

Summer 2009

# OREGON COUNCIL AGAINST ARSON AWARDS

By Ann Lewis, OR-IAAI Chapter Past President and OCAA Chair



On Friday, May 8, 2009 the Oregon Council Against Arson in cooperation with the Oregon Chapter of IAAI and the Northwest Insurance Council, presented two deserving citizens with awards of \$1,000 each for their assistance in the apprehension and convictions of two arsonists.

The first award was presented to Eric Totten. Mr. Totten is an employee of the Parks Dept. in Dallas, and observed and reported some suspicious behavior by a subject who turned out to be responsible for a series of 22 fires between Oct-Dec 2008 in Dallas. The information he provided to police resulted in the arsonist being charged with 5 counts of Arson I, 9 counts of Arson II, and 8 counts of Reckless Burning. The arsonist was sentenced to 24 months in prison, 72 months of probation and \$77,000 in restitution.

The second award was presented to 80 year old Cleathel Knox. Mrs. Knox was the victim of two fires at her own residence which were part of a 14 fire spree between August 2007-Sept 2008 in the Sublimity and Stayton area. Mrs. Knox suspected that the arsonist was one of her own neighbors, and allowed a surveillance camera to be placed in her home so this neighbor could be observed. This resulted in the arrest and conviction of her neighbor who was convicted of Arson I and sentenced to 36 months in prison.

# The Oregon Fire Trail

I. A. A. I. OREGON CHAPTER 31  
PO BOX 15118  
SALEM, OREGON 97301



Above: Cleathel Knox receives her award in Stayton.

Below: Eric Totten receives his award in Dallas.

**\$5,000 AWARD FUND**

It has been determined that this fire is

**ARSON**

If you have information regarding this fire, please call

**800-452-7888**

Sponsored by:

OREGON COUNCIL AGAINST ARSON



# 31st Annual Advanced Fire & Arson Seminar

## September 21—24, 2009

Mark your calendars! The 31st Annual Advanced Fire & Arson Seminar will be held September 21– 24, 2009 in Hood River.

This years seminar will be held at the Hood River Inn. After the success of the 2008, the seminar will again host a split track with a Basic Course and an Advanced Course.

The basic track will be presented by Jim Allen and Joe Konefal:

A 24 hour course on Basic Fire Investigation based on NFPA 921 that will include Scientific Methodology, Fire Behavior (including plumes, entrainment and ventilation), ignition, fire patterns, evidence, curriculum vitae and testifying. Discussion will allow for particular problem issues that the class may have.

The advance track will be covering:

- *“Electrical Fire Investigations”*, 921 insight into



electrical fire investigations, hands on exhibits and worksheets, arc mapping and more. Presented by: MDE Forensic Laboratory, Doug Barovsky and Noel Putaansuu

- *“Fraud Investigations”*. An introduction to conducting an arson for profit investigation from the perspective of a practicing forensic auditor/accountant. Learn types of motives and indicators frequently encountered. Presented by: ATF Agent Eric Younger

- *“Successful Fire Investigation”*, Topics to include court preparation and the team approach to fire investigation. Presented by: Joe Toscano, Chilworth Technology Inc.

- *“Flashover Fires”*. A simplified method of understanding flashover and post flashover burn patterns. Presented by: Mike Decklemann, Retired Chicago Fire Department Fire Marshal.

- *“Fire Scene Diagramming”*. Diagramming your fire scene to satisfy NFPA 921. Presented by: Mike Decklemann, Retired Chicago Fire Department Fire Marshal.

Don't miss out on this great training opportunity. Reserve your room by August 25th for reduced room rates of \$70, \$95 & \$105 by calling 1-800-828-7873.

For more information contact GR Castillo at (503) 934-0243 or Registration Forms may be faxed to (503) 581-7688 to reserve your place. Registrations must be received by September 14, 2009.

There are no refunds after this date — substitutions will be permitted. This is a tested training.

## Oregon Chapter 31 Board Member Contacts

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## Awards/Nominations

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**August 21<sup>st</sup>** is the deadline for nominations for awards to be presented at our 2009 annual banquet **September 23<sup>rd</sup>** at the Hood River Inn located in Hood River, Oregon. Nominating individuals and organizations in the fire investigation community is a great way of recognizing their hard work. With the exception of the Life Membership Award, membership in the IAAI or the Oregon Chapter 31 is not a requirement for the award recipient.

The following awards are available for nomination:

**Life Membership Award – William S. Hood Award**  
(Awarded to an individual who has rendered distinctive service to the Chapter)

**Distinguished Service Award – C. Walter Stickney Award**  
(Awarded to an individual who has shown outstanding service to the Chapter)

**Investigator of the Year Award – Frank Herlinger Award**  
(Awarded to an individual who has shown outstanding achievement in fire investigation)

**Award of Recognition – Donald G. Petruzzelli Award**  
(Awarded to an individual or organization for service rendered to the Chapter)

**Outstanding Accomplishment Award**  
(Awarded to an organization which has developed programs to reduce arson)

**Outstanding District Award**  
(Awarded to one of the six Districts in our Chapter)

### Photography Award

- o Arson
- o Accidental

**Amusing Award**  
(Awarded to an individual for a humorous or accidental event worth recognizing)

Further information regarding the awards process and a nomination form is located on our website, <http://www.or-iaai.net/Nomformf.htm>

There will also be a total of **four (4) openings** this year for our Board. Three (3) Director Positions and the 2<sup>nd</sup> Vice President Position will be vacant in September. Oregon Chapter 31 IAAI Membership is a requirement

to become a candidate. Also, a *Letter of Commitment Form* must be filled out by you and your supervisor if you are interested in running for a Board Position. Please remember for the 2<sup>nd</sup> Vice President Position, one must have one year experience on the Board.

If you have any further questions regarding the awards/nominations process, visit our website or contact

James E. Christiansen  
Columbia River Fire & Rescue  
503-397-7946

### Or

Debi Bisbee  
541-821-1881



Awards Presentation at Banquet

## Oregon Insurance Fraud By Daniel E. Thenell of Smith Freed & Eberhard P.C.

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At the request of the National Insurance Crime Bureau (NICB), on March 9, 2009, Representative Jeff Barker read House Bill 3092 into the 2009 legislative session. Under Section 1 of this bill:

A person commits a crime of insurance fraud if the person knowingly:

- A) Provides false information or makes or causes to be made a False representation in connection with a claim for an insurance Benefit, a payment for a loss or a recovery;
- B) Fails to decline, refuse or return an insurance benefit , a payment for a loss or a recovery to which the person is not entitled by reason of an insurer's mistake or other facts or circumstances connected with the person's claim or the coverage provided by an applicable insurance policy;
- C) Conceals from or fails to disclose to an insurer the occurrence of an event or existence of any information that would cause the insurer not to provide an insurance benefit, a payment for loss or recovery to which the person is not entitled;
- D) Obtains or retains an insurance benefit, a payment for a loss or recovery in an amount greater than that to which the person is entitled under the insurance policy; or
- E) Knowingly makes or causes to be made during an official proceeding, as defined in ORS 162.105, a false statement in connection with an insurance claim.

H.B. 3092, 2009 Legislative Assembly, 75th regular session (OR. 2009)

If passed, persons who commit insurance fraud would be guilty of a Class B felony, a Class C felony or a Class A misdemeanor depending upon the amount "to be paid for a loss or recovery." *Id.* They may also be required to pay restitution to the insurer "for the value of any benefit, payment fro loss or recovery the person obtained." *Id.*

In committee, four of the twelve committee members refused to support the bill because there were no provisions regarding first party bad faith and thus, in the minds of the committee members, nothing to protect insured's from the supposed guiles of insurance companies.

Gordon Compton of the NCIB, noted that even if the Bill were to have passed the committee stages, given the current economic situation, it probably wouldn't pass because of the financial impact imposed by the bill.

It appears that once again, 2009 will not be the year that Oregon joins the majority of the states that make insurance fraud a felony.

## DPSST Fire Investigator by Ed Bonollo Deputy Fire Marshal, IAAI– CFI, TVF&R

On June 10th, 2009 the Fire Policy Committee met to discuss the updates of NFPA 1033 - Standard for Professional Qualifications for Fire Investigator, 2009 Edition and the effects it may have on the DPSST Investigator certification process. The following is the summarized outcome of the meeting.

### **NFPA 1033 Fire Investigator, Edition 2009 - Recommendation:**

The Task Force is recommending the Fire Policy Committee (FPC) adopt NFPA 1033 Fire Investigator, Edition 2009. The Task Force noted there are no substitutive changes between the currently adopted 1998 standard, and the 2009 standard. The Task Force believes it is in the best interest of the Oregon fire service to remain current with NFPA standards.

### **Requirements:**

The Task Force also recommends that DPSST continue to offer the

Fire Investigator exam to candidates as a testing option. The candidate must achieve at least a score of 70% for successful application for certification. The DPSST exam is an option for those who do not hold the International Association of Arson Investigators

(IAAI) Fire Investigation certification, National Association of Fire Investigators (NAFI), Certified Fire Explosion Investigators (CFEI) certification. The candidate must also successfully complete the task book prior to applying for certification.

### **Proposed Changes:**

**Bold:** Changes

**Underlined:** Removed

(B) All (An) applicants (individual) for certification as a Fire Investigator shall (must) successfully complete a Department approved Task Book **(before the Department will administer a written examination for the Fire**

**Investigator certification level.)** prior to passing a written certification exam administered by the Department. Exception: Anyone holding a valid IAAI Fire Investigator Certification, **National Association of Fire Investigators (NAFI) certification, or Certified Fire Explosion Investigators (CFEI) certification** is exempt from taking the Department's Fire Investigator written exam.

(C) **(B) A Department approved Field Training Officer must monitor the completion of a Task Book,s shall be monitored by a The Field Training Officer approved by the Department. The Field Training Officer shall must** be certified at or above the level being monitored and have at least **five (5) years** fire investigation experience. **Exception:** The Department may approve other a Field Training Officers with equivalent training, education and experience. as determined by designated Department Staff.

## HB2420—Cancer Presumption Bill Signed

On April 8th, 2009, Governor Ted Kulongoski signed the Presumptive Cancer Bill (HB2420) that will expand the list of cancers presumed to be work related and covered under workman's compensation insurance. The current law covers heart and lung

presumption. HB 2420 add 12 types of cancers to the list; Brain Cancer, Colon Cancer, Stomach Cancer, Testicular Cancer, Prostate Cancer, Multiple Myeloma, Non-Hodgkin's Lymphoma, Cancer of the throat and mouth, Breast Cancer, Rectal Cancer & Leukemia.



# Spoilation

By Charles Chase, Deputy State Fire Marshal, CFI, CFEI

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Quit often in designing and developing curriculum for seminars or training we want to be ‘advanced’. Conferences on basic topics aren’t as attractive. We want to offer courses on ‘the latest thing’ in the investigation world. That is what fills conference halls and seminars. That is what gets the most attention. However, every couple of years we should revisit some of the basics. The reason is that what a seasoned fire investigator knows and takes for granted may be foreign to a new investigator.

In this article I wish to discuss a court case called Spoilation. According to Merriam- Webster it is defined as:

**spo·li·a·tion** 

Pronunciation: \,spō-lē-’ā-shən\ Function: *noun*

Etymology: Middle English, from Anglo-French *spoliacion*, Latin *spoliation-*, *spoliatio*, from *spoliare* to plunder — more at [SPOIL](#)

Date: 15th century

**1 a:** the act of plundering **b:** the state of having been plundered especially in war **2:** the act of injuring especially beyond reclaim.

According to **NFPA**® **921** Spoilation is defined as: “Loss, destruction, or material alteration of an object of document that is evidence or potential evidence in a legal proceeding by one who has the responsibility for its preservation.”

Quite often in an attempt to determine the cause of a fire, the investigator will take upon themselves to take the suspect item (evidence) back to the fire station to figure out if the item caused the fire. The trouble with this is that by doing so the item (evidence) becomes destroyed and is therefore not suitable to testing by others.

This leads us to another basic term and principal. It is called Subrogation. Subrogation is the substitution of one person in the place of another with respect to a lawful claim, demand or right against a third party, so that the substituted party succeeds to the rights of the other. A spoilation scenario might be the discarding or damaging of potential ignition sources in or around the area of origin.

Assume that the homeowner has insurance. The insurance company will pay for the loss to the homeowner but then will sue to recover costs if another party is to blame. Say for example a furnace is improperly installed and causes a fire. The insurance provider will sue the furnace installer or other responsible party.

Where the problem occurs is when the furnace installer has no opportunity to inspect or have inspected the furnace. How can you defend yourself if the evidence is gone or destroyed? Sadly, you will not be able to.

The person responsible for items preservation can be held accountable. This is typically the fire investigator or whoever took or destroyed the item.

Typically in this situation the best course of action should be to photograph the item in place. Get model numbers and brand name. Your investigation narrative or documentation should state why you feel that this item or appliance caused the fire. Your narrative should describe how you arrived at that conclusion.

You will still have the same case and conclusions by not taking the item but will afford other parties the opportunity to inspect, analyze and test the item by an engineer or testing laboratory agreed upon by all parties.

It is important to note that this applies to non-criminal cases. In the case of a crime of arson or other illegal activity the evidence must be collected and maintained in accordance with your state and local laws and in conjunction with practices that law enforcement and district attorney prescribe.

## Officers Remembered

On Tuesday, May 26th, 2009 a memorial was unveiled at West Coast Bank in Woodburn in honor of three police officers.

On December 12th, 2008 Oregon State Police bomb technician Senior Trooper William Hakim and Woodburn Police Captain Tom Tennant died in the line of duty when an explosive device detonated inside the West Coast Bank in Woodburn. Police Chief Scott Russell was seriously injured in the blast and is now back on the job working a few hours a day. Their sacrifice and service was honored during the unveiling of the memorial. The memorial was designed and built by Woodburn Resident Don Sprague.



## HB 2365 Banning Toy Lighters Signed Into Law by Office of State Fire Marshal

Governor Kulongoski signed HB 2365 into law on March 4, 2009. The law banning toy like lighters goes into effect on June 2, making Oregon the third state to pass a ban, after Maine and Tennessee.

On February 23, the Oregon Senate passed HB 2365, a bill banning the manufacture, sale, and distribution of toy like (novelty) lighters. The Senate vote came just nineteen days after a unanimous pass vote from the House of Representatives.

Chair of the House Consumer Protection Committee, Representative Paul Holvey (D-Eugene), and Representative Greg Matthews (D-Gresham), who is also a Gresham firefighter, carried the bill to the House floor while Senators Suzanne Bonamici (D-Washington County/Portland) and Larry George (R-Sherwood) carried the bill to the Senate floor. Under the law, toy like lighters with features attractive to children, including visual effects, flashing lights, musical sounds, and toy-like designs are prohibited from being sold, distributed, or manufactured for the purpose of sale or distribution in Oregon.

Since 2003, it has been the vision of the Office of State Fire Marshal to have toy like lighter bans on a state and national level.

The Oregon Fire Safety Coalition, chaired by retired Tualatin Valley Fire and Rescue Division Chief Tim Birr, brought stakeholders together to support the concept.

The coalition gathered more stakeholders in support than space will allow us to print. The coalition included forty-five Oregon fire departments or districts and cities or boards; fourteen fire service associations, including Western Fire Chiefs Association, National Fire Protection Association, and the National Association of State Fire Marshals; five hospitals and seven individuals. Prior to passage of the state law, two Oregon cities banned the lighters — Rogue River and Sandy. Keizer and Clatskanie passed a resolution to support statewide legislation.

The National Association of State Fire Marshals and The Lighter Association, a national trade group, are supporting an effort to ban toylike lighters across the country.



**I.A.A.I. OREGON  
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**www.or-iaai.net**

## What's Happening

Congratulations to Oregon's newest International Association of Arson Investigators —Certified Fire Investigators.

**Maurice Austin - Bigfoot Investigations -Central Point**

**John Patterson - Medford Fire Department**

**Jim Court - Kingsley Field Fire Department—Klamath Falls**

### Mark your Calendar

Rogue Valley Investigator Training will be January 12th through the 15th, 2010.

**Need to take an Expert Witness Course?** The next course is scheduled for October 21st through 24th. For more information contact Ryan Fields at 541-944-3444 or email at: [rfields@orcafire.com](mailto:rfields@orcafire.com)

### Photo's

I am looking for something to add to the newsletter and photo's seem to be a great thing that catch peoples attention and interest.

If you have any interesting photo's of fires that you would like to share send them to Jeff Mack at [jmack@cityofsalem.net](mailto:jmack@cityofsalem.net)

## IAAI Washington Chapter Training

Fall Training Conference 2009  
Mirabeau Park Hotel and Convention Center in Spokane Valley, Washington  
Monday, November 2 to Thursday  
November 5, 2009

Basic Fire Investigation 40 hour class held over 4 days, led by Glenn Johnson, Q-Global Investigations and Terry Brown, Brown Investigations

Plus two other one-day courses:

Monday November 2: Interviewing

Tuesday November 3:

AM-Spontaneous Combustion and Hay Stack Fires & Collaboration That Counts

PM- Effective Report and Letter Writing

For more information go to:  
<http://www.iaai-wa.org/>