

STATE FIRE PREVENTION COMMISSION

MINUTES

April 21, 2016

Members Present: Charles D. Davis, Chairman
Mark F. Hubbard, Vice Chairman
Mark A. Bilger
K.C. Harrington
Martin J. LePore
Joseph L. Scheffey
Anthony J. Spencer
Stacy Welch
Richard L. Yinger

Chairman Davis called the meeting to order at the Laurel Municipal Building in Laurel, Prince George's County.

A moment of silence was observed in remembrance of the Prince George's County police officer who was shot in March and the Prince George's County firefighter who also was shot when responding to an incident. Fire Marshal Geraci attended the firefighter's funeral yesterday and said it was well attended.

FIRE MARSHAL REPORT

Fire Marshal Brian Geraci reported the Office of the State Fire Marshal (OSFM) has three sworn and eight civilian vacancies. Six civilians are in various stages of the hiring process. An appeal has been made to Department of Budget and Management and DoIT regarding the IT position that was removed. He hopes to get the position reinstated in the next budget cycle. Deputy State Fire Marshals (DSFM) Zack Dell and Sander Cohen have been transferred to the Northeast Region's Westminster office; DSFM Joe Walters has been transferred to Headquarters to serve as the executive officer; and DSFM Brian Quick has been transferred to the Upper Eastern Shore Region. Ken Bush is being promoted to Chief Fire Protection Engineer (CFPE) so a new engineer will need to be hired to handle the engineering duties on the Eastern Shore. Congratulations were extended to Mr. Bush on his promotion.

Fire fatalities to date this year stand at 19 compared to 24 for the same period last year. The Fire Marshal distributed additional information by counties.

The agency has launched a new messaging system, govdelivery, which allows a message to be sent via email that also populates on the OSFM Twitter and Facebook accounts. Efforts continue to be made to improve upon the social media outreach.

OSFM personnel conducted 270 investigations for the first quarter of 2016: 196 fires, 13 closed by arrest, 22 individuals arrested of which 7 were juveniles. A total of 2,657 inspections were conducted.

In partnership with the Maryland State Firemen's Association (MSFA), the Maryland Fire Rescue Institute (MFRI), and the Maryland Institute for Emergency Medical Services System (MIEMSS) over 60 fire and rescue personnel from around the state attended a one-day Fire and Life Safety Educators Workshop. Topics included social media, on and off college campus housing fire safety, grants, updates on fire and life safety programs, and community risk reduction.

The next community risk reduction weekend will be May 14-15. The Fire Marshal encourages all departments to get out into their communities to check smoke alarms, conduct home inspections, and speak to residents about fire and injury prevention.

Special Assistant State Fire Marshal Terry Gearhart, Western Region, received the Community Partnership Award from the Washington County Department of Social Services for the quality fire and life

safety education he provides to foster care parents. He goes well beyond what are his normal job duties. He also helps with presentations for on and off campus housing safety at Frostburg State University parent/student orientations.

DSFM Carl Witmer, Western Region, received the Life Saving Award from the Maryland State Police for a cardiac arrest incident that occurred at the Hagerstown Motor Vehicle Administration.

The Fire Marshal encouraged everyone to continue to visit www.mdlikesafety.org and <http://facebook.com/MarylandStateFireMarshal> for updated news and information.

The Fire Marshal reviewed some legislative items:

- House Bill 19 to repeal the residential sprinkler requirements received an unfavorable report (16 to 6) in committee and died.
- House Bill 50 to include crimes against law enforcement officers and first responders as hate crimes did not pass.
- House Bill 849 and Senate Bill 182 to require carbon monoxide detectors in rental dwelling units passed.
- The income tax credit for new residential sprinkler systems went through several amendments but never got passed.
- Noah's Law, a measure that expands the use of interlock ignitions on drunk drivers passed.
- House Bill 57 passed. It increases the time frame from 12 months to 18 months for the Department of Housing and Community Development to adopt a new version of building codes and then local jurisdictions will have 12 months instead of 6 months after state adoption to update their codes.
- The bills to repeal the requirements to report chimney fires and for insurance companies to notify the OSFM of claim payouts both passed.
- House Bill 121 and Senate Bill 287 passed. It allows for charges to be filed against an individual who makes a bomb threat in one jurisdiction to be charged in the jurisdiction where the threat is received.

The Superintendent has submitted a letter of recommendation to the Governor for Commissioner LePore's replacement.

An agreement has been signed with Brycer to use Compliance Engine, a company that works with local fire alarm and sprinkler companies that do the inspection, testing, and maintenance on fire protection systems. The companies file their reports with Brycer and then information can be looked up on their website. This will be used to help track the status of systems in state-owned buildings. Ocean City and Worcester County are using it. Baltimore County and Gaithersburg City also plan to start using it. State-owned buildings will be in the data base and then it is hoped to expand to buildings leased by the state. A list of all state buildings will be sent to Brycer so they can load it into their system and letters will be sent to the contractors. This will start July 1st. There's no cost to the OSFM to use the system but there is a cost to the contractors.

CHIEF FIRE PROTECTION ENGINEER REPORT

CFPE Bush reported the National Fire Protection Association hosted a summit in College Park on security issues last December that dealt with locking devices and some key points came up. It's a bigger issue in existing building where hardware may already be installed on doors and additional hardware is needed. So it could be that some jurisdictions will allow one extra operation for existing doors but not for new. We have a policy in the state of Maryland that says we are to basically follow the rules of the Life Safety Code and it says locking arrangements are limited to one operation and something that is easily operated from the inside. There are devices on the market that slide underneath the door to wedge it shut, or sleeves that go over closing devices so the doors won't operate. Another consideration is the various weapons that may be used. At the Virginia Tech incident, the shooter took chains and locked the doors down to hold the people in. If you lock down the building with occupants inside with the shooter, that's what the shooter wants. So the problem is that locking devices don't just keep out unwanted intruders but it also prevents emergency personnel from gaining access. At the upcoming International Code Council (ICC) group hearings this is one of the major topics on the agenda. They have gotten over 400 code proposals they are considering for their International Fire Code (IFC). Maryland doesn't use the IFC but it would probably have some indirect impact on what we do in Maryland.

He reviewed some other items on the ICC agenda:

- Energy storage systems, mainly batteries and lithium ion batteries, are becoming more prevalent. In some cities, there are buildings with half a floor full of batteries. So alternative storage systems will definitely be a big discussion.
- Pedestal buildings can have up to four wood-frame stories built on top of one or two stories of noncombustible construction. These buildings are limited to 60 feet in height, but the question is where to start measuring—from the ground or from the top of the noncombustible pedestal. This determines whether the attics would need to be sprinklered. There have been several major fires in nonsprinklered portions of an otherwise sprinklered building.
- Mass communication is another issue that has received several proposals. For example at the Virginia Tech incident it took nearly two hours to notify everyone.
- Tall wood-framed heavy timber buildings which in certain parts of the country are the construction of choice, mainly the upper northwest where wood is more prevalent.

CFPE Bush reported on a complaint the OSFM received with some fire sprinkler contractors hiring unlicensed subcontractors to do certain work. This is a violation of the regulation. Linda Bounds who is in charge of the sprinkler licensing program, will notify all the sprinkler contractors this is an illegal practice.

Baltimore County has advised that contractors are spraying foam insulation above the ceilings in houses in order to pass the fan (tightness) test. Where recessed sprinklers have been installed, they are starting to see the foam seep down through the sprinkler head causing blockage. We've sent notification to the sprinkler contractors and the Maryland Building Officials Association to alert them to this situation. Depending on when the foam is sprayed (before or after the sprinkler final) it could very easily be overlooked.

During a renovation of a 19,000 square foot home, that actually had a fire several years ago, the inspector and a licensed sprinkler contractor found sprinkler heads had been disconnected and screwed into the wood frame during some previous renovation work. The sprinkler heads were visible but they weren't connected to anything. So during the renovation this was discovered and we are looking into it further.

The Commonwealth of Massachusetts has established a policy, which we are looking at for Maryland, to restrict the use of colored powder in confined spaces. The flash fire at a festival in Taiwan that resulted in several deaths and injuries was the result of colored powder being thrown on people standing in an abandoned pool and a spark ignited it causing a fireball type explosion. The colored cornstarch is used at a lot of outdoor events such as marathons and bicycle races, and is highly flammable if it finds a spark. When used in a wide open area it typically isn't as hazardous but in confined spaces where it is more concentrated it can be very dangerous.

CHAIRMAN REPORT

Chairman Davis reported he sent a letter to the Superintendent inviting him to today's meeting and expressed concerns with the OSFM funding and vehicles. The Superintendent called the Chairman because he was unable to attend but did say he is working diligently to find funding for vehicles. Commissioner Bilger stated the issue was discussed at the MSFA executive committee meeting and they are also attempting to intercede on behalf of the OSFM. Chairman Davis intends to also discuss the matter with the MSFA president. The Superintendent is well intentioned but certain funding issues go beyond his level. The Fire Marshal continues to talk to other agencies to obtain some of their unused vehicles. Commissioner Yinger stated Wicomico County has 50 vehicles they are getting ready to turn in and perhaps some could be obtained from them.

OTHER BUSINESS

Vice Chairman Hubbard reported that local fire marshal agencies are getting questions about security devices for active shooter situations. It seems that a lot of inconsistencies are forming on code compliant lockdown arrangements and devices. The Fire Marshal was contacted by Baltimore County about a year ago regarding this issue and he issued a letter stating barricade devices would not be allowed on doors in educational occupancies. Most jurisdictions are adhering to the letter and not allowing them. Baltimore County however chose to allow the use of barricade devices and other jurisdictions could do so if they choose. The Fire Marshal's letter specifically addressed educational occupancies K-12 and pre-school; colleges are business occupancies. The issue is being looked at nationally by the National Association of State Fire Marshals, NFPA and other organizations. So there may be some code changes in the future.

Commissioner Spencer received an inquiry from George Collins, who started the African American Museum for Firefighters, as to who was the first African American to serve on the Fire Prevention Commission. Commissioner Welch thought it was Mr. Howell from Baltimore City. Commissioner Yinger stated that Prince George's County former Fire Chief, Mr. Jones, also served.

Commissioner Welch announced that she has been nominated for the Board of Directors for the National Fire Protection Association. The election will be held at their June conference in Las Vegas. Congratulations were extended.

Commissioner LePore thanked the Fire Marshal for his hard work and handling the budget cycle so well.

Commissioner Harrington reported that recently when constructing a condo in Ocean City, the Ocean City Fire Marshal's Office required him to install a separate meter for the fire alarm panel. The six condos already had a house panel but he put another one by the six panels for the house panel. Then he was told it had to be within three feet of the transformer so he had to put a pedestal in front of a \$4.5 million building with a meter by the transformer to get final approval. Mr. Harrington has worked in Virginia, Maryland, and Delaware and never heard of such a thing, nor had his electrician who's been in business for 35 years. There's no backup generator so if the structure loses power everything's going to shut down anyway. Fire Marshal Geraci said it must be an Ocean City requirement because it's not a Maryland requirement.

Commissioner Scheffey offered to host a get together at the June meeting during the convention if anyone is interested in a lunch or dinner. Chairman Davis said the best time on the schedule would probably be a lunch on Tuesday or Tuesday afternoon when little is on the schedule.

Motion by Commissioner Yinger, second by Commissioner Harrington, and unanimously carried to approve the minutes of the February 18th meeting.

Retired CFPE John Bender expressed his continuing concern about the OSFM budget issues. It is not only personnel and vehicles, but continued resources that will be needed to operate and grow with technology. For example, the Stadium Authority who is now handling school construction instead of the Department of Education, gave the OSFM two computers capable of allowing electronic plan review for fire code compliance. Electronic plan review is the latest professional trend and resources will be needed to utilize this type of new technology. Certainly the relationship with the Department of State Police is important and discussions of moving the OSFM to a different department should be cautious as it may have an adverse effect with investigation and inspection duties being split among different departments. Mr. Bender thinks the Commission should work with the MSFA to intervene at a level above the State Police. At the MSFA meeting that Commissioner Bilger mentioned, the discussion on the Fire Marshal's Office was tabled. He thinks they feel the leadership on that issue needs to come from the Commission to provide direction and guidance on how they should proceed.

Mr. Bender congratulated Commissioner Welch for the complimentary article in *Fire Protection Engineering* magazine. It was an excellent article in reference to her position with Marriott Corporation and protecting millions of lives across the globe. Graduates of the Fire Protection Engineering Program are very proud of her.

MEETING SCHEDULED

The next meeting has been scheduled for
Tuesday June 21, 2016 – 11:15 a.m.
Roland E. Powell Convention Center
4001 Coastal Highway
Mezzanine Board Room #201
Ocean City, Worcester County

APPEAL 15-02

The public meeting was adjourned and the Commission convened in closed session to deliberate Appeal 15-02 filed by Tim Theodoropoulos which was remanded to the Fire Marshal on January 13, 2016, for a reinvestigation. The Commission reviewed Fire Marshal Geraci's written response to the Commission dated February 29, 2016, as well as additional documentation submitted by petitioner Tim Theodoropoulos and Gary Heubeck of Heubeck Sprinkler Inspection Company. Based on this additional information, the Commission concludes that the Fire Marshal did not abuse his discretion in removing the letter of reprimand from Heubeck's file and the appeal filed by Tim Theodoropoulos was denied. A copy of the Commission's Memorandum Opinion and Order is attached.

Respectfully submitted
(as summarized from transcript furnished by Hunt Reporting),



Heidi Ritchie, Secretary

Attachment: Appeal 15-02 Memorandum Opinion and Order

BEFORE THE FIRE PREVENTION COMMISSION

TIM THEODOROPOULOS, *

Petitioner, *

v. * Case No. 15-02

STATE FIRE MARSHAL, *

Respondent. *

MEMORANDUM OPINION AND ORDER

The memorandum opinion issued in this case on January 13, 2016, is incorporated by reference. Based on the February 29, 2016 letter from the Fire Marshal to the undersigned, as well as additional documentation submitted to this Commission by both petitioner Tim Theodoropoulos and Gary Heubeck of Heubeck Sprinkler Inspection Company, Inc. (“Heubeck”), this Commission makes the following additional findings of fact:

1. Heubeck sent an email on August 13, 2014, to Petitioner Tim Theodoropoulos indicating that he wished to schedule the final inspection of the sprinkler system it had installed at the home of Mr. Theodoropoulos; and
2. On August 14, 2014, Mr. Theodoropoulos notified Mr. Heubeck in relevant part that “*Effective immediately* your dealings with the sprinkler project at 11814 Harford Road, Glen Arm, MD 21057 has been terminated. I have retained another sprinkler contractor to take over the job.” (Emphasis added.)

Thus, on August 13, 2014, Heubeck made an effort to conduct a final test of the sprinkler system that it had previously certified even though it had not conducted a final test. Mr. Theodoropoulos, however, terminated the contract effective August 14, 2014, thereby precluding Heubeck from testing the system and rectifying its sub-standard work. Given that Heubeck attempted to fix its poor work, this Commission concludes that the Fire Marshal did not abuse his discretion in deciding to remove the letter of reprimand from Heubeck's file. The appeal filed by Mr. Theodoropoulos will be denied by separate Order.

ORDER

For the foregoing reasons, it is, on this 9th day of May, 2016, by the Maryland State Fire Prevention Commission, hereby

ORDERED, that the appeal filed by Tim Theodoropoulos is DENIED, and it is further

ORDERED, that a copy of Mr. Theodoropoulos's complaint to the Fire Marshal, his appeal to this Commission, and the Commission's two decisions issued in this case, shall be maintained in Heubeck's file, as well as the file of any sprinkler company owned and operated by Gary Heubeck, including but not limited to "Heubeck Sprinkler."

C. Daniel Davis, Jr.

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Chairman, Fire Prevention Commission