

TEXAS AND LESSONS (ON CORRUPTION) FROM THE STATE OF ILLINOIS

By Richard Schulte

The State of Illinois, the “Land of Lincoln”, is an interesting place to live these days. The State is pretty much insolvent. A few months ago, the State simply stopped paying its bills.

Of course, recently the trial of a former governor of the State has made national news headlines, but there is far more to it than just a corrupt governor. The citizens of Illinois have seemed to have made a habit of electing, and then re-electing candidates for the governor’s office prior to sending them to prison. In my lifetime, three Illinois governors (Kerner, Walker and Ryan) have spent time in prison for corruption and a fourth governor was convicted of a felony, lying to the Federal Bureau of Investigation, just last week. Further, the former governor barely escaped being convicted on a number of other charges by a jury vote of 11-1, with the one vote for acquittal being that of a retired state worker.

On August 13th, Governor Pat Quinn’s (the former governor’s replacement) chief-of-staff resigned due to an ethical lapse-using his state e-mail account for political campaign purposes. This ethical lapse was called to the governor’s attention by the State Inspector General. Purely by coincidence, the State Inspector General was fired on August 13th.

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The stories on corruption in the State of Illinois just in the last few years go on and on and on, but no need to bore you with the details-you get the picture. I guess we could say that not only is the State of Illinois financially bankrupt, but many prominent politicians in the state also seem to be ethically bankrupt.

This is an article on fire protection, so what has all this got to do with the subject of this column. There are plenty of lessons in just the four paragraphs above that are applicable to the fire protection field.

As many of you know, the Society of Fire Protection Engineers (SFPE) was notified of potential violations of the SFPE Canon of Ethics by Dr. Craig Beyler on August 20, 2009. The notification included information on Dr. Beyler's ethics lapses in the litigation which evolved from the destruction of the McFrugal's Warehouse by fire on March 21, 1996. This litigation is known as *Ian David McAuslin, et al v. Grinnell Corporation, et al.*

It's been 369 days since the SFPE was notified of potential ethics code violations by Dr. Beyler, but the SFPE has yet to acknowledge receipt of the information or request any further information (e.g., transcripts of Beyler's expert report and depositions in the case). You would think that the SFPE would address the issue in order to protect its own reputation.

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Rather than address the issue of Dr. Beyler's potential ethics violations, it appears that the Society of Fire Protection Engineers has "circled its wagons" around Beyler-the question is, why would the SFPE want to protect Beyler if he did indeed violate the Canon of Ethics?

While only the Executive Board of the Society can answer that question, it appears that it just might have something to do with the fact that the State of Texas retained Dr. Beyler as a forensic expert to look into a house fire which occurred in Corsicana, Texas on December 23, 1991.

The fire claimed the life of three young children-age 2 and 1 year old twins. The Texas State Fire Marshal's Office determined that the fire was arson and the father of the children, Cameron Todd Willingham, was charged with the crime and convicted of the murder of his three children. A little over 12 years after the fire, on February 17, 2004, Willingham was executed for the crime. After Willingham's execution, opponents of the death penalty claimed that the fire was not arson and that Willingham was wrongfully executed.

In order to determine whether or not Willingham was wrongfully executed, the State of Texas retained forensic experts to review the evidence of arson in the fire. Dr. Craig Beyler was the third of three experts retained by the State and Dr. Beyler determined that the investigation conducted by Manuel Vasquez, a deputy state fire marshal, erroneously concluded that the fire was arson. Further, Beyler concluded that Vasquez provided erroneous testimony on the fire at Willingham's trial.

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Dr. Beyler's report on the case is titled "***Analysis of the Fire Investigation Methods and Procedures Used in the Criminal Arson Cases Against Ernest Ray Willis and Cameron Todd Willingham***" and is dated August 17, 2009. Based upon Beyler's report, Beyler is now the "darling" of "Innocence Project" groups around the country.

Essentially, Dr. Beyler accuses Manuel Vasquez of the same thing that Dr. Beyler did in the ***McAuslin, et al v. Grinnell Corporation, et al*** litigation-providing a faulty analysis and erroneous testimony in an attempt to blame Grinnell Corporation for an improper sprinkler system design. In the Willingham case, Manuel Vasquez can't defend himself because he is deceased, while in the McFrugal's Warehouse fire case, Dr. Beyler is still around, but, to the best of my knowledge, refuses to defend his testimony.

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In the case of ***McAuslin, et al v. Grinnell Corporation, et al***, there is no doubt that Dr. Beyler either misrepresented himself as an expert on the subject of fire protection, or that he provided erroneous sworn testimony in the litigation. In other words, there is no doubt that Dr. Beyler provided erroneous sworn testimony. His only defense regarding this is that he was incompetent to act as an expert, in which case, he made false statements regarding his expertise. It would seem that, if Dr. Beyler is going to render an opinion in the Willingham execution case, everyone who has any interest in the arson case should be aware of Dr. Beyler's testimony in ***McAuslin v. Grinnell Corporation***.

Are Beyler's opinions regarding the Willingham execution case erroneous too? I don't know the answer to that question, but, it is my opinion that Beyler's work in the McFrugal's fire case should have disqualified him from being involved with reviewing the Willingham case.

Now back to the corruption issue. What Dr. Beyler did in his work as an expert witness in ***McAuslin v. Grinnell Corporation*** is really not much different than the political corruption going on in the State of Illinois. By making false statements in the litigation, Beyler cost Grinnell Corporation hundreds of thousands of dollars in legal bills. Worse yet, Beyler specifically accused the designer of the sprinkler system, Charlie Martin, of improperly designing the sprinkler system protecting the McFrugal's Warehouse and, thereby, damaged Martin's health. It appears that Beyler, like the politicians in Illinois, is oblivious to the damage which he caused in the ***McAuslin v. Grinnell Corporation*** case.

We see the result of the actions of ethically bankrupt politicians in the State of Illinois-fiscal bankruptcy. When the integrity of our judicial system is damaged by ethically bankrupt experts, sooner or later the public will begin to question the integrity of our judicial system.

It's time for the Society of Fire Protection Engineers to take a stand in support of ethics in the practice of fire protection and enforce its ethics code in regard to Dr. Beyler, regardless of the short-term consequences and embarrassment to the Society. The SFPE should be more concerned about the long-term consequences of the damage that Beyler has inflicted upon the profession than the short-term of dealing with this issue now.

It's a sad day that I have to say that I live in the State of Illinois. It's also a sad day when I have to write the above about the profession in which I have worked for the last 32 years.

If the people of Illinois had been concerned about the integrity of their government and the politicians who ran the state government years ago, the State of Illinois wouldn't be financially bankrupt now. If the Society of Fire Protection Engineers doesn't pay attention to its ethics standards today, eventually the profession will end up being ethically bankrupt. Hopefully, the SFPE will learn a lesson about bankruptcy from the State of Illinois before its reputation is tarnished beyond repair.

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