



**BUILDING INSPECTION COMMISSION (BIC)
Department of Building Inspection (DBI)**

REGULAR MEETING

Wednesday, January 15, 2025 at 10:30 a.m.

City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416

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PUBLIC COMMENT CALL-IN: 1-415-655-0001 / Access Code: 2663 240 9391

ADOPTED FEBRUARY 19, 2025

MINUTES

1. Call to Order and Roll Call.

The regular meeting of the Building Inspection Commission was called to order at 10:35 a.m., and a quorum was certified.

COMMISSION MEMBERS PRESENT:

Alysabeth Alexander-Tut, **President**
Earl Shaddix, **Vice President**
Evita Chavez, **Commissioner**
Catherine Meng, **Commissioner**
Bianca Neumann, **Commissioner**
Kavin Williams, **Commissioner, Excused**

Sonya Harris, **Secretary**
Monique Mustapha, **Assistant Secretary**

D.B.I. REPRESENTATIVES:

Patrick O’Riordan, **Director**
Christine Gasparac, **Assistant Director**
Matthew Greene, **Deputy Director, Inspection Services**
Neville Pereira, **Deputy Director, Plan Review Services**
Alex Koskinen, **Deputy Director, Administrative Services**
Tate Hanna, **Legislative & Public Affairs Manager**

CITY ATTORNEY REPRESENTATIVE:

Robb Kapla, **Deputy City Attorney**

2. President’s opening remarks.

President Alexander-Tut said the Board was focusing on two major items in addition to adopting new codes at the meeting and the first was review of the proposed department budget, the second review of

the budget would be heard on February 12, 2025. The other item was an appeal for the Expanded Compliance Control list. Also, the department for 2025 would focus on continuing community outreach and to build equity and access into its services.

There was no public comment.

3. General Public Comment: The BIC will take public comment on matters within the Commission's jurisdiction that are not part of this agenda.

Mr. Jerry Dratler submitted a statement along with his presentation as follows:

- Mr. Dratler's public comment addressed two DBI complaints he filed in October of 2024 regarding DBI Chief of Code Enforcement Mauricio Hernandez's improper approval of two building permit extensions to Mark Farrell. Mr. Dratler believes anonymous complaint #2024.28774 for the two improperly issued building permit extensions was not filed and closed one month before Mr. Dratler filed his complaints. Mr. Dratler believes the closed complaint was backdated to September 2024 by DBI.
- DBI's complaint tracking system runs on an Oracle database. Mr. Dratler requested and paid \$732 for an Oracle database transaction log to determine when complaint #2024.28774 was entered into DBI's complaint tracking system. DBI sent Mr. Dratler a spreadsheet that does not include all of the data on complaint #2024.28774.
- Mr. Dratler believes DBI is unwilling to send him the real database transaction log because it would prove DBI backdated complaint #2024.28774.

Director of Counseling Programs at Housing Rights Committee of San Francisco Sarah Short said her organization was a partner with DBI's Code Enforcement Outreach Programs (CEOP) and gave a report on about ten agencies that collaborate with DBI. She said DBI funds community organizations to assist tenants address habitability issues thereby reducing the need for DBI involvement which saved the department and tax payers money. CEOP was created decades ago to serve the most vulnerable population were able to access services. Many property owners violated the law due to those vulnerable residents being afraid of retaliation for reporting. By partnering with the community organizations who had a base in the community and were trusted and know by those vulnerable tenants the city allowed for a great many more tenants to have their issues resolved therefore improving the housing quality issue in the city. These organizations could be seen as deputies of the department doing the groundwork to meet the mission and goals of the housing enforcement team and the report shared highlighted the outcomes and successes of those community organizations and would be glad to meet or present again later with a question and answer slot.

Lead of the Spanish program of the Housing Rights Committee Aleta said the organization was dedicated to helping tenants navigate housing issues and for more than twenty-five years they had partnered with CEOP to support tenants facing issues offering culturally relevant workshops and materials on repair rights. In 2024, they handled over four hundred repair related cases and more than twenty-five percent of those cases were resolved by CEOP. The Spanish program was rooted in the Latino community meaning tenants would hesitate to contact government agencies due to fear and other barriers. One senior tenant endured a leaking ceiling and holes in the kitchen floor that allowed mice to enter the unit. The tenant hesitated to report the issues for fear of being labeled a nuisance, but in 2024 after another flood the tenant went to the organization for help and within two days the management company issued a twenty-four-hour notice for repairs.

Tenant Counselor Network Coordinator of the San Francisco Anti-displacement Coalition Itran said the coalition had over twenty member coalitions that worked in direct tenant services and advocacy citywide and through their

CEOP work, they distribute educational materials in seven languages addressing habitability and violations and tenant's rights to repair. Those materials were vetted by legal counsel and in-house lead workers to be translated as well as the information on the organizations website that had tracked at least six hundred visits monthly looking for information on how to access counseling. Periodically text messages are sent as well to communicate services in different languages as well. With the help of those collaborating organizations tenants were able to stay in their homes and repair common spaces.

Mr. Juan Garcia with Chinatown Community Development Center said they worked with the Single Room Occupancy (SRO) in Chinatown assisting with habitability and repair request also providing communication assistance and if there are any forms that need to be filed with the Rent and Arbitration Board the organization provides that assistance as well. They build relationships with tenants by conducting trainings on site and disaster training and awareness. The SRO collaborative does have subcontractors and was a citywide organization. Mr. Garcia mentioned a case that could be searched on the internet regarding lawsuit with the city and Laurel Realty, the case had a lot of violations that were reported to DBI and the organization helped bring the lawsuit forward and got the tenants the right to return. Because if tenants do not have their units repaired they give up and move to other higher costing SRO.

Ms. Prathiba Tekkey from the Tenderloin Housing Clinic said she wanted to highlight how the CEOP worked in conjunction with the housing inspectors, and how important their program is. Ms. Tekkey mentioned 646 Ellis where an inspector alerted the program to those tenants who were afraid to report issues and the organization was able to get the tenants together, some seniors and some families had not had hot water for nine months and the tenants did not know who their new landlord was. The case had moved on to the City Attorney's office but that would not have been possible without their organizations ability to step in to bring the tenants together and educate them on their rights. Also, there was a tremendous amount of work on their end that does not go in the inspector's reports, and she invited the Board to meet before approving the budget.

Representative from Mission Action said the organization was a collaborative effort conducting routine outreach to educate tenants of their rights and help them to assert those rights. The organization also helps tenants to respond to the SRO notices. Additionally, there was the commitment of building community leadership and civic engagement to strengthen tenant power. There was a yearly leadership program, monthly workshops and tenant involvement in internships. The collaboration with DBI to improve living conditions uplifts the importance of having community based organizations to address the many barriers to access of supportive services. Outreach was a key component to advocacy and education.

Lisa from Chinatown Community Development said their services were super essential to community members providing multiple language capacities and also having extensive experience providing culturally and linguistically appropriate direct tenant outreach to resolve complex housing and building code violations while promoting healthy housing for low-income families and individuals living in substandard housing to ensure access to needed services. Lisa also invited the Board to visit one of the sites to see firsthand the work that CEOP does.

President Alexander-Tut said in accordance with Proposition D that she was previously employed with one of the CEOP organizations and continued to maintain relationships and friendships with former colleagues outside of work.

4. Discussion and possible action regarding Board of Supervisors Ordinance (File # 241005) adopting Chapters 6 through 11 of the 2022 California Existing Building Code; adopting findings of local conditions under the California Health and Safety Code, in addition to other requirements.

Legislative Affairs Manager Tate Hanna gave a presentation and made the following points:

- San Francisco suite of Building Codes were based on state code which were based on the ICC codes.

- California Codes were developed and adopted by the California Building Standards Commission (CBSC).
- June 29, 2023 the CBSC voted to adopt chapters six through eleven of the International Existing Building Code into the California Existing Building Code.
- San Francisco had not adopted those chapters as the California had not as well.
- File No. 241005 would follow California’s lead adopting chapters six through eleven and those chapters introduce the ‘work area’ method into the California Existing Building Code.
- The existing code worked on the prescriptive compliance method and the work area had been utilized in other jurisdictions for numerous years and it required proportionate methods of compliance requiring standards be met on the intensity and area of work.
- The department proposed necessary changes such as chapter five being applied universally rather than just the prescriptive compliance method.
- Other substantive amendments were to CEBC 906.2 related to SFEB 503.11, chapter ten related to SFEB 506.5.3.1, and chapter eleven sections 502.10 and 502.11
- The Code Advisory Committee, Structural Subcommittee, Administrative & General Design and Disability Access Subcommittees unanimously recommended approval of the Ordinance with the departments proposed amendments.

There was no public comment.

President Alexander-Tut made a motion, seconded by Commissioner Chavez, to recommend approval of File No. 241005 to the Board of Supervisors.

Secretary Harris Called for a Roll Call Vote:

Interim President Alexander-Tut	Yes
Commissioner Chavez	Yes
Commissioner Neumann	Yes
Commissioner Shaddix	Yes
Commissioner Sommer	Yes
Commissioner Williams	Excused

The motion carried unanimously.

RESOLUTION NO. BIC 001-25

5. Director’s Report.

a. Director’s Update [Director O’Riordan]

Director O’Riordan made the following points:

- 2024 began with some of the biggest changes the Department had seen in years including, requiring the Planning Department approval before filing a building permit, reimagining pre-plan check to include a completeness check in tandem with other permitting departments, mandating electronic plan review for all in-house part projects, enabled simultaneous plan review by all city departments, created single comprehensive webpage, established a legally mandated permit review timeline, and was what the department launched in January 2024.

- As the year progressed the department made it easier to build in San Francisco which included reorganizing the permit services division by hiring new Permit Services supervisors, new Deputy Director of Inspection Services, created new issuance stamp, started two new social media videos to help recruit top tier candidates and demonstrate how we ensured building safety, clarified guidelines for commercial to residential conversion, launched permit services round table for Accessory Dwelling Units (ADUs), expanded online scheduling for mechanical and plumbing inspections.
- One of the metrics used was the percentage of projects that were being reviewed at first building station within the targeted time frame to track progress.
- According to the data the goals had been met more than twice as often for all building types and we were getting faster every quarter and surpassed the goal of issuing more than sixty percent of over the counter (OTC) permits within two days. Nearly one hundred percent of all applications received completeness check within fifteen days. Ninety-four percent of housing plan checks were meeting their time targets.
- This was not just DBI, every permitting department was moving faster than previous years. DBI was launching new building permitting issuance report with key building permit information in one place that would include project scope, contacts, plan review comments, and payment receipts.
- The Department created a more customer friendly addressing process, expanded online inspection scheduling for building and electrical permits and hoped to hire more inspectors once the citywide hiring freeze ended.
- Made it easier in the Permit Tracking System (PTS) across other permitting departments to add missing documents and refined the completeness check process as well as tested automated permit application routing system and explored how Artificial Intelligence(AI) could support the work.

b. Update on major projects.

Major projects are those with valuation of \$5 million or greater filed, issued, or completed for the month of December 2024.

- Major projects with permits filed.
 - 1 issued
 - \$6 million in valuation
 - 0 net units
- Major projects with permits issued.
 - 2 issued
 - \$12.5 million in valuation
 - 17net units
- Major projects with Certificate of Occupancy
 - 5 completed
 - \$153 million in valuation

- 250 net units

c. Update on proposed or recently enacted State or local legislation.

Legislative Affairs Manager Tate Hanna gave a presentation and made the following points:

- **File No. 241069:** Introduced and referred to the BIC on October 29, 2024, Ordinance amending the Planning and Subdivision Codes to allow separate conveyance of certain accessory dwelling units and associated primary dwelling units as condominiums; affirming the Planning Department’s determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.
- **File No. 241005:** Introduced on October 15, 2024 and approval recommended to the Board of Supervisors January 15, 2025.
- **File No. 240982:** The BIC reviewed Ordinance on November 20, 2024 and voted 4-2 in favor of amending the Building, Administrative, and Public Works Codes to remove the local requirement for existing buildings with a place of public accommodation to have all primary entries and paths of travel into the building accessible to persons with disabilities or to receive a City determination of equivalent facilitation, technical infeasibility, or unreasonable hardship. To be heard by the Land Use and Transportation Committee.
- **File No. 241067:** Ordinance reviewed by the BIC on November 20, 2024 it would amend the Planning Code to allow tourist hotels and motels to be used for Interim Housing without thereby abandoning or discontinuing the hotel use classification under that Code; amending the Building Code to all Interim Housing without thereby changing the underlying occupancy classification of the property, and amend Appendix P to remove restriction that emergency housing be located on land owned or leased by the City. To be heard by the Land Use and Transportation Committee.

d. Update on Inspection Services.

Deputy Director of Inspection Services Matthew Greene presented the following Building Inspection Division Performance Measures for December 1, 2024 to December 31, 2024:

- | | |
|---|-------|
| • Building Inspections Performed | 4,923 |
| • Complaints Received | 309 |
| • Complaint Response within 24-72 hours | 304 |
| • Complaints with 1st Notice of Violation sent | 68 |
| • Complaints Received & Abated without NOV | 161 |
| • Abated Complaints with Notice of Violations | 50 |
| • 2nd Notice of Violations Referred to Code Enforcement | 25 |

Deputy Director of Inspection Services Matthew Greene presented the following Housing Inspection Division Performance Measures December 1, 2024 to December 31, 2024:

- | | |
|---|-----|
| • Housing Inspections Performed | 726 |
| • Complaints Received | 421 |
| • Complaint Response within 24-72 hours | 370 |
| • Complaints with Notice of Violations issued | 163 |

- Abated Complaints with NOVs 381
- # of Cases Sent to Director's Hearing 28
- Routine Inspections 57

Deputy Director of Inspection Services Matthew Greene presented the following Code Enforcement Services Performance Measures for December 1, 2024 to December 31, 2024:

- # Housing of Cases Sent to Director’s Hearing 63
- # Complaints of Order of Abatements Issues 14
- # Complaint of Cases Under Advisement 6
- # Complaints of Cases Abated 52
- Code Enforcement Inspections Performed 640
- # of Cases Referred to BIC-LC 3
- # of Case Referred to City Attorney 3

Deputy Director of Inspection Services Matthew Greene said Code Enforcement Outreach Programs are updated on a quarterly as follows for the 1st quarter:

- # Total people reached out to 47,193
- # Counseling cases 277
- # Community Program Participants 7,172
- # Cases Resolved 201

e. Update on DBI’s finances.

Deputy Director of Administrative Services Alex Koskinen gave an update on the Department’s December 2024 finances as follows:

Revenues:

- 50% of the year had elapsed
- DBI had collected 56% of FY25 budgeted Charges for Services revenue.
- Total year end revenues were projected to be \$69.2M, 2% above budget

Expenditures:

- Total year-end expenditures were projected to be at budget.
- Salary and fringe expenditures were projected to be on budget pending guidance on Mayor’s Office hiring freeze announced January 9, 2025.

Permits:

- Year to Date (YTD) permits was the same as the same period last year.
- YTD valuation was 4% lower than same period last year.

There was no public comment.

6. Discussion and possible action on the proposed budget of the Department of Building Inspection for fiscal years 2024/2025 and 2025/2026.

Deputy Director of Administration Alex Koskinen gave a presentation and made the following points:

- DBI is self-funding and primarily recovers cost through fees.
- 2024 fee study documented San Francisco building permit fees were substantially less than comparable cities and counties.
- DBI was not achieving full cost recovery resulting in an operating deficit.
- DBI budget proposal had two primary goals, cost recovery and investment into new technology.
- The budget would be submitted with recommendations February 21, 2025.
- DBI has two funding structures, overhead that generates no fees such as administration and direct services that generate fees such as inspections and permits.
- DBI's FY25-26 and FY26-27 budget proposal will eliminate the department's temporary dependency on reserve funds, move the department to full cost recovery, and will enable the Department to budget for technology investments.
- Changes to DBI's budget – Additional Upcoming Changes to the Budget Proposal
 - Community-based Organizations (CBO) funding
 - Work order changes from other city departments
 - Controller's Countrywide Cost Allocation for overhead
 - Policy changes by the mayor or Board of Supervisors
- Mayor Lurie announced a hiring freeze for all city departments, and the department will have more information at the second budget meeting scheduled for February 12, 2025.
- In response to DBI's undervalued fees, DBI used a fee model to understand its current labor capacity and demand by division, revenue generated, and current delta to achieve full cost recovery.
- DBI would phase fee adjustments over four years to reduce impact on the community.

Public Comment

- Lisa with Chinatown Community Development Center said in 2023 they were one hundred percent cut from the Department budget and were shocked, but as a community they advocated to be added back to the general fund which was where they were at to date but were constantly on the chopping block. For the next fiscal-year they were facing a twenty-five percent cut to their budget and this meant that the program would lose four to five staff members of fifteen and that showed the detriment of the budget cut. They asked that the commission and department continue to work with the programs to restore the budget because their work had not stopped and to be added back to the Department's budget so they were not constantly having to fight for funding and especially against other programs in the general fund of the mayor's budget.
- Mr. Jerry Dratler said it would be useful if DBI finance staff used the DBI financial model to determine how many additional housing inspectors would be required if one million dollars were

reduced for the SRO programs while maintaining the service level and to have the information for the budget presentation would be useful because the discussion is not as financially centered.

Commissioner's Questions and Comments:

President Alexander-Tut said to clarify were any of the fees being lowered in this fiscal year?

Mr. Koskinen said no fees were going down.

President Alexander-Tut said how was overhead cost allocation calculated and how was it charged.

Mr. Koskinen explained the information in the supporting document on page 18 and said the allocations were split in the second column directed to Permit Services, Inspections, and Administration and how time was used to calculate the fees and the cost of the building and utilities were included into the overhead cost.

President Alexander-Tut said how often were those cost recalculated.

Mr. Koskinen said his plan was to recalculate the cost annually.

Vice President Shaddix said what was the technology recovery fund.

Mr. Koskinen said that fund was to recover expenditures for replacement of PTS and other division applications.

Commissioner Chavez asked if the Mayor's Office in the past made major changes to what the BIC recommended for the department's budget.

Mr. Koskinen said in the last fiscal year the CBO was placed in the General Fund and in the Mayor's phase of the budget it was reduced to zero; However, in the Board of Supervisors phase it was restored and the incoming administration as well as the new supervisors seemed interested in the permitting process and we would see what that translates to in actual dollars.

Commissioner Chavez said the CEOP programs were a very important part of DBI and because the systems are sometimes difficult for some people to navigate it was helpful to have people on the ground doing that work. It would be interesting to see an impact report as Mr. Jerry Dratler mentioned on how the reduction to the CEOP would affect the inspectors work and CEOP had been at risk the last couple of years and should not be as they were an important piece to the work the department did.

Mr. Koskinen said an important thing to discuss would be the Commission's recommendation and perhaps to write a separate letter or to make sure the language of the Commission's goals and priorities were made clear to the Mayor's Office and Board of Supervisors.

President Alexander-Tut said she was interested in solutions that would help to cover the losses that already occurred to the community groups, and wanted to see a proposal that included a fee increase to cover that cut or possible reserves or other possible recommendations for the new Mayor and Board of Supervisors to consider.

7. APPEAL PURSUANT TO SECTION 103A.6.3.2 OF THE BUILDING CODE REGARDING THE EXPANDED COMPLIANCE CONTROL PROGRAM [DISCUSSION AND POSSIBLE ACTION]

Harold Howell – Discussion and possible action regarding an appeal pursuant to 103A.6.3.2 of the Building Code.

a. Presentation by Harold Howell or Representative and Department of Building Inspection and rebuttals

Compliance Manager Mr. Chris Vergara gave a presentation and made the following points:

- Regarding 1336 Green Street the Appellant was aware there was a Correction Notice issued and his design did not meet the required Fire Code or structural requirements as no details were provided on the submitted plans. A revision permit was filed to address those issues with new plans but was never issued. DBI mistakenly finalized the original permit, the revision permit was withdrawn so the corrections were never addressed. There was misrepresentation of the project.
- Mr. Vergara gave a timeline of the violations from January 22, 2020 to January 26, 2022 and said the Appellant claimed the applicability of “principle of detrimental reliance” in the case should not apply. The legal principle of “detrimental reliance” is based on contract law and the theory of promissory estoppel, which allowed a plaintiff to recover damages when they reasonably relied on a promise. The principle was irrelevant to these administrative proceedings to enforce the ECC program.
- Regarding 221 5th Avenue the Appellant signed off on the final special inspection letters stating all work conformed to approved plans, when it did not which constituted making a false statement and misrepresenting conditions.
- Mr. Vergara gave a timeline of the violations May 11, 2022 to June 3, 2022: Appellant was the engineer of record and signed final inspection reports in 2015 and 2017 stated all work conformed to approved plan, but did not. That constituted in a false statement and misrepresentation of conditions. Multiple permits had been filed to renew the expired permits and obtain final inspection but no inspections were scheduled and no permits had been filed or issued to legalize all the structural changes.
- Regarding 26 Parnassus the Appellant performed special inspections and signed off on projects that were not complete per the approved plans which constituted a misrepresentation of conditions or scope of project.
- From July 20, 2022 to August 5, 2022 Notice of Violations (NOV) and site inspections revealed conditions at the property did not align with work approved. The Appellant signed off that work was performed according to the approved plans but argued Inspector Leopoldo Rafael approved changes at the time of construction, however, DBI had no evidence of such and the named inspector was no longer available to corroborate those claims. Additionally, Inspector Rafael would not have had the authority to allow a deviation from approved plans.
- Regarding 214 Fair Oaks the Appellant performed special inspections and submitted reports certifying work performed in accordance to approved plans on August 23, 2019 was a misrepresentation of existed conditions and complaint #202288003 was opened based on a report of possible work beyond the scope of approved permits. The Planning Department also issued a NOV for ‘unauthorized construction work resulting from misrepresentation of existing conditions on permit application drawings.’”
- Regarding 3048-50 Fillmore Street complaint #202295341 Mr. Howell signed the final Special Inspection letter on June 14, 2017 stating all work conformed to his approved plans, and this constituted a false statement and misrepresenting conditions. The complaint was opened based on a review of complaint and permit history on the property revealed an outstanding NOV that was issued on November 28, 2016. A site inspection performed on August 23, 2022 confirmed structure was finished and occupied, the building was rebuilt and covered without building permits or inspections.

Mr. Simon Yip, Representative for the Appellant Mr. Howell, gave a presentation and made the following points:

- The interpretation and application of Code Section 103A.6.1 was incorrectly applied to Mr. Howell.
- The Notices of Violations (NOV) do not fall under the responsibility of an engineer.
- After going through years of outstanding NOV's, DBI focused their attention on Mr. Howell and out of the hundreds of violations some spanned years with no movement, the swift action against Mr. Howell did not follow DBI protocol but was done to flag as many NOV's within an eighteen-month timeframe.
- DBI's actions against Mr. Howell were incorrect and the NOV did not fit the intended four prescribed categories stipulated in the Expanded Compliance Control (ECC) program.
- Mr. Yip said for the record and confirmed during a meeting with DBI, all those associated with the project were held responsible in perpetuity regardless of their scope of work including any subsequent work done by the owner, licensed or unlicensed contractors.
- The openness of how DBI interpreted and applied the ECC categories was flawed and was how Mr. Howell found himself at the mercy of the BIC.
- Throughout the process DBI showed bad faith by flouting due process of the ECC criteria and the BIC rules and procedures to the disadvantage of Mr. Howell.
- DBI submitted a non-compliant pre-hearing statement response and only after Mr. Yip's prompt did he receive an updated response after another eight days. However, the content did not change it was the fact Mr. Yip had to request it which showed DBI was not following its own rules.
- Regarding 26 Parnassus: the NOV was centered around two items, the garage door was two feet wider than approved and the discrepancy at the slope of the driveway. DBI said the slope was a misrepresentation of conditions yet they did not follow industry standards by calculating an average slope. An independent engineer verified a slope driveway had an average of fifteen to eighteen percent which was lower than the maximum approved slope of twenty percent and note there were no structural implications. DBI cited Mr. Howell for the larger garage door which was outside of his agreement. DBI left out an approved and issued permit in 2024 that satisfied the NOV.
- Based on evidence DBI went outside of its standard protocol and specifically targeted Mr. Howell. As a reminder, in DBI correspondence the decision to include Mr. Howell on the ECC list was made before any DBI drafted or considered memorandum. Mr. Howell was simply a copy and paste. DBI closed an outstanding NOV and opened a new NOV for the same property in order to count the new one against Mr. Howell within the eighteen-month period.
- DBI would try to convince that Mr. Howell was responsible for items beyond his agreement of an engineer. DBI would say Mr. Howell provided the structural special inspections letter that would confirm the work was done in accordance with the approved plans.

b. Public Comment

Mr. Le Andre Davis said he had worked with DBI for many years in design services and worked with Mr. Harold Howell for more than fifteen years, and being on the compliance list took Mr. Howell by surprise. Mr. Howell's argument to him was that he was not a Building Inspector, Project Manager, or General Contractor, but just the Engineer of record on those projects. Mr. Howell was eighty-two years

old and had suffered two heart attacks from dealing with this, but he was a stand up person and Mr. Davis said he respected and loved Mr. Howell and he had learned so much from the city and DBI and the Planning Department. Mr. Howell gets called to do special inspections and they have all worked together for more than fifteen years and whatever homeowners or contractors do that turn out to be errors were not Mr. Howell's involvement.

Mr. Jerry Dratler said Mr. Howell's license was revoked and revocation was stayed for similar violations by the state in 2014. This was why Mr. Howell's participation in the ECC program was important. Representation by the Structural Engineer or record in final affidavit was a very important DBI backend control mechanism to ensure construction was code compliant and adhered to approved plans.

Compliance Manager Mr. Chris Vergara gave a rebuttal and made the following points:

Mr. Vergara addressed some of the comments made by the Appellant's representative Mr. Yip. He said regarding Civil Engineers, they should be included in the ECC program according to Code 103A.6.1 in terms of DBI tracking significant violations; Staff were to identify all individuals, agents and other entities associated with the permit and/or project in the permit tracking system or known to be associated with the permit or project at the time the NOV was issued. DBI believed the language was written broadly to not only encompass just contractors performing the work but individuals including EOR. DBI considered all the facts including the Appellant's role in each violation and as the Engineer of Record (EOR). Mr. Howell was certifying the work according to plans, as well as providing the Special Inspection reports the department relied on to determine code compliance. In Mr. Howell's pre-hearing statement, he referenced Mr. Pollard had part ownership of his company Mercury Engineering and that was a conflict of interest.

Representative Mr. Simon Yip for the Appellant Mr. Howell gave a rebuttal and made the following points:

Mr. Yip said using Green Street as an example, DBI's complaint was that a permit was not issued but the issuance of a permit was not the scope of Mr. Howell's work and by DBI's own words it seemed any work done later earning a violation regardless of who performed the work, the previous EOR could be held responsible. How DBI applied the ECC to Mr. Howell was severely flawed. We were hoping the Commission would see that as well.

c. Deliberation and possible actions by the Building Inspection Commission

President Alexander-Tut said to explain the assertion that the work done outside the scope was performed after the Appellant signed the inspection reports.

Chief Inspector Kevin Birmingham said the work was done during the construction period and Mr. Howell knew the work deviated from the set of drawings that he signed off on, ultimately that said the work conformed to his plans. The department would not hold someone responsible for work done well after the project was completed; However, the sign off was done under the permit with his plans and an NOV was issued because the work did not align.

President Alexander-Tut asked how was the Appellant associated with those properties?

Mr. Birmingham said Mr. Howell was the Engineer of record and his stamp was on the architectural side, so he was very familiar with the project start to finish and he was the one responsible to review the work and sign the final letter of compliance stating the project was built as it was drawn.

Commissioner Neumann said she was concerned about the original permit that was signed off in error, and asked was there an internal investigation to find how that happened.

Mr. Birmingham said that he was not part of any investigation but a lot of the NOV's were issued at the

time of construction, and subsequently it was found a permit was closed in error.

Commissioner Chavez asked for the purpose and consequences of the ECC program and President Alexander-Tut asked for a timeline of how the Department reached their decision to place Mr. Howell on the ECC program list. Mr. Vergara explained the ECC program and the Department's responsibilities for placing someone on the list and said the NOV's were issued in 2022 and in 2023, the Appellant was notified of possibly being placed on the ECC list. After meeting with the Appellant it was determined to move forward with placing him on the list April 1, 2024, and Mr. Howell proceeded to appeal. The Department had to update and clarify its rules and procedures for an appeal to the BIC, there were multiple continuances, Mr. Howell was sick, and the discovery period caused a delay as well.

Mr. Yip was given an opportunity to respond to the departments answers from the Commissioners questions. He said the consequence of being on the ECC was no longer having the ability to get over the counter permits which was the livelihood of a lot of these licensed professionals.

Mr. Yip said he did not believe that the Department made the decision to move forward with placing Mr. Howell on the ECC list after their meetings because nothing had changed and it was unclear how the appellant met the criteria and Mr. Birmingham was not able to clearly explain how each NOV met one of the four stipulations to be placed on the list.

President Alexander-Tut said was there evidence to the statement that the appellant signed the final inspection reports, but the work was done after.

Mr. Yip said he did not have the evidence in hand, but explained that it was standard protocol when you are an engineer, you verify the work was done per your plans and give the letter to DBI and then the homeowner or contractor would finish the work. It was at those moments Mr. Howell felt he should appeal because he only verifies the work had been done structurally, not the entire work on the house.

Commissioner Meng, Commissioner Neumann, and Mr. Yip had extensive discussion around not having evidence that Mr. Howell signed off on the project prior to work being done outside of the scope and that the EOR would have to review the structural work prior to contractors moving forward with the project, which it was evidenced in the exhibits presented to the BIC that Mr. Howell did sign off on the work.

Deputy Director of Permit Services Neville Pereira said he was speaking as a regulatory official and a practicing Licensed Engineer that did structural observations and the engineer would stamp the structural and architectural plans, and a lot of projects need a design professional not necessarily a Structural Engineer. The design professional would be responsible for the project which Mr. Howell knew, and he stamped both the structural and architectural letters. The testimony was the special inspections did happen at the beginning of the project and the engineer did not have a responsibility to follow the project through, but that was incorrect because there was always a requirement to file a final report with the Department, and that design professional goes back and verifies that the project met the intent of the plans and that was not done in this case.

President Alexander-Tut asked what was the relationship that Mercury Engineering had with Mr. Pollard?

Mr. Yip said he understood they had a joint venture together, but did not know the ins and outs of the relationship.

President Alexander-Tut said that in Mr. Yip's statements, Mr. Pollard and Mr. Howell jointly owned Mercury Engineering and said there was a conflict of interest that companies were not allowed to sign off on their own work.

President Alexander-Tut made a motion, seconded by Commissioner Neumann, to uphold the

Director’s decision to place Mr. Howell on the Expanded Control Compliance list.

Secretary Harris Called for a Roll Call Vote:

Interim President Alexander-Tut	Yes
Commissioner Chavez	Yes
Commissioner Neumann	Yes
Commissioner Shaddix	Yes
Commissioner Sommer	Yes
Commissioner Williams	Excused

The motion carried unanimously.

RESOLUTION NO. 002-25

8. Commissioner’s Questions and Matters.

a. Inquiries to all Staff. At this time, Commissioners may make inquiries to staff regarding various documents, policies, practices, and procedures, which are of interest to the Commission.

b. Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Building Inspection Commission.

Secretary Harris said the next regular meeting of the BIC was scheduled for February 19, 2025 and the Special meeting for the budget hearing scheduled for February 12, 2025.

President Alexander-Tut said she would like a report on the findings of the investigation and processes of the permit that was signed off in error.

There was no public comment.

9. Review and approval of the minutes of the Special Meeting of December 11, 2024.

President Alexander-Tut made a motion, seconded by Vice President Shaddix, to approve the Special Meeting minutes of December 11, 2024.

The motion carried unanimously.

RESOLUTION NO. 003-25

10. Adjournment.

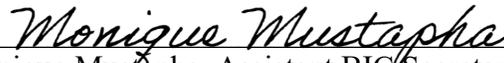
President Alexander-Tut made a motion, seconded by Vice President Shaddix, to adjourn the meeting.

The meeting was adjourned at 1:28 p.m.

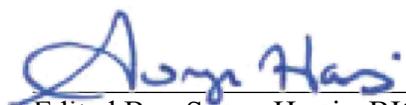
RESOLUTION NO. 004-25

SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS	
President Alexander-Tut said she was interested in solutions that would help to cover the losses that already occurred to the community groups and wanted to see a proposal that included a fee increase to cover that cut or possible reserves or other possible recommendations for the new Mayor and Board of Supervisors to consider.	Page 9
Commissioner Chavez said the CEOP programs were a very important part of DBI and it because the systems are sometimes difficult for some people to navigate it was helpful to have people on the ground doing that work and would be interesting to see an impact report as Mr. Jerry Dratler mentioned on how the reduction to the CEOP would affect the inspectors work and the CEOPs had been at risk the last couple of years and should not be as they were an important piece to the work the department did.	Page 9
President Alexander-Tut said she would like a report on processes of when a permit that was signed off in error.	Page 14

Respectfully submitted,



Monique Mustapha, Assistant BIC Secretary



Edited By: Sonya Harris, BIC Secretary