

Beaumont police officer who had sex with prostitute reinstated

By [DEE DIXON](#)

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A Beaumont police officer indefinitely suspended for his role in an undercover prostitution sting will be returned to his job in as little as two weeks after an arbitrator ruled he should be reinstated.

Arbitrator Milden J. Fox, who released his 79-page report on Wednesday, said that officer Keith Breiner should be suspended without pay for 90 days, receive back pay going to back to November and be placed in a position comparable to the one he had.

However, Fox stipulated that it should not be "one in which he will be acting as an undercover officer in any prostitution-related operation."

Breiner said Wednesday he hadn't had a chance to read the decision. He learned about the overall decision from attorney Mitch Adams, who represented him through the Combined Law Enforcement Association of Texas.

"I'm happy that it went in my direction," Breiner said. "I'm ecstatic that I am going back to work."

Breiner was required to notify the city within two weeks of his intent to return, and the city would have two weeks to reinstate him, according to the arbitrator's ruling.

Breiner said Adams notified the city of his intent to return and he said he would follow up today.

The Enterprise tried to contact City Manager Kyle Hayes, but an administrative aide in his office said that he was out of the office. Messages were left at his office and on his cell phone.

The Enterprise had no after-hours number for the police Chief Frank Coffin and could not reach him through other means.

Coffin testified that Breiner's behavior cast the department in a negative light and that he used poor judgment.

A message requesting comment was left on Mayor Becky Ames' cell phone.

Breiner was not the only one disciplined as a result of the sting.

Lt. David Kiker, who joined the sting after being asked several times, also received an indefinite suspension for engaging in sex acts during the investigation.

Sgt. Robert Roberts and Lt. Curtis Breaux each received a five-day suspension for failing to properly supervise the undercover operation.

Breaux, who then was the supervisor of the narcotics unit, did not handle the day-to-day operations of the investigation.

Fox made reference to the varying degrees of discipline meted out.

"It is known that Lt. Breaux recanted his (internal affairs division) affidavit position to the chief and eventually received his discipline," Fox wrote. "There is indication from (Coffin's) testimony that had (Breiner) recanted his (internal affairs division) affidavit position, his discipline could have been different.

"It is not known for certain why the other three officers received the discipline stated above. Simply put, there was discrimination between the actions the Chief took among the officers."

Roberts appealed his discipline; Breaux did not.

Officers Randall Moss and Scott Apple each received a letter of reprimand for their roles, which isn't considered a form of discipline under the collective bargaining agreement between the police union and the city.

Kiker, who was also suspended indefinitely, had been scheduled to have his case heard before arbitrator Raymond L. Britton. That hearing was postponed pending the outcome of Breiner's case.

There is no word yet on whether Kiker or Roberts will still face an arbitrator.

The investigation of possible prostitution at two Beaumont spas began in late April 2008 after the police department received anonymous information.

In the initial stages of the investigation, Officer Bryan Baker entered the establishment where a woman allegedly told him to disrobe and began hinting at engaging in sex acts that would cost an extra \$100.

But the woman recognized boots he was wearing as those worn by officers, according to Fox's report.

Later, detective Randall Moss visited the VIP Spa for a massage.

Once there, a woman allegedly lifted her miniskirt, revealing that she wasn't wearing any panties. Several times she tried to climb on the officer, who eventually left, according to Fox's report.

When Breiner and Kiker were brought into the undercover investigation, they received manual stimulation, vaginal sex and oral sex on several trips to the spas from mid-April to early May, according to testimony.

Both Breiner and Kiker testified that they engaged in sex acts because they were told by the supervising

officer Breaux that that was required to pursue a felony prostitution case that could lead to a human trafficking case.

Breaux denied in court testimony he told them that they had to have sex. But he said the two officers would have to do more than a normal prostitution sting to bring charges.

Officers Apple and Moss, both assigned to the Narcotics and Vice Unit, which handles undercover cases involving prostitution, testified they had refused to participate in additional activities that Breaux said would be necessary beyond a normal prostitution sting.

After the May raids, police arrested Su Jun Han, 45, and Li Zhao, 51.

Zhao was charged with misdemeanor prostitution and had yet to appear in court to face those charges, according to a December Enterprise report.

Han was arrested in Houston in October on a prostitution charge, a Houston police spokeswoman said Wednesday.

She had made a \$5,000 bond which she has forfeited, according a Feb. 25 Enterprise report.

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