



## **OREGON STATE FIRE MARSHAL**

### **DISPUTE RESOLUTION PROCESS**

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The Office of State Fire Marshal's (OSFM), Dispute Resolution Process allows an aggrieved party to dispute inspection findings of the local fire marshal. This process allows the aggrieved party to ask for a "second opinion" but does not supersede the local or State Fire Marshal's appeal process. The local fire marshal, through the OSFM, arranges a conference call with the aggrieved party and on-call code experts from other jurisdictions and industry. The on-call group discusses the case and the local fire marshal takes the group's second opinion into consideration when rendering a decision in writing to the aggrieved party. The goal of the OSFM is to conduct the conference call within 48 hours (two business days) for new construction and no more than seven business days for maintenance issues of the notice of dispute. Aggrieved parties who are not satisfied with the findings can appeal the decision to a local appeals board, if available, otherwise to the OSFM.

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#### **STEPS TO TAKE TO INITIATE THE DISPUTE RESOLUTION PROCESS**

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- Step 1: The aggrieved party contacts the local fire marshal to discuss the findings.
- The local fire marshal should involve the district Deputy State Fire Marshal.
  - If the outcome is not satisfactory to the aggrieved party they may request the local fire marshal ask for a "second opinion" from the OSFM.
- Step 2: The aggrieved party requests a "second opinion" from the OSFM.
- The local fire marshal shall contact the OSFM Codes and Technical Services Unit, (503) 373-1540, ext. 269 to set up a conference call with the on-call group. In the event the Codes and Technical Services Unit deputy is not available, the Codes and Technical Services Supervisor will respond.
  - The Codes and Technical Services Unit will contact the local fire marshal, regional supervising Deputy State Fire Marshal, on-call code experts, and the aggrieved party and set up a time for the conference call. (The OSFM will contact code experts from a number of jurisdictions and industry to assist the local fire marshal in making a determination on the concern or issue.)
  - The OSFM organizes and facilitates a conference call with the aggrieved party, the local fire marshal and the on-call group. (This on-call group will include the regional supervising Deputy State Fire Marshal).
  - When the call begins, the aggrieved party explains his or her concern or issue. After the on-call group has asked questions, the aggrieved party hangs up.
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- The local fire marshal of the jurisdiction of the dispute then explains his or her resolution to the on-call group and the concern or issue is discussed.
  - The local fire marshal renders a decision and calls the aggrieved party. The local fire marshal shall advise the aggrieved party of the on-call group's opinion if different from the rendered decision.

Step 3: If the aggrieved party does not agree with the decision, the aggrieved party can appeal the local fire marshal's decision through the local appeals process, if available, or the OSFM's appeal process.

### **Recent Dispute Resolution Cases in Oregon:**

July 29, 2005

Reliable Credit Union, City of Eugene

Building addition; location not code compliant with reference to distance from nearest hydrant. Either the building must be installed with a sprinkler system or another hydrant must be installed to meet code.

Resolution: A team consisting of 4 Fire Marshals, 1 Deputy Marshal, and 1 State Deputy Fire Marshal agreed with the Eugene Marshal's decision.

