

MINUTES OF THE FIRE COMMISSION SPECIAL MEETING
October 19, 2022 – 9:30 AM

President Feinstein called the meeting to order at 9:33 a.m.

Item No.

1. ROLL CALL

President	Katherine Feinstein
Vice President	Stephen A. Nakajo
Commissioner	Armie Morgan

Also present: Court Reporter Jennifer Milan
Member
Chief Jeanine Nicholson
Deputy City Attorney Matthew Yan
Deputy City Attorney Zachary Porianda
Fire Commission Secretary Maureen Conefrey

2. CASE NO. 2022-06: HEARING AND DELIBERATIONS ON VERIFIED COMPLAINT FILED WITH THE COMMISSION BY CHIEF OF DEPARTMENT
[Discussion and possible action]

On July 29, 2022, Chief of Department Jeanine Nicholson filed a Verified Complaint with the Fire Commission against an H-2 member for a non-disciplinary separation for failure to comply with the Vaccination Requirement of the City and County of San Francisco Order of the Health Officer No. C19-07y and the Department's General Order 21 A-70.

This case may be heard in Closed Session pursuant to Government Code Section 54957(b) and San Francisco Administrative Code Section 67.10(b).

A. Public Comment on Special Meeting Agenda Item; Possible Closed Session

Members of the public may comment on all matters pertaining to Agenda Item 2 and whether to consider the matter in closed session. [Government Code §54954.3(a), Administrative Code §67.15(b)]

CALLER #1: This is Dan Yonts, retired, San Francisco Fire. There's been an assumption throughout these hearings that there's a FDA fully-approved COVID vaccine available. Same city attorneys that felt no need to advise department heads regarding EUA requirements under Title 21, to inform recipients of all risks, carefully monitor all reactions and mandating an experimental product is illegal. During one of these hearings the city attorney called the pharmacy and spoke to a clerk confirming they had an approved vaccine that seemed sufficient for the City's legal professionals. I've spoken to pharmacists, not clerks, all over the city. They've all had the same thing to say. They only have EUA authorized vaccines. SF General's vaccine clinic doesn't have the approved Comirnaty, UC, Kaiser and CVS. None of them have a fully approved vaccine. The Rite Aid pharmacist told me it wasn't available anywhere in the U.S. In fact, the same day the FDA licensed Comirnaty, August 23, 2021, Pfizer removed it from the market. Pfizer's recorded message said they only have EUA authorized vaccines. They also listed several adverse reactions, including myocarditis with males under 40 at higher risk. That's a large percentage of this department's workforce. Pfizer said anyone with severe reaction should not get an additional shot. Yet an SF firefighter with a serious anaphylactic reaction was forced to get the second shot. Firefighters are the Department's greatest asset and shall be protected by the Commission. These firefighters being

terminated have shown professionalism and great commitment to duty, protecting the Constitution even when it's been costly. These heroes have gained the admiration and respect of many people observing these proceedings. Please do the right thing, do not terminate Firefighter Crotty. Thank you.

CALLER #2: Good morning. Christopher Salis, Station 3, retired prematurely. Good morning, everyone. God bless you and keep you this morning. Mike, your state of mind is incredibly strong, especially in the face of the lies I'll just start again with God bless, Mike. And as we know the outcome of this hearing is predetermined. What an injustice. The city attorneys have it easy. Anyone can win a fistfight. There is no honor in that. None of us disobeyed the health order or general order. We all asked for religious exemptions to the so-called vaccines and, in all reality, experimental shots that as more and more truth and evidence show do not stand the test of time. Thank God we move on from here and God's greatest mercy and love for faith triumphs in trouble. As Romans 5, verses 1 through 5 says, "Therefore, having been justified by faith, we have peace with God through our Lord, Jesus Christ, whom we also have access by faith into His grace, which we stand, and rejoice in hope for the glory of God. Not only that, but we also glory in tribulations knowing that tribulation produces perseverance and perseverance, character and character hope. Now hope does not disappoint because the love of God has been poured out in our hearts by the Holy Spirit who is given us." Thank you for your time. God bless you all, and may justice prevail and truth and righteousness. God bless you, Mike

CALLER #3: Thank you very much for allowing me 10 this moment -- these two minutes for public comment. My name is Delores Mehan. I served as a nurse at San Francisco General Hospital for many years. Before that I worked as a volunteer in the emergency department on Friday nights and I saw what we endure. I believe many of the people on this call and on this Commission understand what it is that we encounter. We encounter something -- a level of suffering and crises that is unknown to most people in the general public. When we come into a situation, we don't know what we're going to encounter. We only know that we're called on to give everything we have to help strangers. We know that we are called to put ourselves on the line. Many times I've suffered patient assaults, countless tragedy in the attempt to help a stranger. I ask you, each one of you who are listening today, I ask you if you or your loved one were in a situation of crises and needed -- and the person who is responding to that crisis and everything that you loved and held dear weighed in the balance of the integrity of that person, would you want that person to be a man who is willing, or a woman, who is willing to lose their job to stand up for what they believe is right? I think the answer is yes. I don't know how you vote, but I don't know anyone who would say no to that. I want you to consider that when you consider that what lays in the balance and what kind of department you're building or destroying. Thank you very much and God bless you.

CALLER #5: Good morning. I'm a concerned citizen and I'm a longtime resident of San Francisco for over 35 years. I'm here in support of Michael Crotty. I've known him for over ten years now and know him to be an honorable and upstanding man who has a deep religious faith and an unwavering commitment to his community. He prides himself on being a San Francisco firefighter and being in service to his committee where he has lived his entire life. He is a man of conviction who stands by his belief guided by his faith. As such, he has chosen to the City against this great injustice which threatens to terminate his employment for the sake of a flawed policy. He stands not before you where others like him could not or would not, relenting only to take an ineffective and potentially unsafe vaccine to save their jobs and families from becoming destitute. He's chosen to fight this fight not only for himself but for all City employees who could not fight for themselves. Due to time constraints I will be brief and to the point. Firstly, the Constitution of the United States protects one's religious freedom. As such, the City should not have blanketly denied all applications for religious exemptions from the vaccines after initially granting them. Secondly, the City's own website clearly states that vaccines may cause anaphylaxis, thrombosis, bleeding or blood clots, strokes or heart attacks, Gillian-barre syndrome, myocarditis and pericarditis; thereby, invalidating the previous

theory that vaccines are safe and effective for all. The continued enforcement of vaccine mandates by the City at its subsequent termination hearings are illogical as it only increases its own liability from a pending public safety crisis due to a dwindling number of personnel and future lawsuits. Vaccine mandates should be completely dismissed and City employees, like Michael Crotty, should be reinstated in their position immediately with retroactive pay. Further, the City owes an apology to all of these unsung heroes who risk their lives on a daily basis

CALLER #6: It's Michael Cricket, unlawfully terminated March 16 of this year. It's pretty ironic that the City, chief of the Department and 798 continue to unlawfully terminate us because you all say we're a threat to the public. You fired all of us for a shot that doesn't work as it was supposed to according to your health order. Is anyone in this department even fully vaccinated anymore? You dropped all of your boosters. Knowing that it impose dangers and the shot doesn't work, the City and the Department had the audacity to host an open house in every fire station throughout the city on October 15th, which threatened the public and its own members with hours of unrestricted entry and exits in every fire station without even knowing any public vaccination status and knowing the vaccinated could still transmit. Who is the real public threat here? Mr. Nakajo, I noticed that at every hearing you always conclude it with "would you take the shot," along with the city attorneys having the last word pushing this health order. I want to remind everybody listening to this right now, we did follow the health order. We put in for religious exceptions but were unlawfully defined. It's your chief, your 798 union, the Department who didn't follow the health order, because the health order states you have to take a shot that prevents COVID. Read the health order yourself. I'm sure you all have. Prevent being the key word which we all know the Chief, members, 798 all failed to do so. There is no vaccine that prevents COVID as your 13 health order states, yet you fired all of us. We have no chance at these fixed hearings, but 15 God's truth and time are on our side. I want to say God bless to Mike Crotty and those of us

CALLER #7: Good morning. This is Thomas Day firefighter fired earlier on in the year. I would like to say, hey, Mike, we're with you and praying for you. You're moving forward with God today and you're a solid man and you don't deserve this. Second thing I'd like to say is I'd like to ask that the Commission hold deliberations in open session. I think in the spirit of transparency it would mean a lot to the City and the concerned folks and also yourselves as far as honesty goes to put the deliberations in open session. I'll just conclude with what are we actually doing here today. Think about it, what are we actually doing. The last termination hearing we heard a city attorney saying it's undisputed. She used the term "undisputed" multiple times talking about the efficacy of the vaccine with it being the best way to stop the spread. We all know it's not undisputed. It's actually refuted and that's clear. It's been pushed out through all forms of media. It's not hard to find. If you don't understand that, at this point you're either willfully ignorant or maybe there's an integrity issue there. During my hearing for termination, President Feinstein and City Attorney Stoughton both on record said I could get Comirnaty. I was making an argument that it wasn't available. They both were certain that I could. A lot of time has changed now. Now, we know you can't find a vaccine that is not under emergency use authorization. Any ways, this is not a game. For all people --

CALLER #8: My name is Greg Saben, Engine 3, forced to retire prematurely. Today is the last of these predetermined termination hearings. Sadly in the end, Mike Crotty and all the other firefighters that went before him will be terminated and his religious convictions will be dismissed. This process has been going on for over a year now. The science and the CDC guidelines have changed a lot since then, but the Department is still terminating firefighters based on a health order that states that the COVID-19 vaccinations will prevent you from getting it and from giving it to others. Everyone knows this is false, but the City's argument still that it would be unsafe to have unvaccinated firefighters in the fire house or around the public because they could infect them with COVID because unvaccinated people are just walking carriers, I guess. What it really says is that the City has no faith in the vaccine either. Other departments have let unvaccinated workers work with exemptions, but the City still says it would be too burdensome to accommodate members and the

Department recently dropped its booster mandate. Is this really about safety? I'm sure the members of the Commission are relieved this will be the last of these hearings and we are also relieved that we will be able to move past these predetermined hearings and into a real court of law. Thank you.

CALLER #9: To set the record straight and to summarize how each of these firefighters have represented themselves and shared their Commission meetings, they stand on constitutionality and sovereignty. You can paint them as conspiracy theorists, anti science, right wing crazies, all you want. That's your only ammo. The proof prevails regardless of the City's government's power over what is shared in the media and in the newspapers. During Firefighter Veneman's commission meeting, Feinstein commented to each of these firefighters that she found it very interesting that they haven't looked for employment in a different fire department that doesn't require the experimental jab, and that the only reason they haven't tried to become firefighters in a different department was about the money. You have never been more wrong. You all completely underestimate and misunderstand what holding the line truly is and what this fight is all about. These brave firefighters are the true heroes and here to maintain and uphold human rights, Constitutional rights, civil rights and civil liberties as sovereign, natural, free human beings and American citizens with integrity and honor. They believe in the right to work, free will, personal choice, medical freedom and consent without coercion, retaliation, threats, disciplinary action or termination. This is not a vaccine/non-vaccine issue. This is not a left versus right political issue. When will you ever understand this? This is a human rights issue. They believe all members have freedom of choice and natural rights. Denying their religious exemptions is unconstitutional. Saying only two to three out of all of their religious exemptions are valid but not any of the others is insanity. Approving some of the religious exemptions but then unwilling to accommodate

CALLER #10: I'm very concerned that all the commissioners have put on blinders to the situation here. The health order clearly states that exempt employees can enter hybrid settings certain protocols. It's concerning that the Chief mentioned in her previous testimony that she predetermined that nobody was going to be accommodated. There it is clear as day that the process, quote, unquote, which has been heard many times in Commission meetings over the last year was predetermined to put everybody in this non-accommodated position or nonreligious position and force them out. I'm also very concerned reading the new health order saying that the shot wanes in a few months. That's why you recommend the booster. It's a very interesting comment. You guys should take all that into account. Also, the commissioners are failing to act, investigate, ask real questions of what happened during this process, why these people weren't accommodated, why their exemption process, what happened in their exemption process. The reality is there was no exemption process. The Chief even admits it herself. All of you have heard this. You'll be held accountable eventually, especially whoever has been involved

CALLER #11: Hello. I'm the mother of a 13-year-old child. I'm extremely concerned with this experimental technology. I live in Marin County. I did live in San Francisco, had a house there but I moved out. I just think what you guys are doing in San Francisco is unbelievable to the firefighters. They are -- they need to be strong and healthy and this is experimental technology that's not proven safe. It's the most rushed vaccine in history. Pfizer and Moderna vaccines use MR90 technology which has never been used for public use in humans. This technology includes genetic interference and has caused infertility and autoimmune reactions. It's the first product of any kind that Moderna has brought to market. These people are serial felons. These companies -- first of all, most -- Pfizer, they've been fined hundreds of millions of dollars for their fraudulent activities. These are people not to be trusted. What's going to happen in the end is you'll all find out that you've been wrong. Why don't you admit it now instead of later when all the damage is done? Children are being hurt, young people that have never had heart disease or myocarditis before are falling down on sports fields. Unfortunately, we're being incredibly censored. We're not getting the information because the media platform, Google, Facebook, Instagram go off all of them. They're selling us a bill of goods. They're all tied to the pharmaceutical companies and making an extreme amount of

money. Even Selzy has patents. These guys that run these companies, the NIH or this outfit, they are tied to profit motive. They create the problems, then they create the solution, then they make a ton of money off it. It came out in Wuhan. It's proven now. It's a lab leaked out of Wuhan. Then they give us the solution and make

CALLER #12: Thank you very much. I just want to let each one of you know I feel for the position you're in and I pray for you every day. I know this is a tough situation, but some of the facts that have been stated over and over again that no one cares about. Mike Crotty and these firefighters put in for a religious exemption. You should be asking how come every other fire department except one in California can accommodate firefighters and San Francisco cannot? How come there are doctors, nurses, dentists working in emergency settings with approved exemption with testing and masking, but San Francisco cannot do that for their employees? How come some Christian and Catholic employees were labeled religious enough and others were not? How come the Chief wrote on her Order No. 3 of the vaccination policy that there's an exemption and accommodation process but then under Row said she was never going to accommodate anyone? Why is the booster mandate dropped? I'm very happy it's dropped. But the health order states that efficiency of the vaccine wanes over months. This is undisputed. And yet you have firefighters working that took their initial shot years ago and these people with sincerely held religious beliefs or medical reasons are not allowed to work even though they have bloodwork showing natural immunity. I'm only led to believe like this doesn't make any sense to me. I think you should be asking someone to make sense of this besides the city attorney and the Chief just saying it's too risky.

CALLER #14: Good morning. My name is Buffy Kester. I'm a retired sergeant with the San Francisco Sheriff's Department. I retired seven years ago. What is going on in San Francisco right now, the city I love, the city I worked for for 22 years is horrific to me. First, I'd like to say God bless you, Michael, and God bless your entire family. I have been there for you and your family through this whole ordeal. Stay strong and I am praying for you. This termination of Michael and all the other firefighters is absolutely unbelievable in a city that I love that this is happening. I knew Michael and his entire family for over 25 years and they stand very strong in their faith and Michael did everything that he could to follow the rules and apply for this exemption just to be denied and that is absolutely horrific in my mind. Michael was there the very first day that the pandemic broke out and he was there up until the day that he was told he could no longer come because he was a threat to those he was saving. He has saved so many people's lives, the citizens of San Francisco and he was one of the most honorable people that I know. Like I said, he was there throughout the whole pandemic. And the health order that San Francisco has is absolutely invalid especially at this point. I think everyone has to admit this is an invalid health order. There is no authorized vaccination for COVID and natural immunity

B. Votes on Closed Session

1. Whether to hold the hearing on the verified complaint in closed session [*Action*]

Member requested an open session.

2. Whether to conduct deliberations in closed session [*Action*]

Commissioner Morgan Moved to hold deliberations in closed session. Vice President Nakajo Seconded. The Motion was unanimously approved.

Convened in closed session at 3:04 p.m.

Also in closed session was Deputy City Attorney Zachary Porianda and Fire Commission Secretary Maureen Conefrey.

C. Hearing and Deliberations

1. Hearing on verified complaint (in open or closed session, per the Commission's vote)
2. Deliberations and possible action on charges (in open or closed session, per the Commission's vote) *[Discussion and Possible Action]*

By a unanimous vote, the Commission found that the Chief of the Department proved by a preponderance of the evidence that Firefighter Crotty failed to comply with the Vaccination Requirement of the City and County of San Francisco Order of the Health Officer No. C19-07y and the Chief of Department's General Order 21-A-70, as alleged in the Chief's Verified Complaint. The Commission upheld the Chief's recommendation of a non-disciplinary separation. (Ayes: Feinstein, Nakajo, Morgan.)

D. If Closed Session is held, reconvene in Open Session

Reconvened in open session at 3:27 p.m.

1. Report on any action taken in Closed Session as specified in California Government Code Section 54957.1(a)(5) and San Francisco Administrative Code section 67.12(b)(4).
2. Vote to elect whether to disclose any or all discussions held in Closed Session, as specified in San Francisco Administrative Code Section 67.12(a). *[Action]*

President Feinstein moved to not disclose discussion held in Closed Session. Commissioner Morgan Seconded. The motion was unanimously approved.

3. **ADJOURNMENT:** President Feinstein adjourned the meeting at 3:29 p.m.