



West Licking Joint Fire District

851 East Broad Street  
Pataskala, Ohio 43062

## SPECIAL MEETING MINUTES

*Board of Trustees*

June 3, 2014

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Mark Van Buren opened the meeting at 6:12 p.m., and Mr. Holthus 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

Mr. Douglas Holthus stated the purpose of the meeting tonight was to conduct a hearing on Mr. Duckett's recent investigative charges into the conduct of Chief David Fulmer. This afternoon at approximately 3:00 p.m. we were advised that Mr. Bittner on behalf of Chief Fulmer had filed in the Court of Common Pleas, Licking County Ohio, an appeal under Revised Code 2506 claiming that the Board prior decision that Mr. Bittner had a conflict with the Board. Mr. Bittner filed his Notice of Appeal together with a Motion for Stay. At approximately 5:00 p.m. this afternoon that Judge Marcelain signed that order staying these proceedings without addressing the merits of Mr. Bittner's Notice of Appeal and for that reason we are going to suggest to the Board to respect Judge Marcelain's decision and order in respect to the stay and stay these proceedings. Mr. Holthus recommended to the Board that given this new development they go into executive session to discuss this new pending litigation and personnel matters.

Mr. Paul Bittner stated he filed a Notice of Appeal under 2506 which is the provisions of the Revised Code that governs appeals from administrative bodies. It is our intention that a decision was made by the Board that a conflict of interest existed in Mr. Bittner's representation of Chief Fulmer and that was communicated to them by Mr. Fishel approximately last Wednesday. Mr. Bittner was advised that he could not participate in the hearing as an advocate for his client. In addition to that, he did respond to that communication on Friday May 30<sup>th</sup> with points in disagreement with that position. Mr. Bittner stated on Monday we were advised not only was I disqualified but also my entire firm so my colleague Angela Courtwright would presumably also be disqualified. It is our position that under case law in Ohio this disqualification of an attorney from a proceeding is a final appealable order so that entitles us to appeal to Common Pleas Court. Mr. Bittner stated we don't intend to try and prevent this Board from having an evidentiary hearing on the charges that have been brought; we just need to get a determination made if I or my firm can participate on behalf of Chief Fulmer as his council. If there is a conflict, and the Board believes there is a conflict, that has to be determined from notice and hearing presumably in front Judge Marcelain or the Board can consider waiving the conflict but I cannot advise you of that. If that is the case, Chief Fulmer would be interested in discussing possibly dismissing the appeal filed on this issue.

Mr. Holthus stated the stay which was entered very late today does not address the merit of the positions taken by the Board or Mr. Bittner.

### EXECUTIVE SESSION:

Mr. Myers motioned to go into executive session to discuss pending or imminent litigations and to discuss the discipline of a public employee at 6:18 p.m. Mr. McGrady seconded. Vote: Van Buren – yes; McGrady – yes; Denton – yes; Foor – yes; Hickin – yes; Myers – yes. **Motion carried.**

Mr. Foor left the meeting at 6:48 p.m. to attend an Etna Township meeting.

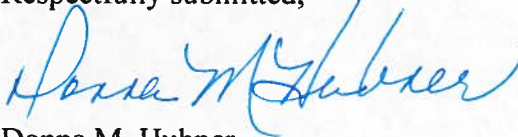
Mr. Denton motioned to come out of executive session at 6:51 p.m. Mr. Hickin seconded. Vote: Denton – yes; Van Buren – yes; McGrady – yes; Hickin – yes; Myers – yes. **Motion carried.**

Mr. Myers motioned to waive the conflict if any exists for the purposes of the pending charges against Chief Fulmer for this hearing only for Paul Bittner and the entire Ice Miller Law Firm and any of the party's subsequent appeals that may exist on this hearing. Mr. McGrady seconded. Vote: Denton – yes; Van Buren – yes; McGrady – yes; Hickin – yes; Myers – yes. **Motion carried.**

Mr. Hickin motioned to reschedule the disciplinary hearing that was originally scheduled for June 3, 2014 be held on June 17, 2014 at 6:00 p.m. Mr. McGrady seconded. Vote: Denton – yes; McGrady – yes; Van Buren – yes; McGrady – yes; Hickin – yes. **Motion carried.**

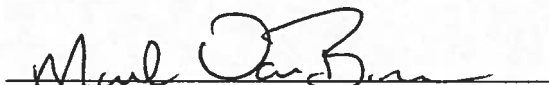
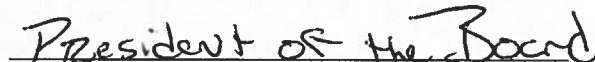
There being no further business, Mr. Van Buren adjourned the meeting at 6:55 p.m.

Respectfully submitted,



Donna M. Hubner  
Fiscal Officer

APPROVED:

  
Board of Trustees  
President of the Board  
Title

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