



**FIREFIGHTER AND FIRE SAFETY INSPECTOR TRAINING COMMITTEE
STATE BOARD OF EMERGENCY MEDICAL SERVICES
OHIO DEPARTMENT OF PUBLIC SAFETY
MEETING MINUTES
December 17, 2014
~ FINAL ~**

Committee Meeting Date and Location: Wednesday, December 17, 2014 at the Ohio Department of Public Safety, 1970 West Broad Street, Conference Room 134, Columbus, Ohio.

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

Committee Members Absent: None

EMS Staff Present: Jean Booze, Beverly Cooper, Anna Firestone, Sherry Harkness, Melvin House, Robert Ruetenik, John Sands, Dan Swords, Melissa Vermillion, and Rachel Zwayer

Assistant Attorney General: Brandon Duck

Guest and Public Present: Greg Robbins and Barry Seth (Lagrange Fire/Rescue)

Mr. Resanovich called the meeting to order at 1:07 p.m.

ROLL CALL

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

**Note: Mr. Davis stepped out prior to roll call and return shortly after.*

WELCOME AND INTRODUCTION

OPEN FORUM ~ None

REVIEW AND APPROVAL OF CONSENT AGENDA

Mr. Resanovich requested a motion to approve the Consent Agenda including the October 15, 2014 Firefighter and Fire Safety Inspector Training Committee meeting minutes, the certifications, accreditations, and CE site requests for period October 15, 2014 through December 16, 2015, 2014.

ACTION: Motion to approve the Consent Agenda items including the October 15, 2014 meeting minutes, the certifications, accreditations, and CE site requests for period October 15, 2014 through December 16, 2014. Mr. McNutt – First. Ms. Harris – Second. None – Abstained. None opposed. Motion approved.

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

Certification, Jean Booze

Jean Booze reported on the CE exemptions requests; there were a total of three CE exemption requests all due to medical hardship: all three were dual-certified (#2014-12-2, 2014-12-3, 2014-12-4). There were no military exemption requests. The staff recommends approval and requests a motion to approve two of the requests (#2014-12-3, and 2014-12-4). All supporting documentation has been received for these three requests. However, staff does not recommend approval of one request (#2014-12-2) and requests a motion to deny this exemption request. Although staff has requested supporting documentation, this applicant has not complied and no supporting documentation beyond the original diagnosis from 2010 has been received.

ACTION: Motion to approve exemption requests for #2014-12-3 and #2014-12-4 and deny the exemption request for #2014-12-2. Mr. McNutt – First. Ms. Harris – Second. None opposed. None abstained. Motion approved.

COMMITTEE REPORTS

Firefighter and Fire Safety Inspector Training Sub-Committee, John Sands

Mr. Orahod was unavailable to present report, John Sands presented in his absence.

Web-based fire testing complete. The program directors and proctors as well as DEMS staff will be evaluating the new system December 18, 2014 prior to the training webinars in January and roll out in February.

REPORT AND RECOMMENDATION

Mr. Resanovich began the deliberation and noted that Executive Director Melvin House was also present. The Committee will be deliberating on two *Report and Recommendation* (R & R) in the matter of:

- *Fire Case Number 2012-268-F100, Gregory N. Robbins, Fire Applicant Number 192658*
- *Fire Case Number 2013-634-F100 Michael T Pacey Fire Certificate Number 164682*

The respondents did not file objections to the *Report and Recommendation* in the cases. Mr. Resanovich recognized Assistant Attorney General Brandon Duck for the purpose of providing a brief synopsis of each case and recommendation for disciplinary action.

AAG Duck presented Fire Case Number 2013-634-F100, Michael T Pacey, Fire Certificate Number 164682. Mr. Pacey case involves his first degree misdemeanor conviction of unlawful sexual conduct with a minor. Mr. Pacey applied for his firefighter certificate in November 2012 and did report his conviction. Mr. admitted to sexual conduct with a fifteen-year old while he was nineteen-years old. The Board was provided with a copy of the R & R from the Hearing Officer. AG Duck agreed with the hearing officer's recommendation. AG Duck stated that in addition to the hearing officer's recommendation the Board may also impose additional sanctions. The hearing officer's recommendations were:

- 1) Mr. Pacey shall provide a fit-for-duty psychological evaluation at his expense.
Mr. Pacey completed the evaluation and staff report that indicated that he was not a threat and did not present sexual issues that may prevent him from being a firefighter.
- 2) Mr. Pacey provide an updated Bureau of Criminal Identification & Investigation Civilian Background check.
- 3) Mr. Pacey certificate once issued will be placed on probation for three years
- 4) Mr. Pacey shall provide another BCI & I background check upon renewal of his firefighter certificate.

Neither Mr. Pacey nor his attorney was present to offer testimony.

AAG Duck presented Fire Case Number 2012-268-F100, Gregory N. Robbins, Fire Applicant number 192658. Mr. Robbins and his attorney were both present when the case was presented and discussed during the August 20, 2014 and again in October 15, 2014 Committee meetings.

The Board was provided with copies of the transcript and Report and Recommendation prior to the meeting. The AAG Duck presented a brief overview of the R & R. There were two issues to address: 1) incomplete application and 2) crime involving moral turpitude. As instructed and directed by AAG Duck, the Board reviewed certain sections of the hearing officer's report and recommendation. The hearing officer's recommendations were: 1) The Executive Director deny Mr. Robbins' applications as it is incomplete and 2) The Executive Director not deny Mr. Robbins' application on the basis of his conviction of a misdemeanor involving moral turpitude.

AG Duck explained the options available to the Board. As to the application, the Board can choose 1) adopt the hearing officer's recommendation and deny the application as incomplete; 2) deliberate and determine that the application is now complete because all information has been received. As to the issue involving moral turpitude, 1) The AG has determined that the crime did involve moral turpitude, however the Board can choose to adopt or modify the recommendation as well.

Mr. Robbins was present and addressed the Committee. He once again stated that as far as his application being incomplete, he tried to obtain the police report from Florida where the crime occurred. He was told there was no certified copy available via phone. However, with the application being submitted over two years ago, would he now be required to resubmit a new application? And as to the charge in which he was convicted, he is not denying the charges. He stated that he has been working towards establishing himself in the community; he's joined two fraternal organizations, involved in several programs for local fire department, and working towards an associate degree in Fire Science. He would like to continue being a positive asset to the fire community. He asks that the Board grant his certificate.

Mr. Resanovich 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 and go into Private Session for the purpose of quasi-judicial deliberation on the matter 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. McNutt – Second. .

ROLL CALL

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

The Committee returned from private session at 1:52 p.m.

ACTION: In the matter of Fire Case Number 2013-634-F100 Michael T Pacey, Fire Applicant Number 164682, the Committee recommends to the executive director the following: Confirm and approve the findings of fact; conclusion of law, and the recommendation issued by the hearing examiner.

- 1). ***Mr. Pacey shall be issued his firefighter certificate, however, prior to issuance of his firefighter certificate, Mr. Pacey shall complete the following:***
 - a) ***Mr. Pacey shall provide a fit-for-duty psychological evaluation, at his expense, as determined by a licensed mental health professional. This evaluation shall indicate that Mr. Pacey is mentally and emotionally stable and that he is free from any impairment that would render him unable to practice as a firefighter with reasonable skill and safety.***
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Additionally, this evaluation shall indicate Mr. Pacey is free from any psychological condition or impairment that poses a significant risk to his health and safety or to the health and safety of others. Upon successful completion of said evaluation, Mr. Pacey shall provide the Division of EMS with documentation of such. The executive director shall review the fit-for-duty, and, if satisfactory, he shall approve/accept it.

- b) Mr. Pacey shall provide an updated Bureau of Criminal Identification and Investigation Civilian Background Check (BCI&I) that does not reveal any other criminal violations, at his expense.***
- 2) Upon issuance of Mr. Pacey's firefighter certificate, his certificate shall be placed on probation for a period of three years. During the probationary period:***
- a) Mr. Pacey shall report any arrest to the Division of EMS within ten (10) days of the arrest.***
- b) Mr. Pacey shall fully disclose his conviction to any fire-related employer.***
- 3) Upon renewal of Mr. Pacey's firefighter certificate Mr. Pacey shall provide the Division of EMS with another BCI&I background check, at his expense.***

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

ACTION: In the matter of Fire Case Number 2012-268-F100, Gregory N. Robbins, Fire Applicant Number 192658, the Committee recommends to the Executive Director to confirm and approve the findings of fact, conclusions of law, and the recommendation issued by the hearing examiner. This recommendation is referring back to the original motion from the October 15, 2014 Fire Committee meeting: To deny Mr. Robbins' application as incomplete, allowing Mr. Robbins to submit a new, complete, up-to-date application if he chooses. Ms. Harris – First. Mr. Wright – Second. None opposed. None abstained. Motion approved.

GOLDMAN PROCEEDINGS

Mr. Resanovich called the proceedings to order at 1:58 p.m. on December 17, 2014 at the Ohio Department of Public Safety, 1970 West Broad Street, Conference Room 134, Columbus, Ohio Fire Members of the Committee present for these proceedings are:

ROLL CALL

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

There were six adjudication proceedings. Also present was Executive Director Melvin House. The proceedings are in the matter of:

- Fire Case Number 2013-134-F100 Matthew S. Griggs, Fire Certificate Number 154235
- Fire Case Number 2013-143-F300, Andrew S. Nickelson, Fire Certification Number 126905
- Fire Case Number 2013-235-BF100, Brandon E. Wolters, Fire Certificate Number 129772
- Fire Case Number 2013-293-F100, Anthony R. Downing, Fire Certification Number 150789
- Fire Case Number 2013-349-F300, Scott A. Young, Fire Certification Number 133902
- Fire Case Number 2013-518-F300, Robert R. McClure, Fire Certification Number 140862

These proceedings shall be affidavit-based adjudication relative to the Notification of Opportunity for Hearing mailed to the respondents in the aforementioned cases and believe to have been properly served according to the Administrative Procedures Act (Chapter 119 of the Ohio Revised Code).

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

All have received a sworn affidavit from the EMS Investigators and accompanying exhibits for the Goldman Proceedings in the board packet. The affidavits contain the evidence and testimony upon which was deliberated. Mr. McNutt stated that all have had an opportunity to

review the affidavits, accompanying exhibits, however, time was allowed review them. No additional review time was required.

In lieu of stenographic record being made, the minutes reflect that the original sworn affidavits and exhibits will be kept as the official records of the proceedings in the adjudication matters in the office of the Division of EMS.

Mr. Resanovich recognized Assistant Attorney Brandon Duck for the purpose of providing a brief synopsis of each case and recommendation for disciplinary action. AAG Duck was asked to present the first case.

AAG Duck presented the following case:

- Andrew Nickelson, Scott Young, and Robert McClure all failed to accurately document continue education requirements after attesting to the fact that they had satisfied the requirements. Recommend to revoke their certificates.
- Matthew Griggs failed to submit a completed application. He failed to supply documentation of his criminal conviction. Recommend to deny the renewal application and revoke his certificate.
- Brandon Wolters was a dual case (EMS & Fire). Mr. Wolters was convicted of *Theft in Office*. He stole and attempted to sell seven radio units. Mr. Wolters failed to report his conviction. Recommend to revoke his certificates and deny his renewal applications.
- Anthony Downing was convicted of Aggravated Assault. Initially responsive to the original notices to provide documentation of the convictions. Then with the second notice refused to comply with any requests. Recommend to deny the renewal application and revoke his certificate.

Having heard Mr. Duck's synopsis and recommended disciplinary action for each case, Mr. Resanovich requested a motion to admit the sworn affidavit and the accompanying exhibits in the aforementioned cases into evidence.

ACTION: Motion to admit the sworn affidavits and accompanying exhibits in the aforementioned cases into evidence. Mr. Davis – First. Mr. McNutt – Second. None opposed. None – abstained.
Motion approved.

There being no further evidence, these proceedings are now closed at 2:04 p.m.

The procedural and jurisdictional matters have been satisfied, the proceedings will continue by deliberation on the sworn affidavits and exhibits. A written copy of the Executive Director's decision will be mailed to the respondent.

Mr. Resanovich requested a motion to recess the meeting for the purpose of entering into Quasi-Judicial deliberations on the following matters 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 recess and go into Private Session for the purpose of quasi-judicial deliberation on these matters. Mr. Davis – First. Mr. McNutt – Second.

Roll Call

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

The Committee returned from private session at 2:07 p.m.

ACTION: In the matter of Fire Case Number 2013-134-F100, Matthew S. Griggs, Fire Certification Number 154235, the Committee finds that Mr. Griggs applied for renewal of his Level II Firefighter certificate; however he failed to submit a completed application. He failed to supply documentation of his criminal conviction, to include the court records, law enforcement report, and the background check. These actions are in violation of Sections 4765-23-02(A)(2), 4765-20-02(A)(1), and 4765-20-04(D) of the Ohio Administrative Code; therefore the Committee recommends to the Executive Director to deny Mr. Griggs' renewal application and revoke his firefighter certificate. Ms. Harris – First. Mr. McNutt – Second. None opposed. None abstained. Motion approved.

ACTION: In the matter of Fire Case Number 2013-143-F300, Andrew S. Nickelson, Fire Certification Number 126905, the Committee finds that Mr. Nickelson failed to accurately document all continuing education requirements after attesting to the fact that he had satisfied the requirements to renew his firefighter certificate, in violation of Ohio Administrative Code Sections 4765-23-02(A)(2), 4765-22-01(C), 4765-20-07(A)(3), and 4765-20-13(B); therefore, the Committee recommends to the Executive Director to revoke Mr. Nickelson's firefighter certificate. Ms. Harris – First. Mr. McNutt – Second. None opposed. None abstained. Motion approved.

ACTION: In the matter of Fire Case Number 2013-235-BF100, Brandon E. Wolters, Fire Certification Number 129772, the Committee finds that Mr. Wolters was convicted of Theft in Office, a fifth-degree felony. Additionally, Mr. Wolters failed to report his conviction to the Division, as required. Mr. Wolters violated Ohio Administrative Code Sections 4765-23-02(A)(1)(a) and 4765-22-01(D); therefore the Committee recommends to the Executive Director to deny Mr. Wolters' renewal applications and revoke his firefighter, fire safety inspector, and fire instructor certificates. Ms. Harris – First. Mr. McNutt – Second. None opposed. None abstained. Motion approved.

ACTION: In the matter of Fire Case Number 2013-293-F100, Anthony R. Downing, Fire Certification Number 150789, the Committee finds that Mr. Downing was convicted of Aggravated Assault, a fourth-degree felony, in violation of Ohio Administrative Code Section 4765-23-02(A)(1)(a); therefore the Committee recommends to the Executive Director to deny Mr. Downing's renewal application and revoke his firefighter certificate. Ms. Harris – First. Mr. McNutt – Second. None opposed. None abstained. Motion approved.

ACTION: In the matter of Fire Case Number 2013-349-F300, Scott A. Young, Fire Certification Number 133902, the Committee finds that Mr. Young failed to accurately document all continuing education requirements after attesting to the fact that he had satisfied the requirements to renew his firefighter certificate, in violation of Ohio Administrative Code Sections 4765-23-02(A)(2), 4765-22-01(C), 4765-20-07(A)(3), and 4765-20-13(A)(1); therefore, the Committee recommends to the Executive Director to revoke Mr. Young's firefighter certificate. Ms. Harris – First. Mr. McNutt – Second. None opposed. None abstained. Motion approved.

ACTION: In the matter of Fire Case Number 2013-518-F300, Robert R. McClure, Fire Certification Number 140862, the Committee finds that Mr. McClure failed to accurately document all continuing education requirements after attesting to the fact that he had satisfied the requirements to renew his firefighter certificate, in violation of Ohio Administrative Code Sections 4765-23-02(A)(2), 4765-22-01(C), 4765-20-07(A)(3), and 4765-20-13(A)(1); therefore, the Committee recommends to the Executive Director to revoke Mr. McClure's firefighter certificate.. Ms. Harris – First. Mr. McNutt – Second. None opposed. None abstained. Motion approved.

FIRE INVESTIGATIONS, STAFF

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

Roll Call

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

The Committee returned from executive session at 2:23 p.m.

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

2014-332-F100	2014-513-F500	2014-561-F100	2014-640-F500
2014-406-F300	2014-516-BF100	2014-598-F500	2014-641-F500

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

2013-638-BF100	2014-552-F100	2014-575-BF100
2014-70-F500	2014-553-BF100	2014-586-BF500 *No jurisdiction
2014-165-BF500 *Rescind NOH	2014-556-F100	2014-611-F200 *No jurisdiction

ACTION: Motion to recommend to the Executive Director to close the following charter cases; send warning letter. Ms. Harris – First. Mr. McNutt – Second. None opposed. None abstained. Motion approved.

2014-415-F300
2014-416-F300
2014-436-F300

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

2013-93-F300	2013-106-F300
2013-95-F300	2013-107-F300
2013-100-F300	2013-113-F300

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

2011-1271-F100	2014-215-F100
2012-348-F300	2014-325-F500
2013-266-BF100	2014-720-F100–Should be 2013-720-F100
2013-727-F100	

ACTION: Motion to Recommend to the Executive Director to close the following cases. The following individuals were audited at their respective levels. They have opted to surrender their certificate to practice or certificate to teach: Ms. Harris – First. Mr. McNutt – Second. None opposed. None abstained. Motion approved.

*2014-467-F300 - DELETE	2014-486-F300	2014-534-F300
2014-469-F300	2014-489-F300	2014-542-F300
2014-471-F300	*2014-496-F300 - DELETE	2014-573-F300
2014-475-F300	2014-530-F300	2014-588-F300
2014-481-F300	2014-533-F300	*Correction

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

2014-152-BF100	2014-457-F500	2014-524-F300
2014-333-F300	2014-480-F300	2014-546-F300
2014-366-BF100	2014-484-F300	
2014-443-F300	2014-512-F500	

ACTION: Motion to recommend to the Executive Director in the matter of 2012-413-BF500, rescind the previously issued Notice of Opportunity for Hearing and re-issue a Notice of Opportunity for Hearing. Ms. Harris – First. Mr. McNutt – Second. None opposed. None abstained. Motion approved.

2012-413-BF500

ACTION: Motion to recommend to the Executive Director in the matter of 2014-537-E300, accept surrender of all fire certificates. Ms. Harris – First. Mr. McNutt – Second. None opposed. None abstained. Motion approved.

2014-537-E300

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

2013-613-F100	2014-505-F100	2014-592-BF100	2014-627-F100
2013-729-F100	2014-518-F100	2014-594-BF100	2014-629-BF100
2014-339-BF100	2014-550-F300	2014-595-BF100	2014-631-F100
2014-376-F100	2014-560-F100	2014-600-BF100	2014-634-BF100
2014-417-F300	2014-564-F100	2014-604-BF100	2014-636-BF100
2014-418-F300	2014-565-F100	2014-607-BF100	2014-637-F300
2014-452-F300	2014-566-BF100	2014-613-F300	2014-645-F100
2014-501-F300	2014-589-F300	2014-618-F100	2014-646-BF100

Old Business ~ None.

Action Item: Mr. Davis requested that Executive Director House reach out to the Ohio Fire Marshal, Jeff Learning to discuss the Live Fire Training Rules.

New Business ~ None

ADJOURNMENT

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

The meeting adjourned at 2:28 p.m.