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KIRAN: Former state fire marshal inspector convicted, sentenced

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GRAND ISLE, La. (WAFB) - Nearly seven years after a deadly fire, a former Louisiana Office of State Fire Marshal (LAOSFM) investigator, Nunzio Marchiafava, 73, has been convicted.

"We got the result we were hoping for," said Louisiana Inspector General Stephen Street.

In March of 2012, Milton Bourgeois, who owns a rental property next to the Rusty Pelican motel in Grand Isle, sent a letter to LAOSFM saying he was concerned about the "severe fire hazard" at the rundown motel next door. The fire marshal's office assigned the case to Marchiafava. He claimed he made a visit to the Rusty Pelican in April of 2012, but said the owner was not there, so he

could not enter the property and scheduled a follow-up visit. That follow-up never happened.

Six months later, on Sept. 26, 2012, the motel went up in flames, killing two adults. The next day, Marchiafava sent his supervisor an email regarding his alleged follow-up. He said he couldn't locate anyone in the building and the office was closed. Bourgeois blamed the deadly fire on the lack of a proper inspection by LAOSFM.

"If they would have properly done their job, they would have closed this place down. If they would have closed it down, these two people wouldn't be dead," said Bourgeois.

"Upon learning of that fire and of the two deaths, Mr. Marchiafava falsified records. He falsified vehicle logs and mileage logs. He submitted false reports to his own chain of command inside the fire marshal office to make it look as though he had gone down to the motel to inspect it and we were able to prove beyond a reasonable doubt that he did not tell the truth," said Street.

His log from the day he claimed he drove to Grand Isle showed the mileage well below what's required to make that drive, not to mention cell phone records pinged his phone in New Orleans all day, that day. He was charged with filing false public records and

malfeasance in office and resigned from LAOSFM. But it took seven years after the fire for Marchiafava to be convicted and sentenced. The case repeatedly went to the Supreme Court with Marchiafava's attorney filing motions.

Then in April of 2019, Marchiafava was convicted of a lesser charge of attempted falsifying public records and he was found not guilty of malfeasance in office.

"It sends the message that you can't abuse the public trust by lying, whether it be in writing or verbally," said Street.

Because he's 73-years-old and has no criminal history, Marchiafava's jail time was suspended. Instead, he's on one year of active probation.

Marchiafava's attorney Douglas McGinity, said, "Marchiafava did inspect the motel and did comply with the law and there were no fire deficiencies at the motel."

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