

Fire Inspector Says School Open Despite Violations

By Steven K. Paulson, Associated Press Writer

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DENVER—The head of Colorado's public safety inspection division allowed children and teachers to occupy a charter school despite warnings from a state inspector the building was unsafe, The Associated Press has learned.

The Lotus School for Excellence in Aurora, with about 150 middle school students and teachers, was allowed to remain open in February despite violations such as a lack of fire escapes, fire alarms and sprinkler systems, according to e-mails sent to lawmakers and state officials that were obtained by The AP.

Building official Eric Gillespie said his boss, Richard Piper, authorized the temporary occupancy certificate after Gillespie ordered an evacuation of the school because of the violations.

"They were in that building illegally," Gillespie said. "They went over my head."

In an interview, Piper, director of the Division of Oil and Public Safety, said the charter school was in a community college building certified for adults.

Although it did not meet safety codes for school children, he insisted the building was safe.

Piper said he is not certified by the International Code Council to do building or fire code inspections, but he has the statutory authority to issue certificates of temporary occupancy and certificates of occupancy.

Piper said he authorized a temporary extension of time allowing students and teachers to remain in the school in February after he realized they had been using the facility since August.

He said a school official "was concerned that the kids in the school were going to be displaced and they were predominantly from low-income families and had no place to go."

Piper also said school officials presented evidence they were making progress, promised to fix the problems and agreed to pay a \$4,000 fine. On Feb. 26, the state signed an agreement in which the school admitted violation of state school construction laws, paid the fine and agreed to a 13-point remediation plan.

The school was closed on March 2 and won't be allowed to reopen until the state reinspects the facility, Piper said.

A spokesman for the school did not return phone calls Friday seeking comment.

Piper refused to discuss his relationship with Gillespie and referred all other questions to the attorney general's office because it involves a personnel matter.

Gillespie said he brought the situation to light in a Feb. 5 e-mail he sent to key legislative leaders because he was concerned about the safety of the children.

Among those receiving Gillespie's e-mail were Senate Majority Leader Ken Gordon, House Majority Leader Alice Madden, Sen. Ron Tupa, Sen. Sue Windels, Rep. Mike Merrifield and Rep. Judy Solano.

"As a building official, I am concerned that Mr. Piper is making decisions regarding building safety without a thorough knowledge of the applicable codes, and without consulting persons who are knowledgeable," Gillespie wrote.

Gordon said he received the e-mail but didn't read it because it was addressed generically to senators and representatives and not specifically to him. Others said they didn't recall getting the e-mail.

Gillespie said he also hand-delivered a letter to Gov. Bill Ritter, warning about "mismanagement" in the state school inspection program and that he had a receipt showing it was delivered March 22. The governor's office said it had no record of the letter.

Gillespie also met with Don Mares, executive director of the Department of Labor & Employment, which oversees the Oil and Public Safety. He said Mares brushed off his complaints and backed Piper.

Mares said he realized there were serious problems with the program when he took over as executive director earlier this year and hired an inspector with more experience to do inspections. He said the program is still short-staffed.

The report comes days after a scathing audit found serious shortcomings in school building inspections statewide. Several lawmakers said they were surprised by the reports.

On Thursday, Colorado fire chiefs accused lawmakers of compromising children's safety because of a turf war over who controls the inspection program.

The Colorado State Fire Chiefs Association, which represents about 300 chiefs, said in a statement that lawmakers have known for years schools were not being properly inspected.

The fire chiefs said they have been trying since 1997 to transfer responsibility for inspections from the state Oil and Public Safety Division to the Fire Safety Division but have been rebuffed.

Lawmakers, the chiefs said, were warned about the problems years ago when fire officials testified before the Legislature that certificates of occupancy—required before a building can be used—were being issued before construction was complete and before fire and safety systems were working.

Instead of fixing the problems, the association contended lawmakers killed a bill that would have transferred control of the program. Later, they approved a compromise that kept the program in the Oil and Public Safety Division but transferred the authority to enforce fire codes to the Fire Safety Division.

But the compromise required new rules before it could go into effect, and those rules have not been written, the chiefs said.

Merrifield, who chairs the House Education Committee, said he is upset over the latest disclosures and promised swift action when the Legislature returns in January.

"It's very clear it's something we need to take up immediately," Merrifield said.