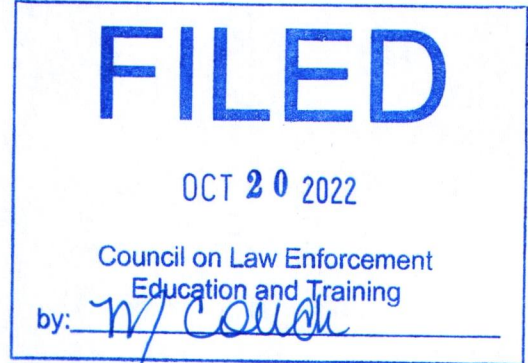


**STATE OF OKLAHOMA
COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING**

IN THE MATTER OF:)
)
)
)
)
THE CERITIFICATION(S))
AND/OR LICENSE(S) OF:)
)
RESPONDENT:)
MARSHALL COWAN)
DOB: 03/20/1991)
SSN: XXX-XX-5568)
CLEET# 124092)

Case No. FR122-043
File No. 0000006



FINAL ORDER OF REVOCATION

The Council on Law Enforcement Education and Training (CLEET hereinafter), pursuant to 70 O.S. § 3311 and Rule 390:2-1-2, does hereby enter this Final Order of Revocation in the above cause:

FINDING OF FACT AND CONCLUSIONS OF LAW

1. That Respondent is a certified Peace Officer in the State of Oklahoma.
2. That on or about May 23, 2021, Respondent was charged with Driving a Motor Vehicle While Under the Influence of Alcohol (a misdemeanor) in the District Court of The Chickasaw Nation case CRM-21-323.
3. That on or about May 25, 2021, Respondent entered a plea of nolo contendere to Driving a Motor Vehicle While Under the Influence of Alcohol in violation of 47 Chickasaw Nation Code Section 17-800.03 and received a one (1) year deferred sentence in the District Court of The Chickasaw Nation case CRM-21-323.
4. That the State of Oklahoma gives full faith and credit to the Tribal Courts of the Chickasaw Nation.
5. That pursuant to 70 O.S. 3311, "The Council shall revoke the certification of any person upon determining that such person has received a deferred sentence for a felony, a crime involving moral turpitude or a domestic violence offense."
6. That on or about July 26, 2022, Notice of Intent to Revoke was filed and mailed to Respondent.
7. That on or about August 04, 2022, CLEET received a Request for Hearing signed by Respondent.
8. That on October 14, 2022, a hearing was held in regard to the above mentioned Notice of Intent to Revoke.
9. That on or October 19, 2022, the Administrative Law Judge filed her Hearing Examiner's Findings of Fact and Conclusions of Law and Recommendation. (Copy attached as "Exhibit A".)
10. That CLEET has the authority to promulgate Rules pursuant to Title 70 Section 3311.

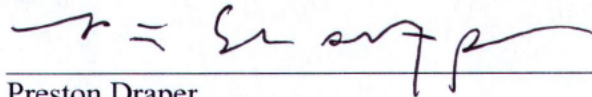
DISPOSITION

The Respondent's CLEET certification(s) is/are hereby revoked in accordance with CLEET Rule 390:2-1-2 and pursuant to 70 O.S. § 3311.

NOTICE

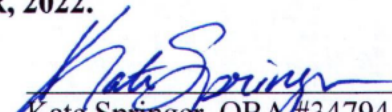
I, Preston Draper, Interim Executive Director of Council on Law Enforcement Education and Training, certify that I have read the record of proceedings in this matter and I concur with the finding(s) of fact(s) and conclusion(s) of law. This shall constitute the Final Order of this agency in this matter.

DATED THIS 19 DAY OF OCTOBER, 2022.



Preston Draper
Interim Executive Director

DATED THIS 19 DAY OF OCTOBER, 2022.


Kate Springer, OBA #34794
Assistant General Counsel

NOTIFICATION OF APPEAL RIGHTS

You are hereby notified that any determination in an individual proceeding shall be subject to rehearing, reopening or reconsideration by the agency within ten (10) days of its entry, 75 O.S. § 317. If an application for rehearing is not filed, you are entitled to judicial review by filing a petition for review in the District Court within thirty (30) days after you are notified of this determination, 75 O.S. §318. Copies of such petition shall be served upon this agency within ten (10) days after filing such petition.

CERTIFICATE OF MAILING

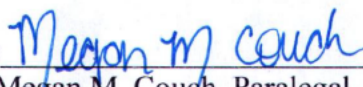
A true and correct copy of the foregoing *Final Order of Revocation* was mailed the day of filing, by depositing the same in the U.S. Mail, certified, return-receipt-requested, postage prepaid to:

Anna K. Van Dyck
Van Dyck Law Office, PLLC

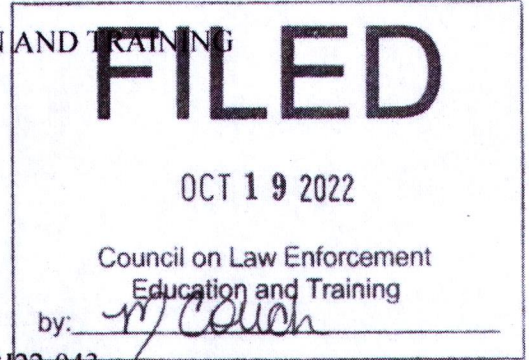
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Attorney of Record

By: 
Megan M. Couch, Paralegal
CLEET

STATE OF OKLAHOMA
COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING



IN THE MATTER OF)

THE CLEET CERTIFICATIONS AND/OR)
LICENSES OF:)

MARSHALL COWAN)
DOB: 03-20/91)
SSN: xxx-xx-5568)
CLEET# 124092)

) CASE NO. FR122-043
) FILE NO. 0000006
)
)

ADMINISTRATIVE LAW JUDGE'S FINDINGS OF FACT AND CONCLUSIONS
OF LAW AFTER HEARING

The above-styled matter came on for hearing on October 14, 2022, after proper notice was provided to all interested parties. CLEET appeared by and through Assistant General Counsel Kate Springer and Respondent Marshall Cowan appeared in person, and by and through his attorney of record, Anna Van Dyke. CLEET introduced Exhibits A-D and CLEET Exhibits A-D were accepted without objection.

Counsel for CLEET made preliminary objections to certain character witnesses and their proposed testimony listed on Respondent's Witness and Exhibit List, filed on Monday, October 10, 2022. Counsel for Respondent provided the names and brief summaries of the intended subject matter of the proposed character witness' testimonies. Thereafter, CLEET's objection was sustained upon this Court finding that testimony regarding Respondent's personal and professional character and/or life circumstances was irrelevant and non-probative to any issues to be determined in this matter per 70 O.S. § 3311(J)(5).

The following witness was sworn in and provided testimony: Respondent Marshall Cowan.

FINDINGS OF FACT

The following relevant facts are found to have been proven at the hearing:

1. That Respondent is a certified Peace Officer in the State of Oklahoma. (CLEET Ex. A; Testimony of Respondent.)
2. That on or about May 23, 2021, Respondent was charged with Driving a Motor

Vehicle While Under the Influence of Alcohol (a misdemeanor) in the District Court of The Chickasaw Nation, case CRM-21-323. (CLEET Ex. B; Testimony of Respondent.)

3. That on or about May 25, 2021, Respondent entered a plea of nolo contendere to Driving a Motor Vehicle While Under the Influence of Alcohol in violation of 47 Chickasaw Nation Code § 17-800.03 and received a one (1) year deferred sentence in the District Court of The Chickasaw Nation, case CRM-21-323. (CLEET Exs. C and D; Testimony of Respondent.)

CONCLUSIONS OF LAW

1. As of September 14, 2016, the State of Oklahoma gives full faith and credit to the Tribal Courts of The Chickasaw Nation.
2. Any violations of CLEET rules or applicable state law “may result in a written reprimand or the denial, suspension, or revocation of a license, and/or disciplinary penalty or fine.” Administrative Rule 390: 35-1-4(c).
3. Pursuant to 70 O.S. § 3311(J)(5), “The Council *shall revoke* the certification of any person upon determining that such person has been convicted of a felony or a crime involving moral turpitude or a domestic violence offense or has entered a plea of guilty, or nolo contendere or an “Alford” plea or any plea other than a not guilty plea for a felony offense, a crime of moral turpitude . . . The sole issue to be determined at the hearing shall be whether the person has been convicted of a felony, a crime involving moral turpitude or a domestic violence offense or is the named respondent/defendant in a final Victims Protective Order. (Emphasis added.)
4. The Council *shall revoke* the certification of any person upon determining that such person has received a deferred sentence for a felony, a crime involving moral turpitude or a domestic violence offense. 70 O.S. § 3311(J)(6). (Emphasis added.)
5. “‘Moral turpitude’ involves a level of conduct higher than mere impropriety and its use protects occupations and professions from arbitrary expulsions and also protects the public, which relies on the state licensing schemes to discipline dishonest practitioners.” *Ballard v. Indep. School Dist. No. 4 of Bryan County*, 2003 OK 76, ¶ 9, 77 P.3d 1084. It has been further defined by the Oklahoma Supreme Court as “. . . anything done contrary to justice, honesty, modesty, or good morals” and includes all crimes of which fraud is an element. *Tucker v. State*, 2016 OK CR 29, ¶ 9, 395 P.3d 1, citing *Saulmon v. State*, 1980 OK 58, ¶ 12, 614 P.2d 83, 86.
6. “Driving under the influence has been found to be a crime of moral turpitude because it is inherently dangerous to the public, and shows a lack of personal

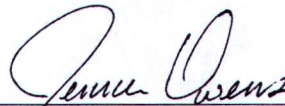
integrity and lack of concern for and respect of the person of others and their property.” *Tucker* at ¶9, citing *Bunn v. State*, 1977 OK CR 52, ¶7, 561 P.2d 969, 972.

7. In the opinion of the undersigned ALJ, Respondent’s actions of driving under the influence of alcohol constitutes a crime of moral turpitude contrary to justice and violation of law and rules such that Respondent’s license should be revoked according to the provisions of 70 O.S. § 3311 and Administrative Rule 390: 35.

THEREFORE, THE UNDERSIGNED RECOMMENDS THAT RESPONDENT’S CLEET LICENSE(S) BE REVOKED.

DATED THIS 19th DAY OF OCTOBER, 2022.

Respectfully submitted,



Jenna M. Owens
Administrative Law Judge