



Dudley H.A. Wright II, Chair Dr. Carol Cunningham, State Medical Director
Kent Appelhans, Vice Chair

**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®

December 16, 2020

Immediately following the conclusion of the EMFTS Board meeting

~FINAL~

Committee Meeting Date and Location: Wednesday, December 16, 2020, 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, Valerie Koker, Eric Mays, Executive Director Rob Wagoner, and Michael Wise.

Assistant Attorney General: Lidia Mowad

Mr. Wright called the meeting to order at 1:25 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. Wright inquired if there was anyone who wished to address the Board. There was not anyone to address the Board.

FINAL

REVIEW AND APPROVAL OF CONSENT AGENDA

Mr. Wright requested a motion to approve the consent agenda to include the October 21, 2020 Firefighter and Fire Safety Inspector Training Committee meeting minutes, the October and November 90-day extension requests, and the October and November fire certifications.

ACTION: Motion to approve the Consent Agenda items to include the August 19, 2020 Firefighter and Fire Safety Inspector Training Committee meeting minutes, the October and November 90-day extension requests, and the October and November fire certifications. Mr. Resanovich - First. Mr. Ferguson- Second. None abstained. None opposed. Motion approved.

Fire Fighter and Fire Safety Inspector Training Committee, James Burke

The committee met on November 10, 2020 and there was a quorum.

Mr. Burke stated that they have an individual who took an EMS Instructor Course did not successfully complete the knowledge exam and has now requested to be a Fire Instructor. The issue in the ORC specifies the order in which the courses and exams need to be taken. He is requesting to use the instructor course and instructor methodology exam he completed recently with EMS and transfer them over to be a fire instructor. If approved he would complete the fire instructor course, take the knowledge exam and do his supervisor teaching. If not approved he would have to take that course again. Executive Director Wagoner and Mr. Burke wanted to bring this forth to the Fire Committee members. A discussion ensued as to whether the committee would want to make an exception to the rule. Mr. Burke stated that this is one of those situations where EMS and fire is different. Mr. Wise. Legal counsel, stated that the committee may make an exception; however, it opens the door for future exceptions.

ACTION: Motion to recommend to the Executive Director to deny the request for the exemption for the fire instructor training. Mr. Snyder – First. Mr. Marchetta – Second. No abstentions. None opposed. Motion approved.

Mr. Burke stated that the review of the rules are being reviewed and revised for the future in a manner where the fire rules will mirror the EMS rules.

New skill sheets for firefighter I, firefighter II, and fire safety inspector have been approved and will be on the website; however, they will not be effective until January 1, 2021. The DEMS wanted to give programs plenty of time to review these.

Mr. Burke stated that there will be an update for the program directors at the next meeting. Approval of the Committee was received to run a pilot of the live fire operations course for live fire instructors utilizing a text book.

Mr. Burke reported that there will be system upgrades on November 17, 2020. The DEMS staff will hold several virtual meetings to help the program directors with the new upgrades. The majority of these changes are safeguards and to ensure that student information is entered correctly to ensure they are in the right class and take the correct exams. The DEMS staff will be revising the manuals.

REPORT AND RECOMMENDATIONS

Mr. Wright, on behalf of the Firefighter and Fire Safety Inspector Training Committee, the proceedings were called to order at 1:35 p.m. on December 16, 2020. 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. 2018-540-BF100, Justin M. Bancroft, Certificate No. 174354
 - Fire Case No. 2019-121-BF100, Heather Roberts, Certificate No. 175817
 - Fire Case No. 2019-232-BF500, Ricardo Galarza Jr., Certificate No. 171515

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

Fire Case No. 2018-540-BF100, Justin M. Bancroft, Certificate No. 174354. Mr. Bancroft is a certified EMT and active from September 13, 2019 to September 13, 2022. On April 3, 2019 in the Hamilton County Common Pleas Court, Case no. B1805012, Mr. Bancroft pleaded guilty to and was convicted of two reduced charges of attempted felonious assault, two Felony 3's. The Board issued a Notice of Opportunity for Hearing intending to take action on his certificate on the basis of the felony convictions. The underlying facts were that, without any influence of substances, Mr. Bancroft cause significant damage to outside bystanders, causing two of the men to suffer broken facial bones, necessitating reconstructive surgeries, and severe fractures. This matter went to hearing on February 24, 2020, where he confirmed the pleas and underlying law enforcement reports and the recommendation was to revoke Mr. Bancroft's EMT certificate.

Fire Case No. 2019-121-BF100, Heather Roberts, Certificate No. 175817. Ms. Roberts is a certified EMT and active from January 7, 2020 to January 7, 2023. On August 7, 2019, in Muskingum County Common Pleas court, Case no. CR2019-0187, Ms. Roberts pleaded guilty to and was convicted of aggravated assault. The Board issued a Notice of Opportunity for Hearing on the basis

of the felony conviction intending to take action on the certificate. Underlying facts involved domestic dispute where Ms. Roberts allegedly reached for a gun and corkscrew, and caused bruising on her husband when attempting to push him down the stairs. This matter went to hearing on October 2, 2020 where the hearing examiner confirmed the conviction and considered the underlying facts, and ultimately recommended that the Board not impose a revocation, but rather a suspension for a period of time deemed appropriate by the Board.

- **Fire Case No. 2019-232-BF500, Ricardo Galarza Jr., Certificate No. 171515.** Mr. Galarza is not a certified EMT; however, he was previously certified from 2016 to 2018, expired and reapplied on September 5, 2019. The Division of EMS received a tip-off about two things involving Mr. Galarza. The tip stated that Mr. Galarza never completed any continuing education for the prior or new certifications and that he continued to practice and hold himself out as an EMT for 183 calls when he wasn't certified. The Board issued a Notice of Opportunity for Hearing on unauthorized practice and failure to maintain continuing education records. The matter went to hearing on January 27, 2019 where the hearing examiner confirmed unauthorized practice and failure to maintain or produce any continuing education records and the recommendation is to revoke the 2016 to 2018 certification and deny the pending September 5, 2019 application.

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

Mr. Wright asked if Ms. Roberts or her attorney were present. No one was present.

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

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 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. 2018-557-F300, Jason L. Traxler, Certificate No. 148566
- Fire Case No. 2018-580-F300, Pat R. Antonelli, Certificate No. 50589
- Fire Case No. 2018-620-F300, Steven B. Kautz, Certificate No. 133313
- Fire Case No. 2018-661-F300, Bryan S. Gray, Certificate No. 103067
- Fire Case No. 2019-283-BF100, John E. Robinson, Certificate No. 174471
- Fire Case No. 2019-521-BF100, Jack E. Reall, Certificate No. 29359

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 affidavit and accompanying exhibits in the aforementioned cases into evidence. Mr. Marchetta – First. Mr. Snyder – Second. No abstentions. None opposed. Motion approved.

There being no further evidence, these proceedings were closed at 1:44 p.m.

ACTION: Motion to recess the meeting for the purpose of entering into quasi-judicial deliberations. Mr. Snyder– First. Mr. Ferguson – Second. No abstentions. None opposed. Motion approved.

REPORT AND RECOMMENDATION MOTIONS

ACTION: In the matter of Fire Case Number 2018-540-BF100, Justin M. Bancroft, Certificate Number 174354 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. Bancroft’s firefighter certifications. Mr. Snyder – First. Mr. Marchetta – Second. None opposed. Mr. Uhl - abstained. Motion approved.

ACTION: In the matter of Fire Case Number 2019-121-BF100, Heather Roberts, Certificate Number 175817, 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 suspend Ms. Robert’s firefighter certification. The Suspension shall be for a period of one (1) year, followed by three years of probation. Ms. Roberts, as a stipulation of her probation and on completion of said probation, shall submit a BCI&I check at renewal. Ms. Roberts shall complete all other standard conditions of renewal during the period of probation. The reason for this modification is due to the serious nature of the offenses. Mr. Snyder – First. Mr. Marchetta – Second. None opposed. None abstained. Motion approved.

ACTION: In the matter of Fire Case Number 2019-232-BF500, Ricardo Galarza, Jr., Certificate Number 171515, 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. Galarza’s firefighter certification. Mr. Snyder – First. Mr. Marchetta – Second. None opposed. Mr. Ferguson - abstained. Motion approved.

GOLDMAN MOTIONS

ACTION: In the matter of Fire Case Number 2018-557-F300, Jason L. Traxler, Certificate Number 148566, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Traxler failed to comply with continuing education requirements as indicated in the notice of opportunity for hearing and that Mr. Traxler's firefighter certification be revoked. Mr. Snyder – First. Mr. Marchetta – Second. None opposed. None abstained. **Motion approved.**

ACTION: In the matter of Fire Case Number 2018-580-F300, Pat R. Antonelli, Certificate Number 50589, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Antonelli failed to comply with continuing education requirements as indicated in the notice of opportunity for hearing and that Mr. Antonelli's firefighter certification be revoked. Mr. Snyder – First. Mr. Marchetta – Second. None opposed. None abstained. **Motion approved.**

ACTION: In the matter of Fire Case Number 2018-620-F300, Steven B. Kautz, Certificate Number 133313, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Kautz failed to comply with continuing education requirements as indicated in the notice of opportunity for hearing and that Mr. Kautz's firefighter certification be revoked. Mr. Snyder – First. Mr. Marchetta – Second. None opposed. None abstained. **Motion approved.**

ACTION: In the matter of Fire Case Number 2018-661-F300, Bryan S. Gray, Certificate Number 103067, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Gray failed to comply with continuing education requirements as indicated in the notice of opportunity for hearing and that Mr. Gray's firefighter certification be revoked. Mr. Snyder – First. Mr. Marchetta – Second. None opposed. Mr. Uhl - abstained. **Motion approved.**

ACTION: In the matter of Fire Case Number 2019-283-BF100, John E. Robinson, Certificate Number 174471, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Robinson has been convicted of theft while working as a firefighter, that he failed to report this conviction to the Executive Director, and that Mr. Robinson's firefighter certification be revoked. Mr. Snyder – First. Mr. Marchetta – Second. None opposed. None abstained. **Motion approved.**

ACTION: In the matter of Fire Case Number 2019-521-BF100, Jack E. Reall, Certificate Number 29359, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Reall has been convicted of Dereliction of Duty while working as a firefighter, that he failed to report this conviction to the Board, and that Mr. Reall's firefighter certifications be revoked. Mr. Snyder – First. Mr. Marchetta – Second. None opposed. Mr. Ferguson - abstained. **Motion approved.**

FIRE INVESTIGATIONS, STAFF

<i>ACTION: Motion to recommend to the Executive Director to close the following certification case.</i> Mr. Snyder – First. Mr. Marchetta – Second. None opposed. None abstained. Motion approved.	
2020-515-F500 *Refer to OSFM	

<i>ACTION: Motion to recommend to the Executive Director to close the following education case.</i> Mr. Snyder – First. Mr. Marchetta – Second. None opposed. None abstained. Motion approved.	
2020-520-F300 *Warning Letter to Program	

<i>ACTION: Motion to recommend to the Executive Director to accept the following education case.</i> Mr. Snyder – First. Mr. Marchetta – Second. None opposed. None abstained. Motion approved.	
2020-521-F300	

<i>ACTION: Motion to recommend to the Executive Director to accept the following Consent Agreements.</i> Mr. Snyder – First. Mr. Marchetta – Second. None opposed. Mr. Ferguson (2020-407-BF100) - abstained. Motion approved.	
2019-651-F300	2020-399-BF100
2020-111-BF100	2020-407-BF100
2020-365-BF100	2020-433-F100

<i>ACTION: Motion to recommend to the Executive Director to close the following cases.</i> Mr. Snyder – First. Mr. Marchetta – Second. None opposed. None abstained. Motion approved.	
2020-166-BF500	2020-279-BF500
2020-167-BF500	2020-317-BF100

<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. Snyder – First. Mr. Marchetta – Second. None opposed. None abstained. Motion approved.	
2017-467-F100	2019-166-BF100
2017-794-BF300	2019-177-F300
2018-175-F300	

ACTION: Motion to recommend to the Executive Director to close the following cases; accept surrendering of their respective certificates. Mr. Snyder – First. Mr. Marchetta – Second. None opposed. None abstained. **Motion approved.**

2018-496-F300
2019-648-F300
2019-661-F300
2020-159-F300

ACTION: Motion to recommend to the Executive Director to issue Notice of Opportunity for Hearings for the following cases. Mr. Snyder – First. Mr. Marchetta – Second. None opposed. Mr. Ferguson (- abstained. **Motion approved.**

2019-016-F300	2019-606-F300
2019-188-F100	2020-145-BF100
2019-354-BF300	2020-210-F100
2019-420-F300	2020-367-F300
2019-472-F300	2020-368-F300
2019-476-F300	2020-428-BF100
2019-477-F300	2020-434-F300
2019-569-F300	2020-543-BF100

ACTION: Motion to recommend to the Executive Director to issue Notice of Opportunity for Hearing upon sentencing in the following case. Mr. Snyder – First. Mr. Marchetta – Second. None opposed. Mr. Ferguson - abstained. **Motion approved.**

2020-120-BF100

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

2019-611-BF300	2020-451-BF100
2020-212-BF100	2020-452-F100
2020-424-F100	2020-456-BF100
2020-441-BF100	2020-495-F100
2020-450-BF100	2020-506-BF500

Old Business ~ none

New Business

Fire Exemption Requests (Military & Medical), Ellen Owens

Ms. Owens reported that there was one military exemption request from a firefighter II; 2020-12-1. He was activated approximately six months after his initial certification. The current rotation will not end until 1/1/2022. He does qualify for the extension under House Bill 197 and House Bill 404. He is aware that the committee does not normally give back to back exemptions. He is stateside currently. The Committee has the option to table this request until the time it gets closer to the end of HB 404 and revisiting it or approve his exemption.

ACTION: Motion to approve the military exemption of 2020-12-1. Mr. Ferguson– First. Mr. Marchetta – Second. No abstentions. None opposed. Motion approved.

ADJOURNMENT

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

The meeting adjourned at 2:00 p.m. The next meeting will be held February 11, 2020 at the Ohio Department of Public Safety via videoconferencing.