

**MINUTES OF THE
PEACE OFFICER STANDARDS
AND TRAINING BOARD
QUALITY INN
BISMARCK, NORTH DAKOTA
AUGUST 23, 2023**

MEMBERS PRESENT

Jesse Jahner
Adrian Martinez
Joe Cianni
Steve Armstrong
Erik Dietrich
Lyn James
Matt Odermann
Roger Hutchinson

GUESTS

Justin Hoag
Justin Vinje
Scott Edinger
Elliot Carvell
Kelly Leben
Randy Burkhartsmeier
Megan Carmichael

ADMINISTRATIVE STAFF

Duane Stanley
Pat Helfrich
Jessica Linder

MEMBERS ABSENT

Jason Ziegler

LEGAL COUNSEL

Lori Mickelson

Chairman Joe Cianni called the meeting to order at 1:00 p.m. Duane Stanley took the roll. All members were present except for Jason Ziegler. It should be noted that Matt Oderman and Lyn James appeared through the Teams platform. There were other individuals present as guests online through the Teams platform or call in.

POST Board Hearing – Justin Hoag

Executive Secretary Duane Stanley provided documentation of the case to board members prior to the hearing. Chairman Cianni opened the hearing on Justin Hoag who was present with his attorney Justin Vinje. Chairman Cianni provided an overview of the Justin Hoag internal investigation. Cpl. Hoag was internally investigated for writing fictitious warnings. Hoag was present at the hearing with an attorney and answered questions from POST legal counsel Lori Mickelson and POST board members.

Motion

Jesse Jahner made the motion that Justin Hoag did violate the Officer Code of Conduct specifically 109-02-05-01(4e) and that Hoag'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

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

There was discussion by board members regarding a possible sanction of Hoag's Peace Officer License. Board members initially discussed suspension followed by discussion on revocation and asking Executive Secretary Stanley about the process for reinstatement after revocation.

Motion

Steve Armstrong made a motion to revoke Hoag's peace officer license from June 6, 2023 through June 6, 2024 and that Hoag may apply for inactive status as he is no longer working in law enforcement. Erik Dietrich seconded the motion. All in favor, motion carried.

Funding Request – Jamestown PD

Jamestown PD submitted a funding request for \$26,850 to provide training for a De-Escalation Instructor Course. Chief Edinger made a presentation to the Board.

Motion

Matt Odermann made a motion to approve \$6800. There was no second, therefore the motion died.

Motion

Steve Armstrong made a motion to approve \$13000. Adrian Martinez seconded the motion. All in favor, Motion carried.

Funding Request – West Fargo PD

West Fargo PD submitted a funding request for \$75,000 to host Staff and Command training. Randy Burkhartsmeier from West Fargo made the presentation to the board.

Motion

Chairman Joe Cianni made a motion to approve funding at \$75,000. Adrian Martinez seconded the motion. All in favor, motion carried.

Funding Request – Law Enforcement Training Academy

Adrian Martinez submitted a request for \$25,000 for LPO (Leadership in Police Organizations)

Motion

Jesse Jahner made a motion to fund \$25,000 for the LPO training. Roger Hutchinson seconded the motion. All in favor, motion carried.

NEW BUSINESS

SWMCCC

Southwest Multi County Correctional Center employee Zeth Humphrey appeared through Teams requesting a course approval for a Correctional Basic (CO) class and answered questions from board members. Executive Secretary Stanley provided the board members with supporting documentation and instructor bio's for the CO course. Executive Secretary Stanley informs the Board that the Board has approved courses like this in the past that were 120 hours in length, while the one from SWMCCC is 121 hours in length. Executive Secretary Stanley relayed to the Board that administrative rule mandates correctional basic courses be approved by the POST Board.

Motion

Jesse Jahner made a motion to approve the correctional basic course. Steve Armstrong seconded the motion. All in favor, motion carried.

FITNESS FOR DUTY

Executive Secretary Stanley gave an overview of fitness for duty issues that are arising with licensed peace officers. Executive Secretary Stanley stated that obtaining records from agencies and/or doctors isn't consistent and sometimes the office is unable to get any records. Executive Secretary Stanley suggested to the Board that changes or additions to current POST forms may be needed to allow POST to access records in an adverse license action where fitness for duty is the issue. There was also discussion regarding possible administrative rule updates that may have to take place in the future.

OLD BUSINESS

Harold S. Rochester

Executive Secretary Stanley gave an update on Harold S. Rochester. The office received the fully executed Settlement Agreement on June 28, 2023.

Michael H. Szalek

Executive Secretary Stanley gave an update on Michael H. Szalek. The office received the fully executed Settlement Agreement on June 30, 2023.

Michael J. Hull

Executive Secretary Stanley gave an update on Michael J. Hull. The office sent out an Order of Suspension on June 22 but to date has not received a signed document back.

Derrick A. Johnston

Executive Secretary Stanley gave an update on Derrick A. Johnston. The office received the fully executed Finding of Fact, Conclusions of Law, Stipulation, and Order of Suspension on March 9, 2023.

Meeting Minutes

Minutes were reviewed from the May 10, 2023 regular meeting and the June 15, 2023 special meeting

Motion

Chairman Joe Cianni asked if there were any additions or corrections. Hearing none, the Chairman stated the minutes stand approved as distributed.

Declination Report

Executive Secretary Stanley relayed to the Board that the office reviewed a case from Cass County that involved an officer's poor attitude and the decision was made that it did not rise to the level of a POST Board violation. Executive Secretary Stanley relayed to the Board that the office reviewed a case from Renville County involving an officer that was highly intoxicated and a passenger in a motor vehicle. Once again, a decision was made that this case did not rise to the level of a POST Board violation.

Board Approval for Ratification of Licenses

Executive Secretary Duane Stanley provided an overview of the categories of licenses that had been issued by the office. Executive Secretary Stanley also relayed that the office had issued a total of 59 license issues between May 10 through August 22, 2023.

Motion

Jason Ziegler made a motion to ratify the licenses that had been issued by the POST Board Office. Steve Armstrong seconded the motion. All in favor, motion carried.

Financial Report

Executive Secretary Duane Stanley gave a detailed overview of the financial activity that occurred from January 1, through August 22, 2023.

Motion

Jason Ziegler made a motion to approve the financial report. Steve Armstrong seconded the motion. All in favor, motion carried.

Items from Members

Secretary Duane Stanley told board members that this would be his last meeting with the POST Board as he is retiring September 8, 2023. Executive Secretary Stanley said his replacement as executive secretary at NDBCI would be SA Pat Helfrich and the new administrative officer would be Jessica Linder. Executive Secretary Stanley got a count from Board members as to who would be attending the Professional Licensing Board Training Seminar in Bismarck.

At 3:30 PM Chairman Cianni made a motion to adjourn the meeting.