



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, FIRE AND TRANSPORTATION SERVICES
OHIO DEPARTMENT OF PUBLIC SAFETY
1970 West Broad Street, Columbus, Ohio, Conference Room 1106**

MEETING MINUTES

October 19, 2022

Immediately followed the conclusion of the EMFTS Board meeting

~FINAL~

Committee Meeting Date and Location: Wednesday, October 19, 2022, Ohio Department of Public Safety, 1970 W. Broad Street, Columbus, Ohio, conference room 1106.

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

Committee Members Absent: ~none~

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

Assistant Attorney General: Danny Nunner

Mr. Marchetta called the meeting to order at 12:49 p.m.

ROLL CALL

Ms. Dorothy Battles	Present	Mr. Mark Resanovich	Present
Mr. Patrick Ferguson	Present	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.

REVIEW AND APPROVAL OF CONSENT AGENDA

Mr. Marchetta requested a motion to approve the consent agenda to include the Firefighter and Fire Safety Inspector Training Committee meeting minutes from August 17, 2022 and the August and September fire certifications.

ACTION: Motion to approve the Consent Agenda items to include the Firefighter and Fire Safety Inspector Training Committee meeting minutes from August 17, 2022 and the August and September fire certifications. Mr. Resanovich - First. Mr. Ferguson— Second. None abstained. None opposed. Motion passed.

Fire Exemption Request, Jodie Parker

Ms. Parker reported that there is a military exemption request from a firefighter II; 2022-10-1. All documentation has been received and staff recommends approval.

ACTION: Motion to approve the military exemption for 2022-10-1. Mr. Ferguson – First. Mr. Resanovich – Second. None opposed. None abstained. Motion approved.

Firefighter and Fire Safety Inspector Training Subcommittee, Dan Swords

The Firefighter and Fire Safety Inspector Training Subcommittee met October 11, 2022.

The DEMS continue to work on the fire rules updates. It would include the changes in the instructor program. The Fire Subcommittee suggested that a draft paper be distributed showing the differences of what is being done now and what changes are proposed. There will be a discussion at the November meeting.

The Firefighter and Fire Safety Inspector and Hazard Recognition Officer skill sheets are still being revised. The scoring matrices are being changed to coincide with the skill sheets.

REPORT AND RECOMMENDATIONS and GOLDMANS

Mr. Marchetta, on behalf of the Firefighter and Fire Safety Inspector Training Committee, stated that the proceedings were called to order at 12:57 p.m. on October 19, 2022. Members of the committee present for the proceedings are:

ROLL CALL

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

It was noted for the record that there was a majority of the committee members present. Executive Director Wagoner was present.

REPORT AND RECOMMENDATIONS

- Fire Case No. 2021-462-F100, Dennis B. Zerkle, Certificate No. 115813
- Fire Case No. 2021-466-F100, Jason E. Bell, Certificate No. 113793

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

AG Nunner reported that Dennis B. Zerkle, Fire Case No. 2021-462-F100, Certificate No. 115813 completed an initial application in November 2021 to seek his fire certificate 1. In the initial application, Mr. Zerkle disclosed a felony conviction for Unlawfully Contributing to a Minor, which occurred in 2002. Mr. Zerkle did not disclose any additional convictions. The Division found that Mr. Zerkle had additional criminal convictions and that the disclosed felony was not accurately reported. An administrative hearing took place on July 25, 2022 where Mr. Zerkle appeared. He provided testimony in the matter and called numerous witnesses to testify in his behalf and provided letters of support to attest to his character. The Hearing Office found that Mr. Zerkle was convicted of Attempted Unlawful Sexual Conduct with a Minor, which is a felony resulting in the designation as a sex offender and which was not accurately reported on his initial application. He was also convicted of Disorderly Conduct in 2008, failure to give notice to the sex offender registration and notification in 2008, and Attempted Assault in 2010. The Hearing Officer issued the following Report and Recommendation for the Board to consider: Revocation and denial of the initial application.

AG Nunner reported that Jason E. Bell, Fire Case No. 2021-466-F100, Certificate No. 113793 is certified as a volunteer firefighter. In December 2018, Mr. Bell submitted an initial application and in September 2021, Mr. Bell completed a renewal application. In both instances, Mr. Bell failed to disclose criminal convictions. An administrative hearing took place on August 25, 2022, where Mr. Bell appeared. The Hearing Officer concluded that in 2003, Mr. Bell was convicted of two counts of Arson, which are felonies, and that Mr. Bell was also convicted of Conspiracy to Commit Arson, which is also a felony. The Hearing Officer's recommendation is revocation.

FIRE GOLDMAN CASES

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 six cases. The proceedings were in the matter of:

- Fire Case No. 2019-099-BF100, Johnny F. Benson, Certificate No. 48977
- Fire Case No. 2020-465-BF300, Daniel A. Weaver, Certificate No. 131100
- Fire Case No. 2020-512-F100, Brian J. Brooks, Certificate No. 169047
- Fire Case No. 2021-537-F100, Randy J. Nichols, Certificate No. 120611
- Fire Case No. 2022-090-F100, Marc F. Worden, Certificate No. 104150
- Fire Case No. 2022-140-F500, Bruce A. Smith, Certificate No. 141765

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. Ferguson – Second. None opposed. None abstained. **Motion approved.**

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

ACTION: *Motion to adjourn to Executive Session for the purpose of entering into quasi-judicial deliberations.* Mr. Uhl – First. Mr. Ferguson – Second. None opposed. None abstained. **Motion approved.**

FIRE REPORT AND RECOMMENDATION MOTIONS

ACTION: *In the matter of Fire Case Number 2021-462-F100, Dennis B. Zerkle, Certificate Number 115813, the Committee recommends that the Executive Director issue an adjudication order approving the findings of fact and conclusions of law, except for the following: Mr. Zerkle has a pending initial Firefighter I application before the Executive Director. He does not currently hold any firefighter certifications.*

The committee modifies the hearing officer's recommendation to denial of Mr. Zerkle's firefighter I application. The reason for the modification is based on Mr. Zerkle having a pending initial application rather than already holding a certification that could be revoked. Mr. Ferguson – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

ACTION: *In the matter of Fire Case Number 2021-466-F100, Jason E. Bell, Certificate Number 113793, the Committee recommends that the Executive Director issue an adjudication order approving the findings of fact, conclusions of law, and modifying the recommendation of the hearing examiner. Mr. Bell's firefighter certification shall be permanently revoked.*

The reason for the modification of the hearing examiner's recommendation is to uphold the presiding judge's sentencing order from Mr. Bell's previous criminal convictions for Arson and Conspiracy to Commit Arson. Mr. Ferguson – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

FIRE GOLDMAN MOTIONS

ACTION: *In the matter of Fire Case Number 2019-099-BF100, Johnny F. Benson, Certificate Number 48977, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Benson failed to comply with a consent agreement, and that Mr. Benson's firefighter certification be indefinitely suspended until he completes the required BCI criminal background check.* Mr. Ferguson – First. Ms. Battles – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

ACTION: In the matter of Fire Case Number 2020-465-BF300, Daniel A. Weaver, Certificate Number 131100, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Weaver failed to comply with continuing education requirements as indicated in the notice of opportunity for hearing, and that Mr. Weaver's firefighter certification be indefinitely suspended until required continuing education has been completed. Mr. Ferguson – First. Ms. Battles– Second. None opposed. Mr. Wright - abstained. **Motion approved.**

ACTION: In the matter of Fire Case Number 2020-512-F100, Brian J. Brooks, Certificate Number 169047, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Brooks failed to report a misdemeanor conviction for Domestic Violence, and that Mr. Brooks' firefighter certification be reprimanded. He shall also pay a \$250 fine within ninety days and completed a BCI background check at his next certification renewal. Mr. Ferguson – First. Ms. Battles – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

ACTION: In the matter of Fire Case Number 2021-537-F100, Randy J. Nichols, Certificate Number 120611, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Nichols failed to timely report a Disorderly Conduct conviction, and that Mr. Nichols' firefighter certification be reprimanded. He shall also complete a BCI background check at his next certification renewal. Mr. Ferguson– First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

ACTION: In the matter of Fire Case Number 2022-090-F100, Marc F. Worden, Certificate Number 104150, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Worden has been convicted of Illegal Use of a Minor in Nudity Oriented Material or Performance and two counts of Gross Sexual Imposition, all felonies, and that Mr. Worden's firefighter certification be permanently revoked. Mr. Ferguson– First. Ms. Battles – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

ACTION: In the matter of Fire Case Number 2022-140-F500, Bruce A. South, Certificate Number 141765, the Committee recommends that the Executive Director issue an adjudication order finding that one year has not passed since Mr. South's firefighter certification was revoked for failing to complete continuing education and that Mr. South's firefighter application be denied. Mr. Ferguson– First. Mr. Uhl – 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

<i>ACTION: Motion to recommend to the Executive Director to accept the following Consent Agreements.</i> Mr. Ferguson– First. Ms. Battles – Second. Discussion. Mr. Wright - abstained. *Mr. Resanovich was not present for the vote. Motion approved.	
2021-106-F100	2022-339-BF100
2021-183-F100	2022-399-BF100
2021-397-BF100	2022-407-BF100
2021-513-BF100	2022-415-F100
2022-045-F100	2022-421-BF100
2022-073-F100	2022-440-BF100
2022-164-F300	2022-451-BF500
2022-223-F100	2022-474-BF500
2022-265-F100	

<i>ACTION: Motion to recommend to the Executive Director to close the following cases:</i> Mr. Ferguson – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. *Mr. Resanovich was not present for the vote. Motion approved.	
2020-395-F500	2021-388-BF100 *Warning letter
2022-211-F500	2022-319-BF100 *Warning letter
2021-383-F300	

<i>ACTION: Motion to recommend to the Executive Director to close the following cases; individuals have met the stipulations of their Consent Agreements:</i> Mr. Resanovich – First. Ms. Battles – Second. None opposed. Mr. Wright - abstained. *Mr. Resanovich was not present for the vote. Motion approved.	
2018-696-BF100	2021-016-F300
2019-362-F300	2021-037-BF100
2020-175-BF100	2021-266-BF100
2020-364-BF100	

<i>ACTION: Motion to recommend to the Executive Director to close the following cases; individuals have not met the stipulations of their consent agreements. Their respective certificates to practice have expired or been revoked. Re-open if reapplies.</i> Mr. Ferguson – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. *Mr. Resanovich not present for the vote. Motion approved.	
2017-46-F300	2019-053-F300
2018-214-BF100	2019-138-F300

<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 or been revoked. Re-open if reapplies.</i> Mr. Ferguson – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. *Mr. Resanovich not present for the vote. Motion approved.	
2019-615-F300	
2020-029-BF300	

<i>ACTION: Motion to recommend to the Executive Director to issue Notices of Opportunity for Hearing for the following cases:</i> Mr. Ferguson– First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. *Mr. Resanovich not present for the vote. Motion approved.	
2018-359-F300	2021-414-BF100
2019-553-F300	2022-058-F500
2019-691-F300	2022-257-BF300
2021-320-BF300	2022-403-F300
2021-330-BF100	2022-500-F100
2021-410-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.</i> Mr. Ferguson– First. Ms. Battles – Second. None opposed. Mr. Wright -abstained. *Mr. Resanovich not present for the vote. Motion approved.	
2019-261-F300	2022-282-BF100
2020-194-BF500	2022-427-BF100
2022-013-BF500	2022-459-BF100
2022-182-BF100	2022-464-BF100
2022-276-BF100	

Old Business

Deputy Director Jennings reported that the fire marshal would like to get the report to Governor DeWine with all of the compiled information that includes the survey with the focus on education and funding opportunities.

Governor DeWine and Fire Marshal Reardon has been touring fire departments throughout the state.

There seems to be a common theme with concerns with staffing, funding, the hurdles to be volunteer firefighter, access to education or being able to attend education seminar and conferences, and pass requirements.

The DEMS will address the length of term of certifications and testing to ensure the firefighters are competent. Executive Director Wagoner has met with Fire Marshal Reardon.

New Business ~ none

ADJOURNMENT

<i>ACTION:</i> Motion to adjourn. Mr. Resanovich – First. Mr. Ferguson– Second Motion approved.

The meeting adjourned at 1:39 p.m. The next meeting will be held December 14, 2022 at the Ohio Department of Public Safety, 1970 West Broad Street, Conference Room 1106, Columbus, Ohio.

***Minutes approved at the Fire Fighter and Fire Safety Inspector Training Committee meeting on December 14, 2022.*