

FINAL

STATE FIRE BOARD OF EMERGENCY MEDICAL SERVICES
OHIO DEPARTMENT OF PUBLIC SAFETY
MEETING MINUTES
February 21, 2013

FIRE

Fire Board Meeting Date and Location: February 21, 2013, Ohio Fire Academy, 8895 East Main Street, Columbus, Ohio 43068.

FIRE BOARD MEMBERS

Mr. McNutt chaired and called the meeting to order at 8:35 AM. Mr. McNutt noted for the record that a quorum was present to conduct business.

Roll Call

Mr. James Davis	Here	Mr. William Mallory	Here
Ms. Deanna Harris	Here	Mr. Gary Redd	Here
Mr. Daryl McNutt	Here	Mr. Mark Resanovich	Here

Executive Director House introduced DPS Legal Counsel Anna Firestone that replaced Winston Ford. AAG Yvonne Tertel will continue as the Board legal advisor.

Open Forum

No items to report.

Committee Report

Doug Orahood presented the 2012 Fire Training Committee year-end report, projects and goals for 2013. Mr. Orahood also discussed the Fire Web-Based Testing System and Fire Curriculum update. Mr. Orahood gave an update on the five-year Fire Rule review.

Executive Director House reported after a discussion with the Common Sense Initiative (CSI) Office, an official motion is required. There is specific language that is needed to move the Fire Rules forward to JCARR.

A motion was requested to accept the rules as drafted to file with the Common Sense Initiative Office unless substantial changes are recommended by the Ohio Department of Public Safety Legal Services. The rules have been reviewed and staff agreed that the rules are acceptable at this point. An official motion to move the rules forward and would these rules would only come back to this Board if there were substantial changes.

ACTION: Motion recommending the approval of the Fire Rules unless there are substantial changes:

Davis first. Mallory second. None opposed. None abstained. Motion approved.

Executive Director House advised the fire rules will go to JCARR in March with an estimated effective date of July, 2013.

Fire Members in Attendance: Mr. James Davis, Ms. Deanna Harris, Mr. Daryl McNutt, Mr. William Mallory, Mr. Gary Redd and Mr. Mark Resanovich.

Staff Members Present: Melvin House, Ellen Owens, Tim Erskine, John Sands, Robert Ruetenik, Doug Orahood, Kelly Beall, Linda Mirarchi, Sue Morris, Vicki Davies, Anna Firestone,

PUBLIC RECORD

GOLDMAN PROCEEDINGS

Mr. McNutt called the proceedings to order at 8:47 AM on February 21, 2013, the meeting was held at the Ohio Fire Academy, 8895 East Main Street, Reynoldsburg, Ohio 43068. Members of the Committee present for the proceedings included:

Roll Call

Mr. James Davis	Here	Mr. William Mallory	Here
Ms. Deanna Harris	Here	Mr. Gary Redd	Here
Mr. Daryl McNutt	Here	Mr. Mark Resanovich	Here

Mr. McNutt noted that a majority of members were present to conduct business. Three adjudication proceedings are to be heard in the matter of Fire Case Number 2011-875-F100, Christopher A. Smiley, Fire Certificate Number 152114; Fire Case Number 2011-980-F100, Richard T. Jackson, Fire Certificate Number 155849; Fire Case Number 2011-1119-F100, Colin J. Mengerink, Fire Certificate Number 142253.

These proceedings shall be affidavit-based adjudication relative to the notification of opportunity for hearing mailed to the respondents of the aforementioned case(s) and believe to have been properly served in accordance with Administrative procedures with Chapter 119, of the Ohio Revised Code. The respondent did not properly request a hearing in the case of these proceedings that 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. You have already received a sworn affidavit from the EMS Investigators and accompanying exhibits for the Goldman proceedings in your Board packet. The affidavits contain the evidence and testimony upon which you will deliberate. I trust that each of you has had an opportunity to review the affidavits, accompanying exhibits, if not, you may review them now. No review time is required. In lieu of stenographic record being made, the minutes shall reflect that the original sworn affidavits and exhibits shall be kept as the official records of the proceedings in the adjudication matters in the office of the Division of EMS.

Mr. McNutt recognized Principle Assistant Attorney General Yvonne Tertel for the purpose of providing a brief synopsis of each case and recommendation for disciplinary action. Ms. Tertel said the three cases all involve incomplete applications. She requested denial of the incomplete applications that were submitted.

ACTION: Motion to admit the sworn affidavits and accompanying exhibits in the aforementioned case into evidence. Mallory first. Harris second. None opposed. None abstained. Motion approved.

There being no further evidence for these proceedings are now closed at 8:51 AM. The potential adjudication matters have been satisfied we will now continue with the proceedings of deliberation on the sworn affidavits and exhibits. A written copy of the Executive Director's decision will be mailed to the respondent. Mr. McNutt asked if there is a motion to recess to go into private session for the purpose of quasi-judicial deliberation on these matters and are required to be kept confidential under R.C. 4765.102(B).

ACTION: Motion to recess and go into Private Session for the purpose of quasi-judicial deliberation on these matters.

Roll Call

Mr. James Davis	Here	Mr. William Mallory	Here
Ms. Deanna Harris	Here	Mr. Gary Redd	Here
Mr. Daryl McNutt	Here	Mr. Mark Resanovich	Here

The Board returned from private session at 8:53 AM.

ACTION: In the matter of Fire Case Number 2011-875-F100, Christopher A. Smiley, Fire Certificate Number 152114, the Committee finds that Mr. Smiley applied for a Level II Firefighter certificate. He failed to supply documentation of his criminal conviction to include the court records, law enforcement report, and the background check, as required, pursuant to Ohio Administrative Code Sections 4765-23-02(A)(2), 4765-20-02(A)(1), and 4765-20-04(D). Therefore, the Committee recommends to the Executive Director to deny Mr. Smiley’s application for a Level II Firefighter certificate. Mallory first. Davis second. None opposed. Resanovich abstained. Motion approved.

ACTION: In the matter of Fire Case Number 2011-980-F100, Richard T. Jackson, Fire Certificate Number 155849, the Committee finds that Mr. Jackson applied for a Level II Firefighter certificate. He failed to supply documentation of his criminal conviction to include the court records, law enforcement report, and the background check, as required, pursuant to Ohio Administrative Code Sections 4765-23-02(A)(2), 4765-20-02(A)(1), and 4765-20-04(D). Therefore, the Committee recommends to the Executive Director to deny Mr. Jackson’s application for a Level II Firefighter certificate. Mallory first. Davis second. None opposed. Resanovich abstained. Motion approved.

ACTION: In the matter of Fire Case Number 2011-1119-F100, Colin J. Mengerink, Fire Certificate Number 142253, the Committee finds that Mr. Mengerink applied for renewal of his Volunteer Firefighter certificate. He failed to supply documentation of his criminal conviction to include the court records, law enforcement report, and the background check, as required, pursuant to Ohio Administrative Code Sections 4765-23-02(A)(2), 4765-20-02(A)(1), and 4765-20-04(D). Therefore, the Committee recommends to the Executive Director to deny Mr. Mengerink’s application for renewal of his Volunteer Firefighter certificate. Mallory first. Harris second. None opposed. Resanovich abstained. Motion approved.

Fire Investigations, Robert Ruetenik

ACTION: Motion to adjourn to Executive Session for the purpose of discussing proposed disciplinary action against certificate holders which is pending or eminent of court action under O.R.C. 121.22(G)3 and it involves matters that are required to be kept confidential under O.R.C. 149.43(A)2 & O.R.C. 4765.102(B) at 8:53 AM. Mallory first. Harris second.

Roll Call

Mr. James Davis	Here	Mr. William Mallory	Here
Ms. Deanna Harris	Here	Mr. Gary Redd	Here
Mr. Daryl McNutt	Here	Mr. Mark Resanovich	Here

The Board returned from executive session at 8:55 AM.

ACTION: Motion to the Executive Director to accept the following Consent Agreements: Mallory first. Davis second. None opposed. Resanovich abstained. Motion approved.

2010-585-BF100	2012-670-BF100	2012-759-F300	2012-814-F300
2011-1092-BF100/2012-151-BF500	2012-693-F300	2012-763-F300	2012-919-F300
2012-129-BF100	2012-705-F100	2012-800-F300	2012-931-F300
2012-645-F300			

ACTION: Motion to the Executive Director to close the following cases: Mallory first. Davis second. None opposed. Resanovich abstained. Motion approved.

2012-105-BF100	2012-599-F200	2012-700-F300	2012-928-F100
2012-328-F300 – <i>Accept withdrawal of application</i>	2012-636-F100	2012-704-BF500	2013-27-F300
	2012-674-BF500	2012-706-F100	2013-28-BF300

2012-523-F500 – <i>Rescind notice of opportunity for hearing</i> 2012-530-F300 – <i>Re-open if reapplies</i>	2012-678-F100	2012-742-F500	
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ACTION: Motion to the Executive Director to close the following cases; refer case to local medical director/department: Mallory first. Davis second. Resanovich abstained. Motion approved.

2012-692-F100 – <i>Defer to department discipline</i>

ACTION: Motion to the Executive Director to close case; re-open if re-applies. The following individuals had Goldman proceedings, Notices issued, or have convictions, but their certifications have expired: Mallory first. Davis second. Resanovich abstained. Motion approved.

2010-452-BF100	2011-652-BF100
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ACTION: Motion to the Executive Director to close the following cases; individuals have met the stipulations of their Consent Agreements: Mallory first. Davis second. Resanovich abstained. Motion approved

2009-274-702	2012-226-F100	2012-247-F100	2012-353-F100
2009-302-702	2012-228-F100	2012-274-BF100	2012-407-F100
2012-207-F100	2012-245-F100	2012-285-F100	

ACTION: Motion to the Executive Director to Issue Notices of Opportunity for Hearings for the following cases: Mallory first. Davis second. Resanovich abstained. Motion approved.

2012-306-F300	2012-682-F300	2012-714-F300	2012-762-F300	2012-778-F300
2012-406-F300	2012-684-F300	2012-716-F300	2012-764-F300	2012-779-F300
2012-495-F300	2012-686-F300	2012-718-F100	2012-767-F300	2012-780-F300
2012-568-F300	2012-687-F300	2012-761-F300	2012-777-F300	2012-945-F100

Other: ACTION: Motion to Waive the five (5) years of experience requirement: Mallory first. Davis second. Resanovich abstained. Motion approved.

2012-423-F500 - <i>Waive the five (5) years of experience requirement</i>

Other: ACTION: Motion to Accept proposed non-disciplinary consent agreement and issue certificate: Mallory first. Davis second. Resanovich abstained. Motion approved.

2013-122-F500 – <i>Accept proposed non-disciplinary consent agreement and issue certificate</i>

ACTION: Motion 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. Mallory first. Davis second. Resanovich abstained. Motion approved.

2012-244-F100	2012-817-BF100	2012-934-F100	2012-950-F100	2013-45-F100
2012-641-F100	2012-864-F100	2012-936-F100	2012-957-BF100	2013-59-F300
2012-712-F100	2012-912-BF100	2012-937-F100	2012-958-F100	2013-62-F300
2012-720-BF100	2012-913-F100	2012-938-F100	2012-959-F100	2013-81-F100
2012-745-F100	2012-920-F300	2012-939-F100	2013-2-F100	2013-96-F300
2012-746-BF100	2012-922-F500	2012-943-F100	2013-29-F100	2013-99-F300
2012-770-F100	2012-925-F100	2012-944-F100	2013-30-F100	2013-102-F300
2012-792-BF100	2012-927-F100	2012-948-E100	2013-35-F500	2013-109-F300

2012-816-F500	2012-930-F300	2012-949-F100	2013-43-BF100	2013-112-F300
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Certification, John Sands

John Sands reported on new fire certifications with 1956 total from December 20, 2012 to February 12, 2013. The staff recommends approval. **ACTION: Motion to approve the new fire certifications:** Davis first. Mallory second. None opposed. None abstained. Motion approved.

John Sands reported on the military and medical exemptions with a total of 14 exemptions, 9 military dual certified, 1 medical dual certified, 4 military fire only requests for exemptions and 1 medical fire only requests for exemptions. The staff recommends approval. **ACTION: Motion to approve medical and military exemptions.** Davis first. Mallory second. None opposed. None abstained. Motion approved.

Old Business

None to report.

New Business

None to report

ACTION: Motion to adjourn. Davis first. Redd second. None opposed. None abstained. Motion approved.

The meeting adjourned at 9:15 AM.