

MINUTES OF THE FIRE COMMISSION SPECIAL MEETING
September 29, 2022 – 9:30 AM

President Feinstein called the meeting to order at 9:32 a.m.

Item No.

1. ROLL CALL

President	Katherine Feinstein
Vice President	Stephen A. Nakajo
Commissioner	Marcy Fraser

Also present: Court Reporter Marianne Boyd
Member
Chief Jeanine Nicholson
Deputy City Attorney Jennifer Stoughton
Deputy City Attorney Zachary Porianda
Fire Commission Secretary Maureen Conefrey

2. CASE NO. 2022-05: HEARING AND DELIBERATIONS ON VERIFIED COMPLAINT FILED WITH THE COMMISSION BY CHIEF OF DEPARTMENT
[Discussion and possible action]

On June 9, 2022, Chief of Department Jeanine Nicholson filed a Verified Complaint with the Fire Commission against member for a non-disciplinary separation

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)]

The following people made public comment:

CALLER: Good morning, Commissioners, Chief and all present. My name is Michael Peratti (phonetic), San Francisco fireman, and I'm up next on the agenda to be terminated from the fire department. I'm trying to make sense of why we're still here. The president claims that the pandemic is over. The CDC has sent out new guidelines that the vaccinated and unvaccinated are indistinguishable, and yet here we are to finish the work that you started. Now, what has come to light recently in the past week is the revelation that Commissioners under the mayor have assigned preresignation letters undated. Now, I know how this city runs. My father was embedded politically and ran a city department for 30 years, so I'm not naive to all the undertones and what goes on behind closed doors. So under Willie Brown, he was on the Commission for the agents, and he was in attendance in a meeting, and he was asked to sign a bunch of motions to -- or whatever they were. And he started to read them, and somebody said, "What are you doing?" And he said, "Well, I'm reading what you put before me to sign." And they said, "No. Don't worry about it. Just sign it." And he said, "If you think I came on to this Commission to be a rubber stamp, you've got me all wrong." He is a man of integrity, and he didn't go along with what he was told to do. And by the time he got home after that meeting that night, he was removed from the Commission. Message on

the answering machine was Willie Brown's secretary thanking him for his service that was no longer needed. So that's what's going on here. There is no reason of all people that you're going to fire, Mark LaCroix, I just -- this is beyond comprehension. I'm just going to read something from 2 Chronicles: "The appointed judges in the land and all the fortified cities of Judah, city by city, he said to the judges consider what you are doing, for you do not judge for man, because the Lord who is with you when you render judgment. Now then let the fear of the Lord be upon you. Be very careful what you do for the Lord our God will have no part in unrighteousness or partiality for the taking of a bride." Now, you're destroying people's lives. I want you to really consider this. We have families that are losing their homes, and I'm not kidding

CALLER: Christopher Salas, prematurely retired and grateful firefighter Station 3. Grateful for the exposure of your fear-based, heavy-handed termination of courageous, dedicated firefighters as being based on lies and false data, admitted to by Rochelle Walensky, director of the CDC. And I quote from August 17th in multiple news publications, including New York Post, CNN, Yahoo News, Fox News, ABC News and more, Rochelle Walensky says to be frank, we at the CDC are responsible for some pretty dramatic, pretty public mistakes, from testing, to data, to communication. Allow me to elaborate: Testing, it was unreliable. Data, inflated the number of COVID cases and deaths admitted to by Rochelle Walensky and the CDC. Communication, the CDC lied and misinformed about the efficacy and need of the vaccines that do not work as advertised. Furthermore, the CDC also admitted they made up the six-foot distance rule, and that unvaccinated people that recover from COVID, had a natural immunity better than vaccinated, which basically have no immunity. These are undisputed facts. They are not conspiracies. And 99 percent of fire departments around the country acknowledge these facts and have welcomed back unvaccinated firefighters. Stop these shameful, egregious and unconstitutional proceedings today. I had that written for the two minutes. I would also like to add none of us disobeyed the health order or the general order in question. We all filed religious exemptions as per our constitutional rights, and the option afforded by both orders, and we were all denied unconstitutionally. All this truth has come out. None of it is conspiracy. And if anybody says it's a conspiracy, they are lying and they haven't read -- or they are not updated. And all of us, as our T shirts say, we've been awake, knew this before we were terminated. We know it today, and now all of you know it today. And to pretend you don't, I don't know what to say about that. I guess when you look in the mirror, you can explain it to yourselves. Thank you.

CALLER: Just like the first CALLER, I've tried to make sense of all this as well. I've listened to every one of these Commission hearing meetings, and it's really disrespectful to the firefighters how unjust this process is. So I wanted to send a message to all of the firefighters that you fired, and I just want to let you know how much I admire you for withstanding the greatest pressure you've ever seen from the tyrannical city government of San Francisco. You are the people who are capable of such self determination, courage and will, and you are undoubtedly the bravest firefighters of all. You are of a special kind. You are the type of firefighters that any city in the world would want. You are the beings that are the essence of the people who have been strong enough to build new paradigms for your families. You have climbed the highest mountains. You are all super heroes. You did what others could not do, what others wanted to do, but felt the pressure so deeply from the political puppets who continually create evil by forcing people to inject themselves with an experimental product that could cause serious harm to their lives. All of you firefighters are the trees that are withstanding the hurricanes of insults, the slanderings in the San Francisco newspapers, the lies, the gossips and the sheer discrimination against your character, beliefs, morality, spiritual and religious convictions. You've been excluded, continually discriminated, mistreated, tossed to the side with no paycheck, no health insurance, no respect or due process. Never, ever have we seen anything like this. Now we know who is the strongest, who is the bravest. You are the only ones who managed to resist when everything collapsed. You are made of the stuff that the greatest firefighters the city has ever seen. Thank you for holding the line and standing strong when being utterly

mistreated to the highest degree. We honor you, we respect you and we wish you nothing but the best. Thank you.

CALLER: All right. Greg Savin, Station 3, forced to retire prematurely. It's hard to believe that we are here again for another one of these Commission hearings. The CDC has revised its guidelines and the fire department has removed its booster mandate. There are hundreds of people working today that never got any boosters. The efficacy of their vaccine is long gone, but they are still allowed to work. That's great, but people like Mark should be allowed to work as well. You can no longer say that this is about the safety of the public and other members of the department when departments across the country are letting their firefighters continue to work with exemptions that have never been vaccinated and are no longer required to test. Just recently, firefighters in New York, LA and here locally in Santa Clara County, have been able to return to work. How are other departments able to accommodate their firefighters, but San Francisco is still saying it's not possible, especially in this case when we're dealing with someone who doesn't go into high-risk settings. He's the boat engineer of the fireboat. He works down below in the engine room by himself and has zero interaction with the public. If you were going to accommodate one person in the whole department, Mark would be the one. Now that information is coming out with Commissioners having to sign preresignation letters before they are appointed to their position, it explains why Commissioners Cleveland and Covington were removed so quickly after they questioned the health order and the exemption process that offered exemptions but did not accommodate a single person. Is it possible to have a fair, unbiased hearing when Commissioners know they can be removed if they don't play along? I guess we shall see today. Thank you. COMMISSION SECRETARY CONEFREY: Thank you.

CALLER: Mike Cricket (phonetic), unlawfully terminated March 16 of this year. I don't think there is really anything I'm going to say that people before me already didn't elaborate on. I just think that -- I don't even know why this thing is called a Commission hearing. You're not hearing anybody. Everything is all predetermined. It's an lawful determination. It's wasting everybody's time. You're asking people to take a vaccine that obviously doesn't work. People are taking it from eight months and three years ago, and yet you're still threatening people's job and actually taking jobs away from them. So with that said, Mark, I thank you for your time as an engineer. Don't worry. You're bigger than these people. You continue holding that line. That's all I've got to say.

CALLER: Thank you. Mark is exactly the kind of person that any reasonable person would want in their fire department. As you're going to see today, he's obviously very smart. He's very capable. He has a wide range of skills and a great history proving himself. I just wanted to let you know that, you know, I pray for each and every one of you for your happiness and your health every morning, and also for all these people going through this. Also, just so some people get an idea, you know, the exemption process with the fire department, some people were approved with the same exact religion and other people were denied using the same tags, same quotes. And I don't know how that works. I don't know how Lucy Chu can choose some people who have sincerely held religious beliefs and others not, but I guess we will find out later. All we were given was a box with no way to appeal. Our appeal rights were taken away, so we had to work through a grievance process, and just a box that said we didn't provide enough supporting documents. This City Attorney Stoughton and the Chief have repeatedly either lied or misrepresented the health order. Several times they have been called out on it. They've always said that the health order says an unvaccinated person with an exemption needs to wear a mask at all times. It's not what it says. Read the health order. It says every time they enter a high-risk setting. A fireboat is not a high-risk setting. A firehouse is not a high-risk setting. Safeway is not a high-risk setting. The Chief, under oath, in asking her process for accommodations said she thought it would be too risky to even have one unvaccinated member in the fire department. She provided no proof for that. The lawyer says well, just her testimony is the only proof needed. I don't understand how every other fire department in the -- including New York

just let unvaccinated firefighters back. I mean, the booster mandate, there is no booster mandate for the fire department. Okay. A lot of these firefighters have natural immunity. I mean, it's in the blood work. I mean, it's -- so I don't understand this reasoning besides -- I hate to think this, but it's almost like it's personal, or some political weird thing you're doing to these people, because I don't understand the reasoning with any of this. California just changed its laws. They're not even testing unvaccinated health care workers that work in high-risk settings. COMMISSION SECRETARY CONEFREY: Your time is up. Thank you very much. CALLER, would you like to make public comment

CALLER: California Department of Health ends weekly testing requirements for unvaccinated healthcare workers. California Department of Health is ending COVID-19 policy that requires weekly testing for unvaccinated individuals in a high-risk workplace setting and schools. So consider that Commissioners. I'm also very concerned that two commissioners most recently secretly vanished away and were replaced by Commissioner Marcy Fraser. A quick glance of her Tweets, she has demonstrated that with Tweets being disgusting, insane, as a nurse, utterly offensive, quoting or referring to some sort of antivaccine con job article by The Atlantic. To quote unquote her, "Do unvaccinated people get scarce ICU beds? What to do when unvaccinated patients come into the hospital (indiscernible)." Well, Commissioner, what do you do to them? Huh? You personally represent nothing of the San Francisco Fire Department. I think you should resign immediately. San Francisco firefighters go out day in and day and night, and they don't think about -- with the person they're dealing with is nothing but compassion, fire service and 100 percent customer service to the City of San Francisco. World's best. And your comments are offensive, disgusting, and you should resign immediately. How can you sit there and make a decision over somebody when you send your Twitter and blast out how you are completely against anyone's religious, medical decisions not to take the vaccine. You should really consider -- actually you shouldn't even vote today. It's so egregious. Everybody should be listening to this and watching. Thank you for the time, and you should really consider not voting today, Marcy. COMMISSION SECRETARY CONEFREY: Are you finished?

CALLER: Yes, I would. My name is Marlene O'Neill, and I've been following this, and I've seen these very valuable assets be terminated in ignorance, because obviously a doctor, mayor, chief, all the egos here have not read one single research article, have you. Have you. A real research article. Because you're all liable for nonfeasance and malfeasance and you will have to atone. You have zero leadership, and you literally appear, in my opinion, to all be under mass psychosis. Psychotic. There is psychotic behavior. You people do not run our city. We run our city. And you will be gone. If it takes us 50 years, you will be gone. Mr. Attorney, what do you have to say? Have you read any of the research? No. No. Any of the real research? And you're killing these innocent people by ending their careers. It's absolutely a disgrace. You all are a disgrace. COMMISSION SECRETARY CONEFREY: Are you done? CALLER: I'm done, you asshole. I'm done.

CALLER: My name is Elaney Karabetsos. I'm a firefighter/paramedic in Novato, just north of you guys. And I think it's pretty unfathomable that we are still having these hearings. No firefighter deserves to lose their job over something that is an experimental injection. And to mess with the firefighters' livelihoods and families is a joke over something that has been proven not to work. The fact that the California Department of Health has lifted everything and we are still in these proceedings and watching this clown court go on is insanity. I would hope that you guys would reconsider anything and everything that you're doing with these firefighters, from terminating, to putting on disciplinary action, to everything that is going on with them, and realize that there is wins across the country right now with healthcare workers fighting back against this mandate and have sued. That does not exempt San Francisco from being sued by people in the future. Do the right thing. Let firefighters keep their jobs. Start paying attention to the actual research that has come out. There is nothing that is humane about this vaccine. It has done nothing but cause a bunch of

issues with a lot of people healthwise. And I personally know several people who now cannot work because of inflamed heart conditions. And here you are still wanting to discipline firefighters who won't concede to taking some experimental injection. Pay attention, because, again, San Francisco is not excluded from future events and no department, agency, county, city, state is going to be. That's it.

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]

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

Convened in closed session at 2:38 p.m.

Also in closed session was Deputy City Attorney Zachary Poriandai 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]

Vice President Nakajo Moved to find that the Chief of the Department proved by a preponderance of the evidence that Member failed to comply with the vaccination requirements of the Order of the San Francisco Health Officer No. C19-07y and the Chief of Department's General Order 21-A-70, as alleged in the Chief's Verified Complaint and to uphold the Chief's recommendation of a non-disciplinary separation. Commissioner Fraser Seconded. The Motion was unanimous. (Ayes: Feinstein, Nakajo, Fraser)

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

Reconvened in open session at 3:23 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 Item**]

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

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