

Fire Policy Committee Minutes
November 20, 2024

The Fire Policy Committee (FPC) of the Board on Public Safety Standards and Training (Board) held a regular meeting on November 20, 2024, at 9:00 a.m. in the Boardroom at the Oregon Public Safety Academy located at 4190 Aumsville Hwy SE, Salem, Oregon. The meeting was called to order at 09:00 a.m.

Committee Members:

Chris Heppel, Oregon Fire Chiefs Association
Mariana Ruiz-Temple (Designee Claire McGrew), Oregon State Fire Marshal
Ryan Gillespie (Designee Andy Ponce), Portland Fire & Rescue
Jack Carriger, Oregon Volunteer Firefighters Association
Tim Holschbach, Forest Protection Agencies
Joseph Morneau, Oregon Fire District Director's Association
Shawn Olson, Oregon Fire Marshals Association
Rose Douglass, Oregon Fire Training Association
Andre Lindauer, Public Member
Isaac McLennan, Non-Management Firefighter

Absent Members:

Jim Adams, Oregon State Fire Fighters Council
Vacant, Community College Fire Programs

DPSST Staff:

Phil Castle, Director
Sam Tenney, Communications Coordinator
Jennifer Howald, Administrative Rules Coordinator
Kayla Ballrot, Fire Program Manager
Brooke Bell-Urbe, Fire Certification Coordinator
Madison Hockett, Fire Program Support Specialist



1. Introductions

Introductions of members and staff were presented.

2. *Meeting Minutes

Approve the August 28, 2024, Meeting Minutes.

- *The committee came to a consensus to approve the minutes of the August 28, 2024, FPC meeting.*

3. Discretionary Case Review Quick Sheet

Presented by Fire Certification Coordinator Brooke Bell-Urbe

4. *Travis Zimmerman: DPSST No. 43450

Presented by Fire Certification Coordinator Brooke Bell-Urbe

DPSST received an application for certification for Travis Zimmerman on November 29, 2023. During their routine background and criminal history check on applications for certification, DPSST staff found that Zimmerman had a criminal conviction in his history. On October 30, 2020, Zimmerman was convicted of Criminal Trespass in the Second Degree – Domestic Violence, Revised Code of Washington (RCW) 9A.52.080 and Disorderly Conduct -Domestic Violence, RCW 9A.84.030(1)(a), after a guilty plea, both convictions are designated as misdemeanors in the state of Washington. This conviction carries a sentence of which not more than ninety days of imprisonment may be imposed.

This case was brought for review by the FPC because the conviction occurred within the last five years and the underlying conduct was abusive in nature, though it is important to note that the abusive behavior was not physical. There are no specific definitions of abuse within Oregon Revised Statute (ORS) and Oregon Administrative Rule (OAR) in relation to discretionary convictions which allows for the consideration of additional forms of abuse other than physical. Fire Program staff felt it important for the FPC to review this case and determine if the behavior and circumstances should result in Action or No Action being taken against Zimmerman’s application for DPSST fire certification.

<i>Fire Policy Committee Discussion/Consensus and Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
The FPC came to consensus to adopt the staff report as the basis for its recommendations.			
The FPC found that Zimmerman’s violation of a no-contact order as an aggravating circumstance .			
The FPC found that Zimmerman’s appearance to present mitigation, adherence and active involvement in the treatment programs, positive feedback from his treatment providers, continued counseling, trying to better himself, the no-contact order made it difficult to adhere to them while still seeing his children, lack of evidence of violence or abuse in the police report, and that all the evidence seems circumstantial, as mitigating circumstances .			
Andy Ponce moved that the FPC take NO ACTION against Zimmerman’s applications for fire certification.	Andre Lindauer	10 Ayes	Motion Passed Unanimously

5. *Clayton Dieu: DPSST No. 39895

Presented by Fire Certification Coordinator Brooke Bell-Urbe

DPSST received an E-1: Application for Certification Eligibility for Clayton Dieu on April 23, 2024. During their routine background and criminal history check on E-1 Applications for Certification Eligibility, DPSST staff found that Dieu had a criminal conviction in his history. On June 6, 2022, Dieu plead No Contest to and was convicted of California Vehicle Code (VC) 23153(b) Driving Under the Influence .08% Alcohol Causing Injury and Penal Code (PC) 12022.7(a) Enhancement Great Bodily Injury. This conviction of VC 23153(b) is designated as a felony conviction in the state of California in which a sentence of up to four years in prison may be imposed. The charge of PC 12022.7(a) carries an additional sentence of up to three years of in prison. Due to the designation as a felony conviction this case required review by the FPC.

Upon initial review and discussion at the August 28, 2024 FPC meeting the FPC voted to Not Adopt the Staff Report and return it to DPSST staff for further research into his payment of fines and fees to the court, completion of any formal substance abuse program and his use of his Commercial Driving License. The case was then presented again at the November 20, 2024 FPC meeting with updates on the requested information.

August 28, 2024 FPC Discussion

<i>Fire Policy Committee Discussion/Consensus and Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Isaac McLennan moved that the FPC adopt the staff report as the record upon which its recommendations are based.	Jack Carriger	7 ayes	Motion passed unanimously
The FPC found that Dieu caused injury to another person, that he is still on probation, that his Blood Alcohol Content was at .116 percent, that he caused damage to property, that he held a Commercial Driver’s License and therefore is held to a higher driving standard, that the incident occurred while he was working, that his passenger asked him to slow down prior to the incident, that his behavior demonstrates a lack of professionalism and poor judgement, that he still owes money to the court, and that no official substance abuse treatment program was mentioned as aggravating circumstances .			
The FPC found that Dieu’s commitment to the fire department, that he stated he has not had any alcohol since the incident, the letters submitted by his fire department and community, and the passage of time as mitigating circumstances .			
After considering the case as presented, the FPC members determined there was not enough information to take action or no action against Dieu's certifications and came to consensus to recall the motion to adopt the staff report.			

Andy Ponce moved that the FPC RETURN THE STAFF REPORT for further research by DPSST staff.	Andre Lindauer	7 ayes	Motion Passed Unanimously
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November 20, 2024 FPC Discussion

<i>Fire Policy Committee Discussion/Consensus and Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
The FPC came to consensus to adopt the staff report as the basis for its recommendations.			
The FPC found the ignored requests to slow down from his passenger, that Dieu was affiliated with an Oregon fire service agency at the time of the accident, that his blood alcohol was measured at .116% & .119%, and the injury to the passenger as aggravating circumstances .			
The FPC found that Dieu has paid his fines, he has completed his treatment program, he is making restitution payments, states he is no long consuming alcohol, the letters of support from community, the additional evidence of his treatment completion, the passage of time and previous Chief's presentation of mitigation at the August 28 th , 2024 FPC meeting as mitigating circumstances .			
Isaac McLennan moved that the FPC take No ACTION against Dieu's E-1 Application for Certification Eligibility.	Andy Ponce	10 ayes	Motion Passed Unanimously

6. *Michael Gibson: DPSST No. 30939

Presented by Fire Certification Coordinator Brooke Bell-Urbe

DPSST staff received a phone call stating Firefighter Michael Gibson has a criminal conviction in his history. Because Gibson holds an active NFPA Fire Fighter I certification, DPSST staff conducted further research into this conviction. DPSST staff found that on October 8, 2021, Gibson was convicted of and plead guilty to Harassment, Oregon Revised Statute (ORS) 166.065(3), a Class B misdemeanor, and Furnishing Alcohol to a Person under 21, ORS 471.410(2), a Class A misdemeanor in the state of Oregon.

This case requires review by the Fire Policy Committee (FPC) because the conviction occurred within the last five years and the circumstances related to his arrest and conviction were sexual in nature.

<i>Fire Policy Committee Discussion/Consensus and Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
The FPC came to consensus to adopt the staff report as the basis for its recommendations.			
The FPC found that the Snapchat video evidence of inappropriate behavior, the consistent story from all three witnesses of inappropriate touching, the involvement of minors drinking and also providing minors alcohol, the combination of fire arms and alcohol, that Gibson was affiliated and certified with a fire agency, he should have stopped the behavior, the behavior was unethical and immoral, had vague responses to the police, he shows lack of judgment, the behavior seems intentional, and that the girls were unable to leave the situation as aggravating circumstances .			
The FPC identified no mitigating circumstances .			
Jack Carriger moved that the FPC take ACTION against the Michael Gibson's fire certifications,	Andy Ponce	10 ayes	Motion Passed Unanimously

7. *Division Chief Nicholas Berg; DPSST No. 16489 – Mist-Birkenfeld RFPD, Fallen Fire Fighters Memorial Wall Nomination

Presented by Fire Certification Coordinator Brooke Bell-Uribe

On June 5, 2024, Mist-Birkenfeld RFPD conducted a regularly scheduled drill at 7:00 PM. During this time, Division Chief Nicholas Berg and others were establishing a draft site on Berg's private farm. Berg assisted in moving equipment and scouting the area to identify the best drafting locations. This training continued until 10:30 PM that evening.

At approximately 6:30 AM on June 6, Berg's wife, Lea Ann Berg, was awakened by his snoring which was not unusual. She decided to get up and prepare for the day. After about 15 minutes, Mrs. Berg became concerned that he had not yet gotten out of bed and went to check on him. She discovered that Berg was not breathing. Upon checking for a pulse, she determined that there was none.

At 6:46 AM, 911 was called and Mist-Birkenfeld RFPD was dispatched for a cardiac arrest at Berg's residence. Lifesaving efforts were attempted but were unsuccessful.

- *Andy Ponce moved that the committee approve adding Nicholas Berg to the Oregon Fallen Fire Fighter Memorial Wall. Jack Carriger seconded the motion. The motion passed unanimously.*

8. Agency Updates

Presented by Director Phil Castle

- Director Castle noted his appreciation for the Fire Policy Committee members for their commitment and time given to the committee.
- He expressed gratitude to the DPSST Fire Team for organizing the Fire Policy Committee meetings.
- Fire Training activity on campus continues to increase.
- More training opportunities are coming in the near future with new props, regional training in collaboration with law enforcement and an NFPA Firefighter I Academy.
- Looking forward to the Governor's Recommended Budget release on December 2nd, 2024.
- Director Castle presented Tim Holschbach with a letter and placard and thanked him for his four years of service as a member of the Fire Policy Committee.

9. Fire Program Updates

Presented by Fire Program Manager Kayla Ballrot

- The Oregon Administrative Rule (OAR) update to Fire Service Agency Accreditation Agreements is now in effect and the District Liaison Officers (DLOs) are actively utilizing those updates.
- Maintenance Recertification is due 12/31/2024.
- Updates to the NFPA Standard 1010 are currently in progress.
- Winter Fire School is almost full. Waitlists are available for full classes.
- Continuous National Fire Academy (NFA) classes are being offered around the State of Oregon as well as Fire Training Coordinator classes.
- The Five Corners Plan, which is combined training effort from Law Enforcement and Fire will be kicking off in the spring of 2025.
- The Gorge Training Coordinator position remains vacant following an unsuccessful recruitment process.

10. Next Fire Policy Committee Meeting – February 26, 2025, at 9:00 a.m.

Meeting is adjourned at 10:20 a.m.