

BEFORE THE DELAWARE STAT FIRE PREVENTION COMMISSION

IN RE: KEVIN LIEBER

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Case No.: 1614

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EMT ID NO.: 2108005

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ORDER

WHEREAS, the Delaware State Fire Prevention Commission received a complaint filed by the Delaware Department of Justice regarding EMT Kevin Lieber on December 29, 2016; and

WHEREAS, said Complaint alleges that on or about September 30, 2016, Mr. Lieber was arrested on and charged with one count of Violation of Privacy in violation of 11 *Del. C.* § 1335(a)(9)c (Felony) in Superior Court case number 1609021164; and

WHEREAS, the State alleges that at all times relevant, Mr. Lieber was an active EMT with Mill Creek Fire Department; and

WHEREAS, the State alleges that the charges stem from a course of conduct in which Mr. Lieber admitted to having shown nude photographs of his former girlfriend, another Mill Creek Fire Department EMT, to at least one other member of the Mill Creek Fire Department; and

WHEREAS, the State further alleges that Mr. Lieber failed to submit to the Commission a written report of his charges within 30 days in violation of Part 710, Section 14.8 of the Delaware State Fire Prevention Commission's regulations; and

WHEREAS, the State finally alleges that through his behavior, Mr. Lieber has engaged in unprofessional conduct in violation of Part 710, Section 14.4.1.6 of the Delaware State Fire Prevention Commission's regulations; and

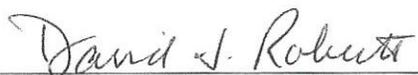
WHEREAS, pursuant to 16 *Del. C.* § 6712A(a), upon the receipt by the Commission of a court document charging an ambulance attendant or EMT licensed by the Commission with a felony, the Commission shall issue an order temporarily suspending the certificate holder's

certificate, pending a final hearing on the complaint. An order of temporary suspension shall remain in effect for a period until such time as a determination of the case.

NOW, THEREFORE, IT IS ORDERED this 17th day of January, 2016:

1. The EMT license of Kevin Lieber is hereby suspended.
2. Mr. Lieber's license will remain suspended until the resolution of the State's complaint against Mr. Lieber filed with the Commission.
3. A hearing on the State's Complaint will be held within 180 days of the effective date of this Order, unless a continuance is requested by Mr. Lieber.
4. At the time of the hearing, Mr. Lieber shall have the right to present evidence on his own behalf and to be represented by counsel at his expense. He may request the Commission issue subpoenas for the attendance of witnesses and for the production of documents. The Commission will reach a final decision based on the evidence received at the hearing.
5. A copy of this Order and the State's Complaint will be provided to Mr. Lieber.

FOR THE STATE FIRE PREVENTION COMMISSION:



David J. Roberts, Chair



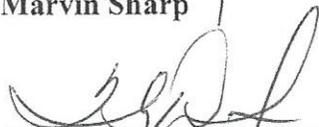
Alan Robinson, Vice-Chair



Marvin Sharp

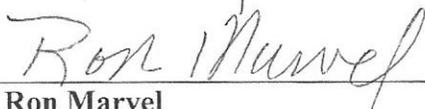


Lynn Truitt



Tom DiCristofaro

Joseph Zeroles



Ron Marvel

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OF THE STATE OF DELAWARE

IN RE: KEVIN LIEBER

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Case No.: 1614

EMT I.D. NO.: 2108005

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CONSENT AGREEMENT

A written Complaint has been filed with the Delaware State Fire Prevention Commission (“Commission”) alleging that Kevin Lieber (“Respondent”), an emergency medical technician (“EMT”) in the State of Delaware, has engaged in conduct which constitutes grounds for discipline under 16 *Del. C. Ch. 67* and the Delaware State Fire Prevention Regulations.

Respondent and the State enter into this Consent Agreement and submit it to the Commission for review and approval as a means of resolving the pending administrative prosecution against Respondent pursuant to 16 *Del. C. Ch. 67* and 29 *Del. C. Ch. 101*.

IT IS UNDERSTOOD AND AGREED THAT:

1. Respondent (“Respondent”) is a resident of Newark, Delaware and is certified as an emergency medical technician (“EMT”) in Delaware pursuant to the provisions of 16 *Del. C. ch. 67*.

2. At all times relevant to the allegations in this Complaint, Respondent and his ex-girlfriend, M.W., were employees of the Mill Creek Fire Department (“Mill Creek”).

3. On or about September 30 2016, Respondent was arrested for and charged with the following offenses: one count of Violation of Privacy in violation of 11 *Del. C. § 1335* (felony), in court case number 1609021164.

4. The charges in the above-referenced case stemmed from an incident that

occurred on or about May 15, 2016, wherein Respondent displayed a nude photograph of M.W. that was on his phone to another employee of Mill Creek while they were both in a Mill Creek ambulance. In an interview with a New Castle County Police Officer, Respondent admitted to the above-referenced conduct.

5. Respondent failed to submit to the Commission a written report of his charges within 30 days.

6. Respondent was indicted for the above-referenced offense on December 5, 2016, in the Superior Court of New Castle County.

7. On December 29, 2016, the State filed a Complaint and Motion for Temporary Suspension against Respondent's EMT certification, which was granted on January 17, 2017.

8. On March 27, 2017, Respondent pled "no contest" to one count of violation of privacy, misdemeanor, a lesser-included offense of the above-referenced charge. Respondent made a verbal report of his plea to the Fire Commission. As part of the terms of the plea, Respondent was placed on supervised community probation for one year and ordered to have no contact with M.W., except in their capacities as EMTs.

9. Respondent's EMT certification is still suspended as of the date of the filing of this Amended Complaint.

10. Respondent has violated Part 710, Section 14.8 of the Delaware State Fire Prevention Regulations in that he did not self-report his charges for the above-referenced offenses within 30 days.

11. Respondent has violated Part 710, Section 14.4.1.6 of the Delaware State Fire Prevention Regulations in that he has engaged in unprofessional conduct.

12. Respondent hereby admits that the allegations set forth in paragraphs 1 through

11 above are true and correct.

13. Respondent and the State agree that the appropriate disciplinary sanctions shall be as follows:

- a. Respondent's license shall be suspended for one year, which suspension shall be immediately stayed for probation to run concurrent with his criminal probation; and
- b. Should the Respondent fail to comply with any terms of his criminal probation, upon submission to the Commission of evidence of such violation, satisfactory to the Commission in its sole discretion, his probation may be converted to the full term of suspension without further notice or hearing.

14. The parties to this Consent Agreement are the State of Delaware and Respondent.

15. The parties agree and acknowledge that nothing contained in this Consent Agreement shall affect any rights or interests of any person not a party to this Consent Agreement.

16. Respondent acknowledges that he is waiving his rights under the State Fire Prevention Regulations and 29 *Del. C.* Ch. 101 to a hearing before the Board prior to the imposition of disciplinary sanctions.

17. Respondent acknowledges that he has carefully read and understands this Consent Agreement, and is entering into this Consent Agreement freely, knowingly, voluntarily, and after having received or having been afforded the opportunity to receive the advice of counsel.

18. Respondent acknowledges that this Consent Agreement is a public record within the meaning of 29 *Del. C.* § 10002 and will be available for public inspection and copying as provided for by 29 *Del. C.* § 10003.

19. The parties acknowledge and agree that this Consent Agreement is subject to approval by the Commission.

20. The parties acknowledge and agree that if the Commission does not accept this Consent Agreement, it shall have no force or effect, except as follows:

- a. Neither Respondent, nor anyone on his behalf, will in any way or in any forum challenge the ability of the Commission or any of its members to conduct an evidentiary hearing relating to the allegations in the subject Complaint;
- b. The Consent Agreement, or conduct or statements made in negotiating the Consent Agreement, will be inadmissible at any administrative, civil or criminal legal proceeding; and
- c. No provision contained in the Consent Agreement shall constitute or have the effect of an admission by the Respondent as to any fact alleged in the Complaint in this matter or in this Consent Agreement.

21. If the Commission accepts the Consent Agreement and enters it as an Order, the Consent Agreement shall be admissible as evidence at any future proceedings before the Commission.

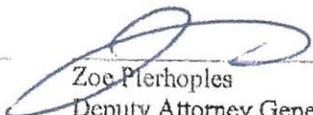
22. The parties acknowledge and agree that this Consent Agreement, along with any exhibits, addendums, or amendments hereto, encompasses the entire agreement of the parties and supersedes all previous understandings and agreements between the parties,

whether oral or written. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement.

23. This Consent Agreement shall be effective upon acceptance by the Commission and entry of the Commission's Order.



Kevin Eieber
Respondent



Zoe Pierhoples
Deputy Attorney General
Delaware Department of Justice

Dated: 3/11/17

Dated: 4/12/17

BEFORE THE FIRE PREVENTION COMMISSION OF THE STATE OF DELAWARE

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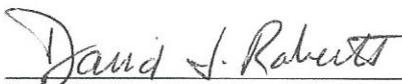
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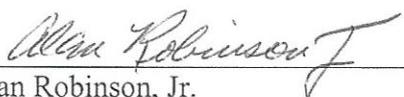
ORDER

WHEREAS, the Delaware State Fire Prevention Commission has reviewed this matter and hereby approves the Consent Agreement of the parties, and enters it now as an Order of the Delaware State Fire Prevention Commission;

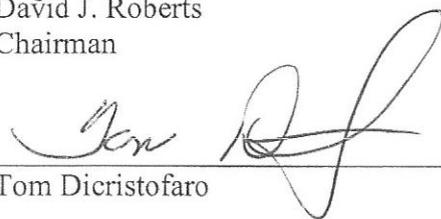
IT IS SO ORDERED this 18th day of April, 2017.



David J. Roberts
Chairman



Alan Robinson, Jr.
Vice Chairman



Tom Dicristofaro

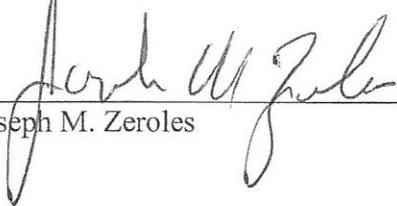
Lynn Truitt



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