

# Fire Policy Committee Minutes

## February 24<sup>th</sup>, 2021 (Draft)

The Fire Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on February 24<sup>th</sup>, 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  
Jim Adams, Oregon State Fire Fighters Council  
Darren Bucich, Oregon Fire Chiefs Association  
Tim Holschbach, Forest Protection Agencies  
Mark Kreutzer, Oregon Fire District Director's Association  
Kevin Larson, Oregon State Fire Fighters Council  
Bruce Riley, Public Member  
Mariana Ruiz-Temple, Oregon State Fire Marshal  
Paula Simone, Community College Fire Programs  
Gert Zoutendijk, Oregon Fire Marshals Association

### **Absent Members:**

Greg Espinosa, Portland Fire & Rescue (Designee for Chief Sara Boone)

### **DPSST Staff:**

Les Hallman, Interim Director  
Linsay Hale, Professional Standards Division Director  
Julie Olsen, Fire Program Manager  
Jennifer Howald, Rules Coordinator  
Kayla Ballrot, Fire Certification Supervisor  
Brooke Bell-Urbe, Fire Certification Specialist  
Jonathan Chayse, Fire Support Specialist



### **1. Introductions**

Introductions of members and staff were presented.

### **2. \*Minutes**

Approve August 26th, 2020 meeting minutes.

- *Gert Zoutendijk moved that the committee approve the minutes of the August 26th, 2020 Fire Policy Committee (FPC) meeting. Darren Bucich seconded the motion. The motion passes unanimously.*

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

Presented by Kayla Ballrot

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 revocations 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. \*Nathan Smith, DPSST No. 12671; Hood River Fire Department**

Presented by Brooke Bell-Uribe

Issue: DPSST received notice from West Side RFPD’s Training Officer that one of their firefighters, Nathan Smith, had criminal convictions in his history which prompted this discretionary review. Specifically, Smith was convicted of Harassment on 8/25/16, and on 08/05/2019 Nathan Smith was convicted of Assault in the Fourth Degree and Strangulation. These convictions all occurred within the last five years and involve abuse against a person.

After reviewing all the information related to Smith’s case, staff has identified by a preponderance of evidence that Smith’s misconduct violates the core values of integrity and professionalism, requiring review by the Fire Policy Committee to determine if Smith’s Certifications should be revoked.

Vote/Consensus	Second	Vote	Outcome
Bruce Riley moved that the FPC adopt the staff report as the record upon which its recommendations are based.	Gert Zoutendijk	10 ayes	Motion passes unanimously
The FPC found as <b>aggravating circumstances</b> the violent nature of the crimes themselves, the apparent dishonesty in Smith’s statement regarding the incidents, the fact that the crimes involved minors and the lack of any indication the behavior may cease.			
The FPC found no <b>mitigating circumstances</b> .			
After considering the totality of the case Darren Bucich moved to recommend a vote of <i>Action</i> to the Board for Smith’s certifications.	Bruce Riley	10 ayes	Motion passes unanimously

**5. \*Proposed Rule Changes for NFPA Fire Officer: OAR 259-009-0005 and OAR 259-009-0062**

Presented by Kayla Ballrot

A Fire Officer Task Force meeting was held in January, 2021, to discuss adopting the 2020 standard for NFPA Fire Officer. The task force concluded by recommending the adoption of the 2020 standard update.

Changes to the standard included community risk reduction and leadership components. The task force did not identify any negative impacts of adopting the new standard. The change also allows fire agencies to use task performance evaluations or task books in applying for certification. The task books have also been updated to include the community risk reduction and leadership aspects, as well as evaluator confirmation signing page to the front of the task book.

The task force suggested changing the criteria for using college courses as application material. Specifically, they suggested that the grade to be accepted as “passing” be changed from C to C-. This is to account for different grading standards at different colleges.

The task force suggests that certain college courses focused on investigation may be used for both the Fire Officer I certification and the Fire Officer II certification. However, this is an exception to the normal rule that courses may not be used more than once for certification purposes.

Several action items for DPSST staff have been identified if the rule changes are adopted:

- Reach out to community colleges in Oregon to determine which classes cover components of Fire Officer are contained in those courses.
- To form a sub-committee to determine if there are any NFA classes which cover any aspects of Fire Officer.

**Fiscal Impact:**

- There were no fiscal impacts for the Board, the public or DPSST. There would be a neutral or minimal fiscal impact for fire service agencies.

**Discussion:**

- Darren Bucich asks for details regarding the grace period being given to individuals who are working through task books for the old standard. Kayla Ballrot answers that the grace period will be approximately 1 year.
- Paula Simone asks for clarification on exactly what will satisfy the community risk reduction aspect of the new standard – whether it has to be an entire class or if a project completed within a college course would suffice. Kayla Ballrot responds that issue will require further discussion.
- James Oeder asks if training academies held at volunteer agencies will still satisfy the new standard. Kayla Ballrot confirms that they will.
- *Paula Simone moves to recommend that the Board adopt the recommendations of the Fire Officer Task Force. Gert Zoutendijk seconded the motion. Motion Passes.*
- *The FPC affirms the fiscal impact statement presented by staff.*
- *Gert Zoutendijk moved to recommend that the Board approve filing the proposed rule changes for OAR 259-009-0005 & OAR 259-009-0062 as permanent rules. Paula Simone seconded the motion. Motion passes.*

**6. \*Proposed Rule Changes for NFPA Marine Based Fire Fighter for Land-Based Fire Fighters; OAR 259-009-0005, OAR 259-009-0062 and OAR 259-009-0065**

Presented by Kayla Ballrot

The old standard for NFPA Marine Based Fire Fighter for Land-Based Fire Fighters was several years old and was in danger of being discontinued if a task force could not be put together to discuss updating it.

In 2020, a task force was convened to discuss updating the standard and it was well represented by members of the Oregon fire service who use this very specific level of certification. This task force agreed to adopt the 2019 version of the standard.

The primary change in the 2019 version of the standard is that it goes from two levels of certification to one level. It was determined that anyone who previously held both levels of certification will be recognized as having the new, one level of certification and no further action will need to be taken on their part. For the 13 individuals in Oregon who currently hold level 1 of the old standard but not level 2, a grace period will be given to complete level 2 of the old standard. This period of time will last through the end of the following maintenance period 12/31/2022.

It was also determined in the task force that for this specific level of certification, a task book will be required and a task performance evaluation will not be accepted. The task book has an added signature confirmation page added to the front.

A course guide does not currently exist for this level of certification, so one will be created. A list of suggested courses which cover the standard will be created for individuals to refer to.

**Fiscal Impact:**

- There were no fiscal impacts for the Board, the public or DPSST. There would be a neutral or minimal fiscal impact for fire service agencies and fire service professionals.

**Discussion:**

- Gert Zoutendijk asks for clarification on whether the new single level of certification is less work to complete than the previous two levels of certification. Kayla Ballrot responds that in some cases it may be depending on how far into the second level of certification an individual is.
- Mariana Ruiz-Temple asks if this rule change has gone through a public comment phase yet. Kayla Ballrot clarifies that it has not, and then clarifies the process.
- *Darren Bucich moved to Darren Bucich moved to recommend that the Board adopt the recommendations of the task force. Gert Zoutendijk seconded the motion. Motion passes.*
- *The FPC affirmed the fiscal impact statement prepared by staff.*
- *Darren Bucich moved to recommend that the Board approve filing the proposed rule changes for OAR 259-009-0005 & OAR 259-009-0062 & OAR 259-009-0065 as permanent rules. Paula Simone seconded the motion. Motion passes.*

**7. Nomination for electing FPC Vice-Chair**

- *Mark Kreutzer makes a motion to nominate Mariana Ruiz-Temple as the FPC Vice-Chair. Gert Zoutendijk seconds the motion. Motion passes unanimously.*

## **8. Department Update**

### **Kayla Ballrot presents:**

- 2021 edition of NFPA Technical Rescuer is now out. A task force needs to be convened to discuss new the standard and its adoption.

### **Julie Olsen presents:**

- Two positions as skid truck trainers will be opening up in February.
- A Southern Oregon Training Coordinator position and a Willamette Valley Training Coordinator position will be opening soon.
- Pod style training is being developed and will soon be brought to the Brookings region as well as across the state.
- Work is in progress for an NFA online/virtual fire school.
- DPSST applied for 2020 AFG grant which will allow the agency to add to its training prop inventory.

### **Les Hallman presents:**

- Update on the status of enlisting the new permanent DPSST Director. The Governor has made an offer to an individual and that offer has been accepted. A formal announcement of who this person is will be coming soon.
- Update on the Governor's budget proposal and its impact on the DPSST fire programs budget.
- Update on proposed legislative bills which may affect DPSST.
- Acknowledgment of the excellent job that DPSST staff have done with respect to COVID-19 safety measures.

James Oeder thanks Les Hallman for the excellent work he has done as interim director.

Meeting is adjourned at 10:35am.

## **9. Next Scheduled FPC meeting –May 26<sup>th</sup>, 2021**