

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

IN RE: NICHOLAS TURCOL)
) **Case Nos.: 2028**
EMT I.D. NO.: 2242498)

CONSENT AGREEMENT

A written Complaint has been filed with the Delaware State Fire Prevention Commission (“Commission”) alleging that Nicholas Turcol (“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 a resident of Claymont, Delaware and is certified as an emergency medical technician (“EMT”) in Delaware pursuant to the provisions of 16 *Del. C. ch. 67*.
2. On October 10, 2020, Respondent was arrested for and charged with one count of possession of a firearm during the commission of a felony in violation of 11 *Del. C. § 1447*, two counts of aggravated menacing in violation of 11 *Del. C. § 602*, and one count of possession of a firearm while under the influence of alcohol in violation of 11 *Del. C. § 1460* in court case number 2010004688.
3. The charges in the above-referenced case stemmed from an incident on or about the above referenced date wherein Respondent displayed a firearm to his girlfriend and another individual after they tried to prevent him from leaving their residence in a vehicle while intoxicated. At the time of his arrest, Respondent’s BAC as measured by a breath test was 0.188.

4. On November 18, 2020, Respondent pled guilty to possession of a firearm while under the influence, and misdemeanor menacing (a lesser included offense of aggravated menacing) and was sentenced to one year of incarceration suspended for one year of community supervised probation. Respondent was ordered to be evaluated for substance abuse and follow any treatment recommendations, to have a mental health evaluation and follow any counseling or treatment recommendations, to complete a domestic violence counseling program and to undergo random drug screens during the period of his probation. Respondent was also ordered to have no contact with the victims, except for in his professional capacity or at work.

5. By the above-referenced conduct, 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.

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 to resolve the matter as follows:

- a. Respondent's certification will be placed on probation for a period of one (1) year from the date of the Commission's acceptance of this Consent Agreement with zero tolerance for any further allegations of domestic violence, substance abuse or criminal conduct;
- b. Before the probationary status lifts, Respondent shall provide the Fire Commission, through its designee, with proof of successful enrollment in any treatment program, proof of mental health or substance abuse evaluations and completion of domestic violence counseling;
- c. If Respondent fails to abide by the terms of the Consent Agreement or any

terms of his criminal probation, including the contact orders and any random drug screens, his probationary term shall convert to a suspension for the balance of the term without notice or further hearing;

d. Should Respondent's certification be converted to a suspension pursuant to subparagraph (b), such suspension shall not lift until and unless he petitions the Fire Commission for a hearing to lift the suspension and the Commission determines that it is appropriate and in the public interest to lift the suspension on his certification..

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 Board 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:

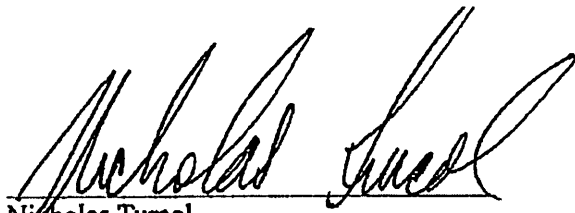
- a. Neither Respondent, nor anyone on his behalf, will in any way or in any forum challenge the ability of the Commission or any of its members to conduct an evidentiary hearing relating to the allegations in the subject Complaint;
- b. The Consent Agreement, or conduct or statements made in negotiating 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.

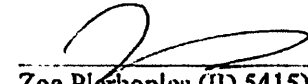
17. This Consent Agreement shall be effective upon acceptance by the Commission and entry of the Commission's Order.

[signatures on next page]



Nicholas Turcol
Respondent

Dated: 12/9/2020



Zoe Pierhopes (ID 5415)
Deputy Attorney General
Department of Justice

Dated: 12/9/2020

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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 15th day of December, 2020.

/s/ Ronald Marvel
Ronald Marvel, Chairman

Alan Robinson, Jr., Chairman

/s/ Richard Perillo
Richard Perillo

/s/ Lynn Truitt
Lynn Truitt

/s/ Joe J. Leonetti, Sr.
Joe J. Leonetti, Sr.

/s/ Bill Betts
Bill Betts

/s/ William Kelly
William Kelly