

UTAH STATE FIRE MARSHAL

FIRE/EXPLOSION INVESTIGATION REPORT

FIRE #: 132018-001

STATUS OF REPORT: **Adjudicated**

DATE OF FIRE: 12/31/17

OWNER: Clare Prisbrey

TIME OF FIRE (DISPATCH): 2222

OCCUPANT: none

LOCATION/ADDRESS: 1074 East Mill Hollow Way

GPS COORD (IF REMOTE):

CITY: Cedar City

COUNTY: Iron

DATE/TIME OF INVESTIGATION: 1-1-18/ 0900

DATE OF REPORT: 1/4/18

REPORT BY: INV. T.HOHBEIN #278, USFMO

SYNOPSIS: This report is in regards to a house fire that occurred at 1074 E. Mill Hollow Way in Cedar City. The fire damaged or destroyed the majority, (but not all), of a large two-story home.

ORIGIN AND CAUSE: Living room; arson.

BODY OF REPORT: 12 – 31 –17 at approximately 2330, I was contacted by Cedar City Fire Chief Mike Phillips and asked to help investigate a house fire at 1074 E. Mill Hollow Way in Cedar City. Chief Phillips indicated he believed the fire could possibly be in arson as the victim's story did not add up. I responded and arrived at approximately 0900 on 1/1/18.

Upon arrival I met with Chief Phillips, who introduced me to the victim/homeowner Clare Prisbrey, who was sitting in his black Jeep Grand Cherokee outside of the home. I introduced myself to Prisbrey and told him that I was there to investigate the origin and cause of the fire. I asked Prisbrey if there would be any reason that I would find evidence of ignitable or flammable liquids on the floor of his home inside the fire scene. Prisbrey immediately responded, "Oh yes, it's all over". Prisbrey went on to tell a story about how he was repainting his home on Dec 19th, and his dog had fell into one of the trays of paint and got it all over his feet and fur. He said his dog ran about the house and all over the furniture, getting wet paint everywhere. Prisbrey then said he had recently, (over the last two days), began using paint thinner to clean the paint off of the stained surfaces. He did not explain why he waited so long after the pet-accident to begin cleanup. I asked Prisbrey what type of paint he had been using, and he responded that he did not know. He then thought about it for a few moments and then responded "oil-based". I explained to Prisbrey that his story seemed pretty far-fetched, and would certainly be a good excuse as to why flammable liquids would be found in the fire scene. Prisbrey then brought up a Facebook post he had made on Dec 19th stating about what a challenge it was to be a pet owner, because his pet had got into some paint and ran all about his house. I then changed direction and asked Prisbrey if there was any flammable liquid storage inside of his home such as gasoline, white gas, or camping fuels. Prisbrey again responded, "Oh yes, I have a closet by the living room in which I store gasoline, Coleman fuel, and my camping gear". Again, I found this a bit unusual as this is a large home with a large garage, and typically most people store gasoline and even Coleman fuel in their garage. I asked Prisbrey if he had any candles lit inside the home. He said yes, he had lit six candles in the living room to make the scene romantic as he planned on proposing to his fiancée on New Year's Eve. I began to get a little suspicious at this point so I thought it was best to read Prisbrey his rights, and obtain consent to conduct the initial investigation of the fire scene. I verbally read Prisbrey his rights with Chief Phillips present. Prisbrey indicated he understood them and would continue to answer my questions without an attorney present. I then informed Prisbrey I would like to enter his home and conduct an origin and cause investigation of the fire. I asked his permission to do so. Prisbrey verbally said yes twice, with Chief Phillips present.

Upon entering the home I observed a large two-story structure that had suffered severe fire damage to the living room, staircase, and entire upper floor. Burn patterns and damage indicated that the fire came from the living room area and spread upward through the house. Damage was heaviest and fairly uniform throughout the living room and main entrance to the home itself. The general area of origin appeared to be in the living room near the east wall. On the other side of this wall would've been the garage to the home.

After walking through the scene and digging some areas out, we decided it would be best to call Prisbrey into the entryway of the home and have him explain what was located where and how the home was set up for the marriage proposal. We were unable to find any gasoline storage or Coleman fuel storage in the closet Prisbrey had indicated they would be in. Prisbrey was helped into the home by his home teacher and his fiancée, Kimberly Bunker, accompanied behind them. Prisbrey explained that he had planned to propose to his fiancée in the living room of his home and had lit six candles at approximately 2130. He said that he then decided last-minute to propose to her at the temple instead. He reported they left the house together at approximately 2200 to drive to the temple. With typical traffic, that would've been a 12-15 minute drive. The fire was dispatched at 2222, and crews arrived at 2229 to a heavily-involved house fire, with flames breaching through the roof and eaves. Prisbrey then showed me a photo he had taken that evening of the Christmas village setup with six candles burning at various locations in the display. There was what appeared to be fake synthetic rolled fabric snow all around the candles, and Prisbrey explained that there was foam padding and wood blocks added beneath the display to prop things up and add realism. I found it unusual that anyone would think putting candles this close to combustible fluffed fabrics would be a safe choice. Prisbrey said he forgot to put the candles out when they left for the temple.

At some point of the investigation, Prisbrey had asked firefighters to look for the engagement ring he had purchased for Bunker. He had said he left it in the ring box on a table by the front door and stairway. We found this odd because Prisbrey had previously stated he had left with Bunker to propose to her at the temple. One would think he would've taken the ring and ring box to conduct a traditional marriage proposal. When Prisbrey was asked about this, he changed his story and said he put the ring in the pocket of his jean jacket, but could not find it anymore. I asked Prisbrey about the dog he had mentioned in his earlier story regarding the paint. I asked him if the dog had survived the fire. He said yes, because the dog was not at home. He and Bunker had taken the dog with them for the marriage proposal at the temple. While investigating some of the less damaged areas of the home, I discovered a shotgun cleaning kit and gun case in one of the rooms. I asked Prisbrey if he owned any firearms, because I had found the cleaning kit. He said yes. I asked him where they were. He said he had removed them from the home prior to the fire. He explained that he was "trying to get foster kids, and could not have any weapons in the house". Again, it seems odd to remove them so early when he was still in the application process for obtaining foster kids. I am currently unaware if the weapons-ban is a foster-approval requirement, but I will check. During the investigation of the entryway, when asked to reconstruct the scene, Prisbrey indicated he had a Christmas tree near the staircase. After I left the scene, he changed the term he used as described it to firefighters as an "overly dry Christmas tree".

As I investigated the less damaged areas of the home, the last place I looked was the mostly undamaged garage. In the garage was a Mitsubishi SUV with one window rolled down, which seemed odd for the wintertime. In the back seat of the SUV was a large pressurized air tank, about the size of a standard propane tank. In the back of the garage, against the west wall, was the water heater serving the home. Stacked up against the water heater were three plastic gasoline cans, all containing more than 1 gallon of what my training and experience would lead me to believe was gasoline. (Prisbrey would later concede to the fact that all the containers did indeed have gasoline in them). One of the containers had no cap or pour spout on it. It was just an open container of gasoline facing directly towards the water heater. The

other two containers had pour spouts with no caps facing directly towards the water heater. The gasoline can with the white pour spout was approximately 4" from the heater itself. On the water heater, facing the gasoline cans was a large decal with both visual drawings and written warnings NOT to store gasoline or flammable liquids anywhere near the water heater. The warnings indicate that flammable vapors will explode and catch fire from the water heater pilot light. There are distinct and obvious warnings to keep flammable liquids tightly sealed and far away from the water heater. Adjacent to the cap-less gasoline can and the white-spout gasoline can there were two holes punched or cut into in the wall from the living room side. These holes lined up almost perfectly with the open cap and pour spouts of the containers. On the other side of this wall was the living room. In the living room, at the point where these holes would've been, one would've found the burning candles in the Christmas Village display. Also lined up approximately with the holes and pour spouts. Had the fire department made these holes with suppression streams, the water would've hit the gas cans and knocked them over or significantly moved them. The pressure from a suppression hose stream is capable of moving a full-sized person, not to mention a plastic can with 2-3 gallons of gasoline in it. Directly adjacent to the black-spouted gasoline can was a large green plastic tub filled with various kinds of flammable liquids and sprays. It was packed tight but in an unorganized fashion with brake fluid, paint thinner, paint stripper, transmission fluid, and other various flammable liquids. This tub was only approximately 3" from the water heater.

I called Prisbrey into the garage and stopped him at the Mitsubishi. I asked him about the air tank. He said it was for flat tires. Before letting him proceed into the garage any further, I asked him if there were any more flammable or combustible liquids stored in the garage. He said, "Oh yes, right over here", and led me to the water heater. Prisbrey said he had been cleaning the garage **8 months ago** and had placed the gasoline cans, all containing gasoline, against the water heater then. He said the storage tub of various liquids had also been placed there around that time.

At this point, I believed we had uncovered elements of an arson fire, and I asked everyone to back out of the scene. I had photographed these items as they sat as we found them. I instructed the CCPD to obtain a criminal search warrant if they wanted to enter the home anymore, and that no one could remain in the home until such warrant was obtained. I backed out as well and obtained personal information from Clare Prisbrey and Kimberly Bunker. The CCFD roped off the scene with fire scene tape.

I believe Clare Prisbrey intentionally set this house on fire to burn it down for insurance money. The fire department personnel familiar with the home, (Fire Marshal Mike Shurtz), said it had numerous problems, including major settling issues that would require extensive and expensive repairs. A nearby neighbor who had also looked at the home, (Michael Allen), said half of the house was 'sinking into the ground', and it was essentially worthless in his opinion.

Prisbrey admitted to, and had an excuse for every potential ignition source in the home; a dog who got covered in oil based paint and ran amok 12 days prior to the fire. Deciding to clean up the paint mess a day or two prior to the fire, (but 11 days after the mess was made) with highly flammable paint thinner. An 'overly dry Christmas tree' in the general area of origin. Six unattended candles surrounded by flammable synthetic fibers and cloth, foam padding, and wood. Unexplained holes in the wall with gasoline cans on one side and burning candles on the other. Leaving the house last minute with his dog,

to propose to his fiancé, while forgetting about the candles, and originally stating he forgot the engagement ring. Prisbrey removed his firearm prior to the fire, but left the cleaning kit and a case behind. His explanation for the gun removal was that he was “trying to get foster kids”.

What stands out the most is the inexplicable and incredibly dangerous storage of open gasoline containers next to, and almost touching, a water heater. Had Prisbrey actually placed those open gasoline containers next to the water heater ‘eight months ago’, as he said, that would’ve placed the gas cans there in May of 2017. That would mean that open gasoline containers would have had to survive the warm summer months of June, July, and August, in a stuffy garage, all while evaporating and creating heavier-than air vapors that would have drifted to the level of the open-flame pilot light, without flashing, igniting, and causing a massive house fire. Had those containers been stored in that condition for the last eight months, it is amazing that a fire or explosion did not occur sooner, especially during the summer months. Amazing unless the gasoline cans had not been there for eight months, but actually were placed there just before the fire. In addition to the gasoline containers, Prisbrey had a storage tub full of flammable and combustible liquids moved to within inches of the water heater, despite glaring warning on the water heater itself.

Prisbrey never denied moving anything into harm’s way or having incredibly poor judgment with candles, flammable liquids, and dry trees. He admits to doing everything that could lead to a potential fire and then a rapid, hot fire spread. It is my contention that Prisbrey did not have poor judgment, but intentionally set these situations up, hoping the candles and water heater would start a fire that would destroy the home he was financially upside down in and could not sell. Had firefighters or police officers been in that garage had those gasoline cans ignited, it is very likely we would have had a dead public servant or servants on our hands.

This fire is classified as incendiary in nature, originating in the living room of the home. The Cedar City Police Department is conducting the follow-up investigations and is the lead criminal investigating agency on this case. This report is being referred to the Iron County Attorney for review.

Any future information obtained that is relevant to this case will be placed in a supplemental report under this same case number.

End of report.

Section Manager Todd Hohbein

Utah State Fire Marshal’s Office

NOTE: This is my expert opinion, based on the facts, information, evidence, and statements that were known, given, or available at the time of the initial investigation. If additional facts, information, evidence, or statements are obtained that were not disclosed, available, or known at the time of the initial investigation, a supplemental report will be generated under this same case number, reflecting any additions and/or modifications to the initial report.

End of report.

Report by Deputy Todd Hohbein, CFI, CFEI, CVFI, CFM

Utah State Fire Marshal's Office

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REVIEWER

DATE