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Smoke Screen

Why won't the Portland Fire Bureau give a whistle-blower documents that have already been made public?



TRANSPARENCY FOE: "Releasing the interview transcripts to Inspector Crusier would undermine morale and the integrity of future internal investigations," Portland Fire & Rescue Chief Erin Janssens wrote last week. - IMAGE: Jarod Opperman

Rob Crusier enforces rules that save lives.

Crusier, 51, is a fire inspector for **Portland Fire & Rescue**. That job takes him into buildings where the public gathers for big events—such as nightclubs and music venues—to guarantee patrons can exit safely in an emergency.

Last summer, Crusier found problems at **Club Sesso**, a downtown swingers club. The club lacked proper exit lighting and had failed to complete renovations as scheduled.

Cruser blew the whistle on a supervisor who turned a blind eye to Club Sesso's violations and was later untruthful about his actions.

Now, Cruser finds himself in a Kafkaesque situation. He wants to see documents the city collected in an investigation that he prompted. The city has made the records public for media outlets, including *WW*, but refuses to give them to Cruser.

"I thought it was fair that since I was involved in an investigation as a whistle-blower that I have a chance to look at the results of that investigation," Cruser says. "The city doesn't see it that way."

City officials claim that releasing the documents Cruser wants could invite "retaliatory" actions against fire bureau officials interviewed in the investigation.

The target of the city investigation was Assistant Fire Marshal Doug Jones. Jones effectively told Club Sesso's manager to proceed with a large bash on the night of June 28, 2014, even though the fire marshal had told the club it couldn't hold the event. The manager, Paul Smith, captured the conversation with Jones on tape ("[Hot Tip](#)," *WW*, Aug. 20, 2014).

Club Sesso went ahead with the party. Cruser showed up and told the club it was in violation of fire safety codes. To Cruser's surprise, Jones, his boss, showed up to intervene. Jones wasn't on duty but drove in from his Sandy home and overruled Cruser.

Cruser reported the event to supervisors, who he says ignored him. City Ombudswoman Margie Sollinger last August convinced the city's human resources department it should investigate.

The investigation, finished in January, found that Jones had been "less than truthful" in the report he wrote about his interaction with Club Sesso. Despite this, Jones escaped with only a reprimand, a light punishment.

WW and *The Oregonian* requested and received a copy of the investigation report, and *The Oregonian* [wrote about it Feb. 13](#), with a [Web link to the report](#).

Now, the city won't give Cruser that report or, more importantly, hundreds of pages of interview transcripts from the investigation, even though they have already been released to the media. Cruser appealed the city's denial of his request for public records to the Multnomah County District Attorney's Office.

Fire & Rescue Chief Erin Janssens is fighting the release.

"Based on my conversations with personnel, I believe that releasing the interview transcripts to Inspector Cruser would undermine morale and the integrity of future internal investigations at PF&R," Janssens said in her declaration, dated April 1, 2015. "Releasing the transcripts (even those with redactions) would risk retaliatory behavior from other employees against interviewed staff by creating the potential for a hostile work environment."

Janssens and the city attorney's office declined to comment for this story.

Judson Randall, president of [Open Oregon](#), says Janssens and the city attorney's office have put their own interests above the law.

"There's no reference to 'morale' in the public records law," Randall says. "Once the city provided those records to the media, they should be available to any member of the public."

Cruser, who's been with the fire bureau for nearly 26 years, says as an inspector he's at the "bottom of the food chain" in the Fire Marshal's Office. He's not in a position to retaliate, and says he took a risk by questioning Jones' behavior.

"The fire bureau has become about damage control and burying damage under a good story instead of addressing the problem," Cruser says. "I don't want to sound like Pollyanna, but it feels like we've forgotten who we work for—the public."



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