



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

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In the Matter of)
)
VICTOR HEIAR)
 #29616)
_____)

Case No. 2022-0122

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 VICTOR HEIAR (Respondent).

STATEMENT OF FACTS

1. The Kansas Commission on Peace Officers’ Standards and Training (Commission) granted full-time certification to Respondent, certification number 29616.
2. Respondent was employed as a full-time law enforcement officer with the Kechi Police Department (KPD) from March 24, 2019 to October 26, 2022.
3. Respondent and his wife, L.H., were separated. L.H. asked a friend how to obtain a protection from stalking order after Respondent made several comments about her whereabouts. An investigation was opened, and it was discovered that, on October 23, 2022, Respondent used the FLOCK license plate reader system to search for the tag of the

vehicle driven by L.H. Respondent was on duty and used KPD equipment to access the FLOCK system. Respondent then sent text messages to L.H. indicating that he knew she was not home that morning; she was “spotted” on a specific street that morning; she was “spotted” on the night of her birthday; and a location where she was every morning. These messages made L.H. feel violated and unsafe. Respondent admitted to using the FLOCK system to see where L.H. had been and mentioning several of her locations to her. Respondent admitted he was not using the FLOCK system consistently with the access granted to the KPD.

4. Based on his conduct on October 23, 2022, Respondent was criminally charged in the Eighteenth Judicial District Court, Sedgwick County, Case Number 2022-CR-1620-MD. He was found guilty on one count of unlawful acts concerning computers, contrary to K.S.A. 21-5839(a)(5), and one count of stalking, contrary to K.S.A. 21-5427(a)(1).

CONCLUSIONS OF LAW

Criminal Conduct

5. 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.
6. K.A.R. 106-2-2a(a)(34) 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 unlawful acts concerning computers, as defined in K.S.A. 21-5839, and amendments thereto.
7. K.A.R. 106-2-2a(a)(10) 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 stalking, as defined in K.S.A. 21-5427, and amendments, thereto.

8. Respondent's conduct constitutes misdemeanor crimes that the Commission determines reflects on his honesty, trustworthiness, integrity, or competence as defined by rules and regulations of the Commission. Respondent's conduct constitutes unlawful acts concerning computers and stalking.

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. Pursuant to K.A.R. 106-2-4(b), any single incident or event may suffice to show that a licensee lacks or has failed to maintain good moral character.
13. Respondent's conduct shows that he has failed to maintain good moral character sufficient to warrant the public trust in him as a law enforcement officer.

Summary Proceedings

14. 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

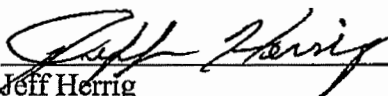
Based on the above Statement of Facts and Conclusions of Law, the Commission orders that the Kansas Law Enforcement Officer Certification of VICTOR HEIAR be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF VICTOR HEIAR 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 8 day of Aug., 2023.

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.

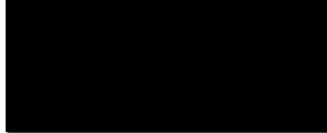
CERTIFICATE OF SERVICE

This is to certify that on the 8th day of August, 2023, 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:

VICTOR HEIAR



VICTOR HEIAR



Rose Ann Kelley
Staff
Kansas Commission on Peace Officers'
Standards and Training