

**MINUTES OF THE
PEACE OFFICER STANDARDS
AND TRAINING BOARD
COMFORT INN SUITES
Bismarck, North Dakota
December 9, 2015**

MEMBERS PRESENT

John Klug
Chad Kaiser
Steve Engen
Dan Haugen
Scott Thorsteinson
Sarah Warner
Lyn James
Jack Nybakken

GUESTS

Travis Stefonowicz
John Maritato
Michael Sanden
Jay Middleton
Greg LaHaise
Trey Weyer
Derek Bernier
Terry Oestreich
Phillip Worley
Ray Kaylor
Larry Maize
Jeremy Johnson
Don Weaver
Amanda Hendrickson
Corey Schlinger

ADMINISTRATIVE STAFF

Duane Stanley
Monica Sebastian

The meeting was called to order by Chairman Steve Engen at 1:01 p.m. with roll call. All members were present except Paul Lies.

Secretary Report

Meeting Minutes

Minutes were reviewed from the August 11, 2015, regular POST Board meeting.

MEMBERS ABSENT

Paul Lies

LEGAL COUNSEL

Ken Sorenson
Mike Mahoney

Motion

Jack Nybakken made a motion to approve the minutes from the August 11, 2015, regular POST Board meeting. Chad Kaiser seconded the motion. All in favor, motion carried.

Meeting Minutes

Minutes were reviewed from the September 9, 2015, special meeting. Sarah Warner stated her name was misspelled on page four in the September 9, 2015, special meeting minutes.

Motion

Chad Kaiser made a motion to approve the September 9, 2015, special meeting minutes with the changes to Sarah Warner's name. 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, 2015, through December 2, 2015. Lyn James asked if there was any policy or guidance on how the money for late fees being collected is going to be utilized. There was discussion by board members reference this issue.

Motion

Lyn James made a motion to form a subcommittee to determine how the excess fees should be utilized. Dan Haugen seconded the motion. All in favor, motion carried.

Volunteers for the committee are John Klug, Scott Thorsteinson and Chad Kaiser. The committee is to report their recommendations at the next POST Board meeting in 2016.

Motion

Lyn James made a motion to approve the financial report from January 1, 2015, through December 2, 2015. Sarah Warner seconded the motion. All in favor, motion carried.

2016 Budget

Duane Stanley provided the proposed 2016 budget to the Board members explaining the details of the various line items. Lyn James suggested a breakdown on the budget line item regarding licensing fees to include late license fees.

Motion

Lyn James made a motion to approve the budget with the line item for late licensing fees to be included. Jack Nybakken seconded the motion. All in favor, motion carried.

Audit Report

Duane Stanley went over the results of the audit from the last biennium which included the years 2013 and 2014.

Motion

Sarah Warner made a motion to accept the audit. John Klug seconded the motion. All in favor, motion carried.

Meeting Dates for 2016

Meeting dates of February 17th, May 18th, August 9th, and December 7th, 2016, were suggested. There was discussion that the February 17th meeting be held at the LETA in Bismarck and discussion that the August 9th meeting would be held at the NDPOA Conference in Dickinson this year.

Motion

Chad Kaiser made a motion to accept the February 17th, May 18th, August 9th, and December 7th, 2016, meeting dates. Dan Haugen seconded the motion. All in favor, motion carried.

Special Meeting Dates for 2016 if needed

Special meeting dates of April 6th, June 22th, and October 5th, 2016, were suggested.

Motion

Chad Kaiser made a motion to accept the special meeting dates of April 6th, June 22th, and October 5th, 2016, if needed. Scott Thorsteinson seconded the motion. All in favor, motion carried.

Old Business

Adverse Action - Mark Blanchard (UPDATE)

Mark Blanchard, who used to work for the Arnegard Police Department had been under investigation involving theft of property while being employed at the Arnegard Police Department. Mr. Blanchard was charged with numerous felonies and adverse license action was initiated. Mr. Blanchard was subsequently acquitted of all charges. Mr. Blanchard's license expired 12/31/14. Ken Sorenson advised board members there was no basis to move forward and the appropriate action is to dismiss without prejudice.

Motion

Scott Thorsteinson made a motion to dismiss the complaint without prejudice. Dan Haugen seconded the motion. All in favor, motion carried.

Adverse Action – Jeremiah Johnson (UPDATE)

Officers Jeremy Johnson and Josh Nelson had been out at a city dump shooting an AK47 while on duty. A complaint was filed from citizens on the neighboring golf course that bullets were ricocheting off of the golf course grounds. A BCI investigation was conducted surrounding the incident. Mr. Johnson took responsibility that he unnecessarily endangered Officer Nelson's career. Adverse license action was initiated. On August 6th, 2015 the POST Board office received a letter from Mr. Johnson waiving his rights to a hearing. On August 17th, 2015 the POST Board office received a letter from Tioga Police Chief Larry Maize which stated Mr. Johnson was reduced in rank from Sergeant to patrol officer.. The charges were reduced from a Class A Felony Reckless Endangerment to a Class B Misdemeanor Disorderly Conduct. Mr. Johnson ultimately pled guilty to this amended charge and was assessed a fine, one year unsupervised probation and given a deferred imposition of sentence. Mr. Johnson does have a current peace officer license through December 31, 2018.

Motion

Scott Thorsteinson made a motion that Mr. Johnson be given probation to run concurrent with the probation in the criminal case currently through Williams County and that Mr. Johnson is to have no violations of the law, POST Board rules or code of conduct. Dan Haugen seconded the motion. All in favor, motion carried.

Adverse Action – Michael Schmitz (UPDATE)

Documentation was sent to Secretary Stanley from S/A Dale Maixner at the September 9, 2015, POST Board meeting stating that Michael T. Schmitz was charged with two counts of False Information to Law Enforcement. Mr. Schmitz is represented by Attorney Tom Dickson. A formal letter dated November 25, 2015 was submitted to the POST Board requesting an administrative hearing for Mr. Schmitz. This case will be referred to the Office of Administrative Hearing. Mr. Schmitz is still working for the McKenzie County Sheriff's Office and his license is good through December 31, 2016.

Adverse Action – Jeremie Meisel (UPDATE)

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. Mr.

Meisel is represented by attorney Chris Redmann. An email from Mr. Meisel's legal Counsel was sent to Executive Secretary Duane Stanley, which was enough to keep Mr. Meisel out of default. Mr. Stanley sent a letter dated December 2, 2015 back to Mr. Meisel's legal counsel indicating that a response was needed in the form of a formal letter. On December 7th the POST Board office received an e-mail from Mr. Meisel's legal counsel which contained an attachment. This attachment was a letter dated September 28, 2015. This case will be referred to the Office of Administrative Hearing.

Adverse Action – Mark Wallevand (UPDATE)

Mark Wallevand was charged with the following felony crimes: Promoting a Sexual Performance by a Minor (one count), Possession of Certain Materials Prohibited (five counts). Mr. Wallevand is not currently working for an agency but his peace officer license is current until December 31, 2016. A letter, along with a Complaint, and Notice of Hearing from Executive Secretary Duane Stanley were sent certified mail, restricted delivery to the address listed on the search warrant that had been executed at Mr. Wallevand's residence. There was no response from Mr. Wallevand. If the POST Board does not hear back from the Post Officer regarding Mr. Wallevand's whereabouts, the process will start for notification of adverse license action through publication in the newspapers.

Training Provider Subcommittee

Chairman Steve Engen stated that this was still being researched. Chairman Engen presented a form to the Board regarding funding requests for training from area law enforcement agencies. Board members were asked to make recommendations or any changes they felt necessary to the form.

New Business

Lexipol Training

At the August 14, 2013, meeting, Lexipol came in front of the Board asking that their training program which offers daily 5-15 minute training segments be approved by the Board. There was lengthy discussion by board members whether or not this training should or could be used towards POST Board continuing education credits. There was discussion that these segments should be for interagency accountability and not for training credit along with discussion on the internal accounting issues with small segments of time. It was stated that current POST Board administrative rules only allow for training increments to be no smaller than one hour in length. A motion was made that no action be taken at this time.

Lexipol representative Don Weaver came back and addressed the Board asking that their web based training with 5-15 minute training videos once again be considered and be accepted by the Board. There was once again lengthy discussion amongst board members regarding the Administrative Rules which stated that training must be in one hour increments and how the POST Board would track and enter the training hours. Executive Secretary Duane Stanley went on to explain the issues with pre-approval of courses to stay consistent with administrative rules along with the timeliness issue for

reporting. Executive Secretary Stanley gave several options that may work if Lexipol was able to provide the required information in a timely fashion. The Board requested that Executive Secretary Duane Stanley get information from Lexipol on all of their 5-15 minute training videos along with the course content for a year and to be in communication with Mr. Weaver regarding the possibility of working out a solution. The Board tabled their decision until the information from Lexipol is provided to Mr. Stanley.

Training Certification Request

Grand Forks PD Lt. Greg LaHaise sent a letter to the POST Board asking for approval for hours for one of their officers who attended polygraph training. It should be noted that this training was in excess of 400 hrs. and conducted in Pennsylvania. The training curriculum had not been pre-approved. Mr. La Haise and GFPD Officer Jay Middleton addressed the Board and answered questions about why the training had not been pre-approved. It was also discussed that this specific polygraph course has subsequently been POST Board approved. There was discussion by board members to remain consistent with the administrative rules but also discussion about the fact that it was a substantial amount of training hours that would not be entered on the officers' training record.

Motion

Scott Thorsteinson made a motion to deny training credit for the polygraph training for Grand Forks PD. John Klug seconded the motion. John, Sarah, Lyn, Scott, Dan, Chad, and Steve voted yes, Jack voted no, motion carried.

Funding Request

The Grand Forks PD sent in a request asking for \$7,560 for Kaminsky and Associates Basic FTO training, which would be held in Grand Forks on March 16-18, 2016.

Motion

Dan Haugen made a motion to fund \$7,560 for the Basic FTO training. Sarah Warner seconded the motion. All in favor, motion carried.

Funding Request

The Grand Forks PD sent in a request asking for \$9,000 for Fundamentals of Crime Scene Examination and Evidence Collection, which would be held in Grand Forks on February 22-26, 2016.

Motion

Dan Haugen made a motion to fund \$9,000 for Fundamentals of Crime Scene Examination and Evidence Collection. Lyn James seconded the motion. All in favor, motion carried.

Funding Request

Wahpeton PD sent in a request asking for \$1,260 for NDCAWS Sexual Assault Training that will be conducted sometime in early 2016.

Motion

Dan Haugen made a motion to approve \$1,260 for NDCAWS Sexual Assault Training. Jack Nybakken seconded the motion. Scott Thorsteinson abstained. All in favor, motion carried.

Training Certification Request

Chris Grant sent in a detailed letter to the POST Board asking for approval of hours for gang training that he had conducted in June of 2015. Mr. Grant explained that he had failed to send in the roster for student credit in a timely fashion.

Motion

Scott Thorsteinson made a motion to accept the gang training from June. Dan Haugen seconded the motion. All in favor, motion carried.

Chairman Engen called for a recess at 2:42. The meeting was reconvened at 2:56.

Training Certification Request

Tracy Brumfield sent a letter to the POST Board asking for approval for training hours in reference to a sheep dog seminar that he attended in Montana. Mr. Brumfield had not obtained pre-approval before attending the training. There was discussion once again by board members as to staying consistent and the fact the administrative rules regarding these issues have been in place for some time.

Motion

Chad Kaiser made a motion to deny these training hours for Tracy Brumfield in reference to the sheep dog seminar. John Klug seconded the motion. All in favor, motion carried.

License Reinstatement

Trey Weyer sent in a letter asking to attend the meeting to discuss the status of his ND Peace Officer License and if there was anything Mr. Weyer could do for the Board to renew his license without attending the basic training again. Mr. Weyer's license had expired 12/31/13. POST Board rules state that late renewal of a license may not be granted more than one year after expiration of the license. The Board informed Mr. Weyer that he would need to be hired by an agency and apply for a limited license. There was no action needed.

POST Board Review – Nathan Stoker

Chairman Steve Engen explained to the Board that this item on the agenda was to be discussed in executive session. Chairman Engen provided the authority for going into executive session by citing N.D.C.C. § 44-04-19.1 and 44-04-19.2. Scott Thorsteinson made a motion to move to executive session. Lyn James seconded the motion. All in favor, motion carried. Present at the executive session were Steve Engen, John Klug, Scott Thorsteinson, Chad Kaiser, Sarah Warner, Jack Nybaken, Lyn James, Dan Haugen, Ken Sorenson, Duane Stanley, Monica Sebastian, and Derek Bernier.

EXECUTIVE SESSION BEGINS AT 3:11 p.m.

EXECUTIVE SESSION ENDS AT 3:18 p.m.

Chairman Engen adjourned the meeting at 3:18 p.m. and all other guests returned.

Motion

Dan Haugen made a motion to table this item. John Klug seconded the motion. All in favor, motion carried.

POST Board Review – Matthew Beland

The POST Board received information from the UND PD regarding Officer Matthew Beland being arrested on January 28, 2015, in Polk County, MN, for a domestic violence charge. The board reviewed the facts of the case. Mr. Beland ultimately pled guilty to a misdemeanor charge of misdemeanor disorderly conduct with a deferred imposition of sentence for one year from the date of the incident. Mr. Beland's license is current through 12/31/17.

Motion

Dan Haugen made a motion that this disorderly conduct charge does in fact have a direct bearing upon the individual's ability to serve as a peace officer and to move forward with adverse license action with a formal complaint and notice of hearing. Scott Thorsteinson seconded the motion. All in favor, motion carried. There was discussion by Board members on what type of sanction should be imposed on Mr. Beland's license. The Board agreed on 12 months' probation beginning the day of the current POST Board meeting and that there be no violations of law, administrative rule or code during this timeframe.

POST Board Review – Paul Meagher

The POST Board received information from the UND PD requesting decertification of Officer Paul Meagher's peace officer license. On November 3, 2015 a search warrant was executed at the residence of Officer Paul 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 PD but it should be noted his license is current through 12/31/18.

Motion

Dan Haugen made a motion that there was in fact a code of conduct violation and this does have a direct bearing upon the individual's ability to serve as a peace officer. Sarah Warner seconded the motion. All in favor, motion carried.

Motion

Dan Haugen made a motion to move forward with adverse action against Mr. Meagher license. Chad Kaiser seconded the motion. All in favor, motion carried.

Course Approval – Williams County Correctional Officer Basic

Williams County sent in a request asking for approval of a Correctional Officer Basic Training that would be taught by TrainND. Chairman Engen gave his opinion that the course curriculum is excellent but some of the instructors were not MOI certified or there was no information indicating they were MOI certified nor are they subject matter experts. therefore the curriculum as a whole does not meet the standards of the Board.

Motion

Dan Haugen made a motion to table Williams County's request until they can show their instructors are MOI certified or subject matter experts. Chad Kaiser seconded the motion. All in favor, motion carried.

Course Approval – Cass County Correctional Officer Basic

Cass County sent in a request asking for approval of a Correctional Officer Basic Training they would like to conduct. Amanda Hendrickson from the Cass County Sheriff's Office addressed the Board and answered questions as it pertained to the curriculum and instructors. Chairman Engen also provided insight and opinion in reference to this request.

Motion

Chad Kaiser made a motion to accept the Cass County Correctional Officer Basic Training course. Lyn James seconded the motion. All in favor, motion carried.

Course Approval – DOCR Methods of Instruction (MOI)

Darrell Theurer, Department of Corrections and Rehabilitation sent in a request asking that their MOI course be approved. Chairman Engen provided an overview of the curriculum and the reasoning behind the course. There was also discussion on the fact this course would be taught at the LETA.

Motion

Chad Kaiser made a motion to accept the MOI training curriculum from the DOCR. Sarah Warner seconded the motion. All in favor, motion carried.

Instructor MOI Waiver

Duane Stanley gave an overview and provided the Board with a letter from the Fargo PD asking for a waiver for Joel Erickson who attended an 80 hour instructor course through the National Guard that was taught at Camp Grafton.

Motion

Dan Haugen made a motion to approve the MOI waiver for Joel Erickson as long as Mr. Erickson completes the instructor refresher within 30 days. Scott Thorsteinson seconded the motion. All in favor, motion carried.

Instructor Certification Reinstatement Request

Duane Stanley provided the Board with an email from the Fargo PD requesting that nine of their officer's instructor certifications be reinstated. (Jesseca White, Jonathan Bair, James Kringlie, Troy Hannig, George Vinson, Nicholas Kjonaas, Thomas Shaw, Troy Nielsen, Shawn Gamradt.) Fargo Police Officer Sgt. Travis Stefonowicz was present and provided the Board with a detailed explanation of the request and answered Board member questions.

Motion

Chad Kaiser made a motion to deny all of the Fargo PD instructor certification requests. John Klug seconded the motion. All in favor, motion carried.

Partial Waiver of Basic Training – Phillip Worley, Stark County

Duane Stanley provided the Board a request from Stark County asking for a partial waiver of basic training for Phillip Worley. The letter indicated Mr. Worley has been out of law enforcement for three years but on the application it stated five years. Mr. Worley started his law enforcement career in Georgia in October 1995 and worked until December 2010 when he enlisted in the Army. He served four years and was discharged in 2014. Phillip Worley addressed the Board explaining his circumstance. Stark County Sheriff Terry Oestreich also addressed the board on behalf of Mr. Worley

Motion

Scott Thorsteinson made a motion to deny the waiver of basic training for Phillip Worley. John Klug seconded the motion. All in favor, motion carried.

Two Year MOI Waiver – Sandra Renton, DOCR

Duane Stanley provided a letter from the Department of Corrections and Rehabilitation asking for a waiver of the two year requirement for Sandra Renton. Ms. Renton has been in law enforcement for one year. Corey Schlinger from DOCR was present and addressed the Board in reference to the waiver.

Motion

Dan Haugen made a motion to deny the two year waiver for Sandra Renton. Lyn James seconded the motion. All in favor, motion carried.

Physical Fitness Curriculum

LETA Academy Director Lt. Dan Haugen and Lake Region Police Academy Director John Maritato addressed the Board relaying that the LETA in Bismarck and Lake Region State College have been having issues with individuals “academy shopping” since the physical fitness requirements vary or are administered differently from basic academy to basic academy. The physical fitness requirements for Lake Region State College are different than the requirements through the POST Board. Both academies are in agreement and asking that the CTA (Critical Task Assessment Obstacle Course) be utilized for all law enforcement academies to address the current and future issues of “academy shopping.” There was discussion on providing more information at the February Board meeting which will be held at the LETA. No action was needed.

Chairman Engen called for a short recess at 4:40 p.m. The meeting was reconvened at 4:46 p.m.

Inactive License Status

Chief Scott Thorsteinson was contacted by Conrad Steinhaus asking about inactive officers still needing to qualify with a weapon when they are not working for an agency. The POST Board rules state: The individual may remain on inactive status indefinitely if the individual meets the same requirements for a peace officer on active status, including annual sidearm qualification requirements, and maintains continuing education requirements and renews the license in accordance with the rules of the board. Legal counsel Ken Sorenson also added that it is in statute. No action was needed.

Psychological Providers

There have been questions brought to the POST Board Office regarding how many times a person can take a psychological exam if they fail and if there is a time frame of how long the psychological exams are good for. The POST Board decided that the psychological exam needs to be taken during the hiring process from the time the agency offers the individual the peace officer position and prior to the paperwork being submitted to the POST Board Office to obtain a limited license.

Extension of Basic Training – Ryder Uran, Mountrail

At the May 13, 2015, POST Board meeting, Mountrail County asked for an extension of basic training for Ryder Uran to attend the September 2015 basic training. Ms. Uran was scheduled to attend the June 1, 2015, basic training in Bismarck. The request was out of hardship that would be created for the Mountrail County Sheriff's Office due to oil activity, the large amount of activity at recreational areas along the lake and the increased workload for the month due to weddings and dances. A motion was made to grant the extension of basic training for Ms. Uran based on good cause that a hardship would be created for their department.

At the August 11, 2015, regular meeting a request was made for another extension of basic training for Ms. Uran. The motion was denied.

On August 18, 2015, the POST Board received a letter from Sheriff Halvorson again requesting an extension of basic training for Ms. Uran. Monica Sebastian informed Mountrail County that the academy in September would be about over by the time the next regular scheduled meeting is to occur and if Mountrail County still wanted this on the December agenda. Mountrail County indicated yes. No action was needed since Ms. Uran is scheduled to graduate the academy a week after this meeting.

Chairman Engen conducted a roundtable with board members and administrative staff. This was to be Ken Sorenson's last meeting due to his upcoming retirement. Members and administrative staff thanked Ken for his many years of dedicated service, guidance, insight and wisdom provided to the numerous POST Board's he has served over the years.

At 5:16 p.m. Chad Kaiser made a motion to adjourn. John Klug seconded the motion. All in favor, motion carried.