



Office of the Adequate Education Suruhanu (Ombudsman)
126 Ricardo J. Bordallo Governor's Complex, Adelup
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Web Page Address: www.guamlegislature.com



AM 10: 26

September 29, 2010

Memorandum

TO: Superintendent of Education

FROM: Education Suruhanu

SUBJECT: P.C. Lujan Elementary School fire extinguishers annual service date expired since May 1, 2009.

Office of the Speaker
Jeddy T. Wain, Pat. Ed. D. O.
30-10-0838
10-9-30-10

Håfa Adai Dr. Bretania Underwood:

My office conducted an inspection of the P.C. Lujan Elementary School (P.C. Lujan) on September 29, 2010 noting various discrepancies that pertain to the 14 Points and the various regulatory agency rules and/or regulations. An inspection report detailing the various discrepancies will be provided accordingly at a later date. However, the purpose of this correspondence is to inform your office that the annual service date for the fire extinguishers at P.C. Lujan has expired and that the fire extinguishers have not been serviced as is required since May 1, 2009.

As you may know, P.L. 28-45 § 4 (12) (l) requires public schools to provide a healthful, safe, and sanitary learning environment including but not limited providing the necessary fire safety equipment and fire alarm systems in each school. In addition, the Guam Fire Department (GFD) requires fire extinguishers be provided in the schools, that they be properly mounted, have proper signage, be accessible, be in good working order, be monitored monthly, and be serviced annually by a party licensed to perform such service. During the course of the inspection, it was observed that the date punched or marked on the Blaze Out service inspection tag affixed to many of the fire extinguishers is April 2008. In addition, the Blaze Out service inspection tag also indicates the fire extinguisher expires in 12 months from the date punched. In other words, the inspection tags that are punched or marked April 2008 should have been re-serviced by May 1, 2009 and then re-serviced again in 12 months from the 2009 date punched.

Please be advised that GDOE, the GEB (formerly known as the GEPB), and others, were made aware of P.C. Lujan's expired fire extinguishers as far back as January 2010. (Please see attachments.) Furthermore, P.C. Lujan school officials indicated that this issue has been reported to various GDOE officials but to no avail. Such disregard for taking the necessary and proper steps to ensure that P.C. Lujan was immediately provided properly serviced fire extinguishers after being properly notified is unacceptable, cannot be tolerated, and must be addressed, and rectified immediately. I would strongly recommend that your office take the necessary steps to ensure that fire extinguishers are always maintained and never left to expire for any reason. More important, fire extinguishers must be properly serviced and in good working order at all times most especially in light of the inoperable school fire alarm system.

I would recommend that GDOE require their Safety Office to develop a master list of all the schools fire extinguishers and log the annual service expiration date or dates in order to assist or provide reminders to school administrators and/or other GDOE officials in advance of the annual service expiration date. In addition, the GDOE Safety Office should coordinate with the various fire extinguisher vendors well in advance of the expiration date of the fire extinguishers or when fire extinguishers may be discharged or found to be in disrepair to ensure that a sufficient amount of properly serviced and working fire extinguishers are always made available. Proper planning and scheduling must be a priority concerning

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the availability of properly serviced and/or working fire extinguishers to ensure that student safety is never compromised. Furthermore, the monthly monitoring of the fire extinguishers must be enforced as an effective measure to ensure that all fire extinguishers are properly serviced and/or in good working order.

Based on the above, please provide my office with the action GDOE is taking or will take to rectify this matter no later than 5:00 p.m. September 30, 2010. Please feel free to email any such correspondence. Although this may or may not be an isolated incident, I am respectfully requesting that your office provide my office with GDOE's plans to ensure that fire extinguishers at P.C. Lujan as well as at the other schools will be properly monitored to ensure that they are properly serviced as necessary and in good working order at all times.

Your attention to this most urgent matter is greatly appreciated. If you have questions, please do not hesitate to contact my office.

Best regards,



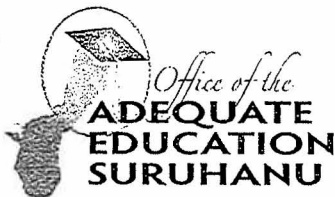
Dominic Terlaje

Attachments

OES letter to GFD Fire Chief dated January 7, 2010
GFD letter to Superintendent of Education dated January 7, 2010
KUAM news article dated January 10, 2010
DPHSS SBIR inspection report dated January 22, 2010
OES letter to Superintendent of Education dated March 1, 2010
Letter from Superintendent of Education to OES dated April 2, 2010

cc:

Honorable Speaker, 30th Guam Legislature
Honorable Senator Palacios, 30th Guam Legislature
GEPB
P.C. Lujan School Administrator
Bruce Williams, GDOE Safety Administrator
Billy Cruz, GDOE Maintenance Manager
Fire Chief, GFD
Attorney General, Office of the Attorney General



Office of the Adequate Education Suruhanu (CES)
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Dominic Terlaje
Education Suruhanu

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January 7, 2010

FILE

To: Fire Chief
From: Education Suruhanu
Subject: Expired Annual Service Date for Fire Extinguishers at the PC Lujan.

1/7/2010
1/7/10
2:38pm

Dear Chief Peredo:

This correspondence is to inform you that my office recently performed an inspection of the PC Lujan Elementary School. During the course of the investigation, it was discovered that the annual service date for the fire extinguishers observed was expired. The date punched or marked on the sticker that is affixed to the fire extinguisher is April 2008. In addition, such sticker indicates that the fire extinguisher should be re-serviced 12 months after the punched or marked date. In other words, the fire extinguishers at PC Lujan should have been re-serviced sometime in April 2009. As such, the school has been without properly serviced/working fire extinguishers since May 2009. Further, a report prepared by GSA and issued to PC Lujan administration on December 12, 2009, indicated that approximately 60 fire extinguishers in various classrooms and other rooms were deemed inoperable.

I also inspected J.Q. San Miguel on December 15, 2009 and discovered that the annual service date for their fire extinguishers expired in May 2009. I have recently been informed by the J.Q. San Miguel Principal that Safety First delivered 20 fire extinguishers to the school sometime in mid December 2009. However, J.Q. San Miguel was without properly serviced/working fire extinguishers for approximately six months. In an effort to address this problem, I recommended that GDOE address and rectify such matter immediately in order to come into compliance with the Fourteen (14) Points as well as any regulatory code. In addition, I also recommended that proper planning and scheduling be a priority to ensure that properly serviced/working fire extinguishers are available in the schools at all times to ensure that student safety is not compromised.

I am respectfully requesting that your office provide a written response indicating the violation of the regulatory code, if any, where it is found that the annual service date has expired for all of a school's fire extinguishers. Please indicate the corrective measure that GDOE must take to rectify such discrepancy and the time frame in which the discrepancy must be rectified. In addition, please indicate GFD's determination of fire extinguishers that are expired and that are currently installed and provided in public school classrooms or other school rooms. Any other pertinent information concerning this matter would also be appreciated.

I look forward to your response. If you have questions, please do not hesitate to contact my office.

Respectfully submitted,

Dominic Terlaje

cc:
Honorable Speaker, 30th Guam Legislature
Captain Joe Muna (via email)
Superintendent, GDOE
Chairman, GEPB

G GEPB
2:38pm

Muna
1/7/2010



GUAM FIRE DEPARTMENT
DIPATTAMENTON GUAFI GUAHAN



Felix P. Camacho
 Governor

David Q. Peredo
 Fire Chief

Michael W. Cruz, MD
 Lt. Governor

January 7, 2010

10.1.08
RECEIVED
 JAN 11 2010
 Adequate Education
 Suruhanu Office

Dr. Narissa Underwood
 Superintendant, Guam
 Dept. of Education
 Aspinall Avenue,
 Hagatna, Guam 96910

Dear Mrs. Underwood,

It has been brought to our attention by concerned parents and the Education Suruhanu Mr. Dominic Terlaje that several public schools which have been inspected recently, are without adequate or properly serviced portable Fire Extinguishers. This issue has been noted during past inspections conducted with the Health and Safety Task Force, however, it appears that rather than it being corrected, it has only gotten worse. Your staff has been informed and also provided with copies of the code referencing the Fire Extinguisher requirements.

As an example, the Southern High School Campus was plagued with several fires last school year, and was properly extinguished by the school staff using the available Fire Extinguishers. Imagine what would have happened if none was available or did not work properly. Furthermore, the Firewatch imposed due to non-working Fire Alarm Systems require the use of Fire Extinguishers in the event a fire occurs.

As a reminder, Fire Extinguishers are a "Life Safety" issue. All "Life Safety" issues are a major concern of the Guam Fire Department which we do take seriously and must be corrected "immediately". Failure to adhere to this requirement may result in consequences not limited to the closure of a school.

Should you require additional information or assistance, you may contact Fire Captain Joey M. Muna at 472-3311.


 DAVID Q. PEREDO

CC:

Honorable Speaker, Judith T. Won Pat 30th Guam Legislature
 Joe S. San Augustine, Chairman, GEPB
 Dominic Terlaje, Education Suruhanu



Problems still abound in public schools

Posted: Jan 10, 2010 1:54 PM

Updated: Jan 10, 2010 4:00 PM



by Heather Hauswirth

Guam - It was recently when education suruhanu Dominic Terlaje sent a letter to Fire Chief Dave Peredo about his concerns over the Department of Education's lack of properly serviced fire extinguishers at both P.C. Lujan Elementary School and J.Q. San Miguel. The lack of fire extinguishers is one of several issues plaguing the island's public schools.

DOE's safety administrator, Bruce Williams, scanned the letter sent by Terlaje to Chief Peredo last Thursday, which cites his concern over a lack of properly serviced and operable fire extinguishers at Guam's public schools. "Fire extinguishers are really more dangerous than useful but it's a fire code you must have them so I'd rather have my people in doubt get out. Ok? So this thing about the fire extinguishers yes we are in the process of getting an annual inspection, which is a visual inspection to say yes, this is in good working order," he said.

In an e-mail to KUAM News, Guam Fire Department Spokesperson Joey San Nicolas said that the fire chief is currently drafting a formal response to the suruhanu's letter of concern and that the department has been in continuous dialogue with DOE about the issue.

San Nicolas said, "This is a major issue that affects the life safety of our children as well as the DOE employees that work at these sights. A couple of fires at southern high and Simon Sanchez were kept from causing death or major damage because they had proper extinguishers and either fire watch or smoke alarms in place. We will get in contact with Mr. Williams and address this matter."

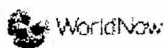
In the meantime, Williams maintains that parents should not be alarmed. "It doesn't mean the fire extinguishers sitting in the schools now that haven't been inspected are not working, it doesn't mean they aren't working, it means they have not been inspected and the tag updated," he said.

When probed further by KUAM about the reason for the delay in inspections, Williams cited a lack of funding, saying, "Some of them have to be replaced. We are in the process of doing that. Show me the money. It's a money issue."

After a slew of financial problems at DOE over an RFP that was awarded and put out last year then protested and cancelled which would have paid for a vendor to check and verify the fire extinguishers, Williams added that DOE is currently waiting for the contract go out to bid one more time. In the meantime, he says that the fire extinguishers are not the only safety concern when it comes to detection of the fire.

"They are not working, only new schools have working fire alarm systems. And the problem is money? Money, it's always money," he said.

Until DOE can find the funds for a permanent solution, San Nicolas says DOE was instructed to put in place a fire watch system which consists of adults either school aids or teacher strategically located at various parts of each campus who would maintain watch as long as students are in the building.



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DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIVISION OF ENVIRONMENTAL HEALTH

6/A

1071

SCHOOL BUILDING INSPECTION REPORT

| | | | | |
|-----------------|---|-------------------------------|--|-----------------------------|
| REASON | | INSPECTION DATE 01/22/2010 | ESTABLISHMENT NAME P.C. LUJAN Elementary School | |
| Regular | ✓ | INSPECTION TIME | OWNER/OPERATOR | |
| Follow-up | | 9:10 a.m. HR. 1:30 P.M. MIN. | DOE - P.C. LUJAN Elementary School | |
| Complaint | | TRAVEL TIME | LOCATION | |
| Investigation | | HR. MIN. | BARRIGADA | |
| Other (Specify) | | SANITARY PERMIT # 90001405 | PERMIT CATEGORY STATUS (Circle One) <u>Permanent</u> Temporary/Current, Expired | ESTAB. TYPE SCHOOL BLDG. |

Based on an inspection this day the items listed below identify violations in operation or facilities which must be corrected by the next routine inspection or such shorter period of time as may be specified by the Department. Failure to comply may result in cessation of your operations.

| ITEM NO. | REMARKS | CORRECT BY: |
|----------|---|--------------|
| # 08 | Observed overgrown vegetation throughout the school building. | DATE 2 |
| | Overgrown vegetation (Grass) shall be cut, properly maintained and shall be reasonably level so as to prevent injury. | |
| # 36 | Observed fire Extinguishers throughout the classrooms to be Expired. | 4 |
| | Fire Extinguishers shall be renewed/certified annually. (Fire Extinguishers shall be up to date and in good working condition). | |
| | "C" placard no # 0568 was removed. | |
| | "A" placard no # 01253 was posted. | |
| | ALL VIOLATIONS WERE DISCUSSED WITH PRINCIPAL BURCH. | = 6 TOTAL |

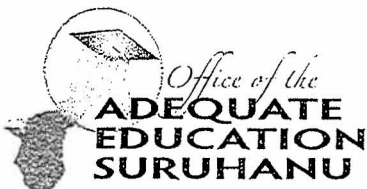
I have read and understand the above violation(s) and I am aware of the corrective measures to be taken.

*When any of the following items are cited above, they shall be corrected within ten days of the inspection: (01); (02); (23); (27); (31).

RECEIVED BY (Name and Title)
Jeanette M. Burch, Principal

DEH INSPECTOR (Name and Title)
Roxlynn M. Barlaza, E. DHS

Division of Environmental Health



Dominic Terlaje
Education Suruhanu

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Web Address: www.guamlegislature.com



FILE

March 1, 2010

To: Superintendent of Education
From: Education Suruhanu
Subject: Expired Fire Extinguishers.



Dear Dr. Bretania Underwood:

This correspondence is to inform you that my office recently performed an inspection of the Carbullido Elementary School and during the course of the inspection, it was discovered that the annual service date for all of the fire extinguishers observed in the classrooms was expired. In addition, I have recently been informed that PC Lujan, FBLG, and UPI are still without properly serviced fire extinguishers even after the school was cited for such discrepancy in recent inspection reports.

Please be advised that according to a letter dated January 7, 2010 from the Guam Fire Department to your office, the Fire Chief stated among other things that fire extinguishers are a "Life Safety" issue and that all "Life Safety" issues are a major concern for the Fire Department that must be corrected immediately. In addition, the Fire Chief also indicated that failure to comply with the requirement of having properly serviced fire extinguishers in the schools may result in consequences not limited to closure of a school.

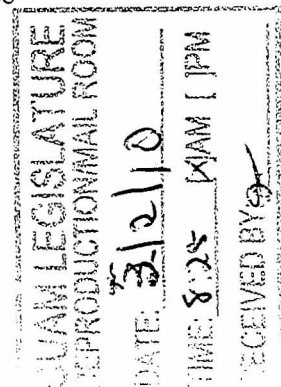
I strongly recommend that the GDOE identify the schools that do not have properly serviced fire extinguishers and rectify the problem immediately. In addition, I am respectfully requesting in writing, the efforts GDOE has taken or will take to rectify this matter and the problems or difficulties that GDOE may be experiencing in working to have the fire extinguishers properly serviced. Please provide the requested information to my office immediately.

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

Respectfully submitted,

Dominic Terlaje
Dominic Terlaje

original in outgoing folder



Attachments. (3)

cc:

Honorable Speaker, 30th Guam
Chairman, GEPC
GFD Captain Joe Muna (via e)
Pat Mason, Deputy Attorney C

emailed
Pat Mason
DT 3-1-10

DEPARTMENT OF EDUCATION
Mason
3/2/10



**DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT**

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10-4-09
RECEIVED
APR 10 7 2010
MPP
Procurement
2010

Nerissa Bretania Underwood, Ph.D.
Superintendent of Education

April 2, 2010

MEMORANDUM

TO: Education Suruhanu
FROM: Superintendent of Education
RE: Expired Annual Maintenance Inspection of Fire Extinguishers

Hafa Adai Mr. Terlaje! Thank you for your letter of March 1, 2010, concerning the expired annual maintenance inspections of fire extinguishers. The Department is in the process of issuing a bid for the inspection, repair or replacement of fire extinguishers. An ad should be in the paper sometime next week.

Separately our Safety Administrator is putting together a training course to train school staff in the role of Fire Marshal to perform inventories, reporting and inspections of fire extinguishers.

Thank you again for your concern. I look forward to continuing to work with you to ensure our schools are safe.

Senseramente,


NERISSA BRETANIA UNDERWOOD, Ph.D.


Cc: Deputy Superintendent, ESCL
Deputy Superintendent, FAS
Safety Administrator
Procurement Officer