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VIA USPS CERTIFIED MAIL
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G. Lee Turpen, Chairman
Emergency Medical Services Commission
302 West Washington Street, Room E-208
Indianapolis, Indiana 46204

Re: Request for issuance of a Final Order per Ind. Code 4-21.5-3-29

Dear Chairman Turpen:

This law firm represents Captain Troy Dulaney from the Muncie Fire Department. As you likely recall, Captain Dulaney had his EMR, EMT, AEMT, EVOC, and EVOC Instructor certificates revoked for a period of seven (7) years on May 18, 2023. Captain Dulaney appeared through the Office of Administrative Law Proceedings ("OALP") and a hearing was held on June 27, 2024. The administrative law issued her non-final order on September 24, 2024 (the "Order"). Captain Dulaney does not intend to appeal.

As you have likely seen, the Order found that Captain Dulaney did not violate Indiana Code Sections 16-31-3-14(a)(1), (2), or (12). The ALJ found that Captain Dulaney did violate Indiana Code Section 16-31-3-14(a)(9) and was therefore subject to some disciplinary action. However, the ALJ found that the Commission's imposition of the maximum punishment allowed by law "exceed[ed] the gravity of Dulaney's actions." The ALJ instead found the more appropriate punishment was revocation of only Captain Dulaney's EVOC Instructor certificate for two years, to be reinstated on May 18, 2025. She also ordered suspension of Captain Dulaney's EMR, EMT, AEMT, and EVOC certificate for two years, ending on December 31, 2024.

Notably, the ALJ found that Captain Dulaney "had good intentions," in that he wanted to "make sure that he was properly training students." *See* Order at p. 18. The ALJ went on to find that Captain Dulaney went too far in asking for specific questions, and that doing so "crossed the line into conduct that is inconsistent with what is right and honest."

The Order shows, as a whole, that the allegations against him were largely specious and highly politically motivated. It is notable that the discipline imposed by the Board of Firefighters Personnel Standards and Education was completely overturned. The motivation behind the original analysis complaint which gave rise to all of this should not be ignored.

Captain Dulaney had colleagues who did not want him to get promoted and took action to prevent him from doing the same. Specifically, the ALJ found that the testimony of chief antagonists Caleb Maddox and Brayden Fields were "not credible." *See* Order at p. 9-10. The ALJ went on to find Captain Dulaney has a "high probability of rehabilitation."

Perhaps most importantly, the ALJ said the following about Captain Dulaney:

Dulaney is a committed MFD employee whose commitment to assist others got in the way of doing what is right, honest, and commendable. However, Dulaney has a high probability of rehabilitation. His demeanor throughout his testimony, his credible acknowledgement that he would have done things differently, and the credible testimony offered by others who have worked with Dulaney supports [the ALJ's findings].

See Order at p. 19-20.

In sum, this matter appears to have simply gotten away from everyone given the intense media attention it generated. It is important to remember that Captain Dulaney is not an instructor on the EMS side, so the Commission should have no concerns about his return to work. For that reason, Captain Dulaney is asking the Commission to issue a final order under Ind. Code § 4-21.5-3-29(b)(2) which modifies the ALJ's decision by: (1) affirming the ALJ's findings; (2) vacating all suspensions issued to Captain Dulaney's certifications along with any probationary periods; and (4) directing that he be disciplined by the Muncie Fire Department in whatever manner it deems appropriate.

Captain Dulaney has learned his lesson. We request that you eliminate the suspensions and let him get back to work under the supervision and care of the Muncie Fire Department. That is in the best interest of all involved, most specifically the people of the City of Muncie. Thank you for your consideration of this request.

Please do not hesitate to contact my office with any questions. I can be reached at (317) 576-8580 or by e-mail at chris@mjcattorneys.com

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Jeter", with a stylized flourish extending to the right.

Chris Jeter