

PAUL E. HENNESEY

ADDRESS

CITY STATE ZIP CODE JUVENILE (Phone No.)

ROLLING HILLS CA 90274

INVESTIGATOR NO. STATE CLASS COMMERCIAL AGE BIRTH DATE

CA 2 No 61

SEX HAIR EYES HEIGHT WEIGHT RACE OTHER DESCRIPTION

M BRN BRN 5-11 175 W OWNER

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

VEH. OF VEH. MAKE MODEL BODY STYLE COLOR HAZARDOUS MATERIAL (Veh. Code, § 282)

EVIDENCE OF FINANCIAL RESPONSIBILITY POLICY NUMBER SAME AS DRIVER

IF REGISTERED OWNER OR LESSEE SAME AS DRIVER

ADDRESS

CITY STATE ZIP CODE

Correctable Violation (Veh. Code, § 40610) Booking Required (see reverse) Misdemeanor or Infraction (Circle)

Yes No Code and Section Description

107.6 CFC / 15.20.010 HBMC (M) I

OVERCROWDING M I

107.5 CFC / CREATING (M) I

ALLOWING HAZARD M I

Year Appro. P. F. M. Exp. Veh. Lic. State Restr. Construction Form Issued N J

Location of Violation City/County of Occurrence

8 PIER AVE, H.B. - LAGO W 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.

Arrested at (Address) Violation Location

D. POWERS 185

Arresting or Citing Officer Serial No. Date Off

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

WITHOUT A FURTHER COURT PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW

X Signature

WHEN: ON OR BEFORE THIS DATE: 4 24 08 08:15 AM

WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.

WHERE: 825 Maple Ave., Torrance 90505 (213) 742-8808

County Seat 508 St. Central, San Pedro 90731 (213) 742-1884

Juvenile Traffic Court, Apppear 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.

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

Barcode

Barcode

\*H377134\* 1929

Official Council of California Forms. SEE REVERSE

Rev. 08-20-06 (Veh. Code §§ 40500(b), 40513(b), 40522, 40600; Pen. Code, § 863.9) 74-128

COURT COPY

BUSINESS SYSTEMS CORP. (800) 999-9708

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

THE PEOPLE OF THE STATE OF CALIFORNIA, )

Plaintiff, )

M. C. No.

D. A. No.

Citation No.

PAUL E HENNESEY )

v. )

COMPLAINT-MISDEMEANOR

Defendant, )

DR# H377134 (08-0778) )

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 **MARCH 15, 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 **PAUL E HENNESEY**

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

Executed on **April 9, 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 #185

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

THE PEOPLE OF THE STATE OF CALIFORNIA, )

Plaintiff, )

M. C. No.

D. A. No.

Citation No.

v. )

PAUL E HENNESEY )

COMPLAINT-MISDEMEANOR

Defendant, )

DR# H377134 (08-0778) )

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 **MARCH 15, 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 **PAUL E HENNESEY**

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 **April 9, 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

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INVESTIGATING AGENCY: **HERMOSA BEACH POLICE DEPARTMENT**

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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.
	)	CP No.
	)	DR#
	)	
v.	)	
PAUL E HENNESEY	)	
	)	
	)	
Defendant,	)	
<u>DR# H377134 (08-0778)</u>	)	

**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

HERMOSA BEACH FIRE DEPT. DR #08-0778 CITATION # H 377134  
HENNESEY'S TAVERN, 8 PIER AVENUE, HERMOSA BEACH, CA. 90254  
MARCH 15, 2008 1527 HOURS

**OVERCROWDING / HAZARDOUS CONDITIONS  
INVESTIGATION REPORT**

**SUMMARY OF INCIDENT**

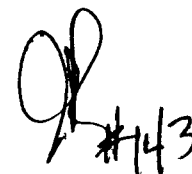
On March 15, 2008, at 1527 hours, Hermosa Beach Police Officers Sellan, Kansaku and Fire Investigator Powers responded to Hennesey's Tavern for a Fire Code / Life Safety Inspection. Upon entering the business, gross overcrowding conditions were observed. **After an occupant load count established there were 233 persons inside the business, it was determined that Hennesey's Tavern was 125% (129 persons) over the posted maximum allowable occupant load of 104 persons.** Citation number H 377134 was issued to owner, Paul E. Hennesey, for violation of California Fire Code section 107.6-Overcrowding.

**DETAILS**

In the course of conducting Fire Code / Life Safety Inspections immediately following the Annual Hermosa Beach Saint Patrick's Day Parade, our attention was drawn to Hennesey's Tavern by the extreme amount of patrons both inside the business, outside on the patio and waiting in line.

At 1527 hours, upon arriving at the business, Officers Sellan, Kansaku and I contacted Doorman TYRONE ANTONIO RUSH, DOB [REDACTED], and advised him of the nature of our inspection and requested a current occupant load count. Rush exhibited difficulties in trying to determine the current occupant load count by first looking at his two clickers and then referring to a notebook tablet located on a kiosk, where the door hostess was seated. **Eventually, Rush responded to my question by stating, "The current count is 219, inside and up."** We advised Rush that from our vantage point outside, the bar looked to be more crowded than the current count he had provided and we would be conducting an inspection and occupant load count. **Rush's statement that he currently had 219 persons "inside and up", should be considered an admission that at the time we contacted him, the bar was minimally, 69 persons over the posted maximum allowable occupant load of 150 persons for the Inside Main Dining and Upstairs Patio Areas.**

Upon entering the Inside Main Dining Area of the business, Officers Sellan, Kansaku and I all observed gross overcrowding conditions present. Dining tables were pushed together to seat large groups of patrons drinking and all other remaining aisles and exit ways were overcrowded with standing patrons.



## INTERIOR OCCUPANT LOAD COUNT

To obtain an accurate current occupant load count, Officers Sellan, Kansaku and I split-up and counted separate sections of the business. Using mechanical counters (clickers), Officer Sellan first counted the West and South bar areas of the Main Inside Dining Area, I counted the East side of the Main Inside Dining Area and Officer Kansaku counted the Upstairs Patio Area. After reporting the occupant load count from the West and South portions of the bar to me, Officer Sellan counted the Outside Patio Area, on Pier Plaza.

Upon completion of the occupant load count, Officer Sellan reported to me that he counted 114 occupants in the West and South portions of the Main Inside Dining Area and 64 occupants on the Outside Patio Area. Officer Kansaku reported that he counted 46 occupants on the Upstairs Patio Area and I counted 119 occupants in the East side bar area of the Main Inside Dining Area.

**Based on occupant load counts at the time of our inspection, Officers Sellan, Kansaku and I, determined the Main Inside Dining Area occupant load to be 233 persons, 129 persons (125%) over the posted maximum allowable occupant load of 104 persons.** Through other Hennesey's employees, we identified the on-duty manager and asked him to step outside for issuance of an overcrowding citation.

Once outside, I asked the on-duty Manager to produce ID, which he did and then I asked him if the owner was present. The Manager responded, "Yes, Paul Hennesey is here somewhere." I asked him to please bring Mr. Hennesey to my location outside. A short time later, Paul Hennesey responded to my location with the Manager. I advised both parties that they would be receiving citations for overcrowding, at which time Hennesey said he would take full responsibility for the overcrowding situation and requested that I only issue a citation to him and not his Manager. I honored Hennesey's request for issuance of only one citation.

## OWNER INTERVIEW

After asking the on-duty Manager to locate the owner and bring him to my location, **PAUL E. HENNESEY, DOB [REDACTED]**, responded to my location outside the bar to discuss the overcrowding conditions present. **Prior to responding to my location, Hennesey was inside the bar with other patrons.**

After advising Hennesey of the overcrowding conditions present, I requested his ID for issuance of a citation. Hennesey immediately produced his ID when requested. When advised of the overcrowding conditions present in the Main Inside Dining Area, **Hennesey provided no defense for the violation but stated, "It got windy out here (pointing to outdoor patio), so we allowed people to go in, and then when it (wind) died down, we were going to fill the patio with the line."** I explained to Hennesey that immediate measures needed to be taken to reduce the overcrowding inside. Hennesey was very cooperative stating, "We will do whatever needs to be done."

While I began issuing a citation to Hennesey, Officers Sellan, Kansaku and I put a hazard abatement plan in place.

### **HAZARD ABATEMENT ACTIONS**

Due to the fact there were already large crowds outside Hennesey's, both in line and listening to a live band about twenty feet away from the main entrance, we decided to exit patrons out of Hennesey's until they were at their maximum allowable occupant load of 104 persons, rather than exit all 233 persons onto the Plaza.

While I issued Citation # H377134 to Hennesey, Officers Sellan and Kansaku, supervised the orderly evacuation of patrons down to the posted allowable maximum of 104 persons in the Main Inside Dining Area. When the occupant load had been reduced, we instructed the doorman Rush, to reset his clickers to reflect the correct and a current occupant load and then we left the location after Hennesey was issued a citation.

### **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 CITATIONS**

A review of Hennesey's Tavern Fire Prevention File maintained at the Hermosa Beach Fire Department revealed that no prior citations had been issued for maintaining hazardous conditions and/or overcrowding.

### **ATTACHMENTS**

1. Maximum Allowable Occupant Load Signs - (3 Each)
2. Photographs- Overcrowded Conditions- Main Inside Dining Area- (4 Each)
3. Citation # H 377134 - (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





# MAXIMUM OCCUPANCY LOAD

## 104 Inside

## 46 Upper 67 Lower

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Hennessey's  
8 Pier Avenue

OCCUPANT LOAD APPROVED

*gy* *st*  
Fire Dept. Comm. Dev. Dept.

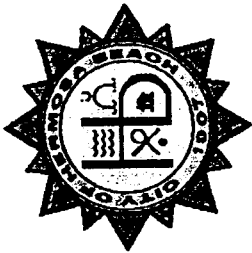
HERMOSA BEACH FIRE DEPARTMENT

COMMUNITY DEVELOPMENT DEPARTMENT

POST IN CONSPICUOUS PLACE NEAR MAIN EXIT

OCTOBER 25, 1999

# MAXIMUM OCCUPANCY LOAD 46 Upper Patio



Hennessey's OCCUPANT LOAD APPROVED

8 Pier Avenue *[Signature]*  
Fire Dept.

*[Signature]*  
Crim. Dev. Dept.

HERMOSA BEACH FIRE DEPARTMENT COMMUNITY DEVELOPMENT DEPARTMENT

POST IN CONSPICUOUS PLACE NEAR MAIN EXIT

OCTOBER 25, 1999



**MAXIMUM  
OCCUPANT  
LOAD**

**Outside Dining 65**

Established by the City of Hermosa Beach in accordance with the Uniform Building Code and Outdoor Dining Design and Operational Standards for Pier Plaza, to be in force as of January 1, 2008.

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**HENNESSEY'S TAVERN  
8 PIER AVENUE**

FIRE DEPARTMENT



JANUARY 16, 2008

COMMUNITY DEVELOPMENT



POST IN CONSPICUOUS PLACE

PUBLIC WORKS









HENNESEY'S-MAIN DINING AREA SOUTH BAR AREA-OVERCROWDING

