

BEFORE THE STATE FIRE PREVENTION COMMISSION OF THE STATE OF DELAWARE

IN RE: MATTHEW S. MCDORMAN)
)
)
EMT I.D. NO.: 820826)

Case No.: 1617

CONSENT AGREEMENT

A written Complaint has been filed with the Delaware State Fire Prevention Commission (“Commission”) alleging that Matthew S. McDorman (“Respondent”), an emergency medical technician 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 is a resident of Blades, Delaware and is certified as an emergency medical technician (“EMT”) in Delaware pursuant to the provisions of 16 *Del. C. Ch. 67*.
2. On or about December 19, 2016, Respondent was arrested for and charged as follows: one count of Unlawful Imprisonment Second Degree in violation of 11 *Del. C. § 781* (misdemeanor), one count of Terroristic Threatening in violation of 11 *Del. C. § 621* (misdemeanor), one count of Endangering the Welfare of a Child in violation of 11 *Del. C. § 1102* (misdemeanor), one count of Malicious Interference, Intentionally Preventing or Hindering the making of an Emergency Communication in violation of 11 *Del. C. § 1313* (misdemeanor), one count of Offensive Touching in violation of 11 *Del. C. § 601*

(misdemeanor), and one count of Menacing in violation of 11 *Del. C.* § 602 (misdemeanor) in court case number 1612011819.

3. The above-referenced charges stemmed from a domestic dispute between Respondent and his estranged wife.

4. Respondent pled “no contest” to a single count of Disorderly Conduct on February 3, 2017, and entered into the Probation before Judgment diversion program. He was sentenced to one year of level five confinement which was immediately suspended for six months of level one probation, and he was ordered to have no contact with his estranged wife.

5. Respondent has violated Part 710, Section 14.8 of the Delaware State Fire Prevention Regulations in that he has failed to make a written report of his arrest or his charges.

6. Respondent hereby admits that the allegations set forth in paragraphs one (1) through five (5) above are true and correct.

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

- a. Respondent’s license will be placed on probation for a period of one (1) year from the date of the Commission’s acceptance of this Consent Agreement as a final order of the Commission; and
- b. Respondent may petition the Commission to terminate his probation at the end of his criminal probation. To do so, Respondent must provide proof that he has satisfactorily completed all the terms of his criminal probation.

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

9. 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.

10. 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 Commission prior to the imposition of disciplinary sanctions.

11. 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.

12. 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.

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

14. 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

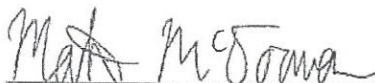
criminal legal proceeding; and

- 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.

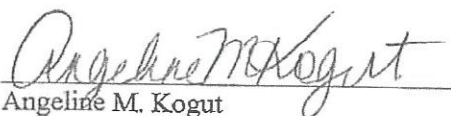
15. If the Commission accepts the Consent Agreement and enters it as an Order, the Consent Agreement shall be admissible as evidence at any future proceedings before the Commission.

16. 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.

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



Matthew S. McDorman
Respondent



Angelique M. Kogut
Deputy Attorney General
Delaware Department of Justice

Dated: 3/15/17

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