



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

MEETING MINUTES

October 19, 2016

~FINAL~

Committee Meeting Date and Location: Wednesday, October 19, 2016 at the Ohio Department of Public Safety, 1970 West Broad Street, Conference Room 1106, Columbus, Ohio.

Committee Members Present: Deanna Harris, Mark Resanovich, George B. Snyder and Dudley Wright II

Committee Members Absent: James Davis

EMS Staff Present: Jean Booze, Beverly Cooper, Melvin House, Valerie Koker, John Molnar, Doug Orahood, Ellen Owens, Jack Smith, and Melissa Vermillion.

Assistant Attorney General: Rico Barrera

Guest and Public Present: ~none~

Mr. Resanovich called the meeting to order at 2:56 p.m.

ROLL CALL

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| Mr. James Davis | Absent | Mr. George B. Snyder | Present |
| 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. Resanovich requested a motion to approve the consent agenda to include the August 17, 2016 Firefighter and Fire Safety Inspector Training Committee meeting minutes.

ACTION: Motion to approve the Consent Agenda items to include the August 17, 2016 Firefighter and Fire Safety Inspector Training Committee meeting minutes. Ms. Harris– First. Mr. Wright– Second. None – Abstained. None opposed. Motion approved.

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

Jean Booze reported there were a total of 1,553 new fire certifications for August 2016 and 979 new fire certifications for September for a total of 2,932. Staff recommends approval and Ms. Booze requested a motion to ratify.

ACTION: Motion to ratify the 2,932 new fire certifications for August and September 2016.
Mr. Wright – First. Mr. Snyder – Second. None opposed. None abstained. Motion approved.

Jean Booze reported that there are two medical exemption requests; one is dual certified, 2016-10-1 and one fire only, 2016-10-2. Medical documentation has been received and staff recommends approval.

ACTION: Motion to approve the medical exemption requests of number 2016-10-1 and 2016-10-2.
Ms. Harris – First. Mr. Wright – Second. None opposed. None abstained. Motion approved.

Firefighter Committee Report, Doug Orahod

The Program Director Conference is scheduled for Thursday, October 27, 2016 and will be held in the ODOT Auditorium. The Division has received approximately 70 registrations. There will be a few sessions on live fire training, NFPA 1403 and will have break-out sessions regarding test security and compromises and deception during testing.

The Ohio Fire Awards Ceremony was held at the Ohio Fire Academy on September 21, 2016.

Executive Director House reported that DEMS staff has been working on the fire rules and that the rules have been written to reflect the new changes. The fire rules will go to the Fire Committee in November and then distributed to the stakeholders.

ED House introduced Jack Smith, the new fire coordinator for the Division of EMS.

REPORT AND RECOMMENDATION IN THE MATTER OF FIRE CASE

Mr. Resanovich began the deliberation and noted that Executive Director Melvin House was also present. The Committee deliberated on three *Report and Recommendations* (R & R) in the matter of:

- Fire Case Number 2015-383-F100, Brian C. Cox, Fire Certificate Number 158878
- Fire Case Number 2015-121-BF100, Alexzander K. Rosebrook, Fire Certificate Number 144921
- Fire Case Number 2015-192-BF100, Adam L. Siddle, Fire Certificate Number 132305

Mr. Resanovich recognized Assistant Attorney General Rico Barerra for the purpose of providing a brief synopsis of the case and a recommendation for disciplinary action.

- **Fire Case Number 2015-383-F100, Brian C. Cox, Fire Certificate Number 158878.** Mr. Cox holds a firefighter I certificate. He was convicted of *Abduction*, a third-degree felony and *Intimidation of a Witness*, a third-degree felony. A hearing was held on June 3, 2016, where both sides were given a chance to present their evidence. After review, the hearing examiner found that Mr. Cox was in fact convicted of these felony offenses and that he did not report these convictions to the Division of EMS as required. Mr. Cox testified that he became angry with his girlfriend at that time after learning she was speaking to other men on her cell phone. A physical altercation ensued between the two as Mr. Cox attempted to get possession of her cell phone. After the altercation, Mr. Cox would not let his girlfriend leave the house. The entire altercation ensued over the course of the whole night. After trapping the victim and in a state of emotional distress, Mr. Cox forced his girlfriend to have sex and then he let her go home. The Hearing Examiner concluded that because of these convictions, the Executive Director has the discretion to take action against Mr. Cox's certificate under OAC 4765-23-02(A)(1)(4). The Hearing Examiner recommended revocation; however, he made it a point to state that he does not believe permanent revocation is warranted. During the course of the hearing, Mr. Cox explained that he was medically discharged from the Navy for mental health issues related to PTSD after a tour in Afghanistan.
- **Fire Case Number 2015-121-BF100, Alexzander K. Rosebrook, Fire Certificate Number 144921.** Mr. Rosebrook was convicted on September 17, 2015 on four counts of pandering sexually oriented matter involving a minor, a fourth-degree felony and six counts of illegal use of a minor in nudity-oriented material or performance, a fifth-degree felony. A hearing was held and the Respondent did not appear due to being incarcerated. At the hearing a police report was admitted into evidence detailing investigation of the Black Swamp Electronic Crimes Task Force investigation. The report states that Mr. Rosebrook admitted to downloading and masturbating to child pornography approximately 100 times. The Hearing Examiner found that the State proved Mr. Rosebrook was convicted of these felonies and that he did not notify the Division of his convictions as required by rule. The Hearing Examiner recommended permanent revocation.
- **Fire Case Number 2015-192-BF100, Adam L. Siddle, Fire Certificate Number 132305.** On September 14, 2015, Mr. Siddle was convicted of 16 felony crimes, including 2 counts of theft, 1 count of money laundering, one count of telecommunication fraud, and twelve counts of forgery. Mr. Siddle was sentenced to seven years in prison. A hearing was held and the Respondent did not attend due to his incarceration. The heart of all of these felony convictions is the Respondent's role as president of the Washington Township Fire Department where he used his position to convert the fire department's money for his own use. Mr. Siddle stole almost \$1 million dollars. The Hearing Examiner found that Mr. Siddle was convicted of these felonies and that he used his position of power with the fire department to divert money for his personal use. It was also found that Mr. Siddle did not notify the Division of his conviction as required by rule. The Hearing Examiner recommends permanent revocation.

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 to Executive Session for the purpose of entering into quasi-judicial deliberations on these matters pursuant to Ohio Revised Code Chapter 119 and that are required to be kept confidential under R.C. 4765.102(B). Ms. Harris – First. Mr. Wright– Second. None opposed. None – abstained. Motion approved.

ROLL CALL

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

ACTION In the matter of Fire Case Number 2015-121-BF100, Alexzander K. Rosebrook, Fire Certificate Number 144921, the Committee recommends the Executive Director confirm and approve the findings of fact, conclusions of law, and the recommendation issued by the hearing examiner to permanently revoke Mr. Rosebrook’s fire certificate. Mr. Wright – First. Ms. Harris– Second. None Opposed. Mr. Resanovich – abstained. Motion approved.

ACTION In the matter of Fire Case Number 2015-192-BF100, Adam L. Siddle, Fire Certificate Number 132305, the Committee recommends the Executive Director confirm and approve the findings of fact, conclusions of law, and the recommendation issued by the hearing examiner to permanently revoke Mr. Siddle’s fire certificate. Mr. Wright – First. Ms. Harris– Second. None Opposed. Mr. Resanovich – abstained. Motion approved.

ACTION In the matter of Fire Case Number 2015-383-F100, Brian C. Cox, Fire Certificate Number 158878, the Committee recommends the Executive Director confirm and approve the findings of fact, conclusions of law, and the recommendation issued by the hearing examiner to revoke Mr. Cox’s fire certificate. Mr. Wright – First. Ms. Harris– Second. None Opposed. Mr. Resanovich – abstained. Motion approved.

GOLDMAN PROCEEDINGS

Mr. Resanovich, on behalf of the Firefighter and Fire Safety Inspector Training Committee called the proceeding to order at 3:25 p.m. on October 19, 2016 at the Ohio Department of Public Safety, 1970 West Broad Street, Columbus, Ohio 43223. Fire members of the Board present for these proceedings were:

ROLL CALL

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

There were two adjudication proceedings. Executive Director Mel House is present. These proceedings were in the matter of:

- Fire Case Number 2015-521-F500, Emergency Training Academy of Southern Ohio, Fire Charter Number 414
- Fire Case Number 2015-398-F300, Michael J. Heekin, Fire Certificate Number 117055

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 did not have the ability to present written or oral testimony, but may be present to hear the proceedings and outcome.

The Fire Board 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 Fire Board members will deliberate. The Fire Board 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. Resanovich recognized Assistant Attorney General Rico Barerra, for the purpose of providing a brief synopsis of each case and a recommendation for disciplinary action. Mr. Barrera presented a synopsis of the following cases:

- **Fire Case Number 2015-521-F500, Emergency Training Academy of Southern Ohio, Fire Charter Number 414.** The Emergency Training Academy of Southern Ohio holds a fire charter. The Division was contacted by the program director regarding possible violations and an investigation was conducted. The violations uncovered:
 - A Firefighter I transition course was taught at an unapproved offsite location
 - At this course students could not register because ETA was unresponsive to the students and instructors.
 - There was no documentation of compliance with NFPA Standard 1403 for live fire training.
 - Outdated forms were used.
 - Practical tests were not completed.
 - A second volunteer firefighter course was also taught at an unapproved offside location with the same violations uncovered.
 - Additionally, a third volunteer firefighter course was taught with similar violations
 - Unresponsive to students, making it so they could not register
 - Outdated paperwork or paperwork never completed, including attendance records.

The recommendation is to revoke their fire charter.

- **Fire Case Number 2015-398-F300, Michael J. Heekin, Fire Certification Number 117055.** Mr. Heekin holds a firefighter II certification and he failed to complete the required hours of continuing education. A random audit was conducted by the Division of EMS with

no response from Mr. Heekin. The recommendation is to revoke Mr. Heekin's certificate to practice.

Having heard the synopsis and recommended disciplinary action for each case, Mr. Davis 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. Ms. Harris – First. Mr. Wright – Second. No Abstentions. None opposed. Motion approved.

There being no further evidence, the proceedings were closed at 3:30 p.m. The procedural and jurisdictional matters having been satisfied, 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 on these matters pursuant to Ohio Revised Code Chapter 119 and that are required to be kept confidential under R.C. 4765.102(B). Ms. Harris – First. Mr. Wright – Second. None opposed. None – abstained. Motion approved.

ROLL CALL

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

ACTION: In the matter of Fire Case Number 2015-398-F300, Michael J. Heekin, Fire Certificate Number 117055, the Committee finds that Mr. Heekin 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), and 4765-20-13(B); therefore, the Committee recommends the Executive Director revoke Mr. Heekin's firefighter certificate. Mr. Wright – First. Ms. Harris – Second. None opposed. Mr. Resanovich – abstained. Motion approved.

ACTION: In the matter of Fire Case Number 2015-521-F500, Emergency Training Academy of Southern Ohio, Fire Charter Number 414, the Committee finds that ETA failed to administer the fire training programs and failed to comply with all rules and laws pertaining to the operation of a Fire Charter. Accordingly, ETA violated Ohio Administrative Code Sections 4765-23-02(B)(1), 4765-11-03(B), 4765-11-17(A)(3), 4765-11-03(C)(1), 4765-11-03(C)(5) and 4765-11-03(C)(6); therefore the Committee recommends the Executive Director revoke ETA's fire charter. Mr. Wright – First. Ms. Harris – Second. None opposed. Mr. Resanovich – abstained. Motion approved.

FIRE INVESTIGATIONS, STAFF

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

Roll Call

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| Mr. James Davis | Absent | Mr. George B. Snyder | Present |
| 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. Wright – First. Ms. Harris – Second. None opposed. Mr. Resanovich - abstained. Motion approved.

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| 2016-79-BF100 | 2016-352-F300 | 2016-459-F300 |
| 2016-85-F300 | 2016-354-F300 | |

ACTION: Motion to recommend to the Executive Director to close the following cases; no jurisdiction. Mr. Wright – First. Ms. Harris – Second. None opposed. Mr. Resanovich - abstained. Motion approved.

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| 2012-655-BF100 | 2015-597-F300 | 2015-660-F300 | 2016-329-BF100 |
| 2015-315-F300 | 2015-599-F300 | 2016-173-BF100 | |

ACTION: Motion to recommend to the Executive Director to close the following cases; applications were deemed incomplete. Mr. Wright – First. Ms. Harris – Second. None opposed. Mr. Resanovich - abstained. Motion approved.

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| 2013-444-F100 | 2016-41-F300 |
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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 Agreement. Mr. Wright – First. Ms. Harris – Second. None opposed. Mr. Resanovich - abstained. Motion approved.

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| 2013-176-BF100 | 2015-641-F500 | 2016-187-F100 |
| 2015-595-F100 | 2016-16-BF100 | 2016-309-F100 |
| 2015-631-F100 | 2016-134-BF100 | 2016-344-BF100 |

ACTION: Motion to recommend to the Executive Director to close the following cases; accept surrendering of their respective certificates. Mr. Wright – First. Ms. Harris – Second. None opposed. Mr. Resanovich - abstained. Motion approved.

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| 2016-455-F300 |
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ACTION: Motion to recommend to the Executive Director to Issue Notices of Opportunity for Hearings for the following cases. Mr. Wright – First. Ms. Harris – Second. None opposed. Mr. Resanovich - abstained. Motion approved.

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| 2015-382-BF100 | 2016-21-F300 | 2016-296-F300 |
| 2015-425-F100 | 2016-181-F100 | 2016-297-F300 |
| 2015-619-F300 | 2016-200-F300 | 2016-314-F300 |

ACTION: Motion to recommend to the Executive Director to rescind the Notice of Opportunity for Hearing for the following case; and continue with consent agreement. Mr. Wright – First. Ms. Harris – Second. None opposed. Mr. Resanovich - abstained. Motion approved.
 2015-409-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 conviction questions, misdemeanor convictions that have previously been deemed “not involving moral turpitude”, local issues, and grandfathering issues of certification/conviction. Mr. Wright – First. Ms. Harris – Second. None opposed. Mr. Resanovich - abstained. Motion approved.

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| 2013-444-F100 | 2016-406-F100 | 2016-448-BF100 | 2016-493-BF100 |
| 2014-419-F300 | 2016-419-F100 | 2016-451-BF100 | 2016-495-F100 |
| 2016-61-F300 | 2016-428-BF100 | 2016-453-BF100 | 2016-497-BF100 |
| 2016-339-BF100 | 2016-429-BF100 | 2016-485-BF100 | |
| 2016-340-BF100 | 2016-432-BF100 | 2016-491-BF100 | |
| 2016-402-F100 | 2016-439-F100 | 2016-492-BF100 | |

Old Business ~ None

New Business ~ None

ADJOURNMENT

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

The meeting adjourned at 3:42 p.m. The next meeting will be held December 14, 2016.