

**Inspecting the Inspectors:  
Hiring Practices at City of West Sacramento, Building Division**

**SUMMARY**

There is a potential risk to public safety due to issues with the hiring and vetting process regarding the Building and the Human Resources divisions of the City of West Sacramento.

The 2021-22 Yolo County Grand Jury investigated allegations concerning conduct specifically related to a particular staff member in the Building Division of the Community Development Department in the City of West Sacramento. This employee will be referred to as the Subject of the Complaint (SOTC) throughout this investigative report. The grand jury's investigation focused on additional allegations regarding an inadequate vetting of the SOTC by the Human Resources Department (HR) prior to making a job offer, discussed in detail herein. Through the course of its investigation, the grand jury has determined that the City of West Sacramento conducted an inadequate vetting of the SOTC, that the Building Division has an incomplete system for flagging improper building inspections, and that the Building Division has a history of quelling staff concerns rather than addressing them through the official HR complaint process. In sum, the consequences of the above actions lead this grand jury to be very concerned about the public's safety in and around inspected buildings related to the SOTC's work.

**DEFINITIONS**

<b>CBC</b>	<b>California Building Code</b>
<b>CBPC</b>	<b>California Business and Professions Code</b>
<b>CDD</b>	<b>Community Development Department</b>
<b>CSLB</b>	<b>Contractors State License Board</b>
<b>HR</b>	<b>Human Resources Division</b>
<b>ICC</b>	<b>International Code Council</b>
<b>Personnel Rules</b>	<b>City of West Sacramento Personnel Rules</b>
<b>SOTC</b>	<b>Subject of this Complaint</b>

**BACKGROUND**

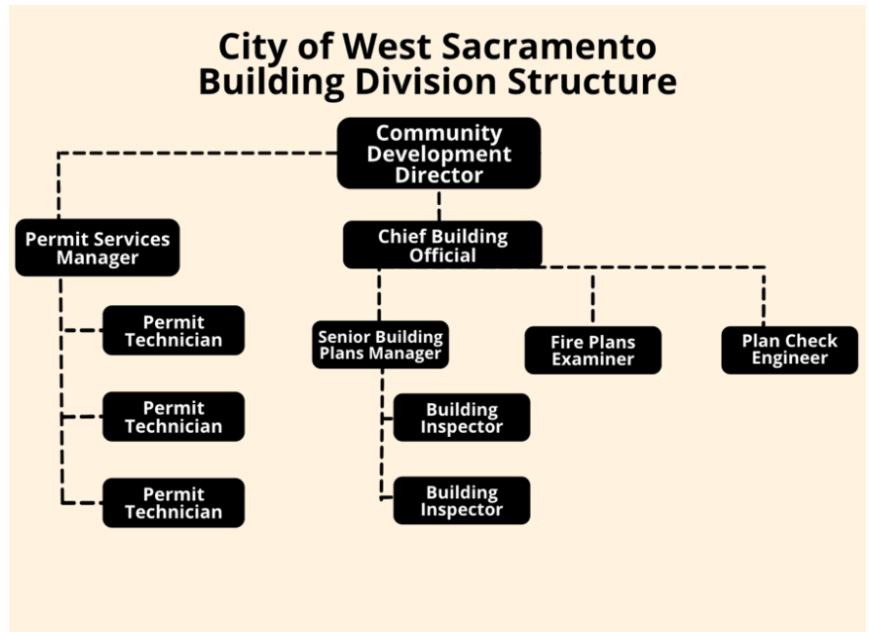
There are eight to ten full-time employees working in the Building Division under the Chief Building Official including the Permit Services Manager, the Senior Building Plans Examiner, three Permit Technicians, two Building Inspectors, a Fire Plans Examiner, and a Plan Check Engineer.

The complaint states that during April 2019 HR staff failed to properly review the prior work experience of the SOTC or conduct a proper background check of the SOTC during the hiring

process. The grand jury concludes that a proper review of the SOTC's recent work background would have revealed that the SOTC, while performing work as a licensed contractor, had been previously suspended due to multiple violations of the California Business and Professions Code (CBPC) for improper building contractor practices.

The following facts were established during the course of the grand jury's investigation. In February 2019, the SOTC applied for a building inspector position with the City of West Sacramento. In April 2019, the SOTC

accepted a full-time position as a Building Inspector II. The grand jury confirmed that the SOTC did not possess any of the certifications to perform the essential duties of a building inspector. While the City of West Sacramento does not require certifications prior to hire, the job description states in part:



*"... At the option of the city, persons hired into this class may be required to either possess at entry or obtain within specified time limits, designated licenses, certificates or specialized education and training relevant to the area of assignment. Additional requirements may include, but are not limited to the following:*

- *Possession of, or ability to obtain and maintain a Building Inspector's Certificate as issued by the I.C.C. within one (1) year of employment*
- *Certified Combination Inspector*
- *Certified Building Inspector*
- *Certified Electrical Inspector*
- *Certified Mechanical Inspector*
- *Accessibility Specialist Certification"*

Public records obtained from the ICC reflect that the SOTC did obtain a certification as a California Residential Building Inspector on or about October 2020. While the above requirements outline the expectation that an inspector in this position would be certified within one year of their employment, the SOTC took more than 18 months to attain this one certification. Of further concern to this grand jury is the fact that the SOTC was conducting independent inspections of both residential and commercial building projects without any of the above certifications and with a professional history of documented improper business practices, as discussed below in the Discussion section.

During the grand jury's investigation, it was learned that employees in the Building Division began noticing an increase in telephonic complaints from residential and commercial building permit applicants during 2020 and 2021. The community complaints principally centered on the SOTC allegedly not conducting proper construction inspections or not conducting the inspections at all. It was reported by multiple interviewees that these community complaints were particularly of concern because the community reports of the SOTC's actions did not align with the information the SOTC uploaded to the building permit electronic tracking system known as Acela. This concern with the SOTC's inconsistencies was further corroborated with documentation provided to the grand jury. Additionally, it was reported during this investigation that multiple staff reported their concerns about these allegedly improper inspections by the SOTC to management, however staff felt management reprimanded them rather than going forward with a formal HR complaint process. The grand jury requested access to the Acela platform but was not given said access.

The grand jury was notified on April 7, 2022, that the SOTC is no longer employed by the City of West Sacramento. However, the grand jury determined that the issues with HR hiring and vetting practices still need to be addressed.

## **APPROACH**

Testimony and evidence presented to the grand jury during its investigation confirmed the existence of serious problems in the hiring and vetting processes for Building Division applicants, as described in the following section of this report. The grand jury also reviewed public information available from websites including the California Department of Consumer Affairs, Contractors State License Board, the International Code Council, and the City of West Sacramento Building Division.

## **DISCUSSION**

### **Concern #1 – professional red flags**

A review of SOTC's contractor license history reveals that this license was previously suspended or revoked, and later reinstated, on at least 11 occasions between 2007 and 2017. The most recent complaint against the SOTC's contractor's license includes the following statement: *"On or about June 20, 2017, an industry expert retained by the Board inspected the project and found that [SOTC's] construction work did not meet accepted trade standards for good and workmanlike construction."* It was this 2017 CSLB investigation into the SOTC's work product that uncovered 14 reasons for discipline, which resulted in the revocation of the SOTC's contractor's license for at least four years and a payment of a five-figure sum to the substantiated victims of the unbecoming conduct. This information is easily accessible on the CSLB website under a search of the SOTC's name.

There are many unanswered questions regarding how the SOTC's employment application went through the hiring process without a thorough review of the SOTC's past work experience,

including notable sanctions regarding the SOTC's documented subpar work product. Unfortunately, this grand jury was not given access to the HR documentation for this candidate prior to the drafting of this report.

**Concern #2 – failure to certify**

Staff corroborated that it was a common practice within the Building Division to require newly hired building inspectors to obtain additional certifications for electrical inspector, plumbing inspector, mechanical inspector, and combination inspector within two years of their hire date.

Available ICC public records reviewed by the grand jury confirm that the SOTC only obtained the California Residential Building Inspector Certification. There is no ICC record showing the SOTC obtained any of the additional certifications mentioned above.

During employment, the SOTC was tasked with inspecting residential and commercial projects, however the SOTC was only certified to inspect residential projects.

**Concern #3 – lack of support for staff**

Through its investigation, the grand jury has determined that little to no action was taken when staff complaints about the SOTC were brought to management, and that management was hostile after the complaints were made. It has been corroborated throughout the investigation that upper management regularly sided with the SOTC, and staff were chastised or disciplined for elevating concerns to management. There is evidence that concerned staff never filed a formal complaint with HR to have their overall concerns documented and addressed.

**FINDINGS**

F-1. Management failed to conduct an adequate background check and failed to properly vet the SOTC to ensure all qualifications for the position were met, as specified by the City of West Sacramento's personnel rules.

F-2. Management failed to verify timely completion of certifications necessary for the SOTC to independently inspect construction projects to which the SOTC was assigned during the SOTC's employment.

F-3 For over two years, supervisory and management staff failed to address the pattern of community complaints regarding the SOTC's work.

F-4. The grand jury was not given access to the HR file of the SOTC or to the electronic tracking system, Acela, despite formal and lawful grand jury requests.

## **RECOMMENDATIONS**

R-1. The City of West Sacramento should update the personnel rules to guide management to conduct more thorough background checks of an applicant's work history and implement a vetting process to ensure the candidate selected for hire is fully qualified for the position.

R-2. The City of West Sacramento should update the personnel rules to require that the building department management conduct follow-up annual reviews of professional licenses, certifications and training requirements, to ensure employees are current with requirements for their positions.

R-3. The City of West Sacramento should ensure that supervisory and management staff adhere to the employee complaint policy and act to resolve any verbal or formal complaints filed by staff.

R-4. The City of West Sacramento should ensure that management staff are trained in the HR processes when a staff member lodges a complaint against another City of West Sacramento employee.

R-5. The City of West Sacramento should consider an independent audit of the SOTC's work to ensure the safety and compliance of projects inspected by the SOTC for the safety of the public.

## **REQUIRED RESPONSES**

Pursuant to California Penal Code Section (PC) 933 and PC §933.05:

- The City Council of West Sacramento is requested to respond to Findings F-1, F-2, F-3 and F-4 and R-1, R-2, R-3, and R-4, and R-5 by October 1, 2022.