



The Commonwealth of Massachusetts  
Office of the Inspector General

GREGORY W. SULLIVAN  
INSPECTOR GENERAL

JOHN W. MCCORMACK  
STATE OFFICE BUILDING  
ONE ASHBURTON PLACE  
ROOM 1311  
BOSTON, MA 02108  
TEL: (617) 727-9140  
FAX: (617) 723-2334

May 6, 2011

Mr. William Good  
Commissioner, City of Boston  
Inspectional Services Department  
1010 Massachusetts Avenue, Fifth Floor  
Boston, MA 02118

Dear Commissioner Good:

As you know, my office has conducted an investigation into certain allegations pertaining to a property in the City of Boston located at 21-27 Temple Place,<sup>1</sup> its owner (hereinafter identified as the owner), and his interaction with officials of the Inspectional Services Department (ISD). Thank you for the assistance that you provided to my staff during the investigation, including access to relevant records and personnel.

During the investigation my Office was informed by an Assistant Corporation Counsel that one of your Building Inspection Supervisory Officials declined to be interviewed by investigators from this Office. This individual was a person of interest in the investigation and the key to resolving certain unanswered questions. For your information, M.G.L. c.12A, §9 unequivocally declares that the Inspector General may request cooperation and assistance from any "local governmental agency." Section Nine further states, "Upon receipt of such request each person in charge of, ... any public body described in section seven, shall furnish to the inspector general ... such information, cooperation and assistance" that is required. Absent the direct assertion of a Fifth Amendment privilege, this Section of

---

<sup>1</sup>The owner of 21-27 Temple Place obtained two ISD building permits for this property on 4/1/09. The first permit #2591 was for 21-23 Temple Place and the second permit #2592 was for 25-27 Temple Place. These addresses were combined into one, i.e. 21-27 Temple Place via ISD permit #3102 on 5/20/09 by the owner at the direction and with the assistance of the ISD Plans Examiner.

the General Laws requires cooperation from public officials in connection with any official investigation initiated by the Inspector General. I believe that the ISD Supervisory Official who refused to be interviewed has a statutory duty to cooperate with our investigation in the absence of asserting a Fifth Amendment privilege.

This interview may have shed light upon several unanswered questions. For example, the interview would likely have disclosed whether your Supervisory Official met with the owner of 21-27 Temple Place after work on the property was halted by a Building Inspector. If such meeting took place, it would have shed light on the purpose of the meeting and the nature of the discussion. Further the question of whether your Supervisory Official issued a Short Form at Risk permit to the owner and the underlying rationale for issuing it would have been revealed. Moreover, assuming the issuance of a Short Form at Risk permit, the question of why it wasn't entered into the ISD computer system and produced pursuant to our document request would have been addresses during the interview. These are only some of the questions that remain unanswered at the conclusion of this investigation which involved not only this Office but also the United States Attorney's Office and the Federal Bureau of Investigation.

During the course of the investigation additional information was developed that I believe should be brought to your attention for corrective action.

**The Cost of the Project at 21-27 Temple Place and the Permit Fees Paid to ISD**

The investigation disclosed that the owner of 21-27 Temple Place initially applied for building permits to redevelop this property and listed the total estimated cost of the work to be performed at \$325,000.00. At that time, he paid corresponding fees to ISD totaling \$3350.00. Records furnished by ISD also disclose that the owner raised the estimated cost of the work he performed at 21-27 Temple Place to \$687,000.00 on 9/4/09 and paid an additional permit fee of \$3620.00 to ISD. The estimated cost of \$687,000.00 was based upon actual cost figures totaling that amount furnished to ISD by the owner without supporting receipts.

On 9/4/09 the owner applied to ISD for a Certificate of Use and Occupancy from ISD for his construction of "6 Apartments, 2 Offices, 1 retail, 2 Store (core/shell-only)." This application clearly indicates that the owner believed

that his work was essentially complete on 9/4/09 at a cost of \$687,000.00. However, the owner was interviewed by the Office of the Inspector General (OIG) and the Federal Bureau of Investigation (FBI) a month later, on 10/5/09, and stated during interview that the total cost of project at 21-27 Temple Place was approximately \$980,000.00.

During this investigation, an ISD Building Inspector informed the OIG that he believed that the owner had significantly undervalued the cost of the work at 21-27 Temple Place and that the cost of the work performed by the owner was more likely in the vicinity of 1 million or 1.5 million dollars. The Building Inspector also informed the OIG that the owner did not show the installation of a new elevator in the original plans submitted to ISD by the owner for this project. Moreover, according to the Building Inspector, the owner nonetheless installed a new elevator and covered it over with sheet rock to disguise it from view. Later, apparently after the elevator was discovered by the Building Inspector, the owner listed its cost at \$110,000.00 without any supporting documents when paying an additional permit fee to ISD on 9/4/09.

It comes as no surprise to the OIG that the owner of this property likely undervalued his costs in connection with his renovation of the property in question. As you know, a Building Inspector was dispatched by your Office to 21-27 Temple Place in September 2009 to investigate a complaint that the owner had permitted tenants to move into the building without a Certificate of Occupancy. Upon entering one of the apartments, the Building Inspector discovered a person who had just come out of the shower. The person was working on his computer. The Building Inspector observed numerous personal items in the apartment which provided strong evidence that the person was living there at the time. The Inspector found similar evidence in another apartment. The inspector wrote a violation the next day against the owner. This Office is aware of the fact that the owner informed ISD that he paid for some of his tenants to stay in hotels when the building was not ready for occupancy. However, based upon the issuance of a violation by ISD, it appears that this explanation was unconvincing.

Based upon the information set forth above and additional information described in detail below, the OIG has strong reason to conclude that the owner of 21-27 Temple Place has not been forthcoming regarding his actual costs in connection with his work on this project.

## **The Examination of the Project Plans by ISD**

The ISD Plans Examiner was interviewed by the OIG and advised that he reviewed the plans submitted in connection with the renovation of 21-23 and 25-27 Temple Place. He advised that no new elevator was shown in the plans when he reviewed them. The Plans Examiner was informed that the IGO has reason to believe that the owner did install a new elevator as part of his renovation of this property. The Plans Examiner advised that the owner never approached him at any time with amended plans showing that he was going to install a new elevator or an upgrade of an existing elevator at 21-27 Temple Place. The Plans Examiner's statement provides further support for the belief that the owner's intent from the beginning of the project was to disguise the true costs of the renovation to avoid payment of the appropriate fees to the City.

The Plans Examiner advised that the Long Form Permit issued to the owner by him on 5/20/09 does not show a beauty salon listed as part of the renovation. Moreover, according to the Plans Examiner, the plans submitted for the renovation did not show a beauty salon either. The Plans Examiner advised that if the owner added a beauty salon later on, he would need ISD approval to do that. Specifically he would need a new Long Form Permit and new plans showing that the beauty salon was going to be part of the work. The Plans Examiner advised that this would cost the owner more money.

The Plans Examiner advised that after reviewing the initial set of plans submitted for the Temple Place renovations pertaining to the owner's Long Form Permits #2591 and #2592, he wrote a memo (speed letter) dated 4/17/09. He sent this memo to the owner at his address in South Boston. The memo informed the owner that "There is one outstanding Building Code Item that needs to be resolved before this permit can be issued, egress." The memo went on to state that it does not appear on the plans that every floor has two means of egress. Moreover, according to the memo, the rear fire escapes and ladders located on the various drawings submitted (i.e. Arch, electrical, mechanical etc.) seemed to be different in configuration. Further, the memo stated, "If there are ladders as part of the egress path, these will need to be upgraded to fire escapes or stairs." (See attached memo dated 4/17/09).

The Plans Examiner advised that after he sent this memo to the owner, he had a conversation with the owner's architect. The architect subsequently submitted new plans which showed the methods of egress to be fire escapes and a drop down stairs. The Plans Examiner advised that, according to what the architect submitted for 21-27 Temple Place, the new plans show egress from the fifth, fourth and third floors of the property by means of fire escapes.

The Plans Examiner stated that there should be no ladders as a means of egress on the rear of this property. The Plans Examiner was shown photographs of the rear portion of 21-27 Temple Place taken by the OIG on 4/29/10. Some of these pictures show a long ladder as a means of egress from the fifth and fourth floors of the property, dropping down to the third floor in the rear of the property. The Plans Examiner stated that this was totally unacceptable and not in conformity with the final plans submitted by the architect that he (The Plans Examiner) approved. The Plans Examiner advised that a fire escape must be located where the ladder is now located. (See attached Photo). This provides significant further evidence of the owner's efforts to avoid required additional costs and arrogantly ignore the direct order of the Plans Examiner that ladders cannot be used as a method of egress. Moreover, the owner's architect submitted new plans showing egress only by fire escape but the ladder egress in fact remained unchanged for many months to come.

As you know, the egress by ladder problem continued undetected (certainly in our opinion a fire hazard involving the safety of the building's tenants) until the OIG with the concurrence of the United States Attorney's Office requested a new inspection of the property in April 2010. At that time one of your building inspectors, a City of Boston Fire Inspector and several OIG investigators met at the owner's building. The Building Inspector and the Fire Inspector conducted an inspection of the rear portion of the premises.

During the inspection, the ISD Building Inspector discovered that the ladder egress situation may be problematical. He subsequently learned that the ladder egress was a deviation from the plans approved by the Plans Examiner and he issued a violation which the owner initially ignored. I am aware of the fact that ISD has now taken the owner to court on this matter and the owner is finally taking appropriate steps to resolve the matter. However the fact remains that between April 17, 2009 when the ISD Plans Examiner informed the owner that ladder egress was not allowed and April

29, 2010 when the above inspection disclosed that egress from the rear by ladder still existed, the tenants were improperly exposed to a public safety issue. The truth is that but for the April 29, 2010 inspection of the rear of 21-27 Temple Place, this fire safety problem would still exist.

The Plans Examiner also stated during the OIG interview that based upon a verbal agreement he had with the owner's architect, after the architect submitted the final plans to ISD, all means of egress from the rear of 21-27 Temple Place should have been from doors to fire escapes or stairs. This verbal agreement between the architect and the Plans Examiner was made to overcome a problem located in the final plans submitted by the architect, namely that egress from two locations (Units Four and Six) on the plans was from windows rather than doors. The Plans Examiner made it clear to the architect that the owner would have to put doors in at these locations. It was pointed out to the Plans Examiner that one of the photographs taken by the Inspector General's Office suggest that access to the (inappropriate) ladder was by means of windows from Units Four and Six rather than doors. (See attached photo). He said that if this were the case, window egress was totally inappropriate and a violation of the verbal agreement he made with the architect. The window access described above is located on the fourth and fifth floors.

The Plans Examiner advised that with respect to the final plans submitted by the architect, the plans show a door as a second means of egress from Unit Two on the third floor. The Plans Examiner advised that there must be a door that is not barred at this location as a second means of egress. The Plans Examiner was shown a photograph of this location. The photo depicts either a door or a window but it is clear from the photo that the door or window is completely barred which would deny egress. (See attached Photo). The Plans Examiner advised that if this is a window, it is inappropriate per se and if it is a barred door, it is likewise inappropriate.

The Plans Examiner advised as mentioned above, that the original plans submitted by the owner's architect for this property were deficient in that it did not appear to the Plans Examiner that each floor had two means of egress. The Plans Examiner stated that the revised plans submitted to him by the architect corrected the egress deficiency by showing at least two means of egress for the proposed three retail units in the plans.

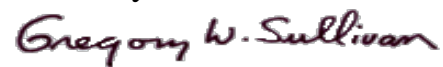
The Plans Examiner stated that the revised plans that he approved show one large open office space on floor two with two means of egress. The Plans Examiner advised that if the owner placed two offices in the space on the plans that shows one large open space on the second floor, this would be illegal because there would not be a second means of egress for one of those offices.

**Recommendations:**

- Based upon the Owner's own admission that his cost of renovating 21-27 Temple Place totaled approximately \$980,000.00 as of October 2009 and other evidence of his attempts to minimize costs, it is recommended that ISD require the owner to submit copies of invoices and payment receipts for all of the work performed at this location. This should be done to determine whether the owner has paid to ISD the appropriate permit fees for the work actually performed at this location. This submission should be required and signed by the owner under pains and penalty of perjury.
- The ISD should consider requiring all developers and contractors seeking building permits in the City to submit invoices and payment receipts for all work performed on each project to insure that the City is receiving the appropriate amount of permit fees for each project. The owners/developers should be required to certify by signature under pains and penalty of perjury that the submitted documents are true and correct and all inclusive of costs incurred to the best of their knowledge and belief.
- The ISD should immediately conduct a thorough and comprehensive inspection of the premises at 21-27 Temple Place, inside and out to insure that all of the issues raised by the ISD Plans Examiner set forth above have been resolved. These issues include the beauty salon problem; the ladder/fire escape problem; the egress from the rear of Units Four and Six should be doors rather than windows problem; and the barred door/window problem involving the rear of Unit Two. Moreover, each separate Unit, including residences, offices and businesses should be inspected to insure that every one of them have two legally appropriate means of egress.

- The ISD should set up a required method of communication in writing between the Plans Examiner and the Building Inspectors to insure that the Building Inspectors are cognizant of all requirements that the Plans Examiner places upon the owners and their architects in connection with particular projects. Verbal agreements between the owner or the architect and the Plans Examiner should no longer be permissible. There should be a written record of all such agreements and the Building Inspectors must be made aware of such agreements before they conduct their rough and final inspections.

Sincerely Yours,



Gregory W. Sullivan  
Inspector General

Cc: Hon. Thomas M. Menino, Mayor  
William F. Sinnott, Esq., Corporation Counsel  
Thomas G. Gatzunis, Commissioner, Dept. of Public Safety  
Diane Cabo Freniere, Esq., Assistant U.S. Attorney  
Kevin Constantine, Special Agent, FBI



April 17, 2009

Michael McGough  
534 East Broadway S.F.  
South Boston, MA 02127



**BOSTON INSPECTIONAL SERVICES DEPARTMENT**

Department  
Plans & Zoning Division  
1010 Massachusetts Ave.  
Boston, MA. 02118

Kenneth Morin  
Phone # 6179613280  
Fax # 617 635-5399

ADDRESS: 250 STATE STREET  
Mayor

WARD: 03

REF. APPLICATION NO. 09-2591 & 2592

The following information is needed to enable the review process to be completed on the above application for permit. Please mail or drop off all requested information to 1010 Massachusetts Ave., 5<sup>th</sup> Floor, Counter 2, between 8 AM and 3:30 PM. Providing all requested information will expedite the review process. *Always refer to your application number when discussing this permit application.*

11.  *Additional Comments:*

- There is one outstanding Building Code Item that needs to be resolved before this permit can be issued, egress.
- It does not appear on the drawings that every floor has 2 means of egress.
- The rear fire escapes, ladders etc seem to be different on the Arch drawings, electrical drawings, mechanical drawings etc.
- Please clarify egress.
- If there are ladders as part of the egress path these will need to be upgraded to fire escapes or stairs.



2010/04/29 14:14

