



Dudley H.A. Wright II, Chair
Kent Appelhans, 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

May 20, 2020

Immediately following the conclusion of the EMFTS Board meeting

~FINAL~

Committee Meeting Date and Location: Wednesday, May 20, 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, Rob Wagoner, and Michael Wise.

Assistant Attorney General: Lidia Mowad

Mr. Wright called the meeting to order at 12:10 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. Wise gave the phone number for anyone in the public to join the videoconference. Mr. Wright inquired if anyone wished to address the committee. There was not anyone present to address the committee.

FINAL

REVIEW AND APPROVAL OF CONSENT AGENDA

Mr. Wright requested a motion to approve the consent agenda to include the April 15, 2020 Firefighter and Fire Safety Inspector Training Committee meeting minutes, April 90-day extension requests, and April fire certifications.

ACTION: Motion to approve the Consent Agenda items to include the April 15, 2020 Firefighter and Fire Safety Inspector Training Committee meeting minutes, April 90-day extension requests, and April fire certifications. Mr. Resanovich - First. Mr. Snyder– Second. None abstained. None opposed. **Motion approved.**

FIRE EXEMPTION REQUESTS (Military & Medical), Jodie Parker

Ms. Parker reported that there was one military exemption request for 2020-5-01 for certification cycle June 30, 2017 to June 30, 2020 Staff has received all documentation and recommends approval.

ACTION: Motion to approve the military exemption request for 2020-5-01. Mr. Marchetta– First. Mr. Resanovich – Second. None opposed. None abstained. **Motion approved.**

Ms. Parker reported that there was one medical hardship exemption request for 2020-5-02 for certification cycle January 18, 2017 to January 18, 2020. Staff has received all documentation and recommends approval.

ACTION: Motion to approve the medical hardship exemption request for 2020-5-02.
Mr. Resanovich– First. Mr. Marchetta – Second. None opposed. None abstained. **Motion approved.**

Firefighter and Fire Fighter Safety Inspector Subcommittee Report ~ James Burke

The Firefighter and Fire Safety Inspector Training Subcommittee had a meeting on May 7, 2020 via Microsoft Teams.

The subcommittee reviewed the Fire Safety Inspector and Hazard Recognition Officer (HRO) skill sheets. A few changes need to be made before they are officially approved. An Ohio burn plan template was approved which can be used by all charters and will be posted on the EMS website. The subcommittee approved a pilot of a new version of the volunteer course. The DEMS staff has reached out to a few charters to pilot that volunteer course in June or July.

Mr. Burke reported that the DEMS staff has worked with 29 different charters that oversee 51 courses with 637 students since the state of the emergency due to the COVID-19 Pandemic. The DEMS staff appreciates the committee allowing them to continue to work with these charters to get the students successfully completed on their way to certification.

Mr. Ferguson praised and thanked Mr. Burke and the DEMS education staff on how they worked with the charters.

REPORT AND RECOMMENDATIONS

Mr. Wright, on behalf of the Firefighter and Fire Safety Inspector Training Committee, the proceedings were called to order at 12:10 p.m. on May 20, 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 are present. The committee will be reviewing the following cases:

Report and Recommendation Cases

- **Fire Case No. 2017-217-F100, Kevin A. Lambert, Certificate No. 178656**
- **Fire Case No. 2017-393-BF100, James J. Fields, Certificate No. 69437**

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

Fire Case No. 2017-217-F100, Kevin A. Lambert, Certificate No. 178656.

Mr. Lambert applied for an initial application as a volunteer firefighter whereas he disclosed a number of convictions. After an investigation, the Division discovered that Mr. Lambert actually pled guilty for aggravated robbery in 2007. At that time the Executive Director issued an Adjudication Order granting Mr. Lambert his certificate subject to conditions; specifically that Mr. Lambert submit a fitness for duty evaluation within 120 days (June 21, 2018) to the Executive Director. Mr. Lambert never submitted a fitness for duty evaluation. After multiple inquiries and reminders from the Division, the Executive Director issued another Notice of Opportunity for Hearing in September 2019 for failure to comply with the terms of the adjudication order. Mr. Lambert requested a hearing which went forward on December 16, 2019. Mr. Lambert appeared and testified that he did not understand the requirement and appreciated his certification. The Hearing Officer issued a report and recommendation recommending that the Executive Director revoke Mr. Lambert's conditional certificate. Since the Report and Recommendation was issued, Mr. Lambert submitted a fitness for duty evaluation on April 6, 2020, nearly two years late.

Fire Case No. 2017-393-BF100, James J. Fields, Certificate No. 69437.

Mr. Fields held a paramedic certificate which expired in August 2017. The Division of EMS was notified that Mr. Fields was convicted of a felony theft, a felony of the fifth degree, in 2018. The Division was notified that Mr. Fields was convicted of felony theft, an F5, in 2018. The underlying facts are that Mr. Fields was serving as the Pike County Firefighter's Association Treasurer when he stole \$3,830.00 from the Pike County Firefighter's Association. When Mr. Fields term ended, the succeeding treasurer reported 22 occasions where Mr. Fields transferred the Association's money to his personal account. Fields was charged, but took a plea deal and pled guilty to felony theft. A Notice for Opportunity for Hearing was sent on the basis of the felony conviction. Mr. Fields requested a hearing, but did not appear or otherwise participate. Hearing went forward on January 27, 2020 and Hearing Officer recommended that the Executive Director revoke Mr. Fields' certificates.

Mr. Wright inquired if Mr. Lambert or his attorney were present to address the committee. No one was present. Mr. Wise reported that Mr. Lambert did appear before the Hearing Officer. He was to submit a fit for duty; however, the second hearing was due to the fact that he had not submitted a fit for duty evaluation.

Mr. Wright inquired if Mr. Fields or his attorney, Mr. James Boulger were present. Mr. Fields stated that he did not make the hearing due to illness. He said he left a message with Ms. Moss. As the treasurer for the organization he stated that he is responsible for the electron withdrawals. He was made aware of the allegations after his term ended. He contacted attorney Mr. Boulger. Subsequently he was indicted and he took a plea agreement for a felony 5. He thanked the committee for the opportunity to speak.

Assistant Attorney General Mowad responded by stating that Mr. Fields contacted the hearing officer at 7:00 PM the night before the hearing. She did not grant a continuance. First, Mr. Fields, procedurally is just too late to assert these arguments. Mr. Fields did not participate in the Board's administrative process in any way or did he provide any objections to the hearing officer's report and recommendation. Instead, he waited until now to advocate for his certificate. The entire purpose of the administrative process is to establish facts and evidence about why the Board should or should not revoke a certificate. Here, the Board has no assurances about the credibility or authenticity of Mr. Fields or the evidence he presents. Second, beyond these procedural and evidentiary reasons why the Board should affirm the Report and Recommendation. Mr. Fields argument regarding his inadvertent withdrawals directly contradicts his prior guilty plea and his dispute lies with the Court, not with the Committee. Mr. Fields took a plea deal to a lesser charge, and was found guilty of R.C. 2913.02. R.C. 2913.02 provides that "No person, with purpose to deprive the owner of property or services, shall knowingly obtain or exert control over either the property or services...." So Mr. Fields pled guilty to *purposefully and knowingly* obtaining the money that was not his to take. Thus, Mr. Fields is disputing his conviction. In Exhibit F, p. 21-27, the Court details it's lengthy process of determining whether Mr. Fields understood his guilty plea. And, specifically on p. 23, the Court asked Mr. Fields personally whether he "wished to make a statement in the Defendant's own behalf or to present any information in mitigation of punishment, and the Defendant indicated that the Defendant had no statement." If Mr. Fields didn't purposefully or knowingly commit this crime, then he had an opportunity to dispute it and chose not to. Mr. Fields also had an opportunity to file a malpractice complaint to the Ohio Supreme Court or to appeal his plea based on the ineffective assistance of counsel. In each instance, it's the Court who has to decide these issue; not the committee. Mr. Fields is trying to undermine his conviction. Remember that a Notice of Opportunity for Hearing on whether Mr. Fields was convicted of a felony or not. Mr. Fields undeniably has been convicted of a felony and the Committee has the authority and evidence to revoke this certificate.

- Fields contact the hearing officer at 7:00 PM on the night before the hearing. The Hearing Officer makes the decision whether to continue or not and here, the Hearing Officer denied that request because of the last-minute nature and all of the other participants that would be present the next morning.
- The letters sent with the R&R with instructions regarding objections do not restrict objections to just procedural ones.

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 five cases. The proceedings were in the matter of:

- **Fire Case No. 2018-502-BF300, Jeffrey D. Hickey, Certificate No. 61545**

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. Snyder – First. Mr. Resanovich – Second. No abstentions. None opposed. ***Motion approved.***

There being no further evidence, these proceedings were closed at 12:26 p.m.

REPORT AND RECOMMENDATION MOTION

ACTION: *In the matter of Fire Case Number 2017-217-F100, Kevin A. Lambert, Fire Certificate Number 178656, 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 examiner to revoke Mr. Lambert's fire certification.* Mr. Snyder – First. Mr. Uhl – Second. None opposed. None abstained. ***Motion approved.***

ACTION: *In the matter of Fire Case Number 2017-393-BF100, James J. Fields, Fire Certificate Number 69437, 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 examiner to revoke Mr. Fields' fire certifications.* Mr. Snyder – First. Mr. Marchetta – Second. None opposed. None abstained. ***Motion approved.***

GOLDMAN MOTIONS

ACTION: *In the matter of Fire Case Number 2018-502-BF300, Jeffrey D. Hickey, Fire Certificate Number 61545, the Committee recommends that the Executive Director issue an adjudication order finding that Mr. Hickey failed to comply with continuing education requirements as indicated in the Notice of Opportunity for Hearing and that Mr. Hickey's volunteer firefighter certification be revoked.* Mr. Snyder – First. Mr. Marchetta – Second. None opposed. None abstained. ***Motion approved.***

FIRE INVESTIGATIONS, STAFF

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

ACTION: Motion to recommend to the Executive Director to accept the following Consent Agreements. Mr. Snyder – First. Mr. Marchetta – Second. None opposed. None abstained. **Motion approved.**

2019-027-BF100
2019-698-BF100
2020-033-F100
2020-104-BF100

ACTION: Motion to recommend to the Executive Director to close the following cases. Mr. Snyder – First. Mr. Marchetta – Second. None opposed. None abstained. **Motion approved.**

2020-041-F500
2020-053-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. Marchetta – Second. None opposed. Mr. Ferguson - abstained. **Motion approved.**

2017-639-F300

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

2019-521-BF100

Old Business ~ none

New Business ~ none

ADJOURNMENT

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

The meeting adjourned at 12:35 p.m. The next meeting will be held June 17, 2020 at the Ohio Department of Public Safety, via Microsoft Teams following the EMFTS Board meeting but not before 12 noon.