

# FIKE & BORANIAN

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March 1, 2019

## VIA EMAIL AND FIRST-CLASS MAIL

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Re: Report on Confidential Investigation

Dear Mr. Zamora:

In October 2018, I was asked to conduct an impartial, objective investigation of complaints made by several employees of the City of Tulare ("City") Economic and Community Development Department ("Department") regarding their interactions with City Council Member/real estate developer/contractor Greg Nunley. I agreed to perform the investigation and have recently completed my work on this matter. The purpose of this letter is to provide you with a report setting forth my factual conclusions and findings regarding this matter.

Initially, it must be noted that I was retained as an attorney to conduct an objective, impartial, factual investigation and provide a report containing my conclusions regarding the facts. It is my understanding that you will use my report to provide legal advice to the City regarding the matters that are the subject of this report.

The investigation consisted of the personal interviews of Darlene Thompson, John Karlie, Josh McDonnell, Lucie Brown, Mike Bruening, Mike Miller, Ninfa Condie, Steve Hammond, Traci Myers, Tyler Dodson, Willard Epps and Greg Nunley. I have also had follow up phone calls with and emails from some of the witnesses and Mr. Nunley's attorney, James Wilkins.

Mr. Nunley provided me with the names of three witnesses he suggested I interview: Lucy Arruda, Kent McNiece and William Trampas Fagundes. I was able to interview Ms. Arruda and Mr. Fagundes by phone. Mr. McNiece declined to be

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interviewed without receiving more information in writing. We agreed that I would send him an email with the requested information. We also agreed that if he was willing to cooperate after he got my email, he would contact me. Otherwise, I would not contact him again.<sup>1</sup>

In addition, I was provided with and/or obtained copies of the following documents during the investigation:

- Copies of emails, notes and memoranda totaling 15 pages from City employees setting forth their complaints, concerns and/or experiences with Mr. Nunley. A copy of these documents is attached as Exhibit 1.
- Copies of numerous emails between Mr. Karlie and Mr. Nunley totaling approximately 59 pages. A copy of these emails is attached as Exhibit 2.
- Copies of numerous emails between Mr. McDonnell, Mr. Nunley and others, and some attachments, totaling approximately 23 pages. A copy of these emails is attached as Exhibit 3.
- Copies of various emails and handwritten notes prepared by Ms. Myers regarding her interactions with Mr. Nunley and/or issues raised by Mr. Nunley. A copy of these documents is attached as Exhibit 4.
- A copy of an email chain ending October 22, 2018 from Janice Avila to Dan Rowley, Subject: FW: Fwd. A copy of this email chain is attached as Exhibit 5.
- A copy of an email chain ending October 31, 2018 from Janice Avila to Dan Rowley, Subject: FW: 2590 Diamante Dr. (Nunley Residence) – Gas line inspection. A copy of this email chain is attached as Exhibit 6.

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<sup>1</sup> If I am contacted by Mr. McNiece after this report is submitted, I will provide a supplemental report with the information he provided.

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- A copy of pages 157-168 of what appears to be the deposition of Joseph Carlini taken on October 10, 2018. A copy of this document is attached as Exhibit 7.
- A copy of a letter dated March 27, 2014, from City Attorney Martin Koczanowicz to Mr. Nunley, Re: Contact with City Staff. A copy of this letter is attached as Exhibit 8.
- A copy of type written notes provided by Mr. Dodson dated December 13, 2018, Subject: Interaction with Greg Nunley – Tyler Dodson and Mike Bruening. A copy of these notes is attached as Exhibit 9.
- A copy of an email chain ending on January 23, 2019 with an email from Mr. Dodson to Dan Rowley, Subject: FW: Nunley PRA re emails from 1/1/18 to present JK, TM, JMC, CA, TC, LB, NC & ML. A copy of this email chain is attached as Exhibit 10.
- A copy of pages 78-79 of what was reported to me to be a part of the deposition of Josh McDonnell. A copy of this document is attached as Exhibit 11.
- A copy of a photograph of a “Stop Work” (i.e., “red tag”) dated September 6, 2018 with the handwritten note “3031 Windmill.” A copy of this photograph is attached as Exhibit 12.
- A copy of a text message exchange between Mr. Karlie and Ms. Arruda which Mr. Karlie represented occurred on September 7, 2018. A copy of this document is attached as Exhibit 13.
- A copy of City of Tulare Building Department Correction Notices forms for 2590 Diamante Avenue signed by Mr. Dodson, copies of related photographs taken by Mr. Dodson regarding the gas line issues mentioned in the correction notices and copies of a few pages from the 2008 California Plumbing Code provided by Mr. Dodson. Copies of these documents are attached as Exhibit 14.
- A copy of the complete deposition of Mr. McDonnell dated November 9, 2018. Attached as Exhibit 15 is copy of an excerpt from Mr. McDonnell’s deposition consisting of pages 14-24.

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- A copy of the complete deposition of Joseph Carlini dated October 10, 2019. Attached as Exhibit 16 is a copy of an excerpt from Mr. Carlini's deposition consisting of pages 161-168.
- A copy of various documents provided by Mr. Dodson consisting of emails and inspection cards. A copy of these documents is attached as Exhibit 17.

## I. BACKGROUND

### A. Greg Nunley

Mr. Nunley reported that when he graduated from high school, he began studying architecture under the supervision of a licensed architect. His goal was to become an architect. In 2005, he obtained his general contractor license and began building and developing real property.

According to Mr. Nunley, approximately 95% of what he builds is for himself. He reports that he builds single and multifamily residential buildings as well as commercial buildings. He also commented that while most of his work is in Tulare, he builds/develops property in other jurisdictions as well.

Mr. Nunley was elected to the Tulare City Council in November 2016 and took office shortly thereafter. According to Mr. Nunley, before he was elected, he attended meetings as a builder/developer with City staff. However, before he was elected, he did not call anyone at City Hall if he had an issue with City staff because the City Manager Don Dorman had directed the City staff to not be friendly to developers. He reported that Mr. Dorman ended his tenure with the City a few months before Mr. Nunley was elected.<sup>2</sup>

Mr. Nunley then noted that he had spoken with Ms. Myers one time before being elected. Apparently, that conversation did not go well because he later attempted to patch up the relationship with Ms. Myers before running for City Council.

Mr. Nunley reported that since being elected, he sends others to represent him at meetings with City staff. He stated that he made this change because he did not

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<sup>2</sup> According to accounts on the Internet, Mr. Dorman retired in September 2016. See, <https://www.visaliatimesdelta.com/story/news/local/2016/05/13/tulare-city-manager-announces-retirement/84360750/>

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want City staff to accuse him of anything. He noted that there was one exception in which he was invited to a meeting and he did attend. In addition, he pointed out that he does have contact with City staff who come to inspect his personal residence.

According to Mr. Nunley, his shifting away from having contact with City employees did not include Mr. McDonnell, the City Manager or Mr. Karlie, the Chief Building Official for the City.

Mr. Nunley claims that he has never spoken to Mr. Karlie in the capacity of a City Councilman. Instead, he views all his communications with Mr. Karlie as coming from a citizen/developer. Likewise, according to Mr. Nunley, all his communications regarding his building projects with City employees, including the City Manager and the City Attorney, have been as a citizen/developer.

From Mr. Nunley's perspective, currently there are employees at City Hall with whom he has a good relationship<sup>3</sup> and some a not-so-good relationship. The individuals with whom he believes he does not have a good relationship include Mr. Karlie, Mr. Dodson, Mr. Bruening, Tony Trevino, Ms. Myers and Mr. McDonnell.

Former Interim City Manager Willard Epps was absent from Mr. Nunley's list of employees with whom he has a not-so-good relationship. According to Mr. Nunley, other than at City Council meetings, he only spoke to Mr. Epps one time and that was by phone. Mr. Nunley reported that on this one occasion, he asked Mr. Epps to have Mr. Karlie not perform any of Mr. Nunley's inspections because Mr. Karlie was harassing him. According to Mr. Nunley, Mr. Epps responded that he would not prohibit Mr. Karlie from inspecting Mr. Nunley's projects. Mr. Nunley claims that he then stated to Mr. Epps, "Good luck being the City Manager for a short period of time."<sup>4</sup> Mr. Nunley reported that thereafter he never spoke to Mr. Epps in connection with issues

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<sup>3</sup> During his interview, Mr. Nunley reported information that suggested, if he was telling the truth, it could have only come from a current City employee. For example, he reported that the City had recently decided to contract with a private firm to perform the building inspections on his projects and then commented that Mr. Karlie was irate about this decision. Mr. Nunley was then asked if he had a "mole" at City Hall. Initially, Mr. Nunley refused to answer the question but then commented that he has people that like him down there.

<sup>4</sup> According to Mr. Nunley, this was a reference to the fact that everyone knew that Mr. Epps was going to retire in December 2018. During his interview, Mr. Nunley reported that Mr. Epps did retire in December 2018.

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he had with City staff because he had no faith that Mr. Epps would do anything to resolve the problems he was having. He also opined that Mr. Epps was letting people run all over him.

## **B. City Staff**

City staff have reported experiencing issues with Mr. Nunley going back to at least 2014. Exhibit 8 is a copy of a letter that then City Attorney Martin Koczanowicz wrote to Mr. Nunley regarding his reported inappropriate interactions with City staff. The reports recited in Mr. Koczanowicz's letter include the use of vulgar language, accusing City staff of lying and being rude and abusive.

In his interview for this investigation, Mr. Nunley reported that in all his dealings with City staff over the years, there have only been two instances in which he yelled at City staff. One incident involved Don Dorman. The second incident involved Rob Smith and is discussed in the March 27, 2018 letter. In this instance, Mr. Nunley admits that he was mad and that he hung up on Mr. Smith. According to Mr. Nunley, he and Mr. Smith have since resolved their differences and put this incident behind them.

Mr. Nunley reports that the restrictions mentioned in Mr. Koczanowicz's letter were never enforced.

The more recent incidents involve a variety of allegations including the following:

- Rude, inappropriate treatment of building inspectors by Mr. Nunley during inspections of the construction of Mr. Nunley's private residence.
- Demands to have City staff fired.
- Having to address complaints from Mr. Nunley that Mr. Karlie, directly and through the other building inspectors, harassed Mr. Nunley.
- Threats of a lawsuit.

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Mr. Nunley's alleged treatment of City staff resulted in their complaints about this treatment of them.<sup>5</sup> It is my understanding that those complaints led to this investigation.

## C. Mr. Karlie and Mr. Nunley

At the center of the current disputes between Mr. Nunley and City staff is Mr. Karlie. Their relationship goes back several years.

According to Mr. Karlie, when he was hired as the Chief Building Official for the City, he learned that it was "like the wild, wild west" and rules were not always enforced as they should have been. One of his goals was to begin consistently enforcing the building codes.

Mr. Karlie reported, and Mr. Nunley confirmed, that in response to Mr. Karlie's increased scrutiny, Mr. Nunley circulated a petition demanding that Mr. Karlie be fired. According to Mr. Nunley, Mr. Karlie took things too far and was making statements like he was the new sheriff in town. According to Mr. Nunley, he collected about 400 signatures from contractors and suppliers. However, Mr. Nunley never turned in the petition. Instead, according to Mr. Nunley, he decided to give Mr. Karlie a chance and went to talk with him.

Mr. Nunley reported that this led to the development of a friendship between the two of them.<sup>6</sup> According to Mr. Nunley, before he was elected to the City Council, he and Mr. Karlie used to meet for lunch on a regular basis.<sup>7</sup> Furthermore, when Mr. Karlie had him "correct" things that Mr. Nunley disagreed with, he complied without complaint. By way of example, Mr. Nunley reported that Mr. Karlie had him tear out the plumbing in a home after it was installed. According to Mr. Nunley, the basis

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<sup>5</sup> For example, Exhibit 1.

<sup>6</sup> Mr. Karlie denies that they were social friends. Instead, he describes the relationship as being professional and that all his contacts with Mr. Nunley, including the lunches, were business related.

<sup>7</sup> Mr. Karlie denies that they met regularly for lunch. According to Mr. Karlie, they met for lunch approximately three times and Mr. Karlie paid each time. Mr. Karlie reported that this is a practice he has with other builder/developers in town in order to develop and maintain a good working relationship.

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for Mr. Karlie's order to tear out the plumbing was wrong, but Mr. Nunley never told Mr. Karlie that he was wrong or complained about it.

According to Mr. Nunley, after he was elected, the lunch meetings ended but Mr. Karlie would stop by Mr. Nunley's office unannounced about one time per week and just sit and talk for about an hour.<sup>8</sup> The discussions, according to Mr. Nunley, included the bad mouthing of City staff. According to Mr. Nunley, this began in approximately January 2017 and continued to approximately the middle of 2018. He reports that they had a falling out and, among other things, Mr. Nunley filed a police report making accusations against Mr. Karlie.<sup>9</sup>

While Mr. Nunley was not willing to discuss the police report he filed, he openly accused Mr. Karlie and his inspectors of harassing him and making Mr. Nunley's construction crew do additional work that was not required by the building code. For example, Mr. Nunley reported that on one project, after the sheet rock installation had been inspected and approved, Mr. Karlie required that some of the sheet rock be removed so he could inspect for "draft stops" in the walls. When Mr. Karlie did the inspection, he reportedly told Mr. Nunley to "fire tape" the draft stops. Mr. Nunley claims that the employee did this and called for another inspection. Mr. Karlie was not satisfied with the fire taping and told the employee to do it again. The employee did as requested and when

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<sup>8</sup> Mr. Karlie denies this allegation. He reported that there was a period in which he did all of Mr. Nunley's inspections because no one else was willing to do them. According to Mr. Karlie, during this period he would go to Mr. Nunley's office when needed to review plans because they were not on site for his inspection, report a change that needed to be done or discuss something else related to the inspections he was doing. The only exception to this, according to Mr. Karlie, was the one time he stopped by to get some water to drink on a hot summer day.

<sup>9</sup> Although Mr. Nunley reported filing the police report, he refused to discuss anything about it. However, Mr. Karlie reported that he was questioned by two police detectives. Mr. Karlie stated that he was questioned about his inspection on the construction of Mr. Nunley's residence when an inspection had not been requested by Mr. Nunley. According to Mr. Karlie, he responded that he had been called out to do an inspection by the plumber and that a building inspector can inspect any home under construction at any time for code violations. The detectives also told him that Mr. Nunley had alleged that Mr. Karlie told him that if Mr. Nunley did not get a public works inspector named Martin fired, Mr. Karlie would make it hard on Mr. Nunley's inspections.



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Mr. Karlie returned to inspect the taping, it was approved. However, according to Mr. Nunley, Mr. Karlie now claimed that the taping had been done in the wrong location.

Mr. Karlie's response to these allegations is that Mr. Nunley had covered the draft stops with dry wall before the draft stops were inspected.

This example is typical of the allegations Mr. Nunley and Mr. Karlie make against each other regarding construction issues. Mr. Karlie will say that it was not done right, that it was not disclosed before or that it was not previously inspected. In response, or by way of accusation against Mr. Karlie, Mr. Nunley will assert that it was done right, that Mr. Karlie knew about it long before and said nothing or that Mr. Karlie, or some other inspector, had previously inspected and approved it.

By way of another example, Mr. Karlie sent Mr. Nunley an email dated September 24, 2018 which states in part, "It has come to our attention that the two garages have been converted to living space. . . . Please submit plans for the changes." In response, Mr. Nunley wrote, "No they have not. The garage has only a swamp cooler. It is a showroom for motorcycles. . . . Not sure what your [sic] talking about on the other garage. [¶] Funny you [sic] been there over 50 times and now this pops up all the [sic] sudden."<sup>10</sup>

Mr. Karlie responded, "We have until final for code compliance." Mr. Nunley responded stating that Mr. Karlie had previously signed off on the framing, lathe, removing the garage door and adding the double door and windows. Mr. Nunley goes on to state that what was a "showroom for motorcycles" was now "a workout room not with [sic] AC." Mr. Nunley went on to add, "As for the other garage I see now we are changing that to conditioned space."<sup>11</sup>

It is noteworthy that Ms. Arruda reported that she is assigned to act as the contact person for building inspectors on some of Mr. Nunley's commercial projects as well as the Quail Creek project, which is residential. She also reported that she could not think of an instance in which a correction notice was wrong. She noted that on one occasion, Mr. Karlie wrote a correction notice to add a smoke detector when one was already installed, but she viewed that as just something that he had missed and a minor

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<sup>10</sup> See, pages 15 of Exhibit 2.

<sup>11</sup> See, pages 16 of Exhibit 2.

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issue. She also reported that she has not had any problems with Mr. Karlie, Mr. Dodson or Mr. Bruening as building inspectors or the building inspections they perform.

It must be noted that the issue of whether Mr. Nunley did things correctly or not is not within the scope of this investigation. Likewise, the scope of this investigation does not include Mr. Nunley's allegations against Mr. Karlie regarding his job performance.

In addition to the relationship between Mr. Karlie and Mr. Nunley, Ms. Arruda reported that beginning in July 2018 (see discussion below regarding Ms. Arruda's opinion about the changing point), Mr. Karlie told her that she needed to quit her job with Mr. Nunley, that he did not know how Ms. Arruda can work for Mr. Nunley, that she needed to get out, etc.

Mr. Fagundes reported that he received a copy of an email from Mr. Karlie to Mr. Nunley regarding a gas line that allegedly said, "How do you like this? You have to rip up your gas line." Later that day, according to Mr. Fagundes, he went to City Hall to drop off plans. When he arrived at the transaction counter for the Building Department Mr. Karlie was behind the counter with three female employees, including Ms. Condie. According to Mr. Fagundes, as he walked up Mr. Karlie said, "How did your boss like that email?" Mr. Fagundes decided to try and deflect the comment, so he ducked behind the counter for a second and when he stood up, he (Mr. Fagundes) was smiling. Ms. Condie, according to Mr. Fagundes, then said to Mr. Karlie, "He just works for him." Mr. Fagundes took this statement to mean that Mr. Karlie should leave him alone

Mr. Fagundes reported that he was offended by this exchange and reported it to Mr. Nunley.<sup>12</sup> However, other than this incident, Mr. Fagundes has not had any issues with Mr. Karlie.<sup>13</sup>

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<sup>12</sup> See, Exhibit 5. Mr. Nunley did report the matter to Mr. Epps and the matter was investigated.

<sup>13</sup> Mr. Fagundes did have other issues with the Department, such as how long it took to get plans for commercial buildings and multi-family buildings approved. He reported that plans for these buildings can go through multiple rounds of submittal, corrections, submittal, corrections, etc. He complained that recently Interwest, who is now handling all plan checks and inspections of Mr. Nunley's projects, gave him nine pages of corrections on the Oak Creek project. This was after Mr. Karlie had reviewed the plans and corrections made on three occasions.

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Mr. McDonnell opined that the changing point in the relationship between Mr. Karlie and Mr. Nunley occurred in the summer of 2018 when Mr. Nunley was the recipient of a red tag and a correction notice that required Mr. Nunley to install a fire system in a building that was nearly complete. According to Mr. McDonnell, the events of that week resulted in Mr. Nunley becoming very upset and beginning to complain about Mr. Karlie. The complaints at one point, according to Mr. McDonnell, included Mr. Nunley saying that he wanted Mr. Karlie fired.

Ms. Arruda reported that from her perspective, the relationship between Mr. Karlie and Mr. Nunley changed in July 2018 as a result of a meeting regarding a commercial building known as Kings Academy. She reported that sometime prior to the meeting, there had been an issue about whether or not a fire alarm needed to be installed in the building. Mr. Karlie had told Ms. Arruda to not worry about it because the fire department did not know what they were talking about.

Subsequently, a meeting was held that included Mr. Karlie, Ms. Arruda, a representative from the fire department and perhaps others. During this meeting, according to Ms. Arruda, the fire department representative said that Mr. Karlie had no jurisdiction over fire related issues and that Mr. Karlie was wrong. Ms. Arruda opines that this was the changing point and thereafter Mr. Karlie has had nothing good to say about Mr. Nunley.

## **D. Credibility Assessment**

In large part, the issues in dispute involve instances in which there is conflicting evidence and no neutral third-party witnesses. Therefore, the credibility of the witnesses is a significant factor in determining what, if anything, occurred. Accordingly, this section will provide my assessment of the credibility of Mr. Nunley, Mr. Karlie, the other City staff as a group and Mr. Nunley's witnesses, Ms. Arruda and Mr. Fagundes.

### **1. Greg Nunley**

I was impressed by Mr. Nunley during his interview. He was cooperative, volunteered information and was very cordial. His demeanor was calm and pleasant. He also appeared to have a very good memory and often added details that were previously

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unknown to me. Nevertheless, there were a few statements that Mr. Nunley made that cause me to question his credibility. They are discussed below.

- During his interview, Mr. Nunley claimed that the one and only time he ever mentioned anything about a lawsuit to Mr. Dodson and Mr. Bruening was when they were at his home for an inspection and he told them that he had a video of Mr. Dodson dropping a pebble in his gas line. This discussion is described in Exhibit 9. According to the Exhibit and Mr. Dodson, this discussion took place on December 12, 2018. Mr. Dodson and Mr. Bruening were interviewed for this investigation on November 1, 2018. During their interviews, they reported that on October 31, 2018, Mr. Nunley mentioned a lawsuit and suing for harassment several times.

The report of Mr. Nunley talking about a lawsuit was received from two separate witnesses more than a month before the pebble dropping incident. Because Mr. Nunley demonstrated a very good memory and often added additional details that were previously unreported, I find that the issue is not Mr. Nunley's memory. Therefore, I find that Mr. Nunley was not credible on this issue.

- In connection with the alleged pebble in the gas pipe conversation, as noted above, Mr. Nunley told Mr. Dodson that he had a video recording of Mr. Dodson dropping a pebble into Mr. Nunley's gas pipe. Mr. Nunley was asked to provide a copy of the video and he declined to do so, stating that if needed he has it for litigation.

In addition, during his interview, Mr. Nunley identified individuals who he claimed were witnesses to some of the incidents that occurred during inspections of his home. He agreed to provide the phone numbers for these witnesses but failed to do so. During the preparation of this report an email was sent to Mr. Nunley's attorney asking for those phone numbers. A response was not received prior to the completion of this report.

If a witness provided weaker evidence when it could have provided stronger evidence a trier of fact may distrust the weaker evidence. (See, Evidence Code section 412.) Mr. Nunley's verbal report is, in my assessment, weaker evidence which is disputed by Mr. Dodson. Mr. Nunley claimed to have stronger evidence in the form of a video

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recording showing Mr. Dodson putting a pebble in his gas line yet refused to provide it. Likewise, he claims to have witnesses that can support his version of the facts but failed to provide the contact information to these third-party witnesses. During the preparation of this report I sent an email to Mr. Wilkins asking for the contact information for these witnesses, but no response was received prior to the completion of this report.

- In an email exchange between Mr. Nunley and Mr. Karlie dated September 24, 2018<sup>14</sup> Mr. Karlie informed Mr. Nunley that because “two garages have been converted to living space” his building plans needed to be revised. In response, Mr. Nunley stated “No, they have not” and then argues that one of the garages is “a showroom for motorcycles.” Mr. Nunley also claims that he is “Not sure what your [sic] talking about on other garage.”

Approximately one hour later, Mr. Nunley claims that instead of a showroom for motorcycles, the one garage “will be a workout room.” He also states, “As for the other garage I see now we are changing that to conditioned space.”<sup>15</sup>

Because this has to do with Mr. Nunley’s private residence and he is the builder, it is reasonable to conclude that he would be aware what was going on with the construction of his home, such as converting a garage to “conditioned space.” While Mr. Nunley may have had a difference of opinion with Mr. Karlie about the showroom/workout room being “living space” or not, the initial denial is unequivocal.

This, in my opinion, is an example of Mr. Nunley initially “shooting from the hip” with a response that he does not know to be true. Thereafter, when he realizes he did not state the truth, he admits

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<sup>14</sup> See, Exhibit 2, pages 15 and 16.

<sup>15</sup> It was explained to me that living space in a home is required to be heated and cooled. A garage is not living space and, therefore, not considered living space. Thus, I understand the admission that the second garage is being changed “to conditioned space” as an admission that it should be considered living space.

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what he said was wrong. Such behavior, in my assessment, demonstrates a lack of commitment to telling the truth.

## 2. John Karlie

John Karlie, like Mr. Nunley, was pleasant to talk with. He was confident, consistent and appeared to be knowledgeable about his profession. His statements were consistent with the documentation he provided and that was requested and produced. In short, Mr. Karlie appeared to be a credible witness.

Mr. Nunley asserted that Mr. Karlie has some animus against him that could motivate him to lie. Mr. Nunley did not identify the source of or reason for this animus. When Mr. Nunley was asked why Mr. Karlie would have it out for him, he responded that Mr. Karlie had some strong opinions and would leave it at that. In an attempt to provide evidence of animus by Mr. Karlie, without providing a reason for the animus, Mr. Nunley recited an incident in which Mr. Karlie required the removal of sheetrock so he could see draft stops.<sup>16</sup>

Another example of what Mr. Nunley perceives as Mr. Karlie's animus toward him was reported by Mr. Wilkins following Mr. Nunley's interview. Mr. Wilkins reported that during Mr. Nunley's deposition in connection with a lawsuit, he was questioned by attorney Michael Lampe. Mr. Wilkins reports that Mr. Lampe is also the attorney for Mr. Karlie in another matter.

According to Mr. Wilkins, during Mr. Lampe's questioning, Mr. Nunley was asked about his alleged failure to pay Developer Impact Fees ("DIF") for an apartment complex he had built. In response, Mr. Nunley explained that the fees were not due and payable until the City issues Certificates of Occupancy for all of the buildings in the development and that the City had not yet done so. Mr. Lampe then presented Mr. Nunley with a Certificate of Occupancy dated October 2017. Mr. Nunley explained that this certificate was only for building number 1 and the fees were not due until such a certificate was issued for all the buildings.

After a lunch break, Mr. Lampe presented Mr. Nunley with a new exhibit consisting of an original Certificate of Occupancy dated October 2017 and signed by Mr.

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<sup>16</sup> This incident is discussed above in section I C.

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Karlie which was for all the buildings in the development. Mr. Nunley claimed that he had never seen the document before.

According to Mr. Karlie, he prepared and issued the Certificate of Occupancy for all the buildings at the request of his attorney, Mr. Lampe. He explained that he did so because back in approximately September/October 2017, Mr. Karlie had performed the final inspections on all the buildings and, at that time, prepared and signed Certificates of Occupancy. However, according to Mr. Karlie, not all of the Certificates were in the file. Therefore, he created a new document and dated it as of the date the buildings passed their final inspections and were certified for occupancy, October 2017.

In Mr. Karlie's opinion, the DIF fees were due and payable under law when the final inspections were completed. Mr. Karlie reported that he told Mr. Nunley when he did the final inspections that the fees were due. Mr. Nunley, according to Mr. Karlie, objected, refused to pay the fees and has continued to fail to pay the fees.

Mr. Karlie noted that until recently, the City's computer system did not show the project as "finalized" because of an ongoing engineering dispute over a ponding basin between the Engineering Department and Mr. Nunley. Mr. Karlie noted that that dispute has nothing to do with the apartment buildings that have been inspected and approved for occupancy and have been occupied for over a year.

Mr. Karlie denied having any desire or plan to attack or go after Mr. Nunley. Mr. Karlie stated that what he is concerned about is enforcing building code compliance.

Mr. McDonnell reported that Mr. Karlie, as the City's Building Official, was acting within his authority to issue the Certificate of Occupancy. Mr. McDonnell questions the timing and manner it was issued, however. Mr. McDonnell did confirm that the buildings have been occupied since November/December 2017.

Ms. Condie is responsible for and has access to the files for each development in the City. She reported that in 2017, Mr. Karlie did in fact issue a permanent Certificate of Occupancy for each building in the development in question.

Ms. Arruda reported that she viewed Mr. Karlie as a father figure when she worked for the City and sometime afterwards. She also used to consider him to be an honest person.

According to Ms. Arruda, her opinion of Mr. Karlie's honesty has changed based on his report to her that Mr. Nunley had asked Mr. Epps to fire him (Mr. Karlie).

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Ms. Arruda reported that when Mr. Karlie shared this with her, he also told her that he was in Mr. Epps' office when this was said and that he (Mr. Karlie) heard Mr. Nunley make the statement that he wanted Mr. Karlie fired.

Subsequently, according to Ms. Arruda, she spoke to Mr. Epps. She did not recall what the exchange consisted of, but she reported that as a result of that short discussion, she formed the conclusion that Mr. Karlie was not in the room when Mr. Epps spoke to Mr. Nunley. She acknowledged that she did not ask Mr. Epps if Mr. Nunley had told him to fire Mr. Karlie.

Mr. Epps and Mr. McDonnell reported that Mr. McDonnell and Mr. Karlie were in Mr. Epps' office discussing an issue when Mr. Nunley called Mr. Epps on his cell phone. Mr. McDonnell and Mr. Epps reported that Mr. Nunley's voice was so loud that Mr. McDonnell and Mr. Karlie could hear what Mr. Nunley was saying. They also both confirmed that, among other things, Mr. Nunley asked Mr. Epps to fire Mr. Karlie and Mr. McDonnell.

Thus, it appears that Ms. Arruda apparently misunderstood what Mr. Epps told her.

Based on the facts set forth above, I find that the Certificate of Occupancy that was issued by Mr. Karlie at the request of his attorney was a replacement for the Certificates of Occupancy that Mr. Karlie had previously issued in 2017. Therefore, Mr. Wilkins/Mr. Nunley's assertion that the new certificate was the first time Mr. Karlie had issued Certificates of Occupancy for all the buildings is not supported by the weight of the evidence and, therefore, does not support the theory that Mr. Karlie is out to get Mr. Nunley and that he would lie to do so.

Another basis that may provide Mr. Karlie with a reason to harass and lie about Mr. Nunley is the allegation that Mr. Karlie threatened to be hard on Mr. Nunley if Mr. Nunley did not fire a public works inspector. (See, Exhibit 8.) Mr. Karlie is the one who reported this allegation during his interview. As discussed in Exhibit 8, he became aware of it when he was interviewed by police detectives based on a complaint from Mr. Nunley. Mr. Karlie denied the allegation. In his interview, Mr. Nunley refused to discuss what he reported to the police. Because this involves a criminal investigation, it is not within the scope of this investigation. Furthermore, because Mr. Nunley refused to discuss the matter, there is insufficient evidence to support this theory.



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Mr. Karlie was consistent, responsive and provided documentation that supports some of his allegations. The information he reported is also consistent with the reports of others. Based on the foregoing, I find Mr. Karlie to be a credible witness.

### **3. Other City Staff**

In my assessment, the other City employees, from Ms. Condie to Ms. Thompson to Mr. Epps, and everyone else were credible witnesses. Where applicable, their verbal reports were consistent with prior statements reported by themselves or others and, in some cases, supported by documentation that was created at the time of the alleged event.<sup>17</sup>

It should also be noted that the investigation did not result in the receipt of any credible evidence that any of the other City staff had any reason or motive to fabricate what they were saying. For example, no one objected to or shared Mr. Nunley's political position or platform. Their only complaints were the negative interactions with Mr. Nunley that they described. Also, I was not made aware of any benefit that any of these witnesses would receive based on the outcome of this investigation.

For the reasons set forth above, I find the other City staff to be credible witnesses.

### **4. Mr. Nunley's Witnesses**

Both Ms. Arruda and Mr. Fagundes were cooperative and open in their interviews. They volunteered information and answered all of the questions asked. Ms. Arruda even called back after her interview to provide dates for some of the things she reported.

I find both Ms. Arruda and Mr. Fagundes to be credible witnesses.

### **5. Conclusions Regarding Credibility**

Mr. Nunley was not a credible witness. This is not to say that everything that Mr. Nunley stated was false or twisted. As noted above, he has a good memory. Several of the things he reported were supported by evidence. However, on the key issues involving his interactions with City staff, I find him to lack credibility in comparison to Mr. Dodson, Mr. Bruening, Mr. Karlie and the other City employees.

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<sup>17</sup> See, e.g., Exhibits 1, 3 and 4.

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Mr. Nunley is of the opinion that Mr. Dodson and Mr. Bruening are controlled by Mr. Karlie and have made false accusations against him, which he has denied. However, there is no evidence to support this allegation. In balance, I find Mr. Dodson and Mr. Bruening to be more credible than Mr. Nunley.

Likewise, in my assessment, the other City staff, Ms. Arruda and Mr. Fagundes were credible witnesses.

## II. THE COMPLAINTS

The complaints regarding Mr. Nunley fit within the following three categories:

- Behavior alleged to have created a hostile work environment.<sup>18</sup>
- Threats.
- Private Citizen or City Council Member

Each of the categories will be discussed below.

### A. Behavior Alleged to Have Created a Hostile Work Environment

The following are examples of some of the events which form the basis for the allegation that Mr. Nunley's behavior has created a hostile work environment. I have used these examples because, according to Mr. Dodson, the way Mr. Nunley treated himself and Mr. Bruening on the two occasions discussed below is consistent with the type of treatment he received from Mr. Nunley prior to October 31, 2018, but perhaps not as severe as what allegedly occurred on December 13, 2018.

#### 1. October 31, 2018

By way of background, the gas piping for Mr. Nunley's home, according to Mr. Dodson, is unusual. In most cases the gas line from the gas supplier (e.g., SoCal Edison or PG&E) comes from the gas line in the street up to the side of the house where a

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<sup>18</sup> The allegations do not include any assertion that the alleged hostile work environment was based on any protected class. Instead, the witnesses assert that Mr. Nunley attempted to bully and/or intimidate them because it is just the way he is. Some also allege that this behavior is an attempt to obtain favoritism because of his status as a City Council member.

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meter is attached. The gas line to the meter is done by PG&E and is not inspected by the City. However, the gas line leaving the meter and going into the home must be inspected, including being subjected to a pressure test.

Mr. Dodson reported that the gas meter at Mr. Nunley's home is a short distance from the street. Therefore, the gas line from the meter to the actual home is subject to inspection by the City and must comply with the building code requirements. According to Mr. Dodson, the building code requires that the gas line be pressure tested. Furthermore, if there are valves in the gas line, there are other requirements that may need to be met.<sup>19</sup>

Mr. Dodson also reported that after the gas line leaves the meter at Mr. Nunley's home, it branches off to create a few separate gas lines that will ultimately enter the home in different locations.<sup>20</sup> Between October 15, 2018 and December 13, 2018, Mr. Dodson inspected/re-inspected the gas lines and left correction notices for issues Mr. Nunley needed to fix in order to get approval for his gas lines.<sup>21</sup>

According to Mr. Bruening, at some point he and Mr. Dodson noticed that the corrections that still needed to be done consisted of at least two things. First, on a prior visit, Mr. Dodson had noticed that where the gas lines enter the home there was no tracer wire. Therefore, Mr. Dodson required Mr. Nunley to pot hole the area where those three lines come out of the ground so that he could confirm that there was a tracer wire in place for each line.<sup>22</sup> The second correction required Mr. Nunley to provide new calculations demonstrating that the supply line he installed from the meter to his home was large enough to meet the gas needs for all the appliances and other uses of natural gas in the home.<sup>23</sup>

Mr. Dodson and Mr. Bruening<sup>24</sup> reported that on October 31, 2018, they

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<sup>19</sup> See, the fourth paragraph of Exhibit 9.

<sup>20</sup> Mr. Dodson reported that the lines that actually penetrated the walls of the home had been capped and had not yet been connected to the lines from the gas meter.

<sup>21</sup> See, Exhibit 14.

<sup>22</sup> See, the correction notice dated October 31, 2018 on page 2 of Exhibit 14.

<sup>23</sup> See, the correction notice dated November 6, 2018 on page 1 of Exhibit 14.

<sup>24</sup> Because of disputes between Mr. Nunley and building inspectors about what was said and done during inspections, Mr. Karlie had begun assigning two inspectors to every inspection of Mr. Nunley's projects.

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went to Mr. Nunley's home to conduct an inspection of the gas lines. However, the tracer wire was not exposed, and they asked him why he had not dug pot holes and exposed the wire so they could complete their inspection. According to Mr. Dodson, Mr. Nunley asked why he must be inspected multiple times when the gas pipeline had previously been inspected. Mr. Dodson responded that the prior inspections did not cover these gas lines.

Mr. Dodson reported that they walked the gas pipeline and pointed out to Mr. Nunley where the pot holes needed to be dug. During the walk, Mr. Nunley repeatedly stated that the pipeline had already been inspected by Mr. Karlie. At one point, there was scaffolding over the area where a pot hole needed to be dug.<sup>25</sup> According to Mr. Dodson, when he mentioned the need to pot hole under the scaffolding, Mr. Nunley "went off" about how he was being harassed and that he was going to sue Mr. Karlie and the City for harassment. Mr. Dodson and Mr. Bruening reported that Mr. Nunley went on about a lawsuit and questioned why he was subjected to so many inspections in comparison to a competitor, San Joaquin Homes. Mr. Dodson also reported that Mr. Nunley asked other questions, such as why it took so long to get re-inspections after something is corrected. He also reported that Mr. Nunley kept coming back to the lawsuit.

Mr. Bruening reported that he told Mr. Nunley that they did not want to discuss lawsuits and that all they wanted to do was their job. Mr. Nunley told them that he did not have anything against them, but that he had issues with the City and Mr. Karlie. Mr. Bruening also recalled that Mr. Nunley asked them how long they had been inspectors and accused them of doing what Mr. Karlie told them to do. According to Mr. Bruening, Mr. Nunley also questioned them about an inspection on one of his other construction projects where he claimed that the plans were thrown in the trash.

In addition to the tracer wire, another correction item required Mr. Nunley to submit new calculations to prove that the addition of more living space to the home did not require an adjustment to the size of the supply line that provided gas to the home. When Mr. Nunley was asked about submitting the new calculations, he informed Mr. Dodson that he was not going to comply because the calculations were on the original set of plans submitted and approved by the City. When the addition of living space was pointed out,<sup>26</sup> Mr. Nunley responded that it was not living space. Because it

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<sup>25</sup> See, page 6 of Exhibit 14.

<sup>26</sup> The plans originally called for two garages which are not considered living space. However, during construction they were not being finished like they were garages. For

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was not living space, according to Mr. Nunley, it did not require heating, cooling or the recalculation of the amount of gas needed for the home.

Mr. Bruening reported that Mr. Nunley makes it very stressful to do his job and he feels tightness in his chest. He also noted that no one else gives him problems like Mr. Nunley.

Mr. Dodson reported that he feels that Mr. Nunley is using his power as a City Councilman to pressure him into doing things his way regardless of whether it is within the building code or not. Mr. Dodson opined that Mr. Nunley is harassing him and the City.

Mr. Nunley reported that that first time he was asked to pot hole the gas lines, he got upset about it. However, later he called his attorney James Wilkins who advised him to dig the pot holes and move forward. He did it the next day and called for an inspection.

Mr. Nunley also claims that he was asked to dig up the gas line three times to prove that the tracer wire was there.

Mr. Nunley also denied saying anything about a lawsuit or asking questions. According to Mr. Nunley, the only time he mentioned a lawsuit was on December 13, 2018, when Mr. Dodson and Mr. Bruening were at his home for a gas pressure test and Mr. Nunley accused Mr. Dodson of putting rocks in an open gas line. (See, discussion of this incident below.) However, Mr. Dodson and Mr. Bruening both reported during their interviews on November 1, 2018 that Mr. Nunley had threatened a lawsuit.

Mr. Nunley admits that when he was told he needed to pot hole the gas lines, he got upset. According to Mr. Nunley, this was unnecessary work and delay because these gas lines had previously been inspected and approved. From this perspective, it is understandable that the request to pot hole gas lines would be frustrating to Mr. Nunley.

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example, neither room had garage doors. Mr. Nunley reported that one of the rooms was going to be a showroom and then later it became a gym. The other garage was turned into a family room. Mr. Dodson reported that Mr. Karlie had determined that both of the "garage" spaces were living space.

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In addition, as noted above, Mr. Dodson and Mr. Bruening were credible witnesses and Mr. Nunley was not.

Mr. Nunley's admission that he was upset by the request to pot hole the gas lines is important. Based on his admission, and the relative credibility of the witnesses, I find that the weight of the credible evidence supports the allegation that on this occasion, Mr. Nunley went off about how he was being harassed, and that he was going to sue Mr. Karlie and the City for harassment and questioned the need for two inspectors, how long they had been building inspectors, etc. Therefore, these allegations are sustained.

The issue of whether this behavior by Mr. Nunley supports the claim of harassment is beyond the scope of this investigation.

## 2. December 13, 2018

Another incident involving Mr. Nunley, Mr. Dodson and Mr. Bruening occurred on December 13, 2018. Mr. Nunley had called in for an inspection requesting a pressure test of the gas line that runs from his meter to his home. Mr. Dodson and Mr. Bruening went to the property to do the inspection on Wednesday, December 12, 2018.

When they arrived, they found that Mr. Nunley had removed some concrete and was working to repair a leak in a gas line. According to Mr. Dodson and Mr. Bruening, Mr. Nunley accused Mr. Dodson of putting a rock into his gas line. He also told them that he had it all on video tape. Mr. Nunley told them that everything would come out in court. Mr. Dodson responded that the allegation was not true and that he was not going to listen to Mr. Nunley talk about "court stuff."<sup>27</sup> Mr. Nunley stopped making such remarks. Because the inspection could not be performed that day, they all agreed to postpone the inspection until the next day.

When Mr. Dodson and Mr. Bruening arrived the next day, December 13, 2018, Mr. Bruening informed Mr. Nunley that the inspection included a pressure test. Because the lines going to the home had valves installed, Mr. Bruening informed Mr. Nunley of the specific requirements regarding the testing of gas lines with valves, such as removing the valves before the test can be performed.

According to Mr. Bruening and Mr. Dodson, Mr. Nunley responded that he was not going to remove the valves because it was a waste of his time and his plumber's

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<sup>27</sup> According to Mr. Nunley, this was the first and only time he mentioned a lawsuit.

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time. He also accused them of making him jump through hoops. Mr. Bruening attempted to explain the building code requirements. This resulted, according to Mr. Bruening and Mr. Dodson, in Mr. Nunley saying, "This is bulls---. John [Karlie] is just f---ing with me and your [sic] are f---ing with him." He further stated that Mr. Karlie's "time is coming and so in the f--- is yours. You guys get the f--- off my property." Mr. Dodson reported that Mr. Nunley shook his finger in Mr. Dodson's face while making these statements. Mr. Dodson and Mr. Bruening left the property without responding to Mr. Nunley.

Mr. Dodson and Mr. Bruening reported that Mr. Nunley was volatile, hostile and just exploded on them. They reported that they felt threatened by this incident.<sup>28</sup>

Mr. Nunley reported that on one occasion when Mr. Dodson and Mr. Bruening were at his home to inspect a gas line, he jokingly accused Mr. Dodson of dropping rocks in his gas line. Mr. Nunley claims that while he has video to prove this occurred<sup>29</sup>, he was not upset about it and was just joking with Mr. Dodson. However, according to Mr. Nunley, Mr. Dodson got upset and denied that he dropped rocks in Mr. Nunley's gas line. Mr. Nunley reports that he responded that he had 30 cameras on site and told Mr. Dodson to not put rocks in his gas lines in the future.

Mr. Nunley reported that during this visit, he was asked for the third time to dig up his gas supply line from the meter to his home. He refused to do so because they had previously inspected it and verified the presence of tracer wires.

Regarding the alleged events of December 13, 2018, Mr. Nunley reported that Mr. Dodson and Mr. Bruening wanted him to dig up one end of the gas line because his landscaper had inadvertently put some dirt over the area where the tracer wire was located and could not be seen. However, according to Mr. Nunley they had seen the tracer wire on that end during a previous inspection. Mr. Nunley told Mr. Dodson that the building code only requires the wire to be exposed on one end.<sup>30</sup> According to

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<sup>28</sup> This incident is described in more details in Exhibit 9. Mr. Dodson reported that Exhibit 9 was prepared by Janice Avila, the City's Human Resources Director following a meeting Mr. Dodson, Mr. Bruening and Mr. McDonnell had with Ms. Avila.

<sup>29</sup> Mr. Nunley refused to provide a copy of the video in connection with this investigation but stated it would be used if there were future litigation.

<sup>30</sup> Page 9 of Exhibit 14 is what appears to be a copy of a page from the 2013 California Plumbing Code. Section 1210.1.7.2 entitled "Tracer Wire" states, "One end shall be

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Mr. Nunley, this seemed to surprise Mr. Dodson and he attempted to place a phone call. He suspects that Mr. Dodson was attempting to call Mr. Karlie. Mr. Dodson was unable to reach whoever he was calling and after hanging up, began looking through a book he had. According to Mr. Nunley, Mr. Dodson got upset because Mr. Nunley had proven him to be wrong about needing both ends of the wire exposed.

Mr. Nunley reports that they then went to a different part of the supply line and, again, they asked Mr. Nunley to dig up that part of the gas line to expose the wire. Mr. Nunley admits that being asked a fourth time to dig up the gas line caused him to lose it and he went off on Mr. Dodson and Mr. Bruening. He claims that he did not make any physical threats. He reported that he told them to get the f--- off of his property and to not come back. He also admits saying that Mr. Karlie is f---ing with him.

As part of his interview, Mr. Nunley was given a copy of Exhibit 9 and given the opportunity to read it and respond. After reading Exhibit 9, Mr. Nunley stated that about one-half of what was reported is true. In addition to disputing the underlying facts as set forth above, Mr. Nunley proceeded to deny saying "Mr. Karlie's time is coming and so is yours." He acknowledged that nothing else was false in Exhibit 9.

The issue in dispute here is Mr. Nunley's treatment of Mr. Dodson and Mr. Bruening, not the underlying building code compliance issues. Mr. Nunley admits most of the behavior that Mr. Dodson and Mr. Bruening complain about.

With regard to the events of December 12, 2018, Mr. Nunley read Exhibit 9 and did not deny that he made the statement to them that "everything will come out in court." In addition, he admits that he went off on them due to his frustration over being repeatedly asked to dig up gas lines. Mr. Nunley reported that he told them to "get the f-- off of his property" and to "not come back." He also admits saying that Mr. Karlie is "f---ing with" him.

Based on Mr. Nunley's admissions and the relative credibility of the witnesses, I find that it is undisputed that on this occasion, Mr. Nunley made the

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brought aboveground at a building wall or riser." The issue of whether this is the applicable provision to which Mr. Nunley was referring is beyond the scope of this investigation. However, I noted it because the photographs that are part of Exhibit 14 show that factually the location of the potholes were adjacent to walls and/or risers.



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statements to Mr. Dodson and Mr. Bruening as they allege. Therefore, this allegation is sustained.

The issue of whether this behavior by Mr. Nunley supports the claim of harassment is beyond the scope of this investigation.

### **3. Mr. Karlie's Complaint**

Mr. Karlie reports that he feels harassed and retaliated against by Mr. Nunley for doing his job. According to Mr. Karlie, in the past, Mr. Nunley had partners or employees who were good craftsman and worked well with Mr. Karlie.<sup>31</sup> He describes them as being competent and easy to work with. When he, or others, performed inspections, the building plans and inspection cards were made available. If something did not pass inspection, it would be corrected and then signed off. According to Mr. Karlie, these partners/employees are no longer around, and since then, Mr. Nunley's projects have had problems passing inspections.

Mr. Karlie claims that Mr. Nunley has the mindset that if Mr. Karlie or one of his inspectors step on Mr. Nunley's property, they have inspected everything and approved everything unless there is a correction notice left. However, Mr. Karlie and Mr. Dodson both reported that inspections are requested for specific things; for example, the rough electrical, meaning the installation of wires inside the walls of a building. They are not there to look at other things and unless they expressly approve something, it is not approved.

Mr. Karlie reported that when Mr. Nunley disagrees with him or his inspectors, Mr. Nunley will call or email his superiors, specifically Mr. McDonnell or, at the time, the then Interim City Manager Willard Epps, and complain about Mr. Karlie, the other inspectors and their failure to do what Mr. Nunley wanted done.<sup>32</sup> Mr. Karlie asserts that there is no legitimate basis for Mr. Nunley's ongoing complaints. Therefore, from Mr. Karlie's perspective, Mr. Nunley is harassing him and his inspectors.

Mr. Nunley denied the allegations that he is harassing Mr. Karlie or his inspectors. Instead, according to Mr. Nunley, Mr. Karlie and his inspectors are harassing

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<sup>31</sup> Mr. Karlie identified Victor Cervantes, Gary Goulet and Tom Olivera.

<sup>32</sup> See, Exhibit 3 which contains several emails between Mr. Nunley, Mr. McDonnell, Mr. Epps and Mr. Zamora regarding Mr. Nunley's questions and complaints about being harassed and/or treated differently than other developers by Mr. Karlie and his staff.

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him.<sup>33</sup> Mr. Nunley did acknowledge that he has sent emails to Mr. McDonnell, Mr. Epps and Mr. Zamora regarding issues he has had with Mr. Karlie and his staff. According to Mr. Nunley, he began sending the emails after he called Mr. Epps and asked him to keep Mr. Karlie off of Mr. Nunley's job sites. According to Mr. Nunley, Mr. Epps told him that he could not do that. Mr. Nunley reports that after that phone call, the only time he spoke to Mr. Epps was in City Council meetings.

Mr. Nunley has sent several emails expressing his displeasure with the decisions made by Mr. Karlie and his staff.<sup>34</sup> It should be noted, however, that Mr. Nunley has never personally attacked Mr. Karlie or his staff by email or face to face other than to claim that they have it out for him and are making him do things that do not need to be done.

Furthermore, in none of the emails does Mr. Nunley assert that he is making any requests or inquires as a member of the City Council. In fact, in his interview, Mr. Nunley asserted that he has never had any contact with any City staff member regarding his projects in the capacity of a member of the City Council. He claims, instead, that he is acting as a builder/developer and resident of the City.

The mutual allegations of harassment are cyclical. Mr. Nunley calls for an inspection and during the inspection something happens that Mr. Nunley disagrees with, such as being required to provide new calculations for the gas pipe sizing.<sup>35</sup> According to Mr. Nunley, there is no need to do this because the gas pipe to his home is the correct size. Therefore, he claims that he is being harassed.

From Mr. Karlie and his building inspectors' perspective, they are not asking Mr. Nunley to do anything other than comply with the building code. In the example above, the reason for the request for new calculations is that the size of the home has expanded since it was originally approved and there are new and different appliances that were not part of the original calculations. Therefore, Mr. Karlie and his inspectors view themselves as just trying to do their jobs.

The issue of who is correct regarding corrections, changes and building code requirements is beyond the scope of this investigation.

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<sup>33</sup> See, Exhibit 3 for emails from Mr. Nunley making this allegation.

<sup>34</sup> See, Exhibit 3.

<sup>35</sup> See, page 1 of Exhibit 14.

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Mr. Karlie's allegation that Mr. Nunley has gone above his head and contacted Mr. McDonnell and Mr. Epps is supported by Exhibit 3 and Mr. Nunley's admission that he has done so. Therefore, this allegation is sustained.

The issue of whether this behavior by Mr. Nunley supports the claim of harassment is beyond the scope of this investigation.

#### **4. Questioning of Truthfulness**

Ms. Thomson, the City Finance Director, and Ms. Brown, an Administrative Assistant for the planning and building departments, both reported incidents in which Mr. Nunley has asked them questions, yet treated their responses as if they were not telling him the truth.<sup>36</sup> Specifically, according to them, he has asked them if they are telling him the truth, asked "are you sure," or "you're not lying to me?"

Ms. Brown reports that other developers do not question her in this manner. She believes that this behavior is retaliatory for Mr. Nunley not getting his way on something.

Ms. Brown reported that on one occasion, Mr. Nunley questioned her regarding how she determined who owned real property. According to Ms. Brown, as she walked up to the counter to answer his question, Mr. Nunley stated that there was no need to be afraid of him as he was not going to bite her. He also assured her that he was not mad at her. Ms. Brown also noted that Mr. Nunley has not verbally attacked her, but she is concerned about what he may say behind her back.

Regarding Ms. Thompson, her contact with Mr. Nunley has been in his role as a member of the City Council. According to Ms. Thompson, Mr. Nunley questioned her during budget meetings about some tasks she was asked to do by the City Manager. She felt he was being rude, condescending and accusing her (impliedly) of not telling the truth. She reported that this behavior continued until she provided Mr. Nunley with a spreadsheet with the information for which he was asking.

Mr. Nunley denied treating Ms. Brown in this manner and claimed that he did not recall questioning Ms. Thomson during a budget meeting. He also denied making the comment about not biting Ms. Brown.

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<sup>36</sup> Ms. Brown's complaint is attached as page 4 of Exhibit 1.

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Mr. Nunley reported that the only time he accused a City staff member of lying was an incident involving Ms. Myers and, he claims, he did that in private with the then City Attorney Heather Phillips. He also reported that, in one public meeting, he said that Mr. Karlie had lied to him but did not provide any specifics.

In connection with these allegations, it is not alleged that Mr. Nunley raised his voice, yelled or threatened anyone. Nevertheless, I find that the weight of the credible evidence supports the allegations that, at times, Mr. Nunley has asked City staff if they are telling him the truth, asked staff “are you sure” and similar questions. As Mr. Nunley pointed out, he has not accused these City employees of actually lying. However, his questions do imply or suggest that they are not telling him the truth.

These employees report that they viewed Mr. Nunley’s questions as being rude, condescending and intimidating. They made credible witnesses.

Based on the foregoing, including the relative credibility of Mr. Nunley compared to the City staff, I find that the weight of the credible evidence supports the allegation that, at times, Mr. Nunley has asked City staff if they are telling him the truth, asked staff “are you sure” and similar questions. In addition, I find that the weight of the credible evidence supports the conclusion that Ms. Thompson and Ms. Brown viewed Mr. Nunley’s questioning as being rude, condescending and intimidating. Therefore, these allegations are sustained.

The issue of whether this behavior by Mr. Nunley supports the claim of harassment is beyond the scope of this investigation.

## 5. Traci Myers

Ms. Myers submitted a memorandum dated September 14, 2018 chronicling “the events in the past where I have felt intimidated, bullied, harassed and/or threatened by Greg Nunley, both as a developer and as a council member . . .”<sup>37</sup> In addition, Ms. Myers submitted several documents in support of her allegations.<sup>38</sup>

Some of Ms. Myers’ allegations are discussed below.

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<sup>37</sup> See, pages 8-15 of Exhibit 1.

<sup>38</sup> See, Exhibit 4.

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## **(a) Mr. Nunley Wants to Fire You**

Ms. Myers reported that on April 26, 2017, she met with then City Manager Joe Carlini and Director of Human Resources Janice Avila regarding an email she sent to front-counter staff about professionalism. Ms. Myers reports that Mr. Carlini and Ms. Avila told her that there was nothing wrong with her email. However, she was also told that Mr. Nunley was upset by the email because he believed that she was attempting to establish new policy on behalf of the City Council. According to Ms. Myers, during this meeting Mr. Carlini told her “you know Greg Nunley wants you fired.”

Mr. Nunley denied asking Mr. Carlini to fire Ms. Myers on this occasion. He further denied asking Mr. Carlini to fire anyone. Mr. Nunley stated that he thinks Mr. Carlini is the biggest liar ever.

In support of Mr. Nunley’s assertion that Mr. Carlini is a liar, Mr. Wilkins provide me with Exhibit 11. This exhibit consists of two pages from the deposition transcript of Mr. McDonnell. Specifically, in this deposition excerpt, Mr. Wilkins asked Mr. McDonnell “Did you ever reach the conclusion based on any experience you ever had with him that he was in any way dishonest or untruthful?” In response, Mr. McDonnell responded, “Yes.” Mr. McDonnell went on to testify that he has heard others “express the view that they found Mr. Carlini to be dishonest or untrustful or untruthful” but he could not recall who had expressed such opinions.

Mr. Carlini reported that Mr. Nunley never told him specifically to fire anyone. However, he also reported that Mr. Nunley made statements to him such as, “if they worked for me, they would be fired,” and “I do not understand why they are still working here given how incompetent they are.”

As part of this investigation, Mr. McDonnell was asked about this portion of his deposition testimony. He confirmed that it was accurate and true. However, he also stated that when Mr. Carlini told him, on more than one occasion, that Mr. Nunley wanted Ms. Myers fired he believed that Mr. Carlini was telling him the truth.

A review of Mr. McDonnell’s deposition revealed that he testified that Mr. Carlini discussed with him Mr. Nunley’s desire to have Ms. Myers terminated on at least three occasions. Mr. McDonnell testified that on one of those occasions, Mr. Carlini told him that Mr. Nunley said that if Ms. Myers and another employee named Tony Trevino were not fired, Mr. Nunley would make sure that Mr. McDonnell and Mr. Carlini were terminated. He also testified that he discussed Mr. Nunley’s directive to fire

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Ms. Myers with Ms. Avila and the two of them met with Mr. Carlini to tell him that Mr. McDonnell was not going to fire Ms. Myers.<sup>39</sup>

Mr. McDonnell also testified that Mr. Nunley complained to him regarding Ms. Myers' job performance and competency, but that Mr. Nunley never directly asked Mr. McDonnell to fire her.

In Mr. Carlini's deposition, he testified that Mr. Nunley told him, in reference to Ms. Myers, "You need to get rid of her." He also testified that Mr. Nunley said something like, "You do them, or I do you," which Mr. Carlini understood to mean that if he did not terminate the employees Mr. Nunley wanted fired, including Ms. Myers, that Mr. Nunley would fire him.<sup>40</sup>

Mr. Carlini was not interviewed as part of this investigation. However, his deposition was taken under oath.

Mr. McDonnell testified that he and some other City employees were of the opinion that Mr. Carlini was not always honest or truthful. However, he also reported as part of this investigation that he believed Mr. Carlini to be telling the truth on this matter.

It is also noteworthy that Mr. McDonnell shared his concerns about Mr. Carlini's directive with Ms. Avila and they met with Mr. Carlini to inform him that Ms. Myers was not going to be fired. This is significant because it supports Mr. McDonnell's report that when Mr. Carlini told him that Mr. Nunley wanted Ms. Myers fired, he believed Mr. Carlini was telling him the truth.

Mr. Carlini's deposition testimony reports that Mr. Nunley told him, "You need to get rid of her." I find this to be credible. It is consistent with Mr. McDonnell's report that Mr. Carlini told him in 2017 that Mr. Nunley wanted Ms. Myers fired. In addition, it is consistent with Mr. Nunley's complaints to Mr. McDonnell that Ms. Myers was not competent and not performing her job well.

It should also be noted that no one has offered an explanation as to why Mr. Carlini would fabricate the claim that Mr. Nunley wanted Ms. Myers fired. There is

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<sup>39</sup> Exhibit 15 contains the excerpt from Mr. McDonnell's deposition from which this information was taken.

<sup>40</sup> Exhibit 16 contains the excerpts from Mr. Carlini's deposition from which this information is taken.

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no evidence that Mr. Carlini had any issues with Ms. Myers' job performance or had any animus or reason to want her fired.

It is significant to note that Mr. Epps also reported that, while he was serving as the City Manager, Mr. Nunley told him that Mr. Karlie, Mr. McDonnell, Mr. Dodson, Mr. Bruening and Fire Inspector Ryan Leonardo all needed to be fired because they did not know what they were doing. Mr. Epps reported that Mr. Nunley has said things like, "they do not know what they are doing," and "they do not deserve to be working for the City and should be fired." Mr. Epps was asked if these statements were opinion or directive from Mr. Nunley. Mr. Epps responded that the way they were presented to him, he understood them to be directives.

Mr. Epps' experience is consistent with Mr. Carlini's report to Mr. McDonnell and Ms. Myers that Mr. Nunley told him to get rid of Ms. Myers.

Mr. Nunley denies ever asking or directing Mr. Epps or anyone else to fire a City employee. In addition, Mr. Nunley reported that in his 20 years as a private employer, he has only fired two employees and both of those times it was because of theft.

In my assessment, the weight of the credible evidence, including the relative credibility of the witnesses, supports the allegation that on April 26, 2018 Ms. Myers was told by Mr. Carlini that Mr. Nunley wanted her fired. In addition, the weight of the credible evidence supports the conclusion that at some point prior to this meeting, Mr. Nunley told Mr. Carlini, "You need to get rid of her."<sup>41</sup> Therefore, Ms. Myers' allegation is sustained.

## **B. Threats**

Mr. Karlie, Mr. Dodson, Mr. Bruening, Ms. Myers and Mr. Epps report being or feeling threatened by Mr. Nunley. Each of their complaints are set forth below.

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<sup>41</sup> The statement "You need to get rid of her" can be read as a directive or opinion depending upon the context and/or how it is said. Based on Mr. Carlini's communications with Ms. Myers and Mr. McDonnell it is clear that Mr. Carlini understood this statement to be a directive. Likewise, Mr. Epps reported that Mr. Nunley's comments to him about firing employees was presented to him as a directive.

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Before discussing these reports, it should be noted that no one reported any physical contact with Mr. Nunley, except Mr. Bruening. Mr. Bruening reported that while at an inspection of Mr. Nunley's home, Mr. Nunley asked why two inspectors were sent to inspect his projects. Mr. Nunley further commented, while touching Mr. Bruening's shoulder and laughing, "It's not like I am going to kill you."<sup>42</sup> Otherwise, there have been no threats of physical violence from Mr. Nunley.

## 1. John Karlie

As discussed above, sometime in the fall of 2018, Mr. Nunley filed a complaint against Mr. Karlie with the City police department. This resulted in two detectives showing up at City Hall to interview Mr. Karlie in connection with Mr. Nunley's allegations. Mr. Karlie reports that he felt threatened by the police interviewing him at work regarding the allegations made by Mr. Nunley.

Mr. Nunley refused to discuss the complaint he made to the police department. The complaint may be a way for Mr. Nunley to threaten and/or harass Mr. Karlie. However, if Mr. Nunley had a valid basis for filing the complaint or believed in good faith that he had a valid basis for doing so, it may be a legitimate complaint. In any event, the merits of the complaint and the ultimate determination of that issue are beyond the scope of this report.

It should be noted that there is no evidence that Mr. Nunley directed the police to interview Mr. Karlie or to interview him at work. Instead, common sense indicates that interviewing suspects is a normal part of the process followed by police officers when investigating a complaint.

Based on the foregoing, I find that there is insufficient evidence to support Mr. Karlie's allegation that Mr. Nunley unjustly threatened him by filing the criminal complaint.

## 2. Mr. Dodson and Mr. Bruening

Exhibit 9 states that Mr. Dodson and Mr. Bruening both reported that they felt threatened by the events at Mr. Nunley's home on December 13, 2018. As I understand it, the specific action that caused them to feel threatened was Mr. Nunley's statement, "John's time is coming and so in the f--- is yours . . ." On prior inspections, Mr. Nunley had mentioned things like "everything will come out in court," in connection

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<sup>42</sup> Mr. Nunley denies both making this statement and touching Mr. Bruening.



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with Mr. Nunley's assertion that Mr. Dodson put a rock in his gas pipe, as well as suing Mr. Karlie and the City for harassment. When Mr. Nunley made these comments, both Mr. Dodson and/or Mr. Bruening objected and told Mr. Nunley that they were not there to talk about lawsuits and did not want to hear about it.

Mr. Dodson reported that Mr. Nunley's threats have caused him to fear for his job and his ability to provide for his family.

Mr. Nunley has specifically denied making the statement that "John's time is coming and so in the f--- is yours . . . ." However, he does acknowledge that, on this occasion, he was upset and used the "f" word, including telling Mr. Dodson and Mr. Bruening to "get the f--- off of my property." In addition, as discussed above, when given the opportunity to review Exhibit 9, Mr. Nunley did not deny saying that everything would come out in court.

Based on Mr. Nunley's admission that he was upset, that he used the "f" word, as well as his implied admission that he said "everything would come out in court," his multiple allegations that he was being harassed, the allegation that Mr. Dodson placed rocks into a gas pipeline and the relative credibility of the witnesses, I find that the weight of the credible evidence supports the allegation that on December 13, 2018, Mr. Nunley told Mr. Dodson and Mr. Bruening, "John's time is coming and so in the f--- is yours . . . ." I further find that Mr. Dodson and Mr. Bruening reasonably understood this to be a threat, that Mr. Nunley was going to sue them in an attempt to have them fired.

Based on the forgoing, the allegation that Mr. Dodson and Mr. Bruening were threatened is sustained.

However, it must be noted that the threat was that of a lawsuit seeking to have them fired. It was not a threat of physical violence.

### **3. Threat to Ms. Myers**

Ms. Myers reports that in 2015, before Mr. Nunley was elected to the City Council, there was a hearing of the City's Board of Public Utilities that included an issue involving one of Mr. Nunley's projects. Ms. Myers reported that the Board rejected Mr. Nunley's request. After the hearing, as Mr. Nunley was leaving the building, Ms. Myers told him to let her know if there was anything further, she could assist him with. Ms. Myers alleges that in response Mr. Nunley stated, "You know what Traci? I drive half-a-million dollar trucks and fly in million dollar planes and I'm going to run for

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City Council. And if I win, you'd better watch your back." She reports that this statement shocked, surprised and scared her. She also claims that she had no idea what she had done to receive such a comment from Mr. Nunley.

Mr. Nunley had a different version of the incident. Mr. Nunley denied Ms. Myers' allegations. According to Mr. Nunley, as he left the meeting, Ms. Myers made a "smart ass" comment about his project not being approved. In response, he turned around and told her, "I am tired of being treated like s--- and I am thinking about running for City Council." Mr. Nunley claims that nothing else was said.

As discussed above, after Mr. Nunley was elected to the City Council, he complained about Ms. Myers' job performance and competency and, according to Mr. Carlini, directed him to fire Ms. Myers. It should also be noted that Mr. McDonnell reported that in his professional assessment as her supervisor, while Ms. Myers is not perfect, she does a good job and there are no legitimate grounds to fire her.

These facts, in my assessment are consistent with and support Ms. Myers' allegation that Mr. Nunley told Ms. Myers that she had better watch her back.

In my opinion, given Mr. Nunley's statements regarding Ms. Myers and the relative credibility of the witnesses, I find that the weight of the credible evidence supports Ms. Myers' allegation that Mr. Nunley told her that she had better watch her back. Therefore, this allegation is sustained.

#### 4. Willard Epps

Mr. Epps, by way of background, was a career firefighter with the City beginning in 1984. He rose through the ranks and in 2011 was appointed as Fire Chief. In March 2018, he was appointed as the Interim City Manager.

According to Mr. Epps, in a phone call, Mr. Nunley stated that Mr. Karlie and Mr. McDonnell should be fired. Mr. Nunley further stated that if Mr. Epps did not fire them "you may just find yourself back at the fire department; you could be fired too." Mr. Epps reported that he responded, "If that is what you would like to do, go ahead."

Mr. Nunley admits talking to Mr. Epps, complaining about Mr. Karlie and asking Mr. Epps to keep Mr. Karlie off of his job sites. In response, according to Mr. Nunley, Mr. Epps said that he could not do that. Mr. Nunley claims that he responded, "Good luck being the City Manager for a short period of time." Mr. Nunley reported that his comment was in reference to the fact that everyone knew that Mr. Epps

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was retiring in December 2018.<sup>43</sup> Mr. Nunley also commented that, from his perspective, Mr. Epps was letting people run all over him.

Mr. Epps did report that, in a separate conversation, Mr. Nunley had asked him to not have Mr. Karlie inspect his projects. According to Mr. Epps, he reminded Mr. Nunley that he had said that he wanted equal treatment with other developers and, therefore, Mr. Epps could not allow Mr. Nunley to pick and choose which inspectors he would get. It was Mr. Epps' recollection that this discussion occurred in approximately September.

Mr. McDonnell reported that after Mr. Epps' conversation with Mr. Nunley, Mr. Epps met with him and Mr. Karlie. In that conversation, Mr. Epps reported that Mr. Nunley wanted them fired and that Mr. Epps told Mr. Nunley that that was not going to happen. This, according to Mr. McDonnell, resulted in Mr. Nunley telling Mr. Epps, "Good luck being the short-term City Manager." According to Mr. McDonnell, this conversation was in late June/early July 2018.

Given Mr. McDonnell's account of Mr. Epps' report of Mr. Nunley saying "good luck being a short-term City Manager" and Mr. Nunley's report that he said, "Good luck being the City Manager for a short period of time," I find that the weight of the evidence does not support Mr. Epps' recollection that Mr. Nunley told him that he could find himself back at the fire department. Accordingly, this allegation is not sustained.

However, I also find that the evidence does support the conclusion that Mr. Nunley did tell Mr. Epps "Good luck being the City Manager for a short period of time." Mr. Nunley characterized this comment as wishing Mr. Epps good luck during the short time before his retirement.

The context of this statement, according to Mr. Nunley, was Mr. Epps' refusal of Mr. Nunley's request to keep Mr. Karlie off of Mr. Nunley's job sites. According to Mr. Epps, the context was Mr. Epps' refusal to fire Mr. Karlie and Mr. McDonnell. In either event, it was not pleasant news for Mr. Nunley. Therefore, wishing Mr. Epps "good luck", in my opinion, was intended as a threat that Mr. Nunley

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<sup>43</sup> According to news reports on the internet and Mr. Nunley, Mr. Epps did in fact retire in December 2018.

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was going to make Mr. Epps' job as the City Manager more difficult until his retirement or seek to have him replaced as the City Manager.

I find that the weight of the credible evidence supports the conclusion that Mr. Nunley told Mr. Epps, "Good luck being the City Manager for a short period of time." I also find that, under the circumstances in which the statement was made, as reported by Mr. Nunley, Mr. McDonnell and Mr. Epps, it would be reasonable to conclude that Mr. Nunley's statement should be understood as an attempt to intimidate and/or threaten Mr. Epps. Therefore, the allegation that Mr. Epps was threatened by Mr. Nunley is sustained.

## **C. Private Citizen or City Council Member**

Some witnesses reported that they are of the opinion and allege that Mr. Nunley's behavior toward them is an attempt to obtain favoritism because of his role as a member of the City Council. However, nobody reported any requests by Mr. Nunley for favoritism or any mention by him to them that he is a member of the City Council.

Furthermore, the evidence supports the conclusion that Mr. Nunley has engaged in this type of behavior long before he was on the City Council. For example, Mr. Koczanowicz's March 27, 2014 letter<sup>44</sup> and the threat to Ms. Myers in 2015. Furthermore, Ms. Myers' complaint<sup>45</sup> references the same type of issues with Mr. Nunley going back to 2013.

Mr. Nunley reported that he views all of his interactions with building department employees to be in his role as a developer/builder and not as a member of the City Council. However, Mr. Epps reported that he told Mr. Nunley that if he had an issue as a City Councilman, he should come to Mr. Epps but that if he had an issue as a developer/builder he should contact the City staff.

City staff point to the fact that Mr. Nunley copies Mr. Epps and Mr. Zamora on a lot of the emails,<sup>46</sup> and they further claim that no other developer does this when they have any issue. Employees also claim that when other developers have

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<sup>44</sup> See, Exhibit 8.

<sup>45</sup> See, Exhibit 1.

<sup>46</sup> See, Exhibits 2 and 3.

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issues with City staff, those developers do not notify the City Manager or the City Attorney.

This all may be true. However, it is clear that Mr. Nunley is not like the other developers. He is an assertive, aggressive person who has a high opinion of his own thoughts and viewpoints. He is not one to sit around and wait or accept what others have to say at face value. This trait is reflected in his interactions with Ms. Thompson and Ms. Brown, discussed above.

In my opinion, the line between anyone serving on a City Council and their professional interactions with City staff is very fine. While some members of City staff perceive and are of the opinion that in their interactions with Mr. Nunley, he has been acting in his capacity as a City Council member, I find that there is insufficient evidence to support this allegation. Therefore, this allegation is not sustained.

### **III. CONCLUSION**

Mr. Nunley's admission that he was upset by the request to pot hole the gas lines is important. Based on this admission and the relative credibility of the witnesses, I find that the weight of the credible evidence supports the allegation that, on this occasion, Mr. Nunley went off about how he was being harassed and that he was going to sue Mr. Karlie and the City for harassment as well as questioning the need for two inspectors and how long they had been building inspectors, etc. Therefore, these allegations are sustained.

Based on Mr. Nunley's admissions and the relative credibility of the witnesses, I find that it is undisputed that Mr. Nunley made the statements to Mr. Dodson and Mr. Bruening that they allege. Therefore, this allegation is sustained.

Mr. Karlie's allegation that Mr. Nunley has gone above his head and contacted Mr. McDonnell and Mr. Epps is supported by Exhibit 3 and Mr. Nunley's admission that he has done so. Therefore, this allegation is sustained.

Based on the foregoing, including the relative credibility of Mr. Nunley compared to the City staff, I find that the weight of the credible evidence supports the allegation that, at times, Mr. Nunley has asked City staff if they are telling him the truth, asked "are you sure" and similar questions. In addition, I find that the weight of the credible evidence supports the conclusion that Ms. Thompson and Ms. Brown viewed

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Mr. Nunley's questioning as being rude, condescending and intimidating. Therefore, these allegations are sustained.

In my assessment, the weight of the credible evidence, including the relative credibility of the witnesses, supports the allegation that on April 26, 2018, Ms. Myers was told by Mr. Carlini that Mr. Nunley wanted her fired. In addition, the weight of the credible evidence supports the conclusion that, at some point prior to this meeting, Mr. Nunley told Mr. Carlini, "You need to get rid of her." Therefore, Ms. Myers' allegation is sustained.

Based on the forgoing, I find that there is insufficient evidence to support Mr. Karlie's allegation that Mr. Nunley unjustly threatened him by filing the criminal complaint.

Based on Mr. Nunley's admission that he was upset, that he used the "f" word, as well as his implied admission that he said "everything would come out in court," his multiple allegations that he was being harassed, the allegation that Mr. Dodson placed rocks into a gas pipeline and the relative credibility of the witnesses, I find that the weight of the credible evidence supports the allegation that on December 13, 2018, Mr. Nunley told Mr. Dodson and Mr. Bruening, "John's time is coming and so in the f--- is yours . . ." I further find that Mr. Dodson and Mr. Bruening reasonably understood this to be a threat, that Mr. Nunley was going to sue them in an attempt to have them fired. Based on the forgoing, the allegation that Mr. Dodson and Mr. Bruening were threatened is sustained. However, it must be noted that the threat was that of a lawsuit seeking to have them fired. It was not a threat of physical violence.

In my opinion, given Mr. Nunley's statements regarding Ms. Myers and the relative credibility of the witnesses, I find that the weight of the credible evidence supports Ms. Myers' allegation that Mr. Nunley told her that she had better watch her back. Therefore, this allegation is sustained.

I find that the weight of the credible evidence supports the conclusion that Mr. Nunley told Mr. Epps "Good luck being the City Manager for a short period of time." I also find that under the circumstances in which the statement was made, as reported by Mr. Nunley, Mr. McDonnell and Mr. Epps, it would be reasonable to conclude that Mr. Nunley's statement should be understood as an attempt to intimidate

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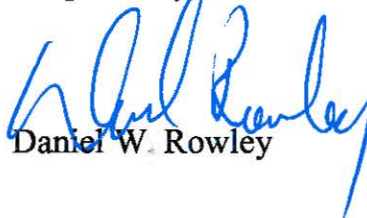
and/or threaten Mr. Epps. Therefore, the allegation that Mr. Epps was threatened by Mr. Nunley is sustained.

In my opinion, the line between anyone serving on a City Council and their professional interactions with City staff is very fine. While some members of City staff perceive and are of the opinion that in their interactions with Mr. Nunley, he has been acting in his capacity as a City Council member, I find that there is insufficient evidence to support this allegation. Therefore, this allegation is not sustained.

The issue of whether Mr. Nunley's behavior, which has been sustained above, supports the claim of harassment, bullying, rude behavior, etc. is beyond the scope of this investigation.

The opinions and conclusions expressed above are based solely upon my evaluation of the evidence I obtained during my investigation. I hope this report will be of assistance to you. If I can be of any further assistance, or if you have any questions, please let me know.

Respectfully,



Daniel W. Rowley

Attachments





## Josh McDonnell

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**From:** Tyler Dodson  
**Sent:** Tuesday, September 25, 2018 5:10 PM  
**To:** Josh McDonnell; John Karlie; Traci Myers; Mario U. Zamora  
**Subject:** Greg Nunely

Good Afternoon Josh,

I have some concerns that I would like to express with you regarding our city councilman GREG NUNLEY and Great Valley Builder's. And in doing so my hope is that the concerns do not get taken lightly. I have been doing Building Inspection's at Greg's projects for approximately 2 months. Within these two months I have seen first hand how his business is being conducted and how demeanor is a reflection of how his projects are being executed. I go multiple times and give the same corrections, each time I go the corrections are never completed. I write the corrections on a consistent level across the board with all contractors and home owners. He receives no special treatment in or against his favor. He ask Questions such as can he get the permit signed or approved, why does his projects take so long and many other statements he's made. Him being a city councilman, a builder, in correlation with all the negative comments he's made against the city and the process of the Building Department while on site has made feel uncomfortable. In my opinion this is a direct result of him using his power of being a city councilman to pressure me into doing things his way regardless if it is within the code or the law for that matter. I will not participate in doing it his way. If there was anything that I can ask of, I would ask that he not be present while doing an inspection at his projects.

Tyler Dodson  
Building Inspector 1  
Office: (559) 684-4221



## Janice Avila

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**From:** John Karlie  
**Sent:** Tuesday, September 25, 2018 5:01 PM  
**To:** Josh McDonnell; Janice Avila; Traci Myers; Mario U. Zamora  
**Subject:** harassment free workplace

I feel we have a right to a harassment free workplace. This is to notify you that it is harder and harder each day to come to work and deal with councilman James Greg Nunley. He continues to call Josh almost every day and complain about me and other inspectors. He has threaten to sue the inspectors and me. He has said he would get a new City Manager to clean house. This dates back to around 2011 when Mr. Nunley had a petition circulating around town to have me fired because I sent his poorly drawn plans out to a contract firm for plan check. The contract firm sent them back and said they were so incomplete the could not do a plan check. The only way I could survive was to perform the plan check in the field and be his onsite constant inspector. I felt like I was his superintendent. I would deal mostly with his sub-contractors who would always comply. When he was partners with Victor Cervantes, inspections went smooth. Now he has no qualified personnel and many different sub-contractors which causes his inspections to be very time consuming because of their incompetence. He uses his position as councilman to bully his way. If he was not a councilman I would not be so worried. None of the inspectors want to do his inspections for fear of losing their job. When will this stop?

John Karlie  
Chief Building Official  
City of Tulare

## Janice Avila

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**From:** Josh McDonnell  
**Sent:** Wednesday, September 26, 2018 1:23 PM  
**To:** Janice Avila; Mario U. Zamora  
**Cc:** Willard Epps  
**Subject:** Communication from Lucie Brown regarding Greg Nunley  
**Attachments:** 3131\_001.pdf

While I was at a meeting yesterday afternoon, Lucie Brown spoke with Traci Myers about concerns she has regarding Mr. Nunley. Traci asked Lucie to put her concerns in writing; the result was the attached communication. Here concerns are twofold:

1. Lucie's fed up with all the PRA requests that Mr. Nunley is submitting.
2. Lucie is scared of Mr. Nunley – she feels like he is constantly on the edge of blowing up at her whenever he speaks with her on the phone or at the counter.

I briefly met with her prior to receiving the communication, and her concerns really seemed to boil down to her contention that Mr. Nunley is mean to her. As we've discussed, I'm not sure what (if anything) can be done about these concerns. Just wanted to pass this along.

Thanks,  
Josh

I would like to address the current issue that I am having producing limitless copies even duplicate and triplicate copies of records for our city Council Member Mr. Nunley. I feel like every day that I come into work I am faced with another PRA to produce the exact same thing we have already produced several times. I feel overwhelmed at times trying to keep up with his requests and still manage to do my day to day work.

Several years back when Rob Hunt and Traci Myers were in charge of the Department I went to lunch with one of his employees during that lunch I mentioned that Mr. Nunley had emailed Rob and Traci over the weekend at 11:00 PM with some off the wall idea for a project. I asked her if he was serious about that particular project and her response was... "Greg just does that to get them all worked up" it's this kind of comment that leads me to believe that Mr. Nunley is only bombarding us with PRA requests simply for his entertainment.

I have noticed on all his PRA requests that they are only directed at one particular subdivision/developer. He asks for correction lists, inspection cards and permit applications. If he truly believed we were treating him differently than other developers why is he only asking for lists, cards and applications for one subdivision/developer? Why not other developers? All this leads me to believe Council Member Nunley has a personal vendetta against JJR Service Management (Jim Robinson) and we (the City) is caught in the middle.

I also feel sick to my stomach every time Mr. Nunley comes into City Hall because he has asked me questions over the counter and each time I get nervous and fear that he is going to verbally attack me in some way. So much so that he even said "don't worry I am not going to bite you.. I am not mad at you". He has called and asked me questions over the phone and when I give him the answers he asks me "are you sure... are you positive" as if I am giving him incorrect information.

Why all the PRA requests?? No other developer/contractor does these types of things. I have worked here 11 plus years and never has any developer/contractor questioned the information I gave them or made me feel the way Mr. Nunley does.

I don't know what if anything can be done about this, I just felt the need to bring it to your attention. I believe we are entitled to a work place that is free from harassment and I feel that Mr. Nunley's requests are bordering on a form of harassment.

RECEIVED FROM LUCIE BROWN ON 9/26/18

JM

## Josh McDonnell

---

**From:** Gvlandco <greg@gvlandco.com>  
**Sent:** Tuesday, September 25, 2018 11:42 AM  
**To:** Josh McDonnell  
**Cc:** Mario U. Zamora; Willard Epps; lucy@swifthomesinc.com; kent.mcniece@gmail.com  
**Subject:** City harassment

Josh,

For the record John Karlie has denied to do a courtesy inspection at cottonwood. John allowed 3 times as many homes and all courtesy inspections at willow glen. This is not consistent with how he has treated another builder compared to our company. John continues to damage, harass, and intentional hurt my company and the city manager is aware and Josh you are aware John continues to be allowed to do this to my company, me personally and my staff.

Around August 2 I met with Willard and you Josh. I told you many cases what John Karlie has done and management has not only allowed for this to continue but to become outrageously worse than ever. I personally hold the city responsible for detrimental damage John Karlie has been allowed to do including financial, emotional with my entire company, and my reputation. John Karlie continues to slander my name to my own employees, clients and subcontractors. This will be the third time I have asked you to help contain John Karlie and all effects John Karlie used his building inspectors as ponds to further Harass me, my employees, sub contractors and partners.

Greg Nunley  
Great Valley Builders inc

Sent from my iPhone

**Janice Avila**

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**From:** Mario U. Zamora <zamora@griswoldlasalle.com>  
**Sent:** Friday, September 14, 2018 10:31 AM  
**To:** Janice Avila  
**Subject:** Fwd: CONFIDENTIAL PERSONNEL DOCUMENT  
**Attachments:** Mimecast Attachment Protection Instructions; Memo to M Zamora re hostile work env by Nunley 091418.pdf

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

---

Mario U. Zamora  
[zamora@griswoldlasalle.com](mailto:zamora@griswoldlasalle.com)  
Griswold, LaSalle, Cobb, Dowd & Gin, LLP  
111 E. Seventh Street  
Hanford, CA 93230  
T: (559) 584-6656 x 109  
F: (800) 948-6085

----- Forwarded message -----  
**From:** Traci Myers <[tmyers@tulare.ca.gov](mailto:tmyers@tulare.ca.gov)>  
**Date:** Fri, Sep 14, 2018 at 10:29 AM  
**Subject:** CONFIDENTIAL PERSONNEL DOCUMENT  
**To:** "Mario U. Zamora" <[zamora@griswoldlasalle.com](mailto:zamora@griswoldlasalle.com)>  
**Cc:** Kris Pedersen <[kpetersen@hpblaw.net](mailto:kpetersen@hpblaw.net)>

Good morning Mario,

Per our discussion on September 11, 2018, attached please find a memo outlining the chronology of events that have caused me to feel harassed, bullied and/or threatened by Greg Nunley.

Thank you for your time.

Traci

*Traci Myers*

*Community & Economic Development Deputy Director*

*City of Tulare*

559.684.4230

[myers.tulare.ca.gov](http://myers.tulare.ca.gov)



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Community & Economic Development Department

## MEMORANDUM

**To:** *Mario Zamora, Interim City Attorney*

**From:** *Traci Myers, Community & Economic Development Deputy Director*

**Date:** *September 14, 2018*

**Re:** *Possible Hostile Work Environment & Harassment by Greg Nunley*

As a follow up to our meeting on September 11, 2018, I am writing this memo to chronicle the events in the past where I have felt intimidated, bullied, harassed and/or threatened by Greg Nunley, both as a developer and as a council member, in my capacity as a City of Tulare employee.

### **2013**

Prior to becoming a Council member, Greg Nunley had frequent communications with City Hall staff as a developer. My first interactions with Nunley was in approximately 2013 when I was appointed the Interim Community Development Deputy Director. I was asked by then City Manager, Don Dorman, to act as the City's ombudsman on projects that were submitted by Nunley. At that time, Nunley was having conflict with other staff members who preferred not to work with Nunley directly. In my capacity, I attempted to work with Nunley on moving his projects through the process and resolve any potentials issues before they escalated. Many times during meetings, Nunley would threaten to sue the City or get his attorney involved if he did not like what staff was requiring of his developments.

Communications with Nunley became progressively more difficult because if he did not like what he was being told by me, he would become angry and go above my head to my Director or City Manager to complain in an attempt to get a different answer.

### **2014**

In March of 2014, prior City Attorney Martin Koczanowicz stepped in and wrote a letter to Nunley demanding he cease and desist from talking directly to staff and to correspond only in writing and with the City Manager. This letter was a result of Nunley threatening staff and telling them to "go fuck themselves" and for calling me "a stupid female."

**In 2015**, following a Board of Public Utilities meeting at which Nunley did not receive a favorable outcome on one of his projects, I walked out of the building at the same time as Nunley and told



him to let me know if there was anything further I could do to help. Nunley's response to me was, "You know what Traci? I drive half-a-million-dollar trucks and fly in million dollar planes and I'm going to run for City Council. And if I win, you'd better watch your back." I was shocked, surprised and scared; I didn't know how to respond. I did not know what I had done to receive such a response.

From the time period of approximately **March, 2014 through June 30, 2017**, the Planning Department contracted with private planning firms to assist with processing projects and customer service requests. The need for these contracts stemmed from the drastic downsizing of the planning department. Rob Hunt was appointed as Community Development Director. My contact with Nunley was limited because he was dealing directly with Rob Hunt and/or our contract planners. However, I am informed and believe that during this time period, Nunley made remarks about me being "dumb", "a moron" and "incompetent".

However, Nunley soon began to scrutinize the first contract planning firm working on his projects (4Creeks – March, 2014-June, 2016) so staff was forced to contract with a second firm (Provost & Pritchard – April, 2016-June, 2017). That firm quickly fell out of Nunley's good-graces so at the direction of former City Manager Joe Carlini, the City contracted with a third planning firm (QK – June, 2017 – approx. December, 2017). It should be noted that Nunley used his position to influence the City Manager into retaining the Council member's own consulting firm to process his projects through the City but at the City's cost.

Nunley was elected to City Council in **November 2016**. Joe Carlini was appointed interim City Manager on **January 31, 2017** and later went on to become the full-time City Manager effective **June 26, 2017**.

In March, 2017, Council approved a reorganization of the Community Development Department to add back to the department an Associate Planner, Principal Planner and to hire a Community & Economic Development Director. Our Associate Planner began work on **June 26, 2017**. Community and Economic Development Director started on **August 7, 2017** and a Principal Planner on **September 18, 2017**.

April 26, 2017: I had a meeting with Joe Carlini and Janice Avila regarding a memo I wrote to front-counter staff about professionalism in the work place. Nunley received a copy of the memo and became very irate because he believed I was trying to establish new policy on behalf of Council. Upon receipt of the e-mail, Nunley came directly into City Hall, went straight upstairs to Joe Carlini and demanded that I be fired. This was confirmed to me by Joe Carlini.

During the **4/26/17** meeting, both Joe and Janice told me they saw "nothing wrong" with the memo. During this meeting Joe Carlini said to me, "you know Greg Nunley wants you fired."

Also on **April 26, 2017**, Joe Carlini told Rob Hunt (my supervisor at the time) "Traci really fucked up on this one. 'They' probably won't even consider her for the position [Director] – especially Greg Nunley." Additionally, Janice Avila told Rob Hunt, "this memo really blew her chances for 'them' to look at her for the position. I'm gonna tell you Rob, Greg Nunley will never consider hiring her." I was not aware that Council had direct input or influence on the hiring of a Director. Because of these comments, I chose not to apply for the Director position even though I was very qualified for the position and had been performing very similar duties in my position as the Deputy Director for 3 years prior. I was frightened and scared that if I applied for the

position, I would be scrutinized, harassed and bullied by Nunley making my ability to perform my job even more difficult.

**August 1, 2017:** A council meeting of 8/1/17 Council member Nunley perceived that I was being dishonest with my representations to Council on conversations I had in the past with representatives of the Housing and Community Development Department (HCD) as it related to City's Housing Element and re-zone program.

I was told Council member Nunley felt I was not taking the matter (not completing the rezone program) "seriously." It was relayed to me through texts from the City Attorney, Heather Phillips, Council member Nunley "is definitely not happy that nothing is in writing" when I asked if the Council member was accusing me of lying to Council in a public forum. She further stated, "I'm dealing with it. Trying to be Attorney and mediator at the same time. It will be ok. Let me get him through the housing element concerns and then we will deal with everything else. Sorry you are going through it@"

I feel it is important for me to note, with respect to the 8/1 City Council meeting and the housing element discussion, my response to Council during the Council comment period was based upon the following:

- During the Council comment period, there was some hostile exchange between Council member Nunley and Council member Macedo witnessed by staff as it related to how Council member Nunley poses questions to staff.
- Thereafter, Council member Nunley stated something to effect of, "okay Traci why don't you come up and explain the housing element".
- I felt singled out by the pointed questions in a public forum in front of my peers and the public during a non-business related Council comment section, about why Tulare Housing Element was "out of compliance". I was nervous and a bit confused because I had yet to see any official letter from HCD declaring Tulare's Housing Element "out of compliance."

The dialogue regarding the allegations I "lied" to Council continued for the duration of at least a week. Joe Carlini insisted I follow up with the HCD representative and our housing element consultant in an attempt to get Nunley "off my back".

**August 9, 2017:** 9:22am I received a call from David Macedo. He asked how I was holding up in reference to the 8/1/17 meeting. He apologized for Nunley's conduct. He informed me he has had calls into the City Attorney since the 8/1/17 meeting because he believes Nunley's action of discussing staff issues in a public forum are "illegal."

**August 24, 2017:** City Manager, Joe Carlini came into my office questioning me about whether I allowed Don Dorman and Rob Hunt to remain on a State-generated economic development distribution list. He further stated that Nunley was "upset" because Don Dorman and Rob Hunt were still on the list. I explained to Joe that the list is maintained by the State Office of Economic Development and I did not directly supply them with names. Joe was clearly agitated and directed me to "immediately" contact the State and have those two names removed. Joe reminded me that Nunley is trying to find a reason to fire me and wanted to make sure I didn't do anything further to upset him. (Nunley)

**October 11, 2017:** Office conference with Joe Carlini and Josh McDonnell re: Consolidated Annual Performance Evaluation Report (CAPER) going to Council for approval. I was in charge of the program so I prepared the staff report for my signature. Joe Carlini directed me to change the staff report to Josh's signature. I told Joe that this is my program and I do not have a problem with having my name on the report or presenting the item. Joe replied that he was trying to protect me from public questioning by Nunley stating, "Traci, do you really want to be put in that position?" To which I replied, "It is my job."

**October 17, 2017:** Received my employee evaluation for the time period of 8/8/16-8/8/17 from Josh McDonnell. My rating in "Ability to Communicate" went from receiving "meets job standard" to "needs improvement." This ranking was solely based upon Nunley's allegation I lied to him and City Council at the August 1<sup>st</sup> meeting. And the assertion by Nunley I was "flippant" in how I responded to him. I felt it necessary to document my opposition to the evaluation. My rebuttal is attached for your information.

**November 8, 2017:** 8:26pm I received a call from Council member Jones telling me there was a rumor going around that I was telling people about the new city manager. I told him I've told no one because I didn't know *anything* about a new city manager. Jones advised me to keep quiet and let things play out. He said Joe is going to be "cleaning house" and he doesn't want me to be one. He said he and Nunley talked about who they want to "save" and I was Jones' pick and Josh was Nunley's pick.

**January 16, 2018:** 5:30pm Received call from VM Castellanoz. She wanted to tell me I have more support than I probably realize and everyday it's something "new" with my department. When I asked why I needed support she said because Nunley is trying to get rid of me.

**January 17, 2018:** I was told by Josh McDonnell that Nunley told Joe Carlini to either fire me or Joe would be fired. Nunley asked Joe if the Mayor (Jones) told Joe that I was "protected". Nunley said, "No one is protected" and wanted me fired. I asked Joe directly about the comments and he confirmed.

**July 20, 2018:** Approx 4:00pm John Karlie came into my office to notify me he had red-tagged a home in the Bella Oaks subdivision that Nunley is working on. John further stated Nunley was very irate and wanted to speak to CM Epps. I am informed that after Nunley spoke with Epps he was even more irate because Epps would not do what Nunley wanted him to do (override the red tag and fire John) Nunley is heard to have said to Epps you better watch it because you will be back in Fire. He is heard to have said he wanted to fire Mr. Epps and bring in D Mata as CM.

**July 20, 2018:** Phone call with VM Castellanoz. She is very worried Nunley will get his way and be able to hire Darlene Mata for the CM position. Said that she and Macedo are trying to stop it. She wants to try and get Rob Hunt in as CM before Mata. Said Nunley wants D Mata because he wants to put Community Development under the CM's office and get rid of Josh and contract out the engineering department.

**August 16, 2018:** Josh met with Kent Mcniece and Nunley in the community room. Nunley still believes staff is out to get him. After the meeting when Josh and I talked, Josh told me that one of his first tasks when he was hired as the Director, was to "investigate" whether I lied to City Council regarding the housing element issues. Josh stated he found nothing to indicate I lied.

**August 17, 2018:** Josh flat out told me that when Joe Carlini was still the City Manager, Joe told Josh to find a reason to fire me because of Nunley. Josh said he, Janice and Joe sat in a room when this was said and Josh told Joe that he couldn't find any reason to fire me. That, in fact, I was doing a great job. Janice told Joe that he couldn't do that; couldn't fire a staff member for unsubstantiated reasons just because a council member does not like that staff member.

Shortly after Josh began his employment with the City, he reported some of my concerns to the former City Attorney Heather Phillips. Heather followed up with an e-mail to me wanting me to talk with her about my concerns, however, I did not trust her because of her known relationship with Nunley and Jones.

I bring this information forward at this time because of the information that has come to my attention on August 16<sup>th</sup> and August 17<sup>th</sup>. I had no idea I was being investigated a year ago nor was I aware (until August 17, 2018) that Joe Carlini gave an order to my direct supervisor to fire me because of Nunley. Honestly, I was afraid to say anything in the past because I had no idea who to trust. The City has gone through several city attorneys, city managers and upper management. However, learning about Nunley's direct orders to fire me has caused me to say "enough is enough."

My present concern in light of the ongoing recruitment for a new city manager, is that Nunley will continue to push his agenda for my termination. I have no idea what he has against me; I have only tried to help him with his projects both before his election and after.

I want the events contained herein formally documented in my employee file. I have received nothing but stellar job performance evaluations during my 10 year tenure with the City. It hasn't been until Nunley was elected to City Council, have I really felt harassed, bullied, degraded, and scared I would lose my job. I assert the fact I am in a protected class as an over-fifty, female in the workplace. Additionally, I understand the principle of progressive discipline as the first step to an employee's termination and the fact I have not received any form of disciplinary action in the entire 10 years of my employment. However, based upon the events stated herein, I am very concerned about what Nunley is capable of if he is allowed to influence upper management, hire on his own consultant as City Manager and continue to intimidate and bully city staff for his own personal gain; especially in his position as a city council member.



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COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING & BUILDING DIVISION

**MEMORANDUM**

**TO:** *Josh McDonnell, Community & Economic Development Director*

**FROM:** *Traci Myers, Community & Economic Development Deputy Director*

**SUBJECT:** *Employee Evaluation for time period 08/08/16 – 08/08/17*

**DATE:** *October 20, 2017*

I am in receipt of my employee evaluation for the time period of August 8, 2016 through August 8, 2017 (received on October 17, 2017). It is apparent to me there was a great deal of time and consideration given to the preparation of the evaluation. I am very appreciative.

Additionally, thank you for taking the time to talk with me about my questions and concerns surrounding the comments contained in Section 6 – "Ability to Communicate". Following our discussion, I have a better understanding of the intent of the comments provided. I am grateful for your advice and guidance.

As we discussed, given some past history, I feel the need to respond in writing as a formal rebuttal. I would request my comments be incorporated into or attached to the final evaluation submitted to the Human Resources department and remain a permanent part of my employee file.

This evaluation period provided many challenges and changes to the department. The department began its reorganization process in the fall of 2016. At that time, I was under the direction of Rob Hunt. Rob left the department to return to Community Services in May, 2017 at which time Michael Miller was appointed interim Director. I question whether Rob Hunt had input into this evaluation period due to the fact he was my direct supervisor for 9 months out of the 12. Additionally, we transitioned through 3 city managers and 3 city attorneys under the instruction of a new city council. Goals and objectives were fluid making it difficult to achieve results.

From my date of hire August 8, 2008, I have not received a rating lower than "Meets Job Standard" in the category of "Ability to Communicate". This evaluation period rates my performance as "Needs Improvement". Again, I appreciate and respect your constructive criticism and will implement your advice going forward. However, as we discussed, it is my opinion these comments were influenced by two incidents:

1. A council meeting of 8/1/17 (prior to this reviewing authority's employment with the City) wherein Council member Nunley perceived that I was being dishonest with my representations to Council on conversations I had in the past with representatives of the Housing and Community Development Department (HCD) as it related to City's Housing Element and re-zone program.

*I was told Council member Nunley felt I was not taking the matter (not completing the rezone program) "seriously." It was relayed to me through texts from the City Attorney, Heather Phillips, Council member Nunley "is definitely not happy that nothing is in writing" when I asked if the Council member was accusing me of lying to Council in a public forum. She further stated, "I'm dealing with it. Trying to be Attorney and mediator at the same time. It will be ok. Let me get him through the housing element concerns and then we will deal with everything else. Sorry you are going through it"*

I feel it is important for me to note, with respect to the 8/1 City Council meeting and the housing element discussion, my response to Council during the Council comment period was based upon the following:

- During the Council comment period, there was some hostile exchange between Council member Nunley and Council member Macedo witnessed by staff as it related to how Council member Nunley poses questions to staff.
- Thereafter, Council member Nunley stated something to effect of, "okay Traci why don't you come up and explain the housing element".
- I felt singled out by the pointed questions in a public forum in front of my peers and the public during a non-business related Council comment section, about why Tulare Housing Element was "out of compliance". I was nervous and a bit confused because I had yet to see any official letter from HCD declaring Tulare's Housing Element "out of compliance."
- As I explained earlier, my personality is such that I try to take a negative and turn it into a positive and give reassurance matters will be handled and taken care of. I believe in my attempt to be positive and upbeat yet feeling nervous and defensive, that my response may have been perceived as "flippant" or non-serious. I meant no disrespect to any of the Council members and certainly understand the importance of having a valid Housing Element.

Following the meeting, I received a phone call from Vice-Mayor Castellanoz thanking me for the way I present to Council stating it is easy to understand, upbeat and positive. It is my personal opinion Councilmember Nunley's actions at the Council meeting and correspondence in the following days, was influential on this evaluation.

2. With respect to release of sensitive information, it is my personal opinion that this comment was influenced by the City's Human Resource Director from misleading information she was provided following a regional housing event on May 25, 2017. It is my understanding the HR Director had received information that I had provided confidential information regarding the city manager hiring process with a former city manager for the City of Tulare. I was reprimanded through a text from the HR Director and asked to refrain from discussing sensitive information. I immediately responded back through text that I had not shared any information that had not already been told to me by other staff members or by City Council. When asked by the former City Manager if I knew whether a particular candidate had made the final interviews,

my response was, "You know, I really do not know".

While I defend my actions on that particular instance, I acknowledge your additional comments based upon your own observations and will work to improve.

I appreciate the opportunity to provide my response to my evaluation for time period August, 2016 to August, 2017. I sincerely appreciate the positive remarks and constructive criticism. Going forward I will continue to remember the points we discussed and to continue to represent the department in a positive, professional manner.

**EXHIBIT 2**

COT/JA000056



## John Karlie

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**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Thursday, July 26, 2018 8:13 AM  
**To:** John Karlie; Josh McDonnell

John I need to know on walk gates on apartments if I can have locking hardware on both sides of walk gates. Need your interpretation of the code on this.

Sent from my iPhone

## John Karlie

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**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Friday, July 27, 2018 6:51 PM  
**To:** John Karlie  
**Cc:** Josh McDonnell  
**Subject:** Re: Expired Temporary Certificates of Occupancy

We will call these in this week

Sent from my iPhone

On Jul 27, 2018, at 4:37 PM, John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)> wrote:

Greg,

The following Temporary Certificates of Occupancy have expired, please complete all corrections and call for inspection.

1450 E. Prosperity

1905 Hillman

See attachment.

John Karlie  
Chief Building Official  
City of Tulare

<2303\_001.pdf>

## John Karlie

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**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Wednesday, August 08, 2018 12:24 PM  
**To:** John Karlie  
**Cc:** Josh McDonnell; Traci Myers; Michael Miller; kent.mcniece@gmail.com; lucy@swifthomesinc.com  
**Subject:** Re: Expired permit applications

John,

We have tried to pick up this permits and every one of this you have sent have the wrong owner information. We have these along with cottonwood in which you can't seem to understand who the owner is. I believe it is you job to run metro scan. Once you get the corrected owner we will be happy to pick these up.

As for lot 4 at blackstone you told me and two of my staff members we could proceed while the lot lone is being completed which it has been submitted. You also gave courtesy inspections and issued a foundation only to proceed, knowingly the lot lone adjustment had to be completed. Why now all the sudden the ultimatum?

The city has held us up from picking up our permits therefore we demand you fix your errors and let us proceed with our projects.

Or is it the business of the city to make sure the incorrect information is on permits and expect folks to sign these?

Thanks!

Greg

Sent from my iPhone

On Aug 8, 2018, at 10:26 AM, John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)> wrote:

Greg,

Please submit a written request with justifiable cause for extensions of attached expired permit applications, as the Orosco Group did for Starbucks. E-mail will suffice.

John Karlie  
Chief Building Official  
City of Tulare

<2390\_001.pdf>

## John Karlie

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**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Monday, August 13, 2018 11:55 AM  
**To:** John Karlie  
**Cc:** Josh McDonnell; Traci Myers; Michael Miller  
**Subject:** Re: Dif Fees

No I never asked you or talked about this. But ok not sure why this matters now.

Sent from my iPhone

On Aug 13, 2018, at 11:32 AM, John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)> wrote:

Greg,

At one time you asked me if the "Building Code had anything in it about dif fees". My reply was no, upon further research I found this. See attachment. The dif fees are an ordinance.

<2456\_001.pdf>

## John Karlie

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**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Wednesday, August 15, 2018 12:09 PM  
**To:** John Karlie  
**Cc:** Josh McDonnell; Traci Myers; Michael Miller  
**Subject:** Re: 1450 and 1462 Prosperity

First I heard of this. Will get it taken care of.

What do you mean wrong water meter. That was installed at beginning of construction

Sent from my iPhone

On Aug 15, 2018, at 11:19 AM, John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)> wrote:

Greg,

You have the wrong water meter in 1450 Prosperity and no water meter in 1462 Prosperity. Please install the water meters ASAP.

John Karlie  
Chief Building Official  
City of Tulare

## John Karlie

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**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Wednesday, August 15, 2018 1:52 PM  
**To:** John Karlie  
**Cc:** Josh McDonnell; Traci Myers; Michael Miller  
**Subject:** Re: 1450 and 1462 Prosperity

When we pulled the permit and installed the one radio reads were not required. The one required was installed and will stay in. Going forward we will install the radio reads.

In fact my office went to public works and they wasn't even sure what Meyers to use as only a few months ago.

Sent from my iPhone

On Aug 15, 2018, at 12:25 PM, John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)> wrote:

Not a radio read.

**From:** Greg Nunley [<mailto:greg@swifthomesinc.com>]  
**Sent:** Wednesday, August 15, 2018 12:09 PM  
**To:** John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)>  
**Cc:** Josh McDonnell <[jmcdonnell@tulare.ca.gov](mailto:jmcdonnell@tulare.ca.gov)>; Traci Myers <[tmyers@tulare.ca.gov](mailto:tmyers@tulare.ca.gov)>; Michael Miller <[mmiller@tulare.ca.gov](mailto:mmiller@tulare.ca.gov)>  
**Subject:** Re: 1450 and 1462 Prosperity

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John Karlie  
Chief Building Official  
City of Tulare

## John Karlie

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**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Thursday, August 16, 2018 8:50 AM  
**To:** John Karlie  
**Cc:** Josh McDonnell; Traci Myers; Michael Miller; Willard Epps; Gregory Weirick; Timothy Ramirez; lucy@swifthomesinc.com; kent.mcniece@gmail.com; ishkhanb@aol.com; david@tularesalesyard.com  
**Subject:** Re: 1450 Prosperity

John maybe when you come out to do a final inspection with (Steve was there) and say you don't have time to do a inspection we can actually get a final. So go ahead and turn it over to code enforcement. The owner is now on this chain as well as the Mayor.

Sent from my iPhone

On Aug 16, 2018, at 8:03 AM, John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)> wrote:

Greg,

As you know the Temporary Certificate of Occupancy for Unique Orthodontics expired on 07/16/2018. If **all corrections are not completed and approved by 08/23/2018** we will turn it over to Code enforcement to secure it. See attachment.

John Karlie  
Chief Building Official  
City of Tulare

<2494\_001.pdf>

## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Thursday, August 16, 2018 10:08 AM  
**To:** John Karlie  
**Cc:** Josh McDonnell; Traci Myers; Michael Miller; Willard Epps; Gregory Weirick; Timothy Ramirez; lucy@swifthomesinc.com; kent.mcniece@gmail.com; ishkhanb@aol.com; david@tularesalesyard.com  
**Subject:** Re: 1450 Prosperity

You mean these





Sent from my iPhone

On Aug 16, 2018, at 9:08 AM, John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)> wrote:

Greg,

Maybe if you look up at the roof, you will see it is not complete. Also look out in the parking lot, where are the lights?

John

**From:** Greg Nunley [<mailto:greg@swifthomesinc.com>]

**Sent:** Thursday, August 16, 2018 8:50 AM

**To:** John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)>

**Cc:** Josh McDonnell <[jmcdonnell@tulare.ca.gov](mailto:jmcdonnell@tulare.ca.gov)>; Traci Myers <[tmyers@tulare.ca.gov](mailto:tmyers@tulare.ca.gov)>; Michael Miller <[mmiller@tulare.ca.gov](mailto:mmiller@tulare.ca.gov)>; Willard Epps <[wepps@tulare.ca.gov](mailto:wepps@tulare.ca.gov)>; Gregory Weirick <[gweirick@tulare.ca.gov](mailto:gweirick@tulare.ca.gov)>; Timothy Ramirez <[tramirez@tulare.ca.gov](mailto:tramirez@tulare.ca.gov)>; [lucy@swifthomesinc.com](mailto:lucy@swifthomesinc.com); [kent.mcniece@gmail.com](mailto:kent.mcniece@gmail.com); [ishkhanb@aol.com](mailto:ishkhanb@aol.com); [david@tularesalesyard.com](mailto:david@tularesalesyard.com)

**Subject:** Re: 1450 Prosperity

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Greg,

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John Karlie  
Chief Building Official  
City of Tulare

<2494\_001.pdf>

## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Thursday, August 16, 2018 3:01 PM  
**To:** John Karlie  
**Cc:** Josh McDonnell; Traci Myers; Willard Epps  
**Subject:** Re: Lot 19 Bella Oaks

Actually trying to pick up the permit not just foundation only.

Sent from my iPhone

On Aug 16, 2018, at 12:11 PM, John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)> wrote:

When do you plan on picking up foundation only permit for lot 19 at Bella Oaks that is already poured?

John Karlie  
Chief Building Official  
City of Tulare

## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Thursday, August 16, 2018 4:32 PM  
**To:** John Karlie  
**Cc:** Josh McDonnell; Willard Epps; Traci Myers; Michael Miller; ishkhanb@aoi.com; kent.mcniece@gmail.com; lucy@swifthomesinc.com

John,

Remember Kings academy is a TI with its own permit number and the shell was not called in which has its own permit number. Only the permit for Kings academy which has a set of plans YOU signed. The items you are referring are NOT part of Kings permit. Therefore your holding them up.

Sent from my iPhone

## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Monday, August 20, 2018 5:14 PM  
**To:** John Karlie  
**Cc:** Josh McDonnell; Traci Myers; Willard Epps; iucy@swifthomesinc.com; kent.mcniece@gmail.com  
**Subject:** Re: Lot 19 Bella Oaks

John can you tell me who else is required to get a foundation only on residential. Seems SJVH got 15 courtesy's on residential. They could not have built 15 homes under model policy.

Sent from my iPhone

On Aug 16, 2018, at 12:11 PM, John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)> wrote:

When do you plan on picking up foundation only permit for lot 19 at Bella Oaks that is already poured?

John Karlie  
Chief Building Official  
City of Tulare

## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Thursday, August 23, 2018 5:08 PM  
**To:** John Karlie  
**Cc:** iucy@swifthomesinc.com; Kent McNiece  
**Subject:** Re: Oak Creek 2 Plan Check

Thanks John please copy Trampas at

[Trampas@swifthomesinc.com](mailto:Trampas@swifthomesinc.com)

Sent from my iPhone

On Aug 23, 2018, at 3:45 PM, John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)> wrote:

Oak Creek 2 Building Plan check. See attachment  
<2573\_001.pdf>

## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Monday, September 24, 2018 9:53 AM  
**To:** John Karlie  
**Cc:** trampas@swifthomesinc.com; Josh McDonnell  
**Subject:** Re: 2590 Diamante Ct.

No they have not. The garage has only a swamp cooler. It is a showroom for motorcycles. I will revise the plan to show the garage doors removed with a few windows and a double door to allow the bikes to be rolled in. Not sure what your talking about on other garage.

Funny you been there over 50 times and now this pops up all the sudden

Sent from my iPhone

On Sep 24, 2018, at 9:30 AM, John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)> wrote:

Greg,

It has come to our attention that the two garages have been converted to living space. Also the square footage for building permit number BLD-14-03630 is not correct, the hallway is not included. The bowling alley is not included also. Please submit plans for the changes.

John Karlie  
Chief Building Official  
City of Tulare

<mime-attachment>

<mime-attachment>

<mime-attachment>

## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Monday, September 24, 2018 11:03 AM  
**To:** John Karlie  
**Cc:** trampas@swifthomesinc.com; Josh McDonnell  
**Subject:** Re: 2590 Diamante Ct.

John is a swamp cooler in a garage/room conditioned. You signed off all framing and Lathe and everything else and said this was not a problem before to remove the door and add the double door and windows. It's under the same beam. This will be a workout room not with AC. What you want me to call on plans. As for the other garage I see now we are changing that to conditioned space. Along with you can see the bowling alley as being called on your plans future part of next permit. We will put a name "bowling alley" on this. What else do you want to get done?  
The late garage/Shop is finalized, the Rv garage is finalized, the space in Shop/garage is finalized and bell tower is finalized. There is 5 open permits on this house correct?

Sent from my iPhone

On Sep 24, 2018, at 10:13 AM, John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)> wrote:

We have until final for code compliance.

**From:** Greg Nunley [<mailto:greg@swifthomesinc.com>]  
**Sent:** Monday, September 24, 2018 9:53 AM  
**To:** John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)>  
**Cc:** [trampas@swifthomesinc.com](mailto:trampas@swifthomesinc.com); Josh McDonnell <[jmcdonnell@tulare.ca.gov](mailto:jmcdonnell@tulare.ca.gov)>  
**Subject:** Re: 2590 Diamante Ct.

No they have not. The garage has only a swamp cooler. It is a showroom for motorcycles. I will revise the plan to show the garage doors removed with a few windows and a double door to allow the bikes to be rolled in.

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John Karlie  
Chief Building Official  
City of Tulare

<mime-attachment>



<mime-attachment>

<mime-attachment>

## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Wednesday, October 03, 2018 9:40 AM  
**To:** John Karlie  
**Cc:** iucy@swifthomesinc.com; trampas@swifthomesinc.com; Josh McDonnell; Mario U. Zamora; Willard Epps  
**Subject:** Re: 2590 Diamante

John there is a strongback joist at bearing point. This is normal on hip roof cut and stack.

For the insulation you know I have insulated the roof deck and will also the ceiling. Besides the fact for title 24 you know I have over a r-50 in my walls. At insulation inspection you can verify what you want. You know this.

As of now there is no reason not to give me a nailing inspection on roof and shear other than you just holding me up intentionally. I now will have rain coming in as it is suppose to rain tonite for this holdup.

Thanks!

Sent from my iPhone

On Oct 3, 2018, at 9:16 AM, John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)> wrote:

See attachment

<3074\_001.pdf>

## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Thursday, October 18, 2018 11:03 AM  
**To:** John Karlie; Willard Epps  
**Subject:** K5096837.2791.PDF  
**Attachments:** Mimecast Attachment Protection Instructions; K5096837.2791.pdf; ATT00001.txt

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

Here are the truss calcs I submitted  
Please use these

## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Thursday, October 18, 2018 9:08 PM  
**To:** John Karlie  
**Cc:** iucy@swifthomesinc.com; kent.mcniece@gmail.com; Willard Epps

John to be clear as discussed we can put back the 100amp electrical panels on bella Oaks on each unit. Right?

Sent from my iPhone

## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Friday, October 19, 2018 9:50 AM  
**To:** John Karlie  
**Cc:** Willard Epps; Mario U. Zamora; kent.mcniece@gmail.com; iucy@swifthomesinc.com  
**Subject:** Re: RE:

Lot 8&9.

Sent from my iPhone

> On Oct 19, 2018, at 8:55 AM, John Karlie <JKarlie@tulare.ca.gov> wrote:  
>  
> Which Bella Oaks?  
>  
> -----Original Message-----  
> From: Greg Nunley [mailto:greg@swifthomesinc.com]  
> Sent: Thursday, October 18, 2018 9:08 PM  
> To: John Karlie <JKarlie@tulare.ca.gov>  
> Cc: Lucy@swifthomesinc.com; kent.mcniece@gmail.com; Willard Epps <wepps@tulare.ca.gov>  
> Subject:  
>  
> John to be clear as discussed we can put back the 100amp electrical panels on bella Oaks on each unit. Right?  
>  
> Sent from my iPhone  
>  
>

## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Monday, October 22, 2018 10:41 AM  
**To:** John Karlie  
**Cc:** lucy@swifthomesinc.com; Mario U. Zamora; Willard Epps  
**Subject:** Re: 2590 Diamante, well

i guess when the city issued the permit we were suppose to use a straw to suck after out of the approved well??? After a year and you being there over 100 times now you want to say something. Like the gas line trench you stepped over several times and almost fell in once in front of Luis, me, tom, victor, and Shane. The same gas line you have signed three permit cards rough gas???

Sent from my iPhone

On Oct 18, 2018, at 7:24 AM, John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)> wrote:

It has come to our attention that your well was installed without an electrical permit, nor was it inspected. Please obtain an electrical permit and call for inspection.

John Karlie  
Chief Building Official  
City of Tulare

## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Monday, October 22, 2018 10:42 AM  
**To:** John Karlie  
**Cc:** Willard Epps; Mario U. Zamora  
**Subject:** Re: RE:

I need a answer on the panels. The 100 amp is fine correct? As of now your holding up my job again with not telling me I can place the 100 amp per unit like you said we could.

Sent from my iPhone

> On Oct 19, 2018, at 8:55 AM, John Karlie <JKarlie@tulare.ca.gov> wrote:

>

> Which Bella Oaks?

>

> -----Original Message-----

> From: Greg Nunley [mailto:greg@swifthomesinc.com]

> Sent: Thursday, October 18, 2018 9:08 PM

> To: John Karlie <JKarlie@tulare.ca.gov>

> Cc: lucy@swifthomesinc.com; kent.mcniece@gmail.com; Willard Epps <wepps@tulare.ca.gov>

> Subject:

>

> John to be clear as discussed we can put back the 100amp electrical panels on bella Oaks on each unit. Right?

>

> Sent from my iPhone

>

>

## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Monday, October 22, 2018 10:43 AM  
**To:** John Karlie  
**Cc:** lucy@swifthomesinc.com; trampas@swifthomesinc.com; Ninfa Conde; Lucie Brown; Mario U. Zamora; Willard Epps  
**Subject:** Re: 2433 Diamante

Have you signed the truss calcs or did you lose again?

Sent from my iPhone

On Oct 18, 2018, at 8:03 AM, John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)> wrote:

Still do not have correct truss calc revision. You submitted plans and engineering we do not need. Please submit the correct revision.

John Karlie  
Chief Building official  
City of Tulare



## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Monday, October 22, 2018 12:24 PM  
**To:** John Karlie  
**Cc:** lucy@swifthomesinc.com; Mario U. Zamora; Willard Epps  
**Subject:** Re: 2590 Diamante, well

Where have you ever signed a exterior gas line and where do you sign on a permit card. There is no line. Maybe fix permit card

Sent from my iPhone

On Oct 22, 2018, at 12:06 PM, John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)> wrote:

Never signed exterior gas line. Rough gas is the building gas line.

**From:** Greg Nunley [<mailto:greg@swifthomesinc.com>]  
**Sent:** Monday, October 22, 2018 10:41 AM  
**To:** John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)>  
**Cc:** [lucy@swifthomesinc.com](mailto:lucy@swifthomesinc.com); Mario U. Zamora <[zamora@griswoldlasalle.com](mailto:zamora@griswoldlasalle.com)>; Willard Epps <[wepps@tulare.ca.gov](mailto:wepps@tulare.ca.gov)>  
**Subject:** Re: 2590 Diamante, well

I guess when the city issued the permit we were suppose to use a straw to suck after out of the approved well??? After a year and you being there over 100 times now you want to say something. Like the gas line trench you stepped over several times and almost fell in once in front of Luis, me, tom, victor, and Shane. The same gas line you have signed three permit cards rough gas???

Sent from my iPhone

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It has come to our attention that your well was installed without an electrical permit, nor was it inspected. Please obtain an electrical permit and call for inspection.

John Karlie  
Chief Building Official  
City of Tulare

## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Monday, October 22, 2018 12:25 PM  
**To:** John Karlie  
**Cc:** Willard Epps; Mario U. Zamora  
**Subject:** Re: RE: RE:

So I can do 2 100 amp Panels?

Sent from my iPhone

> On Oct 22, 2018, at 12:05 PM, John Karlie <JKarlie@tulare.ca.gov> wrote:

>  
> Same answer you were told about a year ago.  
>  
> -----Original Message-----  
> From: Greg Nunley [mailto:greg@swifthomesinc.com]  
> Sent: Monday, October 22, 2018 10:42 AM  
> To: John Karlie <JKarlie@tulare.ca.gov>  
> Cc: Willard Epps <wepps@tulare.ca.gov>; Mario U. Zamora <zamora@griswoldlasalle.com>  
> Subject: Re: RE:

> I need a answer on the panels. The 100 amp is fine correct? As of now your holding up my job again with not telling me I can place the 100 amp per unit like you said we could.

> Sent from my iPhone

>> On Oct 19, 2018, at 8:55 AM, John Karlie <JKarlie@tulare.ca.gov> wrote:

>> Which Bella Oaks?

>> -----Original Message-----

>> From: Greg Nunley [mailto:greg@swifthomesinc.com]  
>> Sent: Thursday, October 18, 2018 9:08 PM  
>> To: John Karlie <JKarlie@tulare.ca.gov>  
>> Cc: lucy@swifthomesinc.com; kent.mcniece@gmail.com; Willard Epps <wepps@tulare.ca.gov>  
>> Subject:

>> John to be clear as discussed we can put back the 100amp electrical panels on bella Oaks on each unit. Right?

>> Sent from my iPhone

>>  
>>  
>  
>

## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Monday, October 22, 2018 12:44 PM  
**To:** John Karlie  
**Cc:** lucy@swifthomesinc.com; Mario U. Zamora; Willard Epps; Josh McDonnell  
**Subject:** [SUSPICIOUS EXTERNAL MESSAGE] Re: 2590 Diamante, well

**\*\*This Message contains suspicious characteristics and has originated outside the City of Tulare network, exercise extreme caution.\*\***

---

I don't have a generator. And no I didn't.

Sent from my iPhone

On Oct 22, 2018, at 12:40 PM, John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)> wrote:

Get a permit for the electrical. Provide min. 36" clearance in front of electrical panel , your tree is in the way. You never requested an inspection, If you remember correctly the first time I noticed the underground gas line it was covered up and I asked where the tracer wire was and you said it was buried. You even admitted in front of Steve Hammond an I that I never saw the underground gas to your generator.

**From:** Greg Nunley [<mailto:greg@swifthomesinc.com>]  
**Sent:** Monday, October 22, 2018 10:41 AM  
**To:** John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)>  
**Cc:** [lucy@swifthomesinc.com](mailto:lucy@swifthomesinc.com); Mario U. Zamora <[zamora@griswoldlasalle.com](mailto:zamora@griswoldlasalle.com)>; Willard Epps <[wepps@tulare.ca.gov](mailto:wepps@tulare.ca.gov)>  
**Subject:** Re: 2590 Diamante, well

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Sent from my iPhone

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John Karlie  
Chief Building Official  
City of Tulare

## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Monday, October 22, 2018 1:05 PM  
**To:** John Karlie  
**Cc:** lucy@swifthomesinc.com; Mario U. Zamora; Willard Epps; Josh McDonnell  
**Subject:** Re: [SUSPICIOUS EXTERNAL MESSAGE] Re: 2590 Diamante, well

**\*\*This Message contains suspicious characteristics and has originated outside the City of Tulare network, exercise extreme caution.\*\***

---

What photo? Have I applied for a generator permit?

Sent from my iPhone

On Oct 22, 2018, at 1:03 PM, John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)> wrote:

What is in the photo? You told us it was for you generator.

**From:** Greg Nunley [<mailto:greg@swifthomesinc.com>]  
**Sent:** Monday, October 22, 2018 12:44 PM  
**To:** John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)>  
**Cc:** [lucy@swifthomesinc.com](mailto:lucy@swifthomesinc.com); Mario U. Zamora <[zamora@griswoldlasalle.com](mailto:zamora@griswoldlasalle.com)>; Willard Epps <[wepps@tulare.ca.gov](mailto:wepps@tulare.ca.gov)>; Josh McDonnell <[jmcdonnell@tulare.ca.gov](mailto:jmcdonnell@tulare.ca.gov)>  
**Subject:** [SUSPICIOUS EXTERNAL MESSAGE] Re: 2590 Diamante, well

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**Cc:** [lucy@swifthomesinc.com](mailto:lucy@swifthomesinc.com); Mario U. Zamora <[zamora@griswoldlasalle.com](mailto:zamora@griswoldlasalle.com)>; Willard

Epps <[wepps@tulare.ca.gov](mailto:wepps@tulare.ca.gov)>

**Subject:** Re: 2590 Diamante, well

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John Karlie  
Chief Building Official  
City of Tulare

<IMG\_5366.jpg>

## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Monday, October 22, 2018 1:08 PM  
**To:** John Karlie  
**Cc:** Willard Epps; Mario U. Zamora  
**Subject:** Re: RE: RE:

I need a answer on this question. I can do 2 - 100 amp Panels correct John. Bella Oaks lot 8&9 ?

Sent from my iPhone

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>

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>

> Sent from my iPhone

>

>> On Oct 22, 2018, at 12:05 PM, John Karlie <JKarlie@tulare.ca.gov> wrote:

>>

>> Same answer you were told about a year ago.

>>

>> -----Original Message-----

>> From: Greg Nunley [mailto:greg@swifthomesinc.com]

>> Sent: Monday, October 22, 2018 10:42 AM

>> To: John Karlie <JKarlie@tulare.ca.gov>

>> Cc: Willard Epps <wepps@tulare.ca.gov>; Mario U. Zamora <zamora@griswoldlasalle.com>

>> Subject: Re: RE:

>>

>> I need a answer on the panels. The 100 amp is fine correct? As of now your holding up my job again with not telling me I can place the 100 amp per unit like you said we could.

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>>

>>> On Oct 19, 2018, at 8:55 AM, John Karlie <JKarlie@tulare.ca.gov> wrote:

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>>> Which Bella Oaks?

>>>

>>> -----Original Message-----

>>> From: Greg Nunley [mailto:greg@swifthomesinc.com]

>>> Sent: Thursday, October 18, 2018 9:08 PM

>>> To: John Karlie <JKarlie@tulare.ca.gov>

>>> Cc: lucy@swifthomesinc.com; kent.mcniece@gmail.com; Willard Epps <wepps@tulare.ca.gov>

>>> Subject:

>>>

>>> John to be clear as discussed we can put back the 100amp electrical panels on bella Oaks on each unit. Right?

>>>

>>> Sent from my iPhone

>>>

>>>

∨  
∨

## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Monday, October 22, 2018 1:52 PM  
**To:** John Karlie  
**Cc:** lucy@swifthomesinc.com; Mario U. Zamora; Willard Epps; Josh McDonnell  
**Subject:** Re: [SUSPICIOUS EXTERNAL MESSAGE] Re: 2590 Diamante, well

**\*\*This Message contains suspicious characteristics and has originated outside the City of Tulare network, exercise extreme caution.\*\***

---

Not for a generator.

Sent from my iPhone

On Oct 22, 2018, at 1:50 PM, John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)> wrote:

[This photo](#)

**From:** Greg Nunley [<mailto:greg@swifthomesinc.com>]  
**Sent:** Monday, October 22, 2018 1:05 PM  
**To:** John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)>  
**Cc:** [lucy@swifthomesinc.com](mailto:lucy@swifthomesinc.com); Mario U. Zamora <[zamora@griswoldlasalle.com](mailto:zamora@griswoldlasalle.com)>; Willard Epps <[wepps@tulare.ca.gov](mailto:wepps@tulare.ca.gov)>; Josh McDonnell <[jmcdonnell@tulare.ca.gov](mailto:jmcdonnell@tulare.ca.gov)>  
**Subject:** Re: [SUSPICIOUS EXTERNAL MESSAGE] Re: 2590 Diamante, well

**\*\*This Message contains suspicious characteristics and has originated outside the City of Tulare network, exercise extreme caution.\*\***

---

What photo? Have I applied for a generator permit?

Sent from my iPhone

On Oct 22, 2018, at 1:03 PM, John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)> wrote:

[What is in the photo? You told us it was for you generator.](#)

**From:** Greg Nunley [<mailto:greg@swifthomesinc.com>]  
**Sent:** Monday, October 22, 2018 12:44 PM  
**To:** John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)>  
**Cc:** [lucy@swifthomesinc.com](mailto:lucy@swifthomesinc.com); Mario U. Zamora <[zamora@griswoldlasalle.com](mailto:zamora@griswoldlasalle.com)>; Willard Epps <[wepps@tulare.ca.gov](mailto:wepps@tulare.ca.gov)>; Josh McDonnell <[jmcdonnell@tulare.ca.gov](mailto:jmcdonnell@tulare.ca.gov)>  
**Subject:** [SUSPICIOUS EXTERNAL MESSAGE] Re: 2590 Diamante, well

**\*\*This Message contains suspicious characteristics and has originated outside the City of Tulare network, exercise extreme caution.\*\***



---

I don't have a generator. And no I didn't.

Sent from my iPhone

On Oct 22, 2018, at 12:40 PM, John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)> wrote:

Get a permit for the electrical. Provide min. 36" clearance in front of electrical panel , your tree is in the way. You never requested an inspection, If you remember correctly the first time I noticed the underground gas line it was covered up and I asked where the tracer wire was and you said it was buried. You even admitted in front of Steve Hammond an I that I never saw the underground gas to your generator.

**From:** Greg Nunley [<mailto:greg@swifthomesinc.com>]

**Sent:** Monday, October 22, 2018 10:41 AM

**To:** John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)>

**Cc:** [lucy@swifthomesinc.com](mailto:lucy@swifthomesinc.com); Mario U. Zamora <[zamora@griswoldlasalle.com](mailto:zamora@griswoldlasalle.com)>; Willard Epps <[wepps@tulare.ca.gov](mailto:wepps@tulare.ca.gov)>

**Subject:** Re: 2590 Diamante, well

I guess when the city issued the permit we were suppose to use a straw to suck after out of the approved well??? After a year and you being there over 100 times now you want to say something. Like the gas line trench you stepped over several times and almost fell in once in front of Luis, me, tom, victor, and Shane. The same gas line you have signed three permit cards rough gas???

Sent from my iPhone

On Oct 18, 2018, at 7:24 AM, John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)> wrote:

It has come to our attention that your well was installed without an electrical permit, nor was it inspected. Please obtain an electrical permit and call for inspection.

John Karlie  
Chief Building Official  
City of Tulare

<IMG\_5366.jpg>

<IMG\_5366.jpg>

## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Monday, October 22, 2018 1:53 PM  
**To:** John Karlie  
**Cc:** Willard Epps; Mario U. Zamora  
**Subject:** Re: RE: RE:

Can you answer this question please. This is holding up my job.

>  
> I need a answer on this question. I can do 2 - 100 amp Panels correct John. Bella Oaks lot 8&9 ?

>  
> Sent from my iPhone

>  
>> On Oct 22, 2018, at 12:24 PM, Greg Nunley <greg@swifthomesinc.com> wrote:

>>  
>> So I can do 2 100 amp Panels?

>>  
>> Sent from my iPhone

>>  
>>> On Oct 22, 2018, at 12:05 PM, John Karlie <JKarlie@tulare.ca.gov> wrote:

>>>  
>>> Same answer you were told about a year ago.

>>>  
>>> -----Original Message-----

>>> From: Greg Nunley [mailto:greg@swifthomesinc.com]  
>>> Sent: Monday, October 22, 2018 10:42 AM  
>>> To: John Karlie <JKarlie@tulare.ca.gov>  
>>> Cc: Willard Epps <wepps@tulare.ca.gov>; Mario U. Zamora <zamora@griswoldlasalle.com>  
>>> Subject: Re: RE:

>>>  
>>> I need a answer on the panels. The 100 amp is fine correct? As of now your holding up my job again with not telling me I can place the 100 amp per unit like you said we could.

>>>  
>>> Sent from my iPhone

>>>  
>>>> On Oct 19, 2018, at 8:55 AM, John Karlie <JKarlie@tulare.ca.gov> wrote:

>>>>  
>>>> Which Bella Oaks?

>>>>  
>>>> -----Original Message-----

>>>> From: Greg Nunley [mailto:greg@swifthomesinc.com]  
>>>> Sent: Thursday, October 18, 2018 9:08 PM  
>>>> To: John Karlie <JKarlie@tulare.ca.gov>  
>>>> Cc: lucy@swifthomesinc.com; kent.mcnicie@gmail.com; Willard Epps <wepps@tulare.ca.gov>  
>>>> Subject:

>>>>  
>>>> John to be clear as discussed we can put back the 100amp electrical panels on bella Oaks on each unit. Right?

>>>>  
>>>> Sent from my iPhone

>>>>  
>>>>  
>>>  
>>

## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Monday, October 22, 2018 2:05 PM  
**To:** John Karlie  
**Cc:** Willard Epps; Mario U. Zamora; Josh McDonnell  
**Subject:** Re: RE: RE: RE:

We want to use 2 100 amp Panels. That gets us to 200 amps per building per code. That's right correct?

Sent from my iPhone

> On Oct 22, 2018, at 1:59 PM, John Karlie <JKarlie@tulare.ca.gov> wrote:  
>  
> As you have done in the past, 2 100amp panels originating from a 200 amp panel  
>  
> -----Original Message-----  
> From: Greg Nunley [mailto:greg@swifthomesinc.com]  
> Sent: Monday, October 22, 2018 1:53 PM  
> To: John Karlie <JKarlie@tulare.ca.gov>  
> Cc: Willard Epps <wepps@tulare.ca.gov>; Mario U. Zamora <zamora@griswoldlasalle.com>  
> Subject: Re: RE: RE:  
>  
> Can you answer this question please. This is holding up my job.  
>>  
>> I need a answer on this question. I can do 2 - 100 amp Panels correct John. Bella Oaks lot 8&9 ?  
>>  
>> Sent from my iPhone  
>>  
>>> On Oct 22, 2018, at 12:24 PM, Greg Nunley <greg@swifthomesinc.com> wrote:  
>>>  
>>> So I can do 2 100 amp Panels?  
>>>  
>>> Sent from my iPhone  
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>>>> On Oct 22, 2018, at 12:05 PM, John Karlie <JKarlie@tulare.ca.gov> wrote:  
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>>>> Same answer you were told about a year ago.  
>>>>  
>>>> -----Original Message-----  
>>>> From: Greg Nunley [mailto:greg@swifthomesinc.com]  
>>>> Sent: Monday, October 22, 2018 10:42 AM  
>>>> To: John Karlie <JKarlie@tulare.ca.gov>  
>>>> Cc: Willard Epps <wepps@tulare.ca.gov>; Mario U. Zamora <zamora@griswoldlasalle.com>  
>>>> Subject: Re: RE:  
>>>>  
>>>> I need a answer on the panels. The 100 amp is fine correct? As of now your holding up my job again with not telling me I can place the 100 amp per unit like you said we could.  
>>>>  
>>>> Sent from my iPhone

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>>>>> On Oct 19, 2018, at 8:55 AM, John Karlie <JKarlie@tulare.ca.gov> wrote:

>>>>>

>>>>> Which Bella Oaks?

>>>>>

>>>>> -----Original Message-----

>>>>> From: Greg Nunley [mailto:greg@swifthomesinc.com]

>>>>> Sent: Thursday, October 18, 2018 9:08 PM

>>>>> To: John Karlie <JKarlie@tulare.ca.gov>

>>>>> Cc: lucy@swifthomesinc.com; kent.mcnicie@gmail.com; Willard Epps <wepps@tulare.ca.gov>

>>>>> Subject:

>>>>>

>>>>> John to be clear as discussed we can put back the 100amp electrical panels on bella Oaks on each unit. Right?

>>>>>

>>>>> Sent from my iPhone

>>>>>

>>>>>

>>>>

>>>>

>

>

## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Monday, October 22, 2018 2:22 PM  
**To:** John Karlie  
**Cc:** j.wilkins@wdcrlp.com  
**Subject:** Re: [SUSPICIOUS EXTERNAL MESSAGE] Re: 2590 Diamante, well

**\*\*This Message contains suspicious characteristics and has originated outside the City of Tulare network, exercise extreme caution.\*\***

---

I didn't say that and i am done with this conversation

Sent from my iPhone

On Oct 22, 2018, at 1:53 PM, John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)> wrote:

That is what you told us What is it for?

**From:** Greg Nunley [<mailto:greg@swifthomesinc.com>]  
**Sent:** Monday, October 22, 2018 1:52 PM  
**To:** John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)>  
**Cc:** [lucy@swifthomesinc.com](mailto:lucy@swifthomesinc.com); Mario U. Zamora <[zamora@griswoldlasalle.com](mailto:zamora@griswoldlasalle.com)>; Willard Epps <[wepps@tulare.ca.gov](mailto:wepps@tulare.ca.gov)>; Josh McDonnell <[jmcdonnell@tulare.ca.gov](mailto:jmcdonnell@tulare.ca.gov)>  
**Subject:** Re: [SUSPICIOUS EXTERNAL MESSAGE] Re: 2590 Diamante, well

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---

Not for a generator.

Sent from my iPhone

On Oct 22, 2018, at 1:50 PM, John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)> wrote:

This photo

**From:** Greg Nunley [<mailto:greg@swifthomesinc.com>]  
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**To:** John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)>  
**Cc:** [lucy@swifthomesinc.com](mailto:lucy@swifthomesinc.com); Mario U. Zamora <[zamora@griswoldlasalle.com](mailto:zamora@griswoldlasalle.com)>; Willard Epps <[wepps@tulare.ca.gov](mailto:wepps@tulare.ca.gov)>; Josh McDonnell <[jmcdonnell@tulare.ca.gov](mailto:jmcdonnell@tulare.ca.gov)>  
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What photo? Have I applied for a generator permit?

Sent from my iPhone

On Oct 22, 2018, at 1:03 PM, John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)> wrote:

What is in the photo? You told us it was for you generator.

**From:** Greg Nunley [<mailto:greg@swifthomesinc.com>]  
**Sent:** Monday, October 22, 2018 12:44 PM  
**To:** John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)>  
**Cc:** [lucy@swifthomesinc.com](mailto:lucy@swifthomesinc.com); Mario U. Zamora <[zamora@griswoldlasalle.com](mailto:zamora@griswoldlasalle.com)>; Willard Epps <[wepps@tulare.ca.gov](mailto:wepps@tulare.ca.gov)>; Josh McDonnell <[jmcdonnell@tulare.ca.gov](mailto:jmcdonnell@tulare.ca.gov)>  
**Subject:** [SUSPICIOUS EXTERNAL MESSAGE] Re: 2590 Diamante, well

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---

I don't have a generator. And no I didn't.

Sent from my iPhone

On Oct 22, 2018, at 12:40 PM, John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)> wrote:

Get a permit for the electrical. Provide min. 36" clearance in front of electrical panel , your tree is in the way. You never requested an inspection, If you remember correctly the first time I noticed the underground gas line it was covered up and I asked where the tracer wire was and you said it was buried. You even admitted in front of Steve Hammond an I that I never saw the underground gas to your generator.

**From:** Greg Nunley [<mailto:greg@swifthomesinc.com>]  
**Sent:** Monday, October 22, 2018 10:41 AM  
**To:** John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)>  
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**Subject:** Re: 2590 Diamante, well

I guess when the city issued the permit we were suppose to use a straw to suck after out of the approved well??? After a year and you being there over 100 times now you want to say something.

Like the gas line trench you stepped over several times and almost fell in once in front of Luis, me, tom, victor, and Shane. The same gas line you have signed three permit cards rough gas???

Sent from my iPhone

On Oct 18, 2018, at 7:24 AM, John Karlie  
<[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)> wrote:

It has come to our attention that your well was installed without an electrical permit, nor was it inspected. Please obtain an electrical permit and call for inspection.

John Karlie  
Chief Building Official  
City of Tulare

<IMG\_5366.jpg>

<IMG\_5366.jpg>



## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Monday, October 22, 2018 2:44 PM  
**To:** John Karlie  
**Cc:** Willard Epps; Mario U. Zamora  
**Subject:** Re: RE: RE: RE: RE:

Show me in the code this is a fact. Completely different from what's been done in past and what you signed off on rough frame including electrical. All code required is 200 Amps. At this point I want a state building official to give there opinion.

Sent from my iPhone

> On Oct 22, 2018, at 2:22 PM, John Karlie <JKarlie@tulare.ca.gov> wrote:

>

> no

>

> -----Original Message-----

> From: Greg Nunley [mailto:greg@swifthomesinc.com]

> Sent: Monday, October 22, 2018 2:05 PM

> To: John Karlie <JKarlie@tulare.ca.gov>

> Cc: Willard Epps <wepps@tulare.ca.gov>; Mario U. Zamora <zamora@griswoldlasalle.com>; Josh McDonnell <jmcdonnell@tulare.ca.gov>

> Subject: Re: RE: RE: RE:

>

> We want to use 2 100 amp Panels. That gets us to 200 amps per building per code. That's right correct?

>

> Sent from my iPhone

>

>> On Oct 22, 2018, at 1:59 PM, John Karlie <JKarlie@tulare.ca.gov> wrote:

>>

>> As you have done in the past, 2 100amp panels originating from a 200 amp panel

>>

>> -----Original Message-----

>> From: Greg Nunley [mailto:greg@swifthomesinc.com]

>> Sent: Monday, October 22, 2018 1:53 PM

>> To: John Karlie <JKarlie@tulare.ca.gov>

>> Cc: Willard Epps <wepps@tulare.ca.gov>; Mario U. Zamora <zamora@griswoldlasalle.com>

>> Subject: Re: RE: RE:

>>

>> Can you answer this question please. This is holding up my job.

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>>> I need a answer on this question. I can do 2 - 100 amp Panels correct John. Bella Oaks lot 8&9 ?

>>>

>>> Sent from my iPhone

>>>

>>>> On Oct 22, 2018, at 12:24 PM, Greg Nunley <greg@swifthomesinc.com> wrote:

>>>>

>>>> So I can do 2 100 amp Panels?

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>>>>> On Oct 22, 2018, at 12:05 PM, John Karlie <JKarlie@tulare.ca.gov> wrote:

>>>>>

>>>>> Same answer you were told about a year ago.

>>>>>

>>>>> -----Original Message-----

>>>>> From: Greg Nunley [mailto:greg@swifthomesinc.com]

>>>>> Sent: Monday, October 22, 2018 10:42 AM

>>>>> To: John Karlie <JKarlie@tulare.ca.gov>

>>>>> Cc: Willard Epps <wepps@tulare.ca.gov>; Mario U. Zamora <zamora@griswoldlasalle.com>

>>>>> Subject: Re: RE:

>>>>>

>>>>> I need a answer on the panels. The 100 amp is fine correct? As of now your holding up my job again with not telling me I can place the 100 amp per unit like you said we could.

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>>>>> Sent from my iPhone

>>>>>

>>>>>> On Oct 19, 2018, at 8:55 AM, John Karlie <JKarlie@tulare.ca.gov> wrote:

>>>>>>

>>>>>> Which Bella Oaks?

>>>>>>

>>>>>> -----Original Message-----

>>>>>> From: Greg Nunley [mailto:greg@swifthomesinc.com]

>>>>>> Sent: Thursday, October 18, 2018 9:08 PM

>>>>>> To: John Karlie <JKarlie@tulare.ca.gov>

>>>>>> Cc: lucy@swifthomesinc.com; kent.mcniece@gmail.com; Willard Epps <wepps@tulare.ca.gov>

>>>>>> Subject:

>>>>>>

>>>>>> John to be clear as discussed we can put back the 100amp electrical panels on bella Oaks on each unit. Right?

>>>>>>

>>>>>> Sent from my iPhone

>>>>>>

>>>>>>

>>>>>>

>>>>>>

>>

>>

>

## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Monday, October 22, 2018 2:46 PM  
**To:** John Karlie  
**Cc:** Willard Epps; Mario U. Zamora; j.wilkins@wdciip.com  
**Subject:** Re: RE: RE: RE: RE:

Just so we are clear your saying I cannot have 1 - 100 amp metered service per unit this making the 200 amp per building requirement ?

Sent from my iPhone

> On Oct 22, 2018, at 2:22 PM, John Karlie <JKarlie@tulare.ca.gov> wrote:

>

> no

>

> -----Original Message-----

> From: Greg Nunley [mailto:greg@swifthomesinc.com]

> Sent: Monday, October 22, 2018 2:05 PM

> To: John Karlie <JKarlie@tulare.ca.gov>

> Cc: Willard Epps <wepps@tulare.ca.gov>; Mario U. Zamora <zamora@griswoldlasalle.com>; Josh McDonnell <jmcdonnell@tulare.ca.gov>

> Subject: Re: RE: RE: RE:

>

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>> As you have done in the past, 2 100amp panels originating from a 200 amp panel

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>> -----Original Message-----

>> From: Greg Nunley [mailto:greg@swifthomesinc.com]

>> Sent: Monday, October 22, 2018 1:53 PM

>> To: John Karlie <JKarlie@tulare.ca.gov>

>> Cc: Willard Epps <wepps@tulare.ca.gov>; Mario U. Zamora <zamora@griswoldlasalle.com>

>> Subject: Re: RE: RE:

>>

>> Can you answer this question please. This is holding up my job.

>>>

>>> I need a answer on this question. I can do 2 - 100 amp Panels correct John. Bella Oaks lot 8&9 ?

>>>

>>> Sent from my iPhone

>>>

>>>> On Oct 22, 2018, at 12:24 PM, Greg Nunley <greg@swifthomesinc.com> wrote:

>>>>

>>>> So I can do 2 100 amp Panels?

>>>>

>>>> Sent from my iPhone

>>>>

>>>>> On Oct 22, 2018, at 12:05 PM, John Karlie <JKarlie@tulare.ca.gov> wrote:

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>>>>> Same answer you were told about a year ago.

>>>>>

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>>>>> Sent: Monday, October 22, 2018 10:42 AM

>>>>> To: John Karlie <JKarlie@tulare.ca.gov>

>>>>> Cc: Willard Epps <wepps@tulare.ca.gov>; Mario U. Zamora <zamora@griswoldlasalle.com>

>>>>> Subject: Re: RE:

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>>>>> I need a answer on the panels. The 100 amp is fine correct? As of now your holding up my job again with not telling me I can place the 100 amp per unit like you said we could.

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>>>>>> To: John Karlie <JKarlie@tulare.ca.gov>

>>>>>> Cc: lucy@swifthomesinc.com; kent.mcniece@gmail.com; Willard Epps <wepps@tulare.ca.gov>

>>>>>> Subject:

>>>>>>

>>>>>> John to be clear as discussed we can put back the 100amp electrical panels on bella Oaks on each unit. Right?

>>>>>>

>>>>>> Sent from my iPhone

>>>>>>

>>>>>>

>>>>>>

>>>>>>

>>

>>

>

## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Wednesday, October 24, 2018 11:15 AM  
**To:** John Karlie  
**Cc:** Mario U. Zamora; Willard Epps  
**Attachments:** IMG\_6997.jpg; ATT00001.txt

Tree is 4' like it was when you looked at it. We trimmed branches back because they grew down close since it's been over a year there. Tree is 4 years old also.

## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Wednesday, October 24, 2018 1:43 PM  
**To:** John Karlie  
**Cc:** Mario U. Zamora; Willard Epps; Josh McDonnell; j.wilkins@wdcllp.com  
**Subject:** Re: RE:

It was trimmed when you looked at this a year ago. Not trimming any more.

Sent from my iPhone

> On Oct 24, 2018, at 1:30 PM, John Karlie <JKarlie@tulare.ca.gov> wrote:

>

> Keep trimming up to 6'5". Still needs a permit and inspection.

>

> -----Original Message-----

> From: Greg Nunley [mailto:greg@swifthomesinc.com]

> Sent: Wednesday, October 24, 2018 11:15 AM

> To: John Karlie <JKarlie@tulare.ca.gov>

> Cc: Mario U. Zamora <zamora@griswoldlasalle.com>; Willard Epps <wepps@tulare.ca.gov>

> Subject:

>

> Tree is 4' like it was when you looked at it. We trimmed branches back because they grew down close since it's been over a year there. Tree is 4 years old also.

>

## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Wednesday, October 24, 2018 2:16 PM  
**To:** John Karlie  
**Cc:** Mario U. Zamora; Willard Epps; Josh McDonnell; j.wilkins@wdcflp.com  
**Subject:** Re: RE: RE:

We called for a rough plumb. Why did you go look at well.

This the same trip three of my subs heard you telling Steve in the rest of house what to "nail me on"

Sent from my iPhone

> On Oct 24, 2018, at 2:13 PM, John Karlie <JKarlie@tulare.ca.gov> wrote:

>

> Was not trimmed when Steve and I were there on 10/17/2018. Please obtain an electrical permit and call for inspection. See attachment

>

> -----Original Message-----

> From: Greg Nunley [mailto:greg@swifthomesinc.com]

> Sent: Wednesday, October 24, 2018 1:43 PM

> To: John Karlie <JKarlie@tulare.ca.gov>

> Cc: Mario U. Zamora <zamora@griswoldlasalle.com>; Willard Epps <wepps@tulare.ca.gov>; Josh McDonnell <jmcdonnell@tulare.ca.gov>; j.wilkins@wdcflp.com

> Subject: Re: RE:

>

> It was trimmed when you looked at this a year ago. Not trimming any more.

>

> Sent from my iPhone

>

>> On Oct 24, 2018, at 1:30 PM, John Karlie <JKarlie@tulare.ca.gov> wrote:

>>

>> Keep trimming up to 6'6". Still needs a permit and inspection.

>>

>> -----Original Message-----

>> From: Greg Nunley [mailto:greg@swifthomesinc.com]

>> Sent: Wednesday, October 24, 2018 11:15 AM

>> To: John Karlie <JKarlie@tulare.ca.gov>

>> Cc: Mario U. Zamora <zamora@griswoldlasalle.com>; Willard Epps <wepps@tulare.ca.gov>

>> Subject:

>>

>> Tree is 4' like it was when you looked at it. We trimmed branches back because they grew down close since it's been over a year there. Tree is 4 years old also.

>>

>

> <3326\_001.pdf>

## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Wednesday, October 24, 2018 2:28 PM  
**To:** John Karlie  
**Cc:** Mario U. Zamora; Willard Epps; j.wilkins@wdclip.com; iucy@swifthomesinc.com; kent.mcniece@gmail.com  
**Subject:** Re: RE: RE: RE:

Three people heard you.

Last inspection we called was a braced wall, rough plumb for Monday the 15. Why was you there the 17th??? You weren't invited?

Sent from my iPhone

> On Oct 24, 2018, at 2:23 PM, John Karlie <JKarlie@tulare.ca.gov> wrote:

>

> Never said that.

>

> -----Original Message-----

> From: Greg Nunley [mailto:greg@swifthomesinc.com]

> Sent: Wednesday, October 24, 2018 2:16 PM

> To: John Karlie <JKarlie@tulare.ca.gov>

> Cc: Mario U. Zamora <zamora@griswoldlasalle.com>; Willard Epps <wepps@tulare.ca.gov>; Josh McDonnell <jmcdonnell@tulare.ca.gov>; j.wilkins@wdclip.com

> Subject: Re: RE: RE:

>

> We called for a rough plumb. Why did you go look at well.

> This the same trip three of my subs heard you telling Steve in the rest of house what to "nail me on"

>

> Sent from my iPhone

>

>> On Oct 24, 2018, at 2:13 PM, John Karlie <JKarlie@tulare.ca.gov> wrote:

>>

>> Was not trimmed when Steve and I were there on 10/17/2018. Please obtain an electrical permit and call for inspection. See attachment

>>

>> -----Original Message-----

>> From: Greg Nunley [mailto:greg@swifthomesinc.com]

>> Sent: Wednesday, October 24, 2018 1:43 PM

>> To: John Karlie <JKarlie@tulare.ca.gov>

>> Cc: Mario U. Zamora <zamora@griswoldlasalle.com>; Willard Epps <wepps@tulare.ca.gov>; Josh McDonnell <jmcdonnell@tulare.ca.gov>; j.wilkins@wdclip.com

>> Subject: Re: RE:

>>

>> It was trimmed when you looked at this a year ago. Not trimming any more.

>>

>> Sent from my iPhone

>>



>>> On Oct 24, 2018, at 1:30 PM, John Karlie <JKarlie@tulare.ca.gov> wrote:

>>>

>>> Keep trimming up to 6'6". Still needs a permit and inspection.

>>>

>>> -----Original Message-----

>>> From: Greg Nunley [mailto:greg@swifthomesinc.com]

>>> Sent: Wednesday, October 24, 2018 11:15 AM

>>> To: John Karlie <JKarlie@tulare.ca.gov>

>>> Cc: Mario U. Zamora <zamora@griswoldlasalle.com>; Willard Epps <wepps@tulare.ca.gov>

>>> Subject:

>>>

>>> Tree is 4' like it was when you looked at it. We trimmed branches back because they grew down close since it's been over a year there. Tree is 4 years old also.

>>>

>>

>> <3326\_001.pdf>

>

## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Wednesday, October 24, 2018 2:34 PM  
**To:** John Karlie  
**Cc:** Mario U. Zamora; Wiliard Epps; j.wilkins@wdcllp.com; iucy@swifthomesinc.com; kent.mcniece@gmail.com  
**Subject:** Re: RE: RE: RE:

WOW now on to more things that have been passed and in place for years.  
By the way those were submitted 2-1/2 weeks ago

Will it be normal now for you to sign things off and issue permits and then make me rip things out that you say on permit I can do?

I need to know so I can expect to pay more in ripping out things you do this to me on.

I love how you sign off Sheetrock and then make Kent rip it out and threaten to not sign off the nailing unless he tears what you approved out. Epic!

Seriously should I budget for a special line item called "Karlie mind change" on all my projects. Let me know how much I should budget for.

Sent from my iPhone

> On Oct 24, 2018, at 2:27 PM, John Karlie <JKarlie@tulare.ca.gov> wrote:

>

> Please obtain permits for the electrical on the well, two garage conversions, bowling alley, room and closets that second set of stairs lead to, and anything else you have done without permits. We have two permits ready for you to pick up.

>

> -----Original Message-----

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> To: John Karlie <JKarlie@tulare.ca.gov>

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> Subject: Re: RE: RE:

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> We called for a rough plumb. Why did you go look at well.

> This the same trip three of my subs heard you telling Steve in the rest of house what to "nail me on"

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> Sent from my iPhone

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>> Subject: Re: RE:

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>>> On Oct 24, 2018, at 1:30 PM, John Karlie <JKarlie@tulare.ca.gov> wrote:

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>>> Keep trimming up to 6'6". Still needs a permit and inspection.

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>>> Sent: Wednesday, October 24, 2018 11:15 AM

>>> To: John Karlie <JKarlie@tulare.ca.gov>

>>> Cc: Mario U. Zamora <zamora@griswoldlasalle.com>; Willard Epps <wepps@tulare.ca.gov>

>>> Subject:

>>>

>>> Tree is 4' like it was when you looked at it. We trimmed branches back because they grew down close since it's been over a year there. Tree is 4 years old also.

>>>

>>

>> <3326\_001.pdf>

>

## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Wednesday, October 24, 2018 2:40 PM  
**To:** John Karlie  
**Cc:** Mario U. Zamora; Willard Epps; j.wiikins@wdcllp.com; iucy@swifthomesinc.com; kent.mcniece@gmail.com  
**Subject:** Re: RE: RE: RE: RE:

Why is he being asked to uncover a gas line on other side of house on a rough plumb inspection.  
And why did you go out of your way to walk Thru rest of house pointing things out to Steve

Sent from my iPhone

> On Oct 24, 2018, at 2:35 PM, John Karlie <JKarlie@tulare.ca.gov> wrote:  
>  
> Just trying to help your subs out. See attachment.  
>  
> -----Original Message-----  
> From: Greg Nunley [mailto:greg@swifthomesinc.com]  
> Sent: Wednesday, October 24, 2018 2:34 PM  
> To: John Karlie <JKarlie@tulare.ca.gov>  
> Cc: Mario U. Zamora <zamora@griswoldlasalle.com>; Willard Epps <wepps@tulare.ca.gov>; j.wilkins@wdcllp.com; lucy@swifthomesinc.com; kent.mcniece@gmail.com  
> Subject: Re: RE: RE: RE:  
>  
> WOW now on to more things that have been passed and in place for years.  
> By the way those were submitted 2-1/2 weeks ago  
>  
> Will it be normal now for you to sign things off and issue permits and then make me rip things out that you say on permit I can do?  
> I need to know so I can expect to pay more in ripping out things you do this to me on.  
> I love how you sign off Sheetrock and then make Kent rip it out and threaten to not sign off the nailing unless he tears what you approved out. Epic!  
> Seriously should I budget for a special line item called "Karlie mind change" on all my projects. Let me know how much I should budget for.  
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> Sent from my iPhone  
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>> On Oct 24, 2018, at 2:27 PM, John Karlie <JKarlie@tulare.ca.gov> wrote:  
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>> Please obtain permits for the electrical on the well, two garage conversions, bowling alley, room and closets that second set of stairs lead to, and anything else you have done without permits. We have two permits ready for you to pick up.  
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>> Subject: Re: RE: RE:  
>>  
>> We called for a rough plumb. Why did you go look at well.  
>> This the same trip three of my subs heard you telling Steve in the rest of house what to "nail me on"  
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>>>  
>>> Sent from my iPhone  
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>>>> Keep trimming up to 6'6". Still needs a permit and inspection.  
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>>>> -----Original Message-----  
>>>> From: Greg Nunley [mailto:greg@swifthomesinc.com]  
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>>>> Subject:  
>>>>  
>>>> Tree is 4' like it was when you looked at it. We trimmed branches back because they grew down close since it's been over a year there. Tree is 4 years old also.  
>>>>  
>>>  
>>> <3326\_001.pdf>  
>>  
>  
> <3328\_001.pdf>

## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Wednesday, October 24, 2018 2:42 PM  
**To:** John Karlie  
**Cc:** Mario U. Zamora; Willard Epps; j.wiikins@wdclip.com; licy@swifthomesinc.com; kent.mcniece@gmail.com  
**Subject:** Re: RE: RE: RE: RE:

HA! Three other people do !

Sent from my iPhone

> On Oct 24, 2018, at 2:40 PM, John Karlie <JKarlie@tulare.ca.gov> wrote:

>

> Do not know what you are talking about.

>

> -----Original Message-----

> From: Greg Nunley [mailto:greg@swifthomesinc.com]

> Sent: Wednesday, October 24, 2018 2:34 PM

> To: John Karlie <JKarlie@tulare.ca.gov>

> Cc: Mario U. Zamora <zamora@griswoldlasalle.com>; Willard Epps <wepps@tulare.ca.gov>; j.wilkins@wdclip.com; licy@swifthomesinc.com; kent.mcniece@gmail.com

> Subject: Re: RE: RE: RE:

>

> WOW now on to more things that have been passed and in place for years.

> By the way those were submitted 2-1/2 weeks ago

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> Will it be normal now for you to sign things off and issue permits and then make me rip things out that you say on permit I can do?

> I need to know so I can expect to pay more in ripping out things you do this to me on.

> I love how you sign off Sheetrock and then make Kent rip it out and threaten to not sign off the nailing unless he tears what you approved out. Epic!

> Seriously should I budget for a special line item called "Karlie mind change" on all my projects. Let me know how much I should budget for.

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>> To: John Karlie <JKarlie@tulare.ca.gov>

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>>>> <3326\_001.pdf>  
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## John Karlie

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**Sent:** Wednesday, October 24, 2018 2:43 PM  
**To:** John Karlie  
**Cc:** Willard Epps; Mario U. Zamora; j.wiikins@wdcllp.com; iucy@swifthomesinc.com; kent.mcniece@gmail.com  
**Subject:** Re: RE: RE: RE: RE:

Maybe someone should ask a simple question to Steve and see if they walked Thru the house.

Sent from my iPhone

> On Oct 24, 2018, at 2:40 PM, John Karlie <JKarlie@tulare.ca.gov> wrote:  
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> Do not know what you are talking about.  
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## John Karlie

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Wednesday, October 24, 2018 2:45 PM  
**To:** John Karlie  
**Cc:** j.wilkins@wdcllp.com; Mario U. Zamora; Willard Epps; lucy@swifthomesinc.com; kent.mcniece@gmail.com  
**Subject:** Re: RE: RE: RE: RE:

Cameras are a lovely tool to have on site !!

Sent from my iPhone

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>>>>  
>>>  
>>> <3326\_001.pdf>  
>>  
>

## Dan Rowley

---

**From:** John Karlie <JKarlie@tulare.ca.gov>  
**Sent:** Friday, February 22, 2019 11:22 AM  
**To:** Dan Rowley  
**Cc:** Cat Dellavaile  
**Subject:** RE: Follow up question; 10755-5

He never called for a final inspection, therefore it was not inspected prior to her moving in..

**From:** Dan Rowley [mailto:drowley@fikeboranianlaw.com]  
**Sent:** Friday, February 22, 2019 10:06 AM  
**To:** John Karlie <JKarlie@tulare.ca.gov>  
**Cc:** Cat Dellavalle <cdellavalle@fikeboranianlaw.com>  
**Subject:** Follow up question; 10755-5

John,

In connection with the red tagging of the home where Lucy was staying, Mr. Nunley claims that the only thing that needed to be done to get a certificate of occupancy was to pay the fees due and he did that the next day or two. Is this correct? If not, what else needed to be done before the home could be finalized? Do you have any documents to support that other things needed to be done as well? If so, please email copies to me.

Thank you.

Dan

Daniel W. Rowley  
Of Counsel  
Fike & Boranian  
401 Clovis Ave., Suite 208  
Clovis, CA 93612  
Office: (559) 229-2200  
Cell: (559) 288-4315  
Fax: (559) 225-5504  
Email: [drowley@fikeboranianlaw.com](mailto:drowley@fikeboranianlaw.com)

NOTICE OF CONFIDENTIALITY: E-mail and any attached documents or files may contain confidential information that is legally privileged. Do not read this e-mail if you are not the intended recipient. If you have received this e-mail in error, please immediately notify me by "Reply" or by forwarding this e-mail to [drowley@fikeboranianlaw.com](mailto:drowley@fikeboranianlaw.com) or notifying me by telephone at (559) 229-2200, and destroy the copy of the e-mail you received and its attachments without reading or saving them in any manner. Thank you.

**BUILDING DEPARTMENT  
CITY OF TULARE**

**CORRECTION NOTICE!**

Job located at 3031 WINDMILL CT

Type of Inspection FINAL

I have this day inspected this structure and these premises and have found the following violations of City Building Codes:

- ~~REPAIR~~ PROVIDE ALL EXTERIOR LIGHTS IN A PHOTO CELL
- SECURE WET LOCATION COVER FOR RECEPTACLE ABOVE LAWN SPRINKLER
- INSTALL WEATHER PROOF TAPE TO LAWN SPRINKLER PIPES
- INSTALL COVER FOR CLEAN OUT IN FRONT OF HOUSE
- ~~REPAIR~~ INSTALL GALVANIZED NAIL TO TILE ON RAFF AT GARAGE
- REMOVE KINK IN CONDENSATION LINE UNDER MASTER BATH SINK
- PROVIDE APPROVED FACE PLATE COVER FOR RECEPTACLE ABOVE MICROWAVE
- PROVIDE APPROVED FACE PLATE COVER FOR GARBAGE DISPOSAL SWITCH
- INSTALL SEDIMENT TRAP AT FAU AFTER VALVE BEFORE FLEX
- PROVIDE WORKING LIGHT IN ATTIC
- INSTALL STORM COLLAR ON B-VENT FOR WATER HEATER

**CALL FOR REINSPECTION - 684-4270**

You are hereby notified that no more work shall be done upon these premises until the above violations are corrected. When corrections have been made, call for inspection.

DATE 9-7-18 T. J. J. J.

Inspector for Building Dept.

**BUILDING DEPARTMENT  
CITY OF TULARE**

**CORRECTION NOTICE!**

Job located at 3031 WINDMILL CT

Type of Inspection FINAL

I have this day inspected this structure and these premises and have found the following violations of City Building Codes:

- PROVIDE 12" CLEARANCE FROM ROOF TO BOTTOM OF D-VENT
- SEAL HOLES IN GARAGE CEILING
- PROVIDE CEILING MECHANICAL FORMS

**CALL FOR REINSPECTION - 684-4270**

You are hereby notified that no more work shall be done upon these premises until the above violations are corrected. When corrections have been made, call for inspection.

DATE 9-7-18 T. Dodson

Inspector for Building Dept.

**BUILDING DEPARTMENT  
CITY OF TULARE**

**CORRECTION NOTICE**

Job located at 3031 WINDMILL CT

Type of Inspection FINAL

I have this day inspected this structure and these premises and have found the following violations of City Building Codes:

1) COMPLETE CORRECTION NUMBER'S  
3, 5, AND 14 FROM INSPECTION  
DATED 9-7-18.

**CALL FOR REINSPECTION - 684-4270**

You are hereby notified that no more work shall be done upon these premises until the above violations are corrected. When corrections have been made, call for inspection.

DATE 9-17-18

T. Dodson  
Inspector for Building Dept.

7:56



9/7/18

Friday

~~Friday~~



Lucy Arruda

Hello John  
When you're free can you  
please call me.

Yesterday 11:07 AM

Good morning John,  
I have the corrections for the  
final at 3031 Windmill Court.  
Can I get a temporary  
certificate of occupancy so I  
can move my stuff back in and  
call in for final inspection on  
Monday.

Yes

Thank you

Yesterday 12:43 PM

One more question  
Can I remove the red tag?

Yes

Read Yesterday

Thank you so much





**EXHIBIT 3**

COT/JA000121

## Josh McDonnell

---

**From:** Willard Epps  
**Sent:** Tuesday, October 09, 2018 8:39 AM  
**To:** Josh McDonnell  
**Subject:** FW:

Good morning Team,

Can we help Mr. Nunley on this project?

Willard

-----Original Message-----

**From:** Greg Nunley [mailto:greg@swifthomesinc.com]  
**Sent:** Tuesday, October 09, 2018 7:38 AM  
**To:** Willard Epps <wepps@tulare.ca.gov>  
**Cc:** Mario U. Zamora <zamora@griswoldlasalle.com>  
**Subject:**

Willard,

Inspection was called for a roof nailing and shear nailing inspection my house 2590 diamanté. Roof sheating was signed off. They didn't sign anything on shear nor corrections. We don't have any required shear on the house but I added it as I wanted too. We are going to cover up and wrap as no nailing inspection must be required. If this is not the case send them out as I am wrapping tomorrow.

Thanks

Sent from my iPhone

## Dan Rowley

---

**From:** Josh McDonnell <jmcdonnell@tulare.ca.gov>  
**Sent:** Tuesday, November 6, 2018 2:19 PM  
**To:** Dan Rowley  
**Subject:** FW: RE: RE:  
**Attachments:** Re: RE: RE:

Hello Mr. Rowley,

Yesterday, you asked me to forward you any materials that may be pertinent to our discussion regarding Mr. Nunley. As I described, most of my interactions with Mr. Nunley have been verbal (over the phone and in person). However, beginning in August of this year, Mr. Nunley began using email to communicate with City staff far more than he previously had.

I'm forwarding you a few email strings that corroborate some of the items I detailed to you yesterday. This first email string (actually, it's two strings, see attached as well) details Mr. Nunley's accusations regarding the number of inspections that had been performed for a foundation at a commercial site. The string also concludes with Mr. Nunley's direction for me to no longer contact him.

Thanks,  
Josh McDonnell

-----Original Message-----

**From:** Greg Nunley [mailto:greg@swifthomesinc.com]  
**Sent:** Thursday, October 04, 2018 9:13 AM  
**To:** Josh McDonnell <jmcdonnell@tulare.ca.gov>  
**Cc:** j.wilkins@wdclip.com; Willard Epps <wepps@tulare.ca.gov>; Mario U. Zamora <zamora@griswoldlasalle.com>  
**Subject:** Re: RE: RE:

Josh

From this point no need to contact me any longer. Your obviously not willing to stop the harassment by John to my company.

Sent from my iPhone

> On Oct 4, 2018, at 9:00 AM, Josh McDonnell <jmcdonnell@tulare.ca.gov> wrote:

>

> Hi Councilman,

>

> John Karlie drove by the site on Wednesday to see if the correction notice that was posted on Tuesday had been picked up (he was worried that the rain might have ruined ruin it). He did not conduct an inspection Wednesday. The foundation inspection was conducted Tuesday, October 2 and is dated as such. I have personally viewed a time stamped photo of the correction notice that was posted on Tuesday.

>

> In addition, foundation inspections have been requested 8 times for this site. Inspectors have conducted foundation inspections 8 times, and have written correction notices accordingly. Attached, please find the Inspection schedule sheets that were generated for each inspection. The only way an item is placed on the schedule sheet is if a request is

made by the permit holder. I suggest you check with Lucy in your office; perhaps she can check her email and phone log to verify the requests for you.

>  
> Thanks,  
> Josh McDonnell

>  
>  
>  
>  
>  
> -----Original Message-----

> From: Greg Nunley [mailto:greg@swifthomesinc.com]  
> Sent: Wednesday, October 03, 2018 5:06 PM  
> To: Josh McDonnell <jmcdonnell@tulare.ca.gov>  
> Cc: j.wilkins@wdcllp.com; Willard Epps <wepps@tulare.ca.gov>; Mario U. Zamora <zamora@griswoldlasalle.com>  
> Subject: Re: RE:

>  
> John Karlie himself was there today. I seen him and so did my guys. We didn't call for this today  
>  
> Sent from my iPhone

>> On Oct 3, 2018, at 5:02 PM, Josh McDonnell <jmcdonnell@tulare.ca.gov> wrote:

>>  
>> Correction, our inspectors did NOT conduct an inspection today, they conducted it yesterday. Sorry for the confusion.

>>  
>> -----Original Message-----

>> From: Josh McDonnell  
>> Sent: Wednesday, October 03, 2018 4:55 PM  
>> To: 'Greg Nunley' <greg@swifthomesinc.com>  
>> Cc: j.wilkins@wdcllp.com; Willard Epps <wepps@tulare.ca.gov>; Mario U. Zamora <zamora@griswoldlasalle.com>  
>> Subject: RE:

>>  
>> Hi Councilman,

>>  
>> Our inspectors did conduct an inspection today, they visited it yesterday, October 2, in response to an inspection request submitted by Lucy Arruda at 7:25am on Tuesday morning. This was the eighth foundation inspection that has been conducted for 1504 E. Prosperity. The inspections have failed each time for the same reasons. Please see the attached correction notices for reference.

>>  
>> A re-inspection fee is typically applied after the third failed inspection. Happily, this has happened only a few times in recent years. However, in this case, eight inspections were conducted before the Building Official determined that a re-inspection fee (\$99) is to be charged. The re-inspection fee is included in the City's fee schedule (see attached).

>>  
>> One thing that I noticed while gathering info on this project is that the approved plan set shows a 6" slab over 2" of sand over 6 mil. poly on sheet S1, as does the detail in the plan set. Additionally, the structural calcs call for a 6" slab. It appears that the slab has been poured at 4". If you wish to stay with a 4" slab, this will require revisions to the plan set and structural calcs.

>>  
>> Thanks,  
>> Josh McDonnell

>>

>> -----Original Message-----

>> From: Greg Nunley [mailto:greg@swifthomesinc.com]

>> Sent: Wednesday, October 03, 2018 1:36 PM

>> To: Josh McDonnell <jmcdonnell@tulare.ca.gov>; Willard Epps <wepps@tulare.ca.gov>; Mario U. Zamora <zamora@griswoldlasalle.com>

>> Cc: j.wilkins@wdcllp.com

>> Subject:

>>

>> We are being told to pay a RE-inspection fee for Unique ortho #2. John for some reason went today but we didn't call for a inspection today. We called in today for a inspection for tomorrow.

>> Can you tell me where I can find the fee schedule where John can make us pay a RE inspection fee. Let me know if we are going to be charged a re inspection fee.

>>

>> Sent from my iPhone

>>

>

> <3090\_001.pdf>

## Dan Rowley

---

**From:** Josh McDonnell <jmcdonnell@tulare.ca.gov>  
**Sent:** Tuesday, November 6, 2018 2:21 PM  
**To:** Dan Rowley  
**Subject:** FW:  
**Attachments:** FW: Certificate of Occupancy

This second string details the conversation regarding whether the City forwarded certificates of occupancy to Mr. Nunley for two commercial facilities.

Thanks,  
Josh McDonnell

-----Original Message-----

**From:** Josh McDonnell  
**Sent:** Tuesday, October 02, 2018 12:29 PM  
**To:** 'Greg Nunley' <greg@swifthomesinc.com>  
**Cc:** kknowland@learn4life.org; ckahler@cvsouth.org; Willard Epps <wepps@tulare.ca.gov>  
**Subject:** RE:

Hi Councilman,

The certificates of occupancy were emailed to you and Lucy Arruda on August 30. Please see the attached email, which includes pdfs of the inspection cards and certificates of occupancy.

Thanks,  
Josh McDonnell

-----Original Message-----

**From:** Greg Nunley [mailto:greg@swifthomesinc.com]  
**Sent:** Tuesday, October 02, 2018 12:11 PM  
**To:** Josh McDonnell <jmcdonnell@tulare.ca.gov>; Willard Epps <wepps@tulare.ca.gov>  
**Cc:** kknowland@learn4life.org; ckahler@cvsouth.org  
**Subject:**

Willard,

The tenants for Kings academy and Unique ortho are asking for a copy of the certificate of occupancy. This was final over a month ago and John has never gave us the certificate. Please let me know how I can pick this up.

Sent from my iPhone

## Dan Rowley

---

**From:** Lucie Brown <LBrown@tulare.ca.gov>  
**Sent:** Tuesday, October 2, 2018 12:26 PM  
**To:** Josh McDonnell  
**Subject:** FW: Certificate of Occupancy  
**Attachments:** 1392\_001.pdf

I sent the C of O to Lucy and Greg

---

**From:** Lucie Brown  
**Sent:** Thursday, August 30, 2018 4:03 PM  
**To:** 'Greg Driven' <greg@drivencoinc.com>; 'Lucy Arruda' <lucyarruda@me.com>  
**Subject:** Certificate of Occupancy

**From:** City Hall [<mailto:cityhall@ci.tulare.ca.gov>]  
**Sent:** Thursday, August 30, 2018 3:40 PM  
**To:** Lucie Brown <LBrown@tulare.ca.gov>  
**Subject:** Attached Image



**CITY OF TULARE**  
**BUILDING DIVISION**  
**411 E KERN AVENUE**  
**TULARE, CA 93274**  
**(559) 684-4270**

## **Certificate of Occupancy**

**Permit Number: BLD-17-09558**

This certificate is issued in accordance with Section 110 of the California Building Code, as amended by the City of Tulare. At the time of issuance, this facility has been inspected and is in compliance with the various codes and ordinances of the City of Tulare regulating construction, use and occupancy of buildings.

**Site Address:** 1450 E PROSPERITY AVE  
UNIT A  
TULARE CA 93274

**Owner:** I & A BAYRAKADARIAN, LLC  
9103 N, CYPRESS  
CLOVIS CA 93619

**Name of Business:** Unique Orthodontics

**Occupancy Group:** B  
**Occupancy Load:**  
**Construction:** V-B  
**Fire Sprinkler:** NO  
**Code Edition:** CBC 2013  
**Zoning:** C-3

**Final Inspection:** 08/30/2018

  
Building Official

05/08/2017  
Date Issued





City of Tulare  
Building Division  
**INSPECTION CARD**



PERMIT NO: BLD-17-09558

ISSUED DATE: 5/18/2017

Address: 1450 E Prosperity Ave - Unit A

Owner: Dr Ishkhan Bayrakdarian

Contractor: Great Valley Builder's Inc

DESCRIPTION OF WORK: 3,962 sq ft tenant improvement for Unique Orthodontics

INSPECTION REQUEST LINE: 684-4270 or Email: [buildinginspection@tulare.ca.gov](mailto:buildinginspection@tulare.ca.gov). CALL THE DAY BEFORE YOU NEED YOUR INSPECTION

Inspectors will sign and date this card as work is approved. Work shall NOT be covered until this card is initiated.

Calls after 7:00 A.M. will be scheduled for the next business day.

Leave the Permit No. -- Inspection Item No. --AM OR PM

INSPECTIONS	ITEM	DATE	INSPEC FOR	INSPECTIONS	ITEM	DATE	INSPECTOR	INSPECTIONS	ITEM	DATE	INSPEC FOR
Setback	101			Showers Pan/Lath	120			Curb Ramp Form/Slope	828		
Foundation	102			Suspended Ceiling/T-Bar	128	5/29/17	J. Khan	Sidewalk Form/Slope	829		
Underground Drain Piping	301	5/17/17	J. Khan	Residential Smoke Alarm	210			Driveway Approach Form	830		
Underground Water Piping	302			Carbon Monoxide Alarm	212			Curb Ramp Final	832		
Sewer Piping	311			GFCI	206	5/17/17	J. Khan	Sidewalk Final	814		
Water Supply Piping	312			Masonry reinforcement 1" lift	125			Drive Approach Final	831		
Circulating Electrical	201			Masonry reinforcement 2" lift	126			TRASH ENCLOSURE	5/18/17	J. Khan	
Electrical-Underground	202			Grease Interceptor/Trap	309			1450 1470			
Floor Sheathing	107			Fire Sprinkler Piping/Bracing	605			1450 # - 5/30/17			
Rough Framing	108	5/17/17	J. Khan	Fire Sprinkler Pressure Test	606			TEMP. OCCUPANCY	5/18/17	J. Khan	
Shore Walls	109			Electrical Service/Panel	204	5/21/17	J. Khan				
Roof Sheathing	118	5/17/17	J. Khan	Gas Test	307	5/18/17	J. Khan				
Felt Bar	137			Type I Hood Duct Wrap/1st	405						
Brace Wall Panels	115			Type I Hood Duct Wrap/2nd	412						
Hollowm	116	5/17/17	J. Khan	Type I Hood	403						
Exterior Siding	114			Misc. Inspection	196						
Exterior Wall	113	5/21/17	J. Khan	Septic Tank Abandonment	314						
Fire Wall	146			Building Denial	520						
Fire Caulking	321			Form/Storage Shed/1st	521						
Draftstop	122			Garage Denial	522						
Fire Blocking	123			Pool Building	501						
Rough Electrical	203	5/17/17	J. Khan	Pool Reinforcement	401						
Rough Plumbing	303			Pool Pre-Deck	503						
Vent Piping	304			Equipment Bonding	504						
Water Blank	305			Pool Equipment Grounding	505						
Rough Gas Piping	306			Pool Pre-Plumb	506						
Rough Mechanical	302			Pool Alarm panel	508						
Drain	407	5/29/17	J. Khan	Fire Alarm	610						
Complex Ceiling	110	5/21/17	J. Khan	Pool Supervision System	514						
Wall Installation	111	5/17/17	J. Khan	Fire Sprinkler Head	601						
Ceiling Nail	110	5/17/17	J. Khan								
Ceiling Installation	112	5/17/17	J. Khan								



**CITY OF TULARE**  
**BUILDING DIVISION**  
**411 E KERN AVENUE**  
**TULARE, CA 93274**  
**(559) 684-4270**

---

## Certificate of Occupancy

---

Permit Number: **BLD-18-11393**

This certificate is issued in accordance with Section 110 of the California Building Code, as amended by the City of Tulare. At the time of issuance, this facility has been inspected and is in compliance with the various codes and ordinances of the City of Tulare regulating construction, use and occupancy of buildings.

Site Address: 1462 E PROSPERITY AVE  
UNIT B  
TULARE CA 93274

Owner: I & A BAYRAKADARIAN, LLC  
9103 N, CYPRESS  
CLOVIS CA 93619

Name of Business: Kings Academy

Occupancy Group: Educational

Occupancy Load: 80

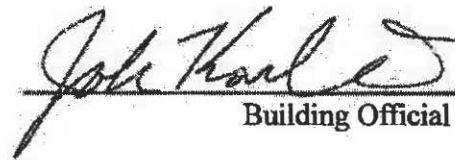
Construction: V-B

Fire Sprinkler: NO

Code Edition: CBC 2016

Zoning: C-3

Final Inspection: 08/30/2018

  
\_\_\_\_\_  
Building Official

04/05/2018  
\_\_\_\_\_  
Date Issued

PERMIT NO: BLD-18-11393

ISSUED DATE: 4 / 5 / 2018



**INSPECTION CARD**

Address: 1462 E prosperity Ave - Unit B  
 Owner: I & A Bayrakdarian, LLC  
 DESCRIPTION OF WORK: 7,266 sq ft tenant improvement for Kings Academy

Contractor: Great Valley Builders

INSPECTION REQUEST LINE: 684-4270 or Email: [buildinginspection@tulare.ca.gov](mailto:buildinginspection@tulare.ca.gov) CALL THE DAY BEFORE YOU NEED YOUR INSPECTION  
 inspectors will sign and date this card as work is approved. Work shall NOT be covered until this card is initiated.  
 Calls after 7:00 A.M. will be scheduled for the next business day.  
 Leave the Permit No. --- Inspection item No. ---AM OR PM

INSPECTIONS	ITEM	DATE	INSPECTOR	INSPECTIONS	ITEM	DATE	INSPECTOR	INSPECTIONS	ITEM	DATE	INSPECTOR
Setback	101			Shower Pan/ub	120			Curb Ramp Forms/Slope	828		
Foundation	102			Suspended Ceiling/Bar	128	4/19/18	J. J. [Signature]	Sidewalk Forms/Slope	829		
Underground Drain Piping	301	4/19/18	J. J. [Signature]	Residential Smoke Alarm	210			Driveway Approach Form	830		
Underground Water Piping	302			Carbon Monoxide Alarm	212			Curb Ramp Final	832		
Sewer Piping	311			GFCI	206	4/19/18	J. J. [Signature]	Sidewalk Final	814		
Water Service Piping	312			Masonry reinforcement 1" lift	125			Drive Approach Final	831		
Grounding Electrode	201			Masonry reinforcement 2" lift	126						
Electrical-Underground	202			Grease Interceptor	309						
Floor Sheathing	107			Fire Sprinkler Piping/Tracing	605						
Rough Framing	108	4/19/18	J. J. [Signature]	Fire Sprinkler Pressure Test	606						
Shear Walls	109			Electrical Service/Panel	204						
Roof Sheathing	118			Gas Test	307	4/19/18	J. J. [Signature]				
Felt-Batt	137			Type 1 Hood Duct Wrap/Jan	405						
Braced Wall Panels	115			Type 1 Hood Duct Wrap/Jan	412						
Holddowns	116			Type 1 Hood	403						
Exterior Siding	114			Misc. Inspection	196						
Exterior Lath	113			Septic Tank Abandonment	314						
Fire Wall	136			Building Demo	520						
Fire Caulking	121			Paint/Storage Shed Demo	521						
Draftstop	122			Garage Demo	522						
Fire Blocking	123			Pool Bonating	501						
Rough Electrical	203			Pool Rabin/contant	502						
Rough Plumbing	303	4/19/18	J. J. [Signature]	Pool Fire-Deck	503						
Vent Piping	304			Equipotential Bonding	504						
Water Piping	305			Pool Equipment Grounding	505						
Rough Gas Piping	306			Pool Pre-Plaster	506						
Rough Mechanical	402			Pool Alarm/gates	508						
Ducts	409			Fire Alarm	610						
Complete Frame	110			Hood Suppression System	614						
Wall Insulation	111			Fire Sprinkler Final	699						
Drywall Nail	119	4/30/18	J. J. [Signature]								
Ceiling Insulation	117										

## Dan Rowley

---

**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Thursday, October 4, 2018 9:11 AM  
**To:** Josh McDonnell  
**Cc:** j.wilkins@wdcllp.com; Willard Epps; Mario U. Zamora  
**Subject:** Re: RE: RE:

Your wrong. John Karlie himself has stated 4 times when we call in he doesn't have time to do inspections and to "call it back in".

Send me the correction notices for 8 times.

Sent from my iPhone

> On Oct 4, 2018, at 9:00 AM, Josh McDonnell <jmcdonnell@tulare.ca.gov> wrote:

>

> Hi Councilman,

>

> John Karlie drove by the site on Wednesday to see if the correction notice that was posted on Tuesday had been picked up (he was worried that the rain might have ruined ruin it). He did not conduct an inspection Wednesday. The foundation inspection was conducted Tuesday, October 2 and is dated as such. I have personally viewed a time stamped photo of the correction notice that was posted on Tuesday.

>

> In addition, foundation inspections have been requested 8 times for this site. Inspectors have conducted foundation inspections 8 times, and have written correction notices accordingly. Attached, please find the Inspection schedule sheets that were generated for each inspection. The only way an item is placed on the schedule sheet is if a request is made by the permit holder. I suggest you check with Lucy in your office; perhaps she can check her email and phone log to verify the requests for you.

>

> Thanks,

> Josh McDonnell

>

>

>

>

>

> -----Original Message-----

> From: Greg Nunley [mailto:greg@swifthomesinc.com]

> Sent: Wednesday, October 03, 2018 5:06 PM

> To: Josh McDonnell <jmcdonnell@tulare.ca.gov>

> Cc: j.wilkins@wdcllp.com; Willard Epps <wepps@tulare.ca.gov>; Mario U. Zamora <zamora@griswoldlasalle.com>

> Subject: Re: RE:

>

> John Karlie himself was there today. I seen him and so did my guys. We didn't call for this today

>

> Sent from my iPhone

>

>> On Oct 3, 2018, at 5:02 PM, Josh McDonnell <jmcdonnell@tulare.ca.gov> wrote:

>>

>> Correction, our inspectors did NOT conduct an inspection today, they conducted it yesterday. Sorry for the confusion.

>>

>> -----Original Message-----

>> From: Josh McDonnell

>> Sent: Wednesday, October 03, 2018 4:55 PM

>> To: 'Greg Nunley' <greg@swifthomesinc.com>

>> Cc: j.wilkins@wdcllp.com; Willard Epps <wepps@tulare.ca.gov>; Mario U. Zamora <zamora@griswoldlasalle.com>

>> Subject: RE:

>>

>> Hi Councilman,

>>

>> Our inspectors did conduct an inspection today, they visited it yesterday, October 2, in response to an inspection request submitted by Lucy Arruda at 7:25am on Tuesday morning. This was the eighth foundation inspection that has been conducted for 1504 E. Prosperity. The inspections have failed each time for the same reasons. Please see the attached correction notices for reference.

>>

>> A re-inspection fee is typically applied after the third failed inspection. Happily, this has happened only a few times in recent years. However, in this case, eight inspections were conducted before the Building Official determined that a re-inspection fee (\$99) is to be charged. The re-inspection fee is included in the City's fee schedule (see attached).

>>

>> One thing that I noticed while gathering info on this project is that the approved plan set shows a 6" slab over 2" of sand over 6 mil. poly on sheet S1, as does the detail in the plan set. Additionally, the structural calcs call for a 6" slab. It appears that the slab has been poured at 4". If you wish to stay with a 4" slab, this will require revisions to the plan set and structural calcs.

>>

>> Thanks,

>> Josh McDonnell

>>

>> -----Original Message-----

>> From: Greg Nunley [mailto:greg@swifthomesinc.com]

>> Sent: Wednesday, October 03, 2018 1:36 PM

>> To: Josh McDonnell <jmcdonnell@tulare.ca.gov>; Willard Epps <wepps@tulare.ca.gov>; Mario U. Zamora <zamora@griswoldlasalle.com>

>> Cc: j.wilkins@wdcllp.com

>> Subject:

>>

>> We are being told to pay a RE-inspection fee for Unique ortho #2. John for some reason went today but we didn't call for a inspection today. We called in today for a inspection for tomorrow.

>> Can you tell me where I can find the fee schedule where John can make us pay a RE inspection fee. Let me know if we are going to be charged a re inspection fee.

>>

>> Sent from my iPhone

>>

>

> <3090\_001.pdf>

## Dan Rowley

---

**From:** Josh McDonnell <jmcdonnell@tulare.ca.gov>  
**Sent:** Tuesday, November 6, 2018 2:23 PM  
**To:** Dan Rowley  
**Subject:** FW: RE: RE:

This third string details Mr. Nunley's accusations that staff is holding up his projects, when in fact he just needed to pick up some revised truss calcs.

Thanks,  
Josh McDonnell

-----Original Message-----

From: Greg Nunley [mailto:greg@swifthomesinc.com]  
Sent: Monday, October 01, 2018 3:50 PM  
To: Josh McDonnell <jmcdonnell@tulare.ca.gov>  
Cc: Mario U. Zamora <zamora@griswoldlasalle.com>; Willard Epps <wepps@tulare.ca.gov>  
Subject: Re: RE: RE:

Yes Lucy just said she called Friday

Sent from my iPhone

> On Oct 1, 2018, at 3:38 PM, Josh McDonnell <jmcdonnell@tulare.ca.gov> wrote:

>

> They have been ready for pick up since last week. Ninfa notified Lucy they were ready last week, and Lucy said she would pick them up on Friday or today.

>

> -----Original Message-----

> From: Greg Nunley [mailto:greg@swifthomesinc.com]  
> Sent: Monday, October 01, 2018 3:36 PM  
> To: Josh McDonnell <jmcdonnell@tulare.ca.gov>  
> Cc: Mario U. Zamora <zamora@griswoldlasalle.com>; Willard Epps <wepps@tulare.ca.gov>  
> Subject: Re: RE:

>

> Lot 15 Tesori. Asked for nailing inspection and they have taken 6 notes of the Apple. Every time they come back after we fix one list they give another list. Been sitting for 5 weeks ready to felt and wrap.

>

> Sent from my iPhone

>

>> On Oct 1, 2018, at 3:27 PM, Josh McDonnell <jmcdonnell@tulare.ca.gov> wrote:

>>

>> Which project is it for?

>>

>> -----Original Message-----

>> From: Greg Nunley [mailto:greg@swifthomesinc.com]  
>> Sent: Monday, October 01, 2018 3:26 PM  
>> To: Josh McDonnell <jmcdonnell@tulare.ca.gov>; Willard Epps <wepps@tulare.ca.gov>  
>> Subject:

>>

>> Josh,

>>

>> We submitted a revised truss calc over a week ago and have not heard back. This is the only item holding us up from wrapping and putting felt on the roof

>>

>> Sent from my iPhone

>>

>>

>

>

## Dan Rowley

---

**From:** Josh McDonnell <jmcdonnell@tulare.ca.gov>  
**Sent:** Tuesday, November 6, 2018 2:24 PM  
**To:** Dan Rowley  
**Subject:** FW:

This string is also related to the truss calc issue.

Thanks,  
Josh McDonnell

-----Original Message-----

**From:** Josh McDonnell  
**Sent:** Wednesday, September 26, 2018 12:29 PM  
**To:** 'Gvlandco' <greg@gvlandco.com>  
**Cc:** Mario U. Zamora <zamora@griswoldlasalle.com>; Willard Epps <wepps@tulare.ca.gov>  
**Subject:** RE:

Hi Councilman,

The new plan set was submitted to the City last Thursday. The standard plan check review timeframe is three weeks. However, staff will be able to complete this plan check review in one week. You should anticipate receiving a correction checklist by tomorrow.

Thanks,  
Josh McDonnell

-----Original Message-----

**From:** Gvlandco [mailto:greg@gvlandco.com]  
**Sent:** Tuesday, September 25, 2018 6:05 PM  
**To:** Josh McDonnell <jmcdonnell@tulare.ca.gov>  
**Cc:** Mario U. Zamora <zamora@griswoldlasalle.com>  
**Subject:**

Josh,

Can you check on the updated truss calcs that we're delivered to John Karlie. All he needs to do is sign this off and I get my nailing inspection for lot 15 Tesori. Seems like these inspectors now take 5 bites of the apple every one of my jobs, meaning as soon as we correct there list another list pops of for the next visit on the same inspection request.

Sent from my iPhone



## Dan Rowley

---

**From:** Josh McDonnell <jmcdonnell@tulare.ca.gov>  
**Sent:** Tuesday, November 6, 2018 2:25 PM  
**To:** Dan Rowley  
**Subject:** FW: RE:

This string just details Mr. Nunley accusing the City of holding up his projects, when in reality he needs to record his map before permits can be issued.

Thanks,  
Josh McDonnell

-----Original Message-----

**From:** Greg Nunley [mailto:greg@swifthomesinc.com]  
**Sent:** Tuesday, September 18, 2018 3:42 PM  
**To:** Josh McDonnell <jmcdonnell@tulare.ca.gov>  
**Cc:** kent.mcniece@gmail.com; Willard Epps <wepps@tulare.ca.gov>  
**Subject:** Re: RE:

Ok that makes since. Just make sure we get out courtesy inspections like SJVH has gotten on 15 homes at willow glen

Sent from my iPhone

> On Sep 18, 2018, at 2:44 PM, Josh McDonnell <jmcdonnell@tulare.ca.gov> wrote:

>  
> Hi Councilman,  
>  
> The map has not recorded. Permits cannot be issued until the map records.  
>  
> Thanks,  
> Josh McDonnell  
>

> -----Original Message-----

> **From:** Greg Nunley [mailto:greg@swifthomesinc.com]  
> **Sent:** Tuesday, September 18, 2018 9:25 AM  
> **To:** Josh McDonnell <jmcdonnell@tulare.ca.gov>  
> **Cc:** kent.mcniece@gmail.com  
> **Subject:**

>  
> Josh,  
>  
> Can you see why our permits have taken 6 weeks thus far and are still not ready for 5 permits at cottonwood. This were master plans and should have no reason to take 5 weeks to be ready for pick up.

>  
> Sent from my iPhone

>  
>

## Dan Rowley

---

**From:** Josh McDonnell <jmcdonnell@tulare.ca.gov>  
**Sent:** Tuesday, November 6, 2018 2:29 PM  
**To:** Dan Rowley  
**Subject:** FW: RE: RE:

This string provides details on a model home that was red tagged because a final inspection was never done. Mr. Nunley argued that the only thing missing was the payment of fees. It's unclear where Mr. Nunley reached the conclusion that a building can be occupied before a final inspection has been completed.

Thanks,  
Josh McDonnell

-----Original Message-----

**From:** Gvlandco [mailto:greg@gvlandco.com]  
**Sent:** Thursday, September 13, 2018 2:23 PM  
**To:** Josh McDonnell <jmcdonnell@tulare.ca.gov>  
**Cc:** Willard Epps <wepps@tulare.ca.gov>  
**Subject:** Re: RE: RE:

Ok that's fair enough.

Can we get a model home policy so we know these rules

Sent from my iPhone

> On Sep 13, 2018, at 2:13 PM, Josh McDonnell <jmcdonnell@tulare.ca.gov> wrote:

>

> Hi Councilman,

>

> Kent must have misheard John. I was there and can verify that for the red tag to be removed, a final inspection must be conducted (and passed) and DIF fees need to be paid.

>

> Although nobody is living in the unit, the public is using the house and therefore must be deemed safe. The City can determine whether it's safe by conducting a final inspection. Given that it's a model home, a temporary occupancy may potentially be granted. However, this step must be completed before the red tag can be removed. The models for Willow Glen were inspected and a temporary occupancy was granted before they were used.

>

> In addition, there are some very obvious electrical issues with the Cottonwood model that must be addressed immediately. Kent acknowledged this and agreed to get on it asap.

>

> I'll make sure that building staff is ready to go out asap as soon as the inspection is called in.

>

> Thanks,

> Josh McDonnell

>

> -----Original Message-----

> **From:** Gvlandco [mailto:greg@gvlandco.com]

> **Sent:** Thursday, September 13, 2018 1:59 PM

> To: Josh McDonnell <jmcdonnell@tulare.ca.gov>

> Cc: Willard Epps <wepps@tulare.ca.gov>

> Subject: Re: RE:

>

> No one is living in this house. John Karlie told Kent to remove red tag only DIF's need to be paid.

>

> Sent from my iPhone

>

>> On Sep 13, 2018, at 1:35 PM, Josh McDonnell <jmcdonnell@tulare.ca.gov> wrote:

>>

>> Hi Councilman,

>>

>> No, there were a number of reasons why the structure was red tagged.

>>

>> First, the structure was being occupied even though no final inspection had occurred or occupancy had been granted. In addition, there is some dangerous electrical work that needs to be addressed immediately. The DIF fees also need to be paid.

>>

>> Kent, John and I met on site yesterday and went through exactly what needs to occur before the red tag can be removed. I thought it was a productive meeting.

>>

>> Thanks,

>> Josh McDonnell

>>

>> -----Original Message-----

>> From: Gvlandco [mailto:greg@gvlandco.com]

>> Sent: Thursday, September 13, 2018 1:11 PM

>> To: Josh McDonnell <jmcdonnell@tulare.ca.gov>

>> Subject:

>>

>> Josh,

>>

>> Josh I want to make clear that the red tag the cottonwood model home received was solely for not having DIF fees paid. Is this correct?

>>

>> Sent from my iPhone

>>

>>

>

## Dan Rowley

---

**From:** Josh McDonnell <jmcdonnell@tulare.ca.gov>  
**Sent:** Tuesday, November 6, 2018 2:31 PM  
**To:** Dan Rowley  
**Subject:** FW: City harassment

This email includes Mr. Nunley's complaint that John Karlie is harassing him and his company. It also includes my response, which concluding that Mr. Nunley is being treated the same as al other developers in the City.

Thanks,  
Josh McDonnell

-----Original Message-----

**From:** Josh McDonnell  
**Sent:** Wednesday, September 26, 2018 12:20 PM  
**To:** 'Gvlandco' <greg@gvlandco.com>  
**Cc:** Mario U. Zamora <zamora@griswoldlasalle.com>; Willard Epps <wepps@tulare.ca.gov>  
**Subject:** RE: City harassment

Hi Councilman,

John performed 5 courtesy inspections for your project yesterday. Four passed and one did not. All courtesy inspections that were requested were conducted. Kent McNiece was on site with John for these inspections. If additional courtesy inspections were requested, the City is not aware of it.

With regard to your allegations regarding John Karlie, the City Attorney will be contacting you to discuss them in greater detail.

Thanks,  
Josh McDonnell

-----Original Message-----

**From:** Gvlandco [mailto:greg@gvlandco.com]  
**Sent:** Tuesday, September 25, 2018 11:42 AM  
**To:** Josh McDonnell <jmcdonnell@tulare.ca.gov>  
**Cc:** Mario U. Zamora <zamora@griswoldlasalle.com>; Willard Epps <wepps@tulare.ca.gov>; lucy@swifthomesinc.com; kent.mcniece@gmail.com  
**Subject:** City harassment

Josh,

For the record John Karlie has denied to do a courtesy inspection at cottonwood. John allowed 3 times as many homes and all courtesy inspections at willow glen. This is not consistent with how he has treated another builder compared to our company. John continues to damage, harass, and intentional hurt my company and the city manager is aware and Josh you are aware John continues to be allowed to do this to my company, me personally and my staff.

Around August 2 I met with Willard and you Josh. I told you many cases what John Karlie has done and management has not only allowed for this to continue but to become outrageously worse than ever. I personally hold the city responsible for detrimental damage John Karlie has been allowed to do including financial, emotional with my entire company, and my reputation. John Karlie continues to slander my name to my own employees, clients and subcontractors. This will be the third time I have asked you to help contain John Karlie and all effects John Karlie used his building inspectors as ponds to further Harass me, my employees, sub contractors and partners.

Greg Nunley  
Great Valley Builders inc

Sent from my iPhone

## Dan Rowley

---

**From:** Josh McDonnell <jmcdonnell@tulare.ca.gov>  
**Sent:** Tuesday, November 6, 2018 2:35 PM  
**To:** Dan Rowley  
**Subject:** FW: 2590 Diamante

I think I've bombed your inbox enough. This last string details an additional complaint of harassment that Mr. Nunley sent to Willard and the City Attorney. It also includes an admittedly spicy response from me to Willard and Mario.

If these forwarded email strings are unhelpful, please feel free to discard.

Thanks,  
Josh McDonnell

**From:** Willard Epps  
**Sent:** Wednesday, October 03, 2018 4:40 PM  
**To:** Josh McDonnell <jmcdonnell@tulare.ca.gov>  
**Cc:** Mario U. Zamora <zamora@griswoldlasalle.com>  
**Subject:** RE: 2590 Diamante

Hello Josh,

as I have always ask from day one, treat everyone the same. As long as this is in play I have no problem. I'm sorry Mr. Nunley has issues with the rules but they are in place for a reason and has been in place for many years. It is no fault of ours if he chose not to follow them.

Willard

**From:** Josh McDonnell  
**Sent:** Wednesday, October 03, 2018 1:54 PM  
**To:** Willard Epps <wepps@tulare.ca.gov>  
**Cc:** Mario U. Zamora <zamora@griswoldlasalle.com>  
**Subject:** RE: 2590 Diamante

Hi Chief,

Mr. Nunley is completely mischaracterizing John's activities. The inspectors are taking the same methodical approach to their inspections on this job that they take everywhere else.

Please note in his third paragraph below, Mr. Nunley states "I expect only a nailing inspection, nothing more", but later in the paragraph says "John... has been there over 20 times... and said it's fine...". Mr. Nunley seems to want the inspectors to only focus on one specific thing, then complains that, with all the times the inspectors have been out before, why did they not notice something until now? This is complete hypocrisy and places the inspectors in a constant "no win" situation.

As Mario, Janice and I discussed with the Building Division staff yesterday, the only thing our inspectors may be guilty of is having previously not held him to the same standard as the other builders. Because of his belligerent attitude they probably let him get away with too much. Now that they're treating everyone consistently, he seems to think he's being singled out.

I categorically deny his allegations of harassment.

Thanks,  
Josh

---

**From:** Willard Epps  
**Sent:** Wednesday, October 03, 2018 1:24 PM  
**To:** Josh McDonnell <[jmcdonnell@tulare.ca.gov](mailto:jmcdonnell@tulare.ca.gov)>  
**Subject:** FW: 2590 Diamante

FYI...

---

**From:** Greg Nunley [<mailto:greg@swifthomesinc.com>]  
**Sent:** Wednesday, October 03, 2018 10:45 AM  
**To:** Willard Epps <[wepps@tulare.ca.gov](mailto:wepps@tulare.ca.gov)>  
**Cc:** [lucy@swifthomesinc.com](mailto:lucy@swifthomesinc.com); [trampas@swifthomesinc.com](mailto:trampas@swifthomesinc.com); Mario U. Zamora <[zamora@griswoldlasalle.com](mailto:zamora@griswoldlasalle.com)>  
**Subject:** Re: 2590 Diamante

The nailing inspection has been called two times. Your inspectors would not even get on roof to look at nailing nor the shear. They were busy doing framing corrections that have nothing to do with a nailing inspection. If you would like you can come see the red chalk writing on the walls that prove this.

And the plans and card were there both times. I was there myself twice with them. Seems like they like going off course from what is called in on my projects all the time.

We will call it in again and I expect only a nailing inspection nothing more. We need to cover the wood as it has been sitting because of the holdup for a long time. You can say a framing change happened but when John Karlie your head building official has been there over 20 times just to "stop by" and seen this and said it's fine and now all the sudden he has a change of course there is a problem.

I deleted josh and John as I want you to know this is complete harassment and intention to damage and hurt me further as has been since we met Willard and josh along with my staff to ask you to do something about this. You continue to allow John Karlie to continue down this path on my jobs.

Thanks

Sent from my iPhone

On Oct 3, 2018, at 9:58 AM, Josh McDonnell <[jmcdonnell@tulare.ca.gov](mailto:jmcdonnell@tulare.ca.gov)> wrote:

Hi Councilman,

John has indicated that the City can provide a nailing inspection. Please call in a request and we will respond accordingly.

With regard to the strongback joist, the code requires that the valleys and hips be supported at the ridge by a brace to a bearing partition, or be designed to carry the intended load. The plans do not indicate that the valley is supported by a brace to a partition point, thus it is an unconventional design. The design may, however, still be ok, as long as it has been designed by an engineer and stamped accordingly. Please reference California Residential Code Section R802.3 "Framing Details" for further clarification.

Thanks,  
Josh McDonnell

---

**From:** Greg Nunley [mailto:[greg@swifthomesinc.com](mailto:greg@swifthomesinc.com)]  
**Sent:** Wednesday, October 03, 2018 9:40 AM  
**To:** John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)>  
**Cc:** [lucy@swifthomesinc.com](mailto:lucy@swifthomesinc.com); [trampas@swifthomesinc.com](mailto:trampas@swifthomesinc.com); Josh McDonnell <[jmcdonnell@tulare.ca.gov](mailto:jmcdonnell@tulare.ca.gov)>; Mario U. Zamora <[zamora@griswoldlasalle.com](mailto:zamora@griswoldlasalle.com)>; Willard Epps <[wepps@tulare.ca.gov](mailto:wepps@tulare.ca.gov)>  
**Subject:** Re: 2590 Diamante

John there is a strongback joist at bearing point. This is normal on hip roof cut and stack.

For the insulation you know I have insulated the roof deck and will also the ceiling. Besides the fact for title 24 you know I have over a r-50 in my walls. At insulation inspection you can verify what you want. You know this.

As of now there is no reason not to give me a nailing inspection on roof and shear other than you just holding me up intentionally. I now will have rain coming in as it is suppose to rain tonite for this holdup.

Thanks!

Sent from my iPhone

On Oct 3, 2018, at 9:16 AM, John Karlie <[JKarlie@tulare.ca.gov](mailto:JKarlie@tulare.ca.gov)> wrote:

See attachment

<3074\_001.pdf>



## Dan Rowley

---

**From:** Josh McDonnell <jmcdonnell@tulare.ca.gov>  
**Sent:** Friday, February 22, 2019 10:31 AM  
**To:** Dan Rowley  
**Subject:** RE: Josh McDonnell Deposition; 10755-5

Good Morning,

I believe that Mr. Nunley complained about an invasion of privacy to the Tulare Police Department when Lucy's home was red tagged for having been occupied without a final inspection. I seem to recollect speaking about this with two police investigators when they interviewed me about Mr. Nunley's complaints against John.

I suggest you verify this with Captain Matt Machado (684-4250 or [mmachado@tulare.ca.gov](mailto:mmachado@tulare.ca.gov)) or Willard Epps (I don't have his contact info).

Thanks,

**Josh McDonnell** | City of Tulare

Community &  
Economic  
Development  
Director

O: 559-684-4210      City of Tulare  
F: 559-685-2339      411 East Kern  
[jmcdonnell@tulare.ca.gov](mailto:jmcdonnell@tulare.ca.gov)      Tulare, CA 93274



**From:** Dan Rowley [mailto:[drowley@fikeboranianlaw.com](mailto:drowley@fikeboranianlaw.com)]  
**Sent:** Friday, February 22, 2019 10:02 AM  
**To:** Josh McDonnell <jmcdonnell@tulare.ca.gov>  
**Cc:** Cat Dellavalle <[cdellavalle@fikeboranianlaw.com](mailto:cdellavalle@fikeboranianlaw.com)>  
**Subject:** RE: Josh McDonnell Deposition; 10755-5

Josh,

Thank you for the full transcript. FYI, I was given a written document by Tyler regarding the December 13 incident. It will be part of my report.

Here is another follow up question for you: In connection with the red tagging of the home Lucy was living in did Lucy or Mr. Nunley ever claim there had been an invasion of privacy by the building inspectors?

Thanks.

Dan

Daniel W. Rowley  
Of Counsel

Fike & Boranian  
401 Clovis Ave., Suite 208  
Clovis, CA 93612  
Office: (559) 229-2200  
Cell: (559) 288-4315  
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**From:** Josh McDonnell <[jmcdonnell@tulare.ca.gov](mailto:jmcdonnell@tulare.ca.gov)>  
**Sent:** Thursday, February 21, 2019 9:35 AM  
**To:** Dan Rowley <[drowley@fikeboranianlaw.com](mailto:drowley@fikeboranianlaw.com)>  
**Subject:** Josh McDonnell Deposition

Good Morning Mr. Rowley,

During our phone conversation yesterday, you mentioned that you had received several pages of my deposition by Mr. Lampe. It may be helpful for you to have the transcript of my full deposition. Please find it attached. This version isn't the "certified" version, but I only had two very minor edits to it. Please feel free to discard it if you determine it wouldn't be of value to your efforts.

I also want to make sure that you are aware of the events of December 13, 2018, which resulted in the City retaining an outside consulting firm to conduct Mr. Nunley's building plan checks and building inspections due to an ugly incident during which Mr. Nunley verbally harassed and threatened inspectors Tyler Dodson and Mike Bruening. Please let me know if you need further details regarding those events.

Thanks,

**Josh McDonnell** | City of Tulare

Community &  
Economic  
Development  
Director

O: 559-684-4210  
F: 559-685-2339

[jmcdonnell@tulare.ca.gov](mailto:jmcdonnell@tulare.ca.gov)

City of Tulare  
411 East Kern  
Tulare, CA 93274



**EXHIBIT 4**

COT/JA000147

## Dan Rowley

---

**From:** Traci Myers <tmyers@tulare.ca.gov>  
**Sent:** Wednesday, January 9, 2019 12:25 PM  
**To:** Dan Rowley  
**Cc:** Cat Dellavalle  
**Subject:** RE: Follow up; 10755-5  
**Attachments:** RSG Memo re Orosco Deposit 050317.pdf

Good morning Dan,

Yes, I do recall the meeting. The Orosco Group is a developer the City had been working with for about 10 years on one specific project. (New Starbucks downtown) The project started as a joint project with the Tulare Redevelopment Agency. The subject property was owned by the RDA and there was an Exclusive Right to Negotiate on the property between the RDA and the Orosco Group. (approx. 2008) As consideration of the ERN, the Orosco Group gave the RDA a good-faith deposit of a couple hundred thousand dollars if I recall correctly. The Finance Department held those funds in a specific RDA account. The project stalled for a number of reasons out of everyone's control (downturn on the economy). When the RDA dissolved in 2012 and the State and DOF took over management, the subject property was one that was included in the City's inventory of RDA properties to the State. The City was required to report all RDA assets to the State, which I understand Darlene Thompson did. When the issue of contamination and remediation of the subject site came up in 2017, the Orosco Group wanted the Successor Agency to pay for the costs to remediate the site. Nunley, at the time, had immersed himself into the clean-up and revitalization of Tulare's downtown in his capacity of a Council member. During a conference call with the Orosco Group where Council member Nunley, Steve Bonville, Darlene Thompson and myself were present, (Heather Phillips came in during the end of this meeting waiting on another meeting following so she wasn't present for the entire thing), there was discussion about the terms of the agreement surrounding the \$200,000 and whether that deposit could be utilized to pay for the remediation costs. Council member Nunley came up the idea to "refund" the deposit back to the Orosco Group, who would then use the money to pay for the remediation. When Darlene Thompson stated the deposit was part of the assets reported to the DOF and the State in the RDA dissolution and we would need the State's approval to refund the money, Council member Nunley became irate and told Darlene to transfer the money from the Successor Agency (RDA) account into the City's General Fund and/or a separate escrow account to refund to the Orosco Group. Darlene said she was not comfortable doing that without notifying the State. Darlene contacted her consultants that were handling the RDA dissolution and the Successor Agency's dealings with the State for additional guidance on what to do since the Council member was pressing her for a solution. I have attached a memo that was sent to Darlene on May 3, 2017 by Dmitry Galkin of RSG that explains some options per the request of Darlene. Council member Nunley acted like it would be a simple transaction to just take the deposit from the Successor Agency account and open an escrow with the money. Even when Darlene tried to explain the process to him, he talked over her, was visibly irritated and even raised his voice to her. At this time, Heather Phillips had already arrived and set up her laptop in the same conference room we were in. She witnessed the exchange between Nunley and Darlene. When Nunley raised his voice, Heather kept looking over the top of her computer to me then back at Nunley then at Darlene but never said a word.

Hope this helps. Let me know if you have any further questions.

Traci

**From:** Dan Rowley [mailto:drowley@fikeboranianlaw.com]  
**Sent:** Wednesday, January 09, 2019 10:24 AM  
**To:** Traci Myers <tmyers@tulare.ca.gov>

Cc: Cat Dellavalle <cdellavalle@fikeboranianlaw.com>

Subject: Follow up; 10755-5

Traci,

Do you recall a meeting with Mr. Nunley, Steve Bonville, Darlene Thompson and Heather Phillips regarding the possible sale of property to someone named Orasco?

If so, during this meeting was there any discussion about opening escrows and not reporting something to the State?

Please let me know what you recall. Thank you.

Dan

Daniel W. Rowley  
Of Counsel  
Fike & Boranian  
401 Clovis Ave., Suite 208  
Clovis, CA 93612  
Office: (559) 229-2200  
Cell: (559) 288-4315  
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Traci Myers

---

From: Traci Myers  
Sent: Monday, April 24, 2017 6:22 PM  
To: Lucie Brown; Candice Anderson  
Cc: Rob Hunt; Ninfa Conde  
Subject: Front Counter - Customer Service

Good afternoon,

Staff has been working closely with the current City Council on setting goals and priorities for the Development Services Department in the upcoming years. Council has given staff direction to work on changing the culture at City Hall; that change begins at the front counter - customer service will be our main focus. With that focus in mind, Rob and I have some policies and processes we would like to put into place effective immediately.

The front counter at City Hall is the information hub of the City. Members of the public come to us looking for assistance with a variety of questions and we should strive to greet them in a pleasant, professional and welcoming manner. We have been receiving feedback that there is a great deal of personal talk and "visiting" going on up front; and on occasion there has been foul language used. I would ask that you limit any non-work related conversations to break time or lunch hours and outside the purview of the public. At no time is the use of foul or explicit language or derogatory statements regarding another staff member or City Council member acceptable. Remember, your actions and behavior are on display during business hours, it is important that we maintain a professional atmosphere at all times. As a reminder, the City's internet policy prohibits use of the internet during work hours except for work-related issues.

In order to provide consistent counter service (both internal and external), we will begin assigned lunch hour times for both Lucie and Candice each day beginning this Wednesday. One lunch hour at 11:30-12:30 and the other 12:30-1:30 (up to both of you to work out who goes first, but once decided, we will not deviate unless cleared through me or Rob.)

The protocol for front counter service is for Candice to be the initial point of contact to customers. After determining the reason for the visit, a referral shall be made to the appropriate staff/department. Lucie is to provide back up if Candice is unavailable or if there are multiple customers at the counter. With each inquiry, please take down (at minimum) the first name, last name, address and phone number of the person whom you are talking with. Please get as much information about the request as possible before assessing what department or staff member the request is going to. At no time shall a member of the public be told "there's no planner here today". If Aaron, Dawn or Amy are not here or unavailable, please call either me or Rob up to the front counter. If neither he or I are available, the appropriate response is to ask to take a detailed message (with address of property and thorough request) and let the person know someone will get back to him/her that day or within 24 hours. Remember, public requests are not an interruption of our day or social lives; they are the reason we are here every day. Ninfa is to be used as back up coverage as a last resort.

In order to promote a professional environment (as the front counter of City Hall is a public area and work areas/stations are visible by the general public), we will keep the appearance clean and professional. Please take a moment this week (by Friday) to organize and clean up work stations, counters, and personal space and remove or relocate any personal items (pictures, drawings, etc.) to minimize personal effects being visible to the public.

If you have any questions about the above, please let me know.

Thank you!

Traci

ENVIRONMENTAL ELEMENTS

Employees work in an office environment with moderate noise levels and controlled temperature conditions; but may occasionally be exposed to loud noise levels, cold and hot temperatures, inclement weather conditions, road hazards, vibration, confining workspace, chemicals, mechanical, and/or electrical hazards, and hazardous physical substances and fumes. Employees may interact with upset staff and/or public and private representatives in interpreting and enforcing departmental policies and procedures.

Also memo - (or need memo) direct contact of

Blow chances for "them" to look for <sup>staff</sup> <sup>at all times</sup>

Meeting of Joe, Janice, Ric, Memo

I see nothing wrong of memo - Both Joe, Janice

@ least 3-4 conversations following

Joe to Rob: "You know you wanted her fired" "I've already fished by" on this one - "they probably want

consider her done for the position" Specialty Exp

Janice  
didn't do  
herself any  
good

Janice to Rob - "if this memo I blow her chances for them to look

@ memo for position. The guaranteed job Rob had

Depression of Solicitation/negotiation of contract Director from a meeting

in the past & commitments made by the Director before the job was released

the Director - best decision is to say "I'm not a line" "I'm not a line"

## Traci Myers

---

**From:** Traci Myers  
**Sent:** Thursday, August 03, 2017 5:42 PM  
**To:** Joseph Carlini  
**Cc:** Heather N. Phillips  
**Subject:** Call to HCD

Joe,

Per your request, I left a voice mail at the last number I had for Harrison, which is the same number I found on the website.

Again, I stand by my comments to City Council on Tuesday night. As a reminder, here's the chain of events from my side of the story:

Staff worked with Mintier Harnish to complete the 2015-2019 Housing Element. The document was adopted April 27, 2016. Staff worked with a few HCD representatives as we worked our way through the draft document. One representative was "Harrison".

The consultant worked with the City up until the document was adopted and approved by HCD in May 2016. During the last 2 years, Staff was tasked with the Housing Element Update, General Plan update and lawsuit, Consolidated Plan Update, and Subdivision Ordinance Revision and adoption. There was Rob and myself trying to manage the preparation of these documents as well as manage the day-to-day planning duties and manage consultants.

Approximately last summer or early fall of 2016, I recognized the fact staff would not be in a position to complete the re-zone program for the Housing Element as provided in the May 26, 2016 letter. Therefore, I reached out to HCD (not our consultant) and spoke with Harrison about the consequences of not completing the rezone program and how we could work together. I was told that the rezone which was to be completed by end of 2016 was carry-over from the prior Housing Element. (which had not been completed). That the City should work towards getting as much of the re-zone completed as possible. That HCD would work with the City on deadlines, compliance, etc. I had informed Harrison we have a map of potential rezone sites but that it would be a process to get property owners on board and to get Planning Commission approval.

Now, today, council member Nunley is stating that I am lying about my conversation with HCD last year because I did not get anything in writing. Contrary to the City Attorney's advice that we not contact HCD because we will be put on their radar for non-compliance, at the request of Joe, I left a message for Harrison to call me so I can get something from him confirming our conversation last year. I cannot guarantee that he will remember any such conversation as he works with several jurisdictions and speaks to a number of staff members but if I get in touch with him, I will certainly ask. Let me remind you, we have NOT received a non-compliance letter from HCD as of today's date. The HCD website still shows that Tulare is IN compliance.

In addition, I spoke with Chelsey Payne of Mintier and Harnish this morning. Chelsey reassured me that we are not the only city in this position, and that it is a very onerous requirement. Furthermore,, Chelsey recommended I not call HCD unless you absolutely need to involve HCD.

We need to be prepared that by my reaching out to HCD, this will raise a red flag about our not completing the rezone. I am in complete agreement with Council member Nunley that it is very important to stay in compliance with our Housing Element. I do not dispute this at all. When he asked me point blank if we had completed the task, I honestly replied, "No we haven't." I have no reason to lie.

I will work diligently over the next few months to make progress towards completing the rezone program.



I have had nothing but stellar performance evaluations during my 10 year tenure with the City. Not once have I been accused of lying to a Council member. I am a hard worker, a team player, and want only the best for Tulare and its citizens.

I will keep you posted on what, if anything, I hear back from HCD.

Have a good evening.

Traci

*Traci Myers*  
*Community & Economic Development Deputy Director*  
*City of Tulare*  
*559.684.4230*  
[tmyers@ci.tulare.ca.us](mailto:tmyers@ci.tulare.ca.us)

Traci Myers

---

**From:** Chelsey Norton Payne <chelsey@mintierharnish.com>  
**Sent:** Thursday, August 03, 2017 2:50 PM  
**To:** Traci Myers  
**Subject:** Re:

Hi Traci,

Your council member called me about an hour ago and I gave him the same message I gave you. I also reassured him that you are not the only city in this position, and that it is a very onerous requirement. He seemed to calm down after I reiterated the message a couple of times. I tried to call you moments ago to fill you in. Call me if you would like.

As far as I know Harrison is still at HCD. I saw him there at a meeting a few months ago. His phone number is 916-263-8673, but like I said, I wouldn't recommend calling him unless you absolutely need to involve HCD.

-Chelsey

On Thu, Aug 3, 2017 at 2:18 PM, Traci Myers <[tracy@tulare.ca.gov](mailto:tracy@tulare.ca.gov)> wrote:

Hi again Chelsey,

Just wanted to give you a heads up that our city attorney gave councilmember Greg Nunley your phone number. I apologize in advance. :/

Also, is Harrison still with HCD?

Thank you so much for your help.

Traci

*Traci Myers*

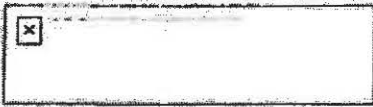
*Community & Economic Development Deputy Director*

City of Tulare

559.684.4230

mintierharnish.com

Chelsey Payne, AICP, Senior Project Manager



1415 20th Street  
Sacramento, CA 95811  
P: (916) 446-0522  
F: (916) 446-7520  
[www.mintierharnish.com](http://www.mintierharnish.com)

## Traci Myers

---

**From:** Joseph Carlini  
**Sent:** Monday, August 07, 2017 11:59 AM  
**To:** Traci Myers  
**Subject:** Re: Call to HCD

I agree, don't let it get you down we will just move forward and get it under control

On Aug 7, 2017, at 9:12 AM, Traci Myers <[tmyers@tulare.ca.gov](mailto:tmyers@tulare.ca.gov)> wrote:

So I'm sure he's convinced still I lied .. :/  
Nothing more I can do Joe except move forward with getting the rezone done.

**From:** Joseph Carlini  
**Sent:** Monday, August 07, 2017 9:07 AM  
**To:** Traci Myers <[tmyers@tulare.ca.gov](mailto:tmyers@tulare.ca.gov)>  
**Subject:** Re: Call to HCD

Me too

On Aug 7, 2017, at 9:07 AM, Traci Myers <[tmyers@tulare.ca.gov](mailto:tmyers@tulare.ca.gov)> wrote:

Sorry.

**From:** Joseph Carlini  
**Sent:** Monday, August 07, 2017 9:07 AM  
**To:** Traci Myers <[tmyers@tulare.ca.gov](mailto:tmyers@tulare.ca.gov)>  
**Subject:** Re: Call to HCD

Harrison is gone Greg found that out already

On Aug 7, 2017, at 9:02 AM, Traci Myers <[tmyers@tulare.ca.gov](mailto:tmyers@tulare.ca.gov)> wrote:

Good morning Joe,

As a follow-up to my e-mail to you on Thursday, August 3<sup>rd</sup>, I was out of the office on Friday but as of this morning I do not have a return call from Harrison.

**From:** Traci Myers  
**Sent:** Thursday, August 03, 2017 5:42 PM  
**To:** Joseph Carlini <[jcarlino@tulare.ca.gov](mailto:jcarlino@tulare.ca.gov)>  
**Cc:** Heather N. Phillips <[heather@cityoftulare.com](mailto:heather@cityoftulare.com)>  
**Subject:** Call to HCD

Joe,

Per your request, I left a voice mail at the last number I had for Harrison, which is the same number I found on the website.

Again, I stand by my comments to City Council on Tuesday night. As a reminder, here's the chain of events from my side of the story:

Staff worked with Mintier Harnish to complete the 2015-2019 Housing Element. The document was adopted April 27, 2016. Staff worked with a few HCD representatives as we worked our way through the draft document. One representative was "Harrison".

The consultant worked with the City up until the document was adopted and approved by HCD in May 2016. During the last 2 years, Staff was tasked with the Housing Element Update, General Plan update and lawsuit, Consolidated Plan Update, and Subdivision Ordinance Revision and adoption. There was Rob and myself trying to manage the preparation of these documents as well as manage the day-to-day planning duties and manage consultants.

Approximately last summer or early fall of 2016, I recognized the fact staff would not be in a position to complete the re-zone program for the Housing Element as provided in the May 26, 2016 letter. Therefore, I reached out to HCD (not our consultant) and spoke with Harrison about the consequences of not completing the rezone program and how we could work together. I was told that the rezone which was to be completed by end of 2016 was carry-over from the prior Housing Element. (which had not been completed). That the City should work towards getting as much of the re-zone completed as possible. That HCD would work with the City on deadlines, compliance, etc. I had informed Harrison we have a map of potential rezone sites but that it would be a process to get property owners on board and to get Planning Commission approval.

Now, today, council member Nunley is stating that I am lying about my conversation with HCD last year because I did not get anything in writing. Contrary to the City Attorney's advice that we not contact HCD because we will be put on their radar for non-compliance, at the request of Joe, I left a message for Harrison to call me so I can get something from him confirming our conversation last year. I cannot guarantee that he will remember any such conversation as he works with several jurisdictions and speaks to a number of staff members but if I get in touch with him, I will certainly ask. Let me remind you, we have NOT received a non-compliance letter from HCD as of today's date. The HCD website still shows that Tulare is IN compliance.

In addition, I spoke with Chelsey Payne of Mintier and Harnish this morning. Chelsey reassured me that we are not the only city in this position, and that it is a very onerous requirement. Furthermore,, Chelsey recommended I not call HCD unless you absolutely need to involve HCD.

We need to be prepared that by my reaching out to HCD, this will raise a red flag about our not completing the rezone. I am in

8/9/17 9:22am Reed call from  
David Haeedo. He asked how  
I was holding up / in reference  
to 8/1/17 council mtg. He  
apologized for council members  
Sunday conduct. He informed  
me he had had calls with the  
City Atty (Heather Phillips) since  
the 8/1/17 mtg b/c he believed  
Council members Sunday actions  
of discussing staff issues in a  
public forum are "illegal".

**Traci Myers**

---

**From:** Josh McDonnell  
**Sent:** Wednesday, August 16, 2017 3:28 PM  
**To:** Traci Myers  
**Subject:** Housing Element conversation follow up

We had a pretty long conversation earlier regarding your 8/1 City Council meeting comments on Housing Element compliance. Just to follow up, these are the key points that should be focused on:

- 1) We need to be carry ourselves in a more formal manner when in public meetings;
- 2) If you're not certain about the factuality of what you're saying, it's ok to say "I'll get back to you" or "I don't know";
- 3) If something serious is raised – and we know that it's serious – treat the issue on an equally serious basis (i.e. don't be "flippant", for lack of a better term).

I realize that the conversation went kind of all over the place, so I just wanted to be sure to get you a clear message of what I'm looking for. Let's talk more if you have any questions or just want to discuss things in greater detail.

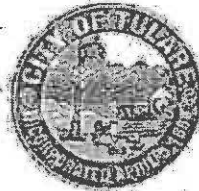
Thanks!

**Josh McDonnell | City of Tulare**

*Director*

*Community and Economic Development*

O: (559) 684-0101      City of Tulare  
F: (559) 686-5631      411 E. Kern  
[jmcdonnell@cityof-tulare.org](mailto:jmcdonnell@cityof-tulare.org)      Tulare, CA 93274



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COT/JA000159

## Traci Myers

---

**From:** Traci Myers  
**Sent:** Wednesday, August 16, 2017 5:54 PM  
**To:** Josh McDonnell  
**Subject:** RE: Housing Element conversation follow up

Hi Josh,

Thank you for the follow-up e-mail and clarification. I am looking forward to working with you in the future to continue the department's many successes!

I am responding in writing to let you know I agree 100% with your key points set forth below and to acknowledge I fully understand your direction.

I feel it is important for me to note, with respect to the 8/1 City Council meeting and the housing element discussion, my response to Council during the Council comment period was based upon the following:

- During the Council comment period, there was some hostile exchange between Council member Nunley and Council member Macedo witnessed by staff as it related to how Council member Nunley poses questions to staff.
- Thereafter, Council member Nunley stated something to effect of, "okay Traci why don't you come up and explain the housing element".
- I felt singled out by the pointed questions in a public forum in front of my peers and the public during a non-business related Council comment section, about why Tulare Housing Element was "out of compliance". I was nervous and a bit confused because I had yet to see any official letter from HCD declaring Tulare's Housing Element "out of compliance."
- As I explained earlier, my personality is such that I try to take a negative and turn it into a positive and give reassurance matters will be handled and taken care of. I believe in my attempt to be positive and upbeat yet feeling nervous and defensive, that my response may have been perceived as "flippant" or non-serious. I meant no disrespect to any of the Council members and certainly understand the importance of having a valid Housing Element.

Going forward, I will definitely focus on those key points as you've stated. I thank you for the constructive criticism!

I appreciate all you have done for the department and for me thus far to lighten the load from these past "lean" years. 😊

Here's to an awesome Community & Economic Development Department!

Traci

**From:** Josh McDonnell  
**Sent:** Wednesday, August 16, 2017 3:28 PM  
**To:** Traci Myers <tmyers@tulare.ca.gov>  
**Subject:** Housing Element conversation follow up

We had a pretty long conversation earlier regarding your 8/1 City Council meeting comments on Housing Element compliance. Just to follow up, these are the key points that should be focused on:



- 1) We need to be carry ourselves in a more formal manner when in public meetings;
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I realize that the conversation went kind of all over the place, so I just wanted to be sure to get you a clear message of what I'm looking for. Let's talk more if you have any questions or just want to discuss things in greater detail.

Thanks!

**Josh McDonnell | City of Tulare**

*Director*

*Community and Economic Development*

O: (559) 684-2101      City of Tulare  
F: (559) 685-5631      411 E. Kern  
[jmcdonnell@tulare.ca.gov](mailto:jmcdonnell@tulare.ca.gov)      Tulare, CA 93274



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7/8 8:26 pm 45 min

Received Redd Call from CS

Saying rumor going around Cth

They been telling people about "new Com"

and Cth I've told Moore that DT told me of

Bar B should be ping a man after Council

on 4/7

CS advised me to keep quiet - he is going  
to be "clearing house". he doesn't want me

to be out. Said he of Nunley talked about

who they want to "Swe" - Nunley said job was

CS said me

[REDACTED]

Viola 5:30

Call from Con Castella  
Wanted to tell me I  
have more support  
than I prob. realize

is - very deep  
something "new"  
will stay deep

When asked why  
I needed support  
she said because  
Con is trying to get  
rid of me

4/17/18  
ON 1st floor  
JC action  
Are there  
to be  
taken  
May 1st  
10th  
13

I was  
uprotected  
on 1st floor  
to 1st floor  
wonder  
No CAN  
10/1/18

7/20/18 PC 4 VM test.

Very worried BN will get his way & be able to hire D. Mata

to CPM. Said she? Macedo are

trying to stop that. Went to

get Rd in Belmont. Mata

Said BN wants D. Mata because

he wants Connie Dav under

CPM office and get rid of

Josh & contract out engineering Dept.



---

Community & Economic Development Department

### **MEMORANDUM**

**TO:** File  
**FROM:** Traci Myers, Community & Economic Development Deputy Director  
**RE:** Follow-up to Conversation with J Karlie re: Council member Nunley  
**DATE:** July 20, 2018

---

On July 20, 2018 at approximately 4:00pm, John Karlie came into my office to notify me he had red-tagged a home in the Bella Oaks subdivision that Council member Nunley is working on. The reason for the notice was that the contractor was beginning to install drywall over the electrical and plumbing without having requested and passed the electrical/plumbing inspection.

John Karlie further stated that Council member Nunley was irate and wants to speak to Acting City Manager Willard Epps. After speaking with Mr. Epps, Council member Nunley was even more irate because Mr. Epps supported staff's decision for the red-tag. Council member Nunley is heard to have said he now wants to "fire" Mr. Epps and bring in Darlene Mata as City Manager.

I forwarded an e-mail to my direct supervisor, Josh McDonnell and to Mr. Epps on this same date.

## Traci Myers

---

**From:** Traci Myers  
**Sent:** Friday, July 20, 2018 3:46 PM  
**To:** Willard Epps  
**Cc:** Josh McDonnell  
**Subject:** FW: Stop work notice  
**Attachments:** IMG\_4816.jpg; ATT00001.txt

Good afternoon Sir,

Just as an FYI, John Karlie issued a stop work notice/red tag on a home in the Bella Oaks subdivision that Council member Nunley is working on. The reason for the notice was that the contractor was beginning to install drywall over the electrical and plumbing without having requested and passed the electrical/plumbing inspection.

-----Original Message-----

**From:** Lucie Brown  
**Sent:** Friday, July 20, 2018 3:41 PM  
**To:** Traci Myers <tmyers@tulare.ca.gov>  
**Subject:** Stop work notice

-----Original Message-----

**From:** John Karlie [mailto:johnkarlie@sbcglobal.net]  
**Sent:** Friday, July 20, 2018 3:36 PM  
**To:** Ninfa Conde <nconde@tulare.ca.gov>; Lucie Brown <LBrown@tulare.ca.gov>  
**Subject:**

BUILDING DIVISION  
CITY OF BETHLEHEM

# STOP WORK

WHY HAS YOUR WORK STOPPED? CHECK ALL THAT APPLY TO YOUR STOPPAGE.

- |                                     |                                    |
|-------------------------------------|------------------------------------|
| <input type="checkbox"/> NO PERMIT  | <input type="checkbox"/> EQUIPMENT |
| <input type="checkbox"/> EXHAUSTING | <input type="checkbox"/> SAFETY    |
| <input type="checkbox"/> ELECTRICAL | <input type="checkbox"/> OTHER     |

DATE: \_\_\_\_\_  
TIME: \_\_\_\_\_  
LOCATION: \_\_\_\_\_

REASON FOR STOPPAGE: \_\_\_\_\_  
\_\_\_\_\_

*In Non-Permit Areas*

DATE: \_\_\_\_\_  
TIME: \_\_\_\_\_  
LOCATION: \_\_\_\_\_

BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_



[REDACTED]

Chiller: John informed me Joe told him  
in the past he had a woman to fire Tracy  
because of Nantz's.



## Dan Rowley

---

**From:** Janice Avila <javila@tulare.ca.gov>  
**Sent:** Monday, October 22, 2018 12:24 PM  
**To:** Dan Rowley  
**Cc:** Mario U. Zamora  
**Subject:** FW: Fwd:

This apparently happened on Friday.



### Janice Avila

Human Resources Director  
411 E. Kern Avenue, Tulare, CA 93274  
Tel: 559.684.4203 Fax: 559.685.2398  
Email: javila@tulare.ca.gov

*"Unless someone like you cares a whole awful lot, nothing is going to get better. It's not." Dr. Suess*

---

**From:** Josh McDonnell  
**Sent:** Monday, October 22, 2018 12:20 PM  
**To:** Janice Avila <javila@tulare.ca.gov>  
**Subject:** FW: Fwd:

---

**From:** Josh McDonnell  
**Sent:** Monday, October 22, 2018 11:22 AM  
**To:** Willard Epps <wepps@tulare.ca.gov>  
**Cc:** Mario U. Zamora <zamora@griswoldlasalle.com>  
**Subject:** FW: Fwd:

Hi Willard,

Per your request, I asked Traci to get statements from the counter staff regarding John Karlie's interaction with Greg Nunley's employee, Trampus, last Friday at the Community Development counter. Their recollections of the events are below. According to the three staff who were present (John, Lucie, and Ninfa), John and Trampus engaged in a lighthearted conversation and Trampus left with a smile on his face.

Please let me know if you wish me to do any additional follow up on Mr. Nunley's complaint. As far as I'm concerned, the allegation that John harassed Mr. Nunley's staff is both meritless and retaliatory.

Thanks,  
Josh

---

**From:** Traci Myers  
**Sent:** Monday, October 22, 2018 10:55 AM  
**To:** Josh McDonnell <jmcdonnell@tulare.ca.gov>  
**Subject:** RE: Fwd:

Good morning Josh,

Per your request, I spoke to Melissa, Ninfa and Lucie (each at separate times) and had them provide me with their recollection of events on Friday as it related to the exchange between John and Trampus.

Melissa said she did not hear any exchange; either she was not up at her desk at the time or she did not pay attention to what was being said.

Ninfa stated she did hear John make a comment to Trampus about "his boss" but that she recalls John saying something like, "Is your boss upset (or angry)?" She said Trampus did not seem upset or angry at John.

Lucie said Trampus came into the front counter to drop off truss calcs. John was up front by the filing cabinets. She recalls Trampus making a statement to John in a playful tone, "don't shoot the messenger." To which John replied something like, "is your boss upset?" She said Trampus and John exchanged some additional comments but very light-hearted. (she said Trampus even acted like he was ducking down below the counter) She said Trampus left with "a smile on his face."

If you need anything further, please let me know.

Traci

**From:** Josh McDonnell  
**Sent:** Monday, October 22, 2018 10:28 AM  
**To:** Traci Myers <[tmyers@tulare.ca.gov](mailto:tmyers@tulare.ca.gov)>  
**Subject:** FW: Fwd:

**From:** Mario U. Zamora [<mailto:zamora@griswoldlasalle.com>]  
**Sent:** Friday, October 19, 2018 12:45 PM  
**To:** Josh McDonnell <[jmcdonnell@tulare.ca.gov](mailto:jmcdonnell@tulare.ca.gov)>  
**Subject:** Fwd:

Did this happen?

Mario U. Zamora  
[zamora@griswoldlasalle.com](mailto:zamora@griswoldlasalle.com)  
Griswold, LaSalle, Cobb, Dowd & Gin, LLP  
111 E. Seventh Street  
Hanford, CA 93230  
T: (559) 584-6656 x 109  
F: (800) 948-6085

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

**From:** Greg Nunley <[greg@swifthomesinc.com](mailto:greg@swifthomesinc.com)>  
**Date:** Fri, Oct 19, 2018, 12:40 PM  
**Subject:**  
**To:** Mario U. Zamora <[zamora@griswoldlasalle.com](mailto:zamora@griswoldlasalle.com)>, <[wepps@tulare.ca.gov](mailto:wepps@tulare.ca.gov)>  
**Cc:** <[j.wilkins@wdcllp.com](mailto:j.wilkins@wdcllp.com)>, <[trampas@swifthomesinc.com](mailto:trampas@swifthomesinc.com)>

Willard,

This just happened.

My employee went in to plans at the front counter. In front of the three girls there John talks loud across room and says "how did your boss like that email" about gas line.  
This is very uncalled for and unacceptable.  
I would like statements immediately from the girls of John antagonizing and harassing my employees publicly.

Sent from my iPhone



## Dan Rowley

---

**From:** Janice Avila <javila@tulare.ca.gov>  
**Sent:** Wednesday, October 31, 2018 11:46 AM  
**To:** Dan Rowley  
**Subject:** FW: 2590 Diamante Dr. (Nunley Residence) - Gas line inspection

Another complaint filed you might want to follow up on in your investigation.

### Janice Avila

Human Resources Director  
411 E. Kern Avenue, Tulare, CA 93274  
Tel: 559.684.4203 Fax: 559.685.2398  
Email: javila@tulare.ca.gov



*"Unless someone like you cares a whole awful lot, nothing is going to get better. It's not." Dr. Suess*

---

**From:** Josh McDonnell  
**Sent:** Wednesday, October 31, 2018 10:48 AM  
**To:** Janice Avila <javila@tulare.ca.gov>  
**Subject:** FW: 2590 Diamante Dr. (Nunley Residence) - Gas line inspection

You should have been cc'd as well.

---

**From:** Traci Myers  
**Sent:** Wednesday, October 31, 2018 10:37 AM  
**To:** Josh McDonnell <jmcdonnell@tulare.ca.gov>; Mario U. Zamora <zamora@griswoldlasalle.com>  
**Cc:** Willard Epps <wepps@tulare.ca.gov>; John Karlie <JKarlie@tulare.ca.gov>; Tyler Dodson <tdodson@tulare.ca.gov>; Mike Bruening <mbruening@tulare.ca.gov>  
**Subject:** 2590 Diamante Dr. (Nunley Residence) - Gas line inspection

Good morning,

I wanted to make you aware of events of this morning and the exchange between Greg Nunley, Tyler Dodson and Mike Bruening.

Tyler and Mike went to the residence at about 8:45 this morning to perform a scheduled gas line inspection. Nunley was on site. When they arrived, they saw that the gas line has not been exposed contrary to previous correction notices provided to Nunley stating that the line needed to be exposed in various locations for inspection. Tyler informed Nunley he needed to see where the tracer wires were located and how they were wrapped and needed to see the riser. This is when Nunley began arguing with Tyler and Mike telling them that the gas line has already been approved and the city only gets "one shot" at an inspection. Both Mike and Tyler tried to telling Nunley that they don't want to rehash what's happened in the past; they were there to respond to an inspection request on the gas line called in by Nunley. Nunley then began discussing the merits of the lawsuit. He stated "all of this is going to come out in the lawsuit with the City and John." He claims John has been out to his house "over 200 times". He then questioned Mike and Tyler about how long they've been inspectors. He made a comment to the effect, "Tyler you've only been inspecting for about a year. And Mike, what? Only 6 months? Well, I've been doing this for years and I know more about the codes than John Karlie." Nunley then accused Mike and Tyler of "harassing" him by making him do corrections more than once. He started comparing corrections notices written for Jim Robinson and how he feels we're being harder on him (Nunley)

than Robinson. When Tyler and Mike tried to tell Nunley that they treat everyone fairly, he did not want to hear it. He kept accusing them of harassment. At this point, Tyler told Nunley, "you know what? I feel harassed by you by you calling my bosses' boss to complain about the job I'm doing." Nunley then said he is "absolutely not" going to provide calculations for the fuel gas piping size as previously requested on a correction notice. He remains adamant that he has done nothing extra to his house that is not on the plans. However, Mike, Tyler and John state that what was a garage on the plans is now either a showroom for cars and/or gym. Another garage shown on the plans is now a family gaming room.

At the end of the inspection, Nunley said he would expose some of the gas line today and call back in for an inspection tomorrow.

Both Mike and Tyler have expressed to me that they get anxious and sick to their stomachs knowing they have to go out and face Nunley. I told both Mike and Tyler to not engage with Nunley on matters relating to anything else but his inspection. However, when they try to stop Nunley from talking about other matters, it seems to only agitate Nunley further. I would recommend we discuss the following options:

Retaining an outside consultant to perform inspections on all Nunley projects; or  
Empowering our staff to let Nunley know they are only there to perform inspections and not to discuss the lawsuit. If Nunley persists on arguing, making threats or discussing the merits of a pending lawsuit, the staff has the ability to end the inspection and leave the job site.

If you have any further questions, please let me, Mike or Tyler know.

*Traci Myers*  
*Community & Economic Development Deputy Director*  
*City of Tulare*  
*559.684.4230*  
[tmyers@tulare.ca.gov](mailto:tmyers@tulare.ca.gov)





1 happened to make — make a copy of.  
2 (Exhibit 8 was marked for identification.)  
3 BY MR. LAMPE:  
4 Q. This is a radio interview that Carlton Jones  
5 gave on K-TIP on November 6, 2017. And just so you  
6 understand, this isn't a newspaper report. These are his  
7 exact words transcribed by the young lady to your left,  
8 who is a certified court reporter.  
9 Now, I really want to focus you on Page 2,  
10 knowing that this interview was given on November 6.  
11 Okay?  
12 A. Okay.  
13 Q. So this would have been given a little over five  
14 weeks after the chief was placed on administrative leave.  
15 Are you with me?  
16 A. Yes.  
17 Q. He's placed —  
18 A. Yes, yes.  
19 Q. — on administrative leave September 27. This  
20 interview is given November 6th, 2017. This is Carlton  
21 on the radio. And on Page 2 at Line 12 he says, "You  
22 know, it's — I got — I did get my first update on where  
23 we are with that," "that" being the investigation, "and I  
24 can say now" — or the administrative leave, I should  
25 say — "I can say now that I do support the city

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1 manager's decision, too, and what he's doing. There's  
2 still a lot of parts that need to come out of that. You  
3 know, those — they're very confidential investigations."  
4 So my question to you is: Did you give Carlton  
5 Jones an update on the investigation into the chief on  
6 November 6, 2017?  
7 A. No.  
8 Q. Did you ever give him an update?  
9 A. No, because I didn't — I didn't have an  
10 update.  
11 Q. Do you know where he could have gotten an update  
12 from anyone other than Heather Phillips?  
13 A. He could have gotten it from Heather Phillips,  
14 but he could have also gotten it from, you know, one of  
15 the council meetings when it was brought up by the public  
16 and we said that we're — we're in the process of getting  
17 an investigator. I mean, this is right after he was put  
18 on administrative leave. We didn't get an investigator  
19 until months after that.  
20 Q. So —  
21 A. I mean —  
22 Q. So where would he have gotten an update other  
23 than from you or Heather Phillips as early as November  
24 6?  
25 A. He could have heard that — like I said, he

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1 could have heard it at a council meeting, he could have  
2 heard it from her. He certainly didn't hear it from me.  
3 Q. Council meeting can't give an update. There was  
4 nobody — I mean, who would give an update at the council  
5 meeting? Would this be open or closed session?  
6 A. Well, it could — no, it was open session. It  
7 could have been, you know, "where are we at with it?"  
8 And my — I may have provided an answer that we haven't  
9 even — we haven't even gotten an investigator yet.  
10 Q. But his — but his update —  
11 A. I don't know what his —  
12 Q. His update led him to support your decision.  
13 What update could he possibly have received other than  
14 from you or Heather to support your decision? General  
15 public can't give him an update.  
16 A. I — I didn't give him an update. I mean, at  
17 this point we weren't — we didn't even have an  
18 investigator yet.  
19 (Exhibit 9 was marked for identification.)  
20 BY MR. LAMPE:  
21 Q. All right. Let's look at Exhibit 9 real  
22 quickly. This is the subpoena that we served on you.  
23 And I asked you to bring some documents with you today.  
24 I want to see if you have any.  
25 A. I have no documents.

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1 Q. So there's four items here. You have no  
2 communications of any type with Mayor Jones regarding the  
3 placement of Chief Hensley on administrative leave?  
4 A. The — the only — the only communication I have  
5 had — and you've gotten that through records requests  
6 and everything else that went through IT. I typically  
7 don't write anything, you know, in an email system. I  
8 just made them aware that I put — I put the chief on  
9 administrative leave. Case closed. That was it. That  
10 was it.  
11 Q. During your time as city manager, did Councilman  
12 Nunley ever pressure you to discipline a city employee?  
13 A. Oh, yeah.  
14 Q. Who did he put pressure on you to discipline?  
15 Was it more than one employee?  
16 A. Yeah.  
17 Q. How many?  
18 A. Three.  
19 Q. What are the names?  
20 A. There was Traci Myers. Traci Myers. What is  
21 his name? Mike, the engineer.  
22 Q. Michael Miller?  
23 A. Michael Miller. There was Sa — what is his  
24 name? He's a — he's a planner. I can't remember his  
25 name. He — he's — he's Hispanic. He wears glasses. I

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1 can't remember his name.  
2 Q. Why don't we do this. We're running out of  
3 tape; so let's take a break. We're getting close. And  
4 while he's changing the tape, I'll go up and get a list  
5 of planners.

6 A. Yeah, I mean, there was the planner, and then  
7 there was one other person.

8 VIDEOGRAPHER: This ends media two in the  
9 deposition of Joseph Carlini on October 10, 2018. Off  
10 the record 4:14.

11 (The proceedings went off the record.)

12 VIDEOGRAPHER: This begins media three in the  
13 deposition of Joseph Carlini on October 10, 2018. On the  
14 record 4:44.

15 BY MR. IAMPE:

16 Q. All right. I believe we left off with we were  
17 talking about people that you could identify that  
18 Councilman Nunley had pressured you to discipline or  
19 terminate. And you had named three: Traci Myers,  
20 Michael Miller — you had named two, and then off the  
21 record we've named another, Nick Bartsch, and I think's  
22 that spelled B-R-T-S-C-H [sic]; is that correct?

23 A. B-A-R-T-C-H [sic].

24 Q. T-C-H. Okay.

25 And there were two others whose names you can't

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1 something else?

2 A. Well, he just — you know, he just — he doesn't  
3 appreciate Traci at all. I mean, he's just, "Get rid of  
4 her."

5 Q. So what did he — "Get rid of her?" That's what  
6 he said, "You need to get rid of her"?

7 A. (Nods head.)

8 Q. Answer audibly.

9 A. Yes, absolutely.

10 Q. Okay. All right. What About Michael Miller?  
11 What did he say about Michael?

12 A. Pretty much the same thing, "Get rid of him. I  
13 mean, they're just incompetent downstairs." I mean, he  
14 was pretty blatant about it. He told whoever would  
15 listen, you know, "They're incompetent. They need to go.  
16 They — they don't know what they're doing." That's what  
17 he did. I — I heard that every other week.

18 Q. It's one thing to say that as a consumer of  
19 their services. I mean, that happens all the time,  
20 people come in, you know, they say that about their city  
21 planner, they can say it about their lawyer, their  
22 doctor, "You're a no-good SOB."

23 A. Not as a council member.

24 Q. That's the point.

25 Did he pressure you to terminate Traci Myers

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1 recall?

2 A. No. One is down there in — in — in plan — in  
3 engineering, and then the other one was just promoted  
4 from the administrative assistant up front and went to  
5 the back. He just had real issues with her — her  
6 qualifications. He felt that she wasn't qualified for  
7 the job and why did we give it to her, and I would  
8 imagine he pressured Josh McDormell about that.

9 Q. I'm trying to think who's in Josh's department  
10 that might fit that description. Could it be — there's  
11 a Candice Anderson in his department. Could it be her?

12 A. That's — that's her.

13 Q. Okay. So —

14 A. Candice Anderson —

15 Q. All right.

16 A. — is the one that got promoted from the front  
17 to the back, and —

18 Q. And then there's somebody in engineering as  
19 well?

20 A. And I just can't remember his name. I — I just  
21 can't — I mean, he's been — he's been with the City  
22 forever. I mean, he's been with the City for 25 years, I  
23 think. I just can't remember his name.

24 Q. With respect to Traci Myers, what did Mr. Nunley  
25 pressure you to do, discipline her, terminate her, or

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1 while he was an elected official?

2 A. He — he referenced that, "You need to do  
3 something with them or" — it was alone. We were alone.  
4 It was his word against my word.

5 Q. That's okay. I'm not —

6 A. You know —

7 Q. I'm not worried about whose word is against who.  
8 I'm just trying to understand.

9 While Greg Nunley —

10 A. "You do them, or I do you."

11 Q. That's what he said?

12 A. Pretty much.

13 Q. And I assume you took that to mean, "If you  
14 don't get rid of them, I'll get rid of you"?

15 A. That's how I took it.

16 Q. While he was on the city council?

17 A. (Nods head.)

18 Q. Yes?

19 A. Yes.

20 Q. And when he said, "You do them, or I'll do you,"  
21 you understood him to be referring to people he had  
22 complained about, and that would be Traci Myers, Michael  
23 Miller, Nick Bartsch, Candice Anderson —

24 A. I think Nick Bartsch came off the program.

25 Q. What do you mean "came — came off the

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1 program"?  
2 A. Because he started working with Greg, you know,  
3 personally, talking to him over the phone, getting him —  
4 and he wasn't part of that original group.

5 Q. All right. So — so at one point in time he was  
6 not happy with Bartsch, but then later he might have  
7 been, but you specifically can testify that with respect  
8 to Traci Myers, Michael Miller, Candice Anderson, and one  
9 other person, who you believe is in the engineering  
10 department —

11 A. Yeah.

12 Q. — whose name you can't recall, he said, "You  
13 either do them, or I'll do you," correct?

14 A. Yep, absolutely.

15 Q. Did he tell you that on more than one occasion?

16 A. Yeah.

17 Q. I want to go back real quickly —

18 A. You know, it is what it is. I mean, you know,  
19 as unfortunate as that is, I mean, that's what it is.

20 Q. I want to go back to one quick area of inquiry,  
21 and I think I'm going to be done, unless somebody on my  
22 side says I need to ask more questions.

23 So we talked a little bit about your interview  
24 with the district attorney investigators, and I want to  
25 go back to that because I think I didn't ask all the

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1 questions, perhaps, I should have.

2 That was one interview that you had; is that  
3 correct?

4 A. One interview.

5 Q. Do you recall who conducted the interview on  
6 behalf of the district attorney's office?

7 A. He was the second guy, the second — the second  
8 level. There's the main guy. I can't remember his name.  
9 He just ran — I think he just ran for office, the major  
10 district attorney. He was a deputy district attorney,  
11 the guy who talked to me.

12 Q. Did you talk to a deputy DA as opposed to an  
13 investigator?

14 A. I talked to two DAs. They — they both came in  
15 and talked to me.

16 Q. All right. But — but you're using a — you're  
17 using the term DAs, and the question is —

18 A. Investigator.

19 Q. All right.

20 A. I'm sorry.

21 And I can't remember their names.

22 Q. Well, was Rick Haskill one of them?

23 A. That's his name. Rick Haskill was his name. He  
24 was one of them.

25 Q. What was the nature of that interview, as you

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1 understood it?

2 A. They wanted — they wanted — you know, they  
3 wanted my take or if I was present when there was an  
4 altercation between the mayor — the former mayor,  
5 Carlton Jones, and Alex Gutierrez.

6 Q. Gutierrez.

7 A. Gutierrez.

8 Q. All right. And that's sort of a — a famous or  
9 infamous event in City lore now because that's all on  
10 video, and you can actually see what appears to be the  
11 altercation, correct?

12 A. You can see it. It was videoed.

13 Q. All right.

14 A. The audio was not there though.

15 Q. And who did you understand they were  
16 investigating at that time, or did you have an  
17 understanding?

18 A. No, they were investigating Carlton.

19 Q. Carlton Jones?

20 A. Carlton Jones.

21 Q. All right. And they told you that?

22 A. Yes.

23 Q. And during that interview, they asked you  
24 questions, obviously. How long did the interview go?

25 A. It was maybe 15 minutes. I mean, it wasn't very

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1 long.

2 Q. What questions did they ask and what were your  
3 responses, as best you can recall?

4 A. "Were you there during — that evening?" The  
5 answer was, "Yes." "Did you — did you see the  
6 altercation?" And the answer was no because I was in the  
7 back. And that was the end. They said, "Do you know  
8 anybody who was in that room that we may want to talk  
9 to?" So I identified — I think I identified two or  
10 three people. You know, Michael Miller was there. I  
11 think — I think — I think — I think Wes was there.  
12 I'm not really sure.

13 MR. HENSLEY: I was in the back with you in  
14 closed session.

15 THE WITNESS: No. It was somebody from PD. I  
16 couldn't remember. And — and I think there was — was  
17 Mike Miller there?

18 Oh, it wasn't you. It was the — the fire  
19 chief. The fire chief was there.

20 BY MR. JAMPE

21 Q. The current interim CM?

22 A. The current — the current CM.

23 Q. Willard Epps?

24 A. Willard Epps. He was — he was in that — he  
25 was there. Mike Miller was there. And that's all I

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Martin D. Koczanowicz

# KOCZANOWICZ & HALE

Association of Sole Practitioners



David P. Hale

March 27, 2014

Mr. Greg Nunley  
Great Valley Land Company  
1969 Hillman  
Tulare CA 93274

**VIA ELECTRONIC AND FIRST CLASS MAIL**

**RE: Contact with City Staff**

Dear Mr. Nunley:

On Tuesday, March 18, 2014, you received a call from Rob Hunt, the City's Community Development Director. He was responding to your message from the day before regarding the landscaping at the Tesori Subdivision and Rule 20A funds for utility undergrounding.

Mr. Hunt informed me that during the phone conversation you used profane language and inaccurately relayed the details of your contacts with Traci Myers, the Deputy Director. Your statements to Mr. Hunt included statements, which though not quoted exactly as the call was not recorded, were as follows:

- "You and Traci are Don's puppets and you can kiss my ass, in fact, you and the City of Tulare can go fuck yourselves".
- "You know what I am going to do? I am going to fuck the City of Tulare, I am not bonded for any of that utility work, only the interior frontages, so I am going to finish Ribola and Paseo Del Lago, and leave the City to complete Mooniey, they can have my fucking \$700K bond".
- "I have already talked to Darlene Mata and my attorney, and that's what I am going to do".

You sent me an email denying Mr. Hunt's accounting of the incident before this letter was even finished, which made it clear that you had knowledge of an email sent by Mr. Dorman to the City Council. I recognize that you have a different version of the incident, but that only magnifies the need for the steps set forth below.

You have in the past, without any factual basis, accused staff of lying and have been rude and abusive. Your latest incident with Mr. Hunt has crossed the line and cannot be repeated. California Civil Code Section 527.8 mandates that an employer obtain a restraining order to protect its employees from undue harassment by third parties. I am hopeful that such a step will not be necessary in this instance; however, in order to ensure that all communications are verifiable, and to prevent any potential future incidents, effective immediately, please only

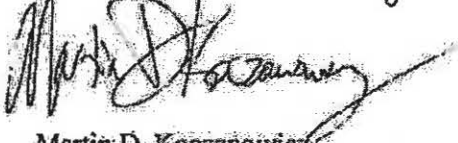
Nunley Letter Page 2

contact City staff in writing, via emails, fax or regular mail. No more telephone calls will be accepted by City staff. Should you require in person visits to City Hall, please set up an appointment in advance so more than one staff member can be present at the in-person meeting.

Again, I am hopeful that no other incidents will occur and that by following the above routine all involved can have assurances of civil contacts and accurate exchange of information. Please feel free to contact me if you have any questions or require further explanation.

Sincerely,

by *ML*



Martin D. Koczanowicz  
City Attorney

Cc.: Mayor, Council Members  
Don Dorman  
Rob Hunt

COT/JA000183

**EXHIBIT 9**

COT/JA000184



December 13, 2018

**Notes from Meeting with Josh McDonnell, Tyler Dodson and Mike Bruening**

**SUBJECT: Interaction with Greg Nunley – Tyler Dodson and Mike Bruening**

On Monday, December 10, 2018, Mr. Nunley called for an inspection on his personal property. The inspectors were not able to do the inspection on Tuesday. On Tuesday Mr. Nunley called Rob Hunt to raise a complaint about the inspectors. On that same day, Mr. Nunley called for another inspection and asked for a PM inspection. Because the inspection was not able to be made on Tuesday, the inspectors decided to do the inspection early on Wednesday morning.

When they arrive, they found (Nunley was working on) a gas line leak, the cement was dug up around the water heater area. Mr. Nunley told them that he had found a leak and were repairing it. Mr. Nunley called for another inspection today, December 13, 2018.

When they arrived yesterday, Mr. Nunley accused them of putting a stone in his gas line. Mr. Nunley further stated that he had it all on camera. (Nunley also said, "everything will come out it court" Tyler told him that this was not true and he wasn't going to listen to (anything he thinks we did or didn't do or about the court stuff") to that. Mr. Nunley then changed his attitude towards them.

Both Inspectors, Tyler and Mike, went to his property today for another inspection. Mike told Mr. Nunley that he needed to check pressure per requirements. (Per the California Plumbing Code, a piping system shall be tested as a complete unit or in sections. Under no circumstances shall a valve in a line be used as a bulkhead between gas in one section of the piping system and test medium in an adjacent section, unless two valves are installed in series with a valved "telltale" located between these valves.)

Mike reiterated the requirements. Mr. Nunley said – "I am not doing it – it is a waste of my time and my plumber's time. You guys make me jump through all these hoops." Mike told him he needed to have (valves) separated based on code. Mr. Nunley got extremely upset and said "This was bull-shit – John is just fucking with me and you are fucking with him.: He further stated "John's time is coming and so in the fuck is yours, you guys and get the fuck off my property."

It was Tyler and Mike's impression that he was volatile, hostile and just immediately exploded on them and they both felt threatened. After his outburst, Mr. Nunley turned and walked away and Tyler and Mike left the job site. There were no others at the job site or witnesses. They did not respond to Mr. Nunley after his outburst, they simply walked away and left the job site as they have been instructed by Josh McDonnell if this situation happens.

**EXHIBIT 10**

COT/JA000186

## Dan Rowley

---

**From:** Tyler Dodson <tdodson@tulare.ca.gov>  
**Sent:** Wednesday, January 23, 2019 5:11 PM  
**To:** Dan Rowley  
**Subject:** FW: Nunley PRA re emails from 1/1/18 to present JK, TM, JMC, CA, TD, LB, NC & ML

Hello Mr. Rowley,

I had asked for emails and had to wait 5 weeks to receive them. But Nunley asked and he has a time frame of when he should receive them. I feel I am still being harassed by this man. All I am doing is my job. I don't know if this is helpful but thank you for your time.

-----Original Message-----

**From:** Tyler Dodson  
**Sent:** Wednesday, January 23, 2019 5:02 PM  
**To:** Roxanne Yoder <ryoder@tulare.ca.gov>  
**Cc:** Traci Myers (tmyers@tulare.ca.gov) <tmyers@tulare.ca.gov>  
**Subject:** RE: Nunley PRA re emails from 1/1/18 to present JK, TM, JMC, CA, TD, LB, NC & ML

Hello,

It seems once again Greg Nunley is receiving special treatment. I had ask for public record documents November 21st. I had not been notified at all of a time frame when I would receive the documents. (Policy stated 10 days.) I finally received them on January 17th only from me asking. And if I ask for emails from Nunley to Mario is it fair that Mario was the person to review the emails.? These are the many questions I have regarding my public record document request. Why is there a due date for Greg Nunley Public record request.

-----Original Message-----

**From:** Roxanne Yoder  
**Sent:** Wednesday, January 23, 2019 3:56 PM  
**To:** Traci Myers <tmyers@tulare.ca.gov>; Chontelle Adney <cadney@tulare.ca.gov>; Tyler Dodson <tdodson@tulare.ca.gov>; Lucie Brown <LBrown@tulare.ca.gov>; Ninfa Conde <nconde@tulare.ca.gov>; Josh McDonnell <jmcdonnell@tulare.ca.gov>  
**Cc:** Mario U. Zamora <zamora@griswoldlasalle.com>; Kaydee Gomez (gomez@griswoldlasalle.com) <gomez@griswoldlasalle.com>; Melissa Hermann <MHermann@tulare.ca.gov>  
**Subject:** FW: Nunley PRA re emails from 1/1/18 to present JK, TM, JMC, CA, TD, LB, NC & ML  
**Importance:** High

Greetings -

Jason is already working on City related emails as requested per the below PRA. I am asking you to search your personal email for emails related to correspondence from or to Mike Lampe. If you have questions regarding this please contact our Interim City Attorney Mario Zamora. If you do not have emails on your personal devices/accounts I have attached an affidavit for you to complete related thereto and return to me.

"All emails and electronic communications between John Karlie, traci Myers, Josh McDonnell, Chantelle adney, Tyler Dodson, Luci brown, Ninfa conde and Mike lampe since January 1 2018 to the present time."

Thank you,

-----Original Message-----

From: Roxanne Yoder

Sent: Wednesday, January 23, 2019 9:48 AM

To: Josh McDonnell <jmcdonnell@tulare.ca.gov>; Jason Bowling <jbowling@tulare.ca.gov>; Melissa Hermann <MHermann@tulare.ca.gov>; Mario Zamora <zamora@griswoldlasalle.com>; Kaydee Gomez (gomez@griswoldlasalle.com) <gomez@griswoldlasalle.com>

Subject: FW: Nunley PRA re emails from 1/1/18 to present JK, TM, JMC, CA, TD, LB, NC & ML

Please see the below PRA from Greg Nunley requesting emails and electronic communication for John Karlie, Traci Myers, Josh McDonnell, Chontelle Adney, Tyler Dodson, Lucie Brown, Ninfa Conde and Mike Lampe from January 1, 2018 to present. A response is due on or before 2/1/19.

-----Original Message-----

From: Gvlandco <greg@gvlandco.com>

Sent: Monday, January 21, 2019 4:07 PM

To: Roxanne Yoder <ryoder@tulare.ca.gov>; Mario U. Zamora <zamora@griswoldlasalle.com>

Subject:

Roxanne

Please accept this public documents request for the following;

All emails and electronic communications between John Karlie, traci Myers, Josh McDonnell, Chantelle adney, Tyler Dodson, Luci brown, Ninfa conde and Mike lampe since January 1 2018 to the present time.

Sent from my iPhone



1 this year.

2 MR. LAMPE: March 20, 2018.

3 BY MR. WILKINS:

4 Q. Okay. Did you have any role in that  
5 termination?

6 A. Can you define --

7 Q. Do you know why he was terminated?

8 A. No.

9 Q. Okay. Did you participate in any -- participate  
10 in any meetings where the decision was made to have him  
11 terminated?

12 A. Well, the decision was made by the city council,  
13 and so, no, I -- no.

14 Q. Okay. Have you ever heard anyone express any  
15 criticism of Mr. Carlini in any respect?

16 A. Yes.

17 Q. Who?

18 A. Many, many people. Specifics --

19 Q. Sure.

20 A. Janice Avila, the human resources director;  
21 members of my staff; other department heads. That's all  
22 I can think of.

23 Q. Did you ever express any criticisms of Mr.  
24 Carlini?

25 A. Yes.

1 Q. Did you ever find him to be dishonest?  
2 MR. HERR: Be dishonest?  
3 MR. WILKINS: Dishonest, untruthful.  
4 THE WITNESS: I'm sorry. It was one question,  
5 did I ever find Mr. Carlini to be dishonest?  
6 BY MR. WILKINS:  
7 Q. Yes. Did you ever reach the conclusion based on  
8 any experience you ever had with him that he was in any  
9 way dishonest or untruthful?  
10 A. Yes.  
11 Q. Okay. Have you ever heard anyone else express  
12 the view that they found Mr. Carlini to be dishonest or  
13 untrustful or untruthful?  
14 A. Yes.  
15 Q. Who? Who, other than you, has expressed that  
16 opinion?  
17 A. I can't recollect, but I do feel that I've had  
18 that discussion with individuals.  
19 Q. Okay.  
20 A. I don't recollect who specifically.  
21 Q. All right. Other than Mr. Carlini, anybody else  
22 that you understand that Mr. Nunley has ever criticized  
23 at the City?  
24 A. Uh-huh.  
25 Q. Are you aware of any of them being terminated?





BUILDING DIVISION  
CITY OF TULARE

# STOP WORK

I have this day inspected this structure and these premises and found the following violations:

- |                                     |                                     |
|-------------------------------------|-------------------------------------|
| <input type="checkbox"/> NO PERMIT  | <input type="checkbox"/> BUILDING   |
| <input type="checkbox"/> PLUMBING   | <input type="checkbox"/> ELECTRICAL |
| <input type="checkbox"/> MECHANICAL | <input type="checkbox"/> FENCE      |

Remarks: SECURE THE ELECTRICAL PANEL  
INSPECTION IN PRESENCE OF  
DIE FEES

You are hereby notified that no more work shall be done upon these premises until the above violations are corrected. When corrections have been made, call for inspection.

By: [Signature]

*Do Not Remove This Notice*

DETACH AND BRING THIS PERMITS OFF CARD WITH YOU

Notes: COPIED WITH PERMIT  
INSPECTION IN PRESENCE OF

Location: 3031 WIND MILL

Date: 9/2/12

CITY OF TULARE  
BUILDING DIVISION



7:56



9/7/18  
Friday  
~~Friday~~



Lucy Arruda

Hello John  
When you're free can you  
please call me.

Yesterday 11:07 AM

Good morning John,  
I have the corrections for the  
final at 3031 Windmill Court.  
Can I get a temporary  
certificate of occupancy so I  
can move my stuff back in and  
call in for final inspection on  
Monday.

Yes

Thank you

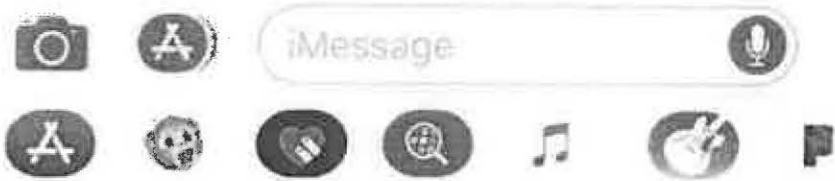
Yesterday 12:48 PM

One more question  
Can i remove the red tag?

Yes

Read Yesterday

Thank you so much





BUILDING DEPARTMENT  
CITY OF TULARE

CORRECTION NOTICE!

Job located at 2590 DIAMANTE AVE

Type of Inspection GAS PIPING

I have this day inspected this structure and these premises and have found the following violations of City Building Codes:

- 1) PROVIDE ACCURATE BTU'S FOR ALL APPLIANCES FOR THE PROPERTY
- 2) PROVIDE CALCULATIONS FOR GAS PIPE SIZING
- 3) PROVIDE PERMIT CARD FOR INSPECTION

CALL FOR REINSPECTION - 684-4270

You are hereby notified that no more work shall be done upon these premises until the above violations are corrected. When corrections have been made, call for inspection.

DATE 11-6-18

T. Dodson  
Inspector for Building Dept.

BUILDING DEPARTMENT  
CITY OF TULARE

CORRECTION NOTICE!

Job located at 2590 DIAMANTE

Type of Inspection GAS

I have this day inspected this structure and these premises and have found the following violations of City Building Codes:

- 1) REMOVE CONCRETE FOR INSPECTION OF GAS LINE REPAIR
- 2) REMOVE GAS VALVE IN GAS LINE FOR TESTING PER CODE SECTION 1213.1.4

NOTE

(DIDNT GIVE CORRECTION TO HOME OWNER DUE TO TELLING US THE LEAVE PROPERTY.)

- 3. NEED ENERGY CALCS FOR SQUARE FOOTAGE AS BUILT

ONLY HAVE CALS FOR 6,009 SQ. FT.

CALL FOR REINSPECTION - 684-4270

You are hereby notified that no more work shall be done upon these premises until the above violations are corrected. When corrections have been made, call for inspection.

DATE 12-13-18

T. Dodson  
Inspector for Building Dept.

COT/JA000197

BUILDING DEPARTMENT  
CITY OF TULARE

CORRECTION NOTICE!

Job located at 2590 DIAMANTE

Type of Inspection FUEL GAS PIPING

I have this day inspected this structure and these premises and have found the following violations of City Building Codes:

EXPOSE TRACER WIRE AT ALL LOCATIONS  
ENTERING HOUSE AND REMOVE VALVES

CALL FOR REINSPECTION - 684-4270

You are hereby notified that no more work shall be done upon these premises until the above violations are corrected. When corrections have been made, call for inspection.

DATE 10.31.18

T. Dodson  
Inspector for Building Dept.

BUILDING DEPARTMENT  
CITY OF TULARE

CORRECTION NOTICE!

Job located at 2590 DIAMANTE

Type of Inspection PLUMBING, NAILING, CEILING

I have this day inspected this structure and these premises and have found the following violations of City Building Codes:

REMOVE LATH PAPER NORTH, SOUTH AND  
EAST WALL FOR INSPECTION  
INSULATE HOT WATER LINES  
SECURE GAS LINE IN WEST WALL OF  
KITCHEN  
UNCOVER ALL PLUMBING FOR INSPECTION  
SUPPORT ALL HORIZONTAL DRAIN, VENT  
PIPS IN ATTIC 4' OC.  
INSTALL COMPO DRAIN FITTING  
ON SECOND FLOOR BATHROOM  
PROVIDE PLANS AND INSPECTION CARD  
FOR INSPECTION  
PROVIDE ACCESS ABOVE CEILING FOR INSPECT  
ION OF LIGHTS  
UNCOVER GAS LINES BY GYM FOR INSPECTION  
SECURE LIGHTS IN CEILING AT GYM  
ROOM

CALL FOR REINSPECTION - 684-4270

You are hereby notified that no more work shall be done upon these premises until the above violations are corrected. When corrections have been made, call for inspection.

DATE 10-15-18

T. Dodson  
Inspector for Building Dept.



REMOVE RAIVES  
AS KED TO

THINEST WIRE

FIRST LOCATION TO HOSE

GAS LINE REPAIR  
COVERED, NOT INSPECTED

NEW  
CONCRETE  
12-13-18  
10TSDAN





WRONG  
APPLICATION  
AFTER HOLE

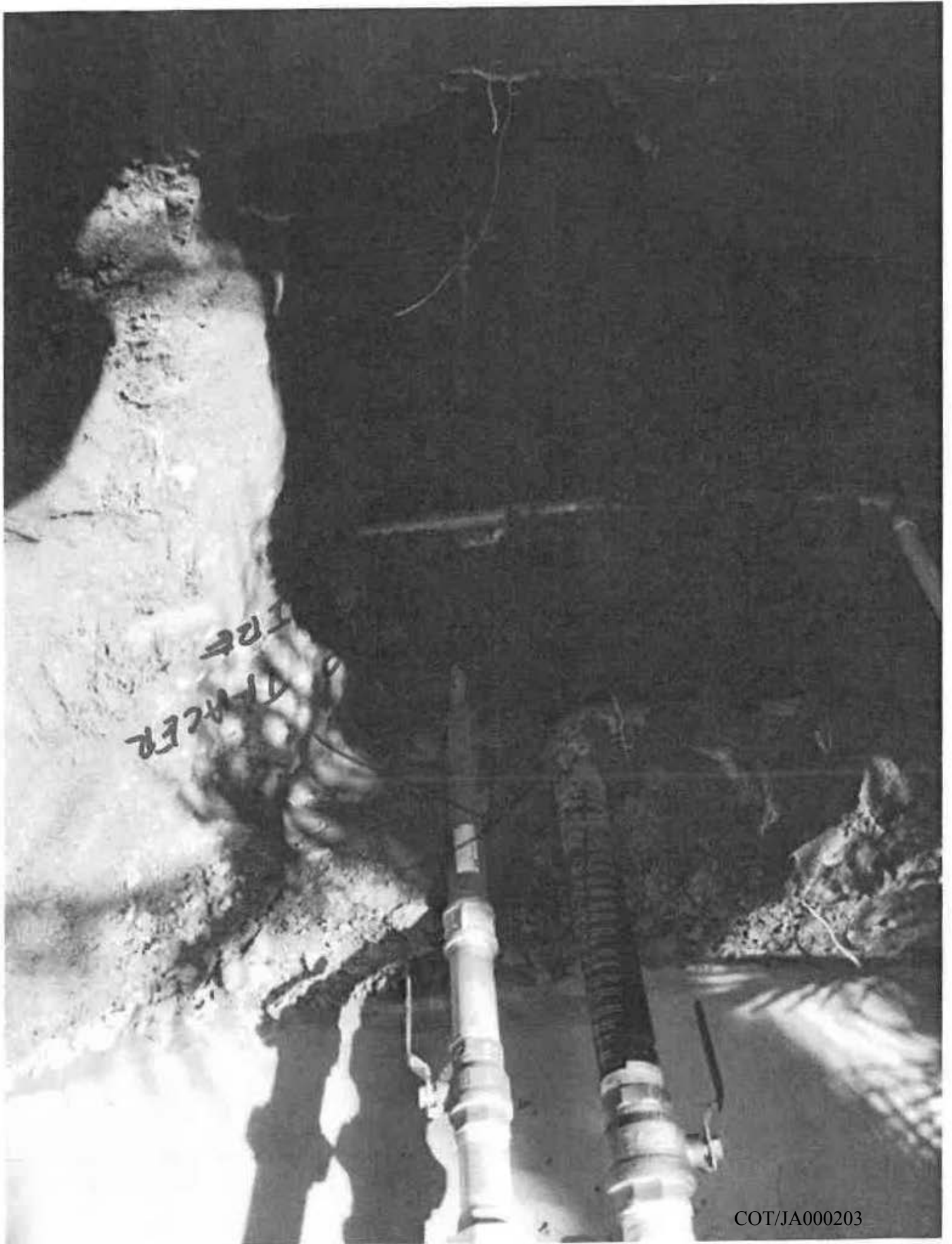
2nd  
Location



DANGER BY SCAFFOLD

THIS LINE NEVER INSPECTED

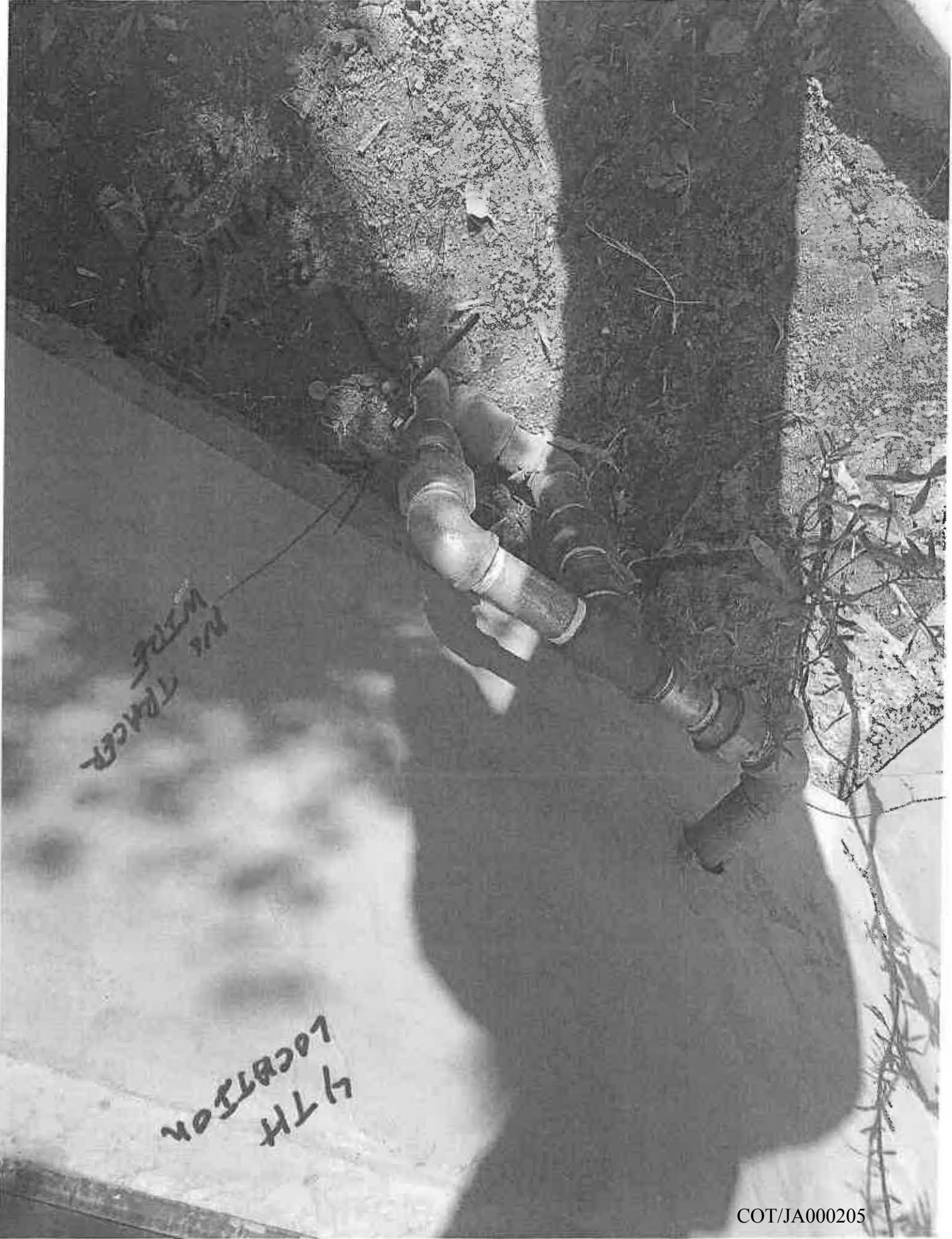
COT/JA000202



COT/JA000203



COT/JA000204



NO TRACER  
WIRE

4TH  
LOCATION

be exercised to see that the pipe is not floated from its firm bearing on the trench bottom. [NFPA 54:7.1.2.3]

**1210.1.3 Protection Against Corrosion.** Gas piping in contact with earth or other material that is capable of corroding the piping shall be protected against corrosion in an approved manner. Where dissimilar metals are joined underground, an insulating coupling or fitting shall be used. Piping shall not be laid in contact with cinders. Uncoated threaded or socket-welded joints shall not be used in piping in contact with soil or where internal or external crevice corrosion is known to occur. [NFPA 54:7.1.3]

**1210.1.4 Protection Against Freezing.** Where the formation of hydrates or ice is known to occur, piping shall be protected against freezing. [NFPA 54:7.1.4]

**1210.1.5 Piping Through Foundation Wall.** Underground piping installed through the outer foundation or basement wall of a building shall be encased in a protective sleeve or protected by an approved device or method. The space between the gas piping and the sleeve and between the sleeve and the wall shall be sealed to prevent entry of gas and water. [NFPA 54-12:7.1.5]

**1210.1.6 Piping Underground Beneath Buildings.** Where gas piping is installed underground beneath buildings, the piping shall be either:

- (1) Encased in an approved conduit designed to withstand the imposed loads and installed in accordance with Section 1210.1.6.1 or Section 1210.1.6.2.
- (2) A piping or encasement system listed for installation beneath buildings. [NFPA 54-12:7.1.6]

**1210.1.6.1 Conduit with One End Terminating Outdoors.** The conduit shall extend into a normally usable and accessible portion of the building and, at the point where the conduit terminates in the building, the space between the conduit and the gas piping shall be sealed to prevent the possible entrance of a gas leakage. Where the end sealing is of a type that will retain the full pressure of the pipe, the conduit shall be designed for the same pressure as the pipe. The conduit shall extend not less than 4 inches (102 mm) outside the building, be vented outdoors above finished ground level, and be installed so as to prevent the entrance of water and insects. [NFPA 54:7.1.6.1]

**1210.1.6.2 Conduit with Both Ends Terminating Indoors.** Where the conduit originates and terminates within the same building, the conduit shall originate and terminate in an accessible portion of the building and shall not be sealed. [NFPA 54:7.1.6.2]

**1210.1.7 Plastic Piping.** Plastic piping shall be installed outdoors, underground only.

**Exceptions:**

- (1) Plastic piping shall be permitted to terminate aboveground where an anodeless riser is used.

- (2) Plastic piping shall be permitted to terminate with a wall head adapter aboveground in buildings, including basements, where the plastic piping is inserted in a piping material permitted for use in buildings. [NFPA 54-12:7.1.7.1]

**1210.1.7.1 Connections Between Metallic and Plastic Piping.** Connections made between metallic and plastic piping shall be made with fittings that are in accordance with one of the following:

- (1) ASTM D 2513
- (2) ASTM F 1973
- (3) ASTM F 2509 [NFPA 54:7.1.7.2]

**1210.1.7.2 Tracer Wire.** An electrically continuous corrosion-resistant tracer wire (not less than AWG 14) or type shall be buried with the plastic pipe to facilitate locating. One end shall be brought aboveground at a building wall or riser. [NFPA 54:7.1.7.3]

**1210.2 Installation of Piping.** Piping installed aboveground shall be securely supported and located where it will be protected from physical damage. Where passing through an exterior wall, the piping shall be protected against corrosion by coating or wrapping with an inert material approved for such applications. The piping shall be sealed around its circumference at the point of the exterior penetration to prevent the entry of water, insects, and rodents. Where piping is encased in a protective pipe sleeve, the annular spaces between the gas piping and the sleeve and between the sleeve and the wall opening shall be sealed. [NFPA 54-12:7.2.1]

**1210.2.1 Building Structure.** The installation of gas piping shall not cause structural stresses within building components to exceed allowable design limits. Approval shall be obtained before beams or joists are cut or notched. [NFPA 54:7.2.2]

Permission shall be obtained from the Authority Having Jurisdiction.

**1210.2.2 Gas Piping to be Sloped.** Piping for other than dry gas conditions shall be sloped not less than 1/8 inch in 15 feet (1/4 inch in 6 m) to prevent traps. [NFPA 54:7.2.4]

**1210.2.2.1 Ceiling Locations.** Gas piping shall be permitted to be installed in accessible spaces between a fixed ceiling and a dropped ceiling, whether or not such spaces are used as a plenum. Valves shall not be located in such spaces.

**Exception:** Appliance shutoff valves required by this code shall be permitted to be installed in accessible spaces containing vented appliances.

**1210.2.3 Prohibited Locations.** Gas piping inside a building shall not be installed in or through a clothes chute, chimney or gas vent, dumbwaiter, elevator shaft, or air duct, other than combustion air ducts. [NFPA 54:7.2.5]

**Exception:** Ducts used to provide ventilation air in accordance with Section 506.0 or to above-ceiling spaces in accordance with Section 1210.2.2.1.

valve shall not be subjected to the test pressure unless it is determined that the valve, including the valve-closing mechanism, is designed to safely withstand the pressure. [NFPA 54:8.1.1.5]

**1213.1.5 Regulators and Valves.** Regulator and valve assemblies fabricated independently of the piping system in which they are to be installed shall be permitted to be tested with inert gas or air at the time of fabrication. [NFPA 54:8.1.1.6]

**1213.1.6 Test Medium.** The test medium shall be air, nitrogen, carbon dioxide, or an inert gas. OXYGEN SHALL NEVER BE USED. [NFPA 54:8.1.2]

**1213.2 Test Preparation.** Test preparation shall comply with Section 1213.2.1 through Section 1213.2.6.

**1213.2.1 Pipe Joints.** Pipe joints, including welds, shall be left exposed for examination during the test.

**Exception:** Covered or concealed pipe end joints that have been previously tested in accordance with this code. [NFPA 54:8.1.3.1]

**1213.2.2 Expansion Joints.** Expansion joints shall be provided with temporary restraints, where required, for the additional thrust load under test. [NFPA 54:8.1.3.2]

**1213.2.3 Appliances and Equipment.** Appliances and equipment that are not to be included in the test shall be either disconnected from the piping or isolated by blanks, blind flanges, or caps. Flanged joints at which blinds are inserted to blank off other equipment during the test shall not be required to be tested. [NFPA 54:8.1.3.3]

**1213.2.4 Designed for (less than) Operating Pressures.** Where the piping system is connected to appliances or equipment designed for operating pressures of less than the test pressure, such appliances or equipment shall be isolated from the piping system by disconnecting them and capping the outlets. [NFPA 54:8.1.3.4]

**1213.2.5 Designed for (equal to or more than) Operating Pressures.** Where the piping system is connected to appliances or equipment designed for operating pressures equal to or greater than the test pressure, such appliances and equipment shall be isolated from the piping system by closing the individual appliance or equipment shutoff valve(s). [NFPA 54:8.1.3.5]

**1213.2.6 Safety.** Testing of piping systems shall be performed in a manner that protects the safety of employees and the public during the test. [NFPA 54:8.1.3.6]

**1213.3 Test Pressure.** This inspection shall include an air, CO<sub>2</sub>, or nitrogen pressure test, at which time the gas piping shall stand a pressure of not less than 10 psi (69 kPa) gauge pressure. Test pressures shall be held for a length of time satisfactory to the Authority Having Jurisdiction, but in no case less than 15 minutes with no perceptible drop in pressure. For welded piping, and for piping carrying gas at pressures in excess of 14 inches water column pressure (3.5 kPa), the test pressure shall be not less than 60 psi (414 kPa) and shall be continued for a length of time satisfactory to the Authority Having Jurisdiction, but in no case for less than 30 minutes. For CSST carrying gas at pressures in excess of 14 inches water column (3.5 kPa) pressure, the test pressure shall be 30 psi (207 kPa) for 30 minutes.

These tests shall be made using air, CO<sub>2</sub>, or nitrogen pressure and shall be made in the presence of the Authority Having Jurisdiction. Necessary apparatus for conducting tests shall be furnished by the permit holder. Test gauges used in conducting tests shall be in accordance with Section 318.0.

**1213.4 Detection of Leaks and Defects.** The piping system shall withstand the test pressure specified without showing evidence of leakage or other defects. Reduction of test pressures as indicated by pressure gauges shall be deemed to indicate the presence of a leak unless such reduction is readily attributed to some other cause. [NFPA 54:8.1.5.1]

**1213.4.1 Detecting Leaks.** The leakage shall be located by means of an approved gas detector, a noncorrosive leak detection fluid, or other approved leak detection methods. Matches, candles, open flames, or other methods that provide a source of ignition shall not be used. [NFPA 54:8.1.5.2]

**1213.4.2 Repair or Replace.** Where leakage or other defects are located, the affected portion of the piping system shall be repaired or replaced and retested. [NFPA 54:8.1.5.3]

**1213.5 Piping System Leak Test.** Leak checks using fuel gas shall be permitted in piping systems that have been pressure-tested in accordance with Section 1213.0. [NFPA 54:8.2.1]

**1213.5.1 Turning Gas On.** During the process of turning gas on into a system of new gas piping, the entire system shall be inspected to determine that there are no open fittings or ends and that valves at unused outlets are closed and plugged or capped. [NFPA 54:8.2.2]

**1213.5.2 Leak Check.** Immediately after the gas is turned on into a new system or into a system that has been initially restored after an interruption of service, the piping system shall be checked for leakage. Where leakage is indicated, the gas supply shall be shut off until the necessary repairs have been made. [NFPA 54:8.2.3]

**1213.5.3 Placing Appliances and Equipment in Operation.** Appliances and equipment shall not be placed in operation until after the piping system has been checked in accordance with Section 1213.5.2; connections to the appliance are checked for leakage; and purged in accordance with Section 1213.6. [NFPA 54:8.2.4]

**1213.6 Purging Requirements.** The purging of piping shall be in accordance with Section 1213.6.1 through Section 1213.6.3. [NFPA 54:8.3]

**1213.6.1 Piping Systems Required to be Purged Outdoors.** The purging of piping systems shall be in accordance with the provisions of Section 1213.6.1.1 through Section 1213.6.1.4 where the piping system meets either of the following:

- (1) The design operating gas pressure exceeds 2 psig (14 kPa).
- (2) The piping being purged contains one or more sections of pipe or tubing meeting the size and length criteria of Table 1213.6.1. [NFPA 54:8.3.1]

» **1212.4.3 Flexible Connectors.** Where flexible connections are used, they shall be of the minimum practical length and shall not extend from one room to another or pass through walls, partitions, ceilings, or floors. Flexible connections shall not be used in a concealed location. They shall be protected against physical or thermal damage and shall be provided with gas shutoff valves in readily accessible locations in rigid piping upstream from the flexible connections. [NFPA 54:9.6.3.4]

» **1212.5 Appliance Shutoff Valves and Connections.** Appliances connected to a piping system shall have an accessible, approved manual shutoff valve with a nondisplaceable valve member, or a listed gas convenience outlet. Appliance shutoff valves and convenience outlets shall serve a single appliance and shall be installed within 6 feet (1829 mm) of the appliance it serves. Where a connector is used, the valve shall be installed upstream of the connector. A union or flanged connection shall be provided downstream from the valve to permit removal of appliance controls. Shutoff valves serving decorative appliances shall be permitted to be installed in fireplaces where listed for such use. [NFPA 54:9.6.4, 9.6.4.1]

**Exceptions:**

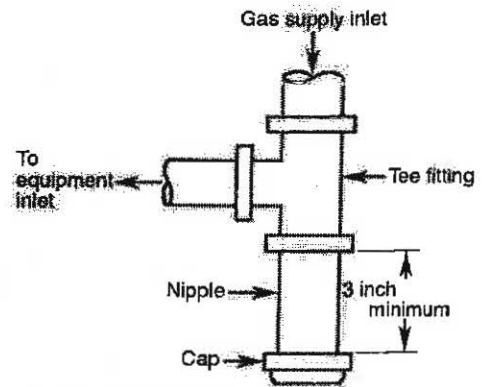
- (1) Shutoff valves shall be permitted to be accessibly located inside or under an appliance where such appliance is removed without removal of the shutoff valve.
- (2) Shutoff valves shall be permitted to be accessibly located inside wall heaters and wall furnaces listed for recessed installation where necessary maintenance is performed without removal of the shutoff valve.

» **1212.6 Quick-Disconnect Devices.** Quick-disconnect devices used to connect appliances to the building piping shall be listed to CSA Z21.41. Where installed indoors, an approved manual shutoff valve with a non-displaceable valve member shall be installed upstream of the quick-disconnect device. [NFPA 54:9.6.5]

» **1212.7 Gas Convenience Outlets.** Appliances shall be permitted to be connected to the building piping by means of a listed gas convenience outlet, in conjunction with a listed appliance connector, installed in accordance with the manufacturer's installation instructions.

Gas convenience outlets shall be listed in accordance with CSA Z21.90 and installed in accordance with the manufacturer's installation instructions. [NFPA 54:9.6.6]

» **1212.8 Sediment Trap.** Where a sediment trap is not incorporated as a part of the appliance, a sediment trap shall be installed downstream of the appliance shutoff valve as close to the inlet of the appliance as practical, before the flex connector, where used at the time of appliance installation. The sediment trap shall be either a tee fitting with a capped nipple in the bottom outlet, as illustrated in Figure 1212.8, or other device recognized as an effective sediment trap. Illuminating appliances, ranges, clothes dryers, decorative appliances for installation in vented fireplaces, gas fireplaces, and outdoor grills shall not be required to be so equipped.



For SI units: 1 inch = 25.4 mm

**FIGURE 1212.8**  
**METHOD OF INSTALLING A**  
**TEE FITTING SEDIMENT TRAP**  
[NFPA 54: FIGURE 9.6.7]

» **1212.9 Installation of Piping.** Piping shall be installed in a manner not to interfere with inspection, maintenance, or servicing of the appliance. [NFPA 54:9.6.8]

» **1212.10 Liquefied Petroleum Gas Facilities and Piping.** Liquefied petroleum gas facilities shall comply with NFPA 58.

**1213.0 Pressure Testing and Inspection.**

**1213.1 Piping Installations.** Prior to acceptance and initial operation, piping installations shall be visually inspected and pressure-tested to determine that the materials, design, fabrication, and installation practices are in accordance with the requirements of this code. [NFPA 54:8.1.1.1]

**1213.1.1 Inspection Requirements.** Inspection shall consist of visual examination during or after manufacture, fabrication, assembly, or pressure tests. [NFPA 54:8.1.1.2]

**1213.1.2 Repairs and Additions.** Where repairs or additions are made following the pressure test, the affected piping shall be tested. Minor repairs and additions are not required to be pressure-tested provided that the work is inspected and connections are tested with a noncorrosive leak-detecting fluid or other leak-detecting methods approved by the Authority Having Jurisdiction. [NFPA 54:8.1.1.3]

**1213.1.3 New Branches.** Where new branches are installed to new appliances, the newly installed branches shall be required to be pressure-tested. Connections between the new piping and the existing piping shall be tested with a noncorrosive leak-detecting fluid or approved leak-detecting methods [NFPA 54:8.1.1.4]

**1213.1.4 Piping System.** A piping system shall be tested as a complete unit or in sections. Under no circumstances shall a valve in a line be used as a bulkhead between gas in one section of the piping system and test medium in an adjacent section, unless two valves are installed in series with a valved "telltale" located between these valves. A





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SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF TULARE

ORIGINAL

DAVID W FROST,

Plaintiff,

v.

JAMES GREG NUNLEY aka GREG NUNLEY,  
an individual; DRIVEN CONSTRUCTION,  
INC., a California corporation;  
GREAT VALLEY BUILDERS, INC., a  
California corporation; HIDDEN OAK  
DEVELOPMENT COMPANY, INC., a  
California corporation; DEL LAGO  
PLACE, LLC, a California limited  
liability company; CITY OF TULARE,  
a municipal corporation, and DOES  
through 50, inclusive,

Respondent.

NO. 274926

Visalia, California  
November 9, 2018

DEPOSITION

OF

JOSHUA JAMES McDONNELL

TAMARA L. MENDOZA SUMPTER,  
C.S.R. 9993

*Moore Court Reporters*

815 W. Center Ave.

Visalia, CA 93291

(559) 732-3225

bookings@moorecourtreporters.com

1 Q. Are you aware of Mr. Nunley asking anyone else  
2 at the City to terminate Traci's employment?

3 A. Yes.

4 Q. Who's that?

5 A. Joe Carlini, the former city manager.

6 Q. And how did you learn that Mr. Nunley had asked  
7 Joe Carlini to terminate Traci Myers as an employee of  
8 the City?

9 A. There were two instances. The first instance  
10 occurred in either August or September of 2017 -- I don't  
11 have the specific date -- where Mr. Carlini encouraged me  
12 to find a reason to terminate Miss Myers because Mr.  
13 Nunley was pressuring him to do so.

14 Q. When you say Mr. Carlini encouraged you to  
15 terminate Traci Myers, what do you mean by that? How did  
16 he encourage you? That sounds almost like a threat to  
17 me.

18 A. My -- can you repeat the question, please?

19 Q. Sure. You, I believe, testified that Mr.  
20 Carlini came to you in August or September of last year  
21 and encouraged you to terminate or find a way, I think  
22 you said, to terminate Traci Myers' employment with the  
23 City; is that correct?

24 A. Yes.

25 Q. And that was because of pressure that was being

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applied by Councilman Nunley, correct?

MR. HERR: Question's vague.

MR. WILKINS: Objection. Join

BY MR. LAMPE:

Q. You can answer.

A. I can answer the first part of the question. The second part of the question I'm having some difficulty comprehending.

Q. Let's try this: Best you recall, in August or September of 2017, the first time that Joe Carlini came to you and indicated some kind of desire to see Traci Myers terminated, what did he say?

A. That Greg's not going to let go of Traci, in the context of he's not going to let go of wanting her terminated, and that we need to find a way to get rid of Traci.

Q. What was your response to that?

A. My response was to delay. My response was to -- I had just joined the City, and I wanted to look into the matter more. I wanted to review the tape of the city council meeting where the allegation of Traci having lied to the city council had occurred. I wanted to watch her performance and make my own judgment as to her competence.

Q. All right. So you delayed.

1           A.    I delayed.

2           Q.    And did you review the tape of her delivery to  
3 the city council?

4           A.    Yes.

5           Q.    And what was your determination after you  
6 reviewed the tape?

7           A.    She had not lied to ~~the~~ city council.

8           Q.    So you found Mr. Nunley's charge in that regard,  
9 to be untrue; is that correct?

10          A.    That is correct.

11          Q.    And then you also wanted to review her  
12 performance, see for yourself how she performed on the  
13 job, correct?

14          A.    Yes.

15          Q.    And how much time did it take you to review her  
16 performance on the job before you were able to make a  
17 determination whether or not you thought she should be  
18 fired because she wasn't doing her job?

19          A.    One to one and a half months, I would say.

20          Q.    So if Mr. Carlini came into your office in  
21 August or September of 2017, your conclusion regarding  
22 Traci's ability to do her job would have been probably  
23 completed somewhere around maybe October or November?

24          A.    No. I reached my conclusions about Traci's  
25 competence and her performance earlier than that. I

1 would say it was probably -- I began in -- I believe it  
2 was August 8th, and I had reached a conclusion about  
3 Traci's performance by the end of September of 2017.

4 Q. What was the conclusion that you reached?

5 A. She was competent, that she had not lied to the  
6 city council, that she had -- the community development  
7 block program did have some issues, but it was not on the  
8 precipice of disaster, so to speak.

9 Q. All right. And did you report back to Mr.  
10 Carlini -- after you made the decision not to terminate,  
11 did you go back to Mr. Carlini and have a conversation  
12 with him about his request that you need to find a way to  
13 get rid of Traci because Greg's not going to let go of  
14 wanting her terminated?

15 A. Yes.

16 Q. And when was that conversation?

17 A. There were multiple conversations with Mr.  
18 Carlini where I attempted to, for lack of a better term,  
19 talk him down, if you will, from his desire to find a way  
20 to get rid of Traci Myers.

21 Q. Do you have an approximate number of times that  
22 you had to or you did attempt to talk Mr. Carlini down?

23 A. It was more than once and less than ten times.  
24 To give you anything more specific, I would be -- I don't  
25 recollect.

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24  
25

Q. That's fair enough.

After you had concluded that Traci should not be terminated and you had communicated that for the final time to Mr. Carlini, did that subject come up again?

A. Yes.

Q. When did it come up for a second time?

A. In January of 2018.

Q. And how did it come up in January of 2018?

A. I believe it was January 9th. I'm not certain, but I believe it was January 9th. Mr. Carlini came into my office and said that if -- he had just had a conversation with Mr. Nunley, and Mr. Nunley was demanding that either Joe and I, Josh, terminate Traci Myers and engineering assistant Tony Trevino or Greg would make sure that Joe and myself were terminated.

Q. Did you take that as a threat?

A. Yes.

Q. So I want to make sure we get this testimony, I understand it fully. You believe it was January 9, 2018, Mr. Carlini came to you. Did he come to your office?

A. Yes.

Q. Were there any witnesses?

A. To that one, no, but to the second conversation, yes.

Q. So there's a conversation we're going to talk

1 about that happened after January 9?

2 A. Yes.

3 Q. All right. Let's keep on the January 9 for a  
4 moment. Carlini comes to your office, and he tells you  
5 that he had just had a conversation with Greg Nunley,  
6 correct?

7 A. Yes.

8 Q. And that Nunley was demanding that you fire  
9 Traci Myers and Tony Trevino and if that didn't happen,  
10 he would see to it that both you and Mr. Carlini lost  
11 your jobs; is that correct?

12 A. Yes.

13 Q. What was your response to Mr. Carlini telling  
14 you that Greg was demanding the termination of Traci  
15 Myers and Tony Trevino?

16 A. My -- I remember it very clearly. I remember  
17 saying, "Joe, she didn't do anything wrong."

18 Q. And what did Joe say?

19 A. I don't remember the specific words, but the  
20 context was that, hey, it's either going to be them or  
21 us.

22 Q. And did you say anything in response to that?

23 A. I remember attempting to change the subject to  
24 move past that topic. So I did say something. I don't  
25 remember precisely what I said.



1 Q. All right.

2 A. Okay.

3 Q. And then there's another conversation post that;

4 is that correct?

5 A. Yes. In response to that conversation, I --

6 well, two things occurred. Number one --

7 Q. Josh, do me a favor. Can we break for two

8 seconds here?

9 A. Sure.

10 MR. LAMPE: I'll be right back.

11 (The proceedings went off the record.)

12 MR. LAMPE: Let's go back on the record.

13 BY MR. LAMPE:

14 Q. I'm sorry, Josh. We were talking about the

15 January 9, 2018, meeting. I think we pretty much covered

16 that.

17 Is there anything else you can recall about that

18 meeting that we haven't talked about?

19 A. The --

20 Q. Specifically with respect to Traci Myers. I'm

21 not interested in other conversations.

22 A. Yes. There -- are you asking for what my

23 response to that meeting was?

24 Q. Yes.

25 A. Okay. I did -- really, I did one thing, not

1 necessarily two things. I spoke with the human resources  
2 director, Janice Avila, about the conversation and  
3 expressed my concerns, and she shared them.

4 Q. Okay. And when you say you expressed your  
5 concerns, what were those concerns?

6 A. That I was being pressured to terminate  
7 particularly Traci. I just did not speak about Tony  
8 Trevino very much. The focus was on Traci, that Traci  
9 had done nothing to warrant termination, that she was a  
10 competent individual, and that I didn't feel it  
11 appropriate for me to try to terminate her.

12 Q. And Janice Avila is the human resources  
13 director; is that correct?

14 A. Yes.

15 Q. And did you -- did you lodge a formal complaint  
16 or anything in writing with human resources regarding  
17 what you perceived as the threat from Councilman Nunley?

18 A. I don't recollect.

19 Q. Do you recall anything about Janice's response  
20 to your disclosing to her that you felt your job was  
21 being threatened?

22 A. Yes.

23 Q. What did she say?

24 A. We sat down and had a conversation with  
25 Mr. Carlini. "We" being Janice and myself. And the

1 conversation started with one of these items that I  
2 remember very clearly. She said, "Joe, Josh isn't going  
3 to do what you asked him to do."

4 Q. And what did Joe say, if anything?

5 A. He certainly responded, and I don't recollect  
6 the precise commentary in his response, but I can say  
7 that the -- his pressure on me certainly abated after  
8 that conversation.

9 Mr. Lampe, can I add one thing?

10 Q. Sure.

11 A. You had asked me if there was a witness, and I  
12 said not the first one but the second one.

13 Q. Yes.

14 A. The second conversation I'm referring to is  
15 about two days later. Mr. Carlini was in my office  
16 talking about -- I don't recollect what we were  
17 discussing, but Traci came into my office. Traci Myers  
18 came into my office, and she stated that she was aware of  
19 Mr. Nunley's comments to Mr. Carlini and that she was  
20 contemplating filing a complaint. I asked Miss Myers  
21 later how she knew about that conversation. I certainly  
22 hadn't said anything to anyone other than Miss Avila and  
23 possibly the city attorney. I can't recollect if I had  
24 talked to the city attorney as well. And she stated that  
25 Mr. Carlini had told her about the same conversation that

1 he had had with Mr. Nunley that he had said to me, that  
2 he had described to me.

3 Q. Did she say anything more? I mean, did Mr.  
4 Carlini ask her to resign or anything, or was he just, as  
5 far as you could tell, relating the pressure he was  
6 getting from Councilman Nunley to terminate a City  
7 employee?

8 A. As far as I could tell, he was relaying the  
9 pressure that he was feeling.

10 Q. And you believe this happened a couple days  
11 after the meeting that you think happened on January 9,  
12 2018?

13 A. Yes.

14 Q. Did the subject of terminating Traci Myers'  
15 employment come up at any other time?

16 A. No.

17 Q. Have you ever directly discussed with Councilman  
18 Nunley his desire to have Traci Myers terminated?

19 A. No. Mr. Nunley has never specifically asked me  
20 to terminate Miss Myers. He has complained on many  
21 occasions about her, about her performance and about her  
22 competence, but he has never directly asked me to  
23 terminate her.

24 Q. With respect to the issue of her competence, to  
25 the best you can recollect, what are some of the things

1       that Mr Nunleysaid? And I'd like for you to be as  
2       verbatimas you can recall on this.

3           A. Mr. Lampe, the verbatim complaints that I  
4       recollect were specifically with regard to community  
5       development block grant and housing element. There were  
6       other complaints about competence. I cannot provide a  
7       specific additional example. I don't recollect.

8           Q. Have you ever seen Mr. Nunley blow up in front  
9       of Traci Myers or berate her in any way?

10          A. No.

11          Q. Have you ever seen him do that with any staff  
12       member?

13          A. In person or on the phone?

14          Q. Either way.

15          A. Yes.

16          Q. I take it from your answer you have a specific  
17       recollection of hearing him berate somebody over the  
18       telephone.

19          A. Yes.

20          Q. Do you have any specific recollection of seeing  
21       him in person berate someone?

22          A. No.

23          Q. Let's -- I don't want to get too far off track  
24       here. Other than Traci Myers in planning, is there  
25       anyone else in the planning department that Councilman



1 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 2 IN AND FOR THE COUNTY OF TULARE  
 3  
 4 WESLEY J. HENSLEY, )  
 5 Petitioner, ) NO. 273730  
 6 v. )  
 7 CITY OF TULARE, )  
 8 Respondent. )  
 9  
 10 Visalia, California  
 10 October 10, 2018

12 VIDEO DEPOSITION  
 13 OF  
 14 JOSEPH CARLINI

24 TAMARA L. MENDOZA SUMPTER,  
 25 C.S.R. 9993

1 I - N - D - E - X  
 2  
 3 EXAMINATION BY: PG.  
 4 MR. LAMPE 5  
 5  
 6 E - X - H - I - B - I - T - S  
 7  
 8 1 - NOTICE OF ADMINISTRATIVE LEAVE DATED 9-27-17 7  
 9 2 - CATTLEMENS RECEIPTS, OK TO PAY SHEET 15  
 10 3- CITY OF TULARE FINANCE RECEIPT 78  
 11 4 - CALENDAR 42  
 12 5 - 3-20-18 LETTER TO MR. HENSLEY FROM MR. CARLINI  
 13 SUBJECT: NOTICE OF TERMINATION FROM EMPLOYMENT 92  
 14 6 - 3-20-18 EMAIL FROM JANICE AVILA TO MR. LAMPE 120  
 15 7 - EMAIL RE: CONFIDENTIAL SETTLEMENT  
 16 COMMUNICATION 133  
 17 8 - REPORTER'S TRANSCRIPT OF 11-6-17 RADIO  
 18 INTERVIEW 157  
 19 9 - DEPOSITION SUBPOENA 159

1 APPEARANCES:  
 2 For the Petitioner:  
 3 LAW OFFICES OF MICHAEL J. LAMPE  
 4 108 West Center Avenue  
 5 Visalia, California 93291  
 6 BY: MICHAEL J. LAMPE, ESQ.  
 7 MICHAEL P. SMITH, ESQ.  
 8  
 9 For the Respondent:  
 10 GRISWOLD MASALLE COBB DOWN & GIN  
 11 Attorneys at Law  
 12 111 East Seventh Street  
 13 Hanford, California 93230  
 14 BY: MARIO U. ZAMORA, ESQ.  
 15  
 16 Videographer:  
 17 DANIEL YORK, P.E.S. VIDEO  
 18  
 19 Also Present:  
 20 WESLEY J. HENSLEY  
 21  
 22 The video deposition of JOSEPH CARLINI was noticed  
 23 for taking in the above-mentioned matter pursuant to the  
 24 provisions of law pertaining to the taking and use of  
 25 deposition, and pursuant to written notice, at 108 West  
 Center Avenue, Visalia, California, on Wednesday, October  
 10, 2018, at 1:10 P.M., before TAMARA L. MENDOZA SUMPTER,  
 a Certified Shorthand Reporter of the State of  
 California.

1 VIDEOGRAPHER: This is the video recorded  
 2 deposition of Joseph Carlini taken on behalf of the  
 3 petitioner in the matter of Wesley J. Hensley versus City  
 4 of Tulare, et al. This case is venued in the Superior  
 5 Court of California, County of Tulare. The case number  
 6 is 273730. This deposition is being held at 108 West  
 7 Center Avenue, Visalia, California, on October 10, 2018.  
 8 The video operator is Daniel York of P.E.S. Video  
 9 Service. Our main office is located in Fresno,  
 10 California. The court reporter is Tamara Mendoza Sumpter  
 11 of Moore Court Reporting located in Visalia, California.  
 12 We're going on the record at approximately 1:10  
 13 P.M.  
 14 Will counsel please state their appearances for  
 15 the record.  
 16 MR. LAMPE: Michael Lampe appearing for  
 17 plaintiff — petitioner.  
 18 MR. ZAMORA: Mario Zamora for the City.  
 19 VIDEOGRAPHER: Will the court reporter please  
 20 swear in the witness.  
 21 JOSEPH CARLINI,  
 22 called as a witness herein and being first duly sworn,  
 23 was examined and testified as follows:  
 24 THE WITNESS: Yes.  
 25 THE REPORTER: Thank you

1 can't remember his name.  
2 Q. Why don't we do this. We're running out of  
3 tape; so let's take a break. We're getting close. And  
4 while he's changing the tape, I'll go up and get a list  
5 of planners.

6 A. Yeah, I mean, there was the planner, and then  
7 there was one other person.

8 VIDEOGRAPHER: This ends media two in the  
9 deposition of Joseph Carlini on October 10, 2018. Off  
10 the record 4:14.

11 (The proceedings went off the record.)

12 VIDEOGRAPHER: This begins media three in the  
13 deposition of Joseph Carlini on October 10, 2018. On the  
14 record 4:44.

15 BY MR. LAMPE

16 Q. All right. I believe we left off with we were  
17 talking about people that you could identify that  
18 Councilman Nunley had pressured you to discipline or  
19 terminate. And you had named three: Traci Myers,  
20 Michael Miller — you had named two, and then off the  
21 record we've named another, Nick Bartsch, and I think's  
22 that spelled B-R-T-S-C-H [sic]; is that correct?

23 A. B-A-R-T-C-H [sic].

24 Q. T-C-H. Okay.

25 And there were two others whose names you can't

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1 something else?

2 A. Well, he just — you know, he just — he doesn't  
3 appreciate Traci at all. I mean, he's just, "Get rid of  
4 her."

5 Q. So what did he — "Get rid of her?" That's what  
6 he said, "You need to get rid of her"?

7 A. (Nods head.)

8 Q. Answer audibly.

9 A. Yes, absolutely.

10 Q. Okay. All right. What About Michael Miller?  
11 What did he say about Michael?

12 A. Pretty much the same thing, "Get rid of him. I  
13 mean, they're just incompetent downstairs." I mean, he  
14 was pretty blatant about it. He told whoever would  
15 listen, you know, "They're incompetent. They need to go.  
16 They — they don't know what they're doing." That's what  
17 he did. I — I heard that every other week.

18 Q. It's one thing to say that as a consumer of  
19 their services. I mean, that happens all the time,  
20 people come in, you know, they say that about their city  
21 planner, they can say it about their lawyer, their  
22 doctor, "You're a no-good SOB."

23 A. Not as a council member.

24 Q. That's the point.

25 Did he pressure you to terminate Traci Myers

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1 recall?

2 A. No. One is down there in — in — in plan — in  
3 engineering, and then the other one was just promoted  
4 from the administrative assistant up front and went to  
5 the back. He just had real issues with her — her  
6 qualifications. He felt that she wasn't qualified for  
7 the job and why did we give it to her, and I would  
8 imagine he pressured Josh McDonnell about that.

9 Q. I'm trying to think who's in Josh's department  
10 that might fit that description. Could it be — there's  
11 a Candice Anderson in his department. Could it be her?

12 A. That's — that's her.

13 Q. Okay. So —

14 A. Candice Anderson —

15 Q. All right.

16 A. — is the one that got promoted from the front  
17 to the back, and —

18 Q. And then there's somebody in engineering as  
19 well?

20 A. And I just can't remember his name. I — I just  
21 can't — I mean, he's been — he's been with the City  
22 forever. I mean, he's been with the City for 25 years, I  
23 think. I just can't remember his name.

24 Q. With respect to Traci Myers, what did Mr. Nunley  
25 pressure you to do, discipline her, terminate her, or

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1 while he was an elected official?

2 A. He — he referenced that, "You need to do  
3 something with them or" — it was alone. We were alone.  
4 It was his word against my word.

5 Q. That's okay. I'm not —

6 A. You know —

7 Q. I'm not worried about whose word is against who.  
8 I'm just trying to understand.

9 While Greg Nunley —

10 A. "You do them, or I do you."

11 Q. That's what he said?

12 A. Pretty much.

13 Q. And I assume you took that to mean, "If you  
14 don't get rid of them, I'll get rid of you"?

15 A. That's how I took it.

16 Q. While he was on the city council?

17 A. (Nods head.)

18 Q. Yes?

19 A. Yes.

20 Q. And when he said, "You do them, or I'll do you,"  
21 you understood him to be referring to people he had  
22 complained about, and that would be Traci Myers, Michael  
23 Miller, Nick Bartsch, Candice Anderson —

24 A. I think Nick Bartsch came off the program.

25 Q. What do you mean "came — came off the

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1 program"?  
2 A. Because he started working with Greg, you know,  
3 personally, talking to him over the phone, getting him —  
4 and he wasn't part of that original group.

5 Q. All right. So — so at one point in time he was  
6 not happy with Bartsch, but then later he might have  
7 been, but you specifically can testify that with respect  
8 to Traci Myers, Michael Miller, Candice Anderson, and one  
9 other person, who you believe is in the engineering  
10 department —

11 A. Yeah.

12 Q. — whose name you can't recall, he said, "You  
13 either do them, or I'll do you," correct?

14 A. Yep, absolutely.

15 Q. Did he tell you that on more than one occasion?

16 A. Yeah.

17 Q. I want to go back real quickly —

18 A. You know, it is what it is. I mean, you know,  
19 as unfortunate as that is, I mean, that's what it is.

20 Q. I want to go back to one quick area of inquiry,  
21 and I think I'm going to be done, unless somebody on my  
22 side says I need to ask more questions.

23 So we talked a little bit about your interview  
24 with the district attorney investigators, and I want to  
25 go back to that because I think I didn't ask all the

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1 understood it?

2 A. They wanted — they wanted — you know, they  
3 wanted my take or if I was present when there was an  
4 altercation between the mayor — the former mayor,  
5 Carlton Jones, and Alex Gutierrez.

6 Q. Gutierrez.

7 A. Gutierrez.

8 Q. All right. And that's sort of a — a famous or  
9 infamous event in City lore now because that's all on  
10 video, and you can actually see what appears to be the  
11 altercation, correct?

12 A. You can see it. It was videoed.

13 Q. All right.

14 A. The audio was not there though.

15 Q. And who did you understand they were  
16 investigating at that time, or did you have an  
17 understanding?

18 A. No, they were investigating Carlton.

19 Q. Carlton Jones?

20 A. Carlton Jones.

21 Q. All right. And they told you that?

22 A. Yes.

23 Q. And during that interview, they asked you  
24 questions, obviously. How long did the interview go?

25 A. It was maybe 15 minutes. I mean, it wasn't very

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1 questions, perhaps, I should have.

2 That was one interview that you had; is that  
3 correct?

4 A. One interview.

5 Q. Do you recall who conducted the interview on  
6 behalf of the district attorney's office?

7 A. He was the second guy, the second — the second  
8 level. There's the main guy. I can't remember his name.  
9 He just ran — I think he just ran for office, the major  
10 district attorney. He was a deputy district attorney,  
11 the guy who talked to me.

12 Q. Did you talk to a deputy DA as opposed to an  
13 investigator?

14 A. I talked to two DAs. They — they both came in  
15 and talked to me.

16 Q. All right. But — but you're using a — you're  
17 using the term DAs, and the question is —

18 A. Investigator.

19 Q. All right.

20 A. I'm sorry.

21 And I can't remember their names.

22 Q. Well, was Rick Haskill one of them?

23 A. That's his name. Rick Haskill was his name. He  
24 was one of them.

25 Q. What was the nature of that interview, as you

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1 long.

2 Q. What questions did they ask and what were your  
3 responses, as best you can recall?

4 A. "Were you there during — that evening?" The  
5 answer was, "Yes." "Did you — did you see the  
6 altercation?" And the answer was no because I was in the  
7 back. And that was the end. They said, "Do you know  
8 anybody who was in that room that we may want to talk  
9 to?" So I identified — I think I identified two or  
10 three people. You know, Michael Miller was there. I  
11 think — I think — I think — I think Wes was there.  
12 I'm not really sure.

13 MR. HENSLEY: I was in the back with you in  
14 closed session.

15 THE WITNESS: No. It was somebody from PD. I  
16 couldn't remember. And — and I think there was — was  
17 Mike Miller there?

18 Oh, it wasn't you. It was the — the fire  
19 chief. The fire chief was there.

20 BY MR. LAMPE:

21 Q. The current interim CM?

22 A. The current — the current CM.

23 Q. Willard Epps?

24 A. Willard Epps. He was — he was in that — he  
25 was there. Mike Miller was there. And that's all I

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## Dan Rowley

---

**From:** Tyler Dodson <tdodson@tulare.ca.gov>  
**Sent:** Friday, February 22, 2019 10:13 AM  
**To:** Dan Rowley  
**Subject:** RE: Follow up; 10755-5

Hello Mr. Rowley, I am scan sending you all attachments to coordinate with chronological order of events.

- On 10-15-2018 Nunely was asked to uncover gas line at location number 2. And didn't comply
- Nunely was asked on october 31rst to expose tracer wire at all locations entering house and remove valves for inspection and gas test
- On 11-6-2018 he was asked to provide gas calculations because I reviewed the plans I had at the office cause he would never have the plans present for inspection. i noticed there were changes from what he physically had in the building. He also refused to expose tracer wire at scaffold location number 3 claiming it was a safety issue. I let him know if he has to take down the scaffold he will cause the inspection would still need to be done.
- On 12-13-2018 Nunley was asked to remove concrete for inspection cause he poored the concrete over a repair that was not inpected, all details see incident letter sent last month stating facts from the the day I was threatened.

**From:** Dan Rowley <drowley@fikeboranianlaw.com>  
**Sent:** Thursday, February 21, 2019 5:24 PM  
**To:** Tyler Dodson <tdodson@tulare.ca.gov>  
**Cc:** Cat Dellavalle <cdellavalle@fikeboranianlaw.com>  
**Subject:** Follow up; 10755-5

Tyler,

When you send me the chronology that you agreed to prepare today I would appreciate it if you would include the number of times Mr. Nunley was required to dig up (pot hole) his gas lines to expose the wires. To be clear, this is not how many times you asked him (I would like that information as well) I am requesting to know how many different times you actually had him pot hole the gas lines. If it is more than one time, please explain why.

Thank you!

Dan

Daniel W. Rowley  
Of Counsel  
Fike & Boranian  
401 Clovis Ave., Suite 208  
Clovis, CA 93612  
Office: (559) 229-2200  
Cell: (559) 288-4315  
Fax: (559) 225-5504  
Email: [drowley@fikeboranianlaw.com](mailto:drowley@fikeboranianlaw.com)

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error, please immediately notify me by “Reply” or by forwarding this e-mail to [drowley@fikeboranianlaw.com](mailto:drowley@fikeboranianlaw.com) or notifying me by telephone at (559) 229-2200, and destroy the copy of the e-mail you received and its attachments without reading or saving them in any manner. Thank you.

## Dan Rowley

---

**From:** Tyler Dodson <tdodson@tulare.ca.gov>  
**Sent:** Friday, February 22, 2019 1:34 PM  
**To:** Dan Rowley  
**Subject:** 2 more claims that are not true

Hello Dan,

Here are two more incidents were Nuneley claim something that was not true. As we spoke yesterday about his claim that gas test were signed off on three permit cards. Gas test are inspection number 307 on gas test and as high lighted you will see that 307 is not signed off but however rough gas piping is signed off inspection number 306 as high lighted. It is in the category of rough frame, rough electrical rough mechanical etc. The tracer wire is only one piece, he was also aske and required to submit a gas calculation before the gas test could be conducted because if it did not meet requirements he would have to upsize his gas pipe. The emails I attached are his acknowledgement to submitting the calcs. And meanwhile he still complains and makes false accusations that is why I continuously feel harassed.

Also attached is another claim he made saying I approved some models homes without permanent power. Also is emails of his complaints and the permit card that as high lighted is signed ( ok to occupy) it was not signed off in computer system. This is what we do for all model homes. To say I broke the law is false. He does not understand the buiding codes or the system that is created for the inspection process.

See attachments.

Tyler Dodson  
Building Inspector 1  
Office: (559) 684-4221  
Cell # (559) 368-3673



---

**From:** Gvlandco <greg@gvlandco.com>  
**Sent:** Wednesday, September 26, 2018 2:43 PM  
**To:** Willard Epps  
**Cc:** Mario U. Zamora; kent.mcniece@gmail.com; lucy@swifthomesinc.com

Willard

How was it that the building department finalized the three models at willow glen with out permanent power. They are running on generators. Law only provides a final with permanent power.

Also willow glen does not have locking rings on the meter panels like we are asking to have done.

We are going to request our final on cottonwood and will expect to be treated like the building department treated another builder. I have obtained their inspection corrections and am now aware we are being asked to do much more. SJVH gets less than a page of corrections And we get 6 full pages

Greg

Sent from my iPhone

WAS  
NOT  
FINAL  
IN SYSTEM

---

**From:** Gvlandco <greg@gvlandco.com>  
**Sent:** Wednesday, September 26, 2018 11:30 PM  
**To:** Willard Epps  
**Cc:** Mario U. Zamora  
**Subject:** 2973\_001.pdf  
**Attachments:** Mimecast Attachment Protection Instructions; 2973\_001.pdf; ATT00001.txt

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

Notice on the first few inspection cards (attached) a final was granted and signed off for SJVH without permanent power and without a locking ring like we are being harassed on. I can go on and on looking at their inspection cards compared to mine if you would like to meet. The building department is using discretionary action along with retaliation including malice!

It is against California state law to final a structure without permanent power. A temp occupancy would have been appropriate like we have always done in the past.

LOT-57  
1660

Elev. A



City of Tulsa  
Building Division  
**INSPECTION CARD**



PERMIT NO: BLD-18-11939  
ISSUED DATE: 5/11/2018

Address: 3128 Britannia St  
Owner: Presidio JFR Brighton 115, LLC

Contractor: JFR Management Services

DESCRIPTION OF WORK: 1658 sq ft residence - 2 car garage - Elevation A

Lot 57 - Willow Glen No 1

INSPECTION REQUEST LINE. 684-4270 or Email: [buildinginspection@w316.co.gov](mailto:buildinginspection@w316.co.gov). CALL THE DAY BEFORE YOU NEED YOUR INSPECTION  
inspectors will sign and date this card as work is approved. Work shall NOT be covered until this card is initialed.  
Calls after 7:00 A.M. will be scheduled for the next business day.  
Leave the Permit No --- Inspection Item No. ---AM OR PM

DESCRIPTIONS	ITEM	DATE	INITIALS	DESCRIPTIONS	ITEM	DATE	INITIALS	DESCRIPTIONS	ITEM	DATE	INITIALS
Setback	101			Spencer Panel	120			First Ramp Form/Shop	828		
Foundation	102			Supplemental Ceiling T-Bar	123			Second Ramp Form/Shop	829		
Underground Drain Piping	101			Residential Smoke Alarm	210	7-12-18	TD	Driveway Approach Form	830		
Underground Water Piping	307			Carbon Monoxide Alarm	212	7-12-18	TD	Curb Ramp Final	831		
Sewer Piping	313	6-21-18	TD	COPI	206	7-13-18	TD	Asphalt Final	814	7-18-18	TD
Water Service Piping	312	6-21-18	TD	Masonry Reinforcement 1" dia	122			Drive Approach Final	811	7-18-18	TD
Grounding Electrode	201			Masonry Reinforcement 2" dia	124						
Electrical-Underground	201			Joist Inspection	302						
Floor Sheeting	107			Fire Sprinkler Pipe/Struc	605						
Rough Framing	109			Fire Sprinkler Pressure Test	606						
Shear Walls	109	6-21-18	TD	Electrical Service Panel	204	6-28-18	TD	OK TO 1660	7-17-18	TD	
Roof Sheathing	118			Gas Test	107	6-28-18	TD	Final Test			
Fch-Raft	137	6-15-18	TD	Type 1 Hood Duct Wrap Ins	408						
Braced Wall Panels	115			Type 2 Hood Duct Wrap Ins	412						
Holddowns	114			Eye & Hood	403						
Hardware Straps	114			Misc. Inspection	194						
Exterior Lath	112	6-28-18	TD	Septic Tank Abandonment	214						
Fire Wall	136			Building Dances	520						
Fire Cracking	121			Path Through Stud Dept	821						
Decking	122	6-20-18	TD	Garage Doors	572						
Floor Blocking	123			Pool Bonding	501						
Rough Electrical	200			Pool Safety Enclosure	502						
Rough Plumbing	301			Pool Spa Deck	503						
Vent Piping	304			Refrigerant Bonding	504						
Water Piping	101			Pool Equipment Grounding	505						
Rough Gas Piping	306			Pool Pre-Plaster	506						
Rough Mechanical	402			Pool Alarm/ Gates	508						
Chimney	409			Fire Alarm	610						
Control Panel	110	6-21-18	TD	Wood Suppression System	614						
Wall Insulation	181	6-21-18	TD	Fire Sprinkler Panel	690						
Handrail	119	6-26-18	TD								
	115										



Lot - 56  
2100 Elev C

Address: 3114 Brianna St  
Owner: Presidio AIR Brighton 115, LLC



City of Tulare  
Building Division  
**INSPECTION CARD**



Contractor: JJR Management Services

PERMIT NO: BLD-28-11937

ISSUED DATE: 5/16/2018

DESCRIPTION OF WORK: 2100 sq ft residence - 3 car garage - Detachment C

Lot 56 - Willow Glen No 1

INSPECTION REQUEST LINE: 694-4270 or Email: [buildinginspection@tulare.ca.gov](mailto:buildinginspection@tulare.ca.gov) CALL THE DAY BEFORE YOU NEED YOUR INSPECTION  
Inspectors will sign and date this card as work is approved. Work shall NOT be covered until this card is initialed.

Calls after 7:00 A.M. will be scheduled for the next business day.  
Leave the Permit No. - Inspection Item No --AM OR PM

DESCRIPTION	ITEM	DATE	INSPECTOR	DESCRIPTION	ITEM	DATE	INSPECTOR	DESCRIPTION	ITEM	DATE	INSPECTOR
Set S.A.	101			Shower Pan/Slab	110			Curb Ramp Form/Slabs	525		
Footing	102			Suspended Ceilings	128			Street/Driveway Slope	530		
Emergency Drain Pipes	201			Acoustic Stencils/Plum	210	7-13-18	TD	Driveway Approach Form	530		
Driveway Water Piping	202			Cast-in-place Concrete	212			Curb Ramp Form	532		
Sewer Pipes	211	6-22-18	TD	Grout	214	7-13-18	TD	Side Walk Form	534	7-18-18	TD
Water Service Piping	212	6-22-18	TD	Masonry reinforcement	215			Driveway Approach Form	531	7-18-18	TD
Gasline/Electrical	201			Masonry for driveway	218						
Plumbing-Underground	203			Grout Intersections	219						
Floor Slab/Log	101			Fire Sprinkler Piping/Flow	651						
Rough Framing	102			Fire Sprinkler Pressure Test	652			OR TO COME	7-18-18	TD	
Shoe Wall	101	6-15-18	TD	Electrical Service/Panel	101	6-20-18	TD	EXPANDED			
Perimeter Foundation	112	6-15-18	TD	Gas Test	102	6-20-18	TD				
Foundation	113	6-15-18	TD	Type 1 Flood Dam. Window	403						
Basement Wall Form	114			Type 1 Flood Dam. Window	412						
Chimneys	116			Type 1 Flood	404						
Retaining Walling	117			Gate Inspection	104						
Retainer Wall	118	6-20-18	TD	Septic Tank Abandonment	311						
Fire Wall	201			Building Egress	205						
Fire Chalking	202			Radio Mounting Shelf Demo	521						
Driveway	121	6-21-18	TD	Garage Deck	522						
Fire Blocking	123			Pool Donding	501						
Rough Electrical	203			Pool Reinforcement	502						
Rough Framing	205			Pool Deck	501						
Wax Holes	204			Controlled Bonding	504						
Water Piping	205			Pool Rehabilitation/Cladding	505						
Rough Gas Piping	206			Pool Pre-Plaster	506						
Rough Mechanical	207			Pool Alarm/Signs	505						
Dips	409			Fire Alarm	610						
Complete Fibers	110	6-21-18	TD	Fire Suppression System	614						
Wall Installation	111	6-21-18	TD	Fire Sprinkler Test	655						
Complete Wall	112	6-21-18	TD								

> Tha  
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Lot - 57  
1660

Elev.  
A

City of Tulare  
Building Division  
**INSPECTION CARD**

PERMIT NO: BLD-13-11959  
ISSUED DATE: 5/16/2018

Address: 3128 Britanna St  
Owner: Presidio J/R Brighton 115, LLC

Contractor: J/R Management Services

DESCRIPTION OF WORK: 1660 sq ft residence - 2 car garage - Elevation A

Lot 57 - Willow Glen No 1

INSPECTION REQUEST LINE: 684-4270 or Email: [buildinginspection@tulare.ca.gov](mailto:buildinginspection@tulare.ca.gov) CALL THE DAY BEFORE YOU NEED YOUR INSPECTION  
Inspectors will sign and date this card as work is approved. Work shall NOT be covered until this card is initialed.

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Leave the Permit No. --- Inspection Item No. ---AM OR PM

DESCRIPTION	ITEM	DATE	INITIALS	DESCRIPTION	ITEM	DATE	INITIALS	DESCRIPTION	ITEM	DATE	INITIALS
Suburb	101			Shower Pan/Lin	120			Curb Ramp Footing/Slope	821		
Foundation	102			Reinforced Concrete T-bar	128			Retain Wall Footing/Slope	829		
Underground Drain Piping	103			Retinced Sewer Alarm	210	7-13-18	TD	Driveway Approach Form	830		
Underground Water Piping	109			Carbon Monox. de Alarm	312	7-13-18	TD	Curb Ramp Final	832		
Reverse Piping	211	6-28-18	TD	GREY	394	7-13-18	TD	Stairway Final	834	7-18-18	TD
Water Service Piping	312	6-28-18	TD	Masonry reinforcement 1" dia	123			Driveway Approach Final	831	7-18-18	TD
Grounding Electrode	201			Masonry reinforcement T-bar	128						
Electrical-Underground	202			Grout Interpenetration	309						
Plaster Scaffolding	107			Pipe Spooler Piping/Bracing	605						
Rough Framing	158			Pipe Spooler Pressure Test	606						
Shear Walls	109	6-28-18	TD	Electrical Service Panel	284	6-28-18	TD				
Roof Sheathing	118	6-15-18	TD	Gas Test	207	6-28-18	TD	OK to 1660		7-18-18	TD
Fab-Bat	137	6-15-18	TD	Type 1 Hood Duct Wrapping	405			Subst. 1660			
Braided Wall Panels	115			Type 1 Hood Duct Wrapping	413						
Hold-downs	116			Type 1 Hood	403						
Exterior Siding	114			Min. Inspection	196						
Exterior Lath	113	6-28-18	TD	Septic Tank Alarm Detection	214						
Fire Wall	136			Building Demo	256						
Fur Cracking	121			Path/Storage Shed Demo	321						
Drafting	132	6-28-18	TD	Garage Demo	222						
Top Blocking	121			Pool Bonding	501						
Rough Electrical	203			Pool Safety/Enclosure	502						
Rough Plumbing	207			Pool Pre-Deck	203						
Vent Piping	309			Pool Safety Bonding	504						
Water Piping	304			Pool Safetyman Connecting	505						
Rough Gas Piping	306			Pool Pre-Plaster	106						
Rough Mechanical	402			Pool Alarm/Alert	508						
Roofs	410			Fib Alarm	610						
Over the Fence	110	6-28-18	TD	Flood Suspension System	614						
Wall Insulation	111	6-28-18	TD	Run Spun-Cor Panel	692						
Door Ill. Mat	139	6-28-18	TD								
	115										

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**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Monday, November 12, 2018 7:33 AM  
**To:** Willard Epps; Mario U. Zamora; j.wilkins@wdcllp.com

Willard please provide an explanation for John Karlie requesting a gas calculation on 2590 diamanté. John not only signed permitted plans for 5 permits on this one house but signed also 3 rough gas inspections. The gas lines have been built per plan that was approved by your department and John Karlie the building official himself.  
I look forward to your response.

Sent from my iPhone

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**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Wednesday, November 21, 2018 11:55 AM  
**To:** John Karlie  
**Cc:** Willard Epps; Mario U. Zamora; j.wilkins@wdcllp.com

John can you please look at the gas plan for my house. Looks like it's ok for regular pressure not 5 pounds. Lucy submitted this today

Sent from my iPhone

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**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Monday, November 26, 2018 2:16 PM  
**To:** Willard Epps; Mario U. Zamora; John Karlie; j.wilkins@wdclp.com

John,

Was the gas calc plan acceptable for 2590 diamanté ? The gas company has no problem with it as I have went over with them 2 times now.

Sent from my iPhone

COT/JA000237

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**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Tuesday, November 27, 2018 3:50 PM  
**To:** John Karlie  
**Cc:** Willard Epps; Mario U. Zamora; John Karlie; j.wilkins@wdcllp.com

John,

For gas test my house 2590 diamanté all I need to test is the underground at 60 lbs and the newest addition at 10/15. You signed off the other three permit cards on gas tests so those have passed. Correct?

Sent from my iPhone

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**From:** Greg Nunley <greg@swifthomesinc.com>  
**Sent:** Tuesday, November 27, 2018 4:49 PM  
**To:** John Karlie  
**Cc:** Willard Epps; Mario U. Zamora; John Karlie; j.wilkins@wdcllp.com  
**Attachments:** IMG\_7005.jpg; ATT00001.txt; IMG\_7006.jpg; ATT00002.txt; IMG\_7007.jpg; ATT00003.txt

John you personally signed off all but the last permit. Why do I need to redo the test?  
See attached.

City of Riders  
Building Division  
**INSPECTION CARD**

Address: **2590 Diamond Dr.**  
Owner: **Quinn & Neuberger**

Phone: \_\_\_\_\_  
Contractor: **Driver Const.**

DESCRIPTION OF WORK: **4,700 sq. ft. residence**

PERMIT NO: **BUD-5-00165**  
ISSUED DATE: **3/31/2016**

INSPECTION REQUEST LINE: **684-4276** or Email: **buildinginspection@riar.ca.gov** CALL THE DAY BEFORE YOU NEED YOUR INSPECTION  
Inspectors will sign and date this card as work is approved. Work shall NOT be covered until this card is initiated.  
Calls after 7:00 A.M. will be scheduled for the next business day.  
Leave the Permit No. --- Inspection Item No. --- AM OR PM

Sequence	Description	Code	Inspector	Date	Remarks
101	Submittals	101			
102	Underground Drain Piping	128			
103	Permitted/Excess Alarm	210			
104	Carbon Monoxide Alarm	312			
105	CPUC	206			
106	Masonry Reinforcement 1" @ 16"	123			
107	Masonry Reinforcement 2" @ 16"	126			
108	Concrete Reinforcing	309			
109	Fire Sprinkler Piping/Drainage	603			
110	Fire Sprinkler Pressure Test	606			
111	Electrical Service/Panels	204			
112	Gas Test	307			
113	Type I Hood Duct Wrangler	405			
114	Type I Hood Duct Wrapping	412			
115	Type I Hood	403			
116	Misc. Inspection	196			
117	Single Tank Abandonment	314			
118	Building Demo	320			
119	Mobile Storage Shed Demolition	321			
120	Garage Demo	322			
121	Pool Spoiling	301			
122	Pool Reinforcement	302			
123	Pool Fire Deck	303			
124	Equipped/Un-equipped	304			
125	Pool Pre-Plaster	306			
126	Pool Alarm Test	308			
127	The Alarm	610			
128	Head Suppressor System	614			
129	Fire Sprinkler Final	609			
130	Complete Frame	110			
131	Wall Enclosure	111			
132	Roofing Install	112			

REMARKS: **REINFORCEMENT 1" @ 16" INTERIOR WITH THROUGH-OUT WITH 2" @ 16" PER PERMITS**



W18  
W17  
W16  
W15  
W14  
W13  
W12  
W11  
W10  
W9  
W8  
W7  
W6  
W5  
W4  
W3  
W2  
W1  
W0

Address: **259D Damante Dr**  
 Owner: **James B & Michele Mueller**  
 DESCRIPTION OF WORK: **4916 sq ft addition**

Phone:

Contractor: **Domen Lovin Truck**

Guiding Division  
**INSPECTION CARD**

PERMIT NO: **BD-14-031650**

ISSUED DATE: **10/11/2014**

INSPECTION REQUEST LINE: 684-4270 or Email: [buildinginspection@clt.wa.gov](mailto:buildinginspection@clt.wa.gov) CALL THE DAY BEFORE YOU NEED YOUR INSPECTION  
 Inspectors will sign and date this card as work is approved, Work shall NOT be covered until this card is initiated.  
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 Leave the Permit No. --- Inspection Item No. --- AM OR PM

INSPECTIONS	ITEM	DATE	INSPECTOR	INSPECTION	ITEM	DATE	INSPECTION	INSPECTION	ITEM	DATE	INSPECTION
Subsex	101	↑	↑	Complete Frame	110	10/11/14	↑	Pool Bonding	501		
Foundation	102	10/11/14	↑	Wall/Insulation	111	10/11/14	↑	Pool Rebarment	502		
Underground/Underfloor Drain/Piping	301	10/11/14	↑	Colling/Insulation	112	10/11/14	↑	Pool Pre-Drx	503		
Underfloor/Underground Water Piping	302	10/11/14	↑	Drywall/Shell	119	10/11/14	↑	Equipment Handling	504		
Water Service Piping	311			Shower Pan/Drain	130			Pool Equipment Grouting	505		
Grounding, Electrical	201			Drywall/Direct Panel	100			Pool Pre-Plaster	506		
Electrical/Underground/Underfloor	202			Structural Ceiling/Plaster	128			Pool Barrier	507		
Underground/Underfloor (Vertical)	401			Roof Concrete	124			Pool Alarm	508		
Roof Structure	107			Chimney	307			Underground Thermal Blocks	601		
Headlight Framing	108			DRILL	205			Underground Drainage Ties	602		
Shower Wall	109			Electrical Service/Panel/Brackets	204			Underground Fire Line Piping	603		
Head Sounding	118			Residential Sprinkler Alarm	310			Hydrant Flush	604		
Top-Down	137			Vertical/Ceiling Mounted Alarm	219			Fire Break/Under Piping/Drinking	605		
Braced Wall Panels	115			Green Building Specific Details	131			Fire Sprinkler Piping/Water System	606		
Headroom	116			Green Building Specific Details	132			Fire Sprinkler Dry System	607		
Schematic/Structural Connections	117			Green Building Specific Details	308			Knox Box	608		
Excavator Shding	114			Gravity/Drainage/Interceptor	319			Fire Dept. Booth Suggestion System	609		
Basement Lath	113			Building Deton	520			Fire Alarm	610		
Fire Wall	139			Water Disposition and Drain	521			Fire Alarm	611		
Fire Chinking	121			Structural/Architectural/Handicapped	314			Fire Alarm	612		
Drillings	122			Garage Deton	522			Fire Alarm	613		
Fireblocking	123			Type 1 Hood	403			Hood Suppression System Test	614		
Rough Electrical	201	10/11/14	↑	Type 1 Hood Exhaust	404			Fire Alarm	615		
Sub-Framed	205			Type 2 Hood	406			Fire Alarm	616		
Low Voltage	208			Type 2 Hood Exhaust	407			Fire Alarm	617		
Rough Plumber	303			Combustion Air	415			Fire Alarm	618		
Water Piping	304			Type 2 Vent	410			Fire Alarm	619		
Water Piping	305			Masonry/Block/Structural/Unit	125			Fire Alarm	620		
Water Piping	306			Masonry/Block/Structural/Unit	126			Fire Alarm	621		
Tough Mechanical	402			Water Flow	310			Fire Alarm	622		
Diesel	409							Fire Alarm	623		

Address: 2590 Diamond Dr  
 Owner: Evey Nucleo  
 DESCRIPTION OF WORK: 200 sq ft window valves, driveway & 8x10 garage

Phone:

Contractor: Evey Construction

**INSPECTION CARD**

ISSUES DATE: 5/18/2015

INSPECTION REQUEST LINE: 684-4270 or Email: [buildinginspection@calstate.ca.us](mailto:buildinginspection@calstate.ca.us) CALL THE DAY BEFORE YOU NEED YOUR INSPECTION

Inspectors will sign and date this card as work is approved. Work shall NOT be covered until this card is initialed.  
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 Leave the Permit No. — Inspection Item No. — AM OR PM

DESCRIPTIONS	ISSUE	DATE	INSPECTOR	ISSUE	DATE	INSPECTOR
Setback	181					
Foundation	182	5/15/15	SR			
Underground/Underfloor Drain/Piping	301	5/15/15	SR			
Underfloor/Underground Water Piping	302					
Sewer Piping	311					
Water Service Piping	312					
Grounding Electrode	201					
Electrical/Underground/Underfloor	202					
Underground/Mechanical	401					
Floor Sheathing	107					
Rough Framing	108					
Shear Walls	109					
Roof Sheathing	118					
Felt-Batt	137					
Bronzed Wall Panels	115					
Holdowns	116					
Seismic Straps/Metal Connectors	117					
Exterior Siding	114					
Baluster Lath	111					
Roof Wall	134					
Rice Caulking	121					
Distastors	122					
Fireblocking	123					
Rough Electrical	203					
Sub-Panel	205					
Low Voltage	208					
Rough Plumbing	303					
Water Piping	304					
Water Piping	305					
Rough Gas Piping	306					
Rough Mechanical	402					
Drill	409					
Complete Frame	110					
Wall Insulation	111					
Ceiling Insulation	112					
Drywall Nail	119					
Shower Pan/1x10	120					
Drywall Braced Panel	130					
Suspended Ceiling/T-Bar	128					
Roof Guttering	124					
Garage	307					
GTCL	206					
Theoretical Service/Pipe Entry	204					
Residential Smoke Alarm	210					
Residential Carbon Monoxide Alarm	212					
Green Building Documentation	131					
Green Building Documentation	132					
Green Building Documentation	308					
Green Building Documentation	309					
Building Details	320					
Refrigerant/Refrigerant Steel Demo	321					
Specific Trade/Underground	314					
Garage Demo	322					
Type 1 Hood	403					
Type 1 Hood Still	404					
Type 1 Hood Duct/Wrap	405					
Type 2 Hood	406					
Type 2 Hood Duct	407					
Construction Air	408					
Type B Vent	410					
Mechanical Insulation (Type B)	425					
Masonry Pool Interceptor/2nd Lvl	126					
SKATING PLUMING						
MEML BLDG-WORTH						
Pool Bonding	501					
Pool Reinforcement	502					
Pool Pre-Deck	503					
Equipment/Boarding	504					
Pool Equipment Grounding	505					
Pool Pre-Filter	506					
Pool Barrier	507					
Pool Alarm	508					
Underground Drain/Leaky	601					
Underground Pressure Test	602					
Underground Fire Line Flow	603					
Hydrant Patch	604					
Fire Sprinkler Rerouting	605					
Fire Sprinkler Rerouting	606					
Fire Sprinkler Dry System	607					
Knox Box	608					
Fire Sprinkler Backflow Preventer	609					
Fire Alarm	610					
2nd Floor Ties	611					
Iron Connections	612					
Occupancy Sign/Escalator	613					
Hand Signal/Exit System	614					
Garage Floor						
Wash Tub						