

BEFORE THE DELAWARE STATE FIRE COMMISSION

In re: Minquas Fire Company

ORDER

At its meeting on January 18, 2022, the Delaware State Fire Prevention Commission received a report indicating that the Minquas Fire Company (“MFC”) had requested an extension of time to file its annual financial audit which was coming due on January 15, 2022, pursuant to 16 *Del. C.* § 6608 and 1 DE ADMIN. CODE 708.4.1. At the meeting the Commission voted to schedule a rule to show cause hearing on MFC’s request. Notice of this hearing was sent to MCF on January 22, 2022, scheduling the hearing during the Commission’s next regularly scheduled meeting. On February 15, 2022, the Commission held a Rule to Show Cause Hearing.

Summary of the Evidence

President Robert J. Harvey, Jr. appeared on behalf of MFC. He explained that he was newly elected and had difficulty obtaining the necessary information to submit the audit on time. He testified, and the Commission confirmed, that MFC, submitted the audit on February 9, 2022, or twenty-five days late. Neither MFC nor President Harvey provided any evidence justifying an undue hardship that was out of MFC’s control.

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). Commission regulations specify that 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.* 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.

Here, MFC submitted a request for an extension prior to the deadline for the audit. However, MFC provided no evidence demonstrating that there was undue hardship that was beyond the company’s control, justifying an extension. The Commission therefore voted at the conclusion of the February 15, 2022 hearing that MFC should be issued a civil penalty of \$100 for each day the audit was past due, for a total of \$2500.

After due consideration, the Commission determined that a \$2500 fine is appropriate and hereby orders this fine to be imposed.

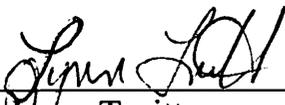
IT IS SO ORDERED, this 15th day of February, 2022 by the Commission:



Ronald H. Marvel, Chairman



Alan Robinson, Jr. Vice Chairman



Lynn Truitt



Richard Perillo



Joe Leonetti, Sr.



Bill Betts



William Kelly