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February 3, 2016

Ms. Sharon DeHaan
Human Resources Director
City of Everett
2390 Wetmore Avenue, 5TH Floor
Everett, WA 98201

Re: INVESTIGATION RE: MURRAY GORDON

Dear Sharon:

I am writing in response to your request for a summary of the results of my investigation.

1. Nature of Retainer:

On January 11, 2016, I was retained by the City of Everett (the "City") as a neutral investigator on allegations that fire chief Murray Gordon was under the influence of alcohol at the scene of the Bluffs Apartment Fire on December 31, 2015 ("NYE fire"). On January 4, 2016, Battalion Chiefs ("BC") Jeff Edmonds and Matt Keller reported to Asst. Chief Bob Edgely their suspicion that Chief Gordon was intoxicated at the fire scene. On January 8, 2016, BC Edmonds passed on an email from Captain Rich Shrauner dated January 8, 2016, making a similar allegation.

Chief Gordon and Chief Edgely reported the allegations to Human Resources Director Sharon DeHaan, who commenced an investigation but then suspended it and retained me. Ms. DeHaan asked me to investigate the allegations of BC Edmonds, BC Keller, and Captain Shrauner and report back to the City of Everett with the results of my investigation.

2. Summary of Conclusions:

Chief Gordon consumed a full glass of wine at Shawn O'Donnell's American Grill & Irish Pub ("Shawn O'Donnell's") on December 31, 2015, before learning of the fire and returning home to change vehicles and clothing and report to the scene. There is no credible evidence that Chief Gordon consumed more alcohol than one glass of wine before responding to the fire scene.

The relevant standard per City policy is whether Chief Gordon reported to work under the influence of intoxicants. While this can be conclusively determined by blood alcohol testing, no such testing was done at the scene or after. This leaves me with making a determination based on the behaviors and conduct observed by witnesses.

The vast majority of witnesses observed no signs of intoxication in Chief Gordon's behavior that evening. This would include witnesses who had interactions with him at Shawn O'Donnell's, and witnesses who encountered him on the scene at the incident command post, in the Fred Meyer parking lot, and at staging. These witnesses include former and current employees of the City, as well as third parties.

There are three witnesses who had at the scene or subsequently developed suspicions regarding Chief Gordon's level of intoxication. Captain Shrauner reported that he smelled alcohol on Chief Gordon, and that Chief Gordon stuttered and slurred his words like a drunk when he asked Captain Shrauner where the incident command post and staging areas were located. I did not credit Captain Shrauner's claim that Chief Gordon slurred his words or otherwise acted drunk. There is not a single other witness who corroborated such an allegation. Moreover, I listened to an audiotape of Chief Gordon's communications that evening, and they were firm, decisive, and lacked even a hint of intoxication.

BC Edmonds stated that he smelled alcohol on Chief Gordon's breath. BC Keller detected a whiff of alcohol in Chief Gordon's presence on three or four occasions. This testimony I credited. While it shows that Chief Gordon consumed alcohol earlier that evening, a fact that Chief Gordon concedes, it does not demonstrate that he was intoxicated or impaired by it.

BC Edmonds and BC Keller also expressed concern about Chief Gordon's indecisiveness on the scene, and his decision to place himself in charge of purchasing and delivering the food. There are alternative explanations for Chief Gordon's behavior at the scene that are more compelling than the theory that his conduct was influenced by alcohol. Chief Gordon arrived late to one of the biggest fires in all of their careers. While BC Edmonds and BC Keller interpreted any degree of hesitancy by Chief Gordon with suspicion, it seems more likely that any hesitancy and deliberateness was a natural and prudent reaction to coming late to an unfamiliar, dynamic, and threatening scene. It

appears that Chief Gordon took time to survey the matter, and then inserted himself and took control in ways that he calculated were most likely to be helpful and effective under the circumstances.

BC Keller was critical of Chief Gordon for any indecisiveness in where to procure the food. How to obtain food to feed up to 150 people quickly on New Year's Eve is a decision that would cause consternation for most people. Although BC Edmonds and BC Keller expressed concern about Chief Gordon's decision to get food, this role was consistent with (a) the support role that Chief Gordon was playing at the time, and (b) Chief Gordon's possession of a City credit card to pay for the food. While I am not a fire professional, Chief Gordon's decision making and his methods were not sufficiently suspicious to draw concern from Chief Key or FM Hicks, the two others present at the incident command post, or anyone else who dealt with him that evening.

In sum, there is credible evidence that Chief Gordon had consumed alcohol before responding to the scene, which Chief Gordon admits was poor judgment on his part. There is no credible evidence that Chief Gordon responded to the scene under the influence of intoxicants or impaired by his consumption of intoxicants.

3. Timing Issues

There was no dispute in testimony about when Chief Gordon arrived at Shawn O'Donnell's and left Shawn O'Donnell's after receiving notice of the fire. There was a great variance in the times given for when Chief Gordon arrived on scene and left the scene. For example, some witnesses told me Chief Gordon arrived as late as 9:00 p.m., and other witnesses said he left the scene as early as 9:00 p.m. Neither were correct. The reason for these discrepancies is that no one was checking their watches in the midst of a career fire. I was able to obtain the following information from SNOPAC from NWS CAD. Chief Gordon arrived on scene at 8:09 p.m. He transferred command to BC Keller at 9:32 p.m. when he went to get and then deliver food. While there is no similar CAD entry for when he left the scene, reliable witness testimony would put place his departure between 11:00 p.m. and midnight.

4. Applicable Standard:

The relevant policy states that Chief Gordon must not report to work under the influence of intoxicants such as alcohol. The policy provides no standard by which to make this determination.

City policies that pertain to holders of Commercial Drivers' Licenses are much more specific (no consuming alcohol four hours prior to reporting to work, and a blood alcohol level greater than 0.02 is grounds for discipline), but these policies do not apply to employees of the fire department, including the chief.

The collective bargaining agreement ("CBA") applies to unionized members of the fire department. The CBA sets the standard for a violation at 0.04, and requires the employer to articulate, corroborate, and document behaviors at the scene in order to require the member to submit to testing. Again, the CBA does not apply to the fire chief.

Police officers utilize a standard set of field sobriety tests to determine whether a driver is impaired by intoxicants: (a) the walk and turn, (b) the one leg stand, and (c) the horizontal gaze nystagmus test.

There were no concerns about Chief Gordon expressed at the fire scene, and no testing of blood alcohol or field sobriety was done. Without the benefit of such testing, I concluded that the most reliable way to determine whether Chief Gordon was under the influence of alcohol was to interview witnesses who interacted with him before he arrived on the fire scene and while on the fire scene. What I was looking for is whether they observed any signs or symptoms commonly associated with intoxication. These symptoms include: (a) bloodshot, glassy, or watery eyes, (b) flushed face, (c) droopy eyelids, (d) blank stare or dazed look, (e) twitching or body tremors, (f) disheveled clothing, (g) slurred speech, (h) loud, noisy speech, (i) rambling train of thought, (j) unusually fast or slow talking, (k) slow response to questions or comments, (l) repetitive statements, (m) bravado or boasting, (n) making irrational statements, (o) being annoying and argumentative, (p) acting aggressive, belligerent, obnoxious or mean, (q) being overly friendly, animated or boisterous, (r) swaying, staggering, stumbling, falling down, (s) acting depressed, sullen, crying or moody, (t) smell of alcohol on breath or body, and (u) repeated visits to the restroom. While these symptoms are known to everyone, they are particularly well known to firefighters and police officers, who deal with a large number of intoxicated persons as a function of their jobs.

5. Witnesses Interviewed

I interviewed the witnesses in person or by telephone. I audiorecorded the in-person interviews, and had the audiotapes transcribed. Most of the in-person interviews were arranged around the witnesses' work schedule. I did not audiotape the telephone interviews. Instead, I drafted a summary of the interview immediately after and emailed it to the witness for review and correction so that the witness felt it was 100% accurate. There were also witnesses that I chose not to interview or speak with by telephone because they indicated in response to an email that they did not have personal interactions with Chief Gordon on the night in question, or the interactions were so negligible that they developed no opinion regarding his conduct on the fire scene. The witnesses I interviewed in person, by telephone, or through email exchange include the following, in chronological order:

<u>Date</u>	<u>Witness</u>
January 12, 2016	Assistant Chief of Operations Bob Edgely (in person)
January 12, 2016	Asst. Fire Marshall Eric Hicks (in person)
January 12, 2016	Chief Murray Gordon (in person)
January 13, 2016	BC Jeff Edmonds (in person)
January 13, 2016	Captain Rich Shrauner (in person)
January 13, 2016	Asst. Chief Tim Key (in person)
January 13, 2016	Communications Director Meghan Pembroke (in person)
January 13, 2016	BC Matt Keller (in person)
January 14, 2016	Chief Murray Gordon (in person, for follow-up)
January 14, 2016	FF Tim Mann (in person)
January 14, 2016	Chap. John Blake (by telephone)
January 14, 2016	Chap. Chuck King (by telephone)
January 14, 2016	Dean Corcoran (by telephone)
January 14, 2016	Sgt. Tim Collings (by telephone)
January 15, 2016	Lt. Bruce Bosman (in person)
January 15, 2016	Colin Judnich (by telephone)
January 20, 2016	FF Oden Olson (email exchange)
January 22, 2016	FF Mike Calvert (email exchange)
January 25, 2016	Hannah Lovett (by telephone)
January 26, 2016	FF Mike Morton (in person)
January 26, 2016	Cpt. Brian Campbell (in person)
January 27, 2016	FF/Paramedic Dan Galovik (email exchange)
January 28, 2016	FF Brian Hughes (email exchange)
January 28, 2016	FF Tony Patricelli (email exchange)

6. Documents Reviewed and Audiotapes Listened To

I reviewed the following documents:

- i. City Policy 100-10-1 (eff. 10/1/10)
Code of Ethics and Employee Rules and Regulations
Relevant Sections:
3.5(C) Reporting to work under the influence of intoxicants, alcohol . . .
will result in disciplinary action.
This policy applies to the conduct of the fire chief
- ii. City Policy 100-12-10 (eff. 12/31/12)
Drug Free Workplace Policy
Relevant Sections:
4.1(A) "Prohibited conduct includes . . . reporting to work under the
influence of intoxicants."

4.4 “Any employee who violates any aspect of this policy shall be subject to disciplinary action, up to and including termination.”

- iii. City Policy 300-14-07 (eff. 7/31/14)
Drug and Alcohol Policy
Employee Health and Safety
This policy applies to the conduct of the fire chief, but was not helpful in determining the standard.
- iv. Everett Fire Department Administrative Policy Manual
Chapter 1, Section 7
Command Staff and Investigator Off-Duty Vehicle Use
This policy applies to the conduct of the fire chief, but was not helpful in determining the standard.
- v. City Policy 100-09-08 (eff. 10/9/09)
City of Everett U.S. Department of Transportation FMCSA Drug and Alcohol Policy
5.3 “The use of beverages containing alcohol or substances including any medication, mouthwash, food, candy or other substances such that alcohol is present in the body immediately prior to or while performing City business is prohibited.”
6.4 No employee should report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her percentage of blood alcohol concentration (BAC) is 0.04 or greater.

* * * *

No employee shall use alcohol within four (4) hours of reporting for duty.

6.4.1 Any employee who tests positive for alcohol at a confirmed level of 0.04 or higher will be removed from their positions, terminated and referred to a Substance Abuse Professional.

6.4.2 It is City policy that any employee who tests at a confirmed level between 0.02 and 0.039 will be removed from their position for a minimum of twenty-four (24) hours and will be referred to a Substance Abuse Professional. It is City policy that the employee will be subject to disciplinary action up to and including termination.

This policy applies to CDL holders, but not to employees of the fire department, including the fire chief.
- vi. City Policy 100-13-06 (eff. 6/18/13)
City of Everett U.S. Department of Transportation FTA Drug and Alcohol Policy

5.3 “The use of beverages containing alcohol or substances including any medication, mouthwash, food, candy or other substances such that alcohol is present in the body immediately prior to or while performing City business is prohibited.”

6.4 No employee should report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her percentage of blood alcohol concentration (BAC) is 0.04 or greater.

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This policy applies to CDL holders, but not to employees of the fire department, including the fire chief.

- vii. Collective Bargaining Agreement between the City of Everett Firefighters, Local 46
Effective 1/1/12 through 12/31/14
Article 38, Section 5.1, Reasonable Suspicion Testing

The CBA provides:

Reasonable suspicion for the purposes of this article as defined as follows: the City’s determination that reasonable suspicion exists shall be based on specific, articulated observations concerning the appearance, behavior, speech or body odors of an employee, and shall include, at a minimum, a written report documenting objective, measurable changes in an employee’s work performance due to unauthorized drug or alcohol use by two (2) observers who have had an adequate opportunity to observe these changes.

Article 38, Section 8, Establishes BAC .04 as level of impairment.

This agreement applies to union members of the fire department, but not to the fire chief.

viii. Radio Communications

Chief Edgely provided me with an audiotape of the radio communications during the fire, which I listened to. In particular, I was listening for Chief Gordon's communications to see if I could detect any sign of intoxication in his voice.

ix. Videos and Photos of Fire Scene

Captain Rich Shrauner showed me on his cell phone two videos and a photo of the fire scene.

x. Drawings

BC Edmonds and Captain Shrauner provided a drawing of the layout of the fire scene. BC Keller provided a drawing of the command structure at the fire scene.

x. Email exchange with SNOPAC regarding CAD time data.

7. Description of Relevant Events Regarding the NYE Fire

Chief Gordon was not on duty on the night of the NYE Fire. He planned on having dinner with friends (Dean and Lisa Corcoran) at Shawn O'Donnell's in Everett. Chief Gordon arrived at Shawn O'Donnell's at 6:00 p.m. and ordered a bottle of red wine to share with Lisa Corcoran. Chief Gordon learned of a second alarm on the NYE Fire at approximately 7:00 p.m., and decided to return home to switch cars, change clothes, and report for duty at the fire scene. Before leaving Shawn O'Donnell's, Chief Gordon consumed one full glass of wine. I confirmed these facts by interviewing Dean Corcoran and Colin Judnich. Mr. Corcoran was present with Chief Gordon at Shawn O'Donnell's for an hour before he left; Mr. Judnich was present with Chief Gordon for five or ten minutes before he left. Both stated that Chief Gordon did not appear intoxicated or impaired by alcohol when he left Shawn O'Donnell's. I also interviewed Hannah Lovett, who used to work for the Everett Fire Department and now works for Everett Community College. She contacted a friend in the Everett Fire Department after she learned of the allegations. She told me that she greeted, shook hands with, and interacted briefly with Chief Gordon as he was leaving Shawn O'Donnell's at 7:00 p.m. Ms. Lovett observed no signs of intoxication or impairment.¹

¹ In certain circumstances it might be necessary to inquire about alcohol absorption rates to discern whether someone was under the influence. Given that Chief Gordon is a physically large person, and the evidence only supported that he drank one glass of wine, I did not feel that such a discussion was pertinent in this case.

Chief Gordon arrived on the fire scene and found his way to the incident command post. Both Captain Shrauner and Chief Gordon agree that Chief Gordon passed Captain Shrauner on his way to the incident command post. Captain Shrauner states that he smelled alcohol on Chief Gordon, and that Chief Gordon stuttered and slurred like a drunk person when he asked Captain Shrauner where the incident command post and staging areas were. Captain Shrauner demonstrated the stammer for me, and it was a credible imitation of the 70s comic Foster Brooks playing a drunk. Captain Shrauner also found it unusual that Chief Gordon would not already know where the incident command post was.

Chief Gordon states that he passed Captain Shrauner on his way to the incident command post, and exchanged pleasantries as they passed, but he did not have any close personal interaction with him. Chief Gordon may have asked where the incident command post was, but would have not have asked the location of staging because he had passed staging already and would not have been concerned about its location if he hadn't.

Of these two witnesses, I found Chief Gordon to be more credible. In particular, I found Captain Shrauner to be not credible when he described Chief Gordon stuttering and stammering like a drunk. Not a single witness I spoke to other than Captain Shrauner described Chief Gordon's speech as being impacted in any way indicating intoxication. I listened to Chief Gordon giving orders and direction over the radio, and there is no indication whatsoever of stuttering or stammering. Moreover, I called into question Captain Shrauner's incredulity at Chief Gordon asking where the incident command post was located. The standard practice appears to be to ask fellow firefighters where the incident command post is located after arriving at a complex fire scene.

Chief Gordon reported to the incident command post where BC Edmonds was the incident commander and BC Keller and Chief Key were aiding him. Chief Gordon requested a CAN (or current status) report, and then assumed a support role, dealing with issues like the Red Cross, public works (sand for slippery roads and sidewalks), police (crowd and scene security and traffic), water (water pressure for hoses), and chaplains. After serving in a support role for 30 minutes, Chief Gordon took incident command and assigned BC Edmonds the operations role. Chief Gordon stated he took incident command because BC Edmonds was looking overwhelmed and this change would allow him to focus exclusively on fire suppression. In the Chief's experience, this was a standard way of dividing responsibilities on a large, complex fires (and several witnesses described the NYE Fire as a "career fire").

There is a conflict of testimony among those positioned on or around the incident command post about Chief Gordon's demeanor after he arrived at the incident command post and when he took incident command. BC Edmonds stated that he was standoffish, anxious, and confused. BC Keller said he was hesitant and not decisive. Chief Key and

FM Hicks said he was appropriately decisive and saw nothing unusual in his behavior. Chief Gordon said he needed time to get up to speed on the complex fire that he had arrived late for, and to make decisions about how best he could assist. He asked BC Edmonds whether it would be a good idea for him to take incident command before he did so, and BC Edmonds appeared to approve. While it is difficult to sort through all these contrary descriptions of Chief Gordon's demeanor, I cannot conclude that hesitancy on his part on how to best handle the scene of a career fire, when he arrived later to the scene, is a sign of impairment by alcohol. This is particularly true if Chief Gordon has not attended many multiple alarm fires recently, a fact that Chief Gordon, BC Edmonds, and BC Keller all agreed to.

There is also a conflict of testimony as to whether it was a prudent decision for Chief Gordon to take incident command. BC Edmonds and BC Keller stated, based on the new Blue Card training they received, BC Edmonds should have remained the incident commander and Chief Gordon should have remained in a supportive role. They said that changes in the identity of the incident commander can confuse the scene when people continue calling the former incident commander regarding issues he no longer controls. Chief Gordon, on the other hand, was following the standard practice he had instituted in 2001. While professional firefighters can differ over which is the better practice, I do not conclude this was evidence of intoxication. BC Edmonds stated that what Chief Gordon did was the standard practice. They also surmised at the time he took incident command that he had not yet received the new Blue Card training. Inquiring of BC Edmonds whether he should take incident command before doing so, appears deferential to someone who had been acting in the role for over an hour, as opposed to evidence of intoxication.

The suspicion of intoxication by BC Keller and BC Edmonds is undercut by what I learned of Chief Gordon's conduct at the fire scene from other key witnesses, and what I heard on the radio. He took over the support role and served in it competently. Everyone else he interacted with that night, including the chaplain, the public information officers, and the police officer, told me that he behaved normally and they had no cause to suspect he was intoxicated. When the roads and sidewalks were icy, he called in sand. He contacted the water department to ensure adequate water pressure. He called in busses to shelter the firefighters and victims from the cold. He ensured the presence and assistance of the Red Cross. He coordinated with his command staff and made decisions on the fire watch.² In listening to the radio communication, I heard a chief who gave direction actively, decisively, and without any hint of intoxication.

² While BC Edmonds stated that Chief Gordon left before the fire watch, this allegation was refuted by everyone else, including BC Keller.

While BC Keller and BC Edmonds state that Chief Gordon was acting distracted, more witnesses told me that he was too focused. For example, I was told he rushed to his rig to get food without stopping to shake hands and chat, as he normally would. BC Keller complained that Chief Gordon called to bring sand to the scene rather than rushing over to help FM Hicks after he slipped on ice.

BC Keller also stated that Chief Gordon was indecisive about where to get food for the firefighters and victims. BC Edmonds overheard the conversation and agreed with BC Keller's characterization. Chief Gordon disagrees with their assessment. I do not see this issue as an indication of intoxication. How and where to obtain food for 150 people quickly on New Year's Eve is not an easily solvable problem. Although BC Keller believes that a quick trip to the nearby Fred Meyer was the best solution, I do not agree that Fred Meyer could so easily put together dinner for 150, particularly at that time of evening on a holiday. Any hesitancy that Chief Gordon had in deciding how to fulfill this need is understandable given the great need that he was filling.

BC Keller and BC Edmonds were critical of Chief Gordon transferring incident command to BC Keller while he took on the assignment of obtaining and delivering the food. Although there is a conflict of testimony as to what was happening at the time, the weight of the testimony supports the version that the fire was under control and the operation was scaling down. Thus, any insinuation that Chief Gordon decided to make a hamburger run when the fire was still raging is not true. Chief Gordon stated that he took this task on because he alone had a City credit card that he could use to pay for the food. Moreover, BC Keller stressed how important it was to get food to the hungry firefighters, and did not offer me an alternative to obtain it other than Chief Gordon paying for it himself.

Finally, BC Edmonds and BC Keller stated that they smelled alcohol. BC Edmonds stated that he smelled alcohol on Chief Gordon's breath once before he went to get food. BC Keller stated that he received whiffs of alcohol on three or four occasions while in Chief Gordon's presence. Captain Shrauner stated that he smelled alcohol on Chief Gordon. Although no other witness confirmed that Chief Gordon smelled of alcohol, I credit these allegations. Chief Gordon had drank alcohol in a bar/restaurant before he responded to the fire scene, and the smell of alcohol could still have been on his breath/person at the time. I do understand why such a smell would raise suspicions of intoxication. Yet, I do not think the presence of this one factor is sufficient to override all the other testimony and evidence that refutes the allegation that Chief Gordon was intoxicated or under the influence of alcohol when he reported for duty at the NYE Fire. Given the observations of a vast majority of the witnesses, I believe any behaviors they considered unusual are more appropriately attributed to the fact that Chief Gordon was arriving late to a career fire scene and needed time to decide how he could best assist.

8. Background Information Deemed Not Particularly Relevant

There were two matters that I discounted in my investigation. First, there was testimony regarding the strained and tense relationship between City management (including the fire chief) and the union. Both sides have different views on how resources are best allocated, and the expression of those views has led to acrimony at times. Given how my investigation unfolded, I never came to the conclusion that the allegations against Chief Gordon were driven by any desire to bring Chief Gordon down or otherwise gain advantage in the ongoing dispute. Second, there was testimony from certain witnesses that Chief Gordon has a known alcohol problem. This was not supported by credible evidence that he had ever reported for duty under the influence of alcohol in the past. Also, I found it unhelpful in assessing whether Chief Gordon reported to work under the influence on December 31, 2015.

9. Summary of Witness Interviews

- A. Witness: Jeff Edmonds
Interview: January 13, 2016
Documentation: Handwritten notes, audiotape of interview, transcription of interview, drawing of fire scene, email exchanges

Jeff Edmonds is a battalion chief in the Everett Fire department. BC Edmonds has been employed by the Everett Fire department for 28 years.

BC Edmonds was on duty at Station 1 on New Year's Eve. He was called out at approximately 7:00 p.m. He arrived at the fire scene at approximately 7:20 p.m., and took the role of incident commander. This fire involved a three story apartment building in a large apartment complex. In his career, BC Edmonds has only been called to one fire that was larger and more complex than this fire. He believes this was the biggest fire of everyone else's career. As incident commander, his role is to establish a strategy for fighting the fire, and direct the companies in carrying out that strategy. Prior to Chief Gordon's arrival, BC Edmonds was aided by BC Keller and Division Chief Tim Key.

BC Edmonds had no contact with Chief Gordon prior to Chief Gordon's arrival on scene. Chief Gordon arrived at approximately 9:00 p.m. From previous experience, BC Edmonds believed Chief Gordon would arrive at the fire scene, take incident command, and then work on support resources, leaving suppression activities to another professional. At this fire, Chief Gordon came to the incident command post and apologized for being late because he had to return home to retrieve his vehicle. BC Edmonds then gave him a rundown of what was happening.

BC Edmonds reported that there were three unusual things about Chief Gordon at the fire scene. First, Chief Gordon was a little bit standoffish. By standoffish, BC Edmonds meant that he was standing farther away from him than normal when speaking. BC Edmonds also thought he seemed anxious and confused, though at first BC Edmonds thought it was because of the magnitude of the fire. Second, Chief Gordon was indecisive about taking incident command, and was questioning what was needed and what he should do rather than dictating what should be done.

Once Chief Gordon took incident command and put BC Edmonds in charge of operations/fire suppression, BC Edmonds was not paying attention to what he was doing. Instead, BC Edmonds was focused on fire suppression activities. BC Edmonds believes that it confused the scene when Chief Gordon took incident command because it changed roles mid fire. This confusion was not unique to this fire scene, but happens whenever incident command and operations are given to separate command staff.

Once Chief Gordon took incident command, Chief Gordon communicated with BC Keller about getting food. It is a big priority of BC Keller to ensure that everyone was fed. Crews were complaining to BC Edmonds that they had not eaten all day. BC Edmonds overheard the conversation about getting food. McDonalds was suggested as a place to get food, and Chief Gordon volunteered to go because he had a credit card. Chief Gordon then relinquished incident command to BC Keller. At this time, BC Edmonds characterized the fire as "fairly knocked down." BC Edmonds was critical of Chief Gordon's decision to get the food, as he believed someone else should have gotten the food. Chief Gordon returned with the food and began distributing it. Chief Gordon then left at approximately 10:00 p.m. Chief Edmonds stayed until 2:00 a.m. BC Edmonds was critical of Chief Gordon not participating in discussions regarding fire watch (i.e., who would be assigned to remain at the fire overnight).

BC Edmonds stated that he smelled alcohol on Chief Gordon's breath at some point in conversation with him prior to Chief Gordon leaving to get food. BC Edmonds recognized the smell from being called to numerous scenes where there are intoxicated people requiring service.

BC Edmonds denied that Chief Gordon was unsteady on his feet or slurring his speech. Instead, his suspicions about Chief Gordon being intoxicated were triggered by what he called Chief Gordon's anxiety and confusion.

BC Edmonds did not share his concerns with BC Keller, Chief Gordon, or anyone else on the fire scene. He first shared his concerns with BC Keller the next morning. BC Edmonds stated his belief that Chief Gordon had been drinking, and BC Keller agreed. BC Edmonds raised his concerns with Chief Edgely. Later, Captain Rich Shrauner expressed his concerns that Chief Gordon had been drinking, and BC Edmonds asked him to write his concerns in an email.

B. Witness: Matt Keller
Interview: January 13, 2016
Documentation: Handwritten notes, audiotape of interview, transcription of interview, drawing of hierarchy, email exchanges

Matt Keller is a battalion chief in the Everett Fire Department. Chief Keller has been employed by the Everett Fire department for 24 years.

BC Keller was off duty on New Year's Eve, but he came in to work to assist with the fire after he received notice of it on an app on his phone. He reported first to Station 1. While there he heard a third alarm and realized this was a "career type fire," meaning one that could be the biggest fire of his career. For BC Keller, that prediction turned out to be true. BC Keller arrived at the fire scene at 7:45 p.m. to 8:00 p.m., and asked firefighters already present where the incident command post was. BC Keller reported to incident commander BC Edmonds and offered to be command post aide, which involved taking over radio communications. This assistance freed BC Edmonds up to focus on fire suppression and be able leave the incident command post area.

BC Keller inquired where Chief Gordon was. Although he said it is unusual for Chief Gordon to appear at a fire, they still always expect him to appear.³ BC Keller stated that Chief Gordon arrived at the incident command post at approximately 8:30 p.m. to 8:45 p.m. Chief Gordon asked for a rundown of the scene, which is called a CAN report, which he was given.

BC Keller stated that Chief Gordon's behavior at this fire was different than at other multiple alarm fires that they had been at together. This appeared to conflict with BC Keller's earlier statement that Chief Gordon does not appear for multiple alarm fires. When I inquired about this apparent inconsistency, I did not receive a clear answer. The best I could surmise is that, according to BC Keller, Chief Gordon sometimes appears for fires and sometimes does not, with no consistent practice.

BC Keller stated that on three or four occasions he believed he smelled alcohol while in the presence of Chief Gordon. He would catch a whiff and think "did I just smell alcohol?" It was not a very strong smell like on the habitual drunks they commonly deal with. BC Keller was unsure because it occurred in an area close to the fire where there was wind, cold, smoke, and diesel exhaust. Given that the fire was large and distracting, he did not concentrate on it at the time.

³ Frankly, I thought this was a negative commentary between battalion chiefs about Chief Gordon's likely absence from the fire. In other words, it was snark.

BC Keller stated that Eric Hicks slipped and fell on ice. BC Keller rushed over to help him, and Chief Gordon did not assist. Instead, Chief Gordon got on his phone and ordered sand and salt be delivered to the scene. Chief Gordon ordered busses, and also contacted the water department about keeping the pressure up. BC Keller thought all this was normal conduct.

After placing phone calls, Chief Gordon decided to take incident command. BC Keller first told me that Chief Gordon said, "I'm going to take command." BC Keller considered that in violation of the new Blue Card training he already had, and is in progress for the rest of the command staff. With this new training, the Chief would not take incident command away from BC Edmonds because it can cause confusion to change someone's role in the midst of a fire. When Chief Gordon took command, BC Keller thought it was odd but speculated that he had not yet had Blue Card training.

BC Keller then told me that Chief Gordon's taking command was almost like a question that he then decided to answer "yes." Chief Gordon made BC Keller his aid, which took BC Keller away from suppression activities. BC Keller expected Chief Gordon to make Tim Key his aid. Instead, Tim Key was BC Edmonds' aid. This decision-making seemed disjointed and awkward to BC Keller, and an odd way "to set the fire up." BC Keller stated that in the past Chief Gordon made decisions fast, but appeared to be having trouble making decisions at this fire.

BC Keller mentioned that they needed to come up with a food plan. Chief Gordon was tentative and uncertain in discussing a food plan. He had trouble looking up Fred Meyer on his cell phone to see if it was open. Even though Fred Meyer was open, and in a lot adjacent to the fire, Chief Gordon decided instead to go to McDonalds. Chief Gordon decided to pick up the food himself because he had a city credit card that he could use to pay for 200 hamburgers. Chief Gordon rejected BC Keller's suggestion to call first, deciding to go to the McDonalds and order the food there. BC Keller stated that he never saw Chief Gordon get food before, and that Chief Gordon should not have done this task at a career fire. BC Keller also stated that he was chastised before for buying food at another fire. Because getting food was of paramount concern to BC Keller at this fire, and Chief Gordon was acting on that concern, it was unclear to me why BC Keller brought up the other fire.

BC Keller did not notice any physical instability with Chief Gordon that he attributed to intoxication. The scene was icy, so everyone walked with a bit of instability. He noted that Chief Gordon's speech was slower and deliberate, but not slurred or disjointed. Chief Gordon's complexion was red, but it is always red and it was cold out.

Chief Gordon transferred incident command to BC Keller when he left to get food. BC Keller thought it was difficult and confusing for there to be another transfer of command. Chief Gordon left at 9:00 p.m. or later after he obtained and distributed the

food. Before Chief Gordon left, they discussed fire watch and who would stay at the scene overnight. Chief Gordon participated in these conversations and made the necessary decisions. BC Keller stayed until 2:00 a.m. When Chief Gordon left, they were still fighting the fire. BC Keller was also critical of Chief Gordon's leaving because all the assistant chiefs were away at the time, and there was no one above the battalion chiefs to rely upon.

BC Keller stated that he did not come to the conclusion at the fire scene that Chief Gordon was under the influence of alcohol. On the drive home, he did recognize that his behavior was weird or different.

BC Keller came to Station 1 the next morning and met BC Edmonds in the locker room. BC Edmonds asked him if he smelled alcohol on Chief Gordon the night before, and he said he did. They decided to report the concern. At Station 1 the next morning, BC Keller heard firefighters who were in staging at the fire scene talking about Chief Gordon being intoxicated at the scene. I asked him for a list of those firefighters, and contacted each in person or by email to inquire if they had relevant information. None supported the allegation. BC Keller also heard FF Tony Patricelli state that he let Chief Gordon into Station One that morning after he pounded on the door rather than use the push button locks for the door.

C. Witness: Rich Shrauner
Interview: January 13, 2016

Documentation: Handwritten notes, audiotape of interview, transcription of interview, drawing of fire scene, email to BC Edmonds dated 1/8/16. Captain Shrauner showed me videos and a photo of the fire on his cell phone.

Rich Shrauner is a captain in the Everett Fire Department. Cpt. Shrauner has been employed by the Everett Fire Department for 28 years. Cpt. Shrauner was on duty the night of the fire at Station 5, and arrived at the fire scene by 7:15 p.m. Captain Shrauner and his crew were stationed with Ladder Truck 5 near the corner of the apartment building between the Bravo and Charlie sides of the building. At one point, BC Edmonds directed Cpt. Shrauner to take over the rescue operations of residents still in the building, and he organized the rescue effort on three floors.

Cpt. Shrauner heard Chief Gordon arrive on the scene when he announced his arrival over the radio. Within 15 minutes or less of this announcement, Cpt. Shrauner encountered Chief Gordon as he was passing by the area where Cpt. Shrauner was stationed. Cpt. Shrauner estimated that he encountered Chief Gordon at approximately 8:15 p.m. Cpt. Shrauner stated that Chief Gordon walked up to him, and was standing within two feet of him, when he asked "where is the incident post and staging area?" Cpt. Shrauner responded that he believed the staging area was on Casino Road and he did

not know where the incident command post was. The conversation between Chief Gordon and Cpt. Shrauner lasted between 30 seconds and 1 minute. Cpt. Shrauner stated that he was “dumbfounded . . . taken aback . . . and really surprised” that Chief Gordon did not already know where the incident command post and staging were located. When asked why, Cpt. Shrauner responded that Chief Gordon has the best equipment in his rig, with a radio, phone, and computer with dispatch information.

Cpt. Shrauner stated that he could smell alcohol on Chief Gordon’s breath when he spoke with him. Despite his proximity to the fire, Cpt. Shrauner said there was no smoke that would have concealed the alcohol smell. Cpt. Shrauner also stated that Chief Gordon stuttered and slurred like an intoxicated person when he asked about the location of the incident post and staging area. Cpt. Shrauner put all this together, along with the fact it is New Year’s Eve and he believes Chief Gordon has a drinking problem (based on his personal observations from 10-15 years ago and from what he has heard from others), to suspect he was intoxicated. No one else was present when Cpt. Shrauner had his interaction with Chief Gordon.

This was the only encounter that Cpt. Shrauner had with Chief Gordon at the fire scene. He subsequently heard him on the radio taking incident command, and then passing incident command to BC Keller.

Cpt. Shrauner visited incident command post to share his concerns with BC Edmonds and BC Keller. He did not say anything because they were busy and either expressed or implied that he should get back to his station. BC Edmonds corroborated the fact that Cpt. Shrauner visited the incident command post but was shooed away.

Cpt. Shrauner reported his concern to BC Edmonds on January 8, 2016. This was his first day back on shift, as he attended training on January 5, 2016. BC Edmonds asked him to write an email and send it to him with his concerns. Cpt. Shrauner stated that he shared his concerns at the scene with two crew members, Mike Juozapaitis and Brent Weir. Cpt. Shrauner denied hearing about anyone else’s concerns before he shared his concerns with BC Edmonds.

D. Witness: Murray Gordon
Interviews: January 12, 2016 and January 14, 2016 (follow up)
Documentation: Handwritten notes, audiotapes of interview, transcriptions of interview

Murray Gordon is the fire chief of the City of Everett. Chief Gordon has been employed with the City of Everett for 39 years. He became fire chief in 2001. Chief Gordon has been on a fire scene on average 10 times per year in the last fifteen years, with more in his earlier years and less in his later years. As he approaches retirement, it

is his plan to allow lower command staff to get more experience being in charge at fire scenes.

Chief Gordon sees his role at fire scenes to support the incident commander. Even when he takes incident command, he plays a support role for the battalion chief who is directing the suppression efforts. Support involves matters like coordinating with the Red Cross, ensuring there is shelter and transit and bathroom facilities, working with public works to ensure water pressure, and working with police to ensure scene security, crowd control, and traffic control. Chief Gordon introduced this particular split of roles when he became chief in 2001.

Chief Gordon was not on duty on New Year's Eve. He learned of the NYE Fire through his cell phone when a second alarm was transmitted. Chief Gordon was at Shawn O'Donnell's at the time to have dinner with friends Dean and Lisa Corcoran. Chief Gordon arrived at Shawn O'Donnell's at approximately 6:00 p.m., and ordered a bottle of Cabernet wine to share with Lisa Corcoran. Chief Gordon denied consuming any alcohol before his arrival at Shawn O'Donnell's. Chief Gordon drank a full glass of red wine before 7:00 p.m. when he heard the alarm, went into the foyer to listen to the call, and then decided to leave the restaurant and go to the fire. Chief Gordon had his personal vehicle with him at the restaurant, so he drove home to pick up his department vehicle (20 minute drive), changed clothes and put on his turn out gear, and drove to the fire scene (10 minutes). He arrived at the fire scene at approximately 7:45 p.m. Chief Gordon denies consuming any alcohol between his departure from Shawn O'Donnell's and his arrival at the fire scene.

On the way to the fire, Chief Gordon called Meghan Pembroke, the City's public information officer, to inform her there was a big fire in the City. Chief Gordon arrived on scene and went to the incident command post. BC Edmonds was the incident commander at the time. BC Keller was acting as the aid to BC Edmonds, and Chief Key was also assisting. Chief Gordon assumed a support role, inquiring about the current status of communications with the Red Cross, and the water department.

Chief Gordon may have apologized to BC Edmonds about his late arrival at the fire. Chief Gordon denies acting confused, but he did not know details of what had transpired and wanted to be brought up to date. Chief Gordon stated he was anxious out of concern for the residents and firefighters given the magnitude of the fire.

An hour after he arrived, Chief Gordon assumed incident command. He believed that BC Edmonds was being overstressed by a number of pending issues, and took incident command so BC Edmonds could focus on fire suppression. Chief Gordon offered that option to BC Edmonds and felt that BC Edmonds responded very positively to it. Chief Gordon remain focused on support functions after taking incident command.

Chief Gordon remained the incident commander for a half hour. When he considered the fire under control, and BC Edmonds began scaling down the operation, Chief Gordon transferred incident command to BC Keller. One of the remaining issues was to obtain food for the firefighters and the victims. Chief Gordon heard from BC Keller that the firefighters on duty had not had an opportunity to eat dinner, and getting food to them was important. Because he had a City credit card to pay for the meals, Chief Gordon decided that he could best accomplish that by going to McDonalds to order and then deliver the food. Chief Gordon ordered 150 cheeseburgers and 100 orders of fries, and then delivered the food to staging and to the Red Cross in the Fred Meyer parking lot for a total of three food runs. Chief Gordon said he has taken care of food in the past. Note that McDonalds donated all the food.

Chief Gordon recalls passing Captain Rich Shrauner on his way to the incident command post and exchanged "hi's" and pleasantries like "big fire" with him as he passed. Chief Gordon may have asked him the location of the incident command post. Chief Gordon denied that would be unusual because he would not want to tie up radio traffic inquiring about the location of the incident command post before arrival. Chief Gordon does not recall asking Captain Shrauner where staging was, in part because he passed staging on the way to where he ran into Captain Shrauner, and in part because the site of staging was not a concern to him. Chief Gordon denied slurring or stuttering in his communications with Captain Shrauner. Chief Gordon denied any further interaction or any close interaction with Captain Shrauner.

Chief Gordon left the scene around midnight when the fire was essentially in control and the operation was scaling down. Chief Gordon stated that he participated in the discussion regarding fire watch before leaving. He stated that this occurred after he procured the food.

Chief Gordon learned of concerns about his conduct on the scene on the afternoon of January 4, 2016, when Chief Edgely told him about BC Edmonds' and BC Keller's concerns. Chief Gordon admitted to Chief Edgely that he had drank alcohol before reporting to the fire scene, but denied being intoxicated. Chief Gordon and Chief Edgely agreed that it should be reported to HR Director Sharon DeHaan.

E. Witness: Bob Edgely
Interview: January 12, 2016
Documentation: Handwritten notes, audiotape of interview, transcription of interview, audiotape of radio traffic

Bob Edgely is the assistant chief of operations. Chief Edgely has been employed with the Everett Fire Department for 23 years. Chief Edgely was on vacation in California on the night of the fire. Chief Edgely learned of the fire through an application

on his cell phone. He did not listen to radio traffic at the time of the fire, did not respond to the scene, and had no interactions with Chief Gordon at the fire.

Chief Edgely met with BC Edmonds and BC Keller at 8:00 a.m. on January 4, 2016. BC Edmonds and BC Keller reported to him that they smelled alcohol on Chief Gordon's breath when he responded to the NYE Fire. They also reported that he was acting unusual. As examples of unusual behavior, they reported that Chief Gordon took incident command from BC Edmonds, and then subsequently relinquished it to BC Keller. They also consider it unusual that he relinquished command to buy food for the firefighters and victims. BC Edmonds and BC Keller did not share their concerns with each other or others on the night of the fire.

Chief Edgely reported their concerns to Chief Gordon at 2:00 p.m. the same day. Chief Gordon told him that he had a glass of wine with dinner that night, but was not intoxicated at the scene. Chief Gordon stated that it may not have been prudent to report to the scene after consuming any alcohol. They agreed that the battalion chiefs' concerns should be reported to Human Resources Director Sharon DeHaan. On the morning of January 5, 2016, Chief Gordon called Chief Edgely to a meeting with him and Ms. DeHaan. As a consequence of this meeting, Ms. DeHaan notified Debra Bryant and an investigation was initiated.

On January 8, 2015, Chief Edgely also received an email from Captain Rich Shrauner to BC Jeff Edmonds regarding his allegations about Chief Gordon at the fire scene.

F. Witness: Eric Hicks
Interview: January 12, 2016
Documentation: Handwritten notes, audiotape of interview, transcription of interview

Eric Hicks is an assistant fire marshal with the Everett Fire Department. He has worked for the Everett Fire Department for 17 years. FM Hicks is also the public information officer for the Everett Fire Department. FM Hicks has been promoted to an assistant chief position.

FM Hicks responded to the fire scene after hearing the dispatch and realizing that media would respond given the magnitude of the fire. FM Hicks also knew that there would be an investigation into the cause of the fire. FM Hicks arrived at the fire scene at approximately 7:45 p.m., and remained until approximately 12:30 p.m. the next day. At the fire scene, FM Hicks had many short personal interactions with Chief Gordon. He recalled a discussion regarding getting busses to the scene for the firefighters and victims. He recalled Chief Gordon giving him food that he had procured for the firefighters. He

visited the command incident post repeatedly throughout the night to exchange information with Chief Gordon and the battalion chiefs.

FM Hicks did not have any suspicions or concerns that Chief Gordon was intoxicated at the scene. He did not smell alcohol on him, did not hear slurred speech or unsteady gait. He did not observe any unusual behavior by him.

G. Witness: Tim Key
Interview: January 13, 2016
Documentation: Handwritten notes, audiotape of interview, transcription of interview

Tim Key is the division chief for EMS. He has been employed by the Everett Fire Department for 21 years. I was told that Chief Key has received a future promotion to assistant chief. Chief Key was not working on December 31, 2015, but decided to report to work after he heard the pages indicating a major fire. Chief Key arrived on scene shortly after the fire was reported, and stayed until approximately 1:45 a.m. Chief Key reported to the incident command post and began serving as an aid to BC Edmonds, the incident commander at the time. As the aid, it was Chief Key's role to keep track of all the units on the scene and what they were doing. He was part of the decision making "huddles" that occurred prior to and after Chief Gordon arrived at the scene.

Chief Key recalls several interactions with Chief Gordon at the incident command post. The first involved calling Red Cross to the scene. The second involved getting food for the firefighters. The food issue was raised by BC Keller as soon as Chief Gordon arrived. Chief Gordon first focused on other things, and BC Keller returned his attention to the necessity of obtaining food. This decision was made in a huddle of the chiefs at the incident command post. There was discussion about whether the City would pay for the food. Chief Gordon volunteered to get the food, in part because he had a City credit card that he could use to purchase it. Chief Gordon turned incident command over to BC Keller when he left to get food, leaving operations with BC Edmonds. At the time the scene was scaling down, so Chief Key had no operational concerns with Chief Gordon's decision. Chief Gordon and Chief Key also discussed getting fuel for the fire engines and drinking water. The third interaction with Chief Gordon involved decisions regarding fire watch, and who would be present overnight to ensure that the fire would be put out if it revived.

Chief Key stated that he noted no signs of intoxication. He did not smell alcohol on him. He noticed no slurred speech or abnormal gait or gestures. He observed Chief Gordon processing information normally, and observed no impact on his ability to think or speak or reason.

Chief Key recalled some hesitation when Chief Gordon took incident command. He sensed that BC Edmonds and BC Keller did not approve of the idea, due to it adding a layer of complexity with radio traffic. He interpreted Chief Gordon's hesitation as a reaction to the cool reception that his decision had from the battalion chiefs.

I asked Chief Key if he noticed Chief Gordon appearing nervous or anxious. Chief Key stated that it was out of the ordinary for Chief Gordon to be on the scene at such a fire, and he appeared to trying to figure out what was the best role for him to play at the fire scene.

H. Witness: Meghan Pembroke
Interview: January 13, 2016
Documentation: Handwritten notes, audiotape of interview, transcription of interview, audiotape of radio traffic

Meghan Pembroke is the communications director for the City of Everett. She reports to Debra Bryant, deputy mayor and CFO. She has worked for the City since August 2013. On December 31, 2015, she received a call at approximately 7:00 p.m. about the fire from Chief Gordon, consistent with the City's practice of involving her on major fires. Ms. Pembroke had three telephone calls with Chief Gordon before he arrived at the fire scene. She did not suspect that Chief Gordon was intoxicated during any of the calls.

Ms. Pembroke was stationed in the Fred Meyer parking lot, which was where the Red Cross was setting up. Ms. Pembroke recalls having contact with Chief Gordon after he had gotten food and was delivering it to the Fred Meyer parking lot. She later interacted with him at the incident command post between 11:00 p.m. and midnight. Chief Gordon updated her and FM Eric Hicks on current information so they could update the media. She later interacted with him again, around midnight, at the incident command post. Ms. Pembroke stated that she did not observe any signs of intoxication during her interactions with Chief Gordon.

I. Witness: Dean Corcoran
Interview: January 14, 2016 (by telephone)
Documentation: Handwritten notes, typed interview summary, email exchange confirming accuracy

Dean Corcoran is a friend of Chief Gordon's for 20 years. They met through officiating football games. Chief Gordon met Dean Corcoran and his wife Lisa at Shawn O'Donnell's at approximately 6:00 p.m. on December 31, 2015. When the Corcorans arrived, Chief Gordon had ordered a bottle of red wine for Lisa Corcoran and him to share, and had poured a full glass for each of them. Chief Gordon had drank his glass of

wine and poured himself a second glass when he left the table at approximately 7:00 p.m. to make a telephone call. He returned from the call stating that he had to leave for a fire.

Mrs. Corcoran drank the second glass of wine that Chief Gordon had poured for himself. Mr. Corcoran did not observe Chief Gordon looking or acting impaired by alcohol when he left Shawn O'Donnell's. Chief Gordon contributed cash for the bottle of wine before he left. He is not aware whether Chief Gordon had consumed any alcohol before the single glass of wine he consumed at the restaurant. Mr. Corcoran provided contact information for the Judnicks, friends of the Corcorans who joined them at the table 5 or 10 minutes before Chief Gordon left.

J. Witness: Tim Collings
Interview: January 14, 2016 (by telephone)
Documentation: Handwritten notes, typed interview summary, email exchange confirming accuracy

Tim Collings is a police sergeant employed by the City of Everett. I received Sgt. Collings name from Lt. Bosman, who told me that Sgt. Collings was on the scene and had personal interactions with Chief Gordon at the incident command post. I confirmed with Sgt. Collings that he was on duty, responded to the fire, and had personal interactions with Chief Gordon on the scene. Sgt. Collings spent 4 to 4½ hours at the fire scene, with 90% of his time being in the vicinity of the incident command post.

Sgt. Collings recalled two personal interactions with Chief Gordon. In the first interaction, Chief Gordon told Sgt. Collings that he wanted more police officers on the scene performing crowd control. When Sgt. Collings responded that no additional officers were available, Chief Gordon became irritated and mentioned contacting the police chief to bring in more officers who were off duty. This was a face to face interaction. In the second interaction, Chief Gordon approached Sgt. Collings on Casino Road, shook his hand, and congratulated him for a good job. This was also a brief, face-to-face interaction.

Sgt. Collings stated that he observed no signs of intoxication in Chief Gordon. He did not smell alcohol on his breath or person. He did not hear slurred speech, or behave in other ways that that would lead him to believe Chief Gordon was intoxicated. Sgt. Collings stated that he was not familiar with Chief Gordon, and did not have a baseline to compare his behavior on the fire scene.

Sgt. Collings mentioned that Officer Alex Soderstrom also had interactions with Chief Gordon. Prior to calling me, Sgt. Collings asked Officer Soderstrom if he had observed anything to suggest Chief Gordon was intoxicated, and Officer Soderstrom responded "no."

K. Witness: John Blake
Interview: January 14, 2016 (by telephone)
Documentation: Handwritten notes

I called John Blake, a chaplain for the Everett Fire Department. Mr. Blake stated that he had no personal interactions with Chief Gordon on the fire scene.

L. Witness: Charles King
Interview: January 14, 2016 (by telephone)
Documentation: Handwritten notes, interview summary, email exchange confirming accuracy

I called Charles King, a chaplain for the Everett Fire Department. Mr. King is a retired Everett firefighter who retired in 1998 after 30 years of service. He has been a chaplain for the Everett Fire Department since 2013. Mr. King responded to the NYE Fire when he heard about the second alarm, the evacuation, and the rescues. He arrived on the scene, inquired about the location of the incident command post, and reported to BC Jeff Edmonds, the incident commander at the time, to ask how he could help.

Mr. King recalled two personal interactions with Chief Gordon at the incident command post. At approximately 9:00 p.m., he communicated with Chief Gordon regarding the Red Cross and getting busses to the scene as shelter from the cold for firefighters and victims. Later, he served Chief Gordon coffee and discussed the food and coffee runs that Chief Gordon (food) and Mr. King (coffee) had done.

Mr. King stated that he had no suspicion or indication that Chief Gordon was intoxicated at the scene. He smelled no alcohol. He detected no slurred speech or unsteady gait. Chief Gordon said or did nothing unusual in his opinion.

M. Witness: Colin Judnich
Interview: January 15, 2016 (by telephone)
Documentation: Handwritten notes, typed interview summary, email exchange confirming accuracy

Colin Judnich is a good friend of Dean Corcoran's. Mr. Judnich met Chief Gordon several times through Mr. Corcoran.

Mr. Judnich and his wife Kelli joined the Corcorans and Chief Gordon on December 31, 2015, at Shawn O'Donnell's between 7:00 p.m. and 7:30 p.m. Mr. Judnich observed Chief Gordon leave to take a call approximately 10 minutes after the Judnicks arrived, and then left the restaurant stating that he needed to go to a fire. Mr. Judnich recalled that Chief Gordon left a full glass of wine at the table. Mr. Judnich

stated that Chief Gordon did not appear intoxicated in any way when he left Shawn O'Donnell's.

N. Witness: Lt. Bruce Bosman
Interview: January 15, 2016
Documentation: Handwritten notes

Bruce Bosman is a lieutenant in the Everett Police Department. Although Lt. Bosman responded to the fire on December 31, 2015, he had no interactions with Chief Gordon that evening. He did, however, give me the name of Sgt. Tim Collings, who was stationed around the incident command post and would likely have had interactions with Chief Gordon.

O. Witness: Tim Mann
Interview: January 14, 2016
Documentation: Handwritten notes

Tim Mann is a firefighter with the Everett Police Department. I was given his name by BC Matt Keller, who believed that FF Mann was located in staging and may have had personal interactions with Chief Gordon. FF Mann responded to the fire on December 31, 2015, but did not arrive on scene until 12:00 a.m. or 1:00 a.m. to do fire watch. He had no personal interactions with Chief Gordon on the night of the fire.

P. Witness: Mike Morton
Interview: January 26, 2016
Documentation: Handwritten notes, audiotape of interview, transcription of interview, email exchange regarding meeting

Mike Morton is a firefighter with the Everett Police Department. He has been employed by the Everett Police Department for 15 years. I was given his name by BC Keller as someone who may have had personal interactions with Chief Gordon on the night of the fire in staging.

FF Morton was off duty, but came in to work after hearing the second alarm. He arrived at the station at approximately 7:15 p.m., was there for 30 minutes, and proceeded to the fire scene, arriving at staging at approximately 8:00 p.m. After 30 or 45 minutes, his crew was assigned to the Charlie side of the building to put out exterior fires as they occurred.. He then was assigned to the Delta side of the building to put out interior and exterior fires. He remained at the scene until 8:00 a.m. on January 1, 2016.

FF Morton recalled two personal interactions with Chief Gordon. Both occurred in the staging area on Casino Road. In the first, Chief Gordon passed through staging on the way to his rig. FF Morton greeted him. Chief Gordon responded by thanking him

and the other firefighters as he walked passed them. Chief Gordon did not stop to speak with FF Morton or shake his hand, but just thanked him as he walked past. FF Morton thought this was unusual, as usually the chief takes the time to chat and shake hands. FF Morton did not notice any signs of intoxication, such as the smell of alcohol, unsteady gait, or slurred speech.

The second interaction occurred later when Chief Gordon pulled up to staging with a delivery of food for the officers. He called to FF Morton from the vehicle, shook his hand, and directed him to grab a box of food from his rig. He told FF Morton to ensure that the firefighters working inside the apartment building also received food. Again, FF Morton did not notice any signs of intoxication, such as the smell of alcohol, slurred speech, or other behavior that he would associate with alcohol use.

Q. Witness: Brian Campbell
Interview: January 26, 2016
Documentation: Handwritten notes, audiotape of interview, transcription of interview

Brian Campbell is a captain with the Everett Fire Department. He has been employed by the Everett Fire Department for 25 years. I was given his name by FF Mike Morton as someone who may have had personal interactions with Chief Gordon on the night of the fire.

Cpt. Campbell was off duty, but came in to work after hearing the alarm. He reported to Station 2, spent approximately 45 minutes at the station, and then was sent to the fire scene, reporting to the staging area between 9:00 p.m. and 10:00 p.m. He waited in staging for approximately 1 ½ hours before being assigned to the Charlie side of the building to put out fires as they popped up.

Cpt. Campbell recalled one personal interaction with and one sighting of Chief Gordon. While in staging, he saw Chief Gordon walk through on his way to the incident command post. Cpt. Campbell asked where the incident command post was, and was pointed in the right direction. Cpt. Campbell greeted him as he passed. Cpt. Campbell later saw Chief Gordon pass by against on the way to the rig, but did not speak with him.

Cpt. Campbell did not notice any signs of intoxication, such as the smell of alcohol, unsteady gait, or slurred speech, at either time.

R. Witness: Oden Olson
Interview: January 20, 2016
Documentation: Email exchange

Oden Olson is a firefighter with the Everett Police Department. I received his name by email from Chief John Gage, who indicated FF Olson may have had personal interactions with Chief Gordon. FF Olson sent an email stating that he did not have any contact with Chief Gordon that night.

S. Witness: Mike Calvert
Interview: Email on January 22, 2016
Documentation: Email exchange

Mike Calvert is a firefighter with the Everett Police Department. I received his name by email from Chief John Gage, who indicated FF Calvert may have had personal interactions with Chief Gordon. FF Calvert sent an email stating that he had less than 15 seconds of interaction with Chief Gordon when Chief Gordon handed delivered food through his car window.

T. Witness: Dan Galovic
Interview: Email on January 27, 2016
Documentation: Email exchange

Dan Galovic is a paramedic with the Everett Police Department. I received his name from BC Matt Keller as someone who may have had interactions with Chief Gordon. Paramedic Galovic sent an email stating that he no direct contact with Chief Gordon on the night of the fire.

U. Witness: Brian Hughes
Interview: Email on January 28, 2016
Documentation: Email exchange

Brian Hughes is a firefighter with the Everett Fire Department. I received his name from BC Matt Keller as someone who may have had interactions with Chief Gordon. FF Hughes sent an email stating that his only contact with Chief Gordon was an exchange of "hi's" as Chief Gordon walked past him in staging.

V. Witness: Tony Patricelli
Interview: Email on January 28, 2016
Documentation: Email exchange

Tony Patricelli is a firefighter with the Everett Fire Department. I received his name from BC Matt Keller as someone who may have had interactions with Chief Gordon. FF Patricelli sent an email stating that he had no direct contact with Chief Gordon on the night of the fire, though he observed him attempting to enter Station One. There is no credible evidence that Chief Gordon visited Station One on the night of the

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fire. There is credible evidence that he visited the next morning, and was let in to the station by FF Patricelli.

W. Witness: Hannah Lovett
Interview: January 25, 2016
Documentation: Handwritten notes, typed witness summary

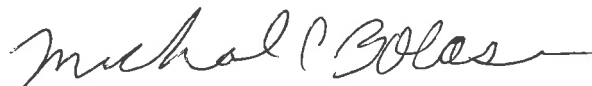
Hannah Lovett is a former administrative assistant employed by the Everett Fire Department. She left employment in October 2015. I received Ms. Lovett's name and telephone number from Chief John Gage, who identified her as someone who had interactions with Chief Gordon on December 31, 2015 at Shawn O'Donnell's. I left a voicemail message for Ms. Lovett on January 21, 2016, and she returned my call on January 25, 2016.

Ms. Lovett arrived at Shawn O'Donnell's with her husband at approximately 7:00 p.m. on December 31, 2015. She noticed Chief Gordon in the bar area of the restaurant. A few minutes later, she chatted and shook hands with him as he was leaving the restaurant. She noticed no signs of intoxication during her interactions with Chief Gordon.

Please contact me if you have any other questions or concerns.

Very truly yours,

SUMMIT LAW GROUP PLLC

A handwritten signature in black ink, appearing to read "Michael C. Bolasina", with a long horizontal flourish extending to the right.

Michael C. Bolasina