Collopy Investigations

Lic # PI 25018 *Private Investigations*

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Confidential Investigation

Prepared for the Human Resources Department
City of Riverside

Investigated By: Jeff Collopy – Private Investigator

Collopy Investigations
3895 12th Street, Riverside, CA 92501
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July 17, 2012

CONFIDENTIAL INVESTIGATION

DATE OF INCIDENT: June 10, 2012

LOCATION OF INCIDENT: Second Annual Riverside Food Truck Festival
3750 Market Street
Riverside, CA

COMPLAINANT: Internal Complaint Filed With Human Resources Department

SUBJECT INVOLVED Paul Davis
City Councilmember

SUMMARY:

On 6/10/12 the Second Annual Riverside Food Truck Festival took place in downtown Riverside. Prior to this date May Davis, wife of Councilmember Paul Davis, applied for the Fire Department Event Permit and met with [redacted] throughout this process. [redacted] personally went over the entire permit package with May and highlighted several areas of concern that the event vendors must comply with. One area he highlighted was that Class K Fire Extinguishers are mandatory for food trucks that do deep fat frying. The permit was issued on 5/11/12.

Riverside Fire Inspector [redacted] arrived the morning of the event to do her assigned inspection. She noted areas of concern regarding signage, the lack of a second ingress/egress to the beer garden and several food trucks without the required Class K Fire Extinguisher. The signage and ingress/egress issues were resolved, but the lack of Class K Fire Extinguishers on some of the food trucks became an area of contention due to fire code regulations and public safety.

While trying to explain and resolve the extinguisher issue [redacted] at different times met and spoke with both May and Paul Davis. [redacted] found May Davis to be upset and disagreeable with any of the suggestions that she made to correct the problems.

[redacted] interaction with Paul Davis became frustrating and she found him to be loud and sarcastic in his comments and actions toward her. She also felt that her authority was being countermanded by Paul Davis when she discovered he advised at least one non-compliant food truck vendor that they could start deep fat frying, even though [redacted] had ordered that non-compliant truck not to start frying.

During the course of the investigation a recorded telephone message was obtained that Paul Davis left on Fire Chief Earley's cell phone. This recording supports the fact that Paul Davis was indeed upset, frustrated and planned to allow the food trucks to operate out-of-compliance and in defiance of the directives issued by Fire Inspector [redacted]

ALLEGATIONS:

Paul Davis

Allegation #1:

That on 6/10/12 Paul Davis mistreated Fire Inspector [redacted] while she performed her official duties during the inspection of the site venue by:

a. Yelling at her during the inspection process, "What? This is ridiculous! This is why people don't come to the City of Riverside! The Council needs to get involved!"

b. That while looking away and with his hand out to the side pointed back to her stating in a loud and sarcastic voice, "I know you are just doing your job." "I'd like to know where you think we should go to get these on a Sunday."

c. His behavior was demeaning to her because she is a woman.

Allegation #2:

That on 6/10/12 Paul Davis acted beyond his authority and interfered with the lawful actions and directives of Fire Inspector [redacted] by:

c. Advising a non-compliant vendor that they could start deep fat frying on his authority after Fire Inspector [redacted] lawful order that out of compliant vendors were not to use their deep fat fryers.

If any of these allegations are true, they would constitute violation of the following:

1. Article V of Resolution No. 22131: Rules of Procedure and Order of Business for the City Council.

C. Mayor and City Council Conduct with Staff:

4. The Mayor and City Council shall treat staff professionally.

5. The Mayor and City Council shall not publicly criticize an individual employee.

8. If a Councilmember is unhappy about a department or an employee he/she may discuss the situation with the City Manager, Assistant City Manager, or Deputy City Manager, or the City Attorney or City Clerk as appropriate.

2. Article II of Resolution No. 22318: Code of Ethics and Conduct for Elected Officials.

2. To make decisions that are unbiased, fair and honest.

4. To ensure that everyone is treated with respect and in a just and fair manner.

6. To ensure that all public decisions are well informed, independent and in the best interests of the City of Riverside.

3. The Riverside City Charter, Section 407. Interference in administrative service.

Neither the Mayor nor the City Council nor any of its members shall interfere with the execution by the City Manager of his/her powers and duties, or order, directly or indirectly, the appointment by the City Manager or by any of the department heads in the administrative service of the City, of any person to an office or employment or their removal therefrom. Except for purpose of inquiry, the Mayor, the City Council and its members shall deal with the administrative service under the City Manager solely through the City Manager and neither the Mayor nor the City Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately.

4. Section III-6 of the Human Resources Policy and Procedure Manual – Harassment Free Workplace.

Harassment – May consist of offensive verbal, physical or visual conduct when such conduct is based on or related to an individual on the basis of any other protected classification under applicable law:

c. The offensive conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment.

INTERVIEW OF COMPLAINANT:

[redacted]

On 6/14/12, Human Resources Director Rhonda Strout and Employee Relations Officer Steve Espinoza interviewed [redacted] This interview was not audio recorded. The statement they obtained is copied in part below with their report (Attachment A) attached to this report.

[redacted] was assigned to do the inspection at the Food Truck Festival. While conducting her inspection she encountered compliance issues. While attempting to address the compliance issues she alleges she was mistreated by Paul and May Davis and states that Paul Davis attempted to overrule her authority and direct food truck vendors to operate regardless of the health and safety code violations that had been discovered.

The compliance issues had to do with failing to provide appropriate egress for the event, an adequate number of exits for the beer garden and some vendors with deep fryers did not have the appropriate fire extinguishers to combat grease fires. The exits and egress issues were all satisfactorily addressed however not all the fire extinguisher issues were properly addressed.

The specific detail regarding this matter according to [redacted] is as follows:

[redacted] had pre-arranged with May Davis, who was the event coordinator and permit holder, to meet at the event at 8:30am. When [redacted] arrived and did not see May she proceeded to the VIP tent. On the way she passed by Paul Davis who greeted her cordially saying "Hello [redacted]". She found May at the VIP tent and began her inspection starting with the location of some signage regarding occupancy load. [redacted] suggested better locations for the signs but May disagreed and wanted them placed in different locations. [redacted] acquiesced.

Next, they went together to the beer garden area and [redacted] noticed the area was fenced off all the way around and that this was not revealed on the site map submitted during the permitting process. Because

the area was completely enclosed this area required two exits and there was only one. [redacted] explained the requirement of two entrances/exits. [redacted] offered to walk around to see where to put the other exit but May became combative and did not want a second exit complaining that people would enter the area without paying. When suggestions were offered by [redacted] May responded over and over, "that's not going to work." And May became increasingly upset and disagreeable. Finally, when [redacted] saw that May was not going to come up with a location of the second exit on her own, [redacted] decided to just make the decision and she moved a portion of the fence out. [redacted] told May she could have a staff person stationed there to avoid people entering that did not pay. [redacted] then left to start her inspection of the food trucks.

Many of the vendors (24 of 32) did possess the proper fire extinguishers. However some did not. Multiple vendors who were found to be out of compliance said they rented the extinguishers from the event committee and were charge $10 for them. The event committee was comprised of May Davis and her staff.

According to [redacted] May Davis claimed it wasn't the committee's fault they gave out the wrong extinguishers and blamed the contractor they hired which was A & H Reynolds. May was saying they relied on the contractor to know what was required. [redacted] also said that May was saying that she picked A&H because this same company works with the City all the time and "handles their Fire stuff." [redacted] doesn't know what she means by "handling their Fire stuff" and doesn't think this is a company that works with the City a lot because they aren't a licensed "C16" contractor. A C16 contractor is one that is licensed by the State to handle all Fire related materials such as sprinklers and fire extinguishers.

According to [redacted] all the rules were explained to May by [redacted] during the permitting process. May came to City Hall for the permit and [redacted] went into a lot of detail with her. [redacted] intentionally went above and beyond the call of duty with May in explaining all the rules because the City has experienced problems with the Davis' at prior events. For example, Fire Inspector [redacted] who handled the food truck event last year, experienced similar issues with the Davis'. Also, according to [redacted] Inspector [redacted] had problems with the Davis' at the 2012 Lunar Festival. [redacted] did not know any specifics as to the issues experience by [redacted] and [redacted] was the inspector for the Lunar Event in 2011 and there was a compliance issue. May Davis wanted someone on the roof taking pictures and [redacted] had to tell her she couldn't do that. She recalls the Davis' gave her a hard time about it but they eventually complied.

May Davis was also provided information prior to the event by [redacted] During the week of the 29th of May, a week and a half before the actual event, [redacted] asked if May was able to get the handout to the vendors. The handout was a document created by the Fire Department to remind food vendors of the specific fire extinguishers that are required. The handout is titled, "Requirements for Mobile Food Vendors". These were provided to May by [redacted] went over the memo with May and May told her that she understood and that the vendors had been provided the information. [redacted] also asked May if she had any questions and May said "no" she understood everything. They then agreed to meet on the day of the event at 8:30am.

On the day of the event, after [redacted] had left the beer garden area to inspect the food trucks, [redacted] asked May if she wished to accompany her during her inspection and May replied "no" because she had a lot of setting up to do. Later when [redacted] had discovered some compliance issues she proceeded to

search for May to discuss them with her. While searching for May, [redacted] ran into Paul. Paul asked "what's up?" [redacted] began to describe to Paul Davis the issues with the trucks and the "K extinguishers". Paul said, "What? This is ridiculous! This is why people don't come to the City of Riverside! The Council needs to get involved!" [redacted] states that Paul was yelling at her.

[redacted] stated, "Mr. Davis, listen, this has nothing to do with the City of Riverside rules, it is an International Fire Code." However, [redacted] felt like "he was not wanting to hear what I was saying". Paul stated that he didn't understand why they can't just have vendors share fire extinguishers. [redacted] explained that it was not permissible and that should there be a deep fryer fire there would be no way for them to put it out on time. Paul then made the comment that "Steve" (Chief Earley) allowed them to only use those extinguishers in the past (the dry-chemical extinguishers rather than Class K extinguishers). Paul said, while looking away and with his hand out to the side pointing back to her, "I know you are just doing your job." He said, "I'd like to know where you think we should go to get these on a Sunday." His tone was loud and sarcastic. [redacted] suggested that they call a company out of the yellow pages to see if they can come down to help. May started complaining about A&H rentals and that she assumed they had given her the right kind.

[redacted] told the vendors who were missing the K extinguishers not to deep fry and told Mr. Davis that they could not fry. He then walked away to make a call, and she assumed he was calling Chief Earley. [redacted] then believed [redacted] and [redacted] were talking to each other by phone to see how to resolve the matter.

While [redacted] was discussing the situation with May, May dialed a phone number and she then heard her say, "Hi Sherry, is your hubby there?" She then starts to talking to the Chief and says, "I'm having problems with this inspector" and she really stresses the word inspector in a rude fashion according to [redacted] May then tells the Chief, "you need to speak to her" and she hands the phone over to [redacted] takes the phone and tries to tell the Chief what is happening but the band is playing at the time and she cannot hear the Chief at all. She then asks the Chief to call [redacted] and for [redacted] to instruct her on what to do.

While [redacted] was at the "Raging Cajun" food truck to tell them what kind of extinguisher was required, Paul was there and was talking very loudly. [redacted] felt like he was agitating them and upsetting them about the situation. The vendor however remained understanding and cooperative overall. [redacted] could not recall what Paul was saying, but stated that he was "stepping on her authority."

As [redacted] proceeded with another vendor who was out of compliance she overheard someone say that they were going to start up the fryers. She said, "excuse me, who told you that you can start?" and the vendor, a woman, handed over the business card of Paul Davis. [redacted] ordered the vendor not to start and told them that Davis was not in charge but that the Fire Marshal was in charge.

Ultimately, based on the Fire Marshal's direction, five (5) vendors were allowed to fry without the K extinguisher. As [redacted] was leaving she noticed that May Davis had closed the 2nd beer garden exit created by [redacted] [redacted] had to go back and move the fence a second time. She does not know if the 2nd exit was obstructed again after she left the event.

[redacted] also notice compliance issues at the entrance/exits of the event but the staff made the necessary adjustments.

During the verbal confrontations [redacted] states that although Paul Davis was very loud and argumentative no foul language was used. However, she says she felt very disrespected. When asked about witnesses [redacted] says that May's assistant was there while she was inspecting the beer garden but she did not get her name. [redacted] says that although she observed Paul doing some beer tasting that he was not inebriated at all. She did not see May drinking any beer. [redacted] felt that Paul and May disrespected her and they disrespected the fire safety rules and public safety, which is a very serious concern in her opinion.

[redacted] was asked by [redacted] to write up a report given the issues they encountered. She does not normally write up such reports. Therefore, [redacted] wrote it up and [redacted] put it into a report format.

[redacted] has not seen or spoken to the Davis' since the event.

Over 25 years of experience with the City, [redacted] has had just a few cases like this, but never from a fellow City employee or elected official.

In addition to feeling like the Davis' were disrespecting her and the City, she also felt that Paul was being demeaning towards her because she is a woman. [redacted] says that Paul made her feel like she was "just nothing there". Especially when he made it very clear to her that he was going to call the Fire Chief in front of her.

INTERVIEW OF WITNESSES:

[redacted]

On 7/10/12, [redacted] was interviewed at City Hall. [redacted] for the Fire Department. He has held this position for twenty-two years. [redacted] consented to the interview being audio recorded.

As part of his duties [redacted] reviews and issue permits for Special Events. [redacted] did review and issue the Fire Department Event Permit for the Riverside Food Truck Festival that was held on 6/10/12. The event permit was formally issued on 5/11/12. [redacted] provided an exact copy of the Event Permit (Attachment B) that he presented to May Davis.

[redacted] said approximately one or two weeks prior to 5/11/12 he recalled meeting once or twice with May Davis who was the event applicant, regarding the site map for the event and to discuss the requirements for this type of event. During this time she presented a site map for the layout of the event. [redacted] was not certain if she had to make any adjustments to site map, but the final version submitted was found to be proper and was accepted.

During his meeting with her he discussed the requirements to obtain the permit. He presented her with a permit package and went over page by page the section titled, Fire Department Event Conditions. [redacted] reinforced the requirements by highlighting in yellow the sections that were applicable to her event. On page one he highlighted in yellow and told her of the need for Class K Fire Extinguishers for any vendors that would be cooking with a deep fat fryer. He also went over several other sections of the fire requirements highlighting them in the same manner.

[redacted] said that also included in the permit package was a Fire Department Information Bulletin that specifically addressed mobile food facilities and how they are regulated by the Department of Housing and Community Development. He again explained and highlighted the section in yellow for May Davis that it was required that "one approved Class K fire extinguisher shall be mounted to the mobile food facility whenever there is a deep fat fryer."

[redacted] did not recall May Davis having any questions as to the permit process. He also said that the one or two times he met with her regarding the permit went fine.

[redacted] said while off-duty on 6/10/12 he attended this event in the afternoon for a while. He did not see any interaction between Fire Inspector [redacted] May or Paul Davis. At approximately 2:00 p.m. he did see Paul Davis who asked if he was enjoying himself and no mention of any earlier problems was discussed. Their brief conversation lasted approximately thirty to sixty seconds.

[redacted]

On 7/3/12, [redacted] was interviewed at City Hall. [redacted] and has been with the department twenty-three years. Fire Inspector [redacted] reports directly to him.

[redacted] said he did not attend the Food Truck Festival on 6/10/12 so did not see any interaction between [redacted] and the Davis's. He was aware that [redacted] was the assigned Fire Inspector for the event and that she would be doing an onsite inspection the morning of the event.

[redacted] first learned there was a problem at the event when Chief Earley telephoned him that morning. The Chief asked that he contact [redacted] and determine what the problem was over the fire extinguishers and try to resolve the matter. [redacted] called [redacted] and learned from her that several vendors were not in compliance by not having the appropriate fire extinguishers on their trucks and that there was a ingress/egress problem at the venue.

[redacted] told him that she had spoken with May Davis about the vendors that were out of compliance and showed her the permit with the rules that needed to be followed. [redacted] said May Davis blamed the mix-up on the business they used to supply the extinguishers. She also pointed out to her that the ingress/egress to the beer garden was not in compliance. [redacted] corrected the problem by creating a new opening, but later observed that someone had closed it up.

[redacted] also told him that Paul Davis had yelled at her in front of some people and that it embarrassed her. [redacted] told him she was frustrated in attempting to deal with May and Paul Davis while trying to gain compliance. [redacted] said that [redacted] was clearly upset in dealing with the Davis's. [redacted] told him she didn't feel she deserved to be treated that way.

[redacted] said he had a second telephone call with [redacted] who told him that things had calmed down, but then Paul Davis had said to her something like, "This is why people don't come to Riverside." She also told him that she had ordered the vendors that were out of compliance by not having a Class K Fire Extinguisher that they could not use their deep fat fryers until they obtained the correct extinguisher. One of these out of compliance vendors then showed her a business card of Paul Davis and told her he said it was okay to cook.

[redacted] said [redacted] was more upset and frustrated during this second call than the first call. She expressed that she didn't know why she was even there if she wasn't allowed to do her job.

[redacted] said he had a follow up call with the Chief and a decision was made to allow the event to proceed. In the meantime some of the vendors obtained the correct fire extinguishers and only a couple trucks were not in compliance.
[redacted] said that based on his telephone conversations with [redacted] he felt that she was more upset and frustrated with Paul Davis' actions than May Davis.

[redacted] described [redacted] as the best inspector the department has. She is tough and does not rattle easily. [redacted] did not feel that [redacted] was over reacting on this incident.

[redacted]

On 7/3/12, [redacted] was interviewed in his office. [redacted] consented to the interview being audio recorded.

[redacted] did not attend the event on 6/10/12.

[redacted] said that he first realized there was a problem at the Food Festival Event when around mid-morning he received a telephone from Paul Davis on his house phone. [redacted] was unaware that Paul Davis had left a voice mail on his cell phone prior to calling his house. A copy of Paul Davis's phone message and a transcript of this message are included with this report (Attachments C & D). [redacted] said that Paul Davis was upset that the fire inspector was changing the rules on them and he wanted some allowances worked out. Davis said they were using the same fire extinguishers as they had last year. [redacted] said he was certain no rules had been changed on them because the department has had problems with past events involving May and Paul Davis. [redacted] said that the department had provided them all the rules in advance for this event and were very clear with them on the requirements in an attempt to avoid any problems.

[redacted] tried to call [redacted] but could not reach her. [redacted] then telephoned [redacted] and asked him to contact [redacted] and learn what the problem was and try to resolve the matter.

[redacted] then received a telephone call from May Davis on his wife's cell phone. May Davis expressed frustration to him about the fire inspector that she was having to deal with at the event.

He then received a call back from [redacted] who reported that [redacted] was frustrated and complained that people had yelled at her and she felt belittled. [redacted] and he came up with some options to try and alleviate the problem.

During a second telephone call he received from May Davis he spoke with [redacted] Due to a lot of background noise at the event he could not hear her very well. He was however able to get a sense that [redacted] was upset, frustrated and looking for direction. [redacted] did not share with him anything specific as to what the Davis's might have said to her. [redacted] said he had a few telephone calls with [redacted] until the matter was resolved to the point that the event could proceed.

[redacted] described [redacted] as a senior fire inspector and a good employee. He has received many favorable comments about her work and does not recall anyone ever having complained about her. He knows her to be very reasonable, but will also hold her ground. [redacted] said he had no reason to believe that [redacted] would have over reacted on this incident.

INTERVIEW OF SUBJECT INVOLVED:

Paul Davis:

Paul Davis was not interviewed for this investigation. Below is the content of the telephone message he left on Chief Earley's cell phone the day of the Food Truck Festival.

DAVIS: *Hey Steve. This is Paul Davis. I knew I'd be callin' you. The fire extinguishers we rented last year are the same ones that we have here this year. The young lady Fire Marshall is saying nope those are the wrong ones...can't use those...and now we got 5 trucks that are havin' problems and...and...I...Steve I am frikkin' frustrated. I don't know what...ya know...all...what ya'll want and...and how it's supposed to work...uh...but I am not gonna shut these trucks down. So ...uh...w...ya know...I'm hopin' that you can be of some assistance here. Uh...I...(Unintelligible)...Sherry's...uh...uh...I guess they only gonna rent them...uh...the exact one that they want...uh...or anything. I at 400 dollars apiece so...uh...we got some issues. Would you give me a call back and certainly you wanna tell...call her. Let me know what you're gonna do...uh...but I will not require these trucks for shutdown. I will take personal responsibility because I'm the one's that gonna have to live up to it not you. So give me a call back. Bye.*

CONCLUSIONS:

Allegation #1:

That Paul Davis's actions were unprofessional, critical and inappropriate in the comments he made to [redacted] while she performed her duties trying to ensure compliance with the Fire Code. Though he was frustrated and upset, that is not cause for him to embarrass, yell or be sarcastic while dealing with a city employee who is merely attempting to perform her lawful duties to the best of her ability. In doing so, Davis violated Resolution Numbers 22131 and 22318.

Other than the allegation of mistreatment on the basis of gender, there is no evidence to prove or disprove this allegation.

Allegation #2:

Paul Davis was clearly upset and frustrated over the non-compliant issues at the Food Truck Festival. The message that Davis left on Chief Earley's phone displays Davis's frame of mind and that he was upset, frustrated and had made the decision to willfully ignore the requirements of the Fire Code and to undermine [redacted] authority to make food trucks complaint regarding fire extinguishers.

It is inappropriate for him to abuse his position as an elected official to undermine or overrule the lawful actions and orders of a Fire Inspector. His actions exposed the general public to a potentially dangerous situation should a grease fire break out in a truck and the appropriate fire extinguisher was not immediately available. In doing so, Davis violated The Riverside City Charter, Section 407 by interfering with the execution of the Fire Inspector's duties.

FINDINGS:

Allegation #1:

a. There is sufficient evidence to **sustain.**

b. There is sufficient evidence to **sustain**.

c. There is insufficient evidence to prove or disprove this allegation.

Allegation #2:

c. There is sufficient evidence to **sustain**.

7/18/12

Jeff Collopy Date
Private Investigator

Attachments:
A) Intake Interview of [redacted]
B) Eight (8) Page Fire Department Event Permit.
C) One (1) CD of Paul Davis's Telephone Message.
D) Transcript of Paul Davis's Telephone Message.
E) One (1) CD of Audio Interviews of [redacted]

Intake interview of [redacted]

Interview Occurred on June 14, 2012

Conducted by Steven Espinoza and Rhonda Strout

Issue: A complaint was received regarding incidents that occurred at the June 10th, 2012 Food Truck Festival in downtown Riverside.

[redacted] was assigned to do the inspection at the Food Truck Festival. While conducting her inspection she encountered compliance issues. While attempting to address the compliance issues she was mistreated by Paul and May Davis and states that Paul Davis attempted to overrule her authority and direct food truck vendors to operate regardless of the health and safety code violations that had been discovered.

The compliance issues had to do with failing to provide appropriate egress for the event, an adequate number of exits for the beer garden and some vendors with deep fryers did not have the appropriate fire extinguishers to combat grease fires. The exits and egress issues were all satisfactorily addressed however not all the fire extinguisher issues were properly addressed.

The specific detail regarding this matter according to [redacted] is as follows:

[redacted] had pre-arranged with May Davis, who was the event coordinator and permit holder, to meet at the event at 8:30am. When [redacted] arrived and did not see May she proceeded to the VIP tent. On the way she passed by Paul Davis who greeted her cordially saying "Hello [redacted]". She found May at the VIP tent and began her inspection starting with the location of some signage regarding occupancy load. [redacted] suggested better locations for the signs but May disagreed and wanted them placed in different locations. [redacted] acquiesced.

Next, they went together to the beer garden area and [redacted] noticed the area was fenced off all the way around and that this was not revealed on the site map submitted during the permitting process. Because the area was completely enclosed this area required two exits and there was only one. [redacted] explained the requirement of two entrances/exits. [redacted] offered to walk around to see where to put the other exit but May became combative and did not want a second exit complaining that people would enter the area without paying. When suggestions were offered by [redacted] May responded over and over, "that's not going to work." And May became increasingly upset and disagreeable. Finally, when [redacted] saw that May was not going to come up with a location of the second exit on her own, [redacted] decided to just make the decision and she moved a portion of the fence out. [redacted] told May she could have a staff person stationed there to avoid people entering that did not pay. [redacted] then left to start her inspection of the food trucks.

Many of the vendors (24 of 32) did possess the proper fire extinguishers. However some did not. Multiple vendors who were found to be out of compliance said they rented the extinguishers from the event committee and were charge $10 for them. The event committee was comprised of May Davis and her staff.

[redacted] Interview – Food Truck Festival Investigation

According to [redacted], May Davis claimed it wasn't the committee's fault they gave out the wrong extinguishers and blamed the contractor they hired which was A & H Reynolds. May was saying they relied on the contractor to know what was required [redacted] also said that May was saying that she picked A&H because this same company works with the City all the time and "handles their Fire stuff." [redacted] doesn't know what she means by "handling their Fire stuff" and doesn't think this is a company that works with the City a lot because they aren't a licensed "C16" contractor. A C16 contractor is one that is licensed by the State to handle all Fire related materials such as sprinklers and fire extinguishers.

According to [redacted], all the rules were explained to May by [redacted] during the permitting process. May came to City Hall for the permit an[redacted] went into a lot of detail with her [redacted] intentionally went above and beyond the call of duty with May in explaining all the rules because the City has experienced problems with the Davis' at prior events. For example, Fire Inspector [redacted] who handled the food truck event last year, experienced similar issues with the Davis'. Also, according to [redacted], Inspecto[redacted] had problems with the Davis' at the 2012 Lunar Festival. [redacted] did not know any specifics as to the issues experience by [redacted] was the inspector for the Lunar Event in 2011 and there was a compliance issue. May Davis wanted someone on the roof taking pictures an[redacted] had to tell her she couldn't do that. She recalls the Davis' gave her a hard time about it but they eventually complied.

May Davis was also provided information prior to the event by [redacted] During the week of the 29th of May, a week and a half before the actual event, [redacted] asked if May was able to get the handout to the vendors. The handout was a document created by the Fire Department to remind food vendors of the specific fire extinguishers that are required. The handout is titled, "Requirements for Mobile Food Vendors". These were provided to May by [redacted] went over the memo with May and May told her that she understood and that the vendors had been provided the information. [redacted] also asked May if she had any questions and May said "no" she understood everything. They then agreed to meet on the day of the event at 8:30am.

On the day of the event, after [redacted] had left the beer garden area to inspect the food trucks, [redacted] asked May if she wished to accompany her during her inspection and May replied "no" because she had a lot of setting up to do. Later when [redacted] had discovered some compliance issues she proceeded to search for May to discuss them with her. While searching for May, [redacted] ran into Paul. Paul asked "what's up?" [redacted] began to describe to Paul Davis the issues with the trucks and the "K extinguishers". Paul said, "What? This is ridiculous! This is why people don't come to the City of Riverside! The Council needs to get involved!" [redacted] states that Paul was yelling at her.

[redacted] stated, "Mr. Davis, listen, this has nothing to do with the City of Riverside rules, it is an International Fire Code." However, [redacted] felt like "he was not wanting to hear what I was saying". Paul stated that he didn't understand why they can't just have vendors share fire extinguishers. [redacted] explained that it was not permissible and that should there be a deep fryer fire there would be no way for them to put it out on time. Paul then made the comment that [redacted] allowed them to only use those extinguishers in the past (the dry-chemical extinguishers rather than Class K extinguishers). Paul said, while looking away and with his hand out to the side pointing back to her, "I

[redacted] – Food Truck Festival Investigation

know you are just doing your job." He said, "I'd like to know where you think we should go to get these on a Sunday." His tone was loud and sarcastic. [redacted] suggested that they call a company out of the yellow pages to see if they can come down to help. May started complaining about A&H rentals and that she assumed they had given her the right kind.

[redacted] told the vendors who were missing the K extinguishers not to deep fry and told Mr. Davis that they could not fry. He then walked away to make a call, and she assumed he was calling Chief Earley. [redacted] then believed [redacted] and [redacted] were talking to each other by phone to see how to resolve the matter.

While [redacted] was discussing the situation with May, May dialed a phone number and she then heard her say, "Hi Sherry, is your hubby there?" She then starts to talking to the Chief and says, " I'm having problems with this inspector" and she really stresses the word inspector in a rude fashion according to [redacted] May then tells the Chief, "you need to speak to her" and she hands the phone over to [redacted] takes the phone and tries to tell the Chief what is happening but the band is playing at the time and she cannot hear the Chief at all. She then asks the Chief to cal[redacted] and for [redacted] to instruct her on what to do.

While [redacted] was at the "Raging Cajun" food truck to tell them what kind of extinguisher was required, Paul was there and was talking very loudly [redacted] felt like he was agitating them and upsetting them about the situation. The vendor however remained understanding and cooperative overall. [redacted] could not recall what Paul was saying, but stated that he was "stepping on her authority."

As [redacted] proceeded with another vendor who was out of compliance she overheard someone say that they were going to start up the fryers. She said, "excuse me, who told you that you can start?" and the vendor, a woman, handed over the business card of Paul Davis. [redacted] ordered the vendor not to start and told them that Davis was not in charge but the Fire Marshal.

Ultimately, based on the Fire Marshal's direction, five (5) vendors were allowed to fry without the K extinguisher. As [redacted] was leaving she noticed that May Davis had closed the 2nd beer garden exit created by [redacted] had to go back and move the fence a second time. She does not know if the 2nd exit was obstructed again after she left the event.

[redacted] also notice compliance issues at the entrance/exits of the event but the staff made the necessary adjustments.

During the verbal confrontations [redacted] states that although Paul Davis was very loud and argumentative no foul language was used. However, she says she felt very disrespected. When asked about witnesses [redacted] says that May's assistant was there while she was inspecting the beer garden but she did not get her name [redacted] says that although she observed Paul doing some beer tasting that he was not inebriated at all. She did not see May drinking any beer [redacted] felt that Paul and May disrespected her and they disrespected the fire safety rules and public safety, which is a very serious concern in her opinion.

[redacted] Interview – Food Truck Festival Investigation

[redacted] was asked by [redacted] to write up a report given the issues they encountered. She does not normally write up such reports. Therefore, [redacted] wrote it up and [redacted] put it into a report format.

[redacted] has not seen or spoken to the Davis' since the event.

Over 25 years of experience with the City, [redacted] has had just a few cases like this, but never from a fellow City employee or elected official.

In addition to feeling like the Davis' were disrespecting her and the City, she also felt that Paul was being demeaning towards her because she is a woman. [redacted] says that Paul made her feel like she was "just nothing there". Especially when he made it very clear to her that he was going to call the Fire Chief in front of her.

Pertinent Policies:

1. Code of Ethics Policy 01.009.01 in the City Administrative Manual
2. Section 407, Interference in Administrative Service, in the Riverside City Charter

Allegations against Councilmember Paul Davis:

1. That he mistreated a City employee
2. That he interfered with an administrative Fire Department service

**********end notes**********

Fire
Department

Fire Department Event Permit

Fee: $189.00
Permit # FE12-0037

Issued to: **MAY DAVIS**
Phone #: 951-453-3548
Date Issued: 05/11/2012
Event Date: 06/10/2012
Expiration Date: 06/11/2012
Permit Issued For: OUTDOOR ASSEMBLY
Event Name: RIV. FOOD TRUCK FESTIVAL
Site Address: 3750 MARKET ST RIVE
Assigned Inspector: [redacted]
Event Comment: 1. SET-UP PER YOUR SITE PLAN
2. FOLLOW ATTACHED REQUIREMENTS
3. APPLICANT HAS THE RESPONSIBILITY TO RELAY ALL REQUIREMENTS TO VENDORS

REQUIRED INSPECTIONS

Item: 05413 FINAL

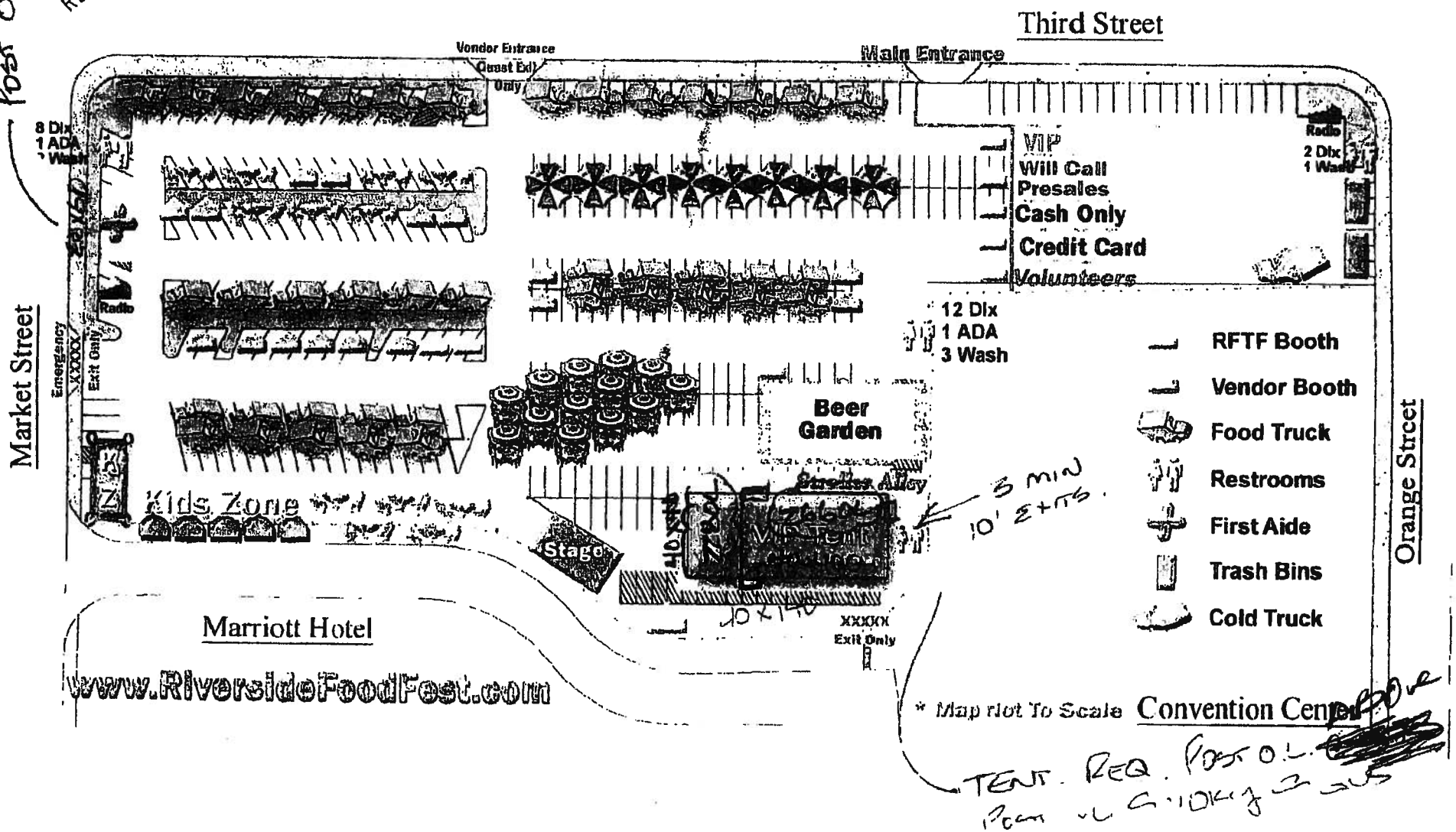
INSPECT BETWEEN 830 | 930 AM ON 6/10/12

IMPORTANT NOTICE

This permit has been issued based on plans and/or information on file with the Fire Department. Compliance with all provisions of laws, codes, ordinances, and written policies, enforced by the Fire Department shall be the responsibility of the permittee. This permit does not preempt any additional approvals of licenses required by law. The permittee shall be responsible for the scheduling of required inspections. A minimum 48-hour notice is required for inspections. Failure to call for your inspection may result in criminal prosecution. This permit is not transferable and expires one year from date of issuance.

Post 04.060

RECEIVED APR 27 2012



5 min
10' 2+ms.

TENT. REQ. POST O.L.
Room w/ C.10K3 2 3US

Fire Department Event Conditions

Permit # FE12-0037

Issued For: OUTDOOR ASSEMBLY
Site Address: 3750 MARKET ST RIVE

Contact Inspector: [redacted]

REQUIRED CONDITIONS
Cond: FE01
If the outdoor gathering or event includes a carnival and/or the use or display of fireworks or pyrotechnical special effects, a separate permit(s) is required.

A. Seat Stability CFC 1028.12 Loose seats or folding chairs in quantities more than 200 shall be bonded together in groups of three or more when used for other than dining purposes.

B. Number of Exits NFPA 101-12.2.4.4 All fenced outdoor assembly areas shall have not less than two widely separated means of egress from the enclosure. Areas where the occupant load is more than 6,000 but less than 9,000 shall be served by not less than three means of egress, and areas where the occupant load is greater than 9,000 shall be served by not less than four means of egress. The factor for determining occupant load shall be seven square feet per person.

C. Class K Portable Fire Extinguishers CFC 904.11.5.2 & 906 Concession stands or vendors with cooking operations that include deep fat fryers shall provide a Class K wet chemical extinguisher. A minimum 2A:10BC fire extinguisher shall also be provided.

D. Wet Chemical Systems CFC 904.5 Automatic fire extinguishing systems installed for the protection of commercial cooking equipment must have a current service tag verifying that service in accordance with manufacturer's recommendations has been performed within the past six months.

E. Stages - Portable Fire Extinguishers- CFC 906 - All stages shall have access to a minimum 2A10BC
Fire Extinguisher within 75 feet of travel distance.

F. Portable Fire Extinguishers CFC 906 Fire extinguishers with a minimum rating of 2A:10BC shall be located throughout the event. Maximum travel distance from any point within the event to a portable fire extinguisher shall not exceed 75

feet.

G. Dimensions CFC 503.2.1 - Fire apparatus access shall be provided and have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. Alternate means of access or reduced clearances may be approved by the fire marshal.

H. Generators, Portable Fire Extinguishers CFC 906 - Each generator or generator area shall be provided with at least one fire extinguisher with a rating of not less than 2A:10BC.

I. Extension Cords CFC 605.5 - Temporary power cords shall not be affixed to structures, extended through walls, or subject to environmental or physical damage. Cords must be secured to prevent a tripping hazard. Large diameter cords must be provided with cord bridges or ramps to facilitate the crossing of wheel chairs, strollers, and similar wheeled equipment.

J. Secured Gates and Barricades CFC 503.5.1 - When required, gates and barricades shall be secured in an approved manner. Roads, trails, and other access ways that have been closed and obstructed in the manner prescribed by Section 503.5 shall not be trespassed on or used unless authorized by the fire code official.

K. Obstruction of Fire Apparatus Access Roads CFC 503.4 - Fire apparatus access roads shall not be obstructed in any manner, including parking of vehicles. Minimum road widths shall be maintained unless approved by the fire code official.

L. Obstruction CFC 507.5.4 - Posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed within 15 feet of fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment and hydrants.

M. Means of Egress Continuity CFC 1003.6 - The path of egress travel along a means of egress shall not be interrupted by any building element other than a means of egress component as specified in chapter 1003. Obstructions shall not be placed in the required width of a means of egress except projections permitted by chapter 10. The required capacity of a means of egress system shall not be diminished along the path of egress travel.

PARADE FLOATS NFPA 1 Section - 10.17

A. Fire Protection - NFPA 1 Section - 10.17.2 - Motorized parade floats and towing apparatus shall be provided with a minimum 2-A:10-B:C-rated portable fire extinguisher readily accessible to the operator.

TENTS, AND MEMBRANE STRUCTURES

A permit is required for the use and/or display of tents and membrane structures in excess of 400 square feet. Exception: Tents open on all sides up to 700 square feet.

Definitions
A. Tent - A structure, enclosure, or shelter, with or witout sidewalls or drops, constructed of fabric or pliable materials supported by any manner, except by air or the contents it protects.

B. Membrane Structure - An air-inflated, air supported, cable, or frame-covered structure, which is not otherwise defined as a tent or canopy.

Requirements:
A. Locations - CFC 2403.8.2 - Tents shall not be located within 20 feet of lot lines, buildings, membrane structures, other tents, parked vehicles, or internal combustion engines. For the purpose of determining required distances, support ropes and guywires shall be considered as part of the tent. (See Code Exceptions)
When tents are used for assembly purposes, vehicles necessary to the operation of the establishment shall be parked at least 20 feet from any tent. No other vehicle shall be parked less than 100 feet from any tent except vehicles parked on a public street shall park at least 20 feet from any tent.

B. Flame Propagation Performance Treatment - CFC 2404.2 , 2404.3 - A certificate executed by an approved testing laboratory certifing that the tents and membrane structures and their appurtenances; sidewalls, drops and tarpaulins; floor coverings; bunting and combustible decorative materials and effects, including sawdust when used on floors or passageways, are composed of material meeting the flame propagation performance criteria of NFPA 701 or shall be treated with a flame retardant in an approved manner and meet the flame propagation performance criteria of NFPA 701, and that such flame propagation performance criteria are effective for the period specified on the permit.

Membrane structures or tents shall have a permanently affixed label bearing the identification of size and fabric or material type.

Hay, straw, shavings or similar combustible materials shall not be located within any tent or membrane structure containing an assembly occupancy, except the materials necessary for the daily feeding and care of animals. Sawdust and shavings utilized for a public performance or exhibit shall not be prohibited provided the sawdust and shavings are kept damp. Combustible material shall not be permitted under stairs or seats at any time.

C. Portable Fire Extinguishers - CFC2404.12 & 906 - Portable fire extinguishers are required to be located such that travel from any point in the tent or temporary membrane structure to a fire extinguisher does not exceed 75 feet. Fire extinguishers are to have a minimum rating of 2A:10BC and be permanently mounted on a support member. (See CFC 2404.2 for exact regulations)

LARGE TENT "373"
FIRST AID TENT "60"

D. Occupant Load Factors - CFC 2404.14 - The maximum occupant load of the tent or membrane structure is to be determined by the fire department in accordance with the occupant load limits for assembly occupancies.

E. Means of Egress CFC - 2403.12- Exits shall be spaced at approximately equal intervals around the perimeter and shall be located such that all points are 100 feet or less from an exit. There shall be at least one exit and not less than the number of exits required by Table 2403.12.2. Exit openings from tents shall remain open unless covered by a flame-resistant curtain that is free sliding on a metal support located a minimum of 8 feet above the floor and arranged such that no part of the curtain obstructs the exit. Exit curtains shall be of a color that contrasts with the color of the tent. Exit doors shall swing in the direction of exit travel. Exit width and access shall be maintained to a public way. (CFC 2403.12.5)

F. Aisles - CFC 1017, 1028 & 2403.12.5 - Aisles shall not be less than 44 inches in width. Seating row widths shall not be less than 12 inches. Rows shall be increased by 0.3 inch for every additional seat beyond 14, but the width need not be more than 22 inches. When more than 200 loose seats or folding chairs are used they shall be bonded together in groups of three or more.

G. Exit & Emergency Illumination - CFC 2403.12.6, 2403.12.6.1 - Means of egress illumination shall be provided. Power for these devices shall be provided from a separate circuit or source of power when the occupant load is 300 or less. For occupancy loads in excess of 300, an emergency power source shall be provided by batteries, on-site generator, etc.

H. Smoking CFC 2404.6 - Smoking is prohibited in membrane structures and tents, or in adjacent areas where hay, straw, sawdust, or other combustible materials are stored or used. "NO SMOKING" signs shall be conspicuously posted.

I. Open or Exposed Flame CFC 2404.7- Open Flame or other devices emitting flame, fire or heat or any flammable or combustible liquid, gas, charcoal or other cooking device or any other unapproved devices shall not be permitted inside or located within 20 feet of the tent or membrane structures while open to the public unless approved by the fire code official.

J. Heating and Cooking Equipment - CFC 2404.15 - Cooking and heating equipment shall be vented to the outside air by approved means. Vents and flues shall be a minimum of 12 inches from sides and tops of tents, canopies, and temporary membrane structures. Cooking and heating equipment shall not be located within 10 feet of an exit or combustible material. Tents where cooking is performed shall be separated from membrane structures or other tents by a minimum of 20 feet. Outdoor cooking that produces sparks or grease-laden vapors shall be at least 20 feet from tents, canopies, and membrane structures. The warming of previously prepared food is not considered to be cooking and is exempt from these requirements.

K. LP Gas - CFC 2404.16 - LP-gas containers shall be located on the outside, a minimum of 10 feet for containers 500 gallons or less and 25 feet for containers more than 500 gallons from tents and temporary membrane structures. Containers shall be protected to prevent tampering, damage, or tipping over.

L. Flammable & Combustible Liquids - CFC 2404.17 - Flammable-liquid-fueled equipment shall not be used in tents and temporary membrane structures. Flammable and combustible liquids shall be stored outside in an approved manner not less than 50 feet from a tent, canopy, or membrane structure.

M. Separation of Generators CFC 2404.19 - Generators and other internal combustion power sources shall be separated from tents and temporary membrane structures by a minimum of 20 feet and be isolated from contact with the public by fencing, enclosure or other approved means.

N. Refueling, Flammable & Combustible Liquids - CFC 2404.17 - Refueling shall be performed in an approved location not less than 20 feet from tents or membrane structures.

O. Fuel Storage - CFC 2404.18.5.1- Fuel for vehicles or equipment shall be stored in approved containers in an approved location outside of the structure in accordance with 2404.17.2

P. Vegetation Removal - CFC 2404.21 - Combustible vegetation shall be removed from the area occupied by a tent or membrane structure and from areas within 30 feet of such structures.

Any questions regarding these minimum Fire Department regulations should be directed to the Fire Prevention Bureau by phone at 951-826-5737 or by letter to:

City of Riverside Fire Department
3900 Main Street 3rd Floor
Riverside, CA 92522
We thank you for your cooperation and wish you success with your event!

REQUIREMENTS FOR MOBILE FOOD FACILITIES

DATE: September 8, 2011
INFORMATION BULLETIN: E-11-012
APPROVED BY: *W. Schellhous*

Mobile food facilities are regulated by the Department of Housing and Community Development.

The Health and Safety Code Section 114323 states "A properly charged and maintained 10BC fire extinguisher to combat grease fires shall be properly mounted and readily accessible on the interior of any mobile food facility that is equipped with heating elements or cooking equipment." Beyond the requirements of the Health and Safety Code, one approved Class K fire extinguisher shall be mounted to the mobile food facility whenever there is a deep fat fryer.

Mobile food facilities equipped with an automatic fire extinguishing system shall ensure that the system is operational and within current service requirements.

Mobile food facilities shall comply with all local fire codes, standards, and ordinances.

Fire Prevention
3900 Main Street 3rd Floor*Riverside, California 92522*(951) 826-5737
Fax: (951) 826-2539*www.RiversideCa.gov/fire

Juliana Alexander
161 Goldenrod Ave.
Perris, California 92570
(951)283-9128

THIS REPORT WAS PREPARED & TRANSCRIBED BY:

JULIANA ALEXANDER OF
PRECISION TRANSCRIPTION SERVICES
REGARDING

TELEPHONE RECORDING
Date of Recording: 06/10/2012
Date Transcribed: 07/06/2012

KEY

DAVIS:	Paul Davis

Telephone Recorded Message
From Caller Paul Davis
To Steve
06/10/2012
Audio File

DAVIS: Paul Davis

{BEGINNING AUDIO FILE}

DAVIS: Hey Steve. This is Paul Davis. I knew I'd be callin' you. The fire extinguishers we rented last year are the same ones that we have here this year. The young lady Fire Marshall is saying nope those are the wrong ones...can't use those...and now we got 5 trucks that are havin' problems and...and...I...Steve I am frikkin' frustrated. I don't know what...ya know...all...what ya'll want and...and how it's supposed to work...uh...but I am not gonna shut these trucks down. So ...uh...w...ya know...I'm hopin' that you can be of some assistance here. Uh...I...(Unintelligible)...Sherry's...uh...uh... I guess they only gonna rent them...uh...the exact one that they want...uh...or anything. I at 400 dollars apiece so...uh...we got some issues. Would you give me a call back and certainly you wanna tell...call her. Let me know what you're gonna do...uh...but I will not require these trucks for shutdown. I will take personal responsibility because I'm the one's that gonna have to live up to it not you. So give me a call back. Bye.

{END AUDIO FILE}