

JANUARY 15, 2015

To: U.S. Office of Special Counsel
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202-254-3600

From: Lawrence Martinez
121 Hazzard Street
Bisbee, Arizona 85603

Re: OSC File No. DI-14-0293

Dear Office of Special Counsel:

In regards to Mr. Thomas Vilsack's response letter to Hon. Carolyn N. Lerner
(Filed Sept. 14, 2014)

Mr. Vilsack mentioned that there was no documentation that the fire was out, although a trainee mentioned that there was no smoke". Semantics: Does "no smoke" mean that the fire is still alive, and how can one re-ignite a fire that is still alive. Of course there was no documentation that a fire was extinguished? Does anyone suppose that a paper trail would be created on a dead fire, and then re-ignite it? There are witnesses that concur that the fire had been out, and witnesses concur that the Brushy Fire was Re-ignited.

Mr. Vilsack's letter to Hon. Carolyn Lerner filed on Sept. 10, 2014.

On Page 3 of that letter Vilsack mentioned that Robert Garcia and Mr. David Soto were on the scene that is incorrect.

Robert Garcia was not on the scene on the Morning of June 26, 2010 in fact he did not report for duty until 1400 p.m. David Soto was with Mr. Richard Paun and both did not arrive until hours after the fire was ignited.

Tim Bricknell did not arrive on the fire until June 27 in the afternoon. David Soto dropped Tim Bricknell at north fork canyon where hotshot and hand crew burnout operation was in effect.

Mr. Vilsack does state the rules and regulations even the dates of the re-ignition of the Brushy Fire and he still he tends to miss or sidetrack from information in regarding the fire.

Could it be that Mr. Vilsack is missing more information or his information is incorrect?

Where does he obtain information, and is it accurate and still it is Not All complete. Again he mentions that the whistle blower mentions that there is no smoke, does that mean the fire is burning smokeless?

Ms. Peters stated the fire "was not active and had no visible smoke".

According to wildland fire suppression class that there are three types of fire:

1. Wildfires by definition are unwanted and require action to control it.
2. Prescribed fires are deliberate or at least serve a benefit
3. Escapes are either when a prescribed fire becomes a wildfire, or when wildfires exceed level of control decided prior to the action.

In FPA escapes are defined as:

1. No resources are available to be applied to the fire.
2. The Fire is discovered after a pre-defined time limit.
3. The Fire Exceeds a predefined size(~300 acres), or reach their predefined work-shift length and fire is abandoned.

If there were not smoke reported; then did the no smoking fire blow up over 300 acres in a short amount of time that a helicopter had to be dispatched. Where there other resources to verify that it was a good idea, and who was at authority?

If so how can we have a prescribed burn without a current burn plan on a fire that had no smoke? So how did someone decided to re-schedule and meet the needs of training that was supposed to be in the fall of 2010.

Was this decision during the time the helicopter was dispatched, did accounting approve of this, and why did we not get a briefing on this prior the re-lighting? Why did the public not warned about this. Did management know at that moment that they had an impromptu plan for a burnout set for a burn later that fall? Did Ms. Peters not corroborate due to the fact that she may receive less than pleasant treatment from her superiors?

During the Interview, the alleged person (Julio Robeson) that utilized the drip torch had changed his story. Could it be that he would receive the same treatment that of Ms. Peters? One year prior: 2009 on the Valentines Fire the same person; Julio Robeson "my trainee", was directed by the District Ranger William "Bill" Edwards to re-ignite a fire in which he did not want to so Julio asked me I told him that he does not have to and that Bill is "Crazy", Julio did not re-ignite the fire. Bill's actions are certainly poor, displays unsafe practices, fraudulent methods for financial gain, abuse of funds, and resources.

In 2008 Bill Edwards District Ranger and Ruben Morales DFMO/ FMO were under investigation on the Whitmire Fire. High winds were forecasted, 12 noon the fire escaped. Bill Edwards had Ruben Morales as FMO.

According to the After Action Review Ruben is not IQCS on the day the fire was ignited and Should have not been present on the fire line. According to the After Action Review: Ruben returned to the incident assuming control without any formal transitioning or briefing to others and making it clear who will be the Incident Commander (I.C.).

According to the After Action Review interviewees had strong concern about the 2 RMRS researchers without communications, fire escaped due to high winds.

Where is the management, was Mr. Upchurch involved, who is held accountable, lives were at stake. Is this another opportunity to make more money, set up by the District Ranger to conduct a prescribed fire in high winds? This is certainly abuse of power, funds, and resources.

OSC file # DI-14-0293 September 2014 Enclosure

Incorrect information: on Page 2

Mr. Garcia was not on the scene of the morning of June 26.

Mr. Soto dropped Tim Bricknell of at the North Fork on afternoon on June 27 while the Hotshots were burnout operations at that location.

Mr. Soto was with Mr. Richard Paun on June 26, not on the scene.

Mr. Garcia did not arrive until hours after Julio re-igniting the fire.

Draft Supplemental Response to questions from the Office of Special Council

OSC File DI-14-0293

Page 4 Mr. Justin Forsythe was told the fire was out, and that Mr. Forsythe took several photos of the re-igniting of the fire. Two other Forest Service Employees yielded different opinions... Had it been other-than-forest experts, the answer may have sided with Mr. Forsyth's photos. Could it be that he two other 'Experienced Service' employees face the same treatment that Ms. Peters, could Ms. Peters be one of the two. Thus; failing to confirm whether the fire had been extinguished or re-ignited.

Who is to determine the evidence? The Forest Service of course, they will, and will continue to do their best to defend, and or obscure probability especially one of this nature and controversy.

Did Justin arbitrarily take photos of that point and time? Didn't the fact that he took photos mean that he did strongly suggest something? That was corroborated by other witnesses.

Compliance of Federal Regulations; Again it appears that Mr. Vilsack is leading or incriminating himself and the Forest Service in regards comparing a re-ignited fire verses the Johnson Peak fire. Findings are incorrect; again this is coming from the Forest Agency siding in favor of the

Forest Service and not that-of everyone. At the time of this letter O.I.G. did not have All the facts, and so for Mr. Vilsack to conclude that OIG determined that all is concluded is not so.

Mr. Vilsack has a weak response, that all is to be determined on no documents produced, therefore nullifying testimonies, photos, and contradictory elements to prove his argument. He also cannot proved burn plans, secondary plans, training plans to indicate or justify relighting of the fire, incriminating his position. He does not have clear statements from Ms. Peters, and why was it not documented in dispatch. The fact that: Mr. Vilsack clouds the topic with regulations mixing facts with other arguments that have nothing to do with this investigation is a method to confuse, lead, or incriminate his stand.

Filed October 21, 2014 a Letter to Hon Lerner Sept. 15, and 17th requested redacted version for public disclosure.

*Filed Oct 15, 2014 Phyllis Fong Inspector General OSC Brushy Fire DI-0293
(Redacted version)*

1. *No Burn Plan. June 26, 2010*
2. Inconsistencies in versions of the same story, why would the subject change his mind, could it be that he may have been coerced into doing so?
3. What/who prompted for a helicopter?
4. Can't identify the witnesses
5. Witnesses to the relighting of the Brushy Fire Statement that the fire was out, and photos.
6. Here-say about the Forest Service determination about the re-ignition point...The point is being missed that the fact It Has Been Re-Ignited.
7. Suspect "Didn't know about the Prescribed Burn. Mismanagement, and or failure to comply with rules and practices, and another Testimony of discrepancy.
8. Mr. Soto is to be interviewed again to verify the whistle blowers information.
9. The term "No Smoke" is Not The Key Phrase, because there are more convincing facts, photos, interviews, plans, or lack of planning.
10. Mr. Fred Jones indicated that the fire is out after heavy rain, and then departed. So how can he testify that the fire had picked up and spread, when he was not present to witness it?

Memorandum of Interview (MOI) Kevin Wall Sept.17, 2014 file SF-0801-799.

Mr. Fred Jones indicated that the fire is out after heavy rain, and then departed. So how can he testify that the fire had picked up and spread, when he was not present to witness it?

Memorandum of Interview (MOI) Shane Hall Sept.17, 2014 file SF-0801-799.

Mr. Shane Hall arrived at 5:00 p.m. On the afternoon of the 26 of June and told me it was out on the radio, he and his crew camped out with me and my crew that night.

Memorandum of Interview (MOI) Kevin Wall Sept.17, 2014 file SF-0801-799.

Subject of Old Tucson Road claims did not hear the radio traffic out of the brushy fire was contained or out. The subject has to know in order to prepare for the next day.

Memorandum of Interview (MOI) Kevin Wall Sept.17, 2014 file SF-0801-799.

Subject of 1192 Saddleview rd. on the 25th of June The subject received a message that the Brushy fire was out by other subject while unloading horses, was that here say or was it through dispatch or district communications. In addition subject said the alleged was carrying a drip torch in 2010, then did not see a torch on the second interview recently in 2014. Then the subject discloses his knowledge of fire science disclosing "the only possible answer why fire was moving in such way the alleged walked " Could this subject be subjected to unfair treatment or reprisal if he did not change his story. Also subject is honest enough to explain fire.

Memorandum of Interview (MOI) Kevin Wall Sept.17, 2014 file SF-0801-799.

Subject of 3005 E. Camino De Bosque States that she heard it said over the radio "No smoke was showing." Subject also said; "the announcement of "No Smoke Showing" usually means that the fire was out.

Memorandum of Interview (MOI) Kevin Wall Sept.17, 2014 file SF-0801-799.

Subject of 4070 South Avenue Saracino Stated: She heard "no smoke showing" But does not subscribe to the fire is out. No smoke no fire.

Phyllis Fong October 15, 2014 to OSC file # DI-14-0293

(Unredacted version)

2. Mr. Robeson has unclear answers.
3. The fire was out, how did it grow, how did it get so big as to order a helicopter, where were the AFMO, and the FMO.
4. I was one of the fire witnesses, Justin Foresythe, Mr. David Soto, and I believe Karalyn Peters, and others whom are afraid to mention because of the mal treatment they will receive from management, and in fear of losing their jobs.
5. How can you determine that the fire was out.

6. Mr. Marvin states fires in this area move in a predictable manor if so; How could he not predict that after a rain storm with many hand crews and evaluation calling no smoke would rekindle a fire with no smoke. Fires in this area are Not predictable, another act of management covering bad and unsafe practices.
Morales stated "there should be no gap between the Brushy Fire and the blackened area of the fire. Contrary to Mr. Marvin's statement Mr. Morales is insinuating that there is a break between fires a fire line break that has been blackened. If so, how can a fire with "No Smoke

Showing” re-ignite pick up after heavy rains and decide to continue where it originally left off - as predicted.

Mr. Marvin incriminates the Forest Service Management in the statement he made: “Mr. Morales is Not Qualified to act as FMO and as of today NOT Qualified to act as FMO. This is clearly abuse of power, fraud, and upper management Mr. Edwards and others allowing fraud.

7. Significant Discrepancies between Mr. Robeson “Did not know” in 2010, and maybe was forced to change his mind? At first Mr. Robeson said he did not know but Jonathan Marvin indicated that the whistle blower and Robeson both knew and prepared for the prescribed burn, is there documentation to prove either sides, or is this Jonathan Marvins way of convoluting the issues.

8. Mr. Soto changes his mind, could it be he would receive hostile treatment towards him by Mr. Marvin or his superiors.

9. No Smoke Means the Fire is Out. After four years, could Miss Peters be intimidated or fear that if she adding additional information that it may jeopardize her employment or position as a firefighter.

10. Acting FMO confirmed that the fire was out. FMO can dispute if the fire is out or not, in this case, and in his professional experience, the fire is out. Could it be that Mr. Jones was instructed to change his position on what was said four years ago?

11. Memorandum of Interview Unredacted version Mr. Fred Jones
Marvin, and Morales stated to the female Type V Trainee in the rain that she was “doing a good job, ”“looked good”, and “looks like you caught it.”
How can a fire blow up in the short time, when fuel resources were soaked?

12. Memorandum of Interview Unredacted version Mr. Shane Hall
Shane Hall never heard the transmittion does not dismiss that a radio call was made.

13. Memorandum of Interview Unredacted version Mr. Darryl Howell
Darryl Howell did not remember it may be difficult to recall something from four years ago, and if he did not remember it does not dismiss that a radio call was made.

14. Memorandum of Interview Unredacted version Mr. David Soto

Mr. Soto commented that; " a drip torch was The Only Way Possible answer as to why fire was moving in such a way around Robeson as he walked".

15. Memorandum of Interview Unredacted version Kris Kondos

Stated that the announcement of: "no smoke showing" usually indicates that the fire was out.

16. Memorandum of Interview Unredacted version Karalyn Peters

Stated that the announcement of: "no smoke showing" usually indicates that the fire was out. However she stated it does not indicate the fire was out, on the premise that the fire could contain hotspots, that would flare up and could begin to burn. Was that a theory or a fact, why did she announce that part, to clarify to the forest investigator what the meaning of "no smoke showing". Again the emphasis is the statement made and not the facts. No Smoke means Fire is out.

17. Memorandum For The Secretary October 15, 2014 Phyllis Fong

1. Plan had not have been approved, is there documentation and why is the timing not in concurrence with Bill Edwards, Ruben Morales, and Jonathan Marvin's plan, no order.
2. Mr. Robeson ordered a helicopter, how did he know it is to burn so intensely to make that decision. Then he changed or has contradicting statements, or was he coerced to change his story, did he have a drip torch after or before or was it again that he knew it was going to be big.
3. The helicopter burn out operation indicated that he had participated with his crew and helicopters about 8-9 hours later north of where the fire initially was re-ignited.
4. It seems the investigation was lead to believe that since the words; "No Smoke Showing", it was assumed that that phrase overrides eye witnesses.
5. The fire was re-ignited.
6. Justin Forsythe took photos for proof, yet the investigator was led to believe that the photos are inconclusive and has no merit. Yet the fact that this action of taking photos, and the action of the other witnesses outweigh that of the two individuals (FMO & AFMO), or management.
7. Mr. Marvin's statement is contradicting the fact that Robeson, and the whistle blower know about the prescribed fire, does Mr. Marvin have documentation to back up his statement. The comment," I would be surprised if Robeson did not re-light the fire?" Is this a Freudian slip, should Marvin say, I would have been surprised if he Did re-light the fire. Is Marvin hiding something, or putting attention to Robeson, did Mr. Marvin know about this all the time. Did Mr. Marvin Plan this without documentation – impromptu? Certainly!

8. Mr. Soto has conflicting testimony, could it be his age, and that he will be retiring and by stating such comments may affect his future in the forest service as an employee.
9. General consensus among the firefighters is that the term “no smoke showing”, means the fire is out.
10. After walking the perimeter Mr. Jones departed in heavy rain, after no smoke was called. Ms. Peters mentioned that there were hot spots on her second interview, she did not mention that before nor was it a subject to be discussed or mentioned by others. Could she change her mind fearing that she could suffer repercussions of mentioning only the fire is out? Absolutely.

18. Memorandum of Interview Unredacted version Fred Jones

Looks like you caught it, can sum it up. Ruben Morales was not qualified as FMO on this fire and is still Not Qualified for FMO Period, Management is letting people get away with many things, meanwhile whistleblowers and dedicated workers are being overridden by the current FMO, and AFMO. Mr. Morales, and Mr. Marvin should have called the District ranger to concur or to contest, it was obvious that the fire is/was out.

19. Memorandum of Interview Unredacted version Shane Hall

Never heard the Brushy Fire was out or contained. Did he leave the truck for any period of time, de he not keep conversation with crew “Just in case” he may need to hear this message for future purposes. His testimony is inconclusive.

20. Memorandum of Interview Unredacted version Shane Hall

Shane Hall never heard the transmittion does not dismiss that a radio call was made.

21. Memorandum of Interview Unredacted version David Soto

Mr. Soto has conflicting testimony, could it be his age, and that he will be retiring and by stating such comments may affect his future in the forest service as an employee.

22. Memorandum of Interview Unredacted version Kris Condos

Peters announces over tactical or dispatch radio that “no smoke showing”. Condos mention usually means the fire is out.

23. Memorandum of Interview Unredacted version Karalyne Peters

Mention would the investigator begin with “She may have broadcasted over the radio that the Brushy Fire had “No smoke Showing” “the fire could contain hot spots that would flare up and could begin to burn. Does not give the facts, could Ms. Peters “Ribbing” be coerced to change her wording 4 years later, since the FMO, and AFMO’s position be under great scrutiny. The facts are after heavy rain and many crew hot spots would have been extinguished, the fire was re-ignited.

24. Memorandum of Interview Unredacted version Lawrence Martinez

1. Page 1 Background of a great record, dedication, competency, and professionalism.
2. Page 2 Martinez cleared of wrong doing, and the DR's burn plan was inadequate.
3. Page 2 Martinez positive evaluation until 2010...year of the horseshoe fire not a coincidence.
 - a.) 2010-2013 AFMO Jonathan Marvin gave unsatisfactory performance job evaluations to Martinez. Not to be questioned by AFMO, or DR Edwards.
 - b.) 2010 Marvin had 2 different job appraisals for Martinez, Martinez filed EEO a complaint on Marvin's inadequacies' and unfairness.
 - c.) 2009 Marvin failed to conduct performance evaluations for Sept. 2009, and did not conduct ratings on a quarterly basis, FMO, and DR did not question, and or discipline Marvin for his insubordinate work ethics.
 - d.) Marvin did not hold quarterly meetings, and had emotional problems, and lack of self control. The FMO or DR did not question, help, comment, and approved of his duties of AFMO.
 - e.) 3 EEO complaints filed by Martinez Age discrimination
 - f.) The First (Age Discrimination) during the Brushy Fire Martinez told Marvin that he witnessed Robeson re-ignite the Brushy Fire. Marvin replied to Martinez, "You are Getting too Old to Fight Fires. FMO and DR did not comment, reprimand or demand a statement from Marvin. The DR and FMO , did not approved of re-lighting the fire, have a clear plan or a clear alibi. The Judge would give Martinez the award of \$900.00 for age discrimination on the account that Mr. Martinez is not to hold the Forest Service accountable on Future offences and occurrences Martinez disagreed and the \$900.00 WAS NEVER AWARDED.
 - g.) Page3 The Second EEO complaint (Age and Reprisal) The Judge wanted to combine both complaints (Age and Reprisal) during this wait a third event occurred (Reprisal) against Martinez.
 - h.) Fortsythe witnessed this event.
 - i.) _ The third EEO Complaint (Reprisal)Months Prior Martinez warns Morales that Andy Campas try something, and Martinez is concerned what Campas is going to do that may affect Martinez's position. Mr. Morales did not mention anything to AFMO Marvin, or Campas, and an event occurred. Martinez was served a Ten Day Suspension without council, and or reason as to why, nothing was reported, and or sufficient evidence provided to horror this suspension. The Focus was to Fire Martinez since 2010, not 2008, 2006, 2009....2010 Brushy Fire incident. This is to stop Martinez into making this a big issue, embracing management and or cause an investigation that may lead to punishment if AFMO, FMO, and DR is to

found guilty of such accusations. Jim Upchurch is aware of all of this, and Martinez went to Upchurch for Help. Upchurch mentioned that this is all because of the Brushy Fire. Martinez requested for a Mediation – conflict resolution meeting. Martinez advised Morales that he cannot divulge too much information because of an investigation. Martinez was under Great scrutiny questioned about the EEO complaint filed by Morales, Knapp, Ross, Romero, and others.

- j.) Page 4 Romero a hired ex-con felon slapped his arm Martinez on the chest, Martinez Prior this contacted Jim Upchurch for help, Jim said that Martinez was over- reacting, Martinez commented to Upchurch and said;“What do you want me to do dial 911?” It happened now it is an assault to Martinez from Romero.
- k.) Morales UNQUALIFIED and yet the District Ranger William Edwards, and Jim Upchurch allow this to happen Endangering all at the Brushy Fire, there is No Accountability.
- l.) June 26, 2010 Morning Briefing No mentioning of a Burn Operation to be conducted that day.
- m.) No Smoke Showing means Fire is Out.
- n.) Hill observed Robeson laying fire with a drip torch.
- o.) Page 5 11:30o Robeson takes command as IC and orders Helicopters, endangered fire crews. Where are the AFMO, FMO, and DR on this decision, there is no accountability, and no assessment was made.
- p.) Marvin not present for re-lighting.
- q.) Marvin, “What is your fucking problem!” Marvin knew.
- r.) Page 6 Marvin, “You are too old for this job.” June 27, 2015. DR Edwards showed up for the morning briefing, Martinez and Forsyth had an assignment.
- s.) 07:30 Smugglers reported by Edwards, Morales questions Martinez and asked, “Why are helping the border patrol?” Morales has been in trouble with the law before, and WHY is this his concern is he involed? Morales added he “did not want any trouble with the smugglers” did he know this, or these particular smugglers?
- t.) June 26, nothing was mentioned about the re-ignition of the Brushy Fire, DR, FMO, and AFMO planned it.
- u.) 2009 Robeson directed by DR to re-ignite a fire, Both Martinez, and Robeson refused Edwards re-ignition request.
- v.) Robison may have been ordered to re-light the Brushy Fire.
- w.) Page 7 There was no plan for back burning. Martinez advised Edwards that Robeson did not back burn, but re-lit the Brushy Fire. There is a difference between the two methods.

- x.) Edwards requested the Martinez to quit talking about the Brushy Fire. Edwards slapped his hand on the chair, approached Martinez, yelled at Martinez saying, "the next time Marvin disciplines you, you will take it like a man." Harassment, Intimidation, and Threatening. The LEI Approached Martinez about the re-ignition of the Brushy Fire. Retaliation against Martinez caused loss of wages, banned from working on the Brushy fire, no overtime. More Loss of wages, Mr. Martinez cannot apply for the AFMO position due to allegations. Abuse of Power, circumventing USDA Human Resources and Practices.
 - y.) Martinez applied and qualified for the AFMO position with a \$25, 000.00 incentive bonus to whomever commit to two years. Martinez qualified applied and not considered for the position, the second time Jack Marvin was awarded the position as AFMO.
 - z.) Martinez was not selected for the second time Stanfil was awarded the position Clearly Discrimination, Reprisal, Disparate Treatment for Whistle Blowing! Marvin vacated, things looked good, Campas started again, Marvin, and Edwards started again. Campas may have been coerced to continued. SA Wall was supplied with documents relating to complaints.
25. Memorandum of Interview Unredacted version Julio Robeson
- a.) Robeson was witnessed by others, lie.
 - b.) At No time Robeson commenced a Back-burn alone. Lie, after he re-ignited the fire 45 minutes to an hour later I called him on Crew Net and asked him if he could see what the fire was doing. Robeson endangered his crew, I told Robeson that he put his (Robeson)'s crew in a bad location. He then got really frantic.
 - c.) Robeson did not know that it was a designated prescribed burn area, he was not briefed, and he contradicts himself.
26. Memorandum of Interview Unredacted version Robert Garcia
- a.) Mr. Garcia arrived afternoon on June 26, the morning of the briefing was on the morning of June 27.
 - b.) Does not remember.
27. Memorandum of Interview Unredacted version David Soto
- a.) Did not attend the Morning briefing nor about anyone conducting back-burn. Soto changes his story on the second interview, out of fear of being dealt with severely.
 - b.) Martinez was cornered by Jonathan Marvin, Brain Knapp, and Andy Campas with hostility, management did not handle this well, and radioed Soto for help. Feb 28,2012, different time and space none the less; hostility is still towards Martinez, to silence him, and is still evident today.
28. Memorandum of Interview Unredacted version Jonathan Marvin

- a.) On #7 Above Marvin states that three months later after becoming AFMO Martínez and Marvin were at odds with each other, not so, everything was good until the Brushy Fire.
- b.) Marvin the AFMO states he was not aware of a drip torch, and that he would be surprised if Robeson would lay fire before ordering a helicopter.
- c.) Why would he be surprised? Laid Fire Prior calling a helicopter.
Memorandum of Interview Unredacted version Jonathan Marvin.
- d.) Marvin States the fire made a run on the third day, was he present, No Smoke Showing in Heavy Rain, he contradicts himself saying it was light rain, so why did the AFMO leave in heavy rain, Marvin has his facts mixed up and continuously contradicts himself.
- e.) Marvin contradicts his statement he made earlier he said the weather is predictable in these canyons. Earlier he stated; "that fires move in a predictable manner, as the Brushy fire had." On Exhibit 6 page 1 of 6 "if monsoon conditions were present, laying fire is not advisable due to erratic weather conditions.
- f.) Contradiction The Brushy Fire occurred in a Prescribed burn area, there is no burden proof. No one knew, about it, how convenient to start a fire where one was supposed to be planned in fall but not knowing about it
- g.) Mr. Edwards conducted the burn, Mr. Marvin States that the District Ranger Edwards said; "I challenge you to burn 9000 acres."
- h.) Marvin confesses; "Id Robeson did burn, he would have a good reason for it. Financial gain, Hazard Pay, Overtime." Wasted finite resources and taxpayer money for greed and corruption. The District Ranger Edwards, AFMO Marvin, and Robeson.
- i.) Marvin turned in paperwork afterwards to show that a prescribed burn was in process. The burn plan process started in 1999,2000, all the consultant history exhibits 14, 15, 16, jumping back and fourth 2010, 2007 Johnson Peak Fire Draft not fact, 1999. Rhetoric to confuse, Exhibit 14 Page 34 of 40 states; "Prescribed fire will be conducted during the cooler temperatures of the year between October and the end of March. These parameters are set for the whole forest not specifically for the Brushy Fire 2010. Marvin, Morales, and Edwards embarrass the Douglas Forest District by submitting information to elude investigators.
- j.) Martinez was removed from the brushy fire for being disruptive or telling the truth, questioning authority, getting answers.
- k.) Morales had a prescribed burn plan that no one knew about, no briefing.

- l.) Marvin states that Martinez, and Robeson prepared for the prescribed burn, and that Robeson knew about this burn. No one knew. Edwards, Morales, Marvin are obviously covering up something that could become a Great Scandal.
- m.) Exhibit 6 page 2 of 6 Marvin accuses Martinez that he does not understand instruction although he served 20 years as a wild land firefighter with many awards, cash awards, the most qualified in the district.
- n.) Exhibit 6 page 3 of 6 Marvin accuses Martinez locking himself in the truck when he gets confrontational. Mr. Martinez knows this district more than anyone on the fire crew, Martinez is the Go-To-Man in many occasions, and with other agencies as well, area Subject Matter Expert.
- o.) It is evident Mr. Marvin, Robeson, and Campas surrounded Martinez at another incident listed in the EEO Cases and exhibits in which have nothing to do with re-igniting the fire. The only thing that is persistent is that Edwards, Marvin, Morales, Robeson, and Campas have consistently targeted Martinez for blowing the whistle on the Brushy Fire.
- p.) Exhibit 6 page 3 of 6 Marvin stated he sent two letters of reprimand to Martinez were dismissed, Marvin both times, had to change the facts dates, and or submitted reprimands with the causes to be so vague that they had to be dropped. The two EEO exhibit on how Marvin tried to reprimand Martinez.
- q.) Exhibit 6 page 3 of 6 Marvin did call Martinez too old for this job, statement on Marvin fabricated to investigator.
- r.) Exhibit 6 page 3 of 6 Marvin is bashing Martinez exemplary record. Marvin continues to damage Martinez's image, Marvin gave a marginal not fully successful after the Brushy Fire.
- s.) Exhibit 6 page 3 of 6 Martinez accusing Ross as a spy. Martinez yelling at Marvin twisted the truth on the Rucker incident, Martinez was a victim of abuse under Marvin's watch. Marvin's statement again is to lead away the facts of the lack of planning on the Brushy Fire, and all that has occurred. Marvin's duty is to discredit Martinez.
- t.) Exhibit 6 page 4 of 6 Marvin all accusations occurred After Brushy Fire 2010 Marvin and Management tried very hard to discourage, Martinez hoping he would succumb to quitting, and or getting fired.
- u.) Exhibit 6 page 5 of 6 Robeson would not work with Martinez. Marvin may have coerced Robeson to write such a letter. Again, this has nothing to do with re-lighting the Brushy Fire.
- v.) Exhibit 6 page 6 of 6 Marvin is not the sole voice for the witnesses and the forest service on if Robeson lit the fire. Marvin is protecting Edwards, Morales, and himself.

29. Memorandum of Interview William Edwards Exhibit 7 Page 1 of 3

- a.) Edwards claims Martinez was not on the Brushy Fire.
- b.) Edwards comment that he contacted the LEI and reported the incident and Martinez was without merit, however after the LEI found more evidence suggested that Martinez Contact superiors and report it.
- c.) Exhibit 7 1 of 3 mentions that he did not recall Robeson did not use the radio to inform nearby elements, and that standing orders may have been broken, no reprimand was towards Robeson.
- d.) Exhibit 7 page 2 of 3 Edwards Denying I challenge to burn 9000 acres, Why would anybody risk ending there career by telling an investigator the truth.
- e.) Exhibit 7 page 2 of 3 Edwards defends the same person that stated, " I dare You.." .."there are many reasons why he did." Being the District Ranger, William Edwards is the Ultimate Authority as to what is to burn in his Ranger District. How can Edwards authorize a "P" code for a lightning caused fire that was re-lit. After the fact Edwards concludes that this was pre-planned and there is no harm and monies would be appropriated to cover expenses, after the fact that no burn plan was prescribed for this Impromptu Fire. Another example of fraud and abuse.
- f.) Exhibit 7 page 2 of 3 Edwards Marvin holds his employees accountable, however Edwards continues to tarnish Martinez character to allude investigator to show that Edwards is clear of any insubordinate activity on his part. Martinez, would question AFMO, FMO, and Edwards on safety, and forest practices, yet Edwards continues to state problems with Martinez. Note Martinez did not have any problems until The Brushy Fire. Could it be that Edwards had subordinates target Martinez to cover up, fraud waste and abuse, or to defuse the situation and to alleviate attention drawn to the Douglas Ranger District. Marvin, Morales, and others used foul language, but according to Edwards, and Marvin, Martinez is The Only One to Curse or use Swear Words. Martinez Never Been suspended until after The Brushy Fire.
- g.) Exhibit 7 page 3 of 3 Edwards Robeson did not want to work with Martinez because of the Rucker Incident. Romero physically abused Martinez during "The Rucker Incident.", Romero was not reprimanded. Martinez gets suspended. Martinez initiated a Mediation meeting with H.R., so that all could get along. The Fire Crew and Management continued to mistreat Martinez.
- h.) Exhibit 7 page 3 of 3 Edwards mentioned Robeson has two reasons that he chooses not to work with Martinez. Martinez blew the whistle thinking it was The Right Thing To Do, to find that you are better off turning a blind eye ignore safety issues,

lives, structures, and have a disregard for the forest and fauna. Martinez did not falsely accuse Robison, when other witnesses feared speaking up. Edwards is not to determine that Robison was falsely accused.

- i.) Exhibit 7 page 3 of 3 Edwards insinuates that the re-ignition was okay, and that a district employee was fired for similar accusations. Martinez has been reprimanded, defamed of character, passed on the AFMO Position Twice, and again on JANUARY 13, 2015, the position was not posted.
 30. Memorandum of Interview Kristy Lund indicates that Fire was out 24, 25, & 26. Mop up procedures continued on the 25th and the fire picked up.
 31. Exhibit 9 page 2 of 9 Wall from Edwards e-mail 2011 LIE that no further action will be sought at this time. The case is re-opened and in full investigation, this e-mail holds no value.
 - a.) Exhibit 9 page 3 of 9 Wall from Edwards. The case is re-opened and in full investigation, this e-mail holds no value.
 - b.) Exhibit 9 page 4 of 9 Marvin to Edwards Martinez suggested and brought the Mediation Idea to Johnathan Marvin, who sent the idea to Edwards, the letter suggest that Marvin stipulates that there is a behavior problem on Martinez part, and it has to be addressed.
 - c.) Exhibit 9 page 6 of 9 Edwards to Wall a copy of an e-mail to H.R. Parada will be facilitating the meeting.
 - d.) Exhibit 9 page 7 of 9 Edwards to Wall Martinez postponed mediation, due to the fact that the prior mediation he had to leave, it was not a mediation, it was a target Martinez meeting, and subjects asked Martinez to divulge information that is confidential, and under guidance of his union representative, Martinez excused himself from the meeting. Many Details were left out.
 - e.) Exhibit 9 page 8 of 9 Prada to Edwards E-mail specifying dates of mediation.
 - f.) Exhibit 9 page 9 of 9 Prada to Edwards E-mail Prada states requesting external mediation. After asking Martinez to divulge information that is confidential due to the EEO complaints filed, and under guidance of his union representative, Martinez excused himself from the meeting.
 32. Memorandum of Interview Justin Forsythe Exhibit 10 page 1 of 10
 - a.) Forsythe Heard Fred Jones that the Brushy fire was out because of rain it received overnight. Forsythe saw smoke and had to take pictures. Pictures show TWO BURN LINES With Green In Between. Fires do not arbitrarily jump and re-ignite uniformly in unison.
 - b.) Justin Forsythe Exhibit 10 page 2 of 10 Martinez asks in the concern of safety for the hand crew.

c.) Marvin says, "That is none of your business." Marvin yells at Martinez about not to question him about his hand-crew. Marvin adds "maybe you are too old to do this job." Marvin told Martinez "Maybe you are too old for this job." Age Discrimination,

Disparate Treatment, Against a Protected Class. Martinez is scrutinized. Marvin is allowed to treat his subordinates as so, in Violation of EEO, Human Resources and USDA Forest Practices, putting the district in Great Liability.

d.) 2010 Molendez told Marvin he left his task book on Marvin's desk. Marvin told Molendez, "that he was a dirty Lying Mexican." This AFMO has been given carte-blanche to do what ever he deems right. This is Racism, 'DISCRIMINATION BASED ON RACE.' Edwards, Morales, and management allow this to happen. Yet Martinez is targeted because he Blew the Whistle.

e.) Forsythe heard Marvin say to a gay Employee, "Maybe you should move to Bisbee, not Douglas.", it was inferred more gay oriented people live. 'DISCRIMINATION BASED ON SEXUAL ORIENTATION.' Clearly a violation of USDA human resource practices.

f.) Forsythe witness Marvin entering the warehouse in a gruff Voice, "I'm not done with you." Then Marvin noticed that Forsythe was in the warehouse, and exited the room. THREATENING AND INTIMIDATION.

g.) Marvin accused Forsythe of Lying, Stealing, using sick leave when not sick, disobeying direct orders. Obviously Marvin is allowed to accuse, INTIMIDATE, and THREATENING his subordinates and Management believes him, and APPROVES.

h.) Every week Marvin had something to say to Forsythe. Clearly Harassment and Hostile work environment.

i.) Marvin asked Forsythe if he had any problems with Martinez, and Forsythe said no. Marvin accused Forsythe for lying. Harassment.

j.) Another Time Marvin Accused Forsythe of stealing saw parts. Martinez had receipts to prove that Marvin was wrong. Marvin left the scene.

k.) Forsythe called Martinez saying he was sick, two hours later Marvin called and asked about the use of sick leave. Justin told Forsythe that he was home sick. Marvin Called Forsythe A Liar And HE MAY COME TO HIS HOME AND CHECK ON HIM. HARRASSMENT, THREATENING AND INTIMIDATION.

33. Memorandum of Interview Justin Forsythe Exhibit 10 page3 of 10

a.) While headed for a fire (one hour into the drive) Marvin calls Martinez to turn around and come to the district office Martinez was directed to ask to attend his own own fire on his assigned district. Certainly Harassment

- b.) Forsythe was not aware that the Brushy area was pre-determined area for a prescribed burn. Prescribed burns DO NOT OCCUR IN SUMMER BECAUSE IT'S FUEL VOLITILITY.
- c.) Forsythe was wrongfully laid off, in fall and winter in 2011, winter spring 2012, 2013. Forsythe was provided 13 weeks of work a year.
- d.) Forsythe was acting Captain for three years. A grievance was filed due to the complexity of the job. He only received GS5 , did not receive per diem monies mileage using his own POV, to and from Chiricahua station. Forsythe reports to Martinez, however Morales is responsible for Forsythe's paperwork.
- e.) Morales provided favoritism, in 2004 Morales eliminated one engine, Robeson was provided the Assistant Position, in 2010 Robeson became GS 8. Forsythe was bypassed.
- f.) Time cards; former AFMO Kris Condos briefed the crew on how to correctly fill time cards. Robeson had a major discrepancy on his time cards. A year ago, said to a group of people, "I beaten that Bitch at her own game." Morales backed him up, Robeson recently charged with a DUI . Violation of HR and USDA Practices.
- g.) Exhibit 10 page4 of 10 Forsythe was dispatched to Cave Creek north of Phoenix, Martinez, Paun, Campas, , briefing conducted by FMO Ramirez whom told the group that they were "on-Call." Campas was bringing his girl friend to the hotel where Martinez was not yelling but were talking loud due to the restaurant noise. Martinez, and Campas went outside, then Forsythe followed after finishing his meal. Campas and Martinez had a heated discussion but Not yelling. Campas said that his girlfriend would stay just one night then stay at a relative's house. Violation of HR and USDA Practices.
- h.) Forsythe defuses the heated discussion by asking Campas, "What time do we meet at the truck?" A few nights later Martinez found out through the hotel clerk that Campas still has his girlfriend in the room. Violation of HR and USDA Practices.
- i.) Morales asked Martinez if he had problems with Martinez, Forsythe said no, and Morales asked if Martinez gets emotional, Forsythe replied no Morales asked if Martinez ever yelled at Forsythe about the dispatch mix up, Forsythe said no. Martinez Never Yelled at Forsythe.
- j.) Forsythe believed that drugs are utilized by certain members of the Douglas District. No UA Conducted. Robison had two DUI's, and had been caught cheating on his time-cards, and in 2001 was caught smuggling 45 lbs of marijuana and a n amount of cocaine that was deemed for recreational use.

While traveling from Mexico to the United States. Robeson spent two weeks in jail. . Violation of HR and USDA Practices.

- k.) Forsythe Believed that Campas uses meth, at a camp, Forsythe entered a bathroom, after Campas the odor of burnt marsh mellows lingered an indication of meth use. Forsythe saw Campas smoking Marijuana at a residential party. Violation of HR and USDA Practices NO random UA's.
- l.) Exhibit 10 page 5 of 10 Forsythe Campas was talking to Forsythe about relaxing, and that Romero hooked him up, it is unknown that Romero utilizes drugs, but his personality seemed to indicate, some days he was up, and sometimes down. In 2001 Romero stated he bought coke from Morales. Morales is the godfather of Campas's son, and Campas to Morales's son. Violation of HR and USDA Practices NO random UA's.

m.) Exhibit 10 page 5 of 10 Forsythe

34 Memorandum of interview Morales Exhibit 11 page 1 of 11 Martinez does not use foul language around Kris Condos. Julio Robeson's time card problems, Morales, should have corrected it. Drug and Alcohol problems amongst the crew. Robeson, Campas.

35. Memorandum of interview Morales Exhibit 11 page 2 of 11 Martinez was considered for AFMO, and was passed up for that position with Marvin. Marvin received a \$25,000.00 sign on bonus.

36. Memorandum of interview Morales Exhibit 11 page 3 of 11 Robeson said he did not do anything. Morales contradicts that the fire is good for the burn plan, against FS practices, set for the fall or spring. Morales Contradicts himself again "The burn plan was probably approved." Admits that the burn went to the drainage ditch. Said there was no gap between burns, contrary to what other witnesses say. Where was Morales. Martinez Saw Robeson light the fire., Morales is saying Martinez did not see, although he Blew the whistle.

Exhibit 11 page 3 of 11 Martinez did not have issues with Marvin until the Brushy Fire. Martinez was DENIED retirement class, it was not a misunderstanding. Martinez requested to go again, then his request was granted, Morales had no choice, it is a common HR Practice. Martinez Never Yelled at Forsythe, see Forsythe's testimony. Another Ploy to get the subjects to Concentrate on Martinez. Mr. Edwards got close to Martinez's face and said "Take it like a Man!" HARRASSMENT, THREATENING AND INTIMIDATION.

37. Exhibit 11 page 5 of 11 Martinez DID NOT POINT A PEN AT MORALES, PURE FABRICATION. Martinez denied fire, while Martinez was enroute, in fact he was closer to the fire for dispatch, it was no mistake tha Morales had this intention.

Martinez took admin leave due to the hostility directed towards him...this did not begin until The Brushy Fire Incident. Polarization of crews is a lie.

- 1.) Drug Mules Morales contradicts his own comments, he said earlier that he did not want to annoy the drug smuggler, and to pay attention to the fire.
- 2.) Exhibit 11 page 6 of 11 Campas had good things to say about Martinez, it is even documented that Campas gave high praises to Martinez. Then switches his story, could be a God Father issue. Martinez wrote a letter earlier that he may get a surprise from Campas, because Campas behavior is erratic, and Martinez, may suffer the brunt of Campas actions. Morales does not consult with others nor speaks to Campas about getting along with Martinez. Campas cries Wolf, Martinez is in trouble again. Whistle blowing has its consequences. Whistle blowing has its consequences.
38. Memorandum of Interview Tim Bricknell. No Visible Smoke, and A PRESCRIBED BURN ...IN JULY. Unheard of.
39. Memorandum of Interview exhibit 1 of 40 Morales July 2014 Approved for prescribed burn plan that happened in 2010. Proposed for THE FALL NOTHING WAS MENTIONED ABOUT ADHOC FIRES.
40. Approved yes FOR THE FALL, DOES NOT RECTIFY RELIGHTING THE FIRE.

Many factors in relighting the fire, there are witnesses.

- Martinez as a result has been diagnosed with post traumatic stress syndrome, 5 years of harassment has taken its toll.
- Management is relentless in discrediting Martinez
- Management will not admit to foul play or mistakes.
- Fraud waste and abuse is evident on Management's side.
- Abuse of USDA Forest Policy
- Illegal Activity in the forest and perhaps in the agency.
- NO drug screening program implemented.
- No checks and Balances on DR, FMO, and AFMO.
- Hiring policies, Ex-convicts, felons, and smugglers, and this near the border.
- Monies and funds abuse, timecards, fire, fraud.
- Abuse, Harassment, Hostile work environment, Race, Age, and Sexual discrimination. Disparate treatment, Denied wages, and promotion
- Smuggling in the forest
- Cover-ups
- Lies from management

Conflicting stories from management, they don't have their story straight, it was lit, was there a torch, was a helicopter ordered, the fire was out, heavy rain. Concentration is towards Martinez, to discredit the fact that the fire was re-ignited, the L.E.O. suggested to "Utilize the Whistle Blower Law." An attorney at law said this has the makeup of a movie. This is for real. One Man doing what is right and thinking he is doing the right thing. To face an agency that turns against him. One man in a great battle starting in 2010, "The truth will prevail."