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BEFORE THE
EMERGENCY MEDICAL SERVICES AUTHORITY
STATE OF CALIFORNIA

In the Matter of the Emergency Medical
Technician- Paramedic License of:

MATTHEW B. AGUILAR
License No. P20845

Respondent.

)
) Enforcement Matter No.: *10-0314*
) OAH No: 2011020149
)
)

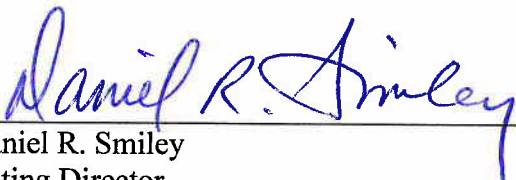
DECISION AND ORDER

The attached Proposed Decision is hereby adopted by the Emergency Medical Services
Authority as its Decision in this matter.

This decision shall become effective 15 days from the date below. It is so ordered.

DATED:

19 April 2011



Daniel R. Smiley
Acting Director
Emergency Medical Services Authority

BEFORE THE
EMERGENCY MEDICAL SERVICES AUTHORITY
STATE OF CALIFORNIA

In the Matter of the Emergency Medical
Technician-Paramedic License Held by:

MATTHEW B. AGUILAR
License No. P20845,

Respondent.

Enforcement Matter No. 10-0314

OAH No. 2011020149

PROPOSED DECISION

Administrative Law Judge Diane Schneider, Office of Administrative Hearings, State of California, heard this matter in San Francisco, California, on March 14, 2011.

Senior Staff Counsel Cynthia L. Curry represented complainant Sean Trask, Chief, EMS Personnel Division, Emergency Medical Services Authority, State of California.

Respondent Matthew B. Aguilar appeared and was self-represented.

The matter was submitted on March 14, 2011.

FACTUAL FINDINGS

1. Respondent Matthew B. Aguilar holds Emergency Medical Technician-Paramedic (EMT-P) license number P20845. The license was first issued on February 7, 2004, and is valid through February 29, 2012.
2. Complainant Sean Trask, acting in his official capacity as Chief, EMS Personnel Division, Emergency Medical Services Authority (EMSA), State of California, filed the accusation against respondent. Respondent filed a notice of defense.
3. On December 16, 2010, respondent was convicted on his plea of guilty of violating Penal Code section 487, subdivision (a) (grand theft), a misdemeanor and a crime substantially related to the qualifications, functions or duties of an emergency medical technician-paramedic. Imposition of sentence was suspended and respondent was placed on summary probation for two years. His probation conditions include service of 150 hours of community service, and payment of a fine in the amount of \$170. As of the date of the hearing, he had performed 32 hours of community service.

4. The facts and circumstances surrounding respondent's conviction for grand theft are that on September 18, 2008, while working as an officer for the California Highway Patrol (CHP), respondent took cash that had been planted by the CHP in an abandoned car as part of an "integrity check" on respondent.

Respondent states that he paid a total of \$1,230 in restitution. Although the record is not completely clear, it appears that about \$665 was paid to a motorist who reported cash missing from her car following a traffic stop, and the remainder was paid to the CHP. Respondent admits only to taking a couple of dollars from cash that had been planted by the CHP in an abandoned car. He states that he took this money to buy a soda because he was very thirsty.

5. Respondent had worked as a CHP officer for two years prior to his commission of the theft. He greatly enjoyed his work as a CHP officer. He received positive feedback regarding his work from his supervisors. Following the theft on September 18, 2008, he was allowed to resign from his position "without fault," effective October 2, 2008.

6. In February 2009, he began paramedic work at American Medical Response (AMR). On January 31, 2011, his EMT-P license was temporarily suspended pending this hearing.

7. Respondent admits that he made a mistake. He believes, however, that he should be allowed to continue working as an EMT-P because his theft was an isolated incident; the theft did not occur while he was working as an EMT-P, and he has had no complaints filed against him since he began work at AMR.

LEGAL CONCLUSIONS

1. Pursuant to Health and Safety Code section 1798.200, subdivisions (b), (c)(5) and (6), the EMSA may suspend or revoke any EMT-P license if the licensee commits any dishonest act that is substantially related to the qualifications, functions and duties of a licensee or if the licensee is convicted of a crime that is substantially related to the qualifications, functions and duties of a licensee. Respondent's commission of theft and his conviction for grand theft are substantially related to the qualifications, functions and duties of a licensee because they evidence a present or potential unfitness to perform the functions authorized by his license in a manner consistent with public safety. (Cal. Code Regs., tit. 22, § 100174, subd. (a).) Based upon the matters set forth in Factual Finding 3, cause exists to suspend or revoke respondent's EMT-P license.

2. The disciplinary guidelines promulgated by the EMSA must be considered in determining the level of discipline to be imposed. Pursuant California Code of Regulations, title 22, section 10173, subdivision (b)(5), the EMSA shall revoke a license if a licensee has been convicted of a theft-related misdemeanor with the preceding five years. In the instant case, respondent committed a theft of CHP property while working as a CHP officer. Although he admits taking a few dollars, he has still not taken full responsibility for his

actions. In addition, his conviction is less than four months old, and he remains on probation until December 2012. These facts do not warrant deviating from the disciplinary guidelines. Accordingly, respondent's EMT license should be revoked.

ORDER

Emergency Medical Technician-Paramedic license number P20845 issued to respondent Matthew B. Aguilar is revoked.

DATED: April 11, 2011



DIANE SCHNEIDER
Administrative Law Judge
Office of Administrative Hearings