



**FIREFIGHTER AND FIRE SAFETY INSPECTOR TRAINING COMMITTEE
STATE BOARD OF EMERGENCY MEDICAL SERVICES
OHIO DEPARTMENT OF PUBLIC SAFETY
MEETING MINUTES
February 18, 2016
~DRAFT~**

Committee Meeting Date and Location: Thursday, February 18, 2016, Ohio Center for Occupational Safety and Health, 13430 Yarmouth Drive, Pickerington, Ohio,

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

Committee Members Absent: ~none~

EMS Staff Present: Jean Booze, Melvin House, Valerie Koker, Linda Mirarchi, Ellen Owens, Johanna Pickett, and John Sands.

Assistant Attorney General: Rico Barrera

Guest and Public Present: Barry Seth

Mr. Resanovich called the meeting to order at 2:05 p.m.

ROLL CALL

Mr. James Davis	Present	Mr. Mark Resanovich	Present
Ms. Deanna Harris	Present	Mr. Dudley Wright II	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 December 16, 2015 Firefighter and Fire Safety Inspector Training Committee meeting minutes.

ACTION: Motion to approve the Consent Agenda of the December 16, 2015 meeting minutes.
Mr. Davis– First. Ms. Harris – Second. None – Abstained. None opposed. Motion approved.

FIRE CERTIFICATIONS & EXEMPTION REQUESTS (Military), Jean Booze

Jean Booze reported on the CE exemptions. There are five military exemption requests; two fire, #2016-2-01, #2016-2-6; three dual certified, #2016-2-3, #2016-2-4, and #2016-2-5. Two of these have had previous exemptions; #2016-2-3 was for the last certification cycle and #2016-2-6 had a prior exemption but it was for the certification cycle ending in 2010.

Ms. Booze requested a motion for approval of #2016-2-1, #2016-2-4, and #2016-2-5.

ACTION: Motion to approve the military exemption requests for #2016-2-1, #2016-2-4, and #2016-2-5. Ms. Harris – First. Mr. Davis – Second. None opposed. None abstained. Motion approved.

A discussion ensued regarding the request for an exemption for #2016-2-3. Extensions are not permitted by rule for fire certifications. The certificate holder's certification expired on December 21, 2015. In order to be reinstated, the certificate holder has up to six months to complete the continuing education and to take the knowledge exam only.

ACTION: Motion to deny the exemption request for #2016-2-3. Ms. Harris – First. Mr. Davis – Second. None opposed. None abstained. Motion approved.

Ms. Booze reported the exemption request for #2016-2-6. The certificate holder had an exemption in 2010. He was recently discharged from the military. Under HB 98 he is eligible for an extension of time to complete his continuing education and the extension is based on the number of days he was on active military during this cycle. He would not be eligible at this time because his certification does not expire until March 3, 2016.

ACTION: Motion to deny the exemption to #2016-2-6, however, under House Bill 98 he is eligible for an extension of time once his current certification expires on March 3, 2016.
Mr. Wright – First. Ms. Harris – Second. None opposed. Mr. Davis - abstained. Motion approved.

COMMITTEE REPORTS

Firefighter Committee Report, John Sands

John Sands reported that the Ohio Fire Testing Validation subject matter expert workgroups are being held once a week. The test validation will take the rest of the year to complete. Discussion regarding the process of the test validation. Linda Mirarchi requested that more fire instructors participate in the test validation.

Executive Director House reported that changes are being made to the fire rules. ED House requested that there is input from the sponsoring organizations regarding the fire rules.

GOLDMAN PROCEEDINGS

Mr. Resanovich, on behalf of the Firefighter and Fire Safety Inspector Training Committee called the proceeding to order at 2:28 p.m. on February 18, 2016 at the Ohio Center for Occupational Safety and Health, 13430 Yarmouth Drive, Pickerington, Ohio. Fire members of the Board present for these proceedings were:

ROLL CALL

Mr. James Davis	Present	Mr. Mark Resanovich	Present
Ms. Deanna Harris	Present	Mr. Dudley Wright II	Present

There were eight adjudication proceedings. Executive Director Mel House was present. These proceedings are in the matters of:

- Fire Case Number 2014-406-F300, Jason M. Gurley, Fire Certificate Number 131963
- Fire Case Number 2014-525-F300, Joe Sorbello, Fire Certification Number 155645
- Fire Case Number 2014-555-F300, Kenneth Cromes, Fire Certification Number 149501
- Fire Case Number 2014-605-F300, Connor E. Murphy, Fire Certification Number 160842
- Fire Case Number 2015-22-F300, Levi Messmer, Fire Certification Number 147213
- Fire Case Number 2015-105-BF100, Brian E. Peters, Fire Certificate Number 55044
- Fire Case Number 2015-165-F300, Robert D. Hawke, Fire Certification Number 148372
- Fire Case Number 2015-189-F300, Timothy A. Custer, Fire Certification Number 119334

These proceedings shall be 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 will be held today pursuant to *Goldman v. State Medical Board of Ohio*. The individuals named did not have the ability to present written or oral testimony, but they 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 you will deliberate. The 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 Barrera, 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 2014-406-F300, Jason M. Gurley, Certificate #131963, entered into a consent agreement in December 2014 after he was found to lack the required continuing education hours. He was required to pay a \$250 fine which was not paid. The recommendation is to revoke his firefighter certificate.
- Fire Case Number 2014-525-F300, Joe Sorbello, Certificate #155645, is a random audit continuing education case. Mr. Sorbello has not responded to the Division with any evidence he completed the continuing education hours. The recommendation is to revoke Mr. Sorbello's firefighter certificate.

- Fire Case Number 2014-555-F300, Kenneth Cromes, Certificate #149501, is a random audit continuing education case. Mr. Cromes has not responded to the Division with any evidence he has completed the continuing education hours. The recommendation is to revoke Mr. Cromes' firefighter certificate.
- Fire Case Number 2014-605-F300, Connor E. Murphy, Fire Certification Number 160842, is a continuing education case. Mr. Murphy indicated on the renewal application that he completed the continuing education. Mr. Murphy has not responded to the division with any evidence he has completed the continuing education hours. The recommendation is to deny Mr. Murphy's renewal application and revoke his firefighter certificate.
- Fire Case Number 2015-22-F300, Levi Messmer, Fire Certification Number 147213, is a continuing education case received from the administrator from Big Walnut Fire Department that an internal audit showed Mr. Messmer had not attended training. Mr. Messmer has not responded to the Division with any evidence he completed the continuing education. The recommendation is to revoke his firefighter certificate.
- Fire Case Number 2015-105-BF100, Brian E. Peters, Fire Certificate Number 55044, is an EMT and firefighter. Mr. Peters was convicted in March 2015 of two felonies in Highland County Court of Common Pleas for *Trafficking in Marijuana in the Vicinity of a Juvenile*, a fourth degree felony and *Possession of Marijuana*, a fifth degree felony. A review of the certified police report shows that upon executing a search warrant, police found drug paraphernalia, six guns, three thousand dollars in cash and 1.5 pounds of marijuana in a safe along with prescription pills. The recommendation is to deny Mr. Peters' renewal application and revoke his firefighter certificate.
- Fire Case Number 2015-165-F300, Robert D. Hawke, Fire Certification Number 148372, is a random audit continuing education case. Mr. Hawke has not responded to the Division with any evidence he completed the continuing education hours. The recommendation is to revoke his firefighter certificate.
- Fire Case Number 2015-189-F300, Timothy A. Custer, Fire Certification Number 119334, is a random audit continuing education case. Mr. Custer did not respond to the Division with any evidence he completed the continuing education hours. The recommendation is to revoke his firefighter certificate.

Having heard the synopsis and recommended disciplinary action for each case, Mr. Resanovich requested a motion to admit the sworn affidavits 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. Ms. Harris – First. Mr. Davis– Second. None abstained. None opposed. Motion approved.

There being no further evidence, these proceedings were closed at 2:33 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

Mr. James Davis	Present	Mr. Mark Resanovich	Present
Ms. Deanna Harris	Present	Mr. Dudley Wright II	Present

The committee returned from private session at 3:04 p.m.

ACTION: In the matter of Fire Case Number 2014-406-F300, Jason M. Gurley, Fire Certificate Number 131963, the Committee finds that Mr. Gurley failed to comply with the terms of the Consent Agreement in violation Ohio Administrative Code Section 4765-23-02(A)(3). Therefore, the Committee recommends to the Executive Director to revoke Mr. Gurley's firefighter certificate. Mr. Davis– First. Ms. Harris– Second. None opposed. Mr. Resanovich- abstained. Motion approved.

ACTION: In the matter of Fire Case Number 2014-525-F300, Joe Sorbello, Fire Certificate Number 155645, the Committee finds that Mr. Sorbello failed to complete and accurately document all continuing education requirements; therefore not meeting the renewal requirements. Accordingly, Mr. Sorbello violated Ohio Administrative Code Sections 4765-23-02(A)(2), 4765-22-01(C), 4765-20-07(A)(3), and 4765-20-13(B). Therefore, the Committee recommends to the Executive Director to revoke Mr. Sorbello's firefighter certificate. Mr. Davis– First. Ms. Harris – Second. None opposed. Mr. Resanovich- abstained. Motion approved.

ACTION: In the matter of Fire Case Number 2014-555-F300, Kenneth Cromes, Fire Certificate Number 149501, the Committee finds that Mr. Cromes failed to complete and accurately document all continuing education requirements; therefore not meeting the renewal requirements. Accordingly, Mr. Cromes violated Ohio Administrative Code Sections 4765-23-02(A)(2), 4765-22-01(C), and 4765-20-07(A)(3). Therefore, the Committee recommends to the Executive Director to revoke Mr. Cromes' firefighter certificate. Mr. Davis– First. Ms. Harris – Second. None opposed. Mr. Resanovich- abstained. Motion approved.

ACTION: In the matter of Fire Case Number 2014-605-F300, Connor E. Murphy, Fire Certificate Number 160842, the Committee finds that Mr. Murphy failed to complete all of the continuing education requirements; therefore not meeting the renewal requirements. Accordingly, Mr. Murphy violated Ohio Administrative Code Sections 4765-23-02(A)(2) and 4765-20-07(A)(3). Therefore, the Committee recommends to the Executive Director to deny Mr. Murphy's renewal application and revoke his firefighter certificate. Mr. Davis – First. Ms. Harris – Second. None opposed. Mr. Resanovich - abstained. Motion approved.

ACTION: In the matter of Fire Case Number 2015-22-F300, Levi Messmer, Fire Certificate Number 147213, the Committee finds that Mr. Messmer failed to complete and accurately document all continuing education requirements; therefore not meeting the renewal requirements. Accordingly, Mr. Messmer violated Ohio Administrative Code Sections 4765-23-02(A)(2), 4765-22-01(C), and 4765-20-07(A)(3). Therefore, the Committee recommends to the Executive Director to revoke Mr. Messmer's firefighter certificate. Mr. Davis – First. Ms. Harris – Second. None opposed. Mr. Resanovich - abstained. Motion approved.

ACTION: In the matter of Fire Case Number 2015-105-BF100, Brian E. Peters, Fire Certificate Number 55044, the Committee finds that Mr. Peters was convicted of Trafficking in Marijuana in the Vicinity of a Juvenile, a fourth-degree felony and Possession of Marijuana, a fifth-degree felony. Mr. Peters is in violation of Ohio Administrative Code Section 4765-23-02(A)(1)(a); therefore, the Committee recommends to the Executive Director to deny Mr. Peters' renewal application and revoke his firefighter certificate. Mr. Davis – First. Ms. Harris – Second. None opposed. Mr. Resanovich - abstained. Motion approved.

ACTION: In the matter of Fire Case Number 2015-165-F300, Robert D. Hawke, Fire Certificate Number 148372, the Committee finds that Mr. Hawke failed to complete and accurately document all continuing education requirements; therefore not meeting the renewal requirements. Accordingly, Mr. Hawke violated Ohio Administrative Code Sections 4765-23-02(A)(2), 4765-22-01(C), and 4765-20-07(A)(3). Therefore, the Committee recommends to the Executive Director to revoke Mr. Hawke's firefighter certificate. Mr. Davis – First. Ms. Harris – Second. None opposed. Mr. Resanovich - abstained. Motion approved.

ACTION: In the matter of Fire Case Number 2015-189-F300, Timothy A. Custer, Fire Certificate Number 119334, the Committee finds that Mr. Custer failed to complete and accurately document all continuing education requirements; therefore not meeting the renewal requirements. Accordingly, Mr. Custer violated Ohio Administrative Code Sections 4765-23-02(A)(2), 4765-22-01(C), 4765-20-07(A)(3), and 4765-20-13(A). Therefore, the Committee recommends to the Executive Director to revoke Mr. Custer's firefighter certificate. Mr. Davis – 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. Resanovich– First. Ms. Harris– Second. None opposed. None – abstained. Motion approved.

Roll Call

Mr. James Davis Present	Mr. Mark Resanovich Present
Ms. Deanna Harris Present	Mr. Dudley Wright II Present

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

2015-494-F100	2015-617-F300	2015-684-F300
2015-516-BF100	2015-639-F300	2015-699-F300
2015-619-F300	2015-652-F300	2016-16-BF100
2015-641-F500	2015-654-F300	2016-41-F300 *Non-
2015-696-F300		disciplinary

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

2015-237-F500	2015-581-F100
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ACTION: Motion to recommend to the Executive Director to close the case, renew the charter and issue a warning letter. Mr. Davis – First. Ms. Harris – Second. None opposed. Mr. Resanovich - abstained. Motion approved.

2015-691-F500

ACTION: Motion to recommend to the Executive Director to close the following cases. Mr. Davis – First. Ms. Harris– Second. None opposed. Mr. Resanovich - abstained. Motion approved.

2013-436-BF100 2014-340-F100 *Rescind NOH 2015-472-F300	2015-533-F500 *Refer to local prosecutor 2015-88-F500 *Accept withdrawal and rescind NOH
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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. Davis – First. Ms. Harris– Second. None opposed. Mr. Resanovich - abstained. Motion approved.

2013-84-F100 2014-506-BF100 2015-3-F100	2015-41-F500 2015-305-BF100 2015-351-BF100
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ACTION: Motion to recommend to the Executive Director to close the following cases; accept the surrendering of their respective certificates. Mr. Davis – First. Ms. Harris– Second. None opposed. Mr. Resanovich - abstained. Motion approved.

2015-302 F300 *Rescind NOH 2015-570-F300 2015-604-F300 2015-608-F300 2015-609-F300	2015-611-F300 2015-612-F300 2015-618-F300 2015-620-F300 2015-621-F300 2015-638-F300	2015-650-F300 2015-659-F300 2015-662-F300 2015-671-F300 2015-701-F300 2015-702-F300	2016-8-F300 2016-9-F300 2016-14-F300 2016-29-F300 2016-39-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. Davis – First. Ms. Harris– Second. None opposed. Mr. Resanovich - abstained. Motion approved.

2011-1234-F100 2015-192-BF100	2015-278-F300 2015-538-F300 2016-72-F300	<u>To also include:</u> 2015-516-BF100 2015-581-F100
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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. Davis – First. Ms. Harris– Second. None opposed. Mr. Resanovich - abstained. Motion approved.

2015-358-BF100	2015-677-F100	2016-11-F100	2016-49-F100
2015-544-F300	2015-705-BF100	2016-36-F300	2016-73-B500
2015-674-BF100	2016-1-BF100	2016-37-F100	
2015-675-BF100	2016-2-BF100	2016-47-BF100	

Old Business ~ None

New Business

Mr. Wright suggested that the felony issues of the fire rules mirror the rules of EMS. ED House confirmed that the felony issues have been completed in the proposed fire rules.

Several members voiced their concerns regarding the EMFTS Board seats not being appointed. Some of the concerns are that there is a quorum issue, the inability to do business, and a lack of representation that is afforded by the Ohio Revised Code.

ADJOURNMENT

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

The meeting adjourned at 4:15 p.m.