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BEFORE THE  
EMERGENCY MEDICAL SERVICES AUTHORITY  
STATE OF CALIFORNIA


In the Matter of the Statement of Issues ) Enforcement Matter No. 19-0246  
Against the Application of: ) OAH No. 2019121007  
)  
**JUSTIN P. VOGEL,** ) **DECISION AND ORDER**  
)  
Respondent. )  
)  
)  
)

The attached Proposed Decision and Order dated May 18, 2020, is hereby adopted by the Emergency Medical Services Authority as its Decision in this matter. The Decision shall become effective on June 1, 2020.

It is so ordered.

DATED:

*5/21/2020*

  
\_\_\_\_\_  
Dave Duncan, MD,  
Director  
Emergency Medical Services Authority

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

**In the Matter of the Statement of Issues Against:**

**JUSTIN P. VOGEL, Respondent.**

**CASE NO. 19-0246**

**OAH No. 2019121007**

**PROPOSED DECISION**

Administrative Law Judge Diane Schneider, Office of Administrative Hearings, State of California, heard this matter on March 10, 2020, in Oakland, California.

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

Attorneys Andrew P. Valentine and Erik R. Fuehrer, DLA Piper LLP, represented respondent Justin Vogel, who was present at hearing.

Submission of the matter was deferred to allow respondent to submit a post-hearing brief and a letter from his employer, and for complainant to file a response to respondent's submissions. On March 31, 2020, respondent submitted a letter from his employer, Roger Riley, which was marked for identification as Exhibit M and admitted into evidence as administrative hearsay. Respondent also submitted a

post-hearing brief, which was marked for identification as Exhibit N. On April 17, 2020,<sup>1</sup> complainant submitted a post-hearing response, which was marked for identification as Exhibit 8.

The record closed and the matter was deemed submitted for decision on April 17, 2020.

## **FACTUAL FINDINGS**

### **Jurisdictional Matters**

1. Complainant Sean Trask, acting in his official capacity as Chief, EMS Personnel Division, Emergency Medical Services Authority (Authority or EMSA), State of California, filed the statement of issues against respondent Justin Vogel.

2. On July 15, 2019, respondent submitted an application to the Emergency Medical Services Authority of the State of California (Authority) for an initial Emergency Medical Technician-Paramedic License (EMT-P). On October 23, 2019, the Authority denied respondent's application based upon his two criminal convictions. Respondent appealed, and this hearing followed.

### **Criminal Convictions**

3. On April 20, 2005, in the Superior Court of the State of California, County of San Francisco, respondent was convicted, on his plea of guilty, of a felony violation

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<sup>1</sup> Complainant was unable to file its brief on April 16, 2020, due to staffing issues related to Covid-19.

of Penal Code section 12020, subdivision (a)(4) (concealed dirk or dagger). Respondent explained that he was arrested for this offense after he made a bad decision and agreed to hold a large blade for a friend. At the time respondent committed this offense, he was 18 years old.

The court suspended imposition of sentence and placed respondent on probation for three years on conditions that included serving 90 days in jail and paying fines and fees. The court indicated that it might reduce respondent's conviction to a misdemeanor if he successfully served two years of probation. On July 13, 2011, respondent's conviction was reduced to a misdemeanor pursuant to Penal Code section 17, subdivision (b), and expunged pursuant to Penal Code section 1203.4.

4. On July 20, 2007, in the Superior Court of the State of California, County of San Francisco, respondent was convicted, on his plea of guilty, of violating Health and Safety Code section 11351 (possession for sale of controlled substance/cocaine), a felony. At the time respondent committed this offense, he was 20 years old, and had, in his words, "fallen on hard times" and was "living out of [his] car." Respondent was not a cocaine user. He agreed to sell cocaine in order to make money.

The court placed respondent on probation for three years on terms that included serving nine months in jail, and paying fines and fees. Respondent's conviction was expunged pursuant to Penal Code section 1203.4 on May 4, 2011.

## **Respondent's Rehabilitation Evidence**

### **RESPONDENT'S TESTIMONY**

5. Respondent was open and honest at hearing and in his written communications to the Authority, about the reasons underlying his criminal conduct,

his rehabilitation, and his motivation to work as a paramedic. Respondent's testimony was forthright and credible in all respects.

6. Respondent is remorseful for his criminal conduct. Respondent takes full responsibility for his decisions to become involved in illegal activity. Respondent is 36 years old. He traces his involvement in crime to a lack of supervision by his parents: his father, an alcoholic, was in and out of jail since respondent was born; and when respondent was in his early teens, his mother left him for days at a time to be with her boyfriend. Respondent became homeless when he was 19 years old, after his mother re-married and moved in with her husband. While respondent did not present himself as a victim, his insights into his past have helped him understand the reasons why, in his words, he sought attention from the "wrong crowd."

7. When respondent was 21 years old, and serving time for his drug offense, he decided to turn his life around. After he was released from custody in 2008, he obtained a position at Starbucks. After five years, he left Starbucks to work for the Cheesecake Factory because it allowed his schedule greater flexibility, which he needed in order to attend school. Respondent attended San Francisco City College, where he received an Associates of Arts degree in Fire Science.

8. Respondent first became interested in pursuing a career as an EMT and paramedic after he was involved in a near fatal motorcycle crash in San Francisco, in May 2013. While he sustained extremely serious injuries and experienced a prolonged period of recovery, he realized that the sole reason he survived was due to the rapid response from the paramedics.

9. Respondent describes himself as "laser focused" on fulfilling his dream of working as an EMT and paramedic. In 2015, respondent was issued a probationary

EMT certificate. He completed his two-year term of probation and now holds an unrestricted EMT certificate, number E113608.

10. Respondent is currently employed as an EMT with American Medical Response (AMR) in San Francisco, where he has worked for three years. In his work, respondent drives an ambulance and takes calls that require him to perform duties involving advanced life and basic life support. He greatly enjoys using his skills to help others. In a letter dated March 26, 2020, Roger Riley, Operations Supervisor, described respondent as a valuable member of the AMR team.

11. On July 3, 2019, respondent received a degree in Emergency Medical Services from the Paramedic Training Program at San Francisco City College. Between January and June 2019, he completed a 480-hour paramedic internship at the San Francisco Fire Department, under the supervision of Mark Austria. Respondent also received supervision from Rina Mendoza, another paramedic who helped him during his internship. Respondent is tremendously thankful for the guidance and mentorship that he received from Austria and Mendoza.

12. Respondent met his wife in 2008, while he was working at Starbucks. They have a three-year-old daughter. Respondent describes his daughter as "amazing." He looks forward, at some point in the future, to telling her that he is a paramedic.

13. Respondent is truly grateful for the life he has lead for the last 13 years. In his words:

While I do regret a lot of decisions I made in my youth I think of how it could have been much worse, I look back at my ability to step away from all of it and I consider myself

lucky . . . . I would never have been so grateful for everything I have as I went from sleeping in my car to working on an ambulance . . . . I am the person I am today because of all of the early life hardships I survived and used as fuel to become a better person.

14. Respondent's testimony demonstrated that since his 2007 conviction, he has overcome a myriad of challenges and firmly established his commitment to leading a law-abiding and productive life.

#### **TESTIMONY AND LETTERS FROM INDIVIDUALS FAMILIAR WITH RESPONDENT**

15. Mark Austria has been a paramedic for 17 years. He works in the EMS division of the San Francisco Fire Department. He testified at respondent's hearing in support of respondent's application for licensure. Austria explained that paramedics hold a special place in society. They are often the first contact that a vulnerable patient has with the healthcare system; they are responsible for acting quickly to assess a patient's ailment and make critical decisions about the steps to take to stabilize a patient's condition; and, paramedics are privy to a patient's medical information and personal effects. Given the grave importance of this position, Austria will inform the paramedic training program if an intern is not a good fit for working as a paramedic.

As respondent's preceptor, Austria observed respondent's work and taught him how to apply what he learned in school to real life situations. Austria testified that he "absolutely supports" respondent's application for licensure. Austria opined that respondent is fit to perform the qualifications, functions and duties of a paramedic because he is knowledgeable, thoughtful, trustworthy, and able to accept feedback

and learn from his mistakes. Austria is aware of respondent's criminal history and believes that respondent's past experiences will serve him well as a paramedic.

16. Paramedic Rina Mendoza of the San Francisco Fire Department also worked with respondent in January 2019. In a letter dated February 28, 2020, Mendoza describes respondent as someone who is responsible, calm, empathic and interested in improving his skills and learning from his mistakes. Over the course of respondent's internship, Mendoza heard him interact with his wife and daughter. Mendoza describes these interactions as reflecting "strong and endearing" relationships. Mendoza is aware of respondent's criminal past. She writes that the challenges that respondent encountered as a young man "will be an asset to the community as someone who has 'been there' and is now a responsible father and family person."

17. In a letter dated February 27, 2020, respondent's wife describes respondent as a strong, caring, intelligent and dependable husband and father. She believes that respondent should be licensed because he showed a tremendous amount of resilience in overcoming many challenges, as well as an ability to balance multiple demands on his time, both personally and professionally. Respondent's wife also believes that respondent is naturally talented and passionate about serving as a first responder.

## **LEGAL CONCLUSIONS**

1. In a proceeding involving the issuance of a license or certificate, the burden of proof is on the applicant to show that he or she is qualified to hold the certificate. The standard of proof is a preponderance of the evidence. (*Martin v Alcohol Beverage Control Appeals Bd.* (1959) 52 Cal.2d 238; Evid. Code, §§ 115, 500.)



2. This matter is governed by the Emergency Medical Services System and Prehospital Emergency Medical Care Personnel Act (EMS Act), codified in Health and Safety Code<sup>2</sup> section 1797 et seq. Section 1798.200, subdivision (b), authorizes the Authority to take disciplinary action against a holder of an EMT-P license, or deny an application for licensure, based upon the occurrence of actions set forth in section 1798.200, subdivision (c). Section 1798.200, subdivision (c), enumerates actions that are considered to constitute a threat to the public health and safety, and therefore, may result in the denial of an application for licensure, or license discipline. The regulations adopted by the Authority to implement section 1798.200, subdivision (c), are found at California Code of Regulations, title 22, section 100173, et seq.<sup>3</sup>

### **First Cause<sup>4</sup> to Deny License Application**

3. The actions enumerated in section 1798.200, subdivision (c), that are deemed to constitute a threat to public safety include: a conviction<sup>5</sup> for a crime that is substantially related to the qualifications, functions and duties of prehospital personnel (subd. (c)(6)), and the commission of any corrupt act that is substantially related to licensed activities (subd. (c)(5)). Complainant contends, and as explained

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<sup>2</sup> All further statutory references are to the Health and Safety Code.

<sup>3</sup> All further references to California Code of Regulations, title 22, are referred to as title 22.

<sup>4</sup> The headings pertaining to the causes for denial of respondent's application track those alleged by complainant in the statement of issues.

<sup>5</sup> The record of conviction or a certified copy of the record is conclusive evidence of the conviction. (§1798.200, subd. (c)(6).)

below, it is found, that cause exists to deny respondent's license application under these sections.

4. Under title 22, section 100175, subdivision (a), a crime or act is substantially related to the qualifications, functions or duties of a paramedic if "to a substantial degree it evidences present or potential unfitness of a paramedic to perform the functions authorized by her/his license in a manner consistent with public health and safety." Respondent's crimes set forth in Factual Findings 3 and 4 are substantially related to the qualifications, functions or duties of a paramedic. And, the acts underlying respondent's crimes are corrupt acts that are also substantially related to the qualifications, functions or duties of a paramedic.

5. Respondent contends that because both of his convictions were expunged pursuant to Penal Code section 1203.4, they cannot be used as a basis for denying his application under section 1798.200, subdivision (c)(6). Complainant, citing *People v. Frawley* (2000) 82 Cal.App.4th 784, 790-792, argues that the relief provided by an expungement under Penal Code section 1203.4 is not unlimited, and an expungement order does not render the conviction a nullity for all purposes.

6. In further support of complainant's argument that an expunged conviction may be used as a basis for denying respondent's license application, complainant points to title 22, section 100175, subdivision (b), which defines "conviction" as the "final judgment" on a verdict or a plea of guilty or nolo contendere, and also provides that the record of conviction is "conclusive evidence of such conviction." Complainant also cites to the definition of "felony" in the regulations, which includes offenses that are punishable in state prison as either an alternative or the sole penalty. (tit. 22, § 100174, subd. (d).)

7. While respondent's argument that expunged convictions may not be used as a basis to deny his license application is unsupported by any statute or regulation under the EMS Act, it is consistent with a trend towards removing legal barriers to employment faced by individuals with criminal records. For example, effective July 1, 2020, Business and Professions Code section 480, subdivision (c), provides that a person shall not be denied a license on the basis of any conviction that has been expunged pursuant to Penal Code section 1203.4. This section, however, pertains to applications that are made to agencies under the State of California, Department of Consumer Affairs. No such provisions exist under the EMS Act or the accompanying regulations. Title 22, section 100174, subdivision (d), provides exemptions to the restrictions on licensure for convictions that have been pardoned by the Governor or that stemmed from juvenile prosecutions, but does not contain any exemption for convictions that have been expunged.

8. The foregoing analysis compels the conclusion that under the EMS Act, respondent's expunged convictions provide a legal basis to deny his application for licensure. As such, based on the matters set forth Factual Findings 3 and 4, cause exists under section 1798.200, subdivisions (c)(5) and (c)(6), to deny respondent's application for licensure.

### **Second Cause to Deny License Application**

9. The actions that are considered to constitute a threat to public safety in section 1798.200, subdivision (c), also include: violating any state statute that regulates narcotics, dangerous drugs or controlled substances (subd. (c)(8)) and addiction to, or the misuse or excessive use of dangerous drugs, or controlled substances (subd. (c)(9)). Complainant alleges, and it is found, that based on the matters set forth in Factual Finding 4, cause exists to deny respondent's application for licensure based upon

section 1798.200, subdivision (c)(8). Insofar as there was no evidence that respondent was addicted to or used dangerous drugs or controlled substances, cause does not exist to deny his application for licensure based upon section 1798.200, subdivision (c)(9).

### **Third Cause to Deny License Application**

10. Complainant alleges that respondent is precluded from licensure as an EMT-P, by title 22, section 100174, subdivision (a)(3), which provides that the Authority shall deny an application for licensure where the applicant has been convicted of two or more felonies. Respondent argues that he is not subject to this provision because the court reduced his felony conviction for Penal Code section 12020, subdivision (a)(4), to a misdemeanor, pursuant to Penal Code section 17, subdivision (b). (Factual Finding 3.)

11. Penal Code section 17, subdivision (b), provides that when a crime is punishable either by imprisonment in state prison or in a county jail,<sup>6</sup> and the court, on the application of the defendant, declares the crime to be a misdemeanor, it is a misdemeanor "for all purposes." Our high court has held that when a wobbler is reduced to a misdemeanor, it is deemed a misdemeanor for all purposes, unless the Legislature has explicitly provided otherwise. (*People v. Park* (2013) 56 Cal.4th 782, 795.) In *Park*, the California Supreme Court held that where a court reduces a person's serious felony conviction to a misdemeanor pursuant to Penal Code section 17, subdivision (b), that person cannot be found to have committed a serious felony within the meaning of Penal Code section 667, subdivision (a). (*Id.*, at p. 798.)

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<sup>6</sup> Such crimes are commonly referred to as "wobblers."

12. In the instant case, title 22, section 100174, subdivision (d), the regulation adopted by the Authority to implement section 1798.200, subdivision (c)(5), provides:

As used in this section, "felony" or "offense punishable as a felony" refers to an offense for which the law prescribes imprisonment in the state prison as either an alternative or the sole penalty, regardless of the sentence the particular defendant received.

The language of the above-cited regulation makes it clear that if an offense is *punishable* as a felony, it is a felony within the meaning of title 22, section 100174, subdivision (a)(3), even if it is also punishable as a misdemeanor or is eventually reduced to a misdemeanor. Thus, under this regulation, what controls is the fact that respondent was convicted of violating Penal Code section 12020, subdivision (a)(4), a crime which is punishable as a felony.

13. Accordingly, the court's reduction of respondent's felony conviction to a misdemeanor does not place respondent beyond the reach of title 22, section 100174, subdivision (a)(3), which precludes licensure for applicants with two felony convictions. This conclusion is consistent with *Danser v. California Public Employees' Retirement System* (2015) 240 Cal.App.4th 885, wherein the Court of Appeal held that the reduction of a felony conviction to a misdemeanor under Penal Code section 17, subdivision (b), did not relieve Danser from the consequences of a retirement

forfeiture statute that was invoked where a judge had been convicted of an offense that was punishable as a felony.<sup>7</sup>

14. Respondent firmly believes that he should be afforded the benefit of the reduction of his offense to a misdemeanor for all purposes. While respondent's argument might be persuasive under different circumstances,<sup>8</sup> in the context of respondent's appeal from the denial of his license application, the plain language in title 22, section 100174, subdivision (d), the regulation that implements section 1798.200, controls. As such, respondent's claims are unsupported.

### **Determination of Respondent's License Application**

15. Title 22, section 100174, subdivision (g), provides:

The Director of the Authority may grant a license to anyone otherwise precluded under subsections (a) and (b) of this section if the Director of the Authority believes that extraordinary circumstances exist to warrant such an exemption.

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<sup>7</sup> Respondent's citation to *Gebremicael v. California Commission on Teacher Credentialing* (2004) 118 Cal.App.4th 1477, is inapposite to the instant case insofar as Gebremicael's application for a teaching credential was not denied on the grounds that he had been convicted of an offense punishable as a felony.

<sup>8</sup> The question as to whether a regulation adopted by an agency is entitled to the same deference afforded to legislative enactments under *People v. Park* (2013) 56 Cal.4th 782, 795, is outside of the purview of this administrative proceeding.

Thus, the question in the instant case is whether the respondent presented such extraordinary evidence of his rehabilitation to warrant an exemption from the preclusions to his licensure. The Authority's rehabilitation criteria, found at title 22, section 100176, have been considered in making this determination. These criteria include: the nature and severity of the crimes; any acts committed subsequent to the crimes that could be considered grounds for denial of a license application; the time that has elapsed since the commission of the crimes; the extent of the applicant's compliance with probation; evidence of expungement pursuant to Penal Code section 1203.4; and any other evidence of rehabilitation submitted by the applicant.

16. At the outset of this analysis, the importance of the work of EMT-Ps cannot be overstated. Paramedics perform specified medical procedures in emergencies, such as advanced life support procedures.<sup>9</sup> The work of an EMT-P involves acting quickly to assess the condition of a vulnerable patient and determine the appropriate procedure to stabilize a patient's condition. In performing such duties, paramedics are privy to a patient's medical information and personal effects. For this reason, prior to issuing an EMT-P license, it is essential that the Director of the Authority is confident that the applicant will perform licensed activities in a manner that is consistent with public health and safety.

17. In the instant case, while respondent committed serious offenses when he possessed a dangerous weapon and possessed cocaine for sale, his criminal conduct occurred in 2005 and 2007, when respondent was 18 and 20 years old. At the time respondent committed these offenses he was immature, had grown up without

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<sup>9</sup> The scope of practice of EMT-Ps are found at sections 1797.52 and 1797.172.

consistent parental supervision, and sought approval from people who were involved in criminal activities. It bears noting that respondent has no history of drug abuse; he engaged in transporting cocaine because he was homeless and desperate to earn money.

18. Respondent has lead an exemplary life in the years following his convictions. While in jail for his drug offense, respondent decided that upon his release, he was going to chart a different course in his life. And that he did. During the 13 years since his 2007 conviction, his actions reflect his commitment to leading a life that is productive, respectful of the law, and benefits others. In 2008, he obtained steady employment at Starbucks. After five years, he left in order to work at another job that could accommodate his schedule while he attended school at San Francisco City College.

19. Respondent's motorcycle accident in 2013, and in particular, his realization that he would have died had it not been for the paramedics who came to his aid, inspired him to pursue a career as a paramedic. He has worked tirelessly to achieve this goal: he obtained a probationary EMT certificate in 2015 and successfully completed probation, and he has been employed as an EMT since that time. Additionally, in 2019, after completion of a rigorous internship at the San Francisco Fire Department, respondent received a degree in Emergency Medical Services from the Paramedic Training Program at San Francisco City College. It is noteworthy that respondent's preceptor took the time to attend the hearing and testify as to his absolute confidence in respondent to safely perform the duties of a paramedic. Austria opined, as did Mendoza, that respondent's involvement with crime as a young man will serve him well in relating to the people he will encounter in his work as a paramedic.



20. Respondent's successes have not been confined to his professional life. He has also built a stable home life for himself, his wife, and in his words, his "amazing" young daughter.

21. Respondent's evidence of rehabilitation was nothing short of prodigious. His licensure poses no threat to the health or safety of the public. Indeed, by all accounts, his licensure will be an asset to the profession. Under these circumstances, it is found that extraordinary circumstances exist under title 22, section 100174, subdivision (g), to warrant the issuance of an EMT-P license, subject to the terms and conditions set forth in the following Order.

22. Any contentions made by the parties not specifically addressed herein were considered and found to be without merit.

## **ORDER**

The application of respondent Justin Vogel for licensure as an emergency medical technician-paramedic (EMT-P) is granted, and upon issuance, such license shall be revoked. The revocation, however, is stayed, and respondent's license is placed on probation for three years, subject to the following terms and conditions:

1. **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. Respondent

shall immediately execute and submit to the EMSA all Release of Information forms that the EMSA may require of respondent.

2. **Personal Appearances:**

As directed by the EMSA, respondent shall appear in person for interviews, meetings, and/or evaluations 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.

3. **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 quarterly reports by mail, they shall be sent as certified mail.

4. **Employment Notification:**

During the probationary period, respondent shall notify the EMSA in writing of any EMS employment. Respondent shall inform the EMSA in writing of the name and address of any prospective EMS employer prior to accepting employment.

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.

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

**5. 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.

**6. Functioning as a Paramedic:**

The period of probation shall not run any time 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 the respondent returns.

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

**7. 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 Health and Safety Code 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.

**8. Completion of Probation:**

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

**9. 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 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 revocation shall be initiated and conducted pursuant to the hearing provisions of the California Administrative Procedure Act.

The issues to be resolved at the hearing shall be limited to whether respondent has violated any term of his probation sufficient to warrant termination of probation and implementation of actual 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 litigate the validity or invalidity of such admissions.

DATE: May 18 , 2020

DocuSigned by:  
*Diane Schneider*  
B77FF670BA7A431  
DIANE SCHNEIDER

Administrative Law Judge  
Office of Administrative Hearing