Fire Policy Committee Minutes
February 22, 2017

The Fire Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on, February 22, 2017 at 9:00 a.m. in the Boardroom at the Oregon Public Safety Academy located at 4190 Aumsville Hwy SE, Salem, Oregon. Chair Marlar called the meeting to order at 9:00 a.m.

Committee Members:

Greg Marlar, Oregon Fire Chiefs Association, Chair
Dave Jones, Oregon Fire District Directors Association, Vice-Chair
Jim Walker, Oregon State Fire Marshal
James Oeder, Oregon Vol. Fire Fighters Association
Tom Williams representing Chief Mike Myers, Portland Fire & Rescue
Jim Whelan, Oregon Fire Instructors Association
Ron Graham, Forest Protection Agencies
Bill Klein, Community College Fire Programs
John Rinier, Oregon Fire Marshals Association
Jeff Hamilton, Oregon State Fire Fighters Council

Absent Members:

Patricia Connolly, Non-Management Fire Fighter

DPSST Staff:

Eriks Gabliks, Director
Linsay Hale, Professional Standards Division Director
Julie Olsen-Fink, Fire Certification Supervisor
Mona Riesterer, Professional Standards Assistant
Jennifer Howald, Rules Coordinator
Kayla Ballrot, Compliance Specialist
Rich Daniels, Fire Training Supervisor

Guests:

Terry Riley, Marion County Fire District #1
Brian Woodley, Marion County Fire District #1 (phone)
1. **Introductions**
   Introductions of members, guest, and staff were presented.

2. **Minutes**
   Approve November 16, 2016 meeting minutes

   Jim Walker moved that the committee approve the minutes of the November 16, 2016 Fire Policy Committee meeting. Dave Jones seconded the motion. The motion carried unanimously.

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

3. **Urban Search & Rescue**
   Presented by Julie Olsen-Fink

   In 2002, the Oregon Office of State Fire Marshall (OSFM), along with the Department of Public Safety and Standards (DPSST) and several Oregon fire agencies, began the discussion of pulling together an organized plan for response in the event of an urban disaster strike. Grant money was obtained through Federal Emergency Management Agency (FEMA) to establish the “Urban Search & Rescue (US&R) Light Model.” The goals were to become organized, train together, and have a good understanding of available equipment for the best possible response in order to operate effectively. The US&R Organizing Committee was developed and began their official meetings to discuss the development of the program. The Task Force gave careful consideration to each level of certification to determine which standards were required to perform US&R skills. The recommendation is to retain the core levels of certification that can be maintained within their local jurisdictions. DPSST will be responsible for creating a guide to certification to include; definitions of the core levels of certification, Oregon Administrative Rules (OAR), frequently asked questions, and maintenance re-certification requirements. Upon approval of the recommendations staff will create draft application for certification and the draft OAR’s to reflect the recommended changes to the standard.

   - **Tom Williams moved to approve the recommendations of the US&R Task Force as presented. James Oeder seconded the motion. The motion carried unanimously.**

   - **Jim Walker moved to recommend approval to direct staff to develop OAR Language implementing the recommendation for presentation to the Board. Dave Jones seconded the motion. The motion carried unanimously.**

   By consensus the committee found no fiscal impact to small businesses.
Kayla gave quick power point presentation on the amendments to the fire service certification denial/revocation rules since there were a few members absent at the last presentation for the November Fire Policy meeting.

The case presented to the Fire Policy Committee is whether Dearborn’s conduct surrounding this arrest and conviction for Official Misconduct in the First Degree, ORS 162.415, should result in the revocation of his fire certifications for failure to meet the minimum standards for a Fire Service Professional.

Dave Jones 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 Jimmy Dearborn’s behavior did violate the core value of **Honesty**, as defined in Administrative Rule based upon during the investigation Dearborn was not forthcoming and untruthful.

James Oeder moved that the Fire Policy Committee find that Dearborn’s violation of the core value of **Honesty**, when considered alone, does rise to the level to warrant revocation of Dearborn’s certification. Tom Williams seconded the motion. The motion carried with six ayes and Jim Walker, Bill Klein, Jeff Hamilton, and Dave Jones voting nay.

By discussion and consensus, the committee determined that Jimmy Dearborn’s behavior did violate the core value of **Professionalism** as defined in the Administrative Rule by being convicted of the crime of Official Misconduct in the First Degree based on the elements of the crime.

Jeff Hamilton moved that the Fire Policy Committee find that Dearborn’s violation of the core value of **Professionalism**, when considered alone, does rise to the level to warrant revocation of Dearborn’s certification. Bill Klein seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Jimmy Dearborn’s behavior did violate the core value of **Justice** as defined in the Administrative by being convicted of the crime of Official Misconduct in the First Degree based on the elements of the crime.

Jim Walker moved that the Fire Policy Committee find that Dearborn’s violation of the core value of **Justice**, when considered alone, does rise to the level to warrant revocation of Dearborn’s certification. Jim Whelan seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Jimmy Dearborn’s behavior did involve **Aggravating Circumstances** based upon the arrest and the conviction of the crime, as
well as the fact that the occurrence took place while Dearborn was on duty. Dearborn was less than forthcoming and was in a position of power.

By discussion and consensus, the committee determined that Jimmy Dearborn’s behavior did involve **Mitigating Circumstances** by paying the mandated court fees and completing his community service. During the interview, Dearborn did admit fault and recognized the severity of the circumstance.

After considering the totality of the case, Jim Walker moved that the committee recommends to the Board that Jimmy Dearborn’s certification be revoked. Dave Jones seconded the motion. The motion carried unanimously.

Jim Walker moved that the committee recommends to the Board that Dearborn’s ineligibility to reapply for certification for a period of seven years. Bill Klein seconded the motion. The motion carried unanimously.

5. **Steven Kha DPSST #F34740 – Marion County Fire District #1; NFPA Operations Level Responder and NFPA Fire Fighter 1 (agenda item #4)**

Presented by Kayla Ballrot

Linsay Hale presented the definition for discharge for cause based on the recommendations brought forward from the revocation/denial workgroup.

The case presented to the Fire Policy Committee is whether Kha’s conduct resulting in his discharge from Marion County Fire District #1 meets the Board established Discharge for Cause standards resulting in the permanent revocation of his fire certification.

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

By discussion and consensus, the committee determined that Kha’s behavior did not involve **Aggravating Circumstances**.

By discussion and consensus, the committee determined that Kha’s behavior did involve **Mitigating Circumstances** based upon Kha had a concealed weapon permit. Kha’s letter to the committee was sincere and it appeared that he was honest and forthcoming about not being aware of the policy and procedures. He did not make any attempts to try and hide anything during the investigation. This was also apparent in the two letters that were received by the Chief and Captain in their support. The members also felt as a mitigating factor that Kha was stationed at the fire district for approximately a year in which over time may have resulted in a more relaxed atmosphere. It appeared that this behavior was engaged in by others stationed at this fire district that should be held accountable to the same standards.

After considering the totality of the case, Jim Whelan moved that the committee recommends to the Board that Kha’s discharge does not meet the Board established definition of a Discharge for
Cause for certification purposes. Tom Williams seconded the motion. The motion carried unanimously.

6. **Riley Walker DPSST #F32469 – Marion County District #1; NFPA Operations Level Responder, NFPA Fire fighter 1, NFPA Mobile Water Supply Apparatus, NFPA Fire Apparatus Driver/Operator, NFPA Apparatus Equipped with Fire Pump, Wildland Interface Fire Fighter (FFT2) (agenda item #5)**

Presented by Kayla Ballrot

The case presented to the Fire Policy Committee is whether Walker’s conduct resulting in his discharge from Marion County Fire District #1 meets the Board established Discharge for Cause standards resulting in the permanent revocation of his fire certification.

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

By discussion and consensus, the committee determined that Walker’s behavior did involve **Aggravating Circumstances** by the damages to private property caused by his actions.

By discussion and consensus, the committee determined that Walker’s behavior did involve **Mitigating Circumstances** by the letters of support that were written from the Fire Chief and the Captain, Walker’s letter indicated that in past practices the Boy Scouts and Career individuals have participated in bow and arrows exercises on the premises. This was recognized as an accepted practice to partake in and a mutual understanding between residents and/ or career individuals. Walker was also forthcoming and voluntarily opened the gun safe when asked during the investigation.

After considering the totality of the case, Jim Walker moved that the committee recommends to the Board that Walker’s discharge **does not meet** the Board established definition of a Discharge for Cause for certification purposes. Dave Jones seconded the motion. The motion carried unanimously.


Presented by Kayla Ballrot

On November 16, 2016, the Fire Policy Committee (FPC) met to review Fritz’s discharge from Sandy RFPD #72 and make a recommendation to the Board on Public Safety Standards and Training (Board) whether or not his discharge meets the Discharge for Cause standard for certification purposes. After considering the totality of the case, in a 5 to 4 vote the FPC recommended to the Board that Fritz’s discharge does not meet the Board established definition of a Discharge for Cause for certification purposes and thus does not result in the revocation of
his certifications. On January 26, 2017, the Board met to affirm or overturn the FPC’s recommendation. Ultimately the Board voted to send this case back to FPC for further discussion and consideration.

The case presented to the Fire Policy Committee is whether Fritz’s conduct resulting in his discharge from Sandy RFPD #72 meets the Board established Discharge for Cause standards resulting in the permanent revocation of his fire certifications.

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

By discussion and consensus, the committee determined that Fritz’s behavior did involve **Aggravating Circumstances** by having multiple DUII’s. Fritz’s failed to meet the policy and procedures by not letting the Chief know of his DUII within the five day reporting standard.

By discussion and consensus, the committee determined that Fritz’s behavior did involve **Mitigating Circumstances** based upon after the DUII, Fritz went to the Fire station and let his supervisor know of the incident and didn’t try to hide it. Fritz’s paid his restitution of court fees.

After considering the totality of the case, Jim Walker moved that the committee recommends to the Board that Fritz’s discharge does not meet the Board established definition of a Discharge for Cause for certification purposes. James Oeder seconded the motion. The motion carried unanimously.

8. **Staff Update**

*Julie Olsen-Fink Reported:*

- Staff is still in the process of wrapping up the maintenance recertification for the maintenance year. Staff has completed 178 packets and there are 66 that are still in process and 55 departments that are missing documentation. Staff has made final notification to all the departments of the information that is needed.

- Preparation has begun for the Fallen Fire Fighter Memorial that will be held here at DPSST on September 21, 2017 at 1:00 p.m. There will be no names added to the wall this year and we will continue to honor our fallen.

- Fire Certification has completed its annual archive. There were approximately 1,300 files that were archived.

- The NFPA has been updated. One important change is the removal requirement of Fire Fighter I from the driver’s standards.
Rich Daniel Reported:

- Rich gave a quick overview of the Fire section. Currently there are six Regional Fire Training Coordinators that are stationed throughout the State. There are two skid truck driving trainers that are currently stationed in Salem. DPSST is currently one driver short. The position that is vacant is currently temporarily on hold until the end of the biennium. There is also a Regional Fire Training Coordinator position in Salem that is currently vacant until the end of the biennium as well. Central Regional Coordinator, Harry Ward, has resigned and become the new Chief at Crooked River Ranch. DPSST congratulates him on his advancement. This position has been filled temporarily with Don Willis who is recently retired from Sunriver.

- DPSST was pleased to host the Pacific Northwest’s largest annual firefighter training event – the 2017 Winter Fire School. This year over 350 students attended the event that was held the weekend of February 18th-19th. There were 7 NFA classes that were offered here at the academy. Also offered were two hands on training classes that involved vehicle extrication which was taught by staff from Dallas Fire Department as well as a 16 hour driver course that was held in our scenario village. Rich wanted to thank Bill Klein for supporting the academy with several apparatuses as well as Salem Fire Department.

- AFG updates – DPSST was awarded AFG for 2016. The Fire program is looking at filling the grant with two mobile fire trainers, fire fighter car prop trainers, and two flag trainers. There will also be a trailer that will be filled with wildland prop equipment to accommodate traveling throughout the State to wildland academies. Fire training has applied for a 2017 grant. There has not been any notification if it has been approved yet. If awarded, the funds will go towards replacing other aging equipment.

- Fire training just recently sent out a survey monkey across the state to gain information of what types of training individuals would like to learn more about. We currently have approximately 90 replies.

- Rich reported that the department has recently gone to online registration for all NFA classes that will be hosted here at DPSST. The Fire Bulletin also addresses information about online registration as well.

Eriks Gabliks Reported:

- Eriks gave a quick update of the 2017 Legislative Session to date. All three of DPSST's bills have had a hearing and are moving through either the House or Senate and then after a third reading of each will be on their way to the other chamber. Only one of these three bills will affect the Fire Policy Committee as it requests that citizens be added to each of the Board's policy committees (police, telecommunications, corrections, and fire). A number of bills are on DPSST's radar screen but none affect the fire training or certification mission or the Fire Policy Committee.
2015-2017 Budget Update - DPSST has made a number of appearances at the Ways & Means Emergency Board (E-Board) over the past few months. In December, DPSST requested funds for replacement of the fire and life safety system on campus, funds for additional basic police and corrections training classes, and for retroactive permission to apply for a FEMA Assistance to Firefighters Grant to replace the aging Mobile Fire Training Unit (MFTU). The E-Board approved funds for the emergency replacement of the fire and life safety system and the application for the FEMA grant. The E-Board was unable to take action on the funds for additional police and corrections classes and directed the agency to return at the beginning of the 2017 legislative session to make the request.

2017-2019 Budget Update - DPSST was the first agency to appear at the Joint Public Safety Ways and Means Committee to share its 2017-2019 Agency Request Budget. DPSST has great discussion with members of the Committee. This is considered the initial appearance and some agencies may be requested back later in the session to provide additional information or to address additional questions. The second day of the testimony included public comment from various stakeholder groups. Eriks thanked the Oregon Fire Chiefs Association and the Oregon Fire District Directors Association for their testimony and support. The budget presentation included an overview of the 5% reduction proposed by Governor Brown and the 15% reduction package requested by the Ways & Means Co-Chairs. Both reductions would reduce the number of law enforcement training classes DPSST offers and the number of part-time trainers we employ. No reductions of full-time personnel are included in either the 5% or 15% reductions. No reductions are proposed for either the DPSST Fire Training or Fire Certification Sections. Eriks thanked State Fire Marshal Jim Walker and all of the stakeholders for their time and continued support. Eriks also shared the Fire Insurance Premium Tax (FIPT) which funds the Office of State Fire Marshal, DPSST Fire Program, and the Oregon State Police Arson and Explosives Unit all remain at current service level as there are no funds available for growth. If it were not for the addition of state fire training academies to the FEMA Assistance to Firefighters Grant (AFG) the replacement of old and obsolete fire training props would not be possible.

FEMA AFG & SAFER Grants - During the second week of January, 2017, more than 30 career and volunteer fire service personnel were selected to evaluate and grade AFG Grants in Baltimore. Because of winter weather conditions around the state, some of those selected were unable to attend. Approximately 6,000 grants were evaluated by more than 300 panel members in one week. SAFER grant applications recently closed and will be scored very soon. DPSST will send out a request for evaluators when the call is made by FEMA. Eriks also reminded the FPC that career and volunteer fire agencies are not competing for the same funds. FEMA has designated "pots of money" for each respective category which means volunteer fire departments are competing against other volunteer fire departments and career departments against other career departments.

DPSST NFA Micro-Grants - The $20,000 grant DPSST received from the FEMA to help support the regional delivery of National Fire Academy (NFA) classes around the state has been allocated. DPSST has sent out an electronic notification to the regional fire
instructors associations of the Oregon Fire Instructors Association making them aware of this opportunity. DPSST received a request from the Office of State Fire Marshal and the Oregon Fire Marshals Association to offer a NFPA Fire Inspector 1 class. The initial class at DPSST filled-up within a week and an additional class were held at the Chemeketa Brooks Campus to address those on the wait list. In all, more than 40 fire service personnel completed the training officer by Jimmy Stewart - Salem Fire (Retired) and Adjunct Chemeketa Community College instructor. DPSST is planning to use next year's EMA/NFA grant to offer a Fire Inspector 2 class in the fall. DPSST has also worked with the Oregon Volunteer Firefighters Association (OVFA) which will offer three NFA sanctioned classes at their 2017 conference in June that will use the remaining NFA funds DPSST has available. DPSST is pleased to receive this FEMA grant and values the regional partnerships through micro-grants which enable fire service personnel to receive NFA training at the local level.

- **Active Shooter Training Management** - DPSST continues to address this important issue with public safety agencies around the state. This work group continues its work to develop a management training course (table top) and quick action guides that can be used to help manage an incident for the initial 72 hours. The work group lost some momentum during hunting season but is back on track and should finish its work in a few months. Representatives from Portland Fire, Bend Fire, Douglas County Fire District #2, Clackamas County Fire, and the Office of State Fire Marshal have representatives assisting with the work.

- **Mental Health Crisis Intervention Response & Training** - This work group made up of law enforcement, fire, EMS, 9-1-1, and mental health professionals looking to develop a statewide framework for response to people in crisis and a statewide training plan has completed its work three weeks ago. DPSST, thanks to funding from the Oregon Health Authority, is delivering classes on this important issue around the state. The classes range from the 40-hour Crisis Intervention Training (CIT) class all the way to one-day topic specific classes for 9-1-1 personnel and first responders. The work group created a protocol that can be scaled by each local jurisdiction as resources vary region to region, county to county.

- **DPSST and the Office of State Fire Marshal are pleased to help support the round table discussions that are being hosted by the Oregon Fire Chiefs Association. Last week DPSST hosted the Safety & Health Roundtable that had lively discussion on issues ranging from behavioral health to cancer prevention. DPSST also was requested to host a new roundtable that will bring together Coastal Fire Chiefs.**

- **DPSST has been asked to assist the Oregon Fire Chiefs Association Professional Development Committee with a review and update of their Chief's Tool Box. The program has been taken off-line so that it can be evaluated. The current Tool Box does not lead to any fire service certification in Oregon and DPSST has suggested that many of the classes align with NFPA Fire Officer 3 and 4 with some additions and modifications. OFCA is evaluating this suggestion. More information to follow.**
• DPSST is hosting a Public Safety Employment Career Fair at the Academy on March 31 and April 1. Last year's event attracted more than 2,000 attendees, of which more than 500 were women. This year's event will include career fire rescue agencies, law enforcement, and 9-1-1 agencies.

• DPSST continues to help support the work of the Office of State Fire Marshal (SFM) in its oil train preparedness efforts. DPSST was asked by SFM if a "rolled over" rail car can be added to the Academy's scenario village as a training prop for local fire agencies. DPSST has the room and agreed to the addition. The installation is expected within the next month with all expenses covered by SFM.

• Oregon Task Force on School Safety - DPSST continues to participate in the legislatively created Task Force on School Safety which is coordinated by Superintendent Travis Hampton of the Oregon State and Chaired by Sheriff Craig Roberts of Clackamas County. Chief Ted Kunze serves as the fire service representative on the group. Thanks to the assistance of the Oregon State Police, the Task Force launched a statewide tip line that allows students to use various forms of communication, including social media, to share concerns such as bullying, school threats, etc. Task Force meeting minutes, rosters, and supporting documents can be found on the group’s webpage at: http://www.oregon.gov/osp/Pages/Task-Force-on-School-Safety.aspx

9. Next Scheduled FPC meeting – May 24, 2017 at 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.