

September 17, 2013 hearing. Ms. Lambertson identified the green card she received in response to the letter, indicating the letter was received and signed for on August 2, 2013.

Thereafter, Ms. Lambertson testified that the audit report from Delmar was received on July 19, 2013, four days after it was due. She has not had any further communication with Delmar with regard to the audit.

Findings of Fact and Conclusions of Law

The Commission finds as a matter of fact that Delmar Fire Company filed its audit report for Fiscal Year 2012 four days late. The Commission bases this finding of fact on the testimony of Ms. Lambertson.

Pursuant to Delaware State Fire Prevention Regulation 708, Chapter 1, Section 4.0, “[a]ny company whose fiscal year begins on or after January 1, 2009 must file no later than six and one-half months after the close of the company’s fiscal year. Reports shall be submitted annually thereafter no later than six and one-half months after the close of the company’s fiscal year. The report due date will be calculated by the Commission based on the information provided by the volunteer fire and/or ambulance company as to the close of its fiscal year.”

Further, pursuant to Delaware State Fire Prevention Regulation 708, Chapter 1, Section 7.1, “[w]here the Commission has determined, upon notice and hearing, that a fire department or ambulance company failed to file or has filed incomplete reports or audits in violation of 16 *Del. C.* § 6622, the Commission may impose a civil penalty of \$100 per day beginning on the date the report or audit was due. Each day a violation continues may be deemed a separate offense in the Commission’s discretion resulting in penalties of up to \$5000 per reporting.”

Here, the Commission finds Delmar Fire Company violated Regulation 4.1 by failing to submit its audit report for FY2012 to the Commission on or before July 15, 2013. Pursuant to Regulation 7.1, the Commission orders Delmar Fire Company be penalized \$100 per day for each day the audit report was not submitted after the due date. That is, the Commission orders Delmar Fire Company be fined \$400.

IT IS SO ORDERED THIS ____ DAY OF _____, 2013

David J. Roberts, Chairman

Alan Robinson, Vice Chairman

Bob Ricker

Marvin Sharp

Ron Marvel

Charles Boyer