



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

1999 N. AMIDON, SUITE 350 • WICHITA, KANSAS 67203
Tel (316) 832-9906 • Fax (316) 832-9679

In the Matter of)
)
JOSHUA L. FLAMING)
 #22558)
_____)

Case No. 2017-0105

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 JOSHUA L. FLAMING (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 22558.
2. Respondent was employed as a full-time law enforcement officer with the Olathe Police Department (OPD) from March 27, 2006 to January 23, 2017.
3. In September 2016, Respondent requested sick leave for October 7, 2016. Respondent stated that his son was going to have his tonsils removed on that day.
4. Respondent's son had already had his tonsils removed, and was not scheduled for a tonsillectomy at any time in October 2016.

5. Respondent had an annual hunting trip scheduled for October 8 – 9, 2016.
6. Respondent was scheduled to appear in district court on October 11, 2016. When he did not appear, another officer contacted him by text, asking if he would be in court. Respondent texted, “[Son] had tonsils out. I sent the court email.” An hour and a half after he was supposed to appear in court, Respondent contacted the Assistant District Attorney (ADA) and told him that his son had tonsil surgery and that he had sent an email.
7. After the evening shift briefing on October 11, Respondent was asked about missing court. Respondent advised that he had been in contact with the ADA and that the defendant in the case was in custody in Oklahoma and thereby unable to appear. Respondent did not disclose that he learned this after the scheduled hearing, and that he did not appear for court as scheduled.
8. OPD opened an investigation. During the initial interview, Respondent stated that his son had been sick and was supposed to have his tonsils removed, but what was actually causing the illness was a tooth that required a root canal. Respondent presented paperwork showing that his son had the dental work completed on October 11.
9. Respondent was interviewed again on November 23, 2016. At the beginning of the interview, Respondent stated that his son was scheduled to have a tonsillectomy on October 7, but that the procedure was cancelled because his son was running a fever over 100 degrees. Respondent stated that his son then had a root canal on October 11, which fixed the problem. Respondent stated that he brought his son home with him on October 9, with his wife driving him to his mother’s house on October 11.
10. Later in the interview, Respondent admitted that his son was never scheduled for a tonsillectomy or any other procedure on October 7, but that his son had a doctor appointment that he wanted to be involved in. Respondent also admitted that he did not bring his son home with him on

October 9, but that his son stayed with Respondent's parents. Respondent admitted that he was untruthful during both interviews.

11. Commission Investigator Don Read scheduled an interview with Respondent for April 11, 2018. Respondent was notified of the interview by mail. Respondent called Investigator Read and asked to reschedule the interview by an hour. Respondent did not appear for the interview. Investigator Read called Respondent and advised him that he missed his interview. Respondent and Investigator Read rescheduled the interview for Monday, April 30, 2018. Respondent did not appear for the interview.

CONCLUSIONS OF LAW

Unprofessional Conduct

12. 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.
13. K.A.R. 106-2-3(j)(1) defines unprofessional conduct as intentionally using a false or deceptive statement in any official document or official communication.
14. Respondent intentionally and repeatedly made false statements about his son undergoing a tonsillectomy on October 7, 2016. Respondent's son did not undergo a tonsillectomy on that date, nor was he ever scheduled for one.

Good Moral Character

15. 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.
16. 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.

17. 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.
18. Respondent's conduct reflects a lack of the personal traits or qualities that define good moral character.

Failure to Cooperate in a Commission Investigation

19. 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.
20. Respondent's failure to appear for his interview with Investigator Read constitutes failure to cooperate in a Commission investigation to determine a person's continued suitability for law enforcement certification.

Summary Proceedings

21. 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 JOSHUA L. FLAMING be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING CERTIFICATE OF JOSHUA L. FLAMINGIS 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 6th day of July, 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.

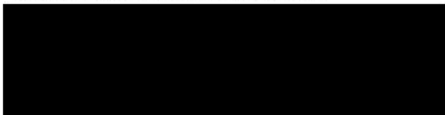
CERTIFICATE OF SERVICE

This is to certify that on the 6th day of July, 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:

JOSHUA L. FLAMING



JOSHUA L. FLAMING



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

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