



**FIREFIGHTER AND FIRE SAFETY INSPECTOR TRAINING COMMITTEE  
STATE BOARD OF EMERGENCY MEDICAL SERVICES  
OHIO DEPARTMENT OF PUBLIC SAFETY  
MEETING MINUTES  
December 16, 2015  
~FINAL~**

**Committee Meeting Date and Location:** Wednesday, December 16, 2015 at the Ohio Department of Public Safety, 1970 West Broad Street, Conference Room 1106, Columbus, Ohio.

**Committee Members Present:** James Davis, Deanna Harris, Daryl McNutt, and Dudley Wright II

**Committee Members Absent:** Mark Resanovich

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

**Assistant Attorney General:** Rico Barrera

**Guest and Public Present:** Barry Seth

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Ms. Harris called the meeting to order at 3:12 p.m.

**ROLL CALL**

Mr. James Davis	Present	Mr. Resanovich	Absent
Ms. Deanna Harris	Present	Mr. Dudley Wright II	Present
Mr. Daryl McNutt	Present		

**WELCOME AND INTRODUCTION**

**OPEN FORUM** ~ None

**REVIEW AND APPROVAL OF CONSENT AGENDA**

Mr. Davis requested a motion to approve the consent agenda including the October 21, 2015 Firefighter and Fire Safety Inspector Training Committee meeting minutes, the certifications, accreditations, and CE site requests for the period of October 20, 2015 through December 15, 2015.

**ACTION:** Motion to approve the Consent Agenda items including the October 21, 2015 meeting minutes, the certifications, accreditations, and CE site requests for the period of October 20, 2015 through December 15, 2015. Mr. McNutt– First. Mr. Wright – Second. None – Abstained. None opposed. Motion approved.

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

**Certification, Jean Booze**

Jean Booze reported on the CE exemptions. There are four fire military exemptions; #2015-12-05, #2015-12-06, #2015-12-07 and #2015-12-08. There are two hardship/medical exemptions by the same person; #2015-12-01 for two different certificates. All documentation has been received and staff recommends approval. Ms. Booze requested a motion to approve the military and medical exemptions.

***ACTION: Motion to approve the military exemption requests for #2015-12-05, #2015-12-06, #2015-12-07 and #2015-12-08 and to approve the medical exemption requests for #2015-12-01. Mr. Davis – First. Mr. McNutt – Second. None opposed. None abstained. Motion approved.***

**COMMITTEE REPORTS**

**Firefighter Committee Report, Doug Orahood**

Mr. Orahood made the fire members aware that the Division of EMS will begin the Ohio Fire Testing Validation subject matter expert workgroups on January 7, 2016 with additional meetings scheduled through March. The Division of EMS staff is leading the workgroup sessions in the review and validation process for firefighter certification examination test banks. Each workgroup is also asked to complete a written survey at the conclusion of each session, to help the Division of EMS improve the process and assist the volunteer subject matter experts.

Dan Swords stated that an extreme weather policy will be added to the rules updates.

**GOLDMAN PROCEEDINGS**

Mr. Davis, on behalf of the Firefighter and Fire Safety Inspector Training Committee called the proceeding to order at 3:19 p.m. on December 16, 2015 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. Resanovich	Absent
Ms. Deanna Harris	Present	Mr. Dudley Wright II	Present
Mr. Daryl McNutt	Present		

There will be four adjudication proceedings today. Also present is Executive Director Mel House. These proceedings are in the matter of:

- Fire Case Number 2014-36-BF100, Almon L. Harris, Fire Certificate Number 82495
- Fire Case Number 2014-443-F300, David E. Charter, Fire Certification Number 158277
- Fire Case Number 2014-523-F100, Justin A. Holmes, Fire Applicant Number 201824
- Fire Case Number 2014-692-F500, William S. Underwood, Fire Applicant Number 164142

These proceedings shall be 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 Barrera, 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:

- Almon L. Harris was convicted of *Menacing*, a fourth-degree misdemeanor, and *Disorderly Conduct*, a minor misdemeanor. The *Menacing* charge stems from Mr. Harris appearing at a rental property with a machete, and brandishing the machete while making threats to make the tenants pay rent. The disorderly conduct comes from Mr. Harris punching the brother of the tenant in the mouth during this incident. Mr. Harris did not timely report this conviction to the EMS Division or submit any documentation of continuing education. The recommendation is to revoke Mr. Harris' firefighter certificate.
- David E. Charter did not submit documentation of required continuing education hours. The recommendation is to revoke Mr. Charter's firefighter certificate.
- Justin A. Holmes indicated on his application that he had a conviction. In 2012 in the Coshocton Court of Common Pleas Court, Mr. Holmes was convicted of *Disseminating Matter Harmful to Juveniles*, a first-degree misdemeanor. Police reports indicate Mr. Holmes submitted explicit texts and pictures to a 15 year old female; he was 23 years old at the time. Mr. Holmes did not submit additional documentation of this conviction as required. The recommendation is to deny Mr. Holmes' application.
- William S. Underwood submitted a Firefighter Equivalency Application for a Level I Firefighter. This was an old application submitted in 2013. The application was incomplete; however, Mr. Underwood was given an opportunity to update the application. He updated the application and was given a 1 year period to pass the Firefighter exam to become certified within three attempts with a deadline of November 7, 2014. Mr. Underwood did not complete the exam. The recommendation is to deny Mr. Underwood's application for a firefighter certificate.

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.*** Ms. Harris – First. Mr. McNutt – Second. No Abstentions. None opposed. Motion approved.

There being no further evidence, these proceedings were closed at 3:23 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).*** Ms. Harris – First. Mr. McNutt – Second. None opposed. None – abstained. Motion approved.

## **ROLL CALL**

Mr. James Davis	Present	Mr. Resanovich	Absent
Ms. Deanna Harris	Present	Mr. Dudley Wright II	Present
Mr. Daryl McNutt	Present		

The Board returned from private session at 3:34 p.m.

***ACTION: In the matter of Fire Case Number 2014-36-BF100, Almon L. Harris, Fire Certificate Number 82495, the Committee finds that Mr. Harris was convicted of Menacing, a fourth-degree misdemeanor in violation of Cleveland City Ordinance 621.07. The Committee concludes this misdemeanor involves moral turpitude. Additionally, Mr. Harris failed to report his conviction and failed to provide required records and a background check. Mr. Harris violated Ohio Administrative Code Sections 4765-23-02(A)(4) and 4765-23-02(A)(1)(c); therefore, the Committee recommends to the Executive Director to revoke Mr. Harris' firefighter certificate.*** Mr. Wright – First. Mr. McNutt – Second. None opposed. Mr. Davis - abstained. Motion approved.

***ACTION: In the matter of Fire Case Number 2014-443-F300, David E. Charter, Fire Certificate Number 158277, the Committee finds that Mr. Charter 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. Charter violated Ohio Administrative Code 4765-23-02(A)(2) to wit: 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. Charter's firefighter certificate.*** Mr. Davis – First. Mr. McNutt – Second. None opposed. None abstained. Motion approved.

***ACTION: In the matter of Fire Case Number 2014-523-F100, Justin A. Holmes, Fire Certificate Number 201824, the Committee finds that Mr. Holmes was convicted of Disseminating Matter Harmful to Juveniles, a first-degree misdemeanor, in violation of Ohio Revised Code Section 2907.31(A)(1). The Committee concludes this misdemeanor involves moral turpitude. Additionally, Mr. Holmes failed to provide the required court and police records and a background check. Mr. Holmes violated Ohio Administrative Code Sections 4765-23-02(A)(1)(a), 4765-23-02(A)(2) and 4765-20-04(C). Therefore, the Committee recommends to the Executive Director to deny Mr. Holmes' application for a firefighter certificate.*** Mr. Davis – First. Mr. McNutt – Second. None opposed. None abstained. Motion approved.

***ACTION:*** *In the matter of Fire Case Number 2014-692-F500, William S. Underwood, Fire Applicant Number 164142, the Committee finds that Mr. Underwood failed to meet the reciprocity requirements, in violation of Ohio Administrative Code Sections 4765-23-02(A)(2) and 4765-20-11(B)(5). Therefore, the Committee recommends to the Executive Director to deny Mr. Underwood's application for a firefighter certificate.* Mr. Davis – First. Mr. McNutt – Second. None opposed. None abstained. Motion approved.

**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).* Ms. Harris – First. Mr. McNutt – Second. None opposed. None – abstained. Motion approved.

**Roll Call**

Mr. James Davis..... Present	Mr. Mark Resanovich .....Absent
Ms. Deanna Harris..... Present	Mr. Dudley Wright II .....Present
Mr. Daryl McNutt..... Present	

***ACTION:*** *Motion to recommend to the Executive Director to issue Notices of Opportunity for Hearing and grant permission to negotiate a consent agreement.* Mr. Davis – First. Mr. McNutt– Second. None opposed. None abstained. Motion approved.

2015-425-F100	2015-588-F500
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***ACTION:*** *Motion to recommend to the Executive Director to accept the following Consent Agreements.* Mr. Davis – First. Mr. McNutt – Second. None opposed. None abstained. Motion approved.

2012-118-F100	2014-622-F300*Accept surrender/rescind NOH	2015-253-F100
2012-648-F300	2015-168-BF100	2015-341-F100
2013-699-BF300	2015-181-F100	*Accept surrender
2014-121-BF100	2015-240-F100*Application incomplete	2015-378-F100
2014-546-F300	2015-246-F300 *Accept surrender/rescind NOH	2015-504-F100

***ACTION:*** *Motion to recommend to the Executive Director to close the following cases.* Mr. Davis – First. Mr. McNutt – Second. None opposed. None abstained. Motion approved.

2014-580-F300 *Flag for complaint audit	2015-368-F300
2014-644-BF100	2015-375-F500 *Incomplete app
2015-62-F500 *Warning letter	2015-491-BF100
2015-106-F100	2015-512-F300 *Accept withdrawal of app
2015-220-F100	2015-575-BF100
2015-236-F300 *Flag for complaint audit	2015-600-F500 *Warning letter

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

2014-619-F300 *Rescind NOH	2015-537-F300
2015-400-F300	2015-540-F300
2015-432-F300	2015-562-F300
2015-473-F300	2015-563-F300
2015-489-F300	2015-564-F300
2015-529-F300	2015-573-F300
2015-536-F300	

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

2012-129-BF100	2014-561-F100
2012-463-BF100	2015-262-F500
2014-332-F100	

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

2012-120-F100	2015-315-F300	2015-442-F100
2012-413-BF500	2015-371-F300	2015-471-F300
2014-624-F100	2015-383-F100	2015-476-F300
2015-121-BF100	2015-431-F300	2015-501-BF100

***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 question, misdemeanor convictions that have previously been deemed "not involving moral turpitude", local issues, and grandfathering issues of certification/conviction.*** Mr. Davis – First. Mr. McNutt – Second. None opposed. None abstained. Motion approved.

2015-187-BF100	2015-580-F100	2015-632-F100
2015-424-F100	2015-586-BF100	2015-636-BF100
2015-561-BF100	2015-589-F100	2015-663-BF100
2015-568-BF100	2015-591-BF100	2015-664-BF100
2015-574-F100	2015-592-F100	2015-670-BF100

***ACTION: In the matter of Fire Case No. 2015-521-F500, recommend to the Executive Director to issue a Notice of Opportunity for Hearing. Furthermore, recommend a suspension of testing rights. Recommend granting an extension of time for the students to make application; one year after the completion of the practicals.*** Mr. Davis – First. Mr. McNutt – Second. None opposed. None abstained. Motion approved.

**Old Business** ~ None

**New Business** ~ None

**ADJOURNMENT**

***ACTION:*** Motion to adjourn. Mr. McNutt – First Ms. Harris - Second

The meeting adjourned at 3:55 p.m.