

**FIREFIGHTER AND FIRE SAFETY INSPECTOR TRAINING COMMITTEE
STATE BOARD OF EMERGENCY MEDICAL SERVICES
OHIO DEPARTMENT OF PUBLIC SAFETY
MEETING MINUTES
June 19, 2013**

FIRE

Committee Meeting Date and Location: Wednesday, June 19, 2013 at the Ohio Department of Public Safety, 1970 West Broad Street, Conference Room 134 (Motorcycle Room), Columbus, Ohio.

Committee Members Present: James Davis, Daryl McNutt, William Mallory, Gary Redd, and Mark Resanovich.

Committee Members Absent: Deanna Harris

EMS Staff Present: Vicki Davies, Anna Firestone, Sherry Harkness, Melvin House, Doug Orahood, Ellen Owens, Robert Ruetenik, John Sands, Melissa Vermillion

Guest and Public Present: None

OPEN FORUM

Mr. Resanovich called the meeting to order at 11:58 a.m.

Roll Call

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

Mr. Resanovich noted for the record that a quorum was present to conduct business.

COMMITTEE REPORTS:

Firefighter and Fire Safety Inspector Training SUB-Committee, Doug Orahood

The proposed Fire Rules have been posted on the EMS website for public comment. Once complete, will update the fire forms accordingly. Also working to develop the live fire training courses to be implemented upon effective date of the updated fire rules. There will be a four hour awareness course and a twenty-four hour live fire training course available. EMS will solicit bids for the development of the live fire training course. Once developed, the course will be reviewed and approved by the Fire Service and Fire Safety committee.

Currently updating the curriculum to 2013 NFPA Standard 1001 course.

EMS test system is moving along. Developing a proctor manual to be used for administration of the EMS test system.

During the NFPA Conference, they announced that they will be re-naming the Certified Fire Inspector 1 course to a Company Inspector Level. When standards are released, EMS will look into creating a Company Level Inspector which will be based on the Fire Inspector 1. The course would likely include 32 to 40 hour course for that portion and Fire Safety Inspector will qualify for the other hours needed. No additional hours should be necessary. EMS will establish a group to develop the curriculum which will mirror the NFPA standards.

GOLDMAN PROCEEDINGS

Mr. Resanovich called the proceedings to order at 12:04 p.m. on June 19, 2013, at the Ohio Department of Public Safety, 1970 West Broad Street, Columbus, Ohio. Fire members of the Committee present for the proceedings were:

Roll Call

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

Mr. Resanovich noted for the record that a majority of members were present to conduct business. There were six adjudication proceedings. Also present was Executive Director Melvin House. The proceedings are in the matter of:

- Fire Case Number 2009-653-702, Richard M. Pellin, Jr., Fire Certificate Number 11234;
- Fire Case Number 2011-880-BF100, Rebecca G. Fike-Kuhn, Fire Certificate Number 48339;
- Fire Case Number 2011-1213-BF100, Randall L. Carr, Fire Certificate Number 87126;
- Fire Case Number 2012-39-BF100, Timothy C. Paulsen, Fire Certificate Number 127887;
- Fire Case Number 2012-445-BF100, William D. Blevins, Fire Certificate Number 12823; and
- Fire Case Number 2012-535-F100, Shawn T. Christy, Fire Certificate Number 116177

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).

As the respondents did not properly request a hearing in the case, 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 you will deliberate. Mr. Resanovich stated that all have had an opportunity to review the affidavits, accompanying exhibits, if not, time was allowed review them. No additional review time was 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. Resanovich 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 was asked to present the first case.

Ms. Tertel stated that the cases all involve incomplete applications and are dual cases which were heard previously during the EMS Board meeting in which all were present. She requested denial of the incomplete applications that were submitted.

Ms. Tertel requested that the Committee pay special attention to the following cases:

- Fire Case Number 2012-535-F100, Shawn T. Christy, Fire Certificate Number 116177 ~ With Mr. Christy's position as chief of a department his case warrants closer scrutiny.
- Fire Case Number 2009-653-702, Richard M. Pellin, Jr., Fire Certificate Number 11234 ~ Mr. Pellin's fire certifications have expired and the Committee is asked to close the case and reopen if he reapplies.

Having heard Ms. Tertel's synopses 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. Mr. Resanovich – abstained. Motion approved.

There being no further evidence, these proceedings are now closed at 12:10 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.

Roll Call

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

The Committee returned from private session at 12:15 p.m.

ACTION: In the matter of Fire Case Number 2012-445-BF100, William D. Blevins, Fire Applicant Number 12823, the Committee finds that Mr. Blevins applied for certification as a firefighter; 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-

PUBLIC RECORD

04(D) of the Ohio Administrative Code therefore the Committee recommends to the Executive Director to deny Mr. Blevins' application for a firefighter certificate. Mr. Mallory – First. Mr. Redd – Second. None opposed. Mr. Resanovich – abstained. Motion approved.

ACTION: In the matter of Fire Case Number 2011-889-BE100, Rebecca G. Fike-Kuhn, Fire Certificate Number 48339, the Committee finds that Ms. Fike-Kuhn was convicted of Theft, a first-degree misdemeanor. The committee concludes this conviction involves moral turpitude, in violation of Ohio Administrative Code 4765-23-02(A)(1)(c); therefore the committee recommends to the Executive Director to revoke Ms. Fike-Kuhn's firefighter certificate. Mr. Mallory – First. Mr. Redd – Second. None opposed. Mr. Resanovich – abstained. Motion approved.

ACTION: In the matter of Fire Case Number 2012-39-BF100, Timothy C. Paulsen, Fire Certificate Number 127887, the Committee finds that Mr. Paulsen was convicted of Assault, first degree misdemeanor and Criminal Damaging, a second degree misdemeanor; The committee concludes these convictions involve moral turpitude, in violation of Ohio Administrative Code 4765-23-02(A)(1)(c); therefore the committee recommends to the Executive Director to revoke Mr. Paulsen's firefighter certificate. Mr. Mallory – First. Mr. Redd – Second. None opposed. Mr. Resanovich – abstained. Motion approved.

ACTION: In the matter of Fire Case Number 2012-535-F100, Shawn T. Christy, Fire Certificate Number 116177, the Committee finds that Mr. Christy was convicted of two counts of Falsification, two (2) counts. The committee concludes these convictions involve moral turpitude, in violation of Ohio Administrative Code 4765-23-02(A)(1)(c). Additionally, Mr. Christy failed to report his convictions to the Division and failed to submit documentation of his criminal convictions and a background check, as required, in violation of Ohio Administrative Code 4765-22-01(D); therefore the committee recommends to the Executive Director to revoke Mr. Christy's firefighter certificate. Mr. Mallory – First. Mr. Davis – Second. None opposed. Mr. Resanovich – abstained. Motion approved.

ACTION: In the matter of Fire Case Number 2011-1213-BF100, Randall L. Carr, EMS Certificate Number 87126, the Committee finds that Mr. Carr was convicted Theft, a fifth-degree felony, in violation of Ohio Administrative Code Section 4765-23-02(A)(1)(a); therefore the committee recommends to the Executive Director to revoke Mr. Carr's firefighter and fire safety inspector certificates. Mr. Mallory – First. Mr. Redd – Second. None opposed. Mr. Resanovich – abstained. Motion approved.

ACTION: In the matter of Fire Case Number 2009-653-102, Richard M. Pellin, Jr., Fire Certificate Number 11234, the Committee recommends to the Executive Director to close the case due to the fact that Mr. Pellin's fire certifications have expired, re-open the case if he re-applies. Mr. Mallory – First. Mr. Redd – Second. None opposed. Mr. Resanovich – abstained. Motion approved.

FIRE INVESTIGATIONS, MELISSA VERMILLION AND 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).

Roll Call

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

The Committee returned from Executive Session at 12:23 p.m.

ACTION: Motion to recommend to the Executive Director to accept the following Consent Agreements: Mr. Mallory – First. Mr. McNutt – Second. Abstain – Mr. Resanovich. None opposed. Motion approved.

2012-956-BF100 2013-135-BF100 2013-147-BF100	2013-163-BF100 2013-202-F100
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ACTION: Motion to recommend to the Executive Director to close the following cases: Mr. Mallory – First. Mr. Redd – Second. Abstain – Mr. Resanovich. None opposed. Motion approved.

2010-624-BF100 *Re-open if re-applies 2012-37-BF100 *Re-open if re-applies 2012-137-BF100 2013-170-BF500 *No Jurisdiction	2013-171-BF500 *No Jurisdiction 2013-174-F500 *No jurisdiction 2013-214-F100
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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 Agreements: Mr. Mallory – First. Mr. Redd – Second. Abstain – Mr. Resanovich. None opposed. Motion approved.

2009-460-701 2010-548-BF100 2012-160-F500	2012-670-BF100 2012-705-F100
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ACTION: Motion to recommend to the Executive Director to Issue Notices of Opportunity for Hearings: Mr. Mallory – First. Mr. Redd – Second. Abstain – Mr. Resanovich. None opposed. Motion approved.

2012-807-F100

ACTION: Motion to recommend to the Executive Director to keep discipline as issued: Mr. Mallory – First. Mr. Redd – Second. Abstain – Mr. Resanovich. None opposed. Motion approved.

2011-949-F100

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. Mallory – First. Mr. Redd – Second. Abstain – Mr. Resanovich. None opposed. Motion approved.

2013-211-F100	2013-245-F100	2013-308-F100	2013-252-F100
2013-222-BF100	2013-253-F100	2013-306-F100	2013-264-F100
2013-218-F100	2013-270-BF100	2013-311-F100	2013-337-BF100
2013-228-F100	2013-258-BF100	2013-268-BF100	2013-336-F100
2013-229-BF100	2013-291-F100	2013-316-F100	2013-321-F100
2013-215-F100	2013-292-F100	2013-320-F100	2013-328-BF100
2013-236-F100	2013-284-BF100	2013-315-F100	2013-339-F100
2013-237-BF100	2013-273-F100	2013-322-F100	2013-342-F500
2013-238-F100	2013-260-F100	2013-324-F100	
2013-240-F100	2013-259-F100	2013-314-F100	
2013-239-F100	2013-309-F100	2013-288-F100	

ACTION: Motion to recommend to the Executive Director to close the following cases: Mr. Mallory – First. Mr. Redd – Second. Abstain – Mr. Resanovich. None opposed. Motion approved.

2012-420-F500
2012-582-F500

2012-848-E500

ACTION: Motion to recommend to the Executive Director to accept the proposed Consent Agreements: Mr. Mallory – First. Mr. Redd – Second. Abstain – Mr. Resanovich. None opposed. Motion approved.

2012-873-F400

2012-241-F500

Certification, John Sands

John Sands reported on the military and medical certified exemption request with a total of 5 exemptions; 4 dual certified, 1 fire only request, 3 military requests, and 2 medical requests for exemptions. The staff recommends approval.

ACTION: Motion to approve medical and military exemptions. Mr. McNutt – First. Mr. Mallory – Second. None opposed. None abstained. Motion approved.

Old Business

Fire Training Rules (Director House). The Division of EMS and many stakeholders have spent a considerable time reviewing/rescinding/rewriting the Fire Training rules. Most rules have been rewritten and rescinded, primarily to clarify language and to provide consistency in terminology.

The draft rules are now open for public comment on proposed changes to OAC Chapter 4765-11 (Chartering of Fire Fighter and Fire Safety Inspector Training Programs); Chapter 4765-20 (Fire Training Programs); Chapter 4765-21 (Fire Instructor Training Programs); and Chapters 4765-22 (Professional Standards) and 4765-23 (Disciplinary Actions). Public comments may be submitted at EMS.rules@dps.state.oh.us through 11:59 p.m. on June 27, 2013.

Once response is received from the Common Sense Initiative Office (CSI) and all comments addressed; the fire rules will then be filed (proposed for adoption) with LSC and JCARR and scheduled for a public hearing. Possibly approximately 8 weeks until final public hearing.

OMTB Merger. Committee discussed the need to change the role and quorum issues in respect to the merger. Although the Firefighter and Fire Safety Inspector Training **SUB**-Committee can have as many members as needed, the Firefighter and Fire Safety Inspector Training **Committee** is limited. As the role of the Committee may change with the merger, the need to possibly expand the membership will need to be addressed as well. This modification will require a change in law. As Committee appointees may also change, the designees will then need to be renamed.

Another “hot” topic that will need to be discussed and may eventually require legislation change is in regards to licensing (public vs private). The Committee along with the EMFTS Board may be asked/expected to lead such a change. Director House has met with both Ohio Medical Transportation Association (OMTA) and Ohio Association of Critical Care Transport (OACCT) asking for their cooperation.

Ohio Department of Public Safety
Firefighter and Fire Safety Inspector Training Committee
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The Committee is asked to think how best to move forward to address these issues, as well as, talking to their respective agencies.

New Business

Nothing to discuss.

ADJOURNMENT

ACTION: Motion to adjourn. Mr. Davis – First. Mr. Redd – Second. None opposed. None abstained.
Motion approved.

The meeting adjourned at 12:36 p.m.