

**CAUSE NO. 10-24(M)**

**NAME: CAMERON HAYWOOD**

**ADMINISTRATIVE LAW JUDGE: GARY W. BIPPUS**

**DATE: NOVEMBER 1, 2010**

**COMMISSION ACTION: AFFIRMED (Nov. 19, 2010)**

**FINDINGS OF FACT**

1. Mr. Haywood satisfied the educational requirements to become an EMT-B and applied for certification as an EMT-B.
2. On Mr. Haywood'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. Haywood provided additional information regarding his arrests and convictions.
4. Mr. Haywood was charged with Battery On a Child on or about November 8, 2006 for incidents which occurred on November 6, 2006. He was found guilty of that charge on or about February 27, 2007.
5. Mr. Haywood was sentenced to incarceration for a period of 365 days with 361 of those days suspended. He received 4 days credit for the 2 days he served prior to trial so his sentence did not give him new, additional, time to serve.
6. Mr. Haywood testified that the incident involved him spanking his twelve year old daughter as discipline for her having stolen some goods from a retailer. He admitted to the arresting police officer and at this hearing that he struck the daughter 12 times with a belt across her bare legs.
7. The probable cause affidavit for Mr. Haywood's arrest was admitted into evidence by stipulation. That particular document is part of Exhibit B of the Agency's tendered documents. That document contains the arresting officer's summary of the statement of the daughter. That material indicates that the daughter reported to the arresting officer that Mr. Haywood struck her between 30 and 50 times with a belt.
8. The arresting officer interviewed the daughter on November 7, 2006, the day after the incident, and observed that the daughter had, "noticeable bruises, welts and redness on both legs and on her left butt cheek." The officer also reported taking 24 pictures of the area containing these bruises and welts.
9. Mr. Haywood testified that the daughter changed her testimony at his criminal trial to be more in line with Mr. Haywood's version of what happened.
10. One of Mr. Haywood's concerns was that the Agency recited in the letter to him

containing the denial of certification that he had been charged with a D felony for the above incident. He believes or perceives that he was actually charged with, and convicted of, an A misdemeanor.

11. The Criminal Transcript document issued by the Indiana State Police which is the first page of Exhibit B shows a, "Filed Charge" of battery on a child as a D felony. That is followed immediately with language indicating an, "Amended Charge" as an A misdemeanor.
12. The charging Information was also part of Exhibit B admitted into evidence and that document indicates that Mr. Haywood was charged with a D felony.
13. The Abstract of Judgment which is the last page of Exhibit B indicates that the conviction was for a D felony and that certified document contains both the trial judge's signature and clerk's affidavit regarding the accuracy of the information contained therein.
14. 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 Indiana Code 35-42-2-1 (a)(1)(A), "A person who knowingly or intentionally touches another person in a rude, insolent, or angry manner commits battery, a Class B misdemeanor. However, the offense is:
  - (1) a Class A misdemeanor if:
    - (A) it results in bodily injury to any other person[.]"
6. Pursuant to Indiana Code 35-42-2-1 (a)(2)(B), "A person who knowingly or intentionally touches another person in a rude, insolent, or angry manner commits battery, a Class B misdemeanor. However, the offense is:

(2) a Class D felony if it results in bodily injury to:  
(B) a person less than fourteen (14) years of age  
and is committed by a person at least  
eighteen (18) years of age [.]”

7. Notwithstanding Mr. Haywood’s assertions to the contrary the admitted evidence of the Information and Abstract of Judgment show that Mr. Haywood was charged with and convicted of a felony. Regardless of the level of crime charged, the administrative law judge is concerned with the conduct that resulted in Mr. Haywood being charged with any crime rather than whether that crime was of a particular level. Mr. Haywood admitted to the arresting officer for the criminal charge and under oath in this proceeding to whipping his twelve year old daughter and striking her 12 times with a belt to the point of bruising her and raising welts on her legs. This is a violent act.

8. Battery, particularly battery on a child, is a crime which has 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.

9. 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 May 24, 2010 denying certification to Mr. Haywood should be, and is, affirmed in all regards.