

Escape staircase was removed at scene of boarding home fire

BY MELISSA FLETCHER STOELTJE : NOVEMBER 17, 2012 : Updated: November 18, 2012 4:38pm

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Two years ago, the owner of an unregulated local boarding home tore down an exterior second-story staircase in order to build an

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Photo By Jerry Lara/San Antonio Express-News

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A rear view of the Amistad Resident facility at 309 West Norwood Court, Thursday, Nov. 15, 2012.



addition on the first floor, ignoring the required city permit.

In doing so, she would remove an escape route for residents trapped upstairs when the home caught fire in August and flames engulfed the interior stairs.

Of the 13 mentally disabled men living in the home, four died, all on the second floor.

On the night of the fire, the door to the missing staircase was blocked by furniture, according to an arson report, which noted that the stairs had been removed for the remodeling.

One man was forced to jump out a second-story window onto the roof of the addition, which sits unfinished today.

A neighbor of **Nancy Murrah's** had complained to the city about the construction at the Amistad Residential Facility at 309 W. Norwood Court, and the city halted it.

But city staffers never followed through with any penalties for the unsanctioned construction, such as shutting off her electricity, **Roderick Sanchez**, director of development services, said Saturday.

Nor was Murrah cited in 2010 for running a boarding home without a required certificate of occupancy, which would have triggered safety inspections by the city.

Sanchez said the code officer didn't realize Murrah was operating a boarding home, where recently as many as five beds were crammed into a single bedroom.

The officer's report noted he left his business card with a "renter/boarder."

"He just saw a single-family home building an addition without a permit," Sanchez said. "Nothing tipped him off."

The city has had the authority to regulate local boarding homes since 2009 but didn't, saying it ran into trouble with federal fair housing laws and other issues.

A series of San Antonio Express-News articles about boarding homes since the fire called attention to safety violations at ones owned by Murrah and others.

The city made oversight a priority, and the City Council is expected to vote on an ordinance Dec. 13.

Boarding homes provide room and board for three or more residents who are elderly or have physical or mental disabilities and don't need help with bathing, feeding and other care. Most residents pay the average \$600 monthly cost with most of their disability checks.

Boarding homes arose to fill a void in San Antonio and Texas, where state funding provides little for housing the mentally disabled.

Murrah has been in the business for years, her home racking up repeated violations when the state regulated such facilities and drawing multiple code complaints and police calls.

One exit required

Removing the stairs wasn't illegal, Sanchez said. Murrah's house had fewer than 16 residents and thus fell under the International Residential Code, rather than the one for commercial buildings.

"She was only required to have one exit," he said. "And we wouldn't have shut her down for removing the staircase."

Still, Sanchez said the city should have "done more follow-up" when Murrah didn't come forward to get the building permit, even after the city caught her.

According to neighbors who live near the now-closed boarding home, code compliance and development services officers had to have known two years ago that Murrah was running a boarding home.

One neighbor, who asked to remain anonymous for fear of retaliation from Murrah, said officers from both departments spent several hours at the home when the complaint came in about the illegal construction.

"There were guys with clipboards there for hours, taking pictures inside and outside the home," he said.

He's angry that the city didn't intervene when the stairs came down or before, he said.

Officers from the city's code compliance department visited Amistad multiple times in past years, for violations such as debris on the right of way and cars parked in the backyard. Each time, Murrah fixed the violations.

Records also show police were routinely called to the address, 132 times since 2007. Most calls involved disturbances, such as public intoxication.

Another neighbor, who also requested anonymity for a similar reason, provided an email she sent in 2006 to Florencio Pena, then head of development services, informing him that Murrah was running a group home and that its residents were causing trouble for the neighborhood.

Wires, linen in a closet

The August fire — which apparently started in a closet stuffed with linens and electrical wires — still is under police investigation. An arson report ruled the cause of the fire "undetermined," with no arson charges pending.

At the request of Bexar County District Attorney **Susan Reed**, an investigator with the state fire marshal's office will be brought in to deduce how the fire might have started — and whether any criminal culpability was involved.

Assistant District Attorney **Clifford Herberg** said the DA has received a preliminary report from a police homicide detective. That investigation, which found no criminal conduct, initially was closed but recently reopened.

"We wanted to get a second opinion," he said. "The state fire marshal brings statewide experience and perspective to the situation. We wanted to know if there are other areas of investigation that need to be followed through on."

Reed's office prosecuted the owner of a group home after a fire killed five elderly residents in 1998, winning a conviction on a charge of injury to an elderly person by omission.

One man who died in the Amistad fire was 65.

Herberg noted that criminal negligence — a gross failure to abide by a reasonable standard of care — is a possible charge in cases of fire.

Chief **William McManus** was unable to comment because of the ongoing police investigation of Amistad, spokesman **Javier Salazar** said. Nor would Salazar comment on why the Amistad investigation has entered its fourth month.

"Every investigation is unique and must be handled with care," he said in an email. "We are ever mindful of time frames on our cases and cooperate with any and all necessary agencies to see each case through to completion."

Jerry Hagins, spokesman for the state fire marshal, said the office is "asked to get involved when the situation is complicated or when local authorities need a little extra help."

Hagins also couldn't comment on the particulars of the Amistad investigation. But investigators, in general, review information that already has been gathered by local authorities — photographs, interviews — as well as any material that might be “fresh.”

“We do our own investigating,” he said.

Herberg said Murrah already has done repairs at the home, including new windows, so it's unknown if she may have altered the fire scene.

Even if the city wasn't aware it was a boarding home that required inspections, that fact doesn't offer her a legal way out, Herberg said.

“It still falls to her,” he said.

Until 2010, the state regulated boarding homes, but stopped because so few homes stepped up to get licensed.

During the years it was inspected by the state, Amistad was in chronic violation of safety requirements, including fire standards. Murrah would correct them, according to state records reviewed by the Express-News, but within months the same infractions would be found again.

The last inspection, in April 2010, showed the home lacked a functioning fire alarm panel, which controls the alarm system. Murrah told inspectors the fire alarm kept going off during a renovation, so she disconnected it.

No record exists showing Murrah fixed it.

The arson report notes Jesse Brooks, 23 — who had escaped the home but went back in — was laying face-up in a closet in a second-story bedroom. **William Stull**, 42, and **Eddie Lee**, 65, were found in an upstairs bedroom. Stull was still in bed; Lee was found on the floor between two beds. Christopher Breeze, 38, was found on the floor of another bedroom.

“I entered through the front door and observed an alarm system mounted on the wall opposite the front door. It was partially melted,” the officer wrote.

In the closet underneath the stairwell in the front of the house, linens were stacked “nearly to eye level.” Electrical wiring inside the doorway appeared bent, “as if manipulated to clear the doorway area.”

An unidentified resident told the officer he swatted at the fire with his hands and was “yelling for everyone to get out.”

The fire incident report notes “two detectors did not alert occupants.”

The report said none of the men who died had been under the influence of alcohol or drugs. But toxicology tests later found evidence in some of the victims of alcohol, marijuana, anti-depressants, antihistamines, sedatives and/or anti-seizure medication — all of which can be sedating.

None were at levels high enough to have contributed to their deaths, said Dr. Elizabeth Peacock, a county medical examiner.

Less than a month after the fire, Murrah opened another boarding home near **San Antonio College**. Alerted to it by an Express-News reporter, the city closed her down since she again lacked a certificate of occupancy.

But it appears she may be back in business, raising questions about the city's ability to track and oversee even highly visible operators with a long record of violations.

Murrah's neighbors said they've seen as many as 10 men recently entering and leaving her home, next to the one that burned.

On Friday, a thin, haggard man emerged from her home. Asked if he was living with Murrah, he replied, “I've been living here for a while.” When asked how many men are living there, he replied, “Just two guys. I gotta go.”

A half-hour later, he returned to the home. Then a woman with an aluminum walker and bus pass around her neck walked up and entered Murrah's home. She didn't comment.

Murrah, arriving shortly after, dismissed the idea that she was again in the boarding home business.

“These guys, they just visit me,” she said. “They just love me. And that woman, she's not disabled. She's just on dialysis. She just stays with me sometimes.”

Murrah said she's repairing Amistad to sell it. She is also going to sell her home, which belongs to her elderly mother, who lives with her.

“I want to get out of this neighborhood,” she said, glancing around balefully. “My neighbors are always making these false allegations about me. They're snakes.”

Sanchez, told that Murrah may have at least three possibly disabled people living with her, said his office would look into it.

“That could be a boarding home,” he said.

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