

FIRE PROTECTION CASE SUMMARIES 2016

CASE #15-06

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Fire Protection Technician (RFPT) certified in the Fire Alarm Systems (AL), Unit Emergency Lighting (EM), Special Fire Suppression Systems (SP), Fire Extinguishers (EX) and Water-Based Fire Protection Systems (WA) endorsements, provided pre-stamped tags to another Fire Protection services company.

INVESTIGATION:

The above allegations, if found to be true, would be contrary to the ASTTBC Code of Ethics & Practice Guidelines, and the Tags and Reports for Fire Tests and Inspections Guideline.

Upon receipt of this complaint, the Authority Having Jurisdiction was advised immediately, as the fire alarm system at the location identified in the complaint was allegedly inspected by an individual who was not certified to conduct Fire Alarm inspections.

The PRB investigation found that, while employed by a company providing Fire Protection services (Company A), the Respondent came to an arrangement with a RFPT from another company (Company B) to help them with fire alarm inspections. This was done because the RFPT from Company B was not certified in the Fire Alarm Systems endorsement.

During the Investigation, the Respondent conveyed that, although the Respondent had admitted to the employer Company A about selling pre-stamped tags, that statement was in fact incorrect, because in reality the Respondent had an arrangement with Company B, to train an employee in the Fire Alarms Systems endorsement, while the Respondent was employed by Company A. The Respondent had lied to the original employer (Company A) when confronted out of fear of being fired. Concerns about employment prompted the Respondent to lie, even when knowing it was wrong to do so.

In a response to the complaint, the Respondent claimed to have upheld ASTTBC requirements while working for Company B. That explanation may have addressed, or reduced concerns with respect to risks to public safety. However it amounted to an admission of a violation of the Code of Ethics Principle 4: *“Act with integrity towards clients or employers, maintain confidentiality and avoid a conflict of interest but, where such conflict arises, fully disclose the circumstances without delay to the employer or client.”* While the public may not have been at risk, the admission of a clear-cut conflict of interest was nevertheless a serious and significant violation of personal integrity and professional conduct.

Of additional concern to the PRB was the practice of the RFPT from Company B. A RFPT is bound by ASTTBC’s Code of Ethics & Practice Guidelines and must be cognizant of all applicable Fire Protection Practice Guidelines, which would include the use of stamps and tags. From the Respondent’s comments on the complaint, it appeared that the RFPT with Company B had an arrangement with the Respondent whereby the Company B RFPT requested, paid for, and subsequently used, the Respondent’s pre-stamped tags from Company A. This, in and of itself, was a violation of the ASTTBC Code of Ethics Principle 9: *“Report to the appropriate agencies any hazardous, illegal or unethical professional decisions or practices by other members or others.”* The PRB noted that, at the time of the inspection, the Company B RFPT’s application for the Fire Alarm Systems endorsement was under review by the ASTTBC Fire Protection Certification Board and the RFPT was subsequently certified in the Fire Alarm Systems endorsement.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB concluded that the Respondent had violated Principles 1 and 4 of the ASTTBC Code of Ethics & Practice Guidelines, and recommended that the Respondent submit a written statement of assurance, acceptable to the Registrar, that the Respondent had read and would abide by the ASTTBC Code of

Ethics. The statement was required to include a satisfactory explanation of the Respondent's understanding of Principles 1 and 4 of the ASTTBC Code of Ethics. A fine of \$250 was also levied on the Respondent, as a deterrent to future violations of the Code of Ethics and Practice Guidelines.

The PRB also recommended that the RFPT from the second company (Company B) undergo a Practice Assessment Review (PAR) to assess the RFPT's competencies as a Registered Fire Protection Technician in the categories of certification.

OUTCOME:

The Respondent accepted the PRB recommendations and submitted the required statement of assurance, which the Registrar found to be acceptable. The Respondent also paid the fine.

The RFPT from the second company (Company B) agreed to comply with the PRB recommendation to undergo a Practice Assessment Review.

No further action was required at this time and the file was closed.

CASE #15-10

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Fire Protection Technician (RFPT) certified in the Fire Alarm Systems (AL), Unit Emergency Lighting (EM), Fire Extinguishers (EX), Special Fire Suppression Systems (SP) and Water-Based Fire Protection Systems (WA) endorsements, did not follow Fire Protection Practice Guidelines when inspecting and testing fire extinguishers.

INVESTIGATION:

The above allegations, if found to be true, would be contrary to Principle 1 of the ASTTBC Code of Ethics & Practice Guidelines, and the Tags and Reports for Fire Tests and Inspections Guideline.

Four fire extinguishers were found to be labeled out of service and completely discharged but left in place at a property. This was brought to the attention of the Complainant, who is a Fire Prevention Officer with an Authority Having Jurisdiction (AHJ).

The PRB investigation found that, although the Respondent defaced the inspection tag on account of a major deficiency, the AHJ was not advised, as required by the Fire Protection Practice Guidelines. The Respondent's comments on the complaint indicated that the property management had been advised and it appeared that the Respondent was under the impression that the property management would advise the AHJ. The Respondent was unaware that the RFPT is responsible for notifying the AHJ, regardless of who else was advised of the deficiencies.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB concluded that, regardless of good intentions, the Respondent did violate Principle 1 of the ASTTBC Code of Ethics, as well as the Tags and Reports for Fire Tests and Inspections Guideline. Therefore, the PRB required that the Respondent provide an assurance to the PRB of having understood the importance of notification to the AHJs by submitting a written statement, acceptable to the Registrar, describing the proper procedure for the use of 'red tags' and for communicating concerns to building owners/managers and the AHJ. The Respondent was also levied a fine of \$250, as a deterrent to future violations of the Code of Ethics and Practice Guidelines.

OUTCOME:

The Respondent submitted the required written statement to the Registrar, who found the statement to be acceptable. The Respondent also paid the fine.

No further action was required and the file was closed.

CASE #15-15

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Fire Protection Technician (RFPT) certified in the Fire Alarm Systems (AL), Smoke Control Systems (SM) and Special Fire Suppression Systems (SP) endorsements, conducted a substandard verification.

INVESTIGATION:

The above allegations, if found to be true, would be contrary to the ASTTBC's Code of Ethics & Practice Guidelines.

The Authority Having Jurisdiction (AHJ) was apprised of the substance of the complaint and an investigation initiated. The PRB investigation determined that standard alarm verification procedures were not followed, and the findings confirmed the allegations. The failure to follow the CAN/ULC S537 standard for the verification of fire alarm systems, combined with the failure to complete or record device testing, use of the incorrect form, and the incomplete verification report, demonstrated either a fundamental misunderstanding of the requirement for public safety, or a lack of competency in the field of Fire Alarm Verification.

During the investigation, rather than comment on the allegations, the Respondent chose to cite precedent to question the jurisdiction of ASTTBC and the Practice Review Board. Although the Fire Alarm Verification endorsement was in abeyance with ASTTBC at the time the complaint was received, it did not relieve the Respondent of his duty to abide by the Code of Ethics.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB was concerned that the Respondent's attempt to dismiss the complaint appeared to show contempt for ASTTBC's authority to investigate complaints against its members, and concluded that the Respondent had violated Principles 1 and 2 of the ASTTBC Code of Ethics & Practice Guidelines. The PRB required the Registrar to send a letter of reprimand to the Respondent for not following the CAN/ULC S537 standard for the verification of fire alarm systems. The Respondent was also levied a fine of \$500 as a deterrent to future violations of the ASTTBC Code of Ethics & Practice Guidelines.

OUTCOME:

A letter of reprimand was sent to the Respondent, who also subsequently paid the fine. No further action was required and the file was closed.

CASE #15-17

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Fire Protection Technician (RFPT) certified in the Fire Alarm Systems (AL), Unit Emergency Lighting (EM), Fire Extinguishers (EX) and Water-Based Fire Protection Systems (WA) endorsements, conducted a substandard verification.

INVESTIGATION:

The above allegations, if found to be true, would be contrary to the ASTTBC's Code of Ethics & Practice Guidelines.

The Authority Having Jurisdiction (AHJ) was apprised of the substance of the complaint and an investigation initiated. The Respondent did not respond to the allegations except to reference the response that was sent by the Respondent's employer. The investigation findings confirmed the allegations and determined that the failure to follow the CAN/ULC S537 standard for the verification of fire alarm systems, combined with the failure to complete or record device testing, use of the incorrect form and the incomplete verification report, demonstrated either a fundamental misunderstanding of the requirement for public safety, or a lack of competency in the field of Fire Alarm Verification.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The Fire Alarm Verification endorsement was in abeyance with ASTTBC at the time the complaint was received. However, the PRB determined that this did not relieve the Respondent of the duty to abide by the Code of Ethics, and concluded that the Respondent had violated Principles 1 and 2 of the ASTTBC Code of Ethics & Practice Guidelines. The PRB required the Registrar to send a letter of reprimand to the Respondent, for not following the CAN/ULC S537 standard for the verification of fire alarm systems. The Respondent was also levied a fine of \$500, as a deterrent to future violations of the ASTTBC Code of Ethics & Practice Guidelines.

OUTCOME:

A letter of reprimand was sent to the Respondent, who also subsequently paid the fine. No further action was required and the file was closed.

CASE #15-20

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Fire Protection Technician (RFPT) certified in the Fire Alarm Systems (AL), Unit Emergency Lighting (EM), Fire Extinguishers (EX), Smoke Control Systems (SM) and Water-Based Fire Protection Systems (WA) endorsements, did not follow Fire Protection Practice Guidelines when filling out tags after inspections.

INVESTIGATION:

The above allegations, if found to be true, would be contrary to Principle 1 of the ASTTBC Code of Ethics & Practice Guidelines, and the Tags and Reports for Fire Tests and Inspections Guideline.

The Complainant, who is a Fire Prevention Officer with an Authority Having Jurisdiction (AHJ), noticed that tags on fire protection equipment at a certain location all appeared to be old tags with new inspection dates overwritten on them. When the Complainant noticed that the Technician was a Registered Fire Protection Technician, he submitted a formal complaint to ASTTBC.

The PRB investigation noted that, from the photographs of the tags provided by the Complainant, it appeared that the tags had been clearly altered to provide a new inspection date. The Respondent advised the Registrar via a phone call that the Respondent had stopped working for the company identified on the tags and had started working for another company. Shortly thereafter, ASTTBC received a letter from the new employer confirming the Respondent's employment with them. The dates provided matched what the Respondent had advised ASTTBC. The Investigator made a site visit accompanied by the Complainant, who had directed the property manager to employ a different fire protection service provider to retest the system. This was done and the original tags in question were replaced and the Complainant was satisfied with the outcome.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB moved that there was no evidence to substantiate a violation of the ASTTBC Code of Ethics and Practice Guidelines on the part of the Respondent.

OUTCOME:

No further action was required and the file was closed.

CASE #15-21

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Fire Protection Technician (RFPT) certified in the Fire Alarm Systems (AL), Unit Emergency Lighting (EM), Fire Extinguishers (EX) and Water-Based Fire Protection Systems (WA) endorsements, did not follow Fire Protection Practice Guidelines when filling out tags after inspections.

INVESTIGATION:

This allegation, if found to be true, would be contrary to Principle 1 of the ASTTBC Code of Ethics & Practice Guidelines, and the Tags and Reports for Fire Tests and Inspections Guideline.

The Complainant, who is a Fire Prevention Officer with an Authority Having Jurisdiction (AHJ), noticed that tags on fire protection equipment at a certain location all appeared to be old tags with new inspection dates overwritten on them. When the Complainant noticed that the Technician was a Registered Fire Protection Technician, he submitted a formal complaint to ASTTBC.

The PRB investigation included an interview with the Respondent, wherein the Investigator was advised that the Respondent had left the employer identified on the tags and had begun working for a new employer. The Investigator confirmed this fact over the phone with the new employer.

From the photographs of the tags provided by the Complainant, it appeared that the tags had been clearly altered to provide a new inspection date. The Investigator made a site visit accompanied by the Complainant, who had directed the property manager to employ a different fire protection service provider to retest the system. This was done and the original tags in question were replaced, and the Complainant was satisfied with the outcome.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB moved that there was no evidence to substantiate a violation of the ASTTBC Code of Ethics and Practice Guidelines on the part of the Respondent.

OUTCOME:

No further action was required and the file was closed.

CASE #15-22**STATEMENT OF COMPLAINT:**

That the Respondent, a Registered Fire Protection Technician (RFPT) certified in the Commercial Kitchen Exhaust Cleaning (CO) endorsement, provided incorrect information on a service tag for a kitchen exhaust system, by signing off the work as complete, when in reality the work had not been completed.

INVESTIGATION:

This allegation, if found to be true, would be contrary to the ASTTBC Code of Ethics & Practice Guidelines, and the Tags and Reports for Fire Tests and Inspections Guideline.

The PRB investigation included a review of all correspondence, documentation and photographs related to the complaint, as well as a site visit to the location referenced in the complaint. Some of the photographs related to the complaint showed that there were portions of the hood/duct/fan where there was no possibility that the work was done as indicated by the tag. In the comments on the complaint the Respondent admitted to knowingly applying a service tag, stamp and signature to incomplete work.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB determined that this kind of practice also misleads the AHJ, who are charged with providing public and fire safety, and concluded that the Respondent had violated Principles 1 and 7 of the ASTTBC Code of Ethics & Practice Guidelines, as well as the Tags and Reports for Fire Tests and Inspections Guideline. A fine of \$500 was levied on the Respondent, as a deterrent to future violations of the ASTTBC Code of Ethics and Practice Guidelines.

OUTCOME:

Upon receipt of the PRB recommendations, the Respondent met with the Registrar to express concerns over the dollar value of the fine levied and conveyed a lack of understanding on the reason for the fine.

The Registrar, explained the importance of, and requirement for, clear reporting on tags, and how incorrect reporting can be very misleading, despite the good intentions of the Respondent. The Respondent then conveyed a clearer understanding of the issue and the reason behind the PRB's recommendation for a fine, and accepted the recommendation. Further, the Respondent, determined to never have a recurrence of such an incident, promised to comply with all Fire Protection Practice Guidelines in the future. The Registrar was satisfied that the Respondent understood the importance of following Fire Protection Practice Guidelines and was committed to do so in future practice.

No further action was required and the file was closed.

CASE #15-24

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Fire Protection Technician (RFPT) certified in the Fire Alarm Systems (AL), Unit Emergency Lighting (EM), Fire Extinguishers (EX), Special Fire Suppression Systems (SP) and Water-Based Fire Protection Systems (WA) endorsements, did not follow Fire Protection Practice Guidelines when filling out tags after inspections. Further, that the tags used were not in compliance with ASTTBC's Tags and Reports for Fire Tests and Inspections Guideline.

INVESTIGATION:

This allegation, if found to be true, would be contrary to Principle 1 of the ASTTBC Code of Ethics & Practice Guidelines, and the Tags and Reports for Fire Tests and Inspections Guideline.

The PRB investigation included a review of the Respondent's comments on the complaint, in which the Respondent admitted to using service tags that were non-compliant with ASTTBC policy and procedures, but advised that a new service tag which was compliant with ASTTBC policy was now being used by the Respondent.

There was no evidence that the Respondent carried out improper testing procedures and the service reports did not indicate any issues or concerns with the quality of practice. In addition, the Respondent's corrective actions demonstrated an understanding of the importance of following the Tags and Reports for Fire Tests and Inspections Guideline and showed commitment to following appropriate guidelines in Fire Protection practice.

However, non-compliance to ASTTBC's stamp guidelines was evident in the tags that were a part of the complaint, as the stamp was pre-printed on the tags and it was not possible to affix the stamp following each inspection.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB concluded that the Respondent had violated the Tags and Reports for Fire Tests and Inspections Guideline and required that the Respondent be levied a fine of \$250, as a deterrent to any future violations of the Tags and Reports for Fire Tests and Inspections Guideline.

OUTCOME:

The Respondent accepted the PRB censure conditions and subsequently paid the fine. No further action was required and the file was closed.