

Professional Standards Ethics Bulletin

Fire Service



STATISTICS:

Cases Opened 2

Cases Pending 18

Cases Closed 5

Closed disposition:

- Revoked 1
- No Action 3
- No Revoke 1

Leadership:

A leader is one who knows the way, goes the way, and shows the way.

~John Maxwell

It is the responsibility of the Department of Public Safety Standards and Training (DPSST) with direction from the Board on Public Safety Standards and Training (Board) to develop talented individuals into public safety professionals who are ethically, physically and emotionally fit, culturally competent, well trained, highly skilled and responsive to the needs of their communities. DPSST certifies Oregon fire service professionals who meet all of the Board-established standards, and denies or revokes the DPSST certification of those who do not meet or fall below the standards.

In an effort to increase the professionalism of the Oregon fire service while continuing to respect its voluntary nature, all Oregon fire service applicants for certification who have been convicted of a crime are subject to review as prescribed in Oregon Administrative Rule 259-009-0070. This rule defines which criminal convictions will result in a mandatory denial or revocation of DPSST fire service certifications, as well as when a discharge for cause from a fire service agency or non-mandatory criminal convictions will trigger a review by the Fire Policy Committee (FPC). The FPC review determines if DPSST certification standards have been violated and, if so, initiates proceedings to deny or revoke the fire service professional's certification.

The Professional Standards Ethics Bulletin has been developed as an educational tool aimed at providing insight and transparency into situations involving fire service professionals that may violate the Board's standards. The bulletin details the conduct and the resulting DPSST action. The names and agencies of the individuals in this report have been omitted to ensure the focus remains on the behavior.

Questions about these incidents or about DPSST's processes and procedures can be directed to DPSST: (503) 378-2100 or oregon.dpsst@state.or.us.

The following cases have resulted in consideration of revocation or denial of certifications by DPSST in **January, 2016**.

Fire Service Professional A was discharged for cause after his arrest for felony sex offenses involving a 14-year-old female. He was convicted of Sexual Abuse in the First Degree, a Class B Felony, after pleading no contest to the charge. A charge of Unlawful Sexual Penetration in the First Degree was dismissed. He was sentenced to 75 months in prison. DPSST served Fire Service Professional A with a Notice of Intent to Revoke Certification and Proposed/Final Order on Default. Firefighter A did not file a request for a hearing, and his certification was permanently revoked by default final order.

Fire Service Professional A's NFPA Fire Fighter I certification is Revoked.

Fire Service Professional B notified DPSST of his conviction of Fourth Degree Assault, a discretionary disqualifying crime. Fire Service Professional B was notified that his case would be presented to the Fire Policy Committee (FPC) and was allowed an opportunity to provide mitigation. On November 21, 2013, the FPC recommended revocation of Fire Service Professional B's certifications to the Board based on the violation of the Core Values of *Honesty, Professionalism and Justice*. As aggravating circumstances the FPC identified a history of alcohol abuse and domestic violence. As mitigating circumstances the FPC identified that the incident was self-reported, Fire Service Professional B claimed seven months of sobriety and is trying to rectify the alcohol abuse, the requirements imposed by the Oregon Health Division, compliance with all the court requirements and his job history and position with the fire agency. The FPC determined after weighing the totality of the case that Fire Service Professional B's misconduct rises to the level to warrant revocation of his fire certifications. DPSST issued to Fire Service Professional B a Contested Case Notice of Intent to Revoke, Opportunity to be Heard, and Final Order Revoking Certification if no Request for Hearing is Received. Fire Service Professional B made a timely request for hearing. Following the hearing, the Administrative Law Judge (ALJ) issued a Proposed Order, proposing that Fire Service Professional B's Fire Certifications not be revoked. On February 25, 2015, FPC met to consider whether to adopt or amend ALJ Webster's Proposed Order. After much consideration, the FPC voted to amend the Proposed Order and issue an Amended Proposed Order revoking the certifications of Fire Service Professional B. This decision was ratified by the Board on April 23, 2015. Fire Service Professional B was served with an Amended Proposed Order. Fire Service Professional B filed exceptions to this Amended Proposed Order. On August 26, 2015, the FPC considered Fire Service Professional B's exceptions and voted to amend the Amended Proposed Order to not to revoke Fire Service Professional B's certifications. This decision was ratified by the Board on October 22, 2015. Fire Service Professional B was served with the Second Amended Proposed Order and no exceptions were filed.

Fire Service Professional B's Fire Certifications Remain in Good Standing.

Important Notice

The DPSST Fire Certification Program has been directed by the FPC to organize the following Task Forces to review the standards and make recommendations that may impact OAR and the Oregon fire service:

NFPA Task Forces:

- NFPA 1002 Fire Apparatus Driver/Operator
- NFPA 1003 Airport Fire Fighter
- NFPA 1005 Marine Fire Fighter for Land Based Fire Fighting
- NFPA 1031 Fire Inspector & NFPA 1033 Fire Investigator (joint standards task force)
- NFPA 1035, Standard for Fire and Life Safety Educator, NFPA Public Information Officer and Juvenile Firesetter

Oregon Specific:

- Oregon Standard Urban Search and Rescue
- Oregon Standard Maritime Fire Service Operator

The Task Force members have been selected and will convene shortly. Any updates the Task Forces recommend will move forward for the Board's approval followed by a public comment period before being adopted into permanent OAR. Questions can be directed to Julie Olsen-Fink at 503-378-2297 or julie.olsen-fink@state.or.us or Kayla Ballrot at 503-378-2596 or kayla.ballrot@state.or.us.

**PLEASE DISSEMINATE THIS INFORMATION TO ALL
FIRE SERVICE PROFESSIONALS**

www.dpsst.state.or.us

503-378-2100