

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

IN RE: JAMES V. GRIECO

EMT I.D. NO: 1006757

)
) Case No.: 1816
)

CONSENT AGREEMENT

A written Complaint has been filed with the Delaware State Fire Prevention Commission (“Commission”) alleging that James V. Grieco (“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 is certified as an EMT in Delaware pursuant to the provisions of 16 *Del. C. Chapter 67*.
2. Respondent has been an EMT since December 2000 and at all times relevant, Respondent worked for Wilmington Fire Department in Wilmington, Delaware.
3. On July 2, 2018, Respondent was arrested on two felony counts: (1) aggravated menacing, a violation of 11 *Del. C. § 602(b)*; and (2) possession of a firearm during the commission of a felony, a violation of 11 *Del. C. § 1447(a)*.
4. On November 21, 2018, Respondent accepted probation before judgment on a charge of misdemeanor menacing in violation of 11 *Del. C. § 602(a)*. Respondent was sentenced to six months of level 1 unsupervised probation (the “criminal sentence”).

5. By the above conduct, Respondent violated Part 710, Section 14.4.1.6 of the Delaware State Fire Prevention Regulations in that he has engaged in unprofessional conduct as defined by § 14.4.2 ¶¶ 3.

6. Respondent has not received previous formal discipline from the Commission.

7. Respondent hereby admits that the allegations set forth in paragraphs one (1) through seven (7) above are true and correct.

8. Respondent and the State agree to resolve the matter as follows:

a. Respondent will receive a Letter of Reprimand; and

b. Respondent's license shall be placed on probation concurrent with the period of probation Respondent is currently serving with his criminal sentence. Respondent's probation period will begin on the date the Commission accepts this Consent Agreement as a final Order of the Commission and will end when Respondent has informed the Commission in writing that the criminal sentence has been completed.

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 Consent 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 Board 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:

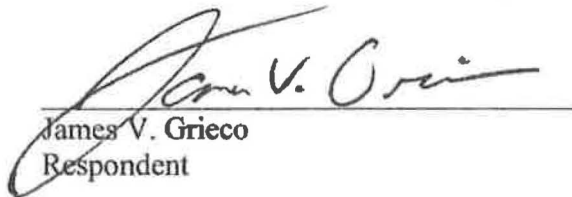
- a. Neither Respondent, nor anyone on his behalf, will in any way or in any forum challenge the ability of the Commission or any of its members to conduct an evidentiary hearing relating to the allegations in the subject Complaint;
- b. The Consent Agreement, or conduct or statements made in negotiating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

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.

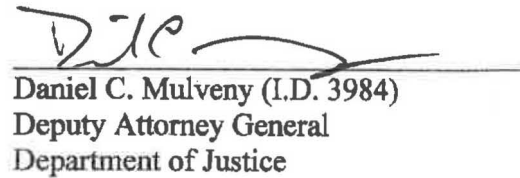
17. The parties acknowledge and agree that this Consent Agreement, along with any exhibits, addendums, or amendments hereto, encompasses the entire agreement of the parties and

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.


James V. Grieco
Respondent

Dated: 03-12-2019


Daniel C. Mulveny (I.D. 3984)
Deputy Attorney General
Department of Justice

Dated: 13 March 2019