



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

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In the Matter of)
)
ALLAN KIRK)
 #27093)
_____)

Case No. 2022-0033

SUMMARY ORDER OF REVOCATION

Pursuant to K.S.A. 77-537

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

STATEMENT OF FACTS

1. The Commission granted Respondent a full-time law enforcement certification, certification number 27093.
2. Respondent was employed as a full-time law enforcement officer with the Seward County Sheriff’s Office (SCSO) from September 24, 2012, to January 28, 2013, and from January 28, 2014, to February 18, 2022.
3. On February 16, 2022, L.R. called the Seward County Attorney’s Office about a subpoena that was left for him at his residence. L.R. complained that while he was out of state, Respondent served the subpoena on his

daughter. Respondent stated that he knows that subpoenas must be personally served and that he was not going to honor the subpoena due to improper service. Respondent certified on the subpoena that he had completed personal service on L.R.

4. On February 18, 2022, Respondent's supervisor asked Respondent if he had served L.R. with the subpoena. Respondent stated that he had. Respondent then added that he did not serve L.R. but instead served L.R.'s daughter. Respondent also stated that L.R. was on the phone with his daughter when Respondent was at the residence and that L.R. stated that service could be made on his daughter. L.R. was contacted by the SCSO and denied accepting service through his daughter or even speaking with her while Respondent was at his residence. L.R. stated that he did not know about the subpoena until after Respondent left his home. At the time he left the subpoena at L.R.'s residence, Respondent was aware that he was required to serve the subpoena personally and not residentially.
5. The SCSO had questioned Respondent's credibility in the past due to inconsistencies between his reports and video footage on multiple DUI investigations. Documentation from the SCSO states that Respondent has been found lying during SCSO investigations a number of times. The Seward County Attorney determined that, pursuant to legal precedent set forth in *Brady v. Maryland*, 397 U.S. 742 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972), he will no longer present testimony by Respondent due to his dishonesty regarding the subpoena service to L.R.

CONCLUSIONS OF LAW

Unprofessional Conduct – False Statement in Official Communication

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

7. K.A.R. 106-2-3(j)(1) defines unprofessional conduct as, except for a legitimate law enforcement purpose, intentionally using a false or deceptive statement in any official document or official communication.
8. Respondent intentionally falsified the service on a subpoena. This was not done for a legitimate law enforcement purpose.

Good Moral Character

9. 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.
10. 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.
11. 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.
12. Respondent's conduct shows that he lacks the personal qualities of integrity, honesty, conduct that warrants the public trust, and upholding the oath required for certification.

Summary Proceedings

13. 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 ALLAN KIRK be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF ALLAN KIRK 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 24th day of June, 2022.

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 24th day of June, 2022, a true and correct copy of the above and foregoing Summary Order of Revocation was deposited in the United States mail, certified, postage prepaid, return receipt requested, and deposited in the United States mail, with tracking, postage prepaid, addressed to:

ALLAN KIRK



Ed Smith

Staff
Kansas Commission on Peace Officers'
Standards and Training