



FORCON
INTERNATIONAL

THE CONSULTANTS PERSPECTIVE

A SUGAR PUBLICATION

FALL 1994

PROPERTY/CASUALTY EDITION



THE IMPORTANCE OF EARLY INVESTIGATION BY THE EXPERT

Everyone knows the importance of being early. Who hasn't heard the saying, "Early to bed and early to rise, make a man healthy, wealthy and wise." Or how about, "The early bird catches the worm"?

Here's one you may not have heard before, "The early expert has the opportunity to see more of what needs to be seen." Never heard that one? That's because we just made it up in order to summarize the main point of this article - Early investigation of the loss/accident site by the expert can often make a significant difference in what the expert is able to determine and prove.

In all losses where an expert opinion is needed, an early investigation provides the expert with the opportunity to:

- Observe and photographically document the loss site conditions before they change.
- Locate, identify, and secure physical evidence before it disappears.
- Base his or her opinion, and possible future testimony, on as much personal observation and data collection as possible.

Additionally, on all losses involving property damage, an early site investigation by the expert allows the expert to determine the scope of loss and scope of repair before any repairs are made. It also gives the expert the opportunity to identify and recommend measures to mitigate further damage or losses.

You are probably already aware of these "generic" reasons why early involvement by the expert can make a difference in the expert's effectiveness. However, we felt that you may not be aware of the following "loss-specific" reasons for various types of losses where experts are typically called upon to provide assistance.

FIRE

Reasons for retaining expert

- determine if fire was intentionally set
- determine if there is potential subrogation

Specific reasons for early investigation -

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- Proving arson or third party responsibility requires solid evidence and strong expert testimony.
- Evidence of accelerants deteriorates with time and under adverse weather conditions.
- Recollection of fire fighters and other witnesses may deteriorate quickly.
- Demolition and debris removal may be initiated quickly after fire is extinguished.
- Fire scene might not be securable thus allowing access by curious parties and others who can disturb or remove evidence.
- Specialized expert might also need to examine the fire scene after the C & O expert has made an initial determination of possible cause and origin.

STRUCTURAL FAILURE OR DAMAGE

Reasons for retaining expert

- determine cause and/or extent of damage

Specific reasons for early investigation -

- The loading that caused the failure might still be present if a visit is made quickly, i.e. snow, ponded water from rain or mechanical equipment, ice, et. If the expert can arrive before these elements or items begin to disappear the weight and other affects can be more closely determined.
- First impressions are extremely important when investigating a collapse site. This one mental photograph will determine how quickly the appropriate cause will be found. Most structural experts will be able to isolate the area of the initial failure by virtue of the direction and sequence of the failed pieces. Once the site has been disturbed it becomes much more difficult to locate the initial failure or "trigger". If your expert is the third or fourth to arrive at the site he will most likely view a site that has been considerably altered since the collapse.

- The first expert to arrive is usually the only one who gets to examine the undisturbed condition. Once he steps onto the site it will become disturbed by his normal activities such as stepping on, leaning against, tripping over, or otherwise repositioning the debris.
- Most experts will move some items to obtain a better angle or view for photographs. Once photographed the item is seldom replaced in the exact position it was found in, thereby realigning the debris.

VEHICULAR ACCIDENT

Reasons for retaining expert

- reconstruct the accident

Specific reasons for early investigation -

- Anti-Lock Brake cars leave very faint marks that have a much shorter life than regular marks.
- Accident vehicles may become altered through handling or dismantling at salvage yards
- Lamps - filaments and tungsten oxide are fragile short term evidence that can be destroyed by weather and handling.
- Police officers may lose memory and notes that they have immediately after the crash.
- Vehicles need to be examined to make the opinion of the expert more useful.
- "Hot Spots" on tread or sidewall of tire shows many things about vehicle dynamics - this is short term.
- Outside sources of photos and video, such as newspaper and fire department, may lose or destroy photos after a short time.
- When opinions reached are compared to police opinions, the closer to the time of the accident that the expert has been to the scene the better.

- Trucks and drivers logs are best inspected soon after the crash before alterations are made. Truck equipment may be a very important issue in accident causation.

EQUIPMENT FAILURE ATTRIBUTED TO COVERED PERIL

Reasons for retaining expert

- verification of cause and/or extent of damage
- assess repair versus replacement

Specific reasons for early investigation -

- Observe the damage before repairs are made so that damaged parts don't become unverifiable or totally unavailable.
- Agree on extent of damage and scope of repair before insured incurs the repair expense.
- Mitigate further damage by recommending or initiating cleaning decontamination preservation procedures.

PRODUCT LIABILITY

Reasons for retaining expert

- assess liability
- identify technical defenses
- mitigate damages

Specific reasons for early investigation -

- The sooner you know your liability, the sooner you can start doing something to limit it.
- Problem may be indicative of a "generic" problem with the product and other similar losses might be prevented.
- Obtain maximum benefit from experts knowledge with regard to correcting the problem or making repairs.

BUILDERS RISK

Reasons for retaining expert

- determine cause/responsibility
- develop scope of loss/scope of repair
- estimate cost of repair/ reconstruction

Specific reasons for early investigation -

- Thoroughly document the scope of damage as soon after the loss event as possible in order to avoid later disputes regarding how much construction was in place at the time of the loss.
- Have an independent reconstruction cost estimate available for comparison to the cost proposal that will be submitted by the insured general contractor.
- Be in a position to quickly evaluate, and implement if necessary, alternative approaches to repair/reconstruction if general contractors proposed costs are unrealistic.

In summary just remember "the early expert has the opportunity to see more of what needs to be seen."

Prepared by Bill Ver Eecke - with input from FORCON consultants Steve Chewning and Jim Robinson, and from Mel Johnson - Fire Investigator.

FORCON International Offices Providing Forensic Consulting and Technical Services:

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| Washington D.C. | (301) 670-1262 |



(Photo left to right)

Earl Johnson, Judy Tinsley & Steve Chewning

New FORCON Office Richmond, Virginia

FORCON International is pleased to announce the opening of our new office in Richmond, Virginia. Our location in Richmond is 1773 North Parham Road, Ste 205, where we are sharing office space with FORCON accident reconstruction consultant Steve Chewning.

FORCON's Richmond office will be managed by Earl Johnson, P.E. Earl is a 1971 graduate of Virginia Polytechnic Institute where he earned a bachelor of science degree in electrical engineering. He has spent all of his professional career in Richmond with most of that time being spent in building design and construction. He founded and built a successful design/build firm which designed and constructed projects as diverse as branch banks, office buildings, computer rooms, child care centers, restaurants, warehouses, and communications buildings.

As the Manager of FORCON's Richmond office, Earl will be responsible for the services provided by that office. This includes initial contact with the client representative to determine the scope of services required and the type of technical expertise called for based on that scope; assignment of the work to the properly qualified consultant; management of the consultants work including expediting the completion of the assignment; and maintaining an ongoing line of communication with the client representative throughout the assignment. On assignments that fit Earl's expertise in electrical engineering or general construction, he will undertake the assignment himself.

Much of Earl's time so far has been spent in contacting local claims offices of FORCON's clients, and in putting together his local consultant team. Using the contacts developed during his twenty plus years of engineering and construction experience in the area, Earl has already been able to form the nucleus of an outstanding group of consultants with expertise in many of the fields that FORCON is regularly asked to provide. One of those consultants is highlighted in the Consultant Profile portion of this newsletter.

On the personal side Earl has been married for 26+ years and has three children ages 24, 22 and 18. His wife, Gail, is a registered nurse who manages the three Rainbow Station child care facilities that she and Earl started. These three centers, all of which include facilities for sick-child care, were designed and built by Earl's construction company.

Earl is eager to assist our clients in the Virginia area so call him at 804-285-7870 when you need his help.

Consultant Profile Joe Turner

Boilers, Chillers, and associated equipment

Joe obtained a B.S. in Marine Engineering from the U.S. Merchant Marine Academy, and an M.S. in Mechanical Engineering from the University of California. He is a registered engineer in Virginia and 6 other states, and he is a member of the Instrument Society of America, American Welding Society, and the State Advisory Board on Air Pollution for the State of Virginia.

Throughout his 35 year career as a mechanical engineer Joe has primarily been involved with boiler operation and controls; air pollution control and monitoring; heating, ventilation and air conditioning; steam distribution; and electric generation. He has worked with oil, gas, and coal fired boilers, coke oven gas boilers, black liquor boilers, absorption chillers, centrifugal chillers, screw type chillers, flue gas scrubbers, and dust collectors, fuel oil transfer systems, compressed air systems, and air conditioning and humidity control systems. He has investigated fires and explosions in boilers, fires in dust collector systems, and failures in various types of heating, air conditioning, and refrigeration equipment.

Joe is located in Richmond, Virginia and can be contacted through FORCON's Richmond office at 804-285-7870.

FORCON Teamwork Pays Off

FORCON was retained to reconstruct a traffic accident where the Insured's driver was charged with the death of the driver of the other vehicle. The accident occurred when the Insured's driver turned left at an intersection with a protected arrow and was still in the intersection when the light changed to green for the traffic coming in the opposite direction. A vehicle approaching from that direction in the curb lane proceeded into the intersection with the green light and collided with the Insured's truck.

Steve Chewning performed the reconstruction and, as part of his findings, determined that the timing and sequence of the traffic signal may have contributed to the accident. Realizing that an in-depth study of the signal sequencing and timing was outside of his expertise as a reconstructionist, Steve recommended that FORCON traffic engineering consultant Bob Holsinger be brought in to conduct the traffic signal study. The client agreed. Bob conducted the study and concluded that the timing of the traffic signal did not allow sufficient time for a left turning vehicle to clear the intersection before the opposing traffic obtained a green light if the vehicle was crossing the left turn stop line as the green left turn arrow changed to a yellow arrow.

Bob then testified with regard to his findings at the criminal trial of the Insured's driver and apparently was successful in helping to convince the jury that the driver was not at fault. They found the driver not guilty.

Certification of Traffic Accident Reconstructionists

In the mid 1980's representatives of the National Highway Traffic Safety Administration, the Traffic Institute at Northwestern University, and the Institute of Police Technology and Management at the University of North Florida decided it was time to try and create a national certification program for individuals claiming to be traffic accident reconstructionists. They obtained a Federal grant to study the issue and convened meetings with representatives of various state and regional traffic accident reconstruction organizations.

The end result was the creation of The Accreditation Commission for Traffic Accident Reconstruction. (ACTAR). This Commission now administers an accreditation program which includes a comprehensive written exam. Before a candidate can take the exam, however, they must be pre-qualified by the Commission on the basis of their training, examples of their work, and references from within the judicial system. Upon being pre-qualified and then passing the written examination, the candidate is accredited and given a

registration number. The accreditation is good for 5 years and requires that the registrant obtain continuing education in the field on an annual basis.

Although there are no laws requiring that traffic accident reconstructionist obtain this accreditation in order to practice in their field, we expect that it will become an additional criteria that the courts will use in determining whether an individual is qualified to provide expert testimony.

FORCON traffic accident reconstruction consultant Steve Chewning has received his accreditation from ACTAR - Registration No. 411.

If you have any change of address,
please mail corrections to:

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1216 Oakfield Drive
Brandon, FL 33511

SELECTED RECENT PROPERTY/CASUALTY ASSIGNMENTS

The following list is meant to provide our readers with some idea of the diversity of FORCON's services for Property and Casualty claims investigations:

- Determine if stolen vehicle suffered forced entry and was the steering mechanism damaged in the theft.
- Determine if engine fuel tampering caused an explosion in a motor home.
- Determine if a malfunction in a door closure system caused the door to prematurely close severing the Achilles tendon of a store customer.
- Determine the species of a small caterpillar in a sample of cookies and if it would cause harm to humans if inadvertently ingested.