



Office of the City Manager

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August 13, 2018

Via e-mail and US Mail

Richard Ferris
Raymond Hanson
295 Higuera Street
San Luis Obispo, CA 93401
rferris@squaredealonline.com
rhanson@sdrs.biz

Dear Mr. Ferris and Mr. Hanson,

The City of San Luis Obispo recognizes that on December 26, 2015, you and your family suffered a tragedy when your business, The Sub and Square Deal Recordings and Supplies caught fire (the "Sub Fire"). The City understands that it is your fundamental First Amendment right to be critical of the government's actions. You have submitted numerous letters, e-mails and videos to the City Council expressing your discontent with the City's Fire Department. This letter is not intended to respond to the merits of your allegations; however, this letter is intended to advise you that there are limits to your free speech rights and that what you say and what you publish can have legal consequence.

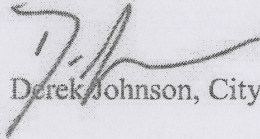
The City and its Fire Department are aware that you have created a publicly available website called "subburndown.com" which has a variety of "articles" and videos. One video allegedly documents the chronology of the Sub Fire. Included in this video are statements and direct innuendo that the Fire Department violated standard operating procedures, are responsible for starting the Sub fire, placed incendiary devices on and in the Sub building to exacerbate fire, destroyed evidence, committed crimes and otherwise acted in a way to intentionally burn down your business. The video specifically makes accusations against the Fire Chief Garret Olson, Battalion Chief Neal Berryman, and Fire Captains Mike King and Matthew Callahan in a manner that appears recklessly or intentionally calculated to harm their professional standing. Similarly, your website includes an article entitled "Is BC-1 Berryman an Arsonist?" and includes similar accusations including the following statements:

"BC-1 Berryman is either the most inexperienced, incompetent, and unprofessional leader there is or he does know what he is doing and he is an "arsonist of convenience." Just because he accomplishes his dirty deed using City equipment and personnel, should not relieve him of the responsibility for his illegal and inappropriate actions. BC-1 Berryman burns down and destroys two local businesses..."

City Leadership staff categorically rejects these statements as false and recklessly and/or maliciously professionally damaging. While you may assert that these comments are simply part and parcel of your complaints against the City's Fire Department as a whole, you have made these same allegations in previous communications to the City, including the filing of a government claim, which you did not pursue and on which the statute of limitations has now expired. Having abandoned all other options established under existing laws to address allegations of public misconduct, you are now simply pursuing a course of informal public dissemination of conspiracy theories asserting crimes and wrongful intentional conduct that are factually unsupportable, false and maliciously damaging to the professional reputation of the individuals against whom they are made and the Fire Department as a whole.

While the City itself does not currently intend on pursuing legal action, the City is sharing this information with its affected employees and representatives to ensure that they know what statements and accusations are being made so that they can take any necessary steps they feel appropriate to protect their professional reputations.

Sincerely,

A handwritten signature in black ink, appearing to read 'Derek Johnson', written over a faint, larger printed name.

Derek Johnson, City Manager

Cc: Mayor and City Council
Fire Department employees referenced and representatives