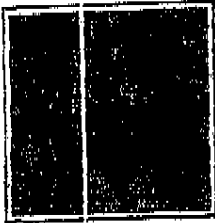


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PAULE, CAMAZINE



PAUL R. CAMAZINE September 7, 2007

BLUMENTHAL SENT BY REGULAR MAIL AND FACSIMILE

OFFICIALS OF CORPORATION

Ms. Patricia A. Hageman
City Counselor
314 City Hall
1200 Market Street
St. Louis, MO 63103
Facsimile No. 314-622-4956

- Donald W. Paule
Alex J. ...
Thomas N. Blumenthal
James D. ...
Bruce L. ...
D. Keith ...
Susan A. ...
Bernard A. ...
Alvin ...

RE: Fire Chief Sherman George

Dear Counselor Hageman:

- Stephen J. ...
Tim ...
Susan ...
Kathleen ...
Lisa ...
Paul ...
Douglas ...
Jack ...
Barton ...
Frank ...
Christopher ...
Peter ...
Ann ...
Amy ...
William ...
Michael ...
Nicholas ...
Patricia ...

As you are aware, this office has been retained by Fire Chief Sherman George to consult with him concerning his employment with the City of St. Louis as Fire Chief, and his appropriate duties and obligations in that position. We are writing to you in your capacity as City Counselor in response to a letter received by Chief George from the Director of Public Safety, Samuel J. Simon, dated September 5, 2007. The letter from Mr. Simon, which contains misleading statements and factual inaccuracies, threatens the employment of Chief George. Mr. Simon's attempt to discipline the Chief if promotions are not made by a deadline appears to be in direct contradiction to established law. As a result, we are responding to you directly, and as a more considered voice of reason, rather than having Chief George respond to Mr. Simon.

First, we wish to be emphatically clear that there is not an unsafe situation for firefighters or the residents and businesses of the City of St. Louis due to the lack of promotions. There is absolutely no evidence that the good firefighters who are in the positions of acting Captain and Battalion Chief have acted in any manner which may be considered unsafe. Mr. Simon's accusation of unsafe conditions is unfounded and irresponsible, particularly since he has allowed his letter to be released to the press.

Next, we wish to correct the statement that the Fire Chief has not scheduled interviews. Mr. Simon knew that the interviews were scheduled to begin on September 5. Mr. Simon knew that the interviews had been scheduled earlier but were rescheduled due to the Chief's other duties. Mr. Simon knew that the interviews had begun by the time Mr. Simon delivered his letter to the Chief.

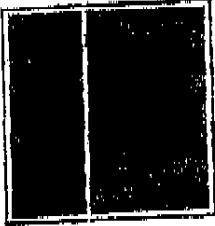
Mr. Simon's motive for suggesting interviews were not being held, knowing they were to be held, and then releasing the letter to the press, can only be to maliciously

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place the Chief in a false light, suggesting that the Chief refuses to do his job to the detriment of the community. Such actions do not have legal protection merely because the Chief is a public figure. Coupled with the assertions concerning the safety of citizens, Mr. Simon's letter released to the press may well amount to actionable defamation.

We note that Mr. Simon suggests that the Chief was required to request an extension of time to continue his interviews of candidates and failed to do so. We find this assertion interesting, in that Department of Personnel Civil Service Rule VII, Section 4, does not require that Chief George as appointing authority request an extension for one to be granted. The Director of Personnel has not been shy about granting extensions without a request from the Chief in the past, as he did in 2004. Neither the Director of Personnel nor the Director of Public Safety were in the dark about the Chief's schedule for interviews, and given the number of candidates with which the Chief was presented, it reasonably could not be expected that the Chief would complete the interviews in 21 days and also address his other duties of office.

We choose not to debate Mr. Simon about the holding of the District Court in the F.R.E. case, since this is not the first time Mr. Simon has given bad legal advice to the Chief.

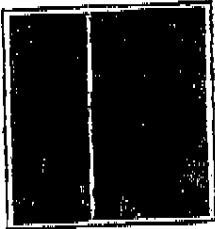
Finally, we take issue with Mr. Simon's directive and "order" that the Chief fill all vacant Battalion Chief and Captain positions by 5:00 p.m. on Friday, September 14, 2007. This directive and order is a flagrant usurpation of a power lawfully vested in the Fire Chief. We are certain that you, if not Mr. Simon, are familiar with State ex rel. Killingsworth vs. George, 168 S.W.2d 621 (Mo.App.E.D.2005). That case was brought concerning the same positions to be filled today, by some of the same candidates seeking promotion today. The Missouri Court of Appeals held in no uncertain terms that Chief George, as the appointing authority for these positions in the Fire Department, has the sole "discretion to fill or not fill any particular position." Id. at 625. This discretion is provided for in the City Charter, Article XVIII, Section 4. The court held that it promotes both economy and effectiveness to allow the Fire Chief to decide whether filling vacancies would be in the best interest of the Department and the City. Id. The court's position is the rule of law and is directly contrary to Mr. Simon's.

In fact, while we do not have any written minutes or reports, we believe that Mr. Simon admitted in a public forum in 2005 that he did not have the authority to order the Chief to promote.

It would seem that this is a case where a legal action for a writ of *quo warranto* would lie if Mr. Simon continues his attempt order Chief George to promote. Such an attempt, following the legal standard for *quo warranto*, would "usurp" Chief

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George's authority and force Chief George to fill the vacant positions. We assume that the City does not want such an action to commence, and we therefore respectfully request that the City instruct Mr. Simon to withdraw his ill-considered letter.

There is enough division in the City prompted by those on both sides who wish to bait the Mayor into making this an issue of race. Mr. Simon's letter can only further that division. We do not believe this issue is about race, and we do not want this to become an issue about Chief George's job. This is solely an issue of safety. Safety has been the Fire Chief's sole consideration in the past, and is his sole consideration now.

We know you to be of a considered and deliberative nature, and would hope that you would prevail on all concerned to avoid any legal impasse. We regret that this issue has become public, and equally regret that we feel compelled to make this request public in order to level the public playing field and let the citizens of the City know the Chief's side of this issue.

We look forward to your favorable response and would be happy to meet with you again to consider more reasoned options.

Very truly yours,

PAULE, CAMAZINE & BLUMENTHAL, P.C.

Thomas M. Blumenthal

TMB/sm