



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

1999 N. AMIDON, SUITE 350 • WICHITA, KANSAS 67203
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In the Matter of)
)
BENJAMIN HOGAN)
 #27340)
)
)

Case No. 2019-0155

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 BENJAMIN HOGAN (Respondent).

STATEMENT OF FACTS

1. Respondent holds a part-time law enforcement certification from the Kansas Commission on Peace Officers' Standards and Training (Commission), certification number 27340.
2. Respondent was employed as a full-time law enforcement officer with the Morton County Sheriff's Office from April 10, 2013 to December 14, 2017.
3. Between January 1, 2011 and July 25, 2017, Respondent unlawfully and feloniously obtained or exerted control over property or services worth at least \$25,000 but less than \$100,000. Specifically, Respondent obtained US currency and miscellaneous merchandise with the intent to permanently

deprive the owner, Liberal Gasket Manufacturing, of the possession, use, or benefit of such property.

4. Respondent was criminally charged in the District Court of Seward County, Case Number 18-CR-121. On January 14, 2019, Respondent was convicted on one count of Theft, in violation of K.S.A. 21-5801(a)(1) & (b)(3), a severity level 9, nonperson felony.

CONCLUSIONS OF LAW

Felony Conviction

5. Pursuant to K.S.A. 74-5616(b)(1) the Commission may revoke 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.
6. K.S.A. 74-5605(b)(3) states that each applicant for certification shall not have been convicted of a crime that would constitute a felony under the laws of this state.
7. Due to his felony conviction in the District Court of Seward County, Case Number 18-CR-121, Respondent fails to meet and maintain the requirements of K.S.A. 74-5605.

Good Moral Character

8. Pursuant to K.S.A. 74-5616(b)(1) the Commission may revoke 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.
9. 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.

10. 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.
11. Respondent's conduct resulting in his felony conviction in the District Court of Seward County, Case Number 18-CR-121, shows that he lacks the personal qualities of integrity, honesty, upholding the laws of the state, conduct that warrants the public trust, and upholding the oath required for certification.

Summary Proceedings

12. 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

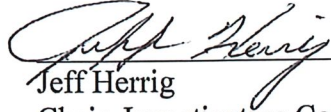
Based on these Statement of Facts and Conclusions of Law, the Commission orders that the Kansas Law Enforcement Officer Certification of BENJAMIN HOGAN be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF BENJAMIN HOGAN 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 18th day of September, 2019.

KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING



Jeff Herrig
Chair, Investigative Committee

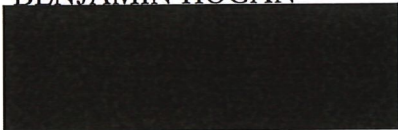
NOTICE OF RELIEF FROM THIS SUMMARY ORDER

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 18th day of September, 2019, a true and correct copy of the above and foregoing Summary Order of Revocation was deposited in the United States mail, certified, return receipt requested, and deposited in the United States mail, first class postage prepaid, addressed to:

BENJAMIN HOGAN



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