

Cause #: 99-1M

Name: Mark Irvin Heckman

Administrative Law Judge: William K. Teeguarden

Date: February 16, 2000

Commission Action: Affirmed

## **FINDINGS OF FACT**

1. The Commission is an agency within the meaning of IC 4-21.5.
2. The Commission is the state agency which regulates emergency medical services in the State of Indiana.
3. IC 4021.5, IC 16-31, and 836 IAC 1 apply to this proceeding.
4. At all times relevant to this proceeding, Heckman held the Certificates issued by the Commission and was employed as an EMT in Valparaiso, Indiana, by the Portage Fire Department.
5. On March 22, 1999, the Porter County Superior Court issued an arrest warrant for Heckman charging him with one count of child molesting, a Class C felony. See exhibit A.
6. The accompanying criminal information and affidavit alleged that Heckman fondled his daughter, DOB 5-26-85, on numerous occasions during 1996 and into 1997. See exhibit A.
7. During the investigation, Heckman admitted touching his daughter on the breasts and vaginal area on a number of occasions in the family residence.
8. There was no allegation or evidence of penetration.
9. Heckman tendered a plea of guilty to one count of child molesting, a Class C felony, which was accepted on November 22, 1999, by the Porter County Superior Court #1. See exhibit B.
10. Heckman was sentenced to a term of 5 1/2 years of which 4 years were suspended. Upon release from incarceration, Heckman will be on formal probation and participate in a counseling program. See exhibit B.
11. The Commission's complaint filed in this matter raises several sections of IC 16-31 and 836 IAC, which have been violated.

12. Because of the conviction, only one code section needs to be discussed.
13. IC 16-31-3-14.5 provides that “The Commission may permanently revoke a license or certificate . . . if the individual who holds the license or certificate issued under this title is convicted of any of the following” . . .
  - (ll) A crime of violence (as defined in IC 35-50-1-2 (a)). . .”
14. IC 35-50-1-2 (a) (9) includes child molesting as a crime of violence.
15. Given the ongoing and repetitive nature of the violation and the fact that the victim was his daughter, a permanent revocation of the Certificates is the appropriate sanction.

#### **NONFINAL ORDER**

Emergency Medical Technician Certificate Number 6428309 and Driver Certificate Number 7868 issued by the Emergency Medical Services Commission to Mark Irvin Heckman are hereby permanently revoked.