



**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)	
)	
GARY ALLEN)	Case No. 2019-0126
#179)	
)	

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 certification of GARY ALLEN (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 179.
2. Respondent was employed as a full-time law enforcement officer with the Chanute Police Department (CPD) from May 2, 1999 to April 29, 2019.
3. In 2012, CPD officer Larry Roberts died of cancer. In 2013, officers with the CPD organized a poker run in honor of Mr. Roberts and the proceeds were donated to local charities.

4. In 2014, Respondent approached the Roberts family and proposed organizing a second poker run that would raise even more money in Larry's memory. The Roberts family agreed and attended several planning meetings with Respondent, Respondent's wife, and other CPD officers. The poker run, a dinner, and an auction were held on June 28, 2014. Respondent and his wife collected the money for the poker run and auction. Respondent obtained a Square reader which he linked to his personal savings account so that he could accept credit and debit card payments for the poker run and the auction. Square Inc. made three deposits into Respondent's savings account between June 30, 2014 and July 10, 2014. The three deposits totaled \$1,679.82. No other deposits were made through the Square reader.
5. Respondent posted on a Facebook account created for the 2014 poker run that the event had raised a little over \$5,000.00. Respondent would later state that the event raised approximately \$5,200.00, with \$3,200.00 left after the expenses were deducted. However, none of the charities or individuals that were designated to receive the proceeds from the poker run ever received any of the money from the event.
6. In July 2015, Respondent reported that he had been the victim of a residential burglary. Respondent told the CPD officer taking the burglary report that a similar incident occurred a few months prior, but that Respondent had not reported that incident. Several days later, Respondent submitted a written statement to the CPD officer. In it he claimed that during the previously unreported burglary in March 2015, the \$3,200.00 cash proceeds from the 2014 poker run were stolen from his bedroom closet. Due to the suspicious circumstances regarding Respondent's failure to report the theft of the poker run money until months after it allegedly occurred, a criminal investigation was opened.
7. The criminal investigation revealed that the money collected for the 2014 poker run and deposited into Respondent's savings account through the Square reader was slowly, over a period of approximately fifteen months, transferred to Respondent's personal checking account and used for personal expenses.

8. Based on Respondent's actions as enumerated in paragraphs four through seven, he was criminally charged in the District Court of Neosho County, Case Number 2019-CR-000131. In January 2020, Respondent entered a No Contest plea and was found guilty of three counts of misdemeanor theft, contrary to K.S.A. 21-5801.

CONCLUSIONS OF LAW

Criminal Conduct

9. 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.
10. 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.
11. Respondent's conduct constitutes 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. Respondent's conduct constitutes theft.

Good Moral Character

12. 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.

13. 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.
14. 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.
15. Respondent's conduct resulting in his convictions in the District Court of Neosho County, Case Number 2019-CR-000131, shows that he lacks the personal qualities of integrity, honesty, upholding the laws of the state, conduct that warrants the public trust, and upholding the oath required for certification.

Summary Proceedings

16. 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

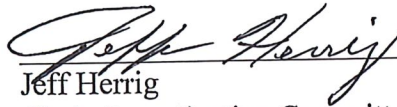
Based on the above Statement of Facts and Conclusions of Law, the Commission orders that the Kansas Law Enforcement Officer Certification of GARY ALLEN be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF GARY ALLEN 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 9th day of September, 2020.

KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING



Jeff Herrig
Chair, Investigative Committee

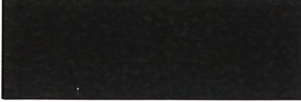
NOTICE OF RELIEF FROM THIS SUMMARY ORDER

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 9th day of September, 2020, a true and correct copy of the above and foregoing Summary Order of Revocation was deposited in the United States mail, certified, return receipt requested, and deposited in the United States mail, first class postage prepaid, addressed to:

GARY ALLEN



A handwritten signature in blue ink, reading "Rose Ann Ohmart", written over a horizontal line.

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