

Detailed History of Code Enforcement Cases Involving Jameson's Roaring Donkey
March 2015 – August 2023

Code Enforcement records include prior cases at the location regarding business activity addressed by Code Enforcement Officers, as well as Police Officers' reports of violations of the Alcohol-Related Nuisance Ordinance (ARNO). The following is a summary of those prior cases and communications:

- March 20, 2015 - Case CE15-72
 - IMPACT Inspection due to a high number of DUI arrests from the last drink study. Noted violations for ARNO, Responsible Beverage Service (RBS) training requirements, ABC Operating Standards on Premises, and Notice to Customers Sign. Dispo: Voluntary Compliance

- December 15, 2017 - Case CE17-582
 - IMPACT Inspection with owners Greg Johnson and Brian Tatko due to litter in the alleyway due to overflowing dumpsters; also noted violations for RBS training required and infusing alcohol bottles which were dumped due to bugs. Dispo: Administrative Citation – Voluntary Compliance.

- February 17, 2022
 - Code Enforcement Sergeant Pat Gerke and Officer Doug Hearn met with Greg Johnson and Brian Tatko, the owners of Jameson's Roaring Donkey, along with Justin Jones, the Bar Manager, to discuss ongoing impacts from their licensed establishment in relation to ARNO. Collectively, they reviewed together the ARNO found in Chapter 11.68 of the Petaluma Municipal Code. Notes were taken and recorded in the case file for 146 Kentucky Street. Dispo: Verbal Admonishment

- July 27, 2022 - Case CE22-503
 - Street vendor selling food in front of the bar without a permit from the City and Health Department. Dispo: Voluntary Compliance – Street vendor did not return.

- September 1, 2022
 - ARNO Violation Notice Letter sent to Greg Johnson and Brian Tatko by CEO Hearn requesting to meet and discuss calls for service (CFS) at or from the business and their related impacts.

- September 12, 2022 - Case CE22-589
 - Permit, license, and agreement violation, met with the owners over concerns about customer activity and what the owners were doing to monitor. Determined plenty of security cameras operating, checking IDs, searching

bags, wandering customers outside, and cleaning the areas outside of the bars. Dispo: Voluntary Compliance

- September 14, 2022
 - CEO Hearn and Lieutenant Lyons met with Bar Manager Justin Jones and discussed issues and how to identify intoxicated unruly customers. They also discussed considering capacity loads and possibly a reduction in alcohol service hours. Since our meeting, the calls for service (CFS) have continued. Dispo: Verbal Warning – No Further Action Taken

- October 2022
 - In response to suspicious circumstances with patrons falling ill after consuming alcohol served at Jameson’s Roaring Donkey, Lieutenant Lyons requested assistance from ABC. ABC Supervisory Agent Aaron Perry and a fellow agent conducted an inspection of the establishment. They noted two alcohol bottles with bugs and directed bar staff to pour out the bottles. Dispo: Verbal Warning – No Further Action Taken Current Investigation

- January 12, 2023 - CE-23-22
 - In 2019, the downtown bar and nightclub scene presented a public safety challenge due to a variety of factors, such as over-service of alcohol, bars and nightclubs exceeding maximum occupancy, and private security staff operating without proof of required licenses.

 - By November, the City had also recently experienced fights breaking out amongst large groups of people, jeopardizing the safety of our community and first responders. As a result, to help maintain order in the City’s downtown area, the City initiated a program to conduct inspections during busy times.

 - The first “Bar Check” was conducted by the Petaluma Fire Department and Petaluma Police Department on November 22, 2019. As a result of the first inspection, Jameson’s Roaring Donkey was found to have four violations consisting of blocked exits, compromised exits, and fuel tanks in the facility. A letter was sent to JRD on December 4, 2019, notifying them of the violations that were found, the fact that they were corrected on-site during the inspection and that any further violations would result in citations. Since JRD’s opening in 2014, blocked/compromised exits, un-serviced protection equipment/systems, and storage issues have been regular occurrences found during their annual fire code occupancy permit inspections.

- Between the September 14, 2022, meeting date and December 31, 2022, at least 20 alcohol-related incidents were attributed to Jameson's Roaring Donkey (JRD).
- At the end of calendar year 2022, the Petaluma Police Department had responded to or generated approximately 96 calls for service related to the business of JRD. Of those 96 calls for service, there were 29 as a result of fights or disturbances, 12 for security checks, extra patrols or foot patrols, and 19 other types of calls for service. Of the 96 events associated with JRD, 26 resulted in the generation of a police report and/or arrest, not counting DUI arrests where drivers reported their last drink at JRD.
- On January 11, 2023, CEO Hearn opened this current investigation (CE23-22) in response to the ongoing CFS reports and associated DUI arrests. CEO Hearn and Building Inspector Kevin Scheumann inspected the establishment and attempted to verify the approved occupancy load for 146 Kentucky Street.
- He found the Conditional Use Permit dated May 12, 2004, for 146 Kentucky, which included the ABC Application Form indicating an occupancy limit of 130 persons. They conducted an inspection on January 12, 2023, and found the occupancy sign showed 275. Inspector Scheumann took measurements of the space to determine occupancy load and later reviewed those measurements with Deputy Building Official Charles Lucas. Together, they estimated the occupancy load to be approximately 139 persons. CEO Hearn notified Brian Tatko of the calculation made by the building inspector as the approved limit of 139 persons.
- On January 24, 2023, CEO Hearn issued a Notice of Violation (NOV CE23-22) letter to the owners of Jameson's Roaring Donkey referencing more than two years of history of increased calls for service, specifically disturbance of the peace, public drunkenness, physical fights, subjects armed with weapons, unruly behavior, driving under the influence arrests attributed to the business, and occupancy limit violation. The NOV detailed violations of Petaluma Municipal Code (PMC) 1.10.060 / Zoning 8.062 - Conditional Use Permit (CUP), PMC 10.68.040 - Creating and failing to abate alcohol-related nuisances unlawful and ordered to correct the violations and not to exceed 139 occupancy limits.
- February 8, 2023, at which time there was to be a scheduled follow-up inspection and meeting. Since they were served the NOV on January 24,

2023, the owners have failed to correct the violations and have received several citations for exceeding capacity limits, changing the occupancy rating higher than approved, failing to supply a detailed security plan, and not taking reasonable steps to mitigate ARNO violations.

- On February 13, 2023, CEO Hearn spoke to Bar Manager Justin Jones, who advised the occupancy load signs were changed to 139. CEO Hearn also emailed the attorney, Mr. Ciocca, and confirmed the occupancy load was updated to 139. CEO Hearn also asked him if the owner was going to submit a security plan. Mr. Ciocca said Brian Tatko would be submitting something in writing.
- On March 9, 2023, the owners of JRD did supply a written response, but it mainly blamed others.
- On March 10, 2023, Fire Prevention Bureau (FPB) staff conducted “Bar Checks” with the Community Impact Response Team (CIRT) Officers preparing for the St. Patrick’s Day Holiday. During the inspection of the downtown bars, JRD was found to be over approved occupancy of 139 persons with a total of 212 persons inside the business. FPB issued Administrative Citation 05090 with a fine of \$250.
- Since March 11, 2023, there have been nine (9) additional calls for service involving fights, 911 calls, disturbances, and alarms. There have been several emails between the City and Brian Tatko as well as his attorney.
- On March 15, 2023, Brian Tatko came to the CDD permit counter approximately. Charles Lucas informed him in person and by email of the need to provide a professionally prepared drawing and calculation of the occupant loads for his tenant space. He was informed Building had no building permit that established an occupant load.
- On March 17, 2023 (CE23-22 Admin Cite 01560-2 from PFD), during the St. Patrick’s Day Holiday, officers from PPD conducted an extra patrol and bar safety check at JRD, which included an occupancy check. Officers found the number of patrons to be over the maximum allowable occupancy of 139 people. PFD Fire Prevention Bureau (FPB) issued citation 01560-02 the following week for violations of 2022 CFC § [A] 104.5 -CCR Title 19 Division 1, §327 -PMC 17.20.050 with a fine of \$750.

- The following night, on March 18, 2023 (Admin Cite 01559-3 from PFD), officers from PPD conducted another extra patrol and bar safety check at JRD, which included another occupancy check. Officers found the number of patrons to be over the maximum allowable occupancy of 139 people. PFD Fire Prevention Bureau (FPB) issued citation 01559-3 the following week for violations of -2022 CFC § [A] 104.5 -CCR Title 19 Division 1, §327 -PMC 17.20.050 with a fine of \$1500. Citations 01560-2 and 01559-3.
- On March 20, 2023, CEO Hearn issued an Administrative Citation to the business for failure to comply with their conditional use permit by submitting a security plan. They were additionally cited for an ARNO violation. Citation Number CE 23-22-1 - Fine \$600.
- On March 25, 2023, CEO Hearn issued a second Administrative Citation to the business due to the business continuing to fail to submit a security plan as required and in compliance with the conditional use permit in violation of PMC 1.10.060. Citation Number CE 23-22-2 Fine \$500.
- On March 25, 2023, officers from PPD conducted a follow-up inspection at the JRD and found they had modified their occupancy limit sign to read “MAX OCCUPANCY 275”. During this inspection by PPD officers, they also observed at least 175 people in the facility but were unable to determine the exact number of people due to the large number of people and overcrowding in the facility. The security officers at JRD were notified to remove people to bring their max occupancy down to 139 persons. PFD Fire Prevention Bureau issued an Administrative Citation 01187-4 for the following four violations with a correction date of March 28, 2023. Exhibit “L” Violation 1: -2022 CFC § [A] 109.6 -CCR Title 19 Division 1, §327 -PMC 17.20.050 The occupancy of the building exceeded the approved capacity of the building. Code Sections: “Overcrowding. Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. The fire code official, on finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or on finding any condition that constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.” Correction: Do not exceed approved capability limit of 139 persons. Fine: \$1000 Violation 2: Sections 110.1 and 110.2.” -2022 CFC § [A] 104.5 Failure to obey Fire Code Official orders. Code Section: “Notices and orders. The fire code official is authorized to issue such notices or orders as are required to affect compliance with this code in accordance with Sections 110.1 and 110.2.” - 2022 CFC § [A] 104.5 Correction: Abide by all warning, violation notices, and

citations issued by fire code officials as issued on 03/10/23, 03/17/23, and 03/18/23. These violations include overcrowding as defined above as well as failure to obey a fire code officials' orders and are included in citation numbers: 05090, 01560-2, and 01559-3. Fine: \$1000 Violation 3: The correct, assigned occupancy sign, which is required by the fire code official, occupancy, and egress requirements to be posted and in line with the officially approved capacity of the building or portion thereof, was removed. Code Section: -2022 CFC § [A] 112.3.4 "Unauthorized tampering. Signs, tags, or seals posted or affixed by the fire code official shall not be mutilated, destroyed or tampered with, or removed, without authorization from the fire code official." -2022 CFC § [A] 112.3.4 Correction: Replace the correct occupancy sign indicating a maximum occupancy of 139 persons. Fine: \$250 Violation 4: -2022 CFC § [A] 112.1 Posting of a known, incorrect occupancy sign with an unauthorized increase in occupancy maximum of 275 persons. Code Section: "Unlawful Acts. It shall be unlawful for a person, firm, or corporation to erect, construct, alter, repair, remove, demolish, or utilize a building, occupancy, premises, or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code." -2022 CFC § [A] 112.1 Correction: Remove unauthorized occupancy sign of 275 persons. Fine: \$250.

- On March 27, 2023, Fire Inspector Amy Segui, accompanied by Fire Marshal Jessica Power, completed the required annual fire code occupancy permit inspection. During the inspection, 19 violations were observed and noted for correction on their inspection notice. JRD was given 30 days to correct all the violations.
- On May 5, 2023, Fire Inspector Amy Segui returned to JRD to complete the re-inspection. All items were found to be corrected. Violations include repeat items such as compromised exits and un-serviced fire protection systems. Additional violations included damaged fire-retardant stage curtains, excessive extension cord usage, and materials affixed to sprinkler pipes in numerous locations.
- On April 7, 2023, Brian Tatko's architect, Richard Onken, emailed a drawing to Charles Lucas. The drawing was reviewed and marked with corrections related to occupant load calculations, which were not clearly code-compliant and totaled 318 occupants. Charles Lucas sent the comments regarding the drawing by email on 4-11-2023. Brian Tatko was asked to make a permit application for apparently unpermitted work. It was later discovered from his architect by email 4-20-2023 that a permit had been issued in 2014

that included the work in question. We are still waiting for the revised occupant load calculations.

- On April 10, 2023, Charles Lucas received an email from Deputy Chief Brian Miller suggesting waiting before considering permitting additional work. Emailed Brian Tatko regarding CUP documentation that indicated an occupant load of 130 on 4-20-2023. Brian Tatko maintains the CUP has a larger occupant load. Charles Lucas informed him Building had not reviewed the CUP documents in detail. He was reminded that the occupant loads have corresponding plumbing fixture requirement that he should include in his calculations and gave him a plumbing code reference.
- On April 10, 2023, CEO Hearn discovered that the bar's business license had expired for the current and prior year. They were notified of the violations and voluntarily brought it up to date by obtaining a license for 2022 and 2023. This was handled with a verbal warning and compliance.
- Between April 18 and April 20, 2023, the Building Department emailed or responded to inquiries with Brian Tatko several times. He was insisting this matter be resolved quickly. He was reminded that the Building Department is waiting on drawings and that the review is not made in isolation but includes reviews by several city agencies. The last email correspondence was on 4-27-2023 regarding working with the fire marshal as the City point of contact.
- On April 22, 2023, during the annual Butter and Eggs Day Parade, PPD Officer Brandon Haug conducted an inspection at Jamison's Roaring Donkey and noticed the occupancy sign had been covered with a handwritten sign indicating an allowed maximum occupancy of 318.
- On June 25, 2023, a report from the police department. PD advised they responded to a fight and found the security guard was involved. Still, no security plan was submitted to PD, and an ARNO violation. Citation issued – CE23-22-3, fine \$1500.00.
- August 8, 2023, a report from the police department. A person reported that she believed she was drugged at the Roaring Donkey on 7/26/23-7/27/23 by an unknown subject. Following the incident, she was taken to her boyfriend's friend's house in Sheriff's Office jurisdiction, where she was sexually assaulted. The victim didn't believe the two crimes were related and did not wish to seek prosecution for the sexual assault, believing it may have been portrayed as consensual at the time. However, wished to press charges for

being involuntarily drugged. PD to follow up on the Roaring Donkey for surveillance footage.

- After Code Enforcement's third citation, it was clear that JRD was not going to comply and violations were ongoing. Code Enforcement recommended to the Chief to consider revocation of the JRD's CUP.

Petaluma Police Department's Summary of Significant Incidents

2021

48 Calls for Service

7 Reports Taken

13 Disturbances or Fights

- 21-2354 (6/19/21)
 - A Subject was removed from JRD for being overly intoxicated. He fought with security who detained him in handcuffs. He was uncooperative with officers and arrested for public intoxication. The arrest resulted in a use of force, and the subject being placed in the WRAP.
- 21-4373 (10/30/21)
 - The victim was punched in the back of the head during a dispute over a cellphone. The victim was transported by PFD and later received four stitches to the back of his head.
- PE213310006 (11/27/21)
 - Subject was contacted after fighting inside JRD and continuing to challenge others outside. The subject was driven away from the scene by his girlfriend.
- 21-4891 (12/4/21)
 - Officers were flagged down by JRD security as a group of 8-10 people were fighting. Officers arrested three subjects for fighting in a public place.
- 21-5165 (12/23/21)
 - A subject who was contacted outside JRD challenging people to fight was contacted and arrested for a warrant.

2022

96 Calls for Service

26 Reports Taken

29 Disturbances or Fights

- 22-0020 (1/2/22)
 - A subject reported she sustained a contusion on her left arm after being escorted out of JRD by security.
- PE220780024 (3/19/22)
 - A subject believed she was drugged after drinking at JRD.
- 22-1562 (4/16/22)

- A subject was arrested for brandishing a firearm during a fight which occurred outside of JRD. The firearm was not recovered.
- PE220920011 (4/2/22)
 - Subject overdosed while in JRD. He was given two doses of Narcan and transported to PVH by PFD. A friend stated he ingested cocaine.
- PE221140025 (4/24/22)
 - A subject believed she was drugged after drinking at JRD.
- 22-2298 (6/3/22)
 - A subject was expelled from JRD and threatened to return and “shoot the place up.”
- 22-3256 (8/5/22)
 - A subject was called in by JRD for spitting a bartender’s face. He was a .19% on a PAS and subsequently arrested for battery and public intoxication.
- 22-4145 (9/26/22)
 - Two subjects believed they were possibly drugged after drinking at JRD.
- PE22890001(10/16/22)
 - A subject wanted to file a complaint against JRD after being physically removed from the business. He reported slipping on a wet floor inside the business and advised staff. He was then physically escorted out of the business.
- 22-5043 (11/27/23)
 - A subject was involved in a physical altercation with JRD security after they asked him to leave multiple times. He said security threw him to the ground and punched him. He attempted to run away, fell, and broke his ankle. He was a .16% BAC on a PAS.
- 22-5125 (12/2/22)
 - A subject punched a JRD bouncer while overly intoxicated. He was arrested for public intoxication.
- 22-5222 (12/11/22)
 - During an 8 to 10 person fight in front of JRD, one suspect punched, kicked, and stomped two victims causing serious facial injuries and sending both to the hospital. The suspect was arrested for felony battery.
- 22-5543 (12/31/22)
 - Two subjects were arrested outside JRD for being extremely intoxicated.

2023

- 23-0284 (1/21/23)
 - Two subjects were arrested outside JRD for public intoxication and resisting arrest after causing a disturbance.

- 23-0394 (1/27/23)
 - A heavily intoxicated subject was arrested for battery after biting security while being escorted out of the business.
- 23-0743 (2/18/23)
 - Two subjects were arrested after being involved in a fight outside of JRD. One had bitten the tip of a finger off the other. One subject was arrested for felony battery and the other for fighting in a public place.
- 23-0858 (2/26/23)
 - Officers on viewed a fight outside of JRD. While breaking up the fight a subject punched an officer in the face. He was arrested for assaulting an officer.
- 23-2578 (6/11/23)
 - A subject flagged down officers reporting he was assaulted by JRD staff. The subject was determined to be heavily intoxicated and challenging staff. He was arrested for public intoxication.
- 23-2783 (6/25/23)
 - JRD staff called to report a subject had threatened to get a gun and return to the bar. Officers contacted the subject who appeared to have a broken nose. He reported he was punched and stomped by security for being on the sidewalk fronting the bar. A report was sent to the DA's office and charges were not filed. (Kenneth Fitzgerald, Daniel Vega-Ramirez)
- 23-2967 (7/8/23)
 - Two subjects were arrested outside the JRD after being involved in a fight. Security attempted to break up the fight and the involved subjects assaulted security. One subject pulled a knife on a staff member.
- 23-3301 (7/30/23)
 - A subject reported she was drugged at JRD and subsequently sexually assaulted in the county.
- 23-3519 (8/12/23)
 - A subject believed she was drugged after drinking at JRD.
- 23-3644 (8/19/23)
 - While breaking up a fight a JRD bouncer (Austin Dyas) headbutted one subject causing a laceration to their forehead. No prosecution was desired, no arrests were made.
- 23-4133 (9/17/23)
 - A subject reported he was assaulted outside JRD by their security. He possibly tore his ACL during the incident. A report was sent to the DA's office and charges were not filed. (Kenneth Fitzgerald)

- 23-4733 (10/28/23)
 - A subject reported she was pushed by JRD security after she agreed to leave the bar. The officer concluded there was a lack of probable cause to arrest or request charges be filed. (Daniel Vega-Ramirez)

2024

58 Calls for Service (through 4/11/24)

9 Reports Taken

17 Disturbances or Fights

- PE240250148 (1/25/24)
 - A subject reported he was punched in the head and drug out of the bar by security. He did not want a report taken, he just wanted PPD to be aware.
- PE240470155 (2/16/24)
 - Two subjects were placed on the ground by security. Neither were unable to care for themselves due to their level of intoxication and no crime was committed.
- 24-0737 (2/17/24)
 - A subject reported being injured following an altercation with JRD security. The officer concluded security acted appropriately.
- PE240480016 (2/17/24)
 - A subject was complaining that he was assaulted by JRD security, and officers did not arrest them.
- 24-0834 (2/23/24)
 - A subject reported being pushed for no reason by staff from JRD. The officer concluded security acted appropriately. (Daniel Vega-Ramirez)
- 24-1111(3/14/24)
 - A subject reported she was assaulted by a female JRD bartender in the restroom.
- 24-1489 (4/7/24)
 - A subject reported he was involved in a physical altercation with JRD security and sustained an injury to his eye.
- 24-1659 (4/20/24)
 - A subject reported he was assaulted by five members of JRD security. They were arrested for felony battery and conspiracy.

1/1/23 through 4/11/23

151 Calls for Service

20 Reports Taken

35 Disturbances or Fights