

Fire Policy Committee Minutes
May 24, 2023

The Fire Policy Committee (FPC) of the Board on Public Safety Standards and Training (Board) held a regular meeting on May 24, 2023, 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 9:00 a.m.

Committee Members:

James Oeder, Chair, Oregon Volunteer Firefighters Association
Mariana Ruiz-Temple (Designee Claire McGrew), Oregon State Fire Marshal
Jim Adams, Oregon State Fire Fighters Council
Sara Boone (Designee Ryan Gillespie), Portland Fire & Rescue
Darren Bucich, Oregon Fire Chiefs Association
Tim Holschbach, Forest Protection Agencies
Mark Kreutzer, Oregon Fire District Director's Association
Vacant, Non-Management Firefighter
Andre Lindauer, Public Member

Absent Members:

Gert Zoutendijk, Oregon Fire Marshals Association
Rose Douglass, Oregon Fire Training Association
TaiLese Swanson, Community College Fire Programs

DPSST Staff:

Brian Henson, Deputy Director
Julie Olsen, Fire Program Manager
Jennifer Howald, Rules Coordinator
Kayla Ballrot, Fire Certification Supervisor
Brooke Bell-Urbe, Fire Certification Specialist
Julia Budlong, Fire Program Support Specialist



1. Introductions

Introductions of members and staff were presented.

2. *Minutes

Approve the February 22, 2023 Meeting Minutes.

- *Tim Holschbach moved that the committee approve the minutes of the February 22, 2023 FPC meeting. Ryan Gillespie seconded the motion. The motion passes unanimously.*

3. *Eddy, William DPSST #25304

Presented by Brooke Bell-Uribe

On February 23, 2022, the Department of Public Safety Standards and Training (DPSST) presented William Eddy's case to the FPC. The FPC voted to take action against Eddy's certifications in a vote of 7 aye, 3 nay, and 1 abstain.

On April 21, 2022, DPSST issued a Notice of Intent to Revoke Eddy's NFPA Driver, NFPA Fire Apparatus Equipped with Fire Pump, First Responder Operations, Wildland Interface Fire Fighter, NFPA Fire Fighter I and NFPA Fire Fighter II certifications.

On April 21, 2022, Eddy requested an administrative hearing.

On April 28, 2022, the Board approved the FPC's recommendation to take action against Eddy's certifications.

On January 5, 2023, a Proposed Order was issued by the Administrative Law Judge (ALJ), Joe L. Allen proposing to set aside the revocation of Eddy's certifications.

The Department of Justice (DOJ) has made recommendations and drafted an Amended Proposed Order for review by the FPC. The amendments to the original Proposed Order amend certain findings of facts proposed by the ALJ while maintaining the determination to set aside the revocation of Eddy's certifications.

- *Ryan Gillespie moved that the committee approve the Amended Proposed Order. Mark Kreutzer seconded the motion. The motion passes unanimously.*

4. *Freer, Gail F. DPSST #25304

Presented by Brooke Bell-Uribe

DPSST received an application for certification for Gail Freer on November 21, 2022. During their routine background and criminal history check on applications for certification, DPSST staff found that Freer had a criminal court case in process. DPSST staff tracked the court case while waiting to receive fingerprints from Freer. On February 15, 2023, Freer plead guilty to and was convicted of Taking, Angling, Hunting, or Trapping in Violation of Wildlife Law or Rule, Oregon Revised Statute (ORS) 498.002, a Class A misdemeanor in the state of Oregon. This conviction carries a sentence of up to 364 days which may be imposed.

Due to the misdemeanor conviction which occurred in the last five years and the underlying conduct that involves dishonesty and deceit this case requires review by the FPC.

Vote/Consensus	Second	Vote	Outcome
Mark Kreutzer moved that the FPC adopt the staff report as the record upon which its recommendations are based.	Ryan Gillespie	6 ayes 1 nay (McGrew) 1 abstain (Oeder)	Motion passes
The FPC found that his dishonesty with law enforcement, animal cruelty, and lack of remorse and accountability to be considered as aggravating circumstances .			
The FPC found that the letter from Freer and her Fire Chief to be considered as mitigating circumstances .			
After considering the totality of the case Ryan Gillespie moved to recommend a vote of <i>Action</i> to the Board for Freer's application for certifications.	Jim Adams	6 ayes 1 nay (McGrew) 1 abstain (Oeder)	Motion passes

5. *Ellis, Zackary S. DPSST #34244

Presented by Brooke Bell-Uribe

DPSST received an application for certification for Zackary Ellis on August 8, 2022. During their routine background and criminal history check on applications for certification, DPSST staff found that Ellis had a criminal conviction in his history. On September 13, 2019, Ellis plead guilty to and was convicted of Assault in the Fourth Degree, ORS 163.160(2), a Class A misdemeanor in the state of Oregon. This conviction carries a sentence of more than 30 days but not more than 364 days which may be imposed.

Due to the misdemeanor conviction which occurred in the last five years and the underlying conduct that involves violence and abuse against a person, this case requires review by the Fire FPC.

Vote/Consensus	Second	Vote	Outcome
Andre Lindauer moved that the FPC adopt the staff report as the record upon which its recommendations are based.	Holschbach	8 ayes	Motion passes unanimously
The FPC found that the conviction of violence against another person to be considered as aggravating circumstances .			
The majority of the FPC found that the time since the incident occurred, completion of probation, and support from his Fire Chief to be considered as mitigating circumstances .			
After considering the totality of the case Jim Adams moved to recommend a vote of <i>No Action</i> to the Board for Ellis' certifications.	Lindauer	8 ayes	Motion passes unanimously

6. Administrative Actions

Presented by Brooke Bell-Uribe

Bursik, Levi D. DPSST #40009-Discharge for Cause

Bursik was affiliated with Tangent Rural Fire Protection District (RFPD) and was certified in National Fire Protection Association (NFPA) Hazardous Materials Awareness, NFPA Hazardous Materials Operations, and NFPA Fire Fighter I. On or around July 7, 2022, Tangent RFPD discharged Bursik from the department. DPSST staff requested the termination letter and underlying investigation that led to his discharge. Upon review staff determined that Bursik's discharge meets the Board's established definition of discharge for cause as defined in Oregon Administrative Rule (OAR) 259-009-0120 due to his behavior of intentional theft of thousands of dollars in unauthorized fuel purchases for multiple personal vehicles over the course of several months.

Staff has issued Bursik a Notice of Intent to Revoke Certifications and Proposed/Final Order on Default. Bursik's certifications are revoked.

7. Five Year Review of the Adoption of OAR 259-009-0125 and 259-009-0130

Presented by Jennifer Howald

Background:

ORS 183.405 requires agencies to review each rule that has been adopted not later than five years after adopting the rule. After the review, the agency is required to submit a report to the Secretary of State, the Small Business Rules Advisory Committee, and any advisory committee appointed by the agency under ORS 183.333.

In reviewing and reporting on the adopted rule, the agency is asked to determine the following:

- (a) Whether the rule has had the intended effect;
- (b) Whether the anticipated fiscal impact of the rule was underestimated or overestimated;
- (c) Whether subsequent changes in the law require that the rule be repealed or amended;
- (d) Whether there is continued need for the rule; and
- (e) What impacts the rule has on small businesses.

DPSST will submit the following review to the Secretary of State and the Small Business Rules Advisory Committee following the Board meeting in July. When this rule was adopted, the FPC and the Board met the requirements for an advisory committee under ORS 183.333. This memo serves as the report to the FPC. A copy of this memo will be provided to the Board.

8. Agency Updates

Julie Olsen presents:

- Fallen Fire Fighters Memorial will be June 15, 2023. Two names will be added to the wall: Austin Smith and Logan Taylor.
- Fire Service Appreciation Day will be May 31, 2023, at 1:00pm.
- National Fire Academy (NFA) classes are being held throughout the state.
Reminder: If you are considered a “no show” without prior cancelation, you will not be able to attend DPSST classes for 1 calendar year.
- Mental health courses will be offered soon.
- Increase in training on our campus.
- We are currently unable to fill our vacant FPC positions due to the Oregon State Senate’s inability to reach quorum.

Brian Henson Presents:

- DPSST Agency Requested Budget is now under consideration by the Oregon State Legislature for the 2023-2025 biennium.
- Approaching the end of our 2021-2023 biennium and will wrap up our current budget in good standing.
- Basic Police courses are backlogged for 6 months. There has been an increase in

demand that has outweighed our current supply. DPSST has proposed to the Oregon Legislature to add evening courses in addition to the day courses to allow additional students through the Basic Police Academy. The plan would be to increase the current model which serves 640 Basic Police students per biennium to approximately 1200 students in 2023-2025.

9. Next Fire Policy Committee Meeting – August 23, 2023 at 9:00 a.m.

Meeting is adjourned at 10:03 a.m.