

**STATE OF NEVADA  
NEVADA STATE BOARD OF FIRE SERVICES**

**October 24, 2013 – 10:00 a.m.**  
Reno-Sparks Convention Center  
4590 S Virginia Street  
Rooms A14-A15  
Reno, Nevada

**MINUTES OF MEETING**

**Board of Fire Services**

**Members**

**Present:**

Domingo Cambeiro (by phone) – Principal, DCC Architects, Las Vegas, Nevada  
Timothy DeHaven – Firefighter, Carson City Fire Department  
Steve DiGiovanni (by phone) – Professional Engineer, Clark County Fire Department  
David Fogerson – Chief, Deputy Chief, East Fork Fire & Paramedic District  
Eric Guevin – Fire Marshal, Tahoe Douglas Fire Protection District  
JoAnne Hill – Member of the General Public  
Michael R. Johnson (by phone) Clark County Fire Department  
Pete Mulvihill – Secretary to The Board of Fire Services, Nevada State Fire Marshal Division  
Elaine Pace – Chief of a Volunteer Fire Department, East Fork Fire & Paramedic District  
Thomas Tarulli – A Chief, Deputy Chief, Assistant Chief or Division Chief, Carson City Fire Department

**Members**

**Absent:**

Peter Anderson – State Forester, Nevada Division of Forestry

**Also Present:**

Lori DeGristina – Training Officer, Nevada State Fire Marshal Division  
Jeff Donahue – Chief, Fire Marshal, Reno Fire Department  
William Geddes – Deputy Attorney General, Attorney General’s Office  
Staci Giomi, Carson City and Nevada Fire Chiefs  
Michael Heidemann – Nevada State Firefighters’ Association  
Michael Johnson - Assistant Fire Chief, Clark County  
Denesa Johnston – Administrative Assistant, Nevada State Fire Marshal Division  
Will Johnston – Fire Chief, Carlin, Nevada  
Tom Martinez – Training Officer, Nevada State Fire Marshal Division  
Dennis G. Nolan – Building Official, State of Nevada  
Tray Palmer – Investigator, Reno Fire Department, Fire Prevention Bureau  
Dennis Pinkerton – Bureau Chief, Nevada State Fire Marshal Division  
Mark Regan – Assistant Fire Marshal, North Lake Tahoe  
Ross Rivera – Fire Chief, Ely Fire Department  
Dave Ruben – Captain, Carson City Fire Department  
Don Wilkins – Bureau Chief, Nevada State Fire Marshal Division

- I. Call to Order** – Chief David Fogerson, Chair of the Board of Fire Services called the meeting to order at 10:09 a.m.

**Non-action Item**

- II. Verification of Notice of Compliance with Open Meeting Law** – Denesa Johnston, Administrative Assistant, of the Nevada State Fire Marshal Division verified that compliance had been met in accordance with Nevada Open Meeting Law (NRS 241). **Non-action Item**

- III. Roll Call and Introductions** – Roll was called for the Board of Fire Services and Denesa Johnston confirmed that a quorum was present. All the board members and guests introduced themselves. **Non-action Item**

- IV. Public Comment** – Chair Fogerson noted the following: No action may be taken on matters raised in context with this Agenda item prior to inclusion of the matter itself as an action item on a future Agenda. Public comments are limited to three (3) minutes. Comments will not be restricted based on viewpoint.

Chair Fogerson informed the members that JoAnne Hill was recently given life membership in the Nevada Fire Chiefs Association. He called for any additional public comment and there was none.

- V. Approval of Minutes** **Discussion/Possible Action**

Chair Fogerson noted that the Minutes of January 15, 2013 were brought forward for approval.

Chief Elaine Pace noted a correction on Page 4, Item VII. reads: "delinquent 202 reporting facilities" should in fact read: "delinquent Tier 2 reporting facilities".

Domingo Cambeiro asked if the minutes could be made available sooner. Chief Pete Mulvihill said they would prepare the draft of the meeting. He said it was usually three to four weeks after the meeting.

**Elaine Pace moved to approve the Minutes of January 15, 2013 as amended. Chief Thomas Tarulli seconded the Motion. Motion Carried.**

- VI. Review and Possibly Revise the Nevada State Board of Fire Services List of Priority Items That Will Enhance and Improve Services Provided to Nevada's Fire Services** **Discussion/Possible Action**

Chair Fogerson noted that board members had met in October 2012 and discussed what priorities would help focus the Office of the Fire Marshal and Fire Service Nevada on items that they would consider important. He stated that their priority list, in no order of priority, at that time was:

- NFIRS (National Fire Incident Reporting System) Program
- To maintain certification and credentialing process for professional qualifications.
- Require Nevada certifications for instructors of high hazard training.
- Rural inspections and reductions of staff cutbacks responsible for those inspections.
- Division of Industrial Relations, Mechanical Unit issues for public safety protection.

Chair Fogerson asked board members if they wanted to have discussion on whether they wanted to continue with the items and if any items should be added or deleted. He also asked if there were any updates that members would like to share.

It should be noted that Item VI was discussed at a later point in the meeting and several changes were made to the list. The second point was revised by deleting the word "firefighter" and the last point was added.

### **NFIRS Program**

Chief Mulvihill stated that he would give an update on this program:

- He noted that Nevada was now a direct-report state and individual agencies would directly report their data to FEMA (Federal Emergency Management Agency) electronically.

- He said that Bureau Chief Danny Brennan was continuing to support agencies in providing information and assisting with problems and this also included telephone support.
- He noted that data reporting problems still happened as a result of incompatible or outdated software versions and this caused much of the data rejection by FEMA.
- He stated that reporting by departments was another issue. He added that in the last ten years all of the major departments in the State of Nevada had joined the reporting program.
- He noted that from recent feedback they knew that the latest version of the online direct reporting software from FEMA had become much easier to use. The software was more streamlined and had been edited in response to situations that had arisen.
- He said the annual NFIRS report that he was required to prepare and submit to the Governor's Office included agencies that had partial, incomplete data or no annual reporting.
- He commented that when Bureau Chief Brennan imported all the raw data they usually reviewed it and made initial contacts to fire departments to let them know that they had outstanding data issues. He added that they would continue to monitor that situation. He emphasized that at some point a report would have to be prepared with or without that data. Member Steve DiGiovanni referred to funding that had been lost or reallocated and had been mentioned in the report as contributing to the lowering of the percentage of reporting. He said there was also mention of a loss of grants. He referred to the direct reporting system and asked if he was saying that it had been rectified without having to re-establish the funding. Chief Mulvihill responded that that funding was two budget cycles in the past. He said an amount had been allowed in the budget for travelling for Bureau Chief Brennan to travel around the state to support the NFIRS Program and that account had a nil balance. He said previously the burden on reporting was on the State of Nevada to collect the data. He noted that the policy direction they received was to put the burden on the local agencies to report their data with any technical assistance to be provided by the State Fire Marshal Division. He stated that it was the responsibility of agencies if they're applying for FEMA grants to be an NFIRS-compliant agency which they checked as part of their grant audit program.

Chair Fogerson asked members if there was any other discussion with regard to the list. Member DiGiovanni suggested that NFIRS did not seem to be such a high priority now as when it was before. He thought they might want to remove it and focus on more high-priority topics or change its order in the list. Chair Fogerson noted that he thought that it should stay on the list because it was important for them to identify their fire service issues and if they did not report the data correctly to see the causes of fires and fire-related deaths they would not be informed. He thought it was important to stay on the list and it was necessary that they as a board continue to push so accurate data was coming in from all agencies. Chief Mulvihill added that the past NFIRS reports were all available on the website.

Chair Fogerson asked for any other comments or concerns. Chief Tarulli asked about the wording in item two, "To maintain certification and credentialing process for professional firefighter qualifications". He noted that they were concerned about the issue for other positions as well such as inspector, instructor, Hazmat and all the others so suggested that they take out the word "firefighter". Fire Marshal Eric Guevin asked about item four regarding state inspections and asked if the board was looking for funding. Chief Mulvihill indicated that that issue was included in his report to the board and board members could come back to it. Chair Fogerson stated that one of the board's responsibilities was to provide feedback to legislators about the needs of the Nevada Fire Service. He suggested that they table the matter until after the Fire Marshal's report and then they could decide if they wanted to keep the priority items or make adjustments.

**Chief Fogerson moved to approve the revision of the Nevada State Board of Fire Services List of Priority Items that Will Enhance and Improve Services Provided to Nevada's Fire Services. No Name? seconded the Motion. Motion Carried.**

**VII. Adoption of the National Fire Protection Association (NFPA) 472 Standard for Competence of Responders to Hazardous Material/Weapons of Mass Destruction Incidents 2013 Edition  
(Discussion/for Possible Action)**

Chair Fogerson stated that the item would be presented by State Fire Marshal Training Bureau Chief Pinkerton and he would discuss with members the updating of the Professional Qualifications Manual to include the 2013 Edition of NFPA 472.

**Bureau Chief Dennis Pinkerton**, State Fire Marshal Training Bureau: Noted that he had circulated an information packet to all members. He said that there had been no changes from the standards from 2008 associated with the chapters that they certify under. He said that they had done this to stay in line with the newer curriculum and testing material. He confirmed that they were IFSAC (International Fire Service Accreditation Congress) accredited in that level. Chair Fogerson asked if there was any discussion. There was none.

**Eric Guevin moved to approve the the NFPA Standard 472 for inclusion in the Nevada Professional Qualifications Manual 2013 Edition. Elaine Pace seconded the Motion. Motion Carried.**

**VIII. Adoption of the National Fire Protection Association (NFPA) 1001 Standard for Fire Fighter Professional Qualifications 2013 Edition**

**Discussion/For Possible Action**

Chair Fogerson stated that the item would be presented by State Fire Marshal Training Bureau Chief Pinkerton and he would discuss with members the updating of the Professional Qualifications Manual to include the 2013 Edition of NFPA 1001.

Chief Dennis Pinkerton, State Fire Marshal Training Bureau: Noted that there was a small change. There was a one-minute time for the donning and doffing of personal protective equipment in the SCBA (Self-contained Breathing Apparatus). He said there was also an addition, a reference to NFPA 1582 physical and its requirement. He said he had discussed this medical requirement with Chief Mulvihill. Chief Mulvihill stated that NFPA 1582 was a comprehensive occupational medicine program document that not all departments within the State of Nevada were following. He suggested they adopt the standard but in lieu of adopting the reference to NFPA 1582, adopt a reference to the NAC and NRS requirements for physical standards instead. Member JoAnne Hill asked if it was for all departments. Chair Fogerson confirmed yes, it was a national state standard. Chief Pace noted that the one-minute requirement had come out but asked if the AHJs (Authority Having Jurisdiction) would still keep to that. Bureau Chief Pinkerton confirmed that they did not have to time that for testing but it could be done at the local level. Chief Mulvihill emphasized that it had to be done correctly.

**Chair Fogerson moved to adopt NFPA 1001 Standard of the Professional Qualifications 2013 Edition with the caveat that staff includes an "or" provision that departments can meet either 1582 or the Nevada Revised Statutes regarding the Nevada Administrative Code regarding fire fighter physicals. Elaine Pace seconded the Motion. Motion Carried.**

**IX. Adoption of the National Fire Protection Association (NFPA) 1033 Standard for Professional Qualifications for Fire Investigator 2014 Edition.**

**Discussion/For Possible Action**

Chair Fogerson stated that the item would be presented by State Fire Marshal Training Bureau Chief Pinkerton and he would discuss with members and propose the adoption of an update to the Professional Qualifications Manual to include the 2014 Edition of NFPA 1033.

**Bureau Chief Dennis Pinkerton**, State Fire Marshal Training Bureau: Noted that the standard had been changed to add scope statements and annex. He said the committee had also wanted to clarify some items including the outside and vehicle and other fires that were not structure. He noted they had also included a statement of the required maintaining of skills and training. The Fire Marshal asked if the staff wanted to approve it as is. Bureau Chief Pinkerton confirmed yes. Chief Mulvihill thanked the state arson investigators for their work on the current and next agenda items. He confirmed that it brought Nevada into the mainstream in accordance with the rest of the country and how they handled fire investigations. Chief Pace asked whether it was about keeping up to date on the training statewide for anyone who held that certification. Bureau Chief Pinkerton responded that it would remain at

the local AHJ level and they would maintain those records. Chief Mulvihill stated that fire investigators currently were required to have continuing education and maintain their memberships in the two professional organizations. Chief Tarulli asked whether it was other certifications or CEUs (Continuing Education Units). Chief Mulvihill confirmed it was continuing education. Captain Terry Taylor stated that he met with IAAI (International Association of Arson Investigators) directors and investigators for the City of Las Vegas, Clark County and Henderson and there was support for the change.

**Eric Guevin moved to adopt NFPA 1033 Standard of the Professional Qualifications for Fire Investigators 2014 Edition. Thomas Tarulli seconded the Motion. Motion Carried.**

**X. Adoption of Changes to the Nevada Professional Qualification Standard for Fire Investigator 17.9 Discussion/For Possible Action**

Chair Fogerson stated that the item would be presented by State Fire Marshal Training Bureau Chief Pinkerton and he would discuss with members the following changes to the Professional Qualification for Fire Investigator:

- Removed the required completion of a Fire Investigator task book prior to certification.
- Require the successful completion of the National Wildfire Coordinating Group (NWCG) FI210 course.
- Removed the Nevada Fire Investigator 2 and 3 levels.
- Reserved 17.9.2 for a possible Nevada Fire Investigator Supervisor

**Bureau Chief Dennis Pinkerton**, State Fire Marshal Training Bureau: Stated they had starting working on this because of task book. He said the State of Nevada had always been above and beyond the standard and he stated that this would bring the standard back in line to the NFPA. He noted that the task book was difficult to manage and he stated that they were received only sporadically. He said they only had a few people who were able to sign off in the whole state which created difficulties. He confirmed that they had made some changes with Captain Taylor and his group to add the wild land component. Captain Taylor stated that in the northern part of Nevada the FI210 which involved part of NFPA 921 for having a wild land fire investigation component was seen as necessary and allowed the forestry and resource partners in fire investigation and law enforcement to obtain a state certification by having that caveat in there to be included. He said they were offering the class approximately once a year. He said they had offered it in southern Nevada and yearly in northern Nevada. He confirmed that they had had over 160 people take FI210 in Nevada in the last six years. Bureau Chief Pinkerton said that the third level of arson investigation was a superior level or supervisory level and he said there were reserving Chapter 17.9.2 for a possible Nevada Fire Investigator Supervisor. He said when they have the criteria to that position they would present it to the board.

Chair Fogerson asked if there were any questions. Chief Michael Johnson asked if the FI210 course was at an intermediate level and was there a 100-level course. Chief Mulvihill responded that there was an FI110 course and it was an awareness course for wild land first responders. He said the FI210 was the wild fire investigation course. He continued for continuing education there was an FI310 which would build on FI210. He said they were all NWCG courses and the materials were available through the State Fire Training Bureau. Chief Johnson asked if an investigator would be able to go straight into an FI210 course and pass the FI110 course or both. Chief Mulvihill responded that an investigator would go straight to FI210. Fire Marshal Guevin referred to the certification requirements which said be certified as a Hazmat awareness level. He asked Captain Taylor whether that also referred to the Forest Service if they wanted to do FI210. Bureau Chief Pinkerton said if someone wanted to participate in their certification system they would have to accomplish all the requirements. Captain David Ruben noted that it mirrored the 1033 standard. He said the minimum 472 awareness level was in the 1033 standard. Chief Pace asked if it was retroactive, if everybody who was currently holding the certification would now have to take FI210. Chief Mulvihill stated that anybody who held an existing certification would still have their certification. He said that anyone coming in now for an investigator's certificate they would specify that standard and addition under that criteria. Dom Cambeiro asked about the duties of a fire investigator. Captain Ruben responded that they had met with the State Fire Marshal training bureau staff and they had talked about trying to incorporate the National Fire Academy regarding the management of arson programs. He said it was currently discontinued but they were trying to get it as a state handoff class at the management or supervisory level. He said it would have to be some type of

testing class so it would meet the IFSAC requirements. Chief Mulvihill thanked the arson investigators in the state as they had put significant time and effort into overhauling the requirements.

**Eric Guevin moved to adopt Provisions to Standard 17.9 as presented by staff. Chair Fogerson seconded the Motion. Motion Carried.**

**XI. Adoption of the National Fire Protection Association (NFPA) 1031 Standard for Professional Qualifications for Fire Inspector and Plans Examiner 2014 Edition.**

**Discussion/For Possible Action**

Prior to the presentation by Bureau Chief Pinkerton, Dom Cambeiro asked if they could adopt changes if the employees were not under their jurisdiction. Chief Mulvihill said that if employees wanted certification they would have to be employed by one of the state agencies. He said they currently had the standard adopted under an older edition and the agenda item before the board was merely updating the addition of 1031 to the 2014 Edition from a 2003 Edition.

**Bureau Chief Dennis Pinkerton**, State Fire Marshal Training Bureau: Stated it was bringing the standard up to date. He said in 2009 there were also some changes. Chief Mulvihill noted he was the Chair of the NFPA Technical Committee. He said in 2009 the documents was overhauled and edited and he provided details. He said that it was still essentially the same document as the 2003 Edition.

Chair Fogerson asked if there was any public comment and there was none.

**Eric Guevin moved to approve NFPA 1031 Standard for Professional Qualifications for Fire Inspector and Plans Examiner for the 2014 Edition. Steve DiGiovanni seconded the Motion. Dom Cambeiro abstained. Motion Carried.**

**XII. Review Nevada State Fire Marshal Division's Activities Since the January 15, 2013 Meeting of the Nevada State Board of Fire Services by Chief Mulvihill.**

**Non-action Item**

**Chief Mulvihill**, Nevada State Fire Marshal Division: Advised that everyone should have a copy of the written update.

- DPS (Department of Public Safety) Officer John Boykin has replaced David Dini's position in Elko. He noted that he had returned to the National Fire Academy for fire investigation, R206 class. He acknowledged the assistance of the local fire folks in Elko who had given Officer Boykin assistance.
- He said they had completed the second offering of the Hazardous Materials Technician course conducted by Signet North America. He noted it was the second one in Elko. He said next year there was one scheduled to be conducted in Las Vegas. He stated that they were receiving excellent feedback from the students and departments. He noted that he was in Elko to view some of the testing and was impressed with the quality of instruction. He said that after Las Vegas interest had been expressed to have the course in Reno, Carson City and Tahoe areas and in Elko again in several years.
- He noted that the packet included a summary of some training bureau activities and statistics.
- He said that a decision was made mid-2013 to take all the people who proctor and evaluate state tests and give them a refresher and bring them up to speed on newer procedures and also focus on the test, the setting in preparation of a room for testing. He said that anyone who was holding a proctor's certificate or an evaluator's certificate prior to 2013 those certificates would no longer be valid as of December 31, 2013 and those parties would have to take the proctor course offered by the Division. He noted that Lori DeGristina was the training officer involved in the process. He stated that they relied on local partners to proctor exams as they had insufficient staff to do all the work and noted the appreciation of the Division. He said that they had a large demand for the Nevada Fire Officers Series to be given in southern Nevada but had subsequently had a poor response and had to cancel the first of the six-course series when only three students signed up. He said the second course also had a poor response but they did go ahead and flew an instructor down from the Reno/Carson area. He said that this was not cost-effective to continue to do that. He indicated that they were reaching out to the Fire Service in southern Nevada. He said that

although they were being asked to provide additional training and courses there had to be a sufficient number of students signing up for such training. He said at the moment the Fire Officer Series in southern Nevada was in jeopardy if people did not sign up. Bureau Chief Pinkerton confirmed the schedules were posted and he said Officer Tom Martinez sends out the notifications weekly for all courses. Chief Mulvihill asked board members to try to get the interest up in their areas.

- He said they had a new format for an intra-state and inter-local agreement. He said it was an item mentioned previously regarding how inspections were done in rural areas. He said they teamed with willing partners and had a number of local agencies. He said they were capable and competent people and there was no reason why an additional inspector from the state was needed. He said the inter-local agreements would help the Division accomplish their mandated requirements and provide a more responsive service to the local community. He said they had an inter-local agreement with White Pine County as they were their testers and they had done some testing in other jurisdictions. He explained that the agreement was a standard format which would basically not change and attached to that would be a scope of work. He said the scope of work would be a cafeteria plan. He stated it would be what the local jurisdiction wanted to do, would be capable of doing, had the resources to do and that would change for each jurisdiction.
- He referred to the budget and confirmed it would remain the same and was not reduced by the legislature or the governor's proposal. He noted that this would enable them to maintain the same level of service from last year continuing into the current year.
- He said they had entered into a formal agreement with the University of Nevada, Reno (UNR) to address their prioritization of facilities. He said it created a two-way conversation between the university facilities management group and the State Fire Marshal Division to settle on the issues, priorities and organize a roadmap to accomplish those goals. He confirmed that the University of Nevada Las Vegas (UNLV) had approached them for a similar arrangement.
- He commented on the summary of statistics on the Hazmat permits.
- He said they had a formal agreement with the Secretary of State's Office. He said they had a program called SilverFlume which was their business portal on the web. He explained that companies coming into the state and companies renewing licences would use that one location. He said when companies go to SilverFlume to get their state business licence, the site would direct them to other agencies in the event they would have additional permit or licence requirements. He said their licensing system would eventually directly connect but right now it was only providing links to refer applicants to the State Fire Marshal Division. He said eventually it would be one site only at the Secretary of State's site.
- He referred to the Legislative Counsel Bureau's (LCB) fiscal audit and said about every six years it looks at each state agency. He said they were last audited in 2007. He said they began the new audit in February and finished in September 2013. He said the 2007 audit had seven major recommendations. He said they had received the draft audit report and referred members to the letter and section in italics which outlined the recommendations they made. He noted they had made three recommendations. He reviewed the recommendations and stated: for recommendation one they had focused on the Hazmat permit system and he outlined what the auditors had commented on in the 2007 audit and the current situation with more companies coming into the permit system; the second recommendation concerned the information on the Hazmat permits which was difficult to understand and they suggested that the State Fire Marshal Division be more user-friendly in their guidance. He noted that they had committed to overhauling the information and its presentation to the public on the website; and the third recommendation concerned staff. They made several suggestions on how to do some payment reconciliation processes due to staff reductions to ensure proper internal controls. He thanked the LCB auditors for their input.
- He referred to the last legislative session where they had one bill AB 424 which was part of the budget package. He said it was passed and signed by the governor and it allowed for administrative citations and fines by the State Fire Marshal or the State Board of Fire Services. He said that they were in the process of drafting the framework of the regulations, the mechanisms for hearings, and the appeals process. He said the citation spreadsheet now as proposed was blank and he said they would be bringing it to the board for the board, in accordance with the statute, to conduct a public workshop and get input from industry to fill in the fine amounts. He said they would not propose fines but would obtain that from the board and they would solicit the regulated industry for their input.

- He advised that there might be an appeal of action of the State Fire Marshal to be presented to the board at a future special meeting.

Chair Fogerson raised the question of the director of the DPS. Chief Mulvihill noted that in October Governor Sandoval swore in Director Wright as the current director of the DPS. He said moving into the Deputy Director's position was Jackie Muth from the Office of Professional Responsibility (OPR) which is the Department of Public Safety's internal affairs unit. He confirmed that she was the first woman to be deputy director of the department and was an excellent choice for the position.

Member DiGiovanni asked if there was an update on what they were doing with the 2012 IFC and whether they would move forward on adopting a new fire code. Chief Mulvihill responded that they were preparing an update to the NAC Chapter 477 that included updating the codes to the 2012 Edition and also updating the NFPA standards that they had adopted to those currently published by NFPA. He said they were doing a number of changes in their section due to legislation that passed in the last two sessions that would require them to make changes. He said the document was being reviewed by legal staff and was to be filed with the LCB to begin the process. He said once it came out of LCB's initial review they would post it for public workshops and circulating it around the state. Fire Marshal Guevin referred to item nine, and referenced the section mentioning that there were no penalties for failing to enforce permit requirements. He said it sounded like they had good compliance and asked why it was written that way. Chief Mulvihill responded that in the three population cap counties if they had jurisdiction that stated it would not be necessary to go out and obtain state Hazmat permits or require businesses to do that, those businesses could still go to SERC (State Emergency Response Commission) and request grants for planning, training and equipment that were funded by those permits. He said there were no penalties for a jurisdiction to say now we are not going to enforce that part of the regulations. He said he did not have the authority to go into those three counties and enforce those regulations except for state agencies and the Clark County School District. He said the state agencies and the Clark County School District were both up to speed. He said that SERC was now aware of the situation.

### **XIII. Discussion of Issues Related to the State Elevator Inspections Discussion/Non-action Item**

**Eric Guevin**, Fire Marshal and Board Member: Stated that it was a serious, continuing problem in the state. Some of the points raised were:

- He stated that they were not making much ground as a fire service in communications with the Department of Business and Industry (DBI) on the issue.
- He said they had made some headway and it had been approximately a year with talks beginning on December 18, 2012. He said they had discussed problems they were having with the state elevator inspectors going into buildings retroactively requiring fire systems and alarm systems to be changed, insisting that the Fire Service wanted keys for elevators, that smoke and fire doors be removed and with other additional items.
- He said they had discussed their approach in dealing with the consumers which appeared to be a bullying type tactic. He said they were representing themselves as state OSHA which was inaccurate.
- He said they had meetings on February 7<sup>th</sup>, March 28<sup>th</sup>, April 26<sup>th</sup> and six additional meetings.
- He noted that there had been some progress in that they had met with Director Breslow. He said they were invited and he had flown to Las Vegas where they had a meeting with Industry, the director, and third-party inspectors. He said as a result of the meeting they connected with Governor Sandoval's staff. He said the problems had reached a point where the public was upset and they had approached the Governor's Office as a result. He noted that he had met with Jackie Bryant, the governor's chief of staff and he was discussing the issue with her at the same time he had met with Director Breslow in Carson City. He thanked Don Wilkins as he had done a lot of work in the State Fire Marshal's Office capturing the information. He said that there was a report that should go to everyone on the committee which was a summary. He referred to the inspection notices that had previously been given which said that the consumer had to sign it in lieu of a fine or prosecution and noted that the forms had been changed so there was improvement. He said that they were still receiving letters and there was a high school in Incline Village that had doors in front of the elevators. He discussed that issue and also noted there was a business in Sparks where they had removed the fire doors to comply with state elevator inspectors and this caused problems when the City of Sparks inspected the building and it was noted that the fire doors had been destroyed.



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- He noted that there were numerous other complaints. He said that they were asking that the annual fire system testing would have to be done in cooperation with the elevator inspection. This was causing problems as consumers were doing the fire inspection and were signed off but when the elevator inspection was being done they insisted that the fire inspectors must be called back. He added that this was creating huge costs to some rural companies.
- He said in the meeting with Director Breslow they had discussed the enforcement of code. He said they were going back retroactively and causing systems to be altered and adjusted. When asked what code they were under they responded the most current code. He said they had made changes where they could adopt code as it was published or the most current code. He said there was a process for them to do it but they had just adopted it without notification or any community comment or involvement.
- He said he wanted the board to be aware of the situation. He said it was affecting both elevators and boilers which both affected the State Fire Marshal Division. He recounted several examples of consumers having issues with elevator permits not being issued very late in the building process so were not reviewing building plans properly ahead of time. He also discussed power shunts.
- He stated that they needed to take some kind of action. He said it could be discussed today and agendaized it for a special meeting in the future. He thought they needed to be aggressive in dealing with it.

**Bureau Chief Don Wilkins, State Fire Marshal Division:** Stated that he wanted to clarify the role of the State Fire Marshal in the process. He said they were a state agency that was attempting to reach out to assist another state agency. He said that he had been in construction code enforcement for the past 16 years so he had worked for agencies that had processes in place. He said he was currently a supervisor of a program that did planned review and inspections. He said he had offered to assist them with their program as had others. He said the State Fire Marshal was also in a situation where they regulated activities within state-owned properties so the State Fire Marshal was also on the receiving end of their mismanagement of their code process when it came to regulating the elevator systems and boiler systems. He described problems with the milk dehydration plan for the Dairy Farmers of America. He commented on the process and how these issues if they were going to raise them should have been caught during the plan review process. He said this increased costs in physical changes and in the delay to the project.

Chief Mulvihill added that they were now coming into buildings with elevators they had permitted for decades and were asking for substantial changes based on new interpretation of codes. Member DiGiovanni asked if there was some sort of overseeing manager over the two departments who could resolve a conflict like this. Dennis Nolan stated that he had jurisdiction over what would happen on state land. He said it affected him when OSHA people showed up at an NDOT (Nevada Department of Transportation) and began enforcing a code they had not legally adopted. He said there was an NRS that was created under SB 40 in the last session that required them to hold public hearings and come to him with their proposed changes when they would adopt new codes. He said they did not do that. He said that there was another NRS that stated when a new NAC (Nevada Administrative Code) is created the agency proposing new codes would have to provide those codes to the Secretary of State's Office and the State Library. He said he went there to obtain a copy of their codes so he could understand where they were coming from. He confirmed they were not there. He confirmed they are enforcing codes they had not legally adopted.

He said during the last meeting he had with the agency their attorney attended. Dennis Nolan suggested that they get the Attorney General involved because there appeared to be a problem which was affecting many people across the north end of the state. He said it seemed to be concentrated in one area so he thought it could be a result of bad management, bad supervision, improper code enforcement and wrong codes being enforced. He said his recommendation was that they needed the Attorney General's opinion about what they had done and to consider whether they were enforcing illegally or not.

He said at the meeting in Las Vegas Director Breslow was appalled at how the code was being enforced and had directed them to stop. He said the issue of the doors and power shunts seemed to be the issues that were sticking with them. He said his recommendation to Governor Sandoval's chief of staff was that they should have some type of advisory board put together that could help them recreate their department as soon as possible. He said Director Breslow had tasked his Deputy Director with the issue. He said they had a new person coming in and perhaps now

was a good time to assist them in that re-creation. He said that Director Breslow wanted three hearings on codes in three areas, north, south and rural.

Chair Fogerson suggested that before the next meeting they should decide what they needed to do with the board and look at their legislative mandate. He said they could provide recommendations to the Governor's Office, to the director of the DPS and to the legislators as well. Fire Marshal Guevin said that there are some 500 elevators in the State of Nevada that have not been inspected and many were in the university system and the legislature buildings. Chair Fogerson suggested that they put this on the agenda as an action item providing an update to ascertain the current position. He asked if he could come up with what he wanted the board to do taking into account the legal mandate of what the board could enforce. He said this should be done as some things could be discussed and they could move on but others were outside their purview. Chief Pace asked if this required a meeting soon. Chair Fogerson responded yes. Chief Tarulli asked Fire Marshal Guevin that if he was the Chair of that working group that he continue working and in addition, every 30 days establish what progress if any was being made by a status report. He thought this should be done monthly to illustrate that progress either was or was not being made. Chief Staci Giomi said he thought the board should draft, recommend and approve a course of action as to what should be done to the governor and Nevada Legislature. He said that he felt that they are compromising the safety of the citizens in the state.

**XIV. Discussion of Local Organization of Fire Prevention Programs Non-action Item**

**Dom Cambeiro**, State Board Fire Service Member: Advised he had some concerns about some local agencies removing the Fire Department Bureau from the oversight of the Fire Department and putting it under the Building Department. He said he was concerned about less direct communication and elaborated. He suggested using the Governor's Office or the legislative path to bring this into alignment. He asked if it could be an action item. Fire Marshal Guevin asked for additional information on the issue. Mike Johnson added that he was not sure how legislation would be received and perhaps they could look at other models and the intent. Dom Cambeiro noted that he would like to participate with whoever was involved in this matter. This would be a possible action item for the next meeting.

**XV. Schedule the Next Regular Meeting of the Nevada State Board of Fire Services**

**Discussion/Possible Action**

Chair Fogerson noted the next standing meeting for June 2014 in Lovelock. A second meeting via telephone could be scheduled to address the elevator mechanic issue and any NAC changes that might arise. Chief Mulvihill stated that they had been able to move some monies from another area and therefore had some funding for travel and the teleconferencing costs.

**Chair Fogerson moved to have the next meeting in June 2014 in Lovelock during the conference followed by a second meeting via teleconference to address the elevator mechanic issues. Seconded Mike Johnson. Motion carried.**

**XVI. Public Comment** – Chair Fogerson noted the following: No action may be taken on matters raised in context with this Agenda item prior to inclusion of the matter itself as an action item on a future Agenda. Public comments are limited to three (3) minutes. Comments will not be restricted based on viewpoint.

Chair Fogerson asked for public comment.

Dennis Nolan thanked Chief Mulvihill for cooperation under SB40 and noted that the working relationship between public works and the State Fire Marshal was never better. He considered it a great team.

Fire Marshal Guevin asked that the board recognize the teacher at Sparks Middle School for his efforts in trying to save students' lives. The Board recognized Michael Landsberry.

**XVII. Adjournment**

**Discussion/Possible Action**

**Elaine Pace moved that they adjourn the meeting. Seconded by Thomas Tarulli. Motion Carried.**

