



Las Vegas Office
1743 N Grand Ave, Las Vegas, NM 87701
(505) 652-3169 | singletonschreiber.com

December 6, 2023

Via Email

Ms. Deborah Martinez
FEMA Media Relations Specialist
Hermit's Peak/Calf Canyon Claims Office

Re: Inappropriate intimidation to the press by FEMA

Dear Ms. Martinez,

I am writing in response to your demand for a retraction from the *Las Vegas Optic* (“*Optic*”), the local Las Vegas newspaper, and your subsequent intimidation to the fire victim that authored the Op-Ed piece that you found offensive.

The important and relevant facts along with corresponding dates are set forth below for universal convenience and knowledge.

On November 16, 2023, the *Optic* published an editorial stating that FEMA had advised certain fire victims that it would be unable to meet the 180-day deadline set forth in the Hermit's Peak/Calf Canyon Relief Act.

The basis for the *Optic*'s article was the attached email from a FEMA Claims Reviewer sent on October 25, 2023. (See Exhibit 1.) As you can see, the email clearly states that FEMA would not be able to meet the 180-day deadline as required by the Hermit's Peak/Calf Canyon Recovery Act.

On November 18, 2023, you personally called a fire victim who wrote an editorial for the *Las Vegas Optic* to pressure her into printing a retraction and accused her of writing misinformation.

Then, on November 22, 2023, you emailed the editor of the *Optic* to try to pressure them into printing a retraction.

Also, on November 22, 2023, our office sent you a statement we received from a FEMA Claims Reviewer that indicated that as of October 25, 2023, FEMA was unable to review arborist plans for another two months. That Claims Reviewer suggested splitting the Proof of Loss (POL) so that the rest of the claim could be processed while they wait for the arborist portion to be reviewed. (See Exhibit 2, attached.)

As set forth in Exhibit 1, the *Optic*'s November 16, 2023 Op-Ed was neither factually incorrect nor misleading. Rather, it was a recitation of what the claims reviewer stated as the reasons FEMA couldn't process a claim.

Despite this, you tried to tell media outlets such as the *Las Vegas Optic* that three arborists had been hired and were “hard at work processing claims.” You assured the *Optic* that “no timelines have been exceeded” and that “the Claims Office is prepared to proceed with an offer of compensation” for arborist reports.

Our office followed up with you on November 23, 2023 and November 27, 2023 asking that FEMA provide an official communication to set the record straight.

Your response to the November 23, 2023 email was that you “will be in touch or our counsel will be, tomorrow or next week”.

However, neither FEMA nor you ever responded back to officially indicate that FEMA would not miss deadlines due to an inability to process arborist reports. You also did not attempt to correct the record with those to whom you told those false statements.

On December 4, 2023, a FEMA Claims Reviewer emailed us on behalf of one of our clients and asked that we request an extension from FEMA because FEMA is unable to process the POL of the arborist and erosion control reports.

The FEMA Claims Reviewer requested that our client ask for a four (4) month extension on the claim because FEMA could not process those reports.

Our office followed up and asked why FEMA was unable to meet their deadline. The Claims Reviewer explained that “FEMA is still working to quantify direction and review of the Arborist reports, as such we’re unable to process the POL provided.” (See Exhibit 3, attached.)

FEMA is unable to process the POL because they are not ready, just as was reported in the *Las Vegas Optic*.

When FEMA publishes statements to the media and fire victims that are false on their face and opposite to written documentation coming from their office, that is the definition of gaslighting. FEMA has been gaslighting the public for months now. And you have participated in this tactic by pushing this lie and claiming it as truth, all the while trying to intimidate the *Las Vegas Optic* and a fire victim who lost their home in the fire set by the federal government.

We are now twenty months into this tragedy, and the office that was established to help fire victims continue to victimize them by lying to their faces and failing to fulfil the only purpose for which they were established, to compensate victims for the damages that were caused to them by the fires that the government started.

It is clear, from FEMA’s own written statements, that the Claims Office is unable to process arborist reports and erosion control reports, directly in contradiction to your statements. It is also clear that FEMA continues to gaslight victims due to FEMA’s incompetence by asking victims to request extensions from FEMA to allow more time for FEMA to review claims beyond the statutorily imposed deadline of 180 days.

The public expected more from you and more from FEMA. FEMA states that their core values are compassion, fairness, integrity and respect. FEMA touts that public service is a public trust. Your actions along with those of FEMA have violated every core value that FEMA claims to stand for and is in direct violation of the public trust.

The public expects more from FEMA, as do we.

Sincerely,



Jacob Payne, Esq.

Via Email

Cc: Angela Gladwell, Director, Hermit's Peak/Calf Canyon Claims Office
Phil Scherer, Editor Las Vegas Optic
Katy Peck, Fire Victim, Author of Editorials
Office of US Senator Ben Ray Luján
Office of US Senator Martin Heinrich
Office of US Representative Teresa Leger Fernández
Office of US Representative Melanie Stansbury
Office of US Representative Gabe Vasquez
George A Trujillo, County Commission Chair, District 2, County of Mora, NM
Johnny H. Trujillo, County Commission Vice-Chair, District 3, County of Mora, NM
Veronica M. Serna, County Commission, District 1, County of Mora, NM
Mayor David Romero, City of Las Vegas, NM
Michael L. Montoya, City Councilor (Ward 2), City of Las Vegas, NM
David Ulibarri, City Councilor (Ward 1), City of Las Vegas, NM
Dr. Barbara A. Perea Casey, Ed.D., City Councilor (Ward 3), City of Las Vegas, NM
Harold Garcia, County Commission Chair, District 1, County of San Miguel, NM
Martin Sena, County Commission Vice-Chair, District 4, San Miguel, NM
Max O. Trujillo, County Commission, District 3, San Miguel, NM
Janice C. Varela, County Commission, District 2, San Miguel, NM
Kenneth Medina, County Commission, District 5, San Miguel, NM
State Senator Michael Padilla (Dist. 14), Majority Whip
State Representative Reena Szczepanski (Dist. 47), Majority Whip
State Representative Ambrose Castellano (Dist. 70)
State Representative Harry Garcia (Dist. 69)
State Representative Joseph Sanchez (Dist. 40)
Liz Stefanics (advocating for San Miguel County victims)

Subject: FW:

From: Parden, Douglas (CTR) <douglas.parden@associates.fema.dhs.gov>

Sent: Wednesday, October 25, 2023 8:44 AM

To: Martha Ponce <mponce@singletonschreiber.com>

Subject: RE:

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Martha,

FEMA is still putting together a team of experts to review and quantify the Arborist plans submitted. We were advised it may be another 2 months before the review panel is in place. If you choose to, we could revise the POL without the Arborist plan, you could send a second POL for just the Arborist Plan. This would allow me to process a partial POL for the other items listed and once the FEMA panel reviews and approves the Arborist plan, we can then process the Arborist plan POL. It's up to you if you'd like to revise as outlined, if not, we'll have to wait for the Arborist report approval to process the current POL.

Thank you,

Doug Parden

Claims Review - Contractor | Hermit's Peak/Calf Canyon Fire Claims Office

Santa Fe, New Mexico

[Hermit's Peak/Calf Canyon Fire | FEMA.gov](https://www.fema.gov/hermits-peak-calf-canyon-fire)

Mobile: (202)834-9796

douglas.parden@associates.fema.dhs.gov



FEMA

From: Martha Ponce <mponce@singletonschreiber.com>

Sent: Tuesday, October 24, 2023 8:21 AM

To: Parden, Douglas (CTR) <douglas.parden@associates.fema.dhs.gov>

Subject:

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Good morning Douglas,

I am reaching out to get an update on the POL for
submitted 08/14/2023.

. His POL was

Best,



Martha Ponce

Singleton Schreiber | Case Assistant

mponce@singletonschreiber.com | (619) 837-7833

591 Camino de la Reina, Suite 1025

San Diego, CA 92108



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From: Jacob Payne
Sent: Monday, November 27, 2023 8:21 AM
To: Martinez, Deborah
Cc: pscherer@ourkemediagroup.com
Subject: RE: Opposing Comments from FEMA Regarding Arborists

Dear Ms. Martinez,

Thank you for your response. We previously received communications from FEMA stating that FEMA would not be able to comply with the 180-day deadlines due in part to the lack of experts such as arborists. While we appreciate the information you have provided below, it does not explicitly state that the prior email is no longer valid and that FEMA will now comply with all deadlines.

If that is the case, please have FEMA provide a formal email stating as much.

Thanks,



Jacob Payne

Singleton Schreiber | Senior Counsel
jpayne@singletonschreiber.com | (505) 539-1314
6501 Americas Parkway NE, Suite 670
Albuquerque, NM 87110



Please note our offices will be closed the week of December 25th and reopen on January 2nd.

Wishing you and your loved ones a happy holiday season.

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From: Martinez, Deborah <deborah.martinez@fema.dhs.gov>
Sent: Thursday, November 23, 2023 1:45 PM
To: Jacob Payne <jpayne@singletonschreiber.com>
Cc: pscherer@ourkemediagroup.com
Subject: Re: Opposing Comments from FEMA Regarding Arborists

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello Mr. Payne: Since it's Thanksgiving I'm not working today and I will be in touch or our counsel will be, tomorrow or next week but I have made clear that we do have arborists on board, so please refer to my previous email. Thank you.

Best regards,
Deborah
Hermits Peak/calf Canyon claims office

From: Jacob Payne <jpayne@singletonschreiber.com>
Sent: Thursday, November 23, 2023 11:52:51 AM
To: Martinez, Deborah <deborah.martinez@fema.dhs.gov>
Cc: pscherer@orourkemediagroup.com <pscherer@orourkemediagroup.com>
Subject: Re: Opposing Comments from FEMA Regarding Arborists

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Dear Deborah,

So, to be clear, your position is that the official communication we received from FEMA is no longer accurate?

If that's the case, can you please have FEMA provide an official communication that corrects the "outdated" information so that we can share the correct, updated information with our clients?

Thank you.



Jacob Payne

Singleton Schreiber | Senior Counsel
jpayne@singletonschreiber.com | (505) 539-1314
6501 Americas Parkway NE, Suite 670
Albuquerque, NM 87110



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From: Martinez, Deborah <deborah.martinez@fema.dhs.gov>
Sent: Wednesday, November 22, 2023 7:43:08 PM
To: Jacob Payne <jpayne@singletonschreiber.com>
Cc: pscherer@orourkemediagroup.com <pscherer@orourkemediagroup.com>
Subject: Re: Opposing Comments from FEMA Regarding Arborists

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

The email that Ms. Peck refers to on October 25 is outdated. In early November we onboarded three arborist and they are hard at work processing claims. Thank you.

Best,
Deborah

From: Jacob Payne <jpayne@singletonschreiber.com>
Sent: Wednesday, November 22, 2023 3:35:09 PM
To: Martinez, Deborah <deborah.martinez@fema.dhs.gov>
Cc: pscherer@orourkemediagroup.com <pscherer@orourkemediagroup.com>
Subject: Opposing Comments from FEMA Regarding Arborists

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Dear Ms. Martinez,

As you can see form the attached, what you are telling the Optic is directly contrary to what FEMA is telling us. Both of these cannot be true. Which is correct?



Jacob Payne

Singleton Schreiber | Senior Counsel
jpayne@singletonschreiber.com | (505) 539-1314
6501 Americas Parkway NE, Suite 670
Albuquerque, NM 87110



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From: Parden, Douglas (CTR) <douglas.parden@associates.fema.dhs.gov>
Sent: Wednesday, October 25, 2023 8:44 AM
To: Martha Ponce <mponce@singletonschreiber.com>
Subject: RE:

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Martha,

FEMA is still putting together a team of experts to review and quantify the Arborist plans submitted. We were advised it may be another 2 months before the review panel is in place. If you choose to, we could revise the POL without the Arborist plan, you could send a second POL for just the Arborist Plan. This would allow me to process a partial POL for the other items listed and once the FEMA panel reviews and approves the Arborist plan, we can then process the Arborist plan POL. It's up to you if you'd like to revise as outlined, if not, we'll have to wait for the Arborist report approval to process the current POL.

Thank you,

Doug Parden
Claims Review - Contractor | Hermit's Peak/Calf Canyon Fire Claims Office
Santa Fe, New Mexico
[Hermit's Peak/Calf Canyon Fire | FEMA.gov](https://www.fema.gov/hermits-peak-calf-canyon-fire)
Mobile: (202)834-9796
douglas.parden@associates.fema.dhs.gov

----- Forwarded message -----

From: **Martinez, Deborah** <deborah.martinez@fema.dhs.gov>
Date: Wed, Nov 22, 2023 at 9:55 AM
Subject: RE: correction on op-ed
To: Phil Scherer <pscherer@orourkemediagroup.com>

Hi again:

I think it is also useful to provide this statement that we've also given to other media in regards to timelines. Feel free to use it in your columns or reporting:

The Claims Office has three arborists on staff who have been hard at work determining values of landowners' trees. No timelines have been exceeded, and once a claimant or their representative has submitted documents needed to complete a Proof of Loss, the Claims Office is prepared to proceed with an offer of compensation, unless a claimant requests an extension. Claimants have requested extensions as their 150-day deadline to submit a POL approaches, and to date the Claims Office has only received Proofs of Loss from approximately 10-15% of those claimants represented by third parties.

Best,
Deborah

Subject: FW

From: Parden, Douglas (CTR) <douglas.parden@associates.fema.dhs.gov>
Sent: Tuesday, December 5, 2023 6:57:20 AM
To: Martha Ponce <mponce@singletonschreiber.com>
Subject: RE:

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe

Hi Martha Ponce,
My intent was to advise you of the deadline date approaching, FEMA is still working to quantify direction and review of the Arborist reports, as such we're unable to process the POL provided if you'd like to file an extension, then I would need an email making the request, I'm following FEMA direction in advising of the timeline and the available extension

Thank you,

Doug Parden
Claims Review Contractor | Hermit's Peak/Calf Canyon Fire Claims Office
Santa Fe, New Mexico
[Hermit's Peak/Calf Canyon Fire | FEMA.gov](#)
Mobile: (202)834-9796
douglas.parden@associates.fema.dhs.gov



FEMA

From: Martha Ponce <mponce@singletonschreiber.com>
Sent: Monday, December 4, 2023 12:00 PM
To: Parden, Douglas (CTR) <douglas.parden@associates.fema.dhs.gov>
Subject: RE

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Hello Douglas,

Can you provide me with clarification to why the POL cannot be processed? If there is anything else you need please let me know.

Thank you,



Martha Ponce

Singleton Schreiber | Case Assistant
mponce@ingletonchreiber.com | (619) 837 7833
591 Camino de la Reina, Suite 1025
San Diego, CA 92108



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From: Parden, Douglas (CTR) <douglas.parden@associates.fema.dhs.gov>

Sent: Monday, December 4, 2023 8 03 AM

To: Martha Ponce <mponce@singletonschreiber.com>

Subject:

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Martha,

My review finds the claim nearing the 150 date, we're not able to process the POL pending FEMA review of the Arborist and erosion control reports. To process the additional 120 extension request, I need an email from you requesting an additional 120-day extension. Please email back requesting the additional 120-day extension in your email, and I will process on receipt. As always thanks for your help.

Thank you,

Doug Parden

Claims Review - Contractor | Hermit's Peak/Calf Canyon Fire Claims Office
Santa Fe, New Mexico

[Hermit's Peak/Calf Canyon Fire](#) | [FEMA.gov](#)

Mobile (202)834 9796

douglas.parden@associates.Fema.dhs.gov

<image001.png>

image002.jpg