



CITY OF RICHMOND  
CITY AUDITOR

**DATE:** June 2, 2021

**TO:** Lincoln Saunders  
Acting Chief Administrative Officer

**FROM:** Louis Lassiter *LL*  
City Auditor

**SUBJECT:** Department of Fire and Emergency Services:  
Fire Prevention Division Audit

The City Auditor's Office has completed the Fire Prevention Division audit and the final report is attached.

We would like to thank the Fire & Emergency Services' staff for their cooperation and assistance during this audit.

Attachment

cc: The Richmond Audit Committee  
The Richmond City Council  
Melvin Carter, Chief of Fire & Emergency Services

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City of  
**RICHMOND**  
Office of the City Auditor

Audit Report# 2021-15  
**Department of Fire and Emergency Services**  
**Fire Prevention Division Audit**  
June 2, 2021



**Audit Report Staff**

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Executive Summary **i**  
Background, Objective, Scope, Methodology **1**  
Findings and Recommendations **8**  
Management Responses **Appendix A**

Highlights

Audit Report to the Audit Committee,  
City Council, and the Administration

**Why We Did This Audit**

The Office of the City Auditor conducted this audit as part of the FY21 audit plan approved by the Audit Committee. The main objective for this audit was to evaluate the Fire Prevention Division's inspection process for efficiency and compliance with the Virginia Statewide Fire Prevention Code and City Code.

**What We Recommend:**

The Fire Prevention Division Battalion Chief:

- Implement a plan/schedule for conducting nursing homes & assisted living facilities inspections and re-inspections.
- Update their policies and procedures to ensure required annual inspections are addressed.
- Implement a plan/schedule for conducting schools' inspections and re-inspections.
- Implement a standard communication process with RPS to ensure all violations are reported to the RPS Facility Services staff.
- Develop and implement a plan to update the FDM database to include information maintained in paper file form.
- Revise the Fire Protection Operating Guidelines to address documentation requirement in the FDM System and paper files.
- Develop and implement a process to ensure routine inspections are performed.
- Comply with the Library of Virginia Records and Retention schedule General schedule No. 17.

*Additional recommendations were issued to improve operations.*



**Department of Fire and Emergency Services: Fire Prevention Division**

**Background** - The Virginia Statewide Fire Prevention Code (SFPC) is a maintenance code that is enforced once a Certificate of Occupancy (CO) is issued to protect against the hazards of fire and explosion. As outlined by State Code, the Board of Housing and Community Development (BHCD) along with the Virginia Fire Services Board adopt and amend the SFPC. According to Code of Virginia § 27-98, "any local government may enforce the Fire Prevention Code in its entirety or with respect only to those provisions of the Fire Prevention Code relating to open burning, fire lanes, fireworks, and hazardous materials. If a local governing body elects to enforce only those provisions of the Fire Prevention Code relating to open burning, it may do so in all or in any designated geographic areas of its jurisdiction." According to City Code §13-138, the City of Richmond elected to enforce the Fire Code through a local Fire Marshal and authorized them and all their representatives to enforce it.

**Needs Improvement**

**Finding #1 – Nursing Homes Inspections** - The Auditors reviewed 100% (17) of the nursing homes and assisted living facilities to determine whether the Fire Marshal's Office (FMO) inspected them during FY2020, as required and noted nine facilities were inspected. However, eight were last inspected between FY2017 and FY2019. As of 6/30/2020, 65% (11) of the facilities had more than **400 days** between inspections.

**Finding #2 – Schools Inspections** - The Auditors reviewed 100% (51) of the Richmond Public Schools (RPS) to determine whether the FMO conducted the required annual inspections and noted 48 were inspected in FY2020. Of the 48 schools, 20 did not have a prior inspection in FY2019. The most recent prior inspections ranged from FY2006 to FY2018. Forty schools had unsatisfactory inspections and required re-inspections. 55% of these were not re-inspected to ensure the violations had been cleared. Ten re-inspections were satisfactory and eight remained unsatisfactory. One school had not been inspected since May 2017.

**Finding #3 – General Businesses Inspections Completion** - The Auditors selected a sample of 25 general businesses to determine whether they had been inspected during CY2020 and noted 14 businesses were not found in the FDM system. Of the 14, eight were found in hard copy files and six did not exist. 80% (20 of 25) of the businesses were **not** inspected in CY2020. The Auditors reviewed the files for those businesses that were not inspected in CY2020 to determine when they were last inspected. The previous inspections ranged from 1988 to 2019. Due to lack of documentation, the Auditors could not determine if nine of these properties had ever been inspected.

**Finding #4 – Third-Party Inspections** – Third-party inspectors conduct annual inspections, such as paint booths, fire extinguishers, fire alarms, sprinkler/suppression systems and hood suppression systems. They do not require the business owners to correct any violations as they do not have the authority to enforce compliance. Compliance must be enforced by the FMO. The FMO did not always receive notice of violations as they did not require them to submit documentation. According to City Code, documentation for third-party inspections must be submitted within 30 days of inspection.

**Finding #5 – Signed Inspections Report** – The Auditors reviewed 34 inspections conducted in FY2020 and noted the FMO did not maintain the signed reports for ten of the inspections, as required by management.

**Finding #6 – New Business Notification** - The City does not have a process in place to notify the FMO of new or closed businesses operating in the City. The fire inspections' database is only updated when the inspectors notice them while conducting other inspections.

**Finding #7 – Tracking Certification and Training** - The Fire Marshal and six Inspectors passed the required National Fire Protection Association (NFPA) 1031 certification. However, they failed to apply and receive their official certification. The Fire Marshal and two of the Inspectors obtained the required 16 continuing education units (CEU). However, they did not submit them to DHCD in order to maintain their certifications. The FMO could not provide CEU documentation for two of the inspectors.

**Finding #8 – Staffing** - The Auditors contacted five accredited Fire Departments in Virginia to compare the FMO's staffing level. The Auditors were unable to conclude on the appropriateness of the staffing level for the City's FMO due to incomplete inventory of inspections in the FMO's database and other administrative duties performed by the inspectors.

Management concurred with 14 of 14 recommendations. We appreciate the cooperation received from management and staff while conducting this audit.

## BACKGROUND, OBJECTIVES, SCOPE, METHODOLOGY, MANAGEMENT RESPONSIBILITY and INTERNAL CONTROLS

This audit was conducted in accordance with the Generally Accepted Government Auditing Standards promulgated by the Comptroller General of the United States. Those Standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on the audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on the audit objective.

### BACKGROUND

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#### Overview

The Virginia Statewide Fire Prevention Code (SFPC) is a maintenance code that is enforced once a Certificate of Occupancy (CO) is issued to protect against the hazards of fire and explosion. As outlined by State Code, the Board of Housing and Community Development (BHCD) along with the Virginia Fire Services Board adopt and amend the SFPC. Local governing bodies may enforce the code or leave it to the State Fire Marshal to enforce. According to Code of Virginia § 27-98, “any local government may enforce the Fire Prevention Code in its entirety or with respect only to those provisions of the Fire Prevention Code relating to open burning, fire lanes, fireworks, and hazardous materials. If a local governing body elects to enforce only those provisions of the Fire Prevention Code relating to open burning, it may do so in all or in any designated geographic areas of its jurisdiction. “

According to City Code §13-138, the City of Richmond elected to enforce the fire code through a local Fire Marshal and authorized them and all their representatives to enforce the Code.

*“The goal of the Prevention Office is to direct its resources to provide effective service delivery in the areas of public education, construction sites, plans reviews, economic development, fire protection systems inspections, fire cause investigation and code enforcement.”*

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## **Richmond City Auditor’s Report #2021-15**

Department of Fire & Emergency Services

Fire Prevention Division

June 2, 2021

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The City of Richmond established fees for fire inspections in 2020 through Ordinance 2020-077. Per Fire Management, the application and collection of fees has not begun due to the effects of the COVID-19 pandemic. The current plan is to start charging the applicable fees in July 2021.

### Inspection Process

The Fire Marshal’s Office (FMO) conducts the following types of inspections:

- **General**– which are routine inspections
- **License**– inspections that are required to obtain licenses
- **C.A.P.S.** – Community Assisted Public Safety Inspections
- **Night Duty**– inspections of night clubs, and others
- **Permits**– inspections that are required to obtain permits
- **Site Visits** – inspections of sites in preparation for upcoming events or work (i.e. tank inspections, fireworks)
- **Event Visits**– inspections during special events
- **Complaints**– inspections prompted by a complaint by a third party

The following table depicts the number of inspections conducted during FY2020:

<b>Number of Inspections Performed in FY2020</b>			
<b>Inspection Class</b>	<b>No. of Inspections Performed</b>	<b>% of Total</b>	<b>Performed by</b>
C.A.P.S.	44	4%	FMO
Event/Site	34	3%	FMO
General	194	17%	FMO
License	174	15%	FMO
Permit	118	10%	FMO
Referral/Complaint	220	19%	FMO
Third-Party - Fire Alarm System	91	8%	Third Party
Third-Party - Fire Sprinkler System	118	10%	Third Party
Third-Party - Hood Suppression System	169	15%	Third Party
<b>Total</b>	<b>1,162</b>	<b>100%</b>	

**Source:** Data obtained from the FDM System

Note: The percentage of the total does not equal 100% due to rounding.

The number of inspections is based on the inspections keyed in the Fire Data Management (FDM) System, which does not include all inspections conducted. The FMO uses the FDM System

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***Richmond City Auditor's Report #2021-15***

*Department of Fire & Emergency Services*

*Fire Prevention Division*

*June 2, 2021*

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to track the inspections, which was implemented in 2008. In order to build an inventory of properties that required inspections, the FMO obtained a report of properties from the City Assessor's Office. Since that time, there has not been another comparison to business listings in the City.

Inspectors are typically assigned to a specific City District. However, due to the current low staffing level, they assist in other Districts, if needed. Typically, inspectors attempt to inspect two to three businesses per day, in addition to other administrative duties. Inspections are prioritized based on life safety risks, such as assisted living facilities, day cares, institutional places and schools. However, due to COVID, nursing homes and assisted living facilities are not being inspected at this time. Businesses that require annual inspections as part of licensing requirements tend to reach out to the FMO when their inspections are due. Currently, most of the inspections being completed are due to permit requirements, license requirements, and complaints.

Complaints can be received via the general phone number, non-emergency line, and contact info on the website. All inspectors investigate complaints. A complaint is investigated even if the property recently had a satisfactory inspection. When the inspectors are out on complaint calls and notice other violations, they may request to do an inspection at that time or schedule it at a later date.

Once an inspection is complete, the inspector enters any violations into the FDM system and generates a Notice of Violation (NOV) report that is given to the business owner. These are entered in the System as "Unsatisfactory" until violations are corrected. Depending on the violation, the business owner has between one and thirty days to make the required corrections. If corrections have not been completed upon re-inspection, a Second NOV report is issued and the business is given another opportunity to correct the violations. If the violations have not been corrected during a second re-inspection, the inspector may issue a Final Notice. The inspector has the authority to issue a Stop Work Order, which immediately ceases their work. A

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## ***Richmond City Auditor's Report #2021-15***

*Department of Fire & Emergency Services*

*Fire Prevention Division*

*June 2, 2021*

---

Stop Work Order may also be issued if there are dangerous/hazardous conditions that are an immediate risk to life safety. Violations must be corrected and a \$200 fee is charged to lift the Stop Work Order. The inspectors have the authority to issue a court summons if the violation remains uncorrected. If a court summons is issued, licenses/permits may be revoked and a fine of up to \$2,500 and up to 12 months in jail can be levied against the business owner for each violation.

The following table depicts the top five violations during FY2020 and the respective Code description:

<b><i>Violation Code</i></b>	<b><i>Code Description per SFPC</i></b>
<b><i>906.2 General requirements</i></b>	"Portable fire extinguishers shall be selected, installed and maintained in accordance with this section and NFPA 10."
<b><i>605.6 Unapproved conditions</i></b>	"Open junction boxes and open-wiring splices shall be prohibited. Approved covers shall be provided for all switch and electrical outlet boxes."
<b><i>901.6 Inspection, testing and maintenance</i></b>	"To the extent that equipment, systems, devices, and safeguards, such as fire detection, alarm and extinguishing systems, which were provided and approved by the building official when constructed, shall be maintained in an operative condition at all times. And where such equipment, systems, devices, and safeguards are found not to be in an operative condition, the fire official shall order all such equipment to be rendered safe in accordance with the USBC."
<b><i>605.1 Abatement of electrical hazards</i></b>	"Identified electrical hazards shall be abated. Identified hazardous electrical conditions in permanent wiring shall be brought to the attention of the responsible code official. Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used."
<b><i>703.1 Maintenance</i></b>	"The required fire-resistance rating of fire-resistance-rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings, and sprayed fire-resistant materials applied to structural members and fire-resistant joint systems, shall be maintained. Such elements shall be visually inspected by the owner annually and properly repaired, restored, or replaced where damaged, altered, breached or penetrated. Records of inspections and repairs shall be maintained. Where concealed, such elements shall not be required to be visually inspected by the owner unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile, or similar movable entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer openings, and holes made for any reason shall be protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire-resistance rated assemblies shall be protected by self-closing or automatic-closing doors of approved construction meeting the fire protection requirements for the assembly."



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## **Richmond City Auditor's Report #2021-15**

Department of Fire & Emergency Services

Fire Prevention Division

June 2, 2021

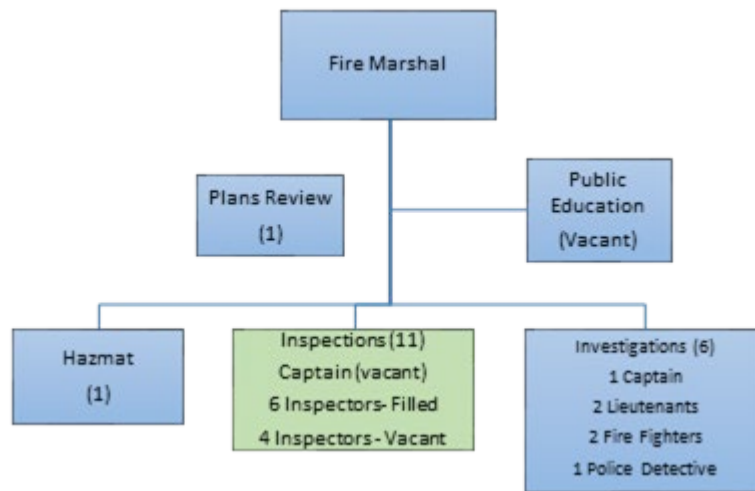
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During FY2020, there were a total of 855 violations. The following table depicts the five highest business types where violations occurred and the percentage of the total:

<i>Business Type</i>	<i>No. of Violations</i>	<i>% of Total</i>
<i>Market</i>	103	12%
<i>Motor Vehicle Repair Garages</i>	101	12%
<i>Civic Administration (Fire Department Properties)</i>	95	11%
<i>Elementary School (public)</i>	93	11%
<i>High School (public)</i>	67	8%

### Staffing

During FY2020, the FMO consisted of a Fire Chief and 11 inspectors. Five of these positions were vacant, including a captain as follows:



The adopted budget for the Fire Prevention Office in FY2020 was \$2,100,345.

### **Certifications – Continuous Education**

Both the Statewide Fire Prevention Code (SFPC) and the Virginia Administrative Code (13VAC5-21-31) provide certification requirements for Inspectors. The SFPC requires that the fire official and technical assistants obtain certification from the Virginia Board of Housing and Community Development (BHCD) within one year and 1 ½ years after permanent or acting appointment for fire officials and technical assistants, respectively.

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## ***Richmond City Auditor's Report #2021-15***

*Department of Fire & Emergency Services*

*Fire Prevention Division*

*June 2, 2021*

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Per the VA Administrative Code (13VAC5-21-31) the following is required for certification:

- Written or electronic endorsement from the code official or code official's supervisor in the locality in which they are employed certifying that the applicant complies with the qualification section in the Uniform Statewide Building Code (USBC) or SFPC for each type of certificate sought.
- Proof of successful completion of approved classes and examinations for each certificate sought based on current certification exam requirements.
  - ***Fire Official*** – Core and Advance Official Virginia Building Code Academy (VBCA) Classes and Inspector 1031 Course and Exam through the Virginia Department of Fire Programs.
  - ***Fire Prevention Inspector*** – Core VBCA Class and Inspector 1031 Course and Exam through the Virginia Department of Fire Programs.

In order to maintain their certification, staff must obtain 16 hours of continuing education every two years plus additional training designated by the department (13VAC5-21-51).

### **OBJECTIVE**

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The objective for this audit was to evaluate the Fire Prevention Division's inspection process for efficiency and compliance with the Virginia Statewide Fire Prevention Code and City Code.

### **SCOPE**

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The scope of the audit covered fire inspections after a building has received its Certificate of Occupancy (CO) for the 12 months ended 6/30/2020 and the current environment, benchmark comparisons with accredited fire departments in Virginia, staff certifications, and continuing education compliance.

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## ***Richmond City Auditor's Report #2021-15***

*Department of Fire & Emergency Services*

*Fire Prevention Division*

*June 2, 2021*

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### **METHODOLOGY**

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The Auditors performed the following procedures to complete this audit:

- Interviewed staff and performed ride-alongs to gain an understanding of the inspection processes;
- Reviewed the inventory of properties within other City departments and compared it to the inventory of properties in the Fire Marshal's Office database;
- Analyzed the required annual inspections;
- Evaluated whether re-inspections were performed when required;
- Reviewed document retention; and
- Conducted other tests, as deemed necessary.

### **MANAGEMENT RESPONSIBILITY**

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City of Richmond management is responsible for ensuring resources are managed properly and used in compliance with laws and regulations; programs are achieving their objectives; and services are being provided efficiently, effectively, and economically.

### **INTERNAL CONTROLS**

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According to the Government Auditing Standards, internal control, in the broadest sense, encompasses the agency's plan, policies, procedures, methods, and processes adopted by management to meet its mission, goals, and objectives. Internal control includes the processes for planning, organizing, directing, and controlling program operations. It also includes systems for measuring, reporting, and monitoring program performance. An effective control structure is one that provides reasonable assurance regarding:

- Efficiency and effectiveness of operations;
- Accurate financial reporting; and
- Compliance with laws and regulations.

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**Richmond City Auditor's Report #2021-15**

Department of Fire & Emergency Services

Fire Prevention Division

June 2, 2021

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Based on the audit test work, the Auditors concluded the internal controls over fire inspections need improvement in the following areas:

- Required annual inspections of nursing homes, assisted living facilities and schools;
- General inspections completion;
- Record retention;
- Completeness of inventory of business operating within City limits; and
- Tracking staff certifications and training.

These deficiencies are discussed throughout the report.

## FINDINGS and RECOMMENDATIONS

### What Needs Improvement

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#### *Finding #1 – Nursing Homes Inspections*

**Condition:** The Auditors reviewed 100% (17) nursing homes and assisted living facilities found in the Munis System (located within City limits) to determine whether the FMO inspected them during FY2020, as required and noted:

- Nine facilities were inspected.
- Eight facilities were not inspected.
  - Six were last inspected in FY2019
  - One was last inspected in FY2018
  - One was inspected during FY2017

As of the end of the audit period, 65% (11) of the facilities had more than 400 days between inspections as follows:

Facility	Inspected FY2020	Previous inspection Date	Days Between Inspections
1	No	9/7/2016	1,392
2	No	2/1/2018	880
3	No	9/18/2018	651
4	No	4/16/2019	441

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## ***Richmond City Auditor's Report #2021-15***

*Department of Fire & Emergency Services*

*Fire Prevention Division*

*June 2, 2021*

---

Facility	Inspected FY2020	Previous inspection Date	Days Between Inspections
5	No	4/23/2019	434
6	Yes	1/24/2018	615
7	No	4/29/2019	428
8	No	4/29/2019	428
9	Yes	11/7/2018	478
10	Yes	3/18/2019	443
11	Yes	3/22/2019	417

Subsequent to the audit period, the FMO conducted inspections for seven of these facilities.

**Criteria:** Per §109.3 of the Statewide Fire Prevention Code, inspections of assisted living facilities, licensed or subject to licensure, and public schools are required to be performed on an annual basis by the State Fire Marshal, *if not inspected by a local fire marshal.*

According to City Code §13-138, the City of Richmond elected to enforce the fire code through a local Fire Marshal and authorized them and all their representatives to enforce the Code.

**Cause:** The FMO did not have policies and procedures that specifically addressed conducting the required annual inspections of nursing homes and assisted living facilities. An annual schedule or plan for inspecting nursing homes and assisted living facilities did not exist.

**Effect:** Nursing homes and assisted living facilities that are not inspected along with unaddressed violations could threaten the life safety of staff and residents. If these risks are not mitigated it could result in damage to property or more seriously, injury or loss of life of staff and residents.

**Recommendation:**

- 1. We recommend the Fire Prevention Division Battalion Chief implement a plan/schedule for conducting nursing homes and assisted living facilities' inspections and re-inspections.*

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## ***Richmond City Auditor's Report #2021-15***

*Department of Fire & Emergency Services*

*Fire Prevention Division*

*June 2, 2021*

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### ***Finding #2 – Schools Inspections***

**Condition:** The Auditors reviewed 100% (51) of the Richmond Public Schools (RPS) to determine whether the FMO inspected them as required during FY2020 and noted:

- Forty eight were inspected in FY2020, which included a new school.
  - Twenty of the 48 schools did not have a prior inspection in FY2019. The most recent prior inspections for these schools ranged from FY2006 to FY2018.
  - Forty schools had unsatisfactory inspections and required re-inspections. Fifty five percent of these (22 of 40) schools were **not** re-inspected to ensure the violations had been cleared. Ten had satisfactory re-inspections and eight re-inspections remained unsatisfactory.
- Two schools were not inspected as they were new and did not require an inspection in FY2020.
- One school was not inspected. Based on the FDM data and the hard copy files, this school was last inspected in May 2017. Subsequent to the audit period, this school was inspected in FY2021.

**Criteria:** Per §109.3 of the Statewide Fire Prevention Code, inspections of assisted living facilities, licensed or subject to licensure, and public schools are required to be performed on an annual basis by the State Fire Marshal, *if not inspected by a local fire marshal.*

According to City Code §13-138, the City of Richmond elected to enforce the fire code through a local Fire Marshal and authorized them and all their representatives to enforce the Code.

**Cause:** The FMO did not have policies and procedures that specifically addressed conducting the required annual inspections of schools. An annual schedule or plan for school inspections did not exist.

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## ***Richmond City Auditor's Report #2021-15***

*Department of Fire & Emergency Services*

*Fire Prevention Division*

*June 2, 2021*

---

During FY2020, the inspectors requested to conduct schools' inspections in April and May while the schools were closed due to the COVID-19 pandemic. However, prior to FY2020, the FMO did not have a formal process for scheduling and communicating results of the inspections. Reports were typically left with the schools' representatives and violations were not forwarded to the RPS Facility Services staff.

Beginning in April 2020, the inspectors started forwarding all reports to the RPS Facility Services' Director.

**Effect:** Schools that are not inspected along with unaddressed violations could threaten the life safety of staff and students. If these risks are not mitigated it could result in damage to property or more seriously, injury or loss of life of staff and students.

### **Recommendations:**

- 2. We recommend the Fire Prevention Division Battalion Chief update their policies and procedures to ensure required annual inspections are addressed.*
- 3. We recommend the Fire Prevention Division Battalion Chief implement a plan/schedule for conducting schools' inspections and re-inspections.*
- 4. We recommend the Fire Prevention Division Battalion Chief implement a standard communication process with RPS to ensure that all violations are reported to the RPS Facility Services staff.*

### ***Finding #3 – General Inspection Completion***

**Condition:** The Auditors selected a sample of 25 general businesses to determine whether they had been inspected during CY2020 and noted:

- 11 businesses were found in the FDM System
- 14 businesses were **not** found in the FDM system
  - Eight were found in hard copy files.
  - Six did not exist

## **Richmond City Auditor's Report #2021-15**

Department of Fire & Emergency Services

Fire Prevention Division

June 2, 2021

Eighty percent (20 of 25) of the businesses were *not* inspected in CY2020. The Auditors reviewed the files for those businesses that were not inspected in CY2020 to determine when they were last inspected. The following table depicts the type of business and their last inspection:

Type Description	Total	Date of Last Inspection
Personal Services (laundry, barber/beauty, tattoo, repair service, or tangible property rental)	5	1998 2012 2014 2015 (2)
Professional/Business Services	2	2013 2019
Retail Merchants	4	1988 2005 2013 2021
Beer/Mixed Beverages Meal Merchants Personal Services Professional/Business Services Retail Merchants	9	Unknown

Due to lack of documentation, the Auditors could not determine if nine of these properties had ever been inspected. Audit staff selected five of these businesses to observe their inspections during the audit and found that 100% of the businesses inspected had at least one violation as depicted on the following table:

Type of Violation	Number of Violations
Emergency Power for Illumination (failed backup power testing)	2
Portable Fire Extinguishers (expired or not on site)	4
Means of Egress - Exit Access (exit would not open completely)	1
Ceiling Clearance (combustibles within 2 feet of ceiling)	1
Abatement of Electrical Hazards (exposed wiring)	2
Extension Cords (surge protector required)	1
<b>Total</b>	<b>11</b>



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## ***Richmond City Auditor's Report #2021-15***

*Department of Fire & Emergency Services*

*Fire Prevention Division*

*June 2, 2021*

---

**Criteria:** Per the Virginia Statewide Fire Prevention Code, Section 109.1 “the fire official may inspect all structures and premises for the purposes of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with firefighting operations, endanger life, or any violations of the provisions or intent of the SFPC”.

According to the Library of Virginia, Records and Retention Schedule General Schedule NO. 17, fire code compliance inspections reports, photographs, notice of violations, and supporting documentation must be maintained for at least 10 years after submission.

**Cause:** The Fire Prevention Operating Guidelines dated October 2010 do not address processes for database or paper file records management. Over the last three years, staff turnover has impacted the number of inspections. Inspections were mostly driven by permit requirements, license requirements and complaints.

**Effect (s):**

- There are possible unsafe conditions for citizens in the City due to improper maintenance of life safety and fire prevention and protection materials, devices, systems and structures, or unsafe storage handling, and use of substances, materials and devices.
- Communication gaps and inconsistent documentation practices exist for fire inspections.

**Recommendations:**

- 5. We recommend the Fire Prevention Division Battalion Chief develop and implement a plan to update the FDM database to include information maintained in paper file form.*
- 6. We recommend the Fire Prevention Division Battalion Chief revise the Fire Protection Operating Guidelines to address documentation requirements in the FDM System and paper files.*
- 7. We recommend the Fire Prevention Division Battalion Chief develop and implement a process to ensure routine inspections are performed.*

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## ***Richmond City Auditor's Report #2021-15***

*Department of Fire & Emergency Services*

*Fire Prevention Division*

*June 2, 2021*

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- 8. We recommend the Fire Prevention Division Battalion Chief comply with the Library of Virginia Records and Retention Schedule General Schedule No, 17.**

### ***Finding #4 – Third-Party Inspections***

**Condition:** In addition to the general purpose inspections conducted by the FMO, third-party inspectors conduct annual inspections, such as:

- Paint booths
- Fire extinguishers
- Fire alarms
- Sprinkler/suppression systems
- Hood suppression systems

Third-party inspectors' reports do not require the business owners to correct any violations as they do **not** have the authority to enforce compliance as this authority rest with the FMO. The Auditors noted the third-party inspections are not always submitted to the FMO as they don't require the third-party inspectors to submit them. As such, the FMO does not always receive notice of violations. According to City Code, third party inspections must be submitted within 30 days.

**Criteria:** According to City Code, Chapter 13, §13-221, "it shall be the responsibility of any person or firm providing or conducting tests or inspections of fire protection systems within the City to submit a copy of the results of the aforementioned tests or inspections within 30 days to the Fire Code Official."

**Cause:** The FMO does not have a process in place monitor or track third-party inspection reports.

**Effect:** The FMO may not be aware of violations noted by third-party inspectors, therefore unable to enforce compliance and placing citizens at risk. The FMO may not have information on violations and whether they have been addressed.

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## ***Richmond City Auditor's Report #2021-15***

*Department of Fire & Emergency Services*

*Fire Prevention Division*

*June 2, 2021*

---

### **Recommendation:**

9. *We recommend the Fire Prevention Division Battalion Chief establish and implement a process to monitor and track-third-party inspections to include:*
- *An all-inclusive list of businesses that require third-party inspections;*
  - *Type of third-party inspection required;*
  - *Inspection frequency; and*
  - *Include third-party inspection reports.*

### ***Finding #5 – Signed Inspections Report***

**Condition:** The Auditors reviewed 20 properties that were inspected in FY2020 to test whether the FMO maintained signed inspection reports. Eighteen of the properties (*34 inspections*) required documentation to be retained. The following table depicts the testing results for the 34 inspections:

<i>Signed Documentation Maintained</i>	<i>No. of Inspections</i>
<i>Yes</i>	24
<i>No</i>	10

**Criteria:** According to management, staff should maintain signed copies of the inspection reports. The reports should be signed by the inspector performing the inspection and maintained onsite in the FMO.

**Cause:** The FMO's Operating Guidelines do not address the informal guidance of signing and retaining inspection reports. Additionally, management does not have a quality assurance process in place to ensure compliance.

**Effect:** Without formal guidance staff may not execute their roles and responsibility in accordance with management's intent.

### **Recommendation:**

10. *We recommend the Fire Prevention Division Battalion Chief update their policies and procedures to reflect management's expectations for maintaining signed documentation.*

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## ***Richmond City Auditor's Report #2021-15***

*Department of Fire & Emergency Services*

*Fire Prevention Division*

*June 2, 2021*

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### ***Finding #6 – New Business Notification***

**Condition:** The City does not have a process in place to notify the FMO of new or closed businesses operating in the City. The fire inspections' database is only updated when the FMO's inspectors discovered new businesses while conducting other inspections.

City departments, such as Planning and Development Review (PDR) and Finance are not required to notify the FMO when a new Certificate of Occupancy (CO) or a business license is issued. PDR does not notify the FMO unless Fire staff participated in the Design Review process. However, the Inspectors have access to Energov and can log on to obtain CO information.

The Auditors contacted five accredited localities to determine how their Fire Marshal's Office stayed abreast of new and closed businesses within their localities as follows:

- Henrico County
- Fairfax County
- City of Newport News
- City of Virginia Beach
- City of Danville

Three of the five localities notify their FMO when a new Certificate of Occupancy and/or a new business license is/are issued. For the other two localities, the FMO can log on to their system to obtain the information.

**Criteria:** According to the Virginia Statewide Fire Prevention Code, §109.1 "the fire official may inspect all structures and premises for the purposes of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with firefighting operations, endanger life, or any violations of the provisions or intent of the SFPC".

According to City Code §13-138, the City of Richmond elected to enforce the fire code through a local Fire Marshal and authorized them and all their representatives to enforce the Code.

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## ***Richmond City Auditor's Report #2021-15***

*Department of Fire & Emergency Services*

*Fire Prevention Division*

*June 2, 2021*

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**Cause:** The City has not established cross-departmental communication channels or workflows to notify the FMO of new and closed businesses.

**Effect:** Increased liability to the City as businesses that require inspections may not be inspected and increase the risk of life safety hazards.

**Recommendation:**

**11. We recommend the Chief Administrative Officer establish and implement procedures to ensure the:**

- *Planning and Development Review Department notifies the Fire Marshal's Office when Certificates of Occupancy are issued.*
- *Finance Department notifies the Fire Marshal's Office when business licenses are issued or when businesses close.*

### ***Finding #7 – Tracking Certifications and Training***

**Condition:** The Auditors reviewed the certification and continuing education requirements established by the Virginia Statewide Fire Prevention Code (VSFPC) and tested for compliance. The Fire Marshal and the six Inspectors (*technical assistants*) employed during FY2020 passed the required National Fire Protection Association (NFPA) 1031 certification. However, after passing and receiving their certificates, the Fire Marshal and the inspectors failed to apply and receive their official Department of Housing and Community Development (DHCD) certification for the State of Virginia.

The Fire Marshal and two of the Inspectors obtained the required 16 continuing education units (CEU). However, they did not submit them to renew their certifications. In order to maintain certification, staff must submit their CEU's to DHCD. The FMO could not provide documentation for two of the inspectors to validate they obtained their CEU's. The remaining two inspectors were not up for renewal as they were hired during FY2020.

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***Richmond City Auditor's Report #2021-15***

*Department of Fire & Emergency Services*

*Fire Prevention Division*

*June 2, 2021*

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**Criteria:** Per the VSFPC Administrative Code 13VAC5-51-51 §105:

***E. 105.2 – Certification,*** “The permanent or acting Fire official shall obtain certification from the BHCD in accordance with the Virginia Certification Standards (13VAC5-21) within one year after permanent or acting appointment.”

***J. 105.3.3 – Certification,*** “All technical assistants employed by or under contract to an enforcing agency for enforcing the SFPC shall be certified in the appropriate subject area in accordance with the Virginia Certification Standards (13VAC5-21) within one and one-half years after permanent or acting appointment.”

Every two years inspectors are required to obtain 16 CEU’s and submit them to DHCD in order to renew their certification.

Per Virginia DHCD Continuing Education Policy, “It is highly recommended that the local building department or locality track the compliance of their certified code enforcement personnel.”

**Cause:** The FMO was unaware of the requirement to apply and renew their certification with DHCD and did not have a process in place to track and monitor staff certifications and renewals.

**Effect:** Inspectors that are certified through the VSFPC do not have the authority to conduct inspections and the City may be unable to enforce violations written by uncertified inspectors. Certifications become inactive when the CEU’s are not submitted to DHCD.

**Recommendations:**

***12. We recommend the Fire Prevention Division Battalion Chief create a centralized process for tracking inspector training and recertification for the staff.***

***13. We recommend the Fire Prevention Division Battalion Chief develop policies and procedures for certification and renewal as required by State Code.***

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## ***Richmond City Auditor's Report #2021-15***

*Department of Fire & Emergency Services*

*Fire Prevention Division*

*June 2, 2021*

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### ***Finding #8 – Staffing***

**Condition:** The Auditors contacted five accredited Fire Departments in Virginia to compare the FMO's staffing level. The following table depicts the staffing and the number of inspections conducted during FY2020 by locality:

Locality	No. of Inspectors	FY2020 Inspections	No. of Inspections per Inspector
City of Richmond	6 Uniform	1,162	194
Henrico County	8 Uniform	1,703	213
Fairfax County	35 Predominantly Civilians	20,500*	586
City of Newport News	3 Full-time, 2 Part-time Civilians	2,750	688
City of Danville	3 Uniform	533	178

\* approximately

The Auditors were not able to obtain the FY2020 inspections data for the City of Virginia Beach, but obtained the following FY2019 data:

Locality	No. of Inspectors	FY2019 Inspections	No. of Inspections per Inspector
City of Virginia Beach	12 Uniform, 2 Full-time, 4 Part-time Civilians	10,046	628

*Note: the FY2020 inspections exclude new construction.*

The Auditors were unable to conclude on the appropriateness of the staffing level for the City of Richmond due to the following:

- The number of inspections in FDM System is incomplete as it does not include all inspections.
- According to FMO staff, the City's inspectors have other administrative duties that hinder their ability to conduct more inspections.

**Criteria:** According to the Statewide Fire Prevention Code, the FMO is required to conduct annual inspections of nursing homes, assisted living facilities and schools. As such, the appropriate staffing level is imperative to ensure compliance.

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## ***Richmond City Auditor's Report #2021-15***

*Department of Fire & Emergency Services*

*Fire Prevention Division*

*June 2, 2021*

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**Cause:** The City of Richmond's fire inspections data is incomplete. According to FMO staff, in addition to routine inspections, inspectors are responsible for a variety of other duties including:

- Various training activities,
- Pre-scheduled inspections,
- Investigating complaints,
- Issuing permits,
- Public fire and life safety education to the public, and
- Other Administrative tasks.

Administrative duties that are done by other localities were not benchmarked. Staffing has been reduced over the years due to transfers to other divisions within the Fire Department, retirements, and not being able to fill vacant positions due to budgetary reasons.

**Effect:** Without adequate staffing, businesses are not inspected and possible life safety hazards may not mitigated.

**Recommendation:**

*14. Once the inspections database has been updated, we recommend the Fire Chief compare the staffing/productivity measures in the Fire Marshal's Office against peer benchmarks to promote inspections coverage with the appropriate staffing and productivity levels.*



**APPENDIX A: MANAGEMENT RESPONSE FORM**

**2021-15 Dept. of Fire and Emergency Services - Fire Prevention Division Audit**

#	RECOMMENDATION	CONCUR Y/N	ACTION STEPS
1	We recommend the Fire Prevention Division Battalion Chief implement a plan/schedule for conducting nursing homes and assisted living facilities' inspections and re-inspections.	<b>Y</b>	The Fire Department accepts the finding and will develop an operation procedure for conducting nursing home and assisted living facilities' inspections.
	<b>TITLE OF RESPONSIBLE PERSON</b>		<b>TARGET DATE</b>
	Fire Marshal/Fire Prevention BC		1-Jul-21
	<b>IF IN PROGRESS, EXPLAIN ANY DELAYS</b>		<b>IF IMPLEMENTED, DETAILS OF IMPLEMENTATION</b>
#	RECOMMENDATION	CONCUR Y/N	ACTION STEPS
2	We recommend the Fire Prevention Division Battalion Chief update their policies and procedures to ensure required annual inspections are addressed.	<b>Y</b>	The Fire Department accepts the finding and will update policies and procedures accordingly.
	<b>TITLE OF RESPONSIBLE PERSON</b>		<b>TARGET DATE</b>
	Fire Marshal/Fire Prevention BC		1-Jul-21
	<b>IF IN PROGRESS, EXPLAIN ANY DELAYS</b>		<b>IF IMPLEMENTED, DETAILS OF IMPLEMENTATION</b>
#	RECOMMENDATION	CONCUR Y/N	ACTION STEPS
3	We recommend the Fire Prevention Division Battalion Chief implement a plan/schedule for conducting schools' inspections and re-inspections.	<b>Y</b>	The Fire Department accepts the finding and will work with RPS to develop and implement a plan for conducting school inspections and re-inspections.
	<b>TITLE OF RESPONSIBLE PERSON</b>		<b>TARGET DATE</b>
	Fire Marshal/Fire Prevention BC		1-Jul-21
	<b>IF IN PROGRESS, EXPLAIN ANY DELAYS</b>		<b>IF IMPLEMENTED, DETAILS OF IMPLEMENTATION</b>
#	RECOMMENDATION	CONCUR Y/N	ACTION STEPS
4	We recommend the Fire Prevention Division Battalion Chief implement a standard communication process with RPS to ensure that all violations are reported to the RPS Facility Services staff.	<b>Y</b>	The Fire Department accepts the finding and will implement a communication plan with RPS to report all violations in a timely manner.
	<b>TITLE OF RESPONSIBLE PERSON</b>		<b>TARGET DATE</b>
	Fire Marshal/Fire Prevention BC		1-Sep-21
	<b>IF IN PROGRESS, EXPLAIN ANY DELAYS</b>		<b>IF IMPLEMENTED, DETAILS OF IMPLEMENTATION</b>

**APPENDIX A: MANAGEMENT RESPONSE FORM**

**2021-15 Dept. of Fire and Emergency Services - Fire Prevention Division Audit**

#	RECOMMENDATION	CONCUR Y/N	ACTION STEPS
5	We recommend the Fire Prevention Division Battalion Chief develop and implement a plan to update the FDM database to include information maintained in paper file form.	<b>Y</b>	The Fire Department accepts the finding and will develop and implement a plan to replace the records management system.
			<b>TARGET DATE</b>
	Fire Marshal/Fire Prevention BC		1-Jul-23
	<b>IF IN PROGRESS, EXPLAIN ANY DELAYS</b>		<b>IF IMPLEMENTED, DETAILS OF IMPLEMENTATION</b>
#	RECOMMENDATION	CONCUR Y/N	ACTION STEPS
6	We recommend the Fire Prevention Division Battalion Chief revise the Fire Protection Operating Guidelines to address documentation requirements in the FDM System and paper files.	<b>Y</b>	The Fire Department accepts the finding and will revise the Fire Protection Operating Guidelines to address documentation requirements.
			<b>TARGET DATE</b>
	Fire Marshal/Fire Prevention BC		1-Jul-23
	<b>IF IN PROGRESS, EXPLAIN ANY DELAYS</b>		<b>IF IMPLEMENTED, DETAILS OF IMPLEMENTATION</b>
#	RECOMMENDATION	CONCUR Y/N	ACTION STEPS
7	We recommend the Fire Prevention Division Battalion Chief develop and implement a process to ensure routine inspections are performed.	<b>Y</b>	The Fire Department accepts the finding develop and implement a process to ensure routine inspections are performed.
			<b>TARGET DATE</b>
	Fire Marshal/Fire Prevention BC		1-Jul-21
	<b>IF IN PROGRESS, EXPLAIN ANY DELAYS</b>		<b>IF IMPLEMENTED, DETAILS OF IMPLEMENTATION</b>
#	RECOMMENDATION	CONCUR Y/N	ACTION STEPS
8	We recommend the Fire Prevention Division Battalion Chief comply with the Library of Virginia Records and Retention Schedule General Schedule No, 17.	<b>Y</b>	The Fire Department accepts the recommendation and will update the FMO procedures to reflect the correct records retention requirements.
			<b>TARGET DATE</b>
	Fire Marshal/Fire Prevention BC		1-Sep-21
	<b>IF IN PROGRESS, EXPLAIN ANY DELAYS</b>		<b>IF IMPLEMENTED, DETAILS OF IMPLEMENTATION</b>

**APPENDIX A: MANAGEMENT RESPONSE FORM**

**2021-15 Dept. of Fire and Emergency Services - Fire Prevention Division Audit**

#	RECOMMENDATION	CONCUR Y/N	ACTION STEPS
9	We recommend the Fire Prevention Division Battalion Chief establish and implement a process to monitor and track-third-party inspections to include: o An all-inclusive list of businesses that require third-party inspections; o Type of third-party inspection required; o Inspection frequency; and o Include third-party inspection reports.	<b>Y</b>	The Fire Department accepts the recommendation and will implement a process to monitor and track third-party inspections.

	<b>TITLE OF RESPONSIBLE PERSON</b>		<b>TARGET DATE</b>
	Fire Marshal/Fire Prevention BC		1-Jan-22
	<b>IF IN PROGRESS, EXPLAIN ANY DELAYS</b>		<b>IF IMPLEMENTED, DETAILS OF IMPLEMENTATION</b>

#	RECOMMENDATION	CONCUR Y/N	ACTION STEPS
10	We recommend the Fire Prevention Division Battalion Chief update their policies and procedures to reflect management's expectations for maintaining signed documentation.	<b>Y</b>	The Fire Department accepts the recommendation and will be replacing the records management system. The new system will include document management software and allow for paperless fire inspection reporting methodology.

	<b>TITLE OF RESPONSIBLE PERSON</b>		<b>TARGET DATE</b>
	Fire Marshal/Fire Prevention BC		1-Jul-21
	<b>IF IN PROGRESS, EXPLAIN ANY DELAYS</b>		<b>IF IMPLEMENTED, DETAILS OF IMPLEMENTATION</b>

#	RECOMMENDATION	CONCUR Y/N	ACTION STEPS
11	We recommend the Chief Administrative Officer establish and implement procedures to ensure the: o Planning and Development Review Department notifies the Fire Marshal's Office when Certificates of Occupancy are issued. o Finance Department notifies the Fire Marshal's Office when business licenses are issued or when businesses close.	<b>Y</b>	The Chief Administrative Officer will work with respective departments to ensure the Fire Marshal's Office is notified when Certificates of Occupancies and business licenses are issued or when businesses close.

	<b>TITLE OF RESPONSIBLE PERSON</b>		<b>TARGET DATE</b>
	Senior Policy Advisor		1-Jul-22
	<b>IF IN PROGRESS, EXPLAIN ANY DELAYS</b>		<b>IF IMPLEMENTED, DETAILS OF IMPLEMENTATION</b>

**APPENDIX A: MANAGEMENT RESPONSE FORM**

**2021-15 Dept. of Fire and Emergency Services - Fire Prevention Division Audit**

#	RECOMMENDATION	CONCUR Y/N	ACTION STEPS
12	We recommend the Fire Prevention Division Battalion Chief create a centralized process for tracking inspector training and recertification for the staff.	<b>Y</b>	The Fire Department accepts this recommendation and will create a process to track inspector training and certification.
	<b>TITLE OF RESPONSIBLE PERSON</b>		<b>TARGET DATE</b>
	Fire Marshal/Fire Prevention BC		1-Jul-21
	<b>IF IN PROGRESS, EXPLAIN ANY DELAYS</b>		<b>IF IMPLEMENTED, DETAILS OF IMPLEMENTATION</b>
#	RECOMMENDATION	CONCUR Y/N	ACTION STEPS
13	We recommend the Fire Prevention Division Battalion Chief develop policies and procedures for certification and renewal as required by State Code.	<b>Y</b>	The Fire Department accepts the recommendation and will update the standard operating procedure for certification and renewal.
	<b>TITLE OF RESPONSIBLE PERSON</b>		<b>TARGET DATE</b>
	Fire Marshal/Fire Prevention BC		1-Jul-21
	<b>IF IN PROGRESS, EXPLAIN ANY DELAYS</b>		<b>IF IMPLEMENTED, DETAILS OF IMPLEMENTATION</b>
#	RECOMMENDATION	CONCUR Y/N	ACTION STEPS
14	Once the inspections database has been updated, we recommend the Fire Chief compare the staffing/productivity measures in the Fire Marshal's Office against peer benchmarks to promote inspections coverage with the appropriate staffing and productivity levels.	<b>Y</b>	The Fire Department accepts the recommendation and will perform benchmarking once the new records management system is in place.
	<b>TITLE OF RESPONSIBLE PERSON</b>		<b>TARGET DATE</b>
	Deputy Chief of Support Services		1-Oct-23
	<b>IF IN PROGRESS, EXPLAIN ANY DELAYS</b>		<b>IF IMPLEMENTED, DETAILS OF IMPLEMENTATION</b>