



DENNIS J. HERRERA
City Attorney

MEMORANDUM

TO: Mayor London N. Breed
FROM: Dennis J. Herrera *DJH*
City Attorney
DATE: March 10, 2020
RE: Mohammed Nuru Federal Complaint Investigation—Tom Hui, Director of Building Inspection

I am transmitting to you a report from my Office summarizing preliminary findings from our ongoing investigation of alleged misconduct by Tom Hui, Director of the Department of Building Inspection ("DBI"). That investigation stems from the broader investigation we undertook into matters relating to the federal complaint against Mohammed Nuru. We conducted a voluntary interview of Hui on February 18, 2020, reviewed an initial set of records Hui voluntarily provided after that interview, and reviewed records obtained from other sources. We scheduled Hui to attend a second day of his interview on Monday, March 9, but on Sunday, March 8 his newly engaged criminal defense attorney requested to postpone the interview. It is unclear when or whether Hui may be available for a further interview. Therefore, I determined it is appropriate to summarize our preliminary findings based on the investigation to date and to give them to you so you could take appropriate employment action regarding Hui. In the interest of public transparency, and given the high rank of the official involved and the misconduct described, we did not mark the report as privileged or confidential.

In sum, based on Hui's admissions during the interview and other evidence we obtained through the investigation, we determined that Hui:

- Is "DBI OFFICIAL 1" described in the unsealed federal criminal complaint against Mohammed Nuru, Complaint 3-20-70028, filed January 15, 2020, in the Northern District of California;
- Violated the City's Campaign and Governmental Conduct Code ("CGCC") and DBI's Code of Professional Conduct by providing intentional preferential treatment and access to Walter Wong, a permit expeditor who regularly conducted business with DBI, and Zhang Li, the developer of a project subject to DBI jurisdiction;
- Violated the CGCC and DBI's Code of Professional Conduct by accepting gifts of dinners from either Wong or Zhang with the dinners arranged for the purpose of discussing Zhang's development project; and
- Violated City laws and policies by abusing his official position in seeking to influence City employment decisions related to his son and his son's girlfriend.



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TO: Dennis J. Herrera, City Attorney
Jesse Smith, Chief Assistant City Attorney

FROM: Keslie Stewart, Head Attorney for Public Integrity
George C. Cothran, Chief of Investigations

DATE: March 10, 2020

RE: Investigation of Tom Hui, Director of the Department of Building Inspection

I. SUMMARY OF INVESTIGATION AND INVESTIGATIVE FINDINGS

This report summarizes preliminary investigative findings from the City Attorney's investigation of alleged misconduct by Tom Hui, Director of Building Inspection.

In late January of this year, the City and County of San Francisco (the "City") and the public learned that federal prosecutors had charged Mohammed Nuru, the former Director of the Department of Public Works ("Public Works"), with alleged corruption in City contracting and permitting. In the unsealed federal criminal Complaint 3-20-70028, filed January 15, 2020, in the Northern District of California (the "Federal Complaint"), the U.S. Attorney's Office alleged that Nuru used his official position to benefit the developer of a mixed-use project in San Francisco in exchange for personal gifts and benefits.

The factual allegations in the Federal Complaint, together with publicly available documents, indicate: (1) the mixed-use project referenced in the Federal Complaint is 555 Fulton Street in San Francisco (the "Project"); (2) the developer of the Project is an entity owned and controlled by Zhang Li, a wealthy Chinese national; and (3) Walter Wong, a permit expeditor who regularly works on projects regulated by the Department of Building Inspection ("DBI") and Public Works, provided support for the Project through his company, Jaidin Consulting Group.

In the Federal Complaint, the U.S. Attorney's Office alleges that a DBI official agreed to attend a dinner with "DEVELOPER 1" (determined to be Zhang Li), "CONTRACTOR 2" (determined to be Wong), and Nuru in February 2019:

A search of communications in NURU's personal email account also indicates he remained involved in moving DEVELOPER 1's project forward, both before and after his trip to China. These communications include: . . . (ii) a February 9, 2019, email from the personal email address of DBI OFFICIAL 1 to CONTRACTOR 2, cc to NURU's personal email address, indicating that the official would attend a dinner with DEVELOPER 1 at a San Francisco restaurant later that month.

Federal Complaint, at ¶ 149.

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We determined that Hui is "DBI OFFICIAL 1" referenced in that Federal Complaint. On February 18, 2020, we interviewed Hui. He appeared at our request, without representation. Hui understood that his participation in the interview was voluntary and not covered by any privilege. We also reviewed an initial set of records Hui voluntarily provided after that interview and records obtained from other sources. We scheduled Hui to attend a second day of his interview on Monday, March 9, but on Sunday, March 8, his newly engaged criminal defense attorney asked to postpone the interview. It is unclear when or whether Hui may be available for a further interview. Therefore, we determined it is appropriate to present our preliminary findings based on the investigation to date.

Based on Hui's admissions during the interview and other evidence we obtained through the investigation, we determined that Hui:

- Is "DBI OFFICIAL 1" described in the Federal Complaint;
- Violated the City's Campaign and Governmental Conduct Code ("CGCC") and DBI's Code of Professional Conduct by providing intentional preferential treatment and access to Walter Wong, a permit expeditor who regularly conducted business with DBI, and Zhang Li, whose Project was subject to DBI regulation;
- Violated the CGCC and DBI's Code of Professional Conduct by accepting gifts of dinners from either Wong or Zhang Li, with the dinners arranged for the purpose of discussing the Project; and
- Violated City laws and policies by abusing his position in seeking to influence City employment decisions related to his son and his son's girlfriend.

II. APPLICABLE LAW AND POLICY

A. San Francisco Campaign and Governmental Conduct Code ("CGCC")

1. Fairness and Transparency in Permitting

The City has implemented laws specifically intended to bring "greater transparency to the City and County's permitting process." CGCC § 3.400 *et seq.* In doing so, the City specifically found that such transparency "is essential to protect public confidence in the fairness and impartiality of that process." CGCC § 3.400A. The CGCC requires equal treatment of permit applicants by officers and employees of DBI and Public Works. Intentional preferential treatment of any permit applicant and/or the applicant's representatives "shall subject the officer or employee to disciplinary action for official misconduct." CGCC § 3.400(a).

2. Prohibition on Bribery and Gifts from Restricted Sources

The CGCC prohibits bribes, and further provides that no officer or employee shall accept any gift "with the intent that the City officer or employee will be influenced thereby in the performance of any official act." CGCC § 3.216(a). In addition to the gift limits and reporting requirements imposed by State and local law, City officers and employees are prohibited from accepting gifts from restricted sources. CGCC § 3.216(b). A "restricted source" is any person doing business or seeking to do business with the department of the officer or employee. A "restricted source" is also any person who during the prior year has knowingly attempted to

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influence the officer in any administrative action. CGCC § 3.216(b)(1). In practice, this means that no employee may accept any gift worth more than \$25 from a restricted source. Ethics Commission Regulation 3.216(b)-5(a).

3. Fairness and Transparency in Hiring

City officials and employees are prohibited from seeking “to influence a decision of the City and County regarding an employment action involving a relative.” CGCC § 3.212(a). Relative is defined to include a child. CGCC § 3.212(c). A knowing or willful violation of this prohibition is a crime. CGCC § 3.242(a). Violations can also be enforced civilly and administratively. CGCC § 3.242 (b) and (d).

B. City Employee Handbook

The Employee Handbook reiterates the rules prohibiting nepotism in connection with City employment: “you may not . . . seek to influence any employment decision involving a person with whom you have a familial or romantic relationship.” Handbook at p. 45. The Handbook holds supervisors and managers to an even higher standard:

Supervisors and managers should avoid any appearance of favoritism or nepotism in the workplace.

Id. (Emphasis added).

The Handbook requires City employees “to adhere to the highest level of ethical standards.” *Id.* The Handbook summarizes key ethical obligations, including: “You may not accept any compensation, reward, or gift from any source except the City for any service, advice, assistance or other matter related to your City Job.” *Id.* at p. 45.

The Handbook refers employees to the Ethics Commission and City Attorney’s Office websites for additional materials about applicable ethical obligations, and it refers employees to the Ethics Commission with questions about these rules or other improper government activity. *Id.* at p. 46.

C. San Francisco Civil Service Rules and Merit System Principles

San Francisco operates on a merit system where there is no place for nepotism or favoritism.

The principles of the City and County’s merit system include:

- 1) Recruitment, employment, retention, and promotion of employees on the basis of qualifications and performance; and,
- 2) High performance and ethical standards, consistent with hiring qualified individuals who have successfully completed the examination process, been placed on an eligible list and completed the probationary period.

Further, it is the goal and policy of the Civil Service Commission to provide fair treatment of applicants in all aspects of employment without regard to race, religion, national origin, ethnicity, age, disability, gender

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identity, political affiliation, sexual orientation, ancestry, marital or domestic partnership status, parental status, color, medical condition, and otherwise prohibited nepotism or favoritism.

Rule 101.3 Merit System Principles (emphasis added).

D. DBI Policy

1. DBI Statement of Incompatible Activities

DBI's Statement of Incompatible Activities, required by the CGCC, provides that officers and employees are subject to DBI policies as well as State and local laws and rules governing the conduct of public officers and employees. DBI's Statement of Incompatible Activities specifically incorporates the CGCC, applicable Civil Service Rules, and DBI's Code of Professional Conduct, discussed below.

In addition to the gift limits imposed by State and City laws, the DBI Statement of Incompatible Activities "imposes additional limits by prohibiting an officer or employee from accepting any gift that is given in exchange for doing the officer's or employee's City job." Gifts, other than cash, with an aggregate value of \$25 or less per occasion are de minimis and therefore exempt from the restrictions on gifts imposed by the SIA.

2. DBI Code of Professional Conduct

In 2009, DBI implemented a Code of Professional Conduct that is still in effect. That Code of Professional Conduct is attached to this Memorandum as Exhibit 1. Former DBI Director Vivian Day included an Introduction that affirm that government service is a position of trust. She acknowledged that DBI had been criticized in the past, and stated: "The reality is that we need to be above reproach – and this Professional Conduct Manual is designed to help ensure that we achieve this result individually and collectively." Exhibit 1 at p. 2. DBI's Code of Professional Conduct requires employees to act with integrity, to conduct official business honestly, and to treat the public fairly. *Id.* at p. 4. Fairness is defined:

Employees will enforce compliance with building codes equally and neutrally for all customers, without consideration of any relationship, special interest, political association, other affiliation or lack thereof.

Id. at p. 5. Integrity is emphasized:

Employees will demonstrate the highest standards of personal integrity in order to inspire public confidence and trust in City employees.

Id. at p. 5. The Code explicitly provides that employees will not accept any gift, special favor, privilege, or benefit from a person or business that is: (1) regulated by the department, (2) doing business with the department, or (3) seeking to do business with the department – unless consistent with State and City law.

DBI's Code of Professional Conduct prohibits preferential treatment. "Preferential treatment delivers extraordinary effort or access – including advantage, favor, special treatment or priority – over and above the normal level of service to a specific few." *Id.* at p. 11 (emphasis

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added). The DBI Code of Professional Conduct requires DBI employees to document and report to a supervisor or manager if they are asked to do anything they believe to be illegal or improper. *Id.* The Code recognizes the importance of preserving public trust, especially around gifts and favors, providing:

Public perception of conflict of interest may be stricter than City policy, and subject to disclosure and interpretation by public and press opinions.

Id. at p. 14.

To combat appearances of impropriety, DBI's Code of Professional Conduct asks employees to think twice before accepting a cup of coffee:

Simply put, while management discourages employees from accepting gifts from customers, expeditors, contractors, etc. we recognize there may be occasions where gifts are routinely exchanged. So long as gifts are within the legal limits . . . and PROPERLY REPORTED, there is not a complete prohibition on the acceptance of gifts. Something as simple as a cup of coffee may be accepted.

Id. at p. 33 (emphasis in original). It also directs employees to report ethical concerns to gradually higher levels of management, including the Director. *Id.* at p. 7.

III. FINDINGS AND ANALYSIS

A. Background on Hui's City Employment

Hui has worked at DBI since 1989. By 2000, he was a Building Plans Engineer. He became Deputy Director in 2012 and Mayor Lee appointed him as Director of DBI in September 2013.

B. Hui Provided Intentional Preferential Treatment of Wong and Zhang Li in Violation of CGCC and DBI's Code of Professional Conduct

1. Hui Accepted Meals from Restricted Sources to Discuss the Project Subject to DBI Review in a Private Setting

When asked about the identity of the "DBI OFFICIAL 1" referenced in the Federal Complaint, Hui said it "sounds like me." He also reviewed paragraph 149 of the Federal Complaint, quoted at the beginning of this memorandum, and admitted that he corresponded with Wong and Nuru on his personal email address about dinner invitations from Wong.

According to Hui, he did not socialize with Wong, but he admitted that he attended three to four dinners with Zhang Li, Wong, and Nuru where they discussed the Project. Hui received an email at his personal email address from Wong, inviting him to the dinner in February last year. Hui admitted the dinners were arranged to discuss the Project and that Zhang Li asked him questions about the Project during the meals. Hui claims that he told Zhang Li, "We cannot do anything." Zhang Li's questions about the project, in Wong's presence, made them both restricted sources for Hui, regardless of Hui's response.

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Hui said they ate at the R&G Lounge in Chinatown in a private room. Hui recalled that approximately seven people from Zhang Li's company were also present each time, but he did not remember their names. Hui claimed that his own portion of the dinner cost approximately \$30. Hui's estimate is likely self-serving, and it is possible that the cost was higher. By his own admission, however, it is above the threshold for permissible gifts from restricted sources.

Hui admitted that DBI has authority over the plan check for the Project. DBI has authority over all of the permitting decisions and plans for the Project. Hui also admitted that neither he nor Nuru paid for the dinners. Hui admitted that he did not report the gift of the dinners on his annual Statement of Economic Interests (also known as a "Form 700"). Nor did he report the dinners with Zhang Li and Wong to the Building Inspection Committee ("BIC") after realizing that they were convened to discuss a large Project before DBI. Hui admitted: "I should not have gone" and "I cannot defend it."

The absence of a social relationship between Hui and Wong suggests that, by providing meals and favors to a DBI official, Wong intended to and succeeded in gaining special access to DBI information and to influence Hui in the performance of his official duties. We do not know at this time whether Hui allowed those meals and favors to influence his judgment or actions. But that does not diminish the fact that he accepted them understanding Wong's intent.

Hui knew that the Project would be discussed at these private meals with Wong and the developer, yet he attended at least three or four of these dinners and allowed Wong or the developer to pay each time. Given Hui's understanding of Wong's intent in arranging the meals, Hui violated the CGCC by accepting gifts over the de minimis amount from a restricted source – a restricted source who intended to influence the outcome of the Project subject to DBI review.

Moreover, under DBI's Statement of Incompatible Activities, DBI officials are not permitted to accept any gift that is given in exchange for merely doing one's job. Hui was not permitted to accept meals for doing his job as DBI Director, regardless of what was discussed at the dinners.

Even if Hui was unaware of the purpose of the first meal with Wong and Zhang Li, he did not report the initial improper contact to the Building Inspection Committee or the Mayor's Office and he continued to accept meals from Wong and Zhang Li where they discussed issues with the Project.

2. Hui Sought Wong's Input on City Business

Hui's personal emails show that, in 2013, Hui forwarded Wong draft letters from DBI to the Department of Public Health and the San Francisco Unified School District about a proposed process called "DBI One Stop/OTC [Over the Counter]." Hui had been revising the letters in consultation with the Mayor's Office. He then forwarded the letters from his official City email address to his personal address. Hui forwarded the letters from his personal email address to Wong: "Hi Walter, Please, help me to review both letters and a starting date may need to add. I would like to send out tomorrow. Thanks Tom." Wong responded the same day with proposed language for a new paragraph and an effective date for the new process.

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Although the letters were not included with the email correspondence, it appears that Hui solicited and included Wong's input for a letter from DBI to public agencies about DBI's permitting processes. Hui also concealed the communication with Wong by routing it through his personal email account. A copy of that email correspondence is attached as Exhibit 2. In soliciting Wong's input, Hui allowed someone with private and commercial interests before DBI to influence official correspondence and decision making about DBI permitting processes and gave preferential treatment to Wong.

3. Wong Emailed Hui's Personal Email Seeking Information and Guidance on Properties subject to DBI Applications, Permits and Complaints

In 2015, Wong wrote to Hui at his personal email address to ask for detailed information about complaints at specific properties owned by Xiao Qi Wu, also known as Judy Wu. By the date of Wong's request, DBI had issued Notices of Violation for more than 10 of these properties and referred those Notices of Violation to DBI's Code Enforcement Section. The tone of Wong's emails to Hui suggest that Wong was comfortable making such direct requests of Hui. A copy of that email 2015 request from Wong is attached as Exhibit 3.

Although the information requested by Wong was publicly available, most members of the public did not have direct access to the DBI Director for assistance compiling detailed information about properties under DBI scrutiny. While other members of the public might have been able to compile the same information, Hui provided Wong with an extraordinary access.

In 2016, the City Attorney's Office sued Wu and her husband for code violations at more than 10 of the locations about which Wong was asking in 2015. The Building and Housing Code violations arose from a scheme to purchase single-family homes in the Bayview, illegally subdivide them into four to six units, and then market the units to veterans receiving HUD housing vouchers. Wu and her husband accomplished this scheme by submitting permits to DBI to add multiple laundry rooms to each home for purposes of installing additional gas and water connections. Once this permitted work was completed and approved, Wu and her husband did additional work without permits to create multiple kitchens and bathrooms and add walls. The case settled the day trial was scheduled to begin. Under the settlement, Wu and her husband paid \$2 million in penalties, attorney's fees, and relocation costs and agreed to an injunction requiring them to legalize the properties.

As far back as 2008, before Hui was Director or even Acting Director, Wong emailed Hui to seek Hui's advice about how to respond to a request from DBI related to whether sprinklers would be required at a historic site renovation. On another date in 2008, Wong emailed Hui's personal email address to ask "Pls help to review" revised drawings of pillars at a project.

4. Hui Knowingly Violated City Ethics Laws and Rules

Hui certified that he completed the City's required ethics training each year since 2016, including most recently in February 2020. He understood the laws and rules governing his conduct with permit expeditors and other members of the public. Had he believed his communications with Wong were appropriate, it would have been simpler for him to email

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Wong directly from his official City email address. Hui nevertheless communicated through his personal email and continued to provide Wong with unprecedented access to the Director and, through him, to DBI information and policy.

By attending private dinners funded by Zhang Li, the developer, and Wong, the permit expeditor, for the Project, Hui provided them with preferential effort by and access to DBI violating both the CGCC and DBI's Code of Professional Conduct and also contravening policies in the City's Employee Handbook. That Code of Professional Conduct explicitly clarifies "the difference between preferential treatment and customer service." It explains that:

Customer service delivers to every customer the same level of assistance from every member of the department. Preferential treatment delivers extraordinary effort or access – including advantage, favor, special treatment or priority – over and above the normal level of service to a specific few by one or more employees.

Exhibit 1 at p. 11. Most members of the public cannot arrange private meals with the DBI Director to discuss problems with their projects under review by DBI. The DBI Code of Professional Conduct instructs employees to "consider whether you would have been invited to participate in this activity if you had a different job... If not, why were you invited?" Because Hui admitted he had no social relationship with Wong, there is no reason for his attendance at the dinners other than to provide access at the highest levels of DBI to Wong and Zhang Li for questions and information about the Project.

Together with the decades' long pattern of soliciting Wong's input regarding City business and accepting Wong's requests for advice about matters before DBI, these facts demonstrate that Hui intentionally provided preferential treatment and access to Wong, in contravention of the CGCC, DBI's Code of Professional Conduct, and the Employee Handbook.

Further investigation may uncover additional meals or other gifts, and further communications about official DBI business outside of normal communication channels, to provide additional evidence of preferential treatment and access for Wong, Zhang Li, or possibly others.

C. Hui Violated Anti-Favoritism Laws and Policies and Abused his Position by Seeking to Influence City Hiring Decisions

Following the interview on February 18, 2020, Hui voluntarily provided emails from his personal email account. These emails demonstrate that in 2011 and 2012, when Hui was a Deputy Director at DBI, Hui routinely communicated with Wong seeking City employment for his son and his son's girlfriend.

1. Hui Asked Wong to Help his Son Reschedule an Interview

In June 2011, Hui's son was seeking a job at Public Works. The son was unavailable on his scheduled appointment date. The son requested to reschedule the interview, but also forwarded his request to Hui. Then Hui forwarded the email to Wong, asking for assistance: "Hi Walter. Please help my son to change the interview date. Thanks Tom." Wong responded

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the same day: "Can he do a phone interview." This email string is attached to this Memorandum as Exhibit 4.

Hui's son was hired as a permanent civil service classification 5201 Junior Engineer at Public Works in August 2011. He was promoted to a 5203 Assistant Engineer at Public Works in January 2013. The son applied for a position at DBI as a classification 5207 Associate Engineer (Civil), a promotion from his Public Works position. Hui approved the paperwork for his son's appointment. When the Human Resources Director learned of the appointment, she directed Hui to release his son from probation. The son returned to his underlying position at Public Works in April 2016. He resigned with the designation "services satisfactory" in November 2017.

2. Hui Asked Wong to get his Son's Girlfriend a City Job

Throughout 2012, Hui sought Wong's help in securing City employment for his son's girlfriend (now his wife). In January 2012, the girlfriend received a notice from Public Works, advising that she was not selected for a classification 1820 Junior Administrative Analyst. She forwarded that email notice to the son; at some point the email was forwarded to Wong, who asked Nuru, "Can we help them." Nuru responded, "yes i [sic] am working on it. I gave the paperwork to our Human Resource staff. we [sic] should hear soon from them." Wong then forwarded Nuru's email to Hui's personal email address, with the comment "FYI."

In May 2012, Hui's son informed his father that his girlfriend was fifth on a list for a classification 1820 Junior Administrative Analyst Position at the San Francisco Public Utilities Commission ("SFPUC"), forwarding an email the girlfriend had forwarded to him. The son asked for Hui's help: "Hi Dad, Please see what you can do for [girlfriend]."

In June 2012, Hui forwarded to Wong the information from his son about the girlfriend's application at the SFPUC. Hui stated:

Hi Walter,

My son's girlfriend is Miss [redacted] and she is ranked number 5.
Thanks for your help. Please, give me a call if you have any questions.

Thank you very much

Bye

Tom

Later in June 2012, Hui emailed Wong again seeking help for his son's girlfriend:

Hi Walter,

There are two more positions in Rec. & Park. I wish you can help my son's girl friend.

Thanks

Tom Hui

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In September of that year, the girlfriend was ranked 11 on the eligible list and sought a classification 1241 Personnel Analyst position at Public Works. She forwarded the email to Hui's son, who forwarded it to Hui, asking his dad to "see what you can do" about the application. Hui forwarded the email to Wong: "Hi Walter, Please, help me to see DPW can hire my son's girl friend. I will call you and thank you so much. Bye Tom[.]" Wong forwarded the email chain to Nuru at his personal email address, asking "FYI ps help Tom[.]" Nuru forwarded that email to his work email address, and then asked a GSA Human Resources Analyst to look into the application. That GSA Human Resources Analyst informed Nuru that, because the certification rule for the position was the Rule of 10 (that is, limited to the top 10 ranked applicants), the girlfriend was "not reachable." Nuru shared this email with Wong, and Wong forwarded it to Hui with an "FYI." Hui thanked Wong and said, "I wish next referral for her." Wong responded within minutes: "We are working on it."

In 2014, Hui's son's girlfriend was hired as an exempt employee at the SFPUC. In 2015, she transferred into the same position at the San Francisco Municipal Transportation Authority ("SFMTA"), where she remains an employee. She and Hui's son married in 2019.

3. Hui Abused his Official Position and Improperly Attempted to Circumvent the Merit Hiring System

Hui's communications with Wong regarding City employment for his son and his son's girlfriend violated the CGCC's prohibition on any employee seeking to influence a hiring decision involving a relative. Hui's efforts on behalf of his son and his son's girlfriend also violated Civil Service Rules and the Employee Handbook. The emails demonstrate that Hui placed his familial interests ahead of City interests and rules designed to ensure a fair, transparent selection process based on merit. That Hui attempted to influence hiring decisions through a third party rather than by directly contacting other City departments does not mitigate his intent to subvert the City's merit system. In fact, it suggests that he was aware the requests were improper and sought to conceal his involvement by acting through a third party.

Further investigation may uncover additional circumstances where Hui and Wong exchanged favors for personal, familiar or professional benefit at the expense of an open, transparent and fair process.

EXHIBIT 1

DEPARTMENT OF BUILDING INSPECTION CODE OF PROFESSIONAL CONDUCT



**Vivian L. Day, C.B.O., Director
April 2009**

INTRODUCTION

A position in government is a position of public trust. Thus the standards of behavior for public employees are often higher than those for employees in the private sector. As public employees, our behavior is directed by the Government Code and the Political Reform Act of 1974, by this Code of Professional Conduct, and by the Statement of Incompatible Activities (SIA) approved by the Ethics Commission in October 2008. As employees in San Francisco's City government, we are accountable to the residents and voters of San Francisco. We are judged not only by our official actions and conduct, but also by our personal activities when they are related to our work for the City.

The Department of Building Inspection occupies a unique position in the government of the City and County of San Francisco. While the work we do is very technical in nature, it is also work that affects the lives of everyone who lives, works or visits the City. We review the plans, conduct inspections and ensure the structural safety of every home, office building, business and hotel in San Francisco. It is vitally important that we discharge our duties in the most efficient and fair manner possible. While the Department has been criticized in the past, we have taken many specific action steps to improve our process and our transparency – and we are continuing to do so. The reality is that we need to be above reproach – and this Professional Conduct Manual is designed to help ensure that we achieve this result individually and collectively. As we continue to make improvements in other aspects of our programs, from reducing turnaround times to creating a more transparent and integrated permit tracking system, we need to remind the public and remind ourselves of the professional responsibilities associated with the important work we do.

The revised 2009 Code of Conduct has three components: one for the customer; one for our Commission; and one for all of us. Inasmuch as we must monitor our own professionalism, it is also important that the customer and Commission conduct themselves with respect and professionalism.

The Code is not meant to substitute for applicable laws and rules. Read the Code, and the SIA, thoroughly. These guidelines will help you determine the difference between right and wrong. In fact, in many ways, they will help you determine if some action might give the appearance of being questionable, even if, technically, it is not.

Should you have questions regarding the Code, you can ask your supervisor, division managers, or I and we will answer your questions in strict confidence.

It is an honor to work with and for you all at the Department of Building Inspection. I know that you want to perform your duties to the best of your abilities, free from rumor and innuendo about perceived improper actions that may or may not have occurred in the past. By following the Code of Professional Conduct, and the SIA, we will achieve two of the most important goals in running this department -- fairness and equal treatment for all clients and client representatives, and, most importantly, ongoing structural safety for the public.

Vivian L. Day, C.B.O., Director
Department of Building Inspection

April 2009



CODE OF PROFESSIONAL CONDUCT

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ETHICAL CODE AND PRACTICES

Chapter 15 of the Charter defines **Conflicts of Interest** as follows:

"Public office is a public trust and all officers and employees of the City and County shall exercise their public duties in a manner consistent with this trust. The City may adopt conflict of interest and governmental ethics laws to implement this provision and to prescribe penalties in addition to discipline and removal authorized in this Charter. All officers and employees of the City and County shall be subject to such conflict of interest and governmental ethics laws and the penalties prescribed by such laws. (Amended November 2003) "

What the Charter is essentially saying is that you should:

- perform your duties with integrity
- treat the public fairly
- conduct official business honestly

Your actions need to conform to these standards and should be completely impartial and fair, no matter whom from the public you deal with.

The obligation to maintain the public trust extends into all areas of our lives. As a result, you need to consistently make good moral judgments in both your professional and private life. One dishonest or inappropriate act can destroy a reputation or a career built on years of hard work.

Because the Department of Building Inspection has experienced employees having lapses of judgment in the past, we have established a practice of zero tolerance for serious misconduct and/or activities that are corruption related. **A zero tolerance policy means that even one incident of this type of behavior will be punished.** We continue to use all available means to eradicate corruption and the appearance of corruption. The newly-published Statement of Incompatible Activities (SIA), which is posted on the DBI web site and included in this manual, provides an update on the standards and rules that are the basis of this policy. It remains your responsibility to know the rules and standards, and practice them in your professional life.

DEPARTMENT OF BUILDING INSPECTION

EMPLOYEES CODE OF PROFESSIONAL CONDUCT

Recognizing the public trust placed on individuals engaged in the administration and enforcement of building regulatory codes, the Department of Building Inspection is committed to the highest values and principles of professional conduct. For the benefit and guidance of department staff and for the enlightenment of the public we serve, these ideals and the standards that support them are characterized below in a Code of Professional Conduct. This Code is designed to support consistent adherence to high standards, foster mutual respect, help prevent misunderstandings, and avoid circumstances that could have the appearance of less than responsible professional behavior.

SERVICE

- Employees will convey the City's commitment to the public and generate customer confidence by being responsive, cooperative and receptive.
- Customers will be assisted in a consistent manner where they will be provided information, when possible, that provides a solution, or be directed to the appropriate person, division or other department for help.
- Customers will be treated with courtesy, respect and dignity and should treat employees in the same manner.

FAIRNESS

- Employees will enforce compliance with building codes equally and neutrally for all customers, without consideration of any relationship, special interest, political association, other affiliation or lack thereof.

SAFETY

- Employees will place public safety and public interest above individual, group or special interests.
- Employees will uphold all building codes set forth in Chapter 1, Administration, of the San Francisco Building Code. Through its enforcement, such codes are intended to protect the lives and safety of the public.

INTEGRITY

- Employees will demonstrate the highest standards of personal integrity in order to inspire public confidence and trust in City employees.
- Employees will not compromise the integrity of the permitting process by

exceeding or appearing to exceed their authority; attempting to expedite plans or permits not assigned to them; providing unauthorized service outside their area of responsibility; allowing extraordinary or unsupervised access to submitted plans or paperwork by any customer; or by asking others to do so.

- Individual employees will not accept any gift, special favor, privilege, or benefit offered by a member of the public or by persons or businesses regulated by the department, doing business with the department or seeking to do business with the department if said gift, special favor, privilege, or benefit is not consistent with the rules and regulations established in the Statement of Incompatible Activities and existing city and state rules and regulations governing gifts to public officials.

HONESTY

- Employees will be truthful in communicating with customers and staff, do what they say they will do, and be reliable.
- Employees will provide facts and situations honestly, without bias, when presenting a problem for resolution by another member of staff.

CONSISTENCY

- Employees will regulate and enforce the minimum standardized requirements established by the codes in a consistent manner for all customers.
- Employees will provide all customers with a consistent standard of care, at all times, and in all varieties of work throughout the department.

PROFESSIONALISM

- Employees are representatives of the City and will rigorously pursue a standard of excellence at all times to engender respect for the City, the Department, and themselves.
- Employees will be punctual and prepared for appointments and field visits.
- Employees will be provided opportunities to continue training to maintain and improve their skills. Employees will stay current on policy and code changes. If required to be certified, employees will maintain certifications to ensure compliance with law.
- Employees will make suggestions and participate in the improvement of the operations of the department to the best of their ability.

FOR ADDITIONAL INFORMATION

If you have questions about the Code of Professional Conduct; if you think you've witnessed improper activities; or if you wonder if something you have been asked to do is proper or not, there are a number of ways for you to obtain additional information.

- Your supervisor should be your first source. He/she will be able to answer a great many of your questions and, just as importantly, is responsible for ensuring that his/her operation runs correctly.
- If your question deals with something your supervisor has done, or has asked you to do, then you should bring the matter to gradually higher levels of management, including the Director.
- The Ethics Commission can answer questions regarding proper and improper behavior, particularly as specified in the SIA. Remember, however, that the Ethics Commission deals with policies adopted City-wide. In certain cases, the Department of Building Inspection may have adopted more stringent rules and these prevail.
- The City and County of San Francisco's Whistleblower Complaints Program receives and tracks complaints about the quality and delivery of government services, wasteful and inefficient City government practices, misuse of government funds, and improper activities by City government officials, employees and contractors. The Controller's Office operates the program and receives complaints by telephone, email, and the Web. When appropriate, the Controller's Office investigates and attempts to resolve individual complaints.
- The whistleblower complaints hotline number is **(415) 701-2323**. If outside the 415 area code, call 415-701-2311/TTY: 415-701-2323. **You may also call 3-1-1.**

BUILDING INSPECTION COMMISSION CODE OF PROFESSIONAL CONDUCT

Recognizing the public trust placed on individuals engaged in the oversight of building regulatory codes, members of the Building Inspection Commission are committed to the highest values and principles of professional conduct. For the benefit and guidance of department staff and for the enlightenment of the public we serve, these ideals and the standards that support them are characterized below in a Code of Professional Conduct. This Code is designed to support consistent adherence to high standards, foster mutual respect, help prevent misunderstandings and avoid circumstances that could have the appearance of less than responsible professional behavior.

SERVICE

- **I will** convey the City's commitment to the public and generate customer confidence by being customer-centered, receptive, patient, and courteous in my dealings with the public and staff.
- **I will not** allow personal opinions to affect the performance of my duties.

FAIRNESS

- **I will not** give preferential service in any performance of my assigned duties.
- **I will** oversee the enforcement of building codes equally and neutrally for all customers without any bias of relationship, special interest, political association, other affiliation or lack thereof.
- **I will** request to be recused from any issue in which I, a member of my family, or a close personal acquaintance has an interest.
- **I will not** approach any staff member without first requesting department management to authorize such contact so as not to appear to be pressuring a staff member.

INTEGRITY

- **I will** demonstrate the highest standards of personal integrity in order to inspire public confidence and trust in City government.
- **I will** use my title only when conducting official City business or for informational purposes. In no case will I use my title or position to advance personal or political interests, or secure advantage or favor for myself, my family or my friends.
- **I will** accept no gift, special favor, privilege, or benefit offered by a member of the public or by persons or businesses regulated by the department, doing business with the department or seeking to do business with the department for doing my job. When accepting a lawful gift, I will be aware that public perception may make a negative judgment of me or the department.

PROFESSIONALISM

- **I understand** that I am a representative of the City and will set an example by conducting myself at all times to create respect for the City, the Department, and myself.
- **I will** be punctual and prepared for Commission meetings.
- **I will not** allow personal attacks to be made on any other commissioner, manager, staff member, or member of the public.

CLIENT/EXPEDITER CODE OF PROFESSIONAL CONDUCT

Clients and expeditors using the services of the Department of Building Inspection have certain rights and obligations when dealing with the Department. This Code of Professional Conduct, while not strictly enforceable, should act as a guideline for your interaction with the Building Inspection Commission, as well as departmental management and staff.

SERVICE

- **I am entitled** to receive customer-centered, receptive, patient, and courteous service from all members of the department.

FAIRNESS

- **I will** not ask for preferential service based on my relationships with any member of the department.
- **I am entitled to know that** enforcement of compliance with building codes is equal and neutral for all customers regardless of relationship, special interest, political association, other affiliation or lack thereof.

SAFETY

- **I will** uphold all building codes because they are designated to protect the lives and safety of the public.

INTEGRITY

- **I will** not compromise the integrity of the permitting process by exceeding or appearing to exceed my authority.
- **I will** offer no gift, special favor, privilege, or benefit to a member of the department or the commission.

HONESTY

- **I will** be truthful in communicating with departmental staff, do what I say I will do, and be dependable.
- **I will** depict facts and situations honestly and without bias.

PROFESSIONALISM

- **I will be punctual and prepared for appointments.**
- **I will not make personal attacks on any member of the Commission, nor on management and staff of the Department of Building Inspection and expect that none will be made on me.**
- **I will bring any disputes with staff members up the authorized chain of command within the department. If I am unsatisfied with the resolution of a permit matter, I understand that I am entitled and encouraged to file an appeal with the Board of Appeals.**

GUIDELINES

The nature of DBI's work sometimes places employees in situations requiring a carefully considered judgment as to an appropriate action. Not every situation has a clear right or wrong response, but attention to workplace values and standards as delineated by the Code of Professional Conduct must guide employee decision-making.

This section presents questions and scenarios that have been adapted from submissions by DBI employees during focus group sessions. The suggested responses are meant as guidelines only and are based on the application to the situation of the Code of Professional Conduct, California State law, City Charter, City ordinances and Civil Service Commission rules and policies.

It is impossible to present examples covering all situations. If this section does not provide sufficient guidance, the employee is encouraged to seek assistance. Refer to the "Resources" section of this handbook for helpful sources for opinions or interpretation of law or policies.

A good rule of thumb to follow when you're not certain if something is proper or not is to simply ask yourself, "Do I feel comfortable performing this action or seeing someone else perform it?" If the answer is no, that you feel uncomfortable or are worried that someone will find out, that's a good indication that something may not be right.

1. What is the difference between preferential treatment and customer service?

Customer service delivers to every customer the same level of assistance from every member of the department. Preferential treatment delivers extraordinary effort or access—including advantage, favor, special treatment or priority—over and above the normal level of service to a specific few by one or more employees. However, in practice some customers, usually by virtue of an emergency, may require something more than normal service.

2. What should I do if I am asked to provide preferential treatment such as moving a project ahead of others, overlooking a violation or signing off before all problems are cleared?

It does not matter whether the person making such a request is a public official, an official's staff member, relative, friend, DBI manager or other employee, former employee or customer; your response should be the same. Explain to the individual that DBI policy is that every customer receives the highest level of customer service. In addition, as presented in the DBI Code of Professional Conduct, explain that integrity and public safety are standards you personally insist upon. Assure the individual you will deliver the highest quality of service. However, if you are asked to do something you believe is illegal or otherwise improper, document the request with your supervisor or other manager for further action. If you believe the individual should receive additional service above what is ordinarily available to every customer because his or her situation is an

emergency, you also should document that in writing with your supervisor or manager.

3. What should I do if I'm offered money or a gift if I will "look the other way" or otherwise expedite matters for a customer?

Your response to the individual should be the same as described in Question 2. In addition, because the request is illegal, you must document in writing the incident with your supervisor or other manager for further action. Supervisors and managers should report such matters to the District Attorney's Office for further investigation. See Resource Guide for contact information.

4. What should I do if I see a manager, supervisor or other employee giving preferential treatment to a customer? What if I'm asked by a supervisor or manager to give preferential treatment?

Recognizing there might be a good reason for what appears to you to be preferential treatment, you should arrange to meet privately with the manager, supervisor or employee and state that you are uncomfortable with something you think you saw and want to clarify the situation. State exactly what you think you saw and ask the person if you are interpreting the situation correctly. Give the person an opportunity to respond. If you still believe unwarranted preference is being given, take your concern to a higher level through the department chain of command. See also Question 5. If you are unsure whether conduct is improper, call the Ethics Commission for guidance.

5. What should I do if I become aware of an illegal activity by another employee?

You are encouraged to report any incidents of improper or illegal activity involving your department or another City and County department. Never confront an employee whom you suspect is involved in illegal or criminal activity.

You have several options. You may report your complaint to the Ethics Commission. You will not be retaliated against in your employment for making a good faith complaint. You also may report to the District Attorney, City Attorney or Controller's Office. For more details, see the informational handout *Whistleblower Information* available from the DBI Administrative Office, Tel. 415/558-6131, or contact the Ethics Commission at 252-3100, or see their website at: www.sfgov.org/ethics/complain/comppcdr.htm.

6. What should I do if I notice a customer marking his or her plans in such a way as to differentiate them from other plans in order that they might be easily identified for preferential treatment?

Marking plans in any way has no significance unless an employee takes action based upon those marks. Since it is unlikely that plans would be marked to indicate an emergency situation—which might justify extraordinary service—such action may constitute a request for preferential treatment.

If you believe a customer is marking plans in order to receive preferential treatment, see the answer to Question 2. If an employee is marking plans in order to provide preferential treatment or indicate to another employee plans which are to receive preferential

treatment, see the answer to Question 4 or Question 5.

- 7. What should I do if I see customers using DBI equipment or handling plans or paperwork that has already been submitted for review? What should I do if I see a customer in an employee area?**

To protect the integrity of the permitting process, customers should have no further access to plans or paperwork once they are submitted to DBI for review. City policy, as stated in the DHR Employee Handbook, requires that "all City and County equipment, devices, and material must be used only for conducting City and County business."

If you see another employee allowing such activity, refer to the answer to Question 4. If you believe this is an illegal activity by another employee, refer to the answer to Question 5. If the customer is unsupervised by a department employee and you feel comfortable doing so, approach the customer and ask if you can be of service. Inform the customer of the City's policy and advise him or her that this action may jeopardize or delay the processing of their paperwork. Direct the customer back to the customer waiting area and take possession of the plans. If you do not feel comfortable taking this action, immediately locate a supervisor who can do so.

If you are aware of a customer who has been informed of the City's policy and repeatedly violates this policy, document the incident or incidents with your supervisor or other manager for further action. It may be appropriate for supervisors and managers to report such incidents to the District Attorney's Office for further investigation.

In order to avoid the appearance of extraordinary access, employees and supervisors conducting meetings with customers in employee areas should escort those customers to and from the meetings.

- 8. What do I do if a supervisor overrides my decision (such as my interpretation of the code, my report findings...)?**

Supervisory review of employee decisions is an appropriate and necessary part of the job. Given that some building codes are open to interpretation, employees should not expect that their own interpretation would always be the final word. However, interpreting the building code consistently (i.e., similar situations result in similar interpretations) is a standard addressed by the Code of Professional Conduct.

If you believe a supervisor is giving preferential treatment to a specific customer in overriding your decision, use the guidelines stated in Question 4. If you feel this conduct to be illegal, use the guidelines stated in Question 5.

- 9. What should I do if I'm offered a gift (item of monetary value, favor, reward, entertainment, loan or meal) by a customer for "good service" or in celebration of a holiday?**

The Charter Section C8.105(f) prohibits City officers and employees from receiving directly or indirectly any compensation, reward, or gift from any source (except the City and County or any other government agency to which he or she has been duly

appointed) for any service, advice, assistance, or other matter related to the governmental processes of the City and County. In general, personal gifts for doing your job must be refused or returned with a friendly but firm message that you are not allowed to receive gifts for doing your job. All employees should consider themselves to be subject to public scrutiny. Public perception of conflict of interest may be stricter than City policy, and subject to disclosure and interpretation by public and press opinions.

Be advised that there are a number of restrictions on acceptance of other kinds of gifts. If you are presented with a gift, consult City Attorney Jon Givner at (415) 554-4694, or Andrew Shen, (415) 554-4780, or call the City Attorney's general number (415) 554-4700. You also may call the Ethics Commission.

10. What do you do if you are invited to a company Christmas party, a customer-sponsored event, or to participate in a free round of golf?

Refer to Question 9. Also, to make your decision you might want to consider whether you would have been invited to participate in this activity if you had a different job in the department. Is everyone invited to the event? If not, why were you selected? Ask yourself if the answer given is an appropriate reason. Perhaps there is a professional reason for a DBI representative to be included in the event. Also refer to the Code of Professional Conduct. The first standard for value of Professionalism should help you answer this question.

11. Can I work on political campaigns?

City employees are free to engage in political activities while off duty. Employees are prohibited from using City resources for election campaigns. For more information about the laws governing political activities by City officers and employees, refer to the Policies section of this handbook.

12. What's the policy on sexual harassment?

According to the San Francisco Administrative Code, it is the policy of the City and County of San Francisco that, in accord with State and federal laws, each City employee has the right to work in an environment free of discrimination, including sexual harassment, and that sexual harassment is unacceptable and will not be tolerated in the workplace.

If you feel you are being sexually harassed, you should inform your supervisor, the DBI Administrative Office, or other responsible officer immediately. DBI has adopted the City's policy regarding the prohibition of sexual harassment. Supervisory employees are required to take corrective action if employees are being subjected to sexual harassment. Departments are required to report all complaints of sexual harassment to the Human Resources Director.

The Discrimination Complaint Procedure provides an avenue for investigating and resolving allegations of sexual harassment. For information and assistance on the complaint procedure, you may call the DHR Sexual Harassment Helpline at 557-4900.

City officials or employees who are found to engage in harassment are subject to disciplinary action, up to and including termination.

It is further the policy of the City to take reasonable steps, in accord with State and federal laws, to provide its employees with a workplace free of sexual harassment by non-employees. Employees who experience sexual harassment from a customer should inform their supervisor or other responsible officer immediately.

13. Are there any rules about use of alcohol or being apparently "under the influence" during work hours?

DHR maintains a Drug and Alcohol Free Workplace Policy. See the Policies section of this Handbook for this policy. It prohibits the use of illegal drugs or alcohol, or being under their influence while on the job. Specifically it prohibits:

1. Unauthorized manufacture, distribution, purchase, possession, or use of a controlled substance;
2. Consumption of alcohol, except when expressly authorized by the appointing authority as part of a work-related social function and where there will be no impairment of services provided to the public; and
3. Reporting to work or remaining at work while under the influence of alcohol or an illegal drug.

Non-compliance with the policy will subject an employee to discipline and/or a requirement to complete a drug or alcohol abuse education treatment or rehabilitation program.

Information, counseling, and referrals for drug and alcohol treatment programs are available from the Department of Public Health Employee Assistance Program, the Department of Human Resources, or DBI's Administrative Office.

14. I need to earn extra money. Can I work evenings or weekends?

You must notify and receive approval from the Human Resources Director for most additional employment.

Per Civil Service Commission Rule 118.2, **except with the approval of the Human Resources Director**, no person holding a full-time position under permanent or temporary civil service appointment, shall engage in any employment, position or service (hereinafter referred to collectively as "employment") in or out of the service of the City in which the employee is required to perform any duties for another employer, and for which the employee is to receive compensation in any form, including salary, wage, fee, or commission. Refer to the back of the request form for guidelines regarding whether prior permission for outside work is necessary. **Any outside work, whether employment or contract, cannot conflict with your regular duties.**

Forms to request Approval of Additional Employment are available at the DBI Administrative Office, (415) 558-6131, Room 6001, 1660 Mission Street. **The forms must be completed by the employee and the secondary employer, and approved by the appointing officer.** The request is then forwarded to the Department of Human

Resources for review. The Human Resources Director will approve additional employment if certain conditions are met. For a list of those conditions and the full text of Rule 118.2, call the Civil Service Commission at (415) 252-3247 or visit its website at www.sfgov.org/civil_service.

15. What outlet is available to me if I have issues with another employee?

This question has multiple answers, depending upon the problem and the parties involved. Here are general guidelines:

If the issue is between two employees who have no direct reporting relationship, the offended party might approach the other in a private manner, calmly stating the problem and the feelings raised, and why. Use an "I" statement that sounds like this: "When you (whatever the other person is doing that creates the issue), I feel (whatever the issue makes you feel) because (why you have a problem with the behavior)." For example, "When you talk loudly on the telephone, I feel frustrated because I am distracted from my own work." Or, "When you are late reporting to your assignment at the front desk, I feel angry and imposed upon because I am required to cover your work."

The DBI Administrative Office is available to advise and assist in problem resolution, as is the Employee Assistance Program (EAP). This process may involve either a meeting with all parties, or separate discussions with the outside representative acting as the liaison/negotiator.

Legitimate problems and differences of opinion may develop between employees and their supervisors. An attempt may be made to informally mediate the matter in the best interest of the department and the employee. When these matters can not be resolved in an informal manner between a supervisor and their employee(s), a grievance may be filed. If you have questions about a grievance, please contact your union representative.

16. Employees speaking in another language besides English in the workplace bothers me. What can I do?

An employee's use of a language other than English in the workplace is a legally protected right. The City's interest in hiring bilingual employees is expressed in the San Francisco Civil Service Commission's policy on language diversity, which states that a workforce that speaks languages other than English enhances the efficiency and effectiveness of services provided to the diverse community.

If employees speaking in a language other than English bother you, you may want to use the technique described in Question 15, and approach the individual in a private manner to discuss your concern.

17. What do I do about an irate customer, especially at a public counter, who refuses to calm down?

You are not powerless to handle irate customers. The key is to be prepared with some skills in advance. Here are some pointers to understand and remember when faced with upset customers.

SKILLS TO USE WITH ANGRY CUSTOMER

Observe & Prepare: Think, "This person is angry, I have skills to deal with that." Take a deep breath.

Greet the Person - Use Their Name: Set a cordial tone. Give them the feeling you're dealing with them—not that they're just another faceless customer—by addressing them by name. Introduce yourself.

Show Empathy: Put yourself in their shoes. How would you feel if you were in their situation? Show that you are aware of their feelings about the situation. "I can see that you're angry/upset/worried/frustrated. I'd be _____ too if _____."

Ask Questions: "May I ask you some questions to help resolve this?" This empowers the customer and obtains the information needed to deal with the problem.

Share Information: Your procedures/policies/regulations are complicated. Don't expect the customer to understand them without explanation. "Did you know we have a regulation about that? Here's what it is..." If you don't have a ready answer, find someone who does.

Disengage: Move away. Tell person you're leaving and why. Give yourself and the customer a chance to calm down. Don't get "locked into" an argument.

Refer to Your Supervisor: Most often the supervisor will say the same thing you did, but hearing it from a "higher authority" may make it acceptable to the customer.

Direct Their Anger: Many times the customer's angry with someone else, but taking it out on you. You may defuse their anger by calmly pointing out the correct source of the problem (e.g. time pressures, their client, their contractor, the loan company, etc.).

Explore Alternatives: Give choices. "Here's what I can do about this situation. Here's what I can't do. Here's what you can do. How would you like to proceed?"

Follow Through: Agree on a resolution and if you need to do something further, follow up on it. If you've promised to do something, do it right away. Nothing destroys credibility/trust as quickly as a promise broken or deferred.



For further assistance with these or other questions, contact:
Your supervisor, Manager or the Director
DBI's Administrative Office
Human Resources Development
Employee Assistance Program
The Ethics Commission
Your Bargaining Unit Representative.

See the Resources Section of this Handbook for Contact Information.

POLICIES

City officials are subject to strict conflicts of interest laws and policies governing official conduct. Per San Francisco Charter Section 15.103, all officers and employees of the City and County are subject to all California State laws and City ordinances proscribing conflicts of interest and incompatible activities, as well as the provisions of Charter Section C8.105. Any violation of such laws is official misconduct and is a basis for discipline and/or removal, in addition to any other penalties prescribed by law.

Please note that the policies presented here are intended as summaries of existing law only. It is the employee's responsibility to refer to the full text. Full text references, including website addresses and telephone numbers, are provided at the end of each summary.

I. Conflicts of Interest

There are several City and State laws that prohibit City officials from participating in decisions in which they have a financial interest. In most cases these laws provide that conflicts may be avoided if the official discloses his or her interests and abstains from participating in or seeking to influence a decision in which the official has a financial interest. In some cases, however, the official must choose between maintaining the financial interest and continuing to serve as a public official.

Charter Section C8.105(a)

Charter Section C8.105 (a) prohibits an officer or employee of the City and County from becoming directly or indirectly interested in any contract, franchise, right, privilege or sale or lease of property awarded, entered into or authorized by him or her, by those under his or her supervision and control, or by a board or commission of which he or she is a member. An officer or employee must divest himself or herself of such an interest within 60 days or resign from his or her position. Charter Section C8.105 provides some exceptions to this result.

Charter Section C8.105(c)

Charter Section C8.105(c) prohibits an officer or employee of the City and County from making, participating in making, or in any way attempting to influence a governmental decision in which he or she has reason to know he or she has a financial interest. This provision is the local counterpart to the California Political Reform Act conflicts of interest provisions, a State law, described on page 2 of this section. On page 3 of this section, you will find guidelines developed by the Ethics Commission for identifying conflicts of interest.



For the full text of Charter Section C8.105, please refer to the City and County of San Francisco 1996 Charter Appendix C.



The Charter can also be accessed at the following website:
<http://www.municode.com/Resources/gateway.asp?pid=14130&sid=5>.



For assistance in interpreting the Charter provisions, definition of terms and the answers to commonly asked questions/scenarios, please refer to the San Francisco Ethics Commission's "Manual on Governmental Ethics Laws." You can request a copy of the manual by calling the Ethics Commission at (415) 252-3100 or visiting its website at http://www.sfgov.org/site/ethics_index.asp.

**Government
Code
Section
87100 et seq.
(The Act)**

The California Political Reform Act, Government Code Section 87100 et seq., prohibits public officials from making, participating in making, or in any way seeking to influence, governmental decisions in which they have a disqualifying conflict of interest. Charter Section C8.105(c) is the local counterpart to the Act.



The Ethics Commission provides guidelines for identifying conflicts of interest under the Act. Those guidelines are reprinted below. Please note that for a greater understanding of the Act, the reader should refer to the San Francisco Ethics Commission's "Manual on Governmental Ethics Laws." The manual provides definitions of terms and the answers to commonly asked questions/scenarios.



You can request a copy of the manual by calling the Ethics Commission at (415) 252-3100 or visiting the Commission's website at http://www.sfgov.org/site/ethics_index.asp.



toll-free

If you have specific inquiries about the meaning and application of the Act please call the California Fair Political Practices Commission (the FPPC), at (916) 322-5660. The FPPC, not the Commission, interprets and enforces the conflicts of interest provisions of the Act.

**Steps to help
identify conflicts
of interest.**

Ethics Commission guidelines for identifying conflicts of interest:

Step 1

Determine whether the individual is a public official. A public official is defined as a member, officer, employee, or consultant of a local government agency. The term member includes any member of a board or commission with decision-making authority. *If not, the Act does not apply.*

Step 2

Determine whether the public official will be making, participating in making, or using or attempting to use his or her official position to influence a governmental decision. *If not, the Act does not apply.*

Step 3

Identify the official's economic interests that are potentially involved (i.e. investments, real property, sources of income, or business positions). *If the official has no economic interest covered by the Act, the Act does not apply.*

Step 4

Determine whether the official's economic interest(s) will be directly or indirectly involved in the governmental decision. *Proceed to Step 5.*

Step 5

Determine whether the applicable standard for analyzing whether the effect of the decision on the official's economic interest(s) involved will be material. *Proceed to Step 6.*

Step 6

Determine whether it is reasonably foreseeable that the governmental decision will have a material financial effect on the official's economic interest. *If it will, the official has a conflict of interest.*

Step 7

Determine whether the reasonably foreseeable material financial effect is distinguishable from the effect on the public generally. *If not, the official may participate in the decision.*

Step 8

Determine whether the official's participation is legally required. *If so, the official may participate in the decision.*

II. Limitations on Additional Employment and Other Activities

Public officials also are subject to a number of local policies governing official conduct that seek to restrict conflicts between outside activities and public duties.

San Francisco Civil Service Commission Rule 118.2

Additional Employment: Per Rule 118.2, except with the approval of the Human Resources Director, no person holding a full-time position under permanent or temporary civil service appointment, may engage in any employment, position or service in or out of the service of the City in which the employee is required to perform any duties for another employer or appointing officer, and for which the employee is to receive compensation in any form, including salary, wage, fee, commission, or emolument. In no case, whether employment or contract, may outside work be in conflict with the employee's regular duties. Refer to the back of the request form for guidelines regarding whether prior permission for outside work is necessary.



Forms for requesting Approval of Additional Employment are available at the DBI Administrative Office. Please call (415) 558-6131 or visit 1660 Mission Street, Suite 6001. The forms must be completed by the employee and the secondary employer, and approved by the appointing officer. The request is forwarded to the Department of Human Resources for review. The Human Resources Director will approve additional employment if certain conditions are met. For a list of those conditions and the full text of Rule 118.2, call the Civil Service Commission at (415) 252-3247 or visit its website at www.sfgov.org/civil_service.

**San Francisco
Civil Service
Commission
Rule 118.3**



Other Activities: Per Rule 118.3, no officer or employee may participate in any activity or enterprise where income, profit or other gain is or may be accrued, which could reflect on the honor or efficiency of the City service, or be contrary to the best interests of the City service in any respect. Also, no officer or employee may be involved through secondary parties in the engagement of any activity or enterprise which the employee is prohibited from engaging in directly, nor in that connection may the employee lend, convey, or authorize the use of any information or resources under the employee's control.

For the full text of Rule 118.3 call the **Civil Service Commission at (415) 252-3247** or visit its website at www.sfgov.org/civil_service.

III. Incompatible Activities and Offices

Public officials are also subject to state and common laws governing official conduct that seeks to restrict conflicts between outside activities and public duties.

**Government
Code Section
1126**



Incompatible Activities: Government Code Section 1126 prohibits City officials from engaging in compensated activities that are incompatible with their official duties. DBI adopted, and the Ethics Commission approved in October 2008, a statement of incompatible activities (SIA), which has been distributed to all employees. Please consult with your supervisor or manager if you have questions regarding a possible incompatible activity.

Inquiries about the application of law to specific facts should be addressed to the San Francisco City Attorney's Office at **(415) 554-4700**, or to the California State Attorney General's Office at **(916) 324-5437**.

IV. Post-Employment Restrictions

**Charter
Section
C8.105(e)**

Charter Section C8.105 (e) prohibits City officers and employees from representing any private interest before a City board or agency of which they were a member or employee for two years after they leave such service or employment. This Section does not prohibit a former officer or employee from representing himself or herself before his or her former board or agency.



For further information, please contact the **Ethics Commission at (415) 252-3100.**

V. Prohibition on Disclosing Confidential Information

Charter Section C8.105(d)

Charter Section C8.105 (d) prohibits City officers and employees from disclosing any privileged information concerning property, government, or affairs of the City and County unless a duty to do so is imposed upon that person by law. Officers and employees are also prohibited from using any privileged information obtained by virtue of their office or employment to advance their financial or other private interests.

VI. Accepting Personal or Campaign Advantages by Public Officials

Governmental Conduct Code Section 3.700, et seq. (Prop. J).

City officials who exercise the discretion to approve public benefits are prohibited from accepting personal or campaign advantages from public benefit recipients under the S.F. Campaign and Governmental Conduct Code Section 3.700, *et seq.* (Prop. J). This prohibition is in place from the date the official approves or votes to approve the public benefit until: (1) two years after the expiration of the term of office that the official is serving at the time he or she approves the public benefit; (2) two years after the official's departure from office whether or not there is a pre-established term of office; or (3) six years from the date the official approves or votes to approve the public benefit, whichever is first. A "city official" includes elective City officers, the Controller, the City Administrator, appointed members of boards and commissions, department heads serving under City boards or commissions, and department heads serving under the Mayor.



For more information about Government Code Section 3.700 please refer to "An Overview of the Laws Governing the Conduct of Public Officials," (May 25, 2001) developed by the City Attorney's Office. For a copy of the overview or if you have questions call the **City Attorney's Office at (415) 554-4700.**

VII. Solicitation or Receipt of Contributions by Appointed Officials

Government Code Section 84308

Government Code Section 84308 prohibits appointed officials from soliciting or receiving campaign contributions from parties, participants, or their agents in proceedings involving licenses, permits, or other entitlements for use. The law requires an appointed official's disqualification in such proceedings if the official has received campaign contributions of more than \$250 from a party or participant within the 12 months preceding the decision. In addition, Section 84308 prohibits solicitation or receipt of campaign contributions in excess of \$250 during such proceedings, or for 90 days after the decision, from parties, participants or their agents. Finally, Section 84308 requires the disclosure of all such campaign contributions.



For definitions of terms and answers to commonly asked questions, please refer to the San Francisco Ethics Commission's "Manual on Governmental Ethics Laws."



Inquiries about the application Government Section 84308 should be addressed to the San Francisco **City Attorney's Office** at (415) 554-4700, or to the **California Fair Political Practices Commission** at 1-866-275-3772.

VIII. Political Activity

Penal Code, Government Code, and San Francisco Campaign and Government Conduct Code

Local officers and employees may not use public resources to engage in political activity. *Stanson v. Mott* (1970) 17 Cal.3d 206; Cal. Penal Code Section 424. In addition, officers and employees may not directly or indirectly solicit funds from other officers or employees of the local agency or from persons on employment lists of the local agency, unless the solicitation is part of a solicitation made to a significant segment of the public that may include officers or employees of the agency. Government Code Section 3205 SFCGC Code § 3.400(a). Officers and employees may not participate in political activities of any kind while in uniform. Government Code Section 3206 SFCGC Code § 3.400(a). Also, officers and employees may not engage in political activity during working hours or on City premises. San Francisco Campaign and Government Conduct Code Section 3.400(c).



For more information, please refer to the City Attorney's memorandum, "Political Activities by City Officers and Employees," dated September 13, 2001. A copy of the memorandum can be obtained at the DBI Administrative Office, 1660 Mission Street, Suite 6001. You also may call the **City Attorney's Office at (415) 554-4700.**

IX. Prohibition on Compensation for City Services

Charter Section C8.105(f)

Charter Section C8.105(f) prohibits City officers and employees from receiving directly or indirectly any compensation, reward, or gift from any source (except the City and County or any other government agency to which he or she has been duly appointed) for any service, advice, assistance or other matter related to the governmental processes of the City and County.



For the full text of Charter Section C8.105 please refer to the City and County of San Francisco 1996 Charter Appendix C. Section C8.105 begins on page 138.



The Charter can also be accessed at the following website:
<http://www.amlegal.com/sanfrancharter/lpext.dll?f=templates&fn=main-j.htm&2.0>.

X. Limits and Reporting Requirements for Gifts, Honoraria, Travel, and Loans

Government Code Section 81000-91014 (The Act)

The Political Reform Act imposes limits on gifts and prohibits honoraria payments received by public officials, including "designated" employees (i.e., individuals required to file statement of economic interests [SEIs] under San Francisco's Conflict of Interest Code).

Designated employees may not accept gifts from any single source totaling more than \$420 in a calendar year if they are required to report income or gifts received from that source on their SEIs.

A gift is any payment or other benefit provided to you that confers a personal benefit for which you do not provide goods or services of equal or greater value. A gift includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members

of the public.



**For more information concerning gifts and honoraria and for a discussion of travel and loans please refer to the San Francisco Ethics Commission
“Manual on Governmental Ethics Laws.”**



If you have questions the City Attorney's Office is available to help. Contact Deputy City Attorneys Jon Givner (415) 554-4694, or Andrew Shen (415) 554-4780 for legal assistance, or the Fair Political Practices Commission at (916) 322-5660.

XI. Statements of Economic Interest (Form 700)

Government Code Section 81000-91014 (The Act)

The Political Reform Act requires many tens of thousands of state and local public officials and employees to disclose certain personal financial holdings. In addition, as discussed above, the Act requires government officials and employees to disqualify themselves from participating in decisions which may affect their personal financial interests. The Act began as a ballot initiative approved by over 70 percent of California voters in the wake of the Watergate political scandals.



DBI employees who are required to file statements of economic interest (SEIs or Form 700s) are identified in San Francisco's Campaign and Government Conduct Code. Individuals who hold positions listed in these sections are called designated employees. To find out if you are a DBI designated employee, call the DBI Administrative Office (415) 558-6131 or visit the office at 1660 Mission Street, Suite 6001.



**For more information about SEIs and instructions on how to fill out the form, please refer to the San Francisco Ethics Commission's
“Manual on Governmental Ethics Laws.”**



The Ethics Commission also provides assistance in completing the forms. You can reach the **Commission at (415) 252-3100**. In addition, you may also call **Deputy City Attorneys Jon Givner (415) 554-4694, or Andrew Shen (415) 554-4780**.

XII. Valuing Diversity in the Workplace

**Rule
103.1.8, Civil
Service
Commission**



Respect for All Persons Policy: It is the policy of the City and County of San Francisco that each official, employee, and agent in official capacity, will treat all persons equally and respectfully, and will refrain from the willful or negligent use of slurs against any person on the basis of race, color, sex, sexual orientation, age, religion, national origin, ancestry, disability, or other protected status.

For more information, please refer to your City and County of San Francisco Employee Handbook or your DBI Employee Handbook. You can also access Rule 103 by visiting the following website: http://www.sfgov.org/civil_service/rules/miscr103.htm.

**Rule
103.1.5, Civil
Service
Commission**



Language Diversity Policy: It is the policy of the Civil Service Commission that an employee's use of a language other than English is not only an asset in the provision of public services but, with few exceptions, such as business necessity, is a legally protected right.

For more information please refer to your City and County of San Francisco Employee Handbook or your DBI Employee Handbook.

**Sec. 16.9-25
San Francisco
Administrative
Code**



Sexual Harassment Policy: It is the policy of the City and County of San Francisco that, in accord with State and federal laws, each City employee has the right to work in an environment free of discrimination, including sexual harassment, and that sexual harassment is unacceptable and will not be tolerated in the workplace. The City and County of San Francisco will take all reasonable steps within its control to provide a workplace in which all individuals are treated with respect and dignity. Sexual harassment of a City official or employee is, in accord with State and federal laws, strictly prohibited by another City official or employee. It is further the policy of the City and County of San Francisco to take reasonable steps, in accord with State and federal laws, to provide its employees with a workplace free of sexual harassment by non-employees, including, but not limited to: contractors and subcontractors of the City and County of San Francisco, clients, volunteers, interns, and members of the general public.

For more information, please refer to your City and County of San Francisco Employee Handbook or your DBI Employee Handbook.

Handbook.



For the full text of the City's Sexual Harassment policy visit the following website:

http://www.sfgov.org/site/sfdhr_page.asp?id=47703

Civil Service Commission Policy



Prohibiting Violence in the Workplace Policy: It is the policy of the City and County of San Francisco to require employees to treat co-workers and members of the public with courtesy and respect.

The City and County of San Francisco will not tolerate any assaults, battery or threats or acts of violence by employees in the workplace. Employees are also prohibited from bringing weapons to the job, unless required by the City and County department in the performance of the employee's official duties. Weapons include, but are not limited to, firearms, knives or weapons defined in California Penal Code Section 12020. Failure to comply with this policy may result in employee discipline up to and including termination.

For more information, please see your DBI Employee Handbook, City and County of San Francisco Employee Handbook or Workplace Violence Guidelines developed by the Department of Human Resources and the Office of the City Attorney, February 1998.

Rule 103.1.1 Civil Service Commission

Equal Employment Opportunity Policy: It is the policy of the Civil Service Commission of the City and County of San Francisco that all persons shall have equal opportunity in employment; that selection of employees to positions in the City and County be made on the basis of merit; and that continuing programs be maintained to afford equal opportunities to women and minority persons to achieve meaningful employment at all levels. Vigorous enforcement of the laws against discrimination shall be carried out at every level of each department. All persons shall have equal access to employment within the City and County, limited only by their ability to do the job.



For more information, please refer to your City and County of San Francisco Employee Handbook or your DBI Employee Handbook.



You can also access Rule 103 by visiting the following website:
http://www.sfgov.org/civil_service/rules/misc103.htm.

XIII. Employee Obligations

**(DHR 642
08/01)**

Drug and Alcohol Free Workplace Policy: The City and County of San Francisco is committed to providing a safe and healthy workplace for all employees. Use of illegal drugs or alcohol, or being under their influence, jeopardizes the welfare and safety of employees, visitors and the public, and diminishes the productivity, efficiency and effectiveness of the City's workers.

Compliance with this Drug and Alcohol Free Workplace Policy is mandatory. Any employee who violates this Policy will be subject to discipline up to and including termination and/or will be required to complete a drug or alcohol abuse education treatment or rehabilitation program.



The following conduct is prohibited during work hours, in a City vehicle, or while conducting City business, whether on or off City property:

- (1) Unauthorized manufacture, distribution, purchase, possession, or use of a controlled substance;
- (2) Consumption of alcohol, except when expressly authorized by the appointing authority as part of a work-related social function and where there will be no impairment to services provided to the public; and
- (3) Reporting to work or remaining at work while under the influence of alcohol or an illegal drug.

Any employee who is arrested for violating any criminal drug or alcohol statute during working hours, in a City vehicle, or while conducting City business, whether on or off City property, must notify the appointing authority within five days of the arrest in order that the department may conduct an appropriate investigation.

Employees in safety-sensitive positions must submit to random drug tests as required by federal law. Contact your department's human resources or personnel representative for information about the regulations for random drug testing for persons identified as safety-sensitive.

Employees may use legally-prescribed medications in the manner instructed by their health care provider, as long as using the medication does not interfere with performance of the

essential functions of the employee's job or pose a risk to the safety of others. Where appropriate, reasonable accommodation will be discussed with employees whose ability to perform essential job functions is affected by prescription medication.

Information, counseling and referrals for drug and alcohol treatment programs are available from the Department of Public Health Employee Assistance Program, the Department of Human Resources, or your department's human resource or personnel representative.

Computers and Data Information Systems



Computers and Data Information Systems: City and County employees with access to computer files and records may not release or disseminate information to others without authorization. The release or dissemination of such material may constitute an invasion of privacy, and may be grounds for disciplinary action and termination.

For more information please refer to your City and County of San Francisco Employee Handbook or your DBI Employee Handbook.

Use of City and County Property for Business Purposes Only



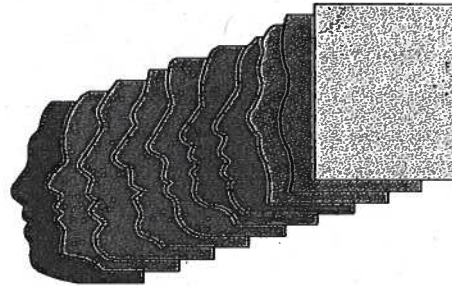
Use of City and County Property for Business Purposes Only: All City and County equipment, devices and materials (e.g. photocopier, telephones, computers, facsimile machines, stationery, etc.) must be used only for conducting City and County business. Use of City and County property for personal or private purposes, or employee organization business, is strictly prohibited.

For more information please refer to your City and County of San Francisco Employee Handbook or your DBI Employee Handbook.

The Policies section is not intended to be a complete presentation or interpretation of all policies and law regulating the conduct of City employees.

**For further assistance contact:
DBI's Administrative Office
Human Resources Development
The City Attorney's Office
The Employee Assistance Program
The Ethics Commission
Your Bargaining Unit Representative.**

See the Resources Section of this Handbook for contact information.



FREQUENTLY ASKED QUESTIONS

What is corruption?

In general terms, corruption consists of engaging a job-related immoral or dishonest behavior. Corruption includes receiving a benefit to which you are not entitled, including a gift or compensation from a private person either for doing your job or deviating from your job. Engaging in a corrupt activity can lead to disciplinary action and criminal prosecution.

What is an unlawful gratuity?

An unlawful gratuity is the receipt of a benefit for having performed your official duties. For example, an unlawful gratuity has been offered when someone tells you to "keep the change." Even if you didn't do anything out of the ordinary, "keeping the change" would be unlawful and, if discovered, would lead to disciplinary action and, potentially, criminal prosecution. You cannot accept the offer and you have a duty to immediately report the offer to your supervisor.

What is a bribe?

A bribe is something that is offered or given to a person in a position of trust in order to influence that person's conduct. Asking for a bribe, or agreeing to accept a bribe if offered, will lead to disciplinary action and, potentially, criminal prosecution even if you don't accept the bribe. You have a duty to immediately report a bribe to your supervisor.

What if someone offers me something as simple as a cup of coffee? Can I take that?

The department's position on the acceptance of gifts is spelled out in the Statement of Incompatible Activities. Simply put, while management discourages employees from accepting gifts from customers, expeditors, contractors, etc. we recognize there may be occasions when gifts are routinely exchanged. So long as gifts are within the legal limits prescribed by the Statement of Incompatible Activities and existing city and state regulations, and **PROPERLY REPORTED**, there is not a complete prohibition on the acceptance of gifts. Something as simple as a cup of coffee may be accepted.

What should I do if I see another employee engaging in corrupt activity?

As an employee of the City and County of San Francisco and the Department of Building Inspection, you have a duty to report any corruption to your supervisor or a higher-level manager. Failure to report the activity immediately may result in disciplinary action.

If I have seen someone segregating application files or putting a special mark on them, and then notice that those applicants get their permits approved much more quickly, what should I do?

Applicants are supposed to be treated impartially. You have a duty to report this kind of activity to your supervisor or a higher-level manager. Even if the employee is not receiving any kind of benefit from the activity, it is improper for him or her to treat one set of clients differently than any other set of clients.

What do I do if I'm offered a bribe?

Immediately report the offer to your supervisor or higher-level manager. Do not, under any circumstances, accept the money or gift that's offered.

May I use my City phone, City cell phone or City fax to contact family members or a doctor?

You may use these items on a very limited basis. If you use your cell phone for personal use, or if you make a long distance call on your City phone, you are required to pay the costs associated with such usage. Under no circumstances, however, are you allowed to use your City phone, cell phone, City fax, City computers or any other City equipment or supplies for political purposes, or for any other personal business other than those rare circumstances when you need to contact family or friends. This is consistent with the Statement of Incompatible Activities.

What should I do if I think a co-worker is running a business during working hours and/or using City resources for this business?

Any misconduct by an employee or member of the public doing business with the department should be immediately reported to your supervisor or a higher-level manager. Having a personal business may not be improper. However, conducting personal business during working hours is most certainly improper and must be reported.

I was thinking of teaching a class at a local community college. Do I need to do anything to make sure my activities are all right?

You must get departmental approval for any kind of outside employment.

I am a clerk in the Electrical Division and a plumbing company wants to know if I can perform some clerical work for them on weekends. Is this allowed?

No. You cannot work in any construction trade, irrespective of the type of position, responsibilities, or the type of trade.

May I use my City-owned vehicle to drop my child off at school?

No. Non-City employees are not allowed to travel in City-owned vehicles.

SAN FRANCISCO RESOURCES

San Francisco Department of Building Inspection Administrative Office

1660 Mission Street, Suite 6001
San Francisco, CA 94103
(415) 558-6131
(415) 558-6225 (fax)
www.sfgov.org/dbi

San Francisco District Attorney's Office

880 Bryant Street
San Francisco, CA 94103
(415) 553-1752
www.sfdistrictattorney.org

San Francisco Department of Human Resources

One South Van Ness Avenue
San Francisco, CA 94103-1233
(415) 557-4963
415 557-4870 (fax)
www.sfgov.org/dhr

San Francisco Ethics Commission

25 Van Ness Avenue, Suite 220
San Francisco, CA 94102
(415) 252-3100
(415) 252-3112 (fax)
www.sfgov.org/ethics

Call the Ethics Commission or visit its website to obtain the following information:

- Whistleblower Ordinance and Hotline
- A copy of "The San Francisco Ethics Commission Manual on Governmental Ethics Laws: A Guide to State and Local Laws Governing the Conduct of Public Officials and Employees."
- Complaint Form and Instructions
- Database of Statements of Economic Interests
- Advice Letters Issued by Ethics Commission
- Lists of Registered Lobbyists, Employees of Lobbyists, Clients of Lobbyists

San Francisco City Attorney's Office
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4682
(415) 554-4700
(415) 554-4745 (fax)
www.sfgov.org/cityattorney

Call the City Attorney's Office to obtain the following:

- A copy of "An Overview of the Laws Governing the Conduct of Public Officials (May 25, 2001).
- Technical assistance for completing financial disclosure forms.
- Assistance with interpreting local and state laws.
- To report a whistleblower complaint.

San Francisco Controller's Office
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4694
(415) 554-7500
(415) 554-7466 (fax)
www.sfgov.org/controller

Call the Controller's Office to obtain the following information:

- A copy of the "Whistleblower Information" pamphlet.
- To report a whistleblower complaint that involves financial issues.

CALIFORNIA STATE RESOURCES

California Fair Political Practice Commission

428 J Street, Suite 620

Sacramento, CA 95814

(Toll Free) 1-866-ASK-FPPC (866-275-3772)

(916) 322-5660

www.fppc.ca.gov

The FPPC's website includes the following:

- Advice about the Political Reform Act of 1974.
- Technical assistance for completing financial disclosure forms.
- To report allegations about violations of state campaign finance, ethics, and lobbying laws.
- Information about state campaign finance, lobbying and ethics laws.

California Office of the Attorney General

1300 I Street, Suite 1740

Sacramento, CA 95814

(800) 952-5225

(916) 323-5341 (fax)

www.caag.state.ca.us

The Attorney General's website includes the following:

- How to avoid conflicts of interest when acting on government contracts (California Government Code Section 1090)

DEFINITIONS

Adversely affect – Interfere with normal performance of duties.

Benefit – Refers to an advantage, favor, exemption or anything of value.

California Political Reform Act – The Political Reform Act of 1974 (Government Code Sections 81000-91014) requires many state and local public officials and employees to disclose certain personal financial holdings. The Act also requires government officials and employees to disqualify themselves from participating in decisions which may affect their personal financial interests. The Act requires state and local governments to adopt and implement a separate conflict of interest code. The Act, which frequently has been amended, began as a ballot initiative approved by over 70 percent of California voters in the wake of the Watergate political scandals.

Charter of the City & County of San Francisco – The Charter is the basic document that describes the way that City government operates and provides services to its residents. The Charter outlines the powers and duties of all elected officials as well as those of City agencies and administrative offices.

Code – A set of behaviors agreed to by all members of a group.

Consistency – Uniformity of practice, explanation or conduct; applying codes, regulations and requirements in the same way in each instance.

Ethics – A set of personal moral rules based on an individual's beliefs, moral or religious training, and values; principles of right and wrong behavior. Ethics are brought to the workplace by each individual, not set by the employer.

Fairness – Treating all persons equally; being objective and impartial.

Gift – Any payment or other benefit provided to you that confers a personal benefit for which you do not provide goods or services of equal or greater value. (Government Code Section 82028) An item of monetary value, loan, favor, reward, entertainment, or meal.

Honesty – Being truthful; presenting information accurately.

Impair – Weaken, damage or reduce; make less effective.

Integrity – Adherence to high moral and ethical principles; a strong sense of honesty; trustworthiness; doing the right thing because it is the right thing.

Municipal Codes – The San Francisco Municipal Code is a classified compilation of the general and permanent ordinances of the City of San Francisco. It includes the Charter of the City & County of San Francisco as well as the Administrative Code, Business & Tax Regulation Code, Campaign and Governmental Conduct Code, Elections Code, Fire Code, Health Code, Park Code, Planning Code, Police code, Port Code, Public Works Code, Subdivision Code, Traffic Code and Zoning Maps. The Building, Electrical,

Housing, Mechanical and Plumbing Codes also are part of the overall San Francisco Municipal Codes.

Neutrality – Not expressing an opinion or taking actions that support either side in a situation or disagreement.

Preferential – Advantage, favor, special treatment or priority given to one individual or group over another.

Professional Conduct – Values commonly accepted to be desirable in every workplace for every employee (i.e. Service, Fairness, Integrity, Honesty, Consistency, Professionalism).

Professional Standards – A set of agreed-upon behaviors that encourage, support and foster professional conduct.

Professionalism – Professionalism is the combination of all the characteristics that are connected with trained and skilled people; the quality of the work one does; the attitude, methods, or standards of a professional.

Public trust – The public's confidence in the department's ability to serve them in accordance with regulatory codes and other law, City policies and generally accepted standards of professionalism.

SYMBOLS USED IN POLICIES SECTION



Reference to full text.



Reference to website.



Reference to telephone number.

EXHIBIT 2

DRAFT: Letters to DPH and SFUSD re: DBI One Stop/OTC

From: Walter Wong [REDACTED]

To: [REDACTED]

Date: Wednesday, May 22, 2013, 12:20 PM PDT

After "Please call my cell at [REDACTED], or call my assistant, Carolyn Jayin, at 558-6131, and we will arrange a time that works for both our schedules."

Add new paragraph: "Our goal is to implement this coordinated permit review and approval process effective July 1, 2013."

From: Tom [mailto:[REDACTED]]

Sent: Wednesday, May 22, 2013 7:45 AM

To: Walter Wong

Subject: Fwd: DRAFT: Letters to DPH and SFUSD re: DBI One Stop/OTC

Hi Walter,

Please, help me to review both letters and a starting date may need to add. I would like to send it out tomorrow.

Thanks

Tom

Sent from my iPhone

Begin forwarded message:

From: "Hui, Tom" <tom.hui@sfgov.org>

Date: May 22, 2013, 7:39:03 AM PDT

To: Home <[REDACTED]>

Subject: Fwd: DRAFT: Letters to DPH and SFUSD re: DBI One Stop/OTC

Sent from my iPhone

Begin forwarded message:

From: "Hui, Tom" <tom.hui@sfgov.org>

Date: May 21, 2013, 3:35:18 PM PDT

To: "Buckley, Jeff" <jeff.buckley@sfgov.org>

Subject: RE: DRAFT: Letters to DPH and SFUSD re: DBI One Stop/OTC

Here are our revisions for your review.

Tom C. Hui, S.E., C.B.O.
Acting Director
City & County of San Francisco
Department of Building Inspection
1660 Mission Street
San Francisco CA 94103
415-558-6131 Phone | 415-558-6225 Fax
Tom.Hui@sfgov.org

From: Buckley, Jeff
Sent: Tuesday, May 21, 2013 9:59 AM
To: Hui, Tom
Subject: RE: DRAFT: Letters to DPH and SFUSD re: DBI One Stop/OTC

See attached... you may want to add something other than maher if you want food service EH personnel there in the one stop as well...

Jeff Buckley | Senior Advisor
Office of Mayor Edwin M. Lee
City and County of San Francisco

Jeff.Buckley@sfgov.org
(415) 554-7925

From: Hui, Tom
Sent: Monday, May 20, 2013 10:17 AM
To: Buckley, Jeff
Subject: RE: DRAFT: Letters to DPH and SFUSD re: DBI One Stop/OTC

Jeff,

See attached.

Tom C. Hui, S.E., C.B.O.
Acting Director
City & County of San Francisco
Department of Building Inspection
1660 Mission Street
San Francisco CA 94103
415-558-6131 Phone | 415-558-6225 Fax
Tom.Hui@sfgov.org

From: Buckley, Jeff
Sent: Monday, May 20, 2013 10:13 AM

To: Hui, Tom

Subject: RE: DRAFT: Letters to DPH and SFUSD re: DBI One Stop/OTC

Tom,

Send it to me as a word doc so I can edit it for you. It will save us both time.

One suggested policy change:

As for the school department, you can give them the choice: staff at your one-stop or give DBI the authority and ability to collect and sign for fees on behalf of SFUSD. I suggest a choice because they may not have staff to do this who can come onsite. That may require an MOU or something like that. But you should explain that it will improve the efficiency by which they get this source of funding. Again I may be off on the sign off part of this so I defer to DBI on what exactly is needed. But I think it should be staff or give us the authority to do these tasks (insert here) on your behalf. Explain how you will provide transparency in accounting.

Jeff Buckley | Senior Advisor
Office of Mayor Edwin M. Lee
City and County of San Francisco

Jeff.Buckley@sfgov.org
(415) 554-7925

From: Hui, Tom

Sent: Thursday, May 16, 2013 11:00 AM

To: Buckley, Jeff

Subject: DRAFT: Letters to DPH and SFUSD re: DBI One Stop/OTC

Jeff,

Please see attached drafts to DPH and SFUSD regarding the DBI One Stop/OTC operations.

Please review and comment.

Thank you.

Tom C. Hui, S.E., C.B.O.
Acting Director
City & County of San Francisco
Department of Building Inspection

1660 Mission Street
San Francisco CA 94103
415-558-6131 Phone | 415-558-6225 Fax
Tom.Hui@sfgov.org

EXHIBIT 3

Table

From: Walter Wong [REDACTED]

To: [Tom Hui Personal Email]

Date: Wednesday, November 4, 2015, 12:35 PM PST

Review each property thoroughly:

- List all complaints (pending and recently completed) for each property address
 - Identify complaint numbers
 - List when the complaint was filed and by whom
 - Find out status
 - Number of notices and inspections
 - Refer to CES, Director's Hearing
 - Compliant abated

- List all Building Permit Applications (BPA) – pending applications, recently issued, and recently completed
 - Also include permit issuance dates
 - For pending application, find out status

- Verify that a BPA has been filed to abate compliant

Re: Table

From: Hui, Tom (DBI) (tom.hui@sfgov.org)

To: carolyn.jayin@sfgov.org

Date: Monday, November 2, 2015, 11:55 AM PST

Thanks Carolyn,

Tom C. Hui, S.E., C.B.O.

Director

許子鴻, 局長

City & County of San Francisco

Department of Building Inspection

1660 Mission Street, Sixth Floor

San Francisco CA 94103

415-558-6131 Phone

415-558-6225 Fax

Email: Tom.Hui@sfgov.org

Web: www.sfdbi.org

Sent from my iPhone

On Nov 2, 2015, at 11:48 AM, Jayin, Carolyn (DBI) <carolyn.jayin@sfgov.org> wrote:

Carolyn Jayin

Executive Secretary to the Director

City & County of San Francisco

Department of Building Inspection

1660 Mission Street, 6th Floor

San Francisco CA 94103

415-558-6131 Phone | 415-558-6225 Fax

Email: Carolyn.Jayin@sfgov.org | Web: www.sfdbi.org



From: Hui, Tom (DBI)

Sent: Monday, November 02, 2015 11:46 AM

Address	Permit Application Number	Description of Work	NOV	NOV Issue Date	DI
		REDACTED			
1465 Revere	200710125316				
1465 Revere	201510099405				
1351 Revere	201204208762				
1351 Revere	201507010461				
1351 Revere	201507010461				
1824 Jennings	200810083727				
1824 Jennings	201204208766				
1395 Shafter	201212136135				
1395 Shafter	201306139488				
1290 Shafter	9705411				
1290 Shafter	201112160869				
1187 Pelou	201110277715				
38 Carr	201306139491				
1083 Hollister	200704279875				
1050 Gilman	201011124873				
1050 Gilman	201103303150				
1270-1272 Fitzgerald	200804210209				
1270-1272 Fitzgerald	201510099407				
1656-1658 Newcomb	201504234512				
1656-1658 Newcomb	201510099408				
1715 Newcomb	201409126234				
1715 Newcomb	201409126234				
1715 Newcomb	201305156982				
1190 Revere	201409035359				
1245 Saint Charles	201506169054				
152 Judson	200712120295				

Address	Permit Application Number	Description of Work	NOV	NOV Issue Date
152 Judson	200904095945	REDACTED		
1519 Revere	200803217766			

NOV Referenced/Legalizing Use

EXHIBIT 4

RE: Class 5201 Junior Engineer, Streets and Highways Section Interview - Monday, June 27, 2011

From: Walter Wong [REDACTED]
To: Tom Hui Personal Email
Date: Tuesday, June 21, 2011, 10:10 PM PDT

Can he do a phone interview

-----Original Message-----

From: Tom Hui [mailto:Tom Hui Personal Email]
Sent: Tuesday, June 21, 2011 8:14 AM
To: [REDACTED]
Subject: Fwd: Class 5201 Junior Engineer, Streets and Highways Section Interview - Monday, June 27, 2011

Hi Walter,

Please, help my son to change the interview date.

Thanks

Tom

--- On Mon, 6/20/11, Jason Hui <[REDACTED]> wrote:

> **From:** Jason Hui <[REDACTED]>
> **Subject:** Fwd: Class 5201 Junior Engineer, Streets and Highways Section
> Interview - Monday, June 27, 2011
> **To:** "Tom Hui" [Tom Hui Personal Email]
> [REDACTED] Monday, June 20, 2011, 9:17 PM

>

>

> ----- Forwarded
> message -----
> **From:** Jason Hui

> <[REDACTED]>

>

> **Date:** Mon, Jun 20, 2011 at 9:17 PM
> **Subject:** Re: Class 5201 Junior Engineer, Streets and Highways Section
> Interview - Monday, June 27, 2011
> **To:** "Mah, Max" <Max.Mah@sfdpw.org>

>

> **Cc:** [REDACTED]
> [REDACTED],
> "Lee, Mimi Y" <Mimi.Y.Lee@sfdpw.org>,
> "Wong, Melinda" <Melinda.Wong@sfdpw.org>

>

>

>

> Dear Mr. Mah,

>

> I have a conflict with my scheduled interview appointment.
> As mentioned during our phone conversation, I will be out of town

> during my scheduled appointment. I would be available on Tuesday, June
> 28th. Attached is my flight itinerary which verifies my schedule
> conflict. I really look forward to interviewing with DPW, but due to
> my schedule conflict, I am unable to attend as scheduled. I hope that
> we can rearrange our meeting to Tuesday. Sorry for the inconvenience
> and thank you for your consideration.

>

>

>

> Sincerely,

>

> Jason Hui

> M.S. Candidate

>

> Structural Engineering

>

> Department of Civil & Environmental Engineering

>

> University of California,

> Davis

>

> On Mon, Jun 20, 2011

> at 4:56 PM, Mah, Max <Max.Mah@sfdpw.org>

> wrote:

>

>

>

> Dear Jason

> Hui, This is to confirm your

> interview time for the Class 5201 Junior Engineer position with the

> City and County of San Francisco, Department of Public Works, Bureau

> of Engineering, Streets and Highways Section.

>

>

> Your interview time

> is 10:30 AM, Monday, June 27, 2011, at 1680 Mission, 3rd Floor, San

> Francisco, CA 94103.

>

>

> If you are unable to

> make it please contact me as soon as possible so we can adjust our

> schedule accordingly.

>

>

> Please confirm your

> acceptance with Mimi Lee, by email, at mimi.y.lee@sfdpw.org.

>

>

>

> Thank

> you, Max Mah

>

>

> Department of Public

> Works30 Van Ness Ave. 5th

> FL

>

>

> (415)

> 558-4573Max.Mah@sfdpw.org

>