

**BEFORE THE STATE OF DELAWARE
FIRE PREVENTION COMMISSION**

IN RE:)
)
ROBERT A. HYNES, JR.)

ORDER

An evidentiary hearing was held before the Delaware State Fire Prevention Commission (the “Commission”) on January 18, 2011, after due notice to Robert A. Hynes, Jr. in accordance with the order dated August 26, 2010 issued the Commission temporarily suspending the Emergency Medical Technician-B certification of Robert A. Hynes, Jr. and scheduling a final hearing pursuant to 16 *Del. C.* §6712A.

Pursuant to Commission regulation 710, section 14.4.3 an Emergency Medical Technician-B will lose their certification to provide patient care if “[t]he individual is convicted of an offense as specified in 16 *Del. C.* §6712(b) while currently certified”. In relevant part, 16 *Del. C.* § 6712(b)(2)(a) states that certification must be denied if the individual is currently incarcerated, on work release, on probation, or on parole.

A quorum of the Commission members deliberated and voted on the decertification of Robert A. Hynes, Jr. Mr. Hynes was not present, nor represented by counsel or other representative. Erika Y. Tross, Deputy Attorney General presented the case on behalf of the State of Delaware. Elio Battista, Jr., Deputy Attorney General, advised the Commission.

SUMMARY OF THE EVIDENCE

On or about August 19, 2010, Mr. Hynes was charged with the felony of seventh offense, after six prior offenses, of driving a vehicle under the influence of alcohol. Ms. Tross entered into evidence as Exhibit A the Commission's order dated August 26, 2010 temporarily suspending the certification of Mr. Hynes pursuant to 16 *Del. C.* §6712A (a).

Notice of the hearing was provided to Mr. Hynes pursuant to 16 *Del. C.* §6712A (b) which consisted of a copy of the temporary suspension order and the court document charging Mr. Hynes. Ms. Tross entered into evidence as Exhibit B a copy of the notice provided to Mr. Hynes. A copy of the criminal complaint was entered into evidence by Mr. Tross as Exhibit C.

On December 13, 2010 the charges against Mr. Hynes were amended to include the charge of driving a motor vehicle while under the influence of alcohol, drugs or a combination of both in violation of 21 *Del. C.* §4177(a). A copy of the amended complaint and charges was entered into evidence by Ms. Tross as Exhibit D.

On December 20, 2010, Mr. Hynes was adjudged guilty of a fifth offense of driving under the influence, which is a Class E felony. Mr. Hynes was sentenced by the court to five years at Level 5 suspended after nine months and upon completion of the required class, 15 months supervision at Level 3. The court also ordered that Mr. Hynes lose his driving licenses and privileges for a period of 60 months. A copy of the sentencing order was entered into evidence by Ms. Tross as Exhibit E.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Commission has considered the arguments and exhibits entered into evidence on behalf of the State of Delaware. Mr. Hynes was provided with proper and timely notice pursuant to 16 *Del. C.* §6712A (b) and informed of his rights pursuant to 29 *Del. C.* §10122. . No testimony or evidence

was presented by Mr. Hynes, counsel or other representative.

Pursuant to Commission regulation 710, section 14.4.3 the Commission has the authority to decertify an Emergency Medical Technician-B if that individual is convicted of an offence as specified in 16 *Del. C.* §6712(b).

The Commission finds by the affirmative vote of the undersigned members, after consideration of the above criteria that substantial evidence has been presented to support decertification of Robert A. Hynes, Jr.'s as an Emergency Medical Technician-B.

ORDER

The Delaware State Fire Prevention Commission, by majority voted to decertify Robert A. Hynes, Jr. as an Emergency Medical Technician-B in the State of Delaware.

IT IS SO ORDERED this ____ day of February, 2011.

DELAWARE STATE FIRE PREVENTION COMMISSION

Bob Ricker, Chairman

David J. Roberts, Vice Chairman

Marvin Sharp, Commissioner

Kevin Wilson, Commissioner

Douglas S. Murray, Commissioner

Tom DiCristofaro, Commissioner

Alan Robinson, Commissioner

Date Mailed: _____