



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

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In the Matter of )  
 )  
**RYAN FLERLAGE** )  
 #20081 )  
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**Case No. 2017-0147**

**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 RYAN FLERLAGE (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 20081.
2. Respondent was employed as a full-time law enforcement officer with the Riley County Police Department from January 2, 2005 to June 1, 2017.
3. On April 4, 2000, Respondent was arrested by the Emporia State University Police Department on suspicion of Driving Under the Influence (DUI). Respondent failed field sobriety tests and had a Blood Alcohol Concentration of .144. Charges were filed in the Municipal Court of Emporia, Kansas, case number C00-1252. On July 27, 2000, Respondent

entered a plea and was found guilty of DUI. The city ordinance under which Respondent was convicted prohibited the acts prohibited in K.S.A. 8-1567.

4. On February 19, 2017, Respondent was arrested by the Pottawatomie County Sheriff's Office on suspicion of DUI. Respondent admitted to consuming alcohol, smelled strongly of alcohol, had slurred speech and bloodshot eyes, and refused both field sobriety tests and a breath test. Charges were filed in the District Court of Pottawatomie County, case number 2017-TR-214. On October 23, 2017, Respondent entered a Diversion Agreement for DUI. Respondent stipulated that his actions on February 19, 2017 established the offense of DUI.
5. Before being arrested for DUI on February 19, 2017, Respondent was at a bar with other law enforcement officers. Due to an allegation that Respondent was trying to pull down S.H.'s shirt, a Commission interview with Respondent was necessary. Commission Investigator George Brown scheduled an interview with Respondent for March 15, 2018. Respondent rescheduled his interview to April 16, 2018 but did not appear for the interview. Investigator Brown phoned Respondent after the missed interview. Respondent stated that he could not drive to Wichita due to his back and indicated that he was to attend a doctor's appointment. Investigator Brown requested a note from the doctor indicating that Respondent could not travel to Wichita. Investigator Brown left a voice message for Respondent on May 17, 2018 attempting to reschedule an interview with Respondent. Investigator Brown again phoned Respondent on May 24, 2018. Respondent stated that he had a doctor's appointment for his knee later in the day and that he would call to schedule an appointment. To date, Respondent has failed to contact Investigator Brown or appear for an interview.

## CONCLUSIONS OF LAW

### Criminal Conduct

6. Pursuant to K.S.A. 74-5616(b)(5), the Commission may revoke the certification of any police or law enforcement officer who engages in conduct which, if charged as

a crime, would constitute a felony crime under the laws of this state, a misdemeanor crime of domestic violence as defined in the Kansas Law Enforcement Training Act at the time the conduct occurred, or a misdemeanor crime that the Commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant as defined by rules and regulations of the Commission.

7. K.A.R. 106-2-2a(a)(58) states that pursuant to K.S.A. 74-5616 and amendments thereto, an applicant or officer shall not engage in conduct, whether or not charged as a crime or resulting in a conviction, that would constitute a second or subsequent occurrence of driving under the influence, as defined in K.S.A. 8-1567 and amendments thereto.
8. The DUI ordinance that Respondent was convicted of in the Municipal Court of Emporia was synonymous with the state DUI statute under K.S.A. 8-1567. Therefore, Respondent's 2000 DUI conviction constitutes a first occurrence of DUI as defined in K.S.A. 8-1567 and K.S.A. 8-1013.
9. Respondent's conduct on February 19, 2017 constituted a second or subsequent occurrence of DUI as defined in K.S.A. 8-1567.

#### Good Moral Character

10. 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.
11. 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.
12. 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.

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

#### Failure to Cooperate in Commission Investigation

14. 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.
15. Respondent's failure to appear for an interview with Investigator Brown constitutes failure to cooperate in a Commission investigation to determine a person's continued suitability for law enforcement certification.

#### Summary Proceedings

16. 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 RYAN FLERLAGE be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF RYAN FLERLAGE IS HEREBY REVOKED.

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

DATED this 12<sup>th</sup> day of September, 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 13<sup>th</sup> day of September, 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:

RYAN FLERLAGE



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