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January 23, 2018

VIA CERTIFIED MAIL - RRR  
REGULAR U.S. MAIL, EMAIL,  
AND HAND DELIVERY ON JANUARY 24, 2018

Julian-Cuyamaca Fire Protection District  
Board of Directors  
c/o Jack Shelver, President  
P.O. Box 33  
Julian, CA 92036-1623 and via hand delivery to the office of  
Chief Marinelli

Re: Government Claim of the Julian Volunteer Fire Company  
Association  
Our File No. 6160

Dear Mr. Shelver:

We are hereby filing this Government Claim against the Julian-Cuyamaca Fire Protection District ("JCFPD" or "District") pursuant to the California Government Code on behalf of our client, Julian Volunteer Fire Company Association ("Association"), an entity. If there is a filing fee, or a form required, please let me know, and I will amend this claim.

1. The name of the claimant is Julian Volunteer Fire Company Association ("Association"). The address of the Association is P.O. Box 1591, Julian, CA 92036-1591. All future communications regarding this matter, however, should be addressed to the undersigned at the offices of GRADY AND ASSOCIATES, 3517 Camino del Rio South, Suite 400, San Diego, California 92108.

2. The dates and places of the events out of which these claims arise, as further indicated below, extend from 6 months ago to the present time, and took place at 3407 Hwy. 79 Julian, CA 92036 and/or at other locations unknown at this time.

3. The Association is comprised of and represents the Volunteer Firefighters and Officers of the Julian Cuyamaca Fire Protection District performing fire protection and suppression, as well as ambulance services for the Julian-Cuyamaca Fire Protection

District ("JCFPD" or "District"), and serving the Julian and Cuyamaca communities.

4. In September 2017, the JCFPD Board of Directors ("Board") voted 4:1 to decline the San Diego County ("County")/Cal Fire's proposal to dissolve the JCFPD, and remained independent. The only Board member who voted against remaining independent, and in effect to be absorbed by the County, was the Board's President, Jack Shelver. In the past, after he was proven wrong that the Association was financially insolvent and had to dissolve, Mr. Shelver made a comment to a member of the Association that "you may have won the battle, but you have not won the war," or words to that effect. Mr. Shelver has been advocating for the County and against the Association ever since.

5. In an exercise of their First Amendment Free Speech rights, members of the Association have spoken out against the proposal to dissolve the JCFPD.

6. Despite the overwhelming support shown by the Board, the Association, and the community for the District's independence, the County, Mr. Shelver, and the JCFPD Fire Chief, Rick Marinelli have continued to disseminate propaganda against the District in an effort to have the District dissolved. Examples of only some of the false and/or inaccurate information espoused by the County, Mr. Shelver, and Chief Marinelli include:

-claims that the community of Julian-Cuyamaca has had no voice regarding the County's proposal, when in fact hundreds of residents voiced their opinions at the County's two presentations and Board meetings making it clear that the community at large wanted to remain independent;

-that the JCFPD has only 12 firefighters who will soon be gone, when in fact the District currently has 45 volunteer firefighters with an upcoming academy of up to 20 more new volunteers starting February 10, 2018;

-that the residents of the Julian-Cuyamaca community are ignorant or uninformed about fire danger, while in fact the residents are well aware they live in a high fire risk area, and understand the risks;

-that the JCFPD will have to reduce services when the County removes its financial resources, leaving the community vulnerable to wildfires and medical emergencies, when in fact wildfire suppression has never been the primary responsibility of the

JCFPD;

-that the County/Cal Fire paramedic staffed engine is dedicated to Julian-Cuyamaca, when in fact the County/CalFire assigned to Julian was routinely responding to other jurisdictions or away in training;

-that the JCFPD cannot be sustained with a \$200 Benefit Fee, when in fact a budget prepared with the help of experts shows that the JCFPD can be sustained with a \$200 fee;

-that the County/Cal Fire can provide better ambulance service than the JCFPD, when in fact ambulance service was never part of the County/CalFire contract; and

-that the JCFPD cannot be sustained without the financial support of the County, when in fact it survived for 35 years on a \$50 benefit.

7. In about early December, 2017, exercising its constitutional right to petition the District, the Association attempted to place on the Board's agenda a Vote Of No Confidence ("VONC") by the Association in the JCFPD Fire Chief, Rick Marinelli. Four of the Board members refused the request, claiming the document was unsigned and thus lacked validity. The Board was informed of the document, its contents, and allegations contained therein after the VONC was read by a community member during a public Board meeting on or about November 14, 2017, and then a copy handed to each Board member, as well as Chief Marinelli, personally.

8. In its VONC, the Association demanded that Chief Marinelli be immediately removed from his position as Fire Chief. The VONC describes numerous examples of Chief Marinelli's behavior and actions that are unbecoming of a Fire Chief, retaliatory against Association members, and that have caused the Association to completely lose confidence in Chief Marinelli's ability to lead. Examples of Chief Marinelli's behavior include:

-participating in public and private discussions for the County's proposal to dissolve the JCFPD;

-threatening disciplinary action against Association members who speak publicly against the County's proposal, and who speak up at the Board meetings;

-making comments to members of the Association who oppose him, or correct him on policy matters, that he knows people in high places, and that it is "the kind of stuff" that he will remember when an

employee needs a recommendation;

-openly making derogatory statements about the Board members calling their decision to remain independent "foolish" and calling the members who voted for it "stupid";

-making comments to the San Diego Union Tribune about the allegedly drastically reduced level of service as of January 1, 2018 due to the loss of the County Fire Authority paramedic engine;

-attempting to create a strife between the community and the District by stating that Julian is "unprepared" for fire emergencies;

-leaving a duty officer who was responding to an emergency call and whose vehicle broke down stranded on the side of the road to fend for himself;

-calling volunteers "nuts," "backward hillbillies," "inept," "incompetent," not "real" fire fighters; and stating that he would not want a volunteer working on him or his family;

-taking extended periods of time off despite working only part-time;

-leaving town on numerous occasions without passing command in clear violation of the Department policies;

-refusing to respond to emergencies in violation of the Department policies;

-refusing to support fund-raising and community outreach programs calling them a "waste of time," and striking down fund-raising efforts by prohibiting events on the District property, requiring a permit and a liability insurance, none of which was an issue or required in the past;

-making disparaging and humiliating comments about the Association members' height, weight, age, other physical attributes, as well as perceived sexual orientation, which has been detrimental to morale and created hostile work environment;

-asking District members to spy on one another and give reports to him;

-showing favoritism to members who are covertly on his side by making inexplicable changes in duty assignments;

-withholding pertinent information from key members of the District

who have expressed opposition to the County's proposal to take over;

-holding regular, closed-door, meetings with the Board President, Jack Shelver, who voted against the JCFPD remaining independent, but refusing to speak to, and delaying providing requested information to, another Board member who voted against the County's proposal;

-stalling promotions since 2013;

-shutting down viable ideas from both the public and District members to generate additional income for the District.

9. Since providing the petition to the District and members further exercising their Free Speech rights to the Board, Association members have received additional retaliation from Chief Marinelli, who publicly stated that there would be disciplinary action against those who were involved, and subsequently interrogated members individually to determine their involvement with the VONC.

10. The District's actions, including but not limited to actions of the Fire Chief, Rick Marinelli, constitute clear and egregious violations of:

- (1) The Association members' rights to petition government, protected by the First Amendment of the Constitution of the United States, and Article I, Section 3, of the Constitution of the State of California; and
- (2) The Association members' rights of free association and free speech protected by the First Amendment of the Constitution of the United States and Article I, Section 2, of the Constitution of the State of California.

11. The District's actions, including but not limited to actions of the Fire Chief, Rick Marinelli, also constitute:

- (1) Retaliation against individual members of the Association who expressed their views through the VONC, and through other means, in violation of their constitutional rights protected under both the United States and California Constitutions; and
- (2) Violations of the rights of individual members of the Association protected under the Firefighters Procedural Bill of Rights Act.

12. As a result of these actions against the Association, among other harm, the Association has suffered substantial damage, including loss of funding, loss of income, and other damage/harm to its professional reputation, as well as damage/harm to the professional and personal reputation of its individual members, and causing them to suffer emotional distress.

13. Nothing in this letter shall be construed as an admission by the Association of the necessity for first filing the Government Claim specified herein before litigation may be commenced on it.

14. The Association's damages exceed \$25,000. Thus a court will have unlimited jurisdiction over this matter.

Please address all future communications regarding this matter to the undersigned. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Pienkos', written in a cursive style.

Marek Pienkos, Esq.

cc: Julian Volunteer Fire Company Association