

**MINUTES OF THE
PEACE OFFICER STANDARDS
AND TRAINING BOARD
COMFORT INN SUITES
BISMARCK, NORTH DAKOTA
AUGUST 21, 2019**

MEMBERS PRESENT

Jesse Jahner
Lyn James
Jason Ziegler
Sarah Warner
John Klug
Paul Lies
Tom Falck
Erik Dietrich

MEMBERS ABSENT

Dan Haugen

GUESTS

Corey Lee
Craig Zachmeier
Matt Hiatt
Fern Moser
Eldon Mehrer
Bill Macki
Jason Dvorak
Sid Mann
Jameson Seim
Dustin Olson
Greg Leveling
Jedediah Kohler
Lyle Sinclair

LEGAL COUNSEL

Mike Mahoney

ADMINISTRATIVE STAFF

Duane Stanley
Monica Sebastian

Chairman John Klug called the meeting to order at 1:00 p.m. Duane Stanley took the roll. All members except Dan Haugen were present.

POST Board Hearing – Fernand Moser (19-008) and Todd Ehresmann (19-009) 1:01 p.m.

Chairman Klug swore in ND BCI S/A Matt Hiatt who provided an overview of the case.

On April 29, 2019, Special Agent (S/A) Matt Hiatt was contacted by Supervisory Special Agent (SS/A) Tim Erickson in regards to an investigative request by the Dickinson Police

Department. S/A Hiatt was briefed on a sexual assault investigation that S/A Joe Arenz had been working on since March 10, 2019.

Within S/A Arenz's investigation into the sexual assault, there was evidence of alcohol violations that occurred at a residence in Dickinson, North Dakota.

On the evening of March 9, 2019, and into the early morning of March 10, 2019, members of the Stark County Sheriff's Office and Dickinson Rural Fire and Rescue Department met at a residence in Dickinson, North Dakota. The residence was owned by Fernand Moser and present at the get together was Todd Ehresmann along with five other individuals, one which was a minor, who was nineteen years of age.

During this party, the minor was drinking alcohol. As a result of the investigation, it was determined that Mr. Moser and Mr. Ehresmann served alcohol to everyone at the party including the minor.

Stark County Sheriff Corey Lee and Lt. Eldon Meher addressed the Board on behalf of Mr. Moser.

Motion

Jesse Jahner made a motion that Fernand Moser did violate the Peace Officer Code of Conduct specifically 109-02-05-01(4c) and that Mr. Moser's conduct has a direct bearing on his ability to perform peace officer duties. Paul Lies seconded the motion. All in favor, motion carried.

Motion

Jesse Jahner made a motion to start adverse action in accordance with NDCC 12-63-12. Paul Lies seconded the motion. All in favor, motion carried.

There was discussion by board members regarding a possible sanction of Mr. Moser's peace officer license. Board members discussed a period of suspension and then probation.

Motion

Paul Lies made a motion to suspend Mr. Moser's Peace Officer License for two weeks (fourteen consecutive calendar days) and then followed by six months' probation, and that there be no other criminal violations or violations of the Peace Officer Code of Conduct and that the suspension period be served by September 30, 2019. Tom Falck seconded the motion. All in favor, motion carried.

Motion

Jesse Jahner made a motion that Todd Ehresmann did violate the Peace Officer Code of Conduct specifically 109-02-05-01(4c) and that Mr. Ehresmann's conduct has a direct bearing on his ability to perform peace officer duties. Paul Lies seconded the motion. All in favor, motion carried.

Motion

Jesse Jahner made a motion to start adverse action in accordance with NDCC 12-63-12. Paul Lies seconded the motion. All in favor, motion carried.

There was discussion by board members regarding a possible sanction of Mr. Ehresmann's peace officer license. Board members discussed suspension and then probation. It was also relayed to board members that on July 17, 2019, Mr. Ehresmann surrendered his peace officer license to the Board by mailing it in to the POST Board Office.

Motion

Tom Falck made a motion to suspend Mr. Ehresmann's Peace Officer License for two weeks (fourteen consecutive calendar days) followed by six months' probation, and that there be no other criminal violations or violations of the Peace Officer Code of Conduct and that this sanction be held in abeyance until Mr. Ehresmann renew his license and at such time he would need to appear in front of the board.. Lyn James seconded the motion. All in favor, motion carried.

Extension of Basic Training – Holly Bloodsaw (Stark County Sheriff's Office)

The ND POST Board received another letter from the Stark County Sheriff's Office asking for an extension of basic training for Holly Bloodsaw, who was initially scheduled for the June 2019 academy and had been granted the first waiver to attend the September 2019 academy due to medical reasons. The Stark County Sheriff's Office sent another letter asking for another extension of basic training for Ms. Bloodsaw to attend the first available academy in 2020 because of further medical issues arising.

Motion

Sarah Warner made a motion to grant an extension of basic training until the first available academy in 2020 for Holly Bloodsaw. Jason Ziegler seconded the motion. All in favor, motion carried.

POST Board Hearing – Matthew Anderson (19-011) 1:35 p.m.

On July 12, 2019, the POST Board received documentation from Rolette County States Attorney Brian Grossinger that outlined concerns that office had regarding former Rolla Chief of Police Matthew Anderson. Mr. Anderson allegedly violated N.D.C.C 29-29.5-04 (1) and that Mr. Anderson also provided misleading information in an application for a search warrant.

In the documentation provided, it stated that the concerns regarding Mr. Anderson were as follows:

1. Conduct of a controlled substance, controlled by, knowingly circumventing legal procedures.
2. Attempting to acquire a search warrant outside his jurisdiction, using questionable investigative techniques.

3. Being involved in, or at a minimum being aware of, reportable police vehicle accidents without doing a report.
4. That Mr. Anderson is a subject of an active Federal investigation for a civil rights violation.
5. At least one instance of excessive force.
6. Other reports of unprofessional conduct.

The POST Board office also received documentation from ND BCI Special Agent (S/A) Craig Zachmeier in the form of a memo that had been written to the Rolette County States Attorney.

S/A Zachmeier was present at the meeting and was sworn in by Chairman Klug. S/A Zachmeier provided an overview of the various issues to the Board as follows.

S/A Zachmeier stated that S/A Kluth was contacted by Mr. Anderson about a subject Mr. Anderson arrested who had provided narcotics intelligence and wanted to work as a possible Confidential Informant (CI). Mr. Anderson inquired about how to utilize the subject as a CI to conduct controlled narcotics purchases. S/A Kluth informed Mr. Anderson of the process to include:

1. Mr. Anderson needed to attend the approved POST Board's training related to utilizing a CI.
2. The CI needed to be signed up as a CI and sign the CI agreement.
3. Any narcotics purchases needed to be conducted appropriately and lawfully and needed to be recorded and properly documented.

Mr. Anderson asked S/A Kluth for assistance in signing up the CI. S/A Kluth stated that he could but would need to meet with the CI.

On the morning of Tuesday, May 28, 2019, S/A Kluth contacted S/A Zachmeier and stated that on Monday, May 27, 2019, Rolette County Sheriff Nathan Gustafson and Mr. Anderson conducted a controlled buy of methamphetamine with the intended CI on the morning of May 27, 2019. At that time, the CI was not signed up as a CI, which is in violation of ND Century Code 29-29.5.

On Tuesday, May 28, 2019, S/A Zachmeier received a call from Mr. Anderson about forty five minutes after talking to S/A Kluth, asking if S/A Zachmeier could come and sign up a CI. Mr. Anderson stated that he and Sheriff Gustafson already conducted a controlled buy for methamphetamine with the CI and stated that he did not know the CI needed to be signed up as a CI.

After ending the conversation with Mr. Anderson, S/A Zachmeier contacted S/A Kluth and S/A Kluth informed S/A Zachmeier that Mr. Anderson also contacted S/A Bryan Lang and wanted him to sign the CI up after he had already done the controlled buy.

On July 3, 2019, the Rolette County State's Attorney contacted S/A Zachmeier in reference to a search warrant Mr. Anderson made for a residence in Rolette County, outside the territorial limits of the city of Rolla.

On July 9, 2019, S/A Zachmeier received information from a Rolla PD recruit stating that Mr. Anderson wrecked two patrol vehicles since becoming employed with the Rolla PD and did not report any of the accidents.

This Rolla PD recruit also stated that Mr. Anderson was being investigated by the FBI for ordering a juvenile female to have a catheter placed for a urine sample at the Indian Health Services. S/A Zachmeier contacted the FBI agent who verified that the report of the catheter being utilized was true and that Mr. Anderson assisted with holding the juvenile female down.

On July 11, 2019, S/A Zachmeier met with the Rolla Mayor. The Mayor stated that he received a complaint from a Rolla citizen that Mr. Anderson searched a property on July 10, 2019, by threatening the owner and making racial comments to the property owner.

On July 11, 2019, Sheriff Gustafson advised S/A Zachmeier that Mr. Anderson recently utilized a Taser on a pregnant female multiple times in the females residence. Mr. Anderson utilized the Taser because the female would not exit her apartment.

On July 25, 2019, Mr. Zachmeier met with Rolla Police Officer Paul Weigand about not currently being a licensed peace officer. Mr. Weigand advised that he was told by Mr. Anderson that Mr. Anderson had submitted all the paperwork to the ND POST Board and Mr. Weigand thought that he did have a limited license. It was only after Mr. Anderson was fired that Mr. Weigand learned that Mr. Anderson did not turn any paperwork into the POST Board and that he was not licensed. Mr. Weigand advised that during this time he did patrol, was in full uniform, completed traffic stops and did respond to calls for service. Mr. Weigand did stop performing peace officer duties until all paperwork was submitted to the ND POST Board for his limited license.

While talking with Mr. Weigand, Rolette County Sheriff's Deputy, Mitch Slater, entered the room. Mr. Slater stated that Mr. Anderson would operate his patrol car within city limits in an emergency response with his lights and sirens activated when there was no call. On May 11, 2019, Mr. Slater stated he filed a complaint on Mr. Anderson for reckless driving when observed driving with lights and sirens on then parking on Main Street and doing nothing. Mr. Slater also stated that on this instance, Mr. Anderson almost struck Mr. Slater.

While looking for the complaint that Mr. Slater filed, they located a log where Mr. Anderson apparently arrested a female in Rolla for Driving under the Influence (DUI) and then later let her drive away even though she presumably failed the field sobriety tests and there was probable cause to arrest her. There was no police report located on this instance.

There was discussion by Board members regarding the numerous issues brought forth and the decision to specifically address the ones that the Board had a factual basis and were in violation of the Peace Officer Code of Conduct.

Motion

Jesse Jahner made a motion that Matthew Anderson did violate the Peace Officer Code of Conduct specifically 109-02-05-01(4e) for allowing an officer to work under his direction without a license and that Mr. Anderson's conduct has a direct bearing on his ability to perform peace officer duties. Sarah Warner seconded the motion. All in favor, motion carried.

Motion

Jesse Jahner made a motion to start adverse action in accordance with NDCC 12-63-12. Sarah Warner seconded the motion. All in favor, motion carried.

Motion

Jesse Jahner made a motion that Matthew Anderson did violate the Peace Officer Code of Conduct specifically 109-02-05-01(4e) (4f) regarding a search warrant application and that Mr. Anderson's conduct has a direct bearing on his ability to perform peace officer duties. Lyn James seconded the motion. All in favor, motion carried.

Motion

Jesse Jahner made a motion to start adverse action in accordance with NDCC 12-63-12. Jason Zeigler seconded the motion. All in favor, motion carried.

Motion

Paul Lies made a motion that Matthew Anderson did violate N.D.C.C 29-29.5 and 109-02-06 (1) (2) (10) and that Mr. Anderson's conduct has a direct bearing on his ability to perform peace officer duties. Jesse Jahner seconded the motion. All in favor, motion carried.

Motion

Paul Lies made a motion to start adverse action in accordance with NDCC 12-63-12. Lyn James seconded the motion. All in favor, motion carried.

There was discussion by board members regarding a possible sanction of Mr. Anderson's peace officer license. Board members discussed revocation.

Motion

Erik Dietrich made a motion to revoke Mr. Anderson's peace officer license. Sarah Warner seconded the motion. All in favor, motion carried.

POST Board Hearing – Brogan Dehne (19-012) 2:03 p.m.

The POST Board received documentation that Brogan Dehne allegedly lied and provided misleading information during a job application process, lied about being an emergency Medical Technician, and embellished his involvement with an armed suicidal individual while a deputy sheriff in Bottineau County.

S/A Zachmeier had been assigned this case to investigate. S/A Zachmeier was sworn in by Chainman Klug and provided an overview of the case to the Board as follows.

On March 21, 2018, Mr. Dehne, Bottineau County Sheriff's Office, interviewed for a position with Pierce County Sheriff's Office. During the interview Mr. Dehne lied claiming he was an emergency medical technician (EMT) and embellished his involvement in a police call

allegedly involving suicidal man with a gun while working at the Bottineau County Sheriff's Office.

On March 22, 2018, Mr. Dehne interviewed for a position with the Wells County Sheriff's Office. During that interview, Mr. Dehne lied by claiming he was an EMT and embellished his involvement in a police call allegedly involving a suicidal man with a gun while working at the Bottineau County Sheriff's Office.

During the investigation, it was learned that Mr. Dehne was not an EMT. Regarding the involvement in a police call allegedly involving a gun, S/A Zachmeier spoke with Sheriff Steve Watson, Bottineau County Sheriff's Department, and Sheriff Watson stated that there were no police calls located at the Bottineau County Sheriff's Office supporting the fact that Mr. Dehne responded to a suicidal man alone.

Motion

Jesse Jahner made a motion that Brogan Dehne did violate the Peace Officer Code of Conduct specifically 109-02-05-01(4e) and that Mr. Dehne's conduct has a direct bearing on his ability to perform peace officer duties. Tom Falk seconded the motion. All in favor, motion carried.

Motion

Jesse Jahner made a motion to start adverse action in accordance with NDCC 12-63-12. Sarah Warner seconded the motion. All in favor, motion carried.

There was discussion by board members regarding a possible sanction of Mr. Dehne's peace officer license. Board members discussed revocation.

Motion

Jason Ziegler made a motion to revoke Mr. Dehne's peace officer license. Sarah Warner seconded the motion. All in favor, motion carried.

Funding Request

The Jamestown Police Department is asking for \$24,175 for a training titled 2 Day NVG Tactical Operator Course (2) ½ Day NVG Tactical Sniper Course. The course will be held in the September of 2019.

Motion

Tom Falck made a motion to approve 2 Day NVG Tactical Operator Course (2) ½ Day NVG Tactical Sniper Course for \$15,000. Jason Zeigler seconded the motion. All in favor, motion carried.

Funding Request

The Bismarck Police Department is asking for \$7,500 for a training titled Managing the Property and Evidence Room. The course will be held in September of 2019.

Motion

Paul Lies made a motion to deny the Managing the Property and Evidence Room training for \$7,500. Tom Falk seconded the motion. All in favor, motion carried.

Funding Request

The Bismarck Police Department is asking for \$3,852.30 for a training titled Police K9's as Use of Force. The course will be held in October of 2019.

Motion

Paul Lies made a motion to approve the Police K9's as Use of Force training for \$3,852.30. Sarah Warner seconded the motion. All in favor, motion carried.

Funding Request

The West Fargo Police Department is asking for \$7,500 for a training titled K9 Defense Foundation Bite Building for Patrol K9s. The course would be held in August 2019.

Motion

Paul Lies made a motion to deny the K9 Defense Foundation Bite Building for Patrol K9s training. Erik Dietrich seconded the motion. All in favor, motion carried.

Funding Request

The Burleigh County Sheriff's Office is asking for \$12,000 to \$25,000 for a training titled Supervision of Police Personnel.

Motion

Jason Ziegler made a motion to approve \$15,000 for the first thirty students for the Supervision of Police Personnel training. Paul Lies seconded the motion. All in favor, motion carried.

Funding Request

The Dickinson Police Department is asking for \$10,000 for a training titled Public Information Officer/Media Training.

Motion

Erik Dietrich made a motion to fund \$5,000 for the Public Information/Media Training. Paul Lies seconded the motion. All in favor, motion carried.

Funding Request

The Dickinson Police Department is asking for \$19,500 for a training titled Street Sergeant: Evidence Based First Line Supervision Training.

Motion

Tom Falck made a motion to deny the Street Sergeant: Evidence Based First Line Supervision Training. Erik Dietrich seconded the motion. All in favor, motion carried.

Funding Request

The Grand Forks Police Department is asking for \$9,000 for a training titled 5 Day Basic Field Training Officer Seminar.

Motion

Paul Lies made a motion to fund \$9,000 for the 5 Day Basic Field Training Officer Seminar. Jason Ziegler seconded the motion. All in favor, motion carried.

At 3:22, Chairman Klug called for a short break and went off the record.

At 3:30, the meeting was called back to order and on record.

Limited License – Jedediah Kohler (Hettinger County SO)

The Hettinger County Sheriff's Office sent in paperwork to request a limited license for Jedediah Kohler. Mr. Kohler's criminal history background check showed he had a simple assault charge in 2006 that had a deferred sentence. There was also a drug charge in 2006 that had been dismissed. Due to the criminal history guidelines, the simple assault issue was to be heard in front of the Board. Mr. Kohler was present and answered questions from board members relating to the incident in question.

Motion

Paul Lies made a motion to grant a limited license for Jedediah Kohler. Tom Falck seconded the motion. All in favor, motion carried.

Firearms Instructor Waiver – Jameson Seim (Lincoln PD)

Jameson Seim sent a letter to the ND POST Board asking if a waiver would be granted for a firearms instructor certification based on Mr. Seim previously being a firearms instructor and letting the certification lapse in 2016.

Mr. Seim was present and answered questions from board members.

Motion

Tom Falck made a motion to deny Jameson Seim's request to become a ND POST certified firearms instructor. Paul Lies seconded the motion. All in favor, motion carried.

Extension of Basic Training – Ryan Mahoney (Burleigh County SO)

The ND POST Board received a letter from the Burleigh County Sheriff's Office asking for an extension of basic training for Ryan Mahoney, who was scheduled for the September 2019 academy. The request is to attend the February 2020 academy due to staffing and training issues creating a hardship on the agency.

Motion

Erik Dietrich made a motion to grant an extension of basic training for Ryan Mahoney. Paul Lies seconded the motion. All in favor, motion carried.

Extension of Basic Training – Zachary Tweten (Grand Fork County SO)

The ND POST Board received a letter from the Grand Forks County Sheriff's Office asking for an extension of basic training for Zachary Tweten who was scheduled for the August 2019 two week academy. Due to Mr. Tweten being in the military and currently deployed until November of 2019, the request was to attend the April 2020 two week academy.

Motion

Jesse Jahner made a motion to grant an extension of basic training for Zachary Tweten. Lyn James seconded the motion. All in favor, motion carried.

Sidearm Qualification Course

Brandon Potts, who is a licensed peace officer, but not working for an agency, sent in a request for approval for an annual sidearm qualification course.

Motion

Sarah Warner made a motion to deny the approval of the sidearm qualification course because Brandon Potts does not work for an agency. The Board had discussion stating that for the annual sidearm qualification course to be approved, it needed to be associated with an agency. Tom Falck seconded the motion. All in favor, motion carried.

POST Board Hearing – Russel Shahin (19-010) 3:57 p.m.

The POST Board Office received documentation that Russel Shahin pled guilty in Williams County Court in Case No. 53-2018-CR-01928 to Driving Under the Influence of Alcohol. In reviewing court documents, Mr. Shahin was initially charged with a felony DUI and it was determined that Mr. Shahin had struck a pedestrian causing injury. POST Board staff relayed

to the Board that Mr. Shahin had sent in a letter requesting the Board take adverse action against Mr. Shahin's license and either cancel or revoke it.

Motion

Paul Lies made a motion that Russel Shahin did violate the Peace Officer Code of Conduct specifically 109-02-05-01(4c) and that Mr. Shahin's conduct has a direct bearing on his ability to perform peace officer duties. Erik Dietrich seconded the motion. All in favor, motion carried.

Motion

Paul Lies made a motion to start adverse action in accordance with NDCC 12-63-12. Erik Dietrich seconded the motion. All in favor, motion carried.

There was discussion by board members regarding a possible sanction of Mr. Shahin's peace officer license. Board members discussed revocation.

Motion

Lyn James made a motion to revoke Mr. Shahin's Peace Officer License. Sarah Warner seconded the motion. All in favor, motion carried.

Meeting Minutes

Minutes were reviewed from the May 8, 2019, regular POST Board meeting.

Motion

Paul Lies made a motion to approve the minutes from the May 8, 2019, regular POST Board meeting. Sarah Warner seconded the motion. All in favor, motion carried.

Financial Report

Duane Stanley provided documentation to Board members and gave a detailed financial report on POST Board activity from January 1, 2019, through August 20, 2019. Mr. Stanley also informed the Board members that since we went live in July with a new licensing platform, we had to go through the Bank of North Dakota since there was no fee for the ACH process. Mr. Stanley relayed that a good majority of our finances were in the Bank of ND and we still had a portion of money at BNC. Mr. Stanley stated that BNC officials contacted him and asked if the Board would consider returning back to BNC due to the 19 years of previous business and that they would also give a better interest rate on the board's money. Mr. Stanley asked the Board permission to close out the existing savings account at BND and move that money in to a money market account at BNC, then transfer the remaining money in the BNC checking account to the same money market account and then leave a small portion of working capital in the BND checking account and transfer the remaining money in the BND checking account to the same money market account at BNC.

Motion

Jesse Jahner made a motion to approve the financial report from January 1, 2019, through August 20, 2019, and approve that Duane Stanley move money back to BNC and keep a working amount at the Bank of ND. Lyn James seconded the motion. All in favor, motion carried.

Old Business

Adverse License Action Updates – Bryton Dahl

Duane Stanley informed the Board that the Order of Revocation went out to Bryton Dahl August 19, 2019.

Adverse License Action Update – Richard Anderson

Duane Stanley informed the Board that Richard Anderson's case was concluded and the Board needed to revisit the matter as stated in the initial Order of Suspension.

Motion

Paul Lies made a motion to revoke Richard Anderson's license. Jason Ziegler seconded the motion. All in favor, motion carried.

Adverse License Update – Cassy Larson

Duane Stanley informed the Board that the Findings of Fact and Order of Suspension went out to Cassy Larson in April 2019. It was stated that Ms. Larson was to provide the Board documentation that she completed the recommendations made from the court order. This was not done and there was no communication received back from Ms. Larson.

Motion

Paul Lies made a motion to suspend Cassy Larson's license. Lyn James seconded the motion. All in favor, motion carried.

There was discussion that an Amended Order of Suspension would be drafted and go out.

Adverse License Update – Kerry Komrosky

Duane Stanley informed the Board that the complaint was served to Kerry Komrosky at the Missouri River Correctional Center on May 23, 2019 and the Order of Revocation was sent to the same location August 19, 2019.

Chairman Klug gave board members the opportunity for a round table discussion.

Jesse Jahner brought up the subject of starting the process to establish guidelines for reserve officers. He stated he would start putting some things together and present those ideas to the

Board. Discussion by board members indicated they were in favor of getting the process started in preparation of the next legislative session.

Paul Lies brought up the limited license process and the concern about new officers having little to no supervision. It was brought up that there may be resistance to any type of change regarding more direct supervision. Legal counsel read the current rules relating to new officers/part time officers where it states one has to have the ability to have direct contact in a reasonable amount of time. It was discussed how in reality this process actually works in the majority of the rural counties around the state.

Duane Stanley relayed to board members that the new licensing process has some issues that are being worked through. Other board members asked about training on the new process and others mentioned that you need to be careful to enter the items correctly as it can be time consuming if done incorrectly.

Motion

At 4:27 p.m., Sarah Warner made a motion to adjourn. Jason Ziegler seconded the motion. All in favor, meeting adjourned.