



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

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In the Matter of)	
)	
PARKER HOFBAUER)	Case No. 2017-0169
#29494)	
)	

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 certificate of PARKER HOFBAUER (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 29494.
2. Respondent was employed as a full-time police officer with the Olathe Police Department (OPD) from January 3, 2017 to August 28, 2017.
3. Respondent was responsible for issuing and serving a citation to K.K. following a vehicular crash.
4. An OPD records clerk contacted Respondent by email inquiring about service of the citation. Respondent replied to the records clerk, stating that he attempted to contact K.K. several times and then mailed the citation to

her address. Respondent's Field Training Officer, FTO Galbrecht, was copied on the email from the records clerk to the Respondent.

5. FTO Galbrecht contacted Respondent and asked where the citation was. Respondent stated that the citation was mailed. Respondent stated that he put the citation in an envelope, put the envelope in the wire basket for outgoing mail, and placed the white copies in the sergeant's box. FTO Galbrecht asked for Respondent's ticket book and located the original citation to K.K. along with eight other citations in various forms of completion.
6. Respondent also told FTO Galbrecht that he made several attempts to serve the citation with another officer, FTO Brandeau. FTO Brandeau stated that while she was training Respondent, they never made a citation service attempt at K.K.'s address.
7. Commission Investigator Mike Oliver scheduled an interview with Respondent for October 10, 2017 and October 24, 2017. The notice for the interviews were sent by certified mail and by first-class mail, postage prepaid, with tracking. The notice for the October 10th interview was sent to Respondent's last known address provided by the OPD. The notice for the October 24th interview was sent to an address for Respondent that was located by Investigator Oliver through research. The certified mail for both notices was returned undelivered. The tracked letters show that they were delivered to Respondent's last known address provided by the OPD on September 30, 2017, and to the new address located for Respondent on October 13th, 2017. Respondent did not appear for the scheduled interviews.

CONCLUSIONS OF LAW

Unprofessional Conduct – False Statements

8. 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.

9. 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.
10. Respondent made false statements during official communications. Respondent emailed the records clerk that he had served a citation by mail. Respondent also told FTO Galbrecht that he attempted to serve the citation at K.K.'s address and that he finally mailed the citation. Respondent gave very specific details about how he perfected service of the citation. All the while, the citation had not been served, but was located in Respondent's ticket book.

Good Moral Character

11. 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.
12. 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.
13. K.A.R. 106-2-4(a) 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.
14. K.A.R. 106-2-4(b) states that any single incident or event may suffice to show that an applicant or licensee lacks or has failed to maintain good moral character.
15. Respondent's conduct reflects a lack of the personal traits or qualities that define good moral character. Respondent was dishonest in official statements to his superiors.

Failure to Cooperate in Commission Investigation

16. Pursuant to K.S.A. 74-5616(b)(3), the Commission may revoke the certification of a police or law enforcement officer who fails to cooperate in a Commission investigation to determine a person's continued suitability for law enforcement certification.
17. Respondent's failure to appear for his interview with Investigator Oliver constitutes failure to cooperate in a Commission investigation to determine a person's continued suitability for law enforcement certification.

Summary Proceedings

18. 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 PARKER HOFBAUER be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATION OF PARKER HOFBAUER 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 1st day of February, 2018.

KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING



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 2nd day of February, 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:

PARKER HOFBAUER



PARKER HOFBAUER





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