

Fire Policy Committee Minutes

November 30, 2022

The Fire Policy Committee (FPC) of the Board on Public Safety Standards and Training (Board) held a regular meeting on November 30, at 9:00 a.m. in the Boardroom at the Oregon Public Safety Academy located at 4190 Aumsville Hwy SE, Salem, Oregon. The meeting was called to order at 9:18 a.m.

Committee Members:

James Oeder, Chair, Oregon Volunteer Firefighters Association
Mariana Ruiz-Temple (Designee Claire McGrew), Oregon State Fire Marshal
Jim Adams, Oregon State Fire Fighters Council
Darren Bucich, Oregon Fire Chiefs Association
Rose Douglass, Oregon Fire Training Association
Tim Holschbach, Forest Protection Agencies
Mark Kreutzer, Oregon Fire District Director's Association
Vacant, Oregon State Fire Fighters Council
Vacant, Public Member
TaiLese Swanson, Community College Fire Programs
Gert Zoutendijk, Oregon Fire Marshals Association

Absent Members:

Sara Boone (Designee Ryan Gillespie), Portland Fire & Rescue

DPSST Staff:

Julie Olsen, Fire Program Manager
Jennifer Howald, Rules Coordinator
Kayla Ballrot, Fire Certification Supervisor
Brooke Bell-Urbe, Fire Certification Specialist
Julia Budlong, Fire Program Support Specialist



1. Introductions

Introductions of members and staff were presented.

2. ***Minutes**

Approve the May 25, 2022, Meeting Minutes.

- *Mark Kreutzer moved that the committee approve the minutes of the May 25, 2022, FPC meeting. Gert Zoutendijk seconded the motion. The motion passes unanimously.*

3. ***Andry, Brett DPSST #25852**

Presented by Brooke Bell-Uribe

On May 25, 2022 DPSST Staff presented the following case for review by the FPC. This review resulted in a unanimous vote of NO ACTION to be recommended to the Board. In the time between the FPC meeting and the Board meeting, FPC Chairperson Chief James Oeder chose to withdraw the case for Board consideration and return it to the FPC for further discussion. DPSST Staff presented the case again to the committee and included the previous mitigation (verbal and written) for review. Brett Andry was also given the opportunity to submit further verbal and written mitigation for consideration.

DPSST received an arrest alert from the Law Enforcement Data System (LEDS) that Brett Andry was arrested for Online Sexual Corruption of a Child and Luring a Minor on August 25, 2020. On September 22, 2021 Brett Andry pled guilty to and was convicted of Luring a Minor, a Misdemeanor Class A, a crime for which a term of imprisonment of more than 30 days but not more than 364 days may be imposed. Andry’s conduct violates the core values of integrity and professionalism.

Due to the misdemeanor conviction occurring within the last five years and the underlying conduct that is a sexual offense, this case requires review by the FPC.

Vote/Consensus	Second	Vote	Outcome
Gert Zoutendijk moved that the FPC adopt the staff report as the record upon which its recommendations are based.	Tim Holschbach	9 ayes	Motion passes unanimously
The FPC found that Andry’s dishonesty with the arresting officer, continuous involvement in communication with the victim, and the fact the victim was portrayed as a minor to be considered as aggravating circumstances .			
The majority of the FPC found the professional opinion from Andry’s counselor, continuation of counseling, and letters of support to be considered as mitigating circumstances .			

After considering the totality of the case Gert Zoutendijk made a motion for <i>No Action</i> to the Board for Andry's certifications. A second motion was not made- motion failed. TaiLese Swanson moved to recommend a vote of <i>Action</i> to the Board for Andry's certifications.	Claire McGrew	8 ayes 1 nay (Zoutendijk)	Motion passes
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4. ***White, Christian E. DPSST #41515**

Presented by Brooke Bell-Uribe

DPSST received an application for certification for Christian White on November 17, 2021. During their routine background and criminal history check on applications for certification, DPSST staff found that White had a criminal conviction in his history. On November 20, 2017, White plead guilty to and was convicted of Possess Controlled Substances, Health and Safety Code (HS) 11377(A), a Misdemeanor in the State of California. This conviction has a term of imprisonment of up to 364 days.

As of November 21, 2022, this conviction is past the five-year look back period but has been brought forward because the application was submitted and staff found the conviction while still within in the five-year window. Due to the misdemeanor conviction and the underlying conduct that involves a drug offense and dishonesty, this case requires review by the FPC.

Vote/Consensus	Second	Vote	Outcome
Mark Kreutzer moved that the FPC adopt the staff report as the record upon which its recommendations are based.	Claire McGrew	9 ayes	Motion passes unanimously
The FPC found that dishonesty to law enforcement to be considered as an aggravating circumstance .			
The majority of the FPC found that the time since the incident, actions taken after the incident, and his four years of sobriety to be considered as mitigating circumstances .			
After considering the totality of the case Darren Bucich moved to recommend a vote of <i>No Action</i> to the Board for White's application for certifications.	Jim Adams	9 ayes	Motion passes unanimously

5. *** Southworth, Lemont DPSST #37547**

Presented by Brooke Bell-Uribe

This case was initially reviewed by the FPC on May 25, 2022. The FPC voted to take No Action against Lemont Southworth's certifications with a vote of 7 for taking no action and one abstaining. After the FPC meeting and prior to the Board meeting, FPC Chair James Oeder determined to withdraw the case from review by the Board and return it to the FPC for further consideration. Southworth's previous written mitigation has been provided to the FPC and he was given the opportunity to submit new mitigation in verbal and written form.

On January 27, 2020 DPSST staff received an application for National Fire Protection Association (NFPA) Fire Fighter I for Lemont Southworth. On December 27, 2021, DPSST received fingerprint results for Southworth that showed he had a criminal conviction in his history.

On July 20, 2017, Southworth plead No Contest to and was convicted of Attempted Access Pornographic or Indecent Material on School Property, a class B Misdemeanor in the State of Utah. This conviction is punishable by up to six months in jail.

Due to the misdemeanor conviction which occurred in the last 5 years and the underlying conduct that involves a sexual offense, this qualifies as a discretionary disqualifying conviction for the FPC to review.

Vote/Consensus	Second	Vote	Outcome
Gert Zoutendijk moved that the FPC adopt the staff report as the record upon which its recommendations are based.	Mark Kreutzer	8 ayes 1 abstain (Bucich)	Motion passes
The FPC found that the sexual nature of the video and the fact it occurred on school grounds to be considered as aggravating circumstances .			
The majority of the FPC found that the timeframe since the incident occurred and Southworth not intentionally showing the video to students to be considered as mitigating circumstances .			
After considering the totality of the case Mark Kreutzer moved to recommend a vote of <i>No Action</i> to the Board for Southworth's certifications.	Gert Zoutendijk	7 ayes 1 nay (Swanson) 1 abstain (Bucich)	Motion passes

6. *** Brown, Chad R. DPSST #34676**

Presented by Brooke Bell-Uribe

DPSST received a LEADS alert that Chad Brown had been arrested. DPSST staff tracked the court case and found that Chad Brown was convicted of and plead guilty to Assault in the Fourth Degree, a Misdemeanor Class A on May 17, 2022.

Due to the misdemeanor conviction occurring within the last five years and the underlying conduct that involves violence against a person and dishonesty, this case requires review by the FPC.

Vote/Consensus	Second	Vote	Outcome
Mark Kreutzer moved that the FPC adopt the staff report as the record upon which its recommendations are based.	Rose Douglass	9 ayes	Motion passes unanimously
The FPC found that the conduct in front of minors, the incident occurring while in the fire service, he's on active probation, and documentation supporting physical injury of the spouse to be considered as aggravating circumstances .			
The FPC did not find any mitigating circumstances .			
After considering the totality of the case Rose Douglass moved to recommend a vote of <i>Action</i> to the Board for Brown's certifications.	Mark Kreutzer	9 ayes	Motion passes unanimously

7. *Starbuck, Glenn T. DPSST #41074

Presented by Brooke Bell-Uribe

DPSST received an application for certification for Glen Starbuck on March 14, 2022. During their routine background and criminal history check on applications for certification, DPSST staff found that Starbuck had a criminal conviction in his history. On August 7, 2020, Starbuck plead guilty and was convicted of Criminal Mischief in the Second Degree, a Misdemeanor Class A, a crime for which a term of imprisonment of more than 30 days but not more than 364 days may be imposed.

Due to the misdemeanor conviction occurring within the last five years and the underlying conduct that involves damage of property and dishonesty, this case requires review by the FPC.

Vote/Consensus	Second	Vote	Outcome
Gert Zoutendijk moved that the FPC adopt the staff report	Tim Holschbach	9 ayes	Motion passes unanimously

as the record upon which its recommendations are based.			
The FPC found that Starbuck's dishonesty to law enforcement to be considered as an aggravating circumstance .			
The majority of the FPC found that Starbuck's efforts to repair the damaged property, accountability for his actions, and the fact the incident occurred prior to being in the fire service to be considered as mitigating circumstances .			
After considering the totality of the case Mark Kreutzer moved to recommend a vote of <i>No Action</i> to the Board for Starbuck's application for certifications.	Jim Adams	9 ayes	Motion passes unanimously

8. *Sunia, Rhett DPSST #41600

Presented by Brooke Bell-Uribe

DPSST received an application for certification for Rhett Sunia in December of 2021. During their routine background and criminal history check on applications for certification, DPSST staff found that Sunia had a criminal conviction in his history. On November 12, 2020, Sunia plead guilty to and was convicted of Reckless Driving, a Misdemeanor Class A, a crime for which a term of imprisonment of more than 30 days but not more than 364 days may be imposed.

Due to the misdemeanor conviction occurring within the last five years and the underlying conduct that involved dishonesty and property damage, this case requires review by the FPC.

Vote/Consensus	Second	Vote	Outcome
Gert Zoutendijk moved that the FPC adopt the staff report as the record upon which its recommendations are based.	Mark Kreutzer	9 ayes	Motion passes unanimously
The FPC found that Sunia's pattern of negative behavior, reckless driving, and dishonesty with law enforcement to be considered as aggravating circumstances .			
The FPC did not find any mitigating circumstances .			
After considering the totality of the case Gert Zoutendijk moved to recommend a vote of <i>Action</i> to the Board for Sunia's application for certifications.	Claire McGrew	9 ayes	Motion passes unanimously

9. Administrative Actions

Presented by Brooke Bell-Uribe

Blake, Edward A. DPSST #21869 – Mandatory Revocation Conviction

Blake was affiliated with Eugene Springfield Fire and was certified NFPA Driver, NFPA Apparatus Equipped with/Fire Pump, NFPA Wildland Fire Apparatus, NFPA Mobile Water Supply Apparatus, First Responder Operations, Wildland Interface Fire Fighter, NFPA Fire Fighter I and NFPA Fire Fighter II. On January 31, 2022 Blake was tried and found guilty by a Jury Verdict of Rape in the First Degree, ORS 163.375, a Felony Class A, and Sodomy In the First Degree, ORS 163.405 a Felony Class A. These Measure 11 crimes require revocation of Fire Certifications per OAR 259009-0120(2)(a).

Staff has issued Blake a Notice of Intent to Revoke Certifications and Proposed/Final Order on Default.

10. *Firefighter Austin Smith – St. Paul RFPD, Fallen Fire Fighters Memorial Wall Nomination

Presented by Brooke Bell-Uribe

Background:

On February 3, 2022, Austin Smith was fighting a three alarm barn fire reported at 4:00 am. An explosion caught Smith in its blast, and he was attended to immediately by paramedics on scene. He was then transported to Oregon Health and Science University (OHSU) by Lifelight Helicopter in critical condition. He died from his injuries later that day.

Summary:

Firefighter Smith's loss of life falls within the requirements to be honored on the National Memorial Wall in Emmitsburg, Maryland and is supported by the United States (US) Fire Administration.

Action Items:

Determine if Firefighter Smith qualifies for inclusion on Oregon's Fallen Fire Fighters Memorial Wall.

- *Darren Bucich moved that the committee approve adding Austin Smith to the Oregon Fallen Fire Fighter Memorial Wall. Claire McGrew seconded the motion. The motion passes unanimously.*

11. *Firefighter Logan Taylor – Sasquatch Reforestation, Fallen Fire Fighters Memorial Wall Nomination

Presented by Brooke Bell-Uribe

Background:

On Thursday, August 18, 2022, Firefighter Logan Taylor, owner of Sasquatch Reforestation was struck by a falling tree while fighting the Rum Creek Fire. Jackson County Sheriff's Search and Rescue team was deployed, and Taylor was flown to Asante Rogue Regional Medical Center in Medford. Despite lifesaving efforts, Taylor passed away from his injuries on August 18, 2022.

Summary:

Firefighter Taylor's loss of life falls within the requirements to be honored on the National Memorial Wall in Emmitsburg, Maryland and is supported by the US Fire Administration.

Action Items:

Determine if Firefighter Taylor qualifies for inclusion on Oregon's Fallen Fire Fighters Memorial Wall.

- *Tim Holschbach moved that the committee approve adding Logan Taylor to the Oregon Fallen Fire Fighter Memorial Wall. TaiLese Swanson seconded the motion. The motion passes unanimously.*

12. Agency Updates

Kayla Ballrot Presents:

- Introduction of DPSST Fire Program Book
- Video tutorial on the Fire Program website coming soon
- Maintenance Re-certification reminder-due by 12/31/22
- DPSST-Approved courses starting with "17" expire 12/31/22

Julie Olsen Presents:

- DPSST submitted their Director recommendations to the Governor's office
- DPSST is partnering with Oregon Department of Forestry (ODF) to host multiple classes on campus
- Upcoming Oregon Office of the State Fire Marshal (OSFM) classes on campus
- Opening Southwestern and Northwestern Regional Coordinator positions in December
- Winter Fire School will be held on 2/25-2/26
- Spring Fire School will be held on 4/15-4/16
- OSFM grants starting to roll out
- New staff member/trainer: Ken Waller

13. Next Fire Policy Committee Meeting – February 22, 2023, at 9:00 a.m.

Meeting is adjourned at 11:11 a.m.