

**MINUTES OF THE
PEACE OFFICER STANDARDS
AND TRAINING BOARD
LAW ENFORCEMENT TRAINING ACADEMY (LETA)
BISMARCK, NORTH DAKOTA
AUGUST 17, 2022**

MEMBERS PRESENT

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

MEMBERS ABSENT

GUESTS

Steve Delzer
Dylon Thomes
Travis Stefonowicz
Pat Rummel
Dean Wyckoff

LEGAL COUNSEL

Lori Mickelson

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 except Jason Ziegler. It should be noted that Jason Ziegler joined the meeting in person at 1:44 p.m. There were other individuals present as guests online through the Teams platform or call in.

POST Board Hearing – Dylan Thomes (22-004) 1:01 p.m.

On February 19, 2022, Dylan Thomes was given a ticket for littering in McIntosh County. On June 24, 2022 Thomes subsequently pled guilty to Class B misdemeanor littering. The following is an overview of the incident.

A citizen of McIntosh County called Sheriff Steve Delzer to inform Sheriff Delzer that he found a lot of garbage in a ditch and surrounding areas by his property. He stated that one piece of garbage was an application for employment for the Stanley Police Department and most of the other items were dirty pots, pans and miscellaneous garbage. The individual took the piles of garbage to Wishek PD and the officer at Wishek PD sent Sheriff Delzer two photos. One was of dirty pots, pans, a muffin/cupcake pan and various other garbage items. The other photo

was that of some questions that the McIntosh County State's Attorney had prepared for Thomes for a hearing. There was also some silverware lying in the street in Wishek.

Sheriff Delzer then called Thomes on Thomes' personal cell phone. Thomes swore he never dumped any garbage and that he didn't have anyone take his garbage and dump it anywhere.

Sheriff Delzer informed him about all the circumstances regarding the found property to date and about some dirty silverware outside his rented house in Wishek. Thomes swore he had all his pots and pans and silverware and that he didn't throw any garbage.

Thomes did say that the last time he was in Wishek he loaded up garbage and headed back to Stanley, so he thought some of the garbage may have fallen out on his way back. Sheriff Delzer told Thomes the location of the garbage is southwest of Wishek so that didn't make any sense because Thomes would have probably taken Highway 13 West of Wishek.

Thomes finally admitted he stopped (he didn't remember where) and threw bags of garbage out of his pickup but that he has all of his pots, pans and silverware in Stanley.

Although initially denying the specifics of the incident, through the interview w/ Thomes, Sheriff Delzer was able to get Thomes to admit that the garbage was Thomes' and that Thomes in fact threw it out.

Thomes relayed to Sheriff Delzer that it was late on a weekday, and he needed to get back to Stanley and he panicked because he didn't know what else to do. A couple hours later, Thomes called back and said that the reason he didn't remember anything is because that is when he had his heart issues and things were cloudy in his mind.

Thomes was present at the hearing and answered numerous questions from board members after Thomes had initially provided his version of events. Sheriff Delzer was also present and provided testimony as to the investigation that took place.

It should be noted that Jason Ziegler came to the meeting at 1:42 p.m.

Motion

Steve Armstrong made the motion that Dylan Thomes did violate the Officer Code of Conduct specifically 109-02-05-01(4c) and that Thomes' conduct has a direct bearing on his ability to perform peace officer duties. Joe Cianni 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. Tom Falk seconded the motion. All in favor, motion carried.

There was discussion by board members regarding a possible sanction of Thomes' Peace Officer License. Board members discussed suspension of his license and probation. There was discussion about voting on the littering aspect and sending out another notice for hearing on the lying portion in which Thomes denied three times that the garbage was his.

Motion

Tom Falck made a motion for three weeks suspension of Thomes' license beginning August 29, 2022, and that Thomes be placed on probation to run concurrent with the criminal judgement until June 19, 2023. Lyn James seconded the motion. Erik Dietrich, Jesse Jahner, Roger Hutchinson, Lyn James, Tom Falck, Joe Cianni and Jason Ziegler all voted yes. Steve Armstrong voted no. Motion was passed.

Psychological Provider Request

Dr. Cerise M. Vablais, Public Safety Psychological Services, PLLC, came in front of the Board to request that she become a POST Board approved psychological provider. Board members asked Dr. Vablais questions on her education and training. During the questioning, Dr. Vablais asked if it were possible for her "business" to become a board approved provider. There was continued discussion and questions on this subject.

Motion

Jesse Jahner made a motion that Dr. Vablais be approved as a POST Board approved psychological provider. Jason Ziegler seconded the motion. All in favor, motion carried.

Waiver of Basic Training

The POST Board received a letter from the Billings County SO asking if Kyle Shockley could receive a waiver of basic training based on hardship for Billings County. Shockley is scheduled to attend the September 26, 2022, basic training academy in Bismarck. Shockley is currently serving as the Billings County Emergency Manager as well as the Billing County Fire Chief. Since Shockley was currently filling those two vital rolls. Billings County Sheriff, Pat Rummel was present and addressed the Board regarding this issue asking that Shockley could attend the January 2023 academy so that it wouldn't create an undue hardship on the first responders in the county.

Motion

Erik Dietrich made a motion to approve the request that Kyle Shockley to attend the January 2023, basic training. Jesse Jahner seconded the motion. All in favor, motion carried.

OLD BUSINESS

Tanner Granger

Executive Secretary Duane Stanley relayed to the Board that the Order to Decline went out to Granger on June 3rd.

Jesse Weicht

Executive Secretary Duane Stanley relayed to the Board that the office had received the fully executed Findings of Fact, Conclusions of Law, Stipulation and Order of Probation dated July 2nd.

CHAIR UPDATES

Meeting Minutes

Minutes were reviewed from the May 11, 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.

Meeting Minutes

Minutes were reviewed from the July 18, 2022, special meeting.

Motion

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

SECRETARY UPDATES

Financial Report

Executive Secretary Duane Stanley gave a detailed overview of the financial activity that occurred from January 1, 2022, to August 16, 2022.

Motion

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

Chairman Haugen went around the group in round table fashion asking for any further input from members, staff or legal counsel.

Executive Secretary Duane Stanley stated that the Attorney General's Office will be conducting an orientation and training seminar for North Dakota Professional Licensing Board members, legal counsel and office staff. Executive Secretary Stanley stated that this is good training and there is a lot of useful information, and he would like a head count of who would be attending so he could RSVP to the Attorney General's Office. Steve Armstrong, Lyn James, Jason Ziegler, Dan Haugen, Jesse Jahner, Erik Dietrich, Roger Hutchinson and Duane stated they would like to attend the training seminar.

Executive Secretary Stanley relayed that the original color reserve officer license cards that were picked are unavailable. Executive Secretary Stanley provided Board members the colors that were available. Board members picked orange cards.

Executive Secretary Stanley relayed that he has received several calls regarding the process to become a reserve officer and the training component that has to be taught. Executive Secretary Stanley stated some entity would need to teach the basic reserve class. Chairman

Haugen gave the example that it is similar to how the correctional officer basic is now taught. If there is a need in some location an agency will put together a program and once approved, can teach that basic. Jesse Jahner relayed that his agency and several others he knew of currently have a reserve program. There was discussion over the Reserve TPO's (Terminal Performance Objectives) and providing them to Cass County so they can build out and modify their current program to meet those TPO's. Jesse Jahner once again relayed that other agencies were welcome to send their personnel to their agency when they teach the reserve program. There was discussion on having this class available at various locations around the state. There was continued discussion on those currently a reserve and what they would need to do to meet the requirements. The 8-hour criminal and traffic law course that is required was discussed at length in regards to the fact Cass County currently has one but there were concerns that it may not teach what is required from a testing standpoint. There were questions from board members regarding how one proves they took the course and submission of a PFN9. There were concerns raised once again on how to administer the test and proctor at various locations around the state. It was apparent that it is difficult to find personnel to do this around the state. Board members discussed the fact that Fargo and Bismarck were good locations and if the testing dates were publicized in advance there is no reason why an agency can't send their personnel to those locations. Another point of discussion was whether or not "we" know who is currently a reserve officer. POST Board staff relayed that we have no way of currently knowing that as the office does not track that information.

Executive Secretary Stanley relayed that a doctor from Devils Lake had called and he stated there was an individual that was going wanting to attend Lake Region State College and the doctor was comfortable with the student attending the basic training but not working for an agency because of current health conditions. There was discussion by board members on what constitutes a "pass" on the medical examination since it is not defined anywhere. Executive Secretary Stanley relayed to the Board the concerns that the doctor had regarding the process.

Jesse Jahner asked Executive Secretary Stanley about the issue of a licensed peace officer volunteering for a church for security purposes. Secretary Stanley relayed to board members that he had spoken with PISB and it was his understanding that you could do that. There was further discussion on different scenarios with licensed peace officers and working for security or as a private investigator..

Motion

Chairman Haugen made a motion to adjourn at 2:35 p.m.