

BEFORE THE
EMERGENCY MEDICAL SERVICES AUTHORITY
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

BRADFORD R. BEEDLE,

License No. P00927

Respondent.

Case No. 15-0262

OAH No. 2017010139

PROPOSED DECISION

Administrative Law Judge Jill Schlichtmann, State of California, Office of Administrative Hearings, heard this matter on July 6, 2017, in Oakland, California.

Stephen J. Egan, Senior Staff Counsel, Emergency Medical Services Authority (EMSA), represented Sean Trask, Chief of the EMS Personnel Division of EMSA (complainant).

W. David Holsberry, Attorney at Law, McCracken, Stemerman, Holsberry, represented respondent Bradford R. Beedle, who was present.

The matter was submitted on July 6, 2017.

FACTUAL FINDINGS

1. Complainant Sean Trask filed the Accusation in his official capacity.
2. Bradford R. Beedle (respondent) holds Emergency Medical Technician-Paramedic (EMT-P) license number P00927, which was first issued on January 22, 1992, and is valid through January 31, 2018.
3. Respondent was elected to the Novato Fire District Board of Directors in 1997. In 2015, all members of the Board had access through their personal devices, including cell phones, to the Computer Automated Dispatch log (CAD), a confidential computerized record of radio calls and transactions of the Novato Police Department, Novato

Fire Department and Marin County Sheriff's Office. Respondent monitored the transmissions regularly.

4. Respondent owns and works for Beedle & Associates, a business that provides first aid booths or tents at events such as half-marathons, movie and advertisement shoots, and community events. Respondent hires independent contractors to staff the booths.

5. In June 2015, respondent had known Steven Deschler for approximately 15 years. Deschler is a retired fire captain and paramedic and had been the track coach at the Novato High School for many years. Respondent has worked as a medic for Novato High School for 22 years. Deschler had worked as an independent contractor for Beedle & Associates for eight years. In addition, respondent would refer work to Deschler when he was unavailable.

6. Respondent referred a job on a film shoot scheduled for June 17, 2015, to Deschler because Beedle & Associates was unavailable. Deschler accepted the work. Deschler left for a vacation in Hawaii on the day following the job.

7. On June 19, 2015, a CAD transmission reported that the Marin County Sheriff's Department and/or the Novato Police Department were investigating an allegation of sexual contact with a minor student at Novato High School and that the suspect was Deschler.

8. On June 20, 2015, beginning at 11:25 a.m., respondent and Deschler engaged in the following text message exchange:

Respondent: Hey

Deschler: The shoot went well, no problems. When I turned in my time card, I was asked if I was in the union by Hon. I said that the paper work was turned in months ago. The morning after the shoot, I left for Hawaii. The weather is great on Maui.

Respondent: Nice
It is real important that you call me adapt
ASAP

At that point, respondent and Deschler spoke via their cell phones; respondent disclosed to Deschler that there was active criminal investigation of him. This was confidential information. Respondent and Deschler then resumed their text exchange:

Deschler: Brad, thanks for the heads up. I think I'm going to need a lawyer. Do you know the name and number of a good one? Thanks

Respondent: Yes let me know when you get back

Deschler: I'll be back in the beginning of July. However, I would like to give them a heads up before.

Respondent: K let me work on it.

9. On June 20, 2015, at 5:19 p.m., respondent sent a text message to Deschler stating: "Monday will have a name for you hang in there." Deschler responded at 7:21 p.m. stating: "Great, thanks." Respondent responded: "Still working on it."

10. On June 22, 2015, at 7:48 p.m., respondent sent Deschler a text message with the name and number of an attorney, and remarked that the attorney had worked with firefighters in similar situations.

11. On July 2 or 3, 2015, Deschler was arrested for several felonies at San Francisco International Airport when he arrived from Hawaii.

12. On July 8, 2015, respondent attended a San Francisco Giant's game with Mark Heine, Chief of the Novato Fire Protection District, Deputy Fire Chief Adam Brolan and Battalion Chief Bill Tyler. Chief Heine has known respondent for 30 years and holds him in high regard. On the way to the game, respondent advised the others that he had seen the news about Deschler, and he expressed concern about his friend. Respondent also revealed that he had contacted Deschler while Deschler was in Hawaii; respondent was concerned that the cell phone records would reveal the contact to law enforcement. Chief Heine advised respondent to contact the investigator at the Sheriff's Office about his involvement. While accessing the radio transmissions was permissible, Chief Heine considered respondent's disclosure of the confidential information to the suspect to be improper.

13. Chief Heine alerted the Novato Fire District's legal counsel, Riley Hurd, of what respondent had told him. Chief Heine also had several conversations about the incident with the Marin County Sheriff's office.

14. On August 1, 2015, respondent was interviewed by Detective Lauri Dargo of the Marin County Sheriff's Department. During his interview, respondent repeatedly denied having had any contact with Deschler while Deschler was in Hawaii. Respondent told Detective Dargo that his last contact with Deschler was on June 17 when he sent Deschler a text message regarding a business referral. Detective Dargo repeatedly advised respondent that it was very important for him to be truthful with her. Later during the interview, respondent admitted that he had engaged in a text message exchange and telephone call with Deschler while he was in Hawaii.

Respondent told Detective Dargo that he was in the midst of texting Deschler regarding the film shoot when the information came over the CAD transmission, and that spontaneously, he told Deschler to call him. Respondent stated that he did not say anything else to Deschler other than that he was going to be arrested, and that Deschler did not say anything of substance in response. When Detective Dargo informed respondent that the

CAD transmission had occurred 24 hours before the text message exchange and asked him whether he had learned of the information the day before telling Deschler, respondent said he could not remember the timeline exactly, but believed it was during the text exchange. During his interview with Detective Dargo, respondent was concerned that he could be charged criminally and admitted that he had made a “bonehead move” by disclosing the pending arrest to Deschler.

15. On August 13, 2015, respondent met with Chief Heine, Deputy Chief Brolan and Hurd at the Novato Fire District administrative offices to discuss the situation. Chief Heine recommended that respondent resign from the Board as a result of his disclosure to Deschler. They were concerned about the Fire District’s image and reputation, and whether it could be exposed to liability over the confidentiality breach. Respondent’s conduct was inappropriate and caused embarrassment to the Novato Fire District.

Respondent submitted his resignation from the Board, the same day, effective immediately. On August 14, 2015, the Novato Fire District issued a press release in which it announced respondent’s resignation. The press release reported that respondent had been investigated by the District regarding his use of dispatch information to inform a suspect that he was the subject of an active criminal investigation. The press release stated that the District does not tolerate breaches of its policies or codes of ethics.

16. The Marin County Sheriff’s Department did not recommend that criminal charges be filed against respondent. In light of his resignation from the Fire District Board, respondent no longer has access to CAD transmissions.

Respondent’s Evidence

17. Respondent earned an emergency medical technician certificate in the early 1980’s. His father was the Fire Chief of the Ross Valley Fire Department, and respondent grew up in a home where radio transmissions were commonplace. Respondent received his paramedic license in 1992. He worked as a paramedic in Sacramento, then in Sonoma County for Advanced Life Support. Respondent also worked as a paramedic for the Bodega Bay Fire Department. Respondent has not received any complaints about his work as a paramedic.

18. Respondent is self-employed. He owns Global Medical and Safety, a business that replenishes first aid supplies for businesses, and has owned Beedle and Associates for over 20 years. Respondent does not use his paramedic license in either business. If an emergency occurs when Beedle and Associates is staffing an event, the employees call 911. They are onsite to provide basic first aid, but not life support. Although respondent does not need his paramedic license to perform his job duties, he believes it is important for marketing purposes.

19. Respondent has known Deschler and Deschler's wife for many years. Respondent had never observed behavior by Deschler that led him to suspect he would commit a crime.

20. During his lengthy tenure on the Novato Fire District Board, respondent monitored the CAD transmissions closely. He was never trained on the confidential nature of the transmissions. Respondent asserts that he contacted Deschler in Hawaii to find out how the film shoot referral had gone and that he learned of Deschler's pending arrest at that time. Without thinking or considering the confidential nature of the information, respondent disclosed it to Deschler. Respondent later realized that his disclosure was a "big mistake." He is thankful that while the disclosure could have jeopardized the investigation, it did not.

21. Respondent twice unsuccessfully attempted to contact a friend who works for the Marin County Sheriff's Department to discuss his involvement. He was fearful of being arrested, and regrets his denials to Detective Dargo when she initially questioned him.

22. Respondent enjoyed his tenure on the Novato Fire District Board, and regrets having caused embarrassment to the Board. L. J. Silverman has known respondent for 25 years. They served together on the Novato Fire District Board of Directors for 12 years. During that time, Silverman observed respondent to work diligently and selflessly for the betterment of the Fire District and its employees.

LEGAL CONCLUSIONS

1. Health and Safety Code section 1798.200 states, in pertinent part:

[¶] . . . [¶]

(b) The authority may deny, suspend, or revoke any EMT-P license issued under this division, or may place any EMT-P licenseholder on probation upon the finding by the director of the occurrence of any of the actions listed in subdivision (c). Proceedings against any EMT-P license or licenseholder shall be held in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) Any of the following actions shall be considered evidence of a threat to the public health and safety and may result in the denial, suspension, or revocation of a certificate or license issued under this division, or in the placement on probation of a certificate or licenseholder under this division:

[¶] . . . [¶]

(5) The commission of any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, and duties of prehospital personnel.

2. Releasing information concerning an active criminal investigation to a suspect threatens the investigation and places the safety of the public in jeopardy. It constitutes a breach of the duty respondent owed to society. The protection of confidential information is essential to the duties of a paramedic, and respondent's actions undermined public confidence and respect for the profession and his position on the Novato Fire Protection District Board. Respondent's dishonesty regarding his disclosure to Detective Dargo is also cause for concern.

Respondent's misconduct is substantially related to the qualifications, functions, or duties of a paramedic in that it evidences potential unfitness to perform the functions authorized by the license in a manner consistent with the public health and safety. Cause exists, pursuant to section 1798.200, subdivision (c)(5), to discipline respondent's EMT-P license by reason of Factual Findings 7 through 14.

3. EMSA has adopted criteria to evaluate the rehabilitation of a licensee who is subject to license disciplinary action, which are set forth in California Code of Regulations, title 22, section 100175. In evaluating the rehabilitation of the applicant and present eligibility for a license, EMSA shall consider the following criteria: 1) the nature and severity of the act(s); 2) evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration; 3) the time that has elapsed since commission of the act(s); 4) the extent to which the person has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the person; 5) if applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code; and, 6) evidence, if any, of rehabilitation submitted by the person.

The acts giving rise to discipline are serious. Respondent is an experienced paramedic and should have known better than to divulge such sensitive confidential information to a criminal suspect who was facing multiple felony charges. It is also very troubling that he initially denied his involvement to Detective Dargo. Respondent's lack of candor with Detective Dargo reflects poorly on his judgment.

On the other hand, respondent has been licensed as a paramedic since 1992, and this is the first cause for discipline. Respondent has actively served the community at Novato High School and on the Novato Fire Protection District Board for many years. Two years have passed since respondent's disclosure and it is unlikely to reoccur.

4. The disciplinary guidelines adopted by EMSA pursuant to California Code of Regulations, title 22, section 100172, recommend that for the commission of a dishonest or corrupt act, the minimum discipline should be revocation, stayed, a 60-day suspension and three years of probation; the maximum is revocation. In light of the lack of previous discipline over a long period of licensure, respondent's years of community service and his

resignation from his position with the Novato Fire District Board, the public interest will be sufficiently protected by imposition of a stayed revocation, a five-year probationary term with conditions including a 60-day suspension and completion of a course in the ethical obligations of a paramedic.

ORDER

License number P00927 issued to the respondent Bradford R. Beedle is revoked. However, such revocation is stayed and respondent is placed on probation for five years upon the following terms and conditions:

1. Suspension

License number P00927, issued to respondent Bradford R. Beedle, is suspended for 60 days.

2. Probation Compliance

Respondent shall fully comply with all terms and conditions of the probationary order. Respondent shall fully cooperate with the EMSA in its monitoring, investigation, and evaluation of respondent's compliance with the terms and conditions of his probationary order.

3. Personal Appearances

As directed by the EMSA, respondent shall appear in person for interviews, meetings, and/or evaluation of respondent's compliance with the terms and conditions of the probationary order. Respondent shall be responsible for all of his costs associated with this requirement.

4. Quarterly Report Requirements

During the probationary period, respondent shall submit quarterly reports covering each calendar quarter which shall certify, under penalty of perjury, and document compliance by respondent with all the terms and conditions of his probation. If respondent submits his reports by mail, it shall be sent as certified mail.

5. Employment Notification

During the probationary period, respondent shall notify the EMSA of disclosure, by respondent, to the current and any prospective EMS employer of the reasons for and terms and conditions of respondent's probation.

Additionally, respondent shall submit proof in writing to the EMSA of disclosure, by respondent, to the current and any prospective EMS employer of the reasons for and terms and conditions of respondent's probation.

Respondent authorizes any EMS employer to submit performance evaluations and other reports which the EMSA may request that relate to the qualifications, functions, and duties of prehospital personnel.

6. Notification of Termination

Respondent shall notify the EMSA within 72 hours after termination, for any reason, with his prehospital medical care employer. Respondent must provide a full, detailed written explanation of the reasons for and circumstances of his termination.

Any and all notifications to the EMSA shall be by certified mail.

7. Functioning as a Paramedic

The period of probation shall not run anytime that respondent is not practicing as a paramedic within the jurisdiction of California.

If respondent, during his probationary period, leaves the jurisdiction of California to practice as a paramedic, respondent must immediately notify the EMSA, in writing, of the date of such departure and the date of return to California, if respondent returns.

8. Obey All Related Laws

Respondent shall obey all federal, state and local laws, statutes, regulations, written policies, protocols and rules governing the practice of medical care as a paramedic. Respondent shall not engage in any conduct that is grounds for disciplinary action pursuant to section 1798.200. To permit monitoring of compliance with this term, if respondent has not submitted fingerprints to the EMSA in the past as a condition of licensure, then respondent shall submit his fingerprints by Live Scan or by fingerprint cards and pay the appropriate fees within 45 days of the effective date of this decision.

Within 72 hours of being arrested, cited or criminally charged for any offense, respondent shall submit to the EMSA a full and detailed account of the circumstances thereof. The EMSA shall determine the applicability of the offense(s) as to whether respondent violated any federal, state and local laws, statutes, regulations, written policies, protocols and rules governing the practice of medical care as a paramedic.

Any and all notifications to the EMSA shall be by certified mail.

9. Completion of Probation

Respondent's license shall be fully restored upon successful completion of probation.

10. Violation of Probation

If during the period of probation respondent fails to comply with any term of probation, the EMSA may initiate action to terminate probation and implement actual license suspension/revocation. Upon the initiation of such an action, or the giving of a notice to respondent of the intent to initiate such an action, the period of probation shall remain in effect until such time as a decision on the matter has been adopted by the EMSA. An action to terminate probation and implement actual license suspension/revocation shall be initiated and conducted pursuant to the hearing provisions of the California Administrative Procedure Act.

The issues to be resolved at hearing shall be limited to whether respondent has violated any term of his probation sufficient to warrant termination of probation and implementation of actual suspension/revocation. At the hearing, respondent and the EMSA shall be bound by the admissions contained in the terms of probation and neither party shall have a right to relitigate the validity or invalidity of such admissions.

11. Ethical Practice of EMS

Within 30 days of the effective date of this decision, respondent shall submit to the EMSA, for its prior approval, a course in ethics. Respondent must complete this course during his probation period.

Upon completion by respondent of the ethics course, respondent shall submit proof to the EMSA that he fulfilled all course requirements.

Any and all notifications to the EMSA shall be by certified mail.

DATED: July 25, 2017

DocuSigned by:
Jill Schlichtmann
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JILL SCHLICHTMANN
Administrative Law Judge
Office of Administrative Hearings