



# David Hollister

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## Dixie Fire Criminal Case Settlement Questions and Answer

Thank you for the tremendous support concerning the settlement of the criminal case against PG&E for their role in the Dixie Fire. This settlement, which could see **north of \$500,000,000** coming to Plumas County, is tremendous victory for our county and huge step forward for our recovery.

It is exceptionally important this settlement be transparent and public. You can find the actual Judgment on the DA website at <https://www.plumascounty.us/DocumentCenter/View/41070/Stipulation-for-Entry-of-Final-Judgment?bidId=>.

You can also find a press release from the DAs of the five counties impacted by the Dixie Fire at <https://www.plumascounty.us/DocumentCenter/View/41066/Plumas-County-Press-Release-Dixie-Fire-04-11-22?bidId=>

Below I will attempt to answer questions about this settlement. Should you have a question unanswered, please call the DA's Office at 530-283-6303 or email me at [davidhollister@countyofplumas.com](mailto:davidhollister@countyofplumas.com). This settlement is so important for Plumas County it is crucial we all have the most timely and accurate information.

### Q&As

#### How much is the settlement worth?

When the **Direct Payments for Community Recovery payment plan, timber mediation, penalties and good faith contributions are combined, Plumas County should see north of \$500 million dollars from this settlement.** When safety improvements, such as the undergrounding of power lines and the Enhanced

Powerline Safety Settings are added, this **total will be closer to \$1 billion dollars** for Plumas County.

**Does the DAs settlement mean the county or businesses can't sue PG&E?**

No. This settlement was between the DAs from the five counties impacted by the Dixie Fire (Plumas, Lassen, Tehama, Shasta and Butte) and PG&E and is in lieu of criminal charges. This settlement is separate and does not impact any civil lawsuits against PG&E – such as a civil suit by Plumas County for damage to county property, for example.

**My home in Greenville was destroyed by the fire and I don't have any insurance. The home was 2000 square feet on ½ an acre. I am afraid I won't be able to rebuild. How does this settlement help me?**

A main part of this settlement, and one we fought very hard for, is the DPCR (Direct Payments for Community Recovery) Program. This program is available to a homeowner like yourself, those who own homes they did not occupy and folks who occupied but did not own a home. In your case, you would receive a check for \$810,000 (\$400 square foot plus \$10,000 for acreage) within 90 days of your claim. This program is spelled out in detail here:

<https://www.plumascounty.us/DocumentCenter/View/41067/Dixie-Fire---Direct-Payments-for-Community-Recovery-Framework?bidId=>

**What if I had insurance but was underinsured?**

Available insurance will be deducted from any offer made. For example, let's say you lost a 2,000 square foot home which was insured at \$200 per square foot. PG&E would still pay \$200 per square to bring the total to \$400 per square foot. In other words, by taking part in this program you would receive a check for \$400,000 from PG&E in addition to the \$400,000 you receive from insurance.

**The majority of people in Paradise who lost their home in the Camp Fire still haven't received payment from PG&E 3 ½ years later, how will this be any different?**

I was insistent time was of the essence in order to help Plumas County. For a variety of reasons I believe we need to get money into the hands of our community members as soon as possible. From the date of settlement (April 11, 2022), PG&E has 30 days to begin the DPCR (Direct Payments for Community Recovery). Once the program begins a person will be able to make a claim on-line or get help at a local help center. Once you make your claim, PG&E has 30 days to verify the destroyed residence and its square footage and make you an offer. You will then have 30 days to accept or reject the offer. Once you accept the offer PG&E has 30 days to make payment. **In other words, if you take part in this program, you should have a check no later than 90 days after your claim.**

**Do I have take part in DPCR (Direct Payments for Community Recovery)?**

No. This is an optional program intended to provide full and quick payment to those displaced by the Dixie Fire. You do not have to take part in this program and are free to sue PG&E on your own or with legal assistance.

**I have hired an attorney to help me sue PG&E for the loss of my home. If I take part in the DPCR (Direct Payments for Community Recovery) do I have to pay my attorney out of my settlement?**

No. The DPCR provides any claimant who has already retained an attorney will receive their full claim with PG&E paying an additional 10% to your attorney. **This 10% would be in addition to the settlement you receive.**

**When will the DPCR (Direct Payments for Community Recovery) start? How will I know it has started? How do I make a claim?**

The DPCR will start within 30 days of April 11, 2022 (this past Monday when the Settlement occurred). The roll-out of the DPCR will be widely publicized. I suggest continuing to monitor Plumas News and the DA's website for updates. I am working with PG&E to locate several physical locations in Plumas County where people can make a claim. The claim form will be relatively simple and take a matter of minutes to complete. A dedicated, on-line website from PG&E will also be available for those wishing to make a claim as part of the DPCR via the internet.

**Are commercial businesses or commercial timber land part of the DPCR (Direct Payments for Community Recovery)?**

No. The valuation of commercial business and timber land was too complicated (and in some cases, secretive) to create a one-size fits all approach as we were able to do with residential homes. Commercial businesses and commercial timber land holders will need to sue PG&E directly. The Judgment does have a provision requiring PG&E to engage in an expedited mediation (to begin within 60 days) with our commercial timber land holders (over 500 acres with a primary purpose of producing timber products). I am exceptionally thankful for the insight and patience of SPI, Collins-Pine and the Maidu Summit Consortium during this negotiation.

**Plumas County organizations will receive \$17million from PG&E as a showing of good faith and investment in Plumas, how were these organizations selected?**

It was important to have PG&E demonstrate their support for the recovery of our county after the Dixie Fire. These good-faith contributions are in addition to the settlement and count not have been achieved from a normal prosecution or civil suit. In December of 2021, I reached out to community leaders and stakeholders seeking their input as to local organizations who helped during the fire, are helping recover from the fire or are helping prevent the next fire. It was equally important these organizations who might not otherwise be able to receive any reimbursement for their efforts from PG&E. In reaching out to our local leaders and stakeholder the response ranged from exceptionally helpful to no response. Two county Supervisors (Supervisors Goss and Hagwood) were extremely helpful with this process, for example. From these responses, I negotiated with PG&E on the recipient, amount and timing of these contributions. Without divulging the negotiations, the \$17 million in good faith contributions with all being paid by July 12, 2022 were results I did not think we could attain until very late in the negotiations. A full list of the recipients can be found starting at page 30 of the Judgment found here - <https://www.plumascounty.us/DocumentCenter/View/41070/Stipulation-for-Entry-of-Final-Judgment?bidId=>.

### **Who was involved in this settlement?**

These negotiations, and this settlement, involved the District Attorneys from 5 counties - Plumas (myself, David Hollister), Lassen (Melyssah Rios), Tehama (Matt Rogers), Shasta (Stephanie Bridgett) and Butte (Mike Ramsey). In addition, Jill Ratvich from Sonoma engaged as she was involved in a parallel negotiation with PG&E stemming from the Kincade Fire. I cannot say enough about the leadership, advocacy and teamwork of each of these DAs. There is no way we could have reached this unprecedented result without their individual and collective efforts.

### **I heard Plumas Unified School District was getting \$2,000,000. What about the Charter School?**

A good faith contribution is being made in the amount of \$2,000,000 to the Plumas County Office of Education Foundation, which would include the Charter School.

### **Wouldn't it have been better to just do a traditional prosecution and convict PG&E of a number of felonies?**

Very early, and after reaching certain determinations about PG&E's liability, I analyzed all possible approaches to try and figure out what would best serve justice and Plumas County.

I paid close attention to the **2018 Camp Fire** which leveled the town of Paradise. From that fire, the Butte County DA's office obtained convictions of 85 felony counts including 84 counts of manslaughter for those who died. PG&E was sentenced to the maximum fine allowed by law - \$3,486,950 of which 30% stayed in Butte County.

In looking at our charges, if we convicted PG&E of the four felonies I could charge the maximum fine would be **only \$329,417**, of which only \$98,825 would stay in Plumas County. This approach certainly did not seem like justice to me. It would not punish PG&E; it would not deter PG&E; and it would not help restore Plumas County.

The fact of the matter is California's criminal laws do not appropriately address large companies who start catastrophic wildfires like the Dixie Fire.

Instead of a traditional approach, the five DAs on the Dixie Fire took the innovative step of pursuing an unlawful business practices approach which will allow for over \$500,000,000 in expedited payments to homeowners, protection of timber, hiring, education, penalties, contributions, safety improvements and a monitor.

### **Why isn't PG&E's Board of Directors going to prison for the Dixie Fire?**

While a corporation can be prosecuted for committing crimes they can only be fined. For an individual to be prosecuted for what they did on behalf of a company a prosecutor would have to prove the individual committed a criminal act with requisite intent to commit such a crime. There were no facts in this investigation allowing for such a prosecution of PG&E's Board of Directors or Management.

### **I am concerned PG&E's safety inspections are done by out of town contractors who has no connection with Plumas County. How does this settlement help with this issue?**

It was important to me that the workers from PG&E who will be doing the safety inspections, etc. moving forward have a stake in Plumas County. This settlement requires PG&E to hire 100 local employees (in the five counties impacted by the Dixie Fire).

### **What does this settlement do to develop local expertise in preventing or responding to catastrophic wildfires?**

At my insistence, PG&E will be providing \$2,000,000 to Feather River College to develop or enrich a certificate and degree program in topics covering ecosystem restoration and applied fire management to allow students to be trained to respond to, and prevent, catastrophic wildfires. This homegrown, local expertise will help us now and in the future.

**I am concerned PG&E just made a bunch of promises in this settlement they won't follow-through on. What's to prevent them from not doing what they say they are going to do?**

From the beginning I insisted on the use of an independent Monitor to make sure this settlement was adhered to by PG&E. To echo, our 40<sup>th</sup> President, we need to trust but verify. At PG&E's expense (up to \$15 million per year), we will have an independent Monitor who will evaluate PG&E and report to the DAs. The Monitor will not simply rely on PG&E reports but will also engage in field work to confirm compliance.