

**FINDINGS AND ORDER
OF THE
BOARD OF FIREFIGHTING PERSONNEL STANDARDS &
EDUCATION**

TO: Troy D. Dulaney
2210 South Marsh Street,
Yorktown, IN 47396
PSID #: 2332-8962
Primary Email: throwforfive@yahoo.com



Filed July 13, 2023

ORDER NUMBER: 2023-01

Pursuant to the authority of Indiana Code § 4-21.5-3-6 and Indiana Code § 22-12-7-7, the Board of Firefighting Personnel Standards and Education (“Board”) enters this Findings and Order regarding ALL the firefighting certificates held by Troy D. Dulaney, (“Respondent”), PSID # 2332-8962, including the following certifications:

FIRE OFFICER I; FIRE OFFICER II; FIRE FIREFIGHTER I; FIREFIGHTER II; INSTRUCTOR I; INSTRUCTOR II/III; STRATEGY AND TACTICS; AIRCRAFT CRASH AND RESCUE; CONFINED SPACE RESCUE AWARENESS; CONFINED SPACE RESCUE OPERATIONS; CONFINED SPACE RESCUE TECHNICIAN; HAZMAT 1ST RESPONDER AWARENESS; HAZMAT FIRST RESPONDER OPERATION; INCIDENT SAFETY OFFICER; ROPE RESCUE AWARENESS; ROPE RESCUE OPERATIONS; ROPE RESCUE TECHNICIAN; STRUCTURAL COLLAPSE RESCUE AWARENESS; SWIFT WATER RESCUE OPERATIONS; SWIFT WATER RESCUE TECHNICIAN; TECHNICAL RESCUE AWARENESS; TRENCH RESCUE AWARENESS; VEHICLE AND MACHINERY RESCUE AWARENESS; VEHICLE AND MACHINERY RESCUE OPS; VEHICLE AND MACHINERY RESCUE TECH; WILDERNESS RESCUE AWARENESS.

**I.
FINDINGS**

Background Facts

1. Respondent holds the following certifications issued by this Board:
 - a. FIRE OFFICER I; FIRE OFFICER II; FIRE FIREFIGHTER I; FIREFIGHTER II; INSTRUCTOR I; INSTRUCTOR II/III; STRATEGY AND TACTICS; AIRCRAFT CRASH AND RESCUE; CONFINED SPACE RESCUE AWARENESS; CONFINED SPACE RESCUE OPERATIONS; CONFINED SPACE RESCUE TECHNICIAN; HAZMAT 1ST RESPONDER AWARENESS; HAZMAT FIRST RESPONDER OPERATION; INCIDENT SAFETY OFFICER;

ROPE RESCUE AWARENESS; ROPE RESCUE OPERATIONS; ROPE RESCUE TECHNICIAN; STRUCTURAL COLLAPSE RESCUE AWARENESS; SWIFT WATER RESCUE OPERATIONS; SWIFT WATER RESCUE TECHNICIAN; TECHNICAL RESCUE AWARENESS; TRENCH RESCUE AWARENESS; VEHICLE AND MACHINERY RESCUE AWARENESS; VEHICLE AND MACHINERY RESCUE OPS; VEHICLE AND MACHINERY RESCUE TECH; WILDERNESS RESCUE AWARENESS.

2. Respondent's affiliation is with Muncie Fire Department where he serves as a Captain and fulltime firefighter.
 - a. As a Captain, Respondent is a ranking supervisor within the Muncie Fire Department.
 - b. Respondent supervises the firefighters and EMTs on his shift and has oversight over firefighting operations for his shifts while on duty.
3. Respondent was also employed as a part-time instructor with the Fire & Public Safety Academy of the Indiana Department of Homeland Security ("IDHS").

The Complaint

4. On March 10, 2023, IDHS received a complaint alleging that Respondent, in his capacity as Captain at the Muncie Fire Department, had been leading and facilitating a cheating scheme for EMT and firefighting certification courses at Muncie Fire Department for years, in which Respondent provided students with test questions and answers for their exams, and asked them to report back to him with questions and material from the exams once they had taken the exams.
5. The complaint explained that Respondent targeted new recruits and students to engage in this exchange of test questions and answers, using his leadership position to intimidate and pressure new recruits and students into compliance.
6. Attached to the complaint were screenshot images of the test questions and answers that Respondent sent from his personal cell phone number to EMT and firefighting students' personal cell phone numbers.
7. The complaint stated that students and employees stayed silent about Respondent's cheating scheme because they feared retaliation, harassment and losing their job.

Findings of the Investigation

8. After receiving the Complaint, IDHS investigations spent the following weeks conducting nearly thirty (30) interviews of witnesses and collecting evidence of the exchange of test questions and answers between Respondent and students.
9. During the investigation, witnesses shared their accounts of Dulaney facilitating cheating on course examinations at Muncie Fire Department.

10. The investigation confirmed the following information:

- a. Respondent initiated text message conversations from his personal cell phone number to the personal cell phone numbers of students to facilitate and request an exchange of test questions and answers. Respondent sent students test questions and answers, and encouraged and pressured the students to provide him with test questions and answers in return.
- b. A paper copy of multiple test messages from Respondent show that he stated, “you owe me,” and “see how much you are willing to invest back in me,” as he requested recruits to collect and share test questions for EMT and firefighting examinations.
- c. The witness accounts and text message documentation show that Respondent initiated and engaged in this exchange of test questions and answers from at least 2018 to 2023.
- d. Respondent utilized his position as Captain, instructor, and proctor at Muncie Fire Department to obtain test questions and answers for firefighting and EMT course examinations.
- e. In his capacity as Captain, instructor and proctor at Muncie Fire Department, Respondent pressured students and new recruits to engage in this exchange of test questions and answers.
- f. Because Respondent facilitated, encouraged, and pressured students and new recruits to engage in this exchange of test questions and answers before tests, students were able to pass the exams by memorizing the test questions and answers, rather than learning the material.

II.
RELEVANT AUTHORITY

Authority to Sanction

11. 655 IAC 1-1-7(b)(1) provides that the Board may take action with respect to the application for or certification of any fire service person...upon information provided to the board that the fire service person has...failed to uphold and respect a student's right to privacy, dignity, and safety.
12. 655 IAC 1-1-7(b)(3) provides that the Board may take action with respect to the application for or certification of any fire service person...upon information provided to the Board that the fire service person has... failed to comply with the Board rules.

Violations

13. 655 IAC 1-1-12(j)(12) provides that a proctor shall not discuss any test question or possible answer thereto with any student taking the examination.
14. 655 IAC 1-1-13(a)(4)(C) provides that the qualifications for lead evaluator shall be as follows:... commitment to uphold the board's practices and policies.

15. Ind. Code 35-43-5-4-(a)(3) provides that a person who...possess, manufactures, uses or alters a document, instrument, computer program, or device with the intent to obtain...an educational, government, or employment benefit to which the person is not entitled...commits fraud, a Class A misdemeanor.

III.

CONCLUSIONS OF LAW

16. Paragraphs one (1) through fifteen (15) are incorporated herein by reference.
17. Through the conduct described in paragraphs one (1) through fifteen (15), Respondent discussed test questions and possible answers thereto with students taking examinations, in violation of 655 IAC 1-1-12(j)(12). Respondent is therefore subject to sanction pursuant to 655 IAC 1-1-7(b).
18. Through the conduct described in paragraphs one (1) through fifteen (15), Respondent did not uphold the Board's practices and policies in his capacity as proctor, in violation of 655 IAC 1-1-13(a)(4)(C). Respondent is therefore subject to sanction pursuant to 655 IAC 1-1-7(b).
19. Respondent's conduct, as described in paragraphs one (1) through fifteen (15), constitutes fraud, in violation of I.C. 35-43-5-4.

**IV.
ORDER**

Based upon the Findings of Fact and Conclusions of Law, the Board hereby orders that ALL the certifications held by Respondent that were issued by this Board are PERMANENTLY REVOKED, including the following:

FIRE OFFICER I; FIRE OFFICER II; FIRE FIREFIGHTER I; FIREFIGHTER II; INSTRUCTOR I; INSTRUCTOR II/III; STRATEGY AND TACTICS; AIRCRAFT CRASH AND RESCUE; CONFINED SPACE RESCUE AWARENESS; CONFINED SPACE RESCUE OPERATIONS; CONFINED SPACE RESCUE TECHNICIAN; HAZMAT 1ST RESPONDER AWARENESS; HAZMAT FIRST RESPONDER OPERATION; INCIDENT SAFETY OFFICER; ROPE RESCUE AWARENESS; ROPE RESCUE OPERATIONS; ROPE RESCUE TECHNICIAN; STRUCTURAL COLLAPSE RESCUE AWARENESS; SWIFT WATER RESCUE OPERATIONS; SWIFT WATER RESCUE TECHNICIAN; TECHNICAL RESCUE AWARENESS; TRENCH RESCUE AWARENESS; VEHICLE AND MACHINERY RESCUE AWARENESS; VEHICLE AND MACHINERY RESCUE OPS; VEHICLE AND MACHINERY RESCUE TECH; WILDERNESS RESCUE AWARENESS.

A revocation completely removes the certification, and it is not eligible for renewal or obtainment of a new certification.

V.

EFFECTIVE DATE OF FINDINGS AND ORDER

Pursuant to Indiana Code § 4-21.5-3-6 of the Administrative Orders and Procedures Act, this Findings and Order is effective fifteen (15) calendar days from the date this Findings and Order is served, unless both a written petition for review and a petition for stay of effectiveness are filed within this fifteen (15) calendar day period. If you are served by United States mail, three (3) additional days will be added to this fifteen (15) day period – extending the period to eighteen (18) days. If both a petition for review and a petition for stay of effectiveness are filed within this time period, the portions of this Findings and Order, that are within the scope of the petition for review and the petition for stay of effectiveness, are stayed for fifteen (15) calendar days from the date of service. This stay may be extended upon consent of the Department or by order of an administrative law judge, who shall conduct a preliminary hearing as soon as practicable to determine whether this Findings and Order should be stayed in whole or in part.

**IV.
APPEAL RIGHTS**

This Findings and Order may be appealed in accordance with Indiana Code 4-21.5-3-7. To qualify for administrative review, you must submit, by U.S. Mail or personal service, a Petition for Review in writing that complies with all of the following requirements:

1. The Petition for Review must state facts demonstrating that you are:
 - a. a person to whom the order is specifically directed;
 - b. aggrieved or adversely affected by the order; or
 - c. entitled to review under any law.

2. The Petition for Review must be filed with:

U.S. MAIL OR PERSONAL SERVICE
Indiana Department of Homeland Security
Board of Firefighting Personnel Standards
and Education
c/O IDHS BFPSE Staff
302 W. Washington Street, Rm. E208
Indianapolis, IN 46204

ONLINE

By completing the form at: <https://www.in.gov/dhs/4148.htm>

3. The Petition for Review must be filed within fifteen (15) days after you are given notice of this Findings and Order. Timeliness is computed by the methods described in Indiana Code § 4-21.5-3-2. Generally, the following rules apply, but review I.C. § 4-21.5-3-2 to ensure timeliness for your specific situation.
 - a. If you are served by United States mail, you will have three (3) additional days to petition for review – extending the period to eighteen (18) days – this time period will be calculated from the date this Findings and Order was deposited in the United States mail.
 - b. In calculating timeliness, the first day is **not** included, but the last day is.
 - c. If the deadline falls on a: (1) Saturday; (2) Sunday; (3) legal holiday; or (4) other day that our office is closed, the deadline will be extended until the first day that does not fall on a: (1) Saturday; (2) Sunday; (3) legal holiday; or (4) other day that our office is closed.
 - d. The Petition for Review is deemed filed on the date of the postmark on the envelope containing the Petition for Review or the date the Petition for Review is personally delivered to the above address, whichever occurs first.

If you comply with these three requirements, your Petition for Review will be granted and will be assigned to an administrative law judge for review. For additional information about the administrative review process and applicable templates that may be used for filings, visit the following link <https://www.in.gov/dhs/appeals.htm>.

You may also request an opportunity to informally discuss this matter. However, a request to informally discuss, or actual informal discussion, does not extend the deadline for filing your Petition for Review and, consequently, any request should be made promptly, preferably by telephone, upon receipt of the Order. If you have any questions regarding this Order, please contact Legal Counsel, at (463) 207-6135.

SO ORDERED.

Eric Dreiman

By: Eric Dreiman
Chairman of the Board of Firefighting Personnel
Standards and Education

6/5/23

Date