



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  
1970 West Broad Street, Columbus, Ohio, Conference Room 1106**

**MEETING MINUTES**

**June 15, 2022**

*Immediately followed the conclusion of the EMFTS Board meeting*

**~FINAL~**

**Committee Meeting Date and Location:** Wednesday, June 15, 2022, Ohio Department of Public Safety, 1970 W. Broad Street, Columbus, Ohio, conference room 1106.

**Committee Members Present:** Dorothy Battles, Mark Resanovich, Mark Marchetta, Kevin Uhl, and Dudley Wright

**Committee Members Absent:** Patrick Ferguson

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

**Assistant Attorney General:** Danny Nunner

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Mr. Marchetta called the meeting to order at 12:35 p.m.

**ROLL CALL**

Ms. Dorothy Battles	Present	Mr. Mark Resanovich	Present
Mr. Patrick Ferguson	Absent	Mr. Kevin Uhl	Present
Mr. Mark Marchetta	Present	Mr. Wright	Present

*FINAL*

## **OPEN FORUM**

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

Mr. Marchetta welcomed Ms. Battles to the Fire and Fire Safety Training Committee.

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

Mr. Marchetta requested a motion to approve the consent agenda to include the April 21, 2022 Firefighter and Fire Safety Inspector Training Committee meeting minutes and the April and May fire certifications.

***ACTION: Motion to approve the Consent Agenda items to include the April 21, 2022 Firefighter and Fire Safety Inspector Training Committee meeting minutes and the April and May fire certifications.***  
Mr. Wright - First. Mr. Uhl – Second. Mr. Marchetta - abstained. None opposed. **Motion passed.**

## **Fire Fighter and Fire Safety Inspector Training Subcommittee, Ted Kienzle**

Mr. Kienzle reported that they are working on the fire safety inspector and fire safety inspector 2 practical skill sheets which are almost completed. The unaffiliated fire fighter portion was addressed and received clarification from the State Fire Academy on the Fire Department Identification (FDID) numbers. A fire chief can sign off on an audit. Anyone who has an FDID is considered a fire chief. For the fire instructor the DEMS is working on the rules 4765-22, 4765-23, 4765-24 and 4765-25. Also 4765-21 dealing with NFPA 1041 and 1403. The fire instructor and live fire instructor certifications and fire instructor 2 are aligning with NFPA 1041 and 1403.

## **FIRE REPORT AND RECOMMENDATIONS and GOLDMAN PROCEEDINGS**

Mr. Marchetta, on behalf of the Firefighter and Fire Safety Inspector Training Committee, stated that the proceedings were called to order at 12:39 p.m. on June 15, 2022. Members of the committee present for the proceedings are:

## **ROLL CALL**

Ms. Dorothy Battles	Present	Mr. Mark Resanovich	Present
Mr. Patrick Ferguson	Absent	Mr. Kevin Uhl	Present
Mr. Mark Marchetta	Present	Mr. Wright	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. 2020-553-BF100, Michael J. Miller, Certificate No. 174173

Mr. Marchetta recognized Assistant Attorney General Danny Nunner for the purpose of providing a brief synopsis of each case.

**Fire Case No. 2020-553-BF100, Michael J. Miller, Certificate No. 174173**

Mr. Miller has an active fire certificate which is set to expire on August 7, 2022. In September 2020, Mr. Miller was charged with the crimes of Sexual Battery and Gross Sexual Imposition. In September 2021, Mr. Miller pled guilty to and was convicted of Assault, a misdemeanor of the first degree, in violation of R.C. 2903.13(A). The act underlying this conviction involved a nonconsensual act of sexual activity. In the Administrative Hearing on March 14, 2022, Mr. Miller contended that his conviction for Assault does not constitute a conviction of a crime of moral turpitude. However, the Hearing Officer was not persuaded by Mr. Miller's arguments, and in the Report and Recommendation issued May 16, 2022 found that the conduct constituting the crime of Assault was unwanted sexual touching and/or penetration; and Mr. Miller admitted that he knew the victim was drunk and that he exercised poor judgement. The Hearing Officer's recommendation was for a 90 day suspension of Mr. Miller's certificate, 3 years probation, and completion of a background check. The Hearing Officer did not find revocation of Mr. Miller's certificate appropriate due to that he acknowledged his poor judgement and completed both probation and sexual offender training, has proven to be dedicated to the field and has not received any other complaints. Mr. Miller subsequently filed objections to the Report and Recommendation. The nature of the claim that Mr. Miller's convictions were not for a crime of moral turpitude and that the recommended sanction was excessive.

Mr. Marchetta inquired if Mr. Miller or his attorney were present. Mr. Miller stated that he accepts the responsibilities and actions of himself. The fire department contested the report and recommendation on his behalf. Mr. Miller would like to keep using his cards and in the future be an instructor.

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:

- Fire Case No. 2015-302-F300, Madeline R. Edgar, Certificate No. 161408
- Fire Case No. 2021-006-BF100, Jason M. Perkins, Certificate No. 141869
- Fire Case No. 2021-152-BF100, Jeffrey A. Houchin, Certificate No. 78995
- Fire Case No. 2021-159-BF100, William L. Hartford, Certificate No. 157016
- Fire Case No. 2021-506-F100, Caleb Bell, ID No. 234965

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

There being no further evidence, these proceedings were closed at 12:44 pm.

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

## **FIRE REPORT and RECOMMENDATIONS**

**ACTION: In the matter of Fire Case Number 2020-553-BF100, Michael J. Miller, Certificate Number 174173, 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 officer to suspend Mr. Miller's Fire certification for ninety (90) days, followed by three (3) years of probation, and the submission of a BCI background check at his next certification renewal.** Mr. Resanovich – First. Mr. Uhl– Second. None opposed. Mr. Wright - abstained. **Motion approved.**

## **FIRE GOLDMAN MOTIONS**

**ACTION: In the matter of Fire Case Number 2015-302-F300, Madeline R. Edgar, Certificate Number 161408, the Committee recommends that the Executive Director issue an adjudication order finding that Ms. Edgar failed to comply with the terms of a consent agreement and that her fire certification be revoked.** Mr. Resanovich – First. Mr. Uhl– Second. None opposed. Mr. Wright - abstained. **Motion approved.**

**ACTION: In the matter of Fire Case Number 2021-006-BF100, Jason M. Perkins, Certificate Number 141869, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Perkins has been convicted of two (2) counts of Petty Theft, misdemeanors of moral turpitude, failed to report criminal information on his applications, and that Mr. Perkins' fire certification be suspended for six (6) months.** Mr. Resanovich – First. Ms. Battles– Second. None opposed. Mr. Wright - abstained. **Motion approved.**

**ACTION: In the matter of Fire Case Number 2021-152-BF100, Jeffrey A. Houchin, Certificate Number 78995, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Houchin has been convicted of Obstructing Official Business and Criminal Trespass, both misdemeanors of moral turpitude. The allegations in the Notice of Opportunity have been proven and Mr. Houchin's fire certifications shall be permanently revoked.** Mr. Resanovich – First. Mr. Uhl– Second. None opposed. Mr. Wright - abstained. **Motion approved.**

**ACTION: In the matter of Fire Case Number 2021-159-BF100, William L. Hartford, Certificate Number 157016, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Hartford failed to report two criminal convictions, provide documentation related to those convictions, and submit a BCI background check and that his fire certifications be suspended for thirty (30) days. Mr. Hartford shall submit a BCI background check within ninety (90) days of the Executive Director's order.** Mr. Resanovich – First. Ms. Battles – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

**ACTION:** In the matter of Fire Case Number 2021-506-F100, Caleb Bell, Applicant ID 234965, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Bell has been convicted of Assault, a misdemeanor of moral turpitude, and failed to report multiple convictions on his application, and that Mr. Bell's application for certification be denied. Mr. Resanovich – First. Ms. Battles – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

**EXECUTIVE SESSION**

Executive Session for the purpose of discussing proposed disciplinary action against certificate holders pursuant to Ohio Revised Code Section 121.22(G)(1) or pursuant to 121.22 (G)(5) that involve matters required to be kept confidential under Ohio Revised Code Section 149.43 (A)(2) or 4765.102(B).

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

**FIRE INVESTIGATIONS, STAFF**

<b><u>ACTION:</u></b> Motion to recommend to the Executive Director to accept the following Consent Agreements. Mr. Resanovich – First. Mr. Uhl – Second. Discussion. Mr. Wright - abstained. <b>Motion approved.</b>	
2021-180-F100	2022-190-BF100
2022-027-BF100	2022-207-BF100
2022-056-F500	2022-218-F100
2022-057-F500	2022-222-F100
2022-100-F100	2022-247-F100
2022-177-F100	2022-269-BF500
2022-189-F100	2022-272-BF500

<b><u>ACTION:</u></b> Motion to recommend to the Executive Director to close the following cases: Mr. Resanovich – First. Mr. Uhl – Second. None opposed. Mr. Wright and Mr. Marchetta (2021-162-BF500 - abstained. <b>Motion approved.</b>	
2020-153-BF500	2020-432-F100
2020-267-BF500	2020-443-BF100
2020-268-BF500	2021-162-BF500
2020-269-BF500	2022-214-F300
2020-338-BF500	2022-215-F300

<b><u>ACTION:</u> Motion to recommend to the Executive Director to close the following cases; individuals have met the stipulations of their Consent Agreements:</b> Mr. Resanovich – First. Ms. Battles – Second. None opposed. Mr. Wright - abstained. <b>Motion approved.</b>	
2016-20-BF100	2020-343-F500
2019-248-BF500	2021-043-BF100
2019-715-F300	

<b><u>ACTION:</u> Motion to recommend to the Executive Director to close the following case; accept surrendering of their respective certificate.</b> Mr. Resanovich – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. <b>Motion approved.</b>	
2022-147-F300	

<b><u>ACTION:</u> Motion to recommend to the Executive Director close the following cases; Individuals/Entities entered into Consent Agreements with the Executive Director. They have not met the requirements of the Consent Agreement. Their respective certificates to practice/teach have expired or been surrendered. Re-open if re-applies.</b> Mr. Resanovich – First. Mr. Uhl– Second. None opposed. Mr. Wright - abstained. <b>Motion approved.</b>	
2017-82-BF100	

<b><u>ACTION:</u> Motion to recommend to the Executive Director to accept the surrender for revocation of their certificate and close the following case.</b> Mr. Resanovich – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. <b>Motion approved.</b>	
2021-349-F100	

<b><u>ACTION:</u> Motion to recommend to the Executive Director to accept the surrender for permanent revocation of their certificate and close the following case.</b> Mr. Resanovich – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. <b>Motion approved.</b>	
2021-295-BF100	

<b><u>ACTION:</u> 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 or been revoked. Re-open if re-applies:</b> Mr. Resanovich – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. <b>Motion approved.</b>	
2019-733-F300	
2022-248-F300	
2022-262-F300	

***ACTION: Motion to recommend to the Executive Director to issue Notice of Opportunity for Hearing for the following cases: Mr. Resanovich– First. Mr. Uhl – Second. None opposed. Mr. Wright -abstained. Motion approved.***

2021-303-BF100	2022-194-F300
2021-537-F100	2022-237-F300
2022-090-F100	2022-281-F100
2022-140-F500	

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

2021-178-F100	2022-217-BF100
2021-432-BF100	2022-266-BF100
2021-584-BF100	2022-270-BF100
2022-143-BF100	2022-326-BF100
2022-163-F300	2022-333-BF100
2022-191-F100	2022-334-F100
2022-197-BF100	2022-340-BF100

**Old Business ~ none**

**New Business**

Executive Director Wagoner reached out to Michelle Fitzgibbons of OFCA to remind her that now that Ms. Battles has been seated, she ensure that someone is able to sit on the Fire Fighter and Fire Safety Inspector Subcommittee.

**ADJOURNMENT**

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

The meeting adjourned at 12:56 p.m. The next meeting will be held August 17, 2022 at the Ohio Department of Public Safety, 1970 West Broad Street, Columbus, Ohio.

*\*\*These June 15, 2022 Fire Fighters and Fire Safety Inspector Training Committee were approved at the August 17, 2022 meeting.*