



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

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|-------------------------|---|---------------------------|
| In the Matter of        | ) |                           |
|                         | ) |                           |
| <b>ANDREW REXWINKLE</b> | ) | <b>Case No. 2018-0136</b> |
| #29955                  | ) |                           |
| _____                   | ) |                           |

**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 ANDREW REXWINKLE (Respondent).

**STATEMENT OF FACTS**

1. The Commission issued Respondent a provisional law enforcement certification, certification number 29955.
2. Respondent was employed as a full-time law enforcement officer with the Coffeyville Police Department (CPD) from July 17, 2017 to March 5, 2018.
3. Prior to accepting a position with the CPD, Respondent was collecting unemployment benefits.

4. Once Respondent began working for the CPD, he was no longer eligible to claim and receive unemployment benefits.
5. Respondent began working for the CPD on July 17, 2017. Respondent's wife claimed unemployment benefits for Respondent after he began work with the CPD. She called-in claims on his behalf on July 24, 2017; July 31, 2017; and August 9, 2017. Respondent received and spent the unemployment benefits that were claimed on his behalf. Respondent was aware that he was receiving unemployment benefits based on his wife's false representation that he was not working. Respondent acknowledged that doing so was wrong, but continued to claim unemployment benefits until he received his first paycheck from the CPD. Respondent received \$1,422.00 in overpayment of unemployment benefits.

#### CONCLUSIONS OF LAW

##### Criminal Conduct

6. 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.
7. K.A.R. 106-2-2a(a)(26) 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 theft, as defined in K.S.A. 21-5801 and amendments thereto.
8. Pursuant to K.S.A. 44-719(a), any person who makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact,

to obtain or increase any benefit or other payment under this act, either for such person or for any other person, shall be guilty of theft and shall be punished in accordance with the provisions of K.S.A. 21-5801, and amendments thereto. Pursuant to K.S.A. 21-5801(a)(2), theft is, with intent to permanently deprive the owner of the possession, use or benefit of the owner's property or services: obtaining control over property or services, by deception; or (4) obtaining control over stolen property or services knowing the property or services to have been stolen by another.

9. By claiming, accepting, and spending unemployment benefits to which he was not entitled, Respondent engaged in conduct that constituted theft as defined by K.S.A. 21-5802.

#### Good Moral Character

10. 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.
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. Respondent's conduct of repeatedly using unemployment benefits that were fraudulently obtained, despite knowing it was wrong to do so, demonstrates a lack

of good moral character sufficient to warrant the public trust in the applicant as a police officer or 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 these Statement of Facts and Conclusions of Law, the Commission orders that the Kansas Law Enforcement Officer Certification of ANDREW REXWINKLE be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF ANDREW REXWINKLE 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 25<sup>th</sup> day of October, 2018.

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 25<sup>th</sup> day of October, 2018, true and correct copies of the above and foregoing Summary Order of Revocation were deposited in the United States mail, certified, return receipt requested, and deposited in the United States mail, first class postage prepaid, addressed to:

ANDREW REXWINKLE



A handwritten signature in blue ink that reads "Rose Ann Ohmart".

Rose Ann Ohmart  
Senior Administrative Assistant  
Kansas Commission on Peace Officers'  
Standards and Training