



Investigation re Non-Payment of District Insurance – May/June 2023

FLORISSANT FIRE PROTECTION DISTRICT

JUDY DUNN | VICE PRESIDENT OF THE FFPD BOARD

ALLEN SCHULTZ | ASST. SECRETARY OF THE FFPD BOARD

June 20, 2023



INTRODUCTION

This document is to explain why the FFPD needed to be shut down due to the liability insurance not being paid on time. Included in this document are the following:

- Timeline Page 2 - 10
- Summary Page 11
- Addendum 1. Supporting Documents RE: Insurance. Page 1 – 60
- Addendum 2. Supporting Documents RE: Facebook Deletion.
Complaints and CORA Requests. Page 1 - 15

TIMELINE

May 9th:

- TCW Insurance sends annual bill to the Florissant Fire Protection District. The bill was sent to Erik Holt, bookkeeper@florissantfire.com and districtadmin@florissantfire.com. Christie Kersnick is the Senior Account Manager assigned to the District. She began regular communication with Chief Holt to obtain signatures needed for an uninsured motorist insurance form and to communicate that the District's insurance bill is due.
 - *Addendum 1 Page 1-2*

May 10th:

- Paul reaches out to Amanda, Starla, Justin, and Chief Holt with an email identifying items needed during an orderly transition of board responsibilities.
 - *Addendum 1 Page 3-4*

May 13th:

- Paul leaves message to Starla on her voicemail.
- *Addendum 1 Page 5*

May 14th:

- Starla responded in a voice mail Saturday.

May 15th:

- In an early morning email that Starla sends to Paul, in part reminding him the election was not yet certified, advice about email quorums, a lecture on board responsibilities, and a note about the next meeting.
- *Addendum 1 Page 6*

- 10:00 am Starla file a complaint alleging election fraud against 6 candidates and 6 poll watchers.
- Addendum 1 Page 7-10
- Sarah Leutjin, DEO, tells Allen that the District Admin's presence was requested for setting up signatories. District Admin did not come.
- The board is sworn in by DEO Sarah Leutjin at 11:00am and bond was paid that afternoon.
- Amanda sends Paul an email explaining why she cannot do anything prior to the board-elect assuming power.
 - Addendum 1 Page 11
- Paul and Judy meet with Chief Holt. Notes were generated.
 - Addendum 1 Page 12-13

May 21st:

- Judy sent a Next Door post written by Dave Groat to Paul as an FYI. Paul asked the Chief to remove his comments as statements about resigning if Allen, Dave and Bob were elected as he said that directly to him. Chief Holt ignored request.

May 22nd:

- Judy provides the board the email in which Chief Holt said he would resign if the wrong people got elected. "I have not stated that I would leave this position for any reason ever."
 - Addendum 1 Page 16-17

May 23rd:

- Christie sends email to Chief reminding him that the insurance bill is due.
 - Addendum 1 Page 18
- Chief Holt sends an email back to Christie saying "We will be renewing. I need to get the authorization signed today by the board president and will get it back to you" and Christie responds and thanks the Chief.
- Christi acknowledges.
 - Addendum 1 Page 18
- Starla Thompson declares that she will not be transitioning board responsibilities on May 24th due to her filing a civil complaint stating that the board-elect was under "criminal investigation". She stated in a public letter placed on the FFPD website that she has postponed the transition until June 14th. There was never an investigation, civil or criminal. See ruling on June 8th, 2023
 - Addendum 1 Page 19

- The newly elected board decided that they will hold the regularly scheduled meeting on May 24th and transition to their responsibilities without the previous boards help. This is done by phone.
- Chief Holt disables building access for the board-elect.

May 24th:

- Paul speaks with Chief Holt about providing access, and sends him a thank you note because he gives the board back the access he took away. Paul requested his attendance at the May 25th meeting.
 - *Addendum 1 Page 20*
- The newly elected Board of Directors held its first meeting establishing them as fully seated and responsible for district financial accounts. The board decided to have the normal monthly meeting on May 25th.

May 25th:

- Chief Holt emails Paul and informs him posting notices is the board secretary's job.
 - *Addendum 1 Page 21*
- Paul emails Chief Holt a "To Do" list.
 - *Addendum 1 Page 22*
- Chief Holt emails the Chief's report to Paul and tells Paul he won't be coming to the meeting because his daughter has a school function and encloses the Chief's report.
 - *Addendum 1 Page 23*
- The new board held the regular monthly board meeting at which discussion arose that the District checking account, an account for which this board now held fiduciary responsibility, was not in control of the Board as the new Board did not have signing authority for the account. The Board determined the best course of action would be to attempt to get the signatories updated or failing that, to freeze the account to prevent unauthorized transactions from being posted until such time as the banking signatories could be changed over.

May 26th:

- Paul emails the previous board and Chief Holt, again asking for cooperation in turning over a list of access codes and documents.
 - *Addendum 1 Page 24*
- Paul emails the Chief asking for status on the "to do" list.
 - *Addendum 1 Page 24*

- Paul took the action of contacting the bank to attempt to make the change to the new board members and remove the old board members but was informed that one of the formerly authorized board member signers would need to accompany him to the bank to finalize the switch. Therefore, Paul took the action of freezing the accounts with an agreement with Community Bank, that the bank would notify Paul of any pending ACH or posted check transactions. Upon notification, Paul would either approve or deny the individual transactions.
- Paul called Chief Holt notifying him of the account freeze and identified that the district admin, who is a signer on the account, needed to provide a schedule to meet at the bank to effect the changeover. During this call the Chief identifies they had just issued payments for the district monthly bills. Paul identified that the bank would notify him of all transactions wherein they would be approved.
 - *Addendum 1 Page 25*

May 27th to May 29th:

- Memorial Day Weekend – Bank closed

May 30th:

- Christie sends another notice to the Chief stating she doesn't want to be a stalker but informs the Chief that the insurance expires at midnight.
 - *Addendum 1 Page 26*
- Chief sends TCW, Christie, a note asking for the uninsured motorist form and stating that the form sent in last week is no longer valid (this was not a true statement). Promising he will get back to her the same day. Christie sent the form and thanks the Chief.
 - *Addendum 1 Page 27-28*
- Chief Holt requests Paul come down to the station to sign the rider for uninsured motorist coverage. This was a form that was previously signed by one of the prior board members. Paul did meet with the Chief within ½ hour of the Chief's request to sign the form.
- Chief Holt forwards the insurance bill to Paul. Nothing is stated in the email that the bill is past due or that Florissant Fire we will lose insurance at midnight. They also discussed that Paul did not have access to the checking account. The insurance bill was dated May 9, 2023.
 - *Addendum 1 Page 29-31*

May 31st:

- Paul sends Allen notes from an impromptu meeting he had with Chief Holt that day. He noted he had to sign an insurance document. Nothing is discussed about the insurance expiring that night.
 - *Addendum 1 Page 32*

June 1st:

- Paul was informed by Chief Holt that the District Admin had resigned
- Paul requested that the district computer be turned over to him and informed Chief Holt that it was to be delivered by 5:00pm. This did not happen. Paul requests a meeting with the Chief and Judy on Friday, June 2nd
- Paul sent Judy a status report on several topics.
 - *Addendum 1 Page 33*

June 2nd:

- Chief Holt does not show up at the meeting stating he was too busy.

- Paul sends email to Chief requesting that anything District Admin would normally get be directed to him.
 - *Addendum 1 Page 34*
- The Chief did not comply with the request for the computer and check stock stating that, as CEO District operations were under his control and not the Board's.
- Chief Holt sent Paul an email that states Paul's request does not appear to be a lawful request. He also stated he would only communicate via email and in-person requests must be with the department's attorney "present in person."
 - *Addendum 1 Page 35*
- Paul sends email to the Chief stating that the Chief ignored directive to return computer and now gives Chief another directive to deliver District Admin's computer to him by June 2nd 5:00pm
 - *Addendum 1 Page 36*

June 4th:

- Paul sends another email stating the Chief ignored directive and please hand over computer by June 5th 8:00am.
 - *Addendum 1 Page 37*

June 5th:

- No computer was delivered.
- Each day a bank employee would call Paul and they would individually review each transaction. During this time Paul approved all but three transactions for payment. The three denied payments were to individuals directly related to the district in varying capacities.

June 6th :

- The bank manager contacted Paul and identified that they could no longer operate in the mode they had been and would need to clear up the situation ASAP.
- Chief Holt stated that he would be contacting and retaining a lawyer. 12:27 pm
 - *Addendum 1 Page 38*
- Chief Holt states to Paul the District does not have insurance at 2:14pm. Note that only after discussing several other subjects, he says "we currently do not have insurance either." Almost an afterthought.
 - *Addendum 1 Page 39*
- 2:24pm. Paul sends the Chief a note that he is on hold with the bank.
 - *Addendum 1 Page 40*
- 2:28pm Christie sends the Chief a notification that the District has no insurance.
 - *Addendum 1 Page 41-42*

- 2:30pm Conversation between Chief and Paul continues.
 - *Addendum 1 Page 43*
- 2:30pm Chief Holt emails Paul saying we have no insurance and may be unable to operate.
 - *Addendum 1 Page 44*
- 3:01 Chief Holt emails Paul insists he needs to speak to legal counsel immediately.
 - *Addendum 1 Page 45*
- Paul paid the insurance bill by wire within 41 minutes of finding out the insurance was set to expire. He did this using his personal funds. \$23,095.00.
 - *Addendum 1 Page 46*
- 3:45pm Paul and Judy call the Chief and they make the decision to stop all calls until the District has insurance. Chief asks for the request to be put into writing.
 - *Addendum 1 Page 47*
- 4:04PM During a regularly scheduled board meeting Paul stated to everyone present that the check written to TCW Insurance had bounced, as he had been told, and the insurance for the District had been canceled. Paul explained that he had put a freeze on the checking account and would need to investigate what happened. Paul then explained that Florissant Fire would be asking other Districts for mutual aid, and that Florissant Fire could not respond to calls until insurance had been reinstated. The meeting then adjourned.
- 4:32pm Paul sends letter to Chief Holt explaining nonpayment.
 - *Addendum 1 Page 48*
- 4:39pm The Chief demands that Paul post a letter of explanation that he drafted.
 - *Addendum 1 Page 49-50*
- 6:02pm Social media post that Paul writes is posted.
 - *Addendum 1 Page 50*
- 6:10pm Paul sends Christie a note on how dire the situation is and asks Christie if she ever spoke to anyone in the District and to who.
 - *Addendum 1 Page 51-52*
- 7:09pm Chief Holt is notified that the District is now covered.
 - *Addendum 1 Page 53*
- 7:10pm Christie lets Paul know the insurance is now active. She states that the Chief, bookkeeper and district admin knew since 5/9 that coverage would end on 5/30. She said "I corresponded with Chief Holt multiple times since I first sent the renewal over on 5/9/2023.
 - *Addendum 1 Page 54*
- 7:15 Chief Holt tells Paul we can now operate fully.
 - *Addendum 1 Page 55*

June 7th:

- Chief Holt holds a news conference stating that he had been given illegal directives and blamed the Board for what happened. KOAA.

June 8th:

- Paul gives Bob an emailed status report.
 - *Addendum 1 Page 58*
 - Judge Sell's, of Teller County District Court rules Starla's complaint failed to provide "any legal authority for the court to issue a stay", or for the "court to initiate criminal referrals.
 - *Addendum 1 Page 59-60*

June 9th:

- Chief Holt states on Facebook that he had been in daily contact with the TCW insurance agent, Christie Kersnick. Although, Christie has previously stated that she had not gotten called back about nonpayment.
 - *Addendum 2 Page 15*
- Paul reads a statement at a work session stating what he thought were the facts at that time. Paul and other board members signed an agreement with the previous board stating that they had no responsibility or liability in any charges that might occur due to Paul freezing the account.
 - *Addendum 1 Page 56-57*

June 10th:

- Amanda Sutton goes to Community Bank with Paul, Dave and Bob and transfers the needed signatures for the new board to have control of the District's bank accounts.

June 12th:

- Now having full access to the account Paul requests and receives a listing of all denied transactions which does not include the insurance payment.
- Paul contacts Wertgen Consulting requesting emergency help to access Quickbooks and help reissue checks for any denied or bounced payment.
- Not having seen the insurance payment on the listing of denied transactions from the bank Paul requested a search of Quickbooks for when the check for the insurance was issued.
- Paul is informed that there never was a check written to the insurance company at any time between May 9th to the present.

June 14th

- Paul contacts the insurance agency again and requests further detail on the cancellation, and is advised that the District was without insurance from June 1st through June 6th. Had an event occurred and been reported during this period claims would have been denied.
- Paul is advised that the District was without insurance from June 1st – June 6th.
- Paul works with Districts accountant and finds that no check was ever issued for insurance. Thus, Paul took the blame for bouncing a check that was never written.

SUMMARY

It is demonstrated in the supporting documents that:

- Chief Holt placed the FFPD, community and volunteers at egregious levels of financial risk due to insurance lapsing and then allowing the department to operate without insurance for 6 days.
- Chief Holt mis-handled the District Facebook page.
- He knowingly withheld information from the board president, Paul del Toro, that would have alerted Paul to the urgency of the situation and that payment had to proceed immediately which would have prevented this lapse in coverage. Point of fact: Forty one minutes after Chief Holt notified Paul that the district was without insurance; Paul paid the invoice.
- If Chief Holt had informed Paul at any point, Paul could have taken the same action then.
- Most appropriately, Chief Holt should have directed that the invoice be paid back in early May when the invoice was first received.
- Chief Holt knew of the pending payment for insurance, knowing full well the board did not have access to Quickbooks and the check book because he refused to turn it over.
- Chief Holt ignored questions and directives from the Board that would have prevented insurance coverage lapsing, and other problems to manifest.
- Chief Holt had numerous opportunities to inform the Board of the required payment due, including in his Chief's report.

In conclusion, during the period of May 9, 2023 and May 23, 2023, after receiving the insurance invoice and having full access to the district admin, all accounts and the prior board, no check was ever issued for signature to pay the invoice. This, despite other transactions being issued and payment made.

After this period, despite multiple notices from the insurance agency, at no time did the Chief notify any board member that a payment was required to keep the insurance in full force, thereby knowingly letting the insurance lapse, and leaving the district uninsured from June 1, 2023 to June 6, 2023. Further, the Chief operated the district without notification to the Board, the public or any other entity with oversight of district operations.

Per Paragraph 2 Of the Chief's contract, it states that the "Fire Chief serves as the Chief Executive Officer of the District and is evaluated for performance by the Board of Directors. Additionally the Chief has stated many times the Board should not be interfering in the operations of the District as he is CEO. Given the events outlined in the Timeline and these statements made by the Chief, it is clear he purposely allowed the events to unfold to embarrass the current Board, or through negligence and lack of communication caused the same.

Addendum 1

From: Christie Kersnick

Sent: Tuesday, May 9, 2023 2:53 PM

To: erik.holt@florissantfire.com

Cc: bookkeeper@florissantfire.com; districtadmin@florissantfire.com

Subject: 6/1/23 Insurance renewal proposal/Invoices - Florissant Fire Protection District

Good afternoon, Chief,

Hope this email finds you well. Attached you will find the renewal Binders for both your Package (*to include new vehicle endorsement*) and Cyber coverage effective 6/1/2023 and your Accidental Death & Disbursement quote effective 6/30/2023. Please review the attached and let me if you have any questions.

What is renewing:

1. Package includes Property, General Liability, Auto, Crime, Inland Marine, Professional Liability, and Excess.
 - a. INTACT incumbent renewal. Premium increased \$3,000
 - i. Added 1 vehicle mid-term at pro-rated cost. Now annual cost
 - ii. The building values have been increased by 5% per the inflation increase endorsement.
 - iii. Majority of premium increase is due to the increased loss ratio. The current loss ratio this policy term is at 115% and a claim is still open. The previous policy term loss ratio is at 108%. Overall loss ratio since 2016 is 118.34%.
2. IRR-Cyber
 - a. INTACT incumbent renewal - Premium increase roughly \$235 due to conditions in the marketplace.
3. Accidental Death & Dismemberment
 - a. Plans listed on first page
 - i. Present Plan, Annual
 - ii. No change in premium

What I need in order to renew your coverage:

- Email reply with the signed UM Form – *are you able send back by 5/26/2023?*
- Payment – use invoice attached Agency Invoice to remit payment to our office by 6/1/2022.

I look forward to hearing from you!

Thank you,



Christie Kersnick

Senior Account Manager

Direct Phone: 303.872.1925

Email: ckersnick@wilsonins.com

384 Inverness Parkway, Suite 170

Englewood, CO 80112

Hours: 8:00 am – 4:30 pm

www.wilsonins.com

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From: PAUL DEL TORO <pdeltoro@comcast.net>

Sent: Wednesday, May 10, 2023 6:31 AM

To: Starla Thompson <Starla.Thompson@Florissantfire.com>; Amanda Sutton <Amanda.Sutton@Florissantfire.com>; Justin Snare <Justin.Snare@Florissantfire.com>; Chief <Chief@Florissantfire.com>; Dave Groat <dgroat426@gmail.com>; Judy Dunn <mrsjudydunn@yahoo.com>; Allen D. Schultz <allendschultz@gmail.com>; ROBERT M. PERRY <bobncathy@comcast.net>

Subject: Orderly transition of board responsibilities

Good morning Starla, Justin, Amanda and Eric

In order to effect an orderly transition of board responsibilities we are respectfully requesting a meeting to discuss the transition process. Minimally we will need the following:

- Logins to all departmental systems
 - Quickbooks
 - Website
 - Facebook
 - E911 and Emergency Reporting
 - Others?
- Transfer of keys and access codes to the physical sites
- Location of files
 - Contracts
 - Financials
 - Policies and procedures
 - Personnel
 - SDA required reports
- We will need to get our departmental emails setup
- All contacts
 - Legal
 - County
 - State
 - Mutual aid departmental agreements and contacts
 - DOLA
 - Vendors
- Financial Accounts
 - Check signing authorizations
 - ACH authorizations
 - Money market
- Pending items
 - Contracts
 - Open POs
 - Open unapproved financial requests

[Quoted text hidden]

- Pending items
 - Contracts
 - Open POs
 - Open unapproved financial requests
- Location and access to previously installed AV equipment

If there are other items you can think of it would be greatly appreciated. We want to be respectful of your respective schedules so if you could suggest days and times we will do all we can to work within that construct.

Your soonest response is appreciated.

On Sunday, May 14, 2023, 11:13 AM, PAUL DEL TORO <pdeltoro@comcast.net> wrote:

I had left Starla a follow up VM on Friday. She called back Saturday and left me a VM. Said she can't do anything until the election is certified and we are sworn in but basically indicated she would be cooperative in the transition process.

I am not responding to this now until we are 100% sure of when we officially take power.

----- Original Message -----

From: Starla Thompson <Starla.Thompson@Florissantfire.com>

To: PAUL DEL TORO <pdeltoro@comcast.net>

Date: 05/15/2023 6:26 AM

Subject: RE: Orderly transition of board responsibilities

Paul,

It is obvious you all are excited and anxious to take over. However, let me remind you that the election has not yet been certified, oaths administered, and bonds secured. It would be against my oath to allow any such access until such time as you all take office.

An additional reminder is that email chains consisting of a quorum is against statute.

An a final reminder of the board director duties and responsibilities are as follows: fiscal responsibility and administering policy for the district. The majority of what you have requested falls under the prevue of the Executive Chief's position as authority and responsibility.

The district's next scheduled meeting is May 24, 2023, at 6:00pm. Should the election be certified, oaths and bonds be completed then the newly elected candidates will take office at that time.

Let me know if you have any questions.

Sincerely,

<input type="checkbox"/> County Court <input checked="" type="checkbox"/> District Court Teller County, Colorado Court Address: 101 W Bennett Ave, Cripple Creek, CO 80813	FILED IN THE COMBINED COURTS OF TELLER COUNTY, COLORADO MAY 15 2023 SHEILA GRIFFIN CLERK OF COURT 10:10AM
Plaintiff(s)/Petitioner(s): STARLA THOMPSON v. Defendant(s)/Respondent(s): DAVE GROAT, ROBERT PERRY, ALLEN SCHULTZ, JUDY DUNN, JIM RANK and PAUL DEL TORO TONI MOORE, SHAWN MCNULTY, JORDAN MOON, LAURA ROBLEDO, ELIZABETH PENDLETON, AND MARK KOHLMAN	COURT USE ONLY
Attorney or Party Without Attorney (Name and Address): STARLA THOMPSON 30 Druid Trail, Florissant, CO 80816 Phone Number: 719-651-4651 E-mail: simpleysaid@yahoo.com FAX Number: Atty. Reg. #:	Case Number: 23CV06 Division Courtroom
COMPLAINT OF ELECTION VIOLATIONS	

THIS MATTER involves the Special District Elections conducted on May 2, 2023, for the Florissant Fire Protection Board of Directors in Florissant, Colorado.

1. The court has jurisdiction over the parties and subject matter C.R.S. §1-13.5-1403; 1-11-213(4)
2. The election was conducted in person on May 2, 2023, from 7:00 am to 7:00 pm at 2606 W. Highway 24, Florissant, Colorado, 80816 and by mail in ballots as well.
3. The Designated Election Officer was Sarah Luetjen, a paralegal from CEGR Law Firm which also represents the Florissant Fire Protection District. Shirley Douthit was the contracted Deputy DEO. Additional election officials were Pat Hines, Terri Baldwin, George Deppen and Harley Gifford all selected by the DEO, Sara Luetjen.
4. No electioneering zones were established within a 100 foot perimeter in accordance with §1-13-714(1)(a), C.R.S. with signs posted that read "NO PERSON SHALL DO ANY ELECTIONEERING ON ELECTION DAY WITHIN ANY POLLING PLACE OR IN ANY PUBLIC STREET OR ROOM, OR IN ANY PUBLIC MANNER, WITHIN 100 FEET OF ANY BUILDING IN WHICH A POLLING PLACE IS LOCATED. NO ELECTION RELATED ACTIVITIES SHALL BE CONDUCTED WITHIN 100 FEET OF ANY BUILDING IN WHICH THE POLLS ARE LOCATED EXCEPT THAT OF THE CONDUCT OF ELECTION AT THE POLLING PLACE."
5. The incumbent candidates were Starla Thompson (Board President), Justin Snare (Vice President), and Amanda Sutton (Secretary).
6. The non-incumbent candidates were Carole Orist, Jennifer Bittman, Ginger Bruvold, David Groat, Robert Perry, Allen Schultz, Jim Rank, Paul Del Toro, Judy Dunn, and Kim Woehrel.
7. There were (3) 4-year terms and (2) 2-year terms up for election.

8. 4-year term candidates were Starla Thompson, David Groat, Robert Perry, Amanda Sutton, Justin Snare, Allen Schultz, and Jim Rank.
9. 2-year term candidates were Jennifer Bittman, Carole Orist, Paul Del Toro, Judy Dunn, Ginger Bruvold, and Kim Woehrel.
10. The following candidates appointed poll watchers, David Groat, Robert Perry, Allen Schultz, Paul Del Toro, Jim Rank and Judy Dunn. The selected poll watchers who affirmed that they are qualified under sections 1-1-104(51), 1-7-105, 1-7-106, 1-7-107, and 1-7-108(2), C.R.S., as applicable. Watchers must take the oath described in section 1-7-108(1), C.R.S. and, upon first entering the polling location, surrender the certificate of appointment to the supervisor judge at each location where the watcher is designated to observe.
11. The poll watchers were Toni Moore, Laura Robledo, Shawn McNulty, Jordan Moon, Elizabeth Pendleton, and Mark Kohlman.
12. In addition to the oath required by section 1-7-108(1), C.R.S., 8 CCR 1505-1 Rule 8 defines prohibited activities of poll watchers.
13. During the election hours on May 2, 2023, it was observed in person and on closed circuit security footage that candidates David Groat, Robert Perry, Allen Schultz, Paul Del Toro, and Judy Dunn all engaged in potential electioneering conduct at 2606 W. Hwy 24 and were repeatedly observed entering the 100 foot no electioneering perimeter participating in activities specifically listed as prohibited.
14. Poll watchers Toni Moore, Jordan Moon, Laura Robledo, Mark Kohlman, and Shawn McNulty were observed in person and on closed circuit security footage violating 8 CCR 1505-1 Rule 8, watchers WILL NOT, 8.5.1 Attempt to determine how any elector voted or review confidential voter information; 8.5.2 Disclose or record any confidential voter information that he or she may observe; or 8.5.3 Disclose any results before the polls are closed.
15. Poll watchers Antoinette Moore, Jordan Moon, Laura Prather, Mark Kohlman, and Shawn McNulty were observed in person and on closed circuit security footage violating 8 CCR 1505-1 Rule 8, MAY NOT, 8.6.1 Personally interrupt or disrupt the processing, verification, and counting of any ballots or any other stage of the election. 8.6.3 Touch or handle the official signature cards, ballots, mail ballot envelopes, provisional ballot envelopes, voting or counting machines, or machine components. 8.6.4 Interfere with the orderly conduct of any election process, including issuance of ballots, receiving of ballots, and voting or counting of ballots. 8.6.5 Interact with election judges except for the supervisor judge. 8.6.6 Use a mobile phone or other electronic device to make or receive a call in any polling location or other place election activities are conducted. 8.6.7 Use any electronic device to take or record pictures, video, or audio in any polling location or other place election activities are conducted.
16. Multiple complaints were submitted to the Designated Election Officer, Sarah Luetjen and Florissant Fire Protection District Chief, Erik Holt prompting the review of the closed circuit video evidence and witness statements will provide proof that candidates and poll watchers engaged in combined efforts to undermine the integrity of the election through voter intimidation, electioneering, and coordinating votes within the designated election area while reporting numbers to third parties via electronic media in violation of statutes.
17. The petitioner has consulted Florissant Fire Protection Districts legal representation, attorney, Linda Glesne, as previously stated is with GEGR Law Firm and finds a potential conflict of interest as the DEO, Sarah Luetjen, is with the same firm. However, the petition feels obligated by oath of office to abide by the Constitution of the United States, the Constitution of Colorado and the laws of Colorado, as current Florissant Fire Protection District Board President to petition the court for a stay in the election results being certified, until such time it can be determined if violations of C.R.S. election laws have occurred, criminal conduct has occurred by the defendants and the court recommends a resolution.
18. The petitioner requests the court stay the certification of election results pending determination of election integrity under C.R.S. § 1-13.5-1403

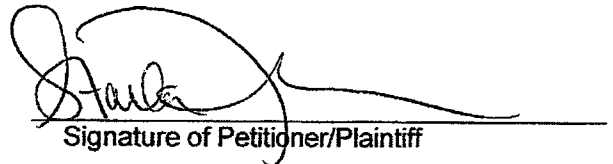
19. The petitioners request that any candidate in violation of statutes and found to have conducted electioneering in violation of statutes be removed from candidacy and ballots.
20. The petitioner requests that any candidate found in violation of statutes be referred for criminal investigation.
21. The petitioner requests any poll watchers in violation of oath and 8 CCR 1505-1 Rule 8 be referred for criminal investigation.

VERIFICATION

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the 15th day of May, 2023, at Florissant, CO, Teller County.

Starla Thompson
(Printed name of Petitioner/Plaintiff)


Signature of Petitioner/Plaintiff

30 Druid Trail 80816	Florissant	CO	
Address Code	City	State	Zip
719-651-4651			
Home Phone			

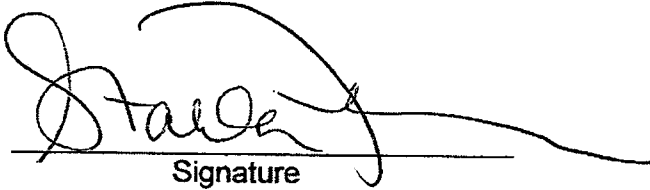
CERTIFICATE OF SERVICE

I certify that on May 15, 2023, a copy of this Petition of Complaint of Election Violations was served as follows on each of the following:

Name	Address	Manner Served
Dave Groat		Email
Jim Rank	ldlespurs@usa.com	Email
Robert Perry	Bobperry333@gmail.com	Email

Judy Dunn	Judydunn4FFPD@gmail.com	Email
Paul Del Toro	pwdeltoro@gmail.com	Email
Allen Schultz	allendschultz@gmail.com	Email
Shawn McNulty	ldlespurs@usa.com	Email via Jim Rank
Jordan Moon	Jordanmoom82@gmail.com	Email
Toni Moore	toniblackwell@hotmail.com	Email
Mark Kohlman	petracustomhomes@gmail.com	Email
Laura Robledo	hbsincco@hotmail.com	Email
Elizabeth Pendleton	97kiowacreek@gmail.com	Email

*Insert one of the following: hand delivery, first-class mail, certified mail, e-service, or fax.



 Signature

On 05/15/2023 1:06 PM Amanda Sutton <amanda.sutton@florissantfire.com> wrote:

Paul,

There is nothing statutorily that supports your request to transition board responsibilities and information *prior* to newly elected members officially taking term of office at the next regular meeting of the board (May 24, 2023) and *after* the following conditions have been met; 1) The election has been certified 2) Board members fulfill and file their oath of office with DOLA 3) Bonds are fulfilled and filed for newly elected board members. As a current board member, it is not lawful for me to share private and protected Florissant Fire Protection District information with you or anyone else whom is not an official, executive, or employee of the Florissant Fire Protection District.

Further, most of these requests, per statute and district bylaws, are under the direct oversight, responsibility, and authority of Chief Holt as the Chief Executive (Fire Chief) of the Florissant Fire Protection District. There is a clear delineation, in laws, policy, and procedures regarding the roles, responsibilities, and authority of the Board of Directors and the Chief Executive (Fire Chief).

If you would like to discuss further or in more detail, please let me know and I will provide my phone number to schedule a call or arrange to meet with you.

Regards,

Amanda

Amanda Sutton

Secretary

Board of Directors

Florissant Fire Protection District

On Monday, May 15, 2023, 6:22 PM, PAUL DEL TORO <pdeltoro@comcast.net> wrote:

Amanda,

Thank you for your response. Starla has responded likewise. All but Bob have taken our oaths and the bond is being filed. Judy Dunn and I will be acting as the transition team working with the chief and any members of the sitting board in this process.

Judy and I had a fruitful meeting with the chief this afternoon reviewing certain operational details. Certainty only one of many to come. Starla has offered her assistance as questions arrive.

Your comments regarding Chief Holt's responsibilities are understood which is why he was copied on the original request.

I look forward to working with you as we move through the transition and after in whatever capacity you choose to be involved with the department in the future.

Paul

Meeting notes from the Chief

5/15/2023

Present: Erik Holt, Starla Thompson and her son, Paul and Judy

We asked multiple questions. One question was what does a typical week look like? He stated that he attends many monthly meetings and rattled off about 10.

He will spend time many hours with the public and tell them what is going on.

He manages the budget where he tracks all purchases. He showed us a Quickbook document that he uses that gives him the ability to see what percentage of the budget is spent on each line item of the budget. He is allowed to spend up to \$5000 without the boards consent. He has a creative way to track purchases because he is able to pull from different line items. We have over \$740,000 in the budget.

Was money given out of the districts budget? All money given for a volunteer who's name is ZaZa (sp?) to go home and visit her mother because she hasn't been able to do this in many years was donated by the volunteers. The majority of it was given by Starla and himself. Due to a medical issue with Patti, ZaZa has been doing all of the administrative work.

All money made from the Muster Day was put into the budget and not a separate account for the volunteers.

He does weekly reports and when we asked to see them. He showed us a robust program with the ability to track call volumes and who is on those calls. He makes 92% of all calls. He can customize some of them but it wouldn't be easy. He is able to look at multiple years of data and compare them to what is happening now.

When asked about a strategic plan for the district he said he had one and for many months it was on the website. He showed me the first page of it. I asked him for a copy.

He stated that he does not have a way to track how he is doing in his job. It would be very hard to do that because he is working with volunteers and not full time firefighters. He stated that there are metrics in his contract and said he would send me the contract. Paul stated that he didn't see any and Starla stated they had not gotten that done.

When asked about the inventory of assets getting done, he said he has not had time to do this because he is working 24x7 and it isn't high on his priority list. He lost his new wife and family because he is working so many hours. He has not taken a day off since he started.

Training new recruits is high on his priority list and he makes himself available to them whenever they stop by. He showed me a spreadsheet of all the certifications that a new recruit must have before they become a full member.

He has been paying for training for new recruits. When I asked about Nick Sutton quitting he said that he did not except his resignation and he would handle that. We asked about a made up volunteers commitment after training then and there is none.

When asked if he gives new recruits a welcome packet or training info, he didn't say one way or another if he had one.

Multiple times when asked a question about operations he stated it was none of our business but Paul told him it was our business. He didn't seem to like that. Regardless, he did say he would show us things but wanted to interject that things were his to manage and not the boards.

He stated verbally that he must manage his Captain's time. Otherwise they would easily work over their 30 hour limit. Nothing was shown to us about this.

He said all trucks are in working order. He has no idea why the district bought the large truck on the side of the building used for structural fires. He wants to sell it and has an offer of \$20,000.

He was very familiar with Starla and told her multiple times to shh, stop interrupting and to quit interjecting things. He deferred to Paul when talking and only turned to show me something when I asked a question.

He is very proud of all he has accomplished.

Starla was very friendly and offered to be on the policy committee.

The meeting ended about 1:30 when we stated that we needed to leave.

This note has been sent out to everyone.

Judy

On Sunday, May 21, 2023, 5:29 PM, PAUL DEL TORO <pdeltoro@comcast.net> wrote

I saw it and asked him to take it down and repost without anything about Holt. Obviously he is refusing. The chief needs to change his post to remove his response that he never said that. He hasn't returned my call.

On 05/21/2023 5:07 PM MDT Judy Dunn <mrsjudydunn@yahoo.com> wrote:

Dave Groat wrote this on Nextdoor

Dear Friends and supporters of the Five.

Apparently we have already gotten in trouble with some of you, and we haven't even taken office! That only took 3 weeks! Ha!

So, for those who don't know, we did not take office the day after the election. That would have been nice, but it doesn't work that way. We don't officially take office until "the next regular board meeting" which is Wednesday, May 24th. This gives the outgoing board a chance to finalize their old business, and transition to the new board. Peaceful transition of power. God bless America!

In the meantime we've been looking into all the stuff we need to deal with once we do. We are also continuing to learn how to work with each other. We've never done this before but we are extremely excited about it. The transition is cordial, but not exactly friendly. It's not normal for any entire board to be replaced all at once. It really was a historic election! Rules for this are a grey area or non-existent. Same issue we ran into running as a team. There were no rules or options for running as a team. Again, historic.

The previous board abdicated all of their oversight of the chief. So, among the many things we are looking at are the bylaws for the board, bylaws for the volunteers, and the contract that the board has so generously given the chief.

We don't yet have access to any department records, the financial statements or any bookkeeping information.

On a positive note, of the many things we've discussed with the chief, he's been surprisingly cooperative, but has consistently reminded us that "this is none of your business" but here it is. **During the campaign he said he would leave if the wrong people were elected.** I'm pretty sure that meant us. He's given us no indication of his intentions so we are preparing to work with him and looking at all the other options we might face to keep the department ready for emergency responses.

We've also spent a lot of time trying to decide on the format of the meetings. We want to make sure members of the district have plenty of opportunities to have their voices heard. We expect a ton of criticism from the outgoing regime and their supporters, and are prepared to deal with it.

So, there just hasn't been a lot to report as at this time our hands are still tied. The chief still controls the department website, the station, the volunteers and the apparatus. We have a key to the station, but that's about it.

I hope this helps to allay some of the concerns of everyone. We are close! We hope to see many of you on Wednesday, May 24th at 6pm, at the fire station, when we finally and officially charge and can truly begin our mission.

With love and respect,
Dave Groat, for "The Five"

Erik Holt response:

I have not stated that I would leave this position for any reason ever. This was a statement made by someone associated with you on social media but I have never stated that. Regardless of who the board is my duties and oath do not change. I have repeatedly asked to be left out of campaigns and personal attacks toward me as I've stated over and over again I am a contracted employee of the district and not an elected official. I have always been cooperative and invited every single person in to meet with me. Four of the new board members invited me to lunch and I stated I would not feel comfortable meeting with a quorum because of the risk that discussions involving the department would take place. That is my choice and should not be used as a reason to state that I wouldn't be a professional. I have met with Judy and Paul and given my time and willingness to learn with them both professionally. Showing them everything they asked questions about in a manner that I hoped would have positive effects. They are the only two to dedicate any time to meeting with me, the Fire Chief of the district. I do not know the basis of your "this is none of your business" because that was not stated. I have in my meeting with Judy and Paul made it clear that some of the campaign chatter was not the responsibility of or legally managed by the board of directors. State statute defines responsibility pretty clearly and most of it falls on the shoulders of myself as the Fire Chief. I gave Allen time prior to the business meeting I conducted on Monday without hesitation or involvement to address members of the department and introduce himself. I gave Allen time to do that as he asked for. I approved and supported a request made by a newly elected director without hesitation. I have nothing to do with the transfer of responsibility from the outgoing directors to the newly elected directors. My job remains the same. My oath remains the same. My responsibilities remain the same. I am open and have demonstrated my desire to maintain progress for this district but these posts continue to take jabs towards me as a professional Fire Chief. Comments about my contract with the district as if somehow this isn't the standard and norm continue cause a riff. I wish the desire to serve the district would be supported by efforts to learn and not continued jabs based in rhetoric instead of reality. To you, Dave, or the other newly elected directors I will state again I am available should you want to meet with me. I will not violate statutes or my own morals but I will always be willing to continue the growth of our personnel and department. My job is and has always been to manage the department as defined by statute. I ask that these posts inferring a lack of professionalism or that my performance as the Fire Chief is anything short of the standard cease. I have given everything to this district to serve and have an extremely deep dedication to serving the residents of this district that has come with a heavy toll on me personally. My dedication to the path I took should be clear by now and I hope the public display of desire to cause harm towards me will stop, and I ask that it does. I have never had a conversation with you and shook your hand without hesitation when you took your oath to serve.

At a minimum can we please not post what you have never heard from me stated so we can have a professional working relationship to continue moving forward to serve this district in fire and emergency services.

[Sent from Yahoo Mail for iPad](#)



Allen Schultz <allendschultz@gmail.com>

Email from the Chief where he states he will not be around

1 message

Judy Dunn <mrsjudydunn@yahoo.com>
To: PAUL DEL TORO <pdeltoro@comcast.net>

Mon, May 22, 2023 at 9:23 PM

Allcon,

Here is the part of the email where the Chief told me he would not be around if we were elected. If he decides to bring this up on Wednesday I thought everyone should have a copy of this if the Chief decides to lie about it. Also, Erik has told me this verbally before which is why both Paul and I went to the station after the results of the election and told him not to quit, yet. We asked him to give us a chance to prove ourselves.

Erik said:

Ultimately, voters will decide in May. I will not be around if the wrong people are elected so that's going to be something that you must evaluate and check your own moral compass on should you be elected because it truly and accurately will mean your family, neighbors, and friends who safety is at risk. As the Fire Chief of FFPD I do not hold back in my frustrations and dismay in a small group of people causing my focus to shift away from the health and safety constantly so that a public mockery can be caused to gain attention.

Begin forwarded message:

On Thursday, February 23, 2023, 11:32 AM, Chief <Chief@Florissantfire.com> wrote:

Judy,

Thank you for the gratitude for our personnel and I will surely pass that along. I don't want to get long winded in my response which is how I naturally respond in emails lol. I am the right person to ask about the water issues. Please understand there's not many answers to give. In regards to files none were damaged, but as is well known TCSO has the recent pertinent files anyways. The files at the upper building are all the way back to the 1990s. They were taken down and placed in the bay as part of general housekeeping that I work on as I can. None of those are needed and have to be disposed of properly. Once repairs and such are finalized, I can give an update at a board meeting. To address other concerns in your email I'll start with this. The community has been told so many lies and mistruths this past year. I have done my best to dispel them with factual documentation but its impossible to reach all 5600 people I am responsible to serve. In essence, and unfortunately a sad mistaken take on a fire protection district is that we are a community ran organization. That is simply not true. We are a tax funded district not a taxpayer owned and operated department. Committees can be great, but they are not the proper way to conduct business all the time. I am the hired Fire Chief so the duties of operating the department by statute are my responsibility. Committee or not it is ultimately a responsibility I own and all decisions made in the course of those duties. An easier example would be I utilized the Captain's constantly in asking for their opinions and feedback before I make a department decision. But, at the end of the day I am the one that makes the final decision and must own whatever decision is made because by law that's my job. Same context as utilizing a committee. The officer corps is a great example of a leadership committee if you will. The huge difference is the officers are members of the department. That means they fall under the set expectations and policies to which I enforce. To the next point this is also a reason for you misquoting what I said to you in meeting. I have repeatedly stated that I appreciate the efforts of the members of NoFloCo. I have also consistently and repeatedly stated that if they would like to partner with the department there is two options. First being anyone can apply to serve on this department which is why the application packet is on our website for

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access by all. Join the department and I can utilize them as volunteers in many different facets, but I also can ensure that they are serving the community and abiding by the expectations and policies of how we conduct business. Second option I have stated over and over is to become a legitimate entity. Whether that is by incorporating as a business and abiding by the state laws or by becoming a non-profit to which they will have to cover the liabilities of their efforts via insurance, bonds, and licenses. I do not dictate which path must be taken but those are the options and they have been stated and shared many times. I am not against anyone in this district. My job is to serve this district as its professional Fire Chief, a job I take extremely seriously. I've been sent the many campaign posts or write-ups and it is very clear that the group of people you are running with have no idea what running a fire department takes. I am not going to get involved in that. I have a job to focus on, but as a self-advertised candidate I hope that you will prepare yourself and educate on what it takes to run a department. Throwing out there you will partner with NoFloCo as a common message on that website, and yet nobody understands what the liability of that is. You're attempting to step into an arena where peoples lives and homes are at stake, so I hope you won't continue to take that lightly. Ultimately, voters will decide in May. I will not be around if the wrong people are elected so that's going to be something that you must evaluate and check your own moral compass on should you be elected because it truly and accurately will mean your family, neighbors, and friends who safety is at risk. As the Fire Chief of FFPD I do not hold back in my frustrations and dismay in a small group of people causing my focus to shift away from the health and safety constantly so that a public mockery can be caused to gain attention. I'm honestly exhausted by it. Look at the negativity by those you associate with about supporting a wonderful cause like Autism Awareness. I appreciate your email, but I want you to understand my mindset a little bit clearer so please don't take offense to my honesty. In the past 7 days or so we have had 3 cardiac arrest calls. That's the reality of my world. But I am spending my time answering questions that are truly not even relevant about files from 20 years ago instead of being able to focus on how to train and certify our volunteers for calls like we have had to serve the community better. A focus that directly affects you and your household. Is the community served better by constant information seeking and false statements because of those that want control or by a well trained and well equipped department? I think we both know that answer. After I spoke with you last time in the late evening I was very discouraged by your anger in my proposal to buy radios and watching you angrily leaving the board meeting. I have only seen you voice negativity since coming to know you after your post about 7 EMTs in FFPD. I just reported through successful recruitment we have 10 EMTs now and two more being trained. Why are you not supporting that when I came to know you from concern about our EMT numbers? Why are you not promoting the departments improve qualifications, higher certifications and training, or the impressive recruitment we have had in the face of all the negativity from a group you associate and are campaigning with? I want to know what your desires are. I want to know if you become a director what your vision is because it seems very convoluted and dangerous to me, your Fire Chief.



Erik Holt

Fire Chief

Florissant Fire Rescue

From: Christie Kersnick <ckersnick@tcwrn.com>
Sent: Tuesday, May 23, 2023 8:41 AM
To: Erik Holt <Erik.Holt@Florissantfire.com>
Cc: Patti Angell <DistrictAdmin@Florissantfire.com>; Patti Angell <DistrictAdmin@Florissantfire.com>
Subject: FW: 6/1/23 Insurance renewal proposal/Invoices - Florissant Fire Protection District

Good morning, Chief,

I wanted to check in to see if you had a chance to see my email below? You coverage expires soon and I have not sent anything come back yet. Please let me know if you have any questions.

Thank you,

Holiday office hours:

From: Erik Holt <Erik.Holt@Florissantfire.com>
Sent: Tuesday, May 23, 2023 9:36 AM
To: Christie Kersnick <ckersnick@tcwrn.com>
Subject: RE: [External] 6/1/23 Insurance renewal proposal/Invoices - Florissant Fire Protection District

Hey Christie,

We will be renewing. I need to get the authorization signed today by the board president and will get it to you.

From: Christie Kersnick
Sent: Tuesday, May 23, 2023 10:07 AM
To: Erik Holt <Erik.Holt@Florissantfire.com>
Subject: RE: [External] 6/1/23 Insurance renewal proposal/Invoices - Florissant Fire Protection District

Thanks, Chief. 😊

FLORISSANT FIRE PROTECTION DISTRICT



POSTED ON FFPD
WEBSITE 5/23/2023

2606 W. HIGHWAY 24 / P.O. BOX 502
FLORISSANT, CO 80816-0502
Phone: 719-748-3909 / FAX: 719-748-5342

Memorandum


This is an official notice of **RESCHEDULING** of the Regular Meeting of the Florissant Fire Protection District Board of Directors FROM Wednesday, May 24 2023, at 6:00pm TO Wednesday, June 14 2023, at 6:00pm.

The decision to reschedule this meeting is duly made by the legal authority of the current board of directors, Starla Thompson, Justin Snare, and Amanda Sutton, in consultation and interpretation of statutes with the district's legal counsel and the Department of Local Affairs.

The FFPD Board of Directors are aware of election violation complaints files in 4th Judicial District Court of Teller County and to the District Attorney's office resulting in an **open criminal investigation** of election violations, regarding the May 2 2023 Regular Election. Due to pending allegations and investigation being ongoing, the board has a legal and ethical obligation to abide by the oath of office to the Constitution of the United States and the Constitution of the State of Colorado and the laws of the State of Colorado to faithfully serve the district until a notification of determination from the court regarding allegations and criminal investigations has been received or the elected board is officially seated at the June 14, 2023 as statutes indicate they should take office no later than 30 days post certification of the election which occurred on May 15, 2023.

Per, combined interpretation of C.R.S. 1.13.5-112, current board directors will remain as the legal governing body of the Florissant Fire Protection District until the meeting as rescheduled or as advised by determination of the District Court.

Sincerely,


Starla Thompson,

Florissant Fire Protection District
Board President

From: PAUL DEL TORO <pdeltoro@comcast.net>
Sent: Wednesday, May 24, 2023 2:50 PM
To: Chief <Chief@Florissantfire.com>; Judy Dunn
<mrsjudydunn@yahoo.com>
Subject: Please post

Good afternoon Chief,

I appreciate you working with us to open the station. Attached please find the agenda to post to the website for tomorrow's rescheduled monthly meeting. Please post by 5 pm. We are requesting your attendance to present your Chief's report for the month of April.

Thank you,

Paul



Chief report.docx

23K

On 05/25/2023 8:34 AM MDT Chief
<chief@florissantfire.com> wrote:

Paul,

I have not handled the posting of agendas this is a duty of the board secretary. I can request that it be posted or the login credentials if you would like but this not a duty assigned to the Fire Chief as of current. I am also not on duty this evening with a Captain on shift and attending my daughters school function at the middle school. I will need further notification to enable to be able to set my schedule to allow for meetings in the evening. My daughters function has been scheduled for weeks.



ERIK HOLT

Good morning Chief,

Below are high priority items that require your immediate attention.

- **Immediately** disable audio recording within the building. Not sure whether this is managed by you directly or if this is managed by a vendor. Either way this has to happen today. Please let us know the rationale for implementing this in the first place and we can decide if it possibly should be re-enabled with the appropriate signage. In the interim please secure and post signage inside and out similar to https://www.amazon.com/Warning-Audio-Video-Surveillance-Bilingual-Sign/dp/B00HK99AWS/ref=sxin_25_sbv_search_btf?content-id=amzn1.sym.6b132751-5a90-48b7-a41a-74ccb555fd69%3Aamzn1.sym.6b132751-5a90-48b7-a41a-74ccb555fd69&cv_ct_cx=camera+recording+sign&keywords=camera+recording+sign&pd_rd_j=B00HK99AWS&pd_rd_r=d7cd7e2d-f4a6-4c94-b303-9f696e0c5602&pd_rd_w=HxJY9&pd_rd_wg=xDbg6&pf_rd_p=6b132751-5a90-48b7-a41a-74ccb555fd69&pf_rd_r=5VJ9JMN5MCJ05MTFFHFJY&qid=1685021007&sbo=RZvf%2F%2FHxDF%2BO5021pAnSA%3D%3D&sr=1-33-4c553d48-cad0-4321-bb77-03208a7d6943
- Please create the district emails as follows:

Paul del Toro – paul.deltoro@florissantfire.com

Judy Dunn – judy.dunn@florissantfire.com

Bob Perry – robert.perry@florissantfire.com

Dave Groat – david.groat@florissantfire.com

Allen Schultz – allen.schultz@florissantfire.com

Provide email account settings via a response to this communication.
Send a test email to each account to confirm proper setup.

- Provide Zoom account login
- Remove the existing meeting notification identifying the cancellation of the monthly meeting and replace with the attached.
- Instruct Patti Angel to immediately return all district documents / records to the station. No district information is to be maintained offsite.
- Provide a schedule for Patti to accompany members to the bank to update account authorizations.
- Reminder of tonight's (5/25) 6 pm meeting. Please distribute your Chief's Report to us prior to the meeting.

Please confirm your understanding of the above items. Please call me at 719.748.3241 if you have any questions.

Thank you,

Paul

Chief's Report

May 2023

OLD BUSINESS

1. Motorola APX 4000 order expected delivery in August

NEW BUSINESS

1. S-130/S-190 ICS-100 – 23 new wildland firefighters certified.
2. EMT Class hosted at FFR starting August 22
3. Family Fire Muster raised a total of \$23,000 towards the purchase of a new command vehicle.
4. Rescue 50 800mhz install on 5/26
5. New fuel tanks delivered and installed on 5/25 paid from donation by Joe Kraudelt
6. Internal Firefighter 1 academy in the works

On Thursday, May 25, 2023, 3:49 PM, PAUL DEL TORO <pdeltoro@comcast.net> wrote:

----- Original Message -----
From: Chief <Chief@Florissantfire.com>
To: PAUL DEL TORO <pdeltoro@comcast.net>
Date: 05/25/2023 3:40 PM MDT
Subject: RE: Please post

Here is the Chief's report

On Friday, May 26, 2023, 7:39 AM, PAUL DEL TORO <pdeltoro@comcast.net> wrote:

As the new board has now been formally seated per the statute cited, **REFERENCE: 1-13.5-112. Commencement of terms - nonpartisan officers** I am again seeking your cooperation in providing the following information. As your florissantfire.com email accounts will be disabled shortly I would additionally request whatever contact information you wish to share with me for further questions or needs.

Thank you,
Paul

- Logins to all departmental systems
 - Quickbooks
 - Facebook
 - E911 and Emergency Reporting
 - Security cameras
- Transfer of keys and access codes to the physical sites
- Location of files
 - Contracts
 - Financials
 - Policies and procedures
 - Personnel
 - SDA required reports
- We will need to get our departmental emails setup
- All contacts
 - County
 - Information Services provider
 - State
 - Mutual aid departmental agreements and contacts
 - DOLA
 - Vendors
- Financial Accounts
 - Check signing authorizations
 - ACH authorizations
 - Money market
- Pending items
 - Contracts
 - Open POs
 - Open unapproved financial requests
- Location and access to previously installed AV equipment

On Friday, May 26, 2023, 8:13 AM, PAUL DEL TORO <pdeltoro@comcast.net> wrote:

Good morning Chief,

Please provide a status on execution of these tasks.

You call me at 719.748.3241 or email.

Thank you,
Paul

On Friday, May 26, 2023, 1:20 PM, PAUL DEL TORO <pdeltoro@comcast.net> wrote:

It took a bit of doing but all accounts are now frozen.

Balances so we have a baseline:

Checking: \$145,354.85

Money Market: \$220.79 needs to be increased to \$5,000 to avoid fees

CD: \$5,410

Pending transactions:

Check # 6824 - \$144.76

Check # 6828 - \$2,657.08

ACH: IRS \$1,379.90

ACH: Tax authority \$262

All future transactions posted until we move the signing authority will need to be authorized by me.

From: Christie Kersnick <ckersnick@tcwrm.com>

Sent: Tuesday, May 30, 2023 10:42 AM

To: Erik Holt <Erik.Holt@Florissantfire.com>

Cc: Patti Angell <DistrictAdmin@Florissantfire.com>; Patti Angell <DistrictAdmin@Florissantfire.com>

Subject: RE: [External] 6/1/23 Insurance renewal proposal/Invoices - Florissant Fire Protection District

Hi Chief,

So sorry to be a stalker but any chance I can get that renewal paperwork today? Your coverage expires tomorrow night and I have not yet seen anything come through yet.

Thanks!



Christie Kersnick

Senior Account Manager

Direct Phone: 303.872.1925

Email: ckersnick@tcwrm.com

384 Inverness Parkway, Suite 170

Englewood, CO 80112

Hours: 8:00 am – 4:30 pm

Every Friday we close at noon until Labor Day

www.wilsonins.com

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From: Erik Holt <Erik.Holt@Florissantfire.com>

Sent: Tuesday, May 30, 2023 10:47 AM

To: Christie Kersnick <ckersnick@tcwrn.com>

Subject: RE: [External] 6/1/23 Insurance renewal proposal/Invoices - Florissant Fire Protection District

Christie,

Can you please **resend** me the form again we just had a switch in our board members so the form I had signed by the former board president last week is no longer valid. I will get that to you today



ERIK HOLT

FIRE CHIEF

FLORISSANT FIRE RESCUE

"Committed to excellence in all we do"

From: Christie Kersnick <ckersnick@tcwrm.com>

Sent: Tuesday, May 30, 2023 10:54 AM

To: Erik Holt <Erik.Holt@Florissantfire.com>

Subject: RE: [External] 6/1/23 Insurance renewal proposal/Invoices - Florissant Fire Protection District

Thanks, Chief. Here you go!

I appreciate you 😊



Christie Kersnick

Senior Account Manager

Direct Phone: 303.872.1925

Email: ckersnick@tcwrm.com

384 Inverness Parkway, Suite 170

Englewood, CO 80112

Hours: 8:00 am – 4:30 pm

Every Friday we close at noon until Labor Day

www.wilsonins.com

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INVOICE

384 Inverness Parkway, Suite 170
Englewood, CO 80112

Account Number
FLORFIR-01

Date
May 9, 2023

Florissant Fire Protection District
2606 W. Highway 24
P O Box 502
Florissant CO 80816-0502

Policy Type:	Package, Cyber-IRR, AD&D	Policy #	7190011330007/ 9700001750005/ EXAD98978CO10070	Effective: 6/1/2023 to 6/1/2024
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Due Date	Transaction	Description	Amount
06/01/2023	RENL	Package Renewal premium	\$20,517.00
		State Surcharge	\$23.00
		Endorsement #1 to add vehicle	\$714.00
		State Surcharge	\$1.00
		Cyber-IRR renewal premium	\$1,011.00
		AD&D renewal premium	\$829.00
		TOTAL AMOUNT DUE:	\$23,095.00

REFERENCE YOUR POLICY # ON YOUR REMITTANCE CHECK.

**PLEASE BE SURE TO REMIT YOUR PAYMENT TO
TCW RISK MANAGEMENT
384 INVERNESS PARKWAY, SUITE 170
ENGLEWOOD, CO 80112**

605 Highway 169 North, Suite 800
Plymouth, MN 55441

COLORADO BODILY INJURY UNINSURED MOTORISTS COVERAGE SELECTION/REJECTION

Applicant/Named Insured: FLORISSANT FIRE PROTECTION DISTRICT PO BOX 502 FLORISSANT, CO 80816-0502	Producer: TRIBBETT AGENCY, LLC. 1750 25TH AVE #205 GREELEY, CO 80634
Policy Effective Date: 06/01/2023	Policy Number: 791001133-0007

Colorado law permits you to make certain decisions regarding Uninsured Motorists Coverage. This document briefly describes this coverage and the options available with respect to Bodily Injury Uninsured Motorists Coverage.

You should read this document carefully and contact your agent if you have any questions regarding Uninsured Motorists Coverage and your options with respect to this coverage.

This document includes general descriptions of coverage. However, no coverage is provided by this document. You should read your policy and review your Declarations Page(s) and/or Schedule(s) for complete information on the coverages you are provided.

Bodily Injury Uninsured Motorists Coverage provides insurance protection to an insured for compensatory damages which the insured is legally entitled to recover from the owner or operator of an uninsured motor vehicle because of bodily injury caused by an automobile accident. Also included are damages due to the bodily injury that result from an automobile accident with a hit-and-run vehicle whose owner or operator cannot be identified.

Unless rejected, or unless you select limits equal to the Combined Single Limit for Liability Coverage of the policy, your policy must include Bodily Injury Uninsured Motorists Coverage at a limit not less than the minimum limit required by Colorado law of \$50,000 for each accident.

Please indicate your choice from either **A.**, **B.**, or **C.** as follows:

A. Selection Of Bodily Injury Uninsured Motorists Coverage At A Limit Equal To The Combined Single Limit For Liability Coverage Of The Policy

If you wish to select Bodily Injury Uninsured Motorists Coverage at limit equal to the Combined Single Limit for Liability Coverage of the policy, you may do so by initialing and signing below.

(Initials)	I select Bodily Injury Uninsured Motorists Coverage at a limit equal to the Combined Single Limit for Liability Coverage.
_____	_____
_____	_____
Signature Of Applicant/Named Insured	Date

----- Original Message -----

From: Erik Holt <Erik.Holt@Florissantfire.com>

To: Paul Del Toro <pdeltoro@comcast.net>

Date: 05/30/2023 1:21 PM MDT

Subject: FW: [External] 6/1/23 Insurance renewal proposal/Invoices - Florissant Fire Protection District



INVOICE



ERIK HOLT

FIRE CHIEF

FLORISSANT FIRE RESCUE

"Committed to excellence in all we do"



Allen Schultz <allendschultz@gmail.com>

Meeting with Holt - DO NOT REPLY ALL

3 messages

PAUL DEL TORO <pdeltoro@comcast.net>

Wed, May 31, 2023 at 8:00 AM

To: "Allen D. Schultz" <allendschultz@gmail.com>

I had an impromptu meeting with Holt yesterday. Had to sign a document and we got talking.

These are bullet points I can go into more individually as requested. This is stream of consciousness not necessarily in the order of discussion.

- He started out saying there is significant unease among employees and volunteers. I asked why and he said because of "all of the changes". When I asked what changes we made other than law firm, bank signatories and establishing a finance committee he replied all the changes discussed on social media in the election. He thinks we need to move slower and get people used to us.
- Told him I want him to setup a meeting with the volunteers for me to speak to them. He warned me about Allen's meeting, said that's fine I'll face them.
- He is not happy that only Judy and I have made an attempt to meet with him. It is a fair statement. All others should set a time to give him the courtesy of a meeting remembering that only a quorum can give him directions. By the same token need to be careful getting embroiled individually in possible hostile workplace claims.
- Told him I want the Facebook login and he balked. He doesn't want negative social media and the site is about the culture of the department and is a good recruiting tool. Some valid points but I told him there would be no more negative social media from the board at all. That includes a positive response by the board to a negative comment from the community. Allen's FB response to Bill Steven's was perfect. Simply a thank you for his comment. Told him we will be using it for communicating to the community.
- I asked why it is taking so long to get the simple items checked off, e.g. getting a schedule for Patti to go to the bank, a register of checks to be paid, getting logins etc. Says he doesn't have time. Told him then we need to figure out how to take things off his plate so he does have time.
- Discussed 2 outstanding checks I have not approved. \$2,700 check to Tory's firm for April. He says it's a board thing and doesn't know about what it entails. \$144 check to Patti. He said it is reimbursement for travel and meals for training she went to. Asked for the expense form he said he hasn't had time to get it to me. I asked what the training was for he mumbled something about admin training.
- That reminded me to tell him he needs to speak up in meetings. I told him we planned to reinstall the A/V system. Said he is responsible for the facility and it is too complex. He said the current system was used very effectively as IC center during 403 and he doesn't want to mess that up.
- Spoke about committees and he said he won't work with committees that have the usual suspects, Don, Toni, McGovern especially due to the negativity of their comments about him. Asked why we need a finance committee, replied to establish best practices for all financial processes. He said he was given \$5,000 spending authority on anything in the budget. Insists he is under budget in most categories.
- Led to asking for Quickbooks logins, said he doesn't control that Tory does.
- Said he can't give access to the operational systems as they contain personal information and the volunteers have a right to privacy and pushing for that will only add more discomfort to the volunteers.
- I asked about improving existing reporting for response times, etc he said the software vendor was recently acquired and they will be upgrading the system to produce the reporting we want to see. No schedule.
- Mentioned about the Oxygen program he said Dewalt approved it. He said there are only 12 signed up and they've got the tanks and believes he can support it.
- Talked about chipping. Said he doesn't have staff and his charter is fire fighting not mitigation. Told him we would staff it and manage but he needs to set a date, From all appearances it looks like there are only 2 days that the county chipper is reserved. We should give him dates we want to do this.

All in all we are hitting into the policies and bylaws that gave him absolute power over all. This will be a discussion with the law firm tomorrow. Once we check the right boxes changing the requisite items in a public meeting by vote we need an executive sessions with him to provide him the ground rules, responsibilities moving forward.

32



Allen Schultz <allenschultz@gmail.com>

Updates

3 messages

PAUL DEL TORO <pdeltoro@comcast.net>

Thu, Jun 1, 2023 at 6:35 PM

To: Judy Dunn <mrsjudydunn@yahoo.com>

- Both Patti and Tori have resigned
- The chief has identified that he has multiple personnel issue he is dealing with
- He will not have access to the district law firm for any personal legal business
- Any other issues he has will need to come to us and we will determine if we want to engage the lawyer
- Judy and I will be meeting with him Friday at 11 am to discuss his issues
- We will be picking up Patti's computer to get to Vicky
- Signing authority for the Colo Trust account has now been moved to us. Your login credentials have now been sent to your district email accounts. Please get your accounts setup
- If you have not already reviewed the meeting minutes from the last meeting please do so we can get them finalized.
- With no previous signers willing to come to Community bank to update the signers for the account we will need to get this into the minutes as we did with Colo Trust. Once we have that we can compel them to do so without a signer. We'll use the lawyer if necessary to do so.
- I will be submitting the Starla complaint to our insurance to determine if this is an insurable issue.

From: Paul Del Toro <paul.deltoro@Florissantfire.com>

Sent: Friday, June 2, 2023 10:34 AM

To: Chief <Chief@Florissantfire.com>

Subject: Patti's responsibilities

Chief,

In the interim until a new Admin for the district is hired, please forward all your requests that would normally be sent to Patti to me. Please provide me a comprehensive list of typical requests.

Paul

Sent: Friday, June 2, 2023 10:47 AM

To: Paul Del Toro <paul.deltoro@Florissantfire.com>

Subject: RE: Patti's responsibilities

Paul,

This does not appear to be a lawful request. As this has become an issue with other issues that continue to arise. I am requesting that all communication between myself and any director be only in email form and all requests for in-person communication have the districts legal representation present in person until matters can be resolved.

V/R



**ERIK HOLT
FIRE CHIEF
FLORISSANT FIRE RESCUE**

"Committed to excellence in all we do"

From: Paul Del Toro <paul.deltoro@Florissantfire.com>

Sent: Friday, June 2, 2023 1:23 PM

To: jerb@erblawllc.com <jerb@erblawllc.com>; nfleming@erblawllc.com <nfleming@erblawllc.com>;
gschmidt@erblawllc.com <gschmidt@erblawllc.com>

Cc: Judy Dunn <judy.dunn@Florissantfire.com>

Subject: Fw: Patti's responsibilities

Please review this email chain I wish to send ASAP.

Chief,

If you have employment issues with members of your staff that need to be discussed with counsel please let me know the background and we can schedule a meeting as appropriate. If you personally have employment issues with the board you have a right to obtain your own representation and we can bring in the district counsel. Other than that I am not sure what matter you reference for resolution.

Beyond that we will not be wasting district funds engaging counsel for every conversation and directive between the board and yourself.

We had a meeting scheduled for 11 am today which you chose not to attend with no excuse. This meeting was originally at your request but was communicated to you subsequently as a requirement to turn over Ms. Angell's computer, a district asset to me. At this time you are formally directed to turn over this computer and all access codes for this machine in addition to any and all current working files, check books, check registers, 2022 complete files, files thus far for 2023, any payroll files by 5 PM today June 2, 2023.

From: Paul Del Toro <paul.deltoro@Florissantfire.com>
Sent: Sunday, June 4, 2023 9:53 AM
To: Chief <Chief@Florissantfire.com>
Cc: Judy Dunn <judy.dunn@Florissantfire.com>; jerb@erblawllc.com <jerb@erblawllc.com>
Subject: District admin computer

Chief,

You have ignored my directive to provide to me the district administrator computer on Friday June 2nd. You have identified your refusal of this directive as an "unlawful request". What statute or law do you identify to support this claim?

Please note, Section 8, Sub-section n. of the bylaws "The Board may delegate such powers and duties to the manager or administrator as it deems appropriate". Further RULE III-2 of the Procedural Authority Governing Operations, Roles and Responsibilities and Conduct identifies the role of the President as the liaison to the Manager / Chief. As such, without providing evidence to support your claim, I repeat the directive that the district administrator computer must be provided to me fully intact with all files as you received it with all access logins. The deadline for receipt of the computer is now 9 AM, Monday June 5, 2023. It is important that you respond to this communication by 8 AM, Monday June 5, 2023. Failure to do so may result in further action by the Board.

I left you a message on your district phone identifying the need to access your email to read this message.

Paul

Paul,

I am informing you that I am contacting and retaining an attorney for breach of contract. My benefits were cancelled for payment and since that was not a board decision but one you made by contacting the bank personally without a quorum vote I will name you in that. As for the meeting last night which also violates the duties and responsibilities outlined in my position description and contract discussing committees within my assigned duties as the Fire Chief I will name all board members and the district. I would like to ask you and the rest of the board if your intention is to breach my contract as a termination without cause?

4



ERIK HOLT

FIRE CHIEF

FLORISSANT FIRE RESCUE

"Committed to excellence in all we do"

On 06/06/2023 2:14 PM MDT Erik Holt <erik.holt@florissantfire.com> wrote:

So far every payment that we cut checks and sent out has been returned fraudulently because the current board had no authority to stop any payments made before your tenure began. I have received several inquiries. You stopped payments without a quorum vote to even do so. This include my FPPA benefits as well which is part of my contract. I have emails on from you on two checks you questioned, and I provided you the information on as well as the email you sent stating you have frozen the accounts which was a unilateral decision made since it was never voted on in a public meeting. We cannot pay bills. We will be incurring hefty fees and demands for payments because of this decision. When it comes to the part of my benefits not getting paid that is a breach. It needs to be rectified. We currently do not have insurance either. Payment wasn't made so we do not have coverage and I will be getting a letter to you today from TCW. None of these decisions are board responsibility or authority, especially everything currently that was frozen before you tenure began. There is no board motion or vote on these matters so whomever called and made these choices is the one responsible for all these fees and negative impacts on the district. This is my job to do which was done and authorized, but again a decision was made to violate that. The longer you keep me from handling department issues the worse the situation gets. Fix it immediately please.



From: PAUL DEL TORO <pdeltoro@comcast.net>

Sent: Tuesday, June 6, 2023 2:24 PM

To: Erik Holt <Erik.Holt@Florissantfire.com>

Subject: RE: Breach of Contract

On hold with the bank. Those payments were not denied.

From: Christie Kersnick <ckersnick@tcwrm.com>
Sent: Tuesday, June 6, 2023 2:28 PM
To: Erik Holt <Erik.Holt@Florissantfire.com>
Subject: Insurance Cancellation Notice - Florissant Fire Protection District
Importance: High

Hi Chief,

Attached is the letter advising that you currently do not have any insurance coverage for Florissant Fire Protection District due to non-payment of premium. Coverage expired on 6/1/2023 for your Package, IRR-Cyber, and Accident Death and Dismemberment policies.

The only one left in force is the workers compensation through Pinnacol. That policy expires on 1/1/2024.

Please let me know if you have any questions.

Thank you,



Christie Kersnick
Senior Account Manager

Direct Phone: 303.872.1925

Email: ckersnick@tcwrm.com

384 Inverness Parkway, Suite 170

Englewood, CO 80112

Hours: 8:00 am – 4:30 pm

Every Friday we close at noon until Labor Day



Date: 6/6/2023
To: Florissant Fire Protection District
Subject: Insurance cancellation

As of today, 6/6/2023 we have not received payment for your 6/1/2023 renewal premium of your Package, IRR-Cyber, and Accident Death and Dismemberment policies. Payment was due on 6/1/2023. Currently, your insurance coverage has expired as of the expiration date.

Please let me know if you have any questions.

Thank you,

Christie Kersnick
Senior Account Manager
384 Inverness Parkway Suite 170
Englewood, CO 80112
(303) 872.1925
ckersnick@tcwrm.com

On 06/06/2023 2:26 PM MDT Erik Holt <erik.holt@florissantfire.com> wrote:

That is false they have been returned



ERIK HOLT

FIRE CHIEF

FLORISSANT FIRE RESCUE

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From: PAUL DEL TORO <pdeltoro@comcast.net>
Sent: Tuesday, June 6, 2023 2:30 PM
To: Erik Holt <Erik.Holt@Florissantfire.com>
Subject: RE: Breach of Contract

That's why I am checking because all but Tory's, Patti's and 3D Dimensions were approved.

----- Original Message -----

From: Erik Holt <Erik.Holt@Florissantfire.com>

To: Paul Del Toro <pdeltoro@comcast.net>

Date: 06/06/2023 2:30 PM MDT

Subject: FW: Insurance Cancellation Notice - Florissant Fire Protection District

Paul,

We currently have no insurance. We may be unable to even operate in emergency services now



ERIK HOLT

FIRE CHIEF

FLORISSANT FIRE RESCUE

"Committed to excellence in all we do"

----- Original Message -----

From: Erik Holt <Erik.Holt@Florissantfire.com>

To: PAUL DEL TORO <pdeltoro@comcast.net>

Date: 06/06/2023 3:01 PM MDT

Subject: RE: Breach of Contract

This was a terribly irresponsible decision. I need to speak with the districts legal counsel immediately



ERIK HOLT

FIRE CHIEF

FLORISSANT FIRE RESCUE

"Committed to excellence in all we do"

From: Paul Del Toro
Sent: Tuesday, June 6, 2023 3:11 PM
To: ckersnick@tcwrm.com <ckersnick@tcwrm.com>
Cc: Chief <Chief@Florissantfire.com>
Subject: Wire confirmation number OW00003300337732

Christy,

Thank you for your help. The wire confirmation number is above. As discussed please confirm you have received the wire and when the policy is reinstated.

Paul

Shutdown of fire operations

PAUL DEL TORO <pdeltoro@comcast.net>

Tue 6/6/2023 4:32 PM

To: Chief <Chief@Florissantfire.com>

Cc: Judy Dunn <judy.dunn@Florissantfire.com>; Robert Perry <robert.perry@Florissantfire.com>; David Groat <david.groat@Florissantfire.com>; Allen Schultz <allen.schultz@Florissantfire.com>; Jeffrey Erb <jerb@erblawllc.com>

Chief,

As discussed, due to the cancellation of the district insurance policy due to non-payment it is necessary to shutdown all fire operations for the district until such time as the policy has been reinstated.

Please confirm your notifications to all required entities in order to establish backup and mutual aid for the district.

Paul

From: PAUL DEL TORO <pdeltoro@comcast.net>

Sent: Tuesday, June 6, 2023 4:33 PM

To: Chief <Chief@Florissantfire.com>

Cc: Judy Dunn <judy.dunn@Florissantfire.com>; Robert Perry <robert.perry@Florissantfire.com>; David Groat <david.groat@Florissantfire.com>; Allen Schultz <allen.schultz@Florissantfire.com>; Jeffrey Erb <jerb@erblawllc.com>

Subject: Shutdown of fire operations

Chief,

As discussed, due to the cancellation of the district insurance policy due to non-payment it is necessary to shutdown all fire operations for the district until such time as the policy has been reinstated.

Please confirm your notifications to all required entities in order to establish backup and mutual aid for the district.

Paul

----- Original Message -----

From: Chief <Chief@Florissantfire.com>

To: PAUL DEL TORO <pdeltoro@comcast.net>

Date: 06/06/2023 4:39 PM MDT

Subject: RE: Shutdown of fire operations

Please post this on the website immediately



ERIK HOLT

FIRE CHIEF

FLORISSANT FIRE RESCUE

"Committed to excellence in all we do"

FLORISSANT FIRE PROTECTION DISTRICT



2606 W. HIGHWAY 24 / P.O. BOX 502
FLORISSANT, CO 80816-0502
Phone: 719-748-3909 / FAX: 719-748-5342

INFORMATIONAL STATEMENT

From: Erik Holt, Fire Chief, Florissant Fire Rescue
Subject: Florissant Fire Rescue Operations

As of June 6, 2023, at 1630hrs until further notification Florissant Fire Rescue will be unable to respond to emergency incidents within the Florissant Fire Protection District due to loss of insurance coverages. Chief 50 has initiated automatic aid with our county partners. Florissant Fire Protection District will be covered in all emergency services by 4 Mile Fire Protection District and Divide Fire Protection District until these matters are resolved. All other mutual aid departments have also been notified. Chief 50 will remain in an operational role to provide services to the district. We will continue to notify residents of the district with any and all updates.

A handwritten signature in black ink, appearing to read "Erik Holt", is positioned above a horizontal line.

Erik Holt
Fire Chief
Florissant Fire Rescue



Allen Schultz <allendschultz@gmail.com>

Please post to social media ASAP

1 message

PAUL DEL TORO <pdeltoro@comcast.net>

Tue, Jun 6, 2023 at 6:02 PM

To: Judy Dunn <mrsjudydunn@yahoo.com>, "Allen D. Schultz" <allendschultz@gmail.com>

Due to reasons unknown, the bank where the Florissant Fire District checking account is maintained did not process payment for the district's insurance policy. This has resulted in the policy being cancelled effective June 6th. Department apparatus and personal are therefore not covered.

Therefore all Florissant Fire District operations will need to be suspended and calls will be answered by our mutual aid partners. Dispatch has been notified, as well as notifications to the district volunteers and our mutual aid partners.

Payment for the policy has been resubmitted and the process of reinstating the policy has been initiated as an urgent need. We are working to be back up and operational at the soonest possible time.

Paul del Toro
President, FFPD Board
Paul.deltoro@florissantfire.com

On 06/06/2023 4:12 PM MDT Judy Dunn <mrsjudydunn@yahoo.com> wrote:

Amanda@goatmessage.com

Sent from Yahoo Mail for iPad

From: Paul Del Toro <paul.deltoro@Florissantfire.com>

Sent: Tuesday, June 6, 2023 6:10 PM

To: Christie Kersnick <ckersnick@tcwrn.com>

Subject: Re: [External] Wire confirmation number OW00003300337732

Christy,

Please keep me apprised of the situation, we have had to shut down all operations at this time which is a dire situation for us. Anything you can do to get us going again is greatly appreciated.

Did you ever actually speak to anyone in the district or send an email? If so to whom?

Thank you!

Paul

From: Christie Kersnick <ckersnick@tcwrm.com>

Sent: Tuesday, June 6, 2023 7:09 PM

To: Erik Holt <Erik.Holt@Florissantfire.com>

Subject: Payment received. Insurance in place - Florissant Fire Protection District

Hi Chief,

I wanted to confirm that funds have been received, my accountant just confirmed. Coverage is now active effective 6/1/2023. You are good to go. Please feel free to call me with any questions you may have.

I appreciate you!



Christie Kersnick

Senior Account Manager

Direct Phone: 303.872.1925

Email: ckersnick@tcwrm.com

384 Inverness Parkway, Suite 170

Englewood, CO 80112

Hours: 8:00 am – 4:30 pm

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From: Christie Kersnick <ckersnick@tcwrm.com>
Sent: Tuesday, June 6, 2023 7:10 PM
To: Paul Del Toro <paul.deltoro@Florissantfire.com>
Subject: RE: [External] Wire confirmation number OW00003300337732

Paul,

Thank you for the confirmation number. I have sent the information to our accountant, and she advised the funds are there. Coverage is now in place effective 6/1/2023.

I corresponded with Chief Holt multiple times since I first sent the renewal over on 5/9/2023 I also copied the bookkeeper@florissantfire.com; districtadmin@florissantfire.com email address' on my correspondence. Chief was very responsive and helpful. He advising he was working on getting the paperwork I needed signed. Both he and Patti Angell sent the signature forms individually over to me on 5/30 but advised he was having a hard time getting payment because the accounts were frozen.

Thank you,



Christie Kersnick
Senior Account Manager

Direct Phone: 303.872.1925
Email: ckersnick@tcwrm.com

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----- Original Message -----

From: Erik Holt <Erik.Holt@Florissantfire.com>

To: Paul Del Toro <pdeltoro@comcast.net>

Date: 06/06/2023 7:15 PM MDT

Subject: FW: Payment received. Insurance in place - Florissant Fire Protection District

We can operate as of now. I need to speak with legal counsel as soon as possible



ERIK HOLT

FIRE CHIEF

FLORISSANT FIRE RESCUE

"Committed to excellence in all we do"

To the residents of the Florissant Fire Protection District,

As many of you may be aware, we had a situation where our insurance policy was in danger of being cancelled due to the payment being denied at the bank on June 6th. Gratefully, we were able to work with the insurance agency to provide the funds, who then expedited processing of the payment to keep the policy in full force without a lapse.

The District's insurance coverage is in place and normal operations resumed later the evening of June 6, 2023.

During the few-hour gap between the notification of cancellation and the confirmation of continued coverage, Chief Holt and the Board of Directors agreed that ceasing operations of the District was the appropriate course of action until the situation was resolved. The District provided notifications to the appropriate parties to ensure our mutual aid partners stood ready to answer any calls during that time so that the citizens within the District would continue to have persons ready to respond to calls.

The payment issue was related to a freeze that was placed on the District's account following the transition of members of the Board of Directors after the May election, to ensure that payments were approved prior to being made. Although the insurance payment was approved for payment prior to its due date, there was a miscommunication with the Bank, and the payment was not timely made as approved.

The District is working with the Bank to resolve this issue and the District expects it to be resolved in the few days. Please know that the payment was related solely to an administrative issue – the District has funds sufficient for this payment and for continued operations.

During the course of the campaign we promised transparency and accountability. So in the interest of keeping that promise we are preparing a full report as soon as all the facts are gathered and compiled.

In the interim I'd like to provide the high level details to you.

During the regular monthly meeting on May 25th as signers on the checking account had not yet been transferred suggestions were made to look into freezing the account. As at that time were held a fiduciary responsibility for that account I decided to inquire what could be done on an immediate basis to manage that account. On May 26th I went to the bank and met with a teller asking if we could, due to the unusual circumstances, have a way to manage the account. I indicated we did not in any way want to interrupt the business of the district but by the same token wanted to make sure no unauthorized spending would occur. At the time I was told there was nothing they could do and I left. Subsequently

after returning home I received a call from the teller indicating she had spoken to a manger who authorized for me to on a daily basis receive notification of all transactions. That process continued through June 2nd, where I authorized all but 3 transactions. On June 6th Starla reached out to me to indicate she had received calls from multiple individuals that their district checks had bounced. Subsequently I received an email from Chief Holt that included a notice of cancellation of our insurance with the expiration on midnight that night. I immediately called the district insurance agent to see what could be done be sure the district maintained uninterrupted coverage. I was told they could attempt to keep the policy in force if they received payment. At that time in the interest of public safety I wired personal funds to the agency but was told it might not be received in time before close of business. As we had a scheduled meeting that afternoon I opened the meeting and announced the potential issue and adjourned the meeting so the board could deal with the issue as an emergency. With Chief Holt we agreed the best course of action would be to shut down operations of the district. Chief Holt immediately began to contact dispatch and our mutual aid partners for district coverage. Volunteers were called as well providing them notice. Shortly after 7 that night Chief Holt and I received a notice that the payment was received and coverage continued uninterrupted.

The next day I contacted the bank and met with the manager who told me that although the branch management had agreed to the arrangement we had established, the bank's corporate legal team determined that as I was not a signer on the account they had at some unknown date simply frozen the account without notice me. All transactions posted after they initiated the account freeze were declined including the insurance payment. There are as yet other transaction that have been denied but the bank will not provide me the details on that until I am fully on the account. So the full scope of this issue remain unknown.

Therefore the accountability for this issue lies squarely with the bank in changing this policy without notifying me. Social media has bandied about multiple suppositions for blame but again this is a banking issue, not Chief Holt's, not the prior board's. As to the catalyst to the situation, my action in freezing the account, right or wrong is something I am fully accountable for and will personally cover reasonable fees incurred by the district in mitigating this issue with the payees. As well we will be looking for what our recourse is with the bank to recover these fees as well.

In order to stop the bleed with even more payments failing Starla and I jointly requested the freeze being removed which was effected yesterday afternoon. The meeting tonight, with the cooperation of the prior board is turn to over the signing authority to us as the authorized signers on the account. This will be completed tomorrow morning when Amanda will accompanies me to the bank.

From: Paul Del Toro

Sent: Thursday, June 8, 2023 10:54 AM

To: Robert Perry <robert.perry@Florissantfire.com>

Subject: Banking situation

After my meetings yesterday with the bank the crux of the issue is the bank at the corporate level determined that the agreement that I had with the bank branch was illegal as I was not a signer on the account. Therefore instead of transactions being review and approved and then honored they simply rejected them. I was not notified of that change. The check was mailed and would have been received on time had that not occurred so the chief not answering phones or responding was not the issue at all.

We also had not completed our required process of reading into the minutes the changeover which we still need to do. But therefore non-cooperation of Starla and Amanda was not the issue either. That must be completed so I'd like to do a quick meeting tomorrow to accomplish exactly that. Please let me know if you are available. I would also make a public statement as to what occurred in the interest of transparency and to stop all the rumors.

I am trying to get the account unfrozen so if there are lingering transactions not presented yet that they will not be bounced as well.

I am having the lawyer draw up a letter we will all need to sign indemnifying the old board from any bank charges and fees resulting from any of the rejected payments. Once we provide that to Starla and Amanda, Starla will accompany me to the bank to get the signers changed over. We need to figure out how to get that signed by each of you ASAP.

So please let me know availability tomorrow for the meeting.

Call me with questions.

Paul

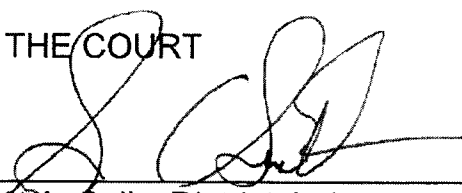
DISTRICT COURT, TELLER COUNTY 101 West Bennett Ave., P.O. Box 997 Cripple Creek, CO 80813	DATE FILED: June 8, 2023
Plaintiff(s)/Petitioner(s): STARLA THOMPSON	
v.	
Defendant(s)/Respondents(s): DAVE GROAT, ROBERT PERRY, ALLEN SCHULTZ, JUDY DUNN, JIM RANK and PAUL DEL TORO	Case Number: 2023CV06 Division 11
TONI MOORE, SHAWN MCNULTY, JORDAN MOON, LAURA ROBLEDO, ELIZABETH PENDLETON, and MARK KOHLMAN	
ORDER TO POST SURETY BOND BY JUNE 23, 2023	

1. Plaintiff filed a self-styled Complaint For Election Violations on May 15, 2023.
2. On May 25, 2023, Plaintiff was ordered to post a \$5,000.00 surety bond as per C.R.S. 1-13.5-1402. As of this date a surety bond has not been posted. This court will not take jurisdiction of the contest without a surety bond being posted. C.R.S. 1-13.5-1402(2). If the surety bond is posted, the clerk of court shall issue summons to the Plaintiff as per C.R.S. 1-13.5-1404(1).
3. Plaintiff requested a "stay" of the election results without providing any legal authority for the court to issue a stay. Plaintiff also requested a criminal investigation of candidates and poll watchers who violated statutes and their oath. Plaintiff provides no legal authority for the court to initiate criminal referrals.
4. Election contest trials have statutory priority over other business in the court after joining of the issue. A trial date is required to be set not more than twenty days nor less than ten days after joining of issue. C.R.S. 1-13.5-1405. The court has authority to manage its docket. This complaint is a matter of public concern despite the lack of legal authority in the Complaint.

5. Plaintiff is ordered to post the surety bond by 5 PM on June 23, 2023, or this case will be dismissed with prejudice.

SO ORDERED this 8th day of June, 2023.

BY THE COURT



Scott A. Sells, District Judge

Addendum 2

Events of 06 14 2023 Relative to Florissant Fire Facebook Page.

Addendum Page 1 - 4	Preservation of Documents Notice, March 7 th , 2023.
Addendum Page 5	Complaint and CORA request from Janet Franke.
Addendum Page 6	Complaint from William Stevens
Addendum Page 7 – 8	Complaint from Toni Moore
Addendum Page 9	Complaint from Jordan Moon
Addendum Page 10 – 11	Additional Comments from Don and Toni Moore
Addendum Page 13	Notice from Facebook stating that these actions were taken by the Facebook administrator and NOT by Facebook as stated by Chief Holt.
Addendum Page 14	Comment by Anna Sanders postulating reason for Addendum Page deletion.
Addendum Page 15	Social media excerpt where Chief Holt said “was in contact with insurance company daily.”

- Complaint sent to the Chief about the deletion of comments unfavorable to him and that they need to be put back up. The complaints and the CORA requests for deleted messages were forwarded to Chief Holt.
- The Chief deletes the entire Facebook Page including comments made that he “was in contact daily with insurance.” This report is in Addendum 2. June 15th

March 7, 2023

RE: Preservation of Documents Requests for Teller County, Teller County Board of Commissioners, Teller County Administration, Teller County Development Services Division, Teller County Planning, Teller County Office of Emergency Management, Teller County Attorney, Florissant Fire Protection District, Florissant Fire Protection District Board, Robert Campbell, Erik Stone, Dan Williams, Ross Herzog, Michael Crepeau, Jay Teague, Paul Hurcomb, Justin Snare, Amanda Sutton, Starla Thompson, and Erik Holt

To the Aforementioned Individuals;

Please accept this correspondence as notice of potential claim(s) against Teller County, Teller County Board of Commissioners, Teller County Administration, Teller County Development Services Division, Teller County Planning, Teller County Office of Emergency Management, Teller County Attorney, Florissant Fire Protection District, Florissant Fire Protection District Board, Robert Campbell, Erik Stone, Dan Williams, Ross Herzog, Michael Crepeau, Jay Teague, Paul Hurcomb, Justin Snare, Amanda Sutton, Starla Thompson, and Erik Holt (collectively "Defendants"), for First Amendment Rights Violation, Retaliation, Harassment, Defamation, Arbitrary and Capricious Enforcement, among other claims, due to infringement upon the Donald and Toni Moore's exercising their rights to free speech.

Please be advised this letter is a formal request for the Defendants to retain possession of electronic, non-electronic, and other communications, recordings and messages and all other evidence including, but not limited to, other recordings, personnel paper records, notes and notebooks, photographs, incident reports, all records electronic or otherwise, including data contained on any smartphones, tablets, computers, or other devices, concerning any allegations and communications relating to Donald and/or Toni Moore, and anything related to their work with TihsreeD, LLC, NoFloCo Fire Mitigation Posse, or any other business interest of Donald and/or Toni Moore or any matter related to their persons, their community involvement, their children, or their past legal history in any state of the United States of America, and conversations held in person at Teller County Offices or on Teller County property, or the Florissant Fire Protection District property, or on a telephone, computer, any other electronic device, or on paper by the Defendants with any other party or person.

We consider electronic data to be a valuable and irreplaceable source of discovery and/or evidence in this matter. The laws and rules prohibiting destruction of evidence apply to electronic data with the same force as they apply to other kinds of evidence.

Pending further discovery concerning the Defendants computer systems and electronic data and pending any further agreement of the parties as to the preservation of electronic and other evidence, the following safeguards against the destruction of electronic/video/etc. evidence, other recordings, personnel paper records, photographs, notes and notebooks, incident reports, all records electronic or otherwise, including data contained on any smartphones, tablets, computers, or other devices should be maintained by the Defendants until the final resolution of this issue.

Please provide a copy of this letter to the person or persons whose job responsibilities cover the matters addressed herein.

Non Electronic Data to be preserved:

All paper-based notes, notebooks, communications, data, transcriptions, photographs, related to or concerning the allegations and communications relating to Donald and/or Toni Moore, and anything related to their work with TihsreeD, LLC, NoFloCo Fire Mitigation Posse, or any other business interest of Donald and/or Toni Moore or any matter related to their persons, their community involvement, their children, or their past legal history in any state of the United States of America, and conversations held in person at Teller County Offices or on Teller County property, or the Florissant Fire Protection District property, or on a telephone, computer, any other electronic device, or on paper by the Defendants with any other party or person.

Electronic Data to be preserved:

The following types of your electronic data and/or the electronic data of your subsidiaries, division, agents or employees should also be preserved, as outlined below:

- a) Messages and recordings and/or other electronic data containing information about the allegations and communications relating to Donald and/or Toni Moore, and anything related to their work with TihsreeD, LLC, NoFloCo Fire Mitigation Posse, or any other business interest of Donald and/or Toni Moore or any matter related to their persons, their community involvement, their children, or their past legal history in any state of the United States of America, and conversations held in person at Teller County Offices or on Teller County property, or the Florissant Fire Protection District property, or on a telephone, computer, any other electronic device, or on paper by the Defendants with any other party or person.
- b) All other electronic mail and any other forms of information about the allegations and communications relating to Donald and/or Toni Moore, and anything related to their work with TihsreeD, LLC, NoFloCo Fire Mitigation Posse, or any other business interest of Donald and/or Toni Moore or any matter related to their persons, their community involvement, their children, or their past legal history in any state of the United States of America, and conversations held in person at Teller County Offices or on Teller County property, or the Florissant Fire Protection District property, or on a telephone, computer, any other electronic device, or on paper by the Defendants with any other party or person.
- c) All databases (including all records and field structural information in such databases), containing any reference to and/or information relating to Donald and/or Toni Moore, and anything related to their work with TihsreeD, LLC, NoFloCo Fire Mitigation Posse, or any other business interest of Donald and/or Toni Moore or any matter related to their persons, their community involvement, their children, or their past legal history in any state of the United States of America, and conversations held in person at Teller County Offices or on Teller County property, or the Florissant Fire Protection District property, or on a telephone, computer, any other electronic device, or on paper by the Defendants with any other party or person.
- d) All logs of activity on any computer system which may have been used to process or store electronic data containing information the allegations and communications relating to Donald and/or Toni Moore, and anything related to their work with TihsreeD, LLC, NoFloCo Fire Mitigation Posse, or any other business interest of Donald and/or Toni Moore or any matter related to their persons, their community involvement, their children, or their past legal history in any state of the United States of America, and conversations held in person at Teller County

Offices or on Teller County property, or the Florissant Fire Protection District property, or on a telephone, computer, any other electronic device, or on paper by the Defendants with any other party or person.

- e) All word processing files and file fragments containing information the allegations and communications relating to Donald and/or Toni Moore, and anything related to their work with TihsreeD, LLC, NoFloCo Fire Mitigation Posse, or any other business interest of Donald and/or Toni Moore or any matter related to their persons, their community involvement, their children, or their past legal history in any state of the United States of America, and conversations held in person at Teller County Offices or on Teller County property, or the Florissant Fire Protection District property, or on a telephone, computer, any other electronic device, or on paper by the Defendants with any other party or person.
- f) All text messages, instant messages, or social media postings pertaining to the allegations and communications relating to Donald and/or Toni Moore, and anything related to their work with TihsreeD, LLC, NoFloCo Fire Mitigation Posse, or any other business interest of Donald and/or Toni Moore or any matter related to their persons, their community involvement, their children, or their past legal history in any state of the United States of America, and conversations held in person at Teller County Offices or on Teller County property, or the Florissant Fire Protection District property, or on a telephone, computer, any other electronic device, or on paper by the Defendants with any other party or person.

On Line Data Storage on Mainframes Mini computers, PCs and Laptops:

With regard to on line storage and/or direct and in-direct access storage devices attached to the Defendants' computers, PCs and Laptops: do not modify or delete any electronic data files existing at the time of this letter's delivery, which meet criteria set forth above, unless a true and correct copy of each such electronic data file has been made and steps have been taken to assure that such a copy will be preserved and accessible for purposes of this litigation. The copy should be an exact mirror ("bit stream") image.

Off Line Data Storage, Backups, and Archives, Removal Drives, Zip Drives and Zip Files, Laptops, Hand Held Devices, Disconnected Hard Drives, and other Removable Electronic Media, including Cloud Storage:

With regard to all electronic media used for off line storage, including all other media, which contained any electronic information meeting the criteria listed above, stop any activity which may result in the loss of such electronic data, including rotation, destruction, overwriting, and/or erasure of such media in whole or in part. This request is intended to cover all removable electronic media used for data storage in connection with the Defendants' computer systems, including the Cloud storage and all other media, whether used with personal computers, organizational computers, laptops, tablets, hand held devices, or mainframes or other computers, and whether containing backup and/or archive data sets and other electronic data meeting the criteria above.

Replacement of Data Storage Devices:

Do not dispose of any electronic data storage devices and/or media which may be replaced due to failure and/or for other reasons that may contain electronic data meeting the criteria listed above.

Fixed Drives on Stand Alone Personal Computers and Network Workstations:

With regard to electronic data meeting the criteria listed above, which existed on fixed drives attached to stand alone microcomputers and/or network workstations at the time of this letter's delivery: do not alter or erase electronic data and do not perform other procedures (such as data compression and disk re fragmentation or optimization routines) which may impact such data, unless a true and correct "bit stream" copy has been made of such active files and of completely restored versions of such deleted electronic files and file fragments, copies have been made of all directory listings (including hidden files) for all directories and subdirectories containing such files, and arrangements have been made to preserve such copies during the pendency of this litigation.

Evidence Created Subsequent to This Letter:

With regard to electronic data or paper based or other data created subsequent to the date of delivery of this letter, relevant evidence should not be destroyed, and the Defendants should take whatever steps are appropriate to avoid destruction of such evidence.

You are accordingly so advised.

Sincerely;

/signed/

Donald Moore and Toni Moore

Re: No access to FB page

Allen Schultz <allen.schultz@Florissantfire.com>

Wed 6/14/2023 9:05 AM

To: Janet Franke <janetfranke1020@gmail.com>

Janet,

Thanks for your input. The board presently does not have administrative access to the FF Facebook page. Trying to determine that now.

Your CORA request is noted. I will reformat it and forward to the Chief, and CC you.

Thank you!

Allen

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Janet Franke <janetfranke1020@gmail.com>

Sent: Wednesday, June 14, 2023 8:55:24 AM

To: Allen Schultz <allen.schultz@Florissantfire.com>

Subject: No access to FB page

Hello Allen,

I would like to lodge a formal complaint against the administrator of the Florissant Fire Protection District FB page. I have apparently been blocked access to the page. I can only assume this is because I have put Mr. Holt and Ms. Thompson in a bad light regarding not setting up a community chipping program for the district. Since this page is a government entity page, I feel I have a first amendment right to comment since comments are allowed. I said nothing threatening, just pointed out facts. Either all comments should be allowed, or no comments should be allowed.

Also, I would like to submit a CORA request for the recent muster day photo thread, INCLUDING the numerous comments that were deleted.

Respectfully,

Janet Franke

Re: Holt blocking me from government page

william stevens <blackbird1966@icloud.com>

Wed 6/14/2023 11:27 AM

To: Allen Schultz <allen.schultz@Florissantfire.com>

Thank you Allen

Sent from my iPhone

On Jun 14, 2023, at 11:24 AM, Allen Schultz <allen.schultz@florissantfire.com> wrote:

William,

Thank you for bringing this to our attention. Holt is the only person who has admin access to the departments Facebook account. We are working this issue from multiple angles. I do not have an answer for you at this moment, but I will share with you as I become aware.

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: william stevens <blackbird1966@icloud.com>

Sent: Wednesday, June 14, 2023 11:03:45 AM

To: Allen Schultz <allen.schultz@Florissantfire.com>

Subject: Holt blocking me from government page

I am being blocked by Holt when trying to access the fire protection district's page.

Re: Unlawful move against me personally (Toni Pence Moore)

Paul Del Toro <paul.deltoro@Florissantfire.com>

Wed 6/14/2023 9:20 AM

To: Toni Blackwell <toniblackwell@hotmail.com>; Allen Schultz <allen.schultz@Florissantfire.com>; Chief <Chief@Florissantfire.com>

Good morning Toni,

I am in receipt of your complaint and by way of this email I am requesting a response from the Chief, copied here. No member of the board has administrative access to the site. I have made an inquiry to the individual I believe is responsible but have not yet received a reply.

I will let you know ASAP what I learn and work to rectify the situation.

Thank you,
Paul

From: Toni Blackwell <toniblackwell@hotmail.com>

Sent: Wednesday, June 14, 2023 9:04 AM

To: Allen Schultz <allen.schultz@Florissantfire.com>; Paul Del Toro <paul.deltoro@Florissantfire.com>; Judy Dunn <judy.dunn@Florissantfire.com>; Robert Perry <robert.perry@Florissantfire.com>; David Groat <david.groat@Florissantfire.com>

Subject: Unlawful move against me personally (Toni Pence Moore)

On Tuesday, 6/13/2023 or early in the morning of Wednesday 6/14/2023 comments made by myself (Toni Pence Moore) and by two other community members (Jordan Moon and Janet Franke) were removed, and our access blocked, to the public, government sponsored, official Florissant Fire Protection District Facebook Page.

Over the past 14 months I have been a particular target of Florissant Fire Protection District (FFPD). Members of the board and employees have harassed me, called the sheriff on me, created untrue police complaints against me, publically called me a liar, accused me of having restraining orders against me, defamed me to other citizens, threatened me that "I would soon have problems of my own to deal with", and now have violated my First Amendment rights to publically voice my opinion to my government.

I have asked many, many times for anyone at the FFPD who believed my comments were untrue to simply tell me what the untruth was, and I would correct it. Instead, FFPD has chosen to eliminate me from the page, remove my comments, and block any further commentary by me. This is unexceutable.

I refer the FFPD Board and employees to Sgaggio v. de Young (Woodland Park Chief de Young):

<https://www.koaa.com/news/covering-colorado/the-city-of-woodland-park-ordered-to-pay-65-000-in-social-media-lawsuit-settlement#:~:text=Delbert%20Sgaggio%20received%20%2465%2C000%20from,by%20Woodland%20Park%20Police%20officers>

Case text:

<https://casetext.com/case/sgaggio-v-de-young>

I strongly encourage the Directors and employees of FFPD to read it carefully. The offense committed against me is much more egregious than that committed against Sgaggio.

As a resident of the District, as a taxpayer to the District, and as a Citizen of the United States of America, it is my right and responsibility to comment, challenge, and question my government officials who deploy my tax payments. Based upon the actions of the FFPD in the past 14 hours, it appears the Department has targeted me. Ultimately, this is the FFPD Board's responsibility.

As is outlined in Sgaggio v. de Young, this is unlawful, and I will not stand for this violation.

I look forward to your swift response to begin a plan to make me whole within the next 48 hours.

Toni Pence Moore
toniblackwell@hotmail.com
919-624-7641

Re: Florissant Fire official Facebook page shutdown complaint

Allen Schultz <allen.schultz@Florissantfire.com>

Wed 6/14/2023 8:54 AM

To: Jordan Moon <jordanmoon82@gmail.com>

Thank you Jordan, for bringing this matter to my attention. We are looking into the matter.

Allen

Assistant Secretary. FFBD.

Sent from my Verizon, Samsung Galaxy smartphone

Get [Outlook for Android](#)

From: Jordan Moon <jordanmoon82@gmail.com>

Sent: Wednesday, June 14, 2023 8:47:58 AM

To: Allen Schultz <allen.schultz@Florissantfire.com>

Subject: Florissant Fire official Facebook page shutdown complaint

Hello Allen,

It appears the official Florissant Fire facebook page has been shutdown or restricted as of this morning. I'm not sure if this is for All users, or just a select group of people.

As this page is one of the most highly used means of communication to and from the Dept, and there has been a wide variety of community feedback that is critical of the Chief recently, so this shutdown of the page seems to be quite obviously that the Chief is just trying to stop negative feedback from being made public,

Also being in the middle of the summer fire season, and at a time of great change in our Fire Dept this seems like an especially damaging time to remove the primary method of communication from the Fire Dept, all while there are strong allegations against the current Chief for not answering the station phone, or his own Dept emails, and while he is on vacation.

Please share this with any other Board members or Dept personnel as you see fit,

Thank you for your assistance,
Jordan Moon

Re: Information - Preserve All Documents Letter

Donald Moore <runningman2626@yahoo.com>

Wed 6/14/2023 1:19 PM

To:toniblackwell@hotmail.com <toniblackwell@hotmail.com>;Paul Del Toro <paul.deltoro@Florissantfire.com>

Cc:Allen Schultz <allen.schultz@Florissantfire.com>

Paul, many thanks for your action on this item. Another unique situation that appears to be a standard operating procedure for others. As Toni has mentioned there does appear to be disregard for the rights of those that pay the rent, let alone violate a first amendment right. The Sgaggio case makes this clear. Assigning blame to a Facebook algorithm for removing comments from a open government Facebook page is hubris. Let the Chief continue to assign blame to others, just like the lack of payment on the High Park Fire and throw good people under the proverbial bus, it seems to be working out nicely so far.

As you can tell, I am getting a little tired of these childish games. The adults are coming.

Thank you again ...

Don

Sent from Yahoo Mail on Android

On Wed, Jun 14, 2023 at 12:57 PM, Toni Blackwell <toniblackwell@hotmail.com> wrote:

Paul, while I appreciate your swift action on this, I recommend that in order to make me whole, at a minimum Ms Bittman must resign her efforts on the page, and turn over control and passwords/ administrative duties for the page to someone else. Restoring the access does not make me whole. My rights were violated.


I am discussing with legal counsel what would make me whole, but this is much more egregious than just flipping a switch. This shows poor controls, poor judgement, poor training, and a reckless disregard for my rights and for my protection under the law, primarily my request that all documents be preserved. Who gave her the authority to delete comments and remove people from the page. She ran for office at FFPD, lost, and the voters spoke to her request for power. How is it that someone who lost the election can now trample my rights?

Thank you again for your swift response.

Toni Pence Moore

On Jun 14, 2023 12:43 PM, Paul Del Toro <paul.deltoro@Florissantfire.com> wrote:

Don,

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I have reached out to Jennifer Bittman who will look into this as soon as she is back at her computer. I have identified that she needs to unblock any citizen who has been blocked immediately.

I will let you know when I receipt confirmation of the same.

Paul

From: Donald Moore <runningman2626@yahoo.com>

Sent: Wednesday, June 14, 2023 11:59 AM

To: Paul Del Toro <paul.deltoro@Florissantfire.com>; Judy Dunn <judy.dunn@Florissantfire.com>; David Groat <david.groat@Florissantfire.com>; Robert Perry <robert.perry@Florissantfire.com>; Allen Schultz <allen.schultz@Florissantfire.com>

Cc: Toni Blackwell <toniblackwell@hotmail.com>

Subject: Information - Preserve All Documents Letter

Good morning to each of you. My goal is not to add items to your "to do" list as I know you are running on all cylinders currently in an effort to get back to the starting line. However in light of the recent events regarding the Florissant Fire Protection District Facebook page and the deletion of comments and the removal of various commenters by individual(s) having such authority, I am attaching the Preserve All Documents letter ("letter"), dated March 7, 2023. One of the individual whose comments were deleted and is no longer allowed to comment on the Florissant Fire Protection District Facebook page is Toni Moore.

This letter was sent to various individuals, including the Florissant Fire District Protection (FFPD) Board. Since none of you were Directors of the FFPD Board at the time this letter was sent, attached below is a copy of the letter for your review and action. Based upon the deletion of comments and the removal of commenters from the Florissant Fire Protection District Facebook page over the past 12 to 18 hours by Toni Moore; I am suspect that the spirit of Preserve All Documents letter is fully understand and is being adhered to by the parties mentioned.

This is not meant to be snarky, but perhaps a primer and discussion on the First Amendment would be beneficial for all. If taxpayers money is used to fund the operation and activities of the organization and a forum is provided for such comments, it has to be open to all, not just a select few (cronyism). From the Saggio case in Woodland Park: "Every municipality needs to respect the First Amendment and allow folks to freely discuss public affairs no matter the vulgarity of their language or criticism of the institutions on their Facebook pages — and if they don't, they'll have to pay for it. If I was a taxpayer in Woodland Park, I'd be pretty upset that my former chief of police just cost my city \$65,000."

Thanks again for all your efforts and should you have any questions just let me know.

Best regards,

Don

Donald Moore
719.839.0860

11 AB #100

Re: Fw: CORA Complaints - High Priority

Toni Blackwell <toniblackwell@hotmail.com>

Wed 6/14/2023 6:48 PM

To: Allen Schultz <allen.schultz@Florissantfire.com>

Allen Schults, Thank you for your swift action on my concerns re: my remarks being deleted and my removal from FFPD Facebook page. While you reminded Mr. Holt again today at 5:03 pm that on March 7, 2023 he was told to preserve all documents related to me, my business and my family, it appears that shortly after that time (approx 5:45 pm), Mr. Holt completely deleted the entire FFPD Facebook Page.

This is concerning to the FFPD Directors as I was advised by my legal counsel that should any of the document I have interest in be deleted, a judge will use that to rule in my favor on my dispute. I recommend you do what is necessary to maintain some control over the important documents/communications at FFPD.

Best regards,
Toni Moore

On Jun 14, 2023 5:24 PM, Allen Schultz <allen.schultz@Florissantfire.com> wrote:
Toni, I typed your email incorrectly so I have resent this to you. Allen

From: PAUL DEL TORO <pdeltoro@comcast.net>

Sent: Wednesday, June 14, 2023 5:03 PM

To: Chief <Chief@Florissantfire.com>; Allen Schultz <allen.schultz@Florissantfire.com>

Subject: CORA Complaints - High Priority

Chief Holt,

Your attention is directed to the 11 page PDF attached.

The are CORA requests and complaints regarding people being removed from the Florissant Fire Department Facebook page.

Page 1 - 4 Preservation of Documents Notice, March 7th, 2023. You are named.

Page 5 Complaint and CORA request from Janet Franke

Page 6 Complaint from William Stevens

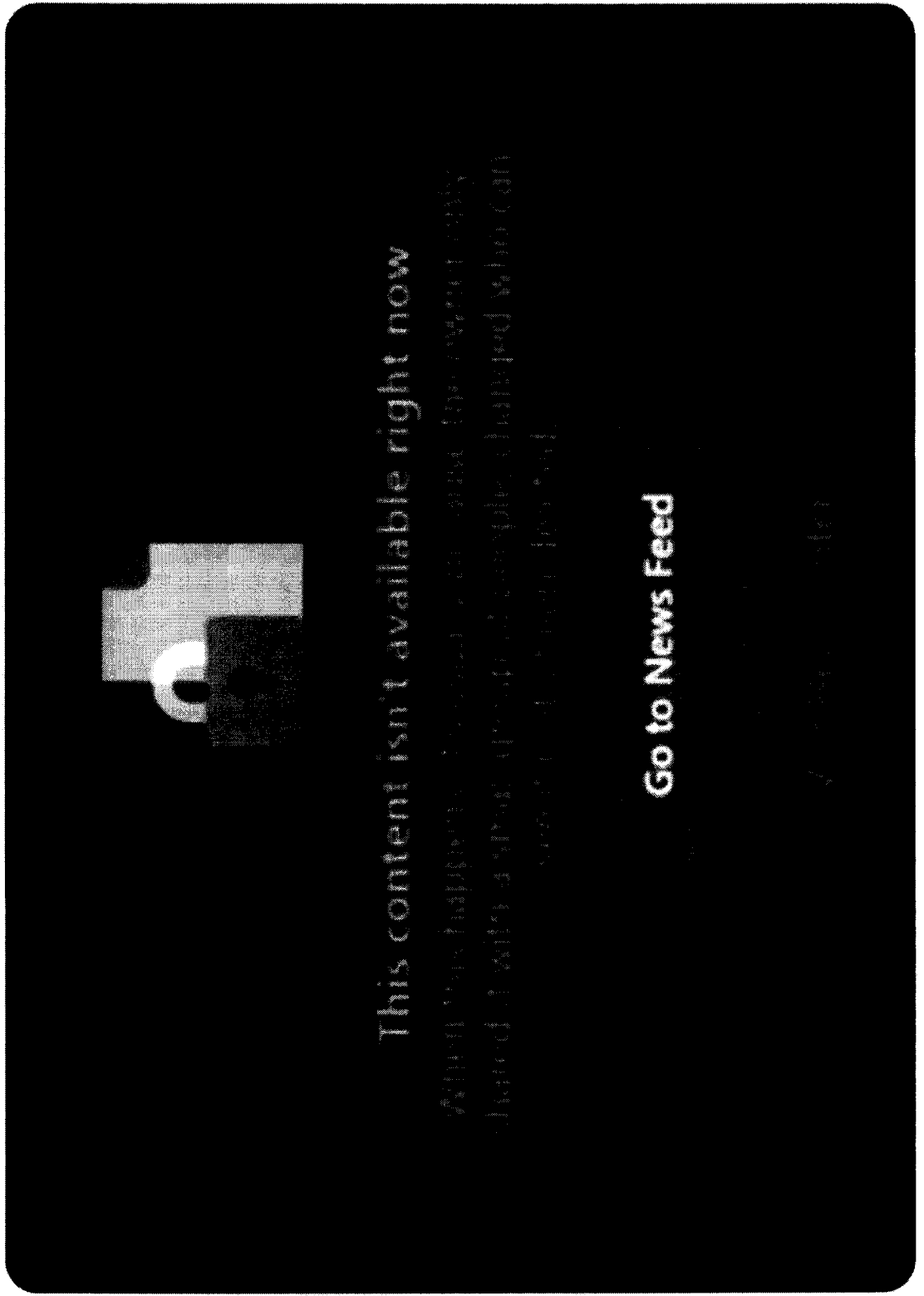
Page 7 - 8 Complaint from Toni Moore

Page 9 - 10 Additional Comments by Don and Toni Moore

Page 11 Notice from Facebook indicating these actions were taken by the Facebook Administrator and not by Facebook.

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and to eriks false claims.. it says right on the screen
the owner of the page is the one who did it.. nice
try.. try again. -





Florissant Community Page

Linda Marcum · 6m · 🌐



Has the entire FFPD facebook page been deleted? I can't find it

3 comments



Like



Comment



Send

Most recent ▼



Anna Sanders Admin Group expert

My guess is it was deleted to hide the admin log of the events that happened today

Like Reply 1m



Robin North

I just tried, says the page is unavailable!

Like Reply 3m



Terri Churchill

I can't either and was there not an hour ago

Like Reply 5m

•• Someone is typing a comment...

