



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®*

**June 16, 2021**

*Immediately following the conclusion of the EMFTS Board meeting*

**~FINAL~**

**Committee Meeting Date and Location:** Wednesday, June 16, 2021, Ohio Department of Public Safety, 1970 West Broad Street, Columbus. *\*\*The meeting was held via Microsoft Teams®.*

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

**Committee Members Absent:** none

**EMS Staff Present:** Beverly Cooper, Joel Demory, Dave Fiffick, Deputy Director Aaron Jennings, Valerie Koker, Eric Mays, Ellen Owens, Executive Director Rob Wagoner, and Michael Wise.

**Assistant Attorney General:** Brian Honan

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Mr. Marchetta called the meeting to order at 1:35 p.m.

**ROLL CALL**

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|----------------------|---------|----------------------|---------|
| Mr. Patrick Ferguson | Present | 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 no one requesting to address the Board.

## **REVIEW AND APPROVAL OF CONSENT AGENDA**

Mr. Marchetta requested a motion to approve the consent agenda to include the April 21, 2021 Firefighter and Fire Safety Inspector Training Committee meeting minutes and the April and May fire certifications.

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***ACTION: Motion to approve the Consent Agenda items to include the April 21, 2021 Firefighter and Fire Safety Inspector Training Committee meeting minutes, and the April and May fire certifications.***  
Mr. Resanovich - First. Mr. Ferguson – Second. None abstained. None opposed. **Motion approved.**

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## **Fire, Medical and Military Exemptions ~ Jodie Parker**

### **Unusual Circumstance**

Ms. Parker stated that exemption 2021-6-1 is a fire instructor and this person has not had any previous exemptions. The certification cycle was 5/5/2018 to 5/5/2021. He had difficulty completing teaching hours due to COVID-19 and medical issues. He is deficient 24 hours of instruction. The recommendation from staff is to approve the request.

A discussion ensued regarding the deadline to complete instruction; however, this is an exemption and he is not required to complete the missing components. There would not be a timeline. It is noted that this also includes medical issues. Mr. Uhl stated that these exemptions should be decided upon case by case basis.

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***ACTION: Motion to accept the exemption for 2021-6-1 for fire instructor certification.***  
Mr. Uhl – First. Mr. Ferguson – Second. None abstained. None opposed. **Motion approved.**

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## **Fire Fighter and Fire Safety Inspector Training Committee, James Burke**

Mr. Burke requested a motion that the committee approve filing rule 4765-25-02 (incorporated by reference) of the Ohio Administrative Code with the Joint Committee on Agency Rule Review.

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***ACTION: Motion to approve filing rule 4765-25-02 (Incorporated by reference) of the Ohio Administrative Code with the Joint Committee on Agency Rule Review.*** Mr. Ferguson – First.  
Mr. Resanovich – Second. No abstentions. None opposed. **Motion approved.**

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Mr. Burke requested a motion that the committee approve filing rules 4765-20-10 (Firefighter certification by reciprocity) and 4765-21-09 (Reciprocity for fire instructor) in the Ohio Administrative Code with the Joint Committee on Agency Rule Review.

***ACTION: Motion to approve filing rule 4765-20-10 (Firefighter certification of reciprocity) and 4765-21-09 (Reciprocity for fire instructor) of the Ohio Administrative Code with the Joint Committee on Agency Rule Review. Mr. Ferguson – First. Mr. Uhl – Second. No abstentions. None opposed. Motion approved.***

The Firefighter and Fire Safety Inspector Training Subcommittee met May 11, 2021. He noted that the next meeting scheduled has been changed to be held Wednesday, July 14, 2021 at the Hilton at Easton during the Ohio Fire Chiefs Association’s Annual Meeting.

**REPORT AND RECOMMENDATIONS**

Mr. Marchetta, on behalf of the Firefighter and Fire Safety Inspector Training Committee, stated that he proceedings were called to order at 1:47 p.m. on June 16, 2021. Members of the committee present for the proceedings are:

**ROLL CALL**

|                      |         |                      |         |
|----------------------|---------|----------------------|---------|
| Mr. Patrick Ferguson | Present | 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. 2019-664-BF100, Johnathon S. Fyffe, Certificate No. 180638

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

- **Fire Case No. 2019-664-BF100, Johnathon S. Fyffe, Certificate No. 180638**

Mr. Fyffe indicated on his application that he had no criminal convictions. The Division found prior convictions for Obstructing Official Business, Impersonating a Police Officer, Disorderly Conduct, and Theft. The Board issued a Notice of Opportunity for Hearing to take action on his certificate on the basis of his misrepresentation on his application and for having a conviction to a crime of moral turpitude. The matter went to hearing on March 25, 2021, where his failure to be truthful on his application and for having a conviction was presented to a Hearing Officer. The underlying facts of the Obstructing Official Business is where he impersonated a park ranger wearing what appeared to be a bullet proof vest, a straw Ohio Highway Patrol hat, weapons, and walkie talkie. He stopped multiple people and when he was stopped by police he gave the identifying information of another individual. The underlying facts of the impersonating a police officer conviction was while wearing an Ohio Highway Patrol shirt, he told a female employee that he was an officer and threatened to break a tail light of her car and pull her over when she wouldn’t give him her number. The underlying facts of the Disorderly Conduct case is where a physical fight with a roommate over electric usage.

The underlying facts of the theft case was where the respondent stole a pair of shoes from Kohls for his own personal gain. This was found by the Hearing Officer to be a crime of moral turpitude. The Hearing Officer recommends that the Respondent's certificate be suspended for 6 months but that the 5 months of that suspension be stayed with the following conditions during the one-month suspension: Respondent is to provide a Fit-for-Duty Psychological Evaluation by a licensed mental health professional that indicates that the Respondent is mentally and emotionally stable and that he is free from any impairment that would render him unable to practice 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 that (B) Respondent is to complete an updated BCI&I background check. Upon satisfactory completion of the Fit-for-Duty Psychological Evaluation and the up-to-date BCI&I background check and completion of the one-month suspension. (2) Respondent should be placed on probation for three (3) years and that during the probationary period the Respondent is to notify the Ohio Department of Public Safety, Division of EMS of any arrests within ten (10) day of the arrest and during the probationary period the Respondent is to fully disclose the convictions on his record to any EMT related employers; and (3) Respondent to provide an updated BCI&I background check at the time of his renewal in three (3) years of his certificate, along with whatever additional terms of probation and reporting requirements of that probationary period as are imposed by the Board.

Mr. Marchetta asked if Mr. Fyffe 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 eight cases. The proceedings were in the matter of:

- Fire Case No. 2018-720-F300, Jason W. March, Certificate No. 134828
- Fire Case No. 2019-082-BF100, William M. Graham, Certificate No. 13618
- Fire Case No. 2020-002-BF100, Kenneth D. Bench, Certificate No. 104315
- Fire Case No. 2020-003-BF100, George F. Barnett, Certificate No. 124897
- Fire Case No. 2020-210-F100, Timothy S. Critten, Certificate No. 125633
- Fire Case No. 2020-326-BF100, David W. Smith, Certificate No. 20417
- Fire Case No. 2020-541-BF100, Christopher M. Osborne, Certificate No. 116768
- Fire Case No. 2021-091-F100, Chad D. Trout, Certificate No. 138842

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. Ferguson – First. Mr. Uhl – Second. None abstained. None opposed. Motion approved.***

There being no further evidence, these proceedings were closed at 1:54 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 2019-664-BF100, Johnathon S. Fyffe, certificate number 180638, 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. Fyffe's certificate for 6 months, with five months of the suspension being stayed subject to the following conditions: (1) During the one-month suspension period Mr. Fyffe is to provide a Fit-for-Duty Psychological Evaluation by a licensed mental health professional who indicates that he is mentally and emotionally stable and free from any impairment that renders him unable to practice, and (2) provide an updated BCI&I background check. Following the suspension, Mr. Fyffe shall be on probation for 3 years. During the probationary period, Mr. Fyffe shall notify the Division of EMS of any arrests within 10 days of the arrest and disclose all convictions on record to fire related employers. At his next certification renewal, Mr. Fyffe shall provide an updated BCI&I background check.***

***The Committee recognizes that the hearing examiner's recommendation includes references to Mr. Fyffe's EMS certification, but believes the intent was to apply the same recommendation for Mr. Fyffe's EMS and fire certifications. . Mr. Uhl – First. Mr. Ferguson – Second. Mr. Snyder opposed. Mr. Wright - abstained. Motion approved.***

## **GOLDMAN MOTIONS**

***ACTION: In the matter of Fire Case Number 2018-720-F300, Jason W. March, Certificate Number 134828, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. March failed to complete continuing education as indicated in the notice of opportunity for hearing and that Mr. March's certification be revoked. Mr. Snyder – First. Mr. Ferguson – Second. None opposed. Mr. Wright - abstained. Motion approved.***

***ACTION: In the matter of Fire Case Number 2019-082-BF100, William M. Graham, Certificate Number 13618, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Graham failed to report his criminal convictions to the Executive Director and that his certification be reprimanded. Mr. Snyder – First. Mr. Ferguson – Second. None opposed. Mr. Wright - abstained. Motion approved.***

**ACTION:** *In the matter of Fire Case Number 2020-002-BF100, Kenneth D. Bench, Certificate Number 104315, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Bench has been convicted of two counts of felony theft, submitted false information to the Executive Director, and failed to report his convictions and that Mr. Bench's certification be permanently revoked.* Mr. Snyder – First. Mr. Ferguson – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

**ACTION:** *In the matter of Fire Case Number 2020-003-BF100, George F. Barnett, Certificate Number 124897, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Barnett has been convicted of two counts of Theft, felonies of the fourth degree, and two counts of Theft, felonies of the fifth degree, and that Mr. Barnett's certifications be revoked.* Mr. Snyder – First. Mr. Ferguson – Second. None opposed. Mr. Ferguson and Mr. Wright - abstained. **Motion approved.**

**ACTION:** *In the matter of Fire Case Number 2020-210-F100, Timothy S. Critten, Certificate Number 125633, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Critten has been convicted of Pandering Obscenity Involving a Minor, a felony of the fourth degree, and Gross Sexual Imposition, a felony of the third degree, and that Mr. Critten's certification be permanently revoked.* Mr. Snyder – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

**ACTION:** *In the matter of Fire Case Number 2020-326-BF100, David W. Smith, Certificate Number 20417, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Smith has been convicted of Theft in Office, a felony of the third degree, and Conflict of Interest, a misdemeanor of the first degree, and that Mr. Smith's certification be revoked.* Mr. Snyder – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

**ACTION:** *In the matter of Fire Case Number 2020-541-BF100, Christopher M. Osborne, Certificate Number 116768, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Osborne has been convicted of two counts of Gross Sexual Imposition, both felonies of the third degree, and that Mr. Osborne's certification be permanently revoked.* Mr. Snyder – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

**ACTION:** *In the matter of Fire Case Number 2021-091-F100, Chad D. Trout, Certificate Number 138842, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Trout was convicted of Sexual Imposition, and that Mr. Trout's firefighter certification be permanently revoked.* Mr. Snyder – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

**FIRE INVESTIGATIONS, STAFF**

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| <b><i>ACTION: Motion to recommend to the Executive Director to accept the following Consent Agreements.</i></b> |                |
| Mr. Snyder – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. <b>Motion approved.</b>             |                |
| 2017-554-F300   | 2021-027-F300  |
| 2018-170-F300   | 2021-043-BF100 |
| 2019-731-F300   | 2021-092-F100  |
| 2020-023-F300   | 2021-116-BF100 |
| 2020-028-F300   | 2021-142-BF100 |

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| <b><i>ACTION: Motion to recommend to the Executive Director to close the following case (s).</i></b>                       |                               |
| Mr. Snyder – First. Mr. Ferguson – Second. None opposed. Mr. Wright and Mr. Marchetta - abstained. <b>Motion approved.</b> |                               |
| 2020-275-F100  | 2021-097-BF500                |
| 2020-350-BF500   | 2021-125-F500                 |
| 2020-454-F100  | 2021-136-F500                 |
| 2020-564-F100  | 2021-182-F500 *WARNING LETTER |
| 2021-088-F100  |                               |

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| <b><i>ACTION: Motion to recommend to the Executive Director to close the following cases; individuals have met the stipulations of their Consent Agreement.</i></b> Mr. Snyder – First. Mr. Ferguson – Second. None opposed. Mr. Wright - abstained. <b>Motion approved.</b> |  |
| 2018-390-F300  |  |

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| <b><i>ACTION: Motion to recommend to the Executive Director to accept the surrendering of certificate(s) for the following case.</i></b> Mr. Snyder – First. Mr. Ferguson– Second. None opposed. Mr. Wright - abstained. <b>Motion approved.</b> |  |
| 2019-569-F300  |  |
| 2019-729-F300  |  |

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|---|----------------|
| <b><i>ACTION: Motion to recommend to the Executive Director to issue Notice of Opportunity for Hearing for the following cases.</i></b> Mr. Snyder – First. Mr. Uhl – Second. None opposed. Mr. Ferguson (2019-506-BF500) and Mr. Wright - abstained. <b>Motion approved.</b> |                |
| 2019-720-F300   | 2020-067-F300  |
| 2019-730-F300   | 2020-078-F300  |
| 2019-733-F300   | 2021-018-BF100 |
| 2020-024-F100   | 2021-119-BF300 |

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| <b><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. Ferguson – Second. None opposed. Mr. Wright - abstained. Motion approved.</i></b> |  |
| 2020-367-F500<br>2021-008-BF100 *WARNING LETTER<br>2021-025-BF100<br>2021-059-F100<br>2021-102-BF100 *WARNING LETTER<br>2021-149-BF100  | 2021-165-BF100<br>2021-186-BF100<br>2021-194-BF500<br>2021-195-BF500<br>2021-201-BF500<br>2021-202-BF500 |

**Old Business**

Mr. Marchetta stated that at the last meeting there was a discussion as to whether volunteer firefighters should be certified in CPR. It seems that there is no concern of others that he has spoken to regarding this subject.

**New Business ~ none**

**ADJOURNMENT**

**ACTION:** Motion to adjourn. Mr. Snyder – First. Mr. Resanovich – Second

The meeting adjourned at 2:11 p.m. The next meeting will be held August 18, 2021 at the Ohio Department of Public Safety, 1970 West Broad Street, Columbus, Ohio.