

BEFORE THE  
EMERGENCY MEDICAL SERVICES AUTHORITY  
STATE OF CALIFORNIA

In the Matter of the Application  
of/Statement of Issues Against:

BRIAN F. CONROY,

Respondent.

Enforcement Matter No.: 14-0382

OAH No. 2015120824

**PROPOSED DECISION**

This matter convened for hearing before Administrative Law Judge Marilyn A. Woollard, Office of Administrative Hearings, on April 14, 2016, in Sacramento, California.

Stephan J. Egan, Senior Staff Counsel, represented complainant Sean Trask, in his official capacity as Chief, Personnel Division, Emergency Medical Services Authority (EMSA or complainant). Special Investigator Hong Nguyen was also present.

Jonathan Turner, Attorney at Law, represented respondent Brian F. Conroy who was present.

Oral and documentary evidence was submitted and the parties offered oral closing arguments. The record was then closed and the matter was submitted for decision on April 14, 2016.

**FACTUAL FINDINGS**

1. On July 16, 2015, respondent submitted his application for an initial Emergency Medical Technician-Paramedic (EMT-P) license to EMSA. EMSA has statutory responsibility to develop and adopt minimum standards for EMT-P qualifications, training and scope of practice and it has sole jurisdiction over EMT-P licensure in California. (Health & Saf. Code, § 1797.172, subds. (a), (c).)

2. *Statement of Issues:* On November 13, 2015, complainant signed the Statement of Issues and requested an order denying respondent's EMT-P license application for violating the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act (EMS Act), Health and Safety Code section 1797, et seq.

Specifically, complainant alleged that respondent's license should be denied under section 1798.200, subdivision (c)(1), for "fraud in the procurement of any certificate or license..."; section 1798.200, subdivision (c)(6), based on his 2011 misdemeanor conviction set forth in Finding 4; and section 1798.200, subdivision (c)(9), based upon his "addiction to the excessive use of, or the misuse of, alcoholic beverages, narcotics, dangerous drugs, or controlled substances."

3. On November 25, 2015, respondent's attorney filed a Notice of Defense and request for hearing on respondent's behalf. The matter was then set for an evidentiary hearing before an Administrative Law Judge of the Office of Administrative Hearings, an independent adjudicative agency of the State of California. (Gov. Code, § 11500 et seq.) Respondent was the sole witness at hearing. His testimony is paraphrased as relevant below.

#### *Respondent's Conviction*

4. On January 18, 2011, in *People v. Brian Frederick Conroy* (Case Number 62-100494), the Superior Court of California, County of Placer, convicted respondent of a misdemeanor violation of Vehicle Code section 23152, subdivision (a) (driving under the influence of alcohol [DUI]), based on his plea of no contest. After arrest, respondent's blood alcohol content was measured at 0.19 percent.<sup>1</sup>

Respondent was sentenced to 10 days in County jail, with four days credit for time served, and he was placed on three years of probation. Respondent was ordered to enroll and complete a three-month first offender program; to "attend DUI Panel" within 60 days; to have no contact with Roseville Golf and Sunsplash (RGS), and to pay fines and fees. His license was suspended pending completion of the program. Based on this sentence, respondent's probation extended through January 18, 2014.

5. The conduct which led to respondent's conviction occurred late in the evening of July 5, 2010, at RGS. Respondent was driving a go-cart with his four-year old son, while very intoxicated. Respondent's son was injured. Respondent did not follow RGS safety regulations. After a spin-out involving a different go-cart, a siren sounded for all go-carts to stop. Respondent kept driving "fast, but not in a crazy manner," trying to take his son to get help. RGS security officers observed respondent sitting in a race car with his son lying across his lap and crying. Respondent stood up while still holding his son and stumbled around. A security officer took his son until his mother arrived. When told not to light a cigarette in the area for safety reasons, respondent would not comply. He was handcuffed and placed on the ground. Roseville Police Officers were called after respondent began actively fighting with RGS's security by twisting his body. Once respondent saw a uniformed police officer, he stopped resisting. He was arrested because he was so

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<sup>1</sup> As a result of this plea, separate counts of violating Vehicle Code section 23152, subdivision (b) (DUI with a blood alcohol level of 0.08 or more with special allegation of excessive blood alcohol level of 0.15 percent or higher) and Penal Code 273, subd.(b) (cruelty to child by abuse, neglect, or endangering health) were dismissed.

intoxicated Police Officer Bonner found him to be unable to care for his own safety. Respondent's son had red abrasions on the right side of his neck from the seatbelt and harness and he was taken to hospital for treatment. Respondent told Officer Bonner that he, his wife and child had come for a short vacation and walked to RGS from their hotel. Respondent drank alcohol at the hotel with his wife beforehand. Respondent denied crashing the go-cart and said someone may have struck them from behind.

### *Respondent's Application*

6. On July 16, 2015, respondent completed his "Paramedic License Application: Initial California Graduate Applicant." Respondent advised that he had attended a paramedic training program at National Career Training Institute (NCTI), was currently certified as an EMT in Tuolumne County (Certification Number EO84751) and had completed both the written and practical National Registry paramedic examination.

7. Respondent answered "Yes" to the following question:

1) Have you ever been convicted of any felony or misdemeanor offense in California or in any other state or place, including entering a plea of nolo contendere or no contest and, including any conviction which has been expunged (set aside) or records sealed under Penal Code Section 1203.4?

Applicants who answer "Yes" to this question are instructed to "attach a detailed statement describing the crime(s), date, location, court, sentence served, and parole, if any" along with applicable court documents and police reports.

8. Respondent attached a one-page typed statement describing a March 17, 2001, vehicle stop which resulted in his arrest and conviction. Respondent explained that he was "charged with possession of narcotics while in possession of a loaded firearm in public." He entered a plea to the narcotics offense and "was offered prop 36." He indicated:

I fulfilled all requirements of Prop 36 and petitioned to be released from probation early. It was rewarded [*sic*]. I later went back to court and petitioned to have the charges reduced to Misdemeanor charges and was again rewarded.

Per my current agreement I am no longer listed as a felon and am only required to report this for State Licensure.

I have since been listed as a first responder and EMT in Tuolumne County, Ca. I initially was put on probation with Tuolumne County Health because of the aforementioned incident and have continued to serve the people within the State of California without incident.

9. In signing his Application, respondent certified:

under penalty of perjury that all information on this application is true and correct to the best of my knowledge and belief, and I understand that any falsification or omission of material facts may cause forfeiture on my part of all rights to paramedic licensure in the state of California. I understand that all information on this application is subject to verification, and I hereby give my express permission for the EMS Authority to contact any person or agency for information related to my role and function as a paramedic in California.

10. Respondent did not disclose his 2011 misdemeanor DUI on his Application.

### *Respondent's Evidence*

11. *Respondent's Testimony:* Respondent is 39 years old. He learned first aid/CPR as a Boy Scout and later became a lifeguard. In 2007, he moved from Los Angeles to Tuolumne. In the fall of 2007, respondent started volunteering as a firefighter with the Tuolumne County Fire Department. He viewed this as an exciting way to give back to the community. He completed a six-month training academy for first responders and fire fighters. On completion, respondent became involved in the First Responder Program, fighting fires and responding to other public emergencies. Respondent was eventually hired as a permanent seasonal employee with CalFire. He later began working with the Columbia Fire Department, initially as an engineer and firefighter. For the past two years, respondent has been the Assistant Chief of the Columbia Fire Department. In this capacity, he takes command of incidents involving fires or car accidents. This is a volunteer position with a stipend to cover car insurance.

12. Respondent described the circumstances leading up to his DUI conviction. As a first responder, he is often exposed to stressful situations. During the two days preceding this July 2010 incident, respondent worked intensely with a seriously injured forklift accident victim who nearly lost his arm. After he took the victim to the hospital, he had to respond to a grass fire. After these events, he was working overtime when his wife told him she was having an affair. Respondent did not want the relationship to end because they had a young son. After getting home, he suggested that the family go to RGS and stay at a nearby hotel. Respondent drank heavily at the hotel. At RGS, once he and his son were on the go-cart, another youngster hit their go-cart from behind. His son held his neck and was crying. Respondent was panicked trying to get help for his son. He acknowledged that it was "stupid" to drink as much as he did and to "put my son in danger and everyone else." Respondent was not thinking clearly and made a series of bad decisions that could have killed his son or someone else's child. Fortunately, his son only had whiplash from the seatbelt and no one else was injured. Respondent testified that one of the worst consequences of this experience was that he had to tell his son that he went to jail and why

he went to jail. He thinks about this incident and the potential for dire consequences to his son and others "on a daily basis."

13. Respondent has complied with the conditions imposed by his misdemeanor conviction, including by serving three days in jail. Respondent provided evidence of his completion of the First Responder Program. He enrolled in the Kings View Community Services' "Sonora 3-Month First Offender Program" on February 10, 2011, and completed all program requirements as of May 12, 2011. As certified by the organization's May 13, 2011 Notice of Completion, this program entailed 12 hours of education classes, 18 hours of group sessions and .75 hour of individual counseling. This program helped respondent to focus on the cause and effect of his decisions and, specifically, on why he decided to drink.

After his DUI, respondent told his fire captain about it and he was not able to drive any of the fire equipment until he got his license back from the Department of Motor Vehicles (DMV). On May 13, 2011, DMV issued its Notice of Completion Certificate, releasing respondent to drive again. Respondent has had at least one random drug and alcohol testing since this conviction and one scheduled testing.

14. Respondent also participated in the Mothers Against Drunk Driving (MADD) DUI Panel. This was an eye-opening experience for him. Although he often responds to car accidents, respondent has never had to focus on the persisting effects of drunk driving after an accident is over. With the MADD Panel, respondent met many families whose children were killed by drunk drivers. He realized that his conduct at RGS could have had similar consequences.

15. Although not required by his conviction, respondent voluntarily participated in AA. Respondent testified that he began attending AA approximately one week after his arrest, going to meetings with a friend who he knew was a member. Due to his 72-hour shift schedule, respondent was not able to meet the recommended goal of attending "90 meetings in 90 days," but he attended a meeting every day that he was not working. He had a sponsor and worked through the 12 Steps. AA helped him to discuss his feelings about his divorce and other situations during this very difficult time of his life. After about one year, respondent stopped attending AA, but he still maintains contact with his AA sponsor. He drinks alcohol on occasion.

To avoid repeating past mistakes, respondent has developed ways to deal with the stress he experiences from his work. He has a core group of friends who are also fire fighters/first responders. He indicated it is imperative for this group to talk about different things that bother them. They can "discuss anything" and do so to avoid bringing these stressful feelings home. Respondent also has a fiancée who is helpful because she is a good listener.

16. About a year after his DUI, respondent got his EMT license. He disclosed this conviction to the County's licensing people and they put him on "an informal type of probation." Respondent does not know if he is still on probation with them or not. He is

currently working as an EMT with American Legion Ambulance, supporting the paramedic and driving the ambulance. He offered a positive Seasonal Employee's Performance Record evaluation from CalFire, dated March 16, 2016.

17. In 2013, respondent suffered a shoulder injury during a fire. He was unable to use his left arm and was out on workers compensation. He had shoulder surgery. In December 2013, not knowing if he would fully recover the use of this arm, respondent decided to study for a paramedic license. He had always enjoyed the medical side of his work more than other aspects. He completed the NCTI didactic program. For his internships, he worked on an ambulance under the supervision of a licensed paramedic. From December 2014 through April 2015, respondent completed 720 internship hours. Respondent successfully completed both the written and practical portions of National Registry Examination. He has been a nationally registered paramedic since July 2015. If his Application is granted, respondent hopes to obtain a full-time paramedic position with CalFire.

18. Respondent has had his DUI conviction expunged. On January 14, 2016, in *People v. Conroy* (Case Number 62-100494), the Superior Court of California, County of Placer, granted respondent's motion under Penal Code section 1203.4.

19. Respondent does not dispute that he failed to disclose his 2011 DUI conviction on his Application or that the question unequivocally asks for both felony and misdemeanor convictions. He testified that he "misread the application," "thought they were looking for felony convictions" and simply did not see that misdemeanor offenses were also to be disclosed. In mid-August 2015, respondent was contacted by EMSA employee Nicole Walker about his failure to disclose his DUI conviction. On August 26, 2015, respondent sent Ms. Walker an email about his DUI, noting that it "was [his] understanding that the application was looking for felony arrests only." Respondent described the circumstances leading to this arrest and conviction. He wrote that this was his "first and only DUI arrest," that he had completed all required terms and paid restitution, and he participated in random drug testing for the Fire Department, with no dirty tests.

20. *Letters of Recommendation:* Respondent provided letters of recommendation from eight individuals, which were offered and admitted as administrative hearsay pursuant to Government Code section 11513, subdivision (d).<sup>2</sup> Four of these are from relatives (brother-in-law Robert Beck, Esq., parents Frederick and Margaret Conroy, and brother Sean Conroy). Other recommendations are from family friend Angela Bassi, respondent's fiancé Shannelle Thomson, and two paramedics with direct knowledge of respondent's efforts to become a paramedic.

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<sup>2</sup> Government Code section 11513, subdivision (d), provides in pertinent part that "hearsay evidence may be used for the purpose of supplementing or explaining other evidence but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions..."

Significant themes gleaned from the recommendations from families and friends are that respondent has persisted over obstacles, including the circumstances that resulted in his prior criminal arrests and conviction; that he has dedicated himself to being an active and present father to his son after his divorce; that his character is honest and not consistent with one who fraudulently attempts to deceive anyone about past encounters with the law; that his skills in crisis situations have been beneficial to those who needed help; and that he has thrown himself wholeheartedly into the learning the knowledge and skills required to be a paramedic.

21. In his April 7, 2016 letter, Tuolumne County Ambulance paramedic Paul Hoover described his knowledge of respondent, gained while serving as his paramedic Field Training Officer (FTO). Mr. Hoover reported that he has been a paramedic for 22 years and an FTO for 17 years. He spent 720 hours with respondent and found him "to be professional and committed to his patient care. He was honest and trustworthy with all aspects of his patient care and documentation." Mr. Hoover "respected [respondent's] commitment to working on bettering himself and taking his career in emergency medical services to a higher level," and he urged that respondent be given that opportunity.

22. Tuolumne County paramedic Anne Medefesser-Beauvais has been licensed as such for 10 years, with previous work experience as a correctional officer and deputy sheriff trainee. In her detailed letter, she described respondent as her former paramedic student at NCTI-Livermore. In her experience, respondent always worked hard to hone his paramedic skills. He assisted other classmates and "never made excuses." Respondent "is not one to hide the mistakes from his past." Rather, she found that he "is open about his mistakes not because he is proud of his past but he is proud of what he has overcome and who he has become as a person, as a father and as a professional since making mistakes when he was younger." Respondent openly disclosed his DUI and the consequences arising from this conviction to Ms. Medefesser-Beauvais and he offered to counsel the son of a friend of hers who was drinking too much and driving. She opined that respondent's failure to disclose his DUI was simply a mistake rather than attempt to deceive EMSA. She urged that respondent be given a second chance.

#### *Discussion*

23. As reflected above, respondent presented evidence of substantial steps taken toward rehabilitation from the conduct that resulted in his 2011 DUI conviction. The underlying offense occurred in 2010 and there is no evidence of any subsequent offenses or that respondent has an ongoing problem with excessive use of alcohol. As acknowledged by complainant, EMSA's primary concern is what appears to be respondent's recent attempt to gain a paramedic license by fraud, evidenced by his undisputed failure to disclose his DUI conviction on his Application.

Respondent's counsel argues respondent did not fraudulently attempt to obtain his paramedic license. He contends that the fact that respondent disclosed his prior felony conviction, which was protected by Proposition 36 and cannot be used to deny him a license,

lends credence to his testimony that he simply did not carefully read the application and believed that only felonies had to be disclosed.

24. The consequences of intentional dishonesty in an application for license can be severe. The regulations provide that EMSA “may deny/revoke a paramedic license if any of the following apply to the applicant: (1) Has committed any act involving fraud or intentional dishonesty for personal gain within the preceding seven (7) years. . . .” (Cal. Code Regs., tit. 22, § 100174, subd. (c).)

In his matter, respondent completed the Application without legal advice and, in doing so, he appropriately disclosed his felony conviction.<sup>3</sup> Respondent’s testimony that he misread the Application and therefore did not disclose his misdemeanor was credible. His Application disclosure is factually consistent with his explanation for not including the DUI conviction and with the notion that, because he disclosed a more serious criminal matter, he was not trying to deceive EMSA. Respondent did not testify that he forgot this conviction, and his failure to disclose it is not inconsistent with his testimony that he thinks of the consequences of his DUI on a daily basis. Rather, respondent’s failure to disclose this conviction is more consistent with a negligent misrepresentation than with fraudulent concealment. This conclusion is corroborated by the positive character references submitted and, particularly, those of the two paramedics who worked extensively with respondent during his training.

Based on a review of the record as a whole, it is determined that respondent did not act with intent to deceive EMSA when he failed to disclose his misdemeanor DUI. Given this, as well as the evidence of rehabilitation and the absence of evidence of any persisting excessive use of alcohol, it would not be contrary to the public health and safety to grant respondent a restricted EMT-P license, as described below.

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<sup>3</sup> Counsel’s contention that respondent was not required to disclose this conviction is not accurate. Penal Code section 1210.1, subdivision (e)(1), provides, in pertinent part, that if a defendant has successfully completed the program, the conviction on which the probation was based shall be set aside and the court shall dismiss the indictment, complaint, or information. In addition “except as provided in paragraphs (2) and (3), both the arrest and the conviction shall be deemed never to have occurred.” Subparagraph (e)(3) provides, in pertinent part, that “[e]xcept as provided below, a record pertaining to an arrest or conviction resulting in successful completion of a drug treatment program under this section may not, without the defendant’s consent, be used in any way that could result in the denial of any employment, benefit, license, or certificate.” The exception provides that “[d]ismissal of an information, complaint, or indictment under this section *does not relieve a defendant of the obligation to disclose the arrest and conviction in response to any direct question contained in any questionnaire or application for public office . . . for licensure by any state or local agency....*” (Italics supplied.)

## LEGAL CONCLUSIONS

1. *Burden of Proof:* An applicant for a license bears the burden of proving that he should be granted a license. (*Martin v. Alcohol Beverage Control Appeals Bd.* (1959) 52 Cal.2d 238.) The respondent “must show compliance” with the statutes and regulations outlined in the Statement of Issues. (Gov. Code, § 11504.) In addition, rehabilitation is akin to an affirmative defense. Consequently, respondent bears the burden of establishing rehabilitation as affirmative defense. (*Whetstone v. Board of Dental Examiners* (1927) 87 Cal.App. 156, 164.)

2. EMSA has authority to deny, suspend or revoke any EMT-P license, or place any EMT-P license on probation “upon the finding by the director of the occurrence of any of the actions listed in subdivision (c). . . .” (Health & Saf. Code, § 1798.200, subd. (b).) In pertinent part, Health and Safety Code section 1798.200, subdivision (c), provides that “[a]ny of the following actions shall be considered evidence of a threat to the public health and safety and may result in the denial . . . of a certificate or license . . . or in the placement on probation of a certificate holder or licenseholder under this division:

(1) Fraud in the procurement of any certificate or license 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.

[¶] . . . [¶]

(9) Addiction to, the excessive use of, or the misuse of, alcoholic beverages, narcotics, dangerous drugs, or controlled substances.

3. *Substantial Relationship Criteria:* To be a basis for denying a license, a crime or act must be “substantially related to the qualifications, functions and/or duties of a person holding a paramedic license under Division 2.5 of the Health and Safety Code.” The regulations provide that “[a]crime or act shall be considered to be 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 the public health and safety.” (Cal. Code Regs., tit. 22, § 100175, subd. (a).) As described in Factual Findings 4 and 5, respondent’s misdemeanor DUI conviction and his related excessive use of alcohol are substantially related to the qualifications, functions and duties of a paramedic.

4. *Legal Cause to Deny Application License:* Based on the record as a whole, legal cause is established to deny respondent's Application pursuant to Health and Safety Code section 1798.200, subdivision (c)(6) and (9), based upon his conviction and the underlying conduct of excessive alcohol consumption.

Legal cause is not established to deny respondent's Application pursuant to Health and Safety Code section 1798.200, subdivision (c)(1), for attempted fraud in the procurement of a license. Respondent's failure to carefully review the Application and to make the full disclosure it required is considered in determining the appropriate probationary conditions. Specifically, because ethical violations can occur based on negligent conduct, respondent shall take an ethics course and comply with standard terms and conditions.

5. *Rehabilitation Criteria:* EMSA is authorized to "issue a license subject to specific provisional terms, conditions, and review." (Cal. Code Regs., tit. 22, § 100176, subd. (a).) The regulations provide factors to be used "when considering the denial, placement on probation, suspension, or revocation of a license pursuant to Section 1798.200 of the Health and Safety Code. . . ." Specifically, in evaluating the rehabilitation of the applicant and his present eligibility for a license, EMSA shall consider the following criteria:

- (1) The nature and severity of the act(s) or crime(s).
- (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial, placement on probation, suspension, or revocation which also could be considered grounds for denial, placement on probation, suspension, or revocation under Section 1798.200 of the Health and Safety Code.
- (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subsection (1) or (2) of this section.
- (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.
- (6) Evidence, if any, of rehabilitation submitted by the person.  
(*Ibid.*)

6. The administrative law judge shall use the "EMS Authority Recommended Guidelines for Disciplinary Orders and Conditions of Probation" (Guidelines), dated July 26, 2008, as a guide in making any recommendations to the Authority for discipline of a

paramedic applicant or license holder found in violation of Section 1798.200 of Division 2.5 of the Health and Safety Code. (Cal. Code Regs., tit. 22, § 100173, subd. (d).)

Based on a review of the Factual Findings and Legal Conclusions as a whole and particularly, Findings 19 through 24, respondent has met his burden of establishing that he has made significant strides toward rehabilitation. Accordingly, it would not be contrary to the health and safety of the public to issue a restricted paramedic license to him.

#### ORDER

The Application for EMT-P license filed by Brian F. Conroy is DENIED. However, the denial is stayed and respondent is placed on probation for three (3) years on the following terms and conditions:

1. **Probation Compliance:** The respondent shall fully comply with all terms and conditions of the probationary order. The respondent shall fully cooperate with the EMSA in its monitoring, investigation, and evaluation of the respondent's compliance with the terms and conditions of his/her probationary order. The respondent shall immediately execute and submit to the EMSA all Release of Information forms that the EMSA may require of the respondent.

2. **Personal Appearances:** As directed by the EMSA, the respondent shall appear in person for interviews, meetings, and/or evaluations of the respondent's compliance with the terms and conditions of the probationary order. The respondent shall be responsible for all of his/her costs associated with this requirement.

3. **Quarterly Report Requirements:** During the probationary period, the respondent shall submit quarterly reports covering each calendar quarter which shall certify, under penalty of perjury, and document compliance by the respondent with all the terms and conditions of his/her probation. If the respondent submits his/her quarterly reports by mail, it shall be sent as Certified Mail.

4. **Employment Notification:** During the probationary period, the respondent shall notify the EMSA in writing of any EMS employment. The respondent shall inform the EMSA in writing of the name and address of any prospective EMS employer prior to accepting employment.

Additionally, the respondent shall submit proof in writing to the EMSA of disclosure, by the respondent, to the current and any prospective EMS employer of the reasons for and terms and conditions of the respondent's probation. The 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:** The respondent shall notify the EMSA within seventy-two (72) hours after termination, for any reason, with his/her prehospital medical care employer. The respondent must provide a full, detailed written explanation of the reasons for and circumstances of his/her 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 anytime that the respondent is not practicing as a paramedic within the jurisdiction of California.

If the respondent, during his/her probationary period, leaves the jurisdiction of California to practice as a paramedic, the 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:** The 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. The 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 the respondent has not submitted fingerprints to the EMSA in the past as a condition of licensure, then the respondent shall submit his/her 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, the 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 the 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.

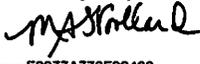
8. **Ethical Practice of EMS:** Within 45 days of the effective date of this decision, the respondent shall submit to the EMSA, for its prior approval, a course in Ethics. The respondent must complete this course during his/her probation period. Upon completion by the respondent of the Ethics course, the respondent shall submit proof to the EMSA that he/she fulfilled all course requirements. Any and all notifications to the EMSA shall be by certified mail.

9. **Completion of Probation:** The respondent's license shall be fully restored upon successful completion of probation.

10. **Violation of Probation:** If during the period of probation the 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 the 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 the hearing shall be limited to whether the respondent has violated any term of his/her probation sufficient to warrant termination of probation and implementation of actual suspension/revocation. At the hearing, the 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.

DATED: May 16, 2016

DocuSigned by:  
  
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MARILYN A. WOOLLARD  
Administrative Law Judge  
Office of Administrative Hearings

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BEFORE THE  
EMERGENCY MEDICAL SERVICES AUTHORITY  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues  
Against:

**BRIAN F. CONROY**

Respondent.

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) Enforcement Matter No.: 15-0239  
) OAH No.: 2015120824  
)

) **DECISION AND ORDER**  
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The attached Proposed Decision and order dated May 16, 2016, is hereby adopted by the  
Emergency Medical Services Authority as its Decision in this matter. The decision shall  
become effective 30 days after the date of signature.

It is so ordered.

DATED:

*May 18, 2016*



Howard Backer, MD, MPH, FACEP  
Director  
Emergency Medical Services Authority

