

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

**IN RE: ROBERT DAVIS**

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**Case No.: 2225**

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**EMT I.D. NO.: 303**

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**CONSENT AGREEMENT**

A written Complaint has been filed with the Delaware State Fire Prevention Commission ("Commission") alleging that Robert Davis ("Respondent"), an emergency medical technician 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.e Respondent is a resident of Smyrna, Delaware and is certified as an emergency medical technician ("EMT") in Delaware pursuant to the provisions of 16 *Del. C. Ch. 67*.

2.e Respondent's EMT certification, I.D. Number 303 was originally issued one January 3, 2009, and expires on March 31, 2023. His certification is currently active.

3.e At all times relevant, Respondent was working full-time with Delaware City Fire Company ("DCFC") as an EMT. Respondent is also employed part-time with Hartly Fire Company.

4.e On August 16, 2022, the Delaware State Fire Commission approved a Consent Agreement and entered it as an Order placing Respondent on probation for a period of one year and directing him to complete specific remedial training within a designated period of time.

5.e On September 16, 2022, Respondent was directed to transport a high-risk maternity patient to St. Francis Hospital in Wilmington, Delaware. Respondent used inappropriate language in the presence of the patient in referencing having to take the patient to St. Francis Hospital. In addition, as the patient's friend was attempting to obtain information from the patient, Respondent slammed the ambulance door closed in the friend's face.

6.e Due to Respondent's behavior violating several of DCFC's policies, on September 16, 2022 Respondent was suspended for the next two tours of duty and required to undergo a fitness for duty evaluation.

7.e Respondent's Fitness For Duty evaluation was performed on September 30, 2022.e The report was completed on October 4, 2022. The report stated that Respondent was considered to be psychologically unfit for duty and Respondent was not cleared to return to work. The report further states that Respondent cannot safely perform his job duties as an EMT at this time.

8.e On October 17, 2022, Respondent underwent a Fitness for Duty Re-Evaluation.e The report, dated October 24, 2022, concluded that Respondent was now considered to be psychologically fit for duty without job restrictions.

9.e By the above-referenced conduct, Respondent has violated Part 710, Section 14.4.1.9 of the Delaware State Fire Prevention Regulations in that he has engaged in unprofessional conduct as defined by Section 14.4.2, specifically:

a.e 14.4.2.3: any dishonorable, unethical, or other conduct likely to deceive,e defraud, or harm the public; ande

b.e 14.4.2.13: the violation of a provision of this Regulation or the violation ofe

an order of the Commission related to the practice of EMT services, BLS Service or to the procedures of other professions or occupations regulated by the Commission, the violation of which more probably than not will harm or injure the public or an individual.

10. Respondent hereby admits that the allegations set forth in paragraphs one (1) through nine (9) above are true and correct.

11. Respondent and the State agree that the appropriate disciplinary sanctions shall be as follows:

a. Respondent's EMT certification shall be placed on probation for two years from the date the State Fire Prevention Commission of the State of Delaware ("the Commission") signs an Order accepting this Consent Agreement. After completion of one year of probation, Respondent may petition the Commission to vacate the remaining year of probation.

b. Respondent shall comply with recommended treatment made by his counselor, Elsa Smith, to promote good mental wellbeing until successful discharge.

c. Respondent shall continue to take medications as prescribed by Melaniee Hiesters, Nurse Practitioner ("NP") to promote good mental wellbeing and attend medical appointments necessary to obtain the medications.

d. Respondent shall sign necessary waivers permitting Investigators from the Fire Commission to determine (1) whether Respondent is actively attending and participating in counseling with Elsa Smith; (2) taking mental wellbeing

medication prescribed by Melanie Hiesters, NP, and (3) whether his mental wellbeing treatment has concluded. These waivers are not intended to obtain the content of the counseling sessions, to permit access to any treatment records or copying thereof without further agreement by the Respondent.

- e. During the term of probation, any discipline charges alleging unprofessional conduct or improper patient care due to violations of protocols will be grounds for a hearing before the Commission to determine whether the probation has been violated and what if any action should result.
- f. During the term of probation, Respondent shall inform all employers for whom he is providing EMT services that the Commission has placed his EMT license on probation.
- g. During the term of probation, Respondent must notify the Commission in writing of all EMT employment and any change thereto within ten days of said change.
- h. During the term of probation, violation of any of the terms of the probation as specified in paragraphs 11.a through 11.g. will be grounds for a hearing before the Commission to determine whether the probation has been violated and what if any action should result.
- i. Failure to comply with this Order may result in further discipline, including suspension or revocation of Respondent's EMT certification.
- j. During the term of probation, the Commission reserves the right to invoke a temporary suspension of Respondent's certification to consider at a hearing

whether the probation has been violated and what if any action should result.

12.e The parties to this Consent Agreement are the State of Delaware and Respondent.e

13.e 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 Agreement.

14.e 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.

15.e 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.

16.e The parties acknowledge and agree that this Consent Agreement is subject to approval by the Commission.

17.e 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.e 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;e

b.e The Consent Agreement, or conduct or statements made in negotiating the Consent Agreement, will be inadmissible at any administrative, civil or criminal legal proceeding; ande

c. No provision contained in the 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 Agreement.


18. 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.

19. 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.

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

  
Robert Davis  
Respondent

Dated: 11/18/22

  
Renee Hrivnak  
Deputy Attorney General  
Delaware Department of Justice

Dated: 11/21/2022

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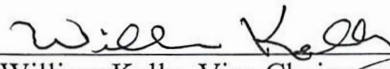
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**ORDER**

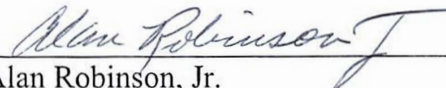
**WHEREAS**, the Delaware State Fire Prevention Commission has reviewed this matter and hereby approves the Consent Agreement of the parties, and enters it now as an Order of the Delaware State Fire Prevention Commission;

**IT IS SO ORDERED** this 20 day of December, 2022

  
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Ronald H. Marvel, Chairman

  
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William Kelly, Vice Chairman

  
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Lynn Truitt

  
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Alan Robinson, Jr.

  
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Richard T. Perillo

  
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Joseph J. Leonetti, Sr.

  
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Daniel Carrier