



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®

April 21, 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: 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: Charles Carter

Mr. Marchetta called the meeting to order at 12:57 p.m.

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

OPEN FORUM

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

FINAL

REVIEW AND APPROVAL OF CONSENT AGENDA

Mr. Marchetta requested a motion to approve the consent agenda to include the February 11, 2021 Firefighter and Fire Safety Inspector Training Committee meeting minutes and the February and March fire certifications.

ACTION: Motion to approve the Consent Agenda items to include the February 11, 2021 Firefighter and Fire Safety Inspector Training Committee meeting minutes, and the February and March fire certifications. Mr. Wright - First. Mr. Ferguson— Second. None abstained. None opposed. Motion approved.

Fire, Medical and Military Exemptions ~ Ellen Owens

Voluntary Surrender

Ms. Owens stated that Hollis Stewart, Jr., certification number 6054, is requesting to voluntarily surrender his firefighter II and Fire Safety Inspector certifications due to his retirement.

ACTION: Motion to accept the Voluntary Surrender of the Firefighter II and Fire Safety Inspector certifications of Mr. Hollis Steward, Jr. with certification number 6054. Mr. Resanovich – First. Mr. Uhl – Second. No abstentions. None opposed. Motion approved.

Fire Fighter and Fire Safety Inspector Training Committee, James Burke

Mr. Burke requested a motion that the committee approve filing rules 4765-21-01, 4765-21-02, and 4765-21-14 of the Ohio Administrative Code with the Joint Committee on Agency Rule Review.

ACTION: Motion to approve filing rules 4765-21-01, 4765-21-02, and 4765-21-14 of the Ohio Administrative Code with the Joint Committee on Agency Rule Review. Mr. Resanovich – First. Mr. Ferguson – Second. No abstentions. None opposed. Motion approved.

The Firefighter and Fire Safety Inspector Training Committee met March 9, 2021. Mr. Burke reported that they approved a new live fire instructor course, course objective sign offs for all training levels, layouts of the process for the program directors, added appendix A to the State recommended burn plan which included required structures, and updated and implemented a new process for examination item review. The application, expectations and process can be found on the EMS website. Trainings are available for all fire charter program directors via Microsoft Teams®. There have been changes made to the database.

REPORT AND RECOMMENDATIONS

Mr. Marchetta, on behalf of the Firefighter and Fire Safety Inspector Training Committee, the proceedings were called to order at 1:09 p.m. on April 21, 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. 2019-567-F300, Philip E. Jackson, Certificate No. 82576
- Fire Case No. 2020-234-F100, Les C. Smathers, Certificate No. 167497

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

- **Fire Case No. 2019-567-F300, Philip E. Jackson, Certificate No. 82576.**

Mr. Jackson's Firefighter I and Fire Safety Inspector certifications are still active. On his applications, Mr. Jackson indicated that he had completed all of his continuing education hours. The investigation occurred after a random audit of the prior renewal periods for continuing education had already been initiated. The Division of EMS has not received verification that continuing education hours had been completed. A Notice of Opportunity was issued with the intentions of taking action on his certificate on the basis of his failure to document continuing education hours and the misrepresentation on his application. This matter went to hearing on February 25, 2021 where his failure to submit verification of his continuing education hours was presented as well as the misrepresentation on the application. The Hearing Officer recommends revocation and denial of his certifications.

- **Fire Case No. 2020-234-F100, Les C. Smathers, Certificate No. 167497.**

Mr. Smathers is certified as a Firefighter I. On his renewal application he failed to disclose a pending felony charge and failed to notify the Division upon his conviction. On or about April 29, 2019, Mr. Smathers was charged with Voyeurism in the Hocking County Municipal Court, CRB1900390. On August 23, 2019, he submitted a renewal application. On January 13, 2020 he was convicted of Voyeurism. He is now a registered Tier I sex offender. A Notice of Opportunity for Hearing was issued on the basis of fraud and/or misrepresentation on his application for his misdemeanor conviction, and for being a registered sex offender; thereby intending to take action on his certificate. Underlying facts in this case are as follows: Mr. Smathers placed a cell phone under the closed bathroom door of his step daughter and took pictures of her undressed. This matter went to hearing on February 1, 2021 where the Hearing

Officer confirmed the status of the convictions that he has been convicted of a misdemeanor and is a registered sex offender. He was commended for taking steps to better himself and to get the help he needed, but being a registered sex offender is a serious offense involving moral turpitude. Given his position as a firefighter and working with the community, including minors, it was recommended that his certification be revoked.

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

Mr. Machetta asked if Mr. Smathers 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 six cases. The proceedings were in the matter of:

- Fire Case No. 2017-355-F100, Zachary D. Johnson, Certificate No. 148058
- Fire Case No. 2018-149-BF100, Steven M. Garen, Certificate No. 78191
- Fire Case No. 2019-346-BF100, Jessica L. Lemly, Certificate No. 141553
- Fire Case No. 2020-120-BF100, Walter A. Lash, Certificate No. 79752
- Fire Case No. 2020-258-F100, Jeremy J. Jones, Certificate No. 136324
- Fire Case No. 2020-544-BF100, Chad G. Buchanan, Certificate No. 100268

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. Snyder – First. Mr. Resanovich – Second. Mr. Ferguson (2020-10-BF100) - abstained. None opposed. Motion approved.

There being no further evidence, these proceedings were closed at 1:17 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 2019-567-F300, Philip E. Jackson, Certificate Number 82576 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. Jackson's fire certifications.* Mr. Snyder – First. Mr. Resanovich – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

ACTION: *In the matter of Fire Case Number 2020-234-F100, Les C. Smathers, Certificate Number 167497, 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. Smathers' fire certification.* Mr. Snyder – First. Mr. Ferguson – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

GOLDMAN MOTIONS

ACTION: *In the matter of Fire Case Number 2017-355-F100, Zachary D. Johnson, Certificate Number 148058, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Johnson violated a previously issued adjudication order, and that Mr. Johnson's firefighter certification be revoked.* Mr. Snyder – First. Mr. Ferguson – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

ACTION: *In the matter of Fire Case Number 2018-149-BF100, Steven M. Garen, Certificate Number 78191, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Garen has been convicted of Grand Theft, a felony of the fourth degree, and Contributing to Unruliness or Delinquency of a Child, a misdemeanor of the first degree, and that Mr. Garen's Fire 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 2019-346-BF100, Jessica L. Lemly, Certificate Number 141553, the Committee recommends that the Executive Director issue an adjudication order finding that Ms. Lemly has been convicted of Theft, a felony of the fourth degree, and that Ms. Lemly's Fire certification be revoked.* Mr. Snyder – First. Mr. Ferguson – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

ACTION: *In the matter of Fire Case Number 2020-120-BF100, Walter A. Lash, Certificate Number 79752, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Lash has been convicted of Attempted Unlawful Sexual Conduct with a Minor, a felony of the fourth degree, and that Mr. Lash's Fire certifications be permanently revoked.* Mr. Snyder – First. Mr. Uhl – Second. None opposed. Mr. Ferguson and Mr. Wright - abstained. **Motion approved.**

ACTION: In the matter of Fire Case Number 2020-258-F100, Jeremy J. Jones, Certificate Number 136324, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Jones has been convicted of Intimidation, a felony of the third degree, and that Mr. Jones' Fire certification be revoked. Mr. Snyder – First. Mr. Ferguson – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

ACTION: In the matter of Fire Case Number 2020-544-BF100, Chad G. Buchanan, Certificate Number 100268, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Buchanan has been convicted of three counts of Pandering Obscenity Involving a Minor, being felonies of the second degree, three counts of Pandering Sexually Oriented Material Involving a minor, being felonies of the second degree, and one count of Gross Sexual Imposition, being a felony of the third degree, and that Mr. Buchanan's Fire certifications be permanently revoked. 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 following Consent Agreements.

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

2018-263-BF100	2020-501-BF100
2018-444-F300	2020-523-BF100
2019-606-F300	2020-563-F100
2020-175-BF100	2021-023-F100
2020-423-F100	2021-037-BF100

ACTION: Motion to recommend to the Executive Director to close the following case (s).

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

2020-443-BF100	2021-004-F100 *Warning Letter
2020-568-BF500	2021-041-BF500

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. Ferguson – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

2017-584-BF300	2018-505-BF300
2017-634-F100	2020-125-BF100
2018-347-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. Ferguson – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

2018-536-F300	2019-360-BF300
2019-268-BF100	2019-651-F300

<p><i>ACTION: Motion to recommend to the Executive Director to accept the voluntary surrender for permanent revocation of certificate(s) for the following case. Mr. Snyder – First. Mr. Ferguson– Second. None opposed. Mr. Wright - abstained. Motion approved.</i></p>
<p>2021-050-BF100</p>

<p><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. Ferguson (2019-506-BF500) and Mr. Wright - abstained. Motion approved.</i></p>	
<p>2017-46-F300 2019-017-F300 2019-223-F100 2019-506-BF500 2019-652-BF100 2020-025-F100 2020-417-BF100</p>	<p>2020-454-F100 2020-513-BF100 2020-564-F100 2021-051-BF100 2021-091-F100 2021-138-F100</p>

<p><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></p>	
<p>2019-477-F300 2020-143-F300 2020-337-F300 2020-497-BF100</p>	<p>2020-507-BF100 2020-566-BF100 2021-104-BF500</p>

Old Business ~ none

New Business

Require CPR for volunteer firefighters

A discussion ensued whether volunteer firefighters should be certified in CPR. Mr. Wright believed that it should be required the same as a firefighter I and firefighter II. It is an eight hour class. Volunteer firefighters are now driving to calls so they need to be certified. This will require an administrative code change and will mirror the qualifications for volunteer firefighters as firefighter I and firefighter II.

<p><i>ACTION: Motion to approve that volunteer firefighters have the same requirements for medical training prerequisite for volunteer firefighter certifications that currently exist for firefighter I and firefighter II. Mr. Wright– First. Mr. Snyder – Second. Discussion. None abstained. None opposed. Motion approved.</i></p>
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A discussion ensued whether existing volunteer firefighters should have CPR training. The question was posed if CPR training is required for law enforcement. It was reported it is required in basic training for law enforcement. Further discussions will continue at another time.

Certification Verbiage on EMS Website

Mr. Burke stated that there is some verbiage on the EMS website specifically stating that “the firefighter II certification is required for career firefighters in the State of Ohio”. The DEMS have looked at this and have found that it is not cited in rule, in law or in the national standard. The DEMS staff recommends the removal of this verbiage from that sentence.

A discussion ensued regarding the certification verbiage that is on the EMS website. Mr. Kienzle reported that there is a pension rule that reverts back to the fire rule 4765.55 that does not state that one has to be a firefighter II to be classified as career firefighter.

ACTION: Motion to remove the Firefighter II statement “The firefighter II certification is required for career firefighters in the State of Ohio”. Mr. Snyder – First. Mr. Uhl – Second. Discussion. Motion withdrawn.

ACTION: Motion to approve that the Division of EMS staff edit the Firefighter II statement “The firefighter II certification is required for career firefighters in the State of Ohio” to “The Firefighter II certification is typically required for career firefighters in the State of Ohio”. Mr. Snyder – First. Mr. Uhl – Second. None abstained. Mr. Wright - opposed. Motion approved.

Mr. Marchetta suggested to the Fire Committee that this be presented to their respective organizations and that the topic will be revisited at the next meeting.

ADJOURNMENT

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

The meeting adjourned at 12:52 p.m. The next meeting will be held June 16, 2021 at the Ohio Department of Public Safety via Microsoft Teams® videoconferencing.