

Fire Policy Committee Minutes

May 25, 2016

The Fire Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on, May 25, 2016 at 9:00 a.m. in the Boardroom at the Oregon Public Safety Academy located at 4190 Aumsville Hwy SE, Salem, Oregon. For more information please contact Kristina Follis Mwepu at 503-378-2431.

Attendees:

Committee Members:

Joe Seibert, Non-Management Firefighter, Chair
Bill Klein, Community College Fire Programs
Jamie Paul, Forest Protection Agencies (By phone)
Michael Silva, Oregon Fire Marshals Association
Scott Stanton, Oregon Volunteer Firefighters Association
Jim Whelan, Oregon Fire Instructors Association

Absent Members:

Jeff Hamilton, Oregon State Fire Fighters Council
Dave Jones, Oregon Fire District Director's Association
Jim Walker, Oregon State Fire Marshal
Greg Marlar, Oregon Fire Chiefs Association

DPSST Staff:

Eriks Gabliks, Director
Linsay Hale, Professional Standards Division Director
Julie Olsen-Fink, Fire Certifications Supervisor
Rich Daniels, Fire Program Supervisor
Kristen Hibberbs, Compliance Specialist
Jennifer Howald, Rules Coordinator
Kayla Ballrot, Compliance Specialist
Tina Diehl, Fire Certification Specialist
Rebecca Carroll, Fire Program Specialist
Kristina Follis Mwepu, Professional Standards Assistant



1. *Minutes

Approve August 26, 2015 meeting minutes

Jamie Paul moved that the committee approve the minutes of the August 26, 2015 Police Policy Committee meeting. Jim Whelan seconded the motion. The motion carried unanimously.

*To see a complete record of the August 26, 2015 Police Policy Committee minutes, please go to:
<http://www.oregon.gov/dpsst/BD/pages/firepolicycommitteemeetingminutes.aspx>*

2. ***OAR 259-009-0087- Proposed Rule: Accreditation of Fire Service Agency Training Programs**

Presented by Julie Olsen-Fink

The Agency Accreditation Form (R-1) serves an important purpose within the structure of the Oregon fire service. The primary benefit of accreditation provides the ability for a fire service agency to teach and deliver Department of Public Safety Standards and Training (DPSST) approved training courses within their own structure. The R-1 was designed as a tool for District Liaison Officers (DLO's) to use when working with a fire service agency to enter into or renew an Agency Accreditation Agreement with DPSST.

On December 9, 2015 the DLO's met and determined the R-1 form should be revised. The revised R-1 better captures and assesses the needs of the Oregon fire service. As a result of revising the R-1, Oregon Administrative Rules (OAR) also needed to be updated.

Scott Stanton moved to recommend filing the proposed language for OAR 259-009-0087 with the Secretary of State as a proposed rule. Bill Klein seconded the motion. The motion carried unanimously.

Michael Silva moved to recommend filing the proposed language for OAR 259-009-0087 with the Secretary of State as a permanent rule if no comments are received. Jim Whelan seconded the motion. The motion carried unanimously.

It was determined that there is no significant fiscal impact on small business.

3. **Draft R-1 Form**

Presented by Julie Olsen-Fink

The draft R-1 Form was presented for informational purposes only.

4. ***OAR 259-009-0070- Proposed Rule Change: Updates rule language to provide clarification**

Presented by Jennifer Howald

In consultation with the Fire Policy Committee Denial/Revocation Workgroup, the FPC and with the approval of the Board, the rule governing the denial/revocation standards for DPSST certification as a fire service professional was updated and filed permanently with an effective date of January 1, 2016. As a result, it is reasonable to expect any fire service professional or instructor who is convicted of a Class A or Class B misdemeanor and reports it to the Department as required will require review by the Fire Policy Committee.

On April 21, 2016 the Workgroup met via teleconference and affirmed that it was not the intention of the workgroup for the FPC to review all Class A and Class B misdemeanor convictions of currently certified fire service professionals and instructors. The Workgroup approved staff recommendations to amend the administrative rule language to clearly indicate under which circumstances convictions of Class A or Class B misdemeanors should be reviewed. The proposed rule change adds language that states that the Fire Policy Committee will review cases involving fire service professionals or instructors applying for initial or additional certifications who have been convicted of a Class A or Class B misdemeanor and have been incarcerated, are on supervision or have unpaid financial obligations.

Staff clarified with the workgroup that if an individual was holding certification as a fire service professional or instructor and was convicted of a crime prior to January 1, 2016 and the convictions was for a crime that was not listed as a mandatory or discretionary crime under the previous standard, a professional standards case would not be opened should an application for a new level of certification be

submitted. If, however, an individual with a criminal history who did not hold certification as a fire service professional or instructor prior to the implementation of the current standard makes application for certification, a professional standards case will be opened if the conviction triggers a review, regardless of the date of the conviction, subject to the provisions of the rule.

Scott Stanton moved to recommend filing the proposed language for OAR 259-009-0070 with the Secretary of State as a proposed rule. Michael Silva seconded the motion. The motion carried unanimously.

Michael Silva moved to recommend filing the proposed language for OAR 259-009-0070 with the Secretary of State as a permanent rule if no comments are received. Jim Whelan seconded the motion. The motion carried unanimously.

It was determined that there is no significant fiscal impact on small business.

5. *OAR 259-009-0010, 259-009-0059, 259-009-0062- Proposed Rule Change: Personnel/Agency Form
Presented by Jennifer Howald

The current language in OAR 259-009-0059 (Minimum Standards for Certification as a Fire Service Professional) sections (2) and (3) states that:

*(2) Only training received after attaining the age of 16 will be applied for certification purposes.
(3) DPSST Fire Service Agency affiliation must be attained after the age of 16 via submission of a Personal Agency Form (PAF).*

This language is causing confusion amongst constituents because it implies that fire service agencies are required to affiliate individuals who are 16 years old or older and must fulfill this requirement by submitting a PAF. Since fire service affiliation is voluntary, agencies are not required to submit a PAF to DPSST for fire service professionals. Agencies must only submit a PAF if they want to obtain DPSST affiliation.

To address these issues, the language in OAR 259-009-0010, OAR 259-009-0059, and OAR 259-009-0062 has been revised.

Michael Silva moved to recommend filing the proposed language for OAR 259-009-0010, OAR 259-009-0059, and OAR 259-009-0062 with the Secretary of State as a proposed rule. Bill Klein seconded the motion. The motion carried unanimously.

Scott Stanton moved to recommend filing the proposed language for OAR 259-009-0010, OAR 259-009-0059, and OAR 259-009-0062 with the Secretary of State as a permanent rule if no comments are received. Jim Whelan seconded the motion. The motion carried unanimously.

It was determined that there is no significant fiscal impact on small business.

6. *Colby McCormick #F08057- Fire Certifications
Presented by Kristen Hibberds

The issue in this case is whether Colby McCormick's conduct surrounding his arrest and conviction for four counts of Second Degree Encouraging Child Sex Abuse, ORS 163.686, should result in the

revocation of his fire certifications for failure to meet the minimum standards for a Fire Service Professional.

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

By discussion and consensus, the committee determined that Colby McCormick's behavior did not violate the core value of **Honesty**.

By discussion and consensus, the committee determined that Colby McCormick's behavior did violate the core value of **Professionalism** by knowingly violating the core value of Justice by being convicted of four counts of Second Degree Encouraging Child Sex Abuse.

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

By discussion and consensus, the committee determined that Colby McCormick's behavior did violate the core value of **Justice** by knowingly violating the core value of Justice by being convicted of four counts of Second Degree Encouraging Child Sex Abuse.

Michael Silva moved that the Fire Policy Committee find that Colby McCormick's violation of the core value of Justice, when considered alone, does rise to the level to warrant revocation. Bill Klein seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Colby McCormick's behavior did involve **Aggravating Circumstances**; which include McCormick's conduct surrounding his arrest and conviction for four counts of Second Degree Encouraging Child Sex Abuse, ORS 163.686.

By discussion and consensus, the committee found no **Mitigating Circumstances**.

Scott Stanton 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**. Michael Silva seconded the motion. The motion carried unanimously.

Jim Whelan moved that the Fire Policy Committee recommends to the Board that **certification be revoked with the option to appeal after seven years from the date of Final Notice**. Bill Klein seconded the motion. The motion carried unanimously.

7. ***Jamus Quintana #F28458- NFPA Fire Fighter I Certification, Eligibility Determination**
Presented by Kristen Hibberds

The case presented concerns Division Chief Dave Blakely's written request for an eligibility determination on Jamus Quintana's behalf. On December 15, 2010, after failing to request a timely hearing, Quintana's Application for Certification was denied by default. DPSST requests that the FPC review Quintana's written request for an eligibility determination and recommend to the Board whether or not Quintana's eligibility to apply for certification should be restored.

Michael Silva 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 Jamus Quintana's behavior did not involve **Aggravating Circumstances**.

By discussion and consensus, the committee determined that Jamus Quintana's behavior did involve **Mitigating Circumstances**, including the strong support of Chief Blakely and a clean record for the last six years.

Michael Silva made a motion that Quintana's eligibility to apply for fire certifications **be restored** and recommends such to the Board. Bill Klein seconded the motion. The motion carried unanimously.

8. ***Robert Norris #F25799- NFPA Fire Fighter 1, Fire Fighter Type 2, and NFPA Apparatus Drive/Operator Certifications, Eligibility Determination**

Presented by Kristen Hibberds

The case presented concerns Fire Chief Glen Fluhr's written request for an eligibility determination on Robert Norris' behalf. On August 28, 2013, after failing to request a timely hearing, Norris' Application for Certification was denied by default. DPSST requests that the FPC review Norris' written request for an eligibility determination and recommend to the Board whether or not Norris' eligibility to apply for certification should be restored.

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

By discussion and consensus, the committee determined that Robert Norris' behavior did involve **Aggravating Circumstances**, including not paying his court fees amounting to \$1,127.76.

By discussion and consensus, the committee determined that Robert Norris' behavior did involve **Mitigating Circumstances**, including the letter of support from Chief Fluhr, no record of criminal conduct since 2004, and continuing to be a good member of the community.

Jim Whelan made a motion that Norris' eligibility to apply for fire **certifications not be restored for a 12 month period with the stipulation that he pays his court fees** and recommends such to the Board. Scott Stanton seconded the motion. The motion carried with 5 ayes and 1 nay.

9. ***Aaron Bentley #F22508- NFPA Driver and NFPA Fire Fighter 1**

Presented by Kristen Hibberds

The case presented concerns Aaron Bentley's conduct surrounding his arrest and conviction for Fourth Degree Assault, ORS 163.160, should result in the revocation of his fire certifications for failure to meet minimum standards for Fire Service Professional.

Michael Silva moved that the Fire Policy Committee adopts the staff report as the record upon which its recommendations are based. Bill Klein seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Aaron Bentley's behavior did violate the core value of **Honesty** by lying about having physical contact with the victim until video evidence came forward.

Bill Klein moved that the Fire Policy Committee find that Aaron Bentley's violation of the core value of Professionalism, when considered alone, does rise to the level to warrant revocation. Michael Silva seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Aaron Bentley's behavior did violate the core value of **Professionalism** by being dishonest concerning the events surrounding his arrest and conviction for the crime of Fourth Degree Assault.

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

By discussion and consensus, the committee determined that Aaron Bentley's behavior did violate the core value of **Justice** by knowingly disregarding the just treatment of others concerning the events surrounding his arrest and conviction for the crime of Fourth Degree Assault.

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

By discussion and consensus, the committee determined that Aaron Bentley's behavior did involve **Aggravating Circumstances**; which include self-admitted anger issues, his prior abuse of his wife and child, and the conduct surrounding his Fourth Degree Assault conviction.

By discussion and consensus, the committee found no **Mitigating Circumstances**.

Scott Stanton 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. Michael Silva seconded the motion. The motion carried unanimously.

Jim Whelan moved that the Fire Policy Committee recommends to the Board that **certification be revoked with the option to appeal after seven years from the date of Final Notice**. Bill Klein seconded the motion. The motion carried unanimously.

10. *Mark James Burns- Fallen Fire Fighters Memorial Wall Nomination

Presented by Eriks Gabliks

In August of 2010, Medford Fire-Rescue was asked to assist the City of Ashland in an effort to contain a wildland fire in Oak Knoll Subdivision that had moving across Interstate 5, finally destroying eleven homes. Mark Burns reported suffering from heavy smoke inhalation, and intense radiant heat while conducting reconnaissance and evacuating residents. Ultimately, this incident lead to Mark Burns taking a medical retirement from Medford Fire-Rescue due to his severe respiratory complications.

Michael Silva made a motion to recommend adding Mark James Burns to the Fallen Fire Fighter Memorial Wall in September to the Board. Scott Stanton seconded the motion. The motion passed unanimously.

11. Department Updates

Julie Olsen-Fink Reported:

Julie mentioned that the Drivers Taskforce just finished, however there are still five other taskforces taking place currently.

In June Tina Diehl will be sending out the agency recertification maintenance packets.

The next Oregon Fallen Fire Fighters Memorial ceremony is September 15th.

Rich Daniels Reported:

The first residential Fire Academy class will begin August 1st and end September 9th. This is a standard Monday to Friday six week class; the first ever held at DPSST.

Eriks Reported:

DPSST recently received some great news from FEMA. DPSST was informed that our Assistance to Firefighters Grant (AFG) request for approximately \$400,000 in funds to replace two Flammable Liquids and Gases (FLAG) trailers, to add two additional car fire props, and to create a wildland interface firefighter training cache trailers (resources for training 40 firefighters) was approved.

Eriks shared that DPSST was very active in discussions on public safety mental health incident response. He shared the work staff was doing, and also gave an overview of the work group that was formed by the Oregon Association of Chiefs of Police and Oregon State Sheriff's Association and includes more than 40 participants (law enforcement, 9-1-1, fire-EMS). This work group will review the training currently offered across the state and also work on a framework through which incidents involving people in crisis might be handled.

DPSST is working with the Firefighter Cancer Support Network to explore the possibility of offering five train-the-trainer classes around the state on cancer prevention strategies. Eriks mentioned these classes would probably be held in partnership with the Oregon Fire Chiefs Association's Health & Safety Section. The classes will probably be scheduled for the Fall.

The North American Fire Training Directors (NAFTD) submitted written comment regarding the proposed NFPA 1072 Professional Qualifications Standard for Hazardous Materials Responders. NAFTD raised concern that the proposed standard had included language regarding incident command for those at the hazardous materials operations level which is a task performed by company officers. The NFPA 1072 agreed with the written objection and has removed the language from the proposed standard being considered. Eriks mentioned that the NFPA 1072 was being developed at the request of NAFTD as the current standard NFPA 472 difficult to use for training and certification as it is written as industrial standard and not as professional qualifications standard. The new NFPA 1072 standard will be a great addition for the fire service.

Eriks reminded the Fire Policy Committee that next month career and volunteer fire service personnel around the nation will participate in the annual Safety Stand Down. DPSST is pleased to participate in this annual event that is scheduled from June 19-25, 2016 and the theme for this year is "The First 5 Minutes – Stretching the Initial Hose Line, Putting Water on the Fire." This year's theme focuses on what each member of the department should be doing in the first five minutes of structural fire response, including the Chief, Incident Commander, Company Officer, and Firefighter. Fire departments are encouraged to suspend all non-emergency activity during Safety Stand Down in order to focus on training and education related to this year's theme. An entire week is provided to ensure all shifts and duty crew can participate. According to the National Fire Protection Association (NFPA), 64 firefighters died in 2014 while on duty in the U.S. This was a significant decrease from the 97 deaths that occurred in 2013, when three incidents alone claimed 32 lives. The largest share of deaths (22) occurred at fire scenes. As in most years, sudden cardiac death accounted for the largest share of the on-duty deaths (36). In 2014, 63,350 firefighter injuries were reported. Of these,

27,015 were injuries at the fire ground. Safety Stand Down is coordinated by the NVFC and the IAFC Safety, Health and Survival Section and is supported by national and international fire and emergency service organizations as well as health and safety-related organizations and agencies.

Eriks thanked Fire Policy Committee Chair Joe Siebert of Eugene-Springfield Fire & EMS and Board Vice Chair Scott Stanton of Hermiston Fire & Emergency Services for their six years of dedicated service on the Board on Public Safety Standards and Training (BPSST) and its Fire Policy Committee. Both have successfully served two, three-year, terms and are prohibited by Oregon Revised Statute from service a third term. The Oregon State Firefighters Council has nominated Trish Connelly of Bend Fire & Rescue to take Joe's place and the Oregon Volunteer Firefighters Association has nominated Jim Oeder of the Nestucca Fire District to replace Scott.

Eriks also shared that this was the final meeting for Michael Silva of Portland Fire & Rescue as the representative of the Oregon Fire Marshal's Association (OFMA) as his term expires at the end of June. OFMA has nominated John Rinier of Hillsboro Fire & Rescue as their replacement on July 1, 2016.

Eriks shared that Chief Erin Janssens of Portland Fire & Rescue has retired and was presented a plaque in recognition of her service on the Board and FPC at her going away celebration last month. DPSST staff is working with Portland to ensure the new chief has the documentation completed so they can join the Board and FPC as soon as they arrive.

In closing Eriks informed the FPC that their first order of business at its next meeting will be to select a new Chair. The person selected must also be a Board member.

Linsay Reported:

The concepts for the 2017 Legislative Session have been submitted. We have received permission from the Board to file three concepts on behalf of DPSST and the Board. The first concept relates to the fingerprint authorities. The second is would allow DPSST to suspend the certification of Armed Private Security providers who do not complete the annual requalification training. The final concept involves adding a voting public member to the Corrections, Police, Fire and Telecommunications Policy Committees.

12. Next scheduled FPC meeting – August 24, 2016 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.*