



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

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In the Matter of)
)
LAURO GARCIA)
 #30330)
_____)

Case No. 2018-0143

SUMMARY ORDER OF REVOCATION

Pursuant to K.S.A. 77-537

The above-captioned matter comes on for Kansas Commission on Peace Officers' Standards and Training (Commission) action through a summary proceeding under the Kansas Administrative Procedures Act, K.S.A. 77-537, regarding the law enforcement certification of LAURO GARCIA (Respondent).

STATEMENT OF FACTS

1. The Commission issued Respondent a provisional law enforcement certification, certification number 30330.
2. Respondent was employed as a full-time law enforcement officer with the Wichita Police Department (WPD) from January 29, 2018 to March 13, 2018.
3. Respondent was terminated from his employment with the WPD prior to completing an approved full-time basic course of instruction. Therefore, Respondent's provisional certification was automatically revoked pursuant

to K.S.A. 74-5607a. However, grounds for certification revocation also exist pursuant to K.S.A. 74-5616(b) and are appropriate in this case.

4. Respondent and MG were in a dating relationship. On March 10, 2018, Respondent and MG were at a bar and began to argue. Respondent screamed at MG and grabbed her. Once he returned home, Respondent threw MG's belongings outside. They landed in a pond and were damaged.
5. Based on his conduct on March 10, 2018, Respondent was charged in the District Court of Sedgwick County, Case Number 18CR2236, with one count of Domestic Battery, contrary to K.S.A. 21-5414, a class B person misdemeanor; and one count of Criminal Damage to Property, contrary to K.S.A. 21-5813, a class B nonperson misdemeanor. On June 11, 2019, Respondent entered an Agreement for Pretrial Diversion on both counts.

CONCLUSIONS OF LAW

Fail to Maintain Minimum Requirements for Certification

6. 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.
7. 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, a misdemeanor crime of domestic violence or a misdemeanor offense that the Commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant as defined by rules and regulations of the Commission.
8. K.S.A. 74-5605(d) states that as used in this section, "conviction" includes any diversion or deferred judgment agreement entered into for a misdemeanor crime of domestic violence.

9. K.S.A. 74-5602(j) defines misdemeanor crime of domestic violence to include a violation of domestic battery as provided by K.S.A. 21-5414, and amendments thereto.
10. Due to his conviction for a misdemeanor crime of domestic violence, Respondent fails to meet and maintain the requirements of K.S.A. 74-5605.

Criminal Conduct

11. 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.
12. K.A.R. 106-2-2a(a)(30) 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 criminal damage to property, as defined in K.S.A. 21-5813 and amendments thereto.
13. Respondent's conduct on March 10, 2018 constitutes the crime of criminal damage to property.

Good Moral Character

14. 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.

15. 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.
16. 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.
17. Pursuant to K.A.R. 106-2-4(b), any single incident or event may suffice to show that an applicant or licensee lacks or has failed to maintain good moral character.
18. Respondent's conduct 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

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

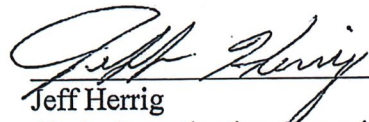
Based on these Statement of Facts and Conclusions of Law, the Commission orders that the Kansas Law Enforcement Officer Certification of LAURO GARCIA be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF LAURO GARCIA 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 26th day of September, 2019.

KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING



Jeff Herrig
Chair, Investigative Committee

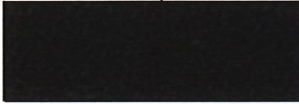
NOTICE OF RELIEF FROM THIS SUMMARY ORDER

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 26th 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:

LAURO GARCIA



A handwritten signature in blue ink, reading "Rose Ann Ohmart", written over a horizontal line.

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