



Fire Marshal's Association of Minnesota

POST INDICATOR



Quarterly Newsletter

June 2003

MESSAGE FROM THE PRESIDENT

By Bob James

I would like to begin this message by THANKING all of you for your support in electing me as the next President of the Fire Marshal Association of Minnesota. I hope I can continue the forward momentum that Jon Nisja had started. His many years of service in key roles of the association greatly assisted in the growth and direction of FMAM. His continued involvement as past president on the board and in training will be needed.

One of the first items I have reviewed with the board and will start is the concept of "What does the members wait from the association and how can we move in that direction." At this membership meeting in June, the board has agreed to look at the association and see where do we go from here. This is partly due to the ongoing self-examination that many of the board members have talked about and which we feel is needed. This is not to say we have identified major problems or even many small ones, but there continues to be a sense of "are we doing everything the members would like to see". To do this review, I have invited and hired an outside consultant to help us facilitate a discussion of the needs of the membership.

The board has determined that this topic is very important and that we have set aside the full meeting to get this project going. The meeting will start at 12:30 PM at Fire Station 1 in Bloomington and it is scheduled to last until the topic is covered or 4:00 PM.

We will need as many members to attend and participate in this program. Your voice, opinion, and suggestions are greatly needed to ensure a success. No specific agenda or topics have been setup. The board has review past discussions, surveys and membership suggest to get it started, but you must be part of the program to make it work.

I hope most of you understand that a review of this type will allow us to meet your expectations, provide direction to the board for guidance into the future, and continue to have an association that makes everyone proud to say, I am a member of FMAM.

See everyone on June 11, 2003. Bob

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**FIRE MARSHALS ASSOCIATION OF
MINNESOTA
Board of Directors – Meeting Minutes
February 12, 2003**

1. CALL TO ORDER:

The meeting was called to order by President Jon Nisja at 9:05 a.m. The following were in attendance: John Powers, Phil Owens, Bill Calder, and Jon Nisja. Website Editor George Magdal was also in attendance. State Fire Marshal Tom Brace joined the meeting late due to a meeting with the new Commissioner of Public Safety. A quorum was established.

- Motion by Calder/Owens to approve the minutes from November FMAM Board Meeting – passed.

2. TREASURER’S REPORT:

Treasurer John Powers reported that the account balance was \$10,026.29. There were 188 paid members for 2002; so far there are 149 members renewed for 2003. The Post Indicator is now being e-mailed to most members; 13 members have elected to pay to have the publication mailed to them.

The recent Fire Protection Standards Seminar produced an additional \$4,120 in income with \$320 that has been invoiced for registrations. This is in addition to the balance shown above. There are also some invoices that have been sent for the December Pyrotechnics Seminar.

- Motion by Owens/Calder to accept Treasurers report – passed.

3. COMMITTEE REPORTS:

Public Fire Safety Education: Bill Calder reported on recent seminar in St. Cloud. Approximately 40 people attended. Next year’s conference will be on Juvenile Firesetting. Committee is still looking for additional Risk Watch sites.

Training and Education: Bob James has recommended a “brainstorming” session with a facilitator to map out future of FMAM. Board was in favor of the concept as long as the cost was reasonable.

Recent Pyrotechnics Seminar brought in approximately \$1,200 in income for the association.

Fire Code Classes: Jon Nisja briefed the Board on the status of the Minnesota State Fire Code – 2003 seminars.

- Motion by Calder/Owens to purchase mailing list from AIA – MN and authorize \$1,000 in mailing and related expenses – Passed.

Residential Sprinkler Task Force: George Magdal reported that St. Paul Home Show is end of February; persons are needed to staff the booth and trailer.

Certification: Phil Owens reported that the “skills” portion is up and operational; preliminary feedback has been positive. The general consensus is that it is not an easy test but it can be done with proper amount of experience and preparation.

Legislation: State Fire Marshal Tom Brace briefed the FMAM Board on a number of legislative items:

- Multi-purpose sprinkler systems under Fire Protection Licensing Statute,
- High-rise retrofit bill is coming back,
- Arson statutes applicable where no damage,
- Fire service pension study,
- Emergency scene slow-down bill.

4. OLD BUSINESS:

Discussed fire code amendments; FMAM will be developing these for sale.

Merchandise Sales: FMAM Board members reported that we were seeking vendors. Some questions were raised as to what our current inventory is. Board discussed other means of promoting the association:

- Motion by Calder/Powers to purchase 480 Post-It pads with FMAM logo and web-site address – Passed.
- Motion by Owens/Calder to pay to have 300 VHS format and 100 CD format reproductions of Fox-9 News programs on fire safety – Passed.

Web-site:

- Motion by Calder/Nisja to pay webmaster \$500 for 2003 – Passed.

5. NEW BUSINESS:

Code Committee Vacancy: Jeff Howe has indicated that he may be called up for active military duty and an alternate person should be appointed to represent FMAM. The Board discussed possible candidates as Jeff's replacement

Annual Election of Officers: The following names have been given to Board members as candidates that may be interested in serving on the FMAM Board: Vance Swisher (Rochester), Ross Parker (Rochester), James Popp (Hutchinson), Keith Flermoen (Maple Grove), Kip Lamotte (New Brighton), and incumbents Robbie Floyd (Secretary) and Phil Owens (Director).

Constitution & By-Laws: Proposal is in front of the membership to reinstate provisions allowing the FMAM Board to appoint persons to fill vacant Board seats. The FMAM Board discussed some other changes that may be necessary to the Constitution and By-Laws. Phil Owens offered to work with others on a committee to review the Constitution and By-Laws and recommend changes for the next annual meeting. Jon Nisja indicated that he is willing to work on this also.

Fire Code Amendments: These will be available for printing and sale soon. Information should be out by the March meeting.

ICC Chapter Status: FMAM received a letter granting ICC Chapter status. Jon Nisja to send letter asking for clarification of benefits to FMAM and obligations for FMAM for ICC Chapter status.

6. ADJOURN:

- Motion by Owens/Powers to adjourn.

Respectfully submitted,

Jon Nisja, President

**Fire Marshal's Association of Minnesota
MEMBERSHIP MEETING
Meeting Minutes – March 12 2003**

CALL TO ORDER: President Jon Nisja called the business meeting to order at 10:40 a.m. at the Bloomington City Hall. Introductions of members were made.

Motion to approve the December 11, 2002 minutes by Jeff Schadegg and 2nd by Vance Swisher, motion passed unanimously.

Treasurer John Powers informed the members the approximate balance is \$18,189.00 with some outstanding debts. Motion to accept the treasurer's report by Gordy Bates and 2nd by Jim Popp, motion passed unanimously.

We currently have 185 members, with renewal coming in regularly.

COMMITTEE REPORTS:

FIRE CODE COMMITTEE: Bob James reported that the Fire Code Committee is working on the 2003 code and comparing the different documents.

LEGISLATIVE COMMITTEE: Bob James reported that the Fireworks Legislation has at least 3 different bills at the moment including a complete ban of indoor fireworks, sprinkler on all "A" occupancies, and fire services repeal of all consumer fire works.

Combination sprinkler systems may still have a chance.

Hi-Rise Retro Fit bill did pass through committee and has a lot of support.

Nothing has been heard on whether 1306 will be signed by the Governor, it remains on his desk.

PUBLIC EDUCATION COMMITTEE: Dan Bernardy informed the members that February's Public Safety Fire Prevention Conference in St.

Cloud was a success. He also updated the members on the Risk Watch program and urged members to apply for the FEMA grants that are now available which include fire prevention.

TRAINING AND EDUCATION COMMITTEE:
The next training session will be “Brainstorming”
What is the future of FMAM and where do we want to go?

Fire Code classes on the new code will be available from FMAM, in addition the State Fire Marshal’s Division and State Building Codes is offering training.

The class on NFPA 13 and 72 were a great success, we may consider offering it again.

Other mini-seminars are being looking at.

STATE FIRE MARSHAL REPORT: State Fire Marshal Tom Brace acknowledged current and prior staff members in attendance. The Minnesota State Fire Code has been adopted and will be effective on March 31, 2003. State Fire Marshal Brace praised Deputy State Fire Marshal Bob Imholte for all his hard work and dedication to the adopted code. The State Fire Marshal Division and the State Building Code Division will be joint hosting Code Training Classes starting in April.

Legislation has been introduced to allow charge inspection fees for Schools and Hotel/Motel/Resorts. We are currently able to charge inspection fees for Day Care Facilities.

Fire deaths in Minnesota are currently at nine, five in Mobile Homes. More emphasize on education, know two ways out, and properly working smoke detectors.

Tom complimented Jon Nisja for his years of service to the FMAM organization, 12 years on the board six of which he served as President.

ADVISORY COUNCIL ON FIRE PROTECTION SYSTEMS: Gordy Bates nothing to report.

CERTIFICATION COMMITTEE: Phil Owens reported the backlog of testing and scoring for the Inspector I and II has been resolved, certificates should be out soon.

RESIDENTIAL FIRE SPRINKLER TASK FORCE: Tom Pitschneider reported that the 2003 St. Paul Home Show held February 27 – March 2 at the St. Paul Excel Energy Center went well. Staffing as usual was a problem. Parking will be reimbursed for those of you that worked at the Home Show, see John Powers.

GOVERNOR’S COUNCIL ON FIRE PROTECTION AND CONTROL: Jeff Schadegg reported the Governor’s Council delivered their annual report to the Commissioner of Public Safety to forward that report to the Governor. The Council has had a problem with member attendance. This years initiatives are alcohol as a contributing factor in fires and water supply for urban areas.

1311 CONSERVATION CODE ADVISORY COMMITTEE: No Report.

CONSTRUCTION CODES ADVISORY COUNCIL: See Post Indicator.

ELECTIONS:

For the Office of President – Bob James, white ballot motion by Gordy Bates and 2nd by Vance Swisher, motion passed unanimously.
Congratulation to our new President Bob James.

For the Office of Secretary – Robbie Floyd, white ballot motion by Steve Zaccard and 2nd by Steve Armstrong, motion passed unanimously.

For the Board Seats, 1 year term to fill Kermit

Waters vacant seat and a 2 year term currently held by Phil Owens. Members running for these positions are Phil Owens (incumbent), Vance Swisher, Kip LaMotte, and Ross Parker. Motion to take the top two vote getters for the board positions by Tom Brace and 2nd by Bob Imholte, motion passed unanimously. Positions are Phil Owens 2 years and Kip LaMotte 1 year board seats.

With Bob James now as President it opens the position of Vice-President. With no other interested persons, Phil Owens has expressed willingness to run for the position. White ballot motion by Vance Swisher and 2nd by Bob Imholte, motion passed unanimously. Congratulations to our new Vice-President Phil Owens.

Motion from the floor by Jeff Schadegg and 2nd by Bob Fiske to use the previous motion for the board seats and withdraw Phil and use the next two vote getters as the board members, motion passed unanimously. Congratulations Kip LaMotte 2 year term and Vance Swisher 1 year term.

Motion by Tom Pitschneider and 2nd by Ralph Peterson to destroy all the ballots, motion passed unanimously.

OLD BUSINESS:

The Website will be putting the Post Indicator on the site a month after publishing. There are approximately 40 people on FMAM's Yahoo discussion group, members are encouraged to sign up.

Merchandise sales are going well, anyone interested in purchases should see Butch Gervais.

NEW BUSINESS:

Our new designated liaison for the International Code Committee (ICC) is Larry Bazaar. He is located out of Chicago and has 31 years of Service. Larry informed the members that ICC has many Building and Fire courses available as well as certifications. He looks forward to working with us, as does our membership with him.

Steve Zaccard has been appointed to the State Building Codes Elevator Advisory Board, congratulation Steve.

Reminder: take your free video or CD for attending today. Additional videos and CD's are available at a reasonable price.

FOR THE GOOD OF THE MEMBERSHIP:

We would like to sincerely thank Jon Nisja for all his years on the board including his 6 years as President. Jon has brought this membership a long way and we hope that we can continue that progressive motion forward into the future. His overwhelming passion and dedication to this organization cannot be surpassed. And we hope that he will continue being active member of this organization for years to come.

Motion to adjourn at 12:15pm by Rich Pehrson and 2nd by Jon Nisja, Motion passed unanimously.

Respectfully submitted,
Robbie Floyd, Secretary



LEGISLATIVE REPORT

By Bob James

The 2002 – 2003 Legislative Session is winding down. Due to the special session that we are currently tracking has extended the need for overtime monitoring. The year was primarily spent watch the money and where it would end-up. A number of fire service bill where proposed and many more which impacted the fire service where submitted. All total, we ended up watch approximately 60 bills. Many did not go far or are dead until next year, but soon issues have been part the special session.

A quick highlight for the year,
Consumer Fireworks limits on permit fees and adopts NFPA 1124 into State Statute (should to signed on May 29, 03),
(Still pending)

Outdoor and Indoor Fireworks must have a permit from the State Fire Marshal, with local involvement if approved.

Provides a Gross Misdemeanor Level for fifth degree arson,
Certification for installer on multipurpose water systems,

Some that did not make it this year,
All places of public assembly over 3,500 square feet shall be protected with sprinklers,
Fire Safe cigarettes bill,
High-rise retro fit bill.

...Coming to grips
With new
Technology....



New Camera!

Georgie was having problems taking photo's with the new thermal imaging camera!

NFPA 5000™, Building Construction and Safety Code™: Safeguards to Help Protect Firefighters and Emergency Responders

Background

The safety of firefighters and other emergency responders has always been a priority for NFPA. And, NFPA 5000™, *Building Construction and Safety Code*™ is another step toward that goal.

NFPA develops approximately 80 standards that directly impact fire department operations all over the world. And, more than 18,000 members of the fire service are members of NFPA. They represent all levels of responsibility including: chief officers, training officers, fire marshals, inspectors, emergency medical, wildland, fire scene operations, personnel safety, labor, administration, public education, professional qualifications, and others. In fact, several NFPA membership sections, including the Fire Service, Metro Chiefs, and the International Fire Marshals Sections, are dedicated solely to the fire service. The NFPA Board of Directors has included fire service representatives for more than 20 years.

Even with tremendous progress in safety standards in recent years, annual fire fighter injury and death losses remain high. For this reason, fire service members have recognized the need for fire suppression and rescue considerations to be incorporated in the construction of buildings. Based on NFPA's unique experience and role in first responder safety, NFPA's Board of Directors was keenly aware of the importance of including provisions for first responder safety in the organization's model building code.

From the beginning of NFPA's building code development project, it was agreed that safeguards for fire fighter and emergency responder safety would be a founding principle of NFPA's *Building Construction and Safety Code*. Consequently, not only does the code address every aspect of design and construction of buildings and structures, NFPA 5000 is also the first ever model building code to mandate

consideration of fire fighter safety as part of the building construction process.

This approach will foster closer working relationships between building officials and fire service personnel in the building design process. These provisions will also facilitate the coordination of related provisions contained within the 2003 edition of NFPA 1, *Uniform Fire Code*TM and other important fire company responsibilities like pre-incident planning and emergency rescue/operation plans.

Following are a few key provisions taken directly from NFPA's *Building Construction and Safety Code* that will help to protect the safety of firefighters and other first responders. As you will see, consideration of their safety can be found throughout the document.

NFPA 5000TM, *Building Construction and Safety Code*TM

Key Provisions Regarding
Fire Fighter and Emergency Responder Safety

Scope:

The code addresses construction, protection, and occupancy features necessary to minimize danger to life and property. (Chapter 1.1.1)

Safety from Fire:

Safety from Fire Goal: The fire safety goal of this code is as follows:

- To provide an environment for the occupants inside or near a building that is reasonably safe from fire and similar emergencies.
- To provide reasonable safety for firefighters and emergency responders during search and rescue operations. (Chapter 4.1.3.1.1)

Safety from Fire Objectives:

- Buildings shall be designed and constructed to provide reasonable safety for firefighters and emergency responders during search and rescue operations. (Chapter 4.1.3.1.2.2)
- Buildings shall be designed and constructed to provide reasonable access

to the building for emergency responders. (Chapter 4.1.3.1.2.4)

Safety from Hazardous Materials:

Facilities containing high-hazard contents shall have the goal of protecting people and property from the consequences of unauthorized discharges, fires, and explosions involving hazardous materials. (Chapter 4.1.3.4)

Fundamental Fire and Life Safety Requirements:

Multiple Safeguards: The design of every building or structure intended for human occupancy shall be such that reliance for property protection and safety to life does not depend solely on any single safeguard. An additional safeguard(s) shall be provided for property protection and life safety in case any single safeguard is ineffective due to inappropriate human actions, building failure, or system failure. (Chapter 4.4.1)

Performance Based Option: The *Building Construction and Safety Code* is the only building code to include integrated, performance-based design options. This option allows design professionals, builders, code enforcers, and others in the field of construction to use innovative means of protecting public safety as an alternate to the prescriptive requirements. The performance-based options include a number of provisions for first responder safety.

Performance Criteria:

- Buildings shall be designed and constructed to reasonably prevent structural failure under fire conditions for a time sufficient to enable firefighters and emergency responders to conduct search and rescue operations. (Chapter 5.2.2.5)
- Buildings shall be designed and constructed to reasonably prevent fire spread to adjacent buildings and structures for a time sufficient for emergency responders to arrive on site and establish fire suppression operations. (Chapter 5.2.2.6)
- Access shall be provided to enable fire apparatus to reach the principal

building entrance for fire department use and to reach the fire emergency equipment provided for the building. (Chapter 5.2.2.7)

Performance-Based Design Characteristics and Assumptions:

- Emergency Response Personnel Characteristics and Assumptions:
 - ✓ Non governmental emergency personnel shall not be relied upon in the performance design unless they are under the continuous and direct control of the building owner or occupant. Emergency response personnel of the governmental agency legally responsible for providing emergency responders to the local jurisdiction shall be permitted to be relied upon in the performance design when approved by the governmental agency. (Chapter 5.4.4.1)
 - ✓ Design characteristics and assumptions related to the availability, speed of response, effectiveness, roles, and other characteristics of emergency response personnel shall be specified, estimated, or characterized sufficiently for evaluation of the design. (Chapter 5.4.4.2)



Water On!
The Valve For The Monitor
Was Left Open,
And This Resulted!

New State Fire Code Adopted

By Robert Imholte, State Fire Marshal Division,
Code Development Coordinator

As everyone knows by now, the new Minnesota State Fire Code (MSFC) was adopted effective March 31, 2003. For the first time in the history of our state codes, the new State Building Code was adopted on that same date. I'd like to recognize the fact that these new codes are the products of a lot of effort put forth by a number of people over a long period of time.

My main purpose in writing this article is to thank those members of FMAM who participated in the code development process as members of the MSFCA Code Committee. That committee played a very key role in the development of the new fire code. Because the process took so long, memory isn't going to allow me to identify those individuals by name. I regret that, but I fear I'll leave someone out. All deserve a tremendous thank you. You know who you are and I hope many of the members know who you are as well.

I do, however, want to recognize two FMAM members who had the tough job of leading the members of the MSFCA Code Committee through a very challenging code development process as chairs of that committee – Steve Zaccard and Bob James. Steve led the committee through an exhaustive evaluation of the UFC, IFC and NFPA 1 that took over a year to complete. That evaluation was followed with a letter to State Fire Marshal Tom Brace outlining the Code Committee's recommendation concerning a new state fire code. To give you some idea of how long the state code development process took, that letter was sent back in January, 2000.

To add a quick little bit of additional history, it was back in August, 2000 that Tom Brace announced that Minnesota would adopt the 2000 International Fire Code as its next state fire code. A notice of intent to adopt the new code and request for public comment was then published in the *State Register* on November 6, 2000. Bob took over in about the middle of the process and picked right up where Steve left off. It was under his tenure (which

continues, by the way) that the process was completed.

Again, I want to take this opportunity to extend my sincere thanks to Steve, Bob, the FMAM members who serve and have served on the MSFCA Code Committee, as well as all other FMAM members who contributed toward the development of the new code. I know that this required a tremendous time commitment and effort above and beyond your already heavy workloads.

In closing, I want to touch bases on three related issues. First, a reminder that the state fire code amendments, as well as the Statement of Need and Reasonableness (SONAR) for those amendments, can be found on the State Fire Marshal Division's web site, which can be accessed at www.fire.state.mn.us or www.dps.state.mn.us/fmarshal.

Second, I need to let you know that the whole process will be starting all over very shortly. The State Building Codes and Standards Division is looking at starting the process of updating to the 2003 edition of the building code. By the time you read this, they may have already published their notice of intent in the State Register. It's my understanding that Tom Joachim's goal is to have the new code adopted within 18 months of the publication of this notice. That leaves us on the fire code side with some decisions to make:

- Do we feel it's important to keep the state fire code current with the building code?
- Which fire code do we want to adopt?
- Do we want to minimize the number of amendments to the state codes?

Lastly, I'm told that adoption of the 2000 International Mechanical Code is about four to six months away. In the meantime, we continue to operate under the 1991 Uniform Mechanical Code, as amended.

As always, please don't hesitate to contact me if you have any questions, comments or suggestions. I can be reached by phone at 320-685-8559, or e-mail at: Bob.Imholte@state.mn.us.

Yale Univ Bldg Saved by Fire Sprinklers After Explosion

Although the fire sprinklers did their job in suppressing the fire (from an explosion, I might add) the media missed it's chance once again. If this article was written about President Lincoln's assassination, the headline would read, "Booth Breaks Leg Jumping From Balcony". The focus, once again, is on the water damage instead of the extinguished fire that would have destroyed more property, assuredly. -DK

FBI has sketch of man seen shortly before blast at Yale

THE ASSOCIATED PRESS 05/23/2003

NEW HAVEN, Conn. - FBI agents investigating a bombing at Yale University's law school dusted for fingerprints Thursday and showed students a sketch of a man seen leaving the empty classroom just before the blast.

The explosive, which investigators believe was a pipe bomb, damaged two rooms Wednesday, and about 300 rare law books in a room below were soaked with water from the sprinkler system. No one was injured.

Acting Police Chief Francisco Ortiz said the bomber was "trying to send a message."

Law student Carsten Jungmann said he helped the FBI draw a sketch of a man he saw leaving the classroom about two minutes before the explosion. The man was clean-shaven and appeared to be in his 20s or 30s, with black hair that hung just below the ears, Jungmann said.

New Haven police spokeswoman Bonnie Winchester said the FBI had identified the man in the sketch. She could not say whether the man was a suspect.

Investigators said that because the bomb appeared to be small and went off in an empty classroom, the blast was probably not the work of international

terrorists.

No threats were made before the explosion, and no one claimed responsibility, police said.

Bomb experts went through the classroom on their hands and knees in a search for shrapnel, swabbed for explosives or other evidence and took fingerprints from doorways and furniture. The FBI interviewed students, faculty and staff members who were in the building at the time.

Several students reported seeing a fireball in the corridor outside the classroom, which was used by various professors all semester. A partition between the room and a faculty lounge collapsed, and some of the ceiling also fell down, littering the room with debris, police said.

Commencement ceremonies still were scheduled for Monday, though a heavy police presence is planned. Police are also discussing whether to use metal detectors and to search guests' bags.

The law school building remained closed Thursday, and students were not allowed to retrieve their belongings from rooms and lockers.

The explosion with the nation on elevated alert for terrorist attacks and several hours after President George W. Bush - a Yale alumnus - spoke at the Coast Guard Academy graduation ceremony in New London, Conn., about 50 miles to the east.

One of the president's daughters, Barbara, is an undergraduate at Yale. Secret Service spokesman John Gill said she was not in danger at any time.



New Law Used to File Federal Lawsuit in Rhode Island Club Fire

By Elizabeth Mehren, LA Times Staff Writer

PROVIDENCE, R.I. -- Invoking a statute enacted following the Sept. 11 terrorist attacks, a lawyer on Tuesday filed the first federal lawsuit seeking damages from February's nightclub fire here that killed 99 people.

The civil suit on behalf of three victims of Rhode Island's worst fire disaster identifies at least two dozen defendants -- including the state itself and the Rhode Island fire marshal. Attorney Ronald J. Resmini contends that the state failed to properly train local fire officials.

Also named as defendants are the chief fire inspector of West Warwick, where the Station nightclub was located, club owners Michael and Jeffrey Derderian and the four surviving members of the band Great White -- whose concert attracted an estimated 400 revelers. The lawsuit also targets Anheuser Busch, which promoted a special beer on the night of the Great White concert, and a Providence radio station that advertised the event.

An additional defendant is the American Foam Corp., distributor of the insulation used as soundproofing in the Station. Sparks from a pyrotechnic display used by Great White ignited the soundproofing material, causing the fire that swept through the club in less than five minutes.

Lawyers for several of those named in the lawsuit said they would not comment on pending litigation.

Nearly 200 people were injured as club-goers frantically searched for exits in the smoke-darkened establishment. Eight victims remain hospitalized, and many others have been transferred to rehabilitation facilities.

Resmini said he was bringing the suit under the Multiparty, Multiforum Trial Jurisdiction Act of 2002, which gives U.S. district courts jurisdiction in civil cases that result in more than 75 deaths. The legislation took effect weeks before the Rhode Island nightclub fire. The suit filed Tuesday in Providence is the first case to be pursued under the new statute.

Two other lawsuits stemming from the fire have been filed in state court. A federal grand jury also is investigating whether to bring criminal charges.

"We don't know whether it belongs in state court or federal court," Resmini said Tuesday. "The only way we will have it tested is to put it in the federal court and see what they do."

The large number of potential plaintiffs and defendants makes the case so complicated that "everyone has a difference of opinion about jurisdiction. None of us could agree on anything," Resmini said.

He said that under the federal statute, "if a defendant is 1% negligent, then he is responsible for 100% of the claim. So in reality, everybody here could be defined as a primary defendant." The suit does not specify damages.

But Steven Minicucci, president of the Rhode Island Trial Lawyers Assn., said the statute's vagueness on the issue of primary defendants sets the stage for a cumbersome appeals process that could complicate an already-dense legal thicket.

"I have some problems with the filing of this lawsuit today," said Minicucci, faulting Resmini for acting too fast. Minicucci's law firm represents seven fire victims.

"We're only eight weeks down the road from this tragedy," he said. "We feel that this should not be some type of lightning rod that victims should take as an indication that they should be running to the federal courthouse."

But Walter Castle Jr., a plaintiff in the suit that was filed Tuesday, said he was less interested in money than "justice for the person or persons responsible."

Castle, a 29-year-old unemployed pizza delivery driver, said smoke inhalation from the fire permanently damaged his lungs. He still has nightmares about the tragedy, he said, in which he lost 45 acquaintances.

"The hardest thing is the 'Why me?' thing, why did I make it out and they didn't," Castle said, adding that his attorney has told him a settlement could take three to five years.

NFPA Scholarships/Awards/Grants

Fire Safety Educational Memorial Fund

- John L. Jablonsky Scholarship
For graduate students enrolled in fire protection engineering programs in the United States or Canada.
- David B. Gratz Scholarship
For graduate students enrolled in fire science or fire engineering programs outside of the United States.
- Warren E. Isman Educational Grant
For hazardous materials response teams seeking specialized training.
- George D. Miller Scholarship
For undergraduate or graduate students enrolled in fire service or public administration programs in the United States or Canada.

Rolf. H. Jensen Partners in Public Education Award
Funded by Rolf H. Jensen and Associates, the award is presented annually to a successful partnership between a private sector entity and a fire agency who have joined together in a successful public fire and life safety education program. More...

David Ball Award for Fire and the Environment
The award recognizes significant contributions made by an individual, team, or organization to further the understanding of the impact of fire on the environment, or to develop improved methods of fire control that benefit or protect the environment. More...

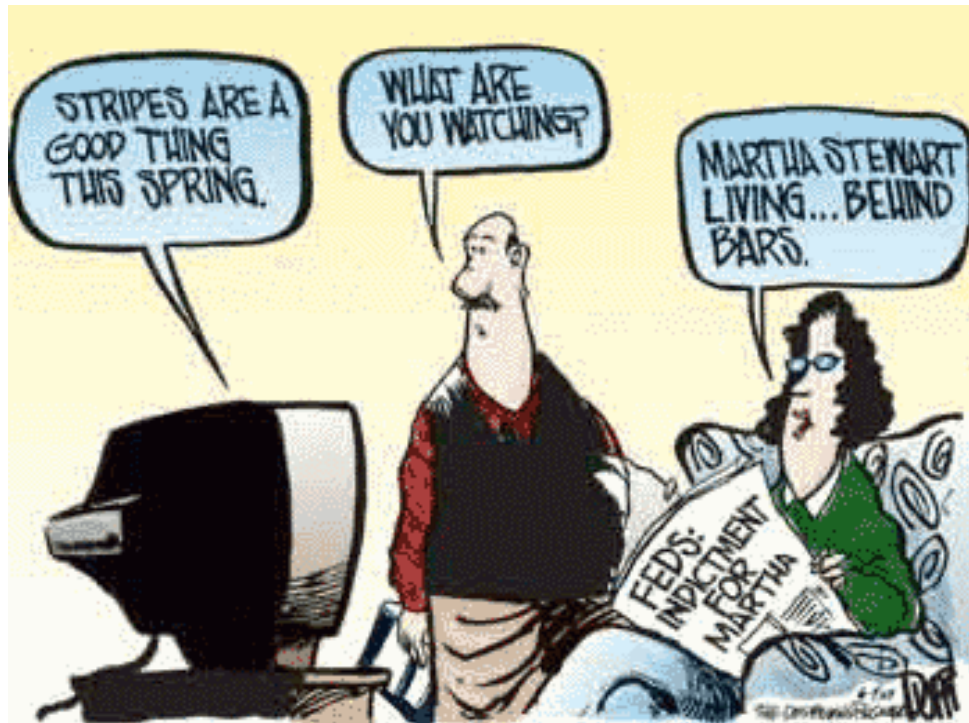
http://www.nfpa.org/Education/Scholarships/Awards/Scholarships_Awards.asp

FIRE SAFETY LINKS

www.firesafetytips.com

www.kfst.net

www.usfa.fema.gov/kids



<http://miva.dmregister.com/miva/cgi-bin/miva?duffy/showcartoon.mv+226>

Meeting
June 11, 2003
12:00pm
Bloomington Fire Station
No Education/Training
The Membership Meeting
Will be discussing
Our future goals