

FINAL

STATE FIRE BOARD OF EMERGENCY MEDICAL SERVICES
OHIO DEPARTMENT OF PUBLIC SAFETY
MEETING MINUTES
October 17, 2012

FIRE

Fire Board Meeting Date and Location: October 17, 2012, 1970 W. Board Street, Columbus, Ohio 43223

FIRE BOARD MEMBERS

Mr. Resanovich chaired and called the meeting to order at 11:53 AM.

Roll Call

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

Mr. Resanovich noted for the record that a quorum was present to conduct business. He noted that he was going to change the agenda, and start with the Report and Recommendation in the matter of Fire Case Number 2011-1234-F100.

Fire Report and Recommendation

The committee deliberated on one Report and Recommendation (R&R), in the matter of Fire Case Number 2011-1234-F100, Robert F. Caraballo (the respondent”), fire applicant number 190286.

AAG Yvonne Tertel reported that the case went to hearing, there was a lot of testimony, and that the Board has the transcripts and the R&R from the Hearing Examiner. The case involves a serious prior conviction (aggravated robbery) and the respondent served time in prison. The testimony at the hearing showed that his actions were not a recurring pattern, nor has he committed any offenses since his release from prison. The Hearing Examiner recommended that the Board respondent’s certificate as a volunteer fire fighter, however; the R&R holds out the specifics of his probationary period to the committee to determine. So, in your deliberations I ask, if you find that there is sufficient evidence to grant the certificate; then, send the testimony and evidence produced at hearing, for the component of the report and recommendations.

AAG Tertel advised the committee that the usual terms for such a case would be a 3 yr. probation, require the applicant to pay for Cost of Compliance and Fit for Duty evaluation testing to be completed within 120 days of the journal order and that it should be submitted prior to the issuance of the certificate, (specifically, the Fit for Duty indicates that he is not a threat to himself or others. During probation, he would disclose the adjudication order to any current or future employer. At the end of the 3 yr. probation, the committee would require a BCI background check. As the R&R deferred to the committee to establish the parameters of the probationary period, AAG Tertel said that the aforementioned conditions were for the committee’s recollection, reference and deliberation for consideration as potential items to add to the order, if accepted.

As the respondent was present in the audience, he was given two minutes to address the committee.

The respondent agreed with the R&R and stated that his was confident that he could comply with any condition the committee decided to impose on him.

ACTION: Motion to adjourn and go into Private Session for the purpose of entering into quasi-judicial deliberation on this matter that is required to be kept confidential under O.R.C. 4765.102(B) at 12:05 PM. Mallory first. Parrish second. None opposed. None abstained. Motion approved.

PUBLIC RECORD

Roll Call

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

ACTION: Motion to reconvene from private session at 12:25 PM McNutt first. Mallory second.

In the matter of Fire Case Number 2011-1234-F100, Robert F. Caraballo, fire applicant number 190286, the Committee recommended that the Executive Director approve the Hearing Examiner’s findings of facts but disapprove his conclusions of law and recommendation due to the egregious nature of the respondent’s crime, concern over the safety of the public, and other policy considerations. Mallory first. Parrish second. None opposed. Resanovich abstained. Motion approved.

Fire Investigations

ACTION: Motion to adjourn and go into Private Session for the purpose of entering into quasi-judicial deliberation on this matter that is required to be kept confidential under O.R.C. 4765.102(B) at 12:30 PM. Mallory first. Parrish second

Roll Call

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

ACTION: Motion to reconvene at 12:18 PM. Mallory first. Parrish second.

2012-162-BF100	2012-226-F100	2012-348-F300	2012-404-F300	2012-496-F300
2012-213-F100	2012-228-F100	2012-353-F100	2012-407-F100	2012-517-F300
2012-215-F300	2012-247-F100	2012-402-F300	2012-463-BF100	2012-536-F300
2012-225-BF100	2012-285-F100	2012-403-F300	2012-477-F300	2012-557-F300

ACTION: Motion recommending that the Executive Director accept the above Fire case(s) consent agreement(s): Mallory first. McNutt second. None opposed. Resanovich abstained. Motion approved.

2011-1287-F100 – <i>Rescind notice of opportunity for hearing</i>	2012-287-F100	2012-444-F500	2012-467-F300	2012-476-BF100
2012-232-BF500	2012-409-F500	2012-447-F100	2012-469-F300	2012-507-BF100
2012-271-F500	2012-436-F300	2012-466-F300	2012-470-F300	2012-522-F300

ACTION: Motion recommending that the Executive Director close(s) the above case(s): Mallory first. McNutt second. None opposed. Resanovich abstained. Motion approved.

2012-434-BF500 – <i>Refer to local medical director</i>

ACTION: Motion recommending that the Executive Director close(s) the above case(s); refer case to local medical director/department: Mallory first. McNutt second. None opposed. Resanovich abstained. Motion approved.

2009-59-701	2009-363-702	2009-761-701	2010-452-BF100	2011-816-BF100
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ACTION: Motion recommending that the Executive Director close the above case(s); re-open if re-applies. The above individuals had Notices issued or have convictions, but their certifications have expired: Mallory first. McNutt second. None opposed. Resanovich abstained. Motion approved.

2008-708-701	2009-303-702	2011-1112-F500	2011-1244-F500
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ACTION: Motion recommending that the Executive Director close the above case(s). The above individuals have met the stipulations of their Consent Agreements: Mallory first. McNutt second. None opposed. Resanovich abstained. Motion approved.

2009-122-702	2012-142-F100	2012-244-F100	2012-308-F300	2012-437-F500
2012-37-BF100	2012-143-F100	2012-268-F100	2012-309-F300	2012-445-BF100
2012-71-BF300	2012-190-F100	2012-300-F300	2012-328-F300	2012-523-F500
2012-72-F100	2012-211-F100	2012-301-F300	2012-431-BF100	2012-535-F100
2012-121-F100				

ACTION: Motion recommending that the Executive Director Issue Notices of Opportunity for Hearings for the above cases: McNutt first. Parrish second. Mallory 1 abstain #2012-431-BF100, Motion approved.

2011-1255-BF100	2012-411-F100	2012-473-BF500	2012-539-F100	2012-622-F100
2012-85-F100	2012-439-BF100	2012-494-F100	2012-547-F100	2012-626-BF100
2012-204-F100	2012-451-BF100	2012-500-BF100	2012-548-F100	2012-629-F100
2012-264-F100	2012-455-BF300	2012-506-F100	2012-559-F300	2012-632-BF100
2012-307-F300	2012-458-F100	2012-508-F100	2012-602-F100	2012-637-F100
2012-310-F300	2012-459-F300	2012-511-F100	2012-606-F100	2012-638-F100
2012-355-F100	2012-464-F100	2012-529-BF100	2012-608-F100	2012-639-F100
2012-401-F300	2012-465-BF100	2012-532-F300	2012-610-BF100	2012-640-BF100
2012-410-BF100	2012-468-F300	2012-533-BF100	2012-618-BF100	

ACTION: Motion recommending that the Executive Director close the above case(s) 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. McNutt second. None opposed. Resanovich abstained. Motion approved.

Close the following fire cases:

2012-381-F500	2012-378-F500	2012-430-F500	2012-589-F500
2012-366-F500	2012-375-F500	2012-386-F500	2012-600-F500
2012-367-F500	2012-383-F500	2012-424-F500	2012-578-F500
2012-368-F500	2012-421-F500	2012-614-F500	2012-660-F500
2012-312-B500	2012-322-B500	2012-189-F500	2012-666-F500
2012-369-F500	2012-321-B500	2012-575-F500	2012-667-F500
2012-372-F500	2012-384-F500	2012-574-F500	2012-665-F500
2012-373-F500	2012-385-F500	2012-573-F200	2012-668-F500
2012-294-F500	2012-428-F500	2012-585-F500	2012-669-F500
2012-379-F500	2012-325-B500	2012-584-F500	2012-396-F500
			2012-583-F500

ACTION: Motion recommending that the Executive Director close the above fire case(s): Mallory first. McNutt second. None opposed. Resanovich abstained. Motion approved

Mr. Resanovich asked for a Fire and Fire Safety Committee Report, from Doug Orahood.

Doug reported the EMS staff is working on the five year Fire Rule Review. They are piloting the Fire Testing module. The test database is out in the field with practical skill testing, it is a tentative mandatory system by January 1st for all of the Charter Training Programs.

The first "Train the Trainer" was rolled out at the Ohio EMS Expo and went well. The Ohio EMS Expo is a group that we support and try to develop an Ohio FD Instructor Conference (FDIC). The group met yesterday and with our involvement by requesting Charters and their instructors to attend, the attendance nearly doubled from last year. This program is a model for the FDIC, so the Ohio fire departments and schools do not need to send their instructors to Indianapolis as this group could create an Ohio FDIC. The committee is looking at providing the Fire Safety Inspector instructional CE's, which is difficult to find. We could provide Firefighter CE at this 2-day Expo, with approximately - 20 breakout sessions. The date for next year is scheduled for September 26 and 27, 2013. We want to be supported of their initiative for an instructor type conference for continuing education, as well as firefighter. It will be sent out on List serve soon requesting an outline and course descriptions.

Director House clarified that the fire rules up for review will be submitted to Legal Services this week. He stated that the staff has been working on matching definitions, terminology, and doing a lot of clean up. There is a Stakeholder meeting scheduled for November 1st, at 9:30am in this room. All stakeholders were invited to participate to hear about the proposed changes in the fire rules, and we plan to seek feedback from the stakeholders at that meeting. We will meet with the Fire Training sub-committee to make changes based on stakeholder input and those revisions will be made. It will then come to the Fire Committee for discussion in December. The Executive Director stated that if the Fire Committee members participate through this process they will know what is coming. The rules will then be submitted to JCARR during which time there will be additional opportunities for public comment.

Director House pointed out that we need to ensure we follow the Common Sense Initiative process and identify all the impacts; and costs associated with any rule changes, and that we have sought stakeholder input.

Old Business

None to Report

New Business

John Sands reported Fire exemptions, 11 Fire exemptions requested. 10 were dual certified, 1 Fire-only certified. 9 were military and 2 were medical. Based on the paperwork submitted the staff recommends approval on the exemptions: Mr. Sands also reported having 1 fire instructor and fire safety inspector volunteer surrender requested, as well. Request a motion to approval all.

ACTION: Motion of approval. Parrish first. Mallory second. None opposed. Motion approved.

The meeting was adjourned at 12:55 PM.