

**MINUTES OF THE
PEACE OFFICER STANDARDS
AND TRAINING BOARD
COMFORT INN SUITES
BISMARCK, NORTH DAKOTA
DECEMBER 14, 2016**

MEMBERS PRESENT

Paul Lies
Sarah Warner
Dan Haugen
John Klug
Chad Kaiser
Tom Falck
Mike Reitan

GUESTS

Mike Wardzinski
Jeremy Grohs
Charles Headley
Erica Nuwash

ADMINISTRATIVE STAFF

Duane Stanley
Monica Sebastian

The meeting was called to order by Chairman John Klug at 1:01 p.m. Duane Stanley took the roll. All members except Scott Thorsteinson and Lyn James were present. It should be noted that Chad Kaiser and Tom Falck were present through conference call.

Secretary Report

Meeting Minutes

Minutes were reviewed from the August 17, 2016, regular POST Board meeting.

Motion

Sarah Warner made a motion to approve the minutes from the August 17, 2016, regular POST Board meeting. Dan Haugen seconded the motion. All in favor, motion carried.

MEMBERS ABSENT

Scott Thorsteinson
Lyn James

LEGAL COUNSEL

Mike Mahoney

Meeting Minutes

Minutes were reviewed from the October 5, 2016, special POST Board meeting.

Motion

Chad Kaiser made a motion to approve the minutes from the October 5, 2016, special POST Board meeting. Paul Lies 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, 2016, through December 5, 2016.

Motion

Dan Haugen made a motion to approve the financial report from January 1, 2016, through December 5, 2016. Sarah Warner seconded the motion. All in favor, motion carried.

2017 Proposed Budget

Duane Stanley provided the Board the 2017 budget and went over each line item of the proposed budget.

Motion

Chad Kaiser made a motion to approve the 2017 budget. Paul Lies seconded the motion. All in favor, motion carried.

Meeting Dates for 2017

Duane Stanley suggested the following dates for the 2017 regular POST Board meeting: February 15, May 17, August 16, and December 6.

Motion

Dan Haugen made a motion to accept the 2017 regular scheduled meeting dates. Paul Lies seconded the motion. All in favor, motion carried.

Special Meeting Dates for 2017

Duane Stanley suggested dates for the 2017 special meeting. After board discussion, March 29, June 21, and October 11 were agreed upon.

Motion

Sarah Warner made a motion to accept the 2017 special meeting dates. Chad Kaiser seconded the motion. All in favor, motion carried.

Old Business

Jeremie Meisel - Update

At the August 11, 2015, POST Board meeting the POST Board received a termination form from the ND Highway Patrol for Jeremie Meisel. The termination form stated that Mr. Meisel resigned during an internal investigation and the ND Highway Patrol would like a POST Board review. Board member Lt. Dan Haugen provided an overview of the circumstances surrounding the resignation of Mr. Meisel and the fact the Burleigh County States Attorney Office had declined prosecution of the case after reviewing the BCI investigative reports. There was discussion by board members that what Mr. Meisel had done was outright dishonest. It was noted that Mr. Meisel's license is active until December 13, 2015. There was a motion made that there was a code of conduct violation specifically "e" regarding this incident. Another motion was made to initiate adverse action due to the code of conduct violations.

Mr. Stanley informed the Board that Mr. Meisel had requested a hearing and the case was moving forward and will be set for a hearing in the very near future.

On August 4, 2016, there was an administrative hearing held in reference to Mr. Meisel. The findings were that evidence does not support a violation of any laws or Board Rules. No adverse action will be taken against Mr. Meisel.

Paul Meagher - Update

At the December 9, 2015, POST Board meeting the POST Board received information from the UND Police Department requesting decertification of Officer Paul Meagher's peace officer license. On November 3, 2015, a search warrant was executed at the residence of Mr. Meagher. At the time of the search, Mr. Meagher was downloading child pornography. Mr. Meagher was subsequently arrested and charged with 10 C-Felony counts of Possession of Certain Materials Prohibited, NDCC12.1-27.2-04.1 regarding child pornography. Mr. Meagher was terminated from the UND Police Department but it should be noted his license is current through 12/31/18.

A motion was made that there was in fact a code of conduct violation and this did have a direct bearing upon the individual's ability to serve as a peace officer.

A Complaint and Notice of Hearing from the ND POST Board was sent to Mr. Meagher on February 1, 2016. The postal service records show that this documentation was served and received on February 4, 2016. At the time of the meeting, the POST Board office had not received a response from Mr. Meagher.

At the time of the August meeting, Mr. Meagher was considered to be in default. Mr. Meagher's license had been renewed and was current through 12-31-18. Mr. Meagher was subsequently served in the Cass County Jail on September 26, 2016 with an Order to Revoke Mr. Meagher's peace officer license effective September 21, 2016.

POST Board Review – Nick Jones

Duane Stanley provided all documentation to board members received from the Bismarck Police Department and gave an overview of the incident. Officer Nick Jones with the Bismarck Police Department, was involved in a vehicle accident where Mr. Jones hit a parked car on the night of April 20, 2016. According to witnesses, Mr. Jones appeared to be intoxicated. After hitting the parked car, Mr. Jones identified himself to the witness as a Bismarck Police Officer, got in his vehicle and left the scene. The Bismarck Police Department subsequently conducted an internal investigation. Mr. Jones was found to have violated the Bismarck Police Departments General Order 2601. Mr. Jones was charged with a Class B Misdemeanor, Reckless Driving. Mr. Jones was also charged with the infraction, Failing to Provide Immediate Notice of a Traffic accident, along with Failure to Maintain Liability Insurance on a Motor Vehicle.

A motion was made that Mr. Jones did in fact violate the Peace Officer Code of Conduct, specifically 109-02-05-01 subsection 4(c) and this does have a direct bearing on his ability to perform peace officer duties. Another motion was made to start adverse action in accordance with NDCC 12-63-12. Duane Stanley served the Complaint, and Notice of Hearing on Mr. Jones on September 29, 2016. Mr. Jones responded to the POST Board waiving his right to a hearing.

Motion

Dan Haugen made a motion to suspend Nick Jones' license until his peace officer license expiration date of December 31, 2018. Paul Lies seconded the motion. All in favor, motion carried.

Jason Lux - Update

At the August 11, 2015, regular POST Board meeting, BCI Director and CJIS Board member Dallas Carlson provided the Board with an overview regarding Jason Lux and the reason Mr. Lux's CJIS access had been denied at the June 2, 2015, CJIS Board meeting. Mr. Lux, who worked for the LaMoure County Sheriff's Office, was denied CJIS access based on his past criminal history. Mr. Lux had attended Lake Region State College in 2013. Mr. Lux then went to work for the Ruby Police Department in May of 2013 through November 2013, the Pierce County Sheriff's Office from December 2013 to February 2015, and then the LaMoure County Sheriff's Office in February of 2015.

It should be noted that on May 12, 2016, the POST Board Office received a letter from State Radio Director Mike Lynk in reference to Mr. Lux being denied NCIC access. At the time Mr. Lux was hired, the POST Board's Administrative Rules stating "Must not be prohibited from access to national crime information center and criminal justice information sharing databases" were not in place. These came into effect in April of 2014. There was discussion by board members in reference to the fact that Mr. Lux doesn't meet the current minimum standards to be a licensed peace officer. Mike Lynk also addressed the Board and relayed how they were in the process of developing software for an automated process to communicate and share information.

At the May 18, 2016, POST Board meeting a motion was made that Jason Lux does not meet the license requirements regarding POST Board Rule 109-02-01-03(3): Must not have pled guilty to, pled nolo contendere to, or have been found guilty, in any state or federal court, of a

felony offense. This motion was amended to POST Board Rule 109-02-01-03(10): Must not be prohibited from access to national crime information center and criminal justice information sharing databases.

Jason Lux was served a Complaint, and Notice of Hearing dated May 24, 2016 reference the adverse license action process.

Prior to the August meeting, Executive Secretary Duane Stanley received documentation from Mr. Lux dated June 3, 2016 requesting a hearing to contest the adverse license action complaint. This information was forwarded to POST Board legal counsel to make arrangements with the Office of Administrative Hearings.

At the December 14, 2016 meeting, Duane Stanley provided board members a copy of a letter from Attorney General Stenehjem dated September 26, 2016 that had been sent to Jason Lux declining at that time to overturn the ND CJIS Board's decision denying Mr. Lux access to the CJIS portal. After Board discussion and input from legal counsel it was explained that an administrative hearing is scheduled for March 2017. The board tabled this issue until the May 17, 2017, POST Board meeting.

Travis Paeper - Update

Duane Stanley provided an overview to the board reference Travis Paeper with the Sargent County Sheriff's Office. Mr. Paeper was issued a citation in Clay County Minnesota, on May 14, 2016 for disorderly conduct in regards to an incident which occurred in a drinking establishment located in Dilworth, Minnesota.

A motion had been made that Mr. Paeper did in fact violate the Peace Officer Code of Conduct, specifically 109-02-05-01 subsection 4(c) and this does have a direct bearing on his ability to perform peace officer duties.

Another motion was made to start adverse action in accordance with NDCC 12-63-12.

The POST Board requested they obtain and review all police reports etc. before the next regularly scheduled meeting.

Duane Stanley provided the Board with police reports and dispositional paper work that were received from Mr. Paeper's legal counsel. After lengthy discussion about the actual disposition of the offense and an agencies responsibility to follow Administrative Rule 109-02-01-05 sub(4) , the Board made a motion to amend the initial complaint.

Motion

Paul Lies made a motion that Mr. Paeper be put on probation from August 30, 2016 until August 30, 2017 for violation of administrative rule 109-02-01-05(4) and that Mr. Paeper commits no other criminal offenses or violates the code of conduct within that time period. Chad Kaiser seconded the motion. All in favor, motion carried.

Wes Libner - Update

Wes Libner was arrested for DUI on July 2, 2016, in Clay County MN. Mr. Libner subsequently resigned from Fargo Police Department. Mr. Libner's license is good until

12/31/18. A motion was made that Mr. Libner did in fact violate the Peace Officer Code of Conduct, specifically 109-02-05-01 subsection 4(c) and this did have a direct bearing on his ability to perform peace officer duties. Another motion was made to start adverse action in accordance with NDCC 12-63-12. Mr. Libner was served a Complaint, and Notice of Hearing dated September 7, 2016 and is now in default.

Motion

Dan Haugen made a motion to put Mr. Libner's license on probation for twelve months effective August 15, 2016, and that Mr. Libner commits no other criminal offenses or violates the code of conduct within that time period. Paul Lies seconded the motion. All in favor, motion carried.

Gary Schwartzberger - Update

Gary Schwartzberger went on a trip to Las Vegas, Nevada, in March of 2015 and credit card activity that took place on or about January 2015 to May 2015. Mr. Schwartzberger made various personal purchases on the counties credit card without prior approval. Mr. Schwartzberger should have made these purchases with his personal credit card and sought reimbursement. These charges were not repaid for several months by Mr. Schwartzberger and resulted in the credit card being shut down by the bank. Mr. Schwartzberger only paid the money back to McKenzie County several months later and after numerous attempts by the auditor's office to seek repayment. Mr. Schwartzberger was charged with a Class A Misdemeanor Misapplication of Entrusted Funds.

Duane Stanley provided the Board copies of letters dated November 23, 2016 from Governor Jack Dalrymple and Attorney General Wayne Stenehjem regarding the temporary suspension pending removal of Sheriff Gary Schwartzberger.

The POST Board decided to table this issue until the criminal portion of this case is resolved.

At 2:00 p.m., the Chairman called for a short recess at which time the recording was paused. At 2:05 the recording was activated and the meeting called back to order.

Tom Nagel – Update

The POST Board received a termination form from the Jamestown Police Department for Tom Nagel on March 9, 2016, stating that the Jamestown Police Department would like a POST Board review. This was in regards a joint internal investigation conducted by the Stutsman County Sheriff's Office and the Jamestown Police Department. Chief Scott Edinger provided the Board with an extremely detailed history of the facts surrounding the KVLV Whistle Blower article that aired November 4th, 2015, and the facts of the subsequent investigations which ultimately led to the termination of Mr. Nagel. A brief synopsis of the facts are that Mr. Nagel failed to report what Mr. Nagel thought was a crime of an alleged misuse of government property, a jet ski thought to be owned by Stutsman County and observed being used by a Stutsman County Deputy and the Stutsman County Sheriff's son. Mr. Nagel took it upon himself to conduct the investigation himself utilizing a public website and then chose to try the case in the court of public opinion. Mr. Nagel then lied to Major Johnson during an internal investigation into the matter.

A motion was made that Mr. Nagel did in fact violate the Peace Officers Code of Conduct section e and h. (e: To willfully lie, provide false testimony, evidence or misleading information or falsely written or verbal communications in reports when the information may be relied upon by the courts, state's attorneys or other law enforcement officials.) (h: To willfully fail to report the violation of a criminal law or NDCC chapter 12-63 by a peace officer.)

Another motion was made to start adverse action in accordance with 12-63-12.

Mr. Nagel was served a complaint on November 12, 2016 and the POST Board received a response from Mr. Nagel's Attorney on November 23, 2016 requesting the Complaint be dismissed with prejudice and a hearing be scheduled in the matter. Mr. Nagel's license is good until 12/31/16.

Ross Walther - Update

Ross Walther, who is a licensed peace officer and instructor through the POST Board, had his concealed weapons instructor certification revoked by the state. In a past board meeting, the Board had requested that anytime a licensed peace officer has their concealed weapons instructor certification revoked, they be informed of the situation and review the circumstances surrounding the incident. Upon review, it was found that Mr. Walther had issues with integrity and the fact the course was not being taught within the guidelines provided by Concealed Weapons, a department within the Bureau of Criminal Investigation.

A motion was made to revoke Mr. Walther's General Police Subjects and Firearms General instructor certification that had been granted through the POST Board.

Mr. Walther was served a complaint on September 26, 2016 and the POST Board received a response back from Mr. Walther legal counsel requesting an administrative hearing on the matter. POST Board Legal Counsel Mike Mahoney relayed to board members that he had been in contact with Mr. Walther's legal counsel discussing the case.

The POST Board decided to table this until the next Board meeting.

Jeremy Grohs - Update

The Bureau of Criminal Investigation received a letter August 1, 2016 from Burke County Commissioner, Debbie Kuryn, regarding concerns she has received about the actions of Sheriff Jeremy Grohs and how this reflects poorly on Burke County and law enforcement as a whole. Also contained with the letter were several affidavits regarding Jaime Combs, an individual who is currently on the 24/7 Sobriety Program along with several local newspaper articles. Duane Stanley had provided Board members with the content of this mailing to Board members to review prior to the meeting.

In this letter, Sheriff Grohs' fiancé at the time, Jaimie Combs, was on the 24/7 program. There were concerns that this created a conflict of interest since Sheriff Grohs was running the program and monitoring Ms. Combs while she was on the program. There were allegations that Sheriff Grohs was altering the test results when a positive BAC was detected. There were other allegations that Sheriff Grohs did not violate Ms. Combs when he should have regarding the 24/7 program and Sheriff Grohs did not serve warrants that were issued on Ms. Combs in a timely fashion. Also included in the letter were allegations that Sheriff Grohs

physically assaulted Ms. Combs and that the report filed by the deputy would not be forwarded properly. There was also a concern over a signed affidavit by Sheriff Grohs that stated Ms. Combs had a positive BAC of .09, an odor of alcohol could be detected and Sheriff Grohs allowed Ms. Combs to drive to Minot. There was another issue addressed in the letter that Sheriff Grohs had used his position as Sheriff in order to gain access to visit Mr. Combs other than designated visiting hours while she was incarcerated at the Ward County Jail.

Sheriff Grohs was present and addressed the Board. Sheriff Grohs stated they've had been issues in the past that commissioners had brought up and the relationship with Ms. Combs had since ended. Sheriff Grohs provided explanations surrounding the various issues involving the testing and administration of the 24/7 Sobriety program as it related to Ms. Combs. Sheriff Grohs provided an explanation on how Sheriff Grohs utilized HGN in reference to determining alcohol use. Sheriff Grohs would alternate topics and explanations surrounding the 24/7 Sobriety Program, staff issues with current employees which were being addressed, discussions with the Burke County States Attorney and interactions with the Burke County Commission. There were questions and discussion from board members in reference to the use of HGN. Duane Stanley followed up by explaining that the current ND 24/7 Program Guidelines do not mention the use of HGN in determining a pass or fail when using twice a day breath testing. There was continued discussion by Board members on making a request to the Director of BCI to consider an investigation into these matters.

A motion was made to request the Bureau of Investigation look into the accusations against Mr. Grohs.

Motion

Dan Haugen made a motion to request the Bureau of Investigation look into the accusations against Mr. Grohs. Scott Thorsteinson seconded the motion. All in favor, motion carried.

Duane Stanley provided board members with a copy of an e-mail dated September 28, 2016, from Director Dallas Carlson stating that the Bureau of Criminal Investigation was going to decline conducting an investigation on Mr. Grohs. The e-mail went on to state there appeared to have been a conflict of interest regarding a participant who then was a girlfriend of Sheriff Jeremy Grohs and who was on the 24/7 Sobriety Program which was overseen by Sheriff Grohs at the time.

NEW BUSINESS

Erica Nuwash – Bowman PD

Erica Nuwash took the use of force test three times and failed each time. Chief Charles Headley wrote a letter to the Board asking if they would reconsider Administrative Rule 109-02-03-02(3): A peace officer may not take the written examination or sidearm qualification test more than three times in any twelve month period. After the third unsuccessful attempt, the peace officer must wait one year before taking the examination or sidearm qualification test.

The Chief provided an overview of the circumstances surrounding the testing and relayed that Ms. Nuwash had been POST certified in Minnesota. There was lengthy discussion by Board members along with several questions posed to the Chief from board members.

There was discussion that Monica Sebastian set up a spreadsheet to keep track of the failed use of force tests, how many times an individual fails, and what questions were missed. Ms. Sebastian was to also put a notice/disclaimer on the Use of Force test explaining that after three failed attempts one has to wait a year before retaking the test.

Motion

Mike Reitan made a motion to deny this request for Ms. Nuwash to have another chance taking the use of force test. Tom Falck seconded the motion. All in favor, motion carried.

Mike Wardzinski - Waiver of Late Qualification Fee

Mike Wardzinski is a retired officer from Bismarck PD. Mr. Wardzinski qualified in 2015 but there had been a misunderstanding when sending in the paperwork. Mr. Wardzinski did qualify twice in 2016 to make up for the 2015 qualification. Mr. Wardzinski wrote a letter to the Board asking if they would waive the late qualification fee for 2015.

Motion

Dan Haugen made a motion to waive the late qualification fee for 2015. Paul Lies seconded the motion. All in favor, motion carried.

Gerald Zlotkowski - Training for Inactive Officers

Gerald Zlotkowski, maintaining an inactive ND Peace Officer License, wrote a letter to the Board requesting that the POST Board provide training for inactive officers throughout the State.

There was discussion among Board members that the POST Board would not be conducting training for inactive peace officers and if inactive officers take the time to look, there is enough ND POST Board approved training available for them to attend.

POST Board Rules – Agencies Responsibility

Duane Stanley went over Administrative Rule 109-02-01-05, which explains agency responsibility to report to the POST Board any violation of the ND Century Code 12-63, Code of Conduct violation, or Administrative Rule violation. There was also review and discussion of the CJIS Administrative Rule 10-18-01-05 (8) explain the authority of CJIS to deny CJIS access to an agency that fails to report users that are charged with or found guilty of misdemeanor/felony crimes.

Adverse License Action Process

There was initial discussion by Executive Secretary Duane Stanley and POST Board Legal Counsel Mike Mahoney on the current process that has been utilized regarding adverse license action and how those officers that are involved in the process are notified. Based on feedback from legal counsel it was thought that the Board should first review the facts of a specific case, a notice would then go out to the individual explaining the date and time that their case would be heard in front of the board. POST Board Legal Counsel described this

hearing similar to a “probable cause” hearing where the individual would be sworn in and could also be represented by their legal counsel if they choose. At the conclusion of this hearing/meeting, the POST Board would make a determination whether or not to move forward with the adverse license action process by issuing the formal complaint stating the specific violations. The individual would know at this time what violations would be listed in the formal complaint along with having heard the sanctions the Board had discussed. The individual would then be served the formal Complaint and Notice of Hearing through Certified Mail Registered Receipt at which time they may still proceed to an administrative hearing to contest the complaint if they so desire. The Chairman relayed that he as well had heard this concern of how individuals are notified and felt this would be an appropriate change. There was further discussion that this process would seem to fit more correctly with the language as currently written in NDCC 12-63-13.

Training Certification Request – Ben Dahl

Ben Dahl, Canadian Pacific Railroad, attended a Remington 870 Armorers School in New Jersey on September 19-20, 2016, and did not get the course pre-approved or check with the POST Board to see if the course was approved. Mr. Dahl was requesting training credit for this course.

Motion

Dan Haugen made a motion to deny the training credit request by Ben Dahl. Paul Lies seconded the motion. All in favor, motion carried.

Training Certification Request – Jeremy Grohs

Sheriff Jeremy Grohs, Burke County Sheriff’s Office, attended an Executive Level Management training August of 2016 in Colorado. Sheriff Grohs did not get the course pre-approved or check with the POST Board to see if in fact the course was already approved. Sheriff Grohs addressed the Board providing an explanation surrounding the attendance of this course.

Motion

Dan Haugen made a motion to deny the training credit requested by Jeremy Grohs. Paul Lies seconded the motion. All in favor, motion carried.

Training Certification Request – Grand Forks PD

Sergeant Jason Dvorak sent a letter to the POST Board stating that two Grand Forks Officers, Corporal Kris Brown and Corporal Beth Skari, attended a Restorative Conferencing Facilitator training put on by Lutheran Social Services. Sgt. Dvorak was told this training was POST Board approved but in fact it was not.

Motion

Dan Haugen made a motion to deny the training credit requested by Sgt. Dvorak. Sarah Warner seconded the motion. All in favor, motion carried.

Extension of Basic Training – Rebecca Bean

Captain Verlan Kvande, Williams County Sheriff's Office, wrote a letter to the Board requesting an extension of basic training for Rebecca Bean. Ms. Bean was scheduled to attend the two week Law Enforcement Basic Training on November 29, 2016. There was a storm that came through ND the week the training was to have started and Ms. Bean didn't feel comfortable driving. Lt. Haugen addressed the Board and relayed that other officers from the Williston area made it to the academy to attend basic training.

Motion

Mike Reitan made a motion to deny the extension of basic training for Rebecca Bean. Paul seconded the motion. All in favor, motion carried.

Extension of Training Hours – Morton County

Captain Duane Snider wrote a letter to the Board requesting that they grant Deputy George Piehl an extension on receiving his training hours due to working overtime regarding the DAPL situation. Mr. Piehl's license will expire 12/31/16.

Motion

Paul Lies made a motion to deny the extension of training hours for George Peihl. Mike Reitan seconded the motion. All in favor, motion carried.

Funding Request – Grand Forks PD

The Grand Forks Police Department is requesting a total of \$10,000 for training titled Improving Police Citizens Contacts. They would hold this class two separate times at \$5,000 for each class.

Motion

Dan made a motion to approve one training session of Improving Police Citizens Contacts for the amount of \$5,000. Chad seconded the motion. Paul Lies voted no, Sarah Warner, Dan Haugen, John Klug, Chad Kaiser, Tom Falck, and Mike Reitan voted yes. Motion carried.

POST Board Review – Jodi Kirkwood

Duane Stanley provided the Board with an overview regarding Jodi Kirkwood, who is employed by Department of Corrections and was charged with Disorderly Conduct in a verbal altercation in Miles City Mt. At this time the POST Board did not have a disposition for this charge.

Motion

Paul Lies made a motion to table this issue until they received the disposition. Sarah Warner seconded the motion. All in favor, motion carried.

POST Board Review – Jack Kimble

Duane Stanley provided the Board with paperwork received from the Emmons County Sheriff's Department regarding Jack Kimble. On the termination form it stated, "Deputy Kimble prior to being terminated, tendered his resignation as a result of an internal and external investigation regarding his conduct both on and off duty, policy violations, and possible criminal conduct. Mr. Kimble admitted to sending two digital photos of his penis to two adult females and having a relationship with one female who is a possible suspect in a felony investigation and withholding information given to him". There was lengthy discussion by board members relating to the language in the current Code of Conduct and broadening the definition of "moral turpitude" in the administrative rules.

Motion

Dan Haugen made a motion to take no adverse action against Jack Kimble due to the fact there were no Code of Conduct violations or criminal violations. Chad Kaiser seconded the motion. Mike Reitan voted no, Sarah Warner, Dan Haugen, John Klug, Chad Kaiser, Paul Lies, and Tom Falck voted yes, motion carried.

POST Board Review – David Swenson

Duane Stanley provided the Board with paperwork received from the Valley City Police Department regarding David Swenson. Mr. Swenson resigned from the Valley City Police Department as a result of an internal administrative investigation initiated on July 7, 2016, reference improper conduct. Mr. Swenson allegedly had sexual relations with a female in the evidence room at the Valley City Police Department. Once again there was discussion by board members regarding the current language in the Code of Conduct.

Motion

Dan Haugen made a motion to take no adverse action against David Swenson due to the fact there were no Code of Conduct violations or criminal conduct. Chad Kaiser seconded the motion. Tom Falck voted no, Sarah Warner, Dan Haugen, John Klug, Chad Kaiser, Paul Lies, and Mike Reitan voted yes, motion carried.

POST Board Review – Shane Spieker

Duane Stanley provided the Board with paperwork received from the Cass County Sheriff's Department regarding Shane Spieker. Mr. Spieker was placed on Administrative Leave on September 16, 2016, pending an internal investigation into allegations by a former inmate regarding sexual conduct between her and Mr. Spieker. Mr. Spieker resigned from the Cass County Sheriff's Department on October 17, 2016. The inmate making the allegations has since passed away.

Motion

Dan Haugen made a motion to not take any adverse action against Shane Spieker. Chad Kaiser seconded the motion. Tom Falck voted no, Sarah Warner, Dan Haugen, John Klug, Chad Kaiser, Paul Lies, and Mike Reitan voted yes, motion carried.

Chairman Klug requested input from members by conducting a roundtable discussion.

Sarah Warner relayed to members that Lake Region Training Director John Maritato had purchased the physic fitness equipment to be utilized for their academy testing. Lt. Haugen followed up explaining to board members that Lake Region is not yet prepared to run/proctor the test. There was also mention by a Board member on auditing the basic training program.

Members requested that the topic of Criminal History Guidelines be placed on the agenda for the next meeting to discuss language changes.

Members also wanted Marcy's Law to be placed on the upcoming agenda to address how this may impact ethics violations/sanctions against a peace office's license when an officer does not comply with the law.

At 4:03 p.m., Dan Haugen made a motion to adjourn. Paul Lies seconded the motion. All in favor, motion carried.