

The Investigator



I.A.A.I. Illinois Chapter News

2016 - Winter

www.il-iaai.com

PRESIDENT'S PERSPECTIVE

By Thomas Wegner, IAAI-CFI

To start with, I would like to wish a safe and happy 2016 to you and your loved ones. Too often we concentrate on the things that do not go our way but it is this time of year when we are grateful for all we do have to be thankful for.

Unfortunately, this is also the time of year when we tend to be quite busy with holiday related fires. Whether it is the dreaded Christmas tree or space heater fire, we find ourselves in "ice castles" chipping away at frozen debris in an attempt to determine the origin and cause of the tragedy.

This is also the time of year we view as a new beginning or fresh start if you will. That is never been more fitting than for the training and events planned for this year.

- At the time this is published, the Terrence Hoyle Training Conference was held at a new venue in Hoffman Estates.
- The Chapter is proud to support the Central Illinois Fire Investigator's Association's Annual Conference to be held March 11th-13th in East Peoria.
- Mark your calendar for April 8th for a joint training event held in Orland Park with our IL Chapter, IASIU, NSPII and NASP geared towards insurance professionals and aspects of fire investigation.
- On May 19th and 20th, the Buxton-Mazzone Conference will be held in Fairview Heights area at a new venue with plans for live burn cells, 1033 standards and a juvenile fire setter's presentation.
- During the month of June, instructors from the IL Chapter will assist with Fire College at IFSI.

- This year's state Annual Training Conference will be held at the Hilton Gardens/Homewood Suites September 25th-28th in Champaign with tentative plans for a live hands on exercises including investigating a fire from suppression to the courtroom and everything in between. The final details are being coordinated with our great partners at IFSI, Urban FD, and a few other entities that may surprise you.
- If that was not enough for a full year's worth, there is an Evidence Technician's Class for certification planned in October with details to follow.
- There will also be an IAAI Courtroom Testimony Class within the state to meet the requirement to challenge the CFI exam with details to follow.
- Finally, we are planning a free 8 hour training class to be held in each Zone on various relevant training topics. The dates and times will be finalized soon.

As a reminder, on August 26th the Annual Terrence Hoyle golf outing will be held at Green Gardens Country Club to benefit Camp I Am Me and the courageous young boys and girls who have suffered both mental and physical damage as a result of fire. Steve Hoyle and his brother Patrick will be our gracious hosts for this worthwhile and wonderful event.

Finally, please visit the Chapter's new and improved website set to launch within the first quarter of 2016. Director Craig Burgess and Secretary-Treasurer Shawn Ahrens have put in countless hours to make the website more functional and user friendly. So visit www.il-iaai.com and check it out. Until we speak again, be safe and take care of yourselves.

NORTHERN ZONE REPORT

By Northern Zone Director Guy Maisonneuve IAAI-CFI

Greetings from the Northern Zone. Pat, Craig, and I hop everyone throughout the state and beyond had a Merry Christmas and better yet a happy New Year. I know most of us made some unattainable new year's resolution. Let's see, lose weight, eat healthier, and save money. Well, if you were a lucky enough to win the huge jackpot in the Powerball you would not be reading this, and since you are, you must not have won. Expect some great changes for 2016, like your new Illinois Chapter's website that's coming soon. Brother Craig has been working very hard and pulling what's left of his hair out. This new and improved website will give you better access to the most up-to-date training. Speaking of training for 2016 the training committee has been working hard lining up training throughout the year all over the state. Another source for training info is the Illinois Chapter's Face book Page.

- Northern Zone January 21-22 2016 Hoffman Estates
- IL-IAAI / IASIU / NSPII / NASP Joint Insurance Training April 8, 2016 Orland Park, IL
- Southern Zone Seminar May 19-20 2016 Fairview Heights Area (Local Fire Department hall)
- IFSI Fire College (June 2016 requesting 2-12 hrs blocks)
- Terrence Hoyle Golf Outing August 25, 2016 Green Garden CC Monee, IL
- IL-IAAI Annual Training Conference September 25-28 2016 Champaign, IL

TBA Classe:

- IAAI Evidence Collection Class October 2016 Location TBA
- IAAI Courtroom Testimony class TBA
- Northern Zone 1 day free class TBA
- Central Zone 1 day free class TBA
- Southern Zone 1 day free class TBA

I want to thank Tiffney for the time and effort that she has put forth as the Secretary/Treasurer. Tiffney stepped down for personal reasons and Shawn Ahrends has stepped up to fill her shoes.

I have had the great pleasure to become the committee chair for the awards committee. I am honored and grateful that President Wegner had confidence in me as the committee chair. As you know the deadline for submitting Nomination will be August 20, 2016. Please complete the Nomination Form that will be in this news letter, And soon on the website.

Thank You For all you do to support this great organization.

CENTRAL ZONE REPORT

By Central Zone Director John Knapp IAAI-CFI

Greetings from the Central Zone. The Illinois Chapter Training and Education Committee are at work developing the training schedule for 2016. Already in place are the following:

- IL-IAAI / IASIU / NSPII / NASP Joint Insurance Training April 8, 2016 Orland Park, IL,
- Southern Zone Seminar May 19-20, 2016 Fairview Heights,
- IFSI Fire College June, 2016


- Terrence Hoyle Golf Outing August 25, 2016 Green Garden Country Club in Monee, IL
- IL-IAAI Annual Training Conference September 25-28, 2016 Champaign, IL

The Central Illinois Fire Investigator's Conference is scheduled for March 11-13, 2016 at the Stoney Creek Hotel and Conference Center in East Peoria. Registration forms will be sent out by the time you receive this newsletter and can also be accessed online at www.cifia.org.

For the 25th anniversary of the conference, Dr. John D DeHaan PhD, FABC, CFI,CFEI, FFSS, FSSD will be the main presenter. Dr. DeHaan is an internationally recognized forensic science expert and author of Kirk's Fire Investigation which is one of the leading textbooks in the field of fire investigation. He also is a principal member of the NFPA 921 Technical Committee on fire investigation with more than 40 years experience. Dr. DeHaan plans to provide you insight on fatal fires, NFPA 921, and current trends in fire investigation. We hope to see you there.

As you can't miss in each issue of this newsletter there are numerous opportunities throughout the state (and country) for continuing education. Whether or not you choose to attend the annual Illinois Chapter seminar or sponsored seminars which are held in the Northern, Central, or Southern Zones, I suggest that you try to plan ahead to attend at least one or two. You will find that the instructors are second to none and the networking opportunities with other agencies will be beneficial.

Last but not least give www.CFItrainer.net a try and you will find another great opportunity to learn.Until next time, Be safe!



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SOUTHERN ZONE

By Southern Zone Director Greg Vespa

Southern Zone T & E Chairman

I hope everyone had a wonderful Christmas and the New Year has brought a nice close to 2015 and some rejuvenation with 2016 ahead. As your newest Director for the Southern Zone, I would first like to thank everyone for your support and confidence in electing me to serve in this capacity.

I look forward to this new venture and I am committed to providing the Southern Zone with outstanding training and helping move the Illinois Chapter well into the future.

The 2016 Buxton/Mazzone Southern Zone Training Conference is scheduled for May 19th and 20th, 2016 in Swansea at the Swansea Improvement Association's Banquet Hall. While we are in the early stages of this year's Conference, everything is flowing well and I believe this year's topics will be well received and enjoyed by all. Please find the Conference Flyer on page 6 of this newsletter.

As you may have noticed this year's Conference location has changed. At the direction of the Board of Directors and T & E Committee, all Zones have been asked to find alternate venues due to the extraordinarily high costs associated in using the Hotel/Conference Centers. This change is focused on the Zone Conferences only and will not effect the Annual Training Conference in Champaign, with the idea of spending the money saved on top line instructors for the training we provide.

Additionally, we are in the process of sponsoring a couple one day "FREE" classes in the Southern Zone, the first being a vehicle fire investigation class, which will be in Mt. Vernon a little later in the year. Mt. Vernon FD and their Investigation Team, led by Shane Emrich will be sponsoring this class, with a tentative location at the Mt. Vernon Airport. Further details will be forth-coming.

A second class is also in the works but has yet to be planned. We will keep everyone informed as it progresses. As most of you know the State Fire Marshal's Office bid farewell to three of our Southern Illinois Investigators at the end of last year. On behalf of the IL IAAI Chapter and the Southern Zone, I would like to wish our three latest retirees, who I had the pleasure of working with for the last nine years in this area, a wonderful and prosperous retirement. Agents Dave Bandera, Tony Ventimiglia and Bruce Dahlem all three hung up their Investigator's boots and are spending some well-deserved time with family and friends. Best wishes to all three.

As I mentioned above, we have some great vision for the future for the Southern Zone and strive to provide the best training possible. With that being said I would like to invite

any and all suggestions for training classes that you would like to see, as well as sponsoring Agencies in Southern Illinois.

All suggestions and ideas will be discussed and everything will be done to provide the training you request. Please feel free to contact any of your Directors with questions or suggestions; Cory Reeves - creeves@il-iaai.com, Mike Presson - mpresson@il-iaai.com, or Greg Vespa - gvespa@il-iaai.com.

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NEWS FROM OSFM

By Chris Valentine

Greetings from the State Fire Marshal's Office. I hope all of you had a safe and happy holiday season.



Well it looks like winter has finally hit us, with that in mind we need to be careful with our home heating equipment. Did you know that heating equipment is one of the leading causes of home fire deaths?

- Keep anything that can burn at least three feet away from the furnace, fireplace, wood stoves or space heaters.
- Never use your oven to heat your home.
- Have heating equipment and chimneys cleaned and inspected every year by a qualified professional. And always make sure to turn portable heaters off when leaving the room or going to bed.
- Remember half of home heating fires are reported during the months of December, January and February.
- And always make sure you have a working smoke and CO detector.

Well that is about all from here, be safe and I will see you at the conferences.

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successful year



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INTERNATIONAL REPORT

by Joe Mazzone, IAAI-CFI

The IAAI International Training Conference in Rosemont was a huge success. Great location, good classes and good friends, old and new. The 2016 ITC will be held in Orlando, then back to Las Vegas in 2017. Those two sites are permanent, with every third year a floater. The International made some money this year, but I doubt that we can get it back here until we get the state to recognize our 501(c)(3) tax status. I and several other Board members are putting on the full-court press to have the 2018 meeting around the Midwest or Great Lakes, so keep your fingers crossed. Also, thanks to the members of the Illinois Chapter ITC Committee for all their planning and hard work.

Other than that, not much news to report. The IAAI mid-year Board meeting, which usually takes place in November, is coming up in January. Stay tuned to this channel for that report.

ANCIENT HISTORY – Dan Econ. Looks like there's some space left, so here are some interesting items I came across in a copy of the 1973-1974 IAAI Annual Meeting minutes.

Dan Econ, Director of Investigations for the Property Loss Research Bureau (PLRB), was President of the International at that time, when they were still serving two-year terms. The minutes in those days were typed out in detail and mailed to all – about 1400 – members in a magazine format which included copies of all the committee reports.

One of the committees was called the "Riots and Civil Disturbances Committee. Congress had passed the Federal Riot Reinsurance Act, under which insurance companies could recoup their losses for fires occurring during civil disturbances. Yeah, the insurance industry has always had some pretty potent lobbyists.

Anyway, Dan was a colonel in the US Army military intelligence branch. He had a law degree but never practiced, preferring a career in fire investigation. Good thing for us. Dan Econ was responsible for a number of very important innovations in our profession. He

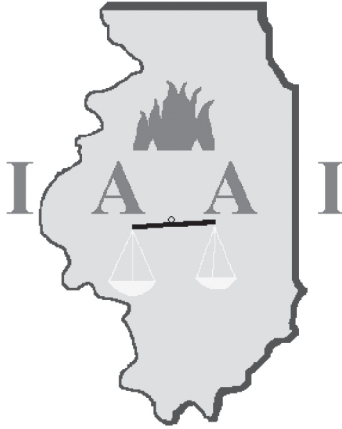
contributed articles and briefed cases for the Fire and Arson Investigator magazine and was a frequent speaker across the country. He authored the standard consent form which many of us still use to this day. Dan was a prime mover in the establishment of the Insurance Committee for Arson Control (ICAC), which was largely responsible for the passage of Reporting/Immunity laws in all 50 states.

As I said, insurance industry does have some pretty heavyweight lobbyists. I'm pretty sure Dan authored the language of the model law. The ICAC, at Dan's instigation, lobbied to have arson reclassified to a Part I crime for the purpose of FBI statistics. Until that happened, no one was collecting any worthwhile numbers that showed the magnitude of the arson problem. Some of these things lead to a number of important changes in fire investigation including tip award programs, accelerant detecting canines and federal grants for increased professional training, among others. The Bureau of Alcohol, Tobacco and Firearms became involved in arson investigation in 1978.

Reading President Econ's letter to the membership on the inside cover of the magazine, I spotted a few nostalgic and sometimes humorous items.

The dues were increased to \$15.00 effective May 1, 1974. The increase was necessary because the Association had voted to hire a full-time Executive Secretary, Bob May. Prior to that, Bob served as Executive Secretary on a volunteer basis in his spare time while he was the State Fire Marshal of Illinois. The 1973 AGM was held in Des Moines, Iowa. One of the items on the agenda was a motion to allow mail balloting, which was defeated. The last interesting item in Dan's letter said that the IAAI was now "actively engaged with the Joint Council of Fire Service Organizations, trying to establish a platform for requirements for fire and arson investigators". Sounds suspiciously like the germ of the concept which evolved into NFPA 1033 several years later.

I knew Dan personally, having worked at PLRB during the last few years he was there. Dan was a very thoughtful and low key guy, I believe a charter member of the Illinois Chapter and a great contributor to the goals and objectives of the international Association of Arson Investigators.



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Greg Vespa gvespa@il-iaai.com 217-306-4191

Thursday, May 19th

8:00 am - 12:00 pm Grinnell Mutual Insurance - Burn Modules - Classroom

12:00 pm - 1:00 pm Lunch - Catered At Hall

1:00 pm - 5:00 pm Grinnell Mutual Insurance - Burn Modules - Practical

Friday, May 20th

8:00 am - 12:00 pm ABRAXAS - Juvenile Fire Setters - Interactive Video Conference

12:00 pm - 1:00 pm Lunch - Catered At Hall

1:00 pm - 5:00 pm Instructor TBA - NFPA 1033 Knowledge Points

GRINNELL INSURANCE BURN MODULES

Grinnell Insurance Company has been presenting their burn modules for several years now and this year we will be fortunate to partake in this very informative live burn training. After a short class room discussion Grinnell will conduct several live burns on site where attendees will witness first hand fire progression and the various aspects that affect the progression from ventilation, fuel load, to the different types of fuel we are confronted with in today's Society.

ABRAXAS

ABRAXAS will present an interactive video conference with several juvenile fire setters, who have all agreed to tell their story and answer any and all questions regarding what brought them to their decisions in the life path they chose. This training has been received very highly and will give attendees an in-depth look into the mind of the juvenile fire setter. ABRAXAS began in Marienville, Pennsylvania over 40 years ago with only one site and only 30 clients. Now, Abraxas Youth & Family Services operates a variety of residential, community-based, alternative education, detention and shelter services across five states.

Instructor TBA

For the last session of our Conference we will cover the various knowledge points listed in NFPA 1033, all of which are required of the fire and arson investigator. This portion of the Conference will cover as many if not all of these knowledge points and focus on where to find them in NFPA 921 or other fire/arson investigative publications.

25th Annual Conference Central Illinois Fire Investigators Association March 11-13, 2016

Look for more Information in the coming Days.

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Speaker
Dr. John DeHaan



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Name of Nominee:

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Award Category (Check One)

Distinguished Team Service Award Outstanding Accomplishment Award
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Please Attach All Supporting Documents, Including and Newspaper Accounts of the Incident.
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Deadline for submitting Nomination: August 20, 2016

Name of Nominator:

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By John Cunningham and Adam Field

FEDERAL DISTRICT COURT VOIDS INTENTIONAL LOSS EXCLUSION IN HOMEOWNER'S POLICY AND CREATES OBSTACLE FOR AVOIDING INNOCENT CO-INSURED DOCTRINE

The overwhelming majority of homeowner's insurance policies contain "intentional loss" clauses that exclude coverage for losses that are intentionally caused by or at the direction of an insured with the intent to cause a loss. This exclusion is generally cited, for example, as the basis for denying coverage in an arson-fraud case. Since the intentional loss exclusion first emerged, there has been a trend to expand the language of this type of exclusion (as well as other, similar exclusions, including exclusions for "concealment, misrepresentation, or fraud") so as to exclude coverage, in the event of an intentional loss or fraud, for any insured under the policy, including innocent co-insureds who do not participate in causing the loss or committing a fraud.

However, in a recent case, *Streit v. Metropolitan Casualty Insurance Company*, 2015 WL 6736677 (N.D. Ill. Nov. 4, 2015), a federal district court in Chicago, applying Illinois law, has held that all intentional loss clauses in Illinois homeowner's insurance policies are void and that other clauses in Illinois homeowner's policies that purport to exclude coverage for innocent co-insureds are probably also void.

The plaintiffs in *Streit* filed suit against their homeowner's insurer after it denied their fire loss claim pursuant to an intentional loss exclusion. Although the insurer did not indicate that it had any evidence that the plaintiffs themselves had set the fire, the insurer pointed to that fact that the plaintiffs' son had pleaded guilty to setting the fire and argued that the policy's intentional loss exclusion was sufficiently broad and unambiguous so as to exclude coverage for even innocent co-insureds. Specifically, the exclusion at-issue in *Streit* provided: "In the event of [an intentional] loss, no one defined as you or your is entitled to coverage, even people defined as you or your who did not commit or conspire to commit the act causing the loss." The insurer raised the issue of the application of this exclusion by filing a motion for summary judgment, and the plaintiffs' attorney filed a cross-motion for summary judgment, arguing that the exclusion did not apply and that the insurer had breached the policy.

Considering both motions, the court first agreed with the insurer that the "policy unambiguously exclude[s] coverage for innocent coinsureds." The court also noted that at least two Illinois appellate courts have previously enforced

similarly unambiguous intentional loss exclusions against innocent co-insureds. However, the court observed that the prior Illinois decisions did not address a novel argument that had been raised in the plaintiffs' motion – specifically, that the intentional loss exclusion was void because it conflicts with the Illinois Standard Fire Policy, which does not contain an intentional loss exclusion.

The court went on to state that, in other contexts, Illinois courts have held that the Standard Fire Policy is deemed to void inconsistent language in a homeowner's property insurance policy. For example, the court cited *Lundquist v. Allstate Ins. Co.*, 314 Ill. App. 3d 240 (2d Dist. 2000), a case where an Illinois appellate court held that a vandalism exclusion in a homeowner's policy, which purported to exclude coverage where the property was unoccupied for more than 30 days, was void because it did not provide the same coverage as provided under the Standard Fire Policy, which excluded coverage only where the property was vacant or unoccupied for more than 60 days.

Relying on these decisions, the court in *Streit* held that because the Standard Fire Policy does not exclude coverage for intentional conduct, the intentional loss exclusion in the plaintiffs' policy was void and denied the insurer's motion for summary judgment. However, the court held short of granting the plaintiffs' cross-motion for summary judgment, finding that an issue of fact remained as to whether the plaintiffs were in fact innocent co-insureds. While the court did not explain why it believed the issue of the plaintiffs' "innocence" was still relevant, in light of the fact that it considered the intentional loss exclusion to be completely void, it is possible that the court believed that coverage for an intentionally-set fire could still be excluded under the fraud exclusion included in the Standard Fire Policy or under some common law doctrine (for example, because an agreement to insure an arsonist would be illegal or violate Illinois public policy). In any event, the decision creates a problem for any clause that purports to exclude coverage for innocent co-insureds, because the exclusions in the Standard Fire Policy, such as the fraud exclusion, are relatively narrow and do not unambiguously exclude coverage for innocent co-insureds.

As a trial court order, the decision in *Streit*, unless it is affirmed by an appellate court, is not binding authority in other cases. Nevertheless, until the issues in *Streit* are addressed by an appellate court, the case will be frequently cited by the plaintiff's bar and will almost certainly be considered persuasive authority in some courts. Accordingly, for the time being, insurers should handle cases with policies that conflict with the Standard Fire Policy carefully and prepare for the possibility that some exclusions may be constricted or rendered void by the Standard Fire Policy.



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The Investigator



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Newsletter Deadlines:
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Drill Master 18-Volt Cordless Drills Recall



Hazard: An internal switching mechanism can become stuck in the “on” position and overheat, posing fire and burn hazards.

Incidents/Injuries: Harbor Freight Tools has received 25 reports of the drill switch overheating, including six reports of burns to the hands and fingers, and five reports of minor property damage.

Remedy: View Details Replace Consumer Contact: Harbor Freight Tools at 800-444-3353 from 8 a.m. to 4:30 p.m. PT Monday through Friday, or online at www.harborfreight.com.

com and click on Recall Safety Information under Customer Service for more information. Consumers can also email Harbor Freight Tools at recalls@harborfreight.com.

Description:

This recall involves Drill Master 18-volt cordless drills with item number 68239 and item number 68287. The drills are black with a red switch and were sold with an 18 volt rechargeable battery pack. Item number 68239 was sold individually and item number 68287 was sold as part of a kit, which included a flashlight. The flashlight is not included in the recall. The item number is located on a black label on the right side of the drill, just beneath the serial number. Drills with item number 69651 and item number 69652 are not included in the recall.

Remedy: Consumers should immediately stop using the recalled drills and return the unit to the nearest Harbor Freight Tools store to receive a replacement drill.

Sold at: Harbor Freight Tools stores nationwide, Harbor Freight Tools catalog, and online at www.harborfreight.com between May 2011 and September 2015 for about \$35 for item number 68239 and \$46 for item number 68287.
Importer(s)