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Service With a Smile

A senior fire official went to bat for an embattled club owner, who offered what three officials saw as a bribe.



FIRE D UP: Revelers at Refuge PDX on New Year's Eve 2011. - IMAGE: Angela Darva Photography

Maria Toth Brown had some explaining to do.

Toth Brown runs [Refuge PDX](#), a club in the Central Eastside Industrial District. On Nov. 23, 2013, records show, Refuge PDX jammed 1,000 people into the club for a rave even though the event was licensed for only 752.

The city fire marshal leveled a \$1,500 fine. But Toth Brown had a bigger problem: Refuge PDX had scheduled six more events the following month, and she couldn't get a temporary license from the [Oregon Liquor Control Commission](#) to sell booze on the premises if she didn't settle matters with the city—and fast.

On Dec. 4, 2013, Toth Brown met with fire officials in hopes of getting the fine dropped. According to a police report obtained by *WW*, Toth Brown offered to throw a holiday party for employees of Portland Fire & Rescue if the officials made the violations go away.

Toth Brown's offer triggered a bribery investigation by Portland police. Although Toth Brown was never charged, the investigation turned up some curious behavior by one of the fire officials to whom she had made the offer, Assistant Fire Marshal Doug Jones.

Records obtained by *WW* show Jones—unlike other fire officials—soon came to Toth Brown's defense, writing a letter on her behalf for use with state liquor officials. He also castigated a fire inspector who had levied the citations against Toth Brown's club.

Jones' actions might be considered odd—if he weren't already under a city personnel investigation for allegedly turning a blind eye to fire code violations at a downtown swinger's club earlier this year.

As *WW* has previously reported, Jones faces allegations he allowed a June 28 party at **Ron Jeremy's Club Sesso** to go forward knowing it would violate fire code, and that he blocked a fire inspector from citing the club when it went ahead with the illegal event ("**Hot Tip**," *WW*, **Aug. 20, 2014**).

It's not clear whether the city is investigating Jones for attempting to aid Toth Brown, or whether city officials suspect Jones of taking a bribe.

But records obtained by *WW* show Jones stood alone among city officials in defending Toth Brown's club as he assisted her with regulators, despite the violations.

Jones and Toth Brown declined to comment for this story, as did Fire Chief Erin Janssens.

Portland's nightclubs come under regular scrutiny by the Fire Marshal's Office, which inspects them to ensure they can safely handle large crowds. The office also works closely with the Oregon Liquor Control Commission and the city Office of Neighborhood Involvement, which can recommend that the state deny liquor licenses to clubs.

Refuge PDX opened in 2011 and has been a frequent scene for parties, fundraisers and raves. The space, located hard against railroad tracks at 116 SE Yamhill St., bills itself as "Portland's premier audiovisionary center."

The Nov. 23, 2013, event was the after-party for an electronic dance music concert at **Veterans Memorial Coliseum** that featured the groups Emancipator and Pretty Lights.

The OLCC also cited Toth Brown, Refuge's promoter for the event, alleging she had lied to liquor officials about whether security staff she had on duty that night was state-licensed. The OLCC cited Toth Brown for four violations in total.

After the citations, city officials were reluctant to grant Toth Brown permits for her scheduled December events.

“I just received an email and phone call stating my [city permit] for December has been denied,” Toth Brown wrote in an email to the [Office of Neighborhood Involvement](#) on Dec. 4, 2013. “My event is Saturday and as you can imagine, have great anxiety with this news.”

That’s the same day Toth Brown allegedly offered a bribe to Assistant Fire Marshal Jones and two other fire officials—Senior Fire Inspector Kim Kosmas and Rob Crusier, the fire inspector who had cited Refuge for overcrowding.

The city let Toth Brown hold a Dec. 7 event but refused permission for five subsequent events that month.

“We are not going to recommend granting the temporary sales licenses for the events this month,” wrote city liquor inspector Theresa Marchetti on Dec. 11, 2013. “You have 4 pending violations with the OLCC and a citation from the Fire Bureau. Due to this poor record of compliance, the ‘deny’ recommendation will stand.”

But Crusier, the fire inspector, reported what he believed to be a bribe by Toth Brown to Portland police.

Police reports show the fire officials, during their meeting with Toth Brown, had redirected the conversation away from her offer to throw a party for fire officials if the city dropped the violations.

The police report said none of the fire officials wanted to pursue criminal charges against Toth Brown.

The reports also revealed strange behavior by Jones, the assistant fire marshal, as Crusier described it to police.

“Toth [Brown] owns Refuge night club and has owned multiple clubs/bars in Portland over the years,” police Sgt. Erik Strohmeier wrote in a Jan. 24, 2014, report.

“Crusier feels that his supervisors have not held Toth [Brown] to the same standard when it comes to her fines as they do other businesses.... Crusier told me that after he filed the police report, Jones got mad at Crusier for filing the report [against Refuge PDX] and instructed Crusier not to do that again.”

In the following weeks, Toth Brown and her lawyer battled the city and the OLCC, winning permission for some events but never getting a clean bill of health.

In early January 2014, the city again denied Toth Brown a permit, citing ongoing problems, including an additional citation from the OLCC in December.

Despite the city’s denial, Toth Brown sought additional help from a surprising source—the

Fire Marshal's Office. And Jones—the assistant fire marshal whom she'd allegedly offered a bribe—gave it to her.

On Jan. 14, Toth Brown wrote an email to the Fire Marshal's Office asking for an endorsement on fire bureau letterhead. "I am meeting with the OLCC at 11 am tomorrow morning and would like to have this with me to show them good faith and compliance," she wrote.

Jones did as she asked, putting a favorable spin on the December meeting at which she'd allegedly offered to throw the fire bureau a party.

"Our staff was encouraged with the response we received from Maria," Jones wrote in a Jan. 14 letter on fire bureau stationery addressed "to whom it may concern."

"We believe she will be able to successfully control her occupant loads at future permitted events."

That letter helped put Toth Brown back in business. But in March, Cruser cited her again for holding an event without a permit. And on April 6, Portland police responded to an alleged rape in the VIP restroom at Refuge. According to police reports, a security guard named Jaime Skinner informed Toth Brown about the reported rape.

"[Skinner] told me that she saw Maria [Toth Brown] and notified her of the rape incident so they could get police resources," Officer Brent Taylor wrote in his report. "However, instead of requesting police assistance or directing Skinner to call the police, Skinner told me that Maria directed her not to get the police involved."

Toth Brown denied in emails to city officials telling Skinner not to contact police. Police arrived that night and searched the club for the alleged rapist but could not find him.

Jones declined to comment on Cruser's claim that he had chastised the inspector for citing Refuge. He also declined to say why he put his reputation on the line for Toth Brown after she had allegedly offered fire officials a bribe.

The investigation Jones currently faces involves the city's denial of another special permit, this one to Club Sesso, which sought to hold a fifth anniversary party June 28.

The Fire Marshal's Office denied Club Sesso a permit. Jones told Club Sesso's manager, Paul Smith, by telephone June 27 that the Fire Marshal's Office would not have any inspectors working the night of June 28.

"You can do whatever you want with that," Jones told Smith, who secretly recorded the phone call. "So, if that affects your decision, so be it. I'm throwing it out there for that reason, to maybe help you figure out your decision."

However, a fire inspector and two OLCC inspectors showed up at Club Sesso unannounced to find the illegal party in full swing. The club was filled to over capacity and serving booze in

unlicensed parts of the building.

Although he was off-duty, Jones drove from his home in Sandy, 29 miles away. He ordered the fire inspector to leave Club Sesso without writing a citation. (The fire inspector was Crusier, who six months earlier had reported Toth Brown's alleged bribe and Jones' strange behavior.)

As a result of Club Sesso's anniversary party, the OLCC has moved to revoke the club's liquor license. OLCC spokeswoman Christie Scott says the agency rarely takes such a step. "We don't cancel a lot of licenses," she says.

Meanwhile, the city reluctantly began an investigation of Jones in August only after the city's ombudsman forced Fire Chief Janssens' hand.

Jones has continued to work as an assistant fire marshal while the investigation continues. Meanwhile, he made another magnanimous gesture to Club Sesso, records show.

The club had paid a \$300 application fee for the permit it sought for the June 28 party.

But Jones—after effectively allowing Club Sesso to hold its party and then letting it off the hook when it was caught—made sure the club got its application fee back.

On Aug. 13, records show, Jones personally approved refunding the \$300 permit fee—and made what appears to be a false claim in doing so.

"Event did not occur," a notation describing the reimbursement reads. "Refund per Jones."



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