

Intake interview of [REDACTED]

Interview Occurred on June 14, 2012

Conducted by Steven Espinoza and Rhonda Strout

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

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

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

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

[REDACTED] had pre-arranged with May Davis, who was the event coordinator and permit holder, to meet at the event at 8:30am. When [REDACTED] arrived and did not see May she proceeded to the VIP tent. On the way she passed by Paul Davis who greeted her cordially saying "Hello [REDACTED]". She found May at the VIP tent and began her inspection starting with the location of some signage regarding occupancy load.

[REDACTED] suggested better locations for the signs but May disagreed and wanted them placed in different locations. [REDACTED] acquiesced.

Next, they went together to the beer garden area and [REDACTED] noticed the area was fenced off all the way around and that this was not revealed on the site map submitted during the permitting process. Because the area was completely enclosed this area required two exits and there was only one.

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

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

[REDACTED] Interview – Food Truck Festival Investigation

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

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

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

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

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

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

[REDACTED] told the vendors who were missing the K extinguishers not to deep fry and told Mr. Davis that they could not fry. He then walked away to make a call, and she assumed he was calling Chief Earley.

[REDACTED] then believed [REDACTED] and [REDACTED] were talking to each other by phone to see how to resolve the matter.

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

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

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

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

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

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

[REDACTED] Interview – Food Truck Festival Investigation

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

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

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

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

**Pertinent Policies:**

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

**Allegations against Councilmember Paul Davis:**

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

\*\*\*\*\*end notes\*\*\*\*\*