

Sent: Thursday, November 9, 2023 8:12 PM
To: Brian Tatko <briantatko@gmail.com>
Cc: Savano, Ken <KSavano@cityofpetaluma.org>; Miller, Brian <BMiller@cityofpetaluma.org>; Jordan Green <JGreen@cityofpetaluma.org>; Andrew Trippel <atrippel@cityofpetaluma.org>
Subject: FW: IZO 24.060(G) Notice of Noncompliance with CUP for 146 Kentucky Street

Brian, confirming receipt and adding our public safety team who will be reviewing your documents.
Thank you.

Brian Oh

Director of Community Development
City of Petaluma | Community Development
office. 707-615-6568 |
boh@cityofpetaluma.org

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From: Brian Tatko <briantatko@gmail.com>
Sent: Thursday, November 9, 2023 5:10 PM
To: Brian Oh <boh@cityofpetaluma.org>
Subject: Re: IZO 24.060(G) Notice of Noncompliance with CUP for 146 Kentucky Street

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---
November 7, 2023

City of Petaluma
P.O. Box 61
Petaluma, CA 94953

boh@cityofpetaluma.org

Re: Letter received with Notice of Noncompliance with CUP for 146 Kentucky Street

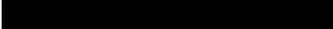
Dear Mr. Oh,

We are writing in response to your request for the Jamison’s Roaring Donkey security plan.

Please find the details our team/security plan below:

All bartenders and security guards are instructed and trained to be aware and communicate promptly when a patron is consuming at a rapid rate that would lead to over intoxication or possible disturbances so that collectively it can be stopped and avoided as a team.

Jamison’s Roaring Donkey Bartenders/RBS Number:
Please see attachment A

-
-
- 

1 bartender 10pm-2am
1 barback 9pm-2am
Last call at 1:25am
No service after 1:30am

Sunday:

1 bartender 10am-2pm
1 bartender 2pm-7pm
1 bartender 7pm- 2am
Last call at 1:30 am or earlier

Capacity limit of 130

We are active and proactive in keeping the capacity at or below the posted maximum of 130 persons in the establishment. Proper notification of a change of occupancy was never made. We received no notification via certified mail and citations were mailed and issued to an incorrect address.

No building modifications unpermitted

No building modifications are currently being made or planned on being made without the proper notification or permits.

In effort to reduce driving under the influence, signage is posted in multiple locations including the bathroom atrium, center of the bar and both inside and outside of the front windows. Signage is changed when damaged or deemed no longer effective. There are always three separate posters that emphasize:

- 1) Anti drunk driving and the importance of designating a sober driver
- 2) Taxi and ride sharing phone numbers and information on how to obtain them
- 3) DUI Consequences

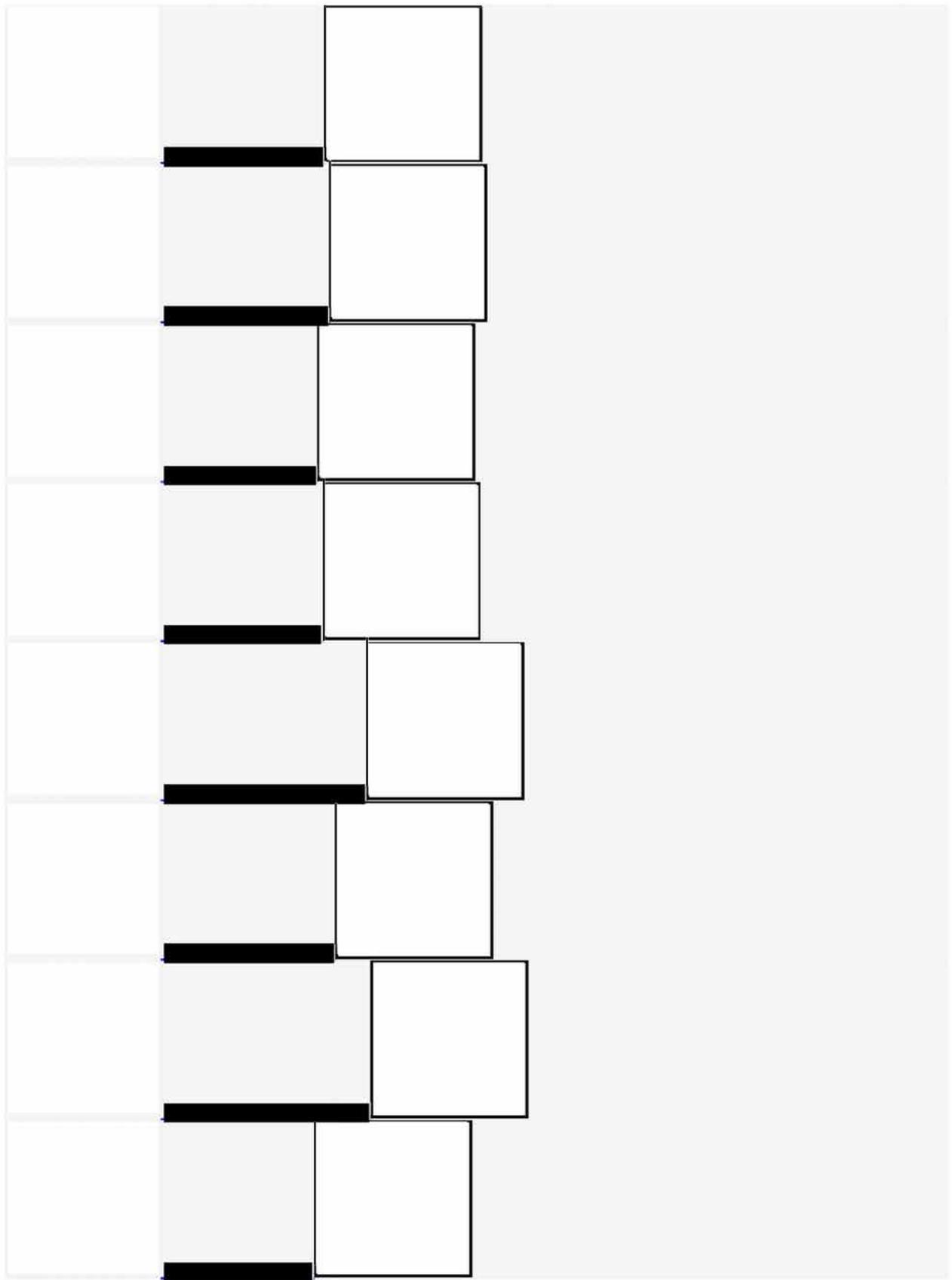
It should be noted that we have had zero fights or issues within our establishment since March of 2023.

We hope the same set of standards we are being held to should be addressed at other establishments in the City.

Please note that all fines have been paid in full on November 8, 2023.

Thank you,

Jamison's Roaring Donkey
146 Kentucky St.
Petaluma CA 94952
Brian Tatko
Greg Johson





On Wed, Nov 1, 2023 at 5:23 PM Brian Oh <boh@cityofpetaluma.org> wrote:

Brian and Patrick, please review and reach out with any questions. Happy to confirm any questions you may have about the attached correspondence and the expected next steps.

Please accept the attached letter at the City's Notice, pursuant to Petaluma's Implementing Zoning Ordinance (IZO) section 24.060(G) that I find that you have failed to comply with the terms of the Conditional Use Permit (CUP), attached as Exhibit 1, for Jamison's Roaring Donkey (JRD). Condition No. 5 of the CUP states:

Prior to commencement of use, the business owner shall submit to the Chief of Police a detailed security plan. The plan shall include, but not be limited to, the periods of time and staffing levels for security personnel, duties, responsibilities and qualifications of security staff. The plan shall be submitted for review and approval by the Chief of Police. Such plan shall be amended prior to any change in operations include, but not limited to, the periods of time and staffing levels for security personnel, duties, responsibilities and qualifications of security staff for review and approval by the Chief of Police within 14 days of the change in business operations.

Despite repeated requests, the City does not have a submitted and approved security plan for Jamison's Roaring Donkey. On March 20, 2023, the City issued you an administrative citation for failing to comply with your CUP by failing to submit a detailed security plan. On March 25, 2023, the City issued you a second citation for failing to submit a detailed security plan. During our June 8th meeting with you, we discussed the fact that you have not submitted for approval a detailed security plan and urged you to do so as soon as possible. In our October 10th letter to you, we advised you to submit a security plan to the Chief of Police by October 20, 2023. It is November 02, 2023 and despite our repeated efforts, you continue to refuse to submit to the Chief of Police a detailed security plan, as required by your CUP.

Additionally, since the City sent you its October 10, 2023 letter, the City has continued to experience alcohol related problems arising out of JRD's business operations. For example, there have been continued incidents involving reported fights inside the establishment, assaults, disturbances, and DUI drivers. Additionally, patrons have made allegations of being assaulted by JRD security staff.

Thus, this is the City's official Notice, pursuant to IZO section 24.060(G), that the City will suspend JRD's CUP, attached as Exhibit 1, for 20 days, beginning November 22, 2023, if the Chief of Police does not receive and approve a detailed security plan. As discussed in the City's October 10th letter, the security plan shall include a list of all the security companies and officers used by JRD, copies of all the security companies' current state permits and each individual's guard cards, including any special authorizations for weapons. The Chief of Police will review with consideration of approval within 10 days of receipt.

IZO section 24.060(G) states:

Revocation. Upon a permittee's violation of any applicable provision of this Zoning Ordinance, or, upon a permittee's failure to comply with any terms or conditions of a use permit, the Director may send the permittee a certified letter informing the permittee of the facts constituting noncompliance and stating that the permittee has 20 calendar days from the date

of the letter to comply with the requirements of this Zoning Ordinance and/or the terms and conditions of the use permit. If, after 20 calendar days have elapsed from the date of the notice, the permittee has failed to cure the permittee's noncompliance as required, the Director shall send a second certified letter to the permittee suspending the use permit and advising the permittee of the permittee's right to be heard by filing an appeal pursuant to Section 24.090. The suspension will be in effect for 20 calendar days from the date of the notice of suspension. If, after the 20-day suspension, the permittee still has not cured the permittee's noncompliance as required, or if the permittee has failed to file a timely appeal, the use permit shall be revoked and terminated and shall be null and void without further action by the City.

Pursuant to IZO section 24.060(G), you have a right to file an appeal pursuant to IZO section 24.090, attached as Exhibit 3.

Furthermore, you also have until November 9, 2023 to complete the other tasks outlined to you in the City's October 10th letter. If those tasks are not completed by November 9, 2023, the City will seek to revoke or significantly modify your CUP.

If you have any questions, please feel free to contact me.

Brian Oh

Director of Community Development
City of Petaluma | Community Development
office. [707-615-6568](tel:707-615-6568) | boh@cityofpetaluma.org



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CITY OF PETALUMA

POST OFFICE BOX 61
PETALUMA, CA 94953-0061

Kevin McDonnell
Mayor

November 16, 2023

Brian Barnacle
Janice Cader-Thompson, *Dist. 1*
Mike Healy
Karen Nau, *Dist. 3*
Dennis Pocekay
John Shribbs, *Dist. 2*
Councilmembers

Via Email

Patrick Ciocca
Attorney at Law
2901 Cleveland Avenue, Suite 201
Santa Rosa, CA 95403
pmcesq@hotmail.com

Brian Tatko
briantatko@gmail.com

Re: Jamison's Roaring Donkey Submitted Security Plan

Dear Messrs. Tatko and Ciocca,

I am writing to follow-up regarding your submitted security plan that was received by city staff on November 9, 2023. We appreciate your submission and have thoroughly reviewed the proposed plan. As submitted, the proposed security plan lacks sufficient detail as to processes, procedures and safety measures, such as but not limited to, describing the actions that employees have been directed and trained to perform in specific situations to ensure a safe and responsible operating environment as a licensed alcohol establishment. As such your plan is **not approved**. You have until **8:00 p.m. on Sunday, November 19th**, to provide an updated security plan to me via email, which includes the below recommendations. If I do not receive an updated plan containing the below recommendations **by 8:00 p.m. on Sunday, November 19th**, the Community Development Director will move forward with the 20-day suspension of your Conditional Use Permit (CUP) beginning **Wednesday, November 22, 2023**, as referenced in his November 2, 2023 letter to you.

My team and I plan to review the updated security plan on Monday. We will advise you by Tuesday at 1:00 p.m. if the security plan is approved. If it does not contain the below information, it will not be approved and the 20-day suspension will begin Wednesday, November 22, 2023.

We recommend that at a minimum, security plans include the following headings and information:

Individuals Responsible for Business

- Up-to-date and complete contact information (e.g. business owner(s), operations manager)

Age Verification

- Procedures to prevent underage drinking

Police Department
969 Petaluma Boulevard North
Petaluma, CA 94952-6320

Phone (707) 778-4372
Fax (707) 656-4059

E-Mail:
policeadmin@cityofpetaluma.org

Operations

- Establishment of an employee-to-patron ratio (based upon the activity level of the business in order to ensure adequate staff to monitor beverage sales and patron behavior)
- Procedures for training all managers and employees selling alcoholic beverages
- Procedures for monitoring beverage sales and patron behavior
- Procedures for crowd control, specifically queuing lines

Intoxicated and Disorderly Patrons

- Procedures to identify and handle patrons reaching their drinking limit/potential intoxication and making sure it is not exceeded (This procedure should include a description of the steps the server would take to warn or refuse to serve the patron.)
- Procedure for staff to help get intoxicated patrons home safely
- Procedure for handling patrons involved in fighting, arguing, or violent behavior

Security

- Proposed video surveillance systems and settings
- Procedures to mitigate or identify potential criminal activity
- Procedures to prevent loitering
- Procedures for calling the police regarding observed or reported criminal activity
- Information regarding security companies' current state permits and each individual's guard cards including special authorizations for weapons
- Description and identification of any identifiable uniforms of security personnel

Additionally, as an alcoholic beverage sales establishment owner/operator in the City of Petaluma you should include attestations in your security plan that you will;

- Comply with all applicable Department of Alcoholic Beverage Control laws.
- Comply with all city-mandated conditions and requirements in your CUP.
- Operate in accordance with an approved security plan.
- Ensure all managers and employees are trained to serve alcohol responsibly in a certified program.

Thank you for paying the fines in the amount of \$7,260.00 on November 8, 2023.

In your submitted security plan, you referenced that there have been zero fights or issues within your establishment since March of 2023. However, as previously referenced in our October 10, 2023, correspondence, the Police Department has documented a total of 53 calls for service and 8 crime reports associated with your establishment for the period of June to September 2023. We also noted that calls for service and crime reports related to your establishment had increased since our June 8, 2023 meeting rather than decreased, as you assured us they would. Specifically, our October 10, 2023 letter to you, the police department has investigated two assaults which occurred at your establishment and resulted in police reports.

As discussed above, please submit an updated security plan to me, via email, by Sunday, November 19th, 2023 by 8:00 p.m. My team and I intend to review it on Monday, November 20, 2023. We will advise you by Tuesday at 1:00 p.m. if the security plan is approved. If you do not submit an updated plan by Sunday at 8:00 p.m. and/or if the plan does not include the necessary information as discussed above, it will not be approved and the Community Development Director will move forward with the 20-day suspension of your CUP, beginning Wednesday, November 22, 2023. To clarify, if your CUP is suspended, you will not be able to

sell alcohol for twenty days, beginning Wednesday, November 22, 2023.

For reference, IZO section 24.060(G) states:

Revocation. Upon a permittee's violation of any applicable provision of this Zoning Ordinance, or, upon a permittee's failure to comply with any terms or conditions of a use permit, the Director may send the permittee a certified letter informing the permittee of the facts constituting noncompliance and stating that the permittee has 20 calendar days from the date of the letter to comply with the requirements of this Zoning Ordinance and/or the terms and conditions of the use permit. If, after 20 calendar days have elapsed from the date of the notice, the permittee has failed to cure the permittee's noncompliance as required, the Director shall send a second certified letter to the permittee suspending the use permit and advising the permittee of the permittee's right to be heard by filing an appeal pursuant to Section 24.090. The suspension will be in effect for 20 calendar days from the date of the notice of suspension. If, after the 20-day suspension, the permittee still has not cured the permittee's noncompliance as required, or if the permittee has failed to file a timely appeal, the use permit shall be revoked and terminated and shall be null and void without further action by the City.

Pursuant to IZO section 24.060(G), you have a right to file an appeal pursuant to IZO section 24.090.

Based on your statements in our prior meeting it was evident that you acknowledged and understood the importance of ensuring alcohol beverage establishments operate responsibly and safely. You further recognized the impacts on the community, patrons, and public safety resources when alcohol beverage establishments fail to do so. Creating and implementing an effective security plan is one step in reducing the public safety risks and alcohol related nuisances arising out of Jamison's Roaring Donkey's current business operations. We look forward to seeing the positive changes you will be making to JRD's operations.

Respectfully,



Brian Miller
Interim Chief of Police

From: [patrick ciocca](#)
To: [Miller, Brian](#); [Savano, Ken](#); [Jordan Green](#); [Brian Tatko](#); [Brian Oh](#)
Subject: Updated security plan - Jameson's Roaring Donkey
Date: Saturday, November 18, 2023 9:13:46 PM
Attachments: [Security Plan Document.rtf](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

All,

Please see attached the updated security plan for Jameson's Roaring Donkey, per requests by Mr. Oh and Mr. Miller. Mr. Tatko and Mr. Johnson have done their utmost to craft a document which addresses all the concerns and subject areas requested. They sincerely hope that this most recent effort will meet with your approval. They do not wish to be shut down for a small oversight, and so we would respectfully request that if this document is lacking in some technical way opportunity will be provided to remedy that deficiency. Of course, we understand the deadlines which were recently set. Nonetheless, my clients naturally do not want their business shuttered at this time.

Mr. Tatko and Mr. Johnson want to take this moment to let the City know that it is their intention to put Jameson's Roaring Donkey on the market for sale. With this in mind, they wish to consult with the City on the ways to most effectively convey to any future owner about the conditional use permit, and the specific terms thereof. It is the express intention of my clients to bring into the City of Petaluma new owners who will be abundantly aware of not only the CUP, but the way in which the City wants future businesses at this location to operate. In short, they want to bring in new ownership for this location that will be able to flourish in their partnership with the City. In whatever way they can make this possible, they are open to suggestions from your end.

My clients expect this process will probably take about 6 months to complete, even if they can find a buyer in as little as 60 -90 days.

Thank you for your time and consideration.

Patrick Ciocca
Attorney at Law
2901 Cleveland Avenue
Suite 201
Santa Rosa, CA 95403
(415) 265-4200
(707) 286-0058 (fax)

Individuals Responsible for Business:

Brian Tatko Owner
1001 Rose Avenue
Penngrove CA 94951
Briantatko@gmail.com
notatollc@gmail.com
707-484-5252

Greg Johnson Owner
36 Cordelia
Petaluma CA 94952
Ge.johnson529@gmail.com
notatollc@gmail.com
707-480-4701

Justin Jones Manager
PO Box 865
Petaluma CA 94953
jonesja1994@icloud.com
notatollc@gmail.com
707-228-6014

Age Verification

- Everyone who works here including security staff is RBS certified, all numbers for employees have been turned in to you. [L] [SEP]
- Everyone of our door staff is guard card certified and trained in spotting fake ids. [L] [SEP]
- No one is allowed to be on staff if their cards have expired. [L] [SEP]
- If you are a new hire, you have to have update credentials before you are allowed to begin working. [L] [SEP]
- The new bartenders are also personally trained by the owners who have the most experience in spotting fake ids. [L] [SEP]
- We work with other bars to spot trends in fake ids. For example you will see a trend of ids coming from Kansas multiple times. That

tells us that's what the newest ID is being faked and from where. It's very common.

- We subscribe to the United States ID checking guide. It's the most updated guide book used by bars. We also keep the previous three year books on hand so we can check older ids if needed. These books also include most international green cards, passports, etc.
- We have a policy of not taking hole punched ids, expired ids with a newly issued paper dmV license or extremely damaged passports.
- We have a payment program set in place to encourage vigilance in finding fake ids. Each ID our staff catches, they receive a payment of \$30.
- We turn the ids that we take and turn them into the police department once per quarter. We average around 50-60 per quarter. A practice we have been doing since 2014.
- Our last group RBS class the fake ids used to train us in the program all were from the Roaring Donkey.
- Our black light equipment can be located at the front door
Model: Black-24BLB Behind the bar and as back ups for the staff we use black light hand held lights Escolite UV Flash Light 51 Led 395 NM.
- In the case of a special event such as Butter and Eggs, additional staff is added to the crew with a crew that is specifically tasked with only checking ids.

Operations

We consulted ABC and have no law that actually states what the employee to patron ratio should be. We spoke to the owners of the Hideaway, The Block, Gales Central Club and McNears and we took an average which fits with our current scheduling policy. 1:50 for Security, 1:35 for Bartenders/Bar Backs.

Bar backs are trained in the same manner as bartenders. Every bartender we currently employ has spent over one year training as a bar back before they are allowed to bartend or serve drinks. We have no

bartenders on staff with less than one year barback training and two years of bartending. The owners are committed to working several shifts per month, mostly consisting of weekends in order to ensure we have an accurate grasp of the weekend nightlife. We have been doing this since our June 8th meeting. On the weekends we commit to a policy of one bouncer per 40 which equates to 3.25 door staff, we employ 6 per Friday and Saturday shift.

As mentioned above we add staff for any event including day parades, holiday weekends and when other bars or venues are hosting popular events to prevent possible issues or overflow from these events. We schedule our entire door staff until 3am.

We are insured for active shooters and our employees are insured for when they leave the bar from the time they leave until they get home, they are covered by our policy for their personal safety, robbery, battery, etc.

Below are the Overall Policies on Which Our Staff is Trained

Every staff member undergoes training from the state and the owners and managers following these guidelines set by ABC:

§165. Curriculum requirements for intervention techniques to prevent the service or sale of alcoholic beverages to underage persons or intoxicated patrons. (a) Checking identification (id) of patrons prior to serving alcohol. (1) Twenty-one is the minimum age for a person to legally purchase or consume alcoholic beverages in California. (2) If prior to serving alcohol an alcohol server diligently inspects a patron's ID and reasonably concludes it is legally acceptable (even if it turns out to be a fake id), and the appearance of the minor indicates the minor could be twenty-one years of age or older, the alcohol server has a defense to a charge of selling to a minor. (b) Characteristics of a legally acceptable id: (1) Issued by a government agency; (2) Contains the name, date of birth, photograph, and physical description of the ID holder; and (3) A valid expiration date. (c) Legally acceptable id's

including the information found in Business and Professions Code § 25660: (1) State issued driver's licenses and identification cards; (2) Military id's, even without a physical description of theIDholder; and (3) Government issued passports, even without a physical description of theIDholder. (d) Unacceptable id's: (1) Expired id; (2) School or Work id; (3) Obviously altered id; (4)IDbelonging to someone else; and (5) Interim or temporary state issued driver licenses. (e) Elements of a valid California Real id. (f) Elements of a valid California Federal Non-Compliant id. (g) Indicators of a false id: (1) Photograph appears raised or altered; (2) Thickness of the card, too thick or too thin; (3) Lumps, bumps, or creases on the surface of the card; (4) The card can be peeled apart; (5) Alterations of the birthdate; and (6) Signature written in ink. (h) Techniques for checking id: (1) Physically hold the id; (2) Look at the front and back of the id; (3) Compare the photograph to theIDholder; (4) Compare the physical description to theIDholder; (5) Verify the information on the card by asking questions of theIDholder; (6) Compare the signature on theIDto a fresh signature given by theIDholder; and (7) Check for security features visible by UV light or flashlight. (i) The alcohol server's right to refuse service of alcoholic beverages, information contained in Business and Professions Code § 25659. (j) Avoiding service to obviously intoxicated patrons: (1) Use effective listening and visual cues to determine when patrons have become obviously intoxicated; and (2) Do not advocate for continued drinking when one patron attempts to buy a beverage for another patron who no longer wants a beverage. (k) When to refuse service: (1) If a patron'sIDis invalid; (2) If the patron becomes belligerent; (3) If a patron is obviously intoxicated either by alcohol, medication, or recreational or illegal drugs; (4) If a patron requests service outside the hours of operation; and (5) If a server has any doubts about any of the preceding factors. (l) Techniques for an alcohol server refusing service to a patron: (1) Be courteous but firm in telling patrons they can no longer be served; (2) Be quiet and discrete; (3) Be assertive in the decision to stop alcoholic beverage service; (4) Focus on statements

about the alcohol server's duty and liability not to serve; (5) Do not bargain with the patron; (6) The server should inform managers and co-workers of the decision, identity of the person, and reasons the person should no longer be served alcohol; (7) Inform other members of the patron's group, if any; and (8) Offer a glass of water, non-alcoholic beverage, or food item. (m) identifying persons under the influence of medication or recreational or illegal drugs. (1) Depressants: (A) Define what a depressant is; (B) identify common depressants; and (C) identify signs of a patron being under the influence of a depressant. (2) Stimulant: (A) Define what a stimulant is; (B) identify common stimulants; and (C) identify signs of a patron being under the influence of a stimulant. (3) Hallucinogenic (psychedelics): (A) Define what a hallucinogenic is; (B) identify common types of hallucinogenic; and (C) identify signs of a patron being under the influence of a hallucinogenic.

§166. Curriculum requirements for the development of management policies that support the prevention of service or sale of alcoholic beverages to underage persons or intoxicated patrons. (a) ABC Licensee's duty to ensure policies are created to guide employees in the service of alcoholic beverages for consumption in their licensed premises according to legal standards: (1) If an administrative violation occurs on the licensed premises, the license for that premises is at risk for administrative penalties; (2) Information contained in Title 4 California Code of Regulations § 144; (3) Explanation of aggravating and mitigating factors upon administrative penalties; and (4) Information contained in Business and Professions Code § 23095(a)-(c). (b) Benefits for an ABC on-premises licensee of having policies in place for the service of alcoholic beverages for consumption to the public: (1) Policies ensure uniformity of responsible business practices; (2) Policies ensure an ABC licensed premises is a safe and comfortable space for patrons and employees; and (3) Policies reduce the risk of criminal, civil, and administrative liability for the ABC licensee, its agents, and its employees. (4) Effective policies increase profitability of the ABC licensed premises. (c) Guidelines for the effective development of

policies for the service of alcoholic beverages for consumption to the public: (1) Develop policies to enforce objectives like preventing alcohol service to minors and overly-intoxicated persons; (2) Develop policies to comply with all state and local laws pertaining to the ABC on premises licensed premises; and (3) Develop strategies for instructing and reinforcing policy implementation by management and employees. (d) Guidelines for the effective use of policies for the service of alcoholic beverages for consumption to the public: (1) Written policies should be clear and specific; (2) Policies should be reviewed for relevance and accuracy, especially if there are frequent incidents of violence or illegal activity requiring peace officer assistance; (3) Policies need to be taught and enforced with each employee; and (4) Policies should be reinforced through regular training and meetings with employees. (e) Critical RBS policy elements: (1) Stopping alcoholic beverage service to a patron; (2) Encouraging intoxicated patrons travel home safely; (3) Handling patrons who arrive already intoxicated; (4) Handling potentially violent situations; (5) Handling illegal activities; (6) Dealing with underage patrons; (7) How and when to check a patron's identification; (8) Handling emergency situations; (9) Implementing an incident log; (10) Prohibiting employees consuming alcohol while working; and (11) Prohibiting promotions that encourage intemperate consumption of alcoholic beverages or unlawful discrimination: (A) Two for one drink specials; (B) Ladies nights; and (C) All you can drink or 'bottomless' alcoholic drink specials. (f) Use of an incident log for the following incidents for employee communication: (1) When alcoholic beverage service was stopped for a patron; (2) When alternate transportation has been arranged for a patron; (3) Any seizure of an identification; (4) A patron becoming ill due to over consumption of alcohol; (5) Any injury, medical treatment, or hospitalization of a person on the ABC licensed premises; (6) Any illegal or violent incidents occurring on the ABC licensed premises; and (7) Any calls for law enforcement assistance or other contact with peace officers. (g) Interacting with law enforcement: (1) ABC licensees, their employees, and their agents are expected to

cooperate with all sworn peace officers, including ABC agents and local law enforcement; (2) Frequent calls for law enforcement assistance at an ABC - licensed premises can be grounds for an administrative action to suspend or revoke the license; and (3) Policy changes to avoid frequent need for law enforcement assistance could include hiring more employees, closing earlier, hiring security guards, changing the type of music played, and increasing lighting on the premises. (h)

Discrimination against classifications of individuals included in California Civil Code § 51.6 at an ABC licensed premises is prohibited:

(1) Information contained in Business and Professions Code § 125.6;

and (2) Prohibition includes discrimination by drink specials. (i) Hiring practices for alcohol servers:

(1) To pour and serve an alcoholic beverage, an employee must be 21 years or older; (2) If incidental to food service, an employee who is at least 18 years old may serve an alcoholic beverage, but not pour; (3) ABC on-premises licensees must independently confirm any employed or contracted alcohol server is certified under Business and Professions Code § 25682 (b)(1); and (4) ABC on-premises licensees' employment and payroll records shall be kept for four years and made available for inspection by ABC agents upon request. (j) Good hospitality policies for the service of alcoholic beverage for consumption by patrons at an ABC licensed premises:

(1) Offer or serve a glass of water with the service of alcohol; (2) Serve one beverage per patron at a time; (3) Slow beverage service if needed; (4) Do not serve a beverage to anyone who does not want one; (5) Offer alternative non-alcoholic beverages; (6) Offer food promotions; (7) Offer promotions for designated drivers; (8) Advise managers and coworkers when ceasing service to a patron; and (9) Encourage all patrons have a safe ride to their next destination. (k) Monitoring patrons' alcoholic-beverage intake:

(1) The standard beverage size for all poured alcoholic beverages are generally as follows: (1) The alcoholic drink equivalent, or standard drink, is a specific measure of 14 g/0.6 fl. oz. of alcohol per serving. The following are average sizes by type of alcohol and their average alcohol by volume. (A) 12 oz. beer or cooler, about

5% alcohol by volume; (B) 8 to 9 oz. malt liquor, including some beers greater than 7% alcohol by volume; (C) 5 oz. table wine, 12% alcohol by volume; and (D) 1.5 oz. 80 proof-distilled spirit, 40% alcohol by volume; (2) Use measuring devices to ensure standard drink sizes or alcoholic drink equivalents are used for all types of alcoholic beverages. The size of an alcoholic drink equivalent is dependent upon the alcoholic beverage's alcohol by volume or ABV; (3) Mixed beverages may have multiple servings within one drink; and (4) Using correct pours ensures profitability of the business and helps the alcohol server calculate how much a patron has consumed to comply with other policies against serving obviously intoxicated persons patrons. (b) Policies for monitoring common behavior of minors seeking alcohol service: (1) One patron ordering alcoholic beverages for a large group that may include one or more minors; (2) Making excuses for not having an identification; and (3) Finding secluded locations in the licensed premises where employees cannot monitor their activity. (c) Policies on the economics of quality hospitality service: (1) Having multiple interactions with patrons to evaluate their moods and needs; (2) Listening to patron complaints, compliments, and suggestions for improvement of service; (3) Sharing feedback with management; and (4) Recognizing that better service and patron engagement will help the establishment be more popular and more productive.

Procedures for Control

Everyone is trained in a Hierarchy of Control:

Most effective ELIMINATION Eliminate the risk altogether if possible

SUBSTITUTION Substitute the risk with something of less risk

MINIMIZATION Minimize exposure required to the risk

ENGINEERING CONTROLS Develop an engineering solution

ADMINISTRATIVE/ PROCEDURAL CONTROLS Develop a policy and supporting procedures TRAINING/SUPERVISION Train or supervise staff Least effective

PERSONAL PROTECTIVE EQUIPMENT Lowest level of the hierarchy.

We realize that we may preach, train and ask our staff to perform following the things, often unpredictable situations occur where the system can't be used, however they are trained to understand the system. Police officers are trained in the same fashion and sometimes experience variances in how things end in result mostly due to the subject causing the issue.

- A minimum of two crowd controllers at the door (i.e. main entry point to a venue or event) if there is a reasonable likelihood of violence by patrons.
- Male and female crowd controllers at the door.
- At least one of the crowd controllers at the door is experienced in managing door control and dealing with the type of patron expected at the event or venue.
- All crowd controllers can speak English to ensure effective communication (we require one Spanish speaking staff member due to the high volume of Spanish as a first language speakers).
 - The supervising crowd controller should have experience in managing large groups of patrons wanting to enter an event or venue.
 - Provision of protective clothing to suit weather conditions or time of day/night.
 - High visibility clothing is provided that clearly identifies all crowd controllers and, in addition, the supervising crowd controller is able to be distinguished from other crowd controllers.
 - The types of patron incidents at the door that require attendance by a supervising crowd controller have been decided and communicated to all relevant people in advance and a supervising crowd controller is available to attend those types of incidents.
 - Incident registers are maintained and completed as required by Regulations (or otherwise) for all incidents that occur at a venue or event.
 - Patron traffic management (particularly at events) has been considered and policy regarding this has been clearly communicated to crowd

controllers.

- All staff at the venue advised on how to identify the supervising crowd controller and all other crowd controllers.
- Video and audio monitoring at the entry points and in all marshaling areas. Images and sound recordings must be of a high quality and recorded for possible incident investigation. We have upgraded our system since April and have had no issues with providing footage to the police outside of the fact that a limited number of our staff have access to it and on a very few occasions the Petaluma Police have requested the footage during busy hours and we weren't able to provide it. We have, however, provided footage for every single incident since the upgrade
- Lighting conditions at the door are adequate to allow the crowd controllers to observe patrons and work safely in the space.
- Advice on those patrons known to be a potential source of trouble passed on to supervising crowd controller through text messaging from the entire staff and log book
- Method for systematically counting patron numbers entering or leaving the venue or event.
- Weather protection for crowd controllers provided at the main entrance to outdoor events.
- Likelihood of patrons carrying concealed weapons considered in safety and security risk assessment and, if this is an issue, policy on dealing with this is conveyed to crowd controllers. If equipment, such as metal detectors, is considered necessary, it should be provided to crowd controllers, we have two AV Minelab Pro Find 20 metal detectors and we conduct pat downs on the weekends or high volume events and have both male and female staff on hand to conduct these pat downs.
- Policy on conditions of entry is clearly visible at all entry points. Procedures clearly conveyed to crowd controllers on how to determine compliance with conditions of entry and how to reject or refuse entry if conditions are not met.
- Emergency signaling devices in the event of an incident or emergency at the entry point should be available. This could include a panic button

with strobe lighting, linked to similar internal security systems or warning devices that are monitored by venue or event management as appropriate.

- Meal/toilet break arrangements for door crowd controllers are handled by an employee only bathroom.
- Provision of properly stocked first aid kits that are readily accessible by crowd controllers working at the door. The head of our door staff has access to our amazon account and refreshes all medical supplies weekly.
- All employees must have access to fresh water, which we provide water bottles and two filtered systems that are self-serve to the staff and patrons.

Concerning queuing lines and crowd control in the streets and after hours activity

Issues if extending a designated workplace boundary

It's understood that there may be occasions when the host employer may want crowd controllers to work outside the boundaries of the ordinary workplace (e.g. security work in surrounding streets). This can generate a range of new safety issues for the crowd controllers. In the first instance, consideration should be given to cease the need to work outside the usual boundaries of the workplace (e.g. better control over responsible serving of alcohol). It also must be understood by the agency and the host employer that extending the boundaries of operation is, in effect, an agreement to extend the boundaries of the workplace. In this situation, the safety duties and obligations on both the agency and the host employer will extend across the whole boundary of operation. In practical terms, this means that issues such as road traffic safety for crowd controllers (if the agreed boundary of operation includes a road) – something that may not ordinarily be an issue at a venue – would become the responsibility of the host employer and agency. An agency should not agree to an extension of those boundaries of operation if it's not possible for the agency to manage the risk to crowd controllers because of the extension of those boundaries. For example, requiring crowd controllers to patrol badly lit alleys or streets on foot and solo

may place them at risk. It's also important to consider the effect on remaining staffing levels of crowd controllers if the boundaries of operation are extended. Where an agreement has been reached between the host employer and the agency, the safety and security risk assessment should take into account: • the area contained within the agreement; • the risks associated with crowd controller health, safety and welfare as a consequence of the agreement; and • any additional risk controls that need to be put in place because of the agreed boundaries. All crowd controllers must be informed about the designated boundaries. Crowd controllers should not operate outside of these designated boundaries unless directed to do so after a review of existing boundaries has been undertaken and the safety and security risk assessment is revised. In the case of emergencies (e.g. road accidents or serious assaults), exceptions may be made to the general rules outlined above. Policy on what to do in such situations should be determined by the host employer (in consultation with the agency) and communicated to all crowd controllers well before such emergencies occur. From a contractual standpoint with our insurance agency we are held to certain assault and battery incidents based on premise liability. If an incident occurs on premise and carries on/spills over to off premise we are covered. If not, our staff has been instructed not to enforce/detain if it's off premise. This would fall under the Petaluma Police Department. Since we have had our occupancy reduced we have experienced a rampant amount of outside crime. When we remove patrons who are causing issues we have to remove them to a place where there are pre drunk/drug people who are in line that are angry they can't enter the establishment. We cannot police off premise problems nor prevent them from coming into Petaluma. We have multiple suggestions on how to fix this and have been told there isn't money in the budget to fix violent crime. We are very happy to try and sit down again and offer suggestions but our last few great ideas were shot down by Chief Ken Savano during our meeting because there wasn't money or time in the budget. The focus of this idea was how to improve

communication at our expense. It was not even considered.

Intoxicated and Disorderly Patrons

- (1) Use effective listening and visual cues to determine when patrons have become obviously intoxicated; and (2) Do not advocate for continued drinking when one patron attempts to buy a beverage for another patron who no longer wants a beverage. (k) When to refuse service: (1) If a patron's ID is invalid; (2) If the patron becomes belligerent; (3) If a patron is obviously intoxicated either by alcohol, medication, or recreational or illegal drugs; (4) If a patron requests service outside the hours of operation; and (5) If a server has any doubts about any of the preceding factors. (l) Techniques for an alcohol server refusing service to a patron: (1) Be courteous but firm in telling patrons they can no longer be served; (2) Be quiet and discrete; (3) Be assertive in the decision to stop alcoholic beverage service; (4) Focus on statements about the alcohol server's duty and liability not to serve; (5) Do not bargain with the patron; (6) The server should inform managers and co-workers of the decision, identity of the person, and reasons the person should no longer be served alcohol; (7) Inform other members of the patron's group, if any; and (8) Offer a glass of water, non-alcoholic beverage, or food item. (m) Identifying persons under the influence of medication or recreational or illegal drugs. (1) Depressants: (A) Define what a depressant is; (B) identify common depressants; and (C) identify signs of a patron being under the influence of a depressant. (2) Stimulant: (A) Define what a stimulant is; (B) identify common stimulants; and (C) identify signs of a patron being under the influence of a stimulant. (3) Hallucinogenic (psychedelics): (A) Define what a hallucinogenic is; (B) identify common types of hallucinogenic; and (C) identify signs of a patron being under the influence of a hallucinogenic. §166. Curriculum requirements for the development of management policies that support the prevention of service or sale of alcoholic beverages to underage persons or intoxicated patrons. (a) ABC Licensee's duty

to ensure policies are created to guide employees in the service of alcoholic beverages for consumption in their licensed premises according to legal standards: (1) If an administrative violation occurs on the licensed premises, the license for that premises is at risk for administrative penalties; (2) Information contained in Title 4 California Code of Regulations § 144; (3) Explanation of aggravating and mitigating factors upon administrative penalties; and (4) Information contained in Business and Professions Code § 23095(a)-(c).

(b) Benefits for an ABC on-premises licensee of having policies in place for the service of alcoholic beverages for consumption to the public: (1) Policies ensure uniformity of responsible business practices; (2) Policies ensure an ABC licensed premises is a safe and comfortable space for patrons and employees; and (3) Policies reduce the risk of criminal, civil, and administrative liability for the ABC licensee, its agents, and its employees. (4) Effective policies increase profitability of the ABC licensed premises.

(c) Guidelines for the effective development of policies for the service of alcoholic beverages for consumption to the public: (1) Develop policies to enforce objectives like preventing alcohol service to minors and overly-intoxicated persons; (2) Develop policies to comply with all state and local laws pertaining to the ABC on premises licensed premises; and (3) Develop strategies for instructing and reinforcing policy implementation by management and employees.

(d) Guidelines for the effective use of policies for the service of alcoholic beverages for consumption to the public: (1) Written policies should be clear and specific; (2) Policies should be reviewed for relevance and accuracy, especially if there are frequent incidents of violence or illegal activity requiring peace officer assistance; (3) Policies need to be taught and enforced with each employee; and (4) Policies should be reinforced through regular training and meetings with employees.

(e) Critical RBS policy elements: (1) Stopping alcoholic beverage service to a patron; (2) Encouraging intoxicated

patrons travel home safely; (3) Handling patrons who arrive already intoxicated; (4) Handling potentially violent situations; (5) Handling illegal activities; (6) Dealing with underage patrons; (7) How and when to check a patron's identification; (8) Handling emergency situations; (9) Implementing an incident log; (10) Prohibiting employees consuming alcohol while working; and (11) Prohibiting promotions that encourage intemperate consumption of alcoholic beverages or unlawful discrimination: (A) Two for one drink specials; (B) Ladies nights; and (C) All you can drink or 'bottomless' alcoholic drink specials. (f) Use of an incident log for the following incidents for employee communication: (1) When alcoholic beverage service was stopped for a patron; (2) When alternate transportation has been arranged for a patron; (3) Any seizure of an identification; (4) A patron becoming ill due to over consumption of alcohol; (5) Any injury, medical treatment, or hospitalization of a person on the ABC licensed premises; (6) Any illegal or violent incidents occurring on the ABC licensed premises; and (7) Any calls for law enforcement assistance or other contact with peace officers. (g) Interacting with law enforcement: (1) ABC licensees, their employees, and their agents are expected to cooperate with all sworn peace officers, including ABC agents and local law enforcement; (2) Frequent calls for law enforcement assistance at an ABC - licensed premises can be grounds for an administrative action to suspend or revoke the license; and (3) Policy changes to avoid frequent need for law enforcement assistance could include hiring more employees, closing earlier, hiring security guards, changing the type of music played, and increasing lighting on the premises. (h) Discrimination against classifications of individuals included in California Civil Code § 51.6 at an ABC licensed premises is prohibited: (1) Information contained in Business and Professions Code § 125.6; and (2) Prohibition includes discrimination by drink specials. (i) Hiring practices for alcohol servers: (1) To pour and serve an alcoholic

beverage, an employee must be 21 years or older; (2) If incidental to food service, an employee who is at least 18 years old may serve an alcoholic beverage, but not pour; (3) ABC on-premises licensees must independently confirm any employed or contracted alcohol server is certified under Business and Professions Code § 25682 (b)(1); and (4) ABC on-premises licensees' employment and payroll records shall be kept for four years and made available for inspection by ABC agents upon request. (j) Good hospitality policies for the service of alcoholic beverage for consumption by patrons at an ABC licensed premises: (1) Offer or serve a glass of water with the service of alcohol; (2) Serve one beverage per patron at a time; (3) Slow beverage service if needed; (4) Do not serve a beverage to anyone who does not want one; (5) Offer alternative non-alcoholic beverages; (6) Offer food promotions; (7) Offer promotions for designated drivers; (8) Advise managers and coworkers when ceasing service to a patron; and (9) Encourage all patrons have a safe ride to their next destination. (k) Monitoring patrons' alcoholic-beverage intake: (1) The standard beverage size for all poured alcoholic beverages are generally as follows: (1) The alcoholic drink equivalent, or standard drink, is a specific measure of 14 g/0.6 fl. oz. of alcohol per serving. The following are average sizes by type of alcohol and their average alcohol by volume. (A) 12 oz. beer or cooler, about 5% alcohol by volume; (B) 8 to 9 oz. malt liquor, including some beers greater than 7% alcohol by volume; (C) 5 oz. table wine, 12% alcohol by volume; and (D) 1.5 oz. 80 proof-distilled spirit, 40% alcohol by volume; (2) Use measuring devices to ensure standard drink sizes or alcoholic drink equivalents are used for all types of alcoholic beverages. The size of an alcoholic drink equivalent is dependent upon the alcoholic beverage's alcohol by volume or ABV; (3) Mixed beverages may have multiple servings within one drink; and (4) Using correct pours ensures profitability of the business and helps the alcohol server calculate how much a patron has consumed to comply with

other policies against serving obviously intoxicated persons patrons. (b) Policies for monitoring common behavior of minors seeking alcohol service: (1) One patron ordering alcoholic beverages for a large group that may include one or more minors; (2) Making excuses for not having an identification; and (3) Finding secluded locations in the licensed premises where employees cannot monitor their activity. (c) Policies on the economics of quality hospitality service: (1) Having multiple interactions with patrons to evaluate their moods and needs; (2) Listening to patron complaints, compliments, and suggestions for improvement of service; (3) Sharing feedback with management; and (4) Recognizing that better service and patron engagement will help the establishment be more popular and more productive. [L] [SEP]

- Our staff is authorized to use a house set up account or my (Brian Tatko) personal account to pay for Ubers and Taxis. We currently do not use the taxis after the recent accounts of women being raped in them. We have signage in 9 different areas of the bar promoting Ubers and Lyfts with numbers and warning information. We have had these up since 2014 including policies for human trafficking. We have never had an employee receive a DUI or drug arrest. We were the first bar in Petaluma to initiate these practices. We also on all the major holidays post social media ads asking people to behave and not drink and drive. We even asked Doug Hearn of the Petaluma Code Enforcement Agency if he wanted to partner with our social media director to spearhead a campaign to help get the message out, not one but three times and we received no response back. We still actively approach this issue with an active social proactive response. Again, an issue with attempting to work with the Petaluma police that has gone unheard, unused and abused communication failures. [L] [SEP]

Intoxicated and Disorderly Patrons

Our staffed has been trained in the same way that any other staff has been trained as bar employees in Petaluma.

Identifying Problem Drinkers^{[[L]]}_{SEP} There are three basic types of drinkers: social drinkers, alcohol abusers, and alcoholics.

Social Drinkers^{[[L]]}_{SEP} Most individuals who consume alcohol are social drinkers. For these people, drinking may not produce serious long-term health or social problems. Social drinkers may not experience the effects of chronic alcohol abuse, but they are still at risk for alcohol-related crashes following single bouts of drinking.

Alcohol Abusers

These are people who experience a pattern of drinking that interferes with their day-to-day activities. These persons are not yet physically dependent on alcohol.

Alcoholics

These are persons who experience physical and psychological dependence on alcohol. As a result, their ability to control drinking behavior is impaired. This impaired control is the critical difference between alcohol abuse and alcohol dependence.

Signs of Intoxication

Look for these signs in your customers.

Reactions

- Slurred speech^{[[L]]}_{SEP}
- Slow and deliberate movement^{[[L]]}_{SEP}
- Decreased alertness^{[[L]]}_{SEP}
- Quick, slow or fluctuating pace of speech^{[[L]]}_{SEP}

Inhibitions

- Overly friendly^{[[L]]}_{SEP}

- Loud
- Changing volume of speech
- Drinking alone
- Annoying others
- Using foul language
- Drinking more or faster than usual

Physical Appearance

- Red, watery eyes
- Disheveled clothing
- Sweating
- Smell of an alcoholic beverage on person
- Droopy eyelids
- Lack of eye focus
- Flushed (red) face

Coordination

- Fumbling with money
- Swaying, drowsy
- Stumbling
- Bumping into things
- Falling

Judgment

- Argumentative
- Belligerent
- Careless with money
- Irrational statements
- Losing train of thought

Service to an Obviously Intoxicated Person

The law states that no person may sell or give alcohol to anyone who is obviously intoxicated. Therefore, every person who sells, furnishes, gives, or causes to be sold, furnished, or given any alcoholic beverage to any OBVIOUSLY intoxicated person is guilty of a misdemeanor.

A person is obviously intoxicated when the average person can plainly see that the person is intoxicated. In other words, the person looks or acts drunk. This includes regular customers who “always act that way.” It does not matter if the person is driving. For there to be a violation of law, the prosecutor must prove that the seller either saw or had the chance to see the signs of intoxication before the service.

Habitual drunkard – A person who has lost control over his or her drinking. No person may sell or give alcohol to anyone who is a habitual drunkard and no person may cause or permit this to occur. There is an 86 log located in the employee standards and operating procedure handbook.

A bartender may discover a habitual drunkard in one of two ways: (a) A family member tells you the person has a drinking problem and asks you not to serve, or (b) the patron is a regular customer and unable to handle drinking on a regular basis.

A licensee or server who has been warned and still serves a habitual drunkard faces possible ABC disciplinary action and criminal prosecution. (Sections 25602(a) and 23001 Business and Professions Code; 397 Penal Code).

Public Intoxication

It is against the law for any person to be in public under the influence of alcohol and/or drugs and unable to care for his or her own safety or the safety of others (Section 647(t) Penal Code). A person’s BAC level is not a factor in whether the person can be arrested under this law. Law enforcement officers look at the outward signs of intoxication in deciding whether to arrest the person.

Driving Under the Influence

Although licensees and/or employees should be concerned with outward signs of a customer's intoxication level, they are not legally responsible for a customer's driving-under-the-influence (DUI) charge. However, by keeping the customer under the legal level, he or she will be more likely to get home safer and more likely to keep coming back.

Driving Under the Influence (DUI) Criteria:

- .08% BAC or higher^{[L][SEP]}
- Motor vehicle on public roadway^{[L][SEP]}
- .04% BAC or higher for commercial drivers^{[L][SEP]}
- .01% BAC or higher if under age 21^{[L][SEP]}

Drink Chart Guide

# of Drinks	Female Body Weight in Pounds								Driving Condition
	100	120	140	160	180	200	220	240	
0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	Only Safe Driving Limit
1	0.7	0.6	0.5	0.4	0.4	0.3	0.3	0.3	Driving Skills Impaired

oz. 80 proof liquor, 12 oz. 5% beer, or 5 oz. 12% wine. Fewer than 5 perso ns out of 100 will excee d these values .									
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Driving Under the Influence (DUI) Law

It is a crime for anyone with a blood alcohol concentration of .08 percent or higher to operate a motor vehicle on a public roadway. The only evidence needed for a person to be found guilty of DUI is blood, breath, or urine test results showing .08 percent BAC.

However, a person can still be charged with DUI even though their blood alcohol concentration level is below the legal limit of .08 percent. This is based on the arresting officer's observation of the person's mannerisms or by failure of any part of the field sobriety test (FST's) or if the officer felt that they were intoxicated and should not be operating

or in control of a motor vehicle.

How Alcohol Affects Driving Ability

A person's driving ability may be impaired after just one or two drinks. At a BAC of as low as .05 percent, a person's restraint, judgment, and coordination are altered. A driver impaired from alcohol is less able to judge distances and estimate the velocity of moving objects. The driver will take greater risks than if he or she had not consumed alcohol. In addition, because judgment is affected, the impaired driver has a distorted view of his or her personal capabilities. For example, "I drive better when I'm drunk," "I feel fine," or "I only had a couple."

The impaired driver has a narrowed visual field ("tunnel vision"). The effect is similar to wearing sunglasses at night. An impaired driver scans the driving environment less often and may fixate on one object like a traffic sign. A driver impaired by alcohol has a reduced ability to do more than one thing at a time (such as braking and steering).

Zero Tolerance for Persons Under the age of 21

Under California law, it is illegal for anyone under the age of 21 to drive with any measurable alcohol content (BAC) in their blood. There is zero tolerance for underage drivers who are caught with even trace amounts of alcohol in their system and could face a one to three-year suspension of their driver's license.

Teen drivers are responsible for a highly disproportionate number of collisions, injuries, and deaths. Although teens currently comprise only 10 percent of the population, they are involved in 25 percent of all alcohol-involved fatal collisions. 30 percent of teen deaths are caused by motor vehicle collisions.

Incident Log

An incident log is important in demonstrating your policies of selling alcohol responsibly. The incident log documents all details about an event, including date, time, what happened, who was involved and who witnessed the event.

You should fill out the incident log immediately after an incident. Do not wait until the end of a shift or the next day. A complete and accurate incident log may be your greatest asset should a lawsuit ever be filed. You should write an incident report when:

- You refuse a sale to an intoxicated customer^[SEP]
- When you arrange transportation for an intoxicated customer^[SEP]
- When a minor presents a false ID^[SEP]
- When the ABC/police visit your establishment^[SEP]
- Whenever you call the police (We are repeatedly told to call the police when incidents occur but are also told that they receive too many calls from us^[SEP]

We have asked on multiple occasions complaints from the city

One of our major obstacles with the Petaluma Police Department has been their problems with calls. We recognize the signs described above and we have been told to not hesitate to call but then are both chastised and told that we make too many calls. We have asked for clarification on these issues and have not received clarification on them. Call or do not call? This is a huge confusing issue for us.

We were reported to be involved in the June 13, 2023 Kentucky Street crash. Evan Weise was not a patron of the bar, and he was high on drugs and assaulted multiple people by car and physically punched and knocked out a woman in the face. Our door staff was first on the scene and restrained him and assisted his arrest and the medical aid of the victims. Although the police arrived in a swift and respectable fashion

we were still told and hit with the call logs and the responsibility of the issue. Shame on you. This had nothing to do with us and we were and are still being blamed.

Extreme Situation Plans

We were the first bar to approach the Petaluma Police Department and our insurance company actively convinced the bars in Petaluma to have both active shooter insurance and an active shooter escape plan. Our staff is trained in our active shooter plan, from the regular staff to the door staff. We have brought this up at every Butter and Eggs and black out Wednesday meeting and per our knowledge, no one else carries a policy or insurance except for the Roaring Donkey. We even had an incident where someone attempted/claimed he was going to shoot up downtown and we not only closed our bar, but we convinced the other bars through active communication through post midnight phone calls and text messaging. WE ARE PROACTIVE. Our policy includes:

Supervising crowd controllers are trained in advanced emergency evacuation techniques.

- An effective and up-to-date evacuation plan has been developed and the written plan is displayed in an obvious location at the venue or event.
- Venue or event staff with emergency evacuation roles can be identified by crowd controllers. If crowd controllers have a role in the emergency evacuation plan, that is communicated to crowd controllers and venue or event staff know what that role is.
- Crowd controllers' induction includes information on the emergency evacuation plan and any role they may have in the plan.
- If the crowd controllers have a role in the emergency evacuation plan, that role will not put their health and safety at risk during an evacuation. This includes ensuring that crowd controllers are provided with any training associated with their role in the evacuation plan.
- Audits are undertaken by host management on a daily basis at the venue or event to ensure emergency exits are visible, well lit and

obstruction free and fire-fighting equipment is in good working order.

- Emergency evacuation alert system is in place and understood by all staff and crowd controllers.
- Emergency services advice is used in developing emergency evacuation plans, including concerns over the Hideaway and The Roaring Donkey spilling out into the back alleyway and causing chaos. We have thought of these things and as far as we can tell, we are the only ones.

Security

Security monitoring systems are up to date and have been since April. Petaluma Police have 21-28 days to capture footage. This week of November 11th-17th they were claiming footage and that we were withholding it. It's reasonable to think that if you need footage you can use three forms of acceptable communication to obtain information: email, text or coming into the bar at a non business hour. Because of telemarketer phone calls we almost never answer our phones anymore. Recently we were threatened with suspensions from ABC because the Petaluma Police department didn't get their required footage. They came in at two different busy operating hours to collect footage from two on of the three people who could provide it. Perhaps this process could be changed going forward? When the footage was downloaded it was left at the bar, not picked up after 4 attempts to contact the police that it was waiting for.

We have made the changes and addressed any communication issues to ensure that anyone who has had negative interaction at the bar receives the information and transparency they need to pursue legal action and we assume responsibility. We have been extremely proactive working with the police including Brian Tatko attending all court meetings in person, not missing a single date. Our manager, Justin, provides footage in a timely and accurate fashion.

If we aren't doing something right here, it has not been a part of the bar avoiding or making things difficult to bring justice to people

responsible. That is the last thing we want. We don't want people to be harmed. We did predict the exact scenario with Mr Lyons, I apologize for not using his rank but I don't know it. We had a sit down with him at Seared Steakhouse and clearly laid out how this murder would happen with Gabe Kearney and it did. Our biggest issue here is communication and verbiage, which is lame to say but apparently not.

Security

We have already covered security but we will remind the people reading this:

- Our Video surveillance is up to code^[REDACTED]_[SEP]
- We need a review on record with the city for mitigated or identify potential criminal activity (previously requested)^[REDACTED]_[SEP]
- We have provided loitering requests and preventions with no reaction from the city (previously request, happy to provide again)^[REDACTED]_[SEP]
- The issue of calling police needs to be addressed lawfully because we are told multiple different scenarios, we are told we have too many calls, but we are ordered by you to call. We have also requested to be provided with information regarding the nature of calls so we can prevent them in the future and haven't been provided with that info. We are more than happy to work with you^[REDACTED]_[SEP]
- Information regarding nationalization of guard cards is not needed as they all have their guard cards and cleared. The clothes worn by our security personnel is up to California law standards^[REDACTED]_[SEP]

From: [patrick ciocca](#)
To: [Jordan Green](#)
Subject: Fw: updated crowd control plan
Date: Tuesday, November 21, 2023 3:20:58 PM
Attachments: [Secuirty Crowd Control Plan.rtf](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Jordan,

How does this look? Would you like something else?

Patrick Ciocca
Attorney at Law
2901 Cleveland Avenue
Suite 201
Santa Rosa, CA 95403
(415) 265-4200
(707) 286-0058 (fax)

From: Brian Tatko <briantatko@gmail.com>
Sent: Tuesday, November 21, 2023 12:05 PM
To: patrick ciocca <pmcesq@hotmail.com>
Subject: updated crowd control plan



Security Plan

Confirmed Staggering Closing Times Confirmed by Owners and Managers

Brewsters 930 filter out by 10-1030

The Block 11pm Last Call, Plans to filter out slowly by 12am

McNears 12:30am last call Plans to filter by 1:30am

Hideaway 1am-1:15am

Gales 1:30am Last Call

Roaring Donkey 1am last call, filter out by 1:15, front of property cleared by 1:30am

- Putting stanchions at the end of the property and posting a security staff member there to maintain a shorter and more controllable line (which we will be doing every weekend going forward)
- We will not allow smoking, vaping or loitering in front of the building or in the street in front of the establishment
- Extra signage including posters and handbills will be given out concerning drunk driving and reminding the patrons of ride share options
- Social media will go out the morning of reminding everyone about how to behave, rules, and drinking and driving. We even created a video for this.
- Extra door staff (Spoke to the other bars and they are all doing this, except for Brewsters and the Block)
- Limiting ins and outs, no stamps, returns etc. Part of our policy for this night is when the other bars get out we will be having a cut off of allowing anyone new into the bar. We believe this will cutdown and people who may not seem intoxicated but are coming from other places from entering, as we are the most popular end of the night bar.
- We will be adhering to our occupancy of 130.
- At the end of the night clearing the areas out front while monitoring people for rideshares. Our door staff will maintain presence out front until the street is clear.
- We also welcome any recommendations from the police department.

Thank you,
Brian Tatko
Greg Johnson
Justin Jones

From: [Jordan Green](#)
To: [patrick ciocca](#)
Subject: RE: updated crowd control plan
Date: Tuesday, November 21, 2023 4:16:18 PM

Hi Patrick,

Thank you for forwarding the crowd control plan today. This plan, in addition to the draft security plan you previously submitted on Saturday, works until we have a final fully approved security plan. We're working on securing a few days/times to schedule a meeting with JRD during the week of 11/27 or 12/4. We'll be in touch soon with those dates and times. I hope Wednesday evening and the holiday weekend goes smoothly in downtown Petaluma.

Sincerely,

Jordan

Jordan Green

Assistant City Attorney
City of Petaluma | City Attorney
office. 707-778-4565 |
JGreen@cityofpetaluma.org



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From: patrick ciocca <pmcesq@hotmail.com>
Sent: Tuesday, November 21, 2023 3:19 PM
To: Jordan Green <JGreen@cityofpetaluma.org>
Subject: Fw: updated crowd control plan

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Jordan,

How does this look? Would you like something else?

Patrick Ciocca
Attorney at Law
2901 Cleveland Avenue
Suite 201
Santa Rosa, CA 95403
(415) 265-4200
(707) 286-0058 (fax)

From: Brian Tatko <briantatko@gmail.com>
Sent: Tuesday, November 21, 2023 12:05 PM
To: patrick ciocca <pmcesq@hotmail.com>
Subject: updated crowd control plan

we feel confident in this....

From: [Brian Tatko](#)
To: [Miller, Brian](#)
Cc: pmcesq@hotmail.com; [Savano, Ken](#); [Jordan Green](#); [Andrew Trippel](#); [Brian Oh](#); [Amy Neuerburg](#); [Greg Johnson](#); [Justin Jones](#)
Subject: Re: Response to Submitted JRD Security Plan- 146 Kentucky Street
Date: Tuesday, December 19, 2023 1:21:04 PM
Attachments: [Roaring Donkey Security Plan Additions and Adjustments.docx](#)

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Good Afternoon,

Please find the Roaring Donkey Security Plan additions and adjustments attached. If we are missing any additional information, please let us know - we are more than happy to get back to you in a timely fashion. Please note that we will direct our door staff to review this security plan.

Thank you for your time - glad to be working with you on this.

Have a great day,
Brian Tatko

Roaring Donkey Security Plan Additions and Adjustments December 19, 2023

THE DOOR-PERSON

Stationed at the entry door(s), the door person (who often is a security person) checks IDs to ensure that people seeking entrance are of legal age. They also attempt to deny entry to persons who are obviously intoxicated, or who are known to have previously caused problems and/or been banned by the Roaring Donkey, its staff, or other local establishments pinpointing habitual problem customers.

BARTENDERS AND SERVERS

Bartenders and servers are trained to identify patrons who are visibly becoming intoxicated or becoming loud, obnoxious and “looking for trouble,” and in basic non-confrontational methods to cut such people off from further drinking. Our policy is to ask to speak to the customer outside. It removes them from potential issues with other customers and fresh air is always a good idea. It is important not to embarrass the patron in front of other people, which often escalates the situation. We believe the best approach is nonphysical and with tone that is non-confrontational.

SECURITY PERSONNEL

Roaring Donkey inside security personnel are often referred to as “bouncers.” The real job of inside security personnel is to monitor the crowd to ensure that no one becomes unruly and watch for dangerous, illegal, and inappropriate behavior. This is performed by our staff using a 1:35 ratio of inside security personnel to patron. Requiring security personnel to clear tables and restock the bar not only lessens their image in the eye of patrons, but it also almost guarantees that in many cases they will be elsewhere when a situation arises that needs their “security” presence. Management sets the tone and atmosphere of the Roaring Donkey. Within that environment, inside security personnel accomplish their jobs by first being highly visible to all present. They are required to wear a security-type uniform, shirt or jacket. Such shirts or jackets usually bear the words “Staff,” “Courtesy Staff,” or “Security” on the front and back in black letters. The highly visible presence of these security persons as they circulate constantly reminds patrons that their conduct is being monitored. If establishment rules are being violated, the security person or other employee should explain the rule or rules then immediately enforce them. Usually this “warning” is all that is needed to effect compliance. Other security personnel, servers and management should be alerted to keep an eye on that person or party. Where an initial warning does not do the job, a second firmer, (but still courteous) warning should be issued, and if not previously involved, a management person should be notified and given a “heads-up” as to the developing situation.

REMOVING PATRONS

Our entire door staff is well trained. If a patron becomes unruly, our staff’s number one job is to contain the situation, not alert the manager. Sometimes visible presence, rule enforcement, and verbal warnings are not enough, and, for the safety of staff and customers alike an unruly patron must be ejected. The ejection of a customer will never be questioned by the managers/owners. When a bartender oversees the bar, they are trained to make the decisions on safety for both patrons and the staff. Whenever possible, two or more security people should be present. The rule of thumb is to have at least one more security person than the number of patrons being asked to leave – if possible. Escorting a patron out of the establishment involves first explaining why they are being

asked to leave, then verbally requesting that they comply. If the customer has previously been warned, they already know why they are being asked to leave, and if treated courteously, many will leave without problem. If the customer hasn't been violent or overly aggressive, they should be given a moment or two to collect themselves. They will not be allowed to finish their drink, finish their cigarette or finish their conversation with another patron. They will leave upon request. We also have firm policy of not allowing arguing parties to exit through the same door. One group will be removed through the back alleyway door and the other party out front and escorted past the defined area of insured property boundaries. We understand that rushing through these steps at this point, can exacerbate the situation. When the patron tries to regain his or her dignity (or self-esteem) by demonstrating that 'no one is going to throw them out' -- a fight often results. Our staff at the Donkey is instructed that if they can deescalate the situation, a refund or a ride share can be offered in an effort to get the patron to peacefully leave, rather than risk a verbal confrontation which can quickly evolve into a physical one.

USE OF FORCE

In escorting a patron out, blocking movements by the security officers using their body, and slight touching or holding to guide or direct the person are permitted, but no greater force should be used except in self-defense, or in protecting some other person against injury or assault. Verbal abuse of the security officer or management is not against the law, and physical force should never be used against a patron who has used only words unless we deem them incredibly threatening as we had one incident where a patron threatened to shoot people and claimed to have a gun on him. We have to take these threats, as possible dangerous situations. Only "reasonable force sufficient to hold an attacker or overcome an attacker's use of force" is legally authorized and is part of our protocol. Such force should not be greater than the force being used by the person being subdued or ejected. The key word is "reasonable." Security officers punching, kicking, tackling, dragging, or using "strangle" or "choke-holds" against patrons are always inappropriate and should not be used by staff. Any greater force than the attacker is using could subject the security personnel to criminal charges of assault, and possibly civil charges against both the security officers and the establishment. Obviously, defending against a deadly attack involving knives, guns, clubs or similar weapons is an exception to this rule. It should go without saying that if a patron, even an intoxicated, obnoxious, and combative patron is injured; they should be offered medical attention immediately, with staff contacting EMS services. If the person is unconscious, medical help should always be called for them. Our staff would never eject a visibly injured person from our establishment without first offering to help them obtain medical treatment. A written report should be prepared in such cases, especially if an injured person refuses medical attention. If a patron refuses verbal requests or commands to leave after management has requested they leave, or fails to leave the property after exiting the establishment, in most states he or she is guilty of criminal trespass. The police should be called promptly. If a patron physically resists removal, the police should be called, and the patron removed and arrested. Management, however, will have to make the decision to criminally prosecute the individual for trespassing before calling the police, or make it a general rule when the police are called.

OUTSIDE THE BAR

Security employees should monitor the front of the bar the entire night and until most patrons have left but definitely before closing time and continue monitoring until all patrons and staff have left. This is especially critical because we have had prior incidents in the Keller Street parking garage.

We do actively work to prevent possible post bar fights and incidents. We alert the Petaluma Police to possible scenarios that may be unfolding. Sometimes past activity will dictate that security personnel monitor the Kentucky Street the entire time the bar is open and after it closes. Incidents sometimes may erupt outside the bar, but still on the club's property. The presence of security may deter such incidents from happening, or, if not deterred, security is able to call the police and intervene. If large numbers of patrons leaving at the same time have caused problems for the police in the past, bar management should work with the police to arrive at workable solutions to the problem through phone calls and meetings like the ones we have had. We have also began making sure to do our best to make sure patrons don't congregate or block the walkways. We have improved line quality and have stressed the "no line, no entry after 1:15am" policy, which has been working out very well.



CITY OF PETALUMA

POST OFFICE BOX 61
PETALUMA, CA 94953-0061

Kevin McDonnell
Mayor

January 29, 2024

Brian Barnacle
Janice Cader-Thompson, *Dist. 1*
Mike Healy
Karen Nau, *Dist. 3*
Dennis Pocekay
John Shribbs, *Dist. 2*
Councilmembers

Via Electronic Mail and U.S. Mail

Patrick Ciocca, Esq
2901 Cleveland Avenue, Suite 201
Santa Rosa, CA 95403
pmcesq@hotmail.com

Brian Tatko
briantatko@gmail.com

Dear Messrs. Tatko and Ciocca,

This letter serves to inform you that the updated security plan submitted by Jamison's Roaring Donkey on December 19, 2024, **is not approved**. On April 23, 2024, the City of Petaluma will take immediate steps to seek a revocation or significant modification of your establishment's Conditional Use Permit (CUP) by its Planning Commission.

While we appreciate your revisions and submission of a security plan, it lacks the detail, such as training policies, security protocols, and sale of alcoholic beverage protocols required to be meaningful and effective. Moreover, after submitting said plan your operations continue to create a danger to our community and negatively impact local police services. Your submissions demonstrate a fundamental misunderstanding of the purpose of a security plan. A security plan describes specific and actionable practices aimed at ensuring the safety and well-being of patrons, staff, and property within the establishment. It plays a crucial role in reducing liability, complying with legal regulations, and enhancing public relations, ultimately contributing to a more positive and secure environment. It is not a document to directly address the City of Petaluma, Petaluma Police Department, or Code Enforcement.

The security plan is denied for the following reasons:

First, you have not submitted a full security plan. Initially you submitted a document that was generic—did not address the specifics of your business or site, and was not customized to your establishment and referenced policies that do not exist. That document included your complaints about the City, not a plan for your staff to follow to keep JDR and its customers safe. Next, rather than revising that plan or creating an original holistic plan, you submitted an additional 3 pages. The additional 3-page document includes helpful information and strategies, but is not in and of itself a comprehensive security plan.

City Attorney
11 English Street
Petaluma, CA 94952
Phone (707) 778-4362

E-Mail:
cityattorney@cityofpetaluma.org

Second, even if you submitted a comprehensive security plan, on December 31, 2023, your staff failed to follow your updated plan and continue to engage in actions that are inconsistent with best practices. For example, page 2 of your updated security plan states:

"We also have firm policy of not allowing arguing parties to exit through the same door. One group will be removed through the back alleyway door and the other party out front and escorted past the defined area of insured property boundaries. We understand that rushing through these steps at this point, can exacerbate the situation. When the patron tries to regain his or her dignity (or self-esteem) by demonstrating that 'no one is going to throw them out' -- a fight often results. Our staff at the Donkey is instructed that if they can deescalate the situation, a refund or a ride share can be offered in an effort to get the patron to peacefully leave, rather than risk a verbal confrontation which can quickly evolve into a physical one."

On December 31, 2023, your security staff did not follow its own plan and two customers were knocked unconscious immediately outside of your bar. Around 1:25 am, Petaluma Police Department officers observed a group of 10-15 individuals arguing outside your bar. As the officers approached, they observed a man get punched and knocked unconscious. They also saw another young man begin to shove other members of the group. According to witness statements, the young men began arguing inside Jamison's Roaring Donkey. JRD security observed the men arguing and escorted the two groups outside the front door, one after the other. Once security escorted both groups outside, the men continued fighting and two were knocked unconscious. Had JRD security followed the plan you submitted on December 19, 2023, and escorted one of the groups out the back alley, attempted to de-escalate the situation and offer rides home while security escorted the other group out the front, attempted to de-escalate and offer rides home, there would have likely been a different outcome. Rather, your security escorted two fighting parties out the front door, one after the other, and into the street, which allowed them to continue fighting outside.

Third, the plan lacks specificity in training content, procedure, and schedule. The revised security plan did not include a detailed curriculum for the training of managers and employees selling alcoholic beverages. Such details may include specific modules, learning objectives, instructional materials, and a schedule for initial and ongoing training sessions. Additionally, the plan did not address how training is updated to reflect changes in laws or best practices.

The plan mentions monitoring beverage sales and patron behavior but fails to address specific strategies and/or technologies used for continuous monitoring. While the plan addresses crowd control and capacity-related procedures, the security plan lacks the specificity necessary to ensure staff are prepared to manage cues and promote the safety of patrons during peak hours or special events. Missing details may include the layout of the venue, signage, and specific roles and responsibilities of staff during these times.

An approved security plan should outline specific emergency procedures. In the case of an active shooter or other emergency situations, exit routes, staff responsibilities, or other procedures depending on the type of emergency should be clearly defined and

understood. Jamison's Roaring Donkey is responsible for understanding and implementing a detailed procedure to mitigate and identify potential criminal activity, which includes the specific steps or actions taken when issues are identified. The plan lacks a clear and actionable protocol for preventing loitering and handling observed or reported criminal activity, which may include when and how the police are contacted. For example, if you see two parties arguing inside JRD, your security officer should advise the bartender to alert PPD that your escorting people outside of JRD who may continue fighting, so PPD could be alert.

There should be one comprehensive document that includes, but is not limited to, the information in Attachment A. We would like to reiterate that the plan is a tool for your staff and not a letter to the City. It should be customized to JRD and not include "cut and pasted" phrases you copied from the internet without customizing.

Please see Exhibit A, which provides detailed feedback about sections of your security plan.

We have placed this matter on the Planning Commission's April 23, 2024, agenda. This provides you with ample time to provide the Chief of Police with one, complete security plan and for you to better train your staff in de-escalation techniques and security measures to reduce crime and violence in Petaluma.

Sincerely yours,



Jordan M. Green
Assistant City Attorney

cc: Peggy Flynn, Petaluma City Manager
Brian Miller, Petaluma Police Chief
Brian Oh, Petaluma Director of Community Development

Exhibit A

Individuals Responsible for Business:

- **Up-to-date and Complete Contact Information:** Maintain a current directory with detailed contact information for the business owner(s) Brian Tatko and Greg Johnson, and operations manager Justin Jones. This directory includes phone numbers, email addresses, and emergency contact details. It is accessible to all staff for quick communication in case of emergencies or operational needs. Regular updates are made to ensure all information is current.

Age Verification:

- **RBS Certified Staff:** Ensure all staff, especially those serving or overseeing the service of alcohol, are certified under the Responsible Beverage Service training. Maintain records of certification and recertification dates, ensuring no lapses in certification.
- **Guard Card Certification for Door Staff:** Implement a policy requiring all door staff to be guard card certified. They are trained in the latest techniques for spotting fake IDs, including understanding common features and utilizing tools such as the United States ID Checking Guide and black light equipment.
- **Fake ID Reward System:** Establish a reward system where staff members receive incentives for every fake ID they successfully identify and confiscate. This program aims to keep staff vigilant and proactive in preventing underage drinking. Maintain a log of confiscated IDs and coordinate with local authorities for proper disposal or investigation.
- **Regular Training and Updates:** Schedule regular sessions to update staff on trends in fake IDs and effective refusal techniques. This includes understanding the psychology of underage individuals attempting to purchase alcohol and role-playing scenarios for practice.

Operations:

- **Employee-to-Patron Ratio:** Adopt and enforce a ratio of 1:50 for security personnel to patrons and 1:35 for bartenders/bar backs to patrons, adjusting these ratios based on the activity level of the business, special events, or other factors influencing patronage. Monitor these ratios in real-time and have a system for calling in additional staff if unexpected surges in patronage occur.
- **Training for All Managers and Employees Selling Alcoholic Beverages:** Develop a comprehensive training program covering topics such as the legal aspects of alcohol service, identification checking, handling difficult patrons, and recognizing signs of intoxication. This training includes role-playing scenarios, understanding the critical RBS policy elements, and ongoing education about new laws or regulations.
- A comprehensive training program for all managers and employees selling alcoholic beverages, commonly referred to as Responsible Beverage Service (RBS) training, is vital in ensuring the safe and legal sale of alcohol.
- Here's how such a program might be structured:
 1. **Program Introduction:**
 - i. **Purpose of Training:** Outline the importance of responsible

- alcohol service, including legal compliance, safety, and establishment reputation.
- ii. **Objectives:** Define what the training will cover and the skills and knowledge the staff will gain.
- 2. **Understanding Alcohol Laws:**
 - i. **Legal Age Verification:** Training on the importance of verifying age and recognizing valid identification documents.
 - ii. **State and Local Laws:** Detailed overview of state and local laws regarding alcohol service, including hours of operation, alcohol sale regulations, and penalties for non-compliance.
- 3. **Identifying Fake IDs:**
 - i. **Features of Genuine IDs:** Understanding security features in official documents.
 - ii. **Spotting Fake IDs:** Techniques to spot fake or altered IDs, using technology such as UV light scanners.
 - iii. **Protocol for Confiscation:** Steps to take when a fake ID is suspected, including how to refuse service and report the incident.
- 4. **Recognizing and Preventing Intoxication:**
 - i. **Signs of Intoxication:** Physical and behavioral signs that a patron may be intoxicated.
 - ii. **BAC and Impairment:** Understanding Blood Alcohol Concentration (BAC) levels, and how they correlate with impairment.
 - iii. **Strategies to Prevent Over-Service:** Including pacing drink orders, offering food and non-alcoholic beverages, and how to refuse service diplomatically.
- 5. **Handling Difficult Situations:**
 - i. **Refusing Service:** Techniques and scripts for refusing service to intoxicated patrons or those who are underage.
 - ii. **Dealing with Aggression:** De-escalation techniques for handling aggressive or disruptive patrons.
- 6. **Safety and Emergency Procedures:** Protocols for handling alcohol-related injuries, fights, or any other emergencies.
- 7. **Liability and Your Role:**
 - i. **Understanding Liability:** The legal implications and potential consequences of improper alcohol service.
 - ii. **Role in the Community:** Discussing the impact responsible service has on community health and safety.
- 8. **Customer Service and Creating a Positive Environment:**
 - i. **Promoting a Positive Drinking Environment:** Techniques for creating an atmosphere that discourages excessive drinking and promotes enjoyment.
 - ii. **Role-Playing Scenarios:** Interactive role-playing scenarios to practice responses in various situations.
- 9. **Practical Assessment:**
 - i. **ID Checking Exercise:** Practical exercises in checking IDs accurately.

- ii. **Scenario-Based Quizzes:** Simulations and quizzes based on typical scenarios an employee might encounter.
10. **Certification:**
 - i. **Examination:** A formal assessment to test understanding and knowledge gained from the training.
 - ii. **Certification Issuance:** Upon passing the assessment, issuing a certification that the individual has completed the training.
11. **Continuous Education:**
 - i. **Refresher Courses:** Regularly scheduled refresher courses to update staff on any changes in laws, policies, or best practices.
 - ii. **Feedback and Improvement:** Regular feedback mechanisms for continual improvement of the training program.
 - iii. The program should be interactive, engaging, and comprehensive, using a variety of teaching methods such as videos, role-playing, discussions, and quizzes. It should be designed to accommodate the learning styles of different employees, ensuring that everyone from the seasoned manager to the new hire understands their responsibilities in alcohol service. Regular updates and refreshers are crucial to keep the staff up-to-date on the latest laws, technologies, and best practices.
12. **Monitoring Beverage Sales and Patron Behavior:**
 - i. Implement a continuous monitoring policy where staff are trained to observe patron behavior, consumption rates, and interactions. Use a combination of surveillance, floor observation, and point-of-sale data to track and manage service.
13. **Crowd Control Procedures:**
 - i. Develop specific procedures for crowd control, especially during peak hours or special events. This includes designated queuing areas, clear signage, and staff assignments for managing queues. Train staff in techniques for diffusing potential crowd-related issues.
14. **Intoxicated and Disorderly Patrons:**
 - i. **Identification and Handling Procedures:** Clearly outline the steps and techniques staff should use to identify and handle patrons reaching their drinking limit or showing signs of intoxication. This includes discreetly monitoring behavior, offering water or food, and involving a manager when necessary.
 - ii. **Safe Transport for Intoxicated Patrons:** Establish partnerships with local taxi services or ride-sharing apps to ensure safe transportation options are readily available for intoxicated patrons. Train staff on how to discreetly arrange for such transportation and document any incidents where transportation was provided.
 - iii. **Handling Violent or Argumentative Behavior:** Develop a clear protocol for handling patrons involved in fights, arguments, or displaying violent behavior. This includes de-

escalation techniques, when to involve security personnel, and the process for ejecting patrons from the establishment safely.

15. **Security:**

- i. **Video Surveillance Systems:** Specify the type, placement, maintenance schedule, and access protocols for the video surveillance system. Ensure that all critical areas of the establishment are covered, and that footage is retained for a sufficient duration to assist with any potential investigations.
- ii. **Mitigating and Identifying Potential Criminal Activity:** Outline the procedures for staff to follow when they suspect criminal activity, including internal communication protocols, documentation procedures, and when to involve law enforcement.
- iii. **Loitering Prevention:** Implement and enforce procedures to discourage and manage loitering, including signage, designated waiting areas, and staff training on managing and redirecting loitering individuals.
- iv. **Police Communication Procedures:** Establish a protocol for when and how to contact the police regarding observed or reported criminal activity. This should include a decision-making flowchart, designated personnel for communication, and record-keeping requirements.
- v. **Security Personnel Certification and Uniforms:** Ensure that all security personnel are appropriately certified with current state permits and guard cards. Define the uniform and any special authorizations required, ensuring that security personnel are easily identifiable by patrons and staff.

From: [Jordan Green](#)
To: [patrick ciocca](#)
Subject: Roaring Donkey next steps
Date: Tuesday, February 27, 2024 3:51:11 PM
Attachments: [Petaluma Ltr to Roaring Donkey 1.29.24.pdf](#)
Importance: High

Hi Patrick,

Just want to make sure you received the attached letter and would like to check-in re: the status.

The City is preparing for it's April 23, 2024 hearing to ask the Planning Commission to revoke the Roaring Donkey's conditional use permit (CUP). During our last meeting, your client mentioned that they were in the process of selling the property. As you may know, the CUP runs with the land, i.e., if they sell it before the CUP is revoked or significantly modified, the next business will have the same CUP. If the CUP is revoked, then if the new business wants to sell alcohol, it would need to apply for a new CUP to do so. Do you have a few minutes later this week to discuss the Roaring Donkey's next steps?

Thanks,
Jordan

Jordan Green

Assistant City Attorney
City of Petaluma | City Attorney
office. 707-778-4565 |
JGreen@cityofpetaluma.org



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From: Lisa Rogers <LRogers@cityofpetaluma.org>
Sent: Tuesday, January 30, 2024 10:54 AM
To: patrick ciocca <pmcesq@hotmail.com>; Brian Tatko <briantatko@gmail.com>
Cc: -- City Attorney <cityattorney@cityofpetaluma.org>; Peggy Flynn <PFlynn@cityofpetaluma.org>;
Miller, Brian <BMiller@cityofpetaluma.org>; Brian Oh <boh@cityofpetaluma.org>
Subject: Security Plan Update
Importance: High

Dear Mr. Ciocca and Mr. Tatko,

Please see the attached correspondence in relation to the Roaring Donkey's security plan.

You will also receive a hard copy of this letter by U.S. Mail.

Please contact our office if you have any questions.

Thank you,

Lisa Rogers

Legal Assistant

City of Petaluma | City Attorney

Office. [707-778-4362](tel:707-778-4362) |

LRogers@cityofpetaluma.org



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Lisa Rogers

Legal Assistant

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