



## Code Violations Lead to Arrests for Criminally Negligent Homicide

by Dan Lane, Regional Director of Fire Service Activities

*On November 25, 2002, at 1:45 p.m., the Coos Bay Fire Department responded to a smoke condition at the Farwest Truck and Auto Supply at 340 South Second Street in Coos Bay, Oregon. Before the fire was reported under control, three firefighters lost their lives.*

The 60-year-old building was 13,520 square feet in area and of ordinary construction with poured-in-place concrete walls 10- to 12-inches thick. The original roof was flat and appears to have been constructed of 2x12 rafters with a tongue-and-groove plank ceiling. A shed-roof design rain roof (sloping front to rear) had been added using 2x4 structural members directly over the original roof, creating a void space.

Part of the building was used by Automotive Machine Services, a machine shop that operated as a separate business in the rear of the building. The owner had recently installed and was operating a high-temperature oven, used to vaporize grease and oil from engine parts. According to its manufacturer, the oven reaches temperatures in excess of 1400° Fahrenheit. No permit for the installation was ever filed.

Building owner Kim Macfee reported that employees had first smelled smoke around 1:00 p.m. and conducted a quick search of the building. As they were unable to determine the source of the smoke, they returned to work. By 1:45 p.m. the smoke was becom-

ing too heavy to continue their operations, so they evacuated the building and notified the Fire Department.

Upon arrival, Fire Department personnel reported a light (yellow-brown) smoke condition and began to search for the cause. Two teams of four firefighters entered the building and a third team went to the roof. The team on the roof reported that it was becoming soft and spongy, which indicated that it had been exposed to heat for some time and was unsafe. The interior firefighters reported that they had been unable to pinpoint the source of the fire and that temperatures were rising rapidly. An evacuation of all personnel from the building was ordered by Fire Chief Stan Gibson as the integrity of the structure was becoming a concern.

**... code enforcement is fire prevention, and fire prevention saves lives.**

This was a courageous move on the Chief's part. Once the evacuation order is given, personnel are committed to a defensive mode—which usually results in a much greater loss of property. Although it was not an easy decision to make, especially

with the building's owner and employees on the scene, Chief Gibson was more concerned about the safety of his firefighters than property conservation.

Tragically, just prior to the evacuation order one of the interior teams of firefighters searching for the fire apparently entered the machine shop and started to open up the ceiling in the area of the oven. Once the opening was created, a rapid influx of oxygen poured into the void space between the building's original roof and the rain roof, feeding the starving fire. A partial collapse resulted, trapping the firefighters.

A sudden rush of oxygen can create what is referred to as a "backdraft." A backdraft occurs when super-heated smoke and gases from a fire, which has been burning for some time and is starved of oxygen, are trapped in an area and oxygen is suddenly introduced. The result is an explosion that ignites all combustible materials in the area.

The phenomenon can normally be avoided by ventilating a structure, but this cannot always be accomplished. In this case, the conditions reported by the roof team prevented the safe ventilation of the structure; and even if conditions would have permitted ventilation, the firefighters had no way of knowing that there was another roof below and that the vent hole would have been ineffective. The void space created by the addition of the rain roof to Farwest Truck and Auto Supply provided optimal conditions for a backdraft (the same situation led to a building collapse that killed six firefighters in 1978 at the Waldbaum's Market Fire in New York City).

Following an investigation, State Fire Marshal Robert Garrison reported that the fire originated at a wooden collar constructed of 2x4s with minimal fire-resistant protection. The collar was used to hold the recently installed oven's flue—which could reach temperatures of nearly 1000° Fahrenheit—in place. Automotive Machine Service owner Jonathan Innskeep and Verlin Verlines, who assisted Innskeep with the installation of the oven, were each subsequently charged with three counts of criminally negligent homicide, a class-C felony punishable by up to five years in jail and/or fines up to \$100,000 per count. They had violated State law by installing the oven without acquiring the necessary permits, and were indicted by a Grand Jury on January 24, 2003.

Lost in the fire were Randall Carpenter, a career firefighter for 15 years, and Jeffery Common, a volunteer for 12 years. Robert Hanners, a volunteer for 8 years, later died at Bay Area Hospital after being rescued by his brother firefighters. The fire left 11 children fatherless. This devastating loss is felt not only by the families and the department, but by the entire emergency services community. All of them are in our thoughts and prayers.

The next time you hear someone say "building codes are too restrictive," "it's my building, I'll do what I want," or "I don't need a permit," please do me a favor and give them a copy of this article. Then maybe, just maybe, they'll understand that code enforcement is fire prevention, and fire prevention saves lives. ♦

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