



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

October 20, 2021

Immediately followed the conclusion of the EMFTS Board meeting

~FINAL~

Committee Meeting Date and Location: Wednesday, October 20, 2021, Ohio Department of Public Safety, Conference Room 1106, 1970 West Broad Street, Columbus.

Committee Members Present: Patrick Ferguson, Mark Resanovich, and Dudley Wright II

Committee Members Absent: Mark Marchetta, George Snyder, and Kevin Uhl

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

Associate Assistant Attorney General: Shelli Brock

Mr. Wright called the meeting to order at 12:52 p.m.

ROLL CALL

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

OPEN FORUM

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

FINAL

REVIEW AND APPROVAL OF CONSENT AGENDA

Mr. Wright requested a motion to approve the consent agenda to include the August 18, 2021 Firefighter and Fire Safety Inspector Training Committee meeting minutes and the August and September fire certifications.

ACTION: Motion to approve the Consent Agenda items to include the August 18, 2021 Firefighter and Fire Safety Inspector Training Committee meeting minutes, and the August and September fire certifications. Mr. Ferguson - First. Mr. Resanovich – Second. None abstained. None opposed. Motion fails.

Fire Exemptions (Medical and Military) ~ Ellen Owens

Ms. Owens stated that there were not any fire exemptions.

Fire Fighter and Fire Safety Inspector Training Subcommittee, Ted Kienzle

Mr. Kienzle reported that the Division of EMS (DEMS) is still going through the Pro Board recertification process. The DEMS is doing some new data collection that deals with the unaffiliated fire fighter. The DEMS wants to see who can sign off on audits based on the Ohio Administrative Code. It was found that of 38,000 fire certifications that there is almost 8% who are considered unaffiliated; therefore, over 3,000 people. The DEMS need to do some research to determine if it is just a matter of those persons not updating their information in the EMS System. The DEMS does not have that information as more data mining is needed. The situation is such that when the unaffiliated firefighter is audited they do not have a chief to sign off on the continuing education. Only a program director and the fire chief is permitted to sign off on continuing education for audits. There is only one website that firefighters are permitted to use is the OFA 24/7 program because Jack Smith signs off on the continuing education for audits. CSU tests can be used; however, the transcript would need to go to Cuyahoga Community College in order to sign off on continuing education for audits.

Zack Wolfe is a new member on the Fire Fighter and Fire Safety Inspector Training Subcommittee.

REPORT AND RECOMMENDATIONS

Mr. Wright, on behalf of the Firefighter and Fire Safety Inspector Training Committee, stated that the proceedings were called to order at 12:56 p.m. on October 20, 2021. Members of the committee present for the proceedings are:

ROLL CALL

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

It was noted for the record that there was not a majority of the committee members present. Executive Director Wagoner was present. The Executive Director will be advised on each of the motions.

The committee will be reviewing the following cases:

Fire Report and Recommendations in the matter of Fire Case(s):

- Fire Case No. 2020-428-BF100, Tyler J. Eccard, Certificate No. 158145
- Fire Case No. 2021-018-BF100, Christopher M. Pekarek, ID No. 229914

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

- **Fire Case No. 2020-428-BF100, Tyler J. Eccard, Certificate No. 158145**

Mr. Eccard's Firefighter II certification is active and set to expire on September 11, 2023. On September 10, 2020, Mr. Eccard filed a fire renewal application. In his application, he did not list any felony or misdemeanor convictions and answered "no" to that question. Following the issuance of his renewed certificate the Division was contacted by a Compliance Officer from Buckeye Ambulance who wanted to verify Mr. Eccard's certification status. During this call the Division learned that Mr. Eccard had a prior misdemeanor conviction. Upon investigation the Division discovered that on June 15, 2018 that Mr. Eccard entered a no contest plea and was found guilty of Vehicular Manslaughter in the Clermont County Municipal Court. On May 13, 2021 EMS issued a Notice of Opportunity for Hearing. This matter went to a hearing on July 19, 2021 where the misrepresentation on Mr Eccard's renewal application was submitted for review. The Hearing Officer found that Mr. Eccard's failure to list his Vehicular Manslaughter conviction on his EMS renewal application constituted a "misrepresentation". The Hearing Office held that this conviction does not constitute a crime of moral turpitude but Mr. Eccard was nonetheless obligated to report his conviction to the Division within 14 days of his final sentencing and failed to do so. The Hearing Officer found that "while it does not appear that the Respondent was intentionally attempting to hide his conviction from the Division, the fact remains that his answer to the questions on the EMS renewal application was untruthful and a misrepresentation. The Hearing Officer recommends that Mr. Eccard's firefighter II certificate be suspended for 30 days. Upon completion of the 30-day suspension, the Respondent should be placed on probation for 3 years and that during the probationary period the Respondent is to notify the Division of any arrests within 10 days of the arrest. During the probationary periods the Respondent is to fully disclose the convictions on his record to any fire related employers. The Respondent should be required to provide an updated BCI & I background check at the time of his renewal of his firefighter II certificate in 3 years, along with whatever additional terms of probation and reporting requirements of that probationary period as are imposed by the Board. Mr. Eccard submitted objections in that he does not oppose the contents of the report but requests that the Board stay the recommended 30-day suspension and/or issue a lesser sanction based on the fact that the 30-day suspension will significantly reduce his income and may leave his employer without proper coverage.

- **Fire Case No. 2021-018-BF100, Christopher M. Pekarek, ID No. 22991**

On January 20, 2021, Mr. Pekarek submitted a firefighter initial application for certification as a firefighter II. On his application Mr. Pekarek disclosed convictions of Disorderly Conduct and Endangering Children Without Violence in the Massillon Municipal Court on March 12,

2014. Upon receipt of his applications the Division conducted an investigation and discovered that Mr. Pekarek was convicted of Disorderly Conduct on July 2, 1998 and also convicted of two counts of Passing Bad Checks on September 15, 1998 in the Wayne County Municipal Court. Mr. Pekarek did not list the 1998 convictions on his application. Based on his undisclosed convictions the Division issued a Notice of Opportunity for Hearing on June 23, 2021. This matter went to hearing on August 2, 2021. The Hearing Officer determined that it was undisputed that Mr. Pekarek failed to disclose his 1998 convictions both during the criminal convictions review process and in his applications. The Hearing Officer found credible and persuasive testimony from Mr. Pekarek and that he has been cooperative and forthcoming. He had nothing to gain by failing to disclose the 1998 convictions as it is reasonable to assume that he likely would not have been automatically disqualified from obtaining his firefighter II certification. He completed the application process to the best of his ability and knowledge and he did not remember his convictions from over twenty years ago. Based on this determination the Hearing Officer found that Division's refusal to issue his certification as a firefighter II to be improper and recommended the following: 1) Completion of a fitness for duty examination immediately upon request of the Division; 2) Completion of a Bureau of Investigation background check at the time of his initial and/or renewal applications; 3) Issuance of a letter of reprimand by the Board; 4) a period of probation to be determined by the Board; and 5) any further disciplinary action deemed to be appropriate by the Board.

Mr. Wright asked if Mr. Eccard or his attorney were present. No one was present.

Mr. Wright asked if Mr. Pekarek or his attorney were present. Mr. Pekarek thanked the committee for allowing him to address the committee. Mr. Pekarek stated that he is dedicated especially at his age. He believes that by allowing him to practice it will be a great service to his community in a volunteer capacity. He stated that he has taken accountability for his actions and also making a commitment to serve as a firefighter II.

GOLDMAN PROCEEDINGS

Goldman Case(s)

Mr. Wright 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 eight cases. The proceedings were in the matter of:

- Fire Case No. 2017-570-F300, Justin A. Journey, Certificate No. 168718
- Fire Case No. 2019-277-F300, Bruce A. South, Certificate No. 141765
- Fire Case No. 2019-328-F300, Kenneth M. Fischer, Certificate No. 129932
- Fire Case No. 2019-482-F100, Dakotah Mingee, Certificate No. 181998
- Fire Case No. 2020-025-F100, Troy W. Potter, Certificate No. 161804
- Fire Case No. 2020-224-F100, Benjamin M. Bolte, Certificate No. 158967
- Fire Case No. 2021-253-BF100, Daniel J. Gonsor, Certificate No. 170902
- Fire Case No. 2021-254-BF100, Peter Yachanin, Certificate No. 166239

Having received documentation for these cases, Mr. Wright 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. Resanovich requested that the Executive Director accept the sworn affidavits and accompanying exhibits in the aforementioned cases into evidence.

There being no further evidence, these proceedings were closed at 1:05 pm.

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

EXECUTIVE SESSION

**Please note that the FFSI Committee did not go into Executive Session.

REPORT AND RECOMMENDATION MOTIONS

ACTION: I In the matter of Fire Case Number 2020-428-BF100, Tyler J. Eccard, Certificate Number 158145, 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 issue discipline that includes the following: 30 day suspension followed by 3 years probation, notify the Executive Director within 10 days of any arrest, notify any fire employers of past convictions during the probationary period, and submit an updated BCI background check at renewal. . Mr. Resanovich – First. Mr. Ferguson – Second. None opposed. Chair Wright - abstained. Motion failed. The Executive Director has been so advised and will issue his decision in writing at the conclusion of the meeting.

ACTION: In the matter of Fire Case Number 2021-018-BF100, Christopher M. Pekarek, Applicant ID No. 229914, 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 grant Mr. Pekarek's certification with discipline that includes the following: written reprimand, three years probation, BCI background check at renewal, and a fitness for duty examination. Mr. Resanovich – First. Mr. Ferguson – Second. None opposed. Chair Wright - abstained. Motion failed. The Executive Director has been so advised and will issue his decision in writing at the conclusion of the meeting.

GOLDMAN MOTIONS

ACTION: In the matter of Fire Case Number 2017-570-F300, Justin A. Journey, Certificate Number 168718, the Committee Recommends that the Executive Director issue an adjudication order finding that Mr. Journey failed to complete continuing education requirements as indicated in counts 1 and 2 in the Notice of Opportunity for Hearing and that Mr. Journey's firefighter certification be revoked. Mr. Resanovich – First. Mr. Ferguson– Second. None opposed. Chair Wright - abstained. **Motion failed. The Executive Director has been so advised and will issue his decision in writing at the conclusion of the meeting.**

ACTION: In the matter of Fire Case Number 2019-277-F300, Bruce A. South, Certificate Number 141765, the Committee Recommends that the Executive Director issue an adjudication order finding that Mr. South failed to complete continuing education requirements as indicated in the Notice of Opportunity for Hearing and that Mr. South's firefighter certification be revoked. Mr. Resanovich – First. Mr. Ferguson – Second. None opposed. Chair Wright - abstained. **Motion failed. The Executive Director has been so advised and will issue his decision in writing at the conclusion of the meeting.**

ACTION: In the matter of Fire Case Number 2019-328-F300, Kenneth M. Fischer, Certificate Number 129932, the Committee Recommends that the Executive Director issue an adjudication order finding that Mr. Fischer failed to complete continuing education requirements and that Mr. Fischer's firefighter certification be revoked. Mr. Resanovich – First. Mr. Ferguson – Second. None opposed. Chair Wright - abstained. **Motion failed. The Executive Director has been so advised and will issue his decision in writing at the conclusion of the meeting.**

ACTION: In the matter of Fire Case Number 2019-482-F100, Dakotah Mingee, Certificate Number 181998, the Committee Recommends that the Executive Director issue an adjudication order finding that Mr. Mingee was convicted of Arson, a felony of the fourth degree, and two additional counts of Arson, both misdemeanors of the first degree and that Mr. Mingee's firefighter certification be permanently revoked. Mr. Resanovich – First. Mr. Ferguson – Second. None opposed. Chair Wright - abstained. **Motion failed. The Executive Director has been so advised and will issue his decision in writing at the conclusion of the meeting.**

ACTION: In the matter of Fire Case Number 2020-025-F100, Troy W. Potter, Certificate Number 161804, the Committee Recommends that the Executive Director issue an adjudication order finding that Mr. Potter was convicted of Disorderly Conduct and that Mr. Potter's firefighter certification be suspended indefinitely. Mr. Potter's request for reinstatement must include a fit for duty examination by a licensed mental health professional. Mr. Resanovich – First. Mr. Ferguson – Second. None opposed. Chair Wright - abstained. **Motion failed. The Executive Director has been so advised and will issue his decision in writing at the conclusion of the meeting.**

ACTION: *In the matter of Fire Case Number 2020-224-F100, Benjamin M. Bolte, Certificate Number 158967, the Committee Recommends that the Executive Director issue an adjudication order finding that Mr. Bolte failed to report his conviction to the Division, and that Mr. Bolte's certification be suspended for a period of fifteen (15) days.* Mr. Resanovich – First. Mr. Ferguson– Second. None opposed. Chair Wright - abstained. **Motion failed. The Executive Director has been so advised and will issue his decision in writing at the conclusion of the meeting.**

ACTION: *In the matter of Fire Case Number 2021-253-BF100, Daniel J. Gonsor, Certificate Number 170902, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Gonsor has been convicted of two counts of Endangering Children, five counts of Gross Sexual Imposition, and three counts of Corrupting Another with Drugs; and that Mr. Gonsor's firefighter certification be permanently revoked.* Mr. Resanovich – First. Mr. Ferguson– Second. None opposed. Chair Wright - abstained. **Motion failed. The Executive Director has been so advised and will issue his decision in writing at the conclusion of the meeting.**

ACTION: *In the matter of Fire Case Number 2021-254-BF100, Peter Yachanin, Certificate Number 166239, the Committee Recommends that the Executive Director issue an adjudication order finding that Mr. Yachanin was convicted of Assault and Unlawful Restraint, and failed to report these convictions to the Division of EMS, and that Mr. Yachanin's certification be permanently revoked.* Mr. Resanovich – First. Mr. Ferguson– Second. None opposed. Chair Wright - abstained. **Motion failed. The Executive Director has been so advised and will issue his decision in writing at the conclusion of the meeting.**

FIRE INVESTIGATIONS, STAFF

ACTION: *Motion to recommend to the Executive Director to issue a Notice of Opportunity for Hearing for the following Education case.* Mr. Resanovich – First. Mr. Ferguson– Second. None opposed. Mr. Wright - abstained. **Motion failed. The Executive Director has been so advised and will issue his decision in writing at the conclusion of the meeting.**

2021-015-F300

ACTION: *Motion to recommend to the Executive Director to accept the following Consent Agreements.* Mr. Resanovich – First. Mr. Ferguson – Second. None opposed. Mr. Wright - abstained. **Motion failed. The Executive Director has been so advised and will issue his decision in writing at the conclusion of the meeting.**

2018-174-F300	2021-263-F100
2019-272-F300	2021-266-BF100
2021-128-F100	2021-279-BF100
2021-242-F100	2021-330-BF100
2021-222-F100	

<p><i>ACTION: Motion to recommend to the Executive Director to close the following case (s).</i> Mr. Resanovich – First. None - Second. None opposed. Mr. Ferguson (2019-506-BF500) and Mr. Wright - abstained. Motion failed due to not having a second. The Executive Director has been so advised and will issue his decision in writing at the conclusion of the meeting.</p>	
<p>2019-506-BF500 2020-160-BF500 2020-323-F500 2021-056-BF500 2021-060-BF500</p>	<p>2021-150-F500 2021-153-F300 2021-155-BF500 2021-257-BF100</p>

<p><i>ACTION: Motion to recommend to the Executive Director to close the following cases; individuals have met the stipulations of their Consent Agreement.</i> Mr. Resanovich – First. Mr. Ferguson – Second. None opposed. Mr. Wright - abstained. Motion failed. The Executive Director has been so advised and will issue his decision in writing at the conclusion of the meeting.</p>	
<p>2018-272-BF100 2018-355-F300 2018-490-F100</p>	<p>2019-614-F100 2020-104-BF100 2021-092-F100</p>

<p><i>ACTION: Motion to recommend to the Executive Director to close the following cases; accept surrendering of their respective certificates.</i> Mr. Resanovich – First. Mr. Ferguson – Second. None opposed. Mr. Wright - abstained. Motion failed. The Executive Director has been so advised and will issue his decision in writing at the conclusion of the meeting.</p>	
<p>2019-707-BF300 2021-354-F300 2021-361-F300 2021-378-F300 2021-381-F300</p>	

<p><i>ACTION: Motion to recommend to the Executive Director to close the following cases; Individuals were audited at their respective levels. Their respective certificates to practice have expired. Re-open if reappplies.</i> Mr. Resanovich – First. Mr. Ferguson– Second. None opposed. Mr. Wright - abstained. Motion failed. The Executive Director has been so advised and will issue his decision in writing at the conclusion of the meeting.</p>	
<p>2018-443-F300 2018-581-F300 2019-054-F300 2019-158-F300 2019-275-F300</p>	<p>2019-423-F300 2019-434-F300 2019-494-F300 2020-021-F300 2020-528-BF300</p>

<p><i>ACTION: Motion to recommend to the Executive Director to issue Notices of Opportunity for Hearing for the following cases.</i> Mr. Resanovich – First. Mr. Ferguson – Second. None opposed. Mr. Wright - abstained. Motion failed. The Executive Director has been so advised and will issue his decision in writing at the conclusion of the meeting.</p>	
<p>2015-302-F300 2020-553-BF100 2021-106-F100</p>	<p>2021-179-F100 2021-284-F100 2021-296-F300</p>

<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. Resanovich – First. Mr. Ferguson – Second. None opposed. Mr. Wright - abstained. Motion failed. The Executive Director has been so advised and will issue his decision in writing at the conclusion of the meeting.	
2019-621-F500	2021-228-BF100
2020-024-F100	2021-241-F100
2020-368-F500	2021-256-BF300
2020-410-F100	2021-268-BF100
2020-529-F300	2021-314-F300
2021-082-F100	2021-315-F100
2021-209-F300	2021-315-BF100
2021-210-BF300	

Old Business ~ none

New Business

Executive Director Wagoner stated that Chief Demory and he was to attend the Fire Chiefs Volunteer Conference in Lima, Ohio; however, due to low enrollment they have combined two days into one. They eliminated for state actors to present their material so Executive Director Wagoner and Chief Demory will be participating in the conference on Saturday, October 23, 2021.

ADJOURNMENT

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

The meeting adjourned at 1:18 p.m. The next meeting will be held December 15, 2021 at the Ohio Department of Public Safety, 1970 West Broad Street, Columbus, Ohio.

**Approved at the Firefighter and Fire Safety Inspector Training Committee meeting on December 15, 2021.*