

STATE OF OHIO  
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF  
INVESTIGATION



AGENCY: OHIO DEPARTMENT OF PUBLIC SAFETY  
EMERGENCY MEDICAL SERVICES  
FILE ID NO.: 2019-CA00024  
DATE OF REPORT: NOVEMBER 14, 2019

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*“Safeguarding integrity in state government”*

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Randall J. Meyer  
Ohio Inspector General



STATE OF OHIO  
**OFFICE OF THE INSPECTOR GENERAL**

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RANDALL J. MEYER, INSPECTOR GENERAL

**REPORT OF INVESTIGATION**

**FILE ID NUMBER:** 2019-CA00024

**SUBJECT NAME/POSITION:** Melvin House  
Executive Director

Christina Miller  
Program Administrator 2

Herb de la Porte  
EMS Board Member

**AGENCY:** Ohio Department of Public Safety,  
Division of Emergency Medical Services

**BASIS FOR INVESTIGATION:** Complaint

**ALLEGATIONS:** Management and Supervision

**INITIATED:** June 20, 2019

**DATE OF REPORT:** November 14, 2019

## **INITIAL ALLEGATION AND COMPLAINT SUMMARY**

The Office of the Inspector General received an anonymous complaint alleging a conflict of interest by officials of the Ohio Department of Public Safety (ODPS), Division of Emergency Medical Services (EMS). The allegation stated that Executive Director Melvin House allowed EMS Program Administrator 2 Christina Miller to be flown to Elyria and then back to Columbus in a private aircraft owned and piloted by EMS board member Herb de la Porte. The purpose of the trip was for Miller to conduct a site visit of Life Care EMS Academy which is owned by Herb de la Porte. Multiple photos of the visit were posted to Miller's Facebook page.

## **BACKGROUND**

The responsibilities of the Ohio Department of Public Safety (ODPS) include criminal and traffic law enforcement, driver licensing, motor vehicle registration and titling, disaster response and recovery, and traffic safety and education program administration. The department's program divisions include: Ohio Bureau of Motor Vehicles, Emergency Management Agency, Ohio Emergency Medical Services, Traffic Safety and Education, Investigative Unit, Ohio Homeland Security, Office of Criminal Justice Services, and the Ohio State Highway Patrol.<sup>1</sup>

***Ohio Emergency Medical Services.*** Certifies, trains, and monitors continuing education requirements for emergency medical technicians (EMTs), firefighters, and fire and emergency services instructors.

### ***Applicable Ohio Revised Code Statutes***

*Ohio Revised Code §4765.02* - State board of emergency medical, fire, and transportation services states in part: There is hereby created the state board of emergency medical, fire, and transportation services within the division of emergency medical services of the department of public safety. The board shall consist of the members specified in this section who are residents of this state. The governor, with the advice and consent of the senate, shall appoint all members of the board, except the employee of the department of public safety designated by the director of public safety under this section to be a member of the board. In making the appointments, the

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<sup>1</sup> Source: Biennial budget documents.

governor shall appoint only members with background or experience in emergency medical services or trauma care and shall attempt to include members representing urban and rural areas, various geographical regions of the state, and various schools of training.

The State Board of Emergency Medical, Fire, and Transportation Services (EMFTS) is responsible for:

- Establishing training and certification standards for emergency medical services personnel;
- Accreditation of EMS training programs;
- Approval of EMS continuing education sites;
- Oversight of Ohio's trauma system;
- Oversight of the EMS grant program, providing grants for training, equipment and research;
- Emergency Medical Services for Children (EMSC) program coordination;
- Licensing of Ohio's medical transportation services;
- Coordination of the Regional Physician Advisory Boards;
- Collection and analysis of data submitted to the EMS Incident Reporting System and the Ohio Trauma Registry;
- Investigations to ensure compliance with the Ohio Revised and Administrative Codes.

The board consists of 21 board members, 20 appointed by the governor and one appointed by the director of the Ohio Department of Public Safety. The appointees to the board represent Ohio's fire and emergency medical services, private medical transportation services, mobile intensive care providers, air medical providers, trauma programs, hospitals, emergency physicians, EMS training programs and the Ohio Department of Public Safety.

In accordance with Ohio Revised Code (ORC) §4765.30, individuals must be issued a certificate to practice or provide emergency medical services (provider or instructor). EMS certifications are issued by the State Board of Emergency Medical, Fire, and Transportation Services through the Ohio Department of Public Safety, Division of Emergency Medical Services. In accordance with Ohio Revised Code §4765.55, individuals must possess a certificate to provide fire services

(firefighting, fire safety inspector, or instructor). Fire service certifications are issued by the executive director of the Division of Emergency Medical Services. Successful completion of training through an Ohio EMS accredited training program or chartered fire training program is required to be eligible for certification, although the state of Ohio may issue a certification to an applicant who receives training in another state, U.S. territory, or from the U.S. military through reciprocity.

All certifications require continuing education to be eligible for renewal. Continuing education requirements vary by type and level of certification. Once a certification is issued, the certificate holder shall ensure compliance with, and keep documentation of, all continuing education, as well as any other certification renewal requirements.

*Ohio Revised Code §4765.23* - Teaching certificate - issuance - renewal - suspension or revocation states in part: The state board of emergency medical, fire, and transportation services shall issue a certificate to teach in an emergency medical services training program or an emergency medical services continuing education program to any applicant who it determines meets the qualifications established in rules adopted under section 4765.11 of the Revised Code. The certificate shall indicate each type of instruction and training the certificate holder may teach under the certificate.

A certificate to teach shall have a certification cycle established by the board and may be renewed by the board pursuant to rules adopted under section 4765.11 of the Revised Code. An application for renewal shall be accompanied by the appropriate renewal fee established in rules adopted under section 4765.11 of the Revised Code. The board may suspend or revoke a certificate to teach pursuant to rules adopted under section 4765.11 of the Revised Code.

### ***Ohio Ethics Law***

Ohio Revised Code §102.03(E) prohibits a public employee from soliciting or accepting “anything of value that is of such a character as to manifest a substantial and improper influence upon” the public employee “with respect to that person’s duties.”

Similarly, ORC §102.03(F) prohibits any person, whether a public employee or not, from promising or giving a public employee “... anything of value that is of such a character as to manifest a substantial and improper influence upon” the public employee “with respect to that person’s duties.”

ORC §102.03(I) carves out a limited exception to the general prohibition on gifts, allowing a public employee to accept travel or travel-related expense reimbursement, to attend conferences, seminars, or similar events related to official duties, but only IF [emphasis added] the travel or reimbursement is “not of such a character as to manifest a substantial and improper influence upon” the public employee “with respect to that person’s duties.”

The Ohio Ethics Commission has promulgated an administrative rule to explain when it is acceptable for a public employee to accept travel under ORC §102.03(I). Ohio Administrative Code §102-3-08(E) states that travel expenses or reimbursements are “**not** [emphasis added] of such a character as to manifest a substantial and improper influence on” the public employee when the travel meets three general requirements:

- 1) the travel is for a conference, seminar or similar event;
- 2) the travel expenses are related to the public employee’s duties and are necessary, ordinary, or customary; and
- 3) the source of the travel or reimbursement is a proper source, and **not** [emphasis added] a person that does or is seeking to do business with the agency, regulated by the agency, or has a definite and direct financial interest in matters before the agency.

### ***LifeCare EMS Training Academy***

LifeCare EMS Training Academy is nationally accredited through the Commission on Accreditation of Allied Health Education Programs (CAAHEP). In collaboration with its Committees on Accreditation, CAAHEP reviews and accredits over 2,000 educational programs in 23 health science occupations. LifeCare EMS provides certification courses and continuous education to all LifeCare Ambulance providers. The academy is also open to the public and provides various courses ranging from CPR to a full paramedic program. LifeCare EMS academy is located in Elyria, Ohio.

LifeCare EMS Training Academy has a current Certificate of Accreditation from ODPS/EMS to conduct emergency medical services education in the state of Ohio for the following certification levels: First Responder, Intermediate, Basic EMT, and Paramedic.

**Continuing Education (CE), Assistant EMS and EMS Instructor Continuing Education/Teaching Renewal Requirements:**

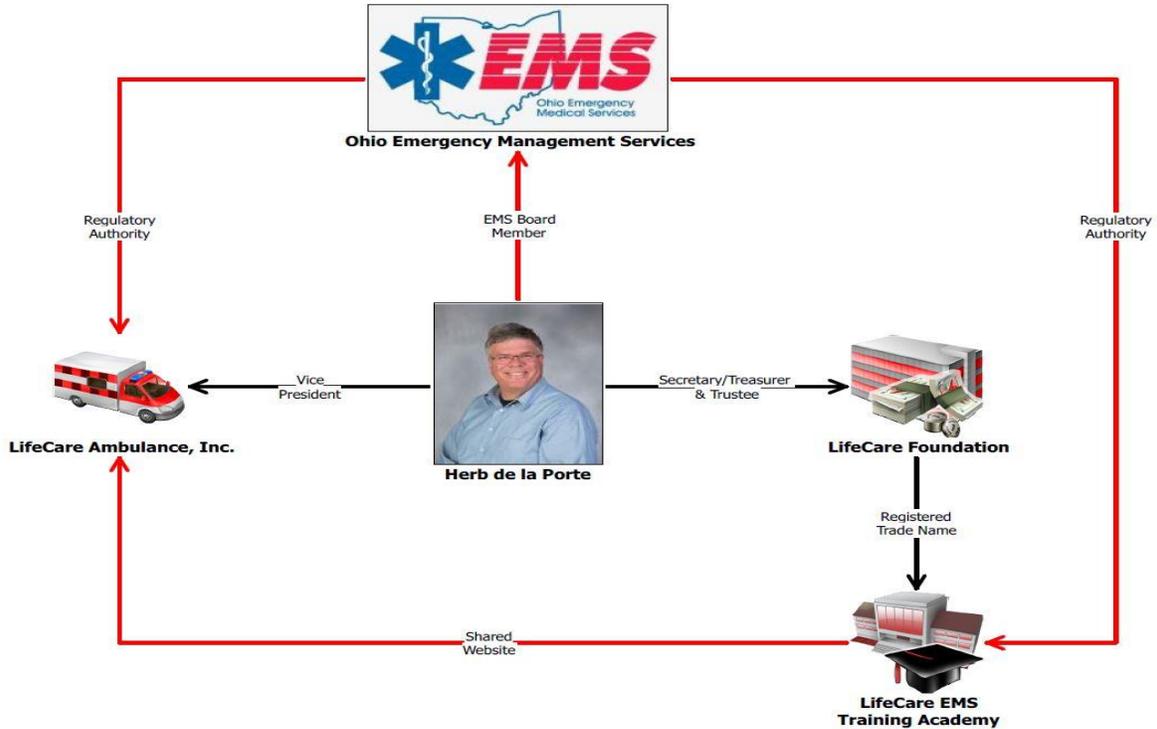
The following is a summary that will help answer questions about meeting the requirements for maintaining a fire-related instructor certification in Ohio. Although every attempt has been made to ensure the accuracy of the following information, in the event of a discrepancy, the language in the Ohio Administrative Code 4765-8 shall apply. The full rule can be accessed on our webpage at <http://codes.ohio.gov/oac/4765>.

Certification Level	The CE and teaching hours requirement is calculated based on how long the certificate was active during certification cycle (the number of months between the effective date and the expiration date):			
	0 months but less than 12 months	12 months but less than 24 months (30%)	24 months but less than 36 months (60%)	36 months or more (100%)
<u>Continuing Education (CE) Instructor:</u> <ul style="list-style-type: none"> <li>➤ Must possess an active EMS certificate to practice – OR – Hold a current Ohio license to practice as a registered nurse or physician assistant</li> <li>➤ Can teach up to EMS certification level (First Responder, Emergency Medical Technician, Advanced Emergency Medical Technician or Paramedic)</li> <li>➤ Responsible for maintaining CE and teaching completion documents</li> </ul>	No requirements but renewal application must still be submitted	1 hour instructional CE and 1 hour of teaching	1 hour instructional CE and 3 hours of teaching	2 hours instructional CE and 6 hours of teaching
<u>Assistant EMS Instructor:</u> <ul style="list-style-type: none"> <li>➤ Must possess an active EMS certificate to practice – OR – Hold a current Ohio license to practice as a registered nurse or physician assistant</li> <li>➤ Can teach up to EMS certification level (First Responder, Emergency Medical Technician, Advanced Emergency Medical Technician or Paramedic)</li> <li>➤ Responsible for maintaining CE and teaching completion documents</li> </ul>	No requirements but renewal application must still be submitted	2 hours instructional CE and 4 hours of teaching	3 hours instructional CE and 9 hours of teaching	6 hours instructional CE and 16 hours of teaching
<u>EMS Instructor:</u> <ul style="list-style-type: none"> <li>➤ Must possess an active EMS certificate to practice – OR – Hold a current Ohio license to practice as a registered nurse or physician assistant</li> <li>➤ Can teach up to EMS certification level (First Responder, Emergency Medical Technician, Advanced Emergency Medical Technician or Paramedic)</li> <li>➤ Responsible for maintaining CE and teaching completion documents</li> </ul>	No requirements but renewal application must still be submitted	2 hours instructional CE and 7 hours of teaching	3 hours instructional CE and 14 hours of teaching	6 hours instructional CE and 24 hours of teaching

**INVESTIGATIVE SUMMARY**

The anonymous complainant alleged that Ohio Emergency Medical Services (EMS) Executive Director Melvin House allowed EMS Program Administrator Christina (Kris) Miller to be flown to Elyria, Ohio, and then back to Columbus, Ohio, in a private aircraft owned and piloted by EMS board member Herb de la Porte. The purpose of this trip was to allow Miller to conduct a site visit of LifeCare EMS Training Academy, which is owned by Herb de la Porte.

In 2002, Herb de la Porte founded LifeCare Training Academy and federal tax records list him as secretary, treasurer and trustee of LifeCare Foundation. The Ohio EMS state board lists biographies of board members which list Herb de la Porte as the vice president for LifeCare Ambulance. Herb de la Porte was nominated by the Ohio Ambulance and Medical Transportation Association for his position on the Ohio EMS state board.



Federal Aviation Association (FAA) registry records confirm that Herb de la Porte owns a 1981 Cessna P210N airplane.



Investigators searched FlightAware<sup>2</sup> flight records for Herb de la Porte’s plane, which indicated a flight on April 1, 2019, departed from Lorain County Regional Airport at 11:20 a.m., and landed at 12:12 p.m. at Bolton Field in Columbus, Ohio. There was no flight record showing a departure from Bolton Field. The next record listed a flight from Lorain County Regional Airport at 5:38 p.m., landing at Bolton Field at 6:22 p.m., then leaving Bolton Field at 6:41 p.m. and landing at Lorain County Regional Airport at 7:19 p.m.

A review of Miller’s Facebook page revealed that on April 3, 2019, she updated her Facebook profile photo. The photo shows Miller seated in an airplane, wearing her EMS jacket.



Investigators reviewed emails between Miller and de la Porte. On April 1, 2019, at 8:57 a.m., Miller asked de la Porte, “Let me know if we’re flying today and where at Bolton Field, I am to meet you. I’m so excited!!” At 9:22 a.m., de la Porte responded that he planned on picking Miller up at noon at Bolton Field. On April 9, 2019, at 10:24 a.m., de la Porte emailed Miller that he was attaching the fuel invoice for the April 1 trip, but stated she would only be permitted to pay half the cost of the flight or it would be considered a commercial flight.

On August 12, 2019, investigators interviewed Christina Miller who is a program administrator 2, EMS education coordinator. She has been in this position since May 2017. Miller’s job duties included conducting site visits for initial and renewal of accreditation, and reviewing documents

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<sup>2</sup> FlightAware website- FlightAware is a digital aviation company and operates the world’s largest flight tracking and data platform. FlightAware receives data from air traffic control systems in over 45 countries, FlightAware’s network of ADS-B ground stations in 195 countries, Aireon global space-based global ADS-B, and datalink (satellite/VHF) via every major provider, including ARINC, SITA, Satcom Direct, Garmin, and Honeywell GoDirect.

and reporting back to the EMS board with recommendations for accreditation of the EMS schools in Ohio. Her normal work hours are from 8 a.m. to 5 p.m., Monday through Friday.

Miller acknowledged that she went to LifeCare academy on April 1, 2019, and that Herb de la Porte flew her in his plane to Lorain County and back. Miller explained that the reason for the April 1 trip was to visit LifeCare Academy and to provide training to the new program director at the academy. Miller explained that on the Thursday prior to the April 1 flight, there was an EMS employee retirement party held at EMS in which de la Porte was in attendance. During a conversation at the party, Miller mentioned to de la Porte that she was going to be visiting the LifeCare Academy. Miller told investigators de la Porte offered to fly her to the site and bring her back on Monday. Miller said she approached Director House and asked if de la Porte could fly her to the LifeCare Academy in Elyria on Monday, to which House responded, “yes.” Miller said de la Porte was present for this conversation. Later that week when House received a complaint about the trip, Miller said House told her that he didn’t know she was going “up there” on business. Miller told investigators the flight was no secret and everybody in the EMS office knew about the flight. Miller said she received no discipline for the incident, and House told her that if the issue was raised with the Inspector General, she may receive discipline. Miller said House told her he thought she was talking about the flight being part of a personal trip and he misunderstood. Miller said she offered to pay de la Porte for the flight or half of the expense as soon as she became aware there was a complaint about the flight. Miller said her half of the invoice for fuel was \$150, but she had not yet paid him.

On August 12, 2019, investigators also interviewed EMS Executive Director Mel House regarding the complaint. House has been the director for seven years. House said he became aware of the April 1 flight by Miller and de la Porte after EMS Deputy Director Rob Wagner “... brought it to my attention after the flight, we were not aware she was taking the flight.” House said Wagner heard employees discussing the flight, and he brought it to House’s attention. House repeated, “that’s how I found out about it we didn’t know about it prior to that.” House said he knew there was a LifeCare site visit, “but he had no idea about how they were going to transport.”

House acknowledged that he and Herb de la Porte attended the retirement party prior to the flight taking place, but said he could not remember any conversation with Miller about flying up to LifeCare Academy to perform the site visit. House said he recalled “them” in the hallway talking about going to the site visit, but did not recall any conversation regarding flying there to conduct the site visit.

House said he asked his deputy, “Wagner,” to look into the issue and determine what happened. House explained that he didn’t have a supervisor over the education section, so he and Wagner acted as supervisors for that section. House said there were 12 people reporting to him and it was difficult to keep track of who was doing what. House stated, “We decided to get to the bottom of it and then we decided to reprimand and make sure Kris Miller was aware and the staff was aware that these things would not be acceptable ... We didn’t see any violation of the rules as far as the site visit was concerned.” House said he was not sure if the reprimand was a verbal or written reprimand.

When House was asked again if he authorized Miller to fly to the site visit, he said no. House then asked investigators if somebody said he did. House stated,

... generally folks will come to us with their schedule and those kinds of things so we probably did have a discussion with respect to the schedule but I don’t remember any conversation about flying a private airplane ... now maybe there’s some kind of confusion about what between myself and Kris, but I don’t remember any specifics about the airplane.

House said there were all kinds of discussions between numerous people about where people were going, “I might have said ok go ahead but I don’t remember any discussion about taking an airplane.”

On August 12, 2019, investigators next interviewed EMS Deputy Director Rob Wagner who has been in his current position for two years. Wagner said he became aware of Miller’s flight up to LifeCare Academy after it occurred. He said he heard Miller discussing it in the office. Wagner said Miller explained that she had gone up to LifeCare Academy, and that Herb de la Porte had offered to fly her up for a site visit to meet with the new program director. Wagner said he told

House what he had heard Miller say. Wagner said he also heard from other employees that Miller had posted pictures of her flight on her Facebook account. Wagner told investigators he turned the issue over to House because Miller's section had gone without a supervisor for close to a year and he was unsure what discipline would be given.

On August 20, 2019, investigators interviewed Herb de la Porte who has been an EMS board member for four years. De la Porte explained that prior to July 1, 2019, he was also the owner of the LifeCare Academy and LifeCare Ambulance, but he was currently retired and those companies were now employee owned. De la Porte admitted that on April 1, 2019, he flew Miller up to his LifeCare Academy and back. He explained that the purpose of the trip was so Miller could review training issues with the new program director at the academy. Investigators asked de la Porte how the decision came about that he fly Miller up to the academy and back. He said he had been at EMS for a retirement party, and during a conversation Miller said she was coming up to the academy the following week. De la Porte reported saying, "how's about I pick you up" and she said, "well I don't know can we do that." De la Porte said he continued,

... I don't see why not, you're not going there for an investigation, you're not going there for anything else, you're not expecting anything in return, you're setting up my this director with information that is only going to be helpful to him and this will save you from wasting the time plus it will give me a chance to go eat at JP's and a reason to go fly.

De la Porte said Miller replied, "I have to ask if that is ok." De la Porte told investigators, "... and I'm not going to say anything because I don't remember who she asked." De la Porte said he would assume she asked House, but he wasn't certain. De la Porte said he did not hear Miller ask anyone, she left the room, returned, and said, "... we can do that." De la Porte said he was aware that Miller "caught some heat" for this, but said he did not understand why, since the trip had been approved.

De la Porte said that in speaking to Miller about a possible solution to the issue, he told her she could share the cost of the flight if that would eliminate the problem of her accepting the flight, but he was unsure if she had done so.

## **CONCLUSION**

The Office of the Ohio Inspector General received an anonymous complaint alleging a conflict of interest occurred when EMS Executive Director Melvin House permitted EMS Program Administrator Christina Miller to be flown in a private airplane owned by EMS board member Herb de la Porte to conduct a site visit at de la Porte's EMS training academy, the LifeCare Academy in Elyria, Ohio. Miller and de la Porte both agreed that the idea of the flight originated during an EMS employee retirement party where House, Miller, and de la Porte were present. During a conversation at the party, Miller told de la Porte she was scheduled to visit his training academy to conduct a training session with a new program director. De la Porte offered to fly Miller to the academy in Elyria for the site visit, and then back to Columbus in his private airplane. Both Miller and de la Porte agreed that Miller sought approval for taking the flight with de la Porte to conduct the site visit at the LifeCare Academy, rather than Miller driving to Elyria for the scheduled visit. Miller stated she asked House for approval to take the flight with de la Porte because the director was her direct supervisor at that time, and that House did approve the flight. De la Porte stated he was not present when Miller received approval from anyone to take the flight. House claimed he was aware of Miller's planned trip to de la Porte's LifeCare Academy in Elyria, but did not recall Miller having a conversation with him, or seeking approval from him to be flown by de la Porte in a private plane to the site visit at the academy.

Investigators determined that Herb de la Porte, as the owner of a business regulated by the EMS board as well as a member of the board itself, improperly provided transportation to an EMS employee to conduct a site visit of his facility.

**Accordingly, the Office of the Inspector General finds reasonable cause to believe a wrongful act or omission occurred in this instance.**

## **RECOMMENDATION(S)**

The Office of the Ohio Inspector General makes the following recommendations and asks the director of the Ohio Department of Public Safety to respond within 60 days with a plan detailing how the recommendations will be implemented. The Ohio Department of Public Safety should:

1. Review the actions of the EMS employees and board members involved to determine if administrative action is warranted.
2. Review Ohio ethics laws with EMS employees and board members.

### **REFERRALS**

The Office of the Inspector General has referred this report of investigation to the Ohio Ethics Commission for consideration.



STATE OF OHIO  
**OFFICE OF THE INSPECTOR GENERAL**

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RANDALL J. MEYER, INSPECTOR GENERAL

**NAME OF REPORT: Ohio Department of Public Safety,  
Emergency Medical Services**

**FILE ID #: 2019-CA00024**

**KEEPER OF RECORDS CERTIFICATION**

**This is a true and correct copy of the report which is required to be prepared by the Office of the Ohio Inspector General pursuant to Section 121.42 of the Ohio Revised Code.**

**Jill Jones  
KEEPER OF RECORDS**

**CERTIFIED  
November 14, 2019**

*MAILING ADDRESS*

OFFICE OF THE INSPECTOR GENERAL  
JAMES A. RHODES STATE OFFICE TOWER  
30 EAST BROAD STREET – SUITE 2940  
COLUMBUS, OH 43215-3414

*TELEPHONE*

(614) 644-9110

*IN STATE TOLL- FREE*

(800) 686-1525

*FAX*

(614) 644-9504

*EMAIL*

OIG\_WATCHDOG@OIG.OHIO.GOV

*INTERNET*

WATCHDOG.OHIO.GOV