

1 KANSAS FIREFIGHTER RELIEF ASSOCIATION  
2 SEMINAR

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10 JANUARY 17TH, 2009  
11 SALINA BICENTENNIAL CENTER  
12 SALINA, KANSAS

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1                   PRESIDENT LUBBERS: Good morning, my  
2 name's Jim Lubbers. I'm president of the Kansas  
3 State Firefighters Association.

4                   I want to thank all of you people for  
5 coming, looks like a wonderful crowd. I hope that  
6 you will pick up something. I know you will.  
7 Mr. Tomlinson and John Boyd have some new stuff to  
8 present to you, a little bit of different things,  
9 so I know you'll take something back to your  
10 department that'll be very beneficial, and at this  
11 time, I'll introduce Larry Mullikin, Chief of  
12 Salina.

13                   CHIEF MULLIKIN: Thank you, Jim.

14                   I can't help but look out here and see  
15 this wonderful crowd today. You came certainly in  
16 some cold weather to this meeting today, to learn  
17 a lot, probably to share a lot, to renew some  
18 acquaintances and relationships, and I hope that  
19 you take the time to do that, because that's the  
20 wonderful thing about our profession, is that we  
21 have a love and a care for everybody that's in  
22 this job, or you wouldn't be here today.

23                   This year is our 100 year anniversary  
24 here in Salina. Our department's been at it for a  
25 hundred years. I would invite you to tour the

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1 stations, to talk to our personnel, to look at our  
2 equipment, shoot the breeze, whatever your  
3 interest is, fire, EMS, any special topics, they  
4 probably can converse with you on, but more than  
5 that, when I look back at our history over a  
6 hundred years, the Kansas fire service has a great  
7 and storied history, and I think that we need to  
8 celebrate that.

9 We need to celebrate it from a number of  
10 perspectives. One of them certainly is how we  
11 take care of those who have gone before us. If  
12 you get a chance, down at Station 1, we have a  
13 Ahrens-Fox. That's a vintage fire truck. We put  
14 it in parades. Commissioners ride on it, mayors  
15 ride on it. We fire it up, drive it around the  
16 block every so often, but I can't help but think  
17 when we fire it up and you hear it back fire and  
18 stuff, and all of that, that in its day, in its  
19 day, the firefighters that got on that truck  
20 thought it was the best, most modern piece of  
21 apparatus they ever saw, and today when I look at  
22 the apparatus we have today and they drive around  
23 the block and they're double clutching and thing's  
24 backfiring, I go, man, those early firefighters,  
25 what they sacrificed, what they went through. It

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1 brings it into focus for me on the history of our  
2 profession. I don't think we could ever look  
3 forward without looking backward, and I think  
4 that's what -- where our focus is somewhat with  
5 the Firemen's Relief Association and the things  
6 that we do.

7           You know, years ago when I was hired for  
8 the Wichita Department back in the late 60's, you  
9 could actually start to work and qualify for food  
10 stamps. You could get a paycheck from the city  
11 and go down and get a government subsidy, food,  
12 things of that nature. Certainly the pay was low,  
13 hours were long, situation was different at that  
14 time.

15           Years before that, when the Firemen's  
16 Relief Act came into being, I think the state and  
17 legislators and all of those people realized that  
18 wherever the municipalities or wherever the  
19 jurisdictions that govern fire departments, can  
20 only do so much, and that since it was low pay,  
21 basically, a tough job, they didn't have the  
22 safety equipment, the air packs that we have  
23 today, they certainly went about doing their job  
24 without a second thought, about, well, how much am  
25 I getting paid for this.

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1           They could set up a trust between the  
2 state and the firefighters somewhat in saying,  
3 well, we recognize that, and in your retirement,  
4 in your retirement, we'll try to help you. Can't  
5 do everything for you, and that's one of the  
6 really great things, I think, about the Firemen's  
7 Relief Association and Firemen's Relief Act and  
8 all that is the care that we take with our  
9 retirees and those that give their life to this  
10 profession and eventually retire, to try to help  
11 them some in their retirement, with their  
12 illnesses and infirmities and things of that  
13 nature, to cope with life, because they've given  
14 us so much over the years.

15           When I think about the retirees -- we do  
16 some pretty great things here in Salina. One of  
17 the things we're doing today is, for some of our  
18 retirees, if they have a dress uniform, we want  
19 them to wear that. We want them to come back when  
20 we have gatherings and things like that, to wear  
21 their dress uniforms.

22           Now, I will tell you now that what we're  
23 going to pay for, is if they have a dress uniform  
24 and they need it altered, we'll pay for that.  
25 They just bring it in and we'll have it altered

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1 for them. I would suspect that that'll be a  
2 pretty good chunk of change. That's a joke, by  
3 the way, but -- because hardly anybody can fit  
4 into their dress uniform after they retire. But I  
5 think we owe it to them. If they want to wear  
6 that with pride to show their length of service  
7 and what they gave to our community, that's the  
8 least we can do.

9           The badge plates that we're making for  
10 them, that they can pull out -- if they want to,  
11 we'll make them a new one, but they can pull out  
12 their old badge plates and stuff, and put the  
13 rocker above and below it that says they're  
14 retired and that sort of stuff, and come back with  
15 pride and participate in this profession we call  
16 the fire service.

17           Each one of you have meetings in which  
18 you discuss how to benefit the organizations that  
19 you belong to, and when you have those meetings, I  
20 would hope that you would always think about the  
21 retirees, what it means to them.

22           So many politicians get into office and  
23 they see money flow through the state, and they  
24 say, well, this money might be available or that  
25 money might be available. I think if they go too

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1 far with the Firemen's Relief Act, and money that  
2 flows into that, they've broken a trust. They've  
3 broken a trust over the years in which they have  
4 said that this is important, and it really deals  
5 with them not understanding the history of that,  
6 and why that exists.

7           It's important to understand history,  
8 like I started. You have to look back in order to  
9 look forward, so I hope that as all of you  
10 converse and decide on how best to implement the  
11 Firemen's Relief Act, how best to conduct your  
12 association, how best to do business for, not only  
13 active members, but that retired members, that you  
14 take the time to educate people and the history of  
15 what this means because I think that if we do  
16 that -- if we don't do that, it's a disservice to  
17 those we work with and work around.

18           As a young firefighter, I didn't have a  
19 clue as to what the Firemen's Relief Association  
20 was even about. We used to have it at the  
21 stations and they had meetings, they had to have a  
22 quorum, and they told you to take their engine  
23 from here to there, I jumped on the truck, and  
24 showed up to have a quorum and conduct business,  
25 but they just don't understand how important that

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1 is to be able to conduct this business and be  
2 professional about it in the way we manage our  
3 money and our affairs. That's why it takes the  
4 older guys to educate them what that's about, what  
5 it means to them.

6 Right now, and maybe that's a perspective  
7 from my age looking back, maturity thing that you  
8 grow into in this profession, but I think if you  
9 take the time to educate them, to bring them  
10 along, for the next generation, because all of us  
11 sitting in this room is going to be retired some  
12 day. The decisions we make today will reflect on  
13 the retirees we currently deal with and are  
14 important, but more important than that, we're all  
15 going to be retired.

16 You know, funny thing is, I deal with the  
17 ambulance services. Some people ask me why it's  
18 important that I try to make some of the changes  
19 we do in our advanced life support services and  
20 things of that nature, and to a great degree, I  
21 tell them this: I'm trying to sculpt, trying to  
22 create a system that I will have the benefit of  
23 when I retire because that to me, if you sculpt it  
24 in that way, that's a system that you would want,  
25 then you get the best out of that, for not only

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1 the organization, but you get the best out of it  
2 for your community services for this country as a  
3 whole, and nobody can predict, nobody can predict  
4 what the economic future holds for any of us.

5 We're, in, as they say, uncharted  
6 territory, uncharted waters. We're trying  
7 different things, but we need to hold on to what's  
8 important to us, and that's having the love and  
9 care for those that went before us, for those that  
10 serve in this fire service, and this is one way  
11 that we can do that.

12 So I commend all of you for being here  
13 today, you men and women of the fire service, that  
14 serve in these organizations, put in many long  
15 hours that people don't appreciate, may not  
16 acknowledge, but yet it's critical to us as a  
17 professional organization.

18 So I hope that you learn a lot. I hope  
19 that if you have the inkling, stop by the station  
20 and shoot the breeze with the boys and girls, look  
21 at the equipment, and talk about all the fun stuff  
22 that we do. I want to thank you for being here  
23 this morning and being part of our profession.

24 Thank you.

25 PRESIDENT LUBBERS: Steve, there is a

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1 few empty chairs up front here. There's like  
2 eight or nine here, and three or four over there,  
3 for you people looking for a place to sit down.

4 Before I move on, also, there is a form  
5 at the end of the table that Steve would like for  
6 you to fill in your name and your FRA so we know  
7 how many people is in attendance, and also,  
8 Firefighters Association carries the insurance on  
9 you, and this is a training session, so you are  
10 covered by insurance, so we need to have a roster.

11 At this time, I introduce Bob Tomlinson,  
12 Assistant Commissioner of Insurance.

13 MR. TOMLINSON: Is this your coffee.  
14 I'll spill it. I thought about drinking it, that  
15 would be better. I don't know what I'm going to  
16 do.

17 Welcome, ladies and gentlemen, thank you  
18 for having me come to speak to you. I bring  
19 greetings from the Commissioner of Insurance,  
20 Sandy Praeger.

21 In this particular case, we have a  
22 message that we wanted to deliver, and she thought  
23 it appropriate, since I've been working with you,  
24 that I be the one to deliver it.

25 Mr. Boyd, John Boyd, our new

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1 Administrator of the Firefighter Relief  
2 Association Act, has placed the outline of what  
3 I'm going to say on the board for you. We'll see  
4 if I follow it. I'm not used to working off an  
5 outline, but, in fact, today I have something to  
6 say.

7           Before I begin, I want to tell you a  
8 story from my own life. When I was seven, my  
9 mother got a job, went to work, which was rare in  
10 those days that anyone's mother worked, and she  
11 got home about a half hour, 45 minutes after I got  
12 home from school. So we rigged up a system where  
13 I had a latchkey to let myself in, and there were  
14 two strong rules. One, no one in, and the other  
15 is I could never leave. Then when she got home, I  
16 could go out and play and do whatever I wished.

17           One day I violated that rule, went over  
18 to my friend Lonnie's house. His mother went on  
19 an errand, wasn't going to be gone long, and we  
20 thought we'd get in some freelance play. We were  
21 playing in the basement. Lonnie decided he was  
22 going to treat me to some ice cream, so we went  
23 upstairs to the kitchen to get the ice cream, the  
24 bowls for it were in a cabinet above the stove.  
25 He crawled up on that stove to grab the bowls and

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1 he must have tripped one of the burners. On the  
2 stove was a portable television that was there for  
3 his mother's watching soap operas, I suppose, and  
4 it was on, it was on Gilligan's Island of all  
5 things, and when that burner got hot, and that  
6 thing was plugged in, it exploded.

7           And I remember Lonnie screaming to me,  
8 Bobby, come up stairs, and I ran upstairs, and  
9 already that fire had hit the lacquer on the  
10 cabinets and was up the wall and on to the  
11 ceiling, and it was so big and it smelled so bad,  
12 smoke was so acrid, and it was hot. And he  
13 yelled, what are we going to do? And I said,  
14 we're going to grab Ricky, that was his little  
15 brother, and we're going to get out, and so we  
16 collected Ricky and we got out.

17           And I went next door and knocked on  
18 Mrs. Clements' door, and I said Mrs. Clements, the  
19 house is on fire. She called the fire department,  
20 they came and put it out.

21           My mother was so pleased that I was safe  
22 that she didn't punish me for doing what I wasn't  
23 supposed to do. She told me I had acted like a  
24 leader. Well, I did not feel like a leader, I was  
25 just plain scared. And if you think that that

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1 story is about the firefighters being the hero and  
2 coming to rescue us, you're wrong, it's about  
3 leadership, and that's what I want to talk to you  
4 about.

5 We have a new leader in the Firefighter  
6 Relief Act, John Boyd, and we're turning over new  
7 pages for the administration of that Act, and  
8 we're turning over new pages for the specific  
9 reason that we are aware that at times of  
10 budgetary problems in the state, that the money  
11 that is collected for firefighters is in jeopardy,  
12 and that is a wall that must constantly be  
13 monitored, and that is an effort that must be  
14 vigilantly addressed, consistently and  
15 persistently.

16 The first thing that Mr. Boyd discovered  
17 when he looked into the Firefighter Relief Act was  
18 that one of the central problems was the  
19 distribution of those funds. We withhold  
20 according to the law and the rules and regulations  
21 of this state, monies from Firefighter Relief  
22 Associations that have not correctly complied with  
23 their paperwork. Those monies amounted to over  
24 7 percent of the total amount, over half a million  
25 dollars that we had withheld this year.

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1           The closer those monies are to the  
2 legislator, the easier they are to be picked off.  
3 The closer those -- the farther away those monies  
4 are from their intended purpose, which is the  
5 Firefighter Relief Associations, and the vestment  
6 of those investments for the firefighters, the  
7 easier for the legislator to say they are  
8 inappropriately appropriated and sweep them back.  
9 Pogo said one time, we have met the enemy, and  
10 it's us.

11           For years we've been harping on you to  
12 invest your money correctly and not leave it in  
13 cash, only to discover that we were leaving a fair  
14 amount ourselves. The law says that we have to  
15 withhold it. The law does not say that we can't  
16 change the method in which we distribute it to  
17 better and more effectively get it to you. To  
18 that end, you're going to learn about changes we  
19 propose in the forms that you see and about how we  
20 can distribute the monies electronically now to  
21 you.

22           We are going to cease in the near future  
23 to have any printed checks and send them directly  
24 to your bank account. We have hired auditors that  
25 are looking at our system that have indicated to

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1 us that there's no reason that anyone, anymore,  
2 should handle a paper check. They can be lost or  
3 destroyed, it's inefficient, and the money has got  
4 to get to you.

5 We're going to produce a best practices  
6 handbook so that every secretary/treasurer of a  
7 Firefighters Relief Association has an easy guide  
8 and manual on how to do things and how to  
9 correctly file them. We have worked with our  
10 auditor to look at ways of best practices so that  
11 we will all be on the same page and so everyone  
12 will know the rules walking into the situation.

13 We are dedicated to the preservation of  
14 the Firefighters Relief Act, but the reality is  
15 that in our investigation, we have discovered some  
16 problems with the Act, and this generation of  
17 firefighters can no longer ignore the challenge of  
18 correcting those problems. We will not address it  
19 in this session, but we are asking you as  
20 Firefighter Relief Associations to take a critical  
21 look at addressing the problems that we have  
22 discovered in the next session, and vote in favor  
23 of that move in April. We do not ask this of you  
24 lightly.

25 There are three principal concerns that

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1 we bring to light. The first one being that it is  
2 difficult now under the cap of \$100,000 to buy  
3 insurance for the entire state organization of  
4 firefighters. The amount of insurance that we can  
5 buy for that same premium gets less and less. And  
6 so it would be prudent to change the law to allow  
7 the premium to float upward so that we can provide  
8 quality insurance for everyone on the state level,  
9 and one of the things we can do is change that  
10 formula but I tell you that that in and of itself  
11 is no reason to take the dangerous move to reopen  
12 the Act.

13           The second thing that we've discovered is  
14 the definition of Firefighter Relief Associations.  
15 Firefighter Relief Associations have purchased an  
16 annuity, in some instances, in most instances,  
17 have to identify a single annuitant, one person  
18 within their association. If something should  
19 happen to that young firefighter that's designated  
20 by the secretary or treasurer, or however it is,  
21 and they have to pay a fee to change the annuity  
22 policy that they have, we believe, in the  
23 Department of Insurance, that that fee is  
24 inappropriate. It should be your choice and not  
25 an act of God that changes your contract.

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1           Further, we have a question that is  
2           unresolved as to whether Firefighter Relief  
3           Associations in this state have to file a federal  
4           Form 990. Some do, some don't, some will, some  
5           won't. We would like to give you guidance that  
6           has us all on the same page, and if it is  
7           necessary, in order to do that, if once we resolve  
8           the problem, the definition of firefighter  
9           associations that we have within the statute needs  
10          to be changed, we should do it at that time.

11           But the second reason, in and of itself,  
12          and combined with the first, is no reason to take  
13          the drastic step of reopening the Act. These are  
14          matters that can be effectively resolved in other  
15          ways. However, what we have found is that the  
16          formula itself is based on inappropriate data.  
17          And what am I talking about?

18           The formula of distribution is normed in  
19          the year of 1984, and the figures that norm it  
20          were skewed, and what we have discovered in our  
21          audit is not only are the figures skewed, but they  
22          are based on the expenditures that were directed  
23          in 1984, and so once you go through the levels of  
24          adjustment from the '84 figures, you have to find  
25          the level of expenditures. Those levels are non

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1 linear, it's a crap shoot.

2           You go through a redetermination at the  
3 department and you believe that you should get  
4 more money because you've added to the population  
5 and to the valuation of your community, and we run  
6 it through that formula, and the amount of money  
7 that you receive, in addition to what you had  
8 before when you've been redetermined could be much  
9 more than you had anticipated, less than you'd  
10 anticipated, or less than you were receiving  
11 before.

12           The errors in the base data of the  
13 formula could be a hundred years old or more. We  
14 have no way of knowing, and it does not matter.  
15 What matters to us, what is critical here is that  
16 one suit, one disgruntled FRA, one firefighter  
17 that doesn't believe that they're being fairly  
18 treated, that enters into district court and  
19 challenges the base data of that formula, that  
20 that data will be instantly thrown out. It is  
21 inherently broken, and it cannot be fixed. It has  
22 to be renormed in current standards and we can  
23 work to compress winners and losers, but the  
24 reality is if we chose not to address this in the  
25 legislature on our own terms, solidly behind the

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1 change, united in what we wish to do, and someone  
2 goes to court that will be in the legislature  
3 defending the Act anyway, and under the most  
4 egregious terms.

5 I wish I had different news for you. I  
6 wish to God that we didn't have to touch it at  
7 all.

8 Our fire chief talked about the history  
9 of the fire service. Well, I challenge you that  
10 every generation of firefighters has its  
11 challenges, and when the day is done, I believe  
12 that this generation of firefighters will have met  
13 this challenge. We know that in order to get this  
14 accomplished we have to be united.

15 The Department of Insurance will not  
16 propose nor will we open the Act, nor will we  
17 testify in favor of it if you do not vote to do it  
18 first. It is your money, it is your decision, and  
19 we can only lead you. We understand the dangers  
20 but we also understand the reality. Addressing it  
21 in the 2010 legislative session will be addressing  
22 it when we have firefighter associations in every  
23 representative and senator's district, and every  
24 representative will be up for reelection.

25 If you contact your representatives when

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1 we ask you to at the proper time, at the proper  
2 moment, if we have a united message, if we ask for  
3 no amendments, I believe that we will get exactly  
4 what we want. If you remain united, there is no  
5 political power in either house that is sufficient  
6 to block you but it'll take coverage. It will  
7 take faith. It will take hard work. It will take  
8 fraternity among firefighters. I know that you  
9 are courageous people or you would not be in this  
10 room.

11           When I was a little boy and the fire I  
12 saw scared me to death, and you see it all the  
13 time. But I want you to realize that I'm aware,  
14 that the commissioner's aware, that we are aware,  
15 that we acknowledge with you that the decision  
16 requires leadership and just like I learned when I  
17 was a little boy, some of the best leadership,  
18 some of the most courageous acts that occur in  
19 this world are acts that are done by people who  
20 are just plain scared.

21           PRESIDENT LUBBERS: At this time I'll  
22 introduce the officers of the Kansas State  
23 Firefighters Association, and while I'm doing  
24 that, can somebody motion to the vendors to line  
25 up on the north wall.

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1           Our first vice president is J.L. Ellis  
2           from Colby, he's in the back.

3           Second vice president is Shane Pearson  
4           from Salina.

5           Our treasurer is Dan Romine from Osage  
6           City.

7           Our secretary is Steve Hirsch from  
8           Oberlin -- secretary, Steve Hirsch from Oberlin,  
9           and Dan's from Osage City.

10          Northeast Trustee is Kevin Flory from  
11          Topeka.

12          Your Southeast Trustee is Andy Moffitt  
13          from Chanute.

14          Your Northwest Trustee is Doug Janssen  
15          from Russell.

16          And as some of you probably know, we have  
17          a new Southeast Trustee, Troy Wolf from Johnson  
18          City.

19          Adam Frederking that was with us from  
20          Hutchinson took a job in Rogers, Arkansas, so  
21          according to the bylaws, we can appoint somebody.  
22          So we advertised it on the web site and took names  
23          and the executive board appointed Troy to fill out  
24          Adam's term until April.

25          Are vendors about ready? While they're

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1 getting ready to come forward to introduce  
2 themselves and what products they sell, it is the  
3 first of the year. Just a reminder, your  
4 beneficiary list, it's a good time to make sure  
5 that it's updated and if there's a change, be sure  
6 and document the day that it's changed. We've had  
7 some problems with some changes that have been  
8 made that has been contested, so make sure there's  
9 documentation of when the date the change was  
10 made.

11 Referring to Mr. Tomlinson, I know we got  
12 a tough road ahead of us, but we've known for  
13 several years there's problems, but we just quite  
14 didn't know how to address them, but some issues  
15 came up this past year, and sad to say that we --  
16 everybody's after the almighty dollar, and I'll be  
17 brief, we have agents that are stretching the law  
18 to the limit. We need to go back to the intent of  
19 the law.

20 The law was designed to provide benefits  
21 for your spouse and children in case something  
22 happened. Remember, when this Act was put in  
23 place, there was no pensions, very little  
24 hospitalization insurance, and definitely no work  
25 comp insurance. Benefits were put there for our

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1 firefighters and their families and that's what we  
2 need to do and we need to get back to and protect.  
3 We need to get away from the unselfish thing of  
4 ourselves, what can I get for myself. Annuities  
5 were created to help the volunteers so they would  
6 get some compensation for attending the meetings  
7 and fighting fires.

8 Just a reminder that the conference will  
9 be in April. It'll be in Great Bend, and we hope  
10 you are there. We have a SCAFFA school coming up  
11 in March.

12 Going back to the chief, when he was  
13 talking about when he started, I started my career  
14 January 3rd, 1969, 40 years ago. I made \$460 a  
15 month as a salary. Had a house payment and a  
16 brand new car, and still could put money in  
17 savings. How times have changed. I used to bitch  
18 when my utility bills, electric, telephone, and  
19 everything, got to \$65.

20 So at this time, I'll let the vendors  
21 introduce themselves.

22 MR. FRANK: Good morning, I'm Dugan  
23 Frank with Weis Fire and Safety, I'm the lead  
24 salesman. My main territory is Northeast Kansas.  
25 I've got two guys with me today, Brandon Cochran

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1 here in the blue, Scott McClain in the green.  
2 He's our new Southeast Kansas rep so if any of you  
3 are from Southeast Kansas, please stop by the  
4 table and meet him.

5 Brandon is our apparatus specialist and  
6 we've got a real nice E-One, we became the E-One  
7 dealers in October, and we've got a nice 100 foot  
8 platform set up out here, we'd love to have you  
9 stop by and take a look at that, and also stop by  
10 the table and visit with us.

11 So welcome to Salina, and have a good day  
12 today.

13 MR. LOPER: Good morning, everyone.  
14 My name is Rob Loper, I'm with Provident. It's  
15 great to be here. Thanks for everyone who's in  
16 attendance here. Attendance looks great.

17 I would just like to say that we are set  
18 up in the other room over here with all the other  
19 vendors. I have some information on the table  
20 regarding the coverage of the state policy, as  
21 well as beneficiary forms for all of our insurance  
22 here. So if you have any questions or need any  
23 information on the coverage of the state policy or  
24 beneficiary forms, feel free to stop by and grab  
25 some off the table.

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1 Thank you, and have a great day.

2 MR. KRUG: Good morning, I'm Randy  
3 Krug with Waddell & Reed. We have some offices in  
4 Salina and Russell. Been taking care of FRA's now  
5 for about 10 years.

6 I was a firefighter for about 16 years  
7 before I became a financial advisor, been doing  
8 that for about 15 years, so I got pretty familiar  
9 with the relief program from both sides of the  
10 table. We currently take care of about 150 FRA's  
11 throughout Kansas, paid/volunteer combinations, so  
12 if you have any questions, we're over in the next  
13 table, or next booth. Thanks.

14 MR. PARKER: This looks like the all  
15 American hit parade, doesn't it?

16 Good morning, my name is Kenneth Parker  
17 from the United Professionals Agency. I'd like to  
18 take a moment, if you look back to the room, in  
19 the white shirt is Charles Roberts, President. To  
20 his right, very beautiful looking young lady is my  
21 wife, Linda Parker.

22 Want to thank you for being here,  
23 inviting us here today. We are brand new to your  
24 association. Our first fire school we attended up  
25 in Clay Center, and every month since. This is a

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1       tremendous turnout.

2                   What we do is this: We are fully  
3       licensed in the insurance and the securities  
4       industries. These are economic crisis times. I  
5       appreciate the comment, Jim, I think my first  
6       house payment was 727 in 1969, but the key that I  
7       want to stress to you, appreciate if you'd stop by  
8       the booth and fill out any questionnaires that we  
9       have for you for information, we are educators.  
10      We're licensed to sell products, but that's not  
11      our focus.

12                   Education we offer to your association  
13      membership, complimentary economic individual  
14      membership educational presentation. You can  
15      invite us to your firehouse at any time and I'd be  
16      more than happy to conduct that for you.

17                   As a former volunteer in Pennsauken, New  
18      Jersey, of course, that's in archaic years, 40  
19      years ago, we had firemen, very pleased today we  
20      have firefighters.

21                   Thank you for your service.

22                   MR. GOTTSTEIN: Good morning. My  
23      name is Pat Gottstein, I work out of Jefferson  
24      County Insurance up in northeast Kansas. We're up  
25      between Lawrence and Topeka.

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1           We are here today, we have a booth next  
2 door. I have a colleague with me, Laura Thompson,  
3 is in the back of the room. We are with Kansas  
4 Fire/EMS-Pak Insurance Program. We do your  
5 insurance for all your buildings, your liability,  
6 your equipment, your vehicles. We also are a --  
7 we also do insurance for Provident for your FRA  
8 benefit as well.

9           We have a booth set up next door, like I  
10 said. We have all kinds of information. We are  
11 the state manager for the program for the State of  
12 Kansas, for the Fire/EMS-Pak Program that's  
13 written through Continental Western Group, so feel  
14 free to stop by our booth, I'd like to visit with  
15 you.

16           I have over 20 years experience in fire  
17 service myself, so I have knowledge of the fire  
18 service and all that goes with that, so please  
19 stop by our booth. We'd like to talk to you and  
20 pass out some information to you about your  
21 department's insurance.

22           Thank you.

23           MR. LUBBERS: Hello, I'm Chris  
24 Lubbers with Heartland Financial Group. Want to  
25 commend all of you for being here today. It looks

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1 like a very tremendous turnout.

2 See a lot of familiar faces in the  
3 audience, but there's also a lot of new faces  
4 which I think is great, because the seminar does  
5 provide you a lot of great information.

6 We handle the state death benefit policy  
7 for Provident, so if you have questions on the  
8 state level benefits, feel free to stop by our  
9 booth and ask us.

10 Also, we provide a lot of services to a  
11 lot of the individual FRA's. We're a full service  
12 organization. We have a team of professionals and  
13 we can handle virtually any of your needs, whether  
14 it be life insurance, disability, annuity  
15 programs, whatever it might be, so just feel free  
16 to stop by our booth, ask us any questions or give  
17 us a call, but again, glad to see all of you here  
18 today.

19 Thanks.

20

21 MR. MELLINGER: Good morning, my name  
22 is Andrew Melliger, I'm with Total Financial Group  
23 out of Leawood, and I have with me, Karren Allen.  
24 Thank you all for coming, and thank you for having  
25 us.

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1           We've participated in FRA events for  
2 many, many years. We also offer a full line of  
3 life insurance, accident coverage, other kinds of  
4 things, but what we have learned over our many  
5 years in working with FRA's is that there are  
6 usually five traps that is real easy for FRA's to  
7 slip into, and if you come and visit with us,  
8 we'll share and explain how you can avoid those.

9           Thanks.

10           MR. HEIDRICK: Good morning, I'm  
11 Larry Heidrick, I represent Weis -- excuse me,  
12 Watts Welding and Manufacturing at Brookville,  
13 Kansas. I worked for Weis for a while, that's why  
14 I get mixed up here, but we offer a full line of  
15 fire equipment and new custom building of quick  
16 attacks. I do have a table set up out here.

17           The other thing I wanted to mention is  
18 I'm from Mitchell County, up by Beloit, and Steve  
19 Hirsch is going to come on January 30th, on Friday  
20 night, and teach a chief officers' class. I know  
21 I've contacted a lot of the fire departments  
22 around the Beloit area. If anybody's interested  
23 in attending that, stop out here and see me.

24           Thanks for coming today, guys.

25           MR. COOPER: Good morning. This is

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1 my VFIS team, which I'm a part of, the newest  
2 member of the team here in Kansas. My name is  
3 John Cooper. I've replaced Terry Mensinger, who  
4 many of you know and many of you have asked about  
5 this morning. Terry was your VFIS rep here in  
6 Kansas, traveling back and forth from the east  
7 coast, and we decided to let Terry spend some  
8 additional time with his family on the east coast,  
9 and raise his new son. And he told me to tell all  
10 of you hi because he had the opportunity to meet  
11 many of you.

12 I'll be working out of Manhattan, Kansas.  
13 I'm new to VFIS, but I'm not new to the insurance  
14 business. I look forward to working with all of  
15 you. I've spent about 10 years working with fire  
16 services with various products with another  
17 company.

18 I'm very pleased to have the presence of  
19 our president of the benefits division from our  
20 home office in north Pennsylvania. Dave Wyrwas  
21 has taken the time to come out and be with us. I  
22 believe this is your second year in a row now,  
23 Dave. We love having him out and he loves to see  
24 you and hear what's on your mind. He's at our  
25 table just inside the door, and is here to help

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1 answer questions.

2 I will tell you that Dave basically  
3 authored our accident claims policy and writes on  
4 that on a daily basis. We've got some new  
5 enhancements coming out on the AMS, which you'll  
6 be hearing more about within the coming months and  
7 we're excited about that. We believe that's going  
8 to take a great contract and really jazz it up  
9 beyond where it is right now.

10 Jeff Moore, right here with the young  
11 good looking guy, he doesn't have the gray haired  
12 dress code today, but anyway, Jeff is our LOSAP  
13 specialist. LOSAP is Length of Service Award  
14 Program. We have a new program that we're going  
15 to be introducing here in Kansas in a couple of  
16 months. We've had it for many years in many other  
17 states and it's been a huge hit, so we'll be  
18 bringing that to Kansas. Jeff knows that like he  
19 knows the inside of his dirty socks, so we'll be  
20 calling on Jeff from time to time to come out and  
21 talk to you about LOSAP and he'll be with us at  
22 our table likewise out here.

23 So as you know, VFIS, full service. Many  
24 of you know us, we're proud to be here. I've  
25 taken a personal challenge to meet as many of you

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1 as I can. I'm going to be traveling the state and  
2 hoping to work with you individually and bring to  
3 you our products and services, even better than  
4 Terry Mensinger did in the past.

5 So with that, I did ask for, and was  
6 granted one special minute here before we leave  
7 the podium. I'd like to have John and Lois  
8 Washburn come up here, if they would, for one  
9 second. John -- here they are right here.

10 Ya'll know John Washburn. If you don't,  
11 you do now. Looks like he got him up here in his  
12 retirement attire, he never looked like this while  
13 he was in his office, believe me. He wanted to  
14 ride his Harley Davidson right up the aisle here,  
15 but we didn't know how to get the exhaust out of  
16 here this morning.

17 So anyway, this is a VFIS appreciation  
18 for John and his years of service, for what he's  
19 done for you and what he's done for us. He's been  
20 a friend of VFIS. He's been a friend of mine when  
21 I was going to work for another company. What a  
22 terrific individual. He's given his whole life  
23 and heart and dedication to you all in the fire  
24 service business, and with that, VFIS has put  
25 together a little bit of recognition, something

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1 that he can use to remember us and his years of  
2 service and affiliation with VFIS, so with that, I  
3 probably over rode my minute, didn't I, Jim?

4 Thank you.

5 PRESIDENT LUBBERS: One little  
6 comment I'll make before we go to break, it's been  
7 brought to the association officer's attention  
8 that some FRA's are receiving notices that the  
9 insurance companies are apparently dropping them  
10 on some disabilities and small deals.

11 I know the departments are upset. As you  
12 all know, things ain't the greatest in the world  
13 anymore. We hope it will turn around. A lot of  
14 those that I have checked into have been small  
15 insurance companies, that some of the bigger  
16 insurance companies have purchased over the last  
17 six or seven years.

18 You know, insurance companies have a lot  
19 of money in the stock market, that's where they  
20 make their money so they can pay their claims.  
21 They all took a bad hit, so they're in the process  
22 of cleaning up their portfolio, so if they have  
23 departments or things that have been causing them  
24 losses or they suspect will be losses, they will  
25 probably drop them. It's no different than your

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1 homeowners or your car insurance. They can drop  
2 you for whatever reason they decide to throw in  
3 front of you, so I just want you to be aware of  
4 that, but there is, as you see, there is agents  
5 and stuff out here that will have a product that  
6 will cover you, so I just wanted to make that  
7 comment.

8 We'll break and be back about five after.  
9 Thank you, and I want to thank the vendors for  
10 coming, and stop by and say hi to them.

11 (WHEREUPON, a recess was had,  
12 after which the following:)

13 PRESIDENT LUBBERS: Has everyone had  
14 time to get something to drink and a doughnut or  
15 so? They say they ran out of doughnuts, so if you  
16 are one of the unfortunate ones that didn't get  
17 any, they are bringing some more.

18 Some of you's that were standing out  
19 toward the back, there is still some empty chairs  
20 up here in front. There's three here, two here, a  
21 couple over there, so there's no need to stand in  
22 the back.

23 As I've cut these two people 15 minutes  
24 short already, at this time, I introduce J.L.  
25 Ellis, First Vice President of the Kansas State

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1 Firefighters Association, and John Boyd, FRA  
2 administrator, for their program.

3 MR. ELLIS: Thank you, Jim. This  
4 morning, we thought it would be a good idea to  
5 bring out the paperwork, and there's a lot of you  
6 folks in this room that are responsible for that  
7 paperwork, and it's John's responsibility to go  
8 over this and make sure this is correct and get us  
9 our monies in a timely fashion.

10 Evidently there are some problems, like  
11 they said, there are some folks on the delinquent  
12 list, and whatever problems those may be, whether  
13 it be with their declaration of participation or  
14 the financial statements itself. John's going to  
15 detail for us how we're going to change some of  
16 that so it's going to be a little easier to fill  
17 out in the future.

18 I know Bob went over some of that in his  
19 talk this morning, about how we're going to try to  
20 do some of this electronically, and I think those  
21 are going to be really very welcomed changes, so  
22 at this time, I'm just going to turn it over to  
23 John and let him run through his presentation.

24 If you've got any questions, I'm going to  
25 be roaming the room, I've got the microphone.

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1 Let's wait and we'll ask the question for everyone  
2 to hear it, and we'll get the answer. We may not  
3 have the answer this morning, but we will get an  
4 answer. John, it's all yours.

5 MR. BOYD: Okay. My name is John  
6 Boyd, and I am the FRA Administrator, and I'm the  
7 guy that receives all your paperwork and deals  
8 with the issues at the insurance department, so I  
9 replaced a gentleman that was in there for several  
10 years, Mr. Washburn.

11 And I can't fill his shoes. I've got to  
12 pick up and move forward to this time, so it's  
13 going to be different, because I'm a different  
14 person, and I have different ideas, and by the  
15 way, the first day I showed up in the insurance  
16 department building, the assistant commissioner  
17 pulled me in the office and said, oh, by the way,  
18 this is what I want done and I want it done now,  
19 and this, and this, and this, and he just read me  
20 the riot act, so that was my introduction into the  
21 assistant commissioner.

22 So anyway, he gave me some initial  
23 direction and said that I was to work with  
24 Mr. J.L. Ellis, who I met, and I've been able to  
25 spend some quality time with.

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1           And so oh, about January 3rd, 2nd, I  
2           called Mr. Ellis and says, hey, about this Salina  
3           conference, how do you want to do this, and how  
4           are we going to do that, and he says, how do you  
5           mean, how are "we" going to do this? How are you  
6           going to do it?

7           So anyway, I put together a package to  
8           kind of show you some things that are going on.  
9           We're going to talk about a lot of things, and  
10          we're going to start with a little bit about  
11          myself, how I got to where I am, and why, so  
12          you'll kind of understand sometimes where I'm  
13          coming from.

14          I started with this photo that you see  
15          here, I don't know if you can see it real clear,  
16          that photo is a fire station from the early  
17          1900's. When I was putting this program together,  
18          I asked the firefighter association, can you help  
19          me out. They put a media blast over their web  
20          site and I started getting photos in. This one I  
21          got in from my son, and that's the station, right  
22          now, 100 years later, that he's assigned to, on  
23          duty today, so we're talking about the historical  
24          aspects of our profession and what we do here,  
25          that's where my son is today. And that station,

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1 the only difference really in it, the doors go up  
2 and down, rather than open out like this  
3 (indicating) so something to see there.

4 We're going to talk about the following  
5 things. I'll give you a snapshot of the dollars  
6 and where we're at with the program, how they were  
7 expended, investments statewide, and then we're  
8 going to go over our -- the forms, and the form  
9 package that you're going to receive at the end of  
10 this month. So you'll get them in, they're going  
11 to look exactly what you have in your hand now.  
12 We're going to go over that package here in a  
13 little bit.

14 We're going to talk about our reporting  
15 requirements, and we're also going to go over  
16 redetermination procedure, how you need to do  
17 that, and we'll talk about the forms that are  
18 required to do that as well.

19 I'm going to talk briefly about the best  
20 practices. The assistant commissioner talked  
21 about that a little bit to you, and said this is  
22 how -- we got to tell you how we're going to do  
23 business and how it should be done from a  
24 secretary's standpoint and an FRA, what you should  
25 be looking at and doing, how you should conduct

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1 business because you're moving funds and you are  
2 accountable for those funds as well.

3 I want to talk to you about some goals  
4 and objectives that I have for 2010 and what we're  
5 looking at doing with that, and just some general  
6 FRA information, if time allows that.

7 Throughout this presentation, I'm going  
8 to try to educate you in some of the things that  
9 are going on, not only in the FRA program, but to  
10 take away a few safety related issues concerning  
11 our fire service and how we conduct business when  
12 we're at the scenes and doing that, so we're going  
13 to have some short videos that depict some of  
14 that, to break up the presentation. Then I've got  
15 a couple of funny videos in there to show as well,  
16 to break it up again. The funny videos do depict  
17 acts of violence, and anything, so if anybody here  
18 doesn't want to see that, you can turn your head.

19 First part, again, is me. I've got 31  
20 years of fire service. Started in 1972. I was a  
21 young Marine and I was given the job as a crash  
22 crewman. I thought that the job was working in a  
23 junk yard, and come to find out that I was going  
24 to be a fireman, so I was very surprised when I  
25 showed up for my first day of school after boot

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1 camp and found out that I was going to be fighting  
2 fires and saving lives, so never dawned on me, but  
3 the Marine Corps gave me my profession, of which I  
4 carried on from that point.

5 I've held all operational and  
6 administrative positions in the department, from  
7 firefighter to fire chief. I was fortunate enough  
8 to become fire chief at age 37. When I became  
9 fire chief and I had my first day in the office, I  
10 come in with my nice white shirt on and everything  
11 and I sat down in the chair, then the phone rang.  
12 Somebody wanted me to make a decision, and I got  
13 really scared, started sweating and everything and  
14 I'm shuffling through the drawers, looking for the  
15 book. Where is the fire chief book that says how  
16 to make a decision on this? Couldn't find it.

17 So found out a lot my first year when I  
18 started. Several months later, I got my first  
19 reprimand, first and only, because I still  
20 couldn't find the book, and I made some stupid  
21 decisions. So my boss gave me a reprimand.

22 So I come to believe, when I was riding  
23 that fire truck and goes to the calls and around  
24 the station, I kinda thought, where did that fire  
25 chief come up with that? What the heck was he

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1 thinking? Is he sitting in his office all day and  
2 dream up stuff for us to do, and where did he come  
3 up with that idea? Does he have bad dreams at  
4 night, and I'm going on and on, so I think that  
5 we've got the structure all set up wrong, that new  
6 guys need to come in as fire chiefs and go out as  
7 firefighters because obviously, the older I got,  
8 the more wrangling I got and the more stupid I  
9 got. So now I think we need to come in and  
10 reverse that rank structure. Go out as a fireman.

11           So anyway, I never crashed a fire truck  
12 but I did fall off the back of one, and when I  
13 fell off, I not only took hose, hydrant bag, and a  
14 big pile and laid it down, and about 500 feet  
15 later, the fire truck realized that there's a pile  
16 of junk around and come out. Of course, you can  
17 imagine I was really embarrassed.

18           Also, I dropped a thousand foot of five  
19 inch hose on Highway 24 going 65 miles an hour, so  
20 I don't know if any of you have done that, but  
21 when I did realize that I had done it, and I  
22 pulled the truck over and stopped, I got out and  
23 looked and the hose is all laid down on the road,  
24 on the highway, and I looked at the bed of the  
25 truck, I had enough to make a connection to the

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1 pump. Now, how many out here can ever say that  
2 they've been able to do that? Laid the hose out  
3 at that speed, and still have enough to connect  
4 it. So I took the hose out of the back of that  
5 truck and I connected it to the pump, and I took a  
6 picture.

7           And, of course, these all happened when I  
8 was fire chief. Again, stupider you get, right?  
9 More rank. Never lost a man, that was on duty.  
10 Lost a bunch that were off duty, could never find  
11 them, called them, called their mama, called  
12 everybody, don't know where they're at at all.

13           Did lose a brand new floating pump. Back  
14 in 1982 or '83, fire chief bought us this brand  
15 new float pump, cute little thing, about like  
16 this, and assistant chief comes in, and he says  
17 Boyd, you and your buddy there, I want you this  
18 afternoon to go out there to the lake and test  
19 that pump. We need to get that sucker running.  
20 You betcha. Took that pump out there, took it to  
21 the lake, took it out of the box, gassed it up.  
22 There's some rope there and some oil stuff and we  
23 got it going out and we walked it out in the  
24 water, put it there, (indicating). That sucker  
25 took off, and we're sitting there looking at each

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1 other, where's -- what the heck? We're pulling  
2 the rope, I guess this rope is for the pump, so it  
3 wouldn't go shooting off.

4           Anyway, we didn't have the hose hooked up  
5 to it or nothing. This is about 2 o'clock in the  
6 afternoon. Every now and then, I could hear the  
7 thing somewhere running. Couldn't find it.  
8 Finally about, oh, about 4 o'clock, assistant  
9 chief comes by to see what's up, where are you  
10 boys at? Need to come back to the fire house.

11           (Shakes head back and forth). No, we  
12 can't right now. What do you mean? Get the pump,  
13 let's go back in the fire house, it's time to go  
14 back to the fire house now.

15           (Shakes head back and forth). Don't want  
16 to. He says, what are you talking about? Can't  
17 find the dang pump.

18           Of course, nobody around to help us, no  
19 boats, no nothing, and it's gone. Never found it.  
20 Two years ago I get a phone call at home, guy on  
21 the phone calls me up, where's my damn pump. Fire  
22 chief that I used to work for that lost the pump.  
23 Never forgot that, and, of course, I've lived it  
24 for the rest of this time now, always comes up.  
25 So I've done all of this.

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1           And horseplay at the fire house, always  
2 ended up on the short end, no matter what we did.  
3 Always got the worst end of everything and all.  
4 All the pranks that I did didn't work out. I got  
5 the short end of that as well. Okay.

6           Part of being a fire chief and going  
7 through the rank system when I was going through  
8 the ranks, I had to obtain the following  
9 certifications, just so I could maintain my damn  
10 job, so this is a requirement and this is what I  
11 had to do. I was five years Pottawatomie County  
12 emergency manager, and I left there to come and do  
13 this job at the state, so that kind of gives you a  
14 nutshell. I've screwed a lot of stuff up along  
15 the way, but I'm going to try really hard not to  
16 screw this up, so we'll try to make it better.

17           This is how you get ahold of me. So I  
18 want to talk to you about the phone. If you call  
19 up the phone number and you want to talk to me and  
20 you're mad, okay, you're mad about something, call  
21 me on the next day. Don't call me that day. Give  
22 me a day for you to think about it and cool off,  
23 and then give me a call. Last thing I want to do  
24 is listen to you give me the dickens for something  
25 that I may or may not be involved in or whatever

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1 and so I'm a human being, just, when you call me,  
2 talk to me, and I promise to always treat you like  
3 a human being as well.

4           These are the distributions for last  
5 year. We did about 8.9 million out to the relief  
6 associations across the state. About 382,000 went  
7 to the Firefighters Relief Association and that  
8 was broken down into about 280 into their  
9 education training fund and another 100,000 to  
10 replenish the death benefit fund, so that's kind  
11 of how it breaks down.

12           Of course, as you know, the money's  
13 generated from two percent tax on all the fire and  
14 lightning insurance written in the State of  
15 Kansas.

16           Now, want to talk to you just briefly, I  
17 am not an expert in mathematics or anything, but  
18 Bob, the assistant commissioner, when he was  
19 talking, talked to you briefly about renorming the  
20 formula, or the base year, and what I'm going to  
21 do is kind of give you a little visual image of  
22 what that actually means because the formula, I  
23 only know one, maybe two human beings that can  
24 actually figure it out, okay. But the system is  
25 in place and it does work.

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1           The problem is our base year that we've  
2 got to correct. When you write a graph, the  
3 present system looks like this. The current model  
4 is -- there's differences between the measuring  
5 points, okay. As you can see, it's not the same  
6 from one point to the other, and I'm going to  
7 compare it to the proposed model. You see how the  
8 one that we're trying to do to correct it, it's an  
9 equal distance from one measuring point to the  
10 other so that it kinda makes it all work better  
11 and right and we can reproduce it very easily, the  
12 same answers, so this is the point he was trying  
13 to make to you that we need to correct from this  
14 area here, on the first model, and do that with  
15 the second one here, to make it flow.

16           Now, this is a violent video of what's  
17 about to show you so this is a chance to turn your  
18 head. One of the things we're considering in the  
19 Kansas Insurance Department is a new concept in  
20 order to increase productivity. You can use this  
21 same productivity model in any organization and  
22 such, but it does require a little bit of physical  
23 altercation, so what I'm going to do is play it  
24 here for you briefly. I don't know how you're  
25 going to be able to see it in the back, but...

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1 (WHEREUPON, a video was played  
2 and stopped.)

3 MR. BOYD: So you see what direction  
4 we're headed into in the insurance department.  
5 These are kind of the totals for this past year.  
6 When you add everything up, this is kinda what it  
7 looks like, as a total package. Total assets  
8 about \$46 million. Total income of about 56  
9 million, that's to the FRA's, and about 10 million  
10 was distributed, that was in -- that was not only  
11 our first payment, but second payment coming out  
12 as well. Anyway, very healthy program across the  
13 state.

14 And this shows you the expenditures  
15 across the state. You can see that 60 percent of  
16 our funds that we issue out are going towards the  
17 insurance premiums, to pay those, and do that type  
18 of thing, and that's kinda where we need to be in  
19 the 70 and higher percentile range to show that  
20 we're doing with it what we're supposed to be  
21 doing, and getting those benefits out to our  
22 firefighters.

23 Here's our investments that we have.  
24 Gives you a snapshot of what the FRA's are doing  
25 with their money and investing it. Again, this is

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1 statewide. Again, another healthy program that  
2 we're doing. Guys are doing good things with your  
3 money.

4 This is a safety video action I don't  
5 know if you've seen it, but if -- I'm a big guy  
6 about ladders and ladder stuff and ladder safety  
7 and this is a classic example of what not to do.

8 (WHEREUPON, a video was played  
9 and stopped.)

10 MR. BOYD: The guy that was heeling  
11 the ladder decided to go somewhere else, so this  
12 is what our firemen are doing. You've got to be  
13 very careful with the stuff that's out there.

14 This is another snap shot of our  
15 delinquent status, that means the ones who are not  
16 getting funds for this past year and a couple  
17 years prior. We still have 82 FRA's and \$289,000  
18 outstanding right now. In December -- excuse me,  
19 end of November, we had \$422,000 just for this  
20 year that was not sent out. The reason why is,  
21 and we're going to show you on the next slide of  
22 why that happened, is because we didn't get any  
23 combination of the financial statement or the  
24 declaration form which are required by statute in  
25 order to be qualified to receive the funds, so no

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1 matter what I did up at the Kansas Insurance  
2 Department, I couldn't get them to go ahead and  
3 release the funds, and I'll go around beating  
4 people up later to get the stuff into me, so  
5 anyway, the lawyers withheld it, but we've been  
6 able to knock off about 120 some odd thousand  
7 dollars in about a month's time.

8 In '07, you can see we still got 32 FRA's  
9 that have not been distributed funds. That  
10 equates to 100,000 bucks. And we have five  
11 remaining from '06, and about \$20,000. The '06  
12 will go away here shortly and be turned back over  
13 to the Firefighters Relief Association -- excuse  
14 me, firefighters association of the state, so as  
15 you can see, we've got to improve that, and this  
16 has been my driving force is try to make it a  
17 little bit easier for everybody so that they can  
18 report.

19 Each year we're sending out 700 packages,  
20 one to the county clerk, one to you folks, and  
21 we've had a lot of them that were coming back.  
22 This was the submission results, and I'll explain  
23 this, this will show you where we're at. For '08  
24 when we received them, we got 301 that came in  
25 okay. In other words, no issues, declaration,

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1 financial statement, no addition errors, nothing.  
2 They were okay to go, so 48 percent of all the  
3 submissions is the best that we can do at this  
4 time.

5 We had 194 that I have -- that had  
6 boo-boos. One thing or another that they didn't  
7 provide with the statements and stuff, when they  
8 did it, but they did receive a check. So if you  
9 sent boo-boos in, but you get your declaration and  
10 financial statement, you're still going to get a  
11 check.

12 We had about 120 some odd that either  
13 didn't send their financial statement or didn't  
14 send the declaration form or didn't send both, and  
15 we're still trying to go back and beat those folks  
16 up again, too. So we've got some work to do this  
17 to get everybody paid and back on line and get  
18 this.

19 Ladies and gentlemen, we cannot afford to  
20 go through each year carrying \$500,000 and more  
21 that are not being expended. We have to get those  
22 funds out and we have to do what's required by law  
23 to get those funds out to you, so I'm going to try  
24 to improve the situation on our end, at the  
25 insurance department, but we also need to do it to

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1 increase this 48th percentile. I'd like to get it  
2 as high up as we can because we can't have this  
3 right here (indicating) that's got to stop. The  
4 declaration and financial statement, you've got to  
5 send those in.

6           Okay. Right now what we're going to do  
7 is talk about the '09 package that you have in  
8 your hand. That is the one that is the white  
9 sheet and it's letterhead from the insurance  
10 commissioner, and that one kinda talks a little  
11 bit about the commissioner and issuing out some  
12 general direction and guidance about what's going  
13 on, what's in the package, and some of the dates,  
14 time frames that you have to meet.

15           Go to the pink page, that is just a  
16 general start to keep you from doing things that  
17 you don't need to do, so if you take a look at  
18 that, the declaration form and financial package  
19 and all this are sent to the FRA treasurers, so if  
20 you're an FRA treasurer, you're going to be  
21 getting this package in the mail this month, this  
22 entire thing. The ones that you have in front of  
23 you now, you can take those and do what you want,  
24 but you're going to receive another package in the  
25 mail.

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1           It is your responsibility as the  
2 treasurer to get this back to the Kansas Insurance  
3 Department by April 1, okay. Now, on that magic  
4 date of April 1, history has shown us that we've  
5 only received about 50 to 51 percent of the  
6 submission packages on time. I will tell you that  
7 daily we get packages in to this day. I'll get  
8 one in, two, another one tomorrow, another the  
9 next day. It might be from '07, '08, who knows,  
10 so I take those, we process them, and then I get  
11 the checks issued out as quick as I can.

12           MR. ELLIS: John, could we have all  
13 the treasures that are present raise their hand?  
14 Find out how many of us are responsible for this  
15 paperwork. Quite a few.

16           Going back over what John had said on the  
17 paperwork, if your firefighters or officers in  
18 your department were turning in reports that were  
19 only 48 percent correct, I would guarantee you,  
20 there would be some special high intensity  
21 training on their way. That's what happens in my  
22 department. We need to fix that.

23           MR. BOYD: So if you read the pink  
24 page first, it'll kinda give you some general  
25 direction as a treasurer on what you need to

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1 accomplish.

2           Go to the blue page, that's the  
3 declaration form, which must be attested by state  
4 law by your clerk, your county clerk, or your  
5 clerk of the district or however that's set up for  
6 your jurisdiction, city clerk, whatever it is.  
7 They have to do this.

8           And here's the thing, when I don't  
9 receive a package in, I'm calling the treasurer.  
10 I don't want to be calling other folks because the  
11 clerk didn't get it, or I don't know where it's  
12 at, I can send it back to the treasurer, treasurer  
13 says I didn't get it back. Well, I'm calling one  
14 person, that's him.

15           Let's go to the orange. The first orange  
16 page is your instructions to help you fill out  
17 your financial statement, so if you've got a  
18 question about what goes where, this is kinda what  
19 you need to refer to, to help you out.

20           Now, this morning, we're going to go over  
21 that financial package to show you what goes where  
22 on each line so they can answer it then, okay. On  
23 the back of that first yellow page, orange page,  
24 is some more of the instructions that go along  
25 with it.

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1           So if you look at the first financial  
2 page, you can see that it looks like all the other  
3 ones that you did or have ever done. No change.  
4 You look at the back of that page, you're going to  
5 see the investment consent form, no change there.  
6 The page after that is the supplement report, same  
7 thing as it was previous years.

8           Let's go to the yellow page. These are  
9 your statutory requirements for reporting things,  
10 and as a verified account, it explains what that  
11 means and defines it for you on the yellow page.  
12 It tells you about the treasures bond, what's  
13 required with that, and also goes into a little  
14 bit of detail about your attorney's certification,  
15 which says that you're expended over \$1,500 within  
16 the intent of the law.

17           The first beige page, let's look at that  
18 one for just a second. That is just general  
19 instructions about the W-9 and the SS4. Those are  
20 for your taxpayer identification and your request  
21 to get one; okay?

22           Go to the gray pages. This is talking to  
23 you about a electronic deposit. That's all that's  
24 for. It gives you instructions on how to do it,  
25 and you fill it out. The thing of it is, on

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1 the -- if you go back to the second gray page for  
2 authorization for electronic deposit, you have to  
3 fill in that first block totally. You've got to  
4 have your name, and that's the same name that  
5 should be on your charter or your account,  
6 whatever it is that you applied for your TIN  
7 number, okay, should match up.

8           Green pages. Your green pages are your  
9 treasurer update information, and also gives you a  
10 little check list down here at the bottom to say  
11 have you provided the same -- these things here,  
12 just a little reminder for you, to see if you've  
13 got these in your package, okay.

14           Also, the second green page is for  
15 requisition for a computer. If your FRA does not  
16 have one, and you want a new one, it gives you  
17 instructions on the page on what to do.

18           The third and last page, green page, is  
19 the requisition for compensation. That kinda  
20 tells you what you need to do in order to consider  
21 receiving any type of stipend for the work and  
22 time that you spend, and I think the formula's --  
23 anyway, it's not much. So you go ahead and do  
24 that.

25           So this is the package you're going to be

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1 getting, okay. Not only do you have it now, but  
2 you also are going to receive it in the mail.

3 This particular video is of a second  
4 dude, fire truck, responding to a vehicle fire.

5 (WHEREUPON, a video was played  
6 and stopped.)

7 MR. BOYD: He hit that little car  
8 there. I don't know, who does it, the officer or  
9 the driver, I don't know.

10 UNIDENTIFIED SPEAKER: Chief.

11 MR. BOYD: Let's go back to the  
12 orange forms, I know you can't see it in the back,  
13 but let's go over it quickly, line by line, and  
14 get an idea of what goes where and I'll try to  
15 give a little definition that goes with it. Look  
16 at the definition, with the line number you see in  
17 front of you. At the top, of course, you know we  
18 need the FRA name and an FRA number at the top  
19 right hand corner. Always, when you do any  
20 correspondence to my office, put your FRA number  
21 on it. Helps me out a lot easier. I've got all  
22 kinds of numbers running in my head and I can't  
23 remember them, I have to go look them up, so you  
24 put it on there, that way you know it, I know it,  
25 goes a lot easier for me.

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1           Your federal tax identification number  
2 needs to go up there as well. You can see the  
3 little block for it. Each FRA needs to have their  
4 own TIN number, and there's been a lot of talk  
5 about this and why and the whole bit, but you  
6 really, if you call the 800 number and you can  
7 verify your TIN number if you need to, do not  
8 apply for this -- if you haven't done it, do not  
9 apply and use your Social Security number, okay,  
10 on any of those documents. You might not want to  
11 do that.

12           Okay. So if you see EIN or TIN, they're  
13 kind of -- they're the same thing, so don't worry  
14 too much about it, if you see an employer  
15 identification or taxpayer identification number,  
16 not a big thing, that's what they're referring to.  
17 You need one or the other, but not both, okay.  
18 Use one number consistently.

19           All right. These are blocks, we're going  
20 to talk about, are from Line 1 to Line 12. Line 1  
21 is the total assets. This is to include your  
22 annuities and this line is the same as the line  
23 No. 27 from the year before, same routine, put it  
24 in there.

25           The next one, Line 2 is how much was your

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1 check from the insurance department, you need to  
2 slap that puppy in there.

3 No. 3, got interest from bonds or  
4 warrants, you need to enter that amount here.

5 No. 4, anything else you receive from  
6 CD's or such as that, you place that data in there  
7 as well. Checking account, so on.

8 Line No. 5 is interest on bank accounts,  
9 both checking and savings.

10 Line 6, refund or overpayment on your  
11 insurance premium, if they give you any money  
12 back. And this is kind of what happens when a  
13 firefighter resigns or something like that, that  
14 they issue it back to you.

15 Line No. 7 is proceeds from an insurance  
16 policy. This is if a benefit was paid out, you  
17 will put that in there. If it's going straight to  
18 the firefighter or however you line it up through  
19 your bylaws, however you pay that out, that's up  
20 to you, but you should also put a little  
21 explanation in there of why you did this. In  
22 other words, a note on a separate piece of paper  
23 or something that says this is why this is here,  
24 this is what happened, this is what I'm doing.  
25 Okay, got it.

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1           Line 8, this is from any annuity contract  
2 or anything that we need to pay firefighter's  
3 retirement, even if we're paying it straight to  
4 the firefighter, should be reported there. Again,  
5 add an explanation of what was going on with that.

6           Line No. 9 is for the firefighters  
7 portion of the 24 hour coverage, if you do that,  
8 so that's where we place that. Wherever that  
9 comes from, whether the firefighter pays it, city  
10 pays it, whatever.

11           Line No. 10, this is any donations or  
12 whatever you received, transfer fee for  
13 firefighters, anything going on like that.

14           Line 11, just total the Lines 2 through  
15 10.

16           Line 12, add Lines 1 through 11. Okay.  
17 Same thing as it was the year before.

18           Let's go down to the disbursements part  
19 of it, or expenditures.

20           Line 13 is any relief paid to  
21 firefighters that are injured or disabled in the  
22 line of duty, so that's the key word there, line  
23 of duty. And we'll need an itemized statement  
24 with that, to show what the payments are and how  
25 that's being done.

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1           Line 14's gratuities, you put that in  
2 there if you paid dependents or spouse or  
3 somebody. This should be placed in there and  
4 again, an itemized statement about what's going on  
5 in your FRA with this expenditure.

6           Line 15 is any funeral expenses. Now,  
7 last year, we don't have -- we didn't have anybody  
8 that I'm aware of to date that paid out any  
9 funeral expenses that reported it. I don't know  
10 if that's true or not, but so far there were zero  
11 dollars expended for that purpose that I'm aware  
12 of.

13           Line 16 is for any insurance premiums  
14 that you paid, the amount that you've got on that.

15           17 is a premium for annuity contract or  
16 the amount paid for the annuity.

17           Line 18 is for the pension amount that  
18 you paid to your retired firefighters.

19           19 is the annuities you paid to your  
20 firefighters as well, your retired firefighters in  
21 volunteer fire departments.

22           Line 20 is the treasures bond. This  
23 shows that you've -- what you paid, how much, and  
24 who's paying it. Sometimes the city pays it,  
25 county, FRA board pays it, whoever. Just fill

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1 that in there, and the amount.

2 On Line 21, any other expenses that are  
3 authorized to be paid or office expenses and such  
4 as that are to be put in there.

5 Line 22 is just a total disbursement.

6 And Line 23, total assets, Line 12 less  
7 Line 22. Same as the year before. Okay.

8 On the assets portion, this is the bottom  
9 part of the page, line -- that one should say 24  
10 on the box, is that right? My bad. You probably  
11 can't see the numbers up there, so that's good,  
12 you just see the block. These are bonds that are  
13 taken from the back of the form, if you had any  
14 bonds, put that up there.

15 Line 25, warrants held from loans from  
16 the bank on this form.

17 And Line 26, other assets, including  
18 checking, savings, CD's, annuities and pensions.

19 And then Line 27, of course, is your  
20 total assets.

21 This short video is about a little  
22 training evolution that was done in front of a  
23 crowd, and fireman going in to show how they fight  
24 fire and save lives.

25 (WHEREUPON, a video was played

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1 and stopped.)

2 MR. BOYD: Anyway, why they sent  
3 those boys in there, I don't know.

4 Before we go away from this, are there  
5 any questions concerning the financial statement?

6 Yes.

7 UNIDENTIFIED SPEAKER: On like No. 8  
8 and No. 19 on those annuities, if those annuities  
9 don't necessarily pass through the FRA account, if  
10 they're taken directly from the annuity and  
11 transferred to the firefighter and don't  
12 necessarily pass through the account, would you  
13 list them here?

14 MR. BOYD: Yes.

15 UNIDENTIFIED SPEAKER: Even though  
16 they don't hit the account?

17 MR. BOYD: You're supposed to list  
18 all full disbursements, or disbursements in full,  
19 and all receipts you report. Anything that goes  
20 on with the FRA dollars you're supposed to report.

21 UNIDENTIFIED SPEAKER: On the  
22 treasures bond, if it is not paid by any funds  
23 from the FRA, in my case, the city pays the  
24 bond --

25 MR. BOYD: Yep.

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1 UNIDENTIFIED SPEAKER: -- if I were  
2 to put that in there, that's going to throw my  
3 numbers off, because it's not disbursed from my  
4 FRA account.

5 MR. BOYD: I understand that, but  
6 what you need to do is to show that you do have a  
7 treasures bond. I don't care how it's happening.  
8 You don't have to put a dollar amount in there,  
9 you just say that the city pays it or something.  
10 Show me that somebody's paying it and, in fact,  
11 the good thing is that you have it. I don't care  
12 if nobody pays for it, if you've got it, okay.

13 UNIDENTIFIED SPEAKER: Have a  
14 question on Line 17, the premium for the annuity  
15 contract.

16 MR. BOYD: Okay.

17 UNIDENTIFIED SPEAKER: I know ours  
18 is -- and you're supposed to have -- mine is more  
19 on whether or not we need a letter from the  
20 attorney if we're spending over the \$1,500 to pay  
21 for an annuity contract.

22 MR. BOYD: Okay.

23 UNIDENTIFIED SPEAKER: Do I need one  
24 from our attorney, because all of our funds that  
25 we spend go straight to our annuities. I've heard

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1 one time, it did, one time they said, no, I didn't  
2 have to, because it was just changing from one  
3 checking account to a savings account.

4 MR. BOYD: If you have a \$1,500 or  
5 more expenditure, you're required to have a  
6 certification from the attorney.

7 UNIDENTIFIED SPEAKER: Okay.

8 MR. BOYD: If you have an  
9 expenditure, you have to have it.

10 UNIDENTIFIED SPEAKER: So if I write  
11 a check over \$1,500 --

12 MR. BOYD: That's correct.

13 UNIDENTIFIED SPEAKER: That's what I  
14 thought, so one year I was told I didn't, so I  
15 didn't.

16 MR. BOYD: Yes, that's right out of  
17 the statute.

18 UNIDENTIFIED SPEAKER: We've got the  
19 packet, is it necessary to send out the other  
20 packets to us, beings you've got everybody's name.

21 MR. BOYD: Yes, because I don't know  
22 for sure, and I want to be able to check the box  
23 that this year I sent everybody a package. You  
24 can throw that one away or whatever, use it for  
25 whatever, but you're going to get another one in

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1 the mail.

2 UNIDENTIFIED SPEAKER: On the  
3 annuities to retired firefighters, do we just use  
4 a total amount?

5 We had two of them retire this year.

6 MR. BOYD: Yes, just report it.

7 UNIDENTIFIED SPEAKER: Or put down  
8 for each firefighter?

9 MR. BOYD: Use a total amount. Now,  
10 remember, I said you need to have a statement with  
11 that saying what you did, okay. I gave \$1,500 to  
12 Joe Fireman and \$1,500 to whatever, whoever else.

13 UNIDENTIFIED SPEAKER: That's what I  
14 thought; but document that you have it?

15 MR. BOYD: That's correct.

16 Documentation is what we need.

17 Go back down this way.

18 UNIDENTIFIED SPEAKER: Questions or  
19 comments, on my bond, what I do is go to the  
20 insurance office and get a copy of the face.

21 MR. BOYD: Copy of the what?

22 UNIDENTIFIED SPEAKER: Of the face of  
23 the bond, that shows I have a bond, and that's  
24 what I send in. Nobody's ever questioned me.

25 MR. BOYD: Nobody will. You're doing

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1 it.

2 Can I use you as a poster child for  
3 bonds?

4 That's perfect.

5 UNIDENTIFIED SPEAKER: On the  
6 questions about the lady on the \$1,500, what I was  
7 told to do was we don't have a checking account,  
8 we have a savings account, so I get cashiers  
9 checks.

10 MR. BOYD: Yep.

11 UNIDENTIFIED SPEAKER: I have an  
12 insurance bill and an annuity bill. The big one  
13 doesn't quite get to the breaking point. I get  
14 cashiers checks, two separate cashiers checks on  
15 two separate days.

16 MR. BOYD: Okay.

17 UNIDENTIFIED SPEAKER: That's cool?

18 MR. BOYD: No, that's not cool. And  
19 the reason why I'm telling you that, that may be  
20 how you're doing it, but our lawyers up there  
21 don't like that, and I'm going to tell you that  
22 because they didn't use those terms for me, so if  
23 it's -- you can't split up --

24 UNIDENTIFIED SPEAKER: One of them is  
25 an annuity and one of them is insurance.

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1                   MR. BOYD: I understand, but if  
2                   you're writing two separate checks to pay, one  
3                   bill that comes to you, okay, if you get two  
4                   bills, and if they're --

5                   UNIDENTIFIED SPEAKER: They're in the  
6                   same envelope -- (inaudible).

7                   MR. BOYD: I don't have a qualm if  
8                   they're two separate things. If you're trying to  
9                   split a purchase to get under the \$1,500.

10                  UNIDENTIFIED SPEAKER: (Inaudible).

11                  MR. BOYD: You did nothing wrong,  
12                  you're fine.

13                  UNIDENTIFIED SPEAKER: How do you  
14                  show a loss?

15                  MR. BOYD: On the back page, and we  
16                  haven't gotten to that yet. When you start  
17                  looking at your assets there and try to see where  
18                  that fits, one of the blocks. Put a note to the  
19                  side that says we took -- and we've had that have  
20                  taken \$100,000 hit this year, okay.

21                  UNIDENTIFIED SPEAKER: On the web  
22                  page, you have the forms there also where you can  
23                  plug and print, can we use that?

24                  MR. BOYD: Yes, you can use those,  
25                  you absolutely can, and that's why they're there.

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1 Because I have a lot of folks that do that.

2 UNIDENTIFIED SPEAKER: And I'm  
3 jumping ahead a little bit, but I filled out all  
4 this paperwork last year for the direct deposit  
5 and for the W-9 and all that.

6 Does that need to be done every year?

7 MR. BOYD: No. If you've got it and  
8 you're receiving it, it's okay. You've got your  
9 check electronically?

10 UNIDENTIFIED SPEAKER: Right.

11 MR. BOYD: You're cool.

12 MR. ELLIS: And that might be the key  
13 there, if you received your check electronically.

14 Colby FRA did fill out the paperwork and  
15 we received a check in the mail.

16 So does that mean we're going to have to  
17 refill that paperwork out?

18 MR. BOYD: I would call and check.  
19 You need to send me a message, e-mail, and say,  
20 could you check on this, and I can tell you if  
21 it's in the system, electronically.

22 MR. ELLIS: Any other questions?

23 UNIDENTIFIED SPEAKER: John, on 16  
24 and 17, on insurance premiums, is that what we'll  
25 be paid back to the FRA and I understand that 17,

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1 the premium for the annuity contract, I understand  
2 why that plugs in, but that's the difference  
3 between 16 and 17?

4 MR. BOYD: 16 is the insurance  
5 premium, or the pension or the annuity, which one  
6 is that?

7 That's the premium that you're paying out  
8 for health, the last, whatever you got for the  
9 firefighters. It's not a pension or annuity  
10 program.

11 PRESIDENT LUBBERS: That would be  
12 like life insurance, disability or something of  
13 that nature.

14 Annuity's a wholly different thing.

15 UNIDENTIFIED SPEAKER: What about  
16 between 6 and 7, overpayment of the insurance  
17 versus receipt and policy, what's the difference?

18 You have insurance on this person and  
19 they (inaudible), you get a refund, so is that --  
20 (inaudible).

21 MR. BOYD: That would be an  
22 overpayment, but if you put it in either one of  
23 those would work because --

24 UNIDENTIFIED SPEAKER: I want to  
25 explain (inaudible).

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1                   MR. BOYD:  You're getting it back in  
2                   and reporting it, on the receipts that you're  
3                   receiving.

4                   UNIDENTIFIED SPEAKER:  Explain what  
5                   (inaudible).

6                   UNIDENTIFIED SPEAKER:  On Line 26, on  
7                   the other assets, are we dealing today, in this  
8                   form, strictly state monies?  We got a social  
9                   account or something that money comes in, we buy  
10                  flowers with or something, something that is  
11                  totally unrelated, you don't need those?

12                  PRESIDENT LUBBERS:  Just FRA money.

13                  MR. BOYD:  If you put that there,  
14                  you're going to have to -- the law, FRA, so you  
15                  can't buy flowers with it again.

16                  MR. ELLIS:  And that is one of those  
17                  lines that says donations, who would want to put a  
18                  donation into that FRA account that we're told  
19                  have to spend it.  Your donations I'm sure were  
20                  made with the intention of you spending it on what  
21                  you need and/or want, but if you put it in, if you  
22                  commingle it with your FRA funds, that's a bad  
23                  thing.

24                  MR. BOYD:  Caught everybody?

25                  UNIDENTIFIED SPEAKER:  This past

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1 January, transfer of money out of our account by  
2 the bank and I chased it down, got it back in  
3 there, and I presume I need to show that as other  
4 expense, other income, because when you get my  
5 bank statements, it's going to show that out and  
6 then later in, and it wasn't any intent by our  
7 account.

8 MR. BOYD: Report, report, document.  
9 You're fine.

10 There's nobody here is going to get in  
11 trouble for making a mistake, okay, and --

12 UNIDENTIFIED SPEAKER: But the  
13 bank --

14 MR. BOYD: I know, but no matter what  
15 happens, I'm not going to come down, nobody's  
16 going to do anything to you. I may have to call  
17 you and say, look, I don't understand this,  
18 explain it to me. Put a note on there. If it  
19 ever comes up again, and the reason I do that, I  
20 got almost 600 folks to work with, keep track of,  
21 very difficult to do that. So I write notes and I  
22 call and I forget about it and move on to the next  
23 issue, because there's always an issue waiting for  
24 me. So document it, that way there's a paper  
25 trail of what happened and why. If there's ever

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1 any question, it'll come up.

2 UNIDENTIFIED SPEAKER: John, I've got  
3 a question, I don't know if you're going to cover  
4 it later or not, but this has to do with the  
5 verified account.

6 MR. BOYD: Okay.

7 UNIDENTIFIED SPEAKER: Are you going  
8 to cover that later or now?

9 MR. BOYD: Well, the verified  
10 account, you remember on the first sheets or the  
11 sheet that we talked about there, that kinda  
12 explains to you what a verified account means.

13 UNIDENTIFIED SPEAKER: There's a  
14 difference here. The statute says it has to be a  
15 verified account. Several years ago, I went to  
16 John Washburn about this and he was being swamped  
17 with all the bank statements and all the other  
18 things, and he came up with a statement of account  
19 verification that said that you got three of our  
20 officers to review the financial statement and  
21 sign your names and date it and send that form in,  
22 that would be a verified account.

23 Next year, we got told we had to have a  
24 certified audit and pay out funds in order to have  
25 some outside agency audit the paperwork.

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1 Which one's going to be right?

2 MR. BOYD: You mean in your case?

3 UNIDENTIFIED SPEAKER: In everybody's  
4 case.

5 MR. BOYD: Okay. Well, there's some  
6 good issues there. I don't have the answer for  
7 you on that. I do not know anything about that,  
8 and when folks send me stuff in, financial  
9 statement that's verified, you got bank  
10 statements, you've got all those things so we can  
11 verify -- for all expenditures and receipts came  
12 in, that's verified to me.

13 Now, we're going to come up in with the  
14 best practices guide on where's the thresholds for  
15 what's an audit, what's an honest to God, full  
16 blown audit? What's an agreed upon procedure for  
17 an audit, and then which one is a review? So  
18 there's going to be some thresholds in there in  
19 2010 and on years.

20 Right now, I don't have a clear guideline  
21 other than depending on the size. General  
22 accounting principals were utilized in  
23 establishing thresholds of what constitutes a full  
24 blown audit and then what constitutes an agreed  
25 upon procedures and on down the line, and that's

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1 not in place now.

2 But I'm not going to send any of that  
3 mess to you. What you send me is what I'm going  
4 to go by.

5 PRESIDENT LUBBERS: If you sent your  
6 bank statements in, the last bank statement's  
7 going to show your last balance. If you send your  
8 savings account statement in, that's going to  
9 show. That comes from the bank.

10 MR. BOYD: That's verified in my  
11 mind.

12 UNIDENTIFIED SPEAKER: But your  
13 predecessor also insisted that we had to have this  
14 in addition to those forms.

15 You're in the hot seat.

16 PRESIDENT LUBBERS: One comment,  
17 we're doing it the way they want it done now.  
18 Forget the past.

19 MR. BOYD: Yeah, and what I'm telling  
20 you is if you've got bank statements that show  
21 that, I'm fine. I'm not going to send you a nasty  
22 note or anything.

23 MR. ELLIS: I'm going to take a quick  
24 second and jump in there, we're talking about the  
25 best practices, and I'm sure a lot of you in this

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1 room have heard about that.

2 At the conference last year, the Relief  
3 Act Committee, we agreed to be a working group,  
4 and we've been fairly active. I know there's a  
5 lot of guys here in the room today, raise your  
6 hand up if you're on that committee. There's  
7 several of us here.

8 We've been working with the commissioners  
9 office, Bob Tomlinson, and we were working with  
10 John Washburn, we're now working with John Boyd,  
11 coming up with what we can look at as best  
12 practices for all of us. Right now, we're in the  
13 policy and procedure end of this. How we can make  
14 this paperwork work not only for us, but work for  
15 the insurance commissioner's office. How we can  
16 raise that 40 percent correct to where we can get  
17 that into the 80, 90 percent correct range.

18 Those best practices, what's best for his  
19 FRA may not be best for my FRA. May not be best  
20 for your FRA. As John said, we're going to have  
21 some thresholds here, especially looking at that  
22 certified, verified, we had the whole discussion  
23 over the meetings of the words, but we're looking  
24 at setting some thresholds.

25 A lot of this should come out by

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1 conference, I think, John?

2 MR. BOYD: Should be close.

3 MR. ELLIS: Maybe, yeah. We're  
4 still -- we're still working on it. Don't look  
5 for it next week or next month that we're going to  
6 come out and say, you've got to do this, we're not  
7 going to do that. What we will come up with is a  
8 document that says you should be doing this,  
9 because this is our best practice, industry wide.  
10 We've got to hold ourselves to those standards.  
11 So those things will come and I don't know that  
12 we're there yet, but I do want to thank the people  
13 on that committee. We've got some more work to do.

14 PRESIDENT LUBBERS: You've got to  
15 remember, when the auditors came in, the insurance  
16 commissioner hired these auditors to come in, some  
17 of this is stuff that they found, and we have to  
18 correct it. You can't have mistakes in there when  
19 you got \$9 million laying on the table, people.  
20 You have to get it, correct it, and done the way  
21 the law says, or else \$9 million is going to be  
22 gone. If we find flaws in it, that's why they  
23 hired an accounting firm to come in and review  
24 everything, and that's what we're in the process  
25 of doing is correcting those flaws that's been in

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1 there and get everybody up to speed.

2 UNIDENTIFIED SPEAKER: And as Jim  
3 said, the way we done things in the past may not  
4 be the way we'll do it in the future, and in the  
5 interest of that, in the past, I've been  
6 instructed that expenditures -- pass throughs that  
7 were over \$1,500, for instance, an insurance  
8 benefit, where I'm writing a check for over  
9 \$1,500, I do not need an attorney's letter for  
10 that; is that correct?

11 MR. BOYD: If you're writing an  
12 expenditure for \$1,500, you have to have  
13 certification from an attorney.

14 UNIDENTIFIED SPEAKER: Okay.

15 PRESIDENT LUBBERS: To clarify that,  
16 I know there is some FRA's that say we've got a  
17 savings account and the bank is issuing a  
18 cashier's check, so we didn't write a check.  
19 You're still doing an expenditure over \$1,500.

20 If it comes out of your FRA fund over  
21 \$1,500, you have to have your county or city  
22 attorney approve it, prior to doing it.

23 UNIDENTIFIED SPEAKER: What kind of a  
24 letter or certification do you have to have from  
25 the attorney?

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1                   What's it supposed to state?

2                   MR. BOYD: We've got some samples.

3                   It's a basic statement that says I have reviewed  
4                   the expenditure, and it meets the requirements of  
5                   Statute 48-17 whatever it is, and he signs it.

6                   If you want, I have some sample letters  
7                   that I can forward to you. If you will get to me  
8                   at that -- that information I gave you, I'll be  
9                   able to provide that to you.

10                  Anybody back here?

11                  UNIDENTIFIED SPEAKER: Yeah I need a  
12                  clarification on the \$1,500. In our department,  
13                  we have disability, so if firefighter is injured  
14                  and off work at 60 days, we take care of his  
15                  paycheck, basically, and if we have an  
16                  expenditure, that's covered, that's insurance that  
17                  comes to the Relief, the Relief deposit it, and we  
18                  take it and pay the employee.

19                  MR. BOYD: Correct.

20                  MR. HURSCH: We still need it, over  
21                  \$1,500, we need the certification from the  
22                  attorney on that?

23                  MR. BOYD: Yes.

24                  UNIDENTIFIED SPEAKER: On a 56 man  
25                  job, that probably happens -- that probably --

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1 that happens, I cut three or four checks from that  
2 account each month.

3 How am I supposed to get my attorney to  
4 get that letter to me so that I can get the money  
5 to the guy that's out of work?

6 MR. BOYD: If you have a line of duty  
7 and your bylaws say that you can pay that first  
8 and then worry about the paperwork -- do your  
9 bylaws state that you can pay before you receive  
10 the funds or anything else?

11 UNIDENTIFIED SPEAKER: No, that's in  
12 the Relief Act, you can't do that. You have to  
13 have a written from your attorney beforehand  
14 before you write the check.

15 MR. BOYD: Right, I understand what  
16 you're saying, but if it's line of duty, it allows  
17 you a little bit of difference.

18 UNIDENTIFIED SPEAKER: Okay, we also  
19 have 24 hour coverage that is not line of duty.

20 MR. BOYD: Okay.

21 UNIDENTIFIED SPEAKER: So what -- the  
22 problem I'm running into, my firefighter's going  
23 to be without money while I'm waiting on an  
24 attorney while he's dragging his...

25 MR. BOYD: If you have an attorney

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1 problem, you don't have a Firefighter Relief Act  
2 problem.

3 UNIDENTIFIED SPEAKER: I agree with  
4 that.

5 MR. BOYD: All right.

6 UNIDENTIFIED SPEAKER: In the past,  
7 the way it was interpreted was that was not a new  
8 expenditure, that was not something we were  
9 buying, that was a benefit that we already paid  
10 for, so therefore, do not need an -- it didn't  
11 follow.

12 MR. BOYD: Here's what I'm going to  
13 tell you to do. When you do get your attorney,  
14 tell him to put in his statement that he's going  
15 to sign that this will be a continued benefit  
16 until X, Y, Z, done. Your attorney is the one  
17 that's certifying that you're expending the money  
18 according to statute, so don't go running up  
19 there. Tell him, I want a letter that covers this  
20 until we're over this issue. Do it one time.

21 UNIDENTIFIED SPEAKER: If I have him  
22 draft a letter with that insurance coverage, as  
23 long as he spells out in that letter --

24 MR. BOYD: Yes.

25 UNIDENTIFIED SPEAKER: -- that it

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1 covers for the whole year, that's the only way  
2 that money can come in and out.

3 MR. BOYD: Then you've got to have  
4 your attorney, the attorney is key in this, that  
5 says the way you're expending those funds meets  
6 the intent of the Act. If he doesn't, I've got  
7 nothing to say about it, ever, I don't care, but  
8 if you do one for the month, and that's it for the  
9 year, because we don't get many like yourself  
10 where it continues because I don't see that a lot,  
11 but if you're going to continue to do that, then  
12 the attorney needs to say, this is okay, and if he  
13 says it's okay, I've got no problem.

14 UNIDENTIFIED SPEAKER: The next problem  
15 is this happened over the past 12 months when I  
16 was under the impression that it was okay, as long  
17 as the insurance money's coming in and going back  
18 out to the firefighter that was injured so now  
19 with me filing this year, it's going to cause --  
20 if it's looked at by the state --

21 MR. BOYD: I'm the state, I'm the  
22 state. I'm the guy that's doing it, so if you  
23 write out your situation that says, here's what  
24 I'm doing. You're not hiding nothing. What I'm  
25 concerned about is, you keep paying this out,

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1 you've got a car on the side, an Escalade, and I'm  
2 going to say, whoa, let's take this out. Okay.

3 UNIDENTIFIED SPEAKER: How'd you know  
4 it was from Johnson County?

5 MR. BOYD: Okay.

6 UNIDENTIFIED SPEAKER: Yes. You  
7 mentioned earlier about the annuities that most of  
8 us have taken hits in the annuities.

9 That loss, are you wanting it to go on  
10 Line 21?

11 MR. BOYD: No, look on the back page  
12 of that, there's an assets, you put that in there,  
13 wherever it goes, and just say, I lost it. And it  
14 will show on there, just says, disbursement.

15 UNIDENTIFIED SPEAKER: That's why I'm  
16 asking, it's going to be a loss, but let's say I  
17 had a \$100,000 annuity last year, December 31st,  
18 this year it's down to 50,000, this page over  
19 here, that 50,000 has to reflect here somewhere,  
20 because this bottom line number on No. 23 has to  
21 equal this back here on line number --

22 MR. BOYD: If you put it up here, for  
23 annuity --

24 UNIDENTIFIED SPEAKER: With the  
25 annuities for December 31st?

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1 MR. BOYD: Yeah.

2 UNIDENTIFIED SPEAKER: But last year,  
3 it was greater.

4 How am I going to show -- where do you  
5 want me to show that loss?

6 MR. BOYD: I want you to show me that  
7 on the statement that says that you did it.

8 UNIDENTIFIED SPEAKER: I got that.  
9 (Inaudible).

10 MR. BOYD: That's okay, because if  
11 you've got --

12 UNIDENTIFIED SPEAKER: (Inaudible).

13 MR. ELLIS: We'll take a few more  
14 questions and then we've got to get moving on for  
15 lunch.

16 MR. BOYD: Could you stand up just  
17 for a minute, please?

18 Has anybody else got any more problems  
19 they want to talk to me about?

20 I'm sorry, I didn't hear anything.

21 Thank you.

22 First time I ever met the fire chief here  
23 from Herington, he came in my office -- remember  
24 that?

25 UNIDENTIFIED SPEAKER: Yeah.

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1                   MR. BOYD:  And I was sitting there  
2                   behind the desk, and he walked in, oh, my Lord, I  
3                   started, what do you want?  You can have  
4                   everything, just take it and go.  Whatever you  
5                   want.

6                   Okay, go ahead.

7                   UNIDENTIFIED SPEAKER:  We had a  
8                   firefighter that passed away, it was not a line of  
9                   duty death, and according to the bylaws and  
10                  everything, and the statute, the FRA is the  
11                  beneficiary for the insurance.

12                  MR. BOYD:  Correct.

13                  UNIDENTIFIED SPEAKER:  On his  
14                  beneficiary page, it went to his wife, so that  
15                  money came to the FRA and I turned around and  
16                  wrote a check to her.

17                  Do I need an attorney's letter?  It was  
18                  just in and out.

19                  MR. BOYD:  Was it over \$1,500?

20                  UNIDENTIFIED SPEAKER:  Yes.

21                  MR. BOYD:  You did it?

22                  UNIDENTIFIED SPEAKER:  Right.

23                  MR. BOYD:  All right.  Thank you.

24                  MR. ELLIS:  A couple more at the  
25                  front there, okay.

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1                   UNIDENTIFIED SPEAKER: Just to  
2 clarify, within our FRA policies, we set up a  
3 policy to describe the way we would transact  
4 anytime we're paying out annuity benefits or  
5 retirement benefits, we described how we would pay  
6 the in and out.

7                   Now, that policy, we took to our attorney  
8 and he approved that policy.

9                   MR. BOYD: Yes, and that's what  
10 you're supposed to do.

11                   UNIDENTIFIED SPEAKER: I was under  
12 the assumption that if we had a specific policy to  
13 describe the way we were paying that money out,  
14 then that approval of the policy served as his  
15 permission for the over \$1,500 transaction.

16                   MR. BOYD: For how long?

17                   UNIDENTIFIED SPEAKER: For as long as  
18 the policy existed.

19                   MR. BOYD: Well --

20                   UNIDENTIFIED SPEAKER: Is that  
21 correct or not?

22                   MR. BOYD: I will tell you that  
23 anytime you do -- I'll try to make this across the  
24 board, when you do anything over \$1,500, you need  
25 to have certification from the attorney.

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1 UNIDENTIFIED SPEAKER: Okay. Even if  
2 we have the policies approved by the attorney, we  
3 still need to have him verify?

4 MR. BOYD: Now, if your attorney,  
5 like I was telling the gentleman in the back here,  
6 if your attorney says X, Y and Z, and sum of this  
7 and that, meets the requirements of the Act, I  
8 don't care what he puts down. Your attorney is  
9 certifying that you are expending the monies  
10 according to the statute.

11 UNIDENTIFIED SPEAKER: If we have  
12 numerous transactions at the end of the year, have  
13 him review the transactions and he reviews them,  
14 total sum, that would --

15 MR. BOYD: That's correct, and that  
16 happens to me, too. Your attorney says it's so,  
17 then it is so.

18 Just like a physician's letter that says  
19 that this guy can do X, Y and Z, if that's what he  
20 says, that's what I'm going by.

21 UNIDENTIFIED SPEAKER: Max Brown, I  
22 had a situation that might help some of these  
23 individuals that are questioning their back  
24 payments that they've made and now you're saying  
25 they probably need the city attorney approval. I

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1 made a payment one time and our city attorney had  
2 passed away. I needed to pay the bill. We didn't  
3 have a new city attorney yet. Our city  
4 commissioner and everybody wouldn't agree on who  
5 was going to do that, I went ahead and made the  
6 payment.

7           What I did do, though, when I went back  
8 at the end of the year to do my financial  
9 statement, I went to the attorney that we were  
10 using, I drafted a letter explaining the  
11 situation, asked him to review the statute, and  
12 tell me that if they had been the attorney at the  
13 time, would they have approved that expenditure,  
14 and I got a letter back saying yes.

15           That's what I included with my financial  
16 statement for the next year. That way, I still  
17 hopefully met the intent of the law but did not  
18 abuse our policy either.

19           MR. BOYD: Yeah. The big thing is,  
20 where you get in trouble or get in a jam, okay, by  
21 statute is if you make an expenditure that is not  
22 authorized, that's the only time it's going to be  
23 an issue. So you didn't get an attorney's letter,  
24 you didn't get this, okay, so I'm going to ask you  
25 to go get one or whatever, and I'm not going to

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1 fight you over it.

2 If you don't send one, well, you don't  
3 send it. I'm not -- I don't got time for that.  
4 So if your expenditure met the requirement, you're  
5 not in trouble, oh, by the way, you need to get an  
6 attorney's letter, so if you get that late or next  
7 year, then we'll work that out. But you've got to  
8 take care of business.

9 UNIDENTIFIED SPEAKER: Question on  
10 expenditures, we take -- we have money in our NOW  
11 account that we determined isn't doing -- we need  
12 to put it in the annuity account in order to build  
13 up the interest to use for the retirees --

14 MR. BOYD: Okay.

15 UNIDENTIFIED SPEAKER: -- annuity  
16 policy. We take the money from the NOW account  
17 and put it into our annuity account, have we made  
18 an expenditure that needs --

19 MR. BOYD: You mean you transferred  
20 money?

21 UNIDENTIFIED SPEAKER: Yes.

22 MR. BOYD: You're in the same  
23 institution and you just moved money from one  
24 account to another?

25 UNIDENTIFIED SPEAKER: Yes.

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1                   MR. BOYD: I don't see an issue with  
2 that. You didn't expend funds, did you?

3                   UNIDENTIFIED SPEAKER: No. We  
4 transferred it from one place to another, and we  
5 were told at one time we turned in the statements  
6 and we were contacted and said you're not -- I  
7 think it was two of these sessions ago, we were  
8 told moving money within your account from  
9 checking or savings to the annuity isn't an  
10 expenditure.

11                  PRESIDENT LUBBERS: Now, is the  
12 annuity with the same financial institution?

13                  UNIDENTIFIED SPEAKER: One's a bank,  
14 we're taking the money out of the bank and moving  
15 it to --

16                  PRESIDENT LUBBERS: An insurance  
17 company.

18                  UNIDENTIFIED SPEAKER: But the money  
19 is still ours, it doesn't --

20                  PRESIDENT LUBBERS: Yeah, but you're  
21 taking money that's in a NOW account which is a  
22 bank account, transferred it over to an insurance  
23 company that has an annuity, to me, that's an  
24 expenditure.

25                  MR. BOYD: That's an expenditure. I

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1 know it's your money, and I get that.

2 PRESIDENT LUBBERS: Now, if you were  
3 moving from NOW account in a bank over to the  
4 checking account or savings account in the same  
5 institution, that would not be an expenditure. Am  
6 I clear?

7 You are taking money from a checking  
8 account or whatever you call it, or NOW account,  
9 and buying something. You're buying some more of  
10 the annuity.

11 MR. ELLIS: Are we fairly well  
12 settled up with the questions?

13 The attorney's letter of approval is one  
14 of those questions that we all had. Hopefully  
15 with our best practices guide, we can get a better  
16 handle on this, and again, I think John, what he's  
17 really trying to say is all of this is to thwart  
18 any fraudulent activities within our FRA funds.

19 I can guarantee Colby's done this for  
20 years, we go through the year, I'll go to my city  
21 attorney and I'll say we've made these  
22 expenditures. There'll be a half dozen over  
23 1,500. He will either say, yes, those are good,  
24 and, no, those are not, and he's never said, no.  
25 And I'll send that letter in.

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1           Is that getting prior approval? No.

2           Has it ever been sent back by the  
3 insurance commissioner? No.

4           Will I do that again? No.

5           I don't do that now, I try to get prior  
6 approval, but we're sensitive to the fact that  
7 there are expenditures that need to be made today,  
8 because my attorney takes six weeks to get back to  
9 me, easily.

10           Some situations and some folks will not  
11 wait six weeks, it will be addressed in the best  
12 practices.

13           John.

14           MR. BOYD: We'll go over the asset  
15 investment form now. We'll move it along here.

16           As you look on the back page of your  
17 financial statement, it's going to have some  
18 different blocks, and what I'm trying to do is  
19 identify kinda what goes in these blocks so you  
20 can fill them out. I get a lot of these that come  
21 back blank. You name it, all kinds of stuff.

22           But anyway, the top part of it from 06 on  
23 up to one is all about the various types of bonds,  
24 bonds that are going to come through, so you just  
25 kinda put those on there as they apply. And I

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1 don't see a lot of the bonds, either, that come  
2 through, very, very few. I'm talking a handful.

3 The next things are the deposits that are  
4 made. This includes Blocks 8, 9, 10, 11, depending  
5 on what type of a government bond and such that you  
6 have. The bank accounts go on Block 7.

7 Block 15, the types of annuities and  
8 pension programs go in the appropriate boxes  
9 there, along with the -- also any warrants that  
10 are held by the FRA. Okay, and they total up on  
11 the bottom.

12 This is going to break it up a little  
13 bit. This is another one of those funny, violent  
14 videos, because I think we need a little break  
15 here.

16 (WHEREUPON, a video was played  
17 and stopped.)

18 MR. BOYD: Okay. We're going to talk  
19 just briefly about the supplement report. I'm  
20 going to go quickly through it. This is for your  
21 local use to help you maintain your roster and  
22 your coverages for your insurance purposes and  
23 things like that.

24 In the first block, of course, goes the  
25 names and you put an X in the block that says

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1 whether they're volunteer or paid.

2           Second block, place your insurance  
3 company name in there and put an X in the  
4 appropriate block for life, accident and health.

5           No. 3, insert the premium amount in this  
6 block.

7           No. 4, firefighters portion of the  
8 premium, insert that amount here. Any amount paid  
9 by the association, and then if the firefighter  
10 pays any portion, you put that in Block 5.

11           Block 6, you'll enter face value or  
12 weekly amount that's paid out.

13           Block 7 is the beneficiary of the policy.  
14 Enter yes or no if the policy coverage is for --  
15 limited to fire duties only, and enter the name of  
16 the policy holder.

17           Now, for 2010, this form is not going to  
18 be required at the insurance department, it is  
19 going to be only for your local use.

20           Some of this here is just purchases of  
21 insurance, we ask questions. These are taken, as  
22 some are, right out of the statute, to kinda give  
23 you an idea. This is also -- this information is  
24 utilized and placed inside your firefighter  
25 relief -- your association handbook so these

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1 things are in there concerning your insurance, so  
2 I don't spend a little bit of time on this.

3 This covers your 24 hour coverage, and  
4 this speaks a little bit about your coverage, and  
5 again, I'm not going to go through that totally.

6 Here's requirements in order for you to  
7 be qualified to receive the funds. Up here at the  
8 top, you need a financial statement and a  
9 declaration by April 1 of each year. Okay?

10 Those are the things that make you  
11 qualified to receive a check by statute.

12 Now, the other forms that may be required  
13 are, of course, the treasures bond, must show the  
14 proof of that. Attorney certification for the  
15 expenditures and any of these other IRS forms  
16 which are in your package to begin with.

17 We've had some redeterminations, and  
18 requirements for that redetermination are as  
19 follows: You must have a change in circumstances  
20 in order to apply, that means population or  
21 valuation has to have changed, and you must apply  
22 prior to October 1, but only once every three  
23 years. Apply means to notify the commissioner in  
24 writing that you want to be redetermined. Okay.  
25 An affidavit will be sent to you, I'll also try to

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1 get this on the web site so that you can fill that  
2 out and what it does is allows me to testify on  
3 your behalf at the hearing that's going to be held  
4 so you don't got to show up. Okay? I'm going to  
5 be there on your behalf. I'll be sworn in,  
6 there'll be a stenographer, lawyers, presiding  
7 judge and we will go through it. It's done very,  
8 very quickly, so you can show up there if you  
9 want, but it's not necessary, so if you do get an  
10 affidavit, I'll take care of it for you.

11 The other thing that's going to be needed  
12 is a population and assessed tangible property  
13 form, which I will send to you and we'll put it on  
14 the web site so that you have to take that -- the  
15 information that has to be put on there is that  
16 the clerk has to certify with the census bureau,  
17 that from the Secretary of the State, July 1 of  
18 each year, so the other thing is, the assessed  
19 tangible property has to be maintained by the  
20 clerk and assigner as well.

21 Okay, got a question.

22 UNIDENTIFIED SPEAKER: If every  
23 department was to go through redetermination every  
24 year, would we have to redo the Act?

25 Could we avoid redoing the Act?

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1                   MR. BOYD: You mean doing -- no, it  
2 would not -- well, I don't know. If you went  
3 through redetermination every year?

4                   UNIDENTIFIED SPEAKER: Anything to  
5 prevent reopening that Act?

6                   MR. BOYD: No, because the base year,  
7 it's comparing it to the base year, and that's  
8 '83, so until that gets changed, that's not going  
9 to happen. That will cause a whole another  
10 division of the insurance department be  
11 established to maintain and do 500 and some odd  
12 redeterminations.

13                  PRESIDENT LUBBERS: Part of the  
14 problem would be the way the form that was  
15 established, there is probably a smaller area  
16 where some departments fall in, and then there's a  
17 big gap, and then there's a small area again,  
18 there's so much inconsistency in it that the  
19 formula has to be, basically, redid.

20                  You know, there's no reason that a fire  
21 department with less people and less territory  
22 would file for redetermination, than one, that had  
23 an increase in valuation and population, and one  
24 of them get \$3,000 and the other one get \$40,000  
25 increase, there's no justification for it. It's

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1 just because they go back to the original formula  
2 they fell either below or above that medium.  
3 There's no -- the medium in there is not  
4 consistent. I understand what you're saying but  
5 if we can get them to change that without opening  
6 the Relief Act, we'll do it.

7 MR. BOYD: And again, if you  
8 redetermine, you're still being compared to the  
9 base year of 1983, and that's the problem year.

10 Yes.

11 UNIDENTIFIED SPEAKER: Is that three  
12 years, isn't that part of the statute, that  
13 requirement of not more than once every three  
14 years?

15 MR. BOYD: Yes.

16 UNIDENTIFIED SPEAKER: That would  
17 require opening the statute to change just that  
18 sentence so you're going to open it anyway to get  
19 where you can redetermine every year.

20 MR. ELLIS: If the FRA requests.

21 UNIDENTIFIED SPEAKER: Well, if that  
22 is part of the statute, state statute, that you  
23 cannot apply for more than --

24 MR. BOYD: Right.

25 UNIDENTIFIED SPEAKER: Then you

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1 cannot -- the FRA can't --

2 MR. BOYD: Right, you've got to do it  
3 every third. You can elect to redetermine both  
4 population and assessed tangible property, or pick  
5 only one of those, so if you've got less people  
6 than you had, but you got more property valuation,  
7 what happens in most cases, then you can go just  
8 on the valuation.

9 Both affidavit population forms are to be  
10 submitted prior to the redetermination hearing,  
11 and this is usually conducted some time around the  
12 third week of November, but it has to be done  
13 prior to December 1, so it's a short time frame,  
14 so when you go to your county clerk and say I want  
15 this filled out to attest assessed tangible  
16 property, she doesn't get that information until  
17 November 1 of each year, so you've got to remember  
18 that when you show up on her door step November 1,  
19 she may not be receptive right then, may not have  
20 it, so maybe give her a few days, okay. Call her  
21 up and say, is she ready to receive it.

22 Like I said, you can be present or not,  
23 but the affidavit allows me to testify on your  
24 behalf. This is what the affidavit form looks  
25 like. Your printed name at the top, your fire

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1 department name down here, your signature, and  
2 then a notary completes the bottom of it, and it's  
3 done. That's your affidavit. You send that in to  
4 me, I take it from that point.

5 This is the population and valuation form  
6 that the clerk is going to fill out. At the top,  
7 the clerk's printed name, the county name, the  
8 fire district, and the clerk will fill out the  
9 bottom part, in this blocked out section.

10 Now, in there, she's going to put some  
11 basic information about residential properties,  
12 minimal leaseholds, personal property, other  
13 classified property, and utilities and such as  
14 that, so she's going to place all that information  
15 in there and then get that back to us.

16 Now, there's been a struggle here in the  
17 past about getting the clerks to send that back  
18 because if you just drop that form off to her, or  
19 him, and you just forget about it, the clerk may  
20 or may not get it in to us, so you're going to  
21 have to check up on that yourselves to make sure  
22 that she/he has forwarded the document, or better  
23 yet, if you go there and have her do it right  
24 there and then take it back in your hands and send  
25 all those documents in, you'll be better off.

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1           Best practices we were talking about is  
2 the audit. We've got that thing in and we're  
3 going through it now and we're getting ready to  
4 write the best practices guidelines for the FRA's.  
5 These are the things that are included in the  
6 FRA's based on that audit. These are general  
7 accounting principals which can be applied to any  
8 not for profit corporation. Kinda gives you an  
9 idea of how to set it up and work it, and general  
10 guidelines. It doesn't matter what size FRA you  
11 are, these principals will still apply, and I'm  
12 the one that's going to make it or I'm going to  
13 make attempt to make it firefighter friendly, so  
14 when you look at it, it's not a lot of accounting  
15 language and lawyer terms and stuff like that,  
16 because I don't like that. I'm going to try to  
17 make it where everybody can read it and understand  
18 it and it's user friendly.

19           Areas that you really need to worry about  
20 on each page will be highlighted so there's  
21 gobbledegook up here that says this and that, but  
22 things you need to do are going to be highlighted  
23 so you can concentrate on others. Okay.

24           My priorities, as I came into the office,  
25 included the following things. The assistant

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1 commissioner pulled me in and says by January 3rd,  
2 you will have a set of forms that are going to be  
3 done up, changed for the future, and I want those  
4 for the Russell conference, which I did  
5 accomplish. That's the ones we're going to want  
6 for 2010. Of course, that's going to change.

7 I did the audit. I prepared the '09 FRA  
8 packages, and we're working on electronic  
9 deposits. We've got probably 200 and so that are  
10 in now that are working, and we need to increase  
11 that. At this time, if you don't have an  
12 electronic deposit, your checks are going to be a  
13 little slow showing up, so if you don't have  
14 electronic deposit filled out, you need to get  
15 that done. It's going to be a requirement,  
16 because we're going to go electronic on this.

17 The next things, here's what I'm looking  
18 at doing at the web site. We're going to put the  
19 best practices guide lookup there, when it is  
20 developed, and we're going to have spots where you  
21 can go in and click in and see what's required for  
22 each of these levels. Redetermination, mergers,  
23 forms that are required for that, to do that, and  
24 procedure.

25 Also going to have on there about

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1 dissolving an FRA, taxpayer identification,  
2 electronic, that stuff will be there so you can go  
3 up, one stop shopping, and get anything you need  
4 electronically, and utilize it.

5           The goals that we're doing now is that  
6 the documents this year are all being sent to the  
7 treasurer, so you got them, the treasurer does.

8           2010 is going to be a new financial and  
9 declaration statement form. One page, front only.  
10 It'll also be available in electronic format.  
11 What we're trying to do is set that up so that --  
12 if I could get it done by 2010 -- is a total  
13 electronic submission, so you go on, you log on to  
14 the Kansas Insurance Department, you put in your  
15 information, certify that you are who you are, you  
16 have a password and you'll get all that done, and  
17 then you'll submit it that way, no paperwork. So  
18 that is the goal that we're trying to work on to  
19 make that happen.

20           The only issue we're having is the  
21 attesting part of the declaration from the clerk.  
22 Legally, and by statute, the clerk has to attest,  
23 that means stamp, you know, and sign and do all  
24 that. Well, we're trying to figure out how to do  
25 that electronically so that the clerk can do this,

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1 her part, come in separately and go to the web  
2 site and do it as well. Everything's done  
3 electronically, you're done, you submit your  
4 package.

5           Also with this form, when you type in  
6 your dollars and cents and everything on the  
7 actual form itself, it will automatically add it  
8 up, subtract it, do what it needs to do. So the  
9 goal is to remove the paperwork as much as we can.  
10 I've killed a lot of trees sitting up there in  
11 that office, files upon files, you would not  
12 believe the paperwork that comes through there, so  
13 the goal is this year to get the new 2010, it  
14 comes out, available in paper version and also on  
15 the web site, you can do it there, fill it out,  
16 download it, fill it in, submit it, and do all  
17 that and you're done.

18           The thing of it is, we're still trying to  
19 solve that part and I think we're getting close so  
20 next year when we do this, I will be here  
21 presenting that new documentation or the new  
22 format that we're going to utilize, and hopefully  
23 it'll be easier, and I expect some growing pains  
24 doing this, but we're going to need your patience  
25 and we're also going to need you to lean forward

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1 and the side a little bit and think about how  
2 we're going to be doing it in the future, and it  
3 needs to be done electronically as much as we can.  
4 This paper trail is killing us. I hate paperwork,  
5 and I know you folks do, too.

6 I'm going to call it at this time, and  
7 thanks for having me here. I really appreciate  
8 what was going on here, and some of the  
9 conversation we had and questions. I don't have  
10 all the answers but I can get them and usually  
11 they come from a lawyer, and I don't like it that  
12 way, so anyway, thank you very much.

13 You got any questions, you got my  
14 information, get ahold of me. Yes, sir.

15 UNIDENTIFIED SPEAKER: Can you scan a  
16 signature?

17 MR. BOYD: Excuse me. Well, sir, we  
18 don't -- our lawyers are looking at how we can do  
19 that. One of the things --

20 UNIDENTIFIED SPEAKER: (Inaudible).

21 MR. BOYD: Understand. One of the  
22 things it is that we've got clear so far is for  
23 the treasurer, all you've got to do is click the  
24 box that says I certify I am who I am, that's  
25 done. The only problem we've got is with the

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1 clerks, and that we're trying to solve.

2 UNIDENTIFIED SPEAKER: (Inaudible).

3 MR. BOYD: We'll look at that as  
4 well.

5 Thank you very much.

6 PRESIDENT LUBBERS: Thank you, John.  
7 Just one little comment on the direct deposits,  
8 part of it is that the treasury or whatever is up  
9 there in Topeka, they have -- the insurance  
10 commissioner has to send them through them and  
11 they have to draft the checks and do all that, and  
12 they're charging that back, so we're trying to  
13 eliminate that cost, and also, there is some  
14 checks, I shouldn't say a lot, that are never  
15 cashed because some small departments do not have  
16 a mail box and it's going to some city clerk or  
17 somebody, and maybe they're not on the best terms  
18 with the fire department and so they stick them in  
19 the drawer and they lay in the drawer.

20 By doing this direct deposit to your  
21 checking account or savings account, whatever you  
22 set, we know that nobody else will get their hands  
23 on that money and sit on it. That's part of the  
24 reason we're trying to go to electronic deposit.

25 One comment, be sure and fill that out

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1 (indicating), it's at the end of the table, so we  
2 can collect them after dinner.

3 Do you have anything else?

4 MR. ELLIS: One thing real quick. I  
5 know we probably generated a few questions here,  
6 and we do want to answer your questions. I would  
7 ask that you go to the web site, KSFFA.com. If  
8 you are not part of the Relief Act working group  
9 committee, we've got 30 some odd names on that  
10 e-mail list, and this is how we've been handling  
11 that, please send me an e-mail. If you want on  
12 the list, I'll gladly put you on the list. If you  
13 just want a question answered, I'll gladly throw  
14 it to the list, but please do that.

15 John, how long have you been here?

16 MR. BOYD: Almost two months today.

17 MR. ELLIS: Two months today. He's  
18 taking on quite a bit, and he's getting things  
19 passed him, and he's got a little learning curve  
20 yet ahead of him. Let's help him out, don't burn  
21 him out, but please, throw those questions to me,  
22 I'll put them on the list. We will post what is  
23 appropriate to the web site and also on the  
24 message board there. Excellent way to  
25 communicate. This is all information that will

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1 not hurt us. Information is our friend in this.

2 So with that, I'll turn it back to Jim,  
3 we'll go to lunch.

4 PRESIDENT LUBBERS: You got a  
5 comment, Steve?

6 MR. HURSCH: No. Go to lunch.

7 PRESIDENT LUBBERS: It's about 10  
8 after 12:00, so we'll try to convene by 15 after  
9 1:00. Have a good lunch.

10 (Recessed for lunch).

11 PRESIDENT LUBBERS: We want to  
12 welcome you back and we'll get started with the  
13 afternoon program, and somebody pick up the sheets  
14 at the end. Looks like they never did.

15 Pass them down to the end and we'll get  
16 somebody to pick them up.

17 At this time I want to introduce  
18 Southeast Trustee, Andy Moffitt, and he will  
19 introduce the next speaker.

20 MR. MOFFITT: Good afternoon, how's  
21 everybody doing. Everybody get full from lunch?

22 I just want to take about 10 seconds of  
23 your time, if you notice the half a dozen or so  
24 folks walking around with the black shirts with  
25 our logo on the front and yellow on the back, it

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1 says Kansas LAST. Two years ago, I think, at this  
2 conference, I spoke, maybe it was last year, about  
3 the LAST Team, and what the LAST Team stands for,  
4 Local and State Assistance Team, and what we've  
5 done in the state, we've got about 30 people now  
6 that are members of this team. If you department  
7 has a fallen firefighter, line of duty death, we  
8 will come out and do anything that you need to do  
9 to get this firefighter recognized, memorialized,  
10 we'll do anything.

11 In the case of Marquette, Chief Lenders  
12 here from Marquette Fire, the case in Marquette,  
13 we did everything from the press release with  
14 their mayor all the way through the grave side  
15 services. Our team is ready and willing, you can  
16 see Chief Lenders is a member of our team, Ashley  
17 Sheridan back there is a member of our team.  
18 There's -- where's Tim at? There he is, can't  
19 miss him. Tim's been a member of the team, Chris  
20 Rios and the guys from Bennington are back there,  
21 also. We have a really good group from as far  
22 west as Hays to as far east as Chanute on the  
23 team.

24 Our goal is to get somebody to you within  
25 four to six hours, hopefully somebody on the phone

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1 with you within 60 minutes of notification. You  
2 start notification of the team by calling your  
3 trustee, and from there, we can make all the  
4 arrangements to make sure the team gets rolling.  
5 If you don't need help, you just need some  
6 guidance on a line of duty death, you can give me  
7 a call, give one of our trustees a call, we're  
8 willing to help you through something. Help you  
9 get a bagpiper if you need one, help you get  
10 bunting if you need some, we're willing to do  
11 that. We're still kinda in the insipid stage of  
12 the program, but we're going to start rolling  
13 pretty hot and heavy. I do plan on doing some  
14 team training this year, and I'm very excited to  
15 have this team go.

16 I do want to point one thing out.  
17 Everybody sitting at a wood table, start knocking.  
18 We went a calendar year without a LODD in the  
19 State of Kansas. I got goose bumps saying that to  
20 you right now. First time in seven years we've  
21 done that. Let's do that this year, and by doing  
22 that, let's educate our firefighters what they  
23 need to know to stay safe, and Mike here is going  
24 to talk to you about the courage to be safe.

25 It's my pleasure to introduce Mike

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1 Petroff, Regional Advocate for the Everyone Goes  
2 Home Program. Turn it over to Mike.

3 (WHEREUPON, a video was played  
4 and stopped.)

5 MR. PETROFF: As Andy said, my name  
6 is Mike Petroff, I'm the Region 7 Regional  
7 Advocate for Everyone Goes Home Life Safety  
8 Initiatives Program. I'm not going through the  
9 introduction.

10 Some of us still think, is there a Bible?  
11 Nothing that will stand up in a Court of law, I'm  
12 sure, but worked for 32 years with the Ferguson  
13 Fire Department in Suburban St. Louis, County, but  
14 this class is not about me. It's about the  
15 Firefighter Line of Duty Death Life Safety  
16 Initiative Program.

17 We're here to try to basically keep the  
18 LAST Team in the same mode that they were in last  
19 year. We're trying to reduce firefighter line of  
20 duty deaths. All of you gave up something today.  
21 It's 50 degrees out compared to the 10 below zero  
22 or whatever it was last week. You could be doing  
23 something else. We all gave up something today.

24 Why are you here today? Anybody?

25 To learn?

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1           Who said it?

2           Who else, why are you here?

3           UNIDENTIFIED SPEAKER: To learn.

4           UNIDENTIFIED SPEAKER: (Inaudible).

5           MR. PETROFF: Are you catching on, I  
6 need feedback, positive reenforcement.

7           I have only a limited number of stuff to  
8 give away.

9           UNIDENTIFIED SPEAKER: To help people  
10 out (inaudible).

11          MR. PETROFF: Okay.

12          UNIDENTIFIED SPEAKER: Help others  
13 that have to deal with this.

14          MR. PETROFF: Do you have to  
15 encourage firefighters to be safe? Yes. Remind  
16 them regularly.

17          What's the most important thing in your  
18 life.

19          UNIDENTIFIED SPEAKER: Family.

20          MR. PETROFF: Family, health. I did  
21 a seminar, I was taken back by the guy's answer, I  
22 hope nobody's offended by this, and he said,  
23 what's the most important thing to you, and he  
24 said, it's me.

25          What are your primary safety concerns and

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1 what I'd like you to do is take a piece of paper  
2 and write that down. What are you most concerned  
3 about today within your department?

4 What's your main safety concern, right  
5 now?

6 UNIDENTIFIED SPEAKER: (Inaudible).

7 MR. PETROFF: Proper training, that's  
8 good. That fits into what we're going to do  
9 today.

10 Anybody else?

11 You already got a prize earlier.

12 UNIDENTIFIED SPEAKER: Safety of our  
13 personnel.

14 UNIDENTIFIED SPEAKER: (Inaudible).

15 MR. PETROFF: Related to, keep going.

16 UNIDENTIFIED SPEAKER: When you're on  
17 the fire, making sure you're doing your assigned  
18 duty.

19 MR. PETROFF: Cut back on the  
20 freelancing.

21 UNIDENTIFIED SPEAKER: (Inaudible).

22 MR. PETROFF: At the ends of the  
23 table, along the center aisle, there's a pamphlet,  
24 there's some bookmarks and ink pens. Whoever's at  
25 the end of the table, make sure everybody has one

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1 of those.

2           Within the brochures and bookmark are the  
3 16 Life Safety Initiatives and the web site  
4 information. We're going to repeat this stuff  
5 time and again. The objectives today are to get  
6 you to know where the Life Safety Initiatives came  
7 from, and the big emphasis after three summits,  
8 three national level summits with national  
9 representation from all facets of the fire  
10 service, is to implement these initiatives. Get  
11 something deliverable to the individual  
12 department.

13           There's 33 some thousand -- 33,000 some  
14 fire departments in the United States. Some of  
15 them have never heard of the Life Safety  
16 Initiatives. What we're trying to do today is to  
17 get you to pick one, two, three of them, and to  
18 start initiating, implementing the initiatives.  
19 Develop a plan.

20           Where are the resources? If you look at  
21 these Life Safety Initiatives, there's nothing new  
22 on the list. It's stuff that's been around for  
23 over 20 years, on some of this, and the way some  
24 of them are worded, they're asking for  
25 development, for instance, development of national

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1 standards for fitness and wellness. That was well  
2 in place before the initiatives were written, so  
3 there's nothing new. There's no new ideas, it's  
4 just a list of ideas.

5 Top three killers. Heart attack is  
6 number one. Fifty percent of the line of duty  
7 deaths are cardiac or cerebral vascular accident  
8 related, stroke related.

9 Vehicle fatalities and situational  
10 awareness. Situational awareness means what your  
11 perception is as related to reality. If you think  
12 things are going good and they really aren't, your  
13 situational awareness is lacking, so that's what  
14 they're talking about. Situational awareness.

15 Billy Goldfetter was just at St. Louis  
16 last Friday, and showed a video, the person across  
17 the street had a handheld home video camera. From  
18 before the arrival of the first due engine, and  
19 from the beginning, the fire was a defensive  
20 operation in my opinion, and from anybody else's  
21 opinion and from what Billy was teaching in his  
22 class, those firefighters went inside, four ended  
23 up baling out. The fire was on the C side from a  
24 deck that caught fire on the outside, came into  
25 the house. Four firefighters bailed out of the

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1 second floor windows on the C side, from the  
2 unburned side into the fire. One probably will  
3 not return to work because of his physical  
4 injuries.

5 Summits were held in Tampa, Florida, in  
6 2004. Was revisited again in 2007 in Novato,  
7 California. I was lucky enough to be able to  
8 attend the California event, and in 2008, last  
9 spring in Emmitsburg, the initiatives  
10 implementation seminar was held, and we learned  
11 skills to implement put, basically, these  
12 initiatives into operation. About 300 fire  
13 service professionals were represented. All  
14 facets of the fire service: Career, volunteer,  
15 chiefs, labor. Anybody that you could think of  
16 that has a representation was represented at these  
17 conferences, and they talked about -- they did  
18 the -- looked at each initiative, came up with  
19 ideas, came up with implementations.

20 In the Novato conference, they had  
21 survivor families there to talk about ways to  
22 implement the initiatives related to their  
23 particular family line of duty death. That was  
24 pretty powerful, when you have a mom and dad of an  
25 18 year old volunteer firefighter that was killed

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1 in a vehicle accident in the vehicle domain,  
2 breakout session, to talk about what could have  
3 been done differently to keep their son alive.  
4 That's some powerful stuff.

5           They mean -- the National Fallen  
6 Firefighters and the people involved with this  
7 program really mean to do well by this program.  
8 They'll do anything they can to reduce firefighter  
9 line of duty deaths.

10           Goal is to reduce deaths by 50 percent  
11 within a 10 year period. We're staying flat.  
12 They established these domains, and in this  
13 particular delivery -- do we have any Courage to  
14 Be Safe instructors in the class? Did anybody  
15 attend the CTBS instructor's class in Wichita,  
16 Sedgwick County, last June?

17           Anybody here from Wichita or Sedgwick  
18 County?

19           There were probably 20 or 30 instructors  
20 to the Courage to Be Safe class trained last June,  
21 first weekend in June, at Wichita, Sedgwick  
22 County. Tap those guys as a resource.

23           Billy Wentzel was our contact there. If  
24 anybody knows Billy from that area, contact them  
25 if you're interested in having this full class

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1 delivered.

2 Mission is to make sure that everybody's  
3 aware of the Life Safety Initiatives, and to work  
4 with those departments to get the resources. You  
5 should have in your training library Life Safety  
6 Resource Kit 1, 2 and 3. No. 3 should have gone  
7 out last July or thereabouts. I've got 50 copies  
8 so, I don't know, we'll have a wrestle royal or a  
9 drawing to get those 50 copies out.

10 Has anybody seen this? 33,000 fire  
11 departments in the United States. Someone  
12 received -- someone on a mailing list should have  
13 received this copy, whether it went to the fire  
14 station, whether it went to the training officer.

15 We're finding out that a lot of the kits  
16 went to past fire chiefs where the contact address  
17 was the past fire chief's home address. That  
18 chief left the service, moved out of the county or  
19 whatever, it went to that address.

20 All of this stuff is available on the web  
21 site. I've got about 50 of them.

22 First firefighter line of duty death in  
23 2009, Firefighter Gary Stephens, Elizabeth, New  
24 Jersey, was backed over by a pumper laying hose at  
25 a working fire. How could that have been

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1 prevented? Anybody seen the standard hand backing  
2 signals? Straight back, take the back end of the  
3 pumper that way, back end of the pumper that way,  
4 stop. Four signals. Every time you fly on an  
5 airplane, you see that guy that's out there with  
6 the wands doing the same thing time and again for  
7 the airplanes. Why can't we do that with a fire  
8 truck? If you go to Phoenix Fire Department's web  
9 site, they have pictures of the fire truck hand  
10 backing signals.

11 If you have a spotter and you don't see  
12 the spotter, you stop the truck. The spotter does  
13 not shine a flashlight in the rearview mirror.  
14 We're getting off that. How many times have you  
15 seen a guy backing up, waving his flashlight in  
16 the mirror. Blinds the driver.

17 Firefighter Jared Little, Walker County,  
18 Georgia, last line of duty death 2008, was  
19 involved in a fire department apparatus crash. I  
20 do not know if seat belt use was an issue but the  
21 truck was going too fast for either the weather or  
22 road conditions. They failed to negotiate a turn  
23 or the road was slippery, I don't know exactly.  
24 Are both of those preventable? Drive slower, have  
25 a spotter.

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1           That's what we're going to focus on, the  
2 preventable line of duty deaths. Preventable.  
3 We're going to select a couple of the initiatives  
4 and work on those, one by one.

5           Initiatives 5, 6, 9, 11. We're just  
6 going to talk a little bit about Initiative 12.  
7 All of the initiatives have something in common  
8 with the others. This list tells you about their  
9 common factors. They keep talking about changing  
10 the culture of the fire service, and if you think  
11 about your culture, even from family to family,  
12 how you celebrated the past holiday season has to  
13 do with your culture. Where you live within this  
14 state has to do with your culture. Where this  
15 state fits into the United States is part of the  
16 culture. So all of those things are variables and  
17 are different from location to location to  
18 location. I kinda think what they're talking  
19 about was the guys that go around with the --

20           When I started the fire service, it was  
21 very popular to wear your boots turned all the way  
22 down like a pirate, and wear a Sears and Roebuck  
23 denim chore coat and a pair of leather work gloves  
24 with your helmet. That was your turnout gear.  
25 And then later we added the "No Fear Stickers" to

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1 our helmets. My name is Mike and I am a former  
2 offender of these type of things. The culture was  
3 what we made it but we're trying to change that.

4 There's some small steps being taken, but  
5 they talk about changing the culture. The culture  
6 of the fire service is everywhere, from the color  
7 of the trucks to what equipment you get on a first  
8 alarm. And then they talk about research and  
9 learn from experiences.

10 Has anyone submitted a report to the  
11 Firefighter Near-Miss Reporting System? Has  
12 anyone had a near-miss? No one has ever said,  
13 wow, I was lucky? And I see several faces, this  
14 guy right here (indicating). Take a look at the  
15 Near-Miss Reporting System report of the week,  
16 take a look at the reports. I'll betcha 10 bucks  
17 you'll find something on there that you have done  
18 yourself that could have turned out worse than it  
19 really did.

20 Reduce exposure to violent incidents,  
21 Initiative 12. There's some steps that you can do  
22 with dispatching and pre-incident information from  
23 the dispatcher, policies and procedures, but we're  
24 going to talk about two firefighter line of duty  
25 deaths in the St. Louis metro area that probably

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1 could not have been prevented. They all are  
2 similar.

3 All of the initiatives have various  
4 resources, but the main resource is the web site,  
5 [www.everyonegoeshome.com](http://www.everyonegoeshome.com). All of the materials  
6 are available for download. You can look at them  
7 from the web site or you can download them.  
8 Everything's available.

9 There's links. Links to NIOSH reports,  
10 links to other web sites, there's all sorts of  
11 resources.

12 Within this Life Safety Resource Kit,  
13 there are drills that you can do at the kitchen  
14 table, five, ten minute drills. There's long-term  
15 training programs, there's all sorts of resources  
16 available. The main one is from this web site.  
17 Those are the initiatives. Ones that are  
18 highlighted in yellow are the ones we're going to  
19 talk about today.

20 Kansas has a pretty comprehensive  
21 certification program. We were talking at the  
22 break to Shane, is Shane in here? Requirements to  
23 get hired in his department include EMT  
24 certification, Firefighter 1 and 2, hazmat ops,  
25 driver operator, about four or five different

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1       certifications. That's what Initiative 5 is  
2       talking about. If you are expected to do a job,  
3       you have received training to a certain level for  
4       an applicable standard to that job, so if you're a  
5       driver, you be the driver operator. If you're a  
6       hazmat tech, you be the hazmat tech, so on and so  
7       forth.

8                 There are available third party  
9       certifications. The state certification is IFSAC,  
10       International Fire Service Accreditation  
11       Commission. Certification that will have the  
12       little gold seal in the corner. That's a third  
13       party saying yes, these folks are doing it right.  
14       So seek those certifications. Take a look at  
15       those certifications.

16                 I'm a member of the Board of Directors  
17       for the Fire Department Safety Officers  
18       Association.

19                 Is anybody in here a certified safety  
20       officer through FDSOA.

21                 You ought to get a prize for that.

22                 How'd you get your certification?

23                 UNIDENTIFIED SPEAKER: State  
24       programs.

25                 MR. PETROFF: Okay. K.U. is a good

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1 training source. They're talking about the  
2 Hutchinson Community College training. There's  
3 all sorts of places to get the training for  
4 certification.

5 How many of you hold certifications as  
6 either Firefighter 1, Firefighter 2, Fire Officer  
7 1, Inspector, Investigator. Everybody? Most of  
8 the class has some sort of certification.

9 That's what they're talking about. Have  
10 someone that wants to be promoted to move on, if  
11 they want to be a fire investigator, have them  
12 seek that certification.

13 This is where the homework starts. I  
14 want you to answer these questions. Either write  
15 them down or answer them in your head, does your  
16 department support the efforts to seek additional  
17 certifications? They're allowing you to come to  
18 this training session, so they have some degree,  
19 if your department sent you. If you have the  
20 initiative on your own to come to these type of  
21 training on your own, if your department doesn't  
22 send you.

23 Is it mandatory that when someone is  
24 promoted to the rank of captain, that they hold a  
25 minimum or obtain a minimum of Fire Officer 1

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1 certification?

2           Within our department, I'm retired from  
3 Ferguson Fire Department, St. Louis County, we  
4 require Fire Officer 1 certification for promotion  
5 to captain. Unfortunately, the last promotion  
6 wasn't made until somebody's buddy completed his  
7 certification, then the promotion was made after  
8 John Boy finished his class. It wasn't  
9 necessarily fair to the rest of the guys that  
10 already had that. It was kind of handpicked for  
11 that promotion, but I was retired and out of the  
12 picture. But they waited. At least he was  
13 certified before he was promoted.

14           Do you have to recertify? Is there any  
15 recertification requirements within the state? Do  
16 the fire investigators have to investigate X  
17 number of fires within a five year period? Three  
18 year period?

19           Okay. In Missouri, the instructors have  
20 to teach a certain number of classes to recertify  
21 after three years. FDSOA requires you to attain a  
22 certain number of CEU's. So once you're  
23 certified, you're not finished with school. You  
24 have to keep going. Keep going.

25           NFPA is the reference source for all of

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1 these certifications. Firefighter 1, Fire Officer  
2 1, Investigator, Inspector, so on and so forth.  
3 Everyone's seen the NFPA standards.

4 If you don't have a program, you don't  
5 have the resources within your department to send  
6 someone to the community college to get certified,  
7 you can use NFPA as a training guide and at least  
8 have them meet the intent by following that more  
9 or less as a lesson plan. You can go with that.

10 K.U., FDSOA, Hutchinson Community  
11 College, there's all sorts of other resources that  
12 I don't have listed up there to help you meet  
13 Initiative No. 5. So to implement Initiative No.  
14 5, when you go back to your department, the next  
15 departmental meeting, officers' meeting, whatever  
16 you have, and you talk about certification, talk  
17 about requiring a driver to complete a driver  
18 operator class, to be certified, and have the  
19 officers be Fire Officer 1.

20 The culture of your department to accept  
21 that suggestion is good. If they tell you to sit  
22 down and be quiet, we don't need that, then that's  
23 a need for a cultural change.

24 This is the initiative that I talk about  
25 that was written as if the standards don't exist.

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1 NFPA has a standard for wellness and fitness. The  
2 International Association of Firefighters and  
3 International Association of Fire Chiefs joined  
4 wellness and fitness initiative, were already in  
5 place when this initiative was written.

6           There are minimum physical standards,  
7 medical standards. Do you have wellness and  
8 fitness initiatives or standards in place?

9           Do you have a nonsmoking policy within  
10 the department?

11           One of the departments in St. Louis  
12 County had individuals sign an agreement that they  
13 would not use tobacco products on or off duty. No  
14 smoking, no pipes, no dipping snuff, nothing.

15           Do you feel comfortable reporting a  
16 medical condition? We had three firefighters at  
17 our department that suffered heart attacks. We  
18 all knew about it, they all returned to work  
19 without a checkup by a departmental doctor for a  
20 fit for duty. There's all sorts of problems that  
21 you run into if you require that. Our city was  
22 not willing to pay a pension to someone that was  
23 disabled with a bad heart, so they let the  
24 firefighters back to work. They wanted to protect  
25 that pension. So you get into all sorts of other

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1 problems.

2 We had firefighters who did not want to  
3 know if they had a bad heart, that they might have  
4 to retire. They would rather live with the  
5 condition, not have it checked out, not have it  
6 taken care of. There are no guarantees that this  
7 type of initiative in place works.

8 Firefighter Lou Barrett died in January  
9 of 2007. Louie worked with my brother at the West  
10 County EMS and Fire Protection District,  
11 Manchester Fire District, St. Louis County. Louie  
12 was my brother's age, about 50 years old. They  
13 both started on a neighboring department at the  
14 same time. West County has a fairly comprehensive  
15 medical wellness program. They are required  
16 on-duty to work out. Louie had major blockage in  
17 one of his coronary arteries, was found dead in  
18 his bunk room at shift change time at 7:30 in the  
19 morning when he was due to go off duty. He was  
20 supposed to go ride bikes in part of his training  
21 to run in a mini marathon in February or March.  
22 You would think he was in good physical condition,  
23 but it was undetected, so there are no guarantees  
24 in any of this stuff.

25 Again, any questions, anybody wants to

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1 jump in there at any time.

2 Resources. Wellness and fitness  
3 initiative at the web site, [iafc.org](http://iafc.org), you can  
4 download their guidelines.

5 National Volunteer Fire Counsel's Heart  
6 Healthy Firefighter.

7 One that's been in place for about two  
8 years, Mike Dubron from the Los Angeles County  
9 area created the Firefighter Cancer Support  
10 Network. Mike was diagnosed with a stomach or  
11 colon cancer, and has been cancer free for a  
12 couple of years, and as he went through his  
13 treatment and recovery, he found out a great  
14 number of firefighters suffer cancers.  
15 Firefighters are 50 percent more likely than the  
16 general population to develop certain cancers.  
17 50 percent more likely to develop certain cancers.  
18 University of Cincinnati conducted a study that  
19 came up with these numbers, and there's a whole  
20 list of cancers that we're more likely to develop  
21 than the general population.

22 One of the easiest ones to control -- how  
23 many of you use light colored yellow or PBI-beige  
24 colored turnout gear? How many sets of turnout  
25 gear look black? You can contract a contact skin

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1 cancer from the carcinogens that are on the  
2 collars and cuffs and they can migrate to your  
3 skin from that turnout gear. Our department had a  
4 policy that after every working fire, turnout gear  
5 went into the extractor, washing machine, and was  
6 cleaned. After every working fire, to try to  
7 prevent that.

8           What about stay in shape don't you  
9 understand? Some departments that don't have the  
10 space to have a workout room actually were  
11 applying for grants to buy Gold's Gym and Total  
12 Fitness Club memberships for the firefighters.  
13 They've since quit funding that, but if you don't  
14 have the resources to have a workout room at the  
15 fire station, maybe you can work out a deal with  
16 the Total Fitness Club or the Gold's Gym in the  
17 area, work that out.

18           Hospitals are glad to send nutritionists  
19 to come out and talk about healthy eating, healthy  
20 life styles.

21           Investigation of near misses and  
22 fatalities. NIOSH is the organization that is  
23 charged with investigating firefighter fatalities.  
24 We have a Firefighter Near-Miss Reporting System.  
25 Does your department report near misses to itself?

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1 If you're a municipal department, to the city,  
2 loss control, or work comp carrier, and I don't  
3 know if they even do that, through the  
4 firefighters association. Do they pay insurance  
5 benefits? Correct? Kansas Firefighters  
6 Association? They have an insurance program in  
7 place? Would they be -- would they benefit by a  
8 reduction of injuries and accidents and so on and  
9 so forth and have better benefits for retirees and  
10 all that sort of stuff? Maybe they can support  
11 reporting these near misses. If something is  
12 happening on a regular basis, maybe you need to  
13 look at the operations. That's what the Near-Miss  
14 Reporting System does. Take a look at that  
15 Near-Miss Reporting System web site and I would  
16 ask you to submit a report. Something that  
17 happened to you may come up to another firefighter  
18 and maybe even prevent an injury because of your  
19 lesson learned from it.

20 Look at the line of duty death reports.  
21 If you look at the cardiac line of duty deaths, 50  
22 something year old battalion chief, deputy chief,  
23 captain, and if you can find a picture of the  
24 individuals that generally look about like my body  
25 size and shape, they look like the guy next door,

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1 the guy at the neighboring department, look at  
2 those profiles. You can see similarities in  
3 people and their life styles. Smoking, all that  
4 sort of stuff.

5 The latest line of duty death that's  
6 received a lot of press, has anyone seen the  
7 Boston Fire Department ladder truck crash? Brakes  
8 failed. Fairly new emergency 1,100 foot aerial  
9 device. I don't know whether it was a tower  
10 ladder or whether it was a straight stick. Brakes  
11 failed. I was under the misconception that air  
12 breaks, when they failed, would lock. This  
13 vehicle had no brakes going down hill.

14 Now, this particular incident involved a  
15 fatality. They pulled six or seven ladder trucks  
16 out of service within the last week. Knowing what  
17 happened can prevent it from happening again.  
18 Unfortunately, this took a firefighter fatality.

19 Look at the near-miss reports. Look at  
20 NIOSH web site. NIOSH investigates line of duty  
21 deaths. They have very extensive reports. NIOSH  
22 is a portion of the Center For Disease Control,  
23 part of the federal government. They will come  
24 out and investigate fatalities. They can only  
25 investigate a certain limited number because of

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1 their funding.

2           If you're an 80 year old firefighter who  
3 has a heart attack, they're probably not going to  
4 investigate your line of duty death. One of the  
5 line of duty deaths last year, I believe, it was  
6 in North Carolina, was a 75 plus year old  
7 firefighter that died at home after the pager went  
8 off, going to respond, fell over at the front door  
9 with a heart attack and died. Seventy something  
10 year old firefighter had two years of experience  
11 on the job. Someone let a 75 year old person on a  
12 volunteer fire department, in a response capacity.

13           And you take a look at the special  
14 reports. Has anyone looked at the Charleston  
15 report? Charleston report looks like a phonebook.  
16 It's 300, 400 pages, something like that. I have  
17 a copy at home. It's that thick (indicating).  
18 Haven't even started to read the thing.

19           A little side note, there's a lot of  
20 training that's being delivered at the expense of  
21 these nine fellows. They're beating up the  
22 Charleston Fire Department. The report is a very  
23 objective, specific report. If you look at some  
24 of the other stuff that's on there, they're making  
25 a spectacular media event out of those line of

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1 duty deaths and that's why I specifically list  
2 those guys' names, to honor them, and not to beat  
3 up Charleston. The report stands alone. That's  
4 enough said on that.

5 The other special report that I have  
6 listed up there, anybody know about, and I deleted  
7 Rachel's first name, Rachel M. Wilson.

8 Does anyone know about that incident?

9 Anybody?

10 UNIDENTIFIED SPEAKER: (Inaudible).

11 MR. PETROFF: No. Sorry.

12 UNIDENTIFIED SPEAKER: (Inaudible).

13 MR. PETROFF: Rachel was a recruit  
14 firefighter. Say, she was about this tall  
15 (indicating). During a training exercise, Rachel  
16 died during her recruit training. Single mother  
17 of two or three kids, middle twenties or  
18 thereabouts, and one of the factors in her death  
19 was her inability to get up over the window sill,  
20 and if you know anything about a NFPA 1403 live  
21 fire training, it ensures that you have ingress or  
22 egress from the fire, and you only have one fire.

23 As near as the report can figure, they  
24 had about four separate fires in this row house or  
25 townhouse in downtown Baltimore near the

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1 convention center that they were burning. The  
2 window sill was too high for Rachel to get her leg  
3 over and bail out of the second floor. No ladders  
4 were in place, so on and so forth.

5 This is recruit training. No instructor  
6 was inside with that group. What's unusual is  
7 that Baltimore city wrote this report on  
8 themselves within two months of Rachel's death.  
9 Baltimore city wrote that report, before NIOSH,  
10 before anyone else could issue that report. Take  
11 a look at those special reports.

12 Do you respond with lights and siren to  
13 all incidents?

14 We have a dumpster fire, an odor of CO  
15 alarm sounding, odor of something in the building,  
16 no lights and siren. On quiet response is what  
17 they call it in our area. Code 1, whatever you  
18 want to call it.

19 Do you stop at all red lights?

20 Do you slow or stop at all stop signs?

21 Can anybody, if they're assigned to  
22 Station 2 in your department, and you hear an  
23 alarm that's within Station 1's still alarm  
24 response district, has anyone ever said we can  
25 beat them?

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1           Our Station 2 was on the border of our  
2 city. We could regularly beat in a neighboring  
3 department on a first alarm, without even trying.  
4 There are dozens of times as captain, acting  
5 captain, battalion chief, going down the steps,  
6 3 o'clock in the morning, come on, Doug, we can  
7 beat them in. I've done it.

8           Do you take any heat if you are supposed  
9 to be first due and you're second or third due for  
10 whatever reasons?

11           You guys are kinder, you don't do that.  
12 Much kinder than we would be. You guys don't beat  
13 anybody up at the fire house when they make a  
14 mistake.

15           UNIDENTIFIED SPEAKER: (Inaudible).

16           MR. PETROFF: We could learn from you  
17 guys.

18           Does anybody know where that came from,  
19 being first in, why we have that within our  
20 culture?

21           UNIDENTIFIED SPEAKER: Whoever hooked  
22 up to the hydrant was first paid.

23           UNIDENTIFIED SPEAKER: A lot of the  
24 fire departments work for the insurance companies.

25           MR. PETROFF: Yep.

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1 UNIDENTIFIED SPEAKER: You got in  
2 there first, you got paid.

3 MR. PETROFF: Yep. Marketability.

4 UNIDENTIFIED SPEAKER: The insurance  
5 company.

6 MR. PETROFF: First company to throw  
7 a ladder on the front of the building, that's how  
8 they marked it. So if you had your ladder on the  
9 front of the building, you were the -- the Gangs  
10 of New York has a pretty good reputation of that  
11 sort of activity. It's a brutal movie, but it  
12 shows the fire service.

13 Mandatory seat belt policy. You have  
14 mandatory seat belt policy. How many departments  
15 have submitted 100 percent signatures to the  
16 National Seat Belt, Brian Hunton National Seat  
17 Belt.

18 You guys gotten your certificate?

19 Okay what department is that?

20 UNIDENTIFIED SPEAKER: Hays.

21 MR. PETROFF: I believe Hays was one  
22 of the first ones on the web site listed. There's  
23 some places within the submission of the  
24 certificates and on the web site operation, the  
25 guy's doing it on his own as a volunteer, but

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1 that -- the administration of it could work  
2 smoother, but he's doing it from out of his house,  
3 from what I understand.

4 Have you seen the Seat Belt Pledge? I  
5 only have a limited number. You can copy these.  
6 Take these and pass them out as long as they'll  
7 last.

8 Do you have all the objects in the cab  
9 tied down? We had a thermal camera sat on top of  
10 the map box. Every time we went around the turn,  
11 it'd either land in the driver's lap or the  
12 officer's lap. It was just held up there by the  
13 charging plug. We ever had an accident, that  
14 would be a projectile.

15 One of the things I did at the beginning  
16 of every shift was go to the cabinet, take the  
17 halogen out of the cabinet, put it up in the cab  
18 with me. You can imagine a halogen tool flying  
19 around inside of a cab during a vehicle rollover.  
20 All stuff that you can do to implement this.

21 I'm going to stick my nose out, NFPA 1710  
22 called for response time minimum standards. You  
23 had to be out of the station within one minute,  
24 the first company had to arrive within -- is  
25 anybody more familiar? Does that -- I'm drawing

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1 from memory, which isn't too good these days.  
2 They have minimum response times, and that was a  
3 standard that was put in there. I don't know that  
4 they've left it in there, but that promotes this  
5 arrive by time. First new company will have to be  
6 at the scene of the fire within X number of  
7 minutes. Some departments have that as a policy.

8           And again, resources for Initiative 11.  
9 VFIS has a fairly extensive driver training  
10 program out there. They have a scene safety where  
11 you put the cones and blocking off lanes and all  
12 that sort of stuff. Information is available at  
13 respondersafety.com regarding the vests and the  
14 roadway.

15           Everybody using vests? That one went  
16 through pretty quickly, I was surprised to see the  
17 number of vests.

18           Do you know the firefighters service has  
19 an exemption from that. If the hazard of the  
20 incident is fire, blood borne pathogen or chemical  
21 exposure, then your turnout gear will suffice to  
22 meet that standard, so you don't have to put on a  
23 vest when you're fighting a car fire on the  
24 interstate. You have a specific exemption. And  
25 what's interesting is 3M company worked towards

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1 that because they recognized the flammability of  
2 the nylon vests, so on and so forth. 3M was  
3 instrumental in getting that exemption passed.

4 Does everybody wear their seat belts at  
5 all times in the vehicle. Gear up, three point  
6 shoulder belt, head sets with the bungy cord. You  
7 have the New York City style holster for the  
8 walkie-talkie with the belt, you have a flashlight  
9 hung. All of that stuff gets tangled up. I  
10 looked like somebody trying to get out of a spider  
11 web, regularly, trying to get off of our truck.  
12 Several of the head sets were ripped out by the  
13 roots by various guys not taking time.

14 (WHEREUPON, a video was played  
15 and stopped.)

16 MR. PETROFF: This video's available  
17 but I can't tell you exactly where, I received it  
18 on an e-mail, and I can't find where to get it,  
19 but if anybody has a computer here, you can  
20 download it or contact me, I think I can e-mail it  
21 to you. In theory, it can be e-mailed. Denver  
22 Fire Department developed this on their own. I  
23 think Steve Bales did it on his own with a couple  
24 of other firefighters, just because they wanted  
25 to. Go ahead and take a break and we'll come back

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1 and take a look at some other stuff and finish up  
2 this.

3 (WHEREUPON, a recess was had,  
4 after which the following:)

5 MR. PETROFF: Let's go ahead and get  
6 started again.

7 (WHEREUPON, a video was played.)

8 MR. PETROFF: Take a look at the red  
9 light. St. Louis City runs all, they call them  
10 quints, but they're actually quads, they don't  
11 have 260 ground ladders, but they all have aerial  
12 devices. The engine that's coming towards you,  
13 Engine 28, busiest engine company in the City of  
14 St. Louis. In the range of 5,000 calls a year out  
15 of one engine house. They're going to a fire that  
16 would be up in this general corner of the room.

17 The news footage that showed the  
18 clean-up, loading the last of the firefighters in  
19 the ambulance, you could see the tower of smoke as  
20 if you were looking from the opposite corner.

21 What I just noticed the other day when I  
22 was reviewing the video is the guy on the far  
23 corner, take a look at him when he gets back here.  
24 He's telling them, there's another fire truck  
25 coming the other way. They have their accident,

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1 he says, oh, well, they didn't listen to me, goes  
2 about his business. Just walks off. Heck with  
3 them, they didn't want -- and this other guy just  
4 leaning up against the tree.

5 (WHEREUPON, the video was  
6 stopped.)

7 MR. PETROFF: On the 6 o'clock --  
8 this happened, I don't know, earlier afternoon, on  
9 the 6 o'clock news, Chief Dennis Jenkerson went on  
10 the news and said all eight firefighters will  
11 return to work. We have one firefighter that's  
12 being hospitalized for observation for a  
13 concussion, all eight firefighters, 4 and 4, were  
14 wearing their seat belts. I don't want to say I  
15 didn't necessarily believe that but I wanted to  
16 double check.

17 Turned out that one of the police  
18 officers, one of the first police officers on the  
19 scene, his brother's my daughter's boyfriend, and  
20 Tommy Sullivan said one of three things happened  
21 that day. God was with them, they're very well  
22 trained and very disciplined, and they got their  
23 butts chewed recently about wearing their seat  
24 belts. All eight were seat belted in.

25 Six months ago while driving in the City

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1 of St. Louis with my scanner on, every day, three  
2 times a day, City of St. Louis announces that all  
3 riders on fire department apparatuses shall wear  
4 seatbelts at all times. All fire department  
5 apparatus shall stop at stops -- they make this  
6 announcement at 9:00 a.m. during radio check,  
7 noon, and at evening time.

8 As the noon announcement was going on,  
9 Engine 14 passed me going northbound on Grand  
10 Avenue as a firefighter was holding on to the  
11 railing looking over the top to see where they  
12 were going for lunch, as the announcement was  
13 being made.

14 Do you need to wear your seat belts at  
15 all times?

16 Do we get tunnel vision when you see the  
17 smoke off in the distance?

18 How many officers in here?

19 Can you cause the fire truck to go faster  
20 from your side of the truck. I contend that you  
21 can, by the way you manipulate that siren button  
22 on the floor. You can increase the speed by 10 or  
23 15 miles an hour. Kind of a mind game with your  
24 driver, but you can make the truck go faster.

25 That video's on YouTube if you want to

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1 look at it. That was on YouTube within two days  
2 of the incident. They're still looking for the  
3 firefighter that put it on there. It's not  
4 department approved. I called three times to ask  
5 their permission to use the video and talk about  
6 the incident and didn't have my calls returned so  
7 I figured it's on YouTube, then it's fair game.

8 Busiest engine company in the city  
9 getting tunnel vision because they saw the smoke  
10 off in the distance.

11 UNIDENTIFIED SPEAKER: Where was the  
12 other fire truck going?

13 MR. PETROFF: They were both going to  
14 the same call. That's the other thing I can't  
15 figure out. And I know assignments are made at  
16 various times to respond to the C side or respond  
17 to the alley behind the building or whatever, that  
18 sort of thing, but I can't figure out why they  
19 were crossing the intersection and going a block  
20 up and a block over.

21 UNIDENTIFIED SPEAKER: I had it  
22 explained to me one time because I asked the same  
23 question about a T-bone accident, because of  
24 traffic, they don't -- they'll send two trucks out  
25 of the same station, go different routes in case

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1 traffic holds one up, the other one will get  
2 through.

3 MR. PETROFF: This is the 28 to the  
4 10's, in that area of the City of St. Louis, to be  
5 politically correct, it's economically depressed  
6 area, and they can probably see across several  
7 blocks because there's no buildings on several of  
8 those blocks because of urban renewal. They don't  
9 necessarily send them two different directions.  
10 They don't regularly do that, they just tell them  
11 the way they go, and depends on whether -- if this  
12 is at the intersection of Maffitt and Dr. Martin  
13 Luther King, as the 28's, they were going -- they  
14 were going to Maffitt and the 10's may have been  
15 going to Dr. Martin Luther King, by the way that  
16 they met. That's the only sense, but they knew  
17 the intersection of the call.

18 Another fellow told me a story of a  
19 fairly new driver, was waiting for the captain to  
20 buckle his seat belt. They're going to a working  
21 fire, knew they were going to a working fire.  
22 Young firefighter says, captain, I'm not going  
23 until you buckle up. He says go. I'm not going  
24 until you buckle up. Captain yielded, buckled up,  
25 they went, took care of the fire. Got back to the

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1 fire house, driver says, captain, you need to  
2 write yourself up, and he did. Talk about a  
3 cultural change.

4 Can you imagine doing that -- I'm looking  
5 at the gray haired guys, your first captain, tell  
6 him, no, cap, we're not doing that. Not going to  
7 happen back in the old days. Now it will.

8 Our department just took delivery of two  
9 new Rosenbauer, 109-foot aerial ladder, and a  
10 triple combination pumper, just about a month ago  
11 or so. I don't know how they're going to get the  
12 equipment out of the top compartment on the fire  
13 truck. I know there's several people on the  
14 department that will need a stepladder to even  
15 open the latch on that door.

16 A thing called ergonomics that says  
17 you're not supposed to lift anything heavier than  
18 so many pounds over your head and all that sort of  
19 stuff, you can injure yourself. That's called  
20 ergonomics. Stuff's pretty much out the window.

21 They're also doing a study on  
22 anthropometric design. Has anybody had to  
23 purchase a SCBA belt extender for firefighters?  
24 MSA used to have them as a regular part in their  
25 parts catalog, because the belt on the SBCA didn't

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1 go around. They're looking at the anthropometric  
2 measurements of firefighters for the safe design  
3 on vehicles, that on our E-Ones, 1988 E-One, you  
4 had to be a contortionist to put on the shoulder  
5 belt between the side of the engine and the side  
6 of the cab. You could not fit unless you grabbed  
7 the seat belt first, pulled it out, and then sat  
8 down and then put it on, so they're looking at  
9 those kind of things within the apparatus  
10 manufacturers.

11 There's studies out there to look at that  
12 kind of stuff, and I'm drawing a blank on her  
13 name, firefighter in St. Louis County was injured  
14 when she fell through the floor at a residential  
15 fire. The fire was at the mother's house, they  
16 were on A Shift at this particular department.  
17 The mother of the captain at that engine house  
18 from B Shift, mom was still inside the house, so  
19 they were very motivated to get in there.

20 The fire had started in the basement.  
21 They went in, she fell through the floor. Her  
22 captain was holding on to her by her hands. He  
23 could not let go to reach radio to sound a mayday.  
24 Her injuries were aggravated because of boot  
25 selection and glove size. Boot and glove

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1 manufacturers can fit different body sizes and  
2 both sections but you have to buy them and make  
3 sure you make them fit the firefighter. I can  
4 only guess they used hand me down gear. So her  
5 injuries were aggravated. She probably will not  
6 return to work. That's all with the ergonomics  
7 and anthropometric measurements. There's some  
8 other issues at that fire, too.

9           When you receive a call for a domestic  
10 disturbance, what we call them in our area.  
11 Husband and wife, boyfriend, girlfriend, whatever,  
12 domestic disturbance, do you wait for the cops?

13           You stage down a block, wait until they  
14 declare the scene secure?

15           You get the call for an assault, a fight,  
16 wait for the cops to get there first?

17           Pretty much standard.

18           Firefighter Ryan Hummert, Maplewood Fire  
19 Department, St. Louis County; Firefighter Leonard  
20 Riggins, St. Louis firefighter, both killed by  
21 gunmen. Ryan was killed in July of last year.  
22 Ryan was a new hire, new paramedic. They tell me  
23 this is one of his first shifts on the pumper.  
24 Maplewood runs 4 and 1, they run a pumper and  
25 ambulance out of that engine house. When they get

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1 an in-town fire, 4 and 1. If they get medical  
2 fire, 2 on ambulance, and Ryan was on the pumper  
3 and was going to squirt water for the first time  
4 on this car fire, truck fire.

5 Pickup truck with a load of firewood in  
6 the bed on fire. They rolled up about 5:30,  
7 6 o'clock in the morning. As he stepped off of  
8 the pumper, he was shot and killed immediately,  
9 dead, right there. They had no idea what they  
10 were getting into. It was a crazed gunman. The  
11 guy was mad at the City of Maplewood because they  
12 sent him a notice that his grass was too long.

13 Maplewood's a mid class, fairly affluent  
14 part of St. Louis County. This guy was wacko, and  
15 as soon as Ryan got off the truck, he was shot and  
16 killed.

17 Leonard Riggins, just about two months  
18 ago, November 5th, yeah, November 5th, fairly  
19 close to my house, on his way home from work. He  
20 was assigned as the quarter master more or less at  
21 the City of St. Louis headquarters. They called  
22 him The Godfather. If you wanted something, you  
23 went to Leonard to get it. Not the chief, you go  
24 to Leonard.

25 Leonard's coming home, he sees a car on

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1 the side of the road on Riverview Boulevard at  
2 Local Bay Drive near where the old amusement park  
3 used to be, kind of a hilly area. Sees a car run  
4 off the side of the road. Goes up to help the  
5 individual inside there. Was a guy that had  
6 already carjacked three cars and shot up a couple  
7 places.

8 As Leonard approached him, because of his  
9 blue uniform and badge, was shot and killed at  
10 that scene as he approached that vehicle. There's  
11 no way to prevent that kind of line of duty.  
12 Those are both within the last seven months in St.  
13 Louis County.

14 Actually, Leonard was killed in St. Louis  
15 City, but right at the border of St. Louis City,  
16 St. Louis County.

17 We talked about unforeseen unpredictable  
18 circumstances. You can't predict everything.  
19 Billy Goldfetter talks about line of duty deaths  
20 that are not preventable. There's certain ones  
21 that may or may not be preventable. We need to  
22 focus on what we can prevent. Focus on that by  
23 looking at the reports, looking at the statistics,  
24 looking at the numbers.

25 Fifty percent die from heart attack,

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1 25 percent die in vehicle accidents. Two of the  
2 line of duty deaths last year involved vehicle  
3 accidents in big cities. Detroit captain was  
4 ejected from the vehicle when they hit a car at a  
5 T intersection. Chicago laid a ladder truck on  
6 its side. The pictures look just like the wreck  
7 from Back Draft, when the ladder truck falls over  
8 on its side. Unfortunately, this firefighter was  
9 partially ejected from the window and the truck  
10 landed on top of him. If they had their seat  
11 belts on, both would not have been injured at all  
12 in those incidents.

13 Tempe, Arizona, has a model SOP for  
14 response -- if you're looking for SOP's, just do a  
15 Google search. You can go to the Phoenix Fire  
16 Department web site, they have their SOP's, SOG's,  
17 whatever you prefer to call them. Not only are  
18 they changing SOP to SOG, they're calling them  
19 Suggested Operational Guidelines to answer to the  
20 lawyers. Doesn't matter what you call them, it's  
21 something that you do on a regular basis, but in  
22 the valley around Phoenix, they have a pretty good  
23 mutual aid system. They all adopt everybody  
24 else's rules and they work together on them, and  
25 then they post them on the Phoenix Fire Department

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1 web site so you can get that kind of information.

2 NIOSH has some recommendations for  
3 staging. They've done a couple of line of duty  
4 death investigations regarding the violent  
5 incidents.

6 Are you on a path for line of duty death?  
7 As Andy said last year, calendar year, no line of  
8 duty deaths for the State of Kansas. That's to be  
9 admired. Missouri had six last year. Leonard and  
10 Ryan were two of them. One was a firefighter in  
11 Sedalia that was caught in a flashover, and I  
12 don't recall the other three.

13 Within this program we have state and  
14 regional advocates. I'm a regional advocate for  
15 Region 7, take care of Missouri, Kansas, Iowa and  
16 Nebraska. In Kansas, you have three state  
17 advocates. Gary Bowker, recently retired from  
18 Winfield Fire. He's working for Arkansas Fire  
19 Department or district now as a fire marshal.

20 If you go to the web site Fire Rescue 1,  
21 FR1.com. Gary wrote a very interesting article  
22 and he published it in December, it's called  
23 Someone is Missing Tonight. I met Gary at the  
24 instructors conference at Lawrence in October of  
25 '07, I guess it was. A week later, I get an

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1 e-mail from Gary's, either deputy or battalion  
2 chief, somebody in a rank higher, an e-mail from  
3 them that said Gary had underwent seven way  
4 bypass. He had experienced what he thought was  
5 heat exhaustion at a working fire at the end of  
6 September at his department, and was actually at a  
7 cardiac center. Underwent seven way bypass and  
8 had to retire. He was pretty well shaken by  
9 having to leave, wasn't ready to retire, but he  
10 had to retire and now he's doing fire marshal work  
11 for a neighboring department.

12           Todd Miles through K.U. Fire and  
13 Training, he's a state advocate. Brian Spini.  
14 Contact these guys. They should be able to put  
15 you in touch with resources.

16           As I mentioned, for the entire Courage to  
17 Be Safe class, there should be 25 instructors  
18 somewhere over between Wichita and Sedgwick  
19 County. They had us deliver the Courage to Be  
20 Safe class to all the officers over a three day  
21 period, and then held a train the trainer that  
22 weekend, so there should be somebody that can  
23 deliver the entire Courage to Be Safe class, which  
24 goes into the same things that we talked about  
25 today, only in a little more detail on each of the

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1 16 initiatives. It's a four hour class. So I  
2 guess, Billy Wentzel was our contact person over  
3 in Wichita. Squeeze them to get some instructors  
4 out. I don't know if they'll drive all the way to  
5 Goodland, that's pretty far way to go to make some  
6 arrangements to do that.

7 Any questions about anything?

8 Take a look at your departmental SOP's.  
9 Take a look at resources that are out there. Make  
10 sure you look at this Resource Kit No. 3, some  
11 good stuff on there. It's very well made, very  
12 professionally done. There are a few copies left.  
13 I don't want to take them back home, I don't want  
14 to haul that stuff back, so make sure they go  
15 home.

16 Any questions, comments?

17 I thank you for your attention. Anybody  
18 wants to come up afterwards, I don't leave until  
19 tomorrow morning at 7 o'clock, so I don't have  
20 anything else to do the rest of the afternoon.

21 Thank you very much.

22 MR. MOFFITT: Once again, I just want  
23 to thank everybody for coming out today. Just  
24 thanks for coming out. Be safe driving home.

25 Just one announcement, you guys doing the

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1 stuff for our dues, the form you fill out for our  
2 dues, the \$50 dues that comes to the association,  
3 on the back of that form is a roster. We'd really  
4 like to know how many firemen and firefighters are  
5 in the State of Kansas. We have a guess. It'd be  
6 really nice if people put down not just who wants  
7 to get a Firewire, every firefighter on your  
8 department. If you could do that for us, that  
9 would help out a lot.

10 Don't be afraid to ask these LAST Team  
11 members a little bit about the Team. If anybody's  
12 interested, I've got a brochure out in the truck,  
13 I'd be happy to give it to you.

14 Next to that, safe drive home, and hope  
15 to see you April at our conference.

16 Thank you.

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C E R T I F I C A T E

STATE OF KANSAS            )  
                                  )    ss:  
SALINE COUNTY             )

I, Donna M. Lytle, a Certified  
Shorthand Reporter within and for the State of  
Kansas, certify that the foregoing is a full and  
correct transcript of all of the oral evidence and  
oral proceedings had in this matter at the  
aforementioned time and place.

IN WITNESS WHEREOF, I have hereunto  
set my hand and official seal at Salina, Saline  
County, Kansas this \_\_\_\_\_ day of \_\_\_\_\_,  
2009.

\_\_\_\_\_  
Donna M. Lytle, CSR, RPR, CRR  
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