

**MINUTES OF THE
PEACE OFFICER STANDARDS
AND TRAINING BOARD
COMFORT INN SUITES
BISMARCK, NORTH DAKOTA
DECEMBER 14, 2017**

MEMBERS PRESENT

Paul Lies
Sarah Warner
Dan Haugen
John Klug
Chad Kaiser
Tom Falck
Jason Ziegler
Lyn James
Jesse Jahner

GUESTS

David Todd
Jared Crane
Jennifer Meslow
Mark Frieese
David Boelke
Ryan Sandberg
Greg LaHaise
Jason Dvorak
Charissa Remus
Monica Sebastian
Charles Bercier
Gerald Medrud
Casey Kapp
Jack Dura
Jackie Lundstrom

ADMINISTRATIVE STAFF

Duane Stanley

MEMBERS ABSENT

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 Paul Lies and Sarah Warner were present. It should be noted that Paul Lies joined the meeting at 1:02 p.m. and Sarah Warner joined the meeting at 1:07 p.m.

POST Board Hearing – Bryton Dahl (17-015) 1:03 p.m.

North Dakota court records show that Bryton Dahl had been charged in Williams County District Court with Corruption/Solicitation of a Minor, a Class C Felony, in Case No. 53-2017-CR-01165.

North Dakota Bureau of Criminal Investigation Special Agent (S/A) Charissa Remus was sworn in by Chairman John Klug. S/A Remus provided the Board with an overview of the case regarding sexual contact with a male juvenile. Mr. Dahl's legal counsel was also present and answered questions from board members.

Motion

Danny Haugen made a motion that Bryton Dahl did in fact violate the Peace Officer Code of Conduct , specifically, 109-02-05-01(4c) and that Mr. Dahl'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

Danny 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 by board members regarding a possible sanction of Mr. Dahl's peace officer license.

Motion

After discussion, Danny Haugen made a motion to suspend Mr. Dahl's peace officer license until the criminal charges were completed and that the Board have the ability to revisit the matter at that time. Chad Kaiser seconded the motion. All in favor, motion carried.

POST Board Hearing – David Boelke (17-019) 1:16 p.m.

The ND POST Board Office received documentation from the Fargo Police Department regarding the termination of David Boelke. It should be noted that due to the size of the file, Mr. Boelke's legal counsel Mark Friese along with POST Board legal counsel Mike Mahoney agreed to the documents that were to be sent to Board members prior to the hearing although Board members had access to all documentation contained within the file.

Sgt. Jared Crane from the Fargo Police Department was sworn in by Chairman John Klug. Sgt. Crane provided an overview of the internal investigation and circumstances that ultimately led to the termination of Mr. Boelke. The incidents in question were regarding whether or not Officer Boelke had responded to certain calls for service from the public and the inconsistencies with the findings in the internal investigation involving witness statements, GPS data, and Officer Boelke's statements. Sgt. Crane also answered questions from Board members.

Mark Friese addressed the Board and provided a statement supporting their position in the matter. Mr. Friese also answered questions from board members. Mr. Boelke was also sworn in and provided testimony to the Board regarding the matter. Mr. Boelke was also questioned by board members. Sgt. Crane was called back by the Board and answered further questions. Mr. Boelke was called back once again and questioned by his legal counsel.

Motion

Danny Haugen made a motion that David Boelke did not violate the Peace Officer Code of Conduct specifically 109-02-05-01 4(e). Lyn James seconded the motion. There was discussion from board members regarding other witness' and the possibility of postponing the hearing. Jesse Jahner voted no. Tom Falck voted no. Paul Lies abstained. All others voted yes, motion carried.

Chairman Klug called for a break at 2:31 p.m.

Chairman Klug called the meeting back to order at 2:42 p.m.

POST Board Hearing – Jeremiah Ferris (17-020) 2:42 p.m.

Minnesota court records showed that Jeremiah Ferris pled guilty in the State of Minnesota, Clay County District Court to Disorderly Conduct, a Misdemeanor, in Case No. 14-CR-17-2064. Chairman Klug provided the Board with an overview of the incident. Moorhead, Minnesota police officers were dispatched to a residence in south Moorhead to a report of a physical domestic between an adult male and female. The resulting investigation resulted in Mr. Ferris being arrested for 5th Degree Domestic Assault.

Mr. Ferris' legal counsel Mark Friese addressed the Board and answered questions.

Motion

Danny Haugen made a motion that Jeremiah Ferris did in fact violate the Peace Officer Code of Conduct , specifically, 109-02-05-01(4c) and that Mr. Dahl'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

Danny 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 by board members regarding a possible sanction of Mr. Ferris' peace officer license.

Motion

After discussion, Paul Lies made a motion to suspend Mr. Ferris' peace officer license for thirty days followed by one year of probation under the condition that no other violations of criminal law or administrative rule occur. Tom Falck seconded. All in favor, motion carried.

POST Board Hearing – Scott Melbarzdis (17-018) 2:55 p.m.

North Dakota court records show that Scott Melbarzdis plead guilty in Ward County District Court to Reckless Driving, a Class B Misdemeanor, in Case No. 51-2017-CR-01957.

An overview of the case was provided to the Board. Mr. Melbarzdis was stopped by a Minot Police officer in the early morning hours of August 10, 2017 for a traffic violation. After the investigation, Mr. Melbarzdis was subsequently arrested for Driving Under the Influence by NDHP Trooper Brandon Sola. Mr. Meldarzdís was tested after his arrest and found to have a AC of .097.

Motion

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

Motion

Danny 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 by board members regarding a possible sanction of Mr. Melbarzdis' peace officer license.

Motion

After discussion, Jesse Jahner made a motion to suspend Mr. Melbarzdis' peace officer license for seven days followed by one year of probation under the condition that no other violations of criminal law or administrative rule occur. Lyn James seconded the motion. All in favor, motion carried.

Limited License – Charles Bercier (Rolette County SO)

The ND POST Board received paperwork for Charles Bercier to obtain a limited license. Based on Mr. Bercier's criminal history, the application was reviewed in front of the board. Mr. Bercier had an initial charge of Terrorizing on August 29, 2002 in Rolette County. This charge was subsequently dismissed. There was a misdemeanor conviction of Disorderly Conduct from May 12, 2005 in Grand Forks Municipal Court. Mr. Bercier was initially charged with Felony Assault in Emmons County Court in June of 2011. Mr. Bercier was subsequently given a Deferred Imposition of Sentence for a period of two years ending on August 24,2012.

Mr. Bercier along with Rolette County Sheriff Gerald Medrud were present and addressed the Board regarding these incidents. There were numerous concerns from board members regarding what appeared to be a pattern of criminal behavior that had a common theme stemming from the use of alcohol. Mr. Bercier relayed to the Board that he had stopped drinking back in 2012. After much discussion, POST Board legal counsel advised Board members on the wording of the administrative rules as it related to prohibiting a limited license.

There was no action as Mr. Bercier met the requirements for a limited license.

Sidearm Qualification Waiver – Jennifer Meslow (Centre Inc.)

The ND POST Board Office received paperwork regarding a request from Jennifer Meslow wanting a Sidearm Qualification Waiver due to medical reasons. Ms. Meslow was present and addressed the Board regarding her medical condition. Ms. Meslow's peace officer license is currently on "Inactive Status" and although working for Centre Inc. , Ms. Meslow is not performing peace officer duties. POST Board staff cited the language in NDCC 12-63-11.

Motion

After discussion, Lyn James made a motion to deny the Sidearm Qualification Waiver request. Sarah Warner seconded. All in favor, motion carried.

Instructor Reinstatement Request – Blake Riewer (ND Game & Fish)

The ND POST Board Office received paperwork regarding a request for reinstatement of Side Arm Instructor Recertification for Game Warden Blake Riewer whose certification had expired August 2, 2017. Enforcement Operations Supervisor Jackie Lundstrom from ND Game & Fish was present and addressed the Board regarding the circumstances surrounding Mr. Riewer's instructor certification.

Motion

Danny Haugen made a motion to deny the reinstatement request. Chad Kaiser seconded the motion. All in favor, motion carried.

Instructor Reinstatement Request – Paul Podhrasky (Cavalier County SO)

The ND POST Board Office received paperwork regarding a request for reinstatement of Chief Deputy Paul Podhrasky's instructor recertification due to failure of sending in the renewal application paperwork. It should be noted Mr. Podhrasky's certification expired in April of 2016 and he took the refresher in May of 2016.

Motion

Chad Kaiser made a motion to deny the reinstatement request. Tom Falck seconded the motion. All in favor, motion carried.

Instructor Reinstatement Request – George Peihl (Morton County SO)

The ND POST Board office received paperwork regarding a request for reinstatement of Deputy George Piehl's weapons instructor certification. Mr. Piehl's certification had expired in January of 2017 and the reason given for not renewing on time was due to DAPL protest activity.

Motion

Tom Falck made a motion to deny the reinstatement request. Danny Haugen seconded the motion. All in favor, motion carried.

Instructor Reinstatement Request – Christopher Miller (Mandan PD)

The ND POST Board Office received paperwork regarding a request for reinstatement of Lt. Chris Miller's Instructor Certification. The reason given as to why the paperwork was not sent in a timely fashion was due to an oversight by Lt. Miller because of a very busy time at the Mandan Police Department.

Motion

Lyn James made a motion to deny the reinstatement request. Paul Lies seconded the motion. All in favor, motion carried.

Prior to review of all the funding requests, Duane Stanley provided the Board with a thank you letter the office had received from Lt. Gary Grove of the Grand Forks Sheriff's Office regarding past funding the Board had approved for training sponsored by the Sheriff's Department. It was noted that this was the first thank you letter the Board has received from an agency receiving training funds in quite some time.

Funding Request

The Grand Forks Police Department is asking for \$13,200 to host Exploitation and Monitoring of Social Media for Law Enforcement training. The training will be held March 27-29, 2018 in Grand Forks.

Motion

Tom Falck made a motion to approve \$13,200 for the Exploitation and Monitoring of Social Media for Law Enforcement training. Lyn James seconded the motion. All in favor, motion carried.

Funding Request

The Grand Forks Police Department is asking for \$9,900 to host Calibre Press-Balancing Our Biases training. The training will be held February 26th and 27th, 2018 at the Grand Forks Public Safety Center.

Motion

Chad Kaiser made a motion to approve \$9,900 for Calibre Press-Balancing Our Biases training. Jesse Jahner seconded the motion. All in favor, motion carried.

Funding Request

The Grand Forks Police Department is asking for \$5,500 to host Advanced Supervision and Management/Police Leadership in the Era of Accountability training. The training will be held April 9th and 10th at the Grand Forks Public Safety Center.

Motion

Chad Kaiser made a motion to approve \$5,500 for Calibre Press-Balancing Our Biases training. Sarah Warner seconded the motion. All in favor, motion carried.

Funding Request

The Jamestown Police Department is asking for \$2,950 to host The Bullet Proof Mind training. The training will be held February 17th, 2018 at the Victory Lutheran Church in Jamestown, ND.

Motion

Jesse Jahner made a motion to approve \$2,950 for The Bullet Proof Mind training. Jason Ziegler seconded the motion. All in favor, motion carried.

Funding Request

The Williston Police Department is asking for \$9,250 to host the Kaminsky Field Training Officer Seminar. The training will be held in 2018 at the Williston Police Department.

Motion

Jason Ziegler made a motion to approve \$9,250 for the Kaminsky Field Training Officer Seminar . Chad Kaiser seconded the motion. All in favor, motion carried.

Funding Request

The Stutsman County Sheriff's Office is asking for \$16,500 to host SKIDS/CATS-K-9 SWAT Deployment training. The training will be held September 17-20, 2018 at Camp Grafton, Devils Lake, North Dakota.

Motion

Tom Falck made a motion to approve \$16,500 for SKIDS/CATS-K-9SWAT Deployment training. Jason Ziegler seconded the motion. All in favor, motion carried.

Funding Request

The West Fargo Police Department is asking for \$3,000 to host Personal and Professional Breakthrough for Police Officers training. The training will be held March 15th, 2018 at the Copper Ridge Event Center, Fargo, North Dakota.

Motion

Sarah Warner made a motion to approve \$3,000 for the Personal and Professional Breakthrough for Police Officers training. Chad Kaiser seconded the motion. All in favor, motion carried.

Funding Request

The Stark County Sheriff's Office is asking for \$8,000 to host Sirchie-3 Day Evidence Collection training. The training will be held May 15-17, 2018 at the Dickinson Middle School.

Motion

Chad Kaiser made a motion to approve \$8,000 for the Sirchie-3 Day Evidence Collection training. Jesse Jahner seconded the motion. All in favor, motion carried.

Funding Request

The Bismarck Police Department is asking for \$2,750-\$4,500 to host Human Elements of Stress training. During Board discussion, there were numerous questions that could not be answered.

Motion

Danny Haugen made a motion to deny funding for the Human Elements of Stress training. Paul Lies seconded the motion. All in favor, motion carried.

Board members relayed to POST Board staff to notify Bismarck PD that they could reapply for funding of this course at the next POST Board meeting.

Funding Request

The North Dakota Highway Patrol is asking for \$25,000 to host the IACP- Leadership in Police Organizations (LPO) training. The training will be held February, March and April of 2018 at the LETA in Bismarck.

Motion

Chad Kaiser made a motion to approve \$25,000 for the IACP- Leadership in Police Organizations (LPO) training. Jason Ziegler seconded the motion. All in favor, motion carried.

Funding Request

The Burleigh County Sheriff's Office is asking for \$2,500 to host Seven Deadly Sins of the K-9 Handler training. This training will be conducted July 18, 2018 at the Bismarck Public works Center.

Motion

Lyn James made a motion to approve the Seven Deadly Sins of the K-9 Handler training. Chad Kaiser seconded the motion. All in favor, motion carried.

Course Approval

The Burleigh County Sheriff's Office submitted paperwork to the POST Board Office requesting changes to their recently approved Correctional Officer Basic Curriculum. Sgt. Casey Kapp addressed the Board explaining that they would like to condense the Behavioral Change class from 8 hours down to 4 hours and in return, conduct a 4 hour Cell Extraction class.

Motion

Chad Kaiser made a motion to approve the recommended changes to the Burleigh County Correctional Officer Basic Curriculum. Jesse Jahner seconded the motion. All in favor, motion carried.

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, Jason Ziegler, Lyn James, Tom Falck, Sarah Warner, Jesse Jahner, Mike Mahoney, Duane Stanley.

EXECUTIVE SESSION BEGINS AT 4:46 p.m.

Motion

Tom Falck made a motion to move to executive session. Lyn James seconded the motion. All in favor, motion carried.

Motion

Tom Falck made a motion to end executive session. Lyn James seconded the motion. All in favor, motion carried.

EXECUTIVE SESSION ENDS AT 4:49 p.m.

Course Approval

The McKenzie County Correctional Facility submitted paperwork to the POST Board Office requesting the approval of their Correctional Officer Basic Curriculum.

Motion

After review of the documentation and Board discussion, Paul Lies made a motion to approve the McKenzie County Correctional Facility Correctional Officer Basic Curriculum. Lyn James seconded the motion. All in favor, motion carried.

Firearms Instructor Course Waiver (Alternate Course)

The ND POST Board Office received paperwork from NDHP Trooper Adrian Martinez requesting a transfer of his Firearms Instructor Certification from Nevada to North Dakota. This was based on Mr. Martinez's successful completion of a 40 hour Firearms Instructor Course taught by the Federal Bureau of Investigation.

Motion

After review of the course curriculum, Paul Lies made a motion to accept the alternate class and grant the Firearms Instructor Course Waiver. Chad Kaiser seconded the motion. Danny Haugen recused himself. Remaining members all in favor, motion carried.

MOI Instructor Waiver Request

The ND POST Board Office received paperwork from Fargo Police Officer Adam O'Brien requesting an MOI exemption based on military training Mr. O'Brien had taken.

Motion

After Board discussion, Danny Haugen made a motion to deny the MOI Instructor Waiver request. Chad Kaiser seconded the motion. All in favor, motion carried.

Training Certification Request

The ND POST Board Office received paperwork from Sgt. Rick Widicker of the Mandan Police Department in regards to obtaining training hour credit for attending a course that was not pre-approved by the POST Board.

Motion

After a short Board discussion, Lyn James made a motion to deny the training hours. Danny Haugen seconded the motion. Jason Ziegler recused himself. Remaining members all in favor, motion carried.

Secretary Report

Old Business

Duane Stanley relayed that peace officer jobs and training are now listed under the ND POST Board website.

The ND POST forms and logo are still in the process of being updated.

There was discussion by legal counsel, Board members, and Board subcommittee members Chad Kaiser, Jesse Jahner, and Paul lies regarding the confidential informant guidelines that are now a legislative requirement from House Bill 1221.

There was no subcommittee report regarding Training Provider Certification.

Danny Haugen addressed the Board regarding the new MOI Reinstatement course which is four hours in length and will be taught at the LETA. This course is to be taken by individuals who have let their MOI/Firearms certification lapse and have failed to renew in the proper time frame. There was discussion that these individuals would have to take this course within six months from the expiration date of their instructor certification or they would have to retake the full length MOI course. Names of those individuals needing to take the class would be forwarded to Lt. Danny Haugen. Board members gave the authority to POST Board administrative staff to deny instructor recertification to individuals who do not follow the correct process and renew on time.

Duane Stanley provided board members with the settlement that was reached by the Dunn County States Attorney's Office and David Klatt's legal counsel Chris Redmann. After Board discussion, Chad Kaiser made a motion to withdraw and conclude the adverse license action proceedings against the peace officer license of David Klatt. Jason Ziegler seconded the motion. Tom Falck recused himself. Remaining members all in favor, motion carried.

There was once again discussion in regards to the four hour MOI Refresher Course. Chad Kaiser made a motion to approve the course and that an individual would need to complete the course within six months from expiration of instructor certification. Lyn James seconded the motion, all in favor, motion carried.

Adverse License Action Updates

Dustin Pekas- Legal counsel for Dustin Pekas had signed for the Complaint on October 23, 2017. Mr. Pekas did not respond and is now in default. An Order of Revocation will be drafted.

Peter Stark – Took service of the Complaint in Minnesota. Mr. Stark's legal counsel stated Mr. Stark will not contest the proceeding.

Maxwell Ingram- Mr. Ingram was served with a Complaint. A stipulation agreement was signed November 8, 2017. Mr. Ingram was given a six month conditional probationary period starting October 11, 2017 and finishing on April 12, 2018.

Michael Cheeseman- Mr. Cheeseman was served a Complaint and is now considered to be in default. Administrative staff discussed the process with Mr. Cheeseman over the phone. Mr. Cheeseman indicated he would not be contesting the matter. An Order of Revocation will be drafted.

Meeting Minutes

Minutes were reviewed from the August 16, 2017, regular POST Board meeting.

Motion

Paul Lies made a motion to approve the minutes from the August 16, 2017, regular POST Board meeting. Chad Kaiser seconded the motion. All in favor, motion carried.

Meeting Minutes

Minutes were reviewed from the September 13, 2017, special POST Board meeting.

Motion

Paul Lies made a motion to approve the minutes from the September 13, 2017, special POST Board meeting. Chad Kaiser seconded the motion. All in favor, motion carried.

Meeting Minutes

Minutes were reviewed from the October 11, 2017, special POST Board meeting.

Motion

Paul Lies made a motion to approve the minutes from the October 11, 2017, special 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, 2017, through December 14, 2017.

Motion

Paul Lies made a motion to approve the financial report from January 1, 2017, through December 14, 2017. Chad Kaiser seconded the motion. All in favor, motion carried.

2018 Proposed Budget

Duane Stanley provided the Board the 2018 budget and went over each line item of the proposed budget.

Motion

Paul Lies made a motion to approve the 2018 budget. Chad Kaiser seconded the motion. All in favor, motion carried.

Meeting Dates for 2018

Duane Stanley suggested the following dates for the 2018 regular POST Board meetings: February 7, May 16, August 16, and December 6.

Motion

Paul Lies made a motion to accept the 2018 regular scheduled meeting dates. Chad Kaiser seconded the motion. All in favor, motion carried.

Special Meeting Dates for 2018

Duane Stanley suggested dates for the 2018 special meetings. After board discussion, April 4, June 20, and October 3 were agreed upon.

During the round table discussion, Chad Kaiser provided a letter to administrative staff from an individual in law enforcement regarding the wording of question # 25 in the Use of Force test. A request was made to have this issue placed on the agenda for the February meeting.

Motion

At 5:35 p.m., Paul Lies made a motion to adjourn. The seven other board members seconded the motion. All in favor, motion carried.