



**BEFORE THE KANSAS COMMISSION ON PEACE OFFICERS'  
STANDARDS AND TRAINING**

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In the Matter of )  
 )  
**MICHAEL T. MARKS** )  
 #25052 )  
\_\_\_\_\_ )

**Case No. 2017-0208**

**SUMMARY ORDER OF REVOCATION**

Pursuant to K.S.A. 77-537

The above-captioned matter comes on for Commission action through a summary proceeding under the Kansas Administrative Procedures Act, K.S.A. 77-537, regarding the law enforcement certification of MICHAEL T. MARKS (Respondent).

**STATEMENT OF FACTS**

1. Respondent holds a full-time law enforcement certification from the Kansas Commission on Peace Officers' Standards and Training (Commission), certification number 25052.
2. Respondent was employed as a full-time law enforcement officer with the Sumner County Sheriff's Office (SCSO) from June 21, 2015 to November 7, 2017.
3. On October 12, 2017, Respondent called SCSO Sgt. Carmichael and stated that he would like the night off because he and his wife had plans. Sgt. Carmichael reminded Respondent that he had SWAT training that night and would need to call the SWAT Commander regarding time off. Respondent contacted the SWAT Commander and stated that his wife's grandmother was sick so he needed the night

off. Respondent later re-contacted Sgt. Carmichael and stated that his wife's grandmother was in the hospital dying.

4. Respondent, an active member of the Kansas Army National Guard, was scheduled for military drill on October 14 – 15, 2017. Therefore, Respondent was not scheduled to work at the SCSO on those dates.
5. However, Respondent did not attend drill on October 14 – 15. His attendance was excused so that he could travel to California with his wife to visit her ill grandmother.
6. Respondent left for California on Saturday, October 14, 2017.
7. On Sunday, October 15, 2017, Sgt. Carmichael, not realizing that Respondent was scheduled for military leave, texted Respondent to determine if he was coming in that day. Sgt. Carmichael quickly realized that Respondent was scheduled for leave and texted, "Or are you at drill?" Respondent replied, "I'm on military duty."
8. Sgt. Carmichael texted Respondent that he would see him Monday. Respondent claimed that he "put in for vacation" for Monday, October 16. However, Respondent never requested a vacation day for October 16. Respondent did not have enough vacation time accrued to cover the time he would be out of state. Therefore, executime, the electronic scheduling system, would not allow Respondent to request that time off.
9. During the text discussion about his requested vacation time with Sgt. Carmichael on Sunday, October 15, Respondent texted, "As soon as I get done here [drill], I'm supposed to take my wife and the kids to California, to try to see their grandmother before she dies." Respondent was already in California and had been excused from drill at the time he sent this text.
10. Later in the day on Sunday, October 15, Sgt. Carmichael texted Respondent to inform him that he needed to make some case corrections before leaving town. Respondent replied, "I'm not in county, when I get to a better area can I call u to fix those, not going to be home, wife picked me up a few min ago and already on the way." Respondent was already in California when he sent this text.

11. Upon returning from California and completing his timesheet, Respondent indicated that was at military drill on October 15.

#### Unprofessional Conduct

12. Pursuant to K.S.A. 74-5616(b)(7), the Commission may revoke the certification of any police or law enforcement officer who has engaged in unprofessional conduct as defined by rules and regulations of the Commission.

13. K.A.R. 106-2-3(j)(1) defines unprofessional conduct as intentionally using a false or deceptive statement in any official document or official communication.

14. Respondent was dishonest with the SCSO about the time he spent at military drill, when he was in California, and his requested vacation time.

#### Good Moral Character

15. Pursuant to K.S.A. 74-5616(b)(1) the Commission may suspend, condition, revoke, reprimand, censure or deny the certification of a police or law enforcement officer who fails to meet and maintain the requirements of K.S.A. 74-5605 or 74-5607a, and amendments thereto.

16. K.S.A. 74-5605(b)(5) states that each applicant for certification shall be of good moral character sufficient to warrant the public trust in the applicant as a police officer or law enforcement officer.

17. K.A.R. 106-2-4 defines good moral character as including the personal traits or qualities of integrity, honesty, upholding the laws of the state and nation, conduct that warrants the public trust, and upholding the oath required for certification as specified in K.A.R. 106-3-6.

18. Respondent's conduct reflects a lack of the personal traits or qualities that define good moral character.

#### Summary Proceedings

19. Under K.S.A. 77-537, the Commission may conduct these summary proceedings, subject to Respondent's request for a hearing. The

19. Under K.S.A. 77-537, the Commission may conduct these summary proceedings, subject to Respondent's request for a hearing. The Commission finds that the use of summary proceedings in these circumstances does not violate any provisions of law and the protection of the public interest does not require the Commission to give notice and opportunity to participate to any person other than Respondent.

**ORDER**

Based on the above Statement of Facts and Conclusions of Law, the Commission orders that the Kansas Law Enforcement Officer Certification of MICHAEL T. MARKS be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF MICHAEL T. MARKS IS HEREBY REVOKED.

FURTHER, respondent is ordered to surrender and return to the Commission all evidence of his certification as a law enforcement officer.

DATED this 28<sup>th</sup> day of June, 2018.

KANSAS COMMISSION ON PEACE OFFICERS'  
STANDARDS AND TRAINING

  
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Jeff Herrig  
Chairperson, Investigative Committee

**NOTICE OF RELIEF FROM THIS SUMMARY ORDER**

Pursuant to K.S.A. 77-537, the Summary Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for a hearing to the Kansas Commission on Peace Officers' Standards and Training, 1999 N. Amidon, Suite 350, Wichita, Kansas 67203. This written request must be filed within fifteen (15) days from the date indicated in the Certificate of Service below. If a written request for hearing is not so made, this Summary Order becomes final and effective upon the expiration of the time for requesting a hearing.

**CERTIFICATE OF SERVICE**

This is to certify that on the 28<sup>th</sup> day of June, 2018, true and correct copies of the above and foregoing Summary Order of Revocation of Certificate were deposited in the United States mail, certified, return receipt requested, and deposited in the United States mail, first class postage prepaid, addressed to:

MICHAEL T. MARKS



MICHAEL T. MARKS



Rose Ann Ohmart  
Senior Administrative Assistant  
Kansas Commission on Peace Officers'  
Standards and Training