

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM**

IN THE MATTER OF:

Docket No.: 12-000158

**Dale L. Tompkins,
Petitioner**

Case No.: MCO-2011-60

v

Agency: State Police

**Michigan Commission on Law
Enforcement Standards (MCOLES),
Respondent**

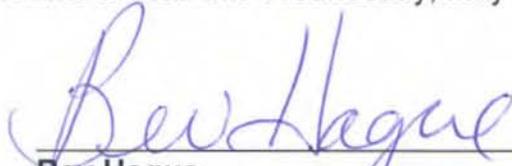
Case Type: MCOLES

_____ /

CERTIFICATION OF RECORD

I, Bev Hague hereby certify that the attached Register of Actions constitutes the entire record of the proceedings in the above captioned matter.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the Michigan Administrative Hearing System to be hereunto affixed this Wednesday, May 30, 2012.



Bev Hague
Michigan Administrative Hearing System

MAHS Lansing Office
State Police
Register of Actions

Case Number: 12-000158 (Dale L. Thompkins v Michigan Commission on Law Enforcement Standards)

Parties	Representatives
Dale L. Thompkins Petitioner	Self Represented
Michigan Commission on Law Enforcement Standards	Hermina Kramp
Michigan Commission on Law Enforcement Standards Respondents	John Szczubelek

Active Assignments

Judge : Peter L. Plummer
Scheduler: Jackie Peoples
Secretary: Bev Hague

Action Date	Action	Amount Transaction
12/27/2011	Order of Probation-Protective Conditions	Document:139327
2/21/2012	An evidentiary hearing has been scheduled.	Schedule:110934
2/21/2012	A Request for Hearing was received.	Document:134839
2/21/2012	Notice of Hearing with Proof of Service	Document:134840
3/21/2012	#1 MCOLES Information amd Tracking Network	Document:139326
3/21/2012	A notice of appearance was filed.	Document:139322
3/21/2012	Hearing was completed.	Evt Result:110934
3/21/2012	Judgment of Sentence Commitment to Jail	Document:139324
4/12/2012	A Proposed Final Decision was issued.	Document:139328
4/12/2012	Decision Issued	Disposition:124941
5/30/2012	Certification of Record	Document:139338

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM**

In the matter of	Docket No.	12-000158
Dale Larry Tompkins, Petitioner	Agency No.	MCO-2011-60
v	Agency:	MCOLES
Michigan Commission on Law Enforcement Standards (MCOLES), Respondent	Case Type:	Sanction Revocation

Issued and entered
this 12th day of April, 2012
by Peter L. Plummer
Administrative Law Judge

PROPOSAL FOR DECISION

PROCEDURAL HISTORY

This proceeding commenced with the Respondent's issuance of an Order of Summary Suspension and Notice of Intent to Revoke (Notice) the Petitioner's license to act as a law enforcement officer in the State of Michigan. The Michigan Administrative Hearing System (MAHS) issued a Notice of Hearing dated February 22, 2012, scheduling a hearing on the Respondent's Notice for March 21, 2012, beginning at 9:00 a.m. The Notice of Hearing was mailed to the parties' last known address. Further, the Notice of Hearing informed the parties that if either party failed to appear at the scheduled hearing, a default may be entered pursuant to Sections 72 and 78 of the Administrative Procedures Act (APA) of 1969, 1969 PA 306, as amended, being MCL 24.201 *et seq.*

The Notice of Hearing was issued pursuant to allegations by the Respondent contained in the Notice that the Petitioner violated the Commission on Law Enforcement

Standards Act (Act), 1965 PA 203, as amended, being MCL 28.601 *et seq* when he entered pleas of no contest (or *nolo contendere*) to two felony charges, making him ineligible to be licensed as a law enforcement officer in Michigan.

The hearing commenced as scheduled on March 21, 2012. John F. Szczubelek, Assistant Attorney General, appeared on behalf of the Respondent. Neither Petitioner, Dale Larry Tompkins, nor an attorney on behalf of Petitioner, appeared at the hearing.

At the hearing, Respondent's counsel requested that the Respondent be allowed to proceed in the Petitioner's absence pursuant to Section 72 of the APA and that a default be granted on behalf of the Respondent pursuant to Section 78 of the APA.

Section 72 of the APA states in pertinent part:

- (1) If a party fails to appear in a contested case after proper service of notice, the agency, if no adjournment is granted, may proceed with the hearing and make its decision in the absence of the party.

Further, Section 78 of the APA states in pertinent part:

- (2) Except as otherwise provided by law, disposition may be made of a contested case by . . . default . . .

The Respondent's motion for default was granted. As a result of the default, the factual allegations contained in the Respondent's Notice dated February 13, 2012 are deemed true and accurate on the record.

EXHIBITS

During the March 21, 2012 hearing, the following two exhibits were accepted into the record:

Respondent's Exhibit 1

MCOLES Information and Tracking Network Record – one page.

Respondent's Exhibit 2

Two pages including a Certified Copy from the 54th Judicial Circuit Court of Tuscola County of a document entitled JUDGMENT OF SENTENCE COMMITMENT TO JAIL, in Case File No. 11-012055-FH, listing a "NC"¹ to

¹ "NC" indicates *nolo contendere*

two felony convictions of Dale Larry Tompkins to the offenses of; Count 4 – Escape-Officer Allowing contrary to MCL 750.188; Count 5 – Bribery- Public Officer Nonperformance contrary to MCL 750.123.

No witnesses testified at hearing.

ISSUES AND APPLICABLE LAW

Section 9b of the Act, being MCL 28.609b, allows the Respondent to revoke the Petitioner's certificate. Subsection 1 provides:

- (1) The commission shall promulgate rules that provide for the revocation of certification of a law enforcement officer for 1 or more of the following:
 - a) Conviction by a judge or jury of a felony.
 - b) Conviction by a plea of guilt to a felony.
 - c) Conviction by a plea of no contest to a felony.
 - d) Making a materially false statement or committing fraud during the application for certification process.

Section 2(f) of the Act defines a "felony" as follows:

"Felony" means a violation of a penal law of this state or another state that is either of the following:

- (i) Punishable by a term of imprisonment greater than 1 year.
- (ii) Expressly designated a felony by statute.

The Notice in this case alleges that the Petitioner is in violation of Section 9b as a result of the Petitioner's conviction of two felony level offenses as defined by the Act.

FINDINGS OF FACT

Based upon the record, including the pleadings, as well as the exhibits entered into the record, and the fact that a default was granted, I make the following findings of fact:

1. Dale Larry Tompkins is currently licensed as a law enforcement officer in Michigan and has been so licensed since January 03, 2002.
2. Dale Larry Tompkins, by his pleas of nolo contendere on October 17, 2011, to two felony convictions to the offenses of; Count 4 – Escape-Officer Allowing contrary to MCL 750.188; Count 5 – Bribery- Public Officer Nonperformance contrary to MCL 750.123; both felony convictions.

3. Dale Larry Tompkins convictions were issued and entered on the dates and in the county stated above. See Exhibits 1 and 2 and Paragraphs 1-13 of Respondent's Order of Summary Suspension and Notice of Intent to Revoke Law enforcement Officer License, taken as true after the default of Petitioner, Dale Larry Tompkins.

CONCLUSIONS OF LAW

The principles that govern judicial proceedings also apply to administrative hearings. 8 Callaghan's Michigan Pleading and Practice §60.248, at 230 (2d ed. 1994). The burden of proof is upon the Respondent to prove, by a preponderance of the evidence that grounds exist for the imposition of sanctions upon the Petitioner. Under Section 72 of the APA, there is no requirement to provide a full evidentiary hearing when all alleged facts are taken as true. *Smith v Lansing School District*, 428 Mich 248; 406 NW2d 825 (1987). Based upon the findings of fact and the exhibits offered by the Respondent, the Respondent has established, by a preponderance of the evidence, that the Petitioner was convicted of two felonies within the definition in Section 2(f) of the Act. It should be noted that subsection 1(c) of the act includes a "*nolo contendere*" plea as sufficient for the purposes of conviction and revocation under the Act. As a result, the Respondent has established that Petitioner violated Section 9b of the Act.

The Petitioner has been shown to have been convicted of felonies within the meaning of the Act. Until and unless the Petitioner's license is revoked, the Petitioner continues to be certified to act as a law enforcement officer in this state. This possibility threatens the health and safety of the residents in this state. The Respondent has demonstrated, therefore, that it acted properly in issuing an Order of Summary Suspension and Notice of Intent to Revoke against the Petitioner.

EXCEPTIONS

If a party chooses to file Exceptions to this Proposal for Decision, Exceptions must be filed within 15 days after the Proposal for Decision is issued and entered. If an opposing party chooses to file a Response to Exceptions, it must be filed within five days

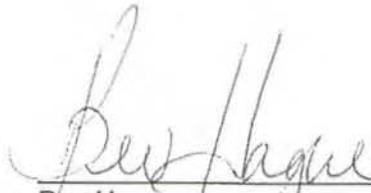
after Exceptions are filed. All Exceptions and Responses to Exceptions must be filed with the MAHS, Department of Licensing and Regulatory Affairs, P.O. Box 30695, Lansing, Michigan, 48909-8195, and served on all parties to the proceeding.



Peter L. Plummer
Administrative Law Judge

PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by first class mail at their respective addresses as disclosed by the file on the 12th day of April, 2012.



Bev Hague
Michigan Administrative Hearing System

Mr. Dale Larry Tompkins
328 West Genesee
Frankenmuth, Michigan 48734

Ms. Hermina Kramp
MCOLES
106 West Allegan, Suite 600
Lansing, Michigan 48909

Mr. John Szczubelek
Michigan Department of Attorney General
106 West Allegan, Suite 600
Lansing, Michigan 48909



JONESLJ COMP_SUPP MCOLES Information and Tracking Network Add/Update Personal License

General Information

License Code: Law Enforcement Officers Type: LED Law Enforcement Officer SSN: 366-82-7816

Last Name: TOMPKINS Birth Date: 03/04/1970 Driver's License #: T512135488167 Authority: MI

First Name: DALE Name Prefix: Foreign ID:

Middle Name: Name Suffix: Deceased: Title:

Also Known As (Maiden, etc.): DALE TOMPKINS Gender: Male E-Mail:

Education	Training/Employment Application	Exams	Inspections	Comments
License Details	Personal Information	License History	Relationships	Complaints

Number: 37977 Method: Basic Training Print?: No License Status: Inactive

Original License Date: 01/03/2002 Renewal Date: Expiration Date: 12/31/2050 Print Dup: Dup. Date:

Specialties/Endorsements/Disciplines

Display to Public	Type	Start Date	Print C/E Due Dt	Status	Credentialed By	Stop Dt	Certific
<input checked="" type="checkbox"/>	Speed Measurement Certi	01/03/2002		A	DELTA COMMUNITY COLL		R0010
<input type="checkbox"/>							

Specialty History

Specialty Practice Areas: SC

Continuing Education: CE Required CE Required By Date: CPA CE CE Requirement Met Grace Period

STATE OF MICHIGAN
54TH JUDICIAL CIRCUIT
TUSCOLA COUNTY

JUDGMENT OF SENTENCE
 COMMITMENT TO **EXL**

CASE NO.
11-012055-FH-J

ORI
MI-790025J

Court Address 440 NORTH STATE STREET
CARO, MI 48723-1592

Court Telephone no.
517-672-3776

Police Report No. 034145910

The State of Michigan
THE PEOPLE OF

V

Defendant name, address, and tel

DALE LARRY TOMPKINS
328 WEST GENESEE
FRANKENMUTH, MI 48734

CTN/TCN SID DOB
791100093801 4277999L 3/04/70

RESPONDENT'S EXHIBIT 2
PENIGAD 800-631-6880

THE COURT FINDS:

1. Defendant was found guilty on 10/17/11 of the crime(s) as stated below:
Date

Count	CONVICTED BY Plea* Court Jury	DISMISSED BY*	CRIME	CHARGE CODE(S) MCL citation/PACC code
1		D	CSC-2ND DEGREE - COUNTY P	750.520C1K
2		D	CSC-2ND DEGREE - COUNTY P	750.520C1K
3		D	CSC-2ND DEGREE - COUNTY P	750.520C1K
4	NC		ESCAPE-OFFIC ALLOWING	750.188
5	NC		BRIB-PUB OFF NONPERFORM	750.123
6		D	FELONY FIREARMS	750.227B-A
7		D	FELONY FIREARMS	750.227B-A
8		D	FELONY FIREARMS	750.227B-A
9		D	FELONY FIREARMS	750.227B-A
10		D	FELONY FIREARMS	750.227B-A
11		D	ESCAP-PERMIT DELAY ARREST	750.191
12		D	PUB OFFIC-NEGLECT OF DUTY	750.478

*For plea: insert "G" for guilty plea, "NC" for nolo contendere, or "MI" for guilty but mentally ill. For dismissal: insert "D" for dismissed by court or "NP" for dismissed by prosecutor/plaintiff.

2. Defendant represented by an attorney: BRINGARD, GREGORY H.
 advised of right to counsel and appointed counsel and knowingly, intelligently, and voluntarily waived that right.
3. Conviction reportable to Secretary of State.
 Defendant's driver's license number is _____
4. Sanctions reportable to State Police. Revoked. Suspended ___ days. Restricted ___ days.
5. HIV testing and sex offender registration is completed.
6. Defendant has been fingerprinted according to MCL 28.243.

IT IS ORDERED:

7. Probation is revoked.
8. Deferred status is revoked. HYTA status is revoked.
9. Defendant is sentenced to jail as follows: Report at ___ m.

DEF, PA, AP, JAIL

Count	Date Sentence Begins	Sentenced		Credited		To Be Served		Release Authorized for the Following Purpose	Release Period	
		Mos.	Days	Mos.	Days	Mos.	Days		From	To
* 4	1/02/12		365			1	364	<input type="checkbox"/> Upon payment of fine/costs <input type="checkbox"/> To work or seek work..... <input type="checkbox"/> For attendance at school.. <input type="checkbox"/> For medical treatment..... <input type="checkbox"/> Other _____		
* 5	1/02/12		365			1	364			

10. Defendant shall pay: \$136.00 STATE MINIMUM COSTS \$130.00 CRIME VICTIM RIGHTS
\$600.00 CIRCUIT COURT COSTS \$600.00 FINES - LIBRARY FUND \$1466.00 TOTAL



MCL 765.15(2), MCL 769.1K, MCL 769.16a, MCL 775.22, MCL 780.766, MCL 780.826, MCR 6.427
OF SENTENCE/COMMITMENT TO JAIL

SEE NEXT PAGE
12/22/2011
Tuscola County Clerk
Margie White

STATE OF MICHIGAN 54TH JUDICIAL CIRCUIT TUSCOLA COUNTY	JUDGMENT OF SENTENCE <input checked="" type="checkbox"/> COMMITMENT TO JAIL	CASE NO. 11-012055-FH-J
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\$1466.00 BALANCE

The due date for payment is 12/12/11. Fine, costs, and fees not paid within 56 days of the due date are subject to a 20% late penalty on the amount owed. Only the fine and some costs may be satisfied by serving time in jail. Defendant shall serve ___ days in jail beginning _____ for failure to pay on time.

- 11. Defendant shall be placed on probation for 36 months and abide by the terms of probation. (See separate order.)
- 12. Defendant shall complete the following rehabilitative services.
 - Alcohol Highway Safety Education
 - Treatment (outpatient, inpatient, residential, mental health).
 Specify:
- 13. The vehicle used in the offense shall be immobilized or forfeited. (See separate order.)
- 14. The concealed weapon board shall suspend for ___ days permanently revoke the concealed weapon license, permit number _____, issued by _____ County.
- 15. Other: 180 DAYS TO BE SERVED ON TETHER, WORK RELEASE & WORK SITE GRANTED, JAIL TO COMMENCE 1/2/12.

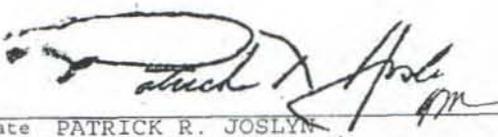
I hereby certify that I have compared this Copy with the record on file in the Tuscola County Clerk's Office and that it is a correct and true copy.

DEC 27 2011

Tuscola County Clerk's Office
For Cindy McKinney Uden
Tuscola County Clerk Deputy Clerk

Date 12/21/11

(SEAL)


Judge/Magistrate PATRICK R. JOSLYN 15613 Bar no.

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

(PLEASE PRINT)

DOCKET NUMBER: 12-000158-MSP

IN THE MATTER OF: Dale L. Thompkins

APPEARANCE

My appearance as attorney is filed on behalf of: Petitioner Other
 Respondent

My appearance as authorized representative is filed on behalf of:
 Petitioner Other
 Respondent

NAME: John F. Szczubelek

FIRM/COMPANY NAME: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

TELEPHONE NUMBER: _____ FAX NUMBER: _____

DATE: 3-21-12

SIGNATURE: John F. Szczubelek

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM**

DATE NOTICE MAILED: 2/22/2012

IN THE MATTER OF:	Docket No.: 12-000158-MSP
Dale L. Thompkins, Petitioner	Case No.: MCO-2011-60
v	Agency: MCOLES
Michigan Commission on Law Enforcement Standards, Respondent	Case Type: Sanction

NOTICE OF HEARING

You are hereby notified that a formal administrative hearing under the jurisdiction of the 1965 PA 203 has been scheduled before an Administrative Law Judge on:

Date: Wednesday, March 21, 2012

Time: 9:00 AM

ALJ: Peter L. Plummer

Location: Lansing Hearing Room H
611 W. Ottawa
Lansing, MI 48933

Issue: Petitioner entered a no contest plea to a felony charge making him ineligible to be licensed as a law enforcement officer in Michigan.

The case will be conducted in accordance with procedures applicable to the trial of contested cases under the Administrative Procedures Act, 1969 PA 306, as amended, MCL 24.201 et seq. At the discretion of the Administrative Law Judge, a pre-hearing conference may be held among the parties at the beginning of the hearing.

All pleadings and motions shall be filed with the **Michigan Administrative Hearing System at P.O. Box 30695, Lansing, Michigan 48909**; or by facsimile at **(517) 241-8541**. You must send a copy of everything you file to the opposing party as listed on the proof of service accompanying this Notice.

If the opposing party files a motion, you must respond within seven days after you receive it, unless the Administrative Law Judge sets a different time for response.

12-000158-MSP

Page 2

You are further notified that you may be represented by an attorney or representative; law permitting, at the hearing. You may present evidence or call witnesses. If you wish to offer any document(s) into evidence at the hearing, you must bring the document to introduce into the record, your own copy, and a copy for the opposing party. The Michigan Administrative Hearing System is not responsible for photocopying your documents.

In the event that you fail to appear at the hearing as scheduled, a default judgment or decision may be entered against you pursuant to the Administrative Procedures Act.

All hearings are conducted in a barrier free location and are in compliance with the 1990 Americans with Disabilities Act. A disabled individual requiring accommodation for effective participation in a hearing should call the Michigan Administrative Hearing System at: (517) 335-2484 to make arrangements. To ensure the availability of accommodations, a request should be made at least one week in advance.

All hearing attendees must present picture identification to gain access to State Office Buildings. Failure to present picture identification will result in denial of access.

PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed below this 22nd day of February, 2012.

Jacquelyn R. Peoples

Jacquelyn R. Peoples
Michigan Administrative Hearing System

John Szczubelek
MI Department of Attorney General
106 West Allegan, Suite 600
Lansing, MI 48909

Hermina Kramp
MI Commission on Law Enforcement Standards
106 West Allegan, Suite 600
Lansing, MI 48909

Dale L. Thompkins
328 West Genesee
Frankenmuth, MI 48734

REQUEST FOR HEARING

1. IN THE MATTER OF

Dale L. Thompkins

v.

Michigan Commission on Law Enforcement Standards

RECEIVED

FEB 15 2012

**MICHIGAN ADMINISTRATIVE
HEARING SYSTEM**

2. ISSUE

Petitioner entered a no contest plea to a felony charge making him ineligible to be licensed as a law enforcement officer in Michigan.

3. INITIATING AGENCY'S FILE NUMBER

MCO-2011-60

4a. STATUTORY START DATE

4b. DAYS ALLOWED

5. AGENCY

Michigan Commission on Law Enforcement Standards

6. DIVISION

7. ACT/ CODE OF LAW

Act 203, P.A. 1965, as amended

8. PROVISION OF LAW

MCL 28.609b

9. CHAPTER/ SECTION OF LAW

Section 9(1)(b)

10. CASE TYPE

Sanctions

11. CASE SUB-TYPE

License Revocation

12. GEOGRAPHICAL AREA

13. PREPARED BY

Hermina Kramp

PHONE NUMBER

(517) 322-5621

FAX NUMBER

(517) 322-6439

DATE PREPARED

February 13, 2012

14. Refer to Request for Hearing Instructions.

15. COMMENTS

For Michigan Administrative Hearing System Use Only

DATE RECEIVED

2-15-12

DATE COMPLETED

COMPLETED BY

JRP

DOCKET NUMBER

12-000158

ALJ ASSIGNED

Plummer

COMMENTS

Wed. 3-21-12 9:00 AM H-D Szczechbelek

PERSONS INVOLVED WITH THE REQUEST FOR HEARING

1. IN THE MATTER OF Dale L. Thompkins v. Michigan Commission on Law Enforcement Standards				2. AGENCY FILE NUMBER MCO-2011-60		3. MAHS DOCKET NUMBER	
4. CHECK ONE (X) <input type="checkbox"/> Petitioner <input type="checkbox"/> Petitioner Attorney <input type="checkbox"/> Petitioner Non-Attorney		<input checked="" type="checkbox"/> Respondent <input type="checkbox"/> Respondent Attorney <input type="checkbox"/> Respondent Non-Attorney		<input type="checkbox"/> Intervenor <input type="checkbox"/> Intervenor Attorney <input type="checkbox"/> Intervenor Non-Attorney		<input type="checkbox"/> Department	
5. NAME Hermina Kramp							
6. FIRM Michigan Commission on Law Enforcement Standards (MCOLES)							
7. ON BEHALF OF MCOLES							
8. STREET ADDRESS / P.O. BOX 106 West Allegan, Suite 600							
9. CITY Lansing			10. STATE MI	11. ZIP CODE 48909	12. PHONE (517) 322-5621		13. FAX (517) 322-6439
4. CHECK ONE (X) <input type="checkbox"/> Petitioner <input type="checkbox"/> Petitioner Attorney <input type="checkbox"/> Petitioner Non-Attorney		<input type="checkbox"/> Respondent <input checked="" type="checkbox"/> Respondent Attorney <input type="checkbox"/> Respondent Non-Attorney		<input type="checkbox"/> Intervenor <input type="checkbox"/> Intervenor Attorney <input type="checkbox"/> Intervenor Non-Attorney		<input type="checkbox"/> Department	
5. NAME John Szczubelek							
6. FIRM Michigan Department of Attorney General							
7. ON BEHALF OF MCOLES							
8. STREET ADDRESS / P.O. BOX 106 W. Allegan, Suite 600							
9. CITY Lansing			10. STATE MI	11. ZIP CODE 48909	12. PHONE (517) 322-5435		13. FAX (517) 322-6439
4. CHECK ONE (X) <input checked="" type="checkbox"/> Petitioner <input type="checkbox"/> Petitioner Attorney <input type="checkbox"/> Petitioner Non-Attorney		<input type="checkbox"/> Respondent <input type="checkbox"/> Respondent Attorney <input type="checkbox"/> Respondent Non-Attorney		<input type="checkbox"/> Intervenor <input type="checkbox"/> Intervenor Attorney <input type="checkbox"/> Intervenor Non-Attorney		<input type="checkbox"/> Department	
5. NAME Dale L. Thompkins							
6. FIRM							
7. ON BEHALF OF							
8. STREET ADDRESS / P.O. BOX 328 West Genesee							
9. CITY Frankenmuth			10. STATE MI	11. ZIP CODE 48734	12. PHONE		13. FAX
4. CHECK ONE (X) <input type="checkbox"/> Petitioner <input type="checkbox"/> Petitioner Attorney <input type="checkbox"/> Petitioner Non-Attorney		<input type="checkbox"/> Respondent <input type="checkbox"/> Respondent Attorney <input type="checkbox"/> Respondent Non-Attorney		<input type="checkbox"/> Intervenor <input type="checkbox"/> Intervenor Attorney <input type="checkbox"/> Intervenor Non-Attorney		<input type="checkbox"/> Department	
5. NAME							
6. FIRM							
7. ON BEHALF OF							
8. STREET ADDRESS / P.O. BOX							
9. CITY			10. STATE	11. ZIP CODE	12. PHONE		13. FAX

STATE OF MICHIGAN
MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

In the Matter of

Dale L. Tompkins
License No. 37977

Agency File Number: MCO-2011-60

ORDER OF SUMMARY SUSPENSION
AND NOTICE OF INTENT TO REVOKE LAW ENFORCEMENT OFFICER LICENSE

The Michigan Commission on Law Enforcement Standards, by David L. Harvey, Executive Director, orders the Summary Suspension and provides Notice of Intent to Revoke the law enforcement officer license of Dale L. Tompkins, based on the following:

1. The Michigan Commission on Law Enforcement Standards, hereafter "MCOLES," is an administrative agency established by the Commission on Law Enforcement Standards Act, 1965 PA 203, MCL 28.601 *et seq.*, hereafter "the Act."
2. Section 9b(1) of the Act, MCL 28.609b(1), provides that MCOLES shall promulgate rules for the revocation of a license of a law enforcement officer for conviction by a plea of no contest to a felony.
3. Section 2(f) of the Act defines a felony to include a violation of the penal law of this State that is punishable by imprisonment greater than 1 year, or expressly designated a felony by statute.
4. 1999 AC, R 28.14604 provides that MCOLES shall issue an order of summary suspension and notice of intent to revoke if an investigation discloses that a licensed law enforcement officer has been convicted of an offense defined in MCL 28.602(f).
5. Dale L. Tompkins is currently licensed as a law enforcement officer in the State of Michigan, and has been so licensed since January 3, 2002. (Attachment A)
6. On October 17, 2011, in the Tuscola County Circuit Court, Dale L. Tompkins, upon a plea of nolo contendere, was convicted of the following offenses: Voluntarily Suffering Prisoner to Escape, MCL 750.188, (Attachment B)
7. On December 12, 2011, in the Tuscola County Circuit Court, Dale L. Tompkins was sentenced to 3 years of imprisonment for those offense. (Attachment B)
8. MCL 750.188 provides that a defendant convicted of the offense of Voluntarily Suffering Prisoner to Escape "shall suffer the like punishment and penalties as the prisoner so suffered to escape was sentenced to, or would be liable to suffer upon conviction, for the crime or offense wherewith he stood charged."

9. MCL 750.123 provides that a defendant convicted of the offense of Officer Omitting Duty for reward "may be punished by any fine or by any term of imprisonment or both a fine and imprisonment, within the limits fixed by the statute that the defendant is charged with having violated."

10. On September 14, 2009, in the Tuscola County Circuit Court, Lynda Kay Hutchinson pleaded guilty to Home Invasion 2nd Degree, MCL 750.111a(3). (Attachment C)

11. On July 5 and 6, 2010, while acting in the course of his employment as a licensed law enforcement officer, Dale L. Tompkins was transporting Lynda Kay Hutchinson from Genesee County to Tuscola County, where she was to be prosecuted for a probation violation.

12. Tompkins allowed Hutchinson to escape while in his custody, in exchange for sexual favors.

13. MCL 750.110a(6) provides that Home Invasion 2nd Degree is a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$3,000.00, or both.

COUNT I

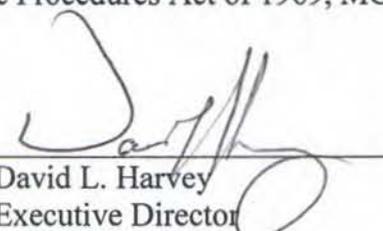
The offenses of Voluntarily Suffering Prisoner to escape, MCL 750.188, to which Dale L. Tompkins pleaded nolo contendere, constitutes a felony for which license revocation under MCL 28.609b is warranted.

This Order and Notice is based on files and records maintained by MCOLES through an investigation conducted by MCOLES staff and a certified copy of the judgment of sentence.

Due to the serious nature of the felony convictions and the potential threat to public health, safety, and welfare, MCOLES invokes section 92(2) of the Administrative Procedures Act of 1969, MCL 24.292(2) and summarily suspends the law enforcement officer license of Dale L. Tompkins and gives notice of an administrative hearing to adjudicate revocation of his license.

A hearing will be scheduled under the Administrative Procedures Act of 1969, MCL 24.201 *et seq.*

Dated: 2-13-12


David L. Harvey
Executive Director

STATE OF MICHIGAN 54th Circuit Court - Tuscola County	ORDER OF PROBATION - PROTECTIVE CONDITIONS	CASE NO. (1)11-12055-FH ✓
--	---	------------------------------

ORI:MI790025J Court Address: Courthouse, 440 N. State Street
Caro Michigan 48723

Court Telephone: (989)673-3330

THE PEOPLE OF THE STATE OF MICHIGAN Tuscola County	V	Defendant's name, address and telephone no. Tompkins, Dale Larry 328 West Genesee/Apt. B6 Frankenmuth Michigan 48734 (989)325-2740			
		CTN 79-11000983-01	TCN	SID 4277999L	DOB 03/04/1970

Probation Officer: JERRY ZAJAC	Term: 3 year(s) (12/12/2011)
Offenses: (1) 750.110A3 - Home Invasion - 2nd Degree (2) 750.123 - Bribery - Public Officer for Nonperformance of Duty	

<input type="checkbox"/> Judgment of guilt is deferred under:	<input type="checkbox"/> MCL 333.7411, Controlled Substance Act	<input type="checkbox"/> MCL 750.350a, Parental Kidnapping Act
	<input type="checkbox"/> MCL 762.14, Youthful Trainee Status	<input type="checkbox"/> MCL 600.1070, Drug Treatment Court

IT IS ORDERED that the defendant be placed on probation under the supervision of the above named probation officer for the term indicated, and the defendant shall:

- Not violate any criminal law of any unit of government.
- Not leave the state without the consent of this court.
- Make a truthful report to the probation officer monthly, or as often as the probation officer may require, either in person or in writing, as required by the probation officer.
- Notify the probation officer immediately of any change of address or employment status.

- Pay the following to the court:

Fine.....	\$600.00
Costs.....	\$600.00
Restitution.....	\$
Crime Victim Assessment.....	\$130.00
Attorney Fee.....	\$
State Costs.....	\$136.00
Drug Court Fee.....	\$
Other.....	\$
TOTAL.....	\$1,466.00

FILED
MARGIE WHITE
COUNTY CLERK

- a. The due date for payment is _____.
- b. Total amount due may be paid in installments of \$ 45.00 per month starting on December 12, 2011 and paid in full by the due date stated on the judgment of sentence or by _____.
Fines, costs and fees not paid within 56 days of the date owed or of any installment payment date are subject to a 20% late penalty on the amount owed.
- Pay a supervision fee to the Department of Corrections in the amount of \$2,000.00. The fee is payable immediately.
 Total amount due may be paid in installments of \$ 60.00 per month starting on December 12, 2011 payable to the State of Michigan.
- 01.12 You must not own, possess, or use any computer or any device capable of connecting to the Internet either directly or indirectly through a third party provider or reside in any residence in which these are present, unless you first obtain written permission from the field agent.
- 01.13 You must not use any telephone numbers or telephone services which are sexually oriented.
- 01.4 You must not purchase, possess or use sexually stimulating materials of any kind, or sexually stimulating materials as defined by your relapse prevention plan, therapist or counselor, and/or the field agent. You must not enter places where sexually explicit or stimulating materials are sold or used.
- 01.5 You must complete sex offender treatment or other treatment when you are referred by the field agent.
- 01.9 You must not possess or use any photographic equipment or photographic development equipment.
- 02.0 You must not use or possess alcoholic beverages or other intoxicants. You must not enter bars or other places where the primary purpose is to serve alcoholic beverages for drinking on site, unless the field agent has first given you written permission for your employment at a specific location.
- 02.1 You must comply with the requirements of alcohol testing directed by the field agent. You must not attempt to submit any fraudulent or adulterated samples for testing. You must not hinder, obstruct, tamper, or otherwise interfere with the testing procedures. You must present proper identification at the time of testing.

If the judgment of guilt is deferred as stated above, the clerk of the court shall advise the Michigan State Police Criminal Justice Information Center of the disposition as required under MCL 769.16a.

CC 243a (3/06) ORDER OF PROBATION

MCL 600.4803, MCL 769.1a, MCL 771.1 et seq., MCL 775.22, MCL 780.826, MCR 6.445, 18 USC 922(g)(9)(c)

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12/21/2011
Tuscola County Clerk
Margie White

STATE OF MICHIGAN 54th Circuit Court - Tuscola County	ORDER OF PROBATION - PROTECTIVE CONDITIONS	CASE NO. (1)11-12055-FH
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- 15. 03.5 You must waive confidentiality and allow any treatment program that you are required to attend to disclose information to your field agent.
- 14. 02.2 You must comply with the requirements of drug testing directed by the field agent. You must not attempt to submit any fraudulent or adulterated samples for testing. You must not hinder, obstruct, tamper, or otherwise interfere with the testing procedures. You must present proper identification at the time of testing.
- 16. 04.16 You must obey all Court Orders.
- 17. 04.21 You must contact the supervising field agent no later than the first business day following your placement on probation or release from jail.
- 18. 04.22 You must comply with written or verbal orders made by the field agent.
- 19. 04.23 You must allow the field agent into your residence at any time for probation supervision.
- 20. 04.6 You must not have verbal, written, electronic, or physical contact with Lynda Hutchinson either directly or through another person.
- 21. 08.0 You must serve jail time as follows: three hundred sixty-five (365) days in jail to commence on 01/02/2012 with one hundred eighty (180) days on tether, with credit for one (1) day served.
- 22. 08.18 You must pay \$136.00 (\$68.00 per count) State Cost as ordered by the Court.
- 23. 08.2 You must pay a crime victim's assessment in the amount of \$130.00 as ordered by the court.
- 24. 08.4 You must pay court costs of \$600.00 (\$300.00 per count) as ordered by the court. These costs may be paid at the rate of \$20.00 per month.
- 25. 08.5 You must pay a fine of \$600.00 (\$300.00 per count) as ordered by the court. This fine may be paid at the rate of \$20.00 per month.
- 26. 09.01 You are afforded work release privileges pursuant to the privileges of MCLA 801.251 and the rules of the Tuscola County Jail and worksite privileges.

Failure to comply with this order may result in a revocation of probation and incarceration.

Date _____ Judge The Honorable Patrick Reed Joslyn Bar No. P15613

I have read or heard the above order of probation and have received a copy. I understand and agree to comply with this order.

Date 12/20/11 Defendant's Signature 

To Local law Enforcement: The defendant poses a credible threat to the physical safety of one or more persons named in this order. The above protective conditions in item 20 and the following identifying information of the defendant must be entered on the LEIN system. The court will notify local law enforcement of any amendments to or revocation of this order.

Height 5' 8"	Weight 185	Race White	Sex Male	Date of Birth 3/4/1970	Hair Color Brown	Eye Color Hazel
Other Identifying Information						
Tattoo Right Upper Arm						

12/12/2011 Effective Date of Conditions in item 20 12/12/2014 Expiration Date of Order

12/12/2011 Date The Honorable Patrick Reed Joslyn Judge/Magistrate P15613 Bar No. I have compared this copy with the record on file in the Tuscola County Clerk's Office and that it is a correct and true copy.

DEC 27 2011

Tuscola County Clerk's Office
For Cindy McKinney-Deen
Tuscola County Clerk Deputy Clerk

If the judgment of guilt is deferred as stated above, the clerk of the court shall advise the Michigan State Police Criminal Justice Information Center of the disposition as required under MCL 769.16a.

CC 243a (3/06) ORDER OF PROBATION MCL 600.4803, MCL 769.1a, MCL 771.1 et seq., MCL 775.22, MCL 780.826, MCR 6.445, 18 USC 922(g)(8)(c)