



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

August 18, 2021

Immediately followed the conclusion of the EMFTS Board meeting

~FINAL~

Committee Meeting Date and Location: Wednesday, August 18, 2021, Ohio Department of Public Safety, Conference Room 1106, 1970 West Broad Street, Columbus.

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

Committee Members Absent: George Snyder

EMS Staff Present: James Burke, Beverly Cooper, Joel Demory, Dave Fiffick, Deputy Director Aaron Jennings, Valerie Koker, Eric Mays, Ellen Owens, Jodie Parker, Vanessa Reams, Executive Director Rob Wagoner, Patrick Williams and Michael Wise.

Assistant Attorney General: Bill Carter

Mr. Marchetta called the meeting to order at 2:03 p.m.

ROLL CALL

Mr. Patrick Ferguson	Present	Mr. George B. Snyder	Absent
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 June 16, 2021 Firefighter and Fire Safety Inspector Training Committee meeting minutes and the June and July fire certifications.

ACTION: Motion to approve the Consent Agenda items to include the June 16, 2021 Firefighter and Fire Safety Inspector Training Committee meeting minutes, and the June and July fire certifications.
Mr. Wright - First. Mr. Ferguson – Second. None abstained. None opposed. **Motion approved.**

Fire, Medical and Military Exemptions ~ Ellen Owens

Ms Owens stated that there are 3 military exemption requests. The first one is 2021-8-02, a firefighter I. Staff recommends approval.

ACTION: Motion to accept the exemption for 2021-8-02 for firefighter I certification. Mr. Wright – First. Mr. Resanovich – Second. None abstained. None opposed. **Motion approved.**

Ms. Owens stated that the second military exemption request is; 2021-8-01, a firefighter I, active duty. Staff recommends approval.

ACTION: Motion to accept the exemption for 2021-8-01 for firefighter I certification. Mr. Wright – First. Mr. Ferguson – Second. None abstained. None opposed. **Motion approved.**

Ms. Owens stated that the third military exemption request; 2021-08-06, active duty during his certification cycle. Staff recommends approval.

ACTION: Motion to accept the military exemption for 2021-08-06. Mr. Wright – First. Mr. Ferguson – Second. None abstained. None opposed. **Motion approved.**

Medical Hardships

Ms. Owens stated that there is a medical hardship exemption request; 2021-08-05, firefighter 1 and fire safety inspector. Staff recommends approval.

ACTION: Motion to accept the medical hardship exemption for 2021-08-05. Mr. Wright – First. Mr. Resanovich – Second. None abstained. None opposed. **Motion approved.**

Ms. Owens stated that 2021-8-03, volunteer firefighter, is an exemption request for ongoing medical conditions. Staff has received medical documentation and recommends approval.

ACTION: Motion to accept the ongoing medical hardship exemption for 2021-08-03. Mr. Ferguson – First. Mr. Uhl – Second. None abstained. None opposed. **Motion approved.**

Fire Fighter and Fire Safety Inspector Training Subcommittee, James Burke

Mr. Burke stated that the Fire Fighter and Fire Safety Inspector Training Subcommittee meeting was held at the Ohio Fire Chiefs Association Annual Conference. The Education Section was there to answer any questions. A discussion entailed about the volunteer program. The subcommittee is exploring the creation of a tier approach to get volunteer firefighters to the firefighter I level. The creation of an intermediary that would be called a voluntary entry to meet the rule requirements would allow them to receive additional training to be able to do more activities. The subcommittee is considering a volunteer course that is 36 hours where an entry program would be an additional 38 hours. With the addition of the 58 hours for the firefighter I the total training hours would get them to the 160 hours required for firefighter I. Each section would have 12 months and it opens up more options for them to take the next level. This option is in its infancy stage and still being discussed. The Division of EMS is going through the Pro Board renewal process at this time. The Division of EMS is creating pamphlets to put online to explain the certification process for each level to hopefully increase recruitment.

Mr. Resanovich stated that Phil McLean retired and there will be a replacement forthcoming.

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 2:10 p.m. on August 18, 2021. Members of the committee present for the proceedings are:

ROLL CALL

Mr. Patrick Ferguson	Present	Mr. George B. Snyder	Absent
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. 2020-177-F100, Carlton R. Smarage, ID No. 227259

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

Fire Case No. 2020-177-F100, Carlton R. Smarage, ID No. 227259.

Mr. Smarage holds certification for firefighter II and Fire Safety Inspector. On applications, the Petitioner indicated that he had one petty theft conviction. Upon investigation, the Respondent was found to have 8 total convictions. On October 9, 2020, EMS issued a Notice for Opportunity of

Hearing proposing to take action against the Petitioner's certificate as a result of these convictions and for falsely indicating that he did not have any other pending charges or convictions on his March 2020 application. This matter went to hearing on March 11, 2021, where the misrepresentation on the application was submitted. The Hearing Officer found that the Petitioner was convicted of multiple misdemeanors prior to applying for a volunteer firefighter certificate. The Petitioner did not disclose these convictions on his application and attested that the information he provided was true and accurate. It is implausible that he had memory loss of his "past transgressions" as argued. If he was unsure, he could have easily confirmed the information. He misrepresented the charges on his application and failed to report to the Division of EMS as required. Thus, the Hearing Offices recommendation is for his application to be denied.

Mr. Marchetta asked if Mr. Smarage 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. 2017-402-F100, Patrick H. Goldschmidt, Certificate No. 134172
- Fire Case No. 2018-451-F300, Shane M. Rickert, Certificate No. 119552
- Fire Case No. 2019-106-F100, Shawn R. Oliver, Certificate No. 116262
- Fire Case No. 2019-223-F100, John C. Watkins, Certificate No. 171045
- Fire Case No. 2021-051-BF100, Brandon L. Black, Certificate No. 149845
- Fire Case No. 2021-138-F100, Matthew L. Nice, Certificate No. 186679

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

There being no further evidence, these proceedings were closed at 2:15 p.m.

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

EXECUTIVE SESSION

ACTION: *Motion to go to an Executive Session for the purpose of discussing proposed action against certificate holders pursuant to Ohio Revised Code 121.22(G)(3).* Mr. Ferguson – First. Mr. Uhl – Second. **Roll Call Vote.** None abstained. None opposed. ***Motion approved.***

ROLL CALL VOTE

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

REPORT AND RECOMMENDATION MOTIONS

ACTION: *In the matter of Fire Case Number 2020-177-F100, Carlton Smarage, Applicant ID Number 227259, 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 deny Mr. Smarage's application for certification.* Mr. Resanovich – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. ***Motion approved.***

GOLDMAN MOTIONS

ACTION: *In the matter of Fire Case Number 2017-402-F100, Patrick H. Goldschmidt, Certificate Number 134172, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Goldschmidt failed to comply with the terms of a consent agreement, and that Mr. Goldschmidt's firefighter certification be revoked.* Mr. Resanovich – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. ***Motion approved.***

ACTION: *In the matter of Fire Case Number 2018-451-F300, Shane M. Rickert, Certificate Number 119552, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Rickert failed to comply with continuing education requirements as indicated in the notice of opportunity for hearing, and that Mr. Rickert's firefighter certification be revoked.* Mr. Resanovich – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. ***Motion approved.***

ACTION: *In the matter of Fire Case Number 2019-106-F100, Shawn R. Oliver, Certificate Number 116262, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Oliver failed to disclose criminal convictions on his renewal application, and that Mr. Oliver's firefighter certification be revoked.* Mr. Resanovich – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. ***Motion approved.***

ACTION: In the matter of Fire Case Number 2019-223-F100, John C. Watkins, Certificate Number 171045, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Watkins was convicted of misdemeanor assault and failed to report his conviction to the Division of EMS, and that Mr. Watkins' firefighter certification be revoked.
 Mr. Resanovich – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

ACTION: In the matter of Fire Case Number 2021-051-BF100, Brandon L. Black, Certificate Number 149845, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Black was convicted of Felonious Assault, and that Mr. Black's firefighter certification be revoked. Mr. Resanovich – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

ACTION: In the matter of Fire Case Number 2021-138-F100, Matthew L. Nice, Certificate Number 186679, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Nice was convicted of Illegal Use of a Minor or Impaired Person in Nudity-Oriented Material or Performance, a felony of the fifth degree, and that Mr. Nice's firefighter certification be permanently revoked.
 Mr. Resanovich – 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. Resanovich – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

2020-078-F300	2021-115-BF100
2020-536-BF100	2021-148-F100
2021-047-BF100	

ACTION: Motion to recommend to the Executive Director to close the following case (s).
 Mr. Resanovich – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

2020-194-BF500	2021-177-F100
2021-045-BF100	2021-219-F500
2021-052-F500	
2021-161-F300	

ACTION: Motion to recommend to the Executive Director to close the following cases; individuals have met the stipulations of their Consent Agreement. Mr. Resanovich – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

2018-31-BF100	2019-670-BF100
2018-193-F300	2020-433-F100
2018-254-BF100	2020-521-F300

<p><u>ACTION:</u> Motion to recommend to the Executive Director to accept the surrendering of their respective certificate(s) for the following cases. Mr. Resanovich – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. Motion approved.</p>	
2020-097-F300 2020-157-F300 2021-119-BF300 2021-197-F300	

<p><u>ACTION:</u> Motion to recommend to the Executive Director to close the following cases; Individuals/entities entered into consent agreements. They have not met the requirements of the consent agreement. Their respective certificates to practice have expired, have surrendered, or been revoked. Re-open if reappplies. Mr. Resanovich – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. Motion approved.</p>	
2017-565-F300 2018-82-F300 2018-189-F300 2018-345-F300	2018-413-F300 2018-446-F300 2018-447-F300

<p><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. Re-open if reappplies. Mr. Resanovich – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. Motion approved.</p>	
2018-301-F300 2018-302-F300 2018-303-F300 2018-304-F300 2018-307-F300 2018-309-F300 2018-311-F300	2018-313-F300 2018-319-F300 2018-343-F300 2018-360-F300 2018-440-F300 2018-556-F300 2018-721-F300

<p><u>ACTION:</u> Motion to recommend to the Executive Director to close the following cases due to service issues with the adjudication order or Notice of Opportunity for Hearing. The respective certificates to practice are revoked or expired. Re-open if re-appplies. Mr. Resanovich – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. Motion approved.</p>	
2017-296-BF300 2018-344-F300 2018-668-F300	

<p><u>ACTION:</u> Motion to recommend to the Executive Director to issue Notices of Opportunity for Hearing for the following cases. Mr. Resanovich – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. Motion approved.</p>	
2020-021-F300 2020-027-F300 2020-029-BF300 2020-030-F300 2020-066-F300 2020-224-F100	2020-465-BF300 2021-152-BF100 2021-196-F300 2021-198-F300 2021-253-BF100 2021-254-BF100

<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. Resanovich – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. Motion approved.</i>	
2018-703-BF100	2021-211-F100
2020-180-BF100	2021-224-F100
2020-339-BF100	2021-225-F100
2021-199-F300	

Old Business ~ none

New Business

Executive Director Wagoner stated that the Hall of Fame nominations are open through November 5, 2021.

In the legislative update received from Ben Kimmel for the following:

- House Bill 17 is the workers compensation firefighter cancer claims. It had its first hearing on March 10, 2021 with the House Insurance Committee.
- House Bill 158 is the prohibitive use of certain firefighting foam for testing and training. It's current status is that the Senate Veterans and Public Safety had its first hearing on June 15, 2021.
- House Bill 304, Amend Smoke Alarm Laws in residential premises had its first hearing on May 26, 2021 in the House Commerce and Labor.
- Senate Bill 34, to amend House Bill 166 to increase the penalties for arson offenses and related offenses and to make an appropriation. The Senate Judiciary had its second hearing on April 20, 2021.

ADJOURNMENT

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

The meeting adjourned at 2:56 p.m. The next meeting will be held October 20, 2021 at the Ohio Department of Public Safety, 1970 West Broad Street, Columbus, Ohio.

**** The Firefighter and Fire Safety Inspector Training Committee minutes for August 18, 2021 were not approved in October due to not having a quorum. The minutes were approved at the December 15, 2021 meeting.*