

**SPECIAL MEETING MINUTES OF THE
PEACE OFFICER STANDARDS
AND TRAINING BOARD**

**BCI MAIN CONFERENCE ROOM
BISMARCK, NORTH DAKOTA
October 11, 2017**

Members Present

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

Guests

Lindsay Wold
Tracy Nelson
Trent Wangen
Chris Hagen
Chris Estes

Legal Counsel

Mike Mahoney

Administrative Staff

Duane Stanley
Monica Sebastian

The meeting was called to order by Chairman John Klug at 1:02 p.m. At the time role was taken, Chad Kaiser and Jason Ziegler were absent. It should be noted that Chad Kaiser and Jason Ziegler came into the meeting at 1:09 p.m. At that time, all members were present.

POST Board Hearing 17-016 (Michael Cheeseman)

The Burleigh County Sheriff's Office sent in a termination form and internal investigation report to the ND POST Board Office for Michael Cheeseman.

In this report, it stated that an internal investigation took place regarding Mr. Cheeseman's excessive text messaging on his work cell phone. During the internal investigation it was determined that Mr. Cheeseman was texting eight females that he met on the dating site Plenty of Fish while utilizing his work phone. Mr. Cheeseman was going over the allotted text messages allowed through the Burleigh County Sheriff's Office. It should be noted, Mr. Cheeseman is married and none of these texts were to his wife. It was determined that Mr. Cheeseman was going over to three of the females houses in his patrol vehicle while on duty and having sex with these women.

Chairman Klug gave the opening statement to the Board reference hearing 17-016 and swore in Lt. Tracey Nelson from the Burleigh County Sheriff's Office. Lt. Nelson had conducted the internal investigation and provided the Board with a detailed explanation of the investigation. It was determined that Mr. Cheeseman lied to law enforcement officials while being interviewed during the internal investigation.

Motion

Dan Haugen made a motion that Michael Cheeseman did in fact violate the Peace Officer Code of Conduct, specifically 109-02-05-01(4e) and that Mr. Cheeseman's conduct does have a direct bearing on his ability to perform peace officer duties. Paul Lies seconded the motion. All in favor, motion carried.

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

There was discussion by the Board on what sanction would be appropriate. All members agreed upon revocation of Mr. Cheeseman's license.

POST Board Hearing 17-012 (Dustin Pekas)

The Beulah Police Department sent in a termination form for Dustin Pekas stating that Mr. Pekas was charged with sexual assault of a minor in Mercer County.

In the information and affidavit received at the POST Board Office, it was stated that Mr. Pekas, on at least two separate occasions, had sexual contact with a minor over the age of 15 years. It was stated that Mr. Pekas placed his hands down the minor's pants touching the minor's intimate parts. These acts occurred around the end of August and/or beginning of September 2017. It was determined that Mr. Pekas met the minor when the minor went on a ride along with Mr. Pekas.

Chairman Klug gave the opening statement to the Board reference hearing 17-012 and swore in NDBCI Special Agent Lindsay Wold who was the case agent.

S/A Wold provided a detailed account to board members of the criminal investigation and the fact that Mr. Pekas had admitted to the specific acts that resulted in the sexual assault charge.

It should be noted that Lloyd Suhr, legal counsel for Mr. Pekas had contacted the POST Board Office prior to the scheduled hearing date and relayed that they would be waiving their appearance at the hearing.

Motion

Dan Haugen made a motion that Dustin Pekas did in fact violate the Peace Officer Code of Conduct, specifically 109-02-05-01(4c) and that Mr. Pekas' conduct does have a direct bearing on his ability to perform peace officer duties. Jesse Jahner seconded the motion. All in favor, motion carried.

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

There was discussion by the Board on what sanction would be appropriate. All members agreed upon revocation of Mr. Pekas' license.

POST Board Hearing 17-017 (Chris Estes)

Chris Hagen sent in a packet of information to the ND POST Board Office alleging that Mr. Hagen was being harassed by Chris Estes, the Sheriff of Dickey County. This packet was considered a verified complaint as it contained an affidavit that had been notarized. There were numerous exhibits also contained within the packet. All documentation had been forwarded to board members for review prior to the hearing.

A brief summary of some of the issues are that Mr. Hagen was driving a vehicle registered to Northern D Lights Ranch owned by Steve and Marcy Orwig. Mrs. and Mr. Orwig are currently going through highly contested divorce. Mrs. Orwig gave permission for Mr. Hagen to drive the vehicle and Mr. Orwig did not. Mr. Orwig called Sheriff Estes and reported that Mr. Hagen did not have authorization to drive the vehicle. Sheriff Estes pulled Mr. Hagen over, asked him for registration and proof of insurance and that there were issues with the stop on how Mr. Hagen was addressed verbally and handled physically. Mr. Hagen also claimed that the bank switched the title on his wife's car from her name to Northern D. Lights Ranch. Mr. Hagen also claims that Sheriff Estes was in a local bar drinking.

Chairman Klug gave the opening statement to the Board reference hearing 17-017 and swore in Chris Hagen. POST Board Legal Counsel Mike Mahoney addressed Mr. Hagen as explained the parameters and scope of the hearing based on Mr. Hagen's complaint of harassment. Mr. Hagen addressed the Board and provided details of his complaint. During Mr. Hagen's testimony, board members had several questions of Mr. Hagen. Directly after Mr. Hagen's testimony, board members relayed to Mr. Hagen that this is a highly contested divorce and Mr. Hagen is putting himself right in the middle of the situation where he should not be. Board members relayed to Mr. Hagen that he needs to remove himself from those matters.

Sheriff Chris Estes was sworn in and provided testimony to Board members reference the allegations. Sheriff Estes also provided a packet of information to POST Board staff prior to the hearing. It should be noted that board members did not have the opportunity to review those documents.

Motion

Dan Haugen made a motion that Chris Estes did not violate the Peace Officer Code of Conduct. Paul Lies seconded the motion. All in favor, motion carried.

Once again there was discussion among board members and to Mr. Haugen that since this is such a heated divorce between Mr. and Mrs. Orwig, Mr. Haugen should not drive any company vehicles belonging to Northern D. Lights Ranch and that Mr. Haugen should remove himself from the situation.

POST Board Hearing 17-013 (Peter Stark)

The Dickey County Sheriff's Office sent in a termination form for Peter Stark. On the form it was requested to have a POST Board review of the circumstances and that the department was awaiting final dispositions on cases filed by the NDHP and NDBC.

In summary, on February 23, 2017, Mr. Stark was involved in a non-reportable crash where he knowingly entered a road that was closed due to hazardous conditions. This posting was at the point of entry onto the road. Mr. Stark was driving under the influence at the time. During the investigation, it was determined Mr. Stark lied to authorities and asked other people to lie to authorities in reference to what actually happened and who was driving. Mr. Stark was subsequently charged and plead guilty to misdemeanor Reckless Driving. There was a deferred prosecution agreement in reference to the False Information or Report to Law Enforcement with Intent to Falsely Implicate Another that was reached with Mr. Stark's legal counsel and the States Attorney. Mr. Stark was assessed a \$300.00 fine in this agreement.

On March 8, 2017, the Dickey County Sheriff's Office requested the Bureau of Criminal Investigation (BCI) to assist with a Gross Sexual Imposition (GSI) investigation involving two male subjects who allegedly assaulted a female at her residence on or about March 7, 2017. The Dickey County Sheriff's Office requested BCI's help with the investigation due to a conflict of interest since one of the suspects, Peter Stark, who was currently on administrative leave from the Dickey County Sheriff's Office regarding another incident, was one of the subjects involved in this investigation.

S/A Williams (BCI) interviewed the female. The female stated that on March 7, 2017, she was contacted by Mr. Stark via text message. During the text message conversation with Mr. Stark and the female, a threesome had been mentioned. The female, Mr. Stark, and Mr. Stark's friend went to the female's house to drink. The female thought this to be joking around. Mr. Stark and the female had a romantic relationship in the past. At the female's residence, Mr. Stark took the female to the bedroom and called in the other male subject. All three individuals removed their clothing in the bedroom. The female stated she was intoxicated and was initially "into it" but became uncomfortable not knowing the other male subject that was in the bedroom

with Mr. Stark. The female then told Mr. Stark that she did not want to continue and that she was done. The female stated that Mr. Stark told the female and the other male subject to keep having sex. At that time the male individual left the room. Mr. Stark stated to the female that he was close to finishing and wanted to continue. The female allowed Mr. Stark to continue because she stated she was afraid of what he was capable of.

Mr. Stark subsequently plead guilty to the charge of Disorderly Conduct in reference to the sexual assault.

Motion

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

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

There was discussion by the Board on what sanction would be appropriate. All members agreed upon revocation of Mr. Stark's license.

POST Board Hearing 17-014 (Maxwell Ingram)

The Mckenzie County Sheriff's Office provided the ND POST Board Office with a packet of information containing their internal investigation along with ND Game and Fish reports relaying that Maxwell Ingram had been charged with Unauthorized Methods of taking Game Birds and Game Animals, a Class B Misdemeanor. In summary, on October 2016, Mr. Ingram shot a deer with an arrow in an area that bow hunting was not allowed. Mr. Ingram then contacted the ND Game & Fish Department himself. The ND Game & Fish Department had a warden respond to the incident. The deer carcass was taken to a facility to be donated. At that time, a bullet was also found in the deer. Upon investigation, Mr. Ingram stated that the deer was not dead after shooting it with the arrow so Mr. Ingram took out his pistol and shot the deer in order to end the animal's suffering. In speaking with the investigating warden, it was relayed to POST Board staff that Mr. Ingram was going to plead guilty on an open plea in front of a District Judge on October 24.

Motion

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

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

There was discussion by the Board on what sanction would be appropriate. All members agreed upon a six month probation period starting October 11, 2017 with the condition of no further criminal or administrative rule violations during that period.

December meeting date change

The regular POST Board meeting had been scheduled for December 6, 2017. Because of a scheduling conflict with several Board members, the meeting date was changed to December 14, 2017.

Motion

Lyn James made a motion to adjourn the meeting. Sarah Warner seconded the motion. All in favor, motion carried.

The meeting was adjourned at 2:56 p.m.