

CAUSE NO: 11-07M
NAME: WILLIAM RAMON CAREY
ADMINISTRATIVE LAW JUDE: GARY W. BIPPUS
DATE: JULY 23, 2012
COMMISSION ACTION: AFFIRMED

Findings of Fact

1. Petitioner submitted his Report of Continuing Education to the Agency on or about March 27, 2008 and his Application for Advanced Life Support Certification on or about February 6, 2009.
2. On or about December 17, 2006 Mr. Carey was a security officer who detained individuals involved in an altercation at the Merrillville, Indiana night club at which Mr. Carey worked. He subsequently identified himself as a Gary, Indiana police officer to a Merrillville, Indiana police officer and received a firearm from one of the detainees in the presence of that Merrillville police officer.
3. Further investigation by the Merrillville police department revealed that Mr. Carey was not a Gary police officer of any sort. Mr. Carey failed or refused to turn over the firearm he took from the one detainee to the Merrillville police department after several attempts to retrieve it.
4. In light of the above items, the Lake County prosecutor filed an Information on or about January 16, 2007 in Lake Superior Court charging Mr. Carey with a Class D Felony count of Impersonating a Public Servant and with a Class A Misdemeanor count of Conversion.
5. Those two charges were subsequently dismissed for unknown reasons at an unknown time but if they were not still pending on March 27, 2008 they would have been dismissed recently enough for Mr. Carey to still remember them.
6. On March 27, 2008 Mr. Carey signed the Report of Continuing Education form,

under oath, that he submitted to the Agency. That form contains two questions concerning criminal history. The first of those questions is, "Have you ever been charged or convicted of a crime other than minor traffic violations?" and the second is, "If yes, have you previously reported the details of this crime/crimes to the State Emergency Management Agency?" Mr. Carey checked, "No" for both questions under penalty of perjury.

7. Mr. Carey signed his Application for Advanced Life Support Certification under a similar oath. That form contained the same two questions about his criminal history and Mr. Carey submitted that application in early 2009. He checked, "No" to those questions also.

8. Mr. Carey did not answer truthfully when asked about his criminal history on the 2008 Report and again on the 2009 Application.

9. The Gary Fire Department, who was Mr. Carey's employer in 2010, suspected that he was stealing money from patients with whom he had contact as an EMT. GFD and GPD set up a, "sting" using a confidential informant and money whose serial numbers had been recorded. This, "sting" confirmed that Mr. Carey was stealing cash from his patients and he was charged with Class D Felony theft on August 13, 2010. Mr. Carey plead guilty on or about January 19, 2011 and was sentenced to one year in the Lake County Jail with all of that suspended to be served on probation instead.

10. Mr. Carey admitted under oath at the hearing on this matter that he had stolen cash from 10-20 patients over an eight (8) month period.

11. Mr. Carey attempted to explain these crimes as being symptoms of psychological disorders for which he has sought assistance and may be continuing to seek assistance.

12. On March 25, 2011 the Agency issued its order suspending and revoking Petitioner's EMT-B and EMT-Paramedic certificates for a period of seven (7) years.

13. 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. I.C. 16-31-3-14(a)(5) provides, in pertinent part:

(a) A person holding a certificate issued under this article must comply with the applicable standards and rules established under this article. A certificate holder is subject to disciplinary sanctions under subsection (b) if the department of homeland security determines that the certificate holder:

(1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate, including cheating on a certification examination;

* * * *

(5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder should be entrusted to provide emergency medical services[.]

5. Pursuant to Indiana Code 16-31-3-14(b)(1) and (2), a seven (7) year suspension or revocation of certifications is the most severe discipline or punishment the Emergency Medical Services Commission can administer.

6. The Emergency Medical Services Commission and the Agency staff have to rely on applications for certification containing truthful responses in order to effectively administer

Emergency Medical Services in Indiana.

7. Persons receiving emergency medical services are usually in extraordinarily vulnerable conditions and circumstances and are often unable to protect themselves or their property. Stealing from people under these circumstances seems especially egregious.

8. Stealing cash from patients while those patients are receiving Emergency Medical Services is a crime which bears directly on whether Mr. Carey should be entrusted to provide Emergency Medical Services.

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 first concern here is Petitioner's lack of truthfulness on the application for recertification. The initial arrest and charging which brought this matter to the EMS staff's attention occurred a little over a year before Mr. Carey first lied in writing, under oath, about his criminal history on the report about his criminal history. A little less than one more year and he lies again, in writing, under oath, about his criminal history on his application for ALS certification. This cannot be ignored.

Much more important than dishonesty on an application is Mr. Carey's stealing from his patients. Emergency medical services patients are in no position to protect themselves or their property and they have no choice but to trust the EMT on the scene. Mr. Carey tried to justify his behavior as being an outward symptom of some psychological disorder for which he had

sought help and may continue to seek help. Regardless of whether that is true the injured and ill Indiana citizens must not be needlessly exposed to his problems while they have their own emergencies. The March 25, 2011 Order of the Indiana Department of Homeland Security revoking Mr. Carey's Emergency Medical Technician-Basic and Emergency Medical Technician-Paramedic certifications for a period of seven years is **AFFIRMED**.