



CITY ATTORNEY DENNIS HERRERA

NEWS RELEASE

FOR IMMEDIATE RELEASE
FRIDAY, AUGUST 13, 2010

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Herrera initiates legal action against teen party venue in Union Square tourist shooting

Demand letter to owner, operator of rental space alleges Fire Code violations, unlawful business practices in 'horrific incident'

SAN FRANCISCO (Aug. 13, 2010)—City Attorney Dennis Herrera has taken a step toward suing the owner and operator of a Union Square venue where an illegal, overcrowded party for high school-aged youths last Sunday was marred by gunfire that injured two teens and took the life a German tourist.

Herrera's pre-litigation demand letter to Joseph Ursino, owner of the building at 414 Mason Street, and Curtis Matthews, who rented out the party space, alleges that the two face, "at a minimum, civil liability for violating the California Fire Code and for unlawful business practices." Such violations can be punishable by fines and penalties as well as disgorgement of all profits related to the unlawful conduct. The letter sent this morning acknowledges that the City Attorney's Office is also evaluating the potential liability of Labriette Collins, the event's promoter.

"Because of the tragic circumstances and grave public safety concerns surrounding the event and how you and others managed it, I will seek full legal redress to affirm public confidence in laws intended to protect the safety of San Francisco's residents and visitors," Herrera's letter states. "Vigorous enforcement of these laws is additionally essential to guarantee fair treatment to the vast majority of responsible entertainment business operators, who invest the care and expense necessary to abide by the law, and who comprise one of our City's most important economic sectors."

The demand letter follows an investigation Herrera launched immediately following the incident, according to the letter, in which accounts of the August 8 function "uniformly established that far in excess of the venue's 49-person occupancy limit attended the event," with published estimates of the number of attendees both inside and outside the event totaling 400 people.

The San Francisco Fire Department would have denied an application for a public assembly permit for the party, Herrera said, both because of the venue's occupancy restrictions and because fire exits were "patently unsafe for such a large public assembly." Herrera added: "As tragic as the circumstances surrounding this unlawful event were on the night of August 8, it is chilling to imagine how ghastly the consequences might have been had a fire or shooting, and its attendant panic, occurred inside the venue."

A copy of the letter is available on the City Attorney's Web site at <http://www.sfcityattorney.org/>.



DENNIS J. HERRERA
City Attorney

August 13, 2010

Mr. Joseph Ursino
Native Sons of the Golden West
414 Mason Street, Suite #606
San Francisco, California 94102

Mr. Curtis Matthews
San Francisco Comedy College and Clubhouse
414 Mason Street, Suite #502
San Francisco, California 94102

Re: 414 Mason Street

Dear Mr. Ursino and Mr. Matthews:

In the immediate aftermath of the horrific incident on Sunday, August 8, which resulted in one fatality and two injuries from gunshots, my office initiated an investigation into potential violations of law regarding that evening's event at the above referenced property. I have concluded on the basis of that investigation that as the owner and lessee of the property at issue, you face, at a minimum, civil liability for violating the California Fire Code and for unlawful business practices under California Business and Professions Code section 17200 *et seq.* We are also evaluating the potential liability of the event's promoter, Ms. Labriette Collins.

Because of the tragic circumstances and grave public safety concerns surrounding the event and how you and others managed it, I will seek full legal redress to affirm public confidence in laws intended to protect the safety of San Francisco's residents and visitors. Vigorous enforcement of these laws is additionally essential to guarantee fair treatment to the vast majority of responsible entertainment business operators, who invest the care and expense necessary to abide by the law, and who comprise one of our City's most important economic sectors.

On August 10, 2010, the San Francisco Fire Department issued a Notice of Violation to you as owner and lessee of 414 Mason under California Fire Code App. Ch. 1, 105.6.34 for failure to obtain a public assembly permit. The subject space, Suite 502, was approved as an office space with a maximum occupancy of 49 persons. It was not permitted to operate as a venue for public assembly, a statutory definition clearly satisfied by the large social function of August 8. Such an event would have required a public assembly permit, at an appropriately sized and properly approved venue, in accordance with the California Fire Code. Yet none was obtained.

Letter to Messrs. Ursino and Matthews
Page 2
August 13, 2010

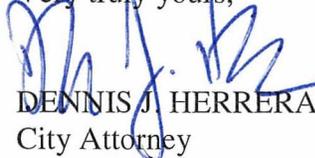
Multiple accounts of the August 8 social function have uniformly established that far in excess of the venue's 49-person occupancy limit attended the event. The event's promoter, Ms. Collins, has publicly stated that 100 people purchased tickets prior to the function, and another 100 people purchased tickets at the door that evening. Additional individuals were reportedly turned away at the door. Published accounts estimate that the number of attendees both inside and outside the venue—which is, again, permitted to accommodate up to 49 occupants—totaled 400 people on the night of the tragic shooting.

Had an individual responsible for last Sunday night's event applied for a public assembly permit, as the California Fire Code requires, the application would have been summarily denied by the San Francisco Fire Department, both for the aforementioned occupancy restrictions and because the manner of egress was patently unsafe for such a large public assembly. As tragic as the circumstances surrounding this unlawful event were on the night of August 8, it is chilling to imagine how ghastly the consequences might have been had a fire or shooting, and its attendant panic, occurred inside the venue.

This serious Fire Code violation gives rise to liability under the California Business and Professions Code because the illicit assembly represented an unlawful and unfair business practice. Section 17200 *et seq.* of the Business and Professions Code provides for civil penalties and injunctive relief as well as disgorgement of profits from unlawful conduct.

Based on the facts and extremely serious circumstances, I am compelled to initiate a civil action to address the aforementioned violations. Laws governing public assembly are designed to protect human life and safety; it is to protect the vast majority of businesses that obey these laws that we aggressively pursue those who compete unlawfully. I therefore strongly encourage you or your legal counsel to meet with my staff to discuss a resolution of this matter short of litigation. You may directly contact my office's Neighborhood and Resident Protection Team Chief, Alex G. Tse, at (415) 554-4277. I would appreciate a response before August 20, 2010.

Very truly yours,



DENNIS J. HERRERA
City Attorney