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INDEPENDENT INQUIRY
ALLEGATIONS OF MISCONDUCT BY LBFD CHIEF MICHAEL DuREE
REGARDING "2014 HERO'S REGATTA" ON OR ABOUT MAY 10, 2014

I. INTRODUCTION

IRWIN & IRWIN, LLP was commissioned by the Long Beach Firefighters IAFF Local 372 ("LBFF 372"), to conduct an Independent Inquiry into allegations of misconduct by Long Beach Fire Chief Michael DuRee. In sum, these allegations are that Chief DuRee made false claims during (or in relation to) a public event - the 2014 Hero's Regatta - held at the Long Beach Yacht Club ("LBYC") on May 10, 2014.

The 2014 Hero's Regatta was a competitive sailing event organized and hosted by the LBYC, intended to honor local firefighters, police officers, and lifeguard personnel. It was patterned after a previous event organized to honor the military, known as the "Patriot's Regatta." The 2014 Hero's Regatta involved over fifty (50) personnel from the Long Beach Fire Department (LBFD), the Long Beach Police Department (LBPD), and also the LBFD Lifeguard Division. A post-regatta barbeque and trophy presentation at LBYC was reportedly attended by over one-hundred (100) people.

The allegations against Chief DuRee regarding the 2014 Hero's Regatta are two-fold:

- 1.) Chief DuRee falsely misrepresented that steel used in the making of a perpetual trophy he provided for the 2014 Hero's Regatta originated from the rubble of the World Trade Center (WTC) terrorist attack that took place on September 11, 2001, in the City of New York; and
- 2.) Chief DuRee falsely claimed to have received this steel in return for his personal participation in rescue efforts post-9/11 at what is commonly referred to as "The Pile," or the site of the WTC tragedy.

On September 29, 2014, LBFF 372 formally requested that the City of Long Beach (“City”) conduct an appropriate administrative investigation (Attachment “A”). This letter was written by LBFF 372 President Rex Pritchard, and sent to Long Beach City Manager Pat West. LBFF 372 specifically requested that the City utilize the services of a neutral third-party to conduct an investigation suggested to include contacting participants and attendees of the Regatta.

On October 3, 2014 (four days later), City of Long Beach Director of the Department of Human Resources Deborah R. Mills responded via letter to LBFF 372 President Pritchard (Attachment “B”). In her letter Ms. Mills stated that, “...Human Resources conducted a review of information regarding the event...” and “We have addressed the complaints internally and we now consider this matter closed.” The City declined to release the disposition of their “review,” vaguely citing “State law” which makes “City action regarding personnel matters” confidential and not publicly available.

Prior to this, on September 25, 2014, Long Beach Deputy City Manager Tom Modica was quoted in an article published in the Orange County Register (Attachment “C”) as saying, “From our perspective, this is something that happened at a private event on private time,” Modica said. “It looks to us to be a gross miscommunication.”

Dissatisfied with the City’s response, LBFF 372 thereafter on October 27, 2014, commissioned the Law Offices of Irwin & Irwin, LLP to conduct this Independent Inquiry. Irwin & Irwin was specifically directed to conduct the Independent Inquiry in a neutral and unbiased manner. Any Findings were to be, and are, based on available evidence, percipient witness statements, and examination of relevant documents.

II. SCOPE / METHODOLOGY

No less than fifty-eight (58) participants in the Hero’s Regatta were identified. In the first two weeks of November 2014 letters were sent to each and every one of these participants, including Chief DuRee. These letters announced and explained this Independent Inquiry and its purpose, and invited anyone who believed that they had relevant information to contact IRWIN & IRWIN.

Because LBFF 372's resources are not unlimited, it was not feasible to personally identify and contact each and every person who participated in, or attended, the event. Therefore, a strategy was employed to identify and attempt contact with a representative group of persons who attended the event. No less than twenty (20) persons were contacted, primarily participants/attendees of the Hero’s Regatta, including the winning Lifeguard team. The group contacted included a Superior Court Judge, a former Los Angeles County Grand Jury member (currently President of the California Grand Jurors Association, Los Angeles Chapter), active-duty and retired FireFighters, Police Officers, Lifeguards, and civilians.

On November 10, 2014, Chief DuRee was invited to voluntarily participate in this Independent Inquiry. It was hoped he would do so, since he had already made public comments regarding the controversy on television, to the media, and via a department-wide email.

However, on December 1, 2014, Chief DuRee declined to be interviewed via a letter from his attorney, Thomas J. Johnson, Esq., of the law firm of Johnson & Hutchinson (Attachment “D”). Mr. Johnston referred to this Independent Inquiry as a “boondoggle” and advised that he had instructed Chief DuRee this was “...not the proper forum for him to clear his name...” Therefore, this Independent Inquiry was required to proceed without Chief DuRee’s involvement.

Response from LBPB personnel who participated in the event was very limited. One person contacted from LBPB specifically indicated that they were not comfortable voluntarily being interviewed as part of this Independent Inquiry for fear of retaliation. Therefore, on December 1, 2014, a letter was sent to LBPB Chief Robert Luna asking for his support by expressly encouraging his personnel to come forward (Attachment “E”). No response was ever received from Chief Luna, or any additional LBPB personnel.

On December 24, 2014, support was also requested from Long Beach Police Officers’ Association President Steve James (Attachment “F”). He did voice support, however, this unfortunately did not result in any additional LBPB personnel coming forward.

This Independent Inquiry also looked to the following sources:

- An online blog article authored by Rick Roberts (LBYC employee, posted on Sail-World.com)
- A written declaration from a Superior Court Judge
- A recording of a television interview of Chief DuRee by Dave Lopez on KCBS2 News
- Media articles published by the Long Beach Press Telegram and the Orange County Register
- An email sent by Chief DuRee department-wide
- An email sent by Chief DuRee to a LBFD employee
- A letter sent by the Uniformed Firefighters Association of Greater New York
- Letters written by current/former LBFF 372 members
- Photographs

III. PERCIPIENT WITNESS INTERVIEWS

1. Rick Roberts

Rick Roberts is the Waterfront Operations Director at the Long Beach Yacht Club. He was contacted by telephone on November 13, 2014. A portion of the conversation was audio recorded with Mr. Robert’s consent. Mr. Roberts was interviewed because he reportedly authored a blog article on Sail-World.com concerning the Hero’s Regatta. This article (see further below, and Attachment “G”) purports to report an interview between the author (Mr. Roberts) and Chief DuRee.

In the article Chief DuRee is quoted as follows: “After 9/11,” Duree said, “we (LBFD) were asked to send a team to help with the search at the World Trade Center. I was part of that team. We spent two weeks there going through the rubble. I was allowed to keep this piece of twisted metal as a remembrance.”

Mr. Roberts only agreed to a very limited conversation for purposes of this Independent Inquiry. According to Mr. Roberts it had been “suggested” by the authorities within the LBYC not to discuss this matter. There reportedly is sort of an unwritten policy not to discuss issues regarding members, and Chief DuRee formerly was a member at LBYC. Mr. Roberts was never contacted by anyone from the City conducting an administrative investigation.

Mr. Roberts stated that he has a media background, and has conducted hundreds of interviews with people, but never before has been drawn into such a controversy. Portions of the article which he appeared to have published on Sail-World.com were read to Mr. Roberts. **Mr. Roberts confirmed that he personally authored this article on or about May 10, 2014. He also stated that he had taken this article off of the website in recent weeks hoping “to have the issue die down.”** (Attachment “G”)

Efforts were made to solicit and encourage the cooperation of LBYC leadership in authorizing Mr. Roberts to consent to a complete and thorough interview. These efforts included phone calls and letters that were sent to the Commodore, Vice-Commodore, and Judge Advocates. LBYC leadership were told that IRWIN & IRWIN sought their support and cooperation because Waterfront Operations Director Rick Roberts had been identified as an individual who very likely had relevant information to offer on this matter. They were advised that as a highly prominent organization within the community, such cooperation would clearly be in the public interest of determining the truth in a matter of great community concern.

LBYC leadership were also advised that the participation of key percipient witnesses, such as Director Roberts, was extremely important to get a full and accurate picture of the events that occurred, and that Mr. Roberts was understandably hesitant to voluntarily cooperate absent their express consent. Further, they were informed that Chief DuRee laid blame for any “miscommunication” resulting in this controversy on LBYC employee Rick Roberts and LBYC member Judge Judy Meyers (Attachment “H”).

LBYC leadership never responded.

2. Judge Judy Meyer

The Honorable Judy Meyer, Superior Court Judge of the County of Los Angeles, was interviewed in her chambers on December 2, 2014. She provided a signed, written declaration regarding this issue. The following is a summary of her declaration (Attachment “I”), upon which she elaborated verbally.

Judge Meyer explained that she is a member of the LBYC, and she was the Director of the 2014 Hero’s Regatta. She did this as a private community member, and not in her position as a Superior Court Judge. She was an organizer and attended on the day of the event. Previously Judge Meyer was involved in organizing another competitive sailing event to honor military personnel called the “Patriot’s Regatta.”

Early in 2014 Judge Meyer became involved in an effort to organize a similar event, this time honoring local heros and termed the “Hero’s Regatta.” Chief DuRee, also a LBYC member,

worked with her. Judge Meyer had three or four meetings with Chief DuRee while working on this event, oftentimes at the LBYC or Chief DuRee's office. There were no other participants in the meetings. **Judge Meyer stated that Chief DuRee suggested "9/11" as the theme for the Hero's Regatta because, "9/11 brings everyone together."**

According to Judge Meyer, Chief DuRee told her that he "had" or "could get a" piece of 9/11 metal that could be used to make a perpetual trophy for this event. In preparing for the approaching regatta, Chief DuRee continued to represent to Judge Meyers that he was taking care of getting the trophy made. **Chief DuRee told Judge Meyer words to the effect of, "I was there," referring to 9/11. Judge Meyer stated that Chief DuRee clearly and unequivocally communicated to her that the trophy he was having made was constructed with metal from 9/11.**

On the morning of the event Judge Meyer saw Chief DuRee carrying a trophy, which she identified via photograph (Attachment "J"). Chief DuRee was with LBYC employee Rick Roberts when she saw them. Later that morning Rick Roberts told Judge Meyer that he had spoken with Chief DuRee, and that he was fascinated by his story, and the trophy. In the course of their conversation Mr. Roberts related to Judge Meyer this "story" in some detail.

According to Judge Meyer, during the post-race awards ceremony Chief DuRee told the crowd in attendance the origin of the trophy and his participation at the 9/11 disaster site. **Chief DuRee told the crowd that he was at 9/11, at "The Pile," and that the trophy metal was a piece of metal from 9/11.** This took place from a raised platform adjacent to the LBYC pool.

On May 14, 2014, Judge Meyer was first informed by some unnamed LBFD participants that the regatta trophy was not authentic. On May 16, 2014, Judge Meyer was informed by some unnamed person from LBYC that the regatta trophy had been removed from the club.

Also on May 16, 2014, Judge Meyer received a phone call from Chief DuRee. According to her declaration, **"He stated he was very embarrassed about the incident and that's why he pulled the trophy. He laid blame on the person who made the trophy and never accepted blame himself."** By the next week Judge Meyer had heard that Chief DuRee had spoken with Rick Roberts (LBYC) and "berated" him for the article he wrote.

That same week Judge Meyer became aware of an email that Chief DuRee had apparently sent out within LBFD, and she read a copy of this email. Judge Meyer confirmed that she believes the copy of an email provided by LBFF 372 (Attachment "K") was the same email. In this email she learned that Chief DuRee placed blame for the information in the blog article published by Rick Roberts on the "chair of the event" (Judge Meyer), stating that, "He talked with the chair of the event to gather his information that he turned into a story in an online sailing blog." **Judge Meyer said that she never had any discussion with Rick Roberts wherein she shared the information upon which Rick Roberts based his blog article, and that Chief DuRee's assertion was false.** Judge Meyer learned from Chief DuRee's email that he claimed to have told her that the trophy would be made with a "representative" piece of 9/11 metal.

Judge Meyer adamantly denied that Chief DuRee ever said the metal in the regatta trophy would be “representative” metal. Judge Meyer stated, “That makes no sense and I never would have agreed to such a piece of ‘representative’ metal. That would be completely disrespectful to 9-11 and all it represents. He (Chief DuRee) said it would be a genuine piece of metal from the pile.”

Judge Meyer did not know of any video of the awards event, which she believes was attended by about 130 people. She stated she has no other background or relationship with Chief DuRee other than the organization of the regatta. She did not have any relevant emails nor text messages to provide. She could think of no reason anyone would accuse her of being anything other than completely truthful.

Judge Meyer was never contacted by anyone from the City conducting an administrative investigation. At some point she pro-actively contacted the City Manager’s Office on her own via telephone, and was told that they had received her written declaration (Attachment “I”). About a week later she heard rumor from unnamed sources that LBFF 372 had received a letter from the City effectively closing the matter.

3. Mr. William “Bill” Selditz

Mr. Selditz is presently the president of the California Grand Jurors Association, Los Angeles Chapter, and he formerly served on the 2002-2003 Los Angeles County Civil Grand Jury. He is an approved Arbitrator, Conciliator, Facilitator, & Mediator for the Los Angeles City Attorney’s Office, and is on the Los Angeles County Superior Court ADR Panel. His resume’ is long and distinguished (Attachment “L”).

Mr. Selditz participated in the 2014 Hero’s Regatta as part of the winning Lifeguard team. He last did seasonal lifeguard work for Long Beach in about 1961, and he is 76 years old. He was contacted by telephone on November 26, 2014. A portion of the conversation was audio recorded with Mr. Selditz’s consent.

Mr. Selditz provided photographs from the regatta, including photographs of the trophy awarded that day (Attachment “J”). He did not know of any video being available. His photographs were identified repeatedly throughout this Independent Inquiry as accurately representing the trophy awarded to the winning Lifeguard team at the Hero’s Regatta on May 10, 2014. Mr. Selditz confirmed the team consisted of himself, Scott Mitchell, Tony Gentile, Scott Crail, Barry Wood, and Scott Dixon. Each of these persons was contacted during this Inquiry.

Mr. Selditz focused on the award ceremony and trophy presentation that took place at the LBYC at the end of the day after the regatta was finished. He said that there was a trophy presentation by Chief DuRee and “Judge Judy” (a common reference by persons for Judge Judy Meyer). He estimated about 100 people attended the event by the LBYC pool.

Mr. Selditz stated that although the event was many months past and he couldn’t state *exactly* what words were used, **during the ceremony Chief DuRee very clearly communicated to the attendees that “parts of the regatta trophy were obtained from Ground Zero.”**

Further he reported the Chief DuRee communicated, “He was at Ground Zero and that’s when he obtained the steel.” Chief DuRee’s comments left Mr. Selditz with no question in him mind that Chief DuRee was at Ground Zero and personally obtained the steel used in the making of the regatta trophy. The timeline when it was obtained was not made clear. He said he was given this impression specifically by Chief DuRee’s words. Mr. Selditz did not recall Chief DuRee making any comments about participating in 9/11 rescue efforts.

Mr. Selditz believed the regatta trophy was made with 9/11 steel until sometime in June or July 2014. When he was attended an alumni meeting of retired Lifeguards, Dick Miller (former Lifeguard Chief) reportedly informed Mr. Selditz, “You won a phony trophy.” This was said in a joking manner, and no further explanation was provided.

Also, later while attending a Father’s Day event at the LBYC, Mr. Selditz became aware from an unnamed LBYC employee that the regatta trophy had disappeared and was gone.

Mr. Selditz stated that he does not know Chief DuRee personally or professionally. Mr. Selditz could think of no reason anyone would accuse him of being anything other than completely truthful. Mr. Selditz said he was never contacted by anyone from the City conducting an administrative investigation.

4. Austin Anderson

Ms. Anderson is a FireFighter/Paramedic currently employed by LBFD. She is currently assigned to Training at LBFD Headquarters. FF/P Anderson was a participant in the 2014 Hero’s Regatta. She was contacted in person on November 25, 2014. A portion of the conversation was audio recorded with her permission.

On the day of the event, FF/P Anderson attended a pre-race orientation/briefing held in a classroom at LBYC downstairs at about 09:00-09:30 A.M. This was intended to brief the participants (many of whom were not sailors) on the basics they would need to know for the day. This took about one-hour and included about 40 people.

When the orientation was over, FF/P Anderson exited the ground-level classroom at approximately 10:00-10:30 A.M. Outside the classroom she ran into Chief DuRee, whom she has known on a professional basis from work since about 2008. The two of them shared a brief greeting hug and exchanged hello’s. She recalls that he thanked her for participating in the regatta.

The following is a synopsis of the brief private conversation that followed, to the best of FF/P Anderson’s recollection:

DuRee: “Did you get a chance to see the trophy?”
Anderson: “No, what trophy?”
DuRee: “It’s really cool. It’s a piece of metal from 9/11 that I got. Make sure you go check it out. It’s on the pool deck.”
Anderson: “That’s pretty awesome. I’ll go check it out.”

FF/P Anderson recalled being so emotionally moved and impressed by this that she immediately went to see the regatta trophy. It was up by the pool deck, and she was talking with her husband by telephone at the time, relating to him what was happening. FF/P Anderson said that despite the intervening months she is very clear as to her interaction on that date with Chief DuRee and all that happened, in part because she was sharing it with her husband on the phone at the time, and they have since discussed it. She said she also clearly recalls because it was so moving to her as a member of the fire service.

After the regatta, an awards ceremony was held by the pool at LBYC at around 5:30 P.M. FF/P Anderson estimated that about 70 people attended. Judge Meyer and Chief DuRee made a presentation of the regatta trophy to the winning team. FF/P Anderson looked at a photograph (Attachment "J") which she said appeared to represent the trophy awarded on that date.

FF/P Anderson said that she was otherwise distracted during much of the ceremony, and so she didn't specifically recall what comments may or may not have been made by Chief DuRee regarding the trophy or any 9/11 rescue efforts during the post-race event.

FF/P Anderson stated that she knows Chief DuRee professionally, but not on a personal basis. She could think of no reason anyone would accuse her of being anything other than completely truthful. She knew of no video of the event that might be available. FF/P Anderson was never contacted by anyone from the City conducting an administrative investigation.

5. Nick Krause

Nick Kraus is a FireFighter (Fire Boat Operator) currently employed by LBFD. He is also a former United States Marine. FBO Kraus was a participant in the 2014 Hero's Regatta. He was contacted by telephone on December 1, 2014. A portion of the conversation was audio recorded with his permission.

FBO Kraus has known Chief DuRee since approximately 1994. He shared that it was difficult for him to speak about this matter because the two of them have been friends off and on through the years. Further, Chief DuRee many years ago offered FBO Kraus a place to live while he was attending the fire academy. In about 2002, Chief DuRee even wrote a letter for FBO Kraus supporting him as FBO Kraus was going through a divorce and child custody litigation.

FBO Kraus attended the 2014 Hero's Regatta, arriving at about 7:00-8:00 A.M. He recalled that Chief DuRee and Judge Meyer were already at LBYC when he arrived. FBO Kraus's wife and son were with him when he arrived, but the two of them soon left for the day.

FBO Kraus then had personal contact with Chief DuRee and they engaged in small talk while on or near the boat docks that are adjacent to LBYC. **FBO Kraus recalled Chief DuRee saying to him words to the effect, "Have you seen the trophy? You've got to see it. It's on the pool deck."**

FBO Kraus said that as their conversation continued **Chief DuRee told him that he had been part of a team of LBFD personnel sent back to New York, and that he was "allowed to**

keep” and/or “a team brought back” a “piece of metal” from the World Trade Center. Chief DuRee went on to tell FBO Kraus to “pick it up” because “it weighs 35 pounds.” **FBO Kraus said Chief DuRee specifically projected to him that he had worked “The Pile,”** as the World Trade Center tragedy site is commonly referred to within the fire service.

FBO Kraus said that at the end of the day during the awards ceremony that Chief DuRee made the same remarks in front of the crowd of attendees that he had to FBO Kraus personally earlier in the day. He remembered the ceremony taking place by the LBYC pool at about 4:30-5:00 P.M, and being attended by about 100 people. He was somewhat “tuned out” by this time because it was the end of the day and he was very tired after a day of sailing. **But FBO Kraus remembered the words “team” and “brought back” used by Chief DuRee. He remembered Chief DuRee saying, “This is a piece of metal from the World Trade Center, pick it up.” Also, “I was part of that team,” and, “I was allowed to keep...”**

FBO Kraus remembers being very confused by these events on the day of the regatta because he had worked the same fire station (#3) on the day of September 11, 2001, with Chief DuRee. He had no recollection of Chief DuRee going back to assist with rescue efforts at the WTC tragedy site. FBO Kraus was very puzzled, because he did not remember Chief DuRee being part of any post-9/11 rescue efforts when they were working that assignment together at Station #3 (for about one-year). **FBO Kraus said he literally wondered to himself at the regatta, “Where was this piece of metal all of these years?”**

Weeks later at a fire service conference FBO Kraus was informed that the trophy was fake, although he didn’t remember for sure who told him. FBO Kraus was told that it was a piece of metal cut from behind LBFD Fire Station #7.

FBO Kraus looked at a photo of the trophy (Attachment “J”) to confirm it represented the same regatta trophy that we discussed. He knew of no video of the event that might be available. He could think of no reason anyone would accuse him of being anything other than completely truthful. FBO Kraus was never contacted by anyone from the City conducting an administrative investigation.

6. Barry Wood

Mr. Wood is a retired seasonal Long Beach lifeguard who presently works part-time as a boat broker. Mr. Wood participated in the 2014 Hero’s Regatta as part of the winning Lifeguard team. He last did seasonal lifeguard work for Long Beach in about 1960-1965, and he is 70 years old. Mr. Wood was contacted by telephone on December 17, 2014. A portion of the conversation was audio recorded with Mr. Wood’s consent.

Mr. Wood attended a pre-race orientation at LBYC at about 8:00-9:00 A.M., and then participated in the sailing throughout the day. At about 5:00-6:00 P.M. he attended the post-race barbeque awards ceremony at LBYC by the pool, along with his daughter Andrea Wood. He estimated that well over 100 people were there. Mr. Wood sent photos of the regatta trophy, which appear to represent the same item as that depicted in Mr. Selditz’s photos (Attachment “M”).

Mr. Wood said that both Judge Meyer and Chief DuRee made comments to the crowd during the award presentation. Besides the trophy, there were also medals awarded, which he recalled Judge Meyer focusing her comments on. She also made comments about how the Lifeguard team had progressed so much since losing in a prior Patriot's Regatta. **During his comments, Chief DuRee told the crowd that the "metal used in the trophy was from a building at the World Trade Center."** Mr. Wood specifically recalled this because he was so very impressed, and felt it was really a great honor. He did not recall Chief DuRee making any comments about participating in 9/11 rescue efforts. **He said Chief DuRee was absolutely clear that the metal used in the trophy did come from the World Trade Center.**

Mr. Wood could think of no reason anyone would accuse him of being anything other than completely truthful. Mr. Wood advised that he thought his daughter, Andrea Wood, might have taken some video of the event with her cellphone. Mr. Wood said he does not personally know Chief DuRee. Mr. Wood was never contacted by anyone from the City conducting an administrative investigation.

7. Andrea Wood

Ms. Wood's father, Mr. Barry Wood, was a participant in the 2014 Hero's Regatta. She arrived at LBYC in the afternoon to watch the event, and to attend the barbeque awards ceremony after the race with Mr. Wood. Ms. Wood most recently was employed in the field of marine finance for boat purchases. She was contacted by telephone on December 17, 2014. A portion of the conversation was audio recorded with Ms. Wood's consent.

Ms. Wood said that during the barbeque and ceremony held by the LBYC pool that both Judge Meyer and Chief DuRee spoke to the crowd. She believed Judge Meyer spoke before Chief DuRee. **Ms. Wood recalled that during his comments Chief DuRee said that the regatta trophy was made with metal from the World Trade Center. She remembered words to the effect, "This was from the World Trade Center." She was "absolutely 100%" sure" of this, and recalled it as a very emotional moment. Ms. Wood said, "My heart sank," and also that, "I was filled with joy."**

Ms. Wood continued to explain that her father is a Vietnam veteran, and her brother-in-law is in the fire service (in the City of Los Angeles). *Chief DuRee's comments regarding the trophy made such an emotional impact on her that she started crying.* Ms. Wood remembered that Chief DuRee said that some local firefighters had gone back to New York after 9/11, but she didn't recall anything more specific than that.

Ms. Wood could think of no reason anyone would accuse her of being anything other than completely truthful. Ms. Wood said she does not personally know Chief DuRee. Ms. Wood provided a very brief video from the event that was only a few seconds long and did not depict anything relevant. Ms. Wood was never contacted by anyone from the City conducting an administrative investigation.

8. Scott Lazenby

Capt. Lazenby is a Fire Captain, employed by LBFD for about thirteen (13) years. He was not a participant in the 2014 Hero's Regatta, but he identified himself as the person who made the trophy for the regatta at Chief DuRee's request. He was contacted in person on December 2, 2014. A portion of the conversation was audio recorded with Mr. Wood's consent.

Capt. Lazenby in his off-time is a cabinet maker. He said that in about late March or early April of 2014 that Chief DuRee called and asked him to build a trophy for the Hero's Regatta. **He said he was told by Chief DuRee words to the effect, "I'm going to get a piece of metal from WTC from Goober."** He explained that "Goober" is a nickname for Chris Howard, who works for the Fire Department of New York.

Capt. Lazenby recalled that he saw LBFD Deputy Chief Rich Brandt later in April, and asked him about the metal because DC Brandt has ties to FDNY (via Chris Howard). DC Brandt said that he "Can't get it," and, "Don't have access to it." DC Brandt also said that he told Chief DuRee this.

On April 14, 2014, Capt. Lazenby sent Chief DuRee's secretary an email (Attachment "N") which in relevant part said:

"Beverly, I spoke with Chief DuRee a couple weeks ago in regards to a trophy that he would like me to fabricate for a upcoming regatta. Do you mind asking him the status of the piece of metal that he was going to provide me, to be used on the trophy itself?"

On April 29, 2014, Chief DuRee sent Capt. Lazenby an email (Attachment "O") which said:

***"Scott
Im having a hard time getting a piece of steel for the top of the trophy. Any ideas on what we should do? Maybe just find a piece of steel for the top to signify the towers? Or something else?"***

Capt. Lazenby replied:

"Chief, That's fine. I will come up with something appropriate..."

Capt. Lazenby said that after Chief DuRee was unable to get any steel from the World Trade Center for the trophy, he obtained a piece of scrap metal normally used for training from LBFD Station #7. Capt. Lazenby fabricated the trophy from that scrap metal. Capt. Lazenby said that on the day of the regatta that Chief DuRee met him at LBFD Station #1 to pick up the trophy at about 7:00 A.M. This took place in front of the fire station. Also present were fire Captain Trip Shambon, and FireFighter/Engineer Dennis Garrett. Capt. Lazenby didn't recall any conversation taking place regarding the origin of the trophy, or that it was originally supposed to include World Trade Center steel. However, Capt. Lazenby believes

he must have discussed it at some point with FF/E Garrett because he did recall talking with FF/E Garrett after Chief DuRee left and “wondered what he’s (Chief DuRee) going to come up with?” FF/E Garrett joked that New York is a “big state” and that the steel could possibly have come from there.

After learning of the Sail-World.com article written by Rick Roberts, Capt. Lazenby had phone contact with Chief DuRee and Deputy Chief Brandt. He was worried by the article and wanted to warn them that a “shitstorm” was coming. DC Brandt told Capt. Lazenby that he had talked to Chief DuRee about the article, that he wasn’t happy about it, but he had been assured by Chief DuRee that he had been misquoted.

Capt. Lazenby spoke directly with Chief DuRee, and was reportedly told, “You don’t need to worry about this. I was misquoted.” Chief DuRee also told Capt. Lazenby that he had spoken with Rick Roberts on the day of the regatta, but that he (Chief DuRee) had never inferred that the trophy steel was from the World Trade Center. Chief DuRee also said he was going to ask for the article to be retracted.

On about May 12, 2014, Capt. Lazenby had a conversation with FireFighter Darrin Strickroth about the regatta and the trophy, since Capt. Lazenby knew Strickroth had attended the event. Strickroth told him that he hadn’t been paying close attention during the regatta ceremony, and there wasn’t really much substance to their conversation.

Capt. Lazenby could think of no reason anyone would accuse him of being anything other than completely truthful. He believes he has had a positive professional relationship with Chief DuRee for many years, and has no known conflicts with him. He looked at a photo (Attachment “J”) and identified it as the trophy that he fabricated for Chief DuRee. Capt. Lazenby was never contacted by anyone from the City conducting an administrative investigation.

9. Chris Howard

Chris Howard is employed by the Fire Department of New York City (“FDNY”). He identified himself as the main point-of-contact for formal requests for World Trade Center steel for FDNY. He was contacted by telephone on December 8, 2014. The substance of the conversation was confirmed via email. Howard explained that to start the process to obtain World Trade Center steel a letter must be sent to the attention of the New York Fire Commissioner. **In approximately April of this year Howard received a verbal request for World Trade Center steel from LBFD Deputy Chief Rich Brandt. DC Brandt told him that this was for a “memorial for a high school.”**

A couple of months later Howard learned of the present controversy in Long Beach, specifically that a piece of steel used in a trophy for a LBFD department-related event was alleged to have been misrepresented as steel from World Trade Center by Chief Mike DuRee. This caused some curiosity and even suspicion on Howard’s part regarding the April request. But DC Brandt is a long-time friend of Howard, and Howard had no specific reason to conclude that DC Brandt was anything but truthful with him. However, Howard did find it highly coincidental.

Howard lived with DC Brandt in Long Beach off/on for about a three year period, and applied for employment with LBFD in 2006. He was not hired, and instead continues to be employed by FDNY.

10. Brad Dinsdale

Brad Dinsdale is an Officer with the Long Beach Police Department. He was contacted by telephone on December 1, 2014. A portion of the conversation was audio recorded with his consent. Officer Dinsdale was a participant in the 2014 Hero's Regatta, and he also attended the post-race awards ceremony.

Prior to the event Officer Dinsdale attended a pre-race orientation at LBYC at about 8:00-9:00 A.M. He didn't recall if Chief DuRee attended this orientation, as he didn't even know what the Chief looked like. **He recalled that Judge Meyer made some comments during this orientation. These comments included that at the end of the day the winning team would be awarded a trophy that was made with metal Chief DuRee brought back from the rubble of the World Trade Center. She explained that Chief DuRee had participated as part of a team that conducted rescue efforts at the World Trade Center.** He was left with the impression that Chief DuRee kept the steel as a piece of memorabilia many years ago. Officer Dinsdale said that this made a real impression on him because it was such a tragic event.

Officer Dinsdale recalled that the trophy was in the back of the classroom where the orientation was conducted, so he made a point of going back to look at it after the orientation concluded as he left the room. When he next saw the trophy it was on a table by the LBYC pool at the post-race ceremony.

During the ceremony Chief DuRee addressed the crowd, along with Judge Meyer. Officer Dinsdale said the he could not quote exactly what was said. However, Chief DuRee did talk about the trophy, and **Officer Dinsdale recalled that Chief DuRee re-affirmed what he (Dinsdale) had heard from Judge Meyer earlier that morning in the orientation. Officer Dinsdale was left with the clear impression from Chief DuRee's words that the metal used in the trophy was from 9/11, and that Chief DuRee was allowed to keep it because he helped with rescue efforts at the World Trade Center, digging through rubble and recovering bodies.**

Officer Dinsdale learned later about the trophy controversy after reading a newspaper article. He did not know of any video taken of the event. His wife also attended, but she arrived late and after the trophy presentation and Chief DuRee's comments. Officer Dinsdale said that he doesn't know Chief DuRee or have any sort of relationship with him.

11. Scott Mitchell

Scott Mitchell is a Rescue Boat Operator (Sergeant) for the Lifeguard Division of LBFD. He was a participant in the 2014 Hero's Regatta, and was part of the winning team awarded the regatta trophy. He was contacted on December 2, 2014, by telephone. A portion of the conversation was recorded with his permission.

Sgt. Mitchell attended a pre-race orientation at LBYC at about 8-9:00 A.M on the day of the event. He spoke one-to-one with Judge Meyer, who he already knew from prior LBYC activities. He described her as being “giddy” about the trophy because it was so “cool” that the metal used in its making was from the World Trade Center. He did not recall her making these comments to the entire group, who were primarily addressed by a pro sailor named Scotty Dixon. He did recall Judge Meyer perhaps making opening remarks to welcome everyone to the event. Sgt. Mitchell did not see the trophy until the end of the day. He did not recall whether or not Chief DuRee attended the orientation.

Later in the day Sgt. Mitchell attended the post-race awards ceremony barbeque by the LBYC pool. He believed that over 150 people attended. Sgt. Mitchell recalled that **Judge Meyer made opening remarks, and specifically talked about the origin of regatta trophy, including steel from the World Trade Center. He remembered thinking this was “cool, but eerie.” Judge Meyer also talked about how a team from Long Beach “worked The Pile” and attended funerals in New York.**

Sgt. Mitchell said Chief DuRee was sitting about twenty (20) feet away from Judge Meyer as she made these remarks, and he never spoke up to correct her. Chief DuRee did otherwise interject a number of times during Judge Meyer’s comments, saying things such as (to Sgt. Mitchell), “Be careful with that thing! It weighs 42 pounds.”

Chief DuRee also stood and made comments himself to the crowd. Sgt. Mitchell said Chief DuRee made “general comments” and “breezed over the issue” of the origin of the trophy. He didn’t recall Chief DuRee specifically saying that the trophy steel came from the World Trade Center, nor did he recall Chief DuRee specifically saying that he was in New York and worked “The Pile.” However, Chief DuRee did comment that he had gone back to New York, he had attended funerals, and that Long Beach personnel had “been to The Pile.” Sgt. Mitchell did find this last comment “curious” because it was his understanding that access to “The Pile” was highly restricted after 9/11. **Sgt. Mitchell was absolutely certain that Chief DuRee did not in any way attempt to edit, amend or correct the comments made by Judge Meyer about the origin of the trophy or Long Beach personnel having worked “The Pile.”**

Sgt. Mitchell has a long-standing work relationship with Chief DuRee. They’ve been partners in the past, for a total of about three years. They used to socialize away from work, but really haven’t since about the time Chief DuRee promoted to battalion chief. He knows of no animosity between the two of them. He said he was never contacted by the City regarding any administrative investigation.

12. Scott Dixon

Scott Dixon is full-time Lifeguard with the Long Beach Fire Department (since about 1994), presently assigned as a Marine Safety Captain. Capt. Dixon was contacted by telephone on December 26, 2014. A portion of the conversation was audio recorded with his consent. Capt. Dixon was a participant in the 2014 Hero’s Regatta, and he also attended the post-race awards ceremony. He was a member of the winning team, and is also a member of the LBYC.

Capt. Dixon explained that he is not to be confused with a professional sailor who helped with the 2014 Hero's Regatta, similarly named Scott "Scotty" Dixon.

Capt. Dixon attended the pre-race orientation at the LBYC at about 8-9:00 A.M. He believed the "Judge Judy" made welcoming comments to the attendees at the orientation. Capt. Dixon did not recall for sure if Chief DuRee spoke during the orientation or not. Chief DuRee may have also made welcoming comments. Capt. Dixon did not recall anything being said by anyone about the regatta trophy, which may have been on a table by the back door of the room.

After the regatta at around 5:00 P.M. or so Capt. Dixon attended the barbeque awards ceremony by the LBYC pool, attended by about 80-100 people. During the event both "Judge Judy" and Chief DuRee spoke to the crowd. Judge Meyer spoke about how she appreciated everyone's participation in the event, and her appreciation for public safety personnel. He remembered her comments being very touching, and reflective of someone who he thought truly cares about people.

Judge Meyer specifically spoke of the regatta trophy, and the origin of the steel from the World Trade Center. She attributed its donation to Chief DuRee. Capt. Dixon said that this made such an emotional impact on him that he didn't even want to hold the trophy after he learned of its origin. He said he literally got "goosebumps" because of the sacrifice that so many people made on 9/11. At the time Judge Meyer made these comments, Capt. Dixon recalls that Chief DuRee was either standing with her, or sitting very nearby at the command staff table. He said that at no time did Chief DuRee correct her commentary. Capt. Dixon believed that Chief DuRee was initially sitting as Judge Meyer spoke, and at some point stood to join her.

Capt. Dixon did recall Chief DuRee making comments about Long Beach sending a team to help post-9/11, but not with any further degree of specificity.

Capt. Dixon did not know of any video of the event that might be available. His relationship with Chief DuRee is work-related and professional, though at one time in the past they were personal friends. He could not think of any reason anyone would think he would be anything less than completely truthful about this matter. He said he did at one point unsuccessfully test for chief, but to his knowledge no animosity exists with Chief DuRee. Capt. Dixon looked at a photograph (Attachment "J") and confirmed it represented the 2014 Hero's Regatta trophy. He said the City has never contacted him regarding an administrative investigation.

13. Darrin Strickroth

Darrin Strickroth is a FireFighter employed by LBFD. He was contacted by telephone on November 12, 2014. A portion of the conversation was audio recorded with his consent. FF Strickroth participated in the 2014 Hero's Regatta, and he attended the post-race awards ceremony.

Before the 2014 Hero's Regatta, FF Strickroth had conversations with Capt. Lazenby

about the trophy Capt. Lazenby was supposed to make for the regatta. FF Strickroth recalled that Capt. Lazenby was getting nervous because the deadline was drawing near and he hadn't received steel from the World Trade Center. Therefore, Strickroth was under the impression prior to the event that the trophy would include World Trade Center steel.

FF Strickroth said that during Chief DuRee's comments during the post-race awards ceremony that he was left with the clear impression that the regatta trophy was in fact made with steel from the World Trade Center. However, because of his prior conversations with Capt. Lazenby before the event he wasn't entirely clear who/what to attribute this impression to. It stood out in his mind because he knew the fire union had previously obtained steel from the World Trade Center for a memorial at LBFD Headquarters, and he was surprised that they would have been able to obtain any more.

It was not until the next day that FF Strickroth heard rumor that the trophy was "bogus" and made with scrap metal. He learned from Capt. Lazenby that the trophy was fabricated with scrap steel from Station #7 normally used for rescue training. He also thought he heard from either Capt. Lazenby or Capt. Shambon that when the trophy was handed over to Chief DuRee at Station #1 that Capt. Lazenby told Chief DuRee where the steel came from. However, he was not present for that conversation.

14. George Gjersvold

George Gjersvold is a FireFighter with the Long Beach Fire Department. He was contacted by telephone on December 1, 2014. A portion of the conversation was audio recorded with his consent. FF Gjersvold was a participant in the 2014 Hero's Regatta, and he also attended the post-race awards ceremony.

FF Gjersvold attended a pre-race orientation in a classroom at LBYC. "Judge Judy" made opening remarks, and then turned it over to the race instructors. He did not recall the substance of her comments, nor did he recall the trophy being in the classroom.

FF Gjersvold said that about 100 people attended the awards ceremony at about 5-6:00 P.M. He was in conversation with a police officer and didn't pay close attention to Chief DuRee's remarks as he addressed the crowd. He wasn't sure what Chief DuRee said. FF Gjersvold did not recall Chief DuRee making any comments regarding the origin of the regatta trophy, nor about participating in any 9/11 rescue efforts.

FF Gjersvold was under the impression that the trophy contained steel from the World Trade Center because of conversations with other LBFD personnel prior to the event, including Capt. Trip Shambon and Firefighter Darrin Strickroth. FF Gjersvold looked at a photo (Attachment "J") and affirmed it as representing the regatta trophy. FF Gjersvold said that no one from the City has ever contacted him regarding an administrative investigation into this matter.

15. Tony Gentile

Tony Gentile is part-time hourly Lifeguard with the Long Beach Fire Department. He is 59 years old and has other full-time business pursuits. Mr. Gentile was contacted by telephone on December 1, 2014. A portion of the conversation was audio recorded with his consent. Mr. Gentile was a participant in the 2014 Hero's Regatta, and he also attended the post-race awards ceremony. He was a member of the winning team.

Mr. Gentile attended the pre-race orientation at the LBYC at about 8-9:00 A.M. He believes Chief DuRee was at this orientation. He did not recall any comments made by anyone regarding the regatta trophy or 9/11 rescue efforts.

After the race Mr. Gentile attended the post-race barbeque and trophy presentation. He believed about 100-150 people attended. He remembers that "Judge Judy" spoke to the crowd, but he didn't recall her specific comments. Chief DuRee also spoke to the crowd. According to Mr. Gentile, "It was common knowledge," that, "Everybody was saying this was a piece of 9/11," in referring to the regatta trophy. Mr. Gentile recounted that he felt a "moment of awe," and that it was a significant emotional event.

Mr. Gentile was certain that at no time did any of the speakers say that the trophy was a "replica," or, "that it represented 9/11 steel." As far as he knew, it was a fact that the trophy included steel from 9/11. Mr. Gentile looked at a photograph (Attachment "J") and affirmed it represented the trophy awarded at the 2014 Hero's Regatta. He did not know of any video being available. Mr. Gentile said that no one from the City has contacted him regarding an administrative investigation.

16. Scott Crail

Scott Crail is part-time hourly Lifeguard with the Long Beach Fire Department. He is otherwise employed in the automobile industry. Mr. Crail was contacted by telephone on December 23, 2014. A portion of the conversation was audio recorded with his consent. Mr. Crail was a participant in the 2014 Hero's Regatta, and he also attended the post-race awards ceremony. He was a member of the winning team.

Mr. Crail attended the pre-race orientation at the LBYC at about 8-9:00 A.M. He did not recall if Chief DuRee spoke to the group during this orientation. He did remember that "Judge Judy" spoke and made comments to the attendees. He didn't recall the substance of her comments. Most of the orientation was handled by professional sailors who talked about how the race would take place.

After the race at the end of the day Mr. Crail attended the barbeque and trophy presentation by the LBYC pool. He believed it was attended by about 125 people. He remembered both Chief DuRee and "Judge Judy" making comments to the crowd, but he didn't have a specific independent recollection of what either of them said. **However, Mr. Crail did leave the event with the impression that the steel used in the regatta trophy was from the World Trade Center, and that it was given (or donated) by FDNY, and that Chief DuRee**

participated in some rescue or clean-up efforts post-9/11.

Mr. Crail did not know of any video of the event that might be available. His relationship with Chief DuRee is strictly work-related and professional (they've only met a few times). He could not think of any reason anyone would think he would be anything less than completely truthful about this matter. Mr. Crail looked at a photograph (Attachment "J") and affirmed it represented the trophy awarded at the 2014 Hero's Regatta. He said the City has never contacted him regarding an administrative investigation.

17. Dick Miller

Dick Miller is a retired Lifeguards Chief. William Selditz identified Chief Miller as the person who told him the Hero's Regatta trophy was not authentic (at a Lifeguard Alumni Association meeting). Chief Miller was contacted by telephone on December 16, 2014. A portion of the conversation was audio recorded with his permission.

Chief Miller advised that he was not at the 2014 Hero's Regatta. He only heard "scuttlebutt" about the event, but had no personal knowledge. He was told by Kyle Vestermark (a LBFD Firefighter/Engineer) that the trophy was fake, and he also read an article in the newspaper. Mr. Miller said that the City has not contacted him regarding any administrative investigation.

18. Paul Walker

Mr. Walker was identified as having attended the post-regatta ceremony at LBYC. He is the founder and CEO of Genius Stone Partners, a private leadership development business. He was contacted by telephone on December 1, 2014. A portion of the conversation was audio recorded with his consent.

Mr. Walker's business is currently under contract to the City of Long Beach, and specifically to LBFD. He assists with leadership development of personnel seeking to promote to captain and battalion chief.

Mr. Walker said that he was "not that far away" when Chief DuRee addressed the crowd during the awards ceremony. However, he stated that he was talking to his wife, and was not really paying attention to the Chief. Mr. Walker was unable to recall what Chief DuRee said during the event. He did not recall Chief DuRee saying anything about the trophy or rescue efforts. He first learned of the controversy regarding the trophy when he read a newspaper article about it.

19. Jeff Birkenkamp

Jeff Birkenkamp is a sergeant with the Long Beach Police Department. He was contacted by telephone on November 25, 2014. A portion of the conversation was audio recorded with his consent.

Sgt. Birkenkamp said that he attended the 2014 Hero's Regatta, and that he was near Chief DuRee during his speech. However, he declined to discuss the matter any further unless there was a formal police or fire department investigation, because of political concerns. He said he was never contacted by the City regarding any administrative investigation.

20. Kyle Vestermark

Kyle Vestermark is a Firefighter/Engineer, employed by LBFD for seventeen (17) years. He was contacted on January 13, 2014, via telephone. A portion of the conversation was audio recorded with his consent. FF/E Vestermark was not a participant in the 2014 Hero's Regatta, nor did he attend the post-race awards ceremony.

FF/E Vestermark explained that when he learned of the controversy addressed by this Independent Inquiry he was greatly offended by the allegations against Chief DuRee. He expressed that, if true, the allegations reflected great dishonor upon LBFD. FF/E Vestermark reported that (prior to his public comments regarding this controversy) he had no known animosity with Chief DuRee, nor had he been the subject of any disciplinary action that might cast a shadow upon his credibility. He recalls only working with Chief DuRee on perhaps one or two occasions during his entire career. He hasn't spoken with Chief DuRee since the Hero's Regatta, and he doesn't believe there's any reason anyone would accuse him of being anything less than completely truthful about this matter.

Regretfully, on November 13, 2014, Rick Roberts (author of the Sail-World.com blog article) declined a full interview regarding this Independent Inquiry, beyond confirming that he did in fact write the article. Because of certain personal relationships, FF/E Vestermark decided to reach out directly to Mr. Roberts.

FF/E Vestermark reported that he spoke with Mr. Roberts on a couple of occasions, including on or about September 22, 2014. In that particular conversation, Mr. Roberts told FF/E Vestermark that because of considerations within LBYC, Mr. Roberts did not feel he could volunteer for a full interview absent the issuance of a subpoena. **Mr. Roberts reportedly told FF/E Vestermark that the article he wrote was true and accurate.**

FF/E Vestermark also reported that Mr. Roberts told him directly about his interview of Chief DuRee, summarized as follows: On the morning of the regatta Mr. Roberts spoke personally with Chief DuRee. At one point Mr. Roberts asked Chief DuRee if "...now was a good time to conduct an interview?" Chief DuRee reportedly responded, "Sure." Mr. Roberts told FF/E Vestermark that Chief DuRee then proceeded to tell Mr. Roberts the "fantastic story" about how he worked "The Pile" for two weeks after 9/11, and how he (Chief DuRee) obtained the steel used in the regatta trophy in return for his personal rescue efforts. Mr. Roberts then reportedly told FF/E Vestermark how he had gone downstairs after the interview and immediately told Judge Meyer all about it.

FF/E Vestermark was never contacted by anyone from the City in regards to an administrative investigation into this matter.

IV. DOCUMENTS

A. Rick Robert's SailWorld.com Blog Article

(Attachment "G")

"Six members of the City of Long Beach Fire Department Lifeguard Division won the inaugural Heroes Regatta Saturday in this event hosted by Long Beach Yacht Club as a tribute to the men and women of our local police and fire departments.

More than 50 law enforcement officers and firefighters sailed on eight of LBYC's Catalina 37 racing sailboats alongside skilled coaches on a sunny day that saw breezes of 12-16 knots.

The Long Beach Police Department was represented by the LBPD Command, Detective, Vice and SWAT divisions. The Long Beach Fire Department was represented by LBFD Command (including Fire Chief Mike Duree), Firefighter and Lifeguard divisions.

At the end of the six races the LB Lifeguard team and the LBPD Detective team were tied for first place.

The win was given to the Lifeguards on a tiebreaker.

Members of the Lifeguard team were Scott Mitchell, Bill Selditz, Tony Gentile, Scott Crail, Barry Wood and Scott Dixon.

Chief Duree donated a very special perpetual trophy for this event that means a great deal to him personally.

"After 9/11," Duree said, "we (LBFD) were asked to send a team to help with the search at the World Trade Center. I was part of that team. We spent two weeks there going through the rubble. I was allowed to keep this piece of twisted metal as a remembrance." (Emphasis added.)

The event was created by LBYC's Yachting Committee who two years ago created a similar regatta, the Patriot Regatta, honoring all branches of the U.S. military with service members actually sailing these sleek race boats.

Due to the popularity of the Patriot Regatta LBYC wanted to include local first responders... but thought it should be its own regatta with its own trophy.

Principal Race Officer Camille Daniels and her race committee team ran the regatta and said, "It was a beautiful day of sailing. We had great wind and the competitors did a fantastic job."

"The trophy is very moving. We are grateful and honored to host this regatta

for our local heros.””

B. Chief DuRee’s Department-Wide Email of May 22, 2014 (Attachment “K”)

*“From: Michael Duree
Sent: Thursday, May 22, 2014 2:38:45 PM
To: FD - Battalion Chiefs; FD - Fire Captains; FD - Engineers; FD - Firefighters
Cc: FD - Command Staff
Subject: Trophy*

Hello,

*There is some discussion circulating around the department regarding the trophy from the Hero's regatta. This was prompted by a story written by a member at the LBYC regarding the regatta. In his story, he added some direct quotes that he attributed to me. **The problem is, I never spoke with him to provide direct quotes.** (Emphasis added.)*

***He talked with the chair of the event to gather his information that he turned into a story in an online sailing blog.** (Emphasis added.) It is true that I spoke with the event chair about the trophy and what it was meant to signify. I relayed to her that over 30 Firefighters from Long Beach travelled to NY a month after the incident. I relayed to her that Rich travelled back to NY days after the event and spent time at ground zero. I did tell her that we did receive steel from the World Trade Center and it is on display in the lobby of Fire Headquarters. I did tell her that this trophy was meant to symbolize the World Trade Center and all that happened there. But, as that information was passed along to the others at the club, it was morphed into a different version. In talking with the author of the article, he indicated that he was doing his best to recollect the story relayed to him and he wanted to draw attention to the regatta from the sailing community.*

I asked him to remove the story, and make future references to the regatta and the trophy factual. He agreed and said it would be edited on the online version of the story and all other releases from the club have been accurate.

That said, this has caused some discussion within the ranks that is justified. Because of what was reported out, a number of our people have been offended. I feel accountable for this. While I did not know that a story was going to be written, or what was going to be included in it, I should have paid closer attention to it to ensure that any sort of release of information was accurate and I did not do that.

The bottom line here is that the regatta and trophy and the entire day, was meant to be a tribute to our people that do this work every day and also as a

way to pay respect to those that lost their lives on 9/11. The trophy was meant to be symbolic of that. Unfortunately, that message has been overshadowed by an improper reference to the origin of the material used for the trophy.

The trophy has been taken back and it will not be displayed at the LBYC. Again, the intent of this day was to pay respect to the men and women of our profession and give them a nice day out on the water, which, by all accounts is what happened. As a former active duty Marine, I recognize the importance of paying proper respect to those that have paid the ultimate sacrifice in service to our country. This trophy was meant to be symbolic of their sacrifice. It was never meant to show disrespect to anyone. I am sincerely apologetic to anyone that has been offended by this situation, as it was certainly not my intent.”

C. Orange County Register Article of September 25-26, 2014 (Attachment “C”)

Written by Staff Writer Lauren Williams, published September 25, 2014, updated September 26, 2014, reads in relevant part (ATTACHMENT):

“Long Beach Fire Chief Mike DuRee is taking heat for allegedly lying about his role in the aftermath of 9/11 and trying to pass off a piece of scrap as a relic from Ground Zero.

The controversy has upset not only Long Beach firefighters but also the New York firefighters union. The New York group is calling on DuRee to apologize, but DuRee said he never made the comments.

DuRee allegedly made the statements during the May 10 Heroes Regatta in Long Beach, in which teams of police and firefighters competed. The fire chief was there to offer a gift, a twisted piece of metal crafted into a trophy emblazoned with “9-11-01” for the winning team . . .

. . . “After 9/11, we (LBFD) were asked to send a team to help with the search at the World Trade Center. I was part of that team,” DuRee was quoted as saying in an article written by Rick Roberts for the sailing news website sail-world.com and published May 11. Roberts is an employee of the yacht club. “We spent two weeks there going through the rubble. I was allowed to keep this piece of twisted metal as a remembrance.”

DuRee has maintained that he was misquoted and that he doesn’t know where the misinformation came from.

“I made a point of saying that this trophy is meant to symbolize the sacrifice of the men and women who gave their lives” on 9/11, DuRee said. “I did tell people that day, I can’t remember how long after, but it was about 20 to 25 firefighters from Long Beach that went back to New York. We went to Ground Zero and went to funerals.” (Emphasis added.)

Bill Ardizzone, who was the Long Beach Firefighters Union president at the time and is now retired, gave a detailed account of that trip last week.

He said a group of 28 firefighters went to New York to present the union there with money raised to support them in the aftermath of 9/11. That group, which included DuRee, walked around the site of the World Trade Center, visited a firehouse that had been destroyed and attended funerals for three days before flying home.

“Everybody in the world wanted to go back there and help those guys,” Ardizzone said, but New York firefighters declined the help from other departments. “We all would want to take care of our own.”

The regatta’s director, Judy Meyer, corroborated the sail-world.com account. Meyer is a Los Angeles County Superior Court judge but said she was addressing the regatta in her capacity as the director of the race.

In a written statement to the Register, she said DuRee told her the trophy was an actual piece of metal from the twin towers but later changed his story after questions were raised about it. She described DuRee’s actions as “deception.”

“Chief DuRee announced to everyone the origin of the trophy and his participation in 9/11,” Meyer said. “He stood before all the participants and stated he was at 9/11, at the pile (of rubble) and the trophy metal was a piece of metal from 9/11.” (Emphasis added.)

Roberts, the article’s author, declined to comment for this story. (Emphasis added.) *As of Thursday morning, his article remained on the Sail-World website with DuRee’s quote . . .*

. . . DuRee said that while his words were mischaracterized, soon after the May regatta he sent a letter to the Lbfd staff to apologize to those who may have been offended after talking with former New York Firefighter Rich Brandt, now a deputy chief in Long Beach.

“When this became an issue a day or two later, the first thing I did is reach out to Rich and say, ‘I’m terribly sorry,’” DuRee said. “I said ‘Rich, I don’t want any disrespect to go to you,’ and Rich said, ‘You should put something out to the fire department and say just that.’ . . . I’m sure there are people that are still upset about that, but the reality is I’ve done everything I can to pay respect to people who have a direct connection with New York and 9/11.” (Emphasis added.)

By all accounts, a Long Beach firefighter who is a skilled craftsman made the regatta trophy from local scrap metal.

“It was beautifully done by one of our firefighters,” DuRee said of the trophy. (Emphasis added.)

Rex Pritchard, president of the Long Beach Firefighters Association, said he had heard about the conflict but didn’t know what really happened.

“If it ends up being true that he lied, it’s absolutely egregious and there’s no excuse for it,” he said.

Long Beach Deputy City Manager Tom Modica said Wednesday that DuRee recently brought the issue to the attention of the City Manager’s Office after inquiries by the Register, but that it wasn’t a big concern.

“From our perspective, this is something that happened at a private event on private time,” Modica said. “It looks to us to be a gross miscommunication.”

. . . A representative of the 10,000-member Uniformed Firefighters Association of Greater New York wrote a letter addressed to Long Beach Mayor Robert Garcia, and copied to DuRee and City Manager Pat West, asking that DuRee apologize. That letter, which is in the possession of Long Beach firefighters and was provided to the Register, has yet to be sent to City Hall.

Garcia didn’t return phone calls seeking comment Wednesday.

Vincent Speciale, a trustee of the New York group that wrote the letter, confirmed its authenticity.

“At no time was Chief DuRee, nor any member of the Long Beach Fire Department, allowed access to the World Trade Center site,” Speciale says in the letter. “Mayor Garcia, it is my understanding that Chief DuRee has since recanted these claims, but the damage has been done. It is an affront to the thousands of NYC firefighters who spent hundreds of hours digging for human remains at the World Trade Center site, to have someone misrepresent themselves as having been part of the same search and rescue.

“It is an even greater insult to have this same person, a member of the Fire Department no less, claim he’d been given a piece of metal to commemorate those lost at Ground Zero.” (Emphasis added.)

D. Long Beach Press Telegram Article of September 26, 2014 (Attachment “P”)

Written by Beatriz Valenzuela, posted September 26, 2014, reads in relevant part (ATTACHMENT):

“LONG BEACH >> Long Beach Fire Chief Mike Duree is at the center of a controversy stemming from lies he reportedly told about his role following the

9/11 attacks and the authenticity of a piece of steel he claims came from Ground Zero.

“This was all a miscommunication and I am personally embarrassed and deeply regretful that this is a topic of conversation especially to those who gave their lives in New York, the last thing I would want to do is disrespect that,” Duree said Friday. “As a former active duty Marine, I understand the importance of respect.”

He denies making false statements and instead insists that he was misquoted in a blog post on sail-world.com covering the Heroes Regatta, an event created to honor first responders, including police and firefighters, especially those who gave their lives in New York on Sept. 11, 2001. The regatta was at the Long Beach Yacht Club in May . . .

. . . A photograph on the post then shows a rusted piece of metal mounted on a piece of wood, with the caption: “Twisted metal from the World Trade Center attack serves as perpetual trophy for the Heroes Regatta and a reminder of our fallen heroes.”

Duree adamantly denies that he ever represented the piece of metal used for the trophy as an actual piece of steel from Ground Zero and said he was never interviewed by the author, Rick Roberts.

“We did talk throughout the day, but he never said he was talking to me for any sort of story,” Duree said. “And when I did see the article, I asked for a removal or a correction.” (Emphasis added.)

The article is still on the site unchanged as of Friday afternoon . . .

. . . In a written statement, Judy Meyer, director of the Heroes Regatta and an Orange County Superior Court judge, claimed that when she and Duree were planning the event, he said he “could get a piece of 9/11 metal,” to be used for the trophy and called Duree’s actions deceptive.

A drafted letter addressed to Mayor Robert Garcia from the Uniformed Firefighters Association of Greater New York states that “at no time did the FDNY request assistance or mutual aid from any other (f)ire (d)epartment anywhere in the United States.” The letter, dated Aug. 20, asked for a formal apology from Duree. The letter indicates that copies were sent to Long Beach City Manager Patrick West and Duree, but as of Friday, no one in those offices had received the letter . . .

. . . Duree explained that shortly after the attacks, several firefighters, most with ties to New York including Deputy Chief Rich Brandt, went to help. A month later, a larger group of firefighters, including Duree, went to the site of

the attacks and toured Ground Zero and attended funerals. They also presented donations raised locally for the New York first responders, but Duree denies he ever said they were working through The Pile. (Emphasis added.)

“As we’re sifting through this, these are really serious allegations,” said James Farley, vice president of the Long Beach Firefighters Local 372. “Honesty, integrity and trust are the cornerstone of our organization and the city should do its due diligence and do a full formal investigation. It’s the city’s responsibility to look into it and get the facts.”

It’s unclear if the city plans to launch an investigation.

Duree said if he receives the New York firefighters union’s letter, he will send them an apology letter.

“The event was a wonderful event and it did a lot of good but my deepest regret is that this is a topic of conversation,” Duree said. “This was never our intent and for that I will gladly accept responsibility and write a letter of apology to the men and women of New York.” (Emphasis added.)

E. Chief DuRee’s KCBS2 Television Interview On or About September 26, 2014

During this interview with KCBS correspondent Dave Lopez, Chief DuRee stated (copy of video recording is available):

Dave Lopez:

“Did you, or did you not, say what you were quoted as saying?”

Chief DuRee:

“No, I did not. Um, In fact I’m deeply, deeply regretful for that misinformation that was posted on the Sailing blog.”

Further by Chief DuRee:

“I would never intend to disrespect anybody, especially those who lost their lives on September 11th.”

“I think there was a lot of conversation that morning specific to September 11th and our involvement there, and I think as the day went on the discussion turned into something it wasn’t.”

“This is a big deal in the fire service, I recognize that clearly. Um, that’s why I’m deeply regretful we’re even having this conversation.”

“And again, I apologize to anybody, um, that this is even a topic of conversation.”

F. Brogan Healy Letter

(Attachment "Q")

LBFF 372 provided a letter apparently written by Brogan Healy, who is employed by LBFD and also is a member of LBFF 372 (ATTACHMENT). The letter is dated May 24, 2014. On January 11, 2015, Mr. Healy was contacted via email, wherein he confirmed that he wrote this letter.

In sum, Mr. Healy's letter details the fact that on September 11, 2001, he was a member of FDNY. He personally responded to the World Trade Center site, and worked hundreds of hours at the World Trade Center.

Mr. Healy stated, "While members of the Urban Search and Rescue Team did make themselves available, the Fire Department of the City of New York did not request LBFD assistance. A large group of the LBFD members, including Chief DuRee, flew to New York in November of 2001. Of that trip members dropped off fund raising money, viewed the WTC site and attended funerals. Chief DuRee did not 'spend two weeks there going through the rubble.' No LBFD Team was requested nor allowed to work at the WTC."

G. Uniformed Firefighters Association of Greater New York Letter

(Attachment "R")

On August 20, 2014, a letter was sent to the Mayor of Long Beach, Robert Garcia, by the Uniformed Firefighters Association of Greater New York Letter (Attachment). In this letter Vincent Speciale, Manhattan Trustee of the Executive Board, states in relevant part, "***At no time did the FDNY request assistance or mutual aid from any other Fire Department anywhere in the United States.***" Also, "***At no time was Chief DuRee, nor any member of the Long Beach Fire Department allowed access to the World Trade Center site.***"

H. William Adrizzone Letter

(Attachment "S")

LBFF 372 provided an undated letter written by William Adrizzone. Mr. Adrizzone is a former employee of LBFD, and also is a former member of LBFF 372 (ATTACHMENT). Mr. Adrizzone was contacted by telephone on January 14, 2014, to confirm that he wrote this letter.

In relevant part, Mr. Adrizzone's letter states, "Approximately a week to ten days after the attack, 28 members of our Local Union, including myself and now Fire Chief Mike DuRee, were flown back to New York courtesy of Jet Blue Airlines and our itinerary consisted of visits to NYFD fire stations, a trip to New York's local union office to present the proceeds of the fund raisers and attend several Memorial Services at St. Patrick's Cathedral for NYFD fallen."

V. SUMMARY

Rick Roberts confirmed that he personally authored the Sail-World.com blog article posted online on or about May 10, 2014. Chief DuRee was quoted as follows: “After 9/11,” Duree said, “we (LBFD) were asked to send a team to help with the search at the World Trade Center. I was part of that team. We spent two weeks there going through the rubble. I was allowed to keep this piece of twisted metal as a remembrance.” (Attachment “G”)

Mr. Roberts submitted to a very limited interview in response to this Independent Inquiry. But FF/E Kyle Vestermark reported that he personally spoke with Mr. Roberts, and was told personally by Mr. Roberts that the article was true and correct, and accurately recorded his interview with Chief DuRee.

In a department-wide email Chief DuRee appears to have sent on or about May 22, 2014, he stated, “There is some discussion circulating around the department regarding the trophy from the Hero's regatta. This was prompted by a story written by a member at the LBYC regarding the regatta. In his story, he added some direct quotes that he attributed to me. The problem is, I never spoke with him to provide direct quotes. He talked with the chair of the event to gather his information that he turned into a story in an online sailing blog.” (Attachment “K”)

In his email of May 22, 2014, Chief DuRee clearly and unequivocally denied having spoken with “him” (Mr. Roberts) to provide direct quotes. Chief DuRee also clearly and unequivocally claimed that Mr. Roberts obtained his quotes for the Sail-World.com article from the “chair of the event” (Judge Meyer).

Judy Meyer (a Los Angeles County Superior Court Judge) directly contradicted Chief DuRee's account, and reported seeing Chief DuRee speaking with Mr. Roberts the morning of the Hero's Regatta. She did so in a declaration originally written on or about July 6, 2014 (Attachment “I”). Judge Meyer also said later that same morning Mr. Roberts told her that he had spoken with Chief DuRee, and how fascinated Mr. Roberts was by “his story” and the trophy. This “story” included the claim that the steel in the trophy originated from World Trade Center, and that Chief DuRee had received it for having helped assist with post-9/11 rescue efforts at “The Pile” (the World Trade Center).

Chief DuRee later contradicted his own May 22, 2014, email claim not to have ever spoken with Mr. Roberts to provide direct quotes. Chief DuRee claimed, “He (Rick Roberts) talked with the chair of the event (Judge Meyer) to gather his information that he turned into a story in an online sailing blog.” A later Long Beach Press Telegram article dated September 26, 2014, states, “Duree adamantly denies that he ever represented the piece of metal used for the trophy as an actual piece of steel from Ground Zero and said he was never interviewed by the author, Rick Roberts.” Quoting Chief DuRee the article says, “We did talk throughout the day, but he never said he was talking to me for any sort of story,” Duree said. “And when I did see the article, I asked for a removal or a correction.” (Attachment “P”)

Judge Meyer reported that in pre-regatta planning meetings Chief DuRee clearly and repeatedly told her that he would get a piece of metal from 9/11, and claimed, “I was there.”

These meetings took place in Chief DuRee's office at LBFD Headquarters, and at the LBYC. She reported that he made these claims after suggesting 9/11 as the theme for the Hero's Regatta. Judge Meyer adamantly denied that Chief DuRee ever said the metal in the regatta trophy would be "representative" metal. Judge Meyer further reported that at the post-race awards ceremony at LBYC, Chief DuRee told the crowd that he was at 9/11, that he was at "The Pile," and that the trophy was made with steel from 9/11.

William Selditz (President of the California Grand Jurors Association Los Angeles Chapter, former Los Angeles County Civil Grand Jury Member) attended the post-race awards ceremony at LBYC. Mr. Selditz reported that during the ceremony Chief DuRee very clearly communicated to the attendees that "parts of the regatta trophy were obtained from Ground Zero." Further he reported the Chief DuRee communicated, "He was at Ground Zero and that's when he obtained the steel." Chief DuRee's comments left Mr. Selditz with no question in his mind that Chief DuRee was at Ground Zero and personally obtained the steel used in the making of the regatta trophy.

Austin Anderson (LBFD Firefighter/Paramedic) was a participant in the 2014 Hero's Regatta. She reported that before the race Chief DuRee engaged her in the following conversation: DuRee: "Did you get a chance to see the trophy?" Anderson: "No, what trophy?" DuRee: "It's really cool. It's a piece of metal from 9/11 that I got. Make sure you go check it out. It's on the pool deck." Anderson: "That's pretty awesome. I'll go check it out." FF Anderson was so moved by this that she immediately went to the pool deck to see the trophy.

Nick Kraus (LBFD Firefighter/Fire Boat Operator), was a participant in the 2014 Hero's Regatta. He reported that before the race he and Chief DuRee engaged in small talk while on or near the boat docks that are adjacent to LBYC. FBO Kraus recalled Chief DuRee saying to him words to the effect, "Have you seen the trophy? You've got to see it. It's on the pool deck." FBO Kraus said that as their conversation continued Chief DuRee told him that he had been part of a team of LBFD personnel sent back to New York, and that he was "allowed to keep" and/or "a team brought back" a "piece of metal" from the World Trade Center. Chief DuRee went on to tell FBO Kraus to "pick it up" because "it weighs 35 pounds." FBO Kraus said Chief DuRee specifically projected to him that he had worked "The Pile," as the WTC tragedy site is commonly referred to within the fire service. FBO Kraus said that at the end of the day during the awards ceremony that Chief DuRee made the same remarks in front of the crowd of attendees that he had to himself personally earlier in the day.

Barry Wood (Part-Time Boat Broker, Former Lifeguard 1960-65), was a participant in the 2014 Hero's Regatta. Mr. Wood remembered that during his comments, Chief DuRee told the crowd that the "metal used in the trophy was from a building at the World Trade Center." Mr. Wood specifically recalled this because he was so very impressed, and felt it was really a great honor. He did not recall Chief DuRee making any comments about participating in 9/11 rescue efforts. He said Chief DuRee was absolutely clear that the metal used in the trophy did come from the World Trade Center.

Andrea Wood (Attendee, Barry Wood's adult daughter) was at the 2014 Hero's Regatta to attend the post race barbeque awards ceremony. Ms. Wood recalled that during the awards

ceremony Chief DuRee commented to the crowd that the regatta trophy was made with metal from the World Trade Center. She remembered words to the effect, “This was from the World Trade Center.” She was “absolutely 100%” sure” of this, and recalled it as a very emotional moment. Ms. Wood said, “My heart sank,” and also, “I was filled with joy.”

Scott Lazenby (LBFD Fire Captain) reported that before the 2014 Hero’s Regatta Chief DuRee asked him to make the trophy. He said he was told by Chief DuRee words to the effect, “I’m going to get a piece of metal from WTC from Goober.” [He explained that “Goober” is a nickname for Chris Howard, who works for the Fire Department of New York.] Capt. Lazenby’s account is corroborated by an email sent to the Chief’s secretary on April 14, 2014 (Attachment “N”) wherein he states, “Beverly, I spoke with Chief DuRee a couple weeks ago in regards to a trophy that he would like me to fabricate for a upcoming regatta. Do you mind asking him the status of the piece of metal that he was going to provide me, to be used on the trophy itself?”

Capt. Lazenby’s account is further corroborated by an email sent to him by Chief DuRee on April 29, 2014, which states, “Scott Im having a hard time getting a piece of steel for the top of the trophy. Any ideas on what we should do? Maybe just find a piece of steel for the top to signify the towers? Or something else?” (Attachment “O”) When taken in the context of the “big picture” thoroughly documented in this Independent Inquiry, this email makes clear Chief DuRee’s original intent to have the trophy made with steel from “the towers,” obviously a reference to the World Trade Center. This supports accounts of several other persons.

Capt. Lazenby’s account is also supported by a report from Chris Howard (FDNY), who reported that in April 2014 he received a request from LBFD Deputy Chief Rich Brandt for a piece of World Trade Center steel (albeit for a “memorial for a high school”). Deputy Chief Brandt did not respond to a request to be interviewed.

Brad Dinsdale (LBPD Police Officer) was a participant in the 2014 Hero’s Regatta. He recalled comments made during the event by both Judge Meyer and Chief DuRee regarding the origin of the trophy, and also Chief DuRee’s alleged participation in World Trade Center rescue efforts. Officer Dinsdale specifically recalled that Chief DuRee reaffirmed what he (Dinsdale) had heard from Judge Meyer earlier that morning in the orientation. Officer Dinsdale was left with the clear impression from Chief DuRee that the metal used in the trophy was from 9/11, and that Chief DuRee was allowed to keep it because he helped with rescue efforts at the World Trade Center, digging through rubble and recovering bodies.

Scott Mitchell (LBFD Lifeguard Sergeant) was a participant in the 2014 Hero’s Regatta. Sgt. Mitchell recalled that Judge Meyer made opening remarks during the awards ceremony, specifically talking about the origin of the regatta trophy, including steel from the World Trade Center. He remembered thinking this was “cool, but eerie.” He said that Judge Meyer also talked about how a team from Long Beach “worked The Pile” and attended funerals in New York. Sgt. Mitchell said Chief DuRee was sitting about twenty (20) feet away from Judge Meyer as she made these remarks, and he never spoke up to correct her. However, Chief DuRee did otherwise interject a number of times during Judge Meyer’s comments, saying things such as (to Sgt. Mitchell), “Be careful with that thing! It weighs 42 pounds.”

Scott Dixon (LBFD Lifeguard Captain) was a participant in the 2014 Hero's Regatta. He reported that Judge Meyer specifically spoke of the regatta trophy, and the origin of the steel from the World Trade Center. She attributed its donation to Chief DuRee. Capt. Dixon said that this made such an emotional impact on him that he didn't even want to hold the trophy after he learned of its origin. He said he literally got "goosebumps" because of the sacrifice that so many people made on 9/11. At the time Judge Meyer made these comments, Capt. Dixon recalls that Chief DuRee was either standing with her, or sitting very nearby at the command staff table. He said that at no time did Chief DuRee correct her remarks. Capt. Dixon did recall Chief DuRee making comments about Long Beach sending a team to help post-9/11, but not with any further degree of specificity.

Darrin Strickroth (LBFD Firefighter) was a participant in the 2014 Hero's Regatta. He stated that during Chief DuRee's comments during the post-race awards ceremony that he was left with the clear impression that the regatta trophy was in fact made with steel from the World Trade Center. However, because of his prior conversations with Capt. Lazenby before the event he wasn't entirely clear who/what to attribute this impression to.

George Gjersvold (LBFD Firefighter) and Tony Gentile (LBFD Hourly Lifeguard) were both participants in the 2014 Hero's Regatta. Neither had a specific recall of statements made during the event regarding the matter in controversy. Both reported having the impression that the regatta trophy was made with World Trade Center steel, but were unclear whether this impression was from pre-event conversations with other personnel or simply because "It was common knowledge" that "Everybody was saying this was a piece of 9/11." (Gentile)

Scott Crail (LBFD Hourly Lifeguard) was a participant in the 2014 Hero's Regatta. He did not have specific recall of comments made during the event regarding the matter in controversy. However, Mr. Crail did leave the event with the impression that the steel used in the regatta trophy was from the World Trade Center, and that it was given (or donated) by FDNY, and that Chief DuRee participated in some rescue or clean-up efforts post-9/11.

Paul Walker (Contract Consultant to LBFD and Chief DuRee for Departmental Leadership Development) attended the post-race awards ceremony. He said that he was "not that far away" when Chief DuRee addressed the crowd during the awards ceremony. However, he stated that he was talking to his wife, and was not really paying attention to the Chief. Mr. Walker was unable to recall what Chief DuRee said during the event.

Kyle Vestermark (LBFD Firefighter/Engineer) did not attend or participate in the 2014 Hero's Regatta. However, he reported personally speaking with Rick Roberts (LBYC) on or about September 22, 2014. He reported that he was told by Rick Roberts that on the morning of the regatta Mr. Roberts spoke personally with Chief DuRee. At one point Mr. Roberts asked Chief DuRee if "...now was a good time to conduct an interview?" Chief DuRee reportedly responded, "Sure." Mr. Roberts told FF Vestermark that Chief DuRee then proceeded to tell Mr. Roberts the "fantastic story" about how he worked "The Pile" for two weeks after 9/11, and how he (Chief DuRee) obtained the steel used in the regatta trophy in return for his personal rescue efforts. Mr. Roberts then reportedly told FF Vestermark how he had gone downstairs after the interview and immediately told Judge Meyer all about it.

Brogan Healy (LBFD and LBFF 372 Member) wrote a letter dated May 24, 2014. He did not attend or participate in the 2014 Hero's Regatta. His letter details the fact that on September 11, 2001, he was a member of FDNY. He personally responded to the World Trade Center site, and worked hundreds of hours at the World Trade Center. Mr. Healy stated, "While members of the Urban Search and Rescue Team did make themselves available, the Fire Department of the City of New York did not request LBFD assistance. A large group of the LBFD members, including Chief DuRee, flew to New York in November of 2001. On that trip members dropped off fund raising money, viewed the WTC site and attended funerals. Chief DuRee did not 'spend two weeks there going through the rubble.' No LBFD Team was requested nor allowed to work at the WTC." (Attachment "Q")

On August 20, 2014, a letter was sent to the Mayor of Long Beach, Robert Garcia, by the Uniformed Firefighters Association of Greater New York. In this letter Vincent Speciale, Manhattan Trustee of the Executive Board, states in relevant part, "At no time did the FDNY request assistance or mutual aid from any other Fire Department anywhere in the United States." Also, "At no time was Chief DuRee, nor any member of the Long Beach Fire Department allowed access to the World Trade Center site." (Attachment "R")

William Adrizzone (former LBFD employee and LBFF Member) provided a letter which stated in relevant part, "Approximately a week to ten days after the attack, 28 members of our Local Union, including myself and now Fire Chief Mike DuRee, were flown back to New York courtesy of Jet Blue Airlines and our itinerary consisted of visits to NYFD fire stations, a trip to New York's local union office to present the proceeds of the fund riasers and attend several Memorial Services at St. Patrick's Cathedral for NYFD fallen." (Attachment "S")

None of the parties contacted directly during this Independent Inquiry reported having been contacted by the City regarding any related administrative investigation.

None of the parties contacted directly during this Independent Inquiry denied that Chief DuRee made the stated claims.

None of the dozens of people contacted by letter, who were invited to contribute to this Independent Inquiry, ever came forward to deny that Chief DuRee made the stated claims.

Taken in the context of the "big picture" depicted by this Independent Inquiry, Chief DuRee's email of April 29, 2014, [which states, "Scott Im having a hard time getting a piece of steel for the top of the trophy. Any ideas on what we should do? Maybe just find a piece of steel for the top to signify the towers? Or something else?"] makes abundantly clear, by his own hand, Chief DuRee's original intent to have the trophy made with authentic steel from "the towers," which he then suggested be changed to "steel for the top to signify the towers." This is highly, highly corroborative of the accounts reported by several other percipient witnesses who appear entirely credible.

Chief DuRee is the only person known to have denied these allegations (via a department-wide email and media interviews).

Chief DuRee declined to be interviewed (via his lawyer).

VI. CONCLUSION / FINDINGS

More than sufficient evidence exists for a reasonable person to conclude that Chief DuRee did in fact commit the following allegations regarding the 2014 Hero's Regatta :

- 1.) Chief DuRee falsely misrepresented that steel used in the making of a perpetual trophy he provided for the 2014 Hero's Regatta originated from the rubble of the World Trade Center terrorist attack that took place on September 11, 2001, in the City of New York; and
- 2.) Chief DuRee falsely claimed to have received this steel in return for his personal participation in rescue efforts post-9/11 at what is commonly referred to as "The Pile," or the site of the World Trade Center tragedy.

Kindest regards,
IRWIN & IRWIN, LLP

MARK A. IRWIN, ESQ.