

Blue 32

City of Hermosa Beach NOTICE TO APPEAR

Traffic Nontraffic Misdemeanor **H 375876**

DATE OF VIOLATION TIME A.M. DAY OF WEEK NATIONAL CLASS CODE

10/20/07 2:30 P.M. SAT

NAME (First, Middle, Last)

WINKERT, EUGENE WEYDICK

RESIDENCE ADDRESS

LOWITA STATE **CA** ZIP CODE **90717**

DRIVER'S LICENSE NO. STATE CLASS JUV. TEL#

CAC

WEIGHT RACE C.V. BIRTHDATE

(M) F 160 170 6-03 225 W H.V. MO DAY YEAR

VEHICLE LICENSE NO. STATE H.V. C.V. 300

VEHICLE YEAR MAKE MODEL BODY STYLE COLOR

REGISTERED OWNER OR LESSEE/ADDRESS SAME AS ABOVE

FINANCIAL RESPONSIBILITY POLICY NO.

BOOKING REQUIRED CASE NO. **024-07-3590**

Violation(s) Code Sections and Descriptions

103.4.4 CFC / 15.20.010 HBAC

MAINTAINING HAZARDOUS CONDITION

2501.16(3) CFC - OVERCROWDING

LOCATION OF VIOLATION(S) **1332 HERMOSA** CITY **HERMOSA BEACH**

SPEED Approx PF/MAX VEH LMT SAFE INVOLVED IN ACCIDENT

WEATHER Dry Wet Fog Road Cond Heavy Medium Light

TRAFFIC N W E S

VIOLATIONS NOT COMMITTED IN MY PRESENCE, DECLARED ON INFORMATION AND BELIEF. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

DATE: **10/20/07** ISSUING OFFICER: **D. POWERS**

NAME OF ARRESTING OFFICER - IF DIFFERENT FROM ABOVE

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE CHECKED BELOW.

SIGNATURE **[Signature]**

APPEAR BEFORE A DEPUTY CLERK OF THE SUPERIOR COURT, TRAFFIC DIVISION AT: **H 375876**

825 Maple Ave., Torrance 90503 (213) 742-8860

County Seat 505 S. Centre, San Pedro 90731 (310) 519-8016

Appear between 8:30 and 11:30 A.M. or 1:30 to 3:30 P.M. at Juvenile Traffic Court, 3221 Torrance Blvd., Torrance 90503 (310) 222-8878

Parent or guardian must accompany juvenile to court.

Other

WHEN: Date: **JAN. 09, 2008** at 08:30 A.M.

WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.

www.lasuperiorcourt.org



1929

SEE REVERSE CR-110

**HERMOSA BEACH FIRE DEPT.
BLUE 32
1332 HERMOSA AVENUE, #A
OCTOBER 20, 2007**

**DR #07-3590 CITATION # H375876
HERMOSA BEACH CA 90254
2350 HOURS**

HAZARDOUS CONDITIONS / OVERCROWDING INVESTIGATION REPORT

SUMMARY OF INCIDENT

On October 20, 2007, at 2350 hours, Hermosa Beach Police Officers Sellan, Sullivan and Fire Investigator D. Powers responded to Blue 32 for a Nighttime Life Safety Inspection. From the exterior of the business and upon entering the business, we observed overcrowding conditions present. A citation was issued for violation of California Fire Code section 2501.16.3- Overcrowding.

DETAILS

In the course of conducting routine Nighttime Life Safety Inspections, our attention was drawn to Blue 32, by the large crowd of patrons blocking the public right-of-way (sidewalk) while waiting to enter the establishment.

At the business, I identified myself to security present and asked for the current occupant load count prior to entering the business. The doorman, later identified as "DUSTIN," by Officer Sellan, produced a mechanical counter (clicker) that I observed as reading **189**. Also, DUSTIN stated to me that the current count at that time was, "**189**." I advised DUSTIN that Blue 32's **maximum occupant load was 126 persons** and asked why he allowed more than the maximum to enter the business? DUSTIN did not respond to my question. I advised DUSTIN that I would be conducting an interior inspection and occupant load count.

I entered Blue 32 to conduct an inspection and occupant load count, while Officer Sellan momentarily stayed outside with the doorman DUSTIN. Officer Sellan later related to me that when I entered the business, doorman DUSTIN told him, " Every night all the employees have a meeting before we open, the managers always tell us to stick to the counts so we don't get in trouble with the fire department, I tell them when we're at capacity and still, the owner lets friends in, the managers let friends in and employees let people in the back door, and that's how we get over."

INTERIOR EXAMINATION & OCCUPANT LOAD COUNT

Upon entering Blue 32, based on my numerous visits to this bar in the course of my employment with the Hermosa Beach Fire Department and having previously observed the bar at their posted maximum occupant load of 126 patrons, I observed what I

considered to be gross overcrowding in the bar. Officer Sellan, who agreed that the bar appeared overcrowded, then joined me. We then began an occupant load count using mechanical counters (clickers).

When I started the count, the Head Security Officer DERICK immediately contacted me. At that time, I advised DERICK that the business appeared to be severely overcrowded, **visually confirming the count of 189 provided by the doorman DUSTIN**. DERICK said, "Hey boss, I'll do whatever you want us to do, just give me some time to clear these people out, I will get it down to whatever you want, just give me a few minutes." I continued counting the occupant load after speaking with DERICK.

As I attempted to walk through the bar, I observed hazardous conditions present when my forward movement was stopped numerous times by patrons ignoring commands to clear the aisles, blocked aisles and blocked exit pathways. Additionally I observed two female patrons dancing on top of the seating area located in the center of the bar. As I continued counting, approximately halfway through the bar I observed twice, security officer DERICK escorting groups of ten to twenty patrons at a time, out the back exit door. After counting the patrons in the bar, Officer Sellan and I met outside to review our counts. **Officer Sellan provided a count of 178 persons and I counted 152 persons inside the bar**. Officer Sellan's count included patrons being removed out the back door, my count did not.

Based on occupant load counts obtained by Officer Sellan and myself, we determined Blue 32 to be in violation of their posted maximum occupant load of 126 persons by twenty-six to fifty-two patrons (22-45 % over). Additionally, by their own doorman DUSTIN'S admission, Blue 32 was sixty-three patrons (50 %) over their posted maximum occupant load prior to our count.

Upon completing the occupant load count, I directed doorman DUSTIN to locate the manager on duty and bring him to my location outside Blue 32, for issuance of a citation.

MANAGER INTERVIEW

Outside Blue 32, doorman DUSTIN introduced me to the manager on duty. Manager **VINCENT EUGENE WEYRICK, DOB 02/19/71**, presented his California Drivers License # [REDACTED] to me when it was requested.

I advised WEYRICK of the hazardous overcrowding conditions present in Blue 32 at the time of our count and advised that he would be receiving a citation for failure to abate a hazard and permitting overcrowding, both misdemeanor violations of the California Fire Code. WEYRICK provided no defense for the overcrowding conditions and was only concerned about what personal effect receiving a citation would have on his future ability to obtain a license as California Private Investigator.

I issued citation # H 375876 to WEYRICK and then left the premises with Officers Sellan and Sullivan.

VIOLATIONS OBSERVED

2001 CALIFORNIA FIRE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 9
SECTION 2501.16.3
PERMITTING OVERCROWDING

2001 CALIFORNIA FIRE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 9
SECTION 103.4.4
FAILURE TO ABATE HAZARD

PRIOR VIOLATIONS

A review of Blue 32's Fire Prevention File maintained at the Hermosa Beach Fire Department, revealed that on four previous occasions, citations were issued for maintaining hazardous conditions and overcrowding.

DATE: 06/19/06
DR#: 06-2283
COUNT: 153 (91 POSTED)-62 PERSONS OVER
ARRESTING
OFFICER: FIRE CAPTAIN M. GAROFANO
DEFENDANT: MIKE LOWE (OWNER)

DATE: 12/17/05
DR#: 05-4887
COUNT: 169 (126 POSTED)-43 PERSONS OVER
ARRESTING
OFFICER: FIRE CAPTAIN M. GAROFANO
DEFENDANT: DAVE LOWE (OWNER)

DATE: 12/04/05
DR#: 05-4734
COUNT: 227 (126 POSTED)-101 PERSONS OVER
ARRESTING
OFFICER: FIRE CAPTAIN M. GAROFANO
DEFENDANT: DAVE LOWE (OWNER)

DATE: 07/03/05
DR#: 05-1004
COUNT: 130 (91 ALLOWED, SIGNS NOT POSTED)-39 PERSONS
OVER

ARRESTING OFFICER: FIRE CAPTAIN M. GAROFANO
DEFENDANT: NICK KLUTKA (OWNER)

ATTACHMENTS

1. Photographs (5 each)- # 1-4 (Interior hazardous conditions & overcrowding).
5 (Building exterior for ID purposes)
2. Citation # H375876- (Copy)

DISPOSITION

This case is being submitted to the Hermosa Beach City Prosecutors' Office for prosecution of the previously stated misdemeanor violations of the 2001 California Fire Code, California Code of Regulations, Title 24, Part 9.

D. POWERS, ID # 185
INVESTIGATOR
HERMOSA BEACH FIRE DEPARTMENT

CC: Hermosa Beach Fire Chief J. Gomez