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January 7, 2013

Tim Geiser
President, Board of Directors
Deer Springs Fire Protection District
8709 Circle R. Drive
Escondido, CA 92026

Dear Mr. Geiser,

We are asking you to please investigate the abuse of citizen's rights by the clearance contractor you use, Fire Prevention Services (FPS). Under the color of authority they are continuing to take advantage of property owners by doing unnecessary clearance work, exaggerating what they do, and charging exorbitant fees.

As you may recall, State Fire Marshal Tonya Hoover sent you a letter concerning this matter on May 24, 2013. She stated that, "The contracting agency must take care to assure that property owners are informed and understand their obligations and alternatives in abating the hazards of flammable vegetation."

In relation to Mr. Benton Yue, the property owner who was first targeted in your district by FPS in 2010, we believe this obligation has not been met. Four days after the district received Chief Hoover's letter, FPS targeted Mr. Yue again with another abatement notice on May 28, 2013.

As per FPS's modus operandi, Mr. Yue is an absentee land owner. He is also frequently out of the country. Both characteristics play into FPS's practices of targeting vulnerable citizens who will have difficulty responding to abatement notices on a timely basis.

While overseas, Mr. Yue was in continuous communication with Fire District Chief Chris Amestoy and FPS, and had employed a contractor to clean up the parcel on August 8, 2013. However, his property was forcibly abated beginning October 3, 2013. This time FPS charged him \$14,311.80 (the 2010 abatement fee was approximately \$10,000). FPS claims to have removed 361.10 cubic yards of material. That's approximately 108 tons.

Below is a Google satellite image of Mr. Yue's property taken approximately 1 year ago (center of Photo 1). The red line represents a distance of 20 feet. The photo still represents a relatively accurate portrayal of current state of the property. Note the significant amount of area without significant vegetation one year prior to the 2013 abatement order.

Based on this image and our December 10, 2013, onsite inspection, we have found it impossible to determine how FPS was able to remove 108 tons of vegetation over a period of five days during October, 2013.



Photo 1: A November 2, 2012 satellite image of the Benton Yue property (at center of image, above Vista Aleta Ave, between the two driveways). The red line represents a 20 foot distance.

According to the May 28 abatement notice, Mr. Yue was required to "clear the **entire property** of all piles of dead vegetation and debris and properly disposed of." There is no relevant state law or local ordinance that we are aware of that requires a property owner to clear their "entire property." **Mr. Yue's property is approximately 6.5 acres.**

After our inspection, we met with Mr. Yue onsite and had a conference with Chief Amestoy.

In reviewing the documents, we discovered that the abatement order was clearly in excess of what the Deer Springs Fire Department required. Mr. Yue was told by Chief Amestoy to "clear dead vegetation 20 feet from the property's driveway edge" in addition to removing several small piles of dead vegetation. Chief Amestoy confirmed during our conference that the abatement order did not reflect his orders. He also indicated he did not know who wrote the abatement order issued by FPS (please see the attached timeline provided by Mr. Yue).

We are sensitive to the fact that the district would like to save financial resources by hiring a clearance contractor that costs the district nothing. However, FPS only makes money if they conduct forced abatements. Such an arrangement is clearly prone to abuse. So it shouldn't be surprising that situations like Benton Yue's occur time and time again.

Citizen complaints about FPS and their predatory practices were why several San Diego County fire agencies ended their contracts with FPS, including the North County Fire District (story attached), Escondido Fire Department, and the San Diego Rural Fire Protection District. The problem with FPS is not restricted to San Diego County as the attached letter to Senator Fran Pavley indicates.

Clearance laws are intended to protect lives and property, not to take land and homes away from citizens. Combined with the forced abatement in 2010 (which is now nearing \$20,000 with fines and penalties) and the 2013 forced abatement, Mr. Yue is being asked to pay nearly \$35,000 for the removal of a questionable amount of vegetation by a corporation that has been accused of unfair practices by a significant number of people and organizations.

Mr. Yue respectfully requests that you add a discussion of the forced abatement of his property to your February 12, 2013 meeting agenda. He will be requesting that the Board recognize the unfairness of the abatement process as it was applied to him and to void the exorbitant \$14,311.80 fee charged by FPS.

We are also be requesting that the district open a discussion regarding the termination of the contract with FPS and consider following vegetation management programs that have been successfully implemented in similar districts such as Ramona, North County Fire, and the City of Escondido.

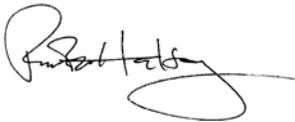
These fire departments have built a positive, collaborative relationship with their customers and have fair, in-house inspection programs. We have found that when local

fire departments conduct their vegetation management operations in this manner, the community itself becomes more fire safe. Citizens want to cooperate because they have a good relationship with their fire department and the firefighters who will be protecting their homes.

As with most things, success is built on positive personal relationships. If the district would like to investigate an inspection program that reflects this ideal, we recommend contacting Jeremy Davis at the Ramona Fire Department.

Your assistance in this matter would be greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard W. Halsey". The signature is fluid and cursive, with a large loop at the end.

Richard W. Halsey
Director
California Chaparral Institute

Attachments:

1. Abatement Order
2. Timeline
3. North County Fire drops FPS contract
4. Letter to Senator Pavley

The California Chaparral Institute is a non-profit science and educational organization dedicated to promoting an understanding of and appreciation for California's shrubland ecosystems, helping the public and government agencies create sustainable, fire safe communities, and encouraging citizens to reconnect with and enjoy their local, natural environments. www.californiachaparral.org.