

BEFORE THE  
EMERGENCY MEDICAL SERVICES AUTHORITY  
STATE OF CALIFORNIA

In the Matter of:

PERRY CHURCHILL

Respondent

OAH No. 2008010804

**DECISION**

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Emergency Medical Services Authority as its Decision in the above-entitled matter.

This Decision shall become effective on August 16, 2008.

IT IS SO ORDERED this 16 day of July 2008

**BEFORE THE  
EMERGENCY MEDICAL SERVICES AUTHORITY  
STATE OF CALIFORNIA**

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

**PERRY CHURCHILL**  
License No. P09273

Respondent.

Case No. 06-0221

OAH No. 2008010804

**PROPOSED DECISION**

Ann Elizabeth Sarli, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on June 17, 2008, in Sacramento, California.

David Chan, Deputy Attorney General, represented complainant, Emergency Medical Services Authority.

Perry Churchill did not appear.

Documentary evidence was received. The matter was submitted and the record closed on June 17, 2008.

**PROCEDURAL FINDINGS**

1. The Emergency Medical Services Authority (authority) issued Perry Churchill (respondent) Medical Technician-Paramedic (EMT) license number P09273 in 1996. The license expired on December 31, 2006. On January 20, 2007, the authority suspended renewal of the license because respondent was out of compliance with a child/family support judgment/order.<sup>1</sup>

2. On August 9, 2007, Daniel R. Smiley signed an Accusation in his official capacity as Chief Deputy Director, Emergency Medical Services Authority, State of California. The Accusation was duly served on respondent at his address of record. Respondent timely requested a hearing by filing a Notice of Defense. The

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<sup>1</sup> The license was suspended pursuant to California Family Code section 17520.

hearing venue was San Diego. On February 28, 2008, respondent brought an unopposed motion to change venue to Sacramento, stating that he had moved to 1900 Ascot Parkway #324, Vallejo, California, 74591. The motion was granted. A Notice of Hearing, setting forth the date, time and place of hearing, was served on respondent on March 3, 2008, by certified mail at his Vallejo address.

3. Respondent did not appear at the hearing. Nor did anyone appear on his behalf. Neither the Office of Administrative Hearings nor counsel for the authority received any communication from respondent regarding his appearance at the hearing. The matter thus proceeded as a default hearing pursuant to Government Code section 11520, subdivision (a).

## FACTUAL FINDINGS

1. On September 19, 2006, in the Riverside County Superior Court, respondent pled guilty to violating California Penal Code section 422 (threatening to commit a crime that could result in death). He also pled guilty to one count of violating California Penal Code section 273.5, subdivision (a), (domestic violence). Respondent was sentenced to serve 30 days in County Jail, perform 20 hours of community service, enroll in a domestic violence program and pay fines in the amount of \$665.

2. On October 5, 2006, in the Riverside County Superior Court, respondent was convicted upon his plea of guilty of violating California Penal Code section 148, subdivision (a)(1), (willfully obstructing an officer). He was also convicted of a violation of California Penal Code section 273.6, subdivision (8)(a) (violation of a court order). He was sentenced to serve 30 days in county jail, pay fines in the amount of \$265, and serve probation for 36 months.

3. Respondent's criminal convictions arose from his conduct on September 15, and October 3, 2006. On September 15, he and his wife had an argument. Respondent told her he was going to kill her, jumped on top of her, forced her onto her stomach and choked her by placing his right arm around the front of her neck. He choked her for approximately 15 seconds before he released his arm from around her neck. He then grabbed her arms and forcibly held her against a bed, while continuing to yell at her. She called 911 when he released her and went into the bathroom. In connection with the criminal prosecution, the court issued a restraining order, ordering respondent to stay away from his wife. On October 3, 2006, respondent went to the residence where his wife was staying and argued with her. He left, but began calling her on his cell phone, telling her he was coming back to talk with her. She called the police, who reported to the residence. Respondent returned to his wife's residence. He got out of the car in front of the residence, and began walking towards police officers with his fists closed. The officers told him to stop and lie on the ground. He refused the commands and continued to walk towards the

police officers with closed fists. He was yelling, "I just want to say goodbye to my wife." Officers commanded him to stop and lie on the ground, and he refused. They sprayed him with pepper spray to get him to stop. He resisted arrest, and during the altercation, one of the deputies sustained minor injuries.

4. There was no evidence introduced at hearing regarding respondent's rehabilitation, if any.

## LEGAL CONCLUSIONS

1. The statutes and regulations which govern the licensing of Emergency Medical Technicians-Paramedics (EMT-P) are contained in division 2.5 of the Health and Safety Code, commencing with section 1797, and California Code of Regulations, title 22.

2. Health and Safety Code section 1798.200 provides 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)...

(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:

[¶]...[¶]

(6) Conviction of any crime which is substantially related to the qualifications, functions, and duties of prehospital personnel. The record of conviction or a certified copy of the record shall be conclusive evidence of the conviction.

3. California Code of Regulations, title 22, section 100173, subdivision (b)(4), provides:

(b) The authority shall deny/revoke a paramedic license, if any of the following apply to the applicant:

[¶]...[¶]

(4) Has been convicted of two misdemeanors within the preceding five years for any offense relating to force, violence, threat, or intimidation.

4. It has been established by clear and convincing evidence that respondent's paramedic license is subject to discipline pursuant to Health and Safety Code section 1798.200, subdivision (c)(6), because of his criminal convictions set forth in the Factual Findings. Respondent's criminal convictions are substantially related to the qualifications, functions and duties of prehospital personnel. A paramedic is responsible for the care and treatment of vulnerable patients and operates at all times, as part of a multi-disciplinary team of prehospital personnel, nurses, physicians, and other professional personnel. Moreover, a paramedic has continuous contact with family members and the public. He must be able to maintain an even temperament, and to comply with the directives of law enforcement and other authorities. Respondent's convictions demonstrate that he is unable to control his anger and that he is prone to harm others when he is angry. Respondent's convictions demonstrate that he is unable to comply with court orders and police directives.

5. It has been established by clear and convincing evidence that respondent's paramedic license is subject to discipline pursuant to California Code of Regulations, title 22, section 100173, subdivision (b)(4), because of his criminal convictions for two misdemeanors within the preceding five years for offenses relating to force, violence, threat, or intimidation, as set forth in the Factual Findings.

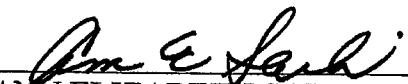
6. The purpose of a disciplinary action is not to punish the licensee for the crimes or conduct he has engaged in. The purpose of disciplinary proceedings is to ensure that the licensee does not currently pose a threat to the public he serves. In light of respondent's recent and multiple criminal convictions, respondent bears the burden of proving that he is currently of such good character that he does not pose a threat to the public that he serves. Respondent produced no evidence in this regard.

7. Cause exists for revocation of respondent's paramedic license by reason of Legal Conclusions 1 through 6.

## ORDER

EMT-P license number P09273 issued to Perry Churchill is REVOKED.

Dated: July 14, 2008



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ANN ELIZABETH SARLI  
Administrative Law Judge  
Office of Administrative Hearings