

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

Lighthouse 12-31-07

NO. 8SY00864

PAGE NO. 1

THE PEOPLE OF THE STATE OF CALIFORNIA VS.

CURRENT DATE 03/04/08

DEFENDANT 01: REAH SACHA BAILEY

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 IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL

NEXT SCHEDULED EVENT:

BENCH/WARRANT ISSUED

02/13/08 BENCH WARRANT IN THE AMOUNT OF \$10,000.00 BY ORDER OF JUDGE HECTOR M. GUZMAN ORDERED/ISSUED. (02/14/08).

ON 02/22/08 AT 800 AM :

FILE SENT TO DIVISION 2 WITH 6SY00674 FOR THE DATE OF 04/01/08.

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

Lighthouse

THE PEOPLE OF THE STATE OF CALIFORNIA,)
Plaintiff,)
v.)
REAH SACHA BAILEY)
Defendant,)
DR# H377127 (07-4404))

M. C. No.
D. A. No.
Citation No.

COMPLAINT-MISDEMEANOR

COUNT I

The undersigned declarant and complainant states that he is informed and believes and upon such information and belief declares that on or about DECEMBER 31, 2007 at and in the above named Judicial District, in the County of Los Angeles, State of California, the crime of OVERCROWDING

IN VIOLATION OF SECTION 2501.16.3 OF THE CALIFORNIA FIRE CODE
AS ADOPTED BY SECTION 15.20.010 OF THE HERMOSA BEACH MUNICIPAL CODE

a misdemeanor, was committed by [REDACTED] BAILEY

who did unlawfully allow overcrowding and admittance of persons beyond the approved capacity of a place of assembly.

Executed on January 23, 2008 in the County of Los Angeles, State of California.
I declare under penalty of perjury that the foregoing is true and correct.

D. Sufjan

Declarant and Complainant

INVESTIGATING AGENCY: HERMOSA BEACH POLICE DEPARTMENT

WITNESSES

W-POWERS (HBFD)

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

THE PEOPLE OF THE STATE OF CALIFORNIA,)
 Plaintiff,)
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 Defendant,)
DR# H377127 (07-4404))

M. C. No.
D. A. No.
Citation No.

v.
BAILEY

COMPLAINT-MISDEMEANOR

COUNT II

The undersigned declarant and complainant states that he is informed and believes and upon such information and belief declares that on or about DECEMBER 31, 2007 at and in the above named Judicial District, in the County of Los Angeles, State of California, the crime of **MAINTAINING A HAZARDOUS CONDITION**

IN VIOLATION OF SECTION 103.4.4 OF THE CALIFORNIA FIRE CODE AS ADOPTED BY SECTION 15.20.010 OF THE HERMOSA BEACH MUNICIPAL CODE

a misdemeanor, was committed by [REDACTED] A BAILEY

who did unlawfully, while operating or maintaining an occupancy, premises or vehicle subject to the Uniform Fire Code, allow a hazard to exist or fail to take immediate action to abate a hazard on such occupancy, premises or vehicle when ordered or notified to do so.

Executed on January 23, 2008 in the County of Los Angeles, State of California.
I declare under penalty of perjury that the foregoing is true and correct.

[Signature]

Declarant and Complainant

INVESTIGATING AGENCY: HERMOSA BEACH POLICE DEPARTMENT

WITNESSES

**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.)

 A BAILEY)

Defendant,)

DR# H377127 (07-4404))

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 **H377127**
DATE OF VIOLATION TIME A.M. DAY OF WEEK CASE NO.
12/31/07 2340 P.M. **S** **O** **T** **W** **T** **F** **S** **07-4404**

NAME (First Middle Last) Owner's Responsibility (Veh. Code, § 40001)
[REDACTED]

STATE JUVENILE (Phone No.)
[REDACTED]

DRIVER'S LIC. NO. STATE CLASS. COMMERCIAL AGE BIRTH DATE
[REDACTED] **CA** Yes No **21** **11/11/81**

VEH. LIC. NO. or VIN STATE REG. MO/YR COMMERCIAL VEHICLE (Veh. Code, § 15210b)
[REDACTED] **501135** **W** HAZARDOUS MATERIAL (Veh. Code, § 385)

YR. OF VEH. MAKE MODEL BODY STYLE COLOR
[REDACTED] **MANAGER**

EVIDENCE OF FINANCIAL RESPONSIBILITY POLICY NUMBER
REGISTERED OWNER OR LESSEE SAME AS DRIVER
ADDRESS SAME AS DRIVER
CITY STATE ZIP CODE

Correctable Violation (Veh. Code, § 40810) Booking Required (see reverse) Misdemeanor or Infraction (Circle)
Yes No Code and Section Description
 103.4.4 CFC / 15.20.010 HBMC (M) I
 MAINTAIN HAZARDOUS COND. M I
 2506.16.3 CFC (M) I
 OVERCROWDING M I

Speed Approx. P.F. Meter Spd. Veh. Limit Safe Radar Continuation Form issued
Location of Violation(s) City/County of Occurrence
at **THE LIGHTHOUSE, L.A.** WE E

WEATHER Road Cond. TRAFFIC ACCIDENT
 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): Violation location:
D. FOWERS **185**
Arresting or Citing Officer Serial No. Date of Off.

Date Name of Arresting Officer, if different from Citing Officer Serial No. Date of Off.
1/1

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.
 Signature **[Signature]**

WHERE ON OR BEFORE THIS DATE **2/13/08** 08:15 AM

WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.
WHERE: 425 Maple Ave., Torrance 90503 (213) 742-8808
 County Seat 508 S. Centre, San Pedro 90731 (213) 742-1884
 Juvenile Traffic Court, Appear 08:30 AM or 1:30 PM at 3221 Torrance Blvd., Torrance, CA 90503 (310) 222-8878
 Parent or guardian must accompany juvenile to court.
 Other

To be notified You may arrange with the clerk to appear at a night session of the court.



H377127 1929

Judicial Council of California Forms Rev. 09-20-06 (Veh. Code §§ 40500(b), 40513(b), 40522, 40800; Pen. Code, § 853.9) TR-13a SEE REVERSE

COURT COPY

BUSINESS SYSTEMS CORP. (800) 969-9708

Handwritten notes and scribbles at the bottom of the page.

HERMOSA BEACH FIRE DEPT.
THE LIGHTHOUSE CAFE
30 PIER AVENUE, HERMOSA BEACH CA 90254
DECEMBER 31, 2007

DR #07-4404 CITATION # H377127

2340 HOURS

HAZARDOUS CONDITIONS / OVERCROWDING INVESTIGATION REPORT

SUMMARY OF INCIDENT

On December 31, 2007, at 2340 hours, Hermosa Beach Police Sergeant Jones, Officers Kansaku, Sellan and Fire Investigator D. Powers responded to The Lighthouse Café for a Nighttime Life Safety Inspection. **Upon conducting an interior and exterior occupant load count, it was determined that The Lighthouse Café was a minimum of 70 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

All involved officers had just completed the overcrowding citation process at neighboring Patrick Malloy's Steakhouse, when Officer D. Sellan advised us over the radio that The Lighthouse Café appeared to be overcrowded based on the large number of persons on the exterior patio. Prior to my response to The Lighthouse, **Officer Sellan counted all persons on the patio and determined the patio occupant load to be 66 persons, 19 persons over the maximum allowable "patio" occupant load of 47 persons.**

Officer Sellan also related to me that the doorman, later identified as [REDACTED] CARRIE, stated the interior occupant load count was, **"182 persons, not including the patio."** **Doorman Carrie's own statement that the interior occupant load was "182 persons" should be considered an acknowledgment of being at least 47 persons over the posted interior maximum allowable occupant load of 135 persons.**

INTERIOR EXAMINATION & OCCUPANT LOAD COUNT

Upon entering The Lighthouse Cafe, 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 135 patrons, I observed what I considered to be gross occupant overcrowding, creating a hazardous condition and posing a serious menace to the lives of patrons and employees.

Officer Sellan and I conducted an interior occupant load count using mechanical counters (clickers). We started counting from the South end of the bar and concluded at the main entrance / exit on Pier Avenue. Approximately one-half of the distance into my count, I became interrupted and distracted by the large number of patrons on the dance floor and while attempting to locate a responsible manager on-duty to abate the overcrowding hazard.

After counting all persons in the bar, Officer Sellan and I met on the interior of the bar to review our counts. Officer Sellan provided a count of 194 persons and I counted 178 persons for an average interior total of 186 persons on the interior, 51 persons over the posted maximum allowable occupant load of 135 persons.

Based on the total interior and exterior patio occupant load counts obtained by Officer Sellan and myself, we determined The Lighthouse Café to be in violation of their posted maximum allowable occupant loads by a minimum of 70 persons (34% over).

Upon completion of the interior occupant load counts, Officer Sellan and I exited the bar and advised the doorman to bring the on-duty manager to our location. A few minutes later, the on-duty manager [REDACTED] BAILEY, DOB [REDACTED], CDL [REDACTED] arrived at our location on Pier Plaza. I told Bailey of the overcrowding conditions present, ordered her to take immediate measures to abate the hazard and advised she would be receiving a citation as the manager-in-charge. Bailey was cooperative and compliant with all orders and had her staff reduce the number of occupants by the time I had the citation written. Additionally, Bailey offered no defense or argument for the overcrowding and said, "I'm sorry, I know you guys are just doing your job." Citation # H377127 was issued to Bailey and all personnel secured from The Lighthouse Café at 2355 hours.

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 The Lighthouse Café'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: 07/02/05
DR#: 05-1003
COUNT: 210 (135 POSTED)-75 PERSONS OVER
ARRESTING OFFICER: FIRE CAPTAIN M.GAROFANO
DEFENDANT: [REDACTED]

DATE: 03/26/04
DR#: 04-0796
COUNT: 163 & 46 (135 & 26 POSTED)- 28 & 20 (48) PERSONS OVER
ARRESTING OFFICER: FIRE CAPTAIN M.GAROFANO
DEFENDANT: [REDACTED] (MANAGER)

DATE: 03/16/03
DR#: 03-0948
COUNT: 220 (135 POSTED)- 85 PERSONS OVER
ARRESTING OFFICER: FIRE CAPTAIN M.GAROFANO
DEFENDANT: [REDACTED] (MANAGER)

ATTACHMENTS

1. Maximum Occupant Load Signs – (2 each - Copies)
2. Citation # H377127 - (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