

Applicant Review Committee Meeting Minutes - DRAFT

February 28, 2024

The Applicant Review Committee of the Board on Public Safety Standards and Training held a regular meeting on February 28, 2024, at the Oregon Public Safety Academy in Salem, Oregon. Kathy McAlpine called the meeting to order at 11:00 a.m.

Committee Members:

Alex Gardner, OSP Command Staff Representative; Police Policy Committee (Teams)
Chelsea LaBar, APCO; Telecommunications Policy Committee (Teams)
Ted Langley, Oregon Sheriff's Jail Command Council
Erin Reyes, Superintendent, Department of Corrections (Teams)
Raeann Thurber, Telecommunicator, Telecommunications Policy Committee (Teams)

Committee Members Absent:

Chris Skinner, Chair, Oregon Association of Chief's of Police
Vacant, Public Member

Guests:

Ty Howington
Kipp Miller-Marhefka

DPSST Staff:

Kathy McAlpine, Professional Standards Division Director
Cindy Park, Professional Standards Compliance Coordinator
Melissa Lang Bacho, Professional Standards Compliance Coordinator
Jennifer Howald, Administrative Rules Coordinator
Erica Riddell, Criminal Justice Support Specialist
Samantha Kossa, Executive Support Specialist
Shelby Wright, Executive Assistant



1. Introductions

Introductions of members, guests and staff.

2. Approve January 24, 2024 Meeting Minutes

Chelsea LaBar moved to approve the minutes from the January 24, 2024, Applicant Review Committee meeting. Raeann Thurber seconded the motion. The motion passed unanimously.

3. Howington, Ty (64453) Application Review: Emergency Medical Dispatch

Presented by Cindy Park, Professional Standards Compliance Coordinator

Reason for Discretionary Review

DPSST received an Application for Training (F5) and a Criminal History Reporting Form (F28) for Ty Howington, in which he disclosed previous criminal dispositions.

On January 23, 2021, Howington was charged with Driving While Under the Influence (DUI) in Clark County Washington. Howington pled guilty on April 24, 2023, to a reduced charge of Reckless Driving.

On September 18, 2022, Howington was charged with the offense of DUI in Vancouver, WA. Howington entered into a deferred prosecution agreement on June 13, 2023.

Ty Howington provided verbal mitigation for committee consideration.

<i>Applicant Review Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Alex Gardner moved that the Applicant Review Committee adopt the staff report.	Ted Langley	5 ayes; 0 nays	Motion Passed Unanimously
<p>The Applicant Review Committee found the following moral fitness violations and factors:</p> <p><i>Moral Fitness Violations:</i></p> <ul style="list-style-type: none"> • Dishonesty: The committee did not identify elements of dishonesty. • Gross Misconduct: Howington’s choice to drink alcohol and then drive on a highway open to the public, was reckless conduct that could have caused significant harm to persons and did cause property damage. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • There are three instances where Howington decided to drink and drive. Each time, Howington’s BAC was more than double the legal limit. • The September 2022 incident occurred before the January 2021 incident was resolved. • The January 2021 incident involved a motor vehicle crash in which there was a passenger who could have been harmed and resulted in property damage. • The September 2022 incident, Howington stated he consumed alcohol about six hours prior, but his BAC was still 0.192%. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> • Howington does not need a driver’s license in his position as a telecommunicator. • Howington is engaged in alcohol treatment. • Howington has been sober for approximately 1.5 years. • Howington was not employed in a certifiable position at the time of the conduct. • Howington has been hired by American Medical Response who is aware of the criminal background. 			
Alex Gardner moved, after considering the identified violations of the Board’s pre-employment moral fitness standards and weighing the aggravating and mitigating circumstances unique to this case, that no action should be taken against Howington’s	Erin Reyes	5 ayes; 0 nays	Motion Passed Unanimously

application for training and subsequent certification.			
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4. Miller-Marhefka, Kipp (64384) Application Review: Corrections

Presented by Cindy Park, Professional Standards Compliance Coordinator

Reason for Discretionary Review

The DPSST received an Application for Training (F5) and a Criminal History Reporting Form (F28) for Kipp Miller-Marhefka, where he disclosed a previous, criminal disposition for Driving Under the Influence of Intoxicants (DUII), in Pendleton Oregon. Miller-Marhefka pled “no contest” in the Pendleton Municipal Court, Umatilla County on May 19, 2021.

Kipp Miller-Marhefka provided verbal mitigation for committee consideration.

<i>Applicant Review Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Alex Gardner moved that the Applicant Review Committee adopt the staff report with the discussed amendments.	Ted Langley	5 ayes; 0 nays	Motion Passed Unanimously
<p>The Applicant Review Committee found the following moral fitness violations and factors:</p> <p><i>Moral Fitness Violations:</i></p> <ul style="list-style-type: none"> • Dishonesty: The committee did not identify elements of dishonesty. • Gross Misconduct: Miller-Marhefka’s choice to drink alcohol and drive on a highway open to the public, was reckless conduct that could have caused significant harm to persons and property. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • Miller-Marhefka was convicted of <i>DUII</i> approximately five years ago, but that behavior appears to be continuing as evidenced by a January 2024 pending allegation. • Miller-Marhefka shows ongoing behavior of driving while suspended with the most recent violation in October 2023. • Miller-Marhefka pled no contest to the <i>DUII</i> charge which could have the appearance of not taking responsibility. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> • Miller-Marhefka was not employed in a certifiable position at the time of the conduct. • Miller-Marhefka has been hired by the Oregon Department of Corrections/Eastern Oregon Correctional Institution who is aware of the criminal background. 			

Chelsea LaBar moved, after considering the identified violations of the Board’s pre-employment moral fitness standards and weighing the aggravating and mitigating circumstances unique to this case, that no action should be taken against Miller-Marhefka’s application for training and subsequent certification.	Ted Langley	5 ayes; 0 nays	Motion Passed Unanimously
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5. Inquiry Closure – Information Only

Presented by Cindy Park, Professional Standards Compliance Coordinator

DPSST presented the list of applicants for public safety training/certification who had engaged in pre-employment criminal conduct that was determined to not require committee review. This information was presented as information only and required no action by the committee.

6. Next Applicant Review Committee Meeting: March 27, 2024 at 11:00 a.m.

Administrative Notes:

These minutes reflect the order of the discussion/voting items as they appear on the official meeting agenda. The actual order in which they were discussed may vary.

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@dpsst.oregon.gov.