

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

IN RE: JAMES V. NELSON)
) Case No.: SFC-24-0024
EMT I.D. NO.: 80965)

CONSENT AGREEMENT

A written Complaint has been filed with the Delaware State Fire Prevention Commission (“Commission”) alleging that James V. Nelson (“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. Respondent is a resident of Laurel, Delaware and is certified as an emergency medical technician (“EMT”) in Delaware pursuant to the provisions of 16 *Del. C. Ch. 67*.
2. On January 21, 2024, Respondent was arrested and charged by Delaware State Police with one count of Terroristic Threatening, in violation of 11 *Del. C. §621*.
3. Respondent failed to self-report his arrest to the Fire Commission within ten (10) as required by Part 710, Section 14.8.1 of the Delaware State Fire Prevention Regulations.
4. On April 30, 2024, Respondent entered Probation Before Judgment¹ on one count of Terroristic Threatening, in violation of 11 *Del. C. §621*. The Court of Common Pleas of the State of Delaware sentenced him to Level I for eleven (11) months court-monitored

¹ If Respondent successfully completes his probation before judgment, the charge will be dismissed.

probation before judgement. He was ordered to have no contact with the victim for eleven (11) months.

5. 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.

6. Respondent has violated Part 710, Section 14.8.1 of the Delaware State Fire Prevention Regulations in that he failed to submit a Self-report in writing within ten (10) days of any arrest to the volunteer fire, rescue or ambulance company, Ambulance Service Provider to which they are a member or employed and to the Commission.

7. Respondent hereby admits that the allegations set forth in paragraphs one (1) through six (6) above are true and correct.

8. 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 seven (7) months;
- b. Failure to comply with this Order, including any arrest or violation of criminal probation before judgment, may result in further discipline, including suspension or revocation of Respondent's EMT certification, without further hearing.
- c. Should Respondent's certification be suspended pursuant to paragraph (b), such suspension shall not lift until Respondent petitions the Commission for a hearing; and
- d. The Commission may, in its discretion, lift Respondent's probationary status upon proof of his successful discharge from his above-referenced probation before judgment.

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

10. 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.

11. 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 Commission prior to the imposition of disciplinary sanctions.

12. 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.

13. 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.

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

15. 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:

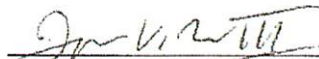
- a. Neither Respondent, nor anyone on his behalf, will in any way or in any forum challenge the ability of the Commission or any of its members to conduct an evidentiary hearing relating to the allegations in the subject Complaint;
- b. The Consent Agreement, or conduct or statements made in negotiating the Consent Agreement, will be inadmissible at any administrative, civil, or criminal legal proceeding; and
- c. No provision contained in the 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.


16. 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.

17. 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.

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



James V. Nelson
Respondent



Renee Hrivnak
Deputy Attorney General
Delaware Department of Justice

Dated: 7/30/24

Dated: 8/12/2024

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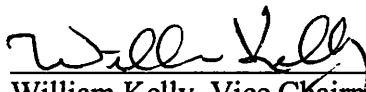
ORDER

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 20th day of August, 2024.



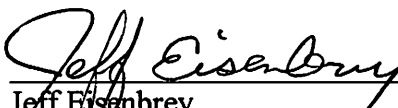
Ronald H. Marvel, Chairman



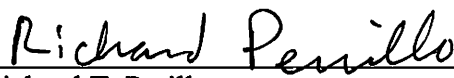
William Kelly, Vice Chairman



Lynn Truitt



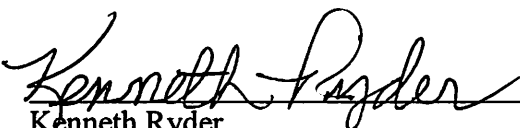
Jeff Eisenbrey



Richard T. Perillo



Joseph J. Leonetti, Sr.



Kenneth Ryder