



**FIREFIGHTER AND FIRE SAFETY INSPECTOR TRAINING COMMITTEE
STATE BOARD OF EMERGENCY MEDICAL SERVICES
OHIO DEPARTMENT OF PUBLIC SAFETY**

MEETING MINUTES

February 15, 2018

~FINAL~

Committee Meeting Date and Location: Thursday, February 15, 2018 (9:30 am) at the Ohio Department of Natural Resources Division of Geological Survey's Horace R. Collins Lab, 3307 S. Old State Road, Delaware, Ohio, 43015.

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

Committee Members Absent: George B. Snyder

EMS Staff Present: Jean Booze, Beverly Cooper, Joel Demory, Melvin House, Valerie Koker, John Molnar, Ellen Owens, Bryan Reardon, and Rob Wagoner.

Assistant Attorney General: Trista M. Turley

Guest and Public Present: Kevin Lambert

Mr. Wright called the meeting to order at 12:07 p.m.

ROLL CALL

Mr. James Davis	Present	Mr. George B. Snyder	Absent
Ms. Deanna Harris	Present	Mr. Dudley Wright II	Present
Mr. Resanovich	Present		

WELCOME AND INTRODUCTION

OPEN FORUM ~ None

REVIEW AND APPROVAL OF CONSENT AGENDA

Mr. Wright requested a motion to approve the consent agenda to include the December 13, 2017 Firefighter and Fire Safety Inspector Training Committee meeting minutes, December 2017 Fire Certifications and January 2018 Fire Certifications.

ACTION: December 13, 2017 Firefighter and Fire Safety Inspector Training Committee meeting minutes, December 2017 Fire Certifications and January 2018 Fire Certifications. Ms. Harris - First. Mr. Davis – Second. None abstained. None opposed. Motion approved.

FIRE EXEMPTION REQUESTS (Military & Medical), Jean Booze

Jean Booze reported that there was two military exemption requests, 2018-2-01 and 2018-2-02. Both are eligible under House Bill 98 to be automatically renewed. The requests are only for one certification cycle. All documentation has been received and staff recommends approval.

ACTION: Motion to approve two military exemption requests; 2018-2-1 and 2018-2-2.

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

Firefighter Committee Report

Executive Director House reported that the rules became effective on January 1, 2018. He is currently working on details of the HRO and FSI improving course objectives, practical skills and written exams. On April 1st both courses should be available. There was an issue with the fire code update. The rules require that within 6 months of a fire code replacement or revision that all Fire Safety Inspectors (FSI) and Hazard Recognition Officer (HRO) complete a fire code update; however, the code will not be published until April 2018. An extension was given until December 31, 2018 to complete the fire code update. The updates will be provided online and by direct delivery from the Fire Marshal's Office.

N1403 working with charters have moved from six compliant burn buildings to 25 in the state. The docket in 2018 includes updating the fire practical skills update, the HRO rollout, and monitoring of courses. Transition from a software is no longer supported to Cavient Test Building.

Triple F foam and its previous versions have been deemed environmentally dangerous. We are in the process of working with the fire charters to identify those locations where they did class B foam to train. These chemicals are impossible to remove. A survey was distributed via the gov delivery.

The revision of NFPA 1403 took effect while we were in the middle of the rule process. A significant change was made to require a lead instructor for live burns to have a Fire Instructor II certification. In Ohio we do not have a Fire Instructor II certification. The DEMS staff is researching this issue. Our current rules reflect the prior version of NFPA 1403.

REPORT AND RECOMMENDATIONS

Mr. Wright, on behalf of the Firefighter and Fire Safety Inspector Training Committee called the proceeding to order at 12:14 pm at the Ohio Department of Natural Resources Division of Geological Survey's Horace R. Collins Lab, 3307 S. Old State Road, Delaware, Ohio, 43015.

Members of the Board present are:

ROLL CALL

Mr. James Davis	Present	Mr. George B. Snyder	Absent
Ms. Deanna Harris	Present	Mr. Dudley Wright II	Present
Mr. Resanovich	Present		

Executive Director Mel House was also present. There were two cases in the matter of:

- Fire Case Number 2016-392-BF100, David M. Kase, Certificate Number 71639
- Fire Case Number 2017-217-F100, Kevin A. Lambert, ID Number 211277

Mr. Wright recognized Assistant Attorney General Trista Turley for the purpose of providing a brief synopsis of each case.

- **Fire Case Number 2016-392-BF100, David M. Kase, Certificate Number 71639.**
Mr. Kase is a certified firefighter II. Mr. Kase was convicted of theft and worker's compensation fraud on or about March 29, 2016. Between April 21, 2014 and November 20, 2014 he received worker's compensation benefits to which he was not entitled, in the amount of \$13, 636.08. He disclosed the convictions on his most recent renewal application on or about July 22, 2016. The Respondent committed misdemeanors of moral turpitude and the Board has authority to impose discipline under the Ohio Administrative Code. The hearing was held on October 30, 2017 and the respondent appeared on his own behalf. The recommendation is a six month suspension of his certificate. The conditions for reinstatement include the completion of an updated BCI&I background check, and a three year probation with conditions to notify the division of any arrests within 10 days, fully disclose convictions to any EMT related employers and any additional terms or reporting requirements imposed by the Board.
- **Fire Case Number 2017-217-F100, Kevin A. Lambert, ID Number 211277.**
Mr. Lambert is an applicant for a volunteer firefighter certificate. He has a past felony conviction in 2007 in the Canton County Court of Common Pleas for aggravated robbery, a first degree felony. A hearing was held on November 6, 2017 and December 4, 2017. The Respondent appeared on his own behalf. Several individuals testified on behalf of Mr. Lambert in regards to his character. The recommendation is to issue a volunteer firefighter certificate on a probationary basis, with the condition that Mr. Lambert complete a fitness for duty evaluation if the Executive Director feels that such an evaluation is necessary. The length of time, the terms, and conditions of probation to be determined by the Executive Director with the advice and counsel of the committee.

Mr. Wright inquired if Mr. Kase or Mr. Lambert or their attorney were present. Mr. Lambert addressed the Committee. He requested that the recommendation be reviewed and that he can obtain his certificate. He admitted to mistakes 11 years ago; however, he has worked hard to get to where he is now. Mr. Lambert asked that the Committee issue his volunteer firefighter certificate.

GOLDMAN PROCEEDINGS

Mr. Wright, on behalf of the Firefighter and Fire Safety Inspector Training Committee called the proceeding to order at 12:20 p.m. on February 15, 2018 at the Ohio Department of Natural Resources Division of Geological Survey's Horace R. Collins Lab, 3307 S. Old State Road, Delaware, Ohio, 43015.

Fire members of the Board present for these proceedings were:

ROLL CALL

Mr. James Davis	Present	Mr. George B. Snyder	Absent
Ms. Deanna Harris	Present	Mr. Dudley Wright II	Present
Mr. Resanovich	Present		

Executive Director Mel House was also present. There were five adjudication proceedings. Those proceedings were in the matter of:

- Fire Case Number 2016-251-F300, Daniel B. Stone, Certificate Number 142233
- Fire Case Number 2016-260-F300, Daniel M. Shroyer, Certificate Number 20173
- Fire Case Number 2016-265-F300, John A. Slaven, Certificate Number 136674
- Fire Case Number 2016-477-F300, Steven A. Hardy, Certificate Number 151849
- Fire Case Number 2016-632-F300, Joseph C. Hawes, Certificate Number 150066

These proceedings were 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 were held 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 Committee 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 the committee members deliberated. The Fire Committee 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. Wright recognized Assistant Attorney General Trista M. Turley, for the purpose of providing a brief synopsis of each case and a recommendation for disciplinary action. Ms. Turley presented a synopsis of the following cases:

- **Fire Case Number 2016-251-F300, Daniel B. Stone, Certificate Number 142233.** Mr. Stone is certified as a firefighter II. He submitted a renewal application on or about December 15, 2015, attesting that he had completed all required continuing education. A random audit notice was sent. Mr. Stone did not respond. A Notice of Hearing was issued; however, no hearing was requested. The recommendation is to revoke Mr. Stone's certification.

- **Fire Case Number 2016-260-F300, Daniel M. Shroyer, Certificate Number 20173.**
Mr. Shroyer is certified as a Fire Safety Inspector. On or about January 1, 2016 Mr. Shroyer submitted a renewal application for his fire safety inspector certificate and attested that he completed all continuing education required for renewal. A random audit notice was sent. Mr. Shroyer did not respond. A Notice of Hearing was issued; however, no hearing requested. The recommendation is to revoke Mr. Shroyer's Fire Safety Inspector certification.
- **Fire Case Number 2016-265-F300, John A. Slaven, Certificate Number 136674.**
Mr. Slaven holds a firefighter I certificate. On or about October 9, 2015, Mr. Slaven submitted a renewal certificate, attesting that he completed all continuing education requirements for renewal. A random audit was issued and Mr. Slaven did not respond. A Notice of Hearing was issued; however, Mr. Slaven did not request a hearing. The recommendation is to revoke Mr. Slaven's firefighter I certification.
- **Fire Case Number 2016-477-F300, Steven A. Hardy, Certificate Number 151849.**
Mr. Hardy holds a volunteer firefighter certification. On or about November 13, 2015, Mr. Hardy submitted a renewal application, attesting that he completed all continuing education required for renewal. On or about March 15, 2016 a random audit notice was issued. Mr. Hardy did not respond. A second audit notice was issued on or about April 26, 2016. Mr. Hardy did not respond. A Notice of Opportunity for Hearing was issued with no request from Mr. Hardy for a hearing. The recommendation is to revoke Mr. Hardy's volunteer firefighter certification.
- **Fire Case Number 2016-632-F300, Joseph C. Hawes, Certificate Number 150066.**
Mr. Hawes holds a volunteer firefighter certification. On or about May 20, 2016, Mr. Hawes submitted a renewal application, attesting that he completed all continuing education hours required for renewal of his certificate. A random audit notice was sent on or about July 15, 2016 with a second audit notice sent on or about August 24, 2016. Mr. Hawes did not respond to either notice. A Notice for Opportunity for Hearing was issued; however, Mr. Hawes did not request a hearing. The recommendation is to revoke Mr. Hawes volunteer firefighter certificate.

Having heard the synopsis and recommended disciplinary action for each case, Mr. Wright 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. Mr. Davis – First. Mr. Resanovich – Second. None abstained. None opposed. Motion approved.

There being no further evidence, these proceedings were closed at 12:26 p.m. The procedural and jurisdictional matters having been satisfied and 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. Mr. Resanovich – First. Mr. Davis – Second. None abstained. None opposed. Motion approved.

ROLL CALL

Mr. James Davis	Present	Mr. George B. Snyder	Absent
Ms. Deanna Harris	Present	Mr. Dudley Wright II	Present
Mr. Resanovich	Present		

REPORT AND RECOMMENDATION MOTIONS

ACTION: *In the matter of Fire Case Number 2016-392-BF100, David M. Kase, Certificate Number 71639, the Committee recommends that the Executive Director issue an adjudication order approving the findings of fact, conclusions of law, and the recommendation of the hearing examiner to suspend Mr. Kase's firefighter certifications for six months. Prior to reinstatement Mr. Kase must complete a BCI criminal background check. Once reinstated, Mr. Kase shall be subject to a probationary period of three years, and while on probation Mr. Kase must disclose all convictions to any fire service employer and report any arrest to the Executive Director within ten days.* Mr. Davis – First. Ms. Harris – Second. None Opposed. Mr. Allenstein and Mr. Resanovich – abstained. Motion approved.

ACTION: *In the matter of Fire Case Number 2017-217-F100, Kevin A. Lambert, Applicant, the Committee recommends that the Executive Director issue an adjudication order approving the findings of fact, conclusions of law, and the recommendation of the hearing examiner to issue a Volunteer Firefighter Certificate to Mr. Lambert. Mr. Lambert's certificate shall be placed on probation for a period of two years and be subject to the following terms: a fitness for duty examination within 120 days, and disclose all convictions to any fire service affiliations and report any arrest to the Executive Director within 10 days.* Mr. Davis – First. Ms. Harris – Second. None opposed. None abstained. Motion approved.

GOLDMAN MOTIONS

ACTION: *In the matter of Fire Case Number 2016-251-F300, Daniel B. Stone, Certificate Number 142233, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Stone failed to comply with continuing education requirements as indicated in the Notice of Opportunity for Hearing and that Mr. Stone's firefighter certificate be revoked.* Mr. Davis – First. Ms. Harris – Second. None opposed. None abstained. Motion approved.

ACTION: *In the matter of Fire Case Number 2016-260-F300, Daniel M. Shroyer, Certificate Number 20173, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Shroyer failed to comply with continuing education requirements as indicated in the Notice of Opportunity for Hearing and that Mr. Shroyer's fire safety inspector certificate be revoked.* Mr. Davis – First. Ms. Harris – Second. None opposed. None abstained. Motion approved.

ACTION: In the matter of Fire Case Number 2016-265-F300, John A. Slaven, Certificate Number 136674, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Slaven failed to comply with continuing education requirements as indicated in the Notice of Opportunity for Hearing and that Mr. Slaven's firefighter certificate be revoked. Mr. Davis – First. Ms. Harris – Second. None opposed. None abstained. Motion approved.

ACTION: In the matter of Fire Case Number 2016-477-F300, Steven A. Hardy, Certificate Number 151849, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Hardy failed to comply with continuing education requirements as indicated in the Notice of Opportunity for Hearing and that Mr. Hardy's firefighter certificate be revoked. Mr. Davis – First. Ms. Harris – Second. None opposed. None abstained. Motion approved.

ACTION: In the matter of Fire Case Number 2016-632-F300, Joseph C. Hawes, Certificate Number 150066, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Hawes failed to comply with continuing education requirements as indicated in the Notice of Opportunity for Hearing and that Mr. Hawes' firefighter certificate be revoked. Mr. Davis – First. Ms. Harris – Second. None opposed. None abstained. Motion approved.

FIRE INVESTIGATIONS, STAFF

Mr. Wright 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. Davis – Second. None opposed. None – abstained. Motion approved.

Roll Call

Mr. James Davis	Present	Mr. George B. Snyder	Absent
Ms. Deanna Harris	Present	Mr. Dudley Wright II	Present
Mr. Resanovich	Present		

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

2017-71-BF100	2017-278-F300	2017-520-F300
2017-257-F300	2017-279-F300	2017-535-F300
2017-260-F300	2017-288-F300	2017-580-F100
2017-264-F300	2017-289-F300	2017-623-F300
2017-267-F300	2017-291-F300	
2017-277-F300	2017-292-F300	

ACTION: Motion to recommend to the Executive Director to close the following case; re-open if reapplies. Mr. Davis – First. Ms. Harris – Second. None opposed. None abstained. Motion approved.

2015-278-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. Resanovich – Second. None opposed. None abstained. Motion approved.

2013-634-F100	2015-191-F100	2017-354-BF100	2017-523-BF100
2014-167-BF100	2016-79-BF100	2017-406-F100	2017-595-BF100

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

2015-571-F300	2017-634-BF300	2017-747-F300	2017-766-F300
2016-478-F300	2017-635-F300	2017-748-F300	2017-787-F300
2016-696-F300	2017-744-F300	2017-763-F300	2018-38-F300
2017-378-F300	2017-745-F300	2017-764-F300	
2017-578-BF300	2017-746-F300	2017-765-F300	

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

2017-208-BF100	2017-552-F300	2017-589-F100	2017-663-F300
2017-322-F300	2017-569-F300	2017-625-F300	2017-710-F100
2017-515-F300	2017-570-F300	2017-638-F300	
2017-516-F300	2017-571-F300	2017-661-BF100	
2017-551-F300	2017-572-F300	2017-662-F300	

ACTION: Motion to recommend to the Executive Director to close the following cases due to one of the following reasons: inadvertently marked “yes” to the 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. Resanovich – Second. None opposed. None abstained. Motion approved.

2016-614-BF100	2017-651-BF100	2017-730-BF100	2017-802-F100
2017-260-F300 *Rescind NOH	2017-652-BF100	2017-734-BF100	2017-806-F100
2017-307-F100	2017-657-BF100	2017-738-F100	2017-809-F100
2017-346-F300	2017-658-F100	2017-749-BF100	2018-36-BF100
2017-553-F300	2017-666-F300	2017-773-BF100	2018-54-BF100
2017-611-F100	2017-713-F100	2017-783-F100	2018-66-BF100

Old Business ~ None

New Business ~ None

ADJOURNMENT

ACTION: Motion to adjourn. Mr. Davis – First Mr. Resanovich - Second

The meeting adjourned at 12:55 p.m. The next meeting will be held April 18, 2018 immediately following the EMFTS Board meeting at the Ohio Department of Public Safety, 1970 West Broad Street, conference room 1106, Columbus, Ohio.