

# SCHULTE & ASSOCIATES

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January 20, 2010

Mr. Michael Pfeiffer  
International Code Council  
4051 W Flossmoor Road  
Country Club Hills, IL 60478

Re: **Ethics Complaint**  
**William Koffel**

Dear Mr. Pfeiffer:

ICC policy #CP37-09, dated February 6, 2009, addresses the issue of ethics and, in effect, establishes the code of ethics for the International Code Council. Excerpts from CP37-09 include the following:

**1.0 Purpose.** *This Expectation of Ethical Conduct is the policy of the ICC and expresses fundamental values. This policy is intended to guide the conduct of all members, member representatives, and participants in the activities of the ICC and is further intended to foster an environment that promotes ethical conduct and transparency in all matters related to the organization.*

**2.0. Integrity.** *A commitment to integrity in all circumstances benefits each individual as well as the ICC. ICC Members, member representatives, and participants in the activities of the ICC should:*

- 2.1.** *Respect the truth and avoid misrepresentation.*
- 2.2.** *Pursue fairness and objectivity in all activities.*

**3.0. Professional Excellence.** *ICC promotes professional excellence and encourages open and honest communication among all members. ICC Members, member representatives, and participants in the activities of the ICC should:*

- 3.1.** *Set an example for high standards of professionalism.*
- 3.2.** *Disclose any proprietary interests.*

It is my opinion that Mr. William Koffel, Koffel & Associates, Inc., deliberately provided misleading information in his testimony in support of a modification to code change proposal F144-09/10 in the code development hearings held in Baltimore, Maryland in late October, 2009, and, hence, violated sections 2.0, 2.1 and 3.0 of the ICC ethics policies, as well as the general intent of these policies expressed in section 1.0. Excerpts from Mr. Koffel's testimony in support of the modification are as follows:

*“ . . . I sit on the NFPA smoke management committee responsible for 204. I’m not representing that committee here. I sit on NFPA 13 discharge criteria committee which is responsible for Chapter 12. I’m not representing that committee. **But I think this committee needs to know that NFPA 13 now allows vents and draft curtains in buildings protected throughout with a sprinkler system.** In fact, they’ve even gone so far to allow it in a building with ESFR sprinklers, smoke vents that is, if the vents have a certain criteria. That’s in Chapter 12 of the 2010 edition of NFPA 13. **So the 13 committee recognizes that this is a viable technology in sprinklered buildings.** 204 has a proposal, or a comment, that is being balloted now that has a new chapter for designing smoke vents in buildings protected with a sprinkler system, so the technology is being addressed by the appropriate NFPA committees.”*

While Mr. Koffel’s statements in the excerpts of his testimony are accurate, Mr. Koffel failed to provide pertinent information which reflects the **actual intent** of the NFPA 13 provisions addressing the use of roof vents in buildings protected by a sprinkler system. The substantiation for the proposal to address the use of roof vents in sprinklered buildings reads as follows:

*“The intent of the standard is that roof vents and draft curtains should **not** be used in conjunction with storage protection.”*

The substantiation for the roof vent provisions completely rebuts Mr. Koffel’s assertions that the NFPA 13 sub-committee considers the use vents to be a **“viable technology in sprinklered buildings”**. In fact the substantiation for the roof vent provisions indicates that it is the exact opposite.

Given that Mr. Koffel is a member of the NFPA 13 sub-committee which reviewed the NFPA 13 roof vent provision proposal and that he voted affirmatively on the adoption of these provisions and failed to make a comment indicating his disagreement with the substantiation for the roof vent provisions, it appears obvious that Mr. Koffel was aware of the NFPA 13 sub-committee substantiation statement. Based upon this, it is my opinion that Mr. Koffel knowingly misrepresented the NFPA 13 provisions addressing the use of roof vents in his testimony by failing to inform the code changes committee of the actual substantiation for the NFPA 13 provisions. Certainly, the substantiation statement was pertinent information which **“this committee [the code changes committee] needs to know”**.

Other information which is pertinent to this complaint are the comments of two experts who are designated as “special experts” on the NFPA Smoke Management Committee, Michael Dillon and Steven Wolin, on the proposed methodology for utilizing roof vents in sprinklered buildings. These comments are as follows:

*“**DILLON, M.:** The document **prematurely and improperly** requires and relies upon **unproven methods of calculation for the effectiveness of smoke and heat vents** in the presence of automatic water-based sprinkler protection systems. It also relies on calculations of **questionable accuracy** to determine activation times for the vents and the sprinklers.”*

*“WOLIN, S.: While the proposal would substantially increase the amount of text in Chapter 11, I do not believe that the proposed revisions provide any significant guidance on the use of smoke and heat vents in sprinklered buildings that would not otherwise be addressed in the performance analysis that is already required.”*

Given that ICC Policy CP-37 does not include policies and procedures for filing an ethics complaint, please consider this letter to be preliminary in nature. I would appreciate if you could forward the ICC policies and procedures for filing a complaint or, if no formal policies or procedures exist, any recommendations on how this complaint should be properly filed.

Although Mr. Robert Davidson and Ms. Julie Ruth also provided testimony which addressed the NFPA 13 provisions on the use of roof vents in sprinklered buildings, it is my opinion that both Mr. Davidson and Ms. Ruth relied on the information (i.e., misinformation/disinformation) provided by William Koffel. Hence, it is my opinion that neither Mr. Davison, nor Ms. Ruth, deliberately intended to provide misleading information in their testimony.

I will transmit this letter to you in pdf format via electronic mail. Attached to my e-mail note will be information which I have developed addressing the development of the provisions addressing the use of roof vents in sprinklered buildings. (Much of this information has previously been forwarded to you.)

Note that I have copied Mr. Davidson and Ms. Ruth on this letter since their names appear in the letter. I will also transmit copies of this letter to Messrs. Heilstedt and Baldassarra since the proponent of the code change proposal is the Code Technology Committee (CTC) and these two gentlemen are the chair and vice-chair of the CTC, with Mr. Baldassarra being the chairman of the CTC Roof Vent Study Group.

Yours Very Truly,

Richard C. Schulte

attach.

cc: William Koffel, Koffel & Associates, Inc.  
Robert Davidson, NASFM representative  
Julie Ruth, AAMA Smoke Vent Task Group representative  
P. Heilstedt, Chairman, ICC Code Technology Committee  
C. Baldassarra, Vice-Chairman, ICC Code Technology Committee