

## **BEFORE THE DELAWARE STATE FIRE COMMISSION**

In re: Gumboro Fire Company

### **ORDER**

At its meeting on September 24, 2024, the Delaware State Fire Prevention Commission held a hearing upon a notice to show cause regarding an overdue annual financial audit and extension request from Gumboro Fire Company (“Gumboro”). The report was due on July 15, 2024, pursuant to 16 *Del. C.* § 6608 and 1 DE ADMIN. CODE 708.4.1. The report was sent, via certified mail, on July 22, 2024. At the meeting the Commission voted to institute a fine of \$100 for each day that had elapsed between the time the report was due and when it was submitted.

### **Summary of the Evidence**

As noted above, the Gumboro submitted its report prior to the time of the hearing on the rule to show cause. Rick DeFelice, President of Gumboro Fire Company, appeared before the Commission virtually. Mr. DeFelice explained the accounting firm took longer than usual due to personnel changes. Mr. DeFelice testified the report went into certified mail on July 22, 2024 although he now understands it can be sent via e-mail.

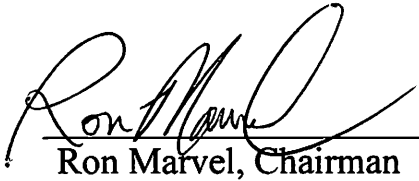
### **Findings of Fact and Conclusions of Law**

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.

Since the Commission did not hear any evidence of a hardship, it voted at the conclusion of the hearing that Gumboro should be issued a civil penalty of \$100 for each day the audit was past due, for a total of \$700.

After due consideration, the Commission determined that a \$700 fine is appropriate and hereby orders this fine to be imposed.

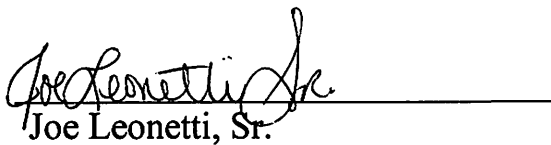
**IT IS SO ORDERED, this 24th day of September, 2024 by the Commission:**

  
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Ron Marvel, Chairman

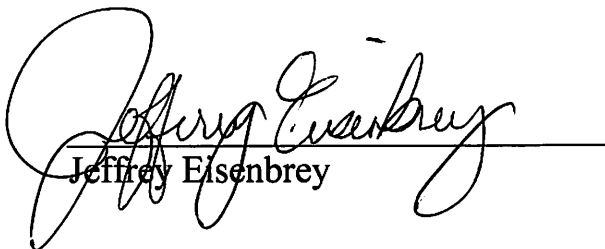
  
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William Kelly, Vice Chairman

  
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Lynn Truitt

  
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Richard Perillo

  
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Joe Leonetti, Sr.

  
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Ken Ryder

  
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Jeffrey Eisenbrey