

**MINUTES OF THE  
PEACE OFFICER STANDARDS  
AND TRAINING BOARD  
LAW ENFORCEMENT TRAINING ACADEMY (LETA)  
BISMARCK, NORTH DAKOTA  
NOVEMBER 9, 2022**

**MEMBERS PRESENT**

Jesse Jahner  
Dan Haugen  
Joe Cianni  
Steve Armstrong  
Erik Dietrich  
Lyn James  
Tom Falck  
Roger Hutchinson  
Jason Ziegler

**GUESTS**

Chris Redman  
Steve Johnson via Teams  
Lyle Sinclair  
Weston Cline  
Joel Lloyd  
Shaine Towe  
EJ Parks  
Rob Browne  
Mike Nason  
Josh Siegler  
Chad Wiege  
Jesse Walstad  
Megan Christopher  
Alex Droske

**ADMINISTRATIVE STAFF**

Monica Sebastian  
Duane Stanley

Chairman Dan Haugen called the meeting to order at 1:00 p.m. Duane Stanley took the roll. All members were present for roll call. There were other individuals present as guests online through the Teams platform or call in.

**POST Board Hearing – Weston Cline (22-013) 1:01 p.m.**

The ND POST Board received a documentation from the Grand Forks Sheriff's Office stating that on September 24, 2020, Weston Cline was scheduled to work a normally scheduled patrol shift at 7:00 p.m.

**MEMBERS ABSENT**

**LEGAL COUNSEL**

Mike Mahoney

After checking on for duty, Cline was notified by a supervisor that his name had been drawn for a random alcohol test that evening. Cline reported to the alcohol test while wearing a Grand Forks County Sheriff's Office uniform and driving a marked Grand Forks County Sheriff's Office patrol car approximately thirty miles to get to the testing location.

Cline's breath sample tested positive for alcohol between .031% 0 .036%. A subsequent "official" breath test was obtained with a result being a BAC of .031%.

In the document, Cline indicated that he consumed two Busch Lite beers between 3:45 p.m. and 4:15 p.m. that day. Cline admitted that this was not the first time he consumed alcohol prior to his shift. He estimated that on an average five-day work week he would consume alcohol prior to his shift one to two times.

Captain Joel Lloyd from the Grand Forks Sheriff's Office was present and provided a detailed explanation of the incident in question. Mr. Cline was also present and answered questions from the Board.

### **Motion**

Jesse Jahner made the motion that Weston Cline did violate the Officer Code of Conduct specifically 109-02-05-01(4a) and that Cline's conduct has a direct bearing on his ability to perform peace officer duties. Jason Ziegler seconded the motion. All in favor motion carried.

### **Motion**

Steve Armstrong made a motion to start adverse action in accordance with NDCC 12-63-12. Erik Dietrich seconded the motion. All in favor, motion carried.

There was discussion by board members regarding a possible sanction of Cline's Peace Officer License. Board members discussed probation.

### **Motion**

Jesse Jahner made a motion for six months suspension of his license (starting November 9, 2022), an alcohol evaluation and one year probation for Weston Cline. The alcohol evaluation should be done before May 9, 2022. Jason Ziegler seconded the motion. All in favor, motion carried.

### **POST Board Hearing – Steve Johnson (22-007) 1:21 p.m.**

The POST Board received documentation that Steve Johnson was convicted of disorderly conduct – offensive condition, which is a Class B Misdemeanor. This was the result of a plea agreement that was reached. An overview of the documentation received stated on December 11, 2020, the victim, Johnson and other friends decided to go out bar hopping. At approximately 10:30 p.m. they all went back to Johnson's residence and sat in the hot tub. After drinking at the residence, the victim decided to lay down on Johnson's couch. The victim stated that she felt someone touching her breast. Johnson stated that he touched the victim on the shoulder to wake her up, not on the breast. Johnson's legal counsel Chris Redmann was present and made a statement to the Board. Johnson was present through a video link and made a statement.

**Motion**

Jesse Jahner made the motion that Steve Johnson did violate the Officer Code of Conduct specifically 109-02-05-01(4c) and that Johnson's conduct has a direct bearing on his ability to perform peace officer duties. Jason Ziegler seconded the motion. All in favor motion carried.

**Motion**

Jesse Jahner made a motion to start adverse action in accordance with NDCC 12-63-12. Jason Ziegler seconded the motion. All in favor, motion carried.

There was discussion by board members regarding a possible sanction of Johnson's Peace Officer License. Board members discussed probation.

**Motion**

Jesse Jahner made a motion for probation to run concurrent with the court ordered probation through April 21, 2023. Lyn James seconded the motion. All in favor, motion carried.

**POST Board Hearing – Megan Christopher (22-003) 1:37 p.m.**

The POST Board received documentation from CJIS that Megan Christopher's CJIS portal had been revoked due to a disorderly conduct restraining order that was in place until December 3, 2022. A minimum requirement for licensure is for a peace officer to have CJIS access. Christophers legal counsel Jesse Walstad was present and addressed the Board. Christopher was also present and made a statement to the Board regarding the circumstances surrounding this issue.

**Motion**

Jason Ziegler made the motion that Megan Christopher did violate the Officer Code of Conduct specifically 109-02-01-03(10) and that Christopher's conduct has a direct bearing on her ability to perform peace officer duties. Jesse Jahner seconded the motion. All in favor motion carried.

**Motion**

Jesse Jahner made a motion to start adverse action in accordance with NDCC 12-63-12. Jason Ziegler seconded the motion. All in favor, motion carried.

There was discussion by board members regarding a possible sanction of Chrisopher's Peace Officer License. Board members discussed probation.

**Motion**

Jesse Jahner made a motion to suspend Christophers peace officers license until December 3, 2022. Steve Armstrong seconded the motion. All in favor, motion carried.

At 1:57 Chairman Haugen called for a short break.  
At 2:04 the meeting was called back to order.

**POST Board Hearing – EJ Parks (22-009) 2:04 p.m.**

The POST Board received investigative reports from the Bureau of Criminal Investigation (BCI) regarding officers EJ Parks and Joshua Rau utilized a Confidential Informant (CI) without the appropriate training required by law. Deputy Shaine Towe signed off on the paperwork. Century Code states that CI training is required every three years for an individual if they recruit or work with a CI. Deputy Towe had this training, but it had been expired for one year prior to the drug deal taking place. EJ Parks was present and addressed the Board. S/A Rob Browne was present and provided testimony regarding the investigation that took place.

**Motion**

Jesse Jahner made the motion that EJ Parks did violate N.D.C.C 29-29.5-04(1) and the Officer Code of Conduct specifically 109-02-06(1)(2)(3)(6)(7)(10) and that Parks' conduct has a direct bearing on his ability to perform peace officer duties. Roger Hutchinson seconded the motion. All in favor motion carried.

**Motion**

Jesse Jahner made a motion to start adverse action in accordance with NDCC 12-63-12. Jason Ziegler seconded the motion. All in favor, motion carried.

There was discussion by board members regarding a possible sanction of Parks' Peace Officer License. Board members discussed suspension or revocation.

**Motion**

Erik Dietrich made a motion for revocation of EJ Parks Peace Officer License. Roger Hutchinson seconded the motion. All in favor, motion carried.

Chairman Haugen called a short recess at 3:17.  
At 3:25, Chairman Haugen called the meeting back to order.

**POST Board Hearing – Shaine Towe (22-011) 3:25 p.m.**

This hearing was based on the same investigative reports and continued testimony of S/A Browne. Deputy Towe was present and made a statement along with providing testimony and answering questions from Board members.

**Motion**

Jesse Jahner made the motion that Shaine Towe did violate the N.D.C.C 29-29.5-04(1) and that Towe's conduct has a direct bearing on his ability to perform peace officer duties. Steve Armstrong seconded the motion. All in favor motion carried.

## **Motion**

Jason Ziegler made a motion to start adverse action in accordance with NDCC 12-63-12. Lyn James seconded the motion. All in favor, motion carried.

There was discussion by board members regarding a possible sanction of Towe's Peace Officer License. Board members discussed suspension or revocation and that he that he lose the ability to sign up any CI in the future.

## **Motion**

Joe Ciani made a motion for six months suspension, a year probation after the suspension, no violation of the law or code of conduct and permanently revoking Towe's certification to work with any CI. The suspension is to start Monday, November 14, 2022. Jason Ziegler seconded the motion. All in favor, motion carried.

## **POST Board Hearing – Joshua Rau (22-010) 4:17 p.m.**

This hearing was based on the same investigative reports and continued testimony of S/A Browne. At the time the controlled delivery took place, Rau was working on a limited license.

## **Motion**

Erik Dietrich made the motion that Joshua Rau did violate the N.D.C.C 29-29.5-04(1) and the Officer Code of Conduct specifically 109-02-06(1)(2)(3)(6)(7)(10) and that Rau's conduct has a direct bearing on his ability to perform peace officer duties. Steve Armstrong seconded the motion. All in favor motion carried.

## **Motion**

Lyn James made a motion to start adverse action in accordance with NDCC 12-63-12. Jason Ziegler seconded the motion. All in favor, motion carried.

There was discussion by board members regarding a possible sanction of Rau's Peace Officer License. Board members discussed revocation.

## **Motion**

Lyn James made a motion to revoke Joshua Rau's Peace Officer License. Erik Dietrich seconded the motion. All in favor, motion carried.

## **POST Board Hearing – Travis Skar (22-008) 4:26 p.m.**

The POST Board received documentation that Travis Skar was convicted of disorderly conduct a Class B Misdemeanor resulting in a deferred imposition of sentence. The original charge was sexual assault, a Class A Misdemeanor. but amended to disorderly conduct-offensive condition. In the summer of 2020, the victim stated they were at a friend's house and decided to get in the hot tub. The victim stated Skar sat besides her and started getting handsy. Skar continued touching the victim and he digitally penetrated her. An individual in the hot tub sat between Skar and victim. The victim got out of the hot tub shortly and left the residence.

**Motion**

Steve Armstrong made the motion that Travis Skar did violate the Officer Code of Conduct specifically 109-02-05-01(4c) and that Skar's conduct has a direct bearing on his ability to perform peace officer duties. Jason Ziegler seconded the motion. All in favor motion carried.

**Motion**

Jason Ziegler made a motion to start adverse action in accordance with NDCC 12-63-12. Joe Cianni seconded the motion. All in favor, motion carried.

There was discussion by board members regarding a possible sanction of Skar's Peace Officer License. Board members discussed probation.

**Motion**

Erik Dietrich made a motion for probation to run concurrent with the court ordered probation, which is ending September 16, 2023. Lyn James seconded the motion. All in favor, motion carried.

**Funding Request**

The Bismarck PD is asking for \$3,500 for a training titled Bismarck PD Suspect Tactics/Perimeter Containment. Lyle Sinclair was present and explained the request and answered questions from the Board.

**Motion**

Lyn James made a motion to approve funding for the Bismarck PD Suspect Tactics/Perimeter Containment training for up to \$3,500. Joe Cianni seconded the motion. All in favor, motion carried.

**MOI Course Approval**

Pierce County Deputy Mike Nason, who is also on the faculty at Minot State University, came in front of the Board to request course approval to instruct an MOI training course at Minot State University. This course would be open to all law enforcement. There were numerous questions from Chairman Haugen regarding this proposal.

**Motion**

Jason Ziegler made a motion to approve the MOI class under Pierce County SO. Steve Armstrong seconded the motion. Jason Ziegler, Steve Armstrong, Lyn James, Jesse Jahner, Erik Dietrich, Joe Cianni, Roger Hutchinson, and Tom Falck voted yes. Dan Haugen voted no. Motion carried.

## **Force Science MOI Recognition**

Executive Secretary Duane Stanley provided the Board with documentation from IADLEST that stated Force Science had their Methods of Instruction – Training Practical Professional Policing Skills course recently receive the National Certification Program Seal of Excellence.

### **Motion**

Steve Armstrong made a motion to accept Force Science MOI for credit for instructor certification. Jason Ziegler seconded the motion. All in favor, motion carried.

## **Firearms Instructor Waiver**

Chad Wiege wrote a letter to the POST Board asking for a firearms instructor waiver. Wiege took the BCI Firearms Instructor course in 2021 and a Department of Corrections carbine and shotgun instructor course when he was a Sergeant at the ND State Penitentiary in a non-licensed position. At that time, Wiege was in the hiring process through McLean County SO as a licensed peace officer. Wiege was present and answered questions from the Board.

### **Motion**

Jesse Jahner made a motion to approve the firearms instructor waiver for Chad Wiege. Roger Hutchinson seconded the motion. All in favor, motion carried.

## **Waiver of Basic Training**

Chief Eric Braathen, Killdeer PD, emailed Executive Secretary Duane Stanley and requested his new hire, Pedro Ortiz, attend the first available academy in 2023. He was scheduled for the November 8, 2022, reciprocity basic training. Chief Braathen was present through video and answered questions from the Board.

### **Motion**

Jesse Jahner made a motion to grant the basic training waiver for Pedro Ortiz to attend the April 3, 2023, reciprocity basic training. Joe Cianni seconded the motion. All in favor, motion carried.

## **OLD BUSINESS**

### **Dylan Thomes**

Executive Secretary Stanley gave an update on Dylan Thomes. The office had received a fully executed Finding of Fact, Conclusions of Law, and the Order of Suspension dated August 2022.

### **Reserve Officer TPO's (TRACS)**

Chairman Haugen brought to the attention of the Board the topic of teaching TRACS in the reserve program and its relevancy. The Board discussed this topic and decided to take TRACS out of the reserve officer TPO's.

### **Credit Review for Course not pre-Approved**

Jason Nelson, Sanford Health, attended the Chapter Leadership Summit FBI NAA in Quantico VA, March 27-31, 2022. Nelson did not get the course pre-approved. Executive Secretary Stanley provided the Board with an email string from Mr. Nelson and the POST Board Office.

### **Motion**

Lyn James made a motion to deny the Chapter Leadership Summit training for Jason Nelson. Joe Cianni seconded the motion. All in favor, motion carried.

### **POST Audit Review**

Executive Secretary Duane Stanley brought to the attention of the Board that the ND Office of the State Auditor reviews the audit that was done by the private company the Board had hired. Upon review, the POST Board Office received a bill from the ND Office of the State Auditor. Stanley explained that in years past this had not happened in reference to receiving a bill. Stanley went on to relay that after having discussions with the state office, this was to be their practice moving forward.

### **Firearms Instructor Waiver**

Scott Geiszler is asking for a firearms instructor waiver. Geiszler had taken a firearms instructor class in 2014 and 2015 but had not taken a refresher since that time.

### **Motion**

Joe Cianni made a motion to deny Scott Geiszler's firearm instructor waiver request. Steve Armstrong seconded the motion. All in favor, motion carried.

### **SECRETARY UPDATES**

#### **Clarifying Psychological Testing Process**

Executive Secretary Duane Stanley brought up to the Board a question that was asked by an agency. The agency asked if they tested through Psychological Resources and the participant fails the written psychological test, can they re-take the test again through Psychological Resources and not follow up with a psychological provider giving a face-to-face exam. After discussion, the Board made the decision if a participant fails the psychological test through Psychological Resources, they need to go to a POST Board approved psychological provider and have a face-to-face exam conducted.

#### **Board Member Per Diem for Training**

The ND Attorney General's Office had a Board training October 5, 2022, for any members of the POST Board. Executive Secretary Duane Stanley wanted clarification if per diem can be given for this meeting/training.



## **Motion**

Jesse Jahner made a motion to approve the per diem for the October 5, 2022, training that the ND Attorney General's Office held. Joe Cianni seconded the motion. All in favor, motion carried.

## **Board Approval for Ratification of Licenses**

At the October 5, 2022, board training the ND Attorney General's Office held, it was determined that the Board should ratify licenses that are granted by office staff. Executive Secretary Duane Stanley provided the number of licenses that had been issued by the office between January 1, 2022, to November 8, 2022.

## **Motion**

Jason Ziegler made a motion to ratify the licenses issued between January 1, 2022, to November 8, 2022, that Monica and Duane had already approved. Joe Cianni seconded the motion. All in favor, motion carried.

POST Board legal counsel Mike Mahoney provided follow up to a language change that had been discussed for Chapter 29-29.5. After discussion, the language need not be changed.

## **CHAIR UPDATES**

Chairman Dan Haugen gave an update to the Board that they do not have any authority to spend money on training from the POST Board account. Chairman Haugen drafted a bill to amend 12-63 to grant authority to expend funds to sponsor training for instruction to licenses.

## **Motion**

Jason Ziegler made a motion to approve the bill draft as written. Erik Dietrich seconded the motion. All in favor, motion carried.

## **Meeting Minutes**

Minutes were reviewed from the August 17, 2022, regular meeting.

## **Motion**

Chairman Dan Haugen asked if there were any additions or corrections. Hearing none, the Chairman stated the motion stands approved as distributed.

## **Declination Report**

Executive Secretary Duane Stanley relayed to the Board that the office had reviewed one complaint and declined to move forward with a hearing.

## **Financial Report**

Executive Secretary Duane Stanley gave a detailed overview of the financial activity that occurred from January 1, 2022, to November 8, 2022.

## **Motion**

Chairman Dan Haugen asked if there were any additions or corrections. Hearing none, the Chairman stated the motion stands approved as read.

## **2023 Proposed Budget**

Executive Secretary Duane Stanley went over the proposed 2023 budget.

## **Motion**

Chairman Dan Haugen asked if there were any additions or corrections. Hearing none, the Chairman stated the motion stands approved as read.

## **Set Regular Meeting Dates for 2023**

The Board set the regular meeting dates of February 8, May 10, August 23 and November 8 for 2023. Special meeting dates would be called as needed.

## **Motion**

Chairman Haugen made a motion to adjourn at 5:51 p.m.