

## ***CCM+S Newsletter: A Dangerous Precedent: Architect Faces Criminal Charges in Design of Home***

In what appears to be an unprecedented move, a German architect was recently charged with involuntary manslaughter after a fire in his home resulted in the death of a firefighter.

On February 16, 2011 at a little before 11:30 p.m., a fire broke out at a large Hollywood Hills home designed and built by Gerhard Albert Becker as his personal residence. Tragically, a 61 year old Los Angeles firefighter named Glenn Allen lost his life battling the blaze.

After a year-long investigation, Mr. Becker was recently charged by the District Attorney with one count of involuntary manslaughter in connection with the death of Mr. Allen. As used here, involuntary manslaughter is defined as an “unlawful killing which takes place during the commission of a lawful act, which involves a high risk of death or great bodily harm, that is committed without due caution or circumspection.” See California Penal Code section 192(b)(2). Acting “without due caution or circumspection” is akin to criminal negligence, and basically amounts to reckless behavior which a normal prudent person would not have engaged in under the circumstances. For comparison, this is the same statute which was recently used to convict Michael Jackson’s doctor Conrad Murray.

Prosecutors allege that Mr. Becker, who served as both the designer and prime contractor, was “grossly negligent” in the design and construction of the home. Specifically, the investigation found that the fire likely started in and around a large indoor fireplace (described as a fire “trough”) on the third floor of the residence. According to documents filed by the Prosecutors, the fireplace was intended by the manufacturer for outdoor use only. It also contained combustible materials such as drywall and wood studs as part of the framing and ignition box, and the wiring and venting were inadequate and unsafe. Even more disturbing, the fireplace was allegedly installed after final inspection without the knowledge or approval of Building & Safety. Mr. Becker has pled not guilty, and if convicted, he faces up to four years in prison.

The facts of this matter are still developing, however it is clearly the first time in memory that a designer (or contractor for that matter) has been charged criminally with manslaughter in connection with design or construction of a building.

Stay tuned, as this case could have long lasting implications for design professionals and contractors in the future.

Please contact us at either the South Pasadena or Orange offices to discuss further.

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