

BEFORE THE DELAWARE STATE FIRE PREVENTION COMMISSION

IN RE: BRYCE SAXMANN)
) CASE NO.: 2019
EMT I.D. NO.: 168882)

NATURE OF THE PROCEEDINGS

Pursuant to due notice, a hearing was held before the Delaware State Fire Prevention Commission on August 18, 2020, concerning a disciplinary complaint against Bryce Saxmann (“Respondent”). In a Complaint and Request for Temporary Suspension, the State of Delaware alleged that Respondent engaged in unprofessional misconduct in violation of Part 710, Section 14.4.1.6 of the Delaware State Fire Prevention Regulations by being intoxicated while performing official duties.

Zoe Plerhoples, Deputy Attorney General, presented the State’s case. Respondent failed to appear despite proper notice.

SUMMARY OF THE EVIDENCE

The following documents were introduced and made part of the record:

State Exhibit 1, consisting of the State’s Complaint filed in this matter

State Exhibit 2, Stipulation of Facts executed by the State and Respondent

State Exhibit 3, Green Card/Service Verification

The only witness who provided testimony is Commission Executive Assistant, Sherry Lambertson.

FINDINGS OF FACT

Respondent did not appear at the hearing. Therefore, as a preliminary matter, the State submitted evidence that Respondent received proper notice of the hearing. Sherry Lambertson testified that she sent notice by regular and certified mail and that she received a signed receipt

that the certified mail was in fact received by Respondent. The State also submitted the green card as evidence establishing notice. Finally, Ms. Lambertson testified that she exchanged emails with Respondent to provide her instruction on how to appear at the hearing remotely, through Cisco WebEx™. The Commission finds that Respondent properly received notice of the hearing.

Pursuant to the Stipulation of Facts, Respondent is a resident of Ocean City, Maryland and is a Delaware certified emergency medical technician (“EMT”). In May 2020, Respondent was working for East Coast Ambulance Service (“East Coast”), which is located in Maryland. On or about May 7, 2020, while on duty in an East Coast office, Respondent was found slumped over in a bathroom with a container of liquor in her pocket. Respondent stated that she had consumed liquor during her shift and that she had been “drinking similar amounts of liquor consistently for the past two months.” Respondent was suspended from her job and enrolled in an alcohol treatment plan through an employee assistance program (“EAP”) as a condition of remaining employed with East Coast.

Respondent’s treatment with EAP did not start off on the right foot. She missed her first scheduled call with EAP and when an EAP therapist reached out to her, Respondent was again intoxicated. East Coast terminated Respondent’s employment on May 13, 2020.

Despite her troubles, Respondent obtained employment with Mid-Atlantic Ambulance Service (“Mid-Atlantic”), located in Delaware. Almost immediately after starting with Mid-Atlantic, Respondent was observed intoxicated during a service call. Testing showed that Respondent’s blood alcohol content was .132, well in excess of the legal limit for operating motor vehicles. Mid-Atlantic terminated Respondent.

CONCLUSIONS OF LAW

Having been afforded all appropriate notice and having an opportunity to confront the evidence against her, the Commission concludes that due process has been afforded Respondent in this matter. As noted above, Respondent was properly notified of the hearing, through several means, including certified mail that was signed and returned to the Commission.

The Commission further finds that Respondent violated 710, Section 14.4.1.6 of the Delaware State Fire Prevention Regulations in that she engaged in unprofessional conduct as defined by Section 14.4.2 by being intoxicated while working as an EMT on at least two occasions. Respondent has stipulated that she has violated Section 14.4.1.6.

The Commission has grave concerns regarding Respondent operating as an EMT in Delaware and providing patient care. She has already been provided an opportunity to address her issue and completely failed to participate.

In light of the facts and circumstances of this matter, the Commission unanimously agrees to impose the following as a penalty for the stipulated violation in this matter:

1. Respondent's EMT license shall be suspended for a period of one year. The suspension commenced on August 18, 2020 and shall continue until August 18, 2021.
2. During the period of suspension, Respondent shall undergo appropriate treatment for substance abuse, which shall include, at a minimum, two counseling sessions per month. Respondent shall provide monthly reports to the Commission on the progress of her treatment. If the Commission learns that Respondent is non-compliant with her treatment, the Commission may revoke Respondent's certification. Upon successful completion of her period of Suspension, Respondent shall report to the Commission to determine what, if any, additional steps may be appropriate before Respondent may be considered in good standing.


IT IS SO ORDERED, this 15th day of September, 2020 by the Commission:



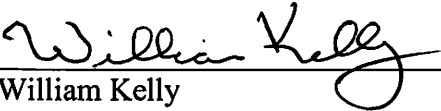
Ronald Marvel, Chairman



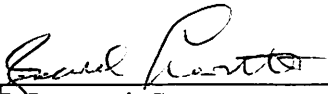
Alan Robinson, Jr. Vice Chairman



Lynn Truitt



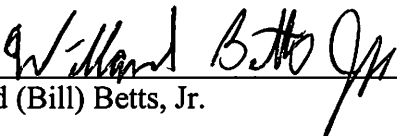
William Kelly



Joseph V. Leonetti, Sr.



Richard Perillo



Willard (Bill) Betts, Jr.