

Cause #: 00-3M  
Name: Jon Michael Helms  
Administrative Law Judge  
Date: November 17, 2000  
Commission Action: Affirmed

### **FINDINGS OF FACT**

1. The Indiana Emergency Medical Services Commission (“EMSC”) and the Agency are agencies 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. At all times relevant to this proceeding, Helms held a Certificate issued by the EMSC which allowed him to function as a first responder.
4. On or about March 28, 2000, the Agency received information that Helms was a convicted sex offender.
5. A check of the Franklin County Courthouse records showed in December of 1996, Helms was charged with sexual misconduct with a minor, a Class C Felony.
6. In March of 1997, Helms entered into a plea agreement with the State where he would plead guilty to the Class C Felony and receive a partially suspended sentence. See exhibit C.
7. This plea agreement apparently never was accepted by the court because in October of 1997, a new plea agreement was filed which reduced the charge to battery, a Class B Misdemeanor. See exhibit B.
8. This plea agreement was accepted by the court and Helms was given a sentence of six months in jail, suspended after three months. See exhibit A.
9. Further details are sketchy, but it can be concluded by the preponderance of the evidence that Helms was convicted of a crime against a minor which involved physical force.
10. IC 16-31-3-14 governs suspension and revocations of certificates and sets the maximum suspension at seven years.
11. 836 IAC 1-5-1 (e) sets forth a number of reasons for revoking or suspending a certificate including “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. . . .”

12. Helms has been convicted of an offense which does call into question his fitness to serve the public as a first responder.
13. Since the conviction is for a misdemeanor, not a felony, and there is no information as the exact act towards the victim which led to charges being filed, the maximum penalty is not a appropriate sanction.
14. The Agency agrees and has gone on record as recommending revocation for a period of five years.
15. There is no evidence of mistreatment of a patient.
16. A five year revocation for a misdemeanor conviction not involving patient abuse or neglect is a fairly high penalty but justified in this case.
17. Battery against a member of a protected age class impacts the public and calls into question the ability of Helms to serve the public.
18. The Certificate should be revoked for five years.

### **NONFINAL ORDER**

First Responder Certificate Number FR 44352 issued to Jon Michael Helms is hereby revoked for a period of five years commencing March 30, 2000, the effective date of the emergency suspension.