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Case Filed in New Year’s Eve “Rave” Balcony Collapse

Party with hundreds of attendees held in violation of public health orders; several injured

City Attorney Mara W. Elliott today filed a civil enforcement action against a property owner and the organizer of a New Year’s Eve dance party at which a makeshift mezzanine collapsed, injuring several attendees. Hundreds of guests attended the warehouse event in Miramar, in violation of state, County, and City public health orders.

Citing numerous violations of state and local laws, the complaint alleges that Bradley S. Murray and Charles Clayborne Smith, Jr. maintained a public nuisance, engaged in unfair competition, and violated various other sections of the San Diego Municipal Code. Murray owns the property at 7475 Trade Street and Smith leases the space under the business name Syndicate Entertainment Group to host events that include combat sports, cannabis markets, and parties with alcohol and marijuana sales.

While many businesses remain shuttered in compliance with public health orders, Smith promoted the event as an “18 and up” “New Year’s Eve Rave” with DJ performances and “full-stocked bar and snacks,” and an entry fee of \$10 for “ladies” and \$15 for “gentlemen,” with VIP entry costing \$20 and \$25, respectively.

At approximately 11 p.m. on December 31, 2020, police responded to calls about the collapsed balcony at the venue. The shoddily built structure buckled under the weight of people dancing on top of it, and crashed down on the revelers below. Several individuals were injured, three of whom were transported to the hospital. An inspection by the City’s Code Enforcement Division confirmed that the unpermitted mezzanine had been improperly constructed using substandard materials and was not designed to hold live weight.

“These defendants jeopardized the safety of attendees by permitting dancing on a poorly constructed mezzanine, and they’ve exposed countless San Diegans to COVID-19 by hosting what could be a super-spreader event during the most dangerous phase of the pandemic,” San Diego City Attorney Mara W. Elliott said. **“Our Office took swift action to hold them accountable and let the public know that the City of San Diego will not tolerate conduct that imperils the health and safety of San Diegans.”**

“I issued the City’s Executive Order to strengthen enforcement of public health orders to discourage situations like what happened in Miramar on New Year’s Eve,” Mayor Todd Gloria said. **“I commend the San Diego Police Department and City Attorney Elliott for acting quickly to hold bad actors like these accountable for doing harm and risking lives.”**

The defendants had been hosting events at the space without the required permits or Business Tax Certificate and in defiance of the Governor’s March 19, 2020 Executive Order and subsequent local public health orders to stem

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the spread of COVID-19. The illegal events, which were also streamed online, included live wrestling matches and a June 28, 2020 concert entitled “the Morgue,” that advertised “Come at your own risk wear masks!” and reportedly had 800 attendees. Police responded to citizen complaints about various events at the location.

Inspectors from the City’s Code Enforcement Division found extensive unpermitted building and electrical wiring modifications, as well as multiple alcohol serving stations and a gambling area. An inspection by the San Diego Fire Department revealed a lack of fire extinguishers, lack of fire exits and panic hardware, and a lack of emergency lighting.

City Attorney Elliott is seeking seek a temporary restraining order, preliminary injunction, and permanent injunction prohibiting Murray and Smith from engaging in unfair competition and from using or maintaining a property in violation of state and local laws, including public health directives issued to prevent the spread of COVID-19, and as a public nuisance that threatens the health, safety, and welfare of the public. The City Attorney’s Office also seeks civil penalties, costs, and other equitable relief for violations of the law. Additional defendants may be added to the complaint.

The civil enforcement action was filed on behalf of the People of the State of California and the City of San Diego by Deputy City Attorney David Miller of the City Attorney’s Office Nuisance Abatement Unit (NAU). NAU works in partnership with the Code Enforcement Division of the City Development Services Department, the San Diego Police Department, the Fire Department, and other local agencies and the community to identify and address problem properties.

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