

WILLIAM B. WALKER, M.D.
HEALTH SERVICES DIRECTOR

PAT FROST
EMS DIRECTOR

JOSEPH BARGER, M.D.
MEDICAL DIRECTOR



CONTRA COSTA
EMERGENCY
MEDICAL SERVICES

1340 Arnold Drive, Suite 126
Martinez, California
94553-1631
Ph (925) 646-4690
Fax (925) 646-4379

The denial of certification as an Emergency Medical Technician for Joel Rickett, effective August 21, 2013, is accepted by the Contra Costa Emergency Medical Services Agency.

This decision is made on August 21, 2013, in Martinez, California.

Joseph Barger, MD
Medical Director



BEFORE THE MEDICAL DIRECTOR
CONTRA COSTA EMERGENCY MEDICAL SERVICES
CONTRA COSTA HEALTH SERVICES
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

In the Matter of the Appeal of:

JOEL RICKETT,

Appellant.

OAH No. 2013050671

PROPOSED DECISION

Mary-Margaret Anderson, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on August 5, 2013, in Oakland, California.

Appellant Joel Rickett represented himself.

Bruce Kenagy, Acting EMS Program Coordinator, represented Contra Costa Emergency Medical Services.

The record closed on August 5, 2013.

FACTUAL FINDINGS

1. By application signed August 23, 2012, Joel Rickett (Appellant) applied for certification as an Emergency Medical Technician-1 (EMT) with the Emergency Medical Services Agency, Contra Costa Health Services, Contra Costa County. The application includes a question that asks if the applicant has ever been convicted of a felony or misdemeanor. Appellant answered "yes" to the question, and attached a written explanation as requested.

2. On April 20, 2010, in the Sacramento County Superior Court, Appellant was convicted, by his plea of nolo contendere, of a misdemeanor violation of Penal Code section 508, embezzlement. Appellant was placed on informal probation for three years, pursuant to terms and conditions that included serving 30 days in county jail and making restitution to the Folsom-Cordova Community Partnership.

3. The factual basis for Appellant's conviction is that he used credit card information that belonged to a company he was working for without its consent, and for personal gain.

4. Appellant testified that he is aware that denial of his certification is mandatory at this time. Nonetheless, he requested a hearing "to go on record and speak to the Medical Director." Appellant asserts that he is a good person, who grew up in a good home. For between ten and twelve months, he lived in Roseville with people who were a bad influence. He was "surrounded by negativity and alcohol, and made some poor decisions." Appellant pled no contest for taking credit card information and using it. He knew he needed to stop and reflect. Since 2010, he has been doing well. Appellant is now engaged, and the couple has a 10-month-old child. Appellant is seeking a real career, not just a job. He hopes to be certified as an EMT in the future, and go on to become a paramedic.

LEGAL CONCLUSIONS

1. The certification of emergency medical technicians in California is governed by the Prehospital Emergency Medical Care Personnel Act (Health & Saf. Code, § 1797, et seq.) and corresponding regulations. California Code of Regulations, title 22, section 100214.3, subdivision (c)(9), provides that the medical director of an emergency medical services department shall deny certification to applicants who have "been convicted within the preceding five (5) years of any theft related misdemeanor."

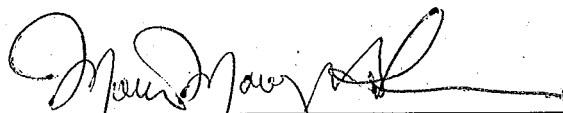
2. Because Appellant was convicted of misdemeanor theft in 2010, denial of his application for certification is mandatory.

3. Despite the disappointment the denial has caused, it is hoped that Appellant will continue on his path of responsible and law-abiding behavior and re-apply for certification after April 20, 2015.

ORDER

Appellant Joel Rickett's appeal of the denial of his application for certification as an EMT-1 is denied.

DATED: August 16, 2013



MARY-MARGARET ANDERSON
Administrative Law Judge
Office of Administrative Hearings