



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

MEETING MINUTES

June 21, 2017

~FINAL~

Committee Meeting Date and Location: Wednesday, June 21, 2017 at the Ohio Department of Public Safety, 1970 West Broad Street, Columbus, Ohio.

Committee Members Present: James Davis, Deanna Harris, George B. Snyder and Dudley Wright II

Committee Members Absent: Mark Resanovich

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

Assistant Attorney General: Trista M. Turley

Guest and Public Present: none

Mr. Wright called the meeting to order at 3:52 p.m.

ROLL CALL

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

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 April 19, 2017 Firefighter and Fire Safety Inspector Training Committee meeting minutes.

ACTION: Motion to approve the Consent Agenda items to include the April 19, 2017 Firefighter and Fire Safety Inspector Training Committee meeting minutes. Ms. Harris - First. Mr. Snyder- Second. None – Abstained. None opposed. Motion approved.

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

Jean Booze reported that there were a total of 1,104 new fire certifications for April 2017 and 1,487 new fire certifications for May 2017 for a total of 2,591 certifications. Staff recommends approval and Ms. Booze requested a motion to ratify.

ACTION: Motion to ratify the 2,591 new fire certifications for April 2017 and May 2017.

Mr. Davis – First. Ms. Harris – Second. None opposed. None abstained. Motion approved.

Jean Booze reported that there was one military exemption request; 2017-6-1, a firefighter II who is still on active duty and a medical exemption for 2017-6-2 is dual certified in EMS and fire and requesting the exemption for his firefighter II and fire safety inspector certifications. All documentation has been received and staff recommends approval.

ACTION: Motion to approve one military exemption request; 2017-6-1 and one medical exemption request; 2017-6-2 which is dual-certified.

Mr. Davis – First. Mr. Snyder – Second. None opposed.

None abstained. Motion approved.

Firefighter Committee Report

Jack Smith, fire coordinator for the Division of EMS, reported that year to date there have been 13 fire charter site visits performed. One site visit was on a consent agreement and all of the administrative issues have been addressed and rectified. Therefore the recommendation is to remove them from the consent agreement. Another fire charter will go to case review based on poor record keeping and administrative issues.

During the Firefighter and Fire Safety Inspector Training Sub-committee meeting the proposed upgrades to the volunteer course were rolled out addressing pass rate issues statewide. A discussion ensued on beginning research on creating an emeritus status for a fire fighter safety inspector status for those who have retired from the service. An investigation will also begin on how the committee might address inter-state reciprocity issues for chief officers who are coming into Ohio who may be retired from another state. They may need to complete the practical skills tests to be certified in the state of Ohio.

Legislative Needs, Melvin House

Executive Director House requested approval of the following four items that are fire-related on the legislative needs list:

- Impaired practitioner
- Expansion of membership to the Fire Fighter and Fire Safety Inspector Training committee
- Removal of reference of section 3303 regarding certifications
- Conviction and summary suspensions to align with EMS for the fire service providers

ACTION: Motion to approve the proposed Legislative Needs list regarding the fire items; impaired practitioner; expansion of membership to the Fire Fighter and Fire Safety Inspector Training Committee, removal of reference of section 3303. Ms. Harris - First. Mr. Snyder– Second. None – Abstained. None opposed. Motion approved.

REPORT AND RECOMMENDATION IN THE MATTER OF FIRE CASE

Mr. Wright began the deliberation and noted that Executive Director Melvin House was also present. The Committee deliberated on three *Report and Recommendations* (R & R) in the matter of:

- Fire Case Number 2015-59-BF100, Mark T. McGuire, Fire Certificate Number 55919.
- Fire Case Number 2016-403-BF100, Mark T. McGuire, Fire Certificate Number 55919
- Fire Case Number 2016-404-BF100, Michael A. James, Fire Certificate Number 115916.

The Respondents did not file objections to the Report and Recommendation in these cases. Mr. Wright recognized Assistant Attorney General Trista M. Turley for the purpose of providing a brief synopsis of the case and a recommendation for disciplinary action.

- **Fire Case Number 2015-59-BF100, Mark T. McGuire, Fire Certificate Number 55919.**
Mr. McGuire has two cases. In 2015, the Board brought disciplinary action against Mr. McGuire in relation to his conviction on January 20, 2015 for misdemeanor assault in Avon Lake and second-degree misdemeanor obstructing official business during a domestic violence incident. Mr. McGuire entered into a consent agreement with the Board and he agreed to report any arrests to the Division of EMS within 10 days of an arrest, report any convictions within 10 days of final sentencing and obey all federal, state and local laws. On May 5, 2016, Mr. McGuire pled guilty to another misdemeanor assault for another incident of domestic violence involving the same victim. Mr. McGuire did not report the arrest and conviction until he submitted a renewal application on July 26, 2016. This new incident is what brought the second EMS Case Number 2016-403-BF100 (below).
- **Fire Case Number 2016-403-BF100, Mark T. McGuire, Fire Certificate Number 55919**
Mr. McGuire failed to notify the division of a conviction that violated his consent agreement and by committing a misdemeanor of moral turpitude in violation of OAC 4765-10-03(B)(2)(c). At the hearing Mr. McGuire did appear and testified that the incidents were not one-sided because the victim was calling and texting after the first incident as verified by law enforcement. He testified that the victim attacked and scratched him and that alcohol was involved and that he has been sober for a year. The hearing officer found that Mr. McGuire violated the consent agreement, failed to report a conviction and was convicted of two misdemeanors of moral turpitude. The recommendation is to deny renewal; however, specify that this is not a permanent action. The Division of EMS is suggesting an amendment denying the application and issuing a standard revocation.

- **Fire Case Number 2016-404-BF100, Michael A. James, Fire Certificate Number 115916.**

Mr. James renewed his certifications on April 28, 2016 and he attested that he satisfied all the requirements for certification to practice and understood he must maintain records relating to the requirements for continuing education. On July 15, 2016, the Division of EMS received a complaint from the chief of Payne Fire Department because Mr. James failed to provide any training records to the chief when requested. The Division of EMS sent Mr. James an audit form that he never completed nor did he submit any records for his continuing education. Mr. James appeared at the hearing and testified that he had completed the required continuing education for his EMT certificate at the Partners Through Life in Toledo. He was unable to obtain copies of his certificates of course completion and asked that his testimony be sufficient proof. The hearing examiner found that Mr. James failed to meet the continuing education requirements for renewal of his fire fighter II certificate and failed to accurately document all approved continuing education. The recommendation is to revoke his certification.

Mr. Wright requested a motion to recess the meeting for the purpose of entering into quasi-judicial deliberations on the matter pursuant to Ohio Revised Code Chapter 119 and that are required to be kept confidential under R.C. 4765.102(B). The Committee will reconvene following deliberations.

ACTION: Motion to adjourn to Executive Session for the purpose of entering into quasi-judicial deliberations on these matters pursuant to Ohio Revised Code Chapter 119 and that are required to be kept confidential under R.C. 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	Present	Mr. Dudley Wright II	Present
Mr. Resanovich	Absent		

ACTION In the matter of Fire Case Numbers 2015-59-BF100 and 2016-403-BF100, Certificate Number 55919, the Committee recommends that the Executive Director issue an adjudication order approving the findings of fact, conclusions of law, and modify the recommendation of the hearing examiner to refuse to renew and revoke Mr. McGuire’s firefighter certificate. The reason for the modification is to add the sanction of revocation as this sanction is warranted since Mr. McGuire has been convicted of two assaults, the second occurring while under a consent agreement with the Executive Director. Mr. Snyder– First. Ms. Harris – Second. None Opposed. None abstained. Motion approved.

ACTION In the matter of Fire Case Number 2016-404-BF100, Michael A. James, Certificate Number 115916, the Committee recommends that the Executive Director issue an adjudication order approving the findings of fact, conclusions of law, and the recommendation of the hearing examiner to revoke Mr. James’ firefighter certificate. Mr. Snyder – First. Ms. Harris – Second. None Opposed. None abstained. Motion approved.

GOLDMAN PROCEEDINGS

Mr. Wright, on behalf of the Firefighter and Fire Safety Inspector Training Committee called the proceeding to order at 4:05 p.m. on June 21, 2017 at the Ohio Department of Public Safety, 1970 West Broad Street, Columbus, 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	Present	Mr. Dudley Wright II	Present
Mr. Resanovich	Absent		

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

- Fire Case Number 2011-925-F100, Michael A. Ruzicho, Fire Certificate Number 155487,
- Fire Case Number 2015-629-F100, Jerry L. Joyner, Fire Applicant Number 171189,
- Fire Case Number 2015-656-F100, Jason L. Collins, Fire Certificate Number 139588,
- Fire Case Number 2016-18-F100, Joshua A. Breehl, Fire Certificate Number 153461,
- Fire Case Number 2016-181-F100, Kendall K. Kumpf, Fire Certificate Number 128653.

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 2011-925-F100, Michael A. Ruzicho, Fire Certificate Number 155487.** Mr. Ruzicho has a firefighter II certificate. In 2013, Mr. Ruzicho was an applicant for the FFII certification and admitted at the time he had past misdemeanor convictions; two for petty theft and two for disorderly conduct in four separate cases. Mr. Ruzicho entered into a consent agreement under which he was granted his certification on several conditions, one of which was that he submit to a BCI&I background check no later than April 18, 2016 and he did not provide a background check by that date. On September 13, 2016, the Division of EMS sent him a notice that he needed to provide his background check or risk losing his certifications. He did not provide a background check to date. A Notice of Opportunity for Hearing was properly issued and charged with violating conditions of a consent agreement in violation of OAC 4765-23-02(A)(3). The recommendation is to revoke his certification.
- **Fire Case Number 2015-629-F100, Jerry L. Joyner, Fire Applicant Number 171189** Mr. Joyner applied for a volunteer firefighter certificate and on declaration of criminal history he disclosed multiple convictions for misdemeanor of indecent exposure. On June 1, 2005 he was convicted in Putnam County Court on one count of indecent exposure and on June 20, 2005 he was convicted in Napoleon Municipal Court on two counts of misdemeanor indecent exposure. One instance involved Mr. Joyner driving through various drive-thru/carryout windows and exposing himself. Mr. Joyner was properly issued a Notice of Opportunity for Hearing and was charged with misdemeanors involving moral turpitude in violation of OAC 4765-23-02(A)(1)(c). He did not request a hearing and the recommendation is to deny his application.
- **Fire Case Number 2015-656-F100, Jason L. Collins, Fire Certificate Number 139588.** Mr. Collins certification as a certified volunteer firefighter whose certificate expired on January 15, 2016 and his renewal application is pending. On January 14, 2013, he was convicted of disorderly conduct in Fairfield County Municipal court. Mr. Collins entered into a consent agreement with the executive director on June 15, 2016. He was required to submit a BCI&I background check no later than October 15, 2016; however, he did not provide a background check. The Division of EMS sent a letter to Mr. Collins on November 4, 2016 informing him that the Division had not received a background check and that he needed to submit a background check by November 18, 2016. He did not provide a background check. Mr. Collins was properly sent a Notice of Opportunity for Hearing charging him to be in violation of the consent agreement in violation of OAC 4765-23-02(A)(3). No hearing was requested. The recommendation is to revoke his certification.
- **Fire Case Number 2016-18-F100, Joshua A. Breehl, Fire Certificate Number 153461.** Mr. Breehl is a certified volunteer firefighter. On July 7, 2015, he was convicted in the New Philadelphia Municipal Court of misdemeanor domestic violence. He signed a consent agreement stipulating to moral turpitude misdemeanor on June 15, 2016. One of the conditions of the consent agreement was submitting to a BCI&I background check by October 15, 2016; however, he did not provide a background check. On November 4, 2016, the Division of EMS sent a letter to Mr. Breehl notifying him that the division had not received a background check and he had until November 18, 2016 to comply with the consent agreement. Mr. Breehl never submitted a background check to the Division of EMS. On March 10, 2017, the Division of EMS properly sent a Notice of Opportunity for Hearing charging him with a misdemeanor of moral turpitude in violation of OAC 4765-23-02(A)(1)(c). No hearing was requested. The recommendation is to revoke his certification.

- **Fire Case Number 2016-181-F100, Kendall K. Kumpf, Fire Certificate Number 128653.** Mr. Kumpf is a certified firefighter I and submitted an application for renewal on March 29, 2016, disclosing conviction for persistent disorderly conduct. On May 13, 2016, Mr. Krumpf provided a certified police report, certified judgment entry and a BCI civilian background check. The Judgment Entry revealed that Mr. Krumpf was convicted of disorderly conduct in the Brown County Municipal Court. The police report indicated that Mr. Krumpf was involved in an altercation with his stepson. In an interview with the Division of EMS, Mr. Krumpf indicated he didn't disclose the conviction because he was not aware of the disclosure requirement. On November 23, 2016, the Division of EMS properly served Mr. Krumpf with a Notice of Opportunity for Hearing charging him with a misdemeanor of moral turpitude in violation of OAC 4765-23-02(A)(1)(c). No hearing was requested. The recommendation is a reprimand of his firefighter certificate, submit to criminal background check within 90 days of the adjudication order being journalized and disclose his conviction to his employer.

Having heard the synopsis and recommended disciplinary action for each case, Mr. Wright 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. Davis – First. Mr. Snyder– Second. No Abstentions. None opposed. Motion approved.

There being no further evidence, these proceedings were closed at 4:13 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. Davis – First. Ms. Harris – Second. None opposed. None – abstained. Motion approved.

Roll Call

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

ACTION: In the matter of Fire Case Number 2011-925-F100, Michael A. Ruzicho, Certificate Number 155487, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Ruzicho violated Ohio Administrative Code Section 4765-23-02(A)(3), by failing to comply with the terms of a Consent Agreement, and that Mr. Ruzicho's firefighter certificate be revoked. Mr. Snyder – First. Ms. Harris – Second. None opposed. None abstained. Motion approved.

ACTION: In the matter of Fire Case Number 2015-629-F100, Jerry L. Joyner, Fire Applicant, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Joyner violated Ohio Administrative Code Section 4765-23-02(A)(1)(c), by being convicted of three counts of Public Indecency and that Mr. Joyner's firefighter application be denied. Mr. Snyder – First. Ms. Harris – Second. None opposed. None abstained. Motion approved.

ACTION: In the matter of Fire Case Number 2015-656-F100, Jason L. Collins, Fire Certificate Number 139588, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Collins violated Ohio Administrative Code Section 4765-23-02(A)(3), by failing to comply with the terms of a Consent Agreement, and that Mr. Collins' firefighter certificate be revoked. Mr. Snyder – First. Ms. Harris – Second. None opposed. None abstained. Motion approved.

ACTION: In the matter of Fire Case Number 2016-18-F100, Joshua A. Breehl, Fire Certificate Number 153461, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Breehl violated Ohio Administrative Code Section 4765-23-02(A)(3), by failing to comply with the terms of a Consent Agreement, and that Mr. Breehl's firefighter certificate be revoked. Mr. Snyder – First. Ms. Harris – Second. None opposed. None abstained. Motion approved.

ACTION: In the matter of Fire Case Number 2016-181-F100, Kendall K. Kumpf, Fire Certificate Number 128653, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Kumpf violated Ohio Administrative Code Section 4765-23-02(A)(1)(c), and that Mr. Kumpf's firefighter certificate be reprimanded and he submit a criminal background check within ninety days of the adjudication order being entered in the Journal, and disclose his conviction to his employer. Mr. Snyder – First. Ms. Harris – Second. None opposed. None abstained. Motion approved.

FIRE INVESTIGATIONS, STAFF

Mr. Wright 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	Present	Mr. Dudley Wright II	Present
Mr. Resanovich	Absent		

ACTION: Motion that any stipulation of anger management be completed with a licensed professional approved by the executive director or it's designee in lieu of taking an online course for acceptance. Mr. Harris – First. Mr. Davis – Second. None - Abstained. None opposed. Motion approved.

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

2016-612-BF100	2017-123-F100
2017-87-F100	2017-162-BF100

ACTION: Motion to recommend to the Executive Director to accept the following Consent Agreements. Ms. Harris – First. Mr. Davis – Second. None opposed. Mr. Snyder - abstained. Motion approved.

2016-637-F100

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

2014-665-F300	2016-206-BF100
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ACTION: Motion that the following individuals entered into consent agreements with the Executive Director. They have not met the requirements of the consent agreement. Their respective certificates to practice have expired. Recommend to the Executive Director to close the following cases; re-open if re-applies. Mr. Snyder – First. Ms. Harris – Second. None opposed. None abstained. Motion approved.

2014-154-F300	2014-431-F300
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ACTION: Motion to recommend to the Executive Director to close the following cases; individuals have met the stipulations of their Consent Agreement. Mr. Snyder– First. Mr. Davis – Second. None opposed. None abstained. Motion approved.

2010-545-F100	2016-346-F100
2014-6-F100	2016-667-F100
2014-384-F300	2016-668-BF100
2014-568-F300	

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

2016-468-F300 *Rescind NOH	2017-151-F300	2017-164-F300
2016-584-F300 *Rescind NOH	2017-152-F300	2017-184-F300
2016-676-E300 *Rescind NOH	2017-153-F300	2017-230-F300
2017-149-F300	2017-163-F300	

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

2016-71-BF300 2016-392-BF100	2016-631-F300 2017-53-F300	2017-57-F300 2017-188-F300
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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. Snyder – First. Ms. Harris – Second. None opposed. None abstained. Motion approved.

2015-316-F300 2016-638-F300 2017-134-F500 2017-194-BF100 2017-195-BF100 2017-202-BF100	2017-209-F300 2017-210-BF100 2017-215-F100 2017-218-F100 2017-219-F100	2017-225-F100 2017-241-F100 2017-262-BF100 2017-283-BF100 2017-304-F100
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Old Business ~ None

New Business ~ None

ADJOURNMENT

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

The meeting adjourned at 4:42 p.m. The next meeting will be held August 16, 2017 at the Ohio Department of Public Safety, 1970 West Broad Street, Columbus, Ohio.