

OREGON DPSST
ETHICS BULLETIN
Volume No. 60



The Board on Public Safety Standards and Training (BPSST) has the legislative mandate to establish and enforce minimum standards for all law enforcement officers, fire service professionals, telecommunicators and emergency medical dispatchers in the state. This requirement also defines the procedure for the Department and Board to use when denying or revoking certification of an individual who has fallen below the minimum standards.

The Ethics Bulletin is published to provide insight into the types of misconduct that could result in revocation or denial of certification. The following cases have resulted in consideration of **revocation or denial** of certifications by DPSST in **September 2008**.

The Department continues to ensure that certified public safety officers and those seeking certification who abuse the public's trust will be held accountable for their actions.

September Statistics

Cases Opened	49	Of the 50 Cases Closed:	
Cases Closed	50	Revoked	3
Cases Pending	175	Denied	1
		No Action	46

Update: *Although discharge for cause has been grounds for fire service revocation for many years, until 2005 there were no criminal convictions for which a fire service professional's certifications could be revoked.*

During the 2005 legislative session, the laws governing professional standards for fire service personnel were changed. Conviction of a Measure 11 felony crime is now a mandatory disqualifier for purpose of fire service certification. Conviction of other crimes may also result in denial or revocation if it is determined that the fire service professional is not fit to hold certification.

Following passage of the legislation a constituent workgroup met and identified Core Values that are integral to the fire service profession. Through this process specific crimes were then identified that violated the Core Values which include, honesty, professionalism, and justice. These crimes now make up the list of discretionary crimes that may result in denial or revocation. The list is found in OAR 259-009-0070(6). Discretionary convictions require review by the Fire Policy Committee.

Now that these changes are in place we will begin summarizing professional standards cases involving fire service personnel in the monthly Ethics Bulletins.

Case 1

Fire Service Professional A was discharged for cause after an internal investigation revealed that he was submitting altered or falsely produced documents to receive scholarship funds from his agency. Fire Service Professional A was issued a Notice of Intent to Revoke Certifications, did not request a

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hearing and was subsequently issued a Default Final Order Revoking Certifications. Fire Service Professional A's misconduct ended his 4-year career.

Fire Service Professional A's NFPA Fire Fighter I, NFPA Driver, NFPA Pumper Operator, NFPA Wild land Fire Operator, NFPA Fire Fighter II, First Responder Operations and Wild land Interface Fire Fighter Certifications were Revoked.

Case 2

Fire Service Professional B, an agency head, applied for fire certification and a routine record check revealed that he had been convicted of numerous felony crimes, which included Robbery in The Third Degree, Possession of Controlled Substances-Methamphetamine and Burglary in the First Degree. Additionally Fire Service Professional B had been convicted of Assault in the Fourth Degree, Frequenting a Place Where Controlled Substances are Used, Criminal Mischief in the Second Degree, Harassment and Menacing. Fire Service Professional B's criminal record extended from 1996 to 2003, when he was incarcerated. These convictions are considered discretionary, for purposes of fire service certifications. Fire Service Professional B was notified that his case would be heard before the Fire Policy Committee and he was allowed to provide mitigating circumstances for their consideration. Prior to the meeting Fire Service Professional B submitted a Stipulated Order Denying his Certifications, closing this matter. Fire Service Professional B's misconduct prevented him from obtaining Fire Certifications.

Fire Service Professional B's NFPA Driver and NFPA Pumper Operator Certifications were Denied.

Case 3

Officer C was convicted of Prostitution, a mandatory disqualifying offense. Officer C was issued a Notice of Intent to Revoke Certifications and responded with a timely request for hearing. DPSST filed a Motion for Ruling on Legal Issues (Summary Determination) with the Administrative Law Judge (ALJ) asserting that there was no genuine issue as to any material fact that is relevant to resolution of the legal issues for which a decision is sought. The ALJ issued a Proposed Order revoking Officer C's certification. Officer C did not file exceptions to the Proposed Order. DPSST adopted the ALJ's Proposed Order in its entirety and filed a Final Order Revoking Certification. Officer C's misconduct ended his 22-year career.

Officer C's Basic, Intermediate and Advanced Corrections Certifications were Revoked.

Case 4

Officer D was discharged for cause, based on a number of incidents, after an internal investigation revealed that he had engaged in improper off-duty conduct and untruthfulness. Officer D was involved in a traffic altercation in which he took enforcement action, and was subsequently untruthful about his actions. That incident, combined with a pattern of unacceptable behavior, formed the basis of the discharge. Other incidents included improper payment of health insurance premiums and numerous internal and external complaints about his contact with the public. DPSST issued a Notice of Intent to Revoke Certifications. Officer D grieved the discharge; an Arbitrator ultimately found that the misconduct did occur and that Officer D's untruthfulness continued through the arbitration hearing. DPSST filed a Motion for Ruling on Legal Issues (Summary Determination) with the Administrative Law Judge (ALJ) asserting that there was no genuine issue as to any material fact that is relevant to resolution of the legal issues for which a decision is sought. The ALJ issued a Proposed Order revoking Officer D's certification. Officer D did not file exceptions to the Proposed Order. DPSST adopted the ALJ's Proposed Order in its entirety and filed a Final Order Revoking Certification. Officer D's misconduct ended his 18-year career.

Officer D's Basic Police Certification was Revoked.

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