

The Investigator



I.A.A.I. Illinois Chapter News

2014 - Spring
www.il-iaai.com

President's Perspective

By Greg Gurney, IAAI-CFI, CPCU

Wow, Chris Ward and the northern zone directors hit it out of the park with their inaugural Terrence Hoyle Training Conference. 30 vehicles burned. 30 vehicles investigated. 115 attendees. Great Success. A special note of thanks to the following; Steve Hoyle, Tiffany Koerner, Amy Beasley, Doug Rayburn, Brian Adcock, Shawn Ahearns, Bruce Grafton, Jason Mardirosian, Mike Bacon, Chris Diebold, Russ Nummer, Craig Burgess, Merck, Kevin Smith, Jimmy "the swordsmen" Pioth, Scott Gorecki, and Tom Rafferty. We could not put on the quality of training for a reasonable cost to our members without their many volunteer hours of service.

Next up, Mike Presson and the southern zone. The Buxton/Mazzone Conference will be in Fairview Heights May 15th and 16th. The flyer and registration form are included in this newsletter.

Thank you to everyone who voted in the recent International elections and to everyone who has sponsored a new chapter member. As I am writing this I do not have the final results but I am sure our Chapter flexed its strength again with a large turnout.

Our attention now turns to our Chapters annual conference this September in Champaign. Get it on your calendar and invite a friend to attend too. This year's conference will be at a new hotel and have a slightly different format. Classes will start on Sunday afternoon and go through Wednesday. Be on the lookout for the most recent info in upcoming newsletters and the website.

Hope to see everyone in Fairview Heights this year.

Until then BE FIRE SMART and STAY SAFE.

In Memoriam,

IL Chapter Past President (1988-1992) and Retired Urbana Assistant Fire Chief Robert Pettyjohn passed recently at his home in Hot Springs Arkansas. Chief Pettyjohn was a highly respected member of the Urbana Fire Department who after retirement began serving the Champaign Fire Department as their Deputy Fire Marshal. Under his leadership as president of the Illinois Chapter, IAAI, membership increased and training opportunities improved. Bob was extremely dedicated to the Illinois Chapter, serving two terms as president and remaining active for many years.

He was a leader in public fire safety education who worked tirelessly to protect the citizens of Urbana and Champaign. Robert was part of a team of firefighters who were in the forefront of bringing fire safety programs to schools and businesses in the Urbana community.

Donations can be made to Illinois Fire Service Institute, Firefighter Life Safety Research Fund at <http://www.fsi.illinois.edu/>, under the "Giving" tab, or make checks payable to: University of Illinois Fire Service Institute, ATTN: Business Office, 11 Gerty Drive, Champaign, IL 61820.



(L-R) Benny King, FSI; Robert Pettyjohn, President Illinois Chapter; Mark Blank, Loss Prevention Specialist Factory Mutual Insurance; Fred Lauher, Conference Chairman

NORTHERN ZONE REPORT

Northern Zone Director Chris Ward, IAAI-CFI, CFEI, CVFI T/E Committee Co-Chair

Greetings from the Northern Zone,

By the time of this newsletter printing, the annual Northern Zone conference has come and gone. I would like to take this opportunity to thank all the members of the Northern Zone T/E committee for your hard work and dedication in making this seminar possible and such a success. This seminar was no easy task, with all the logistics that go into a training seminar like this. Please find listed below the members of the Northern Zone Training committee.

Northern Zone T/E Committee:

Steve Hoyle, Tom Wegner, Craig Burgess, Kevin Smith, Pat Kane, Tiffany Koerner, Guy Maisonneuve, Scot Gorecki, Shawn Aherns, Jim Pioth, Dan Mullner, Chris Diebold, Brian Adcock, Tom Rafferty, Sean Merck, Jason Mardarosian, Doug Rayburn, Russ Nummer , Bob Lergner and Bruce Grafton

Special Thanks to Amy Beasley from the Southern Zone T/E Committee for all her work and dedication!

On March 25-26, the pre-burns for the class were conducted with numerous members of IASIU representing State Farm, American Family, and GEICO attending. It was a great opportunity to showcase our chapter and make new friends. A total of 30 vehicles donated by West & Sons Towing were burned in preparation for this seminar. 120 students from across Illinois and Indiana attend the seminar held in Mokena / Orland Park, IL on March 28-29, 2014. A big Thank you goes out to IAAI Director Barry Grimm and Capt. Chris Elrod for being our instructors for our seminar, you guys never disappoint.

On June 11, 2014 the IL-IAAI will be co-hosting an Advanced Report Writing and CV class at College of Dupage. Please check the IAAI website for further details.

Also the Troy Fire Protection District and Orland Fire Protection will both be holding the fire investigation modules this summer and fall, please check the IFSI website for details and to sign-up.

Stay safe and we look forward to seeing you at one of our many seminars. Take Care

Photo right, CIFIA Seminar

CENTRAL ZONE REPORT

Central Zone Director John Knapp, C.F.I.



Greetings from the Central Zone. The Central Illinois Fire Investigator's Association Seminar in East Peoria, IL was held in March and it was a great success. Three excellent instructors, Mr. Jeff Knauer of the Illinois State Police, Mr. Jamie Novak of the St. Paul Fire Department and Novak Investigations, and Mr. Todd Metzger of Schaefer Engineering presented the group with up to date information on multiple topics. Congratulations to the CIFIA board and conference committee on another job well done with both the instruction and the facilities. Stay tuned for another great lineup for next year's seminar at www.cifia.com.

The Northern Zone also presented a vehicle fire seminar in Mokena, IL in March which was a great success. Instruction provided by Mr. Barry Grimm and Chris Elrod was entertaining and shed new light on the challenge of vehicle fire investigations. Kudos to the Northern Zone Training Committee for being able to deliver a quality, hands-on, two day seminar including 30 vehicle fire scenarios.

The Southern Zone is hosting their annual seminar on May 15 & 16 at the Four Points Sheraton in Fairview Heights and lineup of speakers are top notch. Please review the registration form in this issue for further information.

The Chapter Seminar is scheduled for September 7-10 in Champaign, IL and will be held at a new location, The Hilton Garden Inn, across the street from the former location. At your request the training and education committee has adjusted the dates of the seminar from the former 5 day format to a 3 day format in anticipation that it will make work arrangements easier for attendees. Please provide the Chapter board your input regarding this new format at the conclusion of the seminar. Details of the seminar are available at our website www.il-iaai.com and we hope to see you there. Until next time, be safe!



SOUTHERN ZONE

Amy Beasley, Midwest Fire Consulting Group

“Learning is finding out what you already know. Doing is demonstrating that you know it. Teaching is reminding others that they know just as well as you. You are all learners, doers, and teachers.” — Richard Bach, *Illusions: The Adventures of a Reluctant Messiah*

Again we start with a quote, as has become the Southern Zone ice breaker. This quote reminds us all that we have something to learn, something to teach, and something to contribute, which brings us to the 2014 Buxton/Mazzone 6th Annual Training Conference.

The Southern Zone is excited about this year’s conference topics and projected attendance numbers. You will find the Buxton/Mazzone Fire Investigation Training Conference at the Four Points Sheraton, 319 Fountains Parkway, Fairview Heights, Illinois on May 15 – 16, 2014.

The topics being covered this year are Explosions and Case Studies, presented by Investigator Jack Malooly, MIFireE, of the NICOR Gas Company, Combining Fire Science, Circumstantial Evidence, and Logic: NFPA 921, Legal Precedents, and Common Sense, presented by Senior Investigator Rob Helmkamp of ACS Investigative Services, and Attorney James DeFranco of DeFranco and Bradley, P.C. and Detecting Deception in Interviewing, presented by Special Agent Walt Waggoner of the National Insurance Crime Bureau.

In addition to terrific topics the IL-IAAI will be hosting a hospitality dinner, allowing conference attendees and a guest to mingle and get to know others in their field. The food will be provided by Mr. BBQ and the company is even better.

Some exciting changes have been made to the way the IL-IAAI is performing testing and continuing education certificates. The chapter has partnered with IAAI to have all of the testing and certificates issued through www.CFitrainer.net. This allows for conference attendees to have access to their certificates at their convenience.

As always the Southern Zone Board is looking for suggestions and ideas on training topics or needs. We encourage all of our members to get to know your board members and let them know if you have specific training needs or ideas so we can initiate a discussion with the T & E Committee to identify and meet these needs. The IL-IAAI members are the reason we are here. Let us help you by providing input regarding your needs and wants.

In closing, we are excited about the upcoming Buxton/Mazzone Conference. We look forward to record breaking attendance and exciting topics. With the updated NFPA921 being issued this year, this will be a valuable conference to everyone involved in fire related fields. Get your registrations in early and plan to attend an educational and fun conference. If you have any questions, do not hesitate to contact or email Amy Beasley at 618-687-4900 or abeasley@midwest-fire.com.



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NEWS FROM OSFM

By Chris Valentine
Illinois State Fire Marshal/Arson Division

Greetings from the State Fire Marshal's Office. As some of you already know, on Feb. 28th Arson Investigator Larry Fally retired from the State Fire Marshal's Arson Division. Larry was a very good investigator and he will be missed. We would like to wish Larry and his wife Dee a wonderful retirement.

We received word that Arson Investigator Jeff Pride was selected as "Investigator of the Year" by the International Association of Arson Investigators and will receive his award at the IAAI Conference in Las Vegas April 13-18, 2014. Congratulation to Jeff on a job well done and I would also like to thank Greg Gurney, Mike Deckelman and Dan Ellis for all their assistance and guidance.

We are also busy getting ready for the State Farm Canine Recertification June 1-4, 2014. The State Fire Marshal's Office is hosting the event here in Springfield and we expect around 30 canine teams from all over the United States to participate. Speaking of canines, Greg Vespa will be leaving April 11, 2014 to go to Maine to start training with his new canine partner. Greg's canine retired a few months ago and with the new addition we will have six canine teams throughout the state. We are looking to possibly fill another canine position sometime next year.

That's about all from here, if the State Fire Marshal's Office, Division of Arson, can help you in any way don't hesitate to give us a call and as always be safe.



INTERNATIONAL UPDATE

By Joe Mazzone

IAAI ITC - Looking forward to the IAAI International Training Conference in Las Vegas April 14-18. I hope to see a good representation of Illinois members there for the cutting edge training as well as for the networking, the fun and the \$49 rate for the room.

NEXT YEAR the ITC will be at the Hyatt O'Hare in Rosemont toward the end of May. Start making your plans now.

CFITRAINER.NET has now provided more than 1 million hours of online instruction in fire investigation. The coursework is free and certificates are issued upon successfully passing the tests. These hours count toward IAAI-CFI and recertification. The program is mostly funded by a federal grant, and it's tense every year waiting to find out if the money is going to be received, cut or discontinued. The cfitrainer.net website has been modified so that donations may be accepted, and I think we all need to support this most worthwhile program. Check out the brand new module, Residential Electrical Systems, and while you're there think about giving \$20 toward keeping it going.

DEAD AGAIN - The name change issue has been debated ad nauseam and was voted down - again. This comes up every few years. It was decided that 65 years of name recognition for our good work should be kept alive, especially since there are so many other groups with similar acronyms. The International Association of Arson Investigators will begin using a tagline that shows we're about more than just arson, something like: IAAI - Training the World in Fire Investigation.

GOOD REPORTS about the Northern Zone car fire class. Our Training and Education Committee works hard and really does a great job. Keep it up.

We'll have more to report after the Annual General Meeting April 15.

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CIFIA Seminar Photos



Terrence Hoyle Seminar Photos



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Room Rates \$90.00 per night . One breakfast ticket provided per room.

Please indicate you are with the Illinois Chapter—IAAI to ensure discounted rate. Discount rate only guaranteed until April 14, 2014.

Cost of Attendance:

Members—\$75.00/\$80.00 at door

Non-Members—\$100.00/\$105.00 at door

Complimentary Hospitality Dinner Hosted by the IL-IAAI on May 15, 2014 at 5:00 p.m.

Mr. BBQ will be providing the food.

Conference Focus and Schedule:

May 15, 2014—0800—1200—Investigator Jack Malooly, MIFireE, NICOR Gas Company, - Explosions/Case Studies

Mr. Malooly retired as a Senior Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives after 31 years of service. He has a BA in criminal justice and several credit hours in fire science courses. He has over 30 years experience in the investigation of incidents involving accidental and industrial explosions and has taught explosion classes internationally. He currently owns his own consulting company and is the expert consultant for a local gas company.

This class will focus on types of explosions, which will include basic explosion theory, factors in controlling types of explosion damage, fuels commonly involved, dust explosion hazards, and methods to mitigate dust explosion potential. Additionally, he will provide information on current types of improvised or homemade explosives and assessment tools for first responders to determine what type of explosion occurred. Cases will be studied to enhance the content of the program.

May 15, 2014—1300—1700— Rob Helmkamp and James DeFranco—Combining Fire Science, Circumstantial Evidence, and Logic: NFPA 921, Legal Precedents, and Common Sense

Mr. DeFranco is the president of DeFranco & Bradley, P.C. in Fairview Heights, Illinois. He graduated from Southern Illinois University of Law in 1981 and concentrates his practice in representing insurers and small and large companies. He is the author of Examinations Under Oath. He has tried over 85 jury trials. Rob Helmkamp is a Senior Fire Investigator with ACS Investigative Services. He graduated the University of Central Missouri in 1994 and served as a police officer for several years. He has conducted more than 1,600 origin and cause investigations and provided expert testimony on numerous occasions.

This program will discuss the current edition of NFPA 921, the role of both scientific and circumstantial evidence in fire cases, as well as the interplay between NFPA 921 and the legal precedents as they relate to modern day fire investigation and litigation.

May 16, 2014— 0800—1200—Walt Waggoner—Detecting Deception in Interviewing.

Special Agent Waggoner has been with the National Insurance Crime Bureau since 1993 and retired from the St. Louis Metropolitan Police Department after 25 years of service. He served as uniform patrol, undercover agent, and has conducted numerous investigations for NICB in the crimes against property division, major theft and fraud, and auto theft. He teaches at multiple police academies and currently serves on several federal and state white collar crime task forces and a member of several industry associations.

Special Agent Waggoner will be providing instruction on detecting deception in interviewing, outlining the difference between hearing and listening, identifying blockers to concentration, as well as things to listen for during phone interviews, phrases that contain potential fraud. The objective will be to improve investigative listening and writing skills.

Disclaimer: No liability is assumed by the IL-IAAI for changes in program content, speakers, or venue. The speaker's presentation and content of his program is the responsibility of the individual instructor and not necessarily endorsed by any of the persons or organizations associated with this seminar. The IL-IAAI reserves the right to cancel, alter, or substitute any class or instructor without advanced notice.

For More Information

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This is an advertisement for the IL-IAAI Training Conference. If you wish to have your name removed from our mailing list and no longer receive notices of upcoming conference dates please, [click here](#).

International Association of Arson Investigators

Illinois Chapter

6th Annual Buxton/Mazzone

Fire Training Conference

May 15-16, 2014

In Cooperation with the Illinois Fire Service Institute



Registration Form



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E-mail - abeasley@midwest-fire.com

Registration Fees:

- IL- Chapter Member - \$75.00
- Non-Members - \$100.00
- Pay at door \$5.00 surcharge -\$80.00/\$105.00
- Direct Bill

OR:

*Cancellations subject to 50% fee if received after April 15, 2014.
No Refunds will be made for any cancellations received after May 1, 2014.
Substitution of registrants will be allowed only with prior notification of substitution.*

For more information, please call or visit our website at www.il-iaai.com



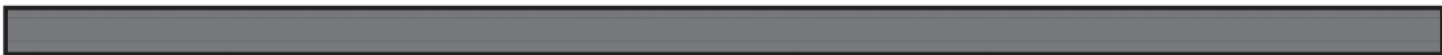
The Illinois-IAAI is hosting a hospitality dinner. Food will be provided by Mr. BBQ. We are looking forward to seeing everyone there! Please indicate if you will be attending and bringing a guest.

I am attending the hospitality dinner on 5/15/14 I am bringing a guest to the hospitality dinner

I will not be attending hospitality dinner on 5/15/14 Guest Name _____



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Insurance Angle

By James E. Defranco & Ginny Huot

Ginny graduated Magna Cum Laude from SIU School of Law in 2013 and joined D & B as an associate after graduation. She was the student leader of the Mock Trial Team

PLACING CONDITIONS ON THE INSURER'S RIGHT TO DEMAND AN EXAMINATION UNDER OATH

Insureds and their counsel have attempted to avoid compliance with an insurer's demand that the insured submit to an examination under oath. Insureds and their counsel have a variety of reasons to avoid the examinations. In some instances, the insured is the subject of a criminal investigation and may not want to submit to an examination for fear that the prosecuting authority will obtain a copy of the transcript, providing the prosecutor with information he or she might not otherwise have. The insured may wish to delay the examination until memories of other witnesses fade or physical evidence disappears. Whatever the reason, counsel for insureds have invented a variety of excuses or delay or avoid the examination

One approach insureds and their counsel have used to avoid producing an insured for an examination is to demand that the insurer produce information to the insured before the insured submits to an examination under oath. The courts have repeatedly rejected such excuses. An insured cannot demand that the insurer produce a copy of the insured's previously recorded statements before submitting to an examination. *Brizuela v. CalFarm Ins. Co.*, 116 Cal. App. 4th 578, 589, 10 Cal. Rptr. 3d 661, 669 (2004); *Karamanoukian v. United Financial Cas. Co.*, 2013 WL 4149260 *3 (Cal. App. 2nd Dist. 2013). An insured cannot demand that the insurer provide reasons supporting its demand for an examination under oath with evidence supporting a reasonable suspicion of arson before agreeing to appear for an examination. *Trayhan v. Fire Ins. Exchange*, 179 S.W.3d 669, 674 (Tex. App. Beaumont 2005).

The Sixth Circuit United States Court of Appeals recently rejected what might be viewed as one of the boldest attempts by an insured to avoid an examination under oath. In *Lester v. Allstate Property & Cas. Ins. Co.*, 743 F.3d 469 (6th Cir. 2014), the insurance company demanded that the insureds submit to an examination under oath. The insureds responded by advising that they would only submit to examinations if the insurer "first showed them its investigation files." 743 F.3d at 469. The insured declined to do so and denied the insured's claim. The insureds filed suit and the district court entered summary judgment in favor of the insurer. In affirming the district court's entry of summary judgment in favor of the insurer, the court noted that nothing in the insurance policy required the insurer to hand over its investigation file to the insured before demanding an examination under oath. In responding to the insured's argument that the insurer had an implied duty of good faith that required each party to honor the party's "reasonable and contractual expectations" and that the insurer breached that obligation by failing to hand over its investigation file, the court reasoned:

The point of an examination is to allow insurance companies to sort out fraudulent claims from honest ones, exorbitant claims from accurate ones. Telling the policyholder what the investigation has already uncovered undermines that purpose, as it would allow the policyholder to tailor her answers to the facts already discovered by the company. Suppose the insurance investigator suspects arson. And suppose his investigation uncovered a potential source of the arson or disclosed that the policyholder had moved some items out of the house shortly before the fire. That is useful information, particularly for a policy holder suspected of fraud. Alerted to these suspicions, the policyholder could shape her answers accordingly.

743 F.3d at 470. The court relied on a Tennessee state court opinion that held that "avoiding fraud justifies preventing a policyholder from learning what her husband has said in his examination" and thus avoiding fraud also justified preventing a policyholder from learning what the company has already uncovered in the investigation. (743 F.3d at 470, citing *Shelter Ins. Cos. v. Spence*, 656 S.W.2d 36, 38 (Tenn. App. 1983).

As the public and the courts become increasingly aware of the burden placed on society by fraudulent insurance claims, and the dangers faced by firefighters, adjacent landowners, and the public in general by arson fires, the courts appear to be increasingly supportive of insurers' attempts to ferret out fraud. The recent decisions are a welcome and refreshing reassurance that the courts will not permit insureds and their attorneys to engraft provisions in the policy of insurance that will thwart the efforts of insurers and their special investigative units to combat fraud.

Cory W. Reeves, CFI



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Illinois Fire Service Institute Fire & Arson Investigation Program

Central Zone Director Eddie Bain

The Illinois Fire Service Institute at the University of Illinois serves at the statutory State Fire Academy for Illinois. Part of the responsibility of the Institute has long been to provide the entry level foundational training for fire and arson investigators. The Office of the Illinois State Fire Marshal established standards that must be met in order to obtain the Fire Investigator certification it offers. IFSI provides a training opportunity to meet those standards. To that end IFSI developed, years ago, a three week, 120 hour program based on two internationally published documents; NFPA 1033 “Standard for Professional Qualifications for Fire Investigator” and NFPA 921 “Guide for Fire and Explosion Investigations.”

The IFSI program also mirrors the National Fire Academy’s two week program offered at its campus in Emmittsburg, Md. but expands by one week the learning experience by offering additional topics beyond the NFA program. The IFSI program consists of three modules, often referred to as the “Mods.” The student text book for the program is the Jones & Bartlett “Fire Investigator: Principles and Practice to NFPA 921 and 1033”, 3rd Edition. The text is designed as a guide to 921 covering information from all 26 chapters in the 921 document. The IFSI program encompasses all 26 chapters of 921 in an effort to provide a new investigator a foundation upon which to adequately conduct a quality fire or explosion investigation. IFSI Investigation staff and instructors have also long relied on “Kirks Fire Investigation” as a main additional resource for classes.

The three weeks are structured according to the chapters in the text book, practical “hands on” activities and exams as shown below:

Module	Module 2	Module 3
Chapters 1-12	Chapters 13-20	Chapters 21-26
Practical Activities	Practical Activities	Practical Activities
Exam	Exam	Exam

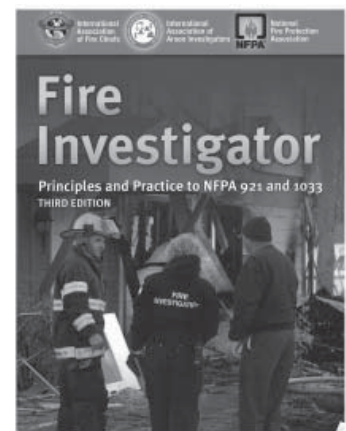
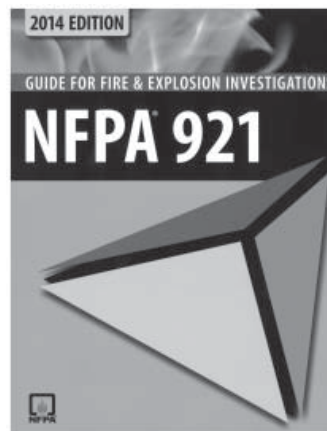
The Investigation Instructors are the heart of the program and bring many years of experience to the classes and also provide teaching techniques that have proven to be widely accepted by and beneficial

to students. IFSI Field Staff Instructors instruct all components of the program and are supported by staff from all the following areas.

- State Fire Marshals
- Public Sector Investigators
- Private Sector Investigators
- States and District Attorneys
- Insurance Company Personnel
- State Police Crime Lab Technicians
- Firefighters, Company & Chief Officers

In an effort to stay current with a variety of standards, scientific research, legal decisions and applied resources the IFSI Fire and Arson Investigation Program has changed often and has thus become a very dynamic effort.

Course Module descriptions, dates, locations and other class details can be found by searching the “Search/Enroll” tab on the Illinois Fire Service Institute web site at www.fsi.illinois.edu. I’m also glad to answer questions or provide additional support. Feel free to email me at edbain@illinois.edu or telephone me at 217-333-9014.

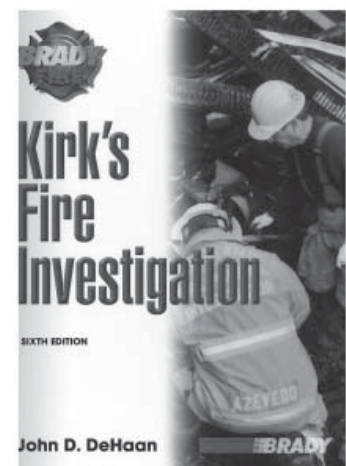


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The Investigator



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Fire Alarm Recall



Google-owned 'Internet of Things' vendor Nest has withdrawn its Wi-Fi enabled fire alarm from sale after discovering how it could be accidentally switched off.

The Nest Protect Smoke + CO Alarm speaks to warn users of rising carbon monoxide or smoke levels, is WiFi compatible and it lets users silence it by waving their hand at it from two to eight feet away. The latter is the reason why Nest is switching the feature off, pulling the devices from sale and offering refunds to customers who want to get rid of them.

In a letter sent to customers, Nest Labs CEO Tony Fadell said: "At Nest, we conduct regular, rigorous tests to ensure that our products are the highest quality. During recent laboratory testing of the Nest Protect smoke alarm, we observed a unique combination of circumstances that caused us to question whether the Nest Wave (a feature that enables you to turn off your alarm with a wave of the hand) could be unintentionally activated. This could delay an alarm going off if there was a real fire.

"We identified this problem ourselves and are not aware of any customers who have experienced this, but the fact that it could even potentially happen is extremely important to me and I want to address it immediately.

"We feel that the best and safest thing to do is to immediately disable the Nest Wave feature to resolve the issue and remove any safety concerns. While we fix Nest Wave, we have also halted sales of all new Nest Protect alarms to ensure no one buys an alarm that needs an immediate update."

Fadell says that once a solution has been found, Nest will update its software to turn the feature back on. He estimates it will take at least 'two or three' months of testing and to receive approval from safety agencies in the UK, US and Canada.

"We're enormously sorry for the inconvenience caused by this issue," he added. "Please know that the entire Nest team and I are focused on fixing this problem and continuing to improve our current products in every way possible."