

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

IN RE: LUCAS S. POWELL

EMT I.D. NO.: 708848

)
) **Case No. 1709**
)

CONSENT AGREEMENT

A written Complaint has been filed with the Delaware State Fire Prevention Commission ("Commission") alleging that Lucas S. Powell ("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 Ocean View, Delaware and is certified as an emergency medical technician ("EMT") in Delaware pursuant to the provisions of 16 *Del. C. Ch. 67*.

2. On March 26, 2017, 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 Assault Third Degree, in violation of 11 *Del. C. § 611* (misdemeanor), Knowingly Providing a False Statement to Law Enforcement in violation of 11 *Del. C. § 1245* (misdemeanor), and one count of Intentionally Preventing or Hindering the Making of an Emergency Communication in violation of 11 *Del. C. § 1313* (misdemeanor) in

court case number 3217028634.

3. The above-referenced charges stemmed from a domestic dispute between Respondent and his girlfriend during which Respondent assaulted his girlfriend, causing minor injuries. Respondent attempted to mislead law enforcement into believing that his girlfriend was the aggressor by inflicting injuries on himself with a wrench and calling 911 to report that he was the victim of a domestic dispute in need of help. When the police responded to his call, Respondent repeatedly lied to the responding officer and said that his girlfriend was the aggressor and hit him. Respondent was arrested after evidence at the scene revealed that he was the aggressor.

4. On March 26, 2017, Respondent self-reported his arrest to the Fire Commission and added the following narrative of the events that led to his arrest: *I was drinking heavily and had an altercation with my girlfriend. I had way to[sic] much alcohol and blacked out. During the altercation it became physical. I blocked her path from exiting a walk in closet, it's reported to me I head butted her and pushed her to the ground where she sustained an abrasion to her elbow. It is also reported to me that I said I would kill her.*

5. On January 25, 2018, Respondent entered a Robinson Plea¹ to the charges of misdemeanor Offensive Touching and Terroristic Threatening. He was sentenced to 18 months of level 5 incarceration, suspended immediately for one year of probation, required to take a domestic violence counseling course and have no contact with his girlfriend.

6. 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.

¹ A Robinson plea occurs when a criminal defendant maintains that they were intoxicated or mentally impaired to the extent that they do no recollect the conduct involved in the incident forming the basis for the criminal charges. Legally, it is indistinct from a plea of "guilty."

7. Respondent hereby admits that the allegations set forth in paragraphs 1 through 6 above are true and correct.

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

- a. Respondent's EMT certification shall be suspended for one year, which suspension shall be stayed immediately for one year of probation, or to run concurrent with his criminal probation, whichever is longer;
- b. During the period of probation, Respondent shall provide proof to the Fire Commission, on a monthly basis, or, as often as he is required to report to a probation officer, of compliance with the terms of his criminal probation;
- c. Within 30 days on the entry of this Consent Agreement as an Order of the Commission, Respondent shall provide proof to the Fire Commission that he is engaging in substance abuse treatment or counseling;
- d. Any violation of any of the terms of the probation including noncompliance with the terms and conditions of Respondent's criminal probation, will result in the immediate conversion of Respondent's probation to suspension for the remainder of the term without further notice or hearing;
- e. Should Respondent's license be suspended pursuant to this Order, such suspension will not lift until he petitions the Commission. At the time of such petition, the Commission may continue the suspension if it finds such action necessary to appropriately protect the public, or lift the suspension and impose any additional conditions it finds necessary to appropriately protect the public at that time; and
- f. Failure to comply with this Order may result in further discipline.

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

10. 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 Agreement.

11. 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.

12. 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.

13. 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.

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

15. 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 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 Agreement.

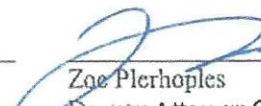
16. If the Commission accepts the Consent Agreement and enters it as an Order, the Consent Agreement shall be admissible as evidence at any future proceedings before the Commission.

17. 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.

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



Lucas S. Powell
Respondent



Zoe Plerhoples
Deputy Attorney General
Delaware Department of Justice

Dated: 3/16/2018_____

Dated: 3/16/18_____

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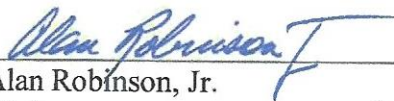
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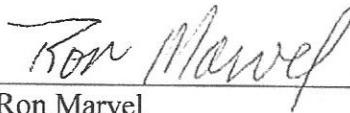
ORDER

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;

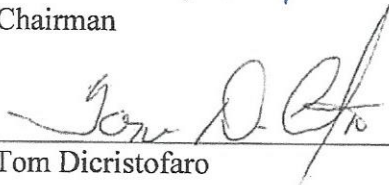
IT IS SO ORDERED this 20th day of March, 2018.



Alan Robinson, Jr.
Chairman



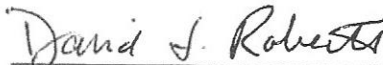
Ron Marvel
Vice Chairman




Tom Dicristofaro

Lynn Truitt

Marvin Sharp



David J. Roberts



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