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Hearing continued for Fanning Springs fire chief's suspension appeal



Hearing Officer (attorney) M. Michael O'Steen of Cross City prepares to start a quasi-judicial hearing on Thursday morning at about 10 a.m. By 11:45 a.m., he ruled that the hearing would continue on May 17, unless he granted attorney Sunshine Baynard's motion for him to recuse himself, or unless the parties resolved their differences without needing more litigation.

Story and Photos By Jeff M. Hardison © April 7, 2016 @ 11:57 p.m.

FANNING SPRINGS -- It's not over yet.

In fact, the quasi-judicial hearing on Thursday (April 7) to determine facts and evidence in the case of Fanning Springs Fire Chief Ron McQueen appealing his suspension by Mayor Howell E. "Trip" Lancaster III hit a snag.

After two hours of negotiations between the two opposing parties, behind closed doors, there was no meeting of the minds.

And so the two-hour delay of the hearing led to a one-month more continuance of the quasi-judicial hearing.

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Fire Chief Ron McQueen awaits the suspension being overturned.



Mayor "Trip" Lancaster is certain he is correct in what the new mandatory minimum is for a fire chief to be qualified to lead a volunteer department. This case may cause a reaction across the state's volunteer fire departments with chiefs that are not at the Firefighter II level.

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Bronson Fire Chief Dennis Russell and Fanning Springs Acting Fire Chief Elania Spain sit in the audience. The support for Chief McQueen from the firefighting community is strong.



Joe Talley of the Ocala Fire Rescue Department is seen in the audience. He is the son of the late Roy Talley, who with McQueen was among the fewer than one dozen initial firefighters who started the Fanning Springs Volunteer Fire Department decades ago. The first chief was George Ernest, but he only accepted the job for a few months. Ever since then, it has been Chief McQueen who led the Fanning Springs firefighters.

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City Council members Ron Queen (left) and Paul Chase sit in the audience. The other three City Council members were watching and waiting for a couple of hours on Thursday morning as well.



Court Reporter Jennifer Parrish of Third Circuit Reporters & Video sits ready to transcribe every word.

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City of Fanning Springs Administrative Assistant Debbie Watson was in the hearing room.

A relatively full Fanning Springs City Council meeting room had people waiting about two hours before Hearing Officer Attorney M. Michael O'Steen announced that the hearing would be continued to May 17, starting at 9 a.m. in the same room where this hearing was planned to occur.

O'Steen was requested by the City of Fanning Springs to be the hearing officer on Feb. 16, he said earlier in the hearing.

On March 1, Hearing Officer O'Steen sent requests to both sides for documents for him to review prior to the April 7 hearing. There were attempts to negotiate the end of the matter before the hearing, O'Steen said.

Interim Fanning Springs City Attorney Ray E. Thomas Jr. said he had a subpoena

requiring him to be in Williston at 1:30 p.m., and he could not continue in this hearing on Thursday, because the hearing did not start at 10 a.m. due to approximately two hours of negotiations, which ended in deadlock.

The subpoena to appear in Williston, Thomas added, was prior to this issue being put on his calendar.

Thomas said he is also questioning the city charter's unclear rules of law in relation to discovery in the case of an appeal by a fire chief of the mayoral suspension.

He went on to say there appears to be a potential of testimony and evidence that he was not privy to at the moment, and he would like to be better prepared for the hearing.

Attorney Sunshine Baynard, representing McQueen, objected to Thomas' asking for a continuance. She said the scope of what was to be covered is clear and this hearing was noticed and it should continue on that same day.

Baynard said the suspension is nullified because it is contrary to Florida Statute 112.80, which has a short title that may be cited as the "Firefighters' Bill of Rights."

"There has never been a proper investigation into this matter," Baynard told O'Steen.

The suspension should be dismissed "at this instant, today," she said, because the city has violated the Firefighters' Bill of Rights.

Beyond that, the charter shows the suspension was not to exceed 30 days, Baynard said, and she believes the suspension did exceed 30 days.

"The city has not followed its own rules," she continued.

When Baynard said she had a motion asking to recuse the hearing officer, O'Steen why he had not heard that motion before the day of the hearing.

He said that if this motion had been found to be valid, everyone would have saved two hours of their day rather than sitting in a room waiting for a hearing to start.

Baynard replied that the hearing should not have had to occur in the first place.

She asked the city to voluntarily dismiss the matter so that her client would not have to file a

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civil suit against the city.

That is when O'Steen ruled to continue the hearing, and said he would review the motions Baynard had entered.

O'Steen reminded the parties that he was engaged to accept facts and evidence and to rule if the suspension was valid and if McQueen qualified to be a fire chief under current state law.

Baynard said the issue of the validity of the suspension is a moot issue. The suspension exceeded the mandatory maximum time limit after her client appealed it. She contends that his rights protected by state law under the Firefighters Bill of Rights have been violated.



Attorney Sunshine Baynard prepares to depart from Fanning Springs City Hall.

O'Steen said the May 17 continuance date is valid pending his ruling on the motion for his recusal. If he rules the demand for him to remove himself as the hearing officer is valid, he will provide both sides with that decision.

In the meantime, McQueen may seek other legal remedies such as suing the city of Fanning Springs. If he started a civil case, depending on the amount he sought in damages would determine if that would be heard in Levy County court or in circuit court.

This case has possible statewide repercussions to volunteer fire chiefs throughout the state of Florida.

Mayor Lancaster relied on his interpretation of a recently amended state statute regarding the

mandatory minimum qualifications of a fire chief at a volunteer fire department.

The city of Fanning Springs has been in turmoil for legal representation as it just recently chose the replacement for recently-resigned attorney Conrad Bishop Jr.

As for O'Steen removing himself as the hearing officer based on Baynard's motion, in which she is alleging he cannot sit as a fair and impartial party to rule on the issues, he said he anticipated deciding that motion relatively soon.

If he removes himself as the hearing officer, the city of Fanning Springs must find a new hearing officer.

This story will be updated when the answer to the motion by Baynard for O'Steen to recuse himself is ruled upon.

To see a previous story on this issue, please visit <https://hardisoninkarchive.files.wordpress.com/2016/01/1-8-16-hardisonink-com-mayor-suspends-fire-chief.pdf>