

**MINUTES OF THE  
PEACE OFFICER STANDARDS  
AND TRAINING BOARD  
SLEEP INN  
MINOT, NORTH DAKOTA  
AUGUST 15, 2018**

**MEMBERS PRESENT**

Paul Lies  
Dan Haugen  
John Klug  
Chad Kaiser  
Tom Falck  
Lyn James  
Sarah Warner

**GUESTS**

John Maritato  
Christopher Bailey  
Chris Redman  
Alan Mattice  
Hazel Mattice  
Jason Dvorak  
Greg LaHaise  
Alexus Larson  
Ladd Erickson  
Robert Opp  
Jim Remer  
Nathan Lep (sp)  
Jessica Taylor  
Phil Pfennig  
J.R. Kerzmann  
Luke Hendrickson  
Rick Majerus

**ADMINISTRATIVE STAFF**

Duane Stanley  
Monica Sebastian

**MEMBERS ABSENT**

Jesse Jahner  
Tom Falk  
Jason Ziegler

**LEGAL COUNSEL**

Mike Mahoney

The meeting was called to order by Chairman John Klug at 1:00 p.m. Duane Stanley took the roll. All members except Jesse Jahner, Tom Falk, and Jason Ziegler were present.

## **POST Board Hearing – Alan Mattice (18-007) 1:07PM**

The POST Board Office received a termination form from the City of LaMoure for Alan (Ian) Mattice. On this termination form, it stated Mr. Mattice lied to the City Council and Mayor about needing more continuing education hours. He needed sixty hours from January 1, 2016 to December 31, 2018. The city auditor from LaMoure called and requested information regarding Mr. Mattice's POST Board record. The POST Board record stated that Mr. Mattice completed enough hours to renew his license in 2016, prior to being employed with the City of LaMoure. Mr. Mattice stated that he needed twenty more hours before the end of 2018. He stated that he had scheduled a two-day training course in Bismarck. Mr. Mattice left for the training in Bismarck, taking his own vehicle when the Mayor previously told Mr. Mattice to take the city cop car when going of town for training or work related material. When Mr. Mattice returned, he was asked about his excess training hours and to provide a training itinerary for the last two days, at which time he admitted there was no training. At the hearing, the POST Board did a conference call with Jennifer Person, the City of LaMoure auditor. Ms. Person was sworn in and provided testimony to the Board. Ms. Person stated that in the conversation she had with Mr. Mattice, he stated that he needed twenty more hours to renew his license. The POST Board then called Carmen Klein, who was the city auditor before Ms. Person. Ms. Klien was sworn in. Ms. Klein stated she was also present when Mr. Mattice stated he needed twenty more hours in order to renew his license. The Board tried calling Craig Good who was the mayor at the time of this incident but was unable to make contact at that time.

Mr. Mattice was represented by legal counsel at the hearing. Mr. Mattice was sworn in and the Board let Mr. Mattice explain his positon. Mr. Mattice relayed to board members that the workers had not heard him correctly. Mr. Mattice stated that he did not say he needed twenty more hours of training but that he had said he had twenty more hours of training he felt was necessary for his job. Mr. Mattice was asked if there was anything inaccurate about the witness' testimony at this time. Mr. Mattice stated no. Mr. Mattice stated that there were rumors he was stepping out on his wife and felt the auditor's office started this rumor.

The Board tried calling Mr. Good once again and was not able to make contact so the Board delayed the hearing with the agreement of all parties involved and continued with the next agenda item while Attorney Mahoney tried to make contact with Mr. Good.

### **Meeting Minutes**

Minutes were reviewed from the May 16, 2018, regular POST Board meeting.

### **Motion**

Paul Lies made a motion to approve the minutes from the May 16, 2018, regular POST Board meeting. Chad Kaiser 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, 2018, through August 15, 2018.

## **Motion**

Paul Lies made a motion to approve the financial report from January 1, 2018, through August 15, 2018. Lyn James seconded the motion. All in favor, motion carried.

## **Old Business**

### **Adverse License Action Updates – Johnny Lawson**

At the request of Mr. Lawson's legal counsel, the matter to review Mr. Lawson's criminal conviction in regards to the adverse license action process will be postponed until the next regularly scheduled meeting.

### **Adverse License Action Updates – Christopher Hulm**

Court records indicate Mr. Hulm is scheduled for a jury trial August 21, 2018 regarding Mr. Hulm's charge for DUI.

### **Adverse License Action Updates – Bryton Dahl**

Court records indicate Mr. Dahl is scheduled for a jury trial October 29, 2018 regarding Mr. Dahl's charge for Corruption or Solicitation of a Minor.

### **POST Board Hearing – Alan Mattice (18-007) Resumed at 1:50 p.m.**

The Board was able to get a hold of Craig Good. Mr. Good stated he met with Mr. Mattice and asked Mr. Mattice what he went to Bismarck for. Mr. Mattice stated to Mr. Good that he needed twenty hours of training before the end of the year. Mr. Good asked Mr. Mattice if he was aware that if he went to out of town training he was to take the city police car and not his own vehicle. Mr. Mattice stated he did know this. During this trip, Mr. Mattice paid for his gas for his motorcycle with the city credit card. Mr. Mattice ultimately did reimburse the money owed to the city for gas that had been put into Mr. Mattice's personal vehicle on several occasions. Mr. Good stated that Mr. Mattice was given the option to either voluntarily resign or that he would ask BCI to do an investigation into Mr. Mattice lying. Mr. Mattice voluntarily resigned.

The Board gave Mr. Mattice an opportunity to address the Board. Mr. Mattice again stated he did not say he needed twenty more hours to renew his license but that he had twenty more hours of training set up that he felt was necessary for his job. He also stated he did pay back the money for gas that he put on the city credit card and he paid for his motel room in Bismarck himself. Mr. Mattice's legal counsel Chris Redmann, also had an opportunity to address the Board.

## **Motion**

Dan Haugen made a motion that Alan Mattice did violate the Peace Officer Code of Conduct, specifically 109-02-05-01(4d) and that Mr. Mattice'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**

Dan Haugen 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 amongst the Board members on what sanction should be taken against Mr. Mattice's peace officer license. Chris Redman, attorney for Mr. Mattice, recommended he would like to see probation for his client. Board members stated they would like a thirty-day suspension followed by one year of probation.

## **Motion**

Dan Haugen made a motion to recommend a thirty day suspension followed by eleven months' probation with no other violations of criminal law or Peace Officer Code of Conduct starting August 15, 2018. Paul Lies seconded the motion. All in favor, motion carried.

## **POST Board Hearing – Christopher Bailey (18-005) 2:29PM**

The POST Board received a termination form from Beulah PD for Christopher Bailey. Mr. Bailey was arrested and plead guilty to a DUI in Becker County MN on January 6, 2018, and was arrested and pled guilty to a second incident regarding Careless Driving that also occurred in Becker County MN on February 4, 2018. The Board had the opportunity to review court documentation. Chairman Klug placed Mr. Bailey under oath and Mr. Baily addressed the Board. Mr. Bailey explained that during the second incident on February 4, 2018, regarding the Careless Driving, that he was driving and his friend wanted to call his girlfriend and was waiving the phone in front of Mr. Bailey's face. Mr. Bailey planned on stopping at the stop sign ahead of him to make the call and subsequently ran through the stop sign and hit the ditch. Mr. Bailey had been drinking prior to this incident and relayed to Board members that he was not as intoxicated as his passenger. The Board asked if Mr. Bailey had ever been in front of the Board previously. Mr. Bailey stated that he had been in front of the Board when he got his limited license in 2015. Mr. Bailey, at that time, had been charged with domestic violence. That incident also involved the use of alcohol.

## **Motion**

Dan Haugen made a motion that Christopher Bailey did violate the Peace Officer Code of Conduct, specifically 109-02-05-01(4c) and that Mr. Bailey's conduct has a direct bearing on his ability to perform peace officer duties. Chad Kaiser seconded the motion. All in favor, motion carried.

## **Motion**

Dan Haugen 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 amongst the Board members on what sanction should be taken against Mr. Bailey's peace officer license. Dan Haugen stated he would like to see a longer period of suspension and probation.

## **Motion**

Dan Haugen made a motion to suspend Mr. Bailey's license for six months and then a period of probation concurrent with his probation in Minnesota and that there be no other code of conduct or criminal law violations through May 11, 2020. Chad Kaiser seconded the motion. All in favor, motion carried.

## **POST Board Hearing – Richard Anderson (18-006) 2:50 p.m.**

Richard Anderson is currently charged in McLean County with Corruption of a Minor, a Class C Felony; Luring of a Minor by Computer or Other Electronic Means, a Class C Felony; Sexual Assault, a Class C Felony; and Indecent Exposure, a Class A Misdemeanor. McLean County States Attorney (S/A) Ladd Erickson was placed under oath by Chairman Klug and provided an overview of facts in regards to the charges Mr. Anderson is currently facing.

## **Motion**

Dan Haugen made a motion that Richard Anderson did violate the Peace Officer Code of Conduct, specifically 109-02-05-01(4c) and that Mr. Anderson's conduct has a direct bearing on his ability to perform peace officer duties. Paul Lies seconded the motion. Sarah Warner abstained. All others in favor, motion carried.

## **Motion**

Dan Haugen made a motion to start adverse action in accordance with NDCC 12-63-12. Paul Lies seconded the motion. Sarah Warner abstained. All others in favor, motion carried.

There was discussion amongst the Board members on what sanction should be taken against Mr. Anderson's peace officer license. There was discussion that Mr. Anderson's license be suspended until the criminal process was complete and the Board have the opportunity to address the issue again.

## **Motion**

Dan Haugen made a motion to suspend Mr. Anderson's license until after the court disposition and then revisit the case. Chad Kaiser seconded the motion. Sarah Warner abstained. All others in favor, motion carried.

At 2:57 p.m. Chairman Klug called for a short recess. At 3:09 Chairman Klug went on record and called the meeting back to order.

Due to the fact Mr. Erickson had travelled some distance and was to address the Board on another matter, Chairman Klug redirected the meeting back to old business.

## **Old Business**

## **CI Administrative Rules**

S/A Ladd Erickson came in front of the Board to express his concerns regarding the current language in the proposed CI Administrative Rules. Rules 109-02-01-01 (8), 109-02-06-01 (1) and (7) were held back from being approved. Mr. Erickson stated he would like to see the words “in person” added in the language under these sections. There was lengthy debate among board members and S/A Erickson regarding these changes.

### **Motion**

Chad Kaiser made a motion to add “in person” to the mentioned sections. Sarah Warner seconded the motion. Paul Lies voted no, Lyn James, Chad Kaiser, Dan Haugen, Sarah Warner, and John Klug voted yes. Motion carried.

## **POST Board Hearing – Brian Sorum (18-008) 3:53 p.m.**

While conducting a separate POST Board inquiry, POST Board staff learned that in the fall of 2016, Brian Sorum shot several ducks two days past the hunting season. Follow up interviews by POST legal counsel with a state game warden and federal game warden in the jurisdiction where the incident occurred substantiated the facts. Mr. Sorum was also contacted prior to the hearing and corroborated the same fact pattern. At the hearing, Mr. Sorum was contacted via phone as placed under oath. Mr. Sorum addressed the Board regarding the incident.

### **Motion**

Dan Haugen made a motion that Brian Sorum did violate the Peace Officer Code of Conduct, specifically 109-02-05-01(4c) and that Mr. Sorum’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**

Dan Haugen 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 amongst the Board members on what sanction should be taken against Mr. Sorum’s peace officer license. There was a suggestion of a letter of reprimand be placed in Mr. Sorums peace officer file that is maintained at the POST Board Office.

### **Motion**

Dan Haugen made a motion to put a letter of reprimand in Mr. Sorum’s file. Chad Kaiser seconded the motion. All in favor, motion carried.

### **Funding Request**

The Devils Lake Police Department is asking for \$25,160 for a SWAT Team Leader Development Training. The course is scheduled February 4-8, 2019. On the application, they stated that there would be thirty-four attendees with three being from Devils Lake PD and ten being from different agencies. This did not add up to thirty-four attendees so the Board tabled this request until the December 2018 meeting in order to get clarification on the amount of attendees.

### **Funding Request**

The ND Game & Fish Department is asking for \$9,500 for a training titled Going Viral – Examining Cameras in Policing by Calibre Press. The course will be held in the spring of 2019. They stated that there would be one hundred attendees with thirty eight being from their agency and sixty two from other agencies.

### **Motion**

Paul Lies made a motion to approve Going Viral – Examining Cameras in Policing by Calibre Press for \$9,500 as long as only twenty-five individuals from Game and Fish would be attending unless they cannot fill the class at the end of the two weeks. Chad Kaiser seconded the motion. All in favor, motion carried.

### **Funding Request**

The Watford City Police Department is asking for \$10,500 for an OST Evidence Class (Sirchie Evidence Collection & Processing). A date for this training had not been set up yet. On the application, they stated that there would be thirty attendees with five being from their agency and fifteen being from different agencies. This did not add up to thirty attendees so the Board once again tabled this request until the December 2018 meeting to get clarification on the amount of attendees.

### **Funding Request**

The Grand Forks Police Department is asking for \$4,850 for Personal and Professional Breakthroughs for Law Enforcement/Best Backup Family Transition to LE training. This training will be held January 11-12, 2019. They stated that there could be up to two hundred attendees but the facility could hold more and that fifty attendees would be from their agency.

### **Motion**

Lyn James made a motion to approve the Personal and Professional Breakthroughs for Law Enforcement/Best Backup Family Transition to LE training for \$4,850. Sarah Warner seconded the motion. All in favor, motion carried.

### **Funding Request**

The Grand Forks Police Department is asking for \$9,900 for Calibre Press Street Survival Training. This training will be held February 11-12, 2019. They stated that there could be up to two hundred attendees but the facility could hold more and that fifty attendees would be from their agency.

### **Motion**

Chad Kaiser made a motion to approve the Calibre Press Street Survival training for \$9,900. Paul Lies seconded the motion. All in favor, motion carried.

### **Funding Request**

The Grand Forks Police Department is asking for \$11,500 for Liability Prevention, Risk Management & Organizational Effectiveness for LE Training. This training will be held April 8-12, 2019. Once again, they stated that there would be two hundred attendees with twenty five being from their agency.

### **Motion**

Sarah Warner made a motion to approve the Liability Prevention, Risk Management & Organizational Effectiveness for LE Training for \$11,500. Lyn James seconded the motion. All in favor, motion carried.

### **Funding Request**

The Minot Police Department is asking for \$10,100 for Opioid Overdose Death Investigation Training. This training will be held November 19-20, 2018. They stated that there would be twenty eight attendees with three being from their agency and the remainder being from other agencies.

### **Motion**

Chad Kaiser made a motion to approve the Opioid Overdose Death Investigation Training for \$10,100. Sarah Warner seconded the motion. All in favor, motion carried.

### **Testing Procedures**

Devils Lake Training Director John Maritato and Bismarck Training Academy Director Lt. Dan Haugen addressed the Board regarding the way each institution tests their students on a weekly basis. Both entities test their students in a different format. This was brought to the attention of the Board to see if there should be more consistency or if the current process was satisfactory. In the case of the Bismarck LETA, if a person fails a weekly test, that person is given one more chance to take the test. At Lake Region, if a person fails a weekly test, they do not get a chance to retake that specific test but all the weekly test scores are combined and if they drop below 70% the student fails.



The Board had discussion on this issue and understands there is a different teaching format due to the college setting versus the academy setting in Bismarck. The board agreed that both academies can continue doing things as is.

### **Two-Week Waiver**

Duane Stanley brought up the fact that In the past, it had been understood that the two-week waiver consisted of one week of criminal law and one week of traffic law. In talking to both academy directors, they can both get the criminal and traffic law done in one week. The academies have implemented other training into those two weeks to make it a full two weeks. There was discussion on how this can be beneficial to the agencies in getting the criminal and traffic law done in one week instead of having to send an employee to Bismarck for two weeks. There was lengthy discussion on the actual terminology of what to call the waiver along with giving the option to have students attend other subjects not covered in the one week criminal and traffic section. The Board agreed to change the wording of the “two-week waiver” to “criminal and traffic waiver”. Lt. Haugen relayed to the Board that it would be very easy to incorporate this change at the academy. Whether or not the person had to report on a Friday for the following week or just attend one week was as simple as an e-mail to the agency indicating when the employee needed to show up and would ultimately save the agency money and have the officer performing peace officer duties that much quicker.

During this same section Lt. Haugen stated he mentioned at the Sheriff’s and Chiefs meeting the issue of recruits being able to shoot and qualify prior to attending the academy and the problems that arise for the instructors and other students when one can’t qualify. Lt. Haugen stated a chief asked whether the academy and Lake Region were going to use the same qualification course. Board members discussed the fact that as long as it is a POST certified course it did not matter. Agencies all across the state do not use the same qualification course.

### **Board Interpretation of 109-02-02-15 (Continuing Education Requirements)**

In ND POST Board Administrative Rule 109-02-02-15 (1) it states that an individual can only have twenty hours of online training applied to the three year sixty hour continuing education requirement for license renewal. In 109-02-02-15 (3) it states that a peace officer who has enrolled and completed college courses may request a waiver of the sixty hour training requirement for renewal of their license. This is a conflicting statement since so many college courses are now taught online. The Board discussed this and determined that it doesn’t matter if the “college course” is taught online or in the classroom. Regardless of how the course is taught, if it is a “college course”, the officer can apply for a waiver.

### **Training Request**

Tracy Brumfield sent in a request for out of state training for Faith Based Security Network training. Administrative Officer Monica Sebastian and Executive Secretary Duane Stanley both looked over this training and agreed that this is not considered law enforcement training and is geared towards church ministry operations and denied the out of state training. Mr. Brumfield argued and disagreed with the decision. POST Board staff relayed to Mr. Brumfield that they would present this training seminar in front of the Board to review. The Board looked over the training and agreed this is not law enforcement training.

## **Motion**

Paul Lies made a motion to deny the Faith Based Security Network training for Mr. Brumfield. Sarah Warner seconded the motion. All in favor, motion carried.

## **Seminar for Professional Licensing Boards**

An email was sent to the POST Board Office regarding a seminar for professional licensing boards in North Dakota. This seminar will be held on October 30, 2018. Executive Secretary Duane Stanley informed the Board of this seminar and asked if any of the Board members would be interested in going. Dan Haugen, Lyn James and Chad Kaiser stated they would be interested. An email was sent to the Board members that were not present at the meeting. Jason Ziegler responded that he would like to attend this seminar as well.

At 5:00 p.m. Chairman Klug called for a short recess. At 5:07, Chairman Klug went on record and called the meeting to order.

## **Executive Session**

Chairman John Klug explained to the Board that the next item on the agenda was to be discussed in executive session. Chairman Klug provided the authority for going into executive session by citing N.D.C.C. § 44-04-19.1 and 44-04-19.2.

Present at the executive session were John Klug, Chad Kaiser, Paul Lies, Dan Haugen, Lyn James, Sarah Warner, Mike Mahoney, Duane Stanley, and Monica Sebastian.

## **EXECUTIVE SESSION BEGINS AT 5:07 p.m.**

### **Motion**

Chad Kaiser made a motion to move to executive session. Sarah Warner seconded the motion. All in favor, motion carried.

## **EXECUTIVE SESSION ENDS AT 5:43 p.m.**

The Board decided to place the incident from 2014 regarding Kelly Leben on the agenda for a hearing at the December 6, 2018, regularly scheduled meeting.

### **Motion**

Paul Lies made a motion that no further action be taken at this time regarding Chris Estes. Chad Kaiser seconded the motion. All in favor, motion carried.

### **Motion**

At 5:47p.m., Sarah Warner made a motion to adjourn. Chad Kaiser seconded the motion. All in favor, meeting adjourned.