



LOUISIANA LEGISLATIVE AUDITOR
DARYL G. PURPERA, CPA, CFE

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OFFICE OF STATE FIRE MARSHAL INSPECTION, ENFORCEMENT AND COMPLAINT PROCESS

The Office of State Fire Marshal needs to strengthen the processes it uses to ensure buildings are “in compliance with applicable codes and regulations,” including schools, universities, and state office buildings, according to a report released Monday by Legislative Auditor Daryl Purpera.

The performance audit said the fire marshal’s office needs to develop a strategy based on risk that includes formal timeframes for inspecting schools, universities, state buildings and licensed outpatient facilities.

By law, the fire marshal’s office must annually inspect health care facilities, day care centers, group homes, detention centers and substance abuse facilities, which totaled 31 percent of the 25,868 structures under the office’s jurisdiction as of March of 2014.

However, state regulations do not specify how often the Office of State Fire Marshal “should inspect schools, universities, state buildings, and licensed outpatient facilities,” such as mental health facilities, physical therapy providers and public health clinics. Those structures totaled 17,977, or 69 percent, of the 25,868 under the fire marshal’s jurisdiction as of March 2014.

The report said that although the fire marshal has established an “informal internal goal of conducting annual inspections” of those facilities, auditors reviewed documentation for 278 of the facilities and found that 65 of them – 23 percent – were not inspected at all during the 2013 calendar year. The report also said that 20 of those 65 “were not inspected at all over a three-year period.”

Of the 65 structures, 41 were schools that were not inspected in 2013, and 14 of those schools were not inspected in the 2011-13 period.

For the fiscal year that ended June 30, 2014, the state fire marshal and a staff of 175 employees, including 54 inspectors, down from 182 employees in 2011. A study says the office should have 70 inspectors, 16 more than it now has.

The report from the state auditor said that management of the fire marshal’s office claimed that inspectors are “not always able to conduct their inspections in a timely manner because of other required responsibilities, such as conducting final building inspections, arson investigations, amusement ride inspections, and fireworks inspections.” The fire marshal said the office prioritizes its responsibilities based on available staff.



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The report also found that the fire marshal's office is not monitoring the 18 certified fire prevention bureaus as it should "to ensure they are conducting all required inspections." These 18 certified bureaus that perform the functions of the fire marshal's office – such as inspections of schools and final inspections of businesses, hotels and apartments – cover 1.8 million Louisiana residents, or approximately 40 percent of the state's population, from Bossier to Jefferson Parish.

The state auditor's report said although the fire marshal can impose fines of up to \$1,000 for violations of life safety codes, the office "is not using this authority to ensure structure owners comply with applicable codes and regulations."

The report said the office also does not track violations cited during inspections, so inspectors cannot easily determine when a structure has a repeat violation and "determine if a penalty is warranted."

State fire marshal's office managers said the office does not issue monetary penalties for inspection violations "because it prefers to promote voluntary compliance by working with structure owners to address violations." In a sample of 149 structures with violations, 32 percent of them had repeat violations during multiple re-inspections between 2011 and 2013 but received no enforcement action from OSFM, according to the report.

"We found one structure that was re-inspected nine times for the same violation but was never issued a monetary penalty or an attorney letter," the report said. "Without an effective and consistent enforcement process, structure owners may not be deterred from repeatedly violating life safety codes."

The state fire marshal's office "needs to conduct timely re-inspections to ensure violations identified during inspections are corrected," the report said. In a sample of 400 structures from 2011 through 2013, the report said, the fire marshal found 385 violations at 149 structures but did not always conduct re-inspections to determine if the violations were fixed before the next annual inspection. Of the 385 violations examined, auditors said the fire marshal's office did not re-inspect 21 percent of them.

The report also said the office has not developed "comprehensive procedures" to track complaints from citizens or notifications from contractors on issues that may affect the life safety of the occupants. Of 129 complaint files examined, auditors said the fire marshal's office did not follow up on 16 of them.

For more information, contact:

Daryl G. Purpera, CPA, CFE
Legislative Auditor
225-339-3800

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