

MARYLAND
STATE FIRE
PREVENTION
COMMISSION



**ANNUAL
REPORT**

**FISCAL YEAR
2013**

July 1, 2012 – June 30, 2013

The State Fire Prevention Commission was established in 1964 and consists of nine (9) members appointed to a maximum of two five-year terms by the Secretary of the State Police, with the approval of the Governor in accordance with Public Safety Article 6-201. The following members served on the Commission in FY 2013:

Timothy F. Dayton
Chairman
Term Expires June 30, 2014*
Western Maryland
Volunteer Fire Company

Sharon S. Gilyeat
Vice Chair
Term Expired June 30, 2012**
Southern
Architect/Engineer

Charles D. Davis, Jr.
Vice Chairman#
Term Expires June 30, 2015
At-Large
Volunteer Fire Company

Brian S. Geraci
Term Expires June 30, 2017****
Washington-Metropolitan
Industry Representative

K. C. Harrington
Term Expired June 30, 2013***
Eastern Shore
Building Contractor

Mark. F. Hubbard
Term Expires June 30, 2017*
Central Maryland
Career Fire Company

Eugene A. Jones
Term Expires June 30, 2017
Washington-Metropolitan
Industry Representative

Martin J. LePore
Term Expires June 30, 2016*
At-Large
Industry Representative

Anthony J. Spencer
Term Expires June 30, 2014
At-Large
Member of the Public

Richard L. Yinger
Term Expired June 30, 2013***
At-Large
Volunteer Fire Company

* Second Term – Not eligible for reappointment

**Term expired 6/30/12 – Serving until replaced

***Reappointment to second term pending

****Resigned 10/2/12 and replaced by Eugene A. Jones 1/30/13

Commissioner Davis was elected Vice Chairman February 21, 2013 to replace outgoing Vice Chair Gilyeat

The Fire Prevention Commission may be contacted as follows:

Maryland State Police/Western Operations Center
 18345 Colonel H.K. Douglas Drive, Suite 240
 Hagerstown MD 21740
 Telephone: 301-766-3899
 Toll-Free: 877-890-0199
 Fax: 301-766-3889
 E-Mail: msp.sfpc@maryland.gov
 Secretary: Heidi Ritchie

The Commission is mandated under Public Safety Article Title 6-204 to hold a minimum of six regular meetings every year. A quorum was achieved at all meetings. Public meeting agendas and approved minutes are posted at the Commission's website:
<http://www.mdsp.org/sfpc>

FISCAL YEAR ATTENDANCE ROSTER						
MEETING DATES LOCATION & MEMBERS	8/30/12 Laurel	10/18/12 Hagerstown	12/13/12 Annapolis	2/21/13 Annapolis	4/18/13 Laurel	6/18/13 Ocean City
DAVIS	P	A	P	P	P	P
DAYTON	P	P	P	P	P	P
GERACI	P	R	R	R	R	R
GILYEAT	P	A	P	A	A	A
HARRINGTON	P	P	A	P	P	P
HUBBARD	P	A	A	P	P	P
JONES	N/A	N/A	N/A	A	P	P
LEPORE	P	P	P	A	P	P
SPENCER	P	P	P	P	P	P
YINGER	P	P	P	P	P	P

P=Present A=Absent N/A=Not Appointed as of this Meeting R=Resigned

Public Safety Article Title 6-501:

The Commission is empowered to hear appeals filed by a person who is aggrieved by an order or decision of the State Fire Marshal or his designee in the course of enforcing the State Fire Prevention Code. The commission received four appeals in Fiscal Year 2013.

Case 09-02 Thursday's Restaurant – Galesville, Anne Arundel County

The Commission originally heard this appeal on August 27, 2009. The restaurant appealed the denial of the Anne Arundel County Fire Marshal for an increase in the occupant load unless certain provisions of the State Fire Prevention Code were met. Based on the evidence presented, the Commission affirmed the decision of the Anne Arundel County Fire Marshal and denied the appeal. The restaurant filed a petition for a Judicial Review in Anne Arundel County Circuit Court which upheld the Commission's decision. The restaurant then appealed the decision to the Court of Special Appeals which remanded the case back to the Commission on August 21, 2012, for further administrative proceedings. The Commission heard additional evidence at a hearing on December 13, 2012, and based on the testimony presented, the Commission found the existing situation an inimical hazard to the public welfare and safety as to require corrective action and compliance with NFPA 101 Life Safety Code as ordered by the Anne Arundel County Fire Marshal. Subsequently, the restaurant filed for another Judicial Review in Anne Arundel County Circuit Court on February 6, 2013. The case has not yet been scheduled for a hearing.

Case 12-05 Kaywell Construction, Maryland Fire Sprinkler Contractor License

The company appealed the State Fire Marshal's decision to revoke its Maryland Fire Sprinkler Contractor license for performing automatic sprinkler work under a previously suspended license. The Commission heard the appeal on August 30, 2012. Based on the evidence presented, The Commission affirmed the decision of the State Fire Marshal to revoke the license.

Case 13-01 C'Town Laundromat – Chestertown, Kent County

The laundromat appealed the State Fire Marshal's order to comply with separation distance requirements for its liquid propane tanks as well as correct other violations of the State Fire Prevention Code. The appeal is scheduled to be heard August 15, 2013.

Case 13-02 Bennett's Repair Garage – Chestertown, Kent County

The garage appealed the State Fire Marshal's order to comply with distance requirements for above ground fuel storage tanks as well as correct other violations of the State Fire Prevention Code. The appeal is scheduled to be heard August 15, 2013.

Public Safety Article Title 6-206:

The Commission is empowered to promulgate, amend, and repeal regulations for the safeguarding of life and property from the hazards of fire and explosion and to hold public hearings pertaining to such regulations. Code of Maryland Regulations as promulgated by the Commission may be viewed at the commission's website:

<http://www.mdsp.org/sfpc>

COMAR 29.06.01 STATE FIRE PREVENTION CODE

With the publication of the 2012 editions of NFPA 101 Life Safety Code and NFPA 1 Fire Code, the Commission delegated a committee to review changes in these national standards. Vice Chair Sharon Gilyeat and Commissioner Brian Geraci served on the committee along with members of the Office of the State Fire Marshal and other local fire and building code authorities. The Commission unanimously voted to accept the committee's proposal to amend the regulations. A public hearing was held on August 30, 2012, and the new codes as amended were adopted effective January 1, 2013.

COMAR 29.06.03 APPROVAL OF TESTING LABORATORIES

State Fire Marshal William E. Barnard requested the Commission consider the repeal of these regulations as part of Governor Martin O'Malley's regulatory review initiative. The regulations are obsolete and several other organizations and federal agencies perform similar functions to approve testing laboratories. The Commission unanimously voted to accept the Fire Marshal's recommendation to repeal the regulations. A public hearing was held on August 30, 2012, and the regulations were repealed effective January 1, 2013.

COMAR 29.06.07 GROUND-BASED SPARKLING DEVICES

The National Fire Protection Association updated several national standards and codes pertaining to these products. Upon review it was found that many of the Maryland regulations were redundant and no longer necessary. The Commission unanimously voted to accept the Fire Code Update Committee's proposal to amend the regulations. A public hearing was held on August 30, 2012, and the regulations were amended effective January 1, 2013.

Public Safety Article Title 6-302:

The Secretary of State Police is empowered to appoint a State Fire Marshal to serve for a term of six years from a list of three names submitted by the Commission. Fire Marshal William E. Barnard announced his retirement effective July 1, 2013. Applications for the position of State Fire Marshal were solicited and in June 2013 the Commission received the applications of eleven qualified candidates. The Commission reviewed the applications and submitted its recommendation of three candidates to Secretary Marcus Brown on June 26, 2013. The appointment of a State Fire Marshal by the Secretary is pending.

Public Safety Article 6-205:

The Commission is mandated to promote and conduct seminars, conferences, workshops and meetings at least once each year to inform the public and firefighting personnel of the latest techniques in fire prevention programs and procedures, life safety measures, changes in the State Fire Prevention Code, and development of improved fire safety goals.

MID-ATLANTIC LIFE SAFETY CONFERENCE

The Fire Prevention Commission co-sponsored the Mid-Atlantic Life Safety Conference held September 26, 2012, in Laurel, Maryland. This annual conference offers a variety of safety oriented workshops presented by some of the nation's leading fire and emergency services professionals. Approximately 300 persons attended the event, including several Commission members. Vice Chair Gilyeat served on the 2012 Conference Steering Committee. Commissioner Martin Lepore volunteered to replace outgoing Vice Chair Gilyeat on the 2013 Conference Steering Committee.

STATE FIRE PREVENTION CODE UPDATE TRAINING

The Commission sponsored four training seminars to provide state and local fire and building code enforcement authorities with an overview of the amended COMAR 29.06.01 State Fire Prevention Code and changes in the 2012 editions of NFPA 101 Life Safety Code and NFPA 1 Fire Code. Approximately 400 persons attended the seminars held at the Maryland Fire and Rescue Institute in College Park. The National Fire Protection Association supported the training by providing instructors and course materials.

OTHER ACTIVITIES

Throughout the year, Commission members attend and participate in a variety of activities and serve on committees involving fire prevention education, fire and emergency services, and code enforcement.

MID-ATLANTIC ASSOCIATION OF STATE FIRE COMMISSIONS

The Mid-Atlantic Association of State Fire Commissions is comprised of fire commissions from twelve (12) member states for the purpose of sharing and promoting state and national goals related to fire prevention and education. The states of Connecticut, Delaware, Kentucky, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia each host the annual conference on a rotating basis.

Representatives discuss a variety of topics related to fire code enforcement issues, proactive initiatives for automatic sprinkler system installations, funding sources, firefighter recruitment and training, and fire prevention education.

The 35th Annual Conference was hosted by the Delaware State Fire Prevention Commission in Rehoboth Beach, Delaware, on October 11-14, 2012. Due to lack of funding, no Maryland members were able to attend the event.

OTHER ACTIVITIES

MARYLAND STATE FIREMEN'S ASSOCIATION

Chairman Dayton and Commissioners Yinger and Davis serve on a variety of committees under the auspices of this association. The association membership is comprised of volunteer departments from throughout the State whose mission is to serve, promote, advocate and represent the interests of the volunteer fire, rescue, and emergency medical services of Maryland.

The association sponsors an annual contest to recognize fire, rescue, and ambulance departments' efforts in promoting fire prevention in their communities. The Fire Prevention Commission took the opportunity during the association's annual convention in Ocean City to participate in convention activities and present Certificates of Appreciation to several fire and emergency services departments for their contributions to fire prevention and fire safety education.

NATIONAL FIRE PROTECTION ASSOCIATION

Vice Chair Gilyeat, a licensed professional engineer and University of Maryland graduate, serves on several NFPA committees:

- NFPA 99 Standards for Health Care Facilities Fundamentals Committee
- NFPA 99 Standards for Health Care Facilities Health Care Emergency Management and Security Technical Committee
- Chair of NFPA 115 Laser Fire Protection Committee
- Past Chair of NFPA 82 Incinerator and Waste Handling Systems Committee

NFPA is a leading developer of codes, standards, recommended practices and guides on fire and safety issues developed through a consensus process by volunteers representing varied viewpoints and interests.

ALLEGANY-GARRETT COUNTY FIRE AND RESCUE ASSOCIATION

Chairman Dayton is a member of this association which serves, promotes, advocates and represents the interests of thirty-seven volunteer fire, rescue and emergency medical services companies in Allegany and Garrett Counties.

F.A.B.S.C.O.M. (FIRE AND BURN SAFETY COALITION OF MARYLAND)

COMMITTEE FOR VISUAL SMOKE ALARMS FOR DEAF AND HARD OF HEARING PERSONS

Commissioner Yinger has chaired this committee since 1997. The committee is comprised of members of the deaf community, public safety organizations, and private corporate organizations. The committee assists the deaf and hard of hearing persons in providing low-cost visual and vibrating smoke alarms in private residences.

MISCELLANEOUS

Vice Chair Gilyeat participates in numerous professional organizations:

- Fire Protection Engineering Academic Honorary Society - Member
- Society of Fire Protection Engineers – Member and Past President
- Center for Medicare & Medicaid Services - Instructor and Seminar Developer