



Kent Appelhans, Chair
Mark Marchetta, Sr., Vice Chair

Dr. Carol Cunningham, State Medical Director

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

MEETING MINUTES

Meeting held via videoconferencing/Microsoft Teams®

February 11, 2021

Immediately following the conclusion of the EMFTS Board meeting

~FINAL~

Committee Meeting Date and Location: Thursday, February 11, 2021, Ohio Department of Public Safety, 1970 West Broad Street, Columbus. ***The meeting was held via Microsoft Teams®.*

Committee Members Present: Mark Marchetta, Mark Resanovich, George Snyder, Kevin Uhl and Dudley Wright II

Committee Members Absent: Patrick Ferguson

EMS Staff Present: Beverly Cooper, Joel Demory, Dave Fiffick, Valerie Koker, Eric Mays, Executive Director Rob Wagoner, and Michael Wise.

Assistant Attorney General: Charles Carter

Mr. Marchetta called the meeting to order at 12:15 p.m.

ROLL CALL

Mr. Patrick Ferguson	Absent	Mr. George B. Snyder	Present
Mr. Mark Marchetta	Present	Mr. Kevin Uhl	Present
Mr. Mark Resanovich	Present	Mr. Dudley Wright II	Present

OPEN FORUM

Mr. Marchetta inquired if there was anyone who wished to address the Board. There was not anyone to address the Board.

FINAL

REVIEW AND APPROVAL OF CONSENT AGENDA

Mr. Marchetta requested a motion to approve the consent agenda to include the December 16, 2020 Firefighter and Fire Safety Inspector Training Committee meeting minutes and the December and January fire certifications.

ACTION: Motion to approve the Consent Agenda items to include the December 16, 2020 Firefighter and Fire Safety Inspector Training Committee meeting minutes, and the December and January fire certifications. Mr. Wright - First. Mr. Uhl– Second. None abstained. None opposed. Motion approved.

Fire, Medical and Military Exemptions ~ none

Fire Fighter and Fire Safety Inspector Training Committee, James Burke

The committee met on January 19, 2021 and there was a quorum.

Mr. Burke stated that the workgroup is currently working on Instructor I and Instructor II. The workgroup is also working on the Ohio Administrative Code.

A revised renewal application for fire charters was approved by the FFSI committee. Instead of having to submit all the paperwork for an initial application, it is now a checklist and the program director can sign off if there were any changes. Only the additional information would need to be included with the application. The renewal application is available on the EMS website.

REPORT AND RECOMMENDATIONS

Mr. Marchetta, on behalf of the Firefighter and Fire Safety Inspector Training Committee, the proceedings were called to order at 12:18 p.m. on February 11, 2021. Members of the committee present for the proceedings are:

ROLL CALL

Mr. Patrick Ferguson	Absent	Mr. George B. Snyder	Present
Mr. Mark Marchetta	Present	Mr. Kevin Uhl	Present
Mr. Mark Resanovich	Present	Mr. Dudley Wright II	Present

It was noted for the record that a majority of the members of the Committee and Executive Director Wagoner were present.

The committee will be reviewing the following cases:

- **Fire Report and Recommendations in the matter of Fire Case(s):**
 - Fire Case No. 2019-308-BF100, John P. Holycross, Certificate No. 163530
 - Fire Case No. 2019-682-BF100, Scott D. Harris, Certificate No. 70215

Mr. Marchetta recognized Assistance Attorney General Charles Carter for the purpose of providing a brief synopsis of each case.

Fire Case No. 2019-308-BF100, John P. Holycross, Certificate No. 163530.

Mr. Holycross was certified as a firefighter, fire instructor, live fire instructor, and a fire safety inspector. On these renewal applications, Mr. Holycross indicated that he did not have any charges pending or have a conviction for a felony or misdemeanor, other than a minor violation. On each application he attested that all the information that he provided was true and accurate to the best of his knowledge. On January 4, 2019, Mr. Holycross was arraigned in Franklin County Common Pleas Court for Aggravated Burglary, Possessing Criminal Tools, and Assault. He pleaded guilty to one count of Burglary on August 5, 2019 and was ultimately found guilty of the same on December 18, 2019. On July 16, 2019 in Logan County Common Pleas Court he was indicted for Aggravated Burglary, Menacing by Stalking and Disrupting Public Services. Mr. Holycross pleaded guilty to two counts of Burglary and was convicted on January 9, 2020. Following his submission of the application, he submitted a letter, dated December 27, 2019, stating that he was sentenced in Franklin County Common Pleas Court in response to his plea agreement. He also notified the Division of EMS that he had another sentencing hearing in Logan County.

The Board issued a Notice of Opportunity for Hearing intending to take action on his certificate on the basis of the felony convictions and the misrepresentation on his application. A hearing was held on December 21, 2020. The hearing officer ultimately recommended revocation of Mr. Holycross's EMT certificate with the added recommendation of that the Division of EMS allow him to reapply at some point in the future assuming that he has maintained his sobriety and has not been involved in any criminal or dishonesty related acts. The Division of EMS would determine such criteria, the time period, and whether the Petitioner has successfully complied as to whether his license would be granted in the future.

Fire Case No. 2019-682-BF100, Scott D. Harris, Certificate No. 70215. Mr. Harris is certified as a firefighter I, active from December 9, 2019 to present. His application is pending approval. On his renewal application, Mr. Harris disclosed a misdemeanor assault conviction. In investigating the assault conviction, it was discovered that he had a 2008 conviction for passing bad checks. On April 11, 2008, in Bellefontaine Municipal Court, Mr. Harris was convicted of passing bad checks. On May 16, 2019, in Xenia Municipal Court he pleaded guilty to and was convicted of Assault due to a domestic violence charge.

The Board issued a Notice of Opportunity for Hearing. This matter went to hearing on November 10, 2020 where the hearing officer confirmed the status of the convictions as he has been convicted of a misdemeanor involving moral turpitude. Ultimately the hearing officer recommended that the Board impose a suspension for a period of 30 days, have him undergo a mental health evaluation conducted by a licensed mental health professional; submitted to the Division of EMS and that the results demonstrate that his mental health will not adversely affect his duties and responsibilities. He should complete a BCI background check at initial or renewal application and a fine of \$250 to be paid by the date determined by the Division of EMS.

Mr. Marchetta asked if Mr. Holycross or his attorney were present. No one was present.

Mr. Machetta asked if Mr. Harris or his attorney were present. No one was present.

GOLDMAN PROCEEDINGS

Goldman Case(s)

Mr. Marchetta stated that the following cases were reviewed pursuant to Goldman v. State Medical Board of Ohio, where the Respondents did not properly request a hearing. The individuals named did not have the ability to present written or oral testimony, but could be present to hear the proceedings and outcome. The committee received the sworn affidavits from the EMS investigators and accompanying exhibits. The affidavits contained the evidence and testimony upon which they deliberated. There were five cases. The proceedings were in the matter of:

- Fire Case No. 2017-572-F300, Andrew J. Biler, Certificate No. 144589
- Fire Case No. 2017-751-F100, Michael D. Perdew, Certificate No. 112693
- Fire Case No. 2018-478-F300, Richard H. Onstott, Certificate No. 144171
- Fire Case No. 2019-596-BF100, Clinton J. Green, Certificate No. 138578
- Fire Case No. 2020-161-F500, Matthew J. Turner, Certificate No. 137587

Having received documentation for these cases, Mr. Marchetta 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. Uhl – First. Mr. Snyder – Second. No abstentions. None opposed. Motion approved.

There being no further evidence, these proceedings were closed at 12:28 p.m.

** Please note that the FFSI Committee did not go into quasi-judicial deliberations.

REPORT AND RECOMMENDATION MOTIONS

ACTION: In the matter of Fire Case Number 2019-308-BF100, John P. Holycross, Certificate Number 163530 the Committee recommends that the Executive Director issue an adjudication order approving the findings of fact and conclusions of law, and the recommendation of the hearing examiner to revoke Mr. Holycross's fire certifications. Mr. Snyder – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. Motion approved.

ACTION: In the matter of Fire Case Number 2019-682-BF100, Scott D. Harris, Certificate Number 70215, the Committee recommends that the Executive Director issue an adjudication order approving the findings of fact and conclusions of law, and the recommendation of the hearing examiner to suspend Mr. Harris's firefighter certification. Upon being approved, Mr. Harris' firefighter certification shall be suspended for a period of thirty (30) days. Additionally, Mr. Harris is ordered to have a mental health evaluation completed to determine any impairments that may affect his ability to function as a firefighter, to submit a BCI civilian background check prior to his next certification renewal, and to pay a fine of \$250. Mr. Snyder – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

GOLDMAN MOTIONS

ACTION: In the matter of Fire Case Number 2017-572-F300, Andrew J. Biller, Certificate Number 144589, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Biller violated the terms of his consent agreement that he entered into with the Executive Director, and that Mr. Biller's firefighter certification be revoked. Mr. Snyder – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

ACTION: In the matter of Fire Case Number 2017-751-F100, Michael D. Perdeu, Certificate Number 112693, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Perdeu was convicted of Assault and two (2) counts of Endangering Children, all being felony offenses, and that Mr. Perdeu's fire certifications be permanently revoked. Mr. Snyder – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

ACTION: In the matter of Fire Case Number 2018-478-F300, Richard H. Onstott, Certificate Number 144171, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Onstott failed to comply with continuing education requirements as indicated in the notice of opportunity for hearing and that Mr. Onstott's firefighter certification be revoked. Mr. Snyder – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

ACTION: In the matter of Fire Case Number 2019-596-BF100, Clinton J. Green, Certificate Number 138578, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Green has been convicted of Health Care Fraud and Filing False Tax Returns, both being federal felony offenses, and that Mr. Green's firefighter certification be revoked. Mr. Snyder – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

ACTION: In the matter of Fire Case Number 2020-161-F500, Matthew J. Turner, Certificate Number 137587, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Turner failed to pass the Firefighter II examination within 180 days of completing the Firefighter II training course, and that Mr. Turner's request to test for Firefighter II certification be denied. Mr. Snyder – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

FIRE INVESTIGATIONS, STAFF

ACTION: Motion to recommend to the Executive Director to accept the consent agreement for the following education case.

Mr. Snyder – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

2021-022-F300

ACTION: Motion to recommend to the Executive Director to accept the following Consent Agreements.

Mr. Snyder – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

2017-623-F300
 2020-314-F100
 2020-385-BF100

ACTION: Motion to recommend to the Executive Director to close the following cases.

Mr. Snyder – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

2020-402-BF100	2020-545-BF100
2020-486-BF100 *Warning Letter	

ACTION: Motion to recommend to the Executive Director to close the following cases; individuals have met the stipulations of their Consent Agreement. Mr. Snyder – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

2017-590-BF100	2018-209-F300
2018-71-BF100	2018-310-F300

ACTION: Motion to recommend to the Executive Director to close the following cases; individuals entered into a consent agreement and have not met requirements. Their respective certificates to practice/teach have expired or been surrendered. Close case, re-open if re-applies. Mr. Snyder – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

2019-561-F300

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

2019-579-F300
 2020-476-F300
 2020-492-F300

<i>ACTION: Motion to recommend to the Executive Director to accept the voluntary surrender for permanent revocation of certificate(s) for the following cases. Mr. Snyder – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. Motion approved.</i>	
2020-576-F100 2020-577-BF100	

<i>ACTION: Motion to recommend to the Executive Director to issue Notice of Opportunity for Hearing for the following cases. Mr. Snyder – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. Motion approved.</i>	
2017-355-F100 2017-402-F100 2017-519-F300 2017-565-F300 2017-594-F300 2019-482-F100 2019-539-F300	2019-572-F300 2019-647-F300 2019-649-F300 2020-201-BF100 2020-207-F100 2020-541-BF100 2020-544-BF100

<i>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. Snyder – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. Motion approved.</i>	
2020-505-BF500 2020-508-BF100 2020-524-F100 2020-526-BF100	2020-542-F100 2020-547-F100 2020-557-BF100 2020-565-F100

Old Business ~ none

New Business ~ none

ADJOURNMENT

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

The meeting adjourned at 12:41 p.m. The next meeting will be held April 21, 2021 at the Ohio Department of Public Safety via videoconferencing.