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Attorneys for Complainant

BEFORE THE
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **JAMES KURTZ FILLMORE** **Basic Certificate No. 120395** **Intermediate Certificate No. 87606** **Advanced Certificate No. 84859** Respondent.	Case No. 23-3691 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. Manuel Alvarez, Jr. (Complainant) is the Executive Director of the California Commission on Peace Officer Standards and Training (Commission). He brought this action solely in his official capacity and is represented in this matter by Rob Bonta, Attorney General of the State of California, by David E. Brice, Supervising Deputy Attorney General.

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2. James Kurtz Fillmore (Respondent) is represented in this proceeding by attorney Leslie Wilcox, whose address is: Wilcox & Associates, P.C., 4014 Long Beach Blvd, Suite 200, Long Beach, CA 90807.

3. On or about February 3, 2005, the Commission issued Basic Certificate No. 120395 to Respondent.

4. On or about October 25, 2006, the Commission issued Intermediate Certificate No. 87606 to Respondent.

5. On or about May 10, 2010, the Commission issued Advanced Certificate No. 84859 to Respondent.

JURISDICTION

6. Accusation No. 23-3691 was filed before the Commission, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on May 30, 2024. Respondent timely filed his Notice of Defense contesting the Accusation.

7. A copy of Accusation No. 23-3691 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

8. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 23-3691. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

9. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

10. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

11. Respondent admits the truth of each and every charge and allegation in Accusation No. 23-3691.

12. Respondent agrees that his Basic Certificate, Intermediate Certificate, and Advanced Certificate are subject to discipline and he agrees to be bound by the Commission's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

13. This stipulation shall be subject to approval by the Commission. Respondent understands and agrees that counsel for Complainant and the staff of the Commission may communicate directly with the Commission regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Commission considers and acts upon it. If the Commission fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Commission shall not be disqualified from further action by having considered this matter.

14. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

15. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

16. In consideration of the foregoing admissions and stipulations, the parties agree that the Commission may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Basic Certificate No. 120395, Intermediate Certificate No. 87606, and Advanced Certificate No. 84859 issued to Respondent James Kurtz Fillmore are revoked. However, the revocations are stayed and Respondent is placed on probation for five (5) years on the following conditions.

IT IS FURTHER ORDERED that any new certification(s) issued while Respondent remains on probation shall also be placed on probation subject to the same terms and conditions applicable to Respondent's existing certification.

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all alleged violations of law shall be reported by Respondent to the Commission in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, notwithstanding any provision of law, Respondent agrees that the Commission can receive notification of an arrest and/or conviction from any federal, state, and/or local agency.

Criminal Court Orders: If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

Serious Misconduct: Respondent shall not engage in any acts of serious misconduct, as defined under Penal Code section 13510.8, subdivision (b), including but not limited to, any acts that involve substance abuse related incidents. Any acts of serious misconduct shall be deemed a

violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with Probation.** Respondent shall fully comply with the conditions of probation and cooperate with representatives of the Commission in its monitoring and investigation of the Respondent's compliance with probation. Respondent shall inform the Commission in writing within no more than 15 calendar days of any address change and shall at all times maintain an active, current certification status with the Commission, including during any period of suspension.

Upon successful completion of probation, Respondent's certification shall be fully restored.

3. **Proof of Completion.** Respondent shall provide the Commission with proof of completion and/or participation in all alcohol abuse treatment and counseling programs taken to date, as well as the results of any alcohol testing he has taken to date.

4. **Notice to Employers.** Respondent shall provide any current, future or potential law enforcement employer with the terms and conditions of this stipulation. Respondent understands and agrees that this stipulation, once adopted, will be a public document and will be subject to public release. Respondent further understands and agrees that the Commission shall have the right to provide any and all records showing compliance or lack of compliance with the terms of this stipulation to any current, past, future or potential law enforcement employer of Respondent, upon the employer's request.

5. **Violation of Probation.** If Respondent violates the conditions of his probation, the Commission, after giving Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation) of Respondent's certification.

Following any violation of these probation terms, the Commission may, in its discretion, notify Respondent in writing that the Commission intends to lift the stay and revoke Respondent's certification after 35 days from the date of mailing of the notification letter. If Respondent disputes the Commission's determination that a violation of probation has occurred, Respondent shall have 35 calendar days from the date of mailing of the notification letter to file with the Commission a dispute to the action being taken on Respondent's certification, in which

the Respondent shall fully explain the factual and legal basis of his dispute to the asserted probation violation, and supply at that time any evidence supporting the dispute as to the probation violation. The Commission shall consider Respondent's argument and evidence before taking action on the Respondent's certification. If Respondent fails to respond, this action shall be placed, in accordance with the Bagley-Keene Act, on the consent calendar at the next regularly scheduled meeting of the Commission. Upon approval of the consent calendar by the Commission, the revocation order shall become final, and the file will be closed.

If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's certification or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Respondent's certification, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Commission.

6. **Certification Surrender.** During Respondent's term of probation, if he ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender his certification to the Commission under Penal Code section 13510.8, subdivision (f). Upon formal acceptance of the surrendered certification, Respondent will no longer be subject to the conditions of probation.

Surrender of Respondent's certification shall be considered a disciplinary action and shall become a part of Respondent's certification history with the Commission.

7. **Withdrawal of Immediate Temporary Suspension.** The Commission shall withdraw the Immediate Temporary Suspension issued in this matter within 30 days of the Commission's adoption of this stipulation.

8. **Abstain from Alcohol and Submit to Tests and Samples.** Respondent shall abstain from the use of alcohol and, at his expense, shall participate in a random, biological fluid testing or a drug screening program which the Commission approves. The length of time and frequency will be up to 15 times per year on a random basis. Respondent is responsible for keeping the Commission informed of Respondent's current telephone number at all times and in the event Respondent's telephone number changes, Respondent shall update the Commission within 48

hours. Respondent shall also ensure that messages may be left at the telephone number when he is not available and ensure that reports are submitted directly by the testing agency to the Commission, as directed. Any confirmed positive finding shall be reported immediately to the Commission by the program, Respondent shall be considered in violation of probation, and the Commission may, in its discretion, order additional testing or screening, over and above the time and frequency listed above.

If Respondent has a confirmed positive finding for alcohol and the Commission files a petition to revoke probation or an accusation, the Commission may suspend Respondent's Certification pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

This term shall not apply until Respondent secures appointment to a new peace officer position. Regardless of the effective date of this agreement, this term shall be tolled until Respondent is appointed to a peace officer position, after which this term shall be operative for five years, during which time Respondent will remain on probation.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Leslie Wilcox. I understand the stipulation and the effect it will have on my Basic Certificate, Intermediate Certificate, and Advanced Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the California Commission on Peace Officer Standards and Training.

DATED: 6/5/24

JAMES KURTZ FILLMORE
Respondent

I have read and fully discussed with Respondent James Kurtz Fillmore the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 6/5/24

LESLIE WILCOX
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the California Commission on Peace Officer Standards and Training.

DATED: 6/6/2024

Respectfully submitted,

ROB BONTA
Attorney General of California
CARL W. SONNE
Senior Assistant Attorney General

DAVID E. BRICE
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 23-3691

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BEFORE THE
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **JAMES KURTZ FILLMORE** **Basic Certificate No. 120395** **Intermediate Certificate No. 87606** **Advanced Certificate No. 84859** Respondent.	Case No. 23-3691 **ACCUSATION**

Complainant alleges:

PARTIES

1. Manuel Alvarez, Jr. (Complainant) brings this Accusation solely in his official capacity as the Executive Director of the California Commission on Peace Officer Standards and Training (Commission).

2. On February 3, 2005, the Commission issued Basic Certificate Number 120395 to James Kurtz Fillmore (Respondent). On October 25, 2006, the Commission issued Intermediate Certificate Number 87606 to Respondent. On May 10, 2010, the Commission issued Advanced Certificate Number 84859 to Respondent (collectively "Certification"). The Certification was in full force and effect at all relevant times to the charges brought herein. However, on April 10, 2024, Complainant ordered the immediate temporary suspension of Respondent's Certification

under Penal Code section 13510.8, subdivision (d), because, following Respondent's termination for cause from employment as a peace officer due to serious misconduct, Complainant determined that the temporary suspension was in the best interest of the health, safety, and welfare of the public.

JURISDICTION

3. This Accusation is brought before the Commission under the authority of the following laws. All section references are to the Penal Code (Code) unless otherwise indicated.

4. Code section 830 states:

> Any person who comes within the provisions of this chapter and who otherwise meets all standards imposed by law on a peace officer is a peace officer, and notwithstanding any other provision of law, no person other than those designated in this chapter is a peace officer. The restriction of peace officer functions of any public officer or employee shall not affect his or her status for purposes of retirement.

5. Code section 830.1, subdivision (a), states that "a police officer, employed in that capacity and appointed by the chief of police ... of a city ... is a peace officer...."

6. Code section 13510.1 states:

> (a) The commission shall establish a certification program for peace officers described in Section 830.1, 830.2 with the exception of those described in subdivision (d) of that section, 830.3, 830.32, or 830.33, or any other peace officer employed by an agency that participates in the Peace Officer Standards and Training (POST) program. A certificate or proof of eligibility issued pursuant to this section shall be considered the property of the commission.
>
> (b) Basic, intermediate, advanced, supervisory, management, and executive certificates shall be established for the purpose of fostering professionalization, education, and experience necessary to adequately accomplish the general police service duties performed by peace officer members of city police departments, county sheriffs' departments, districts, university and state university and college departments, or by the California Highway Patrol.
>
> . . .
>
> (e) The commission shall assign each person who applies for or receives certification a unique identifier that shall be used to track certification status from application for certification through that person's career as a peace officer.
>
> (f) Notwithstanding any other provision of law, the commission shall have the authority to suspend, revoke, or cancel any certification pursuant to this chapter. This authority extends to any certificate or proof of eligibility issued by the commission including, without limitation, any certificate or proof of eligibility that is invalid, inactive, expired, or canceled.

. . .

(i) As used in this chapter, "certification" means any and all valid and unexpired certificates issued pursuant to subdivision (b), including basic, intermediate, advanced, supervisory, management, and executive certificates or any proof of eligibility issued by the commission pursuant to this section.

7. Code section 13510.85, subdivisions (a) and (b), state:

(a)(1) When, upon the completion of a serious misconduct investigation conducted pursuant to subdivision (c) of Section 13510.8, the division finds reasonable grounds for the denial, revocation, or suspension of a peace officer's certification, it shall take the appropriate steps to promptly notify the peace officer involved, in writing, of its determination and reasons therefore, and shall provide the peace officer with a detailed explanation of the decertification procedure and the peace officer's rights to contest and appeal.

(2) Upon notification, the peace officer may, within 30 days, file a request for a review of the determination by the board and commission. If the peace officer does not file a request for review within 30 days, the peace officer's certification shall be suspended or revoked, consistent with the division's determination, without further proceedings. If the peace officer files a timely review, the board shall schedule the case for hearing.

(3) The board shall meet as required to conduct public hearings, but no fewer than four times per year.

(4) At each public hearing, the board shall review the findings of investigations presented by the division pursuant to paragraph (1) and shall make a recommendation on what action should be taken on the certification of the peace officer involved. The board shall only recommend revocation if the factual basis for revocation is established by clear and convincing evidence. If the board determines that the facts and circumstances revealed by the investigation warrant a sanction other than revocation, it may recommend that a peace officer's certification be suspended for a period of time. The board shall issue a written decision explaining its reasons for decertification or suspension.

(5) The commission shall review all recommendations made by the board. The commission's decision to adopt a recommendation by the board to seek revocation shall require a two-thirds vote of commissioners present and shall be based on whether the record, in its entirety, supports the board's conclusion that serious misconduct has been established by clear and convincing evidence. In any case in which the commission reaches a different determination than the board's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing.

(6) The commission shall return any determination requiring action to be taken against an individual's certification to the division, which shall initiate proceedings for a formal hearing before an administrative law judge in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code), which shall be subject to judicial review as set forth in that act.

(b) Notwithstanding Section 832.7, the hearings of the board and the review by the commission under this section, administrative adjudications held pursuant to

paragraph (6) of subdivision (a), and any records introduced during those proceedings, shall be public. These public records may, in the discretion of the division, be redacted for the reasons set forth in paragraphs (6) and (7) of subdivision (b) of Section 832.7. This subdivision does not preclude the board or the commission, or both, from reviewing the unredacted versions of these records in closed session and using them as the basis for any action taken.

8. On October 13, 2023, pursuant to its authority under Code section 13510.8, subdivision (c), the Peace Officer Standards Accountability Division found reasonable grounds for a disciplinary action against Respondent's Certification. Respondent was properly notified and timely requested a review of the determination under Code section 13510.85, subdivision (a)(2). On December 14, 2023, pursuant to its authority under Code section 13510.85, subdivision (a)(4), the Peace Officer Standards Accountability Advisory Board (Board) determined that clear and convincing evidence existed for a disciplinary action against Respondent. On March 7, 2024, pursuant to its authority under Code section 13510.85, subdivision (a)(5), the Commission directed that counsel for POST explore settlement and report back to the Commission at their next meeting. Pursuant to Government Code section 11415.60, subdivision (b), this Accusation is filed because, in a proceeding to discipline an occupational license, a settlement may not be made before the issuance of the agency pleading. Complainant explicitly reserves all rights to amend this accusation under Government Code section 11507, should a settlement not be reached or adopted by the Commission.

STATUTORY PROVISIONS

9. Code section 13510.8 states:

(a) (1) A certified peace officer shall have their certification revoked if the person is or has become ineligible to hold office as a peace officer pursuant to Section 1029 of the Government Code.

(2) A peace officer may have their certification suspended or revoked if the person has been terminated for cause from employment as a peace officer for, or has, while employed as a peace officer, otherwise engaged in, any serious misconduct as described in subdivision (b).

(b) By January 1, 2023, the commission shall adopt by regulation a definition of "serious misconduct" that shall serve as the criteria to be considered for ineligibility for, or revocation of, certification. This definition shall include all of the following:

. . .

(6) Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by the commission.

. . . .

REGULATORY PROVISIONS

10. California Code of Regulations, title 11, section 1205, states:

(a) Serious Misconduct is:

. . .

(6) Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by the Commission.

. . .

11. California Code of Regulations, title 11, section 1212 states:

(a) The Commission shall have the authority to suspend, revoke, or cancel any certification issued pursuant to Chapter 1 of Title 4 of Part 4 of the Penal Code.

(b) At the hearing, conducted by the Commission, to review a recommendation made by the Peace Officer Standards Accountability Advisory Board (the "board"):

(1) The Commission's decision to adopt a recommendation by the board to seek revocation shall require a two-thirds vote of Commissioners present.

(2) The decision shall be based on whether the record, in its entirety, supports the board's conclusion that serious misconduct has been established by clear and convincing evidence.

(3) The Commission may conduct deliberations in closed session.

(4) In any case which the Commission reaches a different determination than the board's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing. A copy of the written decision shall be provided to:

(A) The board,

(B) The Peace Officer Standards Accountability Division (the "division"), and

(C) The involved peace officer or designated representative.

(c) The Commission shall return any determination requiring action to be taken against an individual' s certification to the division, which shall initiate proceedings for a formal hearing before an administrative law judge in accordance with the Administrative Procedure Act.

(1) After the hearing, the Commission will receive the proposed decision from the administrative law judge.

(2) The proposed decision shall be reviewed by the Commission in accordance with Government Code Section 11517(c)(2).

(3) The Commission's decision shall be considered final 30 days after the date of service of the decision upon the involved peace officer or their legal representative. A copy of the written decision shall be provided to:

(A) The board,

(B) The division,

(C) The involved peace officer or designated representative, and

(D) The head of the agency that employs or employed the involved peace officer.

(d) The commission shall publish the names of any peace officer whose certification is suspended or revoked and the basis for the suspension or revocation on the POST website.

(e) The commission shall notify the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training of any peace officer whose certification is suspended or revoked and the basis for the suspension or revocation.

12. California Code of Regulations, title 11, section 1213 states:

(a) In considering whether to take action against a peace officer's certification, and in considering whether a revocation or suspension is appropriate in light of the facts of the particular case, the Commission shall consider any of the following factors:

(1) The nature and severity of the act or omission.

(2) The circumstances surrounding the conduct and the extent to which the act or omission caused any actual or potential harm to or impact upon the victim, the public, other peace officers, the employing agency, or the law enforcement profession.

(3) Whether the involved peace officer is currently employed as a peace officer.

(4) Whether the alleged conduct was committed under the color of authority or while the peace officer was acting in the capacity of a peace officer.

(5) The peace officer's prior conduct, discipline and service record, and any prior instances of misconduct.

(6) The proximity or remoteness in time since the conduct occurred.

(7) Any mitigating or aggravating factors and/or evidence of rehabilitation.

(8) The degree of accountability and cooperation with the investigation evidenced by the peace officer.

(9) The extent to which discipline, or forbearance from discipline, would impact the best interests of the public, the public service, the employing agency, and/or the law enforcement profession.

(10) The motives of the peace officer that resulted in the conduct.

(11) Consistency of the penalty with those imposed upon other peace officers for the same or similar offense.

(12) The clarity with which the peace officer was on notice of any rules that were violated in committing the offense.

(13) The extent to which the act or omission was done intentionally, willfully, or maliciously.

(14) The likelihood of recurrence.

(15) Any other aggravating or mitigating factors relevant to the Commission's determination.

(b) A suspension shall not exceed three years.

(c) A peace officer whose certification has been suspended may not be assigned duties which include the exercise of peace officer powers.

FACTUAL ALLEGATIONS

13. Beginning on or about July 28, 2003, Respondent was employed as a full-time Police Officer with the Los Angeles Police Department (LAPD). On or about June 15, 2014, Respondent was promoted to the rank of Detective with the LAPD.

14. On or about September 29, 2016, in the criminal proceeding entitled *People of the State of California vs. James Kurtz Fillmore* (Los Angeles County Super. Ct., Case No. 6SC01398), Respondent was convicted by the court on his plea of guilty to violating Vehicle Code section 23152, subdivision (b) (driving with a blood alcohol content (BAC) of 0.08% or higher), a misdemeanor. Respondent stipulated to a BAC of 0.12%. Respondent was placed on probation with imposition of sentence suspended for three years on terms and conditions including: serve two days in jail, two days credit time served, 30 hours of community service, complete a six-month alcohol education program, and pay fines, fees, and restitution. The circumstances were that on or about February 27, 2016, Respondent's vehicle was stopped by a Los Angeles County Sheriff's deputy after making a left hand turn on a red light without stopping in Santa Clarita. The deputy observed a strong odor of alcoholic beverage emitting from Respondent and that Respondent's eyes were bloodshot and watery and his speech was slurred. Respondent admitted to drinking from an open container of beer in the vehicle. The deputy

conducted field sobriety tests that showed signs of impairment.

15. On or about April 19, 2023, in the criminal proceeding entitled *People of the State of California vs. James Fillmore* (Los Angeles County Super. Ct., Case No. 28C01493-01), Respondent was convicted by the court on his plea of no contest to violating Vehicle Code section 23152, subdivision (b) (driving with blood alcohol content (BAC) of 0.08% or higher), a misdemeanor. Respondent stipulated to a BAC of 0.18%. Respondent was placed on probation with imposition of sentence suspended for 60 months on terms and conditions including: serve 15 days in jail, complete an 18-month alcohol education program, and pay fines, fees, and restitution. The circumstances were that on or about April 30, 2022, a Los Angeles County Sheriff's deputy responded to a report of a three-vehicle traffic collision in Santa Clarita. The deputy located Respondent trapped inside one of the vehicles. Respondent was transported to the hospital where he was interviewed by the deputy. Respondent told the deputy that he had sustained a fractured wrist in the accident. Respondent admitted to the deputy that he had been drinking vodka and driving at a high rate of speed. The registered owner of Respondent's vehicle was listed as the City of Los Angeles.

CAUSE FOR DISCIPLINE

(Serious Misconduct – Acts that Violate the Law)

16. Respondent has subjected his Certification to disciplinary action on the grounds of serious misconduct under Code section 13510.8, subdivision (b)(6), and section 1205, subsection (a)(6), of title 11 of the California Code of Regulations, because he committed acts that violate the law and were sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as alleged above in paragraphs 13-15 and as follows:

17. Vehicle Code section 23152, subdivision (b) makes it unlawful for a person who has 0.08 percent or more, by weight, of alcohol in his or her blood to drive a vehicle. Respondent's conduct repeatedly violated this section of the Vehicle Code, violated the trust placed in him as a police officer and detective, and was inconsistent with the obligation of a peace officer to uphold the law and respect the rights of members of the public.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Commission issue a decision revoking the Basic, Intermediate and Advanced Certificates issued to Respondent James Kurtz Fillmore, or taking other appropriate disciplinary action according to evidence.

DATED: 06/04/2024

MANUEL ALVAREZ, JR.
Executive Director
Commission on Peace Officer Standards and Training
State of California
Complainant

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BEFORE THE
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **JAMES KURTZ FILLMORE** **Basic Certificate No. 120395** **Intermediate Certificate No. 87606** **Advanced Certificate No. 84859** Respondent.	Case No. 23-3691

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Commission on Peace Officer Standards and Training as its Decision in this matter.

This Decision shall become effective on 07/12/2024.

It is so ORDERED 06/12/2024.

FOR THE COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING
STATE OF CALIFORNIA