

**BEFORE THE MINNESOTA  
EMERGENCY MEDICAL SERVICES REGULATORY BOARD**

In the Matter of  
Stephen Otte, EMT-B  
Certificate Number: 515729

**FINDINGS OF FACT,  
CONCLUSIONS,  
AND FINAL ORDER**

On December 29, 2003, the Complaint Review Panel ("Panel") of the Minnesota Emergency Medical Services Regulatory Board ("Board" or "EMS RB") initiated the above-entitled proceeding against Stephen Otte, EMT-B ("Respondent"), by service of a Notice of Petition and Petition to Suspend Certification.

The matter came on for consideration by the Board pursuant to Minnesota Statutes section 144E.28, subdivision 5(b) (2002), at a regularly scheduled meeting on February 19, 2004, convened in Conference Room A (fourth floor), University Park Plaza, 2829 University Avenue S.E., Minneapolis, Minnesota 55414.

Peter Krieser, Assistant Attorney General, appeared and presented oral argument on behalf of the Panel. Respondent was not present or otherwise represented at the meeting. Nathan W. Hart, Assistant Attorney General, was present as legal advisor to the Board.

The following members of the Board were present: James Aagenes; Dean Albers; Roger Boatman; Robert Carlson; Robert Dahm; Michael Guthrie; Megan Hartigan; Brian LaCroix; Mark Lindquist, M.D.; Donald Otte; Michael Parrish; and Linda Way. As members of the Panel, Michael Guthrie, Megan Hartigan, and Brian LaCroix did not participate in deliberations or vote in the matter.

Based on the record and the proceedings herein, the Board makes the following:

## **FINDINGS OF FACT**

1. On June 28, 2002, Respondent submitted an application for employment as an EMT-B with Allina Hospitals & Clinics. Respondent answered “No” to the question, “Have you ever been convicted, pleaded guilty or nolo contendere to a petty misdemeanor, misdemeanor, gross misdemeanor, or felony? Please be sure to disclose any and all convictions, pleas of guilty and pleas of nolo contendere, even if the conviction or plea has been discharged, expunged or otherwise removed from your record.”

2. On October 7, 2002, Respondent was charged with criminal sexual conduct in the fifth degree. Respondent acknowledged that on multiple occasions over the previous years he had exposed his penis and masturbated to the point of ejaculation in front of his stepson.

3. On October 28, 2002, Respondent received a letter from Allina Hospitals and Clinics hiring Respondent contingent on satisfactory results for the following: criminal background check, driver’s license check, employment and education verification, and physical exam and agility.

4. On November 12, 2002, Respondent was terminated from Allina Medical Transportation for falsification of his application pursuant to the background check.

5. On January 2, 2003, the EMSRB received information of this termination. On this same date, the EMSRB sent a letter to Respondent requesting information regarding the termination, to be returned on or before January 17, 2003. Respondent failed to provide this information and a second letter was sent on January 17, 2003. To date, Respondent has failed to respond.

6. On February 10, 2003, Respondent pled guilty to fifth-degree criminal sexual conduct and was sentenced to one year of jail time with 305 days stayed. Respondent was required to begin to serve sixty (60) days beginning on February 17, 2003. Three Thousand

dollars (\$3,000.00) restitution was stayed, with the exception of \$400.00 to the Sex Fund and \$525.00 for court expenses. Respondent was ordered to have no unsupervised contact with his stepson.

7. On August 22, 2003, Respondent was served with a Notice of Conference with the Board's Complaint Review Committee<sup>1</sup> ("Notice"). It established the September 18, 2003, conference date and requested that Respondent submit a written response to several allegations set forth in the Notice prior to the conference. In addition, the Notice informed Respondent that his failure to attend the conference could constitute independent grounds for Board disciplinary action against his certification as an EMT-B under Minnesota Statutes section 144E.30<sup>2</sup>, subdivision 3.

8. Respondent failed to appear before the Panel on September 18, 2003, and provided no prior notice that he would not be present. Further, he failed to provide any written response to the allegations in the Notice.

9. On December 29, 2003, Respondent was served with the Panel's Notice of Petition and Petition to Suspend Certification in this matter. Respondent submitted no request for a hearing within 30 days of receipt of said notice as authorized under Minnesota Statutes section 144E.28, subdivision 5 (b); nor has he submitted any such request to date or otherwise responded to the notice.

Based upon the foregoing Findings of Fact, the Board makes the following:

### **CONCLUSIONS**

1. The Board has jurisdiction in this matter pursuant to Minnesota Statutes sections 144E.28 and 144E.30 (2002).

---

<sup>1</sup> The Notice uses the term Complaint Review Committee, which is interchangeable with the term Complaint Review Panel.

<sup>2</sup> The Notice erroneously lists this statutory citation as "144.30."

2. Respondent was given timely and proper notice of the February 19, 2004, hearing before the Board and of his right under Minnesota Statutes section 144E.28, subdivision 5(b), to request a contested case hearing to be conducted in accordance with Minnesota Statutes chapter 14.

3. The Panel has complied with all relevant substantive and procedural requirements of statute and rule.

4. The Panel has proven by a preponderance of the evidence that Respondent has violated Minnesota Statutes section 144E.30, subdivision 3, by failing to cooperate with a Board investigation.

5. The Panel has proven by a preponderance of the evidence that Respondent has violated Minnesota Statutes section 144E.28, subdivision 5 (3), by entering a guilty plea to fifth-degree criminal sexual misconduct.

6. As a result of the violations set forth above and Respondent's failure to request a contested case hearing within 30 days of receipt of notice of his right to do so or at any time, the Board has the authority without further proceedings to take disciplinary action against Respondent's EMT-B certification. Minn. Stat. § 144E.28, subds. 4 and 5 (2002).

Based on the foregoing Findings of Fact and Conclusions, the Board issues the following:

### **ORDER**

1. Respondent's EMT-B certificate is **SUSPENDED**, effective immediately. At no time subsequent to the date of this Order shall Respondent engage in any act in Minnesota which constitutes practice as an emergency medical technician as defined in Minnesota Statutes sections 144E.001 and 144E.28, nor shall he in any manner represent or hold himself out as being authorized to so practice.

2. Not later than 7 (seven) days from the date of this Order, Respondent shall surrender and cause the Board to receive his current EMT-B certificate card.

3. Respondent may apply to the Board for reinstatement of his certification as an EMT-B not earlier than 6 (six) months from the date of this Order. Any such application shall be accompanied by evidence that Respondent has successfully completed or is successfully participating in any and all treatment indicated by his criminal sentencing conditions.

4. Respondent shall appear before the Panel to review any application for reinstatement submitted pursuant to paragraph 3. The burden of proof shall be on Respondent to demonstrate that he is able to provide emergency medical services in a fit and competent manner without risk of harm to the public. The Board reserves the right to approve an application for reinstatement only upon the imposition of conditions and limitations which the Board deems necessary to ensure public protection. Such conditions and limitations may include, but need not be limited to, restricted duties and practice supervision.

5. This Order is a public document.

The foregoing Findings of Fact, Conclusions, and Order constitute the Decision of the Board in this matter.

Dated this 1<sup>st</sup> day of ~~February~~, 2004.  
*March*

MINNESOTA EMERGENCY MEDICAL  
SERVICES REGULATORY BOARD

By:   
MICHAEL PARRISH  
Board Chair