

Cause No. 03-11M

Name: Brian Hawkins

Administrative Law Judge: William K. Teegarden

Date: August 26, 2004

Commission Action: Affirmed

FINDINGS OF FACT

1. The Emergency Medical Services Commission (“EMSC”) is an agency within the meaning of IC 4-21.5.
2. IC 4-21.5 and IC 16-31 apply to this proceeding.
3. The EMSC is the ultimate authority within the meaning of IC 4-21.5 with respect to the granting of EMT Certificates.
4. In 2003, Hawkins applied for EMT certification with the EMSC.
5. The EMSC became aware of convictions on four counts of Sexual Imposition in Ohio in 2001.
6. The convictions were misdemeanors under Ohio law but would be felony’s in Indiana since the wrongful acts involved 4 separate occasions of improper touching of his 14 year old stepdaughter.
7. Hawkins was required to register in Indiana as a sex offender and is currently on the registry.
8. IC 16-31-3-14 allows the EMSC to deny certifications to persons with criminal convictions which have a direct bearing on whether the applicant can be entrusted to provide EMT services to the public.
9. The EMSC is under no obligation to grant a certificate to someone who has a recent conviction of sexually abusing a stepchild.
10. Such conduct has a direct bearing on whether the applicant can be entrusted to provide EMT services to the public.
11. The failure to grant certification is not contrary to law and is not an abuse of discretion or arbitrary and capricious.
12. The decision to deny certification should be affirmed.

NONFINAL ORDER

The decision of the Agency to deny certification as an Emergency Medical Technician is affirmed.