

**BEFORE THE ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI**

DIRECTOR OF DEPARTMENT OF )  
PUBLIC SAFETY, )  
P.O. Box 749 )  
Jefferson City, MO 65102 )

Petitioner, )

v. )

JOHN CLAY CHISM, )  
201 East Elm St. )  
Auxvasse, MO 65231 )

Respondent. )

Case No.

<b>FILED</b>  June 9, 2023  ADMINISTRATIVE HEARING COMMISSION
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**COMPLAINT FOR DISCIPLINE OF PEACE OFFICER LICENSE**

COMES NOW the Director of the Department of Public Safety (“Director” or “Petitioner”), by and through counsel, and for her petition for peace officer discipline states as follows:

1. The Petitioner is the Director of the Department of Public Safety, who has the authority to issue, suspend, or revoke peace officer licenses as outlined in Chapter 590 of the Revised Statutes of Missouri (“RSMo.”)<sup>1</sup> and Title 11 of the Missouri Code of State Regulations promulgated by the Department of Public Safety.
2. John Clay Chism (“Respondent”) is licensed as a peace officer by the Department of Public Safety, and his license number is 38530.
3. Respondent’s license is currently active and was so at all times stated

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<sup>1</sup> Statutory references are to the current Revised Statutes of Missouri, unless otherwise indicated.

herein.

4. Respondent has served as the Callaway County Sheriff since January 1, 2017. As part of his employment with Callaway County, Respondent is assigned a patrol vehicle for use while on duty. The vehicle was assigned to him to aid in the performance of his duties.

5. Pursuant to Chapter 621 and section 590.080 RSMo., the Administrative Hearing Commission has jurisdiction over this complaint to determine whether cause exists for Petitioner to discipline Respondent's peace officer license.

6. Section 590.080.2 provides that when the Director has knowledge of cause to discipline a peace officer, she may file a complaint with the Administrative Hearing Commission as provided by Chapter 621, RSMo.

7. Section 590.080.1 states: "The director shall have cause to discipline any peace officer licensee who: (1) is unable to perform the functions of a peace officer with reasonable competency or reasonable safety as a result of a mental condition, including alcohol or substance abuse."

8. Section 590.080.1 states: "The director shall have cause to discipline any peace officer licensee who: . . . (3) Has committed any act while on active duty or under color of law that involves moral turpitude or a reckless disregard for the safety of the public or any person."

9. On or about October 6, 2022, Officer Jaclyn Scott of the Moberly Police Department ("MPD") responded to 600 W. Hwy 24 following a report that a black

Ford F-150 had struck the concrete drive-thru barrier in the parking lot of an Arby's restaurant.

10. On arrival to the location, Officer Scott and Cpl. Ethan Fry observed a black Ford F-150 parked near the entrance of the 600 W. Hwy 24 travel center.

11. On the ground near the driver's side door, Officer Scott observed a puddle of vomit that was still wet, and smelled of intoxicants.

12. Officer Scott observed a white male, later identified as Respondent, asleep in the driver's seat of the vehicle.

13. Unable to wake Respondent after knocking on the window, Officer Scott opened the driver's side door and immediately smelled a strong odor of an intoxicating beverage. Officer Scott then noticed a Mike's Harder alcoholic beverage can in the center console of the vehicle.

14. Once Officer Scott woke up Respondent by shaking him, he stated that he was fine and did not need anything. At that point, Officer Scott noticed a strong odor of intoxicating beverage coming from Respondent's breath. She also observed his speech to be slurred and he had watery, glassy, and bloodshot eyes. Officer Scott also noticed that the elbow of Respondent's sweatshirt was covered in vomit.

15. Respondent refused to step out of the vehicle, and Officer Scott and Cpl. Fry had to forcibly remove him from the vehicle. After Respondent's removal from the vehicle, the officers transported him to the MPD.

16. At the MPD, Respondent refused to submit to chemical testing of his breath or blood. Respondent also refused to answer any questions, contending that he was not driving.

17. 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 of section 577.010, RSMo., and one count of resisting or interfering with arrest, detention, or stop in violation of section 575.150, RSMo.

18. A true and accurate copy of the Randolph County Prosecuting Attorney's Information is attached as Exhibit 1 and incorporated by reference.

19. Respondent's charges remain pending.

20. 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.

21. 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.

22. During the meeting, Respondent was dressed in his uniform and carrying his firearm.

23. Judge Wilson immediately smelled the odor of an alcoholic beverage originating from Respondent upon entering his own office. Judge Wilson also noticed that Respondent's face was red and his eyes were glassy.

24. Judge Wilson formed the opinion that Respondent was under the influence of alcohol.

25. During this meeting, Judge Wilson, Chief Deputy Maylee, and Respondent discussed that Chief Deputy Maylee had found Respondent passed out in Respondent's patrol vehicle earlier that day.

26. Chief Deputy Maylee informed Judge Wilson that Respondent was passed out in Respondent's patrol vehicle in the parking lot of the CCSO.

27. During this meeting, Respondent admitted that he had consumed vodka that morning, but denied that he was intoxicated.

28. Chief Deputy Maylee believed Respondent had been drinking based on the following interaction which occurred before this meeting:

- a. Earlier on March 28, 2023, another staff member informed Chief Deputy Maylee that Respondent smelled heavily of alcoholic beverages.
- b. Chief Deputy Maylee then went to Respondent's office. Respondent was not present, but Chief Deputy Maylee looked in Respondent's desk and found an empty pint-sized bottle of vodka.
- c. Chief Deputy Maylee then went to the gravel parking lot behind the CCSO.
- d. Chief Deputy Maylee found Respondent inside Respondent's patrol vehicle, which was turned on.
- e. Respondent was wearing his uniform and firearm, and appeared to be asleep.

- f. Chief Deputy Maylee knocked on the patrol vehicle's window, but Respondent did not respond. Chief Deputy Maylee then knocked much harder and Respondent appeared to jump awake. Respondent did not immediately roll down his window.
- g. Chief Deputy Maylee entered the passenger side of the patrol vehicle and confronted Respondent about Respondent drinking. Chief Deputy Maylee noticed the smell of alcohol coming from Respondent, Respondent's speech, eyes, and face gave Chief Deputy Maylee reason to believe that Respondent was intoxicated.
- h. Respondent did not deny that he had been drinking.

29. Following the March 28, 2023, meeting in Judge Wilson's office, Chief Deputy Maylee and Respondent returned to the CCSO. Respondent remained at the office for approximately twenty minutes, but then he left in uniform.

30. Respondent drove away in his patrol vehicle.

31. Following the March 28, 2023, incident, Chief Deputy Maylee received reports from staff members of the CCSO and from citizens about Respondent appearing impaired while on duty, in uniform, and carrying his firearm. The reports noted the smell of alcoholic beverages coming from Respondent and signs of impairment.

32. On June 2, 2023, Chief Deputy Maylee received multiple reports about Respondent leaving a liquor store around 9:30 a.m. Respondent would have been on

duty, in uniform, and driving his patrol vehicle during this time period. The anonymous person provided one specific date, that of May 4, 2023.

33. Chief Deputy Maylee contacted the liquor store in question which provided surveillance video footage for that date. The video footage shows that on May 4, 2023, Respondent drove his patrol vehicle to On the Rocks Liquor Wine & Smoke in Fulton, Missouri. Video surveillance shows Respondent with cash in hand and quickly exchanges the cash for what an employee identified as a pint of Smirnoff vodka.

34. On June 5, 2023, the CCSO received a report that a suspect in a murder case from the Kansas City area had been staying at a rental place in the county.

35. On that same day, CCSO staff reported to Chief Deputy Maylee that Respondent had learned of the report of the suspect wanted for murder and was personally responding to the scene. Staff reported that Respondent smelled heavily of alcoholic beverages, and Respondent had difficulty trying to put on a ballistics vest before leaving the building. Respondent was on duty, in uniform, armed, and operating a county patrol vehicle during this incident.

36. On June 6, 2023, Judge Wilson, Chief Deputy Maylee, and Ben Miller, the Callaway County Prosecuting Attorney, met with Respondent. Chief Deputy Maylee confronted Respondent about reports that Respondent had bought liquor while on duty, in uniform, and in his patrol vehicle. Respondent did not deny the purchases of liquor.

37. Further, Respondent admitted that he consumed an entire pint of vodka

from a bottle he purchased the morning prior, on June 5, 2023.

**COUNT I**

*Cause for discipline under Section 590.080.1(1)*

38. Petitioner incorporates all paragraphs alleged above.

39. Respondent is unable to perform the functions of a peace officer with reasonable competency or reasonable safety.

40. Respondent has abused alcohol.

41. Abuse of alcohol constitutes a mental condition. Abuse of alcohol affects a peace officer's ability to function as a peace officer. Here, Respondent's alcohol abuse has impacted his ability to function as a peace officer with reasonable competency or reasonable safety.

42. Cause exists to discipline Respondent's license pursuant to section 590.080.1(1).

**COUNT II**

*Cause for discipline under Section 590.080.1(3)*

43. Petitioner incorporates all paragraphs alleged above.

44. Respondent consumed alcohol, as alleged above, while on active duty.

45. Respondent was impaired, as alleged above, while on active duty.

46. Consuming alcohol or being in an impaired state while on active duty is an act that involves moral turpitude. Respondent acted with moral turpitude on the occasions he consumed alcohol or was impaired while on active duty.

47. Consuming alcohol or being in an impaired state while on active duty constitutes reckless disregard for the safety of the public. Respondent acted with



reckless disregard for the safety of the public on the occasions he consumed alcohol or was impaired while on active duty.

48. Cause exists to discipline Respondent's license pursuant to section 590.080.1(3).

WHEREFORE, the Director prays that this Commission find that Respondent's peace officer license is subject to discipline under Sections 590.080.1(1) and/or (3), and for such other relief as is just and proper.

Respectfully submitted,

/s/ Nathan Weinert

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**ATTORNEY FOR DIRECTOR OF  
DEPARTMENT OF PUBLIC SAFETY**

IN THE CIRCUIT COURT OF THE COUNTY OF RANDOLPH, MISSOURI

STATE OF MISSOURI,	)	Case No.
Plaintiff,	)	
	)	OCN No.:
VS	)	
	)	
John Clayton Chism	)	
SSN: XXX-XX-	)	
	)	
Defendant.	)	

MISDEMEANOR INFORMATION

COUNT I

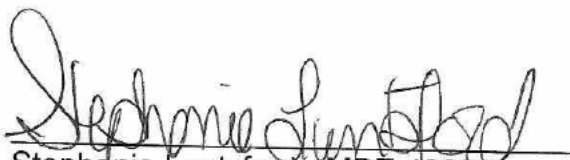
Charge Code Number: 577.010-032Y20205499.0

The Prosecuting Attorney of the County of Randolph, State of Missouri, upon information and belief, charges that the defendant in violation of Section 577.010, committed the class B misdemeanor of driving while intoxicated, punishable upon conviction under Sections 558.002, 558.011 and 577.010 RSMo, in that on or about October 6, 2022, at or near 600 West Highway 24 in the County of Randolph, State of Missouri, the defendant operated a motor vehicle while under the influence of alcohol.

COUNT II

Charge Code Number: 575.150-003Y20204899.0

The Prosecuting Attorney of the County of Randolph, State of Missouri, upon information and belief, charges that the defendant in violation of Section 575.150, RSMo, committed the class A misdemeanor of resisting a lawful detention, punishable upon conviction under Sections 558.011 and 558.002, RSMo, in that on or about October 6, 2022, in the county of Randolph, State of Missouri, Jaclyn Scott and Ethan Fry, law enforcement officers, were making a lawful detention of defendant, and the defendant knew or reasonably should have known that the officer(s) were making the detention, and, for the purpose of preventing the officer(s) from effecting the detention, resisted the detention of defendant by using or threatening the use of physical force or physical interference by grabbing on to a vehicle seat, tensing up and pulling away from officers.



Stephanie Luntsford - MBE 43825

Prosecuting Attorney

Randall Barron - MBE 63701

Assistant Prosecuting Attorney

County of Randolph-State of Missouri

WITNESSES:

Jaclyn Scott  
Ethan Fry  
Jeffrey Edward  
Dustin Harrison  
Kellie Williams  
Xavier Peterson  
Jacquilyn Holder  
Matthew Oller  
Gina Campbell  
Zachary Wilson  
Austin Snow