

**YAKIMA COUNTY FIRE DISTRICT 4  
BOARD OF COMMISSIONERS  
SPECIAL MEETING  
JANUARY 29, 2007**

Commission Chairman Scott Kokenge called the meeting to order at 1900 hours at East Valley Station 40. Those also present were Commissioners Les Riel and Dan McNulty, Chief Warren Gay, District's Attorney Brian Snure, Attorney Richard Bartheld, East Valley Fire Personnel, Citizens of the District, and District Secretary Tina Liniger.

Chairman Kokenge introduced Brian Snure and stated that Mr. Snure would go over how the proceedings will take place. Mr. Snure stated that the purpose of tonight's meeting is to consider 4 employees and the recommended disciplinary action the Chief has made to the Board. The chief has made recommendations, no decisions have been made. This is the employee's opportunity to respond to the Chief's recommendations and the report of the independent investigator that was hired by the Board. As a result, there will be four hearings conducted. Each individual will have their own hearing, their opportunity to respond. There won't be a public comment period but each individual can have anybody speak on their behalf. By direction of the Board, these hearings will be held in Executive Session unless the employees want to have held in open session, and they have the right to have them in open session. If they are held in Executive Session, the Board will move to another room to hold the hearing there, if they want them in open sessions, they will be right here for everyone to observe. The hearings procedurally, the Chief will present his recommendation to the Board which each employee has received previously and each employee will then have an opportunity to respond. After each hearing is closed, the Board will deliberate at a later time, any decision that it makes, if it make one tonight or at a later date, will be made in open public meeting with the public present. Mr. Snure stated that the Board would proceed alphabetically with the hearings.

Chairman Kokenge stated that the Board would now conduct a hearing regarding the recommended discipline of Derrick Jacobs. Derrick has requested an Executive Session so the Board will allow that for 30 minutes.

**Executive Session:** Commission Chairman Kokenge called for an Executive Session as per RCW 42.30.110 (1)(f) at 1902 hours and stated the meeting would reconvene in approximately 30 minutes. The meeting resumed at 1935 hours.

Chairman Kokenge stated that the Board would now conduct the hearing regarding discipline for Kyle Jacobs. Mr. Snure stated that he received a letter from Mr. Jacobs's attorney requesting a continuance. Attorney Richard Bartheld stated that he would like to formally present that request to the Board.

Mr. Bartheld addressed the Board. Gentlemen, I'm not here to make excuses tonight, I'm here to state the facts but something caught my attention when you called for the Pledge of Allegiance, the line Justice for all. In this particular case, my client was put on Administrative Leave in August or September. Three months later, in December we

finally get a statement from the Chief, which in general terms, outlines allegations that my client allegedly conducted himself in an improper manner. A week ago today, I get a copy of the investigative report and I also get a copy of the Chief's letter to my client which I'll read and I think your familiar with it. He starts out his letter and in the first paragraph, "a review of the final investigative report dated January 4, 2007 has been paramount in my decision as contained and rendered below. The word paramount means primary concern, the primary basis upon which he takes these actions. My concern is, is that we just got that report and that report contains tremendous amounts of information, opinion information, and contains some alleged factual information. But it also contains information that I believe has been overstated, exaggerated, or overly embellished. For example, there's a comment in the reference with an interview with Sheriff Ken Erwin in this particular case. I have from Sheriff Erwin a letter in which he reflects "in reading the statement attributed to me, the investigator's words have been sensationalized, what I said in response to her questions." I bring that to your attention because it gives me great concern and grave concern that the information upon which you are going to be called upon to make a decision whether or not my client did something wrong and should face discipline is based upon a report that Sheriff Erwin says was sensationalized when attributed to statements that he purportedly made to her. That's why I wrote the letter to the Board and it was not through purpose or design but quite an innocent mistake that I did not direct my letter to Mr. Snure but to members of the Board. It was done in haste but to get as much information to you as possible to send out our request to have an opportunity to investigate some of these purported statements that were made in this report to determine whether or not they are in fact sensationalized, over reported, or embellished. I can assure members of this Board that my client certainly believes there are many things in that report that are inaccurate, that have in fact been sensationalized or blown entirely out of proportion. It is for those reasons that we're asking for an opportunity to have a fair and impartial hearing so that we can present evidence rather than to try to respond to opinions or misstatements of that nature and to bring forward witnesses before this tribunal so that you can make an intelligent decision in that respect. We're not asking at this point and time for this Board to take any other action but to give us an opportunity to be able to gather our witnesses together so that we can respond to these accusations and more importantly, a disclosure of the individual witnesses quoted in that report so that we can do our own independent investigation and call those witnesses if necessary, to testify before this tribunal so that you can hear their words directly so that there is no case of embellishment or sensationalism. When our own Sheriff in this county indicates in his letter, and I have a copy for council and I have copies for members of the Board and I'll hand these out. But when our own Sheriff indicates that statements that he purportedly said have been sensationalized by the investigator, it caused me great concern. One last thing I'd like to address and that is an issue addressed in Mr. Snure's letter to me today, that this is a hearing that is conducted under certain parameters and the case that he sites in his letter to me suggests that as a civil service employee, my client is entitled to a hearing, he's entitled to due process. Members of this community, the concept of due process may have different meanings, but basically what it boils down to is a fair and impartial hearing. He has that right, and we need to have an opportunity to be able to respond to some of the things that are mentioned this report because as the Chief says, it has been, the information in that report

has been the paramount in my decision making process to recommend the action that has been recommended. So I implore you to allow us the opportunity first of all, to continue this matter and secondly, for a full disclosure of the persons identified in that report so that we can follow up and conduct our own investigation. The last thing I'd like to suggest to you is that a lot has been said about the concept of insubordination and talking about this department, talking about this Chief outside the presence of the fire district itself. The very fact is disclosed as to what was purportedly said, when it was said, who it was said to and the context in which it was said. Council, I'm sure Mr. Snure is familiar with the concept of the First Amendment and I daresay that the First Amendment applies to these scenarios. In the case of *Connick vs. Meyer*, 1982 case decided by the United States Supreme Court and *Pickering vs. the Board of Education*, both suggests that a person, just because he is a civil service employee, is not bound to not talk about issues that address public concern outside the department. In fact, the Supreme Court of the United State says that these conversations, if they do affect public concern are protected by the First Amendment and cannot serve as a basis for discipline. That's why I implore upon you to give us the opportunity to find out what we purportedly said or purportedly did outside the bounds of this department that lead to this conclusion by this investigator that my client engaged in some type of conversation which leads to insubordination. Give us the facts, give us an opportunity to investigate those facts based upon this report. And so, on behalf of Mr. Jacobs, we would ask that we have an opportunity to properly respond to these issues.

Brian Snure stated that at this point, he would recommend the Board go into executive Session under RCW 42.30.110 (1) (i) to discuss with legal council representing the agency matters relating to agency enforcement action or to discuss with legal council representing the agency litigation or potential litigation to which the agency governing body where a member acting in an official capacity is or is likely to become a party when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. I would recommend that the Board go into Executive Session for 15 minutes, limited solely to the procedural issue of whether Mr. Bartheld's request for continuation should be granted.

**Executive Session:** Commission Chairman Kokenge called for an Executive Session as per RCW 42.30.110 (1)(i) at 1945 hours and stated the meeting would reconvene in approximately 15 minutes. Chairman Kokenge came out at 2000 hours to extend the Executive Session 15 more minutes. The meeting resumed at 2015 hours.

**Commissioner Riel made a Motion to allow the continuance in two weeks at the next Regular Meeting on February 12, 2007, regular business to be conducted at 7:00 pm at the Hearing to follow at 7:30 pm. Commissioner Kokenge seconded. The Motion carried. Vote – Commissioner Kokenge-aye, Commissioner Riel-aye, Commissioner McNulty-nay.**

Mr. Snure stated that the point he would like to make is that this is a Lauderhill Hearing. It's an opportunity for Mr. Jacob's to respond to the charges against him. The Board has no authority to put people under oath. The Board has no authority or will not be offering

cross examinations. It will not be a trial, it will be a hearing giving Mr. Jacob's the opportunity to respond. Mr. Jacob's has had 17 days to prepare a response. He's obviously done some work, even if Mr. Bartheld has indicated they haven't had enough time. An additional two weeks is some more time because the Board wants to make sure you have the opportunity to fully respond, you've requested the time and it's reasonable to grant you that time but I will contact you Mr. Bartheld to discuss the procedures for the hearing and we have to keep this hearing in prospective to what it is. It's a Lauderhill Hearing, giving you the opportunity to respond. Mr. Bartheld stated that the Lauderhill case is a case that has been settled in United States Supreme Court and Lauderhill Hearing has not addressed specifically the issue of inability to call witnesses to refute allegations. Mr. Snure stated that he believed the appropriate forum to our conversation would be over the phone and through some letters and not at this meeting. Mr. Bartheld stated Mr. Snure, my comment's made to you so that the Board also understands. We need an opportunity to be able to go in and investigate this matter further and to refute allegations. If I have a witness in this hearing room tonight that said I did not make those statements to the investigator and I specifically deny making those statements to the investigator. That is credible evidence that needs to be presented to this Board, just like the opportunity to discover the names of these purportedly witnesses. Mr. Snure asked if Mr. Bartheld had read the investigator's report. Mr. Bartheld stated that he had. Mr. Snure stated that the report lists all 34 names. Mr. Bartheld stated that he would like the names of the witnesses that are identified in this specific section that are referenced to witness 1, 2, 3, and 4. And I can also advise you council and I'll advise the Board that when I met with Linda Montgomery, who was the investigator in this case, and she interviewed one of the witnesses for which I was present, she specifically told that witness that there was no assurances whatsoever that their identity would not be released, that was a decision that would be made by the Board and that any statements they made, they needed to understand that their names might be released and so that's what I'm asking for. We ask for continuance, we also ask for the identity of those specific witnesses that are listed in that report and again, I'm not hearing anything as far as an opportunity to be able to address that issue. Mr. Snure stated that Mr. Bartheld has the opportunity to conduct the investigation that he deems appropriate to represent his client. Mr. Bartheld asked if Mr. Snure was recommending that the Board not identify the specific witnesses that made purported statements that have a direct impact on my client. Mr. Snure asked if Mr. Bartheld enjoyed putting words in his mouth. Mr. Bartheld stated no, but was he speaking those words because that's his question. Mr. Bartheld stated that they need an opportunity to have a fair and impartial hearing, we should at least be able to talk to those witnesses who purportedly made these statements. Mr. Snure stated that Mr. Bartheld had the identity to witness and have the opportunity to talk to them if they want to talk to you. Mr. Bartheld addressed the issue to the Board that he wants to know the specific names of individuals that are listed as specific witness numbers under certain section on that report so we can talk to them. He stated that they have figured out a couple of them and a couple that they figured out are right here tonight and have said absolutely, I never made that statement whatsoever. That's credible evidence that needs to be presented to this Board to find out whether or not there is any solid substance to it. If we're going to play trial by ambush or we're going to hid behind hearsay statements, that's fine, let us know so everybody in this room and this community knows what kind of evidence you

are going to rely upon to make decisions regarding this individual's reputation and his occupation. So based on that, I again renew my request that you specifically direct that the identity of those named witnesses that are attributed to making certain statements be identified so that we can talk to those individuals.

Chairman Kokenge stated that the Board would now conduct a hearing regarding the recommended discipline of Joey Lenberg. Chairman Kokenge asked if Mr. Lenberg would like to hold the hearing in open session or executive session. Mr. Lenberg stated that he would hold it in open session. Chairman Kokenge explained that Chief Gay would present his case supporting disciplinary action first. Chief Gay addressed the Board stating that there was an investigation conducted and there was a letter issued and a meeting with Joey Lenberg on January 12, 2007. At that time I presented to Mr. Lenberg a letter outlining the different areas of the SOP for which he had violations and in that letter I also made recommendations. I attached sections of the SOP and I attached for Mr. Lenberg's own personal copy, a copy of the investigative report. Under the investigation recommendations, they are as follows:

1. You return to active response status with one year probation.
2. This letter and a copy of the above referenced report would be permanently in your personnel file.
3. You're assigned to respond out of Station 40 for emergency responses.
4. You are not allowed to occupy or respond out of either Station 41 or 42 until the Fire Chief authorizes your return to Station 41. You may, at either Station 41 or 42, leave for training, working with a crew on an apparatus out of Station 40, or providing maintenance or resupply after an incident.
5. Any repeat instances as outlined in the above referenced investigative report will constitute a breach of probation and you may and may place you in a situation where termination could be recommended to the Board of Commissioners.
6. You will make 2 out of 3 drills per month. Falling below this figure will constitute a breach of probation.
7. You will make a minimum of 9 calls per month, falling below that 9 calls per month average will constitute a breach of probation.

I also, in that letter notified Mr. Lenberg of the hearing date and a disclaimer that under the Washington State Public Records Act, that there may be a possibility that the public would have access to this report. My recommendation stands.

Chairman Kokenge informed Mr. Lenberg he now had a chance to respond.

Mr. Lenberg asked for clarification on item #7. He asked if it was a minimum of 9 calls or was it an average. Chief Gay stated it was an average. He stated that Mr. Lenberg has been off for the last 4 months and he would assume, as most reasonable people, that he needed to make 9 calls the first month and the second call if you fall below that, that doesn't average 9. Chief Gay stated this was simple arithmetic and asked if he was clear. Mr. Lenberg stated yes. He went on to state that his second concern was item #1, which

states you return to active response status with one year probation. Mr. Lenberg stated that he felt the one year probation was excessive because he was accused of 4 different charges and only one of them was actually accredited and he didn't feel that one year probation would be fit for the crime. He asked for time served – four month. Chairman Kokenge informed Chief Gay that he had the opportunity to question the employee at this time. Chief Gay stated that he rest.

Chairman Kokenge stated that the Board would now conduct a hearing regarding the recommended discipline of Chris Jones.

Mr. Bartheld stated that Mr. Jones would be represented by council and that they would be holding this hearing in public.

Chief Gay stated that first of all, attached to the report here is a copy of a statement by staff that witnessed that Chris Jones came in for his interview with me on the 12<sup>th</sup>. Chris wanted his friend that was with him to sit in on the interview. Chief Gay stated that it was a non-disciplinary hearing, that it was between employee and Chief. Chris refused the meeting, Chief gave him the letter. Chris showed highly excited negative attitude and left spouting off negative remarks. Chief Gay stated that he put this to show that the letter was never read to Chris. We never discussed the letter, and he left with the packet. Under the recommendations for Chris, again he had a copy of the report and letter which was not explained and he had a copy of the SOP's. Under the recommendations, he would:

1. Return as a non-probationary firefighter/EMT.
2. You will be required to attend Tuesday night regularly scheduled drills.
3. You will be required to respond to 9 or more calls per month as you are a responder on this department, based on a 3-month running average, any month that falls below 9 calls will be subject to a letter of probation. Two letters will result in suspension. Three letters will result in a termination review with possible termination or requested resignation.
4. This letter will remain a permanent part of your file.

Mr. Bartheld asked if he could question the Chief. Chairman Kokenge stated that yes, he could now respond to the Chief and state his case.

Mr. Bartheld stated to Chief Gay that he would like to refer to his letter to Chris Jones, dated January 12, 2007 and asked if he had a copy. Chief Gay said he did. Mr. Bartheld asked if the first sentence of the letter say, "a review of the final investigative report as dated January 4, 2007, has been paramount in my decision as contained and rendered below". Mr. Bartheld asked if those were Chief Gay's words. Chief Gay stated yes they were. Mr. Bartheld stated that attached to that January 12<sup>th</sup> letter is a copy of the final investigative report, is that correct. Chief Gay said it was correct. Mr. Bartheld asked if he had a copy. Chief Gay said he did. Mr. Bartheld asked him to turn to page 12 of that report. Mr. Bartheld stated he would like to direct the Chief's attention to the middle of the paragraph see if he was reading it correctly. Paragraph – "There was not sufficient evidence found

in this investigation to substantiate the allegations of insubordination, misconduct, or harassment against Chris Jones”. Mr. Bartheld asked Chief Gay if that was what that report says. Chief Gay stated that that was what it says. Mr. Bartheld asked that when Mr. Jones was put on Administrative Leave he was a Lieutenant with the department. Chief Gay stated that was correct. Mr. Bartheld asked Chief Gay if he had a conversation about one month prior to that Administrative Leave with Mr. Jones about him starting up a business and his inability to make the number of calls during a particular period of time. Chief Gay stated not to his recollection. Mr. Bartheld stated you have no recollection of the conversation with Mr. Jones, where at he told you he would not be able to make the 9 recommended calls a month or that he may have to miss certain meetings. Chief Gay stated I guess sir you did not understand my answer, I said no, I did not have that conversation. Mr. Bartheld asked if Chief Gay denied having that conversation. Chief Gay stated that he did not have that conversation. Mr. Bartheld said the conversation that took place on January 12<sup>th</sup>, I understand that Mr. Jones brought in a witness with him so he would have an independent third party to understand what was going to be conducted at that meeting, was that not correct. Chief Gay stated that if you’re telling me that what it was, I’ll accept that. Mr. Bartheld stated Mr. Jones brought in an individual to sit down and discuss with you, your findings and recommendations, is that correct. Chief Gay stated may I remind you sir this is my department. And on a non-disciplinary hearing between an employee and myself, I do not have to allow anyone else in the room. Mr. Bartheld stated you said this was a non-disciplinary hearing yet you were going to demote him. Chief Gay stated it was a non-disciplinary hearing and he was demoting him because of lack of performance as an officer and when he left, he was on probation. Mr. Bartheld asked if wasn’t demotion was a means of discipline. Chief Gay stated not based on this report, it had to due with his performance. Mr. Bartheld stated he had no further questions for the Chief at this time. Chairman Kokenge asked Chief Gay if he had any questions or response back to the council. Chief Gay stated that he did not. He then asked Mr. Jones if he wanted to approach the podium. Mr. Jones stated that first up; I got to tell you, I think it’s quite funny that you don’t recall having a conversation. Secondly, if I was on probation, gosh I sure think I might have gotten something saying I was. And thirdly, if you’re going to recommend that I’m being terminated, don’t you think I should have gotten something instead of seeing it from Rick because I’ve got nothing saying that you’re going to recommend that I’m terminated. Chief Gay stated that he was a little confused, did he not read...Mr. Jones stated that I’m not surprised at that. Chief Gay stated that if he wanted to argue that was fine, he just wouldn’t say anything because this was not a venue to argue. Now please state a question. Mr. Bartheld stated that his client has an opportunity to address the Board and not argue with the Chief. Mr. Bartheld asked to be allowed to ask certain questions.

Rick Bartheld: Chris, you’re a volunteer firefighter are you not.

Chris Jones: um hum

RB: How long have you been a firefighter in East Valley?

CJ: 95

RB: And how long have you been an officer with this department?

CJ: I'm going to say two years now.

RB: and that was as a lieutenant is that right?

CJ: yeah

RB: Did you recently start a recent business venture?

CJ: yeah, January 05.

RB: OK, and what is that business?

CJ: trucking

RB: and did you have a conversation with Chief Gay after he was hired with this department about harvest and your ability to respond to calls?

CJ: I certainly did, right at the start of harvest.

RB: OK and tell us the approximate date you had this conversation and where?

CJ: We started harvest approximately the first two weeks of September, had it in his office, went to him and explained to him, hey, harvest is coming in this valley. Harvest is seven days a week, 14, 15, 16 hours a day. I wouldn't be able to make the 9 calls per month that they want. At that particular time, I'm not saying I was making the 9 calls either because a lot of my trucks are gone at night and I'm not big enough to where I don't have to drive one of them yet. I told him that if you want my red hat or if you want my gear, just say so, you can have it but I'm not going to voluntarily give it up. He asked me if I see a change in the future and I said yeah as soon as I can get it to change, it will change. Not to worry, thanks for coming in to talk to me. If you're going to miss drill, you need to come by, you need to call, come by and let me know. I brought a full load of fruit through the parking lot one night on an officer's meeting because I couldn't make it and my phone was dead and I had to be dipping at Olympic Fruit. No big deal.

RB: Did you talk to the Chief on that occasion?

CJ: Yes I did.

RB: Talked to him specifically?

CJ: Talked to him specifically.

RB: About not being able to attend?

CJ: um hum

RB: and what was the Chief's recommendation to you? That you be demoted at that point and time or did he make other recommendations to you?

CJ: No, he told me hey, you're making your duty weekend and you're the calls you can. And I explained to him, hey I'm not sitting at home watching the aid rig go by, but if I'm not home, I can't respond. But I'll make everything that I can. Hey, that will work; see a change in the future? Yeah, if I can get it to change. OK.

RB: The Chief has testified that he has no recollection of the conversation at all, you heard that tonight.

CJ: Yeah, I heard that.

RB: Chris, did you also have reason to believe that or concerns that you wanted someone present at this meeting with the Chief so there would be no miscommunication as to what took place.

CJ: Well after this, where I'm being accused of four different things. All four, to my knowledge came up to be not true. One of them being that I'm not making the drills because I didn't agree with a policy that he put into place after I had that conversation with him. Which apparently he must not be able to recollect otherwise I wouldn't have been named on this. So yeah, I figured I needed to have somebody else in there so therefore, when he couldn't recollect the next time, I could bring somebody in and say hey, whoa, I heard it.

RB: You didn't receive a letter or anything from the Chief when he said don't worry about making the calls?

CJ: No, I took him for his word, I thought he was somebody that you could believe what came out of his mouth and he'd stand behind it.

RB: Looking at this letter that's attached to the inside of this letter, there's some comments in there Chris that indicate that Chris showed highly excited negative attitude and left spouting off negative remarks. Would you explain to the Board, the manner that conversation took place and how you supposedly acted in an excited, negative manner?

CJ: In my opinion, it's an outright lie. In my opinion.

RB: Why is that?

CJ: Because it didn't happen. I brought my guardian, Jerry Christian, with me. I introduced him to the Chief and said Jerry would be sitting in with me. Nope, he's not sitting in, it's non-disciplinary. At that time I did not have the letter so I said well we can't have a meeting. So then outside his door, right there by the entrance into the fire station, he gives me the deal and proceeds to go over it. At one point and time I put my hands up and said hey, whatever Chief. At that time he recommended that I resign. To be honest, I just kind of smiled and as I walked out the door I said hey you'll be hearing from me or from someone else.

RB: That was the nature of extent?

CJ: That was the nature of extent.

RB: Did you raise your voice at any time?

CJ: Not at any point and time, he's never seen me excited.

RB: Well, you're a little excited tonight aren't you?

CJ: I got a long way to go before I get excited.

RB: The recommendation is that you be terminated because the chief, you wouldn't meet with him privately is that correct?

CJ: My understanding of it, from reading this which tonight at this meeting is the first time I have even seen this.

RB: Chris, did the Chief ever offered to meet with you before he put you on administrative leave? Did he come to you and say what's going on?

CJ: No.

RB: Did he ever do that at any time, prior to this meeting on January 12<sup>th</sup>?

CJ: No.

RB: I've nothing further.

Chairman Kokenge asked Chief Gay to comment.

Chief Gay stated that Chris has alleged to a lot of conversations and that's funny, I don't remember all those conversations. I remember seeing you for the first time after I took over as Chief about 5 weeks after I was here. And for the Board, Chris never made 9 calls, Chris was lucky to make one officer meeting out of three or maybe four. He didn't always call like he purports that he did and one day he did drive through with a fruit truck, I will give you that. But the conversation that he alleges to did not happen. It's awful funny that Mr. Jones is alleging that the individuals here that signed this statement here which are career firefighters on this department must all be liars. Is that what your saying Chris, this didn't take place?

Chris Jones: (inaudible) I got the witness that was with me so...

Chief Gay: Well, I got three witnesses including myself Chris.

Brian Snure: Let's not argue back and forth.

Chris Jones: You have one, two, three people that you control their jobs.

Chief Gay: Oh, I see how...ok, I have no further questions.

Chairman Kokenge: Thank you Chief.

Rick Bartheld: Can you tell us your name please.

Jerald Christian: I'm Jerald Christian, Chris' guardian; he's been with us since he was sixteen. I now live at 508 Cascade Avenue outside of Moxee.

RB: Tell us about this incident.

JC: Well this incident, I'd like to say something prior to this about Chris. Chris has, this fire department means a whole bunch to this fellow. It really has. And he's taken the courses, he's taken the training and he's climbed the ladder and it hasn't been easy. And this last summer, there's been several times, because he can only have his son on every other weekend, we took our trailer out to his place and stayed there so he could do his weekend duty so we could be there for his son. So he could do the job that he enjoys. And this is why it's such a shock to me to have Chris and these other men be treated like they're being treated. Now I came with Chris for this meeting, I recommended that he have a witness. I don't like he said she said I don't like this kind of stuff. I won't work in that situation so we walked in, the Chief greeted us, I shook your hand, Chris introduced me to you. In the foyer I happened to spot a young man I called Red at the computer there. He was sitting at the computer so I kind of walked over and kind of teased him because I knew him over the years and then I walked back to where the Chief and Chris were at, I believe is the Chief's door, and the Chief asked him to come in and Chris said I want to bring Jerry in with me and he says no, this is a personnel matter, he's not allowed. Well Ok. Then the Chief handed Chris the investigating report, the first time he had seen it, the first time I had seen it. And then, I thought it wasn't going to be discussed then all of a sudden Chief said that you will see in this that you have been demoted to firefighter. Again, I didn't think this was going to be discussed. And of course Red, this was in the foyer, Red was what 15 feet away could hear this. And on, I know as we started to walk out, oh what I'm thinking of, in between and after he said that, the Chief said, he said there, he said Chris, I went to bat for you. My impression of

this is was the Chief was bringing these charges against Chris. He said Chris; I really went to bat for you. Chris kind of says to him and threw up his hands, oh well and so we started to walk out the door and the Chief says I recommend that you resign. That was the end of our conversation. We left and that's where it stopped. But you do have a young man that really likes this fire department and it's going to be one shame if you get rid of him and the one's that have dedication when he's available. When he was available he would make it come hell or high water. There's times I've questioned him why. So it's going to be a real shame to lose him.

RB: Let me ask you, the Chief remarks in this letter that he got highly excitable, negative attitude, did you observe anything from Chris that would support that?

JC: Oh well, that's all I seen.

RB: I have no other questions. Chief might have some questions.

Chief Gay: No I have not questions. Well no, I changed my mind. I find it odd that you're over talking to Ryan Evers but you hear exactly what's going on and I refer to the document here. I didn't draft the document, I didn't dictate, it was another member of staff that witnessed. His reaction was loud enough that individuals came out of their office and said what's going on. That wasn't me making the commotion. That was him. Thank you. I have nothing further.

Chairman Kokenge announced this hearing closed and called for an Executive Session as per RCW 42.30.110 (1) (f) to evaluate the charges at 2045 hours and stated the meeting would reconvene in approximately 1 hour. Chairman Kokenge stated that the Board may or may not make a decision tonight, we may continue after that hour as well. The meeting resumed at 2145 hours. Chairman Kokenge announced that the Board was out of Executive Session and asked Brian Snure to make a comment.

Mr. Snure stated that the Board wanted him to clarify so everyone understands when someone is put on Administrative Leave with pay in this department; it is not intended as disciplinary. It's intended to allow investigations to proceed. We all recognize that it's felt as disciplinary because you're not able to respond but it is not a disciplinary action; I just wanted to make that clear.

Chairman Kokenge stated that he would now address the first appeal hearing with Derrick Jacobs. **Commissioner Kokenge made a Motion to change only item 2, from to remain permanently in your file to remain for one year in your personnel file. The others remain the same. Commissioner Riel seconded. The Motion carried unanimously.**

Chairman Kokenge stated that he would now address Joey Lenberg's appeal hearing. **Commissioner Kokenge made a Motion to change item 2, from remain permanently in your personnel file to remain for one year in your personnel file. The others remain the same. Commissioner McNulty seconded. The Motion carried unanimously.**

Chairman Kokenge stated that in the matter of Chris Jones, the Board is not considering the 1:00 pm memo from January 12, 2007. The Board will only consider the letter from

January 12, 2007. At this time, the Board is not making a decision, at this time we are asking the Chief for more documentation on his history of attendance.

Chairman Kokenge stated that the Kyle Jacob's hearing will take place February 12, 2007.

**ADJOURNMENT:** There being no further business the meeting was adjourned at 2148 hours.

\_\_\_\_\_  
Commission Chairman

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

ATTEST:

\_\_\_\_\_  
District Secretary