

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

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| IN RE: | CHARLIE B. AIKEN |) | |
| | |) | CASE NO.: 1615 |
| EMT I.D. NO.: | 327233 |) | |

NATURE OF THE PROCEEDINGS

Pursuant to due notice, a hearing was held before the Delaware State Fire Prevention Commission on February 21, 2017 concerning a disciplinary complaint against Charlie B. Aiken. In the Complaint, the State of Delaware alleged that Mr. Aiken violated the provisions of 16 *Del. C.* § 6712 and Part 710 Section 14.4 of the Commission Regulations in that his conduct was unprofessional. Specifically, the State alleged that Mr. Aiken was convicted of a crime substantially related to the practice of EMT services and that, in further violation of the Commission regulations, Mr. Aiken never self-reported his conviction.

Zoe Plerhoples, Deputy Attorney General, presented the State's case. Mr. Aiken appeared *pro se*. Patricia Davis, Deputy Attorney General, advised the Commission.

SUMMARY OF THE EVIDENCE

In addition to live testimony, the following documents were introduced and made part of the record:

State Exhibit 1, consisting of a copy of the State's complaint filed against Mr. Aiken with the State Fire Prevention Commission, a certified copy of Mr. Aiken's criminal disposition, and a copy of a redacted police report.

The State called Dave Truax as its witness. Mr. Truax was sworn and testified that he is employed by the Delaware State Fire Commission as a compliance officer and investigator. In that capacity, he inspects ambulances in the state for compliance with regulations and

investigates complaints. He collects self-reports from EMTs regarding arrests and convictions. Mr. Truax testified that on November 7, 2016 he received a DELJIS notification regarding Mr. Charlie B. Aiken, indicating that Mr. Aiken had been arrested for Possession of a Deadly Weapon During the Commission of a Felony, one count of Aggravated Menacing, one count of Terroristic Threatening, one count of Offensive Touching, and one count of Criminal Mischief. Mr. Truax then conducted an investigation which included checking the DELJIS system. In the course of his investigation, Mr. Truax reviewed a September 14, 2016 domestic incident report from New Castle County. This report indicated that Mr. Aiken got into an altercation with his ex-girlfriend that resulted in him slapping his ex-girlfriend with an open hand, causing offense and alarm. Mr. Aiken then followed his ex-girlfriend to a second location and approached her with a golf club in an aggressive manner, causing her to be in fear of further attack. Mr. Aiken subsequently texted his ex-girlfriend that he should have choked her during their argument and that he was waiting to fight her. Mr. Aiken also subsequently called his ex-girlfriend and told her to watch her back because he was going to get her.

Mr. Truax testified that he was never alerted by Mr. Aiken that he had been arrested or charged. Mr. Truax subsequently learned that Mr. Aiken pled guilty to a misdemeanor charge of terroristic threatening.

On cross-examination, Mr. Truax admitted that he received a phone call from Mr. Aiken but did not speak with Mr. Aiken in depth because Mr. Aiken was represented by an attorney.

Charlie B. Aiken testified as the State's second witness. Mr. Aiken testified that he pled guilty to Terroristic Threatening on November 21, 2016. He was sentenced to probation for one year, and ordered to undertake domestic violence counseling, and have no contact with his ex-girlfriend. The plea form also indicates "PSI for restitution." Before today, Mr. Aiken was not

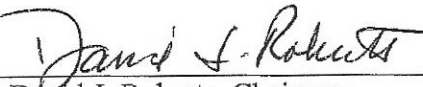
aware of his obligation to notify the Fire School of his charges or arrest. He did notify his employer, Wilmington Manor Fire Department. He expects to maintain his employment with Wilmington Manor if he retains his certification. Mr. Aiken then explained that he had moved on from this girlfriend for the past five years. He had no idea there was a warrant out for him until someone he works with notified him of the warrant, and he turned himself in. He paid 2500 to get out for Christmas, which he paid. All he could afford thereafter was a public defender and this is the best deal he could get. He admits that there were nasty messages between himself and the ex-girlfriend, because the ex-girlfriend could not accept that he had moved on. He had no idea he was required to notify the Fire School of his charges or arrest. In his fourteen or fifteen years of doing this, he was never made aware of this requirement to report.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

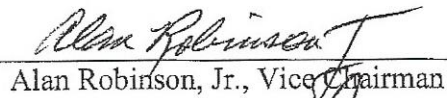
The Commission finds that Mr. Aiken violated the provisions of Commission Regulations Part 710, Section 14.4 and Section 14.8 in that he has engaged in unprofessional conduct, specifically "any dishonorable, unethical, or other conduct likely to deceive, defraud, or harm the public" as listed in Section 14.4.2 and that he never self-reported either his arrest or his subsequent conviction. In reaching this conclusion, the Commission relied upon the certified copy of Mr. Aiken's criminal conviction as well as the testimony of Mr. Truax and Mr. Aiken.

The nature of Mr. Aiken's criminal conviction indicates a threat to the public health, safety, and welfare. His criminal conviction requires a term of state-supervised criminal probation. Therefore, it is ordered that Mr. Aiken's EMT certification will be placed on probation, to run concurrently with his criminal probation. Mr. Aiken's EMT probation will be lifted when Mr. Aiken has demonstrated to the satisfaction of the Commission that he has successfully completed the terms of his criminal probation.

IT IS SO ORDERED this 21st day of February, 2017.



David J. Roberts, Chairman



Alan Robinson, Jr., Vice Chairman



Tom Dicristofaro

Lynn Truitt



Marvin Sharp

Ron Marvel

Joe Zeroles