

FIRE PROTECTION CASE SUMMARIES 2017

Note: Reference to one gender implies both genders, unless indicated otherwise.

CASE #16-09

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Fire Protection Technician (RFPT) certified in the Fire Alarm Systems (AL), Fire Extinguishers (EX), Unit Emergency Lighting (EM), Smoke Control Systems (SM), Water-Based Fire Protection Systems (WA), Fire Pumps (FP) and Verification of Fire Alarm Systems (VI) endorsements, conducted a verification of a fire alarm system within a commercial building in a manner contrary to applicable CAN/ULC standards.

INVESTIGATION:

The above allegations, if found to be true, would be contrary to Principles 1 and 4 of the ASTTBC Code of Ethics and Practice Guidelines.

The substance of the complaint appeared to have occurred 4 years prior to the date the complaint was filed, thus being outside of the 2-year window specified in the ASTT Regulations, section 4.7 d) i): *Complaints against any member or registrant must be made, in writing, to the Registrar within two years of the occurrence of the substance of the complaint. Any complaint not received within such period will be considered to be extinguished.* The Registrar consulted with ASTTBC Legal Counsel, who advised that ASTTBC apply the principle of discoverability rather than when the work was actually done. Accordingly, an investigation was initiated.

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. Therefore, the PRB required that the Respondent undergo a Practice Assessment Review (PAR) with a subject matter expert selected by ASTTBC.

Upon receipt of the PRB conditions, the Respondent submitted a letter of appeal which was then submitted to Council in accordance with the *ASTT Act & Regulations*. ASTTBC Council granted the Respondent leave to appeal and an Appeal Committee was appointed.

The Appeal Committee reviewed the appeal and submitted their report to Council, which received the report and also instructed the Registrar to consult with parties as required to determine if an alternate dispute resolution was achievable to resolve the complaint.

The PRB reviewed the Council recommendations and moved that the PRB accept the Appeal Committee Report. The PRB provided further direction to the Registrar regarding communication to the Respondent. Accordingly, the Respondent was advised that, the limited evidence and documentation available to the Appeal Committee as well as the timing and the processing of the complaint were factors that prevented the Appeal Committee from being able to substantiate a violation of the Code of Ethics. Therefore, the PRB agreed to rescind their findings and withdraw the censure conditions previously imposed. This action meant that all allegations were dismissed, the complaint would be closed and the Complainant so informed in writing. The Complainant was also provided with an update accordingly.

OUTCOME:

No further action was required and the file was closed.

CASE #16-13

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Fire Protection Technician (RFPT) certified in the Emergency Lighting (EM), Fire Extinguishers (EX), and Special Suppression Systems (SP) endorsements, inspected and tested fire suppression equipment that did not meet NFPA 96 standards, but failed to observe critical failures with the equipment and marked the system as ready for operation when he should not have done so.

INVESTIGATION:

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

The Complainant, who is a Lieutenant with an Authority Having Jurisdiction (AHJ) was investigating a fire that had occurred within a restaurant. The fire was suspected to have originated within a deep fat fryer that had a built-in dry chemical extinguishing system which did activate, but did not extinguish the fire. The deep fat fryer had not been approved for use by the municipality and the dry chemical extinguishing systems had been banned since 1998, due to concerns about it malfunctioning. The kitchen exhaust and fire protection devices were installed without a permit and did not meet NFPA 96 standards. Further, the system did not have any means of manual activation nor would it notify building occupants if the system was activated.

The Complainant reviewed a testing and inspection report prepared by the Respondent for the subject location 7 days prior to the fire. Upon finding that many of the issues he had identified were not listed within the report, the Complainant submitted a complaint to ASTTBC.

Immediately upon receipt of the complaint, ASTTBC forwarded a copy via email to the Respondent for his comments. When the email bounced back as undeliverable, ASTTBC then attempted a subsequent courier delivery to his home address on ASTTBC's database, which was also returned as undeliverable. In a further attempt to reach the Respondent, ASTTBC contacted his employer, a company providing fire protection services, who confirmed that he was still employed with that company. Two subsequent confidential notifications using the employer's address were made to the Respondent, and the employer confirmed that the Respondent did receive both notification letters. Very shortly after this notification delivery to the Respondent, ASTTBC was advised by the Respondent's employer that he was no longer employed with them.

The PRB noted that ASTTBC had made every reasonable attempt to contact the Respondent; however, he never contacted ASTTBC to provide his comments on the complaint. As he failed to respond to the allegations, the investigation into this complaint could not confirm what role, observations, actions or decisions were made by the Respondent with respect to this matter.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

ASTTBC as the Association is responsible for ensuring that members protect the public interest and it cannot do so if members do not cooperate with it. The PRB considered the Respondent's failure to respond to communication from ASTTBC, without adequate explanation, as a breach of ASTTBC Regulation 5.4 Duties of Members: a) *respond promptly to all communications from the Association*; and of Principle 7 of the Code of Ethics: *Conduct themselves with fairness, honesty, courtesy and good faith towards clients, colleagues and others*.

Therefore, under section 4.7 d) v) E) of the ASTTBC Act and Regulations, the PRB temporarily suspended the Respondent's registration as a Registered Fire Protection Technician. The PRB further moved that the Respondent's reinstatement would be subject to the Respondent contacting ASTTBC and this case file being resolved to the satisfaction of the PRB.

OUTCOME:

The suspension was immediate, and the Respondent was notified of the suspension. Authorities Having Jurisdiction were also advised.

CASE #16-18

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Fire Protection Technician (RFPT) certified in the Unit Emergency lighting (EM), Fire extinguishers (EX), and Water-based Fire Protection Systems (WA) endorsements, undertook tagging of fire protection equipment in a manner contrary to the ASTTBC Registered Fire Protection Inspection, Testing & Maintenance Guidelines.

INVESTIGATION:

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

It had come to ASTTBC's attention that tags on previously inspected equipment had the Respondent's stamp on them; however, the initials within the stamp were of a different name.

The investigation determined that the inspection had been done by another individual who worked with the Respondent as an assistant, and whose name appeared to match the initials on the tags. When the Respondent was requested to provide his comments on the matter, he promised that, having read the ASTTBC Act & Regulations and now understanding that another individual could not sign his stamp, this practice would not be repeated. The Respondent further advised that his assistant had since applied for certification with ATTBC for the Fire Extinguisher and Unit Emergency Lighting endorsements.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB reviewed the findings and noted that the Respondent acknowledged a misunderstanding on his part about the applicable Fire Protection policies on use of tags. The PRB noted that the Respondent met with his office manager who arranged for a staff meeting to explain correct tag writing procedures, and the PRB appreciated this initiative. However, the PRB developed a concern with respect to the Respondent's practice on the use of stamps and tags. Tags that are filled in incorrectly mislead the Authorities Having Jurisdiction and the public, and can be counterproductive to public interest.

Therefore, the PRB required that the Respondent be levied a fine of \$250.00, as a deterrent to future violations of the ASTTBC Code of Ethics, and further, that the Respondent submit a statement of assurance, acceptable to the Registrar, that he had read, understood and would abide by the ASTTBC Fire Protection Practice Guidelines, with special attention to the use of stamps and tags.

The PRB further required that the Respondent's assistant submit a statement of assurance, acceptable to the Registrar, that he had read, understood and would abide by the ASTTBC Fire Protection Practice Guidelines, with special attention to the use of stamps and tags.

OUTCOME:

The Respondent made arrangements to pay the fine and submitted the required statement of understanding to the Registrar, who found it to be acceptable. The Respondent's assistant also submitted the required statement which the Registrar found to be acceptable.

No further action was required and the file was closed.

CASE #17-03

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Fire Protection Technician (RFPT) certified in the Unit Emergency Lighting (EM) and Fire Extinguisher (EX) endorsements, and with a 'Provisional' status in the Fire Alarms (AL) endorsement, conducted himself in an unethical manner during an annual fire alarm test by allegedly tampering with a component of the fire alarm system.

INVESTIGATION:

The above allegation, if found to be true, would be contrary to Principle 1 and 7 of the ASTTBC Code of Ethics and Practice Guidelines.

The complaint further alleged that the Respondent appeared to be in possession of a city master key which he used to enter buildings without the owners' knowledge.

ASTTBC forwarded a copy of the complaint to the Respondent for comments; however he failed to respond by the deadline provided. ASTTBC made every reasonable attempt to contact the Respondent; however, all attempts at any follow-up were ignored. As the Respondent failed to respond to the allegations, the investigation could not confirm his actions with respect to the substance of the complaint.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB considered the Respondent's failure to respond to communication from ASTTBC as a breach of, a) Regulation 5.4 Duties of Members: respond promptly to all communications from the Association; and b) Principle 7 of the Code of Ethics: Conduct themselves with fairness, honesty, courtesy and good faith towards clients, colleagues and others.

Accordingly, under section 4.7 d) v) E) of the ASTTBC Act and Regulations, the PRB temporarily suspended the Respondent's registration as a Registered Fire Protection Technician. The suspension was immediate, and the Respondent as well as the Authorities Having Jurisdiction were notified of the suspension. The PRB further moved that reinstatement would be subject to the Respondent contacting ASTTBC and this case file being resolved to the satisfaction of the PRB.

OUTCOME:

ASTTBC's register and website were updated accordingly. The Respondent's database record was also duly flagged.

ASTTBC's mandate for complaints and discipline extends to current members only; since the Respondent's RFPT registration had been temporarily suspended, ASTTBC was limited in its enforcements until the Respondent decides to reinstate his registration.

No further action was required and the file was closed.

CASE #17-05**STATEMENT OF COMPLAINT:**

That the Respondent, a Registered Fire Protection Technician (RFPT) certified in the Fire alarm systems (AL), Unit emergency lighting (EM), Portable fire extinguishers (EX) and Water-Based Fire Protection Systems (WA) endorsements only, serviced and tagged a kitchen fire suppression system when not certified by ASTTBC in the Special Suppression Systems (SP) endorsement.

INVESTIGATION:

The above allegations, if found to be true, would be contrary to Principles 1, 2 and 3 of the ASTTBC Code of Ethics and Practice Guidelines.

ASTTBC became aware that a kitchen fire suppression system had been serviced and tagged by the Respondent when not certified to do so. The Registrar reviewed the matter, and opened a staff complaint, as there was reasonable belief that an investigation be initiated.

The Respondent contacted ASTTBC staff immediately upon receipt of the notice of complaint. He advised that he had been directed by the AHJ to have the system re-inspected and tested and he had arranged to have an ASTTBC-certified individual do so. He accepted responsibility for his actions but assured ASTTBC that he was up to date with his training from the manufacturer of the special fire

suppression equipment and provided a copy of the valid current certificate. He further advised that he was in the process of applying to ASTTBC for certification in the SP endorsement. Subsequently, the Respondent submitted his application for adding this endorsement to his certification.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB reviewed the findings and found the Respondent's cooperation and all subsequent corrective actions to be a mitigating factor. 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, with particular attention to Principles 1, 2 and 3, as well as the ASTTBC Fire Protection Practice Guidelines.

OUTCOME:

No further action was required and the file was closed.