

**SPECIAL MEETING MINUTES OF THE  
PEACE OFFICER STANDARDS AND TRAINING BOARD  
ADDRESSING PUBLIC ORAL AND WRITTEN COMMENTS  
REFERENCE PROPOSED NEW ADMINISTRATIVE RULES**

**NORTH DAKOTA BUREAU OF CRIMINAL INVESTIGATION  
BISMARCK, NORTH DAKOTA  
APRIL 13, 2018**

**MEMBERS PRESENT**

Jesse Jahner  
Chad Kaiser  
Paul Lies  
John Klug  
Dan Haugen  
Jason Ziegler  
Sarah Warner

**MEMBERS ABSENT**

Lyn James  
Tom Falck

**GUESTS**

JR Kerzman  
Ladd Erickson

**Administrative Staff**

Duane Stanley  
Monica Sebastian

**LEGAL COUNSEL**

Michael Mahoney

The meeting was called to order by Chairman John Klug at 1:00 p.m. with roll call. All members were present except Lyn James and Tom Falck. It should be noted that Paul Lies and Sarah Warner attended the meeting through conference call.

**IT SHOULD BE NOTED THAT ALL ACTION TAKEN BY THE BOARD AS IT RELATES TO EACH INDIVIDUAL COMMENT OR TOPIC OF DISCUSSION IS ADDRESSED IN DETAIL IN A SEPARATE DOCUMENT TITLED "SUMMARY OF WRITTEN AND ORAL COMMENTS AND P.O S.T. BOARD RESPONSE". THIS DOCUMENT WILL BE POSTED ALONG WITH THE MINUTES FROM THE MEETING.**

**Verbal comments from Assistant Attorney General (AAG) Michael Mahoney**

AAG Michael Mahoney prepared a document that addressed all written and verbal comments that had been received through the POST Board Office regarding the proposed administrative rules. This document also included the proposed changes. Board members each had a copy of this document for review.

AAG Mahoney read into the record a technical and grammatical change to 109-02-01-01 (8).

**MOTION**

Dan Haugen made a motion to accept all technical and grammatical changes as read into the record by AAG Mahoney. Chad Kaiser seconded the motion. All in favor, motion carried.

AAG Mahoney read into the record a technical and grammatical change to 109-02-01-01 (9).

**MOTION**

Chad Kaiser made a motion to accept all technical and grammatical changes as read into the record by AAG Mahoney. Jason Ziegler seconded the motion. All in favor, motion carried.

AAG Mahoney read into the record a technical and grammatical change to 109-02-06 (1).

**MOTION**

Dan Haugen made a motion to accept all technical and grammatical changes as read into the record by AAG Mahoney. Chad Kaiser seconded the motion. All in favor, motion carried.

AAG Mahoney read into the record a technical and grammatical change to 109-02-06 (5).

**MOTION**

Chad Kaiser made a motion to accept all technical and grammatical changes as read into the record by AAG Mahoney. Jason Ziegler seconded the motion. All in favor, motion carried.

AAG Mahoney read into the record a technical and grammatical change to 109-02-06 (5).

The Board had lengthy discussion on the technical and grammatical changes relating to 109-02-06 (5). Executive Secretary Duane Stanley read to the Board the final version of the rule.

**MOTION**

Dan Haugen made a motion to accept all technical and grammatical changes as read into the record by Executive Secretary Duane Stanley. Jesse Jahner seconded the motion. All in favor, motion carried.

**Written Comments of Grand Forks County State's Attorney David Jones**

Grand Forks County State's Attorney David Jones submitted an e-mail dated 2-27-2018. AAG Mahoney read the e-mail verbatim into the record. After Board discussion, the Board agreed to leave the proposed rules as written and take no action.

**Written Comments of BCI Chief Agent Phil Pfennig**

BCI Chief Agent Phil Pfennig sent an e-mail dated 3-28-2018 to the POST Board Office. This e-mail contained an attachment in the form of a letter which was addressed to the Board. AAG Mahoney read verbatim each paragraph of the letter into the record. The Board discussed each paragraph/ issue individually. After discussion, the Board indicated that recent technical and grammatical changes had corrected some of the concerns and that the remaining comments would not dictate any rule changes from what was currently decided. No action was taken by the Board.

**Written Comments of Mclean County State's Attorney Ladd Erickson**

Mclean County State's Attorney Ladd Erickson submitted two e-mails each with a single attachment to the POST Board Office. One was dated 3-21-2018 and one dated 3-28-2018. AAG Mahoney read into the record the concerns and corrections that State's Attorney Erickson had recommended. After discussion, the Board stated these changes had been addressed earlier and the Board agreed to keep the language as previously decided.

Chairman Klug asked all board members if they had any other input.

At 2:19 PM Paul Lies made a motion to adjourn the meeting. Chad Kaiser seconded. All in favor motion carried.