

KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS & TRAINING

1999 N Amidon Ste. 350

Wichita, KS 67203

In the Matter

of

BRANDON GADIA

32335

Case No. 2022-0083

ORDER

Now on September 26, 2023, the above-referenced matter comes for hearing by the Kansas Commission on Peace Officers' Standards and Training (Commission) regarding the law enforcement certification of Brandon Gadia (Gadia). Pursuant to the Kansas Administrative Procedure Act, the Commission has delegated its authority to serve as the Presiding Officer in the above-referenced matter to the Hearing Panel, which is comprised of the following Commissioners: Roger Soldan, Saline County Sheriff, Jody Prothe, Major, Johnson County Sheriff's Office, and Sherri Schuck, Pottawatomie County Attorney.

Brandon Gadia appeared remotely, *pro se*. The Commission was represented by its litigation counsel, Special Assistant Attorney General Michelle Meier. Also present was Jay Rodriguez, Assistant Attorney General, serving as legal counsel to the Hearing Panel in this matter.

Based upon its records and the evidence presented at the hearing, the Commission makes the following findings of fact, conclusions of law, and orders.

FINDINGS OF FACT

Procedural History

1. Brandon Gadia (Gadia) received his certification as a law enforcement officer, certification number 32335.

2. Gadia has been employed as a full-time law enforcement officer with the Riley County Police Department (RCPD) since December 27, 2020. His law enforcement certification is currently active.

3. On the morning of March 26, 2022, RCPD received a call from J.J., who claimed that Gadia had assaulted him. Following an investigation, RCPD suspended Gadia and the complaint was referred for prosecution in the Municipal Court of Manhattan, Kansas.

4. Gadia was charged with misdemeanor battery in violation of Manhattan Ordinance 22-17. He agreed to diversion on July 19, 2022. In response to the charges filed against Gadia, the Commission undertook an investigation of Gadia's conduct and found evidence of a violation of the Kansas Law Enforcement Training Act (KLETA).

5. The Committee determined Gadia had violated the following provision of the KLETA: K.S.A. 74-5616(b)(5)—engaging 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, or a misdemeanor crime that the Commission determines reflects on the honesty, trustworthiness, integrity or competence of the officer as defined by the rules and regulations of the Commission. Gadia's conduct constituted the misdemeanor crime of battery, which reflects on the honesty, trustworthiness, integrity or competence of officers as defined in K.A.R. 106-2-2a(a)(6). Based upon this violation, the Commission issued a summary proceeding order on November 3, 2022, revoking Gadia's provisional certification as a law enforcement officer. On November 14, 2022, Gadia filed with the Commission his request for a hearing on the order.

6. Prior to the hearing, the parties stipulated to six State exhibits and sixty-six Respondent exhibits.

Hearing

7. The hearing was held on September 26, 2023. Gadia appeared remotely. Gadia was advised of his right to present evidence and witnesses, and to be represented by counsel. All witnesses were sworn prior to testifying. The Commission admitted State's exhibits 1-6, and Gadia's exhibits 1-66.

8. On the morning of March 26, 2022, RCPD responded to a call alleging that RCPD Officer Gadia had struck J.J. inside the doorway of J.J.'s apartment. Gadia recently learned that his fiancé, who is also the mother of Gadia's three-year old child, had a sexual encounter with J.J. While off-duty and not in uniform, Gadia had arrived at his fiancé's apartment to drop off some of her possessions; Gadia's fiancé lived in an apartment in the same building as J.J.'s apartment. While upstairs, he heard J.J. speaking and went downstairs to knock on J.J.'s door. When J.J. opened his door, Gadia struck him in the head three times with a closed fist. J.J.'s partner, D.M., then shouted at Gadia to leave. Gadia left without saying anything.

9. When questioned about this incident, Gadia substantially confirmed J.J.'s account. Gadia admitted responsibility, expressed remorse, and cooperated with the investigation by producing a written statement admitting his guilt. Due to the conflict of interest, RCPD asked the Kansas State University Police Department to investigate Gadia's conduct. Their investigation showed that Gadia had committed battery. RCPD suspended Gadia without pay for approximately two weeks.

10. Gadia was subsequently charged with misdemeanor battery in Manhattan Municipal Court. To resolve the charges, he accepted a diversion agreement on July 19, 2022. According to the diversion agreement, Gadia was required to pay a \$655 fine, to perform twenty hours of community service, to attend anger management courses or counseling, to avoid contact with J.J., to avoid alcohol and the violation of any other laws during the term of the agreement. Gadia successfully completed the diversion agreement and still attends regular counseling.

11. At the hearing, Gadia produced substantial evidence in support of his character and his competence as a police officer. This included documentation from his RCPD personnel file showing a pattern of professionalism and integrity, as well as supporting testimony from three of his supervisors, including the director of the RCPD, who spoke to Gadia's professionalism and integrity. Each of Gadia's witnesses said that Gadia was a promising young law enforcement officer whose one instance of criminal conduct was an aberration. Gadia's personal testimony was highly credible. While Gadia admitted to the battery, he expressed remorse and regret at every stage of the investigation and hearing, showed that he learned from and was improved by the experience of his misconduct, and explained how he had attempted to rehabilitate himself.

CONCLUSIONS OF LAW

12. Administrative proceedings to suspend or revoke the certification of a law enforcement officer are conducted pursuant to the Kansas Administrative Procedure Act (KAPA), K.S.A. 77-501, *et seq.* K.S.A. 74-5616(c). Under the KAPA, the Commission's Investigative Committee issued a Summary Order Revoking Certification after concluding that Gadia violated a provision of the KLETA. Gadia timely requested a hearing on the order. The Commission has jurisdiction over Gadia and this matter.

13. K.S.A. 74-5616(b)(1) authorizes the Commission to suspend, condition, or revoke the certification of a law enforcement officer who fails to meet and maintain the requirements for certification as set forth in K.S.A. 74-5605 and amendments thereto. Clear and convincing evidence was presented at the hearing to show Gadia violated the following provision of the KLETA: K.S.A. 74-5616(b)(5)—engaging 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 (as defined in K.A.R. 106-2a(a)(6)). Based upon this violation, the Commission issued a summary proceeding order on November 3, 2022, revoking Gadia's certification as a law enforcement officer. On November 14, 2022, Gadia requested a hearing on the order.

Misconduct

14. KLETA authorizes the Commission to suspend, condition or revoke the certification of a law enforcement officer who engages in conduct which, if charged as a crime, would constitute a misdemeanor crime under Kansas law that the Commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant as defined by rules and regulations of the commission, in violation of K.S.A. 74-5616(b)(5). Such misdemeanor crimes include battery. K.A.R. 106-2a(a)(6).

15. The definition of the misdemeanor crime of battery is (1) knowingly or recklessly causing bodily harm to another person; or (2) knowingly causing physical contact with another person when done in a rude, insulting or angry manner. K.S.A. 21-5413(a). Battery committed in this manner is a misdemeanor. K.S.A. 21-5413(g)(1). In the City of Manhattan, battery is defined in the Code of Ordinances, section 22-17(a) in a substantially indistinguishable manner.

16. As shown in the hearing, Gadia was accused of and charged with the commission of misdemeanor battery in the city of Manhattan. He admitted guilt and completed a diversion agreement in relation to criminal charges brought in Manhattan Municipal Court.

17. Based on the totality of the evidence, the Commission concludes that there is clear and convincing evidence to show that Gadia engaged in misconduct by committing the misdemeanor crime of battery, in violation of K.S.A. 74-5616(b)(5), as defined in K.A.R. 106-2a(a)(6).

Sanction

18. The Commission has concluded that the facts show that Gadia has violated a provision of the KLETA. Gadia engaged in misconduct by engaging in conduct which constitutes misdemeanor battery.

19. Based on the above violation, the Commission determines that a REPRIMAND be issued to Gadia.

ORDER

Upon consideration of the above findings of fact and conclusions of law, it is the decision and order of the Commission that a Reprimand be issued to Brandon Gadia.

IT IS SO ORDERED.



As authorized by:

Roger Soldan
Commissioner and
Chair of Hearing Panel
As designated by and on behalf of the
Kansas Commission on Peace
Officers' Standards and Training

NOTICE OF ADMINISTRATIVE RELIEF

The above Order reprimanding Brandon Gadia is a final order. Pursuant to K.S.A. 77-529, a party may file with the Commission a petition for reconsideration within 15 days from the date noted below in the Certificate of Service. Such petition must state the specific grounds upon which relief is requested. The filing of a petition for reconsideration is not a prerequisite for seeking judicial review.

Pursuant to K.S.A. 77-528, a party may file with the Commission a petition for stay of effectiveness of the order prior to the expiration of the time in which to file a petition for judicial review. The filing of a petition for a stay of effectiveness is not a prerequisite for seeking judicial review.

NOTICE OF JUDICIAL RELIEF

Pursuant to K.S.A. 77-613, a party may file within 30 days from the date noted below in the Certificate of Service a petition for judicial review with the appropriate district court as provided in the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.*

The agency officer who may receive service of a petition for reconsideration, a petition for a stay, or a petition for judicial review on behalf of the Board is Doug Schroeder, Kansas Commission on Peace Officers' Standards and Training, 1999 N. Amidon, Suite 350, Wichita, KS 67203.

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of October, 2023, a copy of the above Final Order and Notice of Administrative and Judicial Relief was deposited with the United States Postal Service, postage pre-paid, and addressed to:

Brandon Gadia



I further certify that on the same day a copy of the above Order and Notices were personally delivered to:

Michelle R. Meier
Special Assistant Attorney General
Kansas Commission on Peace Officers'
Standards and Training
1999 N. Amidon, Suite 350
Wichita, KS 67203

Original filed with:

Kansas Commission on Peace Officers' Standards and Training
1999 N Amidon, Suite 350
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Staff
Kansas Commission on Peace Officers'
Standards and Training