

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

Mollo's 12-31-07

NO. 8SY00846

PAGE NO. 1

THE PEOPLE OF THE STATE OF CALIFORNIA VS.

CURRENT DATE 03/04/08

DEFENDANT 01: JUSTIN JOHN PINTANDE

LAW ENFORCEMENT AGENCY EFFECTING ARREST: HERMOSA BEACH POLICE DEPT.

BAIL:	APPEARANCE	AMOUNT	DATE	RECEIPT OR	SURETY COMPANY	REGISTER
	DATE	OF BAIL	POSTED	BOND NO.		NUMBER

CASE FILED ON 01/29/08.

COMPLAINT FILED, DECLARED OR SWORN TO CHARGING DEFENDANT WITH HAVING COMMITTED, ON OR ABOUT 12/31/07 IN THE COUNTY OF LOS ANGELES, THE FOLLOWING OFFENSE(S) OF:

COUNT 01: 15.20.010 HBM MISD - BLOCKING FIRE EXIT.

COUNT 02: 15.20.010 HBM MISD - BLOCKING FIRE EXIT.

NEXT SCHEDULED EVENT:

02/13/08 830 AM ARRAIGNMENT DIST TORRANCE COURTHOUSE DEPT 002

ON 02/13/08 AT 830 AM IN TORRANCE COURTHOUSE DEPT 002

CASE CALLED FOR ARRAIGNMENT

PARTIES: HECTOR M. GUZMAN (JUDGE) AILENE SANDERS (CLERK)

LYDIA JOHNSON (REP) ANN SUN WOO LEE (DA)

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY WILLIAM J. BEVERLY PRIVATE COUNSEL

A COPY OF THE COMPLAINT AND THE ARREST REPORT GIVEN TO DEFENDANTS COUNSEL.

DEFENDANT WAIVES FURTHER ARRAIGNMENT.

DEFENDANT PLEADS NOT GUILTY TO COUNT 01, 15.20.010 HBM - BLOCKING FIRE EXIT.

DEFENDANT PLEADS NOT GUILTY TO COUNT 02, 15.20.010 HBM - BLOCKING FIRE EXIT.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

03/11/08 830 AM PRETRIAL HEARING DIST TORRANCE COURTHOUSE DEPT 002

**IN THE SUPERIOR COURT OF THE SOUTHWEST JUDICIAL DISTRICT
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA**

The People of the State of California,) MC No.
Plaintiff,) CP No.
) DR#

v.)

 PINTANDE)

Defendant,)

DR# H377126 (07-4400))

INFORMAL DISCOVERY NOTICE

TO THE ABOVE-NAMED DEFENDANT(S) AND/OR ATTORNEY(S) FOR DEFENDANT(S):
Plaintiff, The People of the State of California, Hereby Requests Discovery/Disclosure From the
Defendant(s) and his or her Attorney(s) in this case pursuant to Penal Code Section 1054.3 and 1054.5.

YOU ARE HEREBY NOTIFIED that if complete Disclosure is not made within 15 days of this request,
Plaintiff will seek on or before the next court date, or as soon as practicable thereafter a Court Order
enforcing the Provisions of Penal Code Section 1054.5, Subdivision (B) and (C). This is an ongoing
request for any of the listed items which become known to the Defendant(s) and his or her Attorney(s)
after the date of Compliance.

Office of the City Prosecutor

City of Hermosa Beach NOTICE TO APPEAR
 Traffic Nontraffic Misdemeanor **H 377126**
 DATE OF VIOLATION: 12/31/07 TIME: 2:00 P.M. DAY OF WEEK: SAT. CASE NO: 07-4400
 NAME (First, Middle, Last): [REDACTED] **PINTANOE**
 Owner's Responsibility (Veh. Code, § 40001)

ADDRESS: [REDACTED]
 REGISTRATION NO. [REDACTED] REGISTRATION STATE: [REDACTED] REGISTRATION EXPIRES: [REDACTED]

DRIVER LIC. NO. [REDACTED] STATE: CA CLASS: C COMMERCIAL: Yes No AGE: 24 BIRTH DATE: [REDACTED]
 SEX: M HAIR: BLN EYES: BLU HEIGHT: 6-10 WEIGHT: 100 RACE: W OTHER DESCRIPTION: MANAGER

VEH. LIC. NO. of VHM: [REDACTED] STATE: [REDACTED] REG. MOYR: [REDACTED] COMMERCIAL VEHICLE (Veh. Code, § 18610):
 YR. OF VEH.: [REDACTED] MAKE: [REDACTED] MODEL: [REDACTED] BODY STYLE: [REDACTED] COLOR: [REDACTED] HAZARDOUS MATERIAL (Veh. Code, § 385):
 EVIDENCE OF FINANCIAL RESPONSIBILITY: [REDACTED] POLICY NUMBER: [REDACTED]

REGISTERED OWNER OR LESSEE: [REDACTED] SAME AS DRIVER:
 ADDRESS: [REDACTED] SAME AS DRIVER:
 CITY: [REDACTED] STATE: [REDACTED] ZIP CODE: [REDACTED]

Correctable Violations (Veh. Code § 40810): Booking Required (see reverse) Misdemeanor or Infraction (Circle)
 Yes No Code and Section Description
 03.4.4 EFC / 15.20.010 HMC (M) F
 MAINTAIN HAZARDOUS COND. (M) F
 2501.16.3 EFC (M) F
 OVERCROWDING (M) F

Speed Approx. (F/Miles/Std. Veh. Lvl): [REDACTED] Safe: [REDACTED] Rules: [REDACTED] Continuation Form Issued: [REDACTED] No. [REDACTED]
 Location of Violation(s): City/County of Occurrence: at PATRICK MALLEY'S, E.A. WE E
 WEATHER: [REDACTED] Road Cond.: [REDACTED] TRAFFIC: [REDACTED] ACCIDENT: [REDACTED]
 Dry Wet Fog Heavy Medium Light

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 the foregoing is true and correct.
 Executed at (place): D. POWERS Violation location: 185
 Arresting or Citing Officer: [REDACTED] Serial No.: [REDACTED] Date of [REDACTED]

Date: [REDACTED] Name of Arresting Officer, if different from Citing Officer: [REDACTED] Serial No.: [REDACTED] Date of [REDACTED]
 WITHOUT ADMITTING GUILT, I AGREE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.
 X Signature: [REDACTED]

WHEN: ON OR BEFORE THIS DATE: 1/3/08 08:15 AM
 WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.
 WHERE: 325 Maple Ave., Torrance 90503 (213) 742-8808
 County Seat 505 S. Centre, San Pedro 90731 (213) 742-1884
 Juvetille Traffic Court, Appear 08:30 AM or 1:30 PM at 3221 Torrance Blvd., Torrance, CA 90503 (310) 222-8879
 Parent of guardian must accompany juvenile to court.
 Other: [REDACTED]
 To be notified: You may arrange with the clerk to appear at a night session of the court.



B377126 1929

Judicial Council of California Form 77-138 SEE REVERSE
 Rev. 09-20-05 (Veh. Code §§ 40500(b), 40513(b), 40522, 40600; Pen. Code, § 853.9)

COURT COPY

BUSINESS SYSTEMS CORP. (800) 969-9706

HERMOSA BEACH FIRE DEPT. DR #07-4400 CITATION # H377126
PATRICK MALLOY'S STEAKHOUSE
50 PIER AVENUE, HERMOSA BEACH CA 90254
DECEMBER 31, 2007 2300 HOURS

HAZARDOUS CONDITIONS / OVERCROWDING INVESTIGATION REPORT

SUMMARY OF INCIDENT

On December 31, 2007, at 2300 hours, Hermosa Beach Police Sergeant Jones, Officers Kansaku, Sellan and Fire Investigator D. Powers responded to Patrick Malloy's Steakhouse for a Nighttime Life Safety Inspection. On the exterior patio of the business and upon entering the premises, we observed overcrowding conditions present. **Upon conducting an interior and exterior occupant count, it was determined that Patrick Malloy's was 59 persons over the posted maximum allowable occupant load.** A citation was issued for violation of California Fire Code sections 2501.16.3 and 103.4.4, overcrowding and maintaining a hazardous condition.

DETAILS

In the course of conducting Nighttime Life Safety Inspections, our attention was drawn to Patrick Malloy's Steakhouse by the obvious overcrowding conditions present on the restaurant's exterior dining patio. While inspecting the exterior patio from our location on the Lower Pier Plaza, we observed all patio aisles and the main entrance / exit pathway blocked by patron overcrowding.

Prior to entering the business, I identified myself to an unknown security / doorman and advised him that it appeared that the patio was over the allowable occupant load of 59 persons. **I counted the exterior patio by using a mechanical counter (clicker) and determined the count to be 70 persons, 11 persons over the posted allowable maximum occupant load of 59 persons.** I then asked the doorman for the current occupant load count, at which time the doorman produced two mechanical counters (clickers). Using the two clickers, the doorman subtracted the number of "Out" patrons from the "In" patrons to determine the current occupant load. The doorman then stated to me, **"280 inside, not including the patio."** **The doorman's statement of 280 persons inside is to be considered an acknowledgement that the posted maximum allowable interior occupant load of 244 persons had been exceeded by at least 36 persons.** I ordered the doorman to take immediate action to reduce the number of patrons on the exterior patio and advised if after counting the interior there was still more room inside he could move patrons inside to clear the patio.

Officer Kansaku and I then entered Patrick Malloy's to conduct an interior occupant load count.

INTERIOR EXAMINATION & OCCUPANT LOAD COUNT

Upon entering Patrick Malloy's, 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 legal occupant load of 244 patrons, we observed what we considered to be gross occupant overcrowding, creating a hazardous condition and posing a serious menace to the lives of patrons and employees. All aisles and exit pathways were blocked by the overcrowded conditions caused by patrons standing and dancing in the exit pathways.

Officer Kansaku and I conducted the interior occupant load count by proceeding to the far South wall of the bar and counting back towards the main Pier Avenue exit / entrance. Officer Kansaku counted all persons on the West side and dance floor portions of the bar and I counted all persons in the center and East side of the bar. As we attempted to walk through the bar, I observed hazardous conditions present when patrons blocking aisles and exit pathways stopped our forward movement.

After counting the patrons in the bar, Officer Kansaku and I met on the interior of the bar to review our counts. Officer Kansaku provided a count of 120 persons for the portion of the bar he counted and I counted 172 persons for the portion of the bar I counted, for a total of 292 persons on the interior of Patrick Malloy's, 48 persons over the posted maximum allowable occupant load of 244 persons.

Based on total interior and patio occupant load counts obtained by Officer Kansaku and myself, we determined Patrick Malloy's to be in violation of their posted maximum occupant loads by 59 persons (21% over).

Upon completion of the occupant load counts, while still located in the bar interior, I contacted on-duty Manager [REDACTED] PINTANDE, DOB [REDACTED] CDL [REDACTED] to advise him of the overcrowding and hazardous conditions present. I advised Pintande after immediate actions were taken to abate the overcrowding conditions, he would be receiving a citation for overcrowding and failure to abate a hazard. **Pintande was cooperative and offered no defense or arguments regarding the occupant load count Officer Kansaku and I had conducted.**

Upon my order, Pintande brought up all the interior lights in the bar, ordered the D.J. to cease playing all music and made P.A. announcements to all persons in the bar. All persons that were standing in aisles and exit pathways were ordered by Pintande to take a seat. Then, all patrons left standing after all seats were occupied were asked to voluntarily leave the bar to reduce the occupant load. Officer Kansaku and I supervised the reduction of interior occupant load efforts, which took approximately twenty minutes to accomplish. When the interior occupant load had been reduced to below the maximum allowable as evidenced by clear aisles and exit pathways we exited the bar interior with

Pintande. Once we were outside, I issued Citation # H377126 to Pintande for overcrowding and maintaining a hazardous condition.

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

Review of Patrick Malloy's fire prevention file maintained at the Hermosa Beach Fire Department, revealed that on three previous occasions, citations were issued for overcrowding and maintaining a hazardous condition.

DATE: 03/06/03
CR#: 03-0818
COUNT: 189 (139 POSTED)-60 PERSONS OVER
ARRESTING OFFICER: FIRE CAPTAIN B. SCOTT
DEFENDANT: [REDACTED] PIZZARO (MANAGER)

DATE: 08/21/99
CR#: 99-2562 / CITATION # H325713
COUNT: UNKNOWN (139 POSTED)-UNKNOWN PERSONS OVER
ARRESTING OFFICER: FIRE PREVENTION OFFICER OSEKOWSKY
DEFENDANT: [REDACTED] (MANAGER)

DATE: 08/20/99
CR#: 99-2545
COUNT: 180 (139 POSTED)- 41 PERSONS OVER
ARRESTING OFFICER: FIRE PREVENTION OFFICER OSEKOWSKY
DEFENDANT: [REDACTED] (OWNER)

ATTACHMENTS

1. **Maximum Occupant Load Signs** – (2 each - Copies)
2. **Photograph Thumbnail Sheet** - (1 each) - # 1 (Building exterior for ID purposes)
2-3 (Overcrowded Exterior Patio)
4-7 (Overcrowded Interior)
3. **Overcrowding Photos** - (3 each) 1 each- Exterior Patio / 2 each – Interior
4. **Citation # H377126** - (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