FILED

February 15, 2024

ADMINISTRATIVE HEARING COMMISSION

BEFORE THE ADMINISTRATIVE HEARING COMMISSION STATE OF MISSOURI

DIRECTOR OF THE PUBLIC SAFETY,	E DEPARTMENT OF)	
	Petitioner,)	
v.)	Case No. 23-0351
JOHN C. CHISM,)	
	Respondent.	<i>)</i>	

STIPULATED FACTS

- 1. On or about October 6, 2023, Respondent committed the criminal offense of driving while intoxicated in violation of section 577.010, RSMo, when he operated a motor vehicle while under the influence of alcohol. Respondent was thereafter arrested by Moberly, MO police for Driving While Intoxicated.
- 2. On or about November 10, 2022, the Randolph County Prosecuting Attorney charged Respondent with one count of operating a motor vehicle while under the influence of alcohol in violation section 577.010 RSMo.
- 3. On or about December 14, 2023, Respondent, John Chism, plead guilty to the charge of Driving While Intoxicated.
- 4. On December 18, 2023, imposition of sentence was suspended, and Respondent was placed on two years court probation.
- 5. The Parties agree that there exists cause for the discipline of Respondent John Chism's peace officer license pursuant to section 590.080.2(2) because John Chism committed a criminal offense.

- 6. On March 28, 2023, Christopher Wilson—an Associate Circuit Judge for Division VI within the 13th Judicial Circuit—met with Respondent at approximately 1:45 p.m. in Judge Wilson's office.
- 7. Respondent and Chief Deputy Major Darryl Maylee ("Chief Deputy Maylee"), another member of the Callaway County Sheriff's Office ("CCSO"), were in Judge Wilson's office to discuss an incident that occurred earlier that morning, while Respondent was on active duty.
- 8. During the meeting, Respondent was dressed in his uniform and carrying his firearm.
- 9. Judge Wilson immediately smelled the odor of an alcoholic beverage originating from Respondent upon entering his own office. Respondent's face was red, and his eyes were glassy.
 - 10. On March 28, 2023, Respondent was under the influence of alcohol.
- 11. Respondent admits that he was under the influence of alcohol, while on active duty, dressed in his uniform and carrying his firearm.
- 12. Respondent admits that when he is working on active duty that he has an obligation to and would respond to a call requesting that he assist in a matter acting as a law enforcement officer.
- 13. Earlier that day, Respondent was found asleep in Respondent's patrol vehicle with the patrol vehicle running. Respondent's patrol vehicle was in the parking lot of the CCSO.
- Respondent was operating a motor vehicle in accordance with section
 577.001.2, as Respondent inserted the keys into the ignition, started the engine, and fell

asleep while the patrol vehicle was still running.

- 15. Respondent admits that he had consumed Vodka while on active duty, prior to operating his patrol vehicle.
- 16. Respondent admits that he was under the influence of alcohol when he operated his patrol vehicle.
- 17. On June 6, 2023, Judge Wilson, Chief Deputy Maylee, and Ben Miller, the Callaway County Prosecuting Attorney, met with Respondent.
- 18. Chief Deputy Maylee confronted Respondent about reports that Respondent had bought liquor while on active duty, in uniform, and in his patrol vehicle.
- 19. Respondent admits that that he purchased liquor, while on active duty and while driving his patrol vehicle.
- 20. Further, Respondent admitted that he consumed an entire pint of vodka from a bottle he purchased the morning prior, on June 5, 2023.
- 21. Respondent admits that he was under the influence of alcohol, while on active duty, dressed in his uniform and carrying his firearm.
- 22. Respondent admits that when he is working on active duty that he has an obligation to and would respond to a call requesting that he assist in a matter acting as a law enforcement officer.
- 23. The Parties agree that cause exists to discipline Respondent John Chism's peace officer license pursuant to 590.080.1(3) because consuming alcohol while on active duty, operating a patrol vehicle, and armed with a firearm constitutes acts performed with a reckless disregard for the safety of the public or any person.

John Chism

McCARTHY LEONARD & KAEMMERER LC

James P. Towey, Jr., #35351

Attorney for Respondent

825 Maryville Centre Drive, Suite 300

Town & Country, MO 63017-5946

(314) 392-5200

(314) 392-5221 (Fax)

itowey@mlklaw.com

ANDREW BAILEY

Missouri Attorney General

Jason/K. Lewis, #66/725

Chief Counsel for Governmental Affairs

Missouri Attorney General's Office

P.O. Box 861

St. Louis, MO 63188

Telephone: (314) 340-7832 Jason.lewis@ago.mo.gov