

December 26, 2023

(Updated January 5, 2024 to include Candidate's response)

Staff Summary Report

Expanded Compliance Control

Identified Candidate:

Tad Van Nguyen



Staff Summary Report¹

The Building Inspection Division (BID) has identified the above-named individual as a candidate for Expanded Compliance Control pursuant to San Francisco Building Code (SFBC) section 103A.6. On December 8, 2022, the Candidate was notified in writing² that they have been associated with three or more qualifying Notices of Violation (NOV) within eighteen (18) months and are therefore eligible to be added to the Expanded Compliance Control List. The Candidate's response is attached to this Staff Report. Despite the response, BID still feels that the Candidate should be placed on the Expanded Compliance Control list.

This determination is based on our review of the following Notice of Violations (NOVs) in which the Candidate was associated as the contractor:

1. **1237 Shafter Avenue NOV # 202288508** (issued March 10, 2022): *Demolition beyond scope of approved plans. Existing rear 2 story addition has been demolished. Approved plans show addition between gridlines 2-4 to be saved. Code section: SFBC 106A.4.7.* These violations described above are significant violations as described in SFBC section 103A.6.1. The Candidate is listed as the contractor on permit application #'s 201809281772 (legalization and rehabilitation of rear addition and stairs).
2. **1239 Shafter Avenue NOV # 202288535** (issued March 14 2022): *Site Inspection has revealed excavation at east and west property lines beyond scope of approved permits. Both sides excavated at PL below neighbors footing removing lateral support. West side also Underpinned neighbors footing at 2 sections w/out approved revision. Shoring permit not obtained per plans. Code/Section: SFBC 106.4.7.* These violations described above are significant violations as described in SFBC section 103A.6.1. The Candidate is listed as the contractor on permit application #'s 201809281772 (legalization and rehabilitation of rear addition and stairs).

¹ Pursuant to SFBC section 103A.6.3.2.

² Pursuant to SFBC section 103A.6.3.2.

rear yard stair/deck structures have been demolished and rebuilt with a new configuration. Both fences along public right of way at Lane St and Thomas Av have been demolished and rebuilt to approximately 6 feet high. Code/Section: 106.1.1, 106.4.7, 106.4.4, 107.1 These violations described above are significant violations as described in SFBC section 103A.6.1. The Candidate is listed as the contractor on permit application #'s 202210245021 (for complete painting overlay 3/4" ext. wood paneling over existing PT plywood for painting less than 100 sq. ft.). This was the only active building permit at the time of the violation.

4. **352 Head Street NOV # 202309896** (issued June 27, 2023) *Following a site visit to 350 Head St, it was observed that framing has begun at 352 Head St. The entire ground floor has been framed and 2nd floor exterior walls have been framed and stood up. Approved plans have the exterior walls - the current walls do not have the required 5/8 Type X sheetrock and blind wall was not inspected. Code/Section: SFBC 108A.7.1* These violations described above are significant violations as described in SFBC section 103A.6.1. The Candidate is listed as the contractor on permit application #'s 202101192885 (for new construction of a 3 story, 2 dwelling unit structure). This was the only active building permit at the time of the violation.

The following factors, as set forth in SFBC section 103A.6.3.1, support the conclusion below that this candidate should be placed on the Expanded Compliance Control List:

- The Candidate was the contractor at each of these properties at the time of Violation.
- The extensive work without a valid permit, and therefore without the critical Department oversight that is necessary to ensure the work was code compliant, potentially impacts individual or public health and safety.
- The Candidate accumulated these three serious violations at three different properties in less than one year.

Therefore, SFBC section 103A.6.4.2 mandates that the Department perform the following Expanded Compliance Control measures for each individual placed on the Expanded Compliance Control List ("listee"):

1. Provide the Director's final determination and findings to any applicable licensing board or regulatory agency (if any)
2. Require all new or existing permits or addenda submitted by, or containing reference to, a listee undergo Expanded Compliance Control by senior Plan Review Services staff and review at intake by applicable departments
3. Require site inspections by DBI and the Planning Department prior to permit issuance for projects submitted by or containing reference to the listee;
4. Require a licensed contractor be named on a permit prior to issuance, unless the applicant is filing for the permit as an Owner-Builder, in conformance with Cal. Health & Safety Code section 19825;
5. Dedicate a Senior Inspector to respond to complaints and conduct all inspections regarding the listee;
6. Consult with City Attorney, if warranted, about any other enforcement options; and
7. Though not mandated, the Department will notify the listee and all other parties associated with the listee on a permit application or addenda of the Expanded Compliance Control requirements.

RECOMMENDED:



Kevin Birmingham
Acting Chief Building Inspector

APPROVED:



Matthew Greene
Acting Deputy Director



Patrick O'Riordan,
Director C.B.O.



NOTICE OF VIOLATION

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

DEPARTMENT OF BUILDING INSPECTION
City and County of San Francisco
49 South Van Ness Ave, Suite 400 San Francisco, CA

NOTICE: 1

NUMBER: 202288508
DATE: 10-MAR-22

ADDRESS: 1237 SHAFTER AV

OCCUPANCY/USE: ()

BLOCK: 4792 LOT: 025

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

OWNER/AGENT: REID AMANDA
MAILING REID AMANDA
ADDRESS

PHONE #: --

PERSON CONTACTED @ SITE:

VIOLATION DESCRIPTION:

PHONE #: --

CODE/SECTION#

103A

106A.4.7

106A.4.4; 106A.3.7

102A.1

- ☐ WORK WITHOUT PERMIT
☒ ADDITIONAL WORK-PERMIT REQUIRED
☐ EXPIRED OR ☐ CANCELLED PERMIT PA#:
☐ UNSAFE BUILDING ☒ SEE ATTACHMENTS

Demolition beyond scope of approved plans. Existing rear 2 story addition has been demolished. Approved plans show addition between gridlines 2-4 to be saved.
Code/Section: SFBC 106A.4.7

Monthly monitoring fee applies.
Code/Section: SFBC 110A, Table 1A-K

CORRECTIVE ACTION:

☒ STOP ALL WORK SFBC 104.2.4

- ☒ FILE BUILDING PERMIT WITHIN 30 DAYS ☒ (WITH PLANS) A copy of This Notice Must Accompany the Permit Application
☒ OBTAIN PERMIT WITHIN 60 DAYS AND COMPLETE ALL WORK WITHIN 90 DAYS, INCLUDING FINAL INSPECTION SIGNOFF.
☒ CORRECT VIOLATIONS WITHIN 90 DAYS. ☐ NO PERMIT REQUIRED
☐ YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED , THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

- FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN.
SEE ATTACHMENT FOR ADDITIONAL WARNINGS.

Stop all work associated with 201809281772. Obtain revision permit with DCP approval documenting all changes from original approved plans. Obtain all required inspections on revision permit including corresponding Plumbing and Electrical.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

- ☐ 9x FEE (WORK W/O PERMIT AFTER 9/1/60) ☒ 2x FEE (WORK EXCEEDING SCOPE OF PERMIT) ☐ NO PENALTY
☐ OTHER: ☐ REINSPECTION FEE \$ (WORK W/O PERMIT PRIOR TO 9/1/60)

APPROX. DATE OF WORK W/O PERMIT 10-MAR-22 VALUE OF WORK PERFORMED W/O PERMITS \$20000

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: Philip Saunders

PHONE # 628-652-3608

DIVISION: BID

DISTRICT : 11

By:(Inspectors's Signature) _____



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

DEPARTMENT OF BUILDING INSPECTION NOTICE: 1
City and County of San Francisco
49 South Van Ness Ave, Suite 400 San Francisco, CA

NUMBER: 202288535
DATE: 14-MAR-22

ADDRESS: 1239 SHAFER AV

OCCUPANCY/USE: ()

BLOCK: 4792 LOT: 025

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

OWNER/AGENT: REID AMANDA
MAILING REID AMANDA
ADDRESS [REDACTED]

PHONE #: --

PERSON CONTACTED @ SITE:

PHONE #: --

VIOLATION DESCRIPTION:

CODE/SECTION#

103A

106A.4.7

106A.4.4; 106A.3.7

102A.1

- ☐ WORK WITHOUT PERMIT
☒ ADDITIONAL WORK-PERMIT REQUIRED
☐ EXPIRED OR ☐ CANCELLED PERMIT PA#:
☐ UNSAFE BUILDING ☒ SEE ATTACHMENTS

Site Inspection has revealed excavation at east and west property lines beyond scope of approved permits. Both sides excavated at PL below neighbors footing removing lateral support. West side also Underpinned neighbors footing at 2 sections w/out approved revision. Shoring permit not obtained per plans.

Code/Section: SFBC 106.4.7

Monthly monitoring fee applies.

Code/Section: SFBC 110A, Table 1A-K

CORRECTIVE ACTION:

☒ STOP ALL WORK SFBC 104.2.4

☒ FILE BUILDING PERMIT WITHIN 15 DAYS

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

☒ OBTAIN PERMIT WITHIN 30 DAYS AND COMPLETE ALL WORK WITHIN 60 DAYS, INCLUDING FINAL INSPECTION SIGNOFF.

☐ CORRECT VIOLATIONS WITHIN DAYS.

☐ NO PERMIT REQUIRED

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

- FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN.
SEE ATTACHMENT FOR ADDITIONAL WARNINGS.

Obtain evaluation and direction from a licensed professional engineer and submit to DBI within 48 hours. File for and obtain Revision permits and inspections as required.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

☐ 9x FEE (WORK W/O PERMIT AFTER 9/1/60) ☒ 2x FEE (WORK EXCEEDING SCOPE OF PERMIT)

☐ OTHER:

☐ REINSPECTION FEE \$

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

APPROX. DATE OF WORK W/O PERMIT

VALUE OF WORK PERFORMED W/O PERMITS \$20000

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: Philip Saunders

PHONE # 628-652-3608

DIVISION: BID

DISTRICT : 11

By:(Inspector's Signature) _____



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

DEPARTMENT OF BUILDING INSPECTION
City and County of San Francisco
49 South Van Ness Ave, Suite 400 San Francisco, CA

NOTICE: 1

NUMBER: 202297682

DATE: 31-OCT-22

ADDRESS: 1600 THOMAS AV

OCCUPANCY/USE: R-3 (RESIDENTIAL- 1 & 2 UNIT DWELLINGS, TOWNHOUSES) BLOCK: 5359 LOT: 013

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

OWNER/AGENT: MADISON MAVERICK H
MAILING ADDRESS: MADISON MAVERICK H
[REDACTED]

PHONE #: --

PERSON CONTACTED @ SITE: MADISON MAVERICK H

PHONE #: --

VIOLATION DESCRIPTION:

CODE/SECTION#

- ☐ WORK WITHOUT PERMIT
☒ ADDITIONAL WORK-PERMIT REQUIRED
☐ EXPIRED OR ☐ CANCELLED PERMIT PA#:
☐ UNSAFE BUILDING ☒ SEE ATTACHMENTS

103A

106A.4.7

106A.4.4; 106A.3.7

102A.1

Following a complaint and a subsequent site visit, it has been discovered that work has exceeded beyond PA# 2022-1024-5021. Two rear yard stair/deck structures have been demolished and rebuilt with a new configuration. Both fences along public right of way at Lane St and Thomas Av have been demolished and rebuilt to approximately 6 feet high.

Code/Section: 106.1.1, 106.4.7, 106.4.4, 107.1

CORRECTIVE ACTION:

☒ **STOP ALL WORK SFBC 104.2.4**

- ☒ FILE BUILDING PERMIT WITHIN 30 DAYS ☒ (WITH PLANS) A copy of This Notice Must Accompany the Permit Application
☒ OBTAIN PERMIT WITHIN 60 DAYS AND COMPLETE ALL WORK WITHIN 90 DAYS, INCLUDING FINAL INSPECTION SIGNOFF.
☐ CORRECT VIOLATIONS WITHIN DAYS. ☐ NO PERMIT REQUIRED
☐ YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED , THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

- FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN.
SEE ATTACHMENT FOR ADDITIONAL WARNINGS.

File for a new building permit with accurate separate existing and proposed plans. City planning department review will be required on this permit.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

- ☐ 9x FEE (WORK W/O PERMIT AFTER 9/1/60) ☒ 2x FEE (WORK EXCEEDING SCOPE OF PERMIT) ☐ NO PENALTY
☐ OTHER: ☐ REINSPECTION FEE \$ (WORK W/O PERMIT PRIOR TO 9/1/60)

APPROX. DATE OF WORK W/O PERMIT 17-OCT-22 VALUE OF WORK PERFORMED W/O PERMITS \$25000

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: Jonathan Chiu

PHONE # 628-652-3646

DIVISION: BID

DISTRICT: 11

By: (Inspector's Signature) _____



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

DEPARTMENT OF BUILDING INSPECTION
City and County of San Francisco
49 South Van Ness Ave, Suite 400 San Francisco, CA

NOTICE: 1

NUMBER: 202309896
DATE: 27-JUN-23

ADDRESS: 352 HEAD ST

OCCUPANCY/USE: 0

BLOCK: 7116 LOT: 048

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

OWNER/AGENT: KIM NGUYEN
MAILING KIM NUGYEN
ADDRESS

PHONE #: --

PERSON CONTACTED @ SITE:

PHONE #: --

VIOLATION DESCRIPTION:

CODE/SECTION#

103A

106A.4.7

106A.4.4; 106A.3.7

102A.1

- ☐ **WORK WITHOUT PERMIT**
☐ **ADDITIONAL WORK-PERMIT REQUIRED**
☐ **EXPIRED OR** ☐ **CANCELLED PERMIT PA#:**
☒ **UNSAFE BUILDING** ☒ **SEE ATTACHMENTS**

Following a site visit to 350 Head St, it was observed that framing has begun at 352 Head St. The entire ground floor has been framed and 2nd floor exterior walls have been framed and stood up. Approved plans have the exterior walls - the current walls do not have the required 5/8 Type X sheetrock and blind wall was not inspected.
Code/Section: SFBC 108A.7.1

Monthly monitoring fee applies.

Code/Section: SFBC 110a Table 1A-K

CORRECTIVE ACTION:

☒ **STOP ALL WORK SFBC 104.2.4**

- ☐ **FILE BUILDING PERMIT WITHIN DAYS** ☐ **(WITH PLANS)** A copy of This Notice Must Accompany the Permit Application
☐ **OBTAIN PERMIT WITHIN DAYS AND COMPLETE ALL WORK WITHIN DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.**
☒ **CORRECT VIOLATIONS WITHIN 15 DAYS.** ☒ **NO PERMIT REQUIRED**
☐ **YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED , THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.**

- **FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN.**
SEE ATTACHMENT FOR ADDITIONAL WARNINGS.

Deconstruct walls and install required 5/8" Type X sheetrock to achieve 1 HR exterior wall assembly. Call for inspection before reinstalling exterior walls.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

- ☐ **9x FEE (WORK W/O PERMIT AFTER 9/1/60)** ☐ **2x FEE (WORK EXCEEDING SCOPE OF PERMIT)**
☐ **OTHER:** ☐ **REINSPECTION FEE \$** ☒ **NO PENALTY (WORK W/O PERMIT PRIOR TO 9/1/60)**

APPROX. DATE OF WORK W/O PERMIT

VALUE OF WORK PERFORMED W/O PERMITS \$

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: Kevin T Birmingham

PHONE # 628-652-3606

DIVISION: BID

DISTRICT:

By: (Inspector's Signature) _____

Greene, Matthew (DBI)

From: tad nguyen [REDACTED]
Sent: Thursday, January 4, 2024 6:55 PM
To: Birmingham, Kevin (DBI)
Cc: Greene, Matthew (DBI); O'Riordan, Patrick (DBI); DBICUSTOMERSERVICE, DBI (DBI)
Subject: Re: Expanded Compliance Control

Hi Kevin,

Per our last meeting on Dec. 21, 2023 at your office. At the meeting, I rebutted your letter dated december 8, but you didn't recall the letter details due to it being automated. In turn, you asked me to put in email and copy Matt.

It was the end of the year, so I asked for more time after next year perhaps.

Here are my responses and appeal:

1. Complaint No. 202288508 1237 Shafter Street.

It is a single dwelling with 2 addresses, the upper level is 1237 Shafter, the lower level is 1239 Shafter Street. Before we accept the job offer. The building was in 5 NOVs. involved unsafe, no footing, illegal height and addition.

We raised the building to make the height legal, and found that the building got no footing, for safety pur[p]ose, the building raiser demolished the lower section. We rebuilt all perimeter concrete footing per code. We called for inspections, Phil Saunder, inspector, cited us for not having a demo permit.

We resolved all this with plans and permits approved, we moved on and completed the project with the CoC.

2. Complaint No. 202288535 1239 Shafter Street, same as above.

3. Complaint No. 202297682 1600 Thomas Street.

The owner knew us from the neighborhood. Came to meet us with NOV, asked us for help to resolve all issues with plans, approved by the Planning dept.. We completed the project with building inspector approval.

4. Complaint No. 202309896 352 Head St.

Per an inspector observation, cited that we constructed the blind walls w/o fire rated 5/8" sheetrock exterior layer. We obliged, removed and rebuilt, inspected and approved by Mauricio Hernandez and you (Kevin B.). Later we found that the approved building plan had called for Fire permits, plans and Fire Sprinklers. Due to the Fire Sprinkler required by the approved fire plan. We were just wondering if the 5/8" sheetrock required an exterior layer?? Anyhow, we got a permit for the correction filed.

We strongly believe that we are helping and contributing to the city to improve more living space, condition, and safety for a viable city.

I also strongly believe that the Expanded Compliance Control is unfounded, unreasonable!

Thank you for your time.

Tad
[REDACTED]