

# Fire Policy Committee Minutes

## November 17, 2021

The Fire Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on November 17, 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 9:05 a.m.

### **Committee Members:**

James Oeder, Chair, Oregon Volunteer Firefighters Association  
Mariana Ruiz-Temple (Designee Claire McGrew), Oregon State Fire Marshal  
Sara Boone (Designee Ryan Gillespie), Portland Fire & Rescue  
Darren Bucich, Oregon Fire Chiefs Association  
Richard Cearns, Oregon Fire Instructor Association  
Paula Simone, Community College Fire Programs  
Mark Kreutzer, Oregon Fire District Director's Association  
Kevin Larson, Oregon State Fire Fighters Council

### **Absent Members:**

Jim Adams, Oregon State Fire Fighters Council  
Tim Holschbach, Forest Protection Agencies  
Bruce Riley, Public Member  
Gert Zoutendijk, Oregon Fire Marshals Association

### **DPSST Staff:**

Jerry Granderson, Director  
Brian Henson, Acting 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 August 25, 2021 Meeting Minutes.

- *Kevin Larson moved that the committee approve the minutes of the August 25, 2021 Fire Policy Committee (FPC) meeting. Mark Kreutzer seconded the motion. The motion passes unanimously.*

### 3. **Revocation and Denial Update**

Presented by Brooke Bell-Urbe

On November 1<sup>st</sup>, 2020, new rules regarding the revocation and denial process were implemented.

Some of the major changes are:

- The status of ‘sex offender’ is now grounds for mandatory revocation and denial. As soon as an individual is no longer required to register as a sex offender they will be eligible to apply for certifications again.
- The look back period for revocation and denial cases was previously 7 years – this has been updated to 10 years for felony offenses and 5 years for misdemeanors.
- Misdemeanors must fall within certain categories in order to be considered for revocation and denial. These categories include dishonesty & deceit, a sexual offense, a drug offense, destruction of property, a crime against a public agency, illegal use or possession of a deadly weapon, violence, neglect or abuse against a person or animal. The conviction or the nature of the crime itself can fit in one of these categories.
- A specific list of aggravating and mitigating circumstances will no longer be used in considering revocation and denial cases. Instead, more discretion will be given to the committee in determining these circumstances.
- Committee members will now be able to consider verbal mitigation from fire service professionals directly. They will have the option to present up to 5 minutes of verbal mitigation in their case.
- The removal of the review process for all individuals with lapsed certifications. If notice of criminal convictions - past or present – is made to DPPST, but the individual in question has all lapsed certifications, there will be no revocation or denial case opened. However, if that individual tries to recertify at any point, a revocation and denial case will be opened.
- The 30 day to 7 year ineligibility period has been replaced with a 1 year ineligibility period. (Note: Any application received that again triggers the review process will be re-presented to the FPC for review.)
- The manner in which cases are presented to the FPC has now changed. The staff report will include mention of what triggered the revocation and denial case. The staff report will also include why the issue is being brought before the FPC as a result of Oregon Administrative Rule.

The case flow during FPC meetings has now changed to the following structure:

- First, staff will present the case as normal by describing the nature of the conviction(s) and what lead to the case being brought to the attention of DPSST.
- Next, the firefighter will have the opportunity to present verbal mitigation if they so choose.
- The committee will then be able to discuss the case in its entirety, without the need to separate aggravating and mitigating circumstances into different discussions.

- Finally, a decision will be made to adopt the staff report, and then a decision will be made regarding whether or not to take action.

4. **\*William Bennett, DPSST No. 12243**

Presented by Brooke Bell-Urbe

In April of 2021, DPSST received notice of William Bennet’s separation from Eugene Springfield Fire & Rescue. Upon further research DPSST found that the behavior that lead to Bennett’s discharge from Eugene Springfield Fire & Rescue did not fit the Oregon Administrative Rule (OAR) definition of a discharge for cause. During this research Staff did find that Bennett was convicted on June 24, 2021 of Assault in the Third Degree, a Felony Class C, Assault in the Fourth Degree, a Misdemeanor Class A, Recklessly Endangering Another Person, a Misdemeanor Class A, and Driving While Under the Influence of Intoxicants, a Misdemeanor Class A. These convictions were the result of a motor vehicle incident in which Mr. Bennett was found to be at fault, injuring himself, his two minor children, and the other driver.

Due to the felony convictions and the misdemeanors that involve violence against another person(s) these are discretionary disqualifying convictions for the Fire Policy Committee to review.

Vote/Consensus	Second	Vote	Outcome
Kevin Larson moved that the FPC adopt the staff report as the record upon which its recommendations are based.	Richard Cearns	7 ayes 1 abstain (Bucich)	Motion passes
The FPC found the nature of the crime and convictions, specifically, driving under the influence with his children present, injuring others, and being actively on Probation to be considered as <b>aggravating circumstances</b> .			
The majority of the FPC found Bennett’s Character Reference Letters and completion of Residential Treatment Program to be considered to be <b>mitigating circumstances</b> .			
After considering the totality of the case Paula Simone moved to recommend a vote of <i>Action</i> to the Board for Bennett’s certifications.	Mark Kreutzer	7 ayes 1 abstain (Bucich)	Motion passes

5. **Proposed Rule Changes for 259-009-0005, 259-009-0062, and 259-009-0065 NFPA Technical Rescue**

Presented by Kayla Ballrot and Jennifer Howald

On July 7, 2021 the NFPA Technical Rescue Task Force convened virtually at the direction of the Fire Policy Committee (FPC) to review and discuss the National Fire Protection Association (NFPA) 1006 Standard for Technical Rescue Personnel Professional Qualifications, 2021 Edition. At present, the Oregon Administrative Rule (OAR) for fire related to NFPA Technical Rescue refers to the 2017 Edition

of the NFPA standard. It was the intent of the Task Force to evaluate the currently adopted standard and compare it against the 2021 Edition of NFPA 1006. As a result of their work, the Task Force established the importance of the Oregon fire service maintaining the most current standards available from NFPA and made the recommendation to adopt the 2021 Edition of NFPA 1006 into OAR.

After this meeting, the Task Force expressed concerns that a few of their original decisions had created an Oregon-specific standard and requested an additional meeting to discuss this point. DPSST staff presented these concerns during the August 25, 2021 FPC meeting and the FPC agreed to return these matters back to the Task Force for further discussion. The Task Force met again on September 30, 2021 to discuss alignment with the NFPA standard. The Task Force believes the outcomes of this meeting meet the intent of NFPA without Oregon-specific requirements.

- *Richard Cearns motions to recommend that the Board adopt the recommendations provided by the NFPA 1006 Technical Rescue Task Force. Paula Simone seconded the motion. Motion passes unanimously.*
- *The FPC affirms the fiscal impact statement presented by staff.*
- *Mark Kreuzter motions to recommend the Board approve filing the proposed rule changes for OARs 259-009-0005, 259-009-0062, and 259-009-0065 as permanent rules. Richard Cearns seconded the motion. Motion passes unanimously.*

**6. \* Fallen Fire Fighter Memorial Wall Nomination-Captain Harry Klopfenstein-Silverton Fire District**

Presented by Julie Olsen

On September 24, 2021, Silverton Fire District Captain Harry Klopfenstein responded to a motor vehicle crash (MVC) that was dispatched by METCOM at 17:38. Dispatch shows Captain Klopfenstein arriving on scene at 17:43. He later cleared the scene at 18:11. The Computer Aided Dispatch (CAD) affirms the timeline.

On September 25, 2021, Captain Klopfenstein was assisting a neighbor near his property when he contacted his spouse asking her to bring him some drinking water. When she arrived, he was walking towards her and collapsed. Bystanders on scene began performing cardiopulmonary resuscitation (CPR) and emergency services were dispatched. He was transferred to Silverton Hospital where he succumbed to cardiac complications.

On December 15, 2003, the Hometown Heroes Survivors' Benefits Act became law through the Attorney General Office in Washington DC. This legislation created a "presumption that a public safety officer who suffered a fatal heart attack or stroke up to 24 hours after on duty, non-routine stressful or strenuous physical activity or training has died as a direct and proximate result of a personal injury sustained in the line of duty. On July 26, 2005, Office of Justice Program (OJP) published new proposed Public Safety Officer Benefits (PSOB) regulations in the Federal Register, with a 60-day public comment period. The resulting final PSOB regulation, including the provisions that implement the Hometown Heroes Act, was published in the Federal Register on August 10, 2006 and became effective on September 11, 2006."

- *Kevin Larson moved that the committee approve adding Harry Klopfenstein to the Oregon Fallen Fire Fighter Memorial Wall. Paula Simone seconded the motion. The motion passes unanimously.*

**7. \* Fallen Fire Fighter Memorial Wall Nomination-Captain Richard Ilg-Forest Grove Fire and Rescue**

Presented by Julie Olsen

On September 12, 2021, Forest Grove Fire and Rescue reported the loss of Captain Richard Ilg who was first diagnosed with Glioblastoma (brain cancer) on December 18, 2018. Captain Ilg endured a long battle with the disease, which falls under cancer presumptive laws. His diagnosis is validated as a work related diagnosis and illness which was supported by Forest Grove Fire and Rescue and workers compensation as presumptive cancer.

Former Governor Ted Kulongoski added “12 types of cancer to existing firefighter presumptions for employment-caused occupational diseases under the Oregon workers' compensation system. HB 2420 added brain cancer, stomach cancer, colon cancer, breast cancer, testicular cancer, throat or mouth cancer, rectal cancer, leukemia, multiple myeloma, non-Hodgkin's lymphoma, and prostate cancer to the presumptions for employment-caused diseases for workers' compensation.” The bill was signed on March 16, 2009. The law requires that the presumption be made by cities that provide a separate disability and retirement system and limits compensation to cancers that are first diagnosed by a physician after July 1, 2009.

- *Richard Cearns moved that the committee approve adding Richard Ilg to the Oregon Fallen Fire Fighter Memorial Wall. Paula Simone seconded the motion. The motion passes unanimously.*

**10. Department Update**

Presented by Kayla Ballrot

- Still operating on an Interim Electronic Submission System-new system still in progress.
- Virtual Tutorials on PAF and E-1 Forms are being finalized.
- Announcement of 2022 Edition of NFPA Fire Investigator.

**11. Julie Olsen presents:**

- The North American Fire Training Directors (NAFTD) Conference took place in September with updates from the Oregon Fire Chiefs Association (OFCA), National Fire Academy (NFA), NFPA Technical Committee, International Fire Service Accreditation Congress (IFSAC), and Guest Speaker Patrick Kenny who spoke about Mental Health Awareness.
- DPSST Campus should reopen in January.
- Winter Fire School is projected to take place in February. We will make sure to have appropriate class size numbers that align with state guidelines and requirements. Plan B would be to push the NFA classes out regionally.
- NFA Command and Control Class: 1/24/22-1/29/22.

- NFA Leadership in Supervision: 3/7/22-3/12/22.
- Share thanks to OFDDA for invite.
- The DPSST Fire Program has purchased an additional Flammable Liquids and Gas (FLAG) Prop which has arrived and will be available soon. This purchase is thanks to the Assistance to Firefighters Grant (AFG).
- Also thanks to AFG, the Fire Program continues to work on procuring a cache of wildland tools.
- SKID Truck/Mobile Fire Training Unit (MFTU) schedule rotation planned and will be in the next Fire Program Newsletter.
- Southern and Salem Coordinator Positions will be open at beginning of year.
- Grant requests are being evaluated.

## **12. Director Update**

- Outreach effort to constituents continuing.
- Legislation has directed DPSST to implement over 19 Police Reform associated Bills, status report will take place in beginning of 2022.
- Preparing for 2023-25 Legislative Session.
- Recruiting Vacant Board Positions for Public Members.
- Recent Student tested positive for COVID-being closely monitored.
- Secretary of State Audit conducted-agency is responding to findings.
- Keep OSP Trooper John Jeffries and his family in prayers.

Meeting is adjourned at 10:14 am.

## **13. Next Scheduled FPC meeting –February 23, 2022 at 9:00am**