Minutes of Public Hearing
Regarding Kenneth Fales
April 28, 1997

Selectmen Present: Peter Moore, Carol Smith and Philip Dwight.
Also present were: (see attached)

The meeting opened at 6 P.M.

Ken Fales was asked if he still wanted his hearing in a public forum. He responded that he did.

Peter read the purpose of the hearing, a procedural statement, the order of the proceeding and procedural courtesy. (see attached.)

The hearing began with statements by Ken Fales. He outlined the scene of the ambulance call which took place on 2/16/97 at Gregg Lake Road. Prior to the call he had contacted Dick Edmunds regarding limitations he would be under at any scene due to recent surgery. Ken responded directly to the scene and arrived as the ambulance was pulling up and the first equipment was being unloaded. Betsy was the first out, followed by Dick leaving Jeff at the ambulance. Betsy asked Ken to do the C-spine and immobilization (knowing of his current limitations). Betsey and Dick did the patient survey. Ken questioned about the collar. Believes someone went back for collars because they were originally missing. Always felt that the patient would be collared. Dick sized the patient for the collar and then put the collar on. Ken explained that he had difficulty holding the head still, that the patient wanted to move his head in response to questions after being told to respond verbally. They were situated in the snow on a hill. They got the collar on and continued to backboard. Betsy had completed the survey and then they did a three to four person lift instead of log rolling. Betsey said count was his (per normal procedure). Dick wasn't ready on the first or second attempt at a count. When Ken questioned why, Dick said he was having difficulty getting his hands on the child due to the ground conditions. The third time they counted and lifted. Believes Jeff assisted in putting on headblocks and straps. Dick and Ken had a difference of opinion on how to strap; they had to wait for padding. He asked Brian Brown to help lift the backboard. Ken brought supplies to the ambulance but didn't accompany the ambulance to the hospital. Ken said the family thanked him for the squad's help as he left.

On Monday Ken called Dick regarding a phone call he had made to Pat Lovering the previous evening about outdoor backboarding practice. Ken also mentioned to Pat about someone on the scene who had an odor of alcohol and then to Dick regarding the incidents. He took this course of action from the ambulance by-laws regarding taking problems to chairperson and then to Dick Edmunds. Monday night Pat called to say critique would be held.

At the meeting that was held all those present at the call were there including Harry Payne, Beth Witherell and Brian Brown. (Minutes of April 4th Officers Meeting gives complete listing of participants.) Ken felt that the critique outlined that there were problems but that not to the scale this has all developed into. Two envelopes from the family were delivered from Brian Brown and the letters were read. Both were critical of Mr. Fales actions at the scene and both mentioned that Ken had asked Dick if they should board the patient prior to putting on the collar. The letter compliment the actions of Betsy and Dick. Ken pointed out that Pat had called the family regarding concerns prior to bringing up the issues within the department. Ken stated that Dick had told him that he didn't think there was a problem - that maybe more training was needed. Those at the meeting and at the scene stated that it was never an issue whether or not to collar the patient. Ken took issue with the beginning of the letter from the patients mother. That one person should not be supported, that the whole association should be. He also took exception with Pat calling the mother prior to an internal investigation of the incident. Ken also was upset that a letter was put into his personnel file about the complaints being investigated. Ken felt that a thorough investigation was not done (could only have happened on the 20th). That three of the four members of the squad on the scene dispute the family letters. Called Mike Beauchamp (maybe Friday night) and requested a meeting. Ken stated that Mike advised him to take it in front of the association leadership. Asked Pat for a meeting to be held Sunday night. Pat called Ken on Sunday afternoon and was told that she had spoken to all the officers and they were in agreement so a meeting would not take place as no changes would occur. Per the by-laws, Ken took the matter to the chief. Ken expressed that he felt he did nothing wrong and doesn't believe family letters would have been written if Pat hadn't called the family prior to the critique. Stated that three of the four squad members present felt it was a routine call and the letters didn't validate what had occurred.

Peter asked if there was ever a question of collaring the patient and Ken respnded no. That according to protocol once immobilization is started that a collar must follow.

Peter then asked what padding was. Ken responded it was used to protect patients from injury or discomforts on the board while being transported, they use towels, etc. Stated they had to wait for padding.

Ken then stated that there was a lot of concern with the child being cold and wet.

Peter then asked Ken, since he had been upset by this, if contacting parents at the scene was a normal part of a critique. Ken responded that in ten years it has never been part of the procedure and that he had consulted the state EMS Coordinator and that it doesn't normally happen.

Peter asked if the implication was that Pat had contacted the parents in order to garner negative opinions. Ken replied that he was not sure of what the main goal was. Was it to garner support, gather information or possibly discredit him he wasn't sure.

Ken then went on to address an issue that was brought up in one of the letters. The letters stated he was demanding to the child. He explaine that for three to four minutes the patient would not respond so he was attempting to make him understand the seriousness of the problem. He had to hold still. Ken stated he had a loud voice but it isn't harsh. Doesn't feel he was yelling at the child.

Peter then asked whether or not the injury was serious. Ken responded that you always assume it is serious. The patient was cold and there was a time factor involved. They needed to get the child into the warm ambulance. Ken stated he was released from the scene when the ambulance left.

Ken Fales brought Dick Edmunds forward to make a statement. Dick described the arrival on the scene and the conditions of the scene (child wrapped around pole). Dick stated that while Ken was immobilizing the neck, he asked Dick if he wanted to move the child onto the board (before collaring). Dick responded that no, not before collaring the patient. He then continued to describe the packaging process of the patient and said there was a little controversy over strapping methods. They completed strapping, padded and transported patient to hospital. Dicks only concern from looking back at the scene was Ken's question about placing on backboard before collaring. Dick then said Ken had stopped by on Monday and told him that he'd talked to Pat about more practice in winter outdoor backboarding and that a critique would occur. Dick then said Pat called later in the day regarding other concerns that had been brought up (already resolved and not pertinent to hearing). Dick then said he stayed neutral at the critique because two factions were involved. Felt disturbed that letter were written about the rescue squad.

Peter asked if as Asst. Chief did he feel his authority was being challenged. Dick said no, the only issue he had was the collar/backboarding one and Ken respected that.

Peter asked if he felt insubordination had occurred. Dick said Ken seemed upset at the time, that maybe it was his voice, maybe dissention but he let it roll off. When Pat called and asked how the call went he said they got through it.

Peter asked when Pat called and Dick responded that she called on Monday afternoon. He also asked if the letters described the scene accurately and he said pretty much.

Ken then asked Dick was he sure Ken hadn't been making a statement about where the collars were - not about moving before collaring and Dick responded that he felt his prior statement was what he had indeed heard.

Ken then asked Betsy Wright-Webber to make a statement. She came up and outlined how the call proceeded. Believes the comment in question was not if they should move before collaring but was, is the collar here. Remembers the strapping issue as being more heated then previously stated. Felt embarrassed that family was witnessing the argument. They then proceeded to finish the assessment and transported the child. Betsy called Pat later that evening regarding concerns. Pat called Monday evening to say they'd critique the event. Stated she never felt collaring was an issue.

Phil asked if she heard the question about moving before collaring and she replied no. Phil then asked Ken what he had said and he stated he was unsure of his exact wording but that it had to do with getting the collars not with the backboard. Dick Edmunds reiterated that he definately had heard the statement.

Ken then went into an explanation of normal backboarding procedure and how this procedure is repeatedly trained so no deviation is ever done.

Ken then went on to complain that it had taken far too long to receive copies of the letters and minutes of the Officers Meeting that he had requested. He says he received them only last Friday.

Ken asked Mike Beauchamp to make a statement and Mike verified Ken's statement that he said that he had been an EMT since 1974. Mike also made the statement that no one is trying to degrade Ken's EMT abilities only trying to reprimmand a problem that occurred.

Pat Lovering was then called to make a statement. She stated she was not at the scene on February 16th. She outlined the two phone calls she received from Ken Fales and Betsy Wright-Webber. She said would investigate the matter and a critique would be held. Because she knew that Brian Brown had been at the scene she spoke to him on Monday morning. He then advised her to contact the mother, rather than talk to him. She contacted the patients mother who was advised to write a letter to the department about her concerns (after expressing doubt as to how to address this problem to the department). Pat stated her concerns at this point were the department, respect for the department and that she was working under the guidance of the Chief. She then outlined the events of the Officers Meeting on April 4th (see seperate minutes). She did receive Mr. Fales request for a meeting with the officers but denied it because she had the support of the officers and he had gone over her head to the Chief the prior day regarding the incident. Pat Loverning

then stated it is not the intention to permanently remove Ken from service with the department.

Jeff Wright was then asked to recount his recollection of events. He outlined the role he played on the scene and how he had no recollection of the argument over the straps.

Brian Brown was then asked to give his recollection of events. He stated he recalled Ken asking Dick if they should board the patient before collaring. He felt there was a confrontational air at the scene and in fourteen years of responding to such scenes had never seen something like that.

After questions from Selectmen Pat then went into more detail about her discussion with the mother. She said she informed the mother about the issues Ken and Betsey had brought to her. She asked questions regarding conduct on the scene and explained to the mother how to direct concerns to the department.

Phil asked what the normal procedure was when there were disputes on an accident scene about how care should be handled. The answers, agreed to by all, was that immediately after clearing the scene, the participants would discuss what had happened and how to improve procedures in the future.

Phil then asked Mike if he remembered any situation in the past when the Captain of the Squad had been contacted immediately after a call by members at the scene about what had happened. Mike indicated this was the first time in his memory.

The Selectmen then questioned other points brought out in the letters and in various statements. Numerous people contributed to this question and answer portion of the meeting.

The Selectmen then advised Mr. Fales and Pat Lovering that they each had three minutes for summaries of their cases.

Ken stated again that it was an internal problem that should have been dealt with internally. Stated that he felt the families should never have been involved. He said he was not happy with the suspension or probation and that other issues in the department have resulted in this. Stated he feels it isn't going to improve because it isn't being dealt with. He hopes morale will go up on the department. He pointed out that the training he had recommended still hasn't occurred and the scheduled training date of April 28th is a little late for outdoor winter backboarding.

Pat Lovering stated again that she followed up on the complaint. She made the calls to the parent because of the calls from Ken and Betsy. Letters were later received from the families at the scene. She said there are issues involved and hopes they could become a department again.

After discussion Peter moved to reduce the suspension to three months retroactive to April 14th and the probation to three months beginning on July 14th. Phil seconded the motion and a vote was taken with all being in favor. The Selectmen then said they would hope Ken would continue training with the department through this period, per the Fire Chiefs recommendation.

The meeting adjourned at 8:36 P.M.

Respectfully submitted by Michelle A. Hautanen.