

# **Fire Policy Committee**

## **Minutes**

### **May 28, 2014**

The Fire Policy Committee of the Board on Public Safety Standards and Training held a regular meeting at 9:00 a.m. on May 28, 2014, at the Oregon Public Safety Academy in Salem, Oregon. Chair Joe Seibert called the meeting to order at 9:05 a.m.

#### **Attendees**

##### **Committee Members:**

Dave Jones, Oregon Fire District Directors Association  
Jeff Jones, Oregon Fire Chiefs Association, Vice Chair  
Bill Klein, Community College Fire Programs  
Dan Petersen, Oregon Fire Instructors Association  
Joe Seibert, Non-Management Firefighter, Chair  
Scott Stanton, Oregon Volunteer Firefighters Association – via teleconference  
Jim Walker, Oregon State Fire Marshal

##### **Committee Members Absent:**

Alan Ferschweiler, Oregon State Fire Fighters Council  
Erin Janssens, Portland Fire & Rescue  
Jamie Paul, Oregon Department of Forestry  
Michael Silva, Oregon Fire Marshals Association

##### **DPSST Staff:**

Eriks Gabliks, Director  
Julie Olsen-Fink, Fire Certification Supervisor  
Tina Diehl, Fire Certification Specialist  
Kayla Ballrot, Fire Certification Coordinator  
Barbara Slinger, Fire Certification Support Specialist  
Linsay Hale, Professional Standards Division Director  
Kristen Hibberds, Standards and Compliance Coordinator  
Leon Colas, Professional Standards Coordinator  
Mark Ayers, Fire Program Supervisor



1. **Minutes from November 21, 2013 meeting**

*Bill Klein moved to approve the minutes from the November 21, 2013 Fire Policy Committee meeting. Dan Peterson seconded the motion. The motion carried unanimously.*

2. **Fallen Fire Fighters Memorial Wall Nomination**

**Tony B. Chapin – Willamina Fire Department**

Presented by Julie Olsen-Fink

**BACKGROUND:** On September 24, 1998, fire fighter Tony Chapin was injured in a motor vehicle accident while in route to a required paramedic class he was attending at the College of Emergency Services in Portland, Oregon. Tony was wearing his seatbelt at the time of the accident. When medics arrived he was immediately transported to the hospital where he later succumbed to his injuries on September 25, 1998. Tony was three months away from graduating from the paramedic program at the time of his death. Completion of the program was the first step in achieving his goal of attending medical school to become an emergency room physician.

Tony was a member of the Willamina Fire Department (now known as West Valley Fire District) where he served with his father, Bob Chapin and his brother Chuck. Tony was survived by his wife, Kelly Chapin; his stepson, Ashton Lay; and his daughters, Brooke and Nikki Chapin. Tony was working full time at Taylor Lumber. He and his wife Kelly had just purchased their first home. At the time of his death, he was 19 years old.

The National Memorial in Emmitsburg, Maryland is adding Tony's name to the memorial this year. In 1998, when his death occurred, it was determined that since he was not engaged in an emergency fire department duty, the National Fallen Fire Fighters Foundation (NFFF) would hold the case for Public Safety Officers' Benefits (PSOB) approval. (A PSOB approval translates to automatic inclusion on the National Memorial.) The NFFF received information late last year confirming that Tony's case had, in fact, been approved by PSOB in 2004; therefore he is being added to the Memorial this year in October.

**STAFF RECOMMENDATION:** The death meets the criteria for the Oregon Fallen Fire Fighters Memorial.

**ACTION ITEMS(S):** Determine whether Tony Chapin's name will be included on the Fallen Fire Fighters Memorial Wall.

*Jim Walker moved to add Tony Chapin's name to the Oregon Fallen Fire Fighters Memorial Wall. Dave Jones seconded the motion. The motion carried unanimously.*

3. **Fallen Fire Fighters Memorial Wall Nomination**

**John Hammack – Deschutes County, Deschutes National Forest**

Presented by Julie Olsen-Fink

**BACKGROUND:** On August 1, 2013, John Hammack, 58, a professional faller employed by R&K Water Service was part of a two person falling module assigned to Incident 398 on the Sisters Ranger District, Deschutes National Forest, near Bend, Oregon. Incident 398

included the task of felling a large 64” diameter legacy Douglas Fir that was struck by lightning and set the top on fire. District personnel took initial action late in the day of July 31, 2013, but they did not have the time or proper tools to safely control the fire without taking undue risk, which included felling the tree. The mission on August 1, 2013, was for the felling module of John Hammack and his falling module partner to fell the burning tree. This was not a particularly unusual assignment.

At approximately 0911 hours, after several actions to prepare for a safe felling environment and just as John was returning to the base of the tree, a large portion of the top of the tree burned out, broke loose and tragically fell directly onto John killing him instantly while indirectly striking and injuring his falling partner.

DPSST was notified of John’s death through the Tonto National Forest via the National Fallen Firefighters Foundation (NFFF). They requested the Local Assistance to State Teams (LAST Program) be implemented and services offered to help establish a support system at fire camp. Julie Olsen-Fink, DPSST and Chaplain Steve Brodehl, OFCA worked in concert to offer assistance, however, they had already established their own infrastructure to provide critical incident debriefing for those impacted. They had chaplaincy on site and an overhead team to facilitate the needs of the crews. Julie Olsen-Fink notified Director Eriks Gabliks, DPSST who then reported the information to the Governor’s office.

**STAFF RECOMMENDATION:** The death meets the criteria for the Oregon Fallen Fire Fighters Memorial.

**ACTION ITEMS(S):** Determine whether John Hammack’s name will be included on the Fallen Fire Fighters Memorial Wall.

*Scott Stanton moved to add John Hammack’s name to the Oregon Fallen Fire Fighters Memorial Wall. Jeff Jones seconded the motion. The motion carried unanimously.*

4. **Fallen Fire Fighters Memorial Wall Nomination**  
**Oscar Montano-Garcia – Contract Wildland Fire Fighter**  
Presented by Julie Olsen-Fink

**BACKGROUND:** On August 25, 2013, Oscar Montano-Garcia, 50, collapsed and died of a medical condition working on the Nabob Fire in the Rogue River-Siskiyou National Forest near the Oregon/California border. Montano-Garcia was employed as a contract Type 2 hand crew wildland fire fighter with Pacific Coast Contractors, Inc. (Under contract to the USDA Forest Service). He was on a lunch break (federally mandated) with his crew when he collapsed and succumbed to an unknown medical condition. EMT’s on scene and multiple other EMS personnel attempted to revive him but were unsuccessful.

He had a long history of working with Pacific Coast Contractors, Inc., and in Oregon’s Forests. Montano-Garcia was highly regarded by those he worked with. He leaves behind his wife, daughter, and son.

**STAFF RECOMMENDATION:** The death meets the criteria for the Oregon Fallen Fire Fighters Memorial.

**ACTION ITEMS(S):** Determine whether Oscar Montano-Garcia's name will be included on the Fallen Fire Fighters Memorial Wall.

*Bill Klein moved to add Oscar Montano-Garcia's name to the Oregon Fallen Fire Fighters Memorial Wall. Dave Jones seconded the motion. The motion carried unanimously.*

**5. Fallen Fire Fighters Memorial Wall Nomination  
Melvin Claude Richardson – Oregon National Guard**  
Presented by Julie Olsen-Fink

**BACKGROUND:** On September 6, 1935, Melvin Claude Richardson was one of 40 initial National Guard fire fighters recruited to fight the McKenzie Bridge fire in the Willamette National Forest. The fire was rapidly growing and exceeded 2,500 acres. While working on the fire, Melvin stepped from behind a tree and was struck by a falling snag that was on fire which broke his neck and killed him upon impact. He was 18 years old at the time of his death.

DPSST was contacted by Nancy Farrar, second cousin to Melvin Claude Richardson, who recalled as a child the traumatic loss and the overwhelming impact to the family. He was an only child, therefore, it was a tremendous loss to his family. Nancy began the process of researching his death and presented the information to DPSST staff. She has requested he be added to the Oregon Fallen Fire Fighters Memorial Wall in hopes of bringing closure and honor to her cousin after all these years.

**STAFF RECOMMENDATION:** The death meets the criteria for the Oregon Fallen Fire Fighters Memorial.

**ACTION ITEMS(S):** Determine whether Melvin Claude Richardson's name will be included on the Fallen Fire Fighters Memorial Wall.

*Jim Walker moved to add Melvin Claude Richardson's name to the Oregon Fallen Fire Fighters Memorial Wall. Bill Klein seconded the motion. The motion carried unanimously.*

**6. Fallen Fire Fighters Memorial Wall Nomination  
Jesse Trader – County Fire and Security**  
Presented by Julie Olsen-Fink

**BACKGROUND:** Jesse Trader died on August 6, 2013, at 07:20 while working on the Big Windy Complex fire in Josephine County. Jesse was 19 years old at the time of his death. He was a volunteer fire fighter with County Fire and Security, a private fire suppression company located in Merlin, Oregon. His duties included basic fire fighting and acting as a water tender driver/contractor for the fire season.

Jesse was returning from the evening shift when the water tender (tanker) he was driving hit an embankment and rolled over on the Bear Camp Road near Soldier Camp. Firefighters in vehicles driving behind Trader immediately stopped to assist. An advanced life support

ambulance arrived on scene within minutes and Life Flight was quickly launched, however, all efforts to save Firefighter Trader were unsuccessful.

Jesse's parents were recipients of funds issued through the Oregon Public Safety Memorial Fund Board. (The fund provides financial assistance to public safety officers who are permanently and totally disabled as a result of a line of duty injury, and to family members of the public safety officers who have been killed or permanently and totally disabled in the line of duty.)

**STAFF RECOMMENDATION:** The death meets the criteria for the Oregon Fallen Fire Fighters Memorial.

**ACTION ITEMS(S):** Determine whether Jesse Trader's name will be included on the Fallen Fire Fighters Memorial Wall.

*Bill Klein moved to add Jesse Trader's name to the Oregon Fallen Fire Fighters Memorial Wall. Jeff Jones seconded the motion. The motion carried unanimously.*

**7. Revocation Case Review for Michael Andrews #19356 – Polk County Fire District #1**  
Presented by Kristen Hibberds

**OVERVIEW:** On August 19, 2013, DPSST was notified that Andrews was discharged from Polk County Fire District #1. DPSST requested the information that led to Andrews' discharge. On or about August 28, 2013, the Division Chief emailed staff indicating that Andrews was discharged based on his lack of participation.

During a routine background check, staff identified that Andrews was convicted of Second Degree Theft on or about December 17, 2009. Andrews' conviction of Second Degree Theft is a discretionary disqualifying crime, requiring review by the committee.

**STAFF ANALYSIS:** After reviewing all the information related to Andrews' conviction of the identified crime, staff has identified by a preponderance of evidence that Andrews' misconduct violates the core values of **Honesty and Professionalism**.

**Honesty: Includes straightforwardness of conduct; integrity, adherence to the facts; freedom from subterfuge or duplicity; truthfulness and sincerity.**

Per OAR 259-009-0070(4) the crime of Second Degree Theft, ORS 164.045, violates Honesty based on the elements of the crime. When confronted by a Loss Prevention Officer, Andrews stated that he was going to put it back.

**Professionalism: Includes the conduct, aims, or qualities that characterize or mark a profession or a professional person; extreme competence in an occupation or pursuit.** Andrews' conduct surrounding his conviction violates the core value of professionalism for Fire Service Professionals. Fire Service Professionals have unrestricted access to vulnerable persons and their property and engaging in the conduct that led to his conviction is not representative of the professionalism expected from Fire Service Professionals.

**Justice: Includes just treatment, the quality or characteristics of being just, impartial, or fair.** Staff did not find evidence that Andrews' conduct violated the core value of Justice.

\*A copy of the staff analysis was provided to Anderson for the purposes of allowing mitigation.

**COMMITTEE DISCUSSION:**

**I.** Review the investigation and supporting documentation in its entirety and review and amend staff analysis as necessary.

**II.** Identify any aggravating or mitigating circumstances surrounding the misconduct.

**OAR 259-009-0070(7):**

(d) Policy Committee and Board Review: In making a decision to authorize initiation of proceedings under subsection (e) of this rule, based on discretionary disqualifying misconduct, the Fire Policy Committee and Board will consider mitigating and aggravating circumstances including, but not limited to the following:

(A) When the misconduct occurred in relation to the fire service professional's or instructor's service as a fire service professional or instructor (i.e., before, during, after);

(B) Whether the fire service professional or instructor served time in prison/jail; and if so, the length of incarceration;

(C) Whether restitution was ordered, and if so, whether the fire service professional or instructor met all obligations;

(D) Whether the fire service professional or instructor has ever been on parole or probation. If so, the date on which the parole or probation period expired or is set to expire;

(E) Whether the fire service professional or instructor has more than one conviction and if so, over what period of time;

(F) Whether the misconduct involved domestic violence;

(G) Whether the fire service professional or instructor self-reported the misconduct;

(H) Whether the conduct involved dishonesty, fraud, deceit, or misrepresentation;

(I) Whether the conduct was prejudicial to the administration of justice;

(J) Whether the conduct adversely reflects on the fitness of the fire service professional or instructor to perform as a fire service professional or instructor;

(K) Whether the conduct makes the fire service professional or instructor otherwise unfit to render effective service because of the agency's or public's loss of confidence that the fire service professional or instructor possesses the core values integral to the fire service profession; and

(L) What the fire service professional's or instructor's physical or emotional condition was at the time of the conduct.

*Dan Peterson moved that the Committee adopts the staff report as the record on which their recommendations are based. Dave Jones seconded the motion. The motion carried unanimously.*

**CASE SUMMARY:**

- a. Misconduct that is specific to this case, considered by the Committee:
  - **Second Degree Theft**
- b. The identified conduct **did** involve **Honesty** based on the following factors:
  - He engaged in a dishonest act of stealing.
  - He lied to the security officer.
- c. The identified conduct **did** involve **Professionalism** based on the following factors:
  - He engaged in dishonest behavior as a public safety professional.
  - He failed to appear in court.
- d. The identified conduct **did not** involve **Justice**.
- e. Identified aggravating circumstances:
  - Andrews' initial lie to the security officer.
  - His probation violation.
- f. Identified mitigating circumstances:
  - Andrews' guilty plea and his cooperation with law enforcement.
  - His completion of all court ordered requirements and completion of his probation.

**ACTION ITEM 1:**

By vote, determine if Andrews's conduct rises to the level to warrant the revocation of his fire certification. Recommend to the Board that this certification *be revoked/not be revoked*.

*Dan Peterson moved that the Committee finds that ANDREWS' conduct rises to the level to warrant revocation of his certification, however, after reviewing the mitigating and aggravating circumstances identified by the committee, the FPC recommends to the Board that ANDREWS' certification not be revoked. Jim Walker seconded the motion. The motion carried unanimously.*

**8. Request for Eligibility Determination for Troy Cunningham #27490 – Jefferson RFPD**

Presented by Kristen Hibberds

**OVERVIEW:** On or about January 7, 2014, Troy Cunningham submitted a written request for an eligibility determination. On December 14, 2010, DPSST's Notice of Intent to Deny Certification was final by default. Cunningham's minimum period of ineligibility was three years from the final order date making him eligible to apply for reconsideration effective December 14, 2013. The events leading up to the final order are as follows:

1. On February 8, 2009, Cunningham was arrested for Second Degree Assault. On March 19, 2009, Cunningham was convicted of Fourth Degree Assault. Based on

the information provided in OJIN, Cunningham successfully complied with the terms of the court. **Fourth Degree Assault is a discretionary disqualifying crime, for purposes of certification.**

2. On August 27, 2010, the Fire Policy Committee (FPC) met and after reviewing the facts of the case, unanimously voted to recommend that Cunningham's conduct does rise to the level to warrant denial of Cunningham's certifications, based on his discretionary disqualifying conviction.
3. On September 13, 2010, DPSST issued a Notice of Intent to Deny.
4. On October 28, 2010, the Board affirmed the FPC's decision to deny Cunningham's certifications.
5. On December 14, 2010, DPSST's Notice of Intent to Deny was final by default.

**STAFF ANALYSIS:** DPSST requests that the FPC review Cunningham's written request for an eligibility determination and recommend to the Board whether or not Cunningham's eligibility to apply for certification should be restored.

On March 18, 2014, Staff completed a routine background check on Cunningham and found no criminal conduct since the March 19, 2009, conviction of Fourth Degree Assault.

**OAR 259-009-0070(9) Reapplication Process:**

(a) Any fire service professional or instructor whose certification has been denied or revoked under section (4) of this rule for discretionary disqualifying misconduct may reapply for certification within the applicable timeframes described in (4) and (5) of this rule.

(b) Any fire service professional or instructor whose certification has been denied or revoked based on discretionary disqualifying misconduct may not reapply for certification until:

(A) The initial minimum period of ineligibility stated in an Order of the Department denying or revoking certification has been satisfied;

(i) If the initial period of ineligibility for the individual was for a period of less than the maximum period identified in section (4) of this rule, and the Board determines that an individual must remain ineligible to apply for certification, then the individual may not reapply for certification under the provisions of this rule until the maximum initial period of ineligibility identified in (5) of this rule has been satisfied.

(ii) If the individual has satisfied the maximum initial period of ineligibility and the Board determines that an individual must remain ineligible to apply for certification, then the individual may not submit any further requests for an eligibility determination, and the original denial or revocation remains permanent.

(B) A written request for an eligibility determination has been submitted to the Department and the Fire Policy Committee has recommended that a fire service professional's or instructor's eligibility to apply for fire service or instructor certification be restored and the Board has upheld the recommendation;

(i) A request for an eligibility determination should include documentation or information that supports the fire service professional's or instructor's request for eligibility to apply for certification.

(ii) In considering a request for an eligibility determination, the Fire Policy Committee and the Board may consider mitigating and aggravating circumstances identified in Section (7)(d) of this rule.

(iii) After reviewing a written request for an eligibility determination, the Board, through the Fire Policy Committee, may determine that the individual's eligibility to apply for certification be restored if the criteria for certification have been met; or determine that the factors that originally resulted in denial or revocation have not been satisfactorily mitigated and the individual must remain ineligible to apply for certification.

**OAR 259-009-0070(7) Aggravating & Mitigating Circumstances:**

(d) Policy Committee and Board Review: In making a decision to authorize initiation of proceedings under subsection (e) of this rule, based on discretionary disqualifying misconduct, the Fire Policy Committee and Board will consider mitigating and aggravating circumstances including, but not limited to the following:

(A) When the misconduct occurred in relation to the fire service professional's or instructor's service as a fire service professional or instructor (i.e., before, during, after);

(B) Whether the fire service professional or instructor served time in prison/jail; and if so, the length of incarceration;

(C) Whether restitution was ordered, and if so, whether the fire service professional or instructor met all obligations;

(D) Whether the fire service professional or instructor has ever been on parole or probation. If so, the date on which the parole or probation period expired or is set to expire;

(E) Whether the fire service professional or instructor has more than one conviction and if so, over what period of time;

(F) Whether the misconduct involved domestic violence;

(G) Whether the fire service professional or instructor self-reported the misconduct;

(H) Whether the conduct involved dishonesty, fraud, deceit, or misrepresentation;

(I) Whether the conduct was prejudicial to the administration of justice;

(J) Whether the conduct adversely reflects on the fitness of the fire service professional or instructor to perform as a fire service professional or instructor;

(K) Whether the conduct makes the fire service professional or instructor otherwise unfit to render effective service because of the agency's or public's loss of confidence that the fire service professional or instructor possesses the core values integral to the fire service profession; and

(L) What the fire service professional's or instructor's physical or emotional condition was at the time of the conduct.

**ACTION ITEM:** Staff requests the Fire Policy Committee review the matter and make a recommendation to the Board whether Cunningham's eligibility to apply for fire certifications should be restored by votes on the following:

By vote, the Fire Policy Committee *adopts/does not adopt* the Staff report as the record on which their recommendations are based.

*The Committee voted to adopt the staff report as the record on which their recommendations are based. For the record, Dave Jones indicated he has a potential conflict of interest and excused himself. The vote passed unanimously with one abstained.*

By discussion and consensus, the Fire Policy Committee must identify and consider any mitigating and aggravating circumstances relevant to their eligibility recommendation.

- a. Identified aggravating circumstances:
  - The Committee did not identify any aggravating circumstances.
- b. Identified mitigating circumstances:
  - Cunningham's letter and the letter from the Chief.
  - His successful completion of all court requirements.
  - His compliance with the minimum period of eligibility.

By vote, the Fire Policy Committee finds that Cunningham's eligibility to apply for fire certifications *be restored/not be restored* and recommends such to the Board.

*Jeff Jones moved that the Committee finds that CUNNINGHAM's eligibility to apply for fire certifications should be restored after considering the mitigating circumstances identified by the committee, and therefore recommends to the Board that CUNNINGHAM's eligibility to apply for fire certifications be restored. Scott Stanton seconded the motion. The motion carried unanimously with one abstained.*

#### **9. Denial Case Review for Jason J. Wallace #13001 – Mohawk Valley RFD**

Presented by Leon Colas

**OVERVIEW:** In September 2013, Wallace submitted an Application for Certification for Wildland Interface. DPSST conducted a standard records check which revealed Wallace was convicted of the following crimes:

10-22-2007, ORS 162.415 – Official Misconduct in the First Degree (two counts). This is a Class A Misdemeanor and a discretionary disqualifying crime requiring review by the committee.

This case involves only Wallace's Application for Wildland Interface. He holds numerous fire certifications issued between 1999 and 2005, having been affiliated with several fire agencies since 1998. Pursuant to OAR 259-009-0059(4)(d) these certifications are not subject to this proceeding. Further, there was an EMS certification case that resulted from Wallace's criminal convictions. Wallace signed a Stipulated Order that resulted in a 90-day suspension of his EMT – Intermediate certification (#128097) and a five-year probationary period. Wallace successfully completed his probation on April 15, 2013. This information is presented for background purposes only. When the incidents leading to Wallace's conviction occurred, he was a corrections deputy with the Lincoln County Sheriff's Office. He was on probationary status but held a Basic Corrections certification. He was discharged from the Sheriff's Office. These crimes required revocation of his certification, and as a condition of his sentence, he agreed to not challenge the revocation of his certification by DPSST. That certification was revoked on November 26, 2007.

The issues in this case are Wallace's criminal convictions, the conduct that led to the criminal convictions and his untruthfulness during the investigation.

**STAFF ANALYSIS:** After reviewing all the information related to Wallace's conviction of the identified crime, staff has identified by a preponderance of evidence that Wallace's misconduct violates the core values of **Honesty, Professionalism** and **Justice**.

**Honesty: Includes straightforwardness of conduct; integrity, adherence to the facts; freedom from subterfuge or duplicity; truthfulness and sincerity.**

The conduct leading to the conviction of the crimes of Official Misconduct in the First Degree demonstrates an extreme lack of integrity on Wallace's part. He took advantage of vulnerable female inmates from his position of authority over them. His conduct was rife with subterfuge, demonstrated by his sexual acts with the female inmates in their cells after "lights out" and in the staff bathroom. After pleading guilty to the crimes, he denied the conduct in his psychological evaluation. Wallace later admitted his conduct to an investigator in a separate administrative investigation after repeatedly denying the conduct to that investigator. Wallace's conduct violated the core value of Honesty.

**Professionalism: Includes the conduct, aims, or qualities that characterize or mark a profession or a professional person; extreme competence in an occupation or pursuit.**

Per OAR 259-009-0070(4) the crime of Official Misconduct in the First Degree, ORS 162.415, violates the core value of Professionalism, based on the elements of the crime. Engaging in the conduct that led to his conviction is not representative of the professionalism expected from Fire Service Professionals. Wallace's conduct violated the core value of Professionalism.

**Justice: Includes just treatment, the quality or characteristics of being just, impartial, or fair.**

Wallace took advantage of vulnerable female inmates, subjecting them to unjust treatment due to his position of authority over them. He also singled out these women for special treatment, such as giving them candy and extra privileges that other inmates did not receive. Wallace's conduct violated the core value of Justice.

\*A copy of the staff analysis was provided to Wallace for the purposes of facilitating mitigation. He has provided a letter for the FPC's consideration.

## **COMMITTEE DISCUSSION:**

**I.** Review the investigation and supporting documentation in its entirety and review and amend staff analysis as necessary.

**II.** Identify any aggravating or mitigating circumstances surrounding the misconduct.

### **OAR 259-009-0070(7):**

(d) Policy Committee and Board Review: In making a decision to authorize initiation of proceedings under subsection (e) of this rule, based on discretionary disqualifying misconduct, the Fire Policy Committee and Board will consider mitigating and aggravating circumstances including, but not limited to the following:

(A) When the misconduct occurred in relation to the fire service professional's or instructor's service as a fire service professional or instructor (i.e., before, during, after);

(B) Whether the fire service professional or instructor served time in prison/jail; and if so, the length of incarceration;

(C) Whether restitution was ordered, and if so, whether the fire service professional or instructor met all obligations;

(D) Whether the fire service professional or instructor has ever been on parole or probation. If so, the date on which the parole or probation period expired or is set to expire;

(E) Whether the fire service professional or instructor has more than one conviction and if so, over what period of time;

(F) Whether the misconduct involved domestic violence;

(G) Whether the fire service professional or instructor self-reported the misconduct;

(H) Whether the conduct involved dishonesty, fraud, deceit, or misrepresentation;

(I) Whether the conduct was prejudicial to the administration of justice;

(J) Whether the conduct adversely reflects on the fitness of the fire service professional or instructor to perform as a fire service professional or instructor;

(K) Whether the conduct makes the fire service professional or instructor otherwise unfit to render effective service because of the agency's or public's loss of confidence that the fire service professional or instructor possesses the core values integral to the fire service profession; and

(L) What the fire service professional's or instructor's physical or emotional condition was at the time of the conduct.

*Jeff Jones moved that the Committee adopts the staff report as the record on which their recommendations are based. Joe Seibert seconded the motion. The motion carried unanimously.*

#### **CASE SUMMARY:**

- a. Misconduct that is specific to this case, considered by the Committee:
  - **Official Misconduct in the First Degree (two counts)**
- b. The identified conduct **did** involve **Honesty** based on the following factors:
  - He was found to have lied several times during the criminal investigation and the subsequent psychological evaluation when he repeatedly denied the conduct for which he was convicted.
- c. The identified conduct **did** involve **Professionalism** based on the following factors:
  - As a corrections officer he engaged in inappropriate sexual conduct with female inmates while he was on duty.
  - He was discharged from the corrections position.
  - His corrections certifications were revoked.
  - His EMT license was suspended.
- d. The identified conduct **did** involve **Justice** based on the following factors:
  - He took advantage of vulnerable inmates, giving some of them special treatment in exchange for sexual favors.
- e. Identified aggravating circumstances:
  - Lack of cooperation with the investigation.
  - His behavior was premeditated, stalking and “grooming” (he had to purchase the candy that he brought into the jail for the inmates).
  - He was sentenced to 8 days in jail, 24 months of probation and 150 hours of community service as well as court fees.
- f. Identified mitigating circumstances:
  - Completed all of the court requirements and successfully completed probation with respect to his EMT license as well.
  - His letter to the Fire Policy Committee and the letter from the agency where he is affiliated and is in good standing.
  - The length of time since the conviction without further trouble.

#### **ACTION ITEM 1:**

By vote, determine if Wallace’s conduct rises to the level to warrant the denial of his application for Wildland Interface certification. Recommend to the Board that this certification *be denied/not be denied*.

*Jeff Jones moved that the Committee finds that WALLACE’s conduct rises to the level to warrant denial of his application for Wildland Interface certification; however, after reviewing the mitigating and aggravating circumstances identified by the committee, the FPC recommends to the Board that WALLACE’s application not be denied. Jim Walker seconded the motion. The motion carried unanimously.*

### **\*NEW ACTION ITEM:**

Dan Peterson proposed that the denial and revocation standards be reviewed; to look for a more consistent approach to identify tools to recognize denied and revoked people who are returning to the fire service.

- Linsay Hale will review the denial and revocation standards.
- Rebuild the framework which would result in an Administrative Rule change.
- DPSST staff will form a work group to include FPC Members and to eventually include a few outside people (Volunteer Fire Chiefs).
- Put on the agenda at the August 27, 2014 FPC meeting.

### **10. Round Table/Staff Update**

Mark Ayers reported:

- The two new Regional Fire Training Coordinators, David Jensen who supports Eastern Oregon and Chris Griffin who is based out of the Salem office, have passed their trial service probation period.
- Two Regional Fire Training Coordinators, Steve Roehl and Era Horton, will be retiring from the Fire Training Section at the end of July 2014. Their positions will be posted approximately June 16, 2014 for three weeks. Assessment centers will be held in August and September 2014.
- DPSST is hosting the Oregon Fire Chiefs Association's (OFCA) second annual volunteer and combination agency round-table June 7 and 8, 2014.
- DPSST will provide staffing for the Oregon Volunteer Firefighters Association's annual conference (OVFA) to be held in Lincoln City June 18-21, 2014. Staff will provide a full day of training on the vehicle fire prop (classroom and fire ground).
- DPSST is doing maintenance and upgrade work on the Tactical Training Tower at the Oregon Public Safety Academy starting June 16, 2014, and should be up and running by September 2014.
- The Skid Truck Program is finishing up one month in Redmond. Next week they transition over to Pendleton Airport for one month and then return to DPSST in July. They will be in The Dalles in September 2014. 1,200 to 1,500 firefighters have been trained which includes OSP's Bomb Squad and DOC's Transport Divisions.
- DPSST applied for the Assistance to Firefighters Grant (AFG) process for two Mobile Ventilation props which would be managed and maintained by the DPSST Fire Training staff.
- Mark Ayers will be beta testing the Distance Learning Program by Jones and Bartlett.

Julie Olsen-Fink reported:

- The Fire Certification Program has opened three Task Forces:
    - NWCG Wildland Interface Standards - on June 3, 2014
    - NFPA 1021 Standard for Fire Officer Professional Qualifications - on June 26, 2014
    - NFPA 1006, Standard for Technical Rescuer Professional Qualifications - in the process of picking a date in July 2014
- There are five more task forces for 2014 standards that will be scheduled by the end of this year.

- Julie introduced Kayla Ballrot to the DPSST Fire Certification Program. Kayla is the new Compliance Specialist and will be the main contact regarding all applications for certification, initial review of F9F's, and agency accreditation paperwork. She will also be working with the new revocation and denial process in the near future.
- Fire Certification will be teaching a modified Training Program Management (TPM) class at OVFA June 19, 2014. The focus is on forms. Dave Blakely is the co-instructor teaching "How to Build a Training File". Fire Certification will also be teaching a TPM class in the North Bend area to the Training Association this summer.
- Tina Diehl and Barbara Slinger have been working on printing the 295 Maintenance Re-certification Packets to be mailed to each agency on May 30, 2014. Please call Tina if you have any questions. A trip to your agency can be arranged if help is needed.
- The Fallen Fire Fighters Memorial is scheduled for September 18, 2014, at 1:00 p.m. at DPSST. We encourage you to attend and participate.
- Julie is working with Mark Ayers to offer a training class, statewide and regionally, on September 18 & 19, 2014 at DPSST for the National Fallen Firefighters Foundation. The Local Assistance to State Teams Program (LAST) which is through the National Fallen Fire Fighters Foundation covers what to do when an agency has a line of duty death.

Eriks Gabliks reported:

- Eriks introduced Linsay Hale. The Professional Standards Division has been restructured and Linsay is the new Division Director who oversees Law Enforcement, Fire, and Private Security Standards.

Linsay Hale reported:

- Linsay introduced Tia Turnipseed who is the new Professional Standards Division Assistant. She will be taking the meeting minutes for the entire Division so there will be consistency with all of the meetings.
- The legislative concepts were filed for the agency. One is a background investigation for certified reserve officers.
- A place holder has been filed to deal with a sunset that is currently in law allowing DPSST to hire PERS retirees, an exception to the 1024 Rule.

Eriks Gabliks reported:

- The National Fallen Firefighters Foundation (NFFF) determined Kevin Hall was not a firefighter and his was not a line-of-duty death. Kevin was a contractor at the Grassy Mountain Fire in Vale, Oregon where he died of a heart attack while loading equipment.
- Next month is National Safety and Health Week for Fire and EMS. This year's theme is *Train Like You Fight*. The NFPA reports that each year 10% of all on-duty firefighter deaths are training-related. Deaths due to medical causes, notably cardiac incidents, are on the rise.
- DPSST has been asked to participate with the Governor's Fire Service Policy Council and the Sheriff's Association on what is being called the Rural Law Enforcement Deficits issue. There are many counties who have limited or no law enforcement services for many hours of the day which is also having an impact on

fire rescue agencies that may respond to potentially dangerous incidents without law enforcement assistance.

- Eriks is meeting with the Fire Marshal's Office, ODF, Emergency Management, and the Military at the Governor's Office to get ready for wildfire season. DPSST backs up the National Guard so when they are activated, DPSST trains them in S-130 and S-190 to be able to deploy them. The training is provided on campus.
- This is officially Jeff Jones's last FPC meeting as a Board Member. Eriks thanked him for all he has done. Jeff was recognized by the Board with a plaque at their last meeting.

The next scheduled meeting is August 27, 2014.

Meeting adjourned at 11:08 a.m.