

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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COMPLETE TITLE OF CASE:

KEVIN SCHNELL,

Appellant

v.

KARL ZOBRIST, ET AL.,

Respondents

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DOCKET NUMBER WD71365

DATE: June 29, 2010

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Appeal From:

Circuit Court of Jackson County, MO  
The Honorable Jay A. Daugherty, Judge

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Appellate Judges:

Division Four: Thomas H. Newton, C.J., James Edward Welsh and Alok Ahuja, JJ.

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Attorneys:

Morgan L. Roach, Kansas City, MO

Counsel for Appellant,

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Attorneys:

James F. Ralls, Jr., Liberty, MO

Counsel for Respondents.

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**MISSOURI APPELLATE COURT OPINION SUMMARY  
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**KEVIN SCHNELL, Appellant, v.  
KARL ZOBRIST, ET AL., Respondents**

WD71365

Jackson County

Before Division Four Judges: Thomas H. Newton, C.J., James Edward Welsh and Alok Ahuja, JJ.

Kevin Schnell seeks judicial review of the Kansas City Board of Police Commissioners' decision to terminate his employment as a police officer with the Kansas City Police Department. The Board found that Schnell violated Department policies by failing to seek medical help for a sick arrestee who requested medical attention; by treating the arrestee in a discourteous, undignified, and derogatory manner; and by failing to recover the arrestee's counterfeit temporary license tag. The circuit court affirmed the Board's decision to terminate Schnell's employment, and Schnell appeals. On appeal, Schnell asserts that the Board failed to determine whether cause existed to terminate his employment and that the Board applied the wrong legal standard in terminating him. He also contends that cause did not exist to terminate him.

**AFFIRMED.**

**Division Four holds:**

Although the Board did not expressly state that Schnell's policy violations constituted "cause" for termination, its findings demonstrate how Schnell's policy violations related to and affected the administration of the office and were of a substantial nature directly affecting the rights and interests of the public. Thus, the findings fall squarely within the Missouri Supreme Court's definition of the cause necessary for discharging a police officer.

When the Board's order is considered in its entirety, it is clear that the Board held the police chief to the correct preponderance of the evidence standard of proof. The Board's findings of fact and conclusions of law show that it resolved conflicts in the evidence against Schnell and determined that the police chief's position was more probable, credible, and convincing. The Board's determination that there was competent and substantial evidence to support its decision was superfluous.

The Board did not err in finding that cause existed to terminate Schnell's employment. First, substantial and competent evidence supports the Board's finding that Schnell was on fair notice that the Department's policy required him to call for an ambulance when a sick or injured person requested medical help. Second, the Board properly relied upon Schnell's violating the Department's policy requiring recovery of the counterfeit tag as cause for termination because the evidence refuted Schnell's assertion that recovery was not required. Third, substantial and competent evidence supports the Board's decision that Schnell spoke to and treated the arrestee disrespectfully and, in doing so violated the Department's policy requiring officers to treat the

public with courtesy, consideration, and dignity. Fourth, the Board did not abuse its discretion in deciding that termination was the appropriate remedy for Schnell's policy violations.

**Opinion by: James Edward Welsh, Judge**

June 29, 2010

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