

# USO Consulting and Investigations

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## Investigation report

Client: Mark Wolf  
Local Government Law Group  
COCFR

Scope: I was hired to investigate the events surrounding the aftermath of a traffic accident that occurred on July 2<sup>nd</sup>, 2023 at about 0600 on Hwy 101 near North Bayshore Dr in Seal Rock, Oregon. I was tasked with determining if there were violations of policy regarding conduct by Chief Mason on this incident. The complaint resulted from a Board meeting of COCFR where citizen complaints came in about the Chief Mason's involvement in the command of the accident and his conduct at the accident scene in the interactions with the other driver and his spouse. There was also a report by Captain Munger of the Seal Rock Fire Department that described the interaction between Chief Mason and the other driver. The report indicated that Chief Mason was still in command of the incident even though it was in the jurisdiction of Seal Rock Fire District.

Involved: Derby, Damon [REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]

Rodriguez, Tamara [REDACTED] [REDACTED]  
[REDACTED]

I called and left messages for both and received a telephone call on 08/14/2023, from Kevin Brague, an attorney who said that he represented them, and they would not be talking with me regarding the incident. He said that he was pleased that there was an investigation into the incident. Mr. Brague confirmed, in writing, COCFR legal counsel on September 21, 2023 that his clients would not talk with me.

Contacted:

Townley, John [REDACTED]

Engineer/Firefighter COCFR

I met with Townley at the COCFR main station on August 15<sup>th</sup>, 2023. He said that he was on duty at the station with COCFR on July 2<sup>nd</sup>, 2023, at about 0600. He said that he was awakened by Chief Mason who advised him that Chief Mason's wife had called him and that she had been involved in an accident on Hwy 101. Right after that they were toned out to the accident by dispatch. They both responded in Brush 72 to the scene. They arrived shortly before the SRFD unit with Joe Munger and Neeko Gilbert. Upon arrival Chief Mason told Townley that Townley was in command as Chief Mason was going to be with his wife. Townley said that he remained at the center of the scene and SRFD was tending to the motorcycle rider/patient. He said that the patient Derby was very agitated, yelling at Ericka Mason. He said that Derby's wife, Rodriguez, arrived as she too was very agitated. He said that the Chief canceled the next engine coming from the SRFD as there were medics and two rigs there for the scene. He said that Derby refused the medical and then Derby's wife began walking toward the Chief Mason and Ericka Mason holding up her phone videotaping them and was very agitated. He said that Chief Mason approached Derby as he came towards them yelling and they were both using profanity. He said that he got between them, and they separated. He said that he told Chief Mason to go back to his wife and Derby to go back. SRFD personnel were getting information to exchange from the two drivers. He said that Chief Mason asked that they expedite law enforcement to the scene. He said that Neeko Gilbert and Joe Munger were trying to calm Derby down. They helped him move his motorcycle. I asked him about the report from SRFD. He said that he thought that 50% of the report submitted by Munger was accurate. He said that Chief Mason wanted SRFD there and that the chests of Mason and Derby never touched. He said that Brush 72 was in command, and he was in the middle of the scene and the Chief was away with his wife. He submitted a written report of the events that day. It is included with this report.

Gilbert, Neeko [REDACTED] [REDACTED]

Seal Rock Fire District

I met with Gilbert on August 15<sup>th</sup>, 2023 at the Seal Rock Fire District. SRFD Chief Ewing was present. Neeko said that he responded to the accident call on July 2<sup>nd</sup>, 2023, at about 0600. He said that he was with Captain Joe Munger. He said that when he arrived at the scene, he saw a bunch of trash on the road and a Range Rover parked on the side of the road with a lady standing outside. He said that he saw a motorcyclist yelling at Chief Mason's wife and Chief Mason didn't like it. He said that Chief Mason aggressively walked toward Derby and Derby was yelling back. John Townley got between them and kept them apart. The medics treated Derby and tried to get him to go to the hospital but he refused. He said that he was told later that Chief Mason had given command to John Townley, but he didn't think that was the case. He said that he thought that Chief Mason was unprofessional in his conduct towards Derby. He did not recall any language used by them.

Mason, Ericka Spouse [REDACTED]

[REDACTED]

I met with Ericka Mason at the CCFR on August 15<sup>th</sup>, 2023. She said that she was the driver of the car involved in the incident with Derby. She said that she called her husband Chief Mason she said that she knew he was on duty and that she was scared by the way that Derby was acting after the accident by calling her "a dumb bitch." She said that just after her husband arrived at the scene, the spouse of Derby arrived at the scene. She said that the spouse began walking towards them yelling, calling her names. She said that her husband went towards her, and that Derby walked towards her husband yelling as well. She said that her husband told them to back off and stay away. They eventually backed off. She said that Jeff Mathia helped with the exchange of information. She said that Oregon State Police Trooper Cates handled the investigation of the accident. She could not recall if her husband used profanity.

Mason, Jamie Chief [REDACTED]

CCFR

I met with Jamie Mason on August 15<sup>th</sup>, 2023, at CCFR. He said that he was on duty to cover a shift on July 2<sup>nd</sup>, 2023. He said that he got a telephone call from his wife to tell him that she was involved with an incident and that she was not hurt. He said that she was scared of the way the other driver was acting and he was going to go to the scene. They were toned out to the incident, and he arrived on scene in Brush 72 and not as Chief. He told John Townley that he was in command of the incident as he was going to be with his wife. He said that the spouse of Derby got to the scene and was approaching them and yelling at them. He said that he told her to back off as he feared for his wife's safety due to the way the wife of Derby was acting and talking. He said that Derby got involved too and they met in the middle. He said that he told them to "back the fuck off" and that Derby was calling him a "fat fuck". He said that he was upset and should not have reacted that way. He said that he apologized to Derby later for how he had acted and offered to help him get his motorcycle home. He said that he self-reported his conduct to the board chair. He gave me a document with rebuttals to the report supplied by Captain Munger which is included with the report. He also supplied me with a copy of the Oregon State Police Report on the crash. It indicates in the report that Ericka Mason was cited for failure to drive within a lane. It also indicates Derby got insurance for the motorcycle 2 ½ hours after the accident.

Cates, Maleri L.

Trooper

[REDACTED]

Oregon State Police

[REDACTED]

I emailed Cates at her request. I had called her regarding the events at the accident scene. I told her I was not interested in the accident itself. She left me a message and asked me to email her with my questions. I emailed her the following question on August 17<sup>th</sup>, 2023.

"I am doing an investigation for COCFR on the incident on July 2<sup>nd</sup>, 2023. I am not interested in the accident or its investigation. I am just trying to confirm that Chief Mason was not in control of the scene and did not hinder your investigation of the crash."

Trooper Cates responded on August 21<sup>st</sup>, 2023, by email. Her response was.

"I arrived approximately 15 minutes after the crash occurred. I do not know who would have been in control of the scene as far as fire was concerned. I do know when I arrived on scene Chief Mason told me that he was not there as the Fire Chief, and he was a family member of one of the individuals involved in the crash. Chief Mason did not hinder my investigation."

Munger, Joseph

Captain

[REDACTED]

SRFD

I met with Munger at the SRFD station on August 25<sup>th</sup>, 2023. Also present was Paul Rimola a member of the SRFD Board of Directors. Munger said that he was dispatched to a traffic accident on Hwy 101 in SRFD. He said that he was in the engine with Neeko Gilbert and COCFR Brush 72 had arrived at about the same time. Chief Mason took command on arrival. He said that this incident was kind of chaotic as the driver of the motorcycle Damon Derby was yelling and appeared to be in pain. Mason told him that this was a non-incident and that you guys are good he knows about this. Munger said that Mason walked over to a woman and John Townley started to check on the driver Damon. Damon started saying stuff and cursing at the other driver. This made Mason mad, and he walked up the hill yelling at Damon, "don't say things about my wife". Munger said that's when he realized that the woman was Mason's wife. Mason said to Damon "you were going too fucking fast", and Damon responded that he wasn't there how would you know. Munger said that Mason and Damon were touching each other chest to chest and Townley separated them. Munger also asserted that Damon also said to Mason that you're here in charge that's corruption. Damon was saying things about Mason's body and the lazy firefighters at the station near his home. Munger said that he told Mason that if he was involved with this he could take over. He said that Mason did not acknowledge him as Mason was on the radio asking for expedited law enforcement response. Damon said that he

was not going to the hospital and was not going anywhere until he got information. Jeff Mathia got the information exchange done and tried to get Damon examined wanting him to go to the hospital. Damon refused. Mason came up to Munger and thanked them for backing him up. Mason said that he got called about the incident by his wife. He said that Mason told him that John Townley was in command as they left the scene. Munger said that when he left the scene COCFR was still on the scene. He said that Chief Mason said that he had PTSD from Iraq in the military. He said that once the OSP trooper Cates was done with her investigation Mason went and talked with Derby.

Geoffrey Mathia                      Firefighter Paramedic      [REDACTED]

SRFD

I did a phone interview with Mathia on August 31<sup>st</sup>, 2023. He said that he responded to the scene of the accident on July 2<sup>nd</sup>, 2023. He said that when he arrived at the scene, he saw Brush 72 from COCFR was on the scene and the SRFD rescue 62 was on the scene. He said upon arrival he went to the scene. He said that he saw it looked like some type of altercation going on. He saw that the motorcyclist Damon and Chief Mason were in a verbal altercation. He said that he heard Damon call Chief Mason "you fat fuck". He said that John Townley was between them and Mathia encouraged Mason to get away from Damon. He said that he talked with Ericka Mason, and she said that Damon was yelling at her after the accident, and she had called her husband. He said that Damon's wife was being boisterous and loud videotaping with her phone. She was saying you could have killed my husband and you were driving on the wrong side of the road. He said that he gave Ericka Mason's information to Damon, but Damon was reluctant to provide information. He said that he cleared the scene and so did Rescue 62. His belief was that Rescue 62 was in command since they had canceled additional units responding.

King, Alan                              Paramedic                      [REDACTED]

Pac West Ambulance

I did a telephone interview with King on September 1<sup>st</sup>, 2023. He said that he was dispatched to an accident on Hwy 101. He said that as they were leaving Chief Mason told him that his wife was involved in the accident. Upon arriving at the accident, he said that he tried to treat Damon as he was the motorcycle rider who had gone to the ground to avoid the vehicle driven by Ericka Mason that was in his lane. He said that Damon refused treatment, King recommended transport to the hospital. Damon said he would go to the hospital in a private vehicle later. He said that Damon and Chief Mason got into a verbal altercation with each other. He said that they were separated but did not touch each other. He said that Damon signed the refusal form for treatment. He said that he received no direction on how to handle the call from Chief Mason.

Ketcher, Brandy

Paramedic



Pac West Ambulance

I did a telephone interview with Ketcher on September 7<sup>th</sup>, 2023. She said that she was the second person in the ambulance with King. She said that she was told by the Chief that his wife was involved in an accident and they got toned out to respond to it. She said they arrived after CCFR and she saw the patient Damon yelling at the Chief and a female on the scene. She said that she could not recall what was said and that she was getting equipment out of the ambulance. She said that she helped treat Damon and he refused treatment or transport. She said that she thought that CCFR was in command but was unsure who it was.

#### Investigation:

I talked to the people at the scene of the incident. Chief Mason responded to the scene of the accident knowing his wife was involved in the accident. Chief Mason said that upon arrival he told John Townley that he was in command as he was going to be with his wife. John Townley confirms this with his recorded statement and his written report. Chief Mason freely admits that he should have not lost his temper with Damon and his wife Rodriguez, by using profanity. He was protecting his spouse from verbal and potential physical violence.

Captain Munger reported that he felt that Mason should have given up command to him upon arrival. Munger was unaware of the conversation that Mason had with Townley upon arrival. Munger said that he viewed Mason's response to Damon as unprofessional. Munger asked Mason if he wanted him to take command and Mason did not respond, however Mason was on the radio at the time asking for expedited response of law enforcement because of the agitated state of Damon and Rodriguez.

OSP Trooper Cates said that Mason did nothing to influence the way she handled the investigation or her actions at the scene. This included her issuing a citation to Mason's wife for being out of her lane. Cates report indicates that Damon did not have insurance for the motorcycle he was operating that day at 0600 until 0830 when he got an online policy issued for it. This may have added to his ire at the scene because he was uninsured.

There is nothing to indicate that this incident was handled any differently than a routine traffic accident response. The medics, firefighters and law enforcement did what they were supposed to do, and the result was service to the people involved.

Policy

Violations:

Policy 7.1

B. Personal Conduct

Mason lost his temper and used profanity in dealing with the patient who was aggressive towards his wife and him. Mason admits to this. This is clearly a violation of this policy. Aggressive behavior and profanity while on duty and in uniform.

C. Oregon Ethics Law Policy Sub 5

Mason was correct to turn over command to Townley since his wife was involved. He should not have responded in a perfect world to the scene in a fire apparatus. Based upon the manpower and he was on duty covering a shift it was unavoidable. I did not find that he tried to influence anyone or anything to do something different than the normal process at the scene. There was certainly a possibility of his wife and him having an adverse financial interest from this event. There is no evidence that he tried to use his position to influence the outcome of this investigation.

Gregory G. Olson Undersheriff (ret)

USO Consulting and Investigations

FBINAA 174<sup>th</sup> Session

[REDACTED]

[REDACTED]

[REDACTED]