

The following revised language for OAR 259-009-0070(4) contains recommended additions (**bold and underlined**) and deletions (strikethrough text).

OAR 259-009-0070(4)

Denial/Revocation

(4) Discretionary disqualifying misconduct as Grounds for Denying or Revoking Certification(s) of a Fire Service Professional or Instructor:

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~~(b) The Department will not initiate revocation proceedings for a discretionary conviction against any certification that a fire service professional or instructor has been granted prior to the effective date of this rule.~~

~~(c) The Department may initiate denial or revocation proceedings for a discretionary conviction that occurred prior to the effective date of this rule for any fire service professional or instructor who applies for a fire service certification not held prior to the effective date of this rule.~~

* * *

(b) If a fire service professional or instructor held certification on or before January 15, 2008 and applies for a new certification, the Department will proceed as follows:

(A) No action will be taken on a discretionary conviction that occurred prior to January 15, 2003.

(B) The Department will not initiate revocation proceedings based on a discretionary disqualifying conviction that occurred between January 15, 2003 and January 15, 2008.

(C) The Department may initiate denial of a new certification based on a discretionary disqualifying conviction that occurred between January 15, 2003 and January 15, 2008.

(c) If a fire service professional or instructor held no certification on January 15, 2008 and applies for or obtains certification after that date, the Department may initiate denial or revocation of all certifications held based on a discretionary disqualifying conviction that occurred prior to January 15, 2008.

(d) If a fire service professional or instructor is convicted of a discretionary disqualifying crime on or after January 15, 2008, the Department may initiate denial or revocation of all certification(s) upon learning of the conviction.

**** * * Initial Minimum Periods of Ineligibility***

~~(8)~~ **(7)** Scope of Revocation. **Except as provided in (4) above,** ~~Whenever~~ **when** the Department **denies or** revokes the certification of any fire service professional or instructor, the revocation shall embrace all fire service certificates the Department has issued to that person.