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December 22, 2023

Via Email

Ms. Angela Gladwell
Director, Hermit's Peak/Calf Canyon Claims Office

Re: Request for Resignation & Request for New Appointment

Dear Ms. Gladwell,

I am writing in response to a claim you made in a news conference on December 15, 2023. During that news conference, you represented that FEMA has approved and paid almost \$251 million of the \$341 million in received claims with documentation for compensation for the Hermit's Peak/Calf Canyon ("HPCC") fire, which amounts to approximately 73%. This representation is misleading and inaccurate. Whichever representative sample you used to conjure this skewed calculation does not represent the reality of FEMA's victim compensation to date. We have reviewed our numbers and have also consulted with other law firms who represent the vast majority of the HPCC victims, who have submitted Proofs of Loss ("POLs") with FEMA. Of the 242 POLs submitted, only three (3) have been paid. This amounts to a mere 1.2% of *claims* that have been paid, which would make the percentage of monies paid versus monies claimed much lower than what you represented.

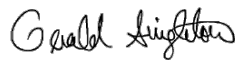
Unfortunately, this is not the first time your office has given misleading – or flatly incorrect – information to the press. As outlined in our December 6, 2023 letter and attachments sent to FEMA's Media Relations Specialist, Deborah Martinez, your office demanded a retraction from the local newspaper in Las Vegas, the *Las Vegas Optic* ("*Optic*"), related to an editorial the *Optic* published, which stated that FEMA had advised certain fire victims that it would be unable to meet the 180-day deadline set forth in the HPCC Recovery Act and that it was unable to process POLs because it could not evaluate the arborist and erosion control reports. The editorial's statements were supported by direct communications and representations from FEMA. Despite these clear and unequivocal representations made by FEMA, when demanding the retraction, your office made bald-faced misrepresentations to the *Optic*, stating that FEMA had hired three arborists, who were "hard at work processing claims," that "no timelines have been exceeded," and that "the Claims Office is prepared to proceed with an offer of compensation" for arborist reports.

In addition to these misleading and false representations, your office has also attempted to pressure *victims* into asking for extensions because *your office* has been unable to evaluate and process the claims. This type of manipulation is clearly an attempt on FEMA's part to circumvent the mandated 180-day deadline under the HPCC Recovery Act. One such example of this unacceptable conduct is laid out in Exhibit 3 to the above-mentioned December 6, 2023 letter, which is an email from your office to one of our clients, in which your office requested that our client request a 120-day extension because your office was "not able to process the POL pending FEMA review of the Arborist and erosion control reports."

Finally, as if all this unacceptable conduct was not enough, your office just announced that the administrative costs related to operating the HPCC claims office will amount to an astronomical seven percent (7%) of the total HPCC Recovery Act fund. By way of comparison, the administration costs related to the Fire Victim's Trust ("FVT"), which was created in relation to California wildfires caused by Pacific Gas & Electric ("PG&E"), was only 2.46%. The scope and breadth of these California wildfires far exceeded that of the HPCC fire and had exponentially more claimants. Thus, FEMA is going to consume nearly three times as much of the HPCC fund than the administrators consumed of the FVT fund, with dramatically inferior results. The victims – and the taxpayers – deserve better.

Given this serious misconduct, in addition to the gross incompetence that has been on display for the past 14 months, we are calling on you to resign from your position immediately and request that the FEMA Administrator appoint a qualified former New Mexico judge to create a fair and transparent process that will not waste the taxpayers' money and will provide much needed compensation to victims as soon as possible.

Sincerely,



Gerald Singleton, Esq.
Managing Partner



Brian S. Colón, Esq.
Managing Partner – New Mexico