

Telecommunications Policy Committee
Minutes
November 2, 2011

The Telecommunications Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on November 2, 2011 at the Oregon Public Safety Academy in Salem, Oregon. Director Eriks Gabliks called the meeting to order at 11:04 a.m.

Attendees

Committee Members:

Tamara Atkinson, Association of Public Safety Communications Officers
Pam Collett, Association of Public Safety Communications Officers
Rick Eisland, Oregon State Sheriffs' Association
Corinna Jacobs, Telecommunicator
Joe Raade, Emergency Medical Services Section of the Oregon Fire Association

Committee Members Absent

Robert Poirier, Public Safety Telecommunicators, Chair
Rachel Brudnock, Telecommunicator
Rich Leipfert, Oregon Fire Chiefs Association
Elizabeth Morgan, Emergency Medical Services and Trauma Systems

DPSST Staff:

Eriks Gabliks, Director
Carolyn Kendrick, Administrative Assistant
Marilyn Lorange, Standards and Certification Supervisor
Leon Colas, Professional Standards Investigator/Coordinator
Linsay Hale, Certification Coordinator



The Telecommunications Policy Committee members agreed for this meeting only to appoint Joe Raade as Chair Pro Tem in Chair Rob Poirier's absence.

1. Minutes from August 3, 2011 Meeting

Approve meeting minutes from August 3, 2011.

See Appendix A for details.

Tamara Atkinson moved to approve the minutes from the August 3, 2011 Telecommunications Policy Committee meeting. Rick Eisland seconded the motion. The motion carried unanimously.

2. OAR 259-008-0011 Proposed Rule

Presented by Linsay Hale

See Appendix B for details.

- *Corrina Jacobs moved that the Telecommunications Policy Committee recommends to the Board filing the proposed language for OAR 259-008-0011 with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Rick Eisland seconded the motion. The motion carried unanimously.*
- *It is the consensus of the committee there is no significant impact on small business.*

3. **OAR 259-008-0100 – Proposed Rule**

Presented by Linsay Hale

See Appendix C for details.

- *Tamara Atkinson moved that the Telecommunications Policy Committee recommend to the Board filing the proposed language with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Corrina Jacobs seconded the motion. The motion carried unanimously.*
- *It is the consensus of the committee there is no significant impact on small businesses.*

4. **Samantha Van Cleave, La Grande Police Department**

Presented by Linsay Hale

The Policy Committee did not convene in Executive Session.

- *Tamara Atkinson moved that the Telecommunications Policy Committee recommend to the Board the approval of a medical waiver of the hearing standards based on information provided by medical professionals. Corrina Jacobs seconded the motion. The motion carried unanimously.*
- *It is the consensus of the committee to forward this case to the Executive Committee due to employment implications.*

5. **Jennifer Brookhouse, Clackamas County Communications - DPSST #28900**

Presented by Leon Colas

See Appendix D for details.

- *Corrina Jacobs moved that the Policy Committee adopts the staff report as the record upon which its recommendations are based. Tamara Atkinson seconded the motion. The motion carried unanimously.*
 - a. Identify and articulate the **misconduct that is specific to this case**. *The committee agreed that insubordination, inattention to work, poor decisions, and poor attitude are aspects of misconduct in this case.*

- b. The identified conduct ***did not*** involve **Dishonesty**.
 - c. The identified conduct ***did*** involve a **Disregard for the Rights of Others**. *The committee noted a conscious delay of performing duties to take care of personal business. Citizens have a right to expect a certain level of response and accuracy in information dissemination.*
 - d. The identified conduct ***did not*** involve **Misuse of Authority**.
 - e. The identified conduct ***did*** involve **Gross Misconduct based on incorrect addresses being given on two different occasions**.
 - f. The identified conduct ***did*** involve **Misconduct based on delays and incorrect addresses given on multiple occasions. This is a deviation of practice generally followed by the public safety community**.
 - g. The identified conduct ***did*** involve **Insubordination based on repeated refusal to follow directions given by her supervisor and not following policy by not dispatching calls in a timely manner**.
- By discussion and consensus, the Policy Committee must identify and consider any mitigating and aggravating circumstances. *The committee noted as an aggravating circumstance the fact BROOKHOUSE had the same issues with her previous employer. No mitigating circumstances were identified.*
 - *Rick Eisland moved that the Policy Committee finds BROOKHOUSE's conduct does rise to the level to warrant the revocation of her certification(s), and therefore recommends to the Board that these certification(s) be revoked. Pam Collett seconded the motion. The motion carried unanimously.*
 - *Rick Eisland moved that the Telecommunications Policy Committee recommend to the Board that BROOKHOUSE's misconduct encapsulated all of the categories noted above suggesting a ten year disqualification; BROOKHOUSE may reapply for certification ten years from the date of revocation. Pam Collett seconded the motion. The motion carried in a 3 to 2 vote with Tamara Atkinson and Corrina Jacobs voting no.*

6. **Next Telecommunications Policy Committee Meeting Date**

February 1, 2012 at 10:00 a.m.

With no further business before the committee, the meeting adjourned at 11:41 a.m.

Appendix A

Telecommunications Policy Committee Minutes (Draft) August 3, 2011

The Telecommunications Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on August 3, 2011 at the Oregon Public Safety Academy in Salem, Oregon. Chair Robert Poirier called the meeting to order at 11:02 a.m.

Attendees

Committee Members:

Robert Poirier, Public Safety Telecommunicators, Chair
Tamara Atkinson, Association of Public Safety Communications Officers
Daniel Coulombe, Oregon Association Chiefs of Police
Rick Eisland, Oregon State Sheriffs' Association
Corinna Jacobs, Telecommunicator
Rich Leipfert, Oregon Fire Chiefs Association
Elizabeth Morgan, Emergency Medical Services and Trauma Systems

Committee Members Absent

Rachel Brudnock, Telecommunicator
Pam Collett, Association of Public Safety Communications Officers
Joe Raade, Oregon Fire Medical Administrators Association

Guests

Steve Beck, Oregon Council of Police Associations
Richard Culley, Oregon State Police

DPSST Staff:

Eriks Gabliks, Director
Carolyn Kendrick, Administrative Assistant
Marilyn Lorange, Standards and Certification Supervisor
Leon Colas, Professional Standards Investigator/Coordinator
Linsay Hale, Certification Coordinator
Jan Myers, Training Coordinator



1. Minutes from May 4, 2011 Meeting

Approve meeting minutes from May 4, 2011.

See Appendix A for details.

Rich Leipfert moved to approve the minutes from the May 4, 2011 Telecommunications Policy Committee meeting. Rick Eisland seconded the motion. The motion carried unanimously.

2. **Shelly C. Baugher, Medix Ambulance – DPSST #32950**

Presented by Marilyn Lorange

See Appendix B for details.

- *Corinna Jacobs moved that the Telecommunications Policy Committee adopts the staff report as the record upon which its recommendations are based. Rick Eisland seconded the motion. The motion carried unanimously.*
- By discussion and consensus:
 - a. Identify the conduct that is at issue, specific to this case: *Abandonment of job.*
 - b. The identified conduct did not involve **Dishonesty**.
 - c. The identified conduct did involve a **Disregard for the Rights of Others based on failure to protect and serve the public by not showing up for work.**
 - d. The identified conduct did not involve **Misuse of Authority**.
 - e. The identified conduct did involve **Gross Misconduct. BAUGHER's absence created a danger or risk to the efficient operation of the agency.**
 - f. The identified conduct did involve **Misconduct. BAUGHER did not follow practices generally followed by public safety professionals.**
 - g. The identified conduct did not involve **Insubordination**.
- By discussion and consensus, the Policy Committee must identify and consider any mitigating and aggravating circumstances. *No additional mitigating or aggravating circumstances were identified by the Policy Committee.*
- *Elizabeth Morgan moved that the Telecommunications Policy Committee finds BAUGHERS's conduct does rise to the level to warrant the revocation of her certification(s), and therefore recommends to the Board that these certification(s) be revoked. Rich Leipfert seconded the motion. The motion carried unanimously.*
- *Elizabeth Morgan moved that the Telecommunications Policy Committee recommend to the Board that BAUGHER's misconduct encapsulated all of the categories noted above with a focus on the lowest end of the Disregard for the Rights of Others category a five year disqualifier; BAUGHER may reapply for certification five years from the date of revocation. Rich Leipfert seconded the motion. The motion carried unanimously.*

3. **Cynthia M. Grundman, Bureau of Emergency Communications – DPSST #33256**

Presented by Marilyn Lorange

See Appendix C for details.

- ***Rick Eisland moved that the Telecommunications Policy Committee adopts the staff report as the record upon which its recommendations are based. Corinna Jacobs seconded the motion. The motion carried unanimously.***
- By discussion and consensus:
 - a. Identify the conduct that is at issue, specific to this case: ***Unprofessional call-taking, dishonesty, policy violation, non-performance and negligence of duties, and failure to provide appropriate pre-arrival instruction as per protocol.***
 - b. The identified conduct ***did*** involve **Dishonesty**. ***GRUNDMAN was dishonest, feigning ignorance, regarding the conversation with her supervisor and caller on hold.***
 - c. The identified conduct ***did*** involve a **Disregard for the Rights of Others based on inappropriateness with callers, failure to follow protocols, and feigned ignorance.**
 - d. The identified conduct ***did*** involve **Misuse of Authority based on abuse of public trust**. ***GRUNDMAN failed to provide appropriate pre-arrival instruction.***
 - e. The identified conduct ***did*** involve **Gross Misconduct regarding the childbirth call**. ***GRUNDMAN's instruction was contrary to agency protocol.***
 - f. The identified conduct ***did*** involve **Misconduct based on GRUNDMAN's failure to follow standards normally followed by public safety professionals.**
 - g. The identified conduct ***did not*** involve **Insubordination**. ***Because of the difficulty in articulating the definition listed in the first article of Insubordination, the consensus of the Policy Committee is that there is no Insubordination.***
- By discussion and consensus, the Policy Committee must identify and consider any mitigating and aggravating circumstances. ***The Policy Committee stated as an aggravating circumstance GRUNDMAN caused her peers and the public to reasonably doubt her Regard for the Rights of Others. No mitigating circumstances were identified.***
- ***Rich Leipfert moved that the Telecommunications Policy Committee finds GRUNDMAN's conduct does rise to the level to warrant the revocation of her certification(s), and therefore recommends to the Board that these certification(s) be revoked. Rick Eisland seconded the motion. The motion carried unanimously.***
- ***Rick Eisland moved that the Telecommunications Policy Committee recommend to the Board that GRUNDMAN's misconduct encapsulated all of the categories noted above with a focus on the highest end of the Dishonesty category a lifetime disqualifier; GRUNDMAN may never reapply for certification. Rich Leipfert seconded the motion. The motion carried unanimously.***

4. Linda Bevers, Springfield Police Department – DPSST #19893

Presented by Linsay Hale

The Policy Committee convened in Executive Session at 11:40 a.m. to discuss matters exempt from public disclosure regarding the BEVER'S case.

The Policy Committee reconvened in Regular Session at 11:49 a.m. to take action on matters regarding the BEVER'S case.

- *Rich Leifert moved that the committee recommend to the Board the approval of a medical waiver of the hearing standards based on information provided by medical professionals. Tami Atkinson seconded the motion. The motion carried unanimously.*

The Policy Committee asked staff to look into updating the rule to make the standard consistent with other law enforcement disciplines.

5. Nicholas J. Coker, Seaside Police Department – DPSST #48176

Presented by Leon Colas

See Appendix D for details.

- *Rick Eisland moved that the committee send its original recommendation of COKER's revocation and period of ineligibility, with the supplemental exhibits to the Board for their consideration. Rich Leifert seconded the motion. The motion carried unanimously.*

6. Additional Business

Presented by Eriks Gabliks

Budget: DPSST was one of the earlier state budgets to be approved. DPSST has made all recommended reductions. The Telecommunications Program stayed intact.

Legislative Update:

- There were not any bills passed in this session pertaining to Use of Force statutes. There was only one hearing regarding the Use of Force.
- The University of Oregon is very interested in creating a police department. In order to do this state statute needed to be changed. The caveat within that statute is a University can only form a police department with approval from the Board of Higher Education. The University of Oregon is working with the Board of Higher Education and Central Lane Communications.
- Tribal Law Enforcement: DPSST is pleased to have in statute that if any tribal officer is going to have state peace officer powers off of the reservation, every officer on the reservation will have to comply with all of DPSST standards.

Listening Tour: Overall feedback from the state listening tour has been very positive. An issue DPSST is in the process of addressing is the Middle Management/Supervisor training reporting process. Staff is streamlining the process to make reporting this training more user-friendly and will be beta testing the new proposed process the middle of August.

DPSST has received good feedback about the APCO/NENA grants which enabled us to partner to provide training to mid-level and senior telecommunicators. We will be jointly providing training again this biennium.

DPSST has also received notification from Oregon Emergency Management regarding \$40,000 that needs to be spent by the end of November for telecommunications training related to Homeland Security. DPSST has offered to host training from the SEIC and provide meals and lodging.

DPSST is working with APCO/NENA to find a suitable replacement for Tami Atkinson who will be termed out at the end of the year.

7. Next Telecommunications Policy Committee Meeting Date

November 2, 2011 at 11:00 a.m.

With no further business before the committee, the meeting adjourned at 12:04 p.m.

Appendix B

Department of Public Safety Standards and Training Memo

Date: November 2, 2011

To: Telecommunications Policy Committee

From: Linsay Hale

Rules Coordinator

Subject: OAR 259-008-0011 – Proposed Rule

Minimum Standards for Employment as a Telecommunicator and Emergency
Medical Dispatcher

Issue: Current rule language requires telecommunicators and emergency medical dispatcher applicants to meet the National Emergency Number Association (NENA) hearing standard 54-002 for uncorrected hearing loss. There is no language in the standard allowing applicants to re-test the hearing standard with correction, consequently making it necessary to request a medical waiver when the standard could have been met with amplification devices. This rule update would allow applicants to re-test with corrective devices allowing them meet the NENA hearing standards.

The following revised language for OAR 259-008-0011 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~).

259-008-0011

Minimum Standards for Employment as a Telecommunicator and Emergency Medical Dispatcher

(6) Physical Examination. All Telecommunicators and Emergency Medical Dispatcher applicants must be examined by a licensed physician.

(f) Applicants for the position of Telecommunicator or Emergency Medical Dispatcher must have sufficient hearing in both ears to perform essential tasks without posing a direct threat to themselves or others.

(A) The applicant must meet National Emergency Number Association (NENA) hearing standard 54-002 (June 10, 2006).

(B) If the applicant cannot meet the identified hearing standard without correction, the applicant may utilize hearing amplification devices to meet the hearing standard. The Department may require an applicant to have another examination by a licensed

audiologist or otorhinolaryngologist (ear, nose, throat) designated by the Department to verify that the applicant's corrected hearing meets the Board's minimum hearing standard.

ACTION ITEM 1: Determine whether to recommend filing the proposed language for OAR 259-008-0011 with the Secretary of State as a proposed rule.

ACTION ITEM 2: Determine whether to recommend filing the proposed language for OAR 259-008-0011 with the Secretary of State as a permanent rule if no comments are received.

ACTION ITEM 3: Determine whether there is a significant fiscal impact on small businesses.

Appendix C

Department of Public Safety Standards and Training Memo

Date: November 2, 2011
To: Telecommunications Policy Committee
From: Linsay Hale
Rules Coordinator

Subject: OAR 259-008-0100 – Proposed Rule
Miscellaneous Activities of the Board or Department

Issue: This rule update clarifies the process for retired public safety professionals to receive Retirement Cards.

The following revised language for OAR 259-008-0100 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~).

259-008-0100

Miscellaneous Activities of the Board or Department

(6) The Department may, on request, issue Retirement Cards to those **Department-certified** ~~DPSST certified law enforcement officers~~ **public safety professionals** who have honorably served the citizens of Oregon and who have **honorably** retired from their agency ~~under honorable conditions~~.

(a) For the purposes of this rule, "**honorably** retired" means reaching the **State of Oregon's** recognized retirement age **and retiring in good standing from a certified position as a public safety professional** with a minimum of five (5) years of full-time ~~law enforcement~~ **public safety** experience in Oregon.

(b) An ~~officer~~ **public safety professional** who has sustained a permanent disability that prevents a return to ~~law enforcement~~ **their certifiable position** may qualify for a Retirement Card if the ~~officer~~ **public safety professional** has served a minimum of five (5) years as a full-time ~~law enforcement officer~~ **public safety professional** in Oregon.

(c) The request for a Retirement Card shall **must** be made by the agency ~~in~~ **with** which the ~~officer~~ **public safety professional** was last employed. The request shall **must** be made **using a FORM XXXX** ~~in writing~~.

(d) The Department will issue only one Retirement Card per qualifying public safety professional.

(e) If a Retirement Card is lost or damaged, the Department may issue a replacement Card if requested by the applicable public safety professional.

ACTION ITEM 1: Determine whether to recommend filing the proposed language for OAR 259-008-0100 with the Secretary of State as a proposed rule.

ACTION ITEM 2: Determine whether to recommend filing the proposed language for OAR 259-008-0100 with the Secretary of State as a permanent rule if no comments are received.

ACTION ITEM 3: Determine whether there is a significant fiscal impact on small businesses.

Appendix D

Department of Public Safety Standards and Training Staff Report

Date: November 2, 2011

To: Telecommunications Policy Committee

From: Lindsay Hale, Rules & Compliance Coordinator
Standards & Certification Program

Subject: Request for Medical Waiver – Samantha Van Cleave

Issue: The La Grand Police Department (LPD) is requesting a waiver of the minimum medical requirements for telecommunications certification for Samantha Van Cleave. OAR 259-008-0011(11) allows the Board to "waive any physical requirement where, in its judgment, the waiver would not be detrimental to the performance of a telecommunicator or emergency medical dispatcher's duties."

Background: Ms. Van Cleave has been given a conditional offer of employment as a telecommunicator with the LPD, pending the outcome of her pre-employment physical.

An F-2T Medical Examination form dated September 15, 2011 and signed by Bert Frewig, O.D. was submitted to DPSST on September 19, 2011. The hearing portion of the exam, completed by Michael Stark on July 26, 2011, indicates that Ms. Van Cleave's uncorrected hearing thresholds were scored at 55 dB in her left ear and 45 dB in her right ear at 2000 Hz, and 50 dB in her right ear at 3000 Hz and therefore failed to meet the hearing acuity standards.

On August 9, 2011, Ms. Van Cleave's hearing acuity was re-tested by Audiologist Robin Maxon. Uncorrected, she again failed to meet the minimum hearing standards by scoring 60 dB in her left ear at 2000 Hz and 60 dB in her right ear at 3000 Hz. On August 16, 2011, Ms. Van Cleave's hearing acuity was again tested by Audiologist Robin Maxon, this time with hearing aids. Her corrected hearing met all minimum hearing standards.

The current NENA hearing standards for telecommunicators specifies that "public safety telecommunicators shall have no uncorrected hearing loss, in either ear" greater than the minimum standards; however it does not allow for re-testing with correction to meet the requirements. The standard does, however, make mention of the requirement of agencies to create reasonable accommodations to comply with ADA requirements which include headsets with built in amplification and hearing aids.

On September 19, 2011 DPSST received a letter from LPD Chief Brian Harvey requesting a waiver of the hearing standards for Samantha Van Cleave.

Request: A) OAR 259-008-0011(6)(f) requires applicants for the position of telecommunicator or emergency medical dispatcher to have sufficient hearing in both ears to perform essential tasks without posing a direct threat to themselves or others. The applicant must meet National Emergency Number Association (NENA) hearing standard 54-002 (June 10, 2006). The current standard is that telecommunicators/emergency medical dispatchers must not have any uncorrected hearing loss, in either ear, greater than: 30 dB in the better ear and 50 dB in the worst ear at 2000 Hz, and 40 dB in the better ear at 3000 Hz.

Ms. Van Cleave's ears tested uncorrected at 55 dB and 60 dB in her left ear and 45 dB and 30 dB in her right ear at 2000 Hz, and 50 dB and 55 dB in her right ear at 3000 Hz. Her corrected hearing met all requirements.

LPD is requesting a waiver of the hearing standard.

The applicable standard is found in OAR 259-008-0011(11), which allows the Board to "waive any physical requirement where, in its judgment, the waiver would not be detrimental to the performance of a telecommunicator or emergency medical dispatcher's duties."

ACTION ITEM: The Committee needs to determine whether they will recommend approval of a waiver of the hearing standards to the Board for Samantha Van Cleave.

Appendix E

Department of Public Safety Standards and Training

Memorandum

DATE: November 2, 2011

TO: Telecommunications Policy Committee

FROM: Leon S. Colas

Professional Standards Investigator/Coordinator

SUBJECT: JENNIFER L. BROOKHOUSE DPSST #28900

Clackamas County Communications

ISSUE:

Should Jennifer L. BROOKHOUSE's Basic Emergency Medical Dispatcher and Basic, Intermediate and Advanced Telecommunications certifications be revoked, based on violation of the moral fitness standards defined in OAR 259-008-0011, and as referenced in OAR 259-008-0070?

The issue in this case involves BROOKHOUSE's probationary discharge.

BACKGROUND and OVERVIEW

- 1. During the years of 1994 through 2011, BROOKHOUSE served as a telecommunicator and emergency medical dispatcher, attended Basic Emergency Dispatcher and Telecommunicator courses, signed her Code of Ethics and obtained her Basic Emergency Medical Dispatcher and Basic, Intermediate and Advanced Telecommunicator Certificates.*
- 2. In July, 2011, BROOKHOUSE received a probationary discharge from Clackamas County Communications, where she had been employed since November, 2009. Subsequently, DPSST sought and obtained information relating to the probationary discharge.*
- 3. In August, 2011, DPSST notified BROOKHOUSE via certified mail that her case would be heard before the Telecommunications Policy Committee (TPC) and allowed her an opportunity to provide mitigating circumstances for the Committee's consideration. BROOKHOUSE has not provided a response.*

DISCUSSION:

ORS 181.640 requires that DPSST, through its Board, identify in Oregon Administrative Rules (OAR) the conduct that requires denial or revocation (mandatory disqualifying misconduct). For all other misconduct, denial or revocation is discretionary, based on Policy Committee and Board review. (ref. OAR 259-008-0070(4), (9))

DISCRETIONARY DISQUALIFYING MISCONDUCT

OAR 259-008-0070 specifies discretionary disqualifying misconduct as:

(4)(a) (A) The public safety professional or instructor falsified any information submitted on the application for certification or on any documents submitted to the Board or Department;

(B) The public safety professional or instructor fails to meet the applicable minimum standards, minimum training or the terms and conditions established under ORS 181.640; or

(C) The public safety professional or instructor has been convicted of an offense, listed in subsection (4), punishable as a crime, other than a mandatory disqualifying crime listed in section (3) of this rule, in this state or any other jurisdiction.

(b) For purposes of this rule, discretionary disqualifying misconduct includes misconduct falling within the following categories:

(A) Category I: Dishonesty: Includes untruthfulness, dishonesty by admission or omission, deception, misrepresentation, falsification;

(B) Category II: Disregard for the Rights of Others: Includes violating the constitutional or civil rights of others, and conduct demonstrating a disregard for the principles of fairness, respect for the rights of others, protecting vulnerable persons, and the fundamental duty to protect and serve the public.

(C) Category III: Misuse of Authority: Includes abuse of public trust, obtaining a benefit, avoidance of detriment, or harming another, and abuses under the color of office.

(D) Category IV: Gross Misconduct: Means an act or failure to act that creates a danger or risk to persons, property, or to the efficient operation of the agency, recognizable as a gross deviation from the standard of care that a reasonable public safety professional or instructor would observe in a similar circumstance;

(E) Category V: Misconduct: Misconduct includes conduct that violates the law, practices or standards generally followed in the Oregon public safety profession. NOTE: It is the intent of this rule that "Contempt of Court" meets the definition of Misconduct within this category; or

(F) Category VI: Insubordination: Includes a refusal by a public safety professional or instructor to comply with a rule or order, where the order was reasonably related to the orderly, efficient, or safe operation of the agency, and where the public safety professional's or instructor's refusal to comply with the rule or order constitutes a substantial breach of that person's duties.

POLICY COMMITTEE AND BOARD REVIEW:

In making a decision to authorize initiation of proceedings based on discretionary disqualifying misconduct, (criminal or non-criminal) OAR 259-008-0070(9)(d) requires the Policy Committee and the Board to consider mitigating and aggravating circumstances, including, but not limited to:

- (A) When the misconduct occurred in relation to the public safety professional's or instructor's employment in public safety (i.e., before, during after);*
- (B) If the misconduct resulted in a conviction:*
- (i) Whether it was a misdemeanor or violation;*
 - (ii) The date of the conviction(s);*
 - (iii) Whether the public safety professional or instructor was a minor at the time and tried as an adult;*
 - (iv) Whether the public safety professional or instructor served time in prison/jail and, if so, the length of incarceration;*
 - (v) Whether restitution was ordered, and whether the public safety professional or instructor met all obligations;*
 - (vi) Whether the public safety professional or instructor has ever been on parole or probation. If so, the date on which the parole/probation period expired or is set to expire;*
 - (vii) Whether the public safety professional or instructor has more than one conviction and if so, over what period of time;*
- (C) Whether the public safety professional or instructor has engaged in the same misconduct more than once, and if so, over what period of time;*
- (D) Whether the actions of the public safety professional or instructor reflect adversely on the profession, or would cause a reasonable person to have substantial doubts about the public safety professional's or instructor's honesty, fairness, respect for the rights of others, or for the laws of the state or the nation;*
- (E) Whether the misconduct involved domestic violence;*
- (F) Whether the public safety professional or instructor self reported the misconduct;*
- (G) Whether the conduct adversely reflects on the fitness of the public safety professional or instructor to perform as a public safety professional or instructor;*
- (H) Whether the conduct renders the public safety professional or instructor otherwise unfit to perform their duties because the agency or public has lost confidence in the public safety professional or instructor;*
- (I) What the public safety professional's or instructor's physical or emotional condition was at the time of the conduct.*

STANDARD OF PROOF:

The standard of proof on this matter is a *preponderance of evidence*; evidence that is of greater weight and more convincing than the evidence offered in opposition to it; more probable than not. [Ref ORS 183.450(5)]

ACTION ITEM 1:

Staff requests the Policy Committee review the matter and recommend to the Board whether or not to revoke BROOKHOUSE's certifications based on violation of the established moral fitness standards:

2. By vote, the Policy Committee *adopts/does not adopt* the Staff report as the record upon which its recommendations are based.
3. By discussion and consensus:
 - a. Identify and articulate the **misconduct that is specific to this case**.
 - b. The identified conduct *did/did not* involve **Dishonesty**.
 - c. The identified conduct *did/did not* involve a **Disregard for the Rights of Others**.
 - d. The identified conduct *did/did not* involve **Misuse of Authority**.
 - e. The identified conduct *did/did not involve* **Gross Misconduct**.
 - f. The identified conduct *did/did not* involve **Misconduct**.
 - g. The identified conduct *did/did not* involve **Insubordination**.
4. By discussion and consensus, the Policy Committee must identify and consider any mitigating and aggravating circumstances.
5. By vote, the Policy Committee finds BROOKHOUSE's conduct *does/does not* rise to the level to warrant the revocation of her certifications(s), and therefore recommends to the Board that these certification(s) *be revoked/not be revoked*.

ACTION ITEM 2 (required only if the Committee recommends to the Board that certification be denied or revoked):

Under OAR 259-008-0070(4)(d), upon determining to proceed with the denial or revocation of a public safety professional's certification based on discretionary disqualifying misconduct, the Policy Committee and Board must determine an *initial* minimum period of ineligibility to apply for certification, using the following ineligibility grid:

- (A) Category I: Dishonesty (5 years to Lifetime).
- (B) Category II: Disregard for Rights of Others (5 years to 15 years).
- (C) Category III: Misuse of Authority (5 years to 10 years).
- (D) Category IV: Gross Misconduct (5 years to 10 years).
- (E) Category V: Misconduct (3 years to 7 years).
- (F) Category VI: Insubordination (3 years to 7 years).

By vote, the Policy Committee recommends to the Board that the minimum period of ineligibility to reapply for certification will be *identify period of time* from the date of revocation.