

**Mailing Address****2302 N. 44th Street****Suite 14-1502****Phoenix, AZ 85008****Inside this issue:**

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AICA BULLETIN

May 2013

Volume 11, Issue 9

GUEST SPEAKERS: VENESSA J. BRAGG, ESQ. & JOHN A. ELARDO, ESQ—ELARDO, BRAGG, APPEL & ROSSI

TOPIC: CASE LAW UPDATE

Over the last several years, numerous cases have come down from the Arizona Court of Appeals and Supreme Court that directly affect your pre-lit and litigation claims handling. In addition, various Arizona statutes changed in the fall of 2012, which will impact your claims. During May's AICA meeting, John Elardo and Venessa Bragg with Elardo, Bragg, Appel & Rossi, P.C. will provide you with details, as well as materials, related to these important updates.

For example, at the May AICA meeting, you can expect to be given information regarding Arizona's new rental car statute (A.R.S. § 28-2166), which now makes rental car companies excess to a driver's personal insurance. Another example of an important update that will be addressed is recent case law affecting UM/UIM claims and a claimant's entitlement to attorney's fees should they be the prevailing party in such an action. You will also be provided with information regarding pending legislation that, if passed, will impact your claims. May is a meeting you cannot afford to miss!

ABOUT THE SPEAKERS



Venessa J. Bragg is a partner with The Elardo Bragg Appel & Rossi Law Firm. She graduated magna cum laude with honors from Arizona State University and the Barrett Honors College in May 2003. While pursuing her undergraduate degree, Ms. Bragg studied abroad in France as well as the United Kingdom and Ireland. She received her juris doctorate in 2 1/2 years from the Sandra Day O'Connor College of Law at Arizona State University.

Ms. Bragg's practice focuses on personal and commercial liability litigation, including automobile claims, premises liability, construction defect litigation, dram shop and professional negligence. Ms. Bragg has handled numerous depositions, arbitrations and has participated significantly in trials, most notably second chairing the prosecution of a RICO fraud trial resulting in a \$33 million dollar verdict. Ms. Bragg, along with Mr. Elardo, was a Top 10 Arizona Verdict Winner of 2008.

John A. Elardo practices exclusively in the areas of tort and commercial litigation. He has been involved in hundreds of trial proceedings including over 75 jury trials to verdict. He has also been involved in numerous cases in the Court of Appeals including the reported cases of Cox v. May Department Stores, Drucker v. Greater Phoenix Transportation, Johnson v. Elson, and Western Corrections, Inc. v. Tierney.

Mr. Elardo's commercial practice includes successfully defending the target defendant in a \$32 million dollar securities fraud case, prosecuting a multi-million dollar breach of contract case against the State of California, and obtaining a \$33 million dollar verdict against various corporate and personal defendants in a RICO/fraud trial. Mr. Elardo's tort practice focuses on defending large self insured organizations and insurance companies. He was a Top 10 Arizona Verdict winner of 2008. In 2010, Mr. Elardo was selected as one of Arizona's Finest Lawyers, and is a sustaining member. In 2011, Mr. Elardo became a Member of the Council on Litigation Management. In 2012 Mr. Elardo was selected for membership in The National Trial Lawyers - Top 100 Trial Lawyers.



MEETING DETAILS

DATE: Thursday, May 16th

TIME: Social Hour 5 p.m.
Dinner/Meeting 6 p.m.

PLACE: **Doubletree Hotel**
320 N. 44th Street
Phoenix, AZ

RSVP: By May 13th online at
www.aicaonline.org

COST: Company Adjusters—\$5 pp
Current Members—\$30 pp
Non-members—\$45 pp

Payment can be made online using PayPal at www.aicaonline.org or by cash or check at the meeting.

Please be sure to cancel your reservation via treasurer@aicaonline.org at least 48 hours in advance if you are unable to attend. AICA pays for your dinner whether you attend or not. Late cancellations and no-shows will be billed.

Any questions or to RSVP and pay by cash/check at the door, please contact treasurer@aicaonline.org.

SOCIAL HOUR SPONSOR:**PRESIDENT'S MESSAGE**

Our annual AICA Golf Tournament was held last week and was a huge success. It appears a great time was had by all. This is an event I look forward to each year and I'm already counting the days until next May.

I want to personally thank all the participants in the Golf Tournament including the golfers, vendors and the AICA Board. A special thank you also goes to everyone who donated the amazing door prizes for this event.

Don't forget about our summer event at Salty Senorita's on 6/21/13. You can come to socialize, eat and drink or put together a team to play volleyball, horseshoes or the bean bag toss. This is fun event so please don't miss it. All the details are included on pages 4 & 5 of this newsletter and on our website at www.aicaonline.org.

Our May meeting will be the last before our summer break so please try and attend. We have 2 great speakers lined up, so make your reservation today.

If you have any suggestions, feedback or questions about the AICA, please don't hesitate to email me at president@aicaonline.org.

See you in September!

David A. Conger, RPA, RGA
AICA President

Willie Nelson, CFI
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EXPERT'S CORNER—THE EFFECTIVENESS OF ARC MAPPING TO DETERMINE FIRE ORIGIN AREA

By Timothy Hazelwood, P.E., CFEI of ProNet Group

The science of fire origin and cause investigation can be a very complex subject. No two fires are ever alike and therefore, every fire investigation has its own particular set of challenges. However, regardless of whether the investigation is for a small vehicle fire or a large commercial loss, many of the steps used in competent fire investigation are the same. NFPA 921, the National Fire Protection Guide for Fire & Explosion Investigations, is a guide that outlines the accepted approach and methods used in fire investigation. The basic principles incorporated center around the scientific method. The scientific method involves some very specific steps, beginning with identifying the problem and concluding with the selection of a final hypothesis.

It is critical to origin and cause investigations that a hypothesis not be developed until all of the data has been thoroughly and completely collected and analyzed. Conducting an investigation based on any preconceived notions or ideas is a trap that must be avoided at all costs. You cannot try to make the data "fit" your theory. It can lead to missed evidence, overlooked information, or unnoticed facts, and is ultimately likely to be disproven. NFPA 921 describes four basic methodologies used in determining the origin area of a fire: Witness Information, Fire Patterns, Fire Dynamics, and Arc Mapping, which is the focus of this article.

1. **Witness information** is fairly self-explanatory, as in who saw what, and when did they see it. It can also include other tools, such as surveillance or security video, fire alarm data, etc.

2. **Fire patterns** involve the analysis of fire damage throughout the affected space, including burn pattern analysis, levels of fire damage, and consumed materials

such as wood framing members in the space, etc.

3. **Fire dynamics** describes the physics and chemistry of ignition, fire growth and spread, and the relation between the fire and building or structure, including available ventilation, fuel load, ignition temperatures of different materials, material properties, etc.

4. **Arc mapping** is based on the effect of a spreading fire on energized electrical circuits. Electrical arcing can occur on many different types of circuits, including power cords, extension cords, branch circuits, feeder circuits, or equipment wiring. As fire impinges on an energized electrical circuit, it will degrade the insulation of the conductors. Eventually, the insulation will be degraded to the point that electrical arcing can occur.

The Arcing Event- Electrical arcing will often leave evidence of the arcing event, such as beads of melted conductors, notches in the conductors, severed conductors, etc. The location of arcing and electrical activity within the area being examined can be useful in helping determine the origin area of the fire. Most electrical circuits will have some form of overcurrent protection upstream of the conductors being examined. Due to the high current levels that result from electrical arcing, the overcurrent protection will typically open the circuit and clear the fault. It is important to note that if the fire burns long and hot enough, portions of the conductors may melt, erasing the evidence that electrical arcing has occurred.

It is also important to note that not all electrical arcing will instantaneously operate the overcurrent protection. The current level or duration may be insufficient to operate the overcurrent protection. Therefore, it is not uncommon to find arcing at several locations within a single circuit. This

(Continued on page 7)

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AICA's Summer Social at the Salty Senorita

The Only AICA Summer Event & Best Event You've Never Attended
Come See What The Talk Of Town Is Each June In The Claims Business

8011 W. Paradise Lane, Peoria

Friday, June 21st at 5:00 PM.

Sponsorship Opportunities

Registration Deadline: Friday May 10, 2013 @5:00PM

Payment is available online through the AICA PayPal Account

\$500 Drink Bar: includes entry for one person (2 available)



All Sport Event Sponsorship's opportunities include advertisement on the AICA website, signage at the event, admission for one person into the event and an exclusive opportunity to co-host this event with one other vendor. This is the best way to ensure that you are interacting with all of the adjuster's participating at this event at you will be co-hosting the event, keeping score, interacting with the various teams at your event.

\$500 Taco Bar: includes entry for one person (2 available)



For those looking to have recognition only on the website and at the event, we recommend being a drink or taco bar sponsor as this doesn't require any "event" participation. Taco and bar sponsors have the option to work the check in and registration table if they would like to as this gives you another opportunity to interact with everyone as they arrive at the event.

Volleyball Sponsor \$400 (2 available)

Includes: Entry for one Person
 Co-Host Event, that means you are responsible for this event along with one other vendor



Horseshoes Sponsor \$250 (2 available)

Includes: Entry for one Person
 Co-Host Event, that means you are responsible for this event along with one other vendor.



Bean Bag Toss Sponsor \$250 (2 available)

Includes: Entry for one Person
 Co-Host Event, that means you are responsible for this event along with one other vendor



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AICA Arizona Insurance Claims Association

AICA's Summer Social at the Salty Seniorita

The Only AICA Summer Event & Best Event You've Never Attended
Come See What The Talk Of Town Is Each June In The Claims Business

8011 W. Paradise Lane, Peoria

Friday, June 21st at 5:00 PM.

Please fill out a separate registration form for each person attending and one only for sponsored teams.

Registration Deadline: Friday May 31, 2013

\$30 per Person, Payment Must Accompany Registration Form

Payment Method: Check or PayPal

Made Payable to AICA

Company Name: _____
Attendee Name: _____
Address: _____
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Come join us for some food, friends and fun. One event per person as the events occur back to back.

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Horseshoes
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Player 1 Name, Company, Email _____
Player 2 Name, Company, Email _____

Bean Bag Toss
Team Name: _____
Player 1 Name, Company, Email _____
Player 2 Name, Company, Email _____

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Bryan Houser Cell (602) 615-4062 bryan.houser@us.belfor.com
Melissa Larson Office: (602) 271-9697 melissa@bvsrestoration.com

GO TO WWW.MARRIOTT.COM/PHXSP. ENTER DATE (6/21/13), CLICK SPECIAL RATES & AWARDS, ENTER GROUP CODE, AICAICA FOR KING OR AICAICB FOR 2 QUEENS. FOLLOWING REMAINING INSTRUCTIONS. MUST BOOK BY 6/7/13.

GOLF TOURNAMENT

The 2013 AICA Golf Outing May 3 at Stonecreek, The Golf Club was a success for the AICA and hopefully for all the vendors and players who participated in tournament play. A special thanks to:

Tournament Head Sponsor: SOS Restoration, LLLP

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- Sun Country from Yuma/Lake Havasu

Thank you also for the great prizes provided by the vendors for the raffle at the luncheon after the tournament.

Congratulations to the winning four-some coming in at 17 under, from Damage Control, Tyson Smith & guests. Second place went to Pinnacle Restoration, Matt Maupin, and guests.

A special thank you to the AICA board members, Miguel Martinez, Ron Vinyard, Melissa Larson, Jon Peterson, and Dave Conger, for doing a great job at the registration table, luncheon raffle and pictures. Please check out the golf outing pictures on the website: www.aicaonline.org.

Plan for the 2014 AICA Golf Tournament with registration for play and sponsorship opportunities available early fall through the www.aicaonline.org.

*Dale Schantz
2013 AICA Golf Czar*



EXPERT'S CORNER—CONT'D

(Continued from page 3)

in itself can be useful information. To help illustrate, please consider these two cases studies:

Case Study #1: The Doctor's Office- Due to the amount of fire damage, the origin area could only be broadly defined. Routed through the entire area were three extension cords connected end to end across an approximately 25-foot length, wherein evidence of electrical arcing was found at four separate areas. At each arc location the line conductor had arc-severed and, thus, anything downstream of that point would have been de-energized. Armed with this information, it was conclusively determined that the arcing furthest downstream must have occurred first, allowing the origin area to be more narrowly defined and eventually the cause of the fire.

Case Study #2: The Luxury Resort Kitchen- A fire occurred at a luxury resort in the southeastern United States. The fire damage was limited primarily to the kitchen area for the dining room. However, the fire had spread into the ceiling area of the structure causing a partial collapse, and extensive smoke and water damage was sustained throughout the building, making this a very substantial loss. The fire occurred after they had closed for the day so no one was present when the fire ignited. As the ventilation maintenance company had performed routine maintenance on a large industrial ventilation hood in the center of the kitchen the day of the fire, some parties' suspicion of a fire cause was immediately directed toward the unit.

A large multiple party inspection of the loss site was conducted and lasted several days. The inspection included documentation, photographs, diagrams, sifting through debris, etc. Although the focus of the inspection was initially centered around the vent hood, other areas showed evidence of significantly greater fire damage. Specifically,

the office area off the side of the kitchen had much greater damage, and reached the point of full involvement (flashover).

Eventually, the decision was made to conduct an arc mapping survey of all of the electrical wiring throughout the kitchen area. All of the wiring was carefully inspected and examined, and any points of electrical arcing were noted, marked, and diagrammed, and a map of the arcing activity was created. The only area where electrical activity was found was above the office area off to the side of the kitchen, where the greatest fire damage had been observed. The science of fire origin and cause investigation can be a very complex subject. No two fires are ever alike and therefore, every fire investigation has its own particular set of challenges. However, regardless of whether the investigation is for a small vehicle fire or a large commercial loss, many of the steps used in competent fire investigation are the same.

NFPA 921, the National Fire Protection Guide for Fire & Explosion Investigations, is a guide that outlines the accepted approach and methods used in fire investigation. The basic principles incorporated center around the scientific method. The scientific method involves some very specific steps, beginning with identifying the problem and concluding with the selection of a final hypothesis.

It is critical to origin and cause investigations that a hypothesis not be developed until all of the data has been thoroughly and completely collected and analyzed. Conducting an investigation based on any preconceived notions or ideas is a trap that must be avoided at all costs. You cannot try to make the data "fit" your theory. It can lead to missed evidence, overlooked information, or unnoticed facts, and is ultimately likely to be disproven.

(Continued on page 8)



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EXPERT'S CORNER—CONT'D

NFPA 921 describes four basic methodologies used in determining the origin area of a fire: Witness Information, Fire Patterns, Fire Dynamics, and Arc Mapping, which is the focus of this article.

1. **Witness information** is fairly self explanatory, as in who saw what, and when did they see it. This can include homeowners or business employees, neighbors, passers by, and so on. It can also include other tools, such as surveillance or security video, fire alarm data, etc.

2. **Fire patterns** involve the analysis of fire damage throughout the affected space, including burn pattern analysis, the varying levels of fire damage throughout the area, consumed materials such as wood framing members in the space, etc.

3. **Fire dynamics** describes the physics and chemistry of ignition, fire growth and spread, and the relation between the fire and building or structure. It takes into account such factors as available ventilation, fuel load, ignition temperatures of different materials, material properties, etc. All of these factors must be considered when collecting data and developing a hypothesis.

4. **Arc mapping.** The principle behind arc mapping is relatively straight forward. It is based on the effect of a spreading fire on energized electrical circuits. Electrical arcing can occur on many different types of circuits, including power cords, extension cords, branch circuits, feeder circuits, or equipment wiring. As fire impinges on an energized electrical circuit, it will degrade the insulation of the conductors. Eventually, the insulation will be degraded to the point that electrical arcing can occur. The electrical arcing could be between two conductors in a circuit, between a conductor and a grounded surface, between conductors of different circuits, conductors welded together, consumed material, and so on.

The Arcing Event

Electrical arcing will often leave evidence of the arcing event, such as beads of melted conductors, notches in the conductors, severed conductors, etc. The location of arcing and electrical activity within the area being examined can be useful in helping determine the origin area of the fire. Most electrical circuits will have some form of overcurrent protection upstream of the conductors being examined, such as a circuit breaker or fuse. Due to the high current levels that result from electrical arcing, the

overcurrent protection will typically open the circuit and clear the fault. Once the overcurrent protection operates, the circuit being examined is no longer electrically energized, and no further arcing will occur on that circuit. The exception to that would be arcing between a ground or neutral conductor of the de-energized circuit to a live conductor of an adjacent circuit that is still energized. It is important to note that if the fire burns long and hot enough, portions of the conductors may melt, erasing the evidence that electrical arcing has occurred.

It is also important to note that not all electrical arcing will instantaneously operate the overcurrent protection. Arcing is typically a short duration event, and the current level or duration may be insufficient to operate the overcurrent protection. Therefore, it is not uncommon to find arcing at several locations within a single circuit. This in itself can be useful information.

To help illustrate, please consider these two cases studies:

Case Study #1: The Doctor's Office

Due to the amount of fire damage, the origin area could only be broadly defined. Routed through the entire area were three extension cords connected end to end across an approximately 25-foot length. Evidence of electrical arcing was found at four separate areas along the length of the extension cords. At each arc location, the line (or hot) conductor had arc-severed. Once the arcing had cut the conductor, anything downstream of that point would have been de-energized. If the arcing occurred at the arc site closest upstream (nearest) to the circuit breaker, the rest of the circuit would have been de-energized once the conductor severed, and arcing would not have been possible. Armed with this information, we were able to conclusively determine that the arcing furthest downstream had to have occurred first. This enabled us to more narrowly define the origin area, and eventually the cause of the fire.

Case Study #2: The Luxury Resort Kitchen

A fire occurred at a luxury resort in the southeastern United States. The fire damage was limited primarily to the kitchen area for the dining room on the second floor of the structure. However, the fire had spread into the ceiling area of the structure causing a partial collapse, and extensive smoke and water damage was sustained through-

EXPERT'S CORNER—CONT'D

out the building, making this a very substantial loss. The fire occurred on a Sunday evening, after they had closed for the day, so nobody was present when the fire ignited. Initial suspicion of a fire cause was immediately directed toward the large industrial ventilation hood above the cooking equipment located at the center of the kitchen. This initial hypothesis was based largely on the fact that the service company responsible for maintaining the ventilation system had been at the site the day of the fire performing routine scheduled maintenance.

A large multiple party inspection of the loss site was conducted and lasted several days. Various parties were placed on notice, including vendors, contractors, manufacturers, etc. ProNet Group was retained to represent the interests of the ventilation hood service company.

A thorough inspection of the loss site was performed. This included documentation, photographs, diagrams, sifting through debris, etc. Although the focus of the inspection was initially centered around the vent hood, other areas showed evidence of significantly greater fire damage. Specifically, the office area off the side of the kitchen had much greater damage, and reached the point of full involvement (flashover).

Eventually, the decision was made to conduct an arc mapping survey of all of the electrical wiring throughout the kitchen area. It was a substantial task considering the large amount of electrical wiring in the area, with most of it located at ceiling level. All of the wiring was carefully inspected and examined, and any points of electrical arcing were noted, marked, and diagrammed, and a map of the arcing activity was created. Throughout all of the wiring in the entire kitchen area, the only area where electrical activity was found was above the office area off to the side of the kitchen, where I had observed the greatest fire damage.

There was no evidence of arcing or electrical activities anywhere near the vent hood. By creating and analyzing the arc map of the structure wiring, in addition to the use of the investigative methods previously mentioned, the office portion of the kitchen, and not at the ventilation hood, was clearly defined as the origin area. This also illustrates the importance of collecting all of the data before forming a hypothesis, and not "jumping to conclusions" prematurely.

The usefulness of arc mapping as an effective tool in determining origin area comes from the spatial relationship between sites of arcing, as it is useful in determining a sequence of events which occurred in the area. When used in conjunction with all of the other data collected during the course of the investigation, arc mapping can help more clearly define the origin area of the fire.

There are many tools and techniques available to investigators in determining the origin and cause of a specific fire. It is the responsibility of the individual investigator to use any and all tools at their disposal to conduct a thorough and competent investigation. Electrical arc mapping is just one of those tools, but can be a very effective one.

ABOUT THE AUTHOR: Timothy A. Hazelwood, P.E., CFEI, is a Senior Electrical Engineer with the ProNet Group, a multi-discipline forensic engineering and consulting firm providing expert services since 1990. Mr. Hazelwood's professional engineering experience includes forensic investigations, electrical utility distribution systems, product failure and construction investigations, electronics, communications and systems failure analysis, electrocution and electric shock, as well as fire origin and cause investigation. For more information, please feel free to contact ProNet's Arizona office at 602-525-6443 or visit their website at www.pronetgroup.com.

Reference – 1. "NFPA921, the Guide for Fire and Explosion Investigation" - National Fire Protection Association, 2011 Edition; 2. This article may be viewed in its entirety in the July 2012 issue of "Claims Magazine".



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- IANet—Auto/HE/Property Auditors
- EMC Insurance—Property Claims Supervisor & Litigation Claims Specialist
- Risk and Compliance Leaders, Ltd. AVP—Claims
- QuestPro Consultants and Q Temps—Outside Property Adjuster
- Trinity Insurance Services—Claims Adjuster
- IANet—Auto Damage Appraiser/Auditor & Customer Service Representative
- Scottsdale Insurance Group—Claims Specialist, Construction Defect/Toxic Tort & Claims Specialist, General Liability, Claims Analyst, General Liability
- Nautilus Insurance Group—Litigation Specialist, Compliance Coordinator, Property Litigation Specialist & Senior Claims Examiner
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- APS Claims Service—Field Adjuster Senior
- Koning & Associates—Insurance – Liability/Property/ (Multi-line) Field Claims Adjuster - Investigator
- American Family Insurance Company—Liability/Property / (Multi-line) Field Claims Adjuster - Investigator
- IAS Claims Services—Property Field Adjuster

2013 AICA OFFICERS & BOARD MEMBERS

PRESIDENT

David A. Conger, RGA, RPA
Western Claims & Appraisers
520.790.4808
president@aicaonline.org

SERGEANT AT ARMS

Bryan Houser
Belfor Property Restoration
623.434.3333
Bryan.houser@us.belfor.com

MEMBER AT LARGE

Jeff Moore
American Technologies, Inc. (ATI)
1.800.400.9353
jeff.moore@ATIRESTORATION.COM

VICE PRESIDENT

Ron Vinyard
Assurant Specialty Property
623.274.9354
vicepresident@aicaonline.org

MEMBER AT LARGE

April Dennard
ProNet Group, Inc.
602.525.6443
adennard@pronetgroup.com

GOLF CZAR

Dale Schantz
Schantz Construction
623-825-7872
SchantzConstruction@msn.com

TREASURER

Miguel Martinez
Auto-Owners Insurance Company
480.830.7119
treasurer@aicaonline.org

MEMBER AT LARGE

Karl Epps, EnCE, CHFI
Epps Forensic Consulting, PLLC
623.463.5544
karl@eppsforensics.com

PAST PRESIDENT

Nadine Mar, AIC, CCLA, ARM
EMC Insurance Company
800-432-8422
Nadine.F.Mar@emcins.com

SECRETARY

Jon Peterson
NHI Adjusters
888.923.0468
secretary@aicaonline.org

MEMBER AT LARGE

Melissa Larson
VBS Restoration
Melissa@vbsrestoration.com