

**HERMOSA BEACH FIRE DEPT.
SUZY'S BAR AND GRILL
1141 AVIATION BLVD., HERMOSA BEACH CA 90254
JANUARY 25, 2008**

**DR #08-0244 CITATION # H 377131
2130 HOURS**

HAZARDOUS CONDITIONS / OVERCROWDING INVESTIGATION REPORT

SUMMARY OF INCIDENT

On January 25, 2008, at 2130 hours, Hermosa Beach Police Officer Sellan and Fire Investigator D. Powers responded to Suzy's Bar and Grill for a Nighttime Life Safety Inspection. From the exterior of the business and upon entering the business, we observed gross overcrowding conditions present. After an occupant load count was conducted, it was determined that Suzy's was 140 % (128 persons) over the posted legal maximum occupant load. A citation was issued for violation of California Fire Code section 107.6-Overcrowding.

DETAILS

In the course of conducting routine Nighttime Life Safety Inspections, our attention was drawn to Suzy's by the unusually large volume of vehicles in the parking lot and the large crowd of patrons on the exterior patio / smoking area of the business.

Upon approaching the business at 2130 hours, Officer Sellan and I noted that there were no doorman or security personnel counting patrons entering and exiting the bar. From our position at the front door, we observed gross overcrowding conditions present on both the exterior patio area and on the interior of the business. Also, we noted that both of the exit pathways were completely blocked by patrons.

We entered Suzy's and located the bar owner, **SALVADOR ZEPEDA CISNEROS**, **DOB [REDACTED]**. At the time I contacted CISNEROS, he was working behind the bar serving drinks along with other employees. Upon speaking to CISNEROS, I asked why he was overcrowded? CISNEROS offered no response to my question. I then asked where his security person was that he normally employed? CISNEROS said, "He called in sick." I asked CISNEROS if either him or any other employee was keeping track of the occupant load? And, CISNEROS said, "No."

Officer Sellan and I then attempted to conduct an occupant load count using mechanical counters (clickers). We began our count from the front entrance of the bar, including the patio and attempted to proceed to the rear of the bar. While attempting to walk through the bar, and at approximately half way through the bar, our forward movement was completely stopped by the extreme overcrowding conditions present. At this point, we had counted 195 persons present.

Due to the extreme life safety hazard present to the bar patrons and employees, Officer Sellan and I made the decision to immediately abate the hazard by evacuating all patrons from the bar.

We then exited the bar with owner CISNEROS, and ordered him to cease all activities inside. CISNEROS was instructed by us to stop the band music, stop serving drinks and order all patrons to exit the bar. CISNEROS eventually complied with our order and all but a few patrons and employees exited the bar into the parking lot within fifteen minutes.

To obtain an accurate occupant load count, Officer Sellan and I stood at both exit doors while patrons exited the bar. **Upon completion of the bar evacuation, Officer Sellan and I determined the combined interior and exterior patio occupant load to be 218 persons total, 128 persons (140 %) over the legal posted allowable maximum occupant load.** The posted maximum occupant load for Suzy's is; 82 persons inside and 8 persons outside, for a total of 90 persons maximum allowable.

OWNER INTERVIEW

Upon completion of the bar evacuation and occupant load count, I re-contacted bar owner CISNEROS inside the bar and advised him of the occupant load count we obtained and then told CISNEROS he would be receiving a citation for overcrowding. When I told CISNEROS what the occupant load count was, he did not dispute the count, nor offer any defense for the overcrowding.

When I asked for identification, CISNEROS was cooperative and produced his California driver's license. I then issued citation # H 377131 to CISNEROS.

Prior to leaving the bar, Officer Sellan and I assisted CISNEROS in letting patrons back into the bar. We allowed 82 patrons to re-enter the bar and then ordered CISNEROS to keep the occupant load at or below the allowable maximum. Additionally, due to the large crowd present and no private security at the bar, Police Chief G. Savelli, who was present during the entire event, placed police personnel in the parking lot until the bar closed at 0015 hours on January, 26, 2008.

VIOLATIONS OBSERVED

2007 CALIFORNIA FIRE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 9
SECTION 107.6
PERMITTING OVERCROWDING

2007 CALIFORNIA FIRE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 9
SECTION 107.5
CREATING AND ALLOWING HAZARDOUS CONDITIONS – OWNER
RESPONSIBLE

PRIOR VIOLATIONS

A review of Suzy's Fire Prevention File maintained at the Hermosa Beach Fire Department, revealed that one prior occasion, a citation was issued for maintaining hazardous conditions and overcrowding. Cisneros was not the owner of Suzy's at the time of the last citation.

DATE: 03/23/02
CR#: 02-1027
COUNT: 100 (49 POSTED)-51 PERSONS OVER
ARRESTING
OFFICER: FIRE CAPTAIN B. SCOTT
DEFENDANT: SUZANNE McCADDIN (OWNER)

ATTACHMENTS

1. Occupant Load Signs – 2 each (Interior & Patio)
2. Photograph Thumbnail Sheet – 1 each (7 photos)
3. Photograph – Exterior Patio Overcrowding – 1 each
4. Photograph – Interior Overcrowding – 1 each
5. Citation # H 377131 – 1 each (Copy)

DISPOSITION

This case is being submitted to the Hermosa Beach City Prosecutors' Office for prosecution of the previously stated misdemeanor violations of the 2007 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

City of Hermosa Beach NOTICE TO APPEAR

Traffic Nontraffic Misdemeanor **H 377131**

DATE OF VIOLATION TIME A.M. DAY OF WEEK CASE NO.
1/25/08 2:20 P.M. **S M T W T F S** **08-244**

NAME (First, Middle, Last) Owner's Responsibility (Veh. Code, § 40001)
SALVADOR ZEPEDA CISNEROS

ADDRESS
~~██~~

CITY STATE ZIP CODE JUVENILE (Phone No.)
LAWNDALE CA 90260

DRIVER LIC. NO. STATE CLASS COMMERCIAL AGE BIRTH DATE
~~██████████~~ **CA C** Yes No **39** ~~██████████~~

SEX HAIR EYES HEIGHT WEIGHT RACE OTHER DESCRIPTION
M BLK BRN 147 5-05 W OWNER

VEH. LIC. NO. or VIN STATE REG. MO/YR COMMERCIAL VEHICLE (Veh. Code, § 18210b)

YR. OF VEH. MAKE MODEL BODY STYLE COLOR HAZARDOUS MATERIAL (Veh. Code, § 353)

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, § 40610)		<input type="checkbox"/> Booking Required (see reverse)		Misdemeanor or Infraction (Circle)	
Yes	No	Code and Section	Description		
<input type="checkbox"/>	<input type="checkbox"/>	107.6 CFC/15.20.010	HBMC	(M)	1
<input type="checkbox"/>	<input type="checkbox"/>	OVERCROWDING		M	1
<input type="checkbox"/>	<input type="checkbox"/>	107.5 CFC	CREATING-	(M)	1
<input type="checkbox"/>	<input type="checkbox"/>	ALLOWING HAZARDOUS COND.		M	1

Speed Appr. P.E. Max. Spd. Veh. Lmt. Safe Radar Continuation Form Issued **N**

Location of Violation(s) City/County of Occurrence
 at **SUZY'S BAR & GRILL - L.A. W** **E**

WEATHER Road Cond. TRAFFIC ACCIDENT
 Dry Wet Fog Heavy Medium Light **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 the foregoing is true and correct.

Executed at (place) Violation location
D. POWERS **185** to

Arresting or Citing Officer Serial No. Dates Off

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

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

X Signatures ~~██~~

WHEN: ON OR BEFORE THIS DATE: **3/5/08** 8:15 AM

WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.

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

County Seat 505 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.



H377131 **1929**

Judicial Council of California Form SEE REVERSE
 Rev. 09-20-05 (Veh. Code §§ 40500(b), 40513(b), 40522, 40600; Pen. Code, § 853.9) TR-130

COURT COPY

BUSINESS SYSTEMS CORP. (800) 969-9706

Incident Report Hermosa Beach Police Department

08-244

Supplement No
ORIG



Reported Date
01/25/2008
Crime/Incident
1520010MC
Officer
SELLAN, DONAVAN

(310) 318-0360

Administrative Information

Agency	Report No	Supplement No	Reported Date	Reported Time
Hermosa Beach Police Department	08-244	ORIG	01/25/2008	21:34
CAD Call No	Status	Crime/Incident	Location	
080250707	REPORT	FIRE CODES	1141 AVIATION BL	
City	Rep Dist	From Date	From Time	
HERMOSA BCH	HB4 /HB8 /HB9 /	01/25/2008	21:34	
Officer	Entered by	RMS Transfer		
10168/SELLAN, DONAVAN	10168	Successful		
Approving Officer	Approval Date	Approval Time		
10P75	04/30/2008	11:12:01		

Person Summary

Invl	Invl No	Type	Name	MNI	Race	Sex	Date of Birth
INV 1	I	SUZYS	1841063				

Summary Narrative

Suzy's bar was cited for over occupancy and they did not have a door staff to assist with the overcrowding.

Incident Report

Hermosa Beach Police Department

08-244

Supplement No
ORIG

INVOLVED PARTY 1: SUZYS

Involvement	Invl No	Type	Name	MNI
INVOLVED PARTY	1	Individual	SUZYS	1841063
Type	Address		City	
WORK/BUSINESS	1141 AVIATION BL		HERMOSA BCH	
State	ZIP Code			
CALIFORNIA	90254			

Narrative

Source:

On 1-25-08 at a approx. 2134 hours, Firefighter Powers and I conducted a bar check at Suzy's (1141 Aviation Blvd).

Details:

Upon arrival, I observed approx. 30 to 40 people in front of the bar in the parking lot area and approx. another 40 people inside the patio area. As we got closer to the entry of the bar, it was obvious that the interior of Suzy's was over occupied. I also did not observe a doorman or any person affiliated with Suzy's monitoring the front door or any security for the patrons inside. As a result of our observations, Firefighter Powers and I attempted to count the patrons inside Suzy's but it became very difficult to maneuver inside the bar because of the large crowd. Suzy's has a maximum occupancy of 82 and I counted approx. 195 patrons inside. However, I was unable to count everyone because certain sections of the bar I could not safely get to. At this point, Powers contacted the owner and had the owner make an announcement to the patrons advising them to exit the bar. Powers and I stood at the two exits and used our counter devices and counted all the patrons as they exited the bar. Once the bar was emptied we counted 218 patrons who had exited the bar.

At this point, Powers cited the owner while I only allowed 82 people back inside the bar and then had the other patrons wait in a line outside. I had to do this because Suzy's did not have a doorman or any security for the crowd. The only people working were two cooks, the owner, and a bartender. Due to the circumstances and the lack of staffing, Sgt Gaines who was the watch commander had one officer assigned to Suzy's bar for security purposes for approx. 2 hours (the officer left at 0011 hours). During that 2 hour period another officer was also assigned to assist for approx. 30 minutes until the crowd thinned out. This police staffing at Suzy's was necessary because the bar was at capacity with a line of approx. 60 people outside and no security or doorstaff were present.



MAXIMUM OCCUPANCY LOAD 82

SUZY'S
1141 Aviation Blvd.

HERMOSA BEACH FIRE DEPARTMENT

COMMUNITY DEVELOPMENT DEPARTMENT

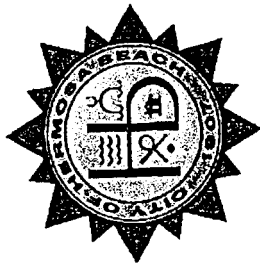
POST IN CONSPICUOUS PLACE NEAR MAIN EXIT

OCCUPANT LOAD APPROVED

MAY 1, 2002

BT
Fire Dept.

SP
Comm. Dev. Dept.



MAXIMUM OCCUPANCY LOAD Patio 8

SUZY'S
1141 Aviation Blvd.

HERMOSA BEACH FIRE DEPARTMENT

COMMUNITY DEVELOPMENT DEPARTMENT

POST IN CONSPICUOUS PLACE NEAR MAIN EXIT OCCUPANT LOAD APPROVED

MAY 1, 2002

RT
Fire Dept.

sp
Comm. Dev. Dept.

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

THE PEOPLE OF THE STATE OF CALIFORNIA,)
)
) Plaintiff,)
)
) v.)
)
) SALVADOR ZEPEDA CISNEROS)
)
)
)
) Defendant,)
)
) DR# H377131 (08-0244))

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

COMPLAINT-MISDEMEANOR

COUNT I

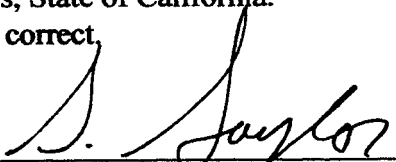
The undersigned declarant and complainant states that he is informed and believes and upon such information and belief declares that on or about **JANUARY 25, 2008** at and in the above named Judicial District, in the County of Los Angeles, State of California, the crime of **OVERCROWDING**

IN VIOLATION OF SECTION 107.6 OF THE CALIFORNIA FIRE CODE
AS ADOPTED BY SECTION 15.20.010 OF THE HERMOSA BEACH MUNICIPAL CODE

a misdemeanor, was committed by **SALVADOR ZEPEDA CISNEROS**

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

Executed on February 12, 2008 in the County of Los Angeles, State of California.
I declare under penalty of perjury that the foregoing is true and correct.



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,)
)
)
) v.)
) SALVADOR ZEPEDA CISNEROS)
)
)
) Defendant,)
)
)
) DR# H377131 (08-0244))

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

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 **JANUARY 25, 2008** at and in the above named Judicial District, in the County of Los Angeles, State of California, the crime of **MAINTAINING A HAZARD**

**IN VIOLATION OF SECTION 107.5 OF THE CALIFORNIA FIRE CODE
AS ADOPTED BY SECTION 15.20.010 OF THE HERMOSA BEACH MUNICIPAL CODE**

a misdemeanor, was committed by **SALVADOR ZEPEDA CISNEROS**

who did unlawfully, while operating or maintaining an occupancy, premises or vehicle subject to the California 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 February 12, 2008 in the County of Los Angeles, State of California.
I declare under penalty of perjury that the foregoing is true and correct.



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,)
Plaintiff,) MC No.
) CP No.
) DR#
v.)
SALVADOR ZEPEDA CISNEROS)
Defendant,)
DR# H377131 (08-0244))

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