



**Andrews Ersoff & Zantello**  
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April 25, 2019

**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

North Lincoln Fire and Rescue District #1  
P.O. Box 200  
Lincoln City, OR 97367

**Re: *Phillip Rilatos v. North Lincoln Fire and Rescue District #1***  
***Dates of Loss: May 28, 2018;***  
***August 21, 2018;***  
***April, 18, 2019; and***  
***April 23, 2019***  
***TORT CLAIM NOTICE (ORS 30.275)***

Dear Administrator:

**Notice of Representation.** Please be advised, our office has been retained to represent Philip Rilatos. Please do not contact our client directly but address all of your correspondence to my attention at this office.

**Purpose.** The purpose of this letter is to provide our client's formal Tort Claim Notice pursuant to ORS 30.275(4).

**Tort Claim Notice.** Please be advised, our client intends to assert claims for damages against North Lincoln Fire and Rescue District #1, and/or an officer, employee, or agent of North Lincoln Fire and Rescue District #1,

**Time, Place, and Circumstances.** The time, place, and circumstances giving rise to our client's claims are as follows:

- On May 28, 2018, members of North Lincoln Fire and Rescue District #1 sexually harassed Philip Rilatos by putting up a poster in Mr. Rilatos' dorm stating "the Homo is here." They also filled Mr. Rilatos' dorm with pink balloons and a large number of sanitary napkins with the appearance of being used. North Lincoln Fire and Rescue failed to supervise their employees, failed to enforce sexual harassment training and policies, and failed to resolve the sexual harassment;

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- On August 21, 2018, following an investigation, D. Craig Stoelk issued a written report finding that the May 28, 2018 incident was sexual harassment and constituted “a violation of the employer’s policy related to harassment.” Mr. Stoelk also found that North Lincoln Fire and Rescue “failed to conduct a proper/thorough harassment investigation as outlined by the employer’s policy.” Mr. Stoelk further found that North Lincoln Fire and Rescue’s “shunning” of Mr. Rilatos after Mr. Rilatos reported the May 28, 2018 incident “is a clear form of retaliatory behavior;”
- On April 18, 2019, after months of repeated oral and written requests, as well as a public records request, North Lincoln Fire and Rescue finally allowed Mr. Rilatos to examine the August 21, 2018 report via his attorney, but would not allow Mr. Rilatos to retain a copy. April 18, 2019 is the first day Mr. Rilatos had knowledge (1) that his sexual harassment claim from May 28, 2018 was substantiated; (2) that North Lincoln Fire and Rescue’s own investigation was improper; and (3) that North Lincoln Fire and Rescue’s retaliatory behavior against Mr. Rilatos was substantiated; and
- On April 23, 2019, North Lincoln Fire and Rescue terminated Mr. Rilatos’ employment as further retaliation for reporting a substantiated sexual harassment claim.

**Name of Claimant and Mailing Address.** The name of the claimant and the mailing address to which correspondence concerning the claim may be sent is as follows:

Philip Rilatos  
c/o Andrews Ersoff & Zantello  
ATTN: Joshua D. Zantello  
2941 NW Highway 101  
Lincoln City, OR 97367

**Actual Notice.** This letter is formal notice of a claim pursuant to ORS 30.275(4). This notice is a courtesy. Our client already gave North Lincoln Fire and Rescue District #1 timely actual notice of the May 28, 2018 incident pursuant to ORS 30.275(6) through extensive phone calls, in-person meetings, and email correspondence with North Lincoln Fire and Rescue administrators and leadership.

**Point of Contact.** Point of contact is the undersigned at [Joshua@AEZLawOffice.com](mailto:Joshua@AEZLawOffice.com) or 541-994-7350.

Sincerely,



Joshua D. Zantello

JDZ/mh

cc: Philip Rilatos

Christy Monson, Attorney for North Lincoln Fire and Rescue (via email only to: [christy@localgovtlaw.com](mailto:christy@localgovtlaw.com))

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