

CAUSE NO: 10-01M
NAME: DAVID BUTTS
ADMINISTRATIVE LAW JUDGE: GARY W. BIPPUS
DATE: APRIL 1, 2010
COMMISSION ACTION: AFFIRMED (November 19, 2010)

FINDINGS OF FACT

1. Mr. David Butts satisfied the requirements to become a First Responder and applied for that certification.
2. On Mr. Butts' application for certification he affirmed being charged or convicted of a crime other than a minor traffic violation.
3. At the request of the Indiana Department of Homeland Security Mr. Butts confirmed that he had been charged on or about July 11, 1983 with public indecency as a Class A misdemeanor in LaPorte County Court to which he plead guilty. He also confirmed that on or about May 30, 1994 he was charged with on count of Sexual Battery as a Class D felony, Battery as a Class A misdemeanor, Trespassing as a Class A Misdemeanor. Mr. Butts plead to Sexual Battery and Trespass, both as Class A Misdemeanors.
4. The public indecency charge involved exposing himself to a minor female and the other charges involved him going onto the residential property of another person and attempting to remove the bikini bottoms of an adult female sunbather.
5. Any item which is denominated a Finding of Fact which should be considered a Conclusion of Law is hereby incorporated by reference into the Conclusions of Law.

CONCLUSIONS OF LAW

1. The Department of Homeland Security is an agency within the meaning of I.C. 4-21.5.
2. The Agency is the state entity charged with the responsibility of certifying Emergency Medical Technicians within the State of Indiana.
3. I.C. 4-21.5, I.C. 16-31-3 and 836 IAC apply to this proceeding.
4. Pursuant to I.C. 16-31-3-14(d) the Indiana Department of Homeland Security has discretion to deny certification to a person who would have been subject to discipline had that person been a certificate holder. A certificate holder would be subject to

discipline if convicted of a crime that would have a direct bearing on whether that person should be entrusted to provide emergency medical services.

5. Public indecency and sexual battery are crimes which have a direct bearing on whether a person should be entrusted to provide emergency medical services because a person who is requesting and receiving such services is often in a very vulnerable state and unable to fully protect themselves and because in many instances the provider of the emergency medical services will have come into the person's home or other private place where the person is even more cut off from outside assistance from passersby, neighbors or law enforcement officers.

DECISION AND ORDER

The decision and order of the Indiana Department of Homeland Security issued under date of August 20, 2009 denying certification to Mr. Butts should be and is affirmed in all regards.

The Emergency Medical Services Commission is the final authority in this matter and they will consider this nonfinal decision at 10:00 AM on May 14, 2010 at the Buck Creek Township VFD, 509 W. Airport Road, Greenfield, IN 46140.