

BEFORE THE DELAWARE STATE FIRE COMMISSION

In re: Bridgeville Fire Company

ORDER

At its meeting on July 16, 2019, the Delaware State Fire Prevention Commission received a report indicating that Bridgeville Fire Company requested an extension of time to file annual financial audit, due July 15, 2019. *See* 16 *Del. C.* § 6608; 1 DE Admin. Code 708.4.1. Because the Commission may grant an extension of time only “upon a showing of hardship,” the Commission scheduled a hearing for Bridgeville to justify its request. On August 19, 2019, the Commission held a hearing on Bridgeville’s request for an extension.

Summary of the Evidence

Bridgeville Treasurer Peter Stephens testified on behalf of Bridgeville. Mr. Stephens testified that their audit firm does not work on Bridgeville’s financials until after April 30, 2019 and has not had problems submitting these documents after that date. Mr. Stephens contacted Bridgeville’s firm close to the July 15 deadline for a status and the firm advised they needed additional information. Mr. Stephens then sought a request for an additional two weeks. Bridgeville submitted its audit on July 24, 2019. Mr. Stephens candidly acknowledged that Bridgeville did not have a dire hardship, such as corruption of files or the death of an officer, but that he was

surprised that a hearing was scheduled to prove a hardship. Mr. Stephens admirably testified that he accepted responsibility and would accept any “levies” that the Commission might issue. He acknowledged that his firm is aware of the July 15 deadline.

Findings of Fact and Conclusions of Law

Each Delaware fire company is required to submit an annual financial audit for review to the Commission pursuant to 16 *Del. C.* § 6608. 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 audit.” 16 *Del. C.* § 6608(a). The statute further provides that the Commission has the authority, after a hearing, to impose a civil penalty of up to \$100 for each day a fire company fails to comply with any regulation promulgated under Section 6608. The Commission’s regulations require that audits be submitted by July 15 of each year. 1 DE ADMIN. CODE 708.4.1. Extensions may be granted only where there is a showing of “hardship,” which is defined as something “beyond the company’s control.” 1 DE ADMIN. CODE 708.4.2. “The Commission’s decision on the extension request shall be final.” *Id.*

Here, Bridgeville submitted its request for an extension on July 11, 2019. A majority of the Commissions concluded at the August 19, 2019 hearing that

Bridgeville's inability to submit a timely audit was not due to a hardship as defined by the Commission's regulation. Accordingly, the request for an extension under the circumstances described by Bridgeville is denied. After due consideration, the Commission determined that a \$800 fine is appropriate and hereby orders this fine to be imposed.

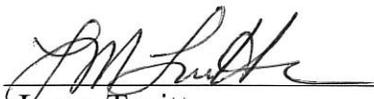
IT IS SO ORDERED, this 17th day of September, 2019 by the Commission:



David J. Roberts, Chairman



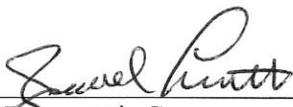
Alan Robinson, Jr. Vice Chairman



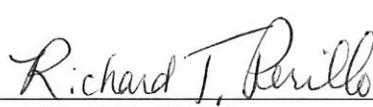
Lynn Truitt



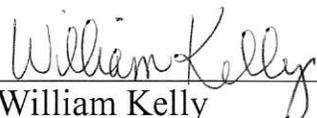
Ron Marvel



Joe Leonetti, Sr.



Richard T. Perillo



William Kelly