

MINUTES OF FIRE COMMISSION SPECIAL MEETING
May 25, 2017 – 9:30 AM
698 Second Street, Room 102, San Francisco, CA 94107

President Cleaveland called the meeting to order at 9:35 a.m.

Item No.

1. ROLL CALL

President	Ken Cleaveland
Vice President	Stephen A. Nakajo
Commissioner	Michael Hardeman
Commissioner	Francee Covington
Commissioner	Joe Alioto Veronese

Also Present:

Brad Russi, Deputy City Attorney, Government Team – Counsel to the Commission
Maureen Conefrey, Commission Secretary
Joanne Hayes-White, Chief of Department
Lisa Berkowitz, Deputy City Attorney, Counsel to the Department
James Bustamante, Attorney for member
Dawn Sandner, Court Reporter

2. CASE NO. 2016-04: HEARING AND DELIBERATIONS ON VERIFIED COMPLAINT FILED WITH THE COMMISSION BY CHIEF OF DEPARTMENT
[Discussion and possible action]

On September 20, 2016, Chief of Department Joanne Hayes-White filed a verified complaint with the Commission against member for violations as follows:

Section 2004 – Restricted Passengers
Section 3905 – Familiarity with the Rules
Section 3907 – Safety Rules
Section 3909 – False Reports
Section 3921 – Inattention to Duty
Section 3923 – Acts Detrimental to Welfare of Department
Section 3941 – Use of Vehicles
Section 4003 – Duty to Report Breach of Duty or Misconduct.

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)]

President Cleaveland called for public comment. No member of the public came forward and President Cleaveland closed public comment.

B. Votes on Closed Session

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

Commissioner Covington made a motion to conduct the hearing and deliberations in Closed Session. Commissioner Hardeman seconded, and the motion was unanimously approved. (5-0; Cleaveland, Nakajo, Hardeman, Covington, Veronese)

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]

The Commission went into closed session at 9:38

There was a lunch break from 12:00 p.m. to 1:03 p.m.

There was a short break from 3:30 to 3:50 and the evidentiary hearing concluded at 4:35 p.m.

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

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).

The Commission reconvened in Open Session to report action taken at 5:59 p.m.

Member pled guilty to the charges of violating San Francisco Fire Department Rules and Regulations Section 2004- Restricted Passengers; Section 3905 – Familiarity with the Rules; Section 3907 – Safety Rules; Section 3921 – Inattention to Duty; Section 3923 – Acts Detrimental to Welfare of Department; and Section 3941 – Use of Vehicles. Section 4003 – Duty to Report Breach of Duty or Misconduct.

Based on Member's plea, the Commission found Member guilty of violating the rules mentioned above by a vote of 5 to 0 (Ayes: Cleaveland, Nakajo, Covington, Hardeman, Veronese).

Member pled not guilty to the charge of violating Section 3909 – False Reports. The Commission found Member not guilty of violating Section 3909 by a vote of 4 to 1 (Ayes: Cleaveland, Covington, Hardeman, Veronese; Nos: Nakajo).

Regarding the penalty, the Commission voted unanimously (Ayes: Cleaveland, Nakajo, Covington; Hardeman, Veronese) to terminate Member's employment with the Department, but to hold that termination in abeyance for a period of 3 years from the date of the Commission's decision. Should any new charges be lodged against Member during the abeyance period, and should the Commission sustain such new charges, the Commission may (1) terminate Member's employment, or (2) impose the level of discipline the Commission deems appropriate for the new charges.

The Commission further imposed a suspension of 2 calendar months by a vote of 3 to 2 (Ayes: Cleaveland, Hardeman, Veronese; Nos: Nakajo, Covington).

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 Item]***

Commissioner Veronese made a motion not to disclose discussion held in Closed Session. Commissioner Hardeman seconded, and the motion was unanimously approved. (5-0; Cleaveland, Nakajo, Hardeman, Covington, Veronese)

3. ADJOURNMENT

President Cleaveland adjourned the meeting at 6:01 p.m.