

**AGENDA**  
**FIRE MERIT COMMISSION**  
**Monday, March 10, 2025**  
**3:30 P.M.**

**Council Chambers**

**Municipal Building, 229 S. Second Street, Elkhart, IN 46516**

<https://signin.webex.com/join>

MEETING NUMBER (Access Code): 2313 805 0878 MEETING PASSWORD: Fire25

JOIN BY PHONE: 1-415-655-0001

- 1. Call to Order**
- 2. Roll Call**
- 3. Approve Agenda**
- 4. Approve Minutes- Regular Meeting February 10, 2025**
- 5. Fire Department**
  - **Request to Hire: Daniel Greene, Aaron Hisey, Wolfgang Alwine, Ethan Robinson, Steven Vergonet, Reniko Stout, Kenneth Carson Jr., Gage Wiles, Terry Bloss, Cody Scott, Ty Parker.**
  - **Swearing in Ceremony**
  - **Request to Hold a Public Hearing to Amend the Fire Merit Commission Rules.**
  - **Disciplinary Notice-Drew Walters, Marcus Perez, Scott Smeltzer.**
  - **Begin Accepting Applications.**
- 6. IAFF Local 338**
- 7. Public Participation**
- 8. Adjournment**

FIRE MERIT COMMISSION  
Monday, February 10, 2025

President Mandy Leazenby called a regular meeting of the Fire Merit Commission (FMC) to order at 3:30 p.m., Monday, February 10, 2025. Clerk Nancy Wilson called the role. Commissioners Mandy Leazenby, Doug Bowlby, Regina Fultes, Jim Rodino and Bunita Fields-Buggs were present.

1. AGENDA

On motion Regina Fultes, seconded by Bunita Fields-Buggs and carried 5-0, the agenda was amended by adding a Change of Status for Chief David Cushwa. On motion by Doug Bowlby, seconded by Jim Rodino and carried 5-0, the agenda was amended by removing the tabled item from the agenda. On motion by Doug Bowlby, seconded by Regina Fultes and carried 5-0, the amended agenda was approved.

2. MINUTES

On motion by Jim Rodino, seconded by Bunita Fields-Buggs and carried 5-0, the minutes from the Regular Meeting on January 27, 2025 were approved.

3. FIRE DEPARTMENT

Chief Rodney Dale informed the FMC that the Mayor has decided to remove a political appointment. Chief Cushwa was removed from the position of Division Chief and was assigned to the position of Battalion Chief.

Chief Dale notified the FMC that Firefighter Ryan Billings received an 8-hour suspension for failure to report on time. He accepted the discipline. Mandy Leazenby accepted the notifications from Chief Dale.

Attorney Elizabeth Beamis appeared for Chief Cushwa on Webex and asked for clarification. Deputy City Attorney and the Attorney for the Fire Merit Commission Kevin Davis responded by saying when the Mayor removed Chief Cushwa from Division Chief responsibilities, as part of that demotion, his Discipline for five days off was rescinded, so, therefore, the matter that was before this Commission two weeks ago is moot. Attorney Bemis replied it does clarify to a degree. She said her name is Elizabeth Bemis and she did enter an appearance with this Commission last week to be able to speak on behalf of Division Chief Cushwa. In reference to the disciplinary matter, it appears, although he has not received any formal notice, that the 5-day suspension has been rescinded. She objected and made record of the issue of the Mayor removing or demoting him. On this date, Chief Cushwa did receive an email with an attachment which was a letter from Mayor Roberson removing him from Division Chief, although the Mayor sites this as a political appointment. She objected as to what the authority for that as under 36-8-1-12 and 36-8-3.5-11 it would appear that the position of Division Chief in this particular department is not an upper level policy making position which is what she presumed Mr. Davis was referring to when he says political appointee. Further the Elkhart Fire Department Policy 1304 which addresses promotions specifically lists the Division Chiefs in positions of being promoted positions, and if in fact we are applying the appropriate statutes in this policy, that would mean as a Division Chief, Chief Cushwa is entitled to the provisions, rights and obligations under Indiana Code 36-8-3.5-17 in reference to being removed or demoted from his position. Our position would be to make an objection on the record at this point that a demotion from this position cannot be made

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directly by the Mayor, but only through the authority of this Commission. Kevin Davis responded Chief Cushwa is aware of the fact and has said on numerous occasions that he understands that he is a political appointment. The Merit Rules, while they do cover those in the Merit positions, the Division Chief by our Ordinance, by the statute is a political appointment and therefore it is not covered by the Merit Rules of the Statute. The Mayor is allowed to remove Chief Cushwa or any Division Chief at his discretion. He was appointed by the Mayor. He is not part of the Merit system. Division Chief is not part of the Merit system. It is a political appointment and they serve at the discretion of the Mayor. Ms. Bemis said thank you, and just to clarify her position, subject to there being a citation to the specific Ordinance, we would object. Indiana Statute governs this and specifically sets forth those positions that are appointed by the Mayor, and that is the Chief, and for a Department of 200 or less, it is one level below the Chief which is the Assistant Chief of this Department, further again she cited Elkhart Fire Department Policy 1304 which does specifically outline that the Division Chief positions are promoted positions and would be subject to removal only through 36-8-3.5-17. Mandy Leazenby responded to Ms. Bemis, your objection is noted. Thank you.

**4. ADJOURNMENT**

On motion by Doug Bowlby, seconded by Bunita Fields-Buggs and carried 5-0, the City of Elkhart, Indiana Fire Merit Commission was adjourned at 3:40 p.m.

\_\_\_\_\_ Mandy Leazenby, President

Attest: \_\_\_\_\_ Bunita Fields-Buggs, Secretary

**Elkhart Fire**  
500 East Street  
Elkhart, IN 46516

Phone: (574) 293-8931  
Fax: (574) 522-1023  
[Fire.Admin@Elkhartfire.org](mailto:Fire.Admin@Elkhartfire.org)



**Rodney Dale**  
*Fire Chief*

**Kristi Sommer**  
*Assistant Fire Chief*

March 10<sup>th</sup> 2025

Fire Merit Commission  
Municipal Building  
229 S. Second Street  
Elkhart, IN. 46516

RE: New Hire Mr. Daniel Greene

Dear Commissioners:

I am requesting your permission to hire Daniel Greene as he has satisfied all of the established requirements and was selected in the proper order per the approved hiring list. I would like to make this hire effective today March 10, 2025.

Respectfully,

Rodney Dale  
Fire Chief

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*Assistant Fire Chief*

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RE: New Hire Mr. Aaron Hisey

Dear Commissioners:

I am requesting your permission to hire Aaron Hisey as he has satisfied all of the established requirements and was selected in the proper order per the approved hiring list. I would like to make this hire effective today March 10, 2025.

Respectfully,

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Fire Chief

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RE: New Hire Mr. Wolfgang Alwine

Dear Commissioners:

I am requesting your permission to hire Wolfgang Alwine as he has satisfied all of the established requirements and was selected in the proper order per the approved hiring list. I would like to make this hire effective today March 10, 2025.

Respectfully,

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Fire Chief

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RE: New Hire Mr. Ethan Robinson

Dear Commissioners:

I am requesting your permission to hire Ethan Robinson as he has satisfied all of the established requirements and was selected in the proper order per the approved hiring list. I would like to make this hire effective today March 10, 2025.

Respectfully,

Rodney Dale  
Fire Chief

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RE: New Hire Mr. Steven Vergonet

Dear Commissioners:

I am requesting your permission to hire Steven Vergonet as he has satisfied all of the established requirements and was selected in the proper order per the approved hiring list. I would like to make this hire effective today March 10, 2025.

Respectfully,

Rodney Dale  
Fire Chief



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RE: New Hire Mr. Reniko Stout

Dear Commissioners:

I am requesting your permission to hire Reniko Stout as he has satisfied all of the established requirements and was selected in the proper order per the approved hiring list. I would like to make this hire effective today March 10, 2025.

Respectfully,

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Fire Chief

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March 10<sup>th</sup> 2025

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RE: New Hire Mr. Kenneth Carson Jr.

Dear Commissioners:

I am requesting your permission to hire Kenneth Carson Jr. as he has satisfied all of the established requirements and was selected in the proper order per the approved hiring list. I would like to make this hire effective today March 10, 2025.

Respectfully,

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Fire Chief

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March 10<sup>th</sup> 2025

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RE: New Hire Mr. Gage Wiles

Dear Commissioners:

I am requesting your permission to hire Gage Wiles as he has satisfied all of the established requirements and was selected in the proper order per the approved hiring list. I would like to make this hire effective today March 10, 2025.

Respectfully,

Rodney Dale  
Fire Chief

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*Assistant Fire Chief*

March 10<sup>th</sup> 2025

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RE: New Hire Mr. Terry Bloss

Dear Commissioners:

I am requesting your permission to hire Terry Bloss as he has satisfied all of the established requirements and was selected in the proper order per the approved hiring list. I would like to make this hire effective today March 10, 2025.

Respectfully,

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Fire Chief

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*Assistant Fire Chief*

March 10<sup>th</sup> 2025

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RE: New Hire Mr. Cody Scott

Dear Commissioners:

I am requesting your permission to hire Cody Scott as he has satisfied all of the established requirements and was selected in the proper order per the approved hiring list. I would like to make this hire effective today March 10, 2025.

Respectfully,

Rodney Dale  
Fire Chief

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*Assistant Fire Chief*

March 10<sup>th</sup> 2025

Fire Merit Commission  
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RE: New Hire Mr. Ty Parker

Dear Commissioners:

I am requesting your permission to hire Ty Parker as he has satisfied all of the established requirements and was selected in the proper order per the approved hiring list. I would like to make this hire effective today March 10, 2025.

Respectfully,

Rodney Dale  
Fire Chief

Publish March 11, 2025

NOTICE OF PUBLIC HEARING

BEFORE THE FIRE MERIT COMMISSION ON MONDAY, MARCH 24, 2025, AT 3:30 P.M.  
LOCAL TIME

Notice is hereby given that the City of Elkhart, Indiana, Fire Merit Commission will conduct a hearing pursuant to I.C. 36-8-3.5-10(b) in the Council Chambers, located on the second floor of Elkhart City Hall, 229 South Second Street, Elkhart, Indiana, on Monday, March 24, 2025 at 3:30 P.M. local time, to receive and hear comments and objections from the public considering amendments to Fire Merit Commission rules.

Mandy Leazenby

President, Fire Merit Commission



02/24/2025

Rod Roberson  
Mayor

Rodney Dale  
Fire Chief

Kristi Sommer  
Assistant Fire Chief

Fire Department  
500 East Street  
Elkhart, Indiana 46516

Phone: (574) 293-8931  
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Email:  
fire@elkhartfire.org

Fire Merit Commission  
229 S, Second Street  
Elkhart, IN 46516

RE: Verbal Warning for Drew Walters

The following is a summary of the case and its resolution:

An incident report from Battalion Chief Snider was submitted to the Division Chief of Operations on February 24th, 2025. The report stated that Firefighter Drew Walters did not arrive for duty until 0745. This failure to report on time for duty is a violation of Indiana Code 36-8-3.5-17 *Section 17 (2)(A)*.

An investigation confirmed that Firefighter Walters was indeed late for duty on that date.

The Fire Chief is notifying the Fire Merit Commission that Firefighter Walters received a verbal warning for these violations.

Rodney Dale  
Fire Chief





02/26/24

Rod Roberson  
Mayor

Rodney Dale  
Fire Chief

Kristl Sommer  
Assistant Fire Chief

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Fire Merit Commission  
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RE: Verbal Warning for Marcus Perez

The following is a summary of the case and its resolution:

An incident report from Battalion Chief McClintic was submitted to the Division Chief of Operations on February 22nd, 2025. The report stated that Driver Operator Marcus Perez did not arrive for his shift beginning at 0830 until 0900. This failure to report on time for duty is a violation of Indiana Code 36-8-3.5-17 Section 17 (2)(A).

An investigation confirmed that Driver Operator Perez was indeed late for duty on that date.

The Fire Chief is notifying the Fire Merit Commission that Driver Operator Marcus Perez received a verbal warning for these violations.



Rodney Dale  
Fire Chief



February 26, 2025

Rod Roberson  
Mayor

Fire Merit Commission  
229 South Second Street  
Elkhart, IN 46516

Rodney Dale  
Fire Chief

RE: Written Warning for Scott Smeltzer

Kristl Sommer  
Assistant Fire Chief

The following is a summary of the case and its resolution:

Fire Department  
500 East Street  
Elkhart, Indiana 46516

On February 8, 2025, Battalion Chief Smeltzer was involved in an accident while responding to an incident. The police report indicates that no audible warning was used when approaching an intersection, which resulted in the accident. This incident caused damage to a city vehicle and resulted in an injury to a citizen, who was subsequently transported by the Elkhart Fire Department and treated at a hospital. This action constitutes a violation of Indiana Code 36-8-3.5-17, Section 17 (2)(G).

Phone: (574) 293-8931  
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Email:  
fire@elkhartfire.org

The investigation confirmed that Battalion Chief Smeltzer's actions led to an injury to a member of the public.

As a result, the Fire Chief is formally notifying the Fire Merit Commission that Battalion Chief Scott Smeltzer has received a written warning for these violations.

Rodney Dale  
Fire Chief

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**Rodney Dale**  
*Fire Chief*

**Kristi Sommer**  
*Assistant Fire Chief*

03/10/2025

Fire Merit Commission  
229 S. Second Street  
Elkhart, IN 46516

RE: Begin accepting applications

Commissioners I am requesting your permission to begin accepting applications on Monday March 24<sup>th</sup>, 2025. The previous hiring list was followed in order and is now exhausted, so beginning the process as soon as possible will allow us to be prepared for the next round of hiring needs.

Rodney Dale  
Fire Chief