

DENNIS J. HERRERA, State Bar #139669
City Attorney
PETER J. KEITH, State Bar #206482
Chief Attorney
Neighborhood and Residential Safety Division
JILL CANNON, State Bar #203471
HOLLY D. COULEHAN, State Bar #244682
Deputy City Attorneys
Fox Plaza
1390 Market Street, Seventh Floor
San Francisco, California 94102-5408
Telephone: (415) 554-3820 (Cannon)
Telephone: (415) 554-3828 (Coulehan)
Facsimile: (415) 437-4644
E-Mail: jill.cannon@sfcityatty.org
E-Mail: holly.coulehan@sfcityatty.org

Attorneys for Plaintiffs
CITY AND COUNTY OF SAN FRANCISCO and
PEOPLE OF THE STATE OF CALIFORNIA

**PUBLIC – REDACTS MATERIALS
FROM RECORD PURSUANT TO
COURT ORDER**

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

CITY AND COUNTY OF SAN
FRANCISCO, a Municipal Corporation; and
the PEOPLE OF THE STATE OF
CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and County
of San Francisco,

Plaintiffs,

vs.

SANTOS & URRUTIA ASSOCIATES, INC.,
a California corporation; RODRIGO
SANTOS, an individual; ALBERT URRUTIA,
an individual; KEVIN O'CONNOR as trustee
of the 2012 O'CONNOR FAMILY TRUST;
KEVIN J. O'CONNOR, an individual; PETER
MCKENZIE, an individual and d/b/a Maverick
Construction; AMERICAN BROWN DOG,
LLC, a California limited liability corporation;
ASHBURY ENGINEERING AND
GENERAL CONTRACTING, a California
corporation; KEVIN BORN, an individual;
DONGWEI WANG, an individual; DAISY
ZOU, an individual; VERONICA WANG, an
individual; ANDRES MOUSSOURAS aka
PETE MOUSSOURAS, an individual and

Case No. CGC-18-569923

**FIRST AMENDED COMPLAINT FOR
INJUNCTIVE AND OTHER RELIEF;
EXHIBITS 1-5 (PART 1 OF 7)**

REDACTED

[REAL PROPERTY]

Type of Case: (42) Other Complaint

Date Action Filed: September 20, 2018

1 d/b/a Archeon Construction Technology; and
2 DOE ONE THROUGH DOE FIFTY,

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
Defendants.

1 d/b/a Archeon Construction Technology; and
DOE ONE THROUGH DOE FIFTY,

2 Defendants.

3
4 The CITY AND COUNTY OF SAN FRANCISCO (“CITY”), a municipal corporation, and the
5 PEOPLE OF THE STATE OF CALIFORNIA (“PEOPLE”), by and through DENNIS J. HERRERA,
6 City Attorney for the City and County of San Francisco, (collectively “PLAINTIFFS”) file their
7 FIRST AMENDED COMPLAINT against: SANTOS & URRUTIA ASSOCIATES, INC., RODRIGO
8 SANTOS, ALBERT URRUTIA, KEVIN J. O’CONNOR as trustee of the 2012 O’CONNOR
9 FAMILY TRUST, KEVIN J. O’CONNOR as an individual, PETER MCKENZIE, AMERICAN
10 BROWN DOG LLC, KEVIN BORN, DONGWEI WANG, DAISY ZOU, VERONICA WANG,
11 ANDRES MOUSSOURAS aka PETE MOUSSOURAS, ASHBURY GENERAL CONTRACTING &
12 ENGINEERING, a California Corporation (added as DOE ONE on February 14, 2019), PETER
13 SCHURMAN (DOE TWO), TIMOTHY PETERSON, PETERSON CONSTRUCTION &
14 DEVELOPMENT, INC., PETERSON-MULLIN CONSTRUCTION, INC., and DOE THREE through
15 DOE FIFTY (collectively “DEFENDANTS”). PLAINTIFFS hereby allege as set forth below:

16 **INTRODUCTION**
17

18 1. This case involves a scheme by engineers, licensed and unlicensed contractors, and
19 their clients to systematically skirt laws in their construction and/or renovation of nine residential
20 properties in San Francisco. In doing so, DEFENDANTS defrauded the CITY and endangered the
21 public by preventing proper oversight by CITY departments, including the San Francisco Department
22 of Building Inspection (“DBI”).

23 2. At three of the nine properties (147 MARIETTA DRIVE, 457 ROOSEVELT WAY,
24 and 601A FELL STREET), DEFENDANTS undertook large excavation projects to add lower levels
25 to single family homes without or beyond the scope of building permits. Engaging in similar schemes
26 at each property, DEFENDANTS first obtained simple building permits that did not require extensive
27 review by any CITY department. With this permit in hand, DEFENDANTS then conducted major
28

1 excavation projects, digging down beneath the existing foundations, to add lower levels to the
2 properties, well beyond the scope of what they had represented in their permit applications.

3 3. At four of the nine properties (147 MARIETTA DRIVE, 107 MARIETTA DRIVE,
4 1740 JONES STREET, and 1945 GREEN STREET), DEFENDANTS fraudulently used the identity
5 of licensed contractors and misappropriated these contractors' specialized California Occupational
6 Safety and Health Administration ("Cal/OSHA") Trench/Excavation permits. This was done to
7 deceive the CITY, including DBI, into believing that appropriately permitted contractors were
8 overseeing and supervising trench excavations at the properties. The requirement by DBI and
9 Cal/OSHA for an appropriately permitted contractor at these types of construction sites is significant,
10 because there is a substantial risk of harm to construction workers descending into such trenches. By
11 performing excavation work at the four properties without appropriately permitted contractors,
12 DEFENDANTS increased the risk of harm to their construction workers.

13 4. Finally, at seven of the nine properties (147 MARIETTA DRIVE, 107 MARIETTA
14 DRIVE, 1672-1674 GREAT HIGHWAY, 1740 JONES STREET, 1945 GREEN STREET, 2030
15 VALLEJO STREET, and 2050 JEFFERSON STREET), DEFENDANTS misappropriated the identity
16 of licensed engineers and submitted forged and fraudulent Special Inspection reports, falsely attesting
17 and verifying the quality and safety of construction materials and work completed at these properties
18 to avoid the time and expense of the oversight involved in hiring actual Special Inspectors to assess the
19 quality and safety of construction materials and work.

20 5. At each of the nine properties, DEFENDANTS utilized Defendant SANTOS &
21 URRUTIA ASSOCIATES INC., Defendant RODRIGO SANTOS, and Defendant ALBERT
22 URRUTIA, and their decades of experience and familiarity with DBI, to circumvent state and local
23 laws, mislead and defraud CITY departments, including DBI, and avoid regulation and oversight by
24 CITY departments.

25 6. DEFENDANTS' actions show total disregard for state and local laws and jeopardize
26 the safety of the workers on these building projects, the residents of adjacent and/or nearby homes, and
27 the residents of the City and County of San Francisco and the State of California. DEFENDANTS'
28

actions violate California Unfair Competition Law, the State Housing Law, San Francisco Municipal Codes, and constitute a public nuisance.

7. Finally, for at least the last three years, Defendants RODRIGO SANTOS and SANTOS & URRUTIA ASSOCIATES INC. (collectively, “SANTOS & URRUTIA CHECK FRAUD DEFENDANTS”) have fraudulently misappropriated hundreds of checks from their clients. SANTOS & URRUTIA CHECK FRAUD DEFENDANTS’ scheme was and is to request and obtain from their clients partially filled out checks, signed by their clients, and made payable to CITY departments, such as DBI, the San Francisco Department of Public Works (“DPW”), and the San Francisco Planning Department (“PLANNING”), but with the dollar amount blank, at the direction of SANTOS & URRUTIA CHECK FRAUD DEFENDANTS. SANTOS & URRUTIA CHECK FRAUD DEFENDANTS represented to their clients that these checks were necessary for payments related to permit fees or other regulatory fees required for the construction projects. The clients trusted and relied upon SANTOS & URRUTIA CHECK FRAUD DEFENDANTS’ representations and provided these checks as requested. Instead of submitting the checks to the CITY departments as promised, SANTOS & URRUTIA CHECK FRAUD DEFENDANTS would write in a concocted dollar amount, usually in the thousands (but down to the cent), endorse the back of the check with the name of the payee CITY department and deposit the checks into Defendant RODRIGO SANTOS’ personal checking account at Bank of America without the consent or authorization of the unsuspecting clients. Occasionally, SANTOS & URRUTIA CHECK FRAUD DEFENDANTS would modify the client’s check, changing the “payee” on the check from a City department into Defendant RODRIGO SANTOS’ own name. For instance, SANTOS & URRUTIA CHECK FRAUD DEFENDANTS would change the “payee” from “DBI” to “RODBIGO SANTOS.”

8. Over just a three-year period, SANTOS & URRUTIA CHECK FRAUD DEFENDANTS misappropriated over 200 clients’ checks written out to CITY departments resulting in the theft of over \$420,000. PLAINTIFFS have included specific details on over fifty representative examples of the checks in this FIRST AMENDED COMPLAINT.

PEOPLE AND SUBJECT PROPERTIES

9. Plaintiff CITY is a municipal corporation, organized and existing under and by virtue of the laws of the State of California. The CITY brings this action under the San Francisco Building and Planning Codes, California Health and Safety Code sections 17920 through 17992 (commonly referred to as the “State Housing Law”), and Code of Civil Procedure section 731.

10. Plaintiff PEOPLE brings this action pursuant to Business and Professions Code section 17200 and 17204 (commonly referred to as the “Unfair Competition Law”) and Code of Civil Procedure section 731.

11. Defendant SANTOS & URRUTIA ASSOCIATES, INC., is a California corporation with its primary place of business located at 2451 Harrison Street in the City and County of San Francisco, State of California.

12. Defendant RODRIGO SANTOS, an individual, is Secretary, Chief Financial Officer, agent for service of process, and director of Defendant SANTOS & URRUTIA ASSOCIATES, INC. Defendant RODRIGO SANTOS is a licensed civil and structural engineer in the State of California.

13. Defendant ALBERT URRUTIA, an individual, is Chief Executive Officer and director of Defendant SANTOS & URRUTIA ASSOCIATES, INC. Defendant ALBERT URRUTIA is a licensed civil and structural engineer in the State of California.

14. Defendants RODRIGO SANTOS, ALBERT URRUTIA, and SANTOS & URRUTIA ASSOCIATES, INC. were the Engineers of Record for each of the construction projects described in this FIRST AMENDED COMPLAINT at the following properties: (1) 147 Marietta Drive, Block No. 2949A, Lot 031, in the City and County of San Francisco, State of California (“147 MARIETTA DRIVE”), (2) 107 Marietta Drive, Block No. 2949A, Lot 040, in the City and County of San Francisco, State of California (“107 MARIETTA DRIVE”), (3) 457 Roosevelt Way, Block No. 2618, Lot 028, in the City and County of San Francisco, State of California (“457 ROOSEVELT WAY”), (4) 601A Fell Street, Block No. 0829, Lot 031, in the City and County of San Francisco, State of California (“601A FELL STREET”), (5) 1945 Green Street, Block No. 0555, Lot 026, in the City and County of San Francisco, State of California (“1945 GREEN STREET”), (6) 2030 Vallejo Street, Block No. 0555, Lot 032, in the City and County of San Francisco, State of California (“2030

1 VALLEJO STREET”), (7) 1740 Jones Street, Block No. 0150, Lot 012, in the City and County of San
2 Francisco, State of California (“1740 JONES STREET”), (8) 1672-1674 Great Highway, Block No.
3 1895, Lot 026A, in the City and County of San Francisco, State of California (1672-1674 GREAT
4 HIGHWAY”), and (9) 2050 Jefferson Street, Block No. 0910, Lot 011A, in the City and County of
5 San Francisco, State of California (“2050 JEFFERSON STREET”) (collectively, the
6 “PROPERTIES”).

7 15. Defendant KEVIN O’CONNOR as trustee of the 2012 O’CONNOR FAMILY TRUST
8 is, and at all relevant times was, the legal owner, manager, and maintainer of the real property and all
9 buildings and other improvements located at 147 MARIETTA DRIVE. Defendant KEVIN
10 O’CONNOR as trustee of the 2012 O’CONNOR FAMILY TRUST was also the legal owner,
11 manager, and maintainer of the real property and all buildings and other improvements located at 107
12 MARIETTA DRIVE from October 6, 2016 to June 14, 2017.

13 16. Defendant KEVIN J. O’CONNOR, an individual, is, and at all relevant times was, the
14 manager and maintainer of the real property and all buildings and other improvements located at 147
15 MARIETTA DRIVE. Defendant KEVIN J. O’CONNOR was also the manager and maintainer the real
16 property and all buildings and other improvements located at 107 MARIETTA DRIVE from January
17 4, 2013 to June 14, 2017, as well as the owner of the same property from June 3, 2015 to October 6,
18 2016.

19 17. Defendant PETER MCKENZIE, an individual and doing business as Maverick
20 Construction, is an unlicensed contractor. Defendant PETER MCKENZIE’s contractor’s license was
21 revoked by the California Department of Consumer Affairs Contractors State License Board on May
22 23, 2011. A copy of the May 23, 2011, order revoking Defendant PETER MCKENZIE’s contractor’s
23 license is attached as **Exhibit 1**.

24 18. Defendant AMERICAN BROWN DOG LLC is a California limited liability
25 corporation with its primary place of business located at 912 Cole Street #252 in the City and County
26 of San Francisco, State of California. Defendant AMERICAN BROWN DOG LLC is, and at all
27 relevant times was, the legal owner, manager, and maintainer of the real property and all buildings and
28 other improvements located at 457 ROOSEVELT WAY.

1 19. Defendant KEVIN BORN, an individual, is the Chief Executive Officer, Secretary,
2 Chief Financial Officer, and agent for service of process for Defendant ASHBURY GENERAL
3 CONTRACTING & ENGINEERING. Defendant KEVIN BORN is a licensed contractor in the State
4 of California.

5 20. Defendant DONGWEI WANG, an individual, is, and at all relevant times was, a legal
6 owner of the real property and all buildings and other improvements located at 601A FELL STREET.

7 21. Defendant DAISY ZOU, an individual, is, and at all relevant times was, a legal owner
8 of the real property and all buildings and other improvements located at 601A FELL STREET.

9 22. Defendant VERONICA WANG, an individual, is, and at all relevant times was, the
10 attorney-in-fact and legal manager and maintainer of the real property and all buildings and other
11 improvements located at 601A FELL STREET.

12 23. Defendant ANDRES MOUSSOURAS aka PETE MOUSSOURAS, an individual and
13 doing business as Archeon Construction Technology, is a licensed contractor in the State of California.

14 24. Defendant ASHBURY GENERAL CONTRACTING & ENGINEERING (DOE ONE)
15 is a California corporation with its principal place of business located at 40 12th Street, in the City and
16 County of San Francisco, State of California.

17 25. Defendant PETER SCHURMAN (DOE TWO), an individual, was employed as an
18 engineering technician at BSK Associates Engineering & Laboratories ("BSK") from November 2010
19 until February 2013, and later was employed as a senior engineering technician at Romig Engineering
20 ("Romig") and Langan Engineering ("Langan"). Defendant PETER SCHURMAN also currently runs,
21 and at all relevant times in this FIRST AMENDED COMPLAINT ran, an illegal side business
22 preparing fraudulent Special Inspection reports for construction projects in the CITY and elsewhere,
23 and forging actual engineers' signatures and professional stamps on such reports in exchange for
24 money.

25 26. Defendant TIMOTHY PETERSON, an individual, is President, Secretary, Chief
26 Executive Officer, Co-Director, and agent for service of process of Defendant PETERSON-MULLIN
27 CONSTRUCTION, INC. Defendant TIMOTHY PETERSON is also President, Secretary, Chief
28 Executive Officer, Director, and Chief Financial Officer of Defendant PETERSON

1 CONSTRUCTION DEVELOPMENT, INC. Defendant TIMOTHY PETERSON is a licensed general
2 building contractor in the State of California.

3 27. Defendant PETERSON CONSTRUCTION DEVELOPMENT, INC., is a California
4 corporation with its primary place of business located at 98 Main Street in Tiburon, California.

5 28. Defendant PETERSON-MULLIN CONSTRUCTION, INC., is a California
6 corporation, whose primary place of business is located at 1883 Palou Avenue in the City and County
7 of San Francisco, State of California. Because PETERSON-MULLIN CONSTRUCTION, INC. is
8 suspended by the California Secretary of State, it is disqualified from defending itself in this lawsuit
9 unless and until its corporate powers are revived. (Cal. Corp. Code § 2205; *Palm Valley Homeowners*
10 *Ass'n, Inc. v. Desing MTC* (2000) 85 Cal.App.4th 553, 560-561.)

11 29. At the time of the filing of the original COMPLAINT in this matter, PLAINTIFFS were
12 ignorant of the true names and capacities of Defendants DOES ONE and TWO, and therefore, sued
13 these Defendants by fictitious names. Subsequent to the filing of the original Complaint, PLAINTIFFS
14 ascertained the true name and capacity of Defendant DOE ONE and filed an Ex Parte Application for
15 leave to file an amendment to the original COMPLAINT substituting party Defendant ASHBURY
16 GENERAL CONTRACTING & ENGINEERING for DOE ONE. The Ex Parte Application was
17 granted on February 21, 2019, and Defendant ASHBURY GENERAL CONTRACTING &
18 ENGINEERING was substituted for DOE ONE and added to the definition of ROOSEVELT
19 DEFENDANTS, as if it were included in the definition ascribed in the original COMPLAINT.
20 Subsequent to the filing of the original Complaint, PLAINTIFFS also ascertained the true name and
21 capacity of Defendant DOE TWO and PLAINTIFFS have now inserted the name of DOE TWO in this
22 FIRST AMENDED COMPLAINT. PLAINTIFFS are still ignorant of the true names and capacities of
23 Defendants DOES THREE through FIFTY, inclusive, and therefore sue these Defendants by fictitious
24 names. PLAINTIFFS will amend this FIRST AMENDED COMPLAINT to insert the true names and
25 capacities of these Defendants, when ascertained.

26 30. DEFENDANTS, including the specifically named 147 MARIETTA DEFENDANTS,
27 107 MARIETTA DEFENDANTS, ROOSEVELT DEFENDANTS, FELL DEFENDANTS, GREEN
28 DEFENDANTS, VALLEJO DEFENDANTS, JONES DEFENDANTS, GREAT HIGHWAY

1 DEFENDANTS, JEFFERSON DEFENDANTS, and SANTOS & URRUTIA CHECK FRAUD
2 DEFENDANTS, referenced and further defined below, are sued as the owners, operators, managers,
3 and maintainers of the properties identified in this FIRST AMENDED COMPLAINT, and/or the
4 persons committing the acts and/or omissions alleged in the FIRST AMENDED COMPLAINT and/or
5 the persons allowing or directing the commission of the acts and/or omissions alleged in this FIRST
6 AMENDED COMPLAINT.

7 31. At all times herein mentioned, each DEFENDANT was an agent, officer, and employee
8 of each other DEFENDANT and at all times was acting within the course and scope of said agency,
9 service, and employment.

10 32. At all times herein mentioned, all the acts and omissions described in this FIRST
11 AMENDED COMPLAINT by any DEFENDANT were aided and abetted by all other
12 DEFENDANTS, including but not limited to, at each of the properties and/or for each of the unlawful,
13 fraudulent, and/or unfair acts and omissions with which they are associated, as indicated in this FIRST
14 AMENDED COMPLAINT. DEFENDANTS, including the specifically named 147 MARIETTA
15 DEFENDANTS, 107 MARIETTA DEFENDANTS, ROOSEVELT DEFENDANTS, FELL
16 DEFENDANTS, GREEN DEFENDANTS, VALLEJO DEFENDANTS, JONES DEFENDANTS,
17 GREAT HIGHWAY DEFENDANTS, JEFFERSON DEFENDANTS, and SANTOS & URRUTIA
18 CHECK FRAUD DEFENDANTS referenced and further defined below, were aware of the illegality
19 of the acts and omissions described in this FIRST AMENDED COMPLAINT, and either directly
20 participated in, or encouraged, these acts and omissions.

21 33. Whenever reference is made in this FIRST AMENDED COMPLAINT to any act of
22 “DEFENDANTS”, including the specifically named 147 MARIETTA DEFENDANTS, 107
23 MARIETTA DEFENDANTS, ROOSEVELT DEFENDANTS, FELL DEFENDANTS, GREEN
24 DEFENDANTS, VALLEJO DEFENDANTS, JONES DEFENDANTS, GREAT HIGHWAY
25 DEFENDANTS, JEFFERSON DEFENDANTS, and SANTOS & URRUTIA CHECK FRAUD
26 DEFENDANTS referenced and further defined below, each such allegation shall mean that each
27 DEFENDANT acted both individually and jointly with the other DEFENDANTS. Actions taken by or
28 omissions made by DEFENDANTS’ employees, officers, directors, or agents in the course of their

employment or agency are considered to be actions or omissions of DEFENDANTS for the purposes of this FIRST AMENDED COMPLAINT

34. Whenever reference is made in this FIRST AMENDED COMPLAINT to any act and/or omission of DEFENDANTS, including the specifically named 147 MARIETTA DEFENDANTS, 107 MARIETTA DEFENDANTS, ROOSEVELT DEFENDANTS, FELL DEFENDANTS, GREEN DEFENDANTS, VALLEJO DEFENDANTS, JONES DEFENDANTS, GREAT HIGHWAY DEFENDANTS, JEFFERSON DEFENDANTS, and SANTOS & URRUTIA CHECK FRAUD DEFENDANTS referenced below, such allegation shall mean that each of the DEFENDANTS did or authorized the act and/or omission, or recklessly and carelessly failed and omitted to supervise, control, or direct other persons who engaged in the act and/or omission.

GENERAL ALLEGATIONS

35. Defendant RODRIGO SANTOS and Defendant ALBERT URRUTIA are California civil and structural engineers and are the principals of structural and civil engineering firm Defendant SANTOS & URRUTIA ASSOCIATES, INC. (collectively "SANTOS & URRUTIA DEFENDANTS"). Defendant RODRIGO SANTOS is a former member and president of DBI's Building Inspection Commission. SANTOS & URRUTIA DEFENDANTS specialize in assisting property owners and their contractors in major excavation projects to add lower floors by digging below the existing foundation. Typically, these projects require intensive oversight by regulatory bodies and compliance with the San Francisco Building and Planning Codes, the California Labor Code, and the Cal/OSHA regulations. However, SANTOS & URRUTIA DEFENDANTS utilized their decades of engineering experience and familiarity with DBI to circumvent state and local laws, mislead and defraud CITY departments, including DBI and PLANNING, and avoid required regulation and oversight at nine residential properties in San Francisco, as specified below.

36. SANTOS & URRUTIA DEFENDANTS, together with the specifically named Defendants for each of the properties identified below, violated state and local laws at three residential properties (147 MARIETTA DRIVE, 457 ROOSEVELT WAY, and 601A FELL STREET), by conducting work beyond the scope of building permits or without permits at all. They followed a similar approach at each of the three properties. They first sought permits for what they represented to

1 be simple and uncomplicated construction. Based on the representations on permit applications, DBI
2 quickly issued the permits, with no additional time, fees, or review by CITY departments, including
3 DBI and PLANNING. Defendants then set about conducting major excavation projects, digging down
4 below the existing foundations, to add lower floors to the properties, well beyond the scope of what
5 they had represented on their permit applications and without proper oversight by CITY departments,
6 including DBI and PLANNING, a Structural Advisory Committee, or Special Inspectors. Even after
7 being cited by DBI, Defendants continued to do work in violation of DBI stop work orders. Had they
8 accurately described their intended scope of work on their permit applications, they would have had to
9 pay significantly higher permit fees and been subjected to more rigorous and time consuming review
10 and oversight by CITY departments, a Structural Advisory Committee, and Special Inspectors. Had
11 Defendants accurately described their intended scope of work on their permit applications, they would
12 have had to notify adjoining property owners prior to the excavation projects. Only after being caught
13 and cited by DBI for work without permit and work beyond the scope of permits, did Defendants file
14 permit applications. Even then, they falsified their permit applications to get the corrective permitting
15 and continued to work beyond the scope of their permit and in violation of DBI stop work orders.

16 37. SANTOS & URRUTIA DEFENDANTS, together with the specifically named
17 Defendants for each of the properties identified below, violated state and local laws at four of the nine
18 properties (147 MARIETTA, 107 MARIETTA DRIVE, 1945 GREEN STREET and 1740 JONES
19 STREET), when they performed major excavations at the properties without using contractors who
20 were appropriately permitted by Cal/OSHA. Due to the substantial risk of injury involved in
21 descending into excavation pits that are five feet or deeper, Cal/OSHA permitted contractors are
22 required, and necessary, for such excavation work. These Defendants deceived DBI into believing that
23 they had hired Cal/OSHA permitted contractors by misappropriating the names, Cal/OSHA permits
24 and licenses of contractors who were not involved in their projects, and falsely asserting in the
25 Building Permit applications that said contractors would be performing the excavations. By
26 performing the work without properly permitted contractors, these Defendants endangered the health
27 and safety of their construction workers.

1 38. SANTOS & URRUTIA DEFENDANTS, together with the specifically named
2 Defendants for each of the properties identified below, violated state and local laws at seven of the
3 nine properties (147 MARIETTA DRIVE, 107 MARIETTA DRIVE, 1945 GREEN STREET, 2030
4 VALLEJO STREET, 1740 JONES STREET, 1672-1674 GREAT HIGHWAY, and 2050
5 JEFFERSON STREET), by hiring Defendant PETER SCHURMAN to forge civil engineer's stamps
6 and signatures on falsified Special Inspection reports submitted to DBI to save money and evade
7 proper oversight at the construction sites.

8 39. Special Inspection reports are a proactive method of enhancing public safety by
9 ensuring buildings are constructed according to design documents, specifications and approved
10 drawings. The accuracy of Special Inspection reports are critical to the integrity of building structures
11 and are relied upon by all parties involved in the construction project, DBI, and the public at large.

12 40. At 147 MARIETTA DRIVE, 107 MARIETTA DRIVE, 1945 GREEN STREET, 2030
13 VALLEJO STREET, 1740 JONES STREET, 1672-1674 GREAT HIGHWAY, and 2050
14 JEFFERSON STREET, construction work was performed that required the need for Special Inspection
15 reports pursuant to San Francisco Building Code section 1701, et seq., which incorporates the
16 California Building Code Chapter 17, with amendments. Pursuant to California Building Code section
17 1704.2.4 and San Francisco Building Code section 106A.3.4.1. SANTOS AND URRUTIA
18 DEFENDANTS, as the engineers of record at all seven of the properties, were responsible for the
19 review of the Special Inspection reports and any supporting documents, as well as the coordination of
20 the submittals of these reports to DBI. Instead of hiring actual Special Inspectors to perform the work
21 and prepare the proper reports, as required by the applicable Building Code, Defendant PETER
22 SCHURMAN, in coordination with these Defendants, prepared forged and fraudulent Special
23 Inspection reports. SANTOS & URRUTIA DEFENDANTS and the other Defendants then submitted
24 the reports to DBI asserting that the reports and supporting documents were accurate and reliable. By
25 submitting these forged and fraudulent Special Inspection reports and supporting documents for these
26 seven properties, Defendants deceived PLAINTIFFS and the public into believing that the reports
27 were legitimate, that the proper oversight, observations and testing was actually performed, and that
28 these structures were constructed according to design documents, specifications and approved

1 drawings. In short, these Defendants fooled DBI, subsequent owners, and the public into believing that
2 the properties were structurally safe and sound. By submitting the fraudulent Special Inspection
3 reports and supporting documents for the seven properties, Defendants avoided the oversight and
4 testing of actual Special Inspectors on the construction projects and placed the public in potential
5 danger, all the while saving them the costs associated with ensuring the work was performed to the
6 required specifications and with hiring qualified Special Inspectors to actually perform these critical
7 Special Inspections. Defendants' total disregard for state and local laws jeopardized the safety of the
8 workers on these building projects, substantially endangered the residents of adjacent and/or nearby
9 homes, and the residents of the City and County of San Francisco and the State of California.

10 41. Moreover, since at least April 2016, SANTOS & URRUTIA CHECK FRAUD
11 DEFENDANTS have been violating state law by fraudulently misappropriating hundreds of checks
12 from their clients by altering and depositing checks intended for CITY departments into Defendant
13 RODRIGO SANTOS' personal checking account at Bank of America, without the consent or
14 authorization of the unsuspecting clients or CITY departments. SANTOS & URRUTIA CHECK
15 FRAUD DEFENDANTS' actions are an unlawful, unfair, and fraudulent business practice and in
16 violation of the laws of the State of California.

17 **I. 147 MARIETTA DRIVE**

18 42. The property located at 147 MARIETTA DRIVE in San Francisco is a single-family
19 home. A detailed description of this property is attached as **Exhibit 2** and incorporated as part of this
20 FIRST AMENDED COMPLAINT. 147 MARIETTA DRIVE is located in a zone of San Francisco
21 subject to San Francisco Building Code section 106A.4.1.4, et seq. (the "Slope Protection Act").

22 43. Defendant KEVIN O'CONNOR as TRUSTEE of the 2012 O'CONNOR Family Trust
23 purchased 147 MARIETTA DRIVE on April 30, 2016.

24 44. Beginning in or before April 2016, Defendant KEVIN O'CONNOR, as trustee of the
25 2012 O'CONNOR FAMILY TRUST, Defendant KEVIN J. O'CONNOR, an individual, Defendant
26 SANTOS & URRUTIA ASSOCIATES, INC., Defendant RODRIGO SANTOS, Defendant ALBERT
27 URRUTIA, Defendant PETER MCKENZIE, and Defendant PETER SCHURMAN (collectively the
28

1 “147 MARIETTA DEFENDANTS”) set about renovating 147 MARIETTA DRIVE by excavating
2 below the existing foundation at the rear of the property to add a lower level of living space.

3 45. In renovating 147 MARIETTA DRIVE, 147 MARIETTA DEFENDANTS violated
4 state and local laws by: conducting work beyond the scope of building permits, or without permits at
5 all; misrepresenting the scope of work to be performed in permit applications submitted to DBI;
6 submitting fraudulent documents to DBI including fraudulent permit applications and fraudulent
7 Special Inspection reports; performing work in violation of DBI Stop Work Orders; failing to notify
8 adjacent property owners prior to undertaking excavation work; performing excavation work without
9 Cal/OSHA excavation permits; and performing work without using a contractor licensed by the State
10 of California.

11 **A. San Francisco Department of Building Inspection NOV 201650611**

12 46. On November 29, 2016, 147 MARIETTA DEFENDANTS filed an application for
13 Building Permit No. 201611293708 with DBI to remodel a bathroom, repair a fence, replace kitchen
14 cabinets, and install new appliances at 147 MARIETTA DRIVE. In reliance on the scope of work
15 represented in 147 MARIETTA DEFENDANTS’ application, DBI did not circulate the permit for
16 review by other departments, such as PLANNING, and issued the permit the same day.

17 47. 147 MARIETTA DEFENDANTS did construction beyond the scope of Building
18 Permit No. 201611293708. Specifically, 147 MARIETTA DEFENDANTS built a five to six foot tall
19 retaining wall around three sides of 147 MARIETTA DRIVE. A permit for that work would have
20 required that 147 MARIETTA DEFENDANTS submit plans and would have required review and
21 approval from PLANNING prior to the issuance of the original permit.

22 48. On January 27, 2017, DBI issued Notice of Violation (“NOV”) 201650611 against 147
23 MARIETTA DEFENDANTS for work beyond the scope of permits in violation of San Francisco
24 Building Code section 106A.4.7. A true and correct copy of NOV 201650611 is attached as **Exhibit 3**
25 and incorporated as part of this FIRST AMENDED COMPLAINT. DBI ordered that 147 MARIETTA
26 DEFENDANTS stop all work at 147 MARIETTA DRIVE pursuant to San Francisco Building Code
27 section 104A.2.4. DBI demanded that 147 MARIETTA DEFENDANTS file a permit within seven
28 days, obtain a permit within fifteen days, and complete all work with thirty days.

1 49. On February 21, 2017, 147 MARIETTA DEFENDANTS filed an application for
2 Building Permit No. 201702219736 to abate the violations contained in NOV 201650611 and
3 retroactively legalize the unpermitted retaining wall. DBI issued this permit on April 4, 2017, but
4 specified that 147 MARIETTA DEFENDANTS must comply with the Special Inspections
5 requirement found in San Francisco Building Code section 1701, et seq. 147 MARIETTA
6 DEFENDANTS never complied with the Special Inspection requirements and never completed the
7 work pursuant to Building Permit No. 201702219736, which is now expired.

8 50. As of the date of the filing of this FIRST AMENDED COMPLAINT, 147 MARIETTA
9 DEFENDANTS have not abated any of the violations identified in NOV 201650611.

10 **B. San Francisco Department of Building Inspection NOV 201722731**

11 51. 147 MARIETTA DEFENDANTS did work beyond the scope of Building Permit No.
12 201702219736. Specifically, 147 MARIETTA DEFENDANTS excavated a lower level to 147
13 MARIETTA DRIVE by excavating five to six feet below the existing foundation. 147 MARIETTA
14 DEFENDANTS also placed 147 MARIETTA DRIVE on cribbing.

15 52. This work required review and approval from PLANNING prior to the issuance of the
16 original permit. This work required compliance with the notice requirements in San Francisco
17 Planning Code section 311. 147 MARIETTA DEFENDANTS intentionally misrepresented the scope
18 of the work to be performed to DBI, thereby evading review and approval from PLANNING and
19 Planning Code section 311 notification.

20 53. This work required review and approval from a Structural Advisory Committee
21 pursuant to the Slope Protection Act prior to the issuance of the original permit. 147 MARIETTA
22 DEFENDANTS intentionally misrepresented the scope of the work to be performed to DBI, thereby
23 evading review and approval from a Structural Advisory Committee.

24 54. This work required notification to adjoining properties owners prior to doing
25 excavation work at 147 MARIETTA DRIVE pursuant to San Francisco Building Code section 3307
26 and California Civil Code section 832. 147 MARIETTA DEFENDANTS did not notify the adjoining
27 property owners prior to commencing excavation at 147 MARIETTA DRIVE.
28

1 55. This work required compliance with the Special Inspection requirements of San
2 Francisco Building Code section 1701, et seq., including retaining a Special Inspector to monitor
3 certain aspects of the project, and submitting Special Inspection reports prior to final sign off. 147
4 MARIETTA DEFENDANTS did not comply with these Special Inspection requirements.

5 56. This work required a Cal/OSHA Trench/Excavation Permit. 147 MARIETTA
6 DEFENDANTS did this work without a Cal/OSHA Trench/Excavation Permit.

7 57. On December 5, 2017, DBI issued NOV 201722731 against 147 MARIETTA
8 DEFENDANTS for work exceeding the scope of permits, a violation of San Francisco Building Code
9 section 106A.4.7. A true and correct copy of NOV 201722731 is attached as **Exhibit 4** and
10 incorporated as part of this FIRST AMENDED COMPLAINT. DBI ordered that 147 MARIETTA
11 DEFENDANTS stop all work at 147 MARIETTA DRIVE pursuant to San Francisco Building Code
12 section 104A.2.4. DBI demanded that 147 MARIETTA DEFENDANTS file a permit within thirty
13 days. 147 MARIETTA DEFENDANTS failed to do so.

14 58. On February 20, 2018, DBI sent 147 MARIETTA DEFENDANTS a NOV Final
15 Warning notifying them that they had failed to timely comply with NOV 201722731, and the matter
16 had been referred to DBI's Code Enforcement Division. A true and correct copy of the February 20,
17 2018 NOV Final Warning Letter is attached as **Exhibit 5** and incorporated as part of this FIRST
18 AMENDED COMPLAINT.

19 59. On May 8, 2018, DBI served 147 MARIETTA DEFENDANTS with a "Notice of
20 Director's Hearing," notifying 147 MARIETTA DEFENDANTS that a Director's Hearing had been
21 set for June 19, 2018, based on their failure to comply with NOV 201722731. A true and correct copy
22 of the May 8, 2018, Notice of Director's Hearing is attached as **Exhibit 6** and incorporated as part of
23 this FIRST AMENDED COMPLAINT.

24 60. On June 19, 2018, DBI held a Director's Hearing related to NOV 201722731.
25 Following the hearing, DBI issued Order of Abatement ("OOA") 201722731 against 147 MARIETTA
26 DEFENDANTS for their failure to comply with NOV 201722731. DBI also found that 147
27 MARIETTA DRIVE constitutes a public nuisance. OOA 201722731 was served on 147 MARIETTA
28 DEFENDANTS by mail and posted at 147 MARIETTA DRIVE. A true and correct copy of OOA

1 201722731 is attached as **Exhibit 7** and incorporated as part of this FIRST AMENDED
2 COMPLAINT.

3 61. As of the date of filing the original COMPLAINT, 147 MARIETTA DEFENDANTS
4 had not abated any of the violations in NOV 201722731, and OOA 201722731 remained outstanding.

5 **C. San Francisco Department of Building Inspection NOV 201842491 and NOV**
6 **201842501**

7 62. 147 MARIETTA DEFENDANTS continued work on 147 MARIETTA DRIVE, in
8 violation of the stop work orders issued under NOV 201722731. Specifically, 147 MARIETTA
9 DEFENDANTS continued to excavate underneath the foundation of 147 MARIETTA DRIVE. In
10 doing so, 147 MARIETTA DEFENDANTS undermined the foundation of 147 MARIETTA DRIVE
11 and also undermined the foundation of the neighboring property located at 151 Marietta Drive, San
12 Francisco, California. The actions of 147 MARIETTA DEFENDANTS substantially endangered the
13 residents of 151 Marietta Drive and the residents of other neighboring and downslope properties.

14 63. On February 16, 2018, DBI issued NOV 201842491 against 147 MARIETTA
15 DEFENDANTS for work without a permit and unsafe building, violations of San Francisco Building
16 Code sections 106A.1 and 102A. A true and correct copy of NOV 201842491 is attached as **Exhibit 8**
17 and is incorporated as part of this FIRST AMENDED COMPLAINT. DBI ordered 147 MARIETTA
18 DEFENDANTS to stop all work at 147 MARIETTA DRIVE pursuant to San Francisco Building Code
19 section 104A.2.4. DBI demanded that 147 MARIETTA DEFENDANTS file a building permit with
20 plans within seven days. DBI issued a second NOV 201842491 on February 20, 2018, in which DBI
21 directed 147 MARIETTA DEFENDANTS to file a building permit within seven days, obtain a
22 building permit within ten days, and complete all work within thirty days. DBI noted that a stop work
23 order was in place, with an exception allowing emergency shoring, which was to commence under the
24 direct supervision of a structural engineer. A true and correct copy of second NOV 201842491 is
25 attached as **Exhibit 9** and is incorporated as part of this FIRST AMENDED COMPLAINT.

26 64. On February 16, 2018, DBI issued NOV 201842501 to the owners of 151 Marietta
27 Drive for work without permit and unsafe building, violations of San Francisco Building Code
28 sections 106A.1 and 102A. A true and correct copy of NOV 201842501 is attached as **Exhibit 10** and

1 is incorporated as part of this FIRST AMENDED COMPLAINT. In NOV 201842501, DBI informed
2 the owners of 151 Marietta Drive that 147 MARIETTA DEFENDANTS' excavation at 147
3 MARIETTA DRIVE had undermined their foundation along their north property line. DBI directed
4 the owners of 151 Marietta Drive to obtain a building permit with plans to fix their undermined
5 foundation within seven days, to obtain a permit within fifteen days, and complete all work within
6 thirty days.

7 65. DBI informed 147 MARIETTA DEFENDANTS that the nature of the work to abate
8 NOV 201842491 and NOV 201842501 required that 147 MARIETTA DEFENDANTS have an
9 excavation permit pursuant to California Labor Code section 6500 and that 147 MARIETTA
10 DEFENDANTS comply with the Special Inspection requirements under San Francisco Building Code
11 section 1701, et seq.

12 **1. Fraudulent Building Permit Applications to Abate NOV 201842491 and**
13 **NOV 201842501**

14 66. On February 20, 2018, 147 MARIETTA DEFENDANTS filed an application for
15 Building Permit No. 201802201756 with DBI for emergency shoring of the foundation at 147
16 MARIETTA DRIVE and to abate NOV 201842491. On their application, 147 MARIETTA
17 DEFENDANTS listed "Stich Construction" as the general contractor and attached a photograph of RV
18 Stich Construction, Inc.'s annual Cal/OSHA excavation permit. DBI issued Building Permit No.
19 201802201756 on February 22, 2018. A copy of Building Permit No. 201802201756, containing a
20 photograph of RV Stich Construction Inc.'s annual Cal/OSHA excavation permit, which included RV
21 Stich Construction, Inc.'s license number, is attached as **Exhibit 11** and incorporated as part of this
22 FIRST AMENDED COMPLAINT.

23 67. 147 MARIETTA DEFENDANTS knew RV Stich Construction, Inc. was not going to
24 perform any of the work under Building Permit No. 2018702201756. 147 MARIETTA
25 DEFENDANTS listed RV Stich Construction, Inc. as the contractor of record to mislead DBI into
26 believing the work was to be performed by a contractor licensed in California. 147 MARIETTA
27 DEFENDANTS included a photograph of RV Stich Construction, Inc.'s Cal/OSHA excavation permit
28 to mislead DBI into believing the work under Building Permit No. 2018702201756 was to be

1 performed by a contractor with a Cal/OSHA excavation permit. RV Stich Construction, Inc. neither
2 consented nor knew that 147 MARIETTA DEFENDANTS listed it as the contractor of record on the
3 permit application for Building Permit No. 2018702201756. RV Stich Construction, Inc. never
4 performed any work at 147 MARIETTA DRIVE.

5 68. On February 21, 2018, 147 MARIETTA DEFENDANTS filed an application for
6 Building Permit No. 20180221852 with DBI for emergency shoring of the foundation of 151 Marietta
7 Drive and to abate NOV 201842501 on behalf of the owners of 151 Marietta Drive. On this
8 application, 147 MARIETTA DEFENDANTS again listed “Stich Construction” as the general
9 contractor. DBI issued Building Permit No. 20180221852 on February 22, 2018. A copy of Building
10 Permit No. 20180221852, is attached as **Exhibit 12** and incorporated as part of this FIRST
11 AMENDED COMPLAINT.

12 69. 147 MARIETTA DEFENDANTS knew RV Stich Construction, Inc. was not going to
13 perform any of the work under Building Permit No. 20180221852. 147 MARIETTA DEFENDANTS
14 listed RV Stich Construction, Inc. as the contractor of record to mislead DBI into believing the work
15 was to be performed by a contractor licensed in California. 147 MARIETTA DEFENDANTS included
16 a photograph of RV Stich Construction, Inc.’s Cal/OSHA excavation permit to mislead DBI into
17 believing the work under Building Permit No. 20180221852 was to be performed by a contractor with
18 a Cal/OSHA excavation permit. RV Stich Construction, Inc. neither consented nor knew that 147
19 MARIETTA DEFENDANTS listed it as the contractor of record on the permit application for
20 Building Permit No. 20180221852. RV Stich Construction, Inc. never performed any work at 151
21 MARIETTA DRIVE.

22 **2. San Francisco Department of Building Inspection NOV 201861191**

23 70. Despite stop work orders in place under NOV 201722731 and NOV 201842491, 147
24 MARIETTA DEFENDANTS continued to do unpermitted work at 147 MARIETTA DRIVE.
25 Specifically, instead of completing the permitted emergency shoring projects, 147 MARIETTA
26 DEFENDANTS continued their excavation project at 147 MARIETTA DRIVE. This work further
27 undermined the foundation of 147 MARIETTA DRIVE.
28

1 71. On April 27, 2018, DBI issued NOV 201861191 against 147 MARIETTA
2 DEFENDANTS for unsafe building and work beyond the scope of permits under San Francisco
3 Building Code sections 102A and 106A.4.6. A true and correct copy of NOV 201861191 is attached as
4 **Exhibit 13** and incorporated as part of this FIRST AMENDED COMPLAINT. DBI again ordered 147
5 MARIETTA DEFENDANTS to stop all work pursuant to San Francisco Building Code section
6 104A.2.4, file a building permit within five days, obtain the permit within seven days, and complete all
7 work within ten days.

8 **3. Fraudulent Special Inspection Reports Submitted to DBI for Building**
9 **Permit No. 201802201756, Building Permit No. 20180221852, Building**
 Permit No. 201803062943, and Building Permit No. 201805038077

10 72. 147 MARIETTA DEFENDANTS were required to comply with the Special Inspection
11 requirements found in San Francisco Building Code section 1701, et seq. for the emergency shoring
12 work done under Building Permit No. 201802201756. Moreover, pursuant to California Building Code
13 section 1704.2.4 and San Francisco Building Code section 106A.3.4.1 SANTOS & URRUTIA
14 DEFENDANTS, as the engineers of record listed on the permit applications, were responsible for the
15 review for compatibility with engineering design work and the coordination of submittals to DBI of all
16 Special Inspection reports.

17 73. On March 6, 2018, 147 MARIETTA DEFENDANTS filed an application for Building
18 Permit No. 201803062943 with DBI for additional work to previously approved Building Permit No.
19 201802201856, specifically to add transverse lateral bracing and tie the existing east foundation to the
20 wall below. DBI issued Building Permit No. 201803062943 on March 8, 2018.

21 74. 147 MARIETTA DEFENDANTS were required to comply with the Special Inspection
22 requirements found in San Francisco Building Code section 1701, et seq. for the work done under
23 Building Permit No. 201803062943. Moreover, pursuant to California Building Code section 1704.2.4
24 and San Francisco Building Code section 106A.3.4.1 SANTOS & URRUTIA DEFENDANTS, as the
25 engineers of records listed on the permit application, were responsible for the review for compatibility
26 with engineering design work and the coordination of submittals to DBI of all Special Inspection
27 reports.
28

1 75. On May 3, 2018, 147 MARIETTA DEFENDANTS filed an application for Building
2 Permit No. 201805038077 with DBI for additional work to previously approved Building Permit Nos.
3 201802211852 and 201803062943, specifically to add additional bracing at the property line wall and
4 existing concrete mat slab. DBI issued Building Permit No. 201805038077 on May 3, 2018.

5 76. 147 MARIETTA DEFENDANTS were required to comply with the Special Inspection
6 requirements found in San Francisco Building Code section 1701, et seq. for the work done under
7 Building Permit No. 2018005038077. Moreover, pursuant to California Building Code section
8 1704.2.4 and San Francisco Building Code section 106A.3.4.1 SANTOS & URRUTIA
9 DEFENDANTS, as the engineers of record listed on the permit application, were responsible for the
10 review for compatibility with engineering design work and the coordination of submittals to DBI of all
11 Special Inspection reports.

12 77. On or about March 21, 2018, 147 MARIETTA DEFENDANTS submitted to DBI a
13 Special Inspection Final Compliance Report and supporting document for Building Permit No.
14 201802201756 and Building Permit No. 201802211852, which was purportedly prepared, signed, and
15 stamped by Engineer John Gouchon. The Special Inspection Final Compliance report and supporting
16 document, which were dated March 21, 2018, were on the letterhead of BSK, a genuine engineering
17 and construction materials testing company, but one that had no connection to, or involvement with,
18 147 MARIETTA DRIVE. The report and supporting document falsely certified that some of the
19 required Special Inspections had been completed for Building Permit Nos. 201802201756 and
20 201802211852. A copy of the March 21, 2018 Special Inspection Final Compliance report and
21 supporting document are attached as **Exhibit 14** (collectively) and incorporated as part of this FIRST
22 AMENDED COMPLAINT.

23 78. On or about March 27, 2018, 147 MARIETTA DEFENDANTS submitted to DBI a
24 Special Inspection Final Compliance report and supporting document for Building Permit No.
25 201803051943, which was purportedly prepared, signed, and stamped by Engineer John Gouchon.
26 The Special Inspection Final Compliance report and supporting document were on BSK letterhead and
27 were dated March 27, 2018. The report and supporting document falsely certified that the required
28 Special Inspections had been completed for Building Permit No. 201803052943. A copy of the March

27, 2018 Special Inspection Final Compliance Report and supporting document are attached as **Exhibit 15** (collectively) and incorporated as part of this FIRST AMENDED COMPLAINT.

79. On or about April 11, 2018, 147 MARIETTA DEFENDANTS submitted to DBI three additional Special Inspection Final Compliance reports as well as supporting documents for Building Permit No. 201802201756. Two of the Special Inspection Final Compliance reports dated March 27, 2018, and the supporting documents were on BSK letterhead, and were purportedly prepared, signed, and stamped by Engineer John Gouchon. The reports falsely certified that some of the required Special Inspections had been completed for Building Permit Nos. 201802201756. The two fraudulent reports were submitted to DBI together with an April 10, 2018, Special Inspection Final Compliance report signed by Defendant RODRIGO SANTOS on Defendant SANTOS & URRUTIA, INC., letterhead. The April 10, 2018, Special Inspection Final Compliance report verified that two additional Special Inspections had been completed for Building Permit No. 201802201756. Copies of the two fraudulent March 27, 2018, Special Inspection Final Compliance reports and supporting documents, and the April 10, 2018, Defendant SANTOS & URRUTIA, INC. Special Inspection Final Compliance report that was submitted with these fake reports, are attached as **Exhibit 16** (collectively) and incorporated as part of this FIRST AMENDED COMPLAINT.

80. On or about May 21, 2018, 147 MARIETTA DEFENDANTS submitted a letter on Defendant SANTOS & URRUTIA, INC. letterhead and signed by Defendant ALBERT URRUTIA, falsely asserting that 147 MARIETTA DEFENDANTS had completed all required work for Building Permit Nos. 201802211852, 201803062943, and 201805038077. MARIETTA DEFENDANTS attached a May 16, 2018, Special Inspection Final Compliance report and supporting document for Building Permit No. 201805038077. The May 16, 2018, Special Inspection Final Compliance report and supporting document were on BSK letterhead and were purportedly prepared, signed, and stamped by Engineer John Gouchon. The May 16, 2018, Special Inspection Final Compliance report and supporting document falsely certified that some of the required Special Inspections had been completed for Building Permit No. 201805038077. A copy of 147 MARIETTA DEFENDANTS' May 21, 2018, letter with the attached May 16, 2018, Special Inspection Final Compliance report and

supporting document, are attached as **Exhibit 17** (collectively) and incorporated as part of this FIRST AMENDED COMPLAINT.

81. On or about May 31, 2018, 147 MARIETTA DEFENDANTS submitted to DBI a Special Inspection Final Compliance report and supporting document for Building Permit No. 201805038077, on BSK letterhead, and purportedly prepared, signed, and stamped by Engineer John Gouchon. The Special Inspection Final Compliance report and supporting document were dated May 31, 2018, and falsely certified that some of required Special Inspections had been completed for Building Permit No. 201805038077. A copy of 147 MARIETTA DEFENDANTS' May 31, 2018, Special Inspection Final Compliance report and supporting document, are attached as **Exhibit 18** (collectively) and incorporated as part of this FIRST AMENDED COMPLAINT.

82. On or about August 30, 2018, 147 MARIETTA DEFENDANTS submitted to DBI a Special Inspection Final Compliance report and supporting document, purportedly prepared, signed, and stamped by Engineer John Gouchon. The Special Inspection Final Compliance report and supporting document were on letterhead from BSK and were dated August 30, 2018. The Special Inspection Final Compliance report and supporting document falsely certified that some of the required Special Inspections and testing had been completed for Building Permit Nos. 201805038077 and 201802201756. A copy of the August 30, 2018, Special Inspection Final Compliance report and supporting document are attached as **Exhibit 19** (collectively) and incorporated as part of this FIRST AMENDED COMPLAINT.

83. In reality, 147 MARIETTA DEFENDANTS never complied with the Special Inspection requirements under San Francisco Building Code section 1701, et seq. for Building Permit Nos. 201802201756, 201802211852, 201803051943, and 201805038077. Instead, without Engineer Gouchon's knowledge, 147 MARIETTA DEFENDANTS falsified the March 21, 2018, March 27, 2018, May 16, 2018, May 31, 2018, and August 30, 2018 Special Inspection Final Compliance reports and supporting documents. 147 MARIETTA DEFENDANTS forged Mr. Gouchon's signature and engineering stamp, including his professional license number, on the March 21, 2018, March 27, 2018, May 16, 2018, May 31, 2018, and August 30, 2018 Special Inspection Final Compliance reports and supporting documents. 147 MARIETTA DEFENDANTS fraudulently used BSK letterhead without

1 approval or knowledge by BSK. 147 MARIETTA DEFENDANTS also falsely asserted in their May
2 21, 2018, letter to DBI that 147 MARIETTA DEFENDANTS had completed all the Special Inspection
3 requirements for Building Permit Nos. 201802211852, 201803062943, and 201805038077. 147
4 MARIETTA DEFENDANTS did these acts to fraudulently mislead DBI into believing that 147
5 MARIETTA DEFENDANTS had complied with the requirements of San Francisco Building Code
6 section 1701, et seq., and to induce DBI to rely on such reports. BSK and Mr. Gouchon never
7 performed any Special Inspections at 147 MARIETTA DRIVE and never had any affiliation with the
8 project at 147 MARIETTA DRIVE.

9 84. As a direct result of 147 MARIETTA DEFENDANTS' deception and lies, DBI signed
10 off as completed on Special Inspections for Building Permit Nos. 201802201756 and 201805038077,
11 actions that DBI would not have taken had it known that the Special Inspection Final Compliance
12 reports and supporting documents were fake.

13 85. As of the date of filing the original COMPLAINT, 147 MARIETTA DEFENDANTS
14 had not abated any of the violations in NOV 201842491, NOV 201842501, and NOV 201861191.

15 86. As of the date of filing of the original COMPLAINT, MARIETTA DEFENDANTS had
16 not complied with the Special Inspection requirements for Building Permit Nos. 201802201756,
17 201803062943, and 201805038077, and had not completed the work under Building Permit Nos.
18 201802201756, 201802211852, 201803062943, and 201805038077.

19 **D. San Francisco Department of Building Inspection NOV 201975962**

20 87. After the filing of the original COMPLAINT, on or about June 18, 2019 and July 19,
21 2019, 147 MARIETTA DEFENDANTS obtained and submitted genuine Special Inspection Final
22 Compliance reports and supporting documents to replace the fraudulent BSK reports submitted for
23 Building Permit Nos. 201802201756, 201803062943, and 201805038077. The reports were signed off
24 as completed by DBI on or about June 18, 2019 and July 19, 2019.

25 88. Following completion of the Special Inspection reports, on July 22, 2019, DBI abated
26 NOVs 201842491, 201842501, and 201861191, related to emergency shoring at 147 MARIETTA
27 DRIVE.
28

89. On July 30, 2019, DBI also abated NOV 201722731. In its place, on August 8, 2019, DBI issued NOV 201975962, against 147 MARIETTA DEFENDANTS for the same work exceeding the scope of permits that was documented in NOV 201722731. A true and correct copy of NOV 201975962 is attached as **Exhibit 20** and incorporated as part of this FIRST AMENDED COMPLAINT. Similar to NOV 201722731, NOV 201975962 ordered 147 MARIETTA DEFENDANTS to stop all work at 147 MARIETTA DRIVE pursuant to San Francisco Building Code section 104A.2.4 and to file a permit within seven days to abate the illegal construction. In addition, however, NOV 201975962 ordered that 147 MARIETTA DEFENDANTS obtain an issued permit to abate the violations within thirty days, and to complete all work to abate the code violations within ninety days. 147 MARIETTA DEFENDANTS failed to do so.

90. As of the date of the filing of this FIRST AMENDED COMPLAINT, 147 MARIETTA DEFENDANTS have not abated any of the violations identified in NOV 201975962.

II. 457 ROOSEVELT WAY

91. The property located at 457 ROOSEVELT WAY in San Francisco is a single-family home. A detailed description of this property is attached as **Exhibit 21** and incorporated as part of this FIRST AMENDED COMPLAINT. 457 ROOSEVELT WAY is located in a zone of San Francisco subject to the Slope Protection Act.

92. On February 13, 2017, Maggie Sedar and Brian Sedar purchased 457 ROOSEVELT WAY. On March 29, 2017, Maggie Sedar and Brian Sedar transferred their interest in 457 ROOSEVELT WAY to Defendant AMERICAN BROWN DOG LLC. Maggie Sedar is a manager, member, and agent for service of process for Defendant AMERICAN BROWN DOG LLC. Brian Sedar is a manager and member of Defendant AMERICAN BROWN DOG LLC.

93. Beginning in or before March 2017, Defendant AMERICAN BROWN DOG LLC, Defendant SANTOS & URRUTIA ASSOCIATES, INC., Defendant RODRIGO SANTOS, Defendant ALBERT URRUTIA, Defendant ASHBURY GENERAL CONTRACTING & ENGINEERING, and Defendant KEVIN BORN (collectively the “ROOSEVELT DEFENDANTS”) set about renovating 457 ROOSEVELT WAY by excavating below the existing foundation at the rear of the property to add a lower level of living space.

1 94. In renovating 457 ROOSEVELT WAY, ROOSEVELT DEFENDANTS violated state
2 and local laws by: conducting work beyond the scope of building permits, or without permits at all;
3 misrepresenting the scope of work to be performed in permit applications submitted to DBI;
4 performing work in violation of DBI Stop Work Orders; failing to notify adjacent property owners
5 prior to undertaking excavation work; and performing excavation work without Cal/OSHA excavation
6 permits.

7 **A. San Francisco Department of Building Inspection NOV 201799561, NOV**
8 **201701511, and NOV 201701561**

9 95. On April 5, 2017, ROOSEVELT DEFENDANTS filed an application for Building
10 Permit No. 201704053204 with DBI to build a concrete retaining wall in the rear yard of 457
11 ROOSEVELT WAY. DBI informed ROOSEVELT DEFENDANTS that the nature of the work under
12 the permit required that ROOSEVELT DEFENDANTS comply with the Special Inspection
13 requirements under San Francisco Building Code section 1701, et seq. DBI issued this permit to
14 ROOSEVELT DEFENDANTS on April 12, 2017. After the filing of the original COMPLAINT, on
15 July 1, 2019, DBI deemed work under Permit No. 201704053204 complete.

16 96. On April 7, 2017, ROOSEVELT DEFENDANTS filed an application for Building
17 Permit 201704073442 with DBI to remodel a kitchen and two bathrooms at 457 ROOSEVELT WAY.
18 In reliance on the scope of work represented in ROOSEVELT DEFENDANTS' application, DBI did
19 not circulate the permit for review by other agencies, such as PLANNING, and issued the permit the
20 same day. After the filing of the original COMPLAINT, on September 23, 2019, Permit No.
21 201704073442, was cancelled.

22 97. On May 11, 2017, ROOSEVELT DEFENDANTS filed an application for Building
23 Permit No. 201705116398 to upgrade the foundation at the front of the building. Based on the scope of
24 work represented in ROOSEVELT DEFENDANTS' application, DBI informed ROOSEVELT
25 DEFENDANTS that the nature of the work under the permit required that ROOSEVELT
26 DEFENDANTS comply with the Special Inspection requirements under San Francisco Building Code
27 section 1701, et seq. DBI issued this permit to ROOSEVELT DEFENDANTS on May 16, 2017. As of
28

1 the date of the filing of this FIRST AMENDED COMPLAINT, work under Permit No.
2 201705116398, is still not complete.

3 98. ROOSEVELT DEFENDANTS did work beyond the scope of Building Permit No.
4 201704053204, Building Permit No. 201704073442, and Building Permit No. 201705116398.
5 Specifically, ROOSEVELT DEFENDANTS excavated a sixteen by twenty foot area below the
6 foundation. In addition to the excavation, ROOSEVELT DEFENDANTS also did the following work
7 without permits: new floor and roof framing, removal of most of the walls on the second floor, and
8 framing in the rear room and on the second floor.

9 99. This work required review and approval from PLANNING prior to the issuance of the
10 original permit. This work also required compliance with the notice requirements of San Francisco
11 Planning Code section 311 prior to the issuance of the original permit. ROOSEVELT DEFENDANTS
12 intentionally misrepresented the scope of the work to be performed to DBI, thereby evading review
13 and approval from PLANNING and Planning Code section 311 notification.

14 100. This work required review and approval from a Structural Advisory Committee
15 pursuant to the Slope Protection Act prior to the issuance of the original permit. ROOSEVELT
16 DEFENDANTS intentionally misrepresented the scope of the work to be performed to DBI, thereby
17 evading review and approval by a Structural Advisory Committee.

18 101. This work required notification to adjoining properties owners prior to doing
19 excavation work at 457 ROOSEVELT WAY pursuant to San Francisco Building Code section 3307
20 and California Civil Code section 832. ROOSEVELT DEFENDANTS did not notify the adjoining
21 property owners prior to commencing excavation at 457 ROOSEVELT WAY.

22 102. This work required compliance with the Special Inspection requirements of San
23 Francisco Building Code section 1701, et seq., including retaining a special inspector to monitor
24 certain aspects of the project, and submitting Special Inspection reports prior to final sign off.
25 ROOSEVELT DEFENDANTS did not comply with these Special Inspection requirements prior to
26 undertaking critical parts of the excavation project.

27 103. This work required a Cal/OSHA Trench/Excavation Permit. ROOSEVELT
28 DEFENDANTS did this work without a Cal/OSHA Trench/Excavation Permit.

1 104. In doing this excavation, ROOSEVELT DEFENDANTS undermined the foundation of
2 the neighboring property to the south, 461 Roosevelt Way, San Francisco, California, which
3 substantially endangered the residents of 461 Roosevelt Way and the residents of other neighboring
4 and/or adjacent properties.

5 105. On August 16, 2017, DBI issued NOV 201799561 against ROOSEVELT
6 DEFENDANTS for unsafe building in violation of San Francisco Building Code section 106A.4.7. A
7 true and correct copy of NOV 201799561 is attached as **Exhibit 22** and incorporated as part of this
8 FIRST AMENDED COMPLAINT. DBI ordered that ROOSEVELT DEFENDANTS stop all work at
9 457 ROOSEVELT WAY pursuant to San Francisco Building Code section 104A.2.4. DBI demanded
10 that ROOSEVELT DEFENDANTS file a permit within seven days, obtain a permit within thirty days,
11 and complete all work within sixty days. DBI also ordered ROOSEVELT DEFENDANTS to obtain a
12 geotechnical report within seven days and obtain a Cal/OSHA excavation permit.

13 106. On August 22, 2017, DBI issued NOV 201701511 against ROOSEVELT
14 DEFENDANTS for work without a permit in violation of San Francisco Building Code section
15 106A.1. A true and correct copy of NOV 201701511 is attached as **Exhibit 23** and is incorporated as
16 part of this FIRST AMENDED COMPLAINT. DBI ordered ROOSEVELT DEFENDANTS to stop all
17 work at 457 ROOSEVELT WAY pursuant to San Francisco Building Code section 104A.2.4. DBI
18 demanded that ROOSEVELT DEFENDANTS file a permit within seven days, obtain a permit within
19 thirty days, and complete all work within one hundred twenty days.

20 107. On August 23, 2017, DBI issued NOV 201701561 against the owners of 461 Roosevelt
21 Way. DBI informed the owners of 461 Roosevelt Way that ROOSEVELT DEFENDANTS' work
22 beyond the scope of permits and excavation at 457 ROOSEVELT WAY had undermined their
23 foundation along their north property line in violation of San Francisco Building Code section
24 106A.4.7. A true and correct copy of NOV 201701561 is attached as **Exhibit 24** and incorporated as
25 part of this FIRST AMENDED COMPLAINT. DBI directed the owners of 461 Roosevelt Way to
26 obtain an engineer's report within sixty days, assessing the condition and possible damage to their
27 foundation and the action required to fix it. Based on the agreement of 457 ROOSEVELT
28 DEFENDANTS and owners of 461 Roosevelt Way, as well as work completed since the filing of the

1 original COMPLAINT, DBI deemed NOV 201701561 abated as of the filing of this FIRST
2 AMENDED COMPLAINT.

3 108. On November 6, 2017, DBI sent ROOSEVELT DEFENDANTS a NOV Final Warning
4 notifying them that they had failed to timely comply with NOV 201701511 and the matter had been
5 referred to DBI's Code Enforcement Division. A true and correct copy of the November 6, 2017, NOV
6 Final Warning Letter is attached as **Exhibit 25** and incorporated as part of this FIRST AMENDED
7 COMPLAINT.

8 109. On November 8, 2017, DBI sent ROOSEVELT DEFENDANTS a NOV Final Warning
9 Letter notifying them that they had failed to timely comply with NOV 201799561 and the matter had
10 been referred to DBI's Code Enforcement Division. A true and correct copy of the November 8, 2017,
11 NOV Final Warning Letter is attached as **Exhibit 26** and incorporated as part of this FIRST
12 AMENDED COMPLAINT.

13 110. On January 29, 2018, DBI served ROOSEVELT DEFENDANTS with two "Notice[s]
14 of Director's Hearing," notifying ROOSEVELT DEFENDANTS that Director's Hearings had been set
15 for February 13, 2018, based on their failure to comply with NOV 201701511 and NOV 201799561.
16 True and correct copies of the January 29, 2018, Notices of Director's Hearings are attached as
17 **Exhibit 27** (collectively) and incorporated as part of this FIRST AMENDED COMPLAINT.

18 111. On February 13, 2018, DBI continued the Director's Hearings related to NOV
19 201701511 and NOV 201799561 until March 27, 2018. On March 27, 2018, DBI held Director's
20 Hearings related to NOV 201701511 and NOV 201799561. Following the hearings, DBI issued Order
21 of Abatement ("OOA") 201701511 against ROOSEVELT DEFENDANTS for their failure to comply
22 with NOV 201701511. DBI also issued OOA 201799561 against ROOSEVELT DEFENDANTS for
23 their failure to comply with NOV 201799561. DBI also found that 457 ROOSEVELT WAY
24 constitutes a public nuisance. OOA 201701511 and OOA 201799561 were served on ROOSEVELT
25 DEFENDANTS by mail and posted at 457 ROOSEVELT WAY. A true and correct copy of OOA
26 201701511 is attached as **Exhibit 28** and incorporated as part of this FIRST AMENDED
27 COMPLAINT. A true and correct copy of OOA 201799561 is attached as **Exhibit 29** and
28 incorporated as part of this FIRST AMENDED COMPLAINT.

1 112. On March 8, 2018, ROOSEVELT DEFENDANTS filed an application for Building
2 Permit No. 201803083164 to abate the violations contained in NOV 201799561, including
3 strengthening the lower level retaining wall of the south side of 457 ROOSEVELT WAY. DBI
4 informed ROOSEVELT DEFENDANTS that the nature of the work under the permit required that
5 ROOSEVELT DEFENDANTS comply with the Special Inspection requirements under San Francisco
6 Building Code section 1701, et seq. DBI issued Building Permit No. 201803083164 on March 9,
7 2018, but the permit was canceled on October 24, 2019.

8 113. After the filing of the original COMPLAINT, on February 11, 2019, ROOSEVELT
9 DEFENDANTS filed an application for Building Permit No. 201902112567 to comply with and abate
10 NOV 201799561, among other things. DBI issued Building Permit No. 201902112567 on February
11 12, 2019. The permit was finalized by DBI on November 6, 2019. As a result of the work performed
12 under this permit and others, DBI deemed the violations listed in NOV 201799561 were abated on
13 November 27, 2019.

14 114. After the filing of the original COMPLAINT, on October 28, 2019, ROOSEVELT
15 DEFENDANTS filed an application for Building Permit No. 201910285751 to comply with and abate
16 NOV 201799561, among other things. DBI issued Building Permit No. 201910285751 on November
17 4, 2019. The permit was finalized by DBI on November 6, 2019.

18 115. As of the date of filing this FIRST AMENDED COMPLAINT, ROOSEVELT
19 DEFENDANTS have not abated all of the violations identified in NOV 201701511. OOA 201701511
20 remains outstanding.

21 116. As of November 27, 2019, ROOSEVELT DEFENDANTS have abated all of the
22 violations identified in NOV 201799561, therefore OOA 201799561 is also deemed abated as of the
23 same date.

24 **B. San Francisco Department of Building Inspection NOV 201863891 and NOV**
25 **201864531**

26 117. In defiance of the two stop work orders in place as of August 16, 2017 and August 22,
27 2017, pursuant to NOV 201799561 and NOV 201701511 respectively, ROOSEVELT DEFENDANTS
28 continued to do unpermitted work. Specifically, DEFENDANTS continued to excavate in the rear of

1 457 ROOSEVELT WAY and placed concrete forms and reinforcing steel in the rear yard, outside of
2 the building envelope. This time, ROOSEVELT DEFENDANTS' excavation undermined the
3 foundation of the property on the north side, 451-453 Roosevelt Way, San Francisco, California. In
4 doing so, ROOSEVELT DEFENDANTS substantially endangered the residents of 451-453 Roosevelt
5 Way and the residents of the downslope properties. Further ROOSEVELT DEFENDANTS installed
6 shoring towers without permitting.

7 118. As a result, on May 14, 2018, DBI issued NOV 201863891 against ROOSEVELT
8 DEFENDANTS for unsafe building and work beyond the scope of permits under San Francisco
9 Building Code sections 102A and 106A.4.6. A true and correct copy of NOV 201863891 is attached as
10 **Exhibit 30** and incorporated as part of this FIRST AMENDED COMPLAINT. DBI again ordered
11 ROOSEVELT DEFENDANTS to stop all work pursuant San Francisco Building Code section
12 104A.2.4, file and obtain a building permit within one day, and complete all work within five days.

13 119. On May 14, 2018, DBI issued NOV 201864531 to the owners of 451-453 Roosevelt
14 Way for unsafe building under San Francisco Building Code section 102A. A true and correct copy of
15 NOV 201864531 is attached as **Exhibit 31** and incorporated as part of this FIRST AMENDED
16 COMPLAINT. DBI informed the owners of 451-453 Roosevelt Way that ROOSEVELT
17 DEFENDANTS' excavation at 457 ROOSEVELT WAY had undermined their foundation along their
18 south property line. DBI ordered the owners of 451-453 Roosevelt Way to file a building permit
19 within thirty days, obtain a permit within sixty days, and complete all work within ninety days.

20 120. On June 14, 2018, DBI sent ROOSEVELT DEFENDANTS a NOV Final Warning
21 Letter notifying them that they failed to timely comply with NOV 201863891. A true and correct copy
22 of the June 14, 2018, Final Warning Letter is attached as **Exhibit 32**, and incorporated as part of this
23 FIRST AMENDED COMPLAINT.

24 121. On July 19, 2019, DBI served by mail to ROOSEVELT DEFENDANTS, a "Notice of
25 Director's Hearing" dated July 18, 2019, advising ROOSEVELT DEFENDANTS that a Director's
26 Hearing had been set for August 6, 2019, based on their failure to comply with NOV 201863891. A
27 true and correct copy of the July 18, 2019, Notice is attached as **Exhibit 33**, and incorporated as part
28 of this FIRST AMENDED COMPLAINT.

1 122. On August 6, 2019, DBI held a Director's Hearing regarding NOV 201863891.
2 Following the hearing, DBI issued Order of Abatement ("OOA") 201863891 against ROOSEVELT
3 DEFENDANTS for failure to comply with NOV 201863891. DBI also found that 457 ROOSEVELT
4 constitutes a public nuisance. OOA 201863891 issued September 25, 2019, was mailed on October 3,
5 2019 to ROOSEVELT DEFENDANTS and the OOA 201863891 was posted on October 4, 2019. A
6 true and correct copy of OOA 201863891 is attached as **Exhibit 34**, and incorporated as part of this
7 FIRST AMENDED COMPLAINT.

8 123. On May 21, 2018, ROOSEVELT DEFENDANTS submitted an application for
9 Building Permit No. 201805219719 for temporary shoring of existing building only to abate NOV
10 201863891. DBI issued Building Permit No. 201805219719 on May 22, 2018, however the Permit
11 was cancelled on September 23, 2019.

12 124. After the filing of the original COMPLAINT, on November 27, 2018, ROOSEVELT
13 DEFENDANTS submitted an application for Building Permit No. 201811276812 for temporary
14 building and basement wall shoring for the future construction of a new below grade basement and to
15 comply with and abate NOV 201863891. DBI issued Building Permit No. 201811276812 on
16 November 28, 2018. The permit was finalized by DBI on November 6, 2019. As a result of the work
17 performed under this permit, DBI deemed the violations listed in NOV 201863891 were abated on
18 November 27, 2019.

19 125. After the filing of the original COMPLAINT, on October 28, 2019, ROOSEVELT
20 DEFENDANTS submitted an application for Building Permit No. 201910285751 as a revision to
21 Building Permit No. 201902112567 to include a concrete wall and foundation at the western end of the
22 basement and to comply and abate NOV 201863891. DBI issued Building Permit No. 201910285751
23 on November 4, 2019. The permit was finalized by DBI on November 6, 2019. As a result of the work
24 performed under this permit, DBI deemed the violations listed in NOV 201863891 were abated on
25 November 27, 2019.

26 126. On May 21, 2018, ROOSEVELT DEFENDANTS submitted an application for
27 Building Permit No. 201805219717 for abatement of NOV 201864531, among other things. DBI
28

1 issued Building Permit No. 201805219717 on May 22, 2018. The permit was finalized by DBI on June
2 17, 2019, however additional violations identified in NOV 201864531, are still outstanding.

3 127. After the filing of the original COMPLAINT, on August 20, 2019, ROOSEVELT
4 DEFENDANTS submitted an application for Building Permit No. 201908209272 for partial
5 replacement of exterior concrete walkway and stairs to comply with and abate NOV 201864531. DBI
6 issued Building Permit No. 201908209272 on August 23, 2019. As of the date of the filing of this
7 FIRST AMENDED COMPLAINT, work under this permit is still not complete.

8 128. As of November 27, 2019, ROOSEVELT DEFENDANTS have abated all of the
9 violations identified in NOV 201863891, therefore OOA 201863891 is also deemed abated as of the
10 same date.

11 129. As of the date of filing this FIRST AMENDED COMPLAINT, ROOSEVELT
12 DEFENDANTS have not abated all of the violations identified in NOV 201864531.

13 **III. 601A FELL STREET**

14 130. The property located at 601A FELL STREET is a single-family home. A detailed
15 description of this property is attached as **Exhibit 35** and incorporated as part of this FIRST
16 AMENDED COMPLAINT.

17 131. Defendant DONGWEI WANG and Defendant DAISY ZOU, husband and wife
18 purchased 601A FELL STREET on December 21, 2017 as community property. On January 25, 2018,
19 Defendant DONGWEI WANG and Defendant DAISY ZOU recorded a "Power of Attorney –
20 Special," naming Defendant VERONICA WANG as the attorney-in-fact for 601A FELL STREET. A
21 copy of the recorded "Power of Attorney – Special" is attached as **Exhibit 36** and incorporated as part
22 of this FIRST AMENDED COMPLAINT.

23 132. Beginning in or before December 2017, Defendant DONGWEI WANG, Defendant
24 DAISY ZOU, Defendant VERONICA WANG, Defendant SANTOS & URRUTIA, Defendant
25 RODRIGO SANTOS, Defendant ALBERT URRUTIA, and Defendant ANDRES MOUSSOURAS
26 aka PETE MOUSSOURAS, an individual and d/b/a Archeon Construction Technology (collectively
27 FELL DEFENDANTS) set about renovating 601A FELL STREET by excavating below the existing
28 foundation at the rear of the property to add a lower level of living space.

1 133. In renovating 601A FELL STREET, FELL DEFENDANTS violated state and local
2 laws by: conducting work beyond the scope of building permits, or without permits at all;
3 misrepresenting the scope of work to be performed in permit applications submitted to DBI; preparing
4 fraudulent plans to be used during construction that were not connected to any permit issued by DBI
5 and that misrepresented the “as built” condition of the property prior to construction; performing work
6 in violation of DBI Stop Work Orders; failing to notify adjacent property owners prior to undertaking
7 excavation work; and performing excavation work without Cal/OSHA excavation permits.

8 134. On February 9, 2018, FELL DEFENDANTS filed an application for Building Permit
9 No. 201802090863 with DBI to remodel the kitchen and bathroom, with no changes to the walls and
10 no structural changes, at 601A FELL STREET. In reliance on the scope of work the FELL
11 DEFENDANTS represented in their application, DBI did not circulate the permit for review by other
12 departments, such as PLANNING, and issued the permit the same day.

13 135. FELL DEFENDANTS did construction beyond the scope of Building Permit No.
14 201802090863. Specifically, FELL DEFENDANTS excavated below the foundation of 601A FELL
15 STREET in order to create a floor below the existing structure to be used as living space. In doing so,
16 FELL DEFENDANTS followed a secret second set of plans prepared by SANTOS & URRUTIA
17 DEFENDANTS that had not been submitted to DBI for approval, and which differed from the plans
18 provided to DBI in connection with Building Permit No. 201802090863. This secret set of plans
19 misrepresented the “as built” conditions at 601 FELL STREET prior to construction, making it appear
20 as if there was already living space at the ground floor where the FELL DEFENDANTS were
21 excavating, which there was not.

22 136. This work required review and approval from PLANNING prior to the issuance of the
23 original permit. This work also required compliance with the San Francisco Planning Code notice
24 requirements in San Francisco Planning Code section 311 prior to the issuance of the original permit.
25 FELL DEFENDANTS intentionally misrepresented the scope of the work to be performed to DBI,
26 thereby evading review and approval from PLANNING and Planning Code section 311 notification.

27 137. This work required notification to adjoining properties owners prior to doing
28 excavation work at 601A FELL STREET pursuant to San Francisco Building Code section 3307 and

1 California Civil Code section 832. FELL DEFENDANTS did not notify the owners of the adjoining
2 properties prior to commencing this excavation work.

3 138. This work required compliance with the Special Inspection requirements of San
4 Francisco Building Code section 1701, et seq., including retaining a special inspector to monitor
5 certain aspects of the project, and submitting Special Inspection reports prior to final sign off. FELL
6 DEFENDANTS did not comply with these Special Inspection requirements prior to undertaking
7 critical parts of the excavation project, which – if FELL DEFENDANTS had obtained permits –
8 would have required the oversight of a special inspector.

9 139. This work required a Cal/OSHA Trench/Excavation Permit. FELL DEFENDANTS did
10 this work without a Cal/OSHA Trench/Excavation Permit.

11 140. On May 7, 2018, DBI issued NOV 201863201 for work without a permit in violation of
12 San Francisco Building Code section 106A.1. A true and correct copy of NOV 201863201 is attached
13 as **Exhibit 37** and incorporated as part of this FIRST AMENDED COMPLAINT. DBI ordered that
14 FELL DEFENDANTS stop all work at 601A FELL STREET pursuant to San Francisco Building
15 Code section 104A.2.4. DBI demanded that FELL DEFENDANTS file and obtain a building permit
16 within five days and complete all work within ninety days. FELL DEFENDANTS failed to comply
17 with the deadlines in NOV 201863201.

18 141. On May 9, 2018, DBI issued NOV 201863451 for work without a permit, work
19 exceeding the scope of Building Permit No. 201802090863, and an unsafe building, in violation of
20 San Francisco Building Code sections 102A, 106A.1, and 106A.4.7. DBI also cited FELL
21 DEFENDANTS for failure to notify neighbors of their excavation project, in violation of San
22 Francisco Building Code section 3307. A true and correct copy of NOV 201863451 is attached as
23 **Exhibit 38** and incorporated as part of this FIRST AMENDED COMPLAINT. DBI ordered that
24 FELL DEFENDANTS stop all work at 601A FELL STREET pursuant to San Francisco Building
25 Code section 104.2.4. DBI demanded that FELL DEFENDANTS file a building permit within five
26 days, obtain a building permit within ten days, and finish all work within thirty days. FELL
27 DEFENDANTS failed to comply with the deadlines in NOV 201863451.

1 142. On September 21, 2018, DBI sent the FELL DEFENDANTS Final Warning Letters for
2 NOVs 201863451 and 201863201, notifying them that they had failed to timely comply with the
3 NOVs, and that the matters had been referred to DBI's Code Enforcement Division. True and correct
4 copies of the September 21, 2018 Final Warning Letters are attached as **Exhibit 39** (collectively) and
5 incorporated as part of this FIRST AMENDED COMPLAINT.

6 143. On July 23, 2019, DBI served the FELL DEFENDANTS with two Notices of
7 Director's Hearing, notifying FELL DEFENDANTS that the Director's Hearings had been set for
8 August 7, 2019 based on their failure to comply with NOVs 201863451 and 201863201.

9 144. On August 7, 2019, DBI held Director's Hearings related to NOVs 201863451 and
10 201863201. Following the hearings, DBI issued OOA 201863451 and OOA 201863201. In both OOA,
11 DBI declared that 601A FELL STREET was a public nuisance. Both OOA were served on the FELL
12 DEFENDANTS by mail and posted at 601A FELL STREET. True and correct copies of OOA
13 201863451 and OOA 201863201 are attached as **Exhibit 40** (collectively) and incorporated as part of
14 this FIRST AMENDED COMPLAINT.

15 145. As of the date of the filing of this FIRST AMENDED COMPLAINT, the FELL
16 DEFENDANTS have not abated any of the violations identified in NOV 201863201 or NOV
17 201863451. OOA 201863451 and OOA 201863201 remain outstanding

18 **IV. 107 MARIETTA DRIVE**

19 146. The property located at 107 MARIETTA DRIVE in San Francisco is a single-family
20 home. A detailed description of this property is attached at **Exhibit 41** and incorporated as part of this
21 FIRST AMENDED COMPLAINT.

22 147. Beginning in 2014, Defendant KEVIN O'CONNOR, as Trustee of the 2012
23 O'CONNOR FAMILY TRUST, Defendant KEVIN J. O'CONNOR, Defendant SANTOS &
24 URRUTIA ASSOCIATES, INC., Defendant RODRIGO SANTOS, Defendant ALBERT URRUTIA,
25 and Defendant PETER SCHURMAN, (collectively the "107 MARIETTA DEFENDANTS") set about
26 renovating 107 MARIETTA DRIVE.

27 148. In renovating 107 MARIETTA DRIVE, 107 MARIETTA DEFENDANTS violated
28 state and local laws by conducting work beyond the scope of building permits, or without permits at

all, submitting fraudulent documents to DBI including a fraudulent permit application and fraudulent Special Inspection reports, and performing work without Cal/OSHA excavation permits.

A. San Francisco Department of Building Inspection NOV 201552801

149. On March 11, 2014, 107 MARIETTA DEFENDANTS filed an application for Building Permit No. 201403110401 with DBI to upgrade an existing bedroom and construct one new full bathroom at the ground floor of 107 MARIETTA DRIVE. The permit was issued by DBI on February 24, 2015, but expired on May 24, 2017, without being finalized or completed.

150. On May 7, 2015, 107 MARIETTA DEFENDANTS filed an application for Building Permit No. 201505075693 with DBI to remodel the kitchen and a bathroom. DBI issued the permit on May 7, 2015.

151. 107 MARIETTA DEFENDANTS did construction beyond the scope of Building Permit Nos. 201403110401 and 201505075693. Specifically, 107 MARIETTA DEFENDANTS built an approximately 7 foot high retaining wall that spanned the full length of the rear yard without permit.

152. On June 19, 2015, DBI issued NOV 201552801 against 107 MARIETTA DRIVE for work beyond the scope of permits in violation of San Francisco Building Code section 106A.4.7. A true and correct copy of NOV 201552801 is attached as **Exhibit 42**, and incorporated as part of this FIRST AMENDED COMPLAINT. DBI ordered 107 MARIETTA DEFENDANTS to stop all work at 107 MARIETTA DRIVE pursuant to San Francisco Building code section 104A.2.4. DBI demanded that 107 MARIETTA DEFENDANTS file a permit with plans within thirty days to abate the code violations documented in the NOV, obtain an issued permit within thirty days, and complete all work pursuant to the issued permit within ten days. While 107 MARIETTA DEFENDANTS timely obtained an issued permit, they failed to complete all work to abate the code violations documented in NOV 201552801 within the timeline ordered in the NOV.

1. Fraudulent Special Inspection Reports Submitted to DBI for Building Permit No. 201506239633

153. On July 1, 2015, 107 MARIETTA DEFENDANTS filed an application for Building Permit No. 201506239633 with DBI to abate NOV 201552801 by replacing the foundation in the

1 basement with mat slab, leveling off a portion of the rear yard and constructing a retaining wall. DBI
2 issued the permit on July 1, 2015.

3 154. This work required compliance with Special Inspection requirements of San Francisco
4 Building Code section 1701, et seq., including retaining a Special Inspector to monitor certain aspects
5 of the project, and submitting Special Inspection reports prior to final sign off. Moreover, pursuant to
6 California Building Code section 1704.2.4 and San Francisco Building Code section 106A.3.4.1
7 SANTOS & URRUTIA DEFENDANTS, as the Engineers of Record listed on the permit application,
8 were responsible for the review for compatibility with engineering design work and the coordination
9 of submittals to DBI of all Special Inspection reports.

10 155. On or about November 23, 2016, 107 MARIETTA DEFENDANTS submitted to DBI a
11 Special Inspection Final Compliance report dated March 2, 2016, with supporting documents for
12 Building Permit No. 201506239633. The March 2, 2016 Special Inspection Final Compliance report
13 was purportedly prepared, signed and stamped by Engineer Nathan Sherwood. The supporting
14 documents were purportedly prepared, signed, and stamped by Engineers Nathan Sherwood, Thomas
15 W. Porter, and R. Keith Brown. The Special Inspection Final Compliance report and supporting
16 documents were on letterhead from BSK, a genuine engineering and construction materials testing
17 company, but one that had no connection to, or involvement with, 107 MARIETTA DRIVE. The
18 report and supporting documents falsely certified that some of the required Special Inspections had
19 been completed for Building Permit No. 201506239633. Included with the supporting documents
20 submitted to DBI was a purported August 15, 2015, Special Inspection Daily Summary report signed
21 by Defendant PETER SCHURMAN, wherein, Defendant PETER SCHURMAN falsely asserted,
22 among other things, that concrete samples were taken from the 107 MARIETTA DRIVE construction
23 site to be cured and tested in a laboratory, with a report to follow. The fraudulent Special Inspection
24 Daily Summary report was on letterhead from BSK, although Defendant SCHURMAN did not then
25 work at BSK. Copies of the March 2, 2016 Special Inspection Final Compliance report and the
26 supporting documents are attached as **Exhibit 43** (collectively) and incorporated as part of this FIRST
27 AMENDED COMPLAINT.
28

1 156. On or about November 23, 2016, 107 MARIETTA DEFENDANTS submitted to DBI a
2 Special Inspection Final Compliance report dated May 16, 2016, with supporting documents for
3 Building Permit No. 201506239633. The May 16, 2016 Special Inspection report and supporting
4 documents were purportedly prepared, signed, and stamped by Engineer Thomas W. Porter. The
5 Special Inspection Final Compliance report and supporting documents were on letterhead from BSK.
6 The report and documents falsely certified that some of the required Special Inspections had been
7 completed for Building Permit No. 201506239633. Copies of the May 16, 2016 Special Inspection
8 Final Compliance report and supporting documents are attached as **Exhibit 44** (collectively) and
9 incorporated as part of this FIRST AMENDED COMPLAINT.

10 157. In reality, 107 MARIETTA DEFENDANTS never complied with the Special
11 Inspection requirements under San Francisco Building Code section 1701, et seq. for Building Permit
12 Nos. 201506239633. Instead, without Thomas Porter's and Nathan Sherwood's knowledge, 107
13 MARIETTA DEFENDANTS falsified the March 2, 2016 and May 16, 2016 Special Inspection Final
14 Compliance reports and supporting documents, and the Special Inspection Daily Summary report. 107
15 MARIETTA DEFENDANTS forged Mr. Porter's, Mr. Sherwood's, and Mr. Brown's signature and
16 engineers' stamps, including their professional license numbers, on the March 2, 2016 and May 16,
17 2016 Special Inspection Final Compliance reports and supporting documents. 107 MARIETTA
18 DEFENDANTS fraudulently used BSK letterhead without approval or knowledge by BSK. 107
19 MARIETTA DEFENDANTS did these acts to fraudulently mislead DBI into believing that 107
20 MARIETTA DEFENDANTS had complied with the requirements of San Francisco Building Code
21 section 1701, et seq., and to induce DBI to rely on such reports. Neither BSK, nor Mr. Porter, Mr.
22 Sherwood, or Mr. Brown, performed any Special Inspections at 107 MARIETTA DRIVE. None of
23 them had any affiliation with the project at 107 MARIETTA DRIVE.

24 158. As a direct result of 107 MARIETTA DEFENDANTS' deception and lies, DBI
25 reasonably believed that the fraudulent Special Inspection Final Compliance reports and supporting
26 documents were legitimate and on November 23, 2016, DBI signed off as completed on those Special
27 Inspection reports for Building Permit No. 201506239633, an action that DBI would not have taken
28 had it known that the Special Inspection reports were fake.

1 159. As a direct result of 107 MARIETTA DEFENDANTS' deception and lies, on April 6,
2 2017, DBI finaled Building Permit No. 201506239633, an action that DBI would not have taken had it
3 known that the Special Inspection reports were fake.

4 160. As a direct result of 107 MARIETTA DEFENDANTS' deception and lies, on May 9,
5 2017, DBI abated NOV 201552801, an action that DBI would not have taken had it known that the
6 Special Inspection reports were fake.

7 **B. Fraudulent Building Permit Application for Building Permit No. 201511243483**

8 161. November 24, 2015, 107 MARIETTA DEFENDANTS filed an application for
9 Building Permit No 201511243483, with DBI to relocate the kitchen, dining room and living room,
10 and add a powder room and pantry at ground level, modify entry and add laundry on level one, add
11 master suite, remodel existing bath and modify staircase. DBI issued Building Permit No.
12 201511243483 on November 25, 2015.

13 162. The nature of the work required a Cal/OSHA trench/excavation permit pursuant to
14 California Labor Code section 6500.

15 163. On their permit application to DBI for Building Permit No. 201511243483, 107
16 MARIETTA DEFENDANTS listed "Maverick," Defendant PETER MCKENZIE'S business, as the
17 contractor of record, but attached a photograph of Associated Trucking, Inc.'s annual Cal/OSHA
18 excavation permit. DBI issued Building Permit No. 201511243483 on November 25, 2015. A copy of
19 Building Permit No. 201511243483, containing the photograph of Associated Trucking, Inc.'s annual
20 Cal/OSHA excavation permit, which included Associated Trucking, Inc.'s license number, is attached
21 as **Exhibit 45** (collectively) and incorporated as part of this FIRST AMENDED COMPLAINT.

22 164. 107 MARIETTA DEFENDANTS knew Associated Trucking, Inc., was not going to
23 perform any of the work under Building Permit No. 201511243483. 107 MARIETTA DEFENDANTS
24 included a photograph of Associated Trucking, Inc.'s excavation permit to mislead DBI into believing
25 the work was to be performed by a Cal/OSHA permitted contractor. Associated Trucking, Inc., neither
26 consented nor knew that 107 MARIETTA DEFENDANTS used its name and Cal/OSHA permit in
27 connection with Building Permit No. 201511243483. Associated Trucking, Inc., never performed the
28 excavation work at 107 MARIETTA pursuant to Building Permit No. 201511243483. Instead, upon

1 information and belief, 107 MARIETTA DEFENDANTS performed the work without a properly
2 permitted Cal/OSHA contractor. On June 9, 2017, after the construction work had been completed,
3 DBI finalized Building Permit No. 201511243483.

4 **C. Fraudulent Special Inspection Report Submitted to DBI for Building Permit No.**
5 **2016293401**

6 165. On March 29, 2016, 107 MARIETTA DEFENDANTS filed an application for Building
7 Permit No 201603293401 with DBI for an additional new section of retaining wall. DBI issued
8 Building Permit No. 201603293401 on April 6, 2016.

9 166. This work required compliance with the Special Inspection requirements found in San
10 Francisco Building Code section 1701, et. seq., including retaining a Special Inspector to monitor
11 certain aspects of the project, and submitting Special Inspection reports prior to final sign off.
12 Moreover, pursuant to California Building Code section 1704.2.4 and San Francisco Building Code
13 section 106A.3.4.1 SANTOS & URRUTIA DEFENDANTS, as the engineers of record, were
14 responsible for the review for compatibility with engineering design work and the coordination of
15 submittals to DBI of all Special Inspection reports.

16 167. On or about November 22, 2016, 107 MARIETTA DEFENDANTS submitted to DBI a
17 Special Inspection Final Compliance report, with no supporting test reports. The Special Inspection
18 report was signed and stamped by the Engineer of Record, Defendant RODRIGO SANTOS on
19 Defendant SANTOS & URRUTIA ASSOCIATES, INC., letterhead. In the Special Inspection Final
20 Compliance report, Defendant RODRIGO SANTOS certified the completion of Special Inspections
21 for concrete placement and sampling. However, SANTOS & URRUTIA DEFENDANTS were not
22 qualified to perform concrete sampling, which is supposed to take place in an approved materials
23 testing lab. At the time that they submitted the November 22, 2016 Special Inspection Final
24 Compliance report, 107 MARIETTA DEFENDANTS knew that the concrete sampling had not
25 actually been conducted, and that SANTOS & URRUTIA DEFENDANTS were not qualified to
26 perform the sampling. A copy of the November 22, 2016, Special Inspection Final Compliance report
27 is attached as **Exhibit 46** and incorporated as part of this FIRST AMENDED COMPLAINT.
28

1 168. 107 MARIETTA DEFENDANTS submitted the November 22, 2016 Special Inspection
2 Final Compliance report to mislead DBI into believing that the concrete sampling had occurred. As a
3 result of 107 MARIETTA DEFENDANTS' deception, DBI signed off on the concrete sampling on or
4 around November 23, 2016. As a result of 107 MARIETTA DEFENDANTS' deception, DBI finalized
5 Building Permit No. 201603293401 on June 9, 2017.

6 **D. San Francisco Department of Building Inspection NOV 201632084**

7 169. On April 18, 2016, 107 MARIETTA DEFENDANTS filed an application for Building
8 Permit No. 201604185029 with DBI to renovate the exterior of 107 MARIETTA, add two rear decks
9 on two levels, modify windows on all levels, add skylights, and repair stucco.

10 170. 107 MARIETTA DEFENDANTS did construction work without permits by
11 completing the work described in Building Permit 201604185029 before the permit had been approved
12 by DBI or PLANNING, or issued by DBI.

13 171. On October 28, 2016, DBI issued NOV 201632084 against 107 MARIETTA
14 DEFENDANTS for work without permits in violation of San Francisco Building Code section
15 106A.4.7. A true and correct copy of NOV 201632084 is attached as **Exhibit 47**, and incorporated as
16 part of this FIRST AMENDED COMPLAINT. DBI ordered that 107 MARIETTA DEFENDANTS
17 stop all work at 107 MARIETTA DRIVE pursuant to San Francisco Building code section 104A.2.4.

18 172. On November 29, 2016, DBI issued a second Notice of Violation ("NOV") 201632084
19 against 107 MARIETTA DEFENDANTS for work without permits in violation of San Francisco
20 Building Code section 106A.4.7. A true and correct copy of the second NOV 201632084 is attached as
21 **Exhibit 48**, and incorporated as part of this FIRST AMENDED COMPLAINT. DBI ordered that 107
22 MARIETTA DEFENDANTS stop all work at 107 MARIETTA DRIVE pursuant to San Francisco
23 Building Code section 104A.2.4. DBI also demanded that 107 MARIETTA DEFENDANTS obtain
24 the issued permit to abate the code violations documented in the NOV within five days, and complete
25 all work within sixty days. 107 MARIETTA DEFENDANTS failed to do so. In fact, Building Permit
26 No. 201604185029 did not issue until May 17, 2017.

1 **1. Fraudulent Special Inspection Reports Submitted to DBI for Building**
2 **Permit No. 201604185029**

3 173. 107 MARIETTA DEFENDANTS were required to comply with the Special Inspection
4 requirements found in San Francisco Building Code section 1701, et seq. for the work done under
5 Building Permit No 201604185029. Moreover, pursuant to California Building Code section 1704.2.4
6 and San Francisco Building Code section 106A.3.4.1, SANTOS & URRUTIA DEFENDANTS, as the
7 Engineers of Record, were responsible for the review for compatibility with engineering design work
8 and the coordination of submittals to DBI of all Special Inspection reports.

9 174. On or about June 7, 2017, 107 MARIETTA DEFENDANTS submitted to DBI two
10 Special Inspection Final Compliance reports, both dated May 16, 2016, with supporting documents for
11 Building Permit No. 201604185029. The May 16, 2016 Special Inspection Final Compliance reports
12 and supporting documents were purportedly prepared, signed, and stamped by Engineer Thomas W.
13 Porter. The Special Inspection Final Compliance reports and supporting documents were on letterhead
14 from BSK. The reports falsely certified that some of the required Special Inspections had been
15 completed for Building Permit No. 201604185029. Copies of the May 16, 2016 Special Inspection
16 Final Compliance reports and supporting documents are attached as **Exhibit 49** (collectively) and
17 incorporated as part of this FIRST AMENDED COMPLAINT.

18 175. In reality, 107 MARIETTA DEFENDANTS never complied with the Special
19 Inspection requirements under San Francisco Building Code section 1701, et seq. for Building Permit
20 No. 201604185029. Instead, without Engineer Thomas Porter's knowledge, 107 MARIETTA
21 DEFENDANTS falsified the May 16, 2016, Special Inspection Final Compliance reports and
22 supporting documents. 107 MARIETTA DEFENDANTS forged Mr. Porter's signature and engineer's
23 stamps on the May 16, 2016 Special Inspection reports and supporting documents. 107 MARIETTA
24 DEFENDANTS fraudulently used BSK letterhead without approval or knowledge by BSK. 107
25 MARIETTA DEFENDANTS did these acts to fraudulently mislead DBI into believing that 107
26 MARIETTA DEFENDANTS had complied with the requirements of San Francisco Building Code
27 section 1701, et seq., and to induce DBI to rely on such reports. BSK and Engineer Porter never
28

1 performed any Special Inspections at 107 MARIETTA DRIVE and never had any affiliation with the
2 project at 107 MARIETTA DRIVE.

3 176. As a direct result of 107 MARIETTA DEFENDANTS' deception and lies, DBI
4 reasonably believed that the fraudulent Special Inspection Final Compliance reports and supporting
5 documents were legitimate and June 7, 2017, DBI signed off as completed on these Special Inspection
6 Final Compliance reports for Building Permit No. 201604185029, an action that DBI would not have
7 taken had it known that the Special Inspection Final Compliance reports and supporting documents
8 were fake.

9 177. As a direct result of 107 MARIETTA DEFENDANTS' deception and lies, on June 9,
10 2017, DBI finaled Building Permit No. 201604185029 and issued a Certificate of Final Completion
11 and Occupancy for 107 MARIETTA DRIVE, actions that DBI would not have taken had it known that
12 the Special Inspection reports were fake.

13 178. As a direct result of 107 MARIETTA DEFENDANTS' deception and lies, on June 9,
14 2017, DBI abated NOV 201632084, an action that DBI would not have taken had it known that the
15 Special Inspection reports were fake.

16 179. On or about June 14, 2017, Defendant KEVIN O'CONNOR, as trustee of the 2012
17 O'CONNOR FAMILY TRUST, sold 107 MARIETTA DRIVE to third parties.

18 180. On June 18, 2019, DBI rescinded the final inspections for Building Permit Nos.
19 201506239633 and 201604185029 and the Certificate of Final Completion and Occupancy for
20 Building Permit No. 201604185029. At that time, DBI also noted that the Special Inspection Final
21 Compliance report for Building Permit No. 201603293401 was deficient because Defendant
22 RODRIGO SANTOS had signed off on concrete sampling, although he was not authorized to do so,
23 and had not submitted a supporting test report.

24 181. The new owners of 107 MARIETTA DRIVE, were in the process of selling the
25 property when the final inspections for Building Permit Nos. 201506239633 and 201604185029 and
26 the Certificate of Final Completion and Occupancy for Building Permit No. 201604185029 were
27 rescinded. As a result they obtained and submitted genuine Special Inspections and Final Compliance
28 reports to replace the forged BSK reports submitted for Building Permit Nos. 201506239633 and

201604185029 and the fraudulent Defendant SANTOS & URRUTIA ASSOCIATES, INC., Special Inspection Final Compliance report for Building Permit No. 201603293401. On July 5, 2019, the permits were once again finalized and the Certificate of Final Completion and Occupancy was restored by DBI.

V. 1672-1674 GREAT HIGHWAY

182. The property located at 1672-1674 GREAT HIGHWAY in San Francisco is a two-unit residential property. A detailed description of this property is attached as **Exhibit 50** and incorporated as part of this FIRST AMENDED COMPLAINT.

183. Beginning in approximately 2014, together with the property's owner, Defendant TIMOTHY PETERSON, Defendant PETERSON CONSTRUCTION DEVELOPMENT, INC., Defendant PETER SCHURMAN, Defendant RODRIGO SANTOS, Defendant ALBERT URRUTIA, and Defendant SANTOS & URRUTIA ASSOCIATES, INC., (collectively the "GREAT HIGHWAY DEFENDANTS") set about renovating 1672-1674 GREAT HIGHWAY.

184. In renovating 1672-1674 GREAT HIGHWAY, GREAT HIGHWAY DEFENDANTS violated state and local laws by submitting forged and fraudulent Special Inspection reports to DBI.

185. On October 24, 2014, together with the property's owner, GREAT HIGHWAY DEFENDANTS filed an application for Building Permit No. 201410249851 with DBI to remodel the front building at 1672 Great Highway to create a new basement with garage, bathroom and laundry, a new first floor kitchen and bathroom, a new mezzanine with roof dormer, exterior siding and trim, and new stairs. DBI issued the permit on December 8, 2014.

186. This work required compliance with the Special Inspection requirements found in San Francisco Building Code section 1701, et seq., including retaining a Special Inspector to monitor certain aspects of the project, and submitting Special Inspection reports prior to final sign off. Moreover, pursuant to California Building Code section 1704.2.4 and San Francisco Building Code section 106A.3.4.1, SANTOS & URRUTIA DEFENDANTS, as the Engineers of Record, were responsible for the review for compatibility with engineering design work and the coordination of submittals to DBI of all Special Inspection reports.

1 187. On December 8, 2014, together with the property's owner, GREAT HIGHWAY
2 DEFENDANTS filed an application for Building Permit No. 201412083248 with DBI to remodel the
3 interior of the rear building at 1674 Great Highway with a new bathroom and kitchen, new windows
4 and new sliding doors, as well as new partial basement with exterior below-grade stairs. DBI issued
5 the permit on December 8, 2014.

6 188. This work required compliance with the Special Inspection requirements found in San
7 Francisco Building Code section 1701, et seq., including retaining a Special Inspector to monitor
8 certain aspects of the project, and submitting Special Inspection reports prior to final sign off.
9 Moreover, pursuant to California Building Code section 1704.2.4 and San Francisco Building Code
10 section 106A.3.4.1, SANTOS & URRUTIA DEFENDANTS, as the Engineers of Record, were
11 responsible for the review for compatibility with engineering design work and the coordination of
12 submittals to DBI of all Special Inspection reports.

13 189. Between approximately June and August 2016, GREAT HIGHWAY DEFENDANTS
14 submitted to DBI two Special Inspection Final Compliance reports both dated May 11, 2015, with
15 supporting documents for Building Permit Nos. 201410249851 and 201412083248. The May 11, 2015
16 Special Inspection Final Compliance reports and the supporting documents were purportedly prepared,
17 signed, and stamped by Engineer Thomas W. Porter. The Special Inspection Final Compliance reports
18 and the supporting documents were on letterhead from BSK, a genuine engineering and construction
19 material testing company, but one that had no connection to, or involvement with, 1672-1674 GREAT
20 HIGHWAY. The reports falsely certified that some of the required Special Inspections had been
21 completed for Building Permit Nos. 201410249851 and 201412083248. On or about August 5, 2016,
22 GREAT HIGHWAY DEFENDANTS also submitted a November 20, 2015, Special Inspection Final
23 Compliance report, signed by Defendant RODRIGO SANTOS on Defendant SANTOS & URRUTIA
24 ASSOCIATES, INC. letterhead for Building Permit No. 201412083248, wherein Defendant
25 RODRIGO SANTOS referenced the work described in the May 11, 2015, forged BSK Special
26 Inspection Final Compliance report for Building Permit No. 201412083248. Copies of the May 11,
27 2015 Special Inspection Final Compliance reports and supporting document and the November 20,
28

1 2015 Special Inspection Final Compliance report are attached as **Exhibit 51** (collectively) and
2 incorporated as part of this FIRST AMENDED COMPLAINT.

3 190. In reality, GREAT HIGHWAY DEFENDANTS never complied with the Special
4 Inspection requirements under San Francisco Building Code section 1701, et seq. for Building Permit
5 No. 201410249851 and Building Permit No. 201412083248. Instead, without Engineer Thomas
6 Porter's knowledge, GREAT HIGHWAY DEFENDANTS falsified the May 11, 2015, Special
7 Inspection Final Compliance reports and supporting documents. GREAT HIGHWAY DEFENDANTS
8 forged Mr. Porter's signature and engineer's stamps, including his professional license number, on the
9 May 11, 2015, Special Inspection Final Compliance reports and supporting documents. GREAT
10 HIGHWAY DEFENDANTS fraudulently used BSK letterhead without approval or knowledge by
11 BSK. GREAT HIGHWAY DEFENDANTS did these acts to fraudulently mislead DBI into believing
12 that GREAT HIGHWAY DEFENDANTS had complied with the requirements of San Francisco
13 Building Code section 1701, et seq., and to induce DBI to rely on such reports. BSK and Porter never
14 performed any Special Inspections at 1672-1674 GREAT HIGHWAY and never had any affiliation
15 with the project at 1672-1674 GREAT HIGHWAY.

16 191. As a direct result of GREAT HIGHWAY DEFENDANTS' deception and lies, DBI
17 reasonably believed that the fraudulent Special Inspection Final Compliance Reports and supporting
18 documents were legitimate, and on June 16, 2016 and August 30, 2016, DBI signed off as completed
19 on the Special Inspections described in the fraudulent and forged May 11, 2015 Special Inspection
20 Final Compliance Report for Building Permit No. 201410249851, an action that DBI would not have
21 taken had it known that the Special Inspection Final Compliance Report and supporting documents
22 were fake. Similarly, on August 5, 2016 and September 1, 2016, DBI signed off as completed on the
23 Special Inspections described in the fraudulent and forged May 11, 2015 Special Inspection Final
24 Compliance report for Building Permit No. 201412083248, an action that DBI would not have taken
25 had it known that the Special Inspection Final Compliance report and supporting documents were
26 fake.

27 192. As a direct result of GREAT HIGHWAY DEFENDANTS' deception and lies, on April
28 4, 2017, DBI issued a Certificate of Final Completion and Occupancy for 1672-1674 GREAT

1 HIGHWAY, and on April 5, 2017, DBI finalized Building Permit Nos. 201410249851 and
2 201412083248, actions that DBI would not have taken had it known that the Special Inspection reports
3 were fake.

4 193. On June 18, 2019, DBI rescinded the final inspections for Building Permit Nos.
5 201410249851 and 201412083248, and the Certificate of Final Completion and Occupancy for
6 Building Permit No. 201410249851.

7 194. To date, the owner of 1672-1674 GREAT HIGHWAY has taken no steps to replace the
8 forged BSK Special Inspections Final Compliance Reports with genuine Special Inspections, testing,
9 and reports. To date, the owner of 1672-1674 GREAT HIGHWAY has taken no steps to final Building
10 Permit Nos. 201410249851 and 201412083248. As a result of GREAT HIGHWAY DEFENDANTS
11 fraud, to date, 1672-1674 GREAT HIGHWAY remains without Special Inspections that are critical to
12 the integrity of the structures.

13 **VI. 1740 JONES STREET**

14 195. The property located at 1740 JONES STREET in San Francisco is a single family
15 residential property. A detailed description of this property is attachment as **Exhibit 52** and
16 incorporated as part of this FIRST AMENDED COMPLAINT.

17 196. Beginning in approximately 2011, together with the property's owner, Defendant
18 TIMOTHY PETERSON, Defendant PETERSON CONSTRUCTION DEVELOPMENT, INC.,
19 Defendant PETER SCHURMAN, Defendant RODRIGO SANTOS, Defendant ALBERT URRUTIA,
20 and Defendant SANTOS & URRUTIA ASSOCIATES, INC., (collectively the "JONES
21 DEFENDANTS") set about renovating 1740 JONES STREET.

22 197. In renovating 1740 JONES STREET, JONES DEFENDANTS violated state and local
23 laws by submitting fraudulent documents to DBI including a fraudulent permit application and
24 fraudulent Special Inspection reports, and performing work without Cal/OSHA excavation permits.

25 198. On July 22, 2011, together with the property's owner, JONES DEFENDANTS filed an
26 application for Building Permit No. 201107220830 with DBI to enlarge the existing garage at 1740
27 JONES STREET, add a second garage door, install an elevator from the garage to all floor levels,
28

1 install a new roof, remodel the front and rear facades, replace window sashes, install new windows and
2 exterior doors, and conduct miscellaneous interior remodeling, including bathrooms and relocating the
3 kitchen. DBI issued the permit on January 1, 2012.

4 199. This work required compliance with the Special Inspection requirements found in San
5 Francisco Building Code section 1701 et. seq., including retaining a Special Inspector to monitor
6 certain aspects of the project, and submitting Special Inspection reports prior to final sign off.
7 Moreover, pursuant to California Building Code section 1704.2.4 and San Francisco Building Code
8 section 106A.3.4.1, SANTOS & URRUTIA DEFENDANTS, as the Engineers of Record, were
9 responsible for the review for compatibility with engineering design work and the coordination of
10 submittals to DBI of all Special Inspection reports.

11 200. On June 23, 2014, together with the property's owner, JONES DEFENDANTS filed an
12 application for Building Permit No. 201406239110 with DBI to revise the plans for Building Permit
13 No. 201107220830 to reflect the "as built" conditions at 1740 JONES STREET, to rebuild stairs and
14 add a laundry and closet, and to reflect that the kitchen would remain in its original location and be
15 remodeled. DBI issued the permit on June 23, 2014.

16 201. On October 23, 2013, JONES DEFENDANTS filed an application for Building Permit
17 No. 201310230063 with DBI to conduct foundation repair at the rear of 1740 JONES STREET.

18 202. The nature of the work required a Cal/OSHA trench/excavation permit pursuant to
19 California Labor Code section 6500.

20 203. This work also required compliance with the Special Inspection requirements found in
21 San Francisco Building Code section 1701 et. seq., including retaining a Special Inspector to monitor
22 certain aspects of the project, and submitting Special Inspection reports prior to final sign off.
23 Moreover, pursuant to California Building Code section 1704.2.4 and San Francisco Building Code
24 section 106A.3.4.1 SANTOS & URRUTIA DEFENDANTS, as the Engineers of Record, were
25 responsible for the review for compatibility with engineering design work and the coordination of
26 submittals to DBI of all Special Inspection reports.

1 **A. Fraudulent Building Permit Application For Building Permit No. 201310230063**

2 204. On their permit application to DBI for Building Permit No. 201310230063, JONES
3 DEFENDANTS listed Ace Drilling & Excavation/S. Patrick O'Briain as the general contractor and
4 attached a photograph of Ace Drilling & Excavation's annual Cal/OSHA excavation permit, including
5 Ace Drilling & Excavation's license number. JONES DEFENDANTS also submitted a letter to DBI,
6 purportedly on Ace Drilling & Excavation letterhead and signed by S. Patrick O'Briain, wherein Mr.
7 O'Briain authorized DEFENDANT SANTOS & URRUTIA ASSOCIATES, INC., to process and pick
8 up any permit plans, drawings and necessary permit applications on behalf of Ace Drilling &
9 Excavation and Mr. O'Briain. DBI issued Building Permit No. 201310230063 on October 28, 2013. A
10 copy of Building Permit No. 201310230063, containing a photograph of Ace Drilling & Excavation's
11 annual Cal/OSHA excavation permit and the letter purportedly signed by S. Patrick O'Briain, is
12 attached as **Exhibit 53** (collectively) and incorporated as part of this FIRST AMENDED
13 COMPLAINT.

14 205. JONES DEFENDANTS knew Ace Drilling & Excavation was not going to perform
15 any of the work under Building Permit No. 201310230063. JONES DEFENDANTS listed Ace
16 Drilling & Excavation/S. Patrick O'Briain as the contractor of record on the permit application and
17 included a photograph of Ace Drilling & Excavation's excavation permit and a letter purportedly from
18 S. Patrick O'Briain to mislead DBI into believing the work was to be performed by a Cal/OSHA
19 permitted contractor. Mr. O'Briain did not sign the letter authorizing SANTOS & URRUTIA
20 ASSOCIATES DEFENDANTS to process any permits on his behalf. Instead, JONES DEFENDANTS
21 forged Mr. O'Briain's signature on the letter to deceive DBI into believing that SANTOS &
22 URRUTIA ASSOCIATES DEFENDANTS were authorized to process the permit on Ace Drilling and
23 Excavation's behalf.

24 206. Ace Drilling & Excavation and Mr. O'Briain neither consented nor knew that JONES
25 DEFENDANTS listed it as the contractor of record on the permit application for Building Permit No.
26 No. 201310230063. Ace Drilling & Excavation and Mr. O'Briain never performed any work at 1740
27 JONES STREET. Instead, upon information and belief, JONES DEFENDANTS performed the work
28

1 without a properly permitted Cal/OSHA contractor. On June 9, 2015, after the construction work had
2 been completed, DBI finalized Building Permit No. 201310230063.

3 **B. Fraudulent Special Inspection Reports Submitted to DBI for Building Permit No.**
4 **201107220830 and Building Permit No. 201310230063**

5 207. JONES DEFENDANTS were required to comply with the Special Inspection
6 requirements found in San Francisco Building Code section 1701 et seq. for the work done under
7 Building Permit Nos. 201107220830 and 201310230063.

8 208. In approximately May 2015, JONES DEFENDANTS submitted to DBI a May 18,
9 2015, Special Inspection Final Compliance report with supporting documents for Building Permit Nos.
10 201107220830 and 201310230063. The May 18, 2015, Special Inspection Final Compliance report
11 and supporting documents were purportedly prepared, signed, and stamped by Engineers Thomas W.
12 Porter and James K. Auser. The Special Inspection Final Compliance report and supporting documents
13 were on letterhead from BSK, a genuine engineering and construction material testing company, but
14 one that had no connection to, or involvement with, 1740 JONES STREET. The Special Inspection
15 Final Compliance report and supporting documents falsely certified that some of the required Special
16 Inspections and testing had been completed for Building Permit Nos. 201107220830 and
17 201310230063. Copies of the May 18, 2015, Special Inspection Final Compliance report and
18 supporting documents are attached as **Exhibit 54** (collectively) and incorporated as part of this FIRST
19 AMENDED COMPLAINT.

20 209. Also, in approximately May 2015, SANTOS & URRUTIA DEFENDANTS submitted
21 to DBI a May 14, 2015, Special Inspection Final Compliance report for Building Permit No.
22 201107220830, which was signed and stamped by Defendant RODRIGO SANTOS on Defendant
23 SANTOS & URRUTIA ASSOCIATES, INC., letterhead, together with the forged and fraudulent BSK
24 supporting documents, referenced above, for Building Permit Nos. 201107220830 and 201310230063.
25 In the May 14, 2015, Special Inspection Final Compliance report for Building Permit No.
26 201107220830, SANTOS & URRUTIA DEFENDANTS referenced some of the work described in the
27 forged BSK supporting documents, purportedly prepared, signed, and stamped by Mr. Auser. A copy
28 of the May 14, 2015 Special Inspection Final Compliance report that was submitted to DBI with the

1 forged and fraudulent BSK supporting documents is attached as **Exhibit 55** and incorporated as part of
2 the FIRST AMENDED COMPLAINT.

3 210. In reality, JONES DEFENDANTS never complied with the Special Inspection
4 requirements under San Francisco Building Code section 1701, et seq. for Building Permit Nos.
5 201107220830 and 201310230063. Instead, without Mr. Auser's or Mr. Porter's knowledge, JONES
6 DEFENDANTS falsified the May 18, 2015, Special Inspection Final Compliance report and
7 supporting documents. JONES DEFENDANTS forged Mr. Porter's and Mr. Auser's signature and
8 engineer's stamps, including their professional license numbers, on the May 18, 2015, Special
9 Inspection Final Compliance report and supporting documents. JONES DEFENDANTS fraudulently
10 used BSK letterhead without approval or knowledge by BSK. JONES DEFENDANTS did these acts
11 to fraudulently mislead DBI into believing that JONES DEFENDANTS had complied with the
12 requirements of San Francisco Building Code section 1701, et seq., and to induce DBI to rely on such
13 reports. BSK, Mr. Porter, and Mr. Auser never performed any Special Inspections at 1740 JONES
14 STREET and never had any affiliation with the project at 1740 JONES STREET.

15 211. As a direct result of JONES DEFENDANTS' deception and lies, DBI reasonably
16 believed that the fraudulent Special Inspection Final Compliance report and supporting documents
17 were legitimate, and on May 19, 2015 and May 20, 2015, DBI signed off as completed on the Special
18 Inspections described in the fraudulent and forged May 18, 2015 Special Inspection Final Compliance
19 report for Building Permit Nos. 201107220830 and 201310230063, actions that DBI would not have
20 taken had it known that the Special Inspection Final Compliance report and supporting documents
21 were fake.

22 212. As a direct result of JONES DEFENDANTS' deception and lies, on June 9, 2015, DBI
23 issued a Certificate of Final Completion and Occupancy for 1740 JONES STREET and finalized
24 Building Permit Nos. 201107220830 and 201310230063, actions that DBI would not have taken had it
25 known that the Special Inspection report was fake.

26 213. On June 18, 2019, DBI rescinded the final inspections for Building Permit Nos.
27 201107220830 and 201310230063, and the Certificate of Final Completion and Occupancy for
28 Building Permit No. 201107220830.

214. To date the owner of 1740 JONES STREET has reached out to DBI but has not yet replaced the fraudulent Special Inspection reports with genuine inspections, testing, and reports. As a result of JONES DEFENDANTS' fraud, to date, 1740 JONES STREET remains without Special Inspections that are critical to the integrity of the property's structures.

VII. 1945 GREEN STREET

215. The property located at 1945 GREEN STREET in San Francisco is a residential property. A detailed description of this property is attached as **Exhibit 56** and incorporated as part of this FIRST AMENDED COMPLAINT.

216. Beginning in approximately 2012, together with the property's owners, Defendant PETER SCHURMAN, Defendant RODRIGO SANTOS, Defendant ALBERT URRUTIA, and Defendant SANTOS & URRUTIA ASSOCIATES, INC. (collectively the "GREEN DEFENDANTS") set about renovating 1945 GREEN STREET.

217. In renovating 1945 GREEN STREET, GREEN DEFENDANTS violated state and local laws by submitting fraudulent documents to DBI, including a fraudulent permit application and fraudulent Special Inspection reports, and performing work without Cal/OSHA excavation permits.

A. Fraudulent Special Inspection Reports Submitted to DBI for Building Permit No. 201209210374

218. On September 21, 2012, GREEN DEFENDANTS filed an application for Building Permit No. 201209210374 with DBI to replace the foundation, construct new grade beams, footings and slab on grade. DBI issued the permit on November 14, 2012.

219. This work required compliance with the Special Inspection requirements found in San Francisco Building Code section 1701 et. seq., including retaining a Special Inspector to monitor certain aspects of the project, and submitting Special Inspection reports prior to final sign off. Moreover, pursuant to California Building Code section 1704.2.4 and San Francisco Building Code section 106A.3.4.1 SANTOS & URRUTIA DEFENDANTS, as the Engineers of Record, were responsible for the review for compatibility with engineering design work and the coordination of submittals to DBI of all Special Inspection reports.

1 220. On or about November 16, 2016, GREEN DEFENDANTS submitted Special
2 Inspection Final Compliance reports and supporting documents dated June 11, 2013 and June 1, 2015,
3 for Building Permit No. 201209210374. The June 11, 2013 and June 1, 2015, Special Inspection Final
4 Compliance reports and supporting documents were purportedly prepared, signed, and stamped by
5 Engineer Thomas W. Porter. The Special Inspection Final Compliance reports and supporting
6 documents for Building Permit No. 201209210374 were on letterhead from BSK, a genuine
7 engineering and construction material testing company, but one that had no connection to, or
8 involvement with, 1945 GREEN STREET. The reports falsely certified that some of the required
9 Special Inspections and testing had been completed for Building Permit No. 201209210374.
10 Moreover, on August 11, 2015, GREEN DEFENDANTS submitted an August 11, 2015, Special
11 Inspection Final Compliance report signed by Defendant RODRIGO SANTOS on Defendant
12 SANTOS & URRUTIA ASSOCIATES, INC. letterhead for Building Permit Nos. 201209210374,
13 201402249205, and 201411040648. In the August 11, 2015, Special Inspection Final Compliance
14 Report, Defendant RODRIGO SANTOS signed, stamped and referred to the work described in the
15 forged BSK Special Inspection and materials testing reports. Copies of the fraudulent BSK June 11,
16 2013 and June 1, 2015, Special Inspection Final Compliance reports and supporting documents and a
17 copy of the August 11, 2015, Special Inspection Final Compliance Report prepared and submitted by
18 GREEN DEFENDANTS are attached as **Exhibit 57** (collectively) and incorporated as part of this
19 FIRST AMENDED COMPLAINT.

20 221. In reality, GREEN DEFENDANTS never complied with these Special Inspection
21 requirements under San Francisco Building Code section 1701, et seq. for Building Permit No.
22 201209210374. Instead, without Engineer Thomas Porter's knowledge, GREEN DEFENDANTS,
23 forged the June 11, 2013 and June 1, 2015, Special Inspection Final Compliance reports and
24 supporting documents. These Defendants forged Engineer Porter's signature and engineer's stamps,
25 including his professional license number on the June 11, 2013 and June 1, 2015, Special Inspection
26 Final Compliance reports and supporting documents. GREEN DEFENDANTS fraudulently used BSK
27 letterhead without approval or knowledge by BSK. GREEN DEFENDANTS did these acts to
28 fraudulently mislead DBI into believing that GREEN DEFENDANTS had complied with the

requirements of San Francisco Building Code section 1701, et seq., and to induce DBI to rely on such reports. BSK and Engineer Porter never performed any Special Inspections at 1945 GREEN STREET and never had any affiliation with the project at 1945 GREEN STREET.

222. As a direct result of GREEN DEFENDANTS' deception and lies, DBI reasonably believed that the fraudulent Special Inspection Final Compliance reports and supporting documents were legitimate, and on and between September 29, 2015 and December 2, 2016, DBI signed off as completed on the Special Inspections described in the fraudulent and forged June 11, 2013 and June 1, 2015, Special Inspection Final Compliance reports for Building Permit No. 201209210374, actions that DBI would not have taken had it known that the Special Inspection Final Compliance reports and supporting documents were fake.

223. As a direct result of GREEN DEFENDANTS' deception and lies, on approximately August 17, 2017, DBI finalized Building Permit No. 201209210374, an action that DBI would not have taken had it known that the Special Inspection reports were fake.

B. Fraudulent Building Permit Addendum Application and Special Inspection Reports Submitted to DBI for Building Permit No. 201211194485

224. On November 19, 2012, GREEN DEFENDANTS filed an application for Building Permit No. 201211194485 with DBI to comply with NOV 201339291, to remodel the interior, to merge the two dwellings to create a single family residence, add a new roof deck set-back from front and rear facades, and add a new elevator and staircase to the penthouse on the roof. DBI issued the permit on May 6, 2014.

225. This work also required compliance with the Special Inspection requirements found in San Francisco Building Code section 1701 et. seq., including retaining a Special Inspector to monitor certain aspects of the project, and submitting Special Inspection reports prior to final sign off. Moreover, pursuant to California Building Code section 1704.2.4 and San Francisco Building Code section 106A.3.4.1, SANTOS & URRUTIA DEFENDANTS, as the Engineers of Record, were responsible for the review for compatibility with engineering design work and the coordination of submittals to DBI of all Special Inspection reports.

1 226. On May 15, 2014, GREEN DEFENDANTS submitted an addendum to Building Permit
2 No. 201211194485 with DBI. The nature of the work required a Cal/OSHA trench/excavation permit
3 pursuant to California Labor Code section 6500.

4 227. On May 21, 2014, DBI received a two page document via facsimile from Defendant
5 SANTOS & URRUTIA ASSOCIATES, INC., which included a one-page letter to DBI, purportedly
6 on Ace Drilling & Excavation letterhead and signed by “Seamus” Patrick O’Briain, wherein “Seamus”
7 Patrick O’Briain (whose real first name is actually “Seosamh”) authorizing Defendant SANTOS &
8 URRUTIA ASSOCIATES, INC., to process and pick up any plans, drawings and necessary permit
9 applications on behalf of Ace Drilling & Excavation and Mr. O’Briain. The second page of the fax,
10 also sent from Defendant SANTOS & URRUTIA ASSOCIATES, INC. to DBI, was a copy of Ace
11 Drilling & Excavation’s Cal/OSHA T-1 Annual Trench/Excavation Permit. A copy of the addendum
12 permit, letter and facsimile for Building Permit No. 201211194485 sent to DBI, is attached as **Exhibit**
13 **58** (collectively) and incorporated as part of this FIRST AMENDED COMPLAINT.

14 228. GREEN DEFENDANTS knew Ace Drilling & Excavation and Mr. O’Briain were not
15 going to perform any of the work under Building Permit No. 201211194485, or any addendums
16 thereto. GREEN DEFENDANTS identified Ace Drilling & Excavation and Mr. O’Briain as the
17 contractor of record on the addendum permit application, submitted a letter purportedly from
18 “Seamus” Patrick O’Briain, and included a copy of Ace Drilling & Excavation’s excavation permit to
19 mislead DBI into believing the work was to be performed by a Cal/OSHA permitted contractor. Mr.
20 O’Briain did not sign the letter authorizing SANTOS & URRUTIA ASSOCIATES DEFENDANTS to
21 process any permits on his behalf or use his Cal/OSHA Trench/Excavation Permit. Instead, GREEN
22 DEFENDANTS forged Mr. O’Briain’s signature on the letter to deceive DBI into believing that
23 Defendant SANTOS & URRUTIA ASSOCIATES were authorized to process the permit on Ace
24 Drilling & Excavation’s behalf.

25 229. Ace Drilling & Excavation and Mr. O’Briain neither consented nor knew that GREEN
26 DEFENDANTS listed them as the contractor of record on the Building Permit No. 201211194485.
27 Ace Drilling & Excavation and Mr. O’Briain never performed any construction work at 1945 GREEN
28

1 STREET. Instead, upon information and belief, GREEN DEFENDANTS performed the work without
2 a properly permitted Cal/OSHA contractor.

3 230. On or about November 16, 2016, GREEN DEFENDANTS submitted a June 1, 2015,
4 Special Inspection Final Compliance reports and supporting documents for Building Permit Nos.
5 201211194485 and 201209210374. The June 1, 2015, Special Inspection Final Compliance reports
6 and supporting documents were purportedly prepared, signed, and stamped by Engineer Thomas W.
7 Porter. The Special Inspection Final Compliance reports and supporting documents for Building
8 Permit No. 201211194485 were on letterhead from BSK, a genuine engineering and construction
9 material testing company, but one that had no connection to, or involvement with, 1945 GREEN
10 STREET. The reports falsely certified that some of the required Special Inspections and testing had
11 been completed for Building Permit No. 201211194485. Copies of the June 1, 2015 Special Inspection
12 Final Compliance reports and supporting documents are attached as **Exhibit 59** (collectively) and
13 incorporated as part of this FIRST AMENDED COMPLAINT.

14 231. In reality, GREEN DEFENDANTS never complied with these Special Inspection
15 requirements under San Francisco Building Code section 1701, et seq. for Building Permit No.
16 201211194485. Instead, without Engineer Thomas Porter's knowledge, GREEN DEFENDANTS,
17 falsified the June 1, 2015, Special Inspection Final Compliance reports and supporting documents.
18 GREEN Defendants forged Mr. Porter's signature and engineer's stamps, including his professional
19 license number, and fraudulently used BSK letterhead without approval or knowledge by BSK.
20 GREEN DEFENDANTS did these acts to fraudulently mislead DBI into believing that GREEN
21 DEFENDANTS had complied with the requirements of San Francisco Building Code section 1701, et
22 seq., and to induce DBI to rely on such reports. BSK and Engineer Porter never performed any Special
23 Inspections at 1945 GREEN STREET and never had any affiliation with the project at 1945 GREEN
24 STREET.

25 232. As a direct result of GREEN DEFENDANTS' deception and lies, DBI reasonably
26 believed that the fraudulent Special Inspection Final Compliance reports and supporting documents
27 were legitimate, and on and between November 16, 2016 to December 2, 2016, DBI signed off as
28 completed on the Special Inspections described in the fraudulent and forged June 1, 2015, Special

1 Inspection Final Compliance reports and supporting documents for Building Permit No.
2 201211194485, actions that DBI would not have taken had it known that the Special Inspection reports
3 were fake.

4 233. As a direct result of GREEN DEFENDANTS' deception and lies, on or about August
5 17, 2017, DBI finalized Building Permit No. 201211194485, an action that DBI would not have taken
6 had it known that the Special Inspection reports were fake.

7 **C. Fraudulent Special Inspection Reports Submitted to DBI for Building Permit No.**
8 **201411040648**

9 234. On November 4, 2014, GREEN DEFENDANTS filed an application for Building
10 Permit No. 201411040648 with DBI in reference to Building Permit No. 201211194485, to revise
11 demolition plans, add a new exterior egress stair in rear, horizontal addition to second and third stories
12 in rear, building envelope to extend to property lines, and an alteration to the front facade. DBI issued
13 the permit on September 3, 2015.

14 235. This work required compliance with the Special Inspection requirements found in San
15 Francisco Building Code section 1701 et. seq., including retaining a special inspector to monitor
16 certain aspects of the project, and submitting Special Inspection reports prior to final sign off. Pursuant
17 to California Building Code section 1704.2.4 and San Francisco Building Code section 106A.3.4.1,
18 SANTOS & URRUTIA DEFENDANTS, as the Engineers of Record, were responsible for the review
19 and coordination of submittals to DBI of all Special Inspection reports for compatibility with
20 SANTOS & URRUTIA DEFENDANTS engineering design work.

21 236. On August 11, 2015, GREEN DEFENDANTS submitted an August 11, 2015, Special
22 Inspection Final Compliance report for Building Permit Nos. 201209210374, 201402249205, and
23 201411040648, which were signed and stamped by Defendant RODRIGO SANTOS on Defendant
24 SANTOS & URRUTIA ASSOCIATES, INC. letterhead. In the August 11, 2015, Special Inspection
25 Final Compliance report, Defendant RODRIGO SANTOS referenced concrete placement and
26 sampling Special Inspections that had been completed by others. A copy of the August 11, 2015,
27 Special Inspection Final Compliance report is attached as **Exhibit 60** and incorporated as part of this
28 FIRST AMENDED COMPLAINT.

1 237. On or about November 16, 2016, GREEN DEFENDANTS submitted a Special
2 Inspection Final Compliance report and supporting documents dated August 31, 2015, for Building
3 Permit No. 201411020648, referenced in the SANTOS & URRUTIA DEFENDANTS' August 11,
4 2015, Special Inspection Final Compliance report. The documents were purportedly prepared, signed,
5 and stamped by Engineer Thomas W. Porter and were on the letterhead of BSK, a genuine engineering
6 and construction materials testing company, but one that had no connection to, or involvement with,
7 1945 GREEN STREET. The documents falsely certified that the concrete placement and sampling had
8 been completed. Copies of the fraudulent BSK Special Inspection Final Compliance report and
9 supporting documents are attached as **Exhibit 61** (collectively) and incorporated as part of this FIRST
10 AMENDED COMPLAINT.

11 238. In reality, GREEN DEFENDANTS never complied with these Special Inspection
12 requirements under San Francisco Building Code section 1701, et seq. for Building Permit No.
13 201411020648. Instead, without Engineer Thomas Porter's knowledge, GREEN DEFENDANTS,
14 falsified the August 31, 2015, Special Inspection report and supporting documents. The GREEN
15 DEFENDANTS forged Mr. Porter's signature and engineer's stamps, including his professional
16 license number, and fraudulently used BSK letterhead without approval or knowledge by BSK.
17 GREEN DEFENDANTS did these acts to fraudulently mislead DBI into believing that GREEN
18 DEFENDANTS had complied with the requirements of San Francisco Building Code section 1701, et
19 seq., and to induce DBI to rely on such reports. BSK and Engineer Porter never performed any Special
20 Inspections at 1945 GREEN STREET and never had any affiliation with the project at 1945 GREEN
21 STREET.

22 239. As a direct result of GREEN DEFENDANTS' deception and lies, DBI reasonably
23 believed that the fraudulent Special Inspection Final Compliance reports and supporting documents
24 were legitimate, and on and between November 16, 2016 to December 2, 2016, DBI signed off as
25 completed on the Special Inspections described in the fraudulent and forged August 31, 2015 Special
26 Inspection Final Compliance reports and supporting documents for Building Permit No.
27 201411020648, actions that DBI would not have taken had it known that the Special Inspection reports
28 were fake.

1 240. As a direct result of GREEN DEFENDANTS' deception and lies, on August 16, 2017,
2 DBI issued a Certificate of Final Completion and Occupancy for 1945 GREEN STREET, and on
3 August 17, 2017, DBI finalized Building Permit No. 201411020648, actions that DBI would not have
4 taken had it known that the Special Inspection reports were fake.

5 **D. Fraudulent Special Inspection Reports Submitted to DBI for Building Permit No.**
6 **201503272044**

7 241. On March 27, 2015, GREEN DEFENDANTS filed an application for Building Permit
8 No. 201503272044 with DBI for temporary shoring of the foundation of the east rear yard. DBI issued
9 the permit on April 23, 2015.

10 242. This work required compliance with the Special Inspection requirements found in San
11 Francisco Building Code section 1701 et. seq., including retaining a special inspector to monitor
12 certain aspects of the project, and submitting Special Inspection reports prior to final sign off. Pursuant
13 to California Building Code section 1704.2.4 and San Francisco Building Code section 106A.3.4.1,
14 SANTOS & URRUTIA DEFENDANTS, as the Engineers of Record, were responsible for the review
15 and coordination of submittals to DBI of all Special Inspection reports for compatibility with
16 SANTOS & URRUTIA DEFENDANTS engineering design work.

17 243. On or about July 14, 2015, GREEN DEFENDANTS submitted a June 29, 2015, Special
18 Inspection Special Inspection Final Compliance report and supporting documents for Building Permit
19 No. 201503272044. The June 29, 2015, Special Inspection Final Compliance report and supporting
20 documents were purportedly prepared, signed, and stamped by Engineer Thomas W. Porter. The June
21 29, 2015, Special Inspection Final Compliance report and supporting documents for Building Permit
22 No. 201503272044 were on letterhead from BSK, a genuine engineering and construction material
23 testing company, but one that had no connection to, or involvement with, 1945 GREEN STREET. The
24 reports falsely certified that some of the required Special Inspections and testing had been completed
25 for Building Permit No. 201503272044. Moreover, on July 13, 2015, GREEN DEFENDANTS
26 submitted a July 8, 2015, Special Inspection Final Compliance report for Building Permit No.
27 201503272044, which was signed and stamped by Defendant RODRIGO SANTOS on Defendant
28 SANTOS & URRUTIA ASSOCIATES, INC. letterhead. In the July 8, 2015, Special Inspection Final

1 Compliance report, Defendant RODRIGO SANTOS referred to the work described in the forged BSK
2 Special Inspection report. Copies of the June 29, 2015 and the July 8, 2015, Special Inspection Final
3 Compliance reports and supporting documents are attached as **Exhibit 62** (collectively) and
4 incorporated as part of this FIRST AMENDED COMPLAINT.

5 244. In reality, GREEN DEFENDANTS never complied with these Special Inspection
6 requirements under San Francisco Building Code section 1701, et seq. for Building Permit No.
7 201503272044. Instead, without Engineer Thomas Porter's knowledge, GREEN DEFENDANTS,
8 falsified the June 29, 2015, Special Inspection Final Compliance reports and supporting documents.
9 GREEN Defendants forged Mr. Porter's signature and engineer's stamps, including professional
10 license number, and fraudulently used BSK letterhead without approval or knowledge by BSK.
11 GREEN DEFENDANTS did these acts to fraudulently mislead DBI into believing that GREEN
12 DEFENDANTS had complied with the requirements of San Francisco Building Code section 1701, et
13 seq., and to induce DBI to rely on such reports. BSK and Engineer Porter never performed any Special
14 Inspections at 1945 GREEN STREET and never had any affiliation with the project at 1945 GREEN
15 STREET.

16 245. As a direct result of GREEN DEFENDANTS' deception and lies, DBI reasonably
17 believed that the fraudulent Special Inspection Final Compliance reports and supporting documents
18 were legitimate, and on and between July 14, 2015 to July 28, 2015, DBI signed off as completed on
19 the Special Inspections described in the fraudulent and forged June 29, 2015 Special Inspection Final
20 Compliance reports and supporting documents for Building Permit No. 201503272044, actions that
21 DBI would not have taken had it known that the Special Inspection reports were fake.

22 246. As a direct result of GREEN DEFENDANTS' deception and lies, on or about August
23 17, 2017, DBI finalized Building Permit No. 201503272044, an action that DBI would not have taken
24 had it known that the Special Inspection reports were fake.

25 **E. Fraudulent Special Inspection Reports Submitted to DBI for Building Permit No.**
26 **201506017718**

27 247. On June 1, 2015, GREEN DEFENDANTS filed an application for Building Permit No.
28 201506017718 with DBI to install a temporary waler (structural beam) five feet above the mat slab to

1 restrain a drilled pier, then after installation of waler, cut all rebar crossing rear property line under
2 100% supervision of the EOR (Engineer of Record). DBI issued the permit on June 17, 2015.

3 248. This work required compliance with the Special Inspection requirements found in San
4 Francisco Building Code section 1701 et. seq., including retaining a Special Inspector to monitor
5 certain aspects of the project, and submitting Special Inspection reports prior to final sign off. Pursuant
6 to California Building Code section 1704.2.4 and San Francisco Building Code section 106A.3.4.1,
7 SANTOS & URRUTIA DEFENDANTS, as the Engineers of Record, were responsible for the review
8 and coordination of submittals to DBI of all Special Inspection reports for compatibility with
9 SANTOS & URRUTIA DEFENDANTS' engineering design work.

10 249. On or about November 16, 2016, GREEN DEFENDANTS submitted a July 11, 2015,
11 Special Inspection Final Compliance report and supporting documents for Building Permit No.
12 201506017718. The July 11, 2015, Special Inspection Final Compliance report and supporting
13 documents were purportedly prepared, signed, and stamped by Engineer Thomas W. Porter and on
14 letterhead from BSK, a genuine engineering and construction material testing company, but one that
15 had no connection to, or involvement with, 1945 GREEN STREET. The reports falsely certified that
16 some of the required Special Inspections and testing had been completed for Building Permit No.
17 201506017718. Moreover, on August 11, 2015, GREEN DEFENDANTS prepared and submitted an
18 August 11, 2015 Special Inspection Final Compliance report for Building Permit No. 201506017718,
19 which was signed and stamped by Defendant RODRIGO SANTOS on Defendant SANTOS &
20 URRUTIA ASSOCIATES, INC. letterhead. In that August 11, 2015, Special Inspection report,
21 Defendant RODRIGO SANTOS referenced some of the work described in the forged BSK Special
22 Inspection Final Compliance Report. Copies of the July 11, 2015 and August 11, 2015, Special
23 Inspection Final Compliance reports and supporting documents are attached as **Exhibit 63**
24 (collectively) and incorporated as part of this FIRST AMENDED COMPLAINT.

25 250. In reality, GREEN DEFENDANTS never complied with these Special Inspection
26 requirements under San Francisco Building Code section 1701, et seq. for Building Permit No.
27 201506017718. Instead, without Engineer Thomas Porter's knowledge, GREEN DEFENDANTS
28 falsified the July 11, 2015, Special Inspection Final Compliance report and supporting documents.

1 GREEN DEFENDANTS forged Mr. Porter's signature and engineer's stamps, including professional
2 license number, and fraudulently used BSK letterhead without approval or knowledge by BSK.
3 GREEN DEFENDANTS did these acts to fraudulently mislead DBI into believing that GREEN
4 DEFENDANTS had complied with the requirements of San Francisco Building Code section 1701, et
5 seq., and to induce DBI to rely on such reports. BSK and Engineer Porter never performed any Special
6 Inspections at 1945 GREEN STREET and never had any affiliation with the project at 1945 GREEN
7 STREET.

8 251. As a direct result of GREEN DEFENDANTS' deception and lies, DBI reasonably
9 believed that the fraudulent Special Inspection Final Compliance report and supporting documents
10 were legitimate, and on and between November 16, 2016 and December 2, 2016, DBI signed off as
11 completed on the Special Inspections described in the fraudulent and forged July 11, 2015, Special
12 Inspection Final Compliance report and supporting documents for Building Permit No.
13 201506017718, actions that DBI would not have taken had it known that the Special Inspection reports
14 were fake.

15 252. As a direct result of GREEN DEFENDANTS' deception and lies, on or about August
16 17, 2017, DBI finalized Building Permit No. 201506017718, an action that DBI would not have taken
17 had it known that the Special Inspection reports were fake.

18 **F. Fraudulent Special Inspection Reports Submitted to DBI for Building Permit No.**
19 **201506017721**

20 253. On June 1, 2015, GREEN DEFENDANTS filed an application for Building Permit No.
21 201506017721 with DBI to comply with NOV 201521571, new retaining wall at rear yard and comply
22 with NOV 201521571. DBI issued the permit on June 30, 2015.

23 254. This work required compliance with the Special Inspection requirements found in San
24 Francisco Building Code section 1701 et. seq., including retaining a Special Inspector to monitor
25 certain aspects of the project, and submitting Special Inspection reports prior to final sign off. Pursuant
26 to California Building Code section 1704.2.4 and San Francisco Building Code section 106A.3.4.1,
27 SANTOS & URRUTIA DEFENDANTS, as the Engineers of Record, were responsible for the review
28

1 and coordination of submittals to DBI of all Special Inspection reports for compatibility with
2 SANTOS & URRUTIA DEFENDANTS engineering design work.

3 255. On August 11, 2015, GREEN DEFENDANTS submitted an August 11, 2015, Special
4 Inspection Final Compliance report for Building Permit Nos. 201506017721 and 201506117718,
5 which was signed and stamped by Defendant RODRIGO SANTOS on Defendant SANTOS &
6 URRUTIA ASSOCIATES, INC. letterhead. In the August 11, 2015, Special Inspection Final
7 Compliance report, Defendant RODRIGO SANTOS referenced single pass fillet welds and high-
8 strength bolting Special Inspections that had been completed by others. A copy of the August 11,
9 2015, Special Inspection Final Compliance report is attached as **Exhibit 64** and incorporated as part of
10 this FIRST AMENDED COMPLAINT.

11 256. On or about November 16, 2016, GREEN DEFENDANTS submitted a Special
12 Inspection Final Compliance report and supporting documents dated August 3, 2015, for Building
13 Permit No. 201506017721, referenced in the SANTOS & URRUTIA DEFENDANTS' August 11,
14 2015, Special Inspection Final Compliance report. The documents were purportedly prepared, signed,
15 and stamped by Engineer Thomas W. Porter and were on the letterhead of BSK, a genuine engineering
16 and construction materials testing company, but one that had no connection to, or involvement with,
17 1945 GREEN STREET. The documents falsely certified that the reinforcing steel for the new cast-in-
18 place concrete retaining wall, located at the rear of the property Special Inspections had been
19 completed. Also attached to the Special Inspection Final Compliance report and supporting
20 documents, is an invoice dated September 28, 2015, from Defendant PETER SCHURMAN to the
21 former owner of 1945 GREEN STREET, requesting payment for "Special Inspection, 8/29/2015."
22 Copies of the fraudulent BSK documents and Defendant PETER SCHURMAN receipt are attached as
23 **Exhibit 65** (collectively) and incorporated as part of this FIRST AMENDED COMPLAINT.

24 257. In reality, GREEN DEFENDANTS never complied with these Special Inspection
25 requirements under San Francisco Building Code section 1701, et seq. for Building Permit No.
26 201506017721. Instead, without Engineer Thomas Porter's knowledge, GREEN DEFENDANTS
27 falsified the August 3, 2015, Special Inspection Final Compliance reports and supporting documents.
28 The GREEN DEFENDANTS forged Porter's signature and engineer's stamps, including professional

1 license number, and fraudulently used BSK letterhead without approval or knowledge by BSK.
2 GREEN DEFENDANTS did these acts to fraudulently mislead DBI into believing that GREEN
3 DEFENDANTS had complied with the requirements of San Francisco Building Code section 1701, et
4 seq., and to induce DBI to rely on such reports. BSK and Engineer Porter never performed any Special
5 Inspections at 1945 GREEN STREET and never had any affiliation with the project at 1945 GREEN
6 STREET.

7 258. As a direct result of GREEN DEFENDANTS' deception and lies, DBI reasonably
8 believed that the fraudulent Special Inspection Final Compliance report and supporting documents
9 were legitimate, and on and between November 16, 2016 and December 2, 2016, DBI signed off as
10 completed on the Special Inspections described in the fraudulent and forged August 3, 2015, Special
11 Inspection Final Compliance report and supporting documents for Building Permit No.
12 201506017721, actions that DBI would not have taken had it known that the Special Inspection reports
13 were fake.

14 259. As a direct result of GREEN DEFENDANTS' deception and lies, on or about August
15 17, 2017, DBI finalized Building Permit No. 201506017718, an action that DBI would not have taken
16 had it known that the Special Inspection reports were fake.

17 **G. Fraudulent Special Inspection Reports Submitted to DBI for Building Permit No.**
18 **201601116772**

19 260. On January 11, 2016, GREEN DEFENDANTS filed an application for Building Permit
20 No. 201601116772 with DBI to comply with NOV 201584831 and to expand the width of the wine
21 cellar and add a new concrete wall to conform to the wine cellar length. DBI issued the permit on May
22 2, 2016.

23 261. This work required compliance with the Special Inspection requirements found in San
24 Francisco Building Code section 1701 et. seq., including retaining a Special Inspector to monitor
25 certain aspects of the project, and submitting Special Inspection reports prior to final sign off. Pursuant
26 to California Building Code section 1704.2.4 and San Francisco Building Code section 106A.3.4.1,
27 SANTOS & URRUTIA DEFENDANTS, as the Engineers of Record, were responsible for the review
28

1 and coordination of submittals to DBI of all Special Inspection testing reports for compatibility with
2 SANTOS & URRUTIA DEFENDANTS engineering design work.

3 262. On or about November 16, 2016, GREEN DEFENDANTS submitted a March 17, 2016
4 Special Inspection Final Compliance report and supporting document for Building Permit No.
5 201601116772. The March 17, 2016, Special Inspection Final Compliance report and supporting
6 document were purportedly prepared, signed, and stamped by Engineer Thomas W. Porter. The March
7 17, 2016 Special Inspection Final Compliance report and supporting document for Building Permit
8 No. 201601116772 were on letterhead from BSK, a genuine engineering and construction material
9 testing company, but one that had no connection to, or involvement with, 1945 GREEN STREET. The
10 reports falsely certified that some of the required Special Inspections and testing had been completed
11 for Building Permit No. 201601116772. A copy of the March 17, 2016 Special Inspection Final
12 Compliance report and supporting document is attached as **Exhibit 66** (collectively) and incorporated
13 as part of this FIRST AMENDED COMPLAINT.

14 263. In reality, GREEN DEFENDANTS never complied with these Special Inspection
15 requirements under San Francisco Building Code section 1701, et seq. for Building Permit No.
16 201601116772. Instead, without Engineer Thomas Porter's knowledge, GREEN DEFENDANTS
17 falsified the March 17, 2016, Special Inspection Final Compliance report and supporting document.
18 GREEN DEFENDANTS forged Porter's signature and engineer's stamps, including professional
19 license number, and fraudulently used BSK letterhead without approval or knowledge by BSK.
20 GREEN DEFENDANTS did these acts to fraudulently mislead DBI into believing that GREEN
21 DEFENDANTS had complied with the requirements of San Francisco Building Code section 1701, et
22 seq., and to induce DBI to rely on such reports. BSK and Engineer Porter never performed any Special
23 Inspections at 1945 GREEN STREET and never had any affiliation with the project at 1945 GREEN
24 STREET.

25 264. As a direct result of GREEN DEFENDANTS' deception and lies, DBI reasonably
26 believed that the fraudulent Special Inspection Final Compliance report and supporting document were
27 legitimate, and on and between November 16, 2016 and December 2, 2016, DBI signed off as
28 completed on the Special Inspections described in the fraudulent and forged March 17, 2016, Special

1 Inspection Final Compliance report and supporting document for Building Permit No. 201601116772,
2 actions that DBI would not have taken had it known that the Special Inspection reports were fake.

3 265. As a direct result of GREEN DEFENDANTS' deception and lies, on or about August
4 17, 2017, DBI finalized Building Permit No. 201601116772, an action that DBI would not have taken
5 had it known that the Special Inspection reports were fake.

6 **H. Fraudulent Special Inspection Reports Submitted to DBI for Building Permit No.**
7 **201606160102**

8 266. On June 16, 2016, GREEN DEFENDANTS filed an application for Building Permit
9 No. 201606160102 with DBI in response to NOV 201584831 and as a revision to Building Permit No.
10 201601116772 regarding alterations to the wine cellar indicating "structural work only." DBI issued
11 the permit on June 24, 2016.

12 267. This work required compliance with the Special Inspection requirements found in San
13 Francisco Building Code section 1701 et seq., including retaining a Special Inspector to monitor
14 certain aspects of the project, and submitting Special Inspection reports prior to final sign off. Pursuant
15 to California Building Code section 1704.2.4 and San Francisco Building Code section 106A.3.4.1,
16 SANTOS & URRUTIA DEFENDANTS, as the Engineers of Record, were responsible for the review
17 and coordination of submittals to DBI of all Special Inspection reports for compatibility with
18 SANTOS & URRUTIA DEFENDANTS engineering design work.

19 268. On or about November 16, 2016, GREEN DEFENDANTS submitted an April 21, 2016
20 Special Inspection Final Compliance report and supporting document for Building Permit No.
21 201606160102. The April 21, 2016, Special Inspection Final Compliance report and supporting
22 document was purportedly prepared, signed, and stamped by Engineer Thomas W. Porter. The Special
23 Inspection Final Compliance report and supporting document for Building Permit No. 201606160102
24 was on letterhead from BSK, a genuine engineering and construction material testing company, but
25 one that had no connection to, or involvement with, 1945 GREEN STREET. The report falsely
26 certified that some of the required Special Inspections and testing had been completed for Building
27 Permit No. 201606160102. A copy of the April 21, 2016 Special Inspection Final Compliance report
28

1 and supporting document is attached as **Exhibit 67** (collectively) and incorporated as part of this
2 **FIRST AMENDED COMPLAINT.**

3 269. In reality, GREEN DEFENDANTS never complied with these Special Inspection
4 requirements under San Francisco Building Code section 1701, et seq. for Building Permit No.
5 201606160102. Instead, without Engineer Thomas Porter's knowledge, GREEN DEFENDANTS,
6 falsified the April 21, 2016, Special Inspection Final Compliance report and supporting document.
7 GREEN DEFENDANTS forged Mr. Porter's signature and engineer's stamps, including professional
8 license number, and fraudulently used BSK letterhead without approval or knowledge by BSK.
9 GREEN DEFENDANTS did these acts to fraudulently mislead DBI into believing that GREEN
10 DEFENDANTS had complied with the requirements of San Francisco Building Code section 1701, et
11 seq., and to induce DBI to rely on such reports. BSK and Engineer Porter never performed any Special
12 Inspections at 1945 GREEN STREET and never had any affiliation with the project at 1945 GREEN
13 STREET.

14 270. As a direct result of GREEN DEFENDANTS' deception and lies, DBI reasonably
15 believed that the fraudulent Special Inspection Final Compliance report and supporting document were
16 legitimate, and on and between November 16, 2016 and December 2, 2016, DBI signed off as
17 completed on the Special Inspections described in the fraudulent and forged April 21, 2016, Special
18 Inspection Final Compliance report and supporting document for Building Permit No. 201606160102,
19 actions that DBI would not have taken had it known that the Special Inspection reports were fake.

20 271. As a direct result of GREEN DEFENDANTS' deception and lies, on or about August
21 17, 2017, DBI finalized Building Permit No. 201606160102, an action that DBI would not have taken
22 had it known that the Special Inspection reports were fake.

23 **I. Conclusion and Update Regarding Fraudulent Special Inspections at 1945**
24 **GREEN STREET**

25 272. On January 14, 2019, DBI rescinded and suspended Building Permit Nos.
26 201209210374, 201211194485, 201402249204, 201402249205, 201403251677, 201411040648,
27 201503272044, 201506017718, 201506017721, 201601116772, 201601116772, and 201606160102,
28

1 and rescinded the Certificates of Final Completion and Occupancy (“CFC”) for Building Permit Nos.
2 201708154935 and 201411020648.

3 273. On August 30, 2019, the owner of 1945 GREEN STREET and its agents Defendant
4 SANTOS & URRUTIA ASSOCIATES, INC. and Defendant RODRIGO SANTOS filed an
5 application for Building Permit No. 201908300407, to install six new hollow structural section
6 (“HSS”) columns to support an existing concrete wall. DBI issued the permit on September 4, 2019.
7 At the time of the filing of this FIRST AMENDED COMPLAINT work under this permit was not yet
8 complete.

9 274. On September 20, 2019, Apex Testing Laboratories, Inc. submitted a Special Inspection
10 progress report date July 17, 2019, for Building Permit Nos. 201209210374, 201403251677,
11 201411040648, 201503272044, 201506017718, 201601116772, and 201606160102, which identified
12 issues that a legitimate Special Inspector should have observed had this critical work actually been
13 performed in accordance with the relevant San Francisco Building Codes the first time. These issues
14 included, bolts that were not torqued and were loose, drawings that did not show details for the
15 connection with the wall or to the existing concrete slab, drawings that did not show details for the
16 torque requirement for bolts installed, and steel beams not covered with fireproofing material.

17 275. While steps have been taken toward remedying the fraud committed by the GREEN
18 DEFENDANTS, and to actually conduct the required Special Inspections, as of the date of the filing
19 of this FIRST AMENDED COMPLAINT, 1945 GREEN STREET remains without Special
20 Inspections that are critical to the integrity of the property’s structures.

21 **VIII. 2030 VALLEJO STREET**

22 276. The property located at 2030 VALLEJO STREET in San Francisco is an 11-story
23 multi-unit apartment building. A detailed description of the property is attached as **Exhibit 68** and
24 incorporated as part of this FIRST AMENDED COMPLAINT.

25 277. On January 26, 2015, DBI issued NOV 201521571, to GREEN DEFENDANTS for
26 excavation at the rear yard approximately 30 feet by 25 feet by 8 feet in depth without a permit and for
27 dowling reinforcing steel into the neighbor’s (2030 VALLEJO STREET) retaining wall. The retaining
28 wall, constructed by the GREEN DEFENDANTS, is approximately 14 feet tall at the southwest corner

1 stepping down to 10 feet at the west elevation and was constructed without a permit or inspection by
2 DBI. A true and correct copy of NOV 201521571 is attached as **Exhibit 69** and incorporated as part of
3 this FIRST AMENDED COMPLAINT.

4 278. On January 28, 2015, DBI issued NOV 201522631 to the owners of 2030 VALLEJO
5 STREET for work being performed at 1945 GREEN STREET that had exposed a pier and associated
6 retaining wall at the Property. A true and correct copy of NOV 201522631 is attached as **Exhibit 70**
7 and incorporated as part of this FIRST AMENDED COMPLAINT.

8 279. In response to the issuance of these NOVs and on behalf of the owner of 2030
9 VALLEJO STREET, Defendant TIMOTHY PETERSON, Defendant PETERSON CONSTRUCTION
10 DEVELOPMENT, INC., Defendant PETER SCHURMAN, Defendant RODRIGO SANTOS,
11 Defendant ALBERT URRUTIA, and Defendant SANTOS & URRUTIA ASSOCIATES, INC.,
12 (collectively the "VALLEJO DEFENDANTS") set about repairing and/or reinforcing the retaining
13 wall to the rear of 2030 VALLEJO STREET, which abuts 1945 GREEN STREET.

14 280. During that construction involving the retaining wall at 2030 VALLEJO STREET,
15 VALLEJO DEFENDANTS violated state and local laws by submitting a forged and fraudulent
16 Special Inspection Final Compliance report and supporting documents to DBI.

17 281. On June 24, 2015, on behalf of the property's owner, VALLEJO DEFENDANTS filed
18 an application for Building Permit No. 201506249851 with DBI to comply with NOV 201522631 to
19 construct a new concrete underpinning wall under 2030 VALLEJO STREET. This Building Permit
20 referenced two 1945 GREEN STREET Building Permit Nos. 201506017718 and 201506017721. DBI
21 issued the permit on July 20, 2015.

22 282. This work required compliance with the Special Inspection requirements found in San
23 Francisco Building Code section 1701 et. seq., including retaining a Special Inspector to monitor
24 certain aspects of the project, and submitting Special Inspection reports prior to final sign off.
25 Moreover, pursuant to California Building Code section 1704.2.4 and San Francisco Building Code
26 section 106A.3.4.1, SANTOS & URRUTIA DEFENDANTS, as the Engineers of Record, were
27 responsible for the review for compatibility with engineering design work and the coordination of
28 submittals to DBI of all Special Inspection reports.

1 283. Between August 31, 2015 and August 16, 2017, VALLEJO DEFENDANTS submitted
2 to DBI an August 31, 2015, Special Inspection Final Compliance report and supporting documents for
3 Building Permit No. 201506249851. The August 31, 2015, Special Inspection Final Compliance and
4 supporting documents were purportedly prepared, signed, and stamped by Engineer Thomas W.
5 Porter. The Special Inspection Final Compliance and supporting documents were on letterhead from
6 BSK, a genuine engineering and construction material testing company, but one that had no
7 connection to, or involvement with, 2030 VALLEJO STREET. The reports falsely certified that some
8 of the required Special Inspections and testing had been completed for Building Permit No.
9 201506249851. A copy of the August 31, 2015, Special Inspection Final Compliance report and
10 supporting documents are attached as **Exhibit 71** (collectively) and incorporated as part of this FIRST
11 AMENDED COMPLAINT.

12 284. On August 16, 2017, SANTOS & URRUTIA DEFENDANTS also signed and
13 submitted a Special Inspection Final Compliance report for Building Permit No. 201506249851, and
14 attached a photograph of the first page of the August 31, 2015 forged BSK Special Inspection Final
15 Compliance report referenced above. Copies of the August 16, 2017, Special Inspection Final
16 Compliance report and attached photograph of the fraudulent August 31, 2015 BSK report are attached
17 as **Exhibit 72** (collectively) and incorporated as part of this FIRST AMENDED COMPLAINT.

18 285. In reality, VALLEJO DEFENDANTS never complied with these Special Inspection
19 requirements under San Francisco Building Code section 1701, et seq. for Building Permit No.
20 201506249851. Instead, without Engineer Thomas Porter's knowledge, VALLEJO DEFENDANTS
21 falsified the August 31, 2015 Special Inspection Final Compliance report and supporting documents.
22 VALLEJO DEFENDANTS forged Mr. Porter's signature and engineer's stamps, including
23 professional license number. VALLEJO DEFENDANTS fraudulently used BSK letterhead without
24 approval or knowledge by BSK. VALLEJO DEFENDANTS did these acts to fraudulently mislead
25 DBI into believing that VALLEJO DEFENDANTS had complied with the requirements of San
26 Francisco Building Code section 1701, et seq., and to induce DBI to rely on such reports. BSK and
27 Engineer Porter never performed any Special Inspections at 2030 VALLEJO STREET and never had
28 any affiliation with the project at 2030 VALLEJO STREET.

1 286. As a direct result of VALLEJO DEFENDANTS' deception and lies, DBI reasonably
2 believed that the fraudulent Special Inspection Final Compliance report and supporting documents
3 were legitimate, and prior to November 14, 2017, DBI signed off as completed on the Special
4 Inspections described in the fraudulent and forged August 31, 2015, Final Compliance report and
5 supporting documents for Building Permit No. 201506249851, an action that DBI would not have
6 taken had it known that the Special Inspection Final Compliance report and supporting documents
7 were fake.

8 287. As a direct result of VALLEJO DEFENDANTS' deception and lies, on November 14,
9 2017, DBI finaled Building Permit No. 201506249851, an action that DBI would not have taken had it
10 known that the Special Inspection reports were fake.

11 288. On April 3, 2019, DBI rescinded the final inspections for Building Permit No.
12 201506249851.

13 289. To date, the owner of 2030 VALLEJO STREET contacted DBI and has begun to take
14 steps to replace the forged Special Inspections reports related to Building Permit No. 201506249851.
15 However, to date and as a result of VALLEJO DEFENDANTS fraud, 2030 VALLEJO STREET
16 remains without legitimate Special Inspections that are critical to the integrity of the property's
17 structure.

18 **IX. 2050 JEFFERSON STREET**

19 290. The property located at 2050 JEFFERSON STREET in San Francisco is a single family
20 residential property. A detailed description of this property is attachment as **Exhibit 73** and
21 incorporated as part of this FIRST AMENDED COMPLAINT.

22 291. Beginning in approximately 2011, together with the property's owner, Defendant
23 TIMOTHY PETERSON, Defendant PETERSON-MULLIN CONSTRUCTION, INC., Defendant
24 PETER SCHURMAN, Defendant RODRIGO SANTOS, Defendant ALBERT URRUTIA, and
25 Defendant SANTOS & URRUTIA ASSOCIATES, INC., (collectively the "JEFFERSON
26 DEFENDANTS") set about renovating 2050 JEFFERSON STREET.

27 292. In renovating 2050 JEFFERSON STREET, JEFFERSON DEFENDANTS violated
28 state and local laws by submitting forged and fraudulent Special Inspection reports to DBI.

1 293. On June 10, 2011, together with the property's owner, JEFFERSON DEFENDANTS
2 filed an application for Building Permit No. 201106107831 with DBI to conduct interior remodeling at
3 the property. DBI issued the permit on June 13, 2011, but the permit was never finalized or completed.

4 294. On August 4, 2011, together with the property's owner, JEFFERSON DEFENDANTS
5 filed an application for Building Permit No. 201108041756 with DBI to remodel 2050 JEFFERSON
6 STREET by adding a rear two story addition with deck and conducting an interior remodel at areas
7 adjacent to the addition. DBI issued the permit on February 10, 2012.

8 295. This work required compliance with the Special Inspection requirements found in San
9 Francisco Building Code section 1701, et seq., including retaining a Special Inspector to monitor
10 certain aspects of the project, and submitting Special Inspection reports prior to final sign off.
11 Moreover, pursuant to California Building Code section 1704.2.4 and San Francisco Building Code
12 section 106A.3.4.1, SANTOS & URRUTIA DEFENDANTS, as the Engineers of Record, were
13 responsible for the review for compatibility with engineering design work and the coordination of
14 submittals to DBI of all Special Inspection reports.

15 296. On August 5, 2011, together with the property's owner, JEFFERSON DEFENDANTS
16 filed an application for Building Permit No. 201108051824 with DBI to remodel 2050 JEFFERSON
17 STREET by replacing windows, repairing and replacing a roof deck and guardrail/parapet, installing
18 two skylights, and conducting foundation repair and structural upgrades. DBI issued the permit on
19 August 12, 2011.

20 297. This work required compliance with the Special Inspection requirements found in San
21 Francisco Building Code section 1701, et. seq., including retaining a Special Inspector to monitor
22 certain aspects of the project, and submitting Special Inspection reports prior to final sign off.
23 Moreover, pursuant to California Building Code section 1704.2.4 and San Francisco Building Code
24 section 106A.3.4.1, SANTOS & URRUTIA DEFENDANTS, as the Engineers of Record, were
25 responsible for the review for compatibility with engineering design work and the coordination of
26 submittals to DBI of all Special Inspection reports.

27 298. On September 14, 2011, together with the property's owner, JEFFERSON
28 DEFENDANTS filed an application for Building Permit No. 201109144556 with DBI to remodel and

1 repair the front and side façade, replace windows, and install new metal and glass entry awning. DBI
2 issued the permit on September 14, 2011.

3 299. On August 6, 2012, JEFFERSON DEFENDANTS filed an application for Building
4 Permit No. 201208066674 as a revision to Building Permit No. 201108041756 to reflect “as built”
5 conditions, remove sprinkler requirement and keep fire barrier. DBI issued the permit on August 8,
6 2012.

7 300. On or about July 16, 2013, JEFFERSON DEFENDANTS submitted to DBI two July
8 16, 2013 Special Inspection Final Compliance reports for Building Permit No. 201108051824 and
9 Building Permit No. 201108041756, which were signed and stamped by Defendant RODRIGO
10 SANTOS on Defendant SANTOS & URRUTIA ASSOCIATES, INC., letterhead. In the July 16,
11 2013, Special Inspection Final Compliance reports, Defendant RODRIGO SANTOS referenced
12 concrete placement and sampling Special Inspections that had been completed by others. Copies of the
13 July 16, 2013, Special Inspection Final Compliance reports are attached as **Exhibit 74** (collectively)
14 and incorporated as part of this FIRST AMENDED COMPLAINT.

15 301. On or about September 4, 2013, JEFFERSON DEFENDANTS submitted to DBI the
16 concrete placement and sampling documentation for Building Permit Nos. 201108041756 and
17 201108051824 originally referenced in the SANTOS & URRUTIA DEFENDANTS’ July 16, 2013
18 Special Inspection Final Compliance report. The documents were purportedly prepared, signed, and
19 stamped by Engineer James Auser and were on the letterhead of BSK, a genuine engineering and
20 construction materials testing company, but one that had no connection to, or involvement with, 2050
21 JEFFERSON STREET. The documents falsely certified that the concrete placement and sampling had
22 been completed. Copies of the fraudulent BSK concrete placement and sampling documents are
23 attached as **Exhibit 75** (collectively) and incorporated as part of this FIRST AMENDED
24 COMPLAINT.

25 302. In reality, JEFFERSON DEFENDANTS never complied with all the Special Inspection
26 requirements under San Francisco Building Code section 1701, et seq. for Building Permit Nos.
27 201108041756 and 201108051824. Instead, without Engineer James Auser’s knowledge,
28 JEFFERSON DEFENDANTS falsified the Special Inspection supporting documents for concrete

1 placement and sampling. JEFFERSON DEFENDANTS forged Mr. Auser's signature and engineer's
2 stamp, including his professional license number, on the Special Inspection supporting documents.
3 JEFFERSON DEFENDANTS fraudulently used BSK letterhead without approval or knowledge by
4 BSK. JEFFERSON DEFENDANTS did these acts to fraudulently mislead DBI into believing that
5 JEFFERSON DEFENDANTS had complied with all the requirements of San Francisco Building Code
6 section 1701, et seq., and to induce DBI to rely on the Special Inspection supporting documents for
7 concrete placement and sampling. BSK and Mr. Auser never performed any Special Inspection work
8 at 2050 JEFFERSON STREET and never had any affiliation with the project at 2050 JEFFERSON
9 STREET.

10 303. As a direct result of JEFFERSON DEFENDANTS' deception and lies, DBI reasonably
11 believed that the fraudulent and forged Special Inspection documents were legitimate, and on July 26,
12 2013 and September 5, 2013, DBI signed off as completed on the Special Inspections related to the
13 fraudulent BSK documents, actions that DBI would not have taken had it known that the concrete
14 placement and sampling documents were fraudulent and fake.

15 304. As a direct result of JEFFERSON DEFENDANTS' deception and lies, on September 6,
16 2013, DBI issued a Certificate of Final Completion and Occupancy for 2050 JEFFERSON STREET
17 for Building Permit No. 201108041756, and in December 2013, DBI finalized Building Permit Nos.
18 201108041756, 201108051824, and 20120866674 (the revision permit for Building Permit No.
19 201108041756), actions that DBI would not have taken had it known that the concrete placement and
20 sampling documents was fake and fraudulent.

21 305. On June 18, 2019, DBI rescinded the final inspections for Building Permit Nos.
22 Building Permit Nos. 201108041756, 201108051824, and 201208066674, and the Certificate of Final
23 Completion and Occupancy for Building Permit No. 201108041756.

24 306. To date, the owner of 2050 JEFFERSON STREET has not replaced the fraudulent
25 Special Inspection documentation with genuine inspections, testing, and documents. To date, the
26 owner of 2050 JEFFERSON STREET has not obtained final sign-offs for Building Permit Nos.
27 201108041756, 201108051824, and 20120866674. As a result of 2050 JEFFERSON DEFENDANTS
28

1 fraud, to date, 2050 JEFFERSON STREET remains without all the Special Inspections that are critical
2 to the integrity of the property's structures.

3 **X. DELAYED DISCOVERY OF THE FRAUDULENT SPECIAL INSPECTIONS AND**
4 **BUILDING PERMITS, AND CONTINUOUS ACCRUAL OF CLAIMS**

5 **A. Defendants' Submission of Fraudulent Special Inspection Reports and Fraudulent**
6 **Cal/OSHA-Certified Building Permit Applications, Which Defendants Concealed**
7 **from Plaintiffs**

8 307. 147 MARIETTA DEFENDANTS, 107 MARIETTA DEFENDANTS, GREAT
9 HIGHWAY DEFENDANTS, JONES DEFENDANTS, GREEN DEFENDANTS, VALLEJO
10 DEFENDANTS, and JEFFERSON DEFENDANTS submitted to DBI the forged and fraudulent
11 Special Inspection Final Compliance reports and supporting documents identified in, and attached to,
12 this FIRST AMENDED COMPLAINT in an effort to conceal from DBI that the Special Inspections
13 and testing at 147 MARIETTA DRIVE, 107 MARIETTA DRIVE, 1672-1674 GREAT HIGHWAY,
14 1740 JONES STREET, 1945 GREEN STREET, 2030 VALLEJO STREET, and 2050 JEFFERSON
15 STREET had not actually been performed and/or had not been properly approved by an engineer. 147
16 MARIETTA DEFENDANTS, 107 MARIETTA DEFENDANTS, GREAT HIGHWAY
17 DEFENDANTS, JONES DEFENDANTS, GREEN DEFENDANTS, VALLEJO DEFENDANTS, and
18 JEFFERSON DEFENDANTS submitted to DBI the forged and fraudulent Special Inspection Final
19 Compliance reports and supporting documents identified in, and attached to, this FIRST AMENDED
20 COMPLAINT to deceive DBI into believing that the Special Inspections referenced in the forged and
21 fraudulent reports had in fact been performed by BSK, and the Engineers Gouchon (147 MARIETTA
22 DRIVE), Porter (107 MARIETTA DRIVE, 1672-1674 GREAT HIGHWAY, 1740 JONES STREET,
23 1945 GREEN STREET, 2030 VALLEJO STREET) Auser (1740 JONES STREET, 2050
24 JEFFERSON STREET), Brown (107 MARIETTA DRIVE), and Sherwood (107 MARIETTA
25 DRIVE).

26 308. At the time that the forged and fraudulent Special Inspection Final Compliance reports
27 and supporting documents identified in, and attached to, this FIRST AMENDED COMPLAINT were
28 submitted to DBI, as specified in this FIRST AMENDED COMPLAINT, PLAINTIFFS, including
DBI, a department of Plaintiff CITY, had no knowledge that the Special Inspection Final Compliance

1 reports and supporting documents were fake or fraudulent and had no knowledge that the reports and
2 supporting documents were not actually prepared by BSK or prepared and signed by the Engineers
3 Gouchon (147 MARIETTA DRIVE), Porter (107 MARIETTA DRIVE, 1672-1674 GREAT
4 HIGHWAY, 1740 JONES STREET, 1945 GREEN STREET, 2030 VALLEJO STREET) Auser (1740
5 JONES STREET, 2050 JEFFERSON STREET), Brown (107 MARIETTA DRIVE), and Sherwood
6 (107 MARIETTA DRIVE). Because the reports and supporting documents appeared to be legitimate,
7 and were on the letterhead of BSK, a genuine engineering and construction material testing company
8 that is, and during the relevant time period for the application of the delayed discovery rule as an
9 exception to the four-year statute of limitations under the Unfair Competition Law was, on DBI's
10 approved list of Special Inspection agencies, and because the reports and supporting documents
11 appeared to be signed and stamped by actual engineers, PLAINTIFFS, including DBI, a department of
12 Plaintiff CITY, was unable to discover the fraud earlier despite reasonable diligence. As a result of
13 147 MARIETTA DEFENDANTS, 107 MARIETTA DEFENDANTS, GREAT HIGHWAY
14 DEFENDANTS, JONES DEFENDANTS, GREEN DEFENDANTS, VALLEJO DEFENDANTS, and
15 JEFFERSON DEFENDANTS' lies, PLAINTIFFS, including DBI, a department of Plaintiff CITY, did
16 not have cause to suspect or discover the fraudulent and forged Special Inspection Final Compliance
17 reports and supporting documents.

18 309. 147 MARIETTA DEFENDANTS, 107 MARIETTA DEFENDANTS, GREEN
19 DEFENDANTS, and JONES DEFENDANTS submitted to DBI the fraudulent permit applications
20 identified in, and attached to, this FIRST AMENDED COMPLAINT in an effort to conceal from DBI
21 that the excavation work being conducted at 147 MARIETTA DRIVE, 107 MARIETTA DRIVE,
22 1945 GREEN STREET and 1740 JONES STREET was not actually conducted by Cal/OSHA certified
23 contractors. 147 MARIETTA DEFENDANTS, 107 MARIETTA DEFENDANTS, GREEN
24 DEFENDANTS, and JONES DEFENDANTS submitted to DBI the fraudulent permit applications
25 identified in, and attached to, this FIRST AMENDED COMPLAINT to deceive DBI into believing
26 that the excavation work at 147 MARIETTA DRIVE, 107 MARIETTA DRIVE, 1945 GREEN
27 STREET, and 1740 JONES STREET was being performed by Cal/OSHA certified contractors.
28

1 310. At the time that the fraudulent permit applications identified in, and attached to, this
2 FIRST AMENDED COMPLAINT were submitted to DBI, as specified in this FIRST AMENDED
3 COMPLAINT, PLAINTIFFS, including DBI, a department of Plaintiff CITY, had no knowledge that
4 the permits were fraudulent, or that the Cal/OSHA certified contractors identified in the permit
5 applications and attached documents - Stich Construction/RV Stich (147 MARIETTA DRIVE), Ace
6 Drilling & Excavation/S. Patrick O'Briain (1945 GREEN STREET and 1740 JONES STREET), and
7 Associated Trucking, Inc. (107 MARIETTA DRIVE) - would not be performing the work.

8 311. Because 147 MARIETTA DEFENDANTS, 107 MARIETTA DEFENDANTS,
9 GREEN DEFENDANTS, and JONES DEFENDANTS listed the above-referenced contractors in their
10 permit applications and/or attached copies of their Cal/OSHA permits, PLAINTIFFS, including DBI, a
11 department of Plaintiff CITY, was unable to discover the fraud earlier despite reasonable diligence.
12 As a result of 147 MARIETTA DEFENDANTS, 107 MARIETTA DEFENDANTS, GREEN
13 DEFENDANTS, and JONES DEFENDANTS' lies, PLAINTIFFS, including DBI, a department of
14 Plaintiff CITY, did not have cause to suspect or discover the fraudulent permit applications.

15 **B. Plaintiffs' Discovery of Defendants' Fraud.**

16 312. 147 MARIETTA DRIVE and 147 MARIETTA DEFENDANTS. On April 27, 2018,
17 147 MARIETTA DEFENDANTS scheduled an inspection with DBI Inspector Kevin McHugh for
18 work that 147 MARIETTA DEFENDANTS were about to perform at 147 MARIETTA DRIVE. 147
19 MARIETTA DEFENDANTS did this even though a BSK Special Inspection Final Compliance report
20 and supporting document had already been submitted to DBI one month earlier, on March 27, 2018,
21 wherein alleged BSK Engineer John Gouchon attested that the work about to be performed had
22 already been completed. Because Inspector McHugh was aware of the previously submitted Special
23 Inspection Final Compliance report and supporting document approving work that had not yet been
24 performed, it was on April 27, 2018, that Inspector McHugh discovered the irregularity with the
25 Special Inspection reports at this one property – 147 MARIETTA DRIVE. Shortly thereafter, on May
26 2, 2018, PLAINTIFFS contacted RV Stich, who was the listed Cal/OSHA-certified contractor for 147
27 MARIETTA DRIVE for emergency excavation and shoring work, about the construction work at the
28 property. On May 3, 2018, Mr. Stich responded that he did not perform the work or obtain any permit

1 for work at 147 MARIETTA DRIVE. Later, on June 13, 2018, City Attorney Investigator Carol Stuart
2 contacted BSK, the engineering firm apparently responsible for the irregular Special Inspection
3 reports. BSK employee Veronica Rager informed Investigator Stuart that the BSK letterhead on the
4 Special Inspection reports for 147 MARIETTA DRIVE was outdated, with an outdated logo and the
5 address of a BSK branch office in Pleasanton that had closed in 2013. Soon after that conversation,
6 Investigator Stuart was provided a copy of BSK's employee list. Investigator Stuart determined that
7 Engineer John Gouchon worked at Langan Engineering. Investigator Stuart contacted Mr. Gouchon,
8 who confirmed that he never worked at BSK, that he never worked on the 147 MARIETTA DRIVE
9 project, and that he had not signed or stamped the 147 MARIETTA DRIVE Special Inspection Final
10 Compliance reports and supporting documents. Plaintiffs' Complaint was filed on September 20,
11 2018, alleging fraud and violations at 147 MARIETTA DRIVE, committed by several of the originally
12 named defendants as well as Doe defendants.

13 313. The volume of Special Inspection and materials testing reports filed with DBI is
14 enormous. Literally thousands of such reports are filed annually – in 2018, such reports were filed for
15 more than 6800 properties in San Francisco, and many of these properties had multiple reports filed.
16 The discovery of fraudulent reports at 147 MARIETTA DRIVE did not put PLAINTIFFS on notice of
17 misconduct at any of the other tens of thousands of properties in San Francisco where these reports
18 have been filed in past years. Nevertheless, in the interest of public health and safety, PLAINTIFFS
19 undertook a review to determine whether there were more fraudulent reports like those that were filed
20 for 147 MARIETTA DRIVE. On August 23, 2018, DBI's IT Department furnished Investigator Stuart
21 with a hard drive containing all Special Inspections submitted to DBI for San Francisco properties.
22 That drive contained more than 103 GB of data, and had 41,713 folders, each of which contained one
23 or more of the reports filed for a given property in a given year. Those folders in turn contained
24 233,478 documents. Investigator Stuart, together with another City Attorney investigator, began
25 reviewing the documents on the hard drive with an eye toward projects that involved SANTOS &
26 URRUTIA DEFENDANTS and/or reports on BSK letterhead.

27 314. 1945 GREEN STREET and GREEN DEFENDANTS. On October 10, 2018,
28 Investigator Stuart was continuing her review from DBI's Special Inspection database when she

1 discovered the BSK Special Inspection Final Compliance Reports and supporting documents for 1945
2 GREEN STREET. The reports and supporting documents were allegedly signed by BSK employee
3 Engineer Thomas W. Porter. Investigator Stuart noted that Mr. Porter was not on the employee list
4 provided to her by BSK. She also noted the reports and supporting documents were on the same
5 outdated BSK letterhead as that submitted to 147 MARIETTA DRIVE. On November 26, 2018, Mr.
6 Porter confirmed that he never worked at BSK, that he never worked on the 1945 GREEN STREET
7 project, and that he had not signed or stamped the 1945 GREEN STREET BSK Special Inspection
8 Final Compliance Report or the supporting documents. Later, further review of DBI records uncovered
9 a copy of Ace Drilling & Excavation's Cal/OSHA permit and a letter, purportedly from Ace Drilling
10 & Excavation and signed by "Seamus Patrick O'Briain," whose real name is Seosamh Patrick
11 O'Briain, included with Building Permit application No. 201211194485. The letter that was
12 purportedly signed by Mr. O'Briain stated in pertinent part, "I hereby authorize Santos & Urrutia
13 Structural Engineers, Inc. or agent of, to process and pick up any plans, drawings and necessary permit
14 applications on my behalf for 1943-1945 Green Street" and it was faxed to DBI from Defendant
15 SANTOS & URRUTIA ASSOCIATES, INC., on May 21, 2014. On January 11, 2019, Investigator
16 Stuart spoke to Mr. O'Briain of Ace Drilling & Excavation about the use of his Cal/OSHA permit at
17 1945 GREEN STREET. Mr. O'Briain stated that he would need to look at his records and at the
18 property, but he was fairly certain that he had done no work at 1945 GREEN STREET. Mr. O'Briain
19 also told Investigator Stuart that Defendant RODRIGO SANTOS had misappropriated his Cal/OSHA
20 permit in the past. Mr. O'Briain would not give Investigator Stuart further details regarding the earlier
21 misappropriation of his permit. On November 19, 2019, and November 20, 2019, Investigator Stuart
22 again spoke with Mr. O'Briain, who confirmed that he did not sign the letter included with Building
23 Permit application No. 201211194485. Mr. O'Briain also told Investigator Stuart that he did no
24 excavation or other work at 1945 GREEN STREET, nor had he given anyone permission to use his
25 Cal/OSHA permit at the property. Mr. O'Briain told Investigator Stuart that he was not aware of
26 anyone using his Cal/OSHA permit at 1945 GREEN STREET until he was informed by DBI of the
27 misappropriation shortly before he spoke to Investigator Stuart in January 2019.

1 315. DEFENDANT PETER SCHURMAN. Between November and December 2018,
2 Investigator Stuart and former DCA Sam Ray learned from Defendant KEVIN O’CONNOR and his
3 attorney that “Peter Schurman” was the individual who submitted the fraudulent Special Inspection
4 reports to DBI for 147 MARIETTA DRIVE. PLAINTIFFS were previously unaware of the
5 involvement of any such person in this alleged misconduct. KEVIN O’CONNOR told them he would
6 meet with Defendant PETER SCHURMAN, who is an engineering technician at Langan Engineering,
7 at a project SCHURMAN was working on at 1500 Mission Street, and pay SCHURMAN cash in
8 exchange for the BSK Special Inspection reports for 147 MARIETTA DRIVE.

9 316. 2030 VALLEJO STREET and VALLEJO DEFENDANTS. On January 9, 2019,
10 Investigator Stuart informed DBI that the Special Inspection reports for 1945 GREEN STREET were
11 forged. On that same date, DBI Chief Building Inspector O’Riordan informed Investigator Stuart that
12 excavation work in connection with the construction at 1945 GREEN STREET had compromised the
13 foundation of 2030 VALLEJO STREET. Investigator Stuart reviewed the Special Inspection reports
14 and supporting documents that had been submitted for 2030 VALLEJO STREET and discovered that
15 they were also on the outdated BSK letterhead and purportedly prepared by Engineer Thomas W.
16 Porter.

17 317. 1740 JONES STREET and JONES DEFENDANTS; 2050 JEFFERSON STREET and
18 JEFFERSON DEFENDANTS; and 1672-1674 GREAT HIGHWAY and GREAT HIGHWAY
19 DEFENDANTS. Between January and April 2019, Investigator Stuart continued searching through the
20 DBI database of Special Inspections. In April 2019, she discovered three additional properties with
21 purported BSK Special Inspection Final Compliance reports and/or supporting documents – 1740
22 JONES (allegedly signed by Engineers Porter and Auser), 2050 JEFFERSON (allegedly signed by
23 Engineer Auser), and 1672-1674 GREAT HIGHWAY (allegedly signed by Engineer Porter). On April
24 11, 2019, BSK Livermore Branch Manager Tim Rodriguez confirmed to Investigator Stuart that 1740
25 JONES, 2050 JEFFERSON, and 1672-1674 GREAT HIGHWAY were not BSK projects. On April
26 12, 2019, Engineer James Auser, who works at BSK, also confirmed that he was not involved with the
27 projects at 2050 JEFFERSON and 1740 JONES and that the Special Inspection Final Compliance
28 report and supporting documents for those properties were false. On June 14, 2019, the owner of 1740

JONES provided Investigator Stuart with documents related to the construction at his property. These documents included emails and invoices between the property owner, Defendant PETER SCHURMAN, Defendant TIM PETERSON, and Defendant PETERSON'S office manager, related to Defendant SCHURMAN'S preparation of the Special Inspection reports for 1740 JONES STREET. Later, further review of DBI records uncovered a copy of Ace Drilling & Excavation's Cal/OSHA permit and a letter, purportedly from Ace Drilling & Excavation and signed by S. Patrick O'Briain, included with Building Permit application No. 20130230063. The letter that was purportedly signed by S. Patrick O'Briain stated, "I hereby authorize Santos & Urrutia Structural Engineers Inc. or agent of, to process and pick up any plans, drawings and necessary permit applications on my behalf for 1740 Jones Street. Please call me should you have additional questions at (415) 642-7722." That telephone number included in the letter, purportedly from S. Patrick O'Briain, was not Mr. O'Briain's telephone number, but rather, Defendant SANTOS & URRITIA ASSOCIATES, INC.'s telephone number. In November 2019, Investigator Stuart spoke to Seosamh P. O'Briain, who confirmed that he did not sign the letter included with Building Permit application No. 20130230063, and that he had not given anyone permission to use his Cal/OSHA permit at the property. Mr. O'Briain also told Investigator Stuart that he was not aware of anyone using his Cal/OSHA permit at 1740 JONES STREET until he was informed by Investigator Stuart of the misappropriation on November 8, 2019.

318. 107 MARIETTA DRIVE and 107 MARIETTA DEFENDANTS. On May 2, 2019, Defendant KEVIN O'CONNOR provided a document production to PLAINTIFFS' counsel in connection with this lawsuit. Included in the document production are emails between Defendant KEVIN O'CONNOR, Defendant PETER SCHURMAN, Defendant RODRIGO SANTOS, and a welder, related to Defendant SCHURMAN'S preparation of Special Inspection reports. In one email, Defendant KEVIN O'CONNOR confirms that Defendant RODRIGO SANTOS can help coordinate Defendant PETER SCHURMAN'S preparation of the Special Inspection reports. The document production also included purported BSK Special Inspection Final Compliance reports and supporting documents for another property located at 107 MARIETTA DRIVE. The reports and supporting documents were purportedly signed by Engineer Thomas Porter, who had never worked at BSK, Engineer R. Keith Brown, whose engineering license has been delinquent since 2015, and Engineer

1 Nathan Sherwood. Soon thereafter, PLAINTIFFS discovered that Defendant KEVIN O'CONNOR
2 was a former owner of 107 MARIETTA DRIVE, and owned it at the time that the false Special
3 Inspection reports and supporting documents were submitted to DBI. In approximately June 2019,
4 Investigator Stuart conferred with Engineer Nathan Sherwood, who currently resides in Massachusetts.
5 Mr. Sherwood told Investigator Stuart that he had never worked at BSK, nor had he ever performed
6 any inspections at 107 MARIETTA DRIVE. He also confirmed the signature on the Special
7 Inspection reports was not his signature. Mr. Sherwood also confirmed that he would never sign a
8 concrete compression test report, which was one of the supporting testing documents he had
9 purportedly signed for 107 MARIETTA DRIVE on March 2, 2016, because he was not a materials
10 engineer and it was not his specialty. Later, a review of 107 MARIETTA DRIVE permits revealed a
11 copy of a Cal/OSHA permit attached to Building Permit application No. 201511243483. The
12 Cal/OSHA permit number belonged to Associated Trucking, Inc. On November 8, 2019, Investigator
13 Carol Stuart spoke to Shelly Gonzalez, the office manager for her husband Eduardo Gonzalez, the
14 Chief Executive Officer, Secretary, Director, and Agent for Service of Process for Associated
15 Trucking, Inc. Ms. Gonzalez told Investigator Stuart that Associated Trucking, Inc., removed two
16 partial truckloads of debris from 107 MARIETTA DRIVE in November and December 2015, but did
17 absolutely no excavation work at the property. On November 20, 2019, Investigator Stuart spoke to
18 Eduardo Gonzalez, who confirmed that Associated Trucking, Inc., did no excavation work at 107
19 MARIETTA DRIVE. Mr. Gonzalez also told Investigator Stuart that he did not give anyone
20 permission to use Associated Trucking, Inc.'s name or Cal/OSHA permit at 107 MARIETTA DRIVE.
21 He further stated that he was not aware that anyone had used Associated Trucking, Inc.'s name or
22 Cal/OSHA permit at 107 MARIETTA DRIVE until Investigator Stuart called his office on November
23 8, 2019.

24 **C. Continuous Accrual of Plaintiffs' Claims**

25 319. DEFENDANTS' violations of the law and fraudulent conduct give rise to continuously
26 accruing causes of action, including but not limited to claims for daily civil penalties under the San
27 Francisco Building Code and San Francisco Planning Code, claims for per-violation civil penalties
28

under the Unfair Competition Law, and claims for injunctive relief against ongoing violations of the law.

XI. CHECK FRAUD AND THEFT COMMITTED BY DEFENDANTS RODRIGO SANTOS AND SANTOS & URRUTIA ASSOCIATES, INC.

320. From at least April 2016 through April 2019, SANTOS & URRUTIA CHECK FRAUD DEFENDANTS misappropriated hundreds of checks from their clients. SANTOS & URRUTIA CHECK FRAUD DEFENDANTS' scheme was to request and obtain from their clients partially filled out checks – leaving only the dollar amount portion blank, signed by their clients, and made payable to City departments, such as DBI, DPW, and PLANNING. SANTOS & URRUTIA CHECK FRAUD DEFENDANTS told their clients that these checks were necessary for payments related to permit fees or other regulatory fees required for the construction projects. The clients trusted and relied upon SANTOS & URRUTIA CHECK FRAUD DEFENDANTS' representations and provided these checks as requested. Instead of submitting the checks to the payee City departments written on the checks by the clients, however, SANTOS & URRUTIA CHECK FRAUD DEFENDANTS would write in a concocted dollar amount, usually in the thousands (but down to the cent), endorse the back of the check in the name of the payee City department, and deposit the checks into Defendant RODRIGO SANTOS' personal checking account at Bank of America without the consent or authorization of the unsuspecting clients. On approximately twenty different occasions during this same time period, SANTOS & URRUTIA CHECK FRAUD DEFENDANTS altered clients' checks by changing the name of the "payee," as previously filled out by the client, from a City department into Defendant RODRIGO SANTOS' own name. For instance, SANTOS & URRUTIA CHECK FRAUD DEFENDANTS would change the "payee" from "DBI" to "RODBIGO SANTOS".

321. With at least 221 misappropriated checks, SANTOS & URRUTIA CHECK FRAUD DEFENDANTS stole and defrauded over \$420,000 from their clients over the last three years. PLAINTIFFS have included specific details of over fifty representative examples of these checks below.

1 **A. 107 MARIETTA DRIVE**

2 322. [REDACTED], wrote five
3 checks, dated May 23, 2016, June 8, 2016, August 30, 2016, October 31, 2016, and November 2,
4 2016, made payable to “DBI” for the payment of fees related to a construction project at 107
5 MARIETTA DRIVE in San Francisco. [REDACTED] prepared and signed the checks, but
6 left the dollar amounts blank. [REDACTED] then gave the checks to SANTOS & URRUTIA
7 CHECK FRAUD DEFENDANTS for the purpose of payment of fees to the City department DBI.
8 SANTOS & URRUTIA CHECK FRAUD DEFENDANTS filled in various dollar amounts on the
9 checks, endorsed the back of the check with “DBI,” and then, without the consent or knowledge of
10 [REDACTED], SANTOS & URRUTIA CHECK FRAUD DEFENDANTS deposited the
11 checks into Defendant RODRIGO SANTOS’ personal Bank of America checking account. The total
12 amount of the five checks is \$[REDACTED]. Copies of the five checks, with redactions to protect privacy,
13 are attached as **Exhibit 76** (collectively) and incorporated as part of this FIRST AMENDED
14 COMPLAINT.

15 **B. 147 MARIETTA DRIVE**

16 323. [REDACTED], wrote two checks, dated August 24, 2016 and
17 March 4, 2018, made payable to “DBI” for the payment of fees related to a construction project at 147
18 MARIETTA DRIVE in San Francisco. [REDACTED] prepared and signed the checks but
19 left the dollar amounts blank. [REDACTED] then gave the checks to SANTOS & URRUTIA
20 CHECK FRAUD DEFENDANTS for the purpose of payment of fees to the City department DBI.
21 SANTOS & URRUTIA CHECK FRAUD DEFENDANTS filled in various dollar amounts on the
22 checks, endorsed the back of the check with “DBI,” and then, without the consent or knowledge of
23 [REDACTED], SANTOS & URRUTIA CHECK FRAUD DEFENDANTS deposited the
24 checks into Defendant RODRIGO SANTOS’ personal Bank of America checking account. The total
25 amount of two the checks is \$[REDACTED]. Copies of the two checks, with redactions to protect privacy,
26 are attached as **Exhibit 77** (collectively) and incorporated as part of this FIRST AMENDED
27 COMPLAINT.
28

1 **C. 457 ROOSEVELT WAY**

2 324. [REDACTED] wrote three checks, one dated March 15, 2017, and two dated April 13,
3 2017, made payable to "City & County of SF DBI" or "CCSFDBI" for the payment of fees related to a
4 construction project at 457 ROOSEVELT WAY in San Francisco. [REDACTED] prepared and signed
5 these checks, but left the dollar amounts blank. [REDACTED] then gave the checks to SANTOS &
6 URRUTIA CHECK FRAUD DEFENDANTS for the purpose of payment of fees to the City
7 department DBI. SANTOS & URRUTIA CHECK FRAUD DEFENDANTS filled in various dollar
8 amounts on the checks, endorsed the back of the check with "SF DBI," "DBI" or "CCSF DBI" and
9 then, without the consent or knowledge of [REDACTED], SANTOS & URRUTIA CHECK FRAUD
10 DEFENDANTS deposited the checks into Defendant RODRIGO SANTOS' personal Bank of
11 America checking account. The total amount of the three checks is \$ [REDACTED]. Copies of the three
12 checks, with redactions to protect privacy, are attached as **Exhibit 78** (collectively) and incorporated
13 as part of this FIRST AMENDED COMPLAINT.

14 325. [REDACTED], by and
15 through [REDACTED], wrote three checks, one dated December 6, 2017, another dated
16 March 8, 2018 and one undated, made payable to "DBI" or "CCSF DBI" for the payment of fees
17 related to a construction project at 457 ROOSEVELT WAY in San Francisco. [REDACTED]
18 prepared and signed the checks, but left the dollar amounts blank. [REDACTED] then gave the
19 checks to SANTOS & URRUTIA CHECK FRAUD DEFENDANTS for the purpose of payment of
20 fees to the City department DBI. SANTOS & URRUTIA CHECK FRAUD DEFENDANTS filled in
21 various dollar amounts on the checks, endorsed the back of the check with "DBI" or "CCSF DBI,"
22 depending on the payee line for the check, and then, without the consent or knowledge of [REDACTED]
23 [REDACTED], SANTOS & URRUTIA CHECK FRAUD DEFENDANTS deposited the checks into
24 Defendant RODRIGO SANTOS' personal Bank of America checking account. The total amount of
25 the three checks is \$ [REDACTED]. Copies of the three checks, with redactions to protect privacy, are
26 attached as **Exhibit 79** (collectively) and incorporated as part of this FIRST AMENDED
27 COMPLAINT.
28

D. 2621 Harrison Street, 111 Williams Avenue, and 235 Capitol Avenue

326. [REDACTED], by and through [REDACTED], wrote eight checks dated June 13, 2016, April 12, 2017, April 18, 2017, September 20, 2017, September 27, 2017, October 10, 2017, October 27, 2017, and December 11, 2017, made payable to “DBI” or “Department of Building Inspection,” for the payment of fees related to construction projects at three different properties located at 2621 Harrison Street, 111 Williams Avenue, and 235 Capitol Avenue in San Francisco. Additionally, [REDACTED], by and through [REDACTED], wrote one check dated July 12, 2017, made payable to “Department of Public Works,” for the payment of fees related to a construction project at 2621 Harrison Street. Finally, [REDACTED], by and through [REDACTED], wrote two checks dated August 22, 2018 and January 23, 2019, made payable to “DBI,” which were later altered by SANTOS & URRUTIA CHECK FRAUD DEFENDANTS to read as payable to “RODBIGO SANTOS,” for the payment of fees related to a construction project at 235 Capitol Avenue. [REDACTED] gave the checks to SANTOS & URRUTIA CHECK FRAUD DEFENDANTS for the purpose of payment of fees to the City departments DBI or DPW, but left each of the dollar amounts blank on the eleven checks. SANTOS & URRUTIA CHECK FRAUD DEFENDANTS filled in eleven various dollar amounts on the checks, endorsed the back of the check with “DBI,” “Department of Building Inspection,” “Department of Public Works” or “Rodrigo Santos” depending on the payee line of the check, and then, without the consent or knowledge of [REDACTED], SANTOS & URRUTIA CHECK FRAUD DEFENDANTS deposited these eleven checks into Defendant RODRIGO SANTOS’ personal Bank of America checking account. The total amount of the eleven checks is \$ [REDACTED]. Copies of the eleven checks, with redactions to protect privacy, are attached as **Exhibit 80** (collectively) and incorporated as part of this FIRST AMENDED COMPLAINT.

E. 1071 Alabama Street

327. [REDACTED]
[REDACTED], by and through [REDACTED], wrote three checks dated April 29, 2016, March 27, 2017, and August 23, 2017, made payable to “DBI” for the payments of fees related to a construction project at 1071 Alabama Street in San Francisco. [REDACTED]

1 and/or [REDACTED] also wrote two checks dated November 9, 2017 and November 27, 2017,
2 made payable to "DPW" also for the payment of fees related to a construction project at 1071
3 Alabama Street. [REDACTED] then signed all these checks, but left the dollar amounts blank. [REDACTED]
4 [REDACTED] gave the checks to SANTOS & URRUTIA CHECK FRAUD DEFENDANTS for the
5 purpose of the payment of fees to the City departments DBI and DPW. SANTOS & URRUTIA
6 CHECK FRAUD DEFENDANTS filled in various dollar amounts on the checks, endorsed the back of
7 the check with either "DBI" or "DPW," depending on the payee line of the check, and then, without
8 the consent or knowledge of [REDACTED], SANTOS & URRUTIA CHECK FRAUD
9 DEFENDANTS deposited these five checks into Defendant RODRIGO SANTOS' personal Bank of
10 America checking account. The total amount of the five checks is \$[REDACTED]. Copies of the five
11 checks, with redactions to protect privacy, are attached as **Exhibit 81** (collectively) and incorporated
12 as part of this FIRST AMENDED COMPLAINT.

13 **F. 736 South Van Ness Avenue**

14 328. [REDACTED] wrote three checks dated June 8,
15 2017, August 4, 2017, and September 15, 2017, made payable to "DBI" for the payment of fees
16 related to a construction project at 736 South Van Ness Avenue in San Francisco. [REDACTED]
17 [REDACTED] also wrote one check dated August 4, 2017, made payable to "DPW" for the payment of
18 fees related to the same construction project at 736 South Van Ness Avenue. [REDACTED]
19 [REDACTED] prepared and signed these checks, but left the dollar amounts blank. They
20 then gave the checks to SANTOS & URRUTIA CHECK FRAUD DEFENDANTS for the purpose of
21 payment of fees to the City departments DBI and DPW. SANTOS & URRUTIA CHECK FRAUD
22 DEFENDANTS filled in various dollar amounts on the checks, endorsed the back of the check with
23 "DBI" or "DPW," depending on the payee line of the check, and then, without the consent or
24 knowledge of [REDACTED], SANTOS & URRUTIA CHECK FRAUD
25 DEFENDANTS deposited these four checks into Defendant RODRIGO SANTOS' personal Bank of
26 America checking account. On the check dated September 15, 2017, SANTOS & URRUTIA CHECK
27 FRAUD DEFENDANTS filled in the memo line to read "444 Clementina," a property unrelated to [REDACTED]
28 [REDACTED]. The total amount of the four checks is \$[REDACTED]. Copies of the four checks, with

redactions to protect privacy, are attached as **Exhibit 82** (collectively) and incorporated as part of this FIRST AMENDED COMPLAINT.

G. 1229-1231 Connecticut Street

329. [REDACTED], by and through [REDACTED], wrote two checks each dated January 25, 2018, made payable to “DBI” for the payment of fees related to a construction project at 1229-1231 Connecticut Street in San Francisco. Additionally, [REDACTED], by and through [REDACTED], wrote one check dated February 22, 2017, made payable to “Dept of Public Works” for the payment of fees related to the construction project at 1229-1231 Connecticut Street. [REDACTED] prepared and signed these checks, but left the dollar amounts blank. [REDACTED] then gave these checks to SANTOS & URRUTIA CHECK FRAUD DEFENDANTS for the purpose of payment of fees to the City departments DBI and DPW. SANTOS & URRUTIA CHECK FRAUD DEFENDANTS filled in various dollar amounts on the checks, endorsed the back of the check with either “DBI” or “Dept of Public Works,” depending on the payee line of the check, and then, without the consent or knowledge of [REDACTED], SANTOS & URRUTIA CHECK FRAUD DEFENDANTS deposited the checks into Defendant RODRIGO SANTOS’ personal Bank of America checking account. The total amount of the three checks is \$[REDACTED]. Copies of the three checks, with redactions to protect privacy, are attached as **Exhibit 83** (collectively) and incorporated as part of this FIRST AMENDED COMPLAINT.

H. 1223 Fitzgerald Avenue

330. [REDACTED] wrote one check dated January 30, 2018, made payable to “DBI” for the payment of fees related to a construction project at 1223 Fitzgerald Avenue in San Francisco. [REDACTED] prepared and signed this check, but left the dollar amount blank. [REDACTED] then gave the check to SANTOS & URRUTIA CHECK FRAUD DEFENDANTS for the purpose of payment of fees to the City department DBI. SANTOS & URRUTIA CHECK FRAUD DEFENDANTS filled in a dollar amount on the check, endorsed the back of the check with “DBI,” and then, without the consent or knowledge of [REDACTED], deposited the check into Defendant RODRIGO SANTOS’ personal Bank of America checking account. The total amount of the check is \$[REDACTED]. A copy of the check, with

redactions to protect privacy, is attached as **Exhibit 84** and incorporated as part of this FIRST AMENDED COMPLAINT.

I. 1563 Fulton Street

331. [REDACTED] wrote one check dated November 8, 2016, made payable to “SF DBI” for the payment of fees related to a construction project at 1563 Fulton Street in San Francisco. [REDACTED] prepared and signed this check, but left the dollar amount blank. [REDACTED] then gave the check to SANTOS & URRUTIA CHECK FRAUD DEFENDANTS for the purpose of payment of fees to the City department DBI. SANTOS & URRUTIA CHECK FRAUD DEFENDANTS filled in a dollar amount on the check, endorsed the back of the check with “SF DBI,” and then, without the consent or knowledge of [REDACTED], SANTOS & URRUTIA CHECK FRAUD DEFENDANTS deposited the check into Defendant RODRIGO SANTOS’ personal Bank of America checking account. The total amount of the check is \$[REDACTED]. A copy of the check, with redactions to protect privacy, is attached as **Exhibit 85** and incorporated as part of this FIRST AMENDED COMPLAINT.

J. 1431 12th Avenue

332. [REDACTED] wrote one check dated April 6, 2017, made payable to “SF Building Department” for the payment of fees related to a construction project at 1431 12th Avenue in San Francisco. [REDACTED] prepared and signed this check, but left the dollar amount blank. [REDACTED] then gave the check to SANTOS & URRUTIA CHECK FRAUD DEFENDANTS for the purpose of payment of fees to the City department DBI. SANTOS & URRUTIA CHECK FRAUD DEFENDANTS filled in a dollar amount on the check, endorsed the back of the check with “SF DBI,” and then, without the consent or knowledge of [REDACTED], SANTOS & URRUTIA CHECK FRAUD DEFENDANTS deposited the check into Defendant RODRIGO SANTOS’ personal Bank of America checking account. The total amount of the check is \$[REDACTED]. A copy of the check, with redactions to protect privacy, is attached as **Exhibit 86** and incorporated as part of this FIRST AMENDED COMPLAINT.

K. 3032-3034 Jackson Street

333. [REDACTED] wrote one check dated November 20, 2017, made payable to “SF DBI” for the payment of fees related to a construction project at 3032-3034 Jackson Street in San Francisco.

1 [REDACTED] also wrote two checks dated March 7, 2018 and March 21, 2018, made payable to
2 "DPW" similarly for the payment of fees related to the construction project at 3032-3034 Jackson
3 Street. [REDACTED] prepared and signed the checks, but left the dollar amounts blank. [REDACTED] then gave
4 the checks to SANTOS & URRUTIA CHECK FRAUD DEFENDANTS for the purpose of payment
5 of fees to the City departments DBI and DPW. SANTOS & URRUTIA CHECK FRAUD
6 DEFENDANTS filled in various dollar amounts on each check, endorsed the back of the checks with
7 "SF DBI" or "DPW," depending on the payee line of the check, and then, without the consent or
8 knowledge of [REDACTED], SANTOS & URRUTIA CHECK FRAUD DEFENDANTS deposited the
9 checks into Defendant RODRIGO SANTOS' personal Bank of America checking account. The total
10 amount of the three checks is \$[REDACTED]. Copies of the three checks, with redactions to protect privacy,
11 are attached as **Exhibit 87** (collectively) and incorporated as part of this FIRST AMENDED
12 COMPLAINT.

13 **L. 801 Cole Street**

14 334. [REDACTED] wrote one check dated December 27, 2017, made payable to "DBI"
15 for the payment of fees related to a construction project at 801 Cole Street in San Francisco. [REDACTED]
16 [REDACTED] prepared and signed this check, but left the dollar amount blank. [REDACTED] then gave
17 the check to SANTOS & URRUTIA CHECK FRAUD DEFENDANTS for the purpose of payment of
18 fees to the City department DBI. SANTOS & URRUTIA CHECK FRAUD DEFENDANTS filled in a
19 dollar amount on the check, endorsed the back of the check with "DBI," and then, without the consent
20 or knowledge of [REDACTED], SANTOS & URRUTIA CHECK FRAUD DEFENDANTS deposited
21 the check into Defendant RODRIGO SANTOS' personal Bank of America checking account. The
22 total amount of the check is \$[REDACTED]. A copy of the check, with redactions to protect privacy, is
23 attached as **Exhibit 88** and incorporated as part of this FIRST AMENDED COMPLAINT.

24 **M. 1333 Waller Street**

25 335. [REDACTED] wrote one check dated March 14, 2017, made payable to "DBI" for the
26 payment of fees related to a construction project at 1333 Waller Street in San Francisco. [REDACTED]
27 prepared and signed this check, but left the dollar amount blank. [REDACTED] then gave the check to
28 SANTOS & URRUTIA CHECK FRAUD DEFENDANTS for the purpose of payment of fees to the

City department DBI. SANTOS & URRUTIA CHECK FRAUD DEFENDANTS filled in a dollar amount on the check, endorsed the back of the check with “DBI,” and then, without the consent or knowledge of [REDACTED], SANTOS & URRUTIA CHECK FRAUD DEFENDANTS deposited the check into Defendant RODRIGO SANTOS’ personal Bank of America checking account. The total amount of the check is \$[REDACTED]. A copy of the check, with redactions to protect privacy, is attached as **Exhibit 89** and incorporated as part of this FIRST AMENDED COMPLAINT.

N. 2963 22nd Street

336. [REDACTED] wrote one check dated June 2, 2017, made payable to “DBI” for the payment of fees related to a construction project at 2963 22nd Street in San Francisco. [REDACTED] prepared and signed this check, but left the dollar amount blank. [REDACTED] then gave the check to SANTOS & URRUTIA CHECK FRAUD DEFENDANTS for the purpose of payment of fees to the City department DBI. SANTOS & URRUTIA CHECK FRAUD DEFENDANTS filled in a dollar amount on the check, endorsed the back of the check with “DBI,” and then, without the consent or knowledge of [REDACTED], SANTOS & URRUTIA CHECK FRAUD DEFENDANTS deposited the check into Defendant RODRIGO SANTOS’ personal Bank of America checking account. The total amount of the check is \$[REDACTED]. A copy of the check, with redactions to protect privacy, is attached as **Exhibit 90** and incorporated as part of this FIRST AMENDED COMPLAINT.

O. 3256 21st Street and 4540 19th Street

337. [REDACTED] by and through [REDACTED], wrote one check dated April 3, 2017, made payable to “Department of Building Inspection” for the payment of fees related to a construction project at 3256 21st Street in San Francisco. Additionally, [REDACTED], by and through [REDACTED], wrote two checks dated July 18, 2017 and August 9, 2017, made payable to “Department of Building Inspection” and “DBI” for the payment of fees related to a construction project at 4540 19th Street in San Francisco. Finally, [REDACTED] by and through [REDACTED], wrote one additional check dated July 18, 2017, made payable to “SFDPW” for the payment of fees related to the construction project at 4540 19th Street. [REDACTED] signed these four checks, but left the dollar amounts blank. [REDACTED] then gave the checks to SANTOS & URRUTIA CHECK FRAUD DEFENDANTS for the

1 purpose of payment of fees to the City department DBI and DPW. SANTOS & URRUTIA CHECK
2 FRAUD DEFENDANTS filled in various dollar amounts on the checks, endorsed the back of the
3 check with "Department of Bldg. Insp.," "SFDBI," "DBI," or "SFDPW" and then, without the consent
4 or knowledge of [REDACTED], SANTOS & URRUTIA CHECK FRAUD DEFENDANTS deposited
5 the checks into Defendant RODRIGO SANTOS' personal Bank of America checking account. The
6 total amount of the four checks is \$ [REDACTED]. Copies of the four checks, with redactions to protect
7 privacy, are attached as **Exhibit 91** (collectively) and incorporated as part of this FIRST AMENDED
8 COMPLAINT.

9 **P. 1405 Van Dyke Avenue**

10 338. [REDACTED] wrote two checks dated December 19, 2016 and April 6, 2017, made
11 payable to "DBI" for the payment of fees related to a construction project at 1405 Van Dyke Avenue
12 in San Francisco. [REDACTED] prepared and signed these checks, but left the dollar amounts blank. [REDACTED]
13 [REDACTED] then gave the checks to SANTOS & URRUTIA CHECK FRAUD DEFENDANTS for the
14 purpose of payment of fees to the City department DBI. SANTOS & URRUTIA CHECK FRAUD
15 DEFENDANTS filled in various dollar amounts on the checks, endorsed the back of the check with
16 "DBI," and then, without the consent or knowledge of [REDACTED], SANTOS & URRUTIA CHECK
17 FRAUD DEFENDANTS deposited the checks into Defendant RODRIGO SANTOS' personal Bank
18 of America checking account. The total amount of the two checks is \$ [REDACTED]. Copies of the two
19 checks, with redactions to protect privacy, are attached as **Exhibit 92** (collectively) and incorporated
20 as part of this FIRST AMENDED COMPLAINT.

21 **FIRST CAUSE OF ACTION**

22 **FOR UNLAWFUL BUSINESS PRACTICES BROUGHT BY THE PLAINTIFF PEOPLE OF
23 THE STATE OF CALIFORNIA AGAINST ALL DEFENDANTS**

24 **(California Business and Professions Code Sections 17200-17210)**

25 339. Plaintiffs PEOPLE OF THE STATE OF CALIFORNIA hereby incorporate by
26 reference paragraphs 1 through 338 above, as though fully set forth herein.

27 340. The PEOPLE brings this cause of action in the name of the People of the State of
28 California pursuant to Business and Professions Code section 17200-17210 in order to protect the

1 public as consumers and competitors from the unlawful, unfair, and fraudulent practices committed by
2 DEFENDANTS within the City and County of San Francisco, State of California.

3 341. The DEFENDANTS are now engaging in and, for a considerable period of time, and at
4 all times pertinent to the allegations of this FIRST AMENDED COMPLAINT, have been engaging in
5 and transacting business within the City and County of San Francisco, State of California.

6 DEFENDANTS' actions are in violation of the laws and public policies of the City and County of San
7 Francisco and the State of California, and are inimical to the rights and interests of the general public.

8 342. 147 MARIETTA DEFENDANTS are now engaging in, and, for a considerable period
9 of time, and at all times pertinent to the allegations of this FIRST AMENDED COMPLAINT, have
10 been engaging in, unlawful business practices regarding 147 MARIETTA DRIVE prohibited by
11 California's Unfair Competition Law, Business and Professions Code Sections 17200-17210, as
12 follows:

- 13 a. By conducting work without a permit in violation of San Francisco Building
14 Code section 106A.1 and San Francisco Planning Code sections 134, 136, 171
15 and 311;
- 16 b. By conducting work beyond the scope of permits, in violation of San Francisco
17 Building Code section 106A.4.7 and San Francisco Planning Code sections 171,
18 174, and 311;
- 19 c. By creating and/or maintaining an unsafe building, and permitting such
20 violations to continue, in violation of San Francisco Building Code section
21 102A and 103A;
- 22 d. By failing to notifying adjoining property owners of excavation work, in
23 violation of San Francisco Building Code section 3307 and California Civil
24 Code section 832;
- 25 e. By failing to comply with Special Inspections requirements, in violation of San
26 Francisco Building Code section 1701, et seq.;
- 27 f. By failing to comply with the Slope Protection Act, in violation of San
28 Francisco Building Code section 106A.4.1.4, et seq.;

- g. By conducting excavation work without Cal/OSHA excavation permits, in violation of California Labor Code section 6500 and California Code of Regulations, title 8, section 341;
- h. By creating and maintaining a substandard building, in violation of California Health and Safety Code sections 17910-17988.3;
- i. By creating and/or maintaining a public nuisance, in violation of California Civil Code sections 3479 and 3480, San Francisco Building Code section 102A, and San Francisco Planning code section 176;
- j. By forging Engineer Gouchon's signature and professional stamp on fraudulent Special Inspection reports and supporting documents submitted to DBI, in violation of California Penal Code sections 470 et seq., 475(a) and 115(a);
- k. By willfully using Mr. Gouchon's name, professional stamp and engineering license number for an unlawful purpose in violation of California Penal Code section 530.5(a);
- l. By fraudulently listing RV Stich and RV Stich Construction, Inc., as the contractor of record on permit applications, in violation of California Penal Code section 115(a); and
- m. By willfully using RV Stich's and Stich Construction, Inc.'s names, Cal/OSHA permit number, and contractor license number for an unlawful purpose, in violation of California Penal Code section 530.5(a).

343. 147 MARIETTA DEFENDANTS are now engaging in, and, for a considerable period of time and at all times pertinent to the allegations of this FIRST AMENDED COMPLAINT, have engaged in, unfair business practices regarding 147 MARIETTA DRIVE and 151 Marietta Drive prohibited by California's Unfair Competition Law as follows:

- a. By misrepresenting and minimizing the scope of work in permit applications, 147 MARIETTA DEFENDANTS avoid additional review by CITY departments and a Structural Advisory Committee and obtain permits faster than those who submit accurate and complete permit applications;

- 1 b. By misrepresenting the identification of the contractor performing the work at
2 147 MARIETTA DRIVE and 151 Marietta Drive, 147 MARIETTA
3 DEFENDANTS avoid the cost associated with hiring a licensed contractor and
4 jeopardize the health and safety of the individuals who perform work in and
5 around 147 MARIETTA DRIVE and 151 Marietta Drive, the residents of
6 adjacent and/or nearby homes, and the general public;
- 7 c. By failing altogether to apply for permits and performing work without permits,
8 147 MARIETTA DEFENDANTS avoid the costs and time associated with
9 obtaining permits;
- 10 d. By performing work without permits or work beyond the scope of permits, 147
11 MARIETTA DEFENDANTS avoid the CITY's oversight into their work, and
12 jeopardize the health and safety of the individuals who perform work in and
13 around 147 MARIETTA DRIVE, the residents of adjacent and/or nearby
14 homes, and the general public;
- 15 e. By performing work without permits or beyond the scope of permits, 147
16 MARIETTA DEFENDANTS avoid the oversight of a Structural Advisory
17 Committee, and jeopardize the individuals who perform work in and around 147
18 MARIETTA DRIVE, the residents of adjacent and/or nearby homes, and the
19 general public;
- 20 f. By performing work without permits or beyond the scope of permits, 147
21 MARIETTA DEFENDANTS evade the oversight of a Special Inspector and the
22 cost and time associated with hiring a Special Inspector, and jeopardize the
23 health and safety of the residents of the adjacent and/or nearby homes and the
24 general public;
- 25 g. By performing work without Cal/OSHA excavation permits, 147 MARIETTA
26 DEFENDANTS evade the cost and time associated with obtaining a Cal/OSHA
27 excavation permit or with hiring a contractor with a Cal/OSHA excavation
28 permit, and jeopardize the health and safety of the individuals who perform

- work in and around 147 MARIETTA DRIVE and 151 Marietta Drive, the residents of adjacent and/or nearby homes, and the general public;
- h. By submitting fraudulent Special Inspection reports and supporting documents and forging Engineer Gouchon's signature and professional stamp, 147 MARIETTA DEFENDANTS are falsely associating themselves with Engineer Gouchon and unfairly competing with business competitors;
- i. By submitting fraudulent Special Inspection reports and supporting documents on BSK letterhead, 147 MARIETTA DEFENDANTS are falsely associating themselves with BSK and unfairly competing with similar business competitors;
- j. By fraudulently listing RV Stich and RV Stich Construction, Inc. as the contractor of record on permit applications, 147 MARIETTA DEFENDANTS are falsely associating themselves with RV Stich and RV Stich Construction, Inc., and unfairly competing with similar business competitors;
- k. By misrepresenting and fraudulently alleging that the monitoring of construction materials and workmanship that is critical to the integrity of building structures and the public safety was performed by actual and approved Special Inspectors 147 MARIETTA DEFENDANTS are avoiding appropriate and necessary review by the CITY and are unfairly obtaining sign offs and completion of construction projects faster than those individuals who submit genuine, accurate and complete Special Inspection reports;
- l. By misrepresenting the identification of the Special Inspector allegedly performing Special Inspection work, as well as the company where the alleged Special Inspectors purportedly worked, 147 MARIETTA DEFENDANTS avoid the cost and time associated with hiring actual Special Inspectors to perform the work;
- m. By submitting forged special inspections, 147 MARIETTA DEFENDANTS are avoiding the oversight of actual Special Inspectors, as required by the San Francisco Building Code, and the cost and time associated with hiring actual

1 Special Inspectors, and are jeopardizing the health and safety of residents of,
2 147 MARIETTA DRIVE, as well as residents of adjacent and/or nearby homes
3 and other buildings, and the general public; and

- 4 n. By forging Special Inspection reports and supporting documents, despite not
5 being qualified to perform such inspections, or to sign such reports, 147
6 MARIETTA DEFENDANTS are unfairly competing with actual and qualified
7 Special Inspectors.

8 344. 147 MARIETTA DEFENDANTS are now engaging in, and, for a considerable period
9 of time, and at all times pertinent to the allegations of this FIRST AMENDED COMPLAINT, have
10 engaged in, fraudulent business practices at 147 MARIETTA DRIVE prohibited by California's
11 Unfair Competition Law as follows:

- 12 a. By certifying in permit applications that the work described in the permit will be
13 in compliance with the law, 147 MARIETTA DEFENDANTS have been and
14 are deceiving DBI, CITY departments, and the public that the construction work
15 at 147 MARIETTA DRIVE will be performed in a code compliant manner;
- 16 b. By misrepresenting and minimizing the scope of work in permit applications,
17 147 MARIETTA DEFENDANTS have been and are deceiving DBI, CITY
18 departments, and the public as to the scope of work to be performed at 147
19 MARIETTA DRIVE;
- 20 c. By performing work without permits or beyond the scope of permits, 147
21 MARIETTA DEFENDANTS have been and are deceiving DBI, CITY
22 departments, and the public as to the scope of work to be performed at 147
23 MARIETTA DRIVE;
- 24 d. By fraudulently representing that excavation work was to be done by a
25 contractor with an annual Cal/OSHA excavation permit on permit applications,
26 knowing that such representation was false, 147 MARIETTA DEFENDANTS
27 intended to, have been and are deceiving DBI, CITY departments, and the
28 public that the construction work at 147 MARIETTA DRIVE and 151 Marietta

1 Drive will be conducted by a Cal/OSHA certified contractor, as required by law,
2 and will be conducted in a manner that complies with state and local laws aimed
3 at protecting the safety of workers;

- 4 e. By fraudulently listing RV Stich and Stich Construction, Inc. as the contractor
5 of record on permit applications, 147 MARIETTA DEFENDANTS are
6 misappropriating RV Stich's and Stich Construction, Inc.'s name and
7 professional license;
- 8 f. By submitting fraudulent Special Inspection reports and supporting documents,
9 knowing that said reports were fraudulent, 147 MARIETTA DEFENDANTS
10 intended to, have been and are deceiving DBI, other CITY departments, and the
11 public that the work performed at 147 MARIETTA DRIVE and 151 Marietta
12 Drive was performed in a code compliant manner;
- 13 g. By submitting fraudulent Special Inspection reports and supporting documents,
14 knowing that said reports were fraudulent, 147 MARIETTA DEFENDANTS
15 intended to deceive DBI into believing the reports were legitimate and to induce
16 DBI to rely on such reports. As a direct result of 147 MARIETTA
17 DEFENDANTS' deception and lies, DBI reasonably believed that the fraudulent
18 Special Inspection reports and supporting documents were legitimate and signed
19 off on some of the fraudulent Special Inspection reports at 147 MARIETTA
20 DRIVE – actions that DBI would not have taken had it known that the Special
21 Inspection reports and supporting documents were fake. As a direct result of
22 147 MARIETTA DEFENDANTS' deceptions and lies, and believing them to
23 be legitimate Special Inspection reports, DBI made the false and fraudulent
24 reports and supporting documents a part of the official building records for 147
25 MARIETTA DRIVE. As a direct result of 147 MARIETTA DEFENDANTS' lies
26 and deceptions, DBI and the public were deceived into believing that the
27 construction materials and workmanship at 147 MARIETTA DRIVE were
28 tested and complied with specific testing requirements of the approved building

1 plans and the San Francisco Building Code; that the construction work was
2 performed in accordance with the approved building plans, specifications, and
3 applicable workmanship provisions of the San Francisco Building Code; and
4 that Special Inspectors monitored construction materials and workmanship and
5 completed Special Inspection reports at 147 MARIETTA DRIVE, all of which
6 147 MARIETTA DEFENDANTS knew to be untrue;

7 h. By submitting fraudulent Special Inspection reports and supporting documents
8 and forging Engineer Gouchon's signature and professional stamp, 147
9 MARIETTA DEFENDANTS are misappropriating Engineer Gouchon's name
10 and professional licenses; and

11 i. By submitting fraudulent Special Inspection reports and supporting documents
12 on BSK letterhead, 147 MARIETTA DEFENDANTS are misappropriating
13 BSK's name and professional reputation.

14 345. ROOSEVELT DEFENDANTS are now engaging in, and, for a considerable period of
15 time, and at all times pertinent to the allegations of this FIRST AMENDED COMPLAINT, have been
16 engaging in, unlawful business practices regarding 457 ROOSEVELT WAY prohibited by
17 California's Unfair Competition Law, Business and Professions Code Sections 17200-17210, as
18 follows:

- 19 a. By conducting work without a permit in violation of San Francisco Building
20 Code section 106A.1 and San Francisco Planning Code sections 171 and 311;
21 b. By conducting work beyond the scope of permits, in violation of San Francisco
22 Building Code section 106A.4.7 and San Francisco Planning Code sections 171,
23 174, and 311;
24 c. By creating and/or maintaining an unsafe building, in violation of San Francisco
25 Building Code section 102A;
26 d. By failing to notifying adjoining property owners of excavation work, in
27 violation of San Francisco Building Code section 3307 and California Civil
28 Code section 832;

- e. By failing to comply with Special Inspections requirements, in violation of San Francisco Building Code section 1701, et seq.;
- f. By failing to comply with the Slope Protection Act, in violation of San Francisco Building Code section 106A.4.1.4, et seq.;
- g. By conducting excavation work without Cal/OSHA excavation permits, in violation of California Labor Code section 6500 and California Code of Regulations, title 8, section 341;
- h. By creating and maintaining a substandard building, in violation of California Health and Safety Code sections 17910-17988.3; and
- i. By creating and/or maintaining a public nuisance, in violation of California Civil Code sections 3479 and 3480, San Francisco Building Code section 102A, and San Francisco Planning code section 176.

346. ROOSEVELT DEFENDANTS are now engaging in, and, for a considerable period of time, and at all times pertinent to the allegations of this FIRST AMENDED COMPLAINT, have engaged in, unfair business practices regarding 457 ROOSEVELT WAY, prohibited by California's Unfair Competition Law as follows:

- a. By misrepresenting and minimizing the scope of work in permit applications, ROOSEVELT DEFENDANTS avoid additional review by CITY departments and a Structural Advisory Committee and obtain permits faster than those who submit accurate and complete permit applications;
- b. By failing altogether to apply for permits and performing work without permits, ROOSEVELT DEFENDANTS avoid the costs and time associated with obtaining permits;
- c. By performing work without permits or work beyond the scope of permits, ROOSEVELT DEFENDANTS avoid the CITY's oversight into their work, and jeopardize the health and safety of the individuals who perform work in and around 457 ROOSEVELT WAY, the residents of adjacent and/or nearby homes, and the general public;

- 1 d. By performing work without permits or beyond the scope of permits,
2 ROOSEVELT DEFENDANTS avoid the oversight of a Structural Advisory
3 Committee, and jeopardize the individuals who perform work in and around 457
4 ROOSEVELT WAY, the residents of adjacent and/or nearby homes, and the
5 general public;
- 6 e. By performing work without permits or beyond the scope of permits,
7 ROOSEVELT DEFENDANTS avoid the oversight of a special inspector and
8 the cost and time associated with hiring a special inspector, and jeopardize the
9 health and safety of the residents of the adjacent and/or nearby homes and the
10 general public; and
- 11 f. By performing work without Cal/OSHA excavation permitting, ROOSEVELT
12 DEFENDANTS avoid the cost and time associated with obtaining a Cal/OSHA
13 excavation permit or with hiring a contractor with an annual Cal/OSHA
14 excavation permit, and jeopardize the health and safety of the individuals who
15 perform work in and around 457 ROOSEVELT WAY, the residents of adjacent
16 and/or nearby homes, and the general public.

17 347. ROOSEVELT DEFENDANTS are now engaging in, and, for a considerable period of
18 time, and at all times pertinent to the allegations of this FIRST AMENDED COMPLAINT, have
19 engaged in, fraudulent business practices at 457 ROOSEVELT WAY prohibited by California's
20 Unfair Competition Law as follows:

- 21 a. By certifying in permit applications that the work described in the permit will be
22 in compliance with the law, ROOSEVELT DEFENDANTS have been and are
23 deceiving DBI, CITY departments, and the public that the construction work
24 will be performed in a code compliant manner;
- 25 b. By misrepresenting and minimizing the scope of work in permit applications,
26 ROOSEVELT DEFENDANTS have been and are deceiving DBI, CITY
27 departments, and the public as to the scope of work to be performed at 457
28 ROOSEVELT WAY; and

1 c. By performing work without permits or beyond the scope of permits,
2 ROOSEVELT DEFENDANTS have been and are deceiving DBI, CITY
3 departments, and the public as to the scope of work to be performed at 457
4 ROOSEVELT WAY.

5 348. FELL DEFENDANTS are now engaging in, and, for a considerable period of time, and
6 at all times pertinent to the allegations of this FIRST AMENDED COMPLAINT, have been engaging
7 in unlawful business practices regarding 601A FELL STREET prohibited by California's Unfair
8 Competition Law, Business and Professions Code Sections 17200-17210, as follows:

- 9 a. By conducting work without a permit in violation of San Francisco Building
10 Code section 106A.1 and San Francisco Planning Code section 171;
11 b. By conducting work beyond the scope of permits, in violation of San Francisco
12 Building Code section 106A.4.7 and San Francisco Planning Code sections 171
13 and 174;
14 c. By creating and/or maintaining an unsafe building, in violation of San Francisco
15 Building Code section 102A;
16 d. By failing to notifying adjoining property owners of excavation work, in
17 violation of San Francisco Building Code section 3307 and California Civil
18 Code section 832;
19 e. By failing to comply with Special Inspections requirements, in violation of San
20 Francisco Building Code section 1701, et seq.;
21 f. By conducting excavation work without Cal/OSHA excavation permits, in
22 violation of California Labor Code section 6500 and California Code of
23 Regulations, title 8, section 341;
24 g. By creating and maintaining a substandard building, in violation of California
25 Health and Safety Code sections 17910-17988.3; and
26 h. By creating and/or maintaining a public nuisance, in violation of California
27 Civil Code sections 3479 and 3480, San Francisco Building Code section 102A,
28 and San Francisco Planning code section 176.

1 349. FELL DEFENDANTS are now engaging in, and, for a considerable period of time, and
2 at all times pertinent to the allegations of this FIRST AMENDED COMPLAINT, have engaged in,
3 unfair business practices regarding 601A FELL STREET prohibited by California's Unfair
4 Competition Law as follows:

- 5 a. By misrepresenting and minimizing the scope of work in permit applications,
6 FELL DEFENDANTS evade additional review by CITY departments and
7 obtain permits faster than those who submit accurate and complete permit
8 applications;
- 9 b. By failing altogether to apply for permits and performing work without permits,
10 FELL DEFENDANTS evade the costs and time associated with obtaining
11 permits;
- 12 c. By performing work without permits or work beyond the scope of permits,
13 FELL DEFENDANTS evade the CITY's oversight into their work, and
14 jeopardize the health and safety of the individuals who perform work in and
15 around 601A FELL STREET, the residents of adjacent and/or nearby homes,
16 and the general public;
- 17 d. By performing work without permits or beyond the scope of permits, FELL
18 DEFENDANTS evade the oversight of a special inspector and the cost and time
19 associated with hiring a special inspector, and jeopardize the health and safety
20 of the residents of the adjacent and/or nearby homes and the general public; and
- 21 e. By performing work without Cal/OSHA excavation permitting, FELL
22 DEFENDANTS evade the cost and time associated with obtaining a Cal/OSHA
23 excavation permit or with hiring a contractor with an annual Cal/OSHA
24 excavation permit, and jeopardize the health and safety of the individuals who
25 perform work in and around 601A FELL STREET, the residents of adjacent
26 and/or nearby homes, and the general public.

27 350. FELL DEFENDANTS are now engaging in, and, for a considerable period of time, and
28 at all times pertinent to the allegations of this FIRST AMENDED COMPLAINT, have engaged in,

1 fraudulent business practices at 601A FELL STREET prohibited by California's Unfair Competition
2 Law as follows:

- 3 a. By certifying in permit applications that the work described by in the permit
4 will be in compliance with the law, FELL DEFENDANTS have been and are
5 deceiving DBI, CITY departments, and the public that the construction work
6 will be performed in a code compliant manner;
- 7 b. By misrepresenting and minimizing the scope of work in permit applications,
8 FELL DEFENDANTS have been and are deceiving DBI, CITY departments,
9 and the public as to the scope of work to be performed at 601A FELL STREET;
- 10 c. By submitting fraudulent building plans to DBI, FELL DEFENDANTS are
11 deceiving DBI, CITY departments, and the public as to the scope of work to be
12 performed at 601A FELL STREET; and
- 13 d. By performing work without permits or beyond the scope of permits, FELL
14 DEFENDANTS have been and are deceiving DBI, CITY departments, and the
15 public as to the scope of work to be performed at 601A FELL STREET.

16 351. 107 MARIETTA DEFENDANTS for a considerable period of time, and at all times
17 pertinent to the allegations of this FIRST AMENDED COMPLAINT, were engaging in, unlawful
18 business practices regarding 107 MARIETTA DRIVE prohibited by California's Unfair Competition
19 Law, Business and Professions Code Sections 17200-17210, as follows:

- 20 a. By conducting work without a permit in violation of San Francisco Building
21 Code section 106A.1;
- 22 b. By conducting work beyond the scope of permits, in violation of San Francisco
23 Building Code section 106A.4.7;
- 24 c. By creating and/or maintaining an unsafe building, and permitting such
25 violations to continue, in violation of San Francisco Building Code section
26 102A and 103A;
- 27 d. By failing to comply with Special Inspections requirements, in violation of San
28 Francisco Building Code section 1701, et seq.;

- e. By conducting excavation work without Cal/OSHA excavation permits, in violation of California Labor Code section 6500 and California Code of Regulations, title 8, section 341;
- f. By creating and maintaining a substandard building, in violation of California Health and Safety Code sections 17910-17988.3;
- g. By creating and/or maintaining a public nuisance, in violation of California Civil Code sections 3479 and 3480, and San Francisco Building Code section 102A;
- h. By forging Engineers Sherwood's, Porter's, and Brown's signatures and professional stamps on fraudulent Special Inspection reports and supporting documents submitted to DBI in violation of California Penal Code sections 470 et seq., 475(a), and 115(a);
- i. By willfully using Engineers Sherwood's, Porter's and Brown's names, professional stamps and engineering license numbers for an unlawful purpose in violation of California Penal Code section 530.5(a);
- j. By fraudulently representing Associated Trucking, Inc., as the contractor of record in connection with a permit applications in violation of California Penal Code section 115(a); and
- k. By willfully using Associated Trucking Inc.'s name, Cal/OSHA permit number, and contractor license number for an unlawful purpose, in violation of California Penal Code section 530.5(a).

352. 107 MARIETTA DEFENDANTS for a considerable period of time, and at all times pertinent to the allegations of this FIRST AMENDED COMPLAINT, have engaged in, unfair business practices regarding 107 MARIETTA DRIVE prohibited by California's Unfair Competition Law as follows:

- a. By misrepresenting and minimizing the scope of work in permit applications, 107 MARIETTA DEFENDANTS avoided additional review by CITY

1 departments and obtained permits faster than those who submitted accurate and
2 complete permit applications;

- 3 b. By misrepresenting the identification of the contractor performing the work at
4 107 MARIETTA DRIVE, 107 MARIETTA DEFENDANTS avoided the cost
5 associated with hiring a Cal/OSHA permitted contractor and jeopardized the
6 health and safety of the individuals who performed work in and around 107
7 MARIETTA DRIVE, the residents of adjacent and/or nearby homes, and the
8 general public;
- 9 c. By performing work beyond the scope of permits and/or without permits, 107
10 MARIETTA DEFENDANTS avoided the costs and time associated with
11 obtaining permits;
- 12 d. By performing work without permits and/or work beyond the scope of permits,
13 107 MARIETTA DEFENDANTS avoided the CITY's oversight into their
14 work, and jeopardized the health and safety of the individuals who performed
15 work in and around 107 MARIETTA DRIVE, the residents of adjacent and/or
16 nearby homes, and the general public;
- 17 e. By performing work without Cal/OSHA excavation permits, 107 MARIETTA
18 DEFENDANTS evaded the cost and time associated with obtaining a
19 Cal/OSHA excavation permit or with hiring a contractor with a Cal/OSHA
20 excavation permit, and jeopardized the health and safety of the individuals who
21 performed work in and around 107 MARIETTA DRIVE, the residents of
22 adjacent and/or nearby homes, and the general public;
- 23 f. By submitting fraudulent Special Inspection reports and supporting documents
24 and forging Engineers Sherwood's, Brown's, and Porter's signatures and
25 professional stamps, 107 MARIETTA DEFENDANTS falsely associated
26 themselves with Engineers Sherwood and Porter and unfairly competing with
27 business competitors;
- 28

- 1 g. By submitting fraudulent Special Inspection reports and supporting documents
2 on BSK letterhead, 107 MARIETTA DEFENDANTS falsely associated
3 themselves with BSK and unfairly competed with similar business competitors;
- 4 h. By fraudulently representing Associated Trucking, Inc. as the contractor of
5 record in association with a permit application, 107 MARIETTA
6 DEFENDANTS falsely associated themselves with Associated Trucking, Inc.,
7 and unfairly competed with similar business competitors;
- 8 i. By misrepresenting and fraudulently alleging that the monitoring of
9 construction materials and workmanship that is critical to the integrity of
10 building structures and the public safety was performed by actual and approved
11 Special Inspectors, 107 MARIETTA DEFENDANTS avoided appropriate and
12 necessary review by the CITY and unfairly obtained sign offs and completion of
13 construction projects faster than those individuals who submit genuine, accurate
14 and complete Special Inspection reports;
- 15 j. By misrepresenting the identification of Special Inspectors, whom allegedly
16 performed Special Inspection work, as well as the company where the alleged
17 Special Inspectors purportedly worked, 107 MARIETTA DEFENDANTS
18 avoided the cost and time associated with hiring actual Special Inspectors to
19 perform the work;
- 20 k. By submitting forged Special Inspections, 107 MARIETTA DEFENDANTS
21 avoided the oversight of actual Special Inspectors, as required by the San
22 Francisco Building Code, and the cost and time associated with hiring actual
23 Special Inspectors, and jeopardized the health and safety of residents of 107
24 MARIETTA DRIVE, as well as residents of adjacent and/or nearby homes and
25 other buildings, and the general public; and
- 26 l. By forging Special Inspection reports and supporting documents, despite not
27 being qualified to perform such inspections, or to sign such reports, 107
28

1 MARIETTA DEFENDANTS are unfairly competing with actual and qualified
2 Special Inspectors.

3 353. 107 MARIETTA DEFENDANTS for a considerable period of time and at all times
4 pertinent to the allegations of this FIRST AMENDED COMPLAINT, have engaged in, fraudulent
5 business practices at 107 MARIETTA DRIVE prohibited by California's Unfair Competition Law as
6 follows:

- 7 a. By certifying in permit applications that the work described in the permit would
8 be in compliance with the law, 107 MARIETTA DEFENDANTS deceived
9 DBI, CITY departments, and the public that the construction work at 107
10 MARIETTA DRIVE would be performed in a code compliant manner;
- 11 b. By misrepresenting and minimizing the scope of work in permit applications,
12 107 MARIETTA DEFENDANTS deceived DBI, CITY departments, and the
13 public as to the scope of work to be performed at 107 MARIETTA DRIVE;
- 14 c. By performing work without permits and/or beyond the scope of permits, 107
15 MARIETTA DEFENDANTS deceived DBI, CITY departments, and the public
16 as to the scope of work to be performed at 107 MARIETTA DRIVE;
- 17 d. By fraudulently representing that excavation work was to be done by a
18 contractor with an annual Cal/OSHA excavation permit in connection with a
19 permit application, knowing that such representation was false, 107
20 MARIETTA DEFENDANTS intended to, and did deceive DBI, other CITY
21 departments, and the public that the construction work at 107 MARIETTA
22 DRIVE would be conducted by a Cal/OSHA certified contractor, as required by
23 law, and would be conducted in a manner that complies with state and local
24 laws aimed at protecting the safety of workers;
- 25 e. By fraudulently representing Associated Trucking, Inc., as the contractor of
26 record in connection with a permit application, 107 MARIETTA
27 DEFENDANTS misappropriated Associated Trucking, Inc.'s name, Cal/OSHA
28 permit number, and professional license;

- 1 f. By submitting fraudulent Special Inspection reports and supporting documents,
2 knowing that said reports were fraudulent, 107 MARIETTA DEFENDANTS
3 intended to, and did deceive DBI, CITY departments, and the public that the
4 work performed at 107 MARIETTA DRIVE was performed in a code compliant
5 manner;
- 6 g. By submitting fraudulent Special Inspection reports and supporting documents,
7 knowing that said reports were fraudulent, 107 MARIETTA DEFENDANTS
8 intended to deceive DBI into believing the reports were legitimate and to induce
9 DBI to rely on such reports. As a direct result of 107 MARIETTA
10 DEFEDANTS' deception and lies, DBI reasonably believed that the fraudulent
11 Special Inspection reports and supporting documents were legitimate and signed
12 off on the fraudulent Special Inspection reports and a Certificate of Final
13 Completion and Occupancy at 107 MARIETTA DRIVE – actions that DBI
14 would not have taken had it known that the Special Inspection reports were
15 fake. As a direct result of 107 MARIETTA DEFENDANTS' deceptions and
16 lies, and believing them to be legitimate special inspection reports, DBI made
17 the false and fraudulent reports and supporting documents a part of the official
18 building records for 107 MARIETTA DRIVE. As a direct result of 107
19 MARIETTA DEFEDANTS' lies and deceptions, DBI and the public were
20 deceived into believing that the construction materials at 107 MARIETTA
21 DRIVE were tested and complied with specific testing requirements of the
22 approved building plans and the San Francisco Building Code, that construction
23 work was performed in accordance with the approved building plans,
24 specifications, and applicable workmanship provisions of the San Francisco
25 Building Code, and that special inspectors monitored construction materials and
26 workmanship and completed special inspection reports at 107 MARIETTA
27 DRIVE, all of which 107 MARIETTA DEFENDANDTS knew to be untrue;
28

- 1 h. By submitting fraudulent Special Inspection reports and supporting documents
2 and forging Sherwood's, Porter's, and Brown's signatures and professional
3 stamps, 107 MARIETTA DEFENDANTS misappropriated Porter's,
4 Sherwood's, and Brown's names and professional licenses; and
- 5 i. By submitting fraudulent Special Inspection reports and supporting documents
6 on BSK letterhead, 107 MARIETTA DEFENDANTS misappropriated BSK's
7 name and professional reputation.

8 354. JONES DEFENDANTS are now engaging in, and, for a considerable period of time,
9 and at all times pertinent to the allegations of this FIRST AMENDED COMPLAINT, have been
10 engaging in, unlawful business practices regarding 1740 JONES STREET prohibited by California's
11 Unfair Competition Law, Business and Professions Code Sections 17200-17210, as follows:

- 12 a. By failing to comply with Special Inspections requirements, in violation of San
13 Francisco Building Code section 1701, et seq.;
- 14 b. By conducting excavation work without Cal/OSHA excavation permits, in
15 violation of California Labor Code section 6500 and California Code of
16 Regulations, title 8, section 341;
- 17 c. By creating and/or maintaining a public nuisance, in violation of California
18 Civil Code sections 3479 and 3480, and San Francisco Building Code section
19 102A;
- 20 d. By forging Engineers Auser's and Porter's signatures and professional stamps
21 on fraudulent Special Inspection reports and supporting documents submitted to
22 DBI, in violation of California Penal Code sections 470 et seq., 475(a) and
23 115(a);
- 24 e. By willfully using Engineers Auser's and Porter's names, professional stamps
25 and engineering license numbers for an unlawful purpose in violation of
26 California Penal Code section 530.5(a);
- 27 f. By fraudulently listing Ace Drilling & Excavation, as the contractor of record
28 on permit applications, in violation of California Penal Code section 115(a); and

1 g. By willfully using Ace Drilling & Excavation's name, Cal/OSHA permit
2 number, and contractor license number for an unlawful purpose, in violation of
3 California Penal Code section 530.5(a).

4 355. JONES DEFENDANTS are now engaging in, and, for a considerable period of time,
5 and at all times pertinent to the allegations of this FIRST AMENDED COMPLAINT, have engaged
6 in, unfair business practices regarding 1740 JONES STREET prohibited by California's Unfair
7 Competition Law as follows:

- 8 a. By performing work without Cal/OSHA excavation permits, JONES
9 DEFENDANTS evade the cost and time associated with obtaining a Cal/OSHA
10 excavation permit or with hiring a contractor with a Cal/OSHA excavation
11 permit, and jeopardize the health and safety of the individuals who perform
12 work in and around 1740 JONES STREET, the residents of adjacent and/or
13 nearby homes, and the general public;
- 14 b. By submitting fraudulent Special Inspection reports and supporting documents
15 and forging Engineer Porter's signature and professional stamp, JONES
16 DEFENDANTS are falsely associating themselves with Engineers Auser and
17 Porter and unfairly competing with business competitors;
- 18 c. By submitting fraudulent Special Inspection reports and supporting documents
19 on BSK letterhead, JONES DEFENDANTS are falsely associating themselves
20 with BSK and unfairly competing with similar business competitors;
- 21 d. By fraudulently listing Ace Drilling & Excavation as the contractor of record on
22 permit applications, JONES DEFENDANTS are falsely associating themselves
23 with Ace Drilling & Excavation, and unfairly competing with similar business
24 competitors;
- 25 e. By misrepresenting and fraudulently alleging that the monitoring of
26 construction materials and workmanship that is critical to the integrity of
27 building structures and the public safety was performed by actual and approved
28 Special Inspectors, JONES DEFENDANTS are avoiding appropriate and

necessary review by the CITY and are unfairly obtaining sign offs and completion of construction projects faster than those individuals who submit genuine, accurate and complete Special Inspection reports;

- f. By misrepresenting the identification of the Special Inspector allegedly performing Special Inspection work, as well as the company where the alleged special inspectors purportedly worked, JONES DEFENDANTS avoid the cost and time associated with hiring actual Special Inspectors to perform the work;
- g. By submitting forged special inspections, JONES DEFENDANTS are avoiding the oversight of actual Special Inspectors, as required by the San Francisco Building Code, and the cost and time associated with hiring actual Special Inspectors, and are jeopardizing the health and safety of residents of 1740 JONES STREET, as well as residents of adjacent and/or nearby homes and other buildings, and the general public; and
- h. By forging Special Inspection reports and supporting documents, despite not being qualified to perform such inspections, or to sign such reports, JONES DEFENDANTS are unfairly competing with actual and qualified Special Inspectors.

356. JONES DEFENDANTS are now engaging in, and, for a considerable period of time, and at all times pertinent to the allegations of this FIRST AMENDED COMPLAINT, have engaged in, fraudulent business practices at 1740 JONES STREET prohibited by California's Unfair Competition Law as follows:

- a. By fraudulently representing that excavation work was to be done by a contractor with an annual Cal/OSHA excavation permit on permit applications, knowing that such representation was false, JONES DEFENDANTS intended to, have been and are deceiving DBI, other CITY departments, and the public that the construction work at 1740 JONES STREET will be conducted by a Cal/OSHA certified contractor, as required by law, and will be conducted in a

1 manner that complies with state and local laws aimed at protecting the safety of
2 workers;

3 b. By fraudulently listing Ace Drilling & Excavation as the contractor of record on
4 permit applications, JONES DEFENDANTS are misappropriating Ace Drilling
5 & Excavation's name and professional license;

6 c. By submitting fraudulent Special Inspection reports and supporting documents,
7 knowing that said reports were fraudulent, JONES DEFENDANTS intended to,
8 have been and are deceiving DBI, CITY departments, and the public that the
9 work performed at 1740 JONES STREET was performed in a code compliant
10 manner;

11 d. By submitting fraudulent Special Inspection reports and supporting documents,
12 knowing that said reports were fraudulent, JONES DEFENDANTS intended to
13 deceive DBI into believing the reports were legitimate and to induce DBI to rely
14 on such reports. As a direct result of JONES DEFENDANTS' deception and lies,
15 DBI reasonably believed that the fraudulent Special Inspection reports and
16 supporting documents were legitimate and signed off on the fraudulent Special
17 Inspection reports, finalized building permits, and issued a Certificate of Final
18 Completion and Occupancy at 1740 JONES STREET – actions that DBI would
19 not have taken had it known that the Special Inspection reports and supporting
20 documents were fake. As a direct result of JONES DEFENDANTS' deceptions
21 and lies, and believing them to be legitimate Special Inspection reports, DBI
22 made the false and fraudulent reports and supporting documents a part of the
23 official building records for 1740 JONES STREET. As a direct result of JONES
24 DEFENDANTS' lies and deceptions, DBI and the public were deceived into
25 believing that the construction materials and workmanship at 1740 JONES
26 STREET were tested and complied with specific testing requirements of the
27 approved building plans and the San Francisco Building Code; that the
28 construction work was performed in accordance with the approved building

1 plans, specifications, and applicable workmanship provisions of the San
2 Francisco Building Code; and that Special Inspectors monitored construction
3 materials and workmanship and completed Special Inspection reports at 1740
4 JONES STREET, all of which JONES DEFENDANTS knew to be untrue;

5 e. By submitting fraudulent Special Inspection reports and supporting documents
6 and forging Engineers Auser's and Porter's signatures and professional stamps,
7 JONES DEFENDANTS are misappropriating Engineers Porter's and Auser's
8 names and professional licenses; and

9 f. By submitting fraudulent Special Inspection reports and supporting documents
10 on BSK letterhead, JONES DEFENDANTS are misappropriating BSK's name
11 and professional reputation.

12 357. GREAT HIGHWAY DEFENDANTS are now engaging in, and, for a considerable
13 period of time, and at all times pertinent to the allegations of this FIRST AMENDED COMPLAINT,
14 have been engaging in, unlawful business practices regarding 1672-1674 GREAT HIGHWAY
15 prohibited by California's Unfair Competition Law, Business and Professions Code Sections 17200-
16 17210, as follows:

17 a. By failing to comply with Special Inspections requirements, in violation of San
18 Francisco Building Code section 1701, et seq.;

19 b. By creating and/or maintaining a public nuisance, in violation of California
20 Civil Code sections 3479 and 3480, and San Francisco Building Code section
21 102A;

22 c. By forging Engineer Porter's signature and professional stamp on fraudulent
23 Special Inspection reports and supporting documents submitted to DBI, in
24 violation of California Penal Code sections 470 et seq., 475(a) and 115(a); and

25 d. By willfully using Engineer Porter's name, professional stamp and engineering
26 license number for an unlawful purpose in violation of California Penal Code
27 section 530.5(a).
28

1 358. GREAT HIGHWAY DEFENDANTS are now engaging in, and, for a considerable
2 period of time, and at all times pertinent to the allegations of this FIRST AMENDED COMPLAINT,
3 have engaged in, unfair business practices regarding 1672-1674 GREAT HIGHWAY prohibited by
4 California's Unfair Competition Law as follows:

- 5 a. By submitting fraudulent Special Inspection reports and supporting documents
6 and forging Engineer Porter's signature and professional stamp, GREAT
7 HIGHWAY DEFENDANTS are falsely associating themselves with Engineer
8 Porter and unfairly competing with business competitors;
- 9 b. By submitting fraudulent Special Inspection reports and supporting documents
10 on BSK letterhead, GREAT HIGHWAY DEFENDANTS are falsely associating
11 themselves with BSK and unfairly competing with similar business competitors;
- 12 c. By misrepresenting and fraudulently alleging that the monitoring of
13 construction materials and workmanship that is critical to the integrity of
14 building structures and the public safety was performed by actual and approved
15 Special Inspectors, GREAT HIGHWAY DEFENDANTS are avoiding
16 appropriate and necessary review by the CITY and are unfairly obtaining sign
17 offs and completion of construction projects faster than those individuals who
18 submit genuine, accurate and complete Special Inspection reports;
- 19 d. By misrepresenting the identification of the Special Inspector allegedly
20 performing Special Inspection work, as well as the company where the alleged
21 Special Inspectors purportedly worked, GREAT HIGHWAY DEFENDANTS
22 avoid the cost and time associated with hiring actual Special Inspectors to
23 perform the work;
- 24 e. By submitting forged Special Inspections, GREAT HIGHWAY
25 DEFENDANTS are avoiding the oversight of actual Special Inspectors, as
26 required by the San Francisco Building Code, and the cost and time associated
27 with hiring actual Special Inspectors, and are jeopardizing the health and safety
28

1 of residents of 1672-1674 GREAT HIGHWAY, as well as residents of adjacent
2 and/or nearby homes and other buildings, and the general public; and

- 3 f. By forging Special Inspection reports and supporting documents, despite not
4 being qualified to perform such inspections, or to sign such reports, GREAT
5 HIGHWAY DEFENDANTS are unfairly competing with actual and qualified
6 Special Inspectors.

7 359. GREAT HIGHWAY DEFENDANTS are now engaging in, and, for a considerable
8 period of time, and at all times pertinent to the allegations of this FIRST AMENDED COMPLAINT,
9 have engaged in, fraudulent business practices at 1672-1674 GREAT HIGHWAY prohibited by
10 California's Unfair Competition Law as follows:

- 11 a. By submitting fraudulent Special Inspection reports and supporting documents,
12 knowing that said reports were fraudulent, GREAT HIGHWAY
13 DEFENDANTS intended to, have been and are deceiving DBI, CITY
14 departments, and the public that the work performed at 1672-1674 GREAT
15 HIGHWAY was performed in a code compliant manner;
- 16 b. By submitting fraudulent Special Inspection reports and supporting documents,
17 knowing that said reports were fraudulent, GREAT HIGHWAY
18 DEFENDANTS intended to deceive DBI into believing the reports were
19 legitimate and to induce DBI to rely on such reports. As a direct result of
20 GREAT HIGHWAY DEFEDANTS' deception and lies, DBI reasonably
21 believed that the fraudulent Special Inspection reports and supporting
22 documents were legitimate and signed off on the fraudulent Special Inspection
23 reports at 1672-1674 GREAT HIGHWAY, finaled building permits, and issued
24 a Certificate of Final Completion and Occupancy – actions that DBI would not
25 have taken had it known that the Special Inspection reports were fake. As a
26 direct result of GREAT HIGHWAY DEFENDANTS' deceptions and lies, and
27 believing them to be legitimate Special Inspection reports, DBI made the false
28 and fraudulent reports and supporting documents a part of the official building

1 records for 1672-1674 GREAT HIGHWAY. As a direct result of GREAT
2 HIGHWAY DEFENDANTS' lies and deceptions, DBI and the public were
3 deceived into believing that the construction materials and workmanship at
4 1672-1674 GREAT HIGHWAY were tested and complied with specific testing
5 requirements of the approved building plans and the San Francisco Building
6 Code; that the construction work was performed in accordance with the
7 approved building plans, specifications, and applicable workmanship provisions
8 of the San Francisco Building Code; and that Special Inspectors monitored
9 construction materials and workmanship and completed Special Inspection
10 reports at 1672-1674 GREAT HIGHWAY, all of which GREAT HIGHWAY
11 DEFENDANTS knew to be untrue;

12 c. By submitting fraudulent Special Inspection reports and supporting documents
13 and forging Engineer Porter's signature and professional stamp, GREAT
14 HIGHWAY DEFENDANTS are misappropriating Engineer Porter's name and
15 professional licenses; and

16 d. By submitting fraudulent Special Inspection reports and supporting documents
17 on BSK letterhead, GREAT HIGHWAY DEFENDANTS are misappropriating
18 BSK's name and professional reputation.

19 360. GREEN DEFENDANTS are now engaging in, and, for a considerable period of time,
20 and at all times pertinent to the allegations of this FIRST AMENDED COMPLAINT, have been
21 engaging in, unlawful business practices regarding 1945 GREEN STREET prohibited by California's
22 Unfair Competition Law, Business and Professions Code Sections 17200-17210, as follows:

23 a. By failing to comply with Special Inspections requirements, in violation of San
24 Francisco Building Code section 1701, et seq.;

25 b. By conducting excavation work without Cal/OSHA excavation permits, in
26 violation of California Labor Code section 6500 and California Code of
27 Regulations, title 8, section 341;
28

- c. By creating and/or maintaining a public nuisance, in violation of California Civil Code sections 3479 and 3480, and San Francisco Building Code section 102A;
- d. By forging Engineer Porter's signature and professional stamp on fraudulent Special Inspection reports and supporting documents submitted to DBI, in violation of California Penal Code sections 470 et seq., 475(a) and 115(a);
- e. By willfully using Engineer Porter's name, professional stamp and engineering license number for an unlawful purpose in violation of California Penal Code section 530.5(a);
- f. By fraudulently listing Ace Drilling & Excavation, as the contractor of record on permit applications, in violation of California Penal Code section 115(a); and
- g. By willfully using Ace Drilling & Excavation's name, Cal/OSHA permit number, and contractor license number for an unlawful purpose, in violation of California Penal Code section 530.5(a).

361. GREEN DEFENDANTS are now engaging in, and, for a considerable period of time, and at all times pertinent to the allegations of this FIRST AMENDED COMPLAINT, have engaged in, unfair business practices regarding 1945 GREEN STREET prohibited by California's Unfair Competition Law as follows:

- a. By performing work without Cal/OSHA excavation permits, GREEN DEFENDANTS evade the cost and time associated with obtaining a Cal/OSHA excavation permit or with hiring a contractor with a Cal/OSHA excavation permit, and jeopardize the health and safety of the individuals who perform work in and around 1945 GREEN STREET, the residents of adjacent and/or nearby homes, and the general public;
- b. By submitting fraudulent Special Inspection reports and supporting documents and forging Engineer Porter's signature and professional stamp, GREEN DEFENDANTS are falsely associating themselves with Engineer Porter and unfairly competing with business competitors;

- 1 c. By submitting fraudulent Special Inspection reports and supporting documents
2 on BSK letterhead, GREEN DEFENDANTS are falsely associating themselves
3 with BSK and unfairly competing with similar business competitors;
- 4 d. By fraudulently listing Ace Drilling & Excavation as the contractor of record on
5 permit applications, GREEN DEFENDANTS are falsely associating themselves
6 with Ace Drilling & Excavation, and unfairly competing with similar business
7 competitors;
- 8 e. By misrepresenting and fraudulently alleging that the monitoring of
9 construction materials and workmanship that is critical to the integrity of
10 building structures and the public safety was performed by actual and approved
11 Special Inspectors, GREEN DEFENDANTS are avoiding appropriate and
12 necessary review by the CITY and are unfairly obtaining sign offs and
13 completion of construction projects faster than those individuals who submit
14 genuine, accurate and complete Special Inspection reports;
- 15 f. By misrepresenting the identification of the Special Inspector allegedly
16 performing Special Inspection work, as well as the company where the alleged
17 special inspectors purportedly worked, GREEN DEFENDANTS avoid the cost
18 and time associated with hiring actual Special Inspectors to perform the work;
- 19 g. By submitting forged special inspections, GREEN DEFENDANTS are avoiding
20 the oversight of actual Special Inspectors, as required by the San Francisco
21 Building Code, and the cost and time associated with hiring actual Special
22 Inspectors, and are jeopardizing the health and safety of residents of 1945
23 GREEN STREET, as well as residents of adjacent and/or nearby homes and
24 other buildings, and the general public; and
- 25 h. By forging Special Inspection supports and supporting documents, despite not
26 being qualified to perform such inspections, or to sign such reports, GREEN
27 DEFENDANTS are unfairly competing with actual and qualified Special
28 Inspectors.

1 362. GREEN DEFENDANTS are now engaging in, and, for a considerable period of time,
2 and at all times pertinent to the allegations of this FIRST AMENDED COMPLAINT, have engaged
3 in, fraudulent business practices at 1945 GREEN STREET prohibited by California's Unfair
4 Competition Law as follows:

- 5 a. By fraudulently representing that excavation work was to be done by a
6 contractor with an annual Cal/OSHA excavation permit on permit applications,
7 knowing that such representation was false, GREEN DEFENDANTS intended
8 to, have been, and are deceiving DBI, CITY departments, and the public that the
9 construction work at 1945 GREEN STREET will be conducted by a Cal/OSHA
10 certified contractor, as required by law, and will be conducted in a manner that
11 complies with state and local laws aimed at protecting the safety of workers;
- 12 b. By fraudulently listing Ace Drilling & Excavation, as the contractor of record
13 on permit applications, GREEN DEFENDANTS are misappropriating Ace
14 Drilling & Excavation's name and professional license;
- 15 c. By submitting fraudulent Special Inspection reports and supporting documents,
16 knowing that said reports were fraudulent, GREEN DEFENDANTS intended
17 to, have been and are deceiving DBI, CITY departments, and the public that the
18 work performed at 1945 GREEN STREET was performed in a code compliant
19 manner;
- 20 d. By submitting fraudulent Special Inspection reports and supporting documents,
21 knowing that said reports were fraudulent, GREEN DEFENDANTS intended to
22 deceive DBI into believing the reports were legitimate and to induce DBI to rely
23 on such reports. As a direct result of GREEN DEFEDANTS' deception and lies,
24 DBI reasonably believed that the fraudulent Special Inspection reports and
25 supporting documents were legitimate and signed off on some of the fraudulent
26 Special Inspection reports at 1945 GREEN STREET – actions that DBI would
27 not have taken had it known that the Special Inspection reports and supporting
28 documents were fake. As a direct result of GREEN DEFENDANTS' deceptions

1 and lies, and believing them to be legitimate Special Inspection reports, DBI
2 made the false and fraudulent reports and supporting documents a part of the
3 official building records for 1945 GREEN STREET. As a direct result of
4 GREEN DEFENDANTS' lies and deceptions, DBI and the public were
5 deceived into believing that the construction materials and workmanship at
6 1945 GREEN STREET were tested and complied with specific testing
7 requirements of the approved building plans and the San Francisco Building
8 Code; that the construction work was performed in accordance with the
9 approved building plans, specifications, and applicable workmanship provisions
10 of the San Francisco Building Code; and that Special Inspectors monitored
11 construction materials and workmanship and completed Special Inspection
12 reports at 1945 GREEN STREET, all of which GREEN DEFENDANTS knew
13 to be untrue;

- 14 e. By submitting fraudulent Special Inspection reports and supporting documents
15 and forging Engineer Porter's signature and professional stamp, GREEN
16 DEFENDANTS are misappropriating Engineer Porter's name and professional
17 license; and
18 f. By submitting fraudulent Special Inspection reports and supporting documents
19 on BSK letterhead, GREEN DEFENDANTS are misappropriating BSK's name
20 and professional reputation.

21 363. VALLEJO DEFENDANTS are now engaging in, and, for a considerable period of
22 time, and at all times pertinent to the allegations of this FIRST AMENDED COMPLAINT, have been
23 engaging in, unlawful business practices regarding 2030 VALLEJO STREET prohibited by
24 California's Unfair Competition Law, Business and Professions Code Sections 17200-17210, as
25 follows:

- 26 a. By failing to comply with Special Inspections requirements, in violation of San
27 Francisco Building Code section 1701, et seq.;

- b. By creating and/or maintaining a public nuisance, in violation of California Civil Code sections 3479 and 3480, and San Francisco Building Code section 102A;
- c. By forging Engineer Porter's signature and professional stamp on fraudulent Special Inspection reports and supporting documents submitted to DBI, in violation of California Penal Code sections 470 et seq., 475(a) and 115(a); and
- d. By willfully using Engineer Porter's name, professional stamp and engineering license number for an unlawful purpose in violation of California Penal Code section 530.5(a).

364. VALLEJO DEFENDANTS are now engaging in, and, for a considerable period of time, and at all times pertinent to the allegations of this FIRST AMENDED COMPLAINT, have engaged in, unfair business practices regarding 2030 VALLEJO STREET prohibited by California's Unfair Competition Law as follows:

- a. By submitting fraudulent Special Inspection reports and supporting documents and forging Engineer Porter's signature and professional stamp, VALLEJO DEFENDANTS are falsely associating themselves with Engineer Porter and unfairly competing with business competitors;
- b. By submitting fraudulent Special Inspection reports and supporting documents on BSK letterhead, VALLEJO DEFENDANTS are falsely associating themselves with BSK and unfairly competing with similar business competitors;
- c. By misrepresenting and fraudulently alleging that the monitoring of construction materials and workmanship that is critical to the integrity of building structures and the public safety was performed by actual and approved Special Inspectors, VALLEJO DEFENDANTS are avoiding appropriate and necessary review by the CITY and are unfairly obtaining sign offs and completion of construction projects faster than those individuals who submit genuine, accurate and complete Special Inspection reports;

- d. By misrepresenting the identification of the Special Inspector allegedly performing Special Inspection work, as well as the company where the alleged special inspectors purportedly worked, VALLEJO DEFENDANTS avoid the cost and time associated with hiring actual Special Inspectors to perform the work;
- e. By submitting forged special inspections, VALLEJO DEFENDANTS are avoiding the oversight of actual Special Inspectors, as required by the San Francisco Building Code, and the cost and time associated with hiring actual Special Inspectors, and are jeopardizing the health and safety of residents of 2030 VALLEJO STREET, as well as residents of adjacent and/or nearby homes and other buildings, and the general public; and
- f. By forging Special Inspection and supporting documents, despite not being qualified to perform such inspections and tests, or to sign such reports, VALLEJO DEFENDANTS are unfairly competing with actual and qualified Special Inspectors.

365. VALLEJO DEFENDANTS are now engaging in, and, for a considerable period of time, and at all times pertinent to the allegations of this FIRST AMENDED COMPLAINT, have engaged in, fraudulent business practices at 2030 VALLEJO STREET prohibited by California's Unfair Competition Law as follows:

- a. By submitting fraudulent Special Inspection reports and supporting documents, knowing that said reports were fraudulent, VALLEJO DEFENDANTS intended to, have been, and are deceiving DBI, CITY departments, and the public that the work performed at 2030 VALLEJO STREET was performed in a code compliant manner;
- b. By submitting fraudulent Special Inspection reports and supporting documents, knowing that said reports were fraudulent, VALLEJO DEFENDANTS intended to deceive DBI into believing the reports were legitimate and to induce DBI to rely on such reports. As a direct result of VALLEJO DEFEDANTS' deception

1 and lies, DBI reasonably believed that the fraudulent Special Inspection reports
2 and supporting documents were legitimate and signed off on some of the
3 fraudulent Special Inspection reports at 2030 VALLEJO STREET – actions that
4 DBI would not have taken had it known that the Special Inspection reports and
5 supporting documents were fake. As a direct result of VALLEJO
6 DEFENDANTS’ deceptions and lies, and believing them to be legitimate
7 Special Inspection reports, DBI made the false and fraudulent reports and
8 supporting documents a part of the official building records for 2030 VALLEJO
9 STREET. As a direct result of VALLEJO DEFENDANTS’ lies and deceptions,
10 DBI and the public were deceived into believing that the construction materials
11 and workmanship at 2030 VALLEJO STREET were tested and complied with
12 specific testing requirements of the approved building plans and the San
13 Francisco Building Code; that the construction work was performed in
14 accordance with the approved building plans, specifications, and applicable
15 workmanship provisions of the San Francisco Building Code; and that Special
16 Inspectors monitored construction materials and workmanship and completed
17 Special Inspection reports at 2030 VALLEJO STREET, all of which VALLEJO
18 DEFENDANTS knew to be untrue;

19 c. By submitting fraudulent Special Inspection reports and supporting documents
20 and forging Engineer Porter’s signature and professional stamp, VALLEJO
21 DEFENDANTS are misappropriating Engineer Porter’s name and professional
22 licenses; and

23 d. By submitting fraudulent Special Inspection reports and supporting documents
24 on BSK letterhead, VALLEJO DEFENDANTS are misappropriating BSK’s
25 name and professional reputation.

26 366. JEFFERSON DEFENDANTS are now engaging in, and, for a considerable period of
27 time, and at all times pertinent to the allegations of this FIRST AMENDED COMPLAINT, have been
28 engaging in, unlawful business practices regarding 2050 JEFFERSON STREET prohibited by

1 California's Unfair Competition Law, Business and Professions Code Sections 17200-17210, as
2 follows:

- 3 a. By failing to comply with Special Inspections requirements, in violation of San
4 Francisco Building Code section 1701, et seq.;
- 5 b. By creating and/or maintaining a public nuisance, in violation of California
6 Civil Code sections 3479 and 3480, and San Francisco Building Code section
7 102A;
- 8 c. By forging Engineer Auser's signature and professional stamp on fraudulent
9 Special Inspection documents submitted to DBI, in violation of California Penal
10 Code sections 470 et seq., 475(a) and 115(a); and
- 11 d. By willfully using Engineer Auser's name, professional stamp and engineering
12 license number for an unlawful purpose in violation of California Penal Code
13 section 530.5(a).

14 367. JEFFERSON DEFENDANTS are now engaging in, and, for a considerable period of
15 time, and at all times pertinent to the allegations of this FIRST AMENDED COMPLAINT, have
16 engaged in, unfair business practices regarding 2050 JEFFERSON STREET prohibited by California's
17 Unfair Competition Law as follows:

- 18 a. By submitting fraudulent Special Inspection supporting documents and forging
19 Engineer Auser's signature and professional stamp, JEFFERSON
20 DEFENDANTS are falsely associating themselves with Engineer Auser and
21 unfairly competing with business competitors;
- 22 b. By submitting fraudulent Special Inspection supporting documents on BSK
23 letterhead, JEFFERSON DEFENDANTS are falsely associating themselves
24 with BSK and unfairly competing with similar business competitors;
- 25 c. By misrepresenting and fraudulently alleging that the monitoring of
26 construction materials and workmanship that is critical to the integrity of
27 building structures and the public safety was performed by actual and approved
28 Special Inspectors, JEFFERSON DEFENDANTS are avoiding appropriate and

necessary review by the CITY and are unfairly obtaining sign offs and completion of construction projects faster than those individuals who submit genuine, accurate and complete Special Inspection reports;

- d. By misrepresenting the identification of the Special Inspector allegedly performing Special Inspection work, as well as the company where the alleged special inspector purportedly worked, JEFFERSON DEFENDANTS avoid the cost and time associated with hiring actual Special Inspectors to perform the work;
- e. By submitting forged Special Inspection supporting documents, JEFFERSON DEFENDANTS are avoiding the oversight of actual Special Inspectors, as required by the San Francisco Building Code, and the cost and time associated with hiring actual Special Inspectors, and are jeopardizing the health and safety of residents of 2050 JEFFERSON STREET, as well as residents of adjacent and/or nearby homes and other buildings, and the general public; and
- f. By forging Special Inspection supporting documents, despite not being qualified to perform the tests referenced in the documents, or to sign such documents, JEFFERSON DEFENDANTS are unfairly competing with actual and qualified Special Inspectors.

368. JEFFERSON DEFENDANTS are now engaging in, and, for a considerable period of time, and at all times pertinent to the allegations of this FIRST AMENDED COMPLAINT, have engaged in, fraudulent business practices at 2050 JEFFERSON STREET prohibited by California's Unfair Competition Law as follows:

- a. By submitting fraudulent Special Inspection supporting documents, knowing that said documents were fraudulent, JEFFERSON DEFENDANTS intended to, have been and are deceiving CITY departments, including DBI, and the public that the work performed at 2050 JEFFERSON STREET was performed in a code compliant manner;

- 1 b. By submitting fraudulent Special Inspection supporting documents, knowing
2 that said documents were fraudulent, JEFFERSON DEFENDANTS intended to
3 deceive DBI into believing the documents were legitimate and to induce DBI to
4 rely on such documents. As a direct result of JEFFERSON DEFENDANTS'
5 deception and lies, DBI reasonably believed that the fraudulent Special
6 Inspection documents were legitimate and signed off on the Special Inspection
7 reports related to those documents, finalized building permits, and issued a
8 Certificate of Final Completion and Occupancy at 2050 JEFFERSON STREET
9 – actions that DBI would not have taken had it known that the Special
10 Inspection documents were fake. As a direct result of JEFFERSON
11 DEFENDANTS' deceptions and lies, and believing them to be legitimate
12 Special Inspection documents, DBI made the false and fraudulent documents
13 and the Special Inspection reports referencing said documents a part of the
14 official building records for 2050 JEFFERSON STREET. As a direct result of
15 JEFFERSON DEFENDANTS' lies and deceptions, DBI and the public were
16 deceived into believing that the construction materials and workmanship at
17 2050 JEFFERSON STREET were tested and complied with specific testing
18 requirements of the approved building plans and the San Francisco Building
19 Code; that the construction work was performed in accordance with the
20 approved building plans, specifications, and applicable workmanship provisions
21 of the San Francisco Building Code; and that Special Inspectors monitored
22 construction materials and workmanship and completed Special Inspection
23 reports at 2050 JEFFERSON STREET, all of which JEFFERSON
24 DEFENDANTS knew to be untrue;
- 25 c. By submitting fraudulent Special Inspection supporting documents and forging
26 Engineer Auser's signature and professional stamp, JEFFERSON
27 DEFENDANTS are misappropriating Engineer Auser's name and professional
28 licenses; and

1 d. By submitting fraudulent Special Inspection supporting documents on BSK
2 letterhead, JEFFERSON DEFENDANTS are misappropriating BSK's name and
3 professional reputation.

4 369. The PEOPLE are informed and believe that as a direct and proximate result of the
5 foregoing acts and practices, DEFENDANTS have received and will receive revenue and other
6 benefits, which they would not have received if they had not engaged in the violations of Business and
7 Professions Code section 17200 described in this COMPLAINT.

8 370. As a direct and proximate result of the foregoing acts and practices, DEFENDANTS
9 have obtained a competitive unfair advantage over similar individuals and entities who have not
10 engaged in such practices.

11 371. The PEOPLE have no adequate remedy at law in that damages are insufficient to
12 protect the public from present harm caused by the conditions described in this COMPLAINT. Unless
13 injunctive relief is granted to enjoin DEFENDANTS' unlawful business practices, DEFENDANTS
14 will continue to engage in violations of the law, and Plaintiffs will suffer irreparable injury and
15 damage.

16 372. By engaging in unfair and unlawful business practices described herein,
17 DEFENDANTS are subject to civil penalties in the amount of up to \$2,500 per violation, pursuant to
18 California Business and Professions Code section 17206.

19 **SECOND CAUSE OF ACTION**

20 **FOR VIOLATIONS OF THE STATE HOUSING LAW BROUGHT BY PLAINTIFF CITY**
21 **AND COUNTY OF SAN FRANCISCO AGAINST DEFENDANTS KEVIN O'CONNOR AS**
22 **TRUSTEE OF THE 2012 O'CONNOR FAMILY TRUST, AMERICAN BROWN DOG LLC,**
23 **DONGWEI WANG, AND DAISY ZOU**

(California Health and Safety Code Sections 17910-17998.3)

24 373. Plaintiff CITY AND COUNTY OF SAN FRANCISCO hereby incorporates by
25 reference paragraphs 1 through 372 above, as though fully set forth herein.

26 374. Defendant KEVIN O'CONNOR as trustee of the 2012 O'CONNOR FAMILY TRUST
27 now is causing, and for the considerable period of time heretofore and at all times herein mentioned
28 has caused, 147 MARIETTA DRIVE to be maintained as a substandard building within the meaning

1 of California Health and Safety Code Section 17920.3, commonly referred to as the State Housing
2 Law. The conditions creating said substandard building are the ongoing violations of the San
3 Francisco Building and Planning Codes at the Property. The substandard conditions at 147
4 MARIETTA DRIVE substantially endangers the health and safety of the residents of the homes
5 adjacent to, or nearby, 147 MARIETTA DRIVE, as well as the general public.

6 375. By maintaining 147 MARIETTA DRIVE as a substandard building that substantially
7 endangers public health and safety, Defendant KEVIN O'CONNOR as trustee of the 2012
8 O'CONNOR FAMILY TRUST is liable for attorney's fees and costs as set forth in California Health
9 and Safety Code section 17980.7(d).

10 376. Defendant AMERICAN BROWN DOG LLC now is causing, and for the considerable
11 period of time heretofore and at all times herein mentioned has caused, 457 ROOSEVELT WAY to be
12 maintained as a substandard building within the meaning of California Health and Safety Code Section
13 17920.3, commonly referred to as the State Housing Law. The conditions creating said substandard
14 building are the ongoing violations of the San Francisco Building and Planning Codes at the Property.
15 The substandard conditions at 457 ROOSEVELT WAY substantially endangers the health and safety
16 of the residents of the homes adjacent to, or nearby, 457 ROOSEVELT WAY, as well as the general
17 public.

18 377. By maintaining 457 ROOSEVELT WAY as a substandard building that substantially
19 endangers public health and safety, Defendant AMERICAN BROWN DOG LLC is liable for
20 attorney's fees and costs as set forth in California Health and Safety Code section 17980.7(d).

21 378. Defendant DONGWEI WANG and Defendant DAISY ZOU now are causing, and for
22 the considerable period of time heretofore and at all times herein mentioned have caused, 601A FELL
23 STREET to be maintained as a substandard building within the meaning of California Health and
24 Safety Code Section 17920.3, commonly referred to as the State Housing Law. The conditions
25 creating said substandard building are the ongoing violations of the San Francisco Building and
26 Planning Codes at the Property. The substandard conditions at 601A FELL STREET substantially
27 endangers the health and safety of the residents of the homes adjacent to, or nearby, 601A FELL
28 STREET, as well as the general public.

379. By maintaining 601A FELL STREET as a substandard building that substantially endangers public health and safety, Defendant DONGWEI WANG and Defendant DAISY ZOU are liable for attorney's fees and costs as set forth in California Health and Safety Code section 17980.7(d).

380. The CITY has no adequate remedy at law in that damages are insufficient to protect the public from the harm caused by the conditions described herein.

381. Unless said substandard conditions are abated, the residents of the adjacent and/or nearby homes and the residents and citizens of the City and County of San Francisco will suffer irreparable injury and damage, in that said conditions will continue to endanger the health and safety of the residents of the adjacent and/or nearby homes and the general public.

THIRD CAUSE OF ACTION

FOR NON-COMPLIANCE WITH THE SAN FRANCISCO BUILDING CODE BROUGHT BY PLAINTIFF CITY AND COUNTY OF SAN FRANCISCO AGAINST DEFENDANTS KEVIN J. O'CONNOR, KEVIN O'CONNOR, AS TRUSTEE OF THE 2012 O'CONNOR FAMILY TRUST, AMERICAN BROWN DOG, LLC, ASHBURY GENERAL CONTRACTING & ENGINEERING, KEVIN BORN, DONGWEI WANG, DAISY ZOU, VERONICA WANG, ANDRES MOUSSOURAS, AKA PETE MOUSSOURAS, SANTOS & URRUTIA ASSOCIATES, INC., RODRIGO SANTOS, AND ALBERT URRUTIA

(San Francisco Building Code Sections 102 and 103)

382. Plaintiff CITY AND COUNTY OF SAN FRANCISCO hereby incorporates by reference paragraphs 1 through 381 above, as though fully set herein.

383. By constructing, altering, and maintaining 147 MARIETTA DRIVE in a manner that violates the San Francisco Building Code, Defendants KEVIN J. O’CONNOR, KEVIN O’CONNOR, as trustee of the 2012 O’CONNOR FAMILY TRUST, SANTOS & URRUTIA ASSOCIATES, INC., RODRIGO SANTOS, and ALBERT URRUTIA are subject to civil penalties of up to \$500 per day for each day that the violations existed or were permitted to continue, reasonable attorney’s fees, and injunctive relief, as set forth in San Francisco Building Code sections 102A, 102A.8, and 103A.

384. By constructing, altering, and maintaining 457 ROOSEVELT WAY in a manner that violates the San Francisco Building Code, Defendants AMERICAN BROWN DOG, LLC, ASHBURY GENERAL CONTRACTING & ENGINEERING, KEVIN BORN, SANTOS & URRUTIA ASSOCIATES, INC., RODRIGO SANTOS, and ALBERT URRUTIA are subject to civil

1 penalties of up to \$500 per day for each day that the violations existed or were permitted to continue,
2 reasonable attorney's fees, and injunctive relief, as set forth in San Francisco Building Code sections
3 102A, 102A.8, and 103A.

4 385. By constructing, altering, and maintaining 601A FELL STREET in a manner that
5 violates the San Francisco Building Code, Defendants DONGWEI WANG, DAISY ZOU,
6 VERONICA WANG, ANDRES MOUSSOURAS aka PETE MOUSSOURAS, SANTOS &
7 URRUTIA ASSOCIATES, INC., RODRIGO SANTOS, and ALBERT URRUTIA are subject to civil
8 penalties of up to \$500 per day for each day that the violations existed or were permitted to continue,
9 reasonable attorney's fees, and injunctive relief, as set forth in San Francisco Building Code sections
10 102A, 102A.8, and 103A.

11 386. By constructing, altering, and maintaining 107 MARIETTA DRIVE in a manner that
12 violates the San Francisco Building Code, Defendants KEVIN J. O'CONNOR, KEVIN O'CONNOR,
13 as trustee of the 2012 O'CONNOR FAMILY TRUST, SANTOS & URRUTIA ASSOCIATES, INC.,
14 RODRIGO SANTOS, and ALBERT URRUTIA are subject to civil penalties of up to \$500 per day for
15 each day that the violations existed or were permitted to continue, reasonable attorney's fees, and
16 injunctive relief, as set forth in San Francisco Building Code sections 102A, 102A.8, and 103A.

17 387. By constructing, altering, and maintaining 1945 GREEN STREET in a manner that
18 violates the San Francisco Building Code, Defendants SANTOS & URRUTIA ASSOCIATES, INC.,
19 RODRIGO SANTOS, and ALBERT URRUTIA are subject to civil penalties of up to \$500 per day for
20 each day that the violations existed or were permitted to continue, reasonable attorney's fees, and
21 injunctive relief, as set forth in San Francisco Building Code sections 102A, 102A.8, and 103A.

22 388. By constructing, altering, and maintaining 2030 VALLEJO STREET in a manner that
23 violates the San Francisco Building Code, Defendants SANTOS & URRUTIA ASSOCIATES, INC.,
24 RODRIGO SANTOS, and ALBERT URRUTIA are subject to civil penalties of up to \$500 per day for
25 each day that the violations existed or were permitted to continue, reasonable attorney's fees, and
26 injunctive relief, as set forth in San Francisco Building Code sections 102A, 102A.8, and 103A.

27 389. By constructing, altering, and maintaining 1740 JONES STREET in a manner that
28 violates the San Francisco Building Code, Defendants SANTOS & URRUTIA ASSOCIATES, INC.,

1 RODRIGO SANTOS, and ALBERT URRUTIA are subject to civil penalties of up to \$500 per day for
2 each day that the violations existed or were permitted to continue, reasonable attorney's fees, and
3 injunctive relief, as set forth in San Francisco Building Code sections 102A, 102A.8, and 103A.

4 390. By constructing, altering, and maintaining 1672-1674 GREAT HIGHWAY in a manner
5 that violates the San Francisco Building Code, Defendants SANTOS & URRUTIA ASSOCIATES,
6 INC., RODRIGO SANTOS, and ALBERT URRUTIA are subject to civil penalties of up to \$500 per
7 day for each day that the violations existed or were permitted to continue, reasonable attorney's fees,
8 and injunctive relief, as set forth in San Francisco Building Code sections 102A, 102A.8, and 103A.

9 391. By constructing, altering, and maintaining 2050 JEFFERSON STREET in a manner
10 that violates the San Francisco Building Code, Defendants SANTOS & URRUTIA ASSOCIATES,
11 INC., RODRIGO SANTOS, and ALBERT URRUTIA are subject to civil penalties of up to \$500 per
12 day for each day that the violations existed or were permitted to continue, reasonable attorney's fees,
13 and injunctive relief, as set forth in San Francisco Building Code sections 102A, 102A.8, and 103A.

14 **FOURTH CAUSE OF ACTION**

15 **FOR NON-COMPLIANCE WITH THE SAN FRANCISCO PLANNING CODE BROUGHT**
16 **BY PLAINTIFF CITY AND COUNTY OF SAN FRANCISCO AGAINST DEFENDANTS**
17 **KEVIN J. O'CONNOR, KEVIN O'CONNOR, AS TRUSTEE OF THE 2012 O'CONNOR**
18 **FAMILY TRUST, AMERICAN BROWN DOG, LLC, ASHBURY GENERAL**
19 **CONTRACTING & ENGINEERING, KEVIN BORN, DONGWEI WANG, DAISY ZOU,**
20 **VERONICA WANG, ANDRES MOUSSOURAS, AKA PETE MOUSSOURAS, SANTOS &**
21 **URRUTIA ASSOCIATES, INC., RODRIGO SANTOS, AND ALBERT URRUTIA**
22 **(San Francisco Planning Code Sections 134, 136, 171, 174, and 176)**

23 392. Plaintiff CITY AND COUNTY OF SAN FRANCISCO hereby incorporates by
24 reference paragraphs 1 through 391 above, as though fully set herein.

25 393. By performing work without permits and work beyond the scope of permits and
26 misleading DBI as to the scope of work to be performed at 147 MARIETTA DRIVE, Defendants
27 KEVIN J. O'CONNOR, KEVIN O'CONNOR, as trustee of the 2012 O'CONNOR FAMILY TRUST,
28 SANTOS & URRUTIA ASSOCIATES, INC., RODRIGO SANTOS, and ALBERT URRUTIA
evaded compliance with the San Francisco Planning Code, in violation of San Francisco Planning
Code sections 134, 136, 174, 175, and 311.

1 394. By maintaining the 147 MARIETTA DRIVE in a manner that violates the San
2 Francisco Planning Code, Defendants KEVIN J. O'CONNOR, KEVIN O'CONNOR, as trustee of the
3 2012 O'CONNOR FAMILY TRUST, SANTOS & URRUTIA ASSOCIATES, INC., RODRIGO
4 SANTOS, and ALBERT URRUTIA are subject to civil penalties of not less than \$200 and not more
5 than \$1000 for each day such violations were and are committed or permitted to continue, an
6 injunction, and reasonable attorney's fees and costs, including expert witness fees, incurred by the
7 CITY in enforcing the Planning Code, as set forth in San Francisco Planning Code sections 176(c)(2)
8 and 176(f).

9 395. By performing work without permits and work beyond the scope of permits and
10 misleading DBI as to the scope of work to be performed at 457 ROOSEVELT WAY, Defendants
11 AMERICAN BROWN DOG, LLC, ASHBURY GENERAL CONTRACTING & ENGINEERING,
12 KEVIN BORN, SANTOS & URRUTIA ASSOCIATES, INC., RODRIGO SANTOS, and ALBERT
13 URRUTIA evaded compliance with the San Francisco Planning Code, in violation of San Francisco
14 Planning Code sections 171, 174, and 311.

15 396. By maintaining 457 ROOSEVELT WAY in a manner that violates the San Francisco
16 Planning Code, Defendants AMERICAN BROWN DOG, LLC, ASHBURY GENERAL
17 CONTRACTING & ENGINEERING, KEVIN BORN, SANTOS & URRUTIA ASSOCIATES, INC.,
18 RODRIGO SANTOS, and ALBERT URRUTIA are subject to civil penalties of not less than \$200 and
19 not more than \$1000 for each day such violations were and are committed or permitted to continue, an
20 injunction, and reasonable attorney's fees and costs, including expert witness fees, incurred by the
21 CITY in enforcing the Planning Code, as set forth in San Francisco Planning Code sections 176(c)(2)
22 and 176(f).

23 397. By performing work without permits and work beyond the scope of permits and
24 misleading DBI as to the scope of work to be performed at 601A FELL STREET, Defendants
25 DONGWEI WANG, DAISY ZOU, VERONICA WANG, ANDRES MOUSSOURAS aka PETE
26 MOUSSOURAS, SANTOS & URRUTIA ASSOCIATES, INC., RODRIGO SANTOS, and ALBERT
27 URRUTIA evaded compliance with the San Francisco Planning Code, in violation of San Francisco
28 Planning Code sections 171, 174, and 311.

398. By maintaining 601A FELL STREET in a manner that violates the San Francisco Planning Code, Defendants DONGWEI WANG, DAISY ZOU, VERONICA WANG, ANDRES MOUSSOURAS aka PETE MOUSSOURAS, SANTOS & URRUTIA ASSOCIATES, INC., RODRIGO SANTOS, and ALBERT URRUTIA are subject to civil penalties of not less than \$200 and not more than \$1000 for each day such violations were and are committed or permitted to continue, an injunction, and reasonable attorney's fees and costs, including expert witness fees, incurred by the CITY in enforcing the Planning Code, as set forth in San Francisco Planning Code sections 176(c)(2) and 176(f).

FIFTH CAUSE OF ACTION

FOR PUBLIC NUISANCE BROUGHT BY PLAINTIFFS CITY AND COUNTY OF SAN FRANCISCO AND THE PEOPLE OF THE STATE OF CALIFORNIA AGAINST DEFENDANTS KEVIN J. O’CONNOR, KEVIN O’CONNOR, AS TRUSTEE OF THE 2012 O’CONNOR FAMILY TRUST, AMERICAN BROWN DOG, LLC, ASHBURY GENERAL CONTRACTING & ENGINEERING, KEVIN BORN, DONGWEI WANG, DAISY ZOU, VERONICA WANG, ANDRES MOUSSOURAS, AKA PETE MOUSSOURAS, SANTOS & URRUTIA ASSOCIATES, INC., RODRIGO SANTOS, AND ALBERT URRUTIA

(San Francisco Building Code Section 102, San Francisco Planning Code Section 176, California Civil Code Section 3480, and California Code of Civil Procedure Section 731)

399. Plaintiffs CITY AND COUNTY OF SAN FRANCISCO and PEOPLE OF THE STATE OF CALIFORNIA hereby incorporate by reference paragraphs 1 through 398 above, as though fully set forth herein.

400. Pursuant to San Francisco Building Code Section 102, any building, structure, property, or part thereof, that is dangerous to human life, safety, or health of the occupants or the occupants of adjacent properties or the public by reason of inadequate egress, unsafe structure, inadequate maintenance, use in violation of the law or ordinance, or alteration, construction or maintenance in violation of law or ordinance is unsafe and as such constitutes a *per se* public nuisance.

401. Pursuant to San Francisco Planning Code Section 176, any use, structure, lot, feature, or condition in violation of the Planning Code constitutes a *per se* public nuisance.

402. Defendants KEVIN J. O’CONNOR, KEVIN O’CONNOR, as trustee of the 2012 O’CONNOR FAMILY TRUST, SANTOS & URRUTIA ASSOCIATES, INC., RODRIGO SANTOS, and ALBERT URRUTIA maintain 147 MARIETTA DRIVE in such a manner as to constitute a

1 continuing public nuisance. The conditions that create said public nuisance are the serious violations
2 of the San Francisco Building and Planning Codes at 147 MARIETTA DRIVE.

3 403. By permitting the conditions that violate the San Francisco Building and Planning
4 Codes to remain unabated at 147 MARIETTA DRIVE, Defendants KEVIN J. O'CONNOR, KEVIN
5 O'CONNOR, as trustee of the 2012 O'CONNOR FAMILY TRUST, SANTOS & URRUTIA
6 ASSOCIATES, INC., RODRIGO SANTOS, and ALBERT URRUTIA now are, and for a
7 considerable period of time and at all times herein mentioned have been, causing and maintaining a
8 continuing public nuisance within the meaning of California Civil Code Section 3479 and 3480, which
9 is injurious to the health and safety of the public and is dangerous to human life so as to interfere with
10 the comfortable enjoyment of life or property of an entire community or neighborhood.

11 404. Defendants AMERICAN BROWN DOG, LLC, ASHBURY GENERAL
12 CONTRACTING & ENGINEERING, KEVIN BORN, SANTOS & URRUTIA ASSOCIATES, INC.,
13 RODRIGO SANTOS, and ALBERT URRUTIA maintain 457 ROOSEVELT WAY in such a manner
14 as to constitute a continuing public nuisance. The conditions that create said public nuisance are the
15 serious violations of the San Francisco Building and Planning Codes at 457 ROOSEVELT WAY.

16 405. By permitting the conditions that violate the San Francisco Building and Planning
17 Codes to remain unabated at 457 ROOSEVELT WAY, Defendants AMERICAN BROWN DOG,
18 LLC, ASHBURY GENERAL CONTRACTING & ENGINEERING, KEVIN BORN, SANTOS &
19 URRUTIA ASSOCIATES, INC., RODRIGO SANTOS, and ALBERT URRUTIA now are, and for a
20 considerable period of time and at all times herein mentioned have been, causing and maintaining a
21 continuing public nuisance within the meaning of California Civil Code Section 3479 and 3480, which
22 is injurious to the health and safety of the public and is dangerous to human life so as to interfere with
23 the comfortable enjoyment of life or property of an entire community or neighborhood.

24 406. Defendants DONGWEI WANG, DAISY ZOU, VERONICA WANG, ANDRES
25 MOUSSOURAS aka PETE MOUSSOURAS, SANTOS & URRUTIA ASSOCIATES, INC.,
26 RODRIGO SANTOS, and ALBERT URRUTIA maintain 601A FELL STREET in such a manner as
27 to constitute a continuing public nuisance. The conditions that create said public nuisance are the
28 serious violations of the San Francisco Building and Planning Codes at 601A FELL STREET.

407. By permitting the conditions that violate the San Francisco Building and Planning Codes to remain unabated at 601A FELL STREET, Defendants DONGWEI WANG, DAISY ZOU, VERONICA WANG, ANDRES MOUSSOURAS aka PETE MOUSSOURAS, SANTOS & URRUTIA ASSOCIATES, INC., RODRIGO SANTOS, and ALBERT URRUTIA now are, and for a considerable period of time and at all times herein mentioned have been, causing and maintaining a continuing public nuisance within the meaning of California Civil Code Section 3479 and 3480, which is injurious to the health and safety of the public and is dangerous to human life so as to interfere with the comfortable enjoyment of life or property of an entire community or neighborhood.

408. Plaintiffs have no adequate remedy at law in that damages are insufficient to protect the public from present danger and harm caused by the conditions described herein.

409. Unless said nuisance is abated, the surrounding community and neighborhood, and the residents and citizens of the City and County of San Francisco, will suffer irreparable injury and damage, in that said conditions will continue to be injurious to the enjoyment and free use of the PROPERTIES and dangerous to the life, safety or health of residents of homes adjacent to and/or nearby the PROPERTIES and the general public.

SIXTH CAUSE OF ACTION

**FOR UNLAWFUL BUSINESS PRACTICES BROUGHT BY THE PLAINTIFF PEOPLE OF
THE STATE OF CALIFORNIA AGAINST DEFENDANTS RODRIGO SANTOS AND
SANTOS & URRUTIA ASSOCIATES, INC.**

(California Business and Professions Code Sections 17200-17210)

410. Plaintiffs PEOPLE OF THE STATE OF CALIFORNIA hereby incorporate by reference paragraphs 1 through 409 above, as though fully set forth herein.

411. The PEOPLE brings this cause of action in the name of the People of the State of California pursuant to Business and Professions Code section 17200-17210 in order to protect the public as consumers and competitors from the unlawful, unfair, and fraudulent practices committed by Defendants RODRIGO SANTOS and SANTOS & URRUTIA ASSOCIATES, INC., within the City and County of San Francisco, State of California.

412. Defendants RODRIGO SANTOS and SANTOS & URRUTIA ASSOCIATES, INC.,
are now engaging in and, for a considerable period of time, and at all times pertinent to the allegations

1 of this FIRST AMENDED COMPLAINT, have been engaging in and transacting business within the
2 City and County of San Francisco, State of California. DEFENDANTS' actions are in violation of the
3 laws and public policies of the City and County of San Francisco and the State of California, and are
4 harmful to the rights and interests of the general public.

5 413. Defendants RODRIGO SANTOS and SANTOS & URRUTIA ASSOCIATES, INC.,
6 are now engaging in, and, for a considerable period of time, and at all times pertinent to the allegations
7 of this FIRST AMENDED COMPLAINT, have been engaging in unlawful business practices
8 regarding the 221 checks misappropriated from Defendants RODRIGO SANTOS and SANTOS &
9 URRUTIA ASSOCIATES, INC.'s business clients, which is prohibited by California's Unfair
10 Competition Law, Business and Professions Code Sections 17200-17210, as follows:

- 11 a. By willfully obtaining and using client's personal information contained on
12 checks and using it for the unlawful purpose of depositing the checks in
13 Defendant RODRIGO SANTOS' personal checking account instead of the
14 intended recipient CITY department, in violation of California Penal Code
15 section 530.5(a);
- 16 b. By willfully taking money in excess of \$950, in violation of California Penal
17 Code section 487(a);
- 18 c. By falsely signing the name of a CITY department thereby endorsing the
19 checks, with the intent to defraud, knowing they have no authority to do so, in
20 violation of California Penal Code section 470(a);
- 21 d. By falsely altering, forging, or uttering, with the intent to defraud publishing,
22 passing, as true and genuine, any check, knowing the same to be false, altered,
23 or forged in violation of California Penal Code section 470(d);
- 24 e. By possessing or receiving, with the intent to pass or facilitate the passage or
25 utterance of any forged, altered or completed checks with the intent to defraud,
26 knowing the same to be forged or altered in violation of California Penal Code
27 section 475(a);
28

- 1 f. By possessing any unfinished check, with the intention of completing the same
2 or the intention of facilitating the completion of the same, in order to defraud
3 any person, in violation of California Penal Code section 475(b);
- 4 g. By possessing any completed check, with the intention to utter or pass or
5 facilitate the utterance or passage of the same, in order to defraud any person, in
6 violation of California Penal Code section 475(c);
- 7 h. By falsely making, passing, uttering, or publishing any false or altered check,
8 with intent to defraud any other person, in violation of California Penal Code
9 section 476;
- 10 i. By falsely personating CITY departments, and in such assumed character
11 receiving money, knowing that it is intended to be delivered to the CITY
12 department, with the intent to convert the same to his own use, or to deprive the
13 true owner thereof, in violation of California Penal Code section 530.

14 414. Defendants RODRIGO SANTOS and SANTOS & URRUTIA ASSOCIATES, INC.,
15 are now engaging in, and, for a considerable period of time, and at all times pertinent to the allegations
16 of this FIRST AMENDED COMPLAINT, have engaged in, unfair business practices regarding the
17 221 checks misappropriated from Defendants RODRIGO SANTOS and SANTOS & URRUTIA
18 ASSOCIATES, INC.'s business clients, which is prohibited by California's Unfair Competition Law
19 as follows:

- 20 a. By misappropriating funds from business clients, Defendants RODRIGO
21 SANTOS and SANTOS & URRUTIA ASSOCIATES, INC., gained an unfair
22 monetary advantage over law abiding businesses that did not steal money from
23 their clients; and
- 24 b. By misappropriating funds from business clients by informing these clients that
25 said funds are necessary for the payment of CITY department fees related to
26 construction projects, Defendants RODRIGO SANTOS and SANTOS &
27 URRUTIA ASSOCIATES, INC., are unfairly appropriating the legitimate
28

1 authority of the CITY and CITY departments, including DBI, PLANNING, and
2 DPW.

3 415. Defendants RODRIGO SANTOS and SANTOS & URRUTIA ASSOCIATES, INC.,
4 are now engaging in, and, for a considerable period of time, and at all times pertinent to the allegations
5 of this FIRST AMENDED COMPLAINT, have engaged in, fraudulent business practices regarding
6 the 221 checks misappropriated from Defendants RODRIGO SANTOS and SANTOS & URRUTIA
7 ASSOCIATES, INC.'s business clients, which is prohibited by California's Unfair Competition Law
8 as follows:

- 9 a. By willfully obtaining and using client's personal information contained on
10 checks and using it for the unlawful purpose of depositing the checks in
11 Defendant RODRIGO SANTOS' personal checking account instead of the
12 intended recipient CITY department;
- 13 b. By willfully taking and misappropriating money from clients;
- 14 c. By falsely signing the name of a CITY department thereby endorsing checks,
15 with the intent to defraud, knowing Defendants RODRIGO SANTOS and
16 SANTOS & URRUTIA ASSOCIATES, INC., have no authority to do so;
- 17 d. By falsely altering, forging, or uttering, and with the intent to defraud,
18 publishing, passing, as true and genuine, any check, knowing the same to be
19 false, altered, or forged;
- 20 e. By possessing or receiving, with the intent to pass or facilitate the passage or
21 utterance of any forged, altered or completed checks with the intent to defraud,
22 knowing the same to be forged or altered;
- 23 f. By possessing any unfinished check, with the intention of completing the same
24 or the intention of facilitating the completion of the same, in order to defraud
25 any person;
- 26 g. By possessing any completed check, with the intention to utter or pass or
27 facilitate the utterance or passage of the same, in order to defraud any person;
- 28

- 1 h. By falsely making, passing, uttering, or publishing any false or altered check,
2 with intent to defraud any other person; and
- 3 i. By falsely personating CITY departments, and in such assumed character
4 receiving any money, knowing that it is intended to be delivered to the CITY
5 department, with the intent to convert the same to his own use, or to deprive the
6 true owner thereof.

7 **PRAYER**

8 WHEREFORE, PLAINTIFFS pray that:

9 **Declaratory Relief**

10 1. 147 MARIETTA DRIVE, 457 ROOSEVELT WAY, and 601A FELL STREET be
11 declared a public nuisance in violation of Civil Code Sections 3479 and 3480, the San Francisco
12 Building Code, and the San Francisco Planning Code;

13 2. This Court declare that 147 MARIETTA DRIVE, 457 ROOSEVELT WAY, and 601A
14 FELL STREET are in a condition that substantially endangers the health and safety of the residents of
15 homes adjacent to and/or nearby, and the general public;

16 3. This Court declare that Defendants KEVIN J. O'CONNOR, KEVIN O'CONNOR, as
17 trustee of the 2012 O'CONNOR FAMILY TRUST, AMERICAN BROWN DOG, LLC, ASHBURY
18 GENERAL CONTRACTING & ENGINEERING, KEVIN BORN, DONGWEI WANG, DAISY
19 ZOU, VERONICA WANG, ANDRES MOUSSOURAS aka PETE MOUSSOURAS, SANTOS &
20 URRUTIA ASSOCIATES, INC., RODRIGO SANTOS, and ALBERT URRUTIA caused the
21 PROPERTIES to be in violation of the San Francisco Building Code;

22 4. This Court declare that Defendants KEVIN J. O'CONNOR, KEVIN O'CONNOR, as
23 trustee of the 2012 O'CONNOR FAMILY TRUST, AMERICAN BROWN DOG, LLC, ASHBURY
24 GENERAL CONTRACTING & ENGINEERING, KEVIN BORN, DONGWEI WANG, DAISY
25 ZOU, VERONICA WANG, ANDRES MOUSSOURAS aka PETE MOUSSOURAS, SANTOS &
26 URRUTIA ASSOCIATES, INC., RODRIGO SANTOS, and ALBERT URRUTIA caused 147
27 MARIETTA DRIVE, 457 ROOSEVELT WAY, and 601A FELL STREET to be in violation of the
28 San Francisco Planning Code;

1 5. This Court declare that DEFENDANTS committed unlawful, unfair, and fraudulent
2 business practices, in violation of California Business and Professions Code sections 17200-17210;

3 **Injunctive Relief**

4 6. 147 MARIETTA DEFENDANTS, ROOSEVELT DEFENDANTS, and FELL
5 DEFENDANTS be ordered to abate the public nuisance and all violations of the San Francisco
6 Building Code and San Francisco Planning Code;

7 7. 147 MARIETTA DEFENDANTS, ROOSEVELT DEFENDANTS, and FELL
8 DEFENDANTS be enjoined and restrained from renting, leasing, occupying, or otherwise using any
9 currently unoccupied areas of 147 MARIETTA DRIVE, 457 ROOSEVELT WAY, and 601A FELL
10 STREET while the conditions described in this FIRST AMENDED COMPLAINT exist and until 147
11 MARIETTA DRIVE, 457 ROOSEVELT WAY, and 601A FELL STREET and any structures on the
12 properties and all parts thereof have been repaired and restored to conform to law;

13 8. 147 MARIETTA DEFENDANTS, ROOSEVELT DEFENDANTS, and FELL
14 DEFENDANTS be ordered to cause 147 MARIETTA DRIVE, 457 ROOSEVELT WAY, and 601A
15 FELL STREET and any structures on the properties and all parts thereof to conform to law, and
16 maintain such structures and all parts thereof in accordance with law;

17 9. 147 MARIETTA DEFENDANTS, ROOSEVELT DEFENDANTS, and FELL
18 DEFENDANTS be ordered to not claim any tax benefits for the 147 MARIETTA DRIVE, 457
19 ROOSEVELT WAY, and 601A FELL STREET, pursuant to Health and Safety Code section
20 17980.7(b)(2);

21 10. That a receiver be appointed to abate the violations at 147 MARIETTA DRIVE, 457
22 ROOSEVELT WAY, and 601A FELL STREET, pursuant to Health and Safety Code section
23 17980.7(c);

24 11. If a receiver is appointed, 147 MARIETTA DEFENDANTS, ROOSEVELT
25 DEFENDANTS, and FELL DEFENDANTS be prohibited from collecting rents from any tenants,
26 interfering with the receiver in the operation of 147 MARIETTA DRIVE, 457 ROOSEVELT WAY,
27 and 601A FELL STREET, and encumbering or transferring 147 MARIETTA DRIVE, 457
28

ROOSEVELT WAY, and 601A FELL STREET, pursuant to Health and Safety Code section 17980.7(c)(3);

12. 147 MARIETTA DEFENDANTS, ROOSEVELT DEFENDANTS, and FELL DEFENDANTS be enjoined from spending, transferring, encumbering, or removing from California any money received from 147 MARIETTA DRIVE, 457 ROOSEVELT WAY, and 601A FELL STREET

13. DEFENDANTS be enjoined from spending, transferring, encumbering, or removing from California any money received from any the unfair, unlawful, or fraudulent acts alleged in the FIRST AMENDED COMPLAINT;

14. DEFENDANTS be ordered to disclose to the CITY all work being performed by DEFENDANTS in the City and County of San Francisco, including but not limited to all active building permits, electrical permits, and plumbing permits;

15. DEFENDANTS be ordered to notify the CITY in writing and under oath within five calendar days of being hired to do any construction, remodeling, or engineering work at and/or in connection with any property within the City and County of San Francisco;

16. DEFENDANTS be enjoined from committing any of the unlawful, unfair, and fraudulent acts identified in this FIRST AMENDED COMPLAINT, including, but not limited to, at and/or in connection with any property within the City and County of San Francisco and sufficient monitoring and preconditions be placed on any construction, remodeling, or engineering project with which DEFENDANTS are associated to ensure they are complying with the law.

17. SANTOS & URRUTIA CHECK FRAUD DEFENDANTS be ordered to make restitution, with interest, to victims of all money received or acquired by SANTOS & URRUTIA CHECK FRAUD DEFENDANTS by means of any practice that constitutes unfair competition, under the authority of Business and Professions Code sections 17203.

Penalties

18. Pursuant to Business and Professions Code Section 17206, DEFENDANTS be ordered to pay a civil penalty of up to \$2,500 for each violation;

1 19. Defendants KEVIN J. O'CONNOR, KEVIN O'CONNOR, as trustee of the 2012
2 O'CONNOR FAMILY TRUST, AMERICAN BROWN DOG, LLC, ASHBURY GENERAL
3 CONTRACTING & ENGINEERING, KEVIN BORN, DONGWEI WANG, DAISY ZOU,
4 VERONICA WANG, ANDRES MOUSSOURAS aka PETE MOUSSOURAS, SANTOS &
5 URRUTIA ASSOCIATES, INC., RODRIGO SANTOS, and ALBERT URRUTIA be ordered to pay
6 civil penalties of up to \$500 for each day any violation of the San Francisco Building Code was
7 committed, or is permitted to continue, at each of the PROPERTIES, pursuant to San Francisco
8 Building Code section 102(a)(8) and 103;

9 20. Defendants KEVIN J. O'CONNOR, KEVIN O'CONNOR, as trustee of the 2012
10 O'CONNOR FAMILY TRUST, AMERICAN BROWN DOG, LLC, ASHBURY GENERAL
11 CONTRACTING & ENGINEERING, KEVIN BORN, DONGWEI WANG, DAISY ZOU,
12 VERONICA WANG, ANDRES MOUSSOURAS aka PETE MOUSSOURAS, SANTOS &
13 URRUTIA ASSOCIATES, INC., RODRIGO SANTOS, and ALBERT URRUTIA be ordered to pay
14 civil penalties of at least \$200 and up to \$1,000 for each day any violation of the San Francisco
15 Planning Code was committed, or is permitted to continue, at 147 MARIETTA DRIVE, 457
16 ROOSEVELT WAY, and 601A FELL STREET, pursuant to San Francisco Planning Code Section
17 176(c)(2) and 176(f);

18 21. PLAINTIFFS shall have a lien upon 147 MARIETTA DRIVE, 457 ROOSEVELT
19 WAY, and 601A FELL STREET in the amount expended pursuant to authority and to have judgment
20 in that amount against 147 MARIETTA DEFENDANTS, ROOSEVELT DEFENDANTS, and FELL
21 DEFENDANTS, their successors and assigns;

22 22. Pursuant to California Health and Safety Code section 17980.7(b)(1), the Court order
23 KEVIN J. O'CONNOR, KEVIN O'CONNOR, as trustee of the 2012 O'CONNOR FAMILY TRUST,
24 AMERICAN BROWN DOG, LLC, ASHBURY GENERAL CONTRACTING & ENGINEERING,
25 KEVIN BORN, DONGWEI WANG, DAISY ZOU, VERONICA WANG, ANDRES MOUSSOURAS
26 aka PETE MOUSSOURAS, SANTOS & URRUTIA ASSOCIATES, INC., RODRIGO SANTOS, and
27 ALBERT URRUTIA to not claim any deduction with respect to state taxes for interest, taxes,
28 expenses, depreciation, or amortization paid or incurred with respect to 147 MARIETTA DRIVE, 457

1 ROOSEVELT WAY, and 601A FELL STREET for the taxable year of the initial order or notice to the
2 present until all such orders and notices are abated;

3 **Fees and Costs**

4 23. PLAINTIFFS be awarded reasonable attorney's fees and other expenses recoverable
5 pursuant to San Francisco Building Code Section 102A.8, San Francisco Planning Code Section
6 176(c)(2), and California Health and Safety Code section 17980.7(d);

7 24. DEFENDANTS pay all costs incurred by the San Francisco Department of Building
8 Inspection and the San Francisco Planning Department in their attempts to enforce compliance with
9 the law;

10 25. PLAINTIFFS be awarded their costs incurred herein pursuant to California Code of
11 Civil Procedure Section 1032;

12 26. The Court find that recordation of an Abstract of Judgment in this case constitute a
13 prior lien over any lien that may be held on 147 MARIETTA DEFENDANTS, ROOSEVELT
14 DEFENDANTS, and FELL DEFENDANTS by any DEFENDANTS to this action; and

15 27. The Court grant such other and further relief as this Court should find just and proper.

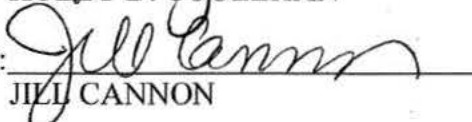
16 Dated: December 6, 2019

17 DENNIS J. HERRERA
18 City Attorney
19 PETER J. KEITH
20 Chief Attorney
21 Neighborhood and Residential Safety Division
22 HOLLY D. COULEHAN
23 JILL CANNON
24 Deputy City Attorneys

25 By:

26 
27 HOLLY D. COULEHAN

28 By:


JILL CANNON

Attorneys for Plaintiffs
CITY AND COUNTY OF SAN FRANCISCO and
PEOPLE OF THE STATE OF CALIFORNIA

INDEX TO EXHIBITS

| <u>Exhibit</u> | <u>Description</u> |
|----------------|--|
| 1 | Property Description for 147 MARIETTA DRIVE, San Francisco, 94127 |
| 2 | May 31, 2011 Order from California Contractors State Licensing Board Revoking Defendant MCKENZIE's Contractor License |
| 3 | San Francisco Department of Building Inspection ("DBI") Notice of Violation ("NOV") No. 201650611 for 147 MARIETTA DRIVE, dated January 27, 2017 |
| 4 | DBI NOV No. 201722731 for 147 MARIETTA DRIVE, dated December 5, 2017 |
| 5 | DBI NOV Final Warning for NOV No. 201722731 for 147 MARIETTA DRIVE, dated February 20, 2018 |
| 6 | DBI Notice of Director's Hearing for NOV No. 201722731 for 147 MARIETTA DRIVE, dated May 8, 2018 |
| 7 | DBI Order of Abatement ("OOA") No. 201722731 for 147 MARIETTA DRIVE, dated July 11, 2018 |
| 8 | DBI NOV No. 201842491 for 147 MARIETTA DRIVE, dated February 16, 2018 |
| 9 | DBI Second NOV No. 201842491 for 147 MARIETTA DRIVE, dated February 16, 2018 |
| 10 | DBI NOV No. 201842501 for 151 Marietta Drive, dated February 16, 2018 |
| 11 | DBI Building Permit No. 201802201756 for 147 MARIETTA DRIVE, filed on February 20, 2018 |
| 12 | DBI Building Permit No. 201870221852 for 147 MARIETTA DRIVE, filed on February 21, 2018 |
| 13 | DBI NOV No. 201861191 for 147 MARIETTA DRIVE, dated April 27, 2018 |
| 14 | Fraudulent BSK Special Inspection Final Compliance report and supporting document dated March 21, 2018, submitted to DBI for 147 MARIETTA DRIVE |
| 15 | Fraudulent BSK Special Inspection Final Compliance report and supporting document dated March 27, 2018, submitted to DBI for 147 MARIETTA DRIVE |
| 16 | SANTOS & URRUTIA DEFENDANTS Special Inspection Final Compliance report dated April 10, 2018, submitted to DBI for 147 MARIETTA DRIVE |
| 17 | SANTOS & URRUTIA DEFENDANTS letter and Special Inspection Final Compliance report dated May 21, 2018 and attached fraudulent BSK Special Inspection Final Compliance report and supporting documents dated May 16, 2018, submitted to DBI for 147 MARIETTA DRIVE |

- 18 Fraudulent BSK Special Inspection Final Compliance report and supporting document dated May 31, 2018, submitted to DBI for 147 MARIETTA DRIVE
- 19 Fraudulent BSK Special Inspection Final Compliance report and supporting document dated August 30, 2018, submitted to DBI for 147 MARIETTA DRIVE
- 20 DBI NOV No. 201861191 for 147 MARIETTA DRIVE, dated April 27, 2018
- 21 Property Description for 457 ROOSEVELT WAY, San Francisco, 94114
- 22 DBI NOV No. 201799561 for 457 ROOSEVELT WAY, dated August 16, 2017
- 23 DBI NOV No. 201701511 for 457 ROOSEVELT WAY, dated August 22, 2017
- 24 DBI NOV No. 201701561 for 461 Roosevelt Way, dated August 23, 2017
- 25 DBI NOV Final Warning for NOV No. 201701511 for 457 ROOSEVELT WAY, dated November 6, 2017
- 26 DBI NOV Final Warning for NOV No. 201799561 for 457 ROOSEVELT WAY, dated November 8, 2017
- 27 DBI Notices of Director's Hearings for NOV Nos. 201701511 and 201799561 for 457 ROOSEVELT WAY, dated January 29, 2018
- 28 DBI OOA No. 201701511 457 ROOSEVELT WAY, dated April 25, 2018
- 29 DBI OOA No. 201799561 457 ROOSEVELT WAY, dated April 25, 2018
- 30 DBI NOV No. 201863891 for 457 ROOSEVELT WAY, dated May 14, 2018
- 31 DBI NOV No. 201864531 for 451-453 Roosevelt Way, dated May 14, 2018
- 32 DBI NOV Final Warning for NOV No. 201863891 for 457 ROOSEVELT WAY, dated June 14, 2018
- 33 DBI Notice of Director's Hearing for NOV No. 201863891 for 457 ROOSEVELT WAY, dated July 18, 2019
- 34 DBI OOA No. 201863891 457 ROOSEVELT WAY, dated September 25, 2019
- 35 Property Description for 601A FELL STREET, San Francisco, 94102
- 36 Power of Attorney granting Defendant VERONICA WANG power of attorney over 601A FELL STREET, recorded on January 25, 2018
- 37 DBI NOV No. 201863201 for 601A FELL STREET, dated May 7, 2018
- 38 DBI NOV No. 201863451 for 601A FELL STREET, dated May 9, 2018
- 39 DBI NOV Final Warnings for NOV Nos. 201863201 and 201863451 for 601A FELL STREET, dated September 21, 2018
- 40 DBI OOA Nos. 201863201 and 201863451 for 601A FELL STREET, dated August 7, 2019

INDEX-2

- 41 Property Description for 107 MARIETTA DRIVE, San Francisco, 94127
- 42 DBI NOV No. 201552801 for 107 MARIETTA DRIVE, dated June 19, 2015
- 43 Fraudulent BSK Special Inspection Final Compliance report dated March 2, 2016
and supporting documents, submitted to DBI for 107 MARIETTA DRIVE
- 44 Fraudulent BSK Special Inspection Final Compliance report dated May 16, 2016
and supporting documents, submitted to DBI for 107 MARIETTA DRIVE
- 45 DBI Building Permit No. 201511243483 for 107 MARIETTA DRIVE, filed on
November 24, 2015
- 46 SANTOS & URRUTIA DEFENDANTS Special Inspection Final Compliance
report dated November 22, 2016 submitted to DBI for 107 MARIETTA DRIVE
- 47 DBI NOV No. 201632084 for 107 MARIETTA DRIVE, dated October 28, 2016
- 48 DBI Second NOV No. 201632084 for 107 MARIETTA DRIVE, dated November
29, 2016
- 49 Fraudulent BSK Special Inspection Final Compliance report dated May 16, 2016
and supporting documents, submitted to DBI for 107 MARIETTA DRIVE
- 50 Property Description for 1672-1674 GREAT HIGHWAY, San Francisco, 94122
- 51 Fraudulent BSK Special Inspection Final Compliance report dated May 11, 2015
and supporting documents, and SANTOS & URRUTIA DEFENDANTS Special
Inspection Final Compliance report dated November 20, 2015 submitted to DBI
for 1672-1674 GREAT HIGHWAY
- 52 Property Description for 1740 JONES STREET, San Francisco, 94109
- 53 DBI Building Permit No. 201310230063 for 1740 JONES STREET, filed on
October 23, 2013
- 54 Fraudulent BSK Special Inspection Final Compliance report dated May 18, 2015
and supporting documents submitted to DBI for 1740 JONES STREET
- 55 SANTOS & URRUTIA DEFENDANTS Special Inspection Final Compliance
report dated May 14, 2015 submitted to DBI for 1740 JONES STREET
- 56 Property Description for 1945 GREEN STREET, San Francisco, 94123
- 57 Fraudulent BSK Special Inspection Final Compliance report dated June 11, 2013
and June 1, 2015 and supporting documents, and SANTOS & URRUTIA
DEFENDANTS Special Inspection Final Compliance report dated August 11,
2015 submitted to DBI for 1945 GREEN STREET
- 58 Addendum to DBI Building Permit No. 201211194485 submitted on May 15,
2014 and related documents submitted to DBI from SANTOS & URRUTIA
DEFENDANTS for 1945 GREEN STREET
- 59 Fraudulent BSK Special Inspection Final Compliance report dated June 1, 2015
and supporting documents submitted to DBI for 1945 GREEN STREET

- 1 60 SANTOS & URRUTIA DEFENDANTS Special Inspection Final Compliance
report dated August 11, 2015 submitted to DBI for 1945 GREEN STREET
- 2 61 Fraudulent BSK Special Inspection Final Compliance report dated August 31,
3 2015 and supporting document submitted to DBI for 1945 GREEN STREET
- 4 62 Fraudulent BSK Special Inspection Final Compliance report dated June 29, 2015
5 and supporting document, and SANTOS & URRUTIA DEFENDANTS Special
Inspection Final Compliance report dated July 8, 2015 submitted to DBI for 1945
GREEN STREET
- 6 63 Fraudulent BSK Special Inspection Final Compliance report dated July 11, 2015
7 and supporting document, and SANTOS & URRUTIA DEFENDANTS Special
8 Inspection Final Compliance report dated August 11, 2015 submitted to DBI for
1945 GREEN STREET
- 9 64 SANTOS & URRUTIA DEFENDANTS Special Inspection Final Compliance
report dated August 11, 2015 submitted to DBI for 1945 GREEN STREET
- 10 65 Fraudulent BSK Special Inspection Final Compliance report dated August 3, 2015
11 and supporting documents; Defendant PETER SCHURMAN invoice dated
September 28, 2015 submitted to DBI for 1945 GREEN STREET
- 12 66 Fraudulent BSK Special Inspection Final Compliance report dated March 17,
13 2016 and supporting document submitted to DBI for 1945 GREEN STREET
- 14 67 Fraudulent BSK Special Inspection Final Compliance report dated April 21, 2016
and supporting document submitted to DBI for 1945 GREEN STREET
- 15 68 Property Description for 2030 VALLEJO STREET, San Francisco, 94123
- 16 69 DBI NOV No. 201521571 for 1945 GREEN STREET, dated January 26, 2015
- 17 70 DBI NOV No. 201522631 for 2030 VALLEJO STREET, dated January 28, 2015
- 18 71 Fraudulent BSK Special Inspection Final Compliance report dated August 31,
19 2015 and supporting documents submitted to DBI for 2030 VALLEJO STREET
- 20 72 SANTOS & URRUTIA DEFENDANTS Special Inspection Final Compliance
report dated August 16, 2017 and attached copy of Fraudulent BSK Special
21 Inspection Compliance report dated August 31, 2015 submitted to DBI for 2030
VALLEJO STREET
- 22 73 Property Description for 2050 JEFFERSON STREET, San Francisco, 94123
- 23 74 SANTOS & URRUTIA DEFENDANTS Special Inspection Final Compliance
24 reports dated July 16, 2013 submitted to DBI for 2050 JEFFERSON STREET
- 25 75 Fraudulent BSK Special Inspection Final Compliance report dated September 4,
2013 and supporting documents submitted to DBI for 2050 JEFFERSON
26 STREET
- 27 76 Redacted checks written to CITY departments for work related to 107
MARIETTA, deposited into Defendant RODRIGO SANTOS' personal Bank of
28 America account

- 1 77 Redacted checks written to CITY departments for work related to 147
2 MARIETTA, deposited into Defendant RODRIGO SANTOS' personal Bank of
3 America account
- 4 78 Redacted checks written to CITY departments for work related to 457
5 ROOSEVELT, deposited into Defendant RODRIGO SANTOS' personal Bank of
6 America account
- 7 79 Redacted checks written to CITY departments for work related to 457
8 ROOSEVELT, deposited into Defendant RODRIGO SANTOS' personal Bank of
9 America account
- 10 80 Redacted checks written to CITY departments for work related to 2621 Harrison
11 Street, 111 Williams Avenue and 235 Capitol Avenue, deposited into Defendant
12 RODRIGO SANTOS' personal Bank of America account
- 13 81 Redacted checks written to CITY departments for work related to 1071 Alabama
14 Street, deposited into Defendant RODRIGO SANTOS' personal Bank of America
15 account
- 16 82 Redacted checks written to CITY departments for work related to 736 S. Van
17 Ness Avenue, deposited into Defendant RODRIGO SANTOS' personal Bank of
18 America account
- 19 83 Redacted checks written to CITY departments for work related to 1229-1231
20 Connecticut Street, deposited into Defendant RODRIGO SANTOS' personal
21 Bank of America account
- 22 84 Redacted checks written to CITY departments for work related to 1223 Fitzgerald
23 Avenue, deposited into Defendant RODRIGO SANTOS' personal Bank of
24 America account
- 25 85 Redacted checks written to CITY departments for work related to 1563 Fulton
26 Street, deposited into Defendant RODRIGO SANTOS' personal Bank of America
27 account
- 28 86 Redacted checks written to CITY departments for work related to 1431 12th
Avenue, deposited into Defendant RODRIGO SANTOS' personal Bank of
America account
- 87 Redacted checks written to CITY departments for work related to 3032-3034
Jackson Street, deposited into Defendant RODRIGO SANTOS' personal Bank of
America account
- 88 Redacted checks written to CITY departments for work related to 801 Cole Street,
deposited into Defendant RODRIGO SANTOS' personal Bank of America
account
- 89 Redacted checks written to CITY departments for work related to 1333 Waller
Street, deposited into Defendant RODRIGO SANTOS' personal Bank of America
account
- 90 Redacted checks written to CITY departments for work related to 2963 22nd
Street, deposited into Defendant RODRIGO SANTOS' personal Bank of America
account

- 1 91 Redacted checks written to CITY departments for work related to 3256 21st Street
2 and 4540 19th Street, deposited into Defendant RODRIGO SANTOS' personal
3 Bank of America account
4
5 92 Redacted checks written to CITY departments for work related to 1405 Van Dyke
6 Avenue, deposited into Defendant RODRIGO SANTOS' personal Bank of
7 America account
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 1

BEFORE THE
REGISTRAR OF CONTRACTORS
CONTRACTORS STATE LICENSE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

MAVERICK CONSTRUCTION

P. O. Box 2901

Sausalito, CA 94966

Peter Thomas McKenzie, Sole Owner

License No. **583288**, B

Respondent

CASE NO. N2009-376

ORDER TO ADOPT
STIPULATED SETTLEMENT


The attached Stipulated Settlement is hereby adopted by the Registrar of Contractors as his Decision in the above-entitled matter.

IT IS FURTHER ORDERED pursuant to Section 7102 of the Business and Professions Code and Section 870 of the Code of Regulations, that respondent **MAVERICK CONSTRUCTION**, License Number **583288**, shall not apply for reissuance or reinstatement of any license for one year(s) from the effective date of this Decision.

IT IS THE responsibility of the respondents, named in this Order, to read and follow the Order. The deadlines for meeting the terms and conditions are based upon the EFFECTIVE DATE of the Order to Adopt Stipulation and Waiver. No notices or reminders will be sent, as to the compliance of the terms and conditions. Proof of payments of restitution, and payments for the Cost of Investigation and Enforcement if ordered, are to be sent to CSLB, Sacramento Case Management, Post Office Box 26888, Sacramento, CA 95826.

This Order shall become effective on June 27, 2011.

IT IS SO ORDERED May 23, 2011.



Stephen P. Sands
Registrar of Contractors

INFORMATION PURSUANT TO §11521 OF THE GOVERNMENT CODE

If you wish to file a Petition for Reconsideration pursuant to Government Code §11521, the text which appears below for your review, the Petition must be received prior to the effective date of the Decision. However, please be aware that the Board needs approximately 5 working days to process a Petition. Petitions should be sent to the following address: CONTRACTORS STATE LICENSE BOARD, P.O. BOX 269121, SACRAMENTO, CA 95826, ATTN: LEGAL ACTION DEPUTY. Fax documents can be sent to (916) 255-1688.

11521. (a) The agency itself may order a reconsideration of all or part of the case on its own motion or on petition of any party. The agency shall notify a petitioner of the time limits for petitioning for reconsideration. The power to order a reconsideration shall expire 30 days after the delivery or mailing of a decision to a respondent, or on the date set by the agency itself as the effective date of the decision if that date occurs prior to the expiration of the 30-day period or at the termination of a stay of not to exceed 30 days which the agency may grant for the purpose of filing an application for reconsideration. If additional time is needed to evaluate a petition for reconsideration filed prior to the expiration of any of the applicable periods, an agency may grant a stay of that expiration for no more than 10 days, solely for the purpose of considering the petition. If no action is taken on a petition within the time allowed for ordering reconsideration, the petition shall be deemed denied.

(b) The case may be reconsidered by the agency itself on all the pertinent parts of the record and such additional evidence and argument as may be permitted, or may be assigned to an administrative law judge. A reconsideration assigned to an administrative law judge shall be subject to the procedure provided in Section 11517. If oral evidence is introduced before the agency itself, no agency member may vote unless he or she heard the evidence.

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 MICHAEL B. FRANKLIN
Deputy Attorney General
4 State Bar No. 136524
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5622
6 Facsimile: (415) 703-5480
Attorneys for Complainant

8 **BEFORE THE**
9 **REGISTRAR OF CONTRACTORS**
10 **CONTRACTORS' STATE LICENSE BOARD**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. N2009-376

14 **MAVERICK CONSTRUCTION**
15 **PETER THOMAS MCKENZIE,**
16 **SOLE OWNER**
P.O. Box 2901
Sausalito, CA 94966,

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17 **Contractor's License No. 583288, B**

Respondent.

18
19 In the interest of a prompt and speedy settlement of this matter, consistent with the public
20 interest and the responsibility of the Registrar of Contractors, Contractors' State License Board of
21 the Department of Consumer Affairs, the parties hereby agree to the following Stipulated
22 Settlement and Disciplinary Order which will be submitted to the Registrar for approval and
23 adoption as the final disposition of the Accusation.

24 **PARTIES**

25 1. Wood Robinson (Complainant) is the Enforcement Supervisor I of the Contractors'
26 State License Board. He brought this action solely in his official capacity and is represented in
27 this matter by Kamala D. Harris, Attorney General of the State of California, by Michael B.
28 Franklin, Deputy Attorney General.

1 2. Respondent Maverick Construction, Peter Thomas McKenzie, sole owner
2 (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to
3 be represented by counsel.

4 3. On or about December 20, 1989, the Registrar of Contractors issued Contractor's
5 License Number 583288 B to Maverick Construction, Peter Thomas McKenzie, sole owner
6 (Respondent). The Contractor's License was in full force and effect at all times relevant to the
7 charges brought herein and will expire on December 31, 2011, unless renewed.

8 JURISDICTION

9 4. Accusation No. N2009-376 was filed before the Registrar of Contractors (Registrar)
10 for the Contractors' State License Board, Department of Consumer Affairs, and is currently
11 pending against Respondent. The Accusation and all other statutorily required documents were
12 properly served on Respondent on July 6, 2010. Respondent timely filed his Notice of Defense
13 contesting the Accusation. A copy of Accusation No. N2009-376 is attached as exhibit A and
14 incorporated herein by reference.

15 ADVISEMENT AND WAIVERS

16 5. Respondent has carefully read, and understands the charges and allegations in
17 Accusation No. N2009-376. Respondent has also carefully read, and understands the effects of
18 this Stipulated Settlement and Disciplinary Order.

19 6. Respondent is fully aware of his legal rights in this matter, including the right to a
20 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
21 his own expense; the right to confront and cross-examine the witnesses against him; the right to
22 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
23 the attendance of witnesses and the production of documents; the right to reconsideration and
24 court review of an adverse decision; and all other rights accorded by the California
25 Administrative Procedure Act and other applicable laws.

26 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
27 every right set forth above.

28 ///

1 CULPABILITY

2 8. Respondent understands and agrees that the charges and allegations in Accusation
3 No. N2009-376, if proven at a hearing, constitutes cause for imposing discipline upon his
4 Contractor's License.

5 9. For the purpose of resolving the Accusation without the expense and uncertainty of
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
7 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest
8 those charges.

9 10. Respondent agrees that his Contractor's License is subject to discipline and he agrees
10 to be bound by the Registrar of Contractors (Registrar)'s probationary terms as set forth in the
11 Disciplinary Order below.

12 RESERVATION

13 11. The admissions made by Respondent herein are only for the purposes of this
14 proceeding, or any other proceedings in which the Registrar of Contractors, Contractors' State
15 License Board, or other professional licensing agency is involved, and shall not be admissible in
16 any other criminal or civil proceeding.

17 CONTINGENCY

18 12. This stipulation shall be subject to approval by the Registrar of Contractors or his
19 designee. Respondent understands and agrees that counsel for Complainant and the staff of the
20 Contractors' State License Board may communicate directly with the Registrar regarding this
21 stipulation and settlement, without notice to or participation by Respondent. By signing the
22 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
23 to rescind the stipulation prior to the time the Registrar considers and acts upon it. If the
24 Registrar fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and
25 Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible
26 in any legal action between the parties, and the Registrar shall not be disqualified from further
27 action by having considered this matter.

28 ///

13. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

15. In consideration of the foregoing admissions and stipulations, the parties agree that the Registrar may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Contractor's License No. 583288, B issued to Respondent Maverick Construction, Peter Thomas McKenzie, sole owner (Respondent) is revoked.

1. Respondent Peter Thomas McKenzie fully understands and agrees that if he ever files an application for licensure or a petition for reinstatement in the State of California, he must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed.

2. Respondent Peter Thomas McKenzie shall pay the Registrar its costs of investigation and enforcement in the amount of \$5,879.52 prior to issuance of a reinstated license.

3. Respondent Peter Thomas McKenzie fully understands and agrees that the Registrar shall further require as a condition precedent to the restoration of a Contractor's License to Respondent Peter Thomas McKenzie, that he shall file or have on file a disciplinary contractor's bond in the sum to be fixed by the Registrar based upon the seriousness of the violation, but which sum shall not be less than fifteen thousand dollars (\$15,000) nor more than 10 times that amount required by Business and Professions Code section 7071.6. The disciplinary bond is in addition to, may not be combined with, and does not replace any other type of contractor's bond.

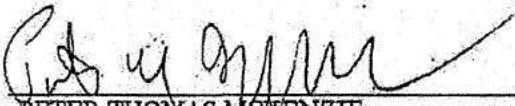
1 The disciplinary bond shall remain on file with the Registrar for a period of at least two years and
2 for such additional time as the Registrar may determine, as required under Business and
3 Professions Code section 7071.8.

4 5. The parties agree to recommend to the Registrar that the Respondent Peter Thomas
5 McKenzie, pursuant to Business and Professions Code section 7102, not be allowed to reinstate
6 this license, or apply for another license, for a period of one (1) years from the effective date of
7 the decision.

8 ACCEPTANCE

9 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
10 stipulation and the effect it will have on my Contractor's License. I enter into this Stipulated
11 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
12 bound by the Decision and Order of the Registrar of Contractors, Contractors' State License
13 Board.

14 DATED: March 30, 2011


15 PETER THOMAS MCKENZIE
16 SOLE OWNER OF MAVERICK CONSTRUCTION
Respondent

17 ENDORSEMENT

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
19 submitted for consideration by the Registrar of Contractors, Contractors' State License Board of
20 the Department of Consumer Affairs.

21 Dated: March 23, 2011

Respectfully submitted,

22 KAMALA D. HARRIS
23 Attorney General of California
24 FRANK H. PACOE
Supervising Deputy Attorney General

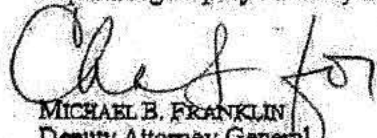
25 
26 MICHAEL B. FRANKLIN
27 Deputy Attorney General
28 Attorneys for Complainant

EXHIBIT 2

CERTIFIED COPY

RECORDING REQUESTED BY:

Old Republic Title Company

Escrow No.: 0227017460
APN: Block 2949A; Lot 031
Street: 147 Marietta Drive

When Recorded Mail Document and Tax Statements to:

Kevin O'Connor, Esquire
1839-18th Avenue
San Francisco, CA 94122

20189K24192300003
San Francisco Assessor-Recorder
Carmen Chu, Assessor-Recorder
DOC 2018-K241923-00
Acct. 8003-Old Republic Title Company
Monday, MAY 06, 2018 09:21:25
Ttl Pd \$8,206.00 Nbr-0006360509
o/j/TIE/1-3

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

Grant Deed

The undersigned grantor(s) declare(s):

Documentary Transfer Tax is \$8,175.00

☒ computed on full value of property conveyed, or

☐ computed on full value less of liens and encumbrances remaining at time of sale.

☐ Unincorporated area: ☒ City of San Francisco

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
Todd L. Kawaguchi and Kathleen R. Curtis, Trustees of The Todd L. Kawaguchi and Kathleen R. Curtis Revocable Trust
dated January 9, 2003

hereby GRANT(S) to

Kevin O'Connor, Trustee of The 2012 O'Connor Family Trust dated November 14, 2012


that property in City of San Francisco, San Francisco County, State of California, described as:

*** See "Exhibit A" attached hereto and made a part hereof. *** Property commonly known as 147 Marietta Drive,
San Francisco, CA

Date: April 30, 2018

The Todd L. Kawaguchi and Kathleen R. Curtis Revocable
Trust
dated January 9, 2003

By:


Todd L. Kawaguchi, Trustee

By:


Kathleen R. Curtis, Trustee

CERTIFIED COPY

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Francisco

On the May 03, 2016 before me, Sharon Chan a Notary Public, personally appeared Todd L. Kawaguchi and Kathleen B. Curtis, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: 

Name: Sharon Chan
(Typed or Printed)



(Seal)

CERTIFIED COPY

ORDER NO. 1 0227017460-SC

EXHIBIT A

The land referred to is situated in the County of San Francisco, City of San Francisco, State of California, and is described as follows:

All that portion of Lot No. 31 in Block No. 2949-A, according to Map of Subdivision No. 9, Miraloma Park, filed October 24, 1931 in Book "M" of Maps, Pages 60 to 62 inclusive, in the office of the Recorder of the City and County of San Francisco, State of California, described as follows:

Beginning at the point of intersection of the northeasterly curved line of Marietta Drive and the northwesterly line of Lot No. 31 in said Block No. 2949-A; running thence North 26 Degrees 30' 13" East along said northwesterly line of Lot No. 31, a distance of 95.077 feet to the northeasterly line of Lot No. 31; thence southeasterly along the northeasterly line of Lot No. 31 in said Block No. 2949-A a distance of 30.164 feet; thence South 26 degrees 30' 13" West parallel with the northwesterly line of said Lot No. 31, a distance of 97.511 feet to the northeasterly curved line of Marietta Drive; thence northwesterly along the last named line 30.010 feet to the point of beginning.

APN Lot 031; Block 2949A

This is a true certified copy of the original as the same appears in the records of the Assessor/Recorder.

ASS 10 2018

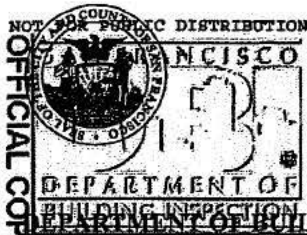


Page 1 of 1

ASSASSOR - RECORDER
SAN FRANCISCO COUNTY, CALIFORNIA

CERTIFIED

EXHIBIT 3



NOTICE OF VIOLATION
of the San Francisco Municipal Codes Regarding Unsafe,
Substandard or Noncomplying Structure or Land or Occupancy

NOTICE: 1

NUMBER: 201650611

DATE: 27-JAN-17

City and County of San Francisco
1660 Mission St. San Francisco, CA 94103

ADDRESS: 147 MARIETTA DR

OCCUPANCY/USE: R-3 (RESIDENTIAL- 1 & 2 UNIT DWELLINGS, TOWNHOUSES) BLOCK: 2949A LOT: 031

☐ If checked, this information is based upon site-observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER/AGENT: 2012 O'CONNOR FMLY TR

PHONE #: --

MAILING 2012 O'CONNOR FMLY TR

ADDRESS O'CONNOR KEVIN TTEE

1839 18TH AVE

SAN FRANCISCO CA

94122

PERSON CONTACTED @ SITE: 2012 O'CONNOR FMLY TR

PHONE #: --

VIOLATION DESCRIPTION:

| | CODE/SECTION# |
|--|---------------|
| <input type="checkbox"/> WORK WITHOUT PERMIT | 106.1.1 |
| <input checked="" type="checkbox"/> ADDITIONAL WORK-PERMIT REQUIRED | 106.4.7 |
| <input type="checkbox"/> EXPIRED OR <input type="checkbox"/> CANCELLED PERMIT PA#: | 106.4.4 |
| <input type="checkbox"/> UNSAFE BUILDING <input type="checkbox"/> SEE ATTACHMENTS | 102.1 |

Work beyond scope of permit 201611293708 which states "repair fence."

Retaining walls over 4' high need plans & permits.

\$52 Monthly Monitoring Fee Applies

Code/Section: 106A.4.7; 10AK

CORRECTIVE ACTION:

☒ STOP ALL WORK SFBC 104.2.4

415-575-6934

☒ FILE BUILDING PERMIT WITHIN 7 DAYS

☐ (WITH PLANS) A copy of This Notice Must Accompany the Permit Application

☒ OBTAIN PERMIT WITHIN 15 DAYS AND COMPLETE ALL WORK WITHIN 30 DAYS, INCLUDING FINAL INSPECTION AND SIGN OFF.

☒ CORRECT VIOLATIONS WITHIN 30 DAYS.

☐ NO PERMIT REQUIRED

☐ YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED , THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

● FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN.

SEE ATTACHMENT FOR ADDITIONAL WARNINGS.

Obtain plans & permits for new retaining wall. Obtain needed inspections to close permit and complaints.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

☐ 9x FEE (WORK W/O PERMIT AFTER 9/1/60)

☒ 2x FEE (WORK EXCEEDING SCOPE OF PERMIT)

☐ OTHER:

☐ REINSPECTION FEE \$

☐ NO PENALTY

(WORK W/O PERMIT PRIOR TO 9/1/60)

APPROX. DATE OF WORK W/O PERMIT

VALUE OF WORK PERFORMED W/O PERMITS \$

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: Colette Cummins

PHONE # 415-575-6934

DIVISION: BID

DISTRICT : 7

By: (Inspector's Signature) _____



NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe,
Substandard or Noncomplying Structure or Land or Occupancy

pursuant to SFBC 332.3 investigation fees are charged for work begun or performed without permits or for work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance, at 875 Stevenson St., 4th floor. 554-6720

WARNING: Failure to take immediate action as required to correct the above violations will result in abatement proceedings by the Department of Building Inspection. If an Order of Abatement is recorded against this property, the owner will be billed or the property will be billed for all costs incurred in the code enforcement process from the posting of the first "Notice of Violation" until all costs are paid. SFBC 203(b) & 332.3

WARNING: Section 204 of the San Francisco Housing Code provides for immediate fines of \$100 for each instance of initial non-compliance, followed by \$200 fines per violation for the second instance of non-compliance, up to a maximum of \$7,500 per building. This section also provides for issuance of a criminal charge as a misdemeanor for each violation, resulting in fines of not less than \$1,000 per day or six months' imprisonment or both.

WARNING: Anyone who derives rental income from housing determined by the Department of Building Inspection to be substandard cannot deduct from state personal income tax and bank and corporate income tax interest, depreciation or taxes attributable to such substandard structure. If correction work is not completed or being diligently, expeditiously and continuously prosecuted after six (6) months from the date of this notice, notification will be sent to the Franchise Tax Board as provided in Section 17264(c) of the Revenue and Taxation Code.

WARNING: Section 205(a) of the San Francisco Building Code provides for civil fines of up to \$500 per day for any person who violates, disobeys, omits, neglects or refuses to comply with or opposes the execution of any provisions of this code. This section also provides for misdemeanor fines, if convicted, of up to \$500 and/or imprisonment up to six months for each separate offense for every day such offense occurs.

De acuerdo a las Secciones 304(e) y 332.3 de el Código de Construcción de Edificios de San Francisco, gastos de investigación serán cobrados por trabajo empezado o realizado sin los debidos permisos o por trabajo que exceda el límite estipulado en los permisos. Dichos cobros pueden ser apelados ante la Junta de Apelaciones de Permisos (Board of Permit Appeals) dentro de los primeros quince días de haberse obtenido el permiso. Las apelaciones se hacen en el 875 de la calle Stevenson, cuarto piso, teléfono 554-6720.

ADVERTENCIA: Si no cumple con las acciones inmediatas requeridas para corregir las infracciones, el Departamento de Inspección de Edificios tendrá el derecho de iniciar el proceso de mitigación. Si una Orden de Mitigación es registrada contra dicha propiedad, los gastos incurridos durante el proceso de aplicación del código, desde la primera puesta del Aviso de Infracción hasta que todos los gastos estén pagados, se le cobrarán al dueño del edificio o la propiedad será embargada para recuperar dichos gastos. Referencia a la Sección 203(b) y 332.3 de el Código de Construcción de Edificios.

ADVERTENCIA: La Sección 204 de el Código de Vivienda de San Francisco permite que se multe inmediatamente \$100 por cada primer caso de inconformidad, seguida por una multa de \$200 por cada segunda infracción de inconformidad, aumentando hasta un máximo de \$7,500 por cada edificio. Esta Sección también permite obtener cargos criminales como delito menor, resultando en multas de no menos de \$1,000 diarios ó 6 meses de encarcelamiento o ambas sanciones.

ADVERTENCIA: Cualquier persona que reciba renta por una vivienda que haya sido declarada que no satisface las normas requeridas por el Departamento de Inspección de Edificios, no puede deducir del estado intereses personales, de banco o empresa, depreciación o taxes atribuidos sobre dicha estructura. Si el trabajo de reparación no se termina o está diligentemente, rápidamente y continuamente acusado después de seis (6) meses de la fecha de este aviso, se le enviará una notificación a la Junta de Concesión de Impuestos (Franchise Tax Board) de acuerdo a la Sección 1264(c) del Código de Ingresos e Impuestos (Revenue and Taxation Code).

ADVERTENCIA: La Sección 205(a) de el Código de Edificios de San Francisco impone multas civiles hasta de \$500 por cada día a cualquier persona que infrinja, desobedezca, multa, descuide, rehuya cumplir, resiste o se opone a la ejecución de las provisiones de este código. Esta sección también impone multas por delito menor, si es declarado culpable, de hasta \$500 o encarcelamiento de hasta 6 meses, o ambas sanciones, por cada una de las ofensas y por cada día que dicha ofensa ocurra.

根據《三藩市建築法》(簡稱 SFBC) 第 304(e) 項和第 332.3 項條款的規定，對沒有許可證已開始的工程或正在進行的工程，或者超越許可範圍的工程，將收取調查費。當事人可以在許可證發出日起 15 天之內，向委員會提出上訴。該委員會地址在 Stevenson 街 875 號 4 樓，電話：554-6720。

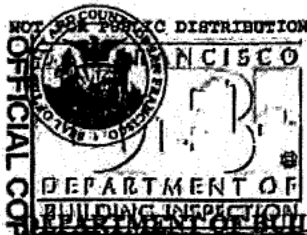
警告：如不按照要求立即採取行動，以糾正上述違章行為，將導致建築局向付諸強制糾正程序的執行。倘若此項違章行為的強制糾正程序令一經在市府檔案，則會連帶通知該日起給各項與此糾正程序有關的費用，將向房地產主索取，或將房地產扣押，直至付清各項費用。請參閱《三藩市建築法》第 203 (b) 項和第 332.3 項條款。

警告：《三藩市房屋法》(即 SFHC) 第 204(b) 項條款規定：對每一違章初犯者立即將被罰款 100 元，二次違章者罰款 200 元，每種違章的最高罰款可達 7,500 元。此項法條規定對每一違章罪者可提出刑事起訴，每日最高罰款可達 1,000 元，或/和監禁六個月。

警告：任何人通過出租房屋獲得收入，而該房屋已被建築師判定為不符合標準者，不能從加州個人所得稅、銀行和公司所得稅利息、以及與該處於規定標準的建築有關的折舊或稅款中扣除稅費。如果在此通告公布六個月後，改正工程沒有完成，或者沒有執照，無法有效地繼續進行，我們將根據《國家稅收法》(即 Revenue & Taxation Code) 第 1264 (c) 項條款，通知加州稅務委員會 (The Franchise Tax Board)。

警告：《三藩市建築法》第 205(a) 項條款規定：對於任何違反、不服從、疏忽、忽視、或拒絕遵照此法條者，或者抵制、反對實施此法條中的任何條款的個人，將付最高 500 元的民事罰款。此法條還規定對違法者，如果被定罪，對每天所發生的、每一單獨的犯法行為，將付最高 500 元的罰款，和/或者監禁六個月。

EXHIBIT 4



NOTICE OF VIOLATION
of the San Francisco Municipal Codes Regarding Unsafe,
Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION

NOTICE: 1

NUMBER: 201722731

DATE: 05-DEC-17

City and County of San Francisco
1660 Mission St. San Francisco, CA 94103

ADDRESS: 147 MARIETTA DR

OCCUPANCY/USE: R-3 (RESIDENTIAL- 1 & 2 UNIT DWELLINGS,TOWNHOUSES) BLOCK: 2949A LOT: 031

☐ If checked, this information is based upon site-observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER/AGENT: 2012 O'CONNOR FMLY TR

PHONE #: --

MAILING 2012 O'CONNOR FMLY TR

ADDRESS O'CONNOR KEVIN TTEE

1839 18TH AVE

SAN FRANCISCO CA

94122

PERSON CONTACTED @ SITE: 2012 O'CONNOR FMLY TR

PHONE #: --

VIOLATION DESCRIPTION:

| | CODE/SECTION# |
|--|---------------|
| <input type="checkbox"/> WORK WITHOUT PERMIT | 106.1.1 |
| <input checked="" type="checkbox"/> ADDITIONAL WORK-PERMIT REQUIRED | 106.4.7 |
| <input type="checkbox"/> EXPIRED OR <input type="checkbox"/> CANCELLED PERMIT PA#: | 106.4.4 |
| <input type="checkbox"/> UNSAFE BUILDING <input type="checkbox"/> SEE ATTACHMENTS | 102.1 |

Working exceeding the scope of PA #201702219736. Excavated approx. 5 to 6 feet below ground interior and below building foundation. Building was on cribbing.

Monthly monitoring fee apply.

Code Section: SFBC 106A.4.7; 102A

CORRECTIVE ACTION:

☒ **STOP ALL WORK SFBC 104.2.4**

415-554-9718

☒ **FILE BUILDING PERMIT WITHIN 30 DAYS**

☒ **(WITH PLANS) A copy of This Notice Must Accompany the Permit Application**

☐ **OBTAIN PERMIT WITHIN DAYS AND COMPLETE ALL WORK WITHIN DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.**

☐ **CORRECT VIOLATIONS WITHIN DAYS.**

☐ **NO PERMIT REQUIRED**

☐ **YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED , THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.**

● **FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN.**

SEE ATTACHMENT FOR ADDITIONAL WARNINGS.

Stop all work. Obtain permit with plans for the exceeding scope of work. Shoring permit required for the cribbing of the building.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

☐ **9x FEE (WORK W/O PERMIT AFTER 9/1/60)**

☒ **2x FEE (WORK EXCEEDING SCOPE OF PERMIT)**

☐ **OTHER:**

☐ **REINSPECTION FEE \$**

☐ **NO PENALTY
(WORK W/O PERMIT PRIOR TO 9/1/60)**

APPROX. DATE OF WORK W/O PERMIT

VALUE OF WORK PERFORMED W/O PERMITS \$1000

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

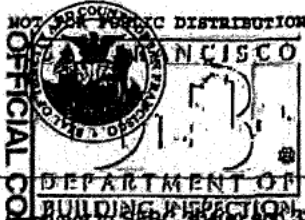
CONTACT INSPECTOR: Michael (Yuet) M Chan

PHONE # 415-554-9718

DIVISION: BID

DISTRICT :

By:(Inspector's Signature) _____



NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe,
Substandard or Noncomplying Structure or Land or Occupancy

Section 304(e) and 332.3 investigation fees are charged for work begun or performed without permits or for work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance, at 875 Stevenson St., 4th floor. 554-8720

WARNING: Failure to take immediate action as required to correct the above violations will result in abatement proceedings by the Department of Building Inspection. If an Order of Abatement is recorded against this property, the owner will be billed or the property will be billed for all costs incurred in the code enforcement process from the posting of the first "Notice of Violation" until all costs are paid. SFBC 203(b) & 332.3

WARNING: Section 204 of the San Francisco Housing Code provides for immediate fines of \$100 for each instance of initial non-compliance, followed by \$200 fines per violation for the second instance of non-compliance, up to a maximum of \$7,500 per building. This section also provides for issuance of a criminal charge as a misdemeanor for each violation, resulting in fines of not less than \$1,000 per day or six months' imprisonment or both.

WARNING: Anyone who derives rental income from housing determined by the Department of Building Inspection to be substandard cannot deduct from state personal income tax and bank and corporate income tax interest, depreciation or taxes attributable to such substandard structure. If correction work is not completed or being diligently, expeditiously and continuously prosecuted after six (6) months from the date of this notice, notification will be sent to the Franchise Tax Board as provided in Section 17264(c) of the Revenue and Taxation Code.

WARNING: Section 205(a) of the San Francisco Building Code provides for civil fines of up to \$500 per day for any person who violates, disobeys, omits, neglects or refuses to comply with or opposes the execution of any provisions of this code. This section also provides for misdemeanor fines, if convicted, of up to \$500 and/or imprisonment up to six months for each separate offense for every day such offense occurs.

De acuerdo a las Secciones 304(e) y 332.3 de el Código de Construcción de Edificios de San Francisco, gastos de investigación serán cobrados por trabajo empezado o realizado sin los debidos permisos o por trabajo que exceda el límite estipulado en los permisos. Dichos cobros pueden ser apelados ante la Junta de Apelaciones de Permisos (Board of Permit Appeals) dentro de los primeros quince días de haberse obtenido el permiso. Las apelaciones se hacen en el 875 de la calle Stevenson, cuarto piso, teléfono 554-8720.

ADVERTENCIA: Si no cumple con las acciones inmediatas requeridas para corregir las infracciones, el Departamento de Inspección de Edificios tendrá el derecho de iniciar el proceso de mitigación. Si una Orden de Mitigación es registrada contra dicha propiedad, los gastos incurridos durante el proceso de aplicación del código, desde la primera puesta del Aviso de Infracción hasta que todos los gastos están pagados, se le cobrarán al dueño del edificio o la propiedad será embargada para recuperar dichos gastos. Referencia a la Sección 203(b) y 332.3 de el Código de Construcción de Edificios.

ADVERTENCIA: La Sección 204 de el Código de Vivienda de San Francisco permite que se multa inmediatamente \$100 por cada primer caso de inconformidad, seguida por una multa de \$200 por cada segunda infracción de inconformidad, aumentando hasta un máximo de \$7,500 por cada edificio. Esta Sección también permite obtener cargos criminales como delito menor, resultando en multas de no menos de \$1,000 diarios o 6 meses de encarcelamiento o ambas sanciones.

ADVERTENCIA: Cualquier persona que reciba renta por una vivienda que haya sido declarada que no satisface las normas requeridas por el Departamento de Inspección de Edificios, no puede deducir del estado intereses personales, de banco o empresa, depreciación o taxes atribuidos sobre dicha estructura. Si el trabajo de reparación no se termina o está diligentemente, rápidamente y continuamente acusado después de seis (6) meses de la fecha de este aviso, se le enviará una notificación a la Junta de Concesión de Impuestos (Franchise Tax Board) de acuerdo a la Sección 1264(c) del Código de Ingresos e Impuestos (Revenue and Taxation Code).

ADVERTENCIA: La Sección 205(a) de el Código de Edificios de San Francisco impone multas civiles hasta de \$500 por cada día a cualquier persona que infrinja, desobedezca, omita, descuide, rehúsa cumplir, resista o se opone a la ejecución de las provisiones de este código. Esta sección también impone multas por delito menor, si es declarado culpable, de hasta \$500 o encarcelamiento de hasta 6 meses, o ambas sanciones, por cada una de las ofensas y por cada día que dicha ofensa ocurre.

根據《三藩市建築法》(即 SFBC) 第 304(e) 項和第 332.3 項條款的規定，對沒有許可證或已開始的工程或正在進行的工程，或有超越許可範圍的工程，將收費罰款。當事人可以在許可證發出日起 15 天之內，對收費可以內許可上訴委員會提出上訴。訴委員會地址在 Stevenson 街 875 號 4 樓，電話：554-8720。

警告：如不按照要求立即採取行動，以糾正上述違章行為，將導致嚴厲檢控及付諸強制執行。倘對此財產違章的強制糾正程序令一經在市府檢控，則會通知該地點日後的各項以此糾正程序令有關的費用，將向房地產主索取，或將房地產扣押，直至付清各項費用。參閱《三藩市建築法》第 203 (b) 項和第 332.3 項條款。

警告：《三藩市房屋法》(即 SFHC) 第 204(b) 項條款規定：對每一違章初犯立即罰款 100 元，二犯和重犯罰款 200 元，每種違章的最高罰款可達 7,500 元。此項法條還規定對每一違章初犯者可提出刑事檢控，每日最高罰款可達 1,000 元，或/或監禁六個月。

警告：任何人出租出租房屋所得收入，而該房屋已被政府判定為不符合建築標準者，不能從加州個人所得稅、銀行和公司所得稅利息、以及與該地點規定標準的建築有關的折舊或稅款中扣除稅務。如果在此通告公布六個月後，改正工程沒有完成，或者沒有積極、迅速有效地繼續進行，我們將根據《國家稅收法》(即 Revenue & Taxation Code) 第 1264 (c) 項條款，通知加州稅務委員會 (The Franchise Tax Board)。

警告：《三藩市建築法》第 205(a) 項條款規定：對於任何違反、不遵從、疏忽、忽視、或拒絕遵從此法條者，或有抵制、反對或抗拒此法條中的任何條款的個人，將付最高 500 元的民事罰款。此法條還規定對違章者，如果該違章，對他人所發生的、每一單獨的犯法行為，將付最高 500 元的罰款，和/或監禁六個月。

EXHIBIT 5

Inspection Services

City and County of San Francisco

1660 Mission Street, San Francisco, California 94103-2414

(415) 558-6570 Website: www.sfdbi.org

DATE: 02/20/2018

PROPERTY ADDRESS:

147 MARIETTA DR

BLOCK: 2949A LOT: 031

Building Complaint #: 201722731

2012 O'CONNOR FMLY TR
2012 O'CONNOR FMLY TR
O'CONNOR KEVIN TTEE
1839 18TH AVE
SAN FRANCISCO CA 94122

NOTICE OF VIOLATION FINAL WARNING

Dear Property Owner(s):

NOTICE OF VIOLATION OUTSTANDING:

On 12/05/2017 your property was inspected and/or a Notice of Violation was issued informing you of required code abatement, and warnings for failure to comply. The time period to correct all cited code violations indicated in this Notice has passed, and the Department records indicate that the required code abatement work remains outstanding. Your case has been referred to the Code Enforcement Division for enforcement.

ASSESSMENT OF COSTS NOW IMPOSED:

Therefore, pursuant to Section 102A.3 of the San Francisco Building Code you will be assessed costs arising from department time accrued pertaining but not limited to: (1) site inspections and reinspections, (2) case management, update, and data entry, (3) case inquiries (meetings, office visits, phone calls, emails, response to correspondence etc), (4) permit history research, (5) notice/hearing preparation, (6) staff appearances/reports at hearings, (7) case referrals, and (8) monthly violation monitoring.

AVOID FURTHER ASSESSMENT:

To keep the assessment of costs at a minimum, and avoid the accrual of further time spent on the actions above such as administrative hearing preparation, and monthly violation monitoring, etc., please complete all work within thirty (30) days. Contact the Code Enforcement Division at (415) 558-6454 if you have questions concerning the referenced Notice of Violation.

IF PERMITS ARE REQUIRED:

Please note that you must also obtain all necessary building, plumbing, and/or electrical permits. Obtain final sign-off from the Building Inspector on the building job card and sign-offs from the Plumbing or Electrical Inspectors for the plumbing permit or for the electrical permit. Otherwise, the work will be deemed incomplete.

CASE WILL BE CLOSED WHEN ALL WORK & ASSESSMENT OF COSTS PAID:

This case will not be closed and assessment of costs will continue to accrue until (1) all required work is completed as verified by site inspections, (2) final sign-offs are obtained for all required permits, and (3) all assessment of costs are paid.

YOUR PROMPT ACTION IS REQUESTED & APPRECIATED!