

Trial to begin in motel fire deaths

Death penalty case in Greenville to put spotlight on fire sprinkler safety

A federal death penalty trial today in Greenville is again focusing attention on fire sprinkler safety.

Before reopening as a Comfort Inn in October 2003, the 15-year-old hotel off Interstate 85 in Greenville underwent a \$600,000 face-lift that included new televisions, carpeting and signs.

The hotel's owners left fire sprinklers off their list of improvements.

That decision would prove fatal nearly four months later, authorities and experts say.

Six guests, including a 15-month-old boy, died Jan. 25, 2004, in an early morning blaze that broke out on the third floor of the five-story hotel on Congaree Road.

It was the state's worst fire fatality at a hotel in recent memory.

Eric Preston Hans, 37, of Taylors, goes on trial this week on a charge of deliberately setting a fire resulting in death.

If convicted, Hans, who has pleaded not guilty, could face the death penalty.

The trial comes on the heels of a June 18 furniture store blaze that killed nine Charleston firefighters — the worst firefighter tragedy in the United States since the Sept. 11, 2001, terrorist attacks in New York City.

The Sofa Super Store, like the Comfort Inn, didn't have fire sprinklers at the time of the blaze, though the hotel has since installed them. Neither business was required to have sprinklers under existing state law because they were "grandfathered in."

Experts retained by plaintiffs in lawsuits stemming from the Comfort Inn fire contend that sprinklers could have prevented deaths and injuries in that blaze.

"All multistoried hotels and motels should be equipped with automatic sprinklers regardless of whether or not a local law, code or ordinance requires them," former S.C. Fire Marshal Robert Polk wrote in a 2005 court report.

"It is too well known that the failure to have such automatic sprinklers in places creates unreasonable dangers for guests."

On average, there are about 4,600 hotel/motel fires in the U.S. every year — about 15 percent of which are arsons, Polk's report said. Citing other research by the National Fire Protection Association, the report said that by the late 1990s, an estimated 90 percent of high-rise hotels and motels nationwide had sprinklers.

In South Carolina, however, only a third of 1,067 hotels and motels have sprinklers and meet the standard the federal government uses for its employees who travel, according to an analysis by The State newspaper published last month.

Tom Sponseller, president of the Hospitality Association of South Carolina, which represents more than 13,000 food service and lodging businesses, said last week his organization is "very encouraged by discussions" in cities such as Columbia and Charleston about eliminating or reducing fire sprinkler impact or tap fees that can cost businesses tens of thousands of dollars.

Lowering those fees, combined with a proposed state law by Sen. David Thomas, R-Greenville, that would provide tax credits to businesses that install fire sprinklers, would result in a "lot more commercial businesses adding more sprinklers," Sponseller said.

Thomas in 2004 unsuccessfully pushed for a law requiring sprinklers in all hotels and motels in South Carolina. The bill was fiercely opposed by Charleston hotel operators, who claimed it was too expensive and too difficult to install sprinklers in many of their historic buildings.

COURT BATTLES

There are about 2,000 Comfort Inn hotels worldwide, though officials with Maryland-based Choice Hotels International Inc., which sells Comfort Inn franchises, couldn't say last week how many of them have sprinklers.

"We're always trying to go to 100 percent compliance," said corporate spokeswoman Heather Soule.

The company requires smoke and fire detectors, fire extinguishers and emergency exits, she said, though fire sprinklers are only recommended.

Choice Hotels is one of the world's largest hotel companies with more than 5,400 locations under the brand names of Comfort Inn, Comfort Suites, Quality Inn, Sleep Inn, Clarion, Cambria Suites, MainStay Suites, Suburban Extended Stay Hotels, Econo Lodge and Rodeway Inn, according to its Web site.

Greenville attorney James Hewitt, who represents Choice Hotels in 18 state and federal lawsuits resulting from the 2004 fire, said fire sprinklers are required in franchise agreements only if local codes mandate them. He said liability concerns are a main reason the company doesn't require them even without a local law.

"If a franchisor (such as Choice Hotels) starts getting too involved in day-to-day operations, they expose themselves to exactly what the plaintiffs are alleging (in the Comfort Inn lawsuits) — that we're really operating it," he said last week.

U.S. District Judge Henry Herlong Jr., who is overseeing the death penalty trial, earlier this year threw out four federal lawsuits against Choice Hotels, ruling the company didn't control the Greenville Comfort Inn's daily operations and wasn't responsible for fire safety measures, Hewitt said.

The plaintiffs, who include several injured guests and relatives of those killed in the fire, have appealed to the 4th U.S. Circuit Court of Appeals, and 14 state lawsuits against the company are pending, Hewitt said.

R.G. Hospitality LLC, the company that owns and operates the Greenville hotel, has settled its part of the state and federal suits, said Hewitt, noting he doesn't represent that defendant. Efforts last week to reach attorneys for R.G. Hospitality were unsuccessful.

Russell Fleming of Carmel, N.Y., who was hired by the plaintiffs' lawyers as a fire safety engineering expert, said last week Comfort Inn likely would have been able to legally avoid installing sprinklers even with a \$600,000 renovation project if the improvements totaled less than half of the value of the property.

But he said retrofitting hotels with sprinklers is "typically easy" because of their construction, adding many hotels can do it while staying open.

"The hotel and motel industry overall has done a great job of retrofitting a great number of buildings," said Fleming, who runs a private fire protection consulting firm and also is a vice president with the National Fire Sprinkler Association, which represents fire sprinkler manufacturers, suppliers, contractors and professionals.

In a 2005 court report, Fleming said the Greenville Comfort Inn had no fire sprinklers, though its Web site at the time listed it as an amenity. He said the hotel was equipped with a fire standpipe and hose system, though it wasn't used during the fire.

"Responsibility for failing to provide fire sprinkler protection for the Comfort Inn in Greenville, South Carolina, rests not only with the hotel owners and management, but with the franchisor," Fleming's report said. "Choice (Hotels) was well aware that sprinklers had become recognized as essential to guest safety, and was negligent in not acting on this awareness."