

Item #12
10-21-2025

First Steps Recovery

From: John Kinsey <kinsey@wjhattorneys.com>
Date: Monday, October 20, 2025 at 4:10 PM
To: Roberson, Kyle <kroberson@fresnocountyca.gov>
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Subject: RE: Stipulation to Stay Pending Litigation re First Steps Recovery Matters

Good afternoon, Kyle and Doug. I wanted to touch base on this matter before the Board meets in closed session tomorrow.

First, as County staff is aware, First Steps has retained the services of two additional construction professionals (Charles Maxwell and Grizzly Construction, Inc.) to help augment the work Precision Civil Engineers is performing. It is our hope that the retention of these new contractors will demonstrate to the County that First Steps is moving quickly to resolve the County's permitting concerns.

The Board will be receiving a status report from Mr. Maxwell as part of the public comment period tomorrow. My understanding is that, to date, many of the alleged violations have been resolved. First Steps' representatives and employees have also been to the Building Department on numerous occasions over the last two weeks. In addition, we have ascertained that many of the alleged violations have been found to be erroneous (i.e., the alleged roofing/HVAC replacement, structures under 240 square feet).

However, although significant progress has been made, our new contractors are likewise advising that some of the permit applications cannot feasibly be submitted in less than two weeks. This is in large part due to the fact that the County requires architectural drawings as part of some of the permits, and it is simply not feasible for the design professionals needed to complete the work in that timeframe. As a result of this, I have previously provided your office with time estimates received from Precision, but those were met with a threat by County Counsel to displace the residents from the Facility. I have also suggested—on numerous occasions—that we get our clients in the same room to reach consensus on what an appropriate timeframe for the submission of those applications. We continue to believe that this consensus-building is a necessary first step if the County wants a commitment to submit applications within a certain timeframe.

In addition, our new construction professionals have echoed the conclusion that the alleged code violations do not even come close to arising to the level of health and safety concerns. In fact, they have conveyed that these are the types of violations one is likely to see in virtually any residence located in the County that is more than a few decades old. We are also investigating what we understand may be significant deviations from the County Code for the property located immediately to the south of the Armstrong property (which is owned by Bob Davidson).

Further, when we spoke in real-time on October 8, 2025, I understood that I would be provided with an "agreement" under which First Steps would indemnify the County for any code violations, and under which First Steps would agree to a timeline to submit applications. What I received was a "stipulation" for a court order that required those applications to be submitted in 14-days. Although I have advised that the 14-days is unreasonable, to help resolve this issue I have previously proposed (orally and in writing) a pathway for your office and mine to reach consensus on that issue (i.e., a meeting between the parties' technical representatives). I have also stated that First Steps would agree to adapt the County's existing indemnification agreement for development projects. **Although I have attempted to engage in these substantive discussions regarding the terms of your draft stipulation, I have not heard back from you on these foundational issues.**

Finally, I wanted to advise that Mr. Davidson was served with a Workplace Violence Restraining Order on Friday, as a result of his threats against First Steps. As a result, we expect the County will receive an increase in retaliatory complaints from Mr. Davidson and his proxies against First Steps. We hope the County will have the fortitude to see those meritless complaints for what they are.

I look forward to hearing from you after tomorrow's Board meeting.