



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

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In the Matter of)
)
DUSTIN G. WILKES)
 #30406)
_____)

Case No. 2018-0171

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 DUSTIN G. WILKES (Respondent).

STATEMENT OF FACTS

1. The Commission issued Respondent a provisional law enforcement certification, certification number 30406.
2. Respondent was employed as a full-time law enforcement officer with the El Dorado Police Department (EDPD) from March 26, 2018 to April 23, 2018.
3. Respondent was terminated from his employment with the EDPD prior to completing an approved full-time basic course of instruction. Therefore, Respondent’s certification was automatically revoked pursuant to K.S.A.

74-5607a. However, grounds for certification revocation also exist pursuant to K.S.A. 74-5616(b) and are appropriate in this case.

4. On April 23, 2018 at approximately 6:30 a.m., Respondent was on-duty at the EDPD and working with his assigned Field Training Officer (FTO). The FTO smelled an odor of alcohol coming from Respondent and observed behavior indicating that Respondent was under the influence of alcohol.
5. Respondent was taken to Assured Occupational Solutions for a breath test. At 11:27 a.m., Respondent completed a breath test with a result of 0.150 blood alcohol content. At 11:48 a.m., Respondent completed another breath test with a result of .0147 blood alcohol content.

CONCLUSIONS OF LAW

Unprofessional Conduct

6. Pursuant to K.S.A. 74-5616(b)(7), the Commission may revoke the certification of any police or law enforcement officer who has engaged in unprofessional conduct as defined by rules and regulations of the commission.
7. K.A.R. 106-2-3(j)(3) defines unprofessional conduct as, except for a legitimate law enforcement purpose, performing duties as an officer while using or under the influence of alcohol.
8. On April 23, 2018, Respondent performed his duties as an officer while under the influence of alcohol. Respondent's use of alcohol was not related to a legitimate law enforcement purpose.

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. Respondent's conduct of performing his duties as a law enforcement officer, including operating a vehicle, while under the influence of alcohol 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

13. 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 DUSTIN G. WILKES be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF DUSTIN G. WILKES 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 10th 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 11th 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:

DUSTIN G. WILKES



DUSTIN G. WILKES



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