't recall what it was but, you 12:19
18 know -- I mean, I just went there because it was on my 12:19
19 daily, that's why I went there. 12:19

20 Q. I am not talking about any specific event right 12:20
21 now, I am just trying to determine what your -- so if 12:20
22 you received a complaint regarding work outside the 12:20
23 scope and it's specific and you were just there two days 12:20
24 ago, I assume -- tell me if I am wrong -- that you 12:20
25 wouldn't go out again within the same week for the same 12:20

1	thing?	12:20
2	A. Sometimes when you start doing inspections it's	12:20
3	almost like you are a -- you just -- you got your list,	12:20
4	you go there. To tell you the truth, you don't really	12:20
5	think I about it, you just go there.	12:20
6	Q. If you are assigned an inspection based on a	12:21
7	complaint by a chief from code enforcement, you are	12:21
8	probably going to go?	12:21
9	A. Always, yeah.	12:21
10	Q. Do you remember the project at issue in this	12:21
11	lawsuit at 3426 to 3432 22nd Street?	12:21
12	A. Yes, I do.	12:21
13	Q. When did you first learn of the proposed work	12:21
14	on what we will call the Six Dogs property?	12:21
15	A. I would have to look through the -- when the	12:21
16	first time I was at the property?	12:21
17	Q. When did you first learn about the project?	12:21
18	A. The first time I went there for an inspection.	12:21
19	Q. Do you remember when that was?	12:21
20	A. No. I mean, you probably do.	12:22
21	Q. I am going to finally introduce the first	12:22
22	exhibit which I think is Exhibit 76. Not for you, Mr.	12:22
23	Walsh, for you it will be the top one. It's a job card,	12:22
24	at the bottom right-hand corner it says	12:22
25	CCSF-Richards_000024. I don't know how many zeros I	12:22

1	said but it ends in 24. It is probably in the top	12:22
2	stack.	12:22
3	A. Can I look for it?	12:22
4	Q. It's a job card, it has your name at the top	12:22
5	with your phone number.	12:22
6	A. What's the number again?	12:22
7	Q. It should be 01.	12:22
8	MR. STEVENS: He does have the exhibit numbers	12:22
9	on there as they appeared in your e-mail this morning.	12:23
10	We wrote them on there so it should be a little easier	12:23
11	this time.	12:23
12	THE WITNESS: Exhibit 1, got it.	12:23
13	(Whereupon, Plaintiff's Exhibit 76 was marked	12:23
14	for identification.)	12:23
15	THE WITNESS: It looks like I was there	12:23
16	August 10, 2018.	12:23
17	MR. ROSENBAUM: Q.: Around August, 2018, is	12:23
18	when you first visited the site?	12:23
19	A. August 10, 2018, yes, sir.	12:23
20	Q. What do you remember the project to be?	12:23
21	A. It was pretty simple, it was a foundation	12:23
22	replacement. It was a four unit building, they were	12:24
23	doing a remodel upstairs on each of the units and I	12:24
24	think they were adding -- I don't know if they added a	12:24
25	bath in each unit but I think -- yeah, I believe they	12:24

1	added bathrooms. It's a soft story seismic retrofit,	12:24
2	that was it. But I don't think it was a mandatory	12:24
3	because usually these things say -- because I don't	12:24
4	think it qualified for tier -- when they say mandatory	12:24
5	it's soft story retrofit, the ones that are required by	12:24
6	the city. This one says soft story seismic. I can't	12:24
7	read that word, repair? No. Soft story -- I don't	12:25
8	believe it's a mandatory.	12:25
9	Q. In August, 2018, when you inspected the	12:25
10	property for the first time, was there any reason why	12:25
11	the project was different from other projects that you	12:25
12	inspected?	12:25
13	A. Not at all.	12:25
14	Q. You said it was pretty simple?	12:25
15	A. Pretty simple, yeah.	12:25
16	Q. As far as you remember, did you follow your	12:25
17	normal protocols and practices when inspecting the	12:25
18	property?	12:25
19	A. Yes, I did.	12:25
20	Q. Did you review the plans?	12:25
21	A. I looked at them the first time, yeah.	12:25
22	Q. Did you review them any other times other than	12:26
23	the first time you were there?	12:26
24	A. I may have, I don't recall. They poured the	12:26
25	foundation in sections so there was numerous -- 8/10,	12:26

1 8/24, 9/6, and I gave them the final to pour October 5, 12:26
2 so they did four pours. 12:26

3 Q. I am going to stop here for a second. Do you 12:26
4 recall about how many times you visited the property? 12:27

5 A. For concrete, four times it says on this. 12:27
6 About how many times in general? Not counting the 12:27
7 complaints, just inspections, I was probably there eight 12:27
8 times maybe, ten times. 12:27

9 Q. And the time period you are talking about is 12:27
10 between August, 2018, August 10, the first time you 12:27
11 visited, and March 20, 2019, is that correct? 12:27

12 A. That sounds about right. 12:27

13 Q. Okay. You also have Exhibit 2 -- I am 12:27
14 referring Mr. Walsh to the exhibits that I sent early 12:27
15 this morning that I entitled 02, which will be 77, 03, 12:28
16 which will be 78, 04, which will be -- 04A which will be 12:28
17 79, 04B will be 80, and 4C will be 81, 5 will be 82. 12:28

18 A. 5 is 94, I think. 12:28

19 Q. You are right, at the bottom it says the Bates 12:28
20 stamp is 94 but in terms of exhibit numbers it is going 12:29
21 to be number 82. 12:29

22 (Whereupon, Plaintiff's Exhibits 77-82 were 12:29
23 marked for identification 12:29

24 MR. ROSENBAUM: Q.: Looking through these job 12:29
25 cards, does that help you remember about how many times 12:29

1	you inspected the Six Dogs property?	12:29
2	A. Should I be making a list or what?	12:29
3	Q. It doesn't have to be exact.	12:29
4	A. One concrete, one framing here, and the framing	12:29
5	was in March of 2019. 4B is rough framing. Mr.	12:29
6	Rosenbaum, question?	12:30
7	Q. About how many times did you inspect the Six	12:30
8	Dogs property?	12:30
9	A. It looks like seven but one was canceled so	12:30
10	maybe six times.	12:31
11	Q. What did you inspect the property for? You	12:31
12	said four times for concrete?	12:31
13	A. Four times for concrete.	12:31
14	Q. When you were inspecting for concrete what were	12:31
15	you looking for?	12:31
16	A. I am looking at the rebar and the forms to make	12:31
17	sure that they meet code.	12:31
18	Q. Do you remember conducting those inspections?	12:31
19	A. Yes, I do.	12:31
20	Q. And you signed off on the job cards, right?	12:31
21	You said okay to pour?	12:31
22	A. Okay to pour, correct.	12:31
23	Q. Besides the four concrete inspections, what	12:32
24	were the other two or three inspections for?	12:32
25	A. There was rough framing -- hold on, there were	12:32

1	so many permits. This was rough framing for the deck.	12:32
2	Rebuild front step due to dry rot. Use front bottom	12:32
3	concrete step. Install six foot beds with two foot	12:32
4	trellis on something alley, Ames Alley. It looks like	12:32
5	maybe I was out there ten times. Insulation, rough	12:32
6	framing, okay to cover, okay to cover, okay to cover,	12:32
7	remodel 3432. There were four units, right?	12:33
8	Q. Yes.	12:33
9	A. So I don't know, did they do them all on	12:33
10	different dates? If they did them on different dates	12:33
11	then that's more than ten inspections.	12:33
12	Q. Exhibit 4A, B and C are I believe -- look at	12:33
13	each of Exhibit 4A, 4B and 4C.	12:33
14	A. 4C is for 3428.	12:33
15	Q. What is it for 3428?	12:33
16	A. 4C.	12:34
17	Q. But what work is it for?	12:34
18	A. Pardon me?	12:34
19	Q. What type of work?	12:34
20	A. Remodel.	12:34
21	Q. Remodel?	12:34
22	A. Hold on. Do you want the permit number, would	12:34
23	that be better for you?	12:34
24	Q. She is talking to me.	12:34
25	A. 4C is to remodel 3428. 4B is to remodel 3432.	12:34

1 What's the other one, 4A? I don't know if I have 4A. 12:35

2 Here it is, 4A. 4A, remodel 3426 is 4A. So that's 12:35

3 three units, you are missing a permit. 12:35

4 Q. That may be my mistake. 12:35

5 A. I am going to have to charge you for that. I 12:35

6 also notice that the ufer ground never got signed off 12:35

7 and I wrote on there ufer ground but maybe it's on one 12:35

8 of the other permits. You know what the ufer ground is, 12:35

9 right? When you pour a foundation you have to have a 12:35

10 grounding electrode in the lowest point of the pour for 12:35

11 twenty continual feet, then it has to come up out of the 12:36

12 concrete and attach to the service panel, the electrical 12:36

13 service. It gets signed off here. It might have been 12:36

14 an oversight. That's not the building department, 12:36

15 that's the electrical inspector. We call it but they 12:36

16 are supposed to sign it off. 12:36

17 Q. If you look at what we have called 4A, B and C, 12:36

18 that's Exhibits 79, 80 and 81 for the record, those are 12:36

19 dated November, 2018, correct? 12:36

20 A. Those are dated -- oh yeah, the permit is 12:36

21 11/21/2018, correct. 12:36

22 Q. Those are the remodels of the units, we omitted 12:37

23 one. In conducting those inspections do you remember 12:37

24 talking to anyone at the site? 12:37

25 A. The contractor. 12:37

1	Q. Who did you talk to?	12:37
2	A. Rich Calderon, C-A-L-D-E-R-O-N. I think he	12:37
3	goes by Rich, Ricardo.	12:37
4	Q. Did you ever talk to Pat Buscovich?	12:37
5	A. Yeah, I did talk to him a couple of times out	12:37
6	there.	12:37
7	Q. Do you remember what you discussed?	12:37
8	A. No.	12:37
9	Q. You said a couple of times, was it two times?	12:37
10	A. Once or twice. I remember the first time I	12:38
11	went there he was there and Richard was there and, you	12:38
12	know, they said we are replacing the foundation, we are	12:38
13	doing this, you know. I looked at the plans, okay, you	12:38
14	got a couple of sections ready so we signed those off	12:38
15	okay to pour and that was it. That's my six minutes.	12:38
16	It goes by quick.	12:38
17	Q. At any of those six to ten times you were at	12:38
18	the property, during any of those times if you saw	12:38
19	anything that warranted a notice of correction, would	12:38
20	you have issued a notice of correction?	12:38
21	A. Yeah.	12:38
22	Q. Did you ever see anything that warranted a	12:38
23	notice of correction?	12:38
24	A. No.	12:39
25	Q. Did you ever issue a notice of correction?	12:39

1	A. No.	12:39
2	Q. If there was inspections you saw anything that	12:39
3	would have warranted a notice of violation, would you	12:39
4	have issued a notice of violation?	12:39
5	A. If I did, I would have, yes.	12:39
6	Q. Did you ever see anything that warranted a	12:39
7	notice of violation?	12:39
8	A. No, I did not, not in my six minutes there.	12:39
9	Q. Over ten times though, right?	12:39
10	A. Probably, yeah.	12:39
11	Q. Did you ever issue a notice of violation for	12:39
12	the property?	12:39
13	A. No, I didn't.	12:39
14	Q. Do you know Mr. Buscovich?	12:39
15	A. Do I know --	12:39
16	Q. Mr. Buscovich personally?	12:39
17	A. No, professionally.	12:39
18	Q. How do you know him professionally?	12:39
19	A. He is on a lot of jobs. I mean, he is the	12:39
20	engineer for quite a few projects. I have seen him, you	12:39
21	know -- in all the districts I have been in I probably	12:40
22	seen him three or four times a year at least.	12:40
23	Q. From what you recall, he was there the first	12:40
24	time you visited the property and he may have been there	12:40
25	a second time?	12:40

1	A. Possibly, yeah.	12:40
2	Q. Did you give the project a pass because you	12:40
3	know Mr. Buscovich?	12:40
4	A. No.	12:40
5	Q. As far as you were concerned, was the project	12:40
6	complete in early 2019?	12:40
7	A. In 2019? If it was complete I would have given	12:40
8	him a final.	12:40
9	Q. On March 20, 2019, is that the last time you	12:40
10	visited the property before any complaints were filed?	12:41
11	A. I believe so. I gave him okay to cover. No, I	12:41
12	was there after that, I was there in September.	12:41
13	Q. Why were you there in September?	12:41
14	A. A complaint, complaint investigation.	12:41
15	Q. Before September were you there for any other	12:41
16	reason other than inspections?	12:41
17	A. I don't believe so. I think I was there twice	12:41
18	on the complaint. There were two complaints so one time	12:41
19	I went there there was no one there and I just hung up a	12:41
20	while you were out notice with my card on it. And the	12:41
21	second time I was there there were people there and, you	12:41
22	know, I said there is a complaint.	12:41
23	Q. I am not quite to the complaints yet, we are	12:42
24	almost there though. As of the middle of 2019, before	12:42
25	the complaints were brought to your attention, would you	12:42

1	say that you had the most knowledge within DBI about	12:42
2	this project?	12:42
3	A. Yes, I would say that.	12:42
4	Q. As of March 20, 2019, the last time you had	12:42
5	inspected the property, would you have expected a	12:42
6	complaint about the project to be brought to you?	12:42
7	A. Did I expect one?	12:42
8	Q. Yeah.	12:42
9	A. No.	12:42
10	Q. You mentioned that there were a couple of	12:42
11	complaints. Your Exhibit 6, which is our -- this is	12:42
12	going to be Exhibit 83.	12:42
13	(Whereupon, Defendant's Exhibit 83 was marked	12:43
14	for identification.)	12:43
15	MR. ROSENBAUM: Q.: Exhibit 6.	12:43
16	A. I see Exhibit 6.	12:43
17	Q. A complaint data sheet?	12:43
18	A. Yes.	12:43
19	Q. When did you first learn about a complaint	12:43
20	about the property, the project?	12:43
21	A. It looks like the first time I noticed a	12:43
22	complaint I was notified -- it looks like 1 October --	12:43
23	October 1, 2019.	12:43
24	Q. That's when you first learned about the	12:43
25	complaint?	12:43

1	A. When it says complaint opened, that's just when	12:43
2	the complaint comes into the clerk and sometimes it	12:43
3	takes a day to get to your desk. But this one says 26	12:44
4	September and it has my name but it only has my name	12:44
5	because I am the district inspector. It says site visit	12:44
6	by Mauricio Hernandez, no access to site, contractor not	12:44
7	on site at time of visit, inspection request to be sent	12:44
8	to owner of property, and then MH, that means Mauricio	12:44
9	Hernandez. Then it says inspection request letter sent	12:44
10	by MH, Mauricio Hernandez. Then it says gsamaras is our	12:44
11	chief clerk, S-A-M-A-R-A-S, he is the chief clerk, he	12:44
12	would be the guy who actually sent the letter to the	12:45
13	owners.	12:45
14	Q. You said October 1, where do you see that on	12:45
15	the --	12:45
16	A. I see that on Exhibit 8, the complaint	12:45
17	Q. Exhibit 8 we will call Exhibit 84. He is	12:45
18	referring to previously marked Exhibit 61 from the	12:46
19	Sweeney deposition. That's the first time you learned	12:46
20	of the complaint, correct?	12:46
21	A. Correct.	12:46
22	Q. Referring back to the earlier -- when did you	12:46
23	learn of the September 25 complaint?	12:46
24	A. The September 26?	12:47
25	Q. I think it was opened on the 25th.	12:47

1	A. I am not sure because I know that I went out to	12:47
2	the job to that address twice on complaints and I know I	12:47
3	went on different complaints but this record does not	12:47
4	reflect me going out there, it's all Mauricio Hernandez.	12:47
5	A lot of times the system is not a hundred percent, it	12:47
6	doesn't pick up, you know -- I may not have input the	12:47
7	results of the site visit or something, I am not sure.	12:47
8	Q. We may have a time disparity here. There were	12:48
9	other complaints besides these two that you may have	12:48
10	visited the site for. But to be clear, between	12:48
11	September 25 and September 30 you did not visit the	12:48
12	site, correct?	12:48
13	A. I don't know. You are right about that, there	12:48
14	may have been other complaints because I remember these	12:48
15	both say complainant information anonymous and I recall	12:48
16	a complaint that had someone's name on it and address,	12:48
17	which is unusual, as the complainant. So I am a little	12:48
18	confused with this.	12:48
19	Q. Your number twelve is going to be Exhibit 57	12:48
20	from the McFadden deposition, so previously marked	12:48
21	Exhibit 57 is your number 12.	12:49
22	A. Yeah, 12A?	12:49
23	Q. Yeah, with a name on it, Mary McFadden. Does	12:49
24	that help refresh your recollection as to when you	12:49
25	visited the property?	12:49

1	A. Yeah, I read it.	12:49
2	Q. Do you remember when you visited the property	12:49
3	based on a complaint?	12:49
4	A. Yes, I remember, that was December 3 of 2019.	12:49
5	Q. And that's the first time you visited the	12:50
6	property based on a complaint, to your recollection?	12:50
7	A. I believe so, yes.	12:50
8	Q. To be clear, before December 3, 2019, you did	12:50
9	not visit the property based on a complaint, correct?	12:50
10	A. Apparently not unless there is another one	12:50
11	that's floating around.	12:50
12	Q. As far as you remember that was the first time	12:50
13	you visited the property, December 3, 2019?	12:50
14	A. Based on this I would have to say yes.	12:50
15	Q. Do you remember what was happening the first	12:50
16	time you visited the property based on the complaint?	12:50
17	A. Here it says I left my business card with the	12:50
18	realtor on site. There was no evidence of any work	12:50
19	going on at this time. Listing agent will call this	12:50
20	office. Complaint continued. Bill Walsh.	12:50
21	Q. So you met a realtor at the property?	12:51
22	A. What's that?	12:51
23	Q. You met a realtor at the property on the first	12:51
24	time you visited the property?	12:51
25	A. Yeah, there was a realtor there, yes.	12:51

1 Q. Do you remember having a conversation with her? 12:51

2 A. Not really. She asked what I was doing there, 12:51

3 I said I was on a complaint investigation and she said 12:51

4 what for and I didn't write -- I told her -- I read to 12:51

5 her what was on the complaint. I might have even gave 12:51

6 her the complaint. Work without a permit, work beyond 12:51

7 scope of permit, structural problems, bathrooms not to 12:51

8 ADA. That doesn't make any sense, why would they have 12:51

9 to be ADA, it's private. 12:51

10 Q. Now that you have seen the December 2 complaint 12:52

11 data sheet, when you visited the site on December 3, and 12:52

12 thinking back to earlier in the year September, October, 12:52

13 do you recall hearing about the complaints at the end of 12:52

14 September? 12:52

15 A. No, I didn't know anything was going on out 12:52

16 there until I went out for this one, unless there was a 12:52

17 previous one where -- I recall one time I went there and 12:52

18 there was no one on site and I left what we call a door 12:52

19 hanger with my card on it. So, I mean, yeah, you got to 12:52

20 realize, I mean, I am going back -- we are going back 12:52

21 three years here. It's like, you know, I have a heard 12:52

22 time remembering what I did last week sometimes. 12:53

23 Q. I am with you. Can you look at your Exhibit 13 12:53

24 which we will introduce as the next exhibit. This is 12:53

25 going to be Exhibit 85. 12:53

1	THE VIDEOGRAPHER: We are going off the record	12:53
2	at 12:56 p.m.	12:56
3	(Discussion off the record.)	12:56
4	A. THE VIDEOGRAPHER: We are going back on the	12:57
5	record at 12:58 p.m.	12:58
6	MR. ROSENBAUM: We are going to mark as	12:58
7	Exhibit 84 what Mr. Walsh has marked as 13 which is a	12:58
8	complaint data sheet dated December 9, 2019, with a	12:58
9	Bates stamp at the bottom ending in 6402.	12:58
10	(Whereupon, Plaintiff's Exhibit 84 was marked	
11	for identification.)	12:58
12	THE VIDEOGRAPHER: We are going off the record	12:58
13	at 12:59 p.m.	12:58
14	(Brief recess.)	12:58
15	THE VIDEOGRAPHER: We are going back on the	13:42
16	record at 1:42 p.m.	13:42
17	MR. ROSENBAUM: Q.: Mr. Walsh, I would like	13:42
18	you to put the complaint data sheet from September 25,	13:42
19	2019, which we have marked as Exhibit 83, which is your	13:42
20	number six, in front of you. I am going to mark	13:42
21	Exhibit 85 is your number seven, it's a notice of	13:42
22	violation dated September 30, 2019.	13:42
23	(Whereupon, Plaintiff's Exhibit 85 was marked	13:42
24	for identification.)	13:42
25	THE WITNESS: You have number six, what is the	13:42

1	second number, Mr. Rosenbaum?	13:42
2	MR. ROSENBAUM: Q.: Number seven, it should	13:42
3	say notice of violation at the top with a date of 30	13:42
4	September, 2019.	13:42
5	THE WITNESS: Okay.	13:43
6	MR. ROSENBAUM: Just so I remember to do it,	13:43
7	your number fourteen we are going to mark as number 86.	13:43
8	(Whereupon, Plaintiff's Exhibit 86 was marked	13:43
9	for identification.)	13:43
10	MR. ROSENBAUM: Q.: This is an e-mail chain,	13:43
11	the top says Mauricio Hernandez on it. I would like to	13:44
12	start with the complaint data sheet from September 25.	13:44
13	Do you recall learning about this complaint?	13:44
14	A. I do not recall this complaint because this one	13:44
15	never came to my desk.	13:44
16	Q. The complaint came in on September 25, correct?	13:44
17	A. Correct.	13:44
18	Q. And on September 26 it says that Mauricio	13:44
19	Hernandez visited the site, correct?	13:44
20	A. It says -- yeah, the site visit by MH.	13:44
21	Q. MH means what to you?	13:44
22	A. Mauricio Hernandez.	13:44
23	Q. In your experience, is it typical that Mauricio	13:44
24	Hernandez would be assigned to investigate a complaint	13:44
25	that quickly?	13:45

1	MR. STEVENS: Lacks foundation, calls for	13:45
2	speculation.	13:45
3	THE WITNESS: I am not sure how fast they work.	13:45
4	Usually a complaint investigation, CES, complaint	13:45
5	investigation service or --	13:45
6	MR. ROSENBAUM: Q.: He is the chief?	13:45
7	A. Pardon me?	13:45
8	Q. He is the chief of complaint investigation?	13:45
9	A. Yes, he is the chief of CES.	13:45
10	Q. Would he typically be assigned to investigate	13:45
11	complaints or would he assign someone else to	13:45
12	investigate complaints, in your experience?	13:45
13	MR. STEVENS: I object, lacks foundation, calls	13:45
14	for speculation.	13:45
15	THE WITNESS: Yeah, I am not sure. I mean,	13:45
16	they are on a whole different part of the building than	13:45
17	us. We don't even see each other.	13:45
18	MR. ROSENBAUM: Q.: As far as you know, is	13:45
19	this the first time you are hearing about this	13:46
20	September 25 complaint, as far as you can recall?	13:46
21	A. Is this the first time I have seen it? Yes, I	13:46
22	believe so.	13:46
23	Q. On the first two lines, September 25 and	13:46
24	September 26, it identifies you as the inspector. You	13:46
25	mentioned that's because that's your district. On the	13:46

1	third line it switches to Mauricio Hernandez. Do you	13:46
2	have an understanding of why that would be?	13:46
3	A. On the third line it says M Hernandez?	13:46
4	Q. Yeah.	13:46
5	A. Because at that point the complaint shifted	13:46
6	from being a district matter to being a code enforcement	13:46
7	matter.	13:46
8	Q. Why wouldn't that have switched either the	13:47
9	first time Mauricio went to the site or once he finally	13:47
10	got access to the site when it says it was revisited?	13:47
11	A. I have no idea. Anything I would say would be	13:47
12	speculation. Based on the description of the complaint	13:47
13	they, you know -- it looks like a big, you know, a big	13:47
14	to-do.	13:47
15	Q. Looking at the notice of violation, your number	13:47
16	seven, Exhibit 85, have you seen this notice of	13:47
17	violation before?	13:48
18	A. No, I have not.	13:48
19	Q. Looking at the violation description, does it	13:48
20	appear to be based on the complaint from September 25?	13:48
21	A. Yes, it does. You mean Exhibit 6?	13:48
22	Q. Yeah, Exhibit 83, your six.	13:48
23	A. Yes, it appears to be written off of that.	13:48
24	Does it say it in here? It should say it. Oh yeah, it	13:48
25	says it right here, number 7211, 7211, a match.	13:48

1	Q. The number at the top right corner of the	13:48
2	notice of violation matches the complaint number, is	13:48
3	that what you are referring to?	13:48
4	A. Yeah.	13:49
5	Q. Okay. Your number eight is Exhibit 61, it's	13:49
6	been stamped at the bottom, it's the October 1	13:49
7	complaint.	13:49
8	A. I got it, okay.	13:49
9	Q. Do you recall learning about this complaint in	13:49
10	October?	13:49
11	A. No, because it never came to me. This case	13:49
12	opened October 1, that's just a standard -- the computer	13:50
13	writes that just to know what district it's in, DIB, my	13:50
14	name, case received, but there is no action taken on	13:50
15	this.	13:50
16	Q. Your number nine is Exhibit 62, it is a	13:50
17	complaint record handwritten. Do you have that?	13:50
18	A. Number nine, 62, got it.	13:50
19	Q. Have you seen this complaint record before?	13:50
20	A. No.	13:50
21	Q. Do you recognize the handwriting?	13:50
22	A. No, I don't. It's not mine.	13:50
23	Q. Towards the top it says inspector and it says	13:51
24	Walsh, refer to plan check engineering, do you see that?	13:51
25	A. Refer to plan check engineering, yes, I see	13:51

1	that.	13:51
2	Q. What does that mean to you?	13:51
3	A. That they want the plans -- the issued plans,	13:51
4	they want plan check to go over them. So they are	13:51
5	referring the complaint and the plans to plan check	13:51
6	engineering probably on the over excavation issue.	13:51
7	Q. Is that a note to you? Do you take that as a	13:51
8	note to you?	13:51
9	A. No, it's a note for the clerks.	13:51
10	Q. Let's take a step back. Explain why it says	13:51
11	inspector and then it's written Walsh - refer to plan	13:52
12	check engineering?	13:52
13	A. Because that's my district. Like I said, they	13:52
14	automatically -- like this one here, number eight, they	13:52
15	put your name on it because it's, you know, District 17,	13:52
16	it says right there. So the name, that's just generic,	13:52
17	like what's your ZIP Code.	13:52
18	Q. As far as you know, you never heard about this	13:52
19	October 1 complaint until today?	13:52
20	A. I never heard about this at all, no.	13:52
21	Q. Okay.	13:52
22	A. The one where it says a folder was delivered?	13:52
23	Q. Yeah. Do you often have complaints in which a	13:52
24	folder was delivered in person, a physical folder?	13:53
25	A. In that district, yeah.	13:53

1	Q. How often would you say that happens?	13:53
2	A. Rarely, but it's happened.	13:53
3	Q. Can you give me an estimate?	13:53
4	A. A couple of times I have heard of where the	13:53
5	specific complainer or complainant -- when they say a	13:53
6	folder, what does that mean?	13:53
7	Q. I don't know. It means a physical folder.	13:53
8	Have you heard of a physical folder or stack of papers	13:53
9	being delivered in the form of a complaint?	13:53
10	A. Yeah, like I said recently that nine hundred	13:53
11	eighty-one page letter that was submitted to --	13:53
12	Q. It doesn't happen often?	13:53
13	A. No, not often. I think I said rarely.	13:54
14	Q. Do you think you would remember having received	13:54
15	this complaint noting that it had a folder associated	13:54
16	with it?	13:54
17	A. If I received it, yeah, I would remember that	13:54
18	since I never received a complaint with a folder.	13:54
19	Q. Your number ten was previously marked as 59,	13:54
20	it's a revocation of permit dated September 30, 2019.	13:54
21	A. Got it.	13:54
22	Q. Have you ever seen this revocation before?	13:54
23	A. No.	13:54
24	Q. What do you understand this revocation to be	13:55
25	based on?	13:55

1	A. What did you say?	13:55
2	Q. What do you understand this revocation to be	13:55
3	based on?	13:55
4	MR. STEVENS: I object, lacks foundation.	13:55
5	THE WITNESS: My understanding of what I am	13:55
6	reading? I understand what I am reading.	13:55
7	MR. ROSENBAUM: Let's take a step back to the	13:55
8	complaint of September 25 and the notice of violation,	13:55
9	so those are your six and seven, Exhibits 83 and 85.	13:55
10	Looking through the description of these violations in	13:56
11	the complaint and in the violation description, would	13:56
12	these violations, if you saw them in your inspection,	13:56
13	typically warrant a recommendation to your superior that	13:56
14	the permits be revoked?	13:56
15	MR. STEVENS: I object, incomplete	13:56
16	hypothetical, lacks foundation, calls for speculation.	13:56
17	Bill, you can answer.	13:56
18	THE WITNESS: Can you rephrase that question?	13:56
19	MR. ROSENBAUM: Sure.	13:56
20	Q. In looking at the violations description, would	13:56
21	you recommend that the permits be revoked based on these	13:56
22	violations?	13:56
23	A. Did I personally recommend that?	13:56
24	Q. Would you?	13:56
25	MR. STEVENS: Same objections.	13:57

1 THE WITNESS: I am not in that position but 13:57
2 yeah, it seems pretty egregious. Except for the no 13:57
3 permit for garage door, that seems kind of minor. But 13:57
4 the other things, permits under valued, no one hour wall 13:57
5 at property line, that's a biggie, dug out rear basement 13:57
6 and built retaining wall. Yeah, I think it's a good 13:57
7 call. 13:57

8 MR. ROSENBAUM: Q.: In your number ten, which 13:58
9 is previously marked as Exhibit 59, the revocation of 13:58
10 permit, at the bottom it says cc Tom Hui, Edward Sweeney 13:58
11 and William Walsh. 13:58

12 A. Number ten, yeah, cc, I see that, Tom Hui, 13:58
13 Edward Sweeney, I see that. 13:58

14 Q. Tom Hui, Edward Sweeney and William Walsh. Do 13:58
15 you remember receiving a copy of this revocation? 13:58

16 A. No, I don't. 13:59

17 Q. To your knowledge, are you always cc'd on a 13:59
18 revocation of permit on a building in your district? 13:59

19 A. We usually -- yeah, we usually get -- we 13:59
20 usually get revocations and demolition approvals but we 13:59
21 get them in hard copy, we don't get them by e-mail. 13:59
22 They are usually dropped off on our seat by the clerks 13:59
23 but I don't recall receiving this. That doesn't mean I 13:59
24 didn't receive it, it means I don't recall receiving it. 13:59

25 Q. Do you remember when you learned that permits 13:59

1	had been revoked at that project?	14:00
2	A. I remember hearing about it but I don't	14:00
3	remember when it was.	14:00
4	Q. Can you give an estimate of when you think it	14:00
5	might have been?	14:00
6	A. It was after March of 2019 and probably after	14:00
7	-- it was probably after September 30, 2019, because	14:00
8	that's when they were revoked, right?	14:00
9	Q. Can you go to your document number eleven which	14:00
10	is previously marked Exhibit 60, it's a one page e-mail.	14:00
11	A. I got it.	14:01
12	Q. You see that it is an e-mail sent from Giles	14:01
13	Samarasinghe and it says it's to you and Ed Sweeney with	14:01
14	a cc to Mauricio Hernandez. Do you remember receiving	14:01
15	this e-mail?	14:01
16	A. I don't recall, no.	14:02
17	Q. How often do you receive e-mails that say	14:02
18	permit on projects that you have inspected are being	14:02
19	revoked or have been revoked?	14:02
20	A. Not too often. Probably four or five times	14:02
21	since I have been at DBI.	14:02
22	Q. But you don't recall receiving this one?	14:02
23	A. No, I don't recall receiving it.	14:02
24	Q. Do you have an idea why Edward Sweeney was	14:03
25	involved in this revocation?	14:03

1 A. Well, I think because of the high profile of 14:03
2 the complaint. Somebody brought in a folder and it 14:03
3 seems like at work they always -- you know, there are 14:03
4 concerns about public appearance and someone brought in 14:03
5 this and other people know about it so he had to take 14:03
6 this kind of action so I guess because he was the deputy 14:03
7 director in charge of permit services. 14:03

8 Q. Did you talk to Mr. Sweeney about the 14:03
9 revocation? 14:03

10 A. Not about the revocation. 14:03

11 Q. Did you talk to Mr. Sweeney about the project 14:03
12 at all? 14:03

13 A. He asked me a couple of questions about how I 14:03
14 missed -- I kind of got called on the carpet about I 14:03
15 missed this stuff and, you know, I mean -- the 14:04
16 valuation, there was eight permits or whatever and the 14:04
17 owner -- I didn't realize they over excavated. I 14:04
18 remember seeing three nine yard debris boxes, so that's 14:04
19 twenty-seven yards of soil or rock or whatever it was, 14:04
20 so I didn't think, you know -- I don't know who came up 14:04
21 with eight hundred fifty yards, that seems like quite a 14:04
22 bit. But yeah, I mean, I was aware of it, you know. I 14:04
23 kind of got called on the carpet about missing this 14:04
24 stuff. 14:04

25 Q. Do you remember when that conversation occurred 14:04

1	with Mr. Sweeney?	14:04
2	A. It was before -- I can't recall.	14:05
3	Q. Do you remember if it was before or after you	14:05
4	visited the site based on the complaints?	14:05
5	A. It was after.	14:05
6	Q. Your number twelve is Exhibit 57.	14:05
7	A. Got it.	14:05
8	Q. Just to be clear so I have the timing right,	14:05
9	this is the first time you visited the property based on	14:05
10	a complaint, correct?	14:05
11	A. On this complaint?	14:05
12	Q. On any complaint for this property.	14:05
13	A. It looks like -- well, this complaint looks	14:05
14	like December 2 -- December 3, 2019.	14:05
15	Q. So the first time you visited the Six Dogs	14:06
16	property based on a complaint was December 3, 2019,	14:06
17	correct?	14:06
18	A. Correct.	14:06
19	Q. Again, your conversation with Mr. Sweeney	14:06
20	occurred after you visited the property based on the	14:06
21	complaint?	14:06
22	A. I am not sure.	14:07
23	Q. Earlier you said you were called to the carpet	14:07
24	and you said that that happened after you visited the	14:07
25	property, is that true?	14:07

1	A. I mean, 2019, three years ago.	14:07
2	Q. Yeah.	14:07
3	A. I don't know the time frame.	14:07
4	Q. You hadn't heard of the earlier complaints, the	14:07
5	September 25 and the October 1 complaint, you said you	14:07
6	didn't hear of them until recently, correct?	14:07
7	A. I didn't hear of them until when?	14:07
8	Q. Until today.	14:07
9	A. No, I didn't. The notice of violation?	14:07
10	Q. Yeah.	14:07
11	A. No, I have never seen it before, and the	14:07
12	revocation of the permit, I never saw that before.	14:08
13	Q. But you remember going to visit the property on	14:08
14	December 3 and talking to the realtor there?	14:08
15	A. Yes, I do.	14:08
16	Q. Did you talk to Mauricio Hernandez about the	14:08
17	property at all, the project?	14:08
18	A. Pardon?	14:08
19	Q. Did you talk to Mauricio Hernandez about the	14:08
20	project, the Six Dogs project?	14:08
21	A. I believe we chatted, yeah.	14:08
22	Q. Do you remember when you spoke with Mauricio	14:08
23	Hernandez about the Six Dogs project?	14:08
24	A. We talked on 10 December when he told me to	14:08
25	close the duplicate complaint and then at some point he	14:08

1	told me he was going to take over the complaint.	14:08
2	Q. Do you remember talking to him before December	14:09
3	about the Six Dogs project at all?	14:09
4	A. I can't recall.	14:09
5	Q. Looking at the December 2 complaint which is	14:09
6	Exhibit 57, what does the description of the complaint	14:09
7	suggest to you -- what is the nature of the complaint?	14:09
8	A. It says work without permit, work beyond scope	14:09
9	of permit, structural problems, work to enclose back	14:09
10	porch beyond scope, work on roof without proper permit,	14:09
11	bathroom not to ADA -- well, ADA doesn't apply for the	14:09
12	residential. Garage structural work without permits.	14:09
13	That's what it says.	14:10
14	Q. Does this complaint read to you to be	14:10
15	duplicative of the earlier September 25 complaint?	14:10
16	A. It seems different. Yeah, it's different.	14:10
17	Q. What's different about it?	14:10
18	A. They don't have the ADA bathrooms on there.	14:10
19	There is nothing about the valuation of the -- oh, there	14:10
20	is valuation, okay, my bad. The one hour wall, of	14:10
21	course that could be structural problems. It's similar	14:10
22	and different.	14:11
23	Q. Okay. Your number thirteen is Exhibit 84.	14:11
24	A. Thirteen, got it.	14:11
25	Q. Have you seen this complaint before?	14:11

1	A. Yes, I closed this complaint.	14:11
2	Q. Do you remember visiting the property based on	14:11
3	this complaint?	14:12
4	A. I don't recall visiting the property based on	14:12
5	this complaint but I closed this complaint. I mean, it	14:12
6	came in on the 9th of December and I had closed it on	14:12
7	the 10th of December. I don't know when I would have	14:12
8	visited it, you know.	14:12
9	Q. Okay. You do remember visiting the property on	14:12
10	December 3 and talking to the realtor, correct?	14:12
11	A. Yes, it's in the comments.	14:12
12	Q. Do you remember saying to the realtor, You guys	14:12
13	didn't do any more work, did you?	14:12
14	A. I don't recall that.	14:12
15	Q. Do you remember talking to the realtor about	14:12
16	vents in the garage?	14:13
17	A. Vents?	14:13
18	Q. Vents, yeah, ventilation in the garage?	14:13
19	A. No, but they need vents. It required two	14:13
20	hundred square inches minimal per garage door for carbon	14:13
21	monoxide.	14:13
22	Q. Okay. Was that part of the complaint?	14:13
23	A. That complaint, I don't know. One of them says	14:13
24	something about garage doors. Oh, garage door, no	14:13
25	permit -- we are talking about the 25 September	14:13

1	complaint?	14:13
2	Q. No, December 2 complaint when you visited on	14:13
3	December 3.	14:14
4	A. I don't see that on there. I just picked that	14:14
5	up on my own because they did have new garage doors and	14:14
6	they didn't have a permit for them.	14:14
7	Q. Okay. Let's go to your number fourteen which I	14:14
8	just marked as Exhibit 86, an e-mail chain, the bottom	14:14
9	is from Rachel Swann, it starts at the bottom of page	14:14
10	one and goes on to page two. It says "Dear Mr. Walsh"	14:14
11	at the bottom.	14:15
12	A. Here we go.	14:15
13	Q. Starting at the first e-mail which starts at	14:15
14	the very bottom of page one, it says it's from Rachel	14:15
15	Swann, cc you --	14:15
16	A. I don't have page one.	14:15
17	Q. You are on your number fourteen?	14:16
18	A. I am on number fourteen, number 86, page two	14:16
19	and page three.	14:16
20	Q. Let me share my screen. Can you see my screen	14:16
21	well enough if I share it? Can you read --	14:16
22	A. Go ahead.	14:16
23	Q. Can you see this?	14:16
24	A. Yes.	14:17
25	Q. This is the document I am talking about, it	14:17

1	says "Dear Mr. Walsh." Can you see that?	14:17
2	A. Yeah, I can read that.	14:17
3	Q. Do you remember receiving this e-mail on	14:17
4	December 10, 2019?	14:17
5	A. I remember receiving that e-mail.	14:17
6	Q. It says, the Listing agent on my building	14:17
7	3426-3432 22nd Street informed me that you have come to	14:17
8	the building the last two Tuesdays, both today and	14:17
9	December 3, during our broker's tours to announce	14:17
10	complaints and work being done without permit.	14:17
11	Does that refresh your recollection about	14:17
12	visiting the property on two consecutive Tuesdays in	14:17
13	September? I didn't hear if you responded or not.	14:17
14	A. Did I respond to that?	14:17
15	Q. To my question, do you remember -- do you	14:17
16	recall visiting?	14:18
17	A. I remember receiving the e-mail.	14:18
18	Q. Do you remember visiting the property based on	14:18
19	this e-mail?	14:18
20	A. I don't believe it's truly accurate because I	14:18
21	didn't -- I remember receiving this e-mail and no, I	14:18
22	don't believe I responded.	14:18
23	Q. It looks like scrolling up here it looks like	14:18
24	you forwarded it to Mr. Hernandez and Mr. Curran, do you	14:18
25	see that?	14:19

1	A. Right.	14:19
2	Q. Why did you forward it to those two	14:19
3	individuals?	14:19
4	A. Due to possible conflict, you know, I was	14:19
5	trying to CMA, cover myself. I received another e-mail	14:19
6	from another address prior to that or after that on	14:19
7	another -- I think where she lives and she said, you	14:19
8	know, you don't have any rights to go into our building.	14:19
9	I am like yeah, as building inspectors we do have rights	14:19
10	if we think life safety is at issue. But I don't think	14:19
11	that one was directed at me, I think it was at the prior	14:19
12	partner or something. I know Ms. Swann and what's	14:19
13	written there is not accurate, by the way. I didn't say	14:20
14	you can't sell the building, I just said I am here on a	14:20
15	complaint and I think I told her what the complaint was.	14:20
16	Q. Do you remember making -- sorry, go ahead. Do	14:20
17	you remember making any statements that could be	14:20
18	overheard by realtors at the open house?	14:20
19	A. No. I was talking like I am talking to you	14:20
20	right now, just a normal tone of voice.	14:20
21	Q. Were there other people nearby when you were	14:20
22	talking to the listing agent?	14:20
23	A. There was some guy leaving like the upper unit	14:20
24	at the time. This was in the lower unit on the	14:20
25	left-hand side, there was just the one realtor there, I	14:20

1	was talking to her. I gave her my card, I said I am	14:20
2	here on a complaint investigation.	14:21
3	Q. Do you remember going to the property twice	14:21
4	based on complaints?	14:21
5	A. Yes. One time no one was there, the second	14:21
6	time someone was there.	14:21
7	Q. At the top here Mauricio responds to Rachel.	14:21
8	Did you receive a copy of this e-mail?	14:21
9	A. Yes, I remember seeing that. Did he send that	14:22
10	to me? I don't think I did see that because I would	14:22
11	have been -- I wanted to know why he closed both	14:22
12	complaints. I mean, I closed one complaint. Two new	14:22
13	complaints, I see it, all right. What's the question	14:22
14	now, Mr. Rosenbaum?	14:22
15	Q. The question was do you remember receiving this	14:22
16	e-mail?	14:22
17	A. No, I don't remember seeing that e-mail. I	14:22
18	remember Mauricio telling me to close the complaint	14:22
19	because it's a duplicate.	14:22
20	Q. That was my next question. So you remember	14:22
21	Mauricio telling you that these two complaints were	14:23
22	duplicate of other complaints, yes?	14:23
23	A. Yes.	14:23
24	Q. Earlier you said that you don't remember seeing	14:23
25	those earlier complaints though, correct?	14:23

1	A. No, I only remember seeing two complaints.	14:23
2	Q. Okay. So when you visited the property the	14:23
3	first time there was no one there. The second time you	14:23
4	spoke to the listing agent. Tell me everything you	14:23
5	remember saying to the listing agent?	14:23
6	A. I walked up the stairs -- I parked the city car	14:23
7	in front, I walked up, I had my ID out here, so I said I	14:23
8	am a building inspector, I am here on a complaint	14:23
9	investigation. And she goes, well, we are having an	14:23
10	open house. And I said, well, I can't schedule an	14:24
11	appointment. So then she said what's it about? And I	14:24
12	don't know which complaint I had in my hand. Which	14:24
13	complaint did I have in my hand? Probably the	14:24
14	December 3 one. So I think I told her what was written,	14:24
15	you know, verbatim on the complaint why we are there,	14:24
16	you know. There was an allegation of, you know, boom,	14:24
17	boom, boom, work beyond the scope.	14:24
18	Q. Do you remember saying anything else to the	14:24
19	listing agent?	14:24
20	A. No, that's about it. I gave her my card, I	14:24
21	said have a nice day and I left. My six minutes.	14:24
22	Q. Tell me everything that you remember her saying	14:24
23	to you?	14:24
24	A. That she said to me?	14:24
25	Q. Yeah.	14:25

1 A. It wasn't that memorable, to tell you the 14:25
2 truth. It was just like, you know, she asked me why I 14:25
3 was here and I told her why. Then she said we are at an 14:25
4 open house. I looked around and I said I don't see 14:25
5 anybody here. There was the guy leaving from upstairs, 14:25
6 I don't know if he was a realtor or what. She said what 14:25
7 was the complaint and I either showed her the complaint 14:25
8 or I read it to her, I don't know. I left my card. 14:25

9 Q. In the conversation with Mauricio Hernandez 14:25
10 about the complaints being duplicate, tell me everything 14:25
11 you remember Mauricio saying to you? 14:25

12 A. Just basically that code enforcement was taking 14:26
13 over the -- they are taking it back from the district so 14:26
14 I didn't have to worry about it. They asked me if I had 14:26
15 any paperwork on it and I said well, paperless. 14:26
16 Everything that we have is on the computer, we don't 14:26
17 have the cards anymore, the index cards. That was about 14:26
18 it. 14:26

19 Q. Earlier I showed you that the permits were 14:26
20 revoked September 30 and October 1 you received an 14:26
21 e-mail regarding that. Should it have been in the 14:26
22 complaint data sheet that these permits were revoked and 14:27
23 that the earlier complaints were -- should you have been 14:27
24 able to see that these complaints are duplicate? 14:27

25 A. If I was looking at it but I don't think I was 14:27

1 looking at it at that point, right, because it was 14:27
2 already in code enforcement. I mean, I closed the one 14:27
3 complaint, number thirteen, case closed. 14:27

4 Q. Which exhibit are you looking at? 14:27

5 A. Exhibit 84. I closed that and I also closed -- 14:27
6 Mauricio closed number 12A, that permit was closed on 10 14:27
7 December. So I closed one, he closed one, and you still 14:27
8 have -- in Exhibit 84 it says case closed, MH spoke to 14:28
9 district inspector, blah, blah, blah, and at the end it 14:28
10 says MH. 14:28

11 Q. Does that mean Mauricio Hernandez closed it or 14:28
12 you closed it? 14:28

13 A. No, Mauricio closed that one. 14:28

14 Q. And then Exhibit 57 it says the same thing, MH 14:28
15 spoke with district inspector regarding complaint and 14:28
16 then at the end it says MH. 14:28

17 A. I guess he did close it. I thought I closed 14:28
18 one. I guess he closed both of them. Yeah, you are 14:28
19 right. 14:28

20 Q. Do you remember Mauricio telling you anything 14:29
21 else about the project or the complaints? 14:29

22 A. No, just when he told me that it was going back 14:29
23 -- he was going to take care of everything at code 14:29
24 enforcement, I didn't have to go out there anymore. 14:29

25 Q. You mentioned another property of Rachel 14:29

1 Swann's and that you know Ms. Swann. Do you remember 14:29
2 what that other property was? 14:29

3 A. It's her residence, I believe, on Sanchez or -- 14:29
4 it's off of 24th Street. I also inspected a job for her 14:29
5 on 24th Street, a business she owns. 14:29

6 Q. What do you remember about the 24th Street 14:30
7 project you inspected? 14:30

8 A. That was a dog grooming or something like that. 14:30
9 Pretty simple, it was a remodel. They added a bathroom. 14:30
10 There was a complaint on that job, too, from the 14:30
11 neighbor next door who I believe was the McFaddens. 14:30

12 Q. Do you remember when that complaint occurred? 14:30

13 A. Some time during the two years I was a district 14:30
14 inspector. I closed it. There was nothing wrong with 14:30
15 that job. No reason to pursue it. It would be a waste 14:30
16 of resources. 14:30

17 Q. What do you remember about the complaint? 14:30

18 A. I do remember the complaint. 14:31

19 Q. Why does that complaint stand out in your 14:31
20 memory? 14:31

21 A. It's because we are talking about Rachel Swann. 14:31
22 It's like boom, boom, boom, the three times I met her 14:31
23 once at her house, I finalized that, then she had a 14:31
24 problem with the fire marshal going in or something and 14:31
25 I received an e-mail about that, you have no right to -- 14:31

1	fire has a right, they got a badge, I got a badge, you	14:31
2	know. You have to uphold the code, they have the fire	14:31
3	code. I just remember -- I had no idea she was	14:31
4	associated with 22nd Street until I saw the sign up, you	14:31
5	know.	14:31
6	Q. What sign are you talking about?	14:31
7	A. The realtor's sign, the "for sale" sign.	14:31
8	Q. You also mentioned McFadden with respect to the	14:31
9	complaint about the dog grooming place. Why does that	14:32
10	name stand out to you?	14:32
11	A. Well, because it's listed on this one complaint	14:32
12	here, Mary McFadden.	14:32
13	Q. What document are you looking at?	14:32
14	A. 12A, the --	14:32
15	Q. Exhibit 57?	14:32
16	A. Yeah, the 2 December, '19 complaint.	14:32
17	Q. So you have seen that McFadden name before?	14:32
18	A. Pardon me?	14:32
19	Q. Have you seen McFadden on complaints related to	14:32
20	Ms. Swann before or since?	14:32
21	A. Yeah, on 24th Street, correct.	14:32
22	Q. Have you seen the name McFadden with respect to	14:32
23	other complaints before?	14:32
24	A. Yes.	14:32
25	Q. To be clear, we are talking about Mary	14:32

1	McFadden?	14:32
2	A. I believe it was whichever -- McFadden lives in	14:32
3	the family home on 24th Street complained about the	14:33
4	construction next door. I think it's up on the	14:33
5	thirty-nine hundred block, I don't know.	14:33
6	Q. Have you seen Mary McFadden complain about	14:33
7	other projects?	14:33
8	A. No, that's it. That's quite a bit.	14:33
9	Q. What do you mean that's quite a bit?	14:33
10	A. Well, three -- number one, it's unusual to have	14:33
11	people put their name down, mostly it's anonymous. And	14:33
12	then to have three different complaints with, you know,	14:33
13	her putting her name down. I know the one next to the	14:33
14	family home, I mean I talked to her on the phone, I know	14:33
15	that that was, you know -- she called complaining to me	14:33
16	and I told her you have to call 311 to get it in the	14:34
17	system so I can go out there. I can't just go out	14:34
18	there, you know. Everything they are doing next door	14:34
19	they had permits for and it was all by the book. So it	14:34
20	was basically noise and dust so we worked something out,	14:34
21	you know.	14:34
22	Q. Do you know Mary McFadden?	14:34
23	A. Only to talk to her on the phone. I don't	14:34
24	think I have ever met her.	14:34
25	Q. Do you know if she is related to Leo McFadden?	14:34

1	A. It's his sister, Leo McFadden's sister.	14:34
2	Q. How do you know Leo McFadden?	14:34
3	A. He used to be a building inspector. He	14:34
4	inspected some of my jobs when I was a contractor. I	14:34
5	did some of his jobs because he is a contractor.	14:35
6	Q. That was my question, do you still speak with	14:35
7	Mr. McFadden, Leo McFadden?	14:35
8	A. Pardon me?	14:35
9	Q. Do you still speak with Leo McFadden	14:35
10	occasionally?	14:35
11	A. Only when he has inspections.	14:35
12	THE VIDEOGRAPHER: We are going off the record	14:35
13	at 2:36 p.m.	14:35
14	(Brief recess.)	14:35
15	THE VIDEOGRAPHER: We are growing back on the	14:42
16	record at 2:43 p.m.	14:42
17	MR. ROSENBAUM: Q.: Mr. Walsh, you mentioned	14:42
18	something about a fire inspector. Do you typically	14:43
19	communicate or interact with inspectors from other city	14:43
20	agencies in your work?	14:43
21	A. Yeah, fire we do.	14:43
22	Q. Under what circumstances?	14:43
23	A. Fire is responsible for signing off the	14:43
24	sprinklers and anything to do with fire readiness. Like	14:43
25	on the job card there is -- on the application it will	14:43

1 say fire at the top and a red stamp, that means that 14:43
2 fire has to sign off the job card before we can final it 14:43
3 if it says on the permit application it has a fire 14:43
4 stamp. But you have to be careful, sometimes you turn 14:43
5 it over on the back and it will say fire inspection not 14:43
6 required. So we work pretty close with fire. 14:44

7 Q. Any other agencies that you work with? 14:44

8 A. Internally plumbing inspection division and 14:44
9 electrical division and then there is also the Mayor's 14:44
10 office on disability, they do all the ADA work for any 14:44
11 public buildings, Department of Public Health. 14:44

12 Q. When you say you work closely with fire, what 14:44
13 does that mean, do you speak with the fire inspector 14:44
14 regularly? 14:44

15 A. No, just relating to jobs. Every once in a 14:44
16 while they will call us or we will call them. They have 14:44
17 a bad habit of not putting their final inspections in 14:44
18 the computer and I will go out to final a job and there 14:44
19 will be no signature so I will have to call them up and 14:44
20 say will you guys sign this off, you know. 14:45

21 Q. How often have you seen a complaint come into 14:45
22 DBI that's been referred to fire? 14:45

23 A. Referred by fire? 14:45

24 Q. Referred to fire from DBI? 14:45

25 A. You know, probably a couple of times a year 14:45

1 basis, three or four times a year. On the bigger jobs 14:45
2 it's nor relevant. I go through the highrises and at 14:45
3 the end you have to do a life safety walkthrough with 14:45
4 fire, building. You have to test the strobe lights, the 14:46
5 fire rated doors, all that. 14:46

6 Q. Why would a complaint be referred to fire from 14:46
7 DBI? 14:46

8 A. I don't know, there could be a number of 14:46
9 reasons. Egress, were they supposed to have sprinklers, 14:46
10 more than four stories. 14:46

11 Q. Those complaints come into DBI occasionally? 14:46

12 A. When we get a fire complaint we refer it to 14:46
13 fire, though, we don't, you know -- if it's fire related 14:46
14 they handle, you know, their own stuff. 14:46

15 Q. Can DBI issue a violation for failure to 14:46
16 certify or inspect sprinklers, for example? 14:46

17 A. If you are required to have sprinklers it's a 14:46
18 violation. 14:47

19 Q. Can DBI issue the violation? 14:47

20 A. For fire, yeah, if it's on a set of approved 14:47
21 plans. If there are sprinklers on the approved plans 14:47
22 and they are not on the job then yeah, we could write it 14:47
23 up. It is still going to be inspected by fire. 14:47

24 Q. Can DBI issue a notice of violation for failure 14:47
25 to certify and inspect the sprinklers? 14:47

1	A. I believe so, I am not a hundred percent sure.	14:47
2	Q. Can DBI issue a notice of violation for --	14:47
3	sorry, I am getting some feedback, let me start that	14:47
4	over.	14:47
5	Can DBI issue a notice of violation for	14:47
6	blocking a fire exit?	14:47
7	A. Yes.	14:48
8	Q. Have you ever issued a notice of violation for	14:48
9	blocking a fire exit?	14:48
10	A. Have I?	14:48
11	Q. Yeah.	14:48
12	A. No, I haven't personally.	14:48
13	Q. Your number fifteen is Exhibit 28, it's a	14:48
14	complaint data sheet.	14:48
15	A. Got it.	14:48
16	Q. For 1126 Sanchez Street. Are you familiar with	14:48
17	1126 Sanchez Street?	14:48
18	A. Oh yeah, that was Sanchez Street. Yeah,	14:48
19	referred to San Francisco Fire Department from Mauricio	14:49
20	Hernandez by Suzanna Wong.	14:49
21	Q. What do you remember about 1126 Sanchez Street?	14:49
22	A. It was a two unit building, they did a remodel.	14:49
23	Nothing spectacular. I don't know if it was two units,	14:49
24	it might have been three units, I am not sure. It's a	14:49
25	walkup flat.	14:49

1	Q. You see on this complaint data sheet that the	14:49
2	complaint came in on December 9, 2019, is that correct?	14:49
3	A. That is correct.	14:49
4	MR. STEVENS: Sorry, can you remind me quickly	14:49
5	what number we are on?	14:50
6	THE WITNESS: Fifteen, Exhibit 28.	14:50
7	MR. STEVENS: Thank you.	14:50
8	THE WITNESS: That's the fire personnel,	14:50
9	something Flores.	14:50
10	MR. ROSENBAUM: Q.: How often have you seen	14:50
11	complaints about fire escapes come to DBI?	14:50
12	A. Not very often on a two unit building. On	14:50
13	apartment buildings and multi-unit buildings or	14:50
14	commercial buildings, all the time. It's kind of	14:50
15	critical that the fire exits don't get blocked.	14:50
16	Q. In a residential building how many times can	14:51
17	you remember receiving a complaint about fire safety?	14:51
18	A. I don't recall about exiting. All the time we	14:51
19	get it on windows. Like windows, like bedroom windows,	14:51
20	it has to meet minimum five point seven square feet and	14:51
21	within twenty-four inches of the finished floor for	14:51
22	egress. I am calling that all the time for bedrooms.	14:51
23	Q. How often have you seen complaints about	14:52
24	sprinklers or standpipes come into DBI for residential	14:52
25	buildings?	14:52

1	A. Standpipes?	14:52
2	Q. Yeah.	14:52
3	A. That's a plumbing complaint, I would never see	14:52
4	that.	14:52
5	Q. Sprinklers, this one says, I noted that fire	14:52
6	sprinklers were not properly installed.	14:52
7	A. What was that?	14:52
8	Q. Exhibit 28, it's the description of the	14:52
9	complaint says in the middle, After entering the	14:52
10	building and units for maintenance I noticed the fire	14:52
11	sprinklers were not installed, connected or finished as	14:52
12	far as the final signoff should have been.	14:52
13	How often have you seen a complaint like that	14:52
14	come into DBI?	14:52
15	A. I don't think I have ever seen one of those	14:53
16	because it's a fire complaint obviously written by the	14:53
17	fire inspector.	14:53
18	Q. Your document number sixteen I am going to	14:53
19	introduce as Exhibit 87, it's an e-mail from Rachel	14:53
20	Swann to Bettrietta Kime, Scott Emblidge and others.	14:53
21	The Bates stamp at the bottom is CCSF-Richards_006127.	14:53
22	(Whereupon, Plaintiff's Exhibit 87 was marked	14:53
23	for identification.)	14:53
24	MR. ROSENBAUM: Q.: Do you remember receiving	14:53
25	this e-mail?	14:53

1	A. I don't know if I received it or I heard about	14:53
2	it.	14:53
3	Q. On the cc line --	14:53
4	A. I guess I received it.	14:53
5	Q. So you remember this e-mail in some way?	14:54
6	A. Yes, I do.	14:54
7	Q. Did you respond to this e-mail?	14:54
8	A. No, it wasn't to me. Oh, it was to me. I	14:54
9	don't know. I remember the fact that she said in there	14:54
10	something that you don't have a right to enter my	14:54
11	building, which I found that kind of -- I think we do	14:54
12	have certain obligations. Maybe that was on this. She	14:54
13	said she had a badge and she pushed past me for her	14:54
14	scheduled inspection.	14:54
15	Q. Do you remember talking to anyone about this	14:55
16	e-mail?	14:55
17	A. Not really.	14:55
18	Q. Did you do anything in response to this e-mail?	14:55
19	A. Did I write a response?	14:55
20	Q. Did you do anything? Did you act in any way in	14:55
21	response to this e-mail?	14:55
22	A. No.	14:55
23	Q. Your document number seventeen will be	14:55
24	Exhibit 88, it is an e-mail from Bettrietta Kime to you,	14:55
25	Bates stamp at the bottom ends in 003309.	14:55

1	A. I have that, yes.	14:55
2	(Whereupon, Plaintiff's Exhibit 88 was marked	
3	for identification.)	14:55
4	Q. MR. ROSENBAUM: Q.: Do you know Ms Kime?	14:55
5	A. I don't know her personally, no.	14:56
6	Q. Do you remember receiving this e-mail?	14:56
7	A. Yes, I do.	14:56
8	Q. Were you surprised to receive this e-mail?	14:56
9	A. I am not surprised with anything. I wasn't	14:56
10	surprised because it's a building inspection complaint.	14:56
11	Q. Right, so you -- going back to Exhibit 28, it	14:56
12	says that you received the complaint on December 9 and	14:56
13	--	14:56
14	A. 28?	14:56
15	Q. Exhibit 28, yeah, it's your number fifteen, the	14:56
16	complaint data sheet about 1126 Sanchez Street. On	14:56
17	December 9, 2019, you received a complaint and the first	14:57
18	entry says that case closed and referred to SFFD per MH.	14:57
19	That's Mauricio Hernandez, correct?	14:57
20	A. Yes, that's correct.	14:57
21	Q. The entry is sort of backwards on the complaint	14:57
22	data sheet, right? It says case opened after case	14:57
23	closed, is that correct?	14:57
24	A. On number fifteen?	14:57
25	Q. Yeah, Exhibit 28.	14:57

1 A. Yeah, it's case should have been open first and 14:57
2 then it was closed, correct. I think that the computer 14:57
3 goes back to top on that for some reason. 14:57

4 Q. Do you remember receiving this complaint on 14:57
5 December 9, 2019? 14:57

6 A. December 9, not off the bat I don't recall. 14:58

7 Q. Do you remember receiving this complaint at 14:58
8 all? 14:58

9 A. No, I don't. 14:58

10 Q. Were you surprised to receive -- I guess you 14:58
11 have already answered, you weren't surprised to receive 14:58
12 anything. When Ms. Swann sent the e-mail that is 14:58
13 Exhibit 87, your number sixteen, did you read that 14:58
14 e-mail at the time? 14:58

15 A. Which one was that, the one to Inspector Kime? 14:58

16 Q. Yeah. 14:58

17 A. I think I did, yeah. 14:59

18 Q. Why do you think she copied you on that e-mail? 14:59

19 A. Because I was a district inspector. 14:59

20 Q. Back to Exhibit 88, the e-mail from Bettrietta 14:59
21 Kime to you about 1126 Sanchez. It's a short e-mail 14:59
22 that says, I'd like to get your input on the inspection 14:59
23 performed on 1126 Sanchez on November 27, 2019, and it 14:59
24 has a reference number. Please call me at your earliest 14:59
25 convenience. 14:59

1	A. Right.	14:59
2	Q. Did you talk to Ms. Kime?	14:59
3	A. I don't understand what this -- the number	14:59
4	references from 2013, that's the year, 2013. The	14:59
5	complaint number, it's a 2019 complaint, this is	15:00
6	obviously a complaint number because it's --	15:00
7	Q. It's possible it's a fire department reference.	15:00
8	The reference number doesn't matter at this time but do	15:00
9	you remember talking to -- did you respond to this	15:00
10	e-mail in any way?	15:00
11	A. I do not recall speaking to her, no.	15:00
12	Q. Did you have any understanding of why she	15:00
13	wanted to speak with you?	15:00
14	A. Yeah, probably related to this incident about	15:00
15	the blocked fire exit.	15:00
16	Q. You are referring to the e-mail that Ms. Swann	15:01
17	sent or the complaint?	15:01
18	A. Probably the e-mail that Ms. Swann sent.	15:01
19	Q. But you didn't talk to Ms. Kime?	15:01
20	A. No, I don't think I have ever talked to her.	15:01
21	Q. Do you know why you chose not to respond to	15:01
22	this e-mail?	15:01
23	A. Why I did not respond?	15:01
24	Q. Yeah.	15:01
25	A. Because it seemed kind of -- it was like a fire	15:01

1	department issue, it wasn't a building department issue	15:01
2	really. December is kind of busy so I probably just	15:01
3	didn't have time	15:02
4	Q. Did you ever talk to Mauricio Hernandez about	15:02
5	1126 Sanchez Street?	15:02
6	A. No.	15:02
7	Q. Do you remember a project at 3847 to 89 18th	15:02
8	Street?	15:02
9	A. Yes.	15:02
10	Q. That's in District 17, correct?	15:02
11	A. Pardon me?	15:02
12	Q. That address is in District 17, right?	15:02
13	A. Yes, it is.	15:02
14	Q. Your document number eighteen will be the next	15:03
15	Exhibit 89 and it is -- it starts with a complaint data	15:03
16	sheet, it's a complaint number 201952551, and that's for	15:03
17	3847 18th Street. The Bates number at the bottom says	15:03
18	Richards_001656.	15:03
19	(Whereupon, Plaintiff's Exhibit 89 was marked	15:04
20	for identification.).)	15:04
21	MR. ROSENBAUM: Q.: What do you remember about	15:04
22	the 18th Street project?	15:04
23	A. 18th Street.	15:04
24	Q. What do you remember about the 18th Street	15:04
25	project, this one that we are talking about now?	15:04

1 A. I think I got a couple of complaints on it 15:04
2 while I was a district inspector about over excavation. 15:04
3 I believe the job was signed off before I was in 15:04
4 District 17. 15:04

5 Q. If you go to the fifth page, fifth and sixth 15:05
6 and seventh page of that packet, and it shows the 15:05
7 inspector name as Bernard Curran, do you see that? 15:05

8 A. Yes. 15:05

9 Q. To your knowledge, was Mr. Curran the district 15:05
10 inspector during that time or was he a senior inspector 15:05
11 during those time periods from 2015 through 2017? 15:05

12 A. I believe he was a senior inspector at -- yeah, 15:05
13 he was a senior building inspector from like 2014 on, I 15:05
14 think. 15:05

15 Q. Why would the senior inspector be listed as the 15:05
16 inspector as opposed to the district inspector? 15:05

17 A. A lot of times -- 15:06

18 MR. STEVENS: Objection, lacks foundation, 15:06
19 calls for speculation. You can answer if you know. 15:06

20 THE WITNESS: A lot of times the boss will 15:06
21 cover for guys if they are out, you know. Maybe the 15:06
22 district inspector was out, I don't know. I was in the 15:06
23 district at the time but the rule used to be that the 15:06
24 district inspector could go into any district of an 15:06
25 inspector that he supervised. I am not sure what the 15:06

1 dates are, you know. Like I said, I wasn't in the 15:06
2 district. It could have been the inspector was out, the 15:06
3 inspector was sick. 15:06

4 Q. It looks like Mr. Curran did a lot of the 15:06
5 inspections, not just a couple of substitute 15:06
6 inspections. In any case, you don't have any 15:06
7 understanding of why a senior inspector would be 15:07
8 assigned to a project for the entire project? 15:07

9 A. I don't know, Mr. Rosenbaum. 15:07

10 Q. Have you ever seen that before where the senior 15:07
11 inspector was the inspector for most of the project, not 15:07
12 just as a substitute? 15:07

13 A. No, because I don't usually look at these, I 15:07
14 usually just look at my district, you know, what's in 15:07
15 front of me. I see Chester Chu. I think Chester was 15:07
16 the inspector at that time, before that it was Jonathan 15:07
17 Yu, he does the airport. I don't know how to answer 15:07
18 that. 15:08

19 Q. Let me correct the record, I think I had 15:08
20 misspoke -- when I said the address for the 18th Street 15:08
21 project I think I misspoke, it should be 3847-49, not 15:08
22 89. You mentioned that you remember over excavation 15:08
23 being a topic about the 18th Street project? 15:08

24 A. Yes. 15:08

25 Q. Do you remember anything else about the 15:08

1	project?	15:08
2	A. There was a specific complaint on that project,	15:08
3	it wasn't just anonymous. Eight hundred twenty-two	15:09
4	cubic yards.	15:09
5	Q. Your document number nineteen is going to be	15:09
6	Exhibit 90.	15:09
7	(Whereupon, Plaintiff's Exhibit 90 was marked	15:09
8	for identification.)	15:09
9	MR. ROSENBAUM: Q.: This is an e-mail from	15:09
10	Jonathan Purvis to Paul Dawson with a cc to William	15:09
11	Walsh, Bates number is CCSF-Richards_016170. Do you	15:09
12	have that e-mail?	15:10
13	A. Yes, I do.	15:10
14	Q. Do you remember this e-mail chain?	15:10
15	A. 2018.	15:10
16	Q. Down to the bottom, the last page, page two,	15:10
17	right before it is the first e-mail in the chain it says	15:10
18	from Paul Dawson, sent Friday, March 2, 2018. Do you	15:10
19	see that?	15:10
20	A. The last e-mail?	15:10
21	Q. Yeah.	15:10
22	A. Yeah, I remember that. There were stairs	15:10
23	connecting the lower -- the ground floor connecting to	15:11
24	the second floor so there was no separate door, there	15:11
25	was no -- I think one of the complaints was there was --	15:11

1 how do you call that -- 15:11

2 Q. In the middle of page two there is an e-mail 15:11
3 from Jonathan Purvis at 11:04 a.m. on March 2. Do you 15:11
4 see that e-mail? He said, I have already reviewed the 15:11
5 plans and found that this is not a merger of units but I 15:11
6 have yet to determine that this did not pass the 15:11
7 threshold for a tantamount to demolition based on the 15:11
8 amount of structure removed during remodel. 15:11

9 A. I see that. 15:12

10 Q. What does that mean to be tantamount to 15:12
11 demolition? 15:12

12 A. By the time I was there the project was done. 15:12
13 I mean, I don't know what is the threshold for 15:12
14 tantamount to demolition, what is it, fifty-four yards? 15:12

15 Q. I am asking what it means to be tantamount to 15:12
16 demolition? 15:12

17 A. I don't know, I was out there one time three 15:12
18 years ago. 15:12

19 Q. Do you recall if the permits were revoked on 15:12
20 that project? 15:12

21 A. I don't recall. No permits were -- 15:12

22 Q. What was that? 15:13

23 A. I don't see any permits being revoked if this 15:13
24 is the complete file right here. 15:13

25 Q. Sorry, I lost my train of thought. Just to be 15:13

1	clear, you said that by the time you visited the	15:13
2	property the work was complete, is that correct?	15:13
3	A. That's correct.	15:13
4	Q. So you wouldn't have noticed an over	15:13
5	excavation?	15:13
6	A. No. I don't know what it was like before I got	15:13
7	there.	15:14
8	Q. Your document number twenty will be Exhibit 91.	15:14
9	(Whereupon, Plaintiff's Exhibit 91 was marked	15:14
10	for identification.)	15:14
11	MR. ROSENBAUM: Q.: This is a series of	15:14
12	e-mails between you and Georgia Schuttish.	15:14
13	A. Schuttish.	15:14
14	Q. Can you say it again?	15:14
15	A. Schuttish.	15:14
16	Q. Schuttish, it's S-C-H-U-T-T-I-S-H.	15:14
17	MR. RICHARDS: It's Schuttish.	15:15
18	MR. ROSENBAUM: Q.: This document first page	15:15
19	is CCSF-Richards_045119 is the Bates stamp. Do you	15:15
20	remember this series of e-mails that started on	15:15
21	September 18, 2018?	15:15
22	A. I don't recall.	15:15
23	Q. On the last page your first e-mail response to	15:16
24	her says, Georgia, I have been to the property and it is	15:16
25	still two units, it has two kitchens. I don't know what	15:16

1	you would like me to do. I would prefer to talk over	15:16
2	the phone as opposed to sending e-mails.	15:16
3	Why did you prefer talking on the phone?	15:16
4	A. What was the question?	15:16
5	Q. Why did you tell her you preferred talking on	15:16
6	the phone?	15:16
7	A. No reason. I am a lousy typer.	15:16
8	Q. Do you remember speaking to Ms. Schuttish on	15:17
9	the phone?	15:17
10	A. I don't recall ever talking to Ms. Schuttish,	15:17
11	no.	15:17
12	Q. She sent you a few e-mails and then it looks	15:17
13	like your next response to her was on Friday,	15:17
14	October 19, that's on the bottom of page one. You say,	15:17
15	Dear Ms. Schuttish, the contractors have filed a	15:17
16	building permit with DBI. The permit is working its way	15:17
17	through the system right now and no work is going on at	15:17
18	the property. In all caps, there is no action needed at	15:17
19	this time. Thank you, Bill Walsh.	15:18
20	Do you remember sending that e-mail?	15:18
21	A. I don't remember but it's right here.	15:18
22	Q. Then she responds with another question about	15:18
23	NOVs and code enforcement and you respond in all caps,	15:18
24	no action is needed at this time.	15:18
25	Do you remember sending that e-mail?	15:18

1 A. That doesn't seem like something that I would 15:18
2 write. I mean, you know, I would address the person, 15:18
3 you know, with their title and their name and then sign 15:18
4 my name to it. I don't recall -- that's like something 15:18
5 that you would write into the complaint tracking system, 15:19
6 no action is needed at this time. 15:19

7 Q. Do you remember anything about this 15:19
8 conversation now that you are reading the e-mails? 15:19

9 A. Do I have a recollection of what? 15:19

10 Q. Of this conversation, this e-mail conversation 15:19
11 with Ms. Schuttish, now that you are reading them does 15:19
12 it refresh your recollection? 15:19

13 A. Yes, I do remember her. Yes, I remember. This 15:19
14 wasn't the only property she complained about. 15:19

15 Q. Were you angry about her complaints? 15:19

16 A. No, I wasn't angry, it's just that I was busy. 15:20
17 I have no emotional attachment one way or the other. 15:20
18 They filed a permit, you know, let them get the permit 15:20
19 issued. I was out there once, right. I saw two 15:20
20 kitchens, that's usually two units. That's what they 15:20
21 told us to look for, kitchens, you know. As far as the 15:20
22 excavation, you know, I mean I guess I could have looked 15:20
23 at the plans but the plans usually don't show 15:20
24 geographical -- I don't know if they took -- the time to 15:20
25 catch people over excavating is when they are over 15:20

1	excavating.	15:20
2	Q. So you don't think there was any way for you to	15:20
3	know whether there was over excavation by the time you	15:21
4	came onto the site?	15:21
5	A. Everything was finished. The paint was dry.	15:21
6	THE VIDEOGRAPHER: Going off the record at 3:21	15:21
7	p.m.	15:21
8	(Brief recess.)	15:21
9	THE VIDEOGRAPHER: We are going back on the	15:31
10	record at 3:32 p.m.	15:31
11	MR. ROSENBAUM: Q.: Mr. Walsh, you have a	15:31
12	document number twenty-nine that I am going to label	15:31
13	Exhibit 92.	15:32
14	(Whereupon, Plaintiff's Exhibit 92 was marked	15:32
15	for identification.)	15:32
16	MR. ROSENBAUM: Q.: The Bates stamp at the	15:32
17	bottom of the first page is CCSF-Richards_016112, it's a	15:32
18	series of e-mails, the top e-mail is from Joseph Duffy.	15:32
19	A. Number twenty-one?	15:32
20	Q. Yes.	15:32
21	A. Yes.	15:32
22	Q. These are e-mails about 3847 18th Street,	15:32
23	correct?	15:32
24	A. Correct.	15:32
25	Q. Do you remember receiving these two e-mails?	15:32

1	A. No, I don't.	15:32
2	Q. You did receive these two e-mails though,	15:32
3	correct?	15:32
4	A. Pardon me?	15:32
5	Q. Based on what the document shows it looks like	15:32
6	you did receive these e-mails, is that correct?	15:32
7	A. I did receive it, yes, correct.	15:32
8	Q. In the February 26 e-mail, the one on the	15:33
9	bottom of the page, this is from Jeffrey Horn and he	15:33
10	says in the second sentence, The sponsor excavated	15:33
11	almost the entire property at the garage and first floor	15:33
12	levels without showing such quantities on any of the	15:33
13	permits.	15:33
14	Do you see that?	15:33
15	A. Yes, I do.	15:33
16	Q. Do you remember receiving that e-mail now?	15:33
17	A. I don't remember receiving it but I am looking	15:33
18	at it.	15:33
19	Q. Then Joe Duffy responds on the next day saying,	15:33
20	It sounds like a fairly serious issue and definitely	15:33
21	something that we need to look at immediately.	15:33
22	Do you see that?	15:33
23	A. In the first e-mail?	15:33
24	Q. The top e-mail from February 27.	15:34
25	A. From Joe Duffy, yeah, I see that.	15:34

1	Q. It says, There are active complaints from 2018	15:34
2	that were filed with DBI. However, it looks like we	15:34
3	never got entry into the building.	15:34
4	What was your reaction to these e-mails, do you	15:34
5	remember?	15:34
6	A. I probably had ten jobs like this in that	15:34
7	district at one time.	15:34
8	Q. Did it sound like a fairly serious issue to	15:34
9	you?	15:34
10	A. Well, I couldn't get in so I couldn't tell. I	15:34
11	think I went out there once or twice. From what I could	15:34
12	see, it sounds like a serious issue but I didn't think,	15:34
13	you know, there was an issue of life safety or anything,	15:35
14	you know. I didn't think the house was going to fall	15:35
15	down.	15:35
16	Q. Did you become aware that this project was	15:35
17	being discussed in planning commission hearings?	15:35
18	A. Only by the e-mail, a discretionary review was	15:35
19	filed so the permit is going to the planning commission.	15:35
20	So no, I wasn't aware. I mean, that's above my pay	15:35
21	grade.	15:35
22	Q. Did you discuss the hearings with anybody?	15:35
23	A. No, I did not.	15:35
24	Q. Do you remember a project at 655 Alvarado	15:35
25	Street?	15:35

1	A. Yes, I do.	15:35
2	Q. What do you remember about that project?	15:35
3	A. The contractor went bankrupt. Thompson Brooks	15:36
4	was the general.	15:36
5	Q. Your document twenty-two will be Exhibit 93.	15:36
6	(Whereupon, Plaintiff's Exhibit 93 was marked	15:36
7	for identification.)	15:36
8	MR. ROSENBAUM: Q.: This is a complaint data	15:36
9	sheet Bates stamped CCSF-Richards_0231659. Do you have	15:36
10	that?	15:36
11	A. Yes, I do. A notice of violation was issued	15:36
12	for 661 Alvarado for the same complaint, the correct	15:36
13	address has been noted. An engineer was requested at	15:36
14	this time. See NOV. Bernie Curran. It was written on	15:36
15	the wrong address. I think the actual address the	15:37
16	homeowner wrote a letter stating the correct address. I	15:37
17	think 655 is the address.	15:37
18	Q. So document twenty-four of yours will be	15:37
19	Exhibit 94.	15:37
20	(Whereupon, Plaintiff's Exhibit 94 was marked	15:37
21	for identification.)	15:37
22	MR. ROSENBAUM: Q.: This is a complaint data	15:37
23	sheet with the Bates number CCSF-Richards_0231661. I	15:37
24	think this is the other address you are referring to in	15:37
25	the other complaint, is that correct?	15:38

1	A. Got it, okay.	15:38
2	Q. Do these documents refresh your recollection	15:38
3	about the project at all?	15:38
4	A. Do I recall? What's the question?	15:38
5	Q. What do you remember about the project?	15:38
6	A. I believe it was a fire -- the issue was a fire	15:38
7	damage job and they tore down the whole building.	15:38
8	Before I got there they pumped a bunch of -- way too	15:38
9	much money into the foundation. It went down a hill and	15:39
10	it was like hundreds of yards of concrete. I went out	15:39
11	and looked at the house on the right which I guess was	15:39
12	661. I remember the house on either side was damaged by	15:39
13	the work done at -- if it's 665 that's what I am going	15:39
14	to call it. So both -- in the interim both buildings	15:39
15	got restored to their original condition and the	15:39
16	contractor on the subject property went bankrupt. It is	15:39
17	still sitting there, there is a big hole in the ground.	15:39
18	Q. Today it's a big hole in the ground?	15:39
19	A. Yeah. They have front stairs leading to	15:40
20	nothing.	15:40
21	Q. Do you know if the permits were ever revoked on	15:40
22	this project?	15:40
23	A. On 665?	15:40
24	Q. 655, I believe.	15:40
25	A. 655, I believe that's the last -- as I was	15:40

1	leaving the district I heard that the contractor had	15:40
2	gone bankrupt, I never heard that the permits were	15:40
3	revoked.	15:40
4	Q. Do you remember a project at 235 Jersey Street?	15:40
5	A. Over demolition.	15:41
6	Q. Do you remember the project?	15:41
7	A. If that's the right address. I am not sure.	15:41
8	Q. Your document twenty-six will be Exhibit 95,	15:41
9	it's a suspension request letter from Tom -- to Tom Hui	15:41
10	from Scott Sanchez. It's Bates stamped CCSF-Richards_	15:41
11	0233039.	15:41
12	A. Got it.	15:41
13	(Whereupon, Plaintiff's Exhibit 95 was marked	15:41
14	for identification.)	15:41
15	MR. ROSENBAUM: Q.: Do you see that? Does	15:41
16	this document refresh your memory of that project at	15:41
17	all?	15:41
18	A. I believe so.	15:42
19	Q. What do you remember about this project?	15:42
20	A. Some of the property line walls on this job	15:42
21	were -- had a lot of structural damage. It had dry rot	15:42
22	and termites so I -- in discussion with the contractor,	15:42
23	I think the name Ronan, R-O-N-A-N, Hanley, H-A-N-L-E-Y,	15:42
24	I gave him the correction notice to bring the walls up	15:42
25	to code. They were all chewed up. I don't know why	15:42

1 people think that because something is old, it's good, 15:42
2 you know. I mean, there were more termites in there 15:43
3 than -- 15:43

4 Q. Do you see in the large paragraph in that 15:43
5 letter that's Exhibit 95 it says, The scope of work 15:43
6 under this subject permit includes alterations to the 15:43
7 existing building consisting of a horizontal and 15:43
8 vertical addition, changes to the facade and an interior 15:43
9 remodel? 15:43

10 A. The third paragraph? 15:43

11 Q. It's the fat paragraph, the second paragraph. 15:43

12 A. Second paragraph, okay. 15:43

13 Q. Then it says -- before that it says it exceeded 15:44
14 the scope of work authorized under the building permit. 15:44

15 A. Demo at existing siding at thirty percent. 15:44

16 Q. In the first sentence of that paragraph it 15:44
17 says, The planning department has received a complaint 15:44
18 that the permit holder has demolished a significant 15:44
19 portion of the subject building and exceeded the scope 15:44
20 of work authorized under the building permit number 15:44
21 201602018493. 15:44

22 A. Do you want to know what happened? 15:45

23 Q. Yes. 15:45

24 A. So I gave Mr. Hanley the correction notice and 15:45
25 then the next day he decides to go to Ireland for three 15:45

1	weeks. So in the interim someone complained and now we	15:45
2	have this. But the walls are torn up. There was no,	15:45
3	you know -- nothing historical about it, believe me.	15:45
4	The building is a lot safer the way it is now. They	15:45
5	want these guys to keep these walls that have no fire	15:45
6	rating, there is no fire protection whatsoever. They	15:45
7	are tinder boxes and they want them to keep them. They	15:45
8	are not realizing they are jeopardizing people's lives.	15:45
9	So he was able to take down the walls, put dens-glass on	15:45
10	it, it's a fire rated sheeting, six year sheetrock. The	15:46
11	house looks nothing like it looked like anyway. It	15:46
12	looks like, you know, it looks like it came from East	15:46
13	Germany or something. It's very non Noe Valley looking,	15:46
14	believe me.	15:46
15	Q. Did you think that this project was tantamount	15:46
16	to demolition?	15:46
17	A. To over demolition?	15:46
18	Q. Tantamount to demolition, just based on --	15:46
19	A. No, there is quite a still a bit of the	15:46
20	original house, it wasn't a total tear down. But I gave	15:46
21	him the correction notice and he decided instead of	15:46
22	going down and getting a revision permit, to go to	15:46
23	Ireland for three or four weeks and, you know, that's	15:47
24	what you get.	15:47
25	Q. To your knowledge, were the permits ever	15:47

1	revoked on this project?	15:47
2	A. I don't believe so.	15:47
3	Q. Do you remember a project at 25 17th Avenue?	15:47
4	A. Twenty --	15:47
5	Q. 25 17th Avenue?	15:47
6	A. Oh yeah.	15:47
7	Q. What do you remember about 25 17th Avenue?	15:47
8	A. Jerry Dratler. He is known in the building	15:47
9	department as Jerry Dracula.	15:47
10	Q. What do you know about Jerry Dratler?	15:47
11	A. I don't know much about Jerry Dratler but I	15:47
12	know he complained about the project across the street	15:47
13	from him on -- what was it?	15:47
14	Q. 17th Avenue.	15:47
15	A. 17th Avenue, yeah. That job was -- that was an	15:47
16	over demolition and we wrote it up, you know.	15:48
17	Q. How do you know that it was an over demolition?	15:48
18	A. Because there was a bay -- it was a double wide	15:48
19	lot and on the left-hand side of the existing structure	15:48
20	there was a bay and they removed it, you know, so they	15:48
21	could split the lot into two, obviously. I don't know	15:48
22	if that thing ever got built.	15:48
23	Q. Your document twenty-seven will be Exhibit 96.	15:48
24	(Whereupon, Plaintiff's Exhibit 96 was marked	15:48
25	for identification.)	15:48

1	MR. ROSENBAUM: Q.: This is a printout from a	15:48
2	DBI website showing the complaint data sheet, the Bates	15:48
3	number at the bottom is CCSF-Richards_000138.	15:48
4	A. Got it.	15:49
5	Q. As far as you know -- I guess it looks like you	15:49
6	sent the first notice of violation in February of 2017	15:49
7	on this project, that's on the third page of the	15:49
8	document?	15:49
9	A. Yes.	15:49
10	Q. Actually, it looks like it was issued by Kevin	15:49
11	McHugh but you were the inspector?	15:49
12	A. Right.	15:49
13	Q. And you did the first case flagged. Does that	15:49
14	mean -- case flagged, was that by you?	15:50
15	A. I never used that term before, you know. They	15:50
16	have a drop down box, I might have hit that by accident.	15:50
17	It should say other building/housing violation, that's a	15:50
18	standard entry. Other building/housing violation. I	15:50
19	never use case flagged. I don't understand what that	15:50
20	means.	15:50
21	Q. As far as you are concerned it was clearly --	15:50
22	the project was clearly a problem, correct?	15:50
23	A. It was what?	15:50
24	Q. Clearly over excavation, work beyond the scope?	15:50
25	A. Over demolition, not excavation.	15:50

1	Q. Over demolition, sorry. To your knowledge,	15:50
2	were the permits ever revoked on that project?	15:50
3	A. I think they were because it is still stopped.	15:51
4	Q. Do you know if the permits were revoked?	15:51
5	A. I never -- once I left the district I kind of	15:51
6	lost track of it.	15:51
7	Q. So yes or no, do you know if they were revoked?	15:51
8	A. I don't know if they were revoked or not. I	15:51
9	believe they were.	15:51
10	Q. Do you remember a project at 3660 21st Street?	15:51
11	A. 3660, I don't recall that address.	15:51
12	Q. Your document twenty-eight will be Exhibit 97.	15:51
13	(Whereupon, Plaintiff's Exhibit 97 was marked	15:52
14	for identification.)	15:52
15	MR. ROSENBAUM: Q.: This is a complaint data	15:52
16	sheet printout from the DBI website. It has no Bates	15:52
17	number. The complaint number is 201889973. It was	15:52
18	printed on June 14, 2021. Do you have that document?	15:52
19	A. Number 27A?	15:52
20	Q. Number 28.	15:52
21	A. 28, got it.	15:52
22	Q. Does that complaint data sheet refresh your	15:52
23	recollection about this project?	15:53
24	A. I am reading the complaint data sheet.	15:53
25	Q. I am going to share my screen which has an	15:53

1	image that may also help you, this will be exhibit --	15:53
2	where are we now -- 98, but I haven't sent it yet. This	15:53
3	might refresh your recollection, as well. Do you see	15:54
4	that image? Mr. Walsh, do you see that picture on the	15:54
5	screen?	15:54
6	A. Yes.	15:54
7	(Whereupon, Plaintiff's Exhibit 98 was marked	15:54
8	for identification.)	15:54
9	MR. ROSENBAUM: Q.: Do you remember seeing	15:54
10	this project at all?	15:54
11	A. It doesn't jog anything in my memory.	15:54
12	Q. So you don't remember anything about 3660 21st	15:54
13	Street?	15:54
14	A. No.	15:54
15	Q. Do you know what the Residential Builders	15:55
16	Association is?	15:55
17	A. I have heard of it.	15:55
18	Q. What do you know them to be?	15:55
19	A. It's a bunch of contractors that formed like an	15:55
20	association to promote their business, I guess.	15:55
21	Q. Have you ever been a member of RBA?	15:55
22	A. No, I have not.	15:55
23	Q. To your knowledge, has anyone employed by DBI	15:55
24	been a member of the RBA?	15:55
25	A. Not that I know of. I don't know what	15:55

1	everybody did before they came in, you know, what their,	15:55
2	you know --	15:55
3	Q. Have you ever attended an RBA event?	15:55
4	A. No.	15:56
5	Q. To your knowledge, has anyone employed by DBI	15:56
6	attended RBA events?	15:56
7	A. Well, I don't play golf but they do have a golf	15:56
8	tournament every year.	15:56
9	Q. To your knowledge, do employees of DBI	15:56
10	participate in the golf tournament?	15:56
11	A. Yes, I think that information is pretty well	15:56
12	verified. Though guys play a lot of golf. I am not a	15:56
13	golfer.	15:56
14	Q. Do you know in particular any members of RBA	15:56
15	that you can identify by name?	15:56
16	A. I wouldn't know them if they walked up to me.	15:56
17	Only what I read in the paper, you know.	15:57
18	Q. You said it's pretty well verified that members	15:57
19	of DBI participate in the events. What does that mean?	15:57
20	Who at DBI participates?	15:57
21	A. I think they all play golf. I don't know	15:57
22	specifically what everybody --	15:57
23	Q. Who is they?	15:57
24	A. The building inspectors.	15:58
25	Q. But you said you don't so you think that all	15:58

1	other building inspectors play in the golf tournament?	15:58
2	A. I wouldn't say all of them but I know that once	15:58
3	a year they have the annual golf tournament and it's a	15:58
4	big deal. It's not a big deal for me because I don't	15:58
5	play golf, I find it really boring, you know.	15:58
6	Q. Yeah, I know.	15:58
7	A. Exactly. But I don't think it's a sticking	15:58
8	point. I don't think you win a jury decision based on	15:58
9	golf.	15:58
10	Q. Are there any individuals in particular that	15:58
11	you know participate in any of the RBA events or is it	15:58
12	just generally everybody as far as you are concerned?	15:58
13	A. I wouldn't say everybody. I don't know anybody	15:58
14	in particular, I just know -- like I hear about in the	15:58
15	office, next week is the golf tournament, you know. It	15:59
16	seems like it's a big deal for these guys.	15:59
17	Q. What did you understand to be Ed Sweeney's job	15:59
18	in 2019?	15:59
19	A. Ed Sweeney was --	15:59
20	MR. STEVENS: Objection, lacks foundation. You	15:59
21	can answer to the extent that you know.	15:59
22	THE WITNESS: I believe in 2019 Ed Sweeney was	15:59
23	the deputy director of permit service -- wait -- permit	15:59
24	services, is that correct?	15:59
25	MR. ROSENBAUM: Q.: Whatever you remember him	15:59

1	being is fine.	15:59
2	A. Dan Lowery and Ed Sweeney switched jobs I think	16:00
3	in 2019. Yeah, I think permit services.	16:00
4	Q. Who did you understand reported to Ed Sweeney	16:00
5	in 2019?	16:00
6	A. Building inspector -- the chief and the	16:00
7	building inspectors.	16:00
8	Q. Do you know the names?	16:00
9	A. The chief -- let's see, chiefs would be Patrick	16:00
10	O'Riordan, Mauricio Hernandez. Seniors were Joe Duffy,	16:00
11	2019 I think Donal Duffy was a senior. Bernie Curran,	16:00
12	Kevin McHugh. That's it.	16:00
13	Q. Have you ever heard about people being part of	16:00
14	Ed's crew?	16:01
15	A. No.	16:01
16	Q. You never heard of Ed's crew or the crew in	16:01
17	relation to DBI personnel?	16:01
18	A. I have never heard that term.	16:01
19	Q. How would you describe your relationship with	16:01
20	Ed Sweeney?	16:01
21	A. Professional. He is not a very engaging	16:01
22	person. I mean, his nickname on the floor is the	16:01
23	undertaker. He walks around and supervises and just	16:01
24	looks. It's always been professional. He has always	16:01
25	been helpful for me and pointing out where I am wrong	16:01

1 and occasionally congratulating me when I am right but 16:02
2 we do not have a -- we are not -- we don't play golf 16:02
3 together. I don't even know if he plays golf. 16:02

4 Q. Other than telling you when you are wrong and 16:02
5 congratulating you when you are right, how has he been 16:02
6 helpful to you? 16:02

7 A. That's about it. I mean, I really had no 16:02
8 interaction with him, you know, on a personal basis. It 16:02
9 always is just, you know, he is in his corner office, he 16:02
10 is the boss, and you go do your inspections. 16:02

11 Q. How often would you say that he talked to you 16:02
12 about something about your work either negatively or 16:02
13 positively? 16:02

14 A. Once a month. Usually when I am working on the 16:02
15 counter he will come out of his office, the counter is 16:02
16 right by his office, how are you doing, stuff like that. 16:03
17 If I had a question, if someone brought something that I 16:03
18 hadn't experienced yet at the counter with a customer, I 16:03
19 will go back and ask him a question. 16:03

20 Q. What's your understanding of where the nickname 16:03
21 the undertaker came from? 16:03

22 A. I don't know. Everybody has a nickname down 16:03
23 there. I don't know what they call me but, you know, 16:03
24 just because he is always -- he walks around like this 16:03
25 and he doesn't say much, you know. One guy is named the 16:03

1	hammer. I don't know why he is named the hammer.	16:03
2	Q. Who is named the hammer?	16:03
3	A. One of the guys, I don't remember his name,	16:03
4	they call him the hammer.	16:03
5	Q. Do you think that the undertaker nickname may	16:03
6	have come from his reputation for making trouble for	16:03
7	people who cross him?	16:04
8	A. No, I never got that impression. I thought it	16:04
9	was because he is so stoic. Like I say, he is not a	16:04
10	very engaging person. I think I was there four years	16:04
11	before he talked to me, you know. He said hi in the	16:04
12	elevator and I am oh God, the guy said hi to me. He	16:04
13	recognized me. I might be a sophomore now instead of a	16:04
14	freshman.	16:04
15	Q. So how long have you known him?	16:04
16	A. Ed Sweeney, since I worked there, seven years,	16:04
17	I guess.	16:04
18	Q. Did you ever report to him?	16:04
19	A. No, not directly. You report to the senior,	16:04
20	you don't report to the deputy director.	16:04
21	Q. So you would have reported to the senior which	16:04
22	would be Bernie Curran or --	16:05
23	A. Kevin McHugh.	16:05
24	Q. Kevin McHugh, and they report to Ed?	16:05
25	A. Correct. Well, they report to the chief. The	16:05

1 chain of command is inspector, senior inspector, chief, 16:05
2 deputy director, director. 16:05

3 Q. Who would have been the chief that your senior 16:05
4 building inspectors reported to? 16:05

5 A. At that time it would have been Patrick 16:05
6 O'Riordan. 16:05

7 Q. Have you ever communicated with Mr. Sweeney in 16:05
8 any other ways like text or e-mail? 16:05

9 A. No. I don't even have his phone number. 16:06

10 Q. What did you understand to be Mauricio 16:06
11 Hernandez's job in 2019? 16:06

12 A. He was code enforcement chief. It was a newly 16:06
13 created position because code enforcement was kind of 16:06
14 lapsing, they were getting backlogged with complaints so 16:06
15 they needed -- before it didn't have a chief, it just 16:06
16 had a senior inspector. They needed a chief to get more 16:06
17 direction or whatever. And they got more people, too, 16:06
18 so I think they are getting caught up. There were a lot 16:06
19 of complaints. 16:06

20 Q. So when they created the new role and Mauricio 16:07
21 took over as chief, did they add seniors under him or 16:07
22 was it just one senior from code enforcement reporting 16:07
23 to Mauricio Hernandez? 16:07

24 A. I think the guy who was there who was in charge 16:07
25 of code enforcement before Mauricio, he was a senior, I 16:07

1 think he just stayed in that position, John Hinchion, so 16:07
2 he would report to Mauricio. 16:07

3 Q. To whom did Mauricio Hernandez report, to your 16:07
4 knowledge? 16:07

5 A. He would report to the chief. 16:07

6 Q. I thought he was a chief. 16:07

7 A. Oh, that's right, he is a chief. I guess he 16:07
8 would report to the deputy director. 16:07

9 Q. Which would have been Mr. Sweeney? 16:07

10 A. Correct. 16:08

11 Q. How would you describe your relationship with 16:08
12 Mr. Hernandez? 16:08

13 A. Oh, Mauricio? We are on good terms. He is a 16:08
14 really nice guy. 16:08

15 Q. How long have you known him? 16:08

16 A. Since I have been there, for seven years. 16:08

17 Q. Have you ever reported to him directly? 16:08

18 A. I think so. When I first started I was doing 16:08
19 complaints, I think it was either him or Donal Duffy, I 16:08
20 can't remember who was the head of complaints. Because 16:08
21 I had a lot of questions when I first started so I would 16:08
22 ask him or I would ask -- sometimes Donal wasn't 16:08
23 available and I would ask Mauricio to help me out. 16:08

24 Q. Have you ever socialized with Mr. Hernandez? 16:08

25 A. Did I ever what? 16:08

1	Q. Socialize with him?	16:08
2	A. No.	16:08
3	Q. How often do you meet with him during your	16:08
4	work?	16:09
5	A. Well, now that we are in the new building I	16:09
6	hardly ever see him because they are in a -- well, even	16:09
7	in the old building they were on the sixth floor, we	16:09
8	were on the third floor. The new building they are on	16:09
9	the same floor as us but they are in a different wing.	16:09
10	I don't see him that often.	16:09
11	Q. From 2018 to 2019, during those two years how	16:09
12	often would you meet with Mr. Hernandez?	16:09
13	A. Not very often.	16:09
14	Q. Give me an estimate?	16:09
15	A. Once or twice a month maybe I would see him.	16:09
16	Not actually meet, just hey, how are you doing, you	16:09
17	know, how are the kids, stuff like that.	16:09
18	Q. Like a water cooler type interaction?	16:09
19	A. Exactly.	16:09
20	Q. You never interacted with him in a work	16:09
21	capacity during those two years?	16:09
22	A. Well, like this case he came and told me, you	16:09
23	know, we are going to take over this case on 22nd	16:10
24	Street, you know, don't go out there anymore, close this	16:10
25	complaint or whatever he told me.	16:10

1 Q. How often would something like that happen? 16:10

2 A. Not too often. 16:10

3 Q. Can you think of any other time that it 16:10

4 happened? 16:10

5 A. Since he has been the chief, not really. 16:10

6 Q. Do you ever talk to Mr. Hernandez on the phone? 16:10

7 A. Yes, I have talked to him on the phone. 16:10

8 Q. How often? 16:10

9 A. Maybe once a month if I have a question about a 16:10

10 property or something or I am not sure, you know. A lot 16:10

11 of times if one of your bosses -- like if Brett is not 16:11

12 available or Bernie, if my seniors weren't available, I 16:11

13 would call Mauricio because he, you know, he is usually 16:11

14 in the office. He is easy to get to, you know, 16:11

15 availability. 16:11

16 Q. So you would call him to ask about code or 16:11

17 something like that? 16:11

18 A. Well, mostly complaints. A lot of times some 16:11

19 of these complaints are kind of confusing and, you know, 16:11

20 they -- I went out to one a couple of weeks ago on a 16:11

21 complaint sheet it said code enforcement section. So 16:12

22 the complaint -- the NOV was in their court, right, but 16:12

23 they got permitted to comply with the notice of 16:12

24 violation. So I went out to look at the work. The work 16:12

25 was good so I called Mauricio up and said hey, I am on 16:12

1 this job here at thirty-seven and whatever it was, you 16:12
2 guys have the NOV, can I close it and he said yeah, go 16:12
3 ahead. It was like a roof or something. 16:12

4 Q. Have you ever communicated with Mr. Hernandez 16:12
5 in other ways such as text or e-mail? 16:12

6 A. Probably, I don't recall though. 16:12

7 Q. About how often would you say that you text or 16:13
8 e-mail him? 16:13

9 A. I don't think I have ever e-mailed him. He is 16:13
10 in a different section. Code enforcement and building 16:13
11 inspection are, you know, they are two separate 16:13
12 entities. We don't work -- we don't really work hand in 16:13
13 hand. It's just that sometimes when the permit gets 16:13
14 issued to comply with the notice of violation, if it's 16:13
15 in DBI, Building Inspection Division, I can close it, 16:13
16 but if it's in code enforcement, I have to call and find 16:13
17 out, hey, is it okay to close this NOV. 16:13

18 Q. Have you ever discussed anything besides 16:13
19 specific construction projects with Mr. Hernandez? 16:13

20 A. No. 16:13

21 Q. Have you ever discussed Pat Buscovich with Mr. 16:14
22 Hernandez? 16:14

23 A. Never. 16:14

24 Q. Have you ever discussed Dennis Richards with 16:14
25 Mr. Hernandez? 16:14

1	A. No, I have not.	16:14
2	Q. Have you ever heard that anyone at DBI gives	16:14
3	certain contractors better treatment than other	16:14
4	contractors?	16:14
5	MR. STEVENS: I object that it's vague. You	16:14
6	can answer if you understand.	16:14
7	THE WITNESS: I never heard that. I treat	16:14
8	everybody the same until they prove otherwise.	16:14
9	MR. ROSENBAUM: Q.: What do you mean by until	16:14
10	they prove otherwise?	16:14
11	A. Well, you know, you treat people how they treat	16:14
12	you, that's what I mean by that, you know. I have had a	16:14
13	couple bad incidents with people. I am not going to get	16:15
14	into it, it's not relevant to this case but, you know,	16:15
15	it's, you know, I am not a door mat. But I would say	16:15
16	99.99 percent of all my interactions with people are	16:15
17	pretty good but every once in a while you are going to	16:15
18	catch a foul ball, right?	16:15
19	Q. Do you think that other people at DBI have the	16:15
20	same feelings that you have?	16:15
21	MR. STEVENS: Objection, lacks foundation,	16:15
22	vague, calls for speculation.	16:15
23	THE WITNESS: That would be really speculative	16:15
24	because I can't -- you know, I don't have that power to	16:15
25	look into people's psyche.	16:15

1 MR. ROSENBAUM: Q.: Do you know of any 16:15
2 instances where other DBI employees have treated 16:15
3 contractors or project sponsors or engineers in a manner 16:16
4 that you are describing such that they are reacting to 16:16
5 something that person has done? 16:16

6 A. No. I was just speaking for myself, I can't 16:16
7 speak for other people. 16:16

8 Q. I am getting tired here, too. Do you have any 16:16
9 reason to believe that anyone at DBI gives certain 16:16
10 contractors, engineers or project sponsors better 16:16
11 treatment than others? 16:16

12 A. Treating them better than others? 16:16

13 Q. Do you have any reason to believe that? 16:17

14 A. I don't have any reason to believe that. I 16:17
15 have never done that. 16:17

16 Q. Have you heard that anyone at DBI gives certain 16:17
17 contractors, engineers or project sponsors worse 16:17
18 treatment than others? 16:17

19 A. I have never heard of that. 16:17

20 Q. Do you have any reason to believe that that 16:17
21 happens? 16:17

22 A. No, I have no evidence. 16:17

23 Q. What did you understand Bernie Curran's job to 16:17
24 be in 2018 and 2019? 16:17

25 A. Senior building inspector for the Department of 16:17

1	Building Inspection.	16:17
2	Q. And he reported to Ed Sweeney as far as you	16:18
3	know?	16:18
4	A. He reported to the chief who at the time was	16:18
5	Patrick O'Riordan.	16:18
6	Q. We talked about Mr. Curran a little bit before.	16:18
7	How long have you known him?	16:18
8	A. At least thirty-three years.	16:18
9	Q. From when you were a contractor?	16:18
10	A. Yeah, he worked for me a few times.	16:18
11	Q. He worked for you in what capacity?	16:18
12	A. As a carpenter.	16:18
13	Q. How many times did he work for you?	16:18
14	A. I don't know, two or three. I had a big	16:19
15	project and come work for you for three or four months,	16:19
16	five months, and the project was over and he would have	16:19
17	something going on, you know. That's how contracting	16:19
18	is.	16:19
19	Q. In 2018 and 2019, besides you, who else do you	16:19
20	understand reported to Mr. Curran?	16:19
21	A. I don't know who. Each senior has four or five	16:19
22	or six -- each division on that thing is different.	16:19
23	Like one senior only has three, I think, and then	16:19
24	another senior has six. It would be like five or six	16:19
25	inspectors. I don't know who they were. You could get	16:19

1	the organizational chart for that time and look it up,	16:19
2	it's on the website.	16:20
3	Q. How would you describe your relationship with	16:20
4	Mr. Curran now?	16:20
5	A. We are still friends. I mean, he is no longer	16:20
6	working with me. I don't really talk to him because,	16:20
7	you know, we are not supposed to have contact. I guess	16:20
8	there is an investigation going on or something. I	16:20
9	haven't talked to him probably in about a month.	16:20
10	Q. What's your understanding of the investigation?	16:20
11	A. Just what I read in the paper.	16:20
12	Q. You haven't heard anything besides what you	16:20
13	have read in the paper?	16:20
14	A. No.	16:20
15	Q. You have never talked to Mr. Curran about the	16:20
16	investigation?	16:20
17	A. I have not.	16:20
18	Q. What have you read in the paper, what is your	16:20
19	understanding of the investigation?	16:20
20	A. He received a loan from an engineer who he did	16:21
21	some inspections for.	16:21
22	Q. Do you have any knowledge about that loan?	16:21
23	A. I had no knowledge of that until I read it in	16:21
24	the paper.	16:21
25	Q. Have you ever socialized with Mr. Curran?	16:21

1	A. Sure, I was at his wedding.	16:21
2	Q. So how often would you say you socialize with	16:21
3	him?	16:21
4	A. Not that often. We would have lunch once a	16:21
5	week or something. He would come out to my district,	16:21
6	you know, until covid, then there is no place to eat.	16:21
7	Q. So you would meet with him socially about once	16:22
8	a week. How often would you meet with him during your	16:22
9	work when he was your supervisor?	16:22
10	A. That would be during the work.	16:22
11	Q. How often would you meet with him to discuss	16:22
12	work?	16:22
13	A. Outside of work?	16:22
14	Q. To discuss work?	16:22
15	A. Pretty much every day. In the beginning I used	16:22
16	to call him a lot because I had more questions but now	16:22
17	when I got more experience with being an inspector I	16:22
18	don't call him so often. But every once in a while,	16:22
19	maybe once or twice a week I call to ask a question	16:22
20	about something, you know.	16:22
21	Q. Did you ever communicate with him in any other	16:22
22	way besides telephone call?	16:22
23	A. No. Oh, maybe a text message, that's kind of	16:23
24	like a telephone call.	16:23
25	Q. Well, it's different though. How often would	16:23

1	you text with him?	16:23
2	A. Probably the same, once or twice a week, you	16:23
3	know.	16:23
4	Q. Did you ever discuss anything about specific	16:23
5	construction projects with him?	16:23
6	A. Just things that were relevant to current	16:23
7	inspections.	16:23
8	Q. Did you ever talk to him about Pat Buscovich?	16:23
9	A. No, I never -- I haven't talked to him about	16:23
10	Pat Buscovich.	16:23
11	Q. Have you ever talked to anyone about Pat	16:23
12	Buscovich?	16:23
13	A. No.	16:23
14	Q. Have you ever talked to anyone about Dennis	16:23
15	Richards?	16:24
16	A. No, I did not tell Dennis Richards.	16:24
17	Q. Have you ever talked about Dennis Richards was	16:24
18	the question.	16:24
19	A. No, I did not.	16:24
20	Q. Is it your understanding that Mr. Curran has	16:24
21	resigned from DBI?	16:24
22	A. That's what I heard, if you can believe what	16:24
23	you read in the paper.	16:24
24	Q. You haven't heard anything besides what you	16:24
25	have read in the paper?	16:24

1	A. No.	16:24
2	Q. Do you know John Pollard?	16:24
3	A. Yes, I do.	16:24
4	Q. Who is he?	16:24
5	A. Contractor, I think SF Garage -- San Francisco	16:24
6	Garage.	16:24
7	Q. How do you know him?	16:24
8	A. From doing inspections, got a lot of jobs.	16:24
9	Q. Any other way you know him?	16:24
10	A. No, just through work.	16:25
11	Q. How long have you known him?	16:25
12	A. Seven years.	16:25
13	Q. How would you describe your relationship with	16:25
14	Mr. Pollard?	16:25
15	A. Professional.	16:25
16	Q. Would you consider him a friend?	16:25
17	A. No.	16:25
18	Q. Do you have his phone number?	16:25
19	A. I don't know. I am not sure.	16:25
20	Q. Do you know if he has your phone number?	16:25
21	A. He may have my phone number. Yeah, I know he	16:25
22	has my work number because he calls me to schedule, you	16:25
23	know -- like when we have an inspection we have to call	16:25
24	each other in the morning and say there is a three hour	16:25
25	window, these guys want to narrow it down to like ten	16:25

1	minutes or something unrealistic. I will be there	16:25
2	between nine and ten. So yeah, we talked.	16:25
3	Q. Have you talked about anything else other than	16:26
4	scheduling inspections?	16:26
5	A. That's it.	16:26
6	Q. How often would you say that you see Mr.	16:26
7	Pollard?	16:26
8	A. In the last two years I haven't seen him at all	16:26
9	because he is not doing any work in my district. He	16:26
10	works mostly in, you know, that district or, you know,	16:26
11	Pac Heights or, you know.	16:26
12	Q. Have you ever talked with Mr. Pollard about any	16:26
13	personnel at DBI, any DBI employees?	16:26
14	A. No.	16:26
15	Q. Would you consider Mr. Pollard to be well	16:26
16	liked?	16:26
17	A. I would consider him to be well known.	16:26
18	Q. Is that a no?	16:26
19	A. That would be a no.	16:27
20	Q. Are you aware of anyone at DBI giving Mr.	16:27
21	Pollard favorable treatment at any time?	16:27
22	A. No. I see the girl that does his -- she gets	16:27
23	in line with everybody else to pick up the permits,	16:27
24	Missy.	16:27
25	Q. Missy, who is Missy?	16:27

1	A. She works for John Pollard. She is the office	16:27
2	personnel, she comes in to get the permits.	16:27
3	Q. Do you know her last name?	16:27
4	A. I don't know her last name.	16:27
5	Q. Can you describe her?	16:27
6	A. Forty-five, five foot two, one hundred thirty	16:27
7	pounds, white, female, walks with a limp -- no, just	16:27
8	kidding.	16:28
9	Q. She has no limp as far as you know?	16:28
10	A. No.	16:28
11	Q. Do you know if Mr. Sweeney and Mr. Pollard have	16:28
12	any sort of relationship?	16:28
13	MR. STEVENS: Objection, lacks foundation,	16:28
14	calls for speculation.	16:28
15	MR. ROSENBAUM: Q.: To your knowledge do they	16:28
16	have any relationship?	16:28
17	A. I have never seen them together.	16:28
18	Q. Have you ever heard Mr. Sweeney talk about Mr.	16:28
19	Pollard?	16:28
20	A. No, I have not.	16:28
21	Q. To your knowledge, do Mr. Hernandez and Mr.	16:28
22	Pollard have any relationship?	16:28
23	A. To my knowledge, no.	16:28
24	Q. Do you know Annabel McClellan?	16:28
25	A. No.	16:28

1	Q. Do you know Rodrigo Santos?	16:29
2	A. I do know Rodrigo Santos.	16:29
3	Q. How do you know him?	16:29
4	A. Through work. I have done inspections for him,	16:29
5	field inspections where he has met me at jobs.	16:29
6	Q. How long have you known him?	16:29
7	A. Seven years.	16:29
8	Q. How would you describe your relationship with	16:29
9	him?	16:29
10	A. Professional.	16:29
11	Q. Have you ever socialized with him?	16:29
12	A. No.	16:29
13	Q. How often would you say that you talk to him?	16:29
14	A. Probably once every two months, three months.	16:29
15	Whenever there is an inspection.	16:29
16	Q. So you only see him on specific construction	16:29
17	projects?	16:30
18	A. Correct.	16:30
19	Q. Have you ever talked with him about anything	16:30
20	else?	16:30
21	A. No.	16:30
22	Q. Would you consider Mr. Santos to be well liked	16:30
23	at DBI?	16:30
24	A. There again, well known. I don't know what	16:30
25	people's emotions are. He is there a lot. He is a	16:30

1	fixture.	16:30
2	Q. Have you ever heard anything about the criminal	16:30
3	charges against Mr. Santos?	16:30
4	A. Yeah, only what I read in the paper about the	16:30
5	checks.	16:30
6	Q. Other than what you have read in the paper,	16:30
7	have you heard anything about criminal charges against	16:30
8	Mr. Santos?	16:30
9	A. No.	16:30
10	Q. Have you ever discussed Mr. Santos with anybody	16:30
11	at DBI?	16:30
12	A. No, I have not.	16:30
13	Q. Are you aware of anyone at DBI giving Mr.	16:31
14	Santos any kind of favorable treatment ever?	16:31
15	A. I am not aware of any of that.	16:31
16	Q. Do you know Albert Urrutia?	16:31
17	A. I met him once. I believe he is Mr. Santos'	16:31
18	partner or he was his partner. He is an engineer or he	16:31
19	is an architect. One is an engineer, one is an	16:31
20	architect. I met him one time at a Christmas party.	16:31
21	Q. What Christmas party?	16:31
22	A. The DBI Christmas party.	16:31
23	Q. What year was that, do you remember?	16:31
24	A. It was a year -- it was at the Basque Center, I	16:31
25	think it's 2016, 2017 maybe.	16:31

1	Q. Does DBI have a Christmas party every year	16:32
2	other than covid?	16:32
3	A. Prior to covid, yeah.	16:32
4	Q. What type of -- who is invited outside of DBI	16:32
5	to the DBI Christmas party?	16:32
6	A. I don't know. I think they sell tickets,	16:32
7	whoever wants to go.	16:32
8	Q. Is that your understanding of how the Christmas	16:32
9	party is funded?	16:32
10	A. I never got involved with the committee.	16:32
11	Q. Do you have any understanding of how the	16:32
12	Christmas party is funded?	16:32
13	A. No.	16:32
14	Q. Do you know Kirsten Urrutia?	16:32
15	A. No, I don't.	16:33
16	Q. You mentioned the committee for the Christmas	16:33
17	party. Who is on the committee?	16:33
18	A. That's how much I know about it, sir, I don't	16:33
19	even know who is on the committee. I know they made me	16:33
20	take tickets one time at the door because I didn't have	16:33
21	a date.	16:33
22	Q. Do you know Tim Brown?	16:33
23	A. Tim?	16:33
24	Q. Tim Brown?	16:33
25	A. Tim Brown. I know Jerry Brown, I don't know	16:33

1	Tim Brown.	16:34
2	Q. Do you know John Kantor?	16:34
3	A. Who?	16:34
4	Q. John Kantor?	16:34
5	A. John Kantor?	16:34
6	Q. Yeah.	16:34
7	A. I don't know that name.	16:34
8	Q. How would you describe your relationship with	16:34
9	Pat Buscovich?	16:34
10	A. Professional. We get along good.	16:34
11	Q. Do you know him socially at all?	16:34
12	A. Yeah, I have done probably twenty, thirty	16:34
13	inspections for him.	16:34
14	Q. Have you ever met him socially?	16:34
15	A. No.	16:34
16	Q. How often would you say that you communicate	16:34
17	with him?	16:34
18	A. With Pat Buscovich?	16:35
19	Q. Yes.	16:35
20	A. Once in a blue moon.	16:35
21	Q. Just during inspections?	16:35
22	A. Yeah, just for inspections. I mean, I haven't	16:35
23	had an inspection with him for a long time because, like	16:35
24	I said, the district that I am in, none of those guys --	16:35
25	nobody is out there. It's a different animal out there.	16:35

1	Q. I may have asked this but I apologize if I did.	16:35
2	How long have you known him?	16:35
3	A. Pat Buscovich? Since I have worked for the	16:35
4	city, seven years.	16:35
5	Q. Would you consider Mr. Buscovich to be well	16:35
6	liked at DBI?	16:35
7	MR. STEVENS: I object that it lacks	16:35
8	foundation, the answer calls for speculation. But you	16:35
9	can answer what you know.	16:36
10	THE WITNESS: I like him, I don't know how	16:36
11	other people feel about him. I haven't heard anything	16:36
12	negative.	16:36
13	MR. ROSENBAUM: Q.: Are you aware of anyone at	16:36
14	DBI giving Mr. Buscovich any kind of favorable treatment	16:36
15	at any time?	16:36
16	A. No, I am not aware of that.	16:36
17	Q. Are you aware of anybody at DBI giving Mr.	16:36
18	Buscovich unfavorable treatment at any time?	16:36
19	A. No, I am not aware of that either.	16:36
20	Q. Have you ever had any problems with projects in	16:36
21	which Mr. Buscovich has been involved?	16:36
22	A. No.	16:36
23	Q. Do you consider him to be knowledgeable about	16:36
24	the building code?	16:36
25	A. Pardon?	16:36

1	Q. Do you consider him to be knowledgeable about	16:36
2	the building code?	16:36
3	MR. STEVENS: Calls for speculation. You can	16:36
4	go ahead, Bill.	16:37
5	THE WITNESS: I have no idea whether he is	16:37
6	knowledgeable about the building code or not. I mean,	16:37
7	he always seems like a pretty smart guy when we talk.	16:37
8	MR. ROSENBAUM: Q.: Do you consider him to be	16:37
9	honest?	16:37
10	A. Pat Buscovich?	16:37
11	Q. Yes.	16:37
12	A. Yeah, I think he is an honest guy.	16:37
13	Q. Do you consider him good at his job?	16:37
14	MR. STEVENS: Objection, vague, lacks	16:37
15	foundation.	16:37
16	THE WITNESS: I don't know enough about him to	16:37
17	really make a judgment about that. Like I said, I never	16:37
18	had a problem with him.	16:37
19	MR. ROSENBAUM: Q.: Has Mr. Buscovich ever	16:37
20	refused to cooperate with you?	16:37
21	A. Never.	16:37
22	Q. You mentioned you know Ms. Rachel Swann from a	16:37
23	few different properties. Have you met her?	16:38
24	A. Yeah, I believe so.	16:38
25	Q. Do you remember when you met her?	16:38

1	A. I don't remember when. I think it was at the	16:38
2	commercial property on 24th Street.	16:38
3	Q. To your knowledge, is Ms. Swann well liked by	16:38
4	inspectors at DBI?	16:38
5	A. I have no knowledge.	16:38
6	Q. Are you aware of anyone at DBI giving Ms. Swann	16:38
7	any kind of favorable treatment at any time?	16:38
8	A. No, I am not aware of that.	16:38
9	Q. What about unfavorable treatment?	16:38
10	A. I am not aware of that either.	16:38
11	Q. Have you ever had any problems with a project	16:38
12	in which Ms. Swann has been involved?	16:38
13	MR. STEVENS: Objection, vague. You can	16:39
14	answer.	16:39
15	THE WITNESS: What was that?	16:39
16	MR. STEVENS: I was objecting that the question	16:39
17	was vague. He asked about problems but you can answer.	16:39
18	THE WITNESS: Other than this one?	16:39
19	MR. ROSENBAUM: Q.: Okay, has Ms. Swann ever	16:39
20	been a problem for you?	16:39
21	A. She has never been a problem for me, no.	16:39
22	(Discussion off the record.)	16:39
23	MR. ROSENBAUM: Q.: Do you know Dennis	16:39
24	Richards?	16:40
25	A. Do I know who?	16:40

1	Q. Dennis Richard, the plaintiff in this case?	16:40
2	A. I do not know Dennis Richards.	16:40
3	Q. Have you ever heard about him?	16:40
4	A. Just what I see here.	16:40
5	Q. I think that's all I have. Ryan, do you have	16:40
6	anything?	16:40
7	MR. STEVENS: No, nothing from me.	16:40
8	MR. ROSENBAUM: Thank you, Mr. Walsh.	16:40
9	THE WITNESS: You are welcome, Mr. Rosenbaum.	16:40
10	THE VIDEOGRAPHER: This concludes the	16:40
11	deposition and we are going off the record at 4:41 p.m.	16:40
12	THE REPORTER: Would you like to order a copy	16:40
13	of the transcript?	16:40
14	MR. STEVENS: Yes.	16:40
15	(Whereupon, at 4:40 p.m. thereof, the	16:40
16	deposition was concluded.)	16:40
17		
18		
19		
20		
21		
22		
23		16:40
24		16:40
25	----- WILLIAM WALSH	16:40

1 STATE OF CALIFORNIA

16:40

2 I do hereby certify that the witness in the
3 foregoing deposition was by me duly sworn to testify the
4 truth, the whole truth, and nothing but the truth in the
5 within- entitled cause; that said deposition was taken
6 at the time and place therein stated; that the testimony
7 of the said witness was reported by me, a Certified
8 Shorthand Reporter and a disinterested person, and was
9 under my supervision thereafter transcribed into
10 typewriting; that thereafter, the witness was given an
11 opportunity to read and correct the deposition
12 transcript, and to subscribe the same; that if unsigned
13 by the witness, the signature has been waived in
14 accordance with stipulation between counsel for the
15 respective parties.

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16 And I further certify that I am not of counsel or
17 attorney for either or any of the parties to said
18 deposition, nor in any way interested in the outcome of
19 the cause named in said caption.

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20 IN WITNESS WHEREOF, I have hereunto set my hand the
21 24th day of June, 2021.

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16:40



Certified Shorthand Reporter
CSR No. 7435



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16:40