



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

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In the Matter of)
)
ROBERT L. WELLER)
 #27716)
_____)

Case No. 2017-0199

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 ROBERT L. WELLER (Respondent).

STATEMENT OF FACTS

1. Respondent holds a full-time law enforcement certification from the Commission, certification number 27716.
2. Respondent was employed as a full-time law enforcement officer with the Johnson County Sheriff's Office (JCSO) from December 30, 2013 to October 10, 2017.
3. On August 23, 2017, A.G. was an inmate at the Johnson County Jail and Respondent was on-duty as a JCSO Deputy. A.G. made a complaint about Respondent, alleging that while her chow hole to her cell was open,

Respondent put his hand inside her vagina and that he took her hand and forced it onto his groin. In a pre-polygraph interview, Respondent denied that his hand was ever inside A.G.'s chow hole. During the polygraph examination, Respondent denied touching A.G.'s vagina. The polygraph examiner determined that Respondent indicated deception during the examination. Upon learning the results of the polygraph, Respondent stated, "She grabbed my arm and like touched herself with it. That was when I pulled my arm out and closed the chow hole." Respondent repeatedly denied that A.G. touched his crotch, but later admitted that she had and that his penis was erect at the time.

4. Based on the August 23, 2017 incident with A.G., Respondent was charged in the District Court of Johnson County, Kansas, in case number 17CR2598, with one count of unlawful sexual relations in violation of K.S.A. 21-5512(b)(2). On May 24, 2018, Respondent entered a plea and was found guilty of one count of aggravated battery, in violation of K.S.A. 21-5413(b), a severity level 5, person felony.

CONCLUSIONS OF LAW

Felony Conviction

5. 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.
6. K.S.A. 74-5605(b)(3) states that each applicant for certification shall not have been convicted of a crime that would constitute a felony under the laws of this state.
7. Due to his felony conviction in case number 17CR2598, Respondent fails to meet and maintain the requirements of K.S.A. 74-5605.

Good Moral Character

8. 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.
9. 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.
10. 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.
11. Respondent's conduct that resulted in criminal charges in case number 17CR2598 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

12. 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 ROBERT L. WELLER be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF ROBERT L. WELLERIS 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 25th day of September, 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 25th day of September, 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:

ROBERT L. WELLER



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

CERTIFICATE OF SERVICE

This is to certify that on the 19th 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, postage prepaid, addressed to:

ROBERT L. WELLER



ROBERT L. WELLER



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