



STATE OF DELAWARE  
STATE FIRE PREVENTION COMMISSION  
DELAWARE FIRE SERVICE CENTER

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## MEMORANDUM

**TO:** President Lester Collazo

**FROM:** David J. Roberts, Chairman

**DATE:** August 17, 2017

**SUBJECT: ORDER**

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Enclosed is the opinion and order of the State Fire Prevention Commission regarding the matter of the Audit Compliance of Cranston Heights Fire Company. Please remit payment for the sanction imposed within 30 days payable to the State of Delaware, State Fire Prevention Commission.

Feel free to contact our office with any questions.

DJR/sl

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

In re: Cranston Heights Fire Company Audit

### **ORDER**

At its meeting on August 15, 2017, the Delaware State Fire Prevention Commission received a report from its Audit Report Compliance Committee, indicating Cranston Heights Fire Company's annual audit had not been received. By letter dated July 26, 2017, the Commission notified Cranston Heights Fire Company that the Company would have to report to the Commission's meeting on August 15, 2017 and give cause as to why it should not be penalized for failing to timely comply with the Commission's statute and regulations regarding audit reporting. Pursuant to its statutory power found at 16 *Del. C.* § 6608(a), the Commission has established regulations pertaining to its review of company audits. Pursuant to that regulation, number 708, the Commission scheduled this matter for a hearing to give Cranston Heights Fire Company an opportunity to present evidence as to why further action or sanctions for non-compliance are warranted. George Lamborn, III, President of Cranston Heights Fire Company appeared at the meeting on August 15, 2017. Rae M. Mims, Deputy Attorney General, advised the Commission.

#### **Summary of the Evidence**

The Commission reviewed correspondence sent from the Commission to Cranston Heights Fire Company notifying it of the Rule to Show Cause hearing, as well as documentation from the audits received, indicating Cranston Heights Fire Company's audit was received on July 30, 2017.

Mr. George Lamborn, President of Cranston Heights Fire Company appeared and indicated they requested an extension on June 15, 2017 as they had problems making the deadline.

#### Findings of Fact and Conclusions of Law

Each fire company is required to submit an annual audit for review to the Commission, pursuant to 16 *Del. C.* § 6608(a). Pursuant to this same Section, the Commission is empowered to promulgate regulations governing the audit process, including “specifying the required types of audits, the reporting periods, procedures for reviewing the audits and the processes to be followed in the event a company fails to submit or submits an inadequate audits.” Moreover, the statute provides that the Commission “shall have the authority, after a hearing, to impose a civil penalty not to exceed \$100 against any volunteer fire and ambulance companies . . . that fails to comply with any regulation promulgated.” 16 *Del. C.* § 6608(b). Audit reports from Cranston Heights were due on or before July 15, 2017. Cranston Heights Fire Co. failed to provide any evidence of a hardship regarding the late submission of its audit report

Here, Cranston Heights Fire Company submitted its audit after the extended deadline set by the Commission. The Commission may, pursuant to the statute and its regulations, impose a fine of 100 dollars per day. Therefore, the Commission hereby imposes a fine of \$100 per day, beginning July 16, 2017 and continuing to accrue until the audit report is received by the Commission for a total fine of \$1500.

IT IS SO ORDERED this 17 day of August, 2017.



David J. Roberts, Chairman



Alan Robinson, Jr., Vice Chairman



Tom Dicristofaro



Lynn Truitt



Marvin Sharp



Ron Marvel

Joe Zeroles