

## SUMMIT FIRE

# Man to be tried for 2008 wildfire

Prosecutor: Contractor's  
recklessness caused blaze

Fire & Fire Prevention - 2008  
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SAN JOSE — Los Gatos contractor Channing Verden will face a trial on charges of recklessly starting the 2008 Summit Fire by failing to extinguish large piles of logs that he and a crew burned while clearing a Summit Road property.

After four days of a preliminary hearing in Santa Clara County Superior Court, Judge Joyce Allegro determined there was enough evidence to hold him for a jury trial. Verden, 52, faces a sentence of probation to up to five years in prison if convicted, prosecutor David Boyd said.

"This is an issue of recklessness," Boyd said in his closing arguments. "The size of the piles didn't cause the Summit Fire. What caused the Summit Fire was his failure to put out the site legitimately."

Verden has not been charged with started the fire intentionally. High winds on May 22, 2008 whipped the flames that burned 63 homes, 69 outbuildings and charred 4,280 acres in Santa Clara and Santa Cruz counties. It took five days to contain.

Allegro said the case hinged on whether Verden acted recklessly.

"Mr. Verden was told by a number of different people in positions of authority that the burn was dangerous and not conducted within safety standards," Allegro said. "I think his



VERDEN

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conduct has consequences."

In spring 2008, Andrew Napell hired Verden to clear trees and brush to build a house on his property at 31000 Summit Road in Santa Clara County. Napell, a 50-year-old computer chip designer, already lived near the property.

Verden cleared the trees and brush with a two-man crew at the property. His excavator vehicle broke down on April 4. At that point, Verden and Napell talked on the phone, and Napell told Verden his work was done. He paid him April 20.

Prosecutors alleged that the burn piles were never put out properly with water, and weeks after the initial burn, wind whipped the burn-pile embers, igniting the massive blaze.

Several Cal Fire officials said in the hearing that they saw burn piles 20 feet wide and 10 feet high.

Kay Price, a Cal Fire investigator, visited the property on March 25 to informally inspect Verden's burn piles with an official from the Bay Area Air Quality Management District.

Napell needed a notification form approved by the district to start burning, Price said. But Verden already had starting burning the dried

## SUMMIT FIRE

ACRES BURNED: 4,270

STARTED: May 22, 2008 at 5:20 a.m.

CONTAINED: May 27, 2008 at 6 p.m.

LOCATION: Summit Road and Maymen Flats, between Corralitos and the community of Loma Prieta in Santa Clara County.

CAUSE: Six improperly attended burn piles at 31000 Summit Road.

Contractor Channing Verden, 52, of Los Gatos was held to answer Thursday on a charge of recklessly starting the fire.

He is expected to go to trial in Santa Clara County Superior Court.

STRUCTURES DESTROYED: 63 homes, 69 outbuildings

COST TO FIGHT FIRE:

\$14.85 million

and "green" logs that were chopped and gathered from the property, she testified.

Price said she told Verden the burn piles were too large and needed to be divided. She said Verden told her he couldn't separate them because they were already on fire.

"I said someone needed to be in attendance of the piles at all times, and that the piles were too large and that the piles need to be put out by dark," Price said.

Price also noted that Verden

did not have a water truck on the property. Verden told her he was trying to get one. He did at some point have a water truck, which was later found down a canyon near the property. It is unclear how or when it ended up in the canyon.

Price said Verden — who has lived in the Santa Cruz Mountains nearly his entire life — assured her that he had experience with burn piles and would take proper precautions.

Michael Meehan, Verden's attorney, flipped Price's testimony to blame Cal Fire.

Why didn't Price order Verden to douse the fires when she inspected them, Meehan asked.

"This fire is a tragedy for the whole community, but there is no evidence that (Verden) started it," Meehan said in court. "Cal Fire should have stepped in and put them out."

Price testified that the burn piles included dried wood and green wood — which retains heat longer and can smolder for weeks. Meehan questioned why Price didn't make Verden cure the green wood for 60 days as fire officials recommend.

Meehan also noted that another property nearby had been inspected for a controlled burn that briefly got away around the time of the fire. Meehan suggested that could have been the source of the Summit Fire.

A next-door neighbor of the

property, Holly Waddle, said she was walking with grandchildren on the property on May 11 — Mother's Day — when she saw a stump hot embers that was smoking.

Throughout the hearing, Boyd mentioned that burn son was to end in mid-May the latest, and suggest Verden might have been in a hurry to finish the job.

Napell, the property owner at times defended Verden's fire practices during testimony. Napell said after Verden finished the burn, Napell walked over burn piles that had been extinguished.

Boyd said Napell potentially faced "massive" civil liability to people who lost their homes in the Summit Fire, so might add a lens to his testimony.

"That might motivate Napell to say he didn't see combustion," Boyd said.

Verden said outside of the thought the judge's decision was wrong. He mentioned how he lost his own home fire in 1985.

"Since then I've worked (expletive) off to get what was, and this has destroyed my life," Verden said.

Waddle, the neighbor, said outside court that the Summit Fire started from a combination of factors.

"People need closure," said.

Verden is due in court for second arraignment on May 31.