

## **Cumberland County Fire Chief's Association**

### **Minutes of December 20, 2010 Monthly Meeting**

The meeting was hosted by the Cumberland County Sheriff's Office. We thank Sheriff Butler and his staff for their hospitality.

**Opening Prayer:** Sheriff Butler provided the opening prayer.

**Roll Call:** Roll call was conducted with 21 departments and 7 associate members present.

**Members Absent:** Westarea #15

**Associate Members Absent:** FTCC, County Commissioners, Life Link, SBI, Fort Bragg EMS

**Approval of Minutes:** Minutes from the November 22, 2010 meeting were approved as presented.

**Guests:** Joe Johnson, Retired County Ranger

**Vendors Present:** None

**Treasurer's Report:** No report.

#### **Meeting Point of Interests:**

**Next Chief's Meeting** will be hosted January 24, 2011 by EMS. The meeting will begin at 1900 hours. This is the Chief's only meeting

- President Johnson briefly discussed the Chief 101 class scheduled January 21, 22 2011 at Stoney Point Fire Department. All Chief Officers in Cumberland County are requested to attend. This class meets the new requirement for 9 S ratings.
- President Johnson handed out packets which contained; arson case information, C.C. board appointment information and legal briefs.
- President Johnson let everyone know that the residential sprinkler initiative that was supported by the Chief's Association was voted down at the State level. President Johnson discussed the theory of change and how we will continue to have to deal with same in the coming years
- Chief Nichols discussed information regarding the 911 board and the challenges that they face in the coming year. Chief Nichols supports the merger of the Fayetteville and Cumberland County 911 centers in an effort to facilitate the most expedient service to our citizens when they call for assistance. Chief Nichols thanked Police Chief Hassell and Director Currie for their testimony at the hearings regarding 911 consolidations.

- Chief Nichols also apologized to the Association for an issue with the American flag at the firefighter's memorial. Chief Nichols received a complaint about the flag being displayed improperly. Upon inspection of the flag at the site, it was determined that the flag clasp had broken causing the flag to hang in an upside down manner. Chief Nichols and his staff will monitor this memorial a little closer in an effort to prevent this type of complaint again.
- Chief J.F. Hall presented the executive board with a token of appreciation for their efforts thru the year. President Johnson thanked the members for their support and encouragement.

**OLD BUSINESS:**

- None.

**NEW BUSINESS:**

- None.

**COMMITTEE REPORTS:**

**ID CARD COMMITTEE** Lt. Tara Whitman (Stoney Point) Chairperson

- **FYL** Fire Chiefs are required to send a signed letter or memo with a firefighter requesting an ID Card. For any questions or an appointment contact 424-0694 or e-mail at tara@stonepointfire.com

**FIRE PREVENTION/EDUCATION COMMITTEE** Chief J. F. Hall (Bethany) Chairperson

- Chief J.F. Hall praised a recent article regarding smoke detector giveaway programs. He challenged everyone to participate and ensure the people in your community are properly protected. It was a tragedy that it took the loss of several lives in our community to encourage people to check their smoke detectors, but at least their loss may not be in vain.

**COMMUNICATIONS COMMITTEE** Chief B. Bullard (Stedman) Chairperson

- Director Currie advised that the state had the license for the viper radio channels and that equipment was in and being readied for installation. Director Currie also gave an update on the consolidation aspects with the city and county communications.

**STANDARDS & POLICY COMMITTEE** Chief K. Hall (Cumberland Road) Chairperson

- No report.

**MEMORIAL COMMITTEE** Chief R. Marley (Pearce's Mill) Chairperson

- No report.

**AUTOMATIC AID/MUTUAL AID COMMITTEE** Chief Ake (Beaver Dam) Chairperson

- No report.

**FINANCE COMMITTEE** Deputy Chief Freddy Johnson Jr. (Stoney Point) Chairperson

- No report.

**RESCUE COMMITTEE** Deputy Chief Freddy Johnson Jr. (Stoney Point) Chairperson

- No report

**BULK PURCHASE COMMITTEE** Chief Pierce (EMS) Chairperson

- Tim Mitchell gave out information on some hose quotes that had been received for a bulk purchase.

**ASSOCIATE MEMBERS REPORT**

**EMERGENCY SERVICES DIRECTOR/ ECC-911** Kenny Currie, Director

- No report.

**EMS DIRECTOR:** Brian Pearce, Director

- No report.

**HAZMAT** BC Brian Mims, FFD - POC telephone for HAZMAT is 433-1729

- No report.

**FORESTRY DISTRICT** Andrew Synder, County Ranger

- No report.

**FTCC** Ernest Ward, Director

- No report.

**SHERIFF'S OFFICE** Sheriff Butler

- Sgt. Ditmore gave an update on the arson case loads and dispositions

**HIGHWAY PATROL**

- First Sgt. Johnson advised everyone to drive safely during this holiday season

**CHRISTIAN FIREFIGHTERS** Chaplain Cassanova

- Chaplain Cassanova challenged the association to promote fans for needy people this coming summer and to look into assisting the Salvation Army as kettle attendants next Christmas season.

**COUNTY COMMISSIONERS** Fire Commissioner Ed Melvin

- No report.

**FOR THE GOOD OF THE ASSOCIATION:**

- President Johnson asked everyone to please review the roster that is being sent out and ensure that the information is correct. If you need a correction made please contact the secretary.

**ADJOURNMENT:** A motion was made to adjourn by Director Currie, seconded by Chief Blackburn. The meeting was adjourned at 2015 hours.

Respectfully Submitted By:

*Freddy L. Johnson*  
Freddy L. Johnson Sr. CFO  
Fire Chief / President

*Mark A. Melvin*  
Mark Melvin, CFO  
Deputy Fire Chief / Secretary

7 Enclosures

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2. Arson Cases
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4. Email on hose quotes
5. Letter to Code Council
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7. Roster

# Legal Briefings for Fire Chiefs

How fire chiefs, fire commissioners, and other fire service officers use the law to protect their communities... their departments... their officers... and themselves.

Vol. 23, No. 12

FireChiefLaw.com

December 2010

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The statements were later published in the local media. The fire chief resigned and had difficulty finding similar employment. The fire chief was deemed a public official. Thus, he must prove that the false statements were made with *actual malice* or with *reckless disregard* of whether or not the statements were true or false. .... Page 6

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The collective bargaining agreement does *not* provide that vacant positions may be eliminated. The agreement also does *not* state that the assistant fire chief, is a member of the bargaining unit. The trial court decision ordering arbitration was reversed on appeal. .... Page 7

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The firefighter is ordered to go into his house and retrieve evidence that he was abusing sick leave. This amounts to an unlawful, warrantless search. The firefighter sued the city and named fire service officers, including the fire chief, as defendants. Are these officers and the chief immune?

## Legal Briefings for Fire Chiefs

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A Division of EDM Publishers  
FireChiefLaw.com

Post Office Box 2423  
Duxbury, MA 02331  
1-800-859-6402  
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Subscription Price \$169  
(ISSN 1931-602X)  
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## Fire Chief Charged with Race Discrimination—No Immunity

### Promotions—reverse discrimination?

*Editor's Note: Fire chiefs who have complete discretion in promoting firefighters to higher rank may not be protected by governmental immunity if s/he is charged with racial discrimination.*

Dennis Rubin, former fire chief of the Atlanta Fire Rescue Department ("AFRD"), and the City of Atlanta, Georgia ("City") were named as defendants in two lawsuits brought by firefighters, alleging civil rights violations under *Section 1983* and racial discrimination in relation to promotion practices and policies.

The first law suit filed by Dennis Ham and three other firefighters alleged that they were passed over for promotion in favor of less qualified and less experienced African-American candidates.

Russell Martin along with twenty seven other firefighters, alleged that Rubin used a *racial balancing* program in allocating promotions among Caucasian and African-American firefighters eligible for promotion. All of the Martin claimants were Captains and were applying for promotion to either Section or Battalion Chief. This lawsuit also alleged civil rights violations under *Section 1983*.

The cases were consolidated for discovery purposes by the federal district court. All promotions to the ranks above Captain were within the sole discretion of Rubin, as fire chief. Also, the ranks of Section Chief and Battalion Chief were considered equal in status and pay.

Rubin explained the appointment (promotion) process in 2004. Here, a list of candidates who were qualified for appointment to Battalion and Section Chief positions would be generated. To be a candidate, a firefighter had to have a minimum of two years of satisfactory service in the rank of Captain and must have undergone a standardized 'In Basket' examination which was administered by an outside vendor. Those who scored in the top 40 would then prepare a resume and participate in an oral interview. Based on the interview score, the candidates would be classified as Outstanding, Well Qualified, or Qualified. Rubin had discretion as to who was promoted, and he stated his intention to promote those classified as Outstanding first.

Rubin testified during his deposition that he felt "the makeup of the fire department should roughly mirror the community it works in." He also conceded that he maintained demographic statistics and a packet of documents entitled: "EEO Statistics Promotions and Appointments." However, he continued to maintain that he did not use this information to decide who to hire and promote. He also acknowledged that he received an email titled: "Requested Information Hiring Demographics and Vacancies" but contended that this information was no related to any hiring and promotion decisions.

Deposition testimony from a number of firefighters was presented wherein the subject of diversity was raised.

The pivotal issue here is that Rubin is charged *personally* with civil rights violations. He and the City vigorously argued that he is entitled to *qualified governmental immunity*. Rubin points to the fact that his

Continued on the next page •>

challenged actions were discretionary, which would entitle him to immunity. He also argued that all of his promotion decisions were based on legitimate, non-discriminatory reasoning.

Plaintiffs responded that Rubin violated their "clearly established constitutional right to be free from race discrimination in employment matters." They also stated that Rubin had been warned that basing promotions on race could subject him to personal liability under *Section 1983*.

The magistrate recommended that Rubin be denied immunity. At the trial, Rubin and the City filed a motion for summary judgment, and the motion was denied. Rubin and the City appealed.

**Decision: Affirmed.**

Rubin had discretion as to who was promoted, and he was not bound by any of the results of tests, oral interviews, and other criteria. A reasonable jury could conclude that Rubin's appointments and promotions were actually based on race because of statements he made and his interest in demographic information of the City based on race. *Williams v. Consolidated City of Jacksonville*, 341 F.3d 1261 (2003).

The trial court properly denied Rubin immunity.

*Citation: Ham, et al. v. City of Atlanta, et al., Nos. 09-14660, 09-14807, U.S. Court of Appeals, Eleventh Circuit (2010)*

## Disability Claim— Daily Exposure to Loud Noises Hearing loss—conflicting medical opinions

*Lesson Learned: When considering the conflicting testimony of doctors, the testimony, which is found to be conclusory and equivocal, should be rejected in favor of testimony that is more direct and supportive of the doctor's opinion.*

Wayne Shaak ("Claimant") is a 33-year veteran firefighter with the City of Philadelphia, Pennsylvania. He retired in 2006 and, in 2007, filed a claim for workers' compensation benefits due to work related exposure to hazardous noise.

A hearing was conducted before the Workers' Compensation Judge ("WCJ"), during which Claimant testified that he was exposed to loud noise on a daily basis. Specifically, Claimant pointed to the 90-minute equipment check when all fire truck engines were started as well as firefighting equipment, such as the "jaws of life." He also noted that on calls he was close to sirens, bells, activated smoke detectors and air horns.

Claimant conceded that he was given ear plugs for protection, but he opted not to use them because they impeded his performance. Since retirement, Claimant has not been exposed to loud noises of any kind. Claimant noted that he became aware of his hearing loss when his wife constantly told him to turn down the volume of the television.

Claimant was contacted by his union and advised that he could take a hearing loss test at the union hall. Accepting the offer, Claimant was tested by Ronda Schuman, a licensed audiologist, and the test revealed a hearing loss of 19.1 percent. Claimant was then referred to Jeffrey Cooper, M.D., an

### Mission Statement

Our intention is to report legal matters and the outcomes of lawsuits to fire service officers in order that they learn from the experiences of their colleagues. We do not give legal or any other professional advice, nor do we guarantee the accuracy of our content. Rather, we strongly urge subscribers to have access to competent, experienced attorneys. We hope that this information will help you avoid needless litigation; successfully defend against legal claims that are unavoidable; and use the law to protect your community.

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## Around the Nation

### Failure to Promote

#### **Demand for back pay, seniority and other benefits**

**Lesson Learned:** *The city was under a court order not to promote anyone until a related matter was finally resolved. Since the city could not ignore a court order, the firefighters who were finally promoted could not recover back pay and other benefits during the time the court enjoined any promotions.*

Plaintiffs are six City firefighters of the City of Cincinnati ("City") who took the promotion examination for the rank of fire lieutenant on November 22, 2005. The Civil Service Commission looked at the results of the exam and posted "promotion-eligible list 05-35."

James Inman, a firefighter who took the examination, but who was not one of the Plaintiffs, filed an appeal with the Hamilton County Court of Common Pleas. The trial court issued an order that the City promote Inman to the next available position of fire lieutenant. In response, the City appealed, and the trial court agreed to issue an automatic stay of the original order to promote Inman until the appeal was completed. The trial court then issued another order to enjoin the City from promoting anyone until the Inman matter was finally resolved. Thus, none of the Plaintiffs were promoted.

The court of appeals overruled the City's motion to stay the injunction.

As vacancies appeared in the rank of fire lieutenant, Plaintiffs filed a *mandamus* action that would order the City to promote them to that rank and provide them with back pay and retroactive benefits including seniority and time in grade. The City filed a motion to dismiss Plaintiffs' action until the Inman case was resolved. Here, the City reasoned that it would be in a position of being forced "to make the inevitable choice of facing contempt

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otolaryngologist.

Dr. Cooper also tested Claimant and found a hearing impairment of 23.1 percent, which Dr. Cooper found to be sensorineural, which is a type of hearing loss associated with exposure of the inner ear to loud noise. Dr. Cooper also testified at the hearing before the WCJ, and he stated that Claimant's hearing loss was *work related* and his history of being exposed to loud noises on a daily basis was consistent with other firefighters who suffered similar hearing loss.

The City of Philadelphia ("Employer") responded by presenting the testimony of Allen Miller, M.D., who also examined Claimant. There, Claimant explained that he was now wearing hearing aids which help him perform daily tasks. Dr. Miller also found that Claimant had significant hearing loss, but his opinion about causation differed with the testimony of Dr. Cooper. Dr. Miller opined that the hearing loss was due to otosclerosis, "a process by which new bone develops in the middle ear and impedes the transmission of sound into the inner ear. Dr. Miller further testified that otosclerosis is a common abnormality that may be corrected by surgery.

The WCJ considered all testimony and found that of Dr. Cooper to be more credible. It awarded Claimant 60.06 weeks of compensation benefits.

Employer appealed, contending that Claimant failed to prove that the hearing loss was work-related, and Claimant also failed to establish that he had sustained significant hearing loss over that which would ordinarily occur during a lifetime.

The applicable statute provides that Claimant must prove a permanent hearing loss of 10 percent or greater, the hearing loss was work-related, and the hearing loss is due to exposure to occupational noise. *Hayduk v. Workers' Compensation Appeal Board (Bemis Co. Inc.) 906 A.2d 622 (2006)*.

The Workers' Compensation Board ("WCB") affirmed the WCJ's decision, and Employer brought this appeal.

#### **Decision: Affirmed.**

Claimant must establish that his medical evidence is competent and not equivocal. "Where medical testimony is necessary to establish a *causal connection*, the medical witness must testify not that the injury or condition might have or possibly came from the assigned cause, but that in his professional opinion, the result in question did come from the assigned cause. Medical evidence which is less than positive or which is based upon possibilities may not constitute legally competent evidence for the purpose of establishing the *causal relationship*. *Lewis v. Workmen's Compensation Appeal Board, Pittsburgh Brd. of Educ., 498 A.2d 800 (1985)*.

Dr. Cooper's testimony was viewed as not being *conclusory* and *equivocal*. In the end, the court decided that the WCJ's decision was supported by substantial evidence.

*Citation: City of Philadelphia v. Workers' Comp. Appeal Board, No. 2552 C.D. 2009 (2010)*

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## Heart Disease—Work Related Presumption?

### Disability claim denied— conflicting medical opinions

*Editor's Note: How many times do we read of a firefighter suffering a fatal heart attack at a fire scene? So many firefighters have developed heart diseases that many states have adopted a "presumption" theory providing that the condition is work related. That presumption may be overcome by compelling evidence of non-work related causes such as family medical history of heart disease, overweight, heavy smoking, and high cholesterol.*

Robert Noble ("Claimant") was hired as a firefighter by the City of Philadelphia ("City") in 1969. He served at that rank until 1982, when he was promoted to fire battalion chief. With the promotion, his duties significantly changed from fighting fires to directing operations at fire scenes. From 1996 to 2004, Claimant also served as the HAZMAT battalion chief, wherein he directed HAZMAT incidents. Claimant retired from the service in 2004.

In 2005, Claimant started experiencing chest pains, prompting an examination and, later, a double bypass surgery. In 2006, he started working in a golf pro shop, where he remains employed.

In September 2007, Claimant filed a claim petition, alleging he was disabled by heart disease as a result of his repeated exposure to smoke, fumes, heat, gases, and extreme physical and mental stress in the course of his employment as a career firefighter. He also alleged that his heart disease along with financial concerns prompted his decision to retire in 2004.

A hearing was held before a Workers' Compensation Judge ("WCJ"), wherein Claimant testified that air packs were rarely used at fire scenes, and were not as efficient as those being used today, nor were they mandatory. Thus, at fire scenes he stood very close to the flames. In one incident, Claimant inhaled carbon monoxide and had to be treated.

Claimant offered the deposition testimony of Arthur Meltzer, M.D., specializing in cardiovascular diseases, who opined that Claimant suffered from a coronary artery disease precipitated by exposure to smoke and fire which caused acceleration of the disease. Dr. Meltzer also acknowledged that Claimant had an elevated level of cholesterol and that his family had a history of heart disease.

Claimant admitted to smoking a pack of cigarettes a day from ages eleven to twenty one and that he took Lipitor, a drug to control his cholesterol. He also admitted that his father died of heart disease at age forty nine.

The City responded by admitting the deposition of Ruchira Glaser, M.D., who also examined Claimant. He also noted that Claimant's family had a history of premature coronary artery disease. Further, Dr. Glaser noted that Claimant was suffering from hypertension and that a heart attack in 2005 was related to high cholesterol levels, family medical history, and hypertension.

In the end, the WCJ considered the conflicting medical testimonies and decided that Dr. Glaser's was more credible. The claim was denied, and

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orders" for violating the Inman injunction or for violating the writ of mandamus.

The Inman case was finally resolved on June 6, 2008, wherein the trial court lacked subject matter jurisdiction. Inman had already filed an administrative appeal, and there was no final adjudication at that level. The order to the City not to promote anyone to the rank of lieutenant was also dissolved.

Plaintiffs were all promoted, but the date of promotion was set at the date of the final resolution of the Inman case. The City refused Plaintiff's demand for back pay and other associated benefits.

Plaintiffs persisted in their efforts to be awarded back pay and benefits, contending that since the trial court never had subject matter jurisdiction, they should be awarded back pay and benefits retroactively to the date of the vacancies. The trial court decided in favor of Plaintiffs, and the City appealed.

### Decision: Reversed.

The City delayed the promotions because of the court ordered injunction. The City could not simply ignore a lawful court order. Thus, the City had no duty to promote Plaintiffs on the date that the vacancies appeared.

*Citation: State of Ohio, et al., v. City of Cincinnati, et al., No. C-090328, A-0711177, Court of Appeals, First Appellate District of Ohio Hamilton County (2010)*

## Heart Attack— Job Related?

### Are other heart conditions compensable?

*Editor's Note: In many states, there is a presumption that when a firefighter suffers a heart attack or*

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*heart condition, that condition is presumed to be work related and, thus, compensable. However, this case clearly shows that there are limitations to that presumption.*

Tracy O'Quinn was a firefighter for the City of Beaumont, Texas. In November 1995, O'Quinn suffered a serious heart attack while he was working. There was no dispute that the heart attack was work related and that his condition at the time was compensable under existing workers' compensation statutes.

O'Quinn returned to work in 1966 without any restrictions and continued to work until June 2003, when he underwent a stress test for myocardial perfusion and received an abnormal result. On June 26, 2003 O'Quinn "underwent coronary artery bypass surgery times five." This procedure was not covered by workers' compensation insurance, and he did not file a claim. However, O'Quinn did seek a determination of the extent of his workers' compensation coverage from the Department of Insurance, Division of Workers' Compensation.

In the years after 1995, a dispute arose about the extent of O'Quinn's coverage. His medications were covered by workers' compensation for about three years, but from then on, his medications were covered by his insurance provider. O'Quinn testified that he now pays deductibles and "co-pays" and that he is essentially "footing the bill" for medications.

After the 1995 heart attack, O'Quinn suffered from coronary heart disease, high density lipoprotein (HDL), and gastritis. He argued that these conditions were related to the heart attack of 1995 and that they should be covered.

A hearing was conducted, and it was determined that none of these later conditions were related to the 1995 heart attack, and coverage was denied.

O'Quinn appealed by filing a lawsuit

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Claimant appealed to the Workers' Compensation Board ("WCB") which affirmed the decision of the WCJ.

Claimant brought his appeal to court, contending that the WCJ capriciously disregarded his testimony and denied him the statutory presumption that his heart condition was work related.

**Decision: Affirmed.**

The WCJ did not disregard the testimony of Claimant. Rather, it exercised its prerogative and in considering it found it to be not credible.

The WCJ also found the testimony of Dr. Glaser sufficient to rebut the presumption that Claimant's heart condition was work related.

Claimant also admitted to retiring purely for financial reasons.

*Citation: Noble v. Workers' Compensation Appeal Board City of Philadelphia No. 2595 CD. 2009, Commonwealth Court of Philadelphia (2010)*

## Chief Sues Union—Defamation

### Was there malice? Is chief a "public official?"

*Lesson Learned: It is extremely difficult for a fire chief to prove defamation involving false statements being published by the media. The chief must prove that the defendant acted with malice or a reckless disregard for whether the statements are true or false.*

Bernard Becker, Fire Chief of Clearcreek Township ("Township"), filed a lawsuit against the International Association of Firefighters Local 4207 alleging defamation and false light invasion of privacy. Baker claimed that both his personal and professional reputation was damaged and that he was placed in a false light when Local 4207 forwarded a letter to the Township administrator. The letter was not signed.

Later the allegations in the letter were published by local media wherein the allegations were not fully explained.

Becker voluntarily retired from his position as fire chief. In seeking similar employment in other communities, Becker alleged that because of the negative publicity he was denied employment.

Local 4207 filed a motion for summary judgment, and the trial court granted the motion, reasoning that Baker failed to demonstrate that Local 4207 had actual knowledge that any of the allegations were false or acted in reckless disregard of whether they were false or not.

Becker appealed, contending that there remained a genuine issue of fact as to whether Local 4207 acted with actual malice.

It should be noted that defamation "is a false statement published by a defendant acting with the required degree of fault that injures a person's reputation, exposes to public hatred, contempt, ridicule, shame or disgrace, or adversely affects the person's profession. *Jackson v. City of Columbus 117 Ohio St. 3rd 328 (2008)*.

Proving defamation against public officials is considerably different. Here, one must prove that the published falsehoods about the public official were made with *actual malice*, that is, the defendant knew that the statements were false and published them anyway. The other way to prove defamation against a public official, one must establish that the statements were published with reckless disregard of whether the statements were

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either true or false. *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964).

Becker also alleged that the statements constituted false light invasion of privacy. To prove this allegation, Becker must establish that the false statements presented to a reasonable person would be highly offensive, and Local 4207 had actual knowledge of or "reckless disregard as to the falsity on the publicized matter and the false light in which the other would be placed."

Neither party disputes the fact that a fire chief is a public official.

**Decision: Affirmed.**

Becker failed to provide sufficient proof that a reasonable jury could find that Local 4207 had *actual knowledge* that the statements were false or that union members acted with reckless disregard of whether the statements were true in both claims of defamation and false light invasion of privacy. *Dupler v. Mansfield Journal*, 64 Ohio St. 2d 116 (1980)

It is obviously much more difficult for a fire chief or any public official to prove defamation.

*Citation: Becker v. International Association of Firefighters Local 4207, No. CA2010-03-029, No. 08CV72713, Court of Appeals of the District of Warren County Ohio (2010)*

## Position of Assistant Chief Eliminated

### City budget cuts assistant chief— union demands binding arbitration

*Lesson Learned: The specific terms of the collective bargaining agreement will be closely examined if binding arbitration is required to resolve a specific dispute. That specific type of dispute must be memorialized within the collective bargaining agreement.*

The Village of Johnson City ("Village") and the Johnson City Firefighters Association, Local 921 IAFF ("Local 921") executed a collective bargaining agreement ("CBA") which includes a grievance procedure stating "... the interpretation or application of any provisions of the CBA" are subject to binding arbitration. The CBA also contains a provision that the Village will not "lay-off any member of the bargaining unit" and is not "required to 'back fill' hire additional members to meet staffing level of expired agreement."

At issue here is the Village's decision to eliminate the position of Assistant Chief as a means of reducing the budget. The CBA establishes base salaries to be paid for the various firefighting positions, and one of those positions mentioned is that of the Assistant Chief. The most recent Assistant Chief retired in 2007, before the CBA was executed. The Village decided to eliminate that position in January 2009. Local 921 responded by filing a grievance in April 2009 with the Village and the Public Employment Relations Board arguing that the such action should be subject to binding arbitration.

The Village brought this action to permanently stay arbitration on the matter, noting that the position of Assistant Chief is not in the bargaining unit.

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in the district court. There, O'Quinn brought in the testimony of his treating cardiologist, Dr. Sotolongo, who opined that, O'Quinn "sustained ischemic cardiomyopathy, due to the 1995 heart attack, and that the subsequent medications and other ailments were all related to that event."

In the end, the jury decided that the coronary disease and gastritis, not HDL were compensable. The City appealed, arguing that Dr. Sotolongo's opinion was merely *conclusory* and not supported by any factual analysis.

**Decision: Reversed.**

Dr. Sotolongo provided no evidence that the coronary disease or gastritis was actually caused by the 1995 heart attack. Thus, the evidence is legally insufficient to support the district court opinion.

The court also noted that O'Quinn suffered from a peptic ulcer and that the gastritis was probably caused by medications taken rather than the 1995 heart attack.

*Citation: City of Beaumont v. O'Quinn, No.09-09-00448-CV, Court of Appeals of Texas, Ninth District, Beaumont (2010)*

### Firefighters Pay Reduced

Clearly, this recently filed lawsuit is a sign of the times. Firefighters of a large urban fire department who had no warning learned that their pay was being cut by a factor of 20 percent. They found most recent paychecks reduced by that amount. The decision was allegedly made by the mayor.

Just one week later, an attorney representing the firefighters filed a lawsuit demanding that the former pay rates be reinstated. In the lawsuit, the attorney alleged that the mayor took this action unilaterally without first seeking approval of the city council.

In deciding whether a grievance may be arbitrated, there is a two-part test: (1) is there any statutory, constitutional or public policy prohibition against arbitration? and (2) in examining the CBA, did the parties agree to arbitrate the specific dispute at issue? *Matter of the City of Johnstown v. Johnstown Police Benevolent Association*, 99 NY2d 273 (2002).

The trial court found for Local 921, deciding that the elimination of the position of Assistant Chief was subject to binding arbitration.

The Village appealed, noting that the CBA does not include a provision that the Village will “not lay-off any member of the bargaining unit.”

**Decision: Reversed.**

Not only is there not a provision that the Village may not lay off any bargaining unit member, the CBA does not obligate the Village to fill a vacant employment position. Local 921 contends that the position of Assistant Chief is a member of the bargaining unit. However, merely listing Assistant Chief in the salary schedule in the CBA does not mean that Assistant Chief is a member of the bargaining unit. The court also rejected the notion that eliminating the Assistant Chief could potentially violate the out-of-title work provision “if the Village assigned a firefighter to carry out the Assistant Chief’s duties is entirely speculative on this record.”

This dispute fails in the second prong of the test. There is nothing in CBA explicitly or implicitly referring to the elimination of vacant positions.

*Citation: Village of Johnson City v. Johnson City Firefighters Association, Local 921 IAFF, 508973, New York Appellate Division, Third Department (2010)*

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## Special Assessment to Property Owners for Fire Service

This is a case demonstrating financial pressure put on local government to fund public safety. In this instance, the City of Boynton Beach (“City”) opted for a special assessment on property owners. Vigorous resistance inevitably was heard, alleging the special assessment was essentially an illegal tax.

All firefighters employed by the City’s fire department are cross trained so as to provide firefighting and emergency medical services duties. Each firefighter is also qualified as an EMT and a paramedic. In 2000, City officials became increasingly concerned about deteriorating infrastructure of the fire department, prompting the decision to hire Government Services Group, Inc. (“GSC”), a consulting company specializing in helping local government adopt alternative revenue sources. GSC visited all fire department facilities and also examined fire department fire incident data from the Florida Fire Incident-Reporting System (“FFIRS”), which operated under the State Fire Marshal. GSC also examined property tax records.

In the end, GSC devised a proposed special assessment, and, in doing so, included its methodology in arriving at this recommendation. The proposal, submitted in June 2001, was the responsibility of GSC’s Camille Tharpe. Her approach was to consider three factors in detail. The first factor was a direct allocation between firefighting and EMS services. The second factor was based on administrative functions, examining how fire department personnel spent their administrative time. The third factor was referred to as the “operational” factor.

Given the fact that the fire department was integrated and firefighters were also EMTs and paramedics, this task was enormously difficult. GSC noted *SMM Properties, Inc. v. City of North Lauderdale*, 760 So.2d 998 (2000), in which the court decided that the Emergency Medical Services portion of the integrated fire rescue program did not provide a special benefit to property for a special assessment. Rather, it was fire suppression that was intended to protect real property that must be considered. A number of property owners (“Plaintiffs”) objected to the manner in which GSC delineated firefighting services and EMS services. Plaintiffs asked the court to issue an injunction which would prevent the City from collecting the special assessment. The trial court decided that the special assessment was indeed valid.

Plaintiffs appealed, contending that the assessment did not sufficiently benefit the properties burdened with the assessment. Plaintiffs also continued to complain about the methodology used in deciding what services were firefighting and what services were EMS. Finally, Plaintiffs alleged that the City spent assessment funds on unauthorized services and other non-firefighting related capital projects.

**Decision: Affirmed.**

The methodology used by GSC in distinguishing firefighting and EMS services is supported by substantial evidence, including expert testimony. Further, the method adopted by the City to apportion the assessment burden on property was not arbitrary. Rather, the evidence demonstrates that the assessment burden was fairly and reasonably apportioned.

The court noted that Plaintiffs did not provide sufficient evidence to support their claims and could have provided their own comprehensive report. *City of Boca Raton v. State of Florida*, 595 So.2d 25 (1992)

*Citation: Desiderio Corp. v. City of Boynton Beach, Nos. 4D09-1384, District Court of Florida, Fourth District (2010)*

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Cumberland County Sheriff's Office  
Fire Investigation Unit  
2010 Statistics

Arson Cases.....	134
Cases Cleared By Arrest.....	9
Accidental.....	33
Undetermined / Unsolved.....	51
Prosecution Declined.....	15
Active Cases.....	26

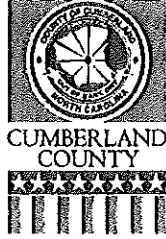
# CCSO Fire Investigation Unit Case Status

Case #	Address	Date	Progress/Disposition	Investigator	Contact
2010-11966	2675 J Herbert Rd.	11/6/2010	Interviews / + Test for Residual Gas In The Veh.	Ditmore / Arson 2	321-6786
2010-11802	256 S Main St.	11/2/2010	2 Arrests Have Been Made / Looking for 3rd	Ditmore / Arson 2	321-6786
2010-12645	5478 Calhoun Ct.	11/23/2010	No Leads Currently	Ditmore / Arson 2	321-6786
2010-12832	200 Hulon St.	11/30/2010	No Leads Currently	Ditmore / Arson 2	321-6786
2010-12980	1525 Gillespie St.	12/4/2010	No Leads Currently	Ditmore / Arson 2	321-6786
2010-13243	4115 Gillespie St.	12/11/2010	Waiting On Samples / Conducting Interviews	Ditmore / Arson 2	321-6786
2010-13439	3019 Jackson Ave.	12/17/2010	Fire Was Determined To Be Of An Accidental Nature	Ditmore / Arson 2	321-6786
2010-11726	2100 Clark West	10/31/2010	Interviews and Follow Up W/ Insurance	Manley / Arson 3	321-6786
2010-12392	7600 Rhodes Pond	11/18/2010	Interviews and Follow Up W/ Insurance	Manley / Arson 3	321-6786
2010-12631	2767 Sunnyside Sch.	11/23/2010	Interviews and Follow Up W/ Insurance	Manley / Arson 3	321-6786
2010-12684	11071 Norris Rd.	11/26/2010	Interviews and Follow Up W/ Insurance	Manley / Arson 3	321-6786
2010-13225	5019 Parkton Rd.	12/11/2010	Interviews and Follow Up W/ Insurance	Manley / Arson 3	321-6786
2010-13217	3511 Ben McNatt Rd.	12/11/2010	Interviews and Follow Up W/ Insurance	Manley / Arson 3	321-6786

KENNETH S. EDGE  
Chairman

MARSHALL FAIRCLOTH  
Vice Chairman

JEANNETTE M. COUNCIL  
CHARLES E. EVANS  
JIMMY KEEFE  
BILLY R. KING  
EDWARD G. MELVIN



MARIE COLGAN  
Clerk to the Board

CANDICE WHITE  
Deputy Clerk

**BOARD OF COMMISSIONERS**

5th Floor, New Courthouse • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829  
(910) 678-7771 • Fax: (910) 678-7770

**MEMORANDUM**

TO: Boards and Committees

FROM: Candice H. White, Deputy Clerk to the Board <sup>ew</sup>

DATE: December 16, 2010

SUBJECT: 2011 County Commissioner Liaison Appointments

Attached please find the 2011 County Commissioner Liaison Appointments for boards and committees as designated by Board of County Commissioners' Chairman Kenneth S. Edge. These appointments will become effective January 1, 2011. Should changes occur throughout the course of the upcoming year, you will be notified accordingly. Thank you.

Attachment

*Celebrating Our Past... Embracing Our Future*

LASTOVER • LAICON • FAYETTEVILLE • GODWIN • TROPE MILLS • LINDEN • SPRING LAKE • STILDMAN • WADE

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## 2011 COMMISSIONERS' SCHEDULE FOR ALL MEETINGS

*Effective January 1, 2011*

Board of Commissioners Meetings - 1<sup>st</sup> Mon of each month 9:00 am; 3<sup>rd</sup> Mon of each month 6:45 pm (if meeting falls on a holiday, the meeting is normally held on the next day; no July meetings; some meetings may be cancelled due to conferences)

### COMMISSIONER LIAISON APPOINTMENTS

COMMITTEE	MEETING SCHEDULE	COMMISSIONER
ABC Board	2 <sup>nd</sup> Monday/Monthly/6:00PM - 1705 Owen Drive	King
Airborne & Special Operations Museum (ASOM)	4 <sup>th</sup> Thurs/10:00AM/ Jan, May, Sept/Lindsay Conference Room, ASOM, 100 Bragg Blvd.	Keefe
Animal Services Board	1 <sup>st</sup> Monday/Bimonthly (Feb. /Apr./June/Aug./Oct./Dec.)/6:00 PM/4704 Corporation Drive ( <i>no meetings held on first or last day of any month</i> )	Evans
Board of Health	3 <sup>rd</sup> Tuesday/Monthly/6:00 PM/Health Department, 1235 Ramsey Street-4 <sup>th</sup> Floor Administrative Board Room (July and August meetings only if needed)	King (voting member)
BRAC – Army's Army		CHAIRMAN
BRAC Regional Task Force – Board of Directors	4 <sup>th</sup> Thurs/Quarterly/10:00 AM/Spring Lake Family Resource Center, 103 Laketree Blvd.	CHAIRMAN
BRAC Regional Task Force – Military Business Park Task Force	As Needed	Keefe
Civic Center Commission	4 <sup>th</sup> Tues/Monthly/5:30 PM/Crown Center Board Room, 1960 Coliseum Drive	Edge
Cumberland Community Action Program	3 <sup>rd</sup> Thurs/Quarterly Jan, Apr, July, Oct/7:00 PM/CCAP office 316 Green Street, Room 103 (not required to attend if invitations are received for Executive Committee meetings)	Council, Evans (2 voting members-Commissioners may designate representatives)
Cumberland County Emergency Planning Committee	last Thurs/Quarterly (Jan, Apr, July, Oct)/10:00AM/ PWC Office, 955 Old Wilmington Road	Melvin (voting member)
Partnership For Children of Cumberland County (Full Board)	Last Thurs/Bi-monthly Jan, Mar, May, July, Sept, Dec/12:00 PM-1:30 PM/CCPC Offices Omni Family Resource Center, Wagoner Drive	Council
Partnership for Children of Cumberland County (Board Development Committee)	3 <sup>rd</sup> Tues Monthly except 4 <sup>th</sup> Tuesday July and March (refer to their meetings list) 11:00 AM/ CCPC Offices Omni Family Resource Center, Wagoner Drive	Council
Cumberland County Veterans Council	1 <sup>st</sup> Wed/Monthly/7:00PM /DSS 1225 Ramsey Street, Room A (Contact: Sharon Sanders 677-2974)	Evans
FCC Chamber of Commerce – Board of Directors	4 <sup>th</sup> Thurs/Monthly/7:30AM/First Citizens Bank, Westwood Shopping Center	CHAIRMAN (ex-officio voting position)
FCC Chamber of Commerce - Executive Committee	2 <sup>nd</sup> Thurs/Monthly/7:30AM/ NCNG Conference Room Chamber Office, 1019 Hay Street	CHAIRMAN (ex-officio voting position)
FCC Chamber of Commerce - Planning Committee	3 <sup>rd</sup> Thurs/Monthly/4:00PM/Embarq Conference Room Chamber Office, 1019 Hay Street	Edge
Fayetteville Area Convention & Visitors' Bureau (FACVB)	2 <sup>nd</sup> Thurs/Bi-monthly (Jan, Mar, May, July, Sept, Nov) but subject to change/12:00 PM/FACVB Board Room, 245 Person Street	Keefe
Fire Chief's Association	4 <sup>th</sup> Mon/Monthly/7:00 PM/Locations vary	Melvin
Joint Planning Board	1 <sup>st</sup> & 3 <sup>rd</sup> Tues/Monthly/7:00 PM/Historic Courthouse 130 Gillespie Street, Second Floor Hearing Room	Melvin (1st Tuesday) Faircloth (3rd Tuesday)
Library Board of Trustees	3 <sup>rd</sup> Thurs/Monthly/9:05 AM/Locations vary (No meetings July or Aug; Dec meeting changed to 2 <sup>nd</sup> Thurs)	Council
Mayor's Coalition (rotates Mayors for meeting info)	2 <sup>nd</sup> Fri/Quarterly Feb, May, Aug, Nov/8:00AM Haymont Grill	CHAIRMAN
Mental Health Board	1 <sup>st</sup> Wed/Monthly/5:15 PM/ 711 Executive Place Board Room 124	Evans, Faircloth (2 voting members)
Mid Carolina Council Of Governments (Full Council)	4 <sup>th</sup> Thurs/Quarterly (Jan annual dinner meeting, Apr, July, Oct)/6:00 PM/meeting locations rotate among counties	King
Mid Carolina COG (Directors)	Meets as needed	King

Military Liaison	Activities as needed	Keefe
NC State Veterans Park Executive Advisory Committee	On Call-City Hall Lafayette Room	CHAIRMAN (honorary member)
Parks and Recreation Adv. Board	1 <sup>st</sup> Tues /Monthly/5:45 PM/121 Lamon Street	Faircloth
Public Works Commission	2 <sup>nd</sup> & 4 <sup>th</sup> Wed/Monthly/8:30AM/PWC Building	King
Senior Citizens Advisory Board	2 <sup>nd</sup> Tues/Monthly/2:30 PM/City Hall, LaFayette Room	Evans
Sheriff's Office Liaison		Melvin
Social Services-Work First Advisory Committee	3 <sup>rd</sup> Wed/Quarterly (Jan., Apr, July, Oct)/1:00 PM/DSS 4 <sup>th</sup> Floor Board Room, 1225 Ramsey Street (contact-Denise Jones 677-2902 ) ( <i>Liaison appointment should be same as the commissioner appointed to serve on the Social Services Board.</i> )	Melvin (voting member)
Transportation Advisory Committee (TAC)	4 <sup>th</sup> Wed/Quarterly (Jan, Apr, July, Oct)/8:30 AM/City Hall LaFayette Room (meetings are set up each April)	Evans (voting member)

**Tim Mitchell**

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**From:** Hodges, Charles L. [clhodes@town.hope-mills.nc.us]  
**Sent:** Tuesday, November 23, 2010 8:58 AM  
**To:** Tim Mitchell  
**Subject:** Bulk Purchase

Tim,

This e-mail is in response to the information put out at the chief meeting last night.

The Hope Mills FD is looking to purchase the following equipment:

- (14) 100 ft. sections of 5in. Large Diameter Hose (quote on hand - \$599.72 per section)
- (10) 100ft. sections of 2.5 in. attack hose (quote on hand - \$442.73 per section)
- (6) 100ft. sections of 2 in. attack hose (quote on hand - \$350.49 per section)

Items we are in the process of purchasing:

- (5) Motorola XTS-2500 portable 800 MHz radios / software trunking / 2-yr. repair service / impress rapid charger / remote speaker mic.  
(State Contract Pricing) \$ 2,468.53 ea. Total for (5) \$12,342.65

(1) ISG K-1000XR Elite Thermal Imaging Camera / Fast attack truck mount charger / Batteries for life - \$ 8,750.00

(10) Scott AP-75 CBRN self contained breathing apparatus / mask / cylinder / voice amp - \$5,346.18 each

(1) Scott AP-75 Pac-Tracker - \$915.98 ea.

(11) Sets of Globe G-Xtreme turnout gear \$ 1,796.39 per set.

*Charles L. Hodges*

Hope Mills Fire Chief  
910-424-0948

*Newton FIRE*

*ENC 4*

**Cumberland County  
Fire Chiefs' Association**  
7221 Stoney Point Road  
Fayetteville, North Carolina 28306  
Phone # (910) 424-0694  
Fax # (910) 425-2795  
Email: [spfd1301@nc.rr.com](mailto:spfd1301@nc.rr.com)



**Freddy L. Johnson Sr.**  
President  
**Ronnie Marley**  
Vice President  
**Freddy L. Johnson Jr.**  
Treasurer  
**Mark A. Melvin**  
Secretary  
**Edward Melvin**  
Fire Commissioner  
**Mike Cassanova**  
Chaplain

December 5, 2010

North Carolina Building Code Council  
322 Chapanoke Road, Suite 200  
Raleigh, North Carolina 27603

Dear Council Members:

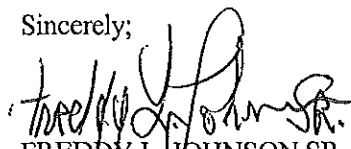
The Cumberland County Fire Chief's Association has taken the position supporting efforts across the great state of North Carolina in adopting legislation for residential fire sprinklers systems. Statistical information clearly identifies that a high percentage of fire fatalities occur in residential occupancies, and we find it very disturbing that the one place most people feel safest is actually the deadliest at risk from unwanted fires. The real threat of fire is the rapid spread potential and deadly smoke in most cases. Smoke detectors, fire alarms, family escape plans, fire resistive construction and plenty of easily accessible ways out in an emergency are all helpful to save lives and reduce injuries in a fire. However, the single most effective way to protect the life of family and friends in a residential fire is to have a fire sprinkler system.

Therefore it is the position of the Cumberland County Fire Chief's Association that all homes, regardless of size or construction or type should be protected by a residential fire sprinkler system. The Association recognizes that the economic realities of trying to retrofit existing homes with fire sprinkler systems can be prohibitive but the CCFCA advocates for fire sprinkler systems in all new construction and encourages those with the financial ability to retrofit their homes. Firefighters in several communities around North Carolina have installed fire sprinkler systems in Habitat for Humanity homes and those systems have proven their effectiveness in several incidents by saving the families in those homes. Fire sprinkler systems work, even in affordable housing!

Furthermore, The National Fallen Firefighters Foundation developed the 16 Life Safety Initiatives and developed the program "Everyone Goes Home." Item number 15 of the initiative states that "*Advocacy must be strengthened for the enforcement of codes and the installation of home fire sprinklers.*" These initiatives only strengthen our commitment for life safety on all fronts.

Our position follows the overall mission of the fire services, "*to save lives and protect property.*" And in fact, the intent of the North Carolina Building Code is to provide for that very same mission as stated in Section 101.3. The sprinkler initiatives not only protect the lives of others, but provide an added measure of safety for our firefighters.

Sincerely;

  
FREDDY L. JOHNSON SR.  
Fire Chief / President



*Preservation of Life and Property through Organization*



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**CUMBERLAND COUNTY FIRE CHIEF'S ASSOCIATION  
ROLL CALL**

MEMBERS PRESENT (22)	21	21	21	19	19	23	18	21	22	17	20	21
ASSOCIATES PRESENT (12)	10	11	10	7	7	11	7	8	10	8	7	7
CC Fire Chiefs DEPARTMENT ORGANIZATION * Chief's Only Meeting	25-JAN-10 *	22-FEB-10	22-MAR-10	26-APR 10*	24-MAY-10	28-JUN-10	26-JUL-10*	23-AUG-10	27-SEP-10	25-OCT-10*	22-NOV-10	20-DEC-10
MEMBERS												
BEAVER DAM STA 26	P	P	P	P	P	P	P	P	P	P	P	P
BETHANY STA 12	P	P	P	P	P	P	P	P	P	P	P	P
CEDAR CREEK STA 8	P	P	P	P	P	P	P	P	P	P	P	P
COTTON STA 4	P	P	P	P	P	P	A	P	P	P	P	P
CUMBERLAND ROAD STA 5	P	A	P	P	P	P	P	P	P	A	P	P
EASTOVER STA 1	P	P	A	A	A	P	P	P	P	P	P	P
EMS EMERGENCY MEDICAL SERVICES	A	A	A	P	A	P	P	P	P	P	P	P
FAYETTEVILLE FIRE DEPT	P	P	P	P	P	P	P	P	P	P	P	P
FORT BRAGG FIRE DEPT	P	P	P	P	P	P	P	P	P	P	P	P
GODWIN - FALCON STA 17	P	P	P	P	P	P	P	P	P	P	P	P
GRAYS CREEK STA 18	P	P	P	P	P	P	P	P	P	P	P	P
GRAYS CREEK STA 24	P	P	P	P	P	P	P	P	P	P	P	P
HOPE MILLS STA 21	P	P	P	A	A	P	A	P	P	A	P	P
PEARCE'S MILL STA 3	P	P	P	P	P	P	P	P	P	P	P	P
SPRING LAKE STA 22	P	P	A	A	P	P	A	A	P	A	A	P
STEDMAN STA 23	P	P	P	P	P	P	P	P	P	A	P	P
STONE POINT STA 13	P	P	P	P	P	P	P	P	P	P	P	P
STONE POINT STA 19	P	P	P	P	P	P	P	P	P	P	P	P
VANDER STA 2	P	P	P	P	P	P	P	P	P	P	P	P
WADE STA 16	P	P	P	P	P	P	P	P	P	P	P	P
WESTAREA STA 15	P	P	P	P	A	P	A	P	P	A	A	A
WESTAREA STA 20	A	P	P	A	P	P	P	P	A	A	P	P
ASSOCIATE MEMBERS												
HAZMAT	P	P	P	P	A	P	P	P	P	P	P	P
SHERIFF'S OFFICE	P	P	P	A	A	P	P	P	P	P	P	P
HIGHWAY PATROL	P	P	P	P	P	P	P	P	P	P	P	P
CC EMERGENCY SERVICES	P	P	P	P	P	P	P	P	P	P	P	P
FORESTRY	A	P	P	A	A	A	P	A	P	P	A	P
FTCC	P	A	A	A	P	P	A	P	A	A	P	A
COUNTY COMMISSIONERS	P	P	P	P	P	P	A	P	P	P	P	A
CHRISTIAN FIREFIGHTERS	P	P	P	P	P	P	P	A	A	P	A	P
LIFE LINK	P	P	A	P	A	P	P	A	P	A	P	A
SBI	P	P	P	A	P	P	A	A	P	A	A	A
HOPE MILLS POLICE	A	P	P	A	A	P	A	P	P	A	A	P
FORT BRAGG EMS	P	P	P	P	P	P	A	P	P	P	A	A

Special Notes:

CODES: (P) - Present (A) - Absent (E) - Excused

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**CUMBERLAND COUNTY FIRE CHIEF'S ASSOCIATION  
EMERGENCY CONTACT NUMBERS (01-01-11)**

**FIRE DEPARTMENTS**

STA. #	DEPARTMENT	ADDRESS	CHIEF/DEP/ASST	FD PHONE	HOME PHONE	MOBILE (CELL)	FAX	EMAIL ADDRESS
1	Eastover	3405 Dunn Road/Fayetteville, NC 28301	Todd Thurmond Mark McLaurn	483-3770	483-1418 433-2865	308-6868 922-1840	483-5870	<a href="mailto:efd01@nc.rr.com">efd01@nc.rr.com</a> <a href="mailto:efd01@nc.rr.com">efd01@nc.rr.com</a>
2	Vander	3509 Clinton Road/Fayetteville, NC 28301	Roddy Bullard David Chavis	483-5042	323-1617 323-9458	624-0103 624-1599	483-7814	<a href="mailto:vfd02@nc.rr.com">vfd02@nc.rr.com</a> <a href="mailto:vfd02@nc.rr.com">vfd02@nc.rr.com</a>
3	Pearces Mill	2998A Gillespie St./Fayetteville, NC 28306	Ronnie Marley Tracy Smith Byran Marley	425-5881	624-8114 624-8115		423-6820	<a href="mailto:pmfd0302@nc.rr.com">pmfd0302@nc.rr.com</a> <a href="mailto:pmfd0303@nc.rr.com">pmfd0303@nc.rr.com</a> <a href="mailto:pmfd0303@nc.rr.com">pmfd0303@nc.rr.com</a>
4	Cotton	PO Box 129/Hope Mills, NC 28348	Owen Harris Hank Harris Kevin Dove	425-9385	425-6075 423-4854 425-2595	309-1233 728-5955	425-2105	<a href="mailto:cfd401@nc.rr.com">cfd401@nc.rr.com</a> <a href="mailto:cfd402@nc.rr.com">cfd402@nc.rr.com</a> <a href="mailto:cfd403@nc.rr.com">cfd403@nc.rr.com</a>
5	Cumberland Road	3543 Cumberland Road/Fayetteville, NC 28306	Kenneth Hall Steve Parrish Dale Spiller	425-3119	424-2042 858-3717 425-1452	624-7501 850-6730 309-5705	425-3103	<a href="mailto:crfd0501@nc.rr.com">crfd0501@nc.rr.com</a> <a href="mailto:crfd0503@nc.rr.com">crfd0503@nc.rr.com</a> <a href="mailto:crfd0502@aol.com">crfd0502@aol.com</a>
8	Cedar Creek	4960 Tabor Church Rd/Fayetteville, NC 28301	Roddy Bullard Jay Devane	483-5541	323-1617	624-0103 988-7321	223-2190	<a href="mailto:vfd08@nc.rr.com">vfd08@nc.rr.com</a> <a href="mailto:jdevane@ci.fay.nc.us">jdevane@ci.fay.nc.us</a>
12	Bethany	2140 Wade/Stedman Rd/Stedman, NC 28391	J.F. Hall Bill Autry Keith Jackson	483-1581	483-6239 483-1817 323-9637	850-0946 624-2678 990-2471	483-4397	<a href="mailto:bfd1201@nc.rr.com">bfd1201@nc.rr.com</a> <a href="mailto:bfd1202@nc.rr.com">bfd1202@nc.rr.com</a> <a href="mailto:bfd1203@nc.rr.com">bfd1203@nc.rr.com</a>
13	Stoney Point	7221 Stoney Point Rd/Fayetteville, NC 28306	Freddy Johnson Sr Freddy Johnson Jr. Matthew Williams	424-0694	424-4279 423-6881 424-5723	476-1301 308-1721 977-2700	425-2795	<a href="mailto:spfd1301@nc.rr.com">spfd1301@nc.rr.com</a> <a href="mailto:spfd1302@nc.rr.com">spfd1302@nc.rr.com</a> <a href="mailto:assfirechief@aol.com">assfirechief@aol.com</a>
15	Westarea #15	6787 Ramsey St/Fayetteville, NC 28311	Don L Moore	488-7503	630-1989	229-1249	829-6050	<a href="mailto:wfd15@nc.rr.com">wfd15@nc.rr.com</a>
16	Wade	PO Box 284 7130 Powell Str, Wade, NC 28395	Mike Hill Daniel Hill Randy Brown	483-2353	980-9961	818-3793 624-3646 984-4791	483-2307	<a href="mailto:wfd16@nc.rr.com">wfd16@nc.rr.com</a>
17	Godwin Falcon	PO Box 23/Falcon, NC 28342	Wayne Lucas Marty Starling Robert Scoggins	980-1066	980-1391 980-1311 980-5538	Fire Dept. Pager	980-1766	<a href="mailto:gffd17@nc.rr.com">gffd17@nc.rr.com</a>
18	Gray's Creek #18	7010 Fire Dept Rd/Hope Mills, NC 28348	Kevin Hemdon Danny Matthews Ken Bramble	425-0571	424-4582	624-7028 308-6226 303-0132	425-0571	<a href="mailto:gcfid18@nc.rr.com">gcfid18@nc.rr.com</a> <a href="mailto:gcfid18@nc.rr.com">gcfid18@nc.rr.com</a> <a href="mailto:gcfid1803@nc.rr.com">gcfid1803@nc.rr.com</a>
19	Lake Upchurch	7221 Stoney Point Rd/Fayetteville, NC 28306	Freddy Johnson Sr Freddy Johnson Jr. Matthew Williams	424-0694	424-4279 423-6881 424-5723	476-1301 308-1721 977-2700	425-2795	<a href="mailto:spfd1301@nc.rr.com">spfd1301@nc.rr.com</a> <a href="mailto:spfd1302@nc.rr.com">spfd1302@nc.rr.com</a> <a href="mailto:spfd1303@nc.rr.com">spfd1303@nc.rr.com</a>
20	Westarea #20	PO Box 470/Linden, NC 28356	Robert Godwin Scott Bass	980-0126	980-0665 980-0464	303-3111 818-3450	892-2132	<a href="mailto:wfd2001@nc.rr.com">wfd2001@nc.rr.com</a> <a href="mailto:wfd2002@nc.rr.com">wfd2002@nc.rr.com</a>
21	Hope Mills	5788 Rockfish Rd/Hope Mills, NC 28348	Steven Hodges Steven Lopez	424-0948	423-0174 865-2892	308-9046 308-7684	424-4566	<a href="mailto:hmfid21@nc.rr.com">hmfid21@nc.rr.com</a> <a href="mailto:lfrfrecop@aol.com">lfrfrecop@aol.com</a>
22	Spring Lake	300 Ruth St/Spring Lake, NC 28390	Robert Doberstein Steve Rosser Andy Thomas	436-0337		309-1606 884-8322 919-356-5311	436-1083	<a href="mailto:rdoberstein@spring-lake.org">rdoberstein@spring-lake.org</a> <a href="mailto:ssrosser@spring-lake.org">ssrosser@spring-lake.org</a> <a href="mailto:athomas@spring-lake.org">athomas@spring-lake.org</a>
23	Stedman	7595 Clinton Rd./Stedman, NC 28391	Bill Bullard	323-2592	323-2615	988-4060	223-2191	<a href="mailto:sfd2301@aol.com">sfd2301@aol.com</a>

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**CUMBERLAND COUNTY FIRE CHIEF'S ASSOCIATION  
EMERGENCY CONTACT NUMBERS (01-01-11)**

24	Gray's Creek #24	2661 Sandhill Rd/Fayetteville, NC 28306	Joe Marsh J. D. Pone Ray Lloyd	483-1816 485-3793 323-0007 486-9089	261-3810 527-2444	483-7234	gcfd2401@nc.rr.com gcfd2402@nc.rr.com gcfd2403@nc.rr.com st26@intrstar.net st26@intrstar.net
26	Beaver Dam	11042 NC Hwy 210S/Roseboro, NC 28382	Richard Bullard Mike Ake	531-4171 531-3677 486-0897	309-1544 322-0037	531-4743	st26@intrstar.net st26@intrstar.net
FFD	Fayetteville FD	433 Hay St/Fayetteville, NC 28301	Benny E. Nichols Mike Allen Ben Majors Chris Morrey	433-1725 433-1009 433-1429 433-1738	391-7636 322-1267 322-5298	433-1757	bnichols@ci.fay.nc.us tallen@ci.fay.nc.us bmajor@ci.fay.nc.us
FBFD	Fort Bragg FD	Bldg 6-9572 1556 Knox/Fort Bragg, NC 28310	Steve Blackburn, Mark Melvin	396-8121 396-9248 919-639-2080 919-577-1977	303-4959 303-4962	396-1111	steven.d.blackburn@us.army.mil mark.a.melvin@us.army.mil
EMS	EMS	601 Gillespie Street Fayetteville, NC 28306-1544	Brian Pearce Mark McLaurin	609-5618 609-5651	633-1857 391-6322	678-7687	bpearce@capefearvalley.com mmclaurin@capefearvalley.com
EMS	EMS Fort Bragg	2817 Reilly Rd. Fort Bragg, NC 28310	Richard Clark	907-7853	988-9109	907-8472	Richard.W.Clark2@us.army.mil

**CUMBERLAND COUNTY FIRE CHIEFS ASSOCIATION EXECUTIVE OFFICERS**

EXECUTIVE (POSITION)	ADDRESS	DEPARTMENT HEAD	PHONE	HOME PHONE	MOBILE (CELL)	FAX	EMAIL ADDRESS
President	7221 Stoney Point Rd/Fayetteville, NC 28306	Freddy Johnson Sr.	424-0694	424-4279	476-1301	425-2795	spfd1301@nc.rr.com@
Vice President	2998A Gillespie Street Fayetteville, NC 28306	Ronnie Marley	425-5881	624-8114	624-8114	423-6820	pmfd0301@nc.rr.com
Secretary	2175 Reilly Rd. Fort Bragg, NC 28310	Mark Melvin	396-9248	919-577-1977	303-4962	396-1111	mark.a.melvin@us.army.mil
Treasurer	7221 Stoney Point Rd/Fayetteville, NC 28306	Freddy Johnson Jr	424-0694	423-6881	308-1721	425-2795	spfd1302@nc.rr.com fjohnson@ncshp.org

**MISCELLANEOUS**

AGENCY	ADDRESS	DEPARTMENT HEAD	PHONE	HOME PHONE	MOBILE (CELL)	FAX	EMAIL ADDRESS
CC Arson Task Force	131 Dick St/Fayetteville, NC 28301	Steven Hodges	677-5499	527-3637	391-2156	323-0235	shodges@cccsonc.org
CC Emergency Services	PO Drawer 1829/Fayetteville, NC 28302-1829	Kenny Currie Tim Mitchell Susan McLeod	678-7688 321-6734 677-5523		476-4803 818-6469 308-9307	677-5552	kcurrie@co.cumberland.nc.us
FFD Emer. Mgt Officer/ HazMat	433 Hay Street Fayetteville, NC 28301	Brian Mims	433-1431	426-3173	551-4208	433-1757	bmims@ci.fay.nc.us
NC Forestry (Cumberland)	221 Airport Rd/Fayetteville 28306	Michael Good	437-2620			437-2623	
NC Forestry (HQ)	1905 Baywood Rd/Fayetteville, NC 28301	Andrew Snyder	483-1535	919-939-6825	850-5058	485-0944	cumberland.dfr@ncmail.net

**CUMBERLAND COUNTY FIRE CHIEF'S ASSOCIATION  
EMERGENCY CONTACT NUMBERS (01-01-11)**

**LAW ENFORCEMENT**

AGENCY	ADDRESS	DEPARTMENT HEAD	PHONE	HOME PHONE	MOBILE (CELL)	FAX	EMAIL ADDRESS
Cumberland County Sheriff's Office	131 Dick Street Fayetteville, NC 28301-5793	Sheriff Earl R. Butler	323-1500 677-5400		391-1321	677-5571	ebutler@ccsonc.org
North Carolina State Highway Patrol	Troop B Headquarters 2435 Gillespie Street Fayetteville, NC 28301-3051	Captain Alex Greyard	486-1058		818-5948	483-1761	
North Carolina State Highway Patrol (Local)	Troop B District 1 (Cumberland County) 2435 Gillespie Street Fayetteville, NC 28301-3051	District 1 <sup>st</sup> Sergeant Erwin Montgomery	486-1334			483-1761	
Fayetteville City Department	467 Hay Street Fayetteville, NC 28301-5798	Chief Bergamine	433-1819			433-1895	
Hope Mills Police Department	5776 Rockfish Road Hope Mills, NC 28348-0000	Chief Hassell	425-4103			423-8134	
Spring Lake Police Department	PO Box 617 Spring Lake, NC 28390	Chief McDuffie	436-0350		237-9045	436-2253	
Stedman Police Department	5110 Front Street Stedman, NC 28391	Chief Harvey Cain	323-1892		391-0793	323-4255	townofstedman@nc.rr.com
Fort Bragg PMO Law Enforcement Center	Building # 2-5634 Armistead Street Fort Bragg, NC 28310	Chief Calvin Prouty	396-0391			396-4414	