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November 24, 2009

TO: Superintendent of Education

FROM: Education Suruhanu

SUBJECT: Fire Extinguishers removed from Price Elementary School Campus

Dear Dr. Bretania Underwood:

This correspondence is written concerning the removal of working fire extinguishers from the campus of Price Elementary School (Price) and the transferring of such fire extinguishers to the Agueda Johnston Middle School campus that occurred on or about November 10, 2009.

In the afternoon of November 10, 2009, my office received an anonymous complaint reporting that fire extinguishers were observed being removed from the Price campus and that such fire extinguishers were being transferred to the Agueda Johnston Middle School. Shortly after receiving the complaint, I contacted the Guam Fire Department (GFD) and informed Captain Flores of the matter and that I would provide more details after I visited the school to follow up on the complaint. I also informed Captain Flores that an official inspection of the campus occurred on November 9, 2009 and that the fire extinguishers were an issue but the school managed to receive working fire extinguishers from the vendor, Safety First. In addition, during the course of the inspection, the school administration stated that other schools were transferring any excess of their fire extinguishers to Price in order to ensure that Price had a sufficient amount of fire extinguishers on their campus.

On November 12, 2009, the day after the Holiday, at approximately 7:30 a.m., I arrived at Price and met with Mrs. Cabrera, the Assistant Principal. I informed Ms. Cabrera that I was following up to see whether or not the school received any additional fire extinguishers since the November 9, 2009 inspection. Mrs. Cabrera stated that the school had approximately 30 fire extinguishers on hand, ten were received from the vendor, five were received from GW, and 15 were received from Machanano. In addition, Mrs. Cabrera provided a map of the school identifying the classrooms where such fire extinguishers were located. I inspected approximately 40 classrooms, the cafeteria, and the library and found the following: 1) The 40 some classrooms did not have a fire extinguisher nor were there any working fire extinguishers in the hallways; and 2) The fire extinguishers in the cafeteria, in the library, and in a couple of classrooms in the C wing were all expired. In other words, the annual service date for such fire extinguishers was expired, thus the fire extinguishers are no longer considered in working order. As a result of my inspection, I found that the Price campus was without properly serviced/or working fire extinguishers between the afternoon of November 10, 2009 through approximately 9:30 a.m. November 12, 2009.¹

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¹ November 11, 2009 was a holiday and as such, no classes were held that day.

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I immediately notified Mrs. Cabrera who indicated that she had no knowledge of the whereabouts of the 30 some fire extinguishers that she believed were on campus, other than the expired fire extinguishers that were located in the Principal's office. In addition, I contacted Captain Flores from GFD and reported that the school was without working fire extinguishers. He instructed me to contact Captain Aquino to file a complaint concerning my findings. I reported my findings to Captain Aquino who then requested that I wait at the school for his arrival. I also contacted DPHSS officials informing them of my findings. In addition, I contacted Dr. Bretania Underwood and informed her of my findings as well. Shortly after reporting my findings to Dr. Bretania Underwood, she contacted me stating that Price 's Principal was the individual responsible for transferring approximately 10 to 15 fire extinguishers to the Agueda Johnston Middle School sometime in the afternoon on November 10, 2009. The Principal of Price indicated to me that it was her decision to remove the working fire extinguishers from the Price campus and transfer them to Agueda Johnston.

I also observed approximately 9:00 a.m. on November 12, 2009, a Mr. James and a Mr. Kin/Ken, both employees at Price, carrying fire extinguishers from the back of D wing into some of the classrooms. I asked Mr. James where he got the fire extinguishers and he said from Mr. Kin. I then asked Mr. Kin where he got the fire extinguishers and he said from Mr. James. It seems as though neither individual could identify where the fire extinguishers came from. In addition, I observed two fire extinguishers in the back of a white truck parked near the D wing classrooms.

What is not clear, however, is what prompted the Principal of Price to transfer the school's fire extinguishers to Agueda Johnston and not to any other school. I realize that an inspection occurred at Agueda Johnston on November 12, 2009 but no mention of such inspection was made to the Principal of Price Elementary. In addition, I have knowledge that on or about November 10, 2009, a DOE official from the Superintendent's office requested that the Principal of Price be contacted regarding the transfer of fire extinguishers from Price to Agueda. As such, the Principal of Price received a phone call regarding the transfer or loan of the Price fire extinguishers to Agueda which may have prompted the Principal from Price to remove and transfer the Price fire extinguishers to Agueda Johnston. As a result of the Price Elementary Principal's actions, however, classrooms, the library, and the cafeteria, essentially the entire Price campus, was left without any working fire extinguishers sometime from the afternoon of November 10, 2009 until approximately 9:30 a.m. on November 12, 2009.

The decision to remove and transfer all of Price's working fire extinguishers to another school placed the students and others at risk of not having fire safety equipment on campus, even if the absence of the fire extinguishers was only for a short period of time. Such action is not acceptable, must not be tolerated, and must never be repeated at any school. I strongly recommend that DOE address this issue immediately in order to ensure that student safety is never compromised or placed at risk merely to assist another school for any purpose. I recommend that DOE develop and implement a school wide policy requiring any school official to contact and/or report to the DOE safety administrator, the Superintendent, or any other pertinent DOE official before any decision is made to remove and/or transfer any safety equipment including but limited to fire extinguishers, from one school to another.

Another issue concerning this matter is that the annual service date for many of the extinguishers found on campus was expired. DOE should require their safety administrator to develop a master list of all the schools fire extinguishers and log the annual service dates for all fire extinguishers in order to assist or provide reminders to school administrators or other DOE officials in advance of the annual service expiration date of any such fire extinguishers. In addition, I recommend that the DOE safety office coordinate with the fire extinguisher vendor well in advance of the expiration date of the fire extinguishers or when fire extinguishers may found to be in disrepair, in order to ensure that properly working fire extinguishers are available in the schools. Proper planning and scheduling

should be a priority concerning the availability of working fire extinguishers to ensure that student safety is never compromised.

If you have questions, please do not hesitate to contact my office.

Respectfully,



Dominic Terlaje

cc:

Honorable Speaker, 30th Guam Legislature

GEPB Chairman

GFD (via email)

Office of Attorney General, Patrick Mason, Deputy Attorney General, Civil Litigation & Solicitor
Division (via email)