



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO Box 809
TRENTON, NJ 08625-0809

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

June 22, 2023
Certified Mail #: 7004 0750 0002 6268 9589
DFSID: 122462

Mr. Andrew F. Simonsick, Sr
17 Overbrook Avenue
Maple Shade, NJ 08052

Dear Mr. Simonsick,

I have recently received correspondence from the Office of Fire Department Preparedness within the New Jersey Division of Fire Safety (hereafter Division), of the New Jersey Department of Community Affairs (hereafter Department) which has provided credible evidence supporting the revocation of your Incident Management certifications pursuant to N.J.A.C. 5:73-1.9(a)3, 1.9(a)4, 1.9(a)5, 1.9(a)6, and 1.9(a)7.

N.J.A.C. 5:73-1.9 titled "Revocation of certifications or certificate and alternative sanctions" provides the Department with the administrative authority to suspend and/or revoke a certification if there is determination that, in the judgment of the Department, warrants revocation of credentials. By way of this correspondence the Department initiates the following action presented below which is consistent with our Department Rules, specifically N.J.A.C. 5:71-1.9(a) subsection 3, 4, 5, 6 and 7, which states an offense in connection with the practice as a credentialed title found in this chapter, shall result in revocation of a certification. The supporting documentation details the misconduct, lack of competency, and misleading written statements authored by you which would support this action from the Department.

The specific citations issued against you are contained in *N.J.A.C. 5:73-1.9(a)* and are as follows:

N.J.A.C. 5:73-1.9 (a)3. Has been grossly negligent or has engaged in misconduct in the performance of any of his or her duties.

The following statements were drawn from a confidential memorandum from the staff of the Office of Fire Department Preparedness and provides the basis for the above citation. 30 May 2023 - confidential memorandum to Director Richard Mikutsky stating Fire Chief Andrew Simonsick, Sr. (hereafter Chief Simonsick) has nearly completely disregarded our every effort to gain compliance and cure the many deficiencies existing at the Maple Shade Fire Department for nine months. Chief Simonsick has publicly stated, several times, in front of Supervising Planner Bruce Tynan, Principal Planner Tim Weiss, Senior Planner Donald Nelsen, Township Manager Susan Danson, Mayor Charles Kauffman, Deputy Mayor Steve Schmidt, Councilwoman Sandy Nunes, Councilwoman Claire Volpe, and Councilman Nelson Wiest, that nobody is going to tell him what to do nor how to run his fire department.

Chief Simonsick has been grossly negligent or has engaged in misconduct in the performance of his duties by refusing to answer administrative inquiries, providing conflicting information, refusing to routinely or periodically train with mutual aid partners, refusing to follow through on contacts requesting meetings and information, refusing to abide by minimally accepted standards of conduct with regard to maintenance of public administration points in the fire department.

10 May 2021 – Maple Shade Township Resolution 2021-R-71, suspended operations of the Independent Volunteer Fire Co. No.1 (hereinafter MSFD) for ninety (90) days. Detailed within the resolution are a multitude of leadership failures and lack of confidence in the Fire Chief of the MSFD, Andrew Simonsick, Sr.

4 August 2021 – The Rodgers Group was retained by Maple Shade Township to assess their fire departments and issued a report this date outlining the multitude of deficiencies encountered with the MSFD as well as many recommendations. Chief Simonsick refused to allow anyone from MSFD to answer any questions nor provide any information to the Rodgers Group when they attempted to assess the MSFD.

3 September 2021 - Chief Simonsick verbally threatened Burlington County Fire Coordinator Tim Pearson with serious bodily harm for not changing "his" response "grids" back the way they were in a recorded conversation with Burlington County Communications.

N.J.A.C. 5:73-1.9(a)4. Has failed, over a period of time, to maintain a minimally acceptable level of competence.

The following statements were drawn from a confidential memorandum from the staff of the Office of Fire Department Preparedness and provides the basis for the above citation. Chief Simonsick by his own admissions, of being a volunteer and not having time to devote to all new trainings and technology, has not routinely attended the Burlington County Fire Chief's monthly meetings, pre- or post-pandemic, by failing to take any continuing education in fire officer or managing company tactical operations or strategies for command, or like topics of instruction to improve his fireground performance. Chief Simonsick has not provided regular company drills for the MSFD, nor any periodic mutual aid partner drills regarding many higher hazard alarm buildings and facilities. Chief Simonsick has failed to perform any after action reviews of serious incidents and failed to provide Critical Incident Stress Debriefing referrals to any of his staff or mutual aid staff resulting from several fatal fires over the last several years, including the most recent on 7 May 2023.

10 May 2021 – Maple Shade Township Resolution 2021-R-71, suspended operations of the Independent Volunteer Fire Co. No.1 (hereinafter MSFD) for ninety (90) days. Detailed within the resolution are a multitude of leadership failures and lack of confidence in the Fire Chief of the MSFD, Andrew Simonsick, Sr. Failure to communicate with the Township Manager and to respond to inquiries from Township Council; Independent Fire Company no. 1 has not communicated with the Township since a meeting held on March 2, 2021, regarding misconduct within the membership. Failure to maintain training records and to produce documentation regarding qualifications of the members to the Township. Misuse of Township vehicles. Failure to respond to calls in a timely manner with sufficient qualified staff thus endangering the firefighters, public safety, and property. Failure to maintain complete and accurate call logs. Failure to protect the township assets. Overall dereliction of duties to the point where Independent Fire Company No. 1 is no longer contacted for mutual aid.

N.J.A.C. 5:73-1.9(a)5. Has failed to comply with any order issued by the Department.

The following statements were drawn from a confidential memorandum from the staff of the Office of Fire Department Preparedness and provides the basis for the above citation. 14 February 2023, Chief Simonsick was sent a cease-and-desist letter to follow the Fire Service Resource Emergency Deployment Act and the established mutual aid run card. Chief Simonsick purposely and knowingly circumvented the Fire Service Resource Emergency Deployment Act by not using contiguous municipalities fire departments for orderly mutual aid assistance.

10 May 2021 – Maple Shade Township Resolution 2021-R-71, suspended operations of the Independent Volunteer Fire Co. No.1 (hereinafter MSFD) for ninety (90) days. Detailed within the resolution are a multitude of leadership failures and lack of confidence in the Fire Chief of the MSFD, Andrew Simonsick, Sr. Failure to inform the Township and other Public Safety Departments after removing neighboring mutual aid career departments for overnight calls.

N.J.A.C. 5:73-1.9(a)6. Has made a false or misleading written statement, or has made a material omission in any submission to the Department.

The following statements were drawn from a confidential memorandum from the staff of the Office of Fire Department Preparedness and provides the basis for the above citation. Chief Simonsick provided Senior Planner Donald Nelsen with an active firefighting member list of 42 personnel, then providing Maple Shade Township an active firefighting member list of 26 personnel, then stating only 10 to 15 active members would respond to a house fire even if everyone was home and available.

10 May 2021 – Maple Shade Township Resolution 2021-R-71, suspended operations of the Independent Volunteer Fire Co. No.1 (hereinafter MSFD) for ninety (90) days. Detailed within the resolution are a multitude of leadership failures and lack of confidence in the Fire Chief of the MSFD, Andrew Simonsick, Sr. Misrepresentation of the number of active and qualified members. Failure to respond to call in a timely manner with sufficient qualified staff thus endangering the firefighters, public safety, and property.

N.J.A.C. 5:73-1.9(a)7. Has violated any provision of this chapter.

The following statements were drawn from a confidential memorandum from the staff of the Office of Fire Department Preparedness and provides the basis for the above citation. Chief Simonsick's continual negligence and misconduct has been documented in public meetings and recorded telephone lines, has demonstrated non-compliance with the multitude of required documents and answers to complaints on multiple counts has subverted the authority of the Division granted under **N.J.A.C. 5:73-1.2**, minimized the importance of the Office of Training and Certification under **N.J.A.C. 5:73-1.5**, falsely misled the public and investigators by submitting multiple active membership lists under **N.J.A.C. 5:73-1.6**, has purposely and knowingly circumvented the Fire Service Resource Emergency Deployment Act under **N.J.A.C. 5:75A**, as evident by the cease-and-desist letter sent by the New Jersey Department of Community Affairs, Office of Fire Department Services under **N.J.A.C. 5:75A**, and the MSFD was suspended by the Maple Shade Mayor and Township Council for 90 days due to a multitude of reasons as evidenced by Township of Maple Shade Resolution 2021-R-71. All of these transgressions violate the provisions of the chapter, **N.J.A.C. 5:73.1**

Summary Judgement Conclusion:

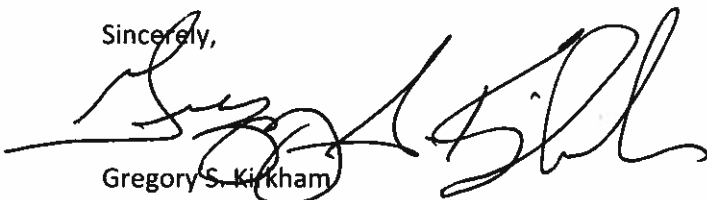
The items presented above present a summary record of evidence and conduct from May 2021 through May 2023 against you regarding specific citations. After careful review of the cumulative records the Commissioner finds that you have been grossly negligent and have engaged in misconduct in the performance of your duties; have failed over a period of time to maintain a minimally acceptable level of competence; have made numerous false and misleading statements; and have made material omissions in submissions to the Division.

It is the judgement of the NJ Department of Community Affairs that your conduct warrants revocation of your credentials. Therefore, effective this date (June 22, 2023) the New Jersey Division of Fire Safety has REVOKED your New Jersey your Incident Management Level 1, Incident Management Level 2, Incident Management Level 3, and Hazardous Materials: Incident Commander certifications. This revocation order is permanent.

You may appeal this action in accordance with *N.J.A.C. 5:73-1.5(c)*. Any person aggrieved by any notice, action, ruling, or order of the Commission, with respect to this chapter, shall have a right to a hearing before the Office of Administrative Law, in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. The final decision in any such case shall be issued by the Commissioner. *N.J.A.C. 5:73-1.5(c)1* specifies that the aggrieved person must request a hearing. The request must be made within 15 days of receipt of the action or ruling being contested. The request shall be made to the Hearing Coordinator, Department of Community Affairs, P. O. Box 809, Trenton, NJ 08625-0809. The request for hearing shall raise all issues that will be set forth at the hearing.

In accordance with the rules set forth under the Administrative Procedures Act (N.J.S.A. 52:14B-1 et seq), an appeal request must identify and state the basis for the appeal. Only matters deemed to be contested cases will be scheduled for a hearing. You will be notified in advance of the time and place, if a hearing is scheduled.

Sincerely,



Gregory S. Kirkham
Supervisor
Office of Training & Certification
Division of Fire Safety

Cc: Richard Mikutsky, Director, NJ Division of Fire Safety
Bruce Tynan, Supervisor, Office of Fire Department Preparedness
Donald Nelsen, Senior Planner, Office of Fire Department Preparedness
Andrew J. Kondor, Legislative and Regulatory Affairs Officer
DFS Revoked Certification's File