



**New London Fire Department
INCIDENT REPORT**

Official Law Enforcement Report - Unauthorized Dissemination is Prohibited



Incident Type: Fire / Undetermined

Result Type: Actual

Agency Incident ID: 20-5995

BATS ID: 1364420

Investigation Title: Origin and Cause Fire Investigation

Incident Date/Time/Location

Status

Investigation Open

Jurisdiction

Primary

Start Date/Time

11/18/2020 03:26 Wednesday

Address

500 Pequot Avenue

City/State/Zip

New London, CT 06320

County

New London County

Investigator Information

Name

Vernon R Skau

Phone

860-447-5294

Email

vskau@newlondonct.org

Title

Fire Marshal, IAAI-CFI

Badge Number

52

Property Use or Target Information

Type

Residential

Subtype

1 (Single Family) or 2 Family Dwelling

Status

Occupied And Operating



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Scene Details

Area of Origin/Device Placement

Area of Origin

Storage Areas

Area of Origin Subtype

Storage: supplies or tools; dead storage

Fire Descriptors

Carelessness, lack of or disregard of fire safety principles

Lines of Demarcation

Open Flame

Ordinary Combustibles

Smoking materials (cigarettes, cigars, pipe tobacco)

Damage and Casualties

Est. Damage

\$15000.00

Number of Fatalities

1

Number of Injured

1

Pre Incident Value

\$898000.00

Primary Gov't Association

No Government Association

Miscellaneous Information

External Case Number

NLPD 20-3935

Sky Conditions

Scattered Clouds

Precipitation

None

Wind Speed/Direction

6 MPH / W

Temperature

22F

Humidity

64%

Latitude

41.326960

Longitude

-72.091187

Investigator Right of Entry

Consent - Written



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Subjects/Business Information

Name

HSIEH, ANTHONY

DOB

██████████ 1973

Sex

M

Juvenile

No

Relationship(s)

Deceased, Victim

Race

Asian

Ethnicity

Non-Hispanic

Age at time of Incident

46

Address Information

Street Address

████████████████████

City/State/Zip

San Ramon, CA 94582

County

Contra Costa County



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Name

BROWN, RACHAEL

DOB

[REDACTED]

Race

White

Ethnicity

Non-Hispanic

Sex

F

Age at time of Incident

47

Juvenile

No

Relationship(s)

Interviewed Party, Owner, Witness

Address Information

Street Address

[REDACTED]

City/State/Zip

New London, CT 06320

County

New London County

Contact Information

Primary Phone

[REDACTED]



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Name

HUNTER, DOUGLAS

DOB

█ 1959

Race

White

Ethnicity

Non-Hispanic

Sex

M

Age at time of Incident

61

Juvenile

No

Relationship(s)

Interviewed Party, Non-Resident, Witness

Address Information

Street Address

City/State/Zip

McMinnville, TN 37110

County

Warren County

Contact Information

Primary Phone

█



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Name

HERBERT, ANTHONY

DOB

1989

Race

White

Ethnicity

Non-Hispanic

Sex

M

Age at time of Incident

31

Juvenile

No

Relationship(s)

Discovering Party, Witness

Address Information

Street Address

City/State/Zip

Salt Lake City, UT 84105

County

Salt Lake County

Contact Information

Primary Phone



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Name

PARK ELMHORST, DANIEL

DOB

██████████ 1981

Sex

M

Juvenile

No

Relationship(s)

Interviewed Party

Race

White

Ethnicity

Non-Hispanic

Age at time of Incident

39

Address Information

Street Address

████████████████████

City/State/Zip

Las Vegas, NV 89101

County

Clark County



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Name

GORMAN, BRETT

DOB

1989

Sex

M

Juvenile

No

Relationship(s)

Interviewed Party, Witness

Race

White

Ethnicity

Non-Hispanic

Age at time of Incident

31

Address Information

Street Address

City/State/Zip

Naples, FL 34102

County

Collier County

Contact Information

Primary Phone



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Name

PEZZELLO, ELIZABETH

DOB

█/1989

Race

White

Ethnicity

Non-Hispanic

Sex

F

Age at time of Incident

31

Juvenile

No

Relationship(s)

Interviewed Party

Address Information

Street Address

█

City/State/Zip

Naples, FL 34102

County

Collier County

Contact Information

Primary Phone

█



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Name

ALLEN, ERIN

DOB

██████ 1985

Sex

F

Juvenile

No

Relationship(s)

Witness

Race

White

Ethnicity

Non-Hispanic

Age at time of Incident

35

Address Information

Street Address

████████████████████

City/State/Zip

Wellsburg, UT 84082



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Name

HSIEH, ANDREW

DOB

[REDACTED]

Race

Asian

Ethnicity

Non-Hispanic

Sex

M

Age at time of Incident

44

Juvenile

No

Relationship(s)

Witness

Address Information

Street Address

[REDACTED]

City/State/Zip

Park City, UT 84060

County

Summit County

Contact Information

Primary Phone

[REDACTED]

Drivers License Info



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Narrative(s)

Title

ORIGIN AND CAUSE

Author

Vernon Skau

8604475294

vskau@newlondonct.org

Description

The following is an origin and cause investigation report for a single alarm fire that occurred at 500 Pequot Avenue, New London Connecticut. Fire Marshal Vernon Skau and Fire Inspector David Heiney were contacted at home and requested to respond and conduct the origin and cause fire investigation. For the purpose of this fire investigation Fire Marshal Skau is assigned as the lead fire investigator. On my way to the fire scene, I heard on the radio that the fire department had removed and was transporting an injured person to the hospital. After hearing that I redirected Investigator Heiney to respond to the Lawrence Memorial Hospital to collect information regarding the injured person. It should be noted that some of the observations in this origin and cause report is supported by security video. This video is the property of a third party and while the investigative team had unabated access to view the video the owner did not permit the investigators to download record or photograph the security footage. This report includes field notes, interviews, and the observations of the Fire Investigators.

Upon my arrival the firefighters had extinguished the fire and were checking for any fire extension into other parts of the building. I reported to Chief Thomas Curcio to inform him of my arrival and gather basic information. Chief Curcio informed me that all of the witnesses were located inside limousines that were parked in front of the house. I went to the vehicles to locate the property owner. The property owner was located and identified as Rachael Brown (DOB [REDACTED]/1973). Brown granted written consent for us to conduct the origin and cause investigation of this fire. At this same time patrol officers were collecting written statements from all of the witnesses.

I then interviewed Battalion Chief Jeffery Rheume. Rheume was the on-duty shift commander who directed the actions of the firefighters. Rheume explained to me that Engine 1 and Engine 3 crews had stretched a hose line to the rear of the building to a pool storage room (hereafter identified as a shed). When Rheume got to the rear of the building the crews were forcing the doors to the pool room (shed) using forcible entry hand tools. The shed doors were locked with a single keypad deadbolt style lockset. Once the doors were open the crews quickly located and removed the trapped occupant. The exact time of the forcible entry was not recorded but the time of the removal of the victim from the shed was recorded as six minutes after the arrival of the first fire engine. The occupant of the shed was then transported by New London Fire Department ambulance to Lawrence and Memorial Hospital. Later the victim would be identified as Anthony Hsieh (DOB [REDACTED] 1973).

I learned in an interview (and subsequent statement) of Firefighter Thomas Feliciano that he and Lieutenant Greg Samul entered the structure and located victim (Hsieh) in a supine position on a blanket. Feliciano further stated that the victim (Hsieh) was located with his left side on the blanket and his right side slightly raised with his right arm across his chest. Hsieh was facing toward the two doors that were forced open by the firefighters. The estimated location is identified on the sketch. The area that is described by Feliciano



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corresponds with the area of the blanket on the floor. Written statements were obtained by all of the pertinent firefighters (and are attached to this report).

I began the fire scene investigation by conducting a 360-degree exterior walk around of the building photographing all four sides. The building is a two story 2500 square foot single family home with wood frame with wood siding and wood shingles and constructed in 1999.

I approached the west side of the building which is the side of the building that is located closest to Pequot Avenue. I did not observe thermal, smoke, or fire related damage to this side of the home. Several windows along with the front door and garage door were open. Moving to the south side I did not observe any thermal damage. The natural gas main is located on this side. The gas meter identification number is 594917. The meter was open. Natural gas is provided by Eversource. One of the dormer windows on the second floor was also open. I then moved to the east side of the building. This side is closest to the Thames River. I did not observe any thermal or smoke damage on this side of the building except as noted further in this report. I did observe several open doors and windows located at the basement, first and second floor. Attached to the north side of the building with doors that open into the east side is an attached storage shed. Thermal damage was observed in this area. I then continued to the north side of the building. No thermal damage was observed on this side.

I entered the building and began the interior portion of this investigation. Starting with what appeared to be the least amount of damage and working toward the most amount of damage. I started on the basement level. I entered the building through the eastern most door (rear door – Thames River Side). Except as noted no thermal, smoke or even the smell of smoke was observed in this area. This is a finished basement that is set up as an in-law style apartment. I did not observe any evidence of thermal damage or smoke patterns in the room located on the north east corner of the home. I did observe a window that was broken. This window opens into the attached shed (hereinafter referred to as the area of origin) but was covered on the shed side with gypsum board. The gypsum board also had a hole in it. Interviewing Anthony Hebert, I learned that he and Daniel Park Elmhorst broke the window by throwing a brick through the window which also broke through the gypsum board. Hebert and Elmhorst then stated a flash of heat and fire came into this room. Through this window Elmhorst stated he discharged a fire extinguisher into the adjoining room (shed) to extinguish the fire (refer to statements of Hebert and Elmhorst for additional information).

I moved out of this room through the rest of the basement. I did not observe any thermal or smoke patterns. In a closet in this area, I observed two Murray electrical circuit breaker panels. Both were photographed. I did not observe any open “tripped” breakers during this examination. Just beyond the kitchen is located the heating equipment. The boiler is a buderus and was operating normally while I examined it.

I then went up the interior stairs to the first floor. I did not observe any thermal or smoke patterns on the first floor. I then ascended the stairs to the second floor. The second floor consists of a single bedroom. I did not observe any thermal or smoke related patterns on this level. Based on this examination the room of fire origin appeared to be in the shed that was attached to the home. I returned to the shed to examine this area in more detail.

It is at this point that Investigator David Heiney had returned from the hospital, Officer Richard Cable and Detective Kramer and I met to begin the examination of the shed. The shed is approximately 300 square feet of space that is attached to the home on its north side. A building permit for the construction of the shed was issued by the New London Building Department on August 30, 2017. The project was completed and approved by the New London Building Official Kirk Kripas on July 29, 2020. The window mentioned previously in this report is located 3 feet from the south east corner of this attached shed. There is a sky light in the center of this shed roof. The skylight was intact and sealed and did not sustain any thermal



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damage. No other openings are observed in this space except for two outward swinging doors from the storage shed. Each of the two doors measure approximately 3 feet wide and 6 feet in height. There is an electrical circuit breaker panel (Murray) located on the western most wall (near south side of the wall). I did not observe any open (tripped) breakers in this service panel. This service panel supplies electricity to the shed, pool and the pool equipment. Located on the south wall at a distance of about 3 feet from the door was a carbon monoxide alarm. This alarm was sounding when the fire fighters arrived. It was from my review of the video I learned that the carbon monoxide alarm starts to sound at 0322 (video time stamp). There was no smoke alarm in this space.

The origin of the fire occurred in this room. Deposits of soot were observed at all levels with lines of demarcation reaching to the floor level. Thermal damage is observed at the higher level of the room in that a plastic switch cover sustained thermal damage on the south west corner of the shed. The most thermal damage is observed on the north east door. This thermal damage is observed at the lowest level of the door. A "V" burn pattern moves in an upward and outward pattern from the bottom of the door (across a metal bucket) up to and including the ceiling area. Thermal damage to electrical conductors to one of the security cameras is evident in upper area of this burn pattern. At the ceiling level above this "V" burn pattern thermal damage is observed on the wood trim at the upper level of the door frame. It is clear that this fire did not evolve into full room involvement. The area of origin is located in an area near the north eastern door.

Interviewing Firefighter Thomas Feliciano, I learned that he and others forced entry into this space. Once he opened the right-side door he observed "thick black smoke push out" and a propane tank that "looked burned" was venting gas into this area. Feliciano kicked the propane tank out of the way so that he could enter and remove the victim. Feliciano reported that the propane tank was located more so on its side with the base of the propane tank leaning at approximately 60 degrees. The handle of the propane tank was facing to the north side of the door. This position places the relief valve in a position facing into the interior of the shed and its contents. This location was also confirmed by another witness (Bruce Miller – Waterford Fire Department Administrator) who was working security at Mitchell College. Miller responded to this home when he heard the fire department dispatched on the scanner.

The propane tank was removed to the rear yard to a safe location to which it continued to vent for the duration of the investigation. At the time of the fire this propane tank was located against the door in the area of the above mentioned "V" burn pattern. Upon further examination of the propane tank, I observed that fire debris from the northern most door was attached and melted onto the side of the tank. This corresponds with the burn pattern on the door itself. It appears as though at the time of the fire the propane portable heater was located in and among other storage within the shed. This storage included collapsible camping style chairs, beach chairs and foam pool noodles. Based on an exemplar portable propane heater (located on scene) the fire damaged heater can be described as a Mr. Heater brand. It is an infrared non-residential space heater. It is a double burner, 30,000 BTU model number SRC3OT. This heating appliance has an automatic safety shut off valve. Examining this area of origin, I observed through a delayering process that combustibles in and around the location of the propane heater had sustained thermal damage and yet under the propane tank close to the floor level combustibles did not sustain thermal damage except as noted further. I observed clean burn on the underside of the propane tank with soot deposit on the entire propane tank. This is indicative of a fire that is burning underneath the tank.

At the top of this pile originally located next to the propane heater was an open top steel pail. This pail was upside down on top of a smaller wire mesh pail. It appeared as though it was placed in this position purposefully. There is an area along the base of the floor near the threshold (entrance to the shed) that sustained thermal damage and mass loss of material. In this same area I observed clean burn on the noncombustible fire debris. This clean burn is indicative of a direct flame contact. This fire pattern can best



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be described as caused when the relief valve opened (as designed) as a result of the increased pressure in the propane tank. When the relief valve opened the pressurized propane gas that was released ignited resulting in a fire that was projected in the direction of the floor near the sill plate.

Further investigation revealed that in and around the area of origin are several discarded cigarettes, a marijuana pipe, and several candles. Just outside this area of fire origin located on the floor was a three-quart plastic container of Tiki brand torch fuel. This fuel had the cover secured. Under the container was a small pool (approximately six inches in circumference) of the fluid. The container was partially crushed with what was later determined through this investigation to be a firefighter boot print on the container. This occurred during the rescue efforts of the fire fighters and is not considered as part of the fuel package for this fire. In Anthony Hebert's statement he stated that prior to this fire which prompted the response of the New London Fire Department, earlier in the evening, he checked on Hsieh and observed a separate fire within the shed area which was able to be extinguished. Hebert reported that he saw a candle that was burning the blanket in close proximity to Hsieh. Hebert asked Hsieh to extinguish the candles to which Hebert stated he did. The physical evidence supports Hebert's claim as I was able to observe a candle on its side affixed to the blanket with wax. In this same area I observed thermal damage to the blanket which does not correspond to any thermal damage in this fire investigation. Reviewing the video, I heard a discussion between Hebert, Gorman and Hsieh about Hsieh lighting a zip lock plastic bag on fire (Video file 3 & IMG_6460). Hebert is heard saying "you're going to smoke yourself out" and "that's poison". Hsieh responded with "It's poisonous but I used it to light a fire..." (The rest of the conversation was inaudible).

I conducted a follow up interview with Hebert, he stated that Hsieh lit the fire to keep warm and as a result of that fire being set Hebert brought the portable propane space heater into the shed. The propane heater was operating as he brought it into the shed. The outside temperature at the time was about 34 degrees. The shed had no permanent heat.

At 0315 (Video File 9) Hsieh opened the door. No one was outside the door at that time. I observed an occasional light smoke wisping from the door. It appears as though there was an incipient fire within the shed at that time. Hsieh then attempted to close the door. Once the door was closed (almost all the way as a pool vacuum hose prevented the door from closing completely), I observed (on the video) that Hsieh moved the propane heater to the exterior of the shed. The propane heater was still physically connected to the tank via the hose. One of the two heating elements had been removed (or broken) from the assembly. All of the guards from the heating elements had been removed. The assembly was no longer attached to the carrying handle and was in a horizontal position with the heating element lying on the carrying handle. The heater was not operating at this point. Hsieh then opened the door and dragged the propane heater along with the pool vacuum hose into the shed. When Hsieh opened the door to pull the propane heater back in, I observed an increase in smoke emanating from the shed along with burning embers. Once the propane heater and pool vacuum hose were returned inside Hsieh closed the door. I heard the sound of what I believe was a door lock assembly latching and the sound of the dead bolt latching from within the shed.

At 0320 Andrew Hsieh knocked on the door to the shed and told Hsieh that it was time to go. I heard a voice from within the shed, presumably Tony Hsieh told Andrew to come back in five minutes. Andrew (Hsieh) returned inside the living quarters of the residence. Smoke is observed in the camera view at 0321-time stamp of camera followed very quickly by the sounding of a carbon monoxide alarm in the shed. At approximately 0322 time stamp a noise consistent with the relief valve on the propane tank actuated to relieve pressure from within the tank is heard. The smoke emanating from the shed escalates dramatically at this point and at approximately 0324 the camera feed fails as a result of the fire. Gorman stated that he and Andrew (Hsieh) went back to the shed at about 0324 to get Hsieh. When they approached, they heard hissing coming from inside the shed. Gorman and Andrew (Hsieh) knew there was a fire and they tried to break the door and



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subsequently with Hebert's assistance broke the window and called for help from the others. Based on the fire scene examination and interviews and statements of the witnesses the fire investigators have developed the following hypothesizes as to the cause of the fire:

- It is possible that the portable propane heater came into direct contact or into proximity of the heating elements with the nearby combustibles resulting in the fire. This heater was located on / near pile of storage near the same door that Hsieh had opened several times throughout the time he was staying in the shed. This portable heater was located in an area of the most thermal damage and mass loss of material. This thermal damage and mass loss of material is a result of a fire that occurred in the area near /under the propane tank. The fire heated the propane tank to a point when the relief valve operated as designed to relieve the pressure in the tank. This resulted in the propane gas flowing from the tank and coming into contact with open flame. It should be noted due to spoolation concerns the investigative team only conducted visual examination of the components of this heater. In review of the security video I observed that the propane heater was not operating when it was removed (and then returned into) the shed at about 0315 hours. The propane heater was still physically connected to the tank via the hose. One of the two heating elements had been removed (or broken) from the assembly. All of the guards from the heating elements had been removed. The assembly was no longer attached to the carrying handle and was in a horizontal position with the heating element lying on the carrying handle. When the propane heater was removed (and subsequently returned) from the area there was an incipient fire within the shed. Despite the low percentage of possibility that this fire occurred as described above it cannot be eliminated as a possibility and as a result cannot be eliminated as the cause of this fire.

- It is possible that carelessly discarded smoking material (either cigarettes or marijuana) is the cause of the fire. Several discarded cigarettes (and a marijuana pipe) were found in the area of origin. The cigarettes discovered were American Spirit cigarettes. The time frame for a smoldering cigarette to open flame is highly variable. Independent testing laboratory's range from 22 minutes to 306 minutes for flaming combustion to occur. Kirks Fire Investigation Sixth Edition (Page 173) explains that "The heat release rate for an average tobacco cigarette has been reported as 5W such a low level emphasizes the necessity for a fuel to be in direct contact with the glowing tip of the cigarette before ignition can be ensured. A lighted cigarette will only occasionally set fire to dry fuel on which it rests uncovered, such as upholstery, dry grass and the like." Despite the low percentage of the possibility that this fire occurred as a result of a carelessly discarded cigarette it cannot be eliminated as a possibility and as a result cannot be eliminated as the cause of this fire.

- It is also possible the misuse of candles started this fire. Several candles were found in and around the area of fire origin. Anthony Hebert stated that around 0100 am he checked on Hsieh and he observed candles burning and that one of the candles' started a fire on a portion of a blanket. The fact that there were candles located in the area of fire origin and the fact that approximately two hours before the fire occurred an accidental fire occurred on a blanket (Image IMG_009) improper use of candles could not be eliminated as a cause of this fire.

- It is possible that carelessness or even an intentional act by Hsieh could have started this fire. A plastic zip lock (Image IMG_6460) style bag with thermal damage referred to and photographed earlier in the report contained a thermally damaged post it notes and was located near the area of fire origin. There is also a grey basket (IMG_6461) that is located remote from the area of origin and does contain burned paper. While



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neither of these examples is the cause of the fire, they are both indicative of a fire setting pattern that could have caused this fire. This carelessness could not be eliminated as a cause of the fire.

There is physical evidence to lead investigators to theorize that Hsieh could have been impaired or intoxicated at the time of the fire. In and around where Hsieh was found were: several Whip-It brand nitrous oxide chargers and whipping cream dispenser, a marijuana pipe, and Fernet Branca liqueur bottles (50 ml).” Intoxication can affect an individual’s ability to recognize and react to the hazards presented by the fire. NFPA 921 2020 Edition 11.3.1.2 (National Fire Protection Association, A Guide for Fire and Explosion Investigations) states in part that “These cognitive limitations are more likely to affect an individual’s ability to assess the hazards presented from a fire”. This same section also states that “Investigators should carefully assess all possibilities before making assumptions. Behavior that is often determined to be inappropriate may be due to confusion caused by toxic gasses”. Either one of these scenarios could explain why Hsieh did not recognize and react to the hazards presented by this fire.

NFPA 921 4.5.2 states in part that: “If the level of certainty is only ‘possible’ the opinion should be specifically expressed as ‘possible’. Only when the level of certainty is considered ‘probable’ should an opinion be expressed with reasonable certainty”. The above scenarios are all possible causes of this fire. Additionally, NFPA 921 19.7.4 states “that the final opinion is only as good as the quality of the data used in reaching that opinion. If the level of opinion is only possible...the fire cause is ‘undetermined’.” Also, NFPA 921 19.6.5.1 States “In circumstances where all the hypotheses have been rejected, or if two or more hypotheses cannot be rejected the only choice for the fire investigator is to conclude that the fire cause, or specific casual factors, is undetermined”. As described previously in this report this investigation developed four hypotheses as to the cause of this fire. Throughout this investigation I am unable to reject any one of the four hypotheses completely as anyone could have resulted in this fire and as a result this fire investigator must follow the guidance set forth in NFPA 921 19.6.5.1

NFPA 921 3.3.71 defines fire cause as “The circumstances, conditions, or agencies that bring together a fuel, ignition source, and oxidizer (such as air or oxygen) resulting in a fire or a combustion explosion”. After the examination of this area using the levels of scientific certainty as discussed in the 2020 edition of NFPA 921, I am not able to identify the first fuel, the ignition source or how they came together to start this fire as a result I have categorized this fire as undetermined. This fire will be classified as undetermined until such time as additional evidence or information is learned. In the event that any new information is gleaned I will re-open this investigation and report further. At such time this fire determination can be reclassified.

Vernon Skau IAAI CFI



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Investigation Title: Origin and Cause Fire Investigation



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Fire Marshal, IAAI-CFI - Skau, Vernon

Date

Approving Official

Date