

## **FIRE PROTECTION CASE SUMMARIES 2014**

### **CASE #10-75**

#### **STATEMENT OF COMPLAINT:**

That the Respondent, a Registered Fire Protection Technician (RFPT) with certification in Commercial Kitchen Exhaust Cleaning (CO), serviced kitchen exhaust systems in four locations and the quality of the work performed was substandard to ASTTBC RFPT Policy and Practice Guidelines.

#### **INVESTIGATION:**

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

The Complainant had submitted a number of photographs showing that the kitchen exhaust ducts needed cleaning; however, the inspection tags did not indicate who had done the last cleaning. Further, there were discrepancies between the dates on the tags, the date on the photographs and the required date of the next cleaning. The investigation could not determine if the photographs and tags were for the same location and kitchen exhaust system.

The PRB investigation was inconclusive and the PRB determined that there was no clear evidence that the Respondent did or did not complete the inspection and testing correctly.

#### **PRACTICE REVIEW BOARD RECOMMENDATIONS:**

Although the investigation was inconclusive, the PRB recommended that, to ensure that the Respondent was meeting the required practice standards, the Respondent contact the Manager, Fire Protection, to make arrangements for the Manager to observe if the Respondent was cleaning kitchen exhausts in compliance with ASTTBC practice guidelines.

#### **OUTCOME:**

The Respondent agreed to the recommendation, however, despite periodic assurances from the Respondent the meeting never materialized. The PRB reviewed the file again and recommended that, since the Respondent resided and practiced in a municipality where there is no by-law requiring ASTTBC certification for fire protection technicians, that the Respondent be requested to voluntarily resign their RFPT registration, or complete a practice assessment at a location in the greater Vancouver area. If the Respondent had not complied with the first or the second recommendation by the deadline provided, then their registration as a RFPT would be suspended.

Upon receipt of the revised PRB recommendations, the Respondent contacted the Registrar indicating compliance with the requirement for a Practice Assessment; however, before the Assessment could be initiated, the Respondent was struck from the registry for non-payment of dues; therefore, no further action was possible.

The PRB recommended that, whereas the Respondent was no longer an ASTTBC Member in good standing, the database be flagged and should the Respondent apply for reinstatement, the file would be reopened and concluded to the satisfaction of the PRB prior to reinstatement. In addition, all conditions of certification and registration would be applied as required for a new applicant. Further, that a letter be sent to the Authorities Having Jurisdiction, advising that the Respondent was no longer on ASTTBC's register of Fire Protection Technicians. Therefore, the Respondent was not authorized to conduct Fire Protection practice in municipalities with a bylaw requiring ASTTBC certification.

No further action was required, and the file was closed.

### **CASE #11-49**

#### **STATEMENT OF COMPLAINT:**

That the Respondent, a Registered Fire Protection Technician (RFPT) with certification in Commercial Kitchen Exhaust Cleaning (CO), conducted improper cleaning of kitchen exhaust duct/vents.

**INVESTIGATION:**

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

The PRB investigation was inconclusive as the tags on the equipment indicated that the cleaning was done by an employee of the Respondent's company, but did not indicate who did the actual work. The PRB determined that there was no clear evidence that the Respondent did or did not complete the inspection and testing correctly.

**PRACTICE REVIEW BOARD RECOMMENDATIONS:**

The PRB recommended that, in order to ensure that the Respondent was meeting the required practice standards, the Respondent contact the Manager, Fire Protection, to make arrangements for the Manager to observe if the Respondent was cleaning kitchen exhausts in compliance with ASTTBC practice guidelines.

**OUTCOME:**

The Respondent agreed to the recommendation, however, despite periodic assurances from the Respondent the meeting never materialized. The PRB reviewed the file again and recommended that, since the Respondent resided and practiced in a municipality where there is no by-law requiring ASTTBC certification for fire protection technicians, that the Respondent be requested to voluntarily resign their RFPT registration, or complete a practice assessment at a location in the greater Vancouver area. If the Respondent had not complied with the first or the second recommendation by the deadline provided, then their registration as a RFPT would be suspended.

Upon receipt of the revised PRB recommendations, the Respondent contacted the Registrar indicating compliance with the requirement for a Practice Assessment; however, before the Assessment could be initiated, the Respondent was struck from the registry for non-payment of dues; therefore, no further action was possible.

The PRB recommended that, whereas the Respondent was no longer an ASTTBC Member in good standing, the database be flagged and should the Respondent apply for reinstatement, the file would be reopened and concluded to the satisfaction of the PRB prior to reinstatement. In addition, all conditions of certification and registration would be applied as required for a new applicant. Further, that a letter be sent to the Authorities Having Jurisdiction, advising that the Respondent was no longer on ASTTBC's register of Fire Protection Technicians. Therefore, the Respondent was not authorized to conduct Fire Protection practice in municipalities with a bylaw requiring ASTTBC certification.

No further action was required and the file was closed.

**CASE #13-29****STATEMENT OF COMPLAINT:**

That the Respondent, a Registered Fire Protection Technician (RFPT) certified in Fire Alarm Systems (AL), Unit Emergency Lighting (EM), Fire Extinguishers (EX), Special Fire Suppression Systems (SP), Water-Based Fire Protection Systems (WA), improperly used the Technician's stamp by pre-stamping and signing Fire Protection service tags.

**INVESTIGATION:**

The above allegation, if found to be true, would be contrary to ASTTBC's Fire Protection Technician Stamp Practice Guideline.

33 pre-stamped tags from a Fire Protection company, bearing the Respondent's Fire Protection Technician's stamp, were found at a job site and delivered to ASTTBC.

In response to the complaint, the Respondent claimed to have pre-stamped and signed the tags to speed up the inspection process, and that there was no intent to deceive anyone. The only other person using the

tags was a junior technician under the Respondent's supervision during an inspection. The Respondent also promised to no longer pre-stamp and sign tags prior to actually putting them on the inspected equipment. The PRB investigation determined that the Respondent was in violation of the Fire Protection Technician Stamp Practice Guideline.

**PRACTICE REVIEW BOARD RECOMMENDATIONS:**

The PRB recommended that, to provide assurance of an understanding of the Fire Protection Technician Stamp Practice Guideline, the Respondent was required to submit a written statement, acceptable to the Registrar, promising to abide by the Fire Protection Technician Stamp Practice Guideline in the future. The Respondent was also levied a fine of \$250.00.

**OUTCOME:**

The Respondent submitted the required statement acceptable to the Registrar, and also paid the fine. Since all recommendations were successfully completed, no further action was necessary and the file was closed.

**CASE #13-32**

**STATEMENT OF COMPLAINT:**

That the Respondent, a Registered Fire Protection Technician (RFPT) certified in Fire Alarm Systems (AL), Unit Emergency Lighting (EM), Fire Extinguishers (EX) and Water-Based Fire Protection Systems (WA), attached a service/inspection tag to a portable fire extinguisher without following the correct practice guidelines.

**INVESTIGATION:**

The above allegation, if found to be true, would be contrary to ASTTBC's Tags and Reports for Fire Tests and Inspections Guideline.

The Complainant was informed by an AHJ Fire Inspector that an inspection tag on a Portable Fire Extinguisher was not properly marked. Photographs of the tag showed the year 'whited out', and the current year written in by hand. Being aware of acceptable practice wherein a new tag is applied after an inspection, and being concerned about the Fire Protection Technician's practice, the Complainant brought the matter to the attention of ASTTBC's Registrar.

The PRB investigation determined that the tags used by the Respondent were of the Respondent's personal design, but based on a standard approved tag. The tags were intentionally printed with the last two integers of the date (year) left blank so the tag could be filled in by hand. The reason given by the Respondent for such practice was a concern for the environment, as tags with this design could remain 'current' for a longer period of time, thus generating less waste. However, in light of the Complainant's concerns, it became apparent to the Respondent that perhaps the tag design was flawed, as the design was confusing and the tag could potentially be misused. As a corrective measure, the Respondent adopted a new tag design that addressed the Complainant's concern.

**PRACTICE REVIEW BOARD RECOMMENDATIONS:**

The PRB noted that, although the Respondent genuinely believed the right practice was being followed, a violation of the Tags and Reports for Fire Tests and Inspections Guideline did occur, and recommended that the Respondent be levied a fine of \$250.00, as a deterrent to future violations.

**OUTCOME:**

The Respondent subsequently paid the fine. Since the recommendation was successfully completed, no further action was necessary and the file was closed.

### **CASE #13-35**

#### **STATEMENT OF COMPLAINT:**

That the Respondent, a Registered Fire Protection Technician (RFPT) certified in Fire Alarm Systems (AL), Unit Emergency Lighting (EM), Fire Extinguishers (EX), Fire Pumps (FP), Special Fire Suppression Systems (SP) and Water-Based Fire Protection Systems (WA), issued a report for a fire alarm system verification that included discrepancies and errors based on the CAN/ULC standards and the BC Building Code (2006) applicable to the installation of fire alarm systems. Further, that at the time of the verification, the Respondent was not certified by ASTTBC in the Verification of Fire Alarm Systems discipline (VI).

#### **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.

A similar complaint had been submitted previously against the Respondent for a fire alarm system verification. As the Respondent was practicing outside the scope of certification, the PRB had recommended censure conditions that the Respondent had accepted. The conditions included submission of a written statement from the Respondent, assuring the Registrar that fire alarm system verifications would not be conducted until such time as the proper ASTTBC certification had been obtained.

#### **PRACTICE REVIEW BOARD RECOMMENDATIONS:**

Since the subject of the present complaint was a fire alarm system verification completed prior to the first complaint, the PRB determined that recommending the same or similar censure conditions based on the discovery of another fire alarm system verification done by the Respondent would be of little use. Therefore, the PRB recommended that the Respondent provide the Registrar with a list of all fire alarm system verifications, done prior to acceptance of the censure conditions for the first complaint, in municipalities with a bylaw requiring ASTTBC certification. This was done in order to address the issue of public safety, as it was not known how many fire alarm system verifications were completed by the Respondent, prior to acceptance of the censure conditions for the first complaint. The list would then be forwarded by the Registrar to the respective Authority Having Jurisdiction (AHJ).

#### **OUTCOME:**

The Respondent provided the required list to the Registrar. Since the recommendation was successfully completed, no further action was necessary and the file was closed.

### **CASE #13-36**

#### **STATEMENT OF COMPLAINT:**

That the Respondent, a Registered Fire Protection Technician (RFPT), as Branch Manager of a Fire Protection Services business, provided an 'authorised signature' on a Certificate of Verification, sanctioned a substandard Verification performed by an employee and approved the issue of Appendix "C" documentation on a non-compliant fire alarm installation.

#### **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.

The complaint initially focused on alleged errors in the fire alarm system verification report issued by the Respondent's employee, and a Certificate of Verification that was signed by the Respondent. The investigation determined that there is no formal requirement for such a Certificate. It was also determined that the employee was an ASTTBC Registered Fire Protection Technician certified in several Fire Protection disciplines, but not certified in Verification of Fire Alarm Systems. A similar complaint had been filed against the employee in the past in connection with an alarm system verification. The PRB had provided recommendations for that complaint, which had been accepted the employee.

**PRACTICE REVIEW BOARD RECOMMENDATIONS:**

The present complaint caused the PRB to express a concern for public safety, as it was not known how many fire alarm system verifications had been conducted by Technicians of the Respondent's Fire Protection Services business without the appropriate required certification to do so. Therefore, the PRB recommended that the Respondent submit to the Registrar, a list of all fire alarm system verifications done by the business' employees in municipalities with a bylaw requiring ASTTBC certification, and who were not certified by ASTTBC in Fire Alarm Verifications (VI). The list would then be forwarded by the Registrar to the respective Authority Having Jurisdiction (AHJ).

**OUTCOME:**

The Respondent did not accept the PRB recommendations. Instead, the Respondent met with the Registrar and the Fire Protection Compliance Officer (FP CO), to obtain clarification with respect to the Verification of Fire Alarm Systems (VI) discipline, as well as the complaint itself.

In the meanwhile, the ASTTBC Council approved a recommendation from the Fire Protection Certification Board (FPCB) to hold applications for the VI discipline in abeyance, while the Fire Protection Certification Policy for VI discipline is under review.

Since the Fire Protection Certification Policy for the VI discipline is being reviewed and requires revision due to significant changes in the technology used to design, operate and inspect modern fire alarm systems that have an impact on the criteria for certifying technicians in the VI discipline, the complaint against the Respondent was dismissed and the file was closed.

**CASE #13-41****STATEMENT OF COMPLAINT:**

That the Respondent, an RFPT certified in Fire Extinguishers (EX), Fire Alarm (AL), Emergency Lighting (EM) and Fire Suppression (SP), did not follow ASTTBC RFPT guidelines and standards when preparing an annual inspection report.

**INVESTIGATION:**

The above allegation, if found to be true, would be contrary to the ASTTBC Guideline for Inspection & Testing of Fire Protection Equipment and the Tags and Reports for Fire Tests and Inspections Guideline.

The PRB investigation determined that the inspection report did not comply with ASTTBC RFPT standards and guidelines for inspection. The two main issues uncovered were the improper mounting of fire extinguishers and using improper forms.

**PRACTICE REVIEW BOARD RECOMMENDATIONS:**

The PRB recommended that the Respondent be required to write the Portable Fire Extinguishers Challenge Exam, for being in violation of the ASTTBC RFPT Guideline for Inspection and Testing of Fire Protection Equipment. If the Respondent failed to achieve a pass mark of 80% in the exam, the certification in the Fire Extinguisher discipline would need to be voluntarily surrendered until such time that the Respondent completed a course on Fire Extinguishers and re-wrote and passed the Challenge Exam. The Respondent was also required to provide a statement of assurance indicating an understanding of the requirement to use the prescribed forms outlined in the Tags and Reports for Fire Tests and Inspections Guideline. In addition, the Respondent was levied a fine of \$250.00. Lastly, the Registrar was required to write a letter to the Authority Having Jurisdiction for the property that was inspected, informing them of the non-compliance to current by-laws regarding the annual inspection, testing and reporting of fire protection systems. The letter was to be copied to the Respondent, and to the Respondent's employer

**OUTCOME:**

The Respondent paid the fine and submitted the statement of assurance to the Registrar. Upon writing the Portable Fire Extinguishers Challenge Exam, the Respondent passed the exam.

With regards to the notification to the Authorities Having Jurisdiction (AHJs), at the time of the resolution of this complaint, ASTTBC had made changes in the administrative structure, wherein the engagement of a Compliance Officer for ASTTBC's Fire Prevention Registration program would improve communication with Municipal authorities. Issues such as the subject of this complaint, along with illegal stamp use, fraud and other violations to the ASTTBC Code of Ethics and/or the practice guidelines would be communicated en masse to the AHJ. Given these changes, the Registrar recommended that the previous requirement be waived, and this was accepted and approved by the PRB.

Since all other recommendations were successfully completed, no further action was necessary and the file was closed.

#### **CASE #13-47**

##### **STATEMENT OF COMPLAINT:**

That the Respondent, a Registered Fire Protection Technician (RFPT), certified in Fire Alarm (AL), Emergency Lighting (EM), Fire Extinguishers (EX) and Water Based Systems (WA) disciplines, failed to notify the Local Assistant to the Fire Commissioner as the Authority Having Jurisdiction (LAFC/AHJ) after noting significant deficiencies in the automatic sprinkler system and accordingly attaching a "Red Tag" to the system.

##### **INVESTIGATION:**

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

The PRB investigation determined that the Respondent's reason for not doing so was because there was no ready access to a document template or email; however, the Respondent notified the employer's service coordinator of the deficiency, and instructed them to contact the LAFC/AHJ, but the service coordinator failed to do so. It was also noted that, as a corrective action, the employer then put measures in place to ensure this situation did not repeat itself and also had a discussion with the Respondent regarding improved procedures implemented by the company for situations like this.

##### **PRACTICE REVIEW BOARD RECOMMENDATIONS:**

The PRB determined that, regardless of the fact that this complaint may have been a result of a breakdown of company procedures, the Respondent was not relieved of the responsibility as an RFPT to notify the LAFC/AHJ. Therefore, despite good intentions, the Respondent was deemed to have violated Principle 1 of the ASTTBC Code of Ethics. The PRB recommended that the Respondent provide assurance of an understanding of 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 to the AHJ.

##### **OUTCOME:**

The Respondent submitted the required statement of assurance, describing the proper procedure for the use of red tags and related communication, which included notifying the owner or owner's agent and the local fire department, verbally, by telephone, and in writing, of any deficiencies in the fire protection system, and that a fire watch is required until the system is repaired. The Registrar found the statement acceptable.

Since the PRB recommendation was successfully completed, no further action was necessary and the file was closed.

#### **CASE #13-54**

##### **STATEMENT OF COMPLAINT:**

That the Respondent, a Registered Fire Protection Technician (RFPT) certified in Commercial Kitchen Exhaust Cleaning (CO), used a tag that was pre-printed with the Fire Protection Technician stamp,

thereby violating the Fire Protection Technician Stamp Practice Guideline section 3.4. Further, the stamp on the tag did not have a Fire Protection Technician's membership number, nor did it indicate a Fire Protection certification discipline. The tag bore the name of an organization that provided kitchen exhaust cleaning services.

**INVESTIGATION:**

The above allegation, if found to be true, would be contrary to the ASTTBC Fire Protection Stamp Practice Guideline.

During the PRB investigation, it was not possible to confirm the identity of who was actually corresponding with ASTTBC. The responses and comments received by ASTTBC were from the organization or company named on the tag but not necessarily from the Respondent. All attempts to contact the Respondent directly were unsuccessful. A response to a final follow-up was received, again from the organization, indicating that the Respondent declined to speak with ASTTBC's Compliance Officer and was best reached via mail. The response also included an imprint of a stamp bearing a Fire Protection membership number and discipline of certification.

Shortly thereafter, the Respondent's registration was struck for non-payment of membership dues; therefore, no further action or investigation was possible.

**PRACTICE REVIEW BOARD RECOMMENDATIONS:**

The PRB recommended that whereas the Respondent was no longer an ASTTBC Member in good standing, the database was to be flagged and should the Respondent apply for reinstatement, the file would be reopened and concluded to the satisfaction of the PRB prior to reinstatement. In addition, all conditions of certification and registration would be applied as required for a new applicant. Further, the PRB recommended that a letter be sent to the Authorities Having Jurisdiction, advising that the Respondent was no longer on ASTTBC's register of Fire Protection Technicians. Therefore, the Respondent was not authorized to conduct Fire Protection practice in municipalities with a bylaw requiring ASTTBC certification.

**OUTCOME:**

No further action was required, and the file was closed.

**CASE #14-09**

**STATEMENT OF COMPLAINT:**

That the Respondent, a Registered Fire Protection Technician (RFPT) with certification in Fire Alarms (AL), Emergency Lighting (EM), Fire Extinguishers (EX) and Water Based Systems (WA) disciplines, failed to deface an inspection tag and notify the Authority Having Jurisdiction (AHJ) after identifying a major fire alarm deficiency. Further, that the Respondent allowed another individual to sign the inspection tag bearing the Respondent's stamp.

**INVESTIGATION:**

The above allegations, if found to be true, would be contrary to the ASTTBC Code of Ethics and Practice Guidelines Principles 1, the Tags and Reports for Fire Tests and Inspection Guideline and the Fire Protection Technician Stamp Practice Guideline.

The PRB investigation determined that the Respondent acknowledged the failure to identify one non-working alarm device as a major deficiency; however, the justification provided by the Respondent was that there were 45 other bells that did work, and could be heard in all areas, including the units with the non-functioning bell. This raised a concern for the PRB that, while the Respondent focused on the output, i.e. an alarm bell, the Respondent was perhaps unaware of the requirement to check the actual 'notifier' or alarm-initiating devices.

With respect to different signatures on the inspection tags, the Respondent indicated that the second signature was that of a trainee who was being supervised by the Respondent, following procedures that the Respondent was taught as a trainee; further, the Respondent advised that the required practice guidelines were difficult to find on ASTTBC's website. As the Respondent appeared to have received incorrect training, ASTTBC took immediate steps to correct the situation and the correct practice guidelines were provided.

**PRACTICE REVIEW BOARD RECOMMENDATIONS:**

In the case of both allegations, the PRB concluded that, regardless of the Respondent's good intentions, a violation of the ASTTBC Code of Ethics and Practice Guidelines Principle 1, the Tags and Reports for Fire Tests and Inspection Guideline and the Fire Protection Technician Stamp Practice Guideline did occur. Therefore, the PRB recommended that the Respondent be reminded of the obligation to be up-to-date on all current standards and policies and further, to be compliant to all current policies and procedures of the Fire Protection Certification Board in their practice as a Fire Protection Technician. The Respondent was levied a fine of \$500.00, as a deterrent to future violations. Further, the PRB requested ASTTBC to re-design the homepage of the ASTTBC website, i.e. [www.asttbc.org](http://www.asttbc.org), to include more logical and user-friendly links to Fire Protection information, such that members may easily access relevant practice guideline information.

**OUTCOME:**

The Respondent was sent the required letter by the Registrar, and subsequently paid the fine. With regards to the re-design of the homepage of the ASTTBC website, ASTTBC's CEO was advised accordingly.

Since the PRB recommendations were successfully completed, no further action was necessary and the file was closed.