

Cause No: 00-11M

Name: Vernon Hucks

Administrative Law Judge: Sylvia Wilcox – Substitute Law Judge

Date : October 16, 2002

Commission: Affirmed

FINDINGS OF FACT

1. The EMSC is an agency within the meaning of IC 4-21.5
2. IC 4-21.5, IC 16-31, and 836 IAC 1 apply to this proceeding.
3. The EMSC is the agency in Indiana responsible for regulating emergency medical services and certifying emergency medical technicians.
4. At all times relevant to this proceeding, Vernon Hucks (“Hucks”) held Emergency Medical Technician, Paramedic and Primary Instructor Certificate No. 34-15207, and Driver Certificate No. 2159 (“Certificates”). (See Exhibit 1)
5. On October 6, 2000, the State of Indiana filed charged Hucks with three counts of child molesting. (See Exhibit 2)
6. On November 8, 2000, the EMSC issued an Emergency Order that “immediately” suspended the Certificates for 90 days based on its knowledge that Hucks had been charged with three counts of child molesting, each a Class A Felony. (IC 35-42-4-3(a)(1))
7. On February 13, 2001, Hucks plead guilty and was convicted of Counts I, II, and III, Child Molesting, as Class A felonies.
8. On April 23, 2001, an Agreed Order was entered to continue suspension of the Certificates “until ninety (90) business days after the [EMSC] is notified by [Hucks] of the final disposition” by Howard Superior Court II of Hucks’s criminal case.
9. The administrative hearing was postponed until final disposition by the Howard Superior Court II of Hucks’s criminal case.
10. On August 22, 2001, the Howard Superior Court II sentenced Hucks on each count for a period of 30 years, with five years of that sentence suspended. (See Exhibit 3)
11. On April 18, 2002, pursuant to IC 16-31-3-14, the EMSC filed a complaint seeking to “permanently revoke” the Certificates.
12. An administrative hearing was conducted on July 31, 2002.
13. The Administrative Law Judge took official notice that Hucks was served by certified mail regarding the notice of the administrative hearing. Hucks’s Counsel was also notified by US mail of the scheduled hearing. Neither Hucks nor his Counsel appeared for the hearing.
14. IC 16-31-3-14 authorizes the EMSC to revoke certificates for up to seven years for violations of EMSC rules.
15. IC 16-31-3-14.5 authorizes the EMSC to permanently revoke a certificate if a holder is convicted of a crime of violence.
16. IC 35-50-1-2(a) defines “crime of violence” which includes child molesting at section (a)(10).
17. 836 IAC 4-4-1(e)(5) provides for the revocation of a certificate upon the conviction of an offense if the acts that resulted in the conviction have a direct bearing on whether or not the person should be entrusted to serve the public as an emergency medical technician.

18. Hucks's criminal conviction on three (3) counts of child molestation supports a determination that Hucks should not be entrusted to serve the public.
19. The record supports a permanent revocation of Hucks's certificates under IC 16-31-3-14.5.

NONFINAL ORDER

Emergency Medical Technician, Paramedic and Primary Instructor Certificate No. 34-15207 and Driver Certificate No. 2159 issued by the EMSC to Vernon Hucks is hereby permanently revoked.

