

CAUSE NO. 10-09(M)

NAME: RICHARD LITTLE

ADMINISTRATIVE LAW JUDGE: GARY W. BIPPUS

DATE: MAY 10, 2010

COMMISSION ACTION: AFFIRMED

FINDINGS OF FACT

1. Mr. Richard Little satisfied the requirements to become an EMT-B and applied for certification as an EMT-B.
2. On Mr. Little's application for certification he indicated that he had been charged or convicted of a crime or crimes other than minor traffic violations.
3. At the request of the Indiana Department of Homeland Security, Mr. Little provided additional information regarding his arrests and convictions.
4. Mr. Little had a 1988 criminal conviction and a 1994 criminal conviction. The 1988 charge was for Aggravated Assault and involved Mr. Little intervening between a police officer and a man Mr. Little knew. The officer was dealing with Mr. Little's acquaintance, inappropriately, in Mr. Little's opinion. Mr. Little had a knife on his person when he intervened into this matter. The 1994 charge was for Aggravated Battery and involved Mr. Little's ex-wife. She ultimately called the police after asking Mr. Little to leave her home.
5. Mr. Little entered a plea of guilty to the 1988 charge and, "nolo contendere" to the 1994 charge. The sentence for the 1988 charge of Aggravated Assault was 180 days of incarceration and for the 1994 charge of Aggravated Battery, a period of probation.
6. Mr. Little testified that these crimes occurred during a period of time when he had difficulties with abusing alcohol. He also testified that he and his wife are the current proprietors of a bar in the area of Gaston, Indiana.
7. Lt. Cory Lockridge, Assistant EMS Director for the Gaston Indiana Volunteer Fire Department, wrote a letter of reference and testified in person that Mr. Little was generally a person of good character.
8. 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. Pursuant to Fla. Stat. § 784.021, “aggravated assault” is an assault with a deadly weapon without an intent to kill or with an intent to commit a felony. “Aggravated assault” is a third degree felony in Florida.
6. Pursuant to Fla. Stat. § 784.045, “aggravated battery” is committed when the person committing the battery intentionally or knowingly causes great bodily harm, permanent disability or permanent disfigurement or uses a deadly weapon. Alternatively, “aggravated battery” is committed when the victim of the battery was pregnant at the time of the battery and the offender knew or should have known of the pregnancy. “Aggravated battery” is a second degree felony in Florida.
7. “Aggravated assault” and “Aggravated battery” are crimes of violence against persons.
8. The two convictions for crimes of violence over a six year period demonstrate a pattern of violent behavior by Mr. Little.
9. Aggravated Assault and Aggravated Battery are crimes which have a direct bearing on whether a person should be entrusted to provide emergency medical services. A person who is requesting and receiving such services is often in a very vulnerable state and unable to fully protect themselves. Further, 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.

10. Any item which is denominated a Conclusion of Law which should be considered a Finding of Fact is hereby incorporated by reference into the Findings of Fact.

DECISION AND ORDER

The decision and order of the Indiana Department of Homeland Security issued under date of January 6, 2010 denying certification to Mr. Little should be, and is, affirmed in all regards.