

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

**BCI CONFERENCE ROOM/CONFERENCE CALL
BISMARCK, NORTH DAKOTA
September 9, 2015**

Members Present

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

Guests

Joe Gianni
Matthew Thom

Legal Counsel

Ken Sorenson

Administrative Staff

Duane Stanley
Monica Sebastian

The meeting was called to order by Chairman Mike Ferguson at 1:33 p.m. The roll was taken. All members were present. Jack Nybakken, Lyn James, and Steve Engen were present through conference call.

Funding Request

At the May 15, 2015, POST Board meeting, the 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. Captain Joe Gianni, Dickinson Police Department, sent in the breakdown that was requested by the Board at the May 15, 2015, meeting. This topic was once again addressed at the August 11, 2015 meeting held in Fargo. There were further questions by board members in regards to the breakdown of specific items. It was recommended by the funding committee to table the request again until the December 9, 2015, meeting and request a representative from Dickinson Police Department come to the meeting.

Secretary Duane Stanley received an amended request from the Dickinson Police Department asking for \$65,000.00. Mr. Cianni addressed the Board providing a detailed overview of the cost breakdown and where and what funds were currently going to be used for the training. Mr. Cianni answered questions the Board had in reference to this training. Mr. Cianni stated that they would be holding the training in May of 2016. The cost would be \$7,340.00 per student with \$4,500.00 being tuition fees. There would be approximately 30 students who would attend this course.

Motion

Dan Haugen made a motion to approve funding for the Northwestern School of Police Staff and Command in the amount of \$65,000.00. Sarah Warner seconded the motion. All in favor, motion carried.

Extension of Basic Training

Wells County Sheriff Johnny Lawson is asking for an extension of basic training for Richard Juarez Jr., to attend the February 1, 2016, academy. Mr. Juarez is scheduled to attend the September 28, 2015, academy. Mr. Juarez attended Lake Region State College Academy in 2015 and was unable to meet Lake Region's physical fitness requirements. Sheriff Lawson applied for and received a limited license for Mr. Juarez and was willing to send Mr. Juarez to the full academy if he did not meet the running requirements required by Lake Region in order for Mr. Juarez to work during that time.

There was lengthy discussion and debate amongst the Board members regarding the academies having the same physical fitness requirements throughout the State.

Motion

Chad Kaiser made a motion for a waiver of basic training for Mr. Juarez take the 2 week Criminal and Traffic portions of the academy beginning November 30, 2015, and take the POST Board test. Sarah Warner seconded the motion.

Monica Sebastian stated that she did not receive a letter from Sheriff Lawson asking for a waiver of basic training and she had no record stating that Mr. Juarez had any previous law enforcement experience or any documentation that he attended any Law Enforcement Academy.

Motion

The motion was then amended to contact Sheriff Lawson and have him write a letter to the POST Board requesting a partial waiver of basic training and get the transcripts from Lake Region State College by November 25, 2015. Sarah Warner seconded the motion. All in favor, motion carried.

Adverse License Action (Mark D. Wallevand)

Documentation was sent to Secretary Duane Stanley from S/A Jesse Smith stating that Mark Wallevand was charged with the following crimes: Promote a Sexual Performance by a Minor (one count), Possession of Certain Materials Prohibited (five counts) . All of these charges would be Class C Felonies. It was explained to the Board that Mr. Wallevand is not currently working for an agency but his license is good until December 31, 2016.

Motion

Scott Thorsteinson made a motion that there was in fact a code of conduct violation “h” specifically a violation of law. Jack Nybakken seconded the motion. All in favor, motion carried.

There was discussion amongst the Board members as to what consequences the Board might recommend imposing on Mr. Wallevand’s peace officer license. The various options were discussed with the Board leaning towards revocation. There was concern expressed by Board members if Mr. Wallevand was to seek employment prior to the court process being completed. Legal counsel explained the various mechanisms in place that would address these issues.

Motion

Scott Thorsteinson made a motion to take action and issue a complaint to initiate adverse action against Mr. Wallevand. Paul Lies seconded the motion. All in favor, motion carried.

Adverse License Action (Michael T. Schmitz)

Documentation was sent to Secretary Stanley from S/A Dale Maixner stating that Michael T. Schmitz was charged with two counts of False Information to Law Enforcement, which are both Class A Misdemeanors. POST Board records show that Mr. Schmitz is still working for McKenzie County. McKenzie County did not contact the POST Board regarding this situation. There was discussion by Board members that the Board needs “some teeth” in reference to reporting these types of incidents to the Board. Although in the administrative rules to report there is no consequence. Board members reviewed and discussed the complaint and Affidavit of Probable Cause.

Motion

Dan Haugen made a motion that there was a violation of the Code of Conduct, section 4, subsection e (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). Scott Thorsteinson seconded the motion. All in favor motion carried.

Motion

Chad Kaiser made a motion to take adverse action against Mr. Schmitz's peace officer license. Paul Lies seconded the motion. All in favor, motion carried.

There was discussion amongst the Board members as to what consequences the Board might recommend imposing on Mr. Schmitz's peace officer license. The Brady/Giglio issues that may come up down the road. The various options were discussed with the Board leaning towards revocation.

Adverse License Action (Matthew J. Beland)

Secretary Duane Stanley received a call from UND Police Department stating that Matthew Beland was involved in some type of domestic violence in Minnesota. UND Police Department did not have the report or any other information but stated they would send it to Secretary Stanley before the meeting on September 9, 2015. Secretary Stanley did not receive any information regarding this issue. There was discussion by Board members as to the concern of tabling the issue without knowing any of the specifics or details of the charges.

Motion

Sarah Warner made a motion to table this issue until the December meeting unless Secretary Stanley obtained information that would constitute calling a special meeting to address the issue. Scott Thorsteinson seconded the motion. All in favor, motion carried.

Chad Kaiser made a motion to adjourn the meeting at 2:28 p.m. Sarah Warner seconded the motion. Meeting was adjourned.