

City of Hermosa Beach NOTICE TO APPEAR

Traffic  Nontraffic  Misdemeanor **H 377132**

DATE OF VIOLATION **2/9/09** TIME **2335**  A.M.  P.M. DAY OF WEEK **S** CASE NO. **08-0408**

NAME (First, Middle, Last) **STEVEN GLYNN ROBERTS**  Owner's Responsibility (Veh. Code, § 40001)

ADDRESS **[REDACTED]**

CITY **HERMOSA BEACH** STATE **CA** ZIP CODE **90254**  JUVENILE (Phone No.)

CLASS **CA 2** COMMERCIAL  Yes  No AGE **48** BIRTH DATE **[REDACTED]**

SEX **M** HAIR **BLN** EYES **BLU** HEIGHT **5-09** WEIGHT **150** RACE **W** OTHER DESCRIPTION **OWNER**

VEH. LIC. NO. or VIN STATE REG. MOYR  COMMERCIAL VEHICLE (Veh. Code, § 15210b)

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)  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 HAZARDOUS COND. M I**

Speed Approx. R.F. Max Spd. Veh. Lmt. Safe Radar  Continuation Form Issued **N**

Location of Violation(s) City/County of Occurrence

at **SAFE BOOZALOG, LA CO. 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 Signature **[REDACTED]**

WHEN: ON OR BEFORE THIS DATE: **2/11/09** 08:15 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.



\*H377132\* 1929

NAME OF COURT: SOUTH OAK	
STREET ADDRESS: 825 MAPLE AVE.	
MAILING ADDRESS:	
CITY AND ZIP CODE: TORRANCE, CA 90503	
BRANCH NAME:	
TELEPHONE: (213) 742-8860	
PEOPLE OF THE STATE OF CALIFORNIA vs.	
DEFENDANT: STEVEN GLYNN ROBERTS	
NOTICE OF CORRECTION AND PROOF OF SERVICE (Vehicle Code, § 40505)	
AMENDING OFFICER NAME/ID NO.: D. POWERS - 185	DEPARTMENT/AGENCY: FIRE - HBFD
CITATION NUMBER: H 377132	CASE NUMBER: 08-0408

1. A Notice to Appear/Notice to Correct Violation was issued to you by an officer of this department on (date): 2-9-08

2. The citation issued to you contained an error as indicated by the items checked below. This notice of correction does not affect the validity of the citation or the required court appearance.

Date/time of violation should be \_\_\_\_\_

Date/time of court appearance should be changed from

3-11-08 to 3-25-08

TO ACCOMMODATE DEF. VACATION

Violation section(s) should be changed from \_\_\_\_\_

to \_\_\_\_\_

Location of violation should be changed from \_\_\_\_\_

to \_\_\_\_\_

Other (specify): BIRTH DATE SHOULD READ - ~~3-11-08~~

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 2-14-08

*D. Powers*

(Signature of officer)

Form Adopted for Mandatory Use  
Judicial Council of California  
TR-100 [New January 1, 2000]

(Proof of service on reverse)

HERMOSA BEACH FIRE DEPT.  
CAFÉ BOOGALOO  
1238 HERMOSA AVENUE, HERMOSA BEACH, CA. 90254  
FEBRUARY 9, 2008

DR #08-0408 CITATION # H 377132  
2255 HOURS

## OVERCROWDING / HAZARDOUS CONDITIONS INVESTIGATION REPORT

### SUMMARY OF INCIDENT

On February 9, 2008, at 2255 hours, Hermosa Beach Police Officers Sellan, Kansaku and Fire Investigator Powers responded to Café Boogaloo for a Nighttime Life Safety Inspection. Upon entering the business, gross overcrowding conditions were observed. **After an occupant load count established there were 350 persons in the business, it was determined that Café Boogaloo was 154% (212 persons) over the posted maximum allowable occupant load of 138 persons.** Citation number H 377132 was issued to owner, Steven Glynn Roberts, for violation of California Fire Code section 107.6- Overcrowding.

### DETAILS

In the course of conducting Nighttime Life Safety Inspections, our attention was drawn to Café Boogaloo by the large Tour Bus / Motor Coach parked in front of the business.

At 2255 hours, upon arriving at the business, Officer Sellan, Kansaku and I observed the doorman known to us as "BOB", controlling entry and exit of patrons at the Hermosa Avenue main door. Officers Sellan, Kansaku and I, approached doorman Bob and inquired about the current occupant count at that time. **Doorman Bob looked at the two mechanical counters in his hand and stated, "I have 160, no, not 160, I'm over."** Doorman Bob's statement that he had admitted 160 occupants into the bar should be considered an admission of guilt that he "minimally" allowed 22 patrons over the posted legal maximum occupant load of 138, into the bar. After Doorman Bob stated that he was over the posted maximum occupant load, Officers Sellan, Kansaku and I, advised Bob that we would be conducting a fire prevention and occupant load inspection. Bob acknowledged our statement and opened the door for us so we could enter.

Upon opening the main door and entering Café Boogaloo, it was very apparent to all officers present, that the establishment was well over the 160 persons counted by Bob the Doorman. When we entered, there were patrons "packed" from the rear exit door to the front main entrance. Additionally, there were no visible aisles, exit pathways or open areas, for patrons to exit in the event of an emergency. We also observed, at least two, wheelchair bound patrons in the crowd that had no visible means of escape in the event of an emergency.

Officers Sellan, Kansaku and I, then attempted to conduct an occupant load count using mechanical counters (clickers). To conduct the occupant load count, Officer Kansaku and I divided the bar into two sections. Officer Kansaku counted the north half of the bar and I counted the south side of the bar including the patrons seated at the fixed center tables, while Officer Sellan provided security for us.

We began our count from the front entrance of the business and continued towards the east wall. When I had worked my way approximately half way through the south side of the bar (my side), I noted a count of 93 persons on my counter and I had not yet arrived at the most crowded portion of the bar where the band was playing. It was at that time, that I observed Officer Sellan signaling to me with a flashlight, to exit the bar. Upon exiting the bar with Officers Sellan and Kansaku, Officer Sellan advised me that a single, large, male patron had purposely obstructed his forward progress and refused a lawful order to step-a-side, so Officer Kansaku could complete the occupant load count on the north side of the business. **Due to the gross overcrowding present hindering us from conducting an occupant load count and the extreme life safety hazard present, we collectively decided to immediately abate the hazard by evacuating all occupants from the bar.** I then ordered Bob the Doorman to bring the owner of Café Boogaloo from his location inside the bar, to my location outside the business. Bob complied with my order.

### OWNER INTERVIEW

**STEVEN GLYNN ROBERTS, DOB [REDACTED]**, Café Boogaloo owner, responded to my location outside the bar to discuss the overcrowding conditions present.

I advised Roberts that his establishment was severely overcrowded and immediate actions were going to be taken to abate the hazard. I advised Roberts that Officers Sellan, Kansaku and I, were going to evacuate all occupants in the bar to obtain an accurate occupant load count and remedy the severe overcrowding problem. At that time, Roberts became very argumentative and initially refused my order to bring the lights up, stop all the live music and evacuate patrons from the establishment. Roberts stated, "Customers have open tabs and they all paid a cover charge to get in." I explained to Roberts, if he did not comply with my order, officers on scene would take measures to abate the hazard by evacuating all occupants and cease all further operations for the remainder of the night.

Furthermore, I told Roberts we would assist in an orderly evacuation of the occupants by providing crowd control, allow him to leave employees in the business to guard patrons valuables, allow handicapped patrons to remain in-place and then allow patrons to re-enter up to the posted maximum allowable occupant load of 138 persons. After offering this solution, Roberts was still argumentative regarding the evacuation of patrons and I told him he left me no other option but to evacuate the occupants and cease business for the remainder of the night. Eventually, Roberts agreed to a solution that included stopping the music, turning on all lights, counting all occupants out and then counting occupants back in, up to the posted allowable occupant load.

**During the time period that I was speaking with Roberts at the main entrance, Officer Sellan was posted at the south exit door and Officer Kansaku was posted at the Hermosa Avenue main exit door, to count any patrons that exited the establishment prior to the start of the occupant load count by me.**

### **EVACUATION OF PATRONS & OCCUPANT LOAD COUNT**

In the presence of Café Boogaloo owner Roberts and doorman Bob, I counted all exiting patrons at the Hermosa Avenue exit using a mechanical counter, while Officer Sellan continued to count patrons exiting the south exit door into the parking lot. Officer Kansaku directed patrons exiting onto Hermosa Avenue and provided crowd control.

Doorman Bob, in the presence of owner Roberts, had two mechanical counters in his possession but did not count exiting patrons to verify the occupant load count. Instead, Bob “stamped” the hands of exiting patrons so they would not have to pay another cover charge upon re-entry.

As each individual occupant exited the bar and paused to have their hand stamped by Bob, I counted them and recorded it on my mechanical counter. The slow and orderly evacuation of all occupants, with the exception of employees and handicapped persons, took 15 minutes to accomplish. Upon completion of the evacuation, I re-entered the bar with owner Roberts to count the remaining occupants and also added them to the total on my mechanical counter.

Next, Officers Sellan, Kansaku and I, met to total all exiting occupants that had been counted. Officer Sellan counted 21 persons exiting the south door, Officer Kansaku counted 46 persons exiting the Hermosa Avenue door during the period I was speaking to owner Roberts and I counted 283 persons both exiting the Hermosa Avenue door and remaining inside the bar after I relieved Officer Kansaku at the Hermosa Avenue exit. **At 2320 hours, upon completing the hazardous conditions abatement / occupant load count, Officers Sellan, Kansaku and I, determined the total occupant load present to be 350 persons total, 212 persons (154%) over the posted allowable maximum occupant load of 138 persons total.** Photographs were taken prior to and after the occupant load count and are included as attachment to this narrative report.

I re-contacted bar Owner Roberts outside the bar and advised him of the occupant load count we obtained and then advised Roberts he would be receiving a citation for overcrowding. When I told Roberts what the occupant load count was, he disputed the count and stated, “There is no way that is right, no way, I can’t fit that many people in there!” I reminded Roberts that he was present during the count and that I counted each individual as they stopped to have Bob stamp their hand. Additionally, I reminded Roberts that upon initial contact with his doorman Bob, Bob admitted that he was over the posted occupant load. At that time, the process of letting patrons back into the bar began.

In the presence of Officers Sellan, Kansaku and I, Doorman Bob began re-admitting patrons by first counting individuals inside the bar and then admitting persons waiting in line. When Bob had arrived at the posted maximum allowable occupant load of 138 persons, he stopped admitting people. I then relocated owner Roberts inside the bar and advised him that he was now at his legal maximum occupant load of 138 persons. Roberts again became very irate and stated, "There is now way there is 138 people in here! Who counted them?" I explained that his own employee Bob counted the people back into the bar. Roberts immediately walked over to Bob and pulled a counter from his hand and proceeded to count the patrons in his bar. At the completion of Roberts' occupant load count we asked him what the result was? Roberts said, "138." **At that time, with the maximum allowable occupants inside the bar, there were clearly discernible aisles, exit pathways and open areas for patrons to move freely about the bar and exit in the event of an emergency.** The overcrowding hazard was abated and business resumed.

Owner Roberts and I then exited to the parking lot, where I issued him misdemeanor citation number H 377132 for permitting a hazardous condition and overcrowding.

### **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 Café Boogaloo's 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**

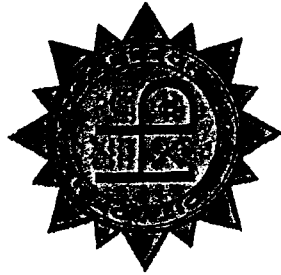
1. Occupant Load Sign (Maximum Allowable)
2. Photograph Thumbnail Sheet – (29 photos)
3. Photograph – Café Boogaloo Exterior I.D.
4. Photograph – Interior Overcrowding – Prior to Abatement
5. Photograph – Interior Overcrowding-Exit Pathway - Prior to Abatement
6. Photograph – Interior –At allowable maximum Occupant Load of 138 – 1 each
7. Citation # H 377132 w/ Correction Notice – (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  
OCCUPANT  
LOAD  
138**

---

**CAFE BOOGALOO  
1238 HERMOSA AVENUE**

HERMOSA BEACH FIRE DEPARTMENT

COMMUNITY DEVELOPMENT DEPARTMENT  
POST IN CONSPICUOUS PLACE NEAR MAIN EXIT

NOVEMBER 27, 2007

