



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

1999 N. AMIDON, SUITE 350 • WICHITA, KANSAS 67203  
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In the Matter of )  
 )  
**ELMER YORK** )  
 #20703 )  
\_\_\_\_\_ )

**Case No. 2017-0149**

**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 certificate of ELMER YORK (Respondent).

**STATEMENT OF FACTS**

1. Respondent holds a full-time law enforcement certification from the Kansas Commission on Peace Officers' Standards and Training (Commission), certification number 20703.
2. Respondent was employed as a full-time law enforcement officer with the Kansas Racing and Gaming Commission (KRGC) from October 19, 2009 to June 16, 2017.
3. KRGC received complaints from other employees that Respondent was not working a full 40-hour week. KRGC opened an investigation to verify that Respondent was working during the hours that he submitted for pay.

4. KRGC conducted a study of Respondent's attendance between April 24, 2017 to May 23, 2017. KRGC found that Respondent was scheduled to work 180 hours during that time at the Kansas Star Casino. Respondent submitted documentation that he worked 159 hours. He also put in for 21 hours compensatory leave time. Respondent was only on casino property for 117.5 hours. Respondent submitted a time card reflecting that he worked 41.5 hours more than actually worked.
5. KRGC employees working at the Kansas Star Casino are required to enter the number of hours worked each day into a computer. At the end of the pay period, the employee is required to affirm that the hours listed are true and correct hours worked during that pay period.
6. Respondent's pay at the time of the investigation was \$29.00 per hour. Respondent was paid \$1,203.50 in wages for time that he submitted but did not work.
7. Commission Investigator Mike Oliver scheduled an interview with Respondent for September 5, 2017. Notice of the interview was mailed to Respondent both certified mail and first-class postage prepaid with tracking. The letter with tracking was delivered to Respondent on August 26, 2017. Respondent signed for the certified letter on August 25, 2017. Respondent failed to appear for his scheduled interview on September 5, 2017.

#### CONCLUSIONS OF LAW

##### Conduct Constituting a Felony Crime

8. 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 Kansas law.
9. Pursuant to K.S.A. 21-5824, Making false information is making, generating, distributing or drawing, or causing to be made, generated, distributed or drawn, any written instrument, electronic data or entry in a book of account with knowledge that such information falsely states or represents some material matter or is not what

it purports to be, and with intent to defraud, obstruct the detection of a theft or felony offense or induce official action. Making false information is a severity level 8, nonperson felony.

10. Respondent's submission for pay of hours he did not work was conduct that constitutes the felony crime of Making false information.

Failure to Cooperate in Commission Investigation

11. Pursuant to K.S.A. 74-5616(b)(3), the Commission may revoke the certification of a police or law enforcement officer who fails to cooperate in a Commission investigation to determine a person's continued suitability for law enforcement certification.
12. Respondent's failure to appear for his interview with Investigator Oliver constitutes failure to cooperate in a Commission investigation to determine a person's continued suitability for law enforcement certification.

Good Moral Character

13. Pursuant to K.S.A. 74-5616(b)(1) the Commission may suspend, condition, revoke, reprimand, censure or deny 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.
14. 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.
15. K.A.R. 106-2-4 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.

16. Respondent's conduct shows a lack of good moral character. Respondent submitted hours that he did not work. Respondent was paid \$1,203.50 for hours that he fraudulently submitted but did not work.

17. 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 Respondent failing to maintain the minimum requirements for certification and for engaging in conduct which constitutes a felony crime, the Commission orders that the Kansas Law Enforcement Officer Certification of ELMER YORK be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF ELMER YORK 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 31<sup>st</sup> day of January, 2018.

KANSAS COMMISSION ON PEACE OFFICERS'  
STANDARDS AND TRAINING

  
\_\_\_\_\_  
Jeff Herrig  
Chairperson, 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 31<sup>st</sup> day of January, 2018, true and correct copies of the above and foregoing Summary Order of Revocation of Certificate were deposited in the United States mail, certified, return receipt requested, and deposited in the United States mail, first class postage prepaid, addressed to:

ELMER YORK



A handwritten signature in blue ink, appearing to read "Rose Ann Ohmart".

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