



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

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In the Matter of)
)
JALBERT CUEVAS-SOTELO)
#30659)
_____)

Case No. 2021-0145

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 JALBERT CUEVAS-SOTELO (Respondent).

STATEMENT OF FACTS

1. The Commission issued Respondent a full-time law enforcement certification, certification number 30659.
2. Respondent was employed as a full-time law enforcement officer with the Dodge City Police Department from July 16, 2018, to April 8, 2021.
3. On April 6, 2021, Respondent was in an altercation with BB, with whom he had been in a romantic relationship and shared a child. BB called 911 and reported that Respondent had hit her on the face and grabbed her arm. BB had discoloration and swelling on her face and red marks on her arm.

Respondent had visible marks on his hand where BB reported she grabbed him to get him off her. Respondent denied having physical contact with BB but could not explain how he received physical marks. Respondent's account to responding officers regarding the argument and events of the altercation changed multiple times during the investigation.

4. On June 8, 2021, Respondent was arrested for speeding and driving while under the influence (DUI) after providing a breath sample of .121.
5. As a result of his conduct on April 6 and June 8, Respondent was charged with one count of domestic battery and one count of DUI in the District Court of Ford County, Case Number 2021-CR-170. Respondent entered a Diversion Agreement on one count of domestic battery, contrary to K.S.A. 21-5414, and one count of DUI, contrary to K.S.A. 8-1567.

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.

Misdemeanor Crime of Domestic Violence

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. 21-3412a, prior to its repeal, or any other misdemeanor under federal, municipal or state law that has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon, committed against a person with whom the offender is involved or has been involved in a “dating relationship” or is a “family or household member” as defined in K.S.A. 21-5414, and amendments thereto, at the time of the offense.
10. Due to entering into a Diversion Agreement for a misdemeanor crime of domestic violence, Respondent fails to meet and maintain the requirements of K.S.A. 74-5605.

Good Moral Character

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(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.
13. 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.
14. 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

15. 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 JALBERT CUEVAS-SOTELO be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF JALBERT CUEVAS-SOTELO 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, 2022.

KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING



Jeff Herrig
Chair, Investigative Committee

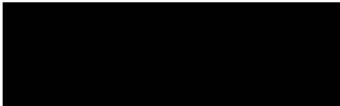
NOTICE OF RELIEF FROM THIS SUMMARY ORDER

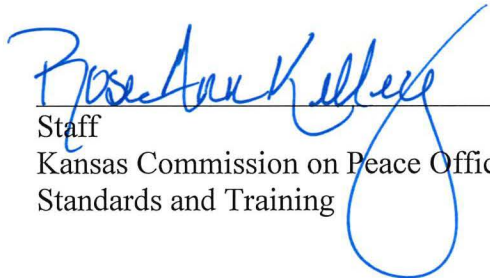
Pursuant to K.S.A. 77-537, the Summary Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for a hearing to the Kansas Commission on Peace Officers' Standards and Training, 1999 N. Amidon, Suite 350, Wichita, Kansas 67203. This written request must 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 1st day of February, 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, first-class postage prepaid with tracking, addressed to:

JALBERT CUEVAS-SOTELO





Staff
Kansas Commission on Peace Officers'
Standards and Training