

Rising star caught in turmoil at the LAFD

A deputy chief's job may be on the line because he failed to order a detailed probe of a bias claim.

By Scott Glover, Times Staff Writer

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For most of his 26 years with the Los Angeles Fire Department, the only heat Andy Fox had to endure came from burning buildings. Not so in recent times.

As the man in charge of discipline within the LAFD, Fox has come under scrutiny for not formally investigating a firehouse prank that escalated into a discrimination case and roiled City Hall, causing Fire Chief William Bamattre to step down.

Although Fox had long been considered a rising star in the department and possible successor to the chief, some insiders now question whether he will retain his position.

Supporters describe him as an "agent of change" who has fought hard to end racism, harassment and retaliation at the department. Others say his leadership — or lack thereof — has actually allowed problems to persist.

Those who like Fox see an energetic, affable and committed public servant who serves not only as a Los Angeles deputy chief but also as the elected mayor of Thousand Oaks.

"He's very bright. He's progressive. And he's a man of integrity," said Jay Grodin, who was president of Los Angeles' civilian Board of Fire Commissioners under then-Mayor James K. Hahn.

Critics, some of whom have legal action pending against Fox, see him as a self-promoter who plays favorites and bullies those who disagree or get in his way. He has also been accused of improperly merging his professional and political lives, as when he appeared in a campaign brochure wearing his uniform.

Fox, 48, declined a request from The Times to talk about department discipline or respond to critics, saying that city lawyers had advised him against making any public comment.

As head of the department's Bureau of Operations, Fox had a relatively low profile in Los Angeles until the Tennie Pierce case made headlines late last year. Pierce was an African American firefighter whose white colleagues had secretly put dog food in his spaghetti sauce at a firehouse dinner one night in 2004. What they claimed was a prank Pierce took as an act of discrimination.

Despite the recommendations of two lower-level Fire Department commanders that the incident be formally examined in an "advocate investigation," Fox chose not to launch the detailed inquiry. Instead, he quietly disciplined two captains and a firefighter.

Pierce subsequently filed a discrimination suit that the City Council agreed to settle for \$2.7 million until Mayor Antonio Villaraigosa vetoed the deal in November amid a public outcry over the amount and the disclosure that Pierce himself had engaged in hazing.

Whatever reason Fox had for stopping short of ordering a full investigation, those who know him insist it had nothing to do with race. They say he is especially attuned to issues of discrimination because his wife is African American.

Fox's public profile is much higher in Thousand Oaks, where he has been elected to four City Council terms and currently serves as mayor. But there he also contends with a handful of vocal critics. In 2005 Philip E. Gatch, then city manager of Thousand Oaks, accused Fox of forcing him to resign. At the request of the City Council, the Ventura County district attorney launched an investigation to determine, among other things, whether a private meeting between Fox and Gatch before his resignation violated the state's open meeting law. Fox was cleared of any wrongdoing.

More recently, one of Fox's political opponents, Debbie Gregory, filed a complaint against him for campaign brochures distributed in the 2002 and 2006 elections. The brochures feature Fox and his youngest son dressed in firefighting gear. In one photo, they are seated in a firetruck.

Gregory said the ads appear to violate a Fire Department rule against using "the uniform, badge or prestige of the department ... to attempt to influence the vote of any person."

When The Times asked fire officials if the brochures violated department rules, acting Chief Douglas L. Barry issued a statement saying that the matter was "being reviewed."

A source close to Fox, speaking on condition of anonymity, said the 2006 picture was taken on a privately owned firetruck used as a prop in movies. The uniforms he and his son were wearing also were unofficial, the source said. In the 2002 photo, however, Fox is wearing his LAFD uniform and helmet, adorned with his battalion chief's badge. But the shot shows Fox in profile, the source said, so the department emblem isn't seen.

Several recent lawsuits have been critical of Fox's role in the disciplinary process. In a suit last year, a probationary firefighter accused Fox of abusing his authority by failing to recuse himself from a matter that involved a longtime acquaintance. Firefighter James Smith alleged that Fox coerced him into resigning over an off-duty incident in Thousand Oaks without divulging that he had a potential bias in the case.

Smith, whose younger brother played on the Thousand Oaks High School baseball team, got into an argument with another player on the team who allegedly insulted and threatened the Smiths' father. Smith acknowledged telling the youth that he would have hurt him physically if he weren't a minor, said his attorney, Jim Armstrong.

Nearly two months later, however, Smith was told by a battalion commander that he was under investigation in a "potential criminal matter," the lawsuit states. He was summoned to a meeting with Fox, who told Smith his "termination papers" had been prepared, according to the suit.

But after speaking with Smith about his recent deployment in Iraq as a U.S. Marine, the lawsuit states, Fox reconsidered and told Smith he would not be fired if he submitted to a "work fitness evaluation." But when a psychologist declared him "cleared ... to resume full duty," Fox reneged, the suit alleges.

Fox again summoned Smith and informed him he could either resign or be fired immediately, according to the lawsuit. Resigning was the better option, Smith said he was told, if he ever wanted to reapply for a job. Reluctantly, and "under duress," Smith signed the papers, the complaint states. Only later did he learn that "Fox was a personal friend of family members of the other individual involved in the matter."

Martin Bates, the grandfather of the boy involved in the dispute, said in an interview with The Times that he had written a letter to Bamattre complaining about Smith's conduct. Bates said he was told by his grandson and others that Smith had threatened to bash his grandson's head into the curb.

When he didn't hear back from Bamattre, Bates said, he wrote a second letter. Soon afterward, he received a call from Fox, who told him he had been assigned the case.

Bates, president of the Ventura County Board of Education and a participant in local politics for years, said he and Fox attend the same church, where he is a past president of the church's men's club and Fox is a member. Bates denied, however, that he sought or received any special treatment from his association with Fox. That his grandson was involved in the incident "never came up."

But even firefighters who have criticized Fox's handling of discipline compliment his record in the field. Capt. Scott Gould, who has filed a grievance alleging he was the target of unfair discipline, worked with Fox in the late 1990s when they were both captains at a firehouse in Highland Park. Gould then worked under Fox years later, when the latter was promoted to battalion chief and then assistant chief.

"I totally disagree with the way he has handled discipline," Gould said. "But in terms of his ability in the field, he was one of the best fire ground officers I ever worked with."

As a battalion chief and assistant chief, Fox often would help firefighters clean up the kitchen after meals at the station, Gould recalled.

"I had never seen a chief do this before," Gould said.

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