



West Licking Joint Fire District  
851 East Broad Street  
Pataskala, Ohio 43062

*Board of Trustees*

## MEETING MINUTES

July 10, 2014

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Mark Van Buren opened the meeting at 7:00 p.m., and led the Pledge of Allegiance.

### ROLL CALL:

Jersey – Derek Myers

Harrison – Mark Van Buren

Etna – Randy Foor

Kirkersville – Brian Denton

Pataskala – Tim Hickin

Reynoldsburg – Cornelius McGrady III

### OPEN DISCUSSION:

### EXECUTIVE SESSION:

Mr. Myers motioned to go into executive session to conference with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action (State ex rel. Davis v. Metzger, Case No. 11-CA-130. Mr. Hickin seconded. Vote: Denton – yes; McGrady – yes; Van Buren – yes; Foor – yes; Hickin – yes; Myers – yes. **Motion carried.** The Board went into executive session at 7:03 p.m.

Mr. Denton motioned to come out of executive session at 7:25 p.m. Mr. Myers seconded. Vote: Denton – yes; McGrady – yes; Van Buren – yes; Foor – yes; Hickin – yes; Myers – yes. **Motion carried.**

Mr. McGrady motioned to go into executive session for the purpose of meeting with attorneys to consider the employment, dismissal, discipline and/or the investigation of charges or complaints against a public employee. ORC 121.22. Mr. Denton seconded. Vote: Denton – yes; McGrady – yes; Van Buren – yes; Foor – yes; Hickin – yes; Myers – yes. **Motion carried.** The Board went into executive session at 7:26 p.m.

Mr. Hickin motioned to come out of executive session at 8:09 p.m. Mr. Denton seconded. Vote: Denton – yes; McGrady – yes; Van Buren – yes; Foor – yes; Hickin – yes; Myers – yes. **Motion carried.**

**Charge No. 1:** Fire Chief David B. Fulmer repeatedly violated the provisions of Policy 700.07 (Technology) through his deliberate misuse and reckless mismanagement of District-owned laptop computers and thereby committed misconduct in office, malfeasance, nonfeasance, and gross neglect of duty.

**First Specification:** Chief Fulmer or family members whom he allowed to access the District's laptop computers used the computers to visit websites or material containing pornography, in violation of the "personal use" provisions of Policy 700.07.

Mr. McGrady motion there is evidence to support the first specification of Charge No. 1. Mr. Denton seconded.

Mr. Myers stated there is evidence to support the first specification. In exhibit 19 page 111 dated January 20, 2012 Chief Fulmer was viewing pornographic cakes that are very graphic. Chief Fulmer admitted to viewing these photos of cakes that were sexually explicit.

Mr. Foor stated Chief Fulmer in his testimony stated that he would like to be the chief of this District again at one point and time because he thought we had the ability to be one of the best Districts around, and as the leader of that District I think you need to hold yourself to a higher standard. When there are pictures of scantily clad women on a laptop that you admit looking at, I think you want to hold yourself above question and above being asked about these types of things, you should hold yourself to a higher standard.

Mr. Van Buren stated that Chief Fulmer admitted to allowing family members to use the Mac laptop computer. Also, the videos were downloaded from an external hard drive that had his name attached to it. He also visited the gentleman's club site and to sit here and tell me that it wasn't sexually explicit, I saw the pictures and they were sexually explicated.

Mr. Hickin stated that slide 112 is definitely pornographic and yes there is evidence to support the charge.

Vote: Denton – yes; McGrady – yes; Van Buren – yes; Foor – yes; Hickin – yes; Myers – yes. **Motion carried.**

**Second Specification:** Chief Fulmer or his family members used the District-owned MacBook to view sexually-explicit websites.

Mr. Myers motioned there is evidence to support the second specification of Charge No. 1. Mr. McGrady seconded.

Mr. Hickin stated the slides that are presented in Exhibit 19 are for the promotion of the Gentleman's Club and they are sexually explicit and directly from the Gentleman's Club website. Chief Fulmer admitted to viewing the website and the pictures contained within the website. This is sufficient evidence to support the second specification.

Mr. McGrady looking for a spot to take some colleagues to I will say that's unprofessional.

Mr. Van Buren why is a public owned laptop in North Carolina on a trip that has nothing to do with the District.

Vote: Denton – yes; McGrady – yes; Van Buren – yes; Foor – yes; Hickin – yes; Myers – yes. **Motion carried.**

**Third Specification:** Chief Fulmer or his family members used the District's laptop computer to view websites and images that were discriminatory based on race, religion, national origin, and sexual orientation in violation of the Technology Policy.

Mr. McGrady motioned there is evidence to support the third specification of Charge No. 1. Mr. Hickin seconded.

Mr. McGrady I am still under contract by the military to facilitate the Equal Opportunity Course and I find it interesting that when caught with their hand in the cookie jar they try to blame it on someone else. Just because one ethnicity uses terminology on a regular basis to refer to someone of the ethnicity does not make it correct to be used in anyone's presence and it should not be used ever.

Mr. McGrady stated on the cartoons the bottom line is somewhere along the lines Chief Fulmer gives the appearance that he had a comfort zone in bashing the ethnic groups. But you have a policy here and a population where just last year this relationship would influence. The self-gratitude, the self-absorption of the degradation of the various ethnic groups is unprofessional.

Mr. Van Buren stated that these cartoons and with large Somalian population of the District and what would it say of the leader of the Fire District if it got out to those ethnic groups that he is making fun of them. Are they going to call us if they need help, are they going to believe us when we show up to help them. You don't do that. There is no room for this in this Fire District, there is no room for anyone in this Fire District who would look at this cartoon and think this is funny.

Mr. Van Buren stated when you look at the cartoon about going back in time and punish polish boys, they should be fired. I have been to Germany and viewed the concentration camps and the gas chambers and saw the types of punishment that went on. This is not funny. It is wrong.

Vote: Denton – yes; McGrady – yes; Van Buren – yes; Foor – yes; Hickin – yes; Myers – yes. **Motion carried.**

Mr. Myers motioned to terminate Chief Fulmer based on the evidence for Charge No. 1 Specifications 1 – 3 effective immediately. Mr. Denton seconded.

Mr. Foor stated he agrees with Mr. Myers. Chief Fulmer did clearly violate the policy and clearly exposes the District and as stated before, as Chief you have to hold yourself to higher standard.

Vote: Denton – yes; McGrady – yes; Van Buren – yes; Foor – yes; Hickin – yes; Myers – yes. **Motion carried.**

**Charge No. 2:** Chief David Fulmer used the Dell and MacBook Pro laptops owned by the District for private business ventures for profit in violation of the Technology Policy, which constitutes both misconduct in office and malfeasance.

**First Specification:** Chief Fulmer used the laptop computer in connection with paid training and speaking work separate from his pay and duties as Fire Chief.

Mr. McGrady motioned there is sufficient evidence to support the First Specification of Charge No. 2. Mr. Myers seconded.

Mr. Van Buren stated Chief Fulmer the contract for speaking arraignment was a valid contract and the computer contained information from the Double Take Hunt Club. The contract was there and Chief Fulmer was compensated \$1,000.00 for the speaking engagement and this was not related to the Fire District.

Vote: Denton – yes; McGrady – yes; Van Buren – yes; Foor – no; Hickin – yes; Myers – yes. **Motion carried.**

**Second Specification:** Chief Fulmer used both laptop computers in connection with a private hunt club that he and his brother run called the Double Take Hunt Club in violation of the Technology Policy.

Mr. Denton motioned there is sufficient evidence to support the Second Specification of Charge No 2. Mr. McGrady seconded.

Vote: Denton – no; McGrady – no; Van Buren – no; Foor – no; Hickin – no; Myers – no. **Motion failed.**

Mr. Van Buren stated on Charge No. 2 Specification One there was sufficient evidence to support and on Specification Two there was not sufficient evidence to support.

Mr. Foor motioned to drop Charge No. 2. Mr. Denton seconded.

Mr. Myers stated Chief Fulmer was found guilty of Specification No. 1.

Vote: Denton – no; McGrady – no; Van Buren – no; Foor – yes; Hickin – no; Myers – no. **Motion failed.**

Mr. Hickin motioned Chief Fulmer was found guilty of Charge No. 2, Specification One and disciplinary action of a letter of reprimand. Motion dies due to lack of a second.

Mr. Myers motioned to discipline Chief Fulmer for Charge No. 2, Specification One with a six month suspension without pay, the signing of a last chance agreement concerning the Technology Policy. Mr. Foor seconded.

Mr. McGrady motioned to amend the original motion to be a last chance agreement with the stipulation of violating any policy. Mr. Denton seconded.

Mr. Myers motioned to amend the motion to include if Chief Fulmer does not accept the Last Chance Agreement the disciplinary action for Charge No. 2, Specification One is termination.

Vote on the seconded amendment to original motion: Denton – yes; McGrady – yes; Van Buren – yes; Foor – yes; Hickin – no; Myers – yes. **Motion carried.**

Vote on the first amendment to the original motion: Denton – yes; McGrady – yes; Van Buren – yes; Foor – yes; Hickin – yes; Myers – yes. **Motion carried.**

Vote on the motion as amended: Denton – yes; McGrady – yes; Van Buren – yes; Foor – yes; Hickin – no; Myers – yes. **Motion carried.**

**Charge No. 3:** Chief Fulmer's mismanagement of the laptop computers and claimed lack of responsibility for enforcing policies constitute gross neglect of his duties and misfeasance or nonfeasance.

**First Specification:** Chief Fulmer's claimed lack of knowledge of District policies and his failure to enforce them shows incompetence and a serious failure to meet the responsibilities of his position.

Mr. McGrady motioned there is sufficient evidence to support the First Specification of Charge No. 3. Mr. Hickin seconded.

Vote: Denton – yes; McGrady – yes; Van Buren – yes; Foor – no; Hickin – no; Myers – yes. **Motion carried.**

**Second Specification:** Chief Fulmer failed to secure and protect information on two District laptop computers in violation of District policies and competent performance of his duties.

Mr. Hickin motioned there is sufficient evidence to support the Second Specification of Charge No. 3. Mr. McGrady seconded.

Vote: Denton – yes; McGrady – yes; Van Buren – yes; Foor – yes; Hickin – yes; Myers – yes. **Motion carried.**

Mr. Van Buren stated both specifications of Charge No. 3 were upheld.

Mr. Denton motioned to terminate Chief Fulmer based on Charge No. 3, Specifications one and two, effective immediately. Mr. McGrady seconded.

Vote: Denton – yes; McGrady – yes; Van Buren – yes; Foor – no; Hickin – no; Myers – yes. **Motion carried.**

**Charge No. 4:** Chief Fulmer was dishonest in the interview – both through outright lies and through evasion and intellectual dishonest – in direct violation of orders he received at the outset. This constitutes misconduct in office and malfeasance through insubordination.

Mr. Myers motioned there is sufficient evidence to support Charge No. 4. Mr. Van Buren seconded.

Vote: Denton – yes; McGrady – yes; Van Buren – yes; Foor – yes; Hickin – yes; Myers – yes. **Motion carried.**

Mr. Myers motioned to terminate Chief Fulmer immediately based on Charge No. 4. Mr. Van Buren seconded.

Vote: Denton – yes; McGrady – yes; Van Buren – yes; Foor – yes; Hickin – yes; Myers – yes. **Motion carried.**

**Charge No. 5:** Fire Chief David B. Fulmer violated the provisions of Policy 700.07 (Technology) by using a District owned cell phone to transmit an image of a naked woman's torso and exposed breasts to Terra Metzger, a prospective employee who had accepted a job offer and was about to start work as the District's human resources officer.

Mr. Myers moved Charge No. 5 be dropped as policy was not in place at the time of the violation. Mr. Hickin seconded.

Vote: Denton – no; McGrady – yes; Van Buren – no; Foor – yes; Hickin – yes; Myers – yes. **Motion carried.**

Charge No. 5 was dismissed.

**Charge No. 6:** Chief David Fulmer violated the District's sexual harassment policy, which constitutes both misconduct in office and malfeasance.

Mr. Myers motioned there was sufficient evidence to support Charge No. 6. Mr. Foor seconded.

Discussion among the Board concerning Chief Fulmer's actions that violated the sexual harassment policy.

Mr. Van Buren stated it is quid pro quo.

Vote: Denton – yes; McGrady – yes; Van Buren – yes; Foor – yes; Hickin – yes; Myers – yes. **Motion carried.**

Mr. Myers motioned to terminate Chief Fulmer effective immediately based upon Charge No. 6.

Vote: Denton – yes; McGrady – yes; Van Buren – yes; Foor – yes; Hickin – yes; Myers – yes. **Motion carried.**

Mr. Van Buren called for a recess.

Mr. Van Buren called the meeting back to order at 10:07 p.m. with all members of the Board present.

Jack Treinish, Acting Battalion Chief presented to the Board the documentation for a BWC Grant to have exhaust systems installed at all three stations at a cost of \$98,891.00. The grant is for \$40,000.00 and the Fire District is responsible for the balance. The cost included all equipment, mechanical installation, electrical installation, tailpipe modifications, training, and a 5 year warrant. BC Treinish stated the turnaround time for the approval of grant is 3 – 4 weeks. If approved, the District will have 90 days to spend the grant money.

Mr. Myers motioned to approve the submittal of BWC Grant for an exhaust system to be installed at all three stations. Mr. McGrady seconded. Vote: Denton – yes; McGrady – yes; Van Buren – yes; Foor – yes; Hickin – yes; Myers – yes. **Motion carried.**

Acting Chief Todd Magers swore in new Full-Time Firefighter James McVay.

## **LOCAL 3025**

Still selling raffle tickets for the Camaro.

## **APPROVAL OF MINUTES:**

Mr. Myers motioned to approve the June 12, 2014 Regular Board Meeting minutes. Mr. Denton seconded. Vote: Denton – yes; McGrady – yes; Van Buren – yes; Foor – yes; Hickin – yes; Myers – yes. **Motion carried.**

Mr. Denton motioned to approve the June 17, 2014 Special Board Meeting minutes. Mr. McGrady seconded. Vote: Denton – yes; McGrady – yes; Van Buren – yes; Foor – yes; Hickin – yes; Myers – yes. **Motion carried.**

#### **APPROVAL OF FINANCIAL STATEMENTS:**

Mr. Foor motioned to approve the June 2014 Bank Reconciliation, STAR Ohio Investment, and CDARS Statements. Mr. Denton seconded. Vote: Denton – yes; McGrady – yes; Van Buren – yes; Foor – yes; Hickin – yes; Myers – yes. **Motion carried.**

#### **APPROVAL OF VOUCHERS:**

Mr. McGrady motioned to approve warrants 5151 - 5218. Mr. McGrady seconded. Vote: Denton – yes; McGrady – yes; Van Buren – yes; Foor – yes; Hickin – yes; Myers – yes. **Motion carried.**

#### **ADMINISTRATOR REPORT:**

A. Interim Administrator Steven Little informed the Board it has been determined the best option for connectivity is through fiber optics. This is also the optimum connectivity for locution. The fee to install fiber optic is \$500.00 per station and the monthly fee is \$450.00 per station.

Mr. Foor motioned to approve the installation of fiber optics at each station for the locution and increased connectivity. Mr. McGrady seconded. Vote: Denton – yes; McGrady – yes; Van Buren – yes; Foor – yes; Hickin – yes; Myers – yes. **Motion carried.**

B. Mr. Little informed the Board the BWC reports are completed and filed.

C. Mr. Little informed the Board he has upgraded our broadband service to a wideband service but there are still issues. Mr. Little inquired if Mr. Myers would meet to discuss long term solutions for connectivity and the Locution system. Mr. Myers stated he would.

D. Mr. Little informed the Board, included in the Board packet, is Rich Pierce's resignation.

Mr. Foor motioned to accept Mr. Pierce's resignation. Mr. Myers seconded. Vote: Denton – yes; McGrady – yes; Van Buren – yes; Foor – yes; Hickin – yes; Myers – yes. **Motion carried.**

E. Mr. Little informed the Board the Table of Organization is included in their packet as requested

F. Mr. Little informed the Board he has confirmed with the attorneys since the District has meet its look back period for the Affordable Health Care Act, the extensions that have been put in place with AHCA, and the current shortage of part-time firefighters the District could increase the number of hours a part-time firefighter can work up to 48 hours until November 1.

Mr. Denton motioned to increase the Part-time Firefighter hours to 48 through the 1<sup>st</sup> of November 2014. Mr. McGrady seconded. Vote: Denton – yes; McGrady – yes; Van Buren – yes; Foor – yes; Hickin – yes; Myers – yes. **Motion carried.**

#### **CHIEFS' REPORT:**

A. Acting Chief Todd Magers informed the Board the Peer Fitness Trainer class is full. We did go over the allotted 25 for the class so the additional money collected for those students over the 25 is paid to IAFF – Peer Fitness to offset the cost of them providing additional instructors.

- B. AC Magers informed the Board he has been working with the Dispatch Center and the issues are getting resolved.
- C. AC Magers informed the Board BC Tom Bingham is currently in charge of building maintenance and he would like to discuss the water problem at Station 1.

BC Bingham informed the Board he and FF Watling feel they determined the water leaking issue that occurs in the training room. They have found that the water is actually coming in through the west wall. The materials used during construction were not properly installed or sealed. BC Bingham stated he is going to have several contractors' give estimates to repair or replace the west wall and will keep the Board up to date with information as he obtains it.

- D. AC Magers informed the Board he is obtaining estimates to fix the frame on the engine at Station 2. He wants to see if it would be more cost effective to fix the frame instead of replacing the engine.
- E. AC Magers informed the Board there is a list of items in the Board packet to surplus.

Mr. Myers motioned to surplus the list of items presented in this month's Board Packet. Mr. Foor seconded. Vote: Denton – yes; McGrady – yes; Van Buren – yes; Foor – yes; Hickin – yes; Myers – yes. **Motion carried.**

#### **ASSISTANT CHIEFS' REPORT:**

- A. Assistant Chief Williams informed the Board at the Fire Prevention Officers meeting they are working on the Fire Prevention Open House scheduled for October 4, 2014 and would like to request \$500.00 to spend for the Open House.

Mr. Denton motioned to approve the spending of \$500.00 towards the Fire Prevention Open House. Mr. McGrady seconded. Vote: Denton – yes; McGrady – yes; Van Buren – yes; Foor – yes; Hickin – yes; Myers – yes. **Motion carried.**

- B. AC Williams informed the Board there are updated Fire Protection Regulation that need to approval. Mr. McGrady motioned to adopt the Revised Fire Protection Regulations dated July of 2014. Mr. Van Buren seconded. Vote: McGrady – yes; Van Buren – yes; Foor – yes; Hickin – yes; Myers – yes. **Motion carried.**

- C. AC Williams informed the Board the monthly Activity Reports that are included in their packets are now color coded; blue is for EMS, red is Fire, and green is for Fire Prevention.

#### **FISCAL OFFICER'S REPORT:**

- A. Donna Hubner, Fiscal Officer presented **Resolution 2014-08** A Resolution Declaring It Necessary To Levy A Tax In Excess Of The Ten-Mill Limitation and **Resolution 2014-09** A Resolution Declaring It Necessary To Levy A Tax In Excess Of The Ten-Mill Limitation.

Mr. Myers motioned to adopt Resolutions 2014-08 and 2014-09. Mr. Denton seconded. Vote: Denton – yes; McGrady – yes; Van Buren – yes; Foor – yes; Hickin – yes; Myers – yes. **Motion carried.**

Mr. Myers requested the Sexual Harassment Policy be updated.



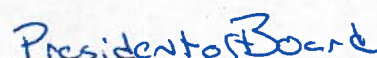
here being no further business, Mr. Van Buren adjourned the meeting at 11:11 p.m.

Respectfully submitted,



Donna M. Hubner  
Fiscal Officer

APPROVED:

  
\_\_\_\_\_  
Board of Trustees  
\_\_\_\_\_  
Title

Note: These minutes are unofficial, subject to amendment, until approved by the Fire Board Members.