

Board on Public Safety Standards and Training
Executive Committee Meeting
Minutes
November 13, 2014

The Executive Committee of the Board on Public Safety Standards and Training held a telephonic meeting on November 13, 2014, at the Department of Public Safety Standards and Training in Salem, Oregon. Corrections Policy Committee Chair Lisa Settell called the meeting to order at 1:36 p.m.

Board Members Present:

Lisa Settell, Chair of Corrections Policy Committee
Toni Sexton, Chair of Telecommunications Policy Committee
Bill Geiger, Chair of the Private Security/Investigators Policy Committee

Board Members Absent:

Kent Barker, Chair of the Board and Police Policy Committee
Joe Seibert, Chair of Fire Policy Committee

DPSST Staff:

Eriks Gabliks, Director of the Department of Public Safety Standards and Training
Linsay Hale, Professional Standards Division Director
Sharon Huck, Rules and JTA Compliance Coordinator
Kristen Hibberds, Professional Standards Investigator/Coordinator



1. Minutes of September 11, 2014

Approve minutes

Toni Sexton moved to approve the minutes as written. Bill Geiger seconded the motion. The motion carried with a unanimous vote.

2. OAR 259-008-0060 Proposed Rule Change

DUII Implied Consent
Sharon Huck reviewed the case for the committee.

Bill Geiger moved to approve filing the proposed language for OAR 259-008-0060 with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Toni Sexton seconded the motion. The motion carried unanimously.

The Executive Committee could identify no impact to small business.

3. VanCleave, Kyle - DPSST#54716 - Instructor Certification

Kristen Hibberds reviewed the case for the committee.

Toni Sexton moved that the Executive Committee adopts the staff report as the record upon which its recommendations are based. Bill Geiger seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee identified the following behavior by VANCLEAVE being considered in this case as:

- He engaged in misconduct involving and leading to the criminal conviction of DUII.

By discussion and consensus, the committee determined that VANCLEAVE's behavior did not involve Insubordination as defined in Administrative Rule.

By discussion and consensus, the committee determined that VANCLEAVE's behavior did involve Misconduct as defined in Administrative Rule when he was convicted of DUII.

Toni Sexton moved that the Executive Committee finds that VANCLEAVE's Misconduct does rise to the level to warrant denial of certification when considered alone. Bill Geiger seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that VANCLEAVE's behavior did involve Gross Misconduct as defined in Administrative Rule.

Toni Sexton moved that the Executive Committee finds that VANCLEAVE's Gross Misconduct does rise to the level to warrant denial of certification when considered alone. Bill Geiger seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that VANCLEAVE's behavior did not involve Misuse of Authority as defined in Administrative Rule.

By discussion and consensus, the committee determined that VANCLEAVE's behavior did not involve Disregard for the Rights of Others as defined in Administrative Rule.

By discussion and consensus, the committee determined that VANCLEAVE's behavior did not involve Dishonesty as defined in Administrative Rule.

By discussion and consensus, the committee identified the following Aggravating Circumstances:

- Being employed by the Federal Correctional Institute.

By discussion and consensus, the committee identified the following Mitigating Circumstances.

- He received discipline and kept his job;
- He was honest and took responsibility for his actions;
- The incident was many years ago;
- There was no further misconduct;
- His overall conduct and continued employment;
- Subsequent performance evaluations reflected he did an excellent job.

After considering the totality of the case, Bill Geiger moved that the Executive Committee approves VANCLEAVE's application for Instructor Certification. Toni Sexton seconded the motion. The motion carried unanimously.

4. October 23, 2014 BPSST meeting agenda - Reaffirm vote for consent agenda

Director Gabliks explained there was uncertainty about the quorum for the consent agenda vote during the October Board meeting and requested affirmation of the Executive Committee.

1. CONSENT AGENDA (The following items to be ratified by one vote)

A. Minutes

Approve minutes from the July 24, 2014 meeting.

B. OAR 259-020-0010 & OAR 259-020-0015 - Proposed Rule Change

Criminal Justice Commission Crimes Effective Date

C. OAR 259-060-0010 & OAR 259-060-0130 - Proposed Rule Changes

Public Comment on Temporary Work Permit Definition

D. OAR 259-061-0005, 259-061-0240, 259-0691-0260 - Proposed Rule

Continuing Education Requirements

E. OAR 259-008-0015 and 259-009-0015 - Proposed Rule

Background Investigations

F. OAR 259-009-0005 and 259-009-0062 - Revision

Wildland Interface Firefighter - New Name: Wildland Fire Operations

G. OAR 259-009-0059 and 259-009-0070 - Proposed Rule

Fingerprint and Denial/Revocation Update

H. OAR 259-008-0010 and 259-008-0011 - Proposed Rule

Academic Proficiency Standard Exception

I. OAR 259-008-0069 - Proposed Rule

Tribal Law Enforcement F-8 Requirements

J. Carney, Chris - DPSST#22541 - Bend PD - Revocation

Resolved via Stipulated Order/Voluntary Relinquishment

K. Heldt, Joshua - Request for Medical Waiver

L. Andrews, Michael - DPSST#F19356 - Polk County Fire District - Not Revoke

M. Hayes, Peter - DPSST#30789 - Revocation

N. Wallace, Desirae - DPSST#48878 - Warm Springs PD - Revocation

O. Stinnett, Samuel - DPSST#53824 - Grant County SO - Not Deny Application for Training

P. Hughitt, Cindie - DPSST#41260 - Grants Pass Dept of Public Safety - Revocation

Q. O'Brien, Timothy - DPSST#42723 - Denial of Eligibility

R. Ulch, William - DPSST#46132 - Oregon State Police - Revocation

S. Rousseau, Steven - PSID#63999 - Deny Certification

T. Policy Committee Appointments

Telecommunications Policy Committee

- Sherry Bensema - OFCA EMS Section - New appointment
- Michael Moran - OACP - New appointment

Private Security/Investigators Policy Committee

- Donovan Beard - Armed Representative - New appointment

Fire Policy Committee

- Jeff Hamilton - Non-Management OSFFC - New appointment
- Jim Whelan - Oregon Fire Instructors Association - New appointment

Toni Sexton moved to approve the consent agenda of the October 23, 2014 Board meeting. Bill Geiger seconded the motion. The motion carried unanimously.

Director Gabliks explained that there were no agenda items for the Executive Committee in December and that Board Chair Kent Barker would be contacted for permission to cancel the meeting.

Director Gabliks requested a vote to approve second terms for Rick Angelosi, DOC, of the Corrections Policy Committee and Brian Oeder, Line-level telecommunicator, of the Telecommunications Policy Committee.

Toni Sexton moved to approve second terms for Rick Angelosi and Brian Oeder. Bill Geiger seconded the motion. The motion carried with a unanimous vote.

5. Next Meeting – February 12, 2015 at 1:30 p.m.