

Fire Policy Committee Minutes February 25, 2015

The Fire Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on Wednesday, February 25, 2015, in the Governor Victor G. Atiyeh Boardroom at the Oregon Public Safety Academy in Salem, Oregon. Committee member Joe Seibert called the meeting to order at 9:00 AM.

Attendees:

Committee Members:

Joseph Seibert, Chair, Non-Management Firefighter
Jeff Hamilton, Oregon State Fire Fighters Council
Dave Jones, Oregon Fire District Director's Association
Michael Silva, Oregon Fire Marshalls Association
Scott Stanton, Oregon Volunteer Firefighters Association
Jim Walker, Oregon State Fire Marshal
Jim Whelan, Oregon Fire Instructor Association

Committee Members Absent:

Erin Janssens, Portland Fire & Rescue
Bill Kelin, Community College Fire Programs
Jamie Paul, Forest Protection Agencies

DPSST Staff:

Eriks Gabliks, Director
Todd Anderson, Training Division Director
Linsay Hale, Professional Standards Division Director
Mona Riesterer, Professional Standards Assistant
Leon Colas, Professional Standards/Investigator
Kristin Hibberds, Professional Standards/Investigator
Julie Olsen-Fink, Fire Certification Supervisor
Tina Diehl, Fire Certification Specialist
Barbara Slinger, Fire Certification Specialist
Kayla Ballrot, Compliance Specialist
David Jensen, Fire Program Training Coordinator (via phone)

Guests:

Dan Gates, Portland Airport Fire & Rescue
Patrick Wineman, Marion County Fire Dist. # 1
Brian Woodley, Marion County Fire Dist. #1
Anna Kraemer, Marion County Fire Dist. #1

Terry Riley, Marion County Fire Dist. #1
Chris Heppel, Lane Fire Authority
John Tacy, Lebanon Fire Dist.
Zach Lincoln, Sweethome Fire Dist.
Tyler Lyons, PDX Airport Fire
Rich Tyler, Portland Fire & Rescue
Kevin Walker, Eastern Oregon University (via phone)
Greg Marlar , OFCA



1. ***Minutes (August 27, 2014)**

Approve meeting minutes from the August 27, 2014 Fire Policy Committee meeting

To see a complete record of the «Date» Fire Policy Committee minutes, please go to:
<http://www.oregon.gov/dpsst/BD/pages/firepolicycommitteemeetingminutes.aspx>

Scott Stanton moved to approve the minutes from the August 27, 2014 Fire Policy Committee meeting. Jim Walker seconded the motion. The motion carried unanimously.

2. ***OAR 259-009-0062- Proposed Administrative Rules - NFPA Fire Officer Standards**

Review and Approve – Presented by Julie Olsen-Fink

*****See Draft NFPA Fire Officer Guide*****

The proposed rule change would remove the FSA courses from the application for certification and place them in the Suggested Course Guide as course options.

Jim Walker moved to approve filing the proposed language with the Secretary of State as a proposed rule as presented. Scott Stanton seconded the motion. The motion carried unanimously.

Dave Jones moved to approve filing the proposed language with the Secretary of State as a permanent rule if no comments are received. Jim Walker seconded the motion. The motion carried unanimously.

By consensus it was determined by the committee that there is no significant fiscal impact on small businesses.

3. ***OAR 259-009-005 and 259-009-0062 – Proposed Administrative Rules- NFPA Technical Rescuer Standards**

Review and Approve – Presented by Julie Olsen-Fink

**** See Draft 2013 Guide to Certification NFPA Technical Rescuer ****

The proposed rule change would combine Level I and Level II within current certifications NFPA Rope Rescue and NFPA Surface Water Rescue. A person applying for certification must successfully complete training at Level I and Level II and complete the Task Books in each respective section before applying for certification. When all minimum requirements are met the application for the certification can be submitted to DPSST for review.

Jim Walker moved to approve filing the proposed language with the Secretary of State as a proposed rule as presented and permanent rule if no comments are received. Scott Stanton seconded the motion. The motion carried unanimously.

By consensus it was determined by the committee that there is no significant fiscal impact on small businesses.

4. *Correction to OAR 259-009-0015 – Proposed Rule – Background Investigations
Review and Approve – Presented by Sharon Huck

This proposed rule corrects an error that was discovered in the permanent rule filed in December, 2014. Upon determination that volunteers were inadvertently excluded from the background requirement, DPSST filed a temporary rule upon approval from the Director. This proposed change corrects that error and would repeal the temporary rule.

Dave Jones moved to approve filing the proposed language with the Secretary of State as a proposed rule and permanent rule if no comments are received as presented. Jeff Hamilton seconded the motion. The motion carried unanimously.

By consensus it was determined by the committee that there is no significant fiscal impact on small businesses.

5. Fingerprints Procedures
Information Only - Presented by Linsay Hale

Current law and rule requires that individuals applying for or holding DPSST fire service certification not have convictions of certain crimes including measure 11 crimes and the list of crimes that are dictated by the board. The only way to verify an applicant's criminal history is to submit physical fingerprints to the Oregon State Police (OSP). DPSST recently recognized that administrative rule lacked the requirement that applicants for fire service certification submit fingerprints to DPSST if the individual has never been fingerprinted for certification purposes. That oversight was remedied and the rule filed permanently with the Secretary of State in December. It was quickly realized that the number of individuals

affected by the rule change was much greater than originally anticipated and the requirement has caused a great deal of confusion amongst constituents.

Staff is requesting FPC members grant permission to further clarify in rule that fingerprints are required for any individual utilized by a fire service agency that has never been fingerprinted for certification purposes or is identified in the Oregon LEADS system as a multi-source offender

Scott Stanton moved to approve the presentation of this proposed changes to the rule as presented to the Board. Jim Whelan seconded the motion. The motion carried unanimously

5. ***OAR 259-009-0059 and 259-009-0070 – Denial /Revocation and Personnel/Agency Form (PAF)**

Review and Approve – Presented by Sharon Huck

At their last meeting, the FPC directed staff form a workgroup to review and possibly update the denial and revocation standards for fire service certifications. The workgroup concluded their work in December, 2014. Recommendations include updating the core values, processing of Measure 11 convictions, discharges for cause, and other discretionary convictions.

Jim Walker moved to approve filing the proposed language with the Secretary of State as a proposed rule and permanent rule if no comments are received as presented. Dave Jones seconded the motion. The motion carried unanimously.

By consensus it was determined by the committee that there is no significant fiscal impact on small businesses.

6. ***Revocation Case Review for David Anderson DPSST #05176 – Clackamas County Fire District #1**

Review Case

Determine whether to amend the proposed order to revoke Anderson's certifications based on the violation of the core values of Professionalism and Justice

Jim Walker moved to approve the amended proposed order to revoke Anderson's certifications based on the violation of the core values of Professionalism and Justice .Jim Whelan seconded the motion. The motion carried unanimously.

Scott Stanton moved to recommend upholding the same date for the ineligibility period when considering the conduct without the element of dishonesty. Dave Jones seconded the motion. The motion carried unanimously

7. ***Revocation Case Review for Brian Hall DPSST #26430 – Olney Walluski Fire & Rescue**
Review Case

Determine whether Brian Hall's misconduct violates the core values of Honesty, Professionalism and Justice.

Jim Walker moved that the Fire Policy Committee adopts the Staff report as the record upon which its recommendations are based. Scott Stanton seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Brian Hall's behavior did violate the core value of **Honesty** by failing to identify himself as the shooter.

Jeff Hamilton moved that the Fire Policy Committee find that Brian Hall's violation of the core value of **Honesty**, when considered alone, does not rise to the level to warrant revocation. Jim Walker seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Brian Hall's behavior did violate the core value of **Professionalism** by the Assault III conviction.

Scott Stanton moved that the Fire Policy Committee find that Brian Hall's violation of the core value of **Professionalism**, when considered alone, does rise to the level to warrant revocation. Jim Walker seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Brian Hall's behavior did violate the core value of **Justice** due to the Assault III conviction based upon the elements of the crime.

Jim Whelan moved that the Fire Policy Committee find that Brian Hall's violation of the core value of **Justice**, when considered alone, does rise to the level to warrant revocation. Jim Walker seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Brian Hall's behavior did involve **Aggravating Circumstances**; the reluctance to be taken into custody as well as the PTSD perpetuated by the alcoholism.

By discussion and consensus, the committee found the following **Mitigating Circumstance**; PTSD and Brian Hall's call to 911.

Jim Walker moved that the Fire Policy Committee find that after considering the totality of the case the committee recommends to the Board that the Certifications be revoked. Scott Stanton seconded the motion. The motion carried unanimously.

Jim Walker moved that the Fire Policy Committee recommends to the Board that certification be revoked until May 2, 2019. Dave Jones seconded the motion. The motion carried unanimously

8. ***Denial/Revocation Case Review for Daniel Jensen # 23946 – Yamhill Fire Protection District**
Review Case

Determine after reviewing all the information related to Jensen's conviction if Jensen's misconduct violates the core values of Honesty, Professionalism, and Justice.

Jim Walker moved that the Fire Policy Committee adopts the Staff report as the record upon which its recommendations are based. Scott Stanton seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Daniel Jensen's behavior did violate the core value of **Honesty** by lying multiple times to law enforcement.

Jim Walker moved that the Fire Policy Committee find that Daniel Jensen's violation of the core value of **Honesty**, when considered alone, does rise to the level to warrant revocation. Jim Whelan seconded the motion. The motion carried five to two with Whelan, Silva, Walker, Jones, and Stanton voting aye; Siebert and Hamilton voting nay.

By discussion and consensus, the committee determined that Daniel Jensen's behavior did violate the core value of **Professionalism** determined by the conviction and third degree rape.

Jim Walker moved that the Fire Policy Committee find that Daniel Jensen's violation of the core value of **Professionalism**, when considered alone, does rise to the level to warrant revocation. Scott Stanton seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Daniel Jensen's behavior did violate the core value of **Justice** due to the Rape III convictions.

Jim Walker moved that the Fire Policy Committee find that Daniel Jensen's violation of the core value of **Justice**, when considered alone, does rise to the level to warrant revocation. Dave Jones seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Daniel Jensen's behavior did involve **Aggravating Circumstances**; the dishonesty to officer and victim's mother. Also when he admitted to the officer he was wrong and he continued to make contact even with the stalking order in place.

By discussion and consensus, the committee determined that Daniel Jensen's behavior did find **Mitigating Circumstance**; completing probationary requirements, meeting all stipulations and he admitted to the crime.

Jeff Hamilton moved that the Fire Policy Committee find that after considering the totality of the case the committee recommends to the Board that the Certifications not be denied. Jim Whelan seconded the motion. The motion carried six to one with Whelan, Silva, Jones, Stanton, Siebert, and Hamilton voting aye; Walker voting nay.

9. Tampa 2 – Report from the 2014 Firefighter Life Safety Summit

Information Only – Presented by Eriks Gabliks

In March 2004 a group of fire service leaders came together for a landmark event: the first Firefighter Life Safety Summit hosted by the National Fallen Firefighters foundation. This meeting brought a new exciting new slate of recommendations and goals were put forward which served to increase the scope and impact of 16 Firefighters Life Safety Initiatives. Many of the recommendations are already being discussed and addressed by the Oregon Fire Service. DPSST continues to work in partnership with local fire departments and fire protection districts, regional fire training organizations, and through our statewide associations to help reduce firefighter injuries and deaths.

10. Constituency Inquiry

Information Only

DPSST received a letter from Mr. and Mrs. McGillivray due to their home burning down as a result of a lightning storm. It was brought forward to the department their concerns over the time it took Woodburn responders to get to the fire. Julie Olsen- Fink responded to the homeowners advising what DPSST's mission is and what is involved at DPSST in training our fire fighters to provide to our constituencies through what our services. She also shared our condolences to the loss of their home. No action is needed from the Policy Committee.

11. Staff Update

Todd Anderson presented that Mark Ayers our fire training manager has announced his retirement. As of July 1st we will be asking the committee in the future to sit on a panel to help DPSST select a new manager for fire training session.

Julie Olsen-Fink reported that Fire is wrapping up the maintenance certification for the State of Oregon and we currently have 75 of the 300 departments that have submitted their documents to us. Several task forces will be rolling out through the rest of this year. Interested parties please let your jurisdiction know. We will be posting the information on the Fire Bulletin. Also, the fire staff will be out teaching and training spring school.

Eriks Gabliks welcomed Jeff Hamilton to the committee and also Jim Whelan. As we will be welcoming Greg Marlar as soon as the senate has gotten him confirmed. On the legislative side, in regards to the Ways and Means a lot of good questions about the fire service and oil trains at the budget presentation.

DPSST hosted a winter fire school on campus we had over 350 people attending classes from both the national fire academy and Oregon Fire Chiefs Association.

DPSST met with the Oregon State University and they are looking at the education area. They are working with a partnership with Clackamas Community College and they are exploring the opportunities in getting into the fire education not only at the two year level but as well as the four year level.

12. Next scheduled FPC meeting – May 27, 2015 at 9:00 a.m.

** All documents reviewed and discussed in this meeting are subject to Oregon Public Records Law (ORS 192.410 to ORS 192.505). These documents can be requested by contacting DPSST at dpsst.records@state.or.us.*