

**BEFORE THE DELAWARE STATE  
FIRE PREVENTION COMMISSION**

**IN RE:** )  
 ) **ORDER**  
**Allen Parsons, Jr.** )  
 )

A hearing was held before the Delaware State Fire Prevention Commission (the “Commission”) on April 16, 2013, after due notice to Allen Parsons, Jr. (“Parsons”) with respect to consideration of decertification of Parsons as an EMT-B pursuant to 16 *Del. C.* §§ 6712(b) and 6712(c)(1).

Pursuant to 16 *Del. C.* §6712(b) the following provisions apply to with respect to criminal history record requirements for certification of an EMT-B:

(b) Upon application, the Commission or its governmental designee shall acquire and review the state and federal criminal history records for the applicant and may interview the applicant. If the Commission determines that the applicant meets the requirements of this section and of its regulations, then it shall issue a certificate to the applicant, subject to the following provisions:

(1) Certification must be denied to an applicant convicted of the following crimes:

a. A felony involving sexual misconduct where the victim's failure to affirmatively consent is an element of the crime, such as forcible rape;

b. A felony involving the sexual or physical abuse of a child or of a person who is elderly or impaired, such as sexual misconduct with a child, sexual exploitation of a child, making or distributing child pornography, incest involving a child, or assault on a person who is elderly or impaired;

c. A crime in which the victim is an out-of-hospital patient or a patient or resident of a health care facility, including abuse, neglect or theft from or financial exploitation of a person entrusted to the care or protection of the applicant.

(2) Certification must be denied to an applicant convicted of the following crimes, except in extraordinary circumstances:

a. Any crime for which applicant is currently incarcerated, on work release, on probation, or on parole;

b. A crime in the following categories, unless at least 5 years have passed since the applicant's conviction or at least 5 years have passed since the applicant was released from custodial confinement, whichever occurs later:

1. A serious crime of violence against a person, such as assault with a dangerous weapon, aggravated assault, murder or attempted murder, manslaughter (other than involuntary manslaughter), kidnapping, robbery of any degree, or arson;

2. A crime involving a controlled substance or designer drug, including unlawful possession or distribution of, or intent to unlawfully possess or distribute, a controlled substance in Schedules I through V of the Uniform Controlled Substances Act of Chapter 47 of this title;

3. A serious crime involving property, such as arson, burglary, embezzlement or insurance fraud;

4. Any crime involving sexual misconduct.

(3) In extraordinary circumstances, certification granted pursuant to paragraph (2) of this subsection may be granted only if the applicant establishes by clear and convincing evidence that certification will not jeopardize public health and safety.

Pursuant to 16 *Del. C.* §6712(c)(1) the following provisions apply to with respect to decertification of an EMT-B:

(c)(1) .... The Commission may decertify any ambulance attendant or EMT at any time it determines that the person no longer meets the qualifications prescribed for certification.

A quorum of the Commission members deliberated and voted. Parsons was present and waived his right to be represented by legal counsel. Peter Jamison, Deputy Attorney General, presented the complaint. Andrew G. Kerber, Deputy Attorney General, advised the Commission.

## SUMMARY OF THE EVIDENCE

Commission Chairman David Roberts opened the hearing with preliminary comments. Mr. Jamison called Parsons as a witness and presented the following documents into the record:

States 1 - Indictment by the Grand Jury of Sussex County dated September 24, 2012;

States 2 - Plea Agreement from Superior Court of Sussex County dated January 9, 2013;

States 3 – Sentencing Order from Superior Court of Sussex County dated January 9, 2013; and

States 4 – Criminal Docket from Superior Court of Sussex County dated April 12, 2013.

Parsons testified that he currently was not employed but previously had been employed as a police officer for the Town of Bridgeville for 27 years and prior to that as a police officer for the Town of Laurel for four and one-half years. Parsons acknowledged that he was still on probation under the Sentencing Order , but had sent a letter to the Superior Court on March 22, 2013 seeking sentencing review to end his probation. Parsons acknowledged taking \$3,650 from the Bridgeville Police evidence locker, but agreed to pay in his Plea Agreement and actually paid \$14,546 in restitution. Parsons testified that was not responsible for items missing from the Bridgeville Police evidence locker after he was discharged from his employment, but he agreed to make the payment in the Plea Agreement. In the Plea Agreement, Parson’s pled guilty to two misdemeanor counts, Official Misconduct and Misapplication of Property, and was sentenced to one year probation (which will end on January 9, 2014).

## **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Commission has considered the sworn testimony and the exhibits entered.

Parson's pled guilty to two misdemeanor counts, Official Misconduct and Misapplication of Property, and was sentenced to one year probation through January 9, 2014. Parsons acknowledged taking \$3,650 from the Bridgeville Police evidence locker, but agreed to pay in his Plea Agreement and actually paid \$14,546 in restitution.

The Commission finds by the affirmative vote of the undersigned members, after consideration of the testimony and evidence presented that:

- 1) Parsons appeared at the hearing after being provided timely and proper notice of the hearing pursuant to 16 *Del C.* §6604(4) and 29 *Del C.* §10122.
- 2) Parsons pled guilty to two misdemeanor counts, Official Misconduct and Misapplication of Property A, which are serious crimes involving property, such as arson, burglary, embezzlement or insurance fraud as provided in 16 *Del. C.* §6712(b)(2)b.3.
- 3) This case does not present an extraordinary circumstance where the certification may be granted if the applicant establishes by clear and convincing evidence that certification will not jeopardize public health and safety as provided for in 16 *Del. C.* §6712(b)(3).
- 4) Pursuant to 16 *Del C.* §§ 6712(b) and 6712(c)(1), Parsons is decertified as an EMT-B and cannot be certified until January 9, 2018 when five years have passed since the guilty plea on January 9, 2013.

**ORDER**

The Delaware State Fire Prevention Commission, having considered the matter, by majority voted to decertify Parsons as an EMT-B. Parsons cannot be certified until January 9, 2018 when five years have passed since the guilty plea on January 9, 2013.

**IT IS SO ORDERED** this 21th day of May, 2013.

**DELAWARE STATE FIRE PREVENTION COMMISSION**

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Alan Robinson, Vice Chairman

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Bob Ricker, Commissioner

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Tom DiCristofaro, Commissioner

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Charles Frampton, Jr., Commissioner

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Ron Marvel, Commissioner

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Marvin C. Sharp, Commissioner

**Date Mailed:** \_\_\_\_\_