

FIRE PROTECTION CASE SUMMARIES 2018

Note: Reference to one gender implies all other genders, unless the context requires otherwise.

CASE #16-19

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Fire Protection Technician (RFPT) certified in the Commercial Kitchen Exhaust Cleaning (CO) endorsement, conducted insufficient or improper inspection and cleaning of commercial kitchen equipment in a restaurant and failed to stamp the related tags upon completion of the work. Further, the Respondent's name appeared on tags affixed to fire extinguishers denoting that, although not certified to do so, the Respondent had tested and inspected the fire extinguishers.

INVESTIGATION:

The above allegations, if found to be true, would be contrary to Principles 1 & 2 of the ASTTBC Code of Ethics and Practice Guidelines.

During the investigation, the Respondent advised that the stamp was not applied to tags as it had been stolen over a year before, and he had been handwriting his certification information on the tags ever since. He did not apply for a replacement stamp as he was not aware of the seriousness of being robbed of his stamp. The Respondent acknowledged that he inspected fire extinguishers, even though he was not certified in this endorsement, his justification being that as a dealer for a manufacturer he was manufacturer-certified in many different types of automatic fire systems.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB reviewed the complaint and investigation findings and concluded that the Respondent had violated Principle 1 of the ASTTBC Code of Ethics & Practice Guidelines, as well as the Fire Protection Stamp Practice Guidelines. The PRB was concerned that the Respondent had demonstrated a lack of understanding regarding the content and application of ASTTBC regulations, policies, standards and guidelines which applied to RFPT practice, and this could affect the safety of the public and increase risk and liability to the Respondent. Therefore, the PRB required that the Respondent apply to ASTTBC for a replacement stamp, at his cost, and also apply to ASTTBC for adding the Fire Extinguisher endorsement. The Respondent was also required to submit a statement of assurance, acceptable to the Registrar, that he had read, understood and would abide by the ASTTBC Fire Protection Practice Guidelines. Lastly, The Respondent was levied a fine of \$250.00, as a deterrent to future violations of the ASTTBC Code of Ethics and Practice Guidelines.

OUTCOME:

Upon receipt of the PRB conditions, the Respondent submitted a letter of appeal to the Registrar, which was presented to the PRB, to provide the PRB an opportunity to review and reconsider their decision based on any new information contained in the appeal. The PRB reviewed the appeal and confirmed that all requirements originally outlined stood, with the exception of the deadlines which were extended accordingly. When the Respondent was notified regarding the PRB decision, he applied for, and received, a replacement stamp. He also submitted his application for adding the Fire Extinguisher endorsement. Lastly, he submitted an acceptable statement of assurance, and subsequently paid the fine. No further action was required and the file was closed.

CASE #17-12

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Fire Protection Technician (RFPT) certified in the Fire Alarms systems (AL), Unit Emergency Lighting (EM), Portable Fire Extinguishers (EX) and Sprinkler systems (WA) endorsements failed to adequately perform an annual fire alarm test and submitted an incomplete report.

INVESTIGATION:

The above allegations, if found to be true, would be contrary to Principle 1 of the ASTTBC Code of Ethics and the Fire Protection Practice Guidelines for the Inspection, Testing and Maintenance of Fire Protection Equipment.

The investigation determined that the Respondent was present for one day only to help out with the inspection and test, and his role was limited to the inspection of fire extinguishers. The issues raised in the complaint had already been reported by the fire protection services company to the property management, however, at the time the Complainant reviewed the report the repairs had not yet been carried out. Those repairs were subsequently completed.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB reviewed the complaint and investigation findings and found no evidence to support the allegations.

OUTCOME:

No further action was required and the file was closed.

CASE #17-13**STATEMENT OF COMPLAINT:**

That the Respondent, a Registered Fire Protection Technician (RFPT) certified in the Fire Alarms systems (AL), Unit Emergency Lighting (EM) and Portable Fire Extinguishers (EX) endorsements, failed to adequately perform an annual fire alarm test and submitted an incomplete report.

INVESTIGATION:

The above allegations, if found to be true, would be contrary to Principle 1 of the ASTTBC Code of Ethics and the Fire Protection Practice Guidelines for the Inspection, Testing and Maintenance of Fire Protection Equipment.

The investigation found that after the annual inspection and testing of the fire alarm system was completed, the property underwent renovations thus necessitating a re-verification of the fire alarm system. The Complainant did not have access to the report submitted by the fire protection service company to the property owner describing the work required to correct deficiencies noted during the inspection and test, and based the complaint on incomplete documentation that was prepared prior to the renovation and available on the premises.

During the course of the investigation, the Respondent resigned his membership with ASTTBC, as he had moved out of the province.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB reviewed the complaint and investigation findings and found insufficient evidence to substantiate a violation of the ASTTBC Code of Ethics, and/or the Fire Protection Practice Guidelines.

As the Respondent was no longer an ASTTBC member, the PRB required that his database record be flagged, and if he applies for reinstatement, all certification and registration criteria as required for a new applicant shall apply.

OUTCOME:

No further action was required and the file was closed.

CASE #17-14

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Fire Protection Technician (RFPT) certified in the Fire Alarms systems (AL), Unit Emergency Lighting (EM), Portable Fire Extinguishers (EX) and Sprinkler systems (WA) endorsements, failed to adequately perform an annual fire alarm test and submitted an incomplete report.

INVESTIGATION:

The above allegations, if found to be true, would be contrary to Principle 1 of the ASTTBC Code of Ethics and the Fire Protection Practice Guidelines for the Inspection, Testing and Maintenance of Fire Protection Equipment.

The investigation found that after the annual inspection and testing of the fire alarm system was completed, the property underwent renovations thus necessitating a re-verification of the fire alarm system. The Complainant did not have access to the report submitted by the fire protection service company to the property owner describing the work required to correct deficiencies noted during the inspection and test, and based the complaint on incomplete documentation that was prepared prior to the renovation and available on the premises.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB reviewed the complaint and investigation findings and found that the explanations in the Respondent's response to the complaint satisfactorily answered the concerns raised by the Complainant. The PRB found insufficient evidence to substantiate a violation of the ASTTBC Code of Ethics, and/or the Fire Protection Practice Guidelines

OUTCOME:

No further action was required and the file was closed.

CASE #17-19

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Fire Protection Technician (RFPT) certified in the Fire alarm systems (AL), Unit emergency lighting (EM) and Portable fire extinguishers (EX) endorsements, serviced and tagged a water-based fire protection system when not certified by ASTTBC to do so.

INVESTIGATION:

The above allegations, if found to be true, would be contrary to Principles 1 and 2 of the ASTTBC Code of Ethics and also to the Fire Protection Practice Guidelines for the Inspection, Testing and Maintenance of Fire Protection Equipment.

During the investigation, the Respondent advised that the subject system had been re-inspected by a RFPT certified in the necessary endorsement, however was unable to provide a credible explanation to justify his non-compliance to ASTTBC policies and RFPT practice guidelines.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB reviewed the complaint and investigation findings and concluded that the Respondent's actions were contrary to Principles 1 and 2 of the ASTTBC Code of Ethics and also to the Fire Protection Practice Guidelines for the Inspection, Testing and Maintenance of Fire Protection Equipment. Therefore, the PRB required that the Respondent submit a statement of assurance acceptable to the Registrar that he had read, understood and would abide by the ASTTBC Code of Ethics, Fire Protection Certification Policy and Practice Guidelines. This statement was also required to include an assurance that he would only work within the scope of his certification. In addition, the Respondent was levied a fine of \$250, as a deterrent to future violations of the ASTTBC Code of Ethics.

OUTCOME:

The Respondent accepted the requirements and submitted the required statement of assurance, which the Registrar found to be acceptable. He also paid the fine. No further action was required and the file was closed.

CASE #17-20**STATEMENT OF COMPLAINT:**

That the Respondent, a Registered Fire Protection Technician (RFPT) with full certification in the Fire alarm systems (AL) and Provisional certification in the Unit emergency lighting (EM), Portable fire extinguishers (EX), Fire pumps (FP), Special suppression systems (SP) and Sprinkler systems (WA) endorsements, serviced and tagged a sprinkler system when not certified by ASTTBC to do so.

INVESTIGATION:

The above allegations, if found to be true, would be contrary to Principles 1 and 2 of the ASTTBC Code of Ethics and also to the Fire Protection Practice Guidelines for the Inspection, Testing & Maintenance of Fire Protection Equipment.

During the investigation, the Respondent advised that he was unaware of the local municipality bylaw requiring only ASTTBC-certified RFPTs for inspection and testing. He appeared to be either unaware of, or had disregarded, the Fire Protection Practice Guidelines for the Inspection, Testing and Maintenance of Fire Protection Equipment, which clearly stated that RFPTs only carry out work that is within the endorsements they are registered in. The PRB also noted that the Respondent had made application-related inquiries with ASTTBC and had been provided with the necessary information twice; however, he had not taken any action with respect to removing the Provisional status by applying for full certification in the 5 Provisional endorsements.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB reviewed the complaint in November 2017 and concluded that the Respondent's actions had been contrary to Principles 1 and 2 of the ASTTBC Code of Ethics as well as the Fire Protection Practice Guidelines for the Inspection, Testing & Maintenance of Fire Protection Equipment. Therefore, the PRB required that the Respondent submit a statement of assurance acceptable to the Registrar that he had read, understood and would abide by the ASTTBC Code of Ethics, Fire Protection Certification Policy and Practice Guidelines. The statement was to also include an assurance that the Respondent would only work within the scope of his certification. In addition, the Respondent was levied a fine of \$250, as a deterrent to future violations of the ASTTBC Code of Ethics and Fire Protection Practice Guidelines for the Inspection, Testing and Maintenance of Fire Protection Equipment.

OUTCOME:

The Respondent accepted the PRB requirements and submitted the required statement of assurance which the Registrar found to be acceptable. He also paid the fine. No further action was required and the file was closed.

CASE #17-22**STATEMENT OF COMPLAINT:**

That the Respondent, a Registered Fire Protection Technician (RFPT) serviced and tagged a portable fire extinguisher when not certified to do so.

INVESTIGATION:

The above allegations, if found to be true, would be contrary to Principles 1 and 2 of the ASTTBC Code of Ethics and also to the Fire Protection Practice Guidelines for the Inspection, Testing and Maintenance of Fire Protection Equipment.

The Respondent was a Registered Fire Protection Technician (RFPT) with 'Provisional' certification in the Fire alarm systems (AL), Unit emergency lighting (EM), Portable fire extinguishers (EX) and Sprinkler systems (WA) endorsements. As per ASTTBC's Fire Protection Certification policy, RFPTs with a 'Provisional' category of certification are not eligible to request or use a stamp, enroll in the ASTTBC-organized errors and omissions insurance or transfer membership to another province.

When ASTTBC received a photograph of a tag affixed to a fire extinguisher and bearing the Respondent's stamp and initials, a copy was provided to the Respondent asking for his comments on the matter. In addition, he was asked to provide a list of inspections and tests he had conducted for the last 12 months in municipalities with a bylaw requiring ASTTBC certification. The intent in doing this was so ASTTBC could advise the Authorities Having Jurisdiction (AHJ) accordingly and the AHJs could decide whether or not re-testing by a fully certified RFPT was required. The Respondent provided comments on the matter but did not submit the requested list.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB reviewed the matter and concluded that the Respondent's actions were contrary to Section 4.5 of the ASTTBC Regulations, Principles 1 and 2 of the ASTTBC Code of Ethics and the Fire Protection Practice Guidelines for the Inspection, Testing and Maintenance of Fire Protection Equipment. Therefore, the Respondent was required to undergo a Practice Assessment Review (PAR) immediately upon notice from ASTTBC, to evaluate his practice to determine compliance with prevailing standards, in accordance with ASTT Regulations section 4.7 c) i) B) & C).

OUTCOME:

Upon receipt of the PRB conditions, the Respondent had a discussion with the Registrar and indicated he wished to resign his membership with ASTTBC. His comments during the discussion confirmed the PRB conclusion that his actions had been contrary to Section 4.5 of the ASTTBC Regulations, Principles 1 and 2 of the ASTTBC Code of Ethics and the Fire Protection Practice Guidelines for the Inspection, Testing & Maintenance of Fire Protection Equipment.

Following the discussion, the Respondent resigned his membership with ASTTBC. Therefore, the PRB closed the case file, as the Respondent was no longer an ASTTBC member. As required by the PRB, the Authorities Having Jurisdiction and the Better Business Bureau were advised. The PRB further required that the ASTTBC database be flagged, and if the Respondent applies for reinstatement this file will first be reopened and concluded to the satisfaction of the PRB. In addition, all certification and registration criteria as required for a new applicant shall apply.

CASE #17-25

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Fire Protection Technician (RFPT) serviced and tagged a fire alarm system when not certified by ASTTBC in the Fire Alarms (AL) endorsement.

INVESTIGATION:

The above allegations, if found to be true, would be contrary to Principles 1 and 2 of the ASTTBC Code of Ethics and Practice Guidelines and also to the Fire Protection Practice Guidelines for the Inspection, Testing & Maintenance of Fire Protection Equipment.

The Respondent is a Registered Fire Protection Technician who was first certified in the Fire Extinguishers (EX) and Unit Emergency Lighting (EM) endorsements. When he subsequently added the Water-Based Systems (WA) and Fire Alarms Systems (AL) endorsements to his certification, ASTTBC followed standard practice and arranged for the Respondent to receive a new stamp showing all four endorsements, and requested that he return his old stamp to ASTTBC. The Respondent failed to do so, and the result was he inadvertently continued to use his old stamp showing EM and EX only, even when conducting work on Fire Alarm systems.

In response to ASTTBC's Notice of Complaint, the Respondent acknowledged that an error had occurred on his part by using the old stamp and initiated corrective action by visiting the location again to conduct the annual fire alarm service and apply a tag with the correct stamp. Further, he conducted a sampling of site visits at various locations for inspections he had conducted the past year to ensure this error was not repeated. He also returned his old stamp promptly to ASTTBC.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB reviewed the complaint and was pleased to note the corrective actions the Respondent had undertaken. However, the PRB was concerned that a tag stamped with incorrect information was misleading to the Authorities Having Jurisdiction, as well as to the public. Neglecting to use the correct stamp in spite of being appropriately certified contributed to the issue as well.

Therefore, the PRB required that a letter of caution be sent by the Registrar to the Respondent, advising him of his responsibility to abide by the ASTTBC Code of Ethics and Practice Guidelines, as well as the ASTTBC Fire Protection Practice Guidelines.

OUTCOME:

The Registrar sent an appropriate letter of caution to the Respondent. No further action was required and the file was closed.

CASE #17-26

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Fire Protection Technician (RFPT) certified in Fire Alarms System (AL), Commercial Kitchen Exhaust Cleaning (CO), Unit Emergency Lighting (EM), Portable Fire Extinguishers (EX), Special Suppression systems (SP) and Sprinkler Systems (WA) conducted an inspection and test of a commercial kitchen exhaust venting system in a restaurant and signed off on the system confirming there were no deficiencies, when in fact the system was not functioning as required. The complaint further alleged that the Respondent failed to provide an inspection report in a timely manner.

INVESTIGATION:

The above allegations, if found to be true, would be contrary to Principles 1, 7 and 8 of the ASTTBC Code of Ethics and also to the Fire Protection Practice Guidelines for the Inspection, Testing and Maintenance of Fire Protection Equipment.

An Inspector with the Port Coquitlam Authority Having Jurisdiction (AHJ) conducted a new business license inspection at a restaurant and noted that the venting system had been inspected and tagged as having no deficiencies. However, the Inspector soon discovered that the system was a water wash system and after opening the compartment where the solution was kept, the system appeared to be not functioning. When the inspector asked for the service report he was advised there was no report on site. The Inspector reported the matter to his superior, who in turn submitted a complaint to ASTTBC.

The investigation determined that the Respondent adequately cleaned and serviced the system, however, certain aspects of his practice appeared to be questionable. Specifically, when the AHJ asked if he knew about the deficiencies with the system when he serviced it, the Respondent confirmed he did, but based on the business owner's request the Respondent signed off on the system as functional without any issues. He also indicated that water wash systems never worked and were constantly left broken because the owners couldn't afford to fix them. With respect to the inspection report, the Respondent advised that as the owner was not present on the day of the cleaning he met the owner later and provided the inspection report.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB reviewed the complaint and concluded that the Respondent's actions had been contrary to Principles 1, 7 and 8 of the ASTTBC Code of Ethics as well as the Fire Protection Practice Guidelines for the Inspection, Testing & Maintenance of Fire Protection Equipment. Therefore, the PRB required that the Registrar issue a letter of reprimand to the Respondent. The PRB also required that the Respondent submit

a statement of assurance acceptable to the Registrar that he had read, understood and would abide by the ASTTBC Code of Ethics and the Fire Protection Practice Guidelines for the Inspection, Testing & Maintenance of Fire Protection Equipment.

OUTCOME:

The Respondent was accordingly issued a letter of reprimand by the Registrar. He accepted the PRB requirement for a statement of assurance and subsequently submitted an acceptable statement.

No further action was required and the file was closed.

CASE #18-01

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Fire Protection Technician (RFPT) certified in the Fire Alarms System (AL), Unit Emergency Lighting (EM), Portable Fire Extinguishers (EX), Fire pumps (FP), Smoke control systems (SM) and Sprinkler Systems (WA) endorsements, was advertising services for which he was neither authorized nor qualified. The complaint further alleged that he provided an employee with pre-stamped tags when conducting unsupervised inspection and testing of stationary fire pumps.

INVESTIGATION:

The above allegations, if found to be true, would be contrary to Principles 1 and 2 of the ASTTBC Code of Ethics and ASTT Regulation 4.5 Stamps and Seals.

The investigation found that the Respondent's company was listed with ULC, and this information was readily available in the public domain. The allegation regarding unauthorized service was disproved by the finding that the Respondent enlisted a subcontractor when the scope of work required a licensed electrical contractor. Lastly, the allegation regarding pre-stamped tags could not be substantiated as there was no evidence to support the allegation.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB reviewed the complaint and investigation findings and found no evidence to substantiate a violation of the ASTTBC Regulations, Code of Ethics, and/or the Fire Protection Practice Guidelines.

OUTCOME:

No further action was required and the file was closed.