

**COMMONWEALTH OF KENTUCKY
WARREN COUNTY SHERIFF BRETT HIGHTOWER
(AS APPOINTING AUTHORITY)
APPEAL OF NOTICE OF SUSPENSION
DATED DECEMBER 12, 2025**

**DEPUTY MARK HEYUNGS
APPELLANT**

V.

**WARREN COUNTY SHERIFF
APPELLEE**

The undersigned Warren County Sheriff's Office hearing authority has reviewed the testimony and evidence presented in this matter and determined that there is substantial evidence to prove each of the charges against Mark Heyungs. After careful review, the hearing authority agrees with and hereby adopts the proposed findings tendered by County Attorney Amy Chandler. The adopted findings are attached.

WHEREFORE, having considered all of the evidence, including testimony and exhibits, I hereby find Heyungs GUILTY of the eight (8) charges presented in this matter, each being a violation of WCSO policies. As such, I adopt the recommendation of Chief Deputy Kevin Wiles, and Mark Heyungs is hereby terminated as an employee of the Warren County Sheriff's Department, effective the date of this document.

NOTE: Pursuant to KRS 15.520(8)(a), "[a]ny officer who is found guilty by any hearing authority of any charge, may bring an action in the Circuit Court in the county in which the employing agency is located within thirty (30) days of the date the written findings are issued to appeal the action of the hearing authority."

This the 24 day of February, 2026.



BRETT HIGHTOWER, SHERIFF
WARREN COUNTY SHERIFF'S
OFFICE

**COMMONWEALTH OF KENTUCKY
WARREN COUNTY SHERIFF BRETT HIGHTOWER
(AS APPOINTING AUTHORITY)**

DEPUTY MARK HEYUNGS

APPELLANT

**v. FINDINGS OF FACT AND DETERMINATION OF CHARGES
PURSUANT TO KRS 15.520 ADMINISTRATIVE HEARING**

WARREN COUNTY SHERIFF

APPELLEE

This matter came before this finder of fact on February 11, 2026 and February 12, 2026, pursuant Kentucky Revised Statute 15.520, regarding the recommendation for termination of Mark Heyungs, (“Heyungs”), as an employee of the Warren County Sheriff’s Office.

The issue before Sheriff Brett Hightower, Hearing Officer pursuant to KRS 15.520 and hereinafter “Sheriff”, was whether there is substantial evidence to prove the charges against Heyungs and to determine what, if any, disciplinary action is appropriate in light of any such substantial evidence. The Sheriff heard testimony from the following people: Kevin Wiles, Chief Deputy of the Warren County Sheriff’s Office; Mitchell Walker, Chief of the Western Kentucky University Police Department; Sara Davis, Dispatcher for the Warren County Sheriff’s Office; Lori Ochocki, a retired WSCO Civilian Vehicle Inspector; Lonnie T. Cooper, Attorney Expert for Heyungs, and Mark Heyungs.

The Parties agreed to admit as evidence as Exhibits A through S (on behalf of Heyungs) and 1 through 9 (on behalf of Warren County Sheriff’s Office), which are identified more specifically herein on Appendix A. The Sheriff has considered each Exhibit as tendered.

The Sheriff finds that the recommendation for termination, memorialized in a Memorandum dated December 12, 2025, should be adopted. The Sheriff further finds that Mark Heyungs is guilty of violating a number of Warren County Sheriff’s office policies, Section 10 of

the Kentucky Constitution, and the 4th Amendment of the United States Constitution. The specific violations found are addressed in further detail hereinbelow:

FINDINGS OF FACT

Mark Heyungs began working for the Warren County Sheriff's Office in August 2021, when he was hired as a Deputy after years of experience in the United States Military. Thereafter, Heyungs was appointed to Detective, and he was transferred into the Criminal Investigations Division ("CID") of the Warren County Sheriff's Office. In July 2024, Heyungs asserted a Hostile Work Environment claim to Chief Deputy Kevin Wiles ("Wiles") via email date July 12, 2024 (Exh. A) and further addressed in a Memo from Heyungs to Wiles and Hightower on July 18, 2024 (Exh. B). Wiles thoroughly investigated each of the allegations asserted by Heyungs and prepared a Memo dated August 6, 2024 (Exh. 2), outlining his specific findings regarding each of Heyungs' allegations. Following Wiles' investigation, CID Protocol Updates were administered which were intended to eliminate ongoing issues of a similar nature (Exh. 3). Each CID member also signed a Workplace Environment Rules and Expectations form in an effort to improve their workplace environment. Those forms were placed in each individual's personnel file (Exh 4).

On January 1, 2025, Heyungs was selected for promotion to the position of Patrol Sergeant, which resulted in a transfer out of the CID. Within weeks after his promotion to Sergeant, in approximately February 2025, Heyungs' performance began to suffer. The WCSO immediately had conversations with Heyungs intended to progressively improve his adherence to departmental policies and his overall performance. On October 8, 2025, Major Wiles recommended that Heyungs be returned to a non-supervisory role in the department (Exh. M). On December 7, 2025, I notified Heyungs that he would be suspended with pay due to an alleged policy violation (formally discussed herein; Exh. F). On December 12, 2025, Major Wiles

notified Heyungs of his intent to terminate his employment (Exh. C), and he notified the Sheriff of the recommendation for termination as well (Exh. D).

CHARGE 1: VIOLATION OF WCSO POLICY NO. 12.01; CELL PHONE EMAIL

On February 6, 2025, without authorization from any superior officer or leadership, Heyungs sent an email regarding a department-wide change in policy directing deputies and staff on how to handle cell phone downloads (Exh. 5). Prior to this, WCSO went through a funding delay with the Secret Service, and for a short period of time, employees were directed by CID to follow a short-term evidence processing policy specifically regarding cell phones (Exh.H). Without appropriate approval from or coordination with the chain of command, Heyungs sent an email to patrol employees of the WCSO appearing to have the authority to change the short-term policy (Exh. I). This error resulted in confusion for deputies and staff. An additional clarifying email was required from WCSO leadership to resolve the confusion (Exh. 5). The Sheriff finds this unauthorized conduct was a violation of WCSO Policy No. 12.1.1, 12.1.4, and 12.1.5 (Exh. 8).

CHARGE 2: VIOLATION OF WCSO POLICY 12.01; FAILURE TO REPORT LOCATION

On March 21, 2025, while on patrol, Heyungs noticed a vehicle for which he had probable cause for a stop for a traffic violation. Prior to a traffic stop, the driver unexpectedly exited the vehicle and began running away from Heyungs. Heyungs pursued the driver, later identified as Jacob Riddle, in an ensuing foot chase. Heyungs reported via radio that he was chasing the subject on foot; however, Heyungs provided the wrong physical location. Moreover, he failed to answer any radio calls to him by fellow deputies to identify his location. The lack of communication from Heyungs led to other law enforcement officers being dispatched to the area to help ensure the safety of the suspect, Heyungs, and the community at large. According to the testimony of

Wiles, Heyungs did ascertain and subsequently arrest Riddle; however, Heyungs' lack of appropriate communication, consistent with office policy, resulted in significant concern of his coworkers, the children at the daycare, as well as an uncharacteristically and unnecessarily large law enforcement response. The Sheriff finds this unauthorized conduct was a violation of WCSO Policy No. 17.07, 12.1.60.

CHARGE 3: VIOLATION OF CITIZENS' 4TH AMENDMENT RIGHTS

On May 17, 2025, while in the area near Glen Lily Road in Bowling Green, Deputy Heyungs noticed what appeared to be a yard sale. Heyungs testified that he noticed a number of brand-new items in the yard sale, and many of those items were like items, which he believed could be indicia of stolen merchandise. He testified that he found both the quantity and type of product to be suspicious. Importantly, Deputy Heyungs testified that there were no complaints regarding any stolen merchandise in the area. Heyungs was not directed to conduct any type of investigation of this specific yard sale on Glen Lily Road. Deputy testified that there were no reports of criminal activity in the area; however, he knew (presumably from prior knowledge) that there had been criminal activity at home in the past. His testimony was insufficient to establish an ascertainable nexus between supposed prior criminal activity and the yard sale issue.

The Sheriff finds that in violation of the 4th amendment of the United States Constitution, as well as the Section 10 of Kentucky Constitution, Heyungs stayed on the premises located at 498 Glen Lily Road longer than was reasonably necessary to establish that there was no criminal activity afoot. The individual who was in care, custody, and control, of the property located at 498 Glen Lily recorded the entire interaction between deputy and himself. This recording aided the Sheriff in his determination that Heyungs committed several violations of law and policy by remaining on the property in question without specific permission.

Furthermore, this recording was subsequently uploaded to various social media platforms,

including YouTube. The video was broadly circulated. In fact, the video made its way to other countries. The public outcry following this video could not be ignored by Warren County Sheriff's Office. Chief Deputy Kevin Wiles testified that literally hundreds of points of contact were made with the WCSO complaining about Heyungs' unlawful behavior. The public comments were so pervasive that they began to impact other employees' ability to do their job. Specifically, Wiles testified that the individuals in dispatch were under such scrutiny that it began to impact them emotionally. Chaplains were called in to help the members of dispatch process appropriately. Sgt. Heyung's unsupported hunch that there might have been criminal activity afoot was insufficient to justify his actions at the yard sale. See *Bauder v. Commonwealth*, 299 S.W.3d 588, 591 (Ky. 2009) (citing *Terry v. Ohio*, 392 U.S. 1, 27 (1968)) ("A reasonable suspicion is more than an 'unparticularized suspicion or hunch.'"); *United States v. Smith*, 140 F.4th 316, 319-320 (6th Cir. June 9, 2025) (citing *United States v. Taylor*, 121 F.4th 590, 595 (6th Cir. 2024) (quoting *Illinois v. Wardlow*, 528 U.S. 119, 124 (2000)) ("an inchoate and unparticularized suspicion or hunch' will not suffice.")). This incident was addressed in a Counseling / Specific Contact Report and remedial training was required (Exh.7). The Sheriff finds this unauthorized conduct was a violation of the 4th Amendment of the U.S. Constitution, Section 10 of the Kentucky Constitution, and WCSO Policy No. 12.1.1 and 12.1.58 (Exh. 8).

CHARGE 4: FALSE ALLEGATIONS AGAINST COWORKER

In August 2025, following a note being placed in Heyungs' personnel file, the WCSO received a letter from Heyungs' attorney, which included the following footnote, "One of the detectives also was frequently intoxicated on the job, and [sic] issue which Sgt Heyungs did not formally report for fear of further retaliation" (Exh. J). Upon receipt of the letter, the WCSO took the allegation that one of its employees was abusing alcohol literally and seriously, immediately initiating an investigation. Wiles testified that he spent at least 20 working hours on the

investigation, including issuing 48-hour notices pursuant to KRS 15.520, and individually interviewing each CID employee. The investigation revealed that Heyungs' suspicion was based upon on detective in the unit wearing cologne. Wiles testified that there was no truth to Heyungs' allegation whatsoever. The Sheriff finds that Heyungs' baseless allegation against a coworker was a cause of significant disruption and did not serve to support the efficiency of the WCSO.

**CHARGE 5: VIOLATION OF WCSO POLICY NO. 03.04;
FAILURE TO NOTIFY CHAIN OF COMMAND**

On or about September 11, 2025, Heyungs was notified by one of his direct report employees that he had been notified by an Assistant Commonwealth Attorney about an incorrect arrest and indictment. The notification included that the wrong subject, having an identical name, was indicted and subsequently arrested in another county. That incorrect indictment by another WCSO employee, who was a direct report of Heyungs, was never reported up the chain of command to be addressed. Heyungs launched his own individual investigation to determine whether a mistake had been made, and upon determining that a mistake had – in fact – been made by a Deputy Sheriff, never reported the mistake up the Chain of Command. The correct course of action should have been to immediately notify his chain of command. Supervisory personnel needed to be immediately aware that a citizen was deprived of their freedom of movement and the WCSO had potential liability because of an illegal detention. These acts violate the Fourth Amendment of the U.S. Constitution and Section 10 of the Kentucky Constitution, which protect against unreasonable seizure. This incident was addressed in a Counseling / Specific Contact Report dated October 3, 2025 (Exh. M). The Sheriff hereby finds that Heyungs failed to notify his chain of command in direct violation of Policy No. 03.04(II)(F).

**CHARGE 6: VIOLATION OF WCSO POLICY NO. 12.05;
FAILURE TO SECURE A SHOOTING SCENE**

On September 13, 2025, Heyungs responded to a shooting scene at an apartment complex.

He was the ranking officer on scene for approximately 28 minutes before a higher-ranking officer arrived. The Sheriff finds that Heyungs wholly failed to secure the scene appropriately consistent with training, protocol, and common sense. The testimony of Wiles indicated that the shooting scene was not secured properly until Captain Kitchens and ultimately Sheriff Hightower arrived and actively began directing law enforcement on scene to secure the scene and begin assisting in the investigating officers (Exh. R). Additionally, and quite inexplicably, Heyungs was directed by a ranking officer to serve as security, positing his cruiser to block an entryway and ensure that no additional vehicles came into the area, and rather than actively monitoring the scene, Heyungs sat in his cruiser and logged into the portal that allowed him to request PTO the following week. Rather than actively engaging with fellow officers to monitor the scene, Heyungs was planning his next few days away from work. The Sheriff hereby finds that Heyungs failed to appropriately secure a crime scene and help supervise a critical investigation in violation of Policy No. 12.05(K), *et. seq.* (Exh. 9).

**CHARGE 7: VIOLATION OF WSCO POLICY NO. 03.04;
MISINFORMATION TO CIVILIAN STAFF**

On September 25, 2025, Heyungs spoke with a seasoned civilian vehicle inspector and told her that he would not pass the vehicle she was inspecting because he believed the tint was too dark, a technical traffic violation. Heyungs' passing remark concerned civilian vehicle inspector Ochocki such that she then spoke with her direct supervisor. Ochocki was concerned that she was not accurately inspecting the vehicles, although she was completing the inspections consistent with her training. This concern ultimately was elevated to Sheriff Hightower, who had to send a clarifying email to all employees. The Sheriff finds that Heyungs' unauthorized and unnecessary comments were a violation of WSCO Policy No. 03.04, and ultimately Heyungs' actions caused a significant disruption and did not serve to support the efficiency of the WCSO (Exh. N).

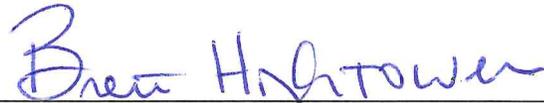
CHARGE 8: VIOLATION OF CITIZEN'S 4TH AMENDMENT RIGHTS, SECTION 10 OF THE KENTUCKY CONSTITUTION, AND WCSO POLICY 12.07

Finally, on or about December 7, 2025, while in Warren County, Kentucky, Heyungs initiated a traffic stop of Daniel McCurry, ("McCurry"), who was driving a silver Ford Mustang. Heyungs correctly noted that the vehicle's license plate and registration sticker did not match the subject's vehicle. While running McCurry's information, WCSO dispatch notified Heyungs that McCurry had an unserved criminal summons (Exh. O). Heyungs read the summons and surmised that there was an ongoing investigation of McCurry, who was being charged with Attempted Voyeurism. For the record, the summons was dated August 31, 2025, and the criminal activity at issue was asserted to have occurred March 8, 2025, some nine (9) months prior to the date Heyungs stopped McCurry for a traffic infraction. Inserting himself into an investigation about which Heyungs had no personal or institutional knowledge, Heyungs asked McCurry if he "could see his phone." McCurry willingly handed his phone to Heyungs, who then took the phone to his police cruiser. Importantly, the Sheriff finds that McCurry did not clearly articulate his consent that Heyungs could seize or search his phone. After physically seizing the phone, Heyungs asked WCSO Dispatch to contact WKUPD Dispatch and notify WKUPD that he had McCurry's phone insinuating that he possessed the specific phone for which he wrongfully assumed WKUPD must have been seeking. Chief of WKUPD Mitchell Walker testified that while he did tell his subordinates he wanted the cell phone Heyungs contacted WKUPD about, his affirmative answer to Heyungs was based on a complete misunderstanding of how a WCSO employee came to have possession of McCurry's phone. Further, Walker testified that upon coming to understand that Heyungs had unlawfully seized McCurry's phone, Walker made every effort to ensure the phone was returned to McCurry without any further issue. Additionally, Walker contacted the WSCO to confirm that he did not need that sort of help or support from the WSCO. The Sheriff finds that

Heyungs' unlawful seizure of McCurry's cell phone was a violation of McCurry's federal and state constitutional rights, specifically violated the Fourth Amendment of the U.S. Constitution and the Kentucky Constitution section 10, which protect against unreasonable seizure. and Heyungs' actions were in violation of WCSO 12.1.1 (Exh. 8).

WHEREFORE, having considered all the evidence, including testimony, Exhibits, I find Heyungs guilty of the eight (8) charges outlined herein, each being violations of WCSO policies. As such, I adopt the recommendation of Chief Deputy Kevin Wiles, and Mark Heyungs is terminated as an employee of the Warren County Sheriff's Department, effective the date of this document.

This the 24 day of February, 2026.



BRETT HIGHTOWER, SHERIFF
WARREN COUNTY SHERIFF'S OFFICE

Respectfully submitted by:

/s/ Amy Hale Chandler
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APPENDIX

HEYUNGS' EXHIBITS	
A	7-12-24 Hostile Work Environment Email
B	7-18-24 Memo Re: Hostile Work Environment from Heyungs to Hightower, Wiles
C	12-12-25 Notice of Intent for Termination – Deputy Mark Heyungs
D	12-12-25 Recommendation for Deputy Mark Heyungs Termination of Employment
E	Heyungs' Employee Performance Evaluations
F	12-7-25 Notice of Suspension with Pay
G	1-21-26 Unemployment Determination
H	10-2-24 Email from Sgt. Cook re: Cell Phone Extractions
I	2-6-25 Email from Heyungs re: Cell Phone Examinations
J	8-1-25 Letter from Attorney Agnew to Sheriff Hightower
K	8-12-25 Email from Matthew Cook to David Agnew
L	8-14-25 Email from Attorney Agnew to Attorney Matthew Cook
M	10-3-25 Counseling/Specific Contact Report re: Incorrect Indictment/Arrest
N	Excerpts Warren County Sheriff's Office Manual of Policy & Procedure
O	8-31-25 Criminal Complaint Summons – Daniel McCurry
P	Kentucky Rule of Criminal Procedure Rule 2.04
Q	Lonnie T. Cooper Curriculum Vitae
R	CAD Log re: 9-13-25 shooting incident
S	Excerpt of WCSO General Policy 12.02
WCSO EXHIBITS	
1	7-17-24 Email – Sugar Maple Square – Climate Survey
2	8-6-2024 Memo from Wiles to Hightower re: CID work environment complaint
3	CID Protocol Updates
4	CID Workplace Environment Rules & Expectations – signed by Heyungs
5	2-7-25 Email from Cpt. Kitchens re: Cell Phone Examinations
6	WCSO Policy No. 04.02
7	5-30-25 Counseling/Specific Contact Report
8	WCSO Policy No. 12.01
9	WCSO Policy No. 12.05
10	Excerpt WCSO Policy No. 17.01
11	WCSO Policy No. 27.01