



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
Conference Room 1106**

MEETING MINUTES

February 16, 2022

Immediately followed the conclusion of the EMFTS Board meeting

~FINAL~

Committee Meeting Date and Location: Wednesday, February 16, 2022, Ohio Department of Public Safety, Conference Room 1106, 1970 West Broad Street, Columbus.

Committee Members Present: Patrick Ferguson, Mark Marchetta, Kevin Uhl and Dudley Wright II

Committee Members Absent: none

EMS Staff Present: Robin Burmeister, Beverly Cooper, Joel Demory, Doug Edwards, Dave Fiffick, Deputy Director Aaron Jennings, Valerie Koker, Ellen Owens, Bryan Reardon, Executive Director Rob Wagoner, Patrick Williams and Michael Wise.

Associate Assistant Attorney General: Shelli Brock

Mr. Marchetta called the meeting to order at 1:05 p.m.

ROLL CALL

Mr. Patrick Ferguson	Present	Mr. Kevin Uhl	Present
Mr. Mark Marchetta	Present	Mr. Dudley Wright II	Present

OPEN FORUM

Mr. Marchetta inquired if there was anyone who wished to address the Board. There was no one present to address the committee.

REVIEW AND APPROVAL OF CONSENT AGENDA

Mr. Marchetta requested a motion to approve the consent agenda to include the December 15, 2021 Firefighter and Fire Safety Inspector Training Committee meeting minutes and the December 2021 and January 2022 fire certifications.

ACTION: Motion to approve the Consent Agenda items to include the December 15, 2021 Firefighter and Fire Safety Inspector Training Committee meeting minutes, and the December 2021 and January 2022 fire certifications. Mr. Ferguson - First. Mr. Uhl – Second. None abstained. None opposed. **Motion passed.**

Fire Exemptions (Medical and Military) ~ Ellen Owens

Ms. Owens stated that there is a military exemption for a firefighter II; 2022-2-03. This person falls under the automatic renewal for military personnel. The Division of EMS has received all documentation and staff recommends approval.

ACTION: Motion to approve the military exemption for firefighter II; 2022-2-3.
Mr. Ferguson - First. Mr. Uhl – Second. None abstained. None opposed. **Motion passed.**

Ms. Owens stated that there is a military exemption for a firefighter II; 2022-02-02. The Division of EMS has received all documentation and staff recommends approval.

ACTION: Motion to approve the military exemption for firefighter II; 2022-2-02.
Mr. Ferguson - First. Mr. Uhl – Second. None abstained. None opposed. **Motion passed.**

Fire Fighter and Fire Safety Inspector Training Subcommittee, Aaron Jennings

The Firefighter and Fire Safety Inspector Training Subcommittee met on January 11, 2022.

Deputy Director Aaron Jennings reported that a job analysis was sent to the stakeholders to look at the JPR's in that curriculum. They were asked how often are these used and what are the safety concerns with the different job performance requirements (JPR). The DEMS received some good feedback from those surveys. Ted Kenziel is working on the skill sheets for the fire inspector. There is some methodology and math behind the job analysis. Mr. Wagoner has some experience with this from working with the National Registry.

The DEMS are working on the fire instructor I and II Ohio Administrative Rules through the NFPA standards. The deadlines for submitting the fire rules is October 2022.

The DEMS continue to analyze why there are so many unaffiliated firefighters and what is the cause. One big area we have noticed through working with the Fire Marshal's office and Fire Academy there are a lot of fire brigades in the state of Ohio and will account for a huge number of unaffiliated firefighters.

The Pro Board site visit is scheduled for March 31st and April 1st. All of the DEMS responses have been supplied to the Pro Board.

REPORT AND RECOMMENDATIONS

Mr. Marchetta, on behalf of the Firefighter and Fire Safety Inspector Training Committee, stated that the proceedings were called to order at 1:10 p.m. on February 16, 2022. Members of the committee present for the proceedings are:

ROLL CALL

Mr. Patrick Ferguson	Present	Mr. Kevin Uhl	Present
Mr. Mark Marchetta	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. 2019-188-F100, Deven W. Dailey, Certificate No. 153548
- Fire Case No. 2020-201-BF100, Stephen K. Brown, Certificate No. 126699
- Fire Case No. 2020-513-BF100, Jeremy M. Spears, Certificate No. 131148

Mr. Marchetta recognized Associate Assistant Attorney General Shelli Brock for the purpose of providing a brief synopsis of each case.

- **Fire Case No. 2019-188-F100, Deven W. Dailey, Certificate No. 153548.**

Mr. Dailey has an active firefighter II certificate, which is set to expire on June 7, 2022. Mr. Dailey previously entered into a consent agreement with the Executive Director in December 2019 in order to maintain his certificate. Pursuant to the terms and conditions of the Consent Agreement, Mr. Dailey was required to provide a criminal background check within 120 days after executing the consent agreement, and he was also required to attend and complete an anger management course within 9 months of the effective date of the agreement. Mr. Dailey did provide a completed background check in May 2021, nearly a year after this was originally due. However, Mr. Dailey never submitted proof that he completed the anger management course required by the Consent Agreement. On March 11, 2021, the Board issued a Notice of Opportunity for Hearing, and this matter proceeded to an administrative hearing on September 27, 2021. Mr. Dailey did not appear at the hearing in this matter. On October 27, 2021, the Hearing Officer issued a Report and Recommendation, finding that the State proved that Mr. Dailey violated the terms of the Consent Agreement. The Hearing Officer recommends that the Executive Director indefinitely suspend Mr. Dailey's Firefighter II certificate until he fully complies with all of the terms and conditions of the 2019 Consent Agreement.

- **Fire Case No. 2020-201-BF100, Stephen K. Brown, Certificate No. 126699.**

Mr. Brown has an active Firefighter II certificate that is set to expire on May 4, 2023. On April 10, 2020, Mr. Brown submitted a Fire Renewal Application wherein he disclosed pending criminal charges in the Stark County Common Pleas Court. On September 15, 2020, Mr. Brown pled guilty to the charges in the amended indictment and he was ultimately convicted of the charges of Theft, a fifth-degree felony, and Unauthorized Use of Property, a first-degree

misdeemeanor. These charges relate to Mr. Brown's unauthorized use of the Multi Agency Radio Communications System owned by the Stark County Sheriff's Department. On March 8, 2021, the Division sent a Notice of Opportunity for Hearing to Mr. Brown, proposing to take action with respect to his Firefighter II certificate based upon his felony conviction. Mr. Brown requested a hearing, and this matter proceeded to an adjudicatory hearing on December 21, 2021. The Hearing Officer issued a Report and Recommendation on January 20, 2022, finding that the Division proved by a preponderance of the evidence that Mr. Brown was convicted of a felony, and that as a result of Respondent's conviction, the Executive Director may take disciplinary action with respect to Respondent's Firefighter II certificate pursuant to Ohio Administrative Code 4765-23-02(A). In his Report and Recommendation, the Hearing Officer recommended revocation of Mr. Brown's Firefighter II Certificate. Mr. Brown submitted objections to the Hearing Officer's Report and Recommendation, and his objection was provided in the Board packet. In his objections, Mr. Brown offered a detailed explanation of the facts underlying his criminal charges and is requesting the imposition of a lesser sanction. Mr. Brown intended to appear in person and present a statement to the Board, but he contacted the Division this morning and indicated that he could not obtain coverage at work and as a result, he is unable to attend today's meeting.

- **Fire Case No. 2020-513-BF100, Jeremy M. Spears, Certificate No. 131148.**

Mr. Spears has an active Firefighter II certificate that is set to expire on August 10, 2023. On November 3, 2020, Mr. Spears notified the Division that he had been convicted of the charge of Misuse of Credit Cards, a fifth-degree felony, in the Butler County Common Pleas Court. The credit card in question belonged to the Fairfield Township Fire Department and contained monies contributed by fire personnel to be used as the Department's house fund. As a result of this conviction, the Division sent Mr. Spears a Notice of Opportunity for hearing on May 4, 2021, and Mr. Spears requested a hearing. This matter went forward to an administrative hearing on December 20, 2021, and the Hearing Officer issued a Report and Recommendation on January 19, 2022. Based on the evidence and testimony presented at the hearing, the Hearing Officer found that the State established by a preponderance of the evidence that Mr. Spears was convicted of the charge of Misuse of Credit Cards, which is a felony conviction, and thus the Executive Director is entitled to take disciplinary action with respect to Mr. Spears' Firefighter II certificate pursuant to Ohio Administrative Code 4765-23-02(A). The Hearing Officer recommended that Mr. Spears' Firefighter II certificate be revoked. No written objections were submitted by Mr. Spears.

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

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

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

GOLDMAN PROCEEDINGS

Mr. Marchetta, on behalf of the Firefighter and Fire Safety Inspector Training Committee, stated that the proceedings were called to order at 1:10p.m. on February 16, 2022. Members of the committee present for the proceedings are:

ROLL CALL

Mr. Patrick Ferguson	Present	Mr. Kevin Uhl	Present
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Mr. Mark Marchetta Present Mr. Dudley Wright II Present

It was noted for the record that there was a majority of the committee members present. Executive Director Wagoner was present.

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 Division of 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:

- o Fire Case No. 2018-353-F300, Steven D. Wilson, Certificate No. 160725
- o Fire Case No. 2019-276-F300, Joseph C. Paletta Jr., Certificate No. 134055
- o Fire Case No. 2019-432-F300, Charles S. Mercer, Certificate No. 115614
- o Fire Case No. 2019-640-F300, Reilly C. Roberts, Certificate No. 172779
- o Fire Case No. 2021-230-BF100, Jason L. Kukwa, Certificate No. 145901

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 affidavits and accompanying exhibits in the aforementioned cases into evidence. Mr. Ferguson – First. Mr. Uhl – Second. None – abstained. None- opposed. **Motion passed.**

There being no further evidence, these proceedings were closed at 1:18 pm.

ACTION: Motion to recess the meeting for the purpose of entering into quasi-judicial deliberations. Mr. Uhl – First. Mr. Ferguson – Second. None – abstained. None- opposed. **Motion passed.**

REPORT AND RECOMMENDATIONS

ACTION: In the matter of Fire Case Number 2019-188-F100, Deven W. Dailey, Certificate Number 153548, the Committee recommends that the Executive Director issue an adjudication order approving the findings of fact, conclusions of law, and modify the recommendation to revocation. The reason for the modification is the continued lack of compliance with the consent agreement over an extended period of time. Mr. Ferguson – First. Mr. Uhl– Second. None opposed. Mr. Wright - abstained. **Motion passed.**

ACTION: In the matter of Fire Case Number 2020-201-BF100, Stephen K. Brown, Certificate Number 126699, 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 revoke Mr. Brown's firefighter certification. Mr. Ferguson – First. Mr. Uhl– Second. None opposed. Mr. Wright - abstained. **Motion passed.**

ACTION: In the matter of Fire Case Number 2020-513-BF100, Jeremy M. Spears, Certificate Number 131148, 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 revoke Mr. Spears' firefighter certification. Mr. Ferguson – First. Mr. Uhl– Second. None opposed. Mr. Wright - abstained. **Motion passed.**

GOLDMAN MOTIONS

ACTION: In the matter of Fire Case Number 2018-353-F300, Steven D. Wilson, Certificate Number 160725, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Wilson failed to comply with continuing education requirements as indicated in the notice of opportunity for hearing, and that Mr. Wilson's firefighter certification be revoked. Mr. Ferguson – First. Mr. Uhl– Second. None opposed. Mr. Wright - abstained. **Motion passed.**

ACTION: In the matter of Fire Case Number 2019-276-F300, Joseph C. Paletta Jr., Certificate Number 134055, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Paletta failed to comply with continuing education requirements as indicated in the notice of opportunity for hearing, and that Mr. Paletta's firefighter certification be revoked. Mr. Ferguson – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. **Motion passed.**

ACTION: In the matter of Fire Case Number 2019-432-F300, Charles S. Mercer, Certificate Number 115614 the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Mercer failed to comply with continuing education requirements as indicated in the notice of opportunity for hearing, and that Mr. Mercer's firefighter certification be revoked. Mr. Ferguson – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. **Motion passed.**

ACTION: In the matter of Fire Case Number 2019-640-F300, Reilly C. Roberts, Certificate Number 172779 the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Roberts failed to comply with continuing education requirements as indicated in the notice of opportunity for hearing, and that Mr. Robert's firefighter certification be revoked. Mr. Ferguson – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. **Motion passed.**

ACTION: In the matter of Fire Case Number 2021-230-BF100, Jason L. Kukwa, Certificate Number 145901, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Kukwa was convicted of Forgery and Theft, both felonies, and that Mr. Kukwa's firefighter certification be revoked. Mr. Ferguson – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. Motion passed.

EXECUTIVE SESSION

**Please note that the FFSI Committee did not go into Executive Session for the purpose of discussing proposed disciplinary action against certificate holders. All documentation was sent to the FFSI committee members previous to the meeting.

FIRE INVESTIGATIONS, STAFF

ACTION: Motion to recommend to the Executive Director to accept the following Consent Agreements. Mr. Ferguson – First. Mr. Ferguson – Second. None opposed. Mr. Wright - abstained. Motion passed.

2018-81-F300	2021-520-BF100
2019-553-F300	2021-530-F300
2021-428-BF100	2021-532-BF100
2021-495-F300	2021-558-F300
2021-496-F300	2022-011-F300

ACTION: Motion to recommend to the Executive Director to close the following cases: Mr. Resanovich – First. Mr. Ferguson– Second. None opposed. Mr. Wright - abstained. Motion passed.

2019-465-F300	2021-289-F500
2019-466-F300	2021-290-F500 *Warning Letter

ACTION: Motion to recommend to the Executive Director to close the following case (s); the individuals have met the stipulations of their Consent Agreement.

Mr. Ferguson – First. Mr. Uhl. - Second. None opposed. Mr. Wright - abstained. **Motion passed.**

2016-392-BF100	2021-022-F300
2018-177-F300	2021-115-BF100
2018-687-F300	2021-142-BF100
2019-329-F300	

<i>ACTION: Motion to recommend to the Executive Director to close the following cases; accept surrendering of their respective certificates.</i> Mr. Ferguson– First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. Motion passed.	
2021-583-F300	2022-039-F300
2021-591-F300	2022-053-F300
2022-010-F300	2022-054-F300
2022-012-F300	

<i>ACTION: Motion to recommend to the Executive Director to close the following case(s); individuals were audited at their respective levels. Their respective certificates to practice have expired. Re-open if re-applies.</i> Mr. Ferguson – First. Mr. Uhl.– Second. None opposed. Mr. Wright - abstained. Motion passed.	
2019-016-F300	2019-541-F300
2019-017-F300	2019-557-F300
2019-297-F300	2019-647-F300
2019-327-F300	2019-684-F300
2019-433-F300	2019-692-F300
2019-474-F300	2020-158-F300

<i>ACTION: Motion to recommend to the Executive Director to accept surrender for revocation of their respective certificates to practice and close the following case:</i> Mr. Ferguson – First. Mr. Uhl .– Second. None opposed. Mr. Wright - abstained. Motion passed.	
2021-548-BF300	

<i>ACTION: Motion to recommend to the Executive Director to issue Notices of Opportunity for Hearing for the following cases.</i> Mr. Ferguson – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. Motion passed.	
2019-099-BF100	2021-555-F300
2019-660-F300	2021-556-F300
2020-512-F100	2021-557-F300
2021-462-F100	2021-559-F300
2021-466-F100	2021-570-F300
2021-493-F300	2021-577-F300
2021-494-F300	2021-578-F300
2021-497-F300	2021-581-F300
2021-504-F300	2021-582-F300
2021-506-F100	2022-038-F300
2021-508-F300	2022-069-F300
2021-513-BF100	

<i>ACTION:</i> 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. Ferguson – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. Motion passed.	
2018-695-F100	2021-442-F300
2021-083-BF100	2021-514-F300
2021-157-F100	2021-515-F300
2021-440-F300	2022-020-BF100
2021-441-F300	2022-055-BF100

Old Business ~ none

New Business

Mr. Wright reported that NFPA 1000 series is currently being overhauled. They are rolling all the firefighter standards into a new standard titled NFPA 1010. They also would like to create a third level of firefighter called a support firefighter. They are actively in the first draft phase. The support firefighter who would work in the safe areas does not have a universal agreement. A discussion ensued regarding this issue. Change will happen with the final draft. Deputy Director stated that the DEMS may need to do another rewrite on the firefighter rules after the NFPA finalizes their standards.

ADJOURNMENT

ACTION: Motion to adjourn. Mr. Ferguson – First. Mr. Wright– Second **Motion passed.**

The meeting adjourned at 2:05 p.m. The next meeting will be held April 21, 2022 at the Ohio Department of Administrative Services, 4200 Surface Road, Columbus, Ohio.

***These minutes could not be approved at the April 21, 2022 meeting due to not having a quorum. The minutes were approved at the June 15, 2022.*