

**MINUTES OF THE  
PEACE OFFICER STANDARDS  
AND TRAINING BOARD  
COMFORT INN SUITES  
BISMARCK, NORTH DAKOTA  
MAY 15, 2015**

**MEMBERS PRESENT**

Chad Kaiser  
Paul Lies  
Steve Engen  
Dan Haugen  
Lyn James  
Scott Thorsteinson  
Jack Nybakken  
Sarah Warner

**GUESTS**

Dustin Westerman  
Larry Westerman  
Trent Wangen  
Steve Scheuer  
Ian Mattice  
Bryan Nagel  
Keith Orth  
Renaë Gall  
Brad Pazarnsky  
Erik Dietrich

**ADMINISTRATIVE STAFF**

Duane Stanley  
Monica Sebastian

The meeting was called to order by Acting Chairman Steve Engen at 1:01 p.m. with roll call. All members were present except Mike Ferguson. Paul Lies and Sarah Warner were not at roll call. Paul Lies entered the meeting at 1:10 p.m. and Sarah Warner entered the meeting at 2:23 p.m.

**Secretary Report**

**Meeting Minutes**

Minutes were reviewed from the February 18, 2015, regular POST Board meeting. Scott Thorsteinson was listed as both absent and present in the minutes.

**MEMBERS ABSENT**

Mike Ferguson

**LEGAL COUNSEL**

Ken Sorenson

## **Motion**

Chad Kaiser made a motion to approve the minutes from the February 18, 2015, regular POST Board meeting with the change of removing Scott Thorsteinson from being present. Jack Nybakken seconded the motion. All in favor, motion carried.

## **Meeting Minutes**

Minutes were reviewed from the April 1, 2015, special POST Board meeting.

## **Motion**

Scott Thorsteinson made a motion to approve the April 1, 2015, POST Board meeting minutes. Dan Haugen 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 May 13, 2015.

## **Motion**

Dan Haugen made a motion to approve the financial report from January 1, 2015, through May 13, 2015. Lyn James seconded the motion. All in favor, motion carried.

## **August Regular POST Board Meeting**

There was discussion on who will be attending the August 12, 2015, regular scheduled POST Board meeting in Fargo, ND over the NDPOA conference. It was determined that board members would be responsible for making their own room reservations at the Hilton Garden Inn.

The meeting was adjourned at 1:11 p.m. so POST Board members could attend the ND Peace Officer Memorial Service being held at the capitol grounds.

The meeting reconvened at 2:23 p.m.

## **Old Business**

### **Adverse License Update, Keith Orth**

At the December 10, 2014, regular meeting it was brought in front of the Board that Park Ranger Keith Orth, ND Parks & Recreation Department, had consumed alcohol while on duty and in uniform on July 4, 2014. Duane Stanley provided the Board with an overview of the incident and documentation that had been received which included reports from the ND Parks and Recreation Department and the North Dakota Bureau of Criminal Investigation. There was staff from the ND Parks and Recreation Department present at the meeting to answer questions from board members.

A motion was made and passed that Keith Orth had violated the Administrative Code of Conduct: 109-02-05-01.4a. A motion was made and passed to have POST Board legal counsel prepare a complaint for adverse action against Keith Orth.

At the May 13, 2015, Duane brought the Board up to date with the correspondence that had been received from Mr. Orth along with the paperwork that had been sent out by the POST Board office. It should be noted that Mr. Orth had been present and filled out the guest roster at the beginning of the meeting. When representatives from ND Parks and Recreation arrived, Mr. Orth left the meeting. There was Board discussion in reference to Mr. Orth's peace officer license.

### **Motion**

Paul Lies made a motion to revoke Keith Orth's peace officer license. Jack Nybakken seconded the motion. There was discussion regarding if Keith Orth would be able to reapply for his license. It was stated that he would not be able to apply for reinstatement no sooner than one year and he would have to come in front of the Board along with paying a reinstatement fee if he would reapply. The vote was taken. All in favor, motion carried.

### **New Business**

#### **Limited License Approval**

The Kenmare Police Department is asking for a limited license for Dustin Westerman. Mr. Westerman's criminal history background check came back showing there had been a simple assault incident that occurred in 2013. In the paperwork reviewed by the Board, this charge was dropped to a disorderly conduct with a disposition, deferred sentence dismissed. Mr. Westerman was present along with his dad Larry Westerman to answer questions from the board members. Mr. Westerman was questioned by board members and provided a detailed account of the circumstances surrounding the incident. The father, Larry Westerman also provided the Board with further explanation.

### **Motion**

Dan Haugen made a motion to approve Mr. Westerman's limited license. Scott Thorsteinson seconded the motion. There was discussion whether any stipulations should be added to the motion. Paul Lies voted no, all others voted yes, motion carried.

#### **Limited License Approval**

Foster County Sheriff's Department is asking for a limited license for Bryan Nagel. Mr. Nagel's criminal history background check came back showing there had been possession of drug paraphernalia and manufacturing marijuana charges in 2007. In the paperwork reviewed by the Board, this charge was dropped to a Misdemeanor B charge. Mr. Nagel was present along with Foster County Sheriff Mattice. Mr. Nagel also failed the use of force test three times. On the first test, Monica Sebastian informed Sheriff Mattice that Mr. Nagel missed a question. On the second test Ms.

Sebastian stated that Mr. Nagel missed question 22. In the third test Ms. Sebastian stated that Mr. Nagel missed question 25. Since Ms. Sebastian missed informing Sheriff Mattice that question 25 was missed on the second test, the Board members let Mr. Nagel take the test again and if he passed the use of force test the fourth time he would be able to obtain his limited license.

### **Motion**

Chad Kaiser made a motion to approve Mr. Nagel's limited license if he passes the use of force test the fourth time. Paul Lies abstained from voting, all others voted yes, motion carried.

### **Instructor Reinstatement**

Duane Stanley provided the Board a letter received from Burleigh County Sergeant Trent Wangen asking that four Burleigh County Deputies instructor certifications be reinstated. Kelly Leben's instructor certification expired September 2014. Mr. Leben had taken the instructor refresher training in March 2015. Jeff Ball's instructor certification expired October 2014. Mr. Ball had taken the refresher training in March 2015. Angela Wicks instructor certification expired January 2015. Ms. Wicks had taken the instructor refresher training in March 2015. Tom Schroeder's instructor certification expired December 2014. Mr. Schroeder had taken the instructor refresher March 2015. In each of these cases there was a clerical error at Burleigh County. Mr. Stanley brought to the Boards attention the previous minutes from the Dec. 11, 2013 Board meeting regarding instructor reinstatements and how in the past the Board had been inconsistent on renewing instructor certifications until the 2013 meeting. Duane relayed to the Board since the Dec. 11, 2013 meeting, there had been a total of nine separate agencies come in front of the Board requesting 13 instructor reinstatements. Only two had been granted. Both of these were granted based on medical hardships.

### **Motion**

Scott Thorsteinson made a motion to deny all of Burleigh Counties requests for instructor certifications. Dan Haugen seconded the motion. All in favor, motion carried.

### **Weapons Instructor Waiver**

Bismarck Police Lt. Steve Scheuer addressed the Board asking for a weapons instructor waiver for Dustin Miller. Mr. Miller is planning on attending a NRA Patrol Rifle Course. Mr. Miller has already taken a Methods of Instruction (MOI) training course and is already a police subject's instructor. According to 109-02-04-05 Requirements for weapons instructor certification, in order to be certified as a weapons instructor, a peace officer shall successfully complete a certified instructor development course and a certified weapons instructor development course. There was discussion by board members on how vague the language was in the administrative rule.

### **Motion**

Scott Thorsteinson made a motion to grant the weapons instructor waiver to Mr. Miller. Chad Kaiser seconded the motion. All in favor, motion carried. The motion was amended to incorporate the completion of a weapons instructor refresher training by Mr. Miller within 30 days of attending the NRA course. All in favor, motion carried.

### **Weapons Instructor Waiver**

James Johns, New Town Police Department, attended a NRA Weapons Instructor Course. Mr. Johns is asking that a weapons waiver be granted to him. Mr. Johns has never taken a MOI course and is not a police subject's instructor.

### **Motion**

Paul Lies made a motion to grant the sidearm qualification waiver to Mr. Johns as long as he takes the weapons instructor refresher within 30 days. Mr. Johns would only be able to conduct sidearm annual qualifications but would not be able to conduct classroom instruction until he takes an approved MOI training. Scott Thorsteinson seconded the motion. All in favor, motion carried.

### **Extension of Basic Training, Tyler Modlin**

ND Parks and Recreation Park Ranger Eric Dietrich addressed the Board asking for an extension of basic training for Tyler Modlin to attend the September 2015 basic training. Tyler Modlin was scheduled to attend the June 1, 2015, basic training in Bismarck. The request is out of the hardship that would be created for the ND Parks and Recreation Department at Fort Ransom State Park as their summer season is extremely busy.

### **Motion**

Chad Kaiser made a motion to grant the extension of basic training for Tyler Modlin based on good cause that a hardship would be created for their department. Sarah Warner seconded the motion. All in favor, motion carried.

### **Extension of Basic Training, Ryder Uran**

Mountrail County is asking for an extension of basic training for Ryder Uran to attend the September 2015 basic training. Mr. Uran was scheduled to attend the June 1, 2015, basic training in Bismarck. The request is 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.

### **Motion**

Chad Kaiser made a motion to grant the extension of basic training for Ryder Uran based on good cause that a hardship would be created for their department. Sarah Warner seconded the motion. All in favor, motion carried.

### **Extension of Basic Training, Tyler Stinson**

Wells County Sheriff's Office is asking for an extension of basic training for Tyrone Stinson to attend the September 2015 basic training. Mr. Stinson was scheduled to attend the June 1, 2015, basic training in Bismarck. The request is due to the hardship created for Wells County's due to a full time deputy resigning which would leave the Sheriff with no other help during that time.

### **Motion**

Paul Lies made a motion to grant the extension of basic training for Tyrone Stinson based on good cause that a hardship would be created for their department. Chad Kaiser seconded the motion. All in favor, motion carried.

### **Update on Past Due Annual Firearm Qualifications**

There were a total of 13 officers that are working for agencies according to a recent printout that did not qualify for the 2014 calendar year. Dan Haugen volunteered to call the sheriff's/chiefs of these agencies and inform them that they are not able to carry a weapon until they qualify and pay the \$100 late qualification fee or if the officer is not working for the agency to send in a termination form.

### **Update on Federal Tobacco Compliance Checks**

At the August 13, 2014, meeting it was brought up that on June 26, 2014, Duane Stanley received an email from Zane George, who works for Information Systems and Networks. Mr. George stated that the company he works for were going to be conducting compliance checks of retail establishments selling tobacco products in the State of North Dakota for the FDA. They will be utilizing off-duty police officers and minors to complete the checks. One officer believed that this would be a violation of the Peace Officer Code of Conduct if he does not take enforcement action on the scene. Mr. George stated that he would like to get some documentation to give to the officers so that they know they would not be in violation of the Peace Officer Code of Conduct by performing the checks. It was suggested that Ken Sorenson write up an advisory and have POST Board administration put this on the website. Mr. Sorenson did write up an advisory and that information is now posted on the ND POST Board website.

### **Update on Fillable Forms**

There was discussion about having PDF fillable forms on the POST Board website. The Board members were informed that Monica Sebastian does have Microsoft Word fillable forms and that she is able to mail these out to whoever needs the fillable forms. Board members stated that the POST Board Office was to "keep on the same path".

## **Update on Use of Force Investigation**

At the December 10, 2014, meeting Chairman Witkowski provided the Board a brief overview reference the "Use of Force Study Guide". Lt. Mike Ferguson and Lt. Dan Haugen provided additional information and concerns about the use of this guide as it is verbatim to the Use of Force test that is administered to all new law enforcement officers. S/A Jeramie Quam, BCI, initially contacted POST Board member Lt. Mike Ferguson about a use of force study guide that a female individual had. The female had indicated she had gotten the guide from Lake Region. Due to the fact the guide was verbatim and had all the answers on it, the concern was that of cheating. Steve Engen relayed to board members how this is an integrity issue and should be followed up on if possible. Duane Stanley explained the process the office uses for sending out the use of force test when a weapons instructor requests one. Lt. Haugen also expressed concerns about the use of this "study guide". Board members requested administrative staff create a statement for weapons instructors indicating it is a violation of the administrative rules to disseminate the test when they administer the test. Chairman Witkowski explained to board members the options available as stated in the administrative rules and century code. At this meeting, the POST Board requested that the BCI be contacted for a follow up investigation.

At the May 13, 2015 meeting, Duane Stanley provided the reports of the investigation that S/A Quam had conducted and informed the Board Members that the test had been forwarded by Northwood Police Chief Stan Baker. Board Members were also informed that a statement in red was placed at the top of the use of force test explaining one count not disseminate.

## **Motion**

Scott Thorsteinson made a motion to revoke Chief Stan Baker's instructor certification for a year and he will need to come in front of the POST Board after his year is up to get his certification reinstated. Paul Lies seconded the motion. All in favor, motion carried.

## **Update on EVOC – Basic Training/Lake Region**

At the November 6, 2014, POST Board meeting Duane Stanley received a letter from Lake Region State College stating the students of the 74<sup>th</sup> Peace Officer Training Class in Bismarck, ND, were unable to complete the Emergency Vehicle Operation Course (EVOC) due to the unavailability of a facility. Chairman Witkowski explained to the Board the past history of Board action as it related to past issues that LETA and Lake Region had in regards to the unavailability of a driving track. The POST Board received a letter from Lake Region State College stating that all EVOC requirements had been met and completed on December 11, 2014.

## **Update on the LETA Course Curriculum Change**

At the December 10, 2014, meeting, Lt. Dan Haugen, Training Director at the Law Enforcement Training Academy (LETA), brought to the Board some suggested

curriculum modifications to the current basic curriculum. This suggestion was based on the changing times and landscape of the crimes being encountered by law enforcement in North Dakota. Lt. Haugen suggested that active shooter, human trafficking, and taser training be added to the LETA basic training academy. He also suggested that patrol rifle training could be incorporated with the current shotgun training. Lt. Haugen explained that there are currently no terminal performance objectives (TPO's) for these new courses. There was discussion by board members if this would lengthen the time of the basic academy or cut other areas. Lt. Haugen stated by adding eight hours of human trafficking, two to four hours of active shooter, and eight hours of taser this would not extend basic training as he would be able to shorten or remove some of the other classes in the curriculum. If patrol rifle was added that would possibly change the time. There was discussion on how this would affect Lake Region. Lt. Haugen went on to explain that even with no TPO's at this time, Lt. Haugen would still like to teach these classes as they were pertinent and may be a life saver. It was suggested making contact with Lake Region State College so the curriculums would be the same throughout North Dakota.

At the May 13, 2015, meeting Lt. Haugen stated that he emailed John Maritato at Lake Region State College in reference to the new TPO's that the LETA incorporated into the law enforcement basic training. Lt. Haugen stated that he has received no response back from Lake Region.

### **Motion**

Chad Kaiser made a motion to accept the new TPO's that the LETA incorporated into their basic training and that Lake Region State College will need the updated TPO's. Scott Thorsteinson seconded the motion. All in favor, motion carried.

### **Update on Training Subcommittee**

At the May 14, 2014, meeting, Chairman Witkowski handed out to board members a packet of information regarding the application process and guidelines as it relates to training provider guidelines. Chairman Witkowski asked that board members review these documents and provide feedback at the next board meeting. At the August 13, 2014, meeting, Chairman Witkowski asked for three POST Board members to create a subcommittee and go through the information he provided at the May 14, 2014, meeting to see if there were any changes needed. Steve Engen, Dan Haugen, and Chad Kaiser volunteered for the subcommittee.

At the May 13, 2015, meeting, the subcommittee had not yet met. It was relayed by a subcommittee member there will be an update at the August 2015 meeting.

### **Update on Watford City ALERT Funding Request**

At the February 18, 2015, meeting, the Watford City Police Department was asking for \$4,000.00 for an ALERT Training to be conducted in Watford City April 6-7, 2015. The POST Board agreed to partially fund the ALERT Training for \$1,483.97. Monica Sebastian was contacted by Chief Art Walgren who stated that due to staff issues, they would not be hosting the ALERT training.

### **Update on Possible Code of Conduct Violation – Tioga PD**

At the February 18, 2015, meeting, the POST Board received a letter from Tioga Police Department that Tioga Police Department Officers Jeremy Johnson and Josh Nelson were 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. Charges were filed and both were charged with one count of Reckless Endangerment, which is a Class C Felony. Duane Stanley provided the Board with the investigative reports along with other paperwork that had been sent to the POST Board Office. Tioga Police Chief Larry Maize addressed the Board reference this incident. Chief Maize answered numerous questions posed from Board members. A motion was to table this until the next meeting and get an update from Chief Maize during that time.

At the May 13, 2015, meeting Monica Sebastian stated that she did email Chief Maize on May 11, 2015, to see if he had an update and has not received a response from Chief Maize. According to court records Jeremy Johnson plead to a disorderly conduct charge and took the blame for the incident at the city dump.

### **Adverse Action Update**

At the December 10, 2014, meeting, Brady Beyers, McKenzie County Sheriff's Department, was involved with a vehicle that was impounded by the county. Duane Stanley gave an overview and board members reviewed paperwork from the McKenzie County Sheriff's Department, McKenzie County States Attorney's Office, and the ND Bureau of Criminal Investigation. Mr. Beyers was charged with a Class B Misdemeanor: Failure to Transfer Title, Class A Misdemeanor: False Information to Law Enforcement, and a Class C Felony: Deceptive Writings. Mr. Beyers resigned from the McKenzie County Sheriff's Department. Mr. Beyers rejected a States Attorney plea agreement and is set to go to trial in January 2015. Mr. Beyers has a peace officer license that will expire December 31, 2014. A motion was made that Brady Beyers had violated the Administrative Code of Conduct: 109-02-05-01.4c. Another motion was made to have POST Board legal counsel prepare a complaint for adverse action against Brady Beyers.

At the May 13, 2015, POST Board meeting, The POST Board legal counsel Ken Sorenson stated that Mr. Beyers worked out a plea agreement with the McKenzie County State's Attorney's Office relating to the sale of a vehicle. Mr. Beyers pled guilty to Unlawful Transfer of a Title and is not to perform peace officer duties for one (1) year. Mr. Sorenson relayed that the Executive Secretary was not to issue a license during this time.

### **Update on Letter to Officer Prock**

At the February 18, 2015, it was brought to the POST Board's attention that on February 3, 2015, the Grand Forks Police Department submitted a packet of information including a cover letter to the POST Board regarding possible POST Board Rules Violations in reference to an incident regarding Officer April Prock.

On October 23, 2014, Ms. Prock was involved in a domestic disturbance that occurred in Marshall County, Minnesota at a private residence while off-duty with her boyfriend. Ms. Prock was listed as primary aggressor in this investigation. Ms. Prock was not charged criminally.

On October 28, 2014, the Grand Forks Police Department initiated an Administrative Internal Investigation to determine if Ms. Prock's actions during this domestic disturbance violated any Grand Forks Police Department's Directives.

On December 16, 2014, the Grand Forks Police Department sent a letter to the ND POST Board. The letter explained their investigation resulting in sustained allegations of Domestic Violence against Ms. Prock. Ms. Prock's actions during an off-duty domestic disturbance were found to be inconsistent with the Grand Forks Police Departments Code of Conduct and other Department Directives.

There was a motion made that Ms. Prock did violate the ND POST Board Administrative Rules Code of Conduct 109-02-05-01, Section 4e: To willfully lie, provide false testimony, provide misleading information, or falsify written or verbal communications in reports when the information may be relied upon by the courts, state's attorneys, or other law enforcement officials.

There was discussion amongst the Board Members regarding probation through the ND POST Board and possible alcohol and anger management counseling. There was a motion made to issue a letter of reprimand to Ms. Prock. A letter was sent to Ms. Prock on April 30, 2015.

At the May 13, 2015 meeting the letter was reviewed by board members. Acting Chairman Steve Engen brought up the fact the letter should have had "more teeth" in it and explained in detail what the punishment would be in the future for a violation of POST Board rules.

### **Update on Adverse Action Process**

Legal Counsel Ken Sorenson addressed the Board and explained in detail the adverse action process. There were numerous questions from Board members related to this process. Mr. Sorenson stated he will try to come up with a flow chart for a visual representation of the process.

### **New Business**

#### **Issue with Instructor/Student Hours**

At the August 13, 2014, meeting it was brought to the Board's attention regarding an instructor who was also receiving hours as a student. Duane Stanley provided members of the board with a copy of the "Frequently Asked Questions" that have been on the POST Board website for years. Specifically question six: May certified instructors obtain continuing education hours for classes they teach? Answer: No. Continuing education hours may only be obtained from approved classes where the officer is the student.

At the May 13, 2015 meeting this subject was brought up once again only with another angle. The question posed was if one instructor teaches part of the class and another instructor teaches the other part of the class can the instructor who is not teaching get continuing education credit for a portion of the course. There was lengthy debate by Board members and staff in regards to this issue and why one would even do this. The point of continuing education to maintain a peace officer license is to have a broad base of topics and not the same credit for courses one would instruct. It was the Board's decision that if a person is listed on the roster as an instructor/tag team instructor etc. they are not to receive credit for training hours. Monica Sebastian was advised that if a roster comes in with a person listed as the instructor and a student, she is to cross out the hours on the roster and there is no need to contact the instructor about this.

### **Request for Training**

The West Fargo Police Department sent a letter to the POST Board asking for training hours to be granted for Lt. Duane Sall who attended FBI LEEDA Supervisory Training on December 15, 2014. The course had been approved but the certificate was not sent in to the POST Board to receive the training hours.

### **Motion**

Scott Thorsteinson made a motion to accept the training hours for Lt. Sall. Chad Kaiser seconded the motion. All in favor, motion carried.

### **Request for Training**

Clint Wohler with the Golden Valley Sheriff's Office sent an email to the POST Board asking for training hours for an online UND Death Investigation Training that Mr. Wohler had taken. There was a glitch in the UND School of Medicine and Health Sciences system as it relates to reporting hours to the POST Board.

### **Motion**

Chad Kaiser made a motion to accept the training hours for Clint Wohler. Paul Lies seconded the motion. All in favor, motion carried.

### **Request for Training**

University of North Dakota Assistant Chief of Police Wayne Onger sent a letter to the POST Board asking for training hours for Daniel Weigel, Devan Greuel, and Jeremy Cochran for training they had taken for an online Basic Skills for New Supervisors Course. Due to miscommunication at UND PD, the certificates were never sent to the POST Board for training hours.

### **Motion**

Chad Kaiser made a motion to accept the training hours for the three UND PD Officers. Sarah Wagner seconded the motion. All in favor, motion carried.

## **IADLEST National Certification**

Executive Secretary Duane Stanley explained to Board members the concept of the IADLEST National Certification Program (NCP). The NCP would set minimum standards for vendors providing police continuing education and ensure training content meets quality standards through subject matter experts. The standards would be designed to meet or exceed any individual state certification requirement. Duane asked the Board for their support and participation in this new program thus ensuring that training that is IADLEST certified would be accepted by all participating POST organizations around the nation for continuing education training credit.

## **Motion**

Chad Kaiser made a motion to accept the IADLEST National Certification Program. Paul Lies seconded the motion. All in favor, motion carried.

## **Ward County MOI Approval**

Ward County sent in an MOI curriculum to be approved by the POST Board. There was discussion among the Board Members if there should be one MOI course for the entire state to follow so there is consistency in the training curriculum. It was decided that all of the MOI curriculums currently cover the same information but that each should be reviewed by the Board.

## **Motion**

Chad Kaiser made a motion to approve Ward County's MOI curriculum. Dan Haugen seconded the motion. All in favor, motion carried.

## **Funding Request**

Dickinson Police Department sent in a request asking for \$75,000.00 for the Northwestern School of Police Staff and Command. Tuition would be \$7,500.00 per student. The Board discussed approving the \$75,000.00 if the funding would be applied equally between all students. The Board decided to table the request until the August meeting when they would have a breakdown on meals, lodging, classroom rental from Dickinson State University, and instructor fees. The Board also requested to see how much the Police Staff and Command training was funded for in 2009 (funding was for \$39,646.00).

## **Funding Request**

The ND Highway Patrol sent in a request asking for \$20,000.00 for an IACP training that will be hosted in January, February, and March of 2016.

## **Motion**

Chad Kaiser made a motion to approve \$20,000.00 for the IACP training. Lyn James seconded the motion. All in favor, motion carried.

## **MOI Instructor Waiver**

Alan Frazier sent in a request asking for an MOI waiver. Mr. Frazier has a State of California lifetime instructor credential in police science, has attended a variety of instructor development courses, and is a professor at the University of North Dakota.

## **Motion**

Chad Kaiser made a motion to grant the MOI waiver for Mr. Frazier if he takes the instructor refresher within 30 days. Dan Haugen seconded the motion. Paul Lies voted no. All others voted yes. Motion carried.

## **New Training Funding Committee Member**

Scott Thorsteinson, Dan Haugen, and Mike Ferguson were the members of the training funding committee. Since Mike Ferguson is the current chairman and his term would be expiring in September, a new member was needed for the committee. Chad Kaiser volunteered for this position. The current members will be Scott Thorsteinson, Dan Haugen, and Chad Kaiser.

## **Items from Members**

### **Board Powers of Administering Oath**

Paul Lies had questions reference the NDCC Law 12-63-04 regarding board powers, duties, and authority. The law states:

The board shall administer, coordinate, and enforce the provisions of this chapter, evaluate the qualifications of applicants, and approve the examinations for licensing under this chapter.

1. The board shall:

- a. Prescribe the criteria for certification of basic, advanced, and specialized peace officer training curriculum, instructors, and schools;
- b. Certify curriculum, instructors, schools, and officers that have met the training certification criteria;
- c. Establish the curriculum for basic and advanced peace officer training; and
- d. Prescribe minimum standards of sidearm training and certification for peace officers before they may carry a sidearm.

2. The board shall keep records and minutes necessary to carry out its functions. The board may:

- a. Issue subpoenas, examine witnesses, administer oaths, and investigate allegations of practices violating the provisions of this chapter or rules adopted by the board.

b. Examine, under oath, any applicant for licensing.

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- c. Examine, under oath, any licensed peace officer during a hearing to suspend, revoke, or to not renew a license of a peace officer.

d. Adopt rules relating to the professional conduct of peace officers and to implement the requirements of this chapter, including rules relating to professional licensure, continuing education, and ethical standards of practice, for persons holding a license to practice peace officer duties.

Legal Counsel Ken Sorenson will check into this.

### **MOI Late Fee**

There was discussion among the Board members that at each meeting, there are quite a few instructors who let their instructor certification expire. Board members suggested charging a late fee for MOI instructors to limit the amount that come before the Board. The Administrative Rules would need to be amended. The Board agreed to this process.

### **Use of Force**

There was additional discussion by Board members and administrative staff regarding the use of force test and whether administrative staff should tell the instructors which use of force test questions the applicant gets incorrect. It was determined by the Board as a future business practice that administrative staff can tell the instructor how many questions the applicant got incorrect but should not tell the instructor which question the applicant got incorrect.

At 6:10 p.m. Scott Thorsteinson made a motion to adjourn. Chad Kaiser seconded the motion. All in favor, motion carried.