

Fire GUARD



www.niafpd.org

A Publication of the Northern Illinois Alliance of Fire Protection Districts

Fall 2019

Letter from the President



On January 1st of 2020, Illinois will become the first state in the U.S. to make recreational marijuana legal for sale, possession and consumption strictly by legislation rather than asking the voters to make that decision. Although it will be 2020, the vision into this issue is far from 20/20. Legalized recreational marijuana will bring change to our communities and our fire districts.

Early indicators are that we shouldn't see much of an increased burden on our resources other than responding to an anticipated slight uptick in vehicle accidents attributable to more impaired drivers on the road. But, how do we adapt internally? We have rules and regulations that assume a zero tolerance stance for marijuana now, so do we need to modify them to accommodate off-duty use of a now-legal substance? It's extremely difficult to scientifically determine impairment -- even law enforcement hasn't yet found a reliable test to determine marijuana impairment of drivers. What do we change or do we change anything at all?

Come to the NIAFPD Fall Seminar to gather some insights and get some of your questions answered. The seminar will be on Saturday, October 26th at 8 a.m. at the Lisle-Woodridge Fire District Headquarters Station, 1005 School St. in Lisle. Easy registration is available at www.niafpd.org.

Launch of New Social Media Accounts from the Executive Director



The vibrant colored and falling leaves this time of year quietly remind us of how beautiful it is to embrace change and appreciate a new landscape. We know how important it is to our community of members and supporters to always know all the great things happening with the NIAFPD -- and that is why it is time for you to connect with us on social media! We are excited to announce that we have launched three new social media profiles on Facebook, Instagram and LinkedIn. We are asking you to embrace this change an additional method for us to share information and updates regularly including announcements, offer information on upcoming educational opportunities, membership, conference registration and other helpful tips. We will also continue to rely on our email blasts, quarterly newsletter and our website for posting information.

Please take a moment right now and visit our pages and click "Like" or "Follow." We look forward to bringing you lots of great information and keeping in touch between our quarterly newsletters. We encourage you to comment on our posts or share our content with friends and family who would benefit from the information.

JOIN US ON FACEBOOK: <https://www.facebook.com/NIAFPD/>

JOIN US ON INSTAGRAM: <https://www.instagram.com/niafpd/>

JOIN US ON LINKEDIN: <https://www.linkedin.com/niafpd>

Also, beginning with this issue, we will include a "Member News" and "In Memoriam" section in every Fire Guard. Please forward all photos and news you wish to share on social media or in the newsletter to niafpd1@gmail.com.

I look forward to seeing you at the Fall Seminar!

Denise Kauffman • niafpd1@gmail.com • (847) 951-2482

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Ambulance Billing Considerations for Sexual Assault Victims

by Brian J. O'Connor, Ottosen Britz Kelly Cooper Gilbert & DiNolfo, Ltd.

According to the Illinois Criminal Justice Information Authority, reported incidences of sexual assault have been increasing annually since 2011.¹ Although these annual increases have become marginally smaller in recent years², the amount of cases that go unreported is obviously unknown. One of the largest issues in combatting this crime is that in many situations the victim is too embarrassed to reach out for appropriate assistance. And those victims who do reach out for assistance suffer further from the paper trail of documents constantly reminding them of the incident. Therefore, in late 2015, Governor Rauner signed HB 3848 into law. Public Act 99-0454 amended the Sexual Assault Survivors Emergency Treatment Act (SASETA) in several ways – many with the intent to incentivize victims to report these crimes and seek proper care immediately.

One of the changes made was to clarify that directly billing a sexual assault survivor for hospital emergency services or forensic services is strictly prohibited by law. More specifically, Section 7.5(a) of SASETA provides that an ambulance provider shall not: (1) charge or submit a bill for any portion of the costs of the services, transportation, or medications to the sexual assault survivor, including any insurance deductible, co-pay, co-insurance, denial of claim by an insurer, spenddown, or any other out-of-pocket expense; (2) communicate with, harass, or intimidate the sexual assault survivor for payment of services, including, but not limited to, repeatedly calling or writing to the sexual assault survivor and threatening to refer the matter to a debt collection agency or to an attorney for collection, enforcement, or filing of other process; (3) refer a bill to a collection agency or attorney for collection action against the sexual assault survivor; (4) contact or distribute information to affect the sexual assault survivor's credit rating; or (5) take any other action adverse to the sexual assault survivor or his or her family on account of providing services to the sexual assault survivor. A violation of the above restrictions may cost the violating entity up to \$500 (410 ILCS 70/8). However, nothing prevents an ambulance provider from billing a sexual assault survivor or any applicable health insurance or coverage for inpatient services (410 ILCS 70/7.5(b)).

This effectively means that when an ambulance provider is responding to an emergency call from a sexual assault survivor (as an outpatient), they cannot bill the victim for services rendered. However, if an ambulance provider is called to transport an admitted patient (now an inpatient) from one hospital to an-

other hospital, who happens to be a sexual assault survivor, the ambulance provider may bill accordingly. But what happens in the former situation is less certain.

Generally, an ambulance provider furnishing transportation to any sexual assault survivor should furnish such services to that person without charge or invoice and instead seek payment as follows:

- If the survivor is eligible for Medicaid, submit the bill to the Department of Healthcare and Family Services or the appropriate Medicaid Managed Care Organization and accept the amount paid as payment in full.
- If the survivor is covered by a policy of health insurance or is a beneficiary under a public or private health coverage program, bill the insurance company or program. Applicable deductible, co-pay or other out-of-pocket insurance-related expenses may be submitted to the Illinois Sexual Assault Emergency Treatment Program for payment at allowable rates under the Public Aid Code. Providers must accept the amounts paid by the insurance company or health coverage program and the Illinois Sexual Assault Treatment Program as full payment.
- If the survivor is neither eligible for Medicaid nor covered by insurance or a health coverage program, submit the request for reimbursement to the Illinois Sexual Assault Treatment Program at the allowable rates under the Public Aid Code.
- If a survivor presents a voucher for follow-up healthcare, lab or pharmacy services, bill the Illinois Sexual Assault Emergency Treatment Program for payment at allowable rates under the Public Aid Code. If the survivor has insurance, the provider must first bill insurance as primary, then send a bill for any remaining balance, along with a copy of the voucher, to the Illinois Sexual Assault Emergency Treatment Program for payment at allowable rates under the Public Aid Code. Providers must accept the amounts paid by the insurance company and the Illinois Sexual Assault Treatment Program as full payment.

If you have any questions related to the legality of your current practices and protocols, the applicable law, or proper billing methods as an ambulance or other healthcare provider, please reach out to your ambulance billing professional or an attorney at Ottosen Britz Kelly Cooper Gilbert & DiNolfo for further clarification.

1 http://www.icjia.state.il.us/research/overview#tab_research-tools

2 The Federal Bureau of Investigation's preliminary crime report for 2018 show an increase of only 0.6%; <https://ucr.fbi.gov/crime-in-the-u.s/2018/preliminary-report>



Springfield Legislative Update



By: Liz Brown-Reeves, NIAFPD Lobbyist

Fall Veto Session begins on October 28th. Veto Session will be six days – October 28, 29 & 30th and November 12, 13 & 14th. The agenda for veto session is predicted to be light with Governor Pritzker only vetoing a handful of bills. Clean up legislation may move during the Veto Session for major initiatives like cannabis, gaming and the capital bill. Rumors are swirling that Governor Pritzker will push an initiative that will require the consolidation of downstate police and fire pensions in an effort to maximize savings for participants.

Senate Bill 37 – New Reporting Requirement for Firefighters Working 2nd Jobs

Senate Bill 37, now Public Act 101-0522, requires a “secondary employer” of a firefighter to report injuries, illnesses, or exposures incurred by a “secondary employee” to the “primary employer” of the secondary employee. This bill is aimed at part-time firefighters when off duty from their primary employment. A primary employer includes a fire protection district which has in place an Article 4 Pension Fund and employs the full-time firefighter working on a part-time basis for another fire department. A district which has a population of 5,000 or more and employs a “primary employee” is required to make an annual report of injuries or exposures to the primary employer. For those districts to which this bill will apply, this will be an added reporting requirement.

New State Laws

Closed Meeting on Volunteer Complaints - Public Act 101-0459

- Provides that a public body may hold a closed meeting to consider specific volunteers of the public body including hearing testimony on a complaint lodged against a volunteer to determine its validity.

Joint Purchasing on Contracts- Public Act 101-0139

- Provides that a board of trustees of a fire district may enter into contracts involving an expenditure in excess of \$20,000 through participation in a joint purchasing program that requires as part of its selection procedure a competitive solicitation and procurement process.

First Responders Suicide Prevention Act- Public Act 101-0375

- Provides that emergency services personnel may refer any person to an employee assistance program or peer support counselor and that any communication made by a participant or counselor is confidential and may not be disclosed by any person participating in the peer support counseling session. Requires training programs for police and fire fighters to recognize signs of work-related cumulative stress that may lead to suicide and offer appropriate solutions for intervention.

Hiring Preference- Public Act 101-0489

- Creates a hiring preference of up to 20 points for a person who has performed fire suppression service for a department as a firefighter apprentice and otherwise meets the qualifications for original appointment as a firefighter.

Public Safety License Plate Expansion - Public Act 101-0358

- Provides that children and stepchildren, in addition to the spouse and parents, of a police officer or firefighter who has died in the line of duty may be issued special license plates.

Sponsorship Opportunities for the Annual Conference Available Now!

The Annual Conference brings together Fire Protection District Trustees for a three day conference of educational instruction.

This is an opportunity to promote your company, network and socialize with our colleagues.

As a sponsor, your organization will have visibility in front of an audience who could benefit from the services you offer.

Visit the website at www.niafpd.org for a complete listing of sponsorship opportunities.

Legislative Liaison NIAFPD

By: Ronald Kubicki, Legislative Liaison NIAFPD

Happy Fall to all! Fall is one of my favorite times of the year. I love the colors and the cooler weather. I hope you have spent a little time outside enjoying the trees changing their color as we get set for winter. At the time I am writing this article, I do not feel that it will be a very busy veto session – it will be a little calmer than in years past. Liz and I will be keeping an eye out for anything that might come up.

Each year at this time we ask you for any legislative initiatives that you might want us to propose at the annual fire caucus. Initiative forms are available by email at niafpd1@gmail.com.

Last spring, President Kosiara asked me and retired Frankfort Fire Chief Jim Grady to co-chair the Annual NIAFPD Conference. We have been meeting with the full conference committee since last March preparing a very challenging program that is sure to make our members better trustees, commissioners and administrative staff in serving the public. The conference will again be held at the Oak Brook Hills Hilton Resort on January 23 - 25, 2020. A listing of all the session topics is included in this issue of the Fire Guard.

Reach out and invite your local legislators to attend the annual NIAFPD Awards Luncheon at the conference on Saturday, January 25th from 12:30 to 1:45 p.m. This is a great way to get them involved with your district and to let them know what we as an association are doing to make our members better educated on issues in the fire service. It also gives you a great chance to visit with your legislator over lunch to let them know more about your fire district. By reaching out to them they will remember that and in return might reach out to you when they need a little help understanding an issue that relates to the fire service.

In closing, please stay safe and keep up the good work. I hope to see all of you at the Annual Conference in January.

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Fed Rate Cuts and Negative Bond Yields

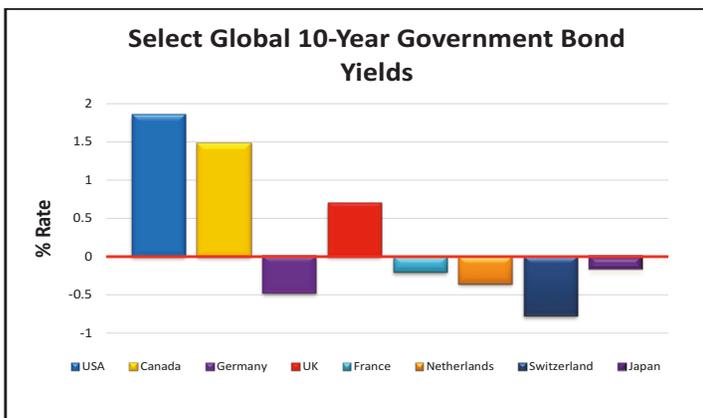
By: Thomas S. Sawyer, Managing Partner, Sawyer Falduto Asset Management, LLC

Key Points

- **Short-Term Rates:** As widely anticipated, the Federal Reserve reduced the target Fed Funds rate twice during the most recent quarter. Short-term rates were reduced by 25 basis points (0.25%) on August 1 and again on September 19 resulting in a range of 1.75% to 2.00%.
- **Longer-Term Bond Yields:** Modest inflation and economic growth in the U.S. combined with concerns over the global trade concerns continue to keep a ceiling on yields for bonds with longer maturities.
- **Negative Bond Yields Overseas:** Central Banks in Europe and Japan have reduced their interest rates to zero in an effort to boost local economies. Monetary policy decisions by Central Banks have resulted in approximately \$15 trillion in global debt now trading with negative yields.

What About Negative Rates?

We have been asked with increasing frequency about the possibility of negative interest rates in the United States. It's easy to understand the question when one takes a look at bond yields globally. The U.S. (and Canada) remain outliers when compared to the yield on sovereign debt issued by other developed nations.



By way of background, the idea behind “zero interest rates” is to increase lending, spur inflation and reinvigorate the local economies after traditional monetary policy options have been exhausted. In theory, interest rates below zero should reduce borrowing costs for companies and households thereby driving demand for loans.

It remains to be seen if “zero interest rates” will achieve the desired goal of economic growth because there are mounting con-

cerns that unintended consequences of this monetary policy approach will ultimately undermine the economic growth.

Can Negative Interest Rates Happen in the U.S.?

Anything is possible, including negative interest rates in the U.S. In our view, however, there is a low probability of interest rates going into negative territory for a variety of reasons:

- The U.S. economy continues to be among the strongest around the globe even as economic indicators signal a potential global slowdown. The U.S. economic strength provides a degree of latitude as monetary policy decision-makers consider the future path of domestic interest rates.
- Even when considering the recent reductions in the Fed Funds rate, there is currently sufficient room so that a number of cuts could be made without interest rates going into negative territory.
- Lastly, U.S. policy makers could resurrect quantitative easing if the economy stubs its toe requiring additional stimulus. This approach has been used successfully by the Fed in recent years to control interest rates while also boosting domestic growth.

In summary, there is a future possibility of negative interest rates in the U.S. if economic conditions deteriorate materially in both the domestic and global markets. However, the U.S. monetary decision-makers have viable options to combat an economic slowdown which reduces the probability of the U.S. experiencing a negative interest rate environment.

In summary, we continue to structure fixed income portfolios to provide a high level of principal stability while maximizing income within the proper investment policy and statutory constraints. Portfolio durations/average maturities are conservatively positioned and credit quality remains paramount.

“The allocation to all available asset classes should be determined with careful consideration given to factors such as statutory guidelines, investment time horizon, liquidity requirements, diversification and risk tolerance. The resulting asset allocation should be well documented in your investment policy and guidelines. Information contained in this commentary is solely the opinion of the author and obtained from sources believed to be reliable. Accuracy can not be guaranteed. Past performance is not predictive of future returns.”

Employee Benefits: Wrapping 2019 & Planning for 2020

By: Kalli Ortega, Vice President & Managing Partner, Corkill Insurance Agency, Inc.

It's that time of year again and it can be quite overwhelming, so here are a few reminders as you wrap up 2019 and plan for 2020.

1. **ANNUAL NOTICES:** Each year, employers are required to provide annual notices to their employees and members of their group health plan.

Notice	Applicability
SBC	Group health plans and health insurance issuers
Medicare Part D notice of creditable or non-creditable coverage	Employers with group health plans that provide prescription drug coverage
WHCRA notice	Group health plans that provide medical and surgical benefits for mastectomies
Children's Health Insurance Program (CHIP) notice	Group health plans that cover residents in a state that provides a premium assistance subsidy under a Medicaid plan or CHIP.
COBRA general notice	Group health plans subject to COBRA
Grandfathered plan notice	Health plans that have grandfathered status under the Affordable Care Act (ACA)
Notice of patient protections	Non-grandfathered group health plans that require designation of a participating primary care provider
HIPAA privacy notice	Self-insured group health plans
HIPAA special enrollment notice	All group health plans
Wellness notice - HIPAA	Group health plans with health-contingent wellness programs
Wellness notice - ADA	Wellness programs that collect health information or include medical exams
Individual coverage HRA (ICHRA)	Employers that sponsor ICHRAs for specific classes of employees (or all employees)
<i>Source: Zywave, Inc. 2019</i>	

ACTION ITEM(S):

- Determine which notices apply to your Organization.
- Review your benefits materials to ensure that you have distributed the applicable notices for 2019.
- To minimize costs and streamline administration, consider including these notices in 2020 open enrollment and new hire materials if you are not already.

2. **AFFI MARKETPLACE / NORTHWEST FIRE FIGHTERS BENEFITS TRUST (NWFFT):** For those of you who have been following the status of the AFFI Insurance Marketplace (NWFFT through Regence BlueShield of Washington), the 2020 plans and rates were recently released with an increase of 5.9%. There is a well priced HSA offering that closely mirrors the HSA plan offered at many IL Fire Districts, so there has been increased interest and enrollment across Illinois Fire Districts and Municipalities in 2019.

ACTION ITEM(S):

- If you have questions about these offerings and how they may compare to your current benefits package, we can help you review and provide you with a list of Districts and Departments who have moved to the Marketplace or are set to on January 1, 2020.

Continued on Next Page

3. **HEALTH SAVINGS ACCOUNTS (HSAs):** If you currently offer an HSA option, or plan to in 2020, please note the changes below.

Type of Limit		2020	2019	Change
HSA Contribution Limit <i>(Employer + Employee)</i>	Self-only	\$3,550	\$3,500	Up \$50
	Family	\$7,100	\$7,000	Up \$100
HSA Catch-up Contributions	Age 55 or older	\$1,000	\$1,000	No change
High Deductible Health Plan (HDHP) Minimum Deductible	Self-only	\$1,400	\$1,350	Up \$50
	Family	\$2,800	\$2,700	Up \$100
HDHP Maximum Out-of-Pocket <i>(deductibles, copayments, and coinsurance, but not premiums)</i>	Self-only	\$6,900	\$6,750	Up \$150
	Family	\$13,800	\$13,500	Up \$300

Source: IRS, Revenue Procedure 2019-25.

ACTION ITEM(S):

- Review your HDHP deductible and maximum out-of-pocket for compliance.
- If you fund an HSA for your members, verify that they are eligible for your HSA contribution. If they have other health coverage that is NOT a qualified HDHP (a traditional FSA, coverage under a spouse’s non-HDHP plan, or certain “worksites voluntary” plans, for example), are enrolled in Medicare, or can be claimed as a dependent on another individual’s tax return, they may be ineligible for HSA contributions.
- If you allow members to contribute to their HSA pre-tax through payroll, verify that you are not allowing contributions beyond the annual “HSA Contribution Limit”.

4. **ACA PAY OR PLAY PENALTIES:** Under the Affordable Care Act (ACA), certain applicable large employers (ALEs) are subject to the employer shared responsibility rules, commonly referred to “pay or play” penalties, if they do not offer “affordable” minimum value health coverage to full-time employees and dependents. If your Organization is considered an ALE, below are the 2019 and 2020 penalties for non-compliance.
- ✓ Calendar year 2019, the adjusted \$2,000 amount is **\$2,500** and the adjusted \$3,000 amount is \$3,750.
 - ✓ Calendar year 2020, the adjusted \$2,000 amount is **\$2,570** and the adjusted \$3,000 amount is \$3,860.

ACTION ITEM(S):

- Confirm your Organization’s ALE status under the ACA.
- Refer to the IRS Q&A for ACA employer reporting and penalty information that may apply to your Organization.
<https://www.irs.gov/affordable-care-act/employers/questions-and-answers-on-employer-shared-responsibility-provisions-under-the-affordable-care-act>

As you work through the remainder of 2019 and enter 2020, know that you have resources available.

Cheers to you and a healthy Q4!

~Kalli Ortega, Corkill Insurance Agency, Inc.

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Member News

Please send news from your district to niafpd1@gmail.com for sharing on social media or in the Fire Guard.



McHenry Township Fire Protection District Trustee Chris Bennett recently congratulated Trustee Allen Miller for 30 years of service and Trustee Bob Meyer for 60 years of service to the MTFPD.



The Trustees of Lisle-Woodridge Fire District received the Agency Accreditation award recently. Congratulations!
(Pictured L to R: John Perry, Joan Costin, Brent Frank, Longry Wang, Chad Chaffin)

In Memoriam

Donald Lechner, long-time District President for Nunda Rural Fire Protection District and a 23 year career firefighter with the Des Plaines Fire Department, passed away August 21, 2019.

Bill Cizek, Board President at the York Center Fire Protection District serving as a trustee for 24 years and as a firefighter for 20 years, passed away July 21, 2019.

Sharon Christopher, Glenside Fire Protection District Trustee for almost 30 years, passed away on October 7, 2019.

Condolences from all of us at NIAFPD to the family members, colleagues and friends of these three Trustees.



Lake Zurich Rural Fire Protection District current and past Trustees congratulated John Willems on his retirement from the Board after 27 years of service – only missing one meeting in all those years.

(Pictured L to R: Eleanor Sweet McDonnell, Tom Johnson, Jim Lang, Matt Menges, John Willems, Jack Mumaw, Marjie Connery and Hal Cullen)

REGISTER NOW FOR THE FALL SEMINAR!

Go to www.niafpd.org
Legalizing Marijuana:



What Does That Mean for the Fire Service?



When: Saturday, October 26, 2019

Time: 8:00 am to 11:30 a.m.

Where: Lisle-Woodridge FPD
1005 School Street
Lisle, IL 60532

Presented By: Ottosen Britz

3 CEU Hours of Essential Trustee or Pension Fund Trustee Training

MEMBERSHIP RENEWAL NOTICES COMING SOON!

Your membership renewal forms will be mailed soon! Please review all information and add the names of any new trustees or personnel so that we can keep our records up to date! This will also be the opportunity for you to correct any new building locations or email addresses. **Thank you!**



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Save the Date

Annual NIAFPD Conference January 23-25, 2020
at the Oak Brook Hills Resort and Conference Center!

Registration information will be mailed and posted soon.

Planned sessions include:

- Fire Commission Legal Update
- 2020 Insight into Collective Bargaining Trends
- Mental Health and Wellness Panel
- How to be a Fire Service Legislative Advocate
- Smoking Out Issues with Legalized Marijuana
- Anatomy of a Disciplinary Grievance -- Mock Hearing
- Risk Assessment for Article 4 Pension Funds
- After the Decision: Defending Pension Board Disability Determinations on Appeal
- Investment Advisors -- Standards of Care to Pension Funds
- IMRF for Fire Protection Districts
- Fire and Building Codes
- Pension Consolidation Task Force Report
- Fiduciary Liability Insurance
- Case Law Update
- Community Risk Reduction
- Open Meetings Act

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Directors	Brent Frank Lisle-Woodridge FPD - Trustee bfrank@lwfd.org	708-703-4745
	Juan Manuel Giron Pleasantview FPD - Trustee JuanManuel@gironbooks.com	312-498-1630
	Marshall Gray, Jr. Bloomingdale FPD - Commissioner Mlgrayjr279@gmail.com	847-638-0400
	Ellen Dimock Grayslake FPD - Trustee e-Barbie-dimock@sbcglobal.net	847-602-1878
Secretary/Treasurer	Bonnie Bayser Huntley FPD - Trustee bbayser@foxvalley.net	847-515-1602
Executive Director	Denise Kauffman Lake Zurich FPD McHenry Township FPD niafpd1@gmail.com	847-951-2482

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