

# FIRE FAX

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ISSUE 4

## FROM THE DESK OF



*Kim Shepherd*  
PRESIDENT

For whatever reason, we have had a large number of arsons lately here in Scott County. We have had more than the usual amount of vehicle fires, a few revenge arsons, some juveniles not being properly supervised by adults, some juveniles just being defiant, and a few seemingly random incidents of incendiary madness. Maybe people are bored and going stir-crazy with the lack of options for activities, particularly juveniles. Maybe people have loads of pent-up aggression. Maybe people are just crazy. I do not know what is going on with this fire wave. On the upside, our investigators are getting lots of practice in the fine arts of

search warrant writing, and witness and suspect interviewing techniques.

In talking to the investigators who are handling the most investigations, I am reminded once again that it is always good to revisit the basics. When conducting interviews (and often in life, too) it is far more important to listen than to talk. I have had several cases in the past few months where an investigator has gone into an interview with pre-conceived ideas about what happened and what they believed the witness or suspect would or should be saying. The questions the investigators ask are then controlled by those pre-conceived ideas, and the investigator doing the interview ends up missing the opportunity to follow up on crucial information because the investigator did not have an open mind and was not listening to what the other person was actually saying. Or in some cases, the investigator was not paying enough attention to the body language of the person being interviewed. On this topic, I would highly recommend the book, "You're Not Listening: What You're Missing and Why It Matters," by Kate Murphy. The book contains several chapters on the topic of negotiating and

interviewing, and also offers many helpful, practical tips on how to become a better listener overall. Through our investigations, we are also being reminded of the importance of using search warrants, the need to write strong search warrants, and the many uses of cell phones and social media in investigations. Nearly every suspect has some form of social media, and all have cell phones. In my jurisdiction, we are fortunate to work alongside people who are trained in advanced cell phone technology, particularly in the areas of GPS mapping, and use of location data. This technology has proved time and again to be a very useful tool in not only directing investigations, but also in obtaining convictions. Juries love cell phone and social media evidence! If this is not an area with which you are familiar and/or comfortable, I suggest finding someone in your city or county to assist you. And, as always, don't hesitate to reach out to me or one of the other board members – we are here to help! Stay safe out there everyone!

**IF YOU HAVEN'T DONE SO  
ALREADY, CHECK OUT OUR  
NEW WEBSITE:**

[www.iowaiaaichapter.org](http://www.iowaiaaichapter.org)

**FROM THE DESK OF**



*Tim Lillwitz*

**DIRECTOR OF PROSECUTION**

Hello fellow IAAI members. I hope this article finds you and your loved ones in good health and handling the various curveballs that 2020 has thrown our way as best as you are able. I want to start by briefly introducing myself. I was recently elected as Director of Prosecution for our chapter at the virtual annual meeting that occurred in September. I am a shareholder with Bradshaw, Fowler, Proctor & Fairgrave, P.C. (known to many of you as the Bradshaw Law Firm) in Des Moines. I have practiced at the Bradshaw Law Firm since graduating from Drake University Law School in 2006. Throughout my career, I have handled a wide variety of litigated cases from pre-suit investigation to trial and have been both first chair and second chair on numerous jury and bench trials in the state and federal courts in Iowa. Currently, about half of my practice is devoted to commercial litigation, including shareholder disputes, contract and fraud litigation, while the other half is

devoted to handling fire subrogation cases and first party fire and fraud files for the firm's various insurance clients. I have had the pleasure of meeting many of you at fire scenes and lab inspections over the years and I look forward to meeting the rest of you in the future.

Given that my background in fire investigation came from the insurance industry, while many of your backgrounds come from the public sector, I thought it would be worthwhile to address the intersection of our backgrounds—Iowa Code Chapter 100A. Iowa Code section 100.2 creates a duty for local departments and the State Fire Marshal to investigate the cause of fires. At the same time, the insurance policy can be thought of as a contract between the insurer and the insured, which creates a right to investigate claims, act in good faith, and pay legitimate claims. Thus, the purpose of an investigation from either the public sector or the insurance sector is the same—deterrence. The public sector wants to deter intentionally set fires through criminal punishment, while the insurance sector wants to deter intentionally set fires by taking the profit out of fraudulent claims.

Iowa Code Chapter 100A is formally entitled “Arson Investigation.” The core function of the chapter is to provide for the formal sharing of information about fire investigations between the public sector and the insurance sector. The language of the chapter also suggests (1) the public sector and the insurance sector maintain separate and distinct investigations, (2) its requirements do not apply to accidental/subrogation cases,

and (3) its requirements apply to individual fires, not statistics.

From the public sector side, Chapter 100A allows an “authorized agency” to request from an insurance company relevant information or evidence from a fire loss that the insurance company has in its possession. “Authorized agency” includes not only the local fire chief or prosecutor, but also the State Fire Marshal's office, any federal agency investigating the fire, and the fraud bureau within the Iowa Insurance Division. Iowa Code § 100A.2(1). Moreover, “relevant evidence” is defined as “information having any tendency to make the existence of a fact that is of consequence to the investigation or determination of the issue more probable or less probable than it would be without the information,” and is further expressly defined to include the insurance policy, premium payment records, any history of claims made by the insured, and the catchall phrase of “material relating to the investigation of the loss.” Iowa Code § 100A.1(3) & 100A.2(1).

In my practice, when I receive a request from a public sector agency, I'm happy to share almost anything in my client's file as long as the request is related to an arson investigation. And almost always, I will likewise use the provisions of Chapter 100A to request information in your file. In fact, most of the time, my client has already made such a request through the adjuster or our origin and cause investigator before I even receive the file. Again, the request from the insurance company will be for information related to a loss that the insurance company believes

was not accidental. Iowa Code § 100A.2(2) & (4). The public sector agency has an obligation to provide that information within thirty (30) days. Iowa Code § 100A.2(4).

Upon sharing our information with each other, we both have an obligation to keep the information confidential unless a court proceeding requires its disclosure. Iowa Code § 100A.3. The best news for both of us is that as long as we are sharing the information from our respective files in good faith, we both are immune from any civil liability or criminal prosecution related to our actions. Iowa Code § 100A.2(5).

While I might meet some of you under the formal umbrella of Chapter 100A, I will always strive to make our communications comfortable, efficient, and dare I say, enjoyable. After all, there is nothing preventing the insurance sector and the public sector from the good faith sharing of information in furtherance of our shared goal—deterrence of intentionally set fires.

#### FROM THE DESK OF



*Jeff Hutcheson*  
DIRECTOR WEST

### Don't Veer for Deer

The combination of cool fall weather and tractors and combines removing crops in fields across Iowa will likely get deer moving early this year. With the peak of the deer breeding activity still more than a month away, drivers need to remain vigilant with their defensive driving skills.

“Try to minimize distractions, like cellphones or eating while driving, and, if possible, avoid driving during dawn and dusk which are when deer are most active,” said Harms. “Slow your speed, look fencerow to fencerow and for the reflection of their eyes. If a deer jumps on to the roadway, don't veer or try to avoid it, but use a controlled braking technique.”

Drivers passing through the storm damaged part of the state need to be aware that deer may not be traveling through the usual corridors, Harms said.

**Media Contact:** Tyler Harms, Biometrician and Deer Program Leader, Wildlife Bureau, Iowa Department of Natural Resources, 515-777-5378.

### MINUTES OF ANNUAL MEETING

*IAAI Meeting Minutes Thursday September 10, 2020*

*Via phone/video conference*

*I. Call to Order and Greeting by the President*

The meeting was called to order at 1:01 pm on 9-10-2020. There was

a review of the meeting protocol conducted by Trace Lawless because the meeting was conducted via online zoom.

### II. Roll Call

1. President – Kim Shepherd - **Present**
2. 1st V.P. – John Ticer - **Present**
3. 2nd V.P. – Dan Roberts (Website) - **Present**
4. Secretary / Treasurer – Mark Dooley - **Present**
5. Director West – Jeff Hutcheson - **Present**
6. Director East – Cory Bengge (Facebook and East Lunch/learn) - **Present**
7. Director of Investigations – Lucas Ossman - **Present**
8. Director of Detection – Joe Rodriguez (Audit and West Lunch/learn) - **Present**
9. Director of Insurance – David Miller - **Present**
10. Director of Prosecution – Sarah Jennings (Ethical Prac/Griev & Bylaws) - **Absent**
11. Chapter Chaplain – Todd Hartzler - **Excused**

### III. Nominations

Roberts: openings for Board Positions as listed in Firefox

- Director of Insurance – selected in sectional meeting, David Miller
- Director of Prosecution – selected in sectional meeting; Tim Lillwitz
- President – Kim Shepherd – nomination
- 1st Vice – John Ticer – nomination
- 2nd Vice – Dan Roberts – nomination
- Secretary/Treasurer – Mark Dooley – nomination
- There were no other nominations for the board positions. A motion was made for a unanimous

ballot. Motion by Ticer; Second by Nelson. All Ayes.

#### **IV. Reading of Minutes of previous meeting sent to members on September 1 via email**

A clarification was made on the Director at Large West position, which will not be vacant until 2021. Therefore, Jeffrey Hutcheson will remain Director at Large West until 2021.

A motion was made by Roberts, seconded by Greer, to approve the minutes as posted with the correction of Director at Large West to 2021. All Ayes

#### **V. Secretary / Treasurer Report-Dooley**

• Treasurer Report:

Serve Credit Union CD's:

\$32,420.91

o US Bank – Savings: \$4,502.21

o US Bank – Checking: \$464.86

o PayPal Account: \$144.15

o Cash on Hand: \$365.00 (Scholarship earmark)

o Total Assets: \$37,897.13

• New members – No new members for 2020

#### **VI. Other Reports**

President Report – Shepherd  
Dues for 2020 are due.

• The chapter is supporting and endorsing Chris Van Vleet for 2nd Vice President with the International IAAI Board.

The International Virtual Training Platform ▪ Trace Lawless discussed that NFPA 921 2020 edition updates will continue to be presented through November.

The new 921 Publication is available • There have been some significant changes.

Beginning January 2021, we will have virtual training every month except April and December (10 months).

Also, if host training is needed, contact Trace.

• 1st Vice President Report – Ticer worked with all the speakers from the 2020 conference and they were able to move to the 2021 conference.

• Site selection for 2022: The conference will be in the Des Moines area and is narrowed down to two hotels.

• 2nd Vice President Report – Roberts - At the end of 2019, it was identified that the website was not functional. We changed to a new site host company; it is not as technical, but there was a significant reduction of cost.

There is a link for CFITrainer.net.

• o Direct link for virtual training Secretary/Treasurer Report – Dooley

o Attended meetings, took notes, maintained fiscal responsibility

• • Director-at-Large West – Hutcheson o Proctored 4 CFI Tests

• o Working on site selection committee for 2022/2023

• • Director at Large East – Bengé o Hosted the east side Lunch-n-Learn in Davenport

• • Director of Investigations – Ossman o Attended as many meetings as possible

• o Attended all 921 Trainings with the IAAI

• o Is a reviewer of the State CFI

• o Will be the lead instructor of the two week school

• • Director of Detection – Rodriguez o Hosted the west Lunch-n-Learn in Harlan

• o Attended some IAAI training

• o Conducted a financial review of the treasurer ▪ All items appear in order

• • Director of Insurance – Miller o Was not able to attend the Lunch-n-Learns

• o Attended all board meetings

• o Worked with President Shepherd to publish the Firefax

• o Working Rodriguez/Hutcheson to remarket the annual scholarship and increase the application pool.

• o Sits on the NFPA 1033 committee ▪ It is open for public comments (2nd round)

#### **VI. Old Business**

• • Scholarships o Director at Large West Hutcheson ▪ One application was received this year.

• ▪ Motion was made by Hutcheson and seconded by Ossman to offer Ethan O'Connell the \$1000 scholarship. • All Aye

#### **VII. Conferences**

• 2022 and beyond – Ticer, speakers/next year and beyond

• September 7-9, 2021

### VIII. New Business

- Member Nelson made a motion to pay the stipend secretary with a second from Hutcherson. All Aye. Secretary/Treasurer will not write a check and made it is contribution to the chapter.
- 1st Vice President Ticer reminded the attendees that it is important to remain current with membership.
- Member David Schipper asked Director Kramer from the Iowa Fire Service Training Bureau about continuing education hours with Iowa CFI's. Director Kramer stated that additional options are being evaluated. Also, late spring 2021 will be the 2-week Investigator Classes.

### IX. Good of the Chapter

- Please update email address so that the chapter can continue to communicate with members.

### X. Next Meeting

- The next annual meeting will be September 8th & 9th, 2021.

**XI. Adjournment** A motion was made to conclude the meeting at 1:47 pm by Dooley and seconded by Kramer. All Aye.



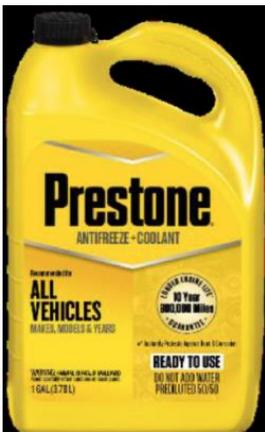
**Iowa IAAI  
Fire Investigation  
SEMINAR &  
ANNUAL MEETING  
September 7-9, 2021  
CEDAR RAPIDS MARRIOTT**

## RECALLS

Product recalls:

(<https://www.cpsc.gov/Recalls>)  
and Underwriter Laboratories

(<https://www.ul.com/>) detailing a variety of faulty products that are a fire hazard, to name a few:



**Name of product:**

Antifreeze products

**Hazard:** The antifreeze products contain the substance ethylene glycol which must be in child resistant packaging as required by the Poison Prevention Packaging Act. The products' caps were not rotated enough during manufacturing to engage the child resistant mechanism, posing a risk of

poisoning if the contents are swallowed by young children.

**Remedy:** Repair

**Recall date:** October 7, 2020

**Units:** About 687,000



**Name of product:**

Dual Fuel Portable Generators

**Hazard:** The recalled portable generators can leak fuel, posing a fire and burn hazard.

**Remedy:** Repair

**Recall date:** September 16, 2020

**Units:** About 7,500



**Name of product:**

Monoprice Category 6 Ethernet Bulk CMR Communications Cables

**Hazard:** The cables do not meet the flammability requirements of the UL 1666 voluntary safety standard, posing a fire hazard when the cable is exposed to a flame.

**Remedy:** Replace

**Recall date:** September 16, 2020

**Units:** About 10,800



**Name of product:**  
Patio 2-Burner Propane Gas Grills  
with Side Shelves  
**Hazard:** The grill's plastic regulator  
hose can melt and catch fire, posing  
a fire hazard.  
**Remedy:** Repair  
**Recall date:** September 9, 2020  
**Units:** About 1,100



**Name of product:**  
2020 ZFORCE 950 Sport Recrea-  
tional Off-Highway Vehicles (ROVs)  
**Hazard:** The fuel line fitting on the ve-  
hicles can fail to securely lock onto  
the fuel injector inlet. This can allow

fuel to spill onto the hot engine parts  
and ignite, posing a fire hazard.  
**Remedy:** Repair  
**Recall date:** September 3, 2020  
**Units:** About 500



**Name of product:**  
LEDU Black Fluorescent Computer  
Task Lamps Model L283MB  
**Hazard:**  
The tape used to contain wire compo-  
nents within the lamps case housing  
can overheat and melt, posing a burn  
hazard.

**Remedy:** Refund  
**Recall date:** September 2, 2020  
**Units:** About 384



SKU 4122285  
HW19 3 WCK SCARY BLACK CHERRY



SKU 4122298  
HW19 3 WCK DEATH BY CHOCOL

**Name of product:** Three-Wick  
Halloween Candles  
**Hazard:** The candle's high flames  
can ignite the surface of the wax,  
posing fire and burn hazards.

Sold by Pier 1 Imports

**Remedy:** Dispose  
**Recall date:** August 19, 2020  
**Units:** About 30,810



**Name of product:** Valor H5  
Gas fireplace  
**Hazard:** Delayed ignition due to pilot  
degradation can cause gas in the fire-  
place to accumulate prior to burner  
ignition. When ignition takes place, it  
can cause the glass window to shat-  
ter, posing burn and laceration haz-  
ards.  
**Remedy:** Repair  
**Recall date:** July 30, 2020  
**Units:** About 370 (In addition,  
about 1,050 units were sold in Can-  
ada) (Valor H5 gas fireplaces were  
[previously recalled](#) on December  
2018.)

*The opinions expressed in this publication are not necessarily those of the IAAI or the Iowa Chapter IAAI.*

**This edition of Firefax was presented by  
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