



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

MEETING MINUTES

August 17, 2016

~FINAL~

Committee Meeting Date and Location: Wednesday, August 17, 2016 at the Ohio Department of Public Safety, 1970 West Broad Street, Conference Room 1106, Columbus, Ohio.

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

Committee Members Absent: Deanna Harris and Mark Resanovich

EMS Staff Present: Jean Booze, Melvin House, Valerie Koker, and Ellen Owens.

Assistant Attorney General: Rico Barrera

Guest and Public Present: ~none~

Mr. Davis called the meeting to order at 1:39 p.m.

ROLL CALL

Mr. James Davis	Present	Mr. George B. Snyder	Present
Ms. Deanna Harris	Absent	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 June 15, 2016 Firefighter and Fire Safety Inspector Training Committee meeting minutes.

ACTION: Motion to approve the Consent Agenda items to include the June 15, 2016 Firefighter and Fire Safety Inspector Training Committee meeting minutes. Mr. Wright– First. Mr. Snyder– Second. None – Abstained. None opposed. Motion approved.

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

Jean Booze reported there were three dual certified and one fire only; 2016-8-1, 2016-8-2, 2016-8-3, 2016-8-4. Exemption number 2016-8-3 is a voluntary firefighter who was granted an exemption for the previous cycle. He is still deployed; however, this would be a back to back exemption. 2016-8-4 is a career veteran who is eligible for an automatic renewal under House Bill 98, however, he would need continuing education during the current cycle. Staff recommends approval and Ms. Booze requested a motion to ratify.

ACTION: Motion to ratify the exemptions for number 2016-8-1, 2016-8-4, and 2016-8-2. Mr. Wright – First. Mr. Snyder – Second. None opposed. None abstained. Motion approved.

Exemption Number 2016-8-3 is a volunteer firefighter who was granted an exemption for the same certificate from the previous cycle. He is asking for a second exemption due to him still being deployed. A discussion ensued regarding back to back exemptions. DEMS received his orders with him currently being in Afghanistan. Ms. Booze explained that under HB 98 he would automatically be renewed, however, he is required to complete the continuing education he has missed. Members of this committee appreciate his service. Let the minutes reflect that it was suggested to deny the exemption based on the fact that he has already had an exemption and with the understanding that under House Bill 98 he will have an extended period of time to fulfill his continuing education hours.

ACTION: Motion to deny the exemption based on the fact that he has already had an exemption and with the understanding that under House Bill 98 he will have an extended period of time to fulfill his continuing education hours. Mr. Wright – First. Mr. Snyder – Second. None opposed. None abstained. Motion approved.

Jean Booze reported that there are two exemption requests under hardship and medical reasons. Exemption number 2016-8-5 and 2016-8-6. Medical documentation has been received from both and staff recommends approval.

ACTION: Motion to approve the exemption requests of number 2016-8-5 and 2016-8-6. Mr. Snyder – First. Mr. Wright – Second. None opposed. None abstained. Motion approved.

Jean Booze reported that due to the new system there are a few from the June report that were approved at the June EMFTS Board meeting. There were 1,180 new fire applications for certification in June and 998 for July for a total of 2,178. Staff recommends approval and Ms. Booze requested a motion to ratify.

ACTION: Motion to ratify the 2,178 new fire applications for certification received June and July 2016. Mr. Snyder – First. Mr. Wright – Second. None opposed. None abstained. Motion approved.

REPORT AND RECOMMENDATION IN THE MATTER OF FIRE CASE

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

- Fire Case Number 2015-383-F100, Brian C. Cox, Fire Certificate Number 158878; and
- Fire Case Number 2015-442-F100, Patrick M. Anastasia, Reinstatement Applicant Number 67638

Mr. Davis recognized Assistant Attorney General Rico Barerra for the purpose of providing a brief synopsis of the case and a recommendation for disciplinary action.

Fire Case Number 2015-383-F100, Brian C. Cox, Fire Certificate Number 158878. Mr. Cox holds a Firefighter I certification. AAG Barerra presented that in July of 2015, Mr. Cox was convicted of *Abduction*, a third-degree felony and *Intimidation of a Witness*, a third-degree felony. The hearing was held on June 3, 2016, where both sides were given an opportunity to present evidence. The hearing examiner found that Mr. Cox was in fact convicted of these felony offenses and that he did not report those to the Division of EMS as required. The incident was a fight between Mr. Cox and his girlfriend. Mr. Cox testified that he became angry with his girlfriend and a physical altercation ensued between them. When she tried to leave the house he would not let her leave which explains the intimidation of a witness. The hearing examiner recommended revocation, however, he wanted to stress that he does not recommend permanent revocation. Mr. Cox is a veteran and he was medically discharged from the Navy for mental issues related to PTSD after a tour in Afghanistan.

Fire Case Number 2015-442-F100, Patrick M. Anastasia, Reinstatement Applicant Number 67638. Mr. Barerra reported that Mr. Anastasia held a certificate to practice from 1995 until 2009 when it expired. In 1993 Mr. Anastasia was convicted of *Aggravated Arson*, a first-degree felony as well as three counts of *Arson*, a third-degree felony. The rules written at that time the school he attended did not screen this and could not take action. Mr. Anastasia was very forthright about his convictions, and noted that he was 20 years old at the time and made bad decisions. He has not had any other offenses and has been active in his community. The Hearing Examiner felt very strongly that Mr. Anastasia should receive his fire certificate as long as he completes a new fire training course. The hearing examiner's recommendation was to deny his application because he has not completed the fire course and he has these felony convictions.

Mr. Davis asked if Mr. Cox or his attorney or Mr. Anastasia and his attorney were present. Mr. Barrera advised that he did not find anyone in the lobby. They were not present.

Ms. Davis 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. Wright – 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	Absent		

ACTION In the matter of Fire Case Number 2015-442-F100, Patrick M. Anastasia, Reinstatement Applicant Number 67638, the Committee recommends to the Executive Director to confirm and approve the findings of fact and conclusions of law. However, the Committee recommends to reject the recommendation issued by the hearing examiner to issue Mr. Anastasia a fire certificate. The Committee finds that Mr. Anastasia was convicted of a felony of the first degree, Aggravated Arson; and three (3) felonies of the third degree, Arson. Additionally, the Committee finds that Mr. Anastasia failed to meet the requirements for reinstatement of a fire certificate. Mr. Anastasia violated Ohio Administrative Code Sections 4765-23-02(A)(4), 4765-20-08(F), and 4765-23-02(A)(1)(a). Therefore, the Committee recommends to the Executive Director to deny Mr. Anastasia's reinstatement application for a fire certificate based on the egregious nature of the convictions. Mr. Snyder – First. Mr. Wright– Second. None Opposed. Motion approved.

ACTION In the matter of Fire Case Number 2015-383-F100, Brian C. Cox, Fire Certificate Number 158878, the Committee recommends to the Executive Director to table the case deliberation until the October 2016 meeting. Mr. Snyder – First. Mr. Wright– Second. None Opposed. Motion approved.

GOLDMAN PROCEEDINGS

Mr. Davis, on behalf of the Firefighter and Fire Safety Inspector Training Committee called the proceeding to order at 2:33 p.m. on August 17, 2016 at the Ohio Department of Public Safety, 1970 West Broad Street, Columbus, Ohio 43223. 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	Absent		

There were six adjudication proceedings. Executive Director Mel House is present. These proceedings were in the matter of:

- Fire Case Number 2015-136-BF100, Jeffrey T. Young, Fire Certificate Number 22068
- Fire Case Number 2015-538-F300, Nicholas S. Kehres, Fire Certificate Number 138641
- Fire Case Number 2015-553-F100, Michael P. Whitecar, Fire Certificate Number 169332
- Fire Case Number 2015-681-BF100, Shane M. Cochrane, Fire Certificate Number 3936

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 will be held today 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 Board 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 you will deliberate. The Board 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 Rico Barerra, for the purpose of providing a brief synopsis of each case and a recommendation for disciplinary action. Mr. Barrera presented a synopsis of the following cases:

- Jeffrey T. Young was convicted of two counts of felony *Robbery*, both second-degree felonies. Mr. Young displayed a handgun along with a note demanding Xanax® and oxycodone. The recommendation is to permanently revoke Mr. Young's certificate to practice.
- Nicholas S. Kehres submitted a renewal application in June 2015 stating he had met all CE requirements. A random audit was conducted by the Division of EMS. Despite multiple attempts to contact Mr. Kehres the Division did not receive a response. The recommendation is to revoke his certification.
- Michael P. Whitecar plead guilty on December 18, 2015 to one count of *Unlawful Sexual Conduct with a Minor*. The victim was 14 years old and Mr. Whitecar was 22 years old. During the investigation it was also discovered that Mr. Whitecar was convicted of *Public indecency*. None of these convictions were reported to the Division of EMS. The recommendation is permanent revocation.
- Shane M. Cochrane was convicted in October 2015 of a *Petty Theft*, a first-degree misdemeanor. According to police reports, Mr. Cochrane was employed as the Treasurer of the Ohio Association of Emergency Medical Services, and while employed, stole \$4,750.91. This conviction was not disclosed to the Division of EMS. The recommendation is to revoke his 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. Wright – First. Mr. Snyder – Second. No Abstentions. None opposed. Motion approved.

There being no further evidence, these proceedings were closed at 2:38 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 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. Wright – 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	Absent		

ACTION: In the matter of Fire Case Number 2015-136-BF100, Jeffrey T. Young, Fire Certificate Number 22068, the Committee finds that Mr. Young was convicted of three (3) felonies of the second degree, Robbery, with specification, Robbery, without specification, and Robbery. Additionally, the Committee finds that Mr. Young failed to report his conviction(s) and supply documentation, as required. Mr. Young violated Ohio Administrative Code Sections 4765-23-02(A)(4), 4765-22-01(D), and 4765-23-02(A)(1)(a). Therefore, the Committee recommends to the Executive Director to permanently revoke Mr. Young's fire certificates. Mr. Wright – First. Mr. Snyder – Second. None opposed. Motion approved.

ACTION: In the matter of Fire Case Number 2015-538-F300, Nicholas S. Kehres, Fire Certificate Number 138641, the Committee finds that Mr. Kehres failed to complete and accurately document all continuing education requirements after attesting to the fact that he had satisfied the requirements; therefore not meeting the renewal requirements. Accordingly, Mr. Kehres violated Ohio Administrative Code Sections 4765-23-02(A)(2), 4765-22-01(C), 4765-20-07(A)(3), and 4765-20-13(A). Therefore the Committee recommends to the Executive Director to revoke Mr. Kehres' firefighter certificate. Mr. Wright – First. Mr. Snyder – Second. None opposed. Motion approved.

ACTION: In the matter of Fire Case Number 2015-553-F100, Michael P. Whitecar, Fire Certificate Number 169332, the Committee finds that Mr. Whitecar was convicted of a felony of the fourth degree, Unlawful Sexual Conduct with a Minor; and a fourth degree misdemeanor, Public Indecency/Exposure. The Committee concludes that this misdemeanor involves moral turpitude. Additionally, the Committee finds that Mr. Whitecar failed to report his conviction(s) and supply documentation, as required. Accordingly, Mr. Whitecar violated Ohio Administrative Code Sections 4765-23-02(A)(4), 4765-22-01(D), 4765-23-02(A)(1)(a), and 4765-23-02(A)(1)(c). Therefore the Committee recommends to the Executive Director to permanently revoke Mr. Whitecar's firefighter certificate. Mr. Snyder – First. Mr. Wright – Second. None opposed. Motion approved.

ACTION: In the matter of Fire Case Number 2015-681-BF100, Shane M. Cochrane, Fire Certificate Number 3936, the Committee finds that Mr. Cochrane was convicted of a first degree misdemeanor, Petty Theft. The Committee concludes that this misdemeanor involves moral turpitude. Additionally, the Committee finds that Mr. Cochrane failed to report his conviction(s) and supply documentation, as required. Accordingly, Mr. Cochrane violated Ohio Administrative Code Sections 4765-23-02(A)(4), 4765-22-01(D), and 4765-23-02(A)(1)(c). Therefore the Committee recommends to the Executive Director to revoke Mr. Cochrane's firefighter certificate. Mr. Snyder – First. Mr. Wright – Second. None opposed. Motion approved.

AAG Barrera confirmed that the Report and Recommendation for Mr. Anastasia was read into the record correctly. Mr. Davis read the motion to confirm.

COMMITTEE REPORTS

Firefighter Committee Report, Doug Orahod

The Pro-Board accreditation was approved. The Pro Board expressed that the Ohio EMS Course Administration System is innovative and is unlike anything they have seen nationally. DEMS staff also received high marks on the test validation process.

Mr. Orahod reported that test validation continues to be held weekly and appreciates everyone who participates.

The Ohio Fire Awards will be held on September 21, 2016 at 1:30 pm at the Ohio Fire Academy. EMS will present six awards.

The Program Director Conference will be October 27, 2016 to be held at the ODOT Auditorium. A few of the sessions will be live fire training, NFPA 1403 and will have break-out sessions regarding test security and compromises and deception during testing.

ED House reported that DEMS staff has been working on the fire rules and have been written to reflect the new changes. The fire rules will then be ready to be sent to JCARR.

FIRE INVESTIGATIONS, STAFF

Mr. Davis 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. 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	Absent		

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

2016-20-BF100	2016-146-BF100	2016-292-F300	2016-390-F100
2016-94-BF100	2016-250-F100	2016-309-F100	
2016-143-F100	2016-279-F100	2016-344-BF100	

ACTION: Motion to recommend to the Executive Director to close the following cases; no jurisdiction. Mr. Davis – First. Mr. Wright – Second. None opposed. Mr. Resanovich - abstained. Motion approved.

2016-247-F100	2016-305-F500	2016-307-BF100
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ACTION: Motion to recommend to the Executive Director to close the following cases; applications were deemed incomplete; re-open if re-apply. Mr. Davis – First. Mr. Wright – Second. None opposed. Mr. Resanovich - abstained. Motion approved.

2016-118-F100	2016-235-F100
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ACTION: Motion to recommend to the Executive Director to close the following cases; accept surrendering of their respective certificates. Mr. Davis – First. Mr. Wright – Second. None opposed. Mr. Resanovich - abstained. Motion approved.

2016-281-F300	2016-323-F300	2016-373-F300
2016-284-F300	2016-325-F300	2016-375-F300
2016-285-F300	2016-334-F300	2016-376-F300
2016-321-F300	2016-347-F300	2016-383-F300
2016-322-F300	2016-348-F300	2016-388-F300

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

2013-226-BF100

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

2013-243-F100	2015-679-BF300	2016-126-F300	2016-242-F100
2015-331-BF100	2016-10-F300	2016-161-F300	2016-251-F300
2015-634-F100	2016-86-F300	2016-183-F100	2016-313-F300
2015-665-F100	2016-91-BF100	2016-194-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. Davis – First. Mr. Wright – Second. None opposed. Mr. Resanovich - abstained. Motion approved.

2015-36-F500	2015-638-BF100	2016-165-BF100	2016-208-BF100	2016-208-BF100
2015-97-F500	2015-725-F100	2016-250-F100	2016-250-F100	2016-250-F100
2015-303-F500	2015-627-F100	2016-057-F100	2016-057-F100	2016-057-F100
2016-26-F100	2016-252-BF100	2016-252-BF100	2016-252-BF100	2016-252-BF100

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

2012-404-F300

Old Business ~ None

New Business ~ None

ADJOURNMENT

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

The meeting adjourned at 3:04 p.m.