

Hearing officer rules in favor of Fanning Springs Fire Chief Ron McQueen

By Jeff M. Hardison © Aug. 16, 2016 @ 3:37 p.m.

FANNING SPRINGS -- Fanning Springs Fire Chief Ron McQueen won the appeal of his suspension, according to the recommended Findings of Fact, Conclusions of Law and Recommended Order signed by the Honorable Hearing Officer David W. Wagner, Esq., and dated yesterday (Monday, Aug. 15).

The hearing officer is recommending to the Fanning Springs City Council that it grant Fire Chief McQueen's appeal by:

- * Overturning Mayor Howell E. "Trip" Lancaster III's determination that an amended Florida Statute requires Volunteer Fire Chief McQueen to have obtained a Firefighter II certification rather than a Firefighter I certification to be the chief of a volunteer fire department.

- * Overturning Lancaster's determination that Fire Chief McQueen can be disciplined by the mayor as an employee for failing to update a fire personnel roster; and

- * Vacating Fire Chief McQueen's 30-day suspension without pay and his demotion from volunteer fire chief to volunteer firefighter.

A majority of the Fanning Springs City Council will decide whether to reject or accept the recommendation of Hearing Officer Wagner.

This Aug. 15 decision heralds the approach of the end of a long saga that began on Dec. 29, 2015, when Mayor Lancaster first notified Chief McQueen that a fire service provider (such as the City of Fanning Springs) cannot employ a fire chief who does not hold a current Firefighter II certification of compliance, pursuant to Subsection 633.416(1)(a)(b)(7), Florida Statutes.

On that date, the mayor also told Fire Chief McQueen that his failure to update the FCDICE roster was another reason he was going to suspend Chief McQueen.

On Jan. 8, Mayor Lancaster suspended McQueen as the fire chief. On Jan. 13, Chief McQueen filed a timely appeal of the suspension, as required by Fanning Springs' city ordinance.

The chief conceded that he had not updated the roster with the state fire college since 2013.

The hearing officer noted several facts that were brought as evidence of Chief McQueen being a volunteer fire chief at a volunteer fire department. These included:

- * Chief McQueen did not have a set schedule for volunteering his service to the city.

- * Chief McQueen did not receive vacation time or sick leave pay from the city.

- * The city pays Fire Chief McQueen a \$500 monthly fee to retain his service as volunteer fire chief; a \$500 contribution to offset the cost of his health insurance; a \$12 fee for each time he responds to a call for service; a \$60 station duty fee for spending at least six hours during a 24-hour period performing or supervising maintenance and operational activities at the Fanning Springs (Volunteer) Fire Rescue Department; and the cost of the fire chief's participation in the Florida Retirement System.

Wagner concluded that the fees paid by the city to Volunteer Fire Chief McQueen are significantly less than a full-time employed fire chief receives within reasonable proximity to the City of Fanning Springs.

Testimony supported that fire service providers in this area of Florida receive an entry-level pay of \$28,000 yearly, Wagner noted. This is substantially more than the complete pay provided to Chief McQueen as a volunteer fire chief, Wagner wrote.

Among the matters the Honorable Hearing Officer Wagner also noted in his Findings of Fact, Conclusions of Law and Recommended Order are:

- * Danny Lyles has been Cross City's Volunteer Fire Chief for more than 30 years and Lyles has a Firefighter I certificate.

- * Bronson Volunteer Fire Chief Dennis Russell holds a Firefighter I certificate and receives a \$700 monthly fee to serve as that volunteer fire department's volunteer fire chief.

- * Fire Chief Will May testified that Fire Chief McQueen can serve as the volunteer fire chief for the City of Fanning Springs, even though Chief McQueen has a Firefighter I certificate rather than a Firefighter II certificate.