

Fire Policy Committee Minutes August 26, 2015 (Draft)

The Fire Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on Wednesday, August 26, 2015, in the Governor Victor G. Atiyeh Boardroom at the Oregon Public Safety Academy in Salem, Oregon. Committee member Joe Seibert called the meeting to order at 9:00 AM.

Attendees:

Committee Members:

Joseph Seibert, Chair, Non-Management Firefighter
Jeff Hamilton, Oregon State Fire Fighters Council
Dave Jones, Oregon Fire District Director's Association
Michael Silva, Oregon Fire Marshalls Association (via phone)
Jim Whelan, Oregon Fire Instructor Association
Jamie Paul, Forest Protection Agencies
Erin Janssens, Portland Fire & Rescue (via phone)

Committee Members Absent:

Bill Klein, Community College Fire Programs
Jim Walker, Oregon State Fire Marshal
Scott Stanton, Oregon Volunteer Firefighters Association

DPSST Staff:

Eriks Gabliks, Director
Todd Anderson, Training Division Director
Linsay Hale, Professional Standards Division Director
Mona Riesterer, Professional Standards Assistant
Leon Colas, Professional Standards/Investigator
Kristin Hibberds, Professional Standards/Investigator
Julie Olsen-Fink, Fire Certification Supervisor
Julie Johnson, PS/PI Compliance Specialist
Sharon Huck, Rules Coordinator

Guests:

Craig Johnson, Assistant Attorney General Oregon Department of Justice



1. ***Minutes February 26, 2015**

Approve meeting minutes from the February 26, 2015 Fire Policy Committee meeting

To see a complete record of the February 26, 2015 Fire Policy Committee minutes, please go to:

<http://www.oregon.gov/dpsst/BD/pages/firepolicycommitteemeetingminutes.aspx>

Jeff Hamilton moved to approve the minutes from the February 26, 2015 Fire Policy Committee meeting. Dave Jones seconded the motion. The motion carried unanimously.

2. ***David Anderson, DPSST #F05176 – Exception Review *Executive Session***

Presented by Craig Johnson, Department of Justice

The Fire Policy Committee closed the public session to convene in Executive Session pursuant to ORS 192.660(2) (f) at 9:05 a.m. This Executive Session was closed to members of the public. Public session was reconvened at 9:38 a.m.

The issue at hand is to review Anderson's exceptions to the Amended Proposed Order. The committee reconsidered the previously found aggravating and mitigating circumstances and determined them still to be relevant.

Dave Jones moved that the Fire Policy Committee recommends to the Board that David Anderson's certification not be revoked. Jeff Hamilton seconded the motion. The motion carried unanimously.

3. ***Review and Approval of Bylaw**

Presented by Linsay Hale

Language has been added relating to committee member changes of employment, the creation of subcommittees and clarification of the precedence of past committee decisions. Additional housekeeping changes were made for clarity and plan language standards were implemented.

Jamie Paul moved to ratify the Bylaws of the Board on Public Safety Standards and Trainings Fire Policy Committee. Dave Jones seconded the motion. The motion carried unanimously.

4. ***OAR 259-009-0005 and OAR 259-009-0062-NFPA Technical Rescuer Standards Proposed Administrative Rules**

Presented by Julie Olsen-Fink

The Fire Policy Committee and Board on Public Safety Standards and Training previously reviewed and approved filing a proposed permanent rule if no comments were received with the Secretary of State's office to amend the rules relating to the National Fire Protection Association 1006 Technical Rescuer Standards. One public comment was received and was provided to the committee for review.

Jeff Hamilton recommended filing the proposed language for OAR 259-009-0005 and OAR 259-009-0062 with the Secretary of State as a permanent rule. Dave Jones seconded the motion. The motion carried unanimously.

5. ***OAR 259-009-0005 and OAR 259-009-0062-Public Comment Received-Staff Recommendation NFPA Fire Officer Standards Proposed Administrative Rules**
Presented by Julie Olsen-Fink

The Fire Policy Committee and Board on Public Safety Standards and Training previously reviewed and approved filing a proposed permanent rule if no comments were received with the Secretary of State's office to amend the rules relating to the National Fire Protection 1021 Fire Officer Standards. The public comments were reviewed by the committee.

Dave Jones recommended filing the proposed language for OAR 259-009-0005 and OAR 259-009-0062 with the Secretary of State as a permanent rule. Erin Janssens seconded the motion. The motion carried unanimously.

6. ***OAR 259-009-0070 Denial/Revocation-Public Comment**
Presented by Linsay Hale

On February 25, 2015 the Fire Policy Committee met and discussed the proposed amendments to the fire service certification denial/revocation rules. The Committee unanimously recommended approving the amended language to the Board on April 23, 2015; the Board affirmed the Fire Policy Committee's recommendation. The department delayed filing the proposed rule language with the Secretary of State to facilitate constituent outreach regarding the changes. On June 20, 2015, the proposed rule was filed with the Secretary of States' Office. On July 23, 2015 the rule received public comment and was presented to the Policy Committee for review.

Dave Jones recommended filing the proposed language for OAR 259-009-0059 and OAR 259-009-0070 with the Secretary of State as a proposed rule. Jeff Hamilton seconded the motion. The motion carried unanimously.

Dave Jones recommended filing the proposed language for OAR 259-009-0059 and OAR 259-009-0070 with the Secretary of State as a permanent rule if no comments are received. Jamie Paul seconded the motion. The motion carried unanimously.

By consensus the committee determined no fiscal impact on small businesses.

Dave Jones recommended submitting the proposed language for OAR 259-009-0059 and OAR 259-009-0070 to the Executive Committee of the Board on Public Safety Standards and Training for approval. Jamie Paul seconded the motion. The motion carried unanimously.

7. ***Thomas Martine, DPSST#F13609 Basic Fire Fighter, NFPA Fire Fighter 1, First Responder Operations, Rockaway Fire Department**

Presented by Leon Colas

The issue in this case is whether Martine's conduct surrounding his arrest and conviction for hindering prosecution, ORS 162.325, a Class C Felony, should result in the revocation of his fire certifications for failure to meet the minimum standards for Fire Service Professional.

Jeff Hamilton moved that the Fire Policy Committee adopts the staff report as the record upon which its recommendations are base. Dave Jones seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Thomas Martine's behavior did violate the core value of **Honesty** by choosing to destroy the evidence when he found it, and being untruthful about the fact that he was told by others to turn in the evidence.

Dave Jones moved that the Fire Policy Committee find that Thomas Martine's violation of the core value of **Honesty**, when considered alone, does rise to the level to warrant revocation. Jamie Paul seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Thomas Martine's behavior did violate the core value of **Professionalism** by knowingly committing a crime and destroying the evidence.

Dave Jones moved that the Fire Policy Committee find that Thomas Martine's violation of the core value of **Professionalism**, when considered alone, does rise to the level to warrant revocation. Jamie Paul seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Thomas Martine's behavior did violate the core value of **Justice** by hindering prosecution.

Jeff Hamilton moved that the Fire Policy Committee find that Thomas Martine's violation of the core value of **Justice**, when considered alone, does rise to the level to warrant revocation. Jamie Paul seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Thomas Martine's behavior did involve **Aggravating Circumstances**; by destroying the evidence. Martine was untruthful about co-workers telling him not to destroy the evidence. Also, that Martine held a position of authority with the city council.

By discussion and consensus, the committee found no **Mitigating Circumstances**. Dave Jones moved that the Fire Policy Committee find that after considering the totality of the case the committee recommends to the Board that the Certifications be revoked. Michael Silva seconded the motion. The motion carried unanimously.

Jim Whelan moved that the Fire Policy Committee recommends to the Board that certification be revoked for three years from the date of Final Notice. Dave Jones seconded the motion. The motion carried unanimously.

8. ***Blake Mason, DPSST#F32731 Application-Wildland Interface Fire Fighter Certification**

Presented by Leon Colas

The issue in this case is whether Blake Mason's conduct surrounding his arrest and conviction for Criminal Driving While Suspended, ORS 811.1825(4), a Class A misdemeanor, should result in the denial of his application for the fire certification for failure to meet the minimum standards for a Fire Service Professional.

Jamie Paul moved that the Fire Policy Committee adopts the staff report as the record upon which its recommendations are based. Jim Whelan seconded the motion. The motion carried unanimously

By discussion and consensus, the committee determined that Blake Mason's behavior did not violate the core value of **Honesty**.

By discussion and consensus, the committee determined that Blake Mason's behavior did not violate the core value of **Professionalism**.

By discussion and consensus, the committee determined that Blake Mason's behavior did violate the core value of **Justice** by not appearing in court on the requested day shows blatant disregard for the justice system.

Jamie Paul moved that the Fire Policy Committee find that Blake Mason's violation of the core value of **Justice**, when considered alone, does rise to the level to warrant revocation. Dave Jones seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Blake Mason's behavior did involve **Aggravating Circumstances**; by continually failing to meet the terms of the court orders and probation. Another factor would be driving under the influence.

By discussion and consensus, the committee determined that Blake Mason's behavior did involve **Mitigating Circumstances** by there have not been any other occurrences since 2012. Blake Mason's license is currently valid and there have not been any other warrants since the incident.

Jamie Paul moved that the Fire Policy Committee find that after considering the totality of the case the committee recommends to the Board that the Certifications not be denied. Jeff Hamilton seconded the motion. The motion carried unanimously

9. Table of Assault Related Fire Discretionary Cases

Presented by Kristen Hibberds

This was discussed in agenda item #2

10. Department Update:

Eriks Gabliks reported:

DPPST received an AFG from FEMA to replace the skid frame. We are in the process of working on the replacement.

Mark Ayers has retired; we were unsuccessful in recruitment for his position. We are very excited to have Rich Daniel filing in temporarily and will continue with this in place and reassess in the fall after fire season.

We have been asked through the Governors Fire Policy Council, to work with Drexel University on a fire fighter injury reduction study. DPSST will be providing the information needed and working with our partners at SAIF.

The Governor has authorized "Op Plan Smokey" and has activated the National Guard to assist in the wildland fires. DPSST has been very busy in assisting in the training. 125 men and women of the National Guard have been training the last four days in a ten hour work session. We have 250 additional soldiers that arrived this week and will be going through the same training.

The legislative session has wrapped up for this season. The good news for the fire programs is there will not be a reduction in the fire program. Fire certification and training will continue.

Linsay Hale reported:

In regards to the legislative bills that have passed and would affect Fire-

- Ban the box bill- this was passed which would prohibit employers from asking on a job application if someone has been convicted of a crime. There is an exception in the legislation in that it exempts employers certification is required for their job. With fire, because fire certification is voluntary, if the agency who is hiring is requiring that person to be certified by DPSST, the box is not banned. If they are not required to have state certification, then the exemption does apply.
- Dates of Birth – this evolved out of a public records request made to DPSST to provide them with a copy of the database which contains information on every current and formerly certified law enforcement officer in the state to include dates of birth. DPSST argued that this was protected information and refused to release the DOB information. As a result a petition was filed with the Attorney General’s office and it was determined DOBs are not protected information. The department disagreed with that decision and took appropriate legal recourse and filed suit in circuit court to contest the release of this information. In the interim, legislation was introduced and enrolled exempting the release of all personally identifying information for all currently and formerly certified public safety officers maintained by DPSST, to include dates of birth, social security, driver license, home phone numbers, addresses, etc. The case in circuit court has still not been resolved but we are hoping the decision will be favorable.
- Public Safety Memorial Fund- DPSST has worked in conjunction with The Oregon State Fire Fighters Council the definition of qualifying death and disability expanded to include occupational diseases such as cancer.

Julie Olsen-Fink reported:

- Fire Chief Bill Eddy from Gearhart Fire dept. asked that the information be shared with the committee regarding wildland fire fighter pertaining to SG31 training not requiring certification. Julie advised to the committee that she has called the chief and advised that we have adopted NWCG’s 310-1. And we are in compliance with the NWCG standards.
- Fallen Fire Fighter Memorial – September 17, 2015. We encourage participation. There will not be any names added to the memorial wall. The key note speaker will be Governor Kate Brown.

11. Next scheduled FPC meeting – November 17, 2015 @ 9:00 a.m.

** 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@state.or.us.*