

KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS & TRAINING

1999 N Amidon Ste. 350

Wichita, KS 67203

In the Matter

of

PEDRO LATALLADI

28168

Case No. 2023-0023

ORDER

Now on February 7, 2024, the above-referenced matter comes for hearing by the Kansas Commission on Peace Officers' Standards and Training (Commission) regarding the law enforcement certification of Pedro Latalladi (Latalladi). 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, Sheriff of Saline County, Don Scheibler, Chief of Hays Police Department, and Erik Smith, Colonel, Kansas Highway Patrol.

Pedro Latalladi 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, legal counsel to the Hearing Panel in this matter, who conducted the hearing at the direction of the Panel.

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. Pedro Latalladi (Latalladi) received his certification as a law enforcement officer, certification number 28168, on April 10, 2015.

2. Latalladi was employed as a full-time law enforcement officer with the Roeland Park Police Department (RPPD) from February 21, 2022, until February 22, 2023. His law enforcement certification is currently active.

3. On February 18, 2023, RPPD became aware of allegations against Latalladi made by female employees of a QuikTrip at 5055 Roe Boulevard, Roeland Park, Kansas. An RPPD investigation determined that Latalladi had harassed female employees at the the QuikTrip and committed a battery against one of the employees. RPPD terminated Latalladi for misconduct.

4. The Commission was notified of Latalladi's termination from RPPD based on conduct that included violations of the Kansas Law Enforcement Training Act (KLETA). Latalladi's conduct was referred to the Commission's Investigative Committee.

5. The Commission's Investigative Committee determined Latalladi had violated the following provisions of the KLETA: Latalladi's conduct constituted criminal conduct in violation of section 74-5616(b)(5) of the KLETA, as defined in Kansas Administrative Regulations 106-2-2a(a)(6). Additionally, Latalladi violated K.S.A 74-5616(b)(3), by providing false information during an investigation of the Commission. Finally, Latalladi violated K.S.A. 74-5616(b)(1), by failing to maintain the certification requirements of K.S.A. 74-5605(b)(5), as his conduct indicated he lacked good moral character which warrants the public trust. Based upon these violations, the Commission issued a summary proceeding order on November 27, 2023, revoking Latalladi's certification as a law enforcement officer. On December 11, 2023, Latalladi filed with the Commission his request for a hearing on the order.

6. Prior to the hearing, the parties stipulated to ten Commission exhibits. Latalladi did not submit any exhibits.

Hearing

7. The hearing was held on February 7, 2024. Latalladi appeared remotely. Latalladi was advised of his right to present evidence and witnesses, and to be represented by counsel. All witnesses were sworn prior to testifying. The Hearing Panel admitted Commission's exhibits 1-10.

8. On February 18, 2023, Officer Victor Buitrago, of the Fairway Police Department, notified RPPD that female staff at the QuikTrip, 5055 Roe Boulevard, Roeland Park, Kansas, were concerned about the behavior of Latalladi, who was a frequent customer. This behavior included a pattern of escalating sexual remarks and a battery against AV, a QuikTrip employee. RPPD assigned RPPD Corporal Jeffrey Magee (Magee) to investigate.

9. In a recorded interview on February 20, 2023, Magee questioned QuikTrip employees AV and her manager, KA, regarding Latalladi's conduct at the store. AV stated that Latalladi visited the store frequently and regularly made sexual comments to her. These included frequent requests that she vacation with him in Puerto Rico or Mexico and a request that she hang out with him outside of work. AV told Latalladi that she was married and not interested, but his comments did not stop. Eventually, AV began to hide

in the back of the store whenever Latalladi entered, and asked her co-workers to warn her when they saw him coming so that she could avoid him.

10. QuikTrip manager KA also recounted recurring inappropriate behavior toward the female staff of the store. Latalladi complimented KA's legs whenever he encountered her wearing shorts, and he offered to pull KA's hair and to show her his underwear in the back of the store. KA asked Latalladi to stop making sexual comments to her and her staff.

11. On February 18, 2023, Latalladi entered the QuikTrip and stood at the checkout counter. When AV walked by, Latalladi grabbed her waist and pinched, causing pain to AV, who swatted Latalladi's hand away and rubbed her back. AV told Latalladi that he had hurt her and asked him not to touch her. Latalladi's conduct was captured on the store's surveillance video. Later that day, Latalladi returned to the store and saw AV stick out her tongue at her co-worker; Latalladi told AV, in Spanish, that if she were going to stick her tongue out, she should do something with it. AV understood this comment to be sexual in nature.

12. At the conclusion of its investigation, RPPD placed Latalladi on leave and terminated him on February 22, 2023. Latalladi's conduct toward AV was referred for prosecution as a battery, but the referral did not result in criminal charges being filed.

13. Following the Commission's receipt of a separation report indicating that RPPD terminated Latalladi for violations of KLETA and criminal conduct, Latalladi was interviewed by the Commission's investigator George Brown. During his interview, Latalladi insisted that he had never touched any of the employees at the QuikTrip. When he was told that QuikTrip surveillance video showed him grabbing and pinching AV, Latalladi said he did not remember doing that. Latalladi admitted that he joked around with the employees at the QuikTrip, and that his joking included sexual innuendo that some people might find inappropriate. But he did not think the employees were offended by it and he said he had never been asked to stop or told by anyone that his behavior was inappropriate.

14. During his testimony at the hearing, Latalladi said he took responsibility for his actions, which he thought were inappropriate and embarrassing. But he said he did not mean to offend or hurt anyone, and he insisted that he would not have behaved like that if he had known that it was not appreciated by the QuikTrip staff.

CONCLUSIONS OF LAW

15. 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 Latalladi violated three provisions of the KLETA. Latalladi timely requested a hearing on the order. The Commission has jurisdiction over Latalladi and this matter.

16. Clear and convincing evidence was presented at the hearing to show Latalladi violated the following two provisions of the KLETA: (1) 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)); and (2) K.S.A. 74-5616(b)(1), failing to maintain the certification requirements of K.S.A. 74-5605(b)(5), as his conduct indicated he lacked good moral character which warrants the public trust.

Misconduct

17. 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 licensee 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).

18. 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).

19. As shown in the hearing, Latalladi committed the misdemeanor crime of battery against AV, touching her without her consent in a rude and insulting manner. This conduct reflects on the honesty, trustworthiness, integrity and competence of Latalladi as a law enforcement officer.

20. Based on the totality of the evidence, the Commission concludes that there is clear and convincing evidence to show that Latalladi 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).

Unprofessional Conduct: Dishonesty

21. KLETA authorizes the Commission to suspend, condition, or revoke the certification of a law enforcement officer who engages in unprofessional conduct, as defined by the Commission in regulation. K.A.R. 106-2-3 defines unprofessional conduct, which includes the following:

K.A.R. 106-2-3(j)(1) Intentionally using a false or deceptive statement in any official document or communication.

22. During his interview with Commission investigator George Brown, Latalladi denied ever touching any of the female employees at the QuikTrip. Although Latalladi was shown to have touched at least one female employee, the Commission does not find clear and convincing evidence that Latalladi's statement to George Brown was intentionally false.

Failure to Maintain Certification Requirement of Good Moral Character

23. KLETA authorizes the Commission to suspend, condition, or revoke the certification of a law enforcement officer who fails to meet and maintain the requirements of K.S.A. 74-5605(b)(5), which requires law enforcement officers to have good moral character sufficient to warrant the public trust. K.S.A. 74-5616(b)(1).

24. K.A.R. 16-2-4(a) defines the term "good moral character" to include the following personal traits or qualities:

- (1) Integrity;
- (2) honesty;
- (3) upholding the laws of the state and nation;
- (4) conduct that warrants the public trust; and
- (5) upholding the oath required for certification as specified in K.A.R. 106-3-6.

The required oath for certification as a law enforcement officer is:

On my honor, I will never betray my badge, my integrity, my character, or the public trust. I will always have the courage to hold myself and others accountable for our actions. I will always uphold the constitution of the United States and of the state of Kansas, my community, and the agency I serve. K.A.R. 106-3-6.

25. Any single incident or event is sufficient to show that an officer has failed to maintain good moral character sufficient to warrant the public trust. K.A.R. 106-2-4(b).

26. The practice of law enforcement is reliant upon the trait of good moral character sufficient to warrant the public trust. The trust that the public places in a law enforcement officer is based upon the expectation that an officer is honest, candid, fair, and respectful of the laws and individuals. Any officer failing to adhere to these standards has compromised their integrity.

27. The Commission hereby incorporates by reference the paragraphs numbered 7 through 20 above. The Commission determines those paragraphs show Latalladi's conduct clearly demonstrates a lack of good moral character sufficient to warrant the public trust due to Latalladi's commission of a battery, as well as his conduct indicating a pattern of sexually inappropriate and harassing remarks and behavior directed at the female employees of the Roeland Park QuikTrip. Latalladi's conduct was

conduct that destroys the public trust as well as betrays his badge and integrity as a law enforcement officer.

28. Based upon the totality of the evidence, the Commission concludes that there is clear and convincing evidence to show Latalladi has failed to maintain the requirements for certification as a law enforcement officer, specifically the requirement in K.S.A. 74-5605(b)(5) of "good moral character sufficient to warrant the public trust," thereby violating K.S.A. 74-5616(b)(1).

Sanction


29. The Commission has concluded that the facts show that Latalladi has violated two provisions of the KLETA. Latalladi engaged in misconduct by engaging in conduct which constitutes misdemeanor battery. Latalladi has also failed to maintain the good moral character, warranting the public trust, that is required of his certification. K.S.A. 74-5616(b)(1).

30. Based on the above violations, separately and collectively, the Commission determines that the law enforcement officer certification issued to Latalladi should be revoked.

ORDER

Upon consideration of the above findings of fact and conclusions of law, it is the decision and order of the Commission that the law enforcement certification issued to Pedro Latalladi should be and is hereby revoked. It is the further decision and order of the Commission that Pedro Latalladi must surrender and return to the Commission all evidence of his certification as a law enforcement officer with thirty (30) days from the date entered on the certificate of service below.

IT IS SO ORDERED.

 As authorized by:
Don Scheibler
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 revoking the certification as a law enforcement officer issued to Pedro Latalladi 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 13th day of February, 2024, 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:

Pedro Latalladi


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
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Original filed with:

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