

IN THE MATTER OF
ERIC G. HANSEN, A.T.

Respondent.

* BEFORE THE
* MARYLAND STATE BOARD
* OF PHYSICIANS

License Number A00060

* Case Number 2015-0579(B)

FINAL DECISION AND ORDER

PROCEDURAL HISTORY

Eric G. Hansen, A.T. ("Mr. Hansen") has held a license to practice athletic training in the State of Maryland since October of 2011. On October 20, 2014, in the Circuit Court for Frederick County, Mr. Hansen pled guilty to one count of Visual Surveillance with Prurient Interest, in violation of MD. CODE ANN., CRIMINAL LAW ("CL") § 3-902(c), and two counts of Possession of Visual Representation of Child Under 16 Engaged in Certain Sexual Acts ("Possession of Child Pornography"), in violation of CL § 11-208. (Case No: 10-K-14-055023).

The Court sentenced Mr. Hansen to one year incarceration for Visual Surveillance with Prurient Interest and five years, suspended, as to each count of Possession of Child Pornography. The Court also ordered that Mr. Hansen be placed on three years of supervised probation with certain conditions that included: no unsupervised contact with children under the age of 18 (except his own children), no contact with the victims, successful completion of sex offender treatment, and registration as a Tier 1 Sex Offender.

On March 6, 2015, the Office of the Attorney General filed with the Maryland Board of Physicians (the "Board") a petition to revoke Mr. Hansen's athletic training license ("the Petition") and show cause order pursuant to section 14-5D-14(b) of the Maryland Athletic Trainers Act. The statute provides:

- (1) On the filing of certified docket entries with the Board by the Office of the Attorney General, a disciplinary panel shall order the suspension of a license if the licensee is convicted of or pleads guilty or nolo contendere with respect

to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

- (2) After completion of the appellate process if the conviction has not been reversed or the plea has not been set aside with respect to a crime involving moral turpitude, a disciplinary panel shall order the revocation of a license on the certification by the Office of the Attorney General.

MD. CODE ANN., HEALTH OCC. (“Health Occ.”) § 14-5D-14(b). Attached to the Petition were certified copies of the statement of charges, the case history, the sentencing transcript, and the probation and supervision order. Mr. Hansen did not file a response to the Petition.

Having reviewed and considered the entire record in this case, Board Disciplinary Panel B (“Panel B”) issues this Final Decision and Order.¹

FINDINGS OF FACT

Panel B finds the following facts by a preponderance of the evidence:

1. Mr. Hansen was initially licensed to practice athletic training in the State of Maryland on October 1, 2011, and at all times relevant to the charges in this case, Mr. Hansen has held a license to practice athletic training in the State of Maryland.
2. On April 23, 2014, Mr. Hansen was charged, in the District Court of Maryland for Frederick County, with one count of Visual Surveillance with Prurient Interest and twelve counts of Possession of Child Pornography.
3. On August 15, 2014, after learning of the pending charges, Panel B summarily suspended Mr. Hansen’s license to practice athletic training pursuant to MD. CODE ANN., STATE GOV’T § 10-226(c)(2)(i).
4. On August 27, 2014, Mr. Hansen was given an opportunity to show cause as to why the summary suspension should not be continued. Neither Mr. Hansen nor anyone on Mr. Hansen’s behalf filed a response or appeared at the show cause hearing.
5. On August 28, 2014, Panel B reevaluated the investigative information in this case and determined that the public health, safety, or welfare imperatively required that the summary suspension of Mr. Hansen’s license be continued.

¹ In 2013, the Board was divided into two disciplinary panels to resolve allegations of grounds for disciplinary action against an allied health professional. Health Occ. § 14-401. *See also* House Bill 1096, ch. 401, 2013 Md. Laws.

6. On October 20, 2014, Mr. Hansen pled guilty to one count of Visual Surveillance with Prurient Interest² and two counts of Possession of Child Pornography³. The specific counts in the indictment that Mr. Hansen pled guilty to are, as follows:

Count 1 – CL § 3-902(c) – PRIV PL – PRURIENT INTENT

On or About 05/12/2013 [Mr. Hansen] did, with prurient intent, conduct visual surveillance of [his 16 year old niece]^[4]. Against the Peace, Government, and Dignity of the State.

Count 2 – CL § 11-208 – POSSESS CHILD PORNOGRAPHY

On or About 05/12/2013 [Mr. Hansen] did knowingly possess a visual representation to wit: file name 146209/167004, a young girl performing oral sex on an adult male. Against the Peace, Government, and Dignity of the State.

Count 3 – CL § 11-208 – POSSESS CHILD PORNOGRAPHY

On or About 05/12/2013 [Mr. Hansen] did knowingly possess a visual representation to wit: Amber and Amanda 15, an adult male performing oral sex on a young girl. Against the Peace, Government, and Dignity of the State.

7. At the plea agreement hearing, the Assistant State's Attorney read an agreed statement of facts into the record. The pertinent portion of the statement of facts is as follows:

² The Visual Surveillance with Prurient Interest statute, CL § 3-902(c), provides:

A person may not with prurient intent conduct or procure another to conduct visual surveillance of:

- (1) an individual in a private place without the consent of that individual; or
- (2) the private area of an individual by use of a camera without the consent of the individual under circumstances in which a reasonable person would believe that the private area of the individual would not be visible to the public, regardless of whether the individual is in a public or private place.

³ The Possession of Child Pornography statute, CL § 11-208, provides:

(a) A person may not knowingly possess and intentionally retain a film, videotape, photograph, or other visual representation showing an actual child under the age of 16 years:

- (1) engaged as a subject of sadomasochistic abuse;
- (2) engaged in sexual conduct; or
- (3) in a state of sexual excitement.

⁴ The minor child's name has been omitted for confidentiality purposes.

Your Honor, had the State proceeded to trial we would have called witnesses who would have testified on 12th of May 2013 Detective Davies responded to an allegation of child pornography and met and was briefed by other deputies who advised that Theresa Hansen had lodged a complaint against her husband, Eric Glen Hansen.

* * *

After they spoke with [Ms. Hansen], they received the laptop computer . . . that had been registered to Mr. Hansen for work purposes. . . . They briefly looked at some of the videos and, and some of the images and Detective Davies could immediately tell that many of the images contained children that were well under age 16 and the computer was then sent off to be analyzed.

* * *

[Mr. Hansen] was advised of his rights and, and [sic] did elect to speak with [detectives] about the incident.

* * *

He advised that it was mostly adult porn until recently. He stated that he began trading things online. He found a Russian website that he began looking for what he called babysitter stuff. He stated that he would never purchase items, he would always trade them. He did admit to, um, to taking the video of his niece . . . , age 16 years old. He advised that she, he [sic] thought she was 18 years old. He admitted that he had purchased a, um, digital camera that was disguised to look as an alarm clock that he had hidden it in the bathroom of his house. He advised that his attempt was to capture his wife's sister, not her daughter. However he did admit that he, ah, obtained the video of his niece changing and that he had in fact traded that online for other pornography.

The, he, he [sic] admitted to doing searches for things stated such as teen, like 17 years old, niece, teacher and student, trading for terms such as MILF, teen, blonde, brunette, Asian and Latino. . . .

The computer was analyzed and they found that it contained multiple suspected child pornography images including known child pornography. Specifically there was one image named Amber and Amanda, which is a known child pornography, and that is, Your, Your Honor, Count Number 3, a file named Amber and Amanda 15, which depicted an adult male performing oral sex on a young girl, who had been identified as being age 16. There was also another file named 146209/167004, which depicted a young girl performing oral sex on an adult male. The young girl was

clearly under the age of 16. Your Honor, the, the Defendant also provided them with the camera that he had used to photograph his niece. He had it in his garage charging at the time when officers arrived and they did take that into their possession. . . .

Your Honor, all events occurred in Frederick County. That would be the State's case had we proceeded to trial.

8. Defense counsel stated that there were no additions or corrections to the agreed statement of facts read into the record.
9. The Court found that the agreed statement of facts was sufficient to support Mr. Hansen's guilty pleas and subsequently, found Mr. Hansen guilty as to Counts 1, 2, and 3.
10. On December 11, 2014, Mr. Hansen was sentenced to one year incarceration for Visual Surveillance with Prurient Interest and five years, suspended, as to each count of Possession of Child Pornography. Mr. Hansen was placed on three years of supervised probation and was required to register as a Tier 1 Sex Offender. Pursuant to the plea agreement, the State nolle prossed the remaining charges.
11. Mr. Hansen did not appeal his conviction within the time prescribed by law and the guilty plea and conviction have not been set aside.

DISCUSSION

Mr. Hansen's convictions for Visual Surveillance with Prurient Interest and Possession of Child Pornography trigger Health Occ. § 14-5D-14(b)(2), which requires automatic revocation of an athletic trainer's license when a disciplinary panel concludes that an athletic trainer was convicted of a crime involving moral turpitude.

"The term 'moral turpitude' has been defined generally as importing 'an act of baseness, vileness or depravity in the private and social duties which a man owes to his fellow men, or to society in general, contrary to the accepted and customary rule of right and duty between man and man.'" *Attorney Grievance Comm'n of Md. v. Walman*, 280 Md. 453, 459 (1977) (quoting *Braverman v. Bar Ass'n. of Balto.*, 209 Md. 328, 344, *cert. denied*, 352 U.S. 830 (1956)). It is well established that "in the context of a licensing board's review of the conduct of its licensee, the concept of moral turpitude is rather broad." *Oltman v. Md. State Bd. of Physicians*, 162 Md.

App. 457, 483 (2005). In determining whether a crime involves moral turpitude, the Board may also consider “the particular facts of the individual case.” *Walman*, 280 Md. at 462.

In *Stidwell v. Md. State Bd. of Chiropractic Exam’rs*, 144 Md. App. 613, 616-19 (2002), the Court of Special Appeals determined that, for the purpose of licensure, a conviction for solicitation of prostitution constituted a crime of moral turpitude, and, therefore, affirmed the denial of Stidwell’s application for a license to practice massage therapy. In affirming the Board of Chiropractic Examiner’s decision, the Court explained: “She may be qualified to give testimony, or to be certified in another profession, but in the particularly intimate setting of a massage parlor, her prurient offense casts an unsavory, even menacing, shadow.” *Id.* at 619.

Similarly, in *Bd. of Dental Exam’rs v. Lazzell*, 172 Md. 314, 321 (1937), the Court of Appeals affirmed the dental board’s decision to revoke a dentist’s license after he pled guilty to the crime of indecent exposure. “The Court reviewed various applications of ‘moral turpitude’ in the civil context, and concluded that the dentist’s conduct met the standard of turpitude, being ‘base, vile, and shameful.’” *Stidwell*, 144 Md. App. at 619 (quoting *Lazzell*, 172 Md. at 321).

In *U.S. v. Santacruz*, 563 F.3d 894, 897 (9th Cir. 2009), the United States Court of Appeals for the Ninth Circuit held that possession of child pornography is a crime involving moral turpitude. The Board has also determined in prior decisions that possession of child pornography is a crime involving moral turpitude. See *In the Matter of Ronald L. Shreve, Jr. RCP*, Case No. 2006-0584, Aug. 7, 2008, <https://www.mbp.state.md.us/bpqapp/Orders/L0062108.078.PDF>; *In the Matter of John P. Serlemitsos, M.D.*, Case No. 2001-1081, Dec. 19, 2001, <https://www.mbp.state.md.us/bpqapp/Orders/D3265412.191.PDF>.

In pleading guilty, Mr. Hansen admitted to knowingly possessing child pornography, videotaping his 16 year old niece in the nude, and trading the video tape for other pornography.

Mr. Hansen's conduct perpetuates the exploitation of minors and undermines the public's confidence in the athletic training profession. *See Stidwell*, 144 Md. App. at 619 (a criminal offense that undermines the public's confidence in a profession may be a crime of moral turpitude if so determined by the appropriate licensing board). Mr. Hansen's conduct most definitely meets the "base, vile, and shameful" definition of moral turpitude. *Id.*

CONCLUSIONS OF LAW

Based on the above-discussion, Panel B concludes that Mr. Hansen's convictions for visual surveillance with prurient interest and possession of child pornography are crimes involving moral turpitude. As a result, Health Occ. § 14-5D-14(b)(2), requires Panel B to order the revocation of Mr. Hansen's athletic trainer's license.⁵

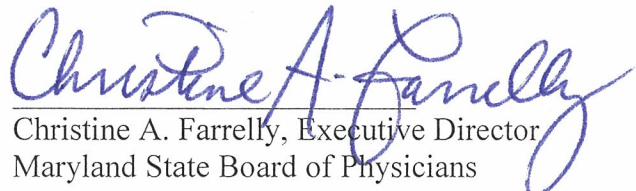
ORDER

It is, by Board Disciplinary Panel B, hereby:

ORDERED that the license of Eric G. Hansen, A.T., license number A00060, is **REVOKED**; and it is further

ORDERED that this is a **PUBLIC DOCUMENT** pursuant to MD. CODE ANN., GEN. PROV. § 4-101 *et seq.* (2014).

12/8/2015
Date


Christine A. Farrelly, Executive Director
Maryland State Board of Physicians

⁵ Mr. Hansen's license to practice athletic training expired on September 30, 2015, while he was summarily suspended. Mr. Hansen, however, still holds an active license for disciplinary purposes because, by operation law, his license was not permitted to lapse. Health Occ. § 14-5D-13 provides: "Unless the Board agrees to accept the surrender of a license, a licensed athletic trainer may not surrender the license nor may the license lapse by operation of law while the licensee is under investigation or while charges are pending against the licensee."

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Md. Code Ann., Health Occ. § 14-408, Mr. Hansen has the right to seek judicial review of this Final Decision and Order. Any petition for judicial review shall be filed within thirty (30) days from the date of mailing of this Final Decision and Order. The cover letter accompanying this final decision and order indicates the date the decision is mailed. Any petition for judicial review shall be made as provided for in the Administrative Procedure Act, MD. CODE ANN., STATE GOV'T § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If Mr. Hansen files a Petition for Judicial Review, the Board is a party and should be served with the court's process at the following address:

**Christine A. Farrelly, Executive Director
Maryland State Board of Physicians
4201 Patterson Avenue
Baltimore, Maryland 21215**

Notice of any Petition for Judicial Review should also be sent to the Board's counsel at the following address:

**Stacey M. Darin, Assistant Attorney General
Office of the Attorney General
Department of Health and Mental Hygiene
300 West Preston Street, Suite 302
Baltimore, Maryland 21201**