

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Allison Lopez, Special Agent with the Federal Bureau of Investigation, being duly sworn, state:

INTRODUCTION

1. This affidavit is presented in support of a criminal complaint and application for summonses and arrest warrants for Bernard CURRAN (“CURRAN”) and Rodrigo SANTOS (“SANTOS”) for their honest services wire fraud in violation of 18 U.S.C. §§ 1343 and 1346.
2. CURRAN was a Senior Building Inspector at the Department of Building Inspection (DBI) in San Francisco, California, where CURRAN worked since 2005. On May 20, 2021, CURRAN was placed on paid administrative leave pending the findings of an investigation by the San Francisco City Attorney’s Office into unreported income and gifts. After being placed on leave, CURRAN resigned from his position at DBI.
3. SANTOS is a prominent structural engineer in San Francisco, California. SANTOS was the principal and co-founder of SANTOS & Urrutia Structural Engineers, Inc. (“S&U”), a structural engineering company based in the Mission neighborhood. Over the last two decades, SANTOS has received several political appointments related to his engineering work. For example, Mayor Willie Brown appointed SANTOS to the San Francisco Building Inspection Commission (BIC) in 2000. In 2004, Mayor Gavin Newsom appointed SANTOS as BIC President. In 2012, Mayor Ed Lee appointed SANTOS to the City College Board of Trustees in San Francisco. SANTOS’ day-to-day work consists of providing engineering services to clients and working with project owners and other

contractors through his structural engineering company. This includes work obtaining building permits from local municipalities, including San Francisco.

4. I submit that there is probable cause to find that CURRAN and SANTOS committed honest services wire fraud. As set forth in greater detail below, SANTOS knew that CURRAN supported and participated in activities at the San Francisco Golden Gate Rugby Association, a non-profit organization where CURRAN volunteers and where one of CURRAN's children plays rugby. SANTOS leveraged CURRAN's affinity for the organization to influence CURRAN's official duties as a DBI inspector. Specifically, SANTOS urged his clients to make charitable contributions to the Golden Gate Rugby Association, and in exchange for the stream of benefits flowing to the charity, CURRAN gave SANTOS' clients favorable official treatment. In at least two instances, CURRAN gave final inspection approval on permits for SANTOS' clients without the work necessary to comply with the permit ever being completed. Most of the projects for which CURRAN gave approval for SANTOS' donor-clients were outside of the district to which CURRAN was assigned with DBI, and as such, the inspections should have been the responsibility of another Senior Building Inspector or their subordinates.

AFFIANT BACKGROUND

5. I am a Special Agent with the Federal Bureau of Investigation and have been since January 2016. I received approximately 20 weeks of training at the FBI Academy in Quantico, Virginia. During that time, I received training in various areas including evidence collection, interviewing, legal procedure and process, source management, investigative technology, firearms and tactical training, and defensive tactics. I am currently assigned to the Public Corruption squad of the FBI's San Francisco Field Division. I am

responsible for investigating, among other things, violations concerning bank and wire fraud, bribery, obstruction of justice, and extortion. Prior to my work in Public Corruption, I was assigned to the Violent Crimes Against Children squad. I have a master's degree in Forensic Psychology, and I am a certified Crisis Negotiator.

6. I am an "investigative or law enforcement officer of the United States" within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 2516. The contents of this affidavit are based upon the following: my own investigation; information obtained from other law enforcement agencies; my review of documents and computer records related to this investigation; oral and written communications with others who have personal knowledge of the events and circumstances described herein; review of public information, including information available on the Internet; review of records received via legal process; and my experience and background as a special agent of the FBI. Statements made by witnesses and other individuals referenced in this affidavit have been paraphrased. Since this affidavit is being submitted for the limited purpose of securing an arrest warrant and order, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that violations of United States laws occurred.

APPLICABLE LAW

7. Title 18, United States Code, Sections 1343 and 1346, prohibit honest services wire fraud.

The elements of the offense are as follows:

1. The defendant knowingly devised or participated in a scheme to defraud the public of its right to the honest services of a public official through bribery or kickbacks in breach of the official's fiduciary duty;
 2. The defendant did so knowingly and with an intent to defraud, that is, the intent to deceive or cheat the public of honest services;
 3. The scheme or artifice to defraud involved a deception, misrepresentation, false statement, false pretense, or concealment that was material; and
 4. The defendant used, or caused to be used, an interstate or foreign wire communication to carry out or attempt to carry out an essential part of the scheme.
8. While I submit that the evidence set forth below demonstrates that SANTOS facilitated a stream of benefits to CURRAN's favorite charity in exchange for official action, honest services wire fraud does not require the bribe or kickback be completed, or that official action was actually taken, because the criminal act is the creation of a "scheme" to defraud. *See Pasquantino v. United States*, 544 U.S. 349, 371(2005) ("the wire fraud statute punishes the scheme, not its success") (citations quotations omitted); *Schreiber Distrib. Co. v. Serv-Well Furniture Co.*, 806 F.2d 1393, 1400 (9th Cir. 1986) (for mail and wire fraud, it is not necessary to show that the scheme was successful or that the intended victim suffered a loss or that the defendants secured a gain); *see also United States v. Kimbrew*, 944 F.3d 810, 815 (9th Cir. 2019) (ability for bribery of a public official, in violation of 18 U.S.C. § 201(b)(2)(A), "does not depend on an outcome; the offense is complete at the moment of agreement, and that agreement need not even be accompanied by the bribe recipient's genuine intentions to follow through"). In addition, "anyone who

knowingly and intentionally participates in the execution of [a] fraudulent scheme comes within the prohibition of the mail and wire fraud statutes regardless of whether the defendant devised the scheme.” *United States v. Holden*, 908 F.3d 395, 400 (9th Cir. 2018) (citation omitted), *cert. denied*, 139 S. Ct. 1645 (2019).

THE SAN FRANCISCO DEPARTMENT OF BUILDING INSPECTION

9. The San Francisco Department of Building Inspection (“DBI”) is the regulatory agency responsible for overseeing the enforcement of building, electrical, plumbing, disability access, and housing codes for commercial and residential buildings in the City and County of San Francisco. DBI’s enforcement of building codes is complex, and as such, most property owners seeking to build or renovate in San Francisco rely on professionals to navigate the system on their behalf—usually a contractor, engineer, and/or permit expediter.
10. The first hurdle that a property owner must clear to shepherd a project from inception to completion is to obtain a permit from DBI. The permitting process is designed to ensure that the proposed construction or renovation project will comply with all applicable codes and ordinances. To obtain a permit, the property owner (“sponsor”) or the sponsor’s representative (contractor, engineer, or expediter) must apply for a permit by completing a permit application and submitting other necessary paperwork to DBI. If the project is sufficiently broad in scope, the sponsor must submit plans along with the permit application. Depending on the “scope of work” described in the application, the plans/permit may require review by one or more specialized departments, including the SF Housing Authority, Fire Safety, Plumbing, or Electrical. If DBI determines that the application and plans comply with all applicable codes, DBI will formally issue a building

permit authorizing the project to commence according to the approved scope of work and plans. The project sponsor is not authorized to make any material changes to the property until DBI issues a building permit and the sponsor pays any fees associated with the permit (usually calculated as a percentage of the total project costs).

11. Another critical regulatory hurdle is a physical inspection of the work by a DBI building inspector. The purpose of the inspection is to verify that the job has been completed according to the scope of work and plans authorized by the permit. Normally, a DBI inspector with responsibility over the district where the property is located will conduct the inspection.¹ According to DBI procedures, line inspectors conduct most inspections while the senior building inspectors supervise line inspectors and weigh in on unusual issues, usually at the request of a line inspector. A given project may require multiple inspections, depending on the scope of work. For instance, a bathroom addition may require an interim inspection to confirm that all pipes and plumbing components have been properly installed before the contractor covers the pipes with drywall (called an “ok to cover” inspection).

12. According to a DBI Official (“DBI Official-1”), during a typical final inspection, a DBI inspector should go to the subject property with the project sponsor or the sponsor’s representative, who should provide the inspector with the approved permit and plans. The inspector should examine the permit and plans to determine whether the sponsor completed the work properly. If the work has been completed according to the approved plans, the inspector should “final” the permit and, if applicable, issue a certificate of final

¹ Each line DBI building inspector is assigned to one of 18 geographic districts in the City. Each inspector has primary responsibility for conducting building inspections in his/her district. Senior building inspectors are assigned to supervise multiple districts and the line supervisors assigned to those districts.

completion and occupancy (“CFC”), which gives the sponsor the legal authority to begin using the property for its approved purpose (*e.g.*, residential, office, retail, or other use). If the project has not been completed according to the permit and plans, the inspector should note the discrepancies and instruct the sponsor to remedy the issue before “finaling” the permit and issuing a CFC.

13. DBI maintains a public-facing online database, the “Permit Tracking System” or “PTS”, which contains approval and inspection information for each permit issued in San Francisco. According to DBI procedure, building inspectors must log property inspections in PTS, including the date, purpose, inspector’s name, and findings.

FACTS SUPPORTING PROBABLE CAUSE

SANTOS solicited donations from his clients intending to use them to influence CURRAN.

14. As set forth in the paragraphs below, text messages found on SANTOS’ cell phone (which was searched and seized pursuant to a federal search warrant) show that SANTOS solicited individuals for donations to the San Francisco Golden Gate Rugby Association while attributing the charity to CURRAN.² As demonstrated by the messages below, SANTOS most often requested a donation from his clients immediately after discussing an official action by CURRAN (*e.g.* issuing final inspection approval, coming to the client’s property for a final inspection, or issuing a CFC). As will be discussed in greater detail below, on several occasions SANTOS informed his client’s that checks written to the rugby association were intended to help influence CURRAN, but SANTOS deposited

² On numerous occasions, when directing his clients to write checks to the organization, SANTOS incorrectly stated the name of the organization. However, the charity still deposited these checks and many others like them, despite the “pay to the order” line of the check often having a variation on the name of the charity (*e.g.* “Golden Gate Youth Rugby Association” or “Golden Gate Rugby Foundation”), rather than the correct name.

those checks into his own person checking account instead of passing them along to CURRAN.

900 Block of Guerrero Street

15. On June 8, 2017, SANTOS and “Client-1”³ exchanged the following text messages about permitting issues related to Client-1’s renovation project:

Client-1 (to SANTOS): Some mortgage brokers are concerned that their lenders won’t close if there is only a TCO⁴. Can we get a CO by July 1?

SANTOS (to Client-1): Yes. Write a check payable to San Francisco Golden Gate Rugby association for \$1,500.00 (Bernie Curran’s club). Curran will issue the CFC.

Client-1 (to SANTOS): Okay. Should I drop it by tomorrow?

SANTOS (to Client-1): Yes please.

16. Between June and October 2017, SANTOS and Client-1 continued to exchange text messages relating to the project on the 900 block of Guerrero Street. SANTOS told Client-1 on numerous occasions that any problems with the project would be fixed soon and that CURRAN would issue the CFC shortly. A review of DBI’s on-line permit and complaint tracking system for the project on the 900 block of Guerrero Street, San Francisco, California showed CURRAN as the final approver on October 13, 2017, for two building permits related to property.

³ Throughout this affidavit, “Client” refers to property owners or their agents working with SANTOS on the projects discussed herein.

⁴ DBI defines “TCO” on its website as “Temporary Certificate of Occupancy,” which is normally issued to property owners who request permission to occupy their property before all work allowed under a building permit has been finished, and for which a CFC is required.

17. A review of a JP Morgan Chase account belonging to the Golden Gate Rugby Association was conducted and a check for \$1,500.00 written by Client-1's company dated June 9, 2017 was deposited into the account.

1000 Block of Alabama Street

18. On January 29, 2018, SANTOS and Client-2, the contractor for the project, exchanged the following text messages about the remodel and structural upgrade project in which they discussed CURRAN conducting a final inspection at the property.

SANTOS (to Client-2): Bernie Curran will meet me at the site in twenty minutes. Please allow access.

Client-2 (to SANTOS): I'll be there in 5

SANTOS (to Client-2): Two checks One payable to Santos and Urrutia for \$3k One payable to Golden Gate Youth Rugby Association for \$1k

Client-2 (to SANTOS): I'll pass it on

SANTOS (to Client-2): Thanks. We are done!

Client-2 (to SANTOS): Thank you for all the help!

19. On January 29, 2018, SANTOS and Client-3, the property owner for the Alabama Street project, exchanged the following text messages in which SANTOS informed Client-3 that CURRAN had just finalized the permit for Client-3's project:

SANTOS (to Client-3): The eagle has landed! Two checks One to Santos and Urrutia for \$3k and one for Golden Gate youth rugby association for \$1k

Client-3 (to SANTOS): Hallelujah and thanks so much. Will come by your office tomorrow morning.

20. A review of DBI's on-line permit and complaint tracking system for the property located on the 1000 block of Alabama Street, San Francisco, California showed CURRAN as the final approver on January 29, 2018 for a permit related to the property.
21. A review of DBI's website showed that the property on the 1000 block of Alabama Street was in DBI's Building Inspection Division district eight. Per a DBI organizational chart effective October 23, 2017, a DBI Senior Building Inspector other than CURRAN was the senior building inspector with authority over district eight.
22. A check from Client-3 dated February 1, 2018 for \$1,000 was deposited into a JP Morgan Chase account belonging to the Golden Gate Rugby Association.

700 Block of Wisconsin Street

23. On April 24, 2018, SANTOS and Client-4 exchanged the following text messages regarding permitting for Client-4's project:

Client-4 (to SANTOS): Please don't forget the job card

SANTOS (to Client-4): I have it with me. Write a check for \$500 payable to Golden Gate youth Rugby association.

Client-4 (to SANTOS): All ready did

SANTOS (to Client-4): Thank you.

24. On May 4, 2018, SANTOS and CURRAN exchanged the following text messages:

SANTOS (to CURRAN): Dear Senior: Any assistance of the CFC for [the address on the 700 block of] Wisconsin will be greatly appreciated. [Client-4's] permit expires tomorrow.

CURRAN (to SANTOS): I will write it this afternoon when I get back at three

25. On May 4, 2018, SANTOS and Client-4 exchanged the following text messages:

SANTOS (to Client-4): CFC will be ready this afternoon. Write a check payable to Golden Gate Rugby Association for \$300.

Client-4 (to SANTOS): No problem When can I see it online?

SANTOS (to Client-4): I will pick up the CFC this afternoon after 3:30 pm.

Drop off the check at my office before 2 pm.

Client-4 (to SANTOS): That's fine. I will come back for the CFC after 3:30. I don't want to wait until Monday.

26. A review of DBI's on-line permit and complaint tracking system showed permit related to the property on the 700 Block of Wisconsin Street received pre-final approval from CURRAN on May 4, 2018 and a final inspection approval and issuance of CFC from CURRAN on August 3, 2018.

27. A review of DBI's website showed the property on the 700 block of Wisconsin Street was in DBI's Building Inspection Division district eight. Per a DBI organizational chart effective February 20, 2018, a Senior Building Inspector other than CURRAN had authority over district eight.

28. A review of the Golden Gate Rugby Association's JP Morgan Account was conducted and a check for \$300.00 written by Client-4 dated May 4, 2018, was present in the account.

The memo line of the check read, "thank you".

3900 Block of 24th Street

29. SANTOS and Client-5, who works in construction in San Francisco, worked on several projects together, including one located on the 3900 block of 24th Street, San Francisco, California. On January 20, 2019, SANTOS and Client-5 exchanged the following text messages in reference to the project on the 3900 block of 24th Street:

SANTOS (to Client-5): Drop off a check payable to the Golden Gate Rugby Association for \$500. Bernie's favorite nonprofit.

Client-5 (to SANTOS): Will do

SANTOS (to Client-5): Drop off the Bernie check first thing this morning please.

Client-5 (to SANTOS): Will be in around 7

SANTOS (to Client-5): Sounds good. Will be bringing Bernie Curran to the site on Friday.

30. Client-6 was the owner of the property on the 3900 block of 24th Street. On January 20, 2019, SANTOS sent the following message to Client-6:

SANTOS (to Client-6): Drop off a check payable to Golden Gate Rugby Association for \$500. This will smooth the inspection with the Senior DBI Inspector.

31. Client-6 later told the FBI, that he consulted his attorney about SANTOS' request for a donation to the Golden Gate Rugby Association to "smooth the inspection with the Senior DBI Inspector" and was advised by his attorney it was a line he did not want to cross. Client-6 did not make out the check to Golden Gate Rugby Association as requested by SANTOS. Client-6 told SANTOS to leave him out of anything related to the Rugby Association and to do the plans the right way. Client-6 reported to the FBI that he did not feel there were any negative consequences for his decision with respect to the project.

32. A review of DBI's on-line permit and complaint tracking system showed multiple permits for Client-6's property located on the 3900 block of 24th Street, San Francisco, California. None of these permits had been completed and therefore none have required final inspection approval at this stage.

CURRAN was aware of the donations and understood their purpose in the scheme to defraud.

33. On numerous occasions, SANTOS sent text messages to CURRAN stating that SANTOS' clients had written checks or made donations to the Golden Gate Rugby Association in connection with specific projects. In several instances, SANTOS informed CURRAN about donations made by his clients while also asking CURRAN to take some official action for the benefit of the client.

900 Block of South Van Ness

34. Client-7 is member of the trust that owns the property located on the 900 block of South Van Ness Ave. On April 16, 2018, SANTOS and CURRAN exchanged the following text messages about the property in which SANTOS asked CURRAN to conduct an inspection immediately before notifying CURRAN about the client's donation:

SANTOS (to CURRAN): Can we schedule a final for [the 900 block of] South Van Ness? Client has given me his SF GG Rugby contribution.

CURRAN (to SANTOS): Let me check it this morning

SANTOS (to CURRAN): Thank you Senior. I am five minutes away from the site.

35. A review of DBI's on-line permit and complaint tracking system showed a permit related to the property on the 900 block of South Van Ness Avenue received a final inspection approval and issuance of CFC from CURRAN on April 20, 2018.

36. The property located on the 900 block of South Van Ness Avenue was located in DBI's Building Inspection Division's district eight. Per a DBI organizational chart effective February 20, 2018, an individual other than CURRAN was the Senior Building Inspector in district eight.

700 Block of Wisconsin Street

37. On May 4, 2018, SANTOS and CURRAN exchanged the following text messages in which CURRAN agreed to do an inspection at the project located on the 700 block of Wisconsin Street (discussed above at ¶¶ 23-28) and SANTOS informed CURRAN about the client's donation:

SANTOS (to CURRAN): Dear Senior: Any assistance of the CFC for [the address on the 700 block of] Wisconsin will be greatly appreciated. [Client-4's] permit expires tomorrow.

CURRAN (to SANTOS): I will write it this afternoon when I get back at three

SANTOS (to CURRAN): Thank you Senior. She [Client-4] will make an additional contribution to the good cause.

CURRAN (to SANTOS): That's not necessary she has done more than enough

2000 Block of Bryant Street

38. On December 6, 2018, SANTOS and Client-8 exchanged the following text messages shortly after CURRAN, Client-8, and SANTOS had met at the property to discuss a code violation and the work and permit required to remedy the violation.⁵

SANTOS (to Client-8): Please have [Client-8's employer] write a check for \$500 payable to the 'San Francisco Golden Gate Rugby Association'.

Client-8 (to SANTOS): It'll likely be from me. Is that cool?

SANTOS (to Client-8): Sure

39. On December 7, 2018, SANTOS and Client-8 exchanged the following text messages:

⁵ This property on the 2000 block of Bryant Street was adjacent to a building being constructed by Client-8's employer and his company. Client-8 was an employee of this company her responsibilities included interfacing with the neighbors.

Client-8 (to SANTOS): I see he [CURRAN] closed out the permit but how do we close out the complaint

SANTOS (to Client-8): Bernie will be abating the complaint.

Client-8 (to SANTOS): Can I just mail in check or should I give directly to him?

SANTOS (to Client-8): Give it to me and I will deliver it to Bernie.

Client-8 (to SANTOS): K cool

40. On December 13, 2018, SANTOS exchanged the following text messages with CURRAN:

CURRAN (to SANTOS): Hey Rodrigo do you have a contact phone number for [Client-8] I want to call and thank her for her donation

SANTOS (to CURRAN): I will forward her phone number to you shortly.

CURRAN (to SANTOS): Yeah make sure she's OK with it.

CURRAN (to SANTOS): Whatever that attachment was you sent did not come through

SANTOS (to CURRAN): She is absolutely okay with it.

CURRAN (to SANTOS): Great, thank you.

CURRAN (to SANTOS): Don't forget to send me Client-8's number if it was in an attachment you sent earlier it did not come through.

SANTOS (to CURRAN): [SANTOS provides CURRAN with Client-8's name and telephone number]

41. An image of a check written to "SFGG Rugby Foundation" by Client-8 was found on CURRAN's personal cell phone during a search of the device pursuant to a search warrant issued in the Northern District of California. Information stored in CURRAN's phone

shows that CURRAN's phone captured the picture, indicating that CURRAN was in possession of the check from Client-8.⁶



42. A review of DBI's on-line permit and complaint tracking system for the property located on the 2000 block of Bryant Street showed that a Notice of Violation (NOV) related to the property was abated (*i.e.*, resolved) on December 6, 2018, with the following comment, "[2000 block of Bryant permit] has been issued and completed to comply with this complaint. b.currn." This permit related to the property on the 2000 block of Bryant Street showed in DBI's on-line system as final inspection/approved by CURRAN with a date of December 6, 2018.

⁶ During an interview with Client-8, she told me that the check she wrote was from an account that had issued her checks that had printing error on them and therefore, the check, had it been deposited, would have bounced. Client-8 contacted SANTOS and asked him to tell CURRAN not to deposit the check for this reason. In January 2019, Client-8 wrote a second check to the Golden Gate Rugby Association, but this check was never cashed.

43. The property located on the 2000 of Bryant Street is located in DBI Building Inspection Division district eight. Per a DBI organizational chart effective December 18, 2018, an individual other than CURRAN was the Senior Building Inspector for district eight.
44. Consistent with SANTOS' instruction to Client-8 (*i.e.* "Give [the check] to me and I will deliver it to Bernie."), it was SANTOS' regular practice to direct clients to write checks to the Golden Gate Rugby Association and deliver the checks to him. SANTOS would then deliver the checks to CURRAN, ensuring that CURRAN would know that SANTOS had arranged the donation. For instance, SANTOS often directed clients to drop off a check payable to the Golden Gate Rugby Association along with a check payable to S&U. This was the case on April 26, 2018, when SANTOS sent the following text message to Client-7:

SANTOS (to Client-7): Please drop off a check for \$500 payable to SF Golden Gate Rugby Association and a check payable [sic] to Santos and Urrutia for \$2K for 1475 Church Street.

45. SANTOS' January 29, 2018, exchange with his Client-3 provides another example:

SANTOS (to Client-3): The eagle has landed! Two checks One to Santos and Urrutia for \$3k and one for Golden Gate youth rugby association for \$1k

Client-3 (to SANTOS): Hallelujah and thanks so much. Will come by your office tomorrow morning.

CURRAN provided corrupt benefits to SANTOS' clients in exchange for the stream of donations

46. I submit that the evidence shows that CURRAN was aware of the donations to the Golden Gate Rugby Association that SANTOS solicited from his clients and took official actions based on those donations. On several occasions, CURRAN gave final inspection approval

for SANTOS' clients on projects where work had not been completed in accordance with the permit or plans.

1300 Block of Utah Street

47. Between September 25 and September 27, 2017, SANTOS exchanged the following text message with Client-9, an individual working on behalf of the owners of the property located on the 1300 block of Utah Street in San Francisco, California. In the following conversation, the issue discussed is the need to resolve several building code violations contained in several Notices of Violation ("NOV") at the property by obtaining new permits for the work required to abate the violations.

Client-9 (to SANTOS): System still shows violations

SANTOS (to Client-9): Going to DBI this morning to talk to Bernie Curran. I will report back.

SANTOS (to Client-9): I must [sic] sent you an email from Curran. No violation on [an address on a perpendicular street address provided by SANTOS]. What is the Utah address?

Client-9 (to SANTOS): [Client-9 provides SANTOS with the Utah Street address and informs SANTOS that the violation was from 2015]

SANTOS (to Client-9): I will forward the address to Curran. He will abate it.

SANTOS (to Client-9): Please drop off a check payable to Golden Gate Youth Hockey Association for \$1k. Bernie's nonprofit,

Client-9 (to SANTOS): With pleasure

SANTOS (to Client-9): Golden Gate Youth Rugby Association.

SANTOS (to Client-9): Please drop off the Bernie check this morning.

Client-9 (to SANTOS): thank you for suggesting.

48. Client-9 sent a screenshot of a donation confirmation to SANTOS on September 27, 2017, indicating that Client-9 had directed a charitable gift fund to send a \$1,500 donation to the “Golden Gate Youth Rugby Foundation.” Client-9’s text message to SANTOS accompanying the screenshot stated, “made the donation and it is being sent today”. This donation, sent as a bank transfer from the charitable gift fund, was never deposited by the Golden Gate Rugby Association. The donation was returned to the fund as it was not deposited within a certain period of time per the fund administrator’s policy.
49. On December 7, 2017, CURRAN gave final inspection approval on a permit related to the property on the 1300 block of Utah Street. The scope of work for this permit, according to DBI’s permit tracking site, was to abate the 2015 NOV by removing partition walls installed without a permit and reverting the property to its last approved floor layout from 2003. Since the 2003 floor layout did not include the two partition walls, the removal both walls was required to complete the work authorized by the permit.
50. The FBI obtained images of the interior of the property located on the 1300 block of Utah Street taken in September 2017 during an insurance appraisal. The images show the two aforementioned walls that the owners were required to remove to resolve the violations. In August 2020, FBI Special Agents were given access to the property on the 1300 block of Utah Street. During this visit, Special Agents took photographs of the interior of the building and compared them to the photos taken in 2017 by the insurance company. The partition walls, which should have been removed under the permit referenced in the previous paragraph, were still intact.

51. DBI Official-1 stated that inspectors are required to physically visit the site of a project to give final inspection approval. The inspector would need to review the permit and the plans associated with the permit. The plans for the project on the 1300 block of Utah Street clearly showed that two partition walls needed to be removed. He also stated that since the partition walls had not been removed, there could be no legitimate reason that the permit should have been given final approval by CURRAN. DBI Official-1 also noted that DBI did not issue the permit for the work required to resolve the violations until December 7, 2017, the same day that CURRAN claimed that he inspected the property and finalized the permit. Since property owners are not authorized to begin work until a permit is issued, it would have been nearly impossible for all work to be completed the same day that the permit was issued.

52. The property located on the 1300 block of Utah Street is located in DBI Building Inspection Division district eight. Per a DBI organizational chart effective April 17, 2017, an individual other than CURRAN was the Senior Building Inspector for district eight.

1400 Block of Church Street

53. This property provides another example of CURRAN ignoring non-compliance with a permit by SANTOS' client. SANTOS and Client-7 had obtained a permit authorizing the construction of an accessory dwelling unit (ADU). The permit required the installation of a sprinkler system for fire safety under a separate permit number. SANTOS and his client, however, never obtained the sprinkler permit. Text messages between SANTOS and CURRAN show that CURRAN knew about the requirement and ignored it. Client-7 made a \$500 donation to the Golden Gate Rugby Association on January 31, 2019.

54. Between February 8 and February 11, 2019, SANTOS and CURRAN had a conversation about the inspection of the property located on the 1400 block of Church Street:

CURRAN (to SANTOS): Hey Rodrigo where is the sprinkler permit that is supposed to be done in conjunction with the ADU I don't see it online.

SANTOS (to CURRAN): Should I have CPB correct the issue?

CURRAN (to SANTOS): Yes

SANTOS (to CURRAN): I will take care of your request ASAP

CURRAN (to SANTOS): I have also entered in inspection for Church Street with a pre-final stating that sprinklers have to be verified

55. A review of the DBI's on-line permit and complaint tracking system for property located on the 1400 block of Church Street, showed no permit relating to sprinklers was ever applied for or issued.

56. A review of DBI's on-line permit and complaint tracking system for property located on the 1400 block of Church Street showed that a permit related to the property received a final inspection approval from CURRAN on May 9, 2018. CURRAN put a note into the DBI system when he entered his final inspection indicating that a future permit would be applied for to deal with the sprinklers for the building. According to DBI Official-1, CURRAN did not have the authority to approve that permit without a permit for sprinklers having been applied for, issued, and completed. A complaint regarding this issue was opened at DBI on July 30, 2021. An inspection was completed by employees of the fire department who confirmed that the ADU did not have sprinklers or any fire safety systems.

57. The property located on the 1400 block of Church Street is located in DBI Building Inspection Division district 16. Per a DBI organizational chart effective February 20, 2018, an individual other than CURRAN was the Senior Building Inspector in district 16.
58. A check for \$500.00 written by Client-7 dated January 31, 2019, was deposited into the JP Morgan Chase bank account belonging to Golden Gate Rugby Association on February 13, 2019.

900 Block of South Van Ness Avenue

59. On February 27 and February 28, 2018, SANTOS and CURRAN exchanged the following text messages in which SANTOS and CURRAN took extraordinary steps to ensure that CURRAN, and not the inspector assigned to the district where the property is located, conducted the necessary inspections:

SANTOS (to CURRAN): [900 block of] South Van Ness soft story inspection has been scheduled with [District Inspector-1] between 9 and 12 am

CURRAN (to SANTOS): What day

SANTOS (to CURRAN): TOMORROW morning

SANTOS (to CURRAN): Let me know the time (this morning) for [the 900 block of] South Van Ness with [District Inspector-1]

CURRAN (to SANTOS): I have reassigned it to [District Inspector-2] but there is no inspection history out there

SANTOS (to CURRAN): I will meet [District Inspector-2] at [the 900 block of] South Van Ness. Thank you Senior

CURRAN (to SANTOS): [District Inspector-3] is coming and I have instructed him on how to proceed.

60. DBI records show that a final inspection was scheduled for February 28, 2018 at the South Van Ness property. The documents indicate in the instructions/comment section that “This inspection has been reassigned from [District Inspector-1]” and reassigned to District Inspector-3. I received a copy of District Inspector-1’s schedule for February 28, 2018. DBI Official-1 reviewed the schedule and explained that District Inspector-1 was not busy on this date and would have had time in his day to complete this inspection. District Inspector-1 was the district inspector for this property and therefore, was the person who should have handled the inspection, unless he indicated that he was unable to do so. DBI Official-1 indicated that a Senior Building Inspector taking an inspection away from the district inspector and reassigning to someone else for no apparent reason it is unusual and discouraged.⁷

61. On February 28, 2018, in the DBI permit tracking system, District Inspector-3 wrote that the inspection status was “no entry/no progress.” According to DBI Official-1, “no entry/no progress” should be used as the status when the inspector is unable to access the project site. This should not have been the case here, because an inspection had been scheduled for that day and SANTOS was listed as the contact person. In several text messages, SANTOS told CURRAN that his office was only five minutes from the property located on the 900 block of South Van Ness Avenue, and he was aware that an inspection was meant to take place on that date because he had discussed the inspection

⁷ It had been discussed at a January 11, 2018 DBI staff meeting that “Building Inspectors are regularly asked by Seniors to assist in coverage of Districts. This is due to District Building Inspector not being available or busy. Please understand that these assignments and reassignments are the responsibility of a Supervisor. The Building Inspector may not conduct inspections outside of their assigned District without first informing a Supervisor.” CURRAN frequently frustrated district inspectors by performing inspections on properties in their districts without informing them. On at least one occasion, CURRAN failed to tell the district inspector that he had done an inspection on a property and the district inspector arrived for a scheduled inspection, only to find CURRAN had already completed it.

with CURRAN that morning. I believe that when CURRAN stated to SANTOS “[District Inspector-3] is coming and I have instructed him on how to proceed,” CURRAN was informing SANTOS that he had reassigned the inspection to an inspector who would follow CURRAN’s instructions to enter a status of “no entry/no progress.” This would ensure that CURRAN could do the inspection himself at a later date.

62. On March 13, 2018, SANTOS cancelled another inspection on the property that was assigned to District Inspector-1. On March 14, 2018, SANTOS sent the following text messages to CURRAN:

SANTOS (to CURRAN): I cancelled the inspection for [the 900 block of] South Van Ness. We will create an inspection report and narrative for your use. Thank you Senior.

SANTOS (to CURRAN): I dropped off the inspection report for [the 900 block of] South Van Ness. Please let us know if you will require additional documentation. Thank you Senior

63. On March 21, 2018, an individual believed to be an S&U employee scheduled two inspections at the property, one for “reinforcing steel”, and one for “ok to cover”. “Reinforcing steel” refers to the pouring of a foundation over the top of steel that has been installed. “Ok to cover” refers to hanging drywall that will cover plumbing, electrical, or other building work that has been completed inside the walls of the project. The employee listed his contact phone number as one registered to S&U. On March 22, 2018, SANTOS and CURRAN exchanged the following text messages:

SANTOS (to CURRAN): Dear Senior: Any time today will work for [the 900 block of] South Van Ness inspection. Our office is s five minutes away from the site.

CURRAN (to SANTOS): I already put an inspection in the computer yesterday.

64. A review of the DBI on-line permit and complaint tracking system showed that on March 21, 2018, CURRAN gave approval for reinforcing steel. The fact that CURRAN stated that he had “put an inspection in the computer” indicated that CURRAN did not actually visit the property or inspect the work that had been done, but rather entered an inspection in the DBI Permit tracking system without any legitimate inspection.

65. On April 2, 2018, SANTOS and CURRAN exchanged the following text messages:

SANTOS (to CURRAN): Dear Senior Building Inspector Bernie Curran: When can we schedule a final inspection for [the property on the 900 block of] South Van Ness? Our office is five minutes away from the site. Any day and time will work.

CURRAN (to SANTOS): We need to put in the rough OK to cover appointment

SANTOS (to CURRAN): Thank you Senior.

66. These text messages indicate that SANTOS was trying to schedule a final inspection, which would require that all work at the project site was complete. However, CURRAN pointed out that the inspection that would authorize the owner to cover the walls with drywall had yet to be completed.

67. On April 16, 2018, SANTOS requested an inspection with CURRAN for the “okay to cover” the walls, and also told CURRAN that “Client [Client-7] has given me his SF GG Rugby contribution.” CURRAN approved the “okay to cover” on the same date. Four

days later, on April 20, 2018, SANTOS requested that CURRAN meet him at the site for a final inspection. CURRAN gave final inspection approval and issued the CFC on April 20, 2018.

Out-of-District Inspections

68. According to DBI Official-1, CURRAN often did inspections outside of his district, which caused problems with the inspectors who were assigned to those districts and who did not want CURRAN doing inspections in their territory. It became contentious enough that in April 2014, a supervising employee at DBI created an assignment flow chart that dictated how inspections should be reassigned if the district inspector was unavailable and then if subsequent inspectors were also unavailable:

1. District Inspector
2. Floating Inspector
3. Inspector with availability on their schedule
4. Spread Inspection to Inspectors where schedule is not completely full
5. Adjacent District Building Inspector
6. Building Inspector from other Districts
7. Senior Building Inspector

69. There were 14 properties where SANTOS' clients either made donations or wrote checks that were never cashed. Of these 14 properties, 12 were outside of CURRAN's assigned districts. Based on my review of text messages between CURRAN and SANTOS, it appears that CURRAN typically disregarded DBI guidance by unilaterally assigning inspections for SANTOS' clients to himself.

Check Tracking

70. A review of SANTOS' phone pursuant to a federal search warrant revealed that he solicited checks for the Golden Gate Rugby Association or some variation on that name, from 19 different clients. There are also three additional clients with whom SANTOS discussed both their building projects and Bernie CURRAN but did not make a direct solicitation for rugby association checks. Nevertheless, a review of bank records shows that checks from these individuals were deposited into the Golden Gate Rugby Association Bank account around the time that their projects received approvals from CURRAN as documented in the DBI permit tracking system.
71. SANTOS' solicitations resulted in 12 clients writing checks to the rugby association, with one client writing two checks. Solicitations from SANTOS resulted in donations to the rugby club totaling \$9,600 from May 2017 through April 2019.
72. CURRAN was involved in abating an NOV, abating a complaint, giving demolition permission, or giving final inspection approval for all 12 of the donor-clients.
73. In addition to the checks that were deposited into the Golden Gate Rugby Association's bank account, SANTOS solicited several Golden Gate Rugby Association donations from his clients that SANTOS stole by depositing them into his personal bank account without the permission of his client or the Association. For instance, SANTOS solicited checks made out to Golden Gate Rugby Association from Client-1 in connection with Client-1's project on the 900 block of Guerrero Street (discussed above in paragraph 15-17) on September 28, 2017, and October 16, 2017, calling the association "Bernie's nonprofit organization". According to records from a Bank of America account belonging to SANTOS and his wife, two checks from Client-1's company written pay to the order of

Golden Gate Youth Rugby Association were deposited into the account (check 1671 dated October 17, 2017, for \$1,000 and check 1031 dated February 13, 2018, for \$500.00).

74. On July 1, 2021, Rodrigo SANTOS was charged in Indictment No. CR 21-268-SI, which alleges 10 counts of Bank Fraud, one count of Obstruction of Justice, and two counts of Aggravated Identity Theft. That indictment alleges a scheme in which SANTOS stole more than \$775,000 from his clients between November 2012 and March 2019 by requesting checks payable to City agencies (mostly DBI and the Department of Public Works) and other construction-related companies and individuals. SANTOS then deposited the checks into his personal bank account without authorization from the client or the payee on the check. Between July 2, 2017 and February 13, 2018, SANTOS deposited 10 checks totaling \$9,000 that his clients had written to the Golden Gate Rugby Association in connection with projects that CURRAN inspected. This \$9,000 in checks to the Golden Gate Rugby Association is included in the approximately \$775,000 total alleged in Indictment CR 21-268-SI.

Material Concealment of the Scheme to Defraud

75. CURRAN and SANTOS attempted to conceal their scheme using DBI's online inspection system. For instance, on November 9, 2018, CURRAN sent SANTOS a text message regarding SANTOS' request that CURRAN conduct a final inspection at a property on the 3000 block of 23rd Street. CURRAN stated, "Rodrigo can you do me a favor and put 23rd St. on the schedule then I can move it to myself and it won't look funny". I believe that CURRAN was asking SANTOS to schedule an inspection through DBI's online inspection platform. This was a departure from CURRAN and SANTOS' regular practice whereby SANTOS would ask CURRAN to inspect a property (usually outside of

CURRAN's assigned district) and CURRAN would schedule the inspection himself.

According to the message above, CURRAN believed that their scheme was beginning to "look funny" since project sponsors are normally required to request and schedule inspection using DBI's online system. Notably, the 3000 block of 23rd Street was outside of CURRAN's district in November of 2018. The property owner, Client-10, donated \$1,500 to the Golden Gate Rugby Association in January (\$1,000) and October (\$500) of 2018.

76. Also, regarding concealment of the scheme to defraud, on March 3, 2020, the FBI seized SANTOS' cell phone and conducted a search of the device pursuant to a search warrant issued in the Northern District of California. The search included a review of text messages found on the device. During this review, 444 text messages between SANTOS and CURRAN were identified. On April 9, 2020, the FBI seized CURRAN's cell phone and conducted a search of the device pursuant to a search warrant issued in the Northern District of California. The search included a review of text messages found on the device, which was the same device that CURRAN used during the aforementioned text messages with SANTOS. CURRAN identified this device as his personal cell phone. The phone contained no text messages between CURRAN and SANTOS. However, there were text messages with other parties during the same time period as the CURRAN/SANTOS texts identified on SANTOS' phone. The absence of known text messages with SANTOS on CURRAN's phone indicates that CURRAN deleted his texts with SANTOS before the FBI seized his phone.

77. DBI Official-1 told the FBI that CURRAN conducting inspections for properties where people connected to the project had made donations to an organization linked to

CURRAN would constitute a conflict of interest. DBI Official-1 indicated that, had DBI known about the donations from SANTOS' clients, CURRAN would not have been allowed to inspect these properties because of the possibility that the donations could influence his inspections. In addition, had DBI Official-1 learned about the scheme described in this affidavit before CURRAN left his position at DBI, disciplinary action would have been taken against CURRAN.

Interstate Wire

78. On April 16, 2021, I interviewed two subject matter experts employed by JP Morgan Chase Bank, identified here as Employee-1 and Employee-2. Employee-1 is a subject matter expert regarding how ATM and teller transactions are processed. Employee-2 is a subject matter expert regarding how electronic deposits are processed. Both experts confirmed that Chase utilizes data processing centers outside the state of California to process all checks deposited at ATMs, in bank branches through bank tellers, and for electronic deposits made from an account holder's electronic device. Therefore, when the Golden Gate Rugby Association deposited checks into its JP Morgan Chase bank account, JP Morgan Chase bank sent an electronic image of the deposited check via a wire communication to its data processing servers in either Michigan, Delaware, or New Jersey. The data processing center determines if the check should be approved or declined within 5 to 10 seconds. If the check is approved, the transaction is considered complete by the bank. These wire communications facilitate the check clearing process by ensuring that the appropriate accounts are debited and credited.

79. As alleged in the complaint, a check for \$500.00 written by SANTOS' client Client-7 dated January 31, 2019 was deposited into the JP Morgan Chase bank account belonging to Golden Gate Rugby Association on February 13, 2019.

CONCLUSION

80. Based on the foregoing facts and my training and experience, I respectfully submit there is probable cause to believe that CURRAN and SANTOS committed honest services wire fraud, in violation of Title 18, United States Code, Sections 1343 and 1346. I therefore respectfully request the issuance of the attached criminal complaint, as well as summonses and arrest warrants for CURRAN and SANTOS.

S/

ALLISON LOPEZ
Special Agent
FEDERAL BUREAU OF INVESTIGATION

Sworn to before me over the telephone and signed by me pursuant to Fed. R. Crim. P. 4(d) and 4.1 on this 20th day of August 2021.



HONORABLE JOSEPH C. SPERO
Chief United States Magistrate Judge