

OFFICE OF THE
DISTRICT ATTORNEY
COUNTY OF SANTA BARBARA

CHRISTIE STANLEY
District Attorney



DA 12-0026

RELEASE NUMBER

December 10, 2009

RELEASE DATE

APPROVED BY

Jerry Lulejian, Sr. Deputy D.A.

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December 10, 2009

Subject: Jesusita Fire Investigation

The District Attorney's Office has invested significant time and resources into the review and decision to file charges on the circumstances surrounding the origin of the Jesusita Fire. We recognize the tremendous impact the Fire has had on the community and the community's desire to have answers regarding the origination of the fire. We also recognize that our duty is to ensure justice is done by applying our ethical obligations to the review of the voluminous materials in this case.

The District Attorney's Office has conducted a thorough review of evidence relating to the circumstances surrounding the origination of the Jesusita Fire. The Santa Barbara Sheriff's Department, the Santa Barbara County Fire Department, the Santa Barbara City Fire Department and Cal-Fire, in addition to all the other public safety agencies that assisted during the emergency are commended for their joint effort in the investigation of the origin of this fire.

The District Attorney's Office, in consultation with the Santa Barbara County Fire Department, has examined all possible criminal and civil charges that may apply to the conduct of the two individuals who will be charged in this case. The ethical duty of a prosecutor is to review a case to determine if we have a good faith belief that we can prove the case beyond a reasonable doubt to a jury in this community. It has been determined by this Office that we cannot prove beyond a reasonable doubt the required mental state for any felony charge that might apply to the circumstances of this case.

The Santa Barbara County Code has enacted the California Fire Code under Chapter 15. The California Fire Code, Chapter 26, Section 2601, provides that for any, "[w]elding, cutting, open torches and other hot work operations and equipment" a permit from the Fire Marshal must first be obtained for work completed in any location specified by him. The evidence indicating the point of origin for the Jesusita fire is designated as a high fire danger area, requiring a hot work permit at all times by the County Fire Marshal. To obtain a hot work permit a person is required to show the Fire Marshal that he/she will take certain precautions to prevent a fire which include, but are not limited to, having fire fighting equipment on scene and having an independent person watch the area for a minimum of thirty minutes after the work is completed to ensure that there are no areas left smoldering.

The investigation and resulting evidence shows that two individuals, Craig William Ilenstine, age 50, and Dana Neil Larsen, age 45, were using cutting instruments, specifically gas powered weed cutters, to trim back brush and limbs surrounding the trail in the area of origin of the fire on the day in question. The same evidence shows that neither person had obtained a hot work permit as required by law and neither person took the requisite precautions of watching or having someone else watch the area where they worked for at least thirty minutes after they finished using their weed cutters, to make sure they did not leave any smoldering areas.

Craig William Ilenstine and Dana Neil Larsen have each been charged with one misdemeanor count of violating Santa Barbara County Code, Chapter 15, Section 15-121, through a violation of California Fire Code, Chapter 26, Section 2601. They were sent a letter to appear in the Santa Barbara Superior Court for their arraignment in January 2010.

The maximum penalty for the charged offense is a fine of \$25,000 and imprisonment in the County Jail for a period not to exceed ninety (90) days. Further, if successful in obtaining a conviction in this case, the Office of the District Attorney will ask the court to impose full criminal restitution on behalf of the victims of the Jesusita Fire. Further, The California Department of Forestry (Cal-Fire), based on the investigation of this case, will pursue civil cost recovery against these same individuals.

The media is invited to attend a press conference, including the Santa Barbara County District Attorney's Office and Santa Barbara County Fire officials, commencing at 8:00 a.m., Friday morning, December 11, 2009, at the District Attorney's Office 4th floor conference room, 1112 Santa Barbara Street, Santa Barbara.

If you have questions, please contact Senior Deputy District Attorney Jerry Lulejian at (805) 346-7540.