



**FIREFIGHTER AND FIRE SAFETY INSPECTOR TRAINING COMMITTEE
STATE BOARD OF EMERGENCY MEDICAL SERVICES
OHIO DEPARTMENT OF PUBLIC SAFETY**

MEETING MINUTES

April 19, 2017

~FINAL~

Committee Meeting Date and Location: Wednesday, April 19, 2017 at the Ohio Bureau of Workers Compensation, 13430 Yarmouth Drive, Pickerington, Ohio.

Committee Members Present: James Davis, Mark Resanovich, George B. Snyder and Dudley Wright II

Committee Members Absent: Deanna Harris

EMS Staff Present: Jean Booze, Beverly Cooper, Melvin House, Valerie Koker, John Molnar, Ellen Owens, Rick Miller, Bryan Reardon, and Jack Smith.

Assistant Attorney General: Trista M. Turley

Guest and Public Present: none

Mr. Davis called the meeting to order at 2:30 p.m.

ROLL CALL

Mr. James Davis	Present	Mr. George B. Snyder	Present
Ms. Deanna Harris	Absent	Mr. Dudley Wright II	Present
Mr. Resanovich	Present		

WELCOME AND INTRODUCTION

OPEN FORUM ~ None

REVIEW AND APPROVAL OF CONSENT AGENDA

Mr. Davis requested a motion to approve the consent agenda to include the February 15, 2017 Firefighter and Fire Safety Inspector Training Committee meeting minutes.

ACTION: Motion to approve the Consent Agenda items to include the February 15, 2017 Firefighter and Fire Safety Inspector Training Committee meeting minutes. Mr. Snyder– First. Mr. Wright– Second. None – Abstained. None opposed. Motion approved.

FIRE CERTIFICATIONS & EXEMPTION REQUESTS (Military & Medical), Jean Booze

Jean Booze reported that there were a total of 952 new fire certifications for February 2017 and 1,547 new fire certifications for March 2017 for a total of 2,499. Staff recommends approval and Ms. Booze requested a motion to ratify.

ACTION: Motion to ratify the 2,499 new fire certifications for February 2017 and March 2017.
Mr. Snyder – First. Mr. Wright – Second. None opposed. None abstained. Motion approved.

Jean Booze reported that there are two military exemption requests; one is dual-certified and still on active duty, 2017-4-2, they are requesting an exemption for one of the two certification cycles and is HB 98 eligible for the second cycle, and one is fire only, 2017-4-6; still on active duty. Documentation has been received and staff recommends approval.

ACTION: Motion to approve two military exemption requests; one is dual-certified, 2017-4-2, and one is fire only, 2017-4-6. Mr. Snyder – First. Mr. Wright – Second. None opposed. None abstained. Motion approved.

Jean Booze reported that there are three medical exemption requests; 2017-4-1, 2017-4-3, and 2017-4-9. Medical documentation has been received for all three requests and staff recommends approval.

ACTION: Motion to approve two military exemption requests; 2017-4-1, 2017-4-3, and 2017-4-9.
Mr. Snyder – First. Mr. Wright – Second. None opposed. None abstained. Motion approved.

Firefighter Committee Report

Executive Director House reported that the Firefighter and Fire Safety Inspector Training Subcommittee met April 18, 2017. The committee accepted the fire training rule changes and they will be sent to JCARR. They also had a lengthy discussion regarding course objectives and hours for volunteer through firefighter II.

Jack Smith, fire coordinator for the Division of EMS reported that seven fire charters have had site visits and all have been recommended for renewal. There may be some issues with future site visits due to the fire charter's live burn facilities.

GOLDMAN PROCEEDINGS

Mr. Davis, on behalf of the Firefighter and Fire Safety Inspector Training Committee called the proceeding to order at 2:40 p.m. on April 19, 2017 at the Ohio Bureau of Workers Compensation, 13430 Yarmouth Drive, Pickerington, Ohio.

Fire members of the Board present for these proceedings were:

ROLL CALL

Mr. James Davis	Present	Mr. George B. Snyder	Present
Ms. Deanna Harris	Absent	Mr. Dudley Wright II	Present
Mr. Resanovich	Present		

Executive Director Mel House was also present. There were three adjudication proceedings. Those proceeding were in the matter of:

- Fire Case Number 2016-91-BF100, Melissa K. Thomas, Fire Certificate Number 124134
- Fire Case Number 2016-179-F100, Johnathon M. Fierce, Fire Certificate Number 153341
- Fire Case Number 2016-242-F100, Justin E. Dudzik, Fire Certificate Number 163642

These proceedings were an affidavit-based adjudication relative to a Notice of Opportunity for Hearing mailed to the respondents in the aforementioned cases and believed to have been properly served according to the Administrative Procedures Act (Chapter 119, of the Ohio Revised Code).

As the respondents did not properly request a hearing in the cases, these proceedings were held pursuant to *Goldman v. State Medical Board of Ohio*. The individuals named do not have the ability to present written or oral testimony today, but may be present to hear the proceedings and outcome.

The Fire committee members were informed that they have already received the sworn affidavits from the EMS Investigators and accompanying exhibits for the Goldman Proceedings. The affidavits contain the evidence and testimony upon which the committee members deliberated. The Fire committee members had the opportunity to review the affidavits and accompanying exhibits prior to the meeting and were offered the opportunity to review them again.

In lieu of a stenographic record being made, the minutes reflected that the original sworn affidavits and exhibits shall be kept as the official record of the proceedings in the aforementioned matters in the Office of the Division of EMS.

Mr. Davis recognized Assistant Attorney General Trista M. Turley, for the purpose of providing a brief synopsis of each case and a recommendation for disciplinary action. Ms. Turley presented a synopsis of the following cases:

- **Fire Case Number 2016-91-BF100, Melissa K. Thomas, Fire Certificate Number 124134.** On January 29, 2016, the Division of EMS received a written complaint alleging Ms. Thomas was convicted of two felonies in Fulton County, Georgia involving child cruelty against her own children. The complaint appears to be anonymous although a judgment entry was attached from Fulton County Superior Court. The Division of EMS obtained certified judgement entries and found that she was convicted of Cruelty to Children in the first-degree for willfully depriving sustenance and Cruelty to Children in the first-degree for maliciously causing excessive pain. Ms. Thomas never reported her arrest or conviction to the Division of EMS. The EMFTS Board summarily suspended her certification on September 7, 2016. Ms. Thomas was sent the summary suspension notice and Notice of Opportunity for Hearing to her last known address which was returned. The Division of EMS published a notice in the local newspaper, the Newark-Granville Sentinel for three consecutive weeks. She did not request a hearing. The recommendation is to revoke Ms. Thomas's certification.

- **Fire Case Number 2016-179-F100, Johnathon M. Fierce, Fire Certificate Number 153341.**

Mr. Fierce is certified as a volunteer firefighter with an expiration date of May 25, 2019. On his renewal application on March 25, 2016, Mr. Fierce disclosed new convictions for Disorderly Conduct and Domestic Violence. The Division of EMS sent out a notice of investigation to Mr. Fierce by certified mail requesting certified copies of court entries, police reports and a BCI background check. The certified letter was signed for by his agent on April 11, 2016. No response was received. A Notice of Hearing was sent August 10, 2016 via certified mail and signed by Mr. Fierce on August 16, 2016. No response was received. The recommendation is for indefinite suspension unless and until Mr. Fierce provides all required documentation related to his conviction and demonstrates that he meets all requirements for certification.

- **Fire Case Number 2016-242-F100, Justin E. Dudzik, Fire Certificate Number 163642.**

Mr. Dudzik is certified as a volunteer firefighter. His certification expired on May 7, 2016; however, his renewal status is awaiting approval. On his renewal application he disclosed that he had been convicted of a felony or misdemeanor; however, he did not include a judgment entry or any other documentation. The Division of EMS made contact with Mr. Dudzik and he disclosed that he was convicted for a felony OVI. He was asked to provide documentation; however, he has never provided the documents. The Division of EMS obtained the court records and the Ohio State Highway Patrol arrest report. On March 16, 2015, he was arrested and charged with an OVI. Mr. Dudzik was indicted and pled guilty to Operating Under Influence, a fourth-degree felony. He was sentenced to two years community control, 60 days in jail, time served, and a three year suspension of driving privileges and a fine. A Notice of Hearing was issued on November 23, 2016 via certified mail and was signed for on November 27, 2016; however, he did not request a hearing. The recommendation is to revoke his volunteer firefighter certification.

Having heard the synopsis and recommended disciplinary action for each case, Mr. Davis requested a motion to admit the sworn affidavits and the accompanying exhibits in the aforementioned cases into evidence.

ACTION: Motion to admit the sworn affidavit and accompanying exhibits in the aforementioned cases into evidence. Mr. Snyder – First. Mr. Davis– Second. No Abstentions. None opposed.
Motion approved.

There being no further evidence, these proceedings were closed at 2:47 p.m. The procedural and jurisdictional matters having been satisfied, the proceedings continued by deliberation on the sworn affidavits and exhibits. A written copy of the Executive Director's decision will be mailed to the respondents.

ACTION: Motion to adjourn to Executive Session for the purpose of discussing proposed disciplinary action against certificate holders pursuant to Ohio Revised Code Section 121.22(G)(1) or pursuant to 121.22(G)(5) that involve matters required to be kept confidential under Ohio Revised Code Section 149.43(A)(2) or 4765.102(B). Mr. Snyder – First. Mr. Wright – Second. None opposed. None – abstained. Motion approved.

Roll Call

Mr. James Davis	Present	Mr. George B. Snyder	Present
Ms. Deanna Harris	Absent	Mr. Dudley Wright II	Present
Mr. Resanovich	Present		

ACTION: *In the matter of Fire Case Number 2016-91-BF100, Melissa K. Thomas, Certificate Number 124134, the Committee recommends that the Executive Director issue an adjudication order permanently revoking Ms. Thomas’s firefighter certificate for violations of Ohio Administrative Code Sections 4765-23-02(A)(1)(a), 4765-23-02(A)(4), and 4765-22-01(D)(1) by being convicted in the State of Georgia of two felony counts of Cruelty to Children, and failing to submit records related to the criminal case.* Mr. Wright – First. Mr. Snyder – Second. None opposed. Mr. Resanovich – abstained. Motion approved.

ACTION: *In the matter of Fire Case Number 2016-179-F100, Johnathon M. Fierce, Fire Certificate Number 153341, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Fierce violated Ohio Administrative Code Sections 4765-23-02(A)(2), 4765-20-02(A)(1), and 4765-20-04(D) by failing to submit to a criminal background check and failing to provide court and police documents related to convictions he disclosed on his application, and that Mr. Fierce’s firefighter certificate be suspended indefinitely. Prior to reinstatement, Mr. Fierce shall provide all required documentation related to his conviction and demonstrate that he meets all certification requirements.* Mr. Wright – First. Mr. Snyder – Second. None opposed. Mr. Resanovich – abstained. Motion approved.

ACTION: *In the matter of Fire Case Number 2016-242-F100, Justin E. Dudzik, Certificate Number 163642, the Committee recommends that the Executive Director issue an adjudication order revoking Mr. Dudzik’s firefighter certificate for violations of Ohio Administrative Code Sections 4765-23-02(A)(1)(a), 4765-23-02(A)(2), 4765-20-02(A)(1), and 4765-20-04(D) by being convicted of felony Operating a Vehicle under the Influence, and failing to submit records related to the criminal case.* Mr. Wright – First. Mr. Snyder – Second. None opposed. Mr. Resanovich – abstained. Motion approved.

FIRE INVESTIGATIONS, STAFF

Mr. Resanovich requested a motion to adjourn into Executive Session.

ACTION: *Motion to adjourn to Executive Session for the purpose of discussing proposed disciplinary action against certificate holders pursuant to Ohio Revised Code Section 121.22(G)(1) or pursuant to 121.22(G)(5) that involve matters required to be kept confidential under Ohio Revised Code Section 149.43(A)(2) or 4765.102(B).* Mr. Davis – First. Mr. Snyder – Second. None opposed. None – abstained. Motion approved.

Roll Call

Mr. James Davis	Present	Mr. George B. Snyder	Present
Ms. Deanna Harris	Absent	Mr. Dudley Wright II	Present
Mr. Resanovich	Present		

ACTION: Motion to recommend to the Executive Director to accept the following Consent Agreements. Mr. Wright – First. Mr. Snyder – Second. None opposed. Mr. Resanovich – abstained. Motion approved.

2016-205-F100	2016-528-F300	2016-668-BF100	2017-46-F300
2016-346-F100	2016-662-F300	2016-710-F100	2017-52-F300
2016-480-F300	2016-667-F100	2017-45-F300	

ACTION: Motion to recommend to the Executive Director to close the following case. Mr. Wright – First. Mr. Snyder – Second. None opposed. Mr. Resanovich – abstained. Motion approved.

2016-559-F300 *Rescind NOH
 2017-28-BF100

ACTION: Motion to recommend to the Executive Director to close the following cases; individuals have met the stipulations of their Consent Agreement. Mr. Wright – First. Mr. Snyder – Second. None opposed. Mr. Resanovich – abstained. Motion approved.

2013-589-BF100	2016-666-F100
2014-499-F300	2017-13-F100
2016-603-BF100	

ACTION: Motion to recommend to the Executive Director to close the following cases; accept surrendering of their respective certificates. Mr. Wright – First. Mr. Snyder – Second. None opposed. Mr. Resanovich – abstained. Motion approved.

2016-469-F300	2017-40-F300	2017-64-F300	2017-107-F300
2016-557-F300	2017-41-F300	2017-66-F300	2017-108-F300
2016-578-F300	2017-43-F300	2017-67-F300	2017-111-BF300
*Rescind NOH	2017-44-F300	2017-106-F300	2017-112-F300
2017-38-F300	2017-58-F300		

ACTION: Motion to recommend to the Executive Director to Issue Notices of Opportunity for Hearings for the following cases. Mr. Wright – First. Mr. Snyder – Second. None opposed. Mr. Resanovich – abstained. Motion approved.

2015-554-BF100	2016-638-F300	2017-80-BF100
2016-632-F300	2017-31-BF100	
2016-636-F300	2017-61-F300	

ACTION: Motion to recommend to the Executive Director to Issue Notices of Opportunity for Hearings for the following cases. Mr. Wright – First. Mr. Snyder – Second. None opposed. Mr. Resanovich – abstained. Motion approved.

2015-554-BF100	2016-638-F300	2017-80-BF100
2016-632-F300	2017-31-BF100	
2016-636-F300	2017-61-F300	

ACTION: Motion to rescind Notice of Opportunity for Hearing and continue with the terms of consent agreement for the following case. Mr. Wright – First. Mr. Snyder – Second. None opposed. Mr. Resanovich – abstained. Motion approved.

2016-161-F300

ACTION: Motion to rescind Notice of Opportunity for Hearing and accept surrender for the following case.

Mr. Wright – First. Mr. Snyder – Second. None opposed. Mr. Resanovich – abstained. Motion approved.

2016-688-F300

ACTION: Motion to recommend to the Executive Director to close the following cases due to one of the following reasons: inadvertently marked yes to conviction questions, misdemeanor convictions that have previously been deemed “not involving moral turpitude”, local issues, and grandfathering issues of certification/conviction. Mr. Wright – First. Mr. Snyder – Second. None opposed. Mr. Resanovich – abstained. Motion approved.

2016-556-F300 *Rescind NOH	2017-69-BF100	2017-98-F100
2016-606-BF100	2017-78-BF100	2017-131-BF100
2016-712-F100	2017-81-BF100	2017-136-F300
2017-20-F100	2017-86-F100	2017-142-BF100
2017-22-BF100	2017-92-BF100	2017-143-F100
2017-68-BF100	2017-94-BF100	2017-191-F500

Old Business ~ None

New Business ~ None

ADJOURNMENT

ACTION: Motion to adjourn. Mr. Snyder – First Mr. Wright - Second

The meeting adjourned at 3:15 p.m. The next meeting will be held June 21, 2017 at the Ohio Department of Public Safety, 1970 West Broad Street, Columbus, Ohio.