

**BEULAH AMBULANCE DISTRICT
BOARD OF DIRECTORS MEETING No. 43**

6:30 pm, July 28, 2011

MINUTES

This meeting of the Board was held at Our Lady of the Lourdes Catholic Church Fellowship Hall, 8800 Maryknoll Blvd, Beulah, CO

Board members present were: Chairman and President Steve Douglas; Vice-president Carol Wright; Secretary Anne Moulton; Treasurer Ruth Ann Amey; and Judy Satterfield Lietz. Also attending were EMS Chief Bryan Ware, responders Tricia Anderson, Nathan Anderson, Kevin Fern, Scott Robertshaw, Naomi Blake and Nicole Richardson. Other individuals present who signed in were Lori Lara, Tom Stosek, Larry Walter, Joshua Johnson, Jan Miller, William Moulton, Corky Outhier, Anne Whitfield, Ben Whitfield, Gay Miller, Bob Thompson, Nathan Anderson, Norman Williams and Peter Conlon.

1.Chairman and President Steve Douglas called the meeting to order at 6:35 p.m.

2.THE AGENDA: an addition was requested of an item before Minutes, specifying ground rules for tonight's community discussion under New Business. *Motion to approve the agenda as corrected was made by Judy Satterfield Lietz, seconded by Ruth Ann Amey. No objections.*

Ground rules: Anyone who wishes to speak tonight must sign in, circle on the sign-in form showing that they are either a resident or a non-resident of the district, and identify how they may be reached for followup. We will follow the Pueblo School District 70 practice for a meeting with a large number of participants of allowing each person 3 minutes to speak. Please state clearly when you are speaking "what you know" versus "what you think". Kindly be civil to all as neighbors. This is agreed to by the audience members.

3.MINUTES of the June 23, 2011 meeting to be corrected as follows:

- Item 3: Correct name to Lisa Shorter, capitalize county and office
- Item 4, bullet 2: fix typo to We
- Item 4, bullet 3: add after "death" "and associated donations"
- Item 4, bullet 6: add "Our calls for service are higher than those in past years, therefore" the cost of fuel "and number of calls" is still driving up ambulance cost
- Item 4, bullet 11: add audit "for fiscal year 2010"
- Item 5, bullet 2: add outreach program "on diabetic emergencies"
- Item 5, bullet 3, 2nd line: insert "EMT" intermediate training
- Item 5, bullet 4: add after to Boone to check out their combined District "and their station. Theirs is very well designed facility."
- Item 6a, 3rd line: state "our address contact"
- Item 6b, 3rd line: Polly wants a "committee" meeting

- Item 6b, line 7: add “before” a “wildland fire response”, but “that may not include” structural fire responses
- Next sentence: when a fire department goes to “an area outside their district for a structural fire”...
- Next sentence: delete “There is no exchange of money”
- Item 7a: state “staff” not “man” booth

Motion to approve the minutes as amended was made by Ruth Ann Amey, seconded by Carol Wright. No objections.

4. THE FINANCIAL REPORT for 01/01/2011-6/30/2011 given by Ruth Ann Amey:

- We have received most of our anticipated revenue. There remains 39% to receive.
- We have underspent by 6%, having only spent 44% of our budget to date, versus last year being 10% overspent by this time of year
- There were no billing revenues in June, but approximately \$2000 in July, to be reflected next month (cash basis accounting)
- Our big expenses this month were insurance for our Lifepac of just over \$2000, and flight suits for our volunteers, of approximately \$1200
- We are underspent in most categories; one exception is Ambulance Expense and Supplies. Increases in that category are due to increased responses.
- We are underspent in professional and insurance categories and overspent in office expenses
- We will amend the budget in September
- We received over \$2000 in grants to reimburse continuing education expenses
- Medicare reimbursement should kick in soon to improve billing revenues
- There is a question from the audience about what we do with excess tax monies. We need to keep funds for the beginning of the following year before tax monies come in, and we are also putting aside some money for a facility/garage.

Motion to accept the Treasurers report was made by Carol Wright, seconded by Judy Satterfield Lietz. No objections.

5.EMS CHIEF BRYAN WARE REPORTED:

- In June we had 14 calls for a total of 82 so far this year
- On July 4 we had a significant trauma call near the 6 mile marker of “12 mile”. There was good cooperation and communications with the Pueblo County Sheriff’s Office, Flight for Life, and with Beulah Fire Department. Kudos go to mutual aid and to our responders. Response times were outstanding. The patient was flown to a trauma center from the school field
- Both ambulances were inspected this past week. Both passed with some additional items added to Ambulance 2. Total cost of those additions was \$394.00.
- Tricia Anderson and Tom Griggs were accepted to the Paramedic Academy at Pueblo Community College. Bryan has submitted the paperwork to the state CREATE program for 70% reimbursement. With approval of these funds, he will then ask Pueblo EMS Council for the remaining 30%. Total cost for both will be

\$9398 which we will cover up front for them to start in September. Then we should receive funds back in 2012 when they complete the program. Both will complete our tuition forms and requirements.

- Per a study by the state of Colorado, our average 2009 response times were 13.5 minutes while state average times were 10 minutes. Bryan asked for the same figures for the last 6 months and found our average to be 9 minutes, or 0.4 minutes below the state average of 9.4 minutes. The same study showed our scene times had dropped an average of 2.4 minutes. Bryan ascribed this to better responder decisions, expediting transport.
- With school starting and buses returning to the storage area at Beulah School, we will be placing Ambulance 2 back out at Fire Station 2
- Our Medicare inspection was conducted today and the process for approval should move forward. We currently have \$56,872.27 billed out to Medicare which our billing agency expects to have approximately 50% reimbursed.
- The annual Arts and Crafts Fair is next week. Our members will be assisting with setup and teardown. We have decided on no dunk tank at this event, maybe at another event such as a BBQ we are considering for this fall.
- On August 13th, we will be hosting a Community Blood Drive at our office from 8:30-12:30. Please encourage everyone to help spread the word of this event. Individuals can schedule a time by calling our office or Bonfils.
- We will be covering the rocket launch with Ambulance 2 and two BLS responders this coming Saturday, and then on August 22-23. The District will still have a primary ALS crew on duty in the valley for responses. We will provide water etc for sale. We will be compensated \$500, maybe more, for our presence. More than 844 people are expected.
- AMR mutual aid contract language will be corrected and provided to the board at the August meeting

6. OLD BUSINESS

a. Arts and Crafts Fair: Carol Wright is also on the Arts Council so will be at a nearby booth if needed. Other board members signed up for shifts at the Fair. See Chief's Report for other discussion

b. other - none

7. NEW BUSINESS:

- a. **Personnel matters regarding EMS Chief Bryan Ware:** this portion was an open meeting for the community. Steve Douglas reminded participants that they must sign up and will be called in the order in which they signed up.

Steve provided a background summary:

Bryan was hired 11 months ago as our EMS Chief. Before that, Steve performed and communicated to the selection committee and board the results of a reference check. We were aware of Bryan's history in Ohio of misdemeanors, specifically that Bryan pleaded no contest in the Huron Municipal Court to distributing matter

harmful to a juvenile (a class 1 misdemeanor) and of attempted pandering of obscenity (a class 1 misdemeanor). A sentence of 180 days in jail was suspended on condition that he serve two years unsupervised probation and adhere to court-ordered conditions. Probation was from August 11, 2009 through August 11, 2011.

Bryan told us he made a mistake by sending out a text message he had received, with attached image of testicles, to a text group that included one minor, a 16-year old male soccer player he had coached. The boy's parents filed charges with the police expressing concern about "grooming juveniles for a future sex act or to coax them away from their parents". This was not substantiated in court and the findings were reduced from felonies to misdemeanors.

Our selection committee and our Board of Directors weighed that history against Bryan's qualifications. The Board concluded this constituted a mistake from which Bryan would learn. We knew that for Bryan to be certified by Colorado as a paramedic (as he was), a background check at both local and federal levels would be done. A stipulation for his probationary period with that certification had the misdemeanor convictions spelled out, along with the requirement that he notify the state of Colorado of any probation violations within 72 hrs. The Board was confident that this certification process would show anything else potentially of concern. These issues were balanced against the excellence of skills Bryan demonstrated. Neither the felony charges nor the misdemeanor convictions involved would have categorized him as a sex offender. We learned that Bryan had been required to attend a sexual orientation evaluation which showed he had normal interest in adult females and no interest in juvenile males.

Probation terms stated that during that two-year period, Bryan was not to coach or instruct minors who were not otherwise supervised. He was to have no contact with non-family juveniles, but that was amended to allow treatment and transport of juveniles during his activity as a paramedic.

Steve spoke with Laura Alkire, the prosecuting attorney during Bryan's legal process in Ohio. She clarified that the judge specified no *unsupervised* contact with juveniles, which would permit contact with juveniles in the presence of parents or with parent approval, or in the presence of other adults. Steve emphasized, as Mrs. Alkire had, that we were dealing with *alleged* violations of probation.

Bryan was subsequently asked by Pueblo School District 70 to refrain from being on School District property and to stay away from kids until a new FBI background check was completed. The status of that check is incomplete at this time. We thoroughly support that request.

There may be an issue with the Colorado Department of Health. Steve has spoken to them. We will listen to what is learned by them.

The Pueblo County Sheriff's Office investigated Bryan's activities locally, and reported to Huron authorities. Captain Jeff Teschner spoke with Steve about that investigation, and stated there was no evidence of criminal activity in this community on Bryan's part. They will support what Huron wants including returning Bryan to Ohio for additional prosecution, if needed.

Steve spoke to community members present, saying, if we are missing something here, we want to hear it, as regards to inappropriate behavior with kids. To date we have heard nothing, but now we want to hear from you. He asked each speaker to please identify any documentation you may have regarding any alleged violation by Bryan of the conditions of his probation, versus what you think may be true. Steve then opened the meeting up to public comment.

The following comments do not represent a transcript of a recording, but the best reflection possible of statements made, lacking a recording.

Lori Lara (resident, teacher) stated that while she does work at the Beulah School, she does not represent the school. She admitted to a strong bias with regards to her relationship with Bryan. She feels very strongly “there but for the grace of God go I”. She has worked in a legal field and is keeping that in mind. She has worked closely with Bryan and finds him an awesome role model to kids, truly a “man of the year”, who is dedicated and loves children. She thinks it is sad if that is (considered) a negative thing. She doesn’t have children of her own but understands that “you cannot risk your child”. She feels Bryan has done so much for the community, has done a great job at school, in tutoring, and at games. She thinks not only neglected or abused children need role models, but others need that role model too. The only thing she ever heard asked was “why would a 35 year old man ask a child to go hiking”. Lori said she would do it, and she is not warped or sick. We love children, I love children, and Bryan is a great gift to our community. She compared Bryan’s character to that of the man she chose to marry.

Tom Stosek signed in but chose to not talk.

Larry Walter stated that he (a past president of the Beulah Ambulance District Board of Directors) learned about this issue a week ago. He knows that the resolution of this issue is still in process, but however it turns out, he appreciates this board’s efforts.

Joshua Johnson, (health and safety officer with Pueblo West Fire Department, a paramedic and President of Pueblo County EMS Council) stated that he has two relationships with Bryan: their mutual participation in the EMS council and that of a good friend. He said he comes fairly regularly to visit. In 10 years he has not seen a person with that level of professionalism and considers us lucky to have Bryan. He has seen him with children at home and in school, where Bryan is never remotely inappropriate. In fact he is sometimes tougher and stricter than the parents are. Bryan is great with children. It will be a sad loss if this is not resolved.

Jan Miller stated her comments would be redundant with Lori Lara’s.

William Moulton (resident and Bryan's landlord), stated he has had thousands of tenants and places Bryan in the top 2-3 %. "He does what he says he will do." He has seen kids out raking the lawn. He hears that Bryan as an excellent medic.

Corky Outhier (resident and former Beulah EMT) stated he holds Beulah EMS near and dear. He offered thanks to the board that hired Bryan, a leader who hit the ground running. He feels we can be confident in our EMS service under Bryan. Cork is retired from the service and still stops in at the Ambulance office to talk about kids that need help. He can tell that Bryan is sincere and that he wants to do something to help kids.

Anne Whitfield (resident and former teacher) said "it would have been a horror to me to suggest anything of this sort". She can't see how Bryan could be more professional. She has seen witch hunts, with lives severely harmed. If there is evidence or proof to imply that Bryan is a bad guy she wants to hear it. She is not sure how this has happened . Yes it is important to protect children, but in her opinion she doesn't like the effort to harm a person in the community.

Ben Whitfield (resident, former teacher) has had conversations with Bryan in which Bryan, unsolicited, told of his history. "Maybe he was just stupid." In an IT lecture Ben gave in the schools yearly, he would say "don't E-mail anything you don't want to see on a bulletin board on I-25, we can read your E-mail. Ben has worked with professionals who know and value Bryan.

Bob Thompson (resident, Beulah volunteer fireman) stated that Bryan was instrumental in Kurt Thompson's (his son's) getting his paramedic license; they worked closely together. Kurt couldn't be here, but he was very impressed with Bryan's professionalism, and with his discussions with Beulah Fire regarding special districts. We need Bryan's expertise there. It bothers him that people will take it on themselves to degrade someone when they really should be helping and giving a guy another chance. Parents should do their job, but if someone is trying to help, don't criticize. He has never seen anything wrong in him. A couple of kids would have gone the wrong way without Bryan and are doing better now, though they may not be saved.

Nathan Anderson (resident, parent, Beulah EMT, on the search committee for Bryan's hiring) stated he is a background search engine expert and did his own criminal background check on Bryan at a level most cannot. "Nothing there that upset me at all". Nathan is a friend and a lieutenant with the EMTs, he has 4 kids, and he thinks there is nothing to find, no worries.

Norman Williams, (resident, former attorney), stated that "on the basis of your report the board has asked the right questions". He finds the board's report very satisfactory.

Kevin Fern (resident, fireman who has done mutual aid with Bryan, Beulah EMT, personal friend), found Bryan to be one of the greatest assets in the community. Bryan has thrown EMS into the 21st century, with excellence. As a parent Kevin has concern for kids, but also has concern about this frivolous attack.

Nicole Richardson (resident, parent, Beulah EMT) said as a chief she couldn't ask for better, on scene, etc. She told her son it was "ok to talk to Bryan if you can't talk to me". Her son is heartbroken not to be able to see Bryan at this time.

Peter Conlon (resident) said he has seen a lot go on in this valley, has heard a lot. He asked what are the allegations? And where are they from? He feels we will need to recover from this.

Peg Janney (resident) said nobody should pass judgment unless they are willing to speak. Cowards! (At this point, Steve asked her to remain civil, and she ended her comments.)

Naomi Blake, (resident, Beulah EMT), said she has seen the turnaround in these kids Bryan has taken under his wing.

Steve Douglas stated: Every parent has the right and responsibility to watch out for their kids' safety; if it doesn't feel right please check it out. If there is truly an issue, document it and go to authorities and to the Board. Things sent anonymously are hard to track and act on, and deserve to go in the round file (trash can). Identify your concerns and identify yourself so we can get our teeth into any issue and resolve it. We do not want to bring anyone into the community who is a poor EMT or demonstrates poor behavior. Some violations are too tough to forgive in someone who would be serving the public, but so far we are not seeing that in Bryan. The final deciding entity is the municipal court of Huron, Ohio. If there is documentable evidence, get it to the courts soon. Bryan has a right to his day in court, the right to fair trial. The "court of public opinion" is often not fair. We (the Board) take this seriously.

Paul Huber, (resident, parent), asked for clarification. If Bryan had to go for a CBI background check why did District 70 not use that report?

Bryan Ware said they are now getting an updated background check.

Steve Douglas wanted to see any violation of probation. So far there are only *allegations* of violation of probation. He hoped that Colorado state EMS officials will wait for Ohio results.

Scott Robertshaw, (resident, EMT with Beulah Ambulance), said he is trying to figure out what is happening; good energy spreads as does the opposite. He asked "why didn't we know?" Why did leadership put us in this situation? It might have been done differently. We've had residents that, when they are about to die,

trust certain people; when parents have kids, they trust certain people. He has seen that trust in Bryan. The hard part for the community to deal with is the issue, and the board and leadership. How do we regain trust and navigate those procedures. We don't yet know the answers so can't come to conclusions. It is important to ask what each of us needs – call 911 or have a community activist group. He asks the board to increase diligence. When there are decisions then the community can figure out what to do next. Otherwise, stay positive and true to what you think is right. If we missed something, we need to know, and need direction from authorities in Huron or the Colorado EMS licencing agency. If Bryan's license is pulled, he can't work. He needs to be certified.

Anne Moulton described Steve's intensive involvement in researching this issue, calling many individuals and agencies, including the Huron prosecutor. She extended her thanks to Steve for his serious concern.

Steve asked for further comments. There being none, the next step was to move into executive session. He told the audience, we will not make decisions tonight but will weigh what was heard, identify the next step and be in touch with you. We won't wait another month to let you know. You will find information on the Beulah crawl; you will be briefed in other forms.

Judy Satterfield Lietz made a motion to move to executive session per C.R.S. 24-6-402(4)(f) for further discussion of this personnel matter regarding Bryan Ware, EMS Chief. Ruth Ann Amey seconded. No objections. Bryan and the Board of Directors were present. Others were asked to leave.

Judy Satterfield Lietz made a motion to end the executive session. Carol Wright seconded, no objections. We exited the executive session at 8:43 pm.

Actions which resulted from this discussion:

Anne Moulton made a motion that a letter be created "to whom it may concern", supporting the excellent work Chief Bryan Ware has done for our District. This letter will be sent to the various authorities involved. Judy Satterfield Lietz seconded. No objections. The attached letter was created and signed by all five Directors.

Judy Satterfield Lietz made a motion that a letter be written to Bryan Ware by our Board President directing Bryan to follow the conditions of his probation until this matter has been resolved by Huron Municipal Court and the Colorado Department of Health and Environment. Anne Moulton seconded. No objections.

MOTION TO ADJOURN: *was made by Carol Wright, seconded by Judy Satterfield Lietz. No objections.* Meeting adjourned at 8:46 pm.

Anne E Moulton
Secretary. Beulah Ambulance District Board of Directors

Final