

# **Public Safety Memorial Fund Board**

## **Minutes**

### **July 27, 2023**

The Public Safety Memorial Fund Board held a meeting on July 27, 2023, at the Department of Public Safety Standards and Training located at 4190 Aumsville Hwy SE Salem, Oregon. The meeting was called to order at approximately 10:00 a.m.

#### **Committee Members:**

DaNeshia Barrett, Chair, Law Enforcement Representative  
Maria Caballero Rubio, Public Member  
Matthew English, Corrections Representative  
Scotty Nowning, Law Enforcement Representative

#### **Committee Members Absent:**

James Oeder, Vice-Chair, Fire Representative  
Jennifer Cameron, Corrections Representative

#### **DPSST Staff:**

Suzy Herring, Professional Standards Division Director  
Brian Henson, Agency Deputy Director  
Shelby Wright, Executive Assistant to the Director  
Jennifer Howald, Legislative and Rules Coordinator

#### **Guests**

No guests attended this meeting

#### **1. Introductions**

- *Chair, DaNeshia Barrett, began the meeting by introducing herself and invited everyone in attendance to state their name and position for the record.*

#### **2. \*Approve Minutes from April 27, 2023, Meeting**

Approve minutes

- *Matthew English made a motion to approve the minutes from the April 27, 2023, Public Safety Memorial Fund Board (PSMFB) meeting. Scotty Nowning seconded the motion. The vote was taken by rollcall where the motion carried with a unanimous vote.*

#### **3. Public Safety Memorial Fund Budget Update**

Presented by Suzy Herring

Suzy Herring explained that the Public Safety Memorial Fund Board (PSMFB) received the May 2023 executive summary which shows the previous total of the 21'-23' biennium, but the number has now rolled back to the previous allotment of \$291,000 for the 23'-25' biennium. Suzy Herring noted that if the PSMFB gets close to exceeding the \$291,000 allotment, then DPSST will address the E-Board, requesting additional funds.

#### **4. \*Kenneth Wilson (DPSST #23496) – Talent Police Department; Initial Application for Benefits**

Presented by Suzy Herring

On July 4, 1997, Officer Kenneth Wilson sustained an injury to his right arm while arresting a combative suspect in Talent, Oregon, while working for the Talent Police Department. Officer Wilson underwent two surges to repair his arm while still working as a public safety officer until he was ultimately relieved of his duties by the Talent Police Department on April 27, 2000, due to his medical condition.

In June of 2002, the Public Safety Memorial Fund Board reviewed Officer Wilson's application for supplemental benefits and awarded Officer Wilson monetary benefits to cover the cost of mortgage, health and dental expenses for himself, wife and two children. The Public Safety Memorial Fund Board also awarded educational scholarship benefits to Officer Wilson's daughter, Tara Wilson, from 2003-2006. The Public Safety Memorial Fund Board continued to review and award Officer Wilson and his family supplemental benefits for five years until no longer eligible in 2007 per ORS 243.956. In total, the Public Safety Memorial Fund Board awarded Officer Wilson and his family \$38,295.96.

On November 20, 2010, Officer Kenneth Wilson died due to unknown natural causes. Officer Wilson's death certificate states that end of stage renal disease, cardio myopathy, coronary artery disease and chronic obstructive lung disease were also contributing factors of his death.

On April 16, 2023, Brenda Lea Wilson, spouse of Officer Kenneth Wilson, submitted the initial application for Public Safety Memorial Fund benefits, requesting the initial death benefit of \$25,000.00, after Shelby Wright had received multiple phone calls from Brenda weeks prior regarding the fund.

On May 1, 2023, Shelby Wright received a voicemail from a woman named Cindy, who was calling to inquire about Brenda's application for benefits from the Public Safety Memorial Fund Board. On May 2, 2023, Shelby Wright spoke to Cindy on the phone where she explained that Brenda allegedly scams people for money and intends to use the PSMFB awarded money for a cruise, if approved. Cindy noted that Kenneth Wilson died as a result of drug and alcohol abuse and believes that his death should not qualify to receive the initial death benefit.

Chair Barrett addressed the Board and noted that she researched the Oregon Revised Statute (ORS) pertaining to supplying families with disability benefits and noted that the Wilson family was appropriately benefited due to Officer Wilson's injury. Chair Barrett also thanked DPSST staff for providing such thorough information of Officer Wilson's benefits, dating back to 2002.

Matt English noted that he could not find a nexus between Officer Wilson's qualifying injury and his cause of death. English noted that the qualifying injury was based off of

Officer Wilson's arm disability and the information on the death certificate did not pertain to Officer Wilson's initial injury. Scotty Nowning agreed with English's findings.

Scotty Nowning noted that a long period of time has passed since Officer Wilson's initial injury and Nowning could not connect the injury to his cause of death in the documentation provided to the Board.

Matt English continued, noting that the cause of death could've been attributed by a number of medial issues, but English did not find a qualifying connection between Officer Wilson's injury and cause of death.

Chair Barrett explained that the doctor intake documentation provided by DPSST shows that some of the contributing factors to Officer Wilson's medical issues were believed to have already been in effect during the time of Officer Wilson's injury.

- *Matt English motioned to determine that Officer Wilson met the statutory definition of a public safety officer. Scotty Nowning seconded the motion. A vote was taken by roll-call where the motion passed unanimously.*
- *Matt English motioned that Officer Wilson's death does not qualify as a line of duty death, pursuant to ORS 243.954. Scotty Nowning seconded the motion. A vote was taken by roll-call where the motion passed unanimously.*
- *Matt English motioned that Brenda Lea Wilson meets the definition of an eligible beneficiary pursuant to ORS 243.956, but the Public Safety Memorial Fund Board will not provide the initial death benefit to Mrs. Wilson. DaNeshia Barrett seconded the motion. A vote was taken by roll-call where the motion passed unanimously.*

#### **5. \*John Christopher Kilcullen (DPSST #37820); Supplemental Application for Discretionary Benefits**

Presented by Suzy Herring

On April 22, 2011, Police Officer John Christopher Kilcullen was involved in a fatal incident in Springfield, Oregon. Officer Kilcullen was shot and later died from a gunshot wound received while performing his duties as a police officer for the City of Eugene.

On April 28, 2011, the Public Safety Memorial Fund Board (PSMFB) considered the initial application for PSMF benefits submitted by Kristie Sampson-Kilcullen, spouse of Officer Kilcullen. Ultimately the PSMFB determined that Officer Kilcullen's death was a qualifying death as defined by ORS 243.954. As a result, Kristie Sampson-Kilcullen was awarded the lump sum benefit of (\$25,000).

Since 2011, Mrs. Sampson-Kilcullen has continually submitted supplemental applications for benefits requesting further reimbursement to continue health and dental coverage for herself and children, each of which was approved by the PSMFB.

On June 5, 2023, DPSST received Mrs. Sampson-Kilcullen's request for further reimbursement to continue health and dental coverage for her daughter for six months.

- *Chair Barrett motioned to award Kristie Sampson-Kilcullen supplemental discretionary benefits for her and her family's medical and dental expenditures for the months of July through December 2023. Scotty Nowning seconded the motion. A vote was taken by rollcall where the motion passed unanimously.*
- *Chair Barrett motioned to award Kristie Sampson-Kilcullen the specified requested amount of supplemental discretionary benefits for her and her family's medical and dental expenditures for the months of July through December 2023. Matt English seconded the motion. A vote was taken by rollcall where the motion passed unanimously.*

## **6. Oregon Administrative Rule (OAR) Discussion as a Result of Senate Bill 699**

Presented by Jennifer Howald

Jennifer Howald addressed the Board and noted that Senate Bill 699 was passed in the 2023 Legislative Session, and the Public Safety Memorial Fund Board can now award initial and supplemental benefits to Oregon Liquor and Cannabis Commission (OLCC) regulatory specialists as approved by the PSMFB. Jennifer Howald noted that this action takes effect on January 1, 2024, but asks the PSMFB whether they would like to discuss eligibility requirements to determine whether OLCC regulatory specialists who experienced a qualifying death or injury prior to January 1, 2024, can still receive benefits if eligible.

Scotty Nowning asked if there is a previous record of how many qualifying deaths or injuries there may be in the OLCC regulatory specialist industry to which Jennifer Howald explained that they are not aware of any such record, but Senate Bill 699 was initially introduced because there was a regulatory specialist death. Suzy Herring noted that DPSST is aware of at least two or three OLCC regulatory specialist deaths within the last biennium.

Matt English asked whether DPSST has reached out to the Department of Justice (DOJ) to gather their opinion to which Jennifer Howald answered no. Chair Barrett asked if DPSST could gain DOJ's opinion then return back to the PSMFB with the findings. Suzy Herring noted that they are happy to discuss with DOJ then report back to the PSMFB. Herring also noted that OLCC regulatory specialists are currently eligible to be placed on the Law Enforcement Memorial Wall but were not eligible for the monetary benefits until this legislation was passed.

Scotty Nowning asked if the PSMFB has the authority to determine a deadline for eligibility, such as only accepting applications for injuries/deaths that occurred no later than ten years ago. Matt English mentioned that allowing the PSMFB to consider older cases may create an influx of applications which can be strenuous to the biennial budget. Deputy Director Brian Henson explained that DPSST does not take a stance on this matter, and it is up to the PSMFB to determine. Furthermore, without legislative intent, the bill becomes effective January 1, 2024, which would mean that applications would become eligible as of that date.

- *The PSMFB unanimously agreed for DPSST to gather DOJ's professional opinion on OLCC regulatory specialist eligibility dates and return back to the PSMFB at the next regularly scheduled meeting to discuss their findings.*

**7. Next meeting – October 26, 2023, directly following the Board on Public Safety Standards and Training meeting at 9:00 a.m.**

- *With no further items to discuss, Chair Barrett adjourned the meeting at approximately 10:27 a.m.*