



U.S. Department
of Transportation
**Federal Highway
Administration**

1200 New Jersey Ave., SE
Washington, D.C. 20590

In Reply Refer to: HCR-20
DOT# 2021-0120

March 16, 2021

(b) (6)

Subject: Acknowledgment of Complaint #2021-0120

Dear (b) (6)

This letter acknowledges the Federal Highway Administration (FHWA) Office of Civil Rights received your complaint against the City and County of San Francisco, which alleged violations that may be related to Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulations, including Title VI regulations administered by the United States Department of Transportation (49 C.F.R. Part 21) and the Federal Highway Administration (23 C.F.R. Part 200). Your complaint was received by this office by email on March 11, 2021.

This complaint has been assigned to Erik Lacayo, FHWA Title VI Analyst – Office of Civil Rights. Mr. Lacayo will keep you informed regarding the status of your complaint. You may contact him at 202-913-3926 or via e-mail at erik.lacayo@dot.gov.

Please be advised that no one may intimidate, threaten, coerce, or engage in other discriminatory conduct against anyone because he or she has either taken action or participated in an action to secure rights protected by the civil rights requirements that we enforce. Any individual alleging such harassment or intimidation may file a complaint with the FHWA. Any questions or concerns that you have regarding the complaint process and your rights can be discussed with Mr. Lacayo.

Sincerely,

Nichole McWhorter

Nichole McWhorter
Title VI Team Leader
Office of Civil Rights

cc: Vincent Mammano, Division Administrator, FHWA California Division Office

Paul Schneider, Deputy Division Administrator, FHWA California Division Office
Scott Carson, Civil Rights Specialist, FHWA California Division Office
Jim Esselman, Senior Attorney-Advisor, FHWA Office of Chief Counsel
Irene Marion, Director, Departmental Office of Civil Rights
Yvette Rivera, Associate Director, Equity and Access Division, Departmental Office of Civil Rights
Barbara Dougherty, Deputy Director, Departmental Office of Civil Rights
Irene Rico, Associate Administrator, Departmental Office of Civil Rights

From: [Lacayo, Erik \(FHWA\)](#)
To: [Mann, Arianne \(FHWA\)](#)
Subject: FW: CCSF, CMD and SFPUC none-stop 1964 Civil Rights Violations take 2
Date: Monday, March 15, 2021 11:18:03 PM
Attachments: [The Real Cost of DBE Fraud.pdf](#)

Hi Arianne,

I think this is related to the San Francisco complaint you just processed but I am not positive. If so, can you please add it to the complaint SharePoint file?

Thanks,
Erik

From: (b) (6)
Sent: Monday, March 15, 2021 11:32 AM
To: Fine, Ivy <ifine@sfgwater.org>; Asenloo, Romulus (ADM) <romulus.asenloo@sfgov.org>; Title VI@DOT <Title.VI@dot.ca.gov>; Tellis, Ray (FTA) <Ray.Tellis@dot.gov>; Lacayo, Erik (FHWA) <erik.lacayo@dot.gov>; Singh, Sanjay@DOT <sanjay.singh@dot.ca.gov>; Collins, Glenda@DOT <Glenda.Collins@dot.ca.gov>; Fox, Martia (FTA) <Martia.FOX@dot.gov>; Carlin, Michael (PUC) <mcarlin@sfgwater.org>; Masood Ordikhani Esq <mordikhani@sfgwater.org>; OIG_WEBCOMMENTS@epa.gov; Jordan.Deborah@epa.gov; lavis@kpmg.com
Cc: Ordikhani, Masood <mordikhani@sfgwater.org>; Public Records <PublicRecords@sfgwater.org>; Yip, Kesinee A <KAYip@sfgwater.org>; Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfgwater.org>; Alt, Emily J <EAlt@sfgwater.org>; GESSNER, FRANCESCA (CAT) <Francesca.Gessner@sfcityatty.org>; Hood, Donna <DHood@sfgwater.org>; Aaron.Peskin@sfgov.org; Ahsha.Safai@sfgov.org; ajohanson@sfgwater.org; Ben.Rosenfield@sfgov.org; Stewart, Keslie (CAT) <Keslie.Stewart@sfcityatty.org>; brian.strong@sfgov.org; Catherine.Stefani@sfgov.org; charles.higuera@sfdpw.org; Dan.Mauer@sfgov.org; Don.Sy@sfdpw.org; glyman@sfgwater.org; glyman@sfgwater.org; Gordon.Mar@sfgov.org; hfung@sfgwater.org; Hillary.Ronen@sfgov.org; jiwong@sfgwater.org; Kathy How <KHow@sfgwater.org>; kenneth.bukowski@sfgov.org; Dennis Herrera <CityAttorney@sfgov.org>; kcox@sfgwater.org; mark.p.delarosa@sfgov.org; Matt.Haney@sfgov.org; max.truax@sfgov.org; mcarlin@sfgwater.org; mordikhani@sfgwater.org; Norman.Yee@sfgov.org; cityattorney@sfcityatty.org; PublicIntegrity@sfgov.org; Sandra.Fewer@sfgov.org; sean.obrien@sfdpw.org; todd.rydstrom@sfgov.org; Vallie.Brown@sfgov.org; whistleblower@sfgov.org
Subject: Re: CCSF, CMD and SFPUC none-stop 1964 Civil Rights Violations take 2

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

[The SFPUC Commission,](#)

[My comments at the last SFPUC meeting regarding Azul Works \(DBE and LBE\) and the LBE scams by CMD are now public. A reporter took notes of it and got published. Let the record show your Commission have not responded to this uneven playing field and dismissed it all together.](#)

<https://missionlocal.org/2021/03/san-francisco-corruption/>

I have requested the Correspondent Log listed in the Commission Agenda as a PRA and still have not received it. These Public communications with the SFPUC Commission should be posted just as the rest of the reports and part of the Agenda. There is no reason for withholding them from public review unless your hiding things.

The KPMG report was short of the fact the cost of corruption is huge on the local economy, LBEs and the rate payers. It limits the number of bidders by intent (criminal) and created a closed netted pool of bidders that are awarded PW and federally funded contracts in exchange of bribery by intent while CMD fixes the LBE certification and SFMTA, Virginia Herman (at no surprise a former HRC criminal staff herself) fixes the DBE certifications, ALL of which is a federal crime. This criminal conduct actually raises the cost of projects which was not included in the KPMG report and was dismissed all together. All of which is consistent with creating an uneven playing field in contracting and certification which you also ignored all together.

Attached is a federal report that explain the cost of Fraud in construction. Mainly, Bribery of Public Officials, False Claims, Conspiracy, theft from Federal program, extortion and racketeering. The last two is what Asenloo and his CMD crew are doing in denying the renewal of my LBE certification despite several requests.

The Federal report list the following impact on DBE which is the same as LBE in the case of the SFPUC as follows:

- Denies subcontracting opportunities to legitimate LBE (DBEs)
- Cannot grow and build their businesses
- Cannot gain crucial experience
- Discourages potential legitimate disadvantaged businesses from entering the LBE (DBE) program
- Prevents LBE (DBEs) from graduating from the DBE program
- Diverts taxpayer funds to purposes other than intended by the Board of Superiors (Congress)

This is what Romulus Asenloo, Virginia Herman and Ivy Fine and all of their crew are tasked to protect while the City is receiving \$350M a year from FHWA, FTA, DHS, EPA and other Federal Agencies.

Commissioner Harrington, a good example of the risk that was dismissed at the Commission meeting is extra cost of substituting Synergy with Azul on the Federally funded VanNess BRT project. DPW and the City Attorney office claimed Synergy price was high after the fact the contract was awarded on orders of the current racist Mayor and replaced it with a sweeter deal with Azul at a much higher price. Azul would not have gotten the Federally funded BRT contract if it wasn't for the pay-to-pay arrangement with disgraced SF DPW Director, Nuru now facing federal charges.

Your lawyers and Ivy Fine should explain that the other impact and risk is for CCSF losing federal funds but clearly one commissioner made his objections to the report and made his position known. So, commissioner Harrington, you worked as a SFPUC GM, at the Controller Office and have the CPA experience, do you care to tell the rate payers and the general public the exact number of the extra federal funds and the dollar cost between Synergy contract and his replacement by Azul? That is the cost of corruption that you all dismissed and objected to the report publicly in so many ways. I do have the contract records if you would like me to remind you.

I am glad SF has a true free local press and not the controlled by willie brown gangs. Without them the crimes will continue while the City Attorney and the Controller office are deep in their sleep for 26 years as I have personally experienced it.

(b) (6)



The Real Cost of DBE Fraud

Thomas J. Ullom, Special Agent-in-Charge
U.S. Department of Transportation, Office of Inspector General
Chicago Regional Investigations

Presentation Overview

- DOT OIG Office of Investigations
- Fraud – What is it ?
- DBE Program Fraud Overview
- Pitfalls, Remedies, and Detection
- Case Studies
- Questions



DOT OIG Office of Investigations

- Conducts criminal and civil investigations of fraud and other allegations affecting DOT Operating Administrations, programs, contractors, and grantees
- Partner with Federal, State, and local law enforcement agencies and prosecutors

DOT OIG Resources

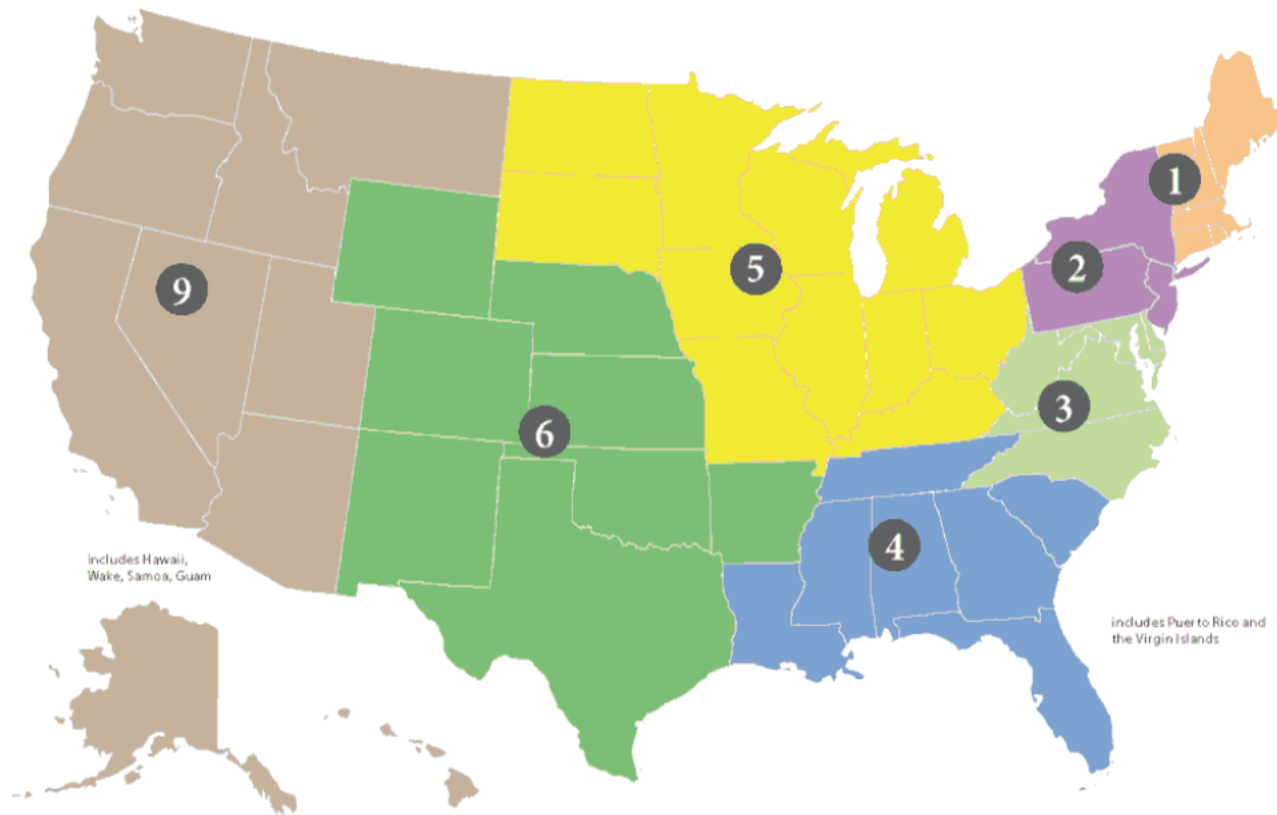
Special Agents with Federal law enforcement arrest authority

Investigative tools (subpoenas, search warrants, undercover ops)

Expertise in fraud investigations and financial/forensic accounting

Computer forensics unit

DOT OIG Regional Investigative Offices



What do we investigate?



**Transportation
Safety**



**Contract and
Grant Fraud**

*includes DBE fraud



**Consumer and
Workforce Fraud**



**Employee
Integrity**



**Other
Investigative
Areas**



Common Fraud Schemes

**Product
substitution**

**False claims and
overcharging**

DBE fraud

**Quality control
testing fraud**

**Bribery and
kickbacks**

Racketeering

**Embezzlement
and theft**

**Bid rigging and
collusion**

Prevailing wage

Federal Criminal Statutes

- **Fraud involving aircraft parts**
(18 USC 38)
- **Bribery of public officials**
(18 USC 201)
- **False claims** (18 USC 287)
- **Conspiracy** (18 USC 371)
- **Theft from a Federal program**
(18 USC 666)
- **False statements**
(18 USC 1001)
- **False statements on Federal highway project**
(18 USC 1020)
- **Mail fraud** (18 USC 1341)
- **Wire fraud** (18 USC 1343)
- **Obstruction of justice**
(18 USC 1519)
- **Extortion** (18 USC 1951)
- **Racketeering** (18 USC 1956)
- **Money laundering**
(18 USC 1957)





Fraud – Defined by Webster

“Simple Definition of Fraud”

- the crime of using dishonest methods to take something valuable from another person
- a person who pretends to be what he or she is not in order to trick people
- a copy of something that is meant to look like the real thing in order to trick people

When is it Fraud ? When is it something else?

- False information or representation
- Material fact
- With intent to deceive
- Obtain something of value



U.S. DOT DBE Program

- DOT spends about **\$50 billion** per year on construction programs
- About 10 percent of this amount goes to DBEs, about **\$5 billion**
- Law allows only eligible DBEs to perform work funded by DBE program
- DOT Operating Administrations that administer the DBE Program:

FHWA

FTA

FAA



DBE Regulations

- To create a level playing field on which DBEs can compete fairly for DOT assisted contracts;
- To ensure that only firms that fully meet this parts eligibility standards are permitted to participate as DBEs;
- Majority owner must be “socially” and “economically” disadvantaged
- Applicant firm (and its owners) must fully cooperate in the certification process by providing true/accurate information

DBE Fraud Schemes

FRONT COMPANY

- Company exists only on paper
- Work done by the prime or non-DBE subcontractor
- DBE is paid a small fee

PASS-THROUGH

- Company qualified to be a DBE, but performs no commercially useful function
- Some or all work done by the prime or non-DBE subcontractor
- DBE is paid a small fee

DBE fraud is often associated with other crimes such as bribery, extortion, money laundering, and tax fraud.

DBE Fraud Schemes cont.

PNW - Economically Disadvantaged

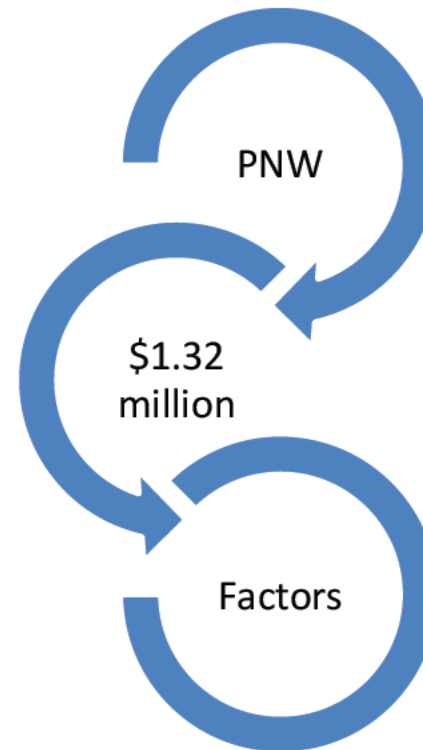
* Excludes: Personal residence / DBE (applicant) firm

* Included: All assets

Jewelry – Artwork - Vacation Homes

Real estate - Bank Accounts – Cars - Boats

Ownership in other companies



DBE Fraud Indicators

DBE owner lacks background, expertise, or equipment to perform subcontract work

Employees shuttle back and forth between prime contractor and DBE payrolls

Names on equipment and vehicles covered with paint or magnetic signs

Orders and payment for supplies made by individuals not employed by DBE

Prime contractor facilitates purchase of DBE-owned business

DBE owner is never present at job site / Supervision by the Prime

Prime contractor always uses the same DBE / Exclusive relationships

Financial agreements between prime and DBE contractors

Absence of written contracts

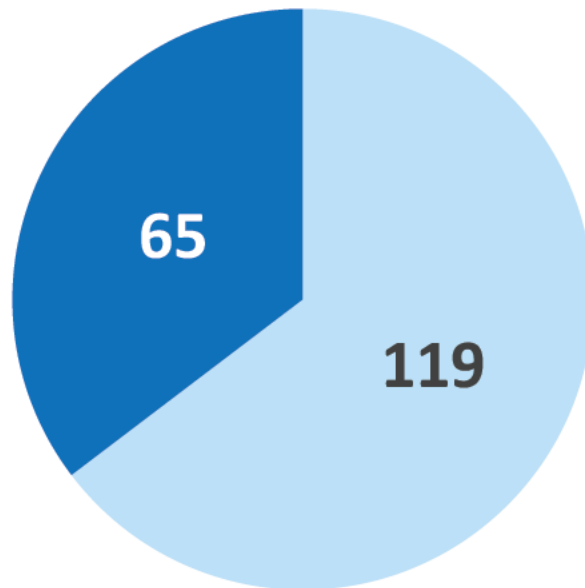
Prime contractor and DBE have joint bank accounts



DOT OIG's DBE Fraud Investigations

Active Grant and Procurement Fraud Investigations

DBE fraud investigations represent **35%** of DOT OIG's active grant and procurement fraud cases.



■ Other Grant and Procurement Fraud ■ DBE Fraud

DOT OIG's DBE Fraud Investigative Results

Since January 1, 2011, DOT OIG's DBE fraud investigations have resulted in:

- Over **\$245 million** in financial recoveries, restitution, and forfeitures
- **425 months** of incarceration
- **1,161 months** of probation and supervised release
- **1,340 hours** of community service



Impact of DBE Fraud

- Denies subcontracting opportunities to legitimate DBE
 - Cannot grow and build their businesses
 - Cannot gain crucial experience
- Discourages potential legitimate disadvantaged businesses from entering the DBE program
- Prevents DBEs from graduating from the DBE program
- Diverts taxpayer funds to purposes other than intended by Congress





Difficulties in Prosecuting DBE Fraud

- Project is completed to the client's satisfaction
- DBE Program is “Unpopular” – Jury Appeal
- Gov't loss is paid to the DBE “front”
- Loss is below U.S. Attorney's threshold
- Program confusion / ambivalence
- Witness assistance / identification



Remedies to Overcome the Difficulties

- Identify potential cases with high dollars
- Criminal v. Civil intervention
- Publicity
- Education – U.S. Attorney’s Office
- Know the DBE regulations
- Do not just rely on DBE documents
- Be aggressive / Be persistent / Be inquisitive

Detecting Fraud

- The best way to detect and deter fraud is to conduct a thorough review of the application and supporting documentation and to **verify** information, especially information that appears suspicious.

For example:

- **Verify** that the alleged owner of the firm has the experience to control the firm. **Talk** to employees during the on-site visit, **observe** the office and job site, contact references if the information provided appears suspicious.
- Make sure the tax returns are the signed copies and that the application is notarized. *Investigate thoroughly any discrepancies* in the tax returns and application.
- Obtain references from jobs that the firm has completed or that are in progress and inquire about the firm's operations/practices.
- **Verify** capital contributions to the firm. **Request** additional documentation for suspicious items.
- Agencies that conduct **thorough** certification reviews are less likely to have a high instance of fraud as applicants soon become aware of the agencies that are thorough and hesitate to submit fraudulent information to those agencies. ***



More on Detecting Fraud

- “Cold Call” DBEs—inquire about specific job knowledge, skills, and abilities;
- Focus on DBE, not project manager;
- Review original files, including project quotes
- Inquire about the DBE’s hiring process—review a sample employee file
- Probe whether project equipment is owned or leased—review a sample equipment lease
- Telephonically contact selected vendors/suppliers to verify DBE negotiation, order, delivery, and payment details
- Review certified payrolls and interview former DBE employees regarding work histories.



DBE FRAUD CASE STUDIES

Marikina/Schuykill Products Inc. (2014)

- Largest DBE fraud in U.S. history: **\$136 million over 15 years**
- Schuykill Products Inc. (SPI), a concrete bridge beam manufacturer, ran **339 projects** using Marikina as a pass-through DBE
- **“We lied big time!”**
 - Vice President of Marikina



Marikina/Schuykill Products Inc. (2014)



**Dennis
Campbell**

Vice President of
SPI
2 years in prison
Debarred by
FHWA (3 years)



**Romeo
Cruz**

Co-Owner of
Marikina
3 years in prison
Debarred by
FHWA (5 years)



**Tim
Hubler**

Vice President of
SPI
3 years in prison
Debarred by
FHWA (5 years)



**Ernie
Fink**

Co-Owner of SPI
4 years in prison
Debarred by
FHWA (3 years)
and PENNDOT
(12 years)



**Joe
Nagle**

Co-Owner of SPI
7 years in prison
Debarred by
FHWA (3 years)
and PENNDOT
(12 years)

Marikina/Schuykill Products Inc. (2014)

- Marikina and Schuykill officials ordered to pay **\$119.4 million** in restitution
- **2 DBEs decertified**
- **9 individuals and companies debarred** from bidding on FHWA and/or PENNDOT contracts for between 3 years and 12 years



Karen Construction/Weber Steel (2016)

- **\$18.7 million** criminal DBE fraud scheme
- Weber Steel, a bridge construction contractor, ran **224 projects** using Karen Construction as a pass-through DBE
- Used **phony invoices** to mask profit transfers from Karen Construction to Weber Steel



Karen Construction/Weber Steel (2016)



Weber Steel Company

3 years corporate probation

Weber Steel, Dennis Weber, and Dale Weber jointly liable for \$1 million in restitution to FHWA

Dennis Weber

President of Weber Steel

6 months of home confinement
5 years of probation

Dale Weber

Vice President of Weber Steel

6 months of home confinement
5 years of probation

Judy Noll

Owner of Karen Construction

3 years probation
\$336,000 in restitution to FHWA

HD Supply/ING Civil/RAMSCO (2015/16)

- Prime contractors falsely represented using a DBE (American Indian Builders & Suppliers Inc.) but obtained supplies from non-DBEs—such as HD Supply Waterworks Ltd., the **Nation's largest supplier** of water, sewer, fire protection, and storm drain products
- Settlements to resolve civil False Claim Act allegations: HD Supply agreed to pay almost **\$5 million**; ING Civil and RAMCSO agreed to pay more than **\$1 million**



One impacted project was the **Bridge Avenue Bridge** Project in Cohoes, NY

Weapons Found During Search and Arrest



Tech 9 submachine gun found during DBE search warrant operation in PA



Rifles, shotguns, AK47 found in closet during household goods extortion arrest

Chicago Construction Company to pay \$12 Million - FCA

On May 1, 2014, McHugh Construction Company, Inc., a Chicago, Illinois, based construction company, agreed to pay the United States and the State of Illinois \$12 million to resolve allegations of fraud on government programs designed to benefit women and minority-owned sub-contractors under the terms of a civil settlement.

James McHugh Construction Co., Inc., allegedly failed to abide by Federal and State requirements for the participation of Disadvantaged Business Enterprises (DBE) on seven publicly funded highway and transit contracts between 2004 and 2011.

James McHugh Construction Co., Inc., agreed to implement a corporate compliance program, appoint a compliance officer, and be subject to an independent monitor for three years. In exchange, Federal, State, and City of Chicago transportation agencies agreed not to bar McHugh from future government contracts.

Former DBE Owner Indicted for Fraud

On December 18, 2014, Elizabeth Perino, former owner, Perdel Contracting Company (Perdel), Chicago, Illinois, was indicted in U.S. District Court, and charged in a Disadvantaged Business Enterprise (DBE) fraud scheme. Perdel specialized in concrete and carpentry work and was certified as a DBE in the city of Chicago.

In 2011, agreed to have Perdel act as a pass through DBE by making it falsely appear as though Perdel would provide labor and equipment on a multi-million dollar project at Chicago's O'Hare International Airport (O'Hare).

Perino **falsified** various Perdel **documents in order to disguise** the fact that Perdel did not meet the DBE requirements, and thus the prime contractor did not either.

Perdel did not perform any labor or provide any equipment. As part of the scheme, Perdel was to purchase equipment from the prime contractor to make it appear as if they had the proper equipment to perform the work. At the conclusion of the project, Perdel would sell the equipment back to the prime contractor. Further, all workers and equipment were provided by the prime contractor and loaned to Perdel to make it appear Perdel was actually completing the contracted work.

Guilty – June 17, 2016 – 3 counts Wire Fraud / 1 count Mail Fraud

Marcon – PNW DBE Fraud

- OIG’s investigation disclosed that Elaine Martin, owner of Marcon, lowered her PNW -**transferring assets** into the names of nominees **in order to appear to be economically disadvantaged** – Enabled her to qualify.
- Martin **filed false and fraudulent U.S. individual / corporate income tax returns** for herself and Marcon – false income tax returns were **submitted in support of Marcon’s applications to the DBE programs** for the states of Idaho and Utah. (IRS Reporting Issues)
- Furthermore, Martin **omitted, deleted, altered and mis-categorized entries in Marcon’s financial books and records**. Martin also **concealed** her role or relationship in other business entities that dealt with Marcon.
- LE identified concealed assets during IRS audit of Martin and Marcon’s finances.

\$5.8 Million Judgment Against Prime for DBE Fraud

On May 28, 2015, a civil judgment was entered in U.S. District Court, Chicago, Illinois, against Sound Solutions Windows & Doors, LLC, in the amount of \$5.8 million.

On December 28, 2009, the Chicago Regional Council of Carpenters filed a Qui Tam Civil Complaint alleging Sound Solutions Windows & Doors, LLC. (Sound Solutions) of Chicago, Illinois, violated the False Claims Act. The Qui Tam alleged that in 2008, Sound Solutions used a Disadvantaged Business Enterprise (DBE), FCJ Real Estate Development Company, Inc., as a conduit or "pass-through" to obtain the appearance of DBE participation on the O'Hare International Airport, Residential Sound Insulation Program contracts funded by Federal Aviation Administration, Airport Improvement Program grants.

Sound Solutions submitted ten claims for payment on the O'Hare contract for window replacement, each certifying that all work was performed and all materials were supplied in accordance with the terms and conditions of the construction contract between the City of Chicago and Sound Solutions. The final two claims in 2009 and 2010 each contained a DBE Status Report signed by Spielman, as president of Sound Solutions, certifying that over \$2.3 million had been paid under the contract to valid DBE subcontractors, when in fact it was not.

Suspensions and Debarments

IL Contractors Debarred for FAA DBE Fraud

On November 18, 2015, Sound Solutions Windows & Doors, LLC (Sound Solutions) was **debarred** by the Federal Aviation Administration (FAA) for a period of 3 years for utilizing a Disadvantaged Business Enterprise (DBE) pass-through on an FAA funded contract.

This is a powerful tool for LE and for DOT Operating Administrations. This needs to be utilized as often as possible. Not worth the “cost of doing business”

STREISAND

GUILTY



If You Suspect Fraud...

- The #1 fraud indicator is your intuition
- If possible:
 - Document suspected fraudulent activity
 - Seek an explanation for irregular activity
 - Copy documents, and take photographs
 - Report your concerns or suspicions to management

Contact the OIG Hotline

Call: 1-800-424-9071

(can be anonymous or confidential)

Email: hotline@oig.dot.gov

Mail: DOT Inspector General
1200 New Jersey Ave SE
West Bldg, 7th Floor
Washington, DC 20590



In addition to press releases issued by OIG and the U.S. Attorney's Offices, OIG publishes an annual magazine that highlights some of the significant investigations conducted. The magazine, IMPACT Magazine, often contains interesting investigations about DBE fraud. The red buttons below will link to the last two issues of IMPACT, both of which contain interesting articles about DBE fraud cases.



QUESTIONS?

SAC Thomas J. Ullom, U.S. DOT/OIG

Office – (312) 353-0423

Cell – (312) 502-7429

Thomas.Ullom@oig.dot.gov

U.S. DEPARTMENT OF TRANSPORTATION

OFFICE OF INSPECTOR GENERAL – CHICAGO REGIONAL INVESTIGATIONS



★ INTEGRITY ★ ACCOUNTABILITY ★ CHARACTER ★ TEAMWORK ★

From: [Lacayo, Erik \(FHWA\)](#)
To: [Mann, Arianne \(FHWA\)](#)
Subject: FW: (b) (6) Certification retaliations another proof of LBE fraud + PRA
Date: Monday, March 15, 2021 11:19:19 PM
Attachments: [2 nd Email.pdf](#)
[1 st Email .pdf](#)
[Screen Shot 2021-03-15 at 5.14.33 PM\[4\].png](#)
<https://www.justice.gov/usao-ndcapress-releasefile1375196download.pdf>

Hi Arianne,

Here is another email that might be related to the SF complaint you just processed.

Thanks,
Erik

From: (b) (6)
Sent: Monday, March 15, 2021 8:41 PM
To: Fine, Ivy <ifine@sfgwater.org>; Asenloo, Romulus (ADM) <romulus.asenloo@sfgov.org>; Title VI@DOT <Title.VI@dot.ca.gov>; Tellis, Ray (FTA) <Ray.Tellis@dot.gov>; Lacayo, Erik (FHWA) <erik.lacayo@dot.gov>; Singh, Sanjay@DOT <sanjay.singh@dot.ca.gov>; Collins, Glenda@DOT <Glenda.Collins@dot.ca.gov>; Fox, Martia (FTA) <Martia.FOX@dot.gov>; Carlin, Michael (PUC) <mcarlin@sfgwater.org>; Masood Ordikhani Esq <mordikhani@sfgwater.org>;
OIG_WEBCOMMENTS@epa.gov; Jordan.Deborah@epa.gov
Cc: Ordikhani, Masood <mordikhani@sfgwater.org>; Yip, Kesinee A <KAYip@sfgwater.org>; Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfgwater.org>; Alt, Emily J <EAlt@sfgwater.org>; GESSNER, FRANCESCA (CAT) <Francesca.Gessner@sfcityatty.org>; Hood, Donna <DHood@sfgwater.org>; Aaron.Peskin@sfgov.org; Ahsha.Safai@sfgov.org; ajohanson@sfgwater.org; Ben.Rosenfield@sfgov.org; Stewart, Keslie (CAT) <Keslie.Stewart@sfcityatty.org>; brian.strong@sfgov.org; Catherine.Stefani@sfgov.org; charles.higueras@sfdpw.org; Dan.Mauer@sfgov.org; Don.Sy@sfdpw.org; glyman@sfgwater.org; glyman@sfgwater.org; Gordon.Mar@sfgov.org; hfung@sfgwater.org; Hillary.Ronen@sfgov.org; jiwong@sfgwater.org; Kathy How <KHow@sfgwater.org>; kenneth.bukowski@sfgov.org; Dennis Herrera <CityAttorney@sfgov.org>; kcox@sfgwater.org; mark.p.delarosa@sfgov.org; Matt.Haney@sfgov.org; max.truax@sfgov.org; mcarlin@sfgwater.org; Norman.Yee@sfgov.org; cityattorney@sfcityatty.org; PublicIntegrity@sfgov.org; Sandra.Fewer@sfgov.org; sean.obrien@sfdpw.org; todd.rydstrom@sfgov.org; Vallie.Brown@sfgov.org; whistleblower@sfgov.org
Subject: (b) (6) Certification retaliations another proof of LBE fraud + PRA

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[Asenloo and Fine](#)

I have emailed you both several times regarding my LBE certification **RENEWAL** and current bid opportunities with the SFPUC and DPW, none of you have responded.

I have emailed you both about my intent to submit on several proposals with DPW and SFPUC since

December 2020 (almost 4 months ago). The Security Fence CM proposal is due on Wednesday, today is Monday and I still have not heard from you on either extending the Wednesday submittal deadline or RENWENING my LBE certification in time so I can submit a viable proposal.

I have emailed you my latest Tax Returns on Jan 15, 2021 once it was available and previous Construction project documents as requested on Jan 25, 2021. Both emails attached and attachments highlighted.

I want to remind you the CCSF including DPW and SFPUC are recipients of Federal funds from various Federal Agencies.

This is a RENWELL and not a new application for taking unreasonable time and completely ignoring my repeated requests.

No one outside the city circle have an ounce of trust for the City conduct, its driven primarily by discrimination and corruption for years. Attached is a sample form the controller office Whistleblower Program Quarter 2 Report clearly stating what Asenloo and his CMD crew have been doing for years. Fixing LBE certifications for the former City employees and the pay-to-play club members and keeping the larger firms in a protected set-aside program. This also prove what I have been stating, multiple companies by the same owner are a way to circumvent the max revenue limits for certifications, I am not exceeding any limits.

This particular company owner sits on City LBE Advisory Council, hand-picked and was reporting to Naomi Kelly the “city administrator” and the disgrace Harlan Kelly wife, will not be the first as in Caltrans, Metro TBAC, CHSR small business councils, it’s the exact same story in all of them.

The report:

“Three companies of a city contractor, each of which has a special city contracting designation ([LBE Certified](#)), are actually operated and run by another contractor ([the definition of a Front and Pass-through to a larger contractor](#)) who does not qualify for the special city contracting designation ([LBE](#)). A department did not give timely updates to a reporter”.

“The investigation partially substantiated that two of the three companies were actually operated and owned by the other contractor. The department sent the two companies cease and desist letters ([what an enforcement action, informing them that they could lose their LBE and short of debarment, suspension, prosecution for False Claim, Fraud](#)). The investigation did not substantiate the allegation regarding the third contractor or the allegation that the department did not give a reporter timely updates”.

A slap on the hand, cover up and business as usual by the City Attorney office and the Controller office, kick it down the hill to the Feds.

!

Controller's Office: consider this a request for public information for:

Copies of the LBE certification issued for these three contractors

Cease and desist letters issued for these three contractors

Will be months before this information is release if released

Asenloo, nothing that I have said before is not coming to fruition, uneven playing field, corruption, discrimination institutionalized to the core of the former HRC and DPW criminals. Attached is a copy of Sandra Ann Zuniga Federal/USAO latest filling, just a max of 20 years in the free federal club med accommodations!

She will be singing like a Canary for reduction in her sentencing!

Where is my LBE certification renewal?

(b) (6)

Subject: Re: (b) (6) - LBE Recertification Application
Date: Friday, January 15, 2021 at 11:29:18 AM Pacific Standard Time
From: (b) (6)
To: Truax, Max (ADM)
Attachments: image001.png, 1040.pdf, Schedule 1.pdf, Schedule C.pdf, Schedule E.pdf

[See attached](#)

From: Truax, Max (ADM)
Sent: Wednesday, December 23, 2020 3:48 PM
To: (b) (6)
Cc: Wells, Lauton (ADM) <Lauton.Wells@sfgov.org>
Subject: RE: (b) (6) - LBE Recertification Application

Thank you for providing additional supporting documents. To complete your application I need the following:

1. **Verification of Average Gross Receipts:** You provided a Schedule C form from your 2019 federal individual income tax return. Please also provide the 1040 form (two pages), the Schedule 1 form, any additional Schedule C forms, and all Schedule E forms, even if unrelated to your LBE firm.

Additionally, you have requested the addition of "LBE for construction" to your firm's LBE certification. Unless I hear from you otherwise, I will assume you are requesting the General Building Contracting (B) category. To add this category I need the following:

2. **Verification of Goods and Services:** Please submit recent invoices and/or signed contracts from three clients in which your firm was hired to perform General Building Contracting (B) work.

Please provide these documents no later than **January 13, 2021**. If you have any questions, please let me know.

Max

From: (b) (6)
Sent: Wednesday, December 23, 2020 1:10 PM
To: Truax, Max (ADM) <max.truax@sfgov.org>
Subject: Re: (b) (6) - LBE Recertification Application

Max Truax,

Note the following:

1. Attached is my 2019 federal individual income tax return in which (b) (6) is my sole

proprietorship.

2. I am bidding on (b) (6) and the certification granted prior
3. I am also requesting the CMD grant me the (b) (6) as I am duly licensed contractor by the State of California (b) (6) and have had actual self-performed low bid Public Works construction projects at the City of Benicia, Vallejo Sanitation & Flood Control District and the Port of Oakland in or about (b) (6). These are actual real projects with a real license and not as the armies of hoodlums and unlicensed LBE certified by CMD corrupt program

(b) (6)

From: (b) (6)
Sent: Tuesday, September 29, 2020 10:48 PM
To: Truax, Max (ADM) <max.truax@sfgov.org>
Subject: Re: (b) (6) - LBE Recertification Application

As I stated on August 26, 2020 the Tax file is with the Accounting Consultant to be filed with IRS prior to October 15, 2020 which is the final day to file with the IRS.

So it's in the work and I will be submitting it to your office by October 15th at the latest. The requested extension is for submitting the Tax return to your office.

(b) (6)

From: "Truax, Max (ADM)" <max.truax@sfgov.org>
Date: Thursday, September 24, 2020 at 4:49 PM
To: (b) (6)
Subject: RE: (b) (6) - LBE Recertification Application

I hope you are doing well. I am following up with you regarding your 2019 federal individual income tax return to inquire whether you have filed it and able to submit it to me. Additionally, in your last email you mentioned requesting an extension and it is not clear to me if that extension was referring to you filing your tax return or to your firm's LBE certification. Please note that my office does not provide LBE certification extensions. However, once I receive your 2019 tax return I will review it and complete my review of your firm's application for LBE recertification as quickly as possible.

Max

From: (b) (6)
Sent: Wednesday, August 26, 2020 10:02 AM
To: Truax, Max (ADM) <max.truax@sfgov.org>
Subject: Re: (b) (6) - LBE Recertification Application

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

My personal tax return for 2019 has not been filed yet, I am planning to file it prior to October 15, 2020, the final deadline date. Am requesting an extension until then.

(b) (6)

From: "Truax, Max (ADM)" <max.truax@sfgov.org>

Date: Wednesday, August 19, 2020 at 10:16 AM

To: (b) (6)

Subject: (b) (6) - LBE Recertification Application

My office has received your most recent response that included documents you previously submitted. To complete your application, I need the following:

1. **Verification of Average Gross Receipts:** You have resubmitted portions of your 2018 individual income tax return. Please also submit your 2019 federal individual income tax return. Please note that you need only submit the 1040 form (two pages), the Schedule 1 form, and all Schedule C and Schedule E forms, even if unrelated to your LBE firm. If you have not yet filed the 2019 tax return, please submit the extension of time to file form as well as all Schedule E forms that accompanied your 2018 tax return, even if unrelated to your LBE firm.

Please provide these documents so that I can review them prior to **September 30, 2020**, your firm's LBE certification expiration date. If you have any questions, please let me know.

Max A. Truax
Contract Compliance Officer
Chapter 14B Local Business Enterprise Certification Unit



Contract Monitoring Division (CMD)

30 Van Ness Avenue | Suite 200 | San Francisco | CA | 94102
Direct 415-581-2321 | Main 415-581-2310 | Fax 415-581-2351
Max.Truax@sfgov.org
Visit us at sfgov.org/cmd

*** For additional information on LBE Certification, visit sfgov.org/lbecert

Visit <https://sfcitypartner.sfgov.org/> for more information about the FSP PeopleSoft Supplier Portal ***

[COVID-19 Assistance for Businesses & Employees](#)

20 | Whistleblower Program Quarter 2 Report – October 1 Through December 31, 2020

Allegation	Resolution Based on Investigation
<p>Three companies of a city contractor, each of which has a special city contracting designation, are actually operated and run by another contractor who does not qualify for the special city contracting designation. A department did not give timely updates to a reporter.</p>	<p>The investigation partially substantiated that two of the three companies were actually operated and owned by the other contractor. The department sent the two companies cease and desist letters, informing them that they could lose their special city contracting designation. The investigation did not substantiate the allegation regarding the third contractor or the allegation that the department did not give a reporter timely updates.</p>
<p>An employee did not follow safety protocols and operates equipment unsafely.</p>	<p>The investigation did not substantiate the allegations, but the department formally</p>

1 STEPHANIE M. HINDS (CABN 154284)
Acting United States Attorney

2 HALLIE HOFFMAN (CABN 210020)
3 Chief, Criminal Division

4 ALEXANDRA J. SHEPARD (CABN 205143)
5 SCOTT D. JOINER (CABN 223313)
Assistant United States Attorneys

6 450 Golden Gate Avenue, Box 36055
7 San Francisco, California 94102-3495
Telephone: (415) 436-6767
8 FAX: (415) 436-7234
alexandra.shepard@usdoj.gov

9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,) NO. CR 21-00096 EMC
14 Plaintiff,)
15 v.) STIPULATION AND [PROPOSED] ORDER
16 SANDRA ANN ZUNIGA,) SETTING CHANGE OF PLEA HEARING
17 Defendant.)
18

19 The parties have reached an agreement to resolve the charge against the defendant. An executed
20 plea agreement, attached as Exhibit 1, reflects the parties’ agreement. In order to expedite this matter,
21 and in light of the current COVID-19 pandemic, the parties are hereby requesting that a change of plea
22 hearing be held by videoconference on March 18, 2021, or as soon thereafter as convenient to the
23 Court.¹

24
25
26 ¹ The government has also filed a notice of related case for this matter as to *U.S. v. Nick Bovis*,
27 No. 20-CR-00204 WHO, *U.S. v. Walter Wong*, No. 20-CR-00257 WHO, *U.S. v. Balmore Hernandez*,
28 No. 20-CR-00353 WHO, and *U.S. v. Florence Kong*, No. 20-CR-00354 WHO. Subject to the Court’s
discretion, the requested date above reflects a date on which Judge Orrick normally holds his criminal
calendar.

1 The defendant voluntarily wishes to appear by video conference, has been advised by counsel,
2 and understands the following: (1) she has the right under the Constitution and the Federal Rules of
3 Criminal Procedure to be present at the proceeding; and (2) she understands that video conferencing is
4 the projection of live camera video and audio between participants.

5 It is further stipulated between the parties that: (1) in light of the COVID-19 pandemic, the
6 change of plea hearing cannot be conducted in person without seriously jeopardizing public health and
7 safety; and (2) in light of the importance of the case to the public interest and the need to move forward
8 expeditiously, there are specific reasons that the change of plea cannot be further delayed without
9 serious harm to the interests of justice.

10 SO STIPULATED.

12 DATED: March 9, 2021

STEPHANIE M. HINDS
Acting United States Attorney

14 _____
/s/
15 ALEXANDRA SHEPARD
SCOTT D. JOINER
Assistant United States Attorneys

17 DATED: March 9, 2021

18 _____
/s/
GALIA AMRAM
Counsel for Defendant

19 ///
20 ///
21 ///
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[PROPOSED] ORDER

Pursuant to stipulation, the above-captioned matter will be set for a change of plea hearing on _____ at _____. The parties will appear by videoconference. The Court finds that in light of the ongoing COVID-19 pandemic, the hearing cannot be conducted in person without seriously jeopardizing public health and safety; and (2) there are specific reasons that the change of plea cannot be further delayed without serious harm to the interests of justice.

IT IS SO ORDERED.

DATED: _____

HON. EDWARD M. CHEN
UNITED STATES DISTRICT JUDGE

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EXHIBIT 1

Plea Agreement

1 STEPHANIE M. HINDS (CABN 154284)
Acting United States Attorney

2 HALLIE HOFFMAN (CABN 210020)
3 Chief, Criminal Division

4 ALEXANDRA J. SHEPARD (CABN 205143)
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5 Assistant United States Attorneys

6 450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
7 Telephone: (415) 436-6767
8 FAX: (415) 436-7234
alexandra.shepard@usdoj.gov

9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA,) NO. CR 21-00096
15 Plaintiff,) PLEA AGREEMENT
16 v.)
17 SANDRA ANN ZUNIGA,)
18 Defendant.)
19 _____)

20 I, Sandra Ann Zuniga, and the United States Attorney’s Office for the Northern District of
21 California (hereafter “the government”) enter into this written Plea Agreement (the “Agreement”)
22 pursuant to Rule 11(c)(1)(A) and 11(c)(1)(B) of the Federal Rules of Criminal Procedure:
23

24 The Defendant’s Promises

25 1. I agree to plead guilty to Count One of the captioned Information charging me with
26 Conspiracy to Commit Money Laundering in violation of 18 U.S.C. §§ 1956(h). I agree that the elements
27 of the offense are as follows: (1) I agreed with another to conduct or attempt to conduct a financial
28 transaction; (2) knowing that the property involved in the financial transaction represented the proceeds

1 of some form of unlawful activity; (3) which in fact involved the proceeds of specified unlawful activity
2 (namely, honest services wire fraud); and (4) I acted knowing the transaction was designed in whole or
3 part to disguise the nature, location, source, ownership, or control of the proceeds of the specified
4 unlawful activity.

5 I agree that the maximum penalties are as follows:

- 6 a. Maximum prison term 20 years
- 7 b. Maximum fine \$500,000 or twice the value
8 of the monetary instrument or
9 funds involved in the
10 transaction
- 11 c. Maximum supervised release term 3 years
- 12 d. Restitution
- 13 e. Mandatory special assessment \$100 per felony count
- 14 f. Potential Deportation
- 15 g. Forfeiture

16 2. I agree that I am guilty of the offense to which I am pleading guilty, and I agree that the
17 following facts are true:

18 [SEE EXHIBIT A FILED UNDER SEAL]

19 3. I agree to give up all rights that I would have if I chose to proceed to trial, including the
20 rights to a jury trial with the assistance of an attorney; to confront and cross-examine government
21 witnesses; to remain silent or testify; to move to suppress evidence or raise any other Fourth or Fifth
22 Amendment claims; to any further discovery from the government; and to pursue any affirmative
23 defenses and present evidence.

24 4. I agree to give up my right to appeal my conviction, including constitutional challenges
25 to the statute of conviction. I agree to give up my right to appeal the judgment and all orders of the
26 Court. I also agree to give up my right to appeal any aspect of my sentence, including any orders relating
27 to forfeiture and/or restitution, reserving only my right to claim that my sentence violated this plea
28 agreement, applicable law, or the Constitution. I reserve my right to claim that my counsel was

1 ineffective. I understand that this waiver includes, but is not limited to, any and all constitutional or legal
2 challenges to my conviction and guilty plea, including arguments that the statute to which I am pleading
3 guilty is unconstitutional, and any and all claims that the statement of facts provided herein is insufficient
4 to support my plea of guilty.

5 5. I agree not to file any collateral attack on my conviction or sentence, including a petition
6 under 28 U.S.C. § 2255 or 28 U.S.C. § 2241, except that I reserve my right to claim that my counsel was
7 ineffective.

8 6. I agree not to ask the Court to withdraw my guilty plea at any time after it is entered. In
9 the event I violate any of the terms of the Agreement, I agree that the facts set forth in Paragraph 2 of
10 this Agreement and, if applicable, the fact that I made a sworn admission to them in a previous court
11 proceeding, shall be admissible against me in any subsequent proceeding, including at trial. In any
12 subsequent proceeding conducted after I violate any of the terms of the Agreement, I expressly waive
13 any and all rights under Fed. R. Crim. P. 11(f) and Fed. R. Evid. 410 with regard to the facts set forth in
14 Paragraph 2 of the Agreement and, if applicable, the fact that I made a sworn admission to them at a
15 previous court proceeding.

16 7. I understand that the Court must consult the United States Sentencing Guidelines and
17 take them into account when sentencing, together with the factors set forth in 18 U.S.C. § 3553(a). I
18 also agree that the sentencing range will be calculated by the Court and that other than joining in a
19 possible government downward departure pursuant to U.S.S.G. § 5K1.1 and/or 18 U.S.C. § 3553(e), I
20 will not ask for any other adjustment to or reduction in the offense level or for a downward departure
21 from the Guidelines range as determined by the Court. I reserve my right to argue for a variance from
22 the Guidelines range determined by the Court based on 18 U.S.C. § 3553(a) factors, and I understand
23 that the government is free to oppose any such request. I further understand that regardless of the
24 sentence that the Court imposes on me, I will not be entitled, nor will I ask, to withdraw my guilty plea.

25 8. I agree that regardless of any other provision of this Agreement, the government may and
26 will provide the Court and the Probation Office with all information relevant to the charged offense and
27 the sentencing decision, including any victim impact statements and letters from the victim(s), and/or
28

1 their friends and family. I agree that, based on the nature of the offense, the Court should impose the
2 following special condition of supervised release which is reasonably related to deterrence and
3 rehabilitation:

4 Special Condition (Searches)

5 The defendant shall submit her person, residence, office, vehicle, electronic
6 devices and their data (including cell phones, computers, and electronic storage
7 media), and any property under defendant's control to a search. Such a search
8 shall be conducted by a United States Probation Officer or any federal, state, or
9 local law enforcement officer at any time, with or without suspicion. Failure to
10 submit to such a search may be grounds for revocation; the defendant shall warn
11 any residents that the premises may be subject to searches.

9 9. I agree that I will make a good-faith effort to pay any fine, forfeiture, or restitution I am
10 ordered to pay. I agree to pay the special assessment at the time of sentencing.

11 I agree to pay full restitution for all losses caused by all the schemes or offenses with which I
12 was charged in this case, and I understand that the amount of restitution will not be limited to the loss
13 attributable to the count to which I am pleading guilty, pursuant to 18 U.S.C. § 3663(a)(3). I understand
14 that the Court will not consider my economic circumstances in determining the restitution amount. I
15 agree to pay restitution in an amount to be set by the Court at the time of sentencing.

16 Any restitution payments shall be paid through the Office of the Clerk of the District Court by
17 bank or cashier's check or money order made payable to the "Clerk, United States District Court."

18 I understand that the restitution described above creates a lien in favor of the United States on all
19 property and rights to property I may possess upon entry of judgment and continues for the later of 20
20 years from the entry of judgment or 20 years after release from imprisonment or until the debt is paid in
21 full. I further understand the government will record a notice of the lien in any county where I reside or
22 have property. I further understand that this order of restitution cannot be discharged in bankruptcy and
23 that if I default on the payment of a fine or restitution, the Court may revoke probation or a term of
24 supervised release, modify the terms or conditions of probation or supervised release, resentence me,
25 hold me in contempt of court, order the sale of property, enter or adjust a payment schedule, or take any
26 other action necessary to obtain compliance.

27 At least sixty days prior to sentencing, I agree to complete, under penalty of perjury, a financial
28

1 statement provided by the U.S. Attorney’s Office and to update that statement with material changes
2 within seven days of the change. I understand that I must identify all assets and financial interests
3 valued at more than \$1,000. I further understand that these assets and financial interests include all
4 assets and financial interests in which I have an interest, direct or indirect, whether held in my own name
5 or in the name of another, in any property, real or personal.

6 I agree to surrender assets I obtained as a result of my crimes, and release funds and property
7 under my control in order to pay any fine, forfeiture, or restitution. I further agree to notify the Financial
8 Litigation Unit, United States Attorney’s Office (“FLU”) before transferring any interest in property
9 owned directly or indirectly by me, including any interest held or owned under any other name or entity,
10 including trusts, partnerships, and/or corporations. I also agree to notify the FLU of any interest in
11 property I may obtain, directly or indirectly, including any interest obtained under any other name, or
12 entity, including a trust, partnership, or corporation, after the execution of this Plea Agreement until the
13 fine or restitution is paid in full.

14 I agree that any fine, forfeiture, or restitution imposed by the Court against me will be due
15 immediately and subject to immediate enforcement by the government as authorized by 18 U.S.C.
16 § 3613. I further understand that the government may seek immediate collection of the entire fine,
17 forfeiture, or restitution from any assets without regard to any schedule of payments imposed by the
18 Court or established by the Probation Office and that monetary penalties imposed by the Court will be
19 submitted to the Treasury Offset Program so that any federal payment or transfer of returned property I
20 receive may be offset and applied to federal debts.

21 10. I agree to cooperate with the U.S. Attorney’s Office before and after I am sentenced. My
22 cooperation will include, but will not be limited to, the following:

- 23 a. I will meet with the government when requested;
- 24 b. I will respond truthfully and completely to any and all questions put to me, whether in
25 interviews, before a grand jury, or at any trial or other proceeding;
- 26 c. I will provide all documents and other material asked for by the government;
- 27 d. I will testify truthfully at any grand jury, court, or other proceeding as requested by the
28 government;
- e. I will surrender any and all assets acquired or obtained directly or indirectly as a result of

1 my illegal conduct;

2 f. I will request continuances of my sentencing date, as necessary, until my cooperation is
3 completed;

4 g. I will participate in undercover activities under the supervision of law enforcement agents
5 or the U.S. Attorney's Office.

6 11. I agree that the government's decision whether to file a motion pursuant to U.S.S.G.
7 § 5K1.1 or 18 U.S.C. § 3553(e), as described in the government promises section below, is based on its
8 sole and exclusive decision of whether I have provided substantial assistance and that decision will be
9 binding on me. I understand that the government's decision whether to file such a motion, or the extent
10 of the departure recommended by any motion, will not depend on whether convictions are obtained in
11 any case. I also understand that the Court will not be bound by any recommendation made by the
12 government.

13 12. I agree not to commit or attempt to commit any crimes before sentence is imposed or
14 before I surrender to serve my sentence. I also agree not to violate the terms of my pretrial release; not
15 to intentionally provide false information to the Court, the Probation Office, Pretrial Services, or the
16 government; and not to fail to comply with any of the other promises I have made in this Agreement. I
17 agree not to have any contact with any victims or witnesses in this case, either directly or indirectly,
18 before and after I am sentenced. This includes, but is not limited to, personal contact, telephone, mail,
19 or electronic mail contact, or any other written form of communication, and includes any harassing,
20 annoying, or intimidating conduct by me directed to any victims or witnesses. I agree that the Court
21 may also include this no-contact provision as a condition of my supervised release term. I agree that if I
22 fail to comply with any promises I have made in this Agreement, then the government will be released
23 from all of its promises in this Agreement, including those set forth in the Government's Promises
24 Section below, but I will not be released from my guilty pleas.

25 I agree to abide by all of the terms of my pre-trial release pending sentencing. However, I agree
26 to be remanded to the custody of the United States Marshal at any time prior to my sentencing if
27 requested by Pre-Trial Services, Probation or the government or as ordered by the Court.

28 13. If I am prosecuted after failing to comply with any promises I made in this Agreement,

1 then (a) I agree that any statements I made to any law enforcement or other government agency or in
2 Court, whether or not made pursuant to the cooperation provisions of this Agreement, may be used in
3 any way; (b) I waive any and all claims under the United States Constitution, Rule 11(f) of the Federal
4 Rules of Criminal Procedure, Rule 410 of the Federal Rules of Evidence, or any other federal statute or
5 rule, to suppress or restrict the use of my statements, or any leads derived from those statements; and (c)
6 I waive any defense to any prosecution that it is barred by a statute of limitations, if the limitations
7 period has run between the date of this Agreement and the date I am indicted.

8 14. I agree that this Agreement contains all of the promises and agreements between the
9 government and me, that this Agreement supersedes all previous agreements that I had with the
10 government (including any “proffer” agreement), and I will not claim otherwise in the future. No
11 modification of this Agreement shall be effective unless it is in writing and signed by all parties.

12 15. I agree that the Agreement binds the U.S. Attorney’s Office for the Northern District of
13 California only, and does not bind any other federal, state, or local agency.

14 The Government’s Promises

15 16. The government agrees not to file any additional charges against the defendant that could
16 be filed as a result of the investigation that led to the captioned Information, so long as the defendant has
17 fully disclosed such conduct to the government and otherwise complied fully with this Agreement.

18 17. If, in its sole and exclusive judgment, the government decides that the defendant has
19 cooperated fully and truthfully, provided substantial assistance to law enforcement authorities within the
20 meaning of U.S.S.G. § 5K1.1, and otherwise complied fully with this Agreement, it will file with the
21 Court a motion under § 5K1.1 and/or 18 U.S.C. § 3553 that explains the nature and extent of the
22 defendant’s cooperation and recommends a downward departure.

23 The Defendant’s Affirmations

24 18. I confirm that I have had adequate time to discuss this case, the evidence, and the
25 Agreement with my attorney and that my attorney has provided me with all the legal advice that I
26 requested.

27 19. I confirm that while I considered signing this Agreement, and at the time I signed it, I
28

1 was not under the influence of any alcohol, drug, or medicine that would impair my ability to understand
2 the Agreement.

3 20. I confirm that my decision to enter a guilty plea is made knowing the charges that have
4 been brought against me, any possible defense, and the benefits and possible detriments of proceeding to
5 trial. I also confirm that my decision to plead guilty is made voluntarily, and no one coerced or
6 threatened me to enter into this Agreement.

7
8 Dated: 3/8/21


SANDRA ANN ZUNIGA
Defendant


STEPHANIE M. HINDS
Acting United States Attorney

9
10
11
12 Dated: 3/8/21


ALEXANDRA J. SHEPARD
SCOTT D. JOINER
Assistant United States Attorney

13
14
15 21. I have fully explained to my client all the rights that a criminal defendant has and all the
16 terms of this Agreement. In my opinion, my client understands all the terms of this Agreement and all
17 the rights my client is giving up by pleading guilty, and, based on the information now known to me, my
18 client's decision to plead guilty is knowing and voluntary.

19
20 Dated: 3/8/2021


GALIA AMRAM
Attorney for Defendant

**PLEA AGREEMENT EXHIBIT A
TO BE FILED UNDER SEAL**

From: [Carson, Scott \(FHWA\)](#)
To: [Lacayo, Erik \(FHWA\)](#)
Cc: [Kratovil, Aimee \(FHWA\)](#)
Subject: FW: Title VI Complaint - (b) (6)
Date: Friday, March 26, 2021 11:52:21 AM
Attachments: [What Harlan Kelly Text with Walter Wong really shows, more protected fraud.pdf](#)
[DBE Fraud.pdf](#)
[S Miller_02_05\[2\].PDF](#)
[Screen Shot 2021-03-23 at 10.39.01 AM.png](#)
[SFMTA Email no. 4.pdf](#)

Hi Eric. I was out on leave and I see there's been a lot of activity on this complaint. CT sent this additional information on Wed. SAC

Scott Carson
Civil Rights Specialist
FHWA – California Division
scott.carson@dot.gov
office: 916-498-5029
cell: (b) (6)

From: Title VI@DOT [mailto:Title.VI@dot.ca.gov]
Sent: Wednesday, March 24, 2021 3:59 PM
To: Carson, Scott (FHWA) <Scott.Carson@dot.gov>
Cc: Collins, Glenda@DOT <Glenda.Collins@dot.ca.gov>; Singh, Sanjay@DOT <sanjay.singh@dot.ca.gov>; Kratovil, Aimee (FHWA) <Aimee.Kratovil@dot.gov>; Ramos, Miguel (FHWA) <miguel.ramos@dot.gov>; Title VI@DOT <Title.VI@dot.ca.gov>
Subject: RE: Title VI Complaint - (b) (6)

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon, Mr. Carson:

We have received additional documents for this complaint. Please see the attached documents.

Please let me know if you have any questions.

Have a great day/week and stay safe.

Thank you.

Loi

Loi Tran
Title VI/Compliance Specialist (AGPA)

Caltrans – Office of Civil Rights
(916) 324-0420

From: Carson, Scott (FHWA) <Scott.Carson@dot.gov>
Sent: Tuesday, March 16, 2021 1:07 PM
To: Title VI@DOT <Title.VI@dot.ca.gov>
Cc: Collins, Glenda@DOT <Glenda.Collins@dot.ca.gov>; Singh, Sanjay@DOT <sanjay.singh@dot.ca.gov>; Kratovil, Aimee (FHWA) <Aimee.Kratovil@dot.gov>; Ramos, Miguel (FHWA) <miguel.ramos@dot.gov>
Subject: RE: Title VI Complaint - (b) (6)

EXTERNAL EMAIL. Links/attachments may not be safe.

Thanks Loi! I will pass these on to our HQ folks. SAC

Scott Carson
Civil Rights Specialist
FHWA – California Division
scott.carson@dot.gov
office: 916-498-5029
cell: 916-796-7207

From: Title VI@DOT [<mailto:Title.VI@dot.ca.gov>]
Sent: Tuesday, March 16, 2021 10:06 AM
To: Carson, Scott (FHWA) <Scott.Carson@dot.gov>
Cc: Collins, Glenda@DOT <Glenda.Collins@dot.ca.gov>; Singh, Sanjay@DOT <sanjay.singh@dot.ca.gov>; Kratovil, Aimee (FHWA) <Aimee.Kratovil@dot.gov>; Ramos, Miguel (FHWA) <miguel.ramos@dot.gov>; Title VI@DOT <Title.VI@dot.ca.gov>
Subject: RE: Title VI Complaint - Rowena Altaha

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good Morning, Mr. Carson:

I checked our complaint log and I could not find anything received from County and City of San Francisco or from any other entity regarding this Title VI complaint.

We received additional emails/attachments for this complaint. Please see the attachments.

Please let me know if you have additional questions or if you need additional information.

Have a great day/week and stay safe.

Thank you.

Loi

Loi Tran

Title VI/Compliance Specialist (AGPA)
Caltrans – Office of Civil Rights
(916) 324-0420

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From: Carson, Scott (FHWA) <Scott.Carson@dot.gov>
Sent: Monday, March 15, 2021 3:58 PM
To: Title VI@DOT <Title.VI@dot.ca.gov>
Cc: Collins, Glenda@DOT <Glenda.Collins@dot.ca.gov>; Singh, Sanjay@DOT <sanjay.singh@dot.ca.gov>; Kratovil, Aimee (FHWA) <Aimee.Kratovil@dot.gov>; Ramos, Miguel (FHWA) <miguel.ramos@dot.gov>
Subject: RE: Title VI Complaint - Rowena Altaha

EXTERNAL EMAIL. Links/attachments may not be safe.

Hey all,

HQ is working on intake of this complaint, and had a question about one of allegations contained within. If this is the correct complaint to reference – which is against the County and City of San Francisco – the allegation is that the city did not process the original Title VI complaint. Do you know if Caltrans ever received anything from the city on this complaint, or from any other entity? I'm out of the office the 17-25th, so if you're answering then, please make sure that Aimee and Miguel are cc:ed in your answer. Much appreciated! SAC

Scott Carson
Civil Rights Specialist
FHWA – California Division
scott.carson@dot.gov
office: 916-498-5029
cell: 916-796-7207

From: Title VI@DOT [<mailto:Title.VI@dot.ca.gov>]
Sent: Thursday, March 11, 2021 11:37 AM

To: Carson, Scott (FHWA) <Scott.Carson@dot.gov>

Cc: Title VI@DOT <Title.VI@dot.ca.gov>; Collins, Glenda@DOT <Glenda.Collins@dot.ca.gov>; Singh, Sanjay@DOT <sanjay.singh@dot.ca.gov>

Subject: Title VI Complaint - Rowena Altaha

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Good Morning, Mr. Carson:

Please see the attached cover letter from my supervisor, Glenda Collins, and documents of a Title VI complaint filed by Mrs. Rowena Altaha. Please reply to this email to acknowledge receipt of the complaint.

If you have any questions, please do not hesitate to contact my supervisor, Glenda Collins, at 916-324-8379 (office) or 916-639-6392 (cell).

Have a great day/week and stay safe.

Thank you.

Loi

Loi Tran

Title VI/Compliance Specialist (AGPA)
Caltrans – Office of Civil Rights
(916) 324-0420

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From: (b) (6)
To: cityattorney@SFCITYATTY.ORG; [Keslie Stewart](#); [Romulus Asenloo](#); virginia.harmon@sfmta.com; [Ivy Fine](#); [Title VI@DOT](#); [Title VI@DOT](#); [Tellis, Ray \(FTA\)](#); [Lacayo, Erik \(FHWA\)](#); [Singh, Sanjay@DOT](#); [Collins, Glenda@DOT](#); [OIG_WEBCOMMENTS@epa.gov](#); [FHWA, Civil Rights \(FHWA\)](#); Jordan.Deborah@epa.gov; [Mammano, Vincent \(FHWA\)](#); [Schneider, Paul \(FHWA\)](#); [Carson, Scott \(FHWA\)](#); [Fox, Martia \(FTA\)](#); Jim.Esselman@dot.gov; [Mann, Arianne \(FHWA\)](#); [Marion, Irene \(OST\)](#); [Kathy How](#); [Rivera, Yvette \(OST\)](#); [Dougherty, Barbara \(OST\)](#); [Rico, Irene \(FHWA\)](#); max.truax@sfgov.org; Carmen.Chu@dot.gov; [Ordikhani, Masood](#); [GESSNER, FRANCESCA \(CAT\)](#)
Cc: [Yip, Kesinee A](#); [Ruski Augusto Sa, Mayara](#); [Alt, Emily J](#); [Hood, Donna](#); Aaron.Peskin@sfgov.org; Ahsha.Safai@sfgov.org; ajohanson@sfwater.org; Ben.Rosenfield@sfgov.org; brian.strong@sfgov.org; Catherine.Stefani@sfgov.org; charles.higuera@sfdpw.org; Dan.Mauer@sfgov.org; Don.Sy@sfdpw.org; glyman@sfwater.org; glyman@sfwater.org; Gordon.Mar@sfgov.org; hfung@sfwater.org; Hillary.Ronen@sfgov.org; jiwong@sfwater.org; kenneth.bukowski@sfgov.org; [Dennis Herrera](#); kcox@sfwater.org; mark.p.delarosa@sfgov.org; Matt.Haney@sfgov.org; mcarlin@sfwater.org; Norman.Yee@sfgov.org; cityattorney@sfcityatty.org; PublicIntegrity@sfgov.org; Sandra.Fewer@sfgov.org; sean.obrien@sfdpw.org; todd.rydstrom@sfgov.org; Vallie.Brown@sfgov.org; whistleblower@sfgov.org
Subject: What Harlan Kelly Text with Walter Wong really shows, more protected fraud
Date: Tuesday, March 23, 2021 6:21:59 PM
Attachments: [image001.jpg](#)
[DBE Fraud.pdf](#)
[Screen Shot 2021-03-23 at 10.39.01 AM.png](#)
[SFMTA Email no. 4.pdf](#)
[S Miller_02_05\[2\].PDF](#)

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Mr. Denies Herrera, City Attorney and his 200 lawyers
Romulus Asenloo, CMD
Ivy Fine, SFPUC
Virginia Harmon, SFMTA

Thank you for the discloser, except it omitted the communications between the City Attorney office and the unnamed SF reporter highlighted below in yellow for your attention.

As I mentioned, I have a set of skills that can pick clues from a haystack with ease. First name on the disgrace Harlan Kelly phone text list is Doug Parrish just another example of criminally, sorry mean “politically” connected LBE in SF with the City criminal enterprise. The other clue both the disgraced Harlan Kelly charged by the FBI/USAO and the convicted Walter Wong would not contact normal people and offer bid opportunity in an open playing field; they have to have an angle. If you look into the contracts record you will probably see this exchange of text was another cooked deal with the SFPUC LED lights project involving Ivy Fine and Romulus Asenloo, with some sort of Federal funds involved for power efficiency.

Last week I wrote the USDOT about how the criminal CMD under Asenloo grant unlicensed contractors the LBE certification, once these LBEs get three contracts they walk to Virginia Harmon at SFMTA and get the federal DBE certification. (both Harmon and Asenloo came in from the same criminal HRC where Zula Jones stated on an FBI wiretap “ we do it better than NY”).

See Denies, as an CA attorney with a BAR number am sure you can relate to the Federal Statute, the 49CFR Part 26, where it states the 51% owner of a DBE firm has to be in control of the DBE, he/she is running, otherwise it is a front. The attached sample of many from the USDOT IG points out to DBE fraud when the “**DBE owner lacking background,**

expertise”. The CA CUCP hard copy DBE application had a footnote requirement to list the owner applicable State Lic. This was removed by the CUCP statewide to allow anyone criminally connected to be certified and account for the LBE and/or DBE goals. This is why the CUCP files listed below are important to uncover the CCSF massive DBE fraud and the RICO level coverup. It's all in the minutes, just as the Community Benefits scams and meeting minutes if you release it per my PRA will show how contractors and consultant 5% “donations” rank them higher in the selection process on contracts and proposals in clear violations of the Federal and State Brooks Act not to mention it's no more than pay and play. Ivy Fine denied it publicly in the SFPUC November commission meeting, but the community benefit scam is a **Voluntary, Mandatory Give or else Participation Program**.

Now I am asking you as a lawyer, does this “DBE owner” that your City approved both his LBE and then his DBE has the background, expertise when his background is a Canadian Football player, and his education is in Social Welfare from UC Berkeley. Let me also point out he is not the qualifier for his own CA CSLB C-10 Lic, he had to have a RMO to qualify for his Lic. Clearly this RMO is not the DBE 51% owner and I hope the case is not a “Hire an RMO” that the CSLB have criminally prosecuted many for this illegal conduct and the 49CFR Part 26 consider it a front setup.

Also, I am seeing a web of connections between this front and many other companies more than the case of the former DPW staff MCK including one called Rainforest Fund sitting on the Board of Directors, an LLC and Inc under the same name, and ECO electric, and Red Dipper Environmental and another called Winning Joule filled by another one of the JONES extended City Family of Dwayne Jones and the Zula Jones but out of Vallejo sharing the same SF address with other firms and the Text clearly identify this company as a Eastbay company yet certified as a local SF Company by Asenloo and his crew.

Who did two of your City department manage to pull this scam off? I am happy to tell you this is not the only LBE/DBE case with the CCSF, I have the full list of years of the exact same illegal conduct, so the probability of an isolated “staff” mistake is far from the fact it is an enterprise level RICO and for all the lawyers involved in certification and procurement, they have the full understanding of its ramifications of deliberately defrauding the Federal Government.

Let me answer this point with a partial answer for now. Let's see the following link: <https://www.sfgate.com/bayarea/article/HRC-chief-Review-left-to-staff-3060736.php> for the SFGate report dated October 31, 1999. All the names and the offenders are the same and it's the same scam, the same fraud, the same contract fixing since 1999 with the exception of Mr. Kevin Williams that blew the whistle, and he sued your office for retaliation while his only “offence” was doing his job and applying the law of the land. He won fair and square in court just as another whistle blower from your own office, attorney Joanne Hoepfer did after unearthing evidence that your office Claims Unit led by Rothschild and protected by yourself colluded with plumbing companies to pay \$10-19M tax money to illegal claims involving alleged damage to sewers that weren't really damaged. Again, the same scam, same names, same fraud and same contract fixings across board, except your office has the highest

number of BAR admitted lawyers with understanding of the law.

Normal people that want to do their job professionally are not accepted, not allowed and retaliated against in SF as a policy. Bamba, the former HRC Executive Director mentioned in the 1999 news link is the subject of a current Subpoena and rest assure, this is what she did before and what is what she is doing now with the GC she is working for fixing LBE and DBE on their SFO contracts, why would she change if she and the rest of the clowns are assured both the City Attorney and the Controller Office kick the can down the hill and only put up superficial theatrical shows. Do you think she is going to hire normal companies that the owners can obtain their own Lic on their own or hire the ones that pay and play?

Azul Works has been charged by the Feds and still enjoying at least \$30M in SFPUC and another \$20-25M with DPW and SFMTA federally funded contracts and your office with 200 lawyers can't find a way to terminate these contracts that were awarded as a result of proven bribery and pay-to-play with Kelly and Nuru. That is incredible.

An example of the City Attorney participation in Fraud and Coverup:

Let me share with you how your office, the City Attorney's office actually works in covering up DBE fraud. The attached email dated June 16, 2015 was a request for public information related to SFMTA involvement in the CUCP monthly meeting, the C3 nerve center for DBE fraud under Janice Salis. Partial files were loaded into the email and was mailed to me. Somehow, one of your attorneys, Robin Reitzes, BAR No. 96306 managed to access the email and DELETE the attached files after it was sent. That is incredible and shows access and CONTROL to all City emails. NSA would not do that, but they have all the records through their node center near Folsom and 2nd street.

The proof is twofold, one I never got the files even when staff stated they did include the file and I believe she did include the file (separate email) and second, I would like to bring your attention to the very last line in this attached email where it states, "*[attachment "CUCP Monthly Meeting Emails 1 of 2 (Submitted 06 12 15).pdf" deleted by Robin M Reitzes/CTYATT] [attachment "CUCP Monthly Meeting Emails 2 of 2 (Submitted 06 12 15).pdf" deleted by Robin M Reitzes/CTYATT]*". The original electronic file for this email is available for any forensic verification.

So, I am putting this request for public information on your table again to provide me and several federal agencies copied including the FBI, USDOT and the USAO here with the already admitted and acknowledged by your staff in the SFMTA attached email "*There are 9,591 documents related to the CUCP (2002-2015). Staff estimates that about 10% are not directly related to the CUCP monthly meetings. This leaves 8,632 documents, of which 1,309 have been sent to you. 7,323 documents remain to be duplicated.* Please, lets no argue that Reitzes and your office does not have possession of the 8,632 files related to evidence of defrauding the US Federal government, it would not look good for your career if these 9,591 files have been shredded or destroyed by

your office to cover up a federal crime as Caltrans and Janice Salais have done.

Two other important developments:

1 - Ivy Fine of the SFPUC just issued an addendum yesterday for the small CM Fence CM PRO 0201 changing the internal SFPUC selection timeline for the by 3 weeks when she denied my request to extend the submittal deadline to accommodate a reasonable time to respond after another material change in the RFP requirements transmitted after the submittal due time.

2 – Romulus Asenloo and his CMD crew made HISTORY (attached) by asking a GC to conduct Good **Fake** Efforts after the fact bids were received, stamped and opened. He, his lawyers and your lawyers determined the first ranked GC non-compliance with the LBE Good **Faith** efforts and truly proving it is as we know it called Good **Fake** efforts by allowing the second bidder on contract WW-645R, WESTSIDE PUMP STATION to conduct their Good Fake efforts after Ivy Fine received the bids. Asenloo and Fine did not provide the same opportunity to the first apparent low bidder that was disqualified for the same reasons while allowing and offering only the second GC the opportunity” .

This is what Asenloo and Fine do to ensure the same GCs are selected time after time on low bid projects with federal funded FHWA, FAA and FTA projects. What is interesting is why the same contractors and the same subs win over and over. See Denies you need to start looking into the bids data, canvas of bids and see the trend of which two contractors are trading places between themselves in SF and how the bid item numbers are almost the same on multiple locally and federally funded bids. You and your 200 lawyers think no one paid attention, but some do and some noticed, some complained, and your office terminated their contracts and others just washed away helplessly. As a lawyer, am sure you can conclude this conduct is called **Bids Collusion**. If not, ask your lawyers publicly evaluating “risk to the City” in commission award discussion at the DPW, SFPUC and SFO. My question to you, do you have any idea to the financial cost of Bid Collusion and limiting the number of bidders to the few chosen ones?

Now the WESTSIDE PUMP STATION CM currently in procurement will go to the same company that have an existing CM contract (I am withholding the Prime name for now) that Ivy Fine wanted to include the pump CM services into that CM contract but could not due to contract budget limits. Again, to make sure I don't qualify, Ivy Fine and Kathy How selectively allowed only a PE and AIA Lic holder to qualify for the minimum requirement and deliberately excluded the CSLB A lic that I hold for years which is in compliance with the State of California Statutes for CM including GC-4525 and SB605.

So, the pillars of any criminal acts, there is always an evidence left in any crime!, always a corrupt CEO or CCO (Chief Criminal Officer) supported by an army of

lawyers and an army of certification/procurement staff in one happy family to defraud the federal government, the tax and rate payers. All you did is covered it up and allowed the same CMD to retaliate by not renewing my LBE certification and allowed CM RFPs to exclude my State Lic while allowing fronts without his ability to pass the basic State exam to win City construction contracts to prevent me from an Even Playing Field with my peers and for the record, not a single City department that you defend has responded to my numerous Civil Rights Violations that I submitted to the CCSF.

All you any your City can do is wholesale discrimination and retaliation while protecting corruption and fraud, that is your maximum operating envelope period. You're in a sealed box waiting for the final determination.

Again, and just for the record why is my LBE certification not renewed for months and why no one in the City responded to my numerous Title VI complaints?

(b) (6)

From: "Buta, Odaya (CAT)" <Odaya.Buta@sfcityatty.org> on behalf of Dennis Herrera <cityattorney@SFCITYATTY.ORG>

Date: Monday, March 22, 2021 at 3:53 PM

To: (b) (6)

Cc: Dennis Herrera <cityattorney@SFCITYATTY.ORG>

Subject: FW: Harlan Kelly Text with Walter Wong

Hello (b) (6),

I am responding on behalf of the City Attorney's Office to your request below. Attached please find the responsive records in our custody. Please send replies to cityattorney@sfcityatty.org.

Sincerely,

Odaya Buta

Paralegal

Office of City Attorney Dennis J. Herrera

www.sfcityattorney.orgFind us on: [Facebook](#) [Twitter](#) [Instagram](#)

This message and any attachments are solely for the intended recipient and may include privileged or confidential information. If you have received this communication in error, please notify the sender immediately, and permanently delete this message and any attachments.

From: (b) (6)
Sent: Wednesday, March 17, 2021 12:10 PM
To: Stewart, Keslie (CAT) <Keslie.Stewart@sfcityatty.org>
Subject: Harlan Kelly Text with Walter Wong
Importance: High

Keslie,

Since you are taking the lead in the SF corruption cases, it came to my attention from two independent and very reliable sources that copies of text messages exchanged between the disgraced Harlan Kelly and the convicted Walter Wong has been released by the City Attorney office or someone within the office who clearly had access to the data files and provided it free of charge to a newspaper Reporter in SF. I am withholding his name for now, but I can confirm that both of my sources are not the newspaper reporter.

After 24 years dealing with this, I am confident there are convoluted reasons and special interest beyond public interest and integrity for a leak, release or whatever you would like to call it of this magnitude.

So, I am asking for the same equal access to the exact same files, documents and **any other communication items** that was given to this newspaper reporter. If you would like, consider this a request for public information and provide a copy of the reporter request for public information if any. It's always a side deal behind a closed door.

These side deals and special interest will never clean up the corruption when your office and the control office just kick the can down the hill and withholding numerous PRAs. In one case one of your co-attorneys intercepted the PRA email respond after it was sent and deleted the document related to the City participation on the CUCP, where federal crimes are committed with the Fraud DBEs just like the LBE scams, but she was stupid leaving her name embedded electronically in the email. Would you like to see it? What that reveals is that your office with the help of IT has access to city employees email accounts and calendars.

I have a set of skills that can pick clues from a haystack with ease and accuracy specially if it is related to PW projects. Newspaper reporters don't comprehend these technical details

and do not report it to the audience of the average Joe Smith.

Thank you for your curtesy in this matter

(b) (6)

cc: FBI and USAO



**Are they really
meeting
ALL the contract
goals?**

Disadvantaged Business Enterprise (DBE) Fraud

Under this scheme, a contractor misrepresents who performed the contract work in order to increase job profit while appearing to be in compliance with contract goals for involvement of minority- or women-owned businesses.

**Recognize and Report Fraud in
Federally Funded Programs,
Contracts, and Grants**

(800) 424-9071

*U.S. Department of Transportation
Office of Inspector General*

Selected "Red Flag" Indicators of Disadvantaged Business Enterprise (DBE) Fraud

- ✓ DBE owner lacking background, expertise, or equipment to perform subcontract work
- ✓ Employees shuttling back and forth between prime contractor and DBE-owned business payrolls
- ✓ Business names on equipment and vehicles covered with paint or magnetic signs
- ✓ Orders and payment for necessary supplies made by individuals not employed by DBE-owned business
- ✓ Prime contractor facilitated purchase of DBE-owned business
- ✓ DBE owner never present at job site
- ✓ Prime contractor always uses the same DBE
- ✓ Financial agreements between prime and DBE contractors
- ✓ Joint bank accounts (Prime / DBE)
- ✓ Absence of written contracts

Contact OIG using any of the following methods:

Online complaint form: www.oig.dot.gov/dot-oig-hotline-complaint-form

Telephone: (800) 424-9071

Fax: (704) 556-0732

E-mail: hotline@oig.dot.gov

Mail: USDOT Inspector General
1200 New Jersey Ave. S.E., Room W73-104A
Washington, DC 20590

Note: The OIG Hotline is obligated to expeditiously forward all safety-related complaints to USDOT's safety regulatory agencies for action, as appropriate.



U.S. Department of Transportation
Office of Inspector General

Hood, Donna

From: Shannon Miller <shannonm@tbcorp.com>
Sent: Friday, February 05, 2021 3:06 PM
To: Commission
Cc: Wong, Derek K; Paul Thompson; Joe Hass
Subject: RE: Objection to Award - February 4th 2021
Attachments: February 4th - TBC Objection to Award WW-645R.pdf

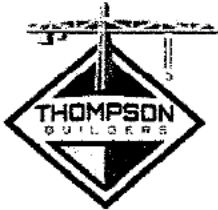
Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

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Attached...

Shannon Miller
Bid Assistant



shannonm@tbcorp.com
Cell # (b) (6)
Thompson Builders Corp.
P # 415.456.8972
F # 415.459.0665

We've Moved! Please Note Our NEW Office Address:
(also accepts FedEx and UPS deliveries)
5400 Hanna Ranch Road

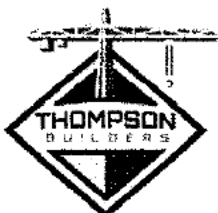
Novato, CA 94945

For USPS Mail ONLY:
P.O. Box 6115
Novato, CA 94948

From: Shannon Miller
Sent: Friday, February 05, 2021 3:01 PM
To: 'commission@sfgwater.org' <commission@sfgwater.org>
Cc: 'Wong, Derek K' <DKWong@sfgwater.org>; Paul Thompson <pault@tbcorp.com>; Joe Hass <joeh@tbcorp.com>
Subject: Objection to Award - February 4th 2021

Good afternoon, please see attached objection to award.

Shannon Miller



Bid Assistant
shannonm@tbcorp.com
Cell # (b) (6)
Thompson Builders Corp.
P # 415.456.8972
F # 415.459.0665

We've Moved! Please Note Our NEW Office Address:

(also accepts FedEx and UPS deliveries)

5400 Hanna Ranch Road
Novato, CA 94945

For USPS Mail ONLY:

P.O. Box 6115
Novato, CA 94948

February 5, 2021



COMMISSIONERS

Sophie Maxwell, President
Anson Moran, Vice President
Tim Paulson
Ed Harrington
Newsha Ajami
Michael Carlin, Acting General Manager
Donna Hood, Secretary

Re: WW-645R Westside Pump Station

Objection to Award

Dear Commissioners:

Thompson Builders Corporation (Thompson) objects to the award of this contract to Anvil Builders (Anvil) based on the failure of Contract Monitoring Division (CMD) to apply the same standards to Anvil's bid regarding calculation of Good Faith Efforts (GFE), as the CMD applied to Thompson. Thompson's bid was rejected because it did not contact all the LBEs on the CMD register (for the selected trades) and lost points. However, Anvil also failed to contact all the LBEs for the trades listed, but did not lose points. This different treatment of bidders is not allowed under California law or the City Charter. As a result, this contract cannot be awarded to Anvil.

Furthermore, as addressed by Thompson, the method of calculating the points to establish GFEs is critically flawed and cannot be used to reject Thompson's low bid. As erroneously applied by CDM, a bidder failing to contact designated LBEs, could have more points subtracted, than awarded in Item # 4. This flawed methodology cannot be used or it must be equally applied to all bidders.

On January 4, 2021, Thompson received the memorandum from CMD stating that Thompson's bid is non-responsive for failing to meet the Good Faith Outreach Efforts Requirements on the San Francisco PUC (SFPUC) WW-645R Westside Pump Station project. Since Thompson (and Anvil Builders) did not meet the threshold 35% LBE participation, the bidders were required to achieve 80 possible points toward establishing a good faith effort for LBE participation.

The CMD determined that Thompson failed to comply with Item # 4 which requires the bidders to contact "a minimum number of LBE firms, by trade...". As explained to Thompson by the CMD, once a bidder outlines the specific trades it can utilize for LBE participation, the bidder must contact all the LBEs listed on the CMD's LBE register or a point will be subtracted from the 45 points possible.

Thompson identified trades and contact some LBEs to participate in those trades. However, Thompson did not call all the LBEs listed on CMD's register, As a result, CMD subtracted points, which prevented Thompson from achieving the required 80 points. The CMD did not provide Thompson with its calculations. These documents are requested as the conduct of CMD is being investigated.

Thompson's Good Faith Efforts Outreach Scoring by CMD

Good Faith Outreach Requirements	Total Possible Points	Points Received by TBC
Item #1 - Attending any pre-bid meeting scheduled by the City to inform all bidders of the LBE program requirements for the project.	10 Points	10 Points
Item #2 - Placing an advertisement for LBEs not less than 10 calendar days prior to the bid due date.	10 Points	10 Points
Item #3 - Identifying and selecting trades for LBE firms to meet the project's LBE subcontractor participation.	10 Points	10 Points
Item #4 - Contacting a minimum number of LBE firms, by trade, not less than 10 calendar days prior to the bid due date.	Up to 45 Points	0 Points
Item #5 - Following-up and negotiating in good faith with LBE firms that have expressed an interest in the project.	Up to 20 Points	Did not need to calculate to make determination on Good Faith

On January 14, TBC was copied on SFPUC's protest response letter to Anvil, stating that SFPUC will recommend to the Commission to award the contract to the responsible bidder, submitting the next lowest responsive bid. TBC was surprised then to see that on the February 9th SFPUC Board Agenda online, there was an item recommending award to Anvil for contract WW-645R, as Anvil's Good Faith Efforts outreach also failed to meet the good faith outreach requirement, and for the exact same reasons as Thompson.

Anvil did not exceed the established LBE subcontracting participation requirement by 35 %, and therefore must achieve 80 points required to meet the good faith outreach requirement.

Assuming Anvil achieved all of the points possible for Items Nos. 1, 2, 3, and 5, Anvil needed 30 points in Item #4 in order to meet the 80 point requirement to satisfy the good faith efforts. If the same method of calculation of Thompson's GFEs is followed by CMD for Anvil's GFEs, Anvil's bid must also be rejected¹, because over 120 points would be subtracted.

Anvil identified the following trades in Item #3 (as categorized in CMD's LBE Directory) to meet the LBE subcontracting requirement:

¹These simple calculations establish a critical flaw in CMD's procedures for establishing a bidder's good faith efforts. More points can be deducted, than potentially allowed in the category.

NO BIDDING, NO ADVERTISEMENT IS REQUIRED, AND ALL BIDDERS WILL RECEIVE 10 POINTS.

3. Did your firm identify and select trades (as categorized in CMD's LBE Directory) to meet the LBE subcontracting requirement? If so, please identify the trades below: <u>Demolition, Concrete, Structural Steel, Misc Metals, Roofing, Painting & Coating, Plumbing, HVAC, Paving, and Landscaping.</u>	<input checked="" type="checkbox"/> Yes (10 points)
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4. Did your firm contact LBE firms (LBE firms include MBEs, WBEs and OBEs) identified by trade (see #3 above), not less than 10 calendar days prior to the due date of the bid? If so, you must <u>include such documentation with your bid (i.e. phone logs, emails, faxes and/or etc.) to verify that contacts were made.</u> The purpose of contacting LBE firms is to provide notice of interest in bidding for this project. A Bidder who contacts those LBE firms certified in the trades identified, not less than 10 calendar days prior to due date of the bids, will receive up to 45 points. If a Bidder does not comply with paragraphs a. & b. below, one point will be deducted for each LBE firm within each identified trade that is not contacted. a. If there are less than 25 firms within an identified trade, a Bidder should contact all of them. b. If there are 25 or more firms within an identified trade, a Bidder should contact at least 25 firms within such identified trade. If a Bidder does not contact any LBE firms, the Bidder will receive no points. When contacting LBEs, you should provide adequate information about the plans, specifications, and requirements for the work. If the City gave public notice of the project less than 15 calendar days prior to the bid due date, the allocation of points above still applies, except that the Bidder may contact those LBE firms certified in the trades identified less than 10 calendar days prior to the due date of the bid.	<input checked="" type="checkbox"/> Yes (Up to 45 points)
--	--

According to the instructions, "if there are less than 25 firms within an identified trade, a bidder should contact all of them," and, "if there are 25 or more firms within an identified trade, a bidder should contact at least 25 firms within such identified trade."

in addition, if the above steps are not followed, one point is subtracted for each firm not contacted in each category

Below is a breakdown and calculation of deductive points for the trades selected by Anvil:

Anvil Trades Identified	CMD Categorization	# of LBE's in CMD's category	# of LBE's in CMD's category Anvil Contacted	Total # of Points
	Building Moving Wrecking			
Demolition	Contractors (C21)	1	0	-1
Concrete	Concrete (C8)	12	1	-11
Structural Steel	Structural Steel (C51)	10	1	-9
	Ornamental Metals Contractor			
Misc. Metals	(C23)	8	1	-7
Roofing	Roofing (C39)	6	0	-6
Painting & Coating	Painting and Decorating (C33)	20	0	-20
Plumbing	Plumbing (C36)	27	0	-25

HVAC	Heating Ventilation Air Conditioning (C20)	14	1	-13
Paving	Earthwork & Paving (C12)	3	0	-3
Landscaping	Landscape (C27)	15	0	-15

Anvil Trades Not Identified But Including for the Sake of Giving the Benefit of the Doubt...

General				
Engineering	General Engineering (A)	117	9	-7
Traffic Control	Construction Traffic Control Services (C31)	5	2	-3

Total Points:	-115
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Based on the above, CMD was required to waive its flawed calculation methodology and award the contract to Thompson or determine that Anvil did not meet the Good Faith Efforts for this project, and deem that Anvil's bid is nonresponsive. SFPUC and CMD must treat all bidders exactly the same and review the bids with identical procedures. Here, CMD did not apply the same criteria to Anvil's bid as it did to Thompson's bid. This gives the public the appearance of favoritism or fraud in the contracting process. Alternatively, this Board must postpone the award of this contract until the CMD's process is fully investigated and a consistent standard is applied.

Signed,



Paul Thompson, President
Thompson Builders Corporation

cc. Derek K. Wong



Virginia Harmon

Senior Manager Contracts & Procurement, DBE Liaison Officer/EEO Officer

[Equal Employment Opportunity \(EEO\) Office](#)

virginia.harmon@sfmta.com

Virginia Harmon is the Senior Manager for the Contracts & Procurement Section, including Materials Management, Storeroom Operations and Inventory Control. She also serves as the SFMTA Disadvantaged Business Enterprise (DBE) Liaison Officer and Equal Employment Opportunity (EEO) Officer implementing programs to ensure equitable access to the agency's contracting and employment opportunities.

Subject: Re: Additional docs responsive to PRR#15-055

Date: Tuesday, June 16, 2015 at 4:58:34 AM Pacific Daylight Time

From: (b) (6)

To: Celaya, Caroline, Sheila Evans-Peguese

CC: babette.salmon@dot.gov, Marc.Pentino@dot.gov, victor.mendez@dot.gov, Victor Young

Dear Ms. Celaya,

In light of unreasonable delay by the SFMTA since February 2015 in coming forward with the request with public information, the SFMTA "assurances are worthless".

Well within the legal boundaries, I want to physically review these files myself in person since your confirmation that they do exist and it takes 15 months to scan them:

1. All previously requested CUCP monthly minutes reports since SFMTA inclusion to the CUCP
2. All previously requested documents for the federally funded Central Subway project including, all contracts, all invoices, all monthly DBE compliance reports and DBE quarterly/yearly reporting to the USDOT
3. All previously requested reports documenting violations of non-compliance with the DBE Commercial Useful Function per the Federal Guidelines on the Central Subway project, for an example a DBE certified for IT providing rail cars inspection or a Yoga Instructor providing transit system design

Let me know if you have any objections of releasing these incriminating documents.

Since this request has been pending for months, lets set June 24 and 25, 2015 as the review dates. Please provide the exact location where these documents will be made available to be reviewed.

Also, Shelia, since you sit on the CUCP, did you and the CUCP discuss the case of the CA \$1B FTA funded project where the contractor DBE contract manager Mr. A.G. (one of your Caltrans, CUCP old friends) was fired and replaced by a new person for accepting bribery from DBEs as a condition for getting work as DBE on this Federally funded project, he would take care of the Commercial useful function "discrepancies" with the help of his friends in the CUCP.

This was never reported in the press and never reported to Federal authority for prosecution, the typical CUCP criminal staff business as usual. I am sure he will resurface again within the CUCP as a strong advocate for DBE participation!!! LOL

Regards,

(b) (6)

From: "Celaya, Caroline" <Caroline.Celaya@sfmta.com>

Date: Monday, June 15, 2015 at 9:48 AM

To: (b) (6)

Subject: FW: FW: Additional docs responsive to PRR#15-055

Dear (b) (6)

Since I sent you the prior email, I learned that the Agency is working with its IT department to try and expedite review and delivery of the remainder of the documents. I will let you know if we are successful in finding a solution.

Caroline Celaya
Manager, Public Records Requests
SFMTA
One South Van Ness Avenue, 7th Floor
San Francisco, CA 94103
415.701.4670
415-701-4502 fax

(b) (6)



From: "Celaya, Caroline" <Caroline.Celaya@sfmta.com>
To: (b) (6)
Cc: SOTF <sotf@sfgov.org>
Date: 06/12/2015 04:26 PM
Subject: FW: Additional docs responsive to PRR#15-055

Dear (b) (6) :

Attached is another set of responsive documents.

There are 9,591 documents related to the CUCP (2002-2015). Staff estimates that about 10% are not directly related to the CUCP monthly meetings. This leaves 8,632 documents, of which 1,309 have been sent to you. 7,323 documents remain to be duplicated.

If staff is able to duplicate 200 documents per week, your request will be completed in approximately 37 weeks, minus time off for vacation (2 weeks).

Caroline Celaya
Manager, Public Records Requests
SFMTA
One South Van Ness Avenue, 7th Floor
San Francisco, CA 94103
415.701.4670
415-701-4502 fax

From: (b) (6)
Sent: Wednesday, June 10, 2015 5:47 PM
To: Celaya, Caroline
Cc: Babette.Salmon@dot.gov; Marc.Pentino@dot.gov; victor.mendez@dot.gov; SOTF; Evans-Peguese, Sheila
Subject: Re: Additional docs responsive to PRR#15-055
Importance: High

Dear Ms. Celaya,

I initiated a request for public information on February 10, 2015 for several items including “minutes, emails related to the CUCP monthly meetings since the establishment of the CUCP and the inclusion of the SFMTA in the CUCP”.

So far and after five (5) full calendars months, I have received very few reports and clearly not the full list of these minutes. There is nothing in these minutes (copy attached that the SFMTA can declare “privileged business information” except another attempt to cover up the CUCP corruption and the criminal acts in the federal DBE program.

Please consider this email as a final request for the SFMTA to produce the public records related to the CUCP monthly meetings minutes within the next ten (10) days as clearly stipulated in both Local and State Law without further delay.

Thank you for your courtesy in this matter.

(b) (6)

From: "Celaya, Caroline" <Caroline.Celaya@sfmta.com>
Date: Thursday, May 28, 2015 at 4:55 PM
To: (b) (6)
Subject: Additional docs responsive to PRR#15-055

Dear (b) (6)

Attached is another set of documents in response to your public records request.

Caroline Celaya
Manager, Public Records Requests
SFMTA
One South Van Ness Avenue, 7th Floor
San Francisco, CA 94103
415.701.4670

415-701-4502 fax[attachment "CUCP Monthly Meeting Emails 1 of 2 (Submitted 06 12 15).pdf" deleted by Robin M Reitzes/CTYATT] [attachment "CUCP Monthly Meeting Emails 2 of 2 (Submitted 06 12 15).pdf" deleted by Robin M Reitzes/CTYATT]

Subject: Re: Asenloo Private CMD Scams /DPW CM RFP/ Board of Sups & a Title IV Complaint
Date: Tuesday, February 16, 2021 at 9:50:12 PM Pacific Standard Time
From: (b) (6)
To: Asenloo, Romulus (ADM), Antonio.Tom@sfgov.org, Dan.Mauer@sfgov.org, charles.higueras@sfdpw.org, Don.Sy@sfdpw.org
CC: Truax, Max (ADM), Wells, Lauton (ADM), Stewart, Keslie (CAT), mark.p.delarosa@sfgov.org, Masood Ordikhani Esq, CON, PublicIntegrity (CON), Bukowski, Kenneth (ADM), Hood, Donna, CON, PublicIntegrity (CON), Ben Rosenfield, Dennis Herrera, Greg Lyman PE, whistleblower, CON (CON), CON, PublicIntegrity (CON), sean.obrien@sfdpw.org, Todd.Rydstrom, brian.strong@sfgov.org, mordikhani@sfgwater.org, Carlin, Michael (PUC), Kyndra Cox, Stewart, Keslie (CAT), Dennis Harrera, Hood, Donna, Bukowski, Kenneth (ADM), Ben Rosenfield, PublicIntegrity@sfgov.org, whistleblower, CON (CON), Truax, Max (ADM), Todd.Rydstrom, Wells, Lauton (ADM), Johanson, Alan, brian.strong@sfgov.org, carmen.chu@sfgov.org, Carlin, Michael (PUC), mark.p.delarosa@sfgov.org, Ivy Fine, How, Kathryn, Fung, Howard, Wong, Johanna I, Alan Johanson, Sandra.Fewer@sfgov.org, Catherine.Stefani@sfgov.org, Aaron.Peskin@sfgov.org, Gordon.Mar@sfgov.org, Vallie.Brown@sfgov.org, Matt.Haney@sfgov.org, Norman.Yee@sfgov.org, Hillary.Ronen@sfgov.org, Ahsha.Safai@sfgov.org
BCC: Aaron Peskin, Joe Eskenazi, Derek Kerr, Francisco Da Costa, jafolger@fbi.gov, bzartman@fbi.gov
Attachments: Saylor.pdf, CMD Investigation.pdf, 0000004703 Pre-Proposal Sign In Sheet[1].pdf, CMD Email.pdf, LBEAC_Letter_Template_V2[2].docx

FOR PUBLIC RELEASE FOR PUBLIC BENIFIT

Romulus Asenloo, CMD Criminal Enterprise,

The CMD chimps does it again, this time back at DPW, the hub zone of all evil and corruption in CCSF. For the last 25 years, every single city evil rat is a product of either HRC and/or DPW. Consider this email a Title IV complaint related to CCSF, including HRC, CMD, SFPUC, DPW, City Admin, Mayor's office for the violations of Civil Rights Act of 1964, specifically the elaborate scam to defraud legitimate Business in SF from their constitutional right to bid equally on City projects. The CCSF and its departments is a recipient of Federal funds from various Federal Agencies included but not limited to USDOT, FTA, FHwy, DHS, EPA, FAA and others. You are obligated by the funding agreements that you shall make sure the bidding process is an EVEN PLAYING FIELD, period. There are no exceptions or waivers from this requirement.

The CMD/HRC scam is simple, control the pool of bidders (what disgraced Harlan Kelly brags about) that can bid and stack the cards against the rest, so they walk away and leave the floor to the chosen elites. HRC and CMD are the same, CMD is actually worst, there is no commission and no accountability whatsoever except reporting back to the husband-and-wife private club. You and your gang ignored complaints for years until the Feds stepped in, and now your scared as you should be.

One pillar of the city family criminal enterprise is "Control" by fixing the LBE certifications, limit the availability pool and limit any outreach of the public bid's opportunities. All of this is a despair

treatment and a violation of the **Civil Rights Act of 1964**. Looking at the award records for the last 12 years show less than 6 firms getting 90% of the CM work repeatedly, mostly former city staff and or connected to City commissioners, anyone else is either denied or their contract is derailed in so many different ways including my CS-910 contract.

- What that does is artificially allowing these 6 firms only for 12 years in a city of almost a million residents. These are the only firms that account for the vast majority of “project experience” that is explicitly required in the RFPs while other firms that are duly licensed by the state can’t qualify to meet the RFP min requirements. Now former city staff without a License will win this CM contract just as Ivy Fine and disgraced Harlan Kelly allowed SGI staff to work on the SFMTA BRT project without a hint of BRT experience or any competitive process without any justification except what is already known about SGI Sweetwater School District bribery case, pay-to-play and trial. So, the process is manipulated both ways, they will get you in without experience and flip in holding off the experience as they wish depending on payments received or political favors exchanged.
- I already proved your office under you ignored LBE Tax returns exceeding \$14.5M in revenue when the limit is \$2.5M for a former DPW staff now CM consultant. These CM consultants have current contracts at SFPUC and DPW and Kathy How, HK former Girl Friend, he hired her as the SFPUC AGM for Infrastructure and construction is intending to ask the SFPUC Commission for extending these CM contracts values again, further disallowing any true recompeting except for any one others than the 6 firms in a city of almost a million residents.. Not only these fraudulent LBE selection and contracts award was based on false LBE status and falsely added preference points, but now the former DPW **Kathy How** wants to make sure these elite firms owned by former DPW staff are still in business reaping millions of taxpayer’s funds under her control.
- I already provided how The Thier Group (former City Attorney staff now a CM LBE without the required State Lic) had here LBE certification while she had no office in SF and the listed office was already on Youtube for rent. <https://www.youtube.com/watch?v=ET-rMVxZFWA> . The attached CMD lack of investigation letter is a testimony of how CMD and the Dennis Herrera lawyers are disregarding the basic rights and protecting the offenders . She maintained a PO Box in SF as an address while she is a fulltime resident and “elected official” in City of Tiburon. What experience does she have in CM accountable to the taxpayers? absolutely nothing.

Now let’s examine a new CMD LBE scam related to the current DPW CM RFP due on the 18th that I requested CMD to renew my LBE certification so I can bid on it without luck since CMD is waiting for me to pay them off before they renew it. Attached is the RFP and the “sign-up sheet” and here is the new CMD/DPW scam.

1. Which consultant is going to win this attached contract? The answer is who paid more money to the Bond Measure Election and associated PAC and how has an army of former DPW and SFPUC staff working for as a CCSF slush company? Hint, they have no State Lic as required by State law.

2. Which LBE will be on the winning proposals? The answer is, the ones Asenloo fixed their LBE certifications at the time of bids.
3. How does Asenloo and his gang fix the elite LBE certifications to keep them in the "protected status" program? The answer is he changes their certification classification from CM with the \$2.5M limit to "DATABASE DEVELOPMENT & ANALYSIS - (MICRO) 10% Bid Discount", see attached CMD certification. It is a fact Vendor No. 102112475, lost their CM LBE certification for exceeding the Chapter 14B limits. For the right price, he will do miracles and pull a new rat out his hat and change their certification classification to a new one with higher limits so he can claim, "Well they met the Chapter 14B" limits and requirements.
4. What does "DATABASE DEVELOPMENT & ANALYSIS - (MICRO) 10% Bid Discount" have to do with this Vendor primary line of business which is cost estimating? The answer is nothing, except CMD maneuvered to bring them back in to the "protected status" program while displacing legitimate firms from the program.
5. What does "DATABASE DEVELOPMENT & ANALYSIS - (MICRO) 10% Bid Discount" have to do with this DPW RFP scope of services outlined in the RFP? Nothing whatsoever unless it is a cost estimating.
6. Will CMD ever review this vendor primary scope of work which is cost estimating with "DATABASE DEVELOPMENT & ANALYSIS - (MICRO) 10% Bid Discount?. Absolutely not and if anyone ask, all the lawyers will come up with a new poker theory stating Cost Estimating is a "DATABASE DEVELOPMENT & ANALYSIS".
7. If you ask why would Romulus switch between two different classifications? CMD will state and conclude, we are a criminal enterprise, and we can do whatever we want to do and justify it as we wish.....

Let's dig in deeper into the pre-proposal sign-up sheet and see what else Romulus and his gang has done.

1. The City, SFPUC, Port, SFO and all other departments are paying millions to the same so called "outreach company". That is a fact based on what is published in public Board reports. Not a single city rat at CMD and DPW bothered to send a simple email to the City LBE data base, including myself to let them know there is an RFP issued a week before Christmas day. With all the millions they are spending on Dwyane Jones not even a simple email notification that cost pennies. But the city have to "check the box" with Dwyane and role the money back to his handlers at specific district that manages his enterprise.
2. While CCSF expect LBEs with limited resources to constantly and daily check various City Department websites on a continuous basis constitute an unreasonable, above and beyond any small business capability and reach. In addition to its prohibitive cost to any LBE.
3. As a result of this controlled environment, only 7 listed as LBEs in a City of almost a million

residents showed up for this pre-proposal meeting. The reason why I say listed as LBE is because some of them are not even LBEs when DPW listed them as such in a document produced by DPW. A quick review of the CMD/DPW produced and attached file will show "Cummings" is not an LBE, never been an LBE, yet they are listed as such. Saylor was brought back to the program with a questionable LBE classification. AGC is an entity colluding with other companies sharing the same ownership and multiple tax returns at the same physical address to deceive the LBE max revenue limits (and a lot more including Federal Fraud). Innoactive is a San Jose firm listing their office at 1 Harrison Street suite 15G. there is no 15th floor and do not comply with the 50% workforce working in SF, unless this is no longer a LBE requirement by Asenloo and his gang.

4. Another listed LBE is Dabri, a vendor at the center of the SFPUC storm of awarding the recent SFPUC CM contracts when the company did not qualify for the LBE CM certification at award and that certification status was ignored in the SFPUC selection process by Ivy Fine and her gang despite an explicit RFP language of reviewing the LBE certification at all stages of the award. That did not happen since Asenloo and gang stipulated the company was certified at the time of bid, ignoring the fact they did not qualify for the certification to begin with at the time of bid due to CMD corruption and Denies Herrera lawyers protection. This also deprived other legitimates LBE firms from the opportunity of working on these contracts while keeping these same club members for almost 12 years on the same contracts over and over. Now Darbi is certified LBE for Construction, completely irrelevant for this RFP if anyone ask. No one will ask and it will be covered as Asenloo demonstrate in justifying Midship 4% LBE participation only on the 12% SFPUC construction contract commitment as documented in my previous email.
5. Once the DPW bids are submitted, you and your lawyer will use this again, stating it was correct at the time of bid which by itself is detrimental to other legitimate LBEs that are excluded from this process by design and with full intent, justifying a Title IV complaint.
6. I also would like to ask DPW to extend the deadline until CMD issue my LBE certification so I can bid on this project and in an even playing field as required by the federal government. I am qualified and duly licensed by the state of California to conduct CM services.
7. What is already listed on the CMD website as option B certification is identical to what this scam is, except Option B since it is not approved by the Board of Sups at least not yet until Dwayne Jones pays his dues form the SFPUC and Port of SF outreach contracts that no LBE benefit from except the elites. Criminal Asenloo role in promoting larger firms and trying to amend Chapter 14B in favor of the larger firms as it demonstrated by the CMD attached email dated October 15, 2019 and the attached documents. You seem to know me and my email address only when you're trying to advance your wicked policies but can't notify LBEs of the bid opportunities?
8. Finally, Asenloo, consider this a request for public information to produces true and correct copies of the following:
 - Three (3) executed and required Construction contracts for Darbi to be certified as an LBE Contractor at the time of initial certification

- Three (3) executed and required "DATABASE DEVELOPMENT & ANALYSIS" contracts for Saylor LBE certification at the time of initial certification
- Three (3) executed and required CM contracts for The Thier Group at the time of initial certification at the time of initial certification
- All the documents related "ALL Pre-approved" cases, written consent, waivers, contract details and company names as to what is listed on CMD website related to the following statement: **(C) Unlike MICRO and SMALL size certified firms, SBA size LBE certified firms that are certified as of a bid due date cannot be used to meet CMD's LBE subcontracting requirements unless pre-approved written consent is given by CMD.**

At this moment, collect all my previous emails and documentations, plenty of information showing despair treatment in public contracting, discrimination, false accounting for the LBE requirements resulting in despair treatment, protecting fraudulent LBEs resulting in despair treatment, taking my program and ideas and giving it away to another vendor without fair and open public competition on the contract, protection of larger firms that 'donate' while whipping off smaller companies from fair competition. All warrant a Title IV violation and complaint of limiting and controlling the participation of smaller firm including myself and the creating and protection of an uneven playing field in public contracting by a City that is a recipient of Federal funds in violation of the 1964 Civil rights Act.

(b) (6)

Cc: FBI and USAO SF Office

Donna Hood: Copy to the SFPUC commission to be listed as a correspondent as well with all my other emails.

From: (b) (6)

Date: Friday, February 12, 2021 at 1:44 PM

To: Romulus Asenloo <romulus.asenloo@sfgov.org>, Todd Rydstrom <todd.rydstrom@sfgov.org>

Cc: "Truax, Max (ADM)" <max.truax@sfgov.org>, "Wells, Lauton (ADM)" <lauton.wells@sfgov.org>, Keslie Stewart <Keslie.Stewart@sfcityatty.org>, Mark de La Rosa <mark.p.delarosa@sfgov.org>, Kyndra Cox <kcox@sflower.org>, Masood Ordikhani Esq <mordikhani@sflower.org>, "Bukowski, Kenneth (ADM)" <kenneth.bukowski@sfgov.org>, "Hood, Donna" <DHood@sflower.org>, "CON, PublicIntegrity (CON)" <PublicIntegrity@sfgov.org>, Ben Rosenfield <Ben.Rosenfield@sfgov.org>, Dennis Herrera <CityAttorney@sfgov.org>, Greg Lyman PE <glyman@sflower.org>

Subject: Re: Asenloo Private CMD Criminal Enterprise Club Membership /Take 2

Romulus Asenloo, CMD Criminal Enterprise,
Todd Rydstrom, Senior City rat

The attached screen shot is a previous Request of Public Information dated October 24, 2020 related to CMD criminal LBE certifications activities. If I am not mistaken, it was passed to the controller office without any actions.

See one of my recent discoveries pointed out to how the CMD LBE certification scams are used in defrauding the Federal Government DBE program through SFMTA and the Airport (same staff and another product of the corrupt HRC). This makes this case a Federal crime. Your junk ass lawyers did not see that coming did they? That is the difference between playing poker and playing chest, planning 4 steps ahead.

Consider this a request for public information for the criminal cover up of the LBE Certification crimes and the Controller's office lack of action, listing Item 1 and 2 in the attached screen shot.

Additionally, I am requesting all communications between various City departments including but not limited to CMD and the Controller's Office related to the LBE certifications scams of approving LBEs without Lic.

More on its way, this is just the beginning

Donna Hood: Copy to the SFPUC commission to be listed as a correspondent

(b) (6)

Cc: FBI and USAO SF Office

From: (b) (6)

Date: Friday, February 12, 2021 at 1:07 PM

To: Romulus Asenloo <romulus.asenloo@sfgov.org>

Cc: "Truax, Max (ADM)" <max.truax@sfgov.org>, "Wells, Lauton (ADM)" <lauton.wells@sfgov.org>, Keslie Stewart <Keslie.Stewart@sfcityatty.org>, Mark de La Rosa <mark.p.delarosa@sfgov.org>, Todd Rydstrom <todd.rydstrom@sfgov.org>, Kyndra Cox <kcox@sfgov.org>, Masood Ordikhani Esq <mordikhani@sfgov.org>, "Bukowski, Kenneth (ADM)" <kenneth.bukowski@sfgov.org>, "Hood, Donna" <DHood@sfgov.org>, "CON, PublicIntegrity (CON)" <PublicIntegrity@sfgov.org>, Ben Rosenfield <Ben.Rosenfield@sfgov.org>, Dennis Herrera <CityAttorney@sfgov.org>, Greg Lyman PE <glyman@sfgov.org>

Subject: Re: Asenloo Private CMD Criminal Enterprise Club Membership

I do not have any ownership of C2PM to be able to provide you their documents. Hire whomever you want and let them prove otherwise or fabricate a report.

I SAID THAT BEFORE SO MANY TIMES. And I am not paying you and your gang anything, nothingnot even a penny.

APPROVE IT OR DENY IT.

From: Romulus Asenloo <romulus.asenloo@sfgov.org>

Date: Friday, February 12, 2021 at 12:58 PM

To: (b) (6)

Cc: "Truax, Max (ADM)" <max.truax@sfgov.org>, "Wells, Lauton (ADM)" <lauton.wells@sfgov.org>

Subject: Re: Asenloo Private CMD Criminal Enterprise Club Membership

(b) (6)

Thanks for reaching out.

We are still reviewing your information. I have spoken to my team and it would be helpful for our review if you could please provide the following:

1. 3 most recent years of C2PMs tax returns
2. Confirmation that (b) (6) primary location is San Francisco

With respect to your public records request, CMD received your request and are gathering the requesting information related to the diversity study RFP.

Thanks,
Romulus

On Feb 12, 2021, at 11:19 AM, (b) (6) wrote:

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Romulus Asenloo, CMD Criminal Enterprise,

As a product of the City corruption, a product of the HRC and Redevelopment where you worked hand in hand with the 3-willie ass brown "musketees" and under all the HRC rats that discriminate against normal people and act as gate keepers for City Contracts and pay-to-play with zula jones and her gang.

The email below originating from your criminal group shows a bid opportunity issued by your office tailored specifically to benefit you and your wicked conduct. Why did the City /CMD not email this particular opportunity you registered LBEs data base from your own office and opted to provided it to a pass-through company in Bakersfield in Southern California taking your information and emailing it days before the bid was due? Simply to show another Fake outreach, check the box, done my job!

Your RFP is no different than the former Deputy City Attorney jackass George Wong, hiring a specific firm to conduct limited a tailored survey, calling specific and controlled individuals that will say "we don't experience discrimination in the CCSF". His survey and report did not include me or the many others that are victims of the raciest City in the US.

The email and RFP also include, MBE, WBE requirements, did you know Prop16 has failed to pass and Pro 209 is still in effect? Because the normal people in the State of California don't buy the wicked monkey policies of discrimination that you're applying here. Why are you stipulating an RFP requirement that violates the State of California Statutes that have been in effect for years?

There is only one logical reason (\$\$\$\$) why you keep approving LBE certifications without the required State Lic. The SFPUC last week Board report, is clear where these large projects are reserved to the elite monkeys that paid money in exchange of contracts. Azul landed \$29M in contracts on one SFPUC project? Willie ass brown Contractors qualifying with "rent an RMO" which is illegal by the State and the CSLB have prosecuted on this item, contractor based in the east bay and certified LBE without a yard, consultant holding a virtual corporate office in SF after meeting with disgraced Harlan Kelly. When did these rules change and how did you miss all of these violations of the CCSF Chapter 14B, while your denying legitimate firms with a legitimate lic the LBE certifications...?

Where is my LBE certification? And why is it taking so long, and why are you continuing to violate my Civil Rights to an equal, even playing field on city contracting, A city that is a recipient of Federal funds and the Federal funding agreements has explicit language prohibiting DISCRIMINATION.

Consider this a request for public information on all documents, files, fake outreach, Funding source, RFP, plan holder list, pre-bid documents, proposals received, scoring sheets related to this procurement.

This wholesale City wide corruption could not have lasted this long without the explicit approval and cover-up of the City Attorney's, and the Controller Office that is protecting the rats and monkeys.

More on its way

(b) (6)

Cc: FBI and USAO SF Office

From: Albert Prince <albert@vsbcr.com>

Reply-To: Albert Prince <albert@vsbcr.com>

Date: Wednesday, October 7, 2020 at 10:30 AM

Subject: Paycheck Protection Program (PPP) Loan Forgiveness

Dear Valued DBE:

The City and County of San Francisco needs you.

<https://sfcitypartner.sfgov.org/pages/Events-BS3/event-details.aspx>

The Contract Monitoring Division (CMD), a department of the City and County of San Francisco ("City"), seeks to retain services of one (1) qualified Proposer to perform an Availability and Utilization Study (the Project or the Study) of local minority-owned and women-owned businesses. The Study involves investigating the existence of discrimination and its effects in public contracting within the San Francisco Bay Area, and satisfying all applicable requirements for disparity/utilization studies including as established by the Ninth Circuit Court of Appeals in *Western States Paving Co., Inc. v. Washington State Department of Transportation*, 407 F.3d 983 (9th Cir. 2005) (*Western States Paving*).

Chapter 14B Local Business Enterprise Subconsulting Participation Requirements and Good Faith Outreach Requirements

The **LBE subconsulting participation requirement for this Project is: 20%**

Pursuant to Sec. 14B.9 of the Administrative Code, Proposers are hereby advised that the availability of Minority Business Enterprises (MBE), Woman Business Enterprises (WBE) and Other Business Enterprises (OBE) to perform subconsulting work on this Project is as follows: MBE: 10.4% WBE: 5.1% OBE: 4.5%

To obtain LBE subcontractors, please **select ONLY LBE & NPE firms** at: http://mission.sfgov.org/hrc_certification/

In addition to demonstrating that it will achieve the level of subconsulting participation required by the contract, a Proposer shall **also undertake and document in its submittal the good faith efforts** required by Chapter 14B.8 (D) and (E) and CMD Attachment 2, Requirements for Architecture, Engineering and Professional Services Contracts. However, pursuant to 14B.8 (B), if a Proposer submits a proposal that demonstrates **LBE participation that exceeds by 35% of the established LBE subconsulting participation requirement for the Project (e.g., LBE participation of $135\% \times 20\% = 27\%$)**, the Proposer will not be required to conduct good faith efforts or to file evidence of good faith efforts as required in Sections 14B.8 (D) and (E). Proposals which fail to comply with the material requirements of S.F. Administrative Code §§14B.8 and 14B.9, CMD Attachment 2, and this RFP, will be deemed non-responsive and will be rejected.

Pre-Submittal Conference Information Proposers are encouraged to attend a **pre-submittal conference on Thursday, October 15, 2020, at 3:00 P.M. to be held via Webex. Please attend by calling-in at 1-415-655-0001.**

Submission Requirements

1. Time and Place for Submission of Proposals

Proposals must be received by 12:00 PM PST on November 16 via e-mail. Proposals must be emailed to **Regina Chan, Contract Monitoring Division at Regina.chan@sfgov.org**. All proposals must include scanned (PDF) copies of any documents that require signature. Signatures must be by an official with your firm who is authorized to submit a proposal on behalf of your firm. Your electronic media should be clearly marked with "Minority Owned Business and Women Owned Business Availability and Utilization Study".

Regards,
Kimberly

Kimberly Wilson

Manager, Economic and Community Development | Chief Operating Officer's Office
San Francisco International Airport | P.O. Box 8097 | San Francisco, CA 94128
Tel 650-821-5244 | Mobile 650-270-0158 | flysfo.com

5824 Greenhorn mt. ct., Bakersfield, CA 93313

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From: (b) (6)

Date: Thursday, February 11, 2021 at 4:09 PM

To: Romulus Asenloo <romulus.asenloo@sfgov.org>

Cc: "Truax, Max (ADM)" <max.truax@sfgov.org>, Ivy Fine <IFine@sflower.org>, Naomi

Kelly <naomi.kelly@sfgov.org>, "Bukowski, Kenneth (ADM)" <kenneth.bukowski@sfgov.org>, Keslie Stewart <Keslie.Stewart@sfcityatty.org>, "Hood, Donna" <DHood@sfgov.org>, "CON, PublicIntegrity (CON)" <PublicIntegrity@sfgov.org>, Ben Rosenfield <Ben.Rosenfield@sfgov.org>, Todd Rydstrom <todd.rydstrom@sfgov.org>, Mark de La Rosa <mark.p.delarosa@sfgov.org>, Dennis Herrera <CityAttorney@sfgov.org>
Subject: Re: (b) (6) - LBE Recertification Application

Romulus Asenloo, CMD Criminal Enterprise,

Why is it taking that long for your Criminal CMD office to renew my LBE certification?

Its amazing to see your criminal conduct, despair treatment and bluntly issuing LBE certification to unfit and unqualified vendors without a State Lic as long as they are connected to the City Enterprise facing federal criminal charges. You and your criminal office is continuing to deny small firms like myself the opportunity to bid on City projects and keeping the pool limited to the few connected. You are the problem and one of the gate keepers controlling and limiting who gets the LBE work with or without a Lic. Your violating the principal of Civil Rights Act of 1964.

In reviewing the last SFPUC board meeting reports I noticed the following:

1. One Contract report did not include your criminal CMD report all together, what are you hiding?
2. Another board report the prime and a personal friend of the disgraced GM Harlan Kelly and his wife, your former boss did not meet the committed LBE goals by a long shot. The only listed sub has a CSLB A lic in addition to Traffic Control, work could have been given to the sub as an A Lic holder, but you provided a special treatment to another City elite. They is no way the commitment could have been given just for traffic control, you're playing games with your report.
3. My favorite one, is an LBE contractor listed on a report and the owner of the firm does not qualify on the Lic, they had to hire an RMO. It's called "Renting an RMO" and its illegal in the State of CA, if the owner of the firm can't qualify for the Lic, they can't be certified as a DBE, why did you certify them as an LBE?? Also, they should be awarded multiple contracts only because the father went to jail to take the criminal fall so Willie ass Brown does not go to jail on the SFO scams planned and executed by your criminal co-worker Zula Jones from the Violating Human Rights Commission .

Why are you denying me the opportunity to bid on City projects and do you continue to play games with LBE certifications?

RESPOND BY TOMMORROW TO A SIMPLE REQUEST, Where is my certification?

(b) (6)

From: Romulus Asenloo <romulus.asenloo@sfgov.org>

Date: Monday, January 25, 2021 at 9:18 AM

To: (b) (6)

Cc: "Truax, Max (ADM)" <max.truax@sfgov.org>, Ivy Fine <IFine@sfgwater.org>, Naomi Kelly <naomi.kelly@sfgov.org>, "Bukowski, Kenneth (ADM)"

<kenneth.bukowski@sfgov.org>, Keslie Stewart <Keslie.Stewart@sfcityatty.org>, "CON, PublicIntegrity (CON)" <PublicIntegrity@sfgov.org>

Subject: Re: (b) (6) - LBE Recertification Application

Good Morning, Sir;

Thank you for submitting this information. I will have Max take a look at it immediately.

If they have any questions, I will have them contact you.

Romulus

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From: (b) (6)

Sent: Monday, January 25, 2021 8:51:39 AM

To: Asenloo, Romulus (ADM) <romulus.asenloo@sfgov.org>

Cc: Truax, Max (ADM) <max.truax@sfgov.org>; Fine, Ivy (PUC) <IFine@sfgwater.org>; Kelly, Naomi (ADM) <naomi.kelly@sfgov.org>; Bukowski, Kenneth (ADM) <kenneth.bukowski@sfgov.org>;

STEWART, KESLIE (CAT) <Keslie.Stewart@sfcityatty.org>; CON, PublicIntegrity (CON) <PublicIntegrity@sfgov.org>

Subject: Re: (b) (6) - LBE Recertification Application

Romulus Asenloo, CMD Criminal Enterprise,

What is the status of my LBE certification?

I am not able to get on teams until CMD does what is it supposed to do without discrimination and giving preference or continue to require pay-to-play with the City Enterprise "elite". No worries, I have the proof now.

I also hope you understand the difference between CSLB A and B, and not just grant it to companies that do not qualify for CM and construction without a License, as the Westside Observer article with my help showed the gross violation of both State and Federal regulations with CMD granting the vast majority (66%) of CM certifications to

individuals not having the education or required by Law License. This illegal policy was made public at the SFPUC December commission meeting by the corrupt Masoud making clear, that "he" and the City Enterprise will "bring people without experience and put in construction management". Construction Management is a profession governed by State Law and this statement is on record and CMD is part of the scam to provide CM certification for the "Elite" without adhering to State and Federal laws.

Attached are old construction bid documents (1998) including project sheets, cost estimates and correspondent with City of Benicia (public agency client) and other GCs related to at least three construction projects that I bid, provided bond, led and executed as a duly licensed State of CA General Engineering Contractor A. These three public works projects "I" Street, "B" street SS Lift Station and Oakland Airport SS Force main and Pump Station

Note, this is true and actual unaltered word documents and not an hour CMAA presentation print out that "qualified" The Their Group, a former city attorney staff the LBE certification for CM without a Lic and became an expert in SFPUC tunnel construction paid by the Taxpayers while duly other licensed LBEs went out of business. I think this uneven playing field constitute at least a Title 6 for the CCSF Federal Funding. Lat time I dabbled with a T6, it cost BART \$300M in federal funding CM contracts and they have not crossed the line after that until Harlan Kelly, the disgraced GM charged by the FBI/USAO met with BART senior management lobbying for an elite LBE to win a BART CM contract, and off course this LBE without a License and education only qualifications is the fact he is a former willie brown pimpy.

Good Day Romulus Asenloo.

(b) (6)