



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

MEETING MINUTES

December 14, 2016

~FINAL~

Committee Meeting Date and Location: Wednesday, December 14, 2016 at the Ohio Department of Public Safety, 1970 West Broad Street, Conference Room 1106, Columbus, Ohio.

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

Committee Members Absent: ~none~

EMS Staff Present: Jean Booze, Beverly Cooper, Tom Gwinn, Melvin House, Valerie Koker, John Molnar, Ellen Owens, Rachel Randall, Bryan Reardon, and Jack Smith.

Assistant Attorney General: Rico Barrera

Guest and Public Present: Stacy Ferguson, Barry Seth, Adam VonDarHaar, and Tim VonDarHaar.

Mr. Resanovich called the meeting to order at 3:10 p.m.

ROLL CALL

Mr. James Davis	Present	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 October 19, 2016 Firefighter and Fire Safety Inspector Training Committee meeting minutes.

ACTION: Motion to approve the Consent Agenda items to include the October 19, 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 1,038 new fire certifications for October 2016 and 1,528 new fire certifications for November for a total of 2,566. Staff recommends approval and Ms. Booze requested a motion to ratify.

ACTION: Motion to ratify the 2,566 new fire certifications for October and November 2016.
Ms. Harris – First. Mr. Snyder – Second. None opposed. None abstained. Motion approved.

Jean Booze reported that there are two military exemption requests; one is dual-certified, 2016-12-3 and one is fire only, 2016-12-4. Both are on active duty. There are two medical exemption requests; 2016-12-1 and 2016-12-2. Medical documentation has been received and staff recommends approval.

ACTION: Motion to approve two military exemptions; 2016-12-3 and 2016-12-4 and two medical exemptions; 2016-12-1 and 2016-12-2. Mr. Davis – First. Ms. Harris – Second. None opposed. None abstained. Motion approved.

Firefighter Committee Report, Jack Smith

Mr. Smith, fire coordinator for the Division on EMS, reported that nine fire charters have had site visits.

The objectives and skill sheets for the volunteer firefighter course will be sent to the FFSI sub-committee.

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 2015-581-F100, Stacy L. Ferguson, Fire Applicant Number 112068.
- Fire Case Number 2015-587-F100, Adam C. VonDerHaar, Fire Applicant Number 206111.

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 2015-581-F100, Stacy L. Ferguson, Fire Applicant Number 112068**
Mr. Ferguson applied for reinstatement. He was previously a firefighter at the Jackson Township Fire Department. In 1992, when he was 21 years old, he was convicted of a felony for aggravated trafficking and was sentenced to three years' probation. As a result of his conviction he resigned his position and eventually his certification expired. At the hearing, Mr. Ferguson was extremely forthcoming about the conviction and explained he was young and was with a friend who was selling drugs. Mr. Ferguson was only involved in this one incident where he drove his friend to meet with someone who ultimately was an

undercover police officer. The hearing examiner was persuaded by Mr. Ferguson's authenticity and the fact that despite his conviction he was able to maintain full employment and has since remained a law abiding member of the community.

The hearing examiner's recommendation is to allow reinstatement provided certain conditions are met. He remarked that to deny reinstatement based on such an old conviction would be draconian.

The hearing examiner recommends reinstatement of Mr. Ferguson's firefighter certificate once he submits documentation of successful completion of one hundred and eight hours of fire related continuing education. Further, prior to issuance:

- (1) Respondent to provide a Fit-for-Duty Psychological Evaluation by a licensed mental health professional that indicates that Respondent is mentally and emotionally stable and that he is free from any impairment that would render him unable to practice as a firefighter with reasonable skill and safety and that he is free from any psychological condition or impairment that poses a significant risk to his health and safety or to the health and safety of others; and
- (2) Respondent to complete an updated BCI&I background check.

Once the firefighter certificate is reinstated:

- (1) Respondent's firefighter certificate shall be placed on probation for three (3) years and that during the probationary period;
- (2) Respondent is to notify the ODPS-DEMS of any arrests within ten (10) days of the arrest and during the probationary period Respondent is to fully disclose the conviction on his record to any fire-related employers; and
- (3) Respondent to provide an updated BCI&I background check at the time of his first renewal in three (3) years of his firefighter certificate.

AAG Barrera gave Mr. Ferguson an opportunity to speak to the committee. Mr. Ferguson explained his dream was to be a firefighter and he would like to continue to be a firefighter.

- **Fire Case Number 2015-587-F100, Adam C. VonDerHaar, Fire Applicant Number 206111.** In July 2012, Mr. VonDerHaar was convicted of misdemeanor breaking and entering, misdemeanor tampering with motor vehicle parts, and misdemeanor possession of drug paraphernalia in North Carolina. The Division of EMS alleged that these were crimes of moral turpitude. Mr. VonDerHaar is a young man and at the hearing he was extremely open about his addiction to drugs, which led to the convictions. He explained that he blacked out after drinking too much and ended up breaking into a car, stealing checks and pieces of the car. He passed out and was immediately caught by police. Mr. VonDerHaar spoke about the dark times in his life and how he has worked extensively over the years to deal with addiction including extensive therapy. He is an active Narcotics Anonymous member; ultimately leading meetings and speaking to young adults about addiction. The hearing examiner recommended Mr. VonDerHaar be granted a certificate if he passes a fit for duty evaluation, three year probation and an updated BCI at the time of first renewal.

AAG Barrera gave Mr. VonDerHaar an opportunity to speak to the committee. Mr. VonDerHaar explained how difficult it has been to get to this point in his life. He stated he has been drug free for close to four years. He also expressed his dreams of wanting to be a firefighter and is grateful for giving him an opportunity.

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

ROLL CALL

Mr. James Davis	Present	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 2015-581-F100, Stacy L. Ferguson, Fire Applicant Number 112068, the Committee recommends to the Executive Director to confirm and approve the findings of fact, conclusions of law, and the recommendation issued by the hearing examiner. In September of 1992, Mr. Ferguson was convicted of Aggravated Trafficking, a third-degree felony, in violation of Section 2925.03 of the Ohio Revised Code; in Court of Common Pleas, Franklin County, Ohio, Case No. 92 CR-04-2220B; in violation of Ohio Administrative Code Section 4765-23-02(A)(1)(a). Additionally, Mr. Ferguson was outside the time parameters to reinstate, in violation of Ohio Administrative Code Sections 4765-4765-23-02(A)(4) and 4765-20-08(F).

The hearing examiner recommends reinstatement of Mr. Ferguson’s firefighter certificate once he submits documentation of successful completion of one hundred and eight hours of fire related continuing education. Further, prior to issuance:

- (1) Respondent to provide a Fit-for-Duty Psychological Evaluation by a licensed mental health professional that indicates that Respondent is mentally and emotionally stable and that he is free from any impairment that would render him unable to practice as a firefighter with reasonable skill and safety and that he is free from any psychological condition or impairment that poses a significant risk to his health and safety or to the health and safety of others; and***
- (2) Respondent to complete an updated BCI&I background check.***

Once the firefighter certificate is reinstated,

- (1) Respondent’s firefighter certificate shall be placed on probation for three (3) years and that during the probationary period;***
- (2) Respondent is to notify the ODPS-DEMS of any arrests within ten (10) days of the arrest and during the probationary period Respondent is to fully disclose the conviction on his record to any fire-related employers; and***
- (3) Respondent to provide an updated BCI&I background check at the time of his first renewal in three (3) years of his firefighter certificate.***

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

ACTION In the matter of Fire Case No. 2015-587-F100, Adam C. VonDerHaar, Fire Applicant No. 206111 the Committee recommends to the Executive Director to confirm and approve the findings of fact, conclusions of law, and the recommendation issued by the hearing examiner to issue the Respondent firefighter certificate with . It was found that the Respondent on, or about, July 13, 2012, Respondent was convicted in the Superior Court, Criminal Division, Buncombe County, North Carolina, Case No. 12CR 056628, of Breaking and Entering into a Vehicle, in violation of North Carolina General Statutes Section 14-54(B); a misdemeanor involving moral turpitude; in violation of Ohio Administrative Code Section 4765-23-02(A)(1)(c). A firefighter II certificate shall be issued with the following conditions:

Prior to a certificate being issued that: (A) Respondent shall provide a Fit-for-Duty Psychological Evaluation by a licensed mental health professional that indicates that Respondent is mentally and emotionally stable and that he is free from any impairment that would render him unable to practice as a firefighter with reasonable skill and safety and that he is free from any psychological condition or impairment that poses a significant risk to his health and safety or to the health and safety of others; and (B) Respondent to complete an updated BCI&I background check.

1) Upon satisfactory completion of the Fit-for-duty evaluation and the up-to-date background check, the respondent should be placed on probation for three (3) years and that during the probationary period, Respondent is to notify the Division of any arrests within ten (10) days of the arrest and during the probationary period respondent shall fully disclose the convictions on his record to any Fire related employers; and

2) Respondent shall provide an updated BCI&I background check at the time of his first renewal in three (3) years of his firefighter certificate.

Mr. Davis – First. Mr. Snyder – 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 3:32 p.m. on December 14, 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

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

There was one adjudication proceeding. Executive Director Mel House was present. The proceeding was in the matter of:

- Fire Case Number 2015-57-F500, Tomi (a.k.a. Tommi) S. Perry, Fire Certificate Number 159213.

These proceedings were an affidavit-based adjudication relative to a Notice of Opportunity for Hearing mailed to the respondent in the aforementioned case and believed to have been properly served according to the Administrative Procedures Act (Chapter 119, of the Ohio Revised Code).

As the respondent did not properly request a hearing in the case, these proceedings were held pursuant to *Goldman v. State Medical Board of Ohio*. The individual 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 2015-57-F500, Tomi (a.k.a. Tommi) S. Perry, Fire Certificate Number 159213.**

Ms. Perry was convicted of *Theft*, a fifth degree felony, *Receiving Stolen Property*, a fifth degree felony, four counts of *Complicity to Breaking and Entering*, all fifth degree felonies and *Complicity to Theft*, a fourth degree felony. Ms. Perry also failed to provide police records, court records and a background check as required. Her department noticed a generator, battery charger and two chain saws were missing. The investigation showed she pawned the items at a pawn shop in West Virginia. Additionally, Ms. Perry failed to submit documentation of her conviction. She is currently serving a four-year, eleven-month prison term. The recommendation to the Executive Director is to revoke Ms. Perry's firefighter certificate.

ACTION: Motion to admit the sworn affidavit and accompanying exhibits in the aforementioned cases into evidence. Mr. Davis – First. Mr. Snyder – Second. No Abstentions. None opposed. Motion approved.

There being no further evidence, the proceedings were closed at 3:36 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. Davis – Second. None opposed. None – abstained. Motion approved.

ROLL CALL

Mr. James Davis	Present	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 2015-57-F500, Tomi (aka Tommi) S. Perry, Fire Certificate Number 159213, the Committee finds that Ms. Perry was convicted of Theft, a fifth degree felony, Receiving Stolen Property, a fifth degree felony, Four (4) counts of Complicity to Breaking and Entering, all fifth degree felonies, and Complicity to Theft, a fourth degree felony. . Additionally, the Committee finds that Ms. Perry failed to provide the police records, court

records, and a background check, as required. Ms. Perry violated Ohio Administrative Code Sections 4765-23-01(A)(1)(a); and 4765-23-02(A)(4), 4765-22-01(D): therefore, the Committee recommends to the Executive Director to revoke Ms. Perry's firefighter certificate.

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

Roll Call

Mr. James Davis	Present	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 issue Notices of Opportunity for Hearings with permission to negotiate Consent Agreements. Ms. Harris – First. Mr. Snyder – Second. None opposed. Mr. Resanovich - abstained. Motion approved.

2016-562-F500
2016-619-E500

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.

2015-634-F100	2016-378-F100	2016-482-F300
2016-10-F300	2016-454-F100	2016-565-F100
	2016-476-F300	

ACTION: Motion to recommend to the Executive Director to close the following cases: Mr. Wright – First. Ms. Harris – Second. None opposed. Mr. Resanovich and Mr. Snyder (2016-446-F100) - abstained. Motion approved.

2015-331-BF100	2016-342-BF100	2016-504-BF100
2015-476-F300	2016-369-BF100	2016-526-BF100
2015-522-F300	2016-371-BF100	2016-530-F300
2016-28-F100	2016-401-F100	2016-560-F300
2016-93-F100	2016-413-F300	2016-561-F300
2016-126-F300	2016-446-F100	2016-588-F300
2016-330-F100	2016-470-F300	2016-591-F500 *Issue
	2016-496-BF100	Warning Letter

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.

2016-399-F100

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.

2013-173-F100

2016-279-F100

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.

2015-648-F300 FFII/FSI	2016-472-F300 FFII/Fire Inst	2016-521-F300 FSI
2016-194-F300 FFI		2016-522-F300 FSI
*Rescind NOH	2016-479-F300 FSI	2016-558-F300 VFF
2016-313-F300	2016-481-F300 FFII	2016-573-F300 VFF
VFF*Rescind NOH	2016-498-F300 VFF	2016-579-F300 VFF
2016-351-F300 VFF	2016-508-F300 FSI	2016-580-F300 FSI
2016-460-F300 VFF	2016-509-F300 Fire Inst	2016-595-F300 VFF
2016-462-F300 FSI	2016-519-F300 FFII	2016-596-F300 FF1
2016-463-F300 FFI	2016-520-F300 FSI	
2016-466-F300 FF2		

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.

2011-925-F100	2016-467-F300	2016-528-F300
2015-635-F100	2016-468-F300	2016-540-F500
2016-22-F300	2016-469-F300	2016-553-F300
2016-260-F300	2016-473-F300	2016-557-F300
2016-265-F300	2016-477-F300	2016-559-F300
2016-404-BF300	2016-478-F300	
2016-438-F100	2016-480-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.

2014-530-F300	2016-563-F100
2016-536-BF100	2016-564-BF100
2016-539-F100	2016-609-BF100
2016-544-F100	2016-618-BF100
2016-545-F100	2016-644-F100

Old Business ~ None

New Business ~ None

ADJOURNMENT

ACTION: Motion to adjourn. Mr. Snyder – First Mr. Wright - Second

The meeting adjourned at 3:52 p.m. The next meeting will be held February 16, 2017.